

Brussels, 24 May 2000

**OPINION**

of the

Economic and Social Committee

on the

**Communication from the Commission - Europe's Environment: What directions for the future?**

**The Global Assessment of the European Community Programme of Policy and Action  
in relation to the environment and sustainable development, "Towards Sustainability"**

COM(1999) 543 final

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On 7 December 1999 the Commission of the European Communities decided to consult the Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

*Communication from the Commission - Europe's Environment: What directions for the future? The Global Assessment of the European Community Programme of Policy and Action in relation to the environment and sustainable development, "Towards Sustainability"*  
(COM(1999) 543 final).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 10 May 2000. The rapporteur was **Mr Ribbe**.

At its 373rd plenary session, held on 24 and 25 May 2000 (meeting of 24 May) the Economic and Social Committee adopted the following opinion by 70 votes to two, with five abstentions.

## 0. Summary of the recommendations

0.1 Whilst sharing the widely held opinion that the **5<sup>th</sup> EAP**'s basic approaches were the right ones and acknowledging that the programme has produced a number of positive results, the ESC is very much worried about the continuing deterioration of the quality of Europe's environment, which it considers the single most important criterion for assessing the effectiveness of the successive European Environmental Action Programmes and European environmental policy at large.

0.2 The ESC deplors that the Global Assessment, despite containing a rough list of problems experienced in implementing the **5<sup>th</sup> EAP**, can in no way be considered as a systematic detailed analysis of the Programme's scant achievements. It regards this as the document's fundamental weakness. In-depth analysis is vital, not only to prepare and implement the **6<sup>th</sup> EAP** itself, but also for the future of environmental policy in an enlarged Union. The Committee therefore calls on the Commission to start work on this and to present the results in a Communication.

0.3 This Communication should address, among other things, current shortcomings in integration strategies including the inconsistency and incoherence of EU policies, the effectiveness of environmental policy instruments, the massive gaps in implementation and enforcement of environmental legislation by Member States, the positive and negative impact of globalisation, the role of SMEs, the link between economic growth and environmental protection, as well as the general population's attitude towards the structural changes in our societies required to achieve genuine sustainable development world-wide.

0.4 The **6<sup>th</sup> EAP** and the Action Programmes envisaged by the Commission and expressly called for by the Committee should, in the Committee's view contain:

- detailed indications on how the problems experienced in implementing the 5<sup>th</sup> EAP will be addressed;
- a reflection on the division of labour between different administrative levels and on the need for national (and regional) strategic and sectoral environmental plans and their coordination with future EAPs;
- specific strategies to further the consequent and full application of the fundamental principles of environmental policy enshrined in the Treaty;
- a broad definition of sustainable development implying that the 6<sup>th</sup> EAP, besides addressing the quality of the living environment within the EU, should also pay attention to the impact of the EU's development model on environmental quality in third countries, on European and global resource use as well as on human health and the quality of life;
- long-term qualitative *and* quantitative objectives at Community level for selected environmental themes, which are established with the integrated participation of relevant players and different groupings of the Council, as well as timetables for their attainment both in the long and medium term;
- a translation of quantitative objectives into objectives for individual Member States where feasible;
- national and Community-wide sector targets;
- clear and detailed guidelines for future work on sectoral integration at EU and national level;
- an explicit reference to the need to link up future monitoring/reporting systems with the 6<sup>th</sup> EAP.

## 1. Introduction

1.1 The Communication on the "Global Assessment" (GA) - which was submitted to the December 1999 European Council in Helsinki - contains an evaluation of the overall results of the EU's 5<sup>th</sup> Environmental Action Programme (5<sup>th</sup> EAP) adopted in 1992 and reviewed in 1998. At the same time, it seeks to launch a debate with the EU institutions and other stakeholders on the future of EU environmental policy, particularly with a view to preparing a 6<sup>th</sup> EAP. In accordance with the Helsinki European Council conclusions, a proposal for a 6<sup>th</sup> EAP will have to be presented by the Commission by the end of 2000.

1.2 Parallel to the GA the Commission has submitted two working papers: one on the integration of environmental concerns into Community policies and the other on environmental and integration indicators<sup>1</sup>. The first paper assesses the integration strategies prepared by the different Council formations (Energy, Transport, Agriculture, Industry etc.) since the June 1998 European Council in Cardiff. The preparation of these sectoral strategies should be concluded by June 2001 and be followed by their immediate implementation. The second document describes the planned EU indicator system (consisting of environmental, integration and sustainability indicators) and provides information on current and future activities in this area (EEA, OECD, Eurostat etc.). Both aspects - "integration" and "indicators" - play an essential role in the discussion of the 6<sup>th</sup> EAP.

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<sup>1</sup> SEC(1999) 1941 and SEC(1999) 1942 of 24 November 1999.

1.3 Helsinki European Council also invited the Commission to present a long term "sustainability" strategy, dovetailing the economic, social and ecological dimensions of sustainable development. This strategy - to be prepared by a working group chaired by **Romano Prodi** and to be submitted to the Gothenburg European Council in June 2001 - will also serve as the Community's input for the ten-year review of the Rio process (Rio+10) scheduled for 2002.

