

UK Response to European Commission Stakeholder Consultation on 6th Environment Action Programme

This paper sets out the UK response to the European Commission's consultation on the Final Assessment of the 6th Environment Action Programme.

Summary

The principal benefit of the 6th Environment Action Programme was that it provided the Commission with a strategic direction endorsed by Member States and the European Parliament, and a mandate to pursue a programme of work on the environment. The high-level principles and strategic approach retained more currency throughout the life of the Programme than the more detailed actions.

General Questions

- 1. The four priority areas of the 6th Environment Action Programme (6th EAP) 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)?**

There has been positive progress in many areas of environment policy over the last ten years but a number of major challenges remain. In the fight against climate change, the EU has played a leadership role internationally in promoting ambitious initiatives that resulted in the Copenhagen Accord and has managed to achieve promising outcomes in Cancun, which we will need to continue to build up on. Within the EU, there has been a reduction of greenhouse gas emissions which means that we are on track to meet our Kyoto Protocol commitments and our 2020 renewables target. However by sector, emissions in aviation, shipping and transport are not decreasing. We all need to go further and faster in cutting emissions if we are to avoid dangerous climate change and limit temperature increases below 2°C globally. The UK believes that there are huge economic opportunities for the EU in a low emissions, climate resilient future. Moving to low carbon, as others like China and Korea are already doing in earnest, will promote growth and jobs in sectors which are growing faster than the rest of the economy. Building resilience to climate change also represents a significant economic opportunity and the EU should capitalise on its comparative expertise within and beyond its borders.

There has been significant progress in areas linking environment and health. Proposals in the areas of chemicals, pesticides, water and air quality have supported the development of an EU Strategy on Environment and Health and an Environment and Health Action Plan. There have been significant improvements in addressing air and water pollution, although some challenges remain. Regarding noise, considerable progress has been made in the implementation of Directive 2002/49/EC and also in seeking reductions in the noise emission from various transport sources. It is not yet possible to determine whether the measures have caused the noise objective in Article 7(1) of the 6th EAP to be met as Round 2 noise mapping has not yet occurred.

The target of halting biodiversity loss in Europe by 2010 has not been reached, nor has the same target agreed globally through the Convention on Biodiversity. Nevertheless, the EU played a key role in securing a strong outcome from last year's CBD meeting at Nagoya, agreeing a strategic plan to conserve the world's biodiversity, a resource mobilisation package to assist developing countries in particular to fulfil the objectives of the strategic plan and, a protocol on Access and Benefit Sharing of genetic and natural resources. The priority is now to secure implementation of the main decisions. This includes the integrating and mainstreaming of biodiversity into the development and implementation of all relevant policies through the EU Biodiversity Strategy.

As regards natural resources and waste, we have seen a significant and important shift in waste management from disposal to recycling and reuse but the total volume of waste continues to increase. Environmental regulation and eco-innovation have increased resource efficiency but much remains to be done to decouple resource use, emissions and waste generation from economic growth. The development of the resource efficiency flagship will be an opportunity to ensure the EU puts in place the right framework for the transition to a low carbon, resource efficient and climate resilient economy.

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

Like many strategic documents, it is difficult to measure the value added by this high-level Programme, as opposed to the various workstreams which were already to a greater or lesser extent in existence. The main benefit of the 6th EAP has been to give direction to policy and new legislation on environmental matters: giving the Commission a clear strategic direction agreed by the Member States and European Parliament. It also set out a number of positive principles to be applied in environmental policy-making, which have provided a useful reference point or standard.

For example, the 6th EAP has provided a reminder and a standard against which the Commission can be held accountable in relation to improving policy integration of environmental objectives and requirements in all EU sectoral policies and in applying the principles of better regulation to improve the effectiveness of environment policies.

It seems reasonable to credit the 6th EAP with providing direction for continuing EU work in the priority areas it identified, particularly managing risks in relation to environmental threats to human health. The implementation of the REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation, the adoption of legislation arising from the Pesticides Thematic Strategy, the revised Biocides Regulation, the new Industrial Emissions Directive and a new Action Plan (2010-2015) on nanotechnologies are some examples of this.

There have been some successes in pursuing greater coherence in EU policy making, in line with the objectives of the 6th EAP. This was notably the case in relation to biodiversity, climate change and development at the Nagoya COP.

