

Table of Contents

Abbreviations..... 13

Part I: Introduction and theory 19

1. Introduction and research problem..... 19

1.1 Regulatory cooperation vs. regulatory coordination 21

1.2 EU-U.S. regulatory cooperation 23

1.3 Environmental and consumer protection standards..... 25

1.4 Overview of this study 25

1.5 The research problem 27

1.5.1 The policy areas 27

1.5.2 Product standards and process standards 28

1.5.3 Prevention-focused regulatory cooperation 28

1.5.4 The countries involved in the process..... 30

1.5.5 The time period 33

1.5.6 The dependent variable 34

1.5.7 The explanatory variables 35

1.5.8 The research question 36

1.6 The research design 36

1.6.1 The selection of cases 36

1.6.2 The use of sources..... 39

1.7 Outline of the study 41

2. A theoretical framework..... 43

2.1 Level I: Intergovernmental negotiations 47

2.1.1 Bargaining and arguing..... 47

2.1.1.1 Bargaining strategies..... 49

2.1.1.2 Arguing and communicative action..... 50

2.1.2 Conclusion 51

2.2 Level II: Preferences and coalitions 52

2.2.1 Defenders of the status quo vs. Pro-change groups 52

2.2.2 Mattli's and Woods' model of regulatory capture.....	53
2.2.2.1 Institutional supply	57
2.2.2.2 Demand-side conditions	57
2.2.3 Conclusion	58
2.3 Level III: Political institutions and veto players.....	59
2.3.1 EU decision making and veto players.....	60
2.3.2 Risk governance.....	61
2.3.2.1 Institutional setting	62
2.3.2.2 Precaution vs. economic analysis	64
2.3.3 Conclusion	66
2.4 Summary	67
3. The institutional structure of transatlantic regulatory cooperation	68
3.1 History, data, and structure.....	68
3.2 Intergovernmental relations.....	73
3.3 Transgovernmental relations	73
3.4 Transnational relations	74
3.5 The Early Warning System	77
3.6 Institutions	78
3.6.1 The regulatory procedures	79
3.6.1.1 Regulatory procedures in the European Union.....	79
3.6.1.2 Regulatory procedures in the United States.....	84
3.6.2 Precaution versus economic analysis.....	85
3.6.2.1 Risk governance in the European Union	86
3.6.2.2 Risk governance in the United States	89
Part II: Case Studies	93
1. Waste Electrical and Electronic Equipment.....	93
1.1 Background, terminology, and actors.....	94
1.1.1 Contested issues and terminology.....	95
1.1.2 Policy context and historical background.....	97
1.1.3 Actors and preferences at a glance.....	98
1.2 The genesis of the Commission proposal.....	102
1.2.1 The relevant actors in the Commission.....	102
1.2.2 Five different drafts highlight tensions within the Commission...	103
1.2.3 Summary	115

1.3 Negotiations in the Parliament	116
1.3.1 The relevant actors in the EP	116
1.3.2 The initial situation and the expectations of interested groups	117
1.3.3 In the run up to the first reading MEPs turn to stakeholders	118
1.3.4 The Florenz report proposes two directives	121
1.3.5 The first reading in plenum espouses individual responsibility	121
1.3.6 Summary	122
1.4 Negotiations in the Council	123
1.4.1 The relevant actors in the Council	123
1.4.2 The initial situation and the expectation of interested groups	123
1.4.3 The French presidency achieves a common orientation	124
1.4.4 The Swedish presidency achieves a political agreement	124
1.4.5 Summary	127
1.5 Negotiations in the Parliament II	127
1.5.1 The second reading in the ENVI committee discloses dissent	128
1.5.2 The second reading in plenum strengthens the proposal	128
1.6. The Conciliation Committee	129
1.6.1 The final outcome	130
1.6.2 Stakeholders are appeased	131
1.7 Analysis	132
1.7.1 Did U.S. economic interests prevail in EU regulatory decision making?	132
1.7.2 What factors may account for this outcome?	137
1.8 General conclusion	140
2. Ozone-depleting substances.....	142
2.1 Background, terminology, and actors	142
2.1.1 Contested issues and terminology	143
2.1.2 Policy context and historical background	144
2.1.3 Actors and preferences at a glance	145
2.2 The genesis of the Commission proposal	150
2.2.1 The relevant actors in the Commission	150
2.2.2 DG Environment pursues its goals with determination	150
2.2.3 Summary	156
2.3 Negotiations in the Parliament	156
2.3.1 The relevant actors in the EP	157
2.3.2 The initial situation and the expectations of interested groups	158
2.3.3 The Graenitz report tightens the standards	158
2.3.4 The first reading in plenum backs the proposal	159

