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A Negative Brussels Effect? Organised Business and the Europeanisation of the Environment in the 1970s

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Introduction

In its 1970 annual report, the German business association, the Bundesverband der deutschen Industrie (BDI) noted that, with respect to environmental regulation within the European Economic Community (EEC), the situation was a "common market without common rules of the game".[1] The BDI therefore acknowledged that European integration had mostly been about creating a market by reducing tariffs, but had by then achieved limited results regarding regulatory harmonisation and standardisation in the environmental domain. Regarding future evolutions, on the one hand the BDI noted that it needed to promote regulatory harmonisation to make sure that German industry would not suffer the cost of stringent regulation and be at a disadvantage in comparison to its European competitors. To achieve this, the BDI collaborated with its European counterparts within the Union of Industrial and Employers' Confederations of Europe (UNICE) and the Council of European Industrial Federations (CEIF). On the other hand, the BDI explained its intention of ensuring that policy development in Germany would not jeopardise the integrity of the Common Market and introduce undesirable fragmentation. Beyond just nature conservation and health issues, it was clear that a possible "Europeanisation" of environmental policies would encompass competitive advantages between national industries as well as market integrity dynamics: would German companies be subject to the same standards as their European counterparts? And would the new regulations reflect the lowest common denominator among EU member states, or the ambitions of the most proactive ones?

Through the lens of business associations, this article investigates how environmental policymaking and market logics have been competing and colliding in Western Europe since the early 1970s. It examines whether a "Brussels Effect", i.e. the tendency of governments and companies to promote EEC standards in order to prevent market fragmentation and the complications of complying with divergent regulations, was already at work during this foundational decade.[2] It focuses on the joint actions of the UNICE and the CEIF which

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1 BDI, Jahresbericht, 1970/1971, p.107.

2 A. BRADFORD, *The Brussels Effect: How the European Union Rules the World*, Oxford University Press, New York, 2020.

coordinated the views of national business associations in Europe. The UNICE was established in 1952 to represent the business associations of the six countries that participated in the Schuman Plan. It subsequently became the official voice of the interests of European business in addressing the European Economic Community (EEC) and, later, the European Union (EU).[3] The CEIF had been created in 1949 to gather peak-level national business associations of Western European countries, and, from 1952 onwards, was valuable in discussing the future of European integration and building bridges between the business associations from countries of the EEC bloc and those outside it, including in the domain of the environment.[4]

Scholars of European integration have increasingly emphasised the need to consider non-state actors, including businesses and their interest associations.[5] Ultimately, there are good reasons to assess the process of European integration through the lens of capitalism, not least because of the primacy given to the establishment of a common market over any other type of political or social dimensions.[6] At the opposite end of the spectrum, business historians have emphasised that not only business strategies should be considered, but also the political and institutional roles of business actors and their views on global governance.[7] Moreover, given current environmental and climate issues, there is a growing interest in understanding the roadblocks to international environmental policymaking, as well as the role that various actors,

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3 Y. MORIVAL, *Reassessing the Historical Dynamics of European Business Associations: The Genesis of UNICE, Late 1940s to 1970s*, in: *Business History*, 6(2024), pp.1394–1411, here p.1394.

4 N. ROLLINGS, M. KIPPING, *Private Transnational Governance in the Heyday of the Nation-State: The Council of European Industrial Federations (CEIF)*, in: *The Economic History Review*, 2(2008), pp.409–431, here p.422.

5 W. Bührer, *Der BDI und die Außenpolitik der Bundesrepublik in den fünfziger Jahren*, in: *Vierteljahrshefte Für Zeitgeschichte*, 2(1992), pp.241–261; F. PETRINI, *Les milieux industriels italiens et la création du Marché commun*, in: *Journal of European Integration History*, 1(2003), pp.9–35; N. ROLLINGS, *British Business in the Formative Years of European Integration, 1945-1973*, Cambridge University Press, New York, 2008; W. KAISER, J.-H. MEYER (eds), *Societal Actors in European Integration: Polity-Building and Policy-Making 1958-1992*, Palgrave Macmillan, Basingstoke, 2013; N. ROLLINGS, L. WARLOUZET, *Business History and European Integration: How EEC Competition Policy Affected Companies' Strategies*, in: *Business History*, 5(2020), pp.717–742; K. TROLL, *Debating Europe Transnationally: The Council of European Industrial Federations and the Struggle over European Integration, 1950–1962*, in: *Journal of Modern European History*, 3(2024), pp.335–350.

6 A. ANDRY, E. MOURLON-DRUOL, H. A. IKONOMOU, Q. JOUAN, *Rethinking European Integration History in Light of Capitalism: The Case of the Long 1970s*, in: *European Review of History: Revue Européenne d'histoire*, 4(2019), pp.553–572.

7 P. EICHENBERGER, N. ROLLINGS, J. M. SCHAUFELBUEHL, *The Brokers of Globalization: Towards a History of Business Associations in the International Arena*, in: *Business History*, 2(2023), pp.217–234; G. BALLOR, S. PITTELOUD, *Introduction: Capitalism and Global Governance in Business History*, in: *Business History Review*, 3(2023), pp.459–479.

including businesses, played in it.[8] Pioneer studies, especially those focusing on the regulation of vehicle emissions within the EEC and the EU, have shown the complex interplay between business interests, national policymakers and Commissioners, and the difficulties in bypassing the lowest common denominator logic of the 1970s.[9] They have also stressed that a consensus rooted in liberal environmentalism had finally emerged by the mid-1980s, acknowledging that common standards could facilitate economies of scale and enhance the competitiveness of European companies. Other studies have shown that businesses sometimes preferred national environmental regulations on recycling, and adopted anti-EEC positions to shield themselves from the competitive pressures of market integration.[10] Drawing on such insights, this paper therefore focuses on the key private business associations of postwar Europe to further investigate their early 1970s' vision of European policymaking in the environmental domain as well as their influence strategies.

In the legal and social science literature on the EEC/EU, the 1970s are frequently cited as a foundational decade for the Europeanisation of environmental regulation.[11] Europeanisation is understood as the process through which rules, procedures, and public policy

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[8] H. BERGHOFF, A. ROME (eds), *Green Capitalism? Business and the Environment in the Twentieth Century*, University of Pennsylvania Press, Philadelphia, 2017; A.-K. BERGQUIST, *Renewing Business History in the Era of the Anthropocene*, in: *Business History Review*, 1(2019), pp.3–24; S. BOTT, S. PITTELOUD, J. SCHAUFELBUEHL (eds), *Environmental Regulation and the History of Capitalism: The Role of Business from Stockholm 1972 to the Climate Crisis*, Routledge, London, 2025; T. DA SILVA LOPES, R. FREDONA, P. DUGUID (eds) *Climate Change and Business*, Routledge, London, 2025.

