



Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

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Proposed policy developments

Forthcoming Policy contains two Sections: A section on 'Proposed Policy' briefly summarises items of potential legislation formally proposed by the European Commission and awaiting adoption by the Council and Parliament. If adopted, these measures will be covered in more detail in the relevant sections of the *Manual*. 'Anticipated Policy' contains proposals not yet formally presented by the Commission but noted as being under development in, for example Environmental Action Programmes, the annual Programmes of the Commission, or in Declarations of the Council, or replies to questions in Parliament.

We provide here a list of proposals for EU environmental legislation that are being developed. It only includes those items where there has been a clear indication that new, or revised, law is forthcoming. It does not assume, for example, that a review period in a Directive would lead inevitably to revised legislation.

Air Quality Policy

Proposal for a new Directive on [recreational craft](#)

In July 2011 the Commission published a proposal for a new Directive on the harmonisation of recreational craft and personal watercraft ([COM\(2011\)456](#)). It proposes stricter emission limits for NO_x and hydrocarbons (-20 per cent) and for particulate matter (-34 per cent) from new motor boats, sailing boats, jet skis and other recreational craft. However, the proposed CO limits would be slightly relaxed. Noise emissions would remain unchanged as the noise emitted by watercraft is not the sole result of engines. In order to leave time for adjustment of the production process, the proposal includes three years for transition for industry. Three additional years are available for the adaptation of SMEs selling spark engines below 15 KW. The proposal also includes a mandatory installation of holding tanks to watercraft fitted with toilets, to contribute to marine environmental protection. It is currently awaiting the first reading from the European Parliament. The first reading is expected to be held in September 2012.

Proposal for a Framework Regulation [on type approval of two or three-wheel motor vehicles and quadricycles](#)

A proposal was published in October 2010 ([COM\(2010\)542](#)). It aims at simplifying the existing legal framework, decreasing the share of two or three-wheel vehicles emissions to overall transport emissions and improving aspects of vehicle functional safety. It introduces stricter Euro standards at three year intervals: Euro 3, 4 and 5 would apply respectively in 2014, 2017 and 2020. This gradation aims at reducing the share of emissions from L-category vehicles. The simplification is generated by replacing various existing instruments by five Regulations. The proposal was presented to the Economic and Social Committee in early 2011. It welcomed the draft Regulation and stricter air emissions standards. However it recommended that attention is given to limiting the overall increase in consumer costs, citing the economic crisis as an aggravating factor for the motorcycle sector. In May 2011, the proposal was transmitted to the European Parliament; it was discussed during a committee session in December 2011. However the proposal is still awaiting discussion in a plenary session and the first reading is expected for July 2012.

Proposal for a new Directive on the [sulphur content of marine fuel](#)

A proposal for a new Directive on the sulphur content of marine fuel was published in July 2011 ([COM\(2011\)439](#)). If adopted, the new Directive would transpose into EU law global limits on the sulphur content of marine fuels adopted in 2008 by the modification of the MARPOL Agreement of the IMO. By 2020 the limit for sulphur in marine fuels would be lowered from 4.5 per cent to 0.5 per cent. Stricter limits will apply in Sulphur Emission Control Area, with, from 2015, a standard of 0.1 per cent of sulphur content for fuels of passenger ships outside SECA. Alternative compliance methods are introduced, such as exhaust gas cleaning systems. The strengthening of the EU monitoring and enforcement regime is also proposed. The proposal is currently awaiting the first reading from the European Parliament, expected to be in July 2012.

Climate Change Policy

Proposal for a [Directive](#) on energy taxation

A proposal for a revision to the Energy Taxation Directive was published in April 2011 by the Commission ([COM\(2011\)169](#)). An EU framework would, argues the Commission, allow Member States to apply a CO₂ tax to meet their effort sharing targets, without fear of jeopardising their competitiveness within the EU. Finally, a revised Energy Taxation Directive with a CO₂ element would prevent a patchwork of national policies from creating obstacles and distortions in the Internal Market. The Energy Council is expected to discuss the proposal at a meeting on 30 November 2011. A European Parliament Report is scheduled for adoption in Committee on 24 January 2012, and to be discussed in a European Parliament Plenary sitting around the end of April 2012.

