

**“PRIVATISING” EU GOVERNANCE: EMERGENCE AND
CHARACTERISTICS OF VOLUNTARY AGREEMENTS IN EUROPEAN
ENVIRONMENTAL POLICY**

by

Katja Rottmann & Andrea Lenschow

Osnabrück University
Department of Social Sciences
Seminarstraße 33
D- 49069 Osnabrück

Contact details:

Email: andrea.lenschow@uni-osnabrueck.de

Email: katja.rottmann@web.de

An earlier version of this paper was presented at the Scientific Workshop “Soft Modes of Governance and the Private Sector”, Network of Excellence CONNEX: Research Group 6, Team 2, Darmstadt (1.-3. November 2005). This revised version was presented at the HIS in Vienna in November 2006.

I. Introduction

Up to the present, environmental protection in the Community has mainly been based on a legislative approach ('top-down'). The new strategy ... implies the involvement of all economic and societal partners ('bottom-up') (Official Journal 1993: 17)

The publication of the Fifth Environmental Action Programme in 1993 pointed to a new trend in EU environmental policymaking. This trend had its roots in two parallel debates (Lenschow, 1999). First, it followed a global debate on governance which responded to a loss of problem-solving capacities by central governments and argued both for the unburdening of state administrations and less hierarchical styles in “steering” the economy and society. Second, the international discourse on sustainable development established a more systemic understanding of the linkages between environmental protection and economic and social development, suggesting the need for more co-operative and inclusive policymaking involving business interests and ordinary citizens as partners in changing behavioural and production patterns.

Inside the EU the “crisis of the state” (or more accurately “crisis of the EU”) had become visible through unsatisfactory records of the “state of the environment” in Europe (EEA, 1998) and some evidence of malcompliance with the – by that time impressive – body of regulations and directives aimed at protecting the natural environment, putting the economy on a more environmentally sustainable basis and ensuring that peoples’ health and well-being would not be threatened by environmental pollution (see annual reports on monitoring the application of Community law by the Commission). Hence, there appeared – at least in rhetoric – a call for new policy instruments, presenting alternatives to the traditionally hierarchical, top-down mechanisms of policymaking and shifting (some) responsibility to private actors. Institutionally, this shift would represent a certain departure from the principles of co-operative federalism that guided old-style regulatory environmental policy in the EU, with the lower national and regional administrative levels implementing the decisions taken at the centre of the political system in Brussels. “Governance in networks”, which of course has always characterised the policy formulation phase when the Commission relies heavily on consultations with public and private actors, would now extend further to decision making and implementation.

This chapter focuses on the emergence and the characteristics of voluntary agreements (VAs) as a particularly interesting new instrument in this context. VAs follow the trend towards less hierarchical steering in the sense that they are not legally binding on the contractual partners. Also, they typically do not define precise mechanisms, technologies or institutional arrangements for reaching the agreed target; hence they allow for considerable flexibility in achieving the common goal. In terms of “privatising” governance and forming networks between public and private actors we can distinguish two forms of VA, private self-regulation, where private actors voluntarily agree on common standards outside the legal and institutional framework of the EU (i.e. outside a formal multi-level governance context), and co-regulation, where regulatory competencies may be formally delegated from EU institutions to private actors (for the EU framework see section 2). Differences in the formality of public-private cooperation in VAs typically correspond to varying intensities of the cooperation although – as we will see below – public-private interaction in self-regulatory formats must not be underestimated.

The following graph places VAs in a simple typology of regulatory modes.

Figure 1: Voluntary Agreements and Other Governing Instruments

		DEGREE OF PUBLIC-PRIVATE COOPERATION	
		<i>Low/Moderate</i>	<i>Moderate/High</i>
Degree of Obligation	<i>High (obligatory commitments)</i>	Regulation (command-and-control)	Regulation with the involvement of private interests
	<i>Low (voluntary commitments)</i>	VA: Self-regulation	VA: Co-regulation

Source: Rottmann (2005, 19); adapted from Mol *et al* (2000, 4) and Knill (2003, 65)

While the increase in the numbers of VAs at the national level is undisputed – in 1997 the Commission counted over 300 in the EU member states, with an upward trend – voluntary agreements at the EU level are less well known and underresearched. Holzinger *et al.* (2003) argue that the actual profile of new instruments in EU environmental policy and of VAs in particular, hardly corresponds to the rhetoric attributed to them in EU and OECD documentation. There might be a great deal of noise

about nothing. This chapter therefore seeks out actual evidence of VAs in EU environmental policy.¹ In a second step we look for the characteristics of “privatisation” – viewed through the lenses of European debates on ‘good’ and ‘multi-level’ governance. In analysing the formulation, design and implementation of two specific EU VAs aiming at the reduction of CO₂ emission in cars and greater energy efficiency in consumer electronics, we will investigate the format that public-private cooperation takes and identify some framework conditions for their effectiveness.

II. Rhetoric and Evidence of Public-Private Governance in the EU

Following the problems in ratifying the Maastricht Treaty in the early 1990s, discussions about appropriate forms of governing ‘Europe’ spread quickly – both in the EU member states reflecting primarily the division of competences between the European and national or regional levels (the subsidiarity debate) and inside the European Commission debating new forms of public involvement as one means of increasing both acceptance and effectiveness of EU policy without fuelling calls for de-regulation and re-nationalising. Inside the Commission this debate culminated in the publication of the (in)famous White Paper on European Governance in 2001 (CEC, 2001). Besides emphasising the need to improve the quality of (traditional) regulatory policy, the Commission called for stronger involvement of civil society not only in the form of old style consultations but increasingly also in the form of self- and co-regulation.

Already in 1996 the Commission had published a Communication on VAs (CEC, 1996) which laid down a range of criteria to ensure credibility and transparency in using this instrument. Although the Communication was primarily directed at member states choosing VAs as alternative to classical regulatory tools, it also established a framework for EU level VAs. These were always to take the form of non-obligatory agreements. But, they could be recognised (informally) by the Commission (in the form of a recommendation or an exchange of letters establishing certain framework conditions).

In 2002 the Commission formulated a Communication specifically on environmental agreements at the EU level (CEC, 2002). Responding to announcements about

¹ It should be noted that VAs on environmental matters need not be negotiated (or controlled) by authorities responsible for environmental policy. One of the case studies analysed in this paper, for instance, involves industry and the Directorate-General for Energy & Transport; the other

improving relations with industry and supporting voluntary agreements with clearly defined goals that had been made in the Sixth European Environmental Programme (CEC, 2001, 19) as well as demands from the European Parliament for a legal framework for VAs, this Communication distinguishes between two forms of VAs (see above): Self-regulation implies voluntary agreements which are reached by industry outside any legal framework at the EU level. While the Commission may recognise such VAs, it does not forego the right to initiate formal regulation. Co-regulations, in turn, are agreed within a legal framework. For example, there could be a framework directive delegating responsibility for achieving legally determined environmental targets to private actors.

