



DYNAMIX

Decoupling growth from resource use
and environmental impacts

Annex 1: Detailed evidence reports

to the Public acceptability of DYNAMIX policy packages

1 Green fiscal reform - internalization of costs and materials tax (M1 & M2)

Completed by:	<i>Robin Vanner (PSI)</i>
Policy or policies assessed:	
METALS	Green fiscal reform: internalization of external environmental costs
METALS	Green fiscal reform: materials tax
OVERARCHING	A 'circular economy tax trio' - taxes on the extraction of selected virgin materials and on landfilled and incinerated waste.

If assessing multiple policies as a group, give a brief sentence of justification for the combination:

Environmental tax reform potentially incorporates public discourse covering a very large range of resources and taxes. This analysis captures a sample of these discourses, captures the concerns raised and the degree to which the discourse appreciated the fiscal benefits (or tax reform) benefit of the instrument.

1.1 Part A: Results

Results of the trends analysis

The search frequency analysis suggests that the term 'Environmental tax reform' does not significantly appear in active public discourses in most languages and Member States. Even the more commonly used terms 'green tax, eco-tax and environmental tax' only appear significantly in public discourse in Danish and English. A review of the literature reveals that the concept of environmental tax reform as a concept is largely confined to professional discourses among academics and policy makers.

Table 1 Search frequency analysis term usage

Key term (Language/MS/region)	'green tax / eco-tax / environmental tax'	
	Danish	English
Significant peaks and events	Significant peaks in: Oct 07, Mar, Oct 09, Mar 11 and Mar 2012-14	'Green taxes' peak in UK in Nov 2006, Nov 2011, Nov 2012 - Apr 2013, Oct 2013 - Jun 2014, Jan 2015

Non-exhaustive list of environmental tax discourses, the key actors involved and the concern promoted within the discourse

The following table summarises the results from a large number of discourse analyses highlighting with country case studies, the issues raised in the discourse and the nature of the concern promoted.

Table 2 Summary of results from discourse analyses

Proposed tax	Role of opposing producer actors	Possible consumer actors	Key discourse issue	Concern promoted in discourse
Annual vehicle taxes	Car manufacturers and motorists' lobbyists (i.e. The AA)	Car owners (UK ¹)	Air pollution from diesel vehicles	Fairness
Car purchase tax		Buyers of new cars (France ²)	Where lack of bonus within purchase tax system	Cost of living
Fuel duty		Car users	Rural access, competitiveness and cross boarder issues	Cultural (rural), effectiveness and competitiveness
Tax on flying	Airlines & airports & business	Businesses and private air passengers	Business competitiveness ³ & 'Scrap the Tax on Family Flights' (UK ^{4,5})	Competitiveness, effectiveness & cultural
VAT on airline			Zero rating .v. VAT	Competitive-

¹ Swinford, S and Collins, N. 2014. "Diesel car drivers 'betrayed' as EU cracks down on Britain over air pollution". The Telegraph, 23 July 2015: <http://www.telegraph.co.uk/motoring/news/11007326/Diesel-car-drivers-betrayed-as-EU-cracks-down-on-Britain-over-air-pollution.html>

² Jerew, B. 2013. "High-Emissions Vehicle Tax Increases 25% in France, Incentives on Cleaner Options Lagging". The Green Optimistic, 19 September 2013: <http://www.greenoptimistic.com/high-emissions-vehicle-tax-increases-25-incentives-cleaner-options-lagging-france-20130919/#.VRG3VVyJUQ>

³ Beard, M. 2014. "London should keep £1bn raised in tax from its airports, say campaigners". London Evening Standard, 9 December 2014: <http://www.standard.co.uk/news/transport/london-should-keep-1bn-raised-in-tax-from-its-airports-say-campaigners-9912100.html>

⁴ "A Fair Tax on Flying". n.d. [Online] Available at: <http://www.afairtaxonflying.org>

⁵ Smith, O. 2014 "PM 'in favour' of abolishing air tax on flights for children". The Telegraph, 24 November 2014: <http://www.telegraph.co.uk/travel/travelnews/air-passenger-duty/11249717/PM-in-favour-of-abolishing-air-tax-on-flights-for-children.html>

tickets			exception. Positive support for instrument (EU ⁶)	ness, effectiveness
Abolition of tax-free airport shopping	Airports		Support loss making regional airports across EU. 19% of airport revenue in Europe ⁷	Cultural
Taxes on toxic substances		Public	'Permission to pollute' concerns	Cultural
Taxes on the use of nitrogen in fertilisers	Farmers	Consumers	Demand inelastic .v. awareness (Austria) ⁸	Cost of living & effectiveness
Taxes on active ingredients in pesticides	Farmers	-	Lower land tax & co-introduction of pesticide restrictions (Nordic ⁹)	Competitiveness & effectiveness
Taxes on water use	Households		Affordability and regressivity (Ireland) ^{10, 11}	Fairness/cost of living
Landfill tax (UK)	Businesses who produce significant wastes	Cost to households via municipalities	Fly tipping & SME dumping in household wastes ¹² , complication of measuring active fraction ¹³	Cost of living, effectiveness & competition
Incineration tax			Border transfers (Norway) ¹⁴ ,	Cost of living &

⁶ Taming Aviation. 2013. [Online] Available at: <http://www.tamingaviation.eu/index.php?id=29&L=1>

⁷ UK Travel Retail Forum. n.d. "Frequently Asked Questions" [Online] Available at:

<http://www.uktrf.co.uk/travellers-info/frequently-asked-questions/>

⁸ European Commission. n.d. "Study on Environmental Taxes and Charges in the EU" [Online] Available at:http://ec.europa.eu/environment/enveco/taxation/pdf/ch9_fertilisers.pdf

⁹ PAN Europe. 2005. "Pesticide taxes- national examples and key ingredients" [Online] Available at:

<http://www.pan-europe.info/Archive/publications/PesticideTax.htm>

¹⁰ "Campaign against property tax plans launched" RTE News, 22 December 2011:

<http://www.rte.ie/news/2011/1222/310212-householdcharge/>

¹¹ Fleming, D. 2014. "Anger at Irish water charges reaches boiling point" BBC News, 1 October 2014:

<http://www.bbc.co.uk/news/business-29426733>

¹² Politics.co.uk. n.d. "Landfill Tax" [Online] Available at: <http://www.politics.co.uk/reference/landfill-tax>

¹³ Goulding, T. 2014. "Landfill tax banding proposal 'overcomplicated'" letsrecycle.com [Online] Available at:

<http://www.letsrecycle.com/news/latest-news/landfill-tax-banding-proposal-overcomplicated/>

¹⁴ "Dropping Norway's incineration tax 'has helped EfW sector'" ENDS Waste & Bioenergy. 11 July 2014.:

<http://www.endswasteandbioenergy.com/article/1303217/dropping-norways-incineration-tax-has-helped-efw-sector>

			Netherlands ¹⁵ , UK ¹⁶	Effectiveness
Taxes on use of virgin aggregates	Aggregate extractors & construction sector	Buyers of houses etc.	Lack of incentive for environmental improvement & (UK) ¹⁷	Effectiveness & competition

Table 3 Concern categories arising from discourse analyses

Cost of living	A general concern about additional costs and the corresponding reduced standard of living.
Fairness	The fairness of the proposed policy, particularly with reference to regressivity of the instrument on vulnerable and disadvantaged groups.
Cultural	Similarly, the impact of the proposed policy on a particular value, activity or institution, which has particular cultural significance.
Competitiveness	Concern over the impact of a proposed policy on industrial competitiveness. This is particularly where the instrument imposes costs on domestic production without corresponding export relief or import levies.
Effectiveness	Often associated with the competitive concern, concerns over whether a instrument will be effective in achieving its stated objectives often associated with concerns of leakage or 'offshoring' of production, whereby the objective of the tax instrument risks being undermined at the cost of domestic jobs and profits.

The result from these analyses highlights the often-negative perspective that public discourses have taken in some countries on the proposed introduction of new resource and environmental taxes. A key finding across all of the case studies is the low or non-existent extent that the discourses incorporated the tax reform benefits of introducing the resource tax, or even the environmental motive in most cases.

An analysis of the case studies suggests that moving taxes from employment to environmental 'harms' possess many elements that could lead to public resistance if influenced by negative lobbying:

- The tax is immediate, often highly visible on a day-to-day basis.
- Its impact is clearly foreseeable on the individual.
- Unless the instrument is framed as consumption based tax, it risks raising trade competitiveness concerns.

¹⁵ Gawn, M. 2014. "Dutch EFW tax 'unlikely to harm UK RDF trade'" ISB Global, 28 August 2014: <http://www.isb-global.com/dutch-efw-tax/>

¹⁶ Environmetnal Services Association. N.d "Beyond landfill" [Online] Available at: http://www.esauk.org/reports_press_releases/esa_reports/BeyondLandfill_web.pdf

¹⁷ British Aggregates Association. 2002. "Aggregates Levy : A Good Tax or A Bad Tax?" [Online] Available at: <http://www.british-aggregates.co.uk/documentation/doc15.pdf>

Whereas the corresponding tax breaks will likely be experienced less immediately and may be less certain from the individual perspective, and any additional employment might appear theoretical and less likely to benefit people individually.

There is some evidence to suggest that both businesses and public do not always frame the concept in the same way as those who propose it, believing that it being an environmental tax, the revenues should go directly to support and mitigate the environmental issues being targeted¹⁸ rather than go to reduce other taxes. This highlights two potentially competing world views on revenues which is apparent from reading the relevant discourses:

1. One involves individuals focusing on 'making sacrifices for the environment' and who are willing to engage qualitatively in environmental positives without promise of personal return.
2. Another more rationalist worldview might be referred to as 'self-focused tax reformers' who are happy to engage in the environmental objective but would likely resist losing out personally, or seeing large tax revenues being diverted from the tax reform as promised.

It should be noted that these do not form two distinct groups, but some individuals can be encouraged to think from either worldview depending how the policy is proposed and framed.

¹⁸ Green Fiscal Commission. 2009. "Public Opinion on a Green Tax Shift" [Online] Available at: http://www.greenfiscalcommission.org.uk/images/uploads/GFC_Briefing_3_Final.pdf

1.2 Part B: Discussion and recommendations

Based on the discourses discussed, can the policy be Implemented: Potentially highly contentious in some Member States

The environmental tax component of (further) environmental tax reform could face considerable resistance from within public discourse in some Member States, unless the tax reform proposal is more successful in ensuring that the benefits side of the tax reform is captured within the public debate. Even with this, it is inevitable that there will be losers, some will be considered as ‘deserving’ and who will therefore highlight concerns of political significance. There is evidence however of broad but qualified support even within cautious Member State populations:

Within a controlled environment, a sample group of the [UK] public representatives did support environmental tax reform¹. When however specific interventions were explored in depth, participants became concerned, particularly around the fairness of environmental taxes in certain instances. Overall however, after debate within the controlled environment of a workshop, all of the tax revenue-neutral taxes, except road fuel duty, were supported by at least 50 per cent of participants.

This highlights the limit (i.e. the threshold) of extending the level of any one particular resource tax ahead of others or imposing such taxes unevenly on particular groups.

The role of affected businesses in promoting such concerns could also be considerable. It is possible that such interests could coalesce to form lobbying groups who promote public concern as a proxy for their aligned interests.

It should be noted that, whilst any changes in tax regime on the scale proposed would inevitably initiate contentious discourse, the proposed tax policies are considered implementable if presented and mitigated as set out in this assessment.

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

The level of contention will likely not be even in all Member States. The concept of environmental tax reform is established and better understood in some countries more than others, Denmark and the UK being examples. Furthermore, trust is an important element in this kind of policy, particularly where the recycling of revenues is not explicitly linked. Again, level of trust in both EU and Member State institutions will vary by Member State.

Key sectors that would likely resist the environmental tax side of the environmental tax reform are **motorists' representatives** and the **aviation sector** generally. A range of concerns could be promoted by, and through these actors, including; the fairness of focusing on these consumers disproportionately; competitiveness and effectiveness concerns (if implemented within the international aviation sector); and fairness/cultural objections against pricing aviation beyond lower income consumers. This latter concern is particularly the case for those from **non-continental Member States** such as the UK who find it more difficult to access holiday destinations without flying.

A further frequent concern is that any tax on the costs of production will raise competitive concerns in the first instance, and ultimately **policy effectiveness concerns** if this leads to the shifting of production outside of the economy in question (i.e. leakage). This will be of particular relevance for certain energy intensive industries (such as **cement, iron & steel, aluminium**) where **very targeted systems of revenue recycling** would be required to mitigate these concerns, or introduced as a **materials consumption tax**.

What can be done to mitigate/minimise this opposition and improve public acceptability?

A key finding across all of the contentious case studies is the low or non-existent extent that the discourses incorporated the tax reform benefits of introducing the resource tax. It is therefore recommended that environmental tax reform **be proposed as a large-scale tax reform process** to maximise the chances that the public discourse incorporates the tax benefits of the reform. Environmental tax would preferably be agreed on a **cross-party consensus over the medium** term. Where possible, it is preferable to **recycle revenues** as close as possible to the sector or group of consumers who face the tax (see Bonus-Malus), and Ensure as far as possible that the taxes do not threaten industrial competitiveness or jobs. This can best be achieved through border adjustments on imported and exported products, as far up product supply chains as reasonably possible.

To the extent possible, the policy should seek to ensure that any **increase in take-home pay is seen in notable sums, and ahead of consumers experiencing any increase in prices**.

As this policy is proposed explicitly as a tax-reform policy, **the proportion of revenue not recycled back into tax reform needs to be limited in order to avoid a loss of trust** among a key sub-group of citizens.

Check: do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

The various public concerns over particular resource taxes risks compromising the effectiveness/ambitiousness of the proposed policy. However, with the strategic and mitigation instruments explored above, it is believed possible to introduce environmental tax reform to a relevant degree over the medium term.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

Environmental tax reform could be made more ambitious if **agreed at an international level.**

2 Stimulation of sharing systems (M3)

Completed by:	<i>Christopher Harvey & Robin Vanner</i>
Policy assessed:	
METALS	Stimulation of sharing systems

2.1 Part A: Results

Results of the Trends Analysis

Table 4 Search frequency analysis term usage

Language translations (or for topic-searches, corresponding country)		
	Carpool	Car sharing
Renting		
4	1	-
83	1	13
4	8	13
8	1	-
15	4	100
19	-	-
7	1	-
72	1	31
4	100	4
68	2	14
5	1	-
69	2	69
8	-	-
26	-	-
3	13	-
-	-	-
69	6	11
11	2	2
41	1	15
4	-	-
2	-	-
4	-	-
38	-	-
22	1	5
10	2	75
14	16	-
41	14	23
29	-	-

* NB topic rather than keyword analysis - so results are accurate for the range of languages, and are specific to each country.

The result of the search frequency analysis suggests that the terms car-sharing and carpooling are significantly discussed in German, French, Italian, and in Austria. Renting more generally trends in many languages and in Gaelic, Maltese, Dutch and English in particular.