1.4 In this opinion the Committee will comment on the implementation of the 5<sup>th</sup> EAP (section 3) and, partly against the background of these comments, present a number of suggestions for the preparation of the 6<sup>th</sup> EAP (section 4). **As the 6<sup>th</sup> EAP - unlike its predecessor - will take the form of a rather short, strategic document, possibly to be followed later by separate, more specific Action Plans, this fourth part of the opinion will focus on some essential questions and principles. More detailed comments will be made when the ESC is consulted on the 6<sup>th</sup> EAP itself as well as on the separate Action Plans.**

## 2. General introductory remarks

2.1 To begin with, the ESC would like to point out that it has repeatedly emphasised the fundamental importance of high environmental standards in Europe. A high level of environmental protection is necessary not only for the preservation of living standards; it has also often been proved that high environmental standards give business a competitive edge. However, it is also clear that Europe may be penalised in the fight for global markets by its relatively high environmental standards. Or in other words: environmental efforts in Europe are being increasingly jeopardised by other countries' failure to protect the environment.

2.2 Despite the fact that environmental protection in Europe still has serious shortcomings, the Committee notes that, unlike other globally significant economic regions, the EU gives a prominent place to the environmental debate. Politicians, businessmen and civil society organisations are aware of the significance of protecting nature and the environment. The ESC regards this as a major societal and cultural success story of the last few decades. It is clear to all Europeans that comprehensive action to protect nature and the environment is part of European culture. Calling on interested parties to take part in the GA and the preparation of the 6<sup>th</sup> EAP is therefore a particularly positive step. The Committee calls on the different Council formations to examine ways and means to follow this approach, in particular with respect to their work on sectoral integration strategies.

## 3. The results of the 5<sup>th</sup> EAP

3.1 The GA concludes that "the Community has made progress in developing its environmental policy and that this is starting to lead to improvements in the environment in certain areas." However, it also notes that "progress towards sustainability has been clearly limited and that the 5<sup>th</sup> EAP has not achieved its objectives." On the basis of the June 1999 state-of-the-environment

report by the European Environment Agency (EEA)<sup>2</sup>, the Commission points out that the quality of Europe's environment - which the Committee considers the single most important (albeit not necessarily the sole) criterion for assessing the success of the programme - has decreased in many ways and that without further action it will continue to do so in the future. Fortunately, the GA also highlights a number of positive results: besides relative successes in areas like acidification, ozone depletion or water quality, these relate to more policy-related aspects such as the improved technical quality of legislation and the planned use of a broader range of instruments. The Committee welcomes the fact that a large number of environmental regulations and directives have been adopted in recent years. In some cases their impact on the environment will not be felt until a future date. However, it must also be borne in mind that in its future outlook the European Environment Agency makes it clear that the requisite environmental objectives will not be achieved with this legislation alone.

3.2 The continuing deterioration of Europe's environment does not imply that the 5<sup>th</sup> EAP itself was a "bad" programme. On the contrary, the ESC shares the widely held opinion that it was ambitious and far-reaching for its time, that the selected environmental themes and target sectors were the right ones, and that the basic approaches (integration, shared responsibility, a broader mix of instruments) are still valid today<sup>3</sup>.

3.3 The GA and some of the related documents prepared by the Commission<sup>4</sup> briefly indicate a number of reasons for the relative failure of the 5<sup>th</sup> EAP to set the EU and the Member States on a more sustainable development path. These include: economic and societal trends including increased demand for environmentally damaging products and services, insufficient commitment from the Member States, poorly developed integration strategies and a lack of involvement of the different economic sectors (the "ownership" problem), the failure to apply the shared responsibility concept partly due to insufficient clarity about to whom planned action was actually addressed, a lack of quantified targets and an inconsistent approach to target setting, the programme's non-binding character, considerable problems regarding the implementation and enforcement of EU environmental legislation, a lack of political coordination between the EU Institutions and Member States, and the poor visibility of the programme both among the general public and within Commission DGs and national ministries.

3.4 Whilst identifying these shortcomings is useful - and all of them without exception must be explicitly addressed in 6<sup>th</sup> EAP - the above roughlist cannot, hide the fact that **there has been no systematic detailed analysis of the 5<sup>th</sup> EAP's scant achievements.** Such an analysis is vital, not

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2 Under the heading "Some progress, but a poor picture overall", the summary table contained in point 1.2 of the report shows an "unfavourable development" for eight of the 15 environmental issues reviewed (climate change, ozone depletion, soil degradation, waste, human health, coastal and marine areas, rural areas and mountain areas), while in six cases (hazardous substances, transboundary air pollution, water stress, natural and technological hazards, biodiversity and urban areas) there has been "some positive but insufficient development". In one case (GMOs) the development is uncertain.

3 See the documents *Conclusions of the Global Assessment Stakeholder Consultation 9-10 February 1999* and *Member States' contributions to the Global Assessment* prepared by DG ENVI.

