

Future of EU Environmental Policy: Towards the 7th Environmental Action Programme

SUSTAINABILITY

The European Environmental Bureau (EEB) is a federation of over 140 environmental citizens' organisations based in most EU Member States, most candidate and potential candidate countries as well as in a few neighbouring countries. These organisations range from local and national, to European and international.

EEB's aim is to protect and improve the environment by influencing EU policy, promoting sustainable development objectives and ensuring that Europe's citizens can play a part in achieving these goals. EEB stands for environmental justice and participatory democracy. Our office in Brussels was established in 1974 to provide a focal point for our members to monitor and respond to the EU's emerging environmental policy.



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“The 21st century will mark the time when the impact of its human inhabitants will have the potential to destroy [the world’s] ability to support us”, warns Ernst von Weizsäcker in “Factor Five (2010, Earthscan)...”Either the human race will use its knowledge and skills and change the way it interacts with the environment, or the environment will change the way it interacts with its inhabitants.”

1. Introduction

Since 1973, EU environmental policy making has been guided by Environmental Action Programmes. They have given mandate and direction to the European Commission. Implementation was often characterised by compromise, which is the reason why the EU is still on an environmentally unsustainable pathway and is failing to fully protect its citizens from environmental hazards. However, the EEB is convinced that such EAPs, with a strong political commitment of all EU decision making bodies, are necessary and shall continue to be. This is especially true now since protection of the environment requires increasingly fundamental changes in our economic and social practice.

The 6th Environmental Action Programme (6EAP) runs till mid 2012. It had weaknesses and its implementation has been compromised by a combination of lack of ambition of the Commission and resistance from Member States and business interests. Now is the time for a new Programme. The preparations for a 7EAP should have started already, given that the decision making process, leading to an agreement with European Parliament and the Council, takes time.

In this document, the EEB presents a strong case for having a 7EAP, outlines what this Programme should aim for and which instruments it should promote. It is clear that environmental objectives today cannot be achieved with specific environmental policies only; we need to mobilise the entire economy and the entire society.

The EEB calls for an open and extensive debate on the content of the 7EAP between the European Commission and civil society, the European Parliament and the Council of Ministers. The EEB is pleased with the initiative of the Belgian Presidency (led by the Brussels regional government) to put this debate high on its agenda and to organise very relevant discussions that underline both the need and the urgency for the 7EAP.

The EEB itself dedicated its 2010 Annual Conference, on the 1st October, to this theme. The discussion between representatives of the Commission, national governments, the European Parliament and civil society organisations was enlightening. Inside the Commission there are strong doubts about the purpose of a new EAP, given the existence now of a fairly complete set of environmental legislation, of several key strategies, such as on climate and energy, and biodiversity, and the coming of a resource efficiency strategy. Others were convinced that the EU’s environmental policy, including its penetration into horizontal and sectoral policies, requires a “narrative”; one that has been agreed between the three institutions and that clarifies and strengthens the ambition levels needed and the mandates of the climate and energy Commissioners.

We understand there is also hesitation inside the Commission due to the intensive decision making procedures required by the EU Treaty. At the same time, the co-decision role of the Council of Ministers and European Parliament can create commitment and ownership. The fact that the 6EAP’s impact has not been evaluated yet is in such circumstances a welcome excuse to postpone work in the Commission on the 7th. However, such a delay also reduces the opportunity to impact on the reviews of the EU’s key policies that are on the agenda in 2011 and 2012: the common agriculture and fisheries policies, on cohesion policy (structural and cohesion funds), orientation of EU research & development funds etc.

2. Purpose and Ambitions of the 7th Environmental Action Programme

2.a. Halving the EU's Ecological Footprint by 2030

Overconsumption of natural resources (energy as well as biotic and abiotic materials) in combination with excessive impacts on ecosystems is at the heart of most environmental problems, in Europe and worldwide, causing or contributing increasingly also to economic and social problems. In terms of per capita use, this overconsumption is concentrated in OECD countries, in former communist countries which inherited outdated and wasteful production practices, and in the rapidly growing prosperous elites and middle-classes in “emerging economies” such as China, India, and Brazil.

Although imperfect as an indicator of human interference with natural ecosystems, the Ecological Footprint sends a clear, simple and relevant message on the dimension of ecological impacts of human activities globally and at EU level (see *Annex 1 for more details on the EF*). According to the last Ecological Footprint results for the EU¹, the EU on average has used 2,8 times its total supply of productive area (biocapacity)². Since the first time such an analysis was done in the 1960s (when our use was roughly equivalent to our domestic supply), our footprint has almost tripled.

Obviously, the EU is not only using biocapacity in its own region: increasingly we complement this using domestic resources with importing goods and services from outside the EU – thereby causing or increasing environmental pressures in other parts of the world..

It is understood that slightly more than half of the overstepping of the biocapacity by the EU is caused by excessive greenhouse gas emissions while the other is due to excessive use of natural resources³.

A recent report by the United Nations Environment Programme's Resource Panel⁴ describes environmental impacts of consumption and production related to key products and materials. It assesses these from two main aspects: actual observed pressures and impacts on the Earth's natural systems, and the causes for these pressures by different activities – industrial production, final consumption, and material use.

The key findings from this UNEP report include:

- Agriculture and food consumption belong to the most important drivers of environmental pressures, especially on habitat change, climate change, water use and toxic emissions;
- Use of fossil energy carriers for heating, transportation, metal refining and the production of manufactured goods has similar importance, causing the depletion of fossil energy resources, climate change, and a wide range of emissions-related impacts;
- A business as usual scenario will likely only enhance these impacts. Since CO₂ emissions are strongly correlated with income, population and economic growth, they will lead to higher impacts unless patterns of production and consumption are changed.
- Addressing individual problems without sufficient care may aggravate others. For example, many proposed sustainable technologies for energy supply and mobility rely on the use of metals (e.g. in batteries, fuel cells and solar cells). Metal refining usually is energy intensive, so the production of such novel infrastructure may be energy-intensive and create scarcity of certain materials. Such issues have not yet been investigated sufficiently, so there is a need for analysis to evaluate trends, develop scenarios and identify sometimes complicated trade-offs.

Also in business circles the awareness about limited resources is leading to interesting future scenarios. The World Business Council for Sustainable Development (WBCSD) launched their “Vision 2050”⁵ in February 2010 which aims at a world where people fulfil their basic needs while the global footprint is not exceeded anymore. The World Economic Forum launched its Roadmap for Sustainable Consumption

¹ Global Footprint Network and WWF; *Living Planet Report 2010*.

² Interpretation of WWF EPO in press-release about new Living Planet Report, 13 October 2010.

³ Interpretation from the individual country presentations in the Living Planet Report 2010

⁴ UNEP Resource Panel; *Assessing the Environmental Impacts of Consumption and Production: Priority Products and Materials*; 2010

⁵ http://www.wbcsd.org/DocRoot/wQX8Z6C3fEwwqkvw3ALt/Vision_2050_FullReport_040210.pdf

called “Redesigning Business Value”⁶, stating that incremental improvements will not do the job, that a major transformation is needed.

The increasing pressure on land-use for the production of food, fuel and fibre has serious implications. The demand for agricultural products beyond food is growing and will continue to do so. Biofuels are likely to be followed by plastics and other bio-based products. Similar tendencies are apparent in forestry. Combined with increasing urban sprawl, desertification in parts of Europe, and land loss due to sea level rise, wise land-use management will become a crucial element of reducing our ecological footprint.

As land-based resources become scarcer, the race to the seas and oceans is on: not only are we severely overfishing biological resources, but the exploitation of mineral resources is also causing environmental degradation. Competition for marine space is pushing marine species and habitats into smaller areas, and the effects of climate change are putting additional pressure on marine ecosystems. Marine spatial planning and sustainable use of marine (biotic and abiotic) resources will be key to reducing Europe’s environmental footprint.

