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ENVIRONMENT POLICY: GENERAL PRINCIPLES AND BASIC FRAMEWORK

European environment policy is based on the principles of precaution, prevention and rectifying pollution at source, and on the 'polluter pays' principle. The EU faces complex environmental issues, ranging from climate change and biodiversity loss to resource depletion and pollution. Environment policy has recently been moved to centre stage in EU policymaking, with the Commission launching the European Green Deal (2019) as the main driver of its economic growth strategy.

LEGAL BASIS

Articles 11 and 191 to 193 of the Treaty on the Functioning of the European Union (TFEU). The EU is competent to act in all areas of environment policy, such as air and water pollution, waste management and climate change. Its scope for action is limited by the principle of subsidiarity and the requirement for unanimity in the Council in the fields of fiscal matters, town and country planning, land use, quantitative water resource management, choice of energy sources and structure of energy supply.

ORIGINS AND DEVELOPMENT

EU environment policy dates back to the European Council held in Paris in 1972, at which the Heads of State or Government (in the aftermath of the first UN conference on the environment) declared the need for a Community environment policy flanking economic policies, and called for an action programme. The Single European Act of 1987 introduced a new 'Environment Title', which provided the first legal basis for a common environment policy with the aims of preserving the quality of the environment, protecting human health and ensuring rational use of natural resources. Subsequent treaty revisions strengthened the Community's commitment to environmental protection and the role of the European Parliament in its development. The Treaty of Maastricht (1993) made the environment an official EU policy area, introduced the codecision procedure and made qualified majority voting in the Council the general rule. The Treaty of Amsterdam (1999) established the duty to integrate environmental protection into all EU sectoral policies with a view to promoting sustainable development. 'Combating climate change' ([2.5.2](#)) became a specific goal with the Treaty of Lisbon (2009), as did sustainable development in relations with third countries. The Treaty of Lisbon also granted the EU legal personality, which enables the EU to conclude international agreements. These advancements strengthened the



EU's role as a key actor on the global environmental front, leading the way with key initiatives such as the European Green Deal and the [EU Climate Law](#).

GENERAL PRINCIPLES

EU environment policy is based on the principles of precaution, prevention and rectifying pollution at source, and on the 'polluter pays' principle. The precautionary principle is a risk management tool that comes into play when there is scientific uncertainty about a suspected risk to human health or to the environment emanating from a certain action or policy. For instance, should doubts arise about the potentially harmful effects of a product, and should – following an objective scientific evaluation – uncertainty persist, this principle calls for the product to be removed from the market. Such measures must be non-discriminatory and proportionate, and must be reviewed once more scientific information is available.

The 'polluter pays' principle is implemented by the [Environmental Liability Directive](#), which aims to prevent or otherwise remedy environmental damage to protected species or to natural habitats, water and soil. Operators of certain occupational activities such as the transport of dangerous substances, or of activities that imply discharge into waters, have to take preventive measures in case of an imminent threat to the environment. If damage has already occurred, they are obliged to take the appropriate measures to remedy it and pay for the costs. The scope of the directive has been broadened three times to include the management of extractive waste, the operation of geological storage sites and the safety of offshore oil and gas operations respectively.

Furthermore, integrating environmental concerns into other EU policy areas has become an important concept in European politics following the European Council held in Cardiff in 1998. In recent years, environmental policy integration has made significant progress, for instance in the field of energy policy, as reflected in the parallel development of the EU's climate and energy package or in the roadmap for moving to a competitive low-carbon economy by 2050.

In December 2019, the Commission launched the European Green Deal, which should help make Europe the first climate-neutral continent in the world. In 2021, the [EU Climate Law](#) was adopted, binding the EU to achieve climate neutrality by 2050 and setting a target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

BASIC FRAMEWORK

A. Environment Action Programmes

Since 1973, the Commission has issued multiannual Environment Action Programmes (EAPs) setting out forthcoming legislative proposals and goals for EU environment policy. In May 2022, the [8th EAP](#) entered into force, as the EU's legally agreed upon common agenda for environment policy until the end of 2030.

It reiterates the seventh EAP's vision for 2050: ensuring well-being for all, while staying within planetary boundaries.



The new programme endorses and builds on the environmental and climate objectives of the European Green Deal along six priority objectives:

- Achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050;
- Enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
- Advancing towards a regenerative growth model, decoupling economic growth from resource use and environmental degradation, and accelerating the transition to a circular economy;
- Pursuing a zero-pollution ambition, including for air, water and soil and protecting the health and well-being of Europeans;
- Protecting, preserving and restoring biodiversity, and enhancing natural capital (notably air, water, soil, forest, freshwater, wetland and marine ecosystems);
- Reducing environmental and climate pressures related to production and consumption (particularly in the areas of energy, industrial development, buildings and infrastructure, mobility and the food system).

B. Horizontal strategies

The EU introduced its first **sustainable development strategy** (SDS) in 2001, thereby adding an environmental dimension to its Lisbon strategy. In response to the 2030 Agenda for Sustainable Development adopted by the UN in 2015, the Commission published a communication in 2016 entitled ‘Next steps for a sustainable European future – European action for sustainability’, outlining how to integrate the Sustainable Development Goals (SDGs) into EU policy priorities.

In January 2019, the Commission presented a reflection paper on the SDGs entitled ‘[Towards a Sustainable Europe by 2030](#)’, which puts forward three scenarios for advancing the SDGs. Parliament has expressed its support for the scenario that goes the furthest, which proposes guiding all EU and Member State actions by defining specific SDG implementation targets, proposing concrete deliverables for 2030 and establishing a mechanism of reporting and monitoring of SDG progress.

