

Manual of European Environmental Policy

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The Sixth Environmental Action Programme and the Thematic Strategies

The Sixth Environmental Action Programme

The Sixth Community Environment Action Programme (6EAP) was adopted by a joint Decision of the European Parliament and the Council on 2 July 2002 (Decision No [1600/2002/EC](#), hereafter referred to as ‘6EAP Decision’). The 6EAP was the first Community [Environment Action Programme](#) to be adopted through the ordinary legislative procedure (see section on EU decision-making processes) (previously known as the co-decision procedure), and thus represents a formal political commitment of the Commission, Parliament and the Council. The 6EAP Decision establishes a framework for Community action on the environment from July 2002 to July 2012 and focuses on the following four key thematic priority areas:

- Climate change.
- Nature and biodiversity.
- Environment, health and quality of life.
- Natural resources and wastes.

The 6EAP sets out overarching aims, objectives and priority actions for each thematic area and in the international context. For the most part, the environmental objectives set out in the 6EAP are to be achieved before the expiry of the programme in 2012. The 6EAP also outlines a number of cross-cutting ‘strategic approaches’ and governance mechanisms which include the following:

- Integrating the environment in other EU policies.
- Working closer with the market via businesses and consumers.
- Empowering and influencing individual citizens, through better environmental education, information and opportunities for participation.
- Promoting integrated spatial planning, especially in relation to urban and coastal areas.
- Better research, data, indicators, assessments and evaluations to secure more effective policies.

The 6EAP is embedded in the broader context of EU policy making and was meant to form the ‘basis for the environmental dimension’ of the [EU Sustainable Development Strategy](#) and contribute to the integration of environmental concerns in all EU policies.

The Commission's mid-term assessment of the 6EAP, presented in 2007 maintained that the EU is ‘generally on-track’ with adopting the measures outlined in the 6EAP ([COM\(2007\)225](#)). However, independent assessments of progress at the mid-term were more critical and maintained that, despite some progress across all four environmental priorities, this was by no means sufficient to put the EU on track to achieving its objectives by 2012¹.

On 31 August 2011, the Commission presented its final assessment of the 6EAP ([COM\(2011\)531](#)). This assessment was based on the results of an independent evaluation of

the 6EAP, the EEA's 2010 State and Outlook of the Environment Report (see section on The EU agencies), and the results of consultations with relevant stakeholders.

The Commission's assessment concluded that on balance, the 6EAP has been helpful in providing an overarching framework for EU environmental policy as a whole. The 6EAP is considered to have acted as an important reference point for Member States, local and regional authorities and other stakeholders; while its adoption through the co-decision procedure is said to have increased its legitimacy. In some areas, the 6EAP's Thematic Strategies helped to build political will for action in certain areas (marine, soil, urban, resources), while in others they focused on revising existing measures and addressing specific gaps (air, pesticides, waste prevention). However, a number of shortcomings of the 6EAP were recognised. The large number of actions in the 6EAP (156 in total) and the absence of a longer-term vision were seen to have compromised the Programme's capacity to deliver a clear, coherent message. Other issues related to inadequate implementation and enforcement of EU environmental legislation, inappropriateness of the 10-year timeframe of the Programme, its marginal influence on specific policies, the lack of financing, and the high costs of developing the Thematic Strategies.

The Commission is to consider how a new EAP would add value in the current context which is characterised by a strong dominance of the Europe 2020 strategy process, its flagship initiatives and related policy roadmaps, particularly those on decarbonising Europe's economy and improving resource efficiency. There are also several sectoral and environmental policy initiatives including among others the 2020 Biodiversity Strategy and the upcoming Blueprint to Safeguard Europe's Waters which will need to be taken into consideration.

