



**Strategic Orientations of EU Environmental Policy under the
Sixth Environment Action Programme and
Implications for the Future**

Final Report

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EXECUTIVE SUMMARY

The Sixth Community Environment Action Programme (6EAP) was adopted by a joint decision of the European Parliament and the Council on 22 July 2002. The 6EAP was the first EAP to be adopted through the co-decision procedure, thus granting it a degree of political importance and authority which its predecessors lacked. While the exact legal nature and effect of the 6EAP may be contested, it represents a formal political commitment of the Parliament, the Council and the Commission and provides an important benchmark against which the development of EU environmental policy can be evaluated. Since the adoption of the 6EAP, the EU has successfully adopted a number of new environmental policies and measures, agreed ambitious targets in various areas, and developed several cross-cutting strategies and plans. The extent to which the 6EAP has driven these developments is however unclear. Has the 6EAP provided a structured framework within which environmental developments have taken place? Or is it merely a redundant EU initiative which has dropped out of political favour? What has been the added value of such a framework? To what extent have shifting political priorities been the real driving force behind certain developments, the most obvious being climate change? These are important questions that will need to be examined in forthcoming evaluations of the 6EAP. Although it is difficult to accurately establish the extent to which an overarching framework like the 6EAP has influenced policy developments; reflecting on such issues is important and should inform and help to shape the type of environmental policy framework the EU may adopt in 2012. This report aims to feed into the debate on the value of the 6EAP by providing an analysis of implementation of the 6EAP, interactions between the 6EAP, the EU Sustainable Development Strategy (SDS) and Lisbon Strategy, and some initial reflections on options for the future.

The 6EAP introduced the Thematic Strategies as a mechanism to identify further proposals for legislation and measures to achieve its objectives. As a process to develop EU environmental policy, the broad inclusive engagement of different stakeholders in the development of the Thematic Strategies introduced a more strategic approach to developing EU environmental policy that went some way to addressing one of the shortcomings of the 5EAP, namely the lack of ownership of the programme by other sectors. However, the process of developing the Thematic Strategies lengthened the duration of the environmental policy-making process by delaying the formulation of concrete policy proposals and the adoption of resulting measures. While many of the legislative instruments accompanying the Thematic Strategies are still in their early stages of implementation, the delays in their adoption, the failure to set concrete targets, the delegation of responsibility not only for implementation but also for further specification of many of the measures foreseen to Member States, and the limited monitoring and reporting mechanisms have compromised the prospect of achieving the objectives of the 6EAP before its expiry in 2012. The Thematic Strategies introduced an extra step in the process of implementing the 6EAP, thus delaying its implementation and detracting the attention of policymakers and stakeholders away from the 6EAP itself.

Many objectives and priority actions identified in the 6EAP fell outside the scope of the Thematic Strategies; in certain cases these priorities have been the subject of separate action plans and programmes while in others, EU policy has developed on a

more ad hoc or needs basis. The eight environment action plans and programmes examined in this report either predated the 6EAP (ECCP, original Biodiversity Strategy and Action Plans), came about as a result of specific demands in other policy sectors (Energy Efficiency Action Plan, Forest Action Plan, Urban Mobility Action Plan) or from the European Council (ETAP and SCP-SIP Action Plan, both related to the SDS and Lisbon Strategy). The impact of many of these plans and programmes has been limited by their reliance on Member States to (voluntarily) implement proposed measures, the absence of additional financial resources to support their implementation, poor reporting and monitoring mechanisms, the lack of appropriate legal impetus to support them, and their failure to include measurable, achievable and time-bound targets. However, the development of the plans and programmes provided a forum to move forward the debate on certain issues, while the recognition of inadequate implementation of the plans and programmes has stimulated discussions on how to better address these issues in the future. As was the case with the Thematic Strategies, some of these action plans and programmes appear to have become more prominent than the 6EAP and focused the attention of policy makers and stakeholders on their own objectives (even though in many cases these objectives contributed to or replicated those of the 6EAP) and policy formulation processes.

The 6EAP is considered to be the environmental pillar of the EU's Sustainable Development Strategy, which in turn is meant to complete and form the overall framework for the EU's Lisbon Strategy. This stated relationship is not necessarily an accurate reflection of interactions in practice which tend to develop on a more ad hoc basis to reflect underlying political realities. Overarching strategies such as the SDS and Lisbon Strategy seek to fill a gap between the EU's common objectives and principles as set out in the Treaty and the concrete measures that need to be taken to achieve them. Both the SDS and Lisbon Strategy represent high-level political statements of intent and direction for the EU, whose general objectives are called upon at different times and by different actors as a form of justification to develop or oppose measures in certain areas. Assessing the influence of such strategies on specific EU policy developments is particularly difficult and at best only broad conclusions and observations can be drawn in this regard. However, in general it can be noted that the SDS and Lisbon Strategy have mingled with other drivers such as the state of the European economy and underlying political currents in the Member States, and have influenced the judgement of the EU institutions and provided justification and high-level political legitimisation to take forward or delay action in certain areas. While the overall influence of the SDS on the 6EAP appears to have been less obvious, that of the Lisbon Strategy has been more pronounced as implementation of the 6EAP has often had to confront Lisbon-based opposition within the institutions which delayed the adoption of specific implementation measures and in some cases resulted in a lowering of their level of ambition.

The Treaty requires that the European Parliament and the Council adopt 'general action programmes setting out priority objectives to be attained' by the Union's environmental policy, to be followed by 'the measures necessary for the implementation of these programmes'. Thus, the Treaty mandates a strategic, planned approach to environmental policy. This has been one of the specific features of environment policy since its inception and has provided an overall sense of purpose, direction and continuity in the development of EU environmental policy, and a useful point of reference for assessing its evolution. Furthermore, the process of the

periodical elaboration of EAPs has been valuable in terms of allowing regular stocktaking, focusing political debate in the institutions on the evolving priorities of environmental policy, and establishing the policy's political profile. The EAPs serve as a reminder of the continuous efforts that remain necessary for Europe to make progress in line with the environmental policy objectives and principles laid down in the Treaty.

The broad scope and long duration are often mentioned as reasons for the low political visibility and limited effectiveness of the 6EAP as a strategic instrument. The 6EAP has also been viewed as an inappropriate tool in specific, fast-moving policy areas. However, despite these shortcomings there has been significant value in the framework provided by the 6EAP. The 6EAP has enabled the prioritisation and focusing of effort within the Commission (and DG Environment in particular) on a wider environmental agenda which goes beyond climate change. As a relatively more specific document than the SDS and Lisbon Strategy, the 6EAP has provided a structured framework within which environmental developments have taken place. In certain cases, the 6EAP has also supported the development of environmental policy measures that were under threat of being dropped, most notably during stalled discussions on the Thematic Strategies in mid-2005 when the mandate provided in the 6EAP strengthened the position of the Environment Commissioner and made it difficult to jettison environmental policy proposals because of competitiveness concerns. While the extensive consultation process behind the Thematic Strategies lengthened the policy formulation period, the participatory process helped to broaden the debate on environmental policy and increased participation and buy-in among stakeholders. The framework provided by the 6EAP has enabled a more strategic approach to the development of EU environmental policy. The fact that in certain cases the outcomes have fallen short of what was initially expected, in part reflects the ambitious objectives of the 6EAP and unrealistically high expectations of what the stakeholder consultation process related to the Thematic Strategies could deliver.

In view of the long-established practice of EAPs and the explicit Treaty mandate for such programmes, it would be a major political decision not to have a successor to the 6EAP, as is being considered in some quarters. Such a decision would very likely be perceived as a negative political signal for the status of environmental policy, as a downgrading of this policy relative to its previous status and in relation to other EU policies. In our view, the key question is not whether or not there should be a successor programme, but what form it should take, what should be its scope, content and timeframe. What needs to be considered is how to make the next EAP more visible, powerful and effective as a strategic tool, by learning from experience and avoiding the pitfalls that detracted from the effectiveness of the 6EAP. Some of the issues that need to be taken into consideration in the development of a future EAP are discussed in the concluding section of this report and include: the scope of a new EAP particularly given the new institutional architecture of the Commission, the possibility of having a limited number of thematic EAPs with concrete objectives and timetables, the timeframe of future EAPs, links with the EU 2020 Strategy, the future financial perspective and a new SDS, and issues affecting the wider world, including considerations of the EU's ecological footprint and the role of the EU in international environmental governance. This is by no means an exhaustive list of issues; rather it should be considered an initial starting point for discussions on the future EU environmental policy framework.

ACRONYMS

5EAP	Fifth Community Environment Action Programme
6EAP	Sixth Community Environment Action Programme
BEG	Biodiversity Expert Group
CAFE	Clean Air for Europe
CAP	Common Agricultural Policy
CBD	Convention on Biological Diversity
CFP	Common Fisheries Policy
CLRTAP	Convention on Long-Range Transboundary Air Pollution
CoR	Committee of the Regions
DG	Directorate General
EAP	Environment Action Programme
EBTP	European Business Test Panel
EC	European Community
ECCG	European Consumer Consultative Group
EEA	European Environment Agency
EEB	European Environment Bureau
EESC	European Economic and Social Committee
EMAS	Eco-management and audit systems
EPBRS	European Platform for Biodiversity Research Strategy
EPDs	Environmental Product Declarations
ESC	Economic and Social Committee
EPRG	Environment Policy Review Group
ETAP	Environmental Technologies Action Plan

EU	European Union
EUCESTA	European Committee of Environmental Technology Suppliers Association
EuP	Energy using Products
IA	Impact Assessment
IPP	Integrated Product Policy
IMP	Integrated Maritime Policy
IPPC	Integrated Pollution Prevention and Control
JRC	Joint Research Centre
LCP	Large Combustion Plant
MCPFE	Ministerial Conference on the Protection of Forests in Europe
MSD	Marine Strategy Directive
MSFD	Marine Strategy Framework Directive
NEC	National Emissions Ceiling
NGOs	Non Governmental Organisations
PAN	Pesticides Action Network
PPPs	Plant Protection Products
SCP	Sustainable Consumption and Production
SDS	Sustainable Development Strategy
SIP	Sustainable Industrial Policy
SMEs	Small and Medium Enterprises
TEC	Treaty establishing the European Community
TFEU	Treaty on the Functioning of the European Union
TWGs	Technical Working Groups
VOC	Volatile Organic Compounds
WWF	World Wildlife Fund

1 INTRODUCTION

The European Commission began the practice of periodically issuing Community Environment Action Programmes in the early 1970s. These programmes set out forthcoming legislative proposals and discussed broader perspectives on EU environmental policy. The Sixth Community Environment Action Programme (6EAP) was formally adopted by a joint decision of the European Parliament and the Council on 22 July 2002¹. The 6EAP was the first such programme to be adopted through the co-decision procedure, thus granting it a certain degree of political importance and credibility which its predecessors lacked. While the exact legal nature and effect of the 6EAP Decision may be contested, the 6EAP represents a formal political commitment of the European Parliament, the Council and the Commission and provides an important benchmark against which the development of EU environmental policy since 2002 can be evaluated².

The 6EAP aims to provide a ten year framework for EU action on the environment. It sets out key environmental objectives to be achieved in four priority areas - climate change, nature and biodiversity, environment and health, and natural resources and waste. For the most part, the environmental objectives were expected to be achieved before the expiry of the Programme in 2012. The 6EAP also outlines a series of priority actions in each thematic area and in the international context, and sets out strategic approaches and governance mechanisms to improve the environmental policy-making process in the EU. More detailed measures to meet the environmental objectives of the Programme were to be set out in seven Thematic Strategies covering soil protection; marine environment; pesticides; air pollution; urban environment; natural resources; and waste. The Thematic Strategies formed an important link between the four priority areas of the 6EAP and its horizontal and governance provisions such as broad stakeholder consultation and environmental policy integration. However, many objectives and priority actions identified in the 6EAP fall outside the scope of the Thematic Strategies; in certain cases these priorities are the subject of separate action plans and programmes while in others, EU policy has developed on a more ad hoc or needs basis. The 6EAP is embedded in the broader context of EU policy-making. It is also considered to be the environmental pillar of the EU's Sustainable Development Strategy, which in turn is meant to complete and form the overall framework for the EU's Lisbon Strategy.

As the Programme nears its last phase, an evaluation of its achievements and effectiveness will illuminate the extent to which the EU has succeeded in meeting environmental objectives set out almost 10 years ago. Despite the Commission's claim in 2007 that the EU is 'generally on-track' with adopting the measures outlined in the 6EAP³, independent assessments of progress at the mid-term were more critical and maintained that, despite some progress across all four environmental priorities, this is by no means sufficient to put the EU on track to achieving its objectives by 2012⁴. Preparations for the final assessment of the 6EAP are currently underway; the Commission's assessment is expected in 2011 and a number of independent evaluations are also taking place. This assessment of the EU's environmental policy framework takes place in parallel to a number of other important discussions including the development of the EU 2020 strategy, the future of the EU Sustainable Development Strategy, and a comprehensive review of the EU budget.

Much has changed since the 6EAP was adopted in mid-2002. The EU is operating in a very different political and legal framework which has seen the election of two new Parliaments and two new Commissions, an enlarged Union to include 27 members and the entry into force of the Lisbon Treaty. Political priorities have also shifted over time and for the most part have veered towards a prioritisation of economic and social issues, a trend further exacerbated by the 2008-2009 financial and economic crises. Against this backdrop, the EU has successfully adopted a number of new environmental policies and measures, agreed ambitious targets, and developed cross-cutting strategies.

The extent to which the 6EAP has driven developments in the environmental field is unclear. Has the 6EAP provided a structured framework within which environmental developments have been able to take place? Or is it merely a redundant EU initiative which has run out of steam or dropped out of political favour? What has been the added value of having such a framework? To what extent have shifting political priorities been the real driving force behind developments in certain areas, the most obvious being climate change? These are important questions that will need to be examined in the forthcoming evaluations of the 6EAP. Although it is difficult to accurately establish the extent to which an overarching framework like the 6EAP has influenced policy development; reflecting on such issues is important and should inform and help to shape the type of environmental policy framework the EU may adopt in 2012. This report aims to feed into the debate on the value of the 6EAP by providing an analysis of implementation of the 6EAP, interactions between the 6EAP, the EU Sustainable Development and Lisbon Strategies, and some initial reflections on options for the future.

2 SCOPE OF THE REPORT

The time and resources available for this report were not sufficient to provide a comprehensive assessment of the implementation of the 6EAP across all areas of environmental policy covered in the Programme. Thus, this report will focus on implementation of the 6EAP across its four environmental priorities through the seven Thematic Strategies and eight related environment action plans and programmes. This will be complemented by an analysis of the wider framework within which the 6EAP was developed and how this context affected the implementation and effectiveness of the 6EAP.

The report will begin with an examination of the considerations behind the development of the 6EAP, looking at the procedure leading up to its adoption and the legal nature and effect of the Decision. The report will then examine the main implementing tools of the 6EAP, the Thematic Strategies, in particular how they were developed, stakeholders involved in the process, and the extent to which they have achieved the objectives set out in the Programme. The report will also examine eight related environment action plans and programmes (two from each thematic priority area of the 6EAP) that developed separately from the Thematic Strategies, looking again at the process behind their development, the stakeholders involved, how these action plans and programmes relate to the 6EAP, and the extent to which they have contributed to achieving the objectives of the Programme.

The report will then analyse the wider policy context within which the 6EAP operates, in particular the EU Sustainable Development and Lisbon Strategies, how they relate to the 6EAP, and the extent to which these cross-cutting strategies have influenced the implementation of the 6EAP. The report will conclude with an overall assessment of key EU strategies relevant to the environment and a discussion on issues that will need to be taken into consideration in the development of a 'Future EU environmental policy framework'.

3 DEVELOPMENT AND FRAMING OF THE SIXTH ENVIRONMENT ACTION PROGRAMME

Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme⁵ was formally adopted by the European Parliament and the Council on 22 July 2002. Unlike its predecessors, the 6EAP was adopted through the co-decision procedure and represents a formal political commitment of the Commission, Council and Parliament. This section provides an overview of the strategic considerations behind the 6EAP, the origins of the 6EAP, how it was developed, the legal nature and effect of the Decision, and previous assessments of progress under the Programme. This provides an important context for the subsequent analysis and discussion of the processes and achievements of the 6EAP.

3.1 Previous Community Environment Action Programmes

Since 1973, the Commission has periodically issued Environment Action Programmes (see Table 1) which included proposals for legislation the Commission intended to put forward, broader perspectives on environmental policy, and new directions for future action. The legal basis for these programmes is established through Article 192(3) (ex Article 175(3) of TEC) of the Treaty on the Functioning of the EU (TFEU) which provides for the adoption of ‘general action programmes setting out priority objectives to be attained’ by the European Parliament and the Council in accordance with the ordinary legislative procedure (former co-decision procedure). The Treaty goes on to state that ‘measures necessary for the implementation of these programmes’ are to be adopted in accordance with the legislative procedure laid down in either Article 192 (1) or (2) (ex Article 175 (1) or (2) of TEC)⁶. This wording implies that the action programmes are not intended to have any immediate effects as such, but rather to set out objectives to be attained. Separate measures to implement the objectives of the action programmes are to be adopted separately.

The first five action programmes were political statements of intent of Community action on the environment and took the form of Commission documents that were politically endorsed by the Council through a declaration or resolution. Given that neither the Council nor the Parliament were directly involved in their formulation, there was a limited sense of ownership and political legitimacy of these programmes. The 6EAP was the first Community environment action programme to be adopted jointly by the European Parliament and the Council in accordance with the formal legislative co-decision procedure.

Table 1: Community Environment Action Programmes⁷

EAP	Period covered	Date approved	OJ Reference
First EAP	1973 – 1976	22/11/1973	C 112, 20.12.73
Second EAP	1977 – 1981	17/05/1977	C 139, 13.6.77
Third EAP	1982 – 1986	07/02/1983	C 46, 17.2.83
Fourth EAP	1987 – 1992	19/10/1987	C 328, 7.12.87
Fifth EAP	1993 – 2000	01/02/1993	C 138, 17.5.93
Sixth EAP	2002 – 2012	22/07/2002	L 242, 10.9.2002

In 1999 the Commission presented the results of the global assessment of implementation of the Fifth Environment Action Programme (COM(1999)543)⁸. The assessment was prepared in the context of entry into force of the Amsterdam Treaty which made sustainable development an explicit Community objective and strengthened the requirement to integrate environmental considerations in other policy sectors. The global assessment concluded that ‘practical progress towards sustainable development has been rather limited, mainly because there was no clear recognition of commitment from Member States and stakeholders and little ownership by other sectors of the programme’⁹. The lack of quantifiable targets and monitoring mechanisms were also recognised as key reasons behind the limited success of the 5EAP. The Commission however stressed that the ‘main principles’ of the 5EAP remained valid, and that the 6EAP should build on the 5EAP and address its shortcomings. The new Programme was to ‘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’¹⁰ and was to form one of the ‘pillars’ of a strategic approach to sustainable development.

The global assessment, together with a report on integrating environmental concerns and sustainable development into Community policies (SEC(1999)1941)¹¹ and a report on environment and integration indicators (SEC(1999)1942)¹² were presented to the European Council in Helsinki in December 1999. At the Summit, EU Heads of State or Government recognised the importance of integrating environmental and sustainable development issues in the definition and implementation of other EU policies and called on the Commission to prepare a proposal for a 6EAP by the end of 2000 as well as a proposal for a ‘long-term strategy dovetailing policies for economically, socially and ecologically sustainable development’ by June 2001¹³. The proposal for a 6EAP was subsequently presented by the Commission in January 2001, while the ‘long-term strategy’ took the form of the EU Sustainable Development Strategy (EU SDS) presented later that year (see section 6).

3.2 Development of the 6EAP

In January 2001, the Commission presented a Communication and a proposal for a Decision of the European Parliament and of the Council laying down the Sixth Community Environment Action Programme 2001-2010 (COM(2001)31)¹⁴. The Commission’s proposal followed six weeks of inter-service consultation within the Commission and took the form of a 13-page draft Decision of just 11 Articles. The proposed Decision set out Community environmental objectives and actions over a ten year period focusing on four substantive ‘priority areas’ (climate change, nature and biodiversity; environment and health; natural resources and waste) and outlining cross-cutting ‘strategic approaches’ to meeting environmental objectives. The proposal focused on general objectives and contained few clear policy targets and no timetables for action. While some targets (e.g. waste prevention and noise reduction) were mentioned in the introductory Communication, they were omitted in the proposed Decision. The Commission maintained that quantifiable targets and timetables would be developed through specific Thematic Strategies ‘on the basis of sound scientific and economic cost-benefit analysis and on open dialogue and consultation with the various parties concerned’. When or how these strategies would

be developed, who would be involved, or which Commission DGs would take the lead on each strategy was not specified in the Commission's proposal.

Agreeing the 6EAP

In their first reading in May 2001, MEPs adopted 221 amendments¹⁵ to the Commission's proposal. The amendments aimed to strengthen the programme by inserting more concrete targets and timetables, clarifying responsibilities, and addressing the implications of enlargement. Key amendments proposed included: an explicit statement that the 6EAP should form the environmental pillar of the EU SDS; the introduction of penalties on recalcitrant Member States and a policy of 'name, shame and fame' to encourage compliance with environmental legislation; the establishment of cross-border green belts; an urban environment strategy; the development of public transport; the introduction of a green energy label by 2005; action to reduce electro-magnetic pollution and reduce dumping of waste at sea; measures to reduce environmental damage caused by tourism; and the introduction of stringent noise, air and water pollution limits. MEPs also proposed that the Thematic Strategies be agreed under the co-decision procedure and outlined details on the content of each Strategy, how they should be developed, and monitored. These amendments sought to ensure that MEPs would not be sidelined by new (non-legislative) approaches to developing the EU's environmental policy.

The lack of concrete targets and possible timetables in the 6EAP was initially criticised by EU Environment Ministers during an orientation debate in March 2001¹⁶. However, in the Council common position formally adopted in September, Ministers dropped their initial insistence that the 6EAP contain detailed targets and timetables, and supported the Commission's view that these should be set on the basis of longer-term scientific analysis and in negotiation with stakeholders. The Council incorporated 174 of the amendments proposed by the Parliament, rejecting certain targets proposed by MEPs including *inter alia* the stabilization of CO₂ emissions from transport by 2008-2012. Ministers agreed that the Thematic Strategies should be legal instruments adopted on the basis of the co-decision procedure only 'where appropriate' and should be ready for implementation five years after the adoption of the Programme. The Council's common position also confirmed that the 6EAP would set the environmental priorities of the EU SDS and that the strategies for integrating the environment into the work of sectoral Councils should contribute to meeting the objectives of the 6EAP¹⁷.

The opinion of the Economic and Social Committee (ESC) adopted in May 2001 criticised the Commission's vague approach to the four priority areas and warned that the proposed actions would remain 'mere declarations of intent - thwarted by inertia, technical shortcomings and political resistance'¹⁸. The ESC recommended that the 6EAP specify the performance indicators to be used, the bodies responsible for implementing and applying them, and monitoring and evaluation timetables; include medium- and long-term quantitative objectives; and identify objectives to be achieved at the Community level according to a pre-established timetable and how to incorporate these objectives at the national level.

The need for clear objectives and deadlines was reiterated in the opinion of the Committee of Regions (CoR) adopted in June 2001¹⁹. The CoR called for the 6EAP to provide not only for the better application of existing environmental legislation but

also for its updating and fine-tuning; for more stringent sanctions where Community environmental legislation is not complied with; for the ‘fame or shame’ strategy on implementation announced in the Commission's Communication to be reflected in the draft Decision and if possible be extended to cover compliance/non-compliance with both regional/local level legislation and voluntary agreements. The CoR also called for the 6EAP to specify ways of integrating the environment into sectoral policies at Member State, regional and local level; require that Community funding be subject to an assessment of the extent to which projects incorporate environmental policies; and include measures to promote general rules for sustainable land use planning.

During its second reading of the 6EAP in December 2001, the Parliament's Environment Committee re-tabled 40 of its original first reading amendments²⁰ that had been rejected by the Council, including the establishment of targets and timetables such as: reducing GHG emissions by 1% per year until 2020, doubling the share of combined heat and power to 18% of total electricity generation by 2010, eliminating exposure to hazardous chemicals by 2020; reducing waste generation by 20% between 2000 and 2010, reducing the number of people affected by noise by 10% by 2010 and 20% by 2020; and phasing out environmentally-harmful subsidies by 2005. The Parliament's plenary meeting in January 2002 however rejected most of the targets and timetables proposed by the Environment Committee. While MEPs retreated on some issues, they retained their insistence that the Thematic Strategies should be legal instruments agreed through the co-decision procedure and should be developed within three, rather than five years, of the adoption of the Programme. The 18 amendments tabled by the Parliament included a re-introduction of provisions on environmental crime, the listing and elimination of environmentally harmful subsidies, encouraging the use of fiscal measures such as environment related taxes, and improving the policy-making process through the preparation of environmental impact assessments of all Commission proposals which may have significant environmental implications²¹.

In February, a conciliation committee was convened to resolve the remaining areas of disagreement between the Parliament and the Council. The committee comprised of fifteen Member State representatives and fifteen MEPs. Final negotiations were completed in March²². Initial insistence by both the Environment Council and the European Parliament that the 6EAP should contain detailed quantitative targets and timetables was abandoned, with both institutions agreeing that detailed policy proposals and the selection of specific policy instruments would be developed in the framework of the seven Thematic Strategies which ‘may include’ relevant targets. MEPs also retreated on their earlier insistence that all the Strategies should be decided by co-decision; however their proposed three year timetable for producing them was retained. The resulting agreement granted the Commission considerable flexibility in developing the Thematic Strategies and formulating detailed objectives and timing of measures therein. Moreover, it delayed the issue of addressing one of the recognised shortcomings of the 5EAP - the lack of quantifiable targets - to a subsequent process.

3.3 The 6EAP

Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme²³ was formally adopted by a joint decision of the European Parliament and the Council on 22 July 2002. The Decision establishes a programme for Community action on the environment from July 2002 to July 2012, focusing on the four key environmental priorities - climate change, nature and biodiversity, environment and health and quality of life, and natural resources and waste. The programme sets out key environmental objectives and targets to be achieved 'before expiry of the Programme unless otherwise specified' (Art. 1(2)). As implied by the text of the Treaty, separate measures to implement the objectives of the Programme were to be adopted separately. The 6EAP states that these initiatives would be presented, at the latest, four years after the adoption of the Decision, i.e. by 2006.

A number of general principles and overall aims in each of the four priority areas and for the implementation of the Programme as a whole are set out in Article 2. This Article also addresses the relationship between the Programme and the SDS by explicitly stating that the 6EAP 'shall form the basis for the environmental dimension of the European Sustainable Development Strategy... setting out environmental priorities for the Strategy' (Art. 2(1)). More operational objectives are contained in Articles 5 - 8 which provide details on the objectives in each priority area and priority actions through which to achieve these objectives. Article 9 sets out the Programme's objectives and priority actions on international issues and the external dimensions of the four priority areas. More detailed actions in certain priority areas are to be set out in a number of 'Thematic Strategies' to be presented 'within 3 years of the adoption of the Programme at the latest' (Art. 4(4)) (see section 4 for further discussion on the Thematic Strategies). Strategic approaches to achieve the environmental aims and objectives of the Programme are set out in Article 3, while horizontal actions to improve the environmental policy making process are set out in Article 10.

Legal nature and effect

The 6EAP is the first Community environment action programme to be elaborated through the inter-institutional co-decision process; thus giving it a particular political status and legitimacy that its predecessors lacked. The use of the formal legislative procedure also offered additional channels for influencing the contents of the final Decision²⁴. The precise legal nature and effect of the 6EAP Decision is often disputed, with some legal commentators considering the Decision to be legally binding²⁵, while others regard it as devoid of legal effect²⁶. The form and content of the instrument and its title in certain official languages indicate that it is not a standard decision within the meaning of Article 288 TFEU (ex Article 249 TEC), but a decision *sui generis*. According to Article 288, 'a decision shall be binding in its entirety...to those to whom it is addressed'²⁷. However Decision 1600/2002/EC does not contain a clause that explicitly identifies its addressees. Its provisions are formulated in an abstract manner, and to the extent that a subject is specified, it is 'the Community'. Such vague provisions are incapable of imposing legal obligations on Member States, legal entities, or individuals within Member States²⁸.

While it may be argued that the 6EAP Decision creates a self-imposed obligation on the Community to attain certain objectives; the legal nature of any such obligation is contested given the vague objectives laid down in the 6EAP which grant the

institutions a considerable degree of political discretion in their implementation. To the extent that any obligation might exist, it would only be actionable as a matter of law by one institution against another or by a Member State against one or several institutions. This does not however mean that the commitments made by the EU institutions in the 6EAP Decision are without significance. The institutional and legal framework within which the 6EAP was formulated creates legitimate expectations on EU citizens that the institutions will make genuine efforts to achieve the agreed objectives²⁹.

The practical significance of the 6EAP Decision is to some extent undermined by the absence of quantifiable targets and timetables and the fact that the real substance of the 6EAP was to be developed within the framework of seven Thematic Strategies. In contrast to the 6EAP which was adopted under the co-decision procedure, the Thematic Strategies were not subject to the formal legislative procedure and the Commission had considerable flexibility and control over their final content³⁰. While the 6EAP Decision provided the possibility for the Thematic Strategies to be adopted through the co-decision procedure 'where appropriate', the Commission preferred to retain its control over the process and all seven Thematic Strategies were presented as non-binding Communications accompanied by Impact Assessments and in certain cases proposals for supporting framework legislation. The fact that the Thematic Strategies were not subject to the formal co-decision procedure in some ways reduced their political importance as they did not represent a commitment of the same standing as the 6EAP Decision. However, the involvement of stakeholders in the development of the Thematic Strategies helped to address one of the shortcomings of the 5EAP, namely the lack of ownership by other sectors of the programme, and to some extent can be perceived to have increased the legitimacy of the Strategies among those involved in their development and implementation. The process behind the development of the Thematic Strategies, its effectiveness in influencing the adopted Strategy, and the extent to which each Thematic Strategy addresses the objectives of the 6EAP will be discussed in the next section of this report.

4 IMPLEMENTATION OF THE PROGRAMME THROUGH THE THEMATIC STRATEGIES

A major innovation of the 6EAP was the introduction of Thematic Strategies as a means of ‘consider[ing] the range of options and instruments required for dealing with a series of complex issues that require a broad and multi-dimensional approach’ (Recital 16, 6EAP Decision). According to the 6EAP, the 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)). This implies that the 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. Following significant discussion, the Parliament and Council agreed that quantifiable targets would not be set in the 6EAP but as part of the implementation of the programme, and as such the 6EAP states that the Thematic Strategies ‘*may* include...relevant qualitative and quantitative environmental targets and timetables against which the measures foreseen can be measured’ (Article 4(2), emphasis added) and ‘should be developed and implemented in close consultation with the relevant parties’ (Article 4(3)).

The Thematic Strategies were introduced as the principle instrument for implementing the 6EAP and covered seven thematic areas: soil protection; protection and conservation of the marine environment; sustainable use of pesticides; air pollution; improving the quality of the urban environment; the sustainable use and management of natural resources; and waste recycling. It should be noted that many objectives and priority actions identified in the 6EAP fall outside the scope of these Thematic Strategies. In certain cases these priorities are the subject of other action plans and programmes (see section 5) while in others, EU policy has developed within a separate framework, e.g. reforms of the Common Agricultural Policy and the Common Fisheries Policy, or on a more ad hoc or needs basis, e.g. measures to tackle flood risks. The Thematic Strategies focused on cross-cutting environmental issues and problems which was a major innovation from the 5EAP which had focused on individual sectors. However, as noted above the Thematic Strategies were not comprehensive in their coverage and a number of key areas with major environmental impacts (eg agriculture, fisheries, transport, etc) were left to be addressed by other DGs on a purely sectoral basis.

The Thematic Strategies were developed through a network of working groups involving a range of Commission Directorates General (DGs), Member State experts and non-state stakeholders. This approach enabled other DGs and stakeholders to participate in the development of EU environmental policy and had the potential to contribute to broadening the sense of ownership of the policy among different levels of Government and various stakeholders, thus addressing to some extent the shortcomings of the 5EAP relating to lack of ownership. However, in many cases the involvement of other sectoral interests led to the watering down of proposals and a delay in the adoption of policy (see below).

Although the Thematic Strategies represented an innovative approach to the development of EU environmental policy; 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 finalised within three years of the adoption of the Programme (i.e. by June 2005) (Article 4(4)) and for 'appropriate initiatives' to achieve its objectives to be presented within four years at the latest (i.e. by June 2006) (Article 1(3)). The first Thematic Strategy (on air) was presented in September 2005, while the last Thematic Strategy (on soil) was only presented in September 2006, almost half way through the period of the 6EAP. These delays compromised the prospect of achieving the objectives of the 6EAP before its expiry in 2012.

Another reason for the delay in the publication of the Thematic Strategies were the concerns of Commission President Barroso and Vice President Verheugen (Enterprise Commissioner) that the Strategies would increase industrial costs and damage the EU's global competitiveness even though legislative proposals would be (and were) subject to Impact Assessments. There was much speculation over the internal divisions in the Commission and concern that the Commission would drop the Thematic Strategies and accompanying legislative proposals altogether. In light of these concerns, Environment Commissioner Dimas was called on to defend all seven Thematic Strategies in front of the entire College of Commissioners in July 2005. He was successful in convincing his colleagues that the 6EAP and Thematic Strategies integrate the principles of better regulation, emphasising the general support of EU citizens for proactive environmental policy and arguing that rather than reducing competitiveness, the Thematic Strategies would contribute to long-term sustainable growth. The outcome of this internal debate indicates that the existence of the 6EAP and the explicit mandate for the Thematic Strategies in the programme had added value in that it strengthened the position of the Environment Commissioner and made it difficult to jettison environmental policy proposals altogether because of competitiveness concerns. On the other hand, an undertaking that the implementation of the 6EAP and its Thematic Strategies would be carried out in a manner consistent with the 'Better Regulation' agenda seems to have been a key element of the political deal made within the Barroso Commission. It is believed to have been agreed during the discussion that the Thematic Strategies should respect the principle of proportionality. The interpretation of this principle coupled with the underlying political context led to a watering down of the environmental ambitions of the Thematic Strategies that were eventually adopted by the Commission in 2005-2006.

