

**Workshop “The future of European Environmental Policy :  
what role for the Resource Efficiency Roadmap and what role  
for the Environment Action Programme ?”**

*Session 3 “ How can the future EAP help to implement European  
environmental policy?”*

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# **Bruxelles Environnement and the BE Presidency « Towards a genuine 7th Environment Action Programme »**

- 10 November 2009: hearing organised by the EESC and the Brussels-Capital Region on the role of voluntary and economic instruments in relation to the EAP
- 16 April 2010: seminar organised by the CoR on the role of local and regional authorities in future EU environmental policy (+ Outlook Opinion requested by the ES Presidency)
- 20 May 2010: workshop with the ES Presidency on “Better Instruments for EU Environmental Policy”
- 1 October 2010: EEB annual conference dedicated to the theme of the 7th EAP

**25-26 November 2010: Be Presidency conference “Europe Environment Policy, what’s next? Towards a 7th EAP”**

**20.12.2010: Council Conclusions on Improving Environmental Policy Instruments**

***[www.eapdebate.org](http://www.eapdebate.org)***

**BRUXELLES ENVIRONNEMENT**  
IBEE - INSTITUT BRUXELLOIS POUR LA GESTION DE L'ENVIRONNEMENT



**LEEFMILIEU BRUSSEL**  
BIM - BRUSSELS INSTITUUT VOOR MILIEUBEHEER

European Commission - Press release 31.08.2011

*“Final assessment of the 6th Environment Action Programme shows progress in environment policy – but with shortfalls in implementation”*

Communication on the Final Assessment of the 6th Community Environment Action Programme COM(2011)531

*“ ... Against this background, the Commission will consider how a new environment action programme could best provide added value in the rapidly evolving context for environment policy.*

**=> What RISKS and what OPPORTUNITIES as regards implementation ?**



# RISK 1: « WE HAVE TO FOCUS ON IMPLEMENTING EXISTING LEGISLATION BEFORE ADOPTING NEW LEGISLATION »

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- Less environmental protection (new issues not regulated at EU level)
- More distortion of competition (diverging national policies)
- Less possibility to introduce new policy instruments at EU level (for instance economic instruments)



## RISK 2: « WE NEED MORE FLEXIBILITY IN IMPLEMENTATION »

=>

- More and more “framework prescriptions” (with delayed legal effect)
- “May” instead of “Must/shall” (legal uncertainty)
- Conditional prescriptions (BAT, BATNEC, LCT, ... with no legal sanctions)



## RISK 3: « IMPLEMENTATION = ENFORCEMENT »

Implementation =

- Formulation
- Transposition
- Implementation modalities
- Control / enforcement
- Sanctioning of infringements
- Evaluation and Revision of rules



# OPPORTUNITY : BETTER INSTRUMENTS FOR ENVIRONMENTAL POLICY

=> The 7<sup>th</sup> EAP 's added value on :

-The formulation of EU environmental legislation - Cf. IMPEL/EPA

“Better Regulation checklist:

- Legislative policy and choice of legislative instrument
- Suitability for transposition and implementation
- Quality of legislation
- Practicability of compliance by the regulated target group
- Enforceability of legislation

-The impact assessments

- More formalization of consultation process
- More independency in impact assessments
- Less accent on economic considerations and cost-benefits analysis

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# OPPORTUNITY : BETTER INSTRUMENTS FOR ENVIRONMENTAL POLICY

=> The 7<sup>th</sup> EAP 's added value on :

-The role of market based instruments

-International environmental inspections

- More common minimum inspection requirements
- More international exchange of expertise
- More coordinated international control
- More supranational final intervention



# OPPORTUNITY : INVOLVE ALL STAKEHOLDERS

=> The 7<sup>th</sup> EAP 's added value on :

- The role of local and regional authorities
- The role of stakeholders (esp. NGOs)
- The role of CoR and EESC
- The role of the EEA



# CONCLUSION

To ensure better implementation of EU environment legislation and policy, a 7<sup>th</sup> EAP should admit a true debate on governance and instruments for environmental policy ... a transparent involvement of all stakeholders in all stages of the decision making process will help in delivering true implementation.