Non-exhaustive list of environmental tax discourses, the key actors involved and the concern promoted within the discourse

There are a number of implementation concerns and issues that could likely be experienced if sharing systems are expanded further:

- Sharing is popular where it provides opportunities for cost savings. For example, car clubs provide access to cars without the capital and maintenance costs.
- Sharing is also popular from the point of view of product owners, who can recoup expenditure on purchased assets – e.g., carpooling where travel is undertaken anyway or lending tools or other goods in exchange for the ability to borrow different goods through services like Streetbank¹⁹.
- Sharing may be inconvenient or ineffective if the product or service in question is not available or not available close by.
- State-run sharing schemes may be costly to run. For example, bike hire schemes may be affected by theft, vandalism or other damage.
- Cost issues for transport-related sharing schemes may have contradictory sustainability effects – they reduce need for cars/bikes to be produced, but may encourage additional journeys where personalised transport would otherwise be unaffordable.
- Transport-related sharing schemes may only be viable where complementary to other transport options e.g., where public transport is good enough for commuting.
- Sharing schemes may suffer from regulatory issues – e.g., security of accommodation and breach of hotel regulations for services like AirBnB or driver knowledge/vetting issues for peer-to-peer on-line transport systems, such as Uber.

Table 5 Stakeholder discourse and concerns analysis

Stakeholder	Issue	Case study	Concern/ benefit category
Bikeshare users	Restricted availability	Portsmouth Bikeabout: restricted hours, limited number of bikes and kiosks; seasonal restrictions ²⁰	Effectiveness
Bikeshare	Theft/ vandalism	Cambridge Green Bike scheme using unsecured bikes abandoned due to theft, 1994 ²¹ Paris Velib scheme: 9,000 bikes	Cost/ Effectiveness

¹⁹ Streetbank. N.d. [Online] Available at: <http://www.streetbank.com>

²⁰ Black, Colin, Faber, Oscar, and Potter, Stephen, *Portsmouth Bikeabout: A Smart-Card Bike Club Scheme*, The Open University (1998)

²¹ "Ring a bell? It's borrow-a-bike time again...", *Cambridge News*, 12 October 2007:

<http://www.cambridge-news.co.uk/Ring-bell-borrowabike-time/story-22461332-detail/story.html>

		stolen or damaged in 2012 at a cost of €1 million ²²	
Car-share drivers	More environmentally friendly vehicles	New Uber drivers in London choosing lower-emissions vehicles compared to London taxis ²³	Effectiveness
Taxi drivers / car-share users	Safety and other regulatory standards	Uber drivers should learn 'The Knowledge' not rely on smartphone mapping says poll ²⁴ Uber-style drivers may not be properly vetted UberPop banned in Germany; Uber deemed illegal in other jurisdictions ²⁵	Safety/ effectiveness
Car club members	Convenience	May not be cars close to home	Effectiveness
Car club members	Affordability	Much cheaper than running a car if number of journeys low	Reduce cost of living
Car club members	Affordability	May enable use of a car where one would otherwise be unaffordable	Increase fairness
Car club	Affordability	Hire charge applies even when car not in use at destination ²⁶	Effectiveness
Accommodation sharing owners	Regulation	Some cities, like Barcelona and Berlin, have placed restrictions on or banned AirBnB ²⁷	Security

²² O'Sullivan, F. 2013. "In Paris, Thefts and Vandalism Could Force Bike-Share to Shrink" The Atlantic Citylab, 26 September 2013:

<http://www.citylab.com/commute/2013/09/paris-thefts-and-vandalism-could-force-bike-share-shrink/7014>

²³ Ouzounov, P. 2014. "Does Uber Deserve A Little Green In Its Logo? London, Uber & The Environment" CleanTechnica, 29 July 2014:

<http://cleantechnica.com/2014/06/29/uber-green-london/>

²⁴ Dahlgreen, W. 2014. "Londoners: Uber should be regulated" YouGov, 21 June 2014:

<https://yougov.co.uk/news/2014/06/21/londoners-uber-should-face-same-regulation-black-c/>

²⁵ "Uber banned in Germany as police swoop in other countries" BBC News, 20 March 2015:

<http://www.bbc.co.uk/news/technology-31942997>

²⁶ The Great 'Car Clubs Cost Cutting' Hunt, Money Saving Expert forum, 4 March 2009

<http://forums.moneysavingexpert.com/showthread.php?p=19395643>

²⁷ Coldwell, W. 2014. "Airbnb's legal troubles: what are the issues?," The Guardian, 8 July 2014:

<http://www.theguardian.com/travel/2014/jul/08/airbnb-legal-troubles-what-are-the-issues>

Table 6 Concern categories arising from analysis

Cost (of living)	The potential for instrument to lead to higher costs for citizens or consumers.
Fairness	The risk that the scheme (or instrument) disadvantages some people in a way that people perceive to be unfair.
Cultural	The threatening of a cultural value as proposed by an actor within a discourse.
Competitiveness	The competitiveness of economic activity is reported to be threatened by the scheme (or instrument) in some way.
Effectiveness	An actor within a discourse makes a case that the objectives of the scheme (or instrument) may not be achieved as envisaged.

2.2 Part B: Discussion and recommendations

Based on the discourses included, can the policy be implemented: Uncontentious

There is unlikely to be significant public acceptability issues associated with voluntary sharing systems. The concerns are likely to be related to the functioning and implementation issues.

The threshold of acceptability might be found among those citizens who either don't want to or can't participate and the level of public funding, if perceived to be disproportionate.

Which features of the policy are most likely to face opposition and by whom (actors, countries)?

The level of public funding would likely be the main area of public resistance if sharing systems are greatly expanded.

What can be done to mitigate/minimise this opposition and improve public acceptability?

It's important that public acceptability is gauged on a case-by-case basis, and public funding either seen as a start-up grant or long-term public subsidies transparently justified. It is also important that sharing systems are made relevant to all segments of society, not just urban populations.

Do these acceptability-mitigation instruments compromise the effectiveness/ambitiousness of the proposed policy?

Potentially, but it likely that this mitigation would permit all reasonable schemes to be started and maintained, where justified.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

There needs to be a gradual introduction to introduce both paradigm change and systems adaption.

3 Product standards and Boosting extended producer responsibility (M5 & O4)

Completed by:	<i>Christopher Harvey & Robin Vanner</i>
Policies assessed:	
METALS	Product standards
OVERARCHING	Boosting extended producer responsibility

3.1 Part A: Results

Results of the trends analysis

The search frequency analysis for ‘Product Standards’ only highlighted significant activity in English. Follow up investigation found this to include items not relevant to the product standards in question.

Further investigation using the term ‘Household Appliances’ highlighted significant activity in Dutch, English and Finnish. Follow up investigation found that only the English language trends were driven by relevant product standards discourse.

Table 7 Search frequency analysis terms usage

Key term: ‘Household Appliances’			
Group of interest (Language/MS/region)	Dutch	English	Finnish
Sample headlines and discourse	‘German WMF acquired a majority 51 per cent stake in the Dutch company for household appliances Princess Holding.’ ²⁸	<u>EU to ban high-energy hair dryers, smartphones and kettles</u> ²⁹	Household appliances trade go wrong ³⁰
	‘Xiaomi phone manufacturer has a		Manufacturer of household appliances

²⁸ “Duits bedrijf neemt Princess over”. Nu.nl, 26 November 2009. [Online] Available at: <http://www.nu.nl/economie/2131219/duits-bedrijf-neemt-princess.html>

²⁹ Waterfield, B. 2014. “EU to ban high-energy hair dryers, smartphones and kettles”. The Telegraph, 28 August 2014: <http://www.telegraph.co.uk/news/worldnews/europe/eu/11061538/EU-to-ban-high-energy-hair-dryers-smartphones-and-kettles.html>

³⁰ “Kodinkoneiden kauppa käy huonosti”. Yle uutiset, 2012. [Online] Available at: http://yle.fi/uutiset/kodinkoneiden_kauppa_kay_huonosti/2733169

	share of some 165 million taken in Midea, a manufacturer of household products. ³¹		to buy the Nokia factory in Romania ³²
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(A) Product standards: Non-exhaustive list of environmental tax discourses, the key actors involved and the concern promoted within the discourse

The following table summarises the results from a wide-ranging review of relevant product discourses. It highlights country case studies, the issue raised in the discourse and the nature of the concern promoted. The outcome shows that the acceptability issues are most significant in the UK with dominant concern being consumer freedom issues. There does however appear to be a strong Eurosceptic sentiment behind the promoted concern.

Table 8 Product standards discourse and concerns analysis

Proposed product standard discourse	Role of opposing actors	Possible consumer actors	Key discourse issue	Concern promoted in discourse
Product standards (Ecodesign and Energy Labelling Directives)				
Vacuum cleaners	Dyson: Inappropriate standard	Which?: Stopping their best buys from sale	Consumer choice, effectiveness of instrument.	Effectiveness, (Un)fairness to non-dominant producers
http://www.bbc.co.uk/news/business-28878432 http://www.independent.co.uk/news/world/europe/james-dyson-calls-vacuum-cleaner-regulation-a-good-reason-to-quit-europe-9715064.html http://www.bbc.co.uk/news/business-29021886 http://www.telegraph.co.uk/technology/news/11075490/James-Dyson-suggests-leaving-the-EU-over-vacuum-cleaners.html http://www.theguardian.com/environment/shortcuts/2014/sep/02/threat-to-vacuum-cleaners-daily-mail-energy-efficiency				
Kettles	Which?: Consumer champion	Which?: Stopping their best buys from sale	Consumer choice, effectiveness of instrument, ease of use	Consumer freedom & effectiveness
http://www.telegraph.co.uk/news/worldnews/europe/eu/11061538/EU-to-ban-high-energy-				

³¹ "Xiaomi zet in op huishoudelijke apparaten". Nu.nl, 15 December 2014:

<http://www.nu.nl/gadgets/3953281/xiaomi-zet-in-huishoudelijke-apparaten.html>

³² "Kodinkoneiden valmistaja ostaa Nokian tehtaan Romaniassa" Helsingin Sanomat, 2012:

<http://www.hs.fi/talous/a1305554170186>

hair-dryers-smartphones-and-kettles.html				
Hair dryers	National Hairdressers' Federation	Which?: Stopping their best buys from sale	Consumer choice, 'nannying EU interference' effectiveness of use	Consumer freedom & Effectiveness
http://www.telegraph.co.uk/news/worldnews/europe/eu/11061538/EU-to-ban-high-energy-hair-dryers-smartphones-and-kettles.html				

Table 9 Concern categories arising from product standards analysis

Cost of living	The potential for product prices to increase.
Consumer freedom	The principle that consumers and producers should be free to trade products freely without governmental freedom.
Fairness	The risk that higher product costs risks reducing access of poorer consumers to certain products or more stringent product standards risks advantages of some producers over others.
Cultural	The threatening of a cultural value as proposed by an actor within a discourse.
Competitiveness	The competitiveness of economic activity is reported to be threatened by the proposal in some way.
Effectiveness	An actor within a discourse, which argues that the objectives of the proposed instrument may not be achieved.

A further review of the literature reveals:

- Resistance to this kind of instrument is not limited to the UK. Herbert Reul, a conservative German MEP was quoted as saying: "It makes no sense to regulate the detail of energy consumption, the manufacture of each product in the EU and to tell the citizen what he has to buy".³³
- Cultural concerns include the claim that the EU is threatening 'the British way of life' by targeting the nation's kettles, toasters and lawnmowers.³⁴
- Effectiveness concerns included a quote in the UK's *Express*³⁵ paper from Benny Peiser of the Global Warming Policy Foundation who said, 'sapping the energy out of electrical appliances will only lead to people using them for longer.'
- There are some fairness and competitiveness concerns between UK and German appliance companies in the setting of the standards, as evidenced by James Dyson

³³ Waterfield, B. 2014. EU to ban high-energy hair dryers, smartphones and kettles. The Telegraph, 28 August 2014: <http://www.telegraph.co.uk/news/worldnews/europe/eu/11061538/EU-to-ban-high-energy-hair-dryers-smartphones-and-kettles.html>

³⁴ Rao, N. 2014. "Now EU targets our kettles, toasters and even lawnmowers" *Express*, 4 September 2014: <http://www.express.co.uk/news/uk/506749/European-ban-on-household-goods>

³⁵ Rao, N. 2014. "Now EU targets our kettles, toasters and even lawnmowers" *Express*, 4 September 2014: <http://www.express.co.uk/news/uk/506749/European-ban-on-household-goods>

and his vacuum cleaner. He suggested that ‘the UK should leave the European Union if its legislation continues to be skewed by the opinions of German companies.’³⁶

Possible limits of acceptability in the UK may be highlighted by the vacuum cleaner discourse. Some parts of the discourse did pick-up the market failure due to the lack of added effectiveness of high-powered appliances. This may be the result of a deeper and more contented discourse resulting from the policy actually reaching implementation. This would appear to suggest a rational actor or self-interest worldview marks the threshold at present, and collective (environmental) action is not fully understood or accepted within product policy.

(B) Extended producer responsibility: Non-exhaustive list of environmental tax discourses, the key actors involved and the concern promoted within the discourse

Table 10 Extended producer responsibility discourse and concerns analysis

Proposed EPR/take-back scheme	Country	Consumer perspective/response	Key discourse issue	Concern promoted in discourse
Extended Producer Responsibility (EPR) programmes (Focus on take-back schemes)				
TVs	UK	Lack of ease of use and lack of awareness	Low public participation. ‘UK is among the worst offenders’ of electronic waste ³⁷	Effectiveness
Bottles	Germany	‘do not have to make an extra trip (...) in order to reap the monetary benefits’ ³⁸	Immediate and readily-usable cash reimbursement’ and tourists or temporary residents often do not understand ‘which bottles should be returned to which location.’ ³⁹	Effectiveness
	Sweden	‘it’s in our blood to make deposits.’ ⁴⁰	‘the deposit sum – guarantees very high collection rates,’	No concern promoted

³⁶ Eleftheriou-Smith, L.M. 2014. “James Dyson calls vacuum cleaner regulation a ‘good reason to quit Europe’” The Independent, 5 September 2014: <http://www.independent.co.uk/news/world/europe/james-dyson-calls-vacuum-cleaner-regulation-a-good-reason-to-quit-europe-9715064.html>

³⁷ “Old appliances make up over half of E-waste mountain” ertonline.co.uk, 23 April 2015: <http://ertonline.co.uk/ERT%20Latest%20News/old-appliances-make-up-over-half-of-e-waste-mountain.htm>

³⁸ Raeburn-Bell, S. 2014. “Cashing Bottles: The German Deposit Program” The Public Policy & Governance Review, 31 October 2014: <http://ppgreview.ca/2014/10/31/cashing-bottles-the-german-deposit-program/>

³⁹ Ibid.

