

Freie Universität Berlin - JM Seminar Reihe

*Assessing
EU environmental policy & law;
looking ahead*

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Assessing EU environmental policy & law; looking ahead

- The European Union
- **influential** actor in environmental governance and policy-making
- across its MS,
- around its periphery,
- globally

Assessing EU environmental policy & law; looking ahead

- European environmental policy-making and implementation
- **since the 1970s** (UNCHD, Stockholm, 1972).
- **Modest beginnings (EAP) – formidable development**
- seeking **sustainable development**.

Assessing EU environmental policy & law; looking ahead

- European environmental policy-making and implementation since the 1970s.
- **EU – a legal actor, Rule of Law actor: treaty reforms**
- TreatyReforms – **revisiting** main topics of **EU development** over decades
- – **RECORD: Impressive**
 - Rome Treaty - *“improved living conditions for all people”* living in the original six EEC member states
 - From economics into other policies
 - Europeanisation + Power shifts within EU institutions – powers of Commission+ECJ
 - More political sensitivity , Flexibility – subsidiarity (EU-MS)
 - Goals, principles, areas of coverage* (sustainability)
 - Citizenship – rights – governance – added value to political culture
 - Taking rights seriously – innovative – law-making – implementation – enforcement
 - Enlargement
 - EU as an international actor

Assessing EU environmental policy & law; looking ahead

- **Assessment: Record: Impressive!**
- **Expansion** of EU environmental law - remarkable :
- **Quantity** : number of legislative acts + scope of issues
- and
- **Quality**: supra-national authority = **EU is now central** in European environmental governance,
- taking decision away from national legislative bodies and regulatory agencies
- harmonizing hundreds of mandates and protection standards upwards .

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- EU environmental politics:
- from **inwards outlook** into one **vision for the world**
- membership **enlargements**
- EU **pro-active international engagement** with multilateral fora and other countries (negotiations, treaties, standards, assistance & conditionality)

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- **The reality/factual check-up :**
- **data** on environmental policy and ecological impacts
- within and outside the EU

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- **Substantial progress** in several **environmental and human health** areas is apparent
- Europeans live longer and healthier lives.

- **Trends** dramatically demonstrated :
- **enormous declines** in **industrial pollutants** across Central and Eastern Europe
- transition state socialism - EU MS.

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- **EU-27 per capita GHG emissions**
- significantly lower // other industrialized countries
- < half **United States**
- // **China's** + several MS' per capita emissions: lower than China's.

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- **In many areas,**
- countries and environmental advocates around the world
- **look to the EU** for environmental policy ideas and guidance.

- Ex: China – water policy

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Looking back - four 1/2 decades of European integration and environmental politics and policy-making,

Record :

- **Impressive:** normative proclamations + factual reality,
- **Mixed :**
 - coherence; implementation deficits
- **Outstanding issues: ecological and sustainable development outcomes**

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- **MIXED record:**
- However, MS ' **different** political and economic **interests** and varying institutional histories and capacities
- Negotiations:
- regional / **national goals for GHG reductions and renewable energy generation,**
- including **stalled efforts creation an Energy Union** with an internal energy market
- energy production remains a national priority

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- **Differences across MS**
- **.... differences across policies**
 - Successful : e.g., water, air
 - Ambivalent/controversial: waste management, GMOs
 - Negative / insufficient : agriculture, fisheries

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- **OUTSTANDING: LOOKING AHEAD**
- EU : enormous political and societal challenges
- **further greening toward the 2050 goal**

- **7th Environmental Action Programme:**
- create
- a **low-carbon,**
- **resource-efficient economy**
- that allows **Europeans** to *“live well, within the planet’s ecological limits”*

Assessing EU environmental policy & law; looking ahead

- EU bodies + Member States
- multiple legal and political **challenges**
- **further reduce the EU's ecological footprint,**
- seek to make more substantial progress toward fulfilling treaty-based commitments
- **better environmental policy integration + achieving sustainable development. – green economy**
- critical ends for both **Europe (7th EAP, 2020, 2050)** and the **globe (SDGs, 2030),**

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- **Means:**

- need to **build on** the existing body of EU law,

- as many environmental and natural resource policies and requirements must be **revised and strengthened**

toward meeting the 2050 sustainability goals + SDGs

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- **Substance (renewed challenges):**
- **improved governance**
- **linked issues** across areas such as air and water pollution, the management of hazardous wastes and substances, biodiversity protection, agriculture and fisheries control, and climate change mitigation, including reaping co-benefits of regulatory approaches = **ecological** and **human health** concerns are not to be seen as separate topics, but are more fully **incorporated** into other socio-economic areas and policy initiatives .

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- also important
- for ecological, human health, and economic reasons
- intensify efforts to
- **improve compliance**
- +
- addressing perennial problems of incomplete and **uneven implementation of legislation**
- in virtually every environmental policy area

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- **Thinking anew/ innovation (new challenges):**
- Meeting these requires broad recognition that **many environmental problems have changed:**
 - from **production-driven** to increasingly **consumption-driven** patterns,
 - as European consumption exceeds regional natural resource production by a factor of two

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- **Changing situation** - achieving such **goals** requires **fundamental changes** to European and global production and consumption systems
- **traditional controls of major point sources** and other **similarly narrow measures** :
 relay largely **on modest efforts** to increase the use of
 - a) more **environmentally-friendly technology** , and b) **green capitalist markets**
- **need complemented** - increased focus on the importance of **economic policy** and **life-style changes to reduce resource use**.
- **Consumption** EU MS, firms and individuals - significant negative environmental impacts in Europe + world.
- For 2050 sustainability achieved: nascent efforts around the resource efficiency agenda will **need to be extremely impactful and innovative**

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- **creation of a more circular “green” economy**
- requires **substantial lifestyle and livelihood changes** and much further **de-coupling of welfare improvements from ecological destruction** and increasing **natural resource use** and material throughout

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Summing up:

- The EU **is/became** a **formidable actor** in environmental governance and law/policy-making across its 28 Member States,
- The EU **remains/must remain** an **influential actor** in environmental governance, **inside, around** its periphery, and **globally**
- **Must carry on – must improve together –**
 - to dot itself of the means for this
 - to further engage the world (**soft power: partnerships**)