The sustainable use of resources is central to managing social problems, environmental damage and economic scarcity. It is crucial to fight climate change and biodiversity decline, to fight poverty and environmental degradation outside Europe as well as to make Europe less dependent on scarce resources with inevitably rising prices. Therefore it is urgent to address the sustainable use of resources as the central objective for environmental policy and integrate it in all other policy areas. This was already one of the policy objectives of the 6EAP: *“aiming at ensuring that the consumption of resources and their associated impacts do not exceed the carrying capacity of the environment.”* It was repeated in the EU Sustainable Development Strategy of 2006: *“Promoting sustainable consumption and production by addressing social and economic development within the carrying capacity of ecosystems and decoupling economic growth from environmental degradation.”* But we have seen little progress in practice.

Despite several other references to carrying capacity and the ecological footprint in the past years by the Commission, Parliament and Council, so far this has not been translated into a commonly agreed quantitative policy target. In the recent Europe 2020 Strategy the Commission underlined “resource efficiency” as one of the objectives. This is logical given concerns that in the coming decades there will be increased scarcity of resources globally, but we need to emphasise that economic scarcity should not be the only concern. Environmental impacts of over-use of natural resources are more important to focus on, especially as our economic performance depends on this natural capital, but also because the market will more likely fail to react quickly or appropriately to that.

The EU needs to tackle its excessive ecological footprint, which is undermining regional and global perspectives for natural ecosystems that can sufficiently support humankind. The EU needs to set, as an overarching objective, environmental and economic policies to reduce its Ecological Footprint with 50% in the next 20 years. The 7th Environmental Action Programme, which should cover the next decade, should be instrumental in achieving this longer term target.

A first step to make this overall ambition more operational could be to work with the proposal of Friends of the Earth Europe and the Sustainable Europe Research Institute of four indicators⁷:

- Land: the total area used in hectares;
- Materials: the total tonnage used, divided into biological and mineral materials;
- Water: water footprint, measured in litres;
- Climate: carbon footprint, including the carbon emissions associated with imported products.

Each of the indicators should be connected to reduction of use targets, and appropriate policies need to be agreed. These should focus on both supply and demand, on dematerialisation and re-use, on standardisation and market instruments, on innovation and information.

⁶ <http://www.weforum.org/pdf/sustainableconsumption/DrivingSustainableConsumptionreport.pdf>

⁷ http://www.foeeurope.org/publications/2009/seri_foee_measuring_eu_resource_use_final.pdf

2.b. A central role for the European Union

Since the early 1970s, the EU has developed an extensive environmental *acquis communautaire* covering nature protection; air, noise and chemicals pollution; waste and water management; industrial installations; climate and energy; products, and setting minimum requirements on democratic procedures for decisions - most notably transparency and public participation. For most Member States, EU environmental legislation has driven almost 100% of national environmental policies.

The issue of how far the EU should go in harmonising environmental policies has always been on the table. Admittedly, since the adoption of the 6EAP the EU went from 15 to 27 States, with increased complexity in maintaining democratic decision-making and ensuring enforcement (also because of the move from 12 to 23 working languages). This enlargement has however not proven to be a massive shock to the system. Nor does it justify slowing down the legislative process, making it less prescriptive or to weaken the EU role related to individual countries.

The Lisbon Strategy (2000-2009) triggered critical reviews of existing EU legislation and requirements for new legislation to be “competitiveness-proof”, as part of “Better Regulation”. The aim was to reduce *administrative burden* and *improve EU competitiveness* in the global market. Unfortunately, this led to questionable air and waste policy reviews, and delays in the delivery of revisions or development of legislation foreseen in the 6th EAP. For example, we are still waiting for the Commission’s proposal on a revised National Emission Ceilings Directive, the Commission still rejects to present a Biowaste Directive, and even climate policies suffered under “Lisbon” competitiveness pressure. In the case of a proposed Soil Directive the Commission was determined but a group of “old” Member States gathered sufficient votes for a blocking minority based on the excuse of subsidiarity, which still remains.

It is time the environmental agenda is recognised as crucial for the future of the EU, for maintaining the essential functions in our societies and globally to support human wellbeing and eventually peace and security.

In general the EU should, with the 7EAP, renew and start coherent commitments for specific environmental policy interventions as well as strategies and actions in a number of other priority fields and where relevant building upon the commitments made in the 6th EAP.

Indeed, one important role of the 7EAP should be to provide a clear conceptual agreement on the central role for the EU in environmental policy-making and implementation, within the EU and globally.

The key elements of this agreement should be:

- No single market without a high level of common environmental performance: protecting and improving the quality of the environment is a Treaty obligation for the EU. Draft laws and other measures and activities have always to be assessed on their environmental impacts, and changed if these are negative, in accordance with Article 11 of the Treaty on the Functioning of the European Union: *“Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development”*.
- Promotion of high levels of environmental protection globally by setting and respecting high standards for EU producers and to require the same standards for imported products - protecting European citizens and producers against low quality products and unfair competition, combining this with helping developing countries to meet these higher standards.
- Member States that are behind in effective environmental performance should not slow down the others; rather the European Commission and other Member States should assist them in catching up.
- Ensure citizens the protection they are entitled to across the EU and guarantee, where this was foreseen, a level playing field for commercial activities by giving the Commission increased powers and means to ensure enforcement of EU legislation, similar to its powers to enforce competition law or animal hygiene rules. This should include an EU Environmental Law Implementation Inspectorate.

- Determined action to concentrate technological innovation on reducing our pressures on the environment, while at the same time recognising that technology cannot certain physical limits imposed on us by the biosphere

2.c. The 7EAP: a roadmap for the next decade

In December 2008, the EU set out the baseline for climate change policies for the coming decade. In 2010 the work on a new biodiversity strategy has started. In other areas, such as water protection, chemicals, the EU has legislation relevant for the coming years as well. On top of that, the new Commission has separated specific elements of environmental policy to three Directorate Generals (Climate, Environment, Health and Consumers). In that context, the question has come up whether a comprehensive EAP would be useful and possible, and what added value it would bring.

The EEB is convinced the 7EAP is essential to ensure environmental interests will get the priority across EU policies and practices that are necessary to start reducing the EU's ecological footprint and secure and clarify the lead role of the EU in this.

First of all, the 7EAP has to clarify the nature and dimension of the environmental challenge of the coming decade, based on the general objective to halve EU's ecological footprint in two decades. Secondly, it has to set specific goals to ensure that by 2020 the health of European citizens is no longer undermined by pollution and hazardous substances.

These challenges need to be translated into specific targets and timetables for revision and introduction of environmental policies, as well as be specific in how horizontal and sectoral economic policies and other relevant policies of the EU need to be reformed. As the programme would run beyond 2020, it should also ensure early stage preparations for actions needed in the next decade.

While the EAP has to be an environmental programme, making clear in an uncompromised manner what is needed to ensure wellbeing for Europe's citizens in the future, it must have a clear message on what economic changes are needed which means that it should link up with the Europe 2020 Strategy and respond to issues such as mobilising the market, international competitiveness and innovation.

The EAP and particularly its vision should also become the environmental fundament of a new EU Sustainable Development Strategy which identifies also the social objectives and policies that are needed and compatible with the environmental dimension, and on how the EU economy needs to serve the social and environmental objectives.

The final version of the EAP has to be negotiated with European Parliament and Council of Ministers. This means that a public debate will take place after the Commission presents its proposal, and that these two key EU institutions will share ownership with the final result. This is important as it sets clear obligations and mandates for the Commission to how to lead on environmental policies.

So, the 7EAP would need to feature:

- A vision, translated into specific targets for the 10 year period of the Programme;
- Solution oriented and effective policies and clear action priorities;
- Deeper and stronger links to economic and sectoral policies;
- Accompanying funding instruments that ensure coherence with the objectives of the related policies;
- The principles of prevention, precaution, polluter pays and substitution at the basis.

And more in particular it needs to include:

- The mechanisms and ambition levels needed to achieve a headline target of returning the EU's resource use to a sustainable level (e.g. lowering its footprint with 50% by 2030); towards an EU that is by 2040 really living within its environmental space (not using more than nature can provide in resources and absorption capacity in a world where for every citizen there is an equal share available).