[9] S. KLEBANER, *Normes environnementales européennes et stratégies des constructeurs automobiles : Un jeu coopératif aux résultats ambigus*, Presses de l'École des mines, Paris, 2020; G. BALLOR, *Liberal Environmentalism: The Public-Private Production of European Emissions Standards*, in: *Business History Review*, 3(2023), pp.575–601; S. KLEBANER, S.M. RAMÍREZ PÉREZ, *Managing Technical Changes from the Scales of Legal Regulation: German Clean Cars against the European Pollutant Emissions Regulations in the 1980s*, in: *Management & Organizational History*, 4(2019), pp.442–468; A. MILOR, *European Technical Democracy? How Consumer Associations Did—or Did Not—Shape the 1980s Automotive Environmental Standards*, in: *Technology and Culture*, 1(2024), pp.265–291; M. NÄSMAN, *The Political Economy of Emission Standards : Politics, Business and the Making of Vehicle Emission Regulations in Sweden and Europe, 1960-1980s,* Umeå universitet, Umeå, 2021; M. NÄSMAN, S. PITTELOUD, *The Power and Limits of Expertise: Swiss–Swedish Linking of Vehicle Emission Standards in the 1970s and 1980s*, in: *Business and Politics*, 3(2022), pp.241–260; L. WARLOUZET, *Liberty, Solidarity and Community. Capitalism and European Integration, 1945 to the Present*, Cambridge University Press, Cambridge, 2026.

[10] L.K. SKYGGEBJERG, *The Other Container Revolution: How Businesses Influenced Environmental Politics and Thus the Recycling of Beverage Containers*, in: *Enterprise & Society*, 1(2025), pp.27–59; M.A. BUNS, *An Environmental Escape from European Integration: Scandinavian Environmental Activism and Economic Protectionism against Disposable Bottles, 1960s to 1988*, in: *European Review of History*, 3(2025), pp.345–364.

[11] C.M. RADAELLI, *Européanisation*, in: *Dictionnaire des politiques publiques*, Presses de Sciences Po, Paris, 2019, pp.239–247.

paradigms are constructed and disseminated at the European level, and that subsequently shape governance and stakeholders' behaviour at local, national, and global levels.[12] Yet the EEC's first two Environmental Action Programmes are often retrospectively regarded as little more than lists of intentions which ultimately had limited concrete impact.[13] Key moments commonly highlighted include 1987, when the European Single Act came into force and explicitly conferred environmental policymaking competences upon the EEC, and 1992, when the Maastricht Treaty further reinforced EU environmental policy. These milestones would, according to such interpretations, have allowed the EU to became "an international leader in environmental regulation". In addition, the EU's significance in the realm of environmental policymaking and standard-setting has been reinforced by the so-called "Brussels Effect", a concept introduced by Anu Bradford to highlight the EU's capacity to unilaterally shape global regulations. This occurs as governments and companies around the world often choose to adopt EU standards in order to avoid market fragmentation and the complexities of complying with multiple regulatory regimes.[14] Other scholars have nevertheless questioned the EU's leading role, pointing to the neoliberal orientation of its policy instruments and its tendency to prioritise economic growth and competitiveness over environmental regulations.[15] Examining business perspectives on environmental regulation makes it possible to understand how the historical trade-offs between competitiveness and environmental protection were negotiated, and helps explain why early forms of European environmental governance of the 1970s might, in retrospect, be described as lagging behind.

This article presents new empirical evidence demonstrating that the Europeanisation of environmental policy was already regarded as a salient political issue by businesses and their associations in the early 1970s. It was, as we shall see, a decade marked by intense regulatory debates at both national and international levels, during which the EEC's future role in the Europeanisation of environmental governance was as uncertain as it was contested. These debates unfolded in a broader landscape shaped by national environmental initiatives and the actions of other international bodies such as the Organisation for Economic Co-operation and

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12 D. JUDGE, *A Green Dimension for the European Community: Political Issues and Processes*, Routledge, London, 2014, here pp.19–22.

13 See for instance, A. BUTT PHILIP, *The European Union: Environmental Policy and the Prospects for Sustainable Development*, in: K. HANF, A.-I. JANSEN (eds), *Governance and Environment in Western Europe*, Routledge, London, 1998, pp.253–276, here pp.257–258.

14 A. BRADFORD, *The Brussels Effect…*, op.cit.

15 S.G. GROSS, *Energy Policy and Climate Change in Europe during the Era of Neoliberalism*, in: *Past & Present*, First View (2025), pp.1-38.

Development (OECD), the Council of Europe, and the United Nations Economic Commission for Europe (UNECE). This period also witnessed the adoption of early environmental standards, including the 1970 Directive 70/220/EEC on vehicle emissions. The 1970s therefore represented a crucial testing decade for the involvement of business actors in EEC-level environmental policymaking. In response, businesses coordinated their policy recommendations nationally and internationally, thus contributing to a "societal Europeanisation", i.e. the process of polity building at the EEC level that was occurring outside official EEC institutions and was driven instead by societal actors and their own organisational structures.[16] Analysing business coordination also sheds light on early "negative" forms of the Brussels Effect in environmental policy, namely the spread of lowest common denominator standards both inside and outside the EEC.

To investigate this early environmental regulatory phase at the EEC level and, especially, to comprehend how businesses responded to it, this article draws on internal documents such as minutes of meetings, correspondence and reports available in the archives of the Bundesverband der Deutschen Industrie (BDI), the Conseil National du Patronat Français (CNPF), the Schweizerische Handels- und Industrieverein (SHIV), and the Confederation of British Industry (CBI). Since these business associations enjoyed well-established consultation rights nationally and at the EEC level through the UNICE, their archives offer a good vantage point from which to study the reaction of the business community to regulatory initiatives and how economic and environmental trade-offs were problematised.[17] Although the UNICE archives are not publicly accessible, national business associations, and especially the CNPF, retained rich archival material related to UNICE's work, including minutes of its meetings and related preparatory documentation. This material also enables an examination of the interplay between national and European institutional dynamics, extending beyond EEC member states and firms operating within the common market.

