

Environmental Policy in the EU

Actors, institutions and processes

Third Edition

Edited by
Andrew Jordan and
Camilla Adelle



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Foreword

These are ‘interesting times’ for environment policy. When I started my mandate as European Commissioner for Environment over two years ago, we were still on the crest of a green wave, although it was beginning to curl under along with the dipping economy. In the years prior to that, against a background of what seemed like permanent growth and prosperity, the environment had enjoyed something of a vogue. We saw politicians and businesses trying to out-green each other. World leaders said grand words about climate change and protecting biodiversity and every car advert showed a low-consumption vehicle alone in a pristine environment, perhaps surrounded by cute furry animals.

But in the current economic climate, there is a real danger that environmental progress is seen as a luxury we can no longer afford. Environment is thought to bring costs rather than economic benefits. This could not be further from the truth, and this message needs to be spread worldwide. With the growing world population and increasing shortages, we have to start using resources more efficiently. And ‘resources’ means not just wood, minerals and metals but also water, fertile soil and clean air. Not only are these essential components of the environment but they are also vital inputs that keep our economy functioning. If we use them more efficiently, our production and business costs will go down, making us more competitive and creating more jobs. Of course we will need to make processes more efficient – and invent new processes – but these innovative eco-industries are another area of economic growth where Europe can then lead the world. And there are opportunities for ‘greening’ all economic sectors. So there is no conflict between managing resources to protect the environment and economic prosperity.

What is needed are some fundamental changes in behaviour, not just on environmental matters but in all policy areas. In fact, it could be argued that ‘environment’ is not a separate sector in the same way as agriculture or transport but is a part of every aspect of life. Where we live, and the houses we live in; how much we travel, and the modes of transport we use; how much we buy, and where it comes from – and this applies not just to food but all the products we consume. There are so many small choices that can make a world of difference – or a different world. It is up to political leaders to explain the reasoning behind different choices and their economic and environmental benefits.

In terms of environment policy, the EU still tends to set global standards – and continues to enjoy the support of the vast majority of its citizens. Since the last edition of this book in 2005, we have been learning to live together as a Union of 27. The ten new countries which joined in 2004 added vast areas of land – much of it virgin countryside – which has considerably enriched our natural heritage. Much of this is now part of our Natura 2000 network of protected areas which covers almost 20 per cent of the EU.

Another significant EU achievement has been REACH, our scheme to promote substitution of dangerous chemicals and to foster innovation of new and safer substances. We have been working to improve the quality of our inland waters and our seas. And we have made real improvements in our waste collection and treatment; in some countries rates of landfill – the worst solution to the waste problem – are now virtually zero.

It could be argued that we now have all the environment legislation we need – although new challenges keep coming up, such as ship dismantling, nanotechnology, shale gas, phosphorus and so on. But laws alone are not enough. We need to make more effort to ensure that they are properly applied throughout the EU. Full implementation of our laws is a matter not just for European and national authorities, but also for local authorities, businesses and citizens. Which is why this book is so valuable. By teaching what EU environment policy is and why and how it is made, this book should ensure that later generations understand it and respect it as vital for our survival and prosperity.

Janez Potočnik
European Commissioner for Environment
Brussels

Preface

If 'a week is', to use former UK Prime Minister Harold Wilson's well-known phrase, 'a long time in politics', then the seven years which have elapsed since the publication of the second edition of this book, in 2005, seem like an eternity. A huge amount has changed in the European Union (EU). Two more states (Romania and Bulgaria) have joined as members and there are several more in the long queue to join, including Croatia, Iceland and Turkey. The Lisbon Treaty was adopted after a long and tortuous ratification process, creating new EU-level actors including, for the first time, the equivalent of a foreign ministry – the European External Agency Service – and a President of the European Council.

