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Directorate-General External Policies

Policy Unit

INFORMATION NOTE
ON
UPCOMING EU LEGISLATION
ON ENVIRONMENTAL ISSUES

Abstract:

This note provides summary information on the legislative proposals, communications and green papers in the field of environmental policy announced by the European Commission. An overview of the Commission's work programme for 2005 in this field is followed by summaries of the individual proposals and measures.

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Preliminary remarks

Over recent decades, environmental issues have very much come to the fore among the preoccupations of citizens and their governments. It can be said that EU legislation in the field has proceeded apace, with approximately 70% of environmental legislation currently in force in the Member States being based on EU regulations and directives (even if the citizens may not always be aware of the fact). Precisely because of the subject's importance however, predicting the flow of relevant legislation has been difficult, as shifting priorities of succeeding Council Presidencies, or some major incident, could easily scramble the best-laid plans.

Both factors continue to apply and keep forecasting in this field a rather inexact science. However, the Strategic Objectives laid down by the European Commission for its five-year term of office, and the new "Roadmaps" format under which the Commission presented its Work Programme for 2005, provide much more tangible and detailed outlines of proposed Commission activities than has been the case in past years. They shall therefore form a reasonable basis for our survey of environmental legislation to come.

Overview

Among the strategic objectives presented by the European Commission in January 2005 - Prosperity, Solidarity and Security for all Europeans - environmental policy has been included in the Solidarity priority, in keeping with President Barroso's definition: *"Solidarity must extend to future generations through continued EU leadership on environmental protection including climate change and sustainable management of natural resources."*

Correspondingly, the bulk of environment-related measures contained in the Commission Work Programme for 2005 comes under heading II - Solidarity. They include 6 of the 15 legislative items in that chapter, i.e. proposals for one regulation and five directives. These legislative proposals are to be flanked by 8 non-legislative documents, such as Green Papers and Communications. Taken together with related measures contained in other chapters, this makes for a total of **seventeen environment-related measures**, which are summarised below, numbered (1) through (17).

The flagships among the proposed measures must be the **seven Thematic Strategies** called for in the Sixth EU Environment Action Plan (EAP), five of which should include legislative proposals. They will be centered around the following key environmental policy areas:

- air pollution,
- prevention and recycling of waste,
- sustainable use and management of resources,
- the marine environment,
- pesticides,
- protection of soils, and
- the urban environment.

Rather than developing policies and adopting legislation case by case on narrowly-defined issues, the thematic strategy approach is meant to provide comprehensive, long-term policy advice, outlining the options for Community policy and ensure adoption of coherent measures.

Legislative proposals

- (1) The ***Thematic Strategy on Air Pollution*** will address the various pollutants identified by the "Clean Air for Europe" (CAFE) programme and their respective impact both on human health and on the environment, including long-distance effects of local emissions. As well as new measures regulating emissions from small-scale plants and vehicles, the strategy will include recommendations on better implementing and streamlining existing legislation, including the recasting of the air quality framework directive and its first three 'daughter' texts, possibly extending to the Decision on the exchange of air quality monitoring data.
Under the responsibility of DG ENV.C.1, the strategy is scheduled for adoption by the Commission in May 2005.
- (2) The ***Thematic Strategy on the Prevention and Recycling of Waste*** will aim to further develop waste management policy, targeting environmental impact in a proportionate manner based on life-cycle thinking. This presupposes establishing a regulatory environment to deal with the environmental and internal market aspects of the waste issue that are best addressed at a European level. The legislative proposal to be included will look at taxation options for waste generation, landfill and disposal, recycling targets for producers and outright landfill bans. Technically, it should revise certain aspects of the waste framework Directive and merge it with the hazardous waste Directive, as well as update the waste oils Directive.
Drafted under the responsibility of DG ENV.G.4, this package is to be adopted by the Commission in June 2005.
- (3) The ***Thematic Strategy on the Conservation and Protection of the Marine Environment*** is to integrate existing and proposed policies for the different uses and users of the marine environment: shipping, fishing sector, oil and gas extraction, etc. The new approach should ensure a better coherence between the various actors and actions, and thus increased levels of environmental protection. Combining the planned Commission Communication with a Framework Directive is an option currently being considered. The latter would mainly set out strategic goals and ensure that member States adjacent to a given sea area jointly develop regional conservation plans on this basis.
DG ENV.D.2. is in charge of this Strategy, and intends to submit it for adoption by the Commission in July 2005.
- (4) In a difficult risk-balancing exercise, the ***Thematic Strategy on Pesticides*** strives to reduce the impact of pesticides on the environment and human health, achieving a more sustainable use of pesticides while maintaining necessary levels of crop protection. Following a broad public consultation in 2002/2003, the full range of instruments is currently being considered, from economic incentives through voluntary limitations, to legal strictures in a revision of Directive 91/414/EEC and of the Directive on residues in food.
The package, drafted under the responsibility of DG ENV.B.4, is scheduled for adoption by the Commission in September 2005.
- (5) Addressing a subject so far mostly left to agricultural policy, the ***Thematic Strategy on Soil Protection*** is to develop an integrated EU policy for the protection and improvement of soils, which are increasingly threatened by a range of human activities, exacerbated by

climate change. A Framework Directive would establish general principles and objectives, setting out targets and deadlines. Amending existing legislation is also being considered. Drafting by DG ENV.B.1 is in its early stage yet, the strategy being scheduled for adoption by the Commission in November 2005.