The article is structured as follows: Section 1 analyses the reactions of business associations to the establishment of environmental ministries/agencies and the simultaneous politicisation of the environment at the European level. Section 2 traces the UNICE's efforts to position itself as a credible partner in environmental policymaking vis-à-vis the EEC, while

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16 J.-H. MEYER, *L'européanisation de la politique environnementale dans les années 1970*, in: *Vingtième Siècle. Revue d'histoire*, 1(2012), pp.117–126, here p.116.

17 W. STREECK, P.C. SCHMITTER, *The Organization of Business Interests: Studying the Associative Action of Business in Advanced Industrial Societies*, in: *MPIfG Discussion Paper*, 1(1999), pp.1–99.

simultaneously seeking to articulate common principles among diverse sectoral and national business associations. Section 3 uncovers how the structuration of business interests and competition dynamics contributed to political inertia with respect to the imposition of greener technical standards at both the national and the EEC levels. To illustrate this dynamic, the case of vehicle emissions regulation will be analysed, drawing on the rich existing secondary literature that highlights the tensions between national and European regulatory frameworks.

I Business Reaction to the EEC's Activities in the Field of Environmental Policy

In the early 1970s, the EEC appeared to be a laggard when it came to construing the environment as an international public policy issue, and impulses to do so stemmed from other international organisations such as the United Nations and, specifically, its UN Economic Commission for Europe (UNECE), the Council of Europe and the OECD. While in the 1950s and the early 1960s the relationship between environment and capitalism lacked systemic thinking and was not politicised globally, things started to change in the late 1960s and early 1970s. The Earth Day mass protests and the proclamation of the European Conservation Year in 1970 epitomised the global mobilisation against pollution and environmental degradation. The UN prepared its first United Nations Conference on the Environment to be held in Stockholm in 1972. In parallel, the European Commission coordinated the positions of its member states and participated as an observer at the Stockholm Conference, as well as in several other international meetings devoted to environmental issues.[18]

Despite the absence of explicit competence in environmental policymaking in the Treaty of Rome, the EEC soon aspired to assert a role in this domain. Simultaneously, consolidating the Common Market and expanding free trade was at the centre of its political agenda with the 1973 adhesion of the United Kingdom to the EEC, the 1972 trade agreements between the EEC and members of the European Free Trade Association (EFTA), and broader efforts to reduce so-called non-tariff barriers, namely technical norms and product standards that hindered the free movement of goods. In this context, the question for the EEC was whether environmental standards, especially at the national level, had to be interpreted as non-tariff barriers and, consequently, what effects they would have on the integrity of the Common Market. These potential market distortions provided a legal entry point for the EEC to progressively establish itself as a legitimate actor in promoting the harmonisation of environmental standards.

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18 J.-H. MEYER, *L'européanisation de la politique environnementale…*, op.cit., pp.122–123.

By 1973, the EEC had adopted its First Environmental Action Programme and the business community, represented at the EEC level by the UNICE, had to acknowledge the EEC Environment Service as a new actor. Such increased politicisation was not good news for businesses and their associations. As Pepper D. Culpepper has theorised and empirically illustrated, business tends to have more influence on policymaking regarding topics that are technical and not heavily debated in parliament or in the public sphere.[19] On the contrary, when a theme is becoming more politically salient, politicians have an interest in investing time and resources in policymaking and gathering knowledge and, as a result, business cannot position itself as the only source of expertise.

It is not the case, however, that business associations had no previous experience in dealing with environmental issues. Pollution caused by industry had never gone unnoticed, especially at the local level, but it had become ubiquitous during the post-1945 period of "great acceleration" due to sustained growth and mass consumption.[20] In the early phases, political discussions mostly focused on specific spheres, especially waste, soil, water and air, with the fixing of threshold limits or the regulation of certain substances. In the 1950s and 1960s, governments established public health/environmental commissions to tackle pollution in these areas. In response, sectoral and national business associations created specialised task forces to address these particular types of pollution, as well as assessing possible technological solutions. Given Britain's pioneering role in the Industrial Revolution, British business associations had had a long tradition of collaborating with state authorities since the establishment of the Alkali Inspectorate in 1863. In the postwar period, the Federation of British Industry – renamed the Confederation of British Industry (CBI) in 1965 – had established an Oil Legislation Panel, a Water and Effluent Panel, an Air Pollution Panel and an Industrial Waste Panel.[21] Similarly, the German BDI created working groups to oversee these areas while the French CNPF established the Commission de lutte contre la pollution atmosphérique in 1960 and the Commission de l'eau in 1964.[22] The companies involved were often from sectors whose emissions of toxins were noticeable (at local levels) such as the chemical industry, the so-called heavy industries, or oil and coal majors. These companies delegated their own engineers and

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19 P.D. CULPEPPER, *Quiet Politics and Business Power: Corporate Control in Europe and Japan*, Cambridge University Press, Cambridge, 2011.

20 F. JARRIGE, T. LE ROUX, *La contamination du monde: une histoire des pollutions de l'âge industriel*, Éditions du Seuil, Paris, 2017.

21 See CBI records: MRC [Modern Records Centre], CBI MMS.200 C, University of Warwick.

22 D. BOULLET, *Entreprises et environnement en France de 1960 à 1990 : Les chemins d'une prise de conscience*, Droz, Geneva, 2006.

law experts to the working parties established by business associations. Some of these industry experts, along with professional technicians and scientists, were also appointed to the public health/environment governmental commissions.

Nevertheless, the 1970s wave of the politicisation of environmental concerns, the establishment of new policy packages and the increased institutionalisation of environmental questions within the state and international organisations' apparatus reshuffled the deck with respect to the authority of business expertise when it came to defining pollution thresholds and standards. Moreover, the so-called polluter-pays principle, which meant that responsible industries should bear the cost of environmental harm, was increasingly guiding regulations. Business associations, both nationally and internationally, clearly appeared to be overwhelmed by this intense political activity and did not view these evolutions with much sympathy. The UNICE, for instance, stated that "the proliferation of bodies interesting themselves in environmental matters has constantly been the cause of some bewilderment" and that the UNICE's resources were "too limited to try to play the field".[23] The German BDI also feared that the UNICE would not have the capacity to react promptly enough to EEC environmental legislation and suggested augmenting the national delegates with technical specialists.[24] It also requested that the BDI's liaison office in Brussels would closely monitor the environmental discussions within EEC institutions.[25]

Overall, business circles felt that they were frequently excluded from environmental policymaking by the EEC Environment Service during the first half of the 1970s, as the UNICE explained:

"There was widespread dissatisfaction with the apparent lack of communicativeness of this Commission Service. There were moves in hand aimed at achieving improvements. It was noted, however, that certain sectors had been fully consulted, but this apparently only when it suited the Commission. The lack of consultation was not confined to the Commission according to some group members, who observed that their national governments demonstrated the same characteristics; consulting sectors when they needed their specialised knowledge, but closing

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23 ANMT [Archives nationales du monde du travail, Roubaix], CNPF [Conseil National du Patronat français], 72AS 1691 32 W 14, UNICE, Industrial Development, Secretary's Report, Bodies active in the field of Environment, 18.02.1975.

