Evaluation of the European Environment Agency

An IEEP/EIPA Study

A FINAL REPORT TO DG Environment

PART A: MAIN REPORT

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The role of the Steering Group was to ensure that the evaluation Terms of References were adhered to, and to give advice and opinions on the draft text of this report. The IEEP/EIPA team would like to thank the Steering Group for their constructive contributions to the project throughout. The contents of this report do not necessarily reflect the opinions of the members of the Steering Group.

IEEP/EIPA are also grateful for the contribution and collaboration of the wide range of stakeholders consulted during this evaluation – as noted in Annex 3, in Part C of this report. Without this contribution, and in particular the extensive commitment from both DG Environment and the EEA, this evaluation would not have been possible. Again the contents of this report do not necessarily reflect the opinions or positions of the experts and organisations consulted.
EVALUATION OF THE EEA
A Study by IEEP/EIPA for DG Environment - Final Report

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**EVALUATION OF THE EEA**

A Study by IEEP/EIPA for DG Environment - Final Report

**CHAPTER 1: INTRODUCTION**

1.1 Aims and Objectives of the Evaluation

This is a joint study undertaken by the Institute for European Environmental Policy (IEEP) and the European Institute of Public Administration (EIPA), to evaluate the contribution of the European Environment Agency (EEA – see Box 1.1) to environmental policy making in Europe. The final report will provide the key input for a Commission Report to the Council of Ministers at the end of 2003. On the basis of this Commission report, the Council shall review the progress of, and tasks undertaken by, the Agency in relation to the Community’s overall policy on the environment.

**Box 1.1 The European Environment Agency and EIONET - A network organisation**

The European Environment Agency was set up through EEC Regulation 1210/1990, amended by EEC Regulation 933/1999 and has been operational since 1994.

The EEA’s core task is to provide decision-makers with the information needed for making sound and effective policies to protect the environment and support sustainable development. The Agency both gathers and distributes its data and information through the European environment information and observation network (EIONET).

EIONET is a collaborative network of the EEA and its (now 31) Member Countries, connecting National Focal Points (NFPs) in the EU and third countries, including accession countries, European Topic Centres (ETCs), National Reference Centres (NRCs). These organisations are to jointly provide the information that is used for making decisions for improving the state of environment in Europe and making EU policies more effective.

EEA clients include, at the institutional level, the European Commission, Parliament, Council, EEA member countries, the Scientific Committee, and at the wider public level NGOs, business, media, advisory groups/persons, the scientific community and the policy engaged public.

The project has been led by DG Environment (Study Contract B4-3040/2003/352363/MAR/G1). It is being guided by a Steering Group (SG) of the Agency’s stakeholders, including representatives from the European Commission, the European Parliament, the EEA in Copenhagen, the Scientific Committee, the European Topic Centres and Member

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1 Countries include: acceding countries (the 10 that become Member States in 2004), accession countries (Romania and Bulgaria), candidate countries (Turkey), future candidates, and of course EFTA countries. Note that the Balkans are currently EIONET collaborating countries though not formally part of the network.
Countries through the National Focal Points. This project was carried out over the period April to August 2003.

Objectives of the Evaluation: This evaluation, called for by the Regulation for the EEA (1933/1999), is the more recent in a sequence of evaluations of the EEA. The overall object is to assess the contribution and performance of the EEA and clarify an appropriate future role that the EEA can play in the EU to contribute to protecting Europe’s environment.

1.2 General Context for the Evaluation

This evaluation is taking place alongside a debate on the role of agencies, as well as within a context of a broader EU governance debate, and on the threshold of EU enlargement from 15 to 25 Member States. This is an important context as issues of budgets and agency management may be linked between agencies and recommendations for action regarding the EEA will clearly have to be consistent with the broader agency debate where possible.

The governance debate is important given that it addresses the importance of information in EU policy making, consistency of EU policy, role of decentralisation and subsidiarity, importance of accountability and transparency and appropriate roles and rules for agencies. These topics are important with a view to improving the quality and effectiveness of EU policy and to keeping the institutional mechanisms as close as possible to the public. These objectives have been underlined in the White Paper on European Governance in order to strengthen the legitimacy of the European Union. This wider governance debate is important to take into account as it underlines values that are important for any agency and for EU institutions in general: subsidiarity and combining administrative strengths in networks and accountability.

Furthermore, the agency and the governance debates explore opportunities for European agencies to contribute to influencing governance of environmental challenges. After the historic EU emphasis on legislation, there is now a move towards ‘soft regulation’ and agencies can potentially play an important role here through information provision (i.e. informing the public) and peer group pressure.

Finally, EU enlargement is key given that there are new environmental challenges, the scale of existing challenges is often different in accedent countries and the tools to address these challenges have to be developed to suit the larger EU.

1.3 EU Policy Making Context

The work of the EEA has taken and is taking place within a changing EU policy making context. While this is explored in detail in Chapter 3, it is important to underline some of the main developments. These include moving away from focusing on individual directives and policies addressing particular problems, towards a more coordinated, interrelated and consistent whole, with the greater use of thematic strategies (as in 6EAP), more integration of environment in other sectors, and a move towards sustainable development concerns rather than separate environmental, economic and social concerns. Furthermore, moving
(environmental policy) forward will require more data and more evidence, and the use of more sophisticated analysis. The need for data and evidence is particularly important in the context of an increasingly competitive global market place, where arguments on the lack of credible evidence are increasingly used to challenge environmental policy measures.

1.4 EEA Context

The EEA was set up to help develop the EU’s capacity to understand the environmental problems and develop appropriate policies in light of improved knowledge. One of the key issues in the creation of the EEA was to combine and build administrative capacities in the member countries. The regulation setting up the EEA gave some flexibility to the EEA in what areas to focus on and what products to use and the Agency has been criticised on occasions, given the many different expectations as to what is should do and how it should do it. There was no clear commonly understood brand image or role for the Agency. Some expected the Agency to have a purely data role, others expected it to make important contributions more broadly. Many argue that some problems were unavoidable given that the Agency was new, in a start up phase, and trying to find its place among the many institutions and organisations contributing to environmental policy in Europe. The Agency, formally operational since 30 October 1993 and with the first Director in place since June 1994, is now entering a new phase as the agency becomes mature and with a new Director, recently in post. This evaluation is therefore particularly important as an input to the new stage of the Agency’s development.

1.5 What is this Evaluation?

This evaluation contains an ex-post assessment of the performance and contribution of the Agency upon which recommendations for a future role, and indeed brand image, are built. This evaluation therefore seeks to address some ‘big questions’ – what is the quality of the contributions of the EEA; should the EEA have a single focus core task or multiple focus; what is the role of the EEA in data collection, analysis and contribution to EU environmental policy development; where should it play a role in the policy cycle; what is the role of the Commission and other stakeholders in relation to the EEA; given the network character of the Agency, should there be more centralisation of capacity, resources and tasks or greater distribution; is the governance structure of the EEA effective and appropriate; what is the continued appropriateness of the Regulation, and is the budget appropriate?

While Annex 1 in Part C of the report, contains the full terms of reference for this evaluation, the explicit questions that this evaluation has sought to answer in detail are the following:

Interpretation of EEA’s Mission

1. How has the core business of the EEA been interpreted in practice (as reflected in its MAWPs, outputs etc)? How has this changed over time? How have these decisions been made?
2. Have the EEA’s budget and staff been sufficient to undertake all of these tasks effectively?

Policy Relevance

3. How far have the EEA’s strategic priorities matched the policy agendas of the EEA’s principal clients: (a) Commission; (b) Council and Member States and (c) European Parliament?

4. To what stage(s) of the policy cycle has the EEA contributed most effectively?

Relationship with Parallel Organisations

5. To what extent has the EEA been distinct from/overlapped with/ or added value to the work of Eurostat, OECD, UNECE etc? Could these other organisations equally do what the EEA has done?

Autonomous Status

6. In practice, how much autonomy has the EEA enjoyed as an agency, particularly vis-à-vis the Commission. What have been the consequences of this? Has this changed over time, and why?

Geographical Scope

7. How has the EEA’s early geographical expansion (a) contributed to the enlargement process and (b) affected its overall effectiveness?

Effectiveness of Organisational Structures

8. What have been the strengths and weaknesses of the structure of the EIONET, particularly with regard to (a) NFPs and (b) ETCs and how has this changed over time?

How effective are the EEA’s internal governance mechanisms (ie Bureau, Management Board, Scientific Committee), particularly in representing the views of MSs, other EU institutions, the scientific community?

Effectiveness of Outputs

9. In relation to both (a) EU policy development and (b) provision of information to the general public

10. How effective have EEA outputs been, with respect to (a) targeting; (b) reliability; (c) relevance; (d) timeliness and (e) impact, and have they been cost-effective?

Future Challenges

11. What are the future policy challenges to which the EEA should contribute?

12. Should the EEA’s Regulation now be amended in relation to (a) tasks - more tightly, or more narrowly, defined and (b) governance structure?
These questions rephrase and/or reorder the explicit questions in the evaluation’s terms of reference (ToR). This list, which covers all issues of the ToR and has been agreed by the Steering Group, facilitates the presentation of the results of the evaluation and has been used to structure this evaluation report.

1.6 Structure of the Report

Chapter 2 presents an overview of the methodology. Chapter 3 presents the results of the first part of the analysis, notably the assessment of the policy baseline and context for the Agency’s work, against which the evaluation of performance was carried out. Chapter 4 presents the conclusions of the evaluation of the Agency’s contributions over the period up to 2003, structured against the key study questions – covering the first 10 of the above 12. Chapter 5 presents a summary of the conclusions and recommendations in the context of the future policy challenges in Europe, answering questions 11 and 12 as well as building on the 10 questions of the retrospective analysis. This main report is complemented by Part B, which contains the case studies, and by Part C, the annexes.
CHAPTER 2 METHODOLOGY

2.1 Overview

The evaluation study used a range of materials and methodological tools to assess the policy and institutional ‘baseline’ - the context against which the evaluation was carried out - and address the 12 key study evaluation questions outlined in Chapter 1. In particular, inputs include:

- Structured interviews with a wide range of stakeholders, including questionnaire responses
- Selected case studies
- Analysis of relevant documents, including policy archives, EEA work programmes, report of activities, minutes of meetings, and EEA outputs.
- Analysis of materials from previous and concurrent assessments, notably:
  - Arthur Andersen’s Evaluation of the EEA and the EIONET 1994-2000
  - Professor Majone’s study of the role of specialised agencies, 1999
  - Background paper and conclusions of an EEA/EFIEA joint initiative on Utilities of the Science Policy Interface, 1999-2000
  - The EEA’s self-assessment, 2003
- Development of policy framework to assess the policy context throughout the EEA inceptions and operation.

Developing and Fine Tuning the Method in Light of Steering Group Feedback

The project team developed a series of working papers at an early stage of the project to cover key issues and expand on the methodology as presented in the tender. These working documents were presented to the first meeting of the project Steering Group for comments, and in some cases were amended or added to as a result of inputs, circulated again as part of the inception report, and subsequently where appropriate. This was intended to allow the project team and the Steering Group to satisfy themselves that the proposed methodology was adequate to achieve the defined tasks. The Steering Group expressed themselves satisfied with the overall approach and coverage, subject to several points which have since been reflected in other aspects of the study. These documents were working documents and are not annexed to this final report, though key issues are integrated into this report where relevant.

The summary table below (Table 2.1) shows in more detail how the various elements of the methodology address the key study questions, noting the level of contribution (scale of the dots) that the various study inputs made to answering the evaluation questions. The main points on the methodology are also noted in this chapter.
Table 2.1: Relation of Inputs to Outputs - the Baseline and Study Questions

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Key Study Questions</th>
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<tr>
<td>1.1 Relevant Policy</td>
<td>4 Policy Relevant – Point in Policy Cycle</td>
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<tr>
<td>1.2 Situation in 1994</td>
<td>5 Relation with other organisations</td>
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<td>1.3 Selection of Outputs</td>
<td>6 Autonomous status</td>
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<td>1.4 Definition of Clients</td>
<td>7 Geographical scope</td>
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<td>1.4 Definition of Clients</td>
<td>8a Effectiveness of Organisational structure &amp; EIONET</td>
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<td>1.4 Definition of Clients</td>
<td>8b EEA internal governance structure</td>
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<td>1.4 Definition of Clients</td>
<td>9-10 Outputs effectiveness</td>
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<td>1.4 Definition of Clients</td>
<td>11 Future challenges</td>
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<td>1.4 Definition of Clients</td>
<td>12 Amending the regulation</td>
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<th>Materials</th>
<th>Working Methods</th>
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<td>Policy archives</td>
<td>Policy framework analysis</td>
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<td>Questionnaire responses</td>
<td>EEA activity matrix</td>
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<td>Case studies</td>
<td>Case studies</td>
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<td>EEA work programmes</td>
<td>Interviews (see 'Case studies' above)</td>
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<td>Input from SG</td>
<td>Outputs analysis (see 'Questionnaire responses' above)</td>
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<td>Reports of activities</td>
<td>Ad-hoc research</td>
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<td>EEA Outputs</td>
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<td>Minutes of meetings</td>
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<td>Arthur Andersen</td>
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<td>Majone report</td>
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<td>EFIEA workshop</td>
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<td>EEA self-assessment</td>
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Key: Level of contribution noted by size of dot, ranging from no dot - no contribution, up to large dot - very significant contribution.
2.2 Setting the Baseline

The performance of the EEA has to be judged against a baseline, which includes major environmental policy development milestones in the EU, and key initiatives by EEA clients/stakeholders. This helps contribute to the framework of policy activity during the relevant time frame against which the EEA’s priorities can be judged. While the main results of our analysis are presented in Chapter 3, the main points of the approach are noted below.

Time Period

The study takes account of the 1995-2003 time window, but gives greater weight to more recent years to reflect collective learning in the Agency over the intervening years. There would be little merit in highlighting a weakness in the Agency’s response to a certain category of event in 1995, if that was a lesson which had clearly been learnt by 2000 and the deficiency remedied. Key events before 1995 are taken into account also as they set the scene and context for the EEA creation and start up.

EEA Objectives

The broad objectives of the EEA are set out in its founding Regulation 1210/1990, as amended by Regulation 933/1999. They are

‘to provide the Community and the Member States with the objective information necessary for framing and implementing sound and effective environmental policies’

and to ensure broad dissemination to the public of reliable environmental information, particularly on the state of the environment. This is a very broad remit – made more so since key terms such as ‘environmental policies’ and ‘information’ are not closely defined.

Key Policy Milestones

The nature of the EU’s environmental policy and the way that it is developed have undergone considerable changes during the lifetime of the Agency, and an evaluation of the EEA’s performance needs to assess how successfully it has responded to these developments. While the baseline is analysed in Chapter 3, the following are key policy milestones that the evaluation takes into account.

- The Maastricht and Amsterdam Treaties
- the Fifth Environmental Action Programme (1993-2000) and the Sixth Environmental Action Programme
- sustainable development and the EU Sustainable Development Strategy
- the commitment to enlargement of the EU (1992 Copenhagen European Council)
- the Commission’s European Governance White Paper (2000) and the Aarhus Convention
New Policy Procedures

These policy milestones have been accompanied by the introduction of novel structures and procedures for developing policy. Environmental policy is no longer developed exclusively through the EU’s legislative procedures, nor is it the responsibility of DG Environment alone. Important new mechanisms include:

- the ‘Cardiff process’ for developing sectoral environmental integration strategies.
- the development of 6EAP Thematic Strategies, bringing together a broad range of Commission DGs and stakeholders to identify and define policy problems of a cross-sectoral nature; clarify options for tackling them effectively; and develop indicators and monitoring systems.
- the setting by EU heads of government of sustainable development policy priorities at the annual spring European Council, on the basis of the Commission’s spring ‘synthesis report’.
- the introduction of a new, integrated system of impact assessment - incorporating sustainability assessment - for all major Commission proposals.

These new procedures have created a potential new range of clients for the EEA’s products, and new policy cycles to which it needs to respond.

The analysis of the policy framework or baseline for analysis of the EEA’s performance is given in Chapter 3.

2.3 Stakeholder Interviews

A core element of the work was an extensive list of stakeholder interviews. This included the use of the questionnaire (see Annex 2), emailed communication with stakeholders, telephone and face-to-face interviews. A number of different interview methods were used both separately and in a mixture. Some interviews were carried out following the Delphi technique. This helped to systematise expert opinions and progressively close loose ends. Other interviews were expert opinions focused on limited areas and sub-questions, others were expert opinions of general character structured around the key questions of the overall evaluation. Finally, some interviews were follow-up to deepen insights from questionnaires and other email communication.

A balanced and unbiased selection of stakeholders was sought to obtain appropriate coverage and specific insights. There was a wide coverage in terms of stakeholder types and nationalities (notably within the National Focal Points), and feedback from the Steering Group as to the study team selection of stakeholders was taken on board to help fine tune working lists of stakeholders.

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2 Experts are consulted separately in a number of different rounds. Each new interviewee is told the opinion of the previous interviewed experts, which can reduce disagreements (source: European Commission (1997): Evaluating EU expenditure programmes – A guide).
Table 2.2 gives an overview of the coverage of different stakeholders (see also Annex 3 in Part C for further details) – which includes stakeholders also addressed through the case study analysis. The organisations that received the most direct attention in terms of interviews were the EEA itself and the European Commission’s DG Environment. To ensure appropriate geographic coverage, all National Focal Point and EEA Management Board members received the questionnaire. Other details are given in the table.

### Table 2.2 Stakeholder Coverage

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<tr>
<th>Organisation</th>
<th>Approach</th>
<th>Final Coverage</th>
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| European Commission           | Major focus on DG Environment, with interviews also with Secgen, DG Fisheries, DG Tren, DG Agriculture and Eurostat. | DG Environment: 15 interviews  
  Secgen: 2  
  DG Fisheries: 1  
  DG Tren: 1  
  DG Agriculture: 1  
  Eurostat: 4 |
| EEA Staff                     | Management Staff interviews + additional contact with technical staff for case study specific questions | 12 Interviews:  
  7 Key Management Staff  
  5 technical staff |
| EEA Management Board          | All Management Board members and alternates received the questionnaire. In depth interviews: particular individuals. Study team attended 2 EEA Management Board meetings | 7 Questionnaires received: 6 EU country representatives + 1 representative from candidate country  
  Interviews: 2 |
| EEA Scientific Committee     | All Scientific Committee Members received the questionnaire. In depth interviews: particular individuals. | 2 Questionnaires received  
  Interviews: 1 |
| Environmental Topic Centres (ETCs) | All ETC Managers received the questionnaire.  
  Team member attended relevant parts of ETC/NFP meetings in Barcelona. EEA evaluation of ETCs. | 3 Questionnaires from ETCs or ETC partners  
  Interviews: 3: and discussions in Barcelona |
| National Focal Points (NFPs)  | All NFP contact points were sent the questionnaire.  
  Team member attended relevant parts of ETC/NFP meetings in Barcelona. Additional direct interviews | 13 Questionnaires received: 7 EU countries + 6 CEE/other countries  
  Interviews: 3 full + discussions in Barcelona |
| Other Country Representatives | Focus on presidency teams for in-depth interviews plus national representatives for specific case studies | 5 interviews |
| European Parliament           | Face to face interviews + EP correspondence to EEA | 3 interviews |
| NGOs                          | Face to face interviews | 2 interviews |
| Industry                      | Email communication | 1 stakeholder |
| Other: OECD, World            | Face to face interviews and | 6 interviews + 1 Questionnaire |

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3 Note that in some cases precise (country) affiliations and names are not given as respondents requested anonymity.
The Questionnaire, presented in Annex 2, was piloted and updated in light of feedback. It was used as the basis of face to face or telephone interviews. In addition, it was used as the basis of some circulation by email. In particular, electronic copies were circulated to the European Topic Centres (ETCs), all the National Focal Points (NFPs), the Management Board and the Scientific Committee. The formal questionnaire has since been supplemented by a working list of questions, which arose in the course of our analysis, to be addressed to specific individuals or groups. A total of 27 completed questionnaires were received by 24 July 2003. Given the heterogeneous nature of the stakeholders, no overall statistical analysis appears to be useful, and the primary aim was to obtain insights (comments and quantified assessment of particular questions) and inputs (and also cross-checks) for the analysis - only some quantitative results from the questionnaire are used in the report to help underline points and make clear stakeholder perceptions. The same approach - insight mining rather than statistical representation - was taken for the homogenous subgroup (NFPs, MB, SC, ETCs), as while a fair share of the questionnaires were completed and returned, there was not a statistically significant sample size. It was never expected that detailed statistical analysis would be possible for the type of questions being explored within this evaluation and given the wide range of (different) stakeholders and areas of interest.

2.4 Case Studies and Selection Criteria

Nine case studies were explored in depth during this evaluation. These addressed the following areas:

1. Water quality  
2. Thematic strategies: CAFE et al  
3. State of the Environment (SoE) reports  
4. Candidate countries and non-member states  
5. Global assessment of 5EAP  
6. The Cardiff process and the SDS  
7. Indicators  
8. Data flows and data management  
9. Reporting requirements

This final list was agreed following Steering Group discussions on the particular issues each case study focused on and the need to ensure appropriate balance and coverage of issues. The scale of the case studies varied given the relative importance in answering the evaluation questions as discussed above.

The case studies are a major input to the analysis. The insights have been integrated into the analysis results presented in Chapter 4 and recommendations noted in Chapter 5. A summary of the case studies is presented in Annex 3, given in Part C of this report.

4 Note also that the questionnaires were sent primarily to the NFPs, SC, ETCs, and the MB as these each have particularly in-depth and valuable understanding of EEA-EIONET practice, though the results were also seen in the perspective that these organisations are de facto part of the broader EEA System.
Presentation and Rationale of Case Studies

This list of case studies was designed both to illuminate a wide range of aspects of the EEA’s work, and to cover a broad range of the different policy areas discussed in the policy framework paper. An overview of how the case studies address the key study questions is presented in Table 2.2 below. This underlines that the case studies will offer valuable inputs into 9 of the 12 key study questions, and some supporting input to the other 3, where interviews will offer the most substantial basis for conclusions.

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Note the above are illustrative indications of contributions.

Case Study Methodologies

The case studies were based primarily on interviews and analysis of written materials. Interviews were undertaken with relevant specialists in each of the relevant areas, to include EEA and DG Environment staff plus additional stakeholders from other relevant institutions (eg other DGs, Parliament, ETCs, national governments and other users, OECD or UNEP) as appropriate. A wide range of other materials was accessed where available, depending on the case study in question. In addition the team made use of already-scheduled events (such as the Kiev conference 21-23 May 2003) to conduct intensive interviews or draw a range of views from proceedings.
2.5 Other Inputs

As noted in Table 2.1, there are a range of other inputs to the work, including: policy archives, EEA work programmes, input from the Steering Group, reports of activities, EEA outputs, minutes of meetings, the Arthur Andersen evaluation of the EEA, the Majone report, and the EEA self-assessment. Each of these is being taken into account to obtain the necessary insights for the evaluation.

Past and ongoing evaluations are clearly important inputs to this study, not only given the insights that can be obtained to help answer questions for this evaluation, but also to avoid repetition and hence optimise use of time and resources. The key insights to this evaluation that stem from past and ongoing evaluations have been integrated into this report, and Annex 4 presents a short summary of the main points of the Arthur Andersen evaluation.

The study team was given access to selective DG Environment archives of communications regarding the EEA, offering important historical context, as well as insights into past expectations, outputs and developments.

2.6 Integrating Insights and Developing Recommendations

Insights into the value of EEA contributions arise from various elements of the methodology (as illustrated in Table 2.1), and a key task was to ensure that the elements were appropriately brought together to ensure coherent, consistent and transparent conclusions which allow coherent, consistent and transparent recommendations. To facilitate this process, the reporting of results is built around the key study questions rather than the study inputs. It is clear, however, that there are many divergent views across stakeholders as to what the particular conclusions should be and even more divergence as to what should be done to address these strengths and weaknesses of practice. Consequently the study team sought to present the conclusions and recommendations as transparently as possible, noting the differing perceptions and experiences of stakeholders. The aim of this is also to facilitate the work of DG Environment which is drafting a Communication to the Council and Parliament on the EEA, with this report as a prime input.
CHAPTER 3  KEY FINDINGS

This chapter describes the ‘baseline’ situation facing the future EEA when the Regulation was agreed in 1990, in relation to the challenges posed by the EU’s environmental policy, and the availability of environmental data at that time. The chapter then briefly outlines the main stages in development of the Agency from its start-up in late 1993, to the present day.

3.1 Policy Challenges

The EEA’s founding Regulation 1210/90 was agreed in May 1990, but it could not come into effect until the geographical location of the Agency had been agreed. This took place in October 1993, with the selection of Copenhagen for its headquarters. The purpose of the Agency was summed up in Article 1:

‘To achieve the aims of environmental protection and improvement laid down by the Treaty and by successive Community action programmes on the environment, the objective shall be to provide the Community and the Member States with:

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

In order to gauge the full dimensions of this challenge, it is necessary first to establish the policy context at the time the Agency was established, and then to review the subsequent EU policy milestones to which it also needed to respond.

Single European Act

Although the Community’s first environmental action programme had been agreed as early as 1973, it was not until 1987 in the Single European Act that environment policy was explicitly recognized in the Treaty. This was only three years before the EEA Regulation was agreed. Article 130r of the Single European Act specifically referred to the information needs of environment policy, which was to take account of:

- available scientific and technical data;
- the environmental conditions of the different regions in the Community and the need for their balanced economic and social development;
- the potential costs and benefits of action, or lack of action.

Furthermore, the Single European Act created additional information needs as a result of affirming a number of basic principles. The need for ‘preventive action’ would require the development of forecasts and scenarios to identify future environmental problems. Tackling environmental damage ‘at source’ would depend on unravelling complex natural and socio-economic causal pathways; while the integration of ‘environmental protection requirements’ into other Community policies would require detailed information on the inter-relationship
with the environment of a range of economic sectors. As set out in the Single European Act, the Community’s environmental policy depended upon the availability of information and analysis going well beyond standard ‘state of the environment’ data.

Fifth Environmental Action Programme

The formal establishment of the Agency coincided with preparatory work for the EU’s Fifth Environmental Action Programme Towards Sustainability (5EAP), which was eventually published in March 1992 (CEC, 1992b). The 5EAP was a wide-ranging and ambitious document that proposed a more sophisticated approach to environmental policy than that adopted by its predecessors. The programme sought to take forward the ‘integration’ commitment in the Single European Act by identifying five priority sectors where environmental integration was most urgently needed viz agriculture, transport, industry, energy, and tourism. At the same time, it proposed a number of other novel approaches, including:

- the use of a range of environmental policy instruments beyond traditional ‘command and control’ legislation, including economic instruments to ‘get the prices right’;
- the involvement in the development and delivery of the programme of a range of stakeholders and levels of government, reflecting their shared responsibility for creating and/or addressing environmental problems;
- an integrated, spatial approach to areas such as coastal zones and the urban environment.

The programme also identified nine priority environmental themes or issues, including such new, complex and cross-sectoral issues as climate change. The challenge for the Agency to provide ‘objective, reliable and comparable information’ to support these novel approaches in the 5EAP was therefore considerable.

A Wider Europe

1990 was also the year that saw the final collapse of Communist regimes in central and eastern Europe. On the one hand, for the first time the extent of environmental degradation in the region was revealed - polluted air and water, inadequately managed hazardous (including radioactive) waste; contaminated agricultural soil, deforestation and soil erosion. On the other, new opportunities were opened for pan-European co-operation to tackle these challenges, leading to the Environment for Europe process, and eventually preparations for the enlargement of the EU itself. The task that fell to the Agency to provide information and analysis to underpin these initiatives was formidable - and not specifically recognised in the EEA Regulation.

Subsequent EU Policy Milestones

During the 1990s, the nature of the EU’s environmental policy and the way that it was developed underwent considerable changes. Table 3.1 sets out a number of these key policy ‘milestones’. For example:

- the Maastricht and Amsterdam Treaties reinforced the commitment to environmental policy integration in EU sectoral policies. The launch of the ‘Cardiff Process’ in June
1998 for the first time required individual formations of the Council of Ministers to produce their own strategies to integrate the environment into their activities;

- the influence of the European Parliament over EU environmental legislation was strengthened through an extension of the co-decision procedure, giving MEPs a more central role in defining EU legislation;

- sustainable development was made one of the over-riding objectives of the Union in the Amsterdam Treaty, and a sustainable development strategy for the EU was launched in 2001 by adding an environmental dimension to the Lisbon process for steering the economic and employment policies of the Member States;

- the Commission’s European Governance White Paper (2000) emphasised the importance of strengthening transparency, participation, accountability, effectiveness and coherence in the way that EU policies are developed and implemented. In particular, the Aarhus Convention has reinforced the need to enhance environmental information and awareness among the public and extend opportunities for their direct participation in policy making.

These policy milestones have been accompanied by the introduction of novel structures and procedures for developing policy. Environmental policy is no longer developed exclusively through the EU’s legislative procedures, nor is it the responsibility of DG Environment alone. Important new mechanisms include

- the development of Thematic Strategies under the Sixth Environmental Action programme (6EAP), bringing together a broad range of Commission DGs and stakeholders to identify and define policy problems of a cross-sectoral nature; clarify options for tackling them effectively; and develop indicators and monitoring systems;

- the setting by EU heads of government of sustainable development policy priorities at the annual spring European Council, on the basis of the Commission’s spring ‘synthesis report’;

- the introduction of a new, integrated system of impact assessment - incorporating sustainability assessment - for all major Commission proposals.

These new procedures have created a potential new range of clients for the EEA’s products, and new policy cycles to which it needs to respond.
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<tr>
<th>Date</th>
<th>Treaty changes</th>
<th>Environmental Action Progs</th>
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<th>Governance</th>
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<td>5EAP ‘Towards Sustainability’</td>
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<td>Environment for Europe, Lucerne</td>
<td>Greenhouse gas monitoring decision</td>
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<td>1996</td>
<td>5EAP Progress Report</td>
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<td>IPPC, Air Quality Framework Directives</td>
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<td>1997</td>
<td>Amsterdam Treaty signed</td>
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<td>2001</td>
<td>Nice Treaty signed</td>
<td>Aarhus Convention Signed</td>
<td>Gothenburg summit launches EU SDS</td>
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<td>First ‘Spring Summit’; Barcelona WSSD Jo’burg</td>
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<td><strong>EU CANDIDATE COUNTRIES JOIN EEA</strong></td>
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<td>2002</td>
<td>Convention on Future of Europe launched</td>
<td>6EAP agreed; Thematic Strategies launched</td>
<td>‘Better Governance’; Commission impact assessment system</td>
<td>First ‘Spring Summit’; Barcelona WSSD Jo’burg</td>
<td>European Council Copenhagen</td>
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<td>2003</td>
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<td>Launch of Cardiff</td>
<td>Regular environment policy reviews for Spring summits</td>
<td>Environment for Europe, Kiev</td>
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### 3.2 ‘Baseline’ Provision of Environmental Data

The publication in 1992 of the 5EAP was supported by a ‘state of the environment’ report from the Commission, setting out ‘a general overview of the state of the environment and natural resources in the Community, of the damage and pressures to which they are exposed, and of the changes and trends observed’ (CEC, 1992a).

The Commission observed that

‘despite the progress made since publication of the 1986 report on the state of the environment in the Community, particularly under the CORINE programme, the data available for the Community as a whole remain fragmentary. In order to implement the Fifth Programme, a substantial improvement will be needed in both the quantity and quality of the data. This is one of the tasks which the Commission assigned to the European Environment Agency in the Regulation setting up the Agency….’.

A major difficulty, highlighted by the EEA Task Force, was the weakness of environmental data collection within the Member States. Not all environment-related information was ‘controlled’ by environmental ministries or authorities at national level; and much was collected at local or regional level on an inconsistent basis, making the collection of data sets difficult at a national, let alone a European, level. Improved data consistency required action at organisational, technical and research levels.

The principal sources of environmental data at national and Community levels in 1990 were

- The CORINE programme (Co-ordinating Information on the Environment), established in 1985;
- Eurostat, the Commission’s official statistical office;
- Three legislative measures requiring Member States to collect and exchange data relating to air, forests, and water respectively;
- Implementation reports from Member States required by many items of Community environmental legislation;
- Reports on the implementation of a limited number of international environmental agreements.

The scope and adequacy of these data sources are discussed in turn below.

**CORINE**

CORINE was a small, experimental Community programme for gathering, co-ordinating and ensuring the consistency of information on the state of the environment and natural resources in the (then) EEC. Launched in 1985, CORINE was a first attempt to address the same needs that would soon give rise to the establishment of the EEA, and indeed the experience of the programme helped inform the structure and priorities of the Agency and of EIONET. CORINE was a four-year initiative with a very modest budget of 3 mecu. It was later extended for a further two years (to 1991) with additional funding of 6.5 mecu, and thereafter was subsumed within the work of the EEA.
CORINE covered only four main fields:

- biotopes of major importance for nature conservation;
- acid deposition;
- protection of the Mediterranean environment;
- improvement of the comparability and availability of data and methods of analysis.

The programme certainly stimulated or accelerated data collection in some Member States, and led to improved co-ordination between them, and with the work of other international organisations. However, in 1991, a Commission Communication on the results of CORINE referred to ‘our still very fragmentary understanding of environmental phenomena’ and highlighted how much more remained to be done in this field. The publication of results was also very slow.

CORINE had focused on limited themes only - but its work had nevertheless highlighted the need for:

- a permanent dialogue between the users and the providers of environmental data and information;
- a wider range of data on, for example, driving forces, pressures, and the sensitivity of the environment;
- standard Community methods and nomenclatures;
- improved co-ordination between a range of different local, regional and national data providers.

CORINE was focused only on the (then) twelve EC Member States, and it was only following the Environment for Europe conference in June 1991 that CORINE methodologies began to be applied to the European countries in transition.

