NEW ENVIRONMENTAL POLICY INSTRUMENTS IN AUSTRIA*

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Paper for the European Consortium for Political Research (ECPR) Joint Session of Workshops, Workshop # 1 The Politics of New Environmental Policy Instruments in Grenoble on April 6-11, 2001

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*The research underpinning this paper was generously funded by the ESRC’s Future Governance Programme (L216252013).
Abstract

Austria has often been described as a leader/pioneer in environmental policy, owing to its strict, end-of-pipe regulation and focus on best available technology. This paper investigates the use of three ‘new’ environmental policy instruments (i.e. voluntary agreements, eco-taxes, and tradable permits - NEPIs)) and shows that there is only little evidence of significant policy innovation. Austrian environmental policy (and the use of NEPIs in particular) is an under-researched area. This paper is mainly based on preliminary empirical findings including interviews undertaken in October 2000 and March 2001. The first three sections discuss Austria’s general policy style, environmental governance system, and environmental regulatory style. Sections four and five assess the use of NEPIs and focus specifically on five policy sectors, i.e. energy, climate, traffic/transport, water management, and waste management. The last section explains the uptake of NEPIs in Austria in the light of three broad models of public policy – these are termed ‘settings dominant’, ‘ideas dominant’, and ‘chaos dominant’.

Austrian policy style

Austrian politics has for long been based on consensus and corporatism (Lehmbruch, 1979). One of its main pillars is the social partnership, which forms part of a wider consociational democracy framework. Another main feature has been the pluralistic parliamentarian/competitive party politics system (Konkurrenzdemokratie) (Pelinka, 1992, 17). Yet, the social partnership has until recently been mirrored by a political-party duopoly, consisting of the Social Democrat Party and the Conservative People’s Party, which governed Austria in form of grand coalitions for most of the last 50 years (Tálos and Karlhofer, 1996, 67).

However, since the 1980s Austria’s traditional type of politics and political culture has been in decline, as global/European competition (first EFTA and later EU membership), a worsening budget deficit, and increasing unemployment presented new challenges. The decline of the two political parties and social partnership’s importance can inter alia be shown by the significant decrease in, first, the electoral vote for the Social Democrats and Conservatives - and the growing importance of parties like the Freedom Party and the Greens - and, second, the number of MPs being also Chamber of Business, Chamber of Labour or Trade Union officials (Pelinka, 1992, 15-16; Tálos and Karlhofer, 1996, 67-68). After the latest national elections in 1999 the Conservatives brought to an end this political party duopoly when entering into a coalition with the Freedom Party, which challenges not only the workings, but also the existence of the social partnership (Chaloupek, 1995, 24-25).

In the course of the 1980s the governing grand coalition parties decided in principle to pursue deregulation and privatisation policies, which implied a break with Austrian post-1945 policy of unconditional rapid economic growth and rising standard of living based on a strong public-private partnership (e.g. state-run industry). The new coalition government continues these policies at a faster pace. As the Financial Times point out:

_The new coalition is more like a catalyst. It has an agenda which is an Austrian version of Thatcherism. The trends –privatisation, debt reduction etc- had already begun under previous SPO-led coalitions. Hence, the changes are not a political reversal but an increase in speed. The new government’s impact is much more dramatic when it comes to_
the political culture. Austria’s famous social partnership is almost history - the coalition fights openly with the chamber system and more or less ignores organised labour. The consensus politics [...] is in decline. (Financial Times, 07/12/2000)

Austrian environmental governance system

The recent change in government has not resulted in consensus seeking and corporatism being entirely obsolete in Austrian politics. At least formally all social partners are still represented in major committees, such as the inter-ministerial committee on climate policy. However, there are also quite a number of influential non-social partnership-based working groups where only government and business/industry actors are involved (interviews, October 2000, March 2001). In view of the (past) role of Austrian corporatism (including recent developments) the corporatist policy community approach is used to explain the main features of the Austrian environmental policy style. It is employed to both identify environmental policy actors and try and explain policy-making outcomes. The corporatist policy community approach relates to the policy network typology suggested by Marsh and Rhodes (1992). It suggests that in a corporatist policy community, which is based at the meso-level of individual policy fields, “a few privileged interest groups exist and co-operate with the state in public policy-making” (Falkner et al, 1999, 497-498; see also Falkner, 1998). Falkner and colleagues use this approach for both the domestic and EU policy context. This author will mainly focus on the domestic environmental policy level, although the issue of ‘Europeanisation’ of NEPIs (i.e. policy convergence, diffusion, and transfer) will also be addressed.

Core environmental policy structure/institutions

In Austrian environmental policy-making one has to distinguish between, on the one hand, a general and rather broad policy community/network encompassing all those who show an interest in the policy area and, on the other hand, an exclusive (corporatist) policy community/network consisting of only a few actors (Falkner et al, 1999, 506). These few crucial actors differ from each other, however, as regards the extent/scope of influence and/or competencies

Governmental actors

The distribution of environmental responsibility/competencies is determined by the constitution. As a result of Austria being a federation a number of issues fall under the jurisdiction of the Länder (e.g. nature conservation, wildlife, construction, heating systems, non-hazardous waste management). Other issues (e.g. forestry, motor vehicles, climate protection) are co-responsibilities of the Länder and the federal government. The greatest part of environmental responsibility rests solely with the federal government. These competencies are, however, distributed between several ministries. The ministry of environment has only few exclusive responsibilities (e.g. hazardous waste management, air pollution, chemicals). Crucially, the ministry of economic affairs’ competencies include industry, energy, and road construction; the ones of the finance ministry everything related to fiscal/financial measures; the ones of agriculture include water management; and the ones of public industry and transport include traffic (OECD, 1995, 23-25; Steiner and Trattnigg, 1998, 141).
The ministry of environment was first established in 1972 in form of the federal ministry of health and environment (Bundesministerium für Gesundheit und Umwelt-BMGU). It was understaffed and lacked real competencies for almost two decades. Other federal ministries, as well as the Länder, rejected the idea of sharing and/or handing over competencies. It was only in the late 1980s that the re-named federal ministry of environment, youth and family (Bundesministerium für Umwelt, Jugend und Familie-BMUJF) was given a weightier role through more personnel, real competencies and –in form of the in 1985 established federal environment agency (Umweltbundesamt-UBA)– a credible advisory body. Within the BMUJF it became an independent ministry in 1995. The establishment of more/real competencies was made possible inter alia through a constitutional amendment in 1988. (Lauber, 1997a, 608-609, 612). Four years earlier the notion of environment was included into the constitution; i.e. environmental protection was declared universal “through a provision which is somewhat in between a fundamental right and a statement of public policy” (Schmelz and Brandl, 1996b, 5; see also OECD, 1995, 23).

As a result of the recent change in government the environment ministry was merged with the former federal ministry of agriculture, forestry and water management. The establishment of the new federal ministry of agriculture, forestry, environment and water management (Bundesministerium für Landwirtschaft, Forstwirtschaft, Umwelt und Wasserwirtschaft-BMLFUW) has been criticised, especially by environmental NGOs and the Greens, but also the Social Democratsii, as strongly undermining the Environment Ministry’s role and competencies and environmental protection in general,iii particularly with regard to the agriculture-water pollution problematique (EWE, 18.03.2000; ENDS Daily, 07.03.2000). The Greens rejected even more strongly recent plans by the new environment minister Molterer, who was agriculture minister under the previous grand coalition government, to further merge the three environment-related ministry sections with the agriculture and forestry sections (Die Grünen, 09.02.2001).

Austria is described in the academic literature as a European example/forerunner/pioneer with regard to the late 1980s and early 1990s (e.g. end-of-pipe approach-see below), but recent interviews with a variety of environmental policy actors and members from the scientific community revealed that they thought that Austria had clearly lost this position and role during the 1990s, and that the importance of domestic environmental policy in general, as well as the role and influence of the environment ministry, have since then been in slow but steady decline. Indeed, the aforementioned merger of ministries perfectly mirrors the current government parties’ lack of priority given to environmental policy (interviews October 2000, March 2001). In a report for Global 2000, the Austrian arm of WWF, a German think tank described the environment chapter of the new government’s coalition programme as “‘less substantial” than many others, […] “programmatically empty”, and […] “without influence” on the rest of the chapters” (ENDS Daily, 31.07.2000).

Until 2000 the federal environment was a subordinate agency and directly responsible to the environment ministry. In early 2000 the environment agency was officially turned into something of a ‘research company ltd.’ (GmbH). Even though it is no longer a subordinate agency and directly responsible as such to the environment ministry it continues to rely, however, on government funding. It remains largely a scientific, data collecting and advisory
body for the government and the environment ministry in particular. Neither before nor after this recent change the environment agency has been a very influential policy actor, at least when compared with agencies in other countries, such as Germany. It does not intervene prominently in the environmental policy/decision-making process.