The rest of this section will provide an overview of the seven Thematic Strategies elaborated pursuant to the 6EAP, analysing the process behind their development, stakeholders involved, the political context in which they were developed and the extent to which the final Strategy was shaped by the consultation process. The key aims, targets and legislative measures in each Strategy will also be outlined. Finally the extent to which each Thematic Strategy addresses the objectives of the 6EAP and its overall effectiveness will be assessed.

4.1 Air Thematic Strategy

The environment and health priority area of the 6EAP includes the objective of ‘achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment’ (Article 7(1)). One of the priority actions to achieve this objective is to develop ‘a thematic strategy to strengthen a coherent and integrated policy on air pollution to cover priorities for further actions, the review and updating where appropriate of air quality standards and national emission ceilings with a view to reach the long term objective of no-exceedance of critical loads and levels and the development of better systems for gathering information, modelling and forecasting’ (Article 7(2)).

Development of the Air Thematic Strategy

The Thematic Strategy on air pollution was developed through the Clean Air for Europe (CAFE) programme which had been launched in May 2001 (COM(2001)245)³¹. The idea of a more integrated approach to air quality policy emerged in October 1998 when the Commission published an informal discussion paper outlining the desirability of such an approach. An integrated approach to air quality policy was seen as a logical extension of the multi-partner analytical approach developed under the European Auto-Oil Programmes (from 1992-2000) which had resulted in proposals for vehicle emission limits and new fuel standards³².

The main forum for stakeholder participation in the process was the CAFE Steering Group which comprised of representatives from Member States, industry (energy production, petroleum, solvent industries, automotive sector and general industry), environmental NGOs, EEA countries, the European Environment Agency (EEA), the Joint Research Centre (JRC), the Convention on Long-Range Transboundary Air Pollution (CLRTAP), and various Commission services. The Steering Group advised DG Environment on the strategic direction and overall ambition of the Thematic Strategy. The Steering Group met fourteen times during the four years of the CAFE programme. Four working groups (Target Setting and Policy Assessment Working Group (TSPA); Technical Advisory Group (TAG); Working Group on Particulate Matter (WGPM); and Working Group on Implementation (WGI)) were established to look at more specific issues and oversee the preparation of elements of the Thematic Strategy. The groups included selected experts from Member States, industry, NGOs, the EEA and the JRC³³.

Throughout the CAFE programme 10 inter-service meetings were held. The Commission also organised a number of workshops and other meetings to consult stakeholders, such as Member State experts and NGOs and participated in meetings organised by others, giving presentations of policy relevance and seeking stakeholders’ views on key issues. The Commission also launched seven service contracts during the CAFE programme³⁴.

As the Thematic Strategy neared completion, the Commission launched a public internet consultation from December 2004 - January 2005 on the content and objectives of the Thematic Strategy. The consultation received 11,578 responses, of which over 10,000 were from private individuals. The response to the consultation was larger than any previous consultation of its kind. Respondents indicated the need for better public information, a desire for protection from air pollution, and a

willingness to pay for reduced risks on a par with those for drinking water. A number of respondents expressed their concern about air quality, particularly about the impacts on environment and health, attaching a high priority to improving air quality³⁵.

An extensive and methodologically sophisticated Impact Assessment (IA)³⁶ was prepared in parallel to the consultation process and provided significant input to the development of the Strategy. This reflected previously successful science-based approaches in the area, such as the agreement on the CLRTAP and millions of Euros spent on research for the IA³⁷. An overriding principle of the CAFE programme was to ensure that analyses were conducted on the basis of the best available information. Thus, the main analytical tools (the RAINS integrated assessment model and the cost-benefit methodology) were subject to independent peer-reviews before they were used to develop and analyse policy scenarios. In addition, the WHO was asked to provide its best information on the impacts of air pollutants on health³⁸. The IA selected a final scenario that ‘delivers the lowest levels of air pollution that can be justified in terms of benefits and costs’³⁹.

Contents of the Air Thematic Strategy

The Thematic Strategy on air pollution was presented on 21 September 2005 (COM(2005)446)⁴⁰. The Strategy aimed to protect EU citizens from exposure to particulate matter and ozone in air and to protect ecosystems from acid rain, excess nutrient nitrogen and ozone. It is the only Thematic Strategy to contain quantitative reduction targets which were to achieve by 2020 a reduction in emissions of sulphur dioxide by 82%, of oxides of nitrogen (NOx) by 60%, of volatile organic compounds (VOCs) by 51%, of ammonia (NH₃) by 27%, and of primary fine particulates (defined as PM_{2.5}) by 59% relative to 2000 levels. The targets were meant as ‘interim objectives’ towards the Community’s long-term objective of achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment and represented the ‘most cost-effective level consistent with the Community’s Lisbon and sustainable development strategies’⁴¹.

The Thematic Strategy was to be implemented by the ‘streamlining of existing provisions and merging 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) which aimed to create unified legislation on air quality by consolidating existing ambient air quality legislation (the air quality framework Directive (1996/62/EC), the first (1999/30/EC), second (2000/69/EC) and third (2002/3/EC) Daughter Directives, and the Decision on Exchange of Information (97/101/EC)) into a single Directive. The fourth air quality daughter Directive (2004/107/EC) was to be merged at a later date through a simplified codification process. Directive 2008/50/EC⁴² on ambient air quality and cleaner air for Europe was adopted in May 2008 following considerable discussion between the Council and the Parliament, particularly with regard to the limit values for fine particulates. The Directive set upper and lower assessment thresholds for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM₁₀ and PM_{2.5}), lead, benzene and carbon monoxide. The most significant element of the Directive is the introduction of limit values for PM_{2.5}. The Directive also includes the possibility for derogations⁴³ from limit values in specific areas⁴³. There has yet to be

any movement on integrating Directive 2004/107/EC and it is not clear why consolidation did not occur in Directive 2008/50/EC. Having said this, such consolidation (or lack of it) has no consequences for the practical implementation of the obligations of the Directives in the Member States.

The Thematic Strategy proposed to review the National Emissions Ceiling Directive (2001/81/EC) in 2006 so as to revise emission ceilings to ensure reduced emissions of nitrogen oxides, sulphur dioxide, volatile organic compounds, ammonia and primary particulate matter in line with the interim objectives of the Thematic Strategy. The Thematic Strategy is to be implemented through the integration of air quality concerns in other policy areas and sets out a number of measures in relevant sectors including transport (e.g. stricter emission standards for cars, measures to reduce VOC emissions at petrol stations, tighter NOx emission standards for ships) and industry (expanding the coverage of the IPPC Directive). A proposal to revise Directive 2001/81/EC is now long overdue. The failure to produce a proposal is not due to any analytical constraints (the analytical framework being very well established). Rather the delay must be due to political constraints (within the Commission and with some Member States) on the reduction targets necessary to achieve the stated objectives of the Thematic Strategy.

Influence of consultation process and political context

An examination of the views of the EU institutions reveals significant divisions on the adopted approach of the Thematic Strategy. The Parliament⁴⁴, for example, called for more ambitious reduction targets for VOC, PM_{2.5}, NOx, and for a PM₁₀ yearly limit value of 33 µg/m³ in 2010, arguing that this would lead to greater health and employment benefits while maintaining a balanced approach between costs and benefits. The Committee of the Regions⁴⁵ criticised the Commission for failing to adequately involve regional and local representatives in drawing up the Thematic Strategy and stressed the need to prioritise prevention policy rather than policy geared towards elimination of emissions. The Council in contrast noted the problems faced by Member States in implementing legislation relating to air pollution and recognised the need for ‘flexibility’ in this regard⁴⁶ - this is reflected in the introduction of certain derogations from meeting limit values in the adopted framework Directive. The Council also provided its support to the Commission's approach to setting interim objectives to 2020 and considered the level of ambition of the Thematic Strategy to be ‘an appropriate basis for further consideration’.

The IA and consultation process of the CAFE programme generated significant knowledge and information on air pollution problems and the scenarios developed as part of the IA provided an important frame of reference for the decision-making process. Certain views expressed in the consultation are evident in the final Thematic Strategy, e.g. having heard views of stakeholder groups, the Commission assumed primary and secondary particulates to be equally harmful⁴⁷. However, despite this extensive and sophisticated process; the final outcome is not necessarily an accurate reflection of the process, which in the end had only a limited influence on the adopted Thematic Strategy. In June 2005, the progress of the Air and Marine Thematic Strategies through inter-service consultation was blocked by Commission President Barroso. This followed a letter by industry group UNICE to Barroso complaining about the costs of the clean air strategy, the letter was received a few days before the inter-service discussions were concluded. Following an ‘orientation debate’ on the

Thematic Strategies in July 2005 at which Environment Commissioner Dimas successfully defended the Strategies, the development of the Strategies was allowed to continue, albeit with certain provisions (respecting the principle of proportionality). The final approach adopted by the Commission was very conservative and based on marginal cost analysis to determine optimal targets. This approach did not reflect the findings of the IA in particular the cost-benefit assessment of emission reduction options, or the results of public consultations. Rather, the final level of ambition was determined by other (political) factors, most notably concerns relating to the competitiveness of European industry.

Effectiveness in achieving 6EAP objectives

The Air Thematic Strategy acknowledged that existing policy measures are not sufficient to meet the objective of the 6EAP with respect to air quality. The accompanying IA concluded that not even the implementation of the Maximum Technically Feasible Reduction (MTRF) scenario, which takes no consideration of the cost of measures, would enable this objective to be met. The adopted approach is claimed to deliver ‘the lowest levels of air pollution that can be justified in terms of benefits and costs’, even though the IA showed that the Strategy would result in health benefits amounting to nearly six times as much as its estimated costs. Thus, the Strategy falls short of the objectives of the 6EAP and does not even attempt to identify how the long term objectives of the 6EAP could be achieved by 2020, which appears to be setting its ambition low from the start⁴⁸. While the Strategy proposes some priorities for future action, as called for by the 6EAP, it is not possible to judge, either from the IA or the background report, whether the policy measures proposed will yield required emission reductions⁴⁹.

Contrary to the objectives of the 6EAP, the Air Thematic Strategy does not propose to update air quality standards set out in the various daughter Directives – apart from the action in relation to PM_{2.5}, and the overall requirements of the new Directive are not much more demanding than the requirements of previous legislation. By allowing Member States additional time to meet certain limit values, provided they have compliance plans in place, it is arguably a weakening of previous targets⁵⁰. Moreover, programmed review processes, e.g. reviews of the IPPC Directive, the National Emissions Ceiling (NEC) Directive (2001/81/EC) and the Large Combustion Plant (LCP) Directive (2001/80/EC) limited the extent to which the Air Thematic Strategy was able to propose further emission reductions to meet critical loads given that by doing so it would have pre-empted the conclusions of the forthcoming reviews.

The CAFE process represented a model of an integrated and coherent thematic programme. To some extent this reflected the long history of addressing air pollution in the EU which meant that policy and processes in the area were well developed when the CAFE process began. The Air Thematic Strategy is the closest to the Commission’s original intentions for the Thematic Strategies in that it includes substantive reduction targets for particular emissions, in contrast to the mainly procedural approaches adopted in the other Thematic Strategies. However, the legislative proposals contained in the Thematic Strategy cannot deliver the 6EAP’s objectives relating to air quality; proposals for some industrial emission sources are still outstanding; and the integration of air quality concerns in the energy and agriculture sectors have been weak to date. The low level of ambition of the Strategy and its modest targets are unlikely to provide any additional incentives to initiatives

developed at Member State or international level. It is not unreasonable to assume that without CAFE, similar input would have been provided on a more ad hoc basis. Part of the reason for this is that ‘CAFE lack[ed] deeper national roots of synchronised, broad strategy development and implementation in the Member States which could provide an additional, innovative momentum for policy development that could not be generated in a more ad hoc fashion’⁵¹.

4.2 Marine Thematic Strategy

The nature and biodiversity priority area of the 6EAP includes the objective of ‘conservation, appropriate restoration and sustainable use of marine environment, coasts and wetlands’ (Article 6(1)). Priority actions to achieve this include the development of a ‘thematic strategy for the protection and conservation of the marine environment taking into account, *inter alia*, the terms and implementation obligations of marine Conventions, and the need to reduce emissions and impacts of sea transport and other sea and land based activities’ (Article 6(2)).

Development of the Marine Thematic Strategy

At the time the 6EAP was being developed, a number of measures to control and reduce pressures and threats to the marine environment existed at the EU and national level. However, these had been developed on a sector-by-sector basis and resulted in a patchwork of policies and responsible organisations at the national, regional, EU and international levels. Moreover, most of these measures were not designed specifically for protection of the marine environment. In October 2002, the Commission published a preparatory Communication ‘Towards a Strategy to protect and conserve the marine environment’ (COM(2002)539)⁵² which set out the Commission’s initial analysis and approach to building the Thematic Strategy. The Communication set out a series of objectives to promote ‘sustainable use of the seas and conserv[e] marine ecosystems’, specific objectives in a number of individual areas, and actions on the Commission to work towards achieving those objectives. The Communication did not suggest that the Thematic Strategy would include a broad legislative instrument on marine protection.

The Marine Thematic Strategy was developed through an extensive stakeholder consultation process from 2002 to 2004⁵³ which included all EU Member States and candidate countries, key European third countries sharing oceans and seas with the EU, 16 international commissions and conventions, and 21 key industry and civil society organisations including the European Anglers Alliance, FORATOM (European Atomic Forum), KIMO International (Local Authorities International Environmental Organisation), ICES (International Council on the Exploration of the Seas), WWF, IFAW (International Fund for Animal Welfare), OGP (International Association of Oil and Gas Producers), Greenpeace, World Nuclear Association Bowater House and EEAC (European Environmental Advisory Councils)⁵⁴. To facilitate consultation of relevant Commission services, in particular DGs Fish, Agriculture and Transport, a Commission inter-service group was established.

An initial stakeholder conference on marine protection in December 2002 brought together a range of specialists to discuss general and specific issues relating to marine protection. The conference welcomed the Commission’s Communication as a ‘first

step' to the development of a marine Thematic Strategy and stressed that the Strategy should be based on the concept of an integrated ecosystem approach to management. There was also general support among participants for the proposed objectives, actions and time-schedule.

National Water Directors (senior national officials in charge of water policy) were designated to steer the consultation process⁵⁵. In 2003 these Directors recognised the need to keep stakeholders informed on the progress of the Strategy and in September 2003 the Commission informed a group of key stakeholders including representatives of 34 European countries and 30 international governmental organisations and NGOs (including industry associations and environmental NGOs) about its plans for the development of the Strategy and invited recipients to nominate experts and/or contact persons for working groups subsequently established.

The Commission established a series of working groups to examine policy and technical issues. Four groups were set up to discuss: ecosystem approach to management of human activities; European marine monitoring and assessment; hazardous substances; and strategic goals and objectives⁵⁶. The Commission also drew on the work of a working group on marine protection established under the Habitats Directive 92/43/EEC which had been set up in March 2003 to consider interactions between implementation of the Habitats Directive in the marine environment and a future Marine Directive.

The Commission established an Inter-Organisational Consultation Forum which brought together representatives from a range of European and international organizations including the Helsinki Commission on Protection of the Marine Environment of the Baltic Sea Area (HELCOM), OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, Mediterranean Action Programme (MAP), Commission for the Protection of the Black Sea against Pollution (BSC), Programme for the Protection of the Arctic Marine Environment of the Arctic Council (PAME), North East Atlantic Fisheries Commission (NEAFC), International Council for the Exploration of the Sea (ICES), and UNEP - Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA).

A second stakeholder conference was held in November 2004. The conference stressed a number of issues to be taken into consideration in the further development of the Strategy including: the impact of climate change and pollution of land-based sources; acidification; underwater noise; the clean ship concept; leisure activities and tourism; and sharing scientific data. The conference recommended that the effects of the wider impact of EU policies such as the CFP, external relations, trade and development be taken into account, and that economic consequences and funding mechanisms be indicated. Further integration and coherence of EU policies relevant to the protection and conservation of the marine environment was recognized as key to the success of the Strategy. However, no concrete proposals on what would be needed to achieve integration in practice were made.

A final internet based consultation took place from 15 March to 9 May 2005 to elicit opinions on measures being considered in the Thematic Strategy, particularly the possibility of a legal framework. A total of 133 replies were received, half of which

originated from residents of three Member States – UK, Belgium and Netherlands. The Commission concluded that the results of the consultation showed broad support for its proposed approach and the need for strong EU action. There was however some concern over the proposed timetable for implementation - a large number of respondents argued that the timeframe for achieving good environmental status of the marine environment was too lengthy, other respondents argued that the proposed deadlines were too ambitious, while a third category questioned the idea of proposing deadlines prior to the completion of a clear assessment of the state of the marine environment. In addition, a number of specific comments were made in relation to possible adjustments to the timeframe to take into account other processes (e.g. the Water Framework Directive 2000/60/EC, international targets)⁵⁷.

The Impact Assessment⁵⁸ (IA) of the Marine Thematic Strategy was significantly less sophisticated and extensive than the assessment of the Air Thematic Strategy. Of the two approaches presented in the IA, the option of a flexible legal instrument and Communication which would be ‘ambitious in its scope but not overly prescriptive in its tools’ was selected. The Commission concluded that a highly prescriptive instrument would have been the wrong approach and would have made it impossible to take into account diversity across different regions. The lack of detailed analysis in the IA reflected the difficulty in identifying quantifiable costs of implementing a Directive which contains significant flexibility. Indeed the only costs assessed were largely administrative (e.g. monitoring).

Contents of the Marine Thematic Strategy

On 24 October 2005, the Commission adopted the Thematic Strategy on the protection and conservation of the marine environment. (COM(2005)504)⁵⁹. The overall objective of the Strategy is ‘to protect and restore Europe’s oceans and seas and ensure that human activities are carried out in a sustainable manner’. The Strategy aims to contribute to the broader objective of developing a new EU Integrated Maritime Policy and was meant 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 (MSD) (COM(2005)505)⁶⁰ which aimed to achieve ‘good environmental status’ in the marine environment by 2021. The proposal contained semi-quantitative timetables and targets which were to be developed by Member States as they characterise marine waters and develop programmes of measures to deliver good environmental status. Following a compromise agreement between the Parliament and the Council in late 2007, Directive 2008/56/EC establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive)⁶¹ was adopted. The Directive establishes a framework within which Member States are to take necessary measures to achieve or maintain good environmental status in the marine environment by 2020 at the latest.

The Directive addresses the marine environment through ‘Marine Regions’ and Sub-Regions. For each such region, Member States are to develop Marine Strategies for waters over which they have jurisdiction. Member States sharing a marine region are not required to prepare joint strategies but should ‘endeavour to follow a common approach’. Member States are to determine a set of characteristics for good

environmental status based on an initial assessment. Member States are also required to establish a comprehensive set of environmental targets and associated indicators for their marine waters to guide progress towards achieving good environmental status, taking into account indicative lists of pressures, impacts and characteristics set out in the Annexes of the MSFD and other relevant targets set at national, Community and international level. Member States are then required to draw up programmes of measures by 2013 to achieve good environmental status and meet their environmental targets. A Member State may identify instances within its marine waters where the environmental targets or good environmental status cannot be achieved. Furthermore, Member States are not required to take specific steps where there is no significant risk to the marine environment or where the costs would be disproportionate⁶².

Influence of consultation process and political context

The contribution of the IA to the policy formulation process was marginal partly because the assessment focused on whether or not a legal instrument should be used to implement the Strategy and also because the analysis of costs and benefits was difficult given that substantive implications of the Strategy and Directive were left up to Member States. Given this rather limited scope of the IA, the Commission relied significantly on the consultation process and its cooperation with the ICES for information and analysis⁶³. At the beginning of the process of developing the Thematic Strategy, there was no indication that a framework Directive would be proposed. This suggestion only arose during the consultation process.

The integration of other positions expressed during the consultation period is not so evident in the final Thematic Strategy. For example, the Thematic Strategy failed to clarify its connection with the Habitat and Birds Directive and the marine aspects of other Directives such as the Water Framework Directive as called for by the Council⁶⁴. It does not adequately address the Parliament's calls for an integrated approach to address the threats caused by all human activities and for a stronger emphasis on the environmental impacts of fisheries⁶⁵, or those of the European Economic and Social Committee⁶⁶ which called for further legislation and agreements on marine transport. The Committee of the Regions⁶⁷ recommended that the Thematic Strategy address the potential for a major release of radioactivity to the marine environment from an accident or incident involving the transport of radioactive materials.

The development of the Thematic Strategy was undertaken within the wider context of the development of a new EU Integrated Maritime Policy (IMP) which seeks to better integrate various conflicting pressures and policies that affect the marine environment. At the request of President Barroso, Fisheries Commissioner Joe Borg set up a Maritime Task Force Group to take forward the work on the IMP. The Task Force was chaired by Commissioner Borg and included six other Commissioners: Günter Verheugen (Industry); Jacques Barrot (Transport); Stavros Dimas (Environment); Danuta Hübner (Regional Policy); Janez Potočnik (Research); and Andris Piebalgs (Energy). The Communication setting up the Task Force recognized the 'valuable input' the marine Thematic Strategy would provide to the future maritime policy⁶⁸. In June 2006, the Commission launched the maritime policy Green Paper (COM(2006)275)⁶⁹ which marked the start of a one year consultation period. The Green Paper included a chapter on the importance of the marine environment and the sustainable use of marine resources; however it did not introduce anything

fundamentally new. In October 2007 the Commission published its proposals for an Integrated Maritime Policy for the EU (COM(2007)575)⁷⁰. On environmental issues, the Communication stressed the importance of the MSFD as the principle tool in the area (the ‘environmental pillar’ of the IMP), however it also proposed a series of specific actions including the launch of pilot areas to reduce the impact of and adapt coastal zones to climate change; supporting efforts to reduce air pollution and GHGs from shipping, and supporting action to reduce environmental impacts of ship dismantling.

Effectiveness in achieving 6EAP objectives

The main implementing measure of the Thematic Strategy – the MSFD falls short of the original objective of the 6EAP relating to the marine environment. The MSFD is a framework Directive and thus imposes procedural, rather than substantive obligations on the Member States (other than the rather unclear goal of good environmental status). The Directive leaves Member States a great deal of discretion with regards to meeting the overall objectives. It 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. Neighbouring Member States may define ‘good environmental status’ differently; may select different measures in their programmes; and may take advantage of the various let-out clauses in the Directive including not having to take action if they believe it will result in ‘disproportionate costs’, thus undermining the coherence of a regional seas approach.

The preamble to the MSFD states that it should foster the integration of environmental concerns into other policies, such as the CFP and the CAP. However, it makes clear that measures to regulate fisheries management can only be taken in the context of the CFP as set out in Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP. Member States wishing to take action in relation to fisheries, or to mitigate the effect of any other EU policy, can only make recommendations to the Commission to take action at EU level. It is important to note that Directives are ‘directed’ to the Member States and cannot, therefore, require them to achieve goals or take action on issues over which they have no competence. The MSFD places no constraint on the decision making of the EU institutions over issues which the Community has competence. Community competence over fisheries constrains Member States’ freedom of action in relation to the marine environment and the explicit exclusion of consideration of the CFP in the MSFD is a significant reason behind the weak and largely procedural provisions of the MSFD which fails to address the most serious threat to marine biodiversity - overfishing. Member States with significant fishing interests opposed a more demanding MSFD. At the same time, the Commission may also have been concerned that its exclusive competence in fisheries would be undermined if it was subject to the Marine Thematic Strategy as implementation of the MSFD is the responsibility of Member States⁷¹. The problem of divided competencies between the Member States and the Community on marine issues is certainly a factor that undermined the development of a coherent and effective protective measure; one option would have been for the Marine Thematic Strategy to set out objectives to be addressed at Community level (e.g. on agriculture and fisheries) to achieve the desired

environmental goals. As it failed to do this, it is not surprising that some view this as the Community failing to address its problems while at the same time asking the Member States to address theirs.

The development of the EU's maritime policy has taken a twin-track approach, led on the one hand by DG Fisheries and Maritime Affairs (now DG Mare), and by DG Environment on the other. The separate development of these two Commission initiatives reflects the fragmented policy responsibilities in relation to Europe's seas and oceans. These parallel approaches may have distracted attention from one (MSD process) to the other given the relative political influence of respective DGs leading each process. Although the Marine Thematic Strategy is referred to as the environmental pillar of the IMP; the parallel development of the IMP to some extent limited the ability of the Thematic Strategy to address certain concerns raised during the consultation process, e.g. calls for an integrated approach to address threats caused by all human activities and undermined its political status. At the same time, 'it seems highly unlikely that DG Fish and Maritime Affairs would have developed a more advanced environmental pillar for the EU maritime policy in the absence of the marine strategy'⁷².

4.3 Waste Thematic Strategy

The sustainable use and management of natural resources priority area of the 6EAP sets out a series of objectives relating to waste which include: 'achieving a significant overall reduction in the volumes of waste generated through waste prevention initiatives, better resource efficiency and a shift towards more sustainable production and consumption patterns; a significant reduction in the quantity of waste going to disposal and the volumes of hazardous waste produced; and encouraging re-use and for wastes that are still generated: the level of their hazardousness should be reduced and they should present as little risk as possible, preference should be given to recovery and especially to recycling, the quantity of waste for disposal should be minimised and should be safely disposed of, waste intended for disposal should be treated as closely as possible to the place of its generation' (Article 8(1)).

These objectives are to be pursued by means of the following priority actions as set out in Article 8(2):

- 'Developing and implementing *measures on waste prevention and management* by, *inter alia*:
 - developing a set of quantitative and qualitative reduction targets covering all relevant waste, to be achieved at Community level by 2010. The Commission is invited to prepare a proposal for such targets by 2002;
 - encourage ecologically sound and sustainable product design;
 - raising awareness of the public's potential contribution on waste reduction;
 - the formulation of operational measures to encourage waste prevention, e.g. stimulating re-use and recovery, the phasing out of certain substances and materials through product-related measures;
 - developing further indicators in the field of waste management;

- Developing a thematic strategy on waste recycling, including *inter alia*:
 - measures aimed at ensuring source separation, the collection and recycling of priority waste streams;
 - further development of producer responsibility;
 - development and transfer of environmentally sound waste recycling and treatment technology;
- Developing or revising the legislation on wastes, including, *inter alia*, construction and demolition waste, sewage sludge, biodegradable wastes, packaging, batteries and waste shipments, clarification of the distinction between waste and non-waste and development of adequate criteria for the further elaboration of Annex IIA and IIB of the framework directive on wastes⁷.

Development of the Waste Thematic Strategy

A considerable amount of EU legislation and policy on waste had been developed prior to the Waste Thematic Strategy. This legislation consisted of three elements: horizontal legislation on waste; legislation on waste treatment; and legislation related to specific waste streams. Promoting waste prevention had not been a focus of EU action and the Thematic Strategy was seen as the first attempt at creating a comprehensive EU strategy on prevention⁷³. The Commission's initial 'Towards' Communication (COM(2003)301)⁷⁴ recognised that timely and full implementation of waste legislation by Member States was far from being achieved, limited progress had been made towards waste prevention, a comprehensive approach to recycling was lacking, and there were no mandatory waste treatment standards at EU level. The Communication recognised that the EU could only provide the 'backbone' of waste management practice and that complementary action by Member States and local authorities was essential. This set the tone for the Waste Thematic Strategy to provide an overall strategy/framework while allowing Member States to act according to their circumstances.

An initial consultation was launched by the 'Towards' Communication in May 2003, which invited comments from the EU institutions and stakeholders by November 2003. Over 200 responses were received during this initial period from a broad spread of regional/local authorities, NGOs, industry bodies and individual citizens⁷⁵.

In February 2004 a stakeholder meeting was held to launch a more structured stakeholder and expert consultation process on the Thematic Strategy. The results of the internet consultation were discussed and the extended IA process explained. The introductory meeting was followed by three one-day expert and stakeholder meetings in April 2004 on aspects related to the Waste Framework Directive; common standards for recycling facilities/the extension of IPPC to recycling facilities; waste prevention; life cycle thinking in waste policy; and recycling policy. DG Environment selected experts to attend these meetings on the basis of factors such as balance between stakeholder groups, European coverage and expertise. A second stakeholder meeting was held on 8 November 2004, which gave feedback on the consultation on the extended IA and expert and Member State meetings, and explained next steps⁷⁶.

A number of meetings and workshops were held with Member States: an informal workshop with Member State experts on issues related to the Waste Framework Directive (February 2004); an informal meeting with Member State experts on issues

of prevention and recycling (April 2004); and an informal joint meeting of the Waste Management Committee and the IPPC Experts Group on common standards for recycling facilities/the extension of IPPC to new recycling activities (May 2004)⁷⁷.

In early 2005, Member States and stakeholders were consulted on the legislative elements for the review of waste legislation. A meeting was held with Member States in March 2005, and an invitation-only meeting for stakeholders (European level organisations) was held on 11 March 2005 in Brussels⁷⁸.

Stakeholders were also invited to contribute to the IA on the Waste Thematic Strategy. In mid-2004 they were invited to provide the Commission with data and information concerning the economic, environmental and social impacts of alternative options considered for inclusion in the final Strategy⁷⁹. The Commission also commissioned a study on 'Support in the drafting of and ExIA on the Thematic Strategy on the Prevention and Recycling of Waste' which presented specific and targeted information and data of relevance to the IA⁸⁰.

The main themes highlighted during the stakeholder consultation process, as outlined by the Commission, related to⁸¹: the need to simplify certain provisions and definitions in waste legislation; the need to improve waste statistics, data and knowledge; the need to put in place recycling standards in terms of facilities, and the steering of waste and recycled products; a consensus that tradable certificates in waste policy could have potential in the longer term. There was little consensus on the way forward to improve waste prevention, other than the need to take wider environmental factors into account; there was some support for material-based measures to take forward recycling, but again in the longer term; significant support for landfill taxes and some support for landfill bans.

Contents of the Waste Thematic Strategy

Contrary to the concept of the 6EAP, which envisaged two different Strategies – one for waste prevention and management and another for waste recycling – only one Strategy on the prevention and recycling of waste was issued by the Commission on 21 December 2005 (COM(2005)666)⁸². The long-term goal of the adopted Strategy was for the EU to become a recycling society that seeks to avoid waste and uses waste as a resource. To achieve this, the Thematic Strategy aimed to place renewed emphasis on implementation of existing legislation; simplify and modernise existing legislation; introduce lifecycle thinking into waste policy; promote more ambitious waste prevention policies; develop better knowledge and information to underpin the continued development of waste prevention policy; develop common reference standards for recycling; and further elaborate the EU's recycling policy. The Thematic Strategy was accompanied by a proposal to revise the Waste Framework Directive (COM(2005)667)⁸³ which was used to implement many of the aims and objectives of the Thematic Strategy.

The Thematic Strategy itself did not propose any qualitative or quantitative targets, however it initiated actions to: develop waste stream-based environmental criteria for problematic streams; identify an efficiency threshold for incinerators to define whether they are to be classified as recovery or disposal; develop EU minimum quality standards for recycling; and develop compost quality criteria. Member States were given some discretion to act in a manner appropriate for their own

circumstances, the obligation on Member States to develop publicly available waste prevention programmes would be clarified in a revised Waste Framework Directive. To improve recycling, Member States were encouraged to make more use of economic instruments (e.g. landfill taxes) and exchange experience/best practice. Member States would also be responsible for deciding which waste treatment option is the environmentally best option in their circumstances. Guidelines were to be produced for Member States on applying lifecycle thinking to management of biodegradable waste diverted from landfill.

The Waste Thematic Strategy made several proposals for reviews of existing legislation. As of January 2010, the following have been carried out:

- Amending the Waste Framework Directive, merging it with the Hazardous Waste Directive and repealing the Waste Oils Directive, to form the Directive on Waste 2008/98/EC;
- Report on the implementation of Directive 94/62/EC on packaging and packaging waste – completed in 2006 with (COM(2006)406) and (COM(2006)767);
- Review of the targets set under Directive 2000/53/EC on end-of-life vehicles – completed in early 2007 rather than 2006 with (COM(2007)5);
- Proposal for a Directive bringing together the three Directives on waste from the titanium dioxide industry into one Directive – achieved in December 2007 with the proposed recast of the IPPC Directive 2008/1/EC to include the provisions of the titanium dioxide Directives; and
- Proposal for the clarification and extension of the scope of the IPPC Directive to additional waste management activities including biological treatment for recovery of waste, preparation of hazardous waste for incineration and of incineration slags for recovery - achieved in 2007 with the proposed recast of the IPPC Directive.

Two proposals are outstanding as of January 2010:

- Proposal for a revision of Directive 86/278/EC on the use of sewage sludge in agriculture – The Thematic Strategy foresaw this for 2007, but the latest round of consultation ended only on 12 January 2010. A proposal is expected in the first quarter of 2010; and
- Review of the targets under Directive 2002/96/EC on waste electrical and electronic equipment – The Thematic Strategy foresaw this for 2008. The Commission published a proposal in December 2008 to recast the WEEE Directive which proposes a collection target of 65% of EEE put on the market in the two previous years by 2016, and proposes integrating the re-use target into recovery and recycling targets and introducing a 5% overall increase in reuse and recycling targets. Final adoption of the recast Directive is anticipated for the end of 2010.