Eurostat

Eurostat is the Statistical Office of the EU. Established in 1953, its tasks are:

- To implement a set of standards, methods and organisational structures which allow comparable, reliable and relevant statistics to be produced throughout the Community;
- To provide the European institutions and the governments of the Member States with the information needed to implement, monitor and evaluate Community policies;
- To disseminate statistics to the European public and enterprises and to all economic and social agents involved in decision making;
- To endeavour to improve the statistical systems of the Member States and support the accession and the developing countries.

Since 1988, Eurostat has collected data on pressures and state of the environment, together with the OECD, through the biannual joint OECD/Eurostat questionnaire on the State of the Environment. This questionnaire covers most environmental topics (see Case Study 8 in...
Part B). A proposal for a special four-year programme to develop official statistics on the environment was issued by the Commission in July 1990 (COM(90) 319-22.8.90). This was just after the adoption of the EEA Regulation, and was an attempt to cover the period until agreement could be reached on a location for the Agency, which would allow it to begin to operate.

Eurostat’s predominantly socio-economic focus meant that the four year programme focused mainly on driving forces, pressures and social and governmental responses, rather than the collection of state of the environment data. However, work exclusively on the environment has always been a small proportion of its overall activities: by 2000, direct expenditure by Eurostat on environment-related work still represented only 2 per cent of its total budget (House of Commons, 2000).

Exchange of Environmental Information

During the 1980s, limited legal obligations applied to Member States in relation to the monitoring and exchange of environmental data.

Air quality monitoring of sulphur dioxide, smoke, cadmium, lead, NOx, carbon monoxide and ozone was required by Decision 82/459. Member States were required to report the results monthly to the Commission, but difficulties were experienced in relation to comparability, and there were lengthy delays in publishing results. In any event, the Decision was time limited and ceased to apply from June 1989.

Data on forest damage measured across a network of observation points in the Member States were required by Regulation 3528/86 on the protection of the Community’s forests against atmospheric pollution. From 1991, this Community monitoring system was incorporated into that established by the Convention on Long Range Transboundary Air Pollution (CLRTAP). On the basis of this information, the Commission has published a series of annual Forest Health Reports.

In relation to water quality, Decision 77/795 (and subsequent amendments) required Member States to monitor and report regularly on the quality of their surface fresh waters - mainly their major rivers - on the basis of 19 specified physical, chemical, microbiological and biological parameters. Synthesis reports by the Commission indicated that no Member State had fully complied with the reporting requirements for all 19 parameters, and most had failed properly to describe their sampling and measuring methodologies. Little attempt was made to analyse the raw data, and the Commission observed that ‘data interpretation could be markedly improved if general information about human activities in the river catchments in question were also reported’ (our italics) (CEC, 1997). These more extensive reporting requirements have now been incorporated into the Water Framework Directive.

Reporting by Member States on Individual Items of Legislation

Many items of EU environmental legislation include a requirement that Member States submit regular implementation reports to the Commission, and that the Commission submit summary reports to the Council and the European Parliament. These reports include information on one or more of the following:
• Transposition: details of how Member States have transposed the requirements of the legislation into national law. This was the original purpose of reporting;
• State of the environment data;
• Policy effects and effectiveness - the impact of national measures to meet the requirements of the Directive or Regulation.

In principle, these reports should be a useful source of information on the state and prospects for the environment in the Member States. However, a review published in 1993 showed that a large number of implementation reports due from the Commission and the Member States had either failed to appear at all or were greatly delayed, and when they were published often contained information of limited usefulness (IEEP, 1993). In relation to the submission both of state of the environment data and information on national policy measures, reporting requirements set out in Directives or Regulations have often been poorly drafted and supported by no, or inadequate, Commission guidance on what exactly is required. More fundamentally, the principal purpose of implementation reports has been to enable the Commission to check on legal compliance in the Member States, and if necessary instigate infringement proceedings. This has made Member States reluctant to approach reporting positively, and has placed less emphasis on reporting on the actual state of the environment.

In 1990, the limited usefulness of existing implementation reports - from a variety of perspectives - led to a proposal from the Commission for the Standardised Reporting Directive (91/692) (SRD). This extended the range of environmental measures for which reporting was required, and sought to harmonise and improve the scheduling of Member States' reports on the basis of Commission questionnaires. However, the SRD itself was of limited success and is now to be replaced by a more general framework Directive on reporting, which will provide new challenges and opportunities for the EEA (see Case Study 9 in Part B).

Reporting under International Environmental Agreements

The range of data and information provided by reports from parties to international environmental agreements increased significantly following initiatives launched in Rio at the 1992 UN Conference on Environment and Sustainable Development - such as the signature of the UN Framework Convention on Climate Change and the Convention on Biological Diversity. The national environmental performance reviews by the OECD were also launched in 1992.

In 1990, however, data provided under international environmental agreements was limited. Examples included the CITES, Ramsar, Oslo, Paris and Basel Conventions, and the Montreal Protocol. Most well developed were the monitoring and reporting programmes associated with the Convention on Long-Range Transboundary Air Pollution (CLRTAP) and the European Monitoring and Evaluation Programme (EMEP). Under CLRTAP, annual national reports are submitted in compliance with a set of guidelines and questionnaires, with a more detailed major review every four years. However, in 1990, only 24 of the 32 parties actually submitted reports. Moreover, reports provide descriptions of national policy
developments, rather than evaluations of the impact of policies and measures in achieving environmental targets set by the Convention.

Preparing the Dobris Assessment

It was against this background that environment ministers from across Europe - meeting at the first Environment for Europe conference in Dobris Castle in June 1991 - called for the production of a comprehensive pan-European state of the environment report. Given the limitations of existing environmental data and information within the Community (let alone outside it), this was a huge challenge. The initial responsibility of meeting this challenge fell to the EEA Task Force within DG XI, because of the delay in bringing the EEA into practical operation.

What became known as the ‘Dobris Assessment’ was eventually published by the Agency in 1995 (EEA, 1995). A discussion in the introductory section drew attention to the limitations of the data and information on which the report had to be based – and this serves as a good overview of the situation confronting the Agency when it finally began work in 1993. Box 3.1 reproduces a brief extract from the report.

Box 3.1: The Dobris Assessment: Constraints and Limitations

‘.....In recent years, environmental data have increased in availability as environmental monitoring and research has become more extensive. Despite this, there is still a paucity of sound environmental information. The fact is, much relevant data are still missing and those which do exist are not always known or accessible. Insufficient use is made of existing data, but those available are often inadequate - spatially and temporally patchy, incomplete and inconsistent. There are many factors contributing to this situation. Environmental monitoring is generally driven by sectoral or thematic considerations. Monitoring is usually confined within strict geographical boundaries, information needs at European and global levels are usually not included, and long-term considerations are often lacking. This results in a profusion of often inflexible data collection initiatives in all environmental sectors from which a comprehensive reliable picture of the environment cannot be formed.

The underlying cause of many of these problems is the absence of an appropriate institutional framework to address environmental concerns directly and fully, leading to a fragmentation of data collection and assessment activities. Across Europe, this is exacerbated by uneven technologies and resources for implementing monitoring activities in the different countries....

Improved reporting on Europe’s environment can be properly realised over time only with a fully co-ordinated data collection system at European level....This is still a long way off, but the results of this exercise, and especially the work of the newly-established European Environment Agency (EEA), are expected to contribute to this significantly.’


This message was reinforced during the preparation by the Task Force of the EEA’s first Multi-Annual Work Programme (MAWP) in 1992-3. The Task Force identified a lack of even basic data on topography, climate, hydrology, geology, soil, forests and human health. They pointed out that that the collection of environmentally-relevant data was often not the responsibility of environmental ministries and that an environmental dimension needed to be
incorporated into national statistical systems; and that data were often not available on a consistent, Community-wide basis, let alone by catchment area or ecosystem. Indeed, even a straightforward inventory of what data sets were available was missing.

Beyond this, however, the novel policy approaches set out in the 5EAP required more than just consistent ‘state of the environment’ data. New frameworks of analysis were also required to unravel the biophysical and socio-economic determinants of the state of the environment, and to identify where along these causal chains policy interventions could be most effective. The Driving Forces-Pressures-State-Impact-Responses (DPSIR) model was eventually to be recommended for use in EEA’s assessments in a project for the EEA in 1995 by the Dutch RIVM and the Danish NERI. The model is a framework within which such ‘integrated assessments’ of environmental issues could be undertaken (NERI, 2001). The framework extended the Pressure-State-Response model, which the OECD since 1989 has used in the environmental field.

The Consequences for EU Policy

By 1990, it was clear that limited environmental data, information and analysis were producing EU legislation which in many cases was less than effective. One example was the Nitrates Directive 91/676, the implementation of which was described by the Commission itself in 1997 as ‘abysmal’. Infringement proceedings have been instituted against all Member States except Sweden for failure to comply with a range of requirements in the Directive, and a number of cases are still pending in the European Court.

An important contributory factor to this poor record was the lack of scientific analysis and information underpinning the Directive. In the UK, the House of Lords Select Committee on the European Communities reported in 1989 that the Commission had ‘brought forward its proposals without adequately taking account of the best scientific advice’, particularly in relation to the contribution of agriculture to eutrophication (House of Lords, 1989).

The concern among several Member States that the Nitrates Directive was bad legislation based on faulty premises helped engender a fundamental lack of faith in the measure, and a reluctance to implement it wholeheartedly - even when they had the necessary data and information to do so. Better information and analysis in 1988-9 might also have led the Commission to consider alternative, bolder but more easily implemented policy instruments, such as the imposition of minimum national excise duties on sales of nitrogenous fertilizers.

3.3 Launching the Agency

Building the Foundations

Although the EEA’s founding Regulation was agreed in 1990, it could not enter into force until a decision was made on the Agency’s location: this came in October 1993, with the selection of Copenhagen. During the interim period from 1990 until the installation in June 1994 of the EEA’s first Executive Director, the initial work of the Agency was managed by the EEA Task Force (EEA-TF) in DG Environment. The Task Force had four main tasks:

- maintain, update and report on CORINE activities;
• prepare the Dobris Assessment;
• analyse the expectations and needs of the EEA’s major clients, particularly the Commission, the Member States and the European Parliament;
• prepare the draft of the first Multi-Annual Work Programme (MAWP 1).

The work of the Agency finally began in December 1993 with the first meeting of its Management Board. This was chaired first by Clemens Stroetmann (German Secretary of State for the Environment) then from February 1995 by Derek Osborn (Director-General of the Environmental Protection Group, UK Department of the Environment). The Agency’s first Executive Director, Domingo Jimenez-Beltran, was appointed by the Management Board in April 1994, and took up his appointment in the following June. At its April meeting, the Board also appointed the nine members of the EEA’s Scientific Committee.

The practical work of the Agency during 1994 was inevitably constrained by the need to recruit staff and organize its office accommodation in Kongens Nytorv. The Executive Director arrived in June 1994 accompanied by only one secretary, and it was not until October 1994 that advertisements for the first tranche of 24 staff appeared in the Official Journal, after the Multi-Annual Work Programme had been adopted (see below), and job descriptions clarified. However, many of those recruited were not in post until late-1995: indeed actual staff in post during the 1990s have consistently been below the establishment plan, and actually fell slightly in 2000. It was not until 2002 that staff in post exceeded 100, and even then about one quarter of these were support (secretarial, administrative and IT) staff (see Box 3.2). Not surprisingly, the Agency’s 1998 Annual Report drew attention to ‘significant stress at the level of personnel resources (with more than 20% work overload)’.

The first five Topic Centres were selected in October 1994 – Inland Waters; Marine and Coastal Environment; Air Quality; Air Emissions; and Nature Conservation. Co-operating organisations within each ETC ranged in number from 18 in the case of Inland Waters, to three in the case of air quality. The number of ETCs was subsequently increased to eight, and then in 2000 reduced to five - water; air and climate change; nature protection and biodiversity; terrestrial environment; and waste and material flows.

First Multi-Annual Work Programme 1994-1999

Consultations with the EEA member countries and the EU institutions on the Agency’s first multi-annual work programme (MAWP 1) were initially undertaken by the EEA Task Force. Following the launch of the Agency in 1993, the draft MAWP was further developed by a High-Level Group of Experts nominated by the Management Board. The draft programme adopted by the Board in July 1994 was deliberately ambitious and sought to reflect all the areas mentioned in the EEA Regulation, together with the expectations of consultees. Altogether, in MAWP 1 no fewer than 93 projects were proposed in 10 programme areas (see Box 3.3). These covered capacity building in EIONET; state of the environment monitoring, assessment and reporting; integrated assessment; scenarios; and aspects of policy development. However, DG Environment expressed reservations regarding 18 projects - mainly related to sustainable development, policy instruments and the ‘state of action’ - including 12 of the 13 projects listed in Programme 8: Instruments and Challenges for Environmental Policy Development and Implementation. These were
deferred for further consideration, and so were not included in the Agency’s Annual Work Programme (AWP) for 1994-5, adopted in late October.

Even so, the AWP included 64 projects. Almost two-thirds of the Agency’s budget for 1994 was devoted to the completion of the Dobris Assessment; the development of contracts and agreements involving the ETCs; and the acquisition by the EEA of technical capacity and information technology. However, in the autumn of 1994 the Agency also began to work directly on policy issues - ‘the state of action’ - by commissioning a small paper reviewing EU environmental legislation and international conventions, and assessing their effectiveness. This was subsequently published by the Agency in April 1995 as Experts’ Corner No. 1 (EEA, 1995b) - with a disclaimer that the paper did not necessarily reflect the views of the Agency or the Community institutions.

### Box 3.2 - EEA Staff in post 1994-2002

<table>
<thead>
<tr>
<th>Year</th>
<th>Total staff in post (A)</th>
<th>Of which Officials&amp; Temporary agents (B)</th>
<th>Establishment Plan: Officials and Temp. Agents (C)</th>
<th>% of establishment plan filled (B/C)</th>
<th>Professional Staff (grades A+B+National Experts) (E)</th>
<th>Professional Staff as % of total staff (E/A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>100</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>1995</td>
<td>37</td>
<td>30</td>
<td>48</td>
<td>62.5</td>
<td>26</td>
<td>70.3</td>
</tr>
<tr>
<td>1996</td>
<td>53</td>
<td>46</td>
<td>55</td>
<td>83.6</td>
<td>38</td>
<td>71.7</td>
</tr>
<tr>
<td>1997</td>
<td>63</td>
<td>55</td>
<td>62</td>
<td>88.7</td>
<td>43</td>
<td>68.3</td>
</tr>
<tr>
<td>1998</td>
<td>74</td>
<td>58</td>
<td>63</td>
<td>92.1</td>
<td>49</td>
<td>66.2</td>
</tr>
<tr>
<td>1999</td>
<td>79</td>
<td>61</td>
<td>68</td>
<td>89.7</td>
<td>54</td>
<td>68.3</td>
</tr>
<tr>
<td>2000</td>
<td>76</td>
<td>60</td>
<td>76</td>
<td>79.0</td>
<td>53</td>
<td>69.7</td>
</tr>
<tr>
<td>2001</td>
<td>88</td>
<td>70</td>
<td>83</td>
<td>84.3</td>
<td>64</td>
<td>72.7</td>
</tr>
<tr>
<td>2002</td>
<td>111</td>
<td>85</td>
<td>106</td>
<td>80.1</td>
<td>85</td>
<td>76.6</td>
</tr>
</tbody>
</table>

The Agency accepted in the draft 1994-5 AWP that resources needed to undertake all the proposed projects (estimated at approximately 40 staff in 1995) would not be available in practice (in fact, in 1995 A and B grades plus national experts numbered only 26), and that it might be necessary to defer some projects until 1996.

### Box 3.3 EEA Multi-Annual Work Programme 1994-1998

<table>
<thead>
<tr>
<th>Programme</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dissemination and pooling of existing information and know-how</td>
<td>Clearing house - interface between producers and users of information.</td>
</tr>
<tr>
<td>2. State of the Environment Reports</td>
<td>Eg 3-year EU SoE reports and follow-ups to Dobris</td>
</tr>
<tr>
<td>3. Guidelines for reporting/assessment/data processing</td>
<td></td>
</tr>
<tr>
<td>4. Monitoring - state and trends regarding media</td>
<td>Promoting consistency between national media-oriented monitoring</td>
</tr>
<tr>
<td>5. Monitoring - Pressures</td>
<td>Contribution to the development of preventive environmental policies</td>
</tr>
<tr>
<td>6. Integrated environmental assessment - problems, geographical areas, sectors</td>
<td>Evaluation of problems and their solutions through integrating data and multi-sectoral</td>
</tr>
</tbody>
</table>

5 Staff with permanent contracts  
6 Staff with 5 year, renewable contracts - mostly A + B grades  
7 Staff seconded from member countries, normally 3-4 year contracts
3.4 Stages in the EEA’s Development

Since 1994, the emphasis of the EEA’s work has evolved through a number of broad stages, reflecting new developments in EU policy processes, advances in scientific analysis and understanding, and the increasing organisational maturity of the EEA itself. An internal EEA paper (Stanners, D. and G. Dige, 2003) has characterised the stages in the Agency’s development, as set out in Box 3.4.

Box 3.4: Stages in the EEA’s development

1. 1990-1995: Developing baseline information and assessments on individual environmental themes, as reflected in the work of the EEA Task Force, and MA WP1.
2. 1995 to 1999: Attempting to link assessments with the effects of environmental policies, and developing an understanding of the difficulties of such policy evaluation. This phase included work on the interim review, and the global assessment, of the Fifth Environmental Action Programme, as presented in the EU 95 and EU 98 reports.
3. 1999-2002: Seeking to reform the information system, through streamlining, the development of indicators and regular reporting, and focusing on sectoral integration and prospective analysis.
4. From 2003: A shift towards scenario analysis and assessments in the framework of sustainable development.

Stages 3 and 4 partly reflect new emphases in the revised (1999) EEA Regulation, and in the Sixth Environmental Action Programme, where the Agency’s role in the development of indicators is explicitly mentioned.

The Agency now appears to be on the threshold of yet a fifth phase, with the current development of the third Multi-annual Work Programme. This seeks to shift the role of the Agency from provider of products alone (i.e., reports) to provider of services to policy making agents, as it contributes more directly to more stages in the process of EU policy development.

However, the above characterization of the Agency’s development needs to be approached with caution. While it is a useful framework for helping to understand the past ten years, it inevitably oversimplifies reality. The four/five stages have in practice overlapped and are to a considerable extent cumulative – i.e., the Agency has tended to take on additional tasks
rather than moving sequentially from one to the other. This has raised questions about its capacity to meet its ambitions.

3.5 Strategy Development and Performance Evaluation

On several occasions, the Agency has sought to reflect on its future direction and past performance. For example, a Management Board seminar was held in November 1997 to consider the development of the second MAWP. Board members were joined by representatives of several Commission DGs including DG Environment, the European Parliament, the Economic and Social Committee, Eurostat and the Joint Research Centre. A further Management Board seminar was held in May 2003 to consider the draft MAWP 3 (2004-8).

In addition, an extensive evaluation of the performance and efficiency of the Agency from 1994-2000 was undertaken by the consultants Arthur Andersen, as required by Article 20 of the revised EEA Regulation 933/1999. Their report, presented in October 2000, contained 50 or so recommendations mainly focused on the Agency’s internal organization, management, human relations and financial procedures - and therefore beyond the scope of this evaluation (see Annex 5). However, some conclusions and recommendations were more directly related to the effectiveness of the Agency’s contribution to policy, and can briefly be summarized as follows:

- there is a clear need for the Agency and EIONET;
- the establishment of EIONET, linking the Agency and the member countries and contributing to capacity-building at national level, are among the best of the Agency’s achievements;
- however, the work of the Agency should more closely reflect the needs of its principal clients;
- its role should shift from being a provider of products to a provider of services;
- ‘it cannot serve all users, it cannot address all issues, nor can it cover all policy areas considering the resources and competences available’;
- the Agency should devote more effort to leadership and co-ordination of ETCs;
- the role and potential contribution of NFPs should be clarified.

It is clear that many of the conclusions of the Andersen evaluation have informed the development of MAWP 3, and associated discussions over the future organization of ETCs.

This current evaluation was commissioned some time after the initial discussions began on the content of MAWP3, and the two exercises are now proceeding in parallel.
CHAPTER 4. EVALUATION RESULTS - OF PERFORMANCE UP TO 2002

This chapter contains the evaluation results structured around the first 10 of the 12 key study questions as identified in Chapter 1. Some recommendations are noted at the end of each section in this chapter, to ensure a transparent link between the conclusions set out in Ch.5, and detailed study recommendations.

4.1 Interpretation of EEA’s Mission

Q1 How has the core business of the EEA been interpreted in practice (as reflected in its MAWPs, outputs etc)? How has this changed over time? How have these decisions been made?

4.1.1 Introduction

The question of identifying the EEA’s ‘core business’ can be approached from a number of different perspectives. The question might focus on one or more of the following issues:

- the nature and extent of the various outputs of the Agency, including
  - the construction of the basic infrastructure for the collection and analysis of environmental data
  - publications and reports in different forms
  - passive information provision through its website
  - the organisation of conferences and workshops
  - the provision of direct, tailored services
- the priority given to particular clients
- the substantive environmental issues or media it has chosen to address
- whether it has chosen to focus on the provision of basic data on the ‘state of the environment’ or on more directly policy-related information - in other words, the point on the Monitoring – Data – Information – Analysis – Knowledge (MDIAK) it has chosen to prioritise.

Several of these questions are addressed elsewhere in this report, particularly in Chapter 3, and in Sections 4.3 and 4.4, so they are not discussed further here. Rather, this section is focused on the selection of the Agency’s outputs, and how these have reflected its perception of its core business. The question of the effectiveness of these outputs is discussed in Section 4.10.

It should be emphasised at the outset that the Agency has not had an entirely free hand in choosing what activities to engage in. This has been determined by a combination of factors:

- the specific requirements of the EEA Regulation
- the resources and skills the EEA has had available at any one time
- the specific views of DG Environment
• the extent to which it has been invited to contribute directly to the agendas of its principal clients

The EEA’s outputs have from the beginning mainly taken the form of products, principally in the form of published reports aimed at the informed environmental policy community. After 1998, with the development of the Cardiff process and the future Sixth Environmental Action programme, the Agency has been invited (or exploited opportunities) to provide more targeted outputs to particular clients, increasingly in the form of information services (involving eg direct participation in working groups). The definition of the EEA’s core business, therefore, has developed as the Agency has matured and the external policy environment has developed.

4.1.2 Outputs Explicitly Required by the EEA Regulation

The EEA Regulation (as amended by Regulation 933/1999) specifies the EEA’s required outputs in terms of a number of products and several activities. Many of these outputs are not precisely defined, and several of the activities depend on the initiative of the Commission or the Member States. The required outputs are listed in Table 4.1.1 below.

<table>
<thead>
<tr>
<th>Nature of Output</th>
<th>Detailed requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Products</strong></td>
<td></td>
</tr>
<tr>
<td>Establishment of EIONET</td>
<td>Identification with MSs of MCEs, NFPs, ETCs</td>
</tr>
<tr>
<td>Reports</td>
<td>State of Environment report every 5 years</td>
</tr>
<tr>
<td></td>
<td>Indicator reports</td>
</tr>
<tr>
<td></td>
<td>Expert reports on environmental quality, sensitivity and pressures</td>
</tr>
<tr>
<td>Reference Centre of environmental information</td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td></td>
</tr>
<tr>
<td>Dissemination</td>
<td>Environmental information to the general public</td>
</tr>
<tr>
<td></td>
<td>Results of environmental research to assist policy</td>
</tr>
<tr>
<td></td>
<td>Development of...</td>
</tr>
<tr>
<td></td>
<td>Environmental forecasting techniques</td>
</tr>
<tr>
<td></td>
<td>Cost of damage to the environment</td>
</tr>
<tr>
<td></td>
<td>Cost of environmental policies</td>
</tr>
<tr>
<td></td>
<td>Exchange of information on BAT</td>
</tr>
<tr>
<td>Support for...</td>
<td>Reporting requirements (questionnaires; processing</td>
</tr>
<tr>
<td></td>
<td>MS reports</td>
</tr>
<tr>
<td></td>
<td>Exchange of information on environmental assessment</td>
</tr>
<tr>
<td></td>
<td>methodologies</td>
</tr>
<tr>
<td>Provision of advice</td>
<td>To MSs on systems for monitoring of environmental measures (at their request)</td>
</tr>
<tr>
<td>Co-operation</td>
<td>With a range of organisations, including JRC, Eurostat and DG Research</td>
</tr>
</tbody>
</table>

The Establishment and Development of EIONET
A core activity – indeed, in the early years of the Agency, the core activity – has been the establishment and development of the basic infrastructure for the collection and analysis of reliable and comparable data, in the form of EIONET. This has involved a number of major steps, including:

- the initial identification of NFPs, NRCs and the selection, and re-organisation of ETCs
- the extension of EIONET to the new member countries and their integration within it
- the establishment of the EIONET telematics network
- the development of standard monitoring systems eg Eurowaternet.

As the Agency has matured, and new information and reporting demands have arisen from the 6EAP, the ‘Cardiff’ integration process and the EU’s Sustainable Development Strategy, so the Agency has been obliged to address further tasks in relation to data collection and analysis, including:

- seeking to develop a shared information infrastructure to support multiple clients and promote the sharing, exchange, dissemination and access to information
- supporting the streamlining of the overall reporting system to remove overlaps and inconsistencies and improve the quality and relevance of the information collected
- developing policy-relevant indicators for measuring progress and benchmarking.

The Production of Major ‘State of the Environment’ Reports

The 1990 Regulation explicitly required the production by the Agency of a three-yearly ‘state of the environment’ report. In 1999, this was amended to a five-yearly report on ‘the state of, trends in, and prospects for the environment’. These high-profile reports have been expensive to produce, but at the same time they have commanded a wide audience (particularly in conjunction with their executive summaries translated into all EU languages), and have been used to underpin more specific activities. They have also served as major ‘flagships’ for the EEA, which were important particularly in the early years of the Agency in establishing its public profile.

In addition, although not explicitly required by the EEA Regulation, the Agency has produced three major reports for the ‘Environment for Europe’ process. These have attracted additional financial support (eg from the PHARE programme), but the opportunity costs of their production, and the overlaps with the major EU assessment reports suggest that it is now time for some rationalisation and reconsideration of major reporting formats.

Other Requirements of the EEA Regulation

In contrast to the situation in relation to the major state of the environment reports, the EEA has done little to take forward some other requirements of the Regulation. In regard to some activities - for example, the development of environmental assessment methodologies and the diffusion of environmental research - the initiative lies with the Commission, which has not been as active as it might on these subjects. In other areas, however – such as in relation to the development of forecasting techniques, cost assessments and best available technologies - it is the EEA that is required to act, but it has done little. More investigation
is needed into why this should be the case. It appears to be partly a reflection of limited resources, and partly a recognition that some of this work is already being taken forward by other bodies - most obviously by the JRC in relation to BAT.

4.1.3 Other Written Outputs

The Agency’s other written reports fall into a number of different categories, including:

- Topic reports, on state and pressures in relation to eg water, air, biodiversity;
- Environmental issue reports, on environmental issues and policy instruments;
- Technical reports, on issues of monitoring and data collection;
- Manuals and handbooks on techniques and good practices;
- Experts’ Corner reports, stimulating debate on a particular issues.

The range and approach of these reports is extremely varied. The decision to produce particular reports in some cases appears to have been largely a ‘bottom-up’ process, reflecting the interests and initiative of individual members of the EEA’s staff or specific ETCs, and their perception of external needs. While several of these reports have made an important contribution to wider policy debates (see Section 4.10), the absence of an overarching communications strategy, setting priorities and identifying specific target audiences, has given rise to criticisms that the EEA has taken something of a ‘butterfly’ approach, moving rapidly across a wide range of subjects, often in a highly visible (but somewhat superficial) way. This was probably inevitable in the early years of the Agency, when its capacities were untried and it was - perhaps understandably - not invited to participate directly in the policy agendas of its principal clients. This has now changed, particularly with the development of the 6EAP Thematic Strategies (see below).

4.1.4 Dissemination

Senior EEA staff are active in the environmental arena, frequently giving presentations at high level seminars, conferences, and workshops - many of them organised by the EEA itself. Some of these events are associated with the dissemination of particular EEA reports (such as major assessment reports), while others seek more directly to contribute to a developing policy agenda. Examples include the ‘Bridging the Gap’ conferences on the need for reforms to the reporting system, and workshops on the environment/health interface, in conjunction with WHO.

4.1.5 Areas not Prioritised by the EEA

For reasons discussed in Section 4.3 - principally the early opposition of DG Environment - the EEA has not systematically gathered and analysed information on the ‘state of action’ in the member countries. This is a significant omission which has undoubtedly limited its potential contribution to the development by the EU institutions of ‘sound and effective’ environmental policies. Comparative and comparable information on administrative structures and policy instruments applied by national and regional administrations in Europe is essential for undertaking both ex ante and ex post evaluations of EU environmental measures, and can make a key contribution to mutual policy learning. The absence of such
data and analysis has also prevented the Agency from responding adequately to the agendas of some of its clients, particularly the European Parliament and individual Member States.

4.1.6 From Products to Services

Over the past five years, EEA staff have become increasingly involved as partners with the Commission and some Council Presidencies in policy development. Examples include:

- The revision of the Standardised Reporting Directive
- The development of the Greenhouse Gas Monitoring Mechanism
- The development of sectoral environmental integration indicators
- Presentations to informal Environment Councils
- Participation in working groups to develop 6EAP Thematic Strategies

More recently, in developing its third Multi-Annual Work Programme (2004-2008) (MAWP 3), the EEA has sought to tailor its priorities closely with those of DG Environment, as set out in the 6EAP. Direct contributions to aspects of policy development require the tailored deployment of specific information and analytical skills relating, for example, to the development of methodologies and new institutional structures. EEA staff therefore become engaged in the provision of services for specific clients as opposed to the production of products (reports) for a wider audience. They become, in other words, policy partners, rather than merely policy observers.

This is a significant development which could well lead to a major shift in future in the definition of the EEA’s core business, and in its mode of working, to become more responsive to the needs and timetables of its clients. Such a re-orientation would require additional resources and new skills, and a reconsideration of the utility of some of the Agency’s other outputs.

4.1.7 From Environment to Sustainable Development?

Article 1.2 of the revised EEA Regulation requires the Agency to provide information in the context not only of the Treaty and the EU’s environmental action programmes, but also of the EU’s sustainable development strategy. A Management Board seminar in November 2002 concluded that the EEA should get involved in the development of ‘underlying concepts and frameworks for sustainable development, paying attention to, inter alia, the external dimension, boundary conditions to sustainable (economic) development, and the institutional element’. Subsequently, the Agency has begun to develop a ‘framework for environmental assessment and reporting in the context of sustainable development (FEAR-SD), and is currently collaborating with the Italian Presidency in organising a conference in the autumn on sustainability reporting.

Work in this area is at an early stage, but a key difficulty lies in the imprecision of the definition of sustainable development, and where its boundaries lie. In an EU context, this is compounded by the fact that the EU SDS has been developed from the Lisbon process, which has primarily an economic objective (ie for the EU to become by 2010 the most competitive knowledge-based economy in the world). There is therefore a danger that the
Agency could lose its environmental focus if it sought to become engaged in too many of the wider debates on sustainable development.

A later Management Board seminar in May 2003 on the development of MAWP 3 recognised this danger and concluded that the EEA should not become a sustainable development agency, but should seek primarily to strengthen the environmental component of the EU SDS, and the integration of the environment into sectoral policies. Even here, however, there is a danger of the EEA dissipating its energies over very broad fields of activity, such as trade and the environment, sustainable production and consumption, equity, and wider issues of governance. The Management Board asked the Agency to produce a conceptual paper on this issue, and it is important that this should address ways of preserving some clarity as regards the Agency’s primary focus as it ventures into the mists of the broader SD debate.

4.1.8 Recommendations

- To improve the deployment of its resources, the EEA should investigate opportunities for rationalising its major ‘state of the environment’ reports, and for disseminating the information in different formats;
- Further investigation is needed into why the EEA has not so far prioritised some activities explicitly called for in the EEA Regulation;
- The absence of a system for the collection and analysis of information on the state of action in the member countries has restricted the EEA’s potential contribution to the development of ‘sound and effective’ environmental policies, and should be addressed as a priority;
- Responding more directly to the policy agendas of the EU institutions will require the EEA to develop a culture of providing services rather than just products, and in a timely way. This is likely to require more resources, new skills, and a review of the utility of the Agency’s other outputs;
- The Agency should not seek to become a sustainable development agency, but should seek to strengthen the environmental aspects of SD assessments and reporting.

4.2 Budget and Staff Resources

Q2 Have the EEA’s budget and staff been sufficient to undertake all of these tasks effectively?

4.2.1 Balancing Resources and Workload

Throughout its lifetime, the resources available to the EEA have always been less than those required to undertake its full mandate, as set out in the EEA Regulation. To an extent, this
has been deliberate, since both the first and second MAWPss anticipated a steady growth of
capacity to address an increasing range of tasks.

Despite budgetary constraints, the first Multi-Annual Work programme was a very
ambitious document. The Agency had hoped for a more rapid expansion in budget and staff
numbers than was in fact realised: the number of officials and temporary agents in post has
consistently fallen below the Agency’s establishment plan. Budgetary restrictions in 1998
led to a freeze on the Agency’s resources compared to 1997, and the Annual Report for
1998 considered that staff were facing at least a 20% work overload. In 2000, total staff in
post actually fell in relation to the previous year (see Boxes 3.2 and 4.2.1 [below]).

