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The Structure of Conflict over EU Chemicals Policy

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ABSTRACT

There is a lively academic debate over whether political cleavages in the European Union (EU) follow mainly territorial (national) or non-territorial (ideological) patterns. This article analyses the cleavages that structure the conflict over European chemicals policy, the so-called REACH system. Taking positions on this major policy as an empirical example, we test these competing theories on the nature of cleavages on environmental policy issues in the EU. We use data from an expert survey of more than 600 individuals to fulfil this aim. The results show that neither of the hypotheses is unequivocally supported. But the data indicate that cleavages based on non-territorial interests are much more important than territorial interests in explaining positions on REACH.

KEY WORDS

- chemicals policy
- cleavage structure
- political contestation
- territorial/non-territorial interests

Introduction

Following the Single European Act and the Maastricht Treaty, the European Union (EU) has been transformed into a multi-level polity in which European issues have become more and more contested. Traditionally, whereas much effort has been put into determining the relative political strength of various actors in EU policy-making, less attention has been paid to examining the nature of political cleavages within the EU (see Treib, 2005). More recently this has started to change, and there is now a number of studies dealing with preferences and conflict structures within the European Commission (Hooghe, 1999, 2001; Hooghe and Marks, 2001), the European Parliament (Hix et al., 2006, 2007) and the Council of Ministers (Mattila, 2004; Zimmer et al., 2005; Hagemann, 2007).

The literature on political contestation in EU politics is dominated by two competing theories (Hooghe, 2000). The first assumes that conflicts in the EU are primarily of territorial origin (Moravcsik, 1993, 1998). The second assumes that EU policy reflects mainly non-territorial conflicts that resemble those in domestic politics (Hix, 1999; Hooghe and Marks, 2001; Tsebelis and Garrett, 2000).¹ This article will put these theories to the empirical test by analysing the cleavages that structure the conflict over European chemicals policy, the so-called REACH system for the registration, evaluation and authorization of chemicals (Commission, 2001, 2003). Analysis of this important policy – one of the most widely debated law-making processes ever in the EU (Friedrich, 2007; Persson, 2007) – provides a good opportunity to assess the relative merits of the two theoretical understandings of the structure of conflict on EU policy: the international relations theories that emphasize territorial factors and the domestic politics approaches stressing non-territorial factors. In order to test which of these factors is decisive for determining actors' policy positions on the supranational regulation of chemicals, we use data from a unique expert survey with more than 600 respondents covering a multitude of public and private actors.

The study thus extends previous research in the field in at least two important respects. First, we answer Hix's (1999: 93) old, but largely neglected, plea for testing theories on the nature of contestation in EU politics not only on official high-level EU representatives but on a multitude of actors 'such as public and private interests groups, EU bureaucrats, national and European parliamentarians, and national governments'. Second, our study adds to current knowledge by considering regulations in the field of environmental politics, an area that has received scant attention in previous studies of the EU's political space. Nonetheless, the field of environmental politics appears a highly suitable testing ground for theories concerned with the

nature of political contestation, since it is well known from studies of domestic politics that environmental regulations have the potential to spur political mobilization along several dimensions, territorial as well as non-territorial.

To preview the main results, we show that respondents' views on REACH are well captured by a single underlying dimension that taps actors' attitudes toward extended supranational regulation of chemicals, and, more importantly, that the political conflicts over the new regulatory system are structured along non-territorial rather than territorial lines. As an interesting aside we also show that the political battle on REACH is considerably more complex than both the public debate and some previous research on the subject (Pesendorfer, 2006) would lead us to believe.

We will proceed as follows. In the next section, the territorial and non-territorial positions will be delineated from the existing literature. We formulate two hypotheses – one emphasizing territorial and one non-territorial factors – which will be tested in the following sections. The second section discusses the contentious issue of supranational regulation of chemicals. In the third section the survey is presented, and in the fourth section we present the empirical results. The structure of conflict over EU chemicals regulation is explored and the territorial and non-territorial hypotheses are evaluated. We conclude with a summary of our major findings and consider some tentative lessons for the future.

Theorizing territorial and non-territorial contestation

The literature on cleavages and political contestation in the EU furnishes two basic traditions. They represent different views about key actors and the character of conflict over EU policy. The first assumes that conflict in the EU is primarily based on territorial factors. This tradition is rooted in international relations theory and conceives European integration as an exceptional example of regional integration. But this line of theorizing comes in two competing variants. Neofunctionalists (and their supranationalist successors) see EU politics as structured by cleavages between pro-integration and anti-integration forces. They argue that domestic interest groups, which they expect increasingly to organize themselves transnationally, and supranational actors, such as the Commission, are the driving forces behind deeper integration (Haas, 1958; Lindberg, 1963; Sandholtz and Stone Sweet, 1998; Stone Sweet and Sandholtz, 1997). Intergovernmentalists, in contrast, consider EU politics to be structured by contestation between divergent national interests. State governments rather than supranational actors are the

key actors in the integration process (Hoffmann, 1982; Milward, 1992; Moravcsik, 1993, 1998). The common ground in both these variants of international relations theory is that European integration is thought to take place among rather than within countries (Hooghe, 2000).

In contrast, a growing number of scholars have begun to identify conflict patterns in the EU that resemble domestic cleavage lines, such as the ubiquitous left–right dimension (Hix, 1999; Hix and Lord, 1997; Hix et al., 2006, 2007; Hooghe and Marks, 2001; Marks and Steenbergen, 2002, 2004). This approach has been adopted by comparativists who explore European integration as an extension of domestic politics. But this approach too comes in many variants. Some scholars argue that EU politics is increasingly two-dimensional (Hix, 1999; Hix and Lord, 1997). The left–right dimension supplements, and is unrelated to, the pro- or anti-integration dimension. European integration engages national sovereignty and mobilizes territorial groups, whereas left–right contestation involves the allocation of values among functional interests. Other scholars, on the other hand, argue that these two dimensions are fused into a single dimension. The Left pushes for common economic regulation across Europe, whereas the Right favours less EU regulation (Tsebelis and Garrett, 2000). Yet another line of theorizing considers these two dimensions as being related to each other, although not all aspects of European integration are easily incorporated into the left–right dimension. Left–right contestation shapes actors' positions only on European policies that are concerned with redistribution and the regulation of capitalism (Hooghe and Marks, 2001).

