



"How green is the Prodi Commission?"

The Green 8 Environmental Mid-Term Review



Friends of the Earth Europe



FRIENDS OF NATURE INTERNATIONAL



**A joint document from:
BirdLife International**

Climate Action Network (CAN)

European Environmental Bureau (EEB),

Friends of the Earth Europe,

Friends of Nature International

Greenpeace

European Federation for Transport and Environment

WWF



Europe's voice for sustainable transport
















































Green 8 Mid-term Review of the Prodi Commission

1. This mid-term review evaluates the environmental policies of the Prodi Commission during the first half of its term of office (September 1999-July 2002). It reviews the performances of the College, as well as the impact of individual Commissioners on environmental policy, when applicable.
2. The reference document for the present evaluation is the Commission's own mid-term review 'Closing the gap between rhetoric and reality'.¹ In its review, the Commission presents a selection of policy initiatives and 'concrete actions' that it considers achievements.
3. Surprisingly, the Prodi Commission claims some of the environmental policy initiatives of the Santer Commission as its own. At the same time, it does not mention several important new proposals.
4. To provide a balanced review of the Prodi Commission's environmental performance, we have therefore also considered issues that are not singled out in the Commission's own review, such as Environmental Liability, GMOs, Chemicals Policy, Sustainable Development Strategy, Trade and Environment and the attempt to revive Nuclear Energy.
5. Our judgements are based on analyses of relevant legislative proposals, and on assessments of the behaviour of individual Commissioners concerning specific environmental policies.
6. This document consists of four parts: I) Introduction; II) Schematic Overview of the Prodi Commission's Performance; III) Comments on the Schematic Overview; IV) Comments on the Commission's own mid-term Review.

¹ http://europa.eu.int/comm/commissioners/prodi/pdf/mid-term_en.pdf

II Schematic overview of the Prodi Commission's performance

	Commission as a whole	Individual Commissioners
1. Climate (Kyoto Protocol)		 Wallström
2. Fisheries		 Fischler, Wallström  de Palacio
3. Enlargement		 Wallström, Fischler  Verheugen  de Palacio, Barnier
4. Nature Protection		 Fischler, Wallström, Barnier
5. Nuclear		 Kinnock, Fischler, Schreyer, Diamantopoulou  Wallström  de Palacio, Bolkestein, Patten, Busquin, Verheugen
6. Chemicals		 Wallström  Liikanen
7. GMO		 Prodi  Wallström  Lamy, Byrne, Busquin
8. Agriculture		 Fischler  Barnier, de Palacio
9. Air		 Prodi, de Palacio
10. Trade + Environment		 Lamy
11. Spanish Water Plan		 Wallström, Fischler  Barnier

12. Mining		
13. Sustainable Development		 Wallström  Prodi, Nielson
14. Environmental Liability		 Schreyer  Wallström, Liikanen, Fischler
15. Energy		 Bolkestein
16. Transport		 de Palacio
17. Waste		 Wallström, Liikanen, de Palacio, Bolkestein, Kinnock, Busquin

III Comments on the Policy Areas listed in the Schematic Overview

1 CLIMATE

The ratification of the Kyoto protocol was an important achievement of the Prodi Commission. However, the Commission contradicts its commitment to progressive climate protection policies in the UN by promoting fossil fuel extraction and exploration services in current WTO negotiations on services.

see also section IV: Kyoto Protocol, Emissions Trading Scheme, Fluorinated gases, Energy Efficiency in Buildings

2 FISHERIES

For the first time in 20 years, the Commission proposes a significant overhaul of the Common Fisheries Policy, and recognises sustainable use and the protection of the marine environment as binding principles. According to the Commission proposal, the ecosystem approach will become central to the management of fisheries in the Community. Overcapacity and overfishing are recognised as the biggest problems, and the Commission therefore proposes to reduce fleet capacity in Member States. An emergency fund will provide compensation for those fishermen who choose to scrap their vessels and leave the industry.

Environmental NGOs have campaigned for years against unsustainable fishing practices, and have requested measures at international level to halt and reverse the dramatic depletion of fish stocks. The Commission now offers a balanced proposal that begins to address the problem seriously.

3 ENLARGEMENT

Up until now the Commission has managed to keep a strict negotiating position on environment and did not allow transition periods on horizontal legislation, framework directives or any nature protection legislation. Commissioner Wallström deserves credit for this. In areas of legislation that require large investments, the Commission was strict when granting transition periods and requested the accession countries to provide implementation plans, timetables and finances. We expect the Commission to stick to this determined position when negotiating with the remaining accession countries, as well as when negotiating new legislation.