**Non-governmental actors: NGOs**

Environmental issues, such as radiation from nuclear power plants and *Waldsterben*, conquered the public/political agenda in the late 1970s and early 1980s. Two major conflicts regarding the electricity production sector (i.e. the nuclear power plant at Zwentendorf – defeated by a referendum in 1978, and the hydraulic dam project at Hainburg – postponed indefinitely in the mid-1980s) were crucial to the further development of environmental politics and policy-making. Environmental NGOs like Greenpeace and WWF, but also citizen action groups, experienced growing support, and in 1986 the Greens entered for the first time the federal parliament. The Social Democrats and Conservatives responded to the public protests through developing own environmental policy concepts. Organised labour and business/industry, who were arguably the main sufferers from the challenge to the dominant growth paradigm and economy vs. environment dichotomy (see below), also reacted, mainly through creating environmental policy sections within their organisations (OECD, 1995, 104; Lauber, 1997a, 610-613). Although often being able to contribute (together with the Green Party) significantly to public discussions and agenda setting, environmental NGOs have not managed to develop into influential actors regarding environmental policy-making and in this context remain largely sidelined. This also holds true despite the ministry of environment having started in the early 1990s to consult NGOs at early decision-making stages (Steiner and Trattnigg, 1998, 148; interviews, October 2000). It was also in the early 1990s that the idea was born to establish a Chamber of Environment and thus institutionalise the consultation of NGOs. However, the establishment of such a additional chamber did not get off the ground due to widespread doubts and has not been an issue ever since (Lauber, 1997a, 614-615).

**Non-governmental actors: business and labour**

The Chamber of Business (Wirtschaftskammer Österreich-WKÖ) is the only social partnership actor (i.e. interest group level) that is at the core of the environmental policy community (Falkner *et al*, 1999, 506; interviews, October 2000). Another important interest group, which is not part of the official social partnership, but has managed to be represented together with the social partners in most industry-environment related committees and working groups is the Association of Industrialists (Industriellenvereinigung-IV). In this respect the business/industry part of the core environmental policy community has become slightly more pluralistic. In environmental legislation, specifically with regard to environmental decrees, the other social partners, that is the trade union federation (Österreichischer Gwerkschaftsbund-ÖGB) and the Chamber of Labour (Arbeiterkammer-AK) increasingly play a much less significant role. Indeed, environmental laws and decrees are normally prepared by experts from the ministry or ministries involved in close co-operation with business and industry sector (Lauber, 1997a, 507, 1997b, 95; interviews, October 2000). This relates to the fact that environmental policy-making has always followed a pattern different (i.e. less corporatist, that is either tripartite (state-labour-employers) or bipartite
(labour-employers) from other policy fields, such as social-economic policy; no real negotiating takes place, but the interest groups lobby for their specific interests (Steiner and Trattnigg, 1998, 144-145; Falkner et al, 1999, 507).

Recent empirical findings in form of interviews seem to make necessary to amend/take further Falkner and colleagues’ conclusion that the environmental policy network has “maintained those characteristics which account for […] [its] classification as [a] corporatist policy community”, in the sense that it has become an ever-more exclusive policy community, in which only one social partnership actor has remained a successful lobbyist and policy-making influence (Falkner et al, 1999, 509). In terms of policy networks one might also conclude that recent developments in the Austrian (corporatist) policy community have brought to the fore some characteristics that relate to the issue network perspective, namely interaction, first, being based less on consensus and negotiation (between the social partners and, subsequently, between the partners and the government agencies) and more on consultation (and co-operation) between business/industry and government agencies, second, a slight change towards the pluralistic spectrum through the increasing involvement such as the Association of Industrialist and, to some extent, the Confederation of Austrian Electric Utilities (Verband der Elektrizitätsunternehmen Österreichs-VEÖ) and, third, revealing and underscoring unequal powers of the actors, which leads to the strong undermining of the previous (at least partial) positive-sum game (Marsh, 1998, 14-16; Falkner et al, 1999, 497; interviews, March 2001).iv

The role of the ministries is still much more significant than that of all interest groups. Here the ministry of economic affairs plays the key role; it is the most influential actor in the environmental policy community (Steiner and Trattnigg, 1998, 614; Falkner et al, 1999, 506; interviews, 2000). Regarding fiscal measures and finances in general (e.g. taxes, tradable permits) the ministry of finance is a crucial/the dominant actor (interviews, October 2000, March 2001). In terms of its official exclusive and shared competencies the environment ministry must be judged as a key actor, too. In view of the fact that the ministry of agriculture has been very influential with regard to certain environmental policy areas (e.g. water) and now is the dominant ministry within the BMLFUW there may well be the need for a (partial) re-assessment.

Links between government actors and non-governmental actors

It is important to mention that political parties other than government parties are located at the periphery of the environmental policy community. This applies (therefore) also to the national parliament. The Greens, though, have become very important stimulators of and contributors to political debates (Falkner et al, 1999, 507).vi The role of government parties and particularly the Conservatives, though, is an extremely crucial factor with regard to the relationships between the different ministries and between ministries and interest groups. The Conservatives are dominant in the Chamber of Business and have long held the ministries of environment, economic affairs, and agriculture (Lauber, 1997b, 95). According to one environment ministry official the Social Democrats never developed a clear party strategy/perspective regarding environmental policy, as they were never interested and able to hold the post of environment minister (interviews, March 2001). In the new coalition government the posts of the minister of economic affairs and minister of agriculture and environment are also held by the Conservatives. Apart from the dominant business (logic/philosophy) influence, another result of this multi-ministry ‘monopoly’ is the fact
that the Conservatives ‘alone’ are confronted with inter-ministry conflicts regarding competencies and policy objectives. (Steiner and Trattnigg, 1998, 150-151).

**Status quo and progressive actors and the dominance of the economic paradigm**

The ministry of environment generally is viewed as aiming at strengthening environmental policy-making and the increase of environmental protection and thus described as a progressive actor. Progressive actors are also the Greens, environmental NGOs and, increasingly since the late 1980s, the Chamber of Labour. The ministries of economic affairs and agriculture, the Chamber of Business, the Association of Industrialists (though much more progressive than the Chamber of Business), and the Social Democrats and Conservatives are identified as status quo orientated actors (i.e. trying to prevent the increase of scope of environmental policy and the introduction of more stringent measures) (Steiner and Trattnig, 1998, 140-150; Falkner et al, 1999, 508; Lauber, 1997b, 91; interviews, October 2000, March 2001).

The Freedom Party must also be described as a status quo orientated policy actor (interviews, 2000).

Related to this inter-ministerial differentiation and conflicts in terms of competencies and policy objectives is the issue of the dominance of the economic paradigm. Steurer suggests that these competencies and policy objective related conflict should be seen against the background of this paradigm. Whereas the environment ministry is described as generally postmaterialistic the ministries of economic and affairs, being the more powerful and influential ones, are considered to be focusing on the traditional economic paradigm (Steurer, 1999, 11-12). Lauber argues that the established parties (as well as the Chamber of Labour) dropped the traditional economy versus environment view in between the mid-1980s and early 1990s (i.e. in the wake and aftermath of the environmental protests and conflicts between the late 1970s and mid-1980s) (Lauber, 1997a, 612). It was in this period that Austria became an example in terms of stringent and successful policy measures for environmental protection (see below). The traditional economy-environment dichotomy and economic paradigm re-emerged significantly in the second half of the 1990s when Austrian politics, economy and society were confronted with growing budgetary deficits and increased competition (e.g. EU, Eastern Europe) (Lauber, 1997a, 615), and has remained dominant to date (interviews, October 2000).

**Austrian environmental regulatory style**

The second half of the 1980s and up to 1992 was certainly the busiest and most impressive period in environmental policy-making (i.e. in form of a comprehensive system of environmental laws), which turned Austria (for a certain period of time) in a European success story and example/pioneer regarding environmental protection (OECD, 1995, 158; Brandl and Schmelz, 1996, 84; Lauber, 1997a, 613; Lauber, 1997b; Andersen and Liefferink, 1997; Liefferink and Andersen, 1998; interviews 2000). The government, in view of the referendum on EU membership, promised the population repeatedly to protect/defend Austrian environmental standards and to maintain the country’s pioneering role (Nohel, 1996, 269). Apart from the law on catalytic converters (1985), which the government believed would soon afterwards be followed by similar EC regulation, it was especially the 1988 clean air act and the 1992 ozone act that stood out. Water and waste management also saw several revisions/improvements. No large-scale environmental laws/measures were adopted/taken until the 1980s; instead, regulation
took place in form of scattered/punctual measures. The first significant environmental laws were adopted in the first half of the 1980s, such as the act on steam boiler emissions (1980), which for the first time introduced the precautionary principle, and the law on detergents (1984), which was the first law to be under the jurisdiction of the health and environment ministry (Lauber, 1997a, 608-611).

Up to the early 1990s Austrian environmental regulation continued to consist of special laws and punctual regulatory measures. More comprehensive and integrationist measures have been taken in the first half of the 1990s, some of which under the influence of EU environmental policy measures and membership (e.g. national environmental plan-1992; environment information act-1993; environmental impact assessment act-1993; eco-audit scheme-1995) (Lauber, 1997b, 85). Yet, even to date there is no single code of environmental law (OECD, 1995, 90; Brandl and Schmelz, 1996, 84). As becomes partially clear from the just listed laws the 1990s saw a new generation of laws making inroads into established environmental policy-making, that is in form of the instrument of information, which clearly shows the influence of the EU level. These laws were new, as they did not set down technical standards (Lauber, 1997b, 84).

