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EU ENLARGEMENT, POLAND AND THE ENVIRONMENT

From "Euro-euphoria" to "Euro-realism"

The collapse of state socialism in Eastern Europe raised high expectations about a possible quick integration with the West. The notion of the "return to Europe" has influenced and shaped public debates in the Central and Eastern European Countries (CEECs) as much or even more than the slogan "We are the people" back in 1989 [Mangott, 1995, p. 99]. "The enlargement of the European Union to include the countries of Central and Eastern Europe can be considered as the final step in the reintegration of the European continent after almost half a century of forced division [Mayhew, 1998, xiii]. This process did not begin in the "revolutions" of 1989 but in ordinary people fighting Soviet domination, e.g. the Hungarian revolution of 1956, the Czechoslovak Spring of 1968 and the long series of Polish revolts from the Poznan uprising in 1956, the "self-limiting" revolution of Solidarity and the landslide election victory at the 1989 (semi-) free elections.

Eastern enlargement has been the most challenging enlargement in the entire history of European integration, as the countries involved are undergoing complex triple transitions. The promise of systemic change was increased welfare and higher living standards for all, but distributional outcomes have rarely been equal. There have been both winners and – unfortunately – many losers. So the European integration process has been a complex, multi-dimensional and multi-level process. Unlike the previous enlargements, it will entail numerous substantial

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structural changes in EU institutions, procedures and overall modes of functioning. In addition, it is assumed that enlargement will incur high budgetary burdens on EU incumbents, followed by modest trade benefits in the longer term. Furthermore, this asymmetry, combined with economic inequality among current EU members, will necessitate considerable skilful political "manoeuvring" and implementation of carefully weighted compensation packages for those who are likely to be affected most negatively. It is no secret that Spain, Portugal and France, for example, fear that present structures that benefit "the EU South" such as CAP and the regional and structural funds will be changed due to the enlargement of the EU to the East. Last but not least, Eastern enlargement involves considerable security interests and implications.

In fact, peaceful political development and the increasing prosperity of the newly emerging democracies in a broad sense seem to be the most significant long-term benefits for the EU as a whole. EU enlargement is "soft security policy becoming hard". Although any qualification of such gains essentially evades the possibilities of standard economic calculus, they obviously play a significant role in broader decision- and policy-making [Bárta and Richter, 1996, p. 1]. The enlargement process as such seems to be irreversible, the main question is, *when* and *how* it will take place, and, not least, what kind of European integration will develop after enlargement.

While a "second Marshall plan" for the CEECs – an eastern dream right after the collapse of state socialism – proved to be an illusion, the EU has already secured a continuous flow of resources to the CEECs during the 1990s, within the framework of the PHARE programme. Still this form of assistance in terms of money has been fairly low compared to the transfers given to the less developed EU incumbents. In 1996, per capita commitments under the PHARE facility were ECU 5.2 for the Czech Republic, ECU 5.3 for Poland, ECU 9.9 for Hungary and ECU 11 for Slovakia. In the same year, net per capita transfers from the EU amounted to ECU 627.3 for Ireland, ECU 373.5 for Greece, ECU 281.2 for Portugal and ECU 152.0 for Spain. However, low as EU transfers to the eastern applicants have been as yet, they helped, besides financing educational, infrastructure and consulting projects, to create the foundations of an institutional framework for the absorption of future higher transfers from the EU. [Richer et. al, 1996, p. 6] However, the administrative capacity is still long behind, seen in the EU-context.

Today, twelve years after the "break through", enthusiasm for the last step, i.e. EU-membership, still exists, but the views on future EU-membership has become much more "realistic" in step with the opening of negotiations with the EU on the most "delicate" issues such as agriculture,

The Copenhagen criteria from June 1993

- Establishment and stability of institutions guaranteeing human rights and respect for minorities, the rule of law, and democracy
- Readiness to accept the ever increasing "acquis communautaire", and to take on the obligations of membership including adherence to the aims of political, economic and monetary union
- Establishment of a functioning and effective market economy
- Capacity to cope with competitive pressure and market forces within the Union
- And, finally, the EU's ability to absorb the acceding countries

movement of labour, land, and environment. Euro-realism and even Euro-scepticism are growing. The initial hopes soon gave way to disillusionment and disenchantment, both among the political elite and among the general public in the CEECs, which can be seen reading the public opinion polls on EU-membership.

