



**COUNCIL OF
THE EUROPEAN UNION**



Improving environmental policy instruments - Council conclusions -

*3061st ENVIRONMENT Council meeting
Brussels, 20 December 2010*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION

UNDERSCORING the importance of integrating environmental protection requirements into all European Union (EU) policies and activities and WELCOMING in particular that more environmental considerations have been integrated into strategic initiatives like the Europe 2020 Strategy, which puts forward the promotion of a more resource efficient, greener and more competitive economy in order to achieve smart, sustainable and inclusive growth by 2020, and the 2006 EU Sustainable Development Strategy ¹, the aim of which is to identify and develop actions to enable the EU to achieve continuous improvement of quality of life both for current and for future generations, through the creation of sustainable communities able to manage and use resources efficiently and to tap the ecological and social innovation potential of the economy, ensuring prosperity, environmental protection and social cohesion;

RECALLING its Conclusions of 28 June 2007 ² on the Mid-term review of the 6th Environment Action Programme (6th EAP) ³ and in particular the concern on the state of the environment and the need for further decisive action;

RECOGNIZING that the context of environmental policy has changed since the adoption of the 6th EAP and LOOKING FORWARD in that respect to the upcoming final assessment by the Commission of the 6th EAP, based on an independent study, stakeholders consultation and the European Environment State and Outlook Report 2010 (SOER 2010) of the European Environment Agency (EEA);

¹ Doc. 10117/06.

² Doc. 10796/07.

³ Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Action Programme (OJEU L 242, 10.9.2002, p.1).

P R E S S

RECALLING that the Union aims at a high level of protection and improvement of the quality of the environment pursuant to Article 3(3) of the TEU, bearing in mind the principles of subsidiarity and proportionality pursuant to Article 5 of the TEU;

NOTING the outcome of the conference on ‘The 25th anniversary of the EIA Directive⁴: successes – failures – perspectives’ (Leuven, 18-19 November 2010), where the need for further flexibility, clarification, streamlining and a more tailored approach was highlighted, and noting that the conclusions of the Conference will feed into the Commission's review process of the EIA Directive;

NOTING the outcome of the Conference of 25-26 November 2010 "Towards a genuine 7th EAP", highlighting the need to continue working on the future environment action programme and to include all relevant stakeholders in the debate on its preparation;

NOTING the outcome of the conference ‘Sharing Environmental Information’ (Brussels, 29 November-1 December 2010), which contributed to the process towards an implementation plan (IP) for the Shared Environmental Information System (SEIS);

RECALLING its Conclusions of 20 December 2010 on Sustainable materials management and sustainable production and consumption: key contribution to a resource-efficient Europe⁵.

Challenges, actions and coherence in environmental policies

1. WELCOMES the significant number of key EU environmental policy initiatives taken during the last 10 years, but at the same time RECOGNIZES that the level of implementation and coherence remains in general unsatisfactory, and EMPHASIZES the need for a renewed and comprehensive Environment Action Programme that must, *inter alia*, build on the relevant aspects of the Europe 2020 Strategy and on the 2006 EU Sustainable Development Strategy and addresses the question of coherence with other relevant policies more effectively than heretofore;
2. UNDERLINES the need to improve environmental policy instruments to ensure the coherence and the effectiveness of environmental policy at EU and Member State levels, including better planning and implementation and integration with other EU policies;
3. CONSIDERS that the final assessment of the 6th EAP provides an opportunity to take stock of progress made since 2002 but also to assess the main challenges for environmental policy and therefore INVITES the Commission to present such an assessment as early as possible in 2011.
4. INVITES the Commission to present, early in 2012 at the latest, on the basis of the assessment of the 6th EAP, and pursuant to article 192(3) of the TFEU, a proposal for a new environment action programme that should *inter alia* address the following challenges and objectives:

⁴ Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40), as amended in 1997, 2003 and 2009.

⁵ Doc. XXXXX/10.

