

GOOD GOVERNANCE FOR ENVIRONMENT

**Annual Conference of the European Environmental Bureau
Brussels, 27-28 September 2001**

INTRODUCTION

MOTIVATION FOR THE THEME OF THIS CONFERENCE

In July the Commission presented its "White Paper on Governance".¹ The paper is a response to the lack of public support for the functioning of the European Union. It aims to improve "governance", defined as: "rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence". In this way, it hopes to arrive at better decisions which have broader support and therefore will be more effective.

The Commission has now launched a discussion period on the White Paper until end of March 2002. The EEB Conference aims to start the discussions on the environmental dimension of this debate, and to encourage the strong, concrete involvement of the environmental movement.

The White Paper

A clear starting point for the Commission is the "Community Method": the division of powers or tasks between the four main EU Institutions (the Commission, Parliament, Council and Court of Justice). It wants to clarify these roles better and at the same time ensure that, in particular, the first three institutions improve their dialogue with local and regional authorities, citizens' organisations and the private sector.

It presents five general principles for sound governance of the EU, these being: "openness, participation, accountability, effectiveness and coherence". It says that these five principles by themselves reinforce two other important principles of the EU: "proportionality and subsidiarity". It then proposes a number of changes in the way the EU currently functions. It seeks increased dialogue with citizens' organisations, helped by a code of conduct and possibly an increased role for the Economic and Social Committee (ESC). It seeks contractual arrangements between the Commission, Member States and authorities at regional and local levels, in helping to better implement EU policies. It also intends to promote increased co-regulation with private partners, more use of the framework-directive

¹ Available in all EU-languages on the website of the European Commission:
http://www.europa.eu.int/comm/governance/white_paper/index_en.htm

instrument, creation of regulatory agencies, and eventually the abolishment of the "Comitology": the existence of Committees where Member States play a role in what are seen as technical follow-up decisions.

The White Paper also addresses the role of the EU at the global level. One argument is that "successful international action [by the Union] reinforces a European identity and the importance of shared values within the Union". It wants to improve relations with governmental and non-governmental stakeholders outside the Union, seek co-regulatory solutions to deal with aspects of the new economy, reform international and multilateral institutions, and in general to encourage the Union to speak more often with a single voice and have relevant changes to the EU Treaty for this purpose.

Relevance for the Environmental Movement

All these proposals will also affect the way the EU will act with regards to environment and sustainable development in the future. So this debate is important for environmental organisations to follow and also to take part in. At the Conference, the EEB creates the opportunity for EEB members and other interested participants to have discussions with leading figures in the EU Institutions on the opportunities for strengthening the role of the citizens in environmental governance in practice, both in decision-making and in enforcement, and on the role of the EU in strengthening global environmental governance.

The main themes at the Conference

After an introduction to the debate by the Commission official in charge of coordinating the work leading to the White Paper, the Conference will look at the issue of environmental governance from three angles.

- The first angle is that of environmental decision-making in the EU itself. We will discuss how the 6th Environmental Action Programme (6EAP), aiming to guide the EU's policies between 2002 and 2010, will ensure an effective role for environmental organisations. We will look at issues such as that of how dialogue and consultation need to be organised to create a real difference in the future. This is not only a matter of more access, but certainly also of creating a real balance of influence between citizens' organisations and commercial interests. Also important is preventing concepts such as "sound scientific and economic cost-benefit analysis" from completely dominating the debate, so that real political choices can be made, based on the Precautionary and Prevention Principles.
- The second issue is how to address the implementation gap. For environmental organisations, an important element in the credibility of the EU is the consistent implementation of environmental legislation. Member States consider EU legislation often as imposed by an outside power, rather than as something they agreed on together. The Commission has far too little capacity to enforce

implementation fully and on time. Economic and regional interests intervene against implementation and use the single market or the cohesion priorities of the EU as weapons. And the public has far too little opportunity to act on behalf of the environment in these cases.

- The final point is that of the EU's responsibility as the largest economic power for good environmental governance at the global level. We will discuss this issue from different angles. On the one hand the EU promotes free trade, seen by many environmentalists as a cause for environmental degradation and impoverishment in many parts of the world. The EU has not convinced citizens' organisations that it has found a good way to combine trade, social and environmental interests at the global level. On the other hand, the EU currently represents the only hope the world has to prevent a breakdown of global environmental governance and to promote sustainable development. Think of Johannesburg 2002 and the completion and follow up of the Kyoto Protocol.

The role of the EEB

As the EEB, we have a long history of activity on issues related to governance in the EU. In particular, we have been promoting transparency and citizens' organisations involvement in the preparation and implementation of EU policies. Indeed, more and more forms of participation have emerged, up to the point that it has even created capacity problems for us, as these processes can get into very technical detail. Examples include the European Ecolabel Scheme, Reference Documents on Best Available Techniques for the IPPC implementation and Standardisation, as well as working groups and committees on air quality, noise and water, amongst others.

The EEB has also been one of the leading groups in the campaign for a pan-European Aarhus Convention on access to information, public participation and access to justice in environmental matters. This Convention is signed by a range of countries, including all current EU Member States, as well as the European Community as such. It will come into force on the 30th October this year, but so far few Member States have ratified it, and ratification by the EU Institutions has so far proven difficult. The EEB is pushing for the full implementation of the Convention, including the establishment of the right to access to justice for the public in environmental matters at EU level.

In the coming debate on the White Paper on Governance, the EEB aims to play an active role. Generally, it will seek close co-operation with citizens' organisations from social, consumer, human rights, health, workers, and other backgrounds. In this way, we hope to contribute to the realisation of true sustainable development both within the EU and globally, as participatory democracy is a pre-requisite for this. At the specific level of environmental policies we will certainly debate further with the Commission, the Parliament and the Member States on the implementation of the 6th Environmental Action Programme and how this is to be realised so that both short and long term environmental interests prevail.