⁴⁰ Jackson, F. 2014. “Time for Return of Bottle Deposits?” Raconteur, 5 March 2014: <http://raconteur.net/sustainability/time-for-return-of-bottle-deposits>

			'recycling rates of more than 90 per cent of its drinks containers' ⁴¹	
	Finland	Strong consumer engagement	'Finland tops the list of bottle-recycling countries'	
	UK	Lack of consumer engagement	Low public participation: Will Griffiths of the Carbon Trust: In the UK 'the challenge is consumer engagement and incentivising them sufficiently.' ⁴²	Effective-ness
	UK	-	Poor definitions of different battery classifications. '...we have a lead acid collection rate of around 470% and a nickel-cadmium collection rate of around 17%' ⁴³ .	Effective-ness
Batteries	Sweden	Positive engagement	The use of 'sorting robots'	No concern promoted
	Austria		Success due to high quality public relations and awareness-raising campaigns, coupled with the development of a comprehensive collection network ⁴⁴	
Tyres	UK	Lack of awareness	Success has been achieved through a 'completely market-based approach' ⁴⁵	No concern promoted
	Germany	-	Illegal collections: 'thousands of legal and illegal tire collecting companies are operating in this market of waste tires' ⁴⁶	Effective-ness

⁴¹ Ibid.

⁴² Ibid.

⁴³ Date, W. 2014. "UK close to meeting 2013 battery recycling" letsrecycle.com, 4 March 2014:

<http://www.letsrecycle.com/news/latest-news/uk-close-to-meeting-2013-battery-recycling-target/>

⁴⁴ European Commission. 2009. "Taking a united approach to battery recycling" [Online] Available at:

http://ec.europa.eu/environment/ecoap/about-eco-innovation/good-practices/eu/332_en.htm

⁴⁵ "Used Tyre Recycling Success for UK" Waste Management World, 12 July 2011: <http://www.waste-management-world.com/articles/2011/07/used-tyre-recycling-success-for-uk.html>

⁴⁶ "monstertyres is the expert of tire collecting services in Germany" [Online] Available at:

<http://www.monstertyres.com/tires-entsorgung-lang=en>

3.2 Part B: Discussion and recommendations

METALS - Product standards

Based on the discourses discussed, can the policy be Implemented: Contentious

The outcomes of the analysis indicate that the acceptability issues around existing and planned product standards are limited in most Member States but are notable in the UK with dominant concern being the threat to consumer freedom of choice. There appears to be a strong Eurosceptic sentiment behind the concerns promoted within the UK discourse.

However, a review of the UK domestic product discourses suggests that the negative reaction is relatively shallow and reactionary, and would likely be quite different if the association with the EU was not highlighted the way that it has been. There are some fairness and competitiveness concerns between UK and German appliance companies in the setting of the standards, although it seems unlikely that these are the actors who are driving the negative coalitions.

Overall, the analysis suggests that the policy would be relatively un-contentious throughout most of the EU. The recommendations could likely be contentious or even highly contentious in a small number of Member States such as the UK for domestic appliances, where there is a strong history of euroscepticism.

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

Product standards are likely to meet resistance from manufacturers of products that do not meet the standards. It is likely that such losing manufacturers would engage in the discourse via promoting consumer concerns over the relation of consumer choice, rather than their competitive concerns directly. The potential for such indirect lobbying is considerably stronger in the UK where it associates with pre-existing anti-EU sentiment.

The vacuum cleaner discourse in the UK highlights the possibility that a deeper and more contended discourse resulting from the policy reaching implementation would improve acceptability. Some parts of this discourse did pick-up the market failure of the lack of added effectiveness of higher-powered appliances. Differing from this, the hairdryer discourse within the UK focused on how this is not the case with other appliances and that restricting power rating will impact on usability. This seems to highlight a possible threshold to existing acceptability within the UK to domestic product policy as proposed by the EU in this area. This threshold would likely accept instruments that correct market failures that affect the self-interests of consumers but are liable to reject collective action for environmental purposes in domestic product policy.

What can be done to mitigate/minimise this opposition and improve public acceptability?

There is a case for sequencing of standards based on the prioritisation of products where there are clear private benefits of product standards and ensuring that this is highlighted within the implementation. Public acceptability might be improved in the product areas where there is a dual-benefit or even sole-environmental benefit, once benefits are demonstrated. A timed exemption for the UK might also ensure that the benefits (or at least the lack of feared disbenefits) are demonstrated in other EU Member States. As most of the opposition appears to come from the UK, the positive support of the UK is essential in ensuring the instruments are supported by the UK implementing government.

Greater independent technical oversight of particular manufacturers' influence on product standard setting would increase transparency in the standard setting, and might reduce the likelihood that some manufacturers would lobby against the instrument. It would not however be possible to ensure that no producer would lose and the evidence that such actors drove the discourse in the UK or elsewhere is limited.

Do these acceptability-mitigation instruments compromise the effectiveness/ambitiousness of the proposed policy?

It is likely that limitations and sequencing set out above would compromise the effectiveness/ambitiousness of the kind of product policy required to extend the existing envisaged product standards. Even with the mitigation instruments proposed, it is possible that the implementation and therefore the achievement of the policy objectives will be delayed.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

It is essential that if policy is to be further extended in this area, that it be actively supported by those governments representing Member States with established Eurosceptic segments. It seems likely that the threshold as discussed above will need to be breached to achieve the DYNAMIX objective. Where this is the case, it is important that the association between product policy and the larger climate change objectives be made more explicitly within the discourse.

OVERARCHING - Boosting extended producer responsibility

Based on the discourses included, can the policy be Implemented: Uncontentious / contentious

Little evidence has been found for the acceptability of this kind of policy at the citizen or consumer level. Various take-back schemes already exist across the EU, especially with electrical appliances and drinks bottles. The resulting implementation and discourse varies considerably between Member States, with the consumers of some Member States more engaged than others with the return of such products. This also relates to the mechanism of implementation and the degree that consumers and citizens in some Member States naturally accept the concept and participate directly in such schemes, whereas others are less aware and are not as directly involved. This is not to say that there is not potential for greater return-of-product schemes in all Member States even those not already engaged, but these would ideally be market-led, easy to engage with and offer a meaningful return to consumers. Examples include the return of mobile phones to recycling schemes.

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

The consumers of some Member States are more engaged than others in the return of product schemes. It is possible that if policy requires such schemes in a way that does not appeal to the consumer, producers and retailers might form an alliance against the proposals and lobby via the media.

What can be done to mitigate/minimise this opposition and improve public acceptability?

It is essential that the proposals appeal to consumers by offering money-back where possible and easy return of products. Good examples include mobile phones.

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

This requirement risks limiting the scope of the products where this is possible in terms of residual value and ease of return.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

It is therefore important that the policy requires a deposit scheme in a way that leads to product design innovation that ensures end-of-life residual value.

4 Food Waste (L6&7)

Completed by:	<i>Christopher Harvey & Robin Vanner</i>
Policies assessed:	
LAND	Targeted information campaign on changing diets and on food waste
LAND	Development of food redistribution programmes/food donation to reduce food waste

If assessing multiple policies as a group, give a brief sentence of justification for the combination:

There was significant overlap in the discourse around food waste.

4.1 Part A: Results

The search frequency analysis identified the following interest ‘hotspots’ for key terms:

The search frequency analysis highlighted ‘Food Waste’ as a trending term in the UK, Italy, Netherlands and Sweden and ‘Food banks’ trended in the UK, Spain, Belgium, France, the Netherlands and Poland. The sample headlines in both cases were all either frame food waste as a negative and food banks as something positive, or reported the issue without explicitly identifying a judgmental viewpoint.

Table 11 Search frequency analysis terms usage (Food waste)

Key term: Food Waste				
	UK	Italy	Netherlands	Sweden
Significant peaks and events		Peak in March 2014 – around the same time as the first Day of Prevention of Food Waste in Italy in February 2014, which was part of a larger European Year Against Food Waste		
Sample headlines and discourse	13% fall in UK household food waste	Food waste, still too much food thrown away by the Italians	Your food waste into sewers	‘sorting of food waste can be good for the environ-ment’
	Time to stand up to food waste (and walk more)	The crisis bites, 6 out of 10 Italians cut food waste		Sorting of food waste has begun in some places

Table 12 Search frequency analysis term usage (Food banks)

Key term: Food Banks						
	UK	Spain	Belgium	France	Netherlands	Poland
Significant peaks and events				Peak in November 2011 and continued funding of the FEAD (Fund for European Aid to the Most Deprived)		
Sample headlines and discourse	Tales from the Food Bank: we're a bit battered but not past it	The Food Bank, in an emergency situation for the delay in European aid	The Food Bank Appeal: 'in need of volunteers.'	Since the river port, the Food Bank prepares the great gathering in November: 'European Union decided welfare would be extended for another two years.'	Vegetable gardens for the food banks: 'Food banks are finding it increasingly difficult to get products.'	Kielce Food Bank joins the Federation: 'to prevent food wastage and to reduce malnutrition.'
	The Garage: Merry Keithmas at Electric Owl will benefit food bank	FESBAL (Spanish Federation of Food Banks), which is integrated into the European Federation of Food Banks, won a prize 'in recognition of charitable work.'		Carvin: relocation, milk collection in schools, the Food Bank projects of the Pas-de-Calais: 'need of space.'	Food Bank Bleeding: 'no subsidy from the municipality.'	

Table 13 Search frequency analysis term usage (Good Samaritan Law)

Key term: Good Samaritan Law	
Group of interest (language/MS/region)	UK
Sample headlines and discourse	Peers reject 'Good Samaritan' food donation plan for Britain
	Supermarkets pressed to donate spare food to charities
	Let's not turn our backs on a Good Samaritan law

Good Samaritan Law trended in the UK and highlighted a genuinely divergent discourse on the issue with the House of Lords reportedly raising issue with the law.

Table 14 Non-exhaustive list of actors

Proponents	Potential opponents	Position
United Nations' Food and Agriculture Organization (EU)	House of Lords (UK)	'perverse consequences' if Good Samaritan law in Britain
European Federation of Food Banks (EU)	FareShare (UK)	'no desire to introduce a Good Samaritan Act in the UK'
Red Cross (EU)	Lords EU Committee (UK/EU)	'unconvinced of the need for a Good Samaritan Act'
Les Restos du Coeur (France/EU)		
The Popular Aid for Relief and Development (EU)		
Food Loop App (EU)		
Feedback (EU)		
WRAP (UK)		
Bio Collectors (UK)		
Food Surplus Entrepreneurs Network (EU)		
Food Cycle (UK)		
Love Food, Hate Waste App (UK)		
Tesco (UK)		

Concern and discourse issues:

- **Good Samaritan Legislation** - Although there are already Good Samaritan laws on the books in both the US and Italy, there seems to be lack of consensus to a similar initiative in the UK with the House of Lords unconvinced of the need for a Good

Samaritan Act. Rather than being against the objectives of the proposed act, they were unconvinced of the need for a Good Samaritan Act and as such were concerned that failure to pass the law would increase the legally risk adverse from donating⁴⁷.

- **Food ‘foraging’** – A notable addition to the food waste discourse has been around the response to instruments to prevent individuals taking direct action to feed themselves from the bins of retailers. These instruments include prevention instruments, such as locking away bins to bleaching food waste, to legal action taken by police⁴⁸. This has sometimes been at odds with public sentiment in support of what is perceived to be common sense and reasonable action by those in need to feed themselves. This represents a paradigm change starting to occur as the world views in action which prevented this kind of activity, around legal risk management within a private actor context, appear to be overridden in some by a unnecessary waste worldview.
- **Product standards and ugly/inglorious food** - A notable addition to the food waste discourse has been around the public response to product standards which lead to food waste. These include former regulatory instruments requiring more uniformed shaped produce, as well as private retail standards in response to perceived public desire for unblemished and uniform produce⁴⁹. There has been moves for consumers to act directly in the UK and France and have the choice to purchase ‘ugly⁵⁰’ (or inglorious in the French discourse⁵¹) produce in supper markets. This represents a paradigm change starting to occur as the world views in action which led to this kind of waste, around perfection and market forces, appear to be overridden in some by an unnecessary waste world view.
- **Current Food Bank Issues** - Food banks exist across the EU and provide a food redistribution platform. However, in the discourse there is evidence of financial constraint concerns in the UK, Spain, France, and the Netherlands. Further, the issue of space constraint arose in France and need for additional volunteers in Belgium.
- **EU/Member States Food Bank Integration** - Although there was evidence of links between EU organizations such as the European Federation of Food Banks and Member States such as the Spanish Federation of Food Banks, food banks are not strongly associated on an EU level but rather more localized and decentralized.

⁴⁷ “Counting the Cost of Food Waste: EU Food Waste Prevention - European Union Committee Contents”

[Online] Available at: <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldcom/154/15407.htm>

⁴⁸ <http://www.theguardian.com/world/2015/may/22/france-to-force-big-supermarkets-to-give-away-unsold-food-to-charity>

⁴⁹ <http://www.telegraph.co.uk/foodanddrink/foodanddrinknews/11321726/Wonky-fruit-and-veg-how-much-do-we-really-waste.html>

⁵⁰ <https://www.inverse.com/article/3811-where-to-buy-ugly-food>

⁵¹ <http://itm.marcelww.com/inglorious/>

4.2 Part B: Discussion and recommendations

In general, is the policy likely to face resistance in the public discourse? **Controversial**

It is unlikely that policies focusing on information campaigns relating to food waste or efforts to strengthen food donation and reduce waste will encounter significant opposition. Indeed, there is some evidence of public sentiment acting directly in this area in support of both Good Samaritan legislation and the acceptance of less uniform produce. Examples include support for food waste 'foragers' and buying ugly or 'inglorious' produce. Underlying this are possible paradigm changes starting to occur within the public around their food waste, some of who are no longer willing to tolerate what is perceived as unnecessary food waste generated by narrowly focused actions on the part of retailers. The public has frequently come out in support of food waste redistribution efforts and against efforts to cut funding to these programmes such as in France with the Fund for European Aid to the Most Deprived.

If such paradigm changes continued, it would be unlikely that any lobbying actions or reservation around instruments to reduce waste, such as Good Samaritan legislation, would be able to prevent legislation. Thus there appears good scope for further governmental action. However, this might be seen as an easy public coalition, where there is no perceived impact on the vast majority of the public. Should the proposed instruments threaten to increase living costs or significantly reduce the consumer's right to shop freely and throw unwanted food away, it is possible that a coalition of interest could form to lobby against the instruments.

Which features of the policy are most likely to face opposition and by whom (actors, countries)?

Should the proposed instruments threaten to increase living costs or significantly reduce the consumer's right to shop freely and throw unwanted food away, it is possible that a coalition of interest could form to lobby against the instruments.

This therefore represents the **threshold of acceptability** for these kinds of instruments, where political capital is required to implement beyond the existing paradigm.

What can be done (policy design / implementation / sequencing) to mitigate/minimise this opposition and improve public acceptability?

Although the public seems supportive of food waste mitigation policies, caution is required for the stronger initiatives concerning dietary behaviour, as well as reforms to supply chains in order to prevent loss of support.