Thanks to Commissioner Fischler, the old, environmentally destructive Common Agricultural Policy will not be 'exported' as such to the accession countries (see Agriculture (8) below). Unfortunately, Commissioner de Palacio did not follow this example and is promoting unsustainable transport

development in central Europe (TENA). Commissioners Verheugen has so far refused to meet environmental NGOs to discuss the issue of enlargement. Also to be noted is Commissioner Barnier's refusal to grant funds for sustainable impact assessment in the accession countries.

4 NATURE PROTECTION AND BIODIVERSITY

Biodiversity is declining rapidly in the EU. The Commission's 6th Environmental Action Programme fails to provide indicators that would allow evaluation of the deterioration of biodiversity effectively. The Commission's stated aim to halt biodiversity decline by 2010 is laudable. Commission proposals to green the Common Agricultural Policy (CAP) and Common Fisheries Policy (CFP) are steps in the right direction to achieve such a goal. Radical reform of EU regional policy is, however, necessary to halt the decline (on this, see also mention on Barnier under Agriculture (8) below).

Under Commissioner Wallström, significant effort was made to complete the Natura 2000 network. After years of delay, several Member States have finally been taken to Court and structural funds suspended when no progress was made. The Commission established a working group on 'Financing the Natura 2000 network' with the task of identifying funds for sustainable management of Natura 2000 sites. EU Biodiversity Action Plans were approved for CAP, CFP, Development and Natural Resources. Unfortunately, environmental integration of forestry policies remains marginal.

5 NUCLEAR

Only eight Member States of the European Union are operating nuclear power stations and five of them have announced moratoria or phase out programmes.² Only one of the remaining three (Finland, UK and France) has plans for new nuclear capacity building. Globally, nuclear power is set to decline because of numerous accidents, public opposition and the unsolved problem of nuclear waste. The liberalisation of the energy market will make it even more difficult for nuclear power to revive, due to the high investment intensity required. Nuclear power is not competitive without state aid.³ EU subsidies for nuclear are still higher than those for alternative energy sources.

Despite these facts, Energy Commissioner Loyola de Palacio is consistently trying to promote nuclear energy and to force the Commission out of its neutral position on this issue. She pretends that the national nuclear phase out programmes would make the EU fail to meet the Kyoto protocol targets.

² Green Paper on Energy Supply, COM (2000) 769, p.33
http://europa.eu.int/comm/energy_transport/doc-principal/pubfinal_en.pdf

³ With the exception of France. However, it is notable that the French nuclear industry benefited from large subsidies in the past.

It is worth mentioning that in a recent discussion on the follow-up of the Green Paper on Energy Supply, she was opposed by Commissioners Wallström, Schreyer, Verheugen, Diamantopoulou, Kinnock, Fischler and President Prodi and actively supported by Commissioners Busquin, Bolkestein and Patten on this position. However, Commissioner Verheugen did not oppose Loyola de Palacio's move to use the issue of nuclear safety as a means to promote nuclear energy in the accession countries.

Under the Directorship of Mr Currie, who is now retired from DG Environment and about to start work for the British nuclear industry, the prerogatives of DG Environment in the field of nuclear safety were transferred to DG Transport and Energy (de Palacio). It is questionable what motivated this transfer of responsibility.

6 CHEMICALS

The Prodi Commission has continued the policy review process started by its predecessor and has presented a White Paper "Strategy for a future Chemicals Policy" in 2001. The proposed new system has the potential to establish for the first time in EU history a mechanism to actively control all chemicals at the EU level in order to protect the environment and human health.

Most significantly, it introduces the duty to substitute unacceptable, hazardous chemicals with less or non-hazardous alternatives (substances, materials or processes). It remains to be seen whether this positive initiative will be established in the Commission's legislative proposals in the coming months. We are very concerned that the slowness of the review process is leading to weakening of the legislation.

On the other hand, ongoing work under the established chemicals legislation is highly unsatisfactory. Risk reduction proposals are generally weak, late, and do not lead to effective measures. For example, the Commission's proposal to ban phthalate plasticisers in (PVC) children's toys is far too limited in scope and addresses teething toys only. Commissioner Liikanen's service consistently fails to apply the Substitution Principle in practice, despite its endorsement by the Commission. The Commission's work on hormone disrupting substances lacks ambition and is not restricting the use of chemicals of concern.