In some cases, European integration might prove to have a negative effect on the economies of countries undergoing transformation. In other words, a dilemma between transformation and integration may exist. The demands from the EU are formulated in the Copenhagen criteria. However, the priorities of socio-economic transformation do not necessarily coincide with the priorities dictated by the logic of European integration. So the applicant countries are facing a "integration-dilemma", including some contradictions between integration and transformation. However, many economic policies, though seemingly determined by the accession process and a part of the CEECs implementing the EU laws, would have been undertaken anyway, because they at the same time address transformational objectives such as the creation of free-market economy institutions [Stulik, 1999, p. 153]. It seems that "Europe" is perceived more and more often by its citizens mainly in instrumental and pragmatic terms, i.e. as a structure which should solve economic problems, while political issues are not perceived as problems of primary importance. That conclusion was drawn not least after the Nice-summit. Closer political integration has to be based on a common identity shared by European citizens, however, such support "from below" for a more federalized Europe does not exist today.¹

¹ See also Arturas Valionis, "The Perception of Europe: The Prospects for Political Integration", *Sisyphus*, XII, 1999, p. 67.

In Western Europe the supportive political statements of the early 1990s have even given way to a questioning of the whole process of enlargement. This frustration was growing up to the Nice-summit, at that time the years 2005 and 2006 were mentioned as the most likely dates of membership. The Nice summit, fortunately, solved some of the most difficult institutional problems, i.e. the rules of voting in the council of ministers. Furthermore, it was decided to speed up the negotiations, so the prospect of EU membership for the first CEEC in 2004 seems realistic, however, tough negotiations still have to be faced. Flexibility and willingness to compromise will be needed.

The main transformation steps

- Macroeconomic stabilization by means of restrictive monetary and fiscal policy
- Liberalization of prices
- Small-scale and large-scale privatisation and consequent restructuring of the economy
- Liberalization of foreign trade
- Tax reform
- Establishment of standard market economy institutions, e.g. commercial and investment banks, stock exchanges etc.

As all the CEECs (still), in spite of all their problems, consider EU-membership their highest foreign policy goal, the EU is in a strong position to influence the internal politics of these countries. So far, it has done this vigorously and across the board, pressing the CEECs into implementing a global liberal vision of an open market policy, transparent bureaucratic and political systems, and a democratic human right regime. As already said, there is no doubt that many of these measures have been implemented because of the desire to become a EU-member rather than out of genuine support for the goals themselves. That can be seen not least in the case of Poland. Nevertheless, these measures have been implemented, also influencing the process of democratic consolidation in various ways; these measures have been partly positive, as the applicant countries have to adapt to the new realities and internalize the new goals, and partly negative, as some measures will lead to resistance within the local population and might even create a new Euro-sceptically inclined counter-elite [Koecki and Mudde, 2000, p. 532].

“Losers” and “frontrunners”

The economic and political situation of the candidate countries varies, and it is therefore more difficult to make general conclusions. The East has ceased to constitute a “block”, if it has done so at all. The economic conditions of the candidate countries were not the same from the outset and they have opted for different economic recovery and adjustment programmes. At the beginning the neo-liberal doctrines were almost universal, e.g. former Czech prime minister Vaclav Klaus several times declared that a better environment was the result of more market, not more regulation, later the need for regulation and long term planning was more accepted. Moreover, the CEECs have been affected to various degrees by the aftermath of the Asian and the Russian crises. Nevertheless, over the last few years, the region has produced 2–3 per cent growth per year on average, with Poland and Hungary typically having the highest growth rates, inflation has decreased, but the trade and current account deficit has remained a big problem for almost all the ten applicant CEECs. For the first time since the transformation began, all transition economies recorded GDP growth in 2000. Some “latecomers”, e.g. Russia and Ukraine, have shown the highest GDP-growth.

