

ENVIRONMENT POLICY: GENERAL PRINCIPLES AND STRATEGIC ORIENTATIONS

Created in 1972, European environmental policy is governed by Articles 191, 192 and 193 TFEU. The 6th Environment Action Programme establishes a strategic framework and sets priority objectives to be achieved in the field of environment policy during the period 2002-2012. Several complementary policies and instruments (such as environmental impact assessments, LIFE +, and the EU eco-label and eco-audit) have also been adopted to guide EU action in the area of environmental protection and, more broadly, sustainable development.

LEGAL BASIS

The launch of a European environmental policy dates back to a conference of EEC Heads of State and Government in October 1972, which recognised the political need for such a policy in the Community. The 1987 Single European Act introduced a new 'Environment Title' in the Treaty of Rome, which provided the first clear legal base for the Community's environment policy. Subsequent revisions of the Treaties strengthened the Community's commitment to environmental protection and the role of the European Parliament in developing environmental policy. The main legal basis for EU environmental policy is now provided by **Articles 191 to 193 under the Lisbon Treaty** (formerly Articles 174 to 176 TEC). The adoption of the Lisbon Treaty lead to only one significant modification of the Union's environmental policy, namely the addition of "climate change"; this being considered an issue of particular concern. Under Article 191§2, European environment policy rests on the principles of precaution, prevention, rectifying pollution at source and 'polluter pays'.

OBJECTIVES

The broad objectives of EU environmental policy as set out in Articles 191 to 193 grants the Community legal competence to act in all areas of environmental policy. The scope of this competence is limited by the **principle of subsidiarity** (which restricts EU action to those areas where it can be more effective than national or regional action) and the requirement for unanimity in the Council in matters such as those of a fiscal nature, town and country planning, land use, water resources management, the choice of energy sources and the structure of energy supply. Sustainable development was made an explicit objective through the 1997 Treaty of Amsterdam (ex-Article 2 TEC). In Article 11, the Treaty also explicitly mentions the duty to integrate environmental protection into all EU sectoral policies (ex-Article 6 TEC). A non-binding declaration attached to the Treaty of Amsterdam first committed the Commission to undertake impact assessments when putting forward proposals which may have significant environmental implications.

ACHIEVEMENTS

A. The Environment Action Programme and Thematic Strategies

The 6th Environment Action Programme (6th EAP) "Environment 2010: Our future, our choice" (Decision 1600/2002/EC) provides a strategic framework for the EU environmental policy for 2002-2012 and is regarded as the central environmental component of the sustainable development strategy of the EU. It focuses on **four priority** issues: **climate change**; **biodiversity**; **environment and health**; **natural resources and waste**. The 6th EAP outlines strategic approaches to environmental policymaking which include: improving implementation

of existing legislation; integrating environmental concerns into other policies; working more closely with the market; empowering individual citizens; and taking account of the environment in land-use planning and management decisions. The 6th EAP also required the Commission to prepare Thematic Strategies (TS) covering seven areas. The TS were adopted in the course of 2005 and 2006 and relate to: Air Pollution; Prevention and Recycling of Waste; Protection and Conservation of the Marine Environment; Soil Protection; Sustainable Use of Pesticides; Sustainable Use of Natural Resources; and Urban Environment. The Thematic Strategies represent a new approach to policy development. They focus on cross-cutting environmental themes rather than specific pollutants or economic activities, as has been the case in the past. They also take a longer-term perspective in setting clear environmental objectives, and seeking to identify the most appropriate instruments to deliver EU policy goals in the least burdensome and most cost-effective way. Though climate change and biodiversity feature among the key priorities of the 6EAP, these policy areas are not covered by TS, because they fall under separate strategic frameworks, the European Climate Change Programme (ECCP) and the Biodiversity Action Plan (BAP).

The Commission publishes a review of environmental policy annually; the last one being the 2009 Environment Policy Review (SEC(2010)975 final), which showed that 2009 was an active year in main environmental fields. The final assessment of the 6th EAP will be adopted in mid-2011.

B. Lisbon Strategy and EU 2020

In March 2000, the Lisbon European Council committed the EU to becoming “the most dynamic and competitive knowledge-based economy in the world” by 2010. The so-called Lisbon Strategy focused essentially on economic and social objectives. The 2001 Gothenburg European Council complemented the Lisbon Strategy with a “third, environmental dimension”, the EU Sustainable Development Strategy (SDS). There has been much debate surrounding the relationship between the SDS and the Lisbon Strategy and which of the two is taking precedence as the EU’s overarching strategy. The 2005 review of the Lisbon Strategy (COM(2005)24) narrowed its priorities to promoting growth and jobs; focusing primarily on ways to increase the EU’s competitiveness. (See *4.1) In response to public concern about new challenges for Europe (notably climate change, ageing populations and social exclusion), the EU Heads of State and Government agreed in 2009 to shift the Lisbon Agenda away from the purely "growth and jobs" focus of the past years, putting the environment and citizens in the foreground. Adopted in January 2010, the '**EU2020**' was designed by the Commission as a successor to the Lisbon Strategy and aims to shape a smart, inclusive and more **sustainable growth**.