The proposed instruments need to both avoid excessive costs on retailers and be gradual in how they change the consumer experience. Key to this will be to ensure that the sources of food waste from the production and retail sectors do not impact on sales to higher-value consumers. Voluntary and coordinated action will also be important, backed up by targets and the threat of stronger interventions should this fail.

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

The main threat to effectiveness could be the slow introduction of instruments that impact on the consumer experience.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?⁵²

High-level principles and targets, such as 'zero waste' laws are important in this area and could offer a way that industry finds least-cost solutions.

⁵² "We call on you to make it illegal for Supermarkets to throw out edible food, to donate rather than waste, and to enter agreements with food charities to make sure this food is given to those in need." [Online] Available at: <https://www.change.org/p/david-cameron-mp-we-call-on-you-to-make-it-illegal-for-supermarkets-to-throw-out-edible-food-to-donate-rather-than-waste-and-to-enter-agreements-with-food-charities-to-make-sure-this-food-is-given-to-those-in-need>

5 Land production policies

Completed by: *Robin Vanner*

Policy or policies assessed:

LAND (Production policies):

- Stronger and more effective environmental and climate dimension for EU land management in the CAP.
- Revised emissions levels in the National Emissions Ceilings Directive (NECD) and additional instruments for better management of the nitrogen cycle on farmland.
- Promotion of Payment for Ecosystem Services (PES) programmes.
- Regulation for Land Use, Land Use Change and Forestry (LULUCF).
- Strengthened pesticide reduction targets under the Pesticides Directive, and provision of guidance to farmers on integrated pest management.

These land production policies have been assessed together as it is understood that the level of public understanding and process of acceptance (or contention) have a lot in common for all of this category of policies. A slightly different process of acceptance is proposed as relevant for these policies as their detailed implementation is generally considered as technical and beyond the day-to-day interest of most of the public. An alternative understanding of public discourse is therefore proposed for these policies. This alternative understanding assumes that:

- The agricultural sector is unable to bear significant additional cost without additional public support being provided; and
- Governments negotiate with the agricultural sector in relation to this support. If and only if they are unable to agree *and* there is an issue that is relevant and understandable to the public will the policy process be contested widely within the public discourse.

The evidence used to assess these policies has therefore sought to identify the level of knowledge and preferences expressed by the public around the EU CAP and assess whether this latter criteria has been met.

5.1 Part A: Results

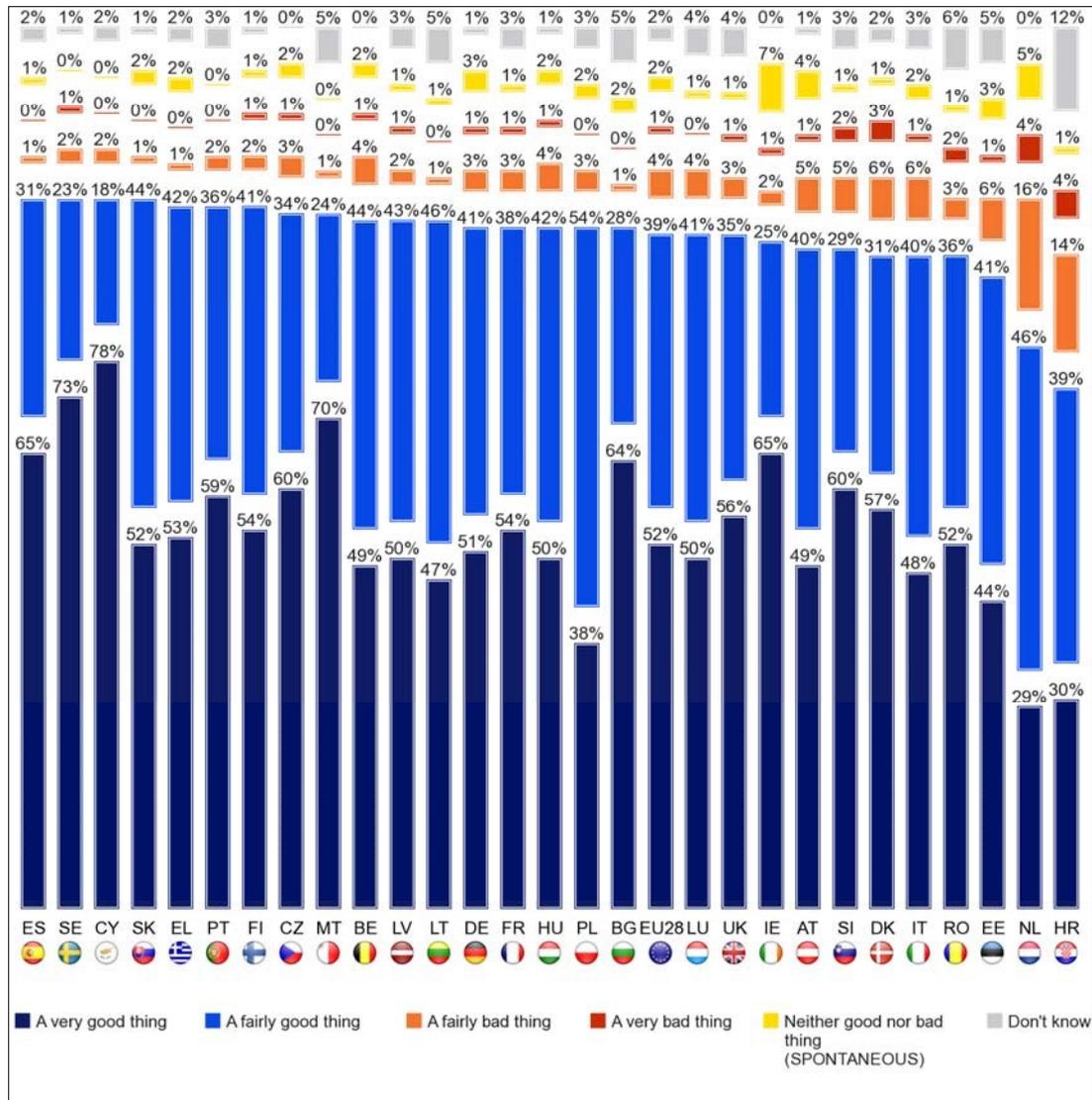
The most relevant source of information for this purpose is the Special Eurobarometer (410) “Europeans, Agriculture and the CAP”. The relevant findings were as follows:

- Almost two-thirds of Europeans have heard of the support provided by the EU to farmers under the CAP, although only a minority know about it in detail.
- A considerable majority of EU citizens (more than 80%) support the key elements of the CAP, whether that is guaranteeing the food supply, developing rural areas in a balanced way, or supporting young farmers.

- Ensuring diversity of farming and food products within the European Union is considered equally important by an absolute majority of Europeans.
- A majority of Europeans (61%) know that farming incomes are still lower than those in other economic sectors.
- For 92% of Europeans, giving support to farmers in a fairer and more targeted way is a good thing.
- For 91% of Europeans, linking the financial aid given to farmers to compliance with farming practices which benefit the environment is perceived as a good thing.
- The amount of financial aid granted to farmers is considered as about right by a majority of EU citizens.
- More than three-quarters of respondents agree that the CAP benefits all EU citizens.

Perhaps the most relevant of these issues is the public's acceptance of: *linking the financial aid given to farmers to compliance with farming practices which benefit the environment*. It is therefore the response to this question which has been used to explore the variation of acceptability by Member State, as well as how this has changed since 2009 and the reforms implemented which are broadly relevant to these policies. This is shown in Figure 1.

Figure 1 – Public opinion of ‘Linking the financial aid given to farmers to compliance with farming practices which benefit the environment’



Source: SPECIAL EUROBAROMETER 410 “Europeans, Agriculture and the CAP”⁵³

Overall, 92% of Europeans do think that giving support to farmers in a fairer and more targeted way is a good thing. Behind this there is some variation in degree of support. 78% of respondents in Cyprus and 73% in Sweden considered it to be a very good thing, but this was the case for only 29% of the population in the Netherlands and 30% in Croatia. In the Netherlands, there has been a marked fall in the number of respondents who see this as “a very good thing” since 2009 (-23 percentage points, although 75% of respondents still consider it a “good thing”). Support has also dwindled in Germany (51% “very good thing”, -11) and Greece (53%, -11). Conversely, it has gained ground in Malta (70%, +18), Ireland (65%, +17), Spain (65%, +15), the United Kingdom (56%, +15), Portugal (59%, +12) and Slovenia (60%, +12).

⁵³ European Commission. 2014. “Europeans, Agriculture and the Common Agricultural Policy (Cap)” Special Eurobarometer [Online] Available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_410_en.pdf

5.2 Part B: Discussion and recommendations

Based on the discourses discussed, can the policy be implemented? Uncontentious

It has been assessed as unlikely that the policies proposed would be publically contended. It is likely that the details of the policies will be contested between the agricultural sector and the relevant public authorities, but it seems unlikely that this would be discussed widely or within public discourse.

Overall, the EU population is highly supportive of the objective of CAP and the objectives of these policies.

Which features of the policy are most likely to face opposition and by whom (actors, countries)?

It is likely that the details of the policies will be the subject of negotiations between the agricultural sector and the relevant public authorities, but it seems unlikely that this would be discussed widely or within significant numbers of public discourses.

Only if the farming lobby and governments were unable to agree *and* there is an issue that is relevant and understandable to the public would the policy process be contested within a public discourse.

What can be done (policy design / implementation / sequencing) to mitigate/minimise this opposition and improve public acceptability?

-

Do these acceptability-mitigation instruments compromise the effectiveness/ambitiousness of the proposed policy?

-

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

The level of ambition, and the way it impacts on farmers would likely be the subject of negotiations between the agricultural sector and the relevant public authorities. It would seem likely that the level of ambition would be limited by the cost of the instruments to the taxpayer.

6 Value added tax (VAT) on meat products (L8)

Completed by:	<i>Robin Vanner</i>
Policy or policies assessed:	
LAND	Value added tax (VAT) on meat products

6.1 Part A: Results

Results of the trends analysis:

- **Trends analysis:** Searches for 'meat tax' and 'meat consumption' and translated into 25 languages. The terms which returned significant interest were identified.
- **A Google search** was carried out for 'VAT on meat' and then 'meat tax'.

The results of the two approaches are summarised below:

Table 15 Search frequency analysis terms usage

	Trends analysis: (Discourses identified in different <u>languages</u>)						
Meat consumption	Spanish	English	French	Polish	Portuguese	Romanian	Swedish
Meat tax	Spanish	English	French	Polish	Portuguese	Romanian	Swedish
	Google search: (Discourses identified in different <u>countries</u>)						
Case study Google search	Spain	UK	Lithuania	Hungary		Romania	

6.2 Part B: Discussion and recommendations

Based on the discourses discussed, can the policy be implemented?

Overall, removing VAT exemptions on meat products would likely generate considerable public discourse and resistance among many. The meat sector would likely mount concerted lobbying efforts to highlight among the public the drawbacks of the policy. The policy has provisionally been assessed to be: **Highly contentious in its unmitigated form.**

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

The results suggest that increased VAT (or tax) on meat would likely:

1. Attract a concerted lobbying effort from the meat sector:

- The UK beef and sheep industry representative Elbe ‘hit back at claims that taxes on meat could help reduce the production of global warming gases from farming’ (Svanevik, 2014).
- Spanish meat sector claiming that increasing VAT on meat would have ‘disastrous effects on the sector... and put the brakes on the emerging economic recovery’ (McMury, 2014).

2. The resulting lobbying effort would likely seek to:

- Form alliances to campaign based on key cultural sentiments: the poultry lobby and large UK retailer Morrison’s campaign aimed at changing government plans to place VAT on hot chicken sales using the slogan ‘Don’t Tax Our Roast’ (Bedington, 2012).
 - Suggest a divergence between the dominant cultural world view and those proposing the tax. Example statements include (Thewlis 2014): ‘The cabbage-eating sorts consider meat the next obvious culprit for being the subject of a sin tax’; and ‘You might write this off as the deranged ramblings of someone suffering an iron deficiency’.

Where the price of meat has increased (for whatever reason), the following issues arose in public discourses:

- There is a chance that it be regarded as **regressive**. In the UK, reports of increased prices for meat and other fresh products have led households to switch to ‘less healthy, processed food, while fresh meat and produce are increasingly seen as a treat’ (Hawkes, 2013).
- And could be undermined by **border issues** if implemented at a high level unilaterally. It has been reported that ‘Hungary losing 1 billion euros a year from food VAT fraud’ (Dunmore, Dunai, 2012).
- The meat sector would likely seek to **reverse** the VAT increase claiming that the reduced consumption threatens the domestic sector. The Romanian case example explores a case where the Romanian government was planning to reduce VAT on meat from 24% to 9% (Adamowski, 2014).
- There would also be pressure from consumers to reverse the instrument. In Lithuania, ‘Prime Minister says they could cut VAT on meat in 2015 or 2016’ (The Lithuania Tribune, 2013).

What can be done (policy design / implementation / sequencing) **to mitigate/minimise this opposition** and improve public acceptability?

The following policy **mitigation instruments** are proposed to support its public acceptability:

- a) The instrument should be **consulted** on with the relevant stakeholders and their concerns listened to as much as possible.
- b) The instrument should not be excessively regressive but focused on **luxury products**. The following **mitigation criteria** are proposed so that the following products:
 - i. Are not essential for a healthy diet for any segment of the population;
 - ii. Are not price inelastic without available substitutes with a lower environmental impact;
 - iii. Do not have low-income elasticity.
- It is therefore proposed that **5-year transitional exemptions** for certain meat products be explored; whereby temporary exemptions are agreed based on the mitigation criteria above. This will more likely exempt certain chicken and pork meat products.
- c) The instrument to be implemented across all EU Member States simultaneously and identically – thereby mitigating **border import issues**.

Once mitigated, the policy would likely be assessed to be less contentious and only: **Contentious:** *Proposal of the policy instrument is likely to cause considerable public concern on the issues raised, which will lead to the formation of coalitions of disparate stakeholders to oppose it. The policy instrument in its current form can only be implemented within democratic systems by the investment of political capital from the ruling government.*

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

The 5-year exemption criteria, which would most likely be applied to certain non-luxury chicken and pork meat products, would have a notable impact on the effectiveness/ambitiousness of the proposed policy during this exemption period.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

Based on the analysis of public acceptability, it does not seem feasible to be more ambitious with this policy and maintain public acceptance in the short to medium term. However, the analysis has highlighted evidence of paradigm level change, which might make **more ambitious instruments plausible in the long-term**. Once implemented:

- There is some discussion within the discourse of a **reduction** in meat consumption (as seen in Romania, (Adamowski, 2014)) and **substitution** as seen in the UK case where ‘Rising beef prices turn meat-eaters on to Quorn’ (Hawkes, 2013).
- **There is evidence for reduction.** Demand for meat tends to be responsive to price, particularly more expensive meats such as lamb and beef. Typical price demand responses are found to be about 1, meaning that a 1% increase in price would lead to about a 1% reduction in demand for meat. This is in contrast with fish, eggs, fats and bananas which have price demand responses in the region of 0.5 to 0.6. Increasing taxes in these products would be best motivated by revenue raising objectives rather than behaviour changing objectives (Tiffin et al., 2011).
- **There is evidence for short-term substitution:** The differences highlight an important issue with using price elasticities to do with substitution. Fish, eggs, fats and bananas tend to have a lower price elasticity of demand as there are fewer close substitutes, unlike meats which will tend to attract substitution within meat categories.