In 2011, the EU adopted its biodiversity strategy to 2020, reflecting the commitments made within the UN Convention on Biological Diversity (CBD), the main international agreement on biodiversity, to which the EU is a party. As a contribution towards the discussions on a post-2020 global biodiversity framework (2022 UN Biodiversity Conference (COP15)) the Commission presented its [biodiversity strategy for 2030](#) in May 2020 as a comprehensive, ambitious and long-term plan to protect nature and reverse the degradation of ecosystems. In June 2021, Parliament endorsed this strategy and made further suggestions for strengthening it.

Within the framework of the European Green Deal, in May 2020 the Commission presented its [farm to fork strategy](#), which aims to make food systems fair, healthy and environmentally friendly. Parliament largely [endorsed](#) the vision and goals of this strategy in October 2021.



C. International environmental cooperation

The EU plays a key role in international environmental negotiations. It is a party to numerous global, regional or sub-regional multilateral environmental agreements on a wide range of issues, such as nature protection and biodiversity, climate change and transboundary air or water pollution. The EU helped shape several major international agreements adopted in 2015 at UN level, such as the 2030 Agenda for Sustainable Development (which includes the 17 global SDGs and their 169 associated targets), the Paris Agreement on Climate Change and the Sendai Framework for Disaster Risk Reduction. It also became a party to the Convention on International Trade in Endangered Species (CITES), underscoring its dedication to conserving biodiversity and curbing illicit wildlife trade.

D. Environmental impact assessment and public participation

Certain projects (private or public) that are likely to have significant effects on the environment, e.g. the construction of a motorway or an airport, are subject to an environmental impact assessment ([EIA](#)). Furthermore, a range of public plans and programmes (e.g. concerning land use, transport, energy, waste or agriculture) are subject to a similar process called a strategic environmental assessment ([SEA](#)). Here, environmental considerations are already integrated at the planning phase, and possible consequences are taken into account before a project is approved or authorised so as to ensure a high level of environmental protection. In both cases, consultation with the public is a central aspect. This goes back to the Aarhus Convention, a multilateral environmental agreement under the auspices of the United Nations Economic Commission for Europe (UNECE), which entered into force in 2001 and to which the EU and all its Member States are parties. It guarantees three rights to the public: public participation in environmental decision-making, access to environmental information held by public authorities (e.g. on the state of the environment or of human health where affected by the former) and the right of access to justice where the other two rights have been disregarded.

E. Implementation, enforcement and monitoring

EU environmental law has been built up since the 1970s. Several hundred directives, regulations and decisions are in force today in this field. However, the effectiveness of EU environmental policy is largely determined by its implementation at national, regional and local levels, and deficient application and enforcement remain an important issue. Monitoring is crucial – both of the state of the environment and of the level of implementation of EU environmental law.

To address the wide disparity in the level of implementation among Member States, in 2001 the EU adopted (non-binding) [minimum standards for environmental inspections](#). In order to improve the enforcement of EU environmental law, Member States have to provide for effective, proportionate and dissuasive [criminal sanctions](#) for the most serious environmental offences. These include, for instance: the illegal emission or discharge of substances into the air, water or soil; illegal trade in wildlife; illegal trade in ozone-depleting substances; and illegal shipment or dumping of waste. The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international network of the environmental authorities



of EU Member States, accession and candidate countries, as well as Norway, created to boost enforcement by providing a platform for policymakers, environmental inspectors and enforcement officers to exchange ideas and best practices.

In May 2016, the Commission launched the [Environmental Implementation Review](#), a new tool designed to help reach full implementation of EU environmental legislation, which goes hand in hand with its fitness check (Regulatory Fitness and Performance Programme – REFIT) of monitoring and reporting obligations under existing EU legislation so as to make it simpler and less costly.

In 1990, the European Environment Agency ([EEA](#)) was established in Copenhagen to support the development, implementation and evaluation of environment policy and to inform the general public on the matter. In 2020, it published its [sixth State of the Environment Report](#) on the status and outlook of the European environment.

The EU also runs the European Earth Observation Programme ([Copernicus](#)), which provides satellite observation data on land, marine, atmosphere and climate change. With regard to pollutants released into the air, water and land, the European Pollutant Release and Transfer Register ([E-PRTR](#)) provides key environmental data from more than 30 000 industrial facilities in the EU.

ROLE OF THE EUROPEAN PARLIAMENT

Parliament plays a major role in shaping EU environmental law. During its eighth term (2014-2019), it dealt with legislation deriving from the circular economy action plan (on waste, batteries, end-of-life vehicles, landfilling, etc.), climate change issues (ratification of the Paris Agreement, effort sharing, accounting for land use, land-use change and forestry in the EU's climate change commitments, Emissions Trading System reform, etc.) and more.

Parliament has repeatedly recognised the need for improved implementation as a key priority. In a resolution on 'improving the delivery of benefits from EU environmental measures: building confidence through better knowledge and responsiveness', it criticised the unsatisfactory level of implementation of environmental law in the Member States, and made several recommendations for a more efficient implementation, such as dissemination of best practices between Member States and between regional and local authorities. During its ninth term (2019-2024), Parliament has played a key role in discussing the proposals put forward by the Commission as part of the European Green Deal, both in reacting to the proposals and indicating the directions in which it wants to see further ambition and action. On 29 November 2019, Parliament declared a climate and environmental emergency in Europe and worldwide. In October 2021, Parliament adopted the [amended Aarhus Regulation](#) negotiated with Member States to broaden access to information, public participation in decision-making and access to justice in environmental matters.

In 2021, Parliament also passed the [EU Climate Law](#), legally binding the EU to climate action. Additionally, in April 2023, it approved legislation under the 'Fit for 55' package, aimed at achieving climate goals.



For more information on this topic, please see the [website of the Committee on the Environment, Public Health and Food Safety \(ENVI\)](#).

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