Influence of consultation process and political context

Concepts such as integrated product policy, life cycle thinking and producer responsibility had started to become well-established at the time the Thematic Strategy was being developed. Such concepts were mentioned in the 'Towards' Communication and in the responses of EU institutions and stakeholders and played a significant role in shaping the final outcome. The context of the Lisbon Strategy and concerns over competitiveness also had an impact on the development of the Waste

Thematic Strategy. The ‘Towards’ Communication had a relatively cautious approach to producer responsibility and clearly called for the creation of a level playing field in the recycling sector. The imminent enlargement of the EU also seemed to be a vital driver to act in the area as enlargement would increase the diversity of waste management practices and the size of the waste recovery market in the EU. It was thus considered timely for the EU to act on waste issues to bring about a more coherent approach to waste in an enlarged Union⁸⁴.

Arguably the consultation process behind the development of the Waste Thematic Strategy did not significantly increase the ambition of the final Strategy. The adopted Strategy was in fact less ambitious in many areas than the ‘Towards’ Communication indicated it might have been. It featured a shift in emphasis from ratcheting up recycling targets towards the diversion of waste from landfill – a long-standing industry demand previously rebuffed by Commission officials. Targets on landfill reduction and waste prevention, which had been called for by the European Parliament⁸⁵, the Council⁸⁶, the European Economic and Social Committee⁸⁷, the Committee of the Regions⁸⁸, and numerous stakeholders, were not included in the adopted Thematic Strategy. The proposed revision of the Waste Framework Directive redefined waste recovery to allow the most efficient municipal waste incinerators to contribute to waste management targets; this was not the favoured approach among environmental groups, but was popular with industry. The concept of producer responsibility also disappeared from the final Thematic Strategy⁸⁹.

Effectiveness in achieving 6EAP objectives

The Waste Thematic Strategy placed the lifecycle approach to waste management at its heart and included other key principles including a shift towards a materials-based approach, a purported new focus on the prevention of waste, and a shift towards more flexible mechanisms of policy making and standard setting at the EU level. The Thematic Strategy went some way to addressing the 6EAP’s objectives relating to waste including: raising awareness of the public’s potential contribution on waste reduction; the development and transfer of environmentally sound waste recycling and treatment technology; formulation of operational measures to encourage waste prevention; and contributing to the development or revision of EU waste legislation, most notably the proposed revision of the Waste Framework Directive which accompanied the Thematic Strategy. However it addressed other actions mooted in the 6EAP to a lesser extent: encouraging ecologically sound and sustainable product design and measures aimed at ensuring source separation, collection and recycling of priority waste streams. Furthermore, the Waste Thematic Strategy manifestly failed to develop quantitative and qualitative reduction targets for waste prevention and recycling, did not develop indicators in the field of waste management, nor did it make a real contribution to the further development of producer responsibility.

While the Waste Thematic Strategy proposed a variety of interesting policy actions and ideas, all too often the timetable and the level/type of action required was rather vague. The lack of standards and criteria created uncertainties over requirements. A relatively successful outcome related to the Strategy is the revision of the Waste Framework Directive. The dossier was subject to considerable negotiation between the European Council and Parliament and resulted in a compromise on EU recycling targets for household and other wastes (50% by 2020 of combined glass, paper, metal and plastic waste from ‘households or other origins’) and a recycling target of 70%

for construction and demolition waste. Although green groups branded the targets ‘very low and unenforceable’ and criticised the decision to postpone setting an EU waste prevention target until 2014 the agreement was considered ‘the best deal that the Council [was] likely to accept’⁹⁰.

The Thematic Strategy is 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 is 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 – or indeed any real ambition to set any. This omission was constantly criticised by the Parliament and Council during the development of the Waste Thematic Strategy. Work is however ongoing to further develop waste prevention measures, with a Commission report on the scope of waste prevention and a waste prevention action plan due in 2011 and waste prevention and decoupling objectives for 2020 are due to be set by the end of 2014. Thus it appears that the pleas of the other EU institutions were not ignored.

4.4 Urban Thematic Strategy

The environment and health priority area of the 6EAP sets out the following objective in relation to the urban environment - ‘contributing to a better quality of life through an integrated approach concentrating on urban areas’ (Article 7(1)). Priority actions to achieve this objective as set out in Article 7(2) include developing ‘a thematic strategy promoting an integrated horizontal approach across Community policies and improving the quality of urban environment, taking into account progress made in implementing the existing cooperation framework reviewing it where necessary, and addressing: the promotion of Local Agenda 21; the reduction of the link between economic growth and passenger transport demand; the need for an increased share in public transport, rail, inland waterways, walking and cycling modes; the need to tackle rising volumes of traffic and to bring about a significant decoupling of transport growth and GDP growth; the need to promote the use of low emission vehicles in public transports; and the consideration of urban environment indicators’.

Development of the Urban Thematic Strategy

A 1990 Green Paper on the urban environment (COM(1990)218)⁹¹ for the first time proposed an overall approach and series of actions at the EU level on the urban environment. This was followed by a number of EU urban initiatives, such as the European Sustainable Cities report in 1996 and support for the Local Agenda 21 process. A key policy development in terms of urban sustainable development was the publication in 1997 of a Commission Communication ‘Towards an Urban Agenda in the European Union’ (COM(1997)197) which set out the framework for EU action in the area. This was followed by another Communication on ‘Sustainable urban development in the European Union: a framework for action’ (COM(1998)605) which built on the 1997 Communication and more explicitly highlighted the need for ‘awareness raising and capacity building measures’ in the context of good urban

governance. In particular, it detailed a series of policy objectives for improving the urban environment and provided the essential foundation for the Urban Thematic Strategy^{92,93}.

There are also strong links between the development of Community policy on urban sustainable development and Decision 1411/2001/EC which established the Cooperation Framework to provide financial and technical support to networks of local authorities, organised in at least four Member States, to achieve urban sustainable development. The calls for support during 2001 to 2003 were linked to the evolving policy framework, especially the Urban Thematic Strategy. In particular the AALBORG +10 project (from which the Aalborg Commitments emerged), was funded by the Cooperation Framework and covered identical key themes to those contained in the draft Thematic Strategy. Accordingly, the AALBORG +10 project was seen as being able to provide the Commission with practical experience on how to develop the Thematic Strategy further. To an extent one could even argue that the funding, which essentially was intended for support to local authorities, became more a funding tool for consultation activities for the Thematic Strategy, hence moving away from the original aims of the Cooperation Framework⁹⁴.

The Communication ‘Towards a Thematic Strategy on the Urban Environment’ COM(2004)70⁹⁵ was presented in February 2004 based on consultations that had begun in 2002. The Communication focused on four cross-cutting themes, which were determined in consultation with the EU Expert Group on the Urban Environment and other stakeholders. These themes were sustainable urban transport, sustainable urban management, sustainable urban construction and sustainable urban design. Four independent expert working groups were established to discuss each of the priority themes.

Input to the process was also provided through four independent working groups established under the EU Expert Group on the Urban Environment. A wider consultation exercise was undertaken in spring 2003. Papers were commissioned from four key stakeholder groups (cities, business, academics and NGOs). These papers and the output from the four independent expert working groups were discussed at a consultation event in June 2003 in Brussels. The detailed development of the consultation process, leading up to the Thematic Strategy, is outlined in Table 2 below.

Table 2: Detailed development of the consultation process

Group	Purpose and Group Members (Number)	Date
Consultation Group	To identify priority issues for the Thematic Strategy to address – MS, NGOs, Cities, academics, business (25)	2001-11-27
EU Expert Group on the Urban Environment	Initial discussions on the Thematic Strategy themes – Member States, 2 city representatives, representative of Sustainable Cities and Towns Campaign (SCTC) (20)	2002-01-11
	Initial discussions on the Thematic Strategy – Member States, 2 city representatives, representative of SCTC (20)	2002-05-24
	Launch of 4 working groups on priority themes of the Thematic Strategy – Member States, 2 city representatives, representative of SCTC (20)	2002-11-15
Expert Working Groups	4 expert working groups on sustainable urban management, urban transport, sustainable construction and urban design – mix of experts from MS, cities, NGOs and academia (20-25 each)	Met during 2003 – 4 times each
EU Expert Group on the Urban Environment	Interim findings of 4 working groups – Member States, 2 city representatives, representative of SCTC (20)	2003-05-21
Stakeholder Consultation Group	To discuss problems, opportunities and ideas for the Thematic Strategy –participants from MS, AC, cities, regions, city networks, business, NGOs, academics (100)	2003-06-23/24
EU Expert Group on the Urban Environment	Draft final reports of 4 working groups – Member States, 2 city representatives, representative of SCTC (30)	2003-09-17
Stakeholder consultation	Internet based consultation exercise for stakeholders on interim Communication "Towards a Thematic Strategy on the Urban Environment" COM(2004)60 (104 responses received)	2004-02-11 to 2004-04-15
Informal Meeting with Member States	Informal discussion on the ideas proposed in the interim Communication (Feb 2004) - EU 15 and AC 10	2004-02-23
EU Expert Group on the Urban Environment	Initial comments on the interim Communication, launch of 3 working groups on key ideas for the Strategy – EU 25 MS and 75 other stakeholders from cities, regions, city networks, business, NGOs, academics (100)	2004-04-07
Informal Meeting with Member States	Informal discussion on the ideas for the final Thematic Strategy - EU 25 MS	2004-05-26
Expert Working Groups	3 expert working groups on environmental management plans and management systems, urban transport plans, and research and training needs – mix of experts from MS, cities, NGOs and academia (20-25 each)	Met during 2004 – 4 times each
EU Expert Group on the Urban Environment	Interim findings of 3 working groups – Member States and 75 other stakeholders from cities, regions, city networks, business, NGOs, academics (100)	2004-09-24
Bilaterals with MS	Informal meetings with MS on detailed understanding of national situations (6 MS)	Autumn 2004 / Spring 2005
EU Expert Group on the Urban Environment	Final reports of the working groups, results of surveys on the needs of cities re guidance and training - Member States and 75 other stakeholders from cities, regions, city networks, business, NGOs, academics (100)	2005-05-17
Stakeholder and citizen consultation	Internet based consultation exercise to help in the finalisation of the Thematic Strategy on the Urban Environment (2,800 responses received)	2005-07-21 to 2005-09-21

Key messages from stakeholders during the consultations were support for the analysis of the problem as set out in the original Commission Communication; the importance of the four priority themes; and a predominance of objections to obligations (the importance of the subsidiarity issue and the need to take into account local conditions, i.e. geographical, cultural, historical, local administrative systems and existing requirements). Local authorities welcomed proposals for additional guidance on integrated management at the local level for environmental issues and urban transport, and supported the exchange of best practices, skills and knowledge. They also expressed a need for city-focused guidance, a dedicated website, and the importance of materials being available in local languages. Responses from private individuals showed widespread concern with the quality of the environment in urban areas and the perception that key concerns were getting worse (i.e. growth in private transport, noise, air quality, waste and greenhouse gas emissions). Respondents felt

that improvements in public transport, promotion of cycling and walking, retrofitting of public vehicles and banning the most polluting vehicles from entering the city were priorities.

Council Conclusions on the Towards Communication were adopted in October 2004. These conclusions welcomed the Communication and supported the analysis of the environmental problems facing Europe's urban areas but invited the Commission to review the justification for suggested obligations in the areas of environmental management and urban transport in light of the principle of subsidiarity, current legislation and procedures at both Community and national levels. A similar opinion was also received from the Committee of the Regions.

Contents of the Urban Thematic Strategy

The Thematic Strategy on the Urban Environment was presented in January 2006 (COM(2005)718)⁹⁶. The aim of the Strategy is to contribute to 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 Strategy aim 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 Strategy does not include any quantitative targets or timetables apart from requiring the Commission to produce further technical guidance by certain dates. However, as of January 2010, technical guidance on integrated environmental management, and technical guidance on the main aspects of transport plans which was to be based on the recommendations of the 2004 Expert Working Group, both of which were expected to be published also in 2006, have not been published.

The measures to achieve the objectives of the Strategy cover 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, and drawing on other Community support programmes. The measures proposed in the Strategy are much less specific than those in the preparatory Communication. 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 Strategy on a regular basis as well as part of a wide consultation exercise in 2009. As of January 2010, this process has not taken place.

Influence of consultation process and political context

The difference between the preparatory Communication and the adopted Thematic Strategy is striking. All the mandatory measures included in the Commission's preparatory Communication were dropped in the final Strategy. The Impact Assessment of the Thematic Strategy (SEC(2006)16)⁹⁷ claims that the predominant view of stakeholders was that obligations for environmental management plans and systems, and sustainable urban transport plans are not appropriate and that the procedural nature of the obligation and the difficulty of establishing clear, measurable improvements in environmental performance for urban areas to achieve, as a whole, mean that the final outcome of such obligations is uncertain. However, it is unclear if

this predominant view was of stakeholders with similar interests. At least the environmental NGOs, such as EEB, strongly supported binding EU requirements for cities to adopt an urban environment management plan and a sustainable urban transport plan.

Effectiveness in achieving 6EAP objectives

There were several changes in the direction of the Thematic Strategy after the adoption of the 6EAP. The Thematic Strategy does not mention anything about reducing the link between economic growth and passenger transport demand. The Thematic Strategy mentions incentives for high quality public transport but not for increasing the share of public transport. Equally there is no mention of tackling rising volumes of traffic or decoupling of transport growth and GDP growth. However, improving European data on urban environment issues is mentioned. As is evident from the above, the Thematic Strategy hardly addressed any of the priority actions mentioned in the 6EAP, not even with respect to the voluntary approach it set out. A number of developments also seem to have taken place outside the framework of the Urban Thematic Strategy, for example, while the Thematic Strategy did not include any specific proposals to promote the use of low emission vehicles in public transport, a Directive (2009/33/EC) on the promotion of such vehicles was adopted in April 2009.

The measures proposed in the Thematic Strategy are much less ambitious than those included in the preparatory Communication. For instance, in the preparatory Communication, one of the key elements was that capital cities and urban agglomerations of more than 100,000 inhabitants (i.e. the EU 25's largest 500 towns and cities) should adopt an urban environment management plan with objectives to achieve a sustainable urban environment, and should implement an appropriate environmental management system to manage its delivery. In addition, these towns and cities should develop and implement a sustainable urban transport plan. This obligation was reduced in the Strategy to the Commission 'strongly recommending' that local authorities take the necessary steps to achieve greater use of integrated management at the local level and encouraging national and regional authorities to support this process. Overall, this is a common trend throughout the whole Thematic Strategy. However, the Thematic Strategy does call for up-to-date, accessible urban data, for monitoring its effectiveness. However, due to the vaguely formulated and general aims of the Thematic Strategy, it is almost impossible to envisage how any trends shown in the data could be attributed to the Thematic Strategy.

4.5 Natural Resources Thematic Strategy

The objectives of the 6EAP relating to natural resources as set out in Article 8(1) are to ensure 'that the consumption of resources and their associated impacts do not exceed the carrying capacity of the environment and breaking the linkages between economic growth and resource use' and 'achieving a significant overall reduction in the volumes of waste generated through waste prevention initiatives, better resource efficiency and a shift towards more sustainable production and consumption patterns'. Priority actions to achieve this objective include 'developing a thematic strategy on the sustainable use and management of resources, including inter alia:

- an estimate of materials and waste streams in the Community, including imports and exports for example by using the instrument of material flow analysis;
- a review of the efficiency of policy measures and the impact of subsidies relating to natural resources and waste;
- establishment of goals and targets for resource efficiency and the diminished use of resources, decoupling the link between economic growth and negative environmental impacts;
- promotion of extraction and production methods and techniques to encourage eco-efficiency and the sustainable use of raw-materials, energy, water and other resources;
- development and implementation of a broad range of instruments including research, technology transfer, market-based and economic instruments, programmes of best practice and indicators of resource efficiency' (Article 8(2)).

Development of the Natural Resources Thematic Strategy

While the EU had a number of existing (or at least planned) resource-related strategies and policies such as the Water Framework Directive, Marine Thematic Strategy, the Soil Thematic Strategy, the EU Biodiversity Strategy and the Urban Thematic Strategy; it lacked an overall EU policy to address the environmental impacts of resource use. The OECD had done substantial work in the area, notably its 'Environmental Strategy for the First Decade of the 21st Century' which set the goal of decoupling environmental pressures from economic growth. The Natural Resources Thematic Strategy was seen as building on this approach.⁹⁸

In October 2003, the Commission published a Communication 'Towards a Thematic Strategy on Natural Resources' (COM(2003)572)⁹⁹. The Communication emphasised the importance of integrating environmental concerns in relevant policies and saw the Thematic Strategy as a way of facilitating coherence between policies by taking a holistic view of the impacts of policy measures on the environment and the use of resources, and providing a mechanism for decision-makers to assess policy choices with the aim of decoupling economic growth from negative environmental impacts.

Expert workshops (on resource management, in July 2000, and on analysis of the fundamental concepts of resource management, in October 2001) fed into the consultation process (presumably prior to the 'Towards Communication'). In addition, studies were carried out on: Resource Use in European Countries (to provide baseline data on material flows); Public Private Interface (inventory and analysis of Member State policies/targets); Dynamic View on Resources (to assess the feasibility of decoupling resource use from economic growth); and Policy review on decoupling and development of resource productivity indicators (to identify and explain differences in material intensities and resource use patterns in the EU).¹⁰⁰

An Advisory Forum of stakeholders and EU Member States, to steer the development of the Thematic Strategy and two Working Groups were set up. Working Group 1, on supply of resources (from cradle to gate) was made up of representatives from industry associations with a particular focus on minerals and metals (38%); NGOs representing broad economic sectors (e.g. energy, private forests) (10%); civil society NGOs (9%); central government/administrations (9%); public service/research bodies

(7%); consultants (5%); and smaller groups representing other industry, unions, academia, EU institutions, regional/local government, international organisations (28%). Working Group 2, on use of resources (from gate to grave), comprised of 54 associations in total made up of representatives from industry, with a particular focus on mining and metals, forestry and primary material/energy (61%); central government/administration (15%); international organisations (7.5%); civil society NGOs (7.5%), conservation/agriculture/fishery interests (9%). The Working Groups completed their reports on 1 October 2004^{101, 102}.

The results of the two Working Groups, together with statements from the European Parliament and Council, fed into the preparation of a public internet consultation which ran from 6 December 2004 to 30 January 2005¹⁰³. No overall summary of the consultation responses was produced, but the responses are still available on the DG Environment website. The public consultation process was fairly broad, with representation of all the major interested parties (industry/business, Member States, academia/consultancies and NGOs). However the consultation received only around one quarter the number of responses that the Waste Thematic Strategy received – 50 or so compared to around 200¹⁰⁴. This may to some extent reflect the fact that the Natural Resources Thematic Strategy lacked concrete targets or legislative actions and thus failed to generate much interest among stakeholders.

Contents of the Natural Resources Thematic Strategy

On 21 December 2005 the European Commission presented a Strategy on the Sustainable Use of Natural Resources used in Europe¹⁰⁵. The overall objective of the Natural Resources Thematic Strategy is 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 recognised as part of a long-term process and a time horizon of 25 years was proposed. The Strategy did not initially set quantitative targets for resource efficiency and the diminished use of resources as prescribed by the 6EAP. This was deemed to not be possible given levels of knowledge and the state of development of indicators. Instead the Thematic Strategy aimed to set a process in motion whereby the setting of such targets would be possible over the next 5-10 years.

The Strategy leaves the choice of which instruments to use to implement its objectives to the Member States. Each Member State is to develop national measures and programmes on the sustainable use of natural resources to achieve the objectives of the Thematic Strategy. To facilitate the development of these national measures, the Commission is to set up a High-Level Forum. Additionally, the Commission will analyse measures taken by the Member States to determine which ones are suitable to apply at the EU level (especially market based incentives). No deadline was set for when such plans should be in place. By 2008, the Commission was to develop 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. A European Data Centre on natural resources was to be set up within one year of the Strategy's adoption, to bring together all available information for monitoring, analysis and to provide policy-

relevant information to decision-makers. In addition, an international panel on sustainable use of natural resources in cooperation with UNEP was to be set up.

Since the adoption of the Strategy, the Commission has contracted two follow-up studies as follow-up. The first addressed the 6EAP call to develop ‘indicators of resource efficiency’. The final report of the project was published in May 2008 and suggested four suitable aggregate indicators: Ecological Footprint (EF), Environmentally Weighted Material Consumption (EMC), Human Appropriation of Net Primary Production (HANPP) and Land and Ecosystem Accounts (LEAC)¹⁰⁶. The second project, Significant Natural Resource Trade Flows into the EU and their Environmental Impacts, aimed to improve the understanding and knowledge of European resource use, its negative environmental impact and significance in the EU and globally. This study helped to meet the 6EAP call for the Thematic Strategy to bring about ‘an estimate of materials and waste streams in the Community, including imports and exports for example by using the instrument of material flow analysis’. The study suggests a simple methodology to identify resource trade flows having a more significant environmental impact and identifies four key areas for policy developments that could help to reduce these impacts¹⁰⁷.

Influence of consultation process and political context

The adopted Thematic Strategy does not reflect calls from a number of stakeholders and other EU institutions for clear targets and timetables for implementation. For example the Parliament called for binding targets and timetables at the sectoral level for resource efficiency and for the Thematic Strategy to identify a list of priority resources, e.g. a ‘top 20’, to be revised every 5 years¹⁰⁸. The Committee of the Regions called for the Strategy to address the depletion of non-renewable resources as well as the depletion and degradation of renewable resources including biodiversity, fish stocks and carbon sinks¹⁰⁹. The European Economic and Social Committee called for the protection element of resource use to be stressed more and for the overuse of landscapes and potential overexploitation of forests to be addressed¹¹⁰. These concerns were either completely ignored or addressed weakly in the final Thematic Strategy.

Following the adoption of the Strategy, one Commission official stated that it had been the result of fierce internal debate, saying: ‘Some people screamed that it was the utmost bearable we’d tolerate on paper’, and adding that most of the implementation work would in any case fall to different policy sectors¹¹¹. Thus, even though resource use had been recognized as an issue within EU environmental policy discussions since its beginning, and despite acknowledging that increased production volumes were outpacing environmental improvements or efficiency gains and recognizing that current policies had not been sufficient to reverse fundamentally unsustainable trends¹¹²; the adopted Thematic Strategy failed to set out any substantial measures in this area.

Effectiveness in achieving 6EAP objectives

The stated objective of the Natural Resources Thematic Strategy to decouple the environmental impacts of resource use from economic growth matches the objective of the 6EAP to ‘break the linkages between economic growth and resource use’. However no concrete legal targets were formulated to decouple economic growth from resource use and the Strategy 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 Strategy does 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, i.e. 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. The 6EAP's calls for the development and implementation of a range of instruments including research, technology transfer, market-based and economic instruments, programmes of best practice and indicators of resource efficiency were also not taken up in the Thematic Strategy. Moreover the Strategy appears to focus more on reducing the negative impacts of the resources we already use, i.e. 'achieving more sustainable use of natural resources', rather than suggesting a shift to sustainable consumption patterns.

The Parliament and Council's positions on the final Strategy were critical. The European Parliament's non-legislative resolution on the Strategy was, to say the least, scathing – although it was in fact toned down from earlier drafts. The resolution 'took reluctant note' of the Thematic Strategy and regretted the lack of a clear vision on how to meet the overall objective. In the Parliament's view, the Thematic Strategy had failed to pursue the objectives of the 6EAP. The Parliament also felt that a time horizon of 25 years was too long and called for the adoption of a clear target for the absolute reduction of resource use and for targets to be set for resource use reduction in the food, housing and transport sectors¹¹³. The Council broadly welcomed the Thematic Strategy, its life cycle approach and decoupling objective; however it called for targets for resource-specific impacts and eco-efficiency to 2010 focusing on key sectors¹¹⁴.

The Thematic Strategy did not have any particular legal gravitas to ensure its proposed actions were undertaken as it was not accompanied by any legislative proposals. For this reason it is still difficult to assess exactly whether the Thematic Strategy will result in any real changes in how natural resources are used in the EU and the negative environmental impacts associated with this use. The Thematic Strategy was largely regarded as disappointing, with some laudable aims but lacking any real concrete targets or proposals. For this reason it is difficult to assess how effective the Thematic Strategy has actually been. Indeed the Commission's own mid-term review of the 6EAP barely mentions the Natural Resources Thematic Strategy, stating only that 'The 6th EAP aims to decouple economic growth from environmental degradation. The Thematic Strategy on the sustainable use of natural resources provides a long-term framework for achieving this objective and takes the first steps towards making the EU the most resource-efficient economy in the world'¹¹⁵. What is not clear is whether this lack of assessment of progress from the Thematic Strategy is due to such an assessment being almost impossible given that the aims of the Strategy were largely to be integrated in other measures or whether the Thematic Strategy has actually had little impact at all.

4.6 Pesticides Thematic Strategy

The environment and health priority area of the 6EAP includes the objective of ‘reducing the impacts of pesticides on human health and the environment and more generally to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection. Pesticides in use which are persistent or bio-accumulative or toxic or have other properties of concern should be substituted by less dangerous ones where possible’ (Article 7(1)). One of the priority actions to achieve this objective is to develop a ‘thematic strategy on the sustainable use of pesticides that addresses:

- minimising the hazards and risks to health and environment from the use of pesticides;
- improved controls on the use and distribution of pesticides;
- reducing the levels of harmful active substances including through substituting the most dangerous with safer, including non-chemical, alternatives;
- encouragement of the use of low input or pesticide free cultivation among others through raising users awareness, promoting the use of codes of good practices, and promoting consideration of the possible application of financial instruments;
- a transparent system for reporting and monitoring progress made in fulfilling the objectives of the strategy including the development of suitable indicators’ (Article 7(2)).

Development of the Pesticides Thematic Strategy

Between 1992 and 2002, the European Commission in co-operation with the Dutch authorities had been conducting a project on the sustainable use of plant protection products. In July 2002, the Commission adopted a Communication ‘Towards a Thematic Strategy on the Sustainable Use of Pesticides’ (COM(2002)349)¹¹⁶ which was mainly based on the results of that project. The Communication recounted the shortcomings of the current situation with regard to the use phase in the life-cycle of plant protection products. It provided extensive background information on the benefits and risks of using pesticides, and presented a list of essential points to be addressed. It envisaged the kind of measures which could be taken to address the use-phase more specifically and to reverse negative trends.

The Communication was published on the internet for consultation and meetings and conferences on various issues raised were organised by the Commission. Contributions were received from the Council, the European Economic and Social Committee, the European Parliament and more than 150 contributions from diverse stakeholders including the European Crop Protection Association (ECPA), Pesticides Action Network (PAN) / European Environment Bureau (EEB), and the European federation of national associations of drinking water suppliers and waste water services (EUREAU)¹¹⁷.

A stakeholder conference was held in November 2002. This involved farmers, NGOs, industry, social partners, public authorities and other interested groups with a view to discussing the Communication and establishing a jointly approved priority-list to develop the Thematic Strategy. Three working groups held sessions on: water resources, Integrated Crop Management (ICM), and national plans for hazard, risk and dependence reduction. The working groups had diverging conclusions relating to

the need for mandatory quantified targets, the appropriate mix of voluntary and mandatory instruments and the use of levies or environmental taxes and their effectiveness for reducing risks/uses/dependency. The working groups agreed that in developing the Thematic Strategy, clarification was needed regarding exactly what best practices are (good farming practices, good agricultural practices, good plant protection practices, best farming practices, etc.), that resistance issues should be acknowledged, that further discussions are necessary on the implementation of labelling at EU level, and that European funding for initiatives modelled along existing pilot experiences was required for obsolete pesticides in Central and Eastern European Countries¹¹⁸.

In parallel to the consultation process, a study was carried out by an external consultant (BiPRO) which developed a 'Policy Option Paper'¹¹⁹, outlining several options for potential measures, before estimating their impacts on the current legal situation in the Member States. For each of the measures proposed, three to five options, ranging from voluntary to highly prescriptive, were examined with regard to their economic, social, health and environmental impacts on the various stakeholders and authorities. A 'no-option scenario' was used as the reference against which to appraise the anticipated costs and benefits of the measures proposed. The report of the consultant was based on a survey of competent authorities and stakeholders and was published on the Commission's website to receive comments.

Numerous conferences were organised by various stakeholders on specific issues (e.g. comparative assessment/substitution, application equipment, IPM/ICM concepts, and others). The Commission itself organised or assisted in the organisation of meetings on compliance by pesticide users, distributors and retailers with the legal requirements and voluntary codes governing pesticide (March 2003), aerial spraying (March 2004), spraying equipment (April 2004), and indicators (May 2004)¹²⁰.

The Commission launched an internet consultation from March to May 2005 which outlined the main actions to be considered for inclusion in the proposal for a Thematic Strategy¹²¹. The consultation gave rise to almost 1 800 responses¹²².

Contents of the Pesticides Thematic Strategy

The Thematic Strategy on the Sustainable Use of Pesticides (COM(2006)372) was published in July 2006. The aim of the Thematic Strategy is to support forms of agriculture and pest management methods that restrict or better target the use of plant protection products, such as organic farming, integrated pest management, or the use of less susceptible varieties. It also aims to encourage a rational and precise pesticide use, appropriate crop and soil management practices, improve the behaviour of pesticide users, improve the quality and efficacy of pesticide application equipment to enable pesticide users to optimise the effectiveness treatments whilst minimising any adverse impact on human health and the environment. Specific objectives to achieve these overall objectives are:

- to minimise the hazards and risks to health and environment from the use of pesticides;
- to improve controls on the use and distribution of pesticides;
- to reduce the levels of harmful active substances including through substituting the most dangerous with safer alternatives;

- to encourage low-input or pesticide-free cultivation, through raising users' awareness, promoting the use of codes of good practices and promoting consideration of the possible application of financial instruments; and
- to establish a transparent system for reporting and monitoring progress made in the fulfilling of the objectives of the strategy, including the development of suitable indicators.

The Thematic Strategy does not present any timetables, timeframes or quantitative targets. However a number of anticipated trends as a consequence of the Thematic Strategy are listed. Many of these are quite general in their nature, such as the reduction of the overall risks and negative impacts on human health and the environment from the use of pesticides. More specific trends anticipated, as a consequence of the Thematic Strategy include: an overall decline in the use of pesticides; an increase in the percentage of land cultivated with reduced or low pesticide-input cropping systems; a decline in the percentage of food and feed samples monitored in the Member States exceeding Maximum Residue Levels of pesticides; and a decline in the poisoning incidents involving humans or wildlife. The Thematic Strategy states that it is not possible to formulate quantitative targets for any of these trends as the necessary baseline information is missing or there are too many factors involved to predict quantitative effects in a reliable way.

The Thematic Strategy included five legislative proposals. Two of these legislative proposals 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 (including such objectives for a number of pesticides) was published a few days later, in July 2006. In December 2006 the Commission tabled a proposal for a Regulation concerning statistics on the distribution and use of PPPs. By 2008, the Commission would also propose legislation to set minimum standards for pesticide application equipment. Most of the new measures that cannot be integrated into existing instruments were included in the proposed Framework Directive. Most of the measures that could be integrated into existing instruments were included in the proposed Regulation. Those not included were research on pesticides (6th and 7th Framework Programmes) and an invitation to apply normal VAT rates. Measures there were not part of the Thematic Strategy, but are to be examined at a later stage include the definition of quantitative use reduction targets and setting up a system of taxes/levies to influence qualitative pesticide use.

In late 2008, the Parliament and Council reached a compromise agreement on the proposed Regulation and framework Directive on the sustainable use of pesticides (the so-called pesticides package). Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market puts in place a system where a positive list of approved active substances in pesticides will be drawn up. Pesticides will then be licensed at the national level based on this list. The deal allows exemptions for banned active ingredients to be used in pesticides for up to five years, if they are proven essential for crop survival. Certain types of banned active ingredients (candidates for substitution) have to be replaced within three years, if safer alternatives exist. The Regulation will divide the EU into three zones (north, centre

and south) inside of which mutual recognition of pesticides will become the rule, something which has been previously opposed by the European Parliament as being too arbitrary. However, Member States will still be allowed to ban a product on the basis of specific environmental or agricultural circumstances. This addition is a concession to the European Parliament, which demanded that Member States should be allowed to make national or regional specifications based on nature conservation areas and soil-climate conditions.

Directive 2009/128/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 of alternative approaches or techniques such as non-chemical alternatives to pesticides. The Directive requires Member States to adopt National Action Plans with quantitative targets, measures and timetables. The deal prohibits pesticide use, or at least requires it to be kept to a minimum, in specific areas used by the general public or by vulnerable groups.

Influence of consultation process and political context

The European plant protection industry is large and a major global player. A number of other companies are involved with plant protection products in one way or another (manufacturers of spraying equipment, service companies for aerial spraying, and so on)¹²³. Hence the industry has strong lobbying power and the Pesticides Action Network (PAN) complained to DG Environment about the ‘systematic bias’ in questionnaires issued by industrial stakeholders in relation to the IA on the proposed Thematic Strategy on Pesticides. PAN considered that questionnaires emphasised the economic cost to farmers of measures to control the use of pesticides, while omitting to ask appropriate questions about economic, environmental and/or health benefits.¹²⁴

The most controversial debate during discussions on the Thematic Strategy related to aerial spraying, quantitative use reduction targets, and taxation. Opinions from various stakeholders differed strongly on these issues. For example environmental NGO’s argued for a total ban of aerial spraying, the introduction of mandatory use reduction targets, and taxes/levies on pesticides sales. Farmers and industry on the other hand opposed all of these. Several Member States also opposed the setting of taxes at Community level.¹²⁵ On all these issues the Thematic Strategy followed the views of farmers and industry.