- a roadmap with targets and timetables for reductions of specific pressures on the environment as well as all major forms of pollution, including the integration of environmental objectives and requirements in all EU's sectoral policies.
- A renewed focus on regulation in combination with market instruments and jobs creation/skilling, and stronger coherence between these than has been managed so far.
- A roadmap to achieve a green economy, with a clear focus on environmental fiscal reform throughout the EU.
- While most action is to focus on the EU and its regional and global footprint, the 7EAP should be consistent with promoting environmentally sustainable development globally, by a combination of prevention of negative impacts of EU's economic, trade and development policies and specific actions to stimulate and support positive developments according to the genuinely applied principle of "common but differentiated responsibilities"⁸.

The drafting of the 7EAP has to start now as the process has to influence upcoming EU decisions in 2012 as much as possible on agriculture, fisheries and cohesion policies and the EU budget of from 2014. It also has to assist in formulating more ambitious climate, energy and transport policies.

The evaluation of the 6EAP, now scheduled for 2011, should not delay this process. The evaluation will clarify where and why ambitions laid down were not achieved. It may help understanding how internal and external resistance played a role, and what objective complications have arisen. But this revision will not change much with regards to the vision and target setting, the requirements for environmental policy integration in other policies, in the coming years. This evaluation should not be used as an excuse to postpone work on the new Programme.

It is important as well that the 7EAP is considered a communication instrument with European citizens, so that it can mobilise these citizens, including for the enforcement of agreed policies on the ground.

⁸ As the EEB does not work much on the global level, this paper does not include a chapter on this.

3. Environmental Priorities to address

3.a. Preventing climate change

In the past decade, fighting climate change has become one of the major issues for EU political leaders. Increased evidence of the change already happening and the potential damage it can cause and in particular the Inter-Governmental Panel on Climate Change (IPCC) and of Sir Nicolas Stern has convinced many that it is irresponsible to postpone decisive action. One consequence of this recognition is the recent split in the European Commission structure between environment and climate change.

However, the past years have also shown that fighting climate change using all available means can also create perverse environmental impacts. The clearest example is the political drive for a dramatic increase of biofuels production, despite the growing evidence that not only do most biofuels come with a high price in terms of environmental impacts but also that these are not even delivering on reducing greenhouse gas emissions. Another example is the construction of hydro-power installations in sensitive natural areas which disrupt water and sediment flows making delta regions more vulnerable to a rising sea level and in locations set to suffer from greater water scarcity if climate change predictions are correct.

These examples show the need to take a system perspective to solving problems, to avoid shifting environmental burdens from one issue to another. They are also, most importantly, examples of the disconnection between science and policy-making, especially where other interests (such as farmers and trade lobbies when it comes to biofuels) take precedence over science. Most worryingly, they are also examples of growing desperation in finding “low-carbon” solutions to unsustainable, and growing, energy consumption levels, while still resisting dealing with consumption itself.

On the other hand, the pressure to reduce use of fossil fuels can deliver important additional advantages for environment and public health, if properly designed, such as reduced mining, air pollution and waste production.

It is important that climate change first and foremost remains an environmental issue being consistently integrated into all policy areas. The ambitions for reducing greenhouse gases need to continue to be determined by what is necessary to prevent dangerous and irreversible climate change (and not on short-term cost-benefit analysis), that mitigation actions taken are beneficial or at least neutral to other environmental challenges, and that adaptation measures are integrated as much as possible into other environmental objectives.

Peaking and decline of greenhouse gas emissions in the coming decade is essential!

For a number of years there was wide scientific and political consensus that the average global temperature rise should remain well below 2°C compared with pre-industrial times in order to prevent devastating impacts for the global population. More recently, evidence is pointing at an even more dramatic challenge: to keep such temperature rise below 1,5 °C, to avoid major disasters on parts of the planet. Only by staying below 1.5 °C, for instance, will coral reefs, which are essential to sustaining fisheries which in turn provide over a billion people of proteins, survive. To achieve this, global emissions of greenhouse gases need to be seriously reduced already in the coming decade.

While greenhouse gas emissions are now growing faster in so called “emerging economies”, the EU and other OECD countries continue to have a crucial responsibility for avoiding a disaster scenario. In its “Environmental Outlook 2030” (2007), the OECD predicted that by 2030, GHG emissions per capita in OECD countries will still be threefold compared with the other countries in the world. It also highlights that 40% of current GHG emissions in China relate to production for exports, most of which go to OECD countries.

For the EEB, this means that the EU should lead in reduction of energy consumption, particularly in moving towards environmentally sound renewable energy production, in its own region and globally.

It is likely (and hoped for) that a global agreement will be reached on greenhouse gas reductions before the 7th EAP is agreed. It is also likely that that agreement will not be sufficiently ambitious to stay even

within the 450 ppm limit⁹. As Sir Nicolas Stern has already indicated, the EU should halve its greenhouse gas emissions from its current 5 tonne/capita to 2,5 tonne in 2030. This 50% reduction (60% compared with 1990) needs to be initiated as soon as possible in the next decade.

Therefore, the Energy/Climate Package of December 2008 cannot be the basis for the next decade. The greenhouse gas reduction targets set in 2008, in combination with the large scope for use of the Clean Development Mechanism (CDM), and the counterproductive free allocations of emission rights under the Emissions Trading Scheme undermine the move to a low-carbon economy. This will weaken the demand for energy efficiency and renewables, and will not ensure the necessary changes to infrastructure design (such as transportation routes) that will underpin reduced energy demand¹⁰.

The 7EAP should contain a climate strategy with the overarching objective to achieve at least 80% GHG domestic reductions by 2050 (compared to 1990), with an accelerated path till 2020 (aiming for 40% by that date). The 2050 target needs to be reviewed by calculating the consequences of the 1,5 C objective.

Important building blocks include:

- Implementation of carbon budgets, for countries and key sectors.
- A domestic energy savings strategy including a legally-binding target and a longer term vision, with the objective of reducing energy demand and consumption.
- Focused action on areas including transport, buildings, agriculture, and energy using appliances.
- Increasing the share of renewables in energy production to reach 100% by 2050.
- Better integration/mainstreaming and coherence between climate change and other policy areas to avoid counter-productive policies – in particular, water, natural resources, biodiversity, agriculture, fisheries, forestry, waste (reducing, recycling and composting rather than energy-from-waste), product, and for newer areas such as sustainable industrial and innovation policies.
- Immediate full auctioning of emission rights in the EU ETS, dynamic standard setting for energy use of products, internationally coordinated energy and CO2 taxes of sufficient volume to help achieving the targets.
- Effective bilateral and multilateral cooperation agreements where CDM funds will be replaced by direct financial and technical assistance and cooperation.
- No support for nuclear energy production.

Besides these mitigation-oriented measures, adaptation to unavoidable climate change is essential, which has consequences for EU's policies on biodiversity, water management, agriculture, forests etc.

3.b. Maintain and restore biodiversity providing the natural eco-systems that form the foundations for human civilisation

In response to the failure to meet the 2010 “halting the decline” of biodiversity target, the European Council promptly agreed on a new target: “*halting the decline by 2020 and restoration of lost biodiversity and ecosystems where feasible*”.¹¹ This is a good start, but much needs to be done to prevent another failure. The Commission is to come with a strategy still in 2010 which outlines how we need to meet this new target. This strategy is also expected to contain a set of sub targets and a baseline which will allow for a more accurate and regular assessment of progress towards the new target.