Proposal for a revised monitoring mechanism for greenhouse gas emissions

On 23 November 2011 the Commission published its proposal for a revised monitoring mechanism ([COM\(2011\)789](#)). The Parliament will discuss the proposal in July 2012.

Industrial Pollution Policy

[Revision of the Major Accidents Hazards Directive](#)

On 21 December 2010 the Commission published a proposal ([COM\(2010\)781](#)) for amended revision to the [Major Accident Hazards](#) Directive 96/82/EC. The main proposed changes are: to align Annex I of the Directive (defining the substances falling within its scope) to changes to the EU system of classification of dangerous substances (Regulation (EC) No 1272/2008, see section on [classification, labelling and packaging of chemical substances and mixtures](#)); to include mechanisms to adapt Annex I in the future to deal with changing situations; to strengthen the provisions relating to public access to safety information, participation and access to justice; and to introduce stricter standards for inspections. It is awaiting Parliament's first reading, which is likely to happen on 4 October 2011. The Parliament is due to adopt a position during its plenary session in June 2012.

Water and Marine Policy

Erika II package on oil pollution in European waters and a fund for compensating damage

In December 2000 the European Commission published a Proposal for a Regulation concerning oil pollution in European waters and a fund for damage compensation ([COM\(2000\)802](#)) as amended by [COM\(2002\)313](#). The proposal, the second from the second [Erika package](#), is to establish a fund (COPE) to compensate for oil pollution damage in European waters and to complement the existing international two-tier regime on liability and compensation for oil pollution damage by oil tankers (IOPC). COPE would compensate victims of oil spills whose claims have been justified, but who have been unable to obtain full compensation from the existing measures due to the compensation ceiling of €200 million. COPE would therefore be based on the same principles and rules as the current system, but would have a higher ceiling of an estimated €1000 million, and would aim to speed up the payment of full compensation to victims. While other measures included in the Erika package have been adopted, the Council has yet to adopt this part of the package.

Proposed amendments to the Directive on environmental quality standards for water

In January 2012 the Commission published a proposal to amend the Directive ([COM\(2011\)876](#)). This would add a further 15 priority substances (six of which as priority hazardous substances) and designate two existing priority substances as priority hazardous substances. It would also provide stricter EQS for four existing priority substances, slightly revised EQS for three others and introduce biota standards for several substances. Finally, it contains a provision for a “watch-list mechanism” designed to allow targeted EU-wide monitoring of substances of possible concern to support the prioritisation process in future reviews of the priority substances list.

Noise Policy

Proposed codification of the Directive concerning [noise emissions from cars](#)

In September 2010, a Commission Communication ([COM\(2010\)508](#)) proposed the codification of the Directive on the permissible sound level and the exhaust system of motor vehicles. It is a codification process which would bring together the texts of Directive 70/157/EEC and its successive amendments without changing their requirements (see section on [cars, buses, lorries and trains](#)). The European Parliament had a first reading on 28 March 2011. Its conclusions were voted on during the plenary session of the Parliament in May 2011. It is now awaiting political agreement on the final text.

Proposed Regulation to replace the Directive on noise emissions from aircraft

In December 2011, the Commission published a draft Regulation ([COM\(2011\)828](#)) that would repeal Directive 2002/30/EC and would establish a new assessment system to introduce operation restrictions. This is part of the ‘Better Airport’ package that consists of three proposed Regulations. The new approach is thought to be consistent with the set of principles and guidance that have been adopted by the International Civil Aviation

Organization and, therefore, would reduce the risk of international disputes in the event that third country carriers are impacted by noise abatement measures at airports in the EU. It would also create a noise assessment process with clearly identified steps. However no noise quality objectives have been decided. The proposal will be discussed in the Parliamentary plenary in November 2012.

Proposed Regulation on the sound level of motor vehicles

The Commission published a proposal for a Regulation on the sound level of motor vehicles ([COM\(2011\)856](#)) on 9 December 2011 which seeks to introduce stricter noise levels passenger cars, vans, buses and lorries. The proposal aims to reduce noise from vehicles through progressively reducing the limits. Limits for cars, vans and buses would first drop by 2 decibels two years after entry into force, then by another 2 decibels five years after entry into force, reaching 68 decibels. For lorries, the first step would be a 1 decibel reduction (from 81 to 80 dB(A)), then a further 2 decibels reduction, to reach a final limit of 78 dB(A). The proposal will be discussed in the Parliamentary plenary in October 2012.