The risk assessment for Cadmium, one of the best known hazardous substances, has already taken more than six years and has delayed effective legislation. To stimulate action, the OSPAR Commission has recently requested that the EU ban all Nickel-Cadmium batteries.

7 GMOs

Our assessment of the Prodi Commission's policies on genetically modified organisms (GMOs) is mixed. On the positive side are two Regulations proposed in July 2001 on GM Food and Feed traceability and labelling (notwithstanding some important shortcomings). In May 2001, President Prodi blocked the first version of these Regulations that would have effectively permitted contamination from unauthorised GMOs (below the threshold of 1%), not only in food and feed, but also for releases into the environment. Further positive actions of the Commission were its contributions towards the final adoption of the new "horizontal" Directive on GMO releases,⁴ as well as its active role at the international level to bring the Cartagena Protocol on Biosafety to a successful conclusion.

On the negative side are the Commission's insistence to lift the current *de facto* moratorium on new GMO approvals, and more generally the lack of concern for the potential environmental and health impacts of GMOs. Commissioners Wallström and Byrne are relatively passive on the issue, both act only under the influence of strong public opinion and political pressure.

Commissioner Wallström fails to defend the prerogatives of DG Environment on the issue of GMOs. An increasing number of sectoral legislative or regulatory acts relating to living GMOs have been or are being drafted without the participation of her service. This is the case for example, on forest, vine and horticulture reproductive materials and on seeds.

Very negative points are as follows: 1) Commissioner Wallström did not keep her promise to the Parliament to address the question of liability for GMO contamination with appropriate new legislation. Such legislation is urgently needed, also to address the issue of preventive measures and related costs to avoid contamination. 2) A report from the EU Joint Research Centre on 'coexistence' of GM and non GM farming has been kept secret for five months by the Commission services - while it could have been very useful to address these issues. (The report was only made public after Greenpeace had leaked parts of it to the press). 3) Commissioner Busquin is actively promoting GMOs, and has tried - together with Commissioner Lamy - to weaken the Commission proposals on GMO labelling. 4) Commissioner Byrne is insisting in his attempts to allow 1% of unauthorised GMOs in Food and Feed, despite strong opposition from the Parliament.

8 AGRICULTURE

Commissioners Fischler and Barnier have made important contributions to the new formulation of rural and regional development plans. Both commissioners have argued that the provision of Structural Funds must be

⁴ (2001/18)

linked to Member States' efforts to implement the Nitrates and Habitats Directives (see Nature Protection in the Schematic Overview). This has set a precedence within the Common Agricultural Policy (CAP) for macro cross-compliance. However, as long as the statements of both Commissioners are not inserted into Regulations on structural funds and agriculture, they are not binding and could be forgotten next year.

A further positive initiative of the Commission was the doubling of the funds available for agri-environmental measures, although this is still far from sufficient.

Recent Commission proposals for the review of the CAP include tools for further integration of environmental concerns, such as cross-compliance and modulation. Payments to farmers will no longer be linked to the level of production. Farmers will not receive incentives to increase the use of pesticides and fertilisers. A higher percentage of EU co-funding will make agri-environmental schemes more attractive and this is the most important CAP tool with which to maintain farming habitats of high natural conservation value.

9 AIR

see section IV: Air

10 TRADE AND ENVIRONMENT

The Commission pushed for a successful outcome on a limited number of trade and environment issues at the WTO Ministerial meeting in Doha. Progress was made on some issues (e.g. fisheries subsidies), but there are concerns about the environmental impact of trade liberalisation in general, and in particular on the Commission's position on Multilateral Environmental Agreements (MEAs), investment rules and transparency.

On MEAs, the Commission submitted a paper to the WTO in March outlining positive views to advance the negotiations at the WTO. More action is required to affirm the authority and autonomy of MEAs. The World Summit for Sustainable Development should be seen as an occasion to advance the issue.

On investment rules, Commissioner Lamy advocated a multilateral agreement on investment in the WTO that could have negative social and environmental impacts. NGOs and developing countries have objected to such an agreement. Instead of an investment agreement in the WTO, the EU should push for a binding corporate accountability convention in the framework of the UN. Voluntary guidelines for multinational corporations are insufficient, as shown by a recent UNEP study.

