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Environmental policy expansion in the EU: the intriguing case of bioinvasion regulation

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ABSTRACT

While bioinvasion was an issue of low political salience in Europe, a new regulation addressing it was adopted in 2014 with strong support. This article analyzes the making of the regulation as an intriguing case of policy expansion amid economic crisis. Based on theoretical literature on drivers of EU policy integration and policy dismantling, alternative plausible explanations are explored. Our main finding is that development of economic policy consensus among member states on trade-environment nexus was crucial for progress towards regulatory action. Policy consensus has been driven by a confluence of three domestic factors: trade liberalization, market disintegration, and changing ideas about the desirability of EU-level law, with the European Commission as policy entrepreneur. Low political salience has also had an important effect. It has increased the influence of transnational conservation alliances, which have played a significant catalytic role in building consensus by shifting consciousness to economic reward of policy action *vs* inaction, and bringing international models for legislative reform to the EU jurisdiction.

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1. Introduction

While bioinvasion was an issue of low political salience in the European Union (EU), a new regulation addressing it was adopted in 2014 with strong support.[1] The cornerstone of the regulation is a strategic, harmonized approach to govern the threat of bioinvasion both within and into the EU. With the EU's geographical scope, this new regulation represents the largest regional governance structure for bioinvasion in the world. It is also the most recent regional biodiversity reform adopted by the EU, since the Birds (1979) and Habitats (1992) Directives. Given the EU's previous lag in this policy area, the formulation of this regulation was an advanced political project (Beninde, Fischer, Hochkirch, & Zink, 2015). The former Commission's Director-General for Environment, Karl Falkenberg, described it as ambitious regulation adopted by the Barroso Commission.[2]

A substantial body of research on EU politics and public policy suggests that its approach to environmental policy is distinctive. This distinctive style, which has often been labeled 'pioneering', manifests itself in the continuing expansion of ambitious, comprehensive, and stringent regulations (e.g. Delreux & Happaerts, 2016; Kelemen, 2004; Vogel, 2012). Recently, scholars have started to ask whether the EU is rolling back its commitment to environmental policies in the aftermath of the financial-economic crisis (e.g. Burns, Eckersley, & Tobin, 2019; Zito, Burns, & Lenschow, 2019). Some scholars have noted dismantling,[3] or almost complete regulatory inactivity, and others have argued that the European Commission ('EC' or 'Commission') significantly decreased the number of ambitious regulatory proposals and is thus responsible for this shift (Čavoški, 2015; Steinebach & Knill, 2017). Yet, studies on environmental policymaking trajectories still lack a case-study approach to examine such processes in detail (exceptions include Russel & Benson, 2014; Skovgaard,

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2014). The bioinvasion regulation is a case in point. In this intriguing case, regulatory expansion took place when the financial crisis was already affecting the EU economy, yet, the EC *did* act as policy entrepreneur, as we will demonstrate below.

At first glance, this regulation comes as a surprise, given conditions that should favor policy dismantling, including low political salience, and the launch of a Fitness Check on EU nature legislation as part of the Commission's Regulatory Fitness and Performance Programme (REFIT) (EC, 2012). Therefore, it calls for exploring how expansion, rather than dismantling, occurred under the conditions described above.

The aim of this paper is to address the question: what drove the reform of the framework for bioinvasion regulation and management? more specifically, why did policy expansion become attractive to member states? we argue that the development of economic policy consensus among member states re trade-environment nexus was crucial for progress towards regulatory reform. Policy consensus was driven by the Commission and transnational conservation networks that framed the problem of bioinvasion as a case imposing economic costs and instability in the Single Market (and thus increased recognition of the economic gain of policy expansion).

Our argument has specific implications for environmental policy change during economic crisis. Economic consensus, where such exists, plays an important role in shaping actors' policy choices. However, the literature on environmental policy dismantling does not tell us whether and how the period of economic crisis will give rise to a new collective vision and consensus for reform. Also, it does not explain or provide predictions regarding the cause or consequences of situations where there is no consensus, or where environmental issues are of low political salience. In 2008–2014, it was significant that a relatively small group of experts made vigorous economic arguments for policy expansion. It was important that some key players who previously had not been favorably disposed to expansion changed their minds. Therefore, if consensus on policy expansion emerged during this period, we need to understand how it was generated, and could have been related to the crisis.