For the purpose of this paper, however, we will simplify by examining only two models of contestation over EU policy: a territorial and a non-territorial model. In the following two sections we will elaborate hypotheses from these two approaches about how different factors may shape actors' orientation to EU chemicals policy.

Territorial (national) interests

The liberal intergovernmentalist theory, as developed by Andrew Moravcsik (1993, 1998), is the most elaborate theory that emphasizes territorial factors as being decisive for conflict patterns in the EU. Moravcsik argues that the preferences of national governments are shaped in interaction with powerful domestic economic interests. In commercial policy areas, where the net expected gains and losses are significant, producer interests will impose tight constraints on government policy positions. Competitive producer interests will accordingly push governments to favour liberalization, whereas less competitive producers will oppose liberalization of commercial policy, such

as internal market policy, agricultural policy, competition policy and industrial policy. However, the importance of domestic interest groups varies according to the policy area. In regulatory policy areas, such as consumer protection or environmental or social policy, governments must strike a balance between commercial interests and public goods provision. In these areas the range of mobilized interests is typically broader than in commercial policy. Since governments will try to avoid European policies that impose major costs on their economies, richer countries with higher regulatory standards will defend their higher levels of protection, whereas poorer countries with low standards will struggle against harmonization or for low standards (Moravcsik, 1993: 488–94; 1998: 37–41; Treib, 2005). *Hence, we can hypothesize that national actors that follow this logic will seek to avoid European policy outcomes that imply significant economic costs for domestic producers. Accordingly, countries with large chemical industries will work against far-reaching supranational regulations in this area.*

A similar version of this argument would be that the most important cleavage is between the richer and the poorer member states. The richer northern European countries strive for high protection standards in regulatory areas that correct market failures such as environmental and consumer protection or social policy, since they have already adopted strong domestic regulatory frameworks. The poorer southern countries, in contrast, have lower levels of environmental, consumer and social standards, and will therefore try to avoid high adaptation costs (Zimmer et al., 2005). In general, environmental policy-making has been described in this fashion as being composed of a single intergovernmental cleavage between ‘leader’ and environmental ‘laggard’ countries (Liefferink and Andersen, 1998; Börzel, 2000, 2003; Sbragia, 2000). Simply put, the ‘leaders’ appear to be richer, northern states, such as Germany, the Netherlands, Sweden and Denmark, whereas the ‘laggards’ are the poorer, southern states, such as Greece, Spain, Portugal and the new member states. *Consequently, we can hypothesize that, in general, actors representing richer countries will be more positive towards supranational regulations in market-correcting policy areas, such as consumer protection and environmental or social policy, whereas representatives of poorer countries will try to avoid high adaptation costs by opposing far-reaching supranational regulations in these areas.*

Non-territorial (ideological) interests

The arguments presented above leave no room for non-territorial political factors to influence actors’ preferences. The basic premise is instead that preferences on major EU issues are determined by economic interests depending

on territorial belonging, rather than by ideological tastes across territories. But it seems plausible to consider ideological or other political differences as alternative causal determinants of actors' preferences. As has been pointed out by several authors (see, for example, Hix, 1999; Hix et al., 2006; Tsebelis and Garrett, 2000), actor preferences may be multidimensional, concerning not simply the question of integration but also other dimensions such as environmental protection, consumer protection and, most importantly, the traditional left and right scale.

Hooghe et al. (2002) have found that political left and right parties support integration within specific policy areas. With regard to economic and social policies, leftist parties are in favour of state intervention and market regulation at supranational level. Christian democratic, conservative and liberal parties strive for less state intervention and more free-market regulation. Accordingly, left-wing parties generally support supranational policies that regulate capitalism, including environmental policy, social policy and employment policy. Right-wing parties, in contrast, are in general opposed to integration in these areas. In sum, Hooghe et al. (2002) find that traditional left-right contestation among domestic political parties can also be found at the EU level, but only in policy areas that touch upon market regulation and redistribution between social classes.

But other scholars have found in studies on West European policy spaces that environmental issues are, in general, only moderately related to the traditional left-right dimension (see, for example, Warwick, 2002). The cross-cutting nature of this policy area implies that it is of concern primarily for two opposing interests: on the one hand, the defenders of the environment and human health, and, on the other, those defending the competitiveness of European industry. This conflict pattern does not necessarily coincide with the traditional left-right conflict. Consequently, the controversial chemicals policy has been described primarily as a battle between two competing 'coalitions' advocating environmental protection and industrial interests, regardless of their political belonging (e.g. Pesendorfer, 2006). The 'green coalition' is generally considered to be composed of environment ministries in member states, national environmental agencies and the Commission's Directorate-General (DG) for Environment, along with a number of EU-level organizations such as the European Environmental Bureau (EEB), non-governmental organizations (NGOs) and a couple of 'green' EU member states. They all share a pro-regulation environmentalist approach. The 'business coalition' is generally considered to consist of the industry, European business associations, the Commission's DG Enterprise, national economic affairs ministries and EU member states with a large chemical sector, such as France, Germany, Italy, the United Kingdom and Ireland. The 'business coalition' shares a neo-liberal agenda and wants to avoid stringent

regulations and harmful barriers to trade, although they also encompass left-wing political actors. Members of the European Parliament (EP) – and accordingly the political parties and party groups they belong to – can be found in both coalitions, although the EP is widely regarded as a progressive actor in EU environmental policies (Lenschow, 2005).