Regrettably, the Commission's trade negotiations continue to lack transparency. Current EU proposals on service liberalisation in environmentally sensitive areas such as water, energy, transport, and tourism are still conducted behind closed doors.

11 THE SPANISH NATIONAL WATER PLAN

Spain is requesting funding from the Commission to finance an unsustainable National Water Plan (the total cost is estimated at 21 billion Euro, of which up to 7 billion could potentially be funded by the EU). The main part of this plan aims to transfer water across the country to those parts where intensive agriculture and tourism are concentrated. The Commission should clearly reject this request since many aspects of the plan violate European nature conservation legislation and make a mockery of the EU Water Framework Directive. However, instead of initiating an infringement procedure, the Commission delays action by engaging in an informal exchange of information with the Spanish authorities.

see also section IV: Water Framework Directive (WFD)

12 MINING

The Commission set out to increase the environmental safety of mining and quarrying activities (e.g. revision of Seveso II Directive on the control of major accident hazards, and a Directive on mining waste). However, the proposal for the revision of Seveso II Directive does not offer the required level of protection against major environmental hazards from mining and quarrying. The draft Mining Waste Management Directive is at risk of being dropped altogether.

13 SUSTAINABLE DEVELOPMENT STRATEGY

The Helsinki Summit in December 1999 invited the Commission *'to prepare a proposal for a long-term strategy dovetailing policies for economically, socially and ecologically sustainable development, to be presented to the European Council in June 2001. This strategy will also serve as Community input for the ten-year review of the Rio Process scheduled for 2002.'*

Initially led by President Prodi, it took the Commission one year to agree on how to respond to this challenge. At the end of the year 2000 it was decided to give Commissioner Wallström/DG Environment a leading role and subsequently things started moving. Public consultations, however, were poor.

The resulting Sustainable Development Strategy, published just four weeks before the Gothenburg Summit (June 2001), was better than expected. It underlined the need for urgent action and for political leadership. Four relevant priority areas were selected, targets were set and concrete timetables for action given. The proposal also contained a strong plea for the appropriate use of fiscal instruments to achieve sustainable development. The proposal was weak however in its global dimension.

The Secretariat General of the Commission, working under the political responsibility of the President, took over co-ordination again after the summit, and the momentum faded away. The Barcelona Summit (March 2002) was to be the first occasion to combine the economic and social agenda with the new requirements of Gothenburg. However, instead of sustainable development becoming the overarching objective in EU policies it was reduced, once again, to the status of an annotation to the traditional pro-growth policy orientation.

14 ENVIRONMENTAL LIABILITY

The Commission's proposal for a Directive on Environmental Liability is very weak. During the drafting stage, there was no adequate consultation with environmental NGOs, and the scope of the directive was severely limited. Commissioner Schreyer was the only one to insist on liability in case of contamination from GMOs. On the negative side, Commissioner Fischler opposed a more comprehensive definition of damage to biodiversity. Eventually, caving in to strong industry lobby (relayed by DG Enterprise) the Commission proposed a Directive that does not foresee a strict liability system anymore, but only a fault-based liability system, allowing the option of permit-defence. This makes a mockery of the polluter pays-principle. The Parliament and the Council are set to dramatically improve the text, and we call on the Commission, in particular on Margot Wallström, to support the necessary changes.

The paper on the external dimension of the sustainable development strategy, published in February 2002 under the responsibility of Commissioner Nielson, is a sort of shopping list of good intentions, but states few concrete commitments and targets. In particular, there is no clear vision of the linkage between poverty alleviation and sustainable management of natural resources.

15 ENERGY

The Prodi Commission was supposed to defend a proposal for environmental tax harmonisation on energy products, adopted by the previous Commission. Overall, Commissioner Bolkestein lacks enthusiasm for environmental tax reform and the Prodi Commission did not put much

political weight behind the proposal. However, Commissioner Bolkestein is currently arguing against further dilution of the Commission proposal in the ECOFIN Council. The Commission fears, justifiably, that the final result will have no practical environmental benefit.

While the Commission highlights the need to tackle national fossil fuel subsidies that are environmentally unsustainable, there is little convincing action. On this issue, the Prodi Commission surrenders too easily to resistance from Member States, particularly to Germany.

The Commission is also failing to encourage public authorities to use public procurement as a tool to promote improvements in sustainable production and consumption. Instead, it bows to the pressure of established industrial lobbies and follows a policy that only considers the traditional rules for competition. The Commission, and specifically Commissioner Bolkestein, is opposing proposals from the Parliament to consider global environmental benefits (such as climate protection) as selection criteria for public procurement.