Effectiveness in achieving 6EAP objectives

The Thematic Strategy addresses the overall objective of the 6EAP relating to pesticides as set out in Article 7(1) and Article 7(2). The publication of the two legislative proposals alongside the Thematic Strategy addressed the issues of an authorisation procedure for placing plant protection products on the market and the sustainable use of pesticides. The requirement of Article 7(2)d to ‘support the improvement of the management of chemicals and pesticides in developing and candidate countries, including the elimination of stocks of obsolete pesticides’, is addressed in the section on actions to be taken in the international arena. The Thematic Strategy covers only PPPs, which constitute only a part of all pesticides. Biocides in particular are not covered. The Commission, however, committed itself to reconsider how to address biocides in 2007. Although the new pesticides framework Directive 2009/128/EC only applies to pesticides that are plant protection products as

defined in the Regulation (EC) No 1107/2009 which does not include biocidal products, as defined in Directive 98/8/EC, it is anticipated that the scope of Directive 2009/128/EC will be extended to cover biocidal products. This explains why the Directive categorically uses the term ‘pesticides’ (which covers plant protection products *and* biocidal products) instead of the term ‘plant protection products’. However, until the scope is extended to biocidal products, the Directive only applies to plant protection products¹²⁶.

Neither the Thematic Strategy, nor the Framework Directive, include quantified environmental targets to be achieved by Member States across the EU. Instead they delegate the target-setting process 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. This delegation limits the effectiveness of the Thematic Strategy and accompanying legislation.

The Thematic Strategy together with the proposed Directive and Regulation have improved legislation on the authorisation of plant protection products and particularly their use. Both the Directive and the Regulation came into force in late 2009 and need to be transposed by June/December 2011. Hence it is too early to judge the implementation of these legislative measures and their effectiveness. Both the Regulation on placing plant protection products on the market and the Directive on sustainable use of pesticides reflect the issues covered in the Thematic Strategy. However, the lack of targets in reducing pesticide use, both in the Thematic Strategy and the related legislative measures is likely to slow down any reductions in pesticide use in the EU.

4.7 Soil Thematic Strategy

The nature and biodiversity priority area of the 6EAP includes the objective to promote ‘a sustainable use of the soil, with particular attention to preventing erosion, deterioration, contamination and desertification’ (Article 6(1)). Priority actions to achieve this objective, as set out in Article 6(2) include developing ‘a *thematic strategy on soil protection*, addressing the prevention of, *inter alia*, pollution, erosion, desertification, land degradation, land-take and hydrogeological risks taking into account regional diversity, including specificities of mountain and arid areas’.

Development of the Soil Thematic Strategy

Unlike other key environmental media such as air and water, soil has not been systematically addressed across the EU. While a number of EU measures contribute to soil protection including the Nitrates Directive, the Water Framework Directive, the Sewage Sludge Directive and the CAP, these policies aim to safeguard other environmental media or to promote other objectives and thus do not constitute a coherent soil protection policy. In June 2001 the Commission launched a short public internet consultation on soil protection policies. DG Environment subsequently released a draft soil protection Communication for consultation in November 2001. In April 2002, the Commission published its Communication ‘Towards a Thematic Strategy for Soil Protection’ (COM(2002)179)¹²⁷ which builds on the draft document issued in November. The Communication outlined various threats to soil conservation

and the current policy context and concluded with a series of actions to improve the policy framework for soil protection.

In February 2003 the Commission organised an open stakeholder meeting to launch a wide public consultation and to call for volunteers to participate in Working Groups to assist the Commission in the development of the Thematic Strategy. In May 2003, on the basis of candidacies received, the Commission established five Working Groups and an Advisory Forum. Each of the five working groups (organic matter; erosion; contamination; monitoring; research) were further divided into a number of subgroups. The working groups were to develop technical guidance on key issues as outlined in their 'mandates'. The Advisory Forum was to oversee the activities of the Working Groups and express opinions on the assessments and reports of the Working Groups. The Working Groups were led by 15 representatives from Member States and major organisations¹²⁸. The Chairs of the working groups were key stakeholders specifically selected to the role and sat on the advisory forum, which in turn was chaired by the Commission. An electronic mailbox was set up to receive public questions and feedback on soil and a public electronic library and information repository, CIRCA¹²⁹, was established to allow stakeholders within and outside the platform to submit input and follow progress of the Groups. The five Working Groups published their final reports¹³⁰ in July 2004.

There were more than 400 members of these working groups which included representatives from public administrations in Member States and Candidate Countries, the Commission services, the EEA, agricultural, industrial, environmental and consumer organisations, science and research institutes, the JRC and other associations with European coverage and an interest in soil¹³¹. The majority of representatives were from Member States and industry with only one environmental NGO (the EEB). This imbalance was explained by the fact that NGOs were generally seen as only essential in relation to the dissemination of information and awareness-raising activities. The Commission was concerned by the lack of action by environmental groups given its experience in relation to the consultation on the cadmium in fertiliser which had resulted in receipt of over 60 responses, the majority emanating from industry with no responses from environmental groups, so leading to a watering down of the final proposal. In October 2003, the EEB held a workshop to raise the profile of soil issues and work being completed under the Thematic Strategy given concern by various players, including the Commission, over the lack of engagement by NGOs, environment, and conservation organisations and interest groups in the development of the Thematic Strategy.

In parallel to the external consultation, DG Environment set up an ad-hoc inter-service Working Group, through which it worked closely with other DGs including Enterprise, Agriculture, Regional Policy, Development, Transport and Energy on the development of EU soil policy.

In November 2004 a high level conference was held for Member States and stakeholders involved in the consultation process. Around 120 representatives of EU Member States and the Commission, plus experts and stakeholders, attended the Conference. Participants expressed strong support for a framework approach based on EU action¹³².

At the end of July 2005, the Commission launched a two month internet consultation to elicit opinions on specific measures being considered for inclusion in the Strategy. The consultation drew replies from 1,206 citizens, 377 soil experts and 287 organisations. The majority of citizens believed that preventing and mitigating soil degradation in Europe is important or very important and supported action in the form of a framework adopted at EU level and concrete measures at national/local level. The majority of citizens surveyed also supported the identification of risk areas and the obligation to adopt measures in those areas. Most soil experts and organisations preferred the adoption of a framework at EU level and measures established at national/local level. The majority of respondents also supported the establishment by Member States of a publically available inventory of contaminated sites and for Member States to develop remediation plans on the basis of these inventories¹³³.

In January 2006 the Soil Thematic Strategy, a proposal for a Soil Framework Directive and the associated IA went into inter-service consultation. A number of problems arose during inter-service consultation, with disagreement between key European Commission DGs over the content of the proposal which led to a delay in publication. It is thought that some DGs argued for the proposed Soil Framework Directive to be demoted to a Recommendation.

As part of the process to develop the Thematic Strategy, an IA was carried out. The chosen approach in the IA was for a 'flexible legal instrument in the form of a Soil Framework Directive, ambitious in its scope but not overly prescriptive in its content, will yield benefits far outweighing the costs'¹³⁴.

Contents of the Soil Thematic Strategy

The Thematic Strategy on Soil Protection (COM(2006)231)¹³⁵ was published on 22 September 2006 and was the last of the seven Thematic Strategies to be published. The overall objective of the Strategy is 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 does not contain any specific quantitative targets relating to soil protection but includes a list of qualitative objectives and actions. Many of the actions set out are vague and contain few new developments that can be directly attributable to the development of the Thematic Strategy. Other actions are merely recommendations or suggestions that Member States take into account soil issues when developing policy or that the Commission monitor the integration of soil issues in policy development.

The Thematic Strategy was accompanied by a proposal for a framework Directive for the protection of soil (COM(2006)232)¹³⁶ 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 sets out a structure for action and a series of objectives to be achieved by Member States. However, Member States are 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’¹³⁷.

The Thematic Strategy lists a number of other actions that have the potential to significantly impact on practice if appropriately implemented including the review of the Sewage Sludge Directive (86/278/EC) which was initially intended to form part of a package of measures alongside the Soil Thematic Strategy; review of the IPPC Directive, checking whether minimum requirements for good agricultural and environmental condition (GAEC) defined under the common rules for direct support under the CAP contribute to soil protection, assessing synergies between measures to protect soil and actions taken under River Basin Management Plans developed under Directive 2000/60/EC, ensuring soil protection is taken into account in product policy to prevent soil contamination and that actions are consistent with relevant international initiatives.

The Commission also noted five new initiatives to deliver the aims of the Strategy:

- Calls for research projects to support policy making and incorporate new knowledge on soil biodiversity into decision making from 2006 onwards;
- Develop best practices to mitigate the negative effects of soil sealing in 2007;
- Develop a common implementation strategy for the framework Directive;
- Build a robust approach to deal with issues relating to research, economy, and rural development to ensure climate change and soil protection policies are mutually supportive; and
- Assess possible synergies between soil protection measures and those relating to coastal waters.

Initially the Strategy was to include proposals for measures on soil monitoring, sewage sludge and biowaste (composting). During discussions supporting the development of the soil protection, waste prevention and recycling, and natural resource use Thematic Strategies in 2003/2004 the question of biowaste was the source of intense debate among stakeholders. A proposal for a Directive on biowaste was originally anticipated to result from these processes; with a full draft of a potential new Directive on this subject leaked in 2003. Eventually the emphasis on legislative requirements for biowaste was dropped by the Commission. In the end it was decided that biowaste issues would become part of the waste prevention and recycling Thematic Strategy which contains only limited reference to lifecycle impacts of biowaste. Much work was done, prior to plans being changed, by the working groups on the potential review of the Sewage Sludge Directive (86/278/EC) which was initially intended to form part of a package of measures alongside the soil protection Thematic Strategy.

Influence of consultation process and political context

The consultation process for the development of the Soil Thematic Strategy was considered particularly extensive and was commended by NGO representatives involved in the development of some of the other Thematic Strategies. The process examined new areas of policy for the EU, thus there were more options available for discussion and stakeholders were less constrained by existing measures. There were however some participants / observers that noted the process was too extensive, for example given the number of working groups and sub groups within a particular working group, certain NGOs were unable to be present in all the debates¹³⁸.

Stakeholder recommendations during the consultation process served to shape the final Thematic Strategy, for example several working groups suggested the development of a Soil Protection Framework Directive as opposed to a number of interconnected legislative measures alongside the Strategy as was originally envisaged by the Commission.

Historically there have been difficulties in addressing soil issues due to the limitations in terms of European competence relating to land-use planning. A number of Member States, including the UK, and certain Commission DGs have been reluctant to allow the Community to take a lead in the field of soil protection. Despite the prioritisation 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 January 2010). A blocking minority of Member States (including UK, Germany, France, Austria and the Netherlands) continue to object to the measure on the grounds of proportionality, subsidiarity and costs associated with implementation. The primary challenge to agreement on this dossier is that dealing with soil issues often requires the management of land and this encroaches on issues such as land owners' rights and land-use planning, both of which are highly politically sensitive.

Effectiveness in achieving 6EAP objectives

The objective of the 6EAP in relation to soil is to promote a sustainable use of the soil, with particular attention to preventing erosion, deterioration, contamination and desertification. The Soil Thematic Strategy primarily focuses on mitigating soil degradation, i.e. erosion, organic matter decline, compaction, salinisation and landslides, contamination, and to a limited extent soil sealing. The issue of desertification is only referred to in terms of initiatives under the UNCCD. The Strategy contains a list of qualitative objectives and actions, many of which are vaguely formulated and contains few new developments that can be directly attributable to the development of the Thematic Strategy. Other actions are merely recommendations or suggestions that Member States take into account soil issues when developing policy or that the Commission monitor the integration of soil issues. Furthermore the main implementing instrument of the Thematic Strategy, the proposed framework Directive (which has yet to be adopted), grants Member States a significant degree of flexibility in how they implement the requirements of the Directive. Thus the targets to be achieved and the choice of measures to reach those targets, and their effectiveness in meeting the 6EAP objectives are dependent on the level of ambition adopted by individual Member State.

Neither the Strategy nor the proposed framework Directive address the issue of soil biodiversity, but rather maintain that biodiversity will benefit from the action proposed on other threats. The Thematic Strategy has been criticised for its lack of coverage of biodiversity issues, even though it is included within the biodiversity objectives of the 6EAP. The Thematic Strategy and accompanying proposed framework Directive do not address the issue of soil biodiversity and relate more to the concerns regarding environment and health and sustainable use of natural resources, suggesting that the Thematic Strategy is misplaced within the structure of the 6EAP.

The Thematic Strategy on soil protection represents a less holistic and comprehensive proposal than might have been expected when the Commission launched the process

under the 6EAP. Several envisaged measures, expected to emerge alongside the Strategy itself were dropped i.e. the revision of the Sewage Sludge Directive and a proposal for a Directive on biowaste (it has been proposed under the waste prevention and recycling Thematic Strategy that quality standards rather than legislation be developed in relation to this). In addition other measures have been amalgamated into the proposed framework Directive. While the appearance of the proposed framework Directive, represents a victory for the strong stakeholder process that underlay the development of the Thematic Strategy (it was the recommendation of the working groups that such an integrated approach be taken, rather than a series of more specific complex measures), the level of ambition of the proposed Directive has been criticised as being too low. The chosen approach for a framework Directive was selected ‘as the best means of ensuring a comprehensive approach to soil protection whilst fully respecting subsidiarity. Member States will be required to take specific measures to address soil threats, but the Directive will leave them ample freedom on how to implement this requirement’¹³⁹. However, at the time of writing, even this flexibility seems to be insufficient to meet the demands of a number of Member States and there is a strong possibility that a Directive aimed at soil protection will not be adopted.

5 IMPLEMENTATION OF THE PROGRAMME THROUGH RELATED ENVIRONMENT ACTION PLANS AND PROGRAMMES

Although the Thematic Strategies were introduced as the principle instrument for implementing the 6EAP, many objectives and priority actions identified in the 6EAP fell outside the scope of the seven Thematic Strategies. In certain cases these objectives and priority actions have been addressed by other environment action plans and programmes. Eight such action plans and programmes (two relating to each priority area of the 6EAP) are discussed in the section below.

5.1 European Climate Change Programme

Concerted EU action on climate change began in the early 1990s following a political agreement by the Council to stabilise CO₂ emissions in the EU by 2000 at 1990 levels. In 1992, the Commission presented a Communication (COM(1992)246)¹⁴⁰ setting out four proposals to take forward this commitment - a framework Directive on energy efficiency; a Decision on the promotion of renewable energies; a Directive on a combined carbon and energy tax; and a Decision concerning a monitoring mechanism for CO₂ and other GHG emissions. The proposal on taxation proved the most contentious and was withdrawn in 2002. In the run up to the Kyoto conference in December 1997, the EU played a leading role in pushing for reductions in GHG emissions beyond the year 2000. Following difficult negotiations, the EU collectively committed to an 8% reduction target. In June 1998, the Council reached a political agreement on an internal 'burden sharing' mechanism to meet the collective target. Meeting these targets required additional measures at the Community level and in 1998 (COM(1998)353) and 1999 (COM(1999)230) the Commission published Communications outlining an EU strategy for meeting international commitments. However, these documents contained little substance on specific policies and measures. In March 2000 the Commission published a Green Paper on an EU emissions trading scheme (ETS) (COM(2000)87) and a Communication on policies and measures to reduce GHG emissions (COM(2000)88)¹⁴¹ which put forward a list of Community policies and measures focusing on priority actions in the energy, transport, industry, waste, research, domestic and tertiary sectors and international cooperation. The Communication also launched the European Climate Change Programme (ECCP) which brought together relevant stakeholders to develop policies to address climate change. The multi-stakeholder consultative process established through the ECCP (alongside CAFE) is considered to have provided the process for the development of the Thematic Strategies.

Development of the European Climate Change Programme

The ECCP was a major programme initiated by DG Environment that sought to develop understanding of possible measures, potential reductions they entail, and how they can be implemented in practice. The significant involvement of Member States and other stakeholders in working groups aimed to increase ownership in the process and encourage action in resulting policy measures¹⁴². The overall management and coordination of the ECCP was undertaken by a Steering Committee. The Steering Committee was chaired by DG Environment and was responsible for informing and

exchanging information with other stakeholders. The Steering Committee was made up of Commission officials primarily from DG Environment, with inter-service inputs.

The work of the ECCP was originally split into six working groups (WG), of which four were sectoral (energy supply, energy consumption, transport and industry) and two were horizontal (flexible mechanisms, including emissions trading, and research). These groups were set up in June 2000 under the co-ordination of the Steering Committee. A number of working groups opted to establish sub-groups. A seventh working group on agriculture was established in March 2001. The most active working group was devoted to exploring Flexible Mechanisms, notably emissions trading. Each working group was chaired by a senior official of the most appropriate Commission DG, ie DG Environment chaired WG1 on flexible mechanisms, DG Enterprise chaired WG5 on Industry, DG Research chaired WG6 and DG Tren chaired the remainder¹⁴³. Each working group was made up of a 'specific set of stakeholders'¹⁴⁴ and included representatives from the Commission, national experts, independent researchers, industry, business, associations, and environmental NGOs.

The Commission's first report on the ECCP published in June 2001¹⁴⁵ included the results of these groups, and their various sub-groups, the interim report of the agriculture working group and an assessment of work in the waste sector. The report contained 42 proposals for further policies and measures to address climate change in Europe. Following the publication of this report, the Commission presented a package of measures to tackle climate change which included a Communication on the implementation of the first phase of the ECCP (COM(2001)580)¹⁴⁶; a proposal for the ratification of the Kyoto Protocol by the EC; and a proposal for a Directive on Emissions Trading. The Commission maintained that the ECCP formed an important contribution to this package which converted the 'ECCP results into a clear political commitment from the Commission'¹⁴⁷.

During the second phase of ECCP I (2002-2003), a number of working groups were set up to investigate additional measures including a working group on Flexible Mechanisms which looked at Joint Implementation (JI) and the Clean Development Mechanism (CDM); Agriculture; a sub-group on Agricultural Soils which considered the mitigation potential of improved use and management of agricultural soils; and finally a group on forest-related sinks which looked at the potential for carbon sequestration in EU forests. A number of actions identified under the first phase of the ECCP that needed further study were also developed. The second phase concluded with the publication of a progress report¹⁴⁸ in April 2003 which outlined progress in implementing 41 measures including those highlighted in the first progress report, those that have an impact on climate change, such as the landfill Directive, which were not part of the work of the ECCP, and the results of the working groups active in 2002. The report concluded that in general progress had been good as many of the proposals previously highlighted had been introduced or were being developed. The one notable exception was the transport sector, where the report concluded that further measures are necessary and discussed options for limiting emissions from bunker fuels.

Following a lull in activity and uncertainty concerning the future of the ECCP, in February 2005, the Commission Communication on winning the battle against climate

change (COM(2005)35)¹⁴⁹ announced that a new phase of the ECCP would be launched. The Communication noted that the Commission ‘will review progress and explore new actions to systematically exploit cost-effective emission reduction options in synergy with the Lisbon strategy’. Particular attention would be paid to energy efficiency, renewable energy, the transport sector (including aviation and maritime transport), carbon capture and storage, and adaptation. ECCP II was formally launched in October 2005 at a stakeholder conference in Brussels. Over 450 stakeholders participated in the conference which looked at key areas of current and future European climate change policy, including review of ECCP I, geological carbon capture and storage, adaptation, aviation emissions, passenger road transport, energy efficiency, renewable energy and technology policy.

Officially, ECCP II ran from 2005-8. A number of working groups were set up both to review existing progress (the Emissions Trading Review and review of ECCP I (which had 5 subgroups: transport, energy supply, energy demand, non-CO₂ gases, agriculture)), and to explore how climate policy could be expanded into new areas (e.g. carbon capture and storage, aviation, CO₂ and cars, non-CO₂ gases, and adaptation). These groups were much bigger, and took on a more formal and inclusive stakeholder consultation style consistent with more standard consultation practices of the time. The more standard stakeholder consultation process under ECCP II contrasted with the exploratory/peer review process of ECCP I. While involving many of the same stakeholders as the first phase, ECCP II was much less structured, with unclear procedural guidelines and minimal incorporation of monitoring, peer review, synthesis and evaluation. Many of the working groups and sub-groups under ECCP II dealt with legislation and legislative review processes rather than scoping for innovative solutions or monitoring progress thus performing a somewhat different function to the working groups established during ECCP I¹⁵⁰.

The ECCP was a Commission-led initiative and did not significantly involve the Council or the European Parliament in its formulation. Although the Council was not directly involved in the process, Member States were engaged through representations on various working groups. The role of the Parliament in the process was much more limited, with only one MEP participating in a sub-group addressing voluntary agreements¹⁵¹. A resolution of the Parliament on the ECCP¹⁵² called for the programme to consider issues related to agriculture and non-CO₂ GHG emissions. The Parliament also called on the Commission to develop a clear action plan and timetable for action and to put forward a draft Directive whereby sanctions would be imposed in cases where emission quotas were exceeded. These requests are notably absent both in the proposals of the ECCP and the subsequent Commission Communications.

There were a number of ongoing processes that took place in parallel to the ECCP including the CARS 21 initiative which was set up in 2005 to address the future competitiveness of the European automotive industry by screening existing legislation and developing a ‘roadmap’ of future regulations. CARS 21 was made up of a high-level group which comprised of three Commissioners, two MEPs, five government Ministers, and representatives from car manufacturers, a trade union, a motoring federation, the petroleum industry and an environmental institute. A number of working groups were set up to explore specific issues. The CARS 21 report published

in December 2005 process fed into discussions *inter alia* on fuel quality, biofuels and CO₂ and cars legislation¹⁵³.

Contents of the Programme

The overall objective of the ECCP was to develop a comprehensive EU climate change strategy to implement reduction targets under the Kyoto Protocol. This preparatory work was to form the basis of concrete policy proposals of the Commission¹⁵⁴. The final report of ECCP I published in June 2001¹⁵⁵ set out 42 proposals for further policies and measures to reduce the EU's GHG emissions and included: Legislation already under development (e.g. Directive on the energy performance of buildings, Directive on combined heat and power, Directive on energy efficiency in buildings); expansion of existing policies to address climate concerns (e.g. extend EMAS, update the IPPC Directive, and reform the CAP); new proposals (e.g. a Directive of energy efficient public procurement, a Directive on fluorinated gases, the ETS, and energy services Directive); voluntary instruments (e.g. long-term agreements with the process industry on energy efficiency; voluntary measures to reduce methane emissions; and an agreement with the car industry to reduce CO₂ emissions from light commercial vehicles); initiatives to promote innovation and technology (e.g. on the promotion of CHP and heat production from renewables; demand side management for energy services); measures to promote best practice and exchange experiences (e.g. Green-Light Programme and EMAS); awareness raising campaigns (e.g. on energy efficiency and car usage) and research (e.g. develop climate change research in the new Framework Programme). The report also included quantitative targets relating to measures under development (e.g. doubling electricity from CHP from 9% to 18% by 2010, 22% of electricity to be produced from renewable energy sources by 2010, and for a 5.75% share of biofuels); and some new targets (e.g. a minimum energy efficiency target to be reached through energy services each year that corresponds to 1% of the total electricity and gas sales under the energy services Directive).

Following the publication of this report, in October 2001 the Commission presented a package of measures to tackle climate change which included a Communication on implementation of the first phase of the ECCP (COM(2001)580)¹⁵⁶; a proposal for the ratification of the Kyoto Protocol by the EC; and a proposal for a Directive on Emissions Trading. The Communication on implementation of the ECCP contained twelve measures (most of which had been identified in the June report) that the Commission intended to propose in 2001-2003:

- **Horizontal:** promotion of the effective implementation of the IPPC Directive; linking project-based mechanisms (including JI and CDM) to emissions trading; amendment to the GHG monitoring mechanism to take account of the Bonn agreement.
- **Energy:** proposal for a Directive to promote combined heat and power (CHP); public awareness campaign to encourage the use of energy efficient products; the proposal for a Directive on energy efficient public procurement was downgraded to 'initiatives' on increased energy-efficient public procurement on the insistence of various DGs, including internal market and industry; proposal for a Directive on 'energy demand management' rather than on 'energy services' which would require Member States to set targets to promote and support energy demand management - the change in wording is possibly a matter of semantics or may represent a broadening of focus, based on a

realisation that energy companies are not yet ready to turn themselves into energy service providers; and an additional proposal for a framework Directive for minimum efficiency requirements for end-use equipment covering all types of end-use equipment that use a significant amount of energy.

- **Transport:** promotion of biofuels; a package of measures to promote the use of other modes taken from the 2001 Transport White Paper (COM(2001)370) which had been published in September; and two further proposals from the White Paper - development of a framework Directive on the principles and structure of an infrastructure charging system; and a proposal for uniform fuel taxation for commercial road transport.
- **Industry:** framework Directive on fluorinated gases, i.e. hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF6).

Influence of consultation process and political context

The 2001 ECCP report claimed to ‘have given impetus to and accelerated existing proposals, while at the same time pushing forward new ideas’¹⁵⁷ for legislative proposals. However, the influence of the working groups on the development of policy proposals varied. The working group on flexible mechanisms focused on the design principles of a Community-wide emission trading scheme and the necessary regulatory framework. This group was the most active during ECCP I with the Commission strongly driving the process. Member States that may have had an interest in influencing the process (eg the UK given its expertise in setting up their own domestic trading scheme) were not able to do so. The strong leadership by the Commission was undoubtedly helpful in pushing forward the work in the group. The emissions trading and F-gases working groups led, almost in their entirety, towards the adoption of legislation. In other working groups, discussions were less specific on the content of legislation, and at most merely informed legislation that was already being considered at the Community level e.g. with regard to CHP and renewable energy¹⁵⁸. The promotion of biofuels received only minor mention in the June ECCP report and was not seriously addressed in the transport working group. Interest from DG TREN seemed to have increased the impetus behind the biofuels proposal and saw its increased prominence in the Commission’s October Communication. As noted above, the Commission’s Communication only included a handful of the 42 measures proposed by the ECCP, notable gaps highlighted by the European Parliament¹⁵⁹ relate to agriculture, the failure to propose a Directive on more energy-efficient public procurement and the lack of a proposal for improving energy efficiency in the existing housing and buildings stock.

In a 2006 Communication, the Commission noted that the majority of policies and measures identified as a priority under ECCP I had been implemented and that the ECCP II ‘continues to provide the main policy framework for meeting the challenge of climate change’¹⁶⁰. While an overall report on ECCP II has not been produced, the results of the working groups have fed into the formation of concrete policy proposals, eg the working group on Carbon Capture and Geological Storage (CCS) stressed the need for the development of both policy and regulatory frameworks for CCS, while the review of the voluntary strategy with vehicle manufacturers initiated under the ECCP working group concluded that the 120 gCO₂/km target would not be met by 2012 without additional measures (this work was complemented by work under the CARS 21 process). The EU has subsequently adopted legislation or

proposed measures in almost all the areas discussed in the working groups set up under ECCP II: Directive 2009/29/EC amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community; Directive 2009/31/EC on the geological storage of carbon dioxide; Regulation (EC) No 443/2009 setting emission performance standards for new passenger cars; Directive 2009/28/EC on the promotion of the use of energy from renewable sources; Directive 2008/101/EC to include aviation in the EU Emissions Trading Scheme; and the White Paper on Adaptation.

Effectiveness in achieving 6EAP objectives

EU action in relation to climate change was already relatively advanced at the time the 6EAP was being agreed. Thus the 6EAP does not provide for the adoption of a Thematic Strategy on climate change, rather priority actions in this area are largely based on the international context and discussions under the ECCP which had been launched independently of the 6EAP process in 2000. The ECCP and the subsequent adoption of related measures address certain climate change objectives of the 6EAP, e.g. the establishment of a Community emissions trading scheme, reducing the use of fluorinated gases, improving the monitoring of GHG emissions, reducing CO₂ emissions from motor vehicles, and promoting the development and use of alternative fuels. However a number of gaps remain including action to phase out subsidies, reduce GHG emissions from marine shipping, measures to reflect the full environmental costs in transport prices, and decoupling economic growth and demand for transport.

Climate change is one of the 6EAP priority areas in which progress appears to have been most evident, particularly in terms of the development of EU policies and measures. However, the effectiveness of the ECCP process in influencing these developments varies between the two phases of the Programme and the different working groups. Whereas ECCP I was an innovative process, engaging stakeholders in discussions on new options and ideas for future EU climate change policy, ECCP II took the form of a more traditional stakeholder consultation process and largely served as a vehicle to endorse measures the Commission had already decided to introduce. The extent to which individual proposals or measures were influenced by the recommendations of the different working groups varied, e.g. during ECCP I, the emissions trading and F-gases working groups led almost in their entirety towards the adoption of legislation, while in other working groups discussions were less specific and at most merely informed legislation already under consideration e.g. with regard to CHP and renewables¹⁶¹. The process has also been criticised for *inter alia* a lack of transparency regarding the choice of sectors examined by the working groups, lack of a clear framework within which policies and measures were developed in particular the lack of transparency regarding identification of measures in the reports of the working groups and why some were then taken forward by the Commission, while others were excluded. Also the volume of work undertaken in parallel by various working groups and sub-groups restricted the ability of NGOs to engage fully in the process given their limited resources¹⁶².

The effectiveness of the ECCP process was also limited by its scope - by focusing primarily on climate change issues the ECCP ignored the wider energy context, thus a number of relevant measures were developed outside the programme. Finally, the effectiveness of measures introduced depends on the extent to which they are

implemented by Member States. While the ECCP process identified and examined specific elements of EU climate change policy, limited attention was afforded to strengthening implementation, monitoring, and ensuring effective action where emission quotas are exceeded.

5.2 Energy Efficiency Action Plan

The EU has adopted a number of measures to increase energy savings. In 2002 the EU adopted the Energy Performance of Buildings Directive 2002/91/EC¹⁶³ which provided a holistic approach for energy efficiency in the buildings sector. The Directive called on Member States to apply common methodologies and promulgate legislation that would yield more efficient buildings. This was followed by a 2003 Commission proposal for a Directive on Energy End-Use Efficiency and Energy Services¹⁶⁴ which was finally adopted in 2006 (2006/32/EC) and sets an indicative target of achieving 9% energy savings below the expected demand in the period 2008-2017. While for several years there had been EU standards for the performance of some energy using products (EuPs), in 2005 the EU launched a new framework ‘ecodesign’ Directive¹⁶⁵ which aimed to harmonise environmental requirements for EuPs while ensuring their free circulation. It also extended a number of standards for specific products. Other measures include inter alia the energy labelling Directive 92/75/E C; Directive on the Promotion of Cogeneration (2004/8/EC); and various measures to address energy use in the transport sector. In June 2005 the Commission published a Green Paper on Energy Efficiency which aimed at promoting energy efficiency at all levels of European society¹⁶⁶ and led to the presentation of the EU Energy Efficiency Action Plan in October 2006.

Development of the Energy Efficiency Action Plan

The Green Paper on Energy Efficiency¹⁶⁷ initiated a wide-ranging public consultation process that ran from June 2005 to March 2006. It posed 25 questions to interested parties in order to facilitate the evaluation of their opinions regarding energy efficiency and to provide guidance for the outline of the Action Plan on Energy Efficiency. A number of EU officials, MEPs, NGOs, industry representatives, and research organisations contributed to this process. The High Level Group on Competitiveness, Energy and the Environment also contributed directly to the process¹⁶⁸.

The debate was complemented by a series of events to promote a better understanding of the initiative and further discuss the Green Paper and its policy implications. One such event was the October 2005 Sustainable Energy Forum held in Amsterdam. The Sustainable Energy Forum is an initiative set up in a November 2004 Energy Council that aims to complete discussions on renewable energy and energy efficiency policy options. The 2005 edition of the forum held discussions on the Green Paper at which a number of key stakeholders from European and international institutions, NGOs as well as Member State representatives gave their views on energy efficiency policy in general (including future policy options) and on the Green Paper itself. The forum also hosted three working groups, a group on financing energy efficiency, a group on market-oriented instruments and the role of public authorities, and a group on the transport sector.

During the debate and in the responses to the Green Paper the need to urgently improve availability and quality of information on energy consumption and energy-efficient technologies and techniques was recognised. Information on financing possibilities and instruments was also shown to be lacking. A number of possible new measures relating to the building sector were proposed, including the wider use of passive technologies and measures for smaller existing buildings, binding minimum efficiency requirements for automobiles and the wider use of targeted and coherent tax incentives to promote energy efficiency was recommended, including reduced VAT for energy-efficient products and higher excise tax for inefficient vehicles. The consultation also strongly supported sectoral energy savings targets set by the Member States¹⁶⁹.

The 2006 report of the energy demand working group¹⁷⁰ established under the European Climate Change Programme (ECCP) had several important conclusions with respect to energy efficiency. One conclusion of the review is that it is possible, with effective policies and measures, to stabilise energy demand in spite of increased economic growth and increased demand for energy services. In reviewing existing EU legislation on energy efficiency, the ECCP report concluded that Member State reporting on their energy efficiency policies was minimal and more ambitious implementation in Member States of EU legislation was necessary to achieve energy saving targets.

