



Looking ahead:

25th Anniversary of the Birds Directive:

- **3-8 April** - International flyways conference
<http://www.wetlands.org/GFC/Default.htm>
- **November** – Birds Directive Celebrations
<http://europa.eu.int/com/m/environment/nature/birds/index.htm>

Biodiversity Strategy Review

- **25 – 26 May** - Stakeholder Conference 'Biodiversity in Europe - Delivering 2010'

European Green Week

- **1 - 4 June** – Informed Choices for a Greener Europe
http://europa.eu.int/com/m/environment/index_en.htm

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Brussels in Brief

A Guide to the European Union's Environment Policy

With this edition, we are introducing a new regular feature to the IUCN Newsletter. Brussels in Brief hopes to offer you an informative and illuminating insight into the European Union (EU), its institutions, policies and processes. Brussels in Brief will provide a platform to explain the substance of environmental policy, as well as highlight some of the up-coming EU agenda items relevant to Europe and beyond.

In producing this insert, IUCN ROFE is co-operating with the Institute for European Environmental Policy (IEEP) in Brussels. IEEP is an independent, non-profit organisation. It brings a non-partisan analytical perspective to policy questions and engages with stakeholders to raise awareness and advance policies. We hope to provide the IUCN readership with a valuable guide to the EU environment and nature conservation agenda, signposting opportunities to engage in the debate or make use of existing policies.

Each edition of Brussels in Brief will consider topics which relate to the overall thematic focus of the current issue. For this first edition, we have tried to identify some of the key concepts and actors operating at the EU level, to provide the policy context for future issues.

◇ *EU decision-making framework*

As many readers will know, the European Union (EU) differs from all other inter-governmental organisations in many significant respects. Above all, it has powerful institutions which are able to adopt legislation that is binding on the Member States without further review or ratification by national authorities.

The main 'Community institutions' are:

- *The European Commission* – the 'guardian' of the Treaties, and responsible for initiating legislative proposals and for representing the EU in many international fora;
- *The European Parliament* – directly elected by European citizens every five years, it now has wide powers to amend draft legislation and adopt or reject proposals jointly with the Council;
- *The Council of Ministers* – consists of the relevant Ministers from the Member States' governments. The Council, increasingly with the Parliament, adopts legislation;
- *The European Court of Justice* – ensures that Community law is interpreted and applied consistently in all Member States. Not only can the Court rule against a Member State for failure to implement legislation, it can also fine persistent rule breakers;
- *The Court of Auditors* – audits income, and past and current expenditure by the Community.

In relation to environmental issues, the *European Environment Agency* also plays an important role, notably in the provision of ecological data and state of the environment monitoring (see below).

◆ ***The Commission's decision making structure***

Given its role in developing legislation, and ensuring that it is implemented, the Commission is clearly a critical institution. It is headed by the Commission President (at present Romano Prodi) and twenty Commissioners appointed by the Member States and Parliament for a five year period.

Each Member State has one or, for large countries, two Commissioners. Each

Commissioner is, in theory at least, committed to acting in the interests of the Union as a whole and not taking instructions from national governments. The number of Commissioners per country will change after enlargement; from November 2004 each country will have one Commissioner.

Directorates-General & Services

The Commission is organised into 36 departments, known as 'Directorates-General' (DGs) and 'services' (eg Legal Service). Each is responsible for a particular policy area and is headed by a Director-General who is answerable to one of the Commissioners.

It is the DGs that actually devise and draft the Commission's legislative proposals, which become official only when adopted by the college of 20 Commissioners.

Based largely in Brussels, the DG for Environment has around 550 staff, making up just under 4% of the Commission's 15,000 staff. To put this into perspective, the administration of a medium-sized European city will often employ more people than the entire Commission.

DG Environment's Nature Unit

DG Environment is further subdivided into eight Directorates, eg on Quality of Life, and on the LIFE Financial Programme, Legal Implementation & Civil Protection. Within the first, there are four units on:

- Water, the Marine Environment and Soil;
- Nature and Biodiversity;
- Forests and Agriculture; and
- Health and Urban Environment.

The Nature Unit mainly focuses on matters relating to the Birds and Habitats Directives, and the Biodiversity Strategy.

Working Groups on nature and biodiversity

The work of DG Environment is informed by a range of different Working Groups (WGs). Some are formed *ad hoc* to help provide guidance on questions of implementation, for instance. Others

are established as a permanent structure to help assist the implementation process of certain policies. They are:

- *Ornis Committee* – set up to assist the application of the Birds Directive, comprising national experts from the national governments and the relevant Commission unit.
- *Habitats Committee* – set up to assist the implementation of the Habitats Directive, and to deliver an opinion on the draft list of LIFE-Nature projects to be financed each year. The composition of this group is largely similar to that of the above.
- *Biodiversity Expert Group (BEG)* – is a consultative standing group with the mandate to promote the implementation of the EC Biodiversity Strategy and Action Plans (BAPs), to monitor progress in their implementation, and to promote the complementarity of action taken at Community and Member State levels. Chaired by DG Environment, this group also consist of national experts.

