

Introduction

Eurogroup for Animals is concerned that progress has been insufficient in a number of priority areas of the programme, confirming the outcome of the mid-term review of the 6th Environment Action Programme in 2006. We believe the programme is a useful tool to coordinate action in the field of environment and integration of environmental concerns in all other relevant EU policy areas including trade, agriculture and fisheries. However several challenges remain which will need continued action in future. We believe the following topics should be among the priorities for the future Community action plan for the environment:

- Enforcement of all EU environmental legislation to be tackled as a big issue
- The setting-up of an EU environmental inspectorate/mechanism to control the implementation of environmental legislation by Member States
- The establishment of a civil society dialogue with regular meetings to better involve all stakeholders at all stages of environment policy development and implementation
- The systematic integration of environmental concerns in other EU policy initiatives to take fully into account the environment objective of the EU Sustainable Development Strategy

Eurogroup replies to the Questions of the Consultation Document

General questions

1. The four priority areas of the 6th Environment Action Programme (6thEAP) are climate change, environment and health, nature and biodiversity, natural resources and waste. What positive environmental impacts can be identified in each of these four priority areas over the last 9 years (2002-2010)?

- We believe progress has been made in the field of climate change, with increased consideration to the contribution of other policies to greenhouse gas emissions, for example in the field of agriculture, with measures and the allocation of funding to reduce these emissions.
- In the field of environment and health, the Commission has revised the directive on the protection of animals used in research and testing, one of the aims being to minimize their use. Progress has also been made in promoting the use of alternative methods to animal testing through the revision of the legislation on placing plant protection products on the market and on the sustainable use of pesticide products. We welcome the adoption of EU rules to replace the animal test used to detect marine biotoxins with a non-animal alternative method, as well as the on-going work to revise the legislation on the placing of biocidal products on the market.
- Concerning nature and biodiversity, awareness has raised on the need to integrate biodiversity conservation and nature protection in policy areas such as agriculture – the proposed greening of the first pillar of the future Common Agricultural Policy is one example – and fisheries, and concerning the risk of invasiveness of exotic species and the need for EU policy initiatives on this topic.

2. In what ways has the 6thEAP contributed to the achievement of these positive environmental impacts? What in your view were the notable successes of the 6EAP in that respect?

By providing support to NGOs active in the field of the environment and more specifically in relation to the priority areas covered by the programme, the 6EAP has contributed to these impacts. In addition the programme has provided a coherent framework for action at different levels: private and public sector, civil society, citizens, and has fostered coordination between them.

3. In which areas have there been less progress than expected in the 6thEAP and what are the likely reasons for this lack of progress?

Although some progress can be identified in the different priority areas, the programme has failed in achieving its goals concerning biodiversity conservation. We believe some of the reasons are: the lack of integration with other policies, especially trade, which is often given priority over biodiversity conservation; the lack of consideration for the precautionary principle, especially in adopting EU trade rules which have an impact on wildlife, such as the EU wildlife trade regulations. The lack of data on the status of many species, due to the lack of research devoted to gather it. Progress has also been very poor in the implementation and enforcement of EU legislation related to biodiversity conservation, a notable example being the EU directive relating to the keeping of wild animals in zoos (Directive 1999/22/EC), although (Art. 1) *"The objectives of this Directive are to protect wild fauna and to conserve biodiversity (...)"*.

In addition there were long delays in adopting new essential policies needed to improve biodiversity conservation such as the Invasive Alien Species (IAS) action plan which is only currently being prepared.

There is also a lack of progress on reforming subsidies which have a negative impact on the environment.

4. In your view are there gaps in environment policy that are not addressed by the 6thEAP?

Legislation on prevention of IAS is urgently needed. Although it was included in the 6th EAP there are still no EU rules and it is hoped that current developments will lead to the adoption of legislation as soon as possible, considering all the risks IAS present not only for the environment but for human and animal health and for animal welfare.

5. What lessons can be learned from the 6thEAP?

- There is a clear need for research to provide data allowing the adoption of more adequate policies.
- Different approaches on implementation and enforcement and on the integration of environment concerns in other policies are needed. This includes more efficient communication between the different areas at Commission level but also at national level and the establishment of mechanisms to systematically evaluate the impact of other EU policies on the environment and animal welfare.

6. Taking into account the lessons learned from the 6thEAP what in your view are the emerging environmental policy challenges?