According to this view, the two competing network coalitions, consisting of actors from a variety of institutions and countries, advocate separate paradigms based on a shared set of policy beliefs (Pesendorfer, 2006). In describing the battle over REACH in this way, as a trial of strength between industrialists and environmentalists, it is implicitly assumed that political contention is ideological rather than territorial. *From this line of argument, it can thus be hypothesized that in regulatory policy areas, such as consumer protection and environmental or social policy, actors' preferences are primarily shaped by non-territorial factors, such as basic ideological beliefs.*

Testing the two logics

In order to test the territorial and the non-territorial hypotheses, there are advantages to focusing on one specific policy area. Given that different policy areas may be driven by different logics it seems more promising to look at individual policy areas than to search for a single underlying dimension that explains contestation across policy areas. Moreover, by focusing on one policy area, we are able to make an in-depth assessment of policy positions in this particular area. We consider the new chemicals policy as an excellent case for the evaluation of our hypotheses. First, as argued by Hooghe et al. (2002), the left-right dimension has an impact, in particular in policy areas that deal with the trade-off between free markets and the regulation of them. Similarly, Moravcsik identifies regulatory policies as an area in which economic interests can come into conflict with other concerns. The EU chemicals policy is certainly an area in which the competitiveness of European chemical industries stands against environmental and health concerns. The EU chemicals law thus emphasizes the linkage between environment and market objectives. The cross-cutting nature of this policy implies that it will be of concern for opposing interests and therefore reveal underlying political conflicts, and as such, this area will provide a fair, although limited, test of the territorial and non-territorial hypotheses.

The EU Chemicals Policy Review

The new EU chemicals regulation grew out of concerns about the main shortcomings of the existing regulatory framework. There is a general lack of

knowledge regarding 99% of chemicals that were placed on the market before 1981 because prior to that date no stringent health and safety tests were needed to market chemicals. The disparity between old and new chemicals has resulted in a system that promotes the use of old untested chemicals and, inversely, discourages the introduction of newer (safer) alternatives. Moreover, it has been noted that the allocation of responsibilities between authorities and manufacturers of chemicals is inappropriate. Today, authorities rather than manufacturers are responsible for risk assessment, which involves lengthy committee procedures. In order to remedy this imbalance, with the aim of promoting human health and the environment as well as innovation, the Commission brought forward a strategy for a revised future chemicals policy. It responded to concerns raised at an informal Council of Environment Ministers meeting in 1998 that the current policy on chemicals does not provide sufficient protection. The new system replaces the current 40 legislative texts with a single system (REACH) in which old and new substances will be subject to the same procedures (Commission, 2001). It will ensure that companies provide at least basic health and safety testing for around 30,000 substances currently used in everyday products (Hansson and Rudén, 2004).

However, in an international context, tough environmental requirements for the chemicals industry have the potential to threaten one of Europe's most important business sectors. The chemicals industry is the third-largest manufacturing industry in the EU, with 586 billion a year sales and generating 1.9 million jobs, which makes the EU the leading chemical-producing area in the world. The EU is also the world's leading exporter and importer of chemicals (Cefic, 2005). Accordingly, the overall objectives of the REACH directive, in line with the overriding goal of sustainable development, seek to make the chemicals industry accept more responsibility while also safeguarding the Single Market and the competitiveness of European industry.

The draft legislation was the result of lengthy deliberations. Extensive consultations with stakeholders as well as a series of meetings of technical expert working groups followed the adoption of the White Paper in 2001, produced under the co-responsibility of DG Environment and DG Enterprise. Having gathered new information from this round of consultations with regulators, scientists, businesses, downstream users, non-governmental organizations (NGOs) and representatives of member states and applicant countries, the Commission revised a legislative draft proposal. Stakeholders and the general public were then invited to a public Internet consultation with the aim of assessing the workability of the proposed REACH system. After the closure of the consultation, the Commission analysed the contributions and was set to make appropriate changes to the proposal. After adoption in the College of Commissioners in October 2003, Commissioner Margot

Wallström (Environment) and Erkki Likkanen (Enterprise) jointly presented the final proposal for a new EU regulatory framework for chemicals (Commission, 2003). This final version of the REACH proposal, which the Commission sent to the Council and the European Parliament in November 2003, launched a flood of reactions from the chemical industry and environment NGOs alike. After marathon talks, however, the EU's two law-making bodies – the European Parliament and the Council – came to a compromise agreement on the draft REACH regulation on 30 November 2006. The compromise package was adopted by the plenary of the European Parliament on 13 December 2006 and by the Council by unanimity on 18 December 2006.

The general criterion for priority-setting in REACH, as well as in previous regulations, is the production volume of each chemical. It is used to assign different test requirements to substances so that higher production volumes impose more extensive testing. The basic rationale for using production volume as a priority-setting tool is that it can be used as a proxy for potential risks. This has been one of the debated issues regarding REACH, along with issues such as the general applicability of the precautionary principle, that is, that risk-reducing actions should be taken even if there is uncertainty about the precise nature or magnitude of potential damage, and the substitution principle, that is, that hazardous substances are to be replaced by safer alternatives whenever possible (Eckley and Selin, 2004; Pesendorfer, 2006). Moreover, the powers of the proposed European Chemicals Agency have been debated, as well as the extent to which companies will be able to submit group applications in consortia when registering similar substances with the agency, that is, the 'One Substance, One Registration' (OSOR) principle.

The online survey

An electronic online survey was constructed in order to make it possible to gather the opinions of roughly 2000 potential respondents who had been, in one way or another, involved in the discussions on REACH. These actors can be considered as key actors in the formation and processing of the REACH proposal from the White Paper in 2001 until the EP and Council first readings in autumn 2005.

But the entire population of actors who have participated in the law-making process on REACH is in fact impossible to determine. Since REACH is one of the most widely debated issues in EU history, thousands or perhaps tens of thousands of actors have been involved. The aim instead is to include *all relevant* actors, namely influential actors who reflect the spectrum of positions taken regarding the new EU chemicals regulatory system. Accordingly, we try to capture all actors who either have been working with REACH

within the EU institutions or have been interacting with the EU institutions during the REACH law-making process. Two criteria were specified for including individuals in the survey: (1) actors with *positions* in the Commission, the European Parliament and the Council who have actively been working with REACH, and (2) actors who have been panel discussants, keynote speakers or workshop *participants* in EU conferences on REACH.

Hence, our selection of respondents is based on both *positions* and *participation* (Scott, 1991/2000). Involvement in decision-making can be seen as an affiliation, just like any official position with relevance to REACH. These actors include representatives of the Commission, the Parliament, the Council, member state governments and public authorities, governments and public authorities in candidate countries, governments and public authorities in third countries, industry and business associations, individual firms, NGOs, other civil society associations, political parties, academic institutions and individual citizens.