This chapter focuses on the former variant of VAs, the “privatisation” of both target-setting and implementation. Quantitative developments concerning VAs seem to give support to claims of a trend towards new policy instruments which are based on a non-hierarchical rule-making structure and a new balance in state-society relations with more autonomy for private actors. Although small compared to the total number of active directives and regulations, VAs agreed at EU level exceed the number reported in studies sceptical of the spread of new instruments (Holzinger *et al.*, 2003, 118) as well as the number of VAs in most EU member states (except Germany, the Netherlands and Austria) (Wuppertal Institut, 2005, 13). The first VAs at EU level had already been agreed in the late 1980s. They aimed at the reduction of chlorofluorocarbons (CFCs) in various products. During the three years following the 1996 Communication eight new VAs were brought in, most of them focusing on energy efficiency and CO₂ emissions reduction. By 2005, a total of 21 VAs had been agreed (two representing extensions of prior agreements) (see Annex).² The more subtle structural and procedural implications of the self-regulatory form of VAs can be only investigated in detailed case study analysis, however. The analytical framework for such case studies will be outlined below.

does include DG Environment but also DG Enterprise. This, of course, complicates the detection of environmental VAs.

² There is no official registry of VAs in the EU. This number is based on research in various DGs in the Commission and large industry associations. As there is no formal obligation that all VAs should be published in an EU document (or in the Official Journal), this number may underestimate the true spread of VAs.

III. Analytical Framework: Multi-level and Good Governance in Self-Regulation

From the guiding perspective of this book, the analysis of self-regulation allows us to trace ‘multi-level governance’ in an area where multi-level structures lack formal institutionalisation. From this viewpoint self-regulation may play three different roles: First, self-regulation may become an *alternative* to policy decisions taken in the multi-level framework of the ‘Community method’. Second, suggesting a *complimentary* role, self-regulation may operate in the shadow of EU institutions that monitor and control private regulatory activity. Third, VAs may serve as a *bridge* “to initiate European policymaking in areas previously entirely reserved to member states” (Héritier, 2002, 195).

From a more general ‘good governance’ perspective, VAs are chosen for their potentially superior problem solving capacity compared to traditional regulatory instruments in the EU (e.g. Liefferink *et al.*, 2000, 14). They can bypass long-winded decision-making procedures between the Commission, Council and the European Parliament, reduce the administrative burden on the EU and at the national level through building higher levels of acceptance by those affected by environmental policy, and allow for flexible and innovative implementation on the part of the participating private actors (Héritier, 2002; ten Brink, 2002). By contrast, VAs risk that industry merely follows ‘business as usual’ rather than actively pursuing environmental protection goals. In addition, selective involvement of private actors and lack of transparency may reduce the legitimacy of the regulatory process (Singer/Volpi, 2002). Hence, a framework for ensuring the effectiveness and legitimacy of VAs needs to be secured or put in place.

Figure 2 combines features identified in the literature that are likely to contribute to the effectiveness of private self-regulation. We distinguish two dimensions – the internal and external dimension of self-regulation and the top-down versus bottom-up process of controlling performance. Especially the literature investigating the political (and regulatory) role of corporate associations tends to “bring the state back in”. The state (or the EU) provides incentives for private self-regulation by accepting private norms or standards as valid alternatives to legal instruments while at the same time holding the “stick” of regulatory intervention in case industry fails to comply with the agreement (cf. Voelzkow *et al.*, 1987; Mayntz/Scharpf, 1995). In other words, this literature suggests that VAs ought to be placed in the shadow of the hierarchy; hence that state authority

and private responsibility must be *complimentary* (see above). Most of the “good governance” rhetoric, in turn, tends to perceive VAs at least partly as *alternatives* to the state and focuses on bottom-up dynamics and public involvement to secure both adequate solutions for specific situations and the legitimacy of regulations. Furthermore, the general public may pressure private actors from the outside, for instance through consumption behaviour or public protest.

Turning to the internal dynamics of private self-regulation, effectiveness has been linked to leadership as well as membership structures (cf. Mol *et al.*, 2000; de Clerq, 2002). At the EU level, corporate leadership lies with the European peak association of the given branch. Compared to national VAs – especially in states with corporatist industrial relations – these associations cannot be expected to be strong in exerting authority over their members. They may nevertheless succeed in building trust among them by providing information, mediating conflicts and negotiating with as well as shielding against external state/EU or societal pressure. Membership constellations with homogeneous interest structures tend to be most suitable for effective VAs as members are likely to agree on the objectives laid out in the agreement; otherwise the VA needs to facilitate win-win scenarios by trading off interests between differently structured or minded members. Generally, the literature on interest intermediation suggests that small groups are more likely to control the free-rider problem, which may otherwise destabilize cooperation (e.g. Olson, 1965).

Figure 2: Framework for Assessing Self-Regulations in the EU

	External dimension of self-regulation	Internal dynamics of self-regulation
<i>Top-down</i>	Shadow of EU hierarchy; Legal equivalence of private norms	Leadership of EU association
<i>Bottom-up</i>	Public involvement and control; Public pressure	Homogeneous membership; Small membership

The following two case studies will investigate the structure of EU self-regulation in light of their multi-level governance features and good governance potential.

IV. Two Case Studies

a. ACEA

The ACEA agreement is a voluntary agreement between the association of European car manufacturers, ACEA (“Association des Constructeurs d’Automobiles Européens”),³ and the European Commission. There are two directorates general (DGs) involved in the agreement: DG Environment and DG Enterprise and Industry. The ACEA agreement was signed in 1998 and aimed at the reduction of CO₂ emissions from passenger cars.⁴ The average CO₂ emissions were to be reduced by 25 per cent to a value of 140g CO₂/km by 2008 compared with 1995.⁵

CO₂ emissions from the transport sector and particularly from cars are an important issue in European climate policy as they contribute significantly to climate change. CO₂ emissions by road traffic increased by 22 per cent between 1990 and 2001 and accounted for 24 per cent of the total man-made CO₂ emissions in the EU-15 in 2001 (Kageson, 2005, 5). Furthermore, these emissions are likely to increase in the following years. This development stands in sharp contrast to the EU’s commitments in the Kyoto Protocol where it agreed to reduce its CO₂ emissions to about 8 per cent below 1990 levels by 2008.

i. Emergence of the agreement

The European Commission realised quite early on that CO₂ emissions by cars would become an important issue of climate policy. A Directive as early as 1991 stated that the Commission should decide on measures limiting the CO₂ emissions of motor vehicles (OJ L 242 of 30.08.1991). The Motor Vehicle Expert Group (MVEG) of the Commission was charged to develop appropriate measures. It put forward different proposals such as emission standards and fiscal measures. The discussions in the expert group revealed that the problem of CO₂ emissions from cars would not be easily solved. For example, it turned out that it was technically difficult to develop a clear standard because

³ All European car manufacturers are represented by ACEA. At the time of writing, ACEA has 13 members: BMW, DAP Trucks, Daimler Chrysler, Fiat, Ford of Europe, General Motors Europe, MAN Nutzfahrzeuge, Porsche, Peugeot Citroen, Renault, Scania, Volkswagen and Volvo.

⁴ The title of the agreement is: ACEA commitment on CO₂ emission reductions from new passenger cars in the framework of an environmental agreement between the European Commission and ACEA (ACEA, 2002).

