

SCIENTIFIC SOLUTIONS TO AXIOLOGICAL CONTROVERSIES

THE 4-FACED AGRICULTURAL RUNOFF REGULATION
IN THE EU

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OUTLINE

THE ERRATIC REGULATOR

THE NAÏVE REGULATOR

THE CANDID REGULATOR

THE AMBITIOUS REGULATOR

WTF?

—WHITHER, THITHER OR FURTHER?



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THE ERRATIC REGULATOR

- ✓ The Common Agricultural Policy
- ✓ financial compensations
- ✓ track record of reforms: the most unpredictable instrument
 - major reforms → minor amendments
 - mid-term checks → major reforms
 - highly politicized, but may turn disarrayed (at times)
- ✓ regionalized, maybe?



THE NAÏVE REGULATOR

- ✓ The Nitrates Directive (91/676/EEC)
- ✓ the oldest and most traditional of the enviro-legal instruments
- ✓ broadly enforced
- ✓ cause-and-effect considered clear
 - looming populism?
- ✓ tendencies of adaptivity, even
- ✓ needed, but not enough



THE CANDID REGULATOR

- ✓ The EU Strategy for the Baltic Sea Region
- ✓ 'The 3 NO's'
 - only synergies attainable
 - a facilitating instrument
- ✓ the Commission's role as the initiator debated
- ✓ the SBSR benefits from the fresh start and informality...
...but all that fuzziness may result in frustration



THE CANDID REGULATOR²

- ✓ perspective shift: all invited to the same table
 - the critique of HELCOM's (asserted) bias
- ✓ candid = even when a policy choice would be on a scientifically solid base, it is still a choice
- ✓ soft plans, hard power?
 - formation of normative in absence of institutions or norms



THE AMBITIOUS REGULATOR

- ✓ the Water Framework Directive
- ✓ another way to surmount the fact that normativity is mission impossible
- ✓ ambitious =
 - a) environmental goals are far-reaching
 - b) scope is in many respects overarching
 - c) an attempt to take science earnestly



THE AMBITIOUS REGULATOR²

- ✓ resulted in Union-wide holistic havoc
 - if not earlier, at least after the Weser ruling (2015)
- ✓ the actual problem?
 - cracks in the science-regulation interface
 - in water management (science) normative decisions made while choosing the models
- ✓ the WFD may mostly be a failure, but it's gains equally incontestable



WTF—WHITHER, THITHER OR FURTHER?

- ✓ is there room for socio-eco²-legal solution?
- ✓ honestly adaptive water management would require intense self-reflection from the legal
 - mending the dilapidated interface from the law's end
- ✓ proceed on all fronts?
- ✓ regionalization?
 - ...of funding, even?



Tusind tak!

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