Indeed, the main emphasis in Austrian environmental policy has been the use of a strong command and control regulatory system, focusing on end-of-pipe standards/permits and best available technology (BAT). (OECD, 1995, 90, 158; Glatz, 1995, 2-4; NUP, 1996, 27). Environmental-related permits must be obtained from various levels of government (i.e. also provinces and municipalities) and fall under the laws of the different sectors/areas. The licensing procedure has often been seen by business and industry as long and costly process. However, industry and business do not in principle reject regulation, particularly not when combined with fiscal incentives (OECD, 1995, 90). Indeed, despite complaining in general about a perceived over-regulation these sectors continue to demand these traditional regulatory measures in individual cases and (often) reject an increase in own responsibility (Glatz, 1995, 5-6). In general one has to conclude that deregulation in environmental policy has not been successful/far-reaching (Lauber, 1997b, 84). High emission standards and BAT have stimulated the domestic proliferation of pollution abatement technology and made this industry sector a supporter of strict regulation (Brandl and Schmelz, 1996, 85; Lauber, 1997b, 93).

Importantly, apart from command and control measures, environmental policy-making has made very extensive use of subsidies, mostly in relation to end-of-pipe and BAT technology (OECD, 1995, 93, 96; Lauber, 1997b, 84; Kok and Steurer, 1998, 12-13, 75). Indeed, government subsidies in form of environmental investments have a long tradition in Austria. To date there are several, general subsidy/investment funds, such as the water management fund (established 1959), the environment fund (i.e. clean air management-1983), the contaminated site remediation fund (i.e. waste management-1989), and the ecological energy fund (1997) (Glatz, 1995, 12-14; BMUJF, 1998b, 43-44). Subsidies can be described as a consensus orientated instrument par excellence (i.e. mirroring the fundamental basis of the social partnership); it does not ‘hurt’ anyone and thus can(has been relied on very easily (interviews; March 2001). However, the environment ministry has recognised the often negative effects subsidies have on the environment and has recently commissioned a study to assess these effects in relation to the energy, transport/traffic, and agriculture sectors. One ministry official stressed that this study for
obvious reasons does touch very sensitive political issues and that, therefore, it would not be possible to predict whether the study would eventually be published (interviews, March 2001).

According to the OECD the reliance on and success of regulatory instruments has been linked to the social partnership, that is discussions and dialogue between the government and the social partners before their adoption (OECD, 1995, 90, 158). Despite also acknowledging that the tradition of the social partnership has not yet been fully used in the field of environment its report suggests that co-operation on the NUP could strengthen its role more generally with regard to moving Austria towards sustainable development (including the use of NEPIs as a means to that goal) (OECD, 1995, 96-97). As mentioned above and also further discussed below, though, the social partnership has indeed never worked in its traditional form in the environmental policy field/community and has been further undermined since the second half of the 1990s in form of an ever more disproportionately strong influence on policy-making from the industry/business sector, specifically the Chamber of Business.

**New instruments in environmental policy-making**

The introduction of more comprehensive and integrationist measures from the early 1990 onward has been mentioned briefly before. The federal governments’ national environmental plan (Nationaler Umweltplan-NUP), in the context of which the environment ministry looked very closely to the Netherlands, is in itself a new instrument in Austrian environmental policy-making, as it introduces long-term planning (Glatz, 1995, 22-24; OECD, 1995, 83-84; Lauber, 1997b, 85). Despite the fact that it was welcomed as an ambitious plan, one major criticism focused on the failure to set detailed targets (EWWE, 6 September 1996). Additionally, the NUP is not binding. It was considered important with regard to it identifying shortcomings of the established regulatory system. It criticises the economic and environmental inefficiency, lack of flexibility, and absence of real stimulation/incentives for technical progress and overachievement of minimum standards resulting from command and control measures. In order to change environmentally unfriendly behaviour and distribute responsibility efficiently across all societal areas a broad spectrum of instruments are necessary, the NUP concludes. This is considered possible only in form of (flexible) instrument mixes. Apart from command and control the NUP suggests the use of market-based instruments, financial incentives, flanking measures like research and information, and process orientated instruments (NUP, 1996, 27-28).

**Voluntary agreements**

The NUP considers voluntary agreements a ‘new’ tool, whereas in other assessments of Austrian environmental policy instruments they are regarded as belonging to the broad, classic policy tool kit (i.e. command and control), which also includes subsidies and information devices, all representing punctual instruments (NUP, 1996, 28; Kok and Steurer, 1998, 12-13). To date there are roughly 30 negotiated voluntary agreements and unilateral industry self-commitments. The great majority of these agreements and commitments cover the waste management sector (i.e. collecting, recycling) (Lauber, 1997a, 617; WKÖ, 1999). This mirrors the general EU member state development, as most voluntary agreements in have been concludes/announced in this sector (EEA, 1997). So far there are no self-commitments or voluntary agreements in the energy
sector, which contrasts starkly with the situation in, for example, Germany and especially in the Netherlands, the leading countries concerning the overall number of voluntary agreements and self-commitments. By the time the OECD urged a greater use of voluntary agreements in its 1995 report on Austria most self-commitments and voluntary agreements had already in place (OECD, 1995, 95-99). The earliest official self-commitment/voluntary agreement dates from 1986 (EEA, 1997). However, unilateral industry commitments regarding paper and glass collection/recycling were in place already in the late 1970s and early 1980s (interviews, March 2001).

Voluntary agreements and self-commitments are usually non-binding and lack enforceability/sanctions. This is due to the federal constitution (paragraph 218) preventing the link between voluntary action and enforcement/sanctions involving the executive/state (interviews, March 2001). Due to the absence enforceability/sanctions environmental NGOs and the Chamber of Labour have been very skeptical/critical if not opposed to the use of voluntary agreements. These actors also heavily criticise the lack of transparency and exclusion of third parties regarding the negotiations, but also the content and publication of voluntary agreements (Glatz, 1995, 18-19; interviews, October 2000, March, 2001). Indeed, the low adoption rate of voluntary agreements at the EU level is explained by inter alia the lack of transparency and legitimacy (CEC, 1996, 19; Mol et al, 2000, 121). Despite the environment ministry having negotiated such agreements (sometimes as only government actor, sometimes together with the ministry of economic affairs) there appears to exist no official environment ministry list of voluntary agreements. A ministry official stated that this fact would mirror to some extent the ministry’s lack of enthusiasm concerning the use of such instruments. In the ministry of economic affairs such a list does exist, but it only contains voluntary agreements negotiated under its lead. One does not seem to be aware of what the environment ministry has done in that respect (interviews, March 2001).

The business/industry sector clearly is the driving force behind the use of voluntary agreements. This instrument is primarily seen as a means to prevent threatening additional environmental regulation, as well as eco-taxes, in a country, which is perceived by all environmental policy actors to be strongly regulated or even over-regulated (WKÖ, 1999; interviews, October 2000, March 2001). The ministry of economic affairs supports the use of voluntary agreements. It sees itself as a moderniser (i.e. more flexibility and deregulation) vis-à-vis the environment ministry, which it considers to be still too attached to traditional command and control. This flexibility and deregulation drive in the environment area is not, though, mirrored by similar approaches to other policy fields (interviews, March 2001).

Apart from the fact that the business/industry sector and the ministry of economic affairs think along similar lines, views and actions by core persons within core institutions matter significantly, too. An interviewee from the Chamber of Business stresses that the WKÖ’s current president Leitl and minister of economic affairs Bartenstein (i.e. former minister of the environment) enjoy a close relationship, which was a core factor in recently proposed and negotiated voluntary agreements (e.g. in relation the new packaging target decree, see below) (interviews, March 2001). The ministry of environment is rather skeptical regarding the use of voluntary agreements, specifically due to the absence of enforceability/sanctions. As a result of current political difficulties regarding a wider and stricter use of environmental taxes, as well as
the realisation that in general command and control has reached its limits, the resort to voluntary agreements is not rejected in principle (interviews, October 2000, March 2001). Due to the fact that under the new government the social partnership has been waning and (thus) business/industry lobbying and complaints regarding stringent (over)regulation are being heard more loudly and listened to more easily it can be assumed that voluntary agreements and self-commitments will become a more common feature in Austrian environmental policy in the future.

The environment ministry (together with other ministries and the business/industry sector) currently takes part in working groups on the Austrian government’s new climate strategy (see below) where voluntary agreements also are part of the discussions (interviews, March 2001). In this context (climate strategy) all involved actors, if to different degrees, look abroad, particularly Germany, and the way its recent climate strategy resulted from public-private discussions and negotiations and is based on CO2 emission reduction commitments by German industry. Also, the Austrian energy agency (Energieverwertungsagentur-EVA) has been involved in EU SAVE project on improving long term agreements regarding energy efficiency in Austria, Italy, and Norway for several years. One of the declared main aims is the identification of strengths and weaknesses of such agreements in the Netherlands, Germany, Finland, Sweden, and the UK (EVA, 1999).

Most core actors in the environmental policy community, to some extent with the exception of the environment ministry, do not consciously and actively look abroad with regard to the use of voluntary agreements and try and learn from foreign experiences and conclusions. The national/traditional way of approaching/using voluntary agreements and self-commitments (i.e. politico-institutional setting) is considered to be successful and/or limited by the constitutional setting. Generally, most actors tend to be skeptical about the possibility of policy transfer, specifically in form of 1:1 models, and prefer talking about/view policy transfer, apart from domestic learning-by-doing, in a more vague form, i.e. borrowing ideas, exchanging information, and learning from experiences abroad and trying to fit them, if possible, into the national politico-institutional context. Indeed, much interview-based empirical evidence suggests that policy learning (regarding NEPIs in general) often is consciously guided/controlled in form of a pick-and-chose approach. (interviews, October 2000, March, 2001).

