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Summary

The following case study examines how Czech environmental NGOs cope with these eligibility criteria of the European Commission and namely the challenge of accountability. With that the focus is on legal accountability of civil society organisations. Legal accountability pertains to the forms of participation in policy making and implementation. It concerns the legality of the means employed to influence decisions. It is opposed to political accountability which concerns responsibility for the contents of political decisions and refers to participants in the formal political decision-making process.

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I. Introduction¹

Following the Sutherland Report in 1992, the European Commission systematically increased the number of recognised interest groups with the proclaimed aim of making the consultation process more open and transparent. When the first post-socialist states joined the EU in 2004, the Commission had contact with around 1,500 interest groups, two thirds of which represented business interests. Additionally, an estimated 350 large firms and 200 regions were active in EU politics. (For a critical evaluation of such figures see Berkhout/Lowery 2008). The consultations took place on an ad hoc basis through various channels, such as participation in the formation of Green and White papers, communications, advisory committees and informal working groups.

Although the Commission claims to follow a policy of open access, the ownership of resources determines which interest groups gain access to EU institutions (see e.g. Bouwen 2002; Michalowitz 2004 a+b). At the same time, there is no Commission-wide approach on how to undertake consultations with interest groups. Each department has its own mechanisms and methods for consulting its respective sectoral interest groups.

In its White Paper on Governance (Commission 2001), published in July 2001, the European Commission acknowledged the need to reform European governance in the wake of debates about a perceived democracy deficit at its highest levels. The White Paper called for the greater involvement of two constituencies – regional/local actors and civil society organisations – in order to bolster its democratic legitimacy. The emphasis is clearly upon EU-level civil society actors. The Paper's authors envisaged improvements that would ultimately take the form of more structured processes of consultation, which would supposedly evolve via the closer relationship between these transnational organisations and EU institutions (more particularly, the Commission) (see also Armstrong 2002).

In order to structure the involvement of civil society organisations the European Commission has (at least on paper) erected a barrier to access via the imposition of minimum requirements for civil society organisations wishing to participate in EU governance. The corresponding Code of Conduct, adopted in 2002 (Commission 2002), makes civil society organisations active at the EU level subject to the principles of good governance, which include transparency, accountability and representativeness (for a detailed discussion of the criteria see Obradovic/Vizcaino 2007).

The following case study examines how Czech environmental NGOs cope with these eligibility criteria of the European Commission and namely the challenge of accountability. With that the focus is on legal accountability of civil society organisations. Legal accountability pertains to the forms of participation in policy making and implementation. It concerns the legality of the means employed to influence decisions. It is opposed to political accountability which concerns responsibility for the contents of political decisions and refers to participants in the formal political decision-making process.

However, in the case of civil society organisations legal accountability should only apply, when they have an impact (or at least the potential to have an impact) on the political decision-making process. Accordingly accountability criteria, as imposed by the European Commission, should be related to the capacity for meaningful participation at the EU level. Accordingly, this paper, after a brief description of the research design, starts with an analysis of

¹ Research for this case study has been conducted as part of project 24 within the Integrated Project "New Modes of Governance" (www.eu-newgov.org), financially supported by the European Union under the 6th Framework programme (Contract No CIT1-CT-2004-506392, Deliverable 24/D11).

the capacity of Czech environmental NGOs to participate in EU governance. For this, first, the environmental policy field at the EU level and the development of Czech environmental NGOs are depicted. Then the EU's capacity building measures in the pre-accession phase are analysed. It becomes then possible to evaluate the representation and impact of Czech environmental NGOs at the EU level. The results are then linked to the European Commission's accountability criteria.

II. Research Design

With Czech environmental NGOs the case study focuses on some of the strongest civil society organisations in a larger post-socialist EU member states and thus represents a best case scenario with respect to participatory potential at the EU level. The civil society organisations were consciously selected as case of maximum influence potential rather than as representative of the post-socialist EU member states. This is due to the prevailing assumption of the relative weakness of civil society organisations from the new member states on the EU level. The strongest organisations should have the most experience with accountability regulation.

The case study is first of all based on interviews. The interviews were conducted face-to-face in summer 2007.² They included a survey with forty-three questions as well as semi-structured interviews.³ Seven of eight genuinely Czech NGOs which are members of a transnational umbrella organisation formally active at the EU level and which have a broader focus on nature or environmental issues were selected (with the eighth not being available for an interview). Thus Czech branch associations of Western environmental NGOs and NGOs with a narrow focus on energy policy were excluded from the sample. Animal rights organisations were also not included. The sample and NGOs excluded from the sample are indicated in table 1.