24 BDI [Bundesverband der deutschen Industrie - Archiv, Berlin], UP8/2, K104. BDI, Ergänzung zum Bericht von Herrn Brandi und Dr. Hermann, 1974.

25 BDI-Archiv, UP8/2, K104, Niederschrift über die Sitzung des BDI-Ausschusses für Umweltfragen, 07.12.1973.

the door on the representative bodies when more general environmental matters were under consideration".[26]

As a sign that business associations took the new threats seriously, the BDI, the CBI and the CNPF had all set up dedicated working parties by the mid-1970s: the BDI-Ausschuss für Umweltfragen, the CBI Environmental and Technical Legislation Committee and the CNPF Commission de l'environnement. Their objective was to coordinate the views of polluting industries, improve information exchange, develop general views regarding the political economy of the environment and influence legislation. The UNICE also soon recognised that it had a role to play in coordinating and defending the interests of European businesses in response to the Europeanisation of environmental issues. In 1974, it was decided to establish a joint UNICE/CEIF Environment Committee, recognising that companies outside the EEC were also affected by EEC regulatory developments, and that various other bodies, such as the OECD and the UNECE, were similarly contributing to the Europeanisation of environmental policymaking.[27] Its first Chairman was a Senior Chemical Engineer from Unilever named Frederik Cusell who was already an expert on the Special Committee on the Environment of the International Chamber of Commerce. Cusell also represented the CEIF at the United Nations Economic Commission for Europe and was a member of the Management Committee of the International Centre for Industry and the Environment.[28] The UNICE also established an Environment Steering Group, which was supposed to keep abreast of the Community Environmental Programme's endeavours and establish the priorities that needed to be tackled in depth by the UNICE/CEIF Environment Committee.

In addition, the UNICE, which brought together national business federations, began to regularly organise joint meetings with sectoral federations representing polluting industries at the European level and arranged with them a division of labour. When proposed legislation primarily affected a specific sector, the relevant sectoral association would take the lead in analysing the issue and drafting a response. Conversely, when proposals were of a more general nature, the UNICE would draft the statements, which were expected to be supported by both national and sectoral associations.[29] Involved sectoral federations included the Club des

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26 ANMT, CNPF, 72AS 1691 32 W 14, UNICE, Environment steering group, Meeting of 5 March 1975, Minutes, 09.04.1975.

27 Ibid., UNICE/CEIF Environment Committee, Meeting of 3 June 1975, Minutes, 30.06.1975.

28 Ibid., UNICE/CEIF Environment Committee, Secretary's Report, 23.05.1975.

29 Ibid., UNICE, Environment Steering Group, Meeting of 5 March 1975, Minutes, 09.04.1975.

Sidérurgistes (steel industry) and the European Chemical Industry Council (CEFIC), as well as organisations representing the ceramic, detergent, ferrous and non-ferrous metal, textile, rubber and paper industries. Environmental policymaking at the EEC level therefore triggered a "societal Europeanisation", with business interests engaging in increased international coordination, while environmental NGOs did the same and amalgamated in the European Environmental Bureau in 1974.[30]

II The UNICE's Efforts to Move Beyond Obstructionism and Coordinate Business Views

By 1974, the EEC was already in the process of formulating its Second Environmental Action Programme, signalling to the UNICE that the relevance of environmental policymaking was unlikely to decline. In response, the UNICE adopted a strategy aimed at formulating common environmental principles that would be acceptable to all its members and could be effectively communicated to both policymakers and the broader public. The UNICE indeed stated the need to overcome "the impression that industry was not sufficiently progressive [and] even unhelpful".[31] This strategic approach closely paralleled the efforts of the International Chamber of Commerce (ICC) in the early 1970s, as it sought to position itself as a credible partner to the United Nations Environment Programme (UNEP).[32] In this context, the ICC adopted the "Environmental Guidelines for World Industry" on 10 June 1974. Eager to consolidate its role as the "spokesman of EEC industry", the UNICE began preparing a Charter entitled "European Industry and its Environment: The Fundamental Principles".[33] The initial version of the document was drafted by the CBI and then submitted for consultation.

It soon became evident that the task was more challenging than initially anticipated. In particular, the issue of harmonisation revealed significant divergence among national business associations. Those operating under stringent domestic regulations were notably more supportive of harmonisation efforts. The German BDI, for instance, actively encouraged the UNICE to adopt a strong position in favour of harmonisation.[34] In contrast, the French CNPF

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[30] J.-H. MEYER, *L'européanisation de la politique environnementale…*, op.cit., p.124.

[31] ANMT, CNPF, 72AS 1691 32 W 14, Commission «Environment» UNICE/CEIF, Meeting of 3 September 1975, Minutes,17.11.1975.

[32] A.K. BERGQUIST, T. DAVID, *Beyond Planetary Limits! The International Chamber of Commerce, the United Nations, and the Invention of Sustainable Development*, in: *Business History Review*, 3(2023), pp.481–511.

[33] ANMT, CNPF, 72AS 1690, UNICE, European industry and its environment: the fundamental principles, 16.12.1976.

[34] Ibid., Commentaire du BDI concernant le 2ème projet révisé du document de l'UNICE sur «l'Industrie européenne et son environnement: les principes fondamentaux», 07.10.1975.

and the British CBI opposed any initiative that would effectively result in the Europeanisation of German standards, a development the CBI derided as “a policy of equal misery”.[35] These conflicting positions ultimately led to a rather ambiguous formulation in the final Charter:

> “The harmonisation of national environmental policies within the EEC means that the Community Authorities must adopt certain joint binding principles. […] This necessarily implies preparing a proper list of priorities based on real environmental needs, substantiated by scientific evidence, rather than general desire or emotive pressures. […] Whenever approximation of existing or impending national legislation is required in order to avoid distortion of trade, carry out common policies, achieve certain well defined joint objectives, appropriate Community action should follow. Harmonisation should not imply either unnecessary uniformity or systematic adoption, at Community level, of the most stringent national regulations”.[36]