Thematic Strategies as a new approach to policy development

In its Communication on the 'Global Assessment' of the 5th Environmental Action Programme (5EAP), the Commission announced that the next Community programme 'would set general objectives that will need to be translated into quantifiable targets to steer the development of both environmental measures and the strategies in the economic sectors' ([COM\(1999\)543](#), p. 25). In its original proposal for a 6EAP ([COM\(2001\)31](#)), the Commission focussed on general objectives, and with a few exceptions, refrained from proposing any quantifiable targets. Some targets (e.g. for waste prevention and noise reduction) were mentioned in the introductory Communication, but were omitted from the proposal for a Decision. The Communication suggested that a target-setting process be deferred until after the adoption of the 6EAP and be developed through 'thematic strategies' 'on the basis of sound scientific and economic cost-benefit analysis and on open dialogue and consultation with the various parties concerned'. After considerable debate, this approach was largely endorsed by the Council and the European Parliament in the 6EAP Decision which states that the Thematic Strategies 'may include ... relevant qualitative and quantitative environmental targets against which the measures foreseen can be measured and evaluated' (Article 4(2), 6EAP Decision – emphasis added).

The Thematic Strategies were introduced as a second-order, more specific programming tool for implementing the 6EAP and cover seven themes: soil protection, marine environment, sustainable use of pesticides, air pollution, urban environment, sustainable use and management of natural resources, and waste recycling and prevention. According to the 6EAP, Thematic Strategies 'should include an identification of the proposals that are required

to reach the objectives set out in the Programme and the procedures foreseen for their adoption' (Article 4(1), 6EAP Decision). This implies that the Thematic Strategies were originally envisaged as a framework for the selection, development and subsequent adoption of a set of discrete measures rather than as an end in themselves. In the case of Thematic Strategies that do not include proposals for legislative measures, but rather focus on formulating recommendations for national action and soft forms of cooperation at EU level, a tendency has developed to view these Thematic Strategies as proper policy instruments in their own right, hence as policy outcomes rather than as a basis for further, more specific proposals. Despite a provision in the 6EAP Decision for the Thematic Strategies to be adopted through the co-decision procedure 'where appropriate', all seven Thematic Strategies were presented as non-binding Commission Communications accompanied by Impact Assessments and in certain cases proposals for supporting framework legislation.

The Thematic Strategies represented a radically new approach to the development of EU environmental policy. They focused on cross-cutting environmental issues and problems, rather than sectors (as in the 5EAP) and had to address difficult issues of horizontal integration (between sectors) and vertical integration (between levels of government). Accordingly, they were developed through a network of working groups involving a range of Commission Directorates-General (DGs) and Member State experts as well as stakeholders, albeit to a varying degree. This sharing of responsibility for developing the EU's environment policy helped to broaden the sense of 'ownership' of the policy among the Commission services and relevant stakeholders. In certain cases stakeholder recommendations during the consultation process were directly reflected in the Thematic Strategies and accompanying legislative proposals, e.g. proposals for a Soil Framework Directive and Marine Strategy Framework Directive only arose during the process of developing the Thematic Strategies.

However, the extensive consultation process significantly lengthened the policy formulation period and delayed the adoption of concrete policy proposals. The 6EAP had envisaged the Thematic Strategies to be finalized within three years of the adoption of the programme and for 'appropriate initiatives' to achieve its objectives to be presented within four years (Article 4, 6EAP Decision). The first Thematic Strategy (on air) was presented in September 2005, while the last Thematic Strategy (on soil) was only presented in September 2006, thus almost halfway through the period of the 6EAP. These delays compromised the prospect of achieving the objectives of the 6EAP before its expiry in 2012. Moreover, the protracted search for consensus among different stakeholders led to a watering down of the environmental ambitions of some of the adopted Thematic Strategies.