Among the civil society organisations, leading members were selected whose area of responsibility includes their organization's relations with the EU (department heads or board members). Accordingly respondents are particularly well-informed about the interview topic. At the same time, it must be assumed that they generally rank the EU's importance higher than other civil society representatives. Moreover, as they come from the strongest organisations they are likely to have less problems to fulfill the eligibility and accountability criteria. Accordingly, they are also likely to know these criteria better and to have a less sceptical stance towards them.

² Interviews with environmental NGOs were conducted as part of NEWGOV. Interviews in Prague were made by Kristýna Bušková (then Research Centre for East European Studies at the University of Bremen, now Cambridge University) and additional interviews with Green 10 representatives and members of the European Commission in Brussels were made by Brigitte Krech (independent consultant). The completed questionnaires and the interview transcripts are being centrally archived at the Research Centre for East European Studies at the University of Bremen.

³ The survey was designed by Heiko Pleines and then critiqued by the project partners, members of the project advisory committee and other experts. The final German-language version of the survey was translated into the other interview languages (English and Czech). The translations were then corrected by means of a back translation by native speakers.

Table 1: Membership of Czech environmental NGOs in EU-level associations

Czech NGO	Website	Member of	Sample composition	Date of interview
Arnika	http://english.arnika.org	EEB; HCWH-Europe	included (CZ-Un02)	25.9.2007
Centrum pro dopravu a energetiku (Centre for Transport and Energy)	http://cde.ecn.cz	CAN Europe; CEE Bankwatch Network; T&E	excluded (energy focus)	-
Česká společnost ornitologická (Czech Society for Ornithology)	www.birdlife.cz	BirdLife International	excluded (branch association)	-
Český a Slovenský Dopravní Klub (Czech and Slovak Traffic Club)	http://dopravniklub.ecn.cz/	T&E	included (CZ-Un01)	21.6.2007
Ekologické Centrum Toulcův Dvůr	http://www.ecn.cz/yee	EEB	no interview granted	-
Ekologický právní servis (Environmental Law Service)	www.eps.org	EEB	included (CZ-Un04)	19.9.2007
EkoWatt	www.ekowatt.cz	CAN Europe	excluded (energy focus)	-
Greenpeace Czech Republic	www.greenpeace.cz	Greenpeace International	excluded (branch association)	-
Hnutí DUHA (Rainbow Movement)	www.hnutiduha.cz	CEE Bankwatch Network; Friends of the Earth Europe; T&E	included (CZ-Un09)	9.8.2007
Sdružení Duha (Friends of Nature)	www.duha.cz	International Friends of Nature	excluded (branch association)	-
Společnost pro trvale udržitelný život (Society for Sustainable Living)	http://www.czp.cuni.cz/stuz	EEB; Health&Environment Alliance; Pesticide Action Network - EU	included (CZ-Un10)	23.7.2007
Středisko pro Efektivní Využívání Energie – “SEVEN” (Energy Efficiency)	www.svn.cz	CAN Europe	excluded (energy focus)	-

Czech NGO	Website	Member of	Sample composition	Date of interview
Center)				
Ústav Pro Ekopolitiku (Institute for Environmental Policy)	www.uep.ecn.cz	EEB; ANPED	included (CZ-Un07)	20.12.2007
Zelený Kruh (Green Circle)	www.ecn.cz	EEB	included (CZ-Un06)	25.7.2007

Source: Green 10 (<http://www.foeeurope.org/links/green10.htm>), May 2006, organisations' websites as indicated in row 2 and interviews conducted in summer 2007.

III. The environmental policy field at the EU level

The environmental policy field was established at the EU level in the 1980s. The DG XI (now DG ENVI) responsible for the environment was established in 1981. Important regulatory competencies were first transferred to the EU level in 1987. The role of the EU in the environmental policy field was then considerably strengthened in the treaties of Maastricht (1992) and Amsterdam (1997). As a result EU environmental regulation boomed from the mid-1980s to the mid-1990s. When the Czech Republic joined the EU in 2004, the environmental part of the *acquis communautaire* comprised about 200 regulatory acts. At the EU level formal decision-making procedures in the field of economic policy start with the European Commission putting forward a proposal which is then passed on to the Council of Ministers and the European Parliament.⁴