Stage III of the economic and monetary union

- The inflation rate must be within 1.5 percentage points of the average rate of the three states with the lowest inflation
- The long-term interest rate must be within 2 percentage points of the average rate of the three states with the lowest interest rates
- The national budget deficit must be below 3 pct. of GDP
- The national debt must not exceed 60 pct. of GDP
- The national currency must not have been devalued for two years and must have remained within the 2.5 pct. fluctuation margin provided for by the European Monetary System (EMS)

In other words, some of the traditional “losers” grew faster than the traditional “winners” of the transition process [Podkaminer et. al, 2001, p. i]. The differences in the rates of GDP change narrowed significantly across the region. The highest growth rates have been recorded in countries with a very low base and mostly under exceptionally favourable external conditions. Strong growth in the EU has also contributed to the growth acceleration in the most advanced countries. Expansion of exports

and imports has not, as already mentioned, generally reduce trade deficits. Rates of unemployment have generally increased. The process of deflation has been perturbed by the developments in oil prices and hike of indirect taxation. However, seen from a strict macro-economic point of view it will not be impossible for most of the applicant countries to live up to Maastricht-criteria (Stage III of the economic and monetary union), as the main problems are linked to the structural transformation, e.g. development of education, research, physical infrastructure and the reconstruction and competitiveness on enterprise-level.

Hungary has over the last years considered itself as no. 1 among the "frontrunner" states and has expressed fear that other more "problematic" countries, e.g. Poland, would delay Hungary's EU-membership. Seen from Budapest the assumed advantages of EU accession might be:²

- Additional resources for the economy in the shape of working capital, loans and aid
- Contribution to the financing and modernization of agriculture
- More foreign direct investments
- A growth in tourism and the foreign employment opportunities of the Hungarian labour force
- And security, i.e. more "soft security" besides the "hard security" given thanks the membership of NATO

The Hungarian government hopes to finalize negotiations on the free movement of goods, services, people and capital by June 2001 in its membership talks with the European Union. Hopes of closing the remaining economic integration chapters with the EU have been raised by reports of a compromise on the issue of land ownership. Hungary has demanded a 10-year limitation on land purchases after admission, while the EU has not even wanted to negotiate about that. Also the issue of free movement is until now unresolved.³ EU approval of the delay on foreign purchase of farms by EU-based operators, would make it easier to concede the EU's main moratorium request, postponing full access to its labour market for new members. Hungary aims to close a total of at least six chapters of the negotiation process in the first half of this year, including those pertaining to culture and corporate law. In the field of the environment, Hungary withdrew five of its original nine requests for temporary exemptions in an effort to reach a compromise more quickly.

² Arguments put forward by Annamária Artner in a paper/oral presentation given at the SFOF conference on the enlargement of the EU, Copenhagen, January 2001, "Hungary and the enlargement of the European Union".

³ <http://www.centraleurope.com/news>, March 1, 2001, EU Ambassador Details Shortcomings in Hungary's Accession Progress", interview in the daily *Nepszabadsag*.

It is still asking for temporary exemptions on the incineration of hazardous waste and communal water treatment.⁴ Nevertheless the EU ambassador to Hungary, Michael Lake, has criticized Hungary for not resolving the issue of the independent supervision of public media and said that the possibility of the far-right Hungarian Justice and Life Party's (MIEP) gaining a position in government after the next election also gives some reason for concern. It also appears as if Hungary and the EU cannot agree on the foreign ownership of land, either, but, as said, that question will be linked to the question about foreign purchases of rural land.

