

environmental SCIENTIST



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The EU

Red Tape or **Green Governance?**

The EU leading on the environment



> Environmental challenges know no borders. Issues such as climate change, the loss of biodiversity, the thinning of the ozone layer, and acid rain have an international or even global dimension. And the quality of our air and our water, the state of our nature depend on our neighbours as well as ourselves. None of these challenges can be efficiently managed without shared responsibility and common decisions.

Over 40 years, member states of the European Union have built up an understanding that the environment is an area that needs joint action. They increasingly work together, define policies together and set common goals. As a result, we now have a comprehensive body of environmental legislation that has delivered benefits for people and businesses in every part of Europe.

Clean air legislation has made urban smog a thing of the past and has significantly cut acid rain. Millions more people have access to high-quality drinking water and live in areas where waste water is properly treated. Thanks to the Bathing Water Directive, by 2012 94 per cent of bathing waters in the EU reached the minimum water quality standards, and the percentage of freshwater bathing sites in the highest quality category almost doubled between 1990 and 2009.

Environmental legislation is there to protect citizens, but it also helps the EU evolve towards a more resource-efficient, low-carbon economy. The advantages are clear: one recent study estimates that full implementation of EU waste legislation, for example, would save €72 billion a year, and create over 400,000 jobs by 2020. And our standards for water and air quality have helped drive innovation, with European companies becoming world leaders in pollution abatement technologies and water services.

But legislation that is not properly implemented cannot deliver better outcomes for people or the environment. For the European Commission, strengthening implementation begins with constructive dialogue, preventing breaches, and helping member states ensure compliance. Cooperation with professionals such as

national inspectors, environmental scientists, judges, prosecutors and ombudsmen is crucial to ensuring that the standards that everyone has agreed are in fact upheld. Over the years we have seen the value of support for IMPEL, the network of inspectors, and several networks of judges. The role of civil society is also crucial.

In the end, to ensure equal treatment and a level playing field across Europe, the European Commission has the responsibility of making sure that member states deliver what has been agreed. If they do not, they can find themselves faced with court action and fines. We try to target enforcement action on systemic or large-scale problems, for example in management of waste and urban waste water, or where people's health is at risk.

One result of this legislation is that Europe's environmental standards are increasingly recognised and copied around the world. This is a direct benefit for us, and vital if we are to succeed in dealing with the key global challenges. So if we do not lead by example, why should anyone follow?

Janez Potočnik is the European Commissioner for the Environment. Previously he was a Minister in the Slovenian Parliament and was an assistant professor in the Faculty of Law at the University of Ljubljana. Dr Potočnik became a member of the European Commission in 2004 and in 2008 was awarded the honorary degree of Doctor of Science by Imperial College London.

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The European environment

Adam Donnan and **Emma Fenton** provide an outline of the history of Europe and the environment.

A spectre is haunting Europe — the spectre of public indifference and hostility to the European Union (EU).

Throughout Europe numerous political movements have sprung up to campaign for national renegotiations or withdrawals, fuelled by the perceived failure of the EU to deal with the recent economic crisis. Of these perhaps the UK's anti-federalists are the most vocal. The UK appears to be inching towards an In/Out referendum some time before 2017. In light of this, the IES felt this was an opportune moment to review the impact of the EU on the natural environment.

This edition of the environmental SCIENTIST looks at the role of EU environmental legislation, consequences for countries that do not implement directives, the role of European environmental regulatory networks, and the track record of the EU in tackling climate change. There are also case studies on the Soil Directive and fracking. We have tried to avoid dwelling on policy formulation or exploring the numerous bodies that make up the EU. Readers who are interested in learning more about these aspects should read our 2011 report, *Influencing the EU*, which can be found on the IES website¹.

In the course of putting this issue together the IES has brought together opinions from politics, industry, NGOs and environmental practitioners, presenting their perception of the impacts of EU environmental legislation. With the likelihood of a referendum in the not-too-distant-future we felt it important to measure not just the impact of legislation but the *perception* of its impact. This edition therefore contains more opinion pieces than we would normally publish. Interestingly, we were unable to source any full articles written mainly against the EU or its legislation, despite our best efforts.