As the EU has acquired an important role in shaping environmental regulation of member countries, environmental NGOs as well as representatives of industries having an environmental impact are active at the EU level. Environmental NGOs participate in EU expert panels and in preparatory and implementation committees, contributing to the formulation of EU policies, programmes and initiatives.⁵ In addition, NGOs regularly form part of the EU delegation to international environment-related negotiations, such as the United Nations Conference on Environment and Development (UNCED) in Rio and most sessions of the UN Commission on Sustainable Development.⁶

However, an empirical case study of the transnational environmental NGO network SNM concludes that “institutional rules at the EU level have limited the impact of transnational NGO networks on the enforcement and review of EU policy. The participating NGOs were very active in filling complaints, yet the Commission did not use the full information. Furthermore, participants of the transnational NGO network were excluded from negotiations between member states and the Commission on the correct mode of implementing a directive.” However, “institutional rules in the ‘UN/ECE negotiations arena’ differed significantly

⁴ For a detailed overview see e.g.: Jordan 2005, McCormick 2001, Knill 2003. A conceptualisation of the role of member states in EU environmental policy making is offered by Börzel 2002.

⁵ On the relation between EU decision-makers and NGOs in the environmental policy field see e.g. Bugdahn 2008, Coen 2005, Hallstrom 2004, Heinelt/Meinke-Brandmaier 2006, Pleines/ Bušková 2007, Roose 2003.

⁶ >http://europa-eu-un.org/articles/sv/article_1004_sv.htm<

from rules in the ‘EU review arena’. Former participants of an NGO network were able to negotiate at the UN/ECE on almost equal terms with member states.” (Bugdahn 2008: 600)

In order to coordinate their engagement at the EU level and to increase their impact, environmental NGOs have signed on with a number of European associations with representative offices in Brussels.⁷ The biggest environmental NGOs and NGO associations active in Brussels have formed the Green 10, which consist of BirdLife International (European Community Office), Climate Action Network Europe (CAN Europe), CEE Bankwatch Network, European Environmental Bureau (EEB), European Federation of Transport and Environment (T&E), EPHA Environment Network (EEN), Friends of the Earth Europe (FoEE), Greenpeace Europe, International Friends of Nature (IFN), and the WWF European Policy Office.

According to its mission statement, the Green 10 “work with the EU law-making institutions – the European Commission, the European Parliament and the Council of Ministers – to ensure that the environment is placed at the heart of policymaking. This includes working with our member organisations in the Member States to facilitate their input into the EU decision-making process.

While campaigning at EU level, Green 10 NGOs encourage the full implementation of EU environmental laws and policies in the Member States; lobby for new environmental proposals, as appropriate; work with the EU institutions to ensure that policies under consideration are as environmentally effective as possible; promote EU environmental leadership in the global political arena.

In terms of public awareness raising, Green 10 NGOs inform their members and the wider public of environmental developments at EU level, and encourage them to make their voice heard; give voice to thousands of locally-based associations, which would otherwise have no access to EU decision-makers; contribute to the strengthening of civil society across Europe through training in advocacy skills, policy analysis and the EU decision-making process.”⁸

In summary, the role of environmental associations at the EU level is twofold. On the one hand they lobby EU bodies on environmental issues in order to influence related EU regulations. On the other hand they cooperate with EU bodies (and especially with the DG Environment of the European Commission) in order to compel their national governments to implement EU guidelines. Whereas the first task requires strong representation in Brussels, realisation of the second task demands political influence at the national, regional and local levels (Wörner 2004 and Greenwood 2003: 186-196).

IV. Czech environmental NGOs at the national and regional level

When the Czech Republic joined the European Union in 2004, considerable competencies in the national environmental policy field were transferred to the EU level. Accordingly Czech environmental NGOs, which are among the strongest civil society organisations in the Czech

⁷ For portraits of the leading international associations of environmental NGOs see the Green Year Book 2004, ><http://www.greenyearbook.org/ngo/ngo-ind.htm><

⁸ ><http://www.foeeurope.org/links/green10.htm><

Republic,⁹ were also faced with the challenge of EU multi-level governance, namely to gain access to relevant decision-making processes at all levels.

In socialist Czechoslovakia environmental organisations were a vital part of the dissident opposition. Accordingly, the environmentalists played an important role in bringing down the regime in 1989 and influenced the new political leadership significantly. Their main success was the adoption of the law on the environment and environmental information in 1990.