Once implemented, the concept of meats as a luxury product will be established. With the ending of the transitional instruments, the public’s **experience** of a reduced meat diet, along with measurable **health benefits** for some would very likely lead to paradigm changes. It is therefore likely that the characteristics of meat as a habitually consumed product will lead to the **longer-term greater acceptance of policy.**

7 EU-wide introduction of feebate schemes for selected products categories (O2)

Completed by:	<i>Robin Vanner (PSI)</i>
Policy or policies assessed:	
OVERARCHING	EU-wide introduction of feebate schemes for selected products categories

7.1 Part A: Results

Results of the trends analysis

The results of the search frequency analysis identified some discourse in most languages for feebate / smart-taxes / bonus-malus. Specifically, significant public discourses were identified in German, French, Italian, Latvian, Hungarian, Dutch (including Flemish), Polish and Romanian. Notably, trends were not identified for the UK, although the annual tax on vehicles in the UK does discriminate based on CO2 emissions without using these terms.

Table 16 Search frequency analysis terms usage

Significant public discourses: feebate / smart taxes / bonus-malus								
Member States	Germany Austria	France Belgium	Italy	Latvia	Hungary	Netherlands Belgium	Poland	Romania

It should be noted that the term bonus-malus is used widely with reference to the adjustment of private car insurance premiums as a result of making a claim or not.

Review of discourses

A web-based review of these terms translated from all of these languages has **failed to identify any negative discourse associated with these terms within Europe**. The majority of the results reviewed were informational in nature with only detailed **implementation issues** raised.

- The most notable of these being the success of the car purchase scheme in France, where the scheme was running at a deficit of an estimated €900 million⁵⁴. Under this circumstance, it is the government which is set to lose in the first year as the adjustments are made.

⁵⁴ Faucon, B. 2011. "French Give and Take" The Wall Street Journal, 8 Feb 2011: <http://www.wsj.com/articles/SB1000142405274870442220457613033410522232>

- A negative article was found and that was from the USA⁵⁵ which cited possible unintended consequences if the scheme were to be based on classes of vehicles (i.e. a buyer of a small car might pay a bonus to ‘pick-up truck’ class of vehicle), and opposing concern over fairness without this (i.e. that rural car buyers and large families will not be able to avoid the bonus). There was also a general concern that it will end up as a tax-raising tax.
- In addition, fairness concerns were raised within the UK emissions based annual vehicle tax (VED)⁵⁶, although the concern seems to be limited to political discourse.

Table 17 Concern categories arising from analysis

Cost of living	A general concern about additional costs and the corresponding reduced standard of living.
Fairness	The fairness of the proposed policy, particularly with reference to regressivity of the instrument on vulnerable and disadvantaged groups.
Cultural	Similarly, the impact of the proposed policy on a particular value, activity or institution, which has particular cultural significance.
Competitiveness	Concern over the impact of a proposed policy on industrial competitiveness. This is particularly where the instrument imposes costs on domestic production without corresponding export relief or import levies.
Effectiveness	Often associated with the competitive concern, concerns over whether a instrument will be effective in achieving its stated objectives often associated with concerns of leakage or ‘offshoring’ of production, whereby the objective of the tax instrument risks being undermined at the cost of domestic jobs and profits.

7.2 Part B: Discussion and recommendations

Based on the discourses discussed, can the policy be Implemented:
Unnoticed/contentious

The results of the discourse analysis suggest that feebate and bonus-malus taxes have not been contentious to implement in any of the Member States reviewed and would unlikely be in the form envisaged within the DYNAMIX policy mix. It appears that this form of environmental tax reform is understood by the public and is acceptable. Care will be needed to ensure that implementation issues do not lead to negative discourses.

⁵⁵ Blanco, S. 2010. “Auto Alliance speaks out against CARB's possible "feebate" program” Autoblog [Online] Available at: <http://www.autoblog.com/2010/05/28/auto-alliance-speaks-out-against-carbs-possible-feebate-progr/>

⁵⁶ LowCVP. 2008. “MPs Committee says proposed car tax changes are not unfair” [Online] Available at: http://www.lowcvp.org.uk/news,mps-committee-says-proposed-car-tax-changes-are-not-unfair_982.htm

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

A web-based review of these terms translated from all of these languages has failed to identify any negative discourse associated with these terms within Europe.

What can be done (policy design / implementation / sequencing) **to mitigate/minimise this opposition** and improve public acceptability?

The classing of the scheme is essential to ensure the scheme is not perceived to be discriminating against consumers who need to own a larger or more energy-consuming product. It is also important to note that the bonus-malus has mostly been implemented on future purchases. Any move towards use of taxes on existing products (i.e. annual vehicle taxes) would need to be carefully phased-in in order to provide a warning to consumers and not be seen as discriminatory.

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

No

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

The results of the discourse analysis would suggest that in public acceptability terms, bonus-malus schemes have scope to be ambitious and consideration given to them being extended to a larger range of product categories and contexts.

8 Reduced VAT for the most environmentally advantageous products and services (O3)

Completed by:	<i>Robin Vanner</i>
Policy assessed:	
OVERARCHING	Reduced VAT for the most environmentally advantageous products and services

8.1 Part A: Results

Table 8.1 Stakeholder discourse and concerns analysis

Relevant stakeholder	Discourse issue	Case study	Concern category
Retailers and suppliers	Definition of applicable goods	Small goods like light bulbs not covered by UK reduction ⁵⁷ Heating installation covered, but not glazing installation ⁵⁸	Fairness/effectiveness
Consumers	Positive about reducing costs but question if will mainly assist affluent buyers	UK: online discussion of VAT-reduction extension ⁵⁹	Fairness
DIY (i.e. self-installers)	DIY installations might be left out	UK retailer B&Q system excludes DIY fitters ⁶⁰ .	Fairness/cost of living
Consumers	Premature disposal of products	UK: online discussion of VAT-reduction extension ⁶¹	Effectiveness

⁵⁷ „B&Q launches campaign to cut tax on green goods“, *ClickGreen*, 13 October 2010: <http://www.clickgreen.org.uk/news/national-news/121538-b&q-launches-campaign-to-cut-tax-on-green-goods.html>

⁵⁸ “VAT on green windows 'unfair'“, *PoliticsHome*, 12 January 2015: <https://www.politicshome.com/articles/opinion/glass-and-glazing-federation/vat-green-windows-unfair>

⁵⁹ “Should we pay less VAT on energy-saving goods?“, *Which?*, 12 October 2020: <http://conversation.which.co.uk/energy-home/vat-cuts-on-energy-saving-goods/>

⁶⁰ “Should we pay less VAT on energy-saving goods?“, *Which?*, 12 October 2020: <http://conversation.which.co.uk/energy-home/vat-cuts-on-energy-saving-goods/>

⁶¹ Should we pay less VAT on energy-saving goods?, *Which?*, 12 October 2020:

National governments	Loss of tax revenue	Border issues and desire for better-targeted green taxes ⁶²	Effectiveness/competitiveness
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Table 2 Concern categories arising from the analysis

Cost of living	A general concern about additional costs and the corresponding reduced standard of living.
Fairness	The fairness of the proposed policy, particularly with reference to regressivity of the instrument on vulnerable and disadvantaged groups.
Cultural	Similarly, the impact of the proposed policy on a particular value, activity or institution, which has particular cultural significance.
Competitiveness	Concern over the impact of a proposed policy on industrial competitiveness. This is particularly where the instrument imposes costs on domestic production without corresponding export relief or import levies.
Effectiveness	Often associated with the competitive concern, concerns over whether a instrument will be effective in achieving its stated objectives often associated with concerns of leakage or ‘offshoring’ of production, or cross border trade, whereby the objective of the tax instrument risks being undermined at the cost of domestic jobs and profits.

- Retailers of environmentally friendly products and suppliers/installers of environmentally friendly products seem supportive, with concerns centred on the fairness on which products it will apply to.
- Consumers are also broadly positive about such a change, but there are questions about fairness, particularly where environmentally friendly products are more expensive and therefore more likely to be purchased by relatively affluent people.
- Green campaign groups have mixed attitudes. Friends of the Earth, for example, has previously supported reduced VAT⁶³.
- National governments rejected a previous Commission proposal to reduce VAT, with EcoFin Council apparently suggesting ‘more efficient tools and instruments than reduced VAT rates for specific goods and services exist for achieving environmental policy objectives and are therefore to be preferred’.
- Online discussion raises the question of whether encouraging the purchase of new products may increase resource use if existing goods are replaced prematurely.⁶⁴

<http://conversation.which.co.uk/energy-home/vat-cuts-on-energy-saving-goods/>

⁶² “Green VAT proposal likely to be scrapped”, EurActiv, 6 March 2009:

<http://www.euractiv.com/energy-efficiency/green-vat-proposal-scrapped-news-221378>

⁶³ “Government slammed over vat on energy saving goods”, Friends of the Earth, 20 October 1997:

https://www.foe.co.uk/resource/press_releases/19971020000107

8.2 Part B: Discussion and recommendations

Based on the discourses discussed, can the policy be Implemented: Uncontentious

The instrument is broadly acceptable to most actors within the discourse, with concerns focused largely on detailed issues. The main existing block to its implementation is the EU Commission itself in relation to the relevant Directive. Collective action in this area coordinated by the Commission would likely see such concerns resolved.

The existing discourses have not thus far focused on the loss of revenue and corresponding increase in taxation elsewhere. A more wide-ranging policy proposal in this area would likely pick up on this issue and explore it more deeply. The resulting debate might focus on the merits of reduced taxes versus increased taxes.

There is no clear threshold to this level of acceptance, although the extension to non-essential appliances, particularly those that are cost-effective to invest in, would likely meet with more resistance based on unfair subsidies to those who can afford the additional cost of energy-efficient products.

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

The extension to non-essential appliances, particularly those that are cost-effective to invest in, would likely meet with more resistance based on unfair subsidies to those who can afford the additional cost of energy efficient products.

What can be done to mitigate/minimise this opposition and improve public acceptability?

Clear, simple, fair and transparent objectives would help ensure that public acceptability is maintained. Consensus across the EU in the level and categorisation of this policy is important.

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy**?

Existing VAT regimes in the various Member States are often complex. The detailed implementation of this proposal, combined with the existing social objectives behind these various exemptions risks adding to this complexity.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

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⁶⁴ "Should we pay less VAT on energy-saving goods?", *Which?*, 12 October 2020: <http://conversation.which.co.uk/energy-home/vat-cuts-on-energy-saving-goods/>

9 Enabling shift from consumption to leisure (O6)

Completed by: <i>Martha Bicket</i>
Policy or policies assessed: OVERARCHING Enabling shift from consumption to leisure

9.1 Part A: Results

Results of the Trends analysis

Two key terms were explored through trends analysis: ‘Working Time Directive’ and ‘working time’. These were supplemented by an additional brief analysis of further terms ‘paid annual leave’ and ‘part time work’. The search frequency analysis identified the following interest ‘hotspots’ for key terms:

Table 3 Search frequency analysis terms usage

Key term	Working Time Directive		
Language /Member States /region	Germany (Arbeitszeitrichtlinie)	UK	Ireland
Significant peaks in relative interest	Peaks in June 2008, April 2009, March 2011, Jan 2012 - Apr 2013, Feb 2014, Jan-Apr 2015.	Significant relative interest over the whole period analysed (Jan 2004 - May 2015). Greatest relative interest between May 2004 and 2005.	Peaks only in Nov 2012, Sep-Nov 2013
Sample headlines and discourse	“EU-Arbeitszeitrichtlinie: Nouvelle gescheitert”(2009) ⁶⁵ (EU Working Time Directive: amendment failed)	<ul style="list-style-type: none"> • “The European Parliament has voted to scrap the UK’s opt-out clause of the Working Time Directive.” (2005)⁶⁶ • “UK to fight EU Working Time Directive” (2006)⁶⁷ • “Delay the working time directive - The EU’s 48-hour week will damage our fight against swine flu.” (2009)⁶⁸ 	“Ireland to be referred to ECJ over violations of working time limits” (2013) ⁷¹

⁶⁵ “EU-Arbeitszeitrichtlinie: Nouvelle gescheitert“ diepresse.com, April 2009, <http://diepresse.com/text/home/wirtschaft/international/474444>

⁶⁶ “Working time directive vote: Your views“ BBC news, 14 May 2005: http://news.bbc.co.uk/1/hi/talking_point/4536799.stm

⁶⁷ “UK to fight EU Working Time Directive“ The Publican’s Morning Advertiser, 7 Nov 2006: <http://www.morningadvertiser.co.uk/Running-your-pub/Training/UK-to-fight-EU-Working-Time-Directive>

⁶⁸ “Delay the working time directive“ The Telegraph, 28 Jul 2009: <http://www.telegraph.co.uk/comment/telegraph-view/5927354/Delay-the-working-time-directive.html>

		<ul style="list-style-type: none"> • “Poor handovers and working time directive 'causing hospital deaths’” (2009)⁶⁹ • “Working Time Directive 'should go’” (2010)⁷⁰ 	
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In addition, the term ‘working time’ revealed significant relative interest in a large proportion of EU Member States:

- Spain (e.g. “EP rejects exclude self-employed drivers working time rules”⁷², “The CE warns Spain about the working time of self-employed drivers”⁷³, “Brussels takes action against Spain for not respecting the limits of working time coroners”⁷⁴);
- Denmark (“Increasing working hours shows flexibility”, “The Danes spend more time at work on an average work week, and it's a good sign”⁷⁵, Educators and municipalities have agreed rules on working time”⁷⁶);
- Germany (“Ver.di threatened with ‘major conflict’ in the dispute over working hours”⁷⁷, “Officials have to put up with longer hours”⁷⁸, “Changes in working time rules? - Nahles says no”⁷⁹);
- Greece (“Working time reduction - We need a comprehensive social program in reducing working time”⁸⁰);
- France (“Toyota reduces working time and wages”⁸¹, “Working time: the CGT wants to renegotiate aspects of the 2008 law”⁸², “The Court of Auditors calls for a report on

⁷¹ “Ireland to be referred to ECJ over violations of working time limits” RTE News, 20 Nov 2013:

<http://www.rte.ie/news/2013/1120/487944-working-time/>

⁶⁹ Bowcott, O. 2009. “Poor handovers and working time directive 'causing hospital deaths’” The Guardian, Nov 2009: <http://www.theguardian.com/society/2009/nov/05/nhs-confidential-patient-care-study>