In total, 1951 actors were sampled out of whom 175, for various reasons, were excluded; 651 actors responded to the survey, which is a response rate of 37%.² The relatively low response rate is partly due to the fact that this was an online enquiry conducted with, for the most part, elite officials from a multitude of organizations, which means that they are normally quite busy people. Moreover, we received very few replies from people in the Parliament (only 16% of those who were sent the survey). If, for instance, all respondents from the EP are excluded, the response rate rises to 46%.³ The absolute and relative number of respondents from different countries and institutions/organizations and the representation of different categories of interests are presented in the appendix. Finally, the survey was designed in a way that allowed us to gather information about respondents' current professional situation, their nationality, their level of engagement with regard to REACH and their views on a number of contentious issues regarding the REACH proposal during the EP and Council first reading.

The structure of conflict over EU chemicals policy-making

Given the complexity of REACH, it seems a futile exercise to attempt to capture actors' views on the proposal by means of a single question. At the stage of study design, we therefore decided to focus on seven of the most contentious issues regarding the REACH proposal during the EP and Council first reading. These issues were: (i) the OSOR proposal ('One Substance, One Registration'); (ii) test requirements for low-volume chemicals; (iii) the

'burden of proof' on the industry instead of the public authorities; (iv) the responsibilities of the European Chemicals Agency; (v) the substitution principle; (vi) the precautionary principle; and (vii) the limiting of animal testing (complete questions are presented in the appendix). Survey respondents were asked to what extent they agreed with each of these proposals, and responses were recorded on a scale running from 1 (totally disagree) to 7 (totally agree).

A first question to ask is to what extent these seven items can be said to reflect a common underlying dimension. That is, is it the case that a respondent who happens to agree with a particular proposal is also more likely to agree with the other six proposals? The way to answer this question is by exploratory factor analysis. The results from such an analysis are presented in Table 1.

The most widely applied criterion to determine the number of factors (dimensions) in exploratory factor analysis is the Kaiser criterion, which says that only factors with an eigenvalue larger than 1 should be retained (Kaiser, 1960). The results in the table refer to the single factor meeting this criterion. There is thus at least some evidence in favour of the view that respondents' answers to the various items reflect a single underlying dimension. To judge from the wording of the questions, this dimension taps respondents' overall support for extended supranational regulation of chemicals, since agreeing to the seven statements usually implies that the respondents are in favour of a new and more far-reaching form of regulation at the EU level. The one

Table 1 Factor analysis of items relating to the REACH proposal

<i>Item</i>	<i>Factor loadings</i>
OSOR proposal	.50
Test requirements for low-volume chemicals	.14
The burden of proof	.52
Responsibilities of European Chemicals Agency	.14
The substitution principle	.76
The precautionary principle	.82
Limiting animal testing	.32
Eigenvalue	1.92
Number of cases	457

Notes: The factor analysis was conducted in Stata using the maximum likelihood method. The initial analysis retained three factors but since only one of these factors had an eigenvalue larger than 1 the model was re-estimated with the number of factors restricted to one. The 457 individuals included in the analysis are those, out of the 651 survey respondents, who provided answers to all seven items.

exception is the question of whether there should be a partial exemption for low-volume chemicals. This is because a higher score (more agreement) on this question should reflect a less regulatory stance since those opposing this proposal most likely hold the view that test requirements should be equally strict for low-volume chemicals and high-volume chemicals. Therefore the coding of the answers to this question was reversed before conducting the factor analysis.

Although the variation in respondent answers to the seven substantive questions is reasonably well captured by a single underlying dimension, it is clear from the factor loadings presented in Table 1 that not all items are equally closely related to this underlying factor. Whereas respondents' support for the substitution and precautionary principles says a lot about their views on the need for further regulation of chemicals, respondents' support for partial exemptions for low-volume chemicals and the introduction of a European Chemical Agency seems much less closely related to their opinions on this matter. To some extent, however, this pattern is to be expected. Among the various REACH proposals the substitution and precautionary principles are those with the most far-reaching economic and environmental consequences, and it is therefore only natural that these are the two proposals most closely related to actors' overall support for extended supranational regulation of chemicals. The relatively modest factor loading for the low-volume chemical question (.14) is most likely owing to the fact that the question is somewhat ambiguous, in that it may not have been obvious to all respondents whether the alternative to a partial exemption for low-volume chemicals was complete exemption or no exemption at all. The equally low factor loading of the question concerning whether a new European Chemical Agency should be trusted with the management of the REACH system may be attributed to the fact that this question taps not only respondents' views on the need for regulation, but also their opinions about which institution should oversee the system.

All in all, however, the results from the factor analysis suggest that it is reasonable to order the actors' views on REACH along a single dimension measuring their overall support for further regulation of chemicals. The most frequently used method to locate the position of actors on an underlying dimension is by computing so-called factor scores. Mathematically the factor scores are simply a weighted average of the (standardized) items loading on a specific factor. The weights are based on the factor loadings of the items so that items that load high on a specific factor are of greater importance for the placement of individuals on that factor than items with low factor loadings. In the case at hand, this means that, in measuring respondents' overall

support for extended regulation of chemicals, greatest weight will be given to their views on the substitution and precautionary principles.

Admittedly, the predicted score will be an error-prone measure of the true factor (e.g. Steiger, 1979). The relevant question, however, is not whether the constructed factor scores differ from the scores of the true factor, but whether they correspond more closely to the scientific concept of interest than any of the observed indicators do. In the case at hand, we believe that the answer to this question is yes. In what follows we therefore use the factor scores, based on the results presented in Table 1, as our measure of respondents' attitudes toward extended regulation of chemicals at the EU level. In order to ease interpretation we have normalized these scores to vary between 0 and 1. It turns out that respondents who totally agree with the proposal of partial exemption for low-volume chemicals but totally disagree with the other six proposals obtain a 0 score on this new scale, whereas respondents holding the opposite views on each of these items obtain a score of 1.

What determines actors' positions on REACH?