However, in the independent Czech Republic Prime Minister Vaclav Klaus soon insulated his government from the influence of environmental NGOs, as well as from most other independent politically active organisations. Since then environmental NGOs have focused on independent access to political decision-making processes. They have insisted on exercising their right to access environment-related information and participate in environment-related political decision-making processes, including the right to prepare reports on state-financed projects having an environmental impact. Environmental NGOs have organised protest actions to support their positions and went to court in order to thwart specific projects or to protect their political rights. The adoption of the environmental part of the EU *acquis communautaire* in 2001 and the signing of the Aarhus Convention in 2004 at the EU's request fortified the legal rights of Czech environmental NGOs considerably.

As a result of these developments, the environmental NGOs have generally been able to make their way back into political circles since the late 1990s. This view is supported by NGO activists as well as by public opinion (Spiralis Foundation 2005: 1-12). In 2004, when the Czech Republic joined the EU, the national Ministry of the Environment already cooperated with environmental NGOs on a routine basis. Approximately 10% of the NGOs were formally involved in regional policy, namely through membership in committees of the regional administration or legislation (Nadace Partnerství 2004: 14). The political significance of environmental NGOs was strengthened by the media as well. Environmental NGOs featured in media reports, especially of the Czech public broadcasting TV company, and their representatives were also increasingly interviewed as experts on environmental issues (Spiralis Foundation 2005: 1-12).

Accordingly, environmental NGOs had enjoyed a number of political successes in the years preceding EU accession. In 2003 they were allowed to take part in the state-funded regional development programme Agenda 21. In 2004 their lobbying on the State Environmental Policy and Waste Management Programme as well as on the protection of Natura 2000 ecological sites had a visible impact on political decisions. In public opinion polls conducted in 2004, the year the country joined the EU, three thirds of the Czech population declared their trust in environmental NGOs, which is the second highest ranking among Czech civil society organisations. In the same poll environmental NGOs were also described as successful (Vajdová 2005: 58-60).

However, it is often maintained that these NGOs' political successes are solely dependent on their relations with specific political actors. As Adam Fagan argues:

‘From the perspective of the Czech environmental movement, although over a decade of foreign assistance and know-how transfer has resulted in a tier of professional NGOs that have obtained political influence at the elite level, these organizations have made little progress in rooting themselves in society at large.’ (Fagan 2005: 528)

⁹ Academic analyses of their role are provided by: Fagan 2005 and 2004; Fagan/Jehlička 2003; Carmin 2003a and 2003b as well as Jehlička/Sarre/Podoba 2005; Devaux 2006; Tickle/Vavroušek 1998.

This view is backed by empirical data. According to the European Social Survey 2004, only 1.8% of the Czech population claims membership in environmental NGOs and a mere 1.4% active support¹⁰. About 2.5% of the Czech population has made donations to environmental NGOs.¹¹ Thus Czechs contributed 9% to the NGOs' coffers, while the share of EU support alone stood at 7%. Czech environmental NGOs are therefore dependent on institutional donors and commercial activities, with the latter contributing about 20% of their budget (Nadace Partnerství 2004: 12).

Accordingly, it can be argued that the environmental movement is one of the strongest elements of Czech civil society in terms of political influence. Nevertheless, their organisational capacity is limited, and in financial terms they are heavily dependent upon institutional and foreign support. Prior to EU accession they were also lacking in international experience. In the second half of the 1990s only 1.8% of Czech NGOs were working on the international level (Regional Environmental Center for Central and Eastern Europe 1997: 43-44).

V. Integration into EU networks

In the years preceding accession, the EU strove to buttress NGOs in the candidate countries through a number of measures. For Czech environmental NGOs three aspects of EU support were of special relevance. First, the EU promoted their integration into an EU-wide NGO network. Second, the EU offered training to the NGOs' leading representatives. Third, the EU provided considerable financial support for the purpose of honing their organisational and managerial skills.¹²

V.1 Integration of Czech environmental NGOs into an EU-wide NGO network

From 1999 to 2004 the Directorate General for the Environment (DG Environment) of the EU Commission organised an EU-NGO dialogue, in which 40 environmental NGOs from the Balkan and candidate countries (among them four from the Czech Republic¹³) took part. In addition nine major international environmental NGOs active at the EU level participated as observers.¹⁴ The dialogue meetings were held roughly twice a year either in Brussels or in one of the candidate or Balkan countries with selected NGOs representing their respective national civil societies. The final meeting took place on 18–19 April 2004.

Until 2002 the dialogue meetings were coordinated by the Regional Environmental Centre for Central and Eastern Europe (REC). Headquartered in Hungary, the REC set up country and field offices in 15 Central and Eastern European countries, including the Czech Republic. The German Institute for Biodiversity (IBN) arranged the final meeting in 2004.¹⁵

¹⁰ In the original wording: unpaid voluntary work.