As a consequence, the EEA’s staff in Copenhagen have been heavily dependent on national
experts and other short-term contractors to support or even lead its work in some important
policy areas such as sectoral integration and thematic strategies. Inevitably, continuity
suffers and the long-term level of expertise in Copenhagen is not built up by such an
approach. Clearly EEA is now seeking to take full advantage of a recent change which
allows national experts to serve for up to four years; this is a useful step, but still no
substitute for permanent staff for permanent tasks.

The ambitousness of the first work programme was compounded by increased policy-
related demands reflecting the development of the EU’s environmental policy. Demands for
work on sectoral integration from 1998 have been followed post-2001 by the need to
contribute b aspects of the EU’s Sustainable Development Strategy. In relation to sectors,
the Agency has had the capacity - even five years into the process - to focus only on the
first three - transport, agriculture and energy - out of the nine Cardiff sectors. EEA staff
currently involved in sectoral work estimate that at least two staff members are necessary
adequately to cover each sector. Both these figures appear to be considerable
underestimates. (Compare, for example, the number of Commission staff in DG TREN
currently working on transport/environment issues). The Agency is planning a one year post
on tourism, and is seeking a national expert to work on the urban strategy. However, these
are both potentially large areas of work, and if a more substantive contribution cannot be
afforded, it might be better for EEA to limit its ambitions and focus on fewer areas, but
cover them in greater depth.

4.2.2 Scope for Additional Funding

The EEA Regulation offers scope for the Agency to receive additional funding for specific
services, beyond the core subvention it receives from the Community. Because of its very
broad mandate, however, it is not clear when it is legitimate for the Agency to expect such
extra payments.

The EU’s budgetary authority is understandably concerned that no expenditure should be
incurred which has not been explicitly authorised. Guidance from DG Budget to
Commission directors-general and the Executive Directors of all Agencies emphasised that
an Agency

<table>
<thead>
<tr>
<th>Box 4.2.1 EEA Annual Budget 1994-2002 (meuro)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>---------</td>
</tr>
</tbody>
</table>

IEEP and EIPA  
August 2003
could not obtain supplementary funding for work which fell within the framework of its mission, as set out in its constituent Act. Exceptions were urgent, short-term tasks expressly demanded by the Commission, and work in connection with enlargement.

In the introduction to MAWP2, the Agency indicated that additional resources would be necessary ‘to provide support for enlargement, pan-European reporting, and integration of environment into economic sectors’. It hoped to develop framework agreements with Commission DGs other than DG Environment to cover these activities.

In regard to enlargement, in 2001 and 2002 the Agency did receive additional funding from the Commission for work with the ten accession countries (via PHARE). PHARE also provided some support for the production of the Kiev report. Extra resources have also come from the Europe Aid Office and TACIS to support work in the western Balkans and the NIS countries respectively. In other areas, the Agency has received small amounts of additional funding from DG TREN for work in relation to TERM (0.23 meuro); from DG Agri for support on IRENA (agri-environment indicators – 0.68 meuro) and from DG Environment on biodiversity implementation indicators (0.30 meuro). Given the significant developments in relation to the Cardiff process and the EU SDS, and the Thematic Strategies, it is questionable whether activities of this sort fall outside the Agency’s mission. Nor is it clear that they constitute urgent, short-term tasks.

DG Environment has a significant budget to contract work from private consultants, some of which might be directed towards the Agency if the legal position were clarified. There is therefore a considerable lack of clarity on the issue of supplementary funding, which should be reviewed as a matter of urgency. This could eventually require amendment to the EEA Regulation.

4.2.3 Deployment of Staff Resources

The Agency’s more directly policy-related work - on integrated assessments, and on scenarios, methodologies and guidelines - has expanded to reflect new policy developments. In 1999, these two work categories together accounted for some 26% of the Agency’s total staff months (2). By 2002, this had expanded to some 33%, and it is likely that this will need to increase further to reflect external demands.
However, there appears to be some mismatch between the experience and qualification of the Agency’s staff, and what is demanded by this type of work. The EEA’s Annual Report for 1999 indicated that some 63% of staff had academic qualifications in natural sciences or engineering, while only 26% were qualified in political science, law or economics. (Figures for other years are unfortunately not readily available). There is of course no necessary connection between academic qualifications and the kind of work any individual member of staff is capable of undertaking. However, the figures are at least suggestive that the Agency needs to recruit significantly more staff with a background in the social sciences, and to provide relevant training programmes for existing staff in policy-related skills. Equally, very few of the Agency’s staff have experience of policy-related work in the Commission.

4.2.4 The Implications of MAWP3

Recent discussions related to the development of MAWP3 (2004-2008) and the review of the ETCs have highlighted three developments which are likely to put further strain on the Agency’s staff resources. The Management Board has agreed that:

- More attention needs to be paid by the EEA to the management and co-ordination of ETCs, particularly in relation to cross-cutting issues and sectoral work;
- Expertise on sectoral issues and integrated assessments should be concentrated centrally within the EEA rather than within the ETCs;
- More direct support should be given to DG Environment’s work on policy development and assessment at more stages in the policy process - as well as to the European Parliament. This will require increased contacts with Commission staff and attendance at more meetings and working groups - almost all of them away from Copenhagen.

Even at the time MAWP 2 was agreed, the Agency estimated that to undertake its full mandate would require a budget of 30-35 meuro, with a staff complement of some 125-150 staff - and this excluded additional resources that it considered would be required to cover the consequences of enlargement, and sectoral integration issues. Yet, despite the additional tasks flagged up in MAWP 3, the Commission is currently considering a €1.5m reduction in the Agency’s budget, rather than the €6m increase which had been hoped for.

The tasks identified in MAWP 3 cannot realistically be undertaken without a significant increase in the Agency’s budget and staff, together with some shift in their skills and experience towards policy analysis. But even if a significant increase in resources was forthcoming, priorities will still need to be established given the very wide range of issues and clients that Agency might potentially address. The difficult task of prioritisation - including identifying areas of work that the Agency will not engage in - should be an annual responsibility of the Management Board.

4.2.5 Key Conclusions

- Given the breadth of the EEA’s mandate, its budget and staff have not been adequate to satisfy all the potential demands of clients;
- Increases in the Agency’s budget have been largely incremental and have not reflected the implications of significant shifts in EU policy priorities;
• It is not clear when the Agency may legitimately claim extra resources for specific categories of work;
• The available experience and qualifications of current EEA staff need to be augmented if the Agency is to assume a more direct role in policy development.

4.2.6 Recommendations

• The Agency’s pre-enlargement target budget of 30-35meuro estimated at the launch of MAWP2 should be thoroughly reviewed in the light of new tasks required under MAWP3;
• The circumstances in which the EEA may legitimately request supplementary funding for particular tasks should be clarified;
• In the light of available resources, the Management Board should set clear priorities for each Annual Work Programme – including identifying areas and activities that it will not engage in;
• To effectively implement MAWP3, the Agency should recruit significantly more staff qualified to undertake policy analysis work, and should provide relevant training programmes in this area for existing staff;
• The Agency’s reliance on short-term national experts should be reduced. The EEA needs to develop a depth of real expertise in house, and foster a more long term approach. This is necessary for the Agency to become a respected partner for DG Environment in relation to Thematic Strategies, and to be taken seriously by sectoral DGs;
• DG Environment should review the balance between its use of private consultants and its use of the Agency.

4.3 Policy Relevance

4.3.1 Introduction

The tasks of the Agency as set out in Article 2(ii) of its founding Regulation are very broad:

’to provide the Community and the Member States with the objective information necessary for framing and implementing sound and effective environmental policies; to that end, in particular to provide the Commission with the information that it needs to be able to carry out successfully its tasks of identifying, preparing and evaluating measures and legislation in the field of the environment’

This statement emphasises the need for information to be policy-relevant – but provides no guide as to which stages in the policy process, or types of information, should be given priority. Nor is it clear who should be the judge of what information is ‘necessary’ for
effective policy making. Moreover, although the Commission is identified as a major client of the Agency, the reference to ‘the Community’ and ‘the Member States’ indicates that it is by no means the Agency’s only client.

The range of clients explicitly referred to in the EEA Regulation include the following:

- ‘The Community’ - in practice, this includes all institutions involved in ‘framing and implementing’ environmental policies, specifically the European Commission, the Council and the European Parliament;
- The Commission ‘in particular’ - in identifying, preparing and evaluating policy and legislation;
- The Member States collectively;
- Individual Member States, specifically in relation to monitoring their environmental measures - provided that this is at their request, and is consistent with the Agency’s work programme;
- The general public, to whom environmental information is to be broadly disseminated;
- The wider scientific and policy community, in relation to the dissemination of environmental research results.

These various clients have differing needs, and work to different timeframes. Collectively, the potential demands they might make on the Agency are huge. The Arthur Andersen evaluation concluded that the Agency would need to be selective in the users, issues and policy areas to which it responded. Indeed, it could be argued that the Agency has only managed to cope so far, precisely because it has not been invited to play a central role by its clients in detailed policy development and review. However, the situation now appears to be changing, making more urgent the need to manage the demands placed upon the Agency.

It could also be argued that the Agency itself has a role in helping to develop the environmental policy agenda, and so its work should not be exclusively demand-driven by other institutions. Indeed, clients may sometimes not be fully aware of what they need to construct ‘sound and effective’ environmental policies, and here the Agency may have a role in contributing new analysis and knowledge. The development of the TERM integration indicators on transport and the environment is one example of this.

4.3.2 The European Commission - DG Environment

Although the EEA Regulation refers explicitly to the particular needs of the Commission, it is ambiguous whether these should take precedence over those of other clients. Some Commission interviewees have described the Commission as the Agency’s ‘paymaster’, with the corollary that it therefore has the right to dictate the Agency’s work programme. However, it is clear from the Regulation that the Agency has a duty to provide support to clients beyond the Commission.

For obvious reasons, DG Environment (formerly DG XI) has acted as the Commission’s principal interlocutor with the EEA. A key issue between the DG Environment and the Agency has been how far the latter couldlegitimately move beyond the collection of basic state of the environment data and address matters of policy more directly, such as reviewing implementation, assessing instruments, and evaluating policy effects and effectiveness. The
issue of whether the Agency should consider future trends, prospects and scenarios for the environment has essentially been a reflection of this debate, since an assessment of future trends necessarily has to be informed by an evaluation of the effects of current policy measures. (The formal position, at least, was eventually clarified in 1998-9 by the insertion by the European Parliament of a specific reference to the ‘state of, trends in and prospects for the environment…’ in Article 2 (vi) in the revised Regulation).

At first, there was some uncertainty within DG Environment about how it should relate to the Agency. In 1995, a ‘bottom up’ approach was adopted, whereby individual Units were invited by the then Director-General to list their information needs (these proved to be mainly in relation to ‘states’ and ‘pressures’). This resulted in a very large set of demands which it was not possible for the Agency to fulfil. There were also some differences of view between Units over the Agency’s role in policy-related matters. Subsequently, steps were taken in DG Environment to establish a more corporate approach, with stronger co-ordinating machinery.

There is also evidence of differences of approach between, on the one hand, Commissioners Bjerregaard and Wallström and their cabinets, and on the other, Director-Generals and the DG XI Policy Group. Commissioners were rather more encouraging to the Agency to give more direct support to policy development (particularly on environmental integration) and implementation reviews.

However, the view of Director-Generals Enthoven (1994-7) and Currie (1997-2001) expressed to the Agency in letters, was clear and consistent. This was that:

- The chief client of the Agency was DG Environment;
- The primary task of the Agency and EIONET was to collect data on the current state of the environment only;
- The development of policies, implementation reviews, policy evaluations and recommendations were the responsibility of the Commission alone. The Agency should not get ‘sidetracked by the more glamorous but rather sensitive hot political issues’.

Indeed, in 1995 it was argued that Article 2 (iii) of the EEA Regulation – which refers to collating state of the environment data, and reporting on the quality, sensitivity and pressures on the environment – should be interpreted sequentially. In other words, in the framework of the DPSIR chain, reliable data on all aspects of ‘S’ should be collected before undertaking work on the other elements.

Accordingly, in the light of a budget freeze in 1998, there was considerable pressure on the Agency from the Director-General to remove from the 1998 Annual Work Programme ‘less essential’ tasks, other than the collection of reliable and consistent data. Moreover, in June 2000, the Agency’s review of the number, coverage and tasks of the Topic Centres was the occasion for a forthright complaint from the Director-General that ‘a major shift in emphasis is taking place - away from information towards prospective analysis, scenario building and policy evaluation’, with Topic Centres being expected to develop expertise in all these areas.
To some extent, DG Environment’s insistence on a narrow definition of the role of the Agency reflected the state of understanding at that time of the kinds of information needed to develop effective environmental policies. Reliable and consistent state of the environment data are a necessary, but not a sufficient requirement for policy making. Observed changes in the state of the environment may or may not be the consequence of policy intervention: to arrive at such a judgement requires in addition the collection of a wider range of information on for example the effectiveness of different instruments, or the behaviour of key actors.

The Changing Policy Context

Changes in the EU’s policy and institutional context from 1998 onwards put pressure on DG Environment to begin to revise its perception of the Agency’s role. These included:

- Increased emphasis on basing policy on ‘sound knowledge’, including ex ante and ex post policy evaluation;
- The need for the EU to meet commitments in relation to climate change;
- The rising importance of other EU institutions in environmental policy making.

The Global Assessment of the 5EAP

The Decision on the interim review of the 5EAP was agreed in June 1998 by co-decision. During the conciliation procedure, the European Parliament inserted a requirement for the Commission to undertake a ‘global assessment’ of the implementation of the programme, with a view to bringing forward proposals on priority measures that would be needed after the expiry of the programme in 2000. For the first time, the Commission was obliged to assess the implementation and effectiveness of an entire environmental action programme – and one which included novel approaches to policy, such as sectoral integration, shared responsibility, and the use of a broader range of policy instruments.

It soon became clear that existing frameworks for monitoring and reporting, and the nature of the data that were being collected, were not adequate to undertake a comprehensive evaluation of the 5EAP – and that DG Environment would in future need the help of the Agency to establish appropriate systems. This was reinforced in 2000 by the introduction by the incoming Commission of a new policy planning cycle, which required all DGs to evaluate the effectiveness of their activities.

Climate Change

The EU’s commitment to greenhouse gas reduction targets set by the Kyoto Protocol (signed in 1997), and the subsequent burden-sharing agreement within the EU, made essential work on how to assess the effects and effectiveness of a wide range of policies and measures intended to contribute to GHG reductions at EU and Member State levels. DG XI was particularly concerned in 1999-2000 that the Agency should contribute to this work, through the establishment of a properly funded Topic Centre on Climate Change. The Agency was also invited to contribute directly to the work of the EU’s GHG Monitoring Mechanism committee. This has developed into a very positive relationship.
Strengthening DG Environment-EEA Co-ordination

Closer agreement on the EEA’s role and a more collaborative working relationship appear to have been achieved between the Commission and the Agency over the past two years. DG Environment now accepts that the Agency has an important role to play in the application of specific policies (e.g., GHG monitoring mechanism), and the development of a new reporting system. It has also invited the Agency to contribute to the development of all 6EAP Thematic Strategies (except that on pesticides) (see Question 4). However, for some DG Environment officials, assessments of implementation and effectiveness evaluations are still regarded as ‘no-go’ areas.

Further steps could be taken to improve co-ordination to ensure an appropriate deployment of the Agency’s resources and avoid situations where it is asked to undertake tasks at short notice. In relation to forward planning, steps might be taken to synchronise the development of the EEA’s MAWPs and AWPs with the Commission’s strategic policy planning cycle. MAWP3 (2004-2008) will be finalised in November 2003, a year before a new (and possibly very different) Commission develops its policy strategy for the following five years. Furthermore, if the Commission were to move towards tri-annual policy strategies to mirror those recently introduced by the Council, then consideration might be given to introducing MAWPs of three rather than five years.

In any event, it is important that the Agency’s AWPs should be developed in tandem with, and according to the same timetable as, DG Environment’s Annual Work Programme.

Making a more effective and direct contribution to the work of DG Environment on policy development and review will also require the Agency to develop a culture of providing services rather than products (in the form of publications and reports). In other words, its staff will need to engage actively and flexibly with DG Environment officials and working groups in a partnership within which the Agency’s information, analysis and knowledge can be deployed as appropriate – rather than through the more routine and predictable process of report production. This will be staff intensive (not least because of travel implications) and will require increased resources in the form of suitably qualified staff and increased training provision.

A Memorandum of Understanding?

The acceptance by DG Environment that it would need the assistance of the Agency over a wider range of policy-related issues has led to the discussion of a possible Memorandum of Understanding. A first draft was produced by the then unit DG XI B4 in November 1998. Several drafts were subsequently produced, and a document was approved by the EEA Management Board in March 2002, and signed by the Executive Director. However, the MoU has not been signed by DG Environment, since the director-general considers that MoUs are only needed when relationships are difficult, which she considers is no longer the case with the Agency.

However, an MoU would make clear to all DG Environment officials that the Agency has a legitimate role in the policy process, and to EEA staff, what the boundaries of this involvement are. Moreover, closer alignment of the EEA with DG Environment’s agenda...
could potentially compromise the Agency’s autonomy. The Agency has clients other than the Commission, and with limited resources there will doubtless be occasions when it is unable to accede to all DG Environment’s requests. It is true that MoUs by themselves will not ensure harmonious relationships, but the very process of drawing them up obliges each party to consider in advance possible areas of friction.

4.3.3 European Commission: Work with other Commission DGs

The Agency has undertaken far less work for DGs other than DG Environment. In the early years, there was anyway little opportunity, and DG Environment at first sought to act as gatekeeper in relation to the EEA’s contacts elsewhere in the Commission (apart from with Eurostat and the JRC). However, in principle the launch of the Cardiff process in 1998 presented new possibilities for the Agency to work on environmental integration issues with ‘sectoral’ DGs, particularly in relation to integration indicators. Both DG Agriculture and DG TREN have asked for the EEA’s support on the development of indicators, and have paid for this work. However, elsewhere in the Commission there has been little enthusiasm for the Cardiff process, and the Agency has so far not been given an opportunity to extend its work into other sectors.

4.3.4 The Council

Opportunities to work directly with the Council were limited before 1998, since the ‘Community method’ is driven by proposals from the Commission, with the Council taking an essentially reactive role. However, the Cardiff process focused specifically on the positive role that different formations of the Council should take to advance the environment integration agenda. Against this background the Agency has developed useful links with specific Council Presidencies, or groups of like-minded Member States. For example, the development of TERM was undertaken in response to interest from the UK Presidency in 1998; and in September 2003 the Agency is collaborating with the current Italian Presidency in organising a conference on reporting on sustainable development, which is expected to contribute to the further development of SD structural indicators. The ‘Bridging the Gap’ conference in 1998 on the reform of reporting was undertaken in partnership with the UK and the Netherlands.

The Executive Director has attended both formal and informal meetings of the Environment Council, and this is expected to continue. The ED has also frequently attended meetings of the Environment Policy Review Group (EPRG), bringing together Member State officials from Environment ministries at director-general level.

Recent Presidencies - Denmark and Spain - have reported great satisfaction with their cooperation with the EEA. The EEA is seen to have been very proactive in proposing areas of cooperation and support during the Presidencies. The EEA was asked by the Danish Presidency to provide a background note on “Sustainable development, decoupling and market-based instruments” for the informal meeting of Environment Ministers.

4.3.5 Individual Member States
Apart from contributing to the work of Member States occupying the Council Presidency, the EEA has undertaken very little work for other individual Member States. In some ways this is surprising, since the Agency could act as a source of advice in a number of areas – for example, how other Member States have addressed particular environmental issues, or how they have structured their environmental ministries or agencies. This role could become increasingly valuable to the newly-acceding Member States, and the Agency might do more to sell its services in this area.

4.3.6 The European Parliament

With the co-decision procedure now applying to almost all areas of EU environmental legislation, MEPs have a crucial role to play in the development of EU policies. However, the institutional support available to them in forming their views is far less than that available to either Commission or Council, so input for EEA would generally be welcome.

The Parliament’s Environment Committee has in the past asked the Agency on an ad hoc basis to produce reports – examples are those on environmental taxes and voluntary agreements. However, the question of a more regular contribution to the work of the Parliament’s Environment Committee arose following the appointment of Dr Caroline Jackson as Committee President in 1999. In a letter to Chairman of the Management Board Kees Zoetemann (1), Dr Jackson reported that the nature and timing of the Agency’s outputs were of little direct use to the Committee in considering proposed legislation within the strict timetable laid down by the co-decision procedure. She drew attention to two areas where the Agency might contribute:

- the provision of background material explaining and analysing the dimensions of the problems that Commission legislative proposals are intended to address;
- descriptions of what the Member States are doing to tackle these problems, as a contribution to the Parliament’s series of own-initiative reports on the effectiveness of particular EU measures.

The Agency has expressed its willingness to undertake such studies. However, the Parliament needs to anticipate its needs as far in advance as possible to avoid making demands on the Agency at short notice. This should be possible in the light of the new inter-institutional agreement aimed at improving the co-ordination and scheduling the work of the Commission, Parliament and Council.

A further issue concerns the Agency’s capacity to undertake such studies within its existing resources. Indeed, a recent invitation from the Committee to undertake a review of the implementation of the EIA Directive had to be declined. A continuing, major problem is the absence of infrastructure to collect information on the ‘state of action’ in Member States. One possibility might be to extend the role of National Focal Points so that they collect and pass to the EEA information on national arrangements. However, given the sensitive link with legal compliance, NFPs might be unwilling to perform this role, and/or be less than objective. An alternative way forward might be to establish what would essentially be an additional tier of EIONET. This could take the form of a network of independent policy research centres in each Member State that would describe and assess national measures and administrative structures, and report directly to the Agency. This would take some time to
establish, but would enable the Agency better to respond to the needs of both the Parliament and the Commission in relation to ex ante and ex post policy assessments.

4.3.7 The General Public

The EEA Regulation requires the Agency to disseminate information on the state of the environment to the general public. However, the Arthur Andersen evaluation considered that it was impractical for the Agency to cater for the public.

There are a few examples, however, of EEA publications targeted at particular stakeholders, or sections of the public. These include a guidebook on sustainable development produced for local authorities, and an educational package for secondary school children based on the Dobris report (in conjunction with WWF). Generally, however, provision for the general public has been made, passively, through:

- The production of the large EU and pan-European state of the environment reports;
- The establishment of the EEA’s website;
- The provision of a drop-in information centre at the Agency’s headquarters in Copenhagen.

The Agency has chosen principally to target the environmental policy community. This is reflected particularly in the fact that Agency publications generally are produced in English (although all Executive Summaries are translated into all languages).

DG Environment recognised in the mid-1990s that progress with sectoral environmental integration depended on building a broad constituency among stakeholders and the public. The Aarhus Convention and the debate on European governance have reinforced the need for greater public awareness and participation.

It is doubtful whether the big, regular assessments are the right vehicle to attract the public, and there is a need for shorter, more accessible briefing papers on particular issues or policy approaches (along the lines of the ‘Signals’ reports), and through more active targeting. This can be done by the Agency by targeting the press and periodicals through articles and short briefing papers. However, the NFPs could also play a more active role in disseminating the Agency’s products in the member countries.

4.3.8 Key Conclusions

- The EEA needs to give support simultaneously to a range of different clients.
- The Agency has given different levels of attention to these clients. Its principal focus has been to seek to contribute to the work of the Commission – principally DG Environment. The needs of the European Parliament, individual member countries, and of the general public have been less extensively addressed.
- DG Environment and the EEA have had different perceptions of the scope of the Agency’s contribution to policy development. This has changed, and a more constructive partnership has developed. However, there remains the possibility over conflict over differences in expectations, and this must be managed.
• The Agency’s response to the specific needs of clients has in cases been sub-optimal because of a lack of mutual co-ordination and forward planning.
• The Agency could do more to support policy development in individual member countries by disseminating information on administrative structures and good policy practice. This would require the EEA to be more proactive in stimulating demand for such information. It would also require a mechanism to collect objective information on the state of action in different member countries.

4.3.9 Recommendations

• Because the EEA has to respond to the demands of a range of different clients, opportunities should be identified for producing information in a form that can be of use simultaneously for several groups of clients – either through the web, or by means of shorter, multipurpose briefings and publications.
• The general public should be acknowledged as an important client. The Agency should make greater use of national press and periodicals through the provision of articles and briefing papers to journalists. The NFPs or NRCs could also play a more active role in raising awareness and stimulating demand for the Agency’s products in the member countries.
• To facilitate forward planning, the Commission, Council and Parliament should indicate at an early stage what contribution they expect form the Agency.
• Steps should be taken to synchronise the development of the EEA’s MAWPs and AWPs with the Commission’s strategic policy planning cycle.
• A Memorandum of Understanding should be established between the Agency and DG Environment. This is likely to require the re-negotiation of the existing draft, to reflect changed developments over the past year.
• The Agency could contribute to policy development in individual member countries by disseminating information on good practice in relation to the administrative structures, procedures and policy instruments employed by different Member States in implementing EU environmental legislation.
• Consideration should be given to establishing capacity within EIONET to collect this information from member countries.

4.4 Contribution to Stages in the Policy Cycle

Q4 To what stage(s) of the policy cycle has the EEA contributed most effectively?

4.4.1 Introduction

The EEA Regulation requires the Agency to provide objective information necessary for framing and implementing ‘sound and effective’ environmental policies. Potentially, therefore, it has a role in contributing to most of the stages in the policy cycle, since the quality of decision-making at any stage can influence the eventual effectiveness of EU policies on the ground.
The principal policy stages, and the typical tasks associated with them, are described in Table 4.4.1. In considering the EEA’s potential role at each of these stages, it is important to distinguish between:

- The provision of information, analysis and judgements to inform policy decisions which are the formal responsibility of others, principally the Commission, Council, and Parliament;
- Making (and publishing) own initiative policy recommendations, independently of the views of Community institutions.

The EEA Regulation is clear that the Agency’s role is to provide information that will enable the Community and the Member States to develop and evaluate environmental policy measures. Thus the first approach is a legitimate activity for the Agency, whereas the second is not. There is therefore some tension between the direct provision by the Agency of services to the Commission or Parliament in relation to policy development and evaluation, and the publication of the results of such activities under the EEA’s own name.

A particular difficulty arises in the EU context in relation to stage 6 – Implementation. The term embraces a number of sub-stages, including:

- Legal transposition - the transposition by EU Member States of the requirements of EU legislation into their national laws;
- Practical application - action by Member States eg in drawing up plans, designating sensitive areas; establishing administrative structures; choosing policy instruments; providing finance; granting authorisations; developing monitoring systems; making information available to the public;
- Enforcement - inspection; giving warnings; serving notices; mounting prosecutions; imposing sanctions (at both national and EU levels) (Haigh and Farmer, 1998).

The term ‘implementation’ is often used by the Commission to refer to legal transposition. It is also used in connection with the process of review or inspection by the Commission of the above sub-stages to establish whether a Member State is complying fully with the requirements of EU legislation, as a possible prelude to beginning infringement proceedings.

But the term may also be used to refer to the development of methods for the practical application of a particular piece of legislation.

It is clear that it is the responsibility of the Commission as the guardian of the Treaties to make an initial judgement about the extent to which a Member State is complying with EU legislation. This is not a role for the EEA. Moreover, it is the role of Member States to decide how to transpose EU legislation into their national laws – the Agency has no role here either. However, in respect to practical application, the Agency can provide an important service by providing information and analysis on what different Member States are doing to apply EU legislation. This might cover administrative systems, policy measures, enforcement mechanisms, financial allocations etc – in short, the ‘state of action’. In this way the Commission and the Member States can learn from each other and thereby develop more effective policies.
Table 4.4.1: Stages in the Policy Development Cycle

<table>
<thead>
<tr>
<th>Stage in the policy process</th>
<th>Typical tasks</th>
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<tbody>
<tr>
<td>1 Problem identification</td>
<td>Providing early warnings through projecting trends and scenarios</td>
</tr>
<tr>
<td>2 Problem definition</td>
<td>Deciding whether to target Drivers; or Pressures; or States; or Impacts</td>
</tr>
<tr>
<td>3 Identifying policy options</td>
<td>Review of existing practice, and available instruments and their effectiveness</td>
</tr>
<tr>
<td>4 Option appraisal and selection</td>
<td>Undertaking sustainability impact assessments, cost-benefit analyses etc</td>
</tr>
<tr>
<td>5 EU legislative process</td>
<td>Support to European Parliament and Council in developing amendments</td>
</tr>
<tr>
<td>6 Implementation</td>
<td>Legal transposition; practical implementation; enforcement - see below</td>
</tr>
<tr>
<td>7 Monitoring</td>
<td>Identifying indicators; designing monitoring systems</td>
</tr>
<tr>
<td>8 Reporting</td>
<td>Deciding what needs to be reported, how, to whom, and by whom.</td>
</tr>
<tr>
<td>9 Evaluation</td>
<td>Establishing systems and methodologies for assessing the effects/effectiveness of particular measures. Undertaking specific evaluations</td>
</tr>
<tr>
<td>10 Review</td>
<td>Reviewing and adjusting stages 1-9</td>
</tr>
</tbody>
</table>

Therefore, the EEA has a legitimate role to play in most stages in the policy process. The exceptions are legal transposition (the responsibility of Member States), and reviews of legal compliance (the responsibility of the Commission). These exceptions apart, the Agency can provide information, analysis and practical assistance to help EU institutions and the Member States make better policy decisions.

4.4.2 Establishing the Infrastructure for Data Collection and Analysis

The ability of the Agency to contribute to any one of these stages has required the prior establishment of a basic infrastructure for data collection and analysis. The establishment of EIONET, and the development of analytical frameworks such as the DPSIR approach, has - at a general level - underpinned work by the Commission throughout the policy process. In particular, work by the EEA on producing the major state of the environment reports has highlighted areas within the policy process where there have been gaps in the availability of information and appropriate methodologies. For example, in relation to stages 8 and 9 - on reporting and evaluation - the Commission has embarked on a major review of structures and approaches, to which the Agency is contributing - in particular in relation to the development of indicators (see Case Studies 7 and 9).

4.4.3 Contributions to Specific Policy Stages

Most respondents to our questionnaire considered that the Agency had made the greatest contribution to the beginning and the end of the policy process - ie stages 1 and 2 (identification and definition of environmental problems), and stages 8 and 9 (reporting and
policy evaluation). The major reports on the state and outlooks for the environment, and reviews of progress on sectoral integration (eg in the EU at the Turn of the Century report) have provided a significant input to stages 1 and 2. Work in relation to the Bridging the Gap conferences; through the ROD (Reporting Obligations Database) and REM (Reporting on Environmental Measures) projects; contributions to the revision of the Standardised Reporting Directive; and the development of indicators have all made an important contribution to stages 8 and 9.

In relation to stage 6 – implementation – the EEA has contributed technical assistance in relation to the practical application by the Commission and/or Member States of a number of legislative measures, including the Greenhouse Gas Monitoring mechanism, Water Framework Directive, the Habitats Directive, and a number of waste Directives. In addition, the European Parliament’s Environment Committee has asked for the Agency’s assistance with its programme of ‘own initiative’ reports on what Member States are doing to apply particular items of EU legislation. This is a neutral activity of providing information about how different Member States tackle problems in different ways, and should be distinguished from judgemental reviews of compliance.

However, the EEA needs to identify mechanisms for collecting information on administrative systems and policy measures in the Member States, either by the Agency itself, or through EIONET, or through the use of a network of consultants.

In relation to stages 3 and 4 – the identification and appraisal of specific policy options - the Agency has played a central role in the conceptual stages of the draft Reporting Framework Directive, through the secondment of an EEA staff member to DG Environment. Also in relation to these stages, many respondents to the questionnaire considered that the Agency should contribute to the Commission’s recently-introduced system for the ex ante impact assessment (sustainability impact assessments) of EU proposals. It is not yet clear how this system is being applied in practice, but this would appear to be one area where the Agency could potentially contribute in relation to establishing likely impacts on the environment.

4.4.4 Contribution to 6EAP Thematic Strategies

The EEA has been invited by DG Environment to contribute to the development of six of the seven 6EAP Thematic Strategies (i.e. all except the pesticides strategy).

The seven strategies are very different in nature, and therefore require different levels and types of input from EEA and others. Some are relatively new and quite broad, complex areas for policy, while others are well-established fields of knowledge. Some are narrower in focus, and do not necessarily merit the term ‘strategy’ at all. Also, there is no uniform process for all strategies, and the strategies are at different stages of elaboration.

The TSs represent a major opportunity for the EEA, in a number of respects:

- The ETC structure gives EEA a ready source of expertise in the subject matter of most of the TSs;
The strategic framework provides ample opportunities, and a manageable timescale, for EEA to participate in assessments to enable problem identification and formulation;

The opening up of new thematic areas has created new policy spaces which EEA can help to populate, and there appears to be a genuine willingness from both the EEA and DGENV for EEA participation in most cases;

The high level analysis of complex cross-sectoral issues favours the EEA’s approach, and could present useful opportunities to expose EEA’s work to a number of DGs beyond DG Environment.

Case Study 2 elaborates further on the possibilities in this area.

### 4.4.5 Key Conclusions

- According to the EEA Regulation, the Agency has a legitimate role in contributing information and analysis to all stages in the policy process – with the exception of legal transposition by Member States, and reviews of legal compliance by the Commission;
- Most stages have benefited directly or indirectly from the EEA’s construction of ‘infrastructure’ for the collection and analysis of environmental information;
- In relation to individual stages, the EEA has made the greatest contribution to the beginning and the end - ie problem identification and definition, and monitoring, reporting and evaluation. Its work in relation to the detailed application of specific Directives is also expanding;
- It has so far made little direct contribution to EU institutions during the legislative process, nor to reviews of how Member States apply particular EU measures;
- Opportunities for more direct involvement in other policy stages eg the identification and appraisal of policy options - will arise in relation to the development of 6EAP Thematic Strategies.
- The EEA finds it easiest to participate where the strategy development process is transparent, well defined and open, and the strategy is at an early stage of elaboration. In some TSs the EEA has participated fully in working groups, but in others apparently less so. This appears to be more a problem of resources than of will.