The priorities identified in the 6th EAP have been a useful driver for setting research priorities, for example in relation to noise (e.g. European network on noise and health (ENNAH)).

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

The 6th EAP set the integration of environmental objectives into other areas of EU policy as a significant priority; in practice this has been very patchy, and remains a continuing challenge. A related problem has been the lack of clarity about the operational relationship between the 6th EAP, the EU Sustainable Development Strategy, and the Lisbon strategy for jobs and growth; the excess of strategic documents did not contribute positively to their effectiveness.

The principles of good policy-making embodied in the 6th EAP, (notably in article 2(3)), have provided a useful reference point but have not been universally or fully applied, so that there have still been too many proposals that e.g. involve disproportionate costs or lack focus on environmental outcomes.

In terms of process, the thematic strategies took longer to produce than was specified in the 6th EAP. In some cases this reflected lengthy discussion with Member States and stakeholders which may itself have been worthwhile. But by the time agreement was reached on some initiatives (notably natural resources and climate change), the proposals in the 6th EAP had been largely overtaken by other initiatives and by the consequences of international negotiations. And once produced, the focus in some cases shifted very quickly onto legislative proposals, which were not necessarily the most valuable element of the strategies. Not all elements of the thematic strategies were followed through, and in some cases were overtaken by other workstreams; the review of the National Emissions Ceiling Directive, envisaged in 2006 has been postponed several times and the Natural Resources thematic strategy was overtaken by the Sustainable Consumption and Production and Sustainable Industrial Policy (SCP/SIP) Action Plan.

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

The 6th EAP is now almost a decade old, and the balance of emphasis now looks a little dated in places. Better integration, mainstreaming and coherence between climate change mitigation and adaptation and other environmental policy areas to avoid counter-productive policies has emerged as a greater challenge than was evident then. Climate change adaptation, though referenced, would probably take a more prominent, economic-focused role with the benefit of hindsight, as would a stronger focus on making use of alternatives to regulation and making a smarter regulation approach operational. The high-level principles and strategic approach have retained more currency than the more detailed actions.

5. What lessons can be learned from the 6th EAP?

- There can be significant value in thinking through whole areas of policy in a strategic manner, as in the thematic strategies. Need to build in realistic and deliverable ambitions for the programme (e.g. the ambition level for air quality in 2020 as set in 2005 was perhaps unrealistic).
- Align climate change objectives including adaptation with other environmental issues.
- Integrating environment into other policy areas remains a challenge – especially essential to assess better the value of natural resources.
- Consider how to include the overseas territories within the scope

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

The upcoming policy challenges for the EU as whole are around:

- Facilitating the transition to a low carbon, resource efficient and climate resilient green economy in which natural resources are managed, used and protected in a sustainable way and the value of natural resources is properly reflected in decision-making.
- Continuing effort to integrate environmental objectives across all policy and budget areas (notably the CAP); and to coordinate delivery of outcomes, e.g. ensuring emissions reductions from new vehicles are delivered with sufficient time to contribute to meeting air quality targets.
- The effective implementation and enforcement of existing legislation, the review of some of the older directives which now appear to be less targeted and proportionate, rather than on proposals for extensive new legislation.
- Taking a pragmatic approach, setting realistic ambitions and focusing on implementation and mainstreaming, allowing flexibility for new or emerging evidence to be incorporated into the delivery process.
- Ensuring that any new legislation is evidence- and science-based and subject to proper impact assessment at each stage of the legislative process, weighing the benefits against the regulatory and administrative burdens and compliance costs.
- Consistency between the EU's various strategic documents (eg the EU Sustainable Development Strategy, EU 2020, the roadmaps for a resource efficient Europe and a low carbon economy by 2050).
- Covering major areas and key themes including climate, the green economy/ resource efficiency, biodiversity, valuing natural resources.
- The protection and restoration of ecosystem services through the application of holistic approaches to environmental management such as an ecosystems approach.

Specific Questions

7. The 6th EAP 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 6th EAP, do you consider them, including the 156 actions, to be too detailed or not detailed enough?
- ii. Was the ten-year timeline of the 6th EAP 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?
- iii. Was the approach of developing thematic strategies before proposing legislative initiatives helpful or not?
- iv. Are there any other characteristics of the 6th EAP which you regard as particularly helpful or unhelpful?

