

# Final Report for the Assessment of the 6<sup>th</sup> Environment Action Programme

## Executive Summary

DG ENV.1/SER/2009/0044

Ecologic Institute, Berlin and Brussels

in co-operation with

Institute for European Environmental  
Policy, London and Brussels

Central European University, Budapest

21 February 2011



# EXECUTIVE SUMMARY

## Background

Since 1973, Environment Action Programmes have provided longer-term orientation on key objectives and planned policy action. They have set out the broad approaches and principles for taking forward EU environmental policy in the years ahead and signposted the more crucial forthcoming initiatives and measures. The current Programme, the 6<sup>th</sup> Environment Action Programme (6EAP), was adopted by the European Parliament and the Council in July 2002 and establishes a 10 year framework for Community action on the environment. As the 6EAP nears its end in 2012, preparations for its final assessment have begun. In 2010, the European Commission contracted an independent study to assess the achievements of the 6EAP. The results of this assessment, together with the 2010 State and Outlook of the Environment Report (SOER) by the European Environment Agency<sup>1</sup> will be used as input for the Commission's own final assessment of the 6EAP. This is expected to be presented in 2011.

This report presents the results of the independent evaluation of the 6EAP. The overall objective of this evaluation was to provide an in-depth assessment of the achievements of the 6EAP since its adoption in 2002 to the end of 2010. The assessment is based on two primary sources. One is desk research to analyse relevant EU policies, measures and tools adopted since 2002 and their contribution to objectives set out in the 6EAP. The other is a series of targeted consultations with key European stakeholders through an electronic survey, three expert workshops and several interviews with relevant policy-makers in the European institutions and stakeholders, which explored the overall added value of the 6EAP.

A particular focus of this assessment has been the added value of the 6EAP and its role in leveraging the adoption of EU environmental policies. The different stages of the policy formulation and implementation chain have framed the analysis. The principal elements of this chain include the initial formulation of the 6EAP, the subsequent processes and measures adopted, their implementation and, finally, the outcomes in terms of the achievement of the objectives. To assess the added value of the 6EAP the assessment looks at a range of factors which have influenced the adoption of relevant policies and measures and contributed to the achievement of the objectives set out in the Programme. Some are inherent to or closely linked to the 6EAP and others are entirely outside its direct control. Throughout this assessment it is important to keep in mind the role and function of an EAP. Provisions in the Treaty allow for the adoption of general action programmes which should set out priority objectives to be attained, while concrete measures to implement the programmes are to be adopted through separate processes. Account should also be taken of the fact that an EAP remains in many respects reflective of the time of its adoption, even if amended in due course. Based on the legislative and political context in 2002, the 6EAP aimed to establish a 10 year framework for Community action on the environment which was both aspirational in view of the scale of the environmental challenge and achievable in view

---

<sup>1</sup> European Environment Agency (2010): The European environment - State and outlook 2010. Synthesis. Copenhagen.

of political realities. Inevitably, a number of changes have taken place subsequently which could not have been envisaged when the 6EAP was developed. These highlight some of the challenges inherent in undertaking such forward-looking exercises in a dynamic context.

### **Overall approach and key contents of the 6EAP**

The 6EAP establishes a framework for Community action on the environment by setting out key environmental objectives to be achieved in four thematic areas - climate change, nature and biodiversity, environment and health and natural resources and waste. The 6EAP also emphasises a number of horizontal and governance-related objectives and measures to strengthen policy coherence and policy integration and sets objectives on international issues. For several of its objectives no concrete policy targets and measures are set and were meant to be developed subsequently through so called Thematic Strategies. The seven Thematic Strategies cover soil protection, marine environment, pesticides, air pollution, urban environment, natural resources, and waste.