### 4.4.6 Recommendations

- Although the Agency has a legitimate role in supporting most stages in the policy process, it should recognise that there are sometimes tensions between contributing directly to policy development by the Commission, and making available its results to the public. It needs to consider how to strike a balance between these activities;
- In relation to option appraisal and selection, the Commission and the Parliament should invite the Agency to contribute to ex ante impact assessments of Commission legislative proposals (and major Parliamentary amendments to them);
- In relation to evaluation, the Agency should increase its work in relation to the development of methodologies for the ex post assessment of the effects and effectiveness of EU environmental legislation.
• The EEA should identify mechanisms for collecting information on administrative systems and policy measures in the Member States, either by the Agency itself, or through EIONET, or through the use of a network of consultants.

• In relation to 6EAP Thematic Strategies, the EEA should be invited to participate at several levels – both technical (possibly using ETC staff) and strategically through sustained input from staff in Copenhagen.

• In some cases the EEA does not seem to have the resources in place to contribute fully to the TSs even where opportunities present themselves. This should be addressed, as a substantive and sustained input to these longer-term processes will be extremely valuable if the EEA wishes to become a trusted and respected partner for DG Environment (and possibly other DGs as well).

• Conversely, where sufficient resources cannot be provided, the Agency should make this clear to avoid spreading resource too thinly, or creating expectations which cannot subsequently be met.

4.5 Relationship with parallel organisations

Q5 To what extent has the EEA been distinct from/overlapped with/ or added value to the work of Eurostat, OECD, UNECE etc? Could these other organisations equally do what the EEA has done?

4.5.1 Introduction

The EEA’s area of work as defined by the regulation interfaces with a number of other organisations. Memoranda of understanding or other types of agreements exist for cooperation with the main part of these organisations (see Case Study 8, annex 4). Cooperation has in some cases led to joint products – eg the Agency and the WHO European Centre for Environment and Health have prepared a joint report regarding the relationship between the physical environment and children's health. Although many other organisations are relevant to the EEA’s work, the relations with the Joint Research Centre (JRC), Eurostat, OECD and UNEP have been explored in more detail due to the substantial role these organisations play in research, data management, indicator development and reporting in the environmental field. These organisations have been judged to have the greatest potential overlap in work with the EEA and are therefore treated in more detail.

Substantial work on environment-related indicators has resulted in many different indicator sets. These sets are often developed in relation to policies and therefore reflect the different policies of UN, OECD and EU and might, or might not, all have relevance. It can be argued that in developing and exploring new areas there can be a benefit of having different bodies competing and challenging each other’s findings in order to achieve innovative solutions in terms of establishing frameworks and methodologies etc. Sometimes duplication can lead to different results or solutions.
It is of great importance for credibility reasons that indicators rely on the same data and that costly redundant data collection is avoided, since resources for environmental monitoring and data management are not endless. This is obviously not a task for the EEA alone, however, it can contribute to this by seeking close cooperation to avoid overlaps. The result of the survey and interviews done in relation to this evaluation clearly shows that the EEA is seen by most stakeholders as having added substantial value to the overall data management in Europe. The EEA has made good use of existing data and drawn attention to the environment by making information available and accessible.

When it comes to contributing to the overall ‘streamlining’ process the picture is more blurred. The EEA is known for having developed the idea for a future system for sharing environmental data, however the approach has not convinced all the key institutions such as Eurostat and the OECD and concrete results are yet hard to see. Some Member Countries have explained this by the EEA’s attitude, arguing that the Agency seems to only want to participate if it leads and that the Agency listens less than it could. Other interviewees expressed very positive views on the EEA is taking an effort to move the process forward. It should be noted, that due to the early stage of the overall process it is difficult to foresee what the outcome will be and hence evaluate the contributions of the different institutions.

DG Environment is one of the main clients and collaborators of the EEA, but is treated in more detail under Question 3, however a few points which are relevant when looking at overlap and added value are that DG Environment is not always treated as a client by the EEA, especially for ad hoc requests. There are a number of procedures for dealing with requests, but these do not appear to be fully effective. There is some frustration over this, and as a result DG Environment staff sometimes deal directly with ETCs rather than the EEA centrally. It also means that DG Environment in some cases prefers to hire contractors for tasks, which could overlap with the ETC’s work. In some specific topic areas, the JRC is seen to have a stronger track record than some of the ETCs, and in these cases there is a tendency for DG Environment to deal with the JRC rather than the ETCs. This, however, leads to a situation, which is rather a ‘self-fulfilling prophecy’ with regard to the EEA’s strengths and weaknesses, especially since the cooperation with the JRC is limited.

4.5.2 Cooperation with the Joint Research Centre

The JRC is a service of the European Commission with a mission to provide customer-driven scientific and technical support for the conception, development, implementation and monitoring of EU policies.

The EEA regulation explicitly mention that, the EEA ‘should actively seek collaboration with the JRC’ and a Memorandum of Understanding has been signed by both organisations (first in 1995 and then renewed in 1999).

The JRC and EEA have collaborated since the formation of the EEA. The collaboration goes both ways with the JRC providing input to the EEA, and visa-versa. In particular, collaboration between the JRC and the ETCs has been strengthened in recent years, since there are similar topics of interest, and the issues of data quality, intercalibration and harmonisation, which the JRC is in a key position to support (see Annex to EEA
Regulation), are best dealt with at the topic level of the ETCs. In the past, the JRC has also been an actual member of the ETCs and is still represented in some of the steering committees, due to the JRC competencies in some of the thematic areas. The JRC and the EEA are working in some of the same fields, and thus have contacts and interactions on many different levels. This makes it difficult to make a clear distinction between the EEA being a customer of the JRC and more collaborative situations. In addition the lack of assigned funding through the Framework Programme, makes resource allocation difficult, and tends to favour collaborative efforts without clear deliverables to the EEA (Haastrup, 2003).

A positive example of a joint activity is the Water Framework Directive - ‘information system for reporting’, the purpose of this action is to support DG Environment on the issues related to the information flow linked to the Water Framework Directive, by providing member states with electronic means to report the data. This area has been piloted by the EEA for their data flows, and will now be adapted to serve the needs of the Water Framework Directive. The collaboration takes place with well-defined borderlines, specific deliverables will be made to DG Environment, and the EEA and JRC will share part of the tasks. The JRC sees the overall collaboration in this area as outstanding (Haastrup, 2003).

In the 2003 ETC review, the cooperation with the JRC was described as ‘increasing, but simultaneously a considerable increase in time/resource consuming cooperation problems has occurred’, and the JRC was also stated to be ‘tending to keep their data for own analysis’ and ‘watching strongly their territory’. This description of the cooperation does not correspond with the much more positive perspective in documentation from and interview with the JRC - eg on the collaboration with the ETC on Water. It could seem like the difficulties between the institutions mainly are to be found between a few of the ETCs and the JRC, possibly explained by similarities in interests in the same topics and therefore some level of competition is taking place.

When it comes to JRC-EEA relations in general the main problems seem to be that the Agency suffers from not being an officially accepted client in the Research Framework Programme. The EEA is not formally consulted on work programmes, research proposals, and have no direct access to the results. Also there are no longer any activities with a budget defined for supporting the EEA as there was in the Fourth Research Framework Programme.

However, active steps have recently been taken to improve the flow of research results and competence from DG Research to EEA assessments, including successful JRC participation in the framework programme, which should lead to an expansion of the Agency's knowledge base.

4.5.3 Cooperation with Eurostat

Eurostat’s task is to produce objective, reliable, comparable and relevant statistics for the development of the EU and for monitoring of Community policies (the role of Eurostat is described in more detail in chapter 3).
The EEA was established to provide Community institutions and EEA member countries with the objective, reliable and comparable information needed to frame and to implement sound and effective environmental policies.

A Memorandum of Understanding has been signed by both organisations.

Due to the similarities in the two organisations’ tasks, some have questioned why the activities of Eurostat were not expanded instead of creating the EEA. Some could argue that this could have facilitated data gathering. However, the scope and mandate of the EEA according to the regulation goes beyond statistical data gathering and focuses more on providing information and, as elaborated in chapter 3, the EEA was not established to become a statistical office.

The degree of overlap between the work of the two organisations is found to be limited. However, there are also very few areas where synergy is achieved. Initial ideas on how to divide tasks - e.g. Eurostat was to deal with ‘pressures’ and the EEA with ‘state’ - did not work, so later tasks have been divided in terms of topics. In practice there has been a division of spheres of influence - eg. the EEA has dealt with most intensively with air and water quality and Eurostat with waste and water quantity. These boundaries are determined partly by the requirements of specific Directives, and partly by past history. The division of tasks is not always logical, but are likely to persist to one extent or another. However, a future danger is that a shift in focus towards sectoral integration and sustainable development means that the boundary between the EEA and Eurostat becomes even more blurred in the future due to the fact that Eurostat also work with socio-economic data. Therefore close cooperation is essential to ensure efficient use of resources.

The EEA differs from Eurostat in that it is autonomous and therefore has more flexibility to undertake initiatives and publishes reports with its own opinions without the need to obtain Commission clearance. This, however, means that the EEA is seen by some of the other Commission services as being ‘green’ biased when providing reports in comparison with Eurostat.

4.5.4 Cooperation with UNEP

The cooperation between the EEA and UNEP started in 1995 and Memorandum of Understanding is established formulating joint project activities and naming regular contact points on each side.

The two organisations have found a way of sharing tasks, which has led to the cooperation with UNEP being described as increasingly close and there are a number of areas where there are joint activities and products (see Case Study 8). The EEA contributes substantially to UNEP reports and UNEP sometimes acts as a contractor to the EEA and provides technical assistance. The cooperation with UNEP is in general very good, which may partly be explained by a similarity in terms of goals and objectives.

4.5.5 Cooperation with OECD
The EEA has a ‘co-operative agreement’ with OECD’s Environment Directorate including general principals and areas of cooperation and focal points for contacts.

The relationship with the OECD is good in terms of regular contacts at all levels. The OECD has done substantial work on, inter alia, indicators, assessments of information systems and economic instruments, which is highly relevant to the EEA’s work and the EEA has built on some of the methodology developed by the OECD as well as uses data from the Joint Eurostat/OECD Questionnaires. A joint database on economic instruments has been the result of good cooperation between the two organisations. This is, however, an exception, since the relationship has rarely resulted in joint products and never in joint questionnaires for data collection. Coordination rather than concrete cooperation primarily takes place in the form of commenting on each other’s drafts and participating in each other’s meetings. OECD has, for example, taken part in an advisory panel for the report on environmental taxes and in various other meetings.

One reason for the cooperation having been limited can properly be found in the fact that the OECD as an organisation has a different mandate than the EEA, which is purely an environmental agency. However, with issues such as sectoral integration and sustainable development being of mutual interest, the OECD holds expertise of which the EEA could benefit if there was closer cooperation.

### 4.5.6 Key Conclusions

- The EEA has built on the work of other organisations and added value in developing further frameworks and methodologies. For many areas, coordination has help avoid overlaps, but joint activities and products have been relatively limited with some of the key institutions, possibly explained by the EEA’s need to build up its own profile.
- Overlaps in work are not substantial, but resources could be used more efficiently if the organisations worked closer together in a more systematic fashion.
- With the shift in focus towards sectoral integration and sustainable development boundaries might become more blurred between EEA and other institutions.
- There is a real need for the new EEA director to address the question of cooperation - in particular with Eurostat - in a proactive way.
- Staff exchange has rarely been used, probably more due to lack of spare resources in the various institutions than from lack of interest or will. Also staff evaluation schemes within the Commission have not recognized experience gained in the EEA.
- The cooperation with JRC is in general good and has lead to a number of joint activities and products. However, the situation is a mixed story with potential that has not been realised. The EEA suffers from not being an officially accepted client in the Research Framework Programme.
- The cooperation with UNEP is in general very good and has lead to a number of joint activities and products.
There are a number of procedures for dealing with requests from DG Environment, but these do not appear to be fully effective.

The EEA is seen by most stakeholders as having added substantial value to the overall data management in Europe. The EEA has made good use of existing data and drawn attention to the environment by making information available.

The EEA has not yet been successful in engaging the key players such as Eurostat and OECD in developing a future system for sharing environmental data.

4.5.7 Recommendations

In the first years of the EEA the need to establish its own profile has been crucial. The EEA is now entering a new phase where resources can be used more efficiently if the EEA cooperates closer with other organisations in a more systematic fashion. This can be done via:

- One way of improving working relations is to do more joint publications in fields where two institutions work is complementary.
- Another possibility, which the EEA could look into, is that of doing “joint questionnaires” (see Case Study 9).
- EEA staff would benefit from an exchange programme, where staff EEA spends more time in the Commission (in particular Eurostat and the JRC, but also DG Environment and relevant sectoral DGs), European Topic Centres and other organisations on, for example, joint activities. The EEA could encourage staff to be seconded from these institutions.
- Increase expertise on cross-cutting issues in close cooperation with Eurostat and OECD as well as other partners with complementary expertise.
- Develop easy understandable abstracts or summaries of Work Plans to circulate to other organisations to ensure fewer overlapping activities and more cooperation by informing other organisations regarding work plans.
- Establish procedures to ensure information on events, publications, meetings, workshops always are sent to the other organisations, so this is done systematically and is not only depended on the desk officer knowledge of the other organisations interests.
- Increase coordination of who leads on new areas.

There is a real need for the new EEA director to, in particular, address the question of cooperation with Eurostat in a proactive way. This could be initiated by:

- Renewing the Memorandum of Understanding with Eurostat
- Use of the above suggestions in increasing cooperation.

Since cooperation is not a one way exercise we recommend that other organisations, in particular Eurostat, also consider how to improve cooperation and coordination maybe taking into account some of the above mentioned suggestions.
4.6 Autonomous Status of the EEA

Q6 In practice, how much autonomy has the EEA enjoyed as an agency, particularly vis à vis the Commission?

What have been the consequences of this?
Has this changed over time, and why?

Section 4.6.1 discusses the extent to which the term ‘autonomy’ can be applied to the EEA, and in what respects. Section 4.6.2 looks in particular at the relationship between EEA and DG Environment, while Section 4.6.3 addresses the EEA’s autonomy in relation to other interlocutors. Sections 4.6.4 and 4.6.5 draw conclusions and recommendations respectively.

4.6.1 The Nature of the Autonomy of the EEA

The term ‘autonomy’ is often used in the context of EU agencies but that does not prevent it from being a confusing term, which can be interpreted in many different ways.

Legal Autonomy

The EEA’s Regulation specifies that the Agency should be ‘legally autonomous’ and have links to the Member States and Community institutions. From the outset this is a confusing sentence in the Regulation, because it can be read as stressing both dependence and independence at the same time.

The use of the term autonomy in the Regulation is limited in the sense that it refers to ‘legal autonomy’ only. Hence, the Regulation underlines that the EEA is a separate body – not part of the Commission – with a Board and Director that are responsible for the output, staff policy and finances (as defined in the Regulation). But the implication of the reference to autonomy goes further. One reason for the autonomous status was to ensure the credibility of the EEA. The reports from the EEA are its own reports and not those from the Commission or EP; they are the result of an ‘independent’ body with depolitised ways of producing information. That is, they can be developed and published in ways that are ‘objective’ in the sense of being seen to be above political interference, for example from the Commission or Member States. Note that the Management Board sought to reinforce this particular aspect of the EEA’s autonomy from an early stage, by agreeing that it would not seek to interfere in the EEA’s decisions over publication of its outputs. The terms ‘autonomy’ and ‘credibility’ are therefore closely linked in this respect.

Organisational Autonomy

In this report, autonomy has to be understood to have two quite separate meanings. The first of these, and perhaps the more straightforward but less important for the EEA, is the question of organisational autonomy. The EEA clearly does not have this kind of autonomy.

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8 The term independence has resulted in many debates also in the wider agency debate (see e.g. the Majone report in which some authors avoided the term ‘independent’ because they regard it as hardly possible, while others underlined the importance of the independence of agencies).
The various case studies and the discussions in Section 4.8 offer important insights into the extent to which the EEA is autonomous or independent, and illustrates its interdependence with other elements of the EIONET. A key feature of the EEA system is that it has to be interconnected in order to function. The EEA’s staff therefore have to have dealings with national environmental data systems and ministries, with international organisations, with the EU institutions, with NGOs, academia and with information disseminating organisations (e.g. the press). These are in essence voluntary co-operations in which compromises have to be negotiated to deliver mutually beneficial outcomes, as discussed in Section 4.4.

In addition, its internal operating environment is heavily influenced by the Management Board, which has the task of directing its efforts within the framework of its Regulation, while safeguarding the interests of member countries, plus the European Commission and Parliament. Section 4.8 on EIONET also shows the extent of the EEA’s dependence on other organisations – and on their voluntary cooperation.

Degrees of Autonomy

In the context of the wider agency debate on European governance, the term autonomy creates high expectations which cannot be directly applied to the EEA. In general, agencies can be given an important role by granting them powers to select information, analyse it, draw conclusions, give advice on the basis of the information and monitoring trends and effects of decisions, and even to take decisions on policy measures as a result. A full blown regulatory agency could, in theory, actually do all of this and the Medical Agency in London (EMEA) is a model which goes quite a long way towards fulfilling the whole of this definition. However, the EEA is clearly not intended to have such extensive powers (most obviously in relation to policymaking), so the key question is how much autonomy does the EEA have, when measured against an agency with a very broad spectrum of powers?

Table 4.6.1 sets out the various aspects and levels of autonomy that can be distinguished for various stages in data gathering through to policy making. In case of a full blown regulatory agency, which the EEA is not, the agency would have all of these powers.
### Table 4.6.1 - Levels of Autonomy of the EEA

<table>
<thead>
<tr>
<th>Characterisation of Task</th>
<th>Autonomy of the EEA</th>
<th>Limits to the EEA’s autonomy</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Collection of information (raw data) - only autonomy to gather data in the best way possible</td>
<td>It is responsible for defining data methods and for a degree of quality control (complementing other institution’s roles). It has the right of initiative to encourage new data collection (notably through EIONET)</td>
<td>It is highly dependent on cooperation and quality of Member States and ETCS and of the systems that are already in place. It cannot impose quality standards or quality control on the NFPs.</td>
<td>Autonomy of the EEA is limited by what is feasible and reasonable to ask from Member States</td>
</tr>
<tr>
<td>2. Processing of information - reporting data in refined and digestible formats (eg smiley faces) and identifying trends</td>
<td>This is the key aspect in the current understanding of the autonomy of the EEA. Its credibility for this role is supported by its quality control system (NRCs, external reviewers). The autonomy of the EEA to do this defines its credibility.</td>
<td>The level in which the EEA can draw conclusions is sensitive. For example, in the past there was a question as to whether the EEA could extrapolate trends from its data. Long-standing tensions with DG Environment as to whether the EEA has overstepped its remit.</td>
<td>Autonomy limited by the extent to which the EEA has the resources to go beyond delivery of data and by the acceptance of the Commission to allow it to draw conclusions. There has been ongoing debate as to whether the EEA has abused its leeway for action, and overstepped its remit. Sensitive subject.</td>
</tr>
<tr>
<td>3. Determining which information is needed/ agenda setting - free to decide how to deploy its own resources eg within the EEA work plan</td>
<td>The revised Regulation allows it to work on its own initiative, and is vague in some respects. The work programme allows some leeway. The EEA has an influence on the work programme on the basis of its central position in work programming and contacts with Commission, NGOs, EP, NFPs. The work of the EEA is agenda setting in the long run. So to some extent influences eg SoEs the future work programme of the EEA. Hence, it has a role in identification of problems and needs.</td>
<td>Regulation sets some overarching constraints MB agrees the work programmes. Leeway also constrained by limited resources Client requirements have to be met. To some extent however, the EEA can say yes or no to new work requests from clients which arise during the year.</td>
<td>Limited autonomy but a clear influence</td>
</tr>
<tr>
<td>Characterisation of Task</td>
<td>Autonomy of the EEA</td>
<td>Limits to the EEA’s autonomy</td>
<td>Comment</td>
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<tr>
<td>4 Processing information into advice – presentation of trends, elaboration of alternatives, drawing conclusions</td>
<td>Thin line between ‘conclusions’ and ‘policy advice’ gives the EEA some autonomy. The EEA can say in SoE that policy intervention is required. The Management Board does not interfere in the EEA’s publications. There is scope for exploring impact of measures within scenarios and outlooks, which can contribute to selection of alternatives.</td>
<td>The level in which the EEA can draw conclusions is sensitive. Potential source of contention with DG Environment – scenarios and conclusions should not undermine EU policy. The EEA cannot say that a specific policy or instrument is needed.</td>
<td>Limited autonomy but scope to build on the SOE reports.</td>
</tr>
<tr>
<td>5 Selection of alternatives - evaluating what instrument/policy is best</td>
<td>Not seen as a role for the EEA</td>
<td>Commission prerogative to propose; in most cases, Council and European Parliament decide.</td>
<td></td>
</tr>
<tr>
<td>6 Execution of tasks - implementation of policy</td>
<td>Not relevant (the EEA does not execute policy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Monitoring implementation &amp; trends - for the EEA, this would mean overall assessment of policy effectiveness, and/or monitoring implementation of measures</td>
<td>State of Environment reporting (indirect monitoring of overall policy). Potential role in ‘state of action’ reporting.</td>
<td>No explicit role in monitoring Member States’ implementation of directives. There are important sensitivities over potential involvement of the EEA in monitoring implementation, as it could limit cooperation with Member States.</td>
<td>Limited role to SoE assessment. Potential role in assessing state of policy action in MSs, but probably not implementation.</td>
</tr>
</tbody>
</table>

The table above indicates the following key points about the autonomy of the EEA.

- It relates particularly to the lower levels of the scale: especially data gathering and drawing conclusions from the information (i.e. signalling trends but being careful not to give direct advice on policy). These are the political limits to its autonomy.
- It is constrained even within these roles, owing to reliance on cooperation from Member States, the limited budget and the various demands that have to be satisfied. These are practical limits of the EEA’s autonomy.

However, the table also shows that the contributions of the EEA are kept at the practical side of the policy process. The EEA has to gather data and is constrained in the sense of what it is allowed to do with it. For example, extrapolating future trends is still one of the sensitive aspects of the EEA’s possible activities; some respondents indicated that this would actually be a valuable activity (i.e. outlooks and scenarios), while others stressed that this should be done with caution and not undermine existing policies or challenge the prerogative of the Commission.

In the current climate, it is now possible to envisage a stronger autonomous position for the EEA: that it could have more autonomy in terms of deciding on the most important fields for its work, and be allowed more leeway and resources to analyse trends and draw conclusions. Due to its central position in the network and its initiating and coordinating roles in programme development, and on the basis of its expert conclusions, the EEA does already have an influence on its own programme and on the environmental policy agenda that goes much beyond data gathering. However, the analysis shows that the EEA is also able to play a more independent role in terms of the deciding on the information agenda, analysing trends and exploring policy alternatives. Whether the EEA’s autonomy should be upgraded is a political question; we can only conclude that it already has a strong position, but that it is constrained in practical terms - primarily by its budget and the need for cooperation from Member States - and also politically.

Has the EEA’s Autonomy Changed Over Time?

It is hard for us to judge whether the autonomy of the EEA has developed over time. Level 1 (collection of data) has always been uncontroversial. What seems to be the case is that its contribution in terms of drawing autonomous conclusions based on scientific rigour (Level 2) is now more established, accepted and valued. Furthermore, the SoE reports have had an impact on the European environment agenda and to some extent probably also on the visibility of the environmental challenges to the public (see Section 4.10). This would imply a considerable influence from the EEA.

In reality it has always had autonomy for Level 3 (agenda setting, determine information needs), although there has been contention over this. For ‘higher levels’ in this hierarchy, there has historically been very little acceptance in the Commission in particular, but this is changing; activities in Levels 4 and 7 (trends and scenarios, and evaluation of effectiveness, respectively) are now countenanced, although not yet widely developed. Levels 5 (selection of policy/instrument) and 6 (policy implementation) appear likely to remain ‘off limits’ for the foreseeable future.
4.6.2 The EEA’s Autonomy in Relation to the Commission

In the environment of the EEA, the Commission, and especially DG Environment plays an important role. This relation has not always been easy.

Historical Perspectives

There is ample evidence, both documentary and in our various discussions with those involved, that there have been considerable tensions in the past in the relationship between the EEA and DG Environment. These have encompassed both the way the EEA operates, and the conclusions which it draws from its analysis. Also, they have gone well beyond legitimate differences of view as to the EEA’s priorities and the way in which it interprets its mission (discussed in Sections 4.1, 4.3 and 4.4), but have also borne heavily upon the question of the EEA’s autonomy in the face of these differences.

There have been instances in the past where DG Environment (then DG XI) has raised the prospect of EEA budget reductions, for example in June 2000 to try to ensure that the Topic Centres would focus principally on data collection (rather than prospective analysis, assessments etc). DG XI also insisted that the section on nuclear energy in the draft EU 98 report should be re-written. Interventions such as these clearly illustrate that the EEA is not wholly independent in practice, and has been susceptible to pressure from the Commission.

There is a fine balance to be struck in managing the relationship between DG Environment and the EEA, not least because DG Environment has a dual role in relation to EEA: it is both client and watchdog. However, it is important that these two roles be clearly understood and distinguished.

An Example of EEA Autonomy in Practice

As reported in Case Study 8 on Indicators, the then Executive Director of the EEA was extremely critical of the first set of structural indicators produced by the Commission’s Secretariat General for the spring Summit of 2002, and wrote to the Secretary General to draw his attention to some of the problems. Partly thanks to strong support from the Parliament, this letter received an emollient response from the Secretariat General, and an undertaking to improve the quality of the environmental dimension of the indicators in future. This, then, was a clear example of the EEA exercising its autonomy quickly and effectively in order to address a clear deficiency in EU environmental policy. Equally clearly, this effective action would have been impossible if the Agency did not have its formal autonomy, but was bound instead to have its pronouncements cleared through the College of Commissioners.

As well as writing to the Secretariat General, the Executive Director also made his views known to the environmental press, and in far stronger terms, which were widely publicised. Some have argued that this was rather less helpful, as it strained relations in various areas, and might have been better avoided.
Thus the Agency’s autonomy can be used to very good political effect in spite of its limited powers, but should probably best be exercised sparingly and with care.

DG Environment as Client of EEA

As the organisation with the sole right to initiate and draft Community environmental legislation, it is clear that DG Environment is and always will be a major client and potential audience for the EEA, and possibly the main one. This is reinforced to a degree by the EEA’s Regulation itself; for example Article 2(a)(ii) which lists amongst the EEA’s tasks ‘... in particular to provide the Commission with the information that it needs ...’ [emphasis added].

However, it is equally clear that the Commission is not the only client or audience; there are other actors in the broader policy process, including the Council, Parliament, Member States, interest groups and the general public, which form part of the EEA’s constituency. The Regulation supports this broader interpretation, as noted in Section 4.3.1, but it does not give consistent guidance on the relative importance that the EEA should attach to each possible constituency. Indeed, even the subparagraph quoted above is somewhat ambiguous.

There is, however, a tendency amongst some in DG Environment to take it for granted that it should be the Agency’s principal interlocutor, and to give lesser weight to its other potential audiences. This is reinforced by the fact that the Agency’s budget is a part of that of DG Environment, and historically at least, DG Environment has had special control of this budget, by making proposals on this element of the Commission’s draft budget. This seems to have fostered a view in some quarters that it is DG Environment’s money that the EEA is spending, and so it should self-evidently be spent in ways which further the interests of DG Environment. This, however, is a misconception, as in this context DG Environment is in fact administering Community funds for the wider benefit of the Community as set out in the Regulation, and so it cannot by this reasoning alone to be seen as the principal client of the EEA.

The view that the Commission is the main client is, however, widely supported, and in practice this should not be a critical problem. Member States support this view. However, the final work programme of the Agency is inevitably a compromise between the aspirations of the EEA, the Commission, and other potential clients, and this is generally recognised in the Commission and elsewhere. As with all compromises, however, not everyone is pleased with all of the outcomes all of the time.

DG Environment as Watchdog

At the same time, the Commission remains the guardian of the EC Treaty and the acquis communautaire, of which the EEA’s Regulation is a part. In carrying out this role on the Commission’s behalf, DG Environment has a clear duty to ensure that the EEA acts in ways that are consistent with the Regulation, and to act accordingly if they appear not to be. In the first instance, it exercises this role through its position in the Bureau and on the Management
Board. In doing this, however, it needs to consult the needs and interests of all the EEA’s clients and audiences in pursuing the objectives of the Regulation.

This distinction is important, as there are many areas where the EEA’s priorities may legitimately be different from those of DG Environment. For example, Section 4.7 addresses the geographical scope of the Agency and argues for a fairly broad definition for the EEA’s coverage, whereas the Commission’s primary focus is of course on the EU Member States. Similarly, the Commission pays relatively little attention to policy areas where Community competence is limited (e.g., taxation or land use planning), whereas these could be quite legitimate areas for the EEA to address if the environmental justification were sufficient.

Managing the Relationship

It is widely recognised that the conflict between EEA and DG Environment in the past was at times excessive and unproductive, and that mistakes were made on both sides. It has also been suggested that this was a necessary or inevitable product of testing the boundaries of legitimate activities for the fledgling Agency. Equally, there seems now a genuine and quite widespread desire to move beyond past battles, and to establish a new and more positive partnership. This is a welcome development, which should benefit both parties and the work of environmental policymaking. One of the main developments that triggered better relations was the value of having credible EEA reports to support the Commission’s work.

However, it should be stressed that their different roles and positions in the environmental policy process (outlined above) make differences of perspective and priorities inevitable. Indeed, if there were never disagreements between the two parties it would suggest that there was little point in having the EEA as a separate entity in the first place. Instead, it is desirable that a state of ‘dynamic tension’ between the two organisations remain, and that the EEA retain its autonomy in order to give an independent perspective. As outlined above, however, this is far from being an unbounded autonomy, and it should take account of the needs and priorities of DG Environment and others.

4.6.3 EEA’s Autonomy in Relation to Other Actors

In spite of the difficulties noted above in defining the degree and nature of the real ‘autonomy’ of the EEA, other stakeholders do tend to regard the EEA as autonomous, and in discussions few raised doubts as to the nature of its autonomy in relation to DG Environment or the Member States. Furthermore, many respondents to our questionnaire stated that they valued the EEA’s role in amassing and analysing information, and believed that it added value to the credibility and reliability of its outputs and messages. The EEA’s intellectual contribution is clearly perceived to be a central element of this perceived autonomy.

It was also pointed out that a perceived credibility based on best practice in compiling and analysing information will be especially important if the EEA is to expand its role in communicating with a broader set of actors. Clearly, for example, the European Parliament wishes to have objective assessments upon which to base its judgements.

Equally, recent Eurobarometer results and numerous other public attitude surveys illustrate that the public is more likely to trust information from an independent source than a governmental one. Arguably therefore the EEA is better placed that the main Community
institutions to lay claim to credible environmental information in developing a stronger role in communicating environmental information to the general public.

4.6.4 Conclusions on the EEA’s Autonomy

The EEA appears able to develop in spite of the potential for negative political interference introduced by the Member States’ predominant position on the Management Board. There is a tradeoff here in which some degree of Member State interest must be set against the ‘buy in’ of Member States which it secures to the processes of the EEA system.

In general, the EEA’s complex network of internal and external relationships appears to be effective in supporting its autonomy, although this is clearly a limited autonomy and not full independence.

The relationship between the EEA and DG Environment has not in the past been entirely a cooperative or productive one. There now seems to be a genuine desire on both sides for a more productive cooperation. It is important, however, that a ‘dynamic tension’ be maintained, and the EEA’s distinctive but limited autonomy is an important factor in this.

Thanks in part to the ambiguities and loose wording in its governing Regulation, the Agency has enjoyed quite a lot of autonomy in practice. As a result, the Agency can do more, can say what it wants, and its reports are generally regarded as credible and independent. The latter is likely to be increasingly important as and if it strives to reach out to a wider audience.

EEA can publish in its own name without securing consent of the Commission (although there is a detailed review process) or other stakeholders. Drafts are available for Member States to comment on if they wish – although this is usually passive rather than active consultation. The Management Board agreed at an early stage not to interfere in EEA publications, and this was a positive decision.

The EEA has carefully guarded its independence in relation to its academic rigour and its right to draw its own conclusions, mainly with good results. In most cases it has increased the reputation of the documents of the EEA and has reinforced the position of policy makers - whose underlying information cannot be easily disregarded. There have, however, been instances where the scientific advice of experts in the ETCs, Scientific Committee and elsewhere have been disregarded, sometimes with adverse consequences for the credibility of individual pieces of work.

On the other hand, some people in the Commission now appreciate that the Agency can say things that DG Environment cannot. A positive example has been cited in which the Agency was in a position to speak out strongly against an unsatisfactory development in EU environment policy. This however is still a ‘double-edged sword’ for the Commission. The EEA’s greater freedom of speech is or could be useful to DG Environment for example in the context of integration, in relation to other DGs, and also in relation to the Member States. On the other hand, the EEA has the power to make public statements which are unhelpful to policymakers in DG Environment. As yet the latter still inhibits DG Environment from taking full advantage of the former, and there is not yet sufficient trust in
all parts of DG Environment in the ability of the EEA to act as an autonomous but mature and reliable partner in the policy progress.

4.6.5 Recommendations

- It may well be the case that the draft MoU between the EEA and DG Environment is more a reflection of past difficulties than current or future needs, and it may therefore need to be revised to reflect changing requirements and a new mood of cooperation. A revised MoU may still prove useful to clarify the respective roles and expectations of the EEA and DG Environment.