**Eco-taxes**

In 1995 the OECD called for an increased use of market-based instruments, especially as the good Austrian regulatory system could be easily complemented by such instruments. It urged the promotion of fiscal reform (to lower labour costs and correct/tax environmental “bads”, as well as a greater use of voluntary agreements (OECD, 1995, 95-99). Focusing generally on the business and industry sector the NUP suggests that in view of and harmony with the EU’s 5th EAP sustainability should be aimed at through expanding the spectrum of environmental policy instruments and using the broadest possible instrument mix, i.e. both traditional regulatory and ‘new’ measures/tools. More generally it proposes that the strategy for reaching sustainability (e.g. the internalisation of costs) should preferably be developed and pursued in harmony with Austria’s European and OECD partners; however, in case of lack of harmony Austria should make use of all its national possibilities to achieve this objective. According to the NUP the
reduction of use of non-renewable resources and internalisation of environmental costs can be best approached by means of ecological tax reform, that is lowering labour costs and creating more jobs and making resource use more expensive (NUP, 1996, 28, 150, 166-167). Environmental charges and taxes and specifically ecological tax reform so far have played only a marginal role in Austrian environmental policy-making (Glatz, 1995, 7; interviews, October 2000; March 2001). They were and still are employed almost exclusively for fiscal reasons and thus only (re)named eco-taxes (see below). To date Austria has used eco-taxes and charges mainly in the transport/traffic sector. To a lesser degree they are also found in the energy and waste management sectors.

Ecological tax reform as an issue has been around for more than one and a half decades. It is fair to state that by the end of the 1990s a massive gap has grown between scientific findings (i.e. proposals) on the one hand and real policy-making (i.e. measures) on the other hand. Indeed, the renown Austrian Institute for Economic Research has shown in studies on energy taxation that this could be done at the domestic level with positive effects on employment, budget, and economy, and that therefore research into this subject could be terminated and the ‘discussion’ comfortably and finally be handed back to the political level (BMJUF, 1995; NUP, 1996, 150; Kratena, 1998; Kok and Steurer, 1998, 57-58; AK, 1998, 20; Steurer, 1999, 14; interviews, 2000).

In 1995 the political parties in Austria dealt with ecological tax reform in quite some detail, but the discussions were overshadowed and eventually silenced by the budget deficit crisis. The Conservatives left the coalition government and the energy tax proposal, tabled by the social partners, disappeared from the political agenda (Ritt, 1996, 2; Lauber, 1997b, 85). Ecological tax reform, however, resurfaced prominently especially in 1997/98 when the government established a commission on tax reform, which was explicitly meant to discuss environmental issues. Two alternative ecological tax reform models were eventually proposed. The Greens, as well as to some extent the Chamber of Labour, were more active than the other political parties, social partners and ministries and tabled several, differing reform proposals. The environment ministry was only invited as an expert and NGOs were kept outside. After roughly one and a half years of discussions and negotiations, however, both Chancellor Klima (Social Democrats) and Vice-Chancellor Schüssel (Conservatives-now/new chancellor) decided to kill off the discussions. Since then ecological tax reform has been a non-issue at the political level with the environment ministry having major difficulties/facing objections in terms of even raising the issue again (interviews, October 2000, March 2001). The new environment minister Molterer confirmed that at least for the coming two years no plans regarding ecological tax reform would be made (Global 2000, 2000a; interviews, March 2001).

In the early 1990s core and peripheral policy community actors were aware of and followed progress on eco-taxation in the Netherlands and Scandinavian countries, which affected domestic discussions until EU membership and budget crisis in 1995 mainly in terms of progressive actors arguing that Austria was lagging behind and that foreign evidence would show that eco-taxes could be used (successfully). Policy learning in that respect took place, but did not reach the decision-making level. All environmental community actors agree that recent eco-tax/ ecological tax reform developments in neighbouring Germany and Switzerland have had basically no effect on the policy/decision-making level due to the issue currently being a non-issue. Energy and
vehicle taxes are extremely sensitive issues even if/when only in form of fiscal/budgetary measures. It can be suggested that true environmental taxes and tax reform as employed in other EU member states do not reach the dominant status quo orientated core actors, because the traditional economy focus and the fiscal approach to ‘co-taxes’ prevail (interviews, October 2000, March 2001).

The Greens and environmental NGOs, as well as the Chamber of Labour, both peripheral/increasingly sidelined environmental policy community actors, are the only active supporters of ecological tax reform in general and, particularly, the raising of energy taxes at present. They all generally emphasise the fact that both could/should be done unilaterally, a view also held by environment ministry officials below the ministerial level (Ritt, 1996, 84-105; AK, 1998, 14-17; Die Grünen, 18.09.2000, 2000 a/b; interviews, 2000). Both the ministry of economic affairs and the ministry of finance, indeed, the government as a whole, as well as the business and industry sector (especially the Chamber of Business, but also the Association of Industrialists), have officially argued from 1995 onward that proper/higher energy taxation represents an issue that can only be dealt with at the EU level and/or (preferably) OECD level (Ritt, 1996, 82-105; Kok and Steurer, 1998, 58; interviews, 2000). Thus all Austrian environmental policy community core actors have continued to rely on the traditional economy versus environment paradigm in the sense that they argue that unilateral national action would be harmful to economy and society in several respects. These factually wrong understandings and prejudices are brought onto and/or at least reinforced at the government/politics level through strong and successful lobbying (Steurer, 1999, 14), which, in itself, has become much more unbalanced/unequal since the (further) weakening of the social partnership.

Tradable permits

In the wake of the Kyoto process and protocol tradable permits have received much attention at both the EU and Austrian policy-making level. Pilot projects have recently been started or are about to being undertaken in several EU member states, a move that is encouraged by the European Commission (CEC, 2000, 4). To date tradable permit systems are not being employed in Austrian environmental policy-making. The NUP lists emission trading with regard to the energy sector as a possible, very flexible instrument and refers to positive experiences made in other countries (NUP, 1996, 122). In the mid-1990s the idea of a national emission trading system still met with considerable criticism and skepticism from the inter-ministerial committee on climate policy (Kok and Steurer, 1998, 59). It must be noted, though that until very recently most core and peripheral environmental policy community actors had very little expertise regarding tradable permits (interviews, 2000). All environmental policy community actors now seem to agree that this will change soon due to, first, the crucial impact of the Kyoto protocol and the EU’s 2000 green paper on emission trading (CEC, 2000), without which the political debate and envisaged instrument use would not have come about, and, second, the clear realisation that Austria is increasingly off course in terms of its Kyoto CO2 emission reduction commitment (interviews, October 2000, March 2001). To date there is only one remotely related example of a careful ‘economisation’ of command and control regulation, namely in form of a restricted bubble solution as part of the Clean Air Act (Glatz, 1995, 5). Also, the recently adopted law on the liberalization of the national electricity market (Elektrizitäts-
Wirtschaftsordnungs-Gesetz) envisages a combined tradable permits-quota system in relation to electricity produced by small hydropower stations (Kleinwasserkraft).

In mid-2000 the Austrian Institute for Economic Research produced a first study on a national emission trading system for the environment ministry. The study, a response to the Kyoto protocol (i.e. Austria’s commitment to reduce greenhouse gases by 13 per cent on the basis of 1990 emissions in the period 2008-2012), discusses rather extensively experiences in other countries. It intended to be the basis for further, more concrete discussions (Kletzan et al, 2000). Indeed, very recently the ministry of environment has initiated the establishment of a working group where discussions between the ministries of environment and economic affairs and the Chamber of Business center on the possibility/idea of employing a voluntary agreement-emission trading policy mix to the energy sector and thus dealing with the issue of CO2 emission reduction. It has also commissioned another Austrian Institute of Economic Research study on the establishment of a national emission trading system with the focus on experiences abroad and a high implementation potential (interviews, March 2001).

The business/industry sector and especially the environment ministry are keen to learn from experiences abroad, precisely because there are no domestic experiences. However, especially the environment ministry does not want to ‘learn’ from abroad at all costs (i.e. especially 1:1 policy transfer). This implies that one searches for specific foreign experiences that match at least to some degree already existing views and objectives (e.g. clear and strict targets). It regrets, for example, the to date absence of EU foreign experiences concerning the auctioning of tradable permits. Generally, the environment ministry stresses the pick-and-choose approach regarding NEPIs related policy learning; while looking abroad, especially the Netherlands concerning the use of the Kyoto flexible mechanisms and Denmark regarding the clear-target approach to the national tradable permit system eco-taxes in form of the Dutch or Danish energy tax or the British climate levy are largely ignored. Also, the environment ministry’s view on a future EU tradable permit system having to adjust to/incorporate the different national experiences and preferences is also in opposition to policy transfer between individual member states and between the EU and member states (i.e. top down) taking place in form of a 1:1 model. The rather ‘progressive’ Association of Industrialist, which represents the big companies/potential CO2 traders and which is principally more in favour of a national system than the more conservative Chamber of Business, looks especially to experiences in the United States and consults US research institutes on that issue (interviews, March 2001).