- develop an ambitious vision for EU environmental policy for 2050 addressing persistent environmental problems in a global sustainable development context and, clearly identifying priorities and environmental objectives, as well as realistic and achievable targets and timetables, for 2020;
 - improve coherence, complementarity and synergies with other relevant EU strategies, such as the Europe 2020 Strategy and in particular its Flagship Initiative Resource Efficient Europe, the EU-SDS, the EU Biodiversity Strategy and the Environment and Health Strategy;
 - take into account EU impacts on the global state of the environment;
 - improve coherence through a better and more meaningful integration of the environment, including the value of natural resources, into relevant policies such as agriculture, fisheries, transport, energy, industry, trade, development and research;
 - stimulate the development of and shift towards a green economy, including more sustainable production and consumption patterns as well as striving towards absolute decoupling of economic growth and environmental degradation;
 - focus on climate change, biodiversity, the efficient and sustainable use of resources, the urban environment, the prevention and reduction of environmental pollution, as well as improving the quality of life and human health;
 - enhance the role and facilitate the engagement of regional and local authorities and all other relevant stakeholders, including civil society and the private sector as appropriate;
 - improve the use, implementation and enforcement of environmental policy instruments ;
 - be evidence- and science-based, taking into account scientific and technological progress;
 - promote eco-innovation and other environmentally sound solutions and technologies, *inter alia* with dynamic standards, aiming at faster acceptance by markets;
5. INVITES the Commission to further promote health through environment policy through the preparation as soon as possible of a second Environment and Health Action Plan (EHAP) in order to:
- address cross-cutting and emerging issues in a comprehensive way translating science into policies and actions;
 - support the follow up and maintenance of network and activities developed within the framework of the EU Environment and Health Strategy and its first EHAP;
 - ensure coherence and facilitate implementation of environment and health actions across EU;
 - focus on the priorities also identified in the Parma Declaration on Environment and Health ⁶ ;
 - evaluate the need for the development of specific measures for nanomaterials relating to risk assessment and management, information and monitoring, including the further development of a harmonized database for nanomaterials, while considering potential impacts;
 - evaluate the need for the development of specific measures on endocrine disruptors and for the cumulative risk assessment of combination effects of chemicals, in order to ensure coherence of health aspects with the wider risk assessment of chemicals;

⁶ Adopted at the Fifth Ministerial Conference on Environment and Health “Protecting children’s health in a changing environment” (Parma, 10–12 March 2010) - <http://www.euro.who.int/en/who-we-are/policy-documents/parma-declaration-on-environment-and-health>.

6. ACKNOWLEDGES the important role of the Commission, the Council (Environment) and the Member States in ensuring that progress in achieving the environmental dimension of the EU 2020 Strategy will be well reflected in its policy and surveillance mechanisms;

Environmental information

A. Gross Domestic Product (GDP) and Beyond

7. RECALLS its Conclusions of 21 October 2009⁷ as well as those of 10 November 2009⁸ in which it stressed the need to step up efforts to improve the inter-linkages between economic, social and environmental statistics and welcomed the Commission communication on “GDP and beyond”⁹ as well as the Stiglitz report on the Measurement of Economic Performance and Social Progress, and ENCOURAGES the Commission, Member States and all other relevant actors to engage actively in a coordinated way and make further progress in this area;
8. UNDERLINES the importance of setting up an EU system of environmental economic accounts as a support tool to identify, assess and improve the links between the environment and the economy at all levels (EU, national, regional, local, as well as public and private sector) and therefore WELCOMES the ongoing work by the three Institutions towards the quick adoption of a Regulation on European Environmental Economic Accounts¹⁰;
9. TAKES NOTE of the ongoing process of developing a pilot index on environmental pressure to assess the results of EU environmental protection efforts and a pilot version of the scoreboard on sustainable development which will provide information on the implementation of EU sustainable development objectives in Member States, including at regional and local level as appropriate, and UNDERLINES the need for close and early cooperation between the Commission and the Member States in this process;

B. Shared Environmental Information System (SEIS)

10. STRESSES the importance of streamlining legal requirements for environmental reporting, as well as of harmonizing environmental monitoring requirements at EU level;
11. INVITES the Commission to draft an Implementation Plan in 2011 to streamline the implementation of a Shared Environmental Information System (SEIS)¹¹, taking into account the principles of confidentiality;

⁷ Doc. 14891/09.

⁸ Doc. 15824/09.

⁹ Doc. 12739/09 - COM(2009) 433 final.

¹⁰ Doc. 8898/10 - COM(2010)132 final.

¹¹ Doc. 6222/08 - Commission Communication - Towards a Shared Environmental Information System (SEIS) {SEC(2008) 111} {SEC(2008) 112}.