Resource Use and Product Policy

Waste electrical and electronic equipment ([WEEE](#)) recast

In December 2008 the European Commission published a proposal ([COM\(2008\)810](#)) to 'recast', that is consolidate and add new provisions to, the [WEEE Directive](#) 2002/96/EC. The proposal would include new measures on registration and reporting requirements, modify the scope of the Directive by clarifying a number of definitions concerning excluded appliances, introduce new collection and recycling targets as well as minimum inspection rules. The proposal would also require Member States to make producers financially responsible for household collection. Disagreement in Council had led the Swedish Council Presidency to propose a draft compromise text which was then published in December 2009. The Council Working Party for the Environment is now discussing the proposal. It is concentrating on issues relating to the scope of the Directive, separate collection targets and the role and definition of 'producer'. In the European Parliament the Environment Committee has drawn up its draft Report containing over 40 amendments to the Commission proposal. Discussions on the report in the Environment Committee started in April 2010 and the proposal was presented to the Parliament plenary session in June 2010. It adopted a [position](#) on 3 February 2011. The European Parliament second reading was held during the plenary session in October 2011. It is now awaiting political agreement on the final text.

Chemicals and hazardous substances policy

Proposal for the recast of the [Emergency Food Protection Regulation](#)

In April 2010 the Commission introduced its proposal [COM\(2010\)184](#) for a recast of the Regulation with the European Parliament adopting its position at first reading in February 2011. It is now awaiting consideration by the Council.

Proposal for the recast of the Regulation on [export and import of dangerous chemicals](#)

In May 2011 the Commission published a Proposal [COM\(2011\)245](#) for a recast of the Regulation. The proposed Regulation would essentially maintain all provisions of the current Regulation. However, it would change and clarify some definitions and aspects of the consent procedure, would transfer certain tasks to the European Chemicals Agency as well as address changes stemming from the Treaty on the European Union and the Treaty on the Functioning of the European Union. The proposal is awaiting the first reading to be held during the plenary session of the European Parliament in May 2012.

Funding Instruments

Proposal for post 2013 financial perspective of the EU budget

The EU is currently embarked on a strategic review of its budget. In October 2010, the Commission published a formal proposal on the EU Budget Review ([COM\(2010\)700](#)). In June 2011, the European Parliament adopted its position on the post-2013 budget ([2010/2211\(INI\)](#)). It sent challenging messages to the Council by demanding a five per cent increase in the future EU budget, a new own resources system and the scrapping of all correction mechanisms. At the same time, it made a number of important demands concerning climate change, energy and resource efficiency. On June 29 2011, the European Commission formally tabled its proposals for the 2014-2020 multiannual financial framework (MFF). The package included a two part Communication. The first, set out the principles, priorities, structure, duration and the size of the MFF ([COM\(2011\)500 - Part I](#)). The second, containing 'policy fiches' which set out specific objectives, instruments, implementation mechanisms and budget allocations for the different policy areas, e.g. agriculture and rural development, Cohesion Policy, infrastructure, etc. ([COM\(2011\)500 - Part II](#)). The Commission proposed an overall increase of the EU long-term budget in terms of total commitment appropriations, i.e. €1,025 billion. However, measured in terms of share of European GNI, it would be a slight decrease: whereas the current budget represents 1.12 per cent of GNI, the proposal would bring that down to 1.05 per cent.

Proposal for a new funding system under the [EAFRD](#)

In autumn 2010, a legislative proposal was put forward for Pillar Two of the CAP ([COM\(2010\)537](#)). It proposes a reduction in the number of reports that need to be submitted by Member States during the 2007-13 programming period detailing progress with implementing their national strategy plans; a simplification of the requirements for setting up advisory services; an extension of the support for the setting up and administrative operation of producer groups to the EU-15 Member States and biodiversity related provisions. It is currently awaiting a first reading position by the European Parliament. It is expected to be voted in December 2011.