At present the environment ministry is the main actor and driving force regarding tradable permits, as well as –together with the business/industry sector and ministries of economic affairs and finance- joint implementation and clean development mechanisms. The use of the Kyoto/flexible mechanisms was originally proposed by the business/industry sector and is supported, as well as the sector’s preferences, by the ministry of economic affairs. Due to the environment ministry aiming at the inclusion of all sectors and as many companies as possible and demanding clear and strict targets and caps the business/industry sector has become more cautious and skeptical. Indeed, despite environmental NGOs being a peripheral policy actor business/industry representatives deplore a perceived NGO influence via the environment ministry although no official consultation has taken place so far. Generally, environmental NGOs are very critical of the introduction of flexible instruments, such as tradable permits, as they fear
such instruments could undermine the stricter and additional use of environmental taxes. Similarly, the environment ministry views eco-taxes and indeed ecological tax reform as essential to reaching Austria’s Kyoto commitment, but also holds the view that the combination of a framework in form of strict voluntary agreement topped by an equally strict tradable emissions system may well have similar effects to more stringent/additional environmental taxes. It also sees the possibility of combining a tradable emissions system and eco-taxes (with the possibility of tax reductions/exemptions). The ministry of finance originally also supported a national emission trading system, but has started to backtrack when realising the potential costs. It continues to support the use the remaining Kyoto mechanisms on the basis of least cost involvement (interviews, March 2001).

**New environmental policy instruments in different policy sectors**

*Energy*

The energy-sector-related environmental policy community mirrors the general environmental one. Enevoldsen (2000, 80-82) describes it as an core network close to the policy community type (according to Marsh and Rhodes, 1992 – see above), mainly consisting of the ministry of economic affairs, the Chamber of Business, the Association of Industrialists, and the Austrian Association of Energy Consumers, with the environment ministry (and the Chamber of Labour) being sidelined and NGOs being without any influence. The energy-sector-related policy community’s policy focus is mainly if not purely economic, that is focusing on energy efficiency in terms of lowering costs rather than protecting the environment. This also relates to the fact that the industry’s rather low share of Austrian energy consumption plus falling CO2 emissions in this sector is perceived as implying the absence of a serious environmental/CO2 problem (Enevoldsen, 79-80).

*econo-taxes*

Energy production and consumption in Austria have to be viewed against the background of, first, Austria being a non-nuclear power and, second, around 70 per cent of the energy consumed being produced from hydropower and renewable energies (interviews, March 2001). As mentioned before the NUP proposes to tax non-renewable resources. Against the background of Austria’s Toronto target (i.e. 20 per cent CO2 emission reduction over the period 1985-2005) the OECD also recommended an increased use in economic instruments in form of taxes and charges, particularly the introduction of an energy tax or CO2 tax, but also voluntary agreements and regulation (OECD, 1995, 163-164). As for the number and type of energy related taxes, the 1980 special tax on fossil fuel expired in 1996 and the 1991 mineral oils tax was raised in 1994 and 1995 by between 50 and 150 per cent. 1996 saw the introduction of an energy tax on electricity and natural gas the main burden of which is on households rather than industry. These were introduced after the discussion regarding ecological tax reform had collapsed together with the governing coalition in 1995. In 2000 the tax on electricity, but not on gas, was increased. How little has remained of the idea of ecological tax reform becomes clear when considering that these new taxes are based on fiscal/budgetary motivations rather than environmental ones (interviews, October 2000, March 2001; Enevoldsen, 2000, 67). This matches, though, previous
developments where already existing fiscal measures originally having served other purposes are now re-named eco-taxes (Lauber, 1997b, 85).

Economic instruments in form of taxes and charges play only a very little role compared to the extensive use of subsidies and informational devices, a very traditional and fairly established policy instrument respectively. Indeed, with regard to the promotion of energy efficiency and renewable energy (which covers one quarter of the domestic energy use), subsidies have long been used (at both the federal and provincial level), whereas informational tools, especially energy audits (370 in number) and consultancy, have increasingly been applied since the 1980s (OECD, 1995, 93, 108-109; Enevoldsen, 2000, 65-66). Yet, it must also be noted that compared to, for example, the Netherlands the total number of energy-related subsidies (also including CO2 reductions) are fairly low, also indicating the weak interest of the industry sector in the CO2/environment issue (Enevoldsen, 2000, 66). The facts that the energy-related environmental policy community shares the economic policy focus/traditional economic paradigm, and its actors mutually depend on each other (i.e. business/industry on subsidies and the ministry of affairs on maintaining good relations with the business and industry organizations) explain also why no use of ‘the stick behind the door’ is made, either in form of regulation or taxation. The policy community functions on the basis of voluntary/soft measures and non-intervention in industrial decisions concerning energy use, that is (neo-liberal) deregulation in the sense of refraining from regulating CO2 emissions (Enevoldsen, 2000, 81) (see above).

voluntary agreements

Voluntary agreements and/or ‘self-commitments’, have to date played no role in the energy sector, which contrasts recommendations by the OECD and the Austrian environmental plan. The business and industry sector and ministry of economic affairs’ very positive attitude towards this type of new, flexible policy instrument has so far largely been confined to the waste management sector. One explanation might be, as mentioned indirectly above, that the involved actors in Austria are satisfied with and in control of the application of existing instruments. A second is the fact that the energy sector is one of the few that is not heavily regulated. A third factor and related explanation could be the fact that business and industry view the use of voluntary agreements/self-commitments primarily as a means to avoid (additional) regulation and eco-taxes, which –as described above- has so far not been needed (WKÖ, 1999, 4; interviews, 2000). Progressive, peripheral policy community actors are generally very skeptical as regards the use of voluntary agreements (i.e. in terms of lack of environmental learning and regulatory effects), and do/would see their employment particularly in the energy sector as a negative development. Indeed, the Kyoto-induced discussion on flexible instruments, such tradable permits, is at least partially viewed as a real threat (at the domestic and EU level) to traditional regulatory measures and the introduction or wider use of eco-taxes (interviews, 2000).

On the other end of the non-governmental actors spectrum the business/industry sector -in view of the currently prepared Austrian climate strategy and the environment ministry’s pushing for a strict national emission trading system- is at present in progress of internally assessing possibilities and willingness regarding a voluntary agreement concerning energy-efficiency and CO2 emission reduction (interviews, March 2001). The issue/use of tradable permits has already been discussed above. It is necessary to note that despite the pressing climate problem the
(discussion on the) use of new environmental policy instruments in the energy sector is clearly only second priority to the recently started liberalisation of the electricity market (interviews, March 2001).

Climate strategy

The Austrian council of ministers re-launched in September 2000 the negotiations for the national climate strategy, envisaged to be adopted in mid-2001 (ACCC/BMLFUW and BMF 07/09/2000). The council’s proposal for a strategy has been heavily criticised mostly for it avoiding strong action to reduce emissions and removing clear action targets. Clearer targets and stricter commitments were removed from the preceding strategy drafts. The proposal to introduce distance-based charging for private vehicles and the commitment to increase environmental taxes were dropped according to Global 2000 and the Austrian Council on Climate Change, an advisory body to the government. The NGO Global 2000 concluded that the issue of ecological tax reform is (safely) placed with the EU context and that it “seems that Austria is aiming not to reduce domestic emissions but to use [the Kyoto] flexible mechanisms extensively” (ENDS Daily, 22/09/2001; Global 2000, 12/09/2000) (see end previous paragraph). Indeed, the Austrian government first rejected at the EU level the use of flexible mechanisms. Later it only opposed their use at the domestic level. In view of massive doubts regarding the reaching of the Austrian Kyoto target (13 per cent reduction of CO2 emissions), as well as ecological tax reform being a non-issue, the government decided in August and September 2000 to make use of the Kyoto mechanisms also with regard to the original, national 50 per cent reduction target (interviews, March 2001).

The council of ministers paper does not mention these mechanisms. The instrument mix proposed consists of (traditional) regulatory measures, public subsidies and investments, and economic instruments, such as pilot projects and information devices (ACCC/BMLFUW and BMF, 07/09/2000). According to Global 2000 the only explanation for the watering down of the September 2000 draft paper (i.e. in terms of eco-taxes) is the environment ministry’s capitulation to the finance ministry (Global 2000, 12/09/2001). Despite the fact that the environment ministry and ministry of finance in principle agree on the use of flexible mechanisms (as opposed to environmental taxes) financing climate protection measures currently represent a major problems that still has to be resolved. The latest March 2001 draft version, expected to be the last preliminary draft, mentions the Kyoto mechanisms and a national tradable permit system without going into great detail. It leaves significant room for interpretation as regards the level of strictness and targets. The further use of eco-taxes is only mentioned briefly and vaguely. The measure/instrument the draft strategy relies on most is the traditional subsidy instrument, specifically in relation to building insulation and heating systems (BMLFUW, March 2001-draft version).

Clearly, the ongoing negotiations and present version of the climate strategy paper have to be seen in the context of both the present domestic (environmental) politics climate and previous climate protection strategies and reports. In the 1997 climate report the rather weak position of the environment ministry vis-à-vis other ministries was visible, as it was involved as an actor in only 27 per cent of the report’s measures, which practically meant responsibility only with regard to subsidies. 56 percent and 25 per cent of the measures fell into the competencies of the
ministry of economic affairs and the ministry of science and transport/traffic, with the ministry of finance also being an important actor. Translating that into paradigms the traditional and economy/growth paradigm very clearly dominated the more progressive and arguably post-materialistic paradigm, which, as described below, resulted in a fairly status-quo oriented and traditional/classic policy instrument approach. Despite the environment ministry remaining committed to Austria’s Toronto reduction target until June 1998 ministries such as economic affairs and finance gave up on this –even officially- already some years earlier and accordingly prevented many stringent measures (the use of economic instruments, such as charges and taxes) on the basis of cost arguments (Steurer, 1999, 12-13).