C. EU Sustainable Development Strategy (EU-SDS)

The first EU-SDS was adopted at the European Council in Gothenburg in June 2001. A ‘renewed’ SDS was subsequently adopted in June 2006, combining both the internal and international dimensions of sustainable development and focusing more clearly on a number of key challenges: climate change and clean energy; sustainable transport; sustainable production and consumption; conservation and management of natural resources; public health; social inclusion, demography and migration; global poverty; and sustainable development challenges. The SDS also highlights the importance of cross-cutting policies and activities, as well as the need for better regulation and policy coherence and integration. Progress under the SDS was to be reviewed at each annual spring European Council as an addition to the Lisbon Strategy. However, this arrangement was criticised for the lack of attention devoted to environmental issues; especially when the number of **structural indicators** dedicated to sustainable development was decreased in 2004, to cover only greenhouse gas emissions, energy intensity of the economy, and transport volume relative to GDP. The review processes of the SDS and

Lisbon Strategy were separated in 2006. The Commission's first report on the implementation of the SDS (COM(2007)642) noted that progress on the ground – in terms of the implementation of commitments and impacts on the environment - has been modest. However, it argued that there had been significant advances in policy development, particularly in relation to climate change and energy.

D. Integration of environmental concerns in other policies

Integrating environmental concerns into other EU policy areas (such as energy, fisheries and transport) has become an important concept in EU environmental policy and is explicitly mentioned in Article 11 of the Treaty (ex-Article 6 TEC). A Commission Communication on “A strategy for integrating environment into EU policies - Partnership for Integration” (COM(1998)333) was presented to the European Council in Cardiff in June 1998. At this meeting, all relevant formations of the Council were requested to establish their own strategies for integrating the environment into their respective policy areas. The nine Councils that developed Cardiff integration strategies were: General Affairs, Economic and Finance, Internal Market, Industry, Energy, Agriculture, Development, Fisheries and Transport. The first stocktaking report of the Cardiff process produced in 2004, “Integrating environmental considerations into other policy areas - a stocktaking of the Cardiff process” (COM(2004)394), concludes that the “Cardiff process has failed to deliver fully on expectations”. In recent years, environmental policy integration has made the most significant progress in the field of energy policy. Environmental concerns, and more specifically climate change issues, have been emphasised extensively in high-level energy strategies and the two policy areas are increasingly represented as being linked; as reflected in the parallel development of the EU's climate and energy policies. In this vein, the Commission just published its **"Roadmap for moving to a competitive low-carbon economy in 2050"** (COM(2011)112/4) in March 2011 to look at cost-efficient ways to make the European economy more climate-friendly and less energy-consuming in order to reach the target of an 80% reduction in emissions by 2050 . It shows how the sectors responsible for Europe's emissions - power generation, industry, transport, buildings and construction, as well as agriculture - can make the transition to a low-carbon economy over the coming decades

E. Simplification of EU environmental law

The Commission's ‘Better Regulation’ agenda was launched by two key initiatives: the Commission's 2001 White Paper on ‘European Governance’ (COM(2001)428) and the Lisbon Strategy. At the 2000 Lisbon Council, EU leaders called on the Commission to “set out by 2001 a strategy for further co-ordinated action to simplify the regulatory environment [...] at both the national and Community levels”. Subsequently, in June 2002, the Commission published an Action Plan for Simplifying and Improving the Regulatory Environment (COM(2002)278) accompanied by two Communications on improving public consultation on Commission legislative proposals (COM(2002)277) and on introducing a system for assessing the likely future economic, social and environmental impacts of Commission proposals (COM(2002)276). Final discussions on the elaboration of the 6th EAP were significantly influenced by the better regulation process. A 2005 Commission Working Document sought to show how the TS incorporate the principles of better regulation (COM(2005)466), noting that the seven strategies reflect a “major effort” in better regulation and aim to “strike the right balance between environment protection and the Lisbon objectives of growth and jobs”. To this end, they are based on impact assessments, with particular attention given to stakeholder consultation, simplification, and exploiting linkages and synergies. In as far as is possible, the TS use existing instruments and policies, rather than new policy proposals, to bring about new policy goals.