As previously discussed, there is a lively academic debate over whether political cleavages in the EU are mainly territorial or non-territorial in nature. In this section we examine how well these two types of theories can explain the divergent views on the need for regulatory reform found among the actors participating in the decision-making process on REACH.

According to scholars who argue that political conflict within the EU is primarily structured along territorial lines, national economic interests are the prime determinant of actors' opinions about REACH. In line with the discussion of the theoretical section, we will use two indicators of national economic interests. First, we will use the turnover of the chemicals industry – as a share of GDP – to account for the variation in the relative importance of the chemical industry across countries. The assumption here is that, since new regulations will, at least initially, impose additional costs on industry, actors from countries with a large chemical sector should be less likely to support far-reaching environmental regulations. Second, we will examine the validity of the argument that richer countries, in general, are more positive toward regulation by investigating to what extent respondents' views on REACH co-vary systematically with GDP per capita in their home countries.

The great bulk of previous research on the importance of non-territorial factors in structuring EU politics has been concerned with the question of whether actors' views on European issues can be read from their positions on the left–right dimension (for example, Hix, 1999; Hooghe et al., 2002). As

is well known from studies of domestic politics, however, views on environmental issues are usually less closely related to the left–right dimension than, for instance, are views on welfare issues (Warwick, 2002). Self-placements on the left–right dimension are therefore not an optimal measure if we want to gauge the relative merits of non-territorial factors in explaining actors' positions on REACH. A better alternative, and the one we have opted for, may simply be to ask the actors to state the interest they represent. In our survey we asked the respondents which of the following seven interests they, first and foremost, would consider themselves as a representative of: environmental, consumer, animal welfare, health, workers', industry/business, or general interests.⁴ To the extent that non-territorial factors structure actors' views on REACH we would expect to find a systematic relationship between the interests that actors represent and their views on the proposal. This is a more general measure of non-territorial interests than a measure capturing solely ideological orientations on the left–right dimension.

In order to examine whether actors' views on REACH are primarily driven by territorial or non-territorial interests, we regress the regulatory index, discussed in the previous section, on these two types of interests. The regression results are presented in Table 2.

The first two models show the separate effects of territorial and non-territorial interests, respectively. In Model 1, actors' views on REACH are assumed to be determined solely by national interests. The performance of this model is, indeed, bleak. The turnover share of the chemical industry and GDP per capita jointly account for less than 0.5% of the variation in the dependent variable ($R^2 < .005$). Although the former variable enters with the expected sign – respondents whose home countries are large chemical producers are less likely to support far-reaching regulations – this coefficient is not statistically significant. GDP per capita, on the other hand, not only is statistically insignificant but the coefficient also has the wrong sign, on the basis of the intergovernmentalist theory, indicating that, if anything, respondents from rich countries are less likely to support chemical regulations.

Turning to our measure of non-territorial interests (Model 2) we see that these interests account for about 16% of the variation in the regulatory index across respondents. Admittedly, the fit of the model is far from perfect, but at least the fit of Model 2 is considerably better than that of Model 1. This could be taken to indicate that non-territorial interests are more important in explaining actors' views on REACH than are territorial interests.

In order to give a more substantive interpretation of the results in Model 2 we must first note that environmental interests constitute the reference category for the regression. That is, from the regression coefficient of a particular interest we can read off the (mean) placement of the respondents representing this particular interest relative to the placement of the

respondents representing environmental interests. Respondents representing workers' interests, for instance, are on average .12 units (12 percentage points) 'less positive' towards regulatory reforms compared with respondents representing environmental interests. These results can also be presented graphically. In Figure 1, the results from Model 2 are used to calculate the expected value of the regulatory index for each type of interest.

Looking at the placement of various interests along the regulatory dimension, we find, somewhat unexpectedly, that respondents representing animal welfare interests are most opposed to the introduction of new regulations. One reason for this may be that these respondents fear that stricter regulations of chemicals could lead to more animal testing. That said, the reader is advised to take this finding with a large pinch of salt, since only six of the respondents included in the analysis represent animal welfare interests.

If we set animal welfare interests aside, we see that respondents representing industry and environmental interests are located at different ends of the scale. This finding could be taken as supporting Pesendorfer's (2006) conclusion that the decision-making process on REACH should be viewed as a battle between two competing advocacy coalitions, one advocating industrial interests and the other advocating environmental interests. But, as should be clear from the figure, this description conceals as much as it reveals. Admittedly, industry and environmental interests are situated at opposing ends of the spectrum, but apart from that the data do not seem to support

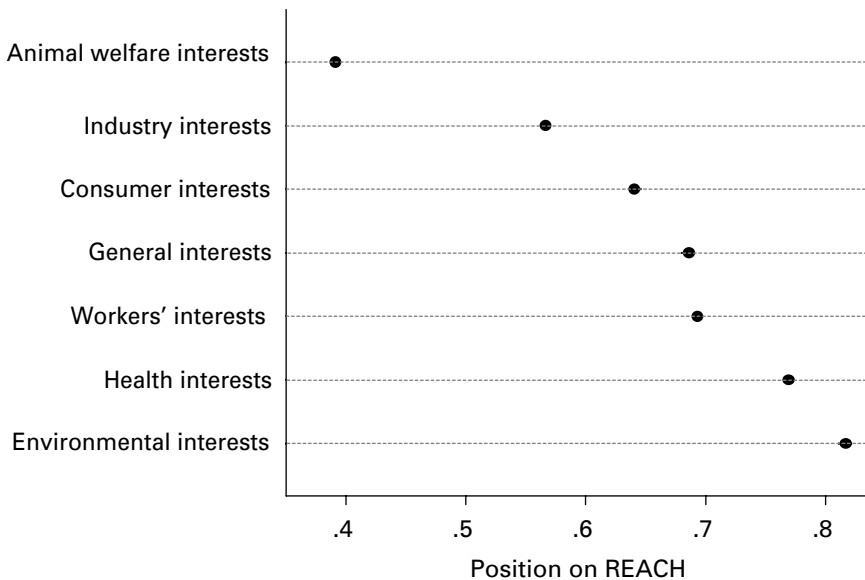


Figure 1 The mean placement on REACH for various non-territorial interests.