An attempt to be too prescriptive in a programme covering a lengthy period risks losing relevance during its lifetime. The 6th EAP tried perhaps to focus and direct action too much from the outset without taking enough into account the potential variables. By the time agreement was reached on some initiatives, the proposals in the 6th EAP had been largely overtaken by other initiatives and by the consequences of international negotiations.

Environmental challenges are increasingly broad ranging and complex and they require careful consideration and response. Such a programme needs a degree of flexibility and adaptability so not to be superseded in the short-term. A framework of main principles to guide the EU's strategic direction on environmental policy might serve better to this purpose.

A ten-year framework seems a sensible timeframe to provide some certainty for businesses, civil society and Member States, allowing them to plan accordingly. The EU still needs to improve its implementation, monitoring and evaluation mechanisms to assess the practical effectiveness of Environmental Action Programmes – i.e. focusing more on outcomes than processes.

The thematic strategies were particularly welcomed where EU action was supported by scientific based evidence and in depth impact assessment analysis, and where they were developed with strong stakeholder input. However, in some cases they took too long to emerge. There was in some cases a tendency in the Commission to see legislation as the necessary outcome of the thematic strategies at the expense of alternatives, undermining their usefulness.

8. Did the 6th EAP 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)?

The 6th EAP embodied some useful principles and benchmarks in this area, but it would be difficult to argue that it was the main driver of work. Effective implementation and enforcement of existing EU environment legislation remains inconsistent. Future action should concentrate on improving this and the review of some of the older directives which are less targeted and proportionate, rather than on proposals for extensive new legislation. The UK will want to see existing legislation achieve its outcomes more effectively and efficiently in a way that fosters innovation and economic growth. We support the Commission's overall approach to EU regulation as set out in the "Smart Regulation" communication i.e. stronger impact assessments, post-implementation reviews of legislation, more extensive consultation and "fitness checks" of the existing legislative stock, including pilot studies on water and waste legislation.

Whilst the UK is keen to explore ways to monitor and measure progress, we should not make the presumption that targets and indicators would deliver the desired outcomes, given the broad range of circumstances across all Member States. We should be careful not to introduce additional burdens and detract from achieving environmental objectives, when there are a range of non-regulatory alternatives that could encourage the behavioural changes and protection of ecosystems that we seek. As noted previously, more detailed and prescriptive content is unlikely to remain relevant throughout the lifetime of a long-term framework document. Moreover, new evidence or understanding will often emerge during the lifetime of the Action plan and flexibility needs to be built in to allow such evidence to be considered.

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

Some improvement has been achieved as regards EU policy coherence in particular concerning biodiversity, environment and health and to a certain extent on climate change. But much more needs to be done to better coordinate policies within the Commission and integrate environmental concerns into other EU sectoral policy areas.

One of the policy objectives of the 6th EAP was to address the sustainable use of resources; however we have perceived little integration of this issue to date in other policy areas.

The Common Agricultural Policy and Common Fisheries Policy reforms offer a good opportunity to make sure that environmental concerns are better integrated. Climate

change also needs to be consistently integrated into all policy areas. Equally, greater focus is needed on the integration of biodiversity aspects into natural resources, product, waste and chemicals policies. In sum, strong links need to be fostered between environment policy and policies in other sectors such as energy, transport, industrial policy, agriculture, fisheries, external relations and research.

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

It is difficult to say how much the 6th EAP has actually influenced the EU's international environmental agenda. It provided the Commission with a clear strategic direction but it has been the progress at international negotiations that has then helped to move the agenda forward. The EU played a central role in brokering successful outcomes in Nagoya and in Cancun. The former was a notable success for the EU in the level of ambition pursued and in what was actually achieved - a strategic plan to conserve the world's biodiversity, a resource mobilisation package to assist developing countries in particular to fulfil the objectives of the strategic plan and, a protocol on Access and Benefit Sharing of genetic and natural resources. It also provided very good examples of policy integration (biodiversity, climate change and development). The challenge is now to implement the agreement and continue with the same level of ambition in the forthcoming EU Biodiversity Strategy.

In relation to climate change, despite some useful elements the Copenhagen Accord in December 2009 fell short of the EU's goal of agreeing an ambitious and legally binding global climate treaty. Cancun put the world back on a more positive track. The UK is committed to move to a 30% emissions reduction target for 2020. This will put the EU on a more cost-effective trajectory to meeting its agreed 2050 targets, and enable the EU to capitalise on the considerable low-carbon investment opportunities.