F. Impact Assessment

The principle that all major Commission proposals are accompanied by an appraisal of their environmental impact was endorsed by the EU Heads of State and Government in June 1998. The 2001 SDS reiterated the need for strategic assessments; widening this to cover environmental as well as economic and social impacts. A Commission Communication on "Simplifying and improving the regulatory environment" (COM(2001)726) set the basic approach to undertaking a sustainability impact assessment; and a subsequent Communication on Impact Assessment (IA) published in June 2002 (COM(2002)276) set out the details of the procedure, requiring all major Commission proposals to be subject to an integrated IA procedure as of autumn 2002. An IA maps out the potential consequences of a decision across its social, economic and environmental aspects, its potential short-term and long-term costs and benefits, and its regulatory and budgetary implications. Environmental assessment is automatically required for plans and programmes which are prepared for town and country planning, land use, transport, energy, waste management, water management, industry, telecommunications, agriculture, forestry, fisheries and tourism. Since the introduction of the system, the number and level of sophistication of IA has increased significantly as the procedure has become embedded in the work of the Commission. The IA process continues to undergo further development and improvement. An Impact Assessment Board (IAB) was created in November 2006, and new guidelines for conducting IA were published by the Commission in January 2009 (SEC(2009)92), which both provide detailed guidance on the focus of the IA and strengthen the Parliament and Council's role in the process.

G. European Environment Agency (EEA)

The EEA created in 1990 is an agency of the EU, and its objective is to protect and improve the environment with a view to establishing sustainable development within the EU. By providing sound and independent information on the environment, the Agency represents a major information source for those involved in developing, adopting, implementing and evaluating environmental policy: the EU, the Member States and also the general public. The Agency may cooperate in the exchange of information with other bodies, including the IMPEL network ('Implementation of Environment Law' – information network on environment legislation linking the Member States and the Commission). The Agency is also open to countries that are not members of the European Union. Currently, the EEA has 32 member countries. The Agency recently published "The European Environment – State and Outlook 2010", a major report summarising the last five years of action for the environment.

H. International environmental cooperation

The European Neighbourhood Policy Strategy Paper (COM(2004)373) contains recommendations on the development of regional cooperation and integration, as a means to address certain issues arising at the enlarged EU's external borders, including environmental issues.

Cooperation with Latin-America, Russia and Asia on environmental aspects is being promoted through the EU-Latin America-Caribbean Partnership, the EU-Russia Partnership and Cooperation Agreement (in force since 1997, including a Joint Work Programme on the environment), and the Europe-Asia cooperation strategy. Furthermore, cooperation with the Danube Sea Region and a Euro-Mediterranean Partnership is contributing to the conservation of the marine ecosystem (See *4.10.5).

The EU's Commitment to global environmental problems was clearly demonstrated during the UN World Summit on Sustainable Development in Johannesburg 2002 by the major role the Community played in the discussions and the active contributions it made to the political declaration and the implementation plan (to improve access to basic sanitation and drinking

water; to reduce biodiversity loss; to halt the decline of fish stocks; to minimise harmful effects on human health from the production and use of chemicals by 2020).

ROLE OF THE EUROPEAN PARLIAMENT

EP has been behind a large amount of legislation, such as environmental impact assessments, free access to information and the eco-label for environmentally friendly products. In its resolution of July 1998, it recognised that the use of environmental levies could distort competition between those Member States which introduced **environmental taxes** and those which did not, thus making it desirable for such levies to be introduced by all Member States together.

In response to the Communication on the **precautionary principle**, the EP adopted a report in 2000 calling for clearer guidelines on the application of this principle; believing it should be invoked whenever a provisional objective scientific evaluation of the risks shows that there are justified fears of potentially dangerous effects on the environment or human, animal or plant health that are incompatible with a sufficiently high level of Community protection. EP's resolution covers not only the definition and scope of the precautionary principle but also risk assessment, risk management, risk communication and the burden of proof.

During the long negotiations with the accession countries, EP played an active role as far as enlargement in general and the environmental consequences in particular were concerned.

At EP's request, the 6th EAP (2002-2012) contains provisions for: listing and phasing out **environmentally harmful subsidies**; environmental taxes at appropriate national or EU level; Kyoto Protocol emission targets; and thematic strategies for tackling environmental priorities. All legislation arising from the thematic strategies has been adopted by co-decision. Furthermore, lead by the EP, environmental concerns are being more and more mainstreamed into EU policy-making, and special attention is being devoted to increasing environmental awareness among the general public and local authorities.

In April 2007, the Commission published a mid-term review of the 6th EAP (COM(2007)225), which concluded that implementation is "generally on-track" but that "existing measures will have to be strengthened or new measures adopted" in certain areas. One year later, the EP adopted a resolution (2007/2204(INI)) on this Commission's review noting that the EU is behind schedule in implementation of measures planned in the 6th EAP.

During the last legislative mandate (2004-2009), the EP played a major role, as a co-decision actor with the Council, in adopting strong pieces of legislation which impact on EU citizens and their environment; notably on chemicals (REACH), pesticides, waste management, water quality, and the climate and energy package.

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