Unlike its predecessors, the 6EAP was adopted through the co-decision procedure and reflects a formal commitment of the European Commission, Council and Parliament. Although formally an inter-institutional document, in practice many stakeholders perceive the 6EAP largely as a Programme of the Commission, and in particular of DG Environment. The process of developing the 6EAP through co-decision was lengthy and absorbed significant resources, taking 18 months to conclude. However, it also provided an opportunity for engagement by the other EU institutions in the process of setting out the strategic framework for EU environmental policy and provided additional or alternative channels of information and influence for external stakeholders and experts. According to some stakeholders, while the approach to developing the 6EAP through the co-decision procedure strengthened some aspects of the Programme with the inclusion of issues that were not in the original Commission proposal, it also introduced a number of new topics, which to some extent diluted the focus and clarity of the Programme.

The prioritisation of four thematic areas did not hamper a comprehensive review of the entirety of EU environmental policy. The 6EAP covered a wide range of issues including both challenges with a high public profile, such as climate change, and challenges that are less prominently perceived in the political debate, such as the urban environment, addressing nearly the whole of EU environmental policy. This provided a useful starting point and umbrella for taking stock of existing and planned EU environmental measures, and identifying gaps, cases of incoherence and overlaps in different policy areas. The 10-year timeframe of the 6EAP enabled better coverage of the full policy cycle from the development of measures to their adoption and initial stages of implementation, and allowed for some continuity in priorities beyond short-term political cycles. However, the 6EAP lost momentum during this long timeframe, and ensuring the continued relevance of the Programme proved to be a critical challenge.

### **The Thematic Strategy processes: Objectives and outcomes**

The Thematic Strategies were envisaged as a framework for the selection, development and subsequent adoption of a set of discrete measures. According to the 6EAP, the Thematic Strategies 'may include' environmental targets, should be developed and implemented in close consultation with relevant parties, and were to be finalised by June 2005.

The Thematic Strategies became a central governance mechanism of the 6EAP. They created and/or reinforced European networks of policy-makers, stakeholders and experts and contributed to the 6EAP objectives of improving the knowledge base and promoting broad stakeholder participation in the policy-making process. The outcomes of the Thematic Strategy processes differ between the policy areas covered. Five of the Thematic Strategies (air, waste, pesticides, marine, soil) were accompanied by legislative proposals, some of which had not been envisaged at the start of the stakeholder consultation process. In areas with established regulatory frameworks, such as air and waste, the Thematic Strategies provided a platform for consolidating and revising existing legislation, helping to fill gaps and adapt to new challenges. With respect to certain areas in which the EU had previously been relatively inactive (marine and soil) the Thematic Strategies resulted in important legislative proposals to extend EU environmental policy to these areas. In other cases (resources and the urban environment) the Thematic Strategies have so far only led to proposals for/ the adoption of non-binding measures, which tend to have a preparatory character, such as additional research. The different outcomes of the Thematic Strategy processes are the result of different conditions and opportunity structures in the area concerned and varying degrees of political support for the development of new legislative proposals.

The Thematic Strategies absorbed considerable financial and human resources both within the Commission and externally among the stakeholders involved. The 6EAP had envisaged the Thematic Strategies to be finalised by June 2005 and initiatives to achieve their objectives to be presented by June 2006. However, the adoption of the Thematic Strategies was delayed and the last Thematic Strategy (on soil) was only presented in September 2006, thereby to some extent compromising the prospect of achieving the objectives of the 6EAP before its expiry in 2012. However, the EU legislative process often takes approximately five years from initial policy conception to final adoption through the co-decision procedure and some of the Thematic Strategies and associated legislative proposals were surrounded by significant political controversy. It therefore seems unlikely that a more conventional approach would have been more successful. In fact, the Thematic Strategy processes provided a more neutral platform for stakeholders to discuss and develop broader consensus on the needs for policy action, thus at least initially depoliticising to some extent what otherwise were politically highly contentious areas.

### **Progress towards the environmental objectives set out in the 6EAP**

In the area of **climate change**, the main objectives set out in the 6EAP will be met. The EU as a whole and most of its Member States are on track to meet their GHG-emission reduction commitments as shown by the 2010 SOER. The emission reductions already achieved and the adoption of targets for 2020 and associated legislative measures have strengthened the EU's credibility in international climate negotiations. However, rising global emissions and continued lack of agreement in international negotiations indicate the formidable challenges that remain.