Internal political turmoil because of disagreements between CSSD and ODS over the interpretation of the so called "opposition agreements" could also delay *The Czech Republic's* adaptation to "acquis communautaire". The liberal party ODS, that is expected to gain about 25 pct. of the votes at the 2002 election, has even adopted a "Manifest of Czech Euro-realism" and has demanded a tougher stand from the Czech government under the forthcoming, difficult negotiations with the EU.⁵ The social democrats are clearly more "Euro-optimistic", so EU-related questions will be a part of the election campaign that has already started. At the end of the French presidency of the European Union, the Czech Republic has 13 of the 31 chapters provisionally concluded, which is the same number as when the presidency began six months before. So the negotiations have to be speeded up.

The Czech government hoped that under the Swedish presidency up to 20 chapters might be concluded. The new "set-aside" method will allow specific problems to be singled out, i.e. those chapters and topics that have to be further negotiated, possibly as part of a package at a later stage of the talks. That means that the chapters concerned can be provisionally closed. This principle should not be used to unnecessarily delay or postpone negotiations in those issues which can be solved immediately.

Romania belongs, together with Bulgaria, to the last group of applicant countries, i.e. those applicant countries which will not join the EU in the first enlargement to the East. However, some money at least can be obtained from the EU's Stability Pact for the Balkans. Even the present Romanian Senate president Nicolae Vacaroiu reckons it would take the Romanian parliament 20 years to pass all the EU legislation

⁴<http://www.centraleurope.com/news>, March 1, 2001, "Hungary Says EU membership Talks Making Progress."

⁵"Manifest českého eurorealismu" (dokument k ideové konferenci ODS), Duben 2001.

Romania needs, if it works at its normal speed.⁶ So EU-membership is more a dream than a reality.

After Nice

The EU enlargement negotiations have started to address the most difficult subjects, which may have significant impact on the overall result of the negotiations. According to the new enlargement strategy, decided during the European Councils meeting in Helsinki 10–11 December 1999 and the time table and negotiation methodology confirmed at the Nice summit, each applicant will be judged on its own merits. This is applied both to the opening of the various negotiating chapters, i.e. specific areas of EU law and policy such as the environment, taxation, agriculture, free movement of goods etc., and to the conducting of the talks. Several times Germany, France and England have underlined that Poland belongs to the “frontrunners”, i.e. among those countries that will join the EU in the first enlargement to the East. Recently president Kwasniewski has talked about 2004 as Poland’s “accession year”. But tough negotiations are ahead, several times it has been stressed from Warsaw, that a country as big as Poland needs more concessions than the “softer” small countries, and that there exists a “red line” that has to be passed, if the Polish people and the majority in parliament are to vote in favour of Polish EU-membership in the forthcoming referendum.

Poland’s road to EU-membership

- **February 1992:** Signing the association agreement with the EU
- **February 1994:** The association ratified and implementation gets under way
- **June 1997:** Poland appointed as one of the five so-called “frontrunner” states
- **March 1998:** The negotiations about future EU-membership starts
- **November 2000:** The EU-Commissions strategy-paper on further negotiations published
- **Ultimo 2002:** The negotiations between the EU and Poland are concluded

⁶ *Business Central Europe*, February 2001, p. 37.

Sweden, holding the chairmanship of the EU Council of Ministers for the first half of 2001, has always, like Denmark, been a strong advocate of the EU's expansion but, since the December summit in Nice it feels it has the backing of the other 14 member states, too, at least in words. The Nice summit was a bit of a fudge, but it produced a treaty outlining how EU institutions and voting will work in an enlarged EU [O'Donell, 2001, p. 44]. With the Nice Treaty in hand, Sweden's aim is to pave the way for a break-through in the membership negotiations, tackling some of the difficult topics, like the environment. But Sweden has run into difficulties in this so-called "new phase" of enlargement. In any case, the real feelings of the key EU states about enlargement will be clearer after Nice. Several actors are involved, all with their own national interests. During the meetings of the EU foreign ministers, Spain especially has strongly underlined its resistance to pay for the enlargement via lower payments from the regional and structural funds. As far as the environment is concerned, the Scandinavian EU-countries, especially Sweden and Denmark, belong to the "hawks". Whether the European Commission itself will support Sweden's efforts to speed up the negotiations is also questionable. Several semi-independent and badly co-ordinated initiatives have come out of the Commission over the last months, covering almost everything, from environment to public health. That does not bode well for Commission discipline, or for Sweden's chances of success. After all, the negotiations will not be finished before the end of 2001, i.e. during the Danish EU chairmanship