While the UNICE wished to adopt a conciliatory and constructive tone, it could not prevent the final document from being filled with criticisms and objections. On the one hand, the UNICE stated that industry accepted its part of the responsibility and agreed with the polluter-pay principle. On the other hand, it stressed that norms should be “evolutionary rather than revolutionary” and “depend on persuasion and co-operation between the controlling authorities and industry rather than on sanctions”. With respect to scientific evidence, the UNICE urged policymakers to “avoid unnecessarily expensive and extensive monitoring systems”, while simultaneously stressing that “the necessary research and development measures should be undertaken before controls are set up”. Despite its efforts, the UNICE therefore struggled to depart from its defensive tone. Overall, the UNICE Charter emphasised that “economic expansion and environmental improvement [were] not contradictory”.[37] Such statement repeated the sustainable development credo that had been circulating in business circles, especially thanks to the efforts of the ICC and the International Centre for Industry and the Environment.[38]

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[35] MRC, MSS.200/C/1/6/3, CBI, Minutes of the meeting of the Environmental and Technical Legislation Committee, 03.10.1975.

[36] ANMT, CNPF, 72AS 1690, UNICE, European industry and its environment: the fundamental principles, 16.12.1976.

[37] Ibid.

[38] A.K. BERGQUIST, T. DAVID, *Beyond Planetary Limits!…*, op.cit.

Another crucial request made in the Charter was for extensive consultation rights, as the industry felt it had little influence over the latest political developments:

> "The UNICE would particularly stress the need for the EEC Commission to consult all the industrial sectors concerned. Industry has much experience and expertise in environmental matters and is willing to collaborate openly. The UNICE believes that collaboration with the public authorities should be particularly close where there are grounds for building certain safeguards for industry".[39]

Ultimately, the Charter did not generate much enthusiasm within business circles, least of all from the French CNPF, which felt it offered nothing new and doubted its usefulness in advancing industry's agenda.[40] In response to criticism, the UNICE representative nevertheless emphasised that the text was "the result of considerable thought and no little compromise" and that it was extremely

> "timely for the UNICE to issue this Charter, bearing in mind the Community's Continuation and Implementation Programme, not to mention the ongoing environmental activities in other international forums such as the OECD and UNECE".[41]

It was therefore decided to give it as much publicity as possible. In December 1976, the "European Industry and its Environment: The Fundamental Principles" Charter was sent to the President of the European Commission François-Xavier Ortoli and disseminated in the press.[42]

To improve its grip on the EEC Environment Service, the UNICE also investigated the possibility of organising

> "informal meetings periodically over cocktails or a buffet supper with the Director and his assistant, [or] unofficial meetings with the Director and his department and section heads around the table".[43]

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39 ANMT, CNPF, 72AS 1690, UNICE, European industry and its environment: the fundamental principles, 16.12.1976.

40 Ibid., R. Huissoud, CNPF, à Cussel, Président du Comité Environnement UNICE, 12.11.1976.

41 Ibid., A.F. Boyden, Head of the Department of Industrial Development, UNICE, UNICE/CEIF environment committee, to Huissoud from CNPF, 27.08.1976.

42 Ibid., P. Provost, Président, Unice, à François Xavier Ortoli, President of the European Commission, 22.12.1976.

43 ANMT, CNPF, 72AS 1691 32 W 14, UNICE/FEBI Roundtable on Environment, Meeting of 2 June 1975, Minutes, 30.06.1975.

Soon enough, the UNICE bodies in charge of the environment regularly invited representatives of the Environment and Consumer Protection Department of the Commission of the European Communities to some of its meetings.[44] The UNICE also took care to send industry delegates to the Conference "One Europe, One Environment" organised in Milan on 4-5 July 1977, which

> "intended to illustrate the CEE's environmental policy to public administrators, politicians, technicians, economic operators and to the Italian public [and] to obtain new consents for the building of an ecological Europe through a greater participation of the press and public opinion".[45]

On this occasion, the Chairman of the UNICE/CEIF Environment Committee delivered a speech. He explained that the UNICE, along with many other business associations in Brussels, had long been aware of the importance of environmental issues at the European level, and had organised itself "with the intention of responding as positively as possible to the actions undertaken at the Community level".[46] He also emphasised the need to avoid emotionally driven decisions and highlighted industry's role in developing sound, practical, and financially sustainable solutions based on cost-benefit analyses.

Despite the UNICE's public endorsement of a European Environmental policy, the business community continued to advocate for a containment policy, arguing that the EEC's legitimacy to act in the environmental domain was significantly constrained by the Treaty of Rome which only permitted intervention when divergent national regulations hindered the functioning of the Common Market.[47] As such, the UNICE considered that the EEC should not develop its own agenda or original policy tools. Moreover, the UNICE brought to the fore the diminishing return law, that is the idea that over time, additional investments in environmental protection would yield progressively smaller health and environmental benefits.[48]

The UNICE and various national business associations also feared an "Americanisation" of European environmental law through, for instance, the adoption of

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44 ANMT, CNPF, 72AS 1690, UNICE, Steering Group Environnent, Réunion du 22.09.1976, Minutes, 03.11.1976.

45 ANMT, CNPF, 72AS 1690 32 W 13, A.F. Boyden, to Huissoud from CNPF, 10.06.1977.

46 Ibid., UNICE, «Coopération Industrie/CEE pour la Protection de l'Environnement», report presented by F. Cussel, Président du Comité Environnement de l'UNICE, at the conference «Une Europe - un environnement» organised by the Fédération italienne des Associations Scientifiques et Techniques, Milan, 04-05.07.1977.

47 Ibid., UNICE, Où va la politique européenne de l'environnement, 1977.

48 UNICE, «Coopération Industrie/CEE»…, op.cit.

Environmental Impact Assessments, a formalised process to evaluate beforehand the environmental consequences of plant and infrastructure projects. It regretted that "industrial decisions appear to be becoming increasingly in the hands of public authorities" and wondered if there was any actual legal basis in the Treaty for the EEC to introduce such policy instruments.[49] The UNICE/CEIF Environment Committee invited an administrator from the EEC Environment Service to discuss this topic and disseminate its view that "any imposition of a formula modelled on the American lines [would] be inappropriate, unnecessary and unwelcome". The UNICE established its own official statement, advocating for further studies of national legislation and specificities with respect to construction permits for factories and large infrastructures.[50] Ultimately, the industry achieved its objective, as the Commission assured the UNICE that Environmental Impact Assessments would be treated solely as a decision-making tool without legal force, and that the UNICE would be closely involved in the process.[51]

With regard to the Second EEC Environmental Program, which was under discussion in the mid-1970s, the UNICE expressed regret that each EEC body, along with the NGOs gathered in the European Environment Bureau, was adding its own set of comments, while businesses were struggling to find common ground. Various national business associations depicted the draft under discussion as being rather vague and excessively pessimistic.[52] The UNICE finally issued an "Opinion on the Continuation and Implementation of a European Community Policy and Action Programme on the Environment" which was quoted in the press of various countries and referred to in the EEC Council.[53] The UNICE's stance toward harmonisation remained cautious and ambiguous.[54]

Despite the UNICE's constant efforts to establish more contact with EEC institutions dealing with the environment, collaboration was still challenging by the late 1970s. For instance, it was reported that an industrial representative in an EEC study group had created

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49 ANMT, CNPF, 72AS 1690 32 W 13, UNICE/CEIF Environment Committee, Meeting of 04 May 1977, Minutes, 29.07.1977.