Table 2 Regression results

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
Constant	.74** (.04)	.82** (.02)	.88** (.04)	.90** (.07)	.89** (.04)	.85** (.07)	.95** (.07)	.85** (.08)
Health interests	—	-.05** (.04)	-.07 (.04)	.07 (.04)	-.08 (.04)	-.03 (.06)	-.09 (.07)	-.13 (.07)
Animal welfare interests	—	-.43** (.10)	-.36** (.11)	-.37** (.11)	-.37** (.11)	-.50** (.16)	-.56** (.23)	.06 (.18)
Consumer interests	—	-.18** (.05)	-.22** (.06)	-.22** (.06)	-.24** (.06)	-.24** (.12)	-.36** (.11)	-.23** (.07)
Workers' interests	—	-.12** (.04)	-.13** (.04)	-.18** (.05)	-.13** (.04)	-.06 (.05)	-.12 (.09)	-.35** (.07)
Industry/business interests	—	-.25** (.03)	-.26** (.03)	-.21** (.05)	-.25** (.03)	-.26** (.04)	-.24** (.07)	-.23** (.06)
General interests	—	-.13** (.04)	-.12** (.04)	-.12** (.04)	-.12** (.04)	-.04 (.08)	-.20** (.07)	-.17** (.05)
Turnover share	-.39 (.27)	—	-.20 (.25)	-.27 (.25)	-.26 (.26)	-.45 (.36)	.21 (.57)	-.48 (.41)
GDP/capita	-.01 (.01)	—	-.02 (.01)	-.01 (.01)	-.02 (.01)	-.01 (.02)	-.05** (.02)	.02 (.23)
Controls	No	No	No	Yes	No	No	No	No
Number of cases	433	440	416	407	391	208	110	89
Adjusted- R^2	.00	.16	.17	.20	.17	.22	.16	.18
Sample	Full	Full	Full	Full	EUM	IGR	NGR	EIR

Notes: EUM = EU member countries, IGR = interests group representatives, NGR = national government representatives, EIR = EU institution representatives. * indicates statistical significance at .05 level, ** at .01 level, two-tailed test.

the view of two distinct clusters. On the contrary, the various interests are quite evenly distributed along the regulatory dimension.

The views of representatives of health interests come closest to those representing environmental interests. The mean positions of these two groups are, in fact, statistically indistinguishable. At the other end of the spectrum we see, somewhat surprisingly, that the views on REACH of the respondents representing consumer interests are considerably closer to the views of industry than to the views of environmentalists. Statistically speaking, we cannot reject the hypothesis that consumer and industry interests share the same views on REACH.⁵ To make sense of this finding, one can hypothesize that consumers are, on the one hand, concerned about consumer prices and the quality of the products they buy, while on the other hand they are also concerned about the environmental and health risks of consuming these products. The respondents representing workers and general interests, finally, are situated half-way between the industry and environment representatives. The positions taken by the former two types of representatives are also statistically distinguishable from the positions of the two latter interests, respectively.⁶ Although industry and business interests, quite naturally, will be most concerned about the competitiveness of the European chemical industry, workers and trade unionists might share this concern. They are concerned about losing jobs in Europe. At the same time, they might be concerned about the dangers connected with the handling of chemical substances in the everyday working environments of many workers in European manufacturing industries. This may explain why worker representatives take a middle position on REACH.

To judge from the first two models, non-territorial interests are much more important than territorial interests in explaining actors' differing views on REACH. But it is possible, although not particularly likely, that the relationship is reversed once we include both types of interests in the same model. That this is not the case can be seen from the results of Model 3. The effects of the two types of interests on actors' views on REACH are more or less the same when examined jointly as when examined separately. This finding strengthens the view that positions on REACH are structured along non-territorial rather than territorial lines.⁷

Models 4 and 5 provide two different types of robustness checks of the results. In Model 4 we control for the respondents' organizational affiliation, as well as for their level of involvement in the REACH process. These two variables can be viewed as crude controls for the influence of supranationalist preferences. For reasons of space we do not report the coefficient estimates, but the results show that neither organizational affiliation nor the degree of involvement in the policy process is an important determinant of actors' views on REACH. Most importantly, however, we see

that our earlier findings withstand these controls. In Model 5 we restrict the sample to include only respondents whose home countries are members of the EU. As can be seen, the results for this more restricted sample are almost identical to those obtained for the larger sample.

According to the aggregate results presented so far, respondents' views on REACH are mainly determined by non-territorial factors. However, it might be feared that these results conceal important differences between various types of actors. To see whether this is the case, we now examine representatives of interests groups (Model 6), national government representatives (Model 7) and representatives of EU institutions (Model 8) separately. By and large, the results in Models 6–8 buttress our previous findings. Clearly, the regulatory preferences are structured along non-territorial lines in all three subgroups. The coefficients of the interests dummies are also strikingly similar across the different samples. The only notable exception is the category of workers' interests.⁸ We see that it is mainly governmental officials representing workers' interests who oppose extensive chemical regulations. Finally, we do not find support for the hypotheses about the impact of territorial factors in any of the three groups studied. Although the coefficient of GDP per capita is statistically significant for the subsample of governmental representatives, the coefficient is wrongly signed, respondents from rich countries appearing less, not more, likely to support extensive chemical regulations. Given that theoretical arguments about the primacy of territorial cleavages within the EU often are geared towards explaining government preferences, it is especially interesting to note that even among the group of national government representatives non-territorial interests appear much more important than territorial interests in explaining actors' attitudes on REACH. Consequently, the use of aggregate data do not seem to distort our substantive findings.