⁵ In 1995, the average CO₂ emission of the total number of cars manufactured was 186g CO₂/km.

the CO₂ emissions of a car depended on many different features such as the size of the vehicle, its weight, the power of its engine and many other factors. In the end, the member states could not reach a consensus about this or other proposals (e.g. fiscal measures). In particular, those member states with a significant automobile industry did not want to agree on measures that would be costly for their producers.

Once it had become clear that the Commission was working on the topic of CO₂ emissions from cars, ACEA, during bilateral talks with the Commission, put forward the idea of a voluntary agreement. The automobile industry was familiar with this instrument since the German sector association, VDA, had set up a voluntary agreement in 1995. To introduce such an instrument at the European level, the members of ACEA first had to agree on this approach amongst them. Its main advantage for the automobile industry is the fact that it sets only average targets but leaves it open to industry on how to achieve them. This means that no technical requirements are made and intervention in the market is avoided. A standard, by contrast, could limit industry's flexibility to build a wide range of cars from small cars to Sports Utility Vehicles (SUVs) and could eliminate some car models with very high CO₂ emissions. Hence, the manufacturers of big cars such as BMW or Volvo favoured VAs whereas the manufacturers of smaller cars could also have lived with a minimum standard for CO₂ emissions. The then President of ACEA, Pieschetsrieder, at that time chief executive officer (CEO) of BMW, was able to convince other manufacturers of the benefits of the voluntary approach. Furthermore, he persuaded some governments in member states with a strong automobile industry to support the project (Rottmann, 2005, 55).

At the same time, internal discussions were taking place in the Commission about a possible voluntary agreement. DG Enterprise and Industry as well as the Council favoured a voluntary approach, as they did not want to endanger the competitiveness of European automobile manufacturers by emission standards. DG Environment was more sceptical as the instrument of a voluntary agreement had no legal treaty basis. In the end, the Commission agreed on a voluntary approach taking into account that other measures would probably not be accepted by the Council (Keay-Bright, 2000, 19). As a consequence, it published a Community strategy to reduce CO₂ emissions from private cars which consisted of three elements: a voluntary agreement with the automobile industry, a framework for fiscal measures and a fuel economy consumer information scheme (CEC, 1995). This strategy was subsequently approved by the Council.

The European Parliament (EP) took a more critical stance. It had not been involved in the development of the Community strategy and made clear that it could not accept a voluntary agreement, which as an informal instrument would not legally require the institutional involvement of the EP.

After the publication of the Commission strategy on CO₂ and cars, the Commission started to work on the concrete text and targets with ACEA. During discussions between the EP, the Council and the Commission, the European institutions had agreed on an average value of 120g CO₂ /km for new cars by 2005, at the latest by 2008. ACEA was not willing to accept this target for the voluntary agreement and proposed 167g CO₂ /km by 2005 which in turn was not accepted by the Commission. The negotiations were delayed until 1998 when the Commission made it clear that it was going to take the legislative route unless ACEA would accept a 25 per cent reduction of the CO₂ emissions, which meant a value of 140g CO₂ /km. ACEA finally agreed to avoid uniform, legal standards.

These negotiations took place at different levels between the Commission and ACEA. In the beginning, they started at the working level between two desk officers from DG Environment and DG Enterprise and Industry as well as two engineers from Ford representing ACEA (Keay-Bright, 2000, 21). Later, they were conducted at the highest level between the two relevant Commissioners on the one hand and the president of ACEA on the other. The Council was regularly informed and consulted by the Commission, whilst the EP remained at the sidelines during the negotiation process. "Public participation has been almost non-existent, with NGOs only having been consulted once" (Volpi/Singer, 2002, 150). Consequently, the EP and NGOs were very critical of the negotiation process as well as of the outcome of the agreement.

ii. Nature of the agreement

The ACEA agreement consists of a commitment by all manufacturers belonging to ACEA in 1998, on the one hand, and a Commission recommendation which officially recognised the commitment in February 1999 (OJ L 40 of 13.02.1999, pp. 49-50), on the other hand. The text of the ACEA agreement set concrete targets for the commitment:

- A reduction in the average CO₂ emissions of new private cars by 25 per cent until 2008 compared to 1995 to a value of 140g CO₂ /km;

- An interim target of 165-170g CO₂ /km by 2003 which corresponds to a CO₂ emissions reduction of 9-11 per cent compared to 1995;
- The introduction of car models emitting 120g CO₂ /km or less in the EU market by 2000 by some manufacturers (ACEA, 2002, 11).

Furthermore, ACEA agreed to assess compliance with the commitments by a joint monitoring procedure with the Commission as well as by conducting a joint “major review” of the agreement in 2003.

The emission data provided in the monitoring reports are aggregated data and indicate the average for all companies. They do not refer to the achievements of individual companies in order to guarantee data protection (ACEA, 2002, 12). This triggered a lot of criticism by NGOs who complained about a lack of transparency (World Resources Institute/ SAM Group, 2005).

It seems that the Commission paid particular attention to include in the text of the agreement some of the criteria laid down in its communication of 1996, such as quantified and staged targets and monitoring of the agreement. This might have helped to convince the EP of the quality and legitimacy of the agreement. However, not all the criteria were fulfilled, most notably the involvement of civil society.

During the negotiations on the agreement, the Commission had promised to undertake discussions with the Japanese (Japan Automobile Manufacturers' Association – JAMA) and Korean (Korea Automobile Manufacturers' Association – KAMA) automobile industries for an equivalent agreement. The reason was that ACEA feared a competitive disadvantage if other non-European automobile manufacturers were not obliged to reduce CO₂ emissions of their cars. Indeed, the Commission was able to reach a similar agreement with JAMA and KAMA which for 2009 set the same CO₂ target for new cars sold in the European market.

The monitoring decision of the EP and the Council in 2000 (OJ L 202 of 10.08.2000, pp. 1-13) obliges each EU member state to provide data on CO₂ emissions from newly registered cars from 2003 on, so that independent verification of the results of the agreement is possible. Until 2003, data on CO₂ emissions had to be provided by the automobile industry. Moreover, the Commission is required to inform the EP and the

Council each year about the progress of the agreement through a Commission Communication.

In sum, within the category of self-regulation and compared to other VAs at the European level, the ACEA agreement is relatively formal as it has been recognised by a Commission recommendation. In addition, it has been accompanied by the decision of the EP and Council to introduce independent monitoring and the obligation of the Commission to publish the results of the agreement in an annual communication.

iii. Implementation of the agreement

The implementation of the ACEA agreement consists mainly of monitoring and reporting activities. In particular, this requires two main fields of work: the joint monitoring reports by ACEA and the Commission, and – following the monitoring decision in 2000 – independent monitoring by the Commission and the member states.

At first, the ACEA and the Commission did not agree on the exact form of common monitoring as this had not been specified in the text of the agreement. ACEA would have preferred a simple monitoring system, e.g. an exchange of letters stating the progress of implementation. The Commission – faced with criticism from the EP and NGOs – insisted on a more detailed monitoring procedure with joint monitoring reports (Rottmann, 2005, 63).