¹¹ For a systematic, comparative interpretation of these data see Lane 2006.

¹² For an alternative summary see Hicks 2004.

¹³ These were the Center for Community Organizing, the Rainbow Movement, the Society for Sustainable Living and ZO CSOP Veronica.

¹⁴ These were Birdlife International, the Climate Action Network, the European Environmental Bureau, the European Federation for Transport and Environment, Friends of the Earth, Greenpeace, Friends of Nature and the World Wide Fund for Nature.

¹⁵ For information on the dialogue see the websites of the DG Environment >http://europa.eu.int/comm/environment/enlarg/ngodialogue_en.htm<, and the REC >http://www.rec.org/REC/Publications/EC-NGO_Dialogue/Introduction.html<. Now that the dialogue is over, the IBN website (www.biodiv.de) no longer contains related information.

According to the DG Environment, the purpose of these meetings was to:

- Improve the transparency and relations between the NGOs and DG Environment,
- Inform the NGOs about ongoing issues on enlargement and environmental policy developments,
- Consult the civil society on new environmental policy developments in the EU, and their implications for the Candidate Countries,
- Explore, with the NGOs, ways in which they can play an active and constructive role in the enlargement process ('environmental watchdog'),
- Create a platform for NGOs to address their concerns to EU policy makers and to enhance cooperation among the NGOs themselves.¹⁶

The participating environmental NGOs from the Czech Republic saw the dialogue as an important source of information, especially on regulatory issues and funding opportunities, and as a critical opportunity to forge international contacts. Through their Czech network, the Green Circle, NGOs participating in the dialogue disseminated information from the meetings in Brussels to the other Czech environmental NGOs. As most Czech environmental NGOs lacked the necessary funding to join a Brussels-based organisation, the EU-NGO dialogue was the only chance for them to establish regular direct contact with EU institutions prior to their country's accession.¹⁷

Then, in 2003, an educational mission to Brussels was organised for representatives of Czech NGOs. The Czech delegation, headed by Czech diplomat Pavel Telicka, was able to discuss the potential consequences of the country's accession face to face with representatives of the EU.

V.2 Training to leading representatives of Czech environmental NGOs

The training of Czech environmental NGO representatives was supported by the EU, which tied many grants to the organisations' level of professionalism and further enabled many NGOs to meet professionals from the field during the EU-NGO dialogue. In addition, the EU funded training courses for Czech civil society organisations through its PHARE programme,¹⁸ in which altogether 200 NGOs took part.¹⁹

According to the training organisers the aims were to:

- Inform NGOs about directives and regulations that governed the allocation of resources from pre-accession programmes like PHARE and from the Structural Funds of the EU,
- Improve the knowledge of the IT technology and programs specifically designed for development and project management,
- Make sure that other agents in the society gain knowledge and access to the EU programmes and learn how to manage projects,
- Support and motivate NGOs to make contacts with the local and regional administrations,
- Positively influence the relationship of the Czech citizens to the EU (NROS 2003).

¹⁶ DG Environment, >http://europa.eu.int/comm/environment/enlarg/ngodialogue_en.htm<

¹⁷ Green Circle, >www.zelenykruh.cz<

¹⁸ Civil Society Development Programme 2001.

¹⁹ There is no information available on the share of environmental NGOs in this figure.

In addition, Czech environmental NGOs obtained EU funding for issue-specific training courses and seminars.

V.3 Financial support

Prior to the EU accession of their country, Czech environmental NGOs could obtain EU funding from PHARE, ISPA, and SAPARD.²⁰ Thus the EU provided about 7% of their income through direct payments (Nadace Partnerství 2004: 14).

Since its 2004 accession to the EU, the Czech Republic's environmental NGOs are now eligible to apply for EU funding for member states. The most important funding opportunities are the EU Environmental Programme, Structural Funds and the Rural Development Policy within the Common Agricultural Policy. In addition, since 2007 LIFE+ offers funding exclusively for environmental projects.²¹

However, for Czech environmental NGOs this means that they no longer receive funding for capacity building, but have to engage exclusively in environmental projects. Competition tends to be stiffer in this arena and Czech environmental NGOs now have to compete with environmental-related organisations from all member states (in the case of environment-related funds) or with fellow organisations from the Czech Republic (in the case of structural funds). In addition, the EU requires that funding be matched by contributions from the organisations themselves, which can range from 20% up to 80% of the project value. Accordingly, the weak financial position of Czech environmental NGOs may paradoxically restrict their eligibility to apply for EU funding.