Contents of the Action Plan

In October 2006, the Commission adopted the Action Plan for energy efficiency¹⁷¹. The Action Plan is built around one key objective; help reach the EU's energy savings potentials of 20% by 2020. To this end, the Plan lists over 70 initiatives and measures to be put in place and implemented until 2012 and a number of qualitative and quantitative targets to be met. A number of actions are listed as 'priority actions' to be implemented as soon as 2007, while the remaining initiatives are to be implemented gradually until the end of the Action Plan in 2012. Measures are grouped along common themes: dynamic energy performance requirements for energy-using products, buildings and energy services; improving energy transformation; moving on transport; financing energy efficiency, economic incentives and energy pricing; changing energy behaviour; and international partnerships. Priority actions and key measures include the following:

- Develop appliance and equipment labelling and minimum performance standards;
- Improve building performance requirements through and expansion of the scope of the energy performance of buildings Directive;
- Make power generation and distribution more efficient;
- Achieve fuel efficiency of cars, through the adoption of legislation to reduce the average CO₂ emissions of new passenger cars;
- Facilitate appropriate financing of energy efficiency investments for small and medium enterprises and Energy Service Companies;
- Spur energy efficiency in the new Member States within the framework of cohesion policy;
- Facilitate a more targeted and coherent use of energy taxation through a Green Paper on indirect taxation a review of the EU energy tax Directive;
- Raising energy efficiency awareness through education and training plans and programmes for energy managers and teaching aids;

- Energy efficiency in built-up areas through exchange of best practices in the Covenant of Mayors.
- Foster energy efficiency worldwide through a framework agreement with key external trading partner countries and international organisations focusing on improving energy efficiency in end-use sectors and in energy transformation.

Since the adoption of the Energy Efficiency Action Plan, the EU has adopted a number of measures relating to the above priority areas including developing labelling and eco-design requirements for appliances and other energy using equipment, with a particular focus on standby loss reduction and a revision to the Energy Performance of Buildings Directive.

Influence of consultation process and political context

The Action Plan was developed at a time when climate change and security of energy supply had begun to feature prominently in policy discussions. In this context, energy efficiency was viewed as a cost-effective way to meet international climate change obligations while simultaneously offering positive synergies with EU policy in other areas including the economic sector as well as support to arguments in favour of liberalising certain service and goods markets.

The consultation process brought together a wide range of contributions from a number of key stakeholders and EU institutions notably through the High-Level Group on Competitiveness, Energy and the Environment as well as through the Sustainable Energy Forum. When looking at the recommendations and contributions to the consultation process from various EU institutions it can be argued that the European Parliament¹⁷² was successful in getting a number of its messages across, most notably on measures pertaining to the liberalisation of energy markets and markets in general as well as the role of economic incentives in promoting energy efficiency. The issue of making best use of market-based instruments was also a topic discussed in the High Level Group. The positions of other institutions is less evident, for example the call by the European Economic and Social Committee (EESC)¹⁷³ for the inclusion of issues related to production using recycled products which in certain cases can be more energy efficient and the harnessing of biogas from landfills and the call by the Committee of the Regions¹⁷⁴ for energy-efficiency criteria to be taken into account in public purchasing at all levels (EU, national, regional and local).

Effectiveness in achieving 6EAP objectives

The key objective of the Energy Efficiency Action Plan is to help reach the EU's energy savings potential of 20% by 2020. Achievement of this target contributes to achieving the overall objectives of the 6EAP in relation to climate change and to promote energy efficiency. However, it is important to keep in mind that the Energy Efficiency Action Plan is only one of a number of policy initiatives that contribute to improving energy efficiency and it can be argued that the Action Plan on its own would have little to no impact given that it depends on a number of existing Directives and Regulations to have any kind of effect. Achieving the energy savings objective of the Action Plan relies on extending the scope of and revising a number of existing pieces of EU legislation - the final form of legislation that has been revised / recast and the extent to which it is implemented in Member States will determine the effectiveness of the Action Plan. Furthermore, a number of priority actions identified in the Plan have not been clearly implemented or have been substantially delayed (e.g.

review of energy taxation Directive). The effectiveness of the Action Plan has also been limited by the non-binding nature of the 20% energy saving target, weak incentives for concrete action by Member States, industry and consumers, the absence of a systematic monitoring mechanism, and the lack of available data by which progress can be evaluated.

In a consultation on the review of the Action Plan¹⁷⁵, stakeholders acknowledged that there was a need for a ‘more focused and targeted approach’ to promote energy efficiency, highlighting in particular the need to better address energy efficiency of buildings, access to financing, supply and demand of energy efficiency for SMEs, the better use of the Structural and Cohesion funds, and further promotion of cogeneration and district heating planning. The majority of stakeholders also welcomed the introduction of binding targets on energy efficiency. A revised Energy Efficiency Action Plan is expected to be published in 2010.

5.3 EU Biodiversity Action Plan

The principal measures for biodiversity conservation in the EU are through the birds Directive (79/409/EC) and the habitats Directive (92/43/EC), which offer a system for the protection and sustainable management of natural habitats, wild flora and fauna. Member States are obliged to designate and protect sites of importance for threatened habitats and species as special areas of conservation (SACs), and in the case of birds as special protection areas (SPAs); together these areas make up the Natura 2000 network. Nature conservation actions in the wider environment beyond Natura 2000 sites are generally provided through the integration of biodiversity concerns into sectoral policies (e.g. the water framework Directive 2000/60/EC, agriculture and rural development policies) and cross-sectoral policies (e.g. environmental impact assessment Directive (85/337/EEC) and the strategic environmental assessment Directive (2001/42/EC)).

In order to meet the Community’s commitment as a contracting party to the UN Convention on Biological Diversity (CBD), in 1998 a Community Biodiversity Strategy was adopted (COM(1998)42)¹⁷⁶ which provides a framework for developing EU policies and instruments to implement commitment under the CBD. The Strategy aimed at preventing and addressing the causes of reduction and loss of biological diversity and was built around four major themes: conservation and sustainable use of biodiversity; sharing of benefits arising from the utilisation of genetic resources; research, identification, monitoring and exchange of information; and education, training and awareness. In 2001, this Strategy was followed by a series of sectoral Action Plans for the protection of natural resources; agriculture; fisheries; development and economic cooperation (COM(2001)162)¹⁷⁷. Also in 2001, EU Heads of State and Government agreed ‘to halt the decline of biodiversity [in the EU] by 2010’¹⁷⁸ and to ‘restore habitats and natural systems’¹⁷⁹. In 2002, the CBD adopted its strategic plan which included the overall target to significantly reduce the rate of biodiversity loss by 2010¹⁸⁰. This target was subsequently endorsed by 130 world leaders (including EU Heads of State and Government) at the World Summit on Sustainable Development (WSSD) in 2002 which committed ‘to significantly reduce the rate of biodiversity loss [globally] by 2010’¹⁸¹, which further strengthened political support and established increased momentum for biodiversity. A review of

the implementation, effectiveness and appropriateness of the EU Biodiversity Strategy and Action Plans was carried out from 2003-2004 and led to the development of the 2006 Communication and Biodiversity Action Plan.

Development of the Biodiversity Action Plan

In May 2003, the Commission initiated a stakeholder consultation to assess the implementation, effectiveness and appropriateness of the EC Biodiversity Strategy and Biodiversity Action Plans. This consultation process fed into the development of the 2006 Communication and Biodiversity Action¹⁸². The review process was agreed in consultation with Commission services (most notably ENV, AGRI, FISH, DEV, RTD), Member States (EU-15), Accessing Countries (now EU-10) and civil society. The process was overseen by the European Commission's Biodiversity Expert Group (BEG) whose members included delegated experts from Member States and experts representing civil society organisations. The Group is chaired by DG Environment, Unit B2 Nature and Biodiversity of DG Environment serves as the Secretariat to the Group.

Five working groups were established under the BEG and consulted from May 2003 to March 2004. The working groups were open to representatives from all key stakeholders. The working groups reported to the BEG. The sectoral working groups were co-chaired by the responsible DG (ENV, AGRI, FISH, DEV) and by a Member State or civil society representative. The sectoral groups assessed the implementation, effectiveness and appropriateness of the Strategy and Action Plans and recommended priority measures for meeting the 2010 target. The fifth working group examined the issue of indicators and recommended a proposal for a first set of EU biodiversity headline indicators.

An Inter-Departmental Coordination Group on Biodiversity was set up to allow for consultation among the Commission services. It held three meetings from mid-2004 to early 2006, and included participants the following DGs: AGRI, AIDCO, COMP, DEV, EAC, ECFIN, ELARG, EMPL, ENTR, ESTAT, FISH, INFSO, JLS, JRC, MARKT, REGIO, RELEX, RTD, SANCO, SG, TAXUD, and TREN.

The research community was engaged through the European Platform for Biodiversity Research Strategy (EPBRS). A meeting of the EPBRS entitled 'Sustaining Livelihoods and Biodiversity – Attaining the 2010 targets in the European Biodiversity Strategy' was held in Killarney 21-24 May 2004 under the Irish Presidency of the Council. The meeting adopted a declaration and recommendations on biodiversity research which were subsequently endorsed at the Malahide conference¹⁸³. The EPBRS Steering Committee was chaired by Horst Korn, Federal Agency for Nature Conservation, Germany.

The 2003-2004 review process culminated in a stakeholder conference held under the Irish Presidency in Malahide, Ireland from 25-27 May 2004 entitled 'Biodiversity and the EU – Sustaining Life, Sustaining Livelihoods'. The work of the five working groups and the results of the EPBRS meeting informed discussions. The conference aimed to outline priority objectives and detailed targets required to deliver the 2010 EU target and to optimise the EU's contribution to the global 2010 target; to consider indicators on progress; implementation arrangements, coordination mechanisms and resource needs; and discuss research priorities. The conference was attended by 230

participants, and included representatives from Member States and neighbouring states, environmental and development NGOs, key sectors (agriculture, forestry, fisheries and industry) and academia¹⁸⁴. The main output of the stakeholder conference was the Message from Malahide which set out 18 priority objectives and 97 targets to meet the EU's biodiversity commitments to 2010. The proposed objectives and targets were developed through four broadly-based working groups at the conference made up of representatives of the various stakeholder groups present¹⁸⁵. While not all conference participants gave their individual agreement to each objective and target; an 'unprecedented level of consensus' was said to have been reached on all the objectives and targets in the adopted Message from Malahide.

The Commission began to develop the 2006 Communication following calls for accelerated action from the Environment Council¹⁸⁶ and EU leaders in June 2004¹⁸⁷. The Biodiversity Expert Group continued to oversee the consultation process, three meetings were held in 2005. The BEG also undertook written expert consultations on advanced draft texts of the prescriptive sections of the Communication between November 2005 and February 2006.

In parallel to the expert consultation, the Commission launched a public online consultation from December 2005 to February 2006. A total of 1,455 responses were received. NGOs, public sector and academic organisations were equally represented among the respondents, while businesses were less represented. The majority of the respondents had no prior involvement in the review process and came from 10 Member States (including France, Italy, Portugal, UK, Belgium, Germany and Spain). There was a particularly low level of response from new Member States. Over 90% of respondents agreed with the proposed policy option of an Action Plan and supported the key challenges identified and delivery measures proposed.

The analysis in the Impact Assessment (SEC(2006)607)¹⁸⁸ accompanying the 2006 Communication showed that a business as usual scenario would not deliver the political commitments to halt the loss of biodiversity in the EU and would be inconsistent with the Council's calls for accelerated action in the area. The regulatory approach was discarded as the introduction of new legislation would take several years, and would thus not have a significant impact on meeting the 2010 target. The Commission also claimed that there was insufficient evidence to suggest that the existing legal framework was inadequate. The approach of a focused EU Action Plan to 2010 was selected given its support during the consultation process.

Contents of the Action Plan

In May 2006, the Commission presented a Communication on 'Halting the loss of biodiversity by 2010 and beyond (COM(2006)216)¹⁸⁹ and a detailed EU Biodiversity Action Plan to 2010 and beyond¹⁹⁰. The long-term aim of the Communication is the conservation and sustainable use of biodiversity. The short- to medium-term aims of the Communication are: to reinforce EU action to halt the loss of biodiversity in the EU by 2010; to accelerate progress towards the recovery of habitats and natural systems in the EU over the period to 2013; and to optimise the EU contribution towards significantly reducing the rate of biodiversity loss worldwide by 2010.

The Communication identifies four key policy areas for action and ten priority objectives therein (Part A of the BAP):

- Biodiversity in the EU: To safeguard the EU's most important habitats and species; to conserve and restore biodiversity in the wider EU countryside; to conserve and restore biodiversity in the wider EU marine environment; to reinforce the compatibility of regional and territorial development with biodiversity in the EU; and to substantially reduce the impact on EU biodiversity of invasive alien species and alien genotypes.
- The EU and global biodiversity: To substantially strengthen effectiveness of international governance for biodiversity; to substantially strengthen support for biodiversity in EU external assistance; and to substantially reduce the impact of international trade on EU and global biodiversity.
- Biodiversity and climate change: To support biodiversity adaptation to climate change.
- The knowledge base: To substantially strengthen the knowledge base for conservation and sustainable use of biodiversity, in the EU and globally.

The Biodiversity Action Plan¹⁹¹ sets a number of headline targets and more specific targets to be achieved under each of the ten priority objectives, the four supporting measures and in relation to monitoring, evaluation and review. The targets themselves are not legally binding, but often refer to legally binding actions such as the successful implementation of the birds and habitats Directives or the national emission ceilings Directive. Headline targets under the priority areas include:

- Halting biodiversity loss of the most important habitats and species by 2010, with these habitats and species showing substantial recovery by 2013.
- Biodiversity loss in the wider countryside is halted by 2010 (this includes terrestrial, freshwater, brackish water outside Natura 2000 network) and showing substantial recovery by 2013.
- Halting biodiversity loss in the wider marine environment by 2010 (outside the Natura 2000 network) and showing substantial recovery by 2013. This, *inter alia*, includes achieving 'good environmental status by 2010 and to substantially reduce principal pollutant pressures on biodiversity by 2010.
- Negative impacts of invasive alien species on EU biodiversity prevented or minimised from 2010 onwards.
- International governance for biodiversity substantially more effective in delivering positive biodiversity outcomes by 2010.
- Annual financial resources to projects directly benefiting biodiversity substantially increases in real terms (for period 2006-2010 compared with period 2000-2005; and again for period 2011-2013).
- EU 'mainstream' external development assistance delivering enhanced biodiversity and related livelihoods benefits, and negative impacts on biodiversity prevented or minimised, from 2006 onwards.
- The impact on biodiversity of EU trade to be significantly reduced by 2010 and again by 2013.
- The potential for damaging impacts, related to climate change, on EU biodiversity be substantially reduced by 2013.
- Research findings on biodiversity and ecosystem services substantially advance the ability to ensure conservation and sustainable use by 2010.

The Biodiversity Action Plan¹⁹² is non-legislative and focuses on the implementation of existing Community instruments rather than on the development of new ones. The Action Plan identifies over 150 specific actions for implementation at Community or

Member State level, or both. The Action Plan does not supersede the existing sectoral Biodiversity Action Plans, but is intended as a ‘complement’ to them. The actions set out cover a broad range of Community policy areas relevant to both EU and global biodiversity and include the following:

- To take stock of the effectiveness of the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) Directives in preventing and minimising negative impacts and improving positive impacts of developments on biodiversity and consider necessary measures to improve EIA and SEA performance.
- To screen all new legislative and policy proposals at EU and Member State level for their potential impact on biodiversity and ecosystem goods and services.
- To develop an EU strategy to address concerns related to invasive alien species.
- Regarding the impacts of EU trade policies on biodiversity, the Action Plan calls for the adoption of measures to reduce the negative and enhance the positive impacts of trade on biodiversity in third countries in the context of the Commission’s trade-related sustainability impact assessment.
- Priority actions related to forestry policy include: implementation of the EU Forest Action Plan and the Vienna Ministerial Conference resolution on forest biodiversity; assessing the impacts on biodiversity of plans for afforestation / deforestation; maximising consumption of wood products from sustainable sources; implementing measures to prevent / reduce deforestation in third countries driven by EU demand for non-wood products; implementing the forest law enforcement, governance and trade (FLEGT) Regulation through bilateral agreements.
- To undertake a scientific review of the species and habitat types listed in the annexes of the nature directives and to add any missing habitat types and species of Community interest.
- A number of actions relate to the CAP National Strategy Plans and National Rural Development Programmes.
- Evaluate the extent to which Pillar One of the CAP, the less favoured area measure, and cross-compliance have contributed to the preservation of biodiversity.
- Minimise soil sealing, sustain soil organic matter and prevent soil erosion through timely implementation of key measures identified in the forthcoming Thematic Strategy for Soil Protection.
- Identify, define, adopt and enforce fisheries measures required for Natura 2000 sites in the marine environment.
- Adopt and apply a small set of biodiversity headline indicators, to inform the public and decision-makers on state and trends of biodiversity, pressures and the effectiveness of key policy measures.

Influence of consultation process and political context

The EU target ‘to halt the decline of biodiversity [in the EU] by 2010’ and to ‘restore habitats and natural systems’¹⁹³ by 2010 target was fast approaching and it was increasingly recognised that meeting the target would be a significant challenge, particularly in the context of an enlarged EU. By 2004, the need for accelerated action was being stressed at high political levels - e.g. EU Heads of State and Government at the European Council in June 2004 notably linked the 2010 biodiversity target to the

Lisbon Reform Agenda¹⁹⁴. The link between biodiversity and the economy was reiterated by the European Council in March 2005 in its conclusions on the ‘vital strands’ of the re-launch of the Lisbon Strategy which note ‘the importance of the objective of halting the loss of biodiversity between now and 2010, in particular by incorporating this requirement in other policies, given the importance of biodiversity for certain economic sectors’¹⁹⁵. This high level political commitment led to the publication of the 2006 Communication and Action Plan. Setting and delivering biodiversity priorities was seen as an opportunity for the EU to take leadership on the international stage.

The Commission maintains that the objectives and supporting measures of the 2006 Communication and Action Plan take into account the findings of the 2003-2004 biodiversity policy review, the Message from Malahide and are ‘overwhelmingly endorsed’ by the public internet consultation. While the Action Plan contains many actions and objectives that are closely linked to the Malahide objectives and targets, there are some gaps and differences in emphasis including:

- The Action Plan extends the deadline for completion of the Natura 2000 network compared to that proposed in Malahide (from 2005 to 2010 for the land network and from 2008 to 2012 for the marine network).
- The Action Plan places a significant emphasis on the economic contributions of biodiversity and ecosystems, this is not the approach in the Message from Malahide.
- The Malahide recommendation to further integrate biodiversity issues into the CAP so that the agricultural sector can fulfil its contribution to the 2010 biodiversity target was excluded from the Action Plan.
- Commitments relating to forestry in the Action Plan are much softer than those made at Malahide which included a recommendation that wood imported by the EU is derived only through sustainable forest management (the Action Plan merely calls for the proportion of EU consumption of wood products from sustainable sources be maximised) and for adequate financial support to be secured for the conservation of forest biodiversity both inside and outside Natura 2000 sites by 2007.
- Malahide recommended that a strategy on invasive alien species be adopted by 2005 and for adequate funding to be provided in the 7th Framework Programme and from national sources for research on the extent and scale of IAS and possible solutions to the problems they cause. The Action Plan proposes such a strategy be developed by 2007, but does not include any provisions related to research.
- Malahide also recommended the objective to make all tourism sustainable - this objective was excluded from the adopted Action Plan.

Effectiveness in achieving 6EAP objectives

The Biodiversity Action Plan is to a large extent coherent with the objectives set out in the 6EAP. A number of the targets set out in the Action Plan contribute to the biodiversity objectives of the 6EAP (as set out in Article 6(2)), eg on invasive alien species and promoting research. As regards the conservation of biodiversity outside Europe, the Action Plan goes even beyond the 6EAP, the latter only referring to the promotion of sharing benefits arising from the use of genetic resources at global level. Some of the objectives of the 6EAP are however not well addressed by the Action Plan. It contains, for example, limited action in terms of the 6EAP objective to

develop measures that enhance sustainable use, production and investments in relation to biodiversity. Moreover, the weak implementation of the Action Plan, as revealed by its mid-term assessment in 2008¹⁹⁶, indicates relatively limited / insufficient progress in a number of areas. Regarding, for example, the conservation of biodiversity in the wider EU countryside, the failure to adopt the proposed soil framework Directive leaves a major legislative gap, and thus fails to sufficiently address the 6EAP objective to promote the sustainable use of soils. Major policy gaps also exist with regard to the control and regulation of invasive alien species, although this is one of the priority actions of the 6EAP. Thus while the objectives of the Action Plan do not contradict / conflict with those of the 6EAP, the adoption of the Action Plan appears to have achieved little in terms of faster, more effective and better targeted implementation of relevant measures and has not effectively contributed to achieving the 2010 target.

In December 2008, the Commission published its mid-term assessment of progress in the implementation of the Biodiversity Action Plan at both the Community and Member State level¹⁹⁷. The assessment showed that progress in implementation of the plan has been slow and that the EU would not meet its target of halting the loss of biodiversity by 2010. The report notes that despite some encouraging results, notably the further extension of the Natura 2000 network; integration of biodiversity and ecosystem conservation measures into other sectoral policies is urgently required. The Commission identified a number of legislative gaps including, besides those mentioned before, the continued depletion of commercial fish stocks in European waters, and the significant variation between Member States in the proportion of spending targeted towards measures that benefit biodiversity. The mid-term assessment includes an evaluation of actions by Member States, which reveals that many actions are inadequate and behind schedule. The Commission concludes that enormous efforts, both at the Community and Member State level, are needed over the next two years to even come close to achieving the 2010 target. Some of the reasons behind the poor implementation of the Action Plan are elaborated below.

By delegating responsibility for overseeing implementation of the Action Plan to the Biodiversity Expert Group (BEG), the Commission effectively absolved its responsibility for implementation. This transfer of responsibility to the BEG (which is primarily made up of Member State representatives) placed increased pressure on officials from environment agencies, especially in those Member States where such agencies do not have a high level of political influence. Moreover, in certain cases this limited the already slim chances of the Action Plan receiving buy-in from sectoral agencies / departments outside the area of nature conservation and environment.

The Action Plan did not have an associated budget for its implementation - this was a significant criticism of the Action Plan from a number of stakeholders and other EU institutions. In the accompanying impact assessment, the Commission maintained that as many of the proposed actions are already required by existing Community policies and/or legislation, additional resources were not assigned for implementation. However, in reality existing resources had proved to be inadequate to implement existing policies related to biodiversity with some Member States struggling to commit resources to address challenges such as institutional arrangements or developing biodiversity strategies and action plans. Although Member States increasingly have been using EU funds to support biodiversity (especially regarding

agriculture and rural development), there is also significant variation between Member States in the proportion of spending targeted towards measures that benefit biodiversity. Thus despite a certain degree of high-level political support for the 2010 targets and the development of the Action Plan, its effectiveness was limited in practice given its reliance on Member States to implement measures, the absence of additional financial resources for its implementation, the lack of appropriate legal impetus to support it and its failure to include specific, measurable, achievable, realistic and time bound targets.

To overcome the problems identified by the mid-term assessment of the Action Plan, in 2009 the EU Environment Council called for a new post-2010 EU vision and target for biodiversity. In this regard, the European Commission held a high level conference in Athens in April 2009, which analysed the achievements so far, initiated discussions on further actions and started to develop a framework for a post-2010 biodiversity vision and new biodiversity target. The resulting 'Message from Athens'¹⁹⁸ called for the development of an ambitious, measurable and clear post-2010 target, emphasising the intrinsic value of biodiversity while also recognising the value of healthy and resilient ecosystems and the services they provide. The message also noted that sectoral sub-targets that address the key challenges facing European biodiversity should be developed. Subsequently, further informal consultations have been undertaken by the Commission with different stakeholders. This resulted in a Communication proposing options for an EU vision and target for biodiversity beyond 2010¹⁹⁹. The options vary in their ambitions and further consultation, e.g. in the form of conferences, is going to take place. Suggestions for a revised Action Plan are thereby expected for the end of 2010, likely having a stronger focus on pressures and ecosystems.

5.4 EU Forest Action Plan

The EU has limited competence in forestry policy with the main responsibility for forest-related issues lying with Member States. While the Treaty makes no provision for a common forestry policy; there are a number of sectoral EU policies, such as the CAP, Structural Funds, Birds Directive, Habitats Directive and various directives controlling pollution (e.g. air pollution) that directly or indirectly affect forestry and forests typically through national implementation measures. The EU also pursues the protection and sustainable management of forests through its development cooperation policy, providing assistance through country and regional programmes on forest-related issues and a specific budget line dedicated to tropical forests. The 2005 Forest Law Enforcement Governance and Trade (FLEGT) Regulation²⁰⁰ established a legal framework governing imports of timber into the EU and a system of voluntary partnership agreements with timber producing countries. In 1998, the Council adopted a Forestry Strategy for the EU²⁰¹ which aimed to establish an EU-wide framework for forest-related activities by improving coordination and coherence between national and EU policies. A review of the Strategy in 2005²⁰² concluded that changes in the policy context (including the adoption of the 6EAP) required a more coherent and structured approach to governing the EU's forest resources and recommended an EU Action Plan for Sustainable Forest Management be developed.

Development of the Forest Action Plan

The Commission began preparations for the development of the Forest Action Plan in 2005 following the adoption of Council conclusions calling for an Action Plan to be presented by mid-2006²⁰³. The process for elaborating the Action Plan and its preliminary structure were first discussed at a Standing Forestry Committee (SFC) meeting in June 2005. It was agreed that the structure of the Action Plan should reflect the vision, strategic objectives, gaps, and actions to be pursued at EU and national levels. The SFC is made up of representatives of forestry administrations in Member States and is chaired by the Commission²⁰⁴. The SFC was consulted three times on the Action Plan during 2005 - 2006.

Three thematic working groups were set up under the SFC to examine: the economic and social dimensions of forests and forestry; the ecological dimension of forests and forestry; and coherence and coordination. Each of these working groups met twice during the period of December 2005 – January 2006. The groups were composed of a limited number of national experts (mostly from relevant Government Departments) nominated by members of the SFC. The outcomes of discussions in the working groups formed the basis for actions outlined in the adopted Action Plan²⁰⁵.

Two expert workshops were organised in September 2005 to discuss driving forces, opportunities, constraints, society's perceived values of forests and forestry; the strategic objectives of the Action Plan; and the main gaps and obstacles in achieving the strategic objectives. The report of the workshops²⁰⁶ recommended a number of objectives for the Action Plan including: improving the long-term competitiveness of forestry and increasing sustainable use of forest products, goods and services (economic objective); maintaining and enhancing biodiversity, health and resilience of forest ecosystems at multiple territorial scales under scenarios of global and landscape changes (environmental objectives); contributing to quality of life by preserving and improving social and cultural dimensions of forests (social objectives); and improving forest governance and cross-sectoral cooperation (governance objectives).

The results of the stakeholder consultation on the EU Forestry Strategy carried out in 2004 were also analysed. Among the 58 responses were calls for more EU-level initiatives, such as a Community action plan, to provide a basis for more coherent forest-related actions and the more targeted use of Community funds. Respondents stressed the need to increase the role of forest management in conservation efforts; to assess and monitor impacts of climate change on forests and to develop measures to adapt to these impacts; and for a participatory approach to the development of national forest programmes. Environmental NGOs emphasised the need to map, study and monitor forest biodiversity inside and outside protected areas. Some stakeholders proposed that a set of indicators of achievements or targets for the main areas of the Strategy be developed. Afforestation and reforestation were also felt to need more consideration in the future²⁰⁷.

The Advisory Group on Forestry and Cork was consulted three times during the preparation of the Action Plan. The Advisory Group includes representatives of forest-owner organisations (public and private), research organisations, forest-based industries, environmental NGOs, forest trade unions, traders, and consumer groups. The Group has 49 members with four representatives from environmental NGOs,

including EEB (European Environmental Bureau), WWF-EPO (WWF European Policy Office), Birdlife and the Forum for Pastoralism and Nature Conservation²⁰⁸.

Individual stakeholder contributions on the Action Plan were received from: BirdLife International, CEI-Bois - the European Confederation of Woodworking Industries, CEPF - Confederation of European Forest Owners, CEPI – Confederation of European Paper Industries, COPA - Committee of Professional Agricultural Organisations in the European Union, COGECA - General Confederation of Agricultural Cooperatives in the European Union, ELO - European Landowners' Organization, FERN - Forests and the European Union Resource Network, UEF – Union of European Foresters, USSE – Union of Foresters of Southern Europe²⁰⁹. The Commission also held a number of bilateral meetings with several stakeholders to discuss opinions on the Action Plan²¹⁰.

The Commission Inter-Service Group on Forestry discussed the preparation of the Action Plan in four meetings and representatives of several Commission services actively participated in the discussions of the three SFC working groups.

Contents of the Forest Action Plan

In June 2006, the Commission presented a Communication on an EU Forest Action Plan (FAP) (COM(2006)302)²¹¹ which aims to support and enhance sustainable management and multi-functional use of forests by providing a framework for coordinating forest-related actions at Community and Member State level. The Plan sets out 18 key actions around four main objectives: to improve long-term competitiveness (5 actions); to improve and protect the environment (4 actions); to contribute to quality of life (3 actions); and to foster coordination and communication (6 actions). The Action Plan covers a period of five years from 2007 - 2011.

The Action Plan does not contain any concrete qualitative or quantitative targets or any specific legislative proposals with respect to forests. The Action Plan recognises that national forest programmes are the most suitable framework for implementing international forest-related commitments and is closely related to measures at the national level. Thus, the principle responsibility for meeting many of the vaguely formulated objectives of the Action Plan falls on Member States. Where obligations on Member States do exist, they are weak and take the form of non-binding recommendations (e.g. Member States *may* develop national afforestation guidelines and promote afforestation for environmental and protective objectives).

Actions identified in the Plan include:

- Promoting the use of forest biomass for energy through implementation of the Biomass Action Plan, dissemination of experiences, and support for research.
- Enhancing protection of forests through the development of the European Forest Fire Information System, encouraging Member States to form regional groups to assess specific problems, and support for research. The Commission notes that Member States *may*, with support from the EARDF and the LIFE+, develop national afforestation guidelines and promote afforestation for environmental and protective objectives; promote agro-forestry systems, Natura 2000-forest measures, voluntary schemes for forest owners, investments which enhance the ecological value of forests; support forest fire prevention measures, and the restoration of damaged forests.

- Maintaining and enhancing the protective functions of forests through enhanced investments and sustainable forest management for natural hazard prevention and safety by Member States.
- Strengthening coordination between policy areas in forest-related matters by appointing a co-ordinator for forest-related policies in relevant DGs.
- Strengthening the EU's profile in international forest-related processes through better coordination between the Commission and Member States and through the EU's economic and development cooperation policies.
- Encouraging the use of wood and other forest products from sustainably managed forests.
- Facilitating EU compliance with obligations under the UNFCCC and encourage action on adaptation through exchanges between the SFC and EU expert groups at the UNFCCC.
- Contributing towards achieving the Community's biodiversity objectives for 2010 through exchanges of experiences on implementation of Natura 2000 in forest areas, forest biodiversity monitoring, monitoring fragmentation of forests and the effects of forest expansion on biodiversity, evaluating existing information and scientific studies, and following implementation of CBD regarding forest biodiversity.
- Acknowledging that the Forest Focus Regulation expired at the end of 2006, the Action Plan supports the need for continued environmental monitoring and the need to work towards a European Forest Monitoring System and establish a European Forest Data Centre.

Influence of consultation process and political context

The consultation process appears to have been significantly influenced by the concerns of Member States - notably through their participation in the SFC and the thematic working groups which played a major role in the development of the Action Plan. A number of the recommendations made by other EU institutions appear to have been ignored, including calls from the Parliament²¹² and the Committee of the Regions²¹³ for the option of creating a separate legal basis for forests in the EC Treaty to be explored in view of the effects of the Community's sectoral policies on forests and in the context of the Lisbon and Sustainable Development Strategies. The CoR, the Parliament and the European Economic and Social Committee²¹⁴ also called for a more structured approach to the development of national forest programmes and for the adoption of assessment criteria to facilitate evaluation of the attainment of objectives. However, the adopted Action Plan recommends applying the open method of coordination (OMC) to national forest programmes, thus relying on the voluntary coordination of national programmes to ensure adequate protection of forests and implementation of sustainable forest management principles rather than opting for a more pre-subscribed approach.

Effectiveness in achieving 6EAP objectives

The only reference to the 6EAP in the Forest Action Plan is a sentence acknowledging that 'forests play an essential role in the realisation of the Community's Gothenburg objectives on sustainable development and the targets set in the 6th Community Environment Action Programme, including relevant Thematic Strategies'. The Forest Action Plan did not represent a major progression from the previous EU Forestry Strategy and falls short of a number of the objectives of the 6EAP relating to forests and natural resources use. The Action Plan does not contain any qualitative or

quantitative targets with respect to forests, nor does it outline any concrete legislative measures to be taken. Rather, given the limited competence of the EU in this policy area, the vaguely formulated, non-binding recommendations of the Action Plan fall to the Member States to take forward. The reliance on EAFRD and LIFE+ to meet many of the environmental aims of the Action Plan is rather short-sighted given the limited budgets for these two funds and the range of other, non-forest, measures they need to provide for. Accordingly, Member States have previously attributed marginal funding under their Rural Development Programmes to support forest-environment measures or measures related to Natura 2000 and forests, and this trend is likely to continue. In terms of improving coordination between policy sectors, the Action Plan recommends a number of procedural changes to the work of the SFC and the Commission; however these changes have had limited influence on policies adopted, while the role of non-government stakeholders has been limited²¹⁵. With regard to actions to encourage the use of wood and other forest products from sustainably managed forests, the Action Plan refers to a future Communication concerning the competitiveness of the forest-based industries. This Communication was subsequently published in 2008 (COM(2008)113)²¹⁶ and merely ‘encourages’ industries and forest owners to undertake initiatives to help prevent illegal logging and promote sustainable forest management rather than proposing any concrete measures to do so. The Action Plan also fails to address the issue of biomass sustainability criteria for energy generation and thus fails to address the 6EAP’s objective in relation to natural resource use.