- Increasing impact of other policies on the environment (especially biodiversity conservation) ones such as trade, agriculture and fisheries
- importance given to the economic pillar of the SDS to the detriment of environmental pillar
- Globalisation and the need to work more with third countries to ensure the adoption of equivalent policies in third countries to prevent negative impacts on EU standards

Specific Questions

7. The 6thEAP had a number of characteristics on which it would be useful to have your views:

- i. Considering how the objectives and priority actions are formulated in the 6thEAP, do you consider them, including the 156 actions, to be too detailed or not detailed enough?**

We believe that the 6EAP mostly reflects the priorities and actions needed for an efficient EU environmental policy including integration with other policies. Some mechanisms however need to be put in place to support these objectives and actions such as an EU environmental inspectorate and a civil society dialogue. The level of detail is about right.

- ii. **Was the ten-year timeline of the 6thEAP appropriate? Was it the right balance between providing a degree of certainty for future policy development, the need to keep momentum in the programme and the time required for adoption of proposals, transposition into national legislation and implementation?**

Ten years is a good balance and funding should be guaranteed for the full period of the programme, to allow continuity in the actions. In the same way, funding for environmental NGOs under the programme should cover a longer period than one year, to guarantee that their engagement in carrying out the programmes activities.

However concerning transposition and implementation at national level, it is clear that legislation being prepared now will not be transposed and implemented by 2012, showing the need for a 7th programme.

- iii. **Was the approach of developing thematic strategies before proposing legislative initiatives helpful or not?**

It is helpful as it gives a broader vision of what actions are needed on a given area and allows more coordinated action. At the same time, the development of the thematic strategies and of the subsequent policies leading to concrete action takes a lot of time, causing important delays in tackling the problems.

- iv. **Are there any other characteristics of the 6thEAP which you regard as particularly helpful or unhelpful?**

The 6EAP provides for coherent assessment, further research and cooperation on threatened species. **We believe that research is needed in relation to trade in wild species**, to better evaluate the status of wild populations and study their biology. The lack of scientific data has so far too often been used as an argument to continue trade in some threatened species, even when high losses of species that are closely related could strongly suggest vulnerability to transportation and being kept in captivity¹.

8. **Did the 6thEAP contribute to improving implementation of EU environment legislation? Could that contribution have been made more effective? How (e.g. by the inclusion of additional implementation targets and indicators, etc)?**

Eurogroup believes that much remains to be done, especially with regards to effective implementation and enforcement of environmental legislation related to:

- **wild animals kept in zoos**, and more specifically the role of zoos in conservation of wild species. The EU Zoo Directive² aims at ensuring that zoos have a detailed educational and research programme including on breeding and reintroduction of endangered species. However, a survey of national legislations and their application in EU Member States³ has shown that very few national laws include detailed provisions to guarantee this role. An in-depth analysis of national laws in a several Member States⁴ also shows that provisions concerning educational and research activities of zoos do not necessarily include the participation of zoos in internationally recognised programmes working towards the conservation of biodiversity.
- **Habitats and wild birds** – several countries are not applying fully the habitats and wild birds directive with infringements being widespread in Malta, Spain and Italy for example where spring hunting of

¹ Altherr S. and Freyer D (2001). Morbidity and mortality in private husbandry of reptiles. Report written by Pro Wildlife for RSPCA. 122 pp.

² Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos

³ <http://www.eurogroupforanimals.org/pdf/reportzoos1208.pdf>

⁴ http://www.eurogroupforanimals.org/policy/pdf/zoo_study_dec_07.pdf

migratory species is widely practised, either legally through derogations which are difficult to justify, or illegally.

- **CITES Regulation/Trade in wild animals:** The EU has recognised there are major problems with enforcement in many Member States. In addition, in implementing the Regulation, the precautionary principle should be applied as a rule, when there are no data concerning the status of a population or a species. So far the system has been that the conservation status of a population or a species is supposed to be fine as long as the contrary has not been proved, even if legally the importer has to provide evidence to prove it. The application of Regulation 338/97 by the European Commission itself is hampered by the difficulty of interpreting some articles and the lack of use of the precautionary principle. As a consequence, the European Commission has underused for example Article 4.6.c which allows the Community to suspend the imports of some species or populations if mortality during shipment is too high or if they are unlikely to survive in captivity for a considerable proportion of their lifespan.