This article offers three contributions. Analytically, it brings policy process to the fore. Measuring processes of policy expansion allows for the capture of relative importance accorded to the economic context on the political agenda. It also responds to calls for more systematic empirical analysis of environmental policy since 2009, explaining why specific policy areas were targeted for change and by whom (Gravey & Jordan, 2016). This case is a notable exception to the general slowdown in EU environmental policy. Embedding a new case, one previous not analyzed, within the broader dismantling debate provides new empirical evidence, while also contributing to the effort to prevent potential bias of overlooking cases of policy expansion (Howlett & Cashore, 2009; Jordan, Bauer, & Green-Pedersen, 2013). Finally, it points to interactions between the Commission and member states (see Knill, Tosun, & Bauer, 2009). Therefore, it adds to our understanding under which constellations can we expect a scenario that is the opposite of dismantling and that coincides with the Commission's effort to preserve its impact on domestic policies.

We trace the policy process through which the regulation was initiated, focusing on the period of significant growth in the Commission's activity on policy reform, leading up to the legislation (2008–2014). Methodologically, we use a qualitative content analysis, process-tracing and interpretive approach to identify which factors and actors underlie the regulatory change. The empirical content analysis was conducted using a variety of primary data sources (including policy documents, calls and responses for consultations, and legislative texts) published by EU-level actors (the Commission, the European Parliament, the Council), member states, and experts. Technical reports were validated by a thorough review of EU documents, which include details concerning their adoption or justification.

We begin by outlining briefly the policy expansion to be explained. The following section explores the notion of EU environmental policy expansion in more detail, organized around a series of plausible alternative explanations, derived from preliminary data investigation, focusing on the entrepreneurial process. Next, we apply process-tracing to the making of the regulation, confronting theoretical expectations with empirical evidence. Then, we provide analyses of expectation and observations. We conclude by discussing the implications for theories on the impact of the economic crisis on environmental policy.

2. The policy expansion to be explained

Bioinvasion is a major cause of global biodiversity loss, with 'immense, insidious, and usually irreversible' impacts (IUCN, 2000).[4] Bioinvasion has become a major problem across the EU. The regulation is intended to tackle this problem by addressing trade, possession, and transport of invasive species, thereby reducing their entry and spread within the EU territory.

A key theme of the regulation is the promotion of a proactive, hierarchical approach to trade, as developed by IUCN's specialists (McNeely, Mooney, Neville, Schei, & Waage, 2001). In this approach, prevention measures are intended to take place in the earliest possible stage of invasion, based on precautionary approach. Through the development of a list of 'Invasive Species of Union concern' ('Union list'), referring to species whose negative impact requires concerted action at EU-level, the regulation provides for a 'three-stage hierarchy' – prevention, early detection/rapid eradication, and long-term control. The Union list currently includes 49 invasive species. Consistent with the polluter pays principle (§33), traders can be charged for invasive species damages. Thus, the regulation provides incentives to industry, especially traders and breeders, to operate under ecological standards and to take risks into account when making introductions of new species. This shift towards prevention may impact free trade, justified by reducing the cost burden for bioinvasion control.

The second pillar is a regional collaboration beyond the Union list. The regulation seeks to improve bioinvasion management as a cross-border issue par-excellence (§18), following the rationale that this problem cannot be solved by member states individually. For example, existing European instruments were based on minimal harmonization, either national or cross-sectoral. These policies left horizontal issues (e.g. restoration costs) essentially unregulated, and their adverse impact on biodiversity largely unassessed.

The new regulation is designed to change this situation. It recognizes bioinvasion as a shared problem, where EU-level action has clear added value. Consistent action is needed to avoid distortion of the internal market, and situations where action taken in one member state is undermined by inaction in another (§18). The new rationale is articulated across horizontal provisions on finance and liability, such as cost-recovery cooperation. The overall legal framework is designed to create streamlined measures for cross-border and cross-sectoral management, filling gaps in national and regional schemes. As such, it addresses categories of species and pathways falling outside existing laws (e.g. plant pests, endangered species), setting a coherent regime for risk assessment and quarantine measures (§13,32).

The third pillar incorporates a strategic approach to knowledge exchange to improve the scientific basis for policymaking (§28, 30). This includes the establishment of a scientific forum and data-support service between neighboring countries linked to global databases.