In the area of **nature and biodiversity**, despite some progress including the extension of the Natura 2000 network and research on the socio-economic value of biodiversity and ecosystem services, the main headline target of halting biodiversity decline by 2010 has clearly been missed, as highlighted by the 2010 SOER. Negative trends in key pressures,

such as pollution of freshwater, land abandonment, and habitat fragmentation continue and additional efforts are required to fully achieve the biodiversity related objectives of the 6EAP.

In the area of **environment and health**, some 6EAP objectives, for example in relation to air quality, will not be achieved at least within the timescale envisaged by the 6EAP; while the attainment of other important objectives, for example in relation to pesticides and water, depends critically on future implementation efforts. Achieving full implementation of the REACH regulation and other policies will help to close certain gaps further. However, some gaps remain, for example in relation to air quality and the urban environment.

In the area of **natural resources and waste**, the objectives with regard to encouraging better waste management have partly been achieved. For example, the disposal of waste in landfills has been reduced in favour of increased rates of recycling and recovery. However limited progress has been made in decoupling the use of resources and the generation of waste from the rate of economic growth. Despite some relative decoupling, absolute decoupling has not yet been achieved, as shown by the 2010 SOER.

In the **international** area despite efforts, only limited progress has been made towards the 6EAP objective of integrating environmental concerns in the EU's development, trade and neighbourhood policies. Limited progress has also been made in relation to the 6EAP objectives of promoting sustainable environmental practices in foreign investment and export credits. The EU has made consistent efforts towards the objective of strengthening international environmental governance. It has been a constant force behind the ratification, compliance and enforcement of relevant international conventions and has promoted better policy coherence within the framework of different conventions. However, this does not mean that the 6EAP's objectives have been fully reached at the international level as progress is dependent on efforts of other parties.

### **Factors affecting the achievement of objectives**

Part of the varying progress towards the objectives set out in the 6EAP can be explained by factors endogenous to the Programme. This is particularly clear in relation to the respective levels of ambition in the different thematic areas of the 6EAP. For example, the objectives set for climate change were subsequently overtaken by the dynamic policy developments in that field which were not driven by the 6EAP. By contrast, the 2010 biodiversity target was very difficult to achieve, particularly given the scale of the task and insufficient political support and action by Member States, hence missing the objective is not too surprising. The objectives on natural resources did not properly reflect the knowledge gaps and methodological challenges in this policy area, which prevented quicker progress. In some areas, the level of ambition of the 6EAP was regarded as being too high and was subsequently revised, for example in the case of air quality. Underlying political realities and the scope of the Community's competence also had an influence on the measures adopted in certain fields and the outcome on the ground. For instance, Community action in relation to forestry, the urban environment and soils has been limited by the formal competence of the EU and the sensitivities of Member States in relation to subsidiarity. The difference between what was initially envisaged and what has been achieved in practice to a considerable degree reflects the different opportunity structures which have developed in the thematic areas since the adoption of the 6EAP in 2002.

Other external drivers outside the direct realm of influence of the 6EAP, which are generally difficult to forecast, have also had an influence. Inadequate implementation and enforcement of EU environmental legislation has been an important factor in preventing the achievement of several objectives, for example in biodiversity. Political priorities in countries both within and outside the EU have affected the attainment of certain international objectives of the 6EAP. Changes in economic circumstances and concerns about European competitiveness have led to a shift in political priorities at the EU, national and global level towards spurring economic growth. This has changed the political opportunity structure for important areas of the 6EAP. Growing scientific evidence about the harmful effects of climate change, technological solutions with attractive market prospects, and links with competitiveness and energy security issues have helped overcome these constraints in the climate change area and led to important developments in particular the adoption of the 20-20-20 targets and the Climate and Renewable Energy Package which have also had implications on other policy areas. These favourable opportunity structures have thus far been available to a lesser extent in the biodiversity and natural resources areas. This helps explain the relatively slower progress towards respective objectives in these areas.