During the early meetings of the implementation phase of the agreement, a common reporting format was developed by the Commission and ACEA. Usually, there were three meetings a year at the level of the “steering committee”⁶ between ACEA and the Commission in order to produce a monitoring report. At these meetings, detailed data on such matters as CO₂ emissions of new cars were discussed and a monitoring report was drafted with both partners agreeing the text. This text was then adopted in the summer by the two relevant Directors General of the Commission and the President of ACEA. Later, in the autumn, a Commission official prepared the Commission Communication for the EP and the Council on the basis of the joint monitoring report. Both documents are published on the website of DG Environment.⁷

⁶ The “steering committee” consists of six representatives of ACEA, JAMA and KAMA as well as two officials from the Commission.

⁷ See http://europa.eu.int/comm/environment/co2/co2_monitoring.htm.

In addition, more detailed meetings at the working level take place between the responsible officials of the Commission and ACEA in order to solve technical questions. These meetings established close contact between the Commission and ACEA. In terms of resources, ACEA employs one and the Commission employs two officials (DG Environment and DG Enterprise) working on a part-time basis on the ACEA agreement. Furthermore, the member states are required to allocate resources for the creation of the independent monitoring system, and ACEA pays an independent research institute to obtain the CO₂ emission data.

During the early years of the agreement, the Commission did not have independent data at its disposal and had to rely on ACEA's data. However, after it became possible to obtain emission data from the member states, the European institutions relied less on information from industry. Such independent monitoring increased following the monitoring decision of the EP and the Council in 2000. The member state authorities responsible for the registration of new cars now had to include information on CO₂ emissions in the registration procedure. From 2001 on these data were transmitted to the Commission and informed the monitoring report for the first time in the 2002.

Apart from the monitoring and reporting, there have been some further implementation activities within the Commission. The Commission kept working on legislative measures on CO₂ emissions in order to have a credible threat in its hands if ACEA failed to reach its targets. Furthermore, some other measures (e.g. consumer information on the fuel economy of new cars or fiscal measures) were developed following the 'three element strategy'.

ACEA focuses its activities to tasks of co-ordination. The efforts of car producers in reducing CO₂ emission are discussed quarterly at the CEO meetings. Data about individual companies are not discussed at these meetings, nor does ACEA itself have these data, indicating that emission data of individual companies are very sensitive.

ACEA members have been able to reduce CO₂ emissions from new cars from an average of 185g CO₂ /km in 1995 to 161g CO₂ /km in 2004 which represents a reduction of 13% (CEC, 2006, 3, 9). The interim target for 2003 of 165-170g CO₂ /km had already been reached in 2000. However, if the target of 140g CO₂/km shall be reached in 2008, a higher reduction rate will be necessary during the next few years. In its Communication to the Council and the European Parliament, the Commission emphasised the significance of the car industry meeting this target which they consider feasible (CEC,

2006, 8). Both responsible Commissioners underlined that the Commission will pursue other measures to ensure that the CO₂ reductions are achieved if industry does not live up its commitment.⁸ This threat alongside the ACEA reluctance indicate that it is not yet clear whether ACEA will meet the targets of the voluntary agreement.

Potentially undermining the Commissions hierarchical gestures, however, are activities of the high level expert group CARS 21 (Competitive Automotive Regulatory System for the 21st Century).⁹ This group has been set up by the Commission (DG Enterprise and Industry) and ACEA in 2005 to make recommendations for increasing the competitiveness of the European automotive industry. Its focus on competitiveness issues may lead to the neglect of environmental concerns and diminish the pressure to reach the 140g CO₂ /km target by 2008 and follow up with a stricter VA. Some conflict over the targets of such future agreement has already emerged. While the Commission would like to set a target of 120g CO₂ /km by 2012, ACEA has already pointed out that such a target would be too expensive. The Commission is now carrying out an impact assessment in order to put forward to the Council and the EP a proposal on the achievement of the 120g CO₂ /km target.

iv. Evaluation

Two 'top-down' dynamics fostered the emergence of the ACEA agreement: First, it was the threat that regulatory measures to fight CO₂ emissions from cars would be imposed on industry. The salience of the topic in EU climate policy also put pressure on the Commission to present a solution to this environmental problem and added credibility to its announcement to deploy other measures in case that no agreement would be reached. Second, the ability of ACEA to create agreement among its members and to negotiate bilaterally with the Commission contributed to the decision.

Concerning the internal factors that might lead to the effectiveness of the VA, ACEA's role in assuring the implementation process vis-à-vis its members is quite restricted. It mainly provides information and is responsible for negotiating with the Commission.

⁸ Press release IP/06/1134, "CO₂ emissions from new cars down by more than 12% since 1995", Brussels, 29 August 2006.

⁹ For further information, see <http://ec.europa.eu/enterprise/automotive/pagesbackground/competitiveness/cars21.htm> (20.08.2006).

However, the fact that ACEA only consists of 13 members, which form a very homogeneous group sharing the common interest to avoid regulation, facilitates effectiveness from the bottom up. The VA represents a win-win situation for the ACEA members, even though some companies win more than others. Consequently, all companies participate in the agreement and try to reduce their CO₂ emissions. However, free-riding may occur because emission data are only presented for ACEA as a whole and it is not transparent which company reduced its CO₂ emissions to what extent. The fact that some manufacturers perform much better in reducing emission, hence would not suffer as much of a regulation on CO₂ emission as their competitors, has the potential to destabilize the agreement and weaken the negotiation position of ACEA, however.

On the other hand, external support for a strong environmental agreement is mixed at best. The demand for efficient cars has strongly increased due to rising gasoline prices and is thus an incentive for the car manufacturers to comply with the agreement. But, consumers also ask for faster, bigger and safer cars which at the same time are very inefficient.

A special feature of the ACEA agreement is its formal design. In addition to the joint monitoring by ACEA and the Commission, European Parliament and the Council have issued a “monitoring decision” which implies independent monitoring by the Commission and the member states and yearly communications on the state of implementation from the Commission to the EP and the Council. This means that different European institutions are much more involved in the agreement compared to other self-regulatory arrangements. Based on this monitoring, the Commission is able to control industry’s performance. The ACEA agreement thus operates in the shadow of hierarchy which clearly represents an important factor for compliance. It must also be noted however that politically the VA is approaching difficult times as the issue of competitiveness of the car industry dominates the agenda compared to concerns over environmental performance.

b. EICTA

The voluntary agreement¹⁰ by EICTA (European Information, Communications and Consumer Electronics Technology Industry Associations) aims at improving the energy

¹⁰ This VA corresponds clearly to the regulatory mode of self-regulation due to its informal nature. In order to emphasise the voluntary nature, it is called self-commitment. Its title is “Industry self-

performance of consumer electronics such as televisions or DVD players in standby mode as well as in on-mode. EICTA is a mixed association consisting of national associations as well as big companies in the sector.

This VA is part of European energy efficiency policy, motivated by both energy security and climate change concerns. In 2000, the Commission published an action plan to improve energy efficiency. In the field of household appliances and consumer electronics it proposed three possible policy instruments: labelling systems and minimum standards for energy efficiency as well as voluntary agreements.