Yet biodiversity is still too often seen as a specific, isolated interest. The 7EAP should help to clarify the essential role of healthy ecosystems for the functioning of our societies, and make the necessary links to other policy areas having important impacts on biodiversity. This is particularly the case for the existing or emerging EU policies on agriculture, fisheries, forestry, transport, water, natural resources, products, industrial policy, and external policy. It is also the case for land-use or spatial planning policy, although there is no EU policy in these areas. The importance of the 7EAP in relation to biodiversity is to identify the work to be done in the short-term so that biodiversity is more clearly addressed in the medium-term in these key policy areas. The 7EAP should also provide a powerful framework to support the adoption of the

⁹ Even when according to the Coral Emergency study from Sukhdev to save any coral reefs we should even stay below 350 ppm

¹⁰ See also Communication of Commission of 26.5.2010, COM(2010) 265 final: Communication from the Commission “Analysis of options to move beyond 20% greenhouse gas emission reductions and assessing the risk of carbon leakage”

¹¹ European Council Conclusions March 2010

necessary legal and financial instruments, starting with guaranteed funding for Natura 2000 (requiring at least some 5,1 billion Euro/year, according to the Commission).

To meet the new biodiversity targets the entire EU environmental acquis is important: from the Habitats and Birds Directive to protect sites and species to chemicals and industrial policies to tackle emissions. New legal instruments to protect biodiversity are therefore best not sought in the adoption of one single overarching framework directive that tries to bring all together into one administrative process (at least not in the short term) but rather in the adoption of well targeted specific instruments to deal with pressures and issues that have so far not been addressed. Invasive species and soil protection are two examples, but also developing green infrastructure (a network to reconnect wildlife habitats while at the same time delivering crucial ecosystem services) will need to be developed.

This can be done partly through financial instruments, through improved implementation of the Birds and Habitats, Marine and Water Framework Directives and through new legal tools. Another new element in the new biodiversity strategy is likely to be the stronger emphasis on ecosystems and the services they deliver. This is important progress, and should lead to the application of market instruments to encourage reduction of pressure on such ecosystems, where this is possible and appropriate. This could start with strict implementation of the polluter pays principle as laid down in the Water Framework Directive, environmental taxation on the use of chemicals (such as pesticides) that affect ecosystems, etc. Furthermore the protection of ecosystems should play a central role in (strategic) environmental impact assessments.

Finally the new 7EAP should help develop the tools that are necessary to better integrate biodiversity into agriculture, forestry, energy, natural resources and fisheries policies. The internal reform processes that are foreseen in these areas will be a good opportunity to bring in biodiversity protection as the natural capital on which these sectors ultimately depend.

Concretely the 7EAP should contain the following:

- The new biodiversity target including its sub-targets and baselines; this should be focused on an ambitious implementation of the new headline target, preventing that “where feasible” becomes an excuse for business-as-usual.
- An assumption that the shared environmental information system for Europe will be fully operational to deliver yearly progress assessment on the state and trends of biodiversity;
- The development of new mechanisms of enforcement of relevant EU legislation including the creation of a special biodiversity inspection force;
- A plan to ensure full financing and implementation of Natura 2000.
- A commitment to propose new legislation on invasive species;
- A solid EU policy to prevent negative impacts on natural ecosystems by the use of GMOs in agriculture and forestry.
- A commitment to develop green infrastructure;
- Recognition of our under-developed knowledge on the linkages between biodiversity loss and ecosystem deterioration and consumption and production, and therefore on focus needed on the integration of biodiversity aspects into natural resources (including soil), product, waste industrial and chemicals policies.
- Announcement of a special programme to map and rescue EU’s remaining wilderness areas.

3.c. Substantially reduce natural resource use

A strong and clear objective on reducing the EU’s natural resources use will be needed, to ensure that the EU sets out on the path to sustainable resource use.

On the basis of a general agreement on ambition and urgency, we need to set more specific targets. These should reflect that biggest environmental impacts in our lives are made in the areas of:

- a. Food and drink: especially animal-based proteins such as meat, cheese and milk require large inputs; but we need attention on the whole area of agriculture and food production, including fisheries and aquaculture, on land-use planning and on water consumption and management.

- b. Housing and electronic products: the materials we need for buildings we live and work in, the urban sprawl we create, the energy used for heating and cooling, the electrical and electronic products we are increasingly using, including rare metals and other hazardous substances.
- c. Mobility: the resources and energy needed to move us and goods in our economies, the pollution caused, and the land use by infrastructure resulting in the fragmentation of landscapes and habitats.
- d. Energy generation: where we see conflicts arise from the desire to replace fossil fuels with renewable sources, creating or increasing other scarcities, in particular with regards to the use of different forms of biomass, including but not limited to biofuels production.

This means the 7EAP needs to include:

- The overall objective to achieve absolute reduction in resource use, based on limits for certain key resources, introducing the concept of sufficiency where needed, and thereby avoiding the rebound effect.
- A package of specific and intermediate targets for absolute reductions of use of specific resources, and implementing measures. The package needs to include targets on resource productivity and resource efficiency, particularly for the key resources.
- Targeted focus on key resources and sectors, such as:
 - Resources: biomass, forestry products, high tech metals, and industrial and construction minerals, cement and steel.
 - Sectors: agriculture, fisheries, housing, transportation.
- Measurement indicators, to help identify what resources are being imported, used and exported, which in turn will help to create more detailed approaches in the specific resource and/or sector activities.
- Strengthened links between natural resources, products and waste policies, to drive more focus on avoiding impacts at the source, rather than continuing to deal with problems at end-of-pipe.
- Waste-related targets should be included, focusing on waste prevention, reuse, material recycling and phasing out of waste deposits to landfill [and seas] (without driving waste to incineration).
- Development of land-use policy, to better address increasing pressure on land-use, via more structured identification of linkages, better sustainability policies, and concerted effort in linking to sustainable consumption and production.

With regards to the instruments, a comprehensive approach needs to be developed, with:

- Producer policies: introduction and/or reinforcement of extended individual producer responsibility to intensify environmental cost internalisation (also beyond end-of-life management), where possible, on cradle-to-cradle basis.
- Product policies: dynamic standard setting for ecological design, maximising re-use and material recycling, minimising energy consumption during use, avoiding substances that are a threat to humans and/or environment.
- Demand side policies: taxation and subsidy reforms, green public procurement, and sustainable consumption promotion.
- Strong links to related policies on agriculture, fisheries, forestry, biodiversity, water, energy.

3.d. Make the EU a healthy place to live

The EU has a long tradition of protection of human health through environmental legislation such as those regarding water quality, air pollution, noise, and chemicals. However, it is only in the 6EAP that such a strong link between environment and health is officially made as one of the four priority areas of the Programme, and with a goal of contributing *“to a high level of quality of life and social well-being for citizens by providing an environment where the level of pollution does not give rise to harmful effects on human health and the environment.”* This led to new or revised legislative proposals in the areas of chemicals, pesticides, water and air quality, and supported the development of an EU Strategy on Environment and Health and an Environment and Health Action Plan.

In environmental policy, some progress has been made, but much more effort is needed to improve air and water quality (also according to the World Health Organisation), noise disturbance has become one of peoples biggest nuisances, and chemicals management does not yet address the real-life cocktail effect of multiple chemicals exposure. The growing use of new and potentially dangerous substances such as nanomaterials with no existing testing methods to assess hazard or exposure has exposed safety legislation, requiring a comprehensive response.

In the EU we are witnessing rising cancer rates, respiratory and other illnesses (e.g. affecting the thyroid) which show that human protection systems are over-burdened. But it is difficult to identify causal links. The 7EAP needs to continue to focus on environment and health, particularly in reducing pressure and increasing resilience. In this area the applications of the principle of precaution is very important to acknowledge and further investigate new insights which point to low doses and multiple exposures having adverse impacts.

One of the main achievements of the 6EAP was the new EU chemicals legislation, REACH, meant to manage the worst chemicals already on the market. But it was heavily compromised in the legislative process and implementation goes too slow.

As part of its drive to a sustainable EU society, the 7EAP should focus on sustainable chemicals use and ecodesign, and not just *management* of the most hazardous substances. Green chemistry can become an important element of this, and should have a central role in chemicals, industrial natural resources (especially for bio-based products aspects) and product policies. At the same time, also green chemistry needs to be subject to comprehensive environmental impact assessments.