50 Ibid., UNICE/CEIF Environment Committee, Meeting of 10 June 1976, Minutes, 14.07.1976.

51 UNICE/CEIF Environment Committee, Conclusions and Decisions of the meeting on 5 July 1978, 14.07.1978, 72AS 1690 32 W 13, CNPF, ANMT, Roubaix.

52 ANMT, CNPF, 72AS 1691 32 W 14, Observations du BDI au sujet des «Premières réflexions sur le deuxième programme d'action des Communautés Européennes en matière d'environnement», 26.11.1975.

53 ANMT, CNPF, 72AS 1690 32 W 13, UNICE/CEIF Environment Committee-FEBIs, Environment Checklist, N°6, 14.02.1977.

54 ANMT, CNPF, Draft (N°6), UNICE Opinion on the continuation and implementation of a European Community policy and action programme on the environment, May 1976.

"an unfortunate impression", which explained the reluctance to invite further business experts. The UNICE therefore stated that "whatever the rights or wrongs of the Commission's approach on any given subject", industrial representatives needed to "comport themselves diplomatically when they were invited to participate in the work".[55] Moreover, in summer 1978, the UNICE continued to voice frustration over its inability to be involved early in the preparatory phases of EEC environmental policymaking. Cusell, the Chairman of the UNICE/CEIF Environment Committee, therefore organised a high-level meeting with Michel Carpentier, head of the EEC Environment Service to discuss their working relationships and reported that "the points of irritation and concern on both sides were examined and the air largely cleared".[56] Four years after the UNICE's early efforts in shaping environmental policymaking, establishing its influence was still a work in progress.

Regarding the functioning of the UNICE/CEIF Environment Committee and the UNICE Environment Steering Group, most participants agreed that these entities had achieved some success in facilitating information exchange. However, they also struggled with an unclear mandate and an insufficient division of labour, making it extremely difficult to coordinate the positions of different sectors and national associations.[57] As noted by the Italian business association Confindustria, reaching consensus among businesses required numerous rounds of discussion, often causing the UNICE to issue its statements so late in the regulatory process that they had little or no impact.[58] Internally, the CNPF noted that it felt best represented by its own French civil servants, whose views were more closely aligned with its own than with those of its European sister associations and organised, on a few occasions, direct contact with EEC representatives.[59] Similarly, the CBI repeatedly stated that it enjoyed a particularly close relationship with its national government representatives and made international business cooperation a lower priority.[60] Ultimately, the UNICE decided to disband the Environment

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55 ANMT, CNPF, 72AS 1690 32 W 13, UNICE/CEIF Environment Committee, Meeting of 14 December 1976, Minutes, 18.02.1977.

56 Ibid., UNICE/CEIF Environment Committee, Conclusions and Decisions of the meeting on 5 July 1978, 14.07.1978.

57 Ibid., UNICE, Commission «Environnement»: réorganisation des procédures de travail, 09.02.1977.

58 Ibid., Telex reçu de M. Felici, Confindustria, à A.F. Boyden, 1977.

59 ANMT, CNPF, 72AS 1686, CNPF Commission de l'Environnement, Procès-verbal de la Réunion du 23.10.1975.

60 MRC, CBI MSS.200/C/1/6/2, CBI, Minutes of the meeting of the Environmental and Technical Legislation Committee, 08.05.1973.

Steering Group and that its regular business should revert to the UNICE/CEIF Environment Committee.[61]

Overall, the UNICE found it extremely difficult to overcome the obstructionist and negative stance of various business associations toward environmental regulation and to build consensus among its members. As explained by Wolfgang Streeck and Philippe C. Schmitter, Euro-Corporatism broadly failed to materialise, which meant that business representation remained more pluralist than corporatist at the EEC level and that vested interests were less mediated by business associations and competed against one another.[62] It is therefore not surprising that common ground between the EEC and business representatives emerged mostly when environmental standards reflected a lowest common denominator consensus and were perceived as a means of enhancing the competitiveness of EEC industry, as will be illustrated in the next section with the example of vehicle emissions standards.

III Harmonising Technical Standards? Two Levels of Playing Fields and Competition Dynamics

From the standpoint of environmental and health protection, one would expect standards to be set at the technological frontier. The simplest definition of the best available technology would be one that was already in existence somewhere on the planet and would minimise businesses' environmental impact. Even from a purely technological perspective, however, this was not straightforward because technological trade-offs sometimes existed between various environmental issues such as energy consumption and polluting emissions. More importantly for business associations, the central questions were: the cost of implementing the greenest technology; whether it had been mastered by national manufacturers; were there differences in their members' ability to meet the new standards; and would this create market fragmentation and thus impede trade? In its Charter, the UNICE/CEIF Environment Committee had supported the possibility of defining common environmental standards for products, that should "be based on economic and practicable technology".[63] The definition of standards was therefore not merely a technical matter but was embedded in a complex national and international socio-

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[61] ANMT, CNPF, 72AS 1690 32 W 13, UNICE/CEIF Environment Committee, Conclusions and Decisions of meetings of 1-2 March, 1977, Minutes, 14.03.1977.

[62] W. STREECK, P.C. SCHMITTTER, *From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market*, in: *Politics & Society*, 2(1991), here p.136.

[63] ANMT, CNPF, 72AS 1690, UNICE, European industry and its environment: the fundamental principles, 16.12.1976.

economic context and was shaped by power relations among various sets of actors. This is why the UNICE was not only speaking of “best available technology” but added that it should be “economic and practicable”, which opened the door to power struggles to define what this meant.