C. Impact and strategic assessments

12. INVITES the Commission to explore the possibilities of strengthening the effectiveness of the Environmental Impact Assessment¹² and Strategic Environmental Assessment¹³ Directives, as well as their synergies with other EU instruments and the Espoo¹⁴ and Aarhus¹⁵ Conventions;
13. RECOGNIZES the Commission's ongoing efforts to cover implementation measures in the impact assessment of new legislation, STRESSES the importance of the environmental pillar of Impact Assessments in improving the integration of environmental considerations in all other relevant policy areas *inter alia* through the decision making for sustainable development, and INVITES the Commission and the Member States to continue working in this area.

Market based instruments (MBIs), including subsidies

14. RECOGNIZES the importance of internalising external costs to set prices right, recognizing the cost of inaction and the value of ecosystem services, through the use of MBIs where appropriate for cost efficient and effective implementation of environmental policy making;
15. WELCOMES the Commission's efforts to progressively remove subsidies that have considerable negative effects on the environment and are incompatible with sustainable development existing in other EU sectoral policies and REITERATES its longstanding invitation to the Commission to present a roadmap for this process, so as to allow the monitoring and further regular reporting on progress from 2011 onwards, taking into account the Europe 2020 Strategy;

Improving the implementation of EU environmental legislation

16. URGES Member States and the Commission to enhance and improve the implementation and enforcement of EU environmental legislation in order to improve the state of the environment and to ensure a level playing field;
17. UNDERLINES the importance of clarifying and harmonizing as appropriate existing rules on environmental inspections, while providing the flexibility needed to allow Member States' systems to be fully operational, and INVITES the Commission and Member States to consider further steps to improve environmental inspections, in consultation with relevant stakeholders;

¹² Directive 85/337/EEC of the Council of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40), as amended in 1997, 2003 and 2009.

¹³ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

¹⁴ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) - <http://www.unece.org/env/eia/eia.htm>.

¹⁵ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 1998) - <http://www.unece.org/env/pp/>.

18. INVITES the Commission to keep on supporting the promotion of cooperation projects in the area of environmental inspections, including those at regional level and through the IMPEL¹⁶ network as appropriate, and to continue its support to Member States in implementing EU environmental legislation, in particular on waste;

Adequate financing of environmental policy

19. CALLS, without prejudice to the future financial negotiations, for intensified greening of the EU Financial Framework in line with the Europe 2020 Strategy, *inter alia* to promote concrete environmental outcomes and the transition to a safe and sustainable low carbon, resource efficient, biodiversity friendly and climate resilient economy;
20. UNDERLINES the importance of the Life+ Regulation¹⁷ as well as the need for all its components, and hence the importance of reflecting it in the EU financial framework, bearing in mind the synergies with other EU financial instruments that contribute to achieving the EU environmental objectives;

Eco-innovation and environment

21. WELCOMES the inclusion of eco-innovation in the Europe 2020 Flagship Initiative: "Innovation Union"¹⁸; HIGHLIGHTS the importance of including eco-innovation also in the Flagship Initiative "Resource Efficient Europe" and STRESSES that eco-innovation should remain an important component of the overall European innovation and environmental policy agendas, in the light of the broad range of environmental objectives still to be achieved and with a view to shifting towards a greener economy;
22. CONSIDERS that actions to implement the future Eco-innovation Action Plan could draw on all relevant identified EU funding, including a significant eco-innovation component of the research, development and innovation funding tools, such as the 7th Framework Programme for Research, Technological Development and Demonstration Activities (2007-2013) and the Competitiveness and Innovation Framework Programme 2007-2013 (CIP)¹⁹. In addition, other EU funding tools could be used more actively to foster a wider uptake of eco-innovations and new environmental technologies."

¹⁶ European Union Network for the Implementation and Enforcement of Environmental Law - <http://impel.eu/>

¹⁷ Regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+) - OJEU L 149, 9.6.2007, p.1, and Commission Communication on the Mid-term review of the Regulation LIFE+ (COM(2010) 516 final).

¹⁸ Commission communication COM(2010)364 final + SEC(2010)1161 (doc. 14035/10 + ADD 1).

¹⁹ <http://ec.europa.eu/cip/>