From the specific environment and health activities and also considering WHO analysis, three themes have been identified as being priority in continuing to develop action: vulnerable groups, human biomonitoring, and environment and health information systems.

Despite signing up to political agreements such as the 2010 WHO Parma Ministerial Declaration, the EU has not progressed in the area of vulnerable groups (such as of children, foetuses, pregnant women and older people).

The area of human biomonitoring has had more positive development and is considered one of two major successes of the Environment and Health Action Plan. It has already been seen to contribute to policy coherence and integration, and the proposed creation of a permanent harmonised system is expected to play a key role in better understanding the linkages between environment and health, and in providing information on long-term health effects to be used as a tool for the development of further environmental policy. More work is needed, particularly in securing funds for such a permanent system.

The 7EAP would therefore need to:

- Continue to develop knowledge of links between environment and health, particularly in dealing with low doses and multiple exposure effects.
- Improve methods for risk assessment of endocrine disrupting chemicals and incorporate such methods in all EU legislation on chemicals. Special attention should be paid to low dose effects.
- Identify and protect vulnerable groups.
- Prioritise action to protect vulnerable groups, and to ensure the creation of a permanent system for human biomonitoring to provide evidence of long-term health effects.
- Higher ambition in the areas of air and water quality. Upgrading of the National Emission Ceilings Directive without further delay.
- A focus on prevention rather than cure – designing out potential health hazards at design phase, therefore development of tools such as green engineering, ecodesign and green chemistry.
- Development of sustainable industrial, natural resources, innovation, and product policies to integrate protection of health and prevention of pollution and other impacts at design stage.
- Development of effective policies to prevent serious impacts of products on indoor air quality.
- Consider and recognize the preventive health effect of nature in everyday life, by ensuring protection of areas within and adjacent to habitation (nature reserves, urban woods etc).
- Continue to take measures to reduce mercury emissions, supply and demand, and integrate such considerations in other relevant measures/law, with the aim to reducing mercury levels in the environment and human exposure, especially from methylmercury in fish.
- And with regards to REACH:
 - Fewer exemptions of categories of chemicals that are not regulated with the same degree of protection as REACH would require.
 - Inclusion of chemicals in articles in a more comprehensive manner in REACH.
 - Duty to register substances in lower quantities than 1 tonne per company and year.
 - Increasing data demands for registration, in all spans of quantities.

- Extended time periods between registration and market introduction, enabling improved fast screening evaluation, possible leading to further public management.
- Strict demands on general and early substitution; substitutes should be identified for substances in high quantities or with dangerous properties already in the registration phase.
- Fewer bottlenecks, lower barriers and decisive time limits for the process of pointing out substances for the authorisation procedure.
- No authorisation when substitutes exist; statutory deadline on maximum time-limit for review of authorisation.
- Automatic phase-out over time for CMRs, PTBs, vPvBs and chemicals with other hazardous intrinsic properties.
- A substantially lowered burden of proof for public agencies when it comes to decisions on restrictions.
- Increased transparency regarding data provided by industry and agencies.
- Systematic consideration of mixture effects in the risk assessments.

4. Mobilising society for a reduced ecological footprint.

4.a Integration of environmental objectives in all policies

Article 11 of the (new) Treaty on the Functioning of the European Union says:

“Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development.”

This article has been in EU Treaties since 1991, but it has not led to systematic changes in EU policy making. Currently the main tool at hand is the Impact Assessment the Commission has obliged itself to, which includes the obligation to assess environmental impacts of any (relevant) policy proposal the Commission prepares. This provides at least an opportunity to raise potential negative environmental impacts.

The EU's Environmental Action Programmes have always paid attention to environmental policy integration in a more positive sense: beyond simply preventing negative impacts it was looking for positive synergies between sectoral and environmental objectives. This has been an uphill battle and on balance EU's agriculture, fisheries, transport, trade, cohesion policies still contribute to further deterioration of the EU's and global environment.

However, not all pressures can be directly related to the EU policies. An example is that where the EU puts more emphasis in its cohesion policy on improvement of rail-transport, national governments can simply shift their domestic investments more to road and air while using the EU funds for rail.

In theory an EU Sustainable Development Strategy should ensure that all EU's policies contribute to environmental sustainability. In practice this Strategy is not making any difference as it lacks the instruments and the political support.

In order for EU sectoral policies to really contribute to the overarching objective of reducing EU's environmental policies the 7EAP needs to include specific targets and objectives for the key sectoral policies, such as:

Agriculture: respecting and strengthening the relevant ecosystems

In the upcoming debate on CAP reform, the EEB, with other organisations, will promote measures to ensure that public (EU) money is being used for public goods. The EU agriculture policy must move away from the logic of dependency and compensation to one of public goods delivery based on a new contract between farmers and society. This fundamental transformation would reward land management activities that deliver tangible benefits to society and would prohibit the use of public funds to support activities which have adverse environmental impacts (see Annex 2 for our demands).

The EU should, through CAP and other policies oriented to the agricultural sector, create the environmental conditions to sustain long-term agricultural production through the protection of ecosystems and their services (soil, air and water) and the sustainable use of natural resources of which we are dependent to produce our food.

Besides supporting the CAP measures we promote, the 7EAP should in particular ensure:

- Resource-efficient farming, whereby water and fossil fuels require priority attention.
- Systematic integration of farming practices in biodiversity protection plans
- Specific policies to ensure the reduction or phase out of inputs with problematic environmental consequences, such as pesticides.
- Organic farming as a standard for farming, including by ensuring that market instruments create a level playing field.

Fisheries: restoring sustainable fish stocks as part of overall improvement of sea/ocean biodiversity

In the coming two years decisions on the Common Fisheries Policy (CFP) have to be taken. EEB supports OCEAN 2012 in its demands for such a reform (see Annex 3). The 7EAP should reinforce these demands.

EU fisheries policies should stop overfishing, end destructive fishing practices and deliver fair and equitable use of healthy fish stocks. Responsible fishing activities, which contribute to overarching objectives of environmental, social and economic sustainability, should be rewarded, whereas subsidies and incentives which breathe artificial life into destructive and inefficient practices should be dismissed. The EU should achieve Good Environmental Status of the Seas it is responsible for as defined by the Marine Strategy Framework Directive (MSFD).

Transport: focus on demand management and modal shift

EU Transport policy has traditionally focussed on supporting fast mobility of goods and passengers, as part of the creation of an EU single market and a strong EU position in a globalizing economy. Concerns of urban sprawl and defragmentation of landscapes, of increased pollution and nuisance had to be addressed with flanking policies, with positive results mainly when technical solutions could be found (such as on air- and noise pollution), but the general trend of transport is of ever increasing environmental pressure.

EU leaders said in the 2001 Gothenburg European Council that *'[a]ction is needed to bring about a significant decoupling of transport growth and GDP growth, in particular by a shift from road to rail, water and public passenger transport.'* This orientation however was not followed by the Commission, who concentrated on promotion of technical improvements within the individual modes to reduce relative environmental impacts.

The 7EAP should aim for a sustainable transport system that minimises consumption of non-renewable resources, land use, impacts on ecosystems and human health, and limits waste, emissions from renewable resources within the absorption capacity of the planet. This system is socially inclusive, by providing access for all citizens to the most essential goods and services, offering choice of transport mode, and protecting vulnerable user and other groups from safety risks, health risks and nuisances caused by transport.

The cornerstone of the 7EAP transport section should be 'double decoupling' for passenger and freight transport: decoupling of transport growth from economic growth and an absolute decoupling of environmental impacts from transport growth. In particular, energy use by transport should be considerably reduced by 2010 and halved by 2030.

Demand management should be put in the heart of the efforts to make transport more sustainable. Changes in the need for transportation and in transportation patterns can only happen as a result of long lasting policy measures and financial means that reverse the current unsustainable transport trends.