⁷⁰ “Poor handovers and working time directive 'causing hospital deaths’” Express, May 2010:

<http://www.express.co.uk/news/uk/176872/Working-Time-Directive-should-go>

⁷² “PE rechaza excluir a los conductores autónomos de normas de tiempo de trabajo” - Finanzas.com (May 2009)

⁷³ “La CE advierte a España por el tiempo de trabajo de los conductores autónomos” El Diario Montanes (April 2012)

⁷⁴ “Bruselas expedienta a España por no respetar los límites de tiempo de trabajo de los médicos forenses” Lainformacion.com (Feb 2012) http://noticias.lainformacion.com/mano-de-obra/contratos-normas-de-trabajo/bruselas-expedienta-a-espana-por-no-respetar-los-limites-de-tiempo-de-trabajo-de-los-medicos-forenses_JIWNhQ0KwYERW9p7RwxPC3/

⁷⁵ JydskeVestkysten (Aug 2012) - Stigende arbejdstid viser fleksibilitet

⁷⁶ Pædagoger og kommuner er enige om regler for arbejdstid - Dagbladet Information (Nov 2013)

⁷⁷ Ver.di droht mit „Großkonflikt“ im Streit um Arbeitszeit (news.de, April 2004)

⁷⁸ “Beamte müssen sich mit längerer Arbeitszeit abfinden” Reuters Deutschland, Feb 2008:

<http://de.reuters.com/article/domesticNews/idDESCH94586620080219>

⁷⁹ “Änderungen bei Arbeitszeit-Regeln? - Nahles sagt Nein” Focus Online, April 2015:

http://www.focus.de/finanzen/news/wirtschaftsticker/streit-wegen-mindestlohn-streit-um-mindestlohn-gesetz-aenderungen-bei-arbeitszeit-regeln_id_4600454.html

⁸⁰ „Μείωση χρόνου εργασίας“ (ΗΜΕΡΗΣΙΑ ('Daily').gr , Feb 2013)

<http://www.imerisia.gr/article.asp?catid=26517&subid=2&pubid=112992732>

⁸¹ “Toyota réduit temps de travail et salaires” (les affaires, Mar 2009) <http://www.lesaffaires.com/secteurs-d-activite/transport/toyota-reteacuteduit-temps-de-travail-et-salaires/490322>

working time”⁸³, “Officials: wages and working time in the crosshairs”⁸⁴, “Working time of the French police in the Brussels collimator”⁸⁵, “Rethinking the working time of teachers to better monitor students, according to the Court of Auditors”⁸⁶, “Reduction of working time as a result of the crisis”⁸⁷

- And in 14 other Member States (UK; Ireland; Latvia; Lithuania; Hungary; Netherlands; Poland; Portugal; Romania; Slovakia; Slovenia; Finland; Austria; and Belgium).

There were also peaks in relative interest for ‘working time’ in Czech Republic and Italy, although a brief scoping search revealed that these were more likely related to abuse of working hours and not directly relevant to the public acceptability of a policy aimed at reducing working time (e.g. “Internet during working hours can cost you your job”⁸⁸, “24 arrests and 45 suspects - engaged in private tasks during working hours”⁸⁹).

‘Paid annual leave’ attracted significant relative interest in 4 Member States (Bulgaria, UK (England only), Hungary and Finland) and in the French language (without enough data to confirm in which countries), while ‘part time’ or ‘part time work’ attracted significant relative interest in 14 Member States (Belgium; Austria; Sweden; Finland; Netherlands; Hungary; Italy; France; UK; Germany; Denmark; Czech Republic; Spain; and Bulgaria).

⁸² “Temps de travail: la CGT veut renégocier des aspects de la loi de 2008” (l’Humanite.fr , Jan 2011)
http://www.humanite.fr/07_01_2011-temps-de-travail-la-cgt-veut-ren%C3%A9goci%C3%A9-des-aspects-de-la-loi-de-2008-461758

⁸³ „EDF : la Cour des comptes reclame un bilan sur le temps de travail chez EDF” (Boursier, Sep 2013)
<https://fr.finance.yahoo.com/actualites/cour-comptes-r%C3%A9clame-bilan-temps-102400550.html> and
<http://www.boursier.com/actualites/economie/edf-la-cour-des-comptes-en-voit-certains-qui-glandouillent-21251.html>

⁸⁴ “Fonctionnaires : les salaires et le temps de travail dans le collimateur” (Le Figaro, June 2014)
<http://www.lefigaro.fr/conjoncture/2014/06/17/20002-20140617ARTFIG00073-fonctionnaires-les-salaires-et-le-temps-de-travail-dans-le-collimateur.php>

⁸⁵ “Le temps de travail des policiers français dans le collimateur de Bruxelles” (Le figaro, Sep 2014)
<http://www.lefigaro.fr/conjoncture/2014/09/25/20002-20140925ARTFIG00174-le-temps-de-travail-des-policiers-francais-dans-le-collimateur-de-bruxelles.php>

⁸⁶ “Repenser le temps de travail des profs pour mieux suivre les élèves, selon la Cour des comptes”(NouvelOBS, Mar 2015) <http://tempsreel.nouvelobs.com/societe/20150304.AFP0651/pour-mieux-suivre-chaque-eleve-repenser-le-temps-de-travail-des-profs-cour-des-comptes.html>

⁸⁷ “BASF: reduction du temps de travail face a la crise” (Boursorama, April 2009)
<http://www.zonebourse.com/BASF-AG-68670/actualite/BASF--reduction-du-temps-de-travail-face-a-la-crise-13161729/>

⁸⁸ Internet v pracovní době vás může stát zaměstnání - Finanční noviny, Apr 2013

⁸⁹ “Sanita’, a Brindisi 24 arresti e 45 indagati” (ansa.it, Nov 2010)
http://www.ansa.it/web/notizie/rubriche/cronaca/2010/11/15/visualizza_new.html_1700447777.html

Table 4 Discourse and concerns analysis

Proponents <i>Actors whose discourse is supportive</i>	Opponents <i>Actors whose discourse is negative, critical or undermining</i>	'Toxic terms and concerns': <i>Key terms in the discourse or concerns that opponents draw upon</i>
	Federation of Small Businesses (FSB) (UK) ⁹⁰	"Surrendering the opt-out would be equivalent to abandoning British businesses but so would allowing it to be watered down with tonnes more red tape." ⁹¹
	Royal College of Surgeons (UK) ⁹²	<p>"potentially disastrous" The new system leaves the health service with no room for manoeuvre; if doctors "muck in" after their shifts to help other departments, they will – says the RCS – be breaking the law.^{93,94}</p> <p>"Earlier this month the [RCS] published a survey into the early effects of the 48-hour European working time limit on surgeons and found that these new rotas had almost entirely removed adequate time for handover of sick patients," [nov 2009]⁹⁵</p>
	Chartered Institute of Personnel and Development (CIPD) (UK)	"The CIPD believes that the Working Time Regulations in particular have negligible value in limiting unhealthy workplace behaviour." ⁹⁶

⁹⁰ "UK to fight EU Working Time Directive" The Publican's Morning Advertiser, Nov 2006:

<http://www.morningadvertiser.co.uk/Running-your-pub/Training/UK-to-fight-EU-Working-Time-Directive>

⁹¹ „Opt out of long hours culture to protect up to a million workers" WalesOnline, 8 November 2006:

<http://www.walesonline.co.uk/business/business-news/opt-out-long-hours-culture-2296268> (2006)

⁹² „Taskforce report on the impact of the European Working Time Directive" RCS, 3rd April 2015

<https://www.rcseng.ac.uk/news/taskforce-report-on-the-impact-of-the-european-working-time-directive-ewtd-on-the-nhs-and-doctors#.VV54YUsVff4>

⁹³ „Delay the working time directive - The EU's 48-hour week will damage our fight against swine flu" The Telegraph, Jul 2009: <http://www.telegraph.co.uk/comment/telegraph-view/5927354/Delay-the-working-time-directive.html>

⁹⁴ "Surgeons call for solution on patient safety and future training as doctors hours are slashed" RCS, <http://www.rcseng.ac.uk/media/medianews/surgeons-call-for-solution-on-patient-safety-and-future-training-as-doctors-hours-are-slashed>

⁹⁵ Bowcott, O. 2009. "Poor handovers and working time directive 'causing hospital deaths'" The Guardian, 5 November 2009: <http://www.theguardian.com/society/2009/nov/05/nhs-confidential-patient-care-study>

⁹⁶ "Working Time Directive 'should go'" Express, May 2010:

<http://www.express.co.uk/news/uk/176872/Working-Time-Directive-should-go>

Trades Union Congress (UK) ^{97 98 99}		
	Open Europe (UK) ¹⁰⁰	“the Working Time Directive represents an estimated cost to the UK economy of £4.1 billion a year and the benefits are unknown.” ¹⁰¹
	Freiwillige Feuerwehren in Deutschland (German Firefighters Association) (Germany)	Should not be applicable to volunteer fire brigades in Germany ^{102 103}
British Medical Association (UK) “We are satisfied with the European Working Time Directive (EWTD) as it stands and believe it protects doctors from the dangers of overwork and protects patients from overtired doctors.” ¹⁰⁴		
	UK Conservative Party (UK) ^{105 106}	
	Confederation of British Industry (CBI) (UK)	Our global future: the business vision for a reformed EU, the CBI said the WTD is a “particular frustration” for

⁹⁷ “TUC slay working time myths” TUC, May 2005: <https://www.tuc.org.uk/economic-issues/tuc-slay-working-time-myths>

⁹⁸ “Working time - from Hazards at Work book” TUC, April 2013: https://www.tuc.org.uk/workplace-issues/working_time.cfm

⁹⁹ “Working Time Directive 'should go'” Express, May 2010:

<http://www.express.co.uk/news/uk/176872/Working-Time-Directive-should-go>

¹⁰⁰ Waterfield, B. 2010. “Britain's working time directive 'opt-out' under threat” The Telegraph, 25 January 2010 <http://www.telegraph.co.uk/news/worldnews/europe/7066898/Britains-working-time-directive-opt-out-under-threat.html>

¹⁰¹ “The Top 100 Costliest EU Regulations” Open Europe, 21 October 2013:

<http://openeurope.org.uk/intelligence/britain-and-the-eu/100-most-expensive-eu-regulations/>

¹⁰² Deutscher Feuerwehr Verband. N.d. “Überarbeitung der EU-Arbeitszeitrichtlinie” [Online] Available at: <http://www.feuerwehrverband.de/eu-arbeitszeitrichtlinie.html>

¹⁰³ Deutscher Feuerwehr Verband. N.d. “EU-Arbeitszeitrichtlinie Anwendbarkeit auf Freiwillige Feuerwehren in Deutschland” [Online] Available at:

http://www.feuerwehrverband.de/fileadmin/Inhalt/FACHWISSEN/Positionen/DFV-Position_zur_Anwendbarkeit_der_EU-Arbeitszeitrichtlinie_auf_Freiwillige_Feuerwehren.pdf

¹⁰⁴ Dalton, M. 2013. “Working Time: The Tory Bête Noire” The Wall Street Journal, 23 January 2013:

<http://blogs.wsj.com/brussels/2013/01/23/working-time-the-tory-bete-noire/>

¹⁰⁵ Dalton, M. 2013. “Working Time: The Tory Bête Noire” The Wall Street Journal, 23 January 2013:

<http://blogs.wsj.com/brussels/2013/01/23/working-time-the-tory-bete-noire/>

¹⁰⁶ Dimitrakopoulos, D, G. N.d. “Debates over the EU’s Working Time Directive epitomise the conflict between neo-liberal and centre-left visions of Europe” [Online] Available at:

<http://blogs.lse.ac.uk/europpblog/2013/04/24/debates-over-the-eus-working-time-directive-epitomise-the-conflict-between-neo-liberal-and-centre-left-visions-of-europe/>

		businesses, and can create "disruptive uncertainty" for employers. ¹⁰⁷
European Centre of Employers and Enterprises Providing Public Services (CEEP) (EU)		"The requirements of the Directive and subsequently of the interpretation of the Directive through [rulings] have posed particular challenges for many public services. These [rulings] have also imposed disproportionate costs for public employers." ¹⁰⁸
Business Europe "The legal basis of the working time directive is and should remain protecting workers' health and safety and the current directive sufficiently meets this objective." ¹⁰⁹		"The directive has a clear impact on business, as many of the rules are overly detailed and prescriptive, and therefore complicated and costly for business to apply." "lack of flexibility" ¹¹⁰
European Association of Craft, Small and Medium-sized Enterprises (UEAPME)(EU)		"The national transposition of ECJ rulings has created new inflexibility and a negative impact on job creation due to increased labour costs" ¹¹¹
(indirect) BASF (Germany) (chemical company which reduced working hours in response to the crisis) ¹¹²		
ETUC - European Trade Union Confederation (EU) ¹¹³		

¹⁰⁷ Newcombe, T. 2013. "CBI calls for permanent opt-out of Working Time Directive" HR Magazine, 5 Nov 2013: <http://www.hrmagazine.co.uk/hro/news/1140277/cbi-calls-permanent-opt-directive>

¹⁰⁸ CEEP. N.d. "CEEP response to the first stage consultation of the social partners by the European Commission on the reviewing of the Working Time Directive" [Online] Available at: <http://www.ceep.eu/images/stories/pdf/Opinions/responses/CEEPresponse-first-stage-consultation-wtd.pdf>

¹⁰⁹ Business Europe. 2015. Letter to European Commission, 25 March 2015: <http://www.buinesseurope.eu/content/default.asp?PageID=568&DocID=33944>

¹¹⁰ Business Europe. 2015. Letter to European Commission, 25 March 2015: <http://www.buinesseurope.eu/content/default.asp?PageID=568&DocID=33944>

¹¹¹ "Review of the Working Time Directive (Directive 2003/88/EC)" [Online] Available at: http://www.ueapme.com/IMG/pdf/Working_time_public_consult_UEAPME_reply_24_02_15.pdf

¹¹² "BASF : réduction du temps de travail face à la crise" Boursorama, April 2009: <http://www.zonebourse.com/BASF-AG-68670/actualite/BASF--reduction-du-temps-de-travail-face-a-la-crise-13161729/>

¹¹³ European Trade Union Confederation.n.d. "Fundamental Rights and the Working Time Directive" [Online] Available at: http://www.etuc.org/sites/www.etuc.org/files/A_TT_droits_fond_EN.pdf

Table 5 Concern categories arising from analysis

Cost of living	A general concern about additional costs and the corresponding reduced standard of living.
Fairness	The fairness of the proposed policy, particularly with reference to regressivity of the instrument on vulnerable and disadvantaged groups.
Cultural	Similarly, the impact of the proposed policy on a particular value, activity or institution, which has particular cultural significance.
Competitiveness	Concern over the impact of a proposed policy on industrial competitiveness. E.g. for a tax, this is particularly the case where the instrument imposes costs on domestic production without corresponding export relief or import levies and leads to concerns of leakage or 'offshoring' of production, whereby the objective of the tax instrument is undermined at the cost of domestic jobs and profits. The impact will tend to be less where the tax is focused on sectors and materials that have a significant location value, such as the waste sector generally and bulk materials sectors such as the aggregates sectors.
Effectiveness	Often associated with the competitive concern, concerns over whether a instrument will be effective in achieving its stated objectives is often referenced by actors within discourses. This is a particular issue when the environmental harm at issue is global in nature and leakage or offshoring or production is a concern.