### **Added value of the 6EAP in the thematic and international areas**

Would progress in the thematic policy areas have been different without a 6EAP? It is difficult to establish the added value of an overarching framework like the 6EAP and its role in leveraging the adoption of specific policies and measures with any precision without a clear counterfactual. The 6EAP was one significant impulse for policy action alongside a number of different drivers and their respective roles are difficult to disentangle. This assessment partly explains that the role of the 6EAP itself has varied across its different thematic areas.

The 6EAP contributed only marginally to developments in the **climate change** area. Other drivers have been much more forceful, in particular the European Climate Change Programme, the desire to exert leadership in international climate negotiations, the EU's international commitments under the Kyoto Protocol and, more recently energy security concerns, new scientific findings and public opinion. Nevertheless, the 6EAP set out and reconfirmed a path for EU action on climate change and strengthened it, through contributing broader institutional support, including that of the European Parliament.

In the **nature and biodiversity** area, the process of developing the 6EAP brought together a number of fairly discrete sub-areas and helped map out existing commitments, plans and actions expected to be adopted, identifying overlaps and gaps in the coverage of EU policy. According to stakeholders a key merit of the 6EAP is that it increased the political relevance of the nature and biodiversity issues to a similar level as other environmental issues, in particular climate change. Although the 6EAP instigated some useful processes through the development of the Thematic Strategies on soil and the marine environment, which led to proposals for legislative action in new areas of EU policy, it did not help address the key challenges in the area, including a lack of political will and inadequate implementation.

In the **environment and health** area, the 6EAP provided a useful stock taking exercise of existing commitments and planned actions and served as a point of reference for subsequent developments. Moreover, there are instances where the 6EAP helped to push forward action which otherwise may not have happened at all, e.g. on the urban environment, or may have



taken longer without the impetus of the 6EAP, e.g. in relation to pesticides. Although the air Thematic Strategy was largely a continuation of the pre-existing CAFE Programme, a number of stakeholders maintained that the requirement to develop this Strategy in the 6EAP helped to keep it on the agenda in the face of political opposition. Nonetheless, as confirmed by stakeholders, the 6EAP failed to push forward a coherent approach towards an integrated policy agenda addressing environment and health concerns.

In relation to **natural resources and waste**, the 6EAP strengthened the link between waste policy and resource policy and provided the basis of the Thematic Strategies on resources and waste. In the field of waste management, the 6EAP principally builds on and perpetuates policy choices which had been made prior to its adoption, but served to reinforce these choices and helped defend them against competing approaches. The Thematic Strategy on resource use inspired further research and led to the creation of new institutions and fora. However, given limited political support, methodological difficulties, and an insufficient knowledge base at the time, the Strategy failed to produce targets for resource use as originally envisaged and did not deliver clear guidance for future policy. Consequently, this is still a nascent field of policy action.

In the **international** area, relevant objectives and policy priorities were to a large extent integrated in the framework of the EU's environmental policy before the adoption of the 6EAP. Integration requirements in the Treaty, commitments on the external dimension in the renewed EU SDS, developments in the international agenda and the EU's desire to shape its identity as a global 'green leader' have been the main factors driving forward action in relation to the EU's development and trade policies and its approach towards international environmental governance. There are however some instances where the 6EAP played a role, for example in relation to measures to combat illegal logging. With some noteworthy exceptions, the 6EAP has not been a major driver or vehicle for EU action in the international area, although it reiterated EU commitments, in particular the requirement to integrate environmental considerations in all the EU's external relations, thus acting as a further justifying factor for action in this regard.