- The EEA’s autonomous status, however that is defined, is important in reinforcing the credibility of its findings and outputs. If anything, this will become more important as and if it seeks to address a wider public more directly. Its autonomy should therefore be safeguarded.

- The EEA should safeguard its intellectual independence, but reinforce this by seeking ways to improve the consistency of quality of its outputs, for example by instituting a more systematic approach to quality assurance.

4.7 Geographic Scope

Q7 How has the EEA’s early geographical expansion
   a. contributed to the enlargement process?
   b. affected its overall effectiveness?

4.7.1 Introduction

The EEA regulation allows non EU Member States to become EEA members, and requires it to focus its work primarily on analysis of the environment of the EU. However, the EU is not a static geographic entity, nor is its environment sealed-off from that of its neighbours. This poses a number of questions for the EEA:

- How and when does it contribute to the enlargement process for countries identified as Candidate Countries?
- How should it work with countries that are not Candidate Countries, but which have been identified as likely future Member States?
- How should it work with countries for which future EU membership is highly uncertain (although welcome from the point of view of the EU)?
- How should it work with countries which are unlikely to become Member States?

The enlargement of 2004 will be the second since the EEA was founded. However, little can be learned from the 1995 enlargement, given that it took place so early in the EEA’s development. Membership included the three countries that became EU Member States and three that remained EFTA countries and EEA members.

The current enlargement context of the EU involves 13 Candidate Countries, ten of which will (remaining referenda permitting) accede in 2004. This enlargement is unprecedented in

9 Ten are “Accessing countries”, two are “Accession countries” and one is a “Candidate Country”
terms of its size and complexity (in environmental, social and economic contexts). This has resulted in a heavy burden of work on EU institutions and the Candidate Countries themselves. Within this hive of activity is the work of the EEA. However, the expansion was prepared for well in the years leading up to membership, not least due to good co-operation between the EEA and CEE countries.

EEA incorporation of the Candidate Countries has involved a number of processes. These have included the identification of NFPs and NRCs as appropriate and their participation in EEA meetings, etc. Of particular interest, however, was the establishment of the Phare topic links. This was a Phare funded activity by which one institution was identified to act as a conduit for all Candidate Country information for each Topic Centre.

4.7.2 The Contribution of the EEA to Enlargement

The EU acquis (notably the EEA Regulation) makes limited specific requirements on the Member States in respect of their relationship and obligations to the EEA. Where these exist, they naturally form part of the approximation activity that all Candidate Countries have to complete. However, the EEA has engaged with the Candidate Countries beyond what might be considered to be the minimum legal baseline required for approximation. Two aspects of this engagement can be noted – acceptance of Candidate Countries as member countries of the EEA and co-operation with Candidate Countries in developing data management and reporting systems.

When a country requests to be a member of the EEA, this is considered by the Commission which, if it makes a positive recommendation, is decided by the Council. The EEA Management Board has no role in these decisions. Non-EU Member States have, as a result, become EEA member countries prior to the current enlargement process (the appropriateness of this is discussed below). Thus admittance of the Candidate Countries as EEA member countries is a logical extension of this. Whether this was a correct decision has two elements to it – practical and political. The integration of the Candidate Countries into the EEA data supply and reporting systems is clearly necessary and early integration is beneficial in helping to overcome problems at an early stage, etc. EEA membership also raised political questions.

Candidate Countries (and some Member States) have made it clear that the political context of early EEA membership has been very beneficial. In its most general aspect, it provided the first membership for these countries of any EU institution and thus was a step along the road to EU membership and a positive general message to the public that progress was being made. Membership also helped to raise the profile of the environment within some Candidate Countries. This has been an important political signal within these countries to assist in approximation on the environmental acquis more generally.

The reporting obligations of the EEA have impacted upon the Candidate Countries. The effects have depended upon the nature and extent of existing monitoring systems. In most cases, modifications to monitoring was required. In particular, CEE countries have historically focused monitoring on ‘impacts’, eg to assess the consequences of pollutant sources. This has resulted in an under-representation of data from pristine environments. The EEA has worked with the Candidate Countries to rectify this. However, there are still...
reports that NFPs have insufficient expertise or capacity to meet all of the requests that are made upon them by the Topic Centres.

While the EEA has been significantly involved in the enlargement process, its role has been limited to specific areas. An important issue during the approximation process was the identification of priorities within the Candidate Countries. This was largely undertaken by the countries themselves working with DG Environment. Some EEA involvement might have been beneficial, although its acquisition of data from the Candidate Countries might have been too limited at this stage. However, the peer reviews on institutional capacity undertaken in 2002 by DG Environment might have usefully drawn upon EEA experience (where relevant). Given the much greater experience now being established by the EEA in the Candidate Countries, it would be beneficial to examine how it might contribute in more detail to the approximation process in the Candidate Countries that will remain after May 2004.

4.7.3 Impact on EEA’s Overall Effectiveness

It is important to stress that the Candidate Countries were very keen on early membership of the EEA and that the overwhelming message from EEA staff, Management Board, etc, is that the inclusion of these countries has been positive, from both a strategic and practical viewpoint. However, an assessment of the impact of enlargement on the work of the EEA depends upon the view that is taken of the role of the EEA. Thus, if one views the EEA’s role as strictly that of assessment of the environment of the EU itself, then potentially involvement with the Candidate Countries could be a distraction. Alternatively, if one views the role of the EEA as assessing Europe’s environment, then working with the Candidate Countries is probably to be seen as positive. It is important, therefore, to note that membership was open for third countries with the first Regulation, and this was one response to EEA role to consider that “In particular, transfrontier, plurinational and global phenomena shall be covered.” in the Regulation.

The first of these views does occur, but is limited. However, it is particularly difficult to identify concrete cases where work by the EEA on the EU itself has ‘suffered’ as the result of working with Candidate Countries. Indeed the Water TC argued strongly that the enlargement process was ‘organic’ and ‘posed few problems’ for its work and that it was ‘no big deal’. However, this situation was noted as due to three important factors:

- the development and activity of the Phare Topic Link, which was effective
- existing personal contacts with relevant officials through previous work on the Danube and Black Sea
- ‘one hundred per cent’ co-operation from the Candidate Countries

Clearly, poor co-operation or difficulty in generating relationships could have resulted in a different outcome.

The nature of data flows also varies between the ETCs. For example, the Air TC relies heavily on reporting mechanisms (UNECE and EU) developed outside of the EEA context. However, the reporting requirements for Waterbase have largely been generated by the EEA itself. Thus Candidate Countries would be likely to find certain reporting requirements easier
to meet if they build upon international obligations that they are already part of. It is interesting, therefore, that it is the Water TC which reports no problems.

Ultimately, engagement by the EEA with the Candidate Countries was not a question of ‘whether’, but of ‘when’. The incorporation of the Candidate Countries was undertaken according to a separate timetable to that of EU membership. Clearly the process has involved some start-up costs and the Candidate Countries have contributed financially to the EEA. It has been asked whether their membership (and finance) could eventually alter the priorities of the EEA. This has not yet been the case. However, if this does happen, it will (for most) be after they are full EU Member States and would, therefore, have every right to re-assess the work of the EEA, as they will have with every other EU institution.

4.7.4 Other Non-EU Member States

Non-EU Member States are already member countries of the EEA. These include long-term members such as Iceland, Norway and Liechtenstein, and soon Switzerland is expected to become a member. There is still debate over the appropriateness of the inclusion of these countries within the EEA, even though it is clearly part of the Regulation and has been accepted by Council. The arguments for and against their membership tend to be clearly demarcated and can be summarised as:

- **Against** - the EEA’s role is to analyse the environment of the EU and additional countries detract from this.
- **For** - the addition of other countries improves the EEA’s understanding of the wider European environment and that of the EU itself.

The argument against is fundamentally a political argument concerning the role of an EU institution. The argument for uses as its basis the importance of the countries in understanding critical parts of the environment, eg fisheries (Iceland) or the quality of the North Sea (Norway).

There is also a further political context. While these countries are not EU Member States, they could conceivably become so (much more likely in some cases than others). The EU has repeatedly stated that it would welcome their membership and, therefore, integration, as far as is possible, in EU processes and institutions could be one means to encourage this.

Finally, the practical consequences of membership are, in fact, unclear. The countries do contribute to the EEA budget. However, it is very difficult to determine whether this represents a net contribution. The sums paid by the new member countries were negotiated by the Commission in consultation with the EEA. However, there is no real ways of precisely quantifying the additional costs of enlargement across all parts of the EEA and comparing this to the increase in income. However, it is important to stress that problems are not reported. ETCs do not report problems with obtaining data from the older members, such as Iceland and Norway and from many new member countries. If data transfer is routine, then the implications for the workload of the EEA are not great and probably are outweighed by ensuring greater completeness of environmental understanding.
4.7.5 Working with Likely Future Candidate Countries

The EU has held out the prospect of future membership to the countries of the western Balkans. EU membership is likely to be many years away for most of these countries, given their current problems. However, the EEA is already engaging with them, not least as part of its work in co-operating with third countries for data collection as allowed by the Regulation. In doing this what lessons can be learned from working with the Candidate Countries?

The EEA has identified NFPs for the western Balkan countries and some have identified NRCs (depending upon the institutional contexts of those countries). Staff from the ETCs have visited a number of the NFPs/NRCs to discuss reporting requirements and have offered support for this. The NFPs have reacted positively to this, knowing that the EEA itself is not a source of any significant funding. As with the Candidate Countries, they view concrete engagement with an EU institution as a positive political signal and a means to enhance environmental understanding in their countries. Engagement also helps ensure a structure to information management as each country seeks to reform its own institutions, including with support from EU and international donors, such as the United States.

EEA involvement with these countries is beneficial to the countries themselves. Information from them will also be important in assisting the EEA in understanding Europe’s environment (notably the Danube basin, the Mediterranean Sea and the karst habitats). Most of these countries, with the exception of Croatia, currently can provide only limited data. Involvement of the EEA would, therefore, seem appropriate at a low level because of the practical and political benefits. It should be noted that the western Balkan countries have already requested EEA membership, but this was refused. Given their current institutional capacity, membership of the EEA would only be appropriate at a much later stage in their development and would vary between the countries. For example, in early 2003 Croatia submitted its application for EU membership. If (when) it is accepted as a Candidate Country, then membership of the EEA would be appropriate at this point.

4.7.6 Working with Other European Countries

The Eastern Europe, Caucasus and Central Asia (EECCA) countries represent another group of countries with which the EEA has had some initial engagement. The political context of these countries is quite different from those considered previously. The prevailing view from many EU leaders is that EU membership is unlikely to extend to these countries, although the Treaty does not exclude them and some countries (e.g., the Ukraine) have expressed EU membership as a goal. However, unlike the western Balkans, EU membership has not been held out as a ‘carrot’ for the implementation of reforms.

The environment of the EECCA countries is remarkable compared to much of the (enlarged) EU – with Europe’s largest lake, longest river, most extensive wilderness and greatest pollution ‘hot spots’. Even without the wider European context, the influence of the EECCA countries for transboundary issues for the (enlarged) EU is important (such as in the Baltic and Black Seas or the Kola Peninsula).

Data gathering from the EECCA countries by the EEA has been limited, until the production of Europe Environment: the Third Assessment, which involved some limited collection of data through the use of questionnaires. However, ETCs are being supported through TACIS
funding to examine the potential for integration of EECCA data into their data bases. There are major problems with the nature of the data in these countries (especially data quality, as well as a concentration on impact monitoring as was the case in the Candidate Countries). Some countries (and some institutions) are also more eager to co-operate and supply data than others.

The political importance of this work is debated. It can be argued that it detracts from the more critical role of the EEA within the Member States and Candidate Countries. Even where there is acceptance of the importance of understanding transboundary issues, there are arguments that this should be the limit of engagement with EECCA countries. However, the European Commission has given its support to the development of the EECCA Strategy and limited involvement with the EEA might be one means to achieve the objectives of the Strategy.

Finally, some consider that, if the EEA’s role is to understand the pan-European environment, then it will have to address some wider transboundary issues. These would include the wider Mediterranean environment (which could contribute to the EU’s MEDA objectives) and the wider Arctic environment (involving some North American issues). It is thought that, while there might be a case for such a role, it should not be a priority for the EEA in the short, or possibly, medium term.

4.7.7 **Key Conclusions**

- The overwhelming view of most contacts was that the experience of inclusion of the Candidate Countries with the EEA has been positive from both a strategic and practical viewpoint.
- Analysis of the consequences of enlargement depends heavily upon the view that is taken of the general role of the EEA (EU vs pan-European).
- The arguments for concentrating the work on EU Member States are both political/legal (i.e. the role of the EEA as an EU body) and practical (the use of limited resources).
- The arguments for a wider focus for the EEA are again both political (assisting in integrating further countries into the EU) and practical (due the importance of transboundary issues to the environment of the EU territory itself).
- Candidate Countries report engagement with the EEA very positively for practical and political reasons, though some capacity problems remain.
- The implications of enlargement for the work of the EEA raised few practical problems and assisted in its understanding of the environment of the new Member States.
- Engagement with other non-EU Member States is necessary in order to understand fully the environment of the EU.

4.7.8 **Recommendations**

As a result of this analysis the following recommendations are made:
• The Commission should engage more closely with the EEA Management Board in consideration of the appropriateness and timing of countries which apply to be members of the EEA.

• The transboundary nature of environmental problems means that the EEA’s work should not be constrained by political boundaries or it will not be able to fully understand the nature of the EU environment itself.

• The EEA should continue to work with Candidate Countries (and those countries likely to become Candidate Countries) for both environmental and political objectives. In particular, the current relationships between ETCs and western Balkan countries (supported by CARDS) should be built upon.

• The methods used to work with the Candidate Countries have proved to be practical and the EEA should consider whether they form a useful model as it considers how to engage in other non-member countries.

• As the experience with Candidate Countries has grown, DG Environment should consider whether (and how) the EEA could assist in aspects of the approximation process more than it has to date.

• Further consideration needs to be given to the work that the EEA could undertake beyond the EU and Candidate Countries (e.g. the EECCA countries). Anything more than minor inclusion of these countries would require significant additional funding (e.g. not least for production of a fourth pan-European assessment), which could be sought from international sources.

4.8 The EEA and EIONET

Q8: What have been the strengths and weaknesses of the structure of the EIONET, particularly with regard to

a. NFPs
b. ETCs

How has this changed over time?

4.8.1 Introduction and Overview
EEA as a network organisation

The European Environmental Information and Observation Network (EIONET) is the network of the EEA - ie the EEA data system, comparable in some respects to the European Statistical System around Eurostat. The networking aspect is one of the central issues to be addressed in developing an understanding of the role and activities of the EEA.

The EEA (in Copenhagen) was not set up as an independent organisation. The origin of the EEA and the whole debate about building a European administrative system with EU agencies is one based on the principle of subsidiarity - that is, tasks and decisions should only be centralised at the EU level where this offers a clear advantage over doing them at national (or sub-national) level. Indeed, there was a strong desire at the outset to keep the EEA's centre small, and to disperse as much capacity as possible - not only to the Member States but also through the European Topic Centres, and to a lesser extent, through the use of consultants rather than permanent staff in Copenhagen.

The resultant EIONET network is large and quite complex when taken together, and its boundaries in particular are not entirely well defined. However, the main components of the system, and in particular the European Topic Centres (ETCs), National Focal Points (NFPs) and National Resource Centres (NRCs), are summarised below. Schematically, a rather simplified diagram of the main components and linkages comprising EIONET are set out in the Box below.

Note that the EIONET is established by the governing Regulation of the EEA, but the components of the EIONET are not all controlled by the governance structures of the EEA. That is, the staff and establishment of the EEA in Copenhagen are clearly under the control of the Management Board via the Executive Director; so too are the ETCs, in that they are contracted to the EEA and hence are answerable to it. However, the NFPs, NRCs and some other elements of the network are to one extent or another part of, or under the control of, the governments of individual member countries.
Defining strengths and weaknesses in the network

This study has used three evaluation systems to assess the strengths and weaknesses of EIONET:

1. Assessment of the outputs of the system.

2. Assessment of whether it is procedurally and structurally a strong network.  
   The definition of a strong network contains procedures and a central coordinating role. In other words, a strong network has capacities for single looped learning (that is, decisions are prepared, taken, evaluated and, if necessary adjusted) and double looped learning (that is, the system is also capable of reviewing its ways of working in the light of experience and reflecting on its own value systems). If it is a strong network, then it is self-managing.

Moreover, if these mechanisms are available, the network will tend to be well organised not only at network level (to deal with single and double looped learning), but will also include in its review of capacities sub-level capacities and commitments (in this case, the NFPs, NRCs, etc). However, upgrading sublevel mechanisms and capacities – or adapting them to the needs of the overall network – is inherently difficult for any network organisation due to the sensitivities involved and the lack of direct control over these elements.

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3 Outputs and structural strengths are important but insufficient to deliver a strong network, because structures may lead to efficient outputs but the outputs may be the wrong ones, or the structure may appear solid but may nonetheless be inefficient or ineffective in meeting its objectives. We therefore also have to assess the characteristic of the network on the basis of a traditional set of public administration values\textsuperscript{11}, as follows:

\begin{enumerate}
\item \textbf{resilience}: does the organisation survive and flourish in the longer run? (cf the doubts among interviewees noted below about the permanence of ETCs and their capacities). However, even resilience must not be allowed to become inflexible: so a balance has to be struck between the two, preferably without a substantial trade off of one against the other.
\item \textbf{efficiency}: is it a cost-efficient way of working? We will discuss this in relation to the multiplier effects of EIONET. This issue is connected to EEA’s added value.
\item \textbf{accountability}: are there transparency of decision making, result orientation, and evaluation mechanisms in the system?
\end{enumerate}

As Section 4.10 deals with the first question, we address the latter two approaches here. These, together with the first approach are complementary: the procedures in the network have to be transparent, deliver quality outputs and ensure that the network is sufficiently integrated to formulate and implement (multi-)annual plans.

4.8.2 \textbf{Reported Strengths and Weaknesses of EIONET}

The starting point of this discussion of EIONET is to document how the network is perceived, by both participants and users. Without qualifying the findings at this stage, the table below reports the impressions of those involved in the EIONET, both within and from outside. As shown below, the complexity of EIONET easily gives rise to a number of negative impressions and feeling such as ‘not understanding why things happen as they do’ and that ‘others benefit more from the system’. Both the strengths and the weaknesses are discussed below and, when appropriate, qualified.

\textsuperscript{11} Based on Hood, Ch., 1991, \textit{A Public Management For All Seasons?}, Public Administration, Spring91, Vol. 69 Issue 1, pp3-17.
### Table 4.8.1 Alleged Strengths and Weaknesses of the EIONET

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<tr>
<th>Alleged strengths</th>
<th>Alleged weaknesses</th>
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<tbody>
<tr>
<td><strong>The EEA System</strong></td>
<td></td>
</tr>
<tr>
<td>By stimulating cooperation of member countries, it makes ‘Europeans’ out of us</td>
<td>Use of consultants – weakens resilience and puts value added in doubt</td>
</tr>
<tr>
<td>There are numerous mechanisms which exert mutual pressures for improvements (smiley faces, meetings, etc.)</td>
<td>South feels left out – accountability/transparency problem, procedural weakness of decision making</td>
</tr>
<tr>
<td>The network delivers data and reports</td>
<td>Accountability problem also existed towards the public, i.e. there was at least in the beginning a fear to publish material that was not favourable to member countries</td>
</tr>
<tr>
<td>Mutual quality control</td>
<td>NFPs lack influence/overview – structural weakness</td>
</tr>
<tr>
<td>Quality control by EEA system</td>
<td>Unwieldy structure</td>
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<tr>
<td>Software is ‘closed’, making it hard for countries to adapt to it/build on it when setting up national systems</td>
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<tr>
<th>Alleged strengths</th>
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<tr>
<td><strong>European Topic Centres</strong></td>
<td></td>
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<tr>
<td>Strong centres of expertise</td>
<td>Fragmented, ie ETCs not sufficiently integrated (structural weakness)</td>
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<tr>
<td>A flexible approach as new ETCs may be added, or they may be merged, to reflect changing requirements</td>
<td>ETCs are too big in terms of partners/Not cost efficient (efficiency problem)</td>
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<tr>
<td>Underused partners in ETC consortia indicate additional capacities not yet utilised</td>
<td>Quality of some ETCs is better than others</td>
</tr>
<tr>
<td>Politicisation of decisions on ETCs:efficiency &amp; accountability problems)</td>
<td>ETCs argue that the EEA should give more guidance</td>
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<tr>
<td>ETCs are hard to control due to the high level of technocratic momentum in such expert organisations.</td>
<td>Fear of centralisation of tasks</td>
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### 4.8.3 The European Topic Centres

An ETC is a designated and specialised body to gather information in a specific field. The Regulation specifies that there should be ETCs, but only that

‘The Member States may also ... identify the institutions or other organisations established in their territory which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a
position to conclude an agreement with the Agency to act as a topic centre of
the network for specific tasks.’

Two main points should be noted from this. The first is that Member States are given an
explicit right to nominate organisations for topic centres, and in effect to act as ‘gatekeepers’
on the composition of the ETCs. The second is that, beyond this, the Regulation specifies
virtually nothing about the ETCs, including their number, size, coverage or composition; a
candidate for an ETC must be able to conclude an agreement to undertake ‘specific tasks’,
but the Regulation says nothing directly about what these should be. Thus the Regulation as it
stands leaves a great deal of leeway to interpret what an ETC network should look like – and
it could in principle be very different from what is in place today.

In practice, the current ETCs are made up of consortia of expert institutions under contract to
the EEA, and are obliged to work with a network of national NRCs, primarily for the
purposes of data gathering. ETC contracts are tendered by the EEA. The EEA is responsible
for their output and undertakes regular reviews of ETCs. Decisions on ETCs are taken
finally by the Management Board, and they sometimes suggest additional organisations to be
added into consortia. There are currently five ETCs. Most are run by, and are largely
composed of, national agencies; the Water ETC is unusual in being led by a commercial
organisation.

ETCs take up about a quarter of the budget of the EEA, and previously more than this in
proportional terms, so they are a major share of its total resource. The total budget of ETCs
in 2002 was 6.5 million Euro. In addition, host countries added approximately 1.8 million –
this is still probably a conservative estimate – through contributions in kind for office
accommodation and additional personnel costs (estimates based on ETC budgets). Not all
host countries contribute ‘in kind’ however.

Furthermore, the ETCs use corresponding NRCs in member countries for gathering data on
their specific topic (eg air or water). This represents a further in kind contribution as the
NRCs are mostly national authorities, so there is no charge to the EEA for data provision,
and NRC activities are funded by the national governments.

The total amount of resources that can be attributed to EIONET is hard to estimate, but it is
probably substantially more than the 25 per cent of the EEA budget which direct costs suggest.

Trends in ETCs

The following major trends can be seen in the EEA’s ETCs over the period of their
operation:

• A reduction in the number of ETCs (from eight in the early days to five now). This
reflects some rationalisation, driven in part by management failures in certain ETCs.
• There is a tendency to concentrate ETCs around fewer lead organisations with a view
to making ETCs more efficient; but this process has been slow and the recent EEA
evaluation suggests that some ‘dead wood’ remains.
Some of the ETCs have had or developed good analytical capabilities, but others less so. The EEA is now beginning to consider the possibility of re-focusing the ETCs onto the core data-gathering functions, and centralising analytical capacities in the EEA in Copenhagen, also with a view to being better able to integrate the work of ETCs in wider environmental reports.

Mixed Impression of ETCs

The data and responses which we have received show mixed judgements on the ETCs. The criticisms of ETCs include:

- They suggest an inflexible structure – a substantial share of the EEA’s budget is dedicated to only five topic fields.
- They lead to fragmentation into topics whereas environment policy requires integration.
- They are easily a victim of negative politicisation (ie member countries can interfere in the composition of the ETC consortia and add in favoured national institutions): ETCs are then hard to change, inefficient and overly large. This politicisation also threatens the credibility of the EEA as a whole if its independence is overruled by the member countries.
- There are doubts about the resilience of the ETC system: do ETCs lead to a build up of a permanent environmental capacity within the EEA, or are they semi-detached? The regular reviews and retendering may lead to discontinuation of contracts and hence substantial capacities could be lost.
- ETCs tend to go their own way: the experts in ETCs will emphasise their own interests above those of EEA as a whole and are in a strong position to determine priorities (known as the ‘principal-agent’ problem).
- For its part, there were a range of indications that EEA has not given sufficient guidance to the ETCs over time.
- Outsiders do not fully understand the EIONET structure, or that ETCs are not fully a ‘part of’ the EEA, and may therefore develop inappropriate expectations.
- It is suggested that there may be other means to use the money currently devoted to ETCs in more efficient and flexible ways.

On the positive side:

- ETCs have shown an increase in data gathering capacities and have successfully engaged with and helped to interconnect different member countries.
- There is also a fairly widespread feeling that ‘there is no alternative’, at least unless a great deal of extra capacity were to be relocated into Copenhagen, which seems a drastic solution.

Assessment

This kind of structure with topic centres creates an unavoidable tension between specialisation and integration because the staff of ETCs operate under different value systems. That is, they are institutionally separate from the Agency, and as a result they are not fully part of the culture of the EEA; they are probably more distant from ‘clients’ and...
from the mission of the EEA; they are more focused on more limited tasks and may have a higher level of expert orientation which determines their own priorities. Therefore, integration of ETCs in the EEA system requires special attention, and very possibly more support and guidance. Active attention to the direction of the ETCs is clearly justified by the large share of the EEA’s resources which they represent.

There has been a change in the perception of which tasks the ETCs can and should do, and which tasks should be within the Agency over time. While the ETCs started out mainly streamlining the data and processing them to information within a given topic, in recent years they have been increasingly involved in cross-cutting analyses, such as integrated assessments. However, the latest internal review illustrates that their capacities vary significantly in this respect, which is not surprising given that they were not established for this purpose.

Discussion has now been renewed on which analytical and integration tasks should be pursued from Copenhagen, better to ensure the links between the different topics and use ETC work better in sectoral assessments.

It seems that ETCs play an important role in creating specialised data gathering capacities. As regards the risk of politicisation and of inefficiency, a longer term perspective shows that problems are identified, thanks partly to the regular reviews related to contract renewal. In those cases in which serious problems where revealed, extra efforts have been undertaken to rectify these. As a result, some of the partners in the ETCs that were weak – and that were added following political pressures in the Management Board – either became more effective or have been removed.

What is clear is that the EEA has an important management role in relation with the ETCs: it manages the terms of references for the tenders and it stimulates NRCs to tender and to form consortia. Furthermore, the EEA leads reviews of ETCs and pinpoints strong and weaker partners in the ETCs. Subsequently the EEA leads the discussions with the MB and the Scientific Committee about how to continue with ETCs and with the partners in the ETCs. In the short run this may lead to a feeling of slow progress, but in the longer run, some changes in the ETCs can be discerned. The price of the slow rate of change is that ETCs suffer from operating inefficiencies; but in the medium term, the worst of these problems are put on the agenda and addressed.

Resilience and Flexibility Concerns

ETCs are not permanent structures, leading to questions about whether or not ETCs are weak in the sense that they can disappear when contracts discontinue, and with them would go an enormous and increasing resource in terms of expertise, experience, systems and goodwill. If this were to occur, little would have been contributed to a the EEA’s long term capacities and the permanent monitoring system in specific fields. There is certainly concern over the extent to which contract changes might impair EEA’s input to the Thematic Strategies, for example.

As regards flexibility, the ETC system is quite broadly supported as the way to create specialised monitoring capacities and integrating relevant partners at European level. However, questions arose as to whether ETCs lead to a fixed and fragmented set of centres.
There are on the other hand continuous debates about the shape and focus of ETCs and about the integration of ETCs into wider discussions on the integrated approaches to monitoring trends. These discussions have resulted in the adaptations of topics that need to be addressed by ETCs, regrouping of ETCs and now there is the debate about the ETCs into more integrated contexts. Hence, from a longer terms perspective, the ETC structure seems to be a dynamic one.

Management of ETCs by the EEA

It is our impression that in the short run there is a concern over the extent to which the EEA can supervise and steer ETCs. This in part relates to standard ‘principal-agent’ problems, in that it is always difficult for central (and often non-specialist) staff to control experts in their fields and to make judgements on what would be the best priorities and ways to proceed. Beyond this, however, there is a question as to the extent to which the EEA is prepared and equipped to supervise ETCs on a hands-on basis, and we encountered a range of evidence to suggest that EEA has not always allocated an appropriate level of resource to ensure effective management and good guidance of the ETCs to pursue the overall objectives of the Agency. There is therefore an argument for stronger and more active management of the ETCs on an ongoing basis to ensure that they pursue the interests of EEA rather than vice versa. Bearing in mind that they take up such a large share of the total budget, it is essential that EEA gets the most from them. Typically the EEA and ETCs appear to work on a cooperative basis, but at the same time, the ETCs are under contract to EEA, so it is right and proper that EEA should exercise proper control over the network resources.

On the other hand, as the development of the ETC system has indicated, the overall management system of ETCs and the reviews and Management Board discussions show that ETCs are continuously discussed and that adaptations are negotiated. ETCs have been, among others, reviewed, cut in numbers of partners and it has been necessary to take drastic action to replace ETC management in some cases. Arguably this process remains slow and is far from complete; but in a European system in which compromises have to be agreed. For the long term, arguably what is important is that there are pressures to arrive at single looped learning (ie are the ETCs doing what they should do, and if not, what can be done about that?) and double looped learning (ie are the ETCs doing the right things, are revisions of objectives needed, such as more integration, etc?). This seems to be the case in relation to the ETCs, so there is a discernible steering mechanism in the system. Whether there is enough steering depends on many aspects, such as the difficulty in steering expert systems, the number of actors involved, the political sensitivity, and the amount of staff in the EEA.

4.8.4 National Data Systems

The Key Role of National Focal Points in EIONET

NFPs are the linking pins between EEA system and its member countries. The work and the ways of working of NFPs is sometimes hard to present precisely. This partly reflects the varied nature of the national statistical and environmental systems within which they are based. That is, some NFPs are part of the environmental department, others are in environmental agencies; some are in centralised national ministries, whereas others operate in decentralised, sometimes federal, systems. Some are part of stable administrative networks
while in other countries NFPs have not yet had the time to become part of wider national networks, and the time and resources available for EEA-related work are more limited.

NFPs are, generally speaking, national officials with long experience which gives them an overview of how environmental data and information are collated in their countries and of which organisations and ministries are involved.

They are the direct contacts between EIONET and the EEA and will, generally, receive at least a copy of all mail or are themselves the direct contact points. This serves to prevent confusion within the Member States about who is involved in what and helps to keep clarity as regards which NRCs are in the lead for specific issues, but it appears that some direct communication between ETCs and NRCs does in fact bypass the NFPs.

NFPs also play an important role in briefing the members of the Management Board, and some are the alternate MB members.

As international data streamlining is increasing in importance, NFPs in some countries are starting to broaden their role at the national level and are also becoming more involved in other international meetings. This reinforces the efforts of the EEA in streamlining as their European efforts also have the potential to feed into international discussions.

NFPs and PCPs

An additional level in the EIONET system are primary contact points (PCPs). Under these arrangements, NFPs are supported in their work by national PCPs for specific topics. There is now a system of PCPs for designated topics. PCPs have an overview of NRCs in specialised fields. Hence, there is a hierarchy in the multilevel NFP system in each country: one NFP coordinates the work of approximately a dozen PCPs, and these in turn oversee the relevant NRCs.

Strengths and Weaknesses of the National Data Systems

A central issue in EIONET from the perspective of EEA is that the EEA centrally has no power at all to coerce or compel the NFPs, NRCs etc. They cannot, for example, compel the member countries to produce any given data unless there is a legal requirement for them to do so, nor can they insist on improved monitoring practices or better quality control, for example, of operations within the member countries.

This is a serious potential problem, as member countries inevitably vary in their approach, and to an extent, in the quality and quantity of the data which they provide. Some countries find it difficult to coordinate work between the range of NRCs, PCPs, NFPs and the ETCs and EEA. Some countries have clearly defined points of access – the NFPs – others have weaker NFPs. Problems can be related to the degree of political interest in environment policy, the strengths of national policy coordination systems, the tradition in monitoring, the level of resources available, etc. It should be stressed that, rightly or wrongly, a number of those with whom we have spoken still identify this as a key structural weakness which undermines their confidence in the quality of some at least of the EEA’s datasets; so these are important issues for the EEA to address.
In reality, however, there are a number of ‘soft’ mechanisms which have been built up and used over time to reinforce the network in respect of NFP and NRC engagement, improvement of data quality and data management, etc.

For example, NFPs accumulate strengths and a higher status within the national administration through a number of mechanisms:

- National involvement of senior management representatives in the Management Board gives high level backing to the NFPs.
- International streamlining of data makes sector ministries and statistical bureaux more inclined to cooperate. Hence, the reputation of the EIONET makes NFPs more visible and influential people.
- Visits from EEA to senior management creates high level awareness and additional support for NFPs.
- Peer group pressure on NFPs and on members of the Management Board through EEA’s activities ensures that pressures for cooperation are felt at different levels in the national administrations.
- Participation of NFPs, senior officials and Management Board members in workshops and other events helps to spread a realisation of the importance of cooperative working in the EU. In particular the participation of senior management from member countries reinforces the influence of NFPs.

Also, the weaknesses of some NFPs underline the importance of a strong secretariat within the network – ie of the EEA. EEA staff act as de facto secretariat for both NFP and ETC meetings under the aegis of EIONET on a regular basis. Some ETCs have also participated actively to help build the data gathering function within member countries, and this is a very useful process which should be more systematically encouraged across the EIONET.