The EU frequently adopts a “sustainable use” approach to wildlife trade - the economic aspects seeming more important than the conservation ones - rather than using a precautionary approach and Eurogroup believes that a revision of Regulation 338/97 should modify the wording of several articles to ease its application and better implement preventive action.

- **marine wildlife:** much needs to be done for a real protection of marine fauna. We believe that, if the EU wants to achieve its aim to protect biodiversity at a global scale, there is a strong need to ban shark finning, to enforce the ban on driftnets in the Mediterranean, to protect marine mammals from by-catch and hunting, to ban unsustainable fishing methods and to build support from non-EU Member States to oppose whaling.
- **CAP and rural development:** The Common Agricultural Policy continues to subsidise mostly intensive farmers and big corporations, despite the 2003 reform and 2008 health check and compulsory cross-compliance with environment and animal welfare legal requirements. Indeed these prove to be insufficient to control the negative impacts of the CAP on the environment.

We believe that to reach a better level of implementation and enforcement, the 6EAP should have fostered the establishment of the following structures/mechanisms:

- an EU environmental inspectorate or a mechanism which would allow to monitor the way Member States control the enforcement of EU environmental legislation at national level. At the moment there is no coordinated effort to assess Member States action in this field. We would see the functioning of an environmental inspectorate similar to the role of the Food and Veterinary Office in the field of feed and food controls, with regular missions of inspection in individual Member States and reports publicly available to all EU citizens. **The next programme should include the creation of such an inspectorate or centralised inspection mechanism.**
- The work of NGOs is crucial in achieving the environmental protection objectives. The framework for support of environmental NGOs should be reinforced and funding should be ensured from the start and for the whole duration of the next programme, if results are to be produced, especially concerning implementation and enforcement of existing environmental legislation. Indeed, NGOs are key to gather evidence and put pressure on Member States through formal complaints, and to participate in the establishment of new legislation or the amendment of existing one.
- The establishment of a permanent civil society group with regular meetings to foster dialogue and better involve all stakeholders at all stages of environment policy development and implementation as per articles 2(3), 3 (9), and 10 a) of decision 1600/2002 laying down the 6EAP.

9. Did the 6thEAP improve coherence within environmental policy and between environment policy and other policy areas? Was the 6thEAP able to boost integration of environmental concerns into other policy areas and, if so, how?

Eurogroup believes that coherence has not been improved enough with policies such as trade, agriculture and fisheries (see above sections for more details) and certainly not with the EU animal welfare policy. The 6 EAP aims not only to conserve wild animals but also to protect them. The importance of animal welfare in relation to the environment is already recognised by the Community with regard to laboratory animals, trapping standards, zoo animals, trade in wild animals and rural development, but much remains to be done for a broad recognition of the link between the welfare of animals and environment protection. We believe that human health and quality of life is tightly related to animal health and welfare and that the future programme's aims should include the protection of animals in a more transparent way.

We also believe that transparency and access to information must be improved, as is essential to fulfil the aim of the Programme to help ensure that individual consumers are better informed about the processes and products in terms of their environmental impact with a view to achieving sustainable consumption patterns. We believe that this can be done through the organisation of regular meetings with civil society to improve dialogue, similar to the system put in place by DG Trade⁵ or to the advisory committee systems of DG Health and Consumers and DG Agriculture and Rural Development. There is also a strong need to publish information on time on the European Commission's DG environment website and to better inform all NGOs working on environmental matters about news related to the 6EAP.

10. How far has the 6thEAP advanced the EU's international environmental agenda? What do you consider to be the notable successes, disappointments and the reasons why?

We believe that the EU should use every opportunity when discussing WTO or multilateral trade agreements to take a strong position on biodiversity - conservation including the protection of wildlife involved in trade - and on sustainable production and consumption of animal products - including the animals' welfare - and this should be clearly stated in the future programme. It is disappointing that the 6EAP has not led to improvements in this regard, despite the objective of "*making progress to ensure that trade and the environment policies and measures are mutually supportive*". Currently strong environmental and animal welfare considerations are not systematically included in the EU's offers when trade agreements are negotiated.

This contribution is submitted on behalf of Eurogroup for Wildlife and Laboratory Animals (EWLA), working together with Eurogroup for Animals.

⁵ <http://trade.ec.europa.eu/civilsoc/index.cfm>