GLOSSARY: TYPES OF EU LEGISLATION

There are three basic types of EU legislation – regulations, directives and decisions.

- A **regulation** is similar to a national law except it is applicable to all EU Member States⁴.
- **Directives** set out general rules to be transferred into national law by each Member State as they deem appropriate as long as the requirements of the Directive are met⁴.
- A **decision** only deals with a particular issue and specifically mentioned persons or organisations⁵.

The result is a publication that – in contrast to the prevailing mood throughout Europe – is overwhelmingly positive about the role of the EU. The narrative of the EU and the environment is a success story that pro-Europeans should be shouting from the rooftops to banish the anti-European spectre.

THE DEVELOPMENT OF DG ENVIRONMENT

The EU represents a political and economic agreement between 28 Member States. Created in the aftermath of the Second World War, the EU (or the European Coal and Steel Community as it was then known) was intended to foster economic cooperation. The assumption was that as countries traded with one another, and thus became economically interdependent, they would be more likely to avoid conflict². A measure of the success of this was the award of the Nobel Peace Prize to the EU in 2012.

This notion of economic cooperation morphed into the concept of a single market: a free trade area with the

goal of making the movement of capital, labour, goods, and services between the members as easy as within them. This new vision drove the creation of rafts of new legislation around border control, standardisation, competition and eventually the environment. The justification for including the environment is twofold: one member state should not be able to undercut another through weaker environmental legislation, and many environmental issues are transboundary, so are better dealt with at regional or international level.

There was no department dedicated to environmental issues for the first 15 years of the European Commission's existence. Originally an environmental unit was created within DG Industry, but then a fully fledged Environment Directorate-General (DG) was set up in 1973. One of 40 DGs, DG Environment's official objective

is to "protect, preserve and improve the environment for present and future generations."³

Since the creation of DG Environment the EU has adopted and championed a diverse range of environmental measures that are aimed at improving the quality of the environment for European citizens. The first Environmental Action Programme was published in 1973, and a proposal for a seventh is currently being drawn up.

In an on-going poll, 89 per cent of IES members who responded to a poll on the IES website think that leaving the EU would have a small negative or very negative effect. When you have finished reading the journal you can offer your opinion by adding your vote on the IES website⁴. **ES**

Adam Donnan has worked at the IES since 2006. In 2013 he was appointed as the organisation's first CEO.

Emma Fenton is the Project Officer at the IES.

AT A GLANCE: DG ENVIRONMENT

- Established in 1973
- Responsible for ensuring that Member States correctly apply EU Environmental legislation
- Its role is twofold:
 1. To investigate complaints that are brought by non-governmental organisations and individual citizens and take action if it deems EU law to have been breached; and
 2. To finance projects that contribute to European environmental protection. It has financed over 2,600 projects since 1992 through LIFE, the EU's financial instrument for the environment².
- It started as a team of five people in a branch of DG Industry. It now has just over 500 staff, reflecting evolving environmental awareness among European citizens;
- DG Environment currently oversees over 200 pieces of environmental legislation in force at the European level³

SOURCES

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3. EU. Environment Directorate General. Available from: http://ec.europa.eu/dgs/environment/index_en.htm. [Accessed: July 2013].
4. IES. www.ies-uk.org.uk/news
5. EU. Legislation. http://ec.europa.eu/legislation/index_en.htm. [Accessed: July 2013].

Founding of the European Coal and Steel community.

1951

DG Environment established and the First Environmental Action Programme Published.

1973

The Single European Act provides a legal basis for environmental policy by making protection of the environment an objective of the EU.

1987

The Maastricht Treaty stipulates that environmental considerations be integrated into other EU policies.

1993

Treaty of Amsterdam makes sustainable development an EU goal.

1997