4.8.5 Instruments and Tools for Managing the EIONET Network

Due to the fact that EIONET has a range of tasks, it also needs an elaborate set of management instruments to (a) plan and monitor work programmes and (b) build both network and national capacities. Some of these instruments can be closely applied to specific tasks, such as training in the use of data reporting systems, whereas others can be of more general effect (eg work planning and performance control instruments). The network management instruments available to the EEA include the following:

- (Multi-annual) work programmes and budgets
- Methodologies for gathering of data
- Infrastructure and protocols for the delivery of data (these also spin off into national systems, resulting in the elaboration of national systems on the basis of the EEA ‘model’)
- Funds and programmes for capacity building (eg enlargement-related funds)
- Audits and evaluations of various kinds (of NFPs, ETCs, EEA itself, use of website, etc.)
- Peer group pressure (eg for quality of data)
- Organising effect of EEA function as secretariat for NFPs, ETCs, Management Board and Scientific Committee
• EEA stimulus to NRCs to compete for projects and bid for ETC tenders
• EEA problem-solving functions in specific fields, which usually involves the NFPs or the Management Board members.
• Training in the use of methodologies and data systems.
• Network meetings, workshops, etc to explore new issues, bringing different groups together to counterbalance possible fragmentation.
• EEA has a ‘helpdesk’ which addresses a broad range of questions, especially useful for acceding states. This helps exchange of experience and common responses to common problems.
• Manuals, system clarifications (e.g., the clarification of the relations between NFPs, PCPs, and NRCs from 2001)
• Website creates transparency to ensure that as much relevant information as possible can be consulted by all those who need it (e.g., web page on major decisions taken in EIONET).

Furthermore, the network is characterised by shared underlying values. Everyone in the network is in some way involved in environmental data processing. The importance of gathering data, of better analysis and of monitoring trends, is therefore widely supported. This gives the network a strong sense of direction. All discussions about ‘greater efficiency’, ‘doing more with less data’ and ‘more to topic A and less to topic B’ take place in the framework of general agreement on underlying objectives.

Thus the network is supported by secretariat functions, evaluation mechanisms and support and planning mechanisms. In addition, it is based on a shared view on the relevance and importance of the EEA/EIONET system. Finally, it has mechanisms to upgrade capacities at network as well as national levels. The work of the EEA and EIONET are characterised by single loop learning (are we achieving what we agreed?) and double looped learning (should we be doing this, or what do we have to do to reach our agreed objectives?). This conclusion is supported by examples from a number of the case studies discussed in other Sections. The result of this is a self-organising network in which the EEA plays important networking roles.

4.8.6 Multipliers in the EIONET System

The EIONET is a large and complex system (or possibly set of systems), and as such it is difficult to organise. Also, its complexity inevitably adds additional layers of requirement for management, coordination, communication, etc. As such, it almost certainly does not represent the most cost-efficient way of achieving a given end - certainly not if cost-efficiency is narrowly-defined, or if important but intangible benefits such as member country buy-in are ignored.

However, when assessing the effectiveness or value-for-money of EIONET as a whole, it is important to bear in mind that there are synergy effects in the system, i.e., multipliers that contribute to its value and cost-efficiency. These include:

Budgetary multipliers
• ETCs: 30% added by budgets for staff and housing by member countries
- Use of NRCs in EIONET (typically ministries or agencies that work free of charge on EEA business).
- The Europeanisation of national data systems. Some NFPs are now in the process of getting national information systems to include trends in the EEA system as a starting point for innovations in the national system. NFPs have also committed to try to work more proactively, instead of reactively adapting national systems to EU requirements. It is likely that member countries will also discuss data innovations and new national projects at EU level to prevent the need for further adaptations later on.
- The EEA connects national systems to international systems. The NFPs influence is strengthened as the data providers welcome streamlining in international data gathering.
- NFPs are broadening their statistical work to other international organisations (OECD, etc.). Work that started in the EEA framework is thereby multiplied at international level (and international data trends are fed back into EIONET).

These multipliers at least suggest that the EIONET data collection system may be cost-efficient, or more cost-efficient than it first appears, even if the overheads of network maintenance are relatively high.

4.8.7 The Use of Consultants by EEA

Fees to consultants make up approximately 25 per cent of the EEA’s total budget - like the funds to ETCs, a very substantial share of the whole. From the outset, when its staff quota was very limited, EEA had no choice but to utilise outsiders to undertake substantial pieces of work, and to an extent, that pattern still persists.

The extent of EEA’s use of consultants has been criticised in some quarters. For example, it has been argued that there is little incentive for DG Environment or other clients to channel work through EEA if they know that this will be simply farmed out to consultants: in this case, their interests are better served by hiring their own consultants directly. Also, there is a broader concern that consultants endanger the resilience of the network because they undertake tasks but do not add to the build up of expertise within the network.

In the wider context of the development of an EEA system, however, it appears that the use of consultants has allowed flexibility and focus. They have allowed the EEA to concentrate on core activities and building up targeted expertise. Also, consultants have extended the ability of EEA to respond to a range of more immediate tasks, and can be used when specific analytical expertise was needed on the short run. More generally, they have augmented the EEA’s capacities for some major tasks (such as major SoE reports) which might prove impossible without outside help. They are also reported to have offered the EEA insights into possible new fields of activities, and new ways of approaching ongoing tasks.

Clearly, for all of these reasons, we consider it likely that EEA will continue to make use of consultants to maintain flexibility and supplement its in-house resources. However, we conclude that consultants are clearly not the best solution for all tasks, and we argue elsewhere that EEA might wish to reconsider the balance of resource allocation between consultants and permanent staff, with a view to shifting it gradually towards the latter.
4.8.9 Conclusions

The EEA is the centre of the EIONET network, but is much more than a secretariat. It fulfils many strategic and organisational roles. For this purpose, the EEA has a great many resources to reinforce the workings of the EIONET.

The network is firmly based on routines, manuals and procedures. These procedures and management mechanisms are the result of the development work of the EEA as centre of the network. Furthermore, various aspects of the network are subject to regular and independent reviews, and network development is driven by mutual peer pressures.

The strengths of national administrations’ contributions through the NFPs and NRCs vary, but seem in general to be improving over time. Some of the weaker and more recent members building up their capacities and actively benefiting from the EEA system. The most visible aspect of the capacities of the national sublevel are the NFPs, and in most countries these are experienced individuals in the field of environmental statistics and are stable partners in the EU network.

In most respects, the EIONET is quite resilient. The most fragile aspect of the network seems to be the ETCs, but these are under permanent scrutiny and review. They may however require more active management in some cases.

The major conclusion as regards the EIONET is that within a limited period of time, the EEA system has developed into a strong self-organising network that is capable of single and double loop learning – in other words learning from experience/feedback to not only do the job at hand better (single loop), but also to put in place new measures, structures or procedures that transform the way work is undertaken as well as transforming the organisation and operation of the network (double loop). This does not mean that everything is perfect, but that the system offers the dynamics for learning and capacity building. In a complex European environment, the scale of achievement in building such a working network in a relatively short period of time should not be underestimated.

There remain many challenges, such as better prioritisation of what data are really necessary at EU level, improving data quality, and safeguarding the essential functions of the ETCs in the EEA system. However, judging from the history of past years, the network seems to be well equipped to identify problems and to set in motion the processes that will be needed to institute change over time.

The structure and activities of the EIONET are extremely complex, such that even insiders are often unclear about some elements of the network, and why some functions are as they are. In these conditions it is hardly surprising that outsiders, including clients, are easily confused and may misunderstand the EIONET’s capabilities or have inappropriate expectations of it. The EEA therefore needs to do much more to describe and explain the EIONET in a transparent way.
4.8.10 Recommendations

- The EEA website should present a clear document on EIONET, covering in particular the roles of NFPs, NRCS and ETCs, and addressing their tasks, and their place in the network.
- On the basis of the above, the Management Board should carry out a broad ranging evaluation of the internal workings of EIONET. This would contribute to the fulfilment of Article 4.7 of the EEA’s Regulation.
- The current management systems for the EIONET should in general be retained. This study has highlighted the strength of these systems, however it also recommended to examine its implementation throughout the system to ensure that it is fully effective.
- Some member countries are not as fully engaged in supporting EIONET (administratively or in terms of resources) as they ideally should be, and it is recommended that countries re-examine the importance of EIONET to their work and to ensuring effective implementation.
- The remaining fragility of ETCs is a concern, especially as the capacity developed within them is continually increasing and loss of a consortium member (especially an ETC leader) would, year by year, represent a major challenge to the EEA. Consideration should be given to identifying further ways to reduce this fragility, for example by securing a better delineation between the core data-gathering tasks in relation to the NRCS, and other functions of the ETCs.
- The ETCs are effective at data gathering on a thematic basis, but the use of EIONET data for cross-cutting analyses can be problematic. It is recommended that the EEA consider how to improve the system in order to ensure that such work (eg for contributions to integration strategies) can be undertaken. In particular, this might imply a changing balance of expertise with more expertise on sectors, assessments, etc developed in Copenhagen.
- It seems likely that EEA will continue to make use of consultants for a wide range of tasks, but might wish to reconsider the balance of resource allocation between consultants and permanent staff, with a view to shifting it gradually towards the latter.

4.9 Governance and the EEA Management Board

Q 9: How effective are the EEA’s governance mechanisms (ie Bureau, Management Board, Scientific Committee), particularly in representing the views of Member States, EU institutions and the scientific community in work planning and quality control.

4.9.1 Introduction

Question 9 is a strategic question for the study, as whatever conclusions can be drawn on the EEA and its work, it is the Board that is ultimately responsible for it. The EEA Management Board (MB) ultimately decides on the work programmes of EEA and approves European Topic Centres (ETCs), budgets, annual reports, the composition of consortia and EEA’s staff
policy. In its work, the MB is supported by the advice of the Scientific Committee, and the advance preparations of the Bureau.

As indicated below, the question of governance structures in EU Agencies is a sensitive and difficult topic in general. Without clear official directions defined at EU level, the EEA system has (thus far at least) had to define its own path. Enlargement-related discussions are one of a number of drivers for change in governance structures. Also other topics concerning agencies and supervision are under discussion in the Secretariat General of the Commission. For example, the consequences of the Commission’s new financial management methods have removed from the MB the discharge of the EEA’s budget. We cannot predict what further developments will occur as part of this broader review of governance, but where relevant we have reflected what is currently known about the discussions affecting the EEA, and agencies in general.

This Chapter first reviews the situation of the MB. To set the scene, we set out the various criticisms that we have encountered and subsequently evaluated to see to what extent these points are valid and how they are related to the design of the governance mechanisms surrounding the MB and the EEA. Subsequently, we review the composition, the operations of the MB, its position in decision making in the EEA system and the work planning of the EEA. Also the current discussions about the size and functioning of the Bureau are covered and the strengths and weaknesses of possible alternatives are reviewed. Finally, we discuss the position of the Scientific Committee and end with conclusions and present ideas for future changes.

4.9.2 The EEA Management Board

Alleged Criticisms

As a point of departure for the discussion we will first present typical views on the strengths and weaknesses of the way the MB operates. As in the previous Section, we have to be careful as it is very easy to report adverse feelings which have been expressed, but such adverse criticisms have to be balanced against strengths that are related to one and the same point. Furthermore, the feelings may be the result of inherent frustrations of working in complex environments, and not truly reflect on their apparent target.

Table 4.9.1 Alleged Strengths and Weaknesses of Governance Structures

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<th>Alleged Strengths</th>
<th>Alleged Weaknesses</th>
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<td>High level commitment - positive politicisation - from member countries (also as prerequisite for the power NFPs need to have). Member countries need this kind of high level involvement to adapt systems and deliver what is required by the EEA system. They also need to feel part of wider European developments in data and information gathering.</td>
<td>The MB is subject to negative politicisation, eg decisions to allow sub-optimal composition of ETCs in pursuit of national interests and prestige. Member countries primarily interested in their national interests. As a result, the focus on quality is sometimes compromised.</td>
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### Alleged Strengths

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<th>Alleged Weaknesses</th>
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<td>Balancing of demands: MB has a crucial role in mediating Community interests, Commission interests, EEA’s interests, member countries’ interests, and a range of demands on EU data gathering and analysis.</td>
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Doubts about accountability of the EEA: the complex Regulation allows the EEA to interpret various provisions in order to set partly its own agenda - and hence devote less energy to topics some members of the MB would like to see addressed. If this is so, than the EEA Regulation violates an important requirement of good governance.

Bureau prepares decisions - and thereby streamlines the work of the Board

Bureau pre-cooks decisions - and thereby sidelines the views of individual Board members.

The EEA system includes mechanisms for identifying its own weaknesses. The MB is a ‘living thing’ (eg papers reflecting on the functioning of the Bureau and the MB and the discussions that have taken place in the MB on its internal procedures).

The MB is inefficient:
1) The size of the MB prevents meaningful discussion and limits the number of topics which can be covered; 2) meetings are expensive; 3) question of whether it meets too often; 4) discussions are insufficiently well prepared in advance.

Enlargement may further dilute the influence of the Commission and Parliament - ie the Community perspective - and make the EEA system more of an intergovernmental body (ie ‘2+2+25’ instead of ‘2+2+15’ voting members).

There is unequal involvement of Member countries.

There is feeling in Member States that more can be done with less information and subsidiarity should be better safeguarded, while the Commission sees that activities are undertaken that do not support its work programme. There is a feeling of being ‘played out’ by other interests.

The complexity of the Regulation makes supervision impossible: the MB has to represent national interest, Community interests, and at the same time be independent. Moreover, data have to be relevant, timely and reliable. It is easy to see that these are conflicting demands and do not sit well with a politically-aware MB.

### The MB’s Composition and Mode of Working

The MB is the decision-making body and hence also the main supervisory body of the EEA system. The Board is composed of two senior officials from the Commission and one each from Member States. In addition, the board includes two expert members designated by the European Parliament - not usually MEPs, in order to keep the Parliament at arms length in view of its overall control function of European policy and because it was felt that the MEPs
typically lack the kind of specialised expertise which member countries have at official level. Officials from DG Environment and the JRC/Eurostat respectively represent the Commission.

In addition to these full board members, the MB also includes representatives of EEA member countries outside the current EU15: Norway, Iceland, Liechtenstein, and the 13 accession countries (including Turkey). The presence of these countries in the Board is important because they are integrated into EIONET, share in the workload of the EEA, and contribute significantly to its budget. These countries can participate in Board discussions, but do not vote – only the current 15 EU Member States, the Commission and the designated EP members vote. Currently this totals 19 votes, with Commission and Parliament having two each. Also the Executive Director of the EEA and chairman of the Scientific Committee are present as observers and advisers. If relevant, other EEA staff may also provide support to the meeting or observe. Hence, a full Board meeting currently comprises 39 ‘speaking members’.

The MB is composed of a mix of members: Deputy Permanent Secretaries, Directors-general and Directors from ministries/Commission, university professors, managers from national/regional agencies, and independent experts. The alternates tend to be senior managers from ministries or NFPs. It is important to note that through its membership the MB links the EEA at a high level to the policy making bodies in the Commission and member countries.

Through the composition of its membership, the MB is intended to reflect the interests of member countries, of the Commission as a whole, of the EU and of the wider environmental community and EP. Even though the designated members of the EP usually do not receive precise briefs from the EP, they act as a check on the general values of the EEA in view of the needs of EU environment policy. The designated EP members are in contact with the EP Environment Committee on EEA’s developments and work programme, and try to reflect the Committee’s views where possible, but the mechanism for this is not strong; there is limited opportunity for face to face meetings, but other means of communication are established to facilitate contact between the Committee and its representatives on the MB.

When voting is required in the MB, a two-thirds majority is needed. In practice, the chairman strives for unanimity, ie no objections, and formal votes are as a result very rare indeed. Most of the material before the Board lends itself to finding compromises, and hence to unanimity. This desire for unanimity underlines the importance of ensuring support from each country for the EEA’s decisions and priorities.

The Management Board’s Functions

The function of the MB in general is to focus the EEA on its objectives as specified in the Regulation. In more detail this involves:

1. quality control
   - monitoring quality of reports, data & ETCs
2. relevance of the EEA’s output:
   - ensuring relevance of EEA’s activities for policy makers
3. representation of national, Commission, Parliament and Community interests
In brief, whatever the course and output of the EEA system, the MB is ultimately responsible. There is however one major qualification which should be made as regards the powers of the MB. There is grey area between overview and active (or micro-) management. Too much involvement in the detailed work of the EEA denies room for manoeuvre the EEA’s senior staff, and may restrict the Agency in terms of:

- working on innovative, future oriented tasks
- analysis of trends
- capacity building.

In each of these fields, the EEA staff group has to know primarily what it wants to achieve. For example, the EEA needs to have the leeway to define and work on the e-systems as it sees fit, to have a forward looking vision, etc. This is an appropriate role for the highly qualified staff of the EEA, and it is important for the MB to establish its oversight at the appropriate level of detail. At the same time, excessive management by the MB is a waste of expensive time, and distracts it from keeping a proper overview of the ‘bigger picture’. The grey line between overview and micromanagement has to be accepted and requires continuous discussion on the limits of involvement.

The Value Added of the MB

In order to fully understand the functions of the Board and as prerequisite for a possible review, we briefly summarise the potential value added of the MB as a gathering of interested parties:

- it should generate commitment in all parties
- it should help to cement a European community at high official level
- it establishes developments at a level to which the national level should adapt
- it is the conduit for two way communication (nationally from and to the MB)
- it should mediate the interests of all its constituent groups fairly

There are widespread comments on the lack of active input at meetings from many MB members, while a few tend to dominate proceedings. This leads many to conclude that many Board members are not actively engaged, while others dominate decision-making. However, it appears on closer investigation that silence on the part of a proportion of the members is partly based on general agreement as regards the overall direction of Board discussions. Some will only prepare for what is a real sticking point to them but are willing to speak up when they really feel they have to make a point. However, it also in some cases indicates lack of preparation - by the relevant members and perhaps also through insufficient communication from the EEA and other players about what is important, what needs to be done before the meeting, what are the consequences of specific options, etc.

As the discussion of the ETCs has shown, there is a tendency for some Member States to focus on their direct interests, most notably in the choice of consortia for the ETCs. However, in the longer run, it seems that peer group pressure stimulates some level of concern for effectiveness in the network as a whole. For example, consortium members that
make least contribution to ETCs have in some cases been identified through reviews, and maintaining the efficiency of ETCs has been a driver for this.

4.9.3 The Bureau

In its current mode of working, the primary role of the Bureau is to look more closely into issues before MB meetings, and present draft proposals to the Board as a whole. It is therefore mainly a preparatory body helping to maintain the efficiency of the MB – or the source of decisions to be ‘rubber stamped’ by the MB, depending on one’s perspective. Work programmes, budgets and mid-term report of the EEA are among the main issues on its agenda.

The Bureau is an interesting development in the EEA system. It started with three members and has now grown to six. These developments show the attention that is given to reviews and discussions about procedural improvements in the EEA system – and is reflected in the numerous papers on the roles and functioning of the Bureau that have been presented over time to the MB. Secondly, it also reflects the trends in the EEA and its relations with its partners. In the initial years its role was limited, as close contact with its partners in the Board was needed to reinforce relations and to prevent mistakes and confusion in the relationship. Over time, however, the amount of work that is delegated to the Bureau has been growing – albeit slowly. Thirdly, it underlines the fact that the grey line between the overview function of the MB and micromanagement, as the tasks of the Bureau are inherently difficult to circumscribe. The Bureau is therefore a continuous point of attention and at the time of writing its rules of procedures are being reviewed again.

The Bureau of six consists of the chairman of the Board, three vice-chairs, one representative of the Commission and one expert designated by the EP. The quorum for meetings is four. The chairman of the Scientific Committee also attends Bureau meetings as an observer. The formal functions of the Bureau are to prepare agendas of the MB, to deal with delegated tasks and to respond to urgent demands.

The Bureau also reflects another trend in the governance structure, ie the governance structure seems to move, slowly, from an intergovernmental to a slightly more supranational way of working. The composition is 4 countries + 1 Commission + 1 designated EP representative. With enlargement impending, this composition has remained, although some have questioned whether an expansion in the number of the Bureau’s country members would be needed to include the new countries more effectively.

The Dangers of ‘Pre-cooking’ and Micromanagement

It is clear that there are dangers involved in a Bureau structure. From an outsider’s perspective, a tendency to micromanagement would endanger the leeway the EEA staff needs to have to ensure its forward looking tasks and to arrive at conclusions in its analyses. However, as far as we could establish, the Bureau and MB are both aware of this danger and micromanagement is a term used in Bureau meetings to indicate when the members consider that the correct line is being crossed.

More importantly, the delegation of tasks to the Bureau does not seem to be extensive. They are constrained to specific tasks on which the MB has already decided in general terms, and
the details are left to the Bureau. The important issues and conclusions still have to be approved by the MB.

Finally, although the possibilities of ‘pre-cooking’ all decisions in a small subset of the Board membership in the Bureau are obvious, we encountered very little criticism of the activities of the Bureau, or accusations that it was ‘undemocratic’. However, it has been suggested that the process of electing new members to the Bureau could be made more transparent.

4.9.4 The Role of the Work Programme in the Governance of the EEA

The governance structure is not independent of the EEA secretariat. In fact, EEA staff input is an essential element in the preparations of meetings. In particular it has the initiative in presenting draft work programmes, reviews and other preparation of meetings. This gives the Agency staff itself an important role in the governance structure as well.

One of the major regular issues for the MB is to decide on the Annual Work Programme. The work programme shows the way in which the budget is used and the services member countries have to provide. It starts with discussions in early spring with clients and most specifically with the Commission on future topics and workloads. Consultations include NFPs at regular intervals. This process has been one of the issues under constant review in the EEA.

The process of planning the work of the EEA is transparent in one way (all information is passed around and parties involved get ample time to be involved and react), but it is not transparent in another way. For example, many find the process ponderous, and that it does not incorporate a ‘bottom up’ perspective. It would be advisable if the steps and the parties in the preparations and decision on the EEA work programme would clearly documented and added to the website.

Progress on the work programme is reviewed informally in spring with the directors from relevant parts in the Commission (mostly with DG Environment and with other DGs more on an ad hoc basis). This meeting is important in view of the discussions below on whether a mid term review should be (a) formalised in the Bureau and (b) more solidly prepared within the Commission and Member States.

Degree of Definition of EEA Work Programmes

The EEA’s Annual Work Programme cannot be fully defined for one year. As with any work programme, it involves many uncertainties. What will eventually be picked, and what will be postponed or dropped will depend on many aspects (including how much time assignments actually take up, and hence how much is left over). Moreover, there will usually be new issues and questions which arise during the year (including requests for assistance from the Parliament and Commission).

This means that the EEA has leeway to take decisions on its own priorities. In addition, however, the work programme can be manipulated by the designer – ie by the EEA staff. Both aspects have been voiced as criticism in the interviews. However, it is important to understand that everyone interviewed is to some extent positive and satisfied. It is clear that for all, the work programme is a compromise and the support which it has always enjoyed
indicates that every one is – to one extent or another – satisfied with the topics in the programme and the developments of the programme. There appear nonetheless to be constant and legitimate requests for a rebalancing of the emphasis placed on different elements in the work programme.

The danger of the current way of working is that the EEA staff can gain substantial leeway in interpreting the programme by arguing that other parties (eg the public or member countries) have asked for specific projects, and that this justifies taking them forward even if they are not prioritised in the programme. This is a serious question, which would mean that the accountability of the EEA is in doubt if staff are able to undertake projects that are not supported by the MB. At this stage, we cannot establish whether or how often this is really the case. Moreover, we cannot define how much leeway the EEA needs. Some of those who are involved in the discussion on EU agencies more generally and on the EEA argue that more leeway is appropriate, but others would like to focus the role of the EEA, in part by a more prescriptive work programme.

Certainly the work programming cycle of the EEA should be kept under review, in order to ensure that it reflects appropriate priorities; that it balances the needs of different client groups fairly; that it delivers a high degree of accountability through the MB; and that it maintains the appropriate balance between programmed work and ad hoc activities. The above discussion pertains primarily to annual work programming, but similar conclusions can also be drawn in relation to the MAWPs.

4.9.5 Alternatives to the Current MB and Bureau Structure

There are serious questions as to the viability of the MB structure in light of enlargement. It is clearly important that all interested parties including the member countries have a voice in discussions and decisions in the MB, and this has been identified as being important in securing the buy-in of the member countries in particular. However, as enlargement progresses, the current ‘one member one vote’ structure will lead to an MB with at least 30 voting members, and perhaps 40 active participants. Serious questions have been raised as to the viability of such an arrangement, and therefore it is necessary and timely to consider briefly the alternatives.

In general, organisational design is by nature a process of negotiations between the interests involved. For any organisation, therefore, blueprints designed by outsiders are of limited use. Nevertheless, there are a number of options that we have looked at and for which we outline the main ‘pros’ and ‘cons’ below. These are purely a contribution to the debate; in reality, it is likely that any changes will in any case need to reflect more global decisions about the future of agency governance, or even more general questions about delivering democratic engagement in an EU of at least 25 Member States.

For the EEA, the following structures are possible. The strengths and weakness below should not be interpreted as stating clear preferences on our part. It is even arguable that the shape will in practice not make too much of a difference. As in the case of the two-thirds majority rule at present, the effort is in all cases to strive for consensus. Probably the same may be the case with the future shape of the MB: it is likely that it will continue to be in everyone’s interest to search for wide involvement and buy-in in decision making - in whatever way is chosen.
1) ‘4+ 4+ 4’

This formula is set out in the Communication from the Commission on European Agencies (Commission, 12 December 2003). In this proposal, decisions would be taken by a much smaller Board, with four Commission representatives, four European Parliament designated members and four Member States. Such an arrangement implies that input from all member countries would need to come from a new form of meeting, more in the nature of an annual Assembly.

The Communication however is of uncertain status because it has not been followed by clearer policy statements. Also it addresses regulatory agencies, whereas the EEA system is not of the regulatory type, so its relevance is uncertain.

On the positive side, such a structure would:

- emphasise the Community perspective
- prevent the voice of the Commission from being diluted amidst an ever-expanding number of Member States.
- de-politicise the role of Member States, ie decisions designed to reflect the interests of individual member countries would be less likely to be made.
- allow only those countries with a strong interest to participate (ie efficiency argument).

Arguments against this formula are as follows.

- The MB strives for unanimity – except in exceptional cases. Particularly when it concerns the Commission, Member States seem to be very keen on satisfying the Commission’s wishes. Therefore, the fear of dilution may be unnecessary. More Member States may not necessarily imply a weaker role for the Commission.
- In view of the voluntary cooperation required in EIONET, the Member countries play an important role in delivery of data. Hence, the EEA system is strongly dependent on cooperation from Member States. This may be insufficiently reflected in this formula. A single annual assembly meeting may be insufficient to cement senior management in the EEA system – with the consequences for the NFPs.
- The idea of a reduction in size of the Board was, in the EEA but also in the EU more generally, caused by concern over how well large meetings would work. Similar concerns were voiced in previous EU enlargements (eg the ‘Wise Men Report’ from 1979). In practice, however, in previous enlargements the new Member States have participated effectively in most meetings in the EU, and so too in the EEA MB. Therefore, there may be less cause for concern than at first appears.
- The size of the MB should not be seen in isolation. The Bureau has been carefully developed to reflect an appropriate balance of the Commission, member countries, Parliament designates and SC and this may be sufficient.
- It is open to question whether such a radical rebalancing of interests is politically feasible.
2) Further Reinforcement of the Bureau (through expanded decision-making powers)

This would be a continuation of the present system in terms of the composition of the MB, but giving the Bureau a stronger status in terms of decision making, particularly on certain types of question where Board involvement could be most easily avoided. This would have to be assessed in the context of transparency, and might for example include possibilities of challenging decisions of the Bureau within a specific period of time. This way of working might in effect change the MB into an annual Assembly, or at least allow it to meet less frequently.

A key advantage of this approach would be speed and efficiency. Also, it would arguably be a continuation of a trend which is already discernible, and therefore an evolutionary rather than a revolutionary change.

A specific drawback would be the possibility of some members wishing constantly to revisit the Bureau’s decisions if not actively consulted on them as they are now. There is also a danger that it would share some of the drawbacks of option (1), particularly with regard to member country ‘buy-in’.

3) More Independent Members

A trend in boards is to increase the role of independent members and members from related organisations to widen the degree of public support and legitimacy. Currently, only the designated members from the European Parliament are essentially independent; they seek to reflect the views of the Parliament where possible, but cannot be instructed or mandated by Parliament. Others reflect the interests of their parent organisation, and have to balance these against the wider interests of the EEA.

Legitimacy and independent views could therefore be increased by developing this aspect of the board, for example by including NGO or business representatives, or making the chair of the Scientific Committee a voting member of the Board.

However, an obvious drawback is that such an approach would expand the size of the Board even further. Moreover, given the openness of the EEA generally in presenting proposals, it can be argued that the interests of third party organisations are already relatively well reflected.

4.9.6 The Scientific Committee

The Role of the SC

The Scientific Committee (SC) was provided for in the EEA Regulation in order to ensure that a science based outside perspective was incorporated into the decisions, activities and outputs of the EEA. The SC has an essentially advisory role, and although the Chair attends Bureau and MB meetings, he does not have voting rights.

The tasks of the SC include giving advice on the draft work programme prepared by the director of the EEA and acting as a ‘sounding board’ for EEA products. Some would regard it more broadly as a ‘watchdog’ for the scientific validity of the decisions made by the MB
and Executive Director, but, as discussed below, it is questionable whether its resources are sufficient to allow it to exercise the degree and extent of vigilance implied by the term ‘watchdog’.

In addition, the SC is also a generator of ideas and innovations. One positive example of this is the key role which the SC played in the EEA report Late Lessons from Early Warnings (see Section 4.10). The SC has, in practice, been an important source of advice for the Executive Director in some areas.

The Committee consists of 15 members. They are chosen for their expertise in fields relevant to the work of the EEA. The composition of the SC allows individual members to have a particularly responsibility for monitoring specific EEA products and parts of the work programme. To this extent it does play a role in quality control, but has not full responsibility for the quality of EEA’s outputs, and the quality of the product depends in any case on many factors beyond the influence of the SC members.

A key factor in limiting the role and ambition of the SC appears to be the time available for SC members to spend on EEA business. In their nature they are busy people with many demands on their time. Also, historically, SC members have not been remunerated for their input, either for attending meetings or for other tasks. It seems likely that this may have deterred some good candidates from joining the SC, and must limit the time which most members can justify devoting to SC business.

The Future Tasks of the SC

The role of the SC and its members is generally appreciated, but as things stand, it is clear that it does not and cannot confer scientific credibility on the Agency across the board. On the other hand, our analysis has revealed some weaknesses in the scientific quality of some EEA outputs, and the absence of a fully systematic approach to quality control of outputs. The basic issue therefore seems to be: is the SC really needed, and if so, could its role be enhanced?

The value of the contributions of the SC to EEA is not in doubt – in fact virtually everyone consulted was positive on this point. However, the degree of added value of the SC to EEA as a whole is open to question. The EEA system is very open and overlaps in many ways with academia, participants in projects, participants in workshops, etc, and all these can contribute to quality, new insights and innovations. Hence, the question emerged on several occasions whether, if there was not already a legal requirement for the existence of the SC, it would be considered necessary to create one. The transparency of the EEA, the open nature of the networks and the wide involvement of scientists in EIONET and workshops could not of course have been taken for granted from the outset, but it is possible then that the SC may have served its purpose, and its role might now be due to be reconsidered.

There are clear alternative models, such as locating the SC as a key part of a specialised quality control mechanism. Certainly, assessing the scientific quality of the work programme is one of the key tasks of the SC, and should arguably remain. It has been noted that per diems and other fees are now available to SC members for attending meetings and other allotted tasks. This is potentially a useful development, and the SC should itself consider the
potential which this offers for committee members to take on a more active role in the quality control of the Agency.

If it were decided to reinforce the role of the SC, it might also be worth considering making the chair of the SC a voting member of the MB, and possibly also the Bureau.

**4.9.7 Conclusions**

The governance mechanisms of the EEA system has been continuously evolving and subject of studies and ongoing discussions. Overall they appear to be robust.

On the whole, most stakeholders seem to be satisfied with the supervisory role of the MB. The MB and the Bureau have been evolving bodies and will continue to evolve in the light of the new challenges.

Most importantly, the MB has been a tool to cement senior management from the different member countries, help create a European spirit among national data providers and therefore reinforced the functioning of EIONET. As against this, the MB does not appear in the past to have ‘raised its sights’ to debate or address the EEA’s longer term future, and this is a deficiency. It has, however, started to do this, for example with the latest Management Board Seminar of 15 May 2003, and this is a welcome development.

Enlargement poses new challenges to the current MB structure. A range of alternatives is available, but all have their strengths and weaknesses. Changes may be necessary, but will probably need to be made in the light of the broader debate on agency (and indeed EU) governance.

The role of the Scientific Committee is appreciated, but does not currently amount to a comprehensive or systematic check on the scientific quality of the EEA’s outputs. At its current level of activity we doubt that it adds sufficient value to the EEA system, but we consider that there are additional opportunities for it to make an important contribution.

**4.9.8 Recommendations**

- The Commission should review the size and structure of the Management Board in the light of the broader debate on agency governance, and EU enlargement. This should reflect a broader debate within the MB itself on the available options.
- The evolving role of the Bureau should be kept under review, in particular to ensure the continuing transparency and inclusiveness of its decisions and recommendations. The process of election to the Bureau should be made more transparent.
- The Agency should review the preparations for its work programmes, considering in particular its effectiveness in mediating the needs of its various stakeholders, and the extent to which its work programmes lead to sufficient and effective guidance of its activities towards its objectives and targets.
- It might be advisable to encourage a regular mid-term review of the EEA’s multi-annual work programmes.
- The Commission should reinforce its contributions to the EEA planning cycle, and consider how its own planning cycle could better reinforce that of EEA.
• It would be helpful for parties involved and interested to actually know how the work programme is formulated and reviewed. The website could be used to present a ‘roadmap’ including the parties involved and specifying the tasks/rights of each.

