

EEB Contribution to Stakeholder consultation meeting on final assessment of the 6EAP

Introduction

The EEB has a long and deep involvement in the development of EAPs including the sixth one. In 2010, the EEB, supported by the Belgium presidency, campaigned for an early start of a debate on the need for a 7EAP and as part of this campaign brought out a position paper on what a 7 EAP should be doing. This position paper was based on the EEB's experience and should be seen as a result of its own review process of the 6EAP.

We see the evaluation, carried out by Ecologic and IEEP, that the Commission is now consulting on as an opportunity to move the debate from 'if' we need a new action plan, to 'what' kind of an action plan we need.

In this short paper we elaborate further on some of the questions posed in the Commission's consultation document as well as make some general comments on the evaluation as carried out.

Analogue to the discussions during the consultation meeting we've grouped the list of questions into two groups: what worked well and what didn't work well?

What have been the positive aspects of the 6EAP?

First of all, we would like to stress that the EAP is a political programme with the purpose of clarifying what the environmental challenges are that need tackling and creating a political mandate to start doing this at an EU level. Trying to establish a positive, definite causal link between such a programme to actual environmental outcomes, as some of the consultation questions suggest, is a pointless exercise.

The only question that matters is whether the 6EAP has been successful in moving environmental policy making forward in areas that were identified as needing action.

A second separate question then is whether this policy action has actually been effective or not.

As regards the first question, we do believe that the 6EAP was effective in moving action forward. For example, without a 6EAP, proposals for new air quality legislation would never have left the Commission.

As regards the second question, whether the policy action taken has actually been effective or not, this is less clear. The approach of adopting a thematic strategy first and then a framework directive modeled on the Water Framework Directive has not yet shown its worth. In the case of the Soil Directive and Thematic Strategy for example the existence of a Soil Thematic Strategy was even used as an argument by the opponents of a Directive that introducing a Directive was superfluous since a strategy was already in place.

But also the effectiveness of ‘framework directives’ is open to debate. After 10 years of WFD implementation, the actual improvements in the aquatic environment are still to materialize with some strong indications that these improvements are rather marginal, especially compared to the amount of preparatory work that went into the making of the river basin management plans. A major reason behind these poor results seems to be a widespread abuse of exemptions, often pushing back action to 2027 or even later.

The review of the 6EAP compares the 6EAP with other drivers for policy action. It is important to note that in many cases ‘existing initiatives’ were identified as a key driver and that these existing initiatives are most likely a result of the 5 EAP.

It should also be noted that in two of the four thematic areas, climate and biodiversity, because of the nature of the problem, global agreements are significantly more important for EU action than the other two, environment and health and resources and waste, where EU action makes a lot of sense even without a global agreement.

When assessing the effectiveness of the 6EAP in moving forward integration, the main question that needs to be asked is not if officials in other DGs than DG ENV have heard of the 6EAP but rather, if the 6EAP has made DG ENV more effective in its discussions with other DGs when it comes to integration.

Finally, the question how well known the programme was at national level is less of an indicator for its legitimacy than the simple fact that both national elected governments and directly elected MEP’s actually debated and adopted this programme. Under the new Lisbon Treaty this legitimacy will only increase with national parliaments also having the ability to comment on the Commission’s proposals.

What where the gaps, what are the emerging environmental policy challenge (and how should a new 7 EAP look like)?

For a more detailed response to these questions we would like to refer back to the EEB’s position on a 7EAP which we annex to this paper. In this paper now we will only go a little deeper into some of the issues discussed during the consultation meeting.

Implementation of existing policies will certainly continue to play a key role in the future. Two things are important here: firstly, we critically need some new tools and approaches to enforcement. Simply saying we need implementation without changing anything from how this is done today is not an option.

Secondly, the fact that not every environmental policy is fully implemented or adequately enforced is not an argument to not take further policy action to tackle new challenges.