The fact that EC legislation sees waste as a renewable source of energy is catastrophic from the point of view of waste management, as it discourages waste minimisation and material recycling.

see also section IV: Renewable Energy

16 TRANSPORT

In general, the Commission's work in the transport sector is strongly focussed on liberalisation. The environment receives little attention in this context. Key issues such as intermodality are neglected. Some initiatives are praiseworthy, but they are few and far between.⁵ The White Paper on the Common Transport Policy, adopted in September 2001, fails to live up to previous Commission commitments. Neither does it fully address the demands made by European heads of governments in Gothenburg. On the whole, the Commission has so far failed to move transport towards sustainability.

see also section IV: Voluntary Commitment on Fuel Economy, Alternative Fuels, Air, Transport - Air, Transport - Rail

⁵ After the Erika accident, the swift adoption of the Erika I and II packages on maritime safety showed the commitment of Commissioner de Palacio to improve safety conditions for the marine ecosystem.

17 WASTE

Despite existing EU and national waste policies, the waste problem continues to grow. However, the Prodi Commission seems to have decided that it is time to relax. Instead of bringing forward focussed initiatives to stop and reverse growing waste generation by promoting changes in production and consumption patterns, the Prodi Commission shows a blatant lack of ambition to prepare effective new instruments to tackle waste problems. It falls well behind the performance of the previous Commission, and it contradicts in its proposals the revised waste strategy of 1996, which identified the following: 1. the priority of reuse and recycling over incineration, and 2. producer responsibility, as key elements for EU waste policy.

The failure of the Prodi Commission on waste is exemplified by the revision of the packaging directive. It endorses industry demands to permit further increases in packaging waste generation, to increase packaging waste incineration, and above all, to absolve packaging producers and fillers from any responsibility for the waste. At the same time, the Commission delays progressive and urgently needed provisions for biodegradable waste and composting.

The Commission is now embarking on extensive exercises of thematic strategies on resource efficiency and on waste recycling, without even ensuring that sufficient staff will be available to bring them to successful conclusion. At the same time, existing draft proposals on batteries and PVC are neglected by Commissioner Wallström. Since the Prodi Commission took office, DG Environment has increasingly lost direction on EU waste policy. Under pressure from Commissioner Liikanen, legislative proposals for waste reduction and qualitative waste prevention (less hazardous substances in products) are being diluted, if not dropped altogether.

see also section IV: End of Life Vehicles (ELV), Waste Electrical and Electronic Equipment (WEEE), Restriction of the use of certain hazardous substances (RoHS)

IV Analysis of the Commission's own mid-term review

In its own review, the Prodi Commission highlights the following policies as environmental achievements:

Kyoto Protocol

Commission: "the Commission took a leading role on climate change in the run-up to the *adoption of the Kyoto protocol*"

GREEN 8 assessment: The Commission salvaged the Kyoto protocol after the US had pulled out. This remarkable achievement is due to the dedication of Commissioner Wallström, together with the Swedish and Belgian Presidencies. President Prodi consistently supported this endeavour. The ratification of the Kyoto protocol by the EU is an important step towards the entry into force of the protocol. However, the Kyoto protocol targets are riddled with loopholes, which must not be used if one really wants to reduce emissions.

Renewable Energy

Commission: "At the initiative of the Commission the Union has taken a number of specific climate-related initiatives. These include ... a Directive to *promote electricity from renewable energy...*"

GREEN 8 assessment: The renewables directive for electricity does not contain mandatory targets and could become an incentive for further incineration of waste if it is not implemented well at Member State level.

Emissions Trading Scheme

Commission: "The Commission has come forward with further *proposals on an EU-wide emission-trading scheme...*"

GREEN 8 assessment: The Commission's proposal does not set targets that will ensure effective emissions reductions. There is a risk that the directive becomes a pure trade directive without any clear environmental benefit.

Voluntary Commitment on Fuel Economy

Commission: "At the initiative of the Commission the Union has taken a number of specific climate-related initiatives. These include ... voluntary commitments by carmakers to *improve fuel economy by 25%*".