• The EEA might consider indicating in more detail what is expected from members before coming to the MB meetings - by analogy to the guidelines for preparing working party meetings that the Secretariat General produced in preparation for Enlargement (Brussels 7105/03, 11 March 2003).

• The role of the SC should be reviewed with a view to enhancing its contribution to the Agency’s outputs and activities.

4.10 Effectiveness of Outputs

Q10 In relation to both
   a. EU policy development
   b. provision of information to the general public
   How effective have EEA outputs been, with respect to
   • targeting
   • reliability
   • relevance
   • timeliness
   • impact

4.10.1 Introduction

The outputs of the EEA encompass a very wide range of products and activities. The latter include, for example, participation of staff in workshops and meetings; organising and facilitating seminars; giving presentations at meetings and conferences, etc. These are highly diffuse and individual classes of activity which have inevitably been impossible to assess systematically in a study such as this. They are nonetheless very important categories of output, and we include some comments on these later in this Section.

Of higher profile overall, though, are the other products of the EEA, most notably its wide variety of reports and the information held on its website. These form the main subject matter of this section. In carrying out this analysis we had hoped to be able to build on the analysis previously undertaken by Arthur Anderson, but on closer examination this proved impossible (discussed in Annex 4). As a result, this discussion is necessarily based on analysis of only a subset of the EEA’s outputs, reinforced with responses from interviewees and respondents to our questionnaire, plus some ad hoc analysis. We believe this is sufficient to give a balanced and representative picture, but we recommend that a more thorough analysis would still be useful in the future, and should form the baseline for an ongoing review process to ensure the effectiveness, etc, of EEA products.

Assessing effectiveness is problematic. However, it is critical - the justification for the individual activities of the EEA (or even its overall existence) must be that it is effective in what it sets out to achieve. This question, however, does link to the question of the mission of the EEA overall. The debate over this mission could be (crudely) characterised as whether the EEA should focus on describing the state of the environment or whether it should be fully
integrated into policy development and implementation. This debate affects any determination of effectiveness. For example, a state of environment report (sensu strictu) might be considered effective according to one view of the EEA’s role, but not according to the other, for which a broader approach is needed.

A further question is in defining the EEA’s audience. For example, to what extent should it be Commission-facing because the Commission is the primary agent in environmental policy formulation? Clearly this is an important consideration, but the EEA’s works equally clearly are not confined to direct responses to the Commission’s policy agenda. Probably this is appropriate, at least to a point, as it is legitimate for the EEA to consider broader issues, and it can also influence EU policy indirectly (through other actors) as well as directly through DG Environment itself. See Sections 4.3 and 4.6 for further discussion of these points.

Effectiveness depends upon a number of factors. These include:

- Relevance: that outputs should relate to the concerns of users.
- Targeted products: that they should be developed for specific users or groups of users to meet their needs.
- Reliability: that products should be based on sound science and the information contained within them be robust.
- Timeliness: that products should be delivered to contribute to policy debates, etc, at times that they can influence them.
- Impact: this is the ultimate determinant of effectiveness, but is usually difficult or impossible to demonstrate conclusively.

The first four of these factors form the EEA’s own definition of quality parameters. The assessment of impact remains a difficult issue to measure. However, ongoing feedback on the first four, achieved consistently across all of the EEA various outputs and services must be further developed.

The box below illustrates how some of these factors can be analysed in relation to one particular report of the EEA.
**Box 4.10.1: Late Lessons from Early Warnings**

The EEA’s report on the precautionary principle (pp), while not at all typical of the EEA’s output as a whole, gives useful illustrations of the ways in which the above criteria can be applied to an EEA publication, and of some of the potential pitfalls in doing so.

Late Lessons from Early Warnings was written over the period 2000-2001, and published at the beginning of 2002. In the meantime, however, the Commission published its own Communication on the pp (COM (2000)1 final) in February 2000, thereby setting out its own interpretation and approach for some years to come. On this basis, if one takes the Commission to be the EEA’s primary audience, one would have to conclude that the timeliness of the EEA report was very poor indeed, and that it had little effect on the EU policy process.

This, however, would be rather a narrow view. The Commission’s Communication was primarily based on questions of the legal application of the pp, whereas the EEA’s publication was a much broader exploration of the concept. It is therefore questionable how much influence it could have had in any case on that specific policy communication had it been published earlier. Looking more broadly than the Commission, however, it is possible to discern several important indicators that the publication has reached a wider audience quite successfully. For example:

- It was widely reported and favourably received in both the environmental and scientific press.
- Anecdotal evidence suggests that it has been taken up as teaching material in a number of institutions around the world.
- Although it was published initially only in English, it has now been translated into a number of Community languages at the expense of the EEA, and published at the expense of national governments or other institutions.

These indicators certainly suggest that there was an audience for such a publication, and that this went considerably beyond the Commission, or even the borders of the EU. In particular it has been suggested that it was helpful in promoting the idea of the pp in the USA, where similar approaches are in fact applied, but where the term ‘precautionary approach’ is used instead. This is important in view of the potential importance of the application of pp in the work of the WTO.

Of course it remains difficult to assess the full effectiveness of the report (even if this can be supposed to have yet been fully played out), but it can also be concluded that it was almost certainly very cost-effective. This is because the experts who contributed did so for free, and the report was compiled largely by in house staff in Copenhagen (with resulting costs for the EEA), with limited editing effort contracted in, and steady and substantial support from the Scientific Committee.

This report is therefore a reminder that not all EEA publications can be assessed against a well defined EU audience or a particular policy cycle. This one appears to have appealed to a wide audience, may well continue to do so over a period of years, and has probably greatly enhanced the EEA’s profile and standing in the wider world as a result.

EEA products can be appropriate to a variety of users. These are principally the EU institutions and the member countries. However, others, such as non-Member States and international organisations are also potential customers or audiences, as the box above illustrates. The primary assessment of effectiveness within the policy arena, though, is that of EU environmental policy. Thus, after considering more general issues of effectiveness, this section will conclude with a consideration of the contribution of EEA products to this area of policy development.
4.10.2 Relevance and Targeting

Relevance can be considered to relate to whether the EEA is addressing the issues which are of concern to users, or are likely to become their concerns in the near future. It is, therefore, a component of targeting. Most of the comments received in the course of the study indicated that EEA products were relevant. Eighty per cent of the questionnaire replies indicated a high degree of relevance for EEA reports, and no one judged the relevance of reports to be low. Indeed, the evaluation of relevance tended to rise for those products for which those questioned had specialist experience. Clearly it is difficult to argue that the broad and issue-specific state of the environment reports do not have relevance as they are fundamental to those working in different areas of environmental management.

Relevance is, of course, a relative issue. Europe’s Third Assessment, for example, has been well received and is, in theory, equally relevant to all of the countries in Europe. However, it is not clear if it has important new messages for western Europe, whereas its impact in eastern Europe is likely to be stronger. For the latter, specialists working with EECCA countries have indicated that the report concurs with their views and is best viewed as a high profile message rather than innovative in its ideas. However, being high profile is of great importance in itself.

The EEA has also produced a range of other products, some relating to policy instruments or principles. The EEA’s early report on negotiated agreements has been often quoted and, from today’s perspective, is more relevant than might have been anticipated at the time. As noted above, Late Lessons from Early Warnings has also been successful in a wider world, and could remain the ‘standard work’ on the precautionary principle for some years. The results from Bridging the Gap also proved relevant, although this involved the EEA working with other institutions. These taken together represent a rather successful cluster of EEA outputs which have had an impact, even if not directly targeted at upcoming policy milestones or the Commission.

Most products are targeted at specialists, with executive summaries for policy makers. This type of delivery is generally supported, especially the need for clear and short summaries (or even short reports) useful for MEPs, etc. For example, Europe’s Third Assessment received praise for its summary report as very useful, and the fact that it was translated into all the official Community languages is still appreciated by many. In contrast, there was some criticism of the main report because it is too weighty for general consumption, but not detailed enough for specialist use, and that the use of summary techniques within it (eg ‘smiley’ faces) was a distraction or annoyance to some. The questionnaire replies on whether reports have been well targeted towards specific audiences were less clear on this point than regarding the relevance of reports. While no one found the targeting very low, more than 50 per cent found it only medium or lower, and few found it to be very high.

Few products are aimed at the general public. While the importance of stakeholders is acknowledged by most, few argue for extensive direct engagement with the public by the EEA, which tends to consider that the ‘interested’ public should be its target and some production of educational material could be beneficial (although this would need to address
translation costs to reach an EU-wide audience). However, there is clearly potential for use of the website in this regard, which is a specialist product, even though the addition of glossaries, etc, has made it more accessible to the lay person. The accessibility of the website more generally has received criticism and its ‘user-friendliness’ should be improved. This is rather disappointing in view of the fact that it was overhauled relatively recently, and has been greatly enhanced in many other ways.

Finally, criticism has been made of the limited number of EEA products that are translated into all Community languages (and this is a problem that will only grow after enlargement). It is important to note, however, that summaries of reports are translated. The extent of translation is a difficult issue. It would probably not be a wise use of resources to undertake widespread translation of all EEA products, but many dislike the strongly Anglophone aspect of the EEA. Further thought should be given to this, and a clear policy for the future developed.

4.10.3 Timeliness

The most high profile of the EEA’s products have been for specific events or deadlines – these include those of the Environment for Europe conferences and the large EU state of environment reports. For example, when the EEA regulation was amended in 1999, part of the text on the tasks of the EEA was:

‘to publish a report on the state of, trends in and prospects for the environment every five years, supplemented by indicator reports focusing upon specific issues’

Those reports produced according to these timetables have been timely in respect of the midterm or general reviews of action programmes, etc, rather than precise policy actions. More detailed reports have often been produced at critical points in the policy cycle. These include:

- Reports on emissions to air and deposition which were produced at a time when they could feed into development of the national emission ceilings and large combustion plants Directives.
- Studies on urban air quality, which can feed into the current deliberations within CAFE and the Thematic Strategy.
- The current series of reports on marine indicators, which can inform the development of the marine Thematic Strategy.

However, the importance of the timing of other reports is less clear. The EEA has, for example, produced a range of well-received reports on the quality of surface fresh waters. Clearly a number of these were produced prior to the adoption of the water framework Directive and, therefore, could be considered timely. However, whether they have linked to the policy development is questionable. The questionnaire responses clearly suggest that the reports in general are timely. Ninety-five per cent found the timeliness high or very high, and no one reported it to be low.

A repeated point that arose in the study was that the EEA could not supply ‘up to the minute’ data. This point is not a problem for the EEA alone, but is a general problem when dealing
with environmental data (see Case Study 8 for more details). In the case of the EEA, data are collected by Member States, validated nationally, passed to ETCs, reviewed in the European context across countries (although this does not substitute for the national validation), used for reports and then published (including data being made available on the internet). As a result, the most recent data in a new report can be two or more years old. For some issues, this does not matter. However, if one is interested in environmental changes that might be occurring as a Directive is being implemented, then recent information is important. The EEA is making strides to improve timely data supply. The most important initiative in this regard is the development of the web-based indicator fact sheets. These will be produced according to set timetables and updated annually with the latest available data. This development is strongly supported, not least because it also allows the production of shorter reports, from which the reader can turn to web-based products for extensive supporting data.

As noted above, there is a group of reports which address quite general principles and specific issues of environment or environmental policy. These have been on balance quite effective, but are in a sense ‘timeless’, and here the question of timeliness is a secondary issue.

Ultimately, the critical points of the policy cycle for timely production of reports are either during initial policy formulation, or during the review of policies (i.e., reformulation). To contribute most effectively would require a broad strategic approach to policy development which then provides a framework for the EEA to have the necessary time to deliver its products at the point that is most useful. The EAPs should provide such a framework. The 5EAP did provide a very detailed programme. However, policy development in its later years had departed to some extent from the details in the original programme. The development of thematic strategies under the 6EAP should, however, provide a firmer framework for the use of EEA products, and the Thematic Strategy case study illustrates some early signs that this is the case, but also suggests that greater attention to this framework would be useful. Overall, therefore, a reasonable, if not entirely clear, policy development framework has been available for the EEA to contribute to, and it has succeeded to one extent or another in addressing this framework according to circumstances.

Timeliness, however, is not a one way street. The Commission may sometimes give a great deal of notice that it intends to develop policies in a particular area, and in this case, the EEA could provide useful information to contribute to this. However, it should also be expected that the Commission should seek EEA input through active dialogue, identifying what is most useful, and when. This study has found that this does not happen as often as it could usefully do.

A separate point here relates to ad hoc outputs. Sometimes, either through lack of advance planning or a rapid change of priorities, the Commission (or a Presidency or the Parliament) may seek EEA support at short notice. There are examples where the Agency has responded positively and effectively to such requests, and others where it has not. It is clear that it will not always be possible to respond adequately at short notice, but the EEA appears to need a better mechanism to prioritise and respond to such requests, and to have some resources put aside as contingency for ad hoc responses.

### 4.10.4 Reliability
An unreliable product is not only a waste of time (and resources), but also potentially damaging for those who publish it and to those who use it. EEA products summarise information on the environment and, often, comment upon its relationship with policies. Most users focus their comments on reliability on the former. It is important to note that the EEA itself undertakes no environmental monitoring. Thus a number of the fundamental questions that would be asked of a similar institution within a Member State are not appropriate. For the EEA reliability concerns the following issues:

- The quality of data/information received from NFPs/NRCs.
- The quality of data management within the EEA.
- The quality of data interpretation by the EEA.

Clearly EEA has limited influence on the quality of the data which it receives from the member countries. However, a growing element of mutual self-audit has built up, and the recently published report on data management for water data is an important and praiseworthy development. The ETCs undertake checks, but will always have limits on what they can achieve. There is clear evidence showing that the EEA has contributed to improving the data management situation in Europe - this is supported 100 per cent by questionnaire replies and interviews. According to some stakeholders the quality of data management within the EEA has also clearly improved over time, but on this point there are divergent views since others are more critical and suggest that especially data validation is a weak point that seriously needs to be addressed. Despite this weak point, 65 per cent of the questionnaire replies reported that the quality of the EEA’s published data is high. Some judged it to be very high and some medium, but no one reported low quality.

EEA products do not simply provide summaries of collated information, they often interpret this to various degrees. These interpretations are likely to result in more disagreement with users than data presentation as in seeking to ask why the data are as they are, the EEA will inevitably comment upon the performance of the EU, Member States, etc.

Many interpretations that are made by the EEA receive support. Most important are those which interpret future trends, including the use of indicators, in areas for which policy implementation is incomplete (e.g. for marine systems). However, there has been criticism of the interpretations placed on the soil information contained in the EU98 report as not being demonstrably based on the evidence presented.

It is also important to note that failure to give an interpretation is not always seen as a neutral or objective position. For example, in Europe’s Third Assessment a table on planned water projects simply describes the Spanish national hydrological plan and the dam projects for rivers in south-east Turkey. Both are highly controversial and presenting them in this way seems to suggest tacit endorsement. Even a minor comment stating that they were controversial without making a judgement would have been sufficient to dispel this impression.

One US commentator challenged the basic language used in reports such as Europe’s Third Assessment. He considered that the EEA was wrong to use a moralistic tone in assessing pollution impacts, etc, i.e. ‘polluters are bad’. The language used does not, however, appear to be different in kind to that produced by, for example, DG Environment. This, therefore, is
possibly a comment upon the general difference in attitude to debate on the environment in Europe and the USA.

Interpretation will, at times, not satisfy all users of EEA products and might in some cases also limit the demand from, for example, other DGs with a less environmental agenda. Adverse reactions to EEA interpretations can be both political and scientific. The EEA needs to be sensitive to the former (though not shirk from important, correct messages) and seek to avoid the latter. If the EEA is to engage in the policy cycle more fully, then it will probably have to provide more interpretation, not less.

4.10.5 Impact

The impact of any specific piece of work is difficult to determine in a complex policy environment. The primary impact should be on EU level decision making in some form and this is discussed in the following section. The study identified few impacts of EEA products on the individual member countries, with the obvious exception of reports that set out guidelines, etc, for monitoring, data supply and quality control. However, these are process rather than policy outcomes. It is uncertain how far impacts on the member countries are expected. In most cases EEA products are used to determine comparisons between countries and, therefore, their effects, if any, are likely to be subtle, but could be important.

There are also questions of the extent to which reports such as Late Lessons may impact on a much wider world than that of the EU. These are hard to quantify, but potentially important in establishing the EEA’s credibility and the visibility of the EU itself on the world stage. Some products have had little impact. For example, the EEA’s reports on chemicals and eco-taxation were not viewed as advancing the debates in significant ways and it is argued that earlier analyses by others (e.g. the OECD) had more impact.

4.10.6 Contribution to EU Policy Development

EU policy development should be based upon a sound understanding of the environment of Europe. There is, therefore, a major task of the EEA to provide this understanding. However, policy initiatives have their own timetables, as issues become priorities, opportunities arise, etc. Policy initiatives may also, variously, require broad assessments of environmental issues, or highly specific analyses. Thus for the EEA to contribute effectively is a matter both of what it does and of when it does it.

There are a number of examples where EEA products are feeding into the early stages of major policy developments. This is most obviously seen with the Thematic Strategies where, for example, EEA work on air protection, waste and soils is informing the policy debate. A specific example of product influence is that on DG Environment’s views on reporting.

The need to improve the existing reporting system was recognised in the 6EAP, which called for the European Commission to develop of more coherent and effective reporting system. The Commission is currently drafting a new framework Directive on environmental reporting, to replace Directive 1991/692. The EEA has worked on the ROD (Reporting Obligation Database) and REM (Reporting on Environmental Measures) projects and this work was undertaken in close consultation with DG Environment and helped to establish a close cooperative relationship between the DG and the EEA on reporting. Subsequently, the
EEA has advised the Commission in the conceptual stages of the draft reporting framework Directive, eg regarding the scope, the argumentation and the feasibility of the approach taken. This was done amongst others through a secondment to DG Environment of an EEA staff member. Its contribution has been valuable and it is foreseen that the EEA will also play a large role when the Directive is in place, as it has a central role in many data flows.

It is also important to note that the EEA products has sought to contribute to the policy debates in other DGs and with the Council, as is illustrated by its work on fisheries, agriculture, energy and transport. See Case Studies 6 and 7 for further details.

TERM is a programme of sectoral integration indicators which set a standard for both development process and content - a standard which many subsequent ventures have failed to live up to. Several of the TERM indicators come from the EEA, others from Eurostat, and an effective cooperation has been built up in this area.

The EEA also initiated a scoping study to assess the requirements for indicators to help track the environmental performance of European marine fisheries and aquaculture. Parallel with this work, DG Fisheries is using consultants to do another study to establish integration indicators to support the Cardiff process. Coordination is going on between the two projects, which will in some ways be mutual supportive, however these studies will most likely also have substantial overlaps. It is also unclear whether the EEA will play any role in providing the indicators once a framework has been agreed.

The EEA is also involved in the IRENA (Indicator Reporting on the Integration of Environmental Concerns into Agricultural Policy) project. The development of agri-environmental indicators is carried out in partnership with DG Agriculture, DG Environment, Eurostat and JRC, and the EEA is developing products specifically to contribute to the policy analysis of DG Agriculture in a positive and collaborative way.

As can be seen from the above three examples, indicators have gained increased attention in the so-called Cardiff process, and EEA has played a positive role where it has been allowed to do so, but the EEA seems not to always to be the obvious choice of partner for all DGs.

As argued elsewhere in this chapter, the EEA has so far failed to produce assessments of the ‘state of policy action’ in the member countries, in spite of repeated requests from the Parliament for assistance in this area.

4.10.7 Other Activities

It is noted above that ‘other activities’ form an important part of EEA’s total output; they take up a substantial amount of some staff members’ time, and may contribute disproportionately to the impression which some third parties may form of the Agency.

It has not been possible to assess these in any systematic way, but we can offer some brief comments, as follows:

- Senior EEA staff are active in the environmental arena, frequently giving presentations at high level seminars, conferences, and even provided background
papers and presentations to some informal Council meetings. These contributions are generally delivered in a highly professional way and to a very high standard. They generally give a positive impression of the Agency, and are sometimes highly effective in influencing European environmental policy.

- EEA has an active programme of seminars, workshops and other such events. These are generally reported to be well-organised and useful. Again, they tend to give a positive impression of the Agency.

- EEA staff participate in a wide range of working groups, steering groups, etc related to a large number of relevant policy areas. These provide an important means of having an input, of identifying opportunities for EEA to contribute more fully, and also of forging and sustaining relationships with a range of policy partners - including, but not exclusively, DG Environment. However, the numbers of such groups is growing and will probably continue to grow, and it appears that EEA does not always have sufficient time or other resources for this important work.

More generally, as discussed in Chapter 5, EEA anticipates shifting its output somewhat away from products and more towards activities and services to clients. In this case, it will need to consider more carefully the interrelationship between its products and other services.

4.10.8 Conclusions

The EEA produces a wide range of products, from high profile pan-European reports, to short studies on specific topics. Taken as a whole, these reports are well received and welcomed by users at EU and Member State level.

Much of the EEA’s output is relevant to users. This applies both to broad assessments and issue-specific reports.

EEA products are aimed at various target audiences. There is strong support for short summaries for policy makers. Narrowly targeted reports at selected specialist audiences also are well supported. However, the value of some of the larger, broader reports receives mixed responses, as many wish for even more information. The development of regularly updated indicator fact sheets on the website will go some way to achieve this. Products aimed at the general public are limited and the EEA’s engagement with this audience is small.

The website is criticised as being difficult to navigate. It is particularly difficult for members of the public, for whom it is the obvious route of access to the EEA.

Many reports have been timely, feeding into specific policy debates. This has been easier where the debates are of long duration and well-structured (eg the Thematic Strategies under the 6EAP). Some products, such as that on the precautionary principle, have been less than efficient in meeting policy development deadlines, but may still contribute to a broader agenda. Reports also contain ‘older’ data, but the EEA has made considerable progress in improving the speed of data supply, analysing and reporting, not least with the development of more recent data summaries on the website.
The EEA has developed some procedures to check on the reliability of the data it receives, but these are not a guarantee of accuracy. There are also challenges to some interpretations placed on the data analysed, although it is likely that some controversy will always accompany policy relevant interpretations.

The EEA has contributed to EU policy developments, although probably not to the extent that could have been possible. It is increasingly engaged in policy initiatives at EU level through DGs other than DG Environment and with the Council integration strategies, and these are important developments.

‘Other activities’ – ie not simply report production – are important elements of EEA’s total output. These are difficult to analyse systematically, but we have a generally favourable impression of these activities, and suspect that they are a positive and cost-effective means of bolstering the EEA’s reputation as a player in the environmental policy field.

4.10.9 Recommendations

- Neither Arthur Anderson’s evaluation nor this study have developed a complete analysis or critique of the EEA’s outputs. We recommend that a more thorough analysis would still be useful in the future to guide EEA’s publications policy.
- The EEA should make explicit in all products the limitations of its ability to ensure the reliability of the information that it presents.
- The EEA’s recently published report on data management for water data is an important and praiseworthy development, which should be repeated in other areas of data collection.
- There should be increased communication and co-operation with other EU institutions so that the EEA develops more products ‘to order’ and at times that are most appropriate to the policy cycle.
- The development of indicator fact sheets should be strongly supported and, where appropriate, expanded, to allow for up-to-date and rapidly disseminated information.
- The value or structure of some high profile (and costly) reports should be reviewed to determine which aspects of these deliver benefits to the target audiences. It is recommended that ‘Europe’s Fourth Assessment’ could provide information in a radically different form from Europe’s Third Assessment. There are divergent views on the value of this kind of report, with strong support for ‘flagship’ publications from some quarters. The benefit of flagship reports may be over-riding, but given the range of data supply facilities currently available, a review at least should be made
- Further review of the website is appropriate, particularly ensuring that it is user-friendly to the general public.
- Further thought should be given to the difficult issue of translating EEA products into other Community languages, and a clear policy developed.
- Producing more ‘popular’ outputs is potentially a major undertaking with significant resource implications for the Agency.
As EEA moves towards offering services to clients, it will need to consider the interrelationship between these services and its other outputs.
CHAPTER 5 CHALLENGES, CONCLUSIONS AND RECOMMENDATIONS

This chapter seeks in Section 5.1 to present a broader perspective on our conclusions, setting the EEA in the context of the broader agency debate in the EU. With this context, Section 5.2 then presents some of the broad future challenges facing the Agency (Q11 of the study questions). This chapter then brings together (respectively in Sections 5.3 and 5.4) the broader conclusions and key recommendations raised by our analysis, integrating them into a consistent whole. Section 5.4 also includes consideration of possible amendments to the EEA Regulation (Question 12 of the key study questions). Section 5.5 then explores the broader implications of these findings for the future role of the EEA.

5.1 The Agency Context

DG Budget is currently considering broad lessons on the developing Community agency system, partly on the basis of previous evaluations of individual agencies. The purpose of this exercise is to compare the performance of the various agencies established by the Community, and to identify common trends and lessons learnt.

On the basis of the available assessments, it seems that the EEA has a number of features and issues in common with other Community agencies established in the EU. For example, these evaluations commonly highlight the following issues:

- The clarity or otherwise of agencies' objectives;
- Agencies' relationships with clients and stakeholders;
- Friction between agencies and the relevant parts of the Commission over their respective roles;
- Work programmes not sufficiently focused on core tasks, or not clear, realistic or operational;
- Overlaps and areas of contention with the work of other institutions;
- Effectiveness of organisational architecture, including large management boards and the emergence of some kind of 'Bureau' to help steer board affairs;
- Issues over quality control and self-evaluation;
- The need for increased customer orientation;
- The need for better communication and dissemination of outputs.

These are all issues that have emerged, quite independently, in our own study, and are discussed elsewhere in this chapter. These evaluations thus provide strong evidence to suggest that some of the issues surrounding the Agency, such as initial conflict with the Commission over respective roles and responsibilities, are quite common and perhaps even inevitable in the development of an autonomous agency.

Furthermore, when the EEA's Regulation was passed in 1990, the EEA was the first of a series of 'new' agencies, of which 12 others were to follow. In this sense the Agency had no clear model to follow in the early years, and few examples from which lessons might be learnt; to a large extent both the Agency and DG Environment had to find their own way, and make their own mistakes. On the other hand, they have also now had longer to learn
from past experience, and our analysis has highlighted a number of areas in which important developments and improvements have occurred over time.

A further point is that the EEA is one of only a very few agencies so have a system of National Focal Points for the purposes of data gathering. We have not been able to establish the extent of networking activities in the other agencies, but we have a strong impression that the EEA is at least very unusual in the extent of its data gathering operations through EIONET. This, then, represents an additional challenge which few if any of the other agencies have had to address to the extent that EEA has.

Also, in terms of institutional development, it is important to bear in mind that the EEA is still a rather young organisation. For example, in discussing its data quality and data management, some observers have compared the EEA unfavourably to Eurostat. This however is arguably an unfair comparison, in that Eurostat has had 50 years in which to develop its statistical data sets and its reputation for data management. In contrast, the EEA has been operational for less than 10 years. Provided that it pays sufficient and sustained attention to quality control and to data management in general, there is no reason to suppose that the EEA will not also be able to enhance its reputation in this area over the coming years and decades.

A further perspective arising from the other agency evaluation and Community budgets is to compare the EEA to other agencies in terms of size (staff level in establishment plan) and revenue. On both these counts, the EEA falls around the median of the agencies which are fully operational, although it would probably be rather above average if all the resources of the EIONET were added into the equation. In either case, however, the sums of money involved are not large by the standards of the overall Community budget, or even more so of national budgets. Set against this background the EEA can be argued to have made a number of substantial achievements.

5.2 Future Challenges

This section addresses Key Question 11 of our analysis - ie what will be the key future challenges to which the EEA will need to respond? Recommendations from this section are incorporated into Section 5.4.

The discussion in Ch 4 has already highlighted several major operational issues that the EEA has begun to address, and will need to continue to do so in the future, as a matter of priority. They include, for example:

- the creation of a more streamlined ‘shared information space’, requiring
  - strengthened co-operation with member countries and partner institutions;
  - the design of less demanding but more effective reporting obligations
  - improved management of data and information flows;
- the need to gather and analyse data on the state of action on environmental policy within member countries, both to evaluate the effects and effectiveness of EU legislation, and to identify and disseminate examples of good practice;
- more emphasis on improving the quality overall of the EEA’s data and information, to enhance its reliability and authority as a partner in the policy process.
But in addition to these operational priorities, there are some major developments to the external policy and political context within which the EEA has to operate, and they form the main focus of this section. Challenges such as these can be categorised into those which can be anticipated with some degree of certainty, and those which are less foreseeable. Among the former, there appear to be three major themes that will provide the context for the EEA’s work in the current decade. These are:

- Increased emphasis on integrated policymaking, in the context of the Cardiff process, the Sixth Environmental Action Programme (6EAP) Thematic Strategies, and the EU Sustainable Development Strategy (EU SDS);
- EU enlargement;
- Further moves in the EU towards strengthening the scientific basis of environmental policies, and enhancing stakeholder participation in their development.

Other changes in the policy landscape are rather less certain. These include

- The EU’s future strategic policy priorities, and the role of environment policy within them, in the context of a new Commission and European Parliament from the autumn of 2004;
- New scientific evidence and technological developments giving rise to further environmental challenges.

### 5.2.1 Foreseeable Challenges

**Integrated Knowledge for Integrated Policies**

EU policy initiatives have become ever more complex. Treaty commitments now demand, separately, that environment, employment, public health, consumer protection, and economic and social cohesion considerations should all be taken into account in the development of relevant Community policies. At the same time, EU involvement has increased in cross-cutting areas through, for example, the Lisbon process, the Thematic Strategies developed under the 6EAP, and the EU SDS. The revival of the Cardiff process at the 2003 Spring European Council, and current steps to reinforce the environmental component of the EU SDS (particularly through the production by DG Environment of an annual EU environment policy report) together present the Agency with a number of opportunities. Work will need to be stepped up on a wider range of integration indicators across more sectors, and opportunities explored of working more closely with sectoral Councils and Commission DGs. In relation to the EU SDS, new areas of work will need to be developed, particularly in relation the environment/health interface, and the social and spatial distribution of environmental costs and benefits.

Integrated policy making of this sort depends on integrated knowledge to support it. From the EEA’s perspective, this would require a greater level of co-ordination of the contributions of ETCs, and the appointment of significantly more staff in the Agency itself who are qualified to undertake sectoral work and integrated assessments.
Enlargement

Steps to integrate the accession countries into EIONET are already well underway and will need to continue for some time. Beyond this, the biggest enlargement in the Community’s history is bound to have a broader effect on EU environmental policy priorities. New policy approaches could also be introduced, such as differentiated burden-sharing within specific Directives, or even the emergence of a two- or multi-speed environment policy. While such developments need to be approached with caution, they could provide new opportunities for the exchange of experience and shared policy learning among the Member States. As argued elsewhere in this report, the EEA would need to establish new mechanisms, structures and frameworks for the reporting and/or collection of reliable information on the state of action throughout the Union.

It should be noted that these remarks apply not only to the current wave of acceding countries; the EEA will need to make further adjustments as further countries or groups (Romania and Bulgaria, Turkey, the Western Balkans, etc) prepare to join the EU in the future.

Policy-making based on Participation and Sound Knowledge

A key theme of the 6EAP and of the EU SDS, is the need to base policies firmly on sound scientific knowledge and socio-economic assessments, and to secure the broad involvement of stakeholders in the development of policy at every stage.

Strengthening the scientific underpinning of policymaking has several dimensions. A fundamental requirement for good policymaking is to understand and explain the state of, and prospects for, the environment. This requires on the one hand investment in sound environmental data and indicators, and on the other, the development of models, scenarios and forecasting tools for prospective analysis. In addition, the analysis of cost effective options to address current and future policy challenges needs to be informed by rigorous ex ante sustainability impact assessments (SIA). SIA can provide essential information from which more effective policies can be produced, while minimising their economic, social and environmental costs. It can help identify unintended negative side effects and thus avoid either the risk of irreversible consequences, or the need for future expenditure to put things right. For this reason, the Commission has recently introduced a system of impact assessment for all major proposals - but it appears to be under-resourced, and includes no quality control mechanism apart from peer review by other Commission directorates-general.

At the other end of the policy process, the ex post evaluation of the actual effects and effectiveness of Community legislation has formed an important element in the Commission’s initiative on European Governance, and of the Commission’s new system of ‘activity-based management’. In contrast to some other policy domains, impact evaluations of environmental measures have been undertaken infrequently. The Commission has acknowledged that inadequacies of current data and reporting systems impose ‘severe limitations on our ability both to make meaningful evaluations of our policies and to understand the effect that mankind has on the environment’ (CEC, 2001).

Greater stakeholder involvement in the development and assessment of Commission proposals is necessary both to derive benefit from the information and insights on
environmental issues that stakeholders possess, and to increase a sense of public ownership of the EU policies and their objectives. It is important, however, that stakeholders have confidence that their views are properly reported and given sufficient consideration by the Commission as it explores future policy options, and that the Commission has confidence in the data that stakeholders present to it. The independence of the EEA could enable it to play a role here in brokering the use of data from stakeholders during the consultation process.

5.2.2 Future Uncertainties

By November 2004, the EU will have a new Commission and Parliament, including for the first time representatives of the ten new Member States (referenda willing). At the same time - depending on the progress of next October’s Inter-Governmental Conference - there may also be a new President of the European Council with a two-and-a-half year mandate. The Agency has so far successfully exploited the policy opportunities presented by successive incoming Presidencies, and in the future it will need to adapt to this new structure. It would seem probable that the new President will assume responsibility for drafting the Council’s tri-annual policy strategy, and the Agency will therefore need to identify at an early stage what contribution it can make to this process.