In addition to the extensive consultation process behind the development of the Thematic Strategies, another reason for the delay in their publication were reported to be the concerns of Commission President Barroso and Vice President Verheugen (Enterprise Commissioner) that the Thematic Strategies would increase industrial costs and damage the EU's global competitiveness even though legislative proposals would (and were) subject to Impact Assessments. As a result, in late July 2005, Environment Commissioner Dimas was obliged to defend the strategies - in effect the future of the EU's environment policy - in front of his Commissioner colleagues. As a consequence of the political debate and subsequent decision-making process within the Commission, the detailed definition of specific objectives and measures, which was a key rationale behind the co-legislator's original idea for the Thematic Strategies, was often abandoned, further postponed, or left to the Member States.

The seven Thematic Strategies

Following the adoption of the 6EAP, the seven Thematic Strategies were developed through a protracted policy-making process (although in the case of the air Thematic Strategies work had begun in advance), which included the release of an initial ‘*Towards a Thematic Strategy*’ Communication from the Commission which was often followed by extensive, stakeholder consultation, and eventually the adoption of the actual Thematic Strategy document by the Commission. Although all seven Thematic Strategies were due to be published by 22 July 2005, none of them met this deadline (Table 1).

Table 1. Thematic Strategies of the Sixth Environmental Action Programme

Thematic strategy	Commission Communication (COM)	Relevant Manual chapter(s)	Date published
Air quality	(COM(2005)446)	2	21.09.2005
Protection of the marine environment	(COM(2005)504)	5	24.10.2005
Sustainable use of natural resources	(COM(2005)670)	7	21.12.2005
Prevention and recycling of waste	(COM(2005)666)	6	21.12.2005
Urban environment	(COM(2005)718)	Various	11.01.2006
Sustainable use of pesticides	(COM(2006)372)	8	12.07.2006
Soil protection	(COM(2006)231)	Various	22.09.2006

Thematic Strategy on air pollution

The first Thematic Strategy to be published by the Commission was the Thematic Strategy on air pollution (COM(2005)446) which was presented on 21 September 2005. The Thematic Strategy was developed through the Clean Air for Europe Programme (CAFE) which had been launched in May 2001 ([COM\(2001\)245](#)). The Commission established five working groups to oversee the preparation of the various elements of the Thematic Strategy. Over 100 stakeholder meetings were held during the CAFE process. In addition, there was a two-month open web-based consultation which received over 11,500 responses. The Thematic Strategy set out actions that it claimed would reduce the number of premature deaths in 2020 by 140,000 compared to 2000. To achieve this target, emissions of sulphur dioxide would have to decrease by 82 per cent, the oxides of nitrogen (NO_x) by 60 per cent, volatile organic compounds (VOCs) by 27 per cent and primary fine particulates (now defined as PM_{2.5}) by 59 per cent relative to 2000 levels.

The Thematic Strategy was to be implemented by the streamlining of existing EU air quality legislation and merging of five legal instruments into a single Directive and by ‘the introduction of new air quality standards for fine particulate matter (PM_{2.5})’. To achieve this, the Thematic Strategy was accompanied by a proposal for a Directive on ambient air quality and cleaner air for Europe ([COM\(2005\)447](#)). The Thematic Strategy also proposed to amend the National Emissions Ceiling Directive [2001/81/EC](#) as to revise emission ceilings to ensure

reduced emissions of nitrogen oxides, sulphur dioxide, VOCs, ammonia and primary particulate matter in line with the interim objectives of the Thematic Strategy. Finally, the Thematic Strategy was to be implemented through the integration of air quality concerns into other policy areas. Policy areas emphasized are energy, transport, agriculture and structural funds.

To date, progress in implementing the Thematic Strategy through specific Directives and through the integration of air quality concerns in other policy areas has been slow. Directive [2008/50/EC](#) on ambient air quality and cleaner air for Europe was only formally adopted by the European Parliament and the Council in April 2008. The publication of a proposal for a revised National Emissions Ceiling Directive is still outstanding. The failure to produce a proposal is not due to any analytical constraints (the analytical framework being very well established). Rather, the delay can be considered a result of political constraints (both within the Commission and with some Member States) on the reduction targets necessary to achieve the stated objectives of the Thematic Strategy. The integration of air quality concerns in energy and agricultural policies appears to be very weak. By contrast, efforts to integrate air quality concerns in transport policies seem to be stronger.