As for previous climate reports, the 1994, 1995, and 1997 reports are practically identical in respect to regulatory style and policy measures. Indeed, most of the 1997 measures had already in previous planning documents been listed and were supposed to be implemented. For example, 41 per cent of the 1997 measures were already due for implementation before 1988, which largely remained the case even in the end of the 1990s. Of the 71 measures listed in the 1997 report 59 (i.e. 83 per cent) belong to the category of classic policy instruments. In terms of numbers command and control instruments come first, followed by subsidies. Last come analyses/concepts/projects and, finally, soft instruments, such as informational devices and voluntary agreements (Kok and Steurer, 1998, 75-77). Only two voluntary agreements with regard to the car import business (lower fuel use of vehicles; listed as ‘in preparation’) and energetic use of waste in the paper and pulp industry (listed without date or comment regarding preparation) respectively were mentioned (Kok and Steurer, 1998, 45, 53). Only 12 out of the 71 measures could be put into the category of economic instruments (i.e. 17 per cent) They are weak and conceived to be non-binding. Moreover, many of these measures have remained unimplemented until the recent re-start of climate strategy negotiations (Kok and Steurer, 1998, 75-76).

Transport/Traffic

The transport/traffic sector has long been an important and sensitive issue in Austrian environmental policy-making, not the least due to the issue of freight traffic/transit through the Alps. Related are the early introduction of the catalytic converter and strong anti-EU action prior to EU membership. According to the OECD the transport and traffic sector is a key factor to Austria’s international CO2 reduction commitments/targets, as well as the protection of local air quality. This sector is growing rapidly and hence the integration of environmental concerns in related policy-making is becoming more urgent. Measures to reduce pollution have largely focused on regulations of emissions from individual vehicles, with some few economic instruments being applied as well (see below) (OECD, 1995, 44-45). The Austrian government (i.e. all involved ministries) is also aware of the fact that private car use/mobility and related costs sit very difficult with the citizen/voter. The 2000 EU-wide fuel price hikes and protests, as well as subsequent government reactions, are good example for that. Also, the so-called petrol tourism in Austria has been a longstanding problem, especially with regard to its Eastern borders.

eco-taxes
The NUP suggests that in addition to technological measures the transport and traffic sector should see the use of particularly taxation instruments and subsidies. There is the need to internalise environmental costs and aim at real market prices with regard to private and freight road transport/traffic; the NUP considers raising mineral oil taxes/vehicle fuel prices and road-pricing as crucial (economic) instruments. It stresses, however, that there is the need to keep an eye on developments in neighbouring countries and the EU in general (and thus act accordingly) (NUP, 1996, 29, 219). Indeed, almost all environmental policy community actors (core and peripheral) acknowledge the problem of ‘border petrol tourism’ (i.e. differences in petrol prices especially with regard to Germany) (interviews, 2000).

In 1993 a 12-year agreement with the EC entered into force aiming at reducing emissions by freight vehicles (i.e. Alpine transport). Part of the agreement was the introduction of a the Brenner road/tunnel charge, as well as a ceiling on transit traffic and so-called eco-points, a system that provides results very similar to an emission permit system as is currently challenged by the EU (OECD, 1995, 92, 139). It could be argued that the eco-point system represents a form of ‘economicisation’ of emission permit system and that it also relates to some extent to the idea of road-pricing. According to the OECD support for road-pricing schemes is increasing in Austria (OECD, 1995, 92). Road-pricing has turned into one of the most difficult issues in transport/traffic related policy-making. Indeed, the idea of road-pricing for cars was abandoned in 1997/98 and that for freight vehicles has to date been postponed several times (Kok and Steurer, 1998, 65; Die Grünen, 2001a/b). It is now expected to be applied no later than in 2004 (interviews, March 2001)

Regarding economic instruments (i.e. taxes, charges, duties) rather little has changed since the first half of the 1990s; classic environmental policy (instruments) and thus the traditional cost argument at the expense of the internalisation of environmental costs continue to prevail. As mentioned before, mineral oil taxes were extended and raised in 1994 and 1995, but recently a further increase has not been an issue (Kok and Steurer, 1998, 62; interviews, March 2001). 1994 also saw the introduction of a road duty. In 1992 a consumption levy on new private cars (NOVA) and VAT on NOVA were introduced, which have, however, had little effect due to rather low petrol prices (Kok and Steurer, 1998, 62). A year later the basis of the motor vehicle tax was changed from engine size to engine power hence reflecting the environmental impact (i.e. reduced petrol consumption) to a better degree (OECD, 1995, 38). It is, however, doubtful whether this has more than a marginal effect (Glatz, 1995, 7-8). Even the combination of the new basis for vehicle taxation and the NOVA do little to close the gap between transport/traffic reality and the NUP’s objective of internalizing the environmental cost of transport and traffic and creating in that context real market prices (Kok and Steurer, 1998, 62). The OECD also remains skeptical stating the massive increase in road traffic nullified to a great extent the effects that the introduction of the catalytic converter plus complete banning of leaded petrol and the aforementioned changes regarding vehicle taxation had created (OECD, 1995, 45).

In line with the 2001 budget plans only some changes regarding economic instruments and transport/traffic policy-making have been made. Presented as an substitution for the officially planned but repeatedly postponed introduction of road-pricing for freight vehicles (see above) the tax on these vehicles is to be increased; it will not, however, increase progressively. Also, as a result of the revision of the law on the financing of the federal road network the introduction of
a freight vehicle engine power dependent road charge was dropped, which means that road freight traffic is being kept cheap. The road duty for private cars, though, will be increased (Die Grünen, 2001a).

Both despite and because of these recent changes in/amendments to the use of economic instruments one has still to conclude that the traffic/transport (and energy) sector related (environmental) policy communities are marked by the continuing asymmetry of representation of interests, i.e. established interest/lobby groups which hold significant factual policy-influencing powers. A progressive and offensive climate policy is not possible either, as the environment ministry has too few competencies and little weight vis-à-vis the other crucially important ministries, which also show little political will to change their economic policy focus/the traditional economic costs philosophy and prevents a fundamental move away from the fiscal tax/charge perspective to the ecological tax/charge perspective (Kok and Steurer, 1998, 89). The environment ministry is currently the only core environmental policy community actor supporting general vehicle road-pricing and an increased mineral oil tax (interviews, March, 2001).

**voluntary agreements**

So far the only one voluntary agreement has been signed in relation to vehicle emissions and fuel economy. This voluntary agreement with car importers, proposed in the 1997 climate report and concluded more than two years later, relates to the binding agreement between the European Commission and EU car producers (BMUJF, 1997, 81; Kok and Steurer, 1998, 45). Environmental ministry officials suggest one could imagine a framework voluntary agreement on emission reductions with industry topped with sub-sector voluntary agreements, which could involve transport and traffic, but such ideas have not been worked out to date (interviews, March 2001).

**Water management**

Regulation in the water management sector dates back to the 19th century. The ministry of agriculture and forestry and water management is the key actor in terms of water management competencies (water legislation and regulation, water management policy, and hydraulic engineering). The environment ministry’s role is very limited consisting mainly of supervising federal financial assistance for water supply, sewerage and waste water treatment investments. Water management is a federal responsibility, but the Länder, acting as federal agencies, carry out functions like permitting and enforcement and even can make provincial regulations to give effect to federal law (OECD, 1995, 54-55). As mentioned before, subsidies have played a long and important role in the water policy field. The 1959 water act was changed in 1993 with a new system, which provides subsidies on interest payments on loans, substituting for the earlier water management fund’s long-term loans. The total federal expenditure on subsidies in the different categories of water management continues to be significant even though private investment is roughly three times as high (OECD, 1995, 56).

The role of subsidies is indeed underscored in the NUP’s list/matrix of water management measures. The largest amount of measures takes the form of regulation (NUP, 1996, 261-266).
Indeed, the comprehensive review of the water act in 1990 implied the shift from pollution control to an integrated ecosystem approach. The act defines receiving water standards and underscores the polluter pays and prevention principle. Most regulations are binding and sector-specific discharge standards are based on BAT. The OECD emphasises that the regulatory approach has been very successful and will continue to be crucial, which is in principle confirmed by environmental policy community actors, but also notes that it would be desirable to use additional instruments. Further progress regarding the reducing of industrial discharges requires an increased use of cleaner production methods, a development that is more easily stimulated through the application of economic instruments (OECD, 1995, 57, 160; interviews, March, 2001). The matrix of measures listed in the NUP fails, however, to identify/propose any tools in form of economic instruments (NUP, 1996, 261-266).