4 Ibidem

only to properly prepare the 6<sup>th</sup> EAP itself, but also, in a broader sense, for the future of European environmental policy in an enlarged Union. **The ESC regards this failure as a fundamental weakness of the GA.**

3.4.1 Referring to the different "actors" identified in the 5<sup>th</sup> EAP, the ESC would comment as follows on the reasons which the GA lists but hardly expands on:

3.4.1.1 The 5<sup>th</sup> EAP lists the "**public authorities**" as an important actor. Here a distinction must be drawn at least between the EU level and the Member States. At **EU level**, the first point to be made is that, parallel to the integration strategies developed by the specialist Councils, the Commission should have detailed the current shortcomings in integrating environmental concerns in other policymaking areas, including the inconsistencies of EU policy and the lack of coordination within the EU institutions. One of the questions here is whether the wrong stimuli are still being given in many policymaking areas, including the priority areas of the 5<sup>th</sup> EAP. It is therefore important for the integration strategies of the different Council formations to be agreed with the institutions responsible for environmental protection.

3.4.1.2 The Commission should also have highlighted and eliminated the inconsistency and incoherence of its own policy. How often in the past has it not been written and demanded that the volume of traffic must be reduced and that transport, just like energy, must be used sparingly? The call has been made in several documents for traffic to be switched, for example, from road to rail. Far too little has been done thus far, however, and traffic continues to grow steadily, with road traffic increasing disproportionately. This will be the main reason for the probable failure to meet the Kyoto targets. However there is still no sign of any radical changes in the Commission's aid policy in this area (e.g. under the Structural Funds or the Cohesion Fund) and roadbuilding continues to be a priority area for investment. Building more roads often generates more traffic and whoever is responsible for building these roads should not be surprised if environmental objectives are not met.

3.4.1.3 The Commission should also have indicated much more specifically whether the many positive environmental demands and declarations made by the EU have in fact been implemented. If so, it should have showed how this has been done; and if not, what the constraints have been. Declarations alone do not further environmental protection. The EU has, for example, issued excellent communiqués about local public transport (cf. citizens' networks) or the promotion of renewable energy sources. But there is nothing to indicate that these communiqués have been put into effect. For example, the new environmental thrust of EU policy is not always clear from the presentation of the budget. While only very scant support is being given to environmentally sound measures which adopt a new approach<sup>5</sup>, vast sums are available for many an environmentally dubious measure. The proper integration of environmental protection into other policymaking areas, as announced by the Commission also requires a massive restructuring or realignment of the budget and,

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<sup>5</sup> For example, only EUR 11 million are available for the ALTENER programme, and the Commission recently proposed in COM(1999) 576 to reduce the support for the (environmentally-compatible) planting of flax and hemp (c.f. the ESC opinion 359/2000 of 29 March 2000).

in particular, the promotion of bottom-up projects in order to win over businesses and public opinion for policy and technological innovations (in the field of the environment).

3.4.1.4 Also, the effectiveness of the environmental policy instruments in place should have been verified. In the meantime enough experience should have been gathered in the Member States, too, to ascertain where the strengths and weaknesses of the various instruments such as framework legislation, market-oriented instruments and voluntary agreements lie and what a sensible instrument mix might comprise<sup>6</sup>. Such an assessment should also include a factual description of the obstacles which have arisen so far when applying the individual instruments. The reasons why so little progress has been made to date with the long called-for internalisation of external costs - and, thus, with the consequent application of the polluter pays principle within the EU - ought, for example, to be listed. The ESC stresses that good information on policy effectiveness is essential for many reasons including the fact that without such information it is hard to make accurate predictions about the impacts of agreed policy measures ("future scenarios") and to give guidance to accession countries on how to adopt the *acquis* with least cost and most benefit.

3.4.1.5 Much attention should also have been paid to the argument concerning a (partial) lack of quantified targets. There is no mistaking that this is one of the weaknesses of the 5<sup>th</sup> EAP. However, the discussion about climate policy makes it clear that even the existence of clearly worded targets does not guarantee an effective policy. In Kyoto the EU committed itself to reducing its greenhouse gas emissions by 2008/2012 by 8%, taking 1990 as the base year. According to the European Environment Agency, this reduction will not be achieved if the present policy continues, and indeed a 6% increase is likely. Nonetheless, the already foreseeable failure to meet a clearly defined and generally accepted environmental target is not having any recognisable political consequences. In other words: the missing of clear targets is not the only reason for the lack of success in the field of environmental protection.

3.4.1.6 Apart from the aforementioned problems affecting EU departments and policies, there are also massive shortcomings in the **Member States**. The failure of Member States to apply environmental legislation which they have adopted themselves in the Council of Ministers, or their application of it only under pressure (when taken to court by the EU), is damaging to the environment and impossible to explain to the public at large at a time when an attempt is being made - supposedly - to alert the public to environmental issues. The key nature protection directives (the bird protection directive and the flora/fauna/habitat directive), the nitrate directive and the delaying tactics still being employed by some Member States in not banning leaded petrol are typical examples. Here, too, the Committee notes that there has been no systematic assessment of what can be done in future to address this situation better. It is possible to envisage not only stringent restrictions, but also coordinated and coherent aid policies<sup>7</sup>.