Thematic Strategy on the marine environment

The second Thematic Strategy to be published by the Commission was the Thematic Strategy on the marine environment (COM(2005)504) which was released on 24 October 2005. The Thematic Strategy was developed through an extensive stakeholder consultation process involving a series of working groups, stakeholder conferences, and a two-month internet-based consultation. The overall objective of the Thematic Strategy was ‘to protect and restore Europe's oceans and seas and ensure that human activities are carried out in a sustainable manner so that current and future generations enjoy and benefit from biologically diverse and dynamic oceans and seas that are safe, clean, healthy and productive’. The Thematic Strategy also aimed to contribute to the broader objective of developing an EU Integrated Maritime Policy and aimed to represent a first step towards the integrated governance of oceans.

The main component of the Thematic Strategy was a proposal for a new Framework Directive – then called the Marine Strategy Directive ([COM\(2005\)505](#)), which aimed to achieve ‘good environmental status’ in the marine environment by 2021. The Marine Strategy Framework Directive ([2008/56/EC](#)) was adopted by Parliament and Council on 14 May 2008. The timetables and targets contained in the new Directive are best described as semi-quantitative in that the quantitative elements are largely to be developed by the Member States as they characterize marine waters and develop programmes of measures to deliver ‘good environmental status’. The adopted Directive is noticeably vague in terms of defining the actual action to be taken to improve environmental status and makes no reference to how the consistency of measures will be ensured or practice shared among Member States. Moreover, although Member States are to co-ordinate the production of their strategies and programmes, there is no guarantee that this will be successful.

Thematic Strategy on the prevention and recycling of waste

The Thematic Strategy on the prevention and recycling of waste (COM(2005)666) was adopted on 21 December 2005. Contrary to the original concept of the 6EAP, which envisaged two different strategies – one for waste prevention and management and another for waste recycling – only one Thematic Strategy covering waste prevention and recycling

was issued. The Thematic Strategy was developed through consultation with stakeholders and concentrated on the issue 'waste as a resource'. The Thematic Strategy *inter alia* aimed to analyse and assess EU waste policy, simplify and clarify the current legal framework in line with the EU's better Regulation objectives, to set objectives and outline the means by which the EU can move towards improved waste management (especially through waste recycling and more generally recovery) and waste reduction.

To achieve these objectives, the Thematic Strategy proposed among others to modernize the, then, Waste Framework Directive [2006/12/EC](#), incorporate the lifecycle approach in EU legislation, clarify Member States' obligations to develop waste prevention programmes, set minimum standards for recycling activities and recycled materials, seek new ways to foster recycling, encourage the diversion of biowaste from landfills and revise the Sewage Sludge Directive [86/278/EC](#). The Thematic Strategy was accompanied by a proposal for a revised Waste Framework Directive ([COM\(2005\)667](#)) which was subsequently adopted in 2008 ([2008/98/EC](#)). The revision of the Sewage Sludge Directive is still outstanding.

The Thematic Strategy was to a large extent dedicated to the further development of recycling and recovery through the setting of recycling standards, promoting lifecycle thinking, and creating a level playing field for recycling and the marketing of recycled materials. The issue of waste prevention was mainly left to the individual policies of the Member States. Although the waste Thematic Strategy required Member States to develop publicly available waste prevention programmes, no detail was given on such action. It took the adoption of the Directive on Waste in 2008 to clarify what the plans should contain (recital 40 and Article 29 of Directive 2008/98/EC). The Waste Thematic Strategy also lacked any concrete waste prevention targets. In January 2011 the Commission published a Report ([COM\(2011\)13](#)) reviewing progress towards achieving the Strategy's objectives.