The cautious language used in the Action Plan indicates that the Commission was not overly ambitious in its development of the Plan. This in part reflects its limited competence in this policy area. It is also an indication of the significant role played by Member States in the development of the Action Plan (notably through the SFC and the thematic working groups), who in most cases were reluctant to adopt any measures that would undermine their authority in this policy area. In recognition of these failings, DG Environment launched a study in 2008 to explore which environmental challenges might necessitate a Community approach to protect forests and the type of policy instrument needed to effectively address those challenges.²¹⁷ The study identified four policy options ranging from an improved ‘business-as-usual’ scenario, to the development of functional European forest monitoring system, the development of a legally-binding Forest Framework Directive, and an open method of coordination approach. Any decision in this regard will be influenced by the ongoing debate on a legally binding instrument on forests initiated by Ministerial Conference on the Protection of Forests in Europe (MCPFE)²¹⁸. A working group has been established to explore the potential added value of and possible options for such an instrument. The working group is preparing a decision on the issue for the Ministerial Conference in Oslo 2011.

5.5 Environment and Health Action Plan

The Community Action Programme on public health (2003-2008)²¹⁹ takes the environment as a major health determinant, while a number of EU Research Framework Programmes²²⁰ include specific actions on the issue. However, while many of the EU's policy responses to health and environment concerns have focused on 'single pollutants in single environmental compartments (air, water, soil, ...)', it was felt that what was needed was an integrated approach taking into account the transfer of pollutants from one part of the environment to another and acknowledging the fact that individuals are exposed to a combination of pollutants²²¹. In order to address concerns relating to the effects of pollution on people's health, the European Commission adopted the European Environment and Health Strategy in June 2003²²² with the aim to reduce the disease burden caused by environmental factors in Europe; identify and prevent new health threats caused by environmental factors; and strengthen EU capacity for policy-making in this area. The Strategy was followed one year later by the European Environment and Health Action Plan 2004-2010²²³ which proposes to develop an integrated information system on environment and health and to strengthen research to render the assessment of the environmental impact on human health more efficient.

Development of the Environment and Health Action Plan

The Environment and Health Action Plan was prepared in close cooperation between a number of Commission DGs (Environment; Health and Consumer Protection; Research), Member States, Acceding Countries, European bodies (European Environment Agency, European Food Safety Authority), Networks of Regional and Local Authorities and a range of European-wide stakeholder organisations, civil society, NGOs, research, industry and the World Health Organisation.

In September 2003 a preliminary meeting was held to establish the Consultative Group on environment and health, a stakeholder working group set up as part of the wider consultation procedure under the Environment and Health Strategy. This preliminary meeting built on conclusions of the first ad hoc stakeholder information and consultation meeting held in July 2003 at which the basic tenants of the Action Plan were presented. In October 2003 three regional conferences were held to flesh out a number of Technical Working Groups (TWGs) around which the Consultative Group would be structured. Three TWGs were established each built around an overarching theme: Indicators & Priority diseases; Integrated Monitoring; and Research Needs²²⁴. Each theme encompassed a number of sub-themes each with their own sub-working group. Around 150 experts took part in these working groups. The Consultative Group met again in December 2003 and March 2004, in parallel to the Consultative Forum on Environment and Health – a wider consultation procedure which acted as the main stakeholder consultation body for the Environment and Health Strategy and continues to convene on a yearly basis. A final stakeholder information and consultation meeting on the Action plan was held in March 2004.

The European Commission played a key role in shaping the consultation procedure as it selected participants to attend the two stakeholder information and consultation meetings and chose members of the TWGs (although Member State representatives were nominated by Member States and members of other EU bodies merely had to confirm their presence). It also chaired both the Consultative Group as a whole and

each of the three Technical Working Groups. However, officials from other EU institutions or from Acceding Countries and Member States as well as members of large organisations closely linked to environment and health issues could be selected as co-chairs of each TWG. The Consultative Group itself was made up of a number of Member State and Acceding Countries representatives, members of research organisations, and other stakeholders from related organisations as well as a representative for the World Health Organisation (WHO)²²⁵.

Contents of the Action Plan

The European Environment and Health Action Plan 2004-2010 (COM(2004)416)²²⁶ was presented by the Commission in June 2004. The Action Plan is designed to give the EU the scientific information needed to help Member States reduce the adverse health impacts of certain environmental factors and to stimulate better cooperation between actors in the environment, health and research fields. It is structured around three central objectives/themes: to develop integrated environment and health information to understand the links between sources of pollutants and health effects; to fill the knowledge gap through strengthening research on environment and health; and to review current policies and improve communication with both citizens and health professionals by developing awareness raising, risk communication, training and education. The objectives of the Action Plan are to be met through a series of 13 actions, each a non-binding measure that includes qualitative rather than quantitative targets. The closest to a clearly quantifiable target is the measure aimed at improving indoor air quality and even then no numerical targets are laid out. The actions set out in the Plan include:

- Measures relating to the first objective include: developing environmental health indicators; developing an integrated monitoring of the environment to determine relevant human exposure; enhancing coordination and joint activities on environment and health; and developing a coherent approach to bio-monitoring in Europe.
- Measures relating to the second objective include: targeting research on diseases, disorders and exposures; developing methodological systems to analyse interactions between environment and health; and ensuring that potential hazards on environment and health are identified and addressed.
- Measures relating to the third objective include: developing public health activities and networking on environmental health determinants through the public health programme; reviewing and adjusting risk reduction policy to promote the training of professionals; coordinating ongoing risk reduction measures and focusing on the priority diseases; improving indoor air quality; and following developments regarding electromagnetic fields.

Influence of consultation process and political context

The Action Plan, as part of the wider European Environment and Health Strategy, was published at a time of increased public concern and widespread discussions over environment and health problems. This increased concern was, to a large part, due to increasing scientific knowledge on the causes and impacts of a number of health issues²²⁷. The consultation process was an important element in shaping and fleshing out the adopted Action Plan. The first ad hoc stakeholder information and consultation meeting of July 2003 was used to present some of the preliminary elements of the plan itself. The final reports of the TWGs built on the conclusions and recommendations of the 150 or so experts taking part in the working groups and served as a basis for the contents of the Action Plan.

Other EU institutions were critical in their assessments of the adopted Action Plan. The European Economic and Social Committee (EESC) for instance considered the Action Plan to fall ‘short of presenting a cohesive and comprehensive plan of concrete actions with accompanying timescales’ asking that ‘further efforts be made to find specific ways to rise above a predominantly cognitive approach and to adopt a genuine and authentic action plan with specific and, wherever possible, quantitative objectives’²²⁸. The European Parliament denounced ‘the major downgrading in approach and ambition between the Commission's Environment and Health Strategy and what should be its implementation, the Action Plan’ and considered that ‘the Action Plan can at best be seen as a Research Action Plan, which is unlikely in itself to reduce disease burden by environmental factors’²²⁹.

Effectiveness in achieving 6EAP objectives

It is hard to fully assess the effectiveness of the Action Plan given that it is still ongoing and the last review was conducted over a year ago. However, a number of trends are discernible. It is clear that, from the start, the Action Plan lacked concrete measures, clearly quantifiable targets and an implementation timeframe. This is decried in the initial opinions of both the EESC and the European Parliament. According to the European Parliament’s resolution on a mid-term review of the Action Plan, these remained problems three years before the scheduled end of the plan and could lead to a part-failure of the Action Plan²³⁰. However, in its own mid-term review, whilst acknowledging that much remained to be done, the Commission listed a number of measures successfully carried out under the Action Plan²³¹. These include putting in place a number of EU-wide environment and health monitoring and information systems; putting in place assessment strategies to cover the range of environmental impacts expected to affect human health; and launching targeted research projects on asthma and allergy, neuro-immune disorders, exposure to metals and a number of other health problems linked to the environment.

While it can be argued that the Environment and Health Action Plan has been successful in putting in place EU-wide monitoring and information systems and launching targeted research projects; improving research capabilities and information on environment and health is only part of the 6EAP objectives relating to environment and health. The 6EAP also calls for this information to be used to take action to prevent and reduce the threats to health linked to environmental factors. Whilst a number of other related policies (e.g. REACH, the pesticides framework Directive) are in place that contribute towards the wider 6EAP health and environment objectives, the Action Plan itself and its structure (lack of legal measures and strong incentives) offer little help in stimulating the much needed changes in current practices and health standards. The success or failure of the Action Plan depends on whether one considers information gathering to have been the key objective under the 6EAP health and environment objectives. If the key aim is to reduce disease burden by environmental factors then the Action Plan can do little but fail as a number of necessary measures to combat this problem fall well outside its reach and some even outside the scope of EU policy itself. However, if the Plan’s aim is to increase information on and awareness of the linkages between the environment and health, then this Plan may still be viewed as a success or part success be it only in terms of framing the debate on this subject.

5.6 Urban Mobility Action Plan

Following the adoption of the Urban Thematic Strategy (see section 4.4), in September 2007 the Commission presented a Green Paper ‘Towards a new culture for urban mobility’ (COM(2007)551)²³² which launched a debate on the key issues of urban mobility: free-flowing and greener towns and cities, smarter urban mobility and urban transport which is accessible, safe and secure for all European citizens. The Green Paper outlined five key challenges faced by European towns and cities and set out a number of options for those parties concerned to discuss and debate during the consultation period. Building on both these policy developments, in September 2009, the Commission published the EU Action Plan on Urban Mobility²³³ which aims to encourage and support sustainable urban mobility policies through the exchange of best practice and provision of funding.

Development of the Urban Mobility Action Plan

Preparations for the development of the Action Plan took place in two phases. The first phase consisted of a consultation to prepare the Green Paper on Urban Mobility from 31 January 2007 to 4 June 2007. The Commission organised large-scale conferences, with participation ranging from expert to ministerial level to mark the beginning and the end of the consultation period. Technical workshops on specific themes: Green Propulsion, Financing, Intermodality and Intelligent Transport, and Integrated Urban Transport Approaches, were also held during the period. An internet consultation was held between March and April 2007 which yielded 915 responses from citizens, associations, and public bodies. Furthermore, 64 letters and position papers were submitted by different organisations, public bodies and citizens with suggestions for urban mobility policy measures and proposals. The Joint Expert Group on Transport and Environment discussed urban transport and clean and energy-efficient vehicles in a special meeting²³⁴.

The second phase of the consultation followed after the adoption of the Green Paper urban mobility (COM(2007)551)²³⁵ which launched a public consultation between 25 September 2007 and 15 March 2008. Interested parties were invited to respond to questions relating to the key challenges facing European towns and cities, namely how to move towards greener and free-flowing towns and cities, promoting greener, smarter, secure and accessible urban transport, financing issues and how to create a new urban mobility culture. In total, 431 written contributions were received from individual citizens, organisations, operators and providers, local and regional authorities and national governments. The majority of contributions were from organisations and citizens in Germany (28%), followed by European organisations (20%), France (12%) and the UK (10%)²³⁶.

While there was general support for action at the EU level on urban mobility and for actions by the European Commission to help, facilitate and support local, regional, and national governments to realise their goals of sustainable urban mobility; there were varying opinions on the exact role of the Commission, and the type of initiatives to be taken by the Commission. Areas in which the European Commission was seen to have an important role included: the collection and provision of data; the collection and dissemination of knowledge; the exchange of best practices between cities; developing guidelines; support for innovative RTD activities; facilitating harmonisation and setting of standards, and facilitating the funding of projects

contributing to sustainable urban mobility (including projects not directly in the field of transport itself, such as land-use planning, and projects focussing on multiple modes, e.g. integration of walking and/or cycling with collective transport). The main concerns among respondents related to the potential increase in bureaucracy, the rigidity of a 'one-size-fits-all' approach, and that the Commission promote any one particular transport mode, technology or solution²³⁷.

In January 2008 the Commission organised a technical stakeholder conference as part of the EU's sustainable energy week at which close to 300 stakeholders debated possible proposals for actions and the allocation of responsibilities for taking measures forward. This was followed by four technical workshops in March 2008 focusing on the main themes laid out in the Green Paper.

DG Energy and Transport led the Commission's work in preparing the Action Plan. An inter-service group, with representatives from the different Commission services with an interest in the Action Plan participated in its preparations²³⁸.

Contents of the Action Plan

The Action Plan on Urban Mobility (COM(2009)490)²³⁹ was presented by the Commission in September 2009. The main policy objectives of the Action Plan are twofold: to give incentives and support to cities, regional and national authorities to help develop and implement urban mobility policies which contribute to the common objectives of combating climate change, achieving a functioning internal market for the benefit of businesses and consumers and promoting an efficient European transport system, social cohesion and well-being; and to increase the knowledge base to help decision-makers develop and implement integrated, well-informed and innovative policies.

The Plan is structured around six main themes with each theme containing a number of non-legislative measures or 'actions' which are to be implemented from 2010-2012. The Action Plan does not include any legislative measures or any clear quantifiable targets. Actions identified under the six themes include:

- **Promoting integrated policies:** e.g. accelerating the take up of sustainable urban mobility plans covering freight and passenger transport in urban areas, exploring synergies between public health and transport policy, and publishing information on the link between sustainable urban mobility measures and regional policy objectives under Community and national frameworks.
- **Promoting reliable information, safety and ease of access:** a platform on passenger rights in urban public transport; improve research on access to green zones and on sustainable mobility behaviour, and discuss the issue of energy-efficient driving with Member States with a view to taking action within the regulatory committee on driving licenses.
- **Greening urban transport:** continuing to support research and demonstration projects for lower and zero emission vehicles; developing an internet-based guide on clean and energy efficient vehicles; launching a methodological study on the urban aspects of the internalisation of external costs linked to urban transport; and facilitating information exchange among experts and policy-makers on urban pricing schemes in the EU.

- **Funding:** The Action Plan does not provide additional funding for urban mobility schemes, however it aims to explore existing funding opportunities and develop innovative public-private partnership schemes.
- **Sharing experience and knowledge:** Commission to launch a study on how to improve data collection for urban transport and mobility; set up an urban mobility observatory for urban transport practitioners²⁴⁰ to share information, data and statistics, monitor developments and facilitate exchange of best practices; facilitate dialogue, city-twinning, and information exchange on urban mobility with neighbouring regions and global partners.
- **Optimise urban mobility through modal shifts:** Commission to provide help on how to optimise urban logistics efficiency and offer assistance on Intelligent Transport Systems (ITS) applications for urban mobility.

Influence of consultation process and political context

The Action Plan was built on a two-stage consultation process, with the public consultation in preparation for the Green Paper drawing more than twice as many contributions as the consultation on the Action Plan (some 915 responses compared to 431). The key challenges included in the Green Paper and subsequent discussions during the consultation process are broadly reflected in the six themes of the adopted Action Plan. The Commission maintained that while there were varying views expressed about which specific actions at the EU level could add value, the public consultation had helped to identify ‘common ground’ on the role for the EU in the field of urban mobility²⁴¹. The positions of other EU institutions are not evident in the adopted Action Plan. For example, the Parliament’s call for specific European rules and/or guidance in a number of areas including: design and functioning of green zones and road pricing; mobility of people with disabilities, the elderly, people with young children and the least affluent; and accessibility and interoperability of the Intelligent Transport System²⁴², the European Economic and Social Committee (EESC) recommendation that urban mobility policy should prioritise inter alia urban planning and an integrated approach to infrastructure²⁴³, and the call from the Committee of the Regions for the inclusion of ‘Clear Zones’ or low-congestion low-pollution zones²⁴⁴.

The Action Plan was initially due to be published in autumn 2008. It was however delayed a number of times. Reasons for the delay are unclear, however are likely to have been linked to various political concerns (re-election of Commission President Barroso and Member State concerns relating to subsidiarity issues). In response to this delay, in April 2009, the Parliament adopted a resolution to follow up its own initiative report by drawing up proposals for a European action plan on urban mobility²⁴⁵. Among the Parliament’s suggestions were a proposal for the launch of a programme to upgrade statistics and databases on urban mobility by Eurostat; the introduction of integrated sustainable urban travel plans in cities with over 100 000 inhabitants; for European financing in the field of urban transport to be made conditional on the existence of integrated urban mobility plan; for the possibility of a European financial instrument for urban mobility to be examined under the financial framework for 2014-2020; and for the Commission to come up with a harmonised approach towards green zones.

Effectiveness in achieving 6EAP objectives

The Action Plan on Urban Mobility provides a framework for possible future intervention at EU level and sets out a number of non-legislative measures to increase knowledge, promote dialogue and exchange of best practice and provide incentives to cities. The Action Plan arguably contributes to a number of 6EAP objectives through *inter alia* the promotion of an integrated approach to urban areas, encouraging modal shifts which will help to improve air quality, reduce noise levels etc, and supporting research and demonstration projects for lower and zero emission vehicles. However, there are a number of areas relating to the urban environment it fails to address, i.e. decoupling transport growth and GDP growth. It is difficult to assess the effectiveness of the Action Plan given that it has only recently been presented.

5.7 Environmental Technologies Action Plan

The Stockholm European Council in October 2001 requested the Commission to prepare a report on how environmental technologies can promote growth and employment. The Commission's report 'Environmental technology for sustainable development'²⁴⁶ published in 2002 suggested the development of an Action Plan on environmental technologies. This marked the start of a process to develop an EU Action Plan on environmental technologies.

Development of the Environment Technology Action Plan

During Green Week in 2002, the Commission organized a high-level conference on the topic of environmental technologies. This was followed by further consultations with interested stakeholders on the operationalisation of possible actions.

In March 2003 the Commission published a Communication on 'Developing an action plan for environmental technology'²⁴⁷. The Communication was based on extensive work by relevant Commission services with inputs from various stakeholders and consultations. The Communication presented an analysis of barriers to the promotion of environmental technologies and a possible approach which an Environmental Technologies Action Plan (ETAP) can take. The Communication proposed that a future Action Plan be comprised of three main parts: an overview of potential technologies which are likely to deliver significant environmental results; an analysis of barriers for the application of these technologies; and a package of measures to address these barriers. Four priority issues were identified: water, soil, climate change and sustainable consumption and production. For each priority issue a special 'issues group' was to be formed to feed into the development of the ETAP.

The Communication was the subject of a public consultation which attracted 70 contributions from a wide spectrum of stakeholders. The Plan received strong support on its primary goal of intensifying the promotion of environmental technologies. Some stakeholders voiced their concern over the relatively vague definition of what the Plan considers as an 'environmental technology'. A key barrier for the wide deployment of environmental technologies according to stakeholders remains their development and feasibility on the market. Respondents agreed on a number of issues: that the ETAP should maintain a long-term vision; the internalisation of social costs as a key principle; enforcement of existing legislation as a key policy instrument supplemented by a mix of market-based and voluntary instruments; setting of

performance targets; introducing changes to the EU structural funds and procurement regulations; continuing support for R&D especially for SMEs in new Member States or for large-scale demonstration projects; and continuing the support for capacity building, awareness raising and technology transfer. Key environmental technologies associations and representatives submitted written contributions to the consultation. For instance the European wind energy association expressed²⁴⁸ its full support to the ETAP and laid down its views on current barriers that need to be addressed in the scope of the proposed measures. Primary concerns of the wind industry related to slow action by the Commission to internalise externalities and cease distortive and pervasive subsidies to polluting technologies and sectors.

The Commission's 2003 Communication was presented at the Barcelona European Council where the strategic importance of investments in research and development (R&D) for enhancing European economy including eco-technologies was reiterated. At the Council it was agreed that the EU's overall spending on R&D should increase to up to 3% of its Gross Domestic Product (GDP) by 2010. The ETAP was developed to help meet this target and is closely linked to the fifth and sixth framework programmes of the European Community for research, technological development and demonstration activities.

To elaborate the Action Plan, four 'issue groups' were established as inter-service bodies, comprised of relevant Commission staff. The groups covered the topics of climate change, soil, water and sustainable consumption and production (SCP). The task of the issue groups was to consult with key stakeholders and develop the key elements of the ETAP²⁴⁹. The SCP issue group was jointly chaired by DG Research and DG Enterprise and Industry with the support of the Joint Research Centre (JRC). Members of the SCP issue group included Commission staff from DGs such as Economic and Financial Affairs, Environment, Agriculture, Research, and Trade. A special Expert Advisory Group was set up to assist the work of the issue group comprising of 35 experts from industry, academia, NGOs. The SCP issue group held several in-depth discussions on the basic approach of the ETAP and specifically on the questions of whether the ETAP should promote horizontal (more specifically biotechnology, eco-design and the concept of product-services) or technology specific measures (pulp and paper, iron and steel, non-ferrous metals, refineries, waste, construction, agriculture, etc.). The Institute for Prospective Technology Studies (IPTS) at the JRC prepared a number of technical papers to support the work of the issue group.

The climate change issue group was tasked to prepare a comprehensive analysis of the research and financial needs of actions to stimulate climate-friendly technologies²⁵⁰. The water issue group held consultations with 25 stakeholders from academia, industry and civil society on the issue of barriers and drivers for environmental technologies in the field of water and maintained an open and participatory method in developing its working documents²⁵¹. The soil issue group did not commence its work together with other issue groups and was delayed in line with the preparation of the Thematic Strategy on soil protection.

Contents of the Action Plan

In January 2004, the Commission published a Communication ‘Stimulating Technologies for Sustainable Development: An Environmental Technologies Action Plan for the European Union’²⁵². The Action Plan aims to: remove barriers to harness the full potential of environmental technologies and deliver win-win solutions for the environment and the economy; ensure the EU takes a leading role in developing and utilising environmental technologies; and mobilise all interested stakeholders in achieving these objectives. Certain actions set out in the Plan seek to help the EU attain the target of ensuring spending for R&D programmes and projects reaches 3% of the EU’s GDP by 2010. The ETAP is to be implemented by the ‘open method of coordination’ (OMC). The OMC method was applied for a first time in environmental policy for the implementation of the ETAP as the Commission preferred a more flexible approach which avoided discussions on theory and structures²⁵³.

ETAP sets out a series of measures focusing on three key areas of intervention:

- **Bring research to markets:** enhance research, demonstration and dissemination, establishing technology platforms and testing networks.
- **Improve market conditions:** agree performance targets, mobilize necessary financial resources, revise environmental state aid guides, review environmentally harmful subsidies, green public procurement, increase awareness among stakeholders.
- **Act globally:** promote responsible investments and trade.

Influence of consultation process and political context

The ETAP was developed through a preparatory process between 2002 and 2004. It capitalised on the work of the four ‘issue groups’ and incorporated the comments of various stakeholders. Businesses and industry stakeholders maintained the importance of synergetic effects that environmental technologies can deliver for competitiveness, jobs and environmental performance and many of the proposed measures aimed at facilitating such win-win outcomes. More progressive proposals from the European Parliament on clearly established performance targets and measures to reduce absolute resource use were not taken into account in the adopted Plan.

Concerns were also raised over inter-Commission bargaining that had apparently led to less ambitious actions on the demand side for eco-technologies. The Commission showed little leadership to this end and one concrete example is the low emphasis given to the potential of tax incentives among the priority actions of ETAP²⁵⁴. The European Committee of Environmental Technology Suppliers Association (EUCESTA), representing over 800 environmental technologies in Europe regretted that environmental regulations had been ‘sidelined’ although environmental regulation together with green taxes could provide a strong signal to creating the demand for environmental products, services and technologies²⁵⁵.

Effectiveness in achieving 6EAP objectives

In principle, the ETAP contributes to the 6EAP objective to decouple the use of natural and material resources from economic activities by setting out measures to enhance the integration of environmental objectives into the operations of companies through support for the development and utilisation of eco-technologies. The plan focuses in particular on two areas: sustainable consumption and production and climate change. However, the 6EAP also explicitly stipulates the need for ‘improved

resource efficiency, dematerialisation of the economy, and waste prevention' through 'measures, such as taxes and incentives, to ensure a more sustainable use of resources'. The ETAP fails to put forward concrete measures to this end as it maintains an approach where priority is given to enhancing research and development for eco-industries and removing market barriers for clean technologies. For instance, there has been relatively low leadership and concrete action to address the long standing issue of environmentally harmful subsidies.

A substantial criticism to the ETAP is the broad definition of 'environmental technologies' which can include effective integrated clean technologies but also end-of-pipe technologies and environmental management systems. The EP and the EESC for instance clashed in their recommendations to the ETAP, the former explicitly demanding that the ETAP supports only environmentally sound technologies whereas the latter maintaining that 'traditional' technologies should also be promoted. Overall, it can be inferred that the ETAP has been more effective in harnessing funding and actions to enhance research efforts but less effective in addressing market obstacles for the promotion of eco-innovation.

The use of OMC for the implementation of the ETAP implies that it is highly dependent on actions taken at national level. National ETAP roadmaps have been finalised in several Member States. Despite some good examples, the quality of the roadmaps varies across countries. Furthermore, cross country comparison and verification of results is difficult due to low quality of reporting. In principle, the steering mechanisms applied in the ETAP implementation are weaker compared to other instruments for OMC as they set out guidelines but do not provide targets nor benchmarks for the evaluation of national policies²⁵⁶.

5.8 Sustainable Consumption and Production Action Plan

There are a number of EU policy instruments that seek to address negative externalities of consumption and production processes. This includes a 2003 Commission Communication on Integrated Product Policy²⁵⁷ (IPP) which introduced lifecycle thinking for consumption and production processes and advocated a mix of policy instruments to tackle environmental impacts in an effective and cost-efficient way. Measures introduced in this context include the Eco-management and audit systems (EMAS) and promotion of green public procurement. Other specific instruments include the ecodesign (EuP) Directive²⁵⁸, which sets up framework provisions stipulating standards for the design of energy-consuming products; eco-labelling schemes under the energy labelling Directive²⁵⁹, the energy star Regulation²⁶⁰, and the ecolabel Regulation²⁶¹. Existing product policy instruments and their provisions have been considered insufficient to improve the environmental and energy performance of products as they do not adequately address the entire lifecycle of products, information to consumers under the energy labelling scheme is provided for only a limited number of products, and implementation varies across countries. Moreover the lack of a coherent approach means that regulatory and voluntary instruments are not mutually reinforcing.

Development of the Sustainable Consumption and Production Action Plan

An internal DG Environment taskforce and two inter-service groups (one on SCP and the other on SIP) were set up with the participation of relevant Commission services.

A joint DG Environment and DG Enterprise and Industry internet consultation on a Sustainable Consumption and Production (SCP) Action Plan was held between July and September 2007 outlining possible actions and requesting stakeholder comments. 658 responses were received, with the majority of respondents representing the environmental and industry domains²⁶². There was significant support (98%) among respondents for the need for action in the area of sustainable industrial policy and sustainable consumption and production. There was an equally strong consensus (82%) with the choice of the five key challenges towards a more sustainable industrial policy and sustainable consumption and production patterns. Respondents also favoured mandatory instruments over voluntary instruments; overwhelmingly supported mandatory green public procurement and green private procurement; and noted that market-based instruments, public procurement, and a dynamic classification system are the most important product policy elements²⁶³. Furthermore, focusing actions on consumption was identified as the most important area for future action.

DG Enterprise conducted its own consultation with industries that are part of the 'European Business Test Panel (EBTP). The EBTP conducted a survey in 2007 among 354 EBTP members which showed that the use of incentives and market-based instruments in a future EU SCP policy was the favoured approach, with the use of mandatory instruments limited to a number of priority products²⁶⁴. The Panel produced a report dedicated to a possible introduction of an environmental technology verification scheme²⁶⁵. DG Enterprise also sought the recommendations of the High Level Group on Competitiveness, Energy and Environment²⁶⁶. The recommendations of the Group focused on energy efficiency and proposed the development of priority actions including an analysis of payback time for investment, development of district heating, and a wider use of minimum energy efficiency standards for eco-design.

Two stakeholder meetings were held between September and October 2007 which were attended by representatives from Member States, industry, NGOs, and other relevant stakeholders. At the meeting on the sustainable industrial policy (SIP) part of the policy package industry representatives voiced their stance on the SIP Action Plan. Contrary to the opinions for embracing a more holistic approach to sustainable development, the industry representatives were in favour of limiting the number of measures in the final Action Plan. They insisted on support to SMEs, a combination of regulatory and voluntary instruments, and assisting companies with coping with barriers arising from meeting environmental standards.

Three expert workshops were also held on specific issues: Japanese Top Runner – which focused on the transferability of the concept to the European market; Retailers - which discussed approaches to optimise the greening of supply chains and sustainable consumer behaviour; and Green Private Procurement - which explored the different opportunities for the private sector for greening its procurement²⁶⁷.

Further to the official consultation another stakeholder consultation was undertaken in August and September 2007 including industry and consumers associations, NGOs,

think tanks and academia, in addition to Member States (via Permanent Representations and Waste Directors Group²⁶⁸). Overall, responses supported the Commission's approach and measures, however, they demanded a more holistic approach to address sustainable development and new additional actions. According to respondents, proposed actions on products are limited to eco-design whereas measures should be proposed for the entire lifecycle of products. Targets should be ambitious and should be put forward for concrete areas/sectors. There was also overwhelming support to an environmental technology verification scheme, the proposal for a revised EU Ecolabel and strengthening green public and private procurement.

The Policy Review Group²⁶⁹ held a meeting in September 2007 dedicated to the SCP-SIP Action Plan. Its members supported the Action Plan measures but voiced the need for ambitious sector-bound resource efficiency targets while admitting that it would be difficult to agree on such targets. The role of green procurement was recognised as well as the need for more concerted action in this direction at the EU level. As mentioned at other environmental forums, the meeting reiterated the need to address the consumption side.

DG Environment also capitalised on the work of the Integrated Product Policy Regular Meetings with Member States and key stakeholders²⁷⁰ and the Environment Policy Review Group (EPRG) which brings together high level Member State environment representatives²⁷¹. At the regular Integrated Product Policy (IPP) meetings²⁷² specially formed working groups discussed the EU policy on SCP, in particular Environmental Product Declarations (EPDs) and indicators to assess product policy impacts. At their meeting in October 2007, it was stated that the 'Commission's proposed approach to consumption seemed to be more about greening supply chains, and not about changing consumption patterns'. The envisioned role of measures at EU level included: making legislation more coherent, sharing best practice on consumer behaviours, developing standards and targets, establishing a European Top Runner scheme, and a strong Eco-label²⁷³. At a meeting in September 2007, European Consumer Consultative Group (ECCG) expressed its concern that the social dimension is not taken into account in the background document of the SCP-SIP Action Plan. Its members maintained that measures along the entire production chain and extended producer responsibility need to be incorporated.

In September 2007, a high level conference was held in Ljubljana where representatives of international, governmental, industry, academia and civil society came together to put forward recommendations to the EU SCP-SIP Action Plan. The conference proceedings²⁷⁴ focus on three key recommendations: a proposed a Directive on green public procurement requiring responsible purchasing by all public authorities; a range of fiscal instruments to internalise externalities; and clear sustainability targets at EU and national levels.

Contents of the Action Plan

The Commission presented the sustainable consumption and production and sustainable industrial policy (SCP-SIP) package in July 2008 after several delays. The package included an Action Plan (COM(2008)397) setting out the objectives of the package which aims to introduce an integrated product policy which improves the overall energy and environmental performance of products whilst stimulating

consumer demand for more sustainable goods and production technologies. The integrated approach in the Action Plan entails setting up a new framework for environmental product policy, promoting a cleaner and leaner production, and contributing towards sustainable consumption and production efforts internationally.

The Action Plan was accompanied by the following legislative proposals or Communications: a proposal for the extension of the eco-design of energy-using products Directive (adopted in 2009 - Directive 2009/125/EC establishing a framework for the setting of ecodesign requirements for energy-related products); a proposal for the revision of the eco-label Regulation (adopted in 2009 - Regulation (EC) No 66/2010 on the EU Ecolabel); a proposal for the revision of the EMAS Regulation (adopted in 2009 - Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)); and a Communication on green public procurement. In addition, the Action Plan was followed by a proposal for the revision of the energy labelling Directive (COM(2008)778) and a proposal for a Regulation creating an environmental technology verification scheme. Further actions were expected to be undertaken in the field of: promoting resource efficiency; promoting eco-innovation; developing industrial policy initiatives for environmental industries; sectoral approaches; promoting good practice internationally; promoting international trade in environmentally friendly goods and services.

Member States' written submissions focused on clarifying the links between the two elements of the policy package notably SCP and SIP. Clear and more ambitious resource efficiency targets were also supported by many Member States²⁷⁵. Industries at the same time were less supportive of ambitious targets claiming that much progress has already been made in this regard. A strong case was made by companies that without improved methodologies to measure impacts and establish indicators there is little sense of imposing new regulations. Some Member States also requested more explicit texts on indicators, methodologies and timelines.

Influence of consultation process and political context

Due to alleged disagreements within the Commission, in particular between DG Environment and DG Enterprise and their respective Commissioners, the publication of the SCP-SIP package was delayed several times. The original name of the Action Plan only referred to 'sustainable consumption and production', as requested by the European Council in 2006 and anticipated by stakeholders; whereas the published Action Plan refers to 'sustainable consumption and production and sustainable industry policy'. In accordance with the title, the resulting policy document was heavily influenced by DG Enterprise and placed consistent emphasis on the EU's Lisbon Strategy. The objective of the Action Plan, according to the accompanying Impact Assessment, is 'to contribute to the goals of the Lisbon Strategy and to help achieve the policy aims of the Sustainable Development Strategy of the European Union by rendering product policy in the EU more effective'. Given the strong interest of the European industries in the SCP-SIP Action Plan, it can be assumed that its development was largely influenced by specific interest groups and ultimately included many tradeoffs rather than ambitious actions, backed up by concrete targets and a clear implementation timeline. Calls by various stakeholders to address the issue of sustainable consumption in the Action Plan were broadly ignored and the proposed measures appear to be seeking new 'greener' ways to enhance the competitiveness of

European industries rather than reducing the absolute consumption of resources. The Action Plan strongly relies on voluntary approaches contrary to the strong support for mandatory instruments voiced by the majority of respondents in the public consultation. Limited competences of the EU in taxation policy have been used to explain the reliance on softer policy instruments such as labelling²⁷⁶.

