

EU Institutions and Policies Regarding Environment

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Work Plan

- Introduction
- Historical Roots
- The EAPs
- EU institutions and Agencies for Environment
- EU Decision-Making Process

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Introduction



EU environmental policy is significantly intertwined with other international and national environmental policies. It addresses issues such as acid rain, the thinning of the ozone layer, air quality, noise pollution, waste and water pollution, and sustainable energy.

Its history began in 1972: the years between 1957 and 1972 have been characterized as the “dark ages” since the period lacked anything that could be considered an environmental policy.

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Historical Roots: Paris Summit (October 1972)

A declaration on environmental and consumer policy was adopted at this summit which requested the European Commission to draw up an action programme for environmental protection.



European
Treaties

Environmental
Action
Programmes

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The European Single Act, 1987

- 1st explicit environmental legal base
- Establishes key principles:
 - preventive;
 - damage rectified at source;
 - polluter pays;
 - policy integration.
- Member states allowed to take stronger measures provided compatible with Treaty.

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Environment in EU Treaties

Year signed	Year in force	Treaty	Changes affecting environmental policy
1957	1958	Rome	- No mention of environment.
1986	1987	Single European Act	- Environmental Title added. - Article on Integration added. - Qualified Majority Voting (QMV) for the internal market.
1992	1993	Maastricht	- 'Sustainable growth respecting the Environment' becomes one of the tasks of the Community (Article 2). - Environment Title strengthened to include mention of 'precautionary principle'. - Integration Article (Article 130) was reinforced. The number of policy areas where the Council could adopt environmental legislation using QMV was extended. - Co-decision strengthened the role of the European Parliament in developing environment policy.
1997	1999	Amsterdam	- Article 2 strengthened so that 'Sustainable development of economic activities' made an explicit objective of the EU. - Integration Article gives more prominence (Article 6). - Co-decision became the normal process for agreeing environment policy.
2001	2003	Nice	- QMV changed to establish a double majority of Member States and votes cast.
2007	2009	Lisbon	- Environment Title (174-176 of the TEC) substantially unchanged but numbering changed (now Articles 191-193 of TFEU). - Integration Article now Article 11. - Article 2 strengthened so that the EU 'shall work for the sustainable development of Europe' and the 'sustainable development of the Earth' (now Article 3 of the TEU).

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The Environmental Action Programme (EAP)

On the basis of European Council commitments in 1972 to establish a Community environmental policy, the first EAP was decided upon in November 1973:

«The protection of the environment belongs to the essential tasks of the Community».

Now we are in 7th EAP.

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Why the EAP?

- The concern that diverse environmental standards could result in trade barriers and competitive distortions in the Common Market.
- The increasing international politicisation of environmental problems and the growing realisation from the beginning of the 1970s that environmental pollution did not stop at national borders, but had to be addressed by cross-border measures.

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The EAP: Objectives

Among the most important objectives were:

- the prevention, reduction and containment of environmental damage;
- the conservation of an ecological equilibrium;
- the rational use of natural resources.

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The 2nd EAP

The 2nd EAP (1977-1981) was essentially a follow up to the first in terms of approach and objective, with simply a greater range of problems to be dealt with. Nature Protection received special attention.

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Towards the Internal Market 1982-1987

- The Third EAP (1982-1986) and partially the Fourth (1987-1992) reflect a considerable change in policy approach, being much more closely related to the completion of the Internal Market than their predecessors.
- The practice of environmental policies during the Eighties was particularly concerned with clean-air policies, and noise and risk management for industrial sites. This policy change came about partially as a result of strong German pressure.

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Towards Environmental Policy Integration 1987-1992

The Fourth EAP marks a further change in the approach to environmental policy. The shortcomings of the earlier approaches (i.e. quality policy, emissions orientation) were recognised. An approach which relied entirely on environmental quality objectives was recognised as shifting problems to other media or other regions (the case of long range transboundary pollution).

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The Fourth EAP

A number of external factors contributed to the further advancement and elaboration of the new policy approach. Among the most important were:

- the emergence of new global threats;
- respective preparations for the UNCED conference in 1992;
- the wider support for economic instruments;
- a new wave of environmentalism in Europe.