3. The analytical framework

Europe's practical programs and coordination on bioinvasion lagged behind other regions of the world (Hulme, Pysek, Nentwig, & Vilà, 2009). The problem was described in the report of the European Environmental Agency as 'a growing but neglected threat' (Brunel et al., 2013). This delay can be partially attributed to the low visibility of the problem in the European Community. Thus, it seems logical to assume that one or more powerful players and factors were needed to jump-start Europe's policy expansion.

Policy expansion describes a particular type of 'behavior' in EU environmental policymaking, which can be defined as policies that deviate significantly from the status quo. The prevailing consensus among environmental policy scholars is that, for at least the last two decades, Europe has been the 'hare' – the frontrunner, setting innovative environmental policies (Schreurs & Tiberghien, 2007; Vogel, 2003). Trade-environment nexus represents one sphere of policy expansion which is integrated into the study of EU politics. EU integration in this area can be conceived as an effort to 'manage globalization' and assert a leadership role in globalization governance (Jacoby & Meunier, 2010).

Vogel (2012) argues that if policy for environmental, health and safety (EHS) risks emerges, it is often based on combining deep economic integration with high social, EHS standards. The EU enlargement has moved the process further in this direction. The resources needed are related to management capacities and tools to

support ecological modernization, and put the EU market on a 'greener' growth trajectory (Mol, 2002; Vogel, 1997). Ecological modernization process involves embedding ecological rationality to economic gain and practices. Bioinvasion regulation promotes this process by addressing institutional reform, in which free-trade arrangements originally dedicated to trade liberalization are now scrutinized and arbitrated from both economic and ecological points of view. Machin (2019) recently found that despite the economic crisis, which we might have expected to change the dominance of this discourse, EU environmental policy strategy has actually reaffirmed ecological modernization.

3.1. The entrepreneurial dimension of environmental policy change: theoretical perspectives

This section explores alternative explanations of the evolution of policy expansion in EU bioinvasion policy. Two analytical frameworks guide our analysis: first, macro-dynamic theories of EU integration serve for evaluating whether policy expansion reflects supranational or intergovernmental entrepreneurial patterns. Second, policy dismantling perspective (Bauer, Jordan, Green-Pedersen, & Héritier, 2012) is used as necessary background in order to better understand this unique case of policy expansion. We focus on differing policy preferences. We then look into how political actors and economic conditions had a direct impact on policy change as they motivated member states to rethink past approaches and consider engagement in policy integration. Moreover, we focus on which particular constellation of costs and benefits enabled a shift to legislative reform.

3.1.1 Supranational entrepreneurship

The literature on environmental policy expansion is often featured in Supranationalism. Such perspective assumes the transfer of authority from member states to EU institutions, resulting in a great expansion of supranational policymaking and standard-setting (Kelemen, 2004). Scholars applied the concept of supranational entrepreneurship to the EC, highlighting its consensus-seeking role (Rhinard, 2010; Wallace, Pollack, & Young, 2015). As the EU grew larger and more powerful, so has the Commission in its official capacity as an engine of deeper environmental policy integration (Selin & VanDeveer, 2015). Insofar as policy integration involves political, scientific and technical cooperation around newly-addressed environmental pressures, there is a scope for consensus-building by the Commission.

Supranational environmental policy entrepreneurship is partly consistent with the neofunctionalist logic for European integration, which emphasizes economic spillovers and functional needs (Haas, 1968). A key claim is that economic incentive appears as crucial precursor for expanding and deepening of differential integration schemes (Mattli & Sweet, 2012). Spillover effects of European economy transition, such as environmental degradation, may provide the impetus for further functional integration to related domains. Moreover, scholars have pointed that supranational authority expansion is associated with technical issues of low political salience, providing 'a stiff test for intergovernmentalism' (Zito, 2005).

Integration is accelerated in areas in which scientists play a central role, based on their knowledge and skills in convergent thinking on problems and solutions (Farrell & Héritier, 2005; Tynkkynen, 2015). Thus, problem-framing and ideas are likely to be particularly relevant in the early phase of policy expansion process, when sufficiently broad consensus is required over the need for and direction of change. There is a need for well-informed thinking, reasoned ideas, and active negotiations by civil society actors on two major foci: the research and organization of knowledge required to policy change; and strategically and operationally making things happen.