9.2 Part B: Discussion and recommendations

In general, is the policy likely to face resistance in the public discourse?

The policy description for **enabling shift from consumption to leisure**¹¹⁴ is not explicit in terms of which instruments it will use to achieve its goal of reduced working hours. Instead it mentions a range of possibilities that it could include: encouragement of part-time work or sabbaticals; longer statutory vacation times; dismantling of discrimination of part-time workers; the introduction of flexible wage records and reductions of the fixed cost of labour that currently disfavour part-time posts (e.g. in employee taxation and administration).

Regardless of the specific approach(es) used, a policy to reduce working hours generally is likely to be met with significant opposition and resistance in the public discourse. This is inferred from analysis of the publically-available discourse surrounding the introduction, implementation and impact of the EU's Working Time Directive (WTD), proposed in 1990¹¹⁵, adopted in 1993 (Directive 93/104/EC concerning certain aspects of the organisation of

¹¹⁴ Ekvall et al. 2015. "Development of DYNAMIX Policy Mixes – Deliverable D4.2" Gothenburg, Sweden: IVL Swedish Environmental Research Institute. <http://dynamix-project.eu/development-dynamix-policy-mixes>

¹¹⁵ "Proposal for a Council Directive Concerning Certain Aspects of the Organisation of Working Time. 1990. [Online] Available at: <http://ec.europa.eu/social/BlobServlet?docId=2931&langId=en>

Working Time¹¹⁶) and subsequently updated and replaced by Directive 2000/34/EC¹¹⁷ and Directive 2003/88/EC¹¹⁸.

Historically, out of the EU-28 Member States, the WTD has met greatest resistance from the UK. The UK did not vote to adopt the Directive in 1993 and in 1996 the UK presented a legal challenge to the European Court of Justice, challenging several aspects of the Directive including the legal basis for the Directive (Article 118a of the EC Treaty, on health and safety, allowing adoption by Qualified Majority voting instead of unanimous approval) and therefore seeking its annulment.¹¹⁹ In 1996 the European Court of Justice rejected all aspects of the UK's challenge except for one, annulling the provision that Sunday be named as a weekly rest day, since no evidence had been provided to support it being "more closely connected with the health and safety of workers than any other day of the week".¹²⁰ Consequently, the UK has had to implement the WTD, along with each of the other EU Member States.

A derogation allows individuals to opt-out or waive their weekly working hours' limit. While only the UK initially made use of this opt-out provision, now sixteen Member States provide for it in their implementation of the WTD (UK, Bulgaria, Cyprus, Estonia, Malta allow it in any sector, while the Czech Republic, France, Germany, Hungary, Latvia, the Netherlands, Poland, Slovakia, Slovenia, and Spain allow the opt-out in certain jobs requiring on-call time) or are in the process of introducing it (Belgium).¹²¹

Discussions over proposals around changes to the WTD took place between 2004-2009 but failed. Since 2010 the EC has been engaging in a review of the WTD and a range of consultations.¹²² This extended period of deliberation indicates continuing resistance and lack of consensus around certain aspects of the WTD and working time restrictions, and which would likely feature in response to other instruments or initiatives to reduce working time in general.

¹¹⁶ "Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time" [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993L0104:EN:NOT>

¹¹⁷ "Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive" [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0034:EN:NOT>

¹¹⁸ "Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time" [Online] Available at: <http://eur-lex.europa.eu/legal-content/EN/NOT/?uri=CELEX:32003L0088>

¹¹⁹ www.parliament.uk/briefing-papers/RP96-106.pdf

¹²⁰ "Council Directive 93/104/EC concerning certain aspects of the organization of working time - Action for annulment. - Case C-84/94." [Online] Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61994CJ0084&from=EN>

¹²¹ European Commission. 2010. "Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time ('The Working Time Directive')" [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1611:FIN:EN:PDF>

¹²² European Commission. n.d. "Public Consultation on the Review of the Working Time Directive Background" [Online] Available at: <http://ec.europa.eu/social/BlobServlet?docId=13085&langId=en>

Which features of the policy are most likely to face opposition and by whom (actors, countries)?

Most notable in the public discourse since the introduction of the WTD are the negative reactions to (the perceived or actual) impacts of working time restrictions on key public sectors and workers (e.g. doctors, nurses, fire brigade workers), especially those with on-call time^{123, 124, 125, 126}. However, these views are countered by a small number of voices, such as the British Medical Association in the UK, in whose opinion the WTD “protects doctors from the dangers of overwork and protects patients from overtired doctors.”¹²⁷

Associations of employers and their supporters claim negative impacts of inflexibility and increased labour costs (e.g. CBI¹²⁸, CEEP¹²⁹, Business Europe¹³⁰, and UEAPME¹³¹) and the importance of maintaining employer and job market flexibility for economic competitiveness.

Others make the argument that the benefits of the WTD are “negligible” or “unknown” (e.g. Open Europe; CIPD)^{132, 133}.

Countering these voices, the strong advocates for the principles of the WTD and the reduction of working hours are chiefly the workers union associations (e.g. ETUC¹³⁴ and TUC^{135, 136, 137}). In the most recent rounds of consultation and negotiations, CEEP, Business

¹²³ CEEP. N.d. “CEEP response to the first stage consultation of the social partners by the European Commission on the reviewing of the Working Time Directive” [Online] Available at: <http://www.ceep.eu/images/stories/pdf/Opinions/responses/CEEPresponse-first-stage-consultation-wtd.pdf>

¹²⁴ “Taskforce report on the impact of the European Working Time Directive”, RCS, 3 April 2014: <https://www.rcseng.ac.uk/news/taskforce-report-on-the-impact-of-the-european-working-time-directive-ewtd-on-the-nhs-and-doctors#.VVvs4YUsVff4>

¹²⁵ Deutscher Feuerwehr Verband. N.d. “Überarbeitung der EU-Arbeitszeitrichtlinie” [Online] Available at: <http://www.feuerwehrverband.de/eu-arbeitszeitrichtlinie.html>

¹²⁶ Deutscher Feuerwehr Verband. 2011. “EU-Arbeitszeitrichtlinie. Anwendbarkeit auf Freiwillige Feuerwehren in Deutschland” [Online] Available at:

http://www.feuerwehrverband.de/fileadmin/Inhalt/FACHWISSEN/Positionen/DFV-Position_zur_Anwendbarkeit_der_EU-Arbeitszeitrichtlinie_auf_Freiwillige_Feuerwehren.pdf

¹²⁷ Dalton, M. 2013. “Working Time: The Tory Bête Noire” The Wall Street Journal, 23 January 2013: <http://blogs.wsj.com/brussels/2013/01/23/working-time-the-tory-bete-noire/>

¹²⁸ Newcombe, T. 2013. “CBI calls for permanent opt-out of Working Time Directive. HR Magazine, 5 Nov 2013: <http://www.hrmagazine.co.uk/hro/news/1140277/cbi-calls-permanent-opt-directive>

¹²⁹ CEEP. N.d. “CEEP response to the first stage consultation of the social partners by the European Commission on the reviewing of the Working Time Directive” [Online] Available at: <http://www.ceep.eu/images/stories/pdf/Opinions/responses/CEEPresponse-first-stage-consultation-wtd.pdf>

¹³⁰ Business Europe. 2015. Letter to European Commission, 25 March 2015: <http://www.besuisseurope.eu/content/default.asp?PageID=568&DocID=33944>

¹³¹ “Review of the Working Time Directive (Directive 2003/88/EC)” [Online] Available at: http://www.ueapme.com/IMG/pdf/Working_time_public_consult_UEAPME_reply_24_02_15.pdf

¹³² “The Top 100 Costliest EU Regulations” Open Europe, 21 October 2013: <http://openeurope.org.uk/intelligence/britain-and-the-eu/100-most-expensive-eu-regulations/>

¹³³ “Working Time Directive ‘should go’” Express, 24 May 2010: <http://www.express.co.uk/news/uk/176872/Working-Time-Directive-should-go>

¹³⁴ European Trade Union Confederation.n.d. “Fundamental Rights and the Working Time Directive” [Online] Available at: http://www.etuc.org/sites/www.etuc.org/files/A_TT_droits_fond_EN.pdf

¹³⁵ “TUC slay working time myths” TUC, May 2005: <https://www.tuc.org.uk/economic-issues/tuc-slay-working-time-myths>

¹³⁶ “Working time - from Hazards at Work book” TUC, April 2013: https://www.tuc.org.uk/workplace-issues/working_time.cfm

¹³⁷ “Working Time Directive ‘should go’” Express, 24 May 2010: <http://www.express.co.uk/news/uk/176872/Working-Time-Directive-should-go>

Europe and UEAPME concede the importance of the principles of the WTD, but still push to relax regulation around its implementation¹³⁸.

Although to date, working time reductions do not appear to have commonly been linked in the public discourse with environmental concerns, an alternative position which may be drawn upon in the future is that additional leisure time (especially paid annual leave) may on the contrary be harmful to the environment due to an increase in travel and other activities (the ‘rebound’ effect). This will partly depend on the policy design or framing.

What can be done (policy design / implementation / sequencing) to mitigate/minimise this opposition and improve public acceptability?

First, with regard to the WTD, the EU can focus on the revision of the WTD, continuing to work with key actors such as ETUC, CEEP, Business Europe and UEAPME. For example, the CEEP attributes the steep increase in the number of Member States using the opt-out over the years to be a consequence of the problems concerning on-call time.¹³⁹ If issues such as on-call time for key workers could be addressed and an end to the opt-out negotiated, a revised WTD could form a useful tool within this policy for enabling the shift from consumption to leisure.

Second, a promising approach might be to refocus the policy around a specific cause for extra time. In other words, instead of a general reduction of working hours, to allow for and encourage additional permitted leave for a specific cause such as parental leave or carer’s leave. This may better avoid rebound effects and avoid negative lobbying in the public space by linking the policy with issues that have a good and growing level of public acceptability and momentum. In a first step, the EU could contribute by comparing effectiveness and economic impacts of these policies and setting out options in a communication.

The instrument is likely to be met with strong opposition. A first step can be a revised stronger WTD, with a reconsideration of the opt-out, which is less cumbersome for sectors to implement and with clarity over its intended interpretation. This could be complemented by a review of basic and gender-equal parental leave and carer leave allowances, laying the ground for further pilot policies in Member States after 2020. In 2030 an EU framework could follow.

Do these acceptability-mitigation instruments compromise the effectiveness/ambitiousness of the proposed policy?

No, although this is partly due to the lack of an explicit selection of instruments in the policy description with which to encourage the reduction of working hours. Care should be taken to ensure that the arguments against the WTD and further parental and carer leave allowances are considered and mitigated against without ‘watering down’ the policy.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

Possibly – if sensitively explored through the wider provision and uptake of parental and carer’s leave, as described above.

¹³⁸ “Review of the Working Time Directive (Directive 2003/88/EC)” [Online] Available at:

http://www.ueapme.com/IMG/pdf/Working_time_public_consult_UEAPME_reply_24_02_15.pdf

¹³⁹ CEEP. N.d. “CEEP response to the first stage consultation of the social partners by the European Commission on the reviewing of the Working Time Directive” [Online] Available at:

<http://www.ceep.eu/images/stories/pdf/Opinions/responses/CEEPresponse-first-stage-consultation-wtd.pdf>

10 Step-by-step restriction of advertising and marketing (O7)

Completed by: *Christopher Harvey*

Policy or policies assessed:

OVERARCHING Step-by-step restriction of advertising and marketing

The DYNAMIX policy package proposes the following step-by-step approach:

1. **Existing regulation** - Regulation of advertising to ensure that it is fair and repetitive.
2. **Promote further voluntary codes** – Increasing compliance with and further developing voluntary codes of conduct. Unless backed up with the threat of regulation, these will likely be limited to what the sector(s) perceive to be in their interests in terms of maintaining public trust.
3. **Anti-Green washing instruments** – Adapting and developing existing EU law on misrepresentative claims to strengthen the commercial value of representing a product as environmentally beneficial and funding consumer or citizen organisations to bring legal action against misleading marketing that wrongly suggests a pro-environmental association¹⁴⁰.
4. Further develop **existing instruments** – Building on and extending existing regulation with respect to advertising and health (i.e. alcohol and cigarettes, marketing targeting children)¹⁴¹, visual pollution in city centres¹⁴², and using synergies with other societal goals, particularly the improvement of public health or the preservation of historic monuments (which can be an additional argument against billboards in city centres), by building partnerships with policy-makers and stakeholders in these fields.
5. **Extend restrictions to conspicuous consumption** – Moving towards restrictions of advertisement on luxury goods linked to conspicuous consumption.

Each of these four additional categories proposed in the policy package represents four different paradigm worldviews, and therefore levels of intervention required to achieve change.

140 Article 6, Unfair Commercial Practices Directive, 2005/29/EC: “A commercial practice shall be regarded as misleading if it [...] in any way, including overall presentation, deceives or is likely to deceive the average consumer, even if the information is factually correct, and ... is likely to cause him to take a transactional decision that he would not have taken otherwise”.

141 Currently, five EU countries have strong restrictions on advertisement of high-sugar, salt and fat foods and drinks to children, and others have codes of conduct (e.g. EU Pledge not advertise products to children under 12 years by 15 companies, including Coca-Cola, Burger King, Ferrero, General Mills, Kellogg’s, Mars, McDonald’s Europe, Nestlé, and PepsiCo) with varying degrees of effectiveness.

¹⁴² Examples include bans in Sao Paulo (Worldwatch Institute 2013) and Hawaii (Institute for Local Self-Reliance 2009), as well as restrictions and initiatives to introduce them e.g. in Los Angeles (Raza 2011) and Paris (Varela 2011).

10.1 Part A: Results

A review of the relevant discourses confirmed extensive existing focus on the regulation of advertising to ensure that it is fair and not misleading. These all fit within the type two level of regulation, ‘Existing regulation’. Examples are shown below for different Member States.