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<sup>6</sup> Such an assessment could *inter alia* build on the EEA reports on the effectiveness of box taxes (1996) and voluntary agreements (1997).

<sup>7</sup> For example, agricultural support measures should help to solve, and not to exacerbate, the current conflicts between FFH areas/NATURA 2000 and agriculture.

3.4.1.7 **Public and private enterprise** is listed as the second important actor in the 5<sup>th</sup> EAP. The ESC considers that it would have been rewarding to give greater consideration than hitherto to the special environmental responsibilities of businesses, but also to the limits imposed from outside on these responsibilities. It expressly welcomes the numerous initiatives which many companies have taken in the meantime. The limits to industry's commitment are, however, being set more and more by, inter alia, the global framework in which industry operates. It is neither in the interest of the EU as a centre of economic activity that this commitment ceases to exist, nor can it be in the interest of global environmental protection that industries move away from the EU because of the unduly high standards and set up business in countries with low or no environmental standards. As long as there are no satisfactory worldwide rules (set, for example, by the WTO) with regard to environmental standards, the EU must develop and implement its own strategy for the requisite higher environmental standards so that Europe's businesses and Europe's environment do not suffer. The same applies more or less in the case of farmers and EU agricultural policy. The ESC would refer here, by way of example, to its opinion<sup>8</sup> on consolidating the European agricultural model, in which it is made clear that the "European agricultural model" is not feasible under world market conditions. The GA does not include an assessment of these matters, which also might have referred to globalisation's positive impact on the environment (such as the competitive advantages stemming from process or product innovations driven by environmental policy).

3.4.1.8 The ESC also notices that nothing is said about the situation of SMEs. Many of these enterprises have been unable hitherto to afford environmental experts of their own. SMEs presumably have the greatest problems in adapting. They often lack the requisite information about environmental policy objectives and possible strategies. Considerable allowance ought to be made for this fact when the shortcomings are analysed. The 6<sup>th</sup> EAP ought to indicate how these enterprises in particular can be helped to meet the challenges successfully. This includes involving SMEs closely in the preparation of programmes and actions and finding broad support for the requisite measures.

3.4.1.9 Finally, it should be pointed out that environmental policy cannot be a success unless the **general population's** environmental awareness is sufficiently well-developed and the political steps to be taken are not only accepted but even demanded. Environmental awareness and environmental training are thus key factors in a successful environmental policy. Here, too, the ESC notices that there is no thorough analysis or description of the situation. It is a matter of great concern that environmental protection is referred to much less frequently as an important political task and that public opinion seems to assume that there is an inherent conflict between the economy and the environment. This is an extremely bad position from which to proceed with innovative actions to protect the environment.

3.4.1.10 In the past, environmental training was not given the importance it should have been given at many levels. Innovative environmental training must not only convey knowledge to the public at large but also promote a basic sense of responsibility towards future generations and other living things. And at the same time, despite man's complex relationship with the environment, it must

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<sup>8</sup> CES 953/99, J.O. C 368 of 20.12.1999.

help explain decisions to each individual citizen. Environmental organisations have an important role to play here.

3.4.2 Thus, one problem is that while the Commission may list part of the reasons for the limited success of the 5<sup>th</sup> EAP mentioned above, it does not address them. Another problem is the failure to even raise very basic issues. This concerns in particular the questions of under what conditions **economic growth and environmental protection** are compatible and how the massive use of resources is to be avoided.<sup>9</sup> In other words, the question should have been asked of how environmental damage and natural resource use can be *de-coupled* from economic growth, not only in relative but also in absolute terms, in order to produce "qualitative growth", i.e. growth which does not damage the environment.<sup>10</sup> The Committee doubts whether environmental policy based solely on technological measures (such as desulphurisation of flue gases, the use of catalytic converters in cars etc.<sup>11</sup>) can in all cases reverse the environmental damage caused by ongoing economic growth ("absolute decoupling"). Since the marginal costs of abatement technology increase rapidly once the potential for "easy" measures has been exhausted, there is even a risk that - where a technology-based approach does lead to a relative or absolute de-coupling in the short and medium term - countries will in the longer run witness a process of *re-coupling*, at least for a number of persistent environmental problems such as climate change or waste.<sup>12</sup> This analysis raises the question of whether, besides technological measures, structural changes in our economies are not also required to achieve a radical reduction in absolute resource use underpinned by increased eco-efficiency - the "factor ten" concept<sup>13</sup> - which would also enable a more just distribution of natural resources worldwide as well as a shift from heavily polluting to cleaner production processes)<sup>14</sup>.

3.4.2.1 One important problem, however, is that it is still frequently believed that technical solutions can be found to environmental problems. No broad consensus has been reached throughout society on the fact that our system of production, consumption and service provision and the more specific sectors involved in this system (such as energy, transport and agricultural policy) will have to undergo structural changes, which in many cases will have to be spectacular. At the same time,

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<sup>9</sup> See for more general aspects of this question the 1995 ESC Opinion on economic growth and the environment - C 155 of 21.6.1995.