The concept of transnational networks has been integrated into studies of environmental policy in the EU, as well as global environmental governance (Young, 2011). There is also vast literature on the growing influence of professional networks and expert communities, as well as sound scientific principles (Haas, 2016; Sabatier, 1998). According to such perspectives, policy networks are the defining characteristics of EU governance, which is being shaped more and more by forces outside national governments. The Commission and environmental groups often worked to redefine the regionalism of the problem and how to approach it (e.g. Bernauer & Meins, 2003). Closely related is the effect of 'Baptist-Bootleggers' coalitions. Vogel (1997) applies

this concept to the EU; by encouraging industry to think about markets in regional rather than national terms, environmentalists affect the way they define their interests, resulting in 'Trading Up' of regional standards.

From this perspective, it follows, first, that supranational leadership is needed for pushing for regional task expansion and policy solutions to environmental-trade issues. Second, if policy expansion is needed, it is most likely to be formulated by the Commission, enabling non-state actors to influence policy formation by their expertise and skills. Third, there was a solid economic and 'greening effort' logic pertaining to the enlarged EU market. This forms the basis for a more far-reaching expectation – that the bioinvasion issue is conceptualized with a new rationale of Pan-European regional threat, thereby stimulating regulatory adjustments as an integral part of trade policy.

3.1.2. Intergovernmentalism: member states as policy entrepreneurs

An alternative explanation focuses on the role of member states in driving environmental policy change. This explanation coincides with a liberal intergovernmentalist account to European integration, which generally assumes that political factors that drive EU to regional-level actions are domestic in character (Moravcsik, 1991).

This approach views integration as resulting from successful bargaining among member states. Governments first define their individual preferences and interests and then seek a negotiated collective solution. With regard to environmental politics, such an approach posits that national governments (and green member states therein) continue to play a critical role in driving major environmental policy developments in the EU (Liefferink & Andersen, 1998). In many cases, new areas of environmental policy are first addressed at the state-level and subsequently adopted by the central authority.

Another liberal intergovernmentalist-based explanation highlights the critical role of national business actors in influencing governmental positions. Member states are lobbied and pressurized by business to adopt (or not) policies at the EU-level. Policy desires at the domestic level then become national policy preferences (Moravcsik, 1991).

From this perspective it follows, first, that national governments are major drivers of environmental task expansion at the EU-level. Second, if policy expansion is needed, it is most likely to be led by Europe's 'green' member states. Third, if regulation is enacted, it will reflect member states' significant policy imprints (preferences, ideas and design).

4. Making the bioinvasion regulation: confronting expectations with observations

4.1. An overview of the policy development

In 2008, bioinvsion impact was recognized as a failure to meet the EU's target of halting biodiversity loss by 2010, as proclaimed in its Biodiversity Action Plan. A Commission report revealed that it 'is not even close' to achieving this target (EURACTIV, 2008).

In December 2008, the Commission issued a Communication entitled 'Towards an EU Strategy on Invasive Species', which can be seen as the first step in the development of the regulation (EC, 2008a).[5] This communication was based on preliminary studies carried out by The Institute for European Environmental Policy (IEEP), which provided economic and ecological impact assessments, and four policy options, including their costs and benefits.[6] This was a point of vital importance, as the accumulated national and regional cost was crucial to justify an EU-level response. Scientific and technical assessments estimated bioinvasion damage and control measures at a minimum of €12.5 billion per year in Europe, expected to rise steadily (European Commission, 2008a). They concluded that the absence of policy mechanisms to support harmonization permitted the ecological and economic damages to grow, and that if the EU acted more coordinately, it would save billions of Euros.

Further technical support to the EU strategy was provided at 2009 and 2010. The IEEP and the UNEP World Conservation Monitoring Centre (UNEP-WCMC) were asked by the Commission to make objective, well-

founded recommendations on the four policy options presented in the Communication. The mandate of the 'IEEP/UNEP-WCMC' team under the technical support contract was to formulate an up-to-date picture of policy measures already in place in member states, and to prepare cost–benefit analysis of alternative policy options (EC, 2013; Shine et al., 2009). A working team met several times between 2008 and 2010. Their main conclusion was that a comprehensive EU legal instrument, is 'the only policy package that could deliver the necessary visibility, coverage, coordination, and resourcing for all types of risks and impacts' and 'could have prevented a large proportion of the current costs of invasive species damage and control in Europe' (Shine et al., 2009, p. 32; see also EC, 2013).