At trilateral talks in the German town of Neustadt an der Weinstrasse in February 2001, chancellor Gerhard Schröder and Jaques Chirac confirmed that Poland would lead the next group of countries in joining the European Union. However, they stopped short of naming a clear accession date to Polish president Aleksander Kwasniewski. At the same time, Schröder reiterated his call for a seven-year delay before the EU's labour market is fully opened up to workers from new member states- a period Kwasniewski said was too long.⁷ France seems ominously silent about enlargement since it completed as EU President in December, now, back at the EU table as just the other member states, it is expected that it is preparing to argue its own interests more strongly. Under French chairmanship in the last half of year 2000, its achievements, as usual, fell short of its rhetoric. At the Neustradt-meeting Jacques Chirac dismissed concerns that the state of Poland's inefficient

⁷"Germany, France Back Poland's EU Aspirations", Central European Online 28.2.2001.

farm sector might force an overhaul of the EU's Common Agricultural Policy before current arrangements run out in 2006 (and before next French presidential election). There will be no changes before 2006, Chirac told a joint news conference, but it is needed to start thinking about how the changes will look after 2006.

The state of environment

The CEECs consume more energy per capita than the European Union (EU) average, however, because of the lower per capita GDP, overall, the East European economies in the mid 1990s consumed 76 pct. as much energy per capita as do their counterparts in the EU, but produce only 31 pct. as much GDP per capita. The extensive growth practised under state socialism led to the exploitation of coal. In the Czech Republic and Poland, for example, coal-fired power plants in the mid 1990s provided more than 75 pct. of the energy produced. Brown coal and lignite comprise the overwhelming proportion of mined coal in the region, although Poland has higher-quality hard coal.

The economic and health-related consequences of pollution have been considerable. Specialists in Poland calculate that pollution annually inflicts economic costs-including damage to forests, soil contamination, and accelerated building corrosion-equivalent to between 10 and 20 per cent of the nation's GDP. Officials estimate that the economic costs of accelerated corrosion alone annually exceed the combined yearly state expenditure on education, medical services, and defence. Society also incurs substantial economic costs through direct expenditure to limit pollution. A report from the European Commission estimates that the Czech Republic, in preparation for its planned entry into the EU, must invest more than 7 billion dollars to bring its atmospheric emissions into compliance with EU standards.

The health-related costs of pollution have been similarly considerable, although naturally many other factors can combine to undermine an individual's physical wellbeing. In the most intensively polluted regions of Poland, where more than two-thirds of all industrial air polluters are concentrated in areas containing half of Poland's population but less than 15 pct. of its land mass, indicators for life expectancy, infant mortality, and birth defects are all substantially worse than the respective national averages. A similar situation occurs in the Northern Bohemia region of the Czech Republic, known as the "Triangle of Death", where air pollution is so intense that the state-owned power company has instituted a program called "Health in Northern Bohemia" designed to send

children suffering from various breathing-related problems to clean-air recovery centers.

However, over the years since 1989 there has been a sharp and readily apparent improvement in the environmental situation in most of the states of central and eastern Europe, most evident in the area of air pollution, where the emission of polluting substances has fallen sharply, easing the stress placed on the environment at the domestic, trans-border, and global levels. There has been a substantial improvement at both the aggregate level and in terms of the local environment, although one should be careful in drawing precise inferences from the air quality figures, which are subject to a range of local factors and therefore could look quite different regionally and locally.