Before closing this section we shall, however, briefly consider two additional caveats. First, admittedly the turnover share of the chemical industry and GDP per capita are not the only possible indicators of territorial interests. For instance, it has been suggested that the regulatory preferences of individual member states may depend on their status as net contributors to or net receivers of EU funds. According to Zimmer et al. (2005: 417), the net receivers will, in general, prefer more extensive regulations whereas the net contributors in the EU system will advocate greater competition (see also Treib, 2005). However, we find little evidence for such an effect in our data. Regardless of whether we include net contributions per capita or a dummy variable differentiating net contributors from net receivers in our analyses, the resulting coefficients are small in magnitude and statistically insignificant.⁹

A second caveat refers to the relationship between territorial and non-territorial interests. In particular, it is a problem if the 'national background' of a respondent affects both the likelihood that he or she will represent a

particular type of non-territorial interest and his or her views on REACH, since we will then underestimate the role played by territorial interests. Obviously, we can give no guarantee that our results are not driven by such a selection effect (this would require an experimental study). With that said, we find no clear signs of important selection effects in our data. The distributions of non-territorial interests appear fairly similar across countries and the non-territorial interests represented by individual respondents are largely unrelated to our observable indicators of national interests.¹⁰ Yet the importance of selection effects for studies of political contestation within the EU undoubtedly constitutes an important area for future research.

Conclusion

The purpose of this study has been to assess the political cleavages that structure the conflict over the new regulatory system for chemicals (REACH) within the EU, which stands out as one of the largest and most controversial law-making processes in EU history. Chemicals policy highlights the necessity for the European Union to strike an appropriate balance between economic competitiveness and environmental protection. The REACH regulation has consequently been subject to an intense struggle between competing interests. This makes chemicals policy an excellent testing ground for examining the nature of political contestation in EU politics. More specifically, we have tested whether actors' positions on REACH primarily follow territorial (national) patterns, dividing respondents from countries with high and low adaptation costs, or non-territorial (ideological) patterns, separating environmental representatives from business representatives.

A first finding of the analysis is that actors' views on REACH are well captured by a single underlying dimension that taps respondents' attitudes toward supranational regulation of chemicals; that is, opinions about REACH are ordered along a single scale running from anti- to pro-regulation. Second, and more importantly, we show that the political conflicts over REACH are structured along ideological, not territorial, lines. The type of interest that actors represent accounts for a considerably larger share of the variation in attitudes toward the REACH proposal than do territorial factors such as the national importance of the chemical industry or the level of national economic development. Or, to put it slightly differently, according to our results, whether an actor represents business or environmental interests is much more important in determining his or her policy position on REACH than is the actor's national background.

That said, we also find – in contrast to much of the public debate, as well as to some previous research – that the pattern of contestation over the EU

regulation of chemicals is not as simple as being composed only of two competing advocacy coalitions positioned at either end of the policy spectrum, namely environmentalists vs. industrialists. On the contrary, our analysis shows that important interest groups, such as workers and consumers, are positioned in between these two extremes. In fact, the views of consumer representatives are found to be closer to those of business representatives than to those of environmental representatives, a finding sharply at odds with conventional wisdom (see, for example, Pesendorfer, 2006). Moreover, the fact that there is no gulf between the views on REACH of business and worker representatives indicates that the issue is not simply one of left or right, but that there is some room for an anti-regulation cross-class coalition between European labour and capital on environmental issues of this type. A likely reason for this is that workers and trade unionists share a concern for the competitiveness of the European chemical industry, since jobs will be lost if production moves out of Europe.

Unlike previous analyses of the importance of non-territorial cleavages in European politics (for example, Hooghe, 1999, 2001; Hix, 1999; Hix et al., 2007), this study is not restricted to the political attitudes of parliamentarians and high-level officials within the Commission, but considers the preferences of a larger set of policy-makers, also including, for instance, representatives of business, workers and environmental organizations. Against the background of the ongoing transformation of the EU into a multi-level polity this is an important addition to the literature, since this means that EU policy-making frequently will include a multitude of public and private actors. Our results indicate that this transformation of the EU is likely to make territorial cleavages less salient in EU politics and strengthen the graduation from integration to politics (Hix, 1999). Therefore, in order to develop an even better understanding of the nature of political contestation within the EU, we believe scholars are well advised to continue the work on refurbishing and advancing the 'domestic politics approach' to European issues, stressing the importance of various non-territorial sources of contention in EU politics. Yet it would be premature completely to dismiss the importance of territorial sources of conflict within the EU based on a single case study of an individual policy area. More research is needed to provide a more definite answer to the question of the relative importance of territorial and non-territorial factors.

The findings, as well as the limitations of the current study, raise several avenues for future research on this topic. Most importantly, in order to determine the generalizability of our results scholars should conduct similar analyses of other policy areas, such as the EU's social or structural policy. Other possible extensions of the present work could be to consider alternative indicators of territorial and non-territorial interests or to examine potential interactions between territorial and non-territorial sources of contestation.

Appendix

Dependent variable

Weighted index, based on factor analysis, of seven items from the questionnaire. The respondents were asked to state to what extent they agreed with each of the following propositions (1 = totally disagree and 7 = totally agree).

- 1 'Adoption of the OSOR proposal (One Substance, One Registration) will improve the REACH system.'
- 2 'Test requirements for low-volume chemicals (1–10 tonnes produced or imported per year) should be lighter than for higher volumes.'
- 3 'The "burden of proof" should be on industry instead of on public authorities for testing and risk assessment of chemicals.'
- 4 'The European Chemicals Agency should have full responsibility for the management of the REACH system.'
- 5 'When a safer chemical or technology is available at a reasonable cost, chemical producers and users should be required to adopt safer alternatives.'
- 6 'The precautionary principle should be a guiding principle of REACH, i.e. that decision-making must be based on precaution in order to prevent damage to human health and the environment.'
- 7 'Limiting animal testing should be one of the guiding principles of REACH.'

Independent variables

GDP/capita. Gross domestic product per capita, current prices (US dollars) in 2004. Source: IMF, *World Economic Outlook Database*, September 2006.

Involvement. Respondents were asked the following question: 'How would you consider your overall involvement in the REACH process? Please mark your opinion on a scale ranging from 1 = none at all, to 7 = intensively involved.'

Organizational affiliation. The respondents were asked the following question: 'What is your current institutional/organisational affiliation: i) European Commission, ii) Council of the European Union, iii) European Parliament, iv) Other EU Institution/Authority, v) Industry Association, vi) Private Business/Foundation, vii) Trade Union, viii) NGO, ix) Academic and Technical Institute, x) International Organisation, xi) Member State Government/Public Authority, xii) Applicant Country Government/Public Authority, xiii) Third Country Government/Public Authority, xiv) Other.'