In the 'problem definition' stage, the main concern was with the coexistence of highly fragmented, inconsistent policies and management at EU-27 level (as for 2009), varying from partial coverage (the Netherlands and France) to no coverage (Cyprus) (European Commission, 2011a). A compromise solution for this divergence was found in the calibration of a regional regulatory framework, justified on the ground of subsidiarity, in pursuit of 'good economic sense' and resource efficiency. Conversely, the team was substantially less favorable to the option of policy status quo with full subsidiarity. It suggested that even the most ambitious policy (i.e. dedicated EU legislation) would cost significantly less than current damage and control costs (EC, 2013; Shine et al., 2009). The suggestion for a comprehensive EU legal instrument made by the 'IEEP/UNEP-WCMC' team was picked up by the EC, and included in the 2020 biodiversity strategy (European Commission, 2011b), as well as in the legislative proposal (European Commission, 2013).

Further support for the proposal was provided by consultations including with representatives from the following DGs: Health and Consumer affairs (SANCO), Internal Market, Industry, Entrepreneurship and SMEs, and Trade. The meetings were useful to stimulate discussion on cross-sectoral aspects (EC, 2013). For example, in the discussion on the development of dedicated legislation the main driver was DG ENVI, but progress in the last stages of the process was largely due to an improved cooperation with DG SANCO. DG Trade expressed supportive position for cooperation where needed. The proposal was noted as a positive development, as the foreseen reform held the potential to solve the issue of weed-seeds carried by consignments of grain (DG Trade, 2011). This is a remarkable achievement for this period in light of the complex dynamics within the EC (where policy expansion tendencies exist in tandem with a status quo approach).

Quite early in the discussion, agreement was reached on key policy concepts, such as 'cross-sectoral' and 'cross-border' issue, which justifies 'consistent' action in an 'efficient' and 'cost-effective' way, with the use of robust scientific backing, and aiming for reducing economic impacts and costs (European Commission, 2008b). In the legislative proposal issued in 2013, the Commission presented the proposed policy options, largely based on these concepts. By getting acknowledgment for the core of the reform, ENGOs and pan-European scientific networks[7] were able to set the terms of the debate (problem definition), which informed subsequent stages of legislation drafting (policy formulation). Overall, early stages of EU politics can be characterized by demonstrating strong scientific and economic rationale for a regional policy.

EP-WCMC working team, and established thematic groups regarding different aspects of the regulation. A series of consultations took place, including stakeholders from all relevant sectors, member states representatives and Directorate -Generals (European Commission, 2013).

In September 2013, the Commission formally proposed the regulation (European Commission, 2013), ending the preparatory stage, after which the political co-decision-making stage unfolded. The draft legislation matched almost all the objectives set by the IEEP.

The revised legislative text was adopted in April 2014 by the European Parliament and the Council. The regulation responded to the critics of the draft legislation by removing the numerical cap of 50 'Invasive Species of Union Concern'. The Union list is to be formulated together with member states, and updated based on risk assessment, pursuant to the provisions of the World Trade Organization agreements on placing trade restriction on species (§11,13). In addition, an independent 'Scientific Forum' was established to advice on implementation (i.e. updating the Union list, eradication). Ultimately, the Commission succeeded in establishing a system largely in line with its original intentions.

4.2. The role of member states

An intergovernmental explanation would suggest that member states were the pace-setters of the reform; however, while member states were largely supportive, they were not its main driver. Lack of political commitment to the problem, alongside differing opinions on whether-and how-to regulate the issue, and a shortage of financial resources slowed down the process. Divergent preferences occurred for mandatory restriction on the use and sale of invasive species.

During nearly a decade after the launch of the 2003 European strategy on bioinvasion (Council of Europe, 2003), member states maintained existing regulatory policies largely unchanged. Politicians affirmed the importance of updating sectoral policies, but, in practice, priority was given to other socio-economic objectives, such as trade. Short term budgetary concerns prevailed, and the decision to adjusts sectoral regulation and policies was eventually postponed from one year to the next (EC, 2011a).

With its water bodies and horticulture industry, the UK has a long history of invaded habitats (NNSS, 2015), which makes it a primary suspect among member states for setting the pace for the regulation. The UK played an important role in the preparatory work on establishing a regional system, and it has taken joint initiatives with the Commission to estimate ecological and economic impacts. However, there are no indications that the UK has initiated the development of the legislation. Its attention was directed towards domestic management, and cross-sectoral coordination (e.g. fishing and recreation industries) (NNSS, 2015). Austria assumed the presidency of the Council after the UK in 2006, but Austria has not yet regulated bioinvasion as part of the implementation of the Bern Convention (Essl & Rabitsch, 2004).