Effectiveness in achieving 6EAP objectives

There has been little progress on sustainable consumption and production compared to other priority issues identified in the 6EAP. The Commission's 2005 scoreboard on implementation of the 6EAP shows that natural resources and waste is the policy domain where progress has been strikingly slow. In the field of resource use only the Thematic Strategy has been produced whereas the remaining actions regard only the revisions of EU waste policy. The Commission's mid-term review of the 6EAP reiterated the rather limited scope of action in the field of sustainable consumption and production²⁷⁷.

Despite its slow start, the SCP-SIP Action Plan has the potential to contribute to achieving the objectives of the 6EAP and the Thematic Strategy on the sustainable use of natural resources. However, the lack of concrete targets for resource and material consumption, no explicit timeline for implementation, and the failure to identify responsible bodies for implementation are significant drawbacks of the Action Plan. Furthermore, the predominant importance of the competitiveness agenda stemming from the Lisbon Strategy led to measures proposed to 'green' production and supply chains rather than to reduce the absolute resource consumption in the EU. The Action Plan does put forward a number of potentially beneficial legislative and non-legislative measures, including the proposal for an environmental technology verification scheme, however the effectiveness of such a scheme will depend on the extent to which criteria for assessment are set in a transparent and open manner²⁷⁸. The Action Plan has a strong emphasis on energy and energy efficiency, possibly influenced by the growing importance of the climate agenda. Broader environmental issues and targets to reduce resource use however are not translated into concrete measures and the EU's overconsumption of natural resources and its ecological footprint are hardly addressed. The Plan also fails to outline measures for concrete sectors and policy domains such as transport, housing and food.

6 THE PROGRAMME IN THE CONTEXT OF THE SUSTAINABLE DEVELOPMENT AND LISBON STRATEGIES

The EU has a number of overarching strategies which reflect broad principles and the objectives of the Community, two important examples being the Lisbon Strategy and the EU Sustainable Development Strategy (SDS). The development and implementation of the 6EAP is embedded within this wider policy context. This section will examine the environmental dimensions of these two EU strategies, how they relate to the 6EAP, and their influence on the implementation of the 6EAP.

6.1 Environment in the Sustainable Development Strategy

The 6EAP and the SDS were developed in parallel following a request from EU leaders in December 1999 for the Commission to put forward proposals for a 6EAP and for a ‘long-term strategy dovetailing policies for economically, socially and ecologically sustainable development’²⁷⁹, i.e. a comprehensive strategy addressing all three pillars of sustainable development. The call for the development of an EU SDS followed the 1992 Rio Earth Summit where governments had agreed to formulate national SDSs and the 1997 Rio +5 summit which set the objective for all countries to have their SDSs in place by the 2002 Johannesburg World Summit for Sustainable Development. The Commission’s proposal for the 6EAP²⁸⁰ was the first of the two proposals to be presented. The original 6EAP proposal failed to clarify the relationship between the 6EAP and the SDS; the Communication stated that the 6EAP ‘in no way prejudices further actions, which might be contained in this (EU Sustainable Development) strategy’, while the explanatory memorandum of the proposed Decision noted that the EAP ‘represents the environmental dimension of a wider Community strategy for sustainability’.

Shortly after the publication of the 6EAP proposal, in May 2001 the Commission presented a Communication on a ‘European Union Strategy for Sustainable Development’ (COM(2001)264)²⁸¹. The Commission envisaged the EU SDS as the basis for a long-term ‘positive vision’ for the EU, complementing and completing the economic and social objectives of the Lisbon Strategy with an environmental dimension. The SDS identified six key challenges to sustainable development: climate change, public health, poverty, an ageing society, natural resource management, transport and land use management. The Communication set out 22 actions to be taken together with a number of objectives, targets and measures relating to four of the six challenges (objectives and measures to address the threats of poverty and ageing had been agreed in the context of the Lisbon Strategy and are referred to in the annex of the Communication). Some of the objectives and measures discussed were new – particularly in relation to climate change and transport, but most focused on formal policy outputs rather than the outcomes they sought to achieve.

Although the Commission had issued a proposal for a 6EAP just four months before, the SDS Communication did not make any mention of the 6EAP. Despite this omission, the environmental objectives outlined in the SDS Communication to a large extent mirrored those of the 6EAP. In certain cases the SDS Communication went

beyond commitments in the 6EAP and set out quantitative targets and timetables for implementation. On climate change, the proposed SDS called for a reduction in EU GHG emissions by an average of 1% per year over 1990 levels to 2020 and for a phasing out of fossil fuel subsidies by 2010. On transport the Communication called for a modal shift to achieve a share of road transport in 2010 that is no greater than that in 1998. On public health, the Communication called for a reorientation of CAP support towards healthy high quality products and practices rather than quantity. In relation to natural resources the Communication recognised the need for further measures in relation to fisheries management and recommended that the 2002 review of the CFP remove subsidies and reduce the size and activity of EU fishing fleets. The SDS Communication also omitted a number of environmental issues covered in the 6EAP, in particular those relating to sustainable use and management of natural resources and waste.

The EU Heads of Government meeting at the Göteborg European Council in June 2001²⁸² pared down the Commission's proposal for an EU SDS to just four pages of procedures and principles. While welcoming 'the submission' of the Commission's Communication, EU leaders did not explicitly endorse its proposed targets and timetables, and focused on four of its priority themes - climate, sustainable transport, public health and natural resources management. The Council recognised sustainable development as a 'fundamental objective' of the EU set out in the Treaty and agreed 'a' strategy for sustainable development 'which completes the Union's political commitment to economic and social renewal, adds a third, environmental dimension to the Lisbon strategy and establishes a new approach to policy making'²⁸³. The Presidency Conclusions called on the Council to take into account the objectives of the 6EAP, the proposed objectives and measures of the Commission, and the sector strategies for environmental integration when developing 'arrangements for implementing' the SDS.

The Presidency Conclusions endorsed a number of objectives and measures as 'general guidance for future policy development', identified objectives in each of the four priority areas, and expressed support for some of the policy measures put forward by the Commission. On climate change the Council Conclusions were less specific than those of the Commission in terms of the measures put forward; however they did endorse the objectives set out in the 6EAP in relation to the Kyoto Protocol. On transport, the Council endorsed the general objective of achieving 'significant decoupling' of transport growth and GDP growth to be achieved in particular through a modal shift. This high-level commitment to decoupling and modal shift is important not least because a 'significant' level of decoupling would require direct action to curb the growth of road transport, irrespective of the degree of modal shift achieved. The Council also recognised the need to fully internalize the social and environmental costs of transport and the Commission's intention to address pricing of transport. In relation to natural resources, the Council called for the future development of the CAP to contribute to achieving sustainable development by encouraging high quality products, environmentally sustainable production methods, renewable raw materials and the protection of biodiversity. With regard to fisheries, the Conclusions provide more general support to the reduction of pressure on fish stocks and avoidance of over-fishing while taking into account social consequences.

Despite making only limited references to the 6EAP, both the Commission Communication and Council Conclusions on the SDS to a large extent mirror three of the four environmental priorities of the 6EAP, albeit with differing scope and emphasis. 6EAP provisions relating to the sustainable use and management of natural resources and waste are notably missing or only vaguely referred to in the two original EU SDS documents²⁸⁴. The 6EAP also addresses the international dimension, whereas the original SDS documents did not make reference to this aspect (although a subsequent Commission Communication in 2002 on the external dimension of sustainable development (COM(2002)82)²⁸⁵ sought to integrate this in the discussion). Another major difference between the SDS and the 6EAP is that the SDS seeks to explicitly integrate all three pillars of sustainable development (environmental protection, social equity and economic growth) in the four identified priority areas. Moreover, the SDS takes a much longer term view - to 2050 compared with 2012 in the 6EAP, and is meant to provide an overarching framework guiding the development of policies in the short- to medium-term.

A comprehensive review of the SDS initiated in 2004 led to the elaboration and endorsement of a 'renewed' SDS by Heads of State and Government at their June 2006 summit. The so-called renewed SDS is formulated as a single, coherent document, clearly structured around a set of overall objectives which are translated into several operational targets and specific actions. The renewed SDS was meant to form the 'overall framework within which the Lisbon Strategy, with its renewed focus on growth and jobs, provides the motor of a more dynamic economy'²⁸⁶. The renewed SDS focuses on seven key challenges to sustainable development: climate change and clean energy; sustainable transport; sustainable production and consumption; conservation and management of natural resources; public health; social inclusion, demography and migration; and global poverty and sustainable development challenges.

The renewed SDS was developed four years after the adoption of the 6EAP and thus reflects advances in EU policies and thinking on environmental issues. Some of the environmental objectives of the renewed SDS include vaguely formulated ambitions, e.g. decoupling economic growth from environmental degradation, which largely mirror those in the 6EAP; while in other sections the renewed SDS contains more specific quantitative targets and measures, e.g. achieving average CO₂ emissions of 140g/km by 2009 and 120g/km by 2012 in the new car fleet and achieving energy savings of 9% by 2017. The targets and objectives mentioned in the renewed SDS are to a large extent based on EU and Member State commitments at the time, for example under the Kyoto Protocol, the Johannesburg World Summit on Sustainable Development and the Millennium Development Goals; or reflect forthcoming policy developments at the EU level, e.g. on biofuels. The document contains one new target, which relates to green public procurement and states that the EU should aim to achieve in 2010 an 'average level of Green Public Procurement equal to that currently achieved by the best performing Member States'. The renewed SDS reflects developments in thinking on environmental issues and includes new concepts and ideas, e.g. recognising the value of ecosystem services, placing more emphasis on promoting sustainable consumption and production patterns, and calling for environment and health aspects to be integrated in transport policy. The external dimension is also addressed in the renewed SDS.

The environmental objectives of the 6EAP and the renewed SDS are set out in Table 3. Note that the classification of thematic areas follows that of the 6EAP, except for the section on sustainable transport. Transport is addressed under a separate area of the renewed SDS whereas only climate related aspects of transport are addressed under the 6EAP, for this reason, the renewed SDS objectives in relation to sustainable transport are listed separately in the table. SDS objectives in relation to sustainable consumption and production, and conservation and management of natural resources are classified under the 6EAP thematic areas relating to biodiversity and natural resources and waste as appropriate. The SDS objectives in relation to social inclusion, demography and migration are not included in the below table as they do not address environmental issues.

Table 3: Environmental objectives of the 6EAP and the renewed SDS

Thematic area	6EAP objectives	Renewed SDS operational objectives and targets
Climate change	<p>Ratification and entry into force of the Kyoto Protocol by 2002 and fulfilment of its commitment of an 8% reduction in emissions by 2008-12 compared to 1990 levels for the EC as a whole, in accordance with the commitment of each Member State set out in Council Conclusions of 16-17 June 1998.</p> <p>Realisation by 2005 of demonstrable progress in achieving commitments under the Kyoto Protocol.</p> <p>Placing the Community in a credible position to advocate an international agreement on more stringent reduction targets for the second commitment period provided for by the Kyoto Protocol.</p>	<p>Kyoto Protocol commitments of the EU-15 and most EU-25 to targets for reducing GHG emissions by 2008 – 2012, whereby the EU-15 target is for an 8% reduction in emissions compared to 1990 levels. Aiming for a global surface average temperature not to rise by more than 2°C compared to the pre-industrial level.</p> <p>Energy policy should be consistent with the objectives of security of supply, competitiveness and environmental sustainability, in the spirit of the Energy Policy for Europe launched in March 2006 by the European Council.</p> <p>Adaptation to, and mitigation of, climate change should be integrated in all relevant European policies.</p> <p>By 2010, 12% of energy consumption, on average, and 21% of electricity consumption, as a common but differentiated target, should be met by renewable sources, considering raising their share to 15% by 2015.</p> <p>By 2010, 5.75% of transport fuel should consist of biofuels, as an indicative target, (Directive 2003/30/EC), considering raising their proportion to 8% by 2015.</p> <p>Reaching an overall saving of 9% of final energy consumption over 9 years until 2017 as indicated by the Energy End-use Efficiency and Energy Services Directive.</p>
Nature and biodiversity	Halting biodiversity decline with the aim to reach this objective by 2010, including	Improving management and avoiding overexploitation of renewable natural

	<p>prevention and mitigation of impacts of invasive alien species and genotypes.</p> <p>Protection and appropriate restoration of nature and biodiversity from damaging pollution.</p> <p>Conservation, appropriate restoration and sustainable use of marine environment, coasts and wetlands.</p> <p>Conservation and appropriate restoration of areas of significant landscape values including cultivated as well as sensitive areas.</p> <p>Conservation of species and habitats, with special concern to preventing habitat fragmentation.</p> <p>Promotion of a sustainable use of the soil, with particular attention to preventing erosion, deterioration, contamination and desertification.</p>	<p>resources such as fisheries, biodiversity, water, air, soil and atmosphere, restoring degraded marine ecosystems by 2015 in line with the Johannesburg Plan (2002) including achievement of the Maximum Yield in Fisheries by 2015.</p> <p>Halting the loss of biodiversity and contributing to a significant reduction in the worldwide rate of biodiversity loss by 2010.</p> <p>Contributing effectively to achieving the four United Nations global objectives on forests by 2015.</p>
<p>Environment and health and quality of life</p>	<p>Achieving better understanding of the threats to environment and human health in order to take action to prevent and reduce these threats.</p> <p>Contributing to a better quality of life through an integrated approach concentrating on urban areas.</p> <p>Aiming to achieve within one generation (2020) that chemicals are only produced and used in ways that do not lead to a significant negative impact on health and the environment, recognising that the present gaps of knowledge on the properties, use, disposal and exposure of chemicals need to be overcome.</p> <p>Chemicals that are dangerous should be substituted by safer chemicals or safer alternative technologies not entailing the use of chemicals, with the aim of reducing risks to man and the environment.</p> <p>Reducing the impacts of pesticides on human health and the environment and more generally to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection. Pesticides in use which are persistent or bio-accumulative or</p>	<p>Improving protection against health threats by developing capacity to respond to them in a co-ordinated manner.</p> <p>Further improving food and feed legislation, including review of food labelling.</p> <p>Continuing to promote high animal health and welfare standards in the EU and internationally.</p> <p>Curbing the increase in lifestyle-related and chronic diseases, particularly among socioeconomically disadvantaged groups and areas.</p> <p>Reducing health inequalities within and between Member States by addressing the wider determinants of health and appropriate health promotion and disease prevention strategies.</p> <p>Ensuring that by 2020 chemicals, including pesticides, are produced, handled and used in ways that do not pose significant threats to human health and the environment.</p> <p>Improving information on environmental pollution and adverse health impacts.</p> <p>Improving mental health and tackling suicide risks.</p>

	<p>toxic or have other properties of concern should be substituted by less dangerous ones where possible.</p> <p>Achieving quality levels of ground and surface water that do not give rise to significant impacts on and risks to human health and the environment, and to ensure that the rates of extraction from water resources are sustainable over the long term.</p> <p>Achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment.</p> <p>Substantially reducing the number of people regularly affected by long-term average levels of noise, in particular from traffic which, according to scientific studies, cause detrimental effects on human health and preparing the next step in the work with the noise directive.</p>	
<p>Sustainable use and management of natural resources and waste</p>	<p>Aiming at ensuring that the consumption of resources and their associated impacts do not exceed the carrying capacity of the environment and breaking the linkages between economic growth and resource use. In this context the indicative target to achieve a percentage of 22% of the electricity production from renewable energies by 2010 in the Community is recalled with a view to increasing drastically resource and energy efficiency.</p> <p>Achieving a significant overall reduction in the volumes of waste generated through waste prevention initiatives, better resource efficiency and a shift towards more sustainable production and consumption patterns.</p> <p>A significant reduction in the quantity of waste going to disposal and the volumes of hazardous waste produced while avoiding an increase of emissions to air, water and soil.</p> <p>Encouraging re-use and for wastes that are still generated: the level of their hazardousness should be reduced and they should present as little risk as possible; preference should be given to recovery and especially to recycling; the quantity of waste for disposal should be minimised and should be safely disposed of; waste</p>	<p>Improving resource efficiency to reduce the overall use of non renewable natural resources and the related environmental impacts of raw materials use, thereby using renewable natural resources at a rate that does not exceed their regeneration capacity.</p> <p>Gaining and maintaining a competitive advantage by improving resource efficiency, inter alia through the promotion of eco-efficient innovations.</p> <p>Avoiding the generation of waste and enhancing efficient use of natural resources by applying the concept of life-cycle thinking and promoting reuse and recycling.</p> <p>Promoting sustainable consumption and production by addressing social and economic development within the carrying capacity of ecosystems and decoupling economic growth from environmental degradation.</p> <p>Improving the environmental and social performance for products and processes and encouraging their uptake by business and consumers.</p> <p>Aiming to achieve by 2010 an EU average level of Green Public Procurement (GPP) equal to that currently achieved by the best performing Member States.</p>

	intended for disposal should be treated as closely as possible to the place of its generation, to the extent that this does not lead to a decrease in the efficiency in waste treatment operations.	The EU should seek to increase its global market share in the field of environmental technologies and eco-innovations.
Sustainable transport		<p>Decoupling economic growth and the demand for transport with the aim of reducing environmental impacts.</p> <p>Achieving sustainable levels of transport energy use and reducing transport GHG emissions.</p> <p>Reducing pollutant emissions from transport to levels that minimise effects on human health and/or the environment.</p> <p>Achieving a balanced shift towards environment friendly transport modes to bring about a sustainable transport and mobility system.</p> <p>Reducing transport noise both at source and through mitigation measures to ensure overall exposure levels minimise impacts on health.</p> <p>Modernising the EU framework for public passenger transport services to encourage better efficiency and performance by 2010.</p> <p>In line with the EU strategy on CO2 emissions from light duty vehicles, the average new car fleet should achieve CO2 emissions of 140g/km (2008/09) and 120g/km (2012).</p> <p>Halving road transport deaths by 2010 compared to 2000.</p>
International dimension	<p>Pursuit of ambitious environmental policies at the international level paying particular attention to the carrying capacity of the global environment.</p> <p>Further promotion of sustainable consumption and production patterns at the international level.</p> <p>Making progress to ensure that trade and environment policies and measures are mutually supportive.</p>	<p>Make significant progress towards meeting the commitments of the EU with regard to internationally agreed goals and targets, in particular those contained in the Millennium Declaration and those deriving from The World Summit on Sustainable Development held in Johannesburg in 2002 and related processes such as the Monterrey Consensus on Financing for Development, the Doha Development Agenda and the Paris Declaration on Aid Harmonisation.</p> <p>Contribute to improving international environmental governance (IEG), in particular in the context of the follow-up to the 2005 World Summit outcome, and to</p>

		<p>strengthening multilateral environmental agreements (MEAs).</p> <p>Raise the volume of aid to 0,7% of Gross National Income (GNI) by 2015 with an intermediate target of 0,56% in 2010.</p> <p>Promote sustainable development in the context of the WTO negotiations, in accordance with the preamble to the Marrakech Agreement establishing the World Trade Organisation which sets sustainable development as one of its main objectives.</p> <p>Increase the effectiveness, coherence and quality of EU and Member States aid policies in the period 2005–2010.</p> <p>Include sustainable development concerns in all EU external policies, including the Common Foreign and Security Policy, inter alia by making it an objective of multilateral and bilateral development cooperation.</p>
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6.2 Environment in the Lisbon Strategy

In March 2000, the European Council introduced an ‘overall strategy’ for economic and social renewal which aimed to boost economic growth and employment through a set of structural reforms. The ten year strategy sought to make Europe ‘the most competitive and dynamic knowledge-based economy in the world’²⁸⁷. Part of the motivation behind the Lisbon Strategy was to close the gap between the economic performance of Europe and that of the US. The objectives of the Lisbon Strategy were to be pursued by a new ‘open method of coordination’, rather than the Community method, in which Member States define common objectives for delivery in the manner deemed most appropriate to their national circumstances. The key focus of the Lisbon Strategy was on competitiveness, economic growth and cohesion. The subsequent adoption of the SDS in June 2001 was meant to add a third, environmental dimension to the Lisbon Strategy²⁸⁸, however the fact that the Lisbon Strategy was adopted prior to the SDS, isolated economic and social objectives from the broader sustainable development agenda, and effectively pre-empted a truly integrated approach to the three pillars of sustainable development.

A high-level review of the Lisbon process was launched in 2004 in parallel to, but clearly separately from, the review of the SDS. The final report of the high-level group chaired by former Dutch Prime Minister Wim Kok recommended that the EU and Member States focus on growth and employment, implying that this would in turn bring about environmental and social progress²⁸⁹. The report downplayed the environmental elements added to the Lisbon Strategy by the SDS and focused on ‘the vigorous promotion of win-win environmental economic strategies’ through the development of eco-efficient technologies. Following this review, in March 2005 the

European Council re-launched the Lisbon Strategy narrowing its priorities to promoting growth and jobs and focusing efforts on ways to increase the EU's global competitiveness²⁹⁰. Social and environmental considerations were side-stepped as the Lisbon Strategy focused on strengthening industrial competitiveness and 'win-wins' such as environmental technology, energy efficiency and renewables. Other SDS priorities were dropped entirely. The Commission Communication to the 2005 Spring European Council described the Lisbon Strategy as 'an essential component of the overarching objective of sustainable development' and maintained that the Lisbon Strategy and SDS were different but 'mutually reinforcing' strategies aimed at the same goal, but 'producing their results in different time frames'²⁹¹.

The 2005 Lisbon Strategy established new governance arrangements corresponding to three year cycles. It sought to establish a new partnership between the Commission and the Member States (by increasing Member State ownership and clarifying the Commission's role as facilitator), simplify arrangements by priority setting using 'integrated guidelines', and streamlining procedures and reporting using single 'national reform programmes' which outline how each Member State will implement the Lisbon Strategy.

In April 2005 the Commission proposed a set of 'integrated guidelines for growth and jobs' for the 2005-2008 period²⁹² which were to be used by Member States in drawing up their national reform programmes. According to the Commission, these guidelines encompassed economic, social and environmental dimensions, even though they only related to jobs and growth objectives explicitly. References to the environment focused on those 'resource and environmental challenges which, if left unchecked will act as a brake on future growth'. Integrated guideline 11, 'to encourage the sustainable use of resources and strengthen the synergies between environmental protection and growth' referred to the need to address climate change, improve energy efficiency and boost renewables; develop environmental technologies; use market based instruments; remove environmentally harmful subsidies; and green public procurement. The objective of halting the loss of biodiversity by 2010 was also noted under integrated guideline 11, in particular the need to integrate biodiversity concerns in other policy areas. No references were made in the guidelines to environment/health issues, such as air pollution, water quality, and noise or issues concerning waste prevention and management. To ensure coherence between national reform programmes, the Commission also suggested that Member States followed a common approach²⁹³, with reports structured into two sections – an introductory part which outlined the broad political and socio-economic context and overall approach of the strategy and a core part which outlined policy responses to address the three overarching priorities which were macro and micro-economic priorities and employment priorities (but not environmental priorities).

In December 2007 the Commission issued a 'Strategic Report'²⁹⁴ on implementation of the renewed Lisbon Strategy and made proposals for the next cycle (2008-2010). The report outlined a series of actions in four priority areas: investing in people and modernising labour markets, business environment, knowledge (education, R&D and innovation), and energy and climate change. With respect to this fourth priority area, the report called on Member States to review economic instruments to ensure they contributed to climate change mitigation in a cost-effective way; to include energy efficiency as an award criterion for public procurement; to set mandatory energy

reduction targets for government buildings; and to improve inter-connection of energy grids. Actions at the EU level included the adoption of legislative proposals to complete the internal electricity and gas markets and the climate change package; implementation of a sustainable industrial policy which focused on renewable energies and low-carbon and resource-efficient products, services and technologies; review the energy tax Directive to link it more closely to the EU's energy and environmental objectives; and strengthen the requirements in the Directive on the energy performance of buildings. On the basis of this report, European leaders launched the 2008-2010 cycle of the Lisbon Strategy in March 2008.

Environmental issues have largely been marginalised in the Lisbon process, particularly after its re-launch in 2005 which focused attention on issues relating to growth and jobs. A limited number of 'win win' environmental issues such as energy efficiency, renewables, and the development of environmental technologies have been incorporated in the Lisbon Strategy given their potential to increase competitiveness and create employment. However, other environmental issues referred to in the SDS, which was meant to form the environmental pillar of the Lisbon Strategy, have largely been sidestepped. While sustainable development was perceived as a desirable objective of the EU, it was considered that its achievement depended on achieving a dynamic European economy, thus making growth and jobs the immediate target, while the wider sustainable development objective was to be considered a more long-term goal that could be addressed in the future.

6.3 Influence of the SDS and Lisbon Strategy on the implementation of environmental objectives

The 6EAP 'includes priorities for the environmental dimension of the Sustainable Development Strategy'²⁹⁵, which in turn was meant to complete the economic and social objectives of the Lisbon Strategy with an environmental dimension (as stated at the Göteborg European Council in June 2001), or even to 'form the overall framework within which the Lisbon Strategy, with its renewed focus on growth and jobs, provides the motor of a more dynamic economy' (as stated in the renewed SDS of June 2006). The 2006 SDS describes sustainable development as the 'overarching objective' to which the Lisbon Strategy is making an 'essential contribution'. Both strategies are presented as complementary, mutually reinforcing, and aimed at structural changes in the economy - Lisbon with a short- and medium-term focus on competitiveness and employment and the SDS with a longer-term focus on environmental and social sustainability. This stated relationship between the two strategies and the 6EAP is not necessarily an accurate reflection of the actual situation which tend to develop on a more ad hoc basis to reflect underlying political realities.

If sustainable development were truly regarded as 'the overarching objective', this would imply a hierarchical relationship between this objective and other policy objectives. From such a perspective, it would have been more logical to clarify the 'overarching' economic, social and environmental objectives of the SDS in a comprehensive manner before setting short-term operational economic and social policy objectives which only focused on economic growth and employment and gave political priority to achieving these goals. Yet, the latter is exactly what happened, first when the original Lisbon Strategy was adopted in 2000, prior to the SDS which

‘complemented’ it the following year, and again with the ‘re-launch’ of the Lisbon Strategy in 2005, which was timed to precede the review of the SDS leading to the adoption of a renewed SDS in 2006.

The ‘framework’ nature of the SDS does not imply a hierarchical relationship; on the contrary, it is stipulated in the renewed SDS that when the European Council provides policy orientation on sustainable development, it should take into account the ‘priorities’ under the Lisbon Strategy. The SDS subscribes to a balanced, three-pillar approach to sustainable development, as appears from its ‘policy guiding principles’, which include the principle of ‘policy integration’, defined as ‘integration of economic, social and environmental considerations so that they are coherent and mutually reinforce each other’. Similarly, the 6EAP states that ‘measures proposed and adopted in favour of the environment should be coherent with the objectives of the economic and social dimensions of sustainable development and vice versa’. (Article 2(4)) There is, however, no reciprocal formal commitment to environmental policy integration in the Lisbon Strategy.

What influence have the SDS and the Lisbon Strategy had on EU environmental policy under the 6EAP?

Political strategies such as the SDS and Lisbon Strategy seek to fill a gap between the EU’s common objectives and principles as set out in the Treaty and the concrete measures that need to be taken to achieve them. They constitute a means of conveying a sense of direction and provide a signal of political priorities. Assessing the influence of such strategies on specific EU policy developments is particularly difficult and at best only broad conclusions and observations can be drawn in this regard.

The principle of sustainability and in certain cases the SDS itself is referred to in some EU legislative proposals and adopted measures, e.g. the REACH proposal referred to ‘a number of factors that place the chemicals industry at the heart of the Community’s sustainable development strategy’ and the preamble to the 2003 biofuels Directive specifically refers to the SDS. The development of the EU’s integrated maritime policy can be seen as an example of where the Commission has attempted to address all three pillars of sustainable development in its approach to a particular policy area. The 2007 integrated maritime policy Communication noted that the policy ‘will enhance Europe’s capacity to face the challenges of globalisation and competitiveness, climate change, degradation of the marine environment, maritime safety and security, and energy security and sustainability....and will be anchored in the Lisbon agenda for jobs and growth, and the Gothenburg agenda for sustainability’²⁹⁶. However, such references do not imply that the SDS was crucial in the development of these policy initiatives. For the most part, the SDS has served as a supporting reference document for ‘green’ stakeholders and policy-makers and has played an important ‘legitimising role in support of and in conjunction with other policy drivers’²⁹⁷ including sectoral initiatives, public support and political commitments in other areas. Although the SDS is not a particularly visible EU policy document, it represents a high-level political commitment to sustainable development and its existence has to some extent prompted the consideration of sustainability principles in policy areas which fall outside the remit of DG Environment. However, the extent to which this incorporation has been effective in helping to achieve sustainable development in practice varies significantly.

Important policy themes within the SDS, such as climate change and sustainable energy have become top priorities of the EU in recent years. Despite the Commission's claim in its second review of the SDS²⁹⁸ that the EU's climate and energy package is an example of the impact of the SDS on the political agenda, discussions in this policy area hardly mention the SDS as a major policy driver for action²⁹⁹. Rather, the SDS appears to have become largely overshadowed by the EU's climate change and energy policy agenda which has been driven by a number of forceful factors including *inter alia* an increase in scientific evidence of the impacts of climate change, the global nature of the issue with its own governance timetable, heightened media interest, strengthened economic arguments relating to the costs of inaction, and links with the energy and security agenda. In discussions by EU Heads of State and Government, climate change and energy issues are treated separately and afforded higher priority than the SDS^{300,301}. Climate change and energy issues have moved from being just one of the seven 'main challenges' of the SDS to what is now considered the most important environmental challenge facing the EU. Climate change concerns have also successfully infiltrated discussions in a number of policy areas, including the Lisbon agenda. Discussions on growth and competitiveness now routinely include considerations of how to move to a low-carbon economy and create 'green' jobs emphasizing the 'win-win' potential of addressing climate change and thus linking climate change objectives with wider economic and social ones. The extent to which climate change has influenced discussions in the economic sphere is evident in the ongoing debate on the EU 2020 Strategy (the post-2010 Lisbon Strategy) in which the importance of achieving the efficient use of resources and the application of greener technologies is emphasised. Although the political attention devoted to climate change is welcome, this can hardly serve as a proxy for environmental policy as a whole which encompasses a much wider range of issues. While climate change has moved to the top of the EU political agenda for reasons quite independent of the SDS, there is little or no evidence that other environmental priorities of the SDS and/or the 6EAP are having a noticeable impact on economic policy, be it in the implementation of the Lisbon Strategy or preparation of the EU 2020 Strategy.

Since the adoption of the Lisbon Strategy in 2000, and especially since its 're-launch' in 2005, there has been a marked shift in the underlying political priorities towards growth and competitiveness against the background of Europe's lacklustre economic performance compared with other international players, most notably the US, China and India. Concerns relating to maintaining and improving Europe's competitiveness became an overwhelming priority of the Barroso Commission upon taking office in late 2004. The growth and jobs objectives of the renewed Lisbon Strategy captured this underlying political mood and have frequently been referred to by Commission President Barroso as a priority for the EU. The EU's 'Better Regulation' agenda was also narrowed to reflect the underlying political context. A Commission Communication in March 2005 (COM(2005)97)³⁰² spoke of 'injecting more commitment and urgency into striking the right balance between the policy agenda and the economic costs of regulation'. Subsequent guiding documents on better regulation (COM(2005)535)³⁰³ focused on simplifying EU legislation, reducing administrative burdens for business, the withdrawal of several Commission proposals already under consideration by the Council and Parliament; and strengthening the scrutiny of proposals being developed. The impact of the EU's 'Better Regulation'

agenda on the implementation of the 6EAP is discussed in our accompanying report on the 'Impact of Better Regulation on Environmental Policy under the 6EAP'³⁰⁴.

The political prioritisation of growth and competitiveness issues has influenced a number of environmental policy developments including discussions on the Thematic Strategies of the 6EAP. Inter-service consultation on the Air and Marine Thematic Strategies was momentarily stalled by Commission President Barroso in July 2005 over concerns relating to the potential costs associated with the proposed environmental legislation. Although Commissioner Dimas successfully defended the Thematic Strategies and ensured their continued development, relying *inter alia* on the mandate of the 6EAP, the final approach adopted in all seven Thematic Strategies was significantly less ambitious than what was originally envisaged. For example, the Air Thematic Strategy settled on an approach that 'delivers the lowest levels of air pollution that can be justified in terms of benefits and costs'³⁰⁵ even though the Strategy was expected to yield health benefits of up to €42.7 billion per annum compared to associated costs of just € 7.1 billion per annum. Legislative proposals accompanying the Air and Waste Thematic Strategies were justified by stressing their regulatory simplification rationale and contribution to the 'Better Regulation' agenda rather than by referring to the need for major substantive advances in environmental policy under the 6EAP.

The prioritisation of growth and competitiveness concerns and the generalisation of impact assessments have led to an aversion away from introducing measures that would entail significant costs to industry. For example, discussions on the REACH Regulation were heavily influenced by certain Member States (DE, FR, UK) with large chemical industries, and the impact of the proposed legislation on business meant that significant trade-offs had to be made between economic and environmental objectives. Furthermore, the review of the National Emissions Ceiling Directive (2001/81/EC), called for in the Air Thematic Strategy, remains outstanding largely due to difficulties agreeing appropriate reduction targets which have significant cost implications for business. In one case, new environmental legislation adopted pursuant to the 6EAP was used as a vehicle for imposing impact assessment obligations on Member States - the Marine Strategy Framework Directive 2008/56/EC requires Member States to carry out impact assessments for marine environment protection measures and to 'give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged' (Article 13(3)).