**eco-taxes**

Price increases in the 1990s have curbed demand for household drinking water, charged on a volumetric basis. Sewerage and waste water charges differ according to province and reflect the capital and operational costs to the municipalities. Discharges of industrial effluents into municipal sewers are charged on the basis of individual contracts between industry and utility. There are no resource costs to users for taking ground or surface water and no pollution charges for discharges into natural waters (OECD, 1995, 56). In 1986 the only water-related eco-tax was introduced, i.e. a fertilizer tax. It was intended to finance the export of grain, but resulted in an environmental regulatory effect (i.e. reduced use). The tax was, however, abolished in 1994. The official argument was that it challenged EU law, but the actual factor was a cost factor, namely the fear that open EU borders would quickly result in the import of non-taxed fertilizers (Glatz, 1995, 8). Recent attempts by the environment ministry to re-open the debate on a possible re-introduction of a fertilizer tax have been rejected/silenced by the agriculture ministry. Voluntary agreements and tradable permits have so far not been used in the water management sector (interviews, March 2001).

**Waste management**

Waste became a very pressing problem in the 1970s and 1980s. The environment ministry became an important actor in the area of waste management only after a 1988 amendment to the constitution, which delegated hazardous waste competencies to the federal government and non-hazardous ones to the Länder and municipalities. The amendment also assigned to the federal level the right to issue regulations about non-hazardous waste in case uniform legislation was necessary. Until the 1980s waste management was basically the sole responsibility of the Länder under their individual legislations (OECD, 1995, 69). Regarding the federal level, the core actors in the waste management related environmental policy community are the ministry of environment and ministry of economic affairs and business/industry in form of both the Chamber of Business and the Association of Industry on the one hand and retailers and waste processor on the other hand. The latter are more influential in relation to regulation (legislation and decrees) (Lauber and Ingram, 2000, 109), whereas the Chamber of Business is by far the most important non-governmental actor with regard to voluntary agreements (see below).
The Social Democrats were the dominant grand coalition partner, but had no influence over the Conservatives who were (and still are) in charge of the ministries of environment and economic affairs. To some extent they did have influence via the expertise and resources of the Chamber of Labour, which, however, has never been a core actor in the first place. NGOs and consumer groups completely lack channels of influence. Given these facts, as well as explanations given in earlier parts of the paper, it does not come as a surprise that the policy focus of the policy community in case is predominantly economic, that is cost-effectiveness orientated. Indeed, the core actors have stood strongly for neo-liberal thinking in form of market induced effectiveness and efficiency and reduced government intervention/responsibility (Lauber and Ingram, 2000, 109, 149-153).

Although the 1990 waste management act started remodeling waste management in Austria to a considerable degree waste management continues to rely mainly on regulatory instruments, but uses also economic instruments (i.e. especially mandatory deposit refund systems) and voluntary agreements. The third federal waste management plan mentions as number five and six in a list of options and tools for the attainment of the waste management act’s prevention, recovery and treatment objectives market-economy tools plus financial incentives and voluntary agreements respectively (BMUJF, 1998, 69). Waste prevention and recycling relies primarily on regulation, which is supplemented by economic instruments and voluntary agreements. Important with regard to prevention and treatment of waste are also subsidies in form of financial support for business and industry to employ BAT, with a very high percentage being refundable. In the field of waste treatment and disposal it is largely economic instruments (as opposed to voluntary agreements) that complement traditional regulatory measures. Treatment and disposal charges have been increased considerably in the 1990s and are thus relatively high. Yet, these charges do not always cover the costs of waste management (OECD, 1995, 68-75, 160).

**eco-taxes**

As is the case with the water management policy field, the greatest part of employed charges/taxes almost exclusively deals with cost on a traditional, operational basis, that is ignoring external/environmental costs and having little/no environmental regulatory effect. The OECD concludes that while the regulatory system has generally worked successfully the use of additional instruments, including economic instruments, would be desirable in respect to achieving more cost-effective solutions (OECD, 1995, 160). The only environment related tax explicitly meant to be an eco-tax (as opposed to charges/taxes etc. being (re)named eco-taxes, such as the aforementioned car related taxes, the gas and electricity tax, as well as water and waste charges) is the contaminated site clean-up charge. The idea was to make waste landfills more expensive in order to stimulate waste prevention and recycling technologies. A 1992 review of contamination site tax resulted in a step-by-step increase in tax rates (Glatz, 1995, 9, 11).

**voluntary agreements**

The 1990 waste management act resulted from waste having become a very problematic environmental issue during the 1970s and 1980s. Already during that period the industry sector voluntarily started to collect and recycle glass and paper and thus created the basis (i.e.
precedent, learning by doing) for future self-commitments and voluntary agreements. A waste avoidance act was proposed by the environment ministry in 1987, backed by the Greens and the generally dominant Social Democrats, but was rejected by the ministry of economic affairs and the Chamber of Business. After the adoption of the 1990 waste management act the environment ministry, often in mandatory co-operation with the ministry of economic affairs, started issuing decrees (i.e. traditional regulatory instrument), such as the 1992 packaging decree (e.g. obligation for producers and retailers to take back and recycle packaging) and 1992 packaging target decree (i.e. 80 per cent target regarding packaging recycling by 2000 plus recycling quotas for drink packaging). As soon as the environment ministry started preparing such type of decrees a voluntary agreement on paper collection was concluded the ministries of environment and economic affairs and the Chamber of Business and the paper industry, with the environment ministry having doubts. The agreement became obsolete, however, after a system of collection and recycling was established in 1993 resulting from the aforementioned 1992 decrees. In 1993 the environment ministry also started planning a decree on graphic paper, but dropped its plan after the Association of Newspaper Publishers, strongly supported by the paper industry and the ministry of economic affairs (the environment ministry was excluded from the negotiations), presented a draft voluntary agreement. Consequently the agreement was abandoned too (Lauber and Ingram, 2000, 110-117).

Even though the 1998 and previous waste management plans listed voluntary agreements as possible policy instruments such agreements are not formally based on the 1990 act. Indeed, the proposing and conclusion of voluntary agreements have primarily been meant to prevent additional decrees/regulation (WKÖ, 1999; Lauber and Ingram, 2000, 115; interviews, 2000). As also mentioned before, to date around 30 voluntary agreements and self-commitments have been concluded, the vast majority of which relates to the waste/collection and recycling area. The most recent voluntary agreement/self-commitment, concluded by Chamber of Business and the environment ministry in September 2000, relates to the planned review of the packaging target decree. Environmental NGOs strongly challenged this approach and called for a combined command and control and deposit charge approach in order to attain positive regulatory effects (WKÖ, 12/09/2000; Greenpeace, 11/09/2000).

The waste sector is considered the most straight forward/logical sector by most core environmental policy community actors, especially the ministry of economic affairs and business/industry sector. A ministry of economic affairs official cited the waste management sectors as perfect example for voluntary agreements best being used in situations where many aspects, such as emission standards, the product side, and the production site/process side, have to be addressed, representing complex administrative difficulties, as well as general difficulties regarding monitoring and controlling apply. Command and control regulation is best used in a situation where the multitude of the above described complexities and difficulties do exist only to some degree or do not exist at all (interviews, March 2001).

The aforementioned industry strategy of proposing and negotiating voluntary agreements in order to prevent additional regulation and eco-taxes relates also to the issue of lack of environmental learning and regulatory effects; in other words the absence of a clear link to the NUP’s official aim of sustainability and idea of ecological modernisation (Lauber and Ingram, 2000, 153). The ministry of economic affairs not only dominates the area of voluntary
agreements and thus generally supports the industry approach, but – in line with its (traditional) economic policy and neo-liberal deregulation and flexibility focus - sees itself as a ‘force’ against a also Conservative-led, but largely command-and-control orientated environment ministry (interviews, October 2000 and March 2001; see also Lauber and Ingram, 2000, 143).

**Policy transfer and new environmental policy instruments**

*Theoretical approaches*

As mentioned in the introduction, three public policy strands can be identified regarding the focus on what factors influence and how politico-institutional contexts affect the choice of policy instruments. These may be described as ‘settings dominant’, ‘ideas dominant’, and ‘chaos dominant’ (see in general and more detail Jordan *et al*, 2000). ‘Settings dominant’ theories’ point of departure is the assumption that instrument choice depends on the political context (i.e. institutions). This approach proposes that institutions are relatively stable and resistant to change. National institutions contain preferred policy instruments that are only adapted when being recognised as noticeably ineffective; what follows is usually only incremental institutional change (Rose, 1993; van Waarden, 1995, 335). In the situation of challenged or undermined policy instruments institutional actors tend to favor adjustments to the old rather than resorting to the new. Indeed, in the context of change past institutional choices/decisions restrict innovative policy action (March and Olson, 1989, 53-67, 169). Domestic politico-institutional constraints thus can take the form of dominant policy legacies including policy instrument choice (Bennet, 1988). Indeed, national policy styles are considered a crucial determinant of policy instrument choice (Mol *et al*, 2000). This applies to both the search for and implementation of policy instruments.