However, the environmental *policy* has played only a limited role in determining the *performance* of CEECs. The single most important factor has been the sharp decline in economic output throughout the region since 1989, which has been particularly heavily concentrated in the most polluting heavy industries. Thus inevitably one must ask: "What happens once the economies begin to grow again"? Poland's economy has been growing steadily since 1992, while polluting emissions have continued to decline, indicating that positive environmental policies can make a significant difference.

Indigenous reserves of both fuels have been limited, in several states (e.g. Bulgaria, Czechoslovakia) essentially non-existent. In the post-communist period, these countries have been seeking, with varying degrees of commitment and success, to diversify their sources of imported oil and natural gas. Their motives include fear of being overly dependent upon a politically unreliable and potentially threatening energy from the most competitive source on the international market. Most importantly, from the point of view of the environment, they are diversifying energy use as part of ambitious plans to utilize far more "environmentally friendly" gaseous fuels imported from e.g. Norway.

The Czech Republic and Poland illustrate what EU membership will mean concretely for the environment. As noted, Prague has to spend more than 7 billion dollars to bring its air pollution emissions into compliance with EU standards. The EU has estimated that the Czech Republic must spend an equal amount to meet the standards for water purity and solid wastes. Substantially reducing its currently prodigious consumption of energy will be critical to the Czech Republic's capacity to realize these goals. In Poland, the government, anticipating EU membership, in 1996 promulgated a program with an estimated cost of 1.7 billion dollars to reduce emissions of sulphur dioxide by 45 per cent by 2010. Overall, the EU estimates that prospective members must

spend approximately 132 billion dollars to meet EU environmental standards. While recognizing that the Central and East European states will have difficulty financing these improvements and offering some EU assistance to this end, in May 1998 the EU's environment commissioner publicly warned that prospective members must rely primarily upon their own resources and would receive no permanent exceptions.

The ongoing accession negotiations between the EU and the applicant countries have shown that the candidates' administrative capacity is one of the most difficult bottlenecks on the way to the enlargement of the EU. That conclusion also governs the environmental field. In the view of the European Commission, administrative capacity is the availability of sufficient legal, organisational, budgetary and human resources assuring the implementation of the *aquis communautaire*. The importance of administrative capacity results from the European Council's decision that each applicant country has to adopt and apply the entire *aquis communautaire* by the time of its accession. Implementing the *aquis* turned out to be a much more demanding task since it requires to build up appropriate institutions, to develop qualified administrative personnel and to induce economic actors to comply with the new legal regulations. In other words, the institutional approach has to be supplemented by a more functional approach emphasising the "governance" aspect of policy-making. Modernisation theory would suggest that executive performance depends on the degree of professionalism of public administration, and the degree of functional differentiation between administrative and political roles and tasks. Within this paradigm, the politicization of the civil service is seen as a legacy of state socialism that has to be overcome by reforming and modernising public administration, since in the Weberian view a partisan bureaucracy represents a symptom of backwardness [See Brusis, 2000, pp. 40, 51].

The negotiations with the EU on environment

There are principally two motives behind requiring compromise both in the case of the applicant countries and the EU. First, the *fear of competition*, i.e. a sudden increase of competitive pressure on markets of various goods, e.g. industrial and agricultural commodities, items for public procurement, real estate etc, or labour (migrants). The second motive is "*no funding available*" which refers to the lack of funds to undertake an obligation which would be in principle compulsory under the prevailing EU rules, i.e. "*aquis communautaire*" [Richter, 1998, p. 35]. The last motive is strong in case of Polish requirement of compromise on environment. From the EU side "*transfer compromises*" are required, not

because the funds are not available or could be so, but because of “unrealized revenues”, e.g. those funds could only be available by raising the incumbent EU-members payments to the EU budget or limiting the transfer of money to the south European Countries and Ireland. More transfers of money to the CEECs could foster an “Irish miracle” or, alternatively, a “Greek failure”, in the last case the money could be wasted due to lack of fiscal discipline and purely redistribution orientation. Seen from Brussels the acceptance of requirements of compromise, e.g. on the environment, could mean losses due to more competition under unequal conditions, e.g. in the case of EU firms moving to Eastern Europe because of lower environmental standards (“ecological dumping”). That argument has often been put forward from the Danish side, e.g. from the Danish minister for environment, Sven Auken.