V.4 Ex-post assessment by the NGOs

The representatives of Czech environmental NGOs, interviewed in summer 2007, considered the pre-accession support measures from the EU to be sufficient. As the most important measures they named financial support, trainings, international networking and supply of information. However, only two out of seven NGOs claimed that their organisation was well prepared for work at the EU level at the time of accession in 2004. But most of the others stated that the situation has improved since then.

VI. Representation at the EU level

Whereas Czech environmental NGOs can boast considerable experience in national politics (having joined the fray by the late 1980s), lobbying in Brussels is a newer task (with official contacts first starting in 1999). Two years after their country had joined the EU, 13 environmental NGOs from the Czech Republic had become full members of at least one Green 10 partner; of these, four are national branches of international NGOs. As Table 1 demonstrates, the highest number of Czech environmental NGOs can be found in the European Environmental Bureau (EEB).

Measured by the accumulated number of member organisations in the Green 10, Czech environmental NGOs fall in the middle range. Of the post-socialist EU member states, only Hungary (with 19 NGOs) is better represented than the Czech Republic. However, as Table 2 demonstrates, the NGOs from the five most active countries account for 45% of Green 10 member organisations, whereas NGOs from the Czech Republic have a share of only 4%.

²⁰ A comprehensive overview is given by: REC 2001.

²¹ Comprehensive overviews are given by: European Commission 2005 and WWF 2005.

Table 2: Share of countries within the Green 10

Country	Share of NGOs in Green 10
Czech Republic	4%
Estonia	2%
Hungary	5%
Latvia	1%
Lithuania	1%
Poland	2%
Slovakia	2%
Slovenia	2%
<i>Post-socialist member states</i>	<i>19%</i>
Belgium	10%
France	7%
Germany	8%
Netherlands	7%
United Kingdom	13%
<i>Top 5</i>	<i>45%</i>
Austria	3%
Cyprus	1%
Denmark	4%
Finland	3%
Greece	3%
Ireland	2%
Italy	4%
Luxemburg	3%
Malta	1%
Portugal	2%
Spain	4%
Sweden	4%
<i>Others</i>	<i>34%</i>
Total	100%

Note: The individual numbers do not add up to 100% due to rounding.

Source: own calculation based on Green 10 (<http://www.foeeurope.org/links/green10.htm>), May 2006.

Czech environmental NGOs can certainly be said to profit from their engagement at the EU level. First, they become integrated into an international network. This helps them to professionalize not only through direct training but also through the additional knowledge and experience they gain, including among others improved language and communication skills, acquaintance with different organisational models, access to additional expert knowledge abroad. Second, they receive information and advice about funding opportunities at the EU level. Third, they acquire first-hand information about EU environmental policies, which gives them an edge in negotiations with Czech state agencies. Fourth, they have the power to monitor the activities of Czech representatives at the EU level. However, as they participate

only indirectly in EU decision-making processes through their partnerships with Green 10 members, they do not have any visible impact on EU policy.²²

In the interviews conducted in fall 2007 none of the Czech environmental NGOs claimed to act often independently at the EU level. Instead they all engage at the EU level in cooperation with other organisations and namely through a Green 10 member.²³ Cooperation with the transnational umbrella organisations is generally evaluated positively (with only one Czech NGO representative reporting a mixed balance and none giving a negative assessment).

However, it has to be noted that there is no shortage of tension among the Green 10 partners as they focus on different topics, exhibit varying degrees of willingness to compromise and pursue distinct lobbying strategies. WWF and Birdlife, for example, concentrate on nature preservation and are willing to join forces with businesses and politicians to reach compromises, thereby pursuing a cooperative strategy of lobbying based on voluntary support and negotiations. Greenpeace, on the other hand, zeroes in on industry-related issues such as emissions and nuclear policy and is much more confrontational. Accordingly, its lobbying strategy is often predicated on public pressure and showdowns with business and politics.

These tensions make it even harder for smaller environmental NGOs such as those from the Czech Republic to work in Brussels. One result of the divisions within the Green 10 is that much of the environmental NGOs' work at the EU level is still being done individually by the partners. Furthermore, the internal tensions limit the ability of the Green 10 to provide adequate support to smaller member NGOs. Last but not least, involvement in the infighting makes it harder for Czech NGOs with different Green 10 affiliations to cooperate and sometimes actually ends up alienating NGO members active in Brussels from their national organisations (Wörner 2004 and Greenwood 2003: 186-196).