Thematic Strategy on the sustainable use of natural resources

The Thematic Strategy on the sustainable use of natural resources (COM(2005)670) was adopted on the same day as the waste Thematic Strategy. The natural resources Thematic Strategy was developed through an advisory forum of stakeholders and EU Member States, working groups, and an internet consultation. The overall objective of the Thematic Strategy was to reduce the negative environmental impacts generated by the use of natural resources in a growing economy – a concept referred to as decoupling. In practical terms, this means reducing the environmental impact of resource use while at the same time improving resource productivity across the EU economy. The aims of the Thematic Strategy were recognized as part of a long-term process laying the foundations for the next 25 years, the Thematic Strategy sought to provide a general framework for possible future action in the area.

The Thematic Strategy does not propose any concrete policy measures at the EU level, however it calls on Member States to develop national measures and programmes on the sustainable use of natural resources to achieve the objectives of the Thematic Strategy. The Thematic Strategy provides for the establishment of a Data Centre for policy makers to enhance and improve the knowledge base on resource use and its environmental impacts and for the development of indicators to measure progress in efficiency and productivity in the use of natural resources, resource-specific indicators to evaluate how negative environmental impacts have been decoupled from resource use, and an overall indicators package to measure progress in resources use by the EU. At the international level, the Thematic

Strategy suggests setting up an International Panel on the sustainable use of natural resources in cooperation with UNEP and possibly other international partners.

The Thematic Strategy did not formulate any concrete legal targets to decouple economic growth from resource use and did not include qualitative and quantitative environmental targets and timetables for the diminution of resource use and resource efficiency as prescribed by the 6EAP. The Thematic Strategy merely called on the Commission to develop a database and criteria to measure and assess resource use. The Strategy did not commit to reducing resource consumption, except to state that for renewable resources this means staying below the threshold of overexploitation. There is no specific statement highlighting the extent of ambition of the Thematic Strategy, that is no reference is made in the aims to ultimately achieving sustainable levels of resource use and although the objectives of the Thematic Strategy suggest a reduction in negative environmental impacts, an end point for this was not specified. Moreover, the Strategy focussed more on reducing the negative impacts of the resources already used, that is ‘achieving more sustainable use of natural resources’, rather than suggesting a shift to sustainable consumption patterns. On 20 September 2011, the Commission presented a report on progress on the Thematic Strategy on the Sustainable Use of Natural Resources ([SEC\(2011\)1068](#)). This was presented alongside the Commission’s ‘Roadmap to a resource-efficient Europe’ ([COM\(2011\)571](#)).

Thematic Strategy on the urban environment

The Thematic Strategy on the urban environment (COM(2005)718) was developed through a stakeholder consultation process involving a series of working groups, meetings with Member States and two internet-based consultations. The Thematic Strategy was adopted on 11 January 2006 with the aim of improving the quality of the urban environment, making cities more attractive and healthier places to live, work and invest in, and reducing the adverse environmental impact of cities on the wider environment. The measures offered under the Thematic Strategy aimed to contribute to a better implementation of existing EU environment policies and legislation at the local level by supporting and encouraging local authorities to adopt a more integrated approach to urban management and by inviting Member States to support this process and exploit the opportunities offered at EU level.

The measures to achieve the objectives of the Strategy covered guidance on integrated environmental management, guidance on sustainable urban transport plans, support for EU wide exchange of best practices, a Commission internet portal for local authorities, training, encouraging the use of cohesion and structural funds to address environmental priorities in urban areas, and drawing on other Community support programmes. The measures proposed in the Strategy are much less specific than those in the preparatory Communication ([COM\(2004\)60](#)). Member States, local and regional authorities and other stakeholders were to be invited to submit their views on the impact of the measures contained in the Thematic Strategy on a regular basis as well as part of a wide consultation exercise.