Other green member states supported the legislative proposal, albeit to different degrees. Finland and Denmark opposed a wide-ranging ban on trade, which was one of the crucial pillars of the Commission' policy during the formative period. Some of Europe's most destructive predatory imports, such as the American mink (*Neovison vison*), were subject to intense lobbying by firms, which produce over 14 million American mink furs per year.[8] In Sweden, lack of comprehensive regulatory framework was noted and the Environmental Protection Agency called for higher priority of the issue (SEPA, 2008).

Germany has generally expressed support of collaborative efforts in legislation and practical management. Nevertheless, Germany had concerns regarding the availability of resources and political will of industries (timber, fisheries, and aquaculture) to implement the bioinvasion goals (e.g. bullfrogs eradication), which would entail loss of income on their part (FEA, 2003). German existing policy on possession and trade of potential invasive species was based on legally-binding measures, covering only a few species.

An analysis of member states priorities for policy change reveals that the level of public-awareness and decision-makers concerns about bioinvasion is relatively low, hence the lack of motivation to lead, and push for higher standards in EU forums. As of 2008,

> only 3 member states have specific national strategies on invasive species, 7 member states are developing strategies, some member states have invasive species strategies incorporated under Biodiversity or Sustainable Development Strategies, for 10 member states national strategies on invasive species have not been found. (European Commission, 2008b, p. 8)

Politicians viewed additional regulation as an impediment to economic growth. Observers suggested that tax payers may resist additional costs, especially since only 2% of the European public perceives bioinvasion as a major threat (Hulme et al., 2009).

By non-decision to act, member states behavior can be seen as what Bauer et al. (2012) term 'dismantling by default' (p. 43), meaning negligence or poor implementation of the 2003 European Strategy. Moreover, in the absence of a strong advocacy for change, the problem of bioinvasion did not turn into a pressing political issue.

In sum, although the idea of a comprehensive community response had its supporters among member states, none of them were a major source of policy change. Turning to supranational entrepreneurship, we now move to explore how and why member states changed their policy preferences.

4.3. The role of the commission and conservation alliances

Here we argue that the Commission and transnational conservation networks played a pivotal role in driving policy expansion. Their role as policy entrepreneurs, plus their strategies and policy choices can be identified by combining empirical data-collection, process-tracing analysis and interpretive approach.

Supra-nationalist explanation stresses the role played by the Commission in driving the bioinvasion policy. It was the pace-setter from the very beginning, during the problem definition stage, which was principally carried out by the IEEP/UNEP-WCMC group. This group remained a key actor in the policy formulation stage, when the Commission substantially 'borrowed' from the IUCN (2000) legislative guidelines. Yet, conservation networks' influence decreased during the co-decision making stage, when the draft proposal was amended by the Council and the European Parliament. A compromise had to be sought as derogations were included for species of economic relevance, and ballast water measures. Overall, conservation alliances were able to exert a substantial influence on the reform process and outcome, and its influence was greater in the early stages of the policy process, in line with supranational predictions (Farrell & Héritier, 2005).

In explaining how conservation alliances exercised their influence several factors were critical (following Bauer et al., 2012). The first is a new rational economic persuasion - a 'cost-efficiency' target - was used as a tactic to build up incentive among governments and stakeholders. Regional regulation was portrayed as a chance to save the EU economy billions of euros. The impact assessment and the cost- benefit analysis further revealed the 'hidden' cost of trade, making prevention measures more salient for policymakers. Bioinvasion was labeled as a market failure rooted in regional trade with public good externalities. The benefits of EU-level legislation were then illustrated straightforward: 'ensure legal clarity and a level playing field for those sectors using or trading invasive species while avoiding fragmentation of the internal market due to different restrictions on commercialization between member states' (European Commission, 2013).

Second, the Commission and the IEEP mastered considerable technical and economic knowledge on these issues, key for policy change (Haas, 2016). The Commission's work was supported by scientifically robust data (e.g. NOBANIS project). It also benefited from the input of the world's top experts. They presented background documents and wrote proceedings, hence framed a consensus among member states and stakeholders (For further discussion on keeping up with new technological standards or scientific knowledge as considerations for or against policy dismantling see Bauer et al., 2012, p. 14, 86).