<sup>10</sup> In its opinion on the EU economy: 1999 review (CES 369/2000) the ESC pointed out once again that the EU must have a medium-term growth objective of at least 3.5% if a satisfactory reduction in unemployment is to be achieved.

<sup>11</sup> The Commission document states that end-of-pipe environmental protection has scored a number of quite remarkable successes. It mentions, for example, that there have already been or are likely to be significant reductions in certain pollutant levels, e.g. emissions of SO<sub>2</sub> or NO<sub>x</sub>, where according to the Commission document a 70-80% reduction is likely by the year 2010 thanks to the replacement of old motor vehicles by new ones equipped with catalytic converters.

<sup>12</sup> In the Netherlands, for instance, data on the relationship between GDP and environmental pressures in the 1985-1997 period show that alongside examples of relative (and sometimes even absolute) decoupling, there have also been cases of recoupling, e.g. for toxic and hazardous substances (see for more details the Dutch 1998 Environmental Index).

<sup>13</sup> In other words, a ten times higher energy and environmental efficiency than is possible with present production methods.

<sup>14</sup> A recent PhD thesis *Economic growth and the environment: an empirical analysis* (S. de Bruyn, Amsterdam, 1999) concludes that in contrast to what is often assumed, the environmental performance of countries with higher economic growth rates is *inferior* to that of countries with lower growth rates. The study argues that this is because the 'environmental productivity' (i.e. the amount of environmental damage necessary to generate a certain amount of income) in the longer run is unable to keep pace with increasing economic growth.

current trends point in a completely different direction. Thus, according to the Commission document, foreseeable world economic trends and the further growth in trade worldwide will result in the even greater exploitation of limited natural resources. Seen in global terms, the adoption of western industrial nations' patterns of behaviour by a large proportion of the world's population, taken in conjunction with the growth in the world population and the rise in per capita GDP, will result in a threefold increase in CO<sub>2</sub> emissions by the year 2050. At the same time, however, estimates show that these need to fall by at least 35% by 2010 if long-term temperature increases are to be limited to 1.5° by 2100. This example clearly shows the magnitude of the required changes. The structural changes which industrial nations undergo will thus have to be far-reaching, as will the new models for (sustainable) economic development in Second, Third and Fourth World countries. Because of its economic significance and its own disproportionately high consumption of resources, but also its responsibilities and innovative potential, the European Union ought to take a lead in these de-coupling processes. However, some of the required changes are so far-reaching that agreement on the matter is still a long way off both in the EU and the international community of nations and within individual nations, i.e. between governments, the two sides of industry and the other representatives of civil society. The reasons for this are numerous and, in part, understandable. Mankind is afraid of major changes or quantum leaps (even when the latter are "only" technological). Therefore, one important task of environmental policy is that it should convince all the aforementioned players (i.e. the public authorities and politicians, public and private enterprise and the public at large) that quantum leaps, such as the factor-10 concept, are not only necessary but also make sense and are positively feasible. The Committee stresses that, in order to be successful, EU environmental policy must as far as possible be based on a consensus between all interested parties on the possibly far-reaching objectives and targets to be met and the timeframe for meeting them.

3.5 Even if the requisite **analysis of the problems** experienced in implementing the 5<sup>th</sup> EAP - and in developing and executing EU environmental policy at large - can no longer be performed in time for preparing the 6<sup>th</sup> EAP, **the ESC thinks** that, particularly with a view to its implementation and the future of EU environmental policy in an enlarged Europe, **it is essential to start work on this and to present the results in a Communication** addressed to the Council, the Parliament and the ESC/COR. This Communication could build on the planned study on the effectiveness of European environmental policy recently commissioned by the EEA.

#### 4. **Towards a 6<sup>th</sup> EAP**

##### 4.1 **Introduction**

4.1.1 Taking into account the planned nature of the 6<sup>th</sup> EAP as a short, strategic document, this third part of the Opinion, rather than looking into specific environmental problems in great detail, will present a number of general suggestions about the structure and main elements of the 6<sup>th</sup> EAP and the thematic Action Programmes envisaged by the Commission and expressly called for by the Committee.

4.1.2 In line with the comments made in section 3 above, the Committee calls on the Commission to set out, in the new programme, how the problems experienced in implementing the 5<sup>th</sup>

EAP - as well as the other factors mentioned - will be addressed. Should this not be done, the Committee fears that the 6<sup>th</sup> EAP, like its predecessor, will only have a limited success.

4.1.3 The Committee has taken note of the Commission's intention to first propose a (legally binding) general framework programme (the actual 6<sup>th</sup> EAP) and then possibly to follow this later with separate, more specific Action Plans. It agrees with this approach on the express condition that these specific Action Plans are actually drawn up and are adopted by co-decision, in exactly the same way as the framework programme itself. Given the reasons for this approach - namely, the Commission's fear that an unduly detailed programme will lead to an interinstitutional stalemate - the ESC would also like to stress that the Commission should not forsake its traditional leading role in the field of environmental policy. Because of its right to initiate legislation it should continue to present progressive proposals. In the further stages of the decision-making process there will still be room to find a compromise between conflicting interests.