Representational interest. Respondents were asked the following question: 'Which of the following interests would you primarily consider yourself as a representative of: i) Environmental interests, ii) Consumer interests, iii) Animal welfare interests, iv) Health interests, v) Workers' interests, vi) Industry/Business interests, vii) Private interests, viii) General interests, ix) Other interests.'

Turnover share. Overall turnover in the chemical industry (domestic + export sales) as a percentage of GDP. Sources: European Chemical Industry Council (Cefic, 2005) and IMF, *World Economic Outlook Database*, September 2006.

Further details on the survey

In total 651 respondents answered the online survey. In Table 3, the absolute and relative numbers of respondents for each category are presented. In Table 4, the absolute and relative numbers of respondents from different countries are presented. In Table 5, the absolute and relative numbers of respondents representing different categories of interests are presented.

Table 3 Number and share of individuals representing different categories of actors in the survey

<i>Actors</i>	<i>Number of respondents</i>	<i>Share of respondents (%)</i>
European Commission	56	8.6
Council of the European Union	7	1.1
European Parliament	87	13.4
Other EU institutions/authorities	8	1.2
Industry associations	90	13.8
Private businesses/foundations	89	13.7
Trade unions	39	6.0
NGOs	56	8.6
International organisations	9	1.4
Member state governments/public authorities	145	22.3
Applicant country governments/public authorities	4	0.6
Third country governments/public authorities	11	1.7
Academic and technical institutes	30	4.6
Other	20	3.1
Total	651	100.0

Note: Applicant countries at the time of the survey were Romania, Bulgaria, Croatia, Turkey and the former Yugoslav Republic of Macedonia.

Table 4 Number and share of participants in the survey from different countries

<i>Country</i>	<i>Number of respondents</i>	<i>Share of respondents (%)</i>
Austria	33	5.1
Belgium	47	7.2
Denmark	27	4.1
Finland	16	2.5
France	44	6.8
Germany	91	14.0
Greece	11	1.7
Ireland	13	2.0
Italy	37	5.7
Luxembourg	8	1.2
Netherlands	46	7.1
Portugal	11	1.7
Spain	23	3.5
Sweden	43	6.6
United Kingdom	66	10.1
EU 15	516	79.3
Cyprus	2	0.3
Czech Republic	9	1.4
Estonia	6	0.9
Hungary	11	1.7
Latvia	5	0.8
Lithuania	6	0.9
Malta	4	0.6
Poland	9	1.4
Slovakia	11	1.7
Slovenia	11	1.7
EU10	74	11.4
EU25	590	90.6
Applicant countries	9	1.4
Third countries	42	6.5
Unknown	10	1.5
Total	651	100.0

Note: Applicant countries at the time of the survey were Romania, Bulgaria, Croatia, Turkey and the former Yugoslav Republic of Macedonia.

Table 5 Number and share of participants in the survey representing different interests

<i>Interests</i>	<i>Number of respondents</i>	<i>Share of respondents (%)</i>
Environmental interests	137	21.0
Consumer interests	29	4.5
Animal welfare interests	8	1.2
Health interests	66	10.1
Workers' interests	65	10.0
Industry/business interests	164	25.2
Private interests	2	0.3
General interests	90	13.8
Other interests	14	2.2
Unknown	76	11.7
Total	651	100.0

Notes

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- 1 We follow the terminology used by Hooghe (2000) when we speak of 'territorial' and 'non-territorial' cleavages, although 'national' and 'ideological' cleavages are sometimes used to denote the same phenomena.
- 2 Addresses were not found for 135 respondents, 24 answered that they had not participated in the REACH process, 6 reported that they were on parental leave, 4 were retired and 6 people were deceased. In total, the actual sample thus consisted of 1776 actors.
- 3 Respondents had the option of choosing between five languages in which to answer the survey: English, French, German, Spanish or Italian. The survey was sent out to each potential respondent at three mailing rounds between 12 December 2005 and 28 March 2006. In addition, all remaining potential respondents were sent an individually addressed e-mail reminder (written in English, French, German, Spanish, Italian, Swedish or Polish depending on to whom it was addressed) between 17 May and 2 June 2006. The survey was finally closed on 19 June 2006.
- 4 Private interests were also among the alternatives, but since only two respondents stated this interest we will not consider this alternative.

- 5 The statistical results proving this statement are available from the authors upon request.
- 6 The statistical results proving this proposition as well as the one above – concerning the non-distinguishability of consumer and industry interests – are available from the authors upon request.
- 7 One reviewer suggests that, in order to strengthen our results, we should control for some kind of ideological measurement, such as left–right placement. Unfortunately, except for Members of the European Parliament – for whom we have information about their party affiliation – our survey includes no questions about respondents’ ideological placement. It is, however, comforting to note that the main results remain intact also if we re-estimate our model on the subset of parliamentarians (48 respondents) for whom the necessary information is available and replace our dummies of non-territorial interests with another set of dummies indicating respondents’ party group affiliation. In this analysis the coefficients of turnover share and GDP per capita still turn out to be statistically insignificant, whereas we find some, although weak support, for the view that views on REACH are structured along party lines (the complete results are available upon request). Nonetheless, as argued above, given that environmental issues, in general (Warwick, 2002), and REACH, in particular (Pesendorfer, 2006), cut across the traditional left–right dimension, we believe that the wider measure of non-territorial interests used in this article is preferable to a measure based on left–right placement.
- 8 The results for animal welfare interests are reported only for consistency with previous models. But since there is only a single representative for this type of interest in both Models 7 and 8, the reader should not attach too much significance to the estimates of this variable.
- 9 The results are not reported for reasons of space, but they are available from the authors upon request.
- 10 It is possible to estimate the strength of the relationship between, on the one hand, the turnover share in the chemical industry and GDP per capita and, on the other hand, each of the seven dummy indicators of non-territorial interests by means of so-called polyserial correlation coefficients. All correlation coefficients turn out to be small in magnitude. The largest correlation coefficient is no higher than .17 (between the turnover share in the chemical industry and the dummy variable indicating business interests) and only 2 out of 14 pairwise correlation coefficients indicate a statistically significant relationship. The complete results are available from the authors upon request.

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