The Commission emphasized that a dedicated EU regulation had something for everybody. To industry, it was framed as the most cost-effective way to reduce environmental impact and saving costs for relevant sectors. Industry was also expected to influence the Union list, which was presented as protecting national economic interests (EC, 2013), thus provided them with incentive to support the proposal. To ENGOs and the European Parliament, it was framed as environmentally effective leading to biodiversity conservation. To member states, both arguments were combined and linked to the need of consistent action in an enlarged EU, where action taken in one member states is undermined by inaction in another. Moreover, it spelled compliance with international obligations (e.g. CBD). The policy process became important in the EU's efforts to demonstrate that it was taking action, and its commitment to global bioinvasion governance (Gualtieri, 2018). The IEEP/UNEP-WCMC team saw this as a political opportunity for advancing a new, inclusive approach.

5. Analyses of expectations and observations

Explanations based on liberal intergovernmentalism found little empirical support. First, the record suggests that member states did not take the initiative to the EU-level, neither individually nor collectively. Second, green states, notably Finland, Denmark, and Germany, were not enthusiastic about trade-barriers.[9] Yet, why then was there overall consensus for the reform?

One of the factors identified by the literature on policy dismantling is especially relevant in this case (Bauer et al., 2012, pp. 30–51): political opportunity in the form of constellation of cost and benefits. The Commission found an opportunity for promoting policy change by clarifying which costs and benefits are at stake, thus

increasing awareness to economic rewards of policy change. Member states supported the new regulation because they recognized that the economic gains of expansion are greater than the benefits of dismantling.

Strong advocacy network is another factor. We have pointed to the poor understanding of the costs for the EU economy, largely a result of the 'low politics' of the bioinvasion issue, as one important explanation for the policy change. The environmentalists were able to 'upload' the bioinvasion project to the EU-level based on cost–benefit assessment, reducing the appeal of other policy preferences for dismantling or status quo.

The empirical record also suggests that effectiveness of administrative aspects of coordination was an important factor in the process of policy change. The need for enhanced coordination was highlighted by the Commission in thorough discussions with member states and stakeholders, noting that effort should be made to avoid duplication and unnecessary administrative burden. Against this background, alternative policy frameworks were discussed for addressing the full breadth of administrative tasks (information-sharing, surveillance-monitoring, cross-sectoral capacity-building), and technical assistance for national authorities, making the proposed regulatory model more visually appealing to member states (EC, 2008a; EC, 2013; EP, 2014).[10]

Why did the Commission choose to engage in this new policy despite an overall dismantling 'spirit' that has captured key parts of it, and why did member states choose not to do so? First, achieving economic consensus among member states on trade-environment nexus was crucial to stability in the Single Market. The level of decision makers concern for bioinvasion varied widely between member states, preventing coordinated action. The financial crisis inevitably increased pressure to avoid additional regulatory burden on industry (Shine, 2015).

Second, the risk of violating EU Single Market rules prevented some member states (e.g. Sweden) from adopting domestic procedures. Thus, de-jure Single Market rules turned into de-facto regulatory inactivity, which in turn caused an exponential rise in the cost to national and EU economies. Moreover, mainstreaming bioinvasion policies into other policy areas was regarded within the scope of EU legislation, and several member states were waiting for this before taking actions (European Commission, 2011a).

By contrast, the Commission had some comparative advantages. It enjoyed a wide access to international cooperation efforts, necessary for understanding and addressing the problem in Europe. Moreover, failure to achieve the target of halting biodiversity loss by 2010 provided the Commission with a strong inducement.

Before concluding, it is useful to note changes that have been discerned after the Barroso Commission (Gravey & Jordan, 2019; Knill, Steinebach, & Fernández-i-Marín, 2018). Both papers suggest that the Commission's interest (and DG ENVI's ability) to engage in environmental policy expansion has diminished or tends to exhibit what can be described as 'hypocrisy' in talk, decision and actions. In light of these dynamics it remains to be seen whether the entrepreneurial nature of the Commission, which this case represents, will hold in the long run in monitoring and enforcing activities. ENGOs have an important role to play in ensuring the complete implementation of the regulation in part by opposing dismantling attempts if and when arise.