4.1.4 The ESC welcomes the **proposed new issues** that the 6<sup>th</sup> EAP will have to address: chemicals, GMOs, soil<sup>15</sup> and resource use. However, the ESC finds it completely incomprehensible for such a complex challenge as the accession of 12 new Member States not to be listed as a new priority concern, but to be simply mentioned almost in passing in the GA as boiling down to nothing more than their adoption of the *acquis*.

4.1.5 The Committee underlines, furthermore, that if only for the sake of consistency, account should be taken of **Decision No. 2179/98/EC of 24 September 1998 on the review of the 5<sup>th</sup> EAP.**<sup>16</sup>

4.1.6 Finally, close attention should be paid to the Community dimension of environmental policy on the one hand and the national, regional and local dimension on the other. EU environmental policy and the 6<sup>th</sup> EAP cannot be expected to address and solve all environmental problems in Europe. Against the background of the Commission's strategic objective of promoting new forms of governance,<sup>17</sup> the 6<sup>th</sup> EAP should recognise - perhaps in a more explicit way than its predecessor - that there is a "**division of roles**" **between different administrative levels**, which is *inter alia* based on their formal powers.<sup>18</sup> This approach would require, among other things, that the 6<sup>th</sup> EAP be complemented by similar *strategic* and binding plans at national (and regional) level (i.e. a National Environmental Action Plan for each Member State). At the present time, such Plans do not exist in all

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15 The Committee considers the following problems to be particularly important: soil erosion, acidification and overfertilisation, and overdevelopment of land.

16 OJ L 275 of 10.10.1998.

17 See the recent Communication from the Commission (COM(2000) 154 final of 9.2.2000) on the strategic objectives for the 2000-2005 period. In this document, promoting new forms of European governance including building new forms of partnership between the different levels of governance in Europe is mentioned as the first of the four strategic objectives to be pursued by the Commission in the five years ahead.

18 The question has been raised for instance of why the 5<sup>th</sup> EAP contained very ambitious objectives in the area of tourism, an area in which the Community has limited competence.

EU countries and where they do exist, they have not been directly brought into line with a European strategy.

## 4.2 Principles of environmental policy

4.2.1 Based on an analysis of their use to date, the 6<sup>th</sup> EAP should spell out how the consequent and full application of the fundamental principles of environmental policy enshrined in Article 174.2 of the Treaty ("precaution", "preventive action", "rectification at source" and "polluter pays") will be furthered. Whereas the 6<sup>th</sup> EAP should be the starting point for paying increased attention to these principles, a more detailed assessment including an overview of required measures could be subject of separate Action Plans. These could draw, among other things, on the model of the recent Communication from the Commission on the precautionary principle.<sup>19</sup>

## 4.3 Objectives and targets

4.3.1 With respect to the **overarching objective** of the 6<sup>th</sup> EAP and one of the Union's principle objectives, it must be welcomed that the GA - in accordance with the Brundtland definition - defines "sustainable development" in a broad sense. In the document it is referred to as development aimed at the welfare of present and future generations both in Europe and world-wide, in terms of economic prosperity, social justice, security, high environmental standards and the sound management of natural resources. For the ESC, this definition implies, among other things, that a future *environmental AP*, besides addressing the quality of the living environment (in terms of clean water, air, soil etc.) within the EU, should also pay attention to the impact of the EU's development model on: i) environmental standards world-wide and ii) European and global resource use. This should be spelt out explicitly in the 6<sup>th</sup> EAP. Taken to its extreme consequence, such an approach would lead to a radical global redistribution of natural resource use on the basis of the available "environmental space" per capita.<sup>20</sup> In addition, for the ESC a broad definition of sustainability also implies that the Commission's intention to put major emphasis on the protection of human health and the quality of life is fully justified. The Committee notes that the approach advocated here is also fully in line with the general objectives of EU environmental policy laid down in Article 174(1) of the Treaty, which not only refer to protecting the environment and human health, but also to prudent utilisation of natural resources and worldwide environmental problems.

4.3.2 The ESC suggests that this overarching objective should then be desegregated into a number of essential "yardsticks" in the form of "**environmental themes**" including resource use, climate change, acidification, air quality, nature protection/biodiversity, waste, noise, dangerous

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<sup>19</sup> COM (2000) 1 final. However, contrary to what happened with this Communication, the Commission should formally consult the other Institutions on such Action Plans.

<sup>20</sup> See for more details: M. Carley and Ph. Spapens, *Sharing the World*, Earthscan, London, 1998.

substances, soil and GMOs.<sup>21</sup> Obviously, the main selection criteria in this context should be the Community dimension of the problem in question. As resource consumption can to a certain extent be considered a proxy for other forms of environmental degradation, the ESC considers this theme of crucial importance. Similarly, in line with the very essence of sustainable development, the environmental impact of EU and Member State activities on third countries should also be selected as a priority theme of the 6<sup>th</sup> EAP. With regard to the environmental themes mentioned here, the Committee would also refer to the complex relationships between various environmental problems, which - more so than was usually the case in the past - require an integrated approach. The same is true of the sector strategies, which should not be separated as strictly in the 6<sup>th</sup> EAP as they were in the 5<sup>th</sup> EAP.