∞ *The policy framework and key processes*

Environment in the Treaty

The EU is a Treaty-based organisation, and the EU institutions can only act if the Treaties give them powers to do so.

Although European environmental policy got underway before 1987, based on parts of the existing Treaty, the 1987 Single European Act for the first time established an explicit legal basis for the Community's environmental policy, including provisions for nature conservation.

Articles 174-176 of the Treaty spell out four key objectives for EU environmental action:

- to preserve, protect and improve the quality of the environment;
- to contribute towards protecting human health;

- to ensure a prudent and rational utilization of natural resources; and
- to promote measures to deal with regional or world environmental problems.

On this basis, the EU has now developed an impressive and in many ways ambitious body of environmental law.

Integrating environmental considerations

A key aim of EU environmental policy is to integrate environmental considerations into the sectoral policies such as energy and agriculture. Article 6 of the Treaty states: '*environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities ...*'. This is the framework for the greening of all EU policy.

The integration requirement has been taken forward in various ways, including new obligations on the Council (ie the Cardiff Process).

But progress so far has been mixed. The recent mid-term review of the Common Agricultural Policy (CAP) has been somewhat successful in greening agricultural policy, and the 2002 reform of the Common Fisheries Policy (CFP) has strengthened the basis for adopting environmental (fisheries) measures at Community and Member State level. Less progress is apparent in other sectors.

There will be reviews of the integration process every two years, based partly on a Commission paper, beginning at the 2004 Spring Summit.

The Sustainable Development Strategy

A long-term vision for economic growth, social cohesion and environmental protection is set out in the 2001 EU Sustainable Development Strategy (SDS), sustainable development being one of the EU's key objectives. The SDS focuses on six long-term threats to sustainable development, four of which are environment related:

- climate change;

- public health;
- the management of natural resources; and
- transport and land-use planning.

A substantial review of the integration process and SDS is expected to take place in 2004/2005, and could be a suitable opportunity to pinpoint deficits in implementation and to make concrete proposals for improvements. It also represents a vehicle for translating the World Summit on Sustainable Development (WSSD) goals into concrete targets for the EU.

The Sixth Environmental Action Programme and its Thematic Strategies - the delivery tool

The broad direction of EU environmental policy is presented in successive Environmental Action Programmes (EAPs). The current sixth EAP (2002-2012) is set out around four key priorities:

- Climate Change;
- Environment, health and quality of life;
- Nature and Biodiversity; and
- Natural resources and waste.

Key policies for the next decade are to be elaborated further in seven *Thematic Strategies*. Progress has been made in consulting stakeholders on all but one (expected publication):

- **Soil** (September 2004)
- **Marine Environment** (May 2005)
- **Pesticides** (September 2004)
- **Air Quality** - Clean Air for Europe (CAFE) prepares the strategy (2004)
- **Natural Resource Management** (date not known)
- **Waste Prevention and Recycling** (mid 2005)
- **The Urban Environment** (the delayed consultation document is expected in January 2004)

EU nature conservation – tools for implementation

All these processes and programmes will, to some extent, impinge on nature and biodiversity. But the core of EU biodiversity policy is set out in the 1979 Birds Directive, the 1992 Habitats Directive and the 2000 Water Framework Directive.

The implementation of the Birds and Habitats Directives requires the introduction of species protection measures at national level and the establishment of a ‘coherent European ecological network’ of sites of Community importance, called Natura 2000.

The Water Framework Directive is aimed at achieving a good ecological status for all EU waters to a set timetable. It introduces a single EU-wide system of water management by river basin, replacing the widespread approach of managing water quality according to administrative or political boundaries. The practical application of the Directive is currently being tested in a series of pilot river basins.

Significant delays in the implementation of the nature Directives means that some lists of Natura 2000 sites are still incomplete. The marine aspect remains particularly patchy. In an attempt to improve the Directive’s application, legal challenges have been mounted against most if not all Member States. The Water Framework Directive is more recent and key implementation deadlines are still ahead.

■ **Supporting policy developments**

Funding nature conservation

It has been estimated that managing Natura 2000 in the current Member States (EU 15) could cost between €3.4 and 5.7 billion each year over the next ten years. Both management and significant investments are involved. There are a number of EU funding opportunities to support this, in addition to national budget lines, as outlined below:

LIFE *Nature*, the financial instrument for nature conservation in the EU, is the only fund specifically aimed at the conservation of natural habitats and wildlife. It supports the implementation of the Birds and Habitats

Directives by co-financing projects aimed at eg the development of scientific inventories, leasing land, the restoration of sites, public awareness raising and exchange of good practice.