### **Added value of the 6EAP in the context of the EU SDS and the Lisbon Strategy**

The 6EAP includes priorities for the environmental dimension of the EU Sustainable Development Strategy (SDS), which in turn was meant to complete the economic and social objectives of the Lisbon Strategy with an environmental dimension (as stated at the Conclusions of the Göteborg European Council in June 2001), or even to form the overall framework within which the renewed Lisbon Strategy provides the motor of a dynamic economy (as stated in the renewed EU SDS of June 2006). Despite this stated relationship, the actual interaction between these two strategies and the 6EAP is unclear in practice.

While there is a strong overlap between the environmental objectives and aims of the 6EAP and the **EU SDS**, the 6EAP is more comprehensive, specific and detailed and provides concrete governance approaches and tools for framing new environmental policy action, such as the Thematic Strategies. Thus, the 6EAP provides a much more suitable framework for programming European environmental policy discussions and functions better as a point of reference for key sectoral policy discussions, as confirmed by some stakeholders consulted. A similar effort would not have been possible with only the SDS. This is, of

course, quite logical, as the 6EAP and the EU SDS have different functions in the EU policy-making process. The EU SDS was designed to help strengthen the alignment and integration of strategic environmental objectives with social and economic objectives. Elevating and linking environmental considerations in the broader debate about economic and social development is an added value of the EU SDS. Thus, although the 6EAP and the EU SDS have different perspectives and serve different functions, they are complementary and each adds value to the aims of the other.

The underlying economic climate at the time when the **Lisbon Strategy** was ‘re-launched’ in 2005 led to a focusing of political attention on issues concerning economic growth and Europe’s competitiveness at the international level. In this context, it is perhaps unsurprising that the 6EAP and the EU SDS did not attract a similar degree of political attention as the Lisbon Strategy, either within Member States or the European institutions. The Lisbon Strategy was perceived by some stakeholders as a challenge to the previous momentum in environmental policy, as proposals for new environmental legislation were met with increasing concerns about impacts on economic growth and competitiveness. The Lisbon Strategy left an imprint on EU environmental policy but also set the context for the green dimension of economic policy, on which the debate has subsequently grown. Some environmental issues have proved more compatible with the dynamics of the Lisbon Strategy than others. Climate change is the best example where the identification of the economic benefits of appropriate environmental commitments helped drive forward progress in this thematic area. Increasing recognition of the economic value of biodiversity and ecosystem services has also helped to raise the political profile of biodiversity issues in recent years.

#### **Added value of the 6EAP in relation to environmental governance**

Furthermore, the 6EAP succeeded in strategic agenda-setting by outlining a number of important principles, approaches and objectives for environmental policy making over a 10 year timeframe. This helped to focus the attention of policy-makers and stakeholders and provided them with a **better understanding of EU environmental policy and its future direction**. The thematic priorities selected in the 6EAP are still of relevance today as is evident from the findings of the 2010 SOER. The 6EAP served as a useful point of reference both within the Commission and among external stakeholders and in certain instances supported the integration of environmental considerations in sectoral debates. The effectiveness of the 6EAP as a source of orientation was however compromised by its complicated structure and the number of objectives and actions it contains.

According to several stakeholders consulted, the fact that the different strands of environmental policy were represented in one document, and had been agreed under the co-decision procedure, provided a clear and strong mandate to uphold existing EU commitments and has been important in terms of increasing its legitimacy. In particular the 6EAP was perceived by stakeholders as a useful defensive document in the broader European policy dialogue, helping to **underpin and legitimise the environmental agenda** at a time when concerns about the economic costs and benefits of new EU environmental policy proposals were raised.