The UNICE/CEIF Environment Committee’s ability to speak with one voice therefore depended on its capacity to arbitrate the definition of such standards. Various national business associations expressed the idea that it was their prerogative to define what the “best available technology” meant. For instance, the British CBI explained that

> “one of the main planks of the British approach to pollution control was known as the ‘best practicable means’ approach by which industry was required to adopt abatement measures while taking into account local circumstances, the state of technology, and the resultant economic effects”.[64]

The BDI also insisted on the need for government bodies to have industry’s input to define the “Stand der Technik”.[65] For industries, it was particularly important that the authorities did not legislate beyond the realm of the technical solutions that they themselves could provide. Overall, businesses’ favourite channel of influence at the EEC level remained their national diplomats in an intergovernmental logic since governments enjoyed a veto power. Moreover, national business associations retained more financial power and staff endowment than their international counterparts such as the UNICE and the CEIF. Therefore, national business associations did not hesitate to bypass the UNICE and its harmonisation efforts, and often successfully sought the assistance of business-friendly sections of the administration (such as trade departments) to intercede on their behalf and to obstruct international environmental regulation. For instance, the British CBI emphasised the usefulness “of keeping closely in touch with Government Departments”, especially the Foreign and Commonwealth Office, about international activity in the field of pollution.[66]

The well-documented negotiations over European pollution standards for vehicle emissions are particularly revealing as they highlight the trade-offs between environmental

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64 MRC, CBI, MSS.200/C/2014 Box 332, Minutes of meeting of the Council of the Confederation of British Industry, 16.10.1974.

65 BDI-Archiv, UP8/2, K104.BDI, Niederschrift über die konstituierende Sitzung des Ausschusses für Umweltfragen des Bundesverbandes der Deutschen Industrie, 31.10.1972.

66 MRC, CBI, MSS.200/C/1/6/2, Minutes of a meeting of the Environmental and Technical Legislation Committee, 24.05.1971.

standards and free trade and allow for an assessment of how business influence unfolded and shaped the regulatory outcomes.[67] Furthermore, the EEC was not the only institution capable of driving the Europeanisation of norms in this domain. Since the 1960s, the United Nations Economic Commission for Europe (UNECE) had been at the forefront of developing common vehicle emission standards, and a coalition of progressive countries, through international cooperation, could equally provide an alternative path. Efforts to introduce more stringent vehicle emissions standards and to harmonise them at the European level thus offers a compelling case for evaluating whether and how a "Brussels Effect" emerged, impacting national regulations and companies both within and outside the Common Market.

In the late 1960s and early 1970s, improving air quality by regulating car emissions' health-hazardous particles such as hydrocarbons (HC), carbon monoxide (CO), sulphur dioxide (SO_2) and nitrogen dioxide (NOx) became a hot topic in Europe.[68] European governments appeared to be laggards in this matter compared to the US. Under strong public pressure, the US Environment Protection Agency had introduced ambitious targets for emissions reduction which had compelled US car manufacturers to develop a new technology i.e. the three-way catalytic converter. Moreover, this new converter could only be used with unleaded gasoline, which had another beneficial environmental and health benefit as lead is a serious neurotoxin. Japan, whose manufacturers exported massively to the US, soon introduced similar thresholds. Nevertheless, the fact that the three-way catalytic converter technology existed and was produced on a large scale did not mean European policymakers and businesses would embrace it readily. The United Nations Economic Commission for Europe (UNECE) introduced a first set of emission norms by the late 1960s, which, under pressure from Germany, were adopted as the Directive (70/220/EEC). However, the emission limits lagged significantly behind the US standards, which were still under discussion at the time.

European companies and business associations read the discussions about the introduction of emission standards in terms of competitive advantage and political economy. As German manufacturers exported a huge number of cars to the US market and had successfully invested in research and development to comply with its norms, they were

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67 S. KLEBANER, *Normes environnementales européennes…*, op.cit.; G. BALLOR, *Liberal Environmentalism…*, op.cit.; S. KLEBANER, S.M. RAMÍREZ PÉREZ, *Managing Technical Changes …*, op.cit.; A. MILOR, *European Technical Democracy?…*, op.cit.; M. NÄSMAN, *The Political Economy of Emission Standards…*, op.cit.; M. NÄSMAN, S. PITTELOUD, *The Power and Limits of Expertise…*, op.cit.; L. WARLOUZET, *Liberty, Solidarity and Community…*, op.cit.

68 M. NÄSMAN, *The Political Economy of Emission Standards…*, op.cit.

favourable to the introduction of the new standards at the EEC level. The German government and the BDI also felt tremendous public pressure to take action with respect to air pollution.[69] Conversely, British and French manufacturers were falling behind these latest technological developments, so the CBI and the CNPF strongly opposed the introduction of more stringent standards.[70] The CNPF somehow even interpreted the new norms as a US tactic to boost its market share in Europe.[71] Since car manufacturing was an important industry that was already suffering from increased competition, especially from Japan, the French and British governments supported their national champions and opposed the introduction of the new harmonised and more stringent standards set by the UNECE and the EEC.

Consequently, the situation was blocked until the mid-1980s at the European level. As a side effect, even if German car manufacturers had adopted the three-way catalytic converter technology for their exports to the US, the BDI opposed any *Alleingang* (unilateral action) of the German government as such a move would cause market fragmentation in Europe. The BDI in general lamented that the government did not take such trade and competitive advantage questions under sufficient consideration, in contrast to the French government:

> "If there is such a problem in France, then the leaders of the state-political sector talk to the leaders of business and technology. They discuss both major fundamental problems and very practical issues. How do we tackle the environmental problem, and how do we create a preference for certain French industrial products in international competition? Such co-operation between the state and the economy is not visible".[72]

As vehicle emissions were a sectoral issue, it was not the UNICE that took the lead in attempting to establish a common European position for businesses, but rather it was taken by dedicated sectoral associations such as the Liaison Committee of the Automobile Industry of the European Communities (CLCA) and, most notably, the Committee of Common Market Automobile Constructors (CCMC), founded in 1972 and composed of the chairmen of the most important European carmakers. However, from the outset, the CCMC struggled to unify its members' positions for the reasons mentioned above.[73]

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69 S. KLEBANER, S.M. RAMÍREZ PÉREZ, *Managing Technical Changes…*, op.cit.

70 MRC, CBI, MSS.200/C/1/6/2, CBI, Minutes of a meeting of the Environmental and Technical Legislation Committee, 24.05.1971.

71 D. BOULLET, *Entreprises et environnement en France…*, op.cit.

72 BDI-Archiv, UP 7 K104, BDI, Anlage 2. Zu Punkt 1 der Tagesordnung, Konstituierung des Ausschusses, Ausführungen von Herrn Dr. Neef, 1973.