Between 1994 and 2000, LIFE *Nature* supported 418 projects with a total budget of approximately €279 million. For the period to 2004, a further €300.8 million has been earmarked.

Often regional authorities and non-governmental organisations (NGOs) play an important role in implementing the Habitats and Birds Directives, consequently they receive a significant share of LIFE Nature funding.

The Structural Funds

A significantly larger financial contribution to nature conservation could potentially come from the EU Structural Funds – the main budget for economic and social development of disadvantaged regions, sectors and social groups. The agricultural budget is also an increasingly important fund for nature management.

There are four types of Structural Funds, with an annual budget of €30 billion, with the principal purpose of contributing to the ‘harmonious, balanced and sustainable development of economic activities’ as well as ‘the protection and improvement of the environment’.

A Commission Communication on the Financing of Natura 2000 probably referring to the Structural Funds is expected in March 2004.

The Information Gap - research & monitoring

The Research Framework Programme (FP) is the EU’s main instrument for research funding in Europe. Running currently in its sixth phase (FP6), each FP normally covers a period of five years.

The FP6 aims to contribute to the creation of a true ‘European Research Area’, by fostering scientific excellence, competitiveness and innovation through the promotion of better co-operation, coordination and integration. Project proposals must be of a transnational character.

The budget for the FP6 is €17.5 billion. This represents close to 4% of the EU’s overall budget (2001), and 5.4% of all public (non-military) research spending in Europe. Approximately 18% of the money allocated to seven thematic priority areas is earmarked for ‘Sustainable development, global change and ecosystems’ (€2,120 million).

The amount of funding available for each project can vary substantially, depending on the type of project, the number of project partners and the ambition and scope of the research to be carried out.

The European Environment Agency

The European Environment Agency (EEA) and the European Environment Information and Observation Network (EIONET) were established in 1990, through a decision by the Council and European Parliament (Regulation 1210/90).

Its core tasks are to provide the Community and the Member States with:

- objective, reliable and comparable information at European level, to assess the results of such measures and to ensure that the public is properly informed about the state of the environment; and
- to that end, the necessary technical and scientific support.

This role is purely advisory, with the Commission being responsible for the enforcement of policies.

EIONET is a collaborative network funded by the EEA and its member countries, connecting ‘National Focal Points’, ‘European Topic Centres’, ‘National Reference Centres’, and ‘Main Component Elements’. Jointly they provide information on the state of environment.

Despite its essentially EU roots, the EEA has extended its reach to include 31 member countries,

including all acceding countries, as well as applicant countries eg Romania and Turkey.

▶ *The EU - a global driver*

In many respects, the EU is a global driver on the environment, both positively and negatively. As a leading player in political, economic and environmental terms, the EU has been at the forefront of international commitments, not least on climate change. It is also a major source of development assistance.

Through its consumption on the world's resources and its external policies, the EU is however also exerting a significant footprint beyond its borders. Consumption of non-EU resources has increased by 11 per cent between 1995 and 1997.

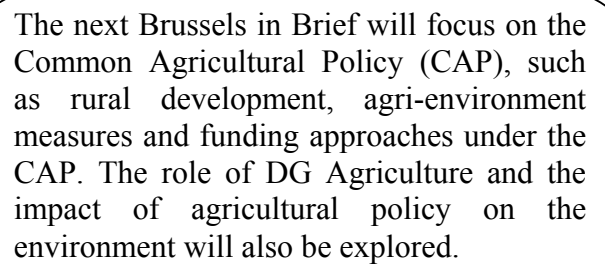
The Green Diplomacy Network

In 2003, the Council agreed to launch an informal network of environment experts and diplomats within national foreign ministries, the so-called Green Diplomacy Network. Their aim is to promote the integration of environment into external relations. The Network is slowly coming into focus, with its first two meetings establishing a draft Action Plan, a work programme and working guidelines.

Enlargement – the EU's biggest contribution to sustainable development?

On 1 May 2004, ten new Member States will join the EU. Some say enlargement represents the EU's greatest single contribution to global sustainable development. This is because with accession all new Member States will have to have transposed and implemented the large body of EU law – including all environmental legislation and policy (except where specific transition periods have been negotiated).

An enlarged EU will host areas of richer and more pristine nature, and at the same time face greater economic and social disparities than at any time in its past.



The next Brussels in Brief will focus on the Common Agricultural Policy (CAP), such as rural development, agri-environment measures and funding approaches under the CAP. The role of DG Agriculture and the impact of agricultural policy on the environment will also be explored.