Regarding existing policies, a number of these will need to evolve further. In the areas of **waste** for example, more ambitious recycling and reduction targets will need to be set, underpinned by a paradigm shift that no longer sees waste streams as something to get rid

of as soon as possible but a resource to be used in the most efficient way possible. In the area of **product policy** a more hands-on approach will be necessary that will steer innovation and product design in the right direction.

In **chemicals policy**, the foreseen review of REACH in 2012 provides an opportunity to tackle the cocktail and endocrine disrupting effects of chemicals but also need to look at how nano materials and technologies will need to be regulated. In order to minimize the use of animal testing for this purpose, we recommend a two step approach of first screening those chemicals that need further attention and secondly to implement a testing strategy that addresses the complexity of the endocrine system.

Given the large universe of chemicals a pragmatic approach is required to avoid large scale animal testing. All relevant chemicals should be screened using *in-silico* and *in-vitro* test methods in order to identify those needing further attention. However, where significant human exposure is predicted, a robust strategy is required to avoid false negatives (that is, missing harmful chemicals). For toxicity testing to protect human health there is a need to move beyond attempts to validate a handful of narrowly-focussed tests on rodents that detect only a very small component of endocrine disruption. There is therefore a need for a comprehensive review and strategy to get better screens and tests in use in the EU to identify chemicals with endocrine disrupting (ED) properties. A particular focus should be to identify chemicals that may play a part in the adverse trends in human health, for example, including obesity, diabetes, breast cancer and prostate cancer.

There is an urgent need to find robust non-animal methods to identify EDCs, but recognising these are currently not available we suggest that this strategy should include a comprehensive, multi-organ assay to detect the most sensitive alterations in embryonic and fetal development and function. Such an assay also needs to include looking for effects which may develop in old age, as these are currently not included in any of the guidelines for reproductive toxicity. A comprehensive assay, looking at all the tissues and organs, although daunting in its scope, would ultimately reduce the use of thousands of animals and make up for the time lost over the past decade. Scientists who understand the complexity of the endocrine system should design this proposed comprehensive assay. Therefore, independent academic scientists who have been involved in EU and government funded research projects on endocrine disruptors, should be given the opportunity to design a comprehensive assay looking at all tissues and organs. There is also a need for the tissues and organs from such studies to be sent 'blind' for examination by real experts trained in that particular field.

Continuously increasing pressures on land will make a debate on **landuse** inevitable. Existing policies such as the WFD have started these debates to some extent on the national and river basin level but this hasn't gone far enough yet. Measures to encourage a more efficient use of land, for example introducing bufferstrips to protect water courses from pollution, are only coming off the ground slowly.

But also below the soil there is a vital and at the same time still poorly understood ecosystem of **natural caves and groundwater** which are characterized by endemic species and highly sensitive to disturbances. The role of these ecosystems in providing critical ecosystem services such as providing clean water will need to be thoroughly researched and the findings to be considered in further relevant policy implementation and development.

Regarding the discussion about the **costs of environmental policy**, the WFD actually provides some interesting elements. First of all it requires the identification of significant water management issues to be tackled with priority through an open and transparent process of consultation. As a second step it requires a cost effectiveness analysis of potential measures to make sure that objectives will be met in the most cost effective way possible.

At a time when governments' budgets are slashed, measures taken to cut expenditures that until recently were considered politically too hot to handle, the abolishment of **environmentally harmful subsidies and a greening of taxation** must be on the top of any government's list of actions to consolidate budgets. It should also focus as a priority action in a new EAP, both to abolish environmentally harmful EU subsidies as well as to play a coordinating role on national subsidies and taxation.

Regarding the link between a 7EAP and other bigger or sectoral strategies such as the **EU 2020, the Resource Efficiency Flagship and Roadmap or the CAP**, it will be important to work on parallel tracks. Debates on resources efficiency and a greening of the CAP are taking place today and need to be engaged with now. But even the most successful greening of the CAP or the most ambitious Resource Efficiency Roadmap won't be able to replace the need for a stand alone, comprehensive and ambitious environmental action programme that will give the EU the political mandate to tackle the major environmental challenges of our time.