Proposal for a new Horizon 2020

On 30 November 2011, the European Commission published a draft Regulation governing Horizon 2020 ([COM\(2011\)809](#)). Key priorities include support for excellence in science, industrial innovation and addressing societal grand challenges among which are the

achievement of a bio-based economy, clean energy, sustainable transport systems, climate change and resource efficiency. The Commission proposal will be discussed by the Council and the European Parliament within an ordinary legislative procedure. The final adoption of the Horizon 2020 package is expected by the end of 2013 with a view to enter into force on 1 January 2014.

Proposal for a new Competitiveness of Enterprises and Small and Medium-sized Enterprises Programme (COSME)

In November 2011, the Commission tabled its proposals on the new Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) which will run from 2014 to 2020, with a planned budget of €2.5bn (current prices) ([COM\(2011\)834](#)). One of the main objectives of COSME among others is to improve the capacity of SMEs to adapt to a low-carbon, climate-resilient, energy and resource efficient economy due to limited financial means and limited expertise. COSME should enter into force on 1 January 2014.

Proposal for a new package for Cohesion and Structural Funds

On 6 October, the European Commission unveiled a legislative package which contained the following proposals for Regulations:

- A Regulation setting out common provisions governing the five EU funds under shared management, which also includes a separate section laying down general provisions for the ERDF, ESF and the Cohesion Fund (i.e. replacing the current General Regulation (EC) No 1083/2006) ([COM\(2011\)516](#));
- Three specific Regulations for the ERDF, the ESF and the Cohesion Fund ([COM\(2011\)614](#)), ([COM\(2011\)607](#)), ([COM\(2011\)612](#)); and
- Two Regulations dealing with the European territorial cooperation goal and the European grouping of territorial cooperation (EGTC) ([COM\(2011\)611](#)) and ([COM\(2011\)610](#)).

It is anticipated that the Regulations will be adopted by mid-2013 so that they can enter into force on 1 January 2014.

Proposal for a new European Maritime and Fisheries Fund

In December 2011, a draft Regulation ([COM \(2011\)804](#)) and impact assessment ([SEC\(2011\) 1416](#), [SEC\(2011\) 1417](#)) proposing a new European Maritime and Fisheries Fund (EMMF) were published by the Commission. The new fund will replace the existing European Fisheries Fund (EFF) and a number of other instruments, and establish a financial framework for the Common Fisheries Policy and the Integrated Maritime Policy for the period 2014 to 2020. The proposed EMMF budget amounts to €6.5 billion for the seven year period, to which €916 million will be added to finance external fisheries agreements and the compulsory contributions to regional fisheries management organizations. An agreement on the legislative package is expected in early 2013 with a view to enter into on 1 January 2014.

Proposed LIFE +instrument

The draft Regulation on the 2014-2020 LIFE instrument was presented by the Commission in December 2011. It sets out the modalities of both components. The sub-programme environment includes the priority areas 'Environment and Resource Efficiency', 'Biodiversity' and 'Environmental Governance and Information'. Delegated acts by the Commission are expected to be released on issues such as specifying eligibility criteria for project selection, criteria for the application of geographical balance to Integrated Projects, and performance indicators applicable to specific thematic priorities

Supporting policies

Proposal for a Regulation on safety of offshore oil and gas prospection

In September 2011, the Commission proposed a Regulation on safety of offshore oil and gas prospection, exploration and production activities ([COM\(2011\)688](#)). It foresees the extension of the scope of the existing Directive to fully cover the marine environment. The proposal will be examined by the Council in June 2012.