VII. Assessment of EU-level activities by the NGOs

All environmental NGOs, included in the sample, i.e. all (but one) of the genuinely Czech environmental NGOs active at the EU level, consider the EU level to be at least as important as the national level. They evaluate the influence of the EU on their organisation positively and most of them desire an increased influence of the EU on the national level. All respondents claim that their organisations use the EU "often" as an argument in domestic politics.

As recent examples of a positive influence of the EU on national Czech environmental policy the creation of nature reserves (NATURA 2000), climate policy (emissions trade), transportation policy and new guidelines for chemicals (REACH) are cited. However, two NGOs also quote the EU waste framework directive as a negative example, where EU standards might in fact lower national standards.

At the same time the Czech environmental NGOs are aware that their own organisation is less influential at the EU level than at the national level and satisfaction with the own role at the EU level is lower than with the own role at the national level. Asked in an open question about their biggest problems with representation at the EU-level five of the seven respondents

²² This assessment is shared by the European Environmental Bureau as well as by the major association of Czech environmental NGOs, the Green Circle. See esp. European Environmental Bureau: How the EEB works, >www.eeb.org< and Zelený Kruh (Green Circle): EU a životní prostředí, >www.zelenykruh.cz<

²³ For comparison: A study of German and British environmental NGOs, conducted in 2000/01, showed that about half of the major organisations had regular contacts with the European Commission and with the European Parliament, with slightly less being connected to the Council of Ministers. (Roose 2003, 157, 159, 160).

name the lack of information and communication channels and four in addition the lack of finance.

Miroslav Suta from the Czech Society of Sustainable Living, who at the time of the interview also was a member of the Executive Committee of the European Environmental Bureau (EEB), stated that he could deal with EU matters only on the weekends.

Ondrej Rut, the EU coordinator of the Czech Green Circle, elaborated: “Employees are not paid well [by environmental NGOs] but are expected to be highly professional and perform as well as those working in private business. As a result, there is a high fluctuation of employees who take the know how with them when they leave the organisation. This hinders the organisation from further improvement including its ability to engage on the EU level.”

VIII. Accountability requirements of the European Commission

Only one of the seven environmental NGOs active at the EU level claims good knowledge of the eligibility criteria of accountability, representativeness and transparency established by the European Commission for civil society organisations wishing to take part in consultations at the EU level. At the same time more than half of the representatives of environmental NGOs stated that they heard about the rules for the first time during the interview.

Although knowledge of the criteria is mostly lacking five respondents declared that their organisation fulfils the related requirements completely. Two opted for the more cautious answer, that their organisation fulfils the requirements “somewhat”, but none said that his organisation did not meet the requirements or that he did not know.

Six of the seven respondents consider it “fair in any case” that the European Commission imposes requirements on organisations that advise it. And the remaining one thinks this is “fair under certain circumstances”. Again six out of seven of respondents also favour a strict interpretation of these rules. And only one prefers a “less strict” interpretation. At the same time most respondents also want these requirements to serve just as a “rough guideline” and only one favours their specification and expansion.

As all environmental NGOs included in the study are active at the EU level, it comes as no surprise that they claim to fulfil the respective requirements. As the requirements can be used to restrict access of civil society organisations to EU level decision-making processes and as they also subject these organisations to official scrutiny, it is less obvious why most of them consider the imposition of such requirements to be fair and why they favour a strict interpretation, especially as the requirements are ambiguous and questionable from a judicial point of view (see Obradovic/Vizcaino 2007). That at least some respondents are aware of these problems may be reflected in the considerable support for the position that the requirements should continue to “serve as a rough guideline”.

However, the main reason why the respondents prefer a strict imposition of the rules seems to be the exclusiveness of access to the EU Commission they get vis-à-vis rival civil society organisations. As interviews were conducted only with insiders (i.e. with organisations involved in EU governance), these insiders wish to keep the outsiders out in order to monopolize participation.