What about the EU's environmental policy? Does it exhibit the same sense of change? On the face of it, no. In many ways, it is no longer the energetic and slightly unpredictable policy sector that it once was. In fact, many chapters in this new edition show how it has settled into a more predictable pattern of development, underpinned by norms, procedures and, of course, lots and lots of detailed rules. Mature and more settled, yes, but certainly not static; it has continued to produce new policies and new politics sometimes in unforeseen and unexpected ways. A whole raft of new climate and energy policies emerged in the late 2000s, for example; new sources of energy such as biofuels and oil from tar sands have been intensively debated in Brussels; and the Parliament has significantly strengthened its influence over more aspects of national policy development.

But what has really changed since 2005 is the wider political and economic context in which the EU processes all its policies, including those addressing the environment. Politically, the EU as a whole has moved decisively to the right since 2005. By the end of 2011, only three of the 27 states were led by centre-left parties – Austria, Denmark and Slovenia. Crucially, in none of the six largest, most populous states, including Germany, was the left in overall control. One has to go right back to the early 1980s to find the last time that the parties of the right were so strongly in the ascendant. This is important because environmental policy has tended to advance further and faster when parties of the centre and the centre left are in control. The public too is more sceptical of the EU and more willing to challenge its existence. Turn-outs in European elections have continued to fall, Eurosceptical parties are on the rise in many states, and the public seems far less inclined to vote through new treaties in national referenda, limiting the ability to

make further quantum leaps in European integration. And, most crucially of all, the economic situation in Europe has worsened appreciably, especially following the onset of the sovereign debt crisis in 2008. First of all in Greece and then later in Spain and Italy, politicians have struggled to secure political backing for austerity measures sought by the EU.

Together, these changes in the wider context have rudely confirmed some basic facts about the EU that had hitherto been hidden – that it is, *au fond*, an elite project, introduced without a political vote; that its popularity is ultimately sustained not by strong environmental policies, but by continuing economic growth and prosperity; and that there may be hard political limits to an ‘ever closer Union’. In 2012, the EU found itself in the eye of an intense storm, trying desperately to mediate between catastrophically indebted member state economies and international financial markets. For the very first time, the existence of the Euro – and with it the EU itself – began to be openly questioned. Until then, this whole issue was strictly taboo. Can the EU improvise its way out of what the Commission President, José Manuel Barroso, described in his 2011 state of the union address as the ‘the biggest challenge in the history of our Union’? That is very much the question of the moment and the foreseeable future.

On the face of it, these are very hard times indeed for those pushing for stronger environmental measures. Many of the chapters in this new edition reveal that some of the hard-won policy gains of the past are under unprecedented pressure as economic issues become more and more pressing. However, they also identify some unexpected opportunities for those who are willing and able to exploit them. For example, the economic crisis has given the EU a right to intervene in national budgetary and macro-economic affairs that was firmly refused by the Maastricht Treaty in the early 1990s. These are matters of the very highest politics which have traditionally been ‘off limits’ to European environmental policy makers. And those who can show that environmental protection has an immediate economic payoff may also prosper. Witness, for example, the debates about ecosystem services and the financial costs of not complying with environmental rules.

One way or another, these are very interesting times for those pursuing, and/or wishing to understand, EU environmental policy. Putting together the third edition of this book has proved to be both hugely stimulating and challenging. The first and second editions have sold well and we wanted to build on them. But they were originally conceived as handbooks not textbooks; ten years after the publication of the first edition, we felt that a more systematic re-write was warranted to meet the more refined learning needs of students. Therefore, 17 of the 20 chapters in this edition are completely new; only three contain re-published material. And all 20 employ pedagogical devices such as summary guides, lists of key learning points, guides to further reading and specimen exam questions. Together, we think they offer a uniquely systematic treatment of the most relevant contexts (Part 1), actors (Part 2) and policy dynamics (Part 3) of EU environmental policy. Some of the topics (e.g. the Commission – Chapter 6, policy evaluation – Chapter 15, and the role of appraisal in policy making – Chapter 12) are barely covered at all in the existing literature.