As priority measures the 7EAP should promote:

- A transport and infrastructure pricing system which reflects the real costs to society and give sufficient incentives to start reversing current trends, decoupling transport growth from GDP growth.
- Halting of the construction of new infrastructure that harms ecosystems or is not viable from a socio-economic point of view. Economic and environmental assessments should be made much earlier in the process, publicly available, and subject to independent scrutiny.
- Coordinated approach of the Financial Institutions and EU funds to support sustainable development objectives in transport, especially the implementation of decoupling and modal shift. A much higher percentage of EU funds should go towards human-scale projects, in particular into innovation of regional and national public transport networks and systems.
- Average CO₂ emissions from new cars should be reduced to maximum to 80 g/km by 2020 in real terms (so without calculating unreal reductions for biofuels use or electricity if not produced with CO₂ free renewable sources). Also for trucks, aircraft and ships fuel efficiency standards need to be introduced.
- Air pollution from new vehicles could and should be practically eradicated.

4.b. Making the market work for the environment

EU Treaties since 1985 insist on the Polluter Pays Principle. Internalisation of environmental costs of products and services is, in principle, an accepted approach. EAPs have promoted the use of market instruments for decades, as tools to make the market work for the environment. This is repeated in specific policy papers such as the “Green Paper on Market Instruments for environment and energy-related policy purposes” (2007), and the Energy Efficiency Action Plan (2006).

Environmental market instruments can be divided as follows:

- Taxes
- Charges, levies, fees
- Subsidies
- Emission trading
- Labels, other information tools to guide purchaser's choice
- Green public procurement

The track-record of the EU in introducing market instruments for the environment is poor. At EU level, we have the emissions trading system for CO₂ and the Energy Tax Directive, both of which have admitted weaknesses. With regards to environmental taxes, several Member States resist strongly any EU-level initiatives (hence continuing delay on the revision of the Energy Tax Directive), considering such taxes exclusively national instruments. At national level, although there have been more environmental taxes, charges or emission trading schemes spreading across countries, the percentage of GDP this represents has decreased since 2004 (according to the Commission).

With EU-level activity on taxes requiring unanimity amongst Member States, and with no real role for the European Parliament in decision-making, the result is near to paralysis. The Environmental Tax Directive of 2003 came into existence with many weaknesses and the upcoming review risks to either get stuck in the sand or lead to another toothless tiger.

The most secure way to guarantee an environmental tax reform throughout the EU is a framework directive for that purpose, setting common minimum levels for specific environmental taxes and outlining, in more general terms, a social compensation policy, including through decreases in other taxes or premiums. However, due to the unanimity requirement for environmental law, it is doubtful this is possible in an ambitious manner. Therefore the EEB has developed the alternative of an Open Method of Coordination, for which it found support within the environmental movement and with the Spring Alliance¹². See explanation next page under our demands.

In 2006 the European Council, as part of the reviewed EU Sustainable Development Strategy, called upon the Commission to come, by 2008, with a “*Roadmap for the reform, sector by sector, of subsidies that have considerable negative effects on the environment and are incompatible with sustainable development, with a view to gradually eliminating them.*” While the Commission has done preparatory work, including the publication of a mind-blowing study on subsidies for company cars (by waiving taxes on such cars) in 18 EU Member States, to a total of 54 billion Euros (in 2008), no Roadmap has come out. The only action on subsidies recently from the Commission was to propose to extend the possibility of state subsidies for coalmines based in the EU only till 2014 (instead of 2023 as some Commissioners wanted).

The presence of environmentally hazardous subsidies, direct or hidden, constantly undermines efforts to move to an environmentally sound economy.

Voluntary agreements have been popular in the past, but at the EU level a few were completed. The most important one, with the car manufacturers on reduction of fuel use, was a striking failure. The EEB is against voluntary agreements that come in the place of legislation or market instruments.

Green public procurement can play a very strong role in creating markets for environmentally sound products and services. It is important that EU rules promote this but at the same time give clear minimum

¹² Coalition with the European Trade Unions Confederation, the Platform of European Social NGOs, and Concord (European Confederation for Relief and Development), focussing on EU Sustainable development and currently active with regards to the Europe2020 Strategy and the EU future Financial Perspectives.

criteria for what can be considered “green” public procurement. However, current GPP policies at EU level are limited to voluntary commitments by Member States. The Commission is developing common criteria that Member States can use to implement GPP policies at national level. Unfortunately, these criteria are alarmingly weak and fail to give strong signals to the market.

The 7EAP should focus on:

- Systematic promotion of environmental taxation, including reduced rates for environmentally friendly products and services
- By 2020 a shift of at least 10% of the national tax incomes away from labour to environmental pressures, resource use and capital, coordinated throughout the EU by applying the Open Method of Coordination combined with Enhanced Cooperation, with a strong mandate for the Commission to monitor, advise, review progress at the national level on an annual basis. This would encourage more efficient resource use, taxing what we want less (resource depletion and pollution) instead of taxing what we want more (income and employment).
- A High Level Advisory Group on the introduction of Market Based Instruments. This Forum should break through the stalemate in the EU, to respond to concerns that people may have about negative competitive and social impacts, how market instruments would deliver environmental aims and how it could trigger sustainable innovation.
- Cutting off or redirecting any funding that harms the EU’s environmental objectives, including global impacts, or increases EU’s energy and resource use. Review the rules of EU institutions to this end.
- An improved Emission Trading Scheme, complementary to a wider tax package, as a central market instrument to help ensure absolute emission reductions in the sectors it covers, while also helping to promote the use of efficient, sustainable technologies. For that purpose, accelerate the move to 100% auctioning.
- A roadmap for the phasing out of all direct and indirect environmentally hazardous subsidies in the EU, where needed with measures to address social adverse consequences.
- A revised legal framework for green public procurement with EU wide mandatory and ambitious targets aiming at 100% green public procurement as soon as possible. With clear definitions on what are “green” products and services to avoid abuse of this concept
- Green public procurement programmes in particular for public buildings and services using minimum energy-efficiency criteria. The Covenant of Mayors would be an appropriate vehicle to implement such a programme across Europe’s towns and cities.

The EEB is in favour of applying the polluter pays principle systematically throughout the economy, but this should not come in the place of the principles of prevention and precaution, in particular when human health is concerned or when market instruments will have no other impact than an affordable price for the right to pollute.

4.c. Sustainable innovation governance

Innovation is increasingly seen as the key to European competitiveness, economic recovery and solving environmental and social problems. In most cases, when innovation is mentioned, this usually means *technological* innovation, the process through which new (or improved) technologies are developed and brought into widespread use. However, *social* innovation is also necessary to help society to adapt to the environmental challenges it is facing.

One of the most recent, and controversial, technological innovations that has received EU policy attention in the past years is that of nanotechnologies and nanomaterials. Nanomaterials are considered ‘first generation’ nanotechnologies, and are possibly the simplest in structures as they involve traditional ‘bulk’ materials but at nano scale. Despite this they have been severely testing the EU policy and regulatory decision-making processes with their inherent complexity. As we progress to next generations of nanotechnology applications, assessing their impact will be made more difficult as they are likely to merge with other technologies to form new hybrid technologies – perhaps combining genetic engineering or information technology with nanotechnologies. Often, such technologies are called ‘converging technologies’ because of this combination of different types of technology.

As discussions on nanotechnologies and nanomaterials develop, there is an increasing recognition for the need to develop new governance approaches, tools and authorities. These new approaches describe a

move away from the current, narrow focus on risk assessment based on scientific evidence, to ones that are more *adaptive* and address the direction and application of innovation. Often, these proposals for new approaches include societal engagement and participation as central elements.

Governments have widely promoted the concept of 'responsible development' for nanotechnologies without (or instead of) clarifying what this means in relation to calls for a more preventive, precautionary approach. Responsible development aims to support risk research alongside or in the wake of nanotechnology product commercialisation. Instead of taking decisive action to mitigate risk, many governments continue to call for more information, thereby paralysing the understanding and management of the risks of engineered nanomaterials by analysis. Similarly, many companies and regulatory bodies have taken the view that nano-specific regulation of nanomaterials should not be introduced until more scientific evidence demonstrates these may be harmful and 'evidence-based' regulations can be established. Such an approach removes the burden of proof from nanotechnology producers, especially since this level of knowledge regarding nanomaterial risks may be many years away, while transferring the bearing of potential risks to society. Most importantly, it reduces the debate on nanotechnologies and nanomaterials to a narrow *risk* discussion, avoiding the wider societal questions on the *acceptability* of these nano developments and the *appropriateness* or *need* for them.