Up till now, the directive 1992/75 (OJ L 297 of 13.10.1992, pp. 16-19) introduced energy labelling for household appliances (e.g. freezers, washing machines and dishwashers). Depending on their energy use household appliances receive a label from “A” (very efficient) to “G” (very inefficient). Such a label is intended to foster consumer awareness and should provide an incentive to buy efficient equipment. Minimum efficiency standards have also been applied in the field of household appliances, for instance, for refrigerators and freezers (Directive 96/57/EC, OJ L 236 of 18.9.1996, pp. 36-43). Minimum standards aim at removing appliances with low energy efficiency from the market.

However in the field of consumer electronics it is difficult to apply these two policy instruments. As consumer electronics are subject to very fast technological development minimum standards are likely to be outdated soon after they have been agreed. The same holds true for a labelling system given that the development of energy efficiency categories takes a lot of time.

In contrast, voluntary agreements seem to provide enough flexibility to adjust to technological development. That is why the Commission – in the case of energy efficiency it is DG TREN (Transport and Energy) – has favoured the voluntary approach. Furthermore, it assumed that voluntary agreements use fewer internal resources than other instruments because the formal institutional routines are reduced to a minimum. The member states support VAs in the area of energy efficiency as long as they establish targets going beyond business-as-usual. They also see that VAs could provide fast and efficient implementation. EICTA appreciates the opportunity to reduce the

commitment to improve the energy performance of household consumer electronic products sold in the European Union”).

regulatory burden on its clients and to keep as much flexibility as possible for developing and selling products in the European market. The EP and NGOs, in turn, take a more critical stance because they fear that targets are not set at ambitious levels and that industry-independent monitoring may be absent (Rottmann, 2005, 76).

i. Emergence of the agreement

Several studies on possible measures to improve energy efficiency were conducted within the programme SAVE (Specific Action for Vigorous Energy Efficiency) during the 1990s. It turned out that many appliances had a high energy use in standby mode and that there was a high potential to improve energy efficiency in this area. Already in 1996, VAs had been recommended as an instrument to improve the energy efficiency of television sets and video recorders. The Commission organised several meetings with representatives of the consumer electronics industry to discuss the possibility of a VA. After two years of negotiations in 1998, a voluntary agreement to reduce energy consumption by new television sets and video recorders in standby mode was concluded with the industry association EACEM, which later merged with EICTA. The VA was recognised in a Commission notice (OJ C 12 of 16.1.1998, p. 2) and set targets for 2000. However, the targets of the agreement were already reached by 1998 (Bertoldi, 1999, 7).

In 2000, the Commission discussed developing the VA with more demanding targets and an extension of the agreement to the on-mode of television sets. It also wanted to extend the existing labelling system in order to draw the consumer's attention to the energy use of their TV sets or video recorders. This proposal was submitted to the relevant business interests, but industry was very much opposed. In such a labelling system, top technology television sets would be labelled with an "F" or "G" as they typically use a lot of energy, whereas products that are technologically less advanced could obtain an "A". Industry felt that consumers could be misled by the label with regard to the performance of the product.

In order to prevent the introduction of labelling, EICTA offered a new agreement containing more ambitious targets for energy use in standby mode for TV sets and DVD players as well as initial efforts to reduce the energy consumption of TV sets in on-mode. The proposal was discussed in the Commission and by national experts within the Labelling Committee. This committee had been set up under Directive 1992/75 on the energy labelling of household appliances and was responsible for implementing

measures according to this Directive. The negotiations between the Commission and member states on the one hand and EICTA on the other took about two years. A conclusion could be reached only after EICTA agreed to include in the VA a special voluntary label for TV sets as well. As a result, the Commission and member states agreed to informally recognise this VA and not to introduce legislation.

ii. Nature of the agreement

The legal status of the VA by EICTA differs from the ACEA agreement. It is not recognised in a Commission recommendation or notice and is thus more informal. Furthermore, there is no provision that the Commission monitors the agreement or publishes annual reports on the state of implementation. Such informality allows for greater flexibility not only on the part of industry, but also for the Commission which is in no way formally constrained to pursue other measures to improve energy efficiency.

As proposed by EICTA the VA covers TV sets and DVD players in standby mode as well in on-mode for some TV models (EICTA, 2003). It consists of three annexes which relate to different product categories: CRT-TV (cathode-ray tube television), non-CRT-TV (TVs with new technologies) and DVD players. Each annex sets specified targets for the relevant product group. The targets for CRT-TV are the most far-reaching. They include targets for power consumption in standby mode (not exceeding one watt by 2007), power consumption in on-mode (energy efficiency improvement of 5-10 per cent by 2007) and a label stating the power consumption in on and standby mode as well as the estimated annual energy consumption. The commitments for non-CRT-TV are similar, but do not include an energy efficiency improvement in on-mode as the measurement method still has to be developed. The commitments for DVD players include a target only for the standby mode.

Participation patterns differ from the ACEA agreement. Not every company that produces the relevant products has to participate. EICTA *invited* its members to take part in the VA. It was important for the Commission that the participating companies represent a broad market share of about 70-80 per cent so that the VA would have an identifiable impact on the energy efficiency of consumer electronics. Depending on the product category, between six and twelve companies entered into a commitment. In 2001, when the agreement was concluded, participating companies represented a market share of nearly 70 per cent for CRT-TV.

These companies have to report annually on the energy performance of their products sold in the EU. The results are put into an aggregated report which is submitted to the Commission. Another item laid down in the EICTA commitment is the establishment of a steering committee which has to verify the results of the commitment. The steering committee consists of representatives of EICTA, the Commission, some member states and other experts such as the representative of a consumer organisation. Transparency of the VA for the general public is limited, however, as the text of the VA has been taken off the EICTA website and the annual reports are not published on a prominent place of the website.

iii. Implementation of the agreement

The most important element of the implementation of the VA is the reporting procedure. Once the member companies have reported the data concerning the energy use of their products to EICTA, the latter prepares an annual report on the results of the VA. This report contains information on the development of the average energy use in standby and in on-mode for each company. As confidentiality is a very important issue, the data are anonymized so that it is not obvious to the reader which company delivered which data.

The annual report is discussed in detail in the steering committee which meets two or three times a year. If the report does not satisfy all members of the committee, it has to be changed by EICTA. It must be realised, however, that no independent data collection or monitoring is foreseen in the VA; hence the steering committee fully depends on the industry for information.¹¹ The consumer organisation, which in contrast to many other VAs is involved in the committee, cannot guarantee the accountability of the agreement either as it does not possess the technical knowledge necessary to participate actively in the monitoring process. In order to effectively monitor a voluntary agreement, NGOs would need further resources to pay an expert.

¹¹ The text of the agreement refers to a “third party” writing the report for the steering committee and effectively assuming the role of an auditor. In reality, both parties to the regulation were satisfied with EICTA collecting and collating the data itself.

Once the EICTA annual report has passed the committee, it is forwarded to the Commission which distributes it to the national experts on the Labelling Committee¹² in order to integrate all member states into the monitoring process and enhance the legitimacy of the procedure. The member states can always start thinking about legal measures if the targets specified in the agreement are not reached by EICTA. The discussions in the Labelling Committee represent the “shadow of the hierarchy” in this case study. In addition, the Commission and the member states make random checks on the voluntary label. From time to time, Commission officials and member state experts go to big shops selling consumer electronics (e.g. Saturn or Media Markt) and look to see whether they can find the voluntary label on TV sets.