73 G. BALLOR, *Liberal Environmentalism…*, op.cit, p.587.

In terms of a possible "Brussels Effect", it is also relevant to assess how these debates and uncertainties played out in Switzerland, a country outside the EEC, yet heavily dependent on trade with EEC member states and home to large multinational enterprises that had to navigate diverse legislative frameworks. Regarding the vehicle emissions threshold, the attitude of the main Swiss business association (the SHIV), might have been expected to be rather positive, or at least neutral, given the absence of a domestic car manufacturing industry. Moreover, strong political pressure existed in Switzerland as environmental groups could resort to popular initiatives, thus allowing Swiss citizens to vote on the adoption of emission standards as ambitious as those implemented in the United States. Nevertheless, oil importers and car retailers advocated against new norms as the range of available car models might decrease and they would have to secure a supply of unleaded gasoline for a small market.[74] Moreover, the SHIV mainly represented sectors of the export industry that were afraid of trade retaliations by European trade partners if the new norms were to be implemented in Switzerland only. The BDI executive secretary, Sigfried Mann, had indeed contacted his Swiss counterpart to warn against a Swiss move that would introduce norms which were described as "protectionist" and detrimental to European industry.[75] The European Commission, as well as French and Italian diplomats, also threatened Switzerland with trade retaliation. Due to these pressures, the SHIV, backed by the Federal Division of Commerce, successfully advocated for a postponement of the new norms, and against the policy advocated by the Swiss Environmental Agency.

The sclerosis that marked EU environmental regulation therefore also had consequences for non-member states. This logic could be depicted as a negative "Brussels Effect", constraining the activities of more ambitious nations such as Germany, Switzerland and Sweden and prompting their companies to oppose national norms because of potential market fragmentation.[76] In line with those findings, historian Stephen G. Gross has recently argued that while the European Union sought to position itself as a global climate leader by building on its past achievements, including 'command-and-control' measures against acid rain, historical scrutiny suggests that most of these previous successes were in fact initiated outside the EEC/EU.[77] Ultimately, regarding vehicle emissions, such roadblocks contributed to the

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74 AFZ [Archiv für Zeitgeschichte], IB Vorort [=Schweizerischer Handels und Industrieverein]-Archiv, 117.3.1, Zurich, Jetzer, Rühl, SHIV, Herabsetzung des Bleigehaltes im Superbenzin; Änderung der Verordnung über verbotene giftige Stoffe, Art. 2a., 09.10.1978.

75 AFZ, IB Vorort-Archiv, 117.3.2. B, Wehrli, SHIV, Entwurf für Brief an S. Mann, 22.08.1982.

76 For this logic, see: M. NÄSMAN, S. PITTELOUD, *The Power and Limits of Expertise*, op.cit.

77 S.G. GROSS, *Energy Policy and Climate Change*, op.cit, p.3.

postponement of new thresholds until the second half of the 1980s in Switzerland and Germany, and the early 1990s in the European Union.[78]

Conclusion: Organised Business and the Roadblocks to both National and European Norms

The Europeanisation of environmental policymaking in the 1970s, despite its often-presumed toothlessness, nonetheless posed a challenge to national business associations and their European federations, notably the UNICE and the CEIF. Archival records clearly show that they took this evolution seriously and established dedicated working parties to coordinate the views of various companies and follow the debates about environmental regulation. The UNICE often disputed the enlargement of EEC competencies in the environmental domain and emphasised the lack of a basis in the Treaty of Rome. In response, the civil servants of the EEC Environment Service controlled business' input and restricted it to specific field of expertise, although more frequently attending the UNICE's meetings.

For the UNICE and national business associations, it was clear that national environmental norms could create market fragmentation and, for this reason, that the idea of harmonisation should, theoretically, be supported. Nevertheless, the UNICE was never able to produce a strong statement in the matter nor to deviate from its obstructionist attitude because the interests of national and sectoral businesses were difficult to reconcile. Harmonised norms would also mean an unequally distributed competitive (dis)advantage, depending on the structure of national industries and the ability of national producers to master green technologies.

The concrete example of business associations' input on the debate of the best available technology illustrates this dynamic. The "availability" of the technology was indeed not assessed in absolute terms but rather on where national industries stood with respect to international competition. The Swiss SHIV and the German BDI would often try to slow down the pace of national regulation to avoid having to comply with forerunner regulations that could put their members at a competitive disadvantage and clung to the prospect of reaching international agreement. But within international business associations, such as the UNICE,

78 S. PITTELOUD, *Delay and Dilution in the Implementation of Environmental Norms: Business Groups and the Regulation of Car Emissions in Switzerland in the 1970s–1980s*, in: *Working Papers of the Paul Bairoch Institute of Economic History*, (2020), pp.1-14; G. BALLOR, *Liberal Environmentalism…*, op.cit.; M. NÄSMAN, S. PITTELOUD, *The Power and Limits of Expertise*, op.cit.

consensus was difficult to find as business associations such as the British CBI and the French CNPF had no interest in more stringent regulations since their industries were often slow to adopt green technologies. As a result, and because of their structures, the UNICE and other European sectoral associations, would often either defend the lowest common denominator or promote vague self- regulation standards. Moreover, the UNICE could not prevent national business associations from relying on their national diplomats to veto unwelcome, harmonised regulations. The structuration of business representation, i.e. its societal Europeanisation, therefore contributed to a race to the bottom logic and to silencing the voices of the "greenest" portions of the business community in the name of consensus and the avoidance of market distortion. Such logic goes against the wisdom of techno-enthusiasts and corporate environmentalists who assume that the companies mastering greener technologies have a competitive advantage and will force their competitors to change for the better.

These dynamics also offer important insights into the early manifestations of the "Brussels Effect" in environmental regulation within the EEC. A "Brussels Effect" was indeed present, as both companies and non-member governments were reluctant to adopt norms that could lead to market fragmentation. However, this effect was largely obstructionist in nature: the imperative to maintain a unified market was initially leveraged to delay the implementation of greener standards in more progressive states. Such resistance was ultimately overcome only through strong public pressure on national governments and, even then, only after considerable delays and a dilution of the original proposals due to the lobbying of business associations. This raises an important counterfactual question: might a coalition of progressive countries, acting independently of the EEC framework, have achieved more ambitious outcomes than the strategy of prioritising EEC-wide regulation for the sake of preserving the Common Market, as envisioned in the Rome Treaty?