Given that some future generation applications and types of nano or converging technologies have already been identified as raising particularly ethical questions, sustainable innovation governance needs to be considered now before such applications feature as products on the market.

Europe 2020 has a strong element of innovation running through it. Innovation indeed has the *potential* to solve many of society's 'grand challenges', but will not do this inherently on its own. There is a need to guide innovation (which does not automatically mean stifling it) towards longer-term objectives, partly to ensure that we encourage the 'right' kind of innovation but also to correct market conditions which do not provide enough of an incentive to innovate to a high enough level (incremental versus breakthrough innovation is encouraged) nor to particularly address society's 'grand challenges' with priority or urgency. Longer-term objectives could be 80% or 100% CO2 reduction, rather than 20% according to the current policy framework. Similarly, for material productivity an objective could be factor 10 increases rather than simply better efficiency. These different objectives will drive different types of creativity responses, leading to more break-through innovation (social or technological) than continuing with incremental 'lower environmental impact' improvements.

Although the Innovation Union flagship initiative (of Europe 2020) is meant to be prepared for Autumn 2010, the 7EAP has a role in continuing to shape the policy agenda and therefore more detailed objectives that will be needed to guide innovation more clearly in future. Future EU (and national) research programmes will need to work in tandem with medium- and longer-term political objectives to ensure that these are achieved.

The 7EAP should recognise the role of innovation in addressing society's grand challenges and promote a process for identifying medium- and longer-term targets that better guide innovation than the historical 'lower environmental impact'

A sustainable innovation governance approach should include:

- A back-casting approach – as innovation could be social, using existing technologies or new, high tech responses, analyses should be made on which type of innovations are needed (in terms of objectives). Then policies to generate such innovations should be set up and enhanced. Politicians cannot define what technologies should be promoted, but they can define the objectives which should be served by technologies.
- An oversight and guidance framework – this would help to highlight the potential benefits and hazards/risks of innovation, before wide exposure occurs, for example by having products on the market before adequate safety testing has been done.
- Technology assessment - this is a systematic method for exploring future technology developments and assessing their potential societal effects.
- Ethics: the ethical questions raised by future generations of nano and converging technologies will multiply the ethical questions for existing technology, particularly in relation to abilities in human enhancement technologies and in creating nature. Ethical questions cannot and must not be

- Public engagement - Much as there is an urgency to place innovation in a clear sustainably context, there is a similar urgency to place innovation within a broader societal perspective, as public concern and therefore acceptance of some technologies have already proven controversial. A broader societal context implies the recognition that innovation, for the sake of innovation alone, is no longer acceptable in a century where humanity is increasingly reaching the limits of planetary resources.
- Early warning system – an innovation governance system needs to be anticipatory and adaptive. A system that anticipates potential future developments through its design is one that learns from past mistakes and aims to avoid situations such as the current one regarding nanomaterials and nanotechnologies, where regulators are playing catch-up with technologies and materials already in products on the market. Such a system would, in advance of adequate regulatory safety measures, help to identify how more useful, safer and societally beneficial applications can be developed, and in the process ensure better success of integration of these new technologies into society. Given the increasingly inherent embedding of uncertainty in new technologies, a sustainable oversight of innovation would naturally need to strongly incorporate the Precautionary Principle.

4.d. better enforcement through people mobilisation and institutional innovation

The European Union has become the central engine for EU environmental policy for its Member States. The vast majority of environmental legislation at the national level is transposition of EU law and when it comes to products such transposition is not even required, as they come directly from “Brussels” in Regulations and Decisions. EU funding and coordination activities assist in developing and applying environmental policy and technology. EU coordination, whether led by the European Commission or the Presidency, is more and more replacing international activities of individual countries.

However, most citizens still consider the EU as far away, a bureaucratic machine that interferes with their lives without proper control and with little sensitivity for local circumstances. The fact that the EU has become more democratic and much more transparent does not make a real difference, as the national politicians and media do not cooperate in presenting the real role and purpose of the EU.

So EU environmental legislation is often considered as imposed by “Brussels”, even by national politicians who know perfectly well how decisions are made, with full involvement of national governments and colleagues in the European Parliament. Implementation and enforcement is therewith not naturally prioritised, as the legislation is not considered as responding to a genuine local need.

This comes together with another weakness in the governance of EU environmental policies: the limited enforcement tools the Commission has. The Commission is considered to defend the collective interests of the EU, which includes respect and application of EU laws by all inside the Union, but it has very limited tools compared to national administrations.

On the other hand, opinion polls show repeatedly that the general public is expecting a lead role of the EU in tackling environmental issues, that its legitimacy of doing so is relatively high.

Public active engagement and support is therefore essential and also possible for successful EU environmental policies. Civil society organisations can play a crucial role as liaison between EU institutions and the general public. Such organisations can engage in the decision making process, but as important, see to it that EU legislation is being applied.

Instead of having its own inspectors, the Commission has the opportunity to use information from citizens. Environmental organisations are, also thanks to the work of the EEB, aware of their right to file complaints against (lack of action against) non-compliance of authorities in their country/community. According to Commission reports, such complaints are a very important source of information. However, such organisations are not satisfied with the speed the Commission reacts, leading to irreversible damage, and even less with the refusal to involve such organisations in the follow up process.

Prevention is better than cure. Transparency and public participation in environmentally relevant decision making is essential to involve the public in the preparation of projects, infrastructural and regional planning, policies and legislation. In the past decade, the EU and 26 Member States¹³ became Parties to the "Aarhus Convention"¹⁴. New legislation was adopted to bring EU legislation in line with Aarhus, in particular on access to environmental information, on public participation related to EU environmental laws, and Aarhus application by EU Institutions and bodies. A draft Directive on Access to Justice is however pending at the Environment Council since 2003 and access to justice for environmental organisations is not well arranged either at the EU level. Surveys done by the EEB and other organisations show that in particular public participation and access to justice in many EU Member States is not applied according to the requirements of the Convention.

Active involvement of the public should therefore be a key element of the 7EAP, but beyond that, the EEB is convinced the Commission should have increased means and powers for enforcement of EU environmental law. For enforcement should become the norm, across the EU, therewith increasing the environmental impact of this legislation, creating a level playing field for economic operators and ensuring the public that the EU is practicing what it preaches.

The 7th EAP therefore should:

- Underline the important role of environmental citizens' organisations in the promotion of effective environmental policies across the EU, towards decision makers as well as the general public. A commitment to continue and increase support to such organisations in the fulfilment of that role.
- Make enforcement of EU environmental law a priority and come with concrete proposals on how both assistance and legal action can increase the real implementation on the ground of EU legislation, including through a mandate and capacity for an EU Environmental Inspection.
- Organisation of systematic trainings and exchange of best practices between implementing authorities, at all levels, in a manner transparent to the general public.
- A critical review of the implementation of the Aarhus Convention inside the EU, in particular on public participation and access to justice. Adoption of the draft Access to Justice Directive (as amended by the EP in 2004).
- Realisation of the right of standing of environmental citizens organisations with the Court of Justice when defending the common good of environmental protection, as laid down in the EU acquis.
- A policy of increased transparency and involvement towards complainants by the Commission in the follow up of complaints received.

¹³ Ireland still has not ratified, but is in the process of doing so

¹⁴ UN-ECE Convention on the right to information, public participation and access to justice in environmental matters www.unece.org/env/pp

ANNEX 1: ECOLOGICAL FOOTPRINT CONCEPT

The notion that the earth's resources and its carrying capacity are finite is not new, but modern western societies have not seriously integrated this in their policies until now – except for attempts in the case of fish stocks. Environmental policy has mostly focused on impacts. Scarcity seemed more an economic than an environmental issue, and the warnings from the Club of Rome were already seen as mistaken. However, both the need to limit the impacts of extracting and applying resources, as well as their limited availability or limited production capacity, make a sustainable resource policy necessary. But how much resources are we using, what is sustainable use, and what specific resource policy the EU should follow on a planet where its relative contribution to the problem is decreasing?