The approach to dealing with environmental issues has changed since the fall of state socialism. In 1998 work on amending the II National Environmental Policy (II NEP) was started in Poland, this being the political and strategic document, that will set the directions of state action in the field of environmental protection for the coming decades.⁸ The former document, National Environmental Policy, adopted by a Resolution of Parliament on May 10, which constitutes the basis for elaboration of the new document, will be subject to deep revision and reformulation of its assumptions and objectives, so that it takes into account the new challenges and tasks connected with Poland's accession to the European Union. The old document, National Environmental Policy, had been based on the sustainable development principle already one year prior to the “Environment and Development” Conference of the United Nations, which took place in Rio de Janeiro (June 1992) and prior to the adoption of Agenda 21. That document contained objectives, priorities and tasks as well as institutional solutions, legal and economic instruments necessary for their implementation in three time horizons: short-term (until 1995), medium-term (until 2010) and long-term (until 2020).

The *II National Environmental Policy* will include all these issues, which had not been clearly identified when the first, original version had been drawn up, e.g.:

- Achieving the objectives and standards specified in the environmental *acquis communautaire*.

⁸ Document approved by the Council of Ministers of the Republic of Poland on April 26, 2000.

- Achieving the objectives defined in the Framework Convention of the United Nations concerning climate changes and the Kyoto Protocol.
- Harmonisation of the way of implementation of the Convention on biodiversity protection of the European Union.
- Achieving the objectives defined in the Geneva Convention and in the II Sulphur Protocol.

According to a resolution of Parliament of 19 January 1995, the II National Environmental Policy has to extend its scope of relations from the environmental sector to other sectors (industry, energy sector, transport, agriculture, tourism, fisheries, building, trade and municipal economy) and also sectors such as health and social welfare, labour market and education. This will allow full integration of environmental, economic and social aspects.

Despite progress in the transposition of EU rules into national laws in most areas, the fact that law enforcement bodies are often understaffed and operate without adequate financial means hampers the effective application of new laws also in the environmental field. On December 1999 the candidate countries formally opened talks in the field of environment, those negotiations are expected to be long and difficult. Poland is the country which has put forward the highest number of requests for long transitional periods in this field. Nevertheless, in compliance with its official policy to join the EU on January 1 2003, Poland has undertaken to complete a transposition to the European environmental legislation by December 31, 2002. At the same time the request for 14 transitional periods for the implementation of specific pieces of EU legislation was presented. Depending on the legislation the transitional periods vary from three to thirteen years. The longest transitional period of 13 years for implementation of specific pieces of EU legislation was requested. Overall Poland has presented requests for 30 transitional periods in the implementation of EU legislation. However, Poland is ready to fully implement 20 out of the 29 chapters that are subject to negotiations on the day of accession. At the beginning of 2001 Poland seems to be resigning from requests for compromises in some issues on environment, e.g. in questions about quality of petrol and the liberalisation of gas and electricity markets before the year 2005. Requests are still made in the most complex and costly fields, including the EU-demand for 90 days stocks of liquid fuel.

The Polish requests for compromises are mainly motivated by high investment costs, e.g. in terms of environmental infrastructure complying with EU law. According to the Ministry of the Environment, Poland presently invests approximately 1.8 per cent of its GDP in the environment, which is high compared with other European countries, 95 per cent of the

costs are financed by Poland, e.g. by firms and state and semi-private and private funds.⁹ The fact that the cost of implementing the environmental requirements for Polish EU accession is estimated at 30 billion EURO over the next 15 years seems to significantly determine the Polish approach towards the negotiations. However, seen from Brussels, in particular the requests for transitional periods the in adoption and implementation of legislation, which has important consequences for the internal market, will have to be vigorously opposed by the European authorities. It is argued by the Polish side that the transposition of EU-rules on the environment is impossible to carry through, not only because of lack of funds. Such big investments over such a short time are simply impossible to carry out also for obvious technical reasons.