GREEN 8 assessment: The voluntary agreement with car-makers on CO₂ emissions reductions is not the work of the Prodi Commission.⁶ In

⁶ The agreement with European car-makers, ACEA, was set out in C(1999)107 of 5 February 1999, well before the new Commission started work. The agreement with Japanese and Korean car-makers is dated 13.4.2000, but the actual work was carried out earlier.

any case, the agreement is problematic. First, it is doubtful whether car-makers will be able to meet their commitments.⁷ Second, and more importantly, the targets in the voluntary commitment do not provide a long-term solution, even if they were met. The EU wants to see average emissions from new cars that are below those agreed with carmakers.⁸ Also, the Commission's own figures (Auto-Oil II base case) indicate that total CO₂ emissions from cars will be rising again from the year 2020 onwards because of expected demand growth. The present Commission has so far failed by not following up on the technical fix which the voluntary agreement represents. It has failed to provide the subsequent non-technical measures which will be needed if the EU is to meet its own CO₂ emissions targets.

Alternative Fuels

Commission: "The Commission has come forward with further *proposals on ... alternative fuels...*"

GREEN 8 assessment: The Commission has made a proposal on only one possible alternative fuel: biofuel. However, it has issued a Communication on alternative fuels in general and is examining options for other alternative fuels, such as compressed natural gas and hydrogen. The approach puts CO₂ emission reductions, without compromising air quality, at the heart of this work, which is positive. NGOs have criticised the Commission proposal to give a major boost to production of biofuels based on the production of intensively farmed crops, because of its foreseeable negative impacts on the environment, and because of its lack of cost effectiveness.

Energy Efficiency in Buildings

Commission: "The Commission has come forward with further *proposals on ... energy efficiency in buildings.*"

GREEN 8 assessment: The key provisions of the proposed Directive now include such long delays that it may have little impact until after the Kyoto commitment period. However, the Parliament and Council have greater culpability than the Commission for these delays.

Fluorinated Gases

Commission: "legislative action on fluorinated gases will follow"

GREEN 8 assessment: The legislation on containment of fluorinated gases that is currently being drafted will prolong the use of these

⁷ A T&E report (2000) states that significant changes to current production and marketing strategies are necessary to meet the commitment. Recently, the industry has reported to be on target, though the proof of this will come only in 2008 (ACEA) and 2009 (JAMA/KAMA).

⁸ The EU target is 120g/km of CO₂ – on average – by 2010 at the latest from all new passenger cars marketed in the Union: the voluntary agreement falls short of this, at 140g/km.

potent greenhouse gases. Several countries like Denmark and Austria have already decided sector-by-sector phase-outs.

Air

Commission: "Half of the urban population in Europe is still exposed to ozone concentration above the safety threshold for more than 15 days a year. This has an impact on health and quality of life, particularly among the most vulnerable groups of a population, such as children and elderly people. Achievements of the current Commission include directives setting *target levels for ozone, national emission ceilings and emission standards for power stations*, as well as a *proposal to reduce sulphur levels in petrol and diesel*. A new programme 'Clean Air For Europe (CAFE) has been set up to address remaining air pollution problems."

GREEN 8 assessment: In 1999, the Commission started its work on air by granting several Member States derogation from the requirement to ban lead and sulphur from gasoline by 2000. President Prodi intervened in this issue under strong pressure from the Italian government. The Commission finalised negotiations with the EP and Council on ozone and on national emission ceilings with mixed results overall.

Water Framework Directive (WFD)

Commission: "Water was one of the major environmental priorities of this Commission. The adoption of the "Water Framework Directive" in October 2000 was the first key step to deliver on this priority. The directive promotes sustainable water use and establishes high quality objectives to be met for both surface water and groundwater by 2015."

GREEN 8 assessment: The proposal for the WFD was made by the previous Commission. The Prodi Commission, particularly Commissioner Wallström and DG Environment, played an advisory role during conciliation between Parliament and Council. Good points of the WFD are, for example: 1) introduction of a holistic water management approach focussing on environmental benefits and thereby promoting sustainable water use; 2) the obligation for Member States to achieve good status for all European waters by 2015; and 3) the goal to end releases of hazardous substances into water.

Negative aspects of the directive are: 1) complex and ambiguous wording and resulting legal uncertainty; 2) no common standards have been set to guarantee harmonisation. 3) The Commission effectively and rapidly established a list of 33 priority substances, for which standards and controls still have to be developed. The Commission has failed to clearly identify those hazardous substances that need to be phased out.

The Commission and Member States are currently working together to clarify the meaning of the WFD and to develop voluntary technical guidance to ensure proper implementation. This process is undermined by a lack of capacities which neither the Commission nor Member States are willing to provide.