4.3.3 The next step should then be to reach consensus, at Community level and regarding all of the environmental themes referred to above, on the desired **long-term qualitative or "directional" objectives**. These could for instance be defined in terms of "reduction of absolute resource use", "maximum allowed temperature increases" (climate change), "no exceedance of critical loads and levels" (acidification, air pollution), "good water quality" etc. It is noted that the 5<sup>th</sup> EAP along with several pieces of European and international environmental legislation already contains numerous examples of such qualitative (and quantitative) objectives<sup>22</sup>.

4.3.4 Whilst such (long-term) qualitative objectives can play a useful role in giving broad orientations, environmental protection - by analogy, inter alia, with economic policy (convergence criteria in the run-up to monetary union, budgetary criteria for the Stability and Growth Pact, the price stability target quantified by the European Central Bank, etc.) - also requires quantitative objectives which are defined in concrete terms and quantifiable. Therefore, the Committee - in keeping with its 1996 opinion on the review of the 5<sup>th</sup> EAP<sup>23</sup> - recommends that the qualitative targets be translated as far as possible into **(long-term) quantitative objectives**, particularly in terms of the required reductions of emissions (expressed in terms of specific indicators such as CO<sub>2</sub>, SO<sub>2</sub>, NO<sub>x</sub> etc.) and resource use (energy, raw materials, land, water).<sup>24</sup> Once that has been done and the implications of the agreed qualitative objectives have thus become clear, two additional steps should be taken, perhaps in parallel. On the one hand, clear **timetables** for the attainment of the objectives should be set, both for the long-term and for an intermediate period. On the other hand, the ESC would suggest examining to what extent the quantitative objectives agreed at Community level (e.g. the required emission reductions) can be translated into **objectives for individual Member States**. Obviously,

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21 In its October 1999 position paper, the European Environmental Bureau suggests the following eight environmental "headline" themes in three different categories: air quality, water quality, climate change, dangerous substances (all belonging to the first category "environment and health"); spatial planning and biodiversity (belong to the second category); and water and material consumption ("resource use"). The EEA reported on 15 environmental issues including soil degradation, waste and GMOs.

22 See in this respect the Commission Staff Working Paper (September 1999) *Key developments in the implementation of the 5<sup>th</sup> EAP* which describes the main achievements of the past few years in relation to the key objectives and targets established in the Programme.

23 OJ C 212 of 22.7.1996.

24 Here use could be made of the EEA STAR database, which lists many "sustainability reference values" and "political target values".

setting such quantitative objectives at national level would help solve the limited commitment from Member States referred to in point 3.3 above.

4.3.5 Where the above approach is feasible, it is then up to the Member States (subsidiarity!) to establish, by way of quantified **national sector targets**, to what extent the sector in question should contribute to the required emission/resource use reductions etc. Such targets, the implementation of which should be underpinned by measures financed by the EU, could be based in part on the contribution of different sectors to current emission/resource use levels. The Committee takes the view that the sector targets proposed here are by far the best way to overcome the "lack of ownership" and "visibility" problems mentioned in point 3.3 and that they should therefore be an integral part of any national sectoral integration strategy. Establishing targets at *national* level seems to be a more practicable approach than setting quantified sector targets at EU level, not the least because the dialogue with sectors (and branches) can be organised much more easily within individual Member States. Nevertheless, the ESC considers that Community-wide sector targets should also be established, particularly with a view to providing a benchmark for the success of the EU sector strategies.

4.3.6 It is noted that the general approach suggested above is at present being applied in the context of transboundary environmental problems such as climate change (national greenhouse gas reduction targets on the basis of the Kyoto protocol) and acidification (see the recent Commission proposal on national emission ceilings<sup>25</sup>).

4.3.7 The general approach called for here could be elaborated in **different types of Action Plans**. Besides specifying the overarching objective and general principles of EU environmental policy, the 6<sup>th</sup> EAP itself could lay down the environmental themes as well as long-term qualitative and, wherever possible, quantitative objectives. As this type of *long-term* objective is not a priori linked to any specific timetable, it should be possible to reach agreement on them within a reasonable period of time. Subsequently, more specific thematic Action Programmes could be adopted at EU level. They should link the various quantitative objectives to clear timetables and contain quantified objectives for individual Member States. Finally, on the basis of these national objectives, Member States should prepare national Action Plans (4.1.6) establishing, among other things, the proposed national sector, and where possible, branch targets as well as the measures required for attaining these targets. Furthermore, the thematic EU Action Plans should be complemented by sectoral Action Plans at Community level on the basis of the ongoing work on the sectoral integration strategies. However, these still have to be very much improved, for example by applying the "integration criteria" developed by the EEA,<sup>26</sup> which should be incorporated in the 6<sup>th</sup> EAP to give clear and harmonised guidelines for future work on sectoral integration. Besides giving guidance to policy making at

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25 COM (99) 125 fin, J.O. C 056 of 29.2.2000.