Table 6 Search frequency analysis terms usage

Term searched: ‘Misleading advertising’						
Member States	Spain	Germany	UK	France	Netherlands	Portugal
Sample headlines and discourse	Cofemer investigate s false advertising ¹⁴³	Misleading advertising: Postbank corrected false ¹⁴⁴	Competition Bureau investigating Avis Budget Group for misleading advertising ¹⁴⁵	Rana Plaza: Auchan investigation into misleading advertising ¹⁴⁶	‘supermarket chain Lidl sentenced to a fine of 27,500 euros for misleading advertising’ ¹⁴⁷ Young people at school guard against misleading advertising ¹⁴⁹	“Mayor Martin Noriega sent a letter to Waters of Galicia and the Ministry of Environment and Presidency to ‘rectify the ads that it has published in recent days about the Water Act.... they consider that the information they contain is " misleading advertising ” ¹⁴⁸

¹⁴³ “Cofemer indaga sobre publicidad engañosa” *El Economista*, March 2012, <http://eleconomista.com.mx/industrias/2012/03/05/cofemer-indaga-sobre-publicidad-enganosa>

¹⁴⁴ “Irreführende Werbung: Postbank korrigiert falsche Zinsversprechen” *Spiegel Online*, February 2013, <http://www.spiegel.de/wirtschaft/soziales/postbank-korrigiert-falsche-zinsversprechen-a-884590.html>

¹⁴⁵ “Competition Bureau investigating Avis Budget Group for misleading advertising” *Financial Post*, October 2013, <http://business.financialpost.com/legal-post/competition-bureau-investigating-avis-budget-group-for-misleading-advertising>

¹⁴⁶ May 2014, *L’Express*, http://www.lexpress.fr/actualite/societe/justice/rana-plaza-enquete-ouverte-sur-auchan-pour-publicite-trompeuse_1547162.html#

¹⁴⁷ “Lidl veroordeeld voor misleidende pub” *De Tijd*, January 2011,

http://www.tijd.be/nieuws/ondernemingen_consumptie/Lidl_veroordeeld_voor_misleidende_reclame.9008842-3073.art

¹⁴⁸ “Teo acusa a Medio Ambiente de «publicidade enganosa» con la Lei de Augas” *La Voz de Galicia*, March 2011:

http://www.lavozdegalicia.es/santiago/2011/03/25/0003_201103S25C9993.htm

¹⁴⁹ “Jongeren op school wapenen tegen misleidende reclame” *De Morgen*, October 2009: <http://www.demorgen.be/binnenland/-jongeren-op-school-wapenen-tegen-misleidende-reclame-a1021211/>

Table 7 Non-exhaustive list of potential actors and concerns

Potential proponents	Potential opponents
Greenpeace (Netherlands/EU)	Vype ¹⁵⁰ (UK)
Friends of the Earth Europe	Airlines Companies
Other environmental watchdogs	Advertising Agencies
Smaller local businesses (without access to advertising)	

Table 8 Discourse and concerns analysis

Discourse issues	Key actor(s)	Description	Concern
Legal liability from loss of intellectual property	E.g. Cigarette companies .v. Member State governments	Lawyers for the companies might base their claim around banning the use of branding on cigarette packaging altogether which could be a breach of trademark law ¹⁵¹ .	Cost
Visual pollution	Citizens and governments	In France and particularly in Paris, visual pollution has become a large concern with such campaigns as 'Stop Visual Pollution 2013.' However, in other places in the EU there is far less concern.	Cultural
Value of product brand	Producers and consumers	Marketing goes beyond highlighting products. It sets out to build a relationship with the consumer via a product brand. As such, both producer and consumer benefit from marketing.	Competitiveness, Freedom of choice/ speech
E-cigarettes	Regulators and tobacco manufacturers	In the UK, tobacco firms such as British American Tobacco are advertising due	Effectiveness

¹⁵⁰ Mahdawi, A. 2014. "Cigarette advertising back on TV: decades of campaigning up in smoke" The Guardian, 18 Feb 2014: <http://www.theguardian.com/commentisfree/2014/feb/18/cigarette-advertising-decades-anti-smoking-campaigning>

¹⁵¹ Bingham, J. 2015. "Tobacco companies prepare multi-billion compensation claims over UK plain packaging" The Telegraph, 21 May 2015: <http://www.telegraph.co.uk/news/health/news/11621804/Tobacco-companies-prepare-multi-billion-compensation-claims-over-UK-plain-packaging.html>

		to the fact that e-cigarettes are not bound by the same regulations as cigarettes. British American Tobacco became the first tobacco company to launch an e-cigarette in Britain in July 2013.	
EU harmonisation	Member State governments	Due to EU legislation on consumer protection such as the Unfair Commercial Practices Directive, many national consumer protection laws and traditional court proceedings have been disrupted, most notably in the UK. This has created some concern over the effectiveness of EU harmonization as more domestically focused laws have been replaced by more elastic and broad EU wording. Related to EU harmonization, there is some concern that having an overarching EU law has actually weakened domestic legal codes. For instance, In the UK certain provisions of well-known statutes such as the Trade Descriptions Act 1968 and the Consumer Protection Act 1987 have been repealed in order to abide by new EU standards.	Effectiveness

Table 9 Concern categories arising from analysis

Freedom of choice/speech	The concern that restrictions on advertising will restrict the principle of freedom of choice or freedom of speech between producer and consumer.
Cost of living	The promoted concern that raising advertising standards in the proposed way could lead to an increase in product costs, or costs of living, for consumers.
Fairness	The concern that the regulation would unfairly affect one group of society in a way that is perceived to be unfair.
Cultural	The concern that either the proposed regulation (or the impact of existing advertising) affects a cultural value which people perceive as important.
Competitiveness	A concern that further restrictions could affect the competitiveness or profitability of certain sectors.
Effectiveness	The concern that further regulation will not achieve the objectives intended in certain areas or Member States.

10.2 Part B: Discussion and recommendations

If assessing multiple policies as a group, fill in the following questions for each of the policies.

In general, is the policy likely to face resistance in the public discourse?

Potentially highly contentious

As the proposed policy follows a step-by-step approach, the level of potential public reaction to this could be more contentious the greater the level of intervention. There appears to be strong public support for the early instruments, which are in-line with the existing regulatory regime. In part because issues relating to public health and the restriction of health adverse advertising such as alcohol and cigarette marketing are seen fairly widely as appropriate. Increasingly use of 'green washing' by companies means that consumers would likely support the adaptation of the existing regulatory regime to ensure that they fairly represent their products with terms having defined meanings.

The threshold of acceptability is associated with the more far reaching instruments, and particularly the restrictions of advertisement on luxury goods linked to conspicuous consumption. This represents a significantly different world view in the role of the regulation in advertising.

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

A wide range of producers face losing out as a result of these instruments. In addition, advertising agencies would likely see a drop in their total revenues.

The restrictions of advertisement on luxury goods linked to conspicuous consumption represents a significantly different world view in the role of the regulation in advertising and it is possible that the losing producers would use this within public discourse to lobby against the change.

What can be done (policy design / implementation / sequencing) **to mitigate/minimise this opposition** and improve public acceptability?

The best approach may be the proposed sequenced approach as public support must be won on less contentious issues in order to be gained for more contentious issues such as restrictions of advertisement of luxury goods linked to conspicuous consumption. Further, dialogue could be structured in such a way as to demonstrate that it is not advertising that is under attack but rather the protection of social space.

Lastly, there is strong public support across many Member States, particularly Spain, Germany, UK, France, Netherlands, and Portugal, for restrictions targeted at misleading or unfair advertising. The elimination of this form of blatant, dishonest marketing would appear to be a clear win and not very contentious.

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

Since more gradual change is promoted via the policy approach in focusing first on public health and misleading advertisement, the proposed policy would unlikely to be significantly compromised in its early stages. However, due to the fact that significant stakeholders with large advertising budgets may be affected, later policy instruments may face stiffer opposition as links between consumer practices and company profitability may be quite strong. However, if the policy is framed more narrowly, namely limiting more blatant forms of unsustainable consumer practices, then there seems to be scope for some policy intervention around advertising and the most notable environmentally-damaging products and consumer behaviours.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

As advertising restrictions have the potential to be highly contentious if framed in the wrong light, the end-step of the policy is therefore ambitious at this time. Further, if the focus of the policy centres on misleading/unfair advertising, there would seem to be a large base of support within the business community.

11 Local currencies for labour-based services

(O8)

Completed by: Christopher Harvey & Robin Vanner

Policy assessed:

OVERARCHING Local currencies for labour-based services

11.1 Part A: Results

Results of the Trends Analysis

Table 10 Search frequency analysis terms usage

"Local Exchange Trading System"	
Member State	Occurrences
Bulgaria	-
Spain	24
Czech republic	-
Denmark	-
Germany	26
Estonia	-
Greece	-
UK	16
France	3
Ireland	-
Croatia	-
Italy	100*
Latvia	-
Lithuania	-
Hungary	-
Malta	-
Netherlands	21
Poland	11
Portugal	-
Romania	-
Slovakia	-
Slovenia	-
Finland	-
Sweden	29
Austria	74
Luxembourg	-
Belgium	25
Cyprus	-

* Peak every year in July/August (diminishing relatively)

The results of the search frequency analysis suggests that LETS schemes are most often discussed within Italy. Other notable Member States include Austria, Spain, Germany, UK, Netherlands, Poland, Sweden and Belgium.

Non-exhaustive list of environmental tax discourses, the key actors involved and the concern promoted within the discourse

The discourses associated with Local Exchange Trading Systems (LETS) often have a deep anti-austerity motive within many local populations struggling with high levels of unemployment. In doing so, they seek to retain what income they do have from those employed from outside the community. There is also a strong environmental and sustainability element within some LETS, particularly within the Transition movement in the UK.

Table 11 Discourse and concerns analysis

Stakeholder	Discourse issue	Case study	Concern/benefit category
Tax authorities	Tax avoidance	France: prosecution for alleged illegal work by LETS members ¹⁵² Italy: investigation by authorities into SCEC scheme ¹⁵³ Italy: impounding of local currency notes ¹⁵⁴	Fairness
Consumers	Market competition	Limiting use also limits choice, possibly raising prices ¹⁵⁵ and restricting ability to obtain better service ¹⁵⁶	Cost
Consumers	Falling value	Value of currency in some schemes falls over time, discouraging saving ¹⁵⁷	Cost
Businesses	Redeemability of local currency to national currency	Italy: retailers refused lire in exchange for simec ¹⁵⁸ Germany: 5% charge to convert chiemgauer to Euro ¹⁵⁹ UK: businesses unable to buy stock with local currency ¹⁶⁰	Effectiveness (Security)
Businesses	Additional obligations	Scheme sellers may be required to adhere to wider sustainability or social justice rules e.g., fair trade.	Cost

¹⁵² "Un premier procès pour travail clandestin met en cause les services d'échange local", *Le Monde*, 18 November 1997: http://www.fileane.com/docpartie5/sel_proces.htm

¹⁵³ "Pago con gli scec, ecco le banconote illegali", *La Repubblica*, 16 June 2012
<http://ricerca.repubblica.it/repubblica/archivio/repubblica/2012/06/15/pago-con-gli-scec-ecco-le-banconote.html>

¹⁵⁴ "A Legal Tender of One's Own", *New York Times*, 30 January 2001
<http://www.nytimes.com/2001/01/30/business/a-legal-tender-of-one-s-own.html>

¹⁵⁵ "Local currencies – do the economics stack up?", Centre for Cities, 19 September 2012

¹⁵⁶ "Have local currencies got it wrong?", *REconomy*, 25 July 2012
<http://www.reconomy.org/have-local-currencies-got-it-wrong/>

¹⁵⁷ "Alternative local currencies in Europe: money must be funny", *CafeBabel*, 28 June 2012
<http://www.cafebabel.co.uk/politics/article/alternative-local-currencies-in-europe-money-must-be-funny.html>

¹⁵⁸ "A Legal Tender of One's Own", *New York Times*, 30 January 2001
<http://www.nytimes.com/2001/01/30/business/a-legal-tender-of-one-s-own.html>

¹⁵⁹ "Local currencies the German way: the chiemgauer", *The Guardian*, 23 September 2011
<http://www.theguardian.com/money/2011/sep/23/local-currencies-german-chiemgauer>

¹⁶⁰ "Brixton's 'idea that needs to be pushed'", *Financial Times*, 19 September 2012

Businesses and consumers	Longevity	Research in US found almost 80% failed within a few years ¹⁶¹	Effectiveness (Security)
General	Environmental impact	Local economy may not reduce emissions/resource use ¹⁶²	Effectiveness
Consumers	Participation	Participants may already shop locally anyway, use currency as 'badge of honour' ¹⁶³	Effectiveness
Businesses	Customer loyalty	UK: Lewes Pound reinforces relationships ¹⁶⁴	Effectiveness

Table 12 Concern categories arising from analysis

Cost (of living)	The potential for instrument to lead to higher costs for citizens or consumers.
Fairness	The risk that the scheme (or instrument) disadvantages some people in a way that people perceive to be unfair.
Cultural	The threatening of a cultural value as proposed by an actor within a discourse.
Competitiveness	The competitiveness of economic activity is reported to be threatened by the scheme (or instrument) in some way.
Effectiveness	An actor within a discourse makes a case that the objectives of the scheme (or instrument) may not be achieved as envisaged.

The more detailed issues picked up from the discourses include belief / concern that LETS:

- Encourages local trade, reducing need for transport and/or travel. However, these benefits are likely to be small.
- Establishes and reinforces local relationships, both between business and customer and between individuals.
- If used by small businesses in labour-intensive activity, may allow the avoidance of tax, reducing revenues.
- Restricting consumer choice to local businesses may stifle competition, leading to higher prices for consumers.
- May hamper trade between one locality and another unless well designed and with trading schemes included.

¹⁶¹ Collom, E. 'Community currency in the United States: the social environments in which it emerges and survives', *Environment and Planning A* 2005, volume 37, pages 1565-1587

¹⁶² Harford, T.2008. "Can the Brixton currency ever pay its way?", *Financial Times*, 1 May 2008

¹⁶³ "Have local currencies got it wrong?", *REconomy*, 25 July 2012

<http://www.reconomy.org/have-local-currencies-got-it-wrong/>

¹⁶⁴ Noted for trust, *Financial Times*, 28 February 2009

- May restrict the ability to buy-in supplies, which affects even businesses that are predominantly labour- or service-based.
- May impose additional costs upon businesses and consumers, or may need to be subsidised by local authorities.
- Trust issues arise about exchangeability of local currency for national currency and about the long-term survival of the scheme.

11.2 Part B: Discussion and recommendations

Based on the discourses included, can the policy be implemented: Uncontentious / contentious

There is unlikely to be significant public acceptability issues associated with voluntary LETS schemes. The concerns are likely to be related to the functioning and implementation issues.

The thresholds of acceptability include:

1. It is likely that there would be objections by governments on behalf of other citizens, if the LETS is primarily motivated as a way of avoiding taxation.
2. Where the LETS becomes compulsory for buyers or sellers to participate in.

Which features of the policy are most likely to face opposition **and by whom** (actors, countries)?

It is likely that there would be objections by governments on behalf of other citizens, if the LETS is primarily motivated as a way of avoiding taxation.

What can be done to mitigate/minimise this opposition and improve public acceptability?

It is important that tax authorities take an instrumented and appropriate response to LETS. If this is the case, the instruments would likely be uncontentious.

Do these acceptability-mitigation instruments **compromise the effectiveness/ambitiousness of the proposed policy?**

No.

Could the policy be tweaked to be more ambitious without shrinking its public acceptability below a feasible threshold?

N/A