6. Conclusion

EU environmental policymaking is work in progress, but the pace and scope of its expansion varies across sectors and issue areas. By looking at the accumulated effect of policy preferences of political actors, economic interests, and strategies used, our analysis shows how the constellation of cost and benefits deployed by the Commission and transnational advocacy networks resulted in shifting domestic preferences, and led to EU policy expansion.

The implications of increasing trade liberalization and globalization for exacerbating the bioinvasion problem in member states generated political will to update trade policy. Disintegration between member states in major economic sectors generated functional pressures to enhance cooperation in joint management, necessary for avoiding further costs. Framing bioinvasion as a single market failure (rooted in trade liberalization) created a strong ideational consensus concerning the desirability of ambitious EU-law. Finally, low political salience increased the influence of a transnational force, conservation alliances, which accelerated integration by weighing its costs/benefits to national and EU economy, and providing a model for legislative reform.

Despite these pressures and economic incentives, neither in industry sectors nor in member states has the new regulation been effectively implemented. Unresolved economic tensions may have provoked a political backlash against the reform. Technical impediments such as the construction of the Union list, and lack of funding cause implementation difficulties in some areas (EP, 2015). Member states continue to be eager to retain sovereignty on their economic sectors, and they are well-positioned to do so. Nevertheless, the development of management practices in both the EU and member states is substantial and ongoing, and because it is rooted in consensus achieved on the economic benefits of regulation we predict that implementation will improve with greater funding and technical assistance for national authorities.

The political consequences of the economic crisis are wide-ranging. When the crisis began, there was a general call globally for more green investments, as a potential vehicle for growth. The Commission made the goal of a sustainable Europe a central element of its recovery plan (EC, 2011b). We treat this as an empirical matter and ask whether the crisis actually leads to EU environmental policy expansion or not, and whether the policy process reflects supranational entrepreneurship, or an intergovernmentalist pattern. The bioinvasion case is an exception to both the slowdown, and to the change often depict in the literature in the 'traditional' character of the Commission as environmental policy entrepreneur. Relatedly, this policy expansion increases the power of the international environmental elite in shaping EU's economic policies, stabilizing the general strategic direction of the region's green economy agenda.

It may be argued that environmental policy expansion is a limited phenomenon, affecting mainly 'globalized' policy areas. However, we argue that policy expansion is still in line with 'normal' EU's economic politics, at least with respect to trade-environment nexus. We argue that the crisis can have even more profound effects, encouraging environmental policy change by addressing new economic challenges in which national policies are replaced with cooperative, ambitious ones.

Notes

1. Regulation (EU) No 1143/**2014** of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species. OJ L317/35. 606 votes to 36, 4 abstentions (the 'bioinvasion regulation' or 'regulation').
2. EURACTIV. (2014, August 14). How the Commission 'blocked' key environmental plans [Electronic news]. Retrieved from https://www.euractiv.com/section/science-policymaking/news/how-the-commission-blocked-key-environmental-plans/
3. Defined as the 'cutting, diminution, or removal of existing policy' (Bauer et al., 2012), including reduction in formal intensity, the number of policies in a particular area, or in the number of policy instruments used. The financial crisis has triggered demands to halt and reverse the expansion of EU policies (Gravey & Jordan, 2016).
4. Invasive species are deliberately or unintentionally introduced by human activity to a territory outside their natural habitats, where they establish and spread, causing ecological, economic, and human-health damages (IUCN, 2000).
5. Although a non-binding European Strategy on bioinvasion was adopted under the Bern convention, in line with the Convention on Biological Diversity (CBD) (Council of Europe, 2003).
6. (A) Business as usual. (B) Maximizing use of existing legal instruments. (C) Adapting existing legislation (D) A dedicated law at EU-level.
7. Including (a) International ENGOs, e.g. World Wildlife Fund; (b) Professional networks, e.g. Central and East European Working Group for Biodiversity. This classification also includes the IEEP, a sustainability think tank.
8. EURACTIV. (2013, December 3). Danes lobby to keep mink out of EU's 'invasive species' list [electronic news]. Retrieved from https://www.euractiv.com/section/sustainable-dev/news/danes-lobby-to-keep-mink-out-of-eu-s-invasive-species-list/
9. These findings align with Wurzel, Connelly, and Liefferink (2017) insights on ongoing reluctance of green member states to push for more stringent or ambitious policies.
10. For discussion on administrative challenges of environmental policy coordination, see Jordan, Schout, & Zito, 2004.

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