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Andrew Jordan
Camilla Adelle
Norwich
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Abbreviations

ALDE	Group of the Alliance of Liberals and Democrats for Europe
BP	British Petroleum
BRIC	Brazil, Russia, India and China
BSE	Bovine Spongiform Encephalopathy
CAN-Europe	Climate Action Network Europe
CAP	Common Agricultural Policy
CBD	Convention on Biological Diversity
CEFIC	European Chemical Industry Council
CEN	European Committee for Standardization
CENELEC	European Committee for Electrotechnical Standardization
CFP	Common Fisheries Policy
CLIM	Temporary Committee on Climate Change
CO ₂	carbon dioxide
COP	Conference of the Parties
COREPER	<i>Comité des représentants permanents</i> (Committee of Permanent Representatives)
CSD	Commission on Sustainable Development
DG	Directorate General
DG XI	Directorate General for the Environment (now ‘DG Environment’)
DG Environment	Directorate General for the Environment (formerly ‘DG XI’)
DG CLIMA	Directorate General Climate Action
DG ENTR	Directorate General Enterprise
DG ENV	Directorate General for the Environment
EAP	Environmental Action Programme
EC	European Community
ECA	European Chemicals Agency
ECI	European Citizens’ Initiative
ECJ	European Court of Justice
ECOFIN	Council of Finance Ministers
ECR	European Conservatives and Reformists Group
EEA	European Environment Agency
EEB	European Environmental Bureau

EEC	European Economic Community
EEE	Electrical and Electronic Equipment draft Directive
EENF	Environmental Evaluators Networking Forum
EER	Energy Efficiency Requirement for End-use Equipment draft Directive
EFD	Europe of Freedom and Democracy Group
EIA	Environmental Impact Assessment
EMAS	Environmental Management System
EMU	European Monetary Union
ENDS	Environmental Data Services
ENVI	Committee of Environment, Public Health and Food Safety
EP	European Parliament
EPI	Environmental Policy Integration
EPP	European Peoples' Party
ETS	Emissions Trading System
EU	European Union
EUL/NGL	Confederal Group of European United Left/Nordic Green Left
Euratom	European Atomic Energy Community
FoEE	Friends of the Earth Europe
G10	the Green Ten (environmental lobby groups)
G20	Group of 20 (major industrialized states)
GAERC	General Affairs and External Relations Council
GDP	gross domestic product
GM	genetically modified
GMO	genetically modified organism
Greens/EFA	Group of the Greens and European Free Alliance
HEAL	Health and Environmental Alliance
IA	Impact Assessment
IBMA	International Biocontrol Manufacturers' Association
IFN	Friends of Nature International
ILUC	Indirect Land Use Change
IMPEL	Network for the Implementation and Enforcement of Environmental Law
IPCC	Intergovernmental Panel on Climate Change
ISO	International Standard Organization
LCD	lowest common denominator
MEA	multilateral environmental agreement
MEP	Member of European Parliament
MOP	Meeting of the Parties
NEPI	new environmental policy instrument
NGO	non-governmental organization
OECD	Organization for Economic Co-operation and Development
OLP	ordinary legislative procedure
OMC	open method of coordination
QMV	qualified majority voting

REACH	Registration, Evaluation, Authorization and restriction of Chemicals
REIO	Regional Economic Integration Organization
RIA	Regulatory Impact Assessment
RPA	Risk and Policy Analysts
S&D	Group of the Progressive Alliance of Socialists and Democrats
SDS	Sustainable Development Strategy
SEA	Single European Act
SEA	Strategic Environmental Assessment
SUV	sports utility vehicle
T&E	Transport and Environment
TEN-T	Trans-European Network
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
UNCED	UN Conference on Environment and Development
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
US	United States
WPE	Working Party on the Environment
WPIEI	Working Party on International Environmental Issues
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization
WWF	World Wide Fund for Nature

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