- (6) The ***Regulation relating to Pollutant Emissions from Motor Vehicles*** will constitute the next step in curbing the emission of pollutants by light duty vehicles, which is to apply from 2010. It will lay down a series of technical specifications centered around the "Euro V" set of emissions limits for passenger cars. The main issue will be to define the most cost-effective limit values for various types of vehicles. A proposal for a European Parliament and Council regulation is currently being drafted by DG TREN.

Non-legislative measures

- (7) Responding to the March 2004 European Council, the ***Communication on Climate Change Strategies*** looks beyond the Kyoto commitments at costs and benefits of mid- to long-term climate strategies, including the cost of inaction. Prepared by DG ENV.C.2 during 2004, the Communication (COM(2005)35) was adopted by the Commission on 9 February 2005 to coincide with the entry into force of the Kyoto Protocol, and will be submitted to the Spring 2005 European Council.
- (8) A ***Green Paper on a European Energy Efficiency Initiative*** will examine ways to fully realise potential cost-effective energy savings, estimated at 20% of EU consumption at least. Analysing the progress made over the last 5 years and persisting obstacles, it will suggest a coherent plan with quantifiable potential and objectives, in order to start off a broad public consultation. DG TREN is currently finalising its draft, which is scheduled for adoption in the second quarter of 2005.
- (9) The ***Thematic Strategy on the Sustainable Use and Management of Resources*** is not expected to include a legislative proposal, as it would not entail specific environmental policy initiatives. Rather, it will focus on the gathering and accessing of knowledge on the topic through a more efficient network of research and statistical institutes. It will also suggest ways to raise awareness about resources use both among specialised audiences and among the general public. Publication of the strategy, drafted by DG ENV.G.4, is expected for June 2005.
- (10) A ***Communication on Reducing the Climate Change Impact of Aviation*** will examine solutions to the pressing problem of growth in air traffic outstripping continued improvements in aircraft technology and operation. Since efforts to mitigate climate change would largely remain ineffective without the air transport sector, the costs of climate change should be internalised, and incentives for further improvements be provided. Regulatory options could range from fuel taxes or emissions charges to including the industry in the EU emissions trading system. The Communication is being drafted by DG ENV.C.1 and is expected to be adopted by the Commission in July 2005.

- (11) The ***Communication on Biodiversity*** will bring a strategy formulated in 1998 into line with commitments to made since for 2010, i.e. to halt the decline of biodiversity in the EU (Gothenburg Spring Council 2001) and significantly reduce the rate of loss worldwide (World Summit on Sustainable Development 2002). It will identify key threats, define priority objectives in response to these, and clearly define output-oriented targets and actions.
The Communication, drafted by DG ENV.B.2, should be adopted by the Commission in November 2005.
- (12) Focussing on what is the habitat of 80% of Europeans, the ***Thematic Strategy on the Urban Environment*** will attempt to integrate the various policies affecting, and affected by, the environmental performance of Europe's urban areas. It is expected to address four priority areas, for all of which sustainability is key: urban design, construction methods, urban transport and urban management. It should produce a range of recommendations for public authorities at the member State, regional and city level, while stopping short of any legislative proposal.
The package is being prepared by DG ENV.D.4 and should be submitted for adoption in December 2005.
- (13) A ***Communication on Renewable Energies*** will review progress achieved so far, which appears to fall well short of the ambitious EU objectives in this sector. These call for 12% of energy consumption to be covered by renewable sources by 2010, and set a final target of 21%. The document will examine various options to further promote renewable energies, including the issue of financing and competitiveness.
The communication is being drafted by DG TREN and is to be submitted for approval by the Commission in the last quarter of 2005.
- (14) Somewhat related to item (12), a ***Communication on an Action Plan for Biomass*** will examine the contribution of that energy source to the overall renewable energy goals. It will provide for quantifiable potential and objectives to reduce emissions of pollutants and greenhouse gases, incidentally opening new outlets for agriculture in the shape of energy crops.
The action plan currently being drafted by DG TREN should be ready for adoption by the Commission in the last quarter of 2005.

Related proposals

- (15) The ***Third Legislative Package on Maritime Safety*** mostly addresses legal issues of liability, port control, monitoring hazardous cargoes and inquiry procedure following accidents. Criminal and civil liability for pollution is one of the aspects covered by the document.
The legislative package is being drafted under the responsibility of DG TREN.G.1 and should be submitted for adoption in the second quarter of 2005.
- (16) The ***Community Strategic Guidelines for Rural Development 2007-2013*** are essentially a pillar of the Common Agricultural Policy. Putting the emphasis on sustainability however, the draft explicitly includes environmental impact with the economic and social aspects it

sets out to address: maintenance of habitats through extensive farming on the one hand, pollution of soil, water and air, fragmentation of habitats and loss of wildlife through inappropriate practices on the other.

A proposal for a Council decision is being drafted by DG AGRI.F.3 and should be adopted by the Commission in the second quarter of 2005.

- (17) A mid-term review of the *White Paper on European Transport Policy for 2010* will re-examine the extent to which targets (i.a. on intermodality and on road safety) have been met, as well as the effects of enlargement on the EU transport infrastructure. Impacts to be examined include economic, social and environmental aspects, as well safety and security issues.

The review currently undertaken by DG TREN.B.1 is to be submitted for adoption in the last quarter of 2005.