The Thematic Strategy is largely descriptive in nature and only operative in a few parts, for example in the provision of support for best practice exchange. All the mandatory measures included in the Commission's preparatory Communication (COM(2004)60) to develop the Thematic Strategy were dropped in the final Strategy as stakeholders objected to some of the Commission's initial proposals for obligations on local authorities given the nature of the subject matter and issues of subsidiarity. The Thematic Strategy neither identified concrete proposals required to reach the objectives set out in the 6EAP, nor specific targets and

timetables, as generally recommended in the 6EAP. The Thematic Strategy did call for up-to-date, accessible urban data, for monitoring its effectiveness. However, due to their vague formulation, it is almost impossible to envisage how any trends shown in the data could be attributed to the objectives of the Thematic Strategy.

Thematic Strategy on the sustainable use of pesticides

The Thematic Strategy on the sustainable use of pesticides (COM(2006)372) was developed in close consultation with stakeholders and was adopted in July 2006. Its aims included finding a balanced and sustainable approach to the use of pesticides, reducing environmental and health risks while maintaining crop productivity, and improving controls on their use and distribution.

The Thematic Strategy included five legislative proposals. Two of which were published on the same day as the Thematic Strategy: a new Framework Directive to achieve a sustainable use of pesticides ([COM\(2006\)373](#)) and a Regulation ([COM\(2006\)388](#)) concerning the placing of plant protection products (PPPs) on the market which would replace Directive [91/414/EEC](#). A third legislative proposal relating to EU water quality objectives under the Water Framework Directive [2000/60/EC](#) was published a few days later ([COM\(2006\)397](#)). In December 2006 the Commission tabled a proposal for a Regulation concerning statistics on the distribution and use of PPPs ([COM\(2006\)778](#)) and in 2008, the Commission proposed legislation to set minimum standards for pesticide application equipment ([COM\(2008\)535](#)).

In early 2009, the proposed Regulation and framework Directive on the sustainable use of pesticides (the so-called pesticides package) was adopted. Regulation (EC) No [1107/2009](#) concerning the placing of PPPs on the market puts in place a system where a positive list of approved active substances in pesticides will be drawn up, while Directive [128/2009/EC](#) establishes a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and alternative approaches or techniques. The framework Directive, however, does not include quantified environmental targets to be achieved by Member States. Instead, the target-setting process is delegated to the Member States themselves, by mandating the adoption, at the national level, of action plans setting out appropriate targets to achieve the generally worded objective of reducing hazards and risks from, and dependence on, pesticides.

Thematic Strategy on soil protection

The Thematic Strategy on soil protection ([COM\(2006\)231](#)) was published on 22 September 2006 and was the last of the seven Thematic Strategies to be published. The Thematic Strategy was developed in close cooperation with stakeholders, with much higher levels of engagement than under some of the other Thematic Strategies. The overall objective of the Thematic Strategy was to achieve the protection and sustainable use of soil based on the 'guiding principles' of preventing further soil degradation and preserving its functions by acting on soil use and management patterns and taking action at source when soil acts as a sink/receptor for the effects of human and natural activities; and restoring degraded soils to a level of functionality consistent with current and intended use.

The Thematic Strategy was accompanied by a proposal for a framework Directive for the protection of soil ([COM\(2006\)232](#)) which was foreseen as the main implementing measure

for many of the actions in the Thematic Strategy. The proposed Directive would be the first piece of EU legislation that explicitly deals with the preservation of soil functions, the prevention of soil degradation and the mitigation of its effects, the restoration of degraded soils, and the integration of these principles in other sectoral policies. The proposal set out a structure for action and a series of objectives to be achieved by Member States, however, Member States would be given significant flexibility in how they implement the requirements of the Directive, thus the 'risk acceptability, the level of ambition regarding the targets to be achieved and the choice of measures to reach those targets are left to Member States'. Despite the prioritization of the dossier by various Council Presidencies, Member States have failed to reach a political agreement on the text of the proposed Directive (as of September 2010). A blocking minority of Member States (including Austria, France, Germany, the Netherlands and the United Kingdom) continue to object to the measure on the grounds of proportionality, subsidiarity and costs associated with implementation.

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