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The Fifth EAP (1992-1999)

Among the most interesting and innovative elements:

- the principal aim of sustainable development (Brundtland Report);
- reference to the sectoral approach;
- the emphasis on new instruments;
- the new consensus-oriented approach taking into account the crucial role of non-governmental protagonists and local/regional authorities;
- the setting of medium and long-term objectives for the reduction of some pollutants, and proposed instruments to achieve these objectives.

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Roll Back, 1992-1995

Unfortunately this bold initiative from the Commission did not find sufficient support amongst Member States, which concentrated mainly on the competitiveness of industries and the decentralisation of environmental policies. This new agenda partly contradicted the ambitious ideas of the 5th EAP.

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Reasons of the Roll-back

- The Commission was overly optimistic on the willingness of Member States to follow “paradigmatic change”.
- The pending economic crisis and difficulties in ratifying the Maastricht Treaty contributed to a more cautious attitude from the Commission as regards the promotion of innovative and far-reaching new proposals.
- Due to reunification the preference structure completely changed in one of the potential leaders of EU environmental policies – Germany.

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1997-2003: Wave of Environmental Regulation

The revival of environmental legislation in the late 1990s was impressive. An unprecedented regulatory boom on many technical but also some very political issues started in 1996. This included:

- new complex and holistic framework legislation, such as the Ambient Air Quality Directive (96/62), the Water Framework Directive (2000/60) or the IPPC-Directive (1996/61), the reform of European Chemicals Policies;
- new target oriented legislation, setting maximum national emission ceilings for key pollutants, but leaving member states the freedom to choose how to achieve necessary reductions: the NEC-Directive (2001/81) is the most sophisticated example of this approach;
- the Completion, revision or modernisation of existing legislative programmes;
- the introduction of many new environmental policy instruments - namely End of Life Vehicles (2000/53) and WEEE (2002/96), Strategic Environmental Impact Assessment (2001/42), Environmental Liability (2004), CO₂-Emission Trading (2003/87);
- new procedural legislation or the revision of existing legislation strengthening civil society rights, notably the three Aarhus pillars: freedom of information, participation rights and access to justice (Directives 2003/4, 2003/35 and CEC Directive proposal 2003/624).

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The 6th EAP

The 6th EAP may fall within a secular change in support for ambitious environmental policies. The overall political agenda is driven by the development concerns of new member states, a new wave of deregulation linked with the debate on European Governance and the increasing relevance of economic considerations. All this is also reflected in a change of political majorities in Europe.

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The 6th EAP: Priority

The 6th EAP identifies four priority areas:

- climate change;
- nature and biodiversity;
- environment and health;
- natural resources and wastes.

The 6th EAP promotes full integration of environmental protection requirements into all Community policies and actions and provides the environmental component of the Community's strategy for sustainable development. The link is made between environment and European objectives for growth, competitiveness and employment.

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The 6th EAP and the Thematic Strategies

The 6th EAP calls for the development of 7 Thematic Strategies in the field of soil and the marine environment (in the priority area of biodiversity), air, pesticides and urban environment (in the priority area of environment, health and quality of life) and natural resources and waste recycling (in the priority area of natural resources and waste). The Thematic Strategies constitute the framework for action at EU level in each of the concerned priorities.

Furthermore, the 6th EAP establishes strategic approaches to meet the environmental goals and sets objectives and priority actions on international issues. The strategic approaches include among others: the development of Community legislation and its effective implementation and enforcement, the integration of environment protection requirements in other Community policies and the promotion of sustainable production and consumption patterns, improving collaboration with enterprises and informing individual consumers, enterprises and public purchasers about the environmental impact of processes and products.

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The 7th EAP

- 2020 timeframe, 2050 vision
- Emerging **themes**:
 - Enhancing our ecological and climate resilience
 - Green & competitive growth – low-carbon, resource-efficient economy
 - Health & environment, human well being
- Supporting **instruments**:
 - Implementation
 - Integration, coherence
 - Knowledge base
 - Financing
- **Cross-cutting** issues:
 - International
 - Urban environment

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EU Environmental Principles

- The subsidiarity principle.
- The precautionary principle.
- The “polluter pays” principle.
- The “preventing pollution at source” principle.
- The “sustainable development” principle.
- Environmental liability.
- Integrated product policy (IPP).

