

Towards a genuine 7th Community Environment Action Programme (EAP)

*Workshop, hosted by the Spanish Ministry for the Environment, in collaboration with Bruxelles Environnement, Madrid, 20.05.2010*

**“Better instruments for European Environmental Policy”**

The workshop was opened by Maj-Britt Larka Abellán, subdirector of the Spanish Ministry for the Environment, and Carlos Martínez Orgado, Director of Instituto para la Sostenibilidad de los Recursos. Both stressed the link between the debate on future EU environmental policy orientations and the instruments for environmental policy.

As the implementation of the 6th EAP is strongly influenced by the « Better Regulation » process, the general evolution of this process was discussed in the **first session, part 1**:

Mrs Barbara Dewulf, Bruxelles Environnement, used the example of the waste sector to show that “Better Regulation” is possible by means of :

- Better legislation (codified, complete, efficient, more stringently harmonized, ...legislation)
- Better use of instruments (esp. economic instruments)
- Better organization of stakeholders consultations
- More independent impact assessments.

Mr Álvaro Frutos, President of Carta Mediterránea, explained that the importance is not mainly *how* you regulate but *what* is regulated. Better Regulation should change societies demands and the way we consume.

Mr John Seager, representing the Environmental agency chiefs' network , criticized the practicability and enforceability of the existing EU regulatory cycle and pleaded for a strategy for environmental regulation based on environmental outcomes and not purely on reducing administrative burdens. The main challenges and priorities for future European environment strategy are:

- integration of environment in other policies
- finding the adequate tools to come to a low carbon and resource efficient future
- smart and coherent regulation
- valuing ecosystem services
- evidence-based policy
- engaging people / civil society.

In **part 2 of session 1**, the organisation of stakeholders participation in the formulation of EU environmental policy was discussed.

Mrs Doreen Fedrigo from EEB formulated several arguments showing that, in the actual context, there is definitely still a need for a 7<sup>th</sup> EAP as a practical (short and medium) policy tool, as a political (co-decision) tool and as a way to implement EU2020. In relation with “Better Instruments”, she pleaded for more transparency and NGO implication, more coherence between mechanisms (legislation, fiscal policy and mechanisms) and better implementation and enforcement.

Mrs Elisabeth Nilsson, Chair of the Environment Working Group of Business Europe, supported the fact that Better Regulation and competitiveness are linked. In that respect, she explained the viewpoint of industry regarding the Better Regulation process:

- impact assessments are crucial to assess the costs linked with environmental legislation. Amendments done EP and Council should also be subject to impact assessments.
- Better Regulation should ensure to avoid double legislation.
- Better Regulation should encourage more transparency: minimum standards for stakeholders consultations are necessary. Comitology, which has become an important stage in decision making processes, is perceived by industry as lacking transparency.
- Fiscal instruments can gain support of industry, but only if they apply to all companies (also importing from outside EU)

Mrs Elisa Barahona Nieto, representing Eurocities, explained what Better Regulation for cities implies:

- More transparency and early consultation in formulation of environmental policy
- Integration of the policy sectors linked to environment (mobility, energy, cohesion policy,...)
- Right understanding and implementation of EU environmental policy
- Flexibility in the use of policy instruments (legislation, voluntary or soft measures)
- Simplification of EU laws (codification process, clear guidance and direction,...)

**Session 2** covered the discussion on Better Evaluation and Better Implementation of EU environmental policy.

Mrs. Véronique Verbeke from Bruxelles Environnement presented the existing tools for evaluating the state of the environment and the implementation of policies (indicators, impact assessments, life cycle assessments, environmental accounts, ...) and raised 3 ideas for improvement:

- the need to work on the ideas developed in the Communication "beyond GDP"
- the need for rationalization and refinement of existing indicators
- the need to improve impact assessments, for instance by setting up an independent panel of experts. There could be a role for the EEA in this area.

Also convinced of the fact that GDP is an extremely weak and inappropriate indicator, Mr. Sebastian Godino from WWF pleaded for the ecological footprint as powerful symbolic indicator. Of course, the ecological footprint also has its shortcomings (does not measure biodiversity, does not integrate water, nor air pollution or radio active waste, ...) but still, it is a useful indicator at the highest – political - level (heads of state) for the shift paradigm and should therefore be included in the EU2020 strategy.

Mr. Tony Zamparuti presented the study Milieu Ltd conducted last year for DG Environment, together with AmbienDura and FFact on the feasibility of the establishment of a Waste Implementation Agency. Taking into account the areas in which such an agency should act (training, enforcement, support and guidance on legislation and other tasks like data gathering), the study revealed that most of the tasks should be done by a EU Agency. The results of the study will now be discussed in comitology.

Mrs. Montserrat Fernandez from the Spanish Ministry for the Environment presented existing networks in Spain, like the network on air quality surveillance or the State network on environmental inspections, to highlight the importance of networking as regards good implementation of EU environmental policy.

## CONCLUSIONS

1. The following actions should be developed at EU level in order to improve instruments for EU environmental policy:
  - As regards **Better Regulation**:
    - Regulation should focus on how to *change* the market to a sustainable consumption, low carbon, eco efficient market and not on how to *save* the market
    - Regulation should avoid *soft law making* because it is confusing and not fostering harmonization
  - As regards **Better Evaluation**:
    - The ecological footprint indicator could be used as a political indicator in order to counterbalance GDP
    - More independency in impact assessment should be searched. Thus could include a privileged role for the EEA in providing the environmental data or in establishing the scenarios to be assessed.
  - As regards **Better Implementation**:
    - The problem should be tackled from 2 different angles; capacity building versus infringements
  - As regards **Better Stakeholders Participation and Networking**:
    - Stakeholders should be more implicated in comitology and impact assessment processes.

- In order to amplify the relation between networks active in the field of the environment and the European Commission, a biannual Forum could be organised, in order to jointly discuss the upcoming EU environmental agenda as well as to provide a forum to discuss issues related to the implementation of EU environmental policy with the EU institutions.
2. Taking into account the fact the challenges the world is still facing in the field of environment, the multi-annual concept of an Environmental Action Programme is still needed. That is why a **7EAP** is still needed. But the starting point is different; the 6EAP was developed when there was a lack of targets at EU level and when there was a need for a basis for thematic strategies. For the 7EAP the starting point should be the need for a debate on **Better Instruments**.