Achieving **policy coherence** is a difficult challenge for any strategic programme that cuts across many different, well-established policies. One contribution that an EAP can make is to



put the issue of better policy coherence on the agenda and provide guidance for further policy deliberations. While the process of developing the 6EAP and its holistic approach to the thematic areas helped to identify issues of policy incoherence, the 6EAP largely failed on the second objective. Despite certain efforts, the 6EAP did not sufficiently explore the main links between its four thematic areas; improving policy coherence **between the thematic areas** of the 6EAP remains a challenge. **Within particular sub-areas of the thematic areas**, the 6EAP contributed to policy coherence through the Thematic Strategies. However, the scope of the Thematic Strategies generally was too narrow to improve the overall coherence within the respective thematic areas. At the **cross-sectoral level**, evidence suggests the 6EAP had a rather limited role in improving mutual coherence between the environment and other sectors, but had some positive impact on environmental policy integration. Some stakeholder views suggest, for example, that the 6EAP has been helpful in promoting the consideration of environmental issues in certain processes within the Commission, e.g. during inter-service consultation. It has also served as a point of reference on relevant environmental objectives among actors in other sectors, thus contributing to the integration agenda. The majority of stakeholders consulted in the field of external action did not recognise the 6EAP as a key tool in their policy discussions. Thus, although the 6EAP set out the EU's international commitments alongside its wider environmental objectives this has not helped address issues of coherence between **internal and external actions**.

The Commission's mid-term review of the 6EAP presented in 2007 recognised that recent scientific evidence reveals several gaps between the objectives set in the 6EAP and the measures for achieving them. A revision of the 6EAP itself was considered unnecessary at the time and the Commission chose to focus in particular on additional efforts to enhance international cooperation, implement better regulation principles in environmental policy-making, promote integration and improve implementation. Despite the mid-term review exercise, there is a sense among many stakeholders that the relevance of the 6EAP has declined over time. The added value of the 6EAP was perceived to be relatively high in the years of its development and immediately following its adoption. However, after the initial stages of drawing up the Programme and the development and publication of the Thematic Strategies in 2005/2006, attention to the Programme among policy-makers and stakeholders appears to have declined. To some extent this is to be expected, given the period of time involved. A mixture of changing circumstances, the launch of other strategic EU processes, and the failure to inspire lasting commitment and accountability among the EU institutions have contributed to the decreased relevance of the 6EAP in the more recent period.

## Overall conclusions

The 6EAP aimed to provide a framework for Community action on the environment from July 2002 to July 2012. This assessment of progress achieved by the end of 2010 indicates that significant efforts have been made in several areas. Some objectives set out in the 6EAP have already been achieved, while the attainment of others is dependent on future implementation efforts. However, a number of shortcomings remain and additional efforts are required to fully achieve several 6EAP objectives. The variable progress towards the objectives set out in the 6EAP can be attributed to different internal and external factors and opportunity structures, including in particular shifting political priorities and inadequate implementation of EU environmental legislation. These changes which often could not have been foreseen at the time when the 6EAP was adopted, have had a significant role in determining what can be achieved in practice and consequently have influenced progress towards the objectives set out in the Programme.

Some of the concrete results of the 6EAP may appear disappointing and the impact of the 6EAP in leveraging specific EU environmental developments was variable and moderate. Nonetheless, one needs to keep in mind the limits to the role and function of an EAP in the environmental policy-making process and should be realistic about what can be expected from such a forward-looking 10-year Programme, given changing conditions and opportunity structures that will inevitably develop over time. Despite some shortcomings of the Programme, notably its limited capacities to steer subsequent policy processes beyond the Thematic Strategies and declining relevance over the years; when subjective factors, i.e. the perceptions of relevant actors, are taken into account, the role of the 6EAP appears in a significantly more positive light. Stakeholder consultations undertaken for this study suggest that the 6EAP had an added value as an overall strategic framework. It fulfilled an important policy orientation function, helping to focus the attention of policy-makers and stakeholders, providing them with a better understanding of EU environmental policy and a sense of its future direction. The 6EAP has also helped defend the environmental agenda in times of uncertainty. It has acted as a point of reference both within the Commission and among external stakeholders, further supporting the integration of environmental considerations in sectoral debates. When assessing the effects of the overall Programme, rather than progress on individual parts of it, one can see the added value of the 6EAP in providing strategic direction and policy orientation and generating support for, and engagement with, EU environmental policy.