Dioxin contamination limits for food and feed

Commission: "The first day of July will see the entry into force of legally binding limits on the presence of dioxin and other contaminants in food and feed. Any food or feed exceeding these strict limits will be excluded from the food and feed chain. The measures on food and feed are a key element of the comprehensive strategy the Commission put forward to improve the safety of feed and food in response to the dioxin contamination problems of the past. The action is closely linked to measures aimed at reducing dioxin levels in the environment."

GREEN 8 assessment: The Commission is taking a positive first step towards reducing the levels of dioxins in food. However, it has so far only set 'maximum' levels that outlaw merely the very worst of existing contamination. These levels have been set with economic considerations in mind: permitted foodstuffs should not be understood as meeting 'safe' levels. As the Commission itself admits: "... *setting maximum levels that will considerably reduce human exposure would result in a considerable part of the present food supply being declared unfit for human consumption.*"⁹ The Commission is too slow in addressing and eliminating dioxin sources.

Transport – aviation

Commission: "Since taking office the Commission has made the creation of a single European sky one of its priorities. This structural improvement of air traffic management will bring down the invisible but real borders that still partition the European sky. ... The Commission has proposed a legislative package on air traffic management dealing with all aspects of aviation"

GREEN 8 assessment: Most people do not travel by air but the emissions of air traffic. Greenhouse gases, air pollutants, and noise affect everyone. The Commission is not tackling these emission problems. The single European sky will possibly reduce flight delays, but it is not an instrument to effectively reduce air traffic emissions.

Transport – rail

Commission: "A veritable revolution in the railway sector is under way: for the first time, Europeans are making available the resources needed to reverse the decline in rail transport. ... This change falls into two

⁹ Council Regulation No 2375/2001

stages: the creation of a European rail network for international goods transport (to be completed by 2003), followed by the proposal for a new additional package put forward in January 2002, to enhance safety at European level, facilitate greater interoperability and extend the opening-up of goods transport to include cabotage.”

GREEN 8 assessment: The rail sector is not seeing “a veritable revolution”. In fact the EU started shuffling towards railway reform in 1991.¹⁰ Everyone agrees that reform is needed, not least because a weak rail sector leads to unsustainable road transport patterns. The problem lies in the Commission’s prescription. Liberalisation is not a ‘magic bullet’: it will not by itself lead to environmental improvements in the transport system, or even greater economic efficiency.¹¹ It is also disingenuous of the Commission to claim the second rail package as a success when in fact it is not yet more than a proposal, though a rather good one.

End of Life Vehicles (ELV)

Commission: "At the proposal of the Commission a directive has been adopted, which will allow consumers return their vehicles free of cost at the end of their life span. ... The directive promotes re-use, recycling and other forms of recovery of end-of-life vehicles and their components, with a view to reducing waste disposal."

GREEN 8 assessment: A good proposal, as it 1) stresses the priority of reuse and recycling over incineration and 2) makes the producer responsible for the waste. However, it is surprising that the Prodi Commission claims responsibility for this directive. In fact, the ELV directive was proposed by the previous Commission; the original proposal had been adopted in 1997 and the amended proposal was adopted some months before the Prodi Commission took office.

Waste Electrical and Electronic Equipment (WEEE), Restriction of the use of certain hazardous substances (RoHS)

Commission: "A similar approach was taken when the Commission proposed, on 13 June 2000, a Directive on Waste Electrical and Electronic Equipment and a proposal for a Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment. Once the proposal has been adopted, producers will be responsible for taking back and recycling electrical and electronic equipment. Consumers will be able to return their equipment free of charge."

¹⁰ Directive 91/440/EEC

¹¹ The rail sector has its own environmental problems which need to be tackled, such as loud and dirty diesel locomotives. Revitalising the railways will require correcting the imbalance between the road and rail sectors through, for example, road pricing and better working conditions for road transport workers.

GREEN 8 assessment: A good proposal (a sister Directives to the ELV Directive). However, it is questionable whether the Prodi Commission can claim much responsibility for it. Most of the preparatory work on the WEEE and RoHS directives was accomplished under the previous Commission. Those changes that fall under the responsibility of the Prodi Commission were mainly changes for the worse, with the notable exception of Wallström's recent support for clearly defined individual producer responsibility. In conclusion, the most recent initiatives reflect a general deterioration of waste policy under the current Commission.