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EU Funding Programmes

- LIFE, the Financial Instrument for the Environment, 1992;
- ALTENER, focusing exclusively on the promotion of renewable energy sources;
- SAVE, aiming at encouraging efficient energy use in the public and private sector, both industry and home;
- ISPA gives financial assistance to large scale projects undertaken in the applicant countries and designed to help meet current EU environmental standards;
- SAPARD provides assistance in the areas of sustainable agriculture and rural development;
- Community Activities in Favour of Consumers (health and food safety, monitoring green claim son labels, environmentally friendly consumption models);
- LEADER+ concerns the sustainable development of rural communities.

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The EU Institutions for Environmental Policy

There are several EU bodies which in practice contribute to the development and implementation of environmental legislation, but only seven are formally designated by the Treaty of Lisbon as “Community institutions”. These are:

- the Commission;
- the European Parliament;
- the European Council;
- the Council (often referred to as “Council of Ministers”);
- the European Central Bank;
- the Court of Auditors;
- the Court of Justice of the European Union.

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Other Relevant Bodies

Other relevant bodies, not explicitly required by the Treaty, have been established specifically to contribute to the development of the Community's environmental policy:

- the European Environment Agency (EEA),
- the European Chemicals Agency (ECHA).

Other bodies are:

- Community Fisheries Control Agency (CFCA),
- The Statistical Office of the European Communities (Eurostat),
- Joint Research Centre (JRC).

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The European Environment Agency (EEA) www.eea.europa.eu

The EEA was established in 1990 (but its work began in 1994) with the task of providing the EU and the Member States with independent information at a European level as a basis for environmental protection measures. In addition, it is tasked with assessing the results of such measures and ensuring that the public is properly informed about the state of the environment. This information takes the form of European, pan-European and regional integrated environmental data and indicator sets, assessments and thematic analyses.

The EEA is overseen by a management board, an Executive Director and a scientific committee and has its headquarters in Copenhagen, Denmark.

European Environment Agency



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The European Chemicals Agency (ECHA)

The ECHA was established by Regulation (EC) No 1907/2006. It carries out or coordinates the registration, evaluation, authorization and restriction processes for chemical substances known as REACH. It aims to ensure consistency of implementation of REACH at Community level, and to provide Member States and the European institutions with scientific advice on questions related to the safety and the socio-economic aspects of the use of chemicals. The Agency started work in June 2007 and has its headquarters in Helsinki, Finland. The Agency is made up of three committees: a Member State Committee, a Risk Assessment Committee and a Committee for Socio-Economic Analysis, one forum: the Forum for Exchange of Information on Enforcement, a board of management and administrative divisions.

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Community Fisheries Control Agency (CFCA)

The CFCA was established in 2005 by Regulation (EC) No 768/2005 and has the task of coordinating fisheries control and inspection activities by the Member States and to assist them in complying with the EU Common Fisheries Policy. It aims to make enforcement both more effective and more uniform by pooling EU and national means of fisheries control and monitoring resources, and coordinating enforcement activities. This is to tackle the shortcomings in enforcement resulting from the disparities in means and priorities of the Member States. The Agency has horizontal responsibilities in the area of training of inspectors and development of inspection techniques and methodologies.

Its headquarters are in Vigo, Spain.

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The Statistical Office of the European Communities (Eurostat)

Eurostat is a Directorate General of the European Commission, but has been included here as it provides horizontal support across the Commission in a similar way to other agencies. Its main responsibilities are to provide the EU with European level statistical information and to promote the harmonization of statistical methods across Member States, EFTA countries and Candidate Countries.