Other likely changes to the Council include the establishment of a separate General Affairs Council, which is expected to play a key role in co-ordinating the contributions of other formations of the Council to cross-cutting initiatives relating, for example to the EU SDS and climate change. There may or may not be a separate Environment Council - or a separate DG Environment - so the Agency will need to be adaptable and responsive to possibly new interlocutors.

The effect of all these institutional developments on the EU’s environment policy is uncertain. So, too, are developments in science and technology, and in the environment itself. New issues may arise, or existing issues - such as GMOS or climate change - may take sudden new turns.

This high degree of uncertainty suggests that the Agency should retain sufficient flexibility within its work programme and budget to reallocate priorities at short notice. The mid-term review of MAWP 3 might also be brought forward to 2005 to take account of major strategic changes anticipated in 2004.

5.3 Overall Conclusions

Data Gathering and the Policy Process

The EEA has expanded its role from the provision of basic state of the environment data, to making a more direct contribution at a number of stages in the process of policy development. Our analysis has underlined the importance of EEA continuing, and in some areas strengthening, its efforts to improve the quality of environmental data. At the same time, it has identified a number of potential additional opportunities for the EEA to contribute to policy development. Amongst other things, these will include the need to gather and analyse data on the state of action on environmental policy within individual Member States. This will require new skills and new capacities in the Agency which will cut across the current thematic structure of the ETCs. For these reasons we conclude that it will be
most appropriate to develop the new capacities within the EEA’s headquarters in Copenhagen, rather than to pursue additional analytical capacities within each of its Topic Centres.

Prospective analysis and integrated assessment will also form important dimensions of this potential area of work. Initially at least, we consider that EEA should focus on simple forecasting tools, assessment methodologies, and scenario building. It should not try to become involved in unduly complex modelling exercises.

In recent years, the EEA has succeeded in becoming a trusted policy partner for the Commission in some policy areas, but not yet in others. It is desirable that the Commission should give the EEA opportunities to demonstrate its capabilities in additional policy areas; but equally, it is essential that the EEA should constantly strive to reinforce its role as a reliable partner if a positive working relationship is to be firmly established across the board.

The EEA’s Clients

Aside from the Commission, it is important that the EEA pay greater attention to hitherto neglected clients, in particular the European Parliament and the general public.

Greater effort is needed on the part of the EEA to support the European Parliament in its legislative role, particularly by providing support to the Parliament’s Environment Committee. This is appropriate since the Parliament’s policy role has greatly expanded with the extension of the co-decision procedure, but it is currently far less well supported than the other major players in the EU policymaking process. Conversely, the Parliament will need to make greater efforts to articulate its requirements in a form and according to a timetable to which the EEA can reasonably respond.

We believe that the EEA is well-placed to improve the communication on environmental matters between the EU’s institutions and its citizens. However, the magnitude of this task should not be underestimated. It may well be possible for the EEA to translate some of its outputs (eg its website) into a more readily accessible and understandable form; however, to transform itself into a more public-facing organisation would be a much harder task, and would probably not sit easily with some of its other objectives.

The EEA’s Resources

Our analysis has identified important new challenges for the EEA, many of which appear to call for substantial additional resources, particularly in terms of additional staff with new skills in the EEA’s headquarters. At the same time, we have argued that only a limited reliance should be placed on shortterm placements and national experts, as these cannot be a substitute for the long-term expertise of more permanent staff. It currently appears unlikely, however, that the substantial increase in budgetary resources which would ideally be required will be forthcoming in the near future. In this case, other means may need to be sought in order to reinforce the capabilities of the EEA.

One possibility might be to further explore the scope for attracting additional funding for specific projects undertaken by the EEA. We are aware that there are some objections to this approach, but it appears to be quite effective and transparent in ensuring that agreed
resources are devoted to agreed tasks. A second possibility would be to shift the balance of funding between the ETCs and EEA centrally. Similarly, if the EEA can build up the expertise of its core staff, it may be possible to review the extent and nature of its expenditure on outside consultants. Finally, we note that DG Environment spends very substantial sums annually on hiring consultants to undertake tasks which are relevant to the work of the EEA. There are many reasons on both sides why this situation continues, but it might be desirable to consider ways in which a proportion of this money could be channelled into the EEA, in order both to build up the capacities and experience within the EEA and to strengthen the working relationship between the Agency and DG Environment.

Even if the above possibilities are fully explored, however, it seems likely that the available resources will always fall short of what would ideally be required to fulfil the Agency’s objectives. In common with many other organisations, it also seems easier to add new tasks to the Agency’s work programmes than to subtract old ones. To counter the problem of the Agency spreading itself too thin, therefore, the Executive Director and the Management Board will need to exercise continuing vigilance to ensure that work programmes are realistic, such that important tasks are prioritised, and some of the less important aspirations discarded.

The EIONET

The EIONET is a large and very complex network which few people understand in its entirety. Indeed, even some in the Commission do not appear to understand it fully, so it is not surprising that misunderstandings and false expectations can arise. It is important therefore that the EEA should renew its efforts to describe and explain the network in as simple and transparent a way as possible. The role of less important elements of the network such as PCPs and MCEs might for example be played down or removed. Once this is done, we consider that the Management Board should undertake a thorough review of the workings of EIONET.

We have nonetheless concluded that the establishment and development of the EIONET over such a short period of years is a very impressive achievement, and a distinctive strength of the EEA network.

It seems clear to us that the ETCs are appropriate structures for pursuing the collection of environmental data for their respective environmental themes. Also, some recent initiatives to audit and improve the quality of the data collected are very welcome and should be repeated across the network. However, as argued above, we do not think it is advisable to expect the ETCs to develop expertise in integrated assessments or evaluation of the state of policy action, and consider that this expertise would be better developed in Copenhagen.

It appears to us that the consortia which make up some of the ETCs are clearly too large to be effective, and include a proportion of inactive partners which should ideally be removed. This situation arises in part from the current procedure for determining the makeup of ETCs, and in particular we judge that the role of the Member States in deciding the composition of ETCs is not helpful and should be ended.

We also note that over time, the data gathering functions of EIONET lead to a substantial share of the knowledge, expertise and goodwill of the EEA accumulating within the ETCs
rather than EEA centrally. It is very important that this resource should be safeguarded over time, and it is not apparent that the current system of competitive tendering is the best means to achieve this objective.

The EEA Governance Structures

The current structure of the EEA’s Management Board has both important strengths and weaknesses. Equally, the emergence of a smaller Bureau to deal with certain important tasks has generally been welcomed. These elements of the EEA’s governance structure should be kept under review, particularly in light of the developing debate over the EU’s Agencies more generally.

The work of the EEA’s Scientific Committee is widely appreciated, but we do not consider that the EEA currently benefits as much as it should from this resource. We believe that its role in ensuring the scientific quality and credibility of the EEA’s outputs should ideally be enhanced.

Working Relations with other Organisations

There are a range of views as to the desirability of the EEA pursuing Memoranda of Understanding with its principal clients, notably DG Environment and the European Parliament. On balance, however, we consider that they are useful in helping to define a clear and positive working relationship between organisations, and in communicating a common understanding of this working relationship to all staff within each organisation.

EEA’s working relationship with Eurostat has been mixed. There are many reasons why difficulties should arise in some areas of joint working, and the Agency should not be blamed for these. Nonetheless, we believe that it must renew its efforts to forge an effective working relationship with Eurostat in all the major areas in which their activities overlap. We consider that this is very important for the EEA’s future success. For example, the EEA can only be an important player in the development of sustainable development indicators if it works closely with Eurostat, and its efforts to develop a streamlined reporting system can only fully succeed if it proceeds in cooperation with Eurostat.

EEA’s Outputs

The EEA produces a wide range of products, from high profile pan-European reports, to short studies on specific topics. Taken as a whole, these reports are well received and welcomed by users at EU and Member State level.

There is strong support for both short summaries for policymakers, and closely targeted reports to specialist audiences. However, the value of some of the larger reports receives mixed responses, as many wish for even more information. The development of regularly updated indicator fact sheets on the website will go some way to achieve this. Products aimed at the general public are limited and the EEA’s engagement with this audience is small.

Many reports have been timely, feeding into specific policy debates. This has been easier where the debates are of long duration and well-structured (eg the Thematic Strategies under the 6EAP). Some products, such as that on the precautionary principle, have been less than
efficient in meeting policy development deadlines, but still contribute positively to a broader agenda. The EEA has contributed to EU policy developments, although probably not to the full extent possible.

The EEA has developed some procedures to check on the reliability of the data it receives, and the reports which it publishes, but these are not a guarantee of accuracy. There are also challenges to some interpretations placed on the data analysed.

The EEA’s website has been criticised as being difficult to navigate, which is an important drawback in terms of improving communication with the general public.

Activities other than report production are important elements of EEA’s total output. These have made a generally favourable impression, and appear to be positive and cost-effective means of bolstering the EEA’s reputation.

5.4 Recommendations

This section first provides a summary of the key recommendations from the study, based on the analysis in Chapter 4 and Section 5.2. This contains detailed recommendations in each section. However, only recommendations which are most critical or strategic are repeated here.

The second element of this section is a set of detailed recommendations on possible changes to the EEA Regulation itself.

5.4.1 Summary Recommendations from Analysis

The EEA’s Core Mission and Principal Clients

- Given the divergent expectations and demands of the EEA’s clients, it is essential that it clarify its mission and ‘brand image’. This would help to facilitate good working relationships and forestall certain tensions which can arise.
- The EEA must retain the right to determine its own work programme, not least reflecting the allocation of resources. However, it must respond to the needs of different clients, supporting the work of EU institutions within the policy cycle.
- The absence of a system for the collection and analysis of reliable and comparable information on the state of action in the member countries has restricted the EEA’s potential contribution to the development of ‘sound and effective’ environmental policies, and should be addressed as a priority.
- A Memorandum of Understanding should be established between the EEA and DG Environment to clarify mutual expectations.
- The EEA should strengthen its relationship with the European Parliament’s Environment Committee, in particular through contributing to implementation reviews of specific Directives for the Committee.
- The Agency should also contribute to better policy development in individual member countries by disseminating information on how different Member States approach the task of applying the requirements of EU environmental legislation.
• The EEA should seek to improve its engagement with the general public. However, the resource implications of this should be taken into account.
• The Agency should not seek to become a sustainable development agency, but should seek to strengthen the environmental aspects of SD assessments and reporting.

EEA’s Resources

• The Agency’s pre-enlargement target budget of 30-35m Euro estimated at the launch of MAWP2 should be thoroughly reviewed in the light of new tasks required under MAWP3, as there currently appears to be a mismatch between available resources and the ambition of the programme;
• A strategic perspective is needed on the scale of resources needed by EEA in the medium term; this should be developed in such a way that it is owned by the Member States, the Commission and the Parliament;
• The circumstances in which the EEA may legitimately request supplementary funding for particular tasks should be clarified;
• The Management Board should set clear priorities for each Annual Work Programme reflecting the availability of resources;
• In the light of the likely requirements of MAWP 3, the EEA should recruit significantly more staff qualified to undertake policy analysis work (especially in sectoral and cross-cutting activities), reducing reliance on short-term national experts, and provide relevant training programmes in this area for existing staff.

The EEA’s contribution to Stages in the Policy Process

• The EU institutions should recognise that the EEA has a legitimate role in supporting most stages in the policy cycle. These institutions should also be proactive in working with the EEA in this regard, indicating at an early stage what contribution they expect.
• EEA in turn should continue to focus a substantial share of its activity on data gathering and state of the environment reporting, as these are core areas of its activities in which it adds value to the policy process.

Relationship with Parallel Organisations

• The EEA and DG Environment should both address the question of improving EEA’s co-operation with Eurostat in a proactive way. This should involve renewing the Memorandum of Understanding;
• Co-operation with other parallel organisations should also be strengthened.

Autonomous status

• The EEA’s autonomous status is important in reinforcing the credibility of its findings and outputs, supporting its potential roles as either objective observer or policy partner. Its autonomy should therefore be safeguarded.

The EEA’s Geographical Scope
• The transboundary nature of environmental problems means that the EEA’s work should not be constrained by political boundaries or it will not be able fully to reflect the nature of the environment within the EU itself;
• However, the core of EEA’s work must relate to the EU, and there should be a clear rationale for activities extending beyond the future EU’s borders;
• In relation to enlargement, DG Environment should consider whether (and how) the EEA could provide greater assistance in aspects of the approximation process.
• Further consideration needs to be given to the work that the EEA could undertake beyond the EU and Candidate Countries (e.g. in the EECCA countries). This could require significant additional funding, which could be sought from international sources.

Effectiveness of EIONET

• The EEA website should present a clear document explaining EIONET, covering the tasks of, and relationship between, NFPs, NRCs and ETCs;
• The Management Board should undertake a comprehensive review of the structure and operation of EIONET;
• Some aspects of EIONET, notably the process for selecting ETCs, should be considered for reform; in particular, it may be desirable to seek ways of dealing with the core data gathering and management activities of the ETCs separately from the other functions.

Governance Structures

• It is essential to review the size and structure of the Management Board in the light of the broader EU debate on agency governance;
• The Agency should review its procedures for preparing its work programmes, and the extent to which these lead to sufficient and effective guidance of its activities towards its objectives and targets;
• The Commission should reinforce its contributions to the EEA planning cycle, and consider how this and its own planning cycle could be better co-ordinated;
• The role of the Scientific Committee should be reviewed with a view to enhancing its contribution to the Agency’s outputs and activities.

Effectiveness of Outputs

• The value and structure the EEA’s high profile (and costly) reports should be reviewed to determine which aspects deliver benefits to which target audiences. It is recommended that ‘Europe’s Environment: The Fourth Assessment’ should provide information in a radically different form to the Third Assessment, as should the next (2005) EU State of the Environment report;
• There should be increased co-operation with other EU institutions so that the EEA develops more products ‘to order’ and at times that are most appropriate to the policy cycle;
• The development of indicator fact sheets should be strongly supported and, where appropriate, expanded, to allow for up-to-date and rapidly disseminated information;
• A further and more extensive analysis of the use and impact of the EEA’s outputs should be undertaken. There similarly needs to be an ongoing monitoring of the use, impacts and cost-effectiveness of outputs to ensure maximum added value in resource use. This would be a useful exercise to guide the EEA’s future activity and publications policy.

Future Challenges

• The increased emphasis on integrated and cross-sectoral EU policy initiatives will need to be reflected in the structure and management of ETCs, and in the qualifications and skills of the EEA’s staff. As a contribution to strengthening the science- and evidence-base of EU policies, the EEA should develop standard assessment methodologies and procedures for the ex ante and ex post evaluation of the likely and actual impacts on the environment of EU legislation. The EEA should also make a contribution to the quality control of such assessments and evaluations.

• To take account of future uncertainties as regards the policy priorities of the new Commission, and important structural changes which might result from the IGC, a mid-term review of MAWP 3 should be undertaken in 2005.

5.4.2 Amending the EEA Regulation (Q12)

Weaknesses of the Current Regulation

Very little of what we have discussed above actually makes essential an amendment of the EEA’s Regulation. There are already some minor technical discrepancies between the Regulation and the reality, but these have been borne with up until now, and could presumably be allowed to continue, and do not therefore seem to amount to a compelling case for revision.

However, there are several categories of weaknesses in the Regulation which argue for improvement, as follows

• There are many areas where the wording of the Regulation is imprecise, obscure or even contradictory, and it is at the same time needlessly prescriptive in many places. These problems of wording have given rise in the past to a great deal of argument intended to either expand or restrict the EEA’s remit through reinterpretation. Although legal debate is inevitable and sometimes essential, this has not always been a productive exercise. Perhaps more fundamentally, a lack of precision in defining the role of the EEA inevitably impairs its accountability, and generally undermines the requirements of good governance. On the other hand, the nature of current environmental policy, including the need to ‘green’ sectoral policies and contribute to the EU’s broader sustainable development strategy means that the Agency should continue to enjoy some freedom of manoeuvre in the issues it addresses. Any clarification of the wording of the EEA Regulation should therefore not be made at the expense of this flexibility.

• Indeed, the Regulation is needlessly prescriptive in many other places, including various ‘shopping lists’ of objectives, activities, etc for the Agency. In many cases it is unclear whether these are things which the EEA might do or must do: if the
former, they add rather little except some enabling force; and if the latter, they are in danger of becoming out of date and lacking flexibility. Such lists may have been judged essential to guide the EEA in establishing its initial directions, but might be less useful for the future. More generally, the European Convention has criticised the excessive detail of much EU legislation, and has made proposals in the Draft Constitution for Europe for legislative simplification that could have implications for the revision of the EEA Regulation (see below).

- The Regulation specifies some aspects of the organisation of the EEA and EIONET in some detail, but not others. In some cases it specifies aspects which we have suggested might merit changing, and these are perhaps the most compelling reasons for considering a revision of the Regulation.
- Some of its provisions are now clearly out of date. It is not essential to remove such time-specific clauses, but it would streamline the legislation if this were done.

Any revision of the EEA Regulation would be agreed certainly after the conclusion of the forthcoming Inter-Governmental Conference, and probably after the subsequent ratification and entry into force of a new Treaty. The extent to which the IGC will adopt proposals in the Draft Constitution for Europe is not yet known, but on balance it appears likely that measures proposed in the draft Constitution to simplify EU legislation will be adopted. Of particular relevance to the question of the degree of detail to be included in an amended EEA Regulation (likely to be a ‘European Law’), is the proposed creation of a new category of ‘Delegated Regulations’. These would be made by the Commission under powers detailed in the European law or framework law, and be subject to scrutiny and possible revocation by the Council and Parliament.

It is not clear from the Draft Constitution what level of detail would trigger the use of delegated regulations - but the very existence of this option might suggest, for example, that ‘priority’ environmental topics listed in Article 3.2 of the current EEA Regulation should be specified by this means, rather than in the European Law itself. Resort to delegated regulations could enable the tasks of the Agency to be updated regularly, for example, to reflect priorities in the Agency’s Multi-Annual Work Programme. On the other hand, excessive use of delegated regulations (for example, even to confirm the MAWP itself) could have the effect of shifting power from the Management Board to the Commission, Council and Parliament, thereby curtailing the Agency’s autonomy.

More generally, strategic changes to the Regulation should clearly reflect the overarching objectives of the Agency. However, it should be carefully considered whether the Agency’s specific priorities and activities are best set down in the Regulation, in the MAWPs, or in a separate Agency document which could be agreed by the Management Board and revisited as and when necessary.

Possible Amendments to the Regulation

What follows is a set of comments on a number of the provisions of Council Regulation EEC/1210/90 as amended by Council Regulation EC/933/1999, establishing the EEA and EIONET. These are presented in order of occurrence, so do not reflect the relative importance of various possible changes.
- Recitals 1 & 2

These are now out of date, and could usefully be removed.

- Recital 11

This refers to a ‘five-yearly’ MAWP, which is inconsistent with the main text (Art 8.4) which no longer specifies the periodicity of MAWPs. Given the discussion in Section 4.3 of the possibility of changing the EEA’s planning cycle to better coincide with that of DG Environment, this recital could usefully be modified and the ‘five-yearly’ specification removed.

- Art 2(vi)

Similarly, this specifies that a State of the Environment report should be produced ‘every five years’. Given the discussion in Case Study 3 on the desirability of streamlining and rationalising the EEA’s reporting cycle(s), there is an argument for substituting a more general requirement for ‘periodic’ SoE reports.

- Art 2(viii), (ix) and (xii)

These paragraphs require the EEA to undertake activities in three quite distinctive fields: the costs of environmental damage and of environmental policies; best available technologies; and environmental assessment respectively. It is not apparent that the EEA has prioritised work in any of these fields. Further investigation is required to establish why this has been so. It might reflect resource constraints, limited relevance, or overlap with the work of other institutions. On the question of best available technologies (BAT), for example, the JRC is already very actively engaged in producing and maintaining BAT reference notes under the aegis of the Integrated Pollution Prevention and Control regime, and there appears therefore to be rather little justification for EEA involvement.

Following such an investigation a decision should be taken whether or not to delete these provisions. Their removal would in any case not prevent the EEA from working in these areas if it were agreed at some point to be appropriate for it to do so.

- Art 2(xi)

This clause requires the Agency to ‘ensure the broad dissemination of … information … to the general public’. In the past it has been argued by some in the Commission that this does not mean that the EEA should itself disseminate information, but that it should ‘ensure’ that this happens by providing such information to others for dissemination. In contrast we have argued in Section 4.6 that the Agency’s autonomous status gives it an important advantage in communicating with the public, so if this is still considered to be a point at issue, the wording should be clarified to at least enable the EEA to play an appropriate role in dissemination.

- Art 3.2
This paragraph contains a list of ‘priority’ environmental topics, particularly in the context of provision of information. This corresponds broadly but not completely to the current coverage of the ETC network - there are no ETCs covering noise or hazardous chemicals from this list, in particular. Again it is questionable whether such a list adds much in determining the EEA’s priorities. Thus far it has clearly had rather little influence in stimulating the EEA to work on noise or chemicals as a priority, for example. Also, incorporating such a list into legislation is necessarily inflexible and fails to address new priorities fully as they arise. For example, it fails to reflect either the important work which the EEA has done in promoting sectoral indicators, or the new thematic priorities of the 6EAP or TSs.

- Arts 4.2 & 4.4

These provisions give the Member States the right to propose institutions from within their territory, respectively for general cooperation in the work of the Agency or for inclusion in the ETCs. However, Section 4.8 has noted that MS involvement in determining the scope of ETC consortia has not been in all respects a positive one. Furthermore, ETCs are currently selected by competitive tender, and tendering procedures as reflected in the new Financial Regulation would not normally allow the MS governments to act as ‘gatekeepers’ in this way. Even if this practice is legal, it appears outdated and unnecessarily restrictive. Consideration should therefore be given to removing these two clauses. Such a change would not in any case prevent Member States from offering their opinions on any potential collaborator with the EEA through the Management Board.

- Arts 8.1 & 8.2

Paragraph 8.1 sets out the structure of the Management Board, and this would need to be addressed if there is to be any consideration of a change to the composition of the Board as discussed in Section 4.9. The wording on the European Parliament’s choice of candidates is also perhaps unduly prescriptive. As discussed in Section 4.9, moreover, there might be a case for establishing the chair of the Scientific Committee as a full Board member as well.

Paragraph 8.2 mentions the existence of a Bureau, but says little about the scope of its activities, its powers or its composition. Given its growing prominence within the governance structure, some additional details (eg on its composition and election procedures) might be desirable.

All of these issues would need to be considered in the context of the current debate on Agency governance, however, and it would probably be inappropriate to try to resolve them in an EEA context alone.

- Art 10

This Article establishes the Scientific Committee and outlines its functions. The latter are not detailed and are in essence reactive in nature, however. In line with the discussion of Section 4.9 of this report, there might be a case for either removing this clause, or strengthening its provisions as to the role of the SC.
Paragraph 11.3 refers to ‘payments for services rendered’ as an additional source of revenue beyond the Community’s subsidy. As argued in Section 4.2, the circumstances in which the EEA can legitimately expect additional payments are unclear, and paragraph 11.2 might at least specify a formal procedure for clarifying these - possibly associated with the development of the Agency’s Annual Work Programme.

- Art 13.4

As a result of the new Financial Regulation No 1605/2002, discharge for the implementation of the EEA’s budget is now the responsibility of the European Parliament, and a proposal to amend Art 13.4 accordingly is currently before the European Parliament.

- Art 15 and Annex

This Article sets out the nature of the EEA’s possible partners for cooperation. It highlights the JRC and Eurostat in particular, and the Annex specifies the respective areas for cooperation with these bodies. Throughout, our analysis has confirmed that these are indeed the priority counterpart organisations for the EEA, and that there is a need to define their respective cooperation in these areas. However, we are uncertain whether including a specific list of topics in the legislation is the best approach. As elsewhere it is inflexible, and does not say anything very practical about how they should cooperate. On balance we have tended to come down in favour of Memoranda of Understanding as a better means to fulfil this requirement.

A further point is that paragraph 15.3 specifies the need to avoid ‘any’ duplication of effort between organisations. This seems excessive, as in principle it debars the EEA from operating in any area which any other of the organisations listed already has activities, irrespective of the suitability of EEA or the other organisation to undertake the task, or the quality of their respective efforts. Also, while considerations of efficiency would usually rule out duplication of effort, there could be circumstances where it was necessary or even desirable, if another organisation was not fulfilling a task in a way which was satisfactory to meet the EEA’s objectives.

A more suitable wording might therefore be considered here. A further point, though, is that this paragraph arguably does little more than repeat and intensify the more general requirement of paragraph 3.3 of the (amended) Regulation, so it might be simpler to delete paragraph 15.3 altogether.

- Art 20

This specifies two review dates, one of which has passed, and the other of which (discussed in Chapter 1 of this report) will arrive very shortly. These provisions will therefore need to be updated subsequently. Recital 11 already suggests the general possibilities of a future review cycle, and it might be considered whether in future a general provision such as this is more flexible than the insertion of specific dates.
Conclusions on the EEA Regulation

In conclusion, we have identified a number of possible changes to the text, including some areas where the text is outdated, irrelevant or unhelpful, or where wording could be improved.

Perhaps more important, there are a few areas which would definitely need to be changed if some of the possible changes suggested in this report were to be implemented.

As against this, for all changes, it has to be considered whether what results from the complex legislative process, particularly with a Council and Parliament of 25 Member States, will necessarily result in a Regulation which is better and clearer than the current one. This is only an outline view of the Regulation with some suggestions; detailed decisions about the wisdom of a revision must inevitably be taken by others.

On balance, moreover, questions of sound management and overall resources for the EEA and EIONET appear far more pressing, and can mainly be addressed without recourse to a change of the legal framework.

5.5 What Type of Agency?

The Agency has a broad range of future challenges to meet in its role in supporting the development of EU environmental policy. At the same time, it is moving into a new phase of maturity and faces a number of strategic choices. In addressing these, the Agency needs to be aware that the EEA Regulation offers it considerable scope about its role and mission. The range of environmental issues, clients, stages in the policy process and type of outputs encompassed in the Regulation is very wide, so that choice and prioritisation are inevitable.

Three major strategic ‘axes’ along which the Agency needs to make choices are the following:

- **Reactive or Proactive?** Should the EEA act as a passive resource for others and be mainly demand-led, or should it identify its own work priorities, and in some areas set the agenda?

- **Policy partner, or Policy observer?** Should the EEA be a fully-engaged participant within the policy process, and accept that its principal clients are the Commission and (in future) the European Parliament? Or should it be a more detached observer and analyst of the policy process, contributing to policy debates and raising awareness amongst stakeholders and the general public?

- **Beaver or Butterfly?** Should the EEA engage in substantive, long-term work programmes on specific policy issues, or should it preserve its flexibility to shift focus frequently, applying generic skills, techniques and insights, rather like a consultant or auditor?

First taking these axes individually, the following observations should be made.
The EEA clearly has to be reactive in the sense of responding to client needs, and our analysis has identified a wide range of such needs. At the same time, however, it also needs to be pro-active given its broader role in contributing to safeguarding the EU’s environment. It could, for example, build on its core skills of data collection and environmental knowledge to pursue the pro-active identification of problem areas that are not yet addressed by policy and for which policy makers will need data, indicators and insights to launch policy processes in the future. Similarly, selective forecasting on the future state of the environment can prove a helpful exercise to assess whether additional policies and measures need to be developed and launched by policy makers.

In some policy areas highlighted in this report, it is apparent that the Agency is now accepted by the DG Environment as a trusted partner and ‘insider’ in the process of developing policy. To fulfil this role, the Agency has to be focused, and engage in detailed technical work reflecting the Commission’s agenda. As a result, it also has to accept some collective responsibility and ownership of the measures that it has helped to develop. If the Agency is to step up its engagement in this way, it will have to exercise some restraint in its ability to act as a detached and sometimes critical observer of EU policies. This is a tension that is already familiar, for example, to independent policy institutes, or NGOs which are co-opted into stakeholder working groups – and it is sometimes hard to strike the right balance.

The question of being a ‘beaver’ or ‘butterfly’ is inextricably linked to the issue of resources, as it is clear that the current budget does not allow the EEA to engage in detailed analysis of all the environmental challenges that Europe faces. The EEA has had some successes in the past as a ‘butterfly’ and has made good use of limited resources in this way, but we consider that many of the ongoing and future challenges are not amenable to this approach. This will require either focusing activities on a core area and inevitably abandoning some tasks, or increasing the Agency’s resources significantly.

Taken together, the six different roles set out above can also be represented as a matrix, as in Box 5.1 below.

**Box 5.1: EEA: Strategic axes of choice**

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<tr>
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<th>A</th>
<th>B</th>
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<tbody>
<tr>
<td>1</td>
<td>Reactive</td>
<td>Proactive</td>
</tr>
<tr>
<td>2</td>
<td>Partner</td>
<td>Observer</td>
</tr>
<tr>
<td>3</td>
<td>Beaver</td>
<td>Butterfly</td>
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While there is some scope for a mixing of roles along each axis, or at least of adopting different roles in different policy areas or at different times, it can be seen that the roles fall naturally into two columns. That is to say, it is not easy to be a proactive beaver or a butterfly partner. Clearly, increased resources can reduce the necessity for choice in some areas. More money and staff increase the scope for detailed work in more policy areas (row 3), or enable the Agency to develop ‘own initiative’ work in addition to responding to the agendas of others (row 1). But the Agency’s budget will never be sufficient to enable it to cover all potential areas of work, so choices will always be necessary.

Moreover, there are unavoidable trade-offs between columns A and B: for example, working closely with the Commission on the development of policy inevitably constrains the Agency’s
ability to make public criticisms of those policies. It is not possible for the Agency to play the roles of both policy partner and outside observer simultaneously, at least not on a given issue at a given time.

Initially, the Agency has little choice but to locate itself primarily in column B, taking a proactive, observer role towards a wide range of issues. In the past two or three years, however, it has in effect been seeking to locate itself more in column A, by developing a close working relationship with the Commission on some of its policy priorities. This may well be the most productive role it can play – but it is also important that the Management Board is clear about what activities the Agency is therefore likely to have to forgo, or do far less of, in pursuing this role. One useful way of doing this would be for the Management Board annually to debate and set strategic priorities for the Agency as a context for establishing the Annual Work Programme.

While there are doubtless some efficiency gains to be made in the current EEA and EIONET operations, these gains alone will not be enough to be enable the EEA to address all the future challenges appropriately without additional funding. The EEA is still very small by the standards of comparable Community institutions, and its budget very modest in proportion to the potential scale of the challenges ahead. At some point we believe that hard choices will need to be made: either curb the ambitions and expectations, or increase the budget – or more likely, elements of both.
## ACRONYMS and ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AWP</td>
<td>Annual work programme</td>
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<tr>
<td>CITES</td>
<td>Convention on International Trade in Endangered Species</td>
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<tr>
<td>CLRTAP</td>
<td>The Convention on Long-Range Transboundary Air Pollution</td>
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<td>CORINE</td>
<td>Co-ordinating Information on the Environment (EU programme)</td>
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<td>DG</td>
<td>Directorate General</td>
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<td>DPSIR</td>
<td>Driving forces, Pressures, States, Impacts, Responses</td>
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<tr>
<td>EAP</td>
<td>Environmental Action Programme</td>
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<td>EC</td>
<td>European Community</td>
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<td>EEA</td>
<td>European Environment Agency</td>
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<td>EEA-TF</td>
<td>EEA Task Force</td>
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<td>EECCA</td>
<td>Eastern Europe, Caucasus and Central Asia</td>
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<td>EIONET</td>
<td>European Information and Observation Network</td>
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<td>EMEP</td>
<td>European Monitoring and Evaluation Programme</td>
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<td>ESS</td>
<td>European Statistical System</td>
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<td>ETC</td>
<td>European Topic Centre</td>
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<td>EU</td>
<td>European Union</td>
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<td>Eurostat</td>
<td>Statistical Office of the European Union</td>
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<td>GA</td>
<td>Global Assessment</td>
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<td>IRENA</td>
<td>Indicator Reporting on the Integration of Environmental Concerns into Agricultural Policy</td>
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<td>JRC</td>
<td>Joint Research Centre</td>
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<td>MAWP</td>
<td>Multi-annual work programme</td>
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<td>MB</td>
<td>Management Board</td>
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<td>MCE</td>
<td>Main Component Element</td>
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<td>MDIAK</td>
<td>Monitoring, Data, Information, Assessment, Knowledge</td>
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<tr>
<td>MEP</td>
<td>Member of European Parliament</td>
</tr>
<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>NFP</td>
<td>National Focal Point</td>
</tr>
<tr>
<td>NRC</td>
<td>National Reference Centre</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>PCP</td>
<td>Primary Contact Point</td>
</tr>
<tr>
<td>SC</td>
<td>Scientific Committee</td>
</tr>
<tr>
<td>SCOPE</td>
<td>Scientific Committee on Problems of the Environment</td>
</tr>
<tr>
<td>SDR</td>
<td>Standardised Reporting Directive</td>
</tr>
<tr>
<td>SDS</td>
<td>Sustainable Development Strategy</td>
</tr>
<tr>
<td>SEA</td>
<td>Single European Act</td>
</tr>
<tr>
<td>SoE</td>
<td>State of the Environment</td>
</tr>
<tr>
<td>TACIST</td>
<td>Technical Assistance for the CIS countries (now EECCA countries)</td>
</tr>
<tr>
<td>TERM</td>
<td>Transport and Environmental Reporting Mechanism for the EU</td>
</tr>
<tr>
<td>UN-CSD</td>
<td>United Nations Commission on Sustainable Development</td>
</tr>
<tr>
<td>UNECE</td>
<td>United Nations Economic Commission for Europe</td>
</tr>
<tr>
<td>UNEP</td>
<td>United Nations Environment Programme</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
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