



Brussels, 3 December 2001

A First Response from the European Environmental Bureau to THE WHITE PAPER ON GOVERNANCE

1. The White Paper structures the debate on a number of issues of importance for the future of EU environment policy and the role of NGOs. These include more transparency and dialogue, but also new ways of decision making and implementation. We endorse all five principles of the paper: "openness, participation, accountability, effectiveness and coherence". These principles now need to be made integral elements of the day-to-day working of European governance.
2. The White Paper explains the principle of coherence to be ensuring that Community policies are integrated and reinforce each other. Strangely however, the White Paper does not mention Article 6 