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Joint Research Centre (JRC) (1)

The JRC is a Directorate General of the European Commission, but has been included here as it provides horizontal support across the Commission in a similar way to other agencies. It provides independent scientific and technical advice to the European Commission and Member States in support of EU policies. It was originally established under the EURATOM Treaty of 1957 as a research organization focusing on nuclear energy. Since then it has moved towards being more of a research-based policy support organization, also dealing with other fields important to policy making such as life sciences, energy, security and consumer protection. It is highly integrated with the European Research Area and the EU legislative process.

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Joint Research Centre (JRC) (2)

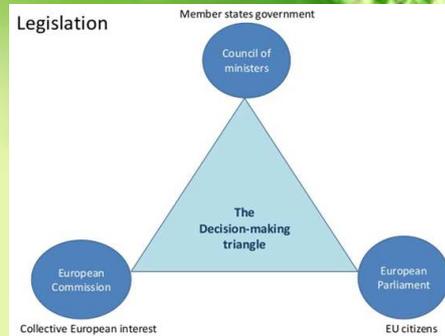
The JRC Directorate General is based in Brussels, and oversees seven institutes:

- the Institute for Reference Materials and Measurements, in Geel, Belgium;
- the Institute for Transuranium Elements, in Karlsruhe, Germany;
- the Institute for Energy, in Petten, the Netherlands and Ispra, Italy;
- the Institute for the Protection and Security of the Citizen, in Ispra, Italy;
- the Institute for Environment and Sustainability, in Ispra, Italy;
- the Institute for Health and Consumer Protection, in Ispra, Italy;
- the Institute for Prospective Technological Studies, in Seville, Spain.

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EU Decision-Making Processes: Who



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The European Parliament, 2014-2019

Commission Majority (472)

- EPP (214)
- S&D (189)
- ALDE (69)

Opposition and Non-Aligned (276)

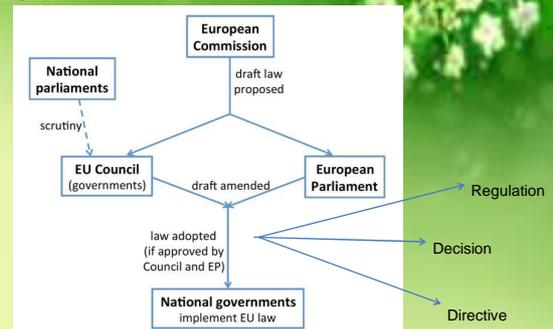
- ECR (73)
- GUE-NGL (52)
- Greens-EFA (50)
- EFDD (45)
- ENF (39)
- Non-Inscrits (17)

Vacant (3)

751

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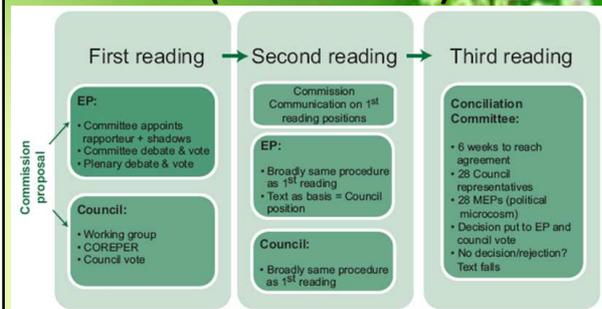
EU Decision-Making Processes: How



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The Ordinary Legislative Procedure (ex co-decision)



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The Special Legislative Procedures

Special legislative procedures apply to specific acts of the Council and the Parliament and certain *ad hoc* procedures:

- consultation procedure;
- consent procedure;
- budgetary procedure.

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Comitology

After the formal adoption of an item of environmental legislation, there often remain several practical issues that need to be decided, such as measurement methods, reporting requirements, technical specifications etc. The Commission can sometimes decide these issues (in the form of a Commission Decision) with the help of committees chaired by the Commission and composed of Member State experts. This type of Decision making whereby committees “assist” the Commission in the exercise of its implementation powers as delegated by the EU legislator (Council and Parliament) is referred to as “comitology”.

The Lisbon Treaty has split comitology into two types of delegation of power to the Commission, each having its own legal base in the Treaty on the Functioning of the European Union (TFEU): “delegated” acts and “implementing” acts.

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**Thank you
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