Sectoral policies

Proposal for a framework Directive on the protection of soil

In September 2006 the Commission published a proposal ([COM\(2006\)232](#)) for a Directive of the European Parliament and of the Council establishing a framework for [the protection of soil](#) and amending Directive 2004/35/EC. This proposal accompanied the Thematic Strategy on Soil Protection (COM(2006)231) and aims to implement many of the actions required under the Strategy. The proposal defines the seven key functions of soil and would introduce EU rules on soil condition monitoring, soil erosion, decline in organic matter, and contamination. The Directive would also oblige sellers and buyers to provide a soil status report for any transaction of land where a potentially contaminating activity has taken, or is taking, place. The proposal is currently blocked in the Council where Germany, France, Austria, the Netherlands and the UK have formed a blocking minority opposing the proposal. During discussions, the UK and Austria, supported by the Netherlands, made it clear that they still oppose the proposal on grounds of subsidiarity. The UK delegation explained that soil was not a cross-border issue unlike water and air and therefore competence should remain at Member State level. The proposal was also criticised over the cost and administrative burdens it would impose. Germany has stated that it would not be opposed to a strategy on soil protection but could not agree to legislation. Successive Council Presidencies have sought to take the proposal forward by trying to find a compromise text, but this has been unsuccessful so far.

Proposal for common rules for support schemes for farmers

This legislative proposals was released in Autumn 2010 and concerns Pillar One of the CAP ([COM \(2010\)539](#)). It aims to reduce administrative burdens in the farming sector to bring the CAP in line with the principles of the new Lisbon Treaty. These simplification proposals include measures designed to reduce the reporting and control burdens on farmers, and aim to clarify the Commission's decision making powers in agricultural matters. A vote from the Parliament is expected to take place during plenary in September 2012.

Proposal for a [Directive on energy efficiency](#)

On 22 June 2011, the Commission published its proposal for a new Directive on energy efficiency which would repeal Directive 2004/8/EC and Directive 2006/32/EC ([COM\(2011\)370](#)) The proposed Directive would establish a common framework for promoting energy efficiency in the Union to ensure the target of 20 per cent primary energy savings by 2020 is met and to pave the way for further energy efficiency afterwards. The Energy Council is expected to discuss the proposal on 24 November 2011, and a report is expected to be adopted in the European Parliament Committee responsible on the 28 February 2012. Voting on a final European Parliament position is expected in the second half of April 2012.

Proposal for the reform of the [Common Fisheries Policy](#)

On 13 July 2011 the Commission published proposals for the 2012 reform of the CFP. The reform 'package' includes four proposals: a legislative proposal for a new CFP Regulation ([COM\(2011\)425](#)), a legislative proposal for a market policy ([COM\(2011\)416](#)), a Communication on the external dimension of the CFP ([COM\(2011\)424](#)), and a report on reporting requirements ([COM\(2011\)418](#)). The most significant change to the general objectives of the CFP is the aim to reach maximum sustainable yield by 2015. Another new objective in the proposal is that the CFP shall 'integrate the Union environmental legislation requirements'. An ecosystem-based approach to fisheries management, although present in the 2002 Regulation, has now been given greater prominence. The proposal now forms the basis of negotiation between Member States, the Commission and the European Parliament before a final Regulation is adopted, probably at the end of 2012

Proposal for the reform of the Common Agricultural Policy

Legislative proposals were published on 12 October 2011, alongside an impact assessment on the economic, social and environmental impacts of the policy options put forward. A series of seven proposed regulations were put forward as follows:

- Proposals on the rules for direct payments ([COM\(2011\)625](#));
- Proposals for the single CMO establishing a common organisation of the markets in agricultural products ([COM\(2011\) 626](#));
- Proposals on support for rural development ([COM\(2011\) 627](#));
- Proposals on financing, management and monitoring, including proposals regarding cross compliance and the Farm Advice System ([COM\(2011\) 628](#));
- Proposals on fixing certain aids and refunds ([COM\(2011\) 629](#));
- A proposal on the application of direct payments in respect of the year 2013 ([COM\(2011\)630](#)); and
- A proposals on the regime of the single payment scheme and support to vine-growers ([COM\(2011\)631](#)).

Proposal for a Decision on accounting rules and action plans on emissions and removals from LULUCF

In December 2011, the European Commission published a proposed Decision ([COM\(2012\) 93 final](#)) on accounting rules and action plans on emissions and removals from LULUCF,

accompanied by a Communication ([COM\(2012\) 94 final](#)) and Impact Assessment ([SWD\(2012\) 41 final](#)). Amongst others it suggests a mandatory accounting for net emissions and removals from forest management by using 'reference levels', i.e. accounting towards projections of 'business as usual emissions' based on current policy settings, in line with the decision at international level.