The ‘ideas dominant’ perspective’s starting point is the assumption that policy-makers’ ideas and beliefs are the main factor behind policy instrument choice. The advocacy coalition framework approach proposes that coalition actors hold similar core values and beliefs. It differentiates between three belief systems of policy elites, first, deep core beliefs of a fundamentally normative kind (i.e. resistant to empirical challenges), second, policy core beliefs representing fundamental policy positions with regard to basic strategies for achieving core beliefs, and third, beliefs in terms of secondary aspects, that is regarding instrumental decisions for implementing policy core beliefs (i.e. choice of policy instruments) (Sabatier and Jenkins-Smith, 1999, 133). Competition between advocacy coalitions is the main driving force behind policy (instrument) change. Competition at the secondary aspect level leads to incremental change; changes at the level of policy core beliefs only result from shock impacts from outside the advocacy coalition subsystems. From the advocacy coalition perspective policy learning is instrumental in the sense that it is a tool to attain and confirm normative beliefs. Another ‘ideas dominant’ approach proposes that policy-making/decisions takes place in the context of competing sets of ideas and eventually the prevailing of one specific set of ideas/policy paradigm (Hall, 1993, 292). Incremental change in policy-making takes place at the policy levels of calibrating policy instruments and using policy instruments. Changes to the level of fundamental objectives underlying policymaking only come in form of a shock paradigm shift. Challenges to an existing/dominant paradigm involves a process of opening up the circle of policy actors and thus ideas. New-paradigm actors are understood to alter policy-instrument use over time in tune with
their ideas. Both ‘ideas dominant’ approaches stress not only the role of ideas over institutions, they also propose that policy learning/transfer takes place in voluntary form.

The ‘chaos dominant’ approach’s point of departure is that policy-making and instrument choice are subject to random factors and windows of opportunities. Ideas look for instruments and instruments look for decisional situations. Streams of choices/ideas, problems, solutions, and decision-making attention interact fairly chaotically (Cohen et al., 1972). Alternatively the policy process can be divided into three streams that usually run simultaneously, that is problems, policies (i.e. policy solutions), and politics (i.e. competition between different actors). Periodically and randomly these streams interrelate and when a compelling problem window and political window evolve a policy window opens up (Kingdon, 1984). From these approaches derives that policy instruments are employed as randomly as policy windows open up and therefore that policy instrument choice should vary/fluctuate markedly between different countries and policy sectors.

**Policy-transfer in practice**

As mentioned in the introduction, the empirical findings of this draft paper are very preliminary. Clearly, more empirical research is needed to be able to assess the usefulness of the here only briefly discussed theoretical approaches. Nevertheless, some initial suggestions regarding the use of new environmental policy instruments can be made. In ‘chaos dominant’ manner it is possible to propose that—at least partially— all three theoretical perspectives can be found. In line with the ‘settings dominant’ approach one can conclude that the traditional Austrian regulatory style and thus the use of mainly command and control measures and subsidies continues to prevail. This applies to all policy sectors described in earlier sections of this paper. This holds also in the climate policy area, where recently changes have started to take place in relation to discussions on the potential use of Kyoto/flexible mechanisms, such as tradable permits, and voluntary agreements. The main (i.e. inter-ministerial) climate committee, which includes all social partners and thus is traditionally consensus based, has found it relatively easy to agree on the use of traditional measures, whereas the role, use, and financing of NEPIs is still contested. All core and most peripheral environmental community actors continue to view command and control and subsidies as the basic/main tool kit, with NEPIs generally only playing a supplementary role and policy transfer and learning only taking place at a small-scale level. Policy instruments and related institutional contexts adjust slowly, incrementally and imperfectly to political demands and environmental problems (e.g. the Kyoto commitment). All environmental policy community actors describe Austrian environmental policy-making as very traditional and its actors and institutions as generally skeptical concerning the use of NEPIs.

From the ‘ideas dominant’ perspective incremental change towards the (potential) use of a wider range of policy instruments, such as voluntary agreements, eco-taxes and tradable permits can be attributed (to competition between) advocacy coalitions pushing for the adoption of NEPIs according to their core beliefs. The Austrian waste management sector is a good example where the ministry of economic affairs and the business/industry sector (i.e. the dominant core actors in the waste management related environmental policy community) managed to selectively introduce new environmental policy instruments, namely self-commitments and voluntary agreements; moreover, this is against the background of the currently prevailing pro-deregulation
and economy versus environment paradigms, representing dominant/core beliefs. The use of voluntary agreements is perceived to be confirmed as good by Austrian core actors through the international spread/recommendations of and focus on the use of this policy instrument through the ideas of organizations, such as the OECD and the EU. Policy transfer/learning regarding the use of other forms of voluntary agreements (i.e. covenants) has so far been rejected due to constitutional and dominant paradigm related reasons (i.e. the ‘ideas dominant’ and ‘settings dominant’ perspective).

Regarding recent discussions on the potential/likely use of voluntary agreements and tradable permits in the energy/climate sector one could argue that the ‘chaos dominant’ perspective applies, as a policy window seems to have opened up. The current Austrian coalition government, as well as business and industry, being the dominant non-governmental actor, push the use of flexible instruments in line with its/their deregulation and privatisation focus (i.e. politics window). It has also been realised that Austria will have major difficulties to achieve its Kyoto CO2 reduction target (i.e. problem window). Indeed, until autumn 2000 this problem was not perceived as acute and the use of flexible mechanism and voluntary agreements not an important issue. As for the use of voluntary agreements, despite the widespread use of this instrument in the energy sector in countries, such as the Netherlands and Denmark, as well as in the Austrian waste management sector, Austrian policy-makers until very recently did not see the need to employ voluntary agreements in the energy sector and thus learn from/transfer foreign and domestic instrument use.

Policy transfer and learning concerning tradable permits is now likely to take place, as all involved core actors –as a result of the complete absence of own experiences- have started to look abroad for ideas and experiences. However, this looking abroad and being willing to learn has to be approached from an ‘ideas dominant’ perspective, as the ministries of environment and economic affairs and the industry sector try to learn from external experiences on the basis of their own, often differing beliefs and policy objectives (e.g. in relation to tradable permits: targets; auctioning or grandfathering; inclusion of sectors), which will also strongly affect the eventual implementation stage. It is now already clear that the involved core ministries (i.e. environment, finance, economic affairs) will alter the scope of ideas/NEPIs picked and chosen abroad and adapt them prior to and during the implementation phase, that is adjusting them to the Austrian environmental regulatory style, underscoring the ‘setting dominants’ suggestion that national pathdependencies exist and matter (e.g. their use in combination with subsidy or eco-tax policies).

To date voluntary agreements were not employed in the energy sector partially due to the absence of an eco-tax stick/threat. So-called eco-taxes have been used in the energy and traffic/transport sectors. Policy windows regarding the use and transfer of genuine eco-taxes and ecological tax reform failed to open up properly. The core environmental policy community actors concerning (the use of) eco-taxes (i.e. the ministries of finance, economic affairs, and science and traffic/transport, as well as the business/industry sector) are the dominant advocacy coalition, whose traditional economy and finance versus environment focus and thus core and core policy beliefs continue to prevail. From this has flowed a very limited use and/or transfer of eco-taxation. The introduction of and partial increases in energy and vehicle/fuel taxation between the mid-1990s and 2000/2001 have continued to be the result of Austrian politics-
specific fiscal/economic core beliefs, fiscal political and problem windows and politico-institutional arrangements (i.e. the negotiations in the waning/‘reduced’ social partnership context and inter-ministerial arenas, and links to existing regulation and subsidies), bringing together again all three the ‘ideas dominant’, ‘settings dominant’, and ‘chaos dominant’ perspectives/approaches. To conclude, judging from the empirical and theoretical discussion on the use and transfer of new environmental policy instruments in Austrian environmental policy one can describe Austria as a latecomer if not laggard rather than a pioneer, which does indeed contrast markedly with its role/position in the 1980s and early 1990s.

Notes

\[i\] In 1995 the grand coalition fell over the issue of budget deficit/consolidation only to be re-established for another legislative term.

\[ii\] It must be stressed though that the idea of scrapping the BMUJF was originally launched as an idea by the Social Democrats; the plan was taken over enthusiastically by the Conservatives (EWE, 04.02.2000).

\[iii\] Out of a total of 5000 ministry officials only 300 are working in the three environment-related sections (EWE, 18.02.2000). In recently conducted environment ministry interviews it was suggested that the current BMLFUW minister is environment minister only one day per week (interviews, October 2000).

\[iv\] I am aware of the fact that other key characteristics of the issue network, such as the large number of participants constantly entering and exiting networks, do not apply in the Austrian case.

\[v\] The role and competencies of the environment ministry have, however, been strengthened as a result of EU membership, i.e. at the EU level. In the Council of Ministers the environment ministry has competencies in environment-related areas that it lacks in the domestic policy-making arena (Steiner and Trattnig, 1998).

\[vi\] The national parliament, the Länder, the smaller political parties, such as the Greens, environmental NGOs, and organised labour have lost further influence with regard to the EU level of environmental policy-making. The Chamber of Business and the Association of Industrialists (via UNICE) are the non-governmental actors which have the resources to lobby at the EU level (Falkner, G. et al, 1999; interviews, October 2000).

\[vii\] The Länder are equally judged to be a status quo orientated/ slowing down or preventing federal progress in the sense that they aim at creating and applying their own measures and the provincial level.

\[viii\] In an interview with a finance ministry official the interviewer was told, though, that unilateral action in the field of environmental taxation would theoretically be a possibility (interviews, 2000).

\[ix\] During its EU presidency in the second half of 1998, exactly at the time when the official political discussion on national environmental tax reform was terminated the Austrian government declared that it was seeking movement on EU energy taxation (ENDS Daily, 25/09/1998).

\[x\] Eco-tax related finance ministry officials hold the view that at the EU Commission level a decisive shift away from focusing eco-taxes and towards favouring voluntary agreements (and tradable permits) is taking place (interviews, October 2000).

\[xi\] The Länder also were a crucially important actor being involved in 59 per cent of the measures.

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