26 See the EEA report *Monitoring Progress towards integration. A contribution to the "Global Assessment" of the fifth Environmental Action Programme of the EU, 1992-1999* (forthcoming). The criteria described in this report aim at providing a common analytical framework for operationalising the concept of integration. They address four main aspects of integration: "institutional aspects", "getting prices right", "integration tools" and "monitoring/reporting".

Community level, the sectoral EU Action Plans would help Member States to prepare, implement and monitor their own national Action Plans.

4.3.8 To ensure a genuine commitment from Member States and operators on the ground, the above-mentioned qualitative and quantitative objectives must be established - from the bottom up - through an effective procedure. This procedure must include all interested parties in the Member States and at the EU level as well as the different groupings of the Council. This would mean that the setting of objectives constituted part of the integration of environmental concerns into other policy sectors. This would take some time to accomplish, but might in the light of the experience gained from the 5<sup>th</sup> EAP, lead to a better end result.

4.3.9 Needless to say that progress towards achieving the agreed objectives at all levels (European, national, sectoral) has to be monitored at regular intervals. Furthermore, reporting by the EEA and similar national agencies should as far as possible link up with the environmental themes and objectives contained in the various environmental plans. This requires building a monitoring and report system in parallel with the drafting of the 6<sup>th</sup> EAP and the EU sustainable development strategy. In such reports increased attention must also be paid to the relationship between GDP and environmental pressures.

#### 4.4 Measures and instruments

Finally, the Committee would like to make the following brief remarks on specific measures and instruments:

4.4.1 It calls for strong action to radically improve the implementation and enforcement of EU environmental law. It suggests that the Commission draw up and publish an "implementation" Action Plan giving, among other things, a detailed account (e.g. in the form of a "scoreboard" as used in the single market) of all breaches of EU environmental law ("*naming and shaming*") and also describing positive developments in the Member States. The ESC would stress that financial sanctions (e.g. by applying Article 228 of the Treaty or by "freezing" EU transfer payments) are one possible way of ensuring that EU legislation is implemented.

4.4.2 It stresses the urgent need for a further internalisation of external costs, with not only taxes and charges but also other market-oriented instruments playing a role.

4.4.2.1 The Committee reiterates its view that if charges and taxes are well designed and comply with existing legislation and with the competitive requirements of a globalised market, they can be very effective in steering environmental policy.<sup>27</sup> The Committee therefore thinks that existing national tax systems must be checked in terms of their social and environmental impact and developed further. Special attention should be paid here to the environmentally-driven systems of taxes and charges in force in some Member States.

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<sup>27</sup> See, inter alia, point 3.2 of the recently adopted ESC opinion on the Commission proposal on national emission ceilings - OJ C 51 of 23.2.2000.

4.4.2.2 With a view to the harmonisation of such charges and taxes at EU level (above all the planned EU energy tax), the ESC also recommends the use of the "closer cooperation" (or "flexibility") clause introduced by the Amsterdam Treaty to break the current deadlock (caused by the need for unanimity) on such EU taxes.

4.4.2.3 The Committee also emphasises the need for financial incentives to redirect investment and promote technological innovations. It considers further that incentives should be developed - or expanded in cases where they already exist - to find substitutes for unsustainable activities. The ultimate aim should be that subsidies should only be granted if they promote sustainable development, and that aid for non-sustainable activities should be stopped.

4.4.2.4 The instruments which can be used to achieve the environmental objectives include voluntary agreements. The ESC advocates the use of this instrument, provided that certain conditions such as adequate sanctions in the event of non-compliance are observed.<sup>28</sup>

4.4.2.5 The environmental liability instruments can also help in this connection, ensuring better observance and application of both the polluter pays and the precautionary principles.

4.4.3 The ESC recommends that the 6<sup>th</sup> EAP and the thematic action programmes define the priority sectors, while subdividing them into more precise categories (e.g., in the case of enterprises: large enterprises, SMEs, services, etc.) so that policies adapted to specific needs can be pursued.

4.4.4 It calls for the consequent implementation of the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters.

4.4.5 It calls for further steps to be taken at international level (WTO) to achieve the right balance between environment and trade issues.

4.4.6 It urges the Commission to present specific measures to considerably improve eco-efficiency.

4.4.7 It stresses the close link between environmental protection and spatial planning. In so doing, it points to the increases in population and economic activities, resulting in a drastic rise in land use and the concentration of environmental problems in certain regions and desertification of other areas, and calls for EU structural policy to counter such developments in future.

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See with regard to this matter and the conditions mentioned here the ESC own-initiative opinion on voluntary agreements - OJ C 287 of 22.9.1997.

4.4.8 It calls for measures to improve information and raise awareness, inter alia by using the possibilities offered by modern communication technologies.

Brussels, 24 May 2000.

The President  
of the  
Economic and Social Committee

The Secretary-General  
of the  
Economic and Social Committee

**Beatrice Rangoni Machiavelli**

**Patrick Venturini**

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