IX. Conclusion

Della Porta distinguishes three strategies of social movements to influence EU level policy making, which can be broadened to interest groups or civil society organisations in general. (1) The nation-state model is based on the formation of EU-wide umbrella organisation by national groups and a clear division of labour with the national groups addressing national policy makers and the umbrella organisation lobbying at the EU level. (2) The domestication of collective action is based on indirect influence of national groups on the EU level through the support of national political actors, i.e. national interest groups lobby national political actors to support their cause at the EU level. (3) The externalization of protest, finally, works the other way round. National interest groups address EU institutions in order to push them to intervene at the national level, i.e. national interest groups use the EU as a supporter in national politics. (see Della Porta 2003, Della Porta/Caiani 2007)

The first and third strategy are in line with the general policy of the EU Commission, as summarized by Greenwood: “The Commission’s clear view of the need to facilitate the formation of EU level groups at an early stage can be found in early accounts of the EU interest-group process. [...] But it is the Commission’s role in stimulating the emergence of citizen interest groups, and in funding and nurturing them, which really catches the eye of the observer. The Commission spends around 1 per cent of the EU budget, around 1 billion Euros annually, in funding interest-group activities. Virtually every one of an estimated constituency of 300 citizen interest groups organized at EU level receives EU funding.” (Greenwood 2007: 343)

Concerning the support for civil society organisations in the candidate countries prior to their accession in 2004 and 2007 the relevant EU programme explicitly stated the aim, linked to the third strategy, “to promote the implementation of the *acquis communautaire* in policy areas in which governmental activities are absent or are complementary to those of the third sector, and to raise popular awareness and acceptance in these areas.” (Commission 2000: 1)

Accordingly, the EU has promoted the internationalisation of Czech environmental NGOs and has contributed to their professionalisation. EU regulation has also strengthened the position of environmental NGOs within the Czech Republic. As a result, Czech environmental NGOs regularly support EU environmental policy at the national and regional levels. They promote and monitor the implementation of EU regulations. In this respect they cooperate with the European Commission, namely with the DG Environment.

This relation between the DG Environment and the environmental NGOs can be attributed to common interests, as both want to strengthen environmental regulation. A clear example of this is the statement of the Czech NGO Arnika in its 2004 annual report: “At the time of establishment of Arnika three years ago, we had the vision to be a bridge between the world of European directives of the Brussels policy and the specific problems of Czech citizens, municipalities and regions in the field of the environment. We have fulfilled this conception in a surprisingly broad spectrum of cases and campaigns [...]. Accession to the European Union has changed many things, but not the attitude of Czech politicians towards protection of nature and the environment. Again and again, they intensify their attacks on the right of citizens associations to take part in administrative proceedings, on the right of citizens to information concerning the environment, and on the field of protection of nature as a whole.” (Arnika 2005: 1²⁴)

²⁴ Spelling mistakes corrected by the author.

However, Czech environmental NGOs have thus far failed to gain momentum as a lobbying force capable of influencing EU decisions. They are too small to make a difference in the major international environmental associations they have joined at the EU level. This means, the impact of the engagement of Czech environmental NGOs at the EU level is felt primarily at the national and regional levels within the Czech Republic itself. The EU has a much bigger impact on Czech environmental organisations than the latter have on EU decision-making processes. In fact, pre-accession EU support has not so much helped to integrate Czech environmental NGOs into EU decision-making structures, but has considerably improved their capacity to influence domestic politics at home. In so doing the EU Commission has strengthened a watchdog for the implementation of EU environmental regulation in the Czech Republic.²⁵

In cases of conflicting interests Czech environmental NGOs are not in a position to defend their position at the EU level. In this respect they have not mastered the challenge of multi-level governance, yet. This assessment also questions the claim by the EU Commission that the integration of civil society organisations is the best way to increase the democratic legitimacy of EU decision making. It shows that the integration into international umbrella organisations, which is being favoured by the EU Commission, does not necessarily give individual members a voice in EU governance. Even more importantly, it demonstrates that the integration of NGOs can be in the direct political interest of the EU Commission, as it can at least in some policy fields use NGOs to monitor the implementation of EU policies at the national and regional level. Thus NGOs provide not only, and in the case of Czech environmental NGOs not even primarily, a link between national societies and the EU Commission, but they offer a further control mechanism between the EU Commission and the national and regional governments.

This situation has important implications for an assessment of questions of accountability. First, the environmental NGOs from the Czech Republic are not vested with the power to hold organs of the EU accountable. Second, as they use their engagement at the EU level mainly to obtain information, issues of accountability cannot be said to come into play. At the EU level, questions concerning the accountability of civil society organisations in environmental policy refer to the Green 10 partners. Though Czech NGOs are members, their impact is too small to render them directly accountable. This means that even though Czech environmental NGOs are active at the EU level, questions of accountability arise at the national and sub-national level.

²⁵ On the contrary in the 2000/01 case study of German and British environmental NGOs only 13 out of 32 declared to fulfil a watchdog function concerning EU environmental legislation and only 5 engaged in broad and systematic monitoring. (Roose 2003, 162).

X. Bibliography

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