The underlying political context also influenced a number of EU institutional processes and affected the relative strength of different DGs within the Commission, most notably DG Enterprise and Industry. A number of institutional reforms took place following the 2005 re-launch of the Lisbon Strategy which sought to embed the new priorities of the Strategy in the workings of the Commission. Several Commissioner Groups were set up, including a new Competitiveness Council Commissioners Group (CCCG), chaired by Gunter Verheugen, which was responsible for *inter alia* screening the activities of various DGs from a competitiveness perspective. In parallel to this, the European Council afforded the Competitiveness Council a quasi-supervisory role over the other Council formations to ensure their activities were coherent with the Lisbon priorities³⁰⁶. A number of High-Level Groups (HLG) were also set up by the Commission to provide an advisory function in the

policy development process, e.g. a High Level Group on Competitiveness, Energy and the Environment and the CARS 21 initiative. However, the extent to which competitiveness and industry concerns prevailed over environmental ones within these groups varied. Revised impact assessment guidelines were published in July 2005 which placed a greater emphasis on assessing the impacts on competitiveness. The guidelines included fourteen new questions relating to competitiveness, trade and investment flows, competition in the internal market and operating and administrative costs on business. The revised guidelines stressed the ‘proportionality’ of impact assessments, implying that Commission DGs can be selective in the costs and benefits they chose to focus on, and referred to the role of the CCCG in ensuring that impact assessments accompanying proposals take adequate account of competitiveness.

Both the SDS and Lisbon Strategy represent high-level political statements of intent and direction for the EU, whose general objectives are called upon at different times and by different actors as a form of justification to develop or oppose measures in certain areas. As noted above, assessing the influence of such strategies on specific EU policy developments is particularly difficult. However in general it can be noted that the SDS and Lisbon Strategy have mingled with other drivers such as the state of the European economy and underlying political currents in the Member States, and have influenced the judgement of the EU institutions and provided justification and high-level political legitimisation to take forward or delay action in particular areas of environmental policy. While the overall influence of the SDS on the 6EAP appears to have been less obvious, that of the Lisbon Strategy has been more pronounced as implementation of the 6EAP has often had to confront Lisbon-based opposition within the institutions which delayed the adoption of specific implementation measures and in some cases resulted in a lowering of their level of ambition.

7 CONCLUSIONS AND RECOMMENDATIONS

Thematic Strategies and the 6EAP

The Thematic Strategies provided a mechanism to flesh out some of the detail of the 6EAP within a framework that allowed proper involvement and reflection by stakeholders and other Commission services. The Thematic Strategies had a broad, cross-sectoral focus and sought to address difficult issues of horizontal and vertical integration. The Thematic Strategies represented a new procedural tool to identify further proposals for legislation and other measures to achieve the objectives of the 6EAP, thus increasing the importance of the pre-legislative process, encouraging stakeholder involvement, and introducing a more strategic approach to the development of EU environmental policy. However, the Thematic Strategies lengthened the duration of the environmental policy-making process by delaying the formulation of concrete policy proposals and the adoption of resulting measures. These delays compromised the prospect of achieving the objectives of the 6EAP before its expiry in 2012. Furthermore, while the setting of quantifiable targets was a key rationale behind the Commission's original idea for the Thematic Strategies, most of the adopted Strategies contain only vaguely formulated goals and unclear timeframes. In many cases the detailed definition of specific objectives and measures was abandoned altogether, further postponed, or left to the Member States³⁰⁷.

The Thematic Strategies were developed through a network of working groups involving a range of Commission DGs, Member State experts and non-state stakeholders. The process of developing the Thematic Strategies encouraged an open debate on EU environmental policy, provided a forum for a thorough discussion on particular thematic areas, engaged stakeholders from different sectors and Commission DGs in the debate, and introduced a more strategic approach to developing EU environmental policy. The fact that the outcomes of the process may appear disappointing reflects *inter alia* the unrealistically high expectations at the start of the process, difficulties in reaching consensus among a large and diverse range of stakeholders and Commission DGs, and the prevailing political context. In certain cases stakeholder recommendations during the consultation process were directly reflected in the adopted Thematic Strategies and accompanying legislative proposals, e.g. the proposals for a Soil Framework Directive and Marine Strategy Framework Directive only arose during the process of developing the related Thematic Strategies; whereas in others the results of the consultation process are not as evident in the adopted Thematic Strategy, e.g. the Natural Resources Thematic Strategy does not reflect calls from a number of stakeholders for clear targets and timetables for implementation, while the Urban Thematic Strategy deleted all mandatory measures included in the Commission's preparatory Communication.

Issues of competence both between the Commission and Member States and within the Commission itself influenced the scope of the Thematic Strategies. For instance, the Marine Thematic Strategy did not consider the environmental impacts of fisheries given that fisheries conservation issues are to be addressed within the framework of the Common Fisheries Policy (CFP). Member States with significant fishing interests were opposed to a more demanding Marine Strategy Directive, while the Commission

was concerned of undermining its exclusive competence in fisheries. Moreover, DG Environment had limited ability to address fisheries issues which are traditionally dealt with by DG Maritime Affairs and Fisheries in their own policy domain. Issues of subsidiarity and competency were also factors influencing the final approach of the Urban Thematic Strategy which includes no mandatory measures, while concerns relating to subsidiarity among a group of Member States in the Council continue to block progress on the Soil Framework Directive. Issues of competence also limited the scope of the 6EAP by preventing consideration of a number of key areas (the Common Agriculture Policy, the Common Fisheries Policy, transport etc) which have significant environmental implications, but fall outside the remit of DG Environment and were thus left to be addressed by other DGs on a sectoral basis. This limited the extent to which the 6EAP's integration agenda could effectively be advanced.

In terms of achieving the objectives of the 6EAP, the Thematic Strategies have had a disappointing record, and while many of the legislative instruments accompanying the Thematic Strategies are still in their early stages of implementation, the delays in their adoption, the failure to set clear, concrete targets, the delegation of responsibility not only for implementation but also for further specification of many of the measures foreseen to Member States, and the limited monitoring and reporting mechanisms have compromised the prospect of achieving the objectives of the 6EAP before its expiry in 2012.²

- The legislation resulting from the **Air Thematic Strategy** cannot deliver the 6EAP's objectives relating to air quality, proposals for some industrial emission sources are still outstanding, and the integration of air quality concerns in the energy and agriculture sectors has been weak to date.
- The main implementing measure of the **Marine Thematic Strategy**, the Marine Strategy Framework Directive, falls short of the objectives of the 6EAP relating to the marine environment, it imposes mainly procedural obligations on Member States (other than the rather unclear goal of good environmental status), it is noticeably vague in defining actual action to be taken to improve environmental status, and makes no reference to how consistency of measures will be ensured or practice shared among Member States.
- The **Waste Thematic Strategy** focuses on the further development of recycling and recovery, while the issue of waste prevention is mainly left to the individual policies of the Member States. The new Waste Framework Directive confirms this basic policy orientation by leaving it to Member States to establish waste prevention programmes and set specific objectives in this area, though it also mandates the Commission to submit reports accompanied 'if appropriate' by proposals for EU measures on certain aspects of prevention.
- The **Urban Thematic Strategy** hardly addresses any of the priority actions mentioned in the 6EAP, not even with respect to the voluntary approach it set out.
- The **Natural Resources Thematic Strategy** did not put forward any concrete legal targets to decouple economic growth from resource use and did not

include targets and timetables for the diminution of resource use and resource efficiency as prescribed by the 6EAP. The Strategy focuses on ‘achieving more sustainable use of natural resources’ rather than suggesting a shift to sustainable consumption patterns.

- The **Pesticides Thematic Strategy** together with the accompanying Directive and Regulation have led to strengthened legislation on the authorisation and use of plant protection products and have contributed to the 6EAP objectives relating to pesticides.
- The **Soil Thematic Strategy** represents a less holistic and comprehensive proposal than originally envisaged and its main implementing instrument, the proposed Soil Framework Directive has yet to be adopted. The process behind the development of the Thematic Strategy did however raise the profile of soil quality issues, which was an area of EU policy that had previously been neglected.

As a form of policy instrument, the Thematic Strategies (which are not mentioned in the Treaty) were devised as a means of developing more detailed policy objectives and proposals for measures in discrete policy areas, as well as of postponing political decision-making on the controversial issue of targets and timetables which dominated the inter-institutional political debate on the adoption of the 6EAP itself. By providing for these Thematic Strategies to be developed in due course, the 6EAP became a multi-stage and less coherent driver of policy advance. An extra step was introduced into the process of implementation thus delaying it, while the new thematic policy formulation processes mobilised a lot of the attention of policymakers and stakeholders. Although these processes were intended to implement the objectives laid down in the 6EAP, in practice those involved in elaborating the Thematic Strategies did not really feel constrained by the language or perhaps even the intent of the 6EAP, as this report shows. Thus, in the end, much of the 6EAP was overshadowed by the Thematic Strategies that it spawned, as well as by a number of other environmental action plans which were developed independently of it.

As instruments of environmental policy, strategies, action programmes and action plans have value to the extent that they are actually followed by action. In themselves, they achieve nothing beyond the political sphere; they have no effect on reality unless further measures are taken to effectuate the objectives they set out. That explains of course why it is often easier to agree upon a plan or programme than on the action required for its implementation. When a strategy has been agreed upon, the losers of the political fight over the strategy know that they have lost only a battle but not the war; that they can prepare themselves to fight, and perhaps win, the next battle about the measures to implement the strategy. Thus the opponents of targets and timetables in the 6EAP could live with the prospect of the subsequent development of Thematic Strategies because this process would give them an opportunity to oppose targets and timetables once more, as they appear to have successfully done in most cases. Every intermediate step removes the immediacy of the undesirable outcome and provides further opportunities for opposition. The 6EAP lost much of its force as a strategic framework for environmental policy due to the intermediate layer of thematic strategies that it provided for in the process of implementation of many of its priority objectives. To enhance the value of the next EAP it would be advisable to avoid

burdening it with procedural provisions of this kind. It appears important to ensure that EAPs focus on strategic priority objectives of a general but substantive nature, in accordance with the actual terms of Art. 192 (3) TFEU. Process issues are best left to be addressed at the stage of the implementation measures.

Related environment action plans and programmes

In addition to the seven Thematic Strategies, the EU has introduced a number of other strategies, plans and programmes which either directly or indirectly address certain objectives and priority actions of the 6EAP. Eight such action plans and programmes are discussed in this report. The action plans and programmes cover a range of environmental issues and it is difficult to draw any overarching conclusions on them. However, some general observations can be made on the processes behind their development and how they relate to the objectives of the 6EAP.

The consultation processes behind the development of the environment plans and programmes ranged from the extensive multi-stakeholder process of the European Climate Change Programme (ECCP), which (alongside the pre-existing CAFE process) is considered to have helped provide the model for the Thematic Strategies, to more standard stakeholder consultation processes built around Commission Green Papers, e.g. the Urban Mobility Action Plan. The degree to which these consultation processes influenced actual policy outcomes also varies, e.g. the influence of the ECCP process on EU climate policy developments varied between the two phases of the Programme and the different working groups. Whereas ECCP I was an innovative process, engaging stakeholders in discussions on new options and ideas for future EU climate change policy; ECCP II took the form of a more traditional stakeholder consultation process and largely served as a vehicle to endorse measures the Commission had already decided to introduce. The extent to which specific climate change proposals were influenced by the recommendations of the different working groups also varied, for example during ECCP I, the emissions trading and F-gases working groups largely shaped the Commission's proposals, while in other working groups discussions were less specific and at most merely informed legislation already under consideration e.g. with regard to CHP and renewables³⁰⁸. The analysis in this report suggests that the context within which a consultation process takes place and the overall objectives of the Commission for the consultation process has an influence on the nature of the consultation process and clearly shapes eventual outcomes.

In certain cases, the influence of specific interests expressed during the consultation process is evident above others. The consultation on the Forest Action Plan appears to have been significantly influenced by the concerns of Member States - notably through their participation in the Standing Forestry Committee (SFC) and the thematic working groups, while a number of recommendations by other EU institutions were largely ignored. The approach in the adopted Sustainable Consumption and Production (SCP) and Sustainable Industrial Policy (SIP) Action Plan focuses on new 'greener' ways to enhance the competitiveness of European industries rather than reducing the absolute consumption of resources as called for by a number of stakeholders during the consultation process. The publication of the Urban Mobility Action Plan was delayed a number of times due to various political concerns both within the Commission and Member States (concerns relating to subsidiarity issues).

As with the Thematic Strategies, issues of competence inevitably affected the final shape of the adopted plan or programme. The cautious language used in the adopted Forest Action Plan indicates that the Commission was not overly ambitious for this Plan. This in part reflects its limited competence in this policy area as well as the significant role played by Member States in the development of the Action Plan. Several Member States were reluctant to propose any measures that would undermine their competence or perceived interest in this policy area. The final approach of the Urban Mobility Action also reflects an attempt to balance Member State concerns relating to subsidiarity with an increased Community role in the area.

As many of the action plans and programmes did not contain any specific legislative measures, the outcome depended mainly on the implementation of related proposals. Proposals in the plans were mainly non-legislative and heavily reliant on Member States taking them up. The SCP-SIP Action Plan strongly relies on voluntary approaches in contrast to the support for mandatory instruments voiced by the majority of respondents in the public consultation³⁰⁹. The Forest Action Plan does not contain any concrete targets or any specific legislative proposals with respect to forests, where obligations on Member States do exist; they take the form of non-binding recommendations. The Biodiversity Action Plan³¹⁰ is non-legislative and focuses on the implementation of existing Community instruments rather than the development of new ones. Even where legislative measures were been proposed, the outcome is variable. While the ECCP process identified and examined specific elements of EU climate change policy, limited attention was afforded to strengthening implementation, monitoring, and ensuring effective action.

Although the action plans and programmes examined in this report were developed separately from the 6EAP and the Thematic Strategy processes, they appear to contribute towards some of the objectives of the 6EAP.

- The **ECCP** and the subsequent adoption of related measures address certain climate change objectives of the 6EAP, e.g. the establishment of a Community emissions trading scheme, reducing the use of fluorinated gases, improving the monitoring of GHG emissions, reducing CO₂ emissions from motor vehicles, and promoting alternative fuels. However a number of gaps remain including action to phase out subsidies, reduce GHG emissions from marine shipping, measures to reflect full environmental costs in transport prices, and decoupling economic growth and transport demand.
- The **Energy Efficiency Action Plan** aims to help the EU achieve an energy savings potential of 20% by 2020. This target is coherent with the 6EAP's objective to promote energy efficiency. However, the effectiveness of the Action Plan is limited by the non-binding nature of the 20% target, its weak incentives for concrete action, the absence of a systematic monitoring mechanism, and the lack of available data by which progress can be evaluated.
- A number of targets set out in the **Biodiversity Action Plan** contribute to the biodiversity objectives of the 6EAP. In certain areas, the Biodiversity Action Plan goes beyond the 6EAP, e.g. on the conservation of biodiversity outside Europe. However, some of the objectives of the 6EAP are not well addressed, e.g. measures that enhance sustainable use, production and investments in relation to biodiversity. Moreover, the weak implementation of the

Biodiversity Action Plan, as revealed by its mid-term assessment³¹¹, indicates that its adoption appears to have achieved little in terms of faster, more effective and better targeted implementation of relevant measures and has not effectively contributed to achieving the 2010 target.

- The **Forest Action Plan** falls short of a number of 6EAP objectives relating to forests and natural resource use. The Action Plan does not contain any qualitative or quantitative targets with respect to forests, nor does it outline any concrete legislative measures to be taken. Furthermore, the reliance on EAFRD and LIFE+ to meet the environmental aims of the Action Plan is short-sighted given the limited budgets for these two funds and the range of other, non-forest, measures they need to provide for. The Action Plan also fails to address the issue of biomass sustainability criteria for energy generation and thus fails to address the 6EAP's objective on natural resource use.
- While the **Environment and Health Action Plan** has been successful in putting in place EU-wide monitoring and information systems and launching targeted research projects; improving research capabilities and information on environment and health is only part of the 6EAP's objectives in this area.
- The **Urban Mobility Action Plan** contributes to a number of 6EAP objectives through the promotion of an integrated approach to urban areas, encouraging modal shifts, and support for research and demonstration projects for lower and zero emission vehicles. However, there are a number of areas relating to the urban environment that the Action Plan fails to address including the issue of decoupling transport growth and GDP growth.
- The **ETAP** contributes to the 6EAP objective to decouple the use of resources from economic activities. However, the 6EAP also explicitly stipulates the need for 'improved resource efficiency, dematerialisation of the economy, and waste prevention' through 'measures, such as taxes and incentives, to ensure a more sustainable use of resources'. The ETAP fails to put forward concrete measures to this end as it maintains an approach where priority is given to enhancing research and development for eco-industries and removing market barriers for clean technologies.
- The **SCP-SIP Action Plan** has the potential to contribute to the objectives of the 6EAP and the Natural Resources Thematic Strategy. However, the Action Plan has a strong emphasis on energy and energy efficiency, while broader environmental issues and the EU's overconsumption of natural resources (which are also priorities of the 6EAP) are hardly addressed in the Action Plan. The lack of targets for resource and material consumption and a clear timeline for implementation, and the failure to identify responsible bodies for implementation are significant drawbacks of the Action Plan.

The impact of many of the plans and programmes examined has been limited in practice by their reliance on Member States to (voluntarily) implement proposed measures, the absence of additional financial resources to support their implementation, poor reporting and monitoring mechanisms, the lack of appropriate legal impetus to support them, and their failure to include specific, measurable,

achievable, realistic and time-bound targets. However, the development of the plans and programmes provided a forum to move forward the debate on certain issues, while the recognition of inadequate implementation / progress of the plans and programmes (e.g. Biodiversity Action Plan and Forestry Action Plan) has stimulated discussions on how to better address these issues in the future given previous experiences. The action plans and programmes examined in this report either predated the 6EAP (ECCP, original Biodiversity Strategy and Action Plans), came about as a result of specific demands in other policy sectors (Energy Efficiency Action Plan, Forest Action Plan, Urban Mobility Action Plan) or from the European Council (ETAP and SCP-SIP Action Plan, both related to SDS and Lisbon Strategy). As was the case with the Thematic Strategies, some of these action plans and programmes (in particular the ECCP and Biodiversity Action Plan) appear to have become more prominent than the 6EAP and focused the attention of policy makers and stakeholders on their own objectives (even though in many cases these objectives contributed to or replicated those of the 6EAP) and policy formulation processes.

Implications for the future

The Treaty requires that the European Parliament and the Council adopt ‘general action programmes setting out priority objectives to be attained’ by the Union’s environmental policy, to be followed by ‘the measures necessary for the implementation of these programmes’. Thus, the Treaty mandates a strategic, planned approach to environmental policy. This has been one of the specific features of environment policy since its inception. Although it is also a well-known feature of the EAPs that they have never been fully implemented, let alone within the timeframe laid down; nevertheless they have provided an overall sense of purpose, direction and continuity in the development of EU environmental policy, and a useful point of reference for assessing its evolution. Furthermore, the process of their periodical elaboration has been valuable in terms of allowing regular stocktaking, focusing political debate in the institutions on the evolving priorities of environmental policy, and establishing the policy’s political profile. The existence of the EAPs serves as a permanent reminder of the continuous efforts that remain necessary for Europe to make progress in line with the environmental policy objectives and principles laid down in the Treaty.

The broad scope and long duration are often mentioned as reasons for the low political visibility and limited effectiveness of the 6EAP as a strategic instrument. The 6EAP has also been viewed as an inappropriate tool in specific, fast-moving policy areas. However, despite these shortcomings there has been significant value in the framework provided by the 6EAP. The 6EAP has enabled the prioritisation and focusing of effort within the Commission (and DG Environment in particular) on a wider environmental agenda which goes beyond climate change. As a relatively more specific document than the SDS and Lisbon Strategy, the 6EAP has provided a structured framework within which environmental developments have taken place. In certain cases, the 6EAP has also supported the development of environmental policy measures that were under threat of being dropped, most notably during stalled discussions on the Air and Marine Thematic Strategies in mid-2005 when the explicit mandate provided in the 6EAP strengthened the position of the Environment Commissioner and made it difficult to jettison environmental policy proposals because of competitiveness concerns. While the extensive consultation process behind

the development of the Thematic Strategies lengthened the policy formulation period and delayed the adoption of concrete policy proposals, the participatory process helped to broaden the debate on environmental policy, increasing participation and buy-in among different stakeholders and delineating the priorities and interests of specific stakeholders and Member States. The framework provided by the 6EAP has enabled a more strategic approach to the development of EU environmental policy. The fact that in certain cases the outcomes have fallen short of what was initially expected, in part reflects the ambitious objectives of the 6EAP and the unrealistically high expectations of what the stakeholder consultation process related to the Thematic Strategies could deliver.

As the 6EAP nears the end of its ten-year period of validity, time has come for another stocktaking and political debate about the future of EU environmental policy. This report has been critical of the gap between the objectives agreed in 2002 and actual policy achievements. This criticism, however, should not be taken as intended to call into question the intrinsic value of EAPs as such. In view of the long-established practice of EAPs and the explicit Treaty mandate for such programmes, it would be a major political decision not to have a successor to the 6EAP, as is being considered in some quarters. Such a decision would very likely be perceived as a negative political signal for the status of environmental policy, as a downgrading of this policy relative to its previous status and in relation to other EU policies. The failure to adopt another EAP on expiry of the 6EAP would represent a lapse in political interest in an area that is widely recognised as a key concern of EU citizens and one in which the case for the EU's added value is evident. In our view, the key question is not whether or not there should be a successor programme, but what form it should take, what should be its scope, content and timeframe. What needs to be considered is how to make the next EAP more visible, powerful and effective as a strategic tool, by learning from experience and avoiding the pitfalls that detracted from the effectiveness of the 6EAP. Some of the issues that will need to be taken into consideration in the development of a future EAP are set out below. This is by no means an exhaustive list of issues; rather it should be considered an initial starting point for discussions on the future framework.

- ***Environment Action Programmes and the Lisbon Treaty***

The practice of the EAPs as it has developed since the beginning of EU environmental policy has been to have programmatic policy documents setting out broad objectives, and a legislative agenda as well as proposals for non-legislative measures to address those objectives, covering the entire scope of environmental policy, which has considerably expanded over the years. An explicit legal basis for EAPs with an inter-institutional decision-making procedure was first introduced by the Treaty of Maastricht.

The Lisbon Treaty did not change the substance of the Treaty provisions on the EAP. The only change made was a procedural one, in that the reference to the co-decision procedure in the former Art. 175(3) TEC was replaced by a reference to the ordinary legislative procedure in the new Art. 192(3) TFEU. Although this change was a mere consequence of the horizontal institutional reforms introduced by the Lisbon Treaty, and was not prompted by any intention to change the status of the EAPs, an incidental effect of this Treaty change is that, while the legal status and effect of EAPs used to

be unclear in the past, future EAPs adopted under Art. 192 (3) TFEU will unquestionably have the status of legislative acts. This is a consequence of the general clause in Art. 289 (3) TFEU which provides that any '[l]egal acts adopted by legislative procedure shall constitute legislative acts'. This obviously has implications for EAPs.

The relevant Treaty provision does not specify the timeframe of the EAPs nor their scope, beyond stating that they shall be 'general action programmes' establishing 'priority objectives' and making a distinction between the programmes themselves and the actual measures for their implementation. There is nothing in Art. 192 (3) TFEU that prescribes that the next EAP shall also have a ten-year timeframe and cover the full scope of EU environmental policy, like the 6EAP. Different approaches are thus not precluded by the current Treaty language.

- ***Scope of a future EAP***

The scope of a new EAP needs to be carefully considered. To date, all EAPs have covered the full scope of EU environmental policy. The advantage of this approach is that the EAP can be used as a tool to ensure the overall coherence of environmental policy. This has become increasingly necessary as the policy has further expanded and diversified, and some areas, such as climate change, have acquired a dynamic of their own. The new institutional architecture of the Commission services also has implications for the scope of a new EAP and poses new challenges of policy coherence. Not only are climate change issues now outside the remit of DG Environment, but so are issues concerning GMOs, civil protection etc. Although climate change is now within the remit of DG Climate Action, it remains an integral part of environmental policy, all the more so since it is explicitly mentioned in Art. 191(1) TFEU. Thus, if one opts for a comprehensive EAP focusing on policy coherence, it will need to be a joint effort of all the DGs with responsibility for aspects of environmental policy to ensure joint ownership of the programme as a common frame of reference. The new institutional architecture also supports the argument for having a comprehensive EAP to ensure the overall coherence of EU environmental policy.

The disadvantage of a comprehensive EAP covering all areas of environmental policy is that it tends to become a restatement of the *acquis* and lacks focus. Also, during the legislative process it is likely to suffer from the 'Christmas tree syndrome' in that all sectoral interests in environmental policy will seek to be mentioned on a par with others. Not being mentioned tends to be perceived as a form of disqualification. Many issues in search of recognition will therefore press for their paragraph in the text, with little strategic consideration for the overall coherence of the programme.

Since the elaboration of the 6EAP, there have been significant developments in EU environmental policy, several pieces of legislation have been adopted or revised, targets have been agreed and a number of reviews of legislation are scheduled to take place in the coming years. It is thus important to ensure that the EAP focuses on issue areas in which new policy development is perceived to be necessary, rather than mature policy areas in which consistent implementation of the *acquis* is the main task at hand. A future EAP should also take into account the embedded review processes in existing legislation so as to complement the momentum of these processes.

- *A thematic approach?*

An option that might be worth considering as a possible alternative to a comprehensive EAP, and a means of ensuring more focus and higher political visibility while allowing for detailed consideration of the issues during the legislative process, would be to have a limited number of thematic EAPs, comparable in scope to the Thematic Strategies under the 6EAP, but aimed at laying down concrete objectives and timetables for their achievement in a number of priority issue areas where policy development is perceived to be of primary importance in the following years. In fact, the possibility of giving the Thematic Strategies the status of formal action programmes agreed under the codecision procedure was expressly considered as an option in the 6EAP, though eventually the Commission preferred a more informal approach. The formula of multiple thematic programmes is not precluded by the wording of Art. 192 (3) TFEU, which speaks of action programmes in the plural. Such an approach could also provide more flexibility than a single comprehensive EAP, as the different thematic programmes could have different timeframes depending on the specific stage of policy development and needs of the issue area covered. A disadvantage of the thematic approach is that ensuring overall coherence of environmental policy would pose a particular challenge, but this is also confronted in other areas of policy.

The major policy question to be addressed under this approach is obviously the number, choice and scoping of the themes to be covered. It has not been possible to address this question in any detail within the framework of this study. As mentioned above, we consider that programmatic policy instruments should be used primarily in issue areas where major policy development is considered a priority within the next few years. An obvious candidate would be biodiversity, an area in which post-2010 strategic policy orientations are currently being debated and in which the time has come to move up a gear from the pre-2010 strategies and action plans. A thematic action programme with legislative status under the Treaty might be the appropriate tool at this time. Much of the groundwork has already been done and the Commission is expected to come up with proposals by the end of this year or early next year. It may wish to give this option serious consideration. Another possible candidate theme would be the sustainable use of natural resources and the reduction of the EU's ecological footprint, an area in which serious policy development of a less non-committal nature than the 2005 Thematic Strategy is urgently required.

- *Cross-cutting issues*

Ensuring that the existing environmental *acquis* is properly implemented, particularly in the context of an enlarged EU, is a major challenge facing the EU. Thus, a new comprehensive EAP, in addition to setting out substantive policy objectives, could usefully provide a framework to address a number of horizontal issues relating to more effective implementation and enforcement including: the cycle of reporting requirements, verification and monitoring, consistency of application, inspection, effective and dissuasive penalties as well as access to justice in environmental matters.

Although EAPs are formally speaking Union acts like any other, they tend to be primarily considered as environmental programmes of DG Environment and the

Environment Council rather than the Union as a whole and thus do not venture into areas where competence lies with other Commission DGs or Council formations. However, addressing the management of natural resources in these sectors is critical. A new EAP could potentially explore those areas where integration is likely to be a major issue in the coming years and set out integration objectives in those sectors. Although it is unlikely that a new EAP could go as far as to propose specific policy measures for these sectors, it could affirm the relevance of environmental approaches and concepts for other areas of policy and pick up the momentum lost with the demise of the Cardiff integration process.

- ***Timeframe***

The first few EAPs covered periods of three to four years, however since the late 1980s there has been a tendency for the timeframe of the EAPs to be extended to five, seven and eventually ten years. While the 10-year timeframe of the 6EAP allowed some degree of continuity of environmental priorities across the Prodi and Barroso Commissions; each Commission had its own priorities and methods of working and the changes undermined the commitment of officials to work towards a vision set by their predecessors. Moreover, the long duration of the 6EAP is often cited as one of the reasons for its fading away from the political radar screen and limited effectiveness as a strategic instrument. Thus, we recommend that the timeframe of future EAPs, especially any comprehensive ones, be shortened and better aligned with Commission and European Parliament terms in office to *inter alia* improve ownership of the programme within the institutions and increase flexibility to adjust to new challenges and political priorities. The timetable for the final assessment of the 6EAP makes it impossible to achieve this objective for the next EAP as the Commission is scheduled to submit its final assessment of the 6EAP, possibly though not necessarily together with its proposal for a successor programme, to the European Parliament and Council 'in the course of the final year' of the 6EAP, ie between July 2011 and July 2012. This implies that a new EAP could be adopted through the ordinary legislative procedure at the very earliest by the end of 2012, more likely in 2013. This is too far into the term of the current Commission for it to be meaningful to have the end date of the EAP coincide with the expiry of its term of office. As a transitional step, we recommend a seven year timeframe for the next EAP, with provision for a review early in the term of the next Commission. Following this, future EAPs should cover five-year periods, with an appropriate period of overlap with successive Commission and Parliamentary terms. Thus for example, future EAPs could be valid for up to a year into the term of a new Commission to provide sufficient time to develop and adopt a new EAP for the remainder of their term in office and the beginning of the following term.

- ***Links with other strategies and processes***

An EAP for 2013-2020 would also have clear advantages from the viewpoint of the interaction between environmental policy and the wider EU policy agenda. Its time horizon would match that of the EU 2020 Strategy, which is silent on aspects of environmental sustainability other than energy, transport related climate change, and resource efficiency (mostly energy efficiency) issues and thus needs a strong environmental counterpart, which the next EAP should provide. An important change in the European policy debate on growth, jobs and competitiveness has been the

diffusion of climate change language therein. Current discussions on the EU 2020 Strategy make frequent references to ‘green growth’ and the transition to a low-carbon economy. So far definitions of such terms have been focused on climate change and energy related issues. The EAP would provide a means to articulate what is meant by these terms and to translate their implications for environmental policy more broadly in a document resulting from a proper inter-institutional legislative process.

The effectiveness of the next EAP will be closely related to the provision of adequate financial resources for its implementation. Thus, ensuring that the next financial perspective reflects future environmental priorities is critical. From this viewpoint, the earlier the next EAP is adopted, the better, since the next financial perspective will cover the period 2014-2020 and will be negotiated in 2011-2013. The debate on the future EU budget has opened new windows of opportunity to influence the priorities and design of future EU public spending, including new own resources. The timely presentation of a proposal for a new EAP would provide an important indication of upcoming environmental challenges and the likely resources necessary to address them. Since the Commission is due to present its first proposals for the 2014-2020 financial perspective in July 2011, it is important that its policy intentions with respect to the EAP be clarified as early as possible during the final year of the 6EAP. Conducting both negotiations in parallel with a proposal for a strong EAP on the table (with roughly the same timeframe as the financial perspective) would maximise the prospect of integrating the environmental dimension in the budget debate and achieving breakthroughs in the financing of measures required to meet environmental policy objectives.

With regards to the SDS, the timing of the next comprehensive review is to be decided by the European Council before the end of 2011. The process could be launched at the earliest in 2012, thus running in parallel with the debate on the next EAP, but it seems highly unlikely that the Commission would wish to contemplate two ‘green’ programmatic instruments being negotiated simultaneously. The SDS purports to be an ‘overarching’ strategy, but its ability to play this role in a meaningful way has been hampered by timing problems from the start. When the SDS was launched in 2001, socio-economic priorities had already been decided in Lisbon one year earlier, also pre-empting the 6EAP. Again, in 2005, the re-launch of the Lisbon Strategy preceded the renewed SDS, which was adopted one year later. With the launch of Europe 2020, a similar scenario seems to be unfolding once more. To be meaningful as a strategic instrument, a new SDS would necessarily have to take a longer time perspective than 2020. The future of the SDS is too uncertain at the present time for us to be able to formulate specific recommendations on its interaction with future EAPs.

- *Enhancing the external dimension*

The 6EAP includes a number of explicit international objectives, in particular relating to the EU’s role in global environmental governance and the integration of environmental considerations in the Community’s external policies. The 6EAP also includes a number of internal objectives which have implicit external consequences, most notably in relation to the consumption of natural resources. The analysis in our accompanying report on ‘The External Dimension of the 6EAP: An Evaluation of

Implementing Policy Instruments³¹² reveals that the lack of policy coherence between external and internal policies and between different external EU policies has undermined the EU's ability to achieve these objectives. There is thus an opportunity for future EAPs to further address issues affecting the wider world, including coherence between the EU's internal policies (eg EU biofuels policy) and external environmental objectives, coherence between different external policies and objectives (eg trade and development cooperation), and issues relating to the EU's ecological footprint. Considerations of the EU's ecological footprint have been gaining ground in recent years and are increasingly being included in discussions on resource use and resource efficiency. Other external issues to be explored include the role of the EU in international environmental governance. At the Copenhagen climate change conference in December 2009, it became painfully evident that the EU's leadership on environmental issues in the global context cannot simply be assumed. There is thus a need to examine how policy will develop in the international context, the implications of this global context for the EU generally and its environmental policy specifically, and consideration of which international processes and debates the EU should participate in more actively in the future.

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