The short-term objectives contained in the Polish Accession partnership programme provide for drafting, in the year 2000, a legal approximation strategy for the environmental sector, including directive-specific approximation and implementation programmes, acceleration of transposition with special focus on the air pollution and waste framework directives, industrial pollution control and industry related directives and water directives. The management of industrial and municipal waste is a serious problem in Poland. About 89 per cent of all waste is made up of industrial waste, mainly mining, post-flotation waste, fly-ash and slag from power stations and the steel industry as well as phosphogypsums. About 11 per cent of waste comes from municipal sources. Both groups contain hazardous waste. In the past 15 years the volume of waste produced, including hazardous waste, decreased by approximately 30 per cent. However, the volume of waste collected over the past years in dumping sites has been growing. The authorities will develop a financial investment plan for the implementation of investment in the field of air, water and waste, as well as industrial pollution control. Completion of transposition and enforcement of the Environmental Impact Assessment Directive is also foreseen in the national accession partnership program.

Nevertheless, Poland is considered by the EU-Commission, including the Swedish commissioner for environment Margot Wallström, as the applicant country most reluctant to adopt the *aquis* in the environment field. Parliament indeed adopted the law on the evaluation of the impact of new investments on the environment, but only after the EU threatened to withdraw some of its financial support intended for Poland. However, Poland has not been able to inform the Commission who, when and how the EU rules on environment will be transposed into Polish

⁹ *Rzeczpospolita* 15.2. 2001, p. B3.

law. "The 15" will have to take a decision on complying with Polish requests for compromises without such information. However, the presentation of these plans will be extremely difficult, for local authorities, enterprises, power stations etc. are not capable of giving the information demanded. According to the Polish authorities detailed plans cannot be published before 2005, the most difficult task is to obtain the necessary information from private enterprises. After all, almost every calculation of costs for environmental projects for the period beyond 2008–10 inevitably belongs to "futurology", as nobody know long-term costs, as mentioned, maybe 30–40 billion EURO for Poland, all taken together. The legal, organisational and budgetary resources ensuring the implementation of aquis communautaire are not available. The ministry of Environment is heavily understaffed, consisting of just 250–300 (underpaid) people.

According to Margot Wallström, the Commission can only accept compromises on the most cost-heavy fields. According to her evaluation, among the applicant countries Poland has presented most requests in environment field, for the simple reason that very "tough negotiations" are ahead. In Denmark and Sweden, the two EU-countries that can be considered as the "hawks" in the negotiations on the environment, we must not, as rightly mentioned by *Krzyszyna Forowicz*,¹⁰ forget that Poland can offer Europe much as far as environment is concerned. Poland has a rich and fascinating geography, much more ecological agriculture than, for instance, Denmark and according to her even more healthy forests than we find in e.g. Germany, Denmark, Belgium and the Czech Republic.

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Introduction

Public access to environmental information supports good environmental decision-making. But in order to be able to contribute meaningfully to environmental decision-making, environmental information must be both accessible and of useful quality. This article offers an overview of the principal instruments for providing the public with access to environmental information.

It might be useful to specify more clearly what is meant by environmental information. In this article, environmental information is, in the first place, the information generated by environmental legislation and measures at all levels — national and — which is held by public authorities.

A distinction is often made between "active" and "passive" rights to environmental information. "Active" information means the information which the authorities must provide to the public at their own initiative. Examples include requirements to supply information concerning the possible environmental impacts of proposed projects. "Passive" information refers to the right of the public to obtain information upon request. The focus of this article is on this latter type of information.