2.3.5 Summary	160
2.4 Negotiations in the Council	161
2.4.1 The relevant actors in the Council	161
2.4.2 The initial situation and the expectations of interested groups	161
2.4.3 The Austrian presidency reaches a compromise	162
2.4.4 Summary	164
2.5 Negotiations in the Parliament II	164
2.5.1 ENVI stands firm	165
2.5.2 The plenum rejects the ENVI proposal	167
2.6. The Conciliation Committee	168
2.7 Analysis	169
2.7.1 Did U.S. economic interests prevail in EU regulatory decision making?	170
2.7.2 What factors may account for this outcome?	173
2.8 General conclusion	175
3. Animal testing for cosmetic products	177
3.1 Background, terminology, and actors	177
3.1.1 Contested issues and terminology	178
3.1.2 Policy context and historical background	178
3.1.3 Actors and preferences at a glance	181
3.2 The genesis of the Commission proposal	185
3.2.1 The relevant actors in the Commission	185
3.2.2 The Commission is united	186
3.2.3 Summary	191
3.3 Negotiations in the Parliament	191
3.3.1 The relevant actors in the EP	192
3.3.2 The initial situation and the expectations of interested groups	192
3.3.3 The Parliament strikes back	193
3.3.4 Summary	197
3.4 Negotiations in the Council	197
3.4.1 The relevant actors in the Council	197
3.4.2 The initial situation and the expectation of interested groups	197
3.4.3 The Belgian presidency reaches a political agreement	198
3.4.4 Summary	199
3.5 Negotiations in the Parliament II	200
3.5.1 ENVI backs the rapporteur's firm stance on the marketing ban	200
3.5.2 The Plenum rallies behind the rapporteur	200

3.6 The conciliation talks	201
3.7 Analysis	203
3.7.1 Did U.S. economic interests prevail in EU regulatory decision making?	206
3.7.2 What factors may account for this outcome?.....	208
3.8 General conclusion	210
4. Metric Labeling	211
4.1 Background, terminology, and actors.....	211
4.1.1 Contested issues and terminology.....	211
4.1.2 Policy context and historical background.....	212
4.1.3 Actors and preferences at a glance.....	213
4.2 The genesis of the Commission proposal.....	216
4.2.1 The relevant actors.....	216
4.2.2 “A microcosm of EU-U.S. relations full of drama, twists and turns”	217
4.2.3 Summary	222
4.3 Negotiations in the Parliament	222
4.3.1 The relevant actors in the EP	222
4.3.2 The initial situation and the expectations of interested groups.....	223
4.3.3 The Parliament rubber-stamps the Commission proposal	224
4.3.4 Summary	226
4.4 Negotiations in the Council	226
4.4.1 The relevant actors in the Council	226
4.4.2 The initial situation and expectations of interested groups.....	227
4.4.3 The Council rubber-stamps the proposal	227
4.4.4 Summary	227
4.5 Reactions by stakeholders and external consequences.....	228
4.6 Analysis	229
4.6.1 Did U.S. economic interests prevail in EU regulatory decision making?	231
4.6.2 What factors may account for this outcome?.....	232
4.7 General conclusion	233
Part III: Summary and conclusions	235
1. The four cases and their outcomes.....	235
1.1 Explaining the outcomes	237

1.1.1 The international negotiating environment.....	238
1.1.2 Interest group competition	239
1.1.3 Domestic institutions	242
1.2 An answer to the research question	244
1.3 Conclusion and hypotheses	247
2. Generalizing the conclusions to other cases.....	249
2.1 Generalizing the conclusions to other issues.....	249
2.2 Generalizing the conclusions to other issue areas	250
2.3 Generalizing the conclusions to other countries.....	250
References	251

EU Regulatory Decision Making and the Role of the
United States
Transatlantic Regulatory Cooperation as a Gateway for
U. S. Economic Interests?
Ziegler, O.
2013, XVII, 255 p. 6 illus., Softcover
ISBN: 978-3-658-00053-0