About twenty years ago the quantitative concepts of *material flow accounting*, *ecological rucksack*, *environmental space* and *ecological footprint* were introduced. The last two concepts also include calculations on the sustainable level of resource use (for which often the much older concept of *carrying capacity* is used) and relate this to a *fair share* for each person on earth. All concepts use similar basic data for their calculations and they are not fundamentally different in their main messages.

The concept of the *ecological footprint* became the most widely known and has become an often used symbol amongst policy makers, stakeholders and part of the general public. It shows the human demand on the earth's resources, and the need to reduce this demand to a sustainable level. The word *footprint* obtained a more general meaning, and is also used for slightly different indicators, such as *carbon footprint*, *water footprint* or *environmental footprint*.

Elaborations and modifications of the original 'ecological footprint' methodology are continuing and this process can be seen as strength rather than weakness. The original methodology of the 'ecological footprint' can - and did - improve, and adequate modifications and refinements should be possible.

Most policy makers or members of the public will not be able to explain the calculation method of the 'footprint', but they can easily grasp the main idea of it. The message WWF's Living Planet report was that the world's population's footprint is currently 30% above the planet's carrying capacity and that the EU population's footprint is even 2,6/2,8 times its fair share in this capacity may be a proxy for the real situation, the dimension of the overshoot of resource use and undermining of ecosystems is dramatically clear.

ANNEX 2: MAIN DEMANDS FOR UPCOMING CAP REFORM

In 2009 the EEB has been part of a group of five farming and environmental organisations who have developed a common architecture for a new CAP which seeks to achieve both food and environmental security.¹⁵

The five organisations believe that the EU agriculture policy must move away from a logic of dependency and compensation to one of public goods delivery based on a new contract between farmers and society. This fundamental transformation would reward land management activities that deliver tangible benefits to society and would prohibit the use of public funds to support activities which have adverse environmental impacts.

In our view, the CAP must contribute to EU priorities such as sustainable development and environmental protection. The original CAP objectives must be fundamentally revised, with public payments rewarding the provision of public goods and those actions that clearly respond to society's broader interests.

We agreed on the following objectives for the CAP:

- To create the environmental conditions to sustain long-term agricultural production through the protection of ecosystems and their services (soil, air and water) and the sustainable use of natural resources;
- To accelerate the transition toward resource-efficient farming that is less dependent on fossil inputs and more resilient in the face of climate change and other external pressures;
- To promote conditions for the production of safe, healthy and high quality food;
- To maintain and enhance (wild) farmland biodiversity by halting and reversing declines;
- To maintain (domesticated) agricultural biodiversity;
- To contribute to achieving 'good status' in European freshwater systems and adjacent coastal waters;
- To contribute to climate change adaptation and mitigation;
- To support the maintenance of landscapes and a rural heritage rich in aesthetic, cultural or historical value;
- To contribute to the rural vitality of areas highly dependent on agriculture and where this is important to support the viability of those farming systems which underpin the delivery of public goods;
- To promote enhanced animal welfare;
- To support sustainable food systems which better connect producers and consumers.

For the EEB it is obvious that CAP should, for farmers that follow these objectives, play a role in ensuring them a fair basic income, where the market, even under changed conditions, does not provide that.

¹⁵ http://eeb.org/activities/agriculture/CAP_proposal_09.pdf

ANNEX 3: OCEAN 2012 DEMANDS FOR THE TRANSFORMATIONS OF EU FISHERIES POLICIES

The EEB supports the OCEAN2012 coalition, dedicated to transforming European fisheries. OCEAN 2012 has the following core message:

- Enshrine environmental sustainability as the over-arching principle without which economic and social sustainability is unobtainable: The primary purpose of the reformed CFP emerging in 2012 must be to secure environmentally and socially sustainable fisheries in Community waters and wherever EU fleets are active. Environmental objectives must be prioritised so that social and economic objectives can be met in the long term. Taking action now to restore healthy marine ecosystems may mean social and economic costs in the short-term. Not doing so puts the sustainability of the resource and the future of the sector as a whole at risk. The precautionary approach (as defined by the 1995 UN Fish Stocks Agreement) and the ecosystem approach (as defined in the EU's Marine Strategy Framework Directive) must underpin any future CFP. Furthermore, OCEAN2012 proposes that the current management tool for fisheries, Maximum Sustainable Yield (MSY), be used only as a transitional target, with more conservative management objectives needed to secure long-term abundant stocks.

- Ensure that decisions are taken at the most appropriate levels and in a transparent way, ensuring effective stakeholder participation: The failure of the CFP to achieve its objectives can be attributed in large measure to the way in which decisions are made. Today, even very detailed management measures are decided at the highest political level, by the Council of Ministers and European Parliament. In order to achieve long-term sustainable fisheries, OCEAN2012 proposes that the Council of Ministers and the European Parliament focus on the overarching vision and objectives of the CFP and leave the detailed implementation to more appropriate bodies such as the Commission, Member States, or decentralised management bodies. We strongly urge that scientific advice on catch limits, set by the Council and currently exceeded by on average 50 percent each year, be heeded. Good governance also includes transparency, strong stakeholder involvement, public access to catch, vessel and fleet data, and robust evaluation and compliance mechanisms.

- Deliver sustainable fishing capacity at EU and regional level, by bringing capacity in line with available resources: The exact level of overcapacity in the EU fleet is by and large unknown, but in some cases it is estimated at two to three times the sustainable level. It is essential that fishing power matches fishing opportunity and effort, in order to ensure economically viable fisheries and to prevent illegal, unregulated and unreported (IUU) fishing and inefficiency. Overcapacity is not only a "size" problem but also a qualitative problem; as different fleet segments and gears have different impacts on the marine environment, different fuel requirements, deliver different qualities of fish and so result in different social outcomes. OCEAN2012 recommends that for each fishery, rather than for each Member State as at present, reduction targets based on both quantitative and qualitative aspects are established, independent of national interest, and delivered via relevant instruments and competencies with legally-binding and time-bound limits to balance fleet power with available resources per area, achieving a sustainable fishing fleet as quickly as possible. Fleet power per fishery must also be regularly re-estimated to bring it in line where necessary with the most recent stock assessments.

- Make access to fisheries resources conditional on environmental and social criteria (rewarding responsible fishing with priority access): The current quota allocation regime (known as "relative stability") has delivered a legacy of overfishing. Access to fishing resources under the new CFP should be based on environmental and social criteria, favouring less destructive fishing gear and practices, compliance with the law, low fuel consumption, greater employment, good working conditions and high quality products. The criteria would create positive competition between fishers, with those who fish in the most environmentally and socially sustainable way permitted to fish the most. In the longer term, such an approach would transform EU fisheries. Decisions on the allocation of access to fisheries could be significantly decentralised, made on an ecosystem/ regional/ local basis depending on the fishery and fish stocks. Operators of local fishing communities in a given area that fulfil the access criteria should have primary access. Fishing interests from outside the area, fulfilling the criteria, would be eligible to apply for access.

- Ensure that public funds are only used in a way that serves the public good and alleviates social impacts in the transition to sustainable fisheries: Repeated attempts to reform the EU's fisheries subsidies system have failed to overturn the status quo – essentially too many, or too powerful, boats chasing too few fish.

The new CFP must bring a fundamental shift in funding priorities to reflect the fact that public money should be used to protect a public asset – EU fish stocks. Subsidies and other financial instruments awarded in a discretionary manner by Member States should facilitate the transition towards environmentally and socially sustainable fisheries. They should support the elimination of fishing capacity that does not comply with the above criteria and is in excess of the amount allowed. There should be no financial assistance for programmes that maintain or increase capacity.

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