EICTA's influence over its members is rather limited during the implementation process. It could not persuade more EICTA members to join the VA, and the market share of participating members is decreasing (in the field of CRT-TV the share has declined to about 50 per cent). Especially the manufacturers of low-price products tend not to participate in the VA as they face the increasing competition of Asian companies which are not members of EICTA and are not committed to similar energy efficiency targets. There is a risk that the market share of consumer electronics covered by the VA could decrease to such an extent that it becomes ineffective.

Nevertheless, it is still soon to assess the success of this VA because it started only in 2003 and just two annual reports have so far been written. In general, the energy consumption of TV sets and DVD players has decreased. But, there are big differences between the participating companies. While some have performed very well, others have not made much effort to increase the energy efficiency of their products.¹³ The second annual report shows that some companies even performed worse than in 2003,¹⁴ although they still met the interim target concerning standby-use (three watts by 2005) (EICTA, 2005). In 2005, the Commission and the member states were not very happy

¹² This is the “comitology” regulatory committee established through Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances (OJ L 297 of 13.10.1992, pp. 16-19).

¹³ While companies are treated anonymously in the report, it nevertheless distinguished between individual companies (1, 2, 3,...).

¹⁴ From 2003 to 2004 the sales weighted average standby power consumption increased from 1.75 to 1.87 watt (EICTA 2005: 13).

about the level of implementation but preferred to wait for some time before beginning to think about other solutions to the problem.

Possibly the Commission is also hoping for the impact of the Eco-Design-Directive (Directive 2005/32/EC on the Eco-Design of Energy-Using Products -EuP) which was agreed in April 2005. It aims at increasing the energy efficiency of products such as electrical devices or heating equipment. While the Directive does not introduce directly binding requirements for specific products, it defines criteria that guide the setting of such requirements in the implementing measures. Following the Directive, the Commission can accept self-regulations (i.e. voluntary agreements) as an alternative to formal implementing measures, if they are expected to produce efficient results. Self-regulation is to be assessed according to a set of criteria including quantified and staged objectives, involvement of civil society and a well designed monitoring system. The EP has lobbied for such criteria and supports the EuP Directive in its current form. This Directive is likely to lead to an increased use of self-regulation in the area of energy efficiency.

iv. Evaluation

The VA by EICTA emerged out of a relatively long tradition of policymaking in energy efficiency policy. Next to several funding measures, VAs had been agreed to reduce energy consumption of electrical appliances, including TV sets, in the past. Nevertheless, it were the discussions about a regulatory framework on labels for TV sets that provided main impulse for a new VA in the consumer electronics industry.

In contrast to the ACEA agreement, there is no formal agreement on either substantive or procedural standards in the EICTA case. Somewhat paradoxically, this makes the role of the Commission much more important than in the ACEA agreement as the Commission negotiates bilaterally and multilaterally with EICTA and the member states and manages the informal interaction of all participants. As the only EU body involved in the VA, the Commission takes great responsibility for the implementation process and has been much more actively involved than would be the case in any "normal" directive. However, no formal requirements make the Commission accountable to the EP and the Council, e.g. a monitoring decision forcing the Commission to communicate with and report to other actors.

The internal factors that might foster compliance are less favourable than in the ACEA case. Although EICTA holds a similar role in the VA – the provision of information to companies participating in the VA, the preparation of monitoring reports and negotiations with the Commission – its influence in the process of implementation has been weaker. The association could not convince all companies of the sector to join the VA. Moreover, the member structure in the sector is much more diversified compared to the ACEA agreement which makes agreement on a common position more difficult. Due to the fact that participation in the VA is voluntary, free-riding is a possible or even legitimate option for companies of the sector. The global nature of the electronics market and the fact that competitors from other continents are not bound to a voluntary agreement comparable to the KAMA and JAMA agreements in the automobile sector, adds to the heterogeneity in the producer group and undermines any incentives to participate in this self-regulatory arrangement.

Also the external dimension does not look very favourable for the effective implementation of the agreement. Consumers interested in buying high-tech products generally do not pay much attention to energy efficiency. Moreover, in many cases they are not informed about the energy use of electronic equipment as a label has only been partially realized. Due to the technical nature of the issue also public pressure via the participation of a consumer NGO has not lived up to expectations. Nevertheless, the presence of the Labelling Committee, which is informed by the Commission about the progress made by the consumer electronics industry, imposes some top-down pressure on companies to comply with the VA.

Given these factors it does not surprise that expectations on the performance of the VA have not been totally met: Neither the achievement of targets nor the efficiency of the agreement is completely satisfactory. The negotiations took about two years, which is not much faster than an implementing measure. The extension of the 2003 commitment to new aspects of energy efficiency (most notably on-mode non-CRT-TV) took much longer than expected. It is of interest to note that considerable institutional resources are used for monitoring and reporting procedures, although there are no formal obligations to do so. This clearly contradicts expectations, especially from inside the Commission.

V. Conclusions

We started this chapter with the question whether we can observe a real trend to new modes of governance in EU environmental policy, and a trend towards shifting responsibility to private actors in particular. Considering that the instrument of voluntary agreement is clearly only possible in a limited range of cases, namely where the polluters are identifiable, fairly homogenous and sufficiently organised, this study detected rising numbers of VAs. The total exceeds that reported elsewhere (Holzinger *et al.*, 2003) and the use of this instrument in most member states. In particular, the EICTA example hints at a snowball effect because one VA may trigger other VAs concerned with related issues.

Referring to the factors that might foster the effectiveness of self-regulatory arrangements which we developed at the beginning of this chapter, it turned out that the existence of hierarchical pressure is a necessary factor for implementation and hence effectiveness of voluntary agreements, given that bottom-up dynamics are highly contingent and the industrial organisation of self-regulatory agreements at the EU level – compared to national patterns - weak. In the two case studies, the interest associations – ACEA and EICTA – have limited capacities and information to control their members and ensure their compliance with the agreement. Their function is limited to facilitation and coordination. The more homogeneous membership constellation in ACEA played a role in formulating moderately advanced standards and in securing a decent aggregate performance. Nevertheless in both cases the companies are first and foremost competitors joined only by the promise of a ‘winning’ situation in form of the prevention of legislation which would have implied additional costs for all companies in the sector. Bottom-up pressure from the consumer side could be only partially observed the case in the ACEA agreement. Our findings confirm well known lessons from the “steering” debate, which highlighted the shadow of the hierarchy as a crucial factor in ensuring the effectiveness of industrial self-regulation (Mayntz and Scharpf, 1995). This finding also places the bottom-up focus in the good governance debate into some perspective.

Moreover, despite the rhetoric on new governance in which VAs are embedded, public accountability and democratic legitimacy have long been recognised as problems – rather than merits – of VAs (Baldwin and Cave, 1999). The ACEA case showed some awareness of this issue and adopted measures to create accountability through monitoring processes that were independent of industry and regular reporting to the EP

and the Council. The EICTA commitment, by contrast, retained its informal status and approached the issue of accountability and input legitimacy by having a consumer protection group participate on the steering committee. However, in terms of both numbers and capacity this group was outweighed by industry representatives. Therefore, similar to regulatory policy of the EU also voluntary agreements gain public legitimacy not through the democratic and transparent organisation of 'input' but rather through policy output and problem-solving capacity.

With regards to our two cases, the final word on output is not yet spoken. Nevertheless, neither of them raises much enthusiasm. In both cases it took considerable time to reach the agreements in the first place (although prior legislative attempts had not looked promising either). Equally, it is uncertain that targets will be met on time, although neither target was considered particularly ambitious. Nevertheless, the snowball effect of addressing politically or technically more tricky issues can be considered a success of the instrument.

The question whether the ACEA and EICTA VAs were agreed to build a *bridge* to 'normal' EU regulation or represent a true *alternative* is not easy to answer. In both cases, the agreement of an EU directive had failed – in part due to the technical character of the problem at hand – yet, the possibility to regulate never left the agenda. And as emphasized above, this possibility constitutes an important factor in the performance of the VA. It appears that almost by necessity VAs are *complimentary* to (even dependent on) other policy instruments and the working of the Community method. Also institutionally, we must note that so-called self-regulations are neither exclusively private nor as informal as could be expected. In both cases, EU institutions and especially the Commission played a crucial role in the formulation and monitoring of the agreement and informal commitments and criteria link VAs to all parts of the multi-headed apparatus of EU policy making.

In this context, our analysis reveals another important trend for multi-level governance in the EU. Paradoxically, voluntary agreements – heralded as instruments to involve private actors (associational democracy) and to reduce the regulatory burden of Community actors – appear to place the Commission centre stage. The Commission is the primary partner of industry in the initiation and formulation of VAs. More importantly, it plays a very active role in ensuring policy compliance. The informality of the instrument and the absence of an intermediate level of governance push the Commission to become

involved with actual compliance “on the ground”. This requires administrative resources and capacities few had anticipated and clearly raises the risk of entering into a new legitimacy and governance crisis. The formality and democratic procedures, introduced in the monitoring decision in the case of ACEA and on the horizon by way of the Eco-Design Directive in the case of EICTA, may not only improve the democratic quality of this form of private governance but also shift some responsibility away from the Commission again, thereby “saving its skin”.

References

- ACEA (2002): ACEA's CO₂ Commitment. Brussels, http://www.acea.be/ACEA/brochure_co2.pdf (15.5.2005).
- Baldwin, R./Cave, M. (1999): Understanding Regulation: Theory, Strategy, and Practice. Oxford: Oxford University Press.
- Bertoldi, Paolo (1999): Energy efficient equipment within SAVE: Activities, strategies, success and barriers. The SAVE conference – For an Energy Efficient Millennium, 8 – 10 November 1999. Graz, http://www.eva.ac.at/publ/pdf/s4_l1.pdf (15.02.2005).
- Commission of the European Communities (1995): Communication from the Commission to the Council and the European Parliament. A Community strategy to reduce CO₂ emissions from passenger cars and improve fuel economy, COM (1996) 689 final, Brussels.
- Commission of the European Communities (1996): Communication from the Commission to the Council and the European Parliament on environmental agreements, COM (1996) 561 final, Brussels.
- Commission of the European Communities (2001): European Governance. A White Paper, COM (2001) 428, Brussels.
- Commission of the European Communities (2002): Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions -Environmental Agreements at Community Level -Within the Framework of the Action Plan on the Simplification and Improvement of the Regulatory Environment, COM (2002) 412 final, Brussels.
- Commission of the European Communities (2006): Communication from the Commission to the Council and the European Parliament. Implementing the Community Strategy to Reduce CO₂ Emissions from Cars: Sixth annual Communication on the Effectiveness of the Strategy, COM (2006) 463 final, Brussels.
- De Clercq, Marc (2002): Negotiating Environmental Agreements in Europe: Critical Factors for Success. Cheltenham: Edward Elgar.
- EEA (European Environment Agency) (1998): Europe's Environment: The Second Assessment. Copenhagen.
- EICTA (2003): Industry self-commitment to improve the energy performance of household consumer electronic products sold in the European Union, 1st July 2003, Brussels.
- EICTA (2005): Industry self-commitment to improve the energy performance of household consumer electronic products sold in the European Union. Final Report based on calendar year 2004 data, Brussels, <http://www.eicta.org/files/TVself-committment-174631A.pdf> (20.08.2006).
- Héritier, Adrienne (2002): New modes of Governance in Europe: Policy-Making without Legislating? In: Adrienne Héritier (ed.), Common Goods. Reinventing European and International Governance. Lanham: Rowman & Littlefield Publishers, p. 185-206.

- Holzinger, Katharina/ Knill, Christoph/ Schäfer Ansgar (2003): Steuerungswandel in der europäischen Umweltpolitik? In: Katharina Holzinger, Christoph Knill, Dirk Lehmkuhl (eds.), Politische Steuerung im Wandel: Der Einfluss von Ideen und Problemstrukturen. Opladen: Leske + Budrich, p. 103-129.
- Kågeson, Per (2005): Reducing CO₂ emissions from new cars. A progress report on the car industry's voluntary agreement and an assessment of the need for policy instruments. Report prepared for T&E (European Federation for Transport and Environment). Brussels, http://www.t-e.eu/docs/Publications/2005pubs/05-1_te_co2_cars.pdf (31.03.2005).
- Keay-Bright, Sarah (2000): A critical analysis of the voluntary fuel economy agreement, established between the European automobile manufacturers and the European Commission, with regard for its capacity to protect the environment. Report prepared for EEB (European Environmental Bureau). Brussels, <http://www.eeb.org/publication/2001/ACEA-10-final-complete.pdf> (31.3.2005)
- Lenschow, Andrea (1999): Transformation in European Environmental Governance. In: Beate Kohler-Koch (ed.), The Transformation of Governance in the European Union. London: Routledge, p. 39-60.
- Liefferink, Duncan/ Andersen, Mikael Skou/ Enevoldsen, Martin (2000): Interpreting Joint Environmental Policy-making: Between Deregulation and Political Modernization. In: Arthur Mol, Volker Lauber, Duncan Liefferink (eds.), The Voluntary Approach to Environmental Policy. Joint Environmental Policy-making in Europe. Oxford, p. 10-31.
- Mayntz, Renate (2004): Governance im modernen Staat. In: Arthur Benz (ed.), Governance – Regieren in komplexen Regelsystemen. Wiesbaden: Verlag für Sozialwissenschaften, p. 65-76.
- Mayntz, Renate/ Scharpf, Fritz (eds.) (1995): Gesellschaftliche Selbstregulierung und politische Steuerung. Frankfurt a.M.: Campus Verlag.
- Mol, Arthur/ Lauber, Volker/ Liefferink, Duncan (eds.) (2000): The Voluntary Approach to Environmental Policy. Joint Environmental Policy-making in Europe. Oxford: Oxford University Press.
- Official Journal of the European Communities (1991): Council Directive 91/441/EEC of 26 June 1991 amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles, OJ L 242 of 30.08.1991, p. 1 – 106.
- Official Journal of the European Communities (1993): Towards Sustainability. A European Community programme of policy and action in relation to the environment and sustainable development. In: Official Journal of the European Communities, No. C 138 5, 17.5.1993, p. 5-98, Luxemburg.
- Official Journal of the European Communities (1998): Notice pursuant to Article 19 (3) of Council Regulation No 17/62 concerning Case No IV/C-3/36.494 _ EACEM energy saving commitment, OJ C 12 of 16.1.1998, p. 2.
- Official Journal of the European Communities (1999): Commission recommendation of 5th February 1999 on the reduction of CO₂ emissions from passenger cars, OJ L 40 of 13.02.1999, p. 49-50.

- Official Journal of the European Communities (2000): Decision No 1753/2000/EC of the European Parliament and the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO₂ from new passenger cars, OJ L 202 of 10.08.2000, p. 1-13.
- Olson, Mancur (1965): *The Logic of Collective Action*. Cambridge: Cambridge University Press.
- Rottmann, Katja (2005): *Neue Formen der Governance in der EU: Die Bedeutung freiwilliger Vereinbarungen in der europäischen Umweltpolitik*. Osnabrück University, Master's Thesis.
- Ten Brink, Patrick (ed.) (2002): *Voluntary Environmental Agreements: Process, Practice and Future Use*. Sheffield: Greenleaf.
- Voelzkow, Helmut/ Hilbert, Joseph/ Heinze, Rolf G. (1987): „Regierung durch Verbände“ – am Beispiel der umweltschutzbezogenen Techniksteuerung. *Politische Vierteljahresschrift*, 28:1, p. 80-100.
- Volpi, Gulio/ Singer, Stepan (2002): EU-level agreements: a successful tool? Lessons from the Agreement with the automotive industry. In: Patrick ten Brink (ed.), *Voluntary Environmental Agreements: Process, Practice and Future Use*. Sheffield: Greenleaf, p.142-154.
- World Resources Institute/ Sam Group (2005): *Transparency issues with the ACEA agreement: Are investors driving blindly?* Washington/ Zürich, www.sam-group.com/downloads/studies/ACEA_Driving_Blindly.pdf (16.06.2005).
- Wuppertal Institut [Daniel Bongardt, Holger Dalkmann, Sabine Hufilter, Katja Rottmann] (2005): *Review of Voluntary Approaches in the European Union. Feasibility Study on Demonstration of Voluntary Approaches for Industrial Environmental Management in China. Final Report*. Wuppertal, www.va-china.com/EU-review_end.pdf (16.7.2005).

Annex VAs at the EU level¹⁵

Year	Association	Title of the agreement	Reference	Status
1989		Agreement on the labelling of detergents and cleaning products	Commission Recommendation 89/542/EEC of 13.9.1989, OJ L 291, 10.10.1989, p.55	Obsolete by regulation
1989	Aerosol Industry	Agreement on the reduction of chlorofluorocarbons by the aerosol industry	Commission Recommendation 89/349/EEC of 13.4.1989, OJ L 144, 27.5.1989, p.56	Obsolete by regulation
1990	Foam plastics industry	Agreement on the reduction of chlorofluorocarbons used by the Community's foam plastics industry	Commission Recommendation 90/437/EEC of 27.6.1990, OJ L 227, 21.8.1990, p.26	Obsolete by regulation
1990	Refrigeration industry	Agreement on the reduction of chlorofluorocarbons used by the Community's refrigeration industry	Commission Recommendation 90/438/EEC of 27.6.1990, OJ L 227, 21.8.1990, p.30;	Obsolete by regulation
1997	EACEM	Agreement to reduce energy consumption by television sets and video recorders in standby mode	Notice in OJ C 12, 16.1.1998, p.2	Renewed and extended in 2003 (EICTA self-regulation)
1998	AISE	Agreement concerning good environmental practice for household laundry detergents	Commission Recommendation 98/480/EC of 22.7.1998, OJ L 215, 1.8.1998, p.73	On-going
1998	CECED	Agreement on the cessation of production and import of several models of washing machines with low energy efficiency	notice in OJ C 382, 9.12.1998, p.6	Renewed for the period 2002-2008
1998	ACEA	ACEA (European Automobile Manufacturers Association) agreement on CO ₂ emissions reductions from new private cars	Commission Recommendation 1999/125/EC of 5.2.1999, OJ L 40, 13.2.1999, p.49	Ongoing
1999	KAMA	KAMA (Korea Automobile Manufacturers Association) agreement on CO ₂ emission reductions from new private cars	Commission Recommendation 2000/303/EC, OJ L 100, 20.4.2000, p.55	Ongoing
1999	JAMA	JAMA (Japan Automobile Manufacturers Association) agreement on CO ₂ emission reductions from new private cars	Commission Recommendation 2000/304/EC, OJ L 100, 20.4.2000, p.57	Ongoing
1999	CECED	Agreement on the cessation of production and import of several models of household dishwashers with low energy efficiency	Notice in OJ C 250, 8.9.2001, p.2	Terminated 31/12/2004

¹⁵ Source: Rottmann, 2005, 116-118.

1999	CECED	Agreement on the cessation of production and import of several models of water heaters with low energy efficiency	Notice in OJ C 250, 8.9.2001, p.4	Terminated 31/12/2003
2000	CEMEP	Voluntary agreement of CEMEP (electric motors)	http://www.cemep.org/cemep/organization/lvac/voluntary_agreement.pdf	2000-2003
2000	CEFIC	Agreement CEFIC (European Chemical Industry Council) concerning the implementation of certain provisions of the Rotterdam Convention (Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade) before its entry into force	exchange of letters CEFIC 27.11.2000/Commissioners Liikanen and Wallström 22.12.2000; not published in the OJ	Limited duration.
2000	FECC	Agreement FECC (European Chemical Distributors' Association) concerning the implementation of certain provisions of the Rotterdam Convention (Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade) before its entry into force	exchange of letters FECC 27.11.2000/Commissioners Liikanen and Wallström 22.12.2000; not published in the OJ	Limited duration.
2000	PVC Industry (ECVM, ECPI, ESPA, EuPC)	Voluntary commitment of the PVC industry	www.vinyl2010.org	2000-2010
2000	EACEM2	Commitment by the consumer electronics industry to reduce the energy consumption of audio products in standby mode	http://energyefficiency.jrc.cec.eu.int/pdf/TR-036-r01_Audio_VA.pdf	Ongoing (now with EICTA)
2001	CECED	Voluntary commitment to reduce energy consumption of household refrigerators, freezers and combined fridge/freezers	http://www.cecled.org/energy/issue_freezers.html	2002-2010
2002	CECED	Second voluntary commitment to reduce energy consumption of domestic washing machines	http://www.cecled.org/energy/issue_wash.html	2002-2008
2003	EICTA	Industry self-regulation to improve energy performance of household consumer electronic products sold in the European Union		Ongoing
2005	ERRMA	Unilateral industry self-regulation concerning biodegradable and compostable polymer products	Acknowledgement letter by Director-General of the RRM unilateral commitment, http://europa.eu.int/comm/enterprise/environment/index_home/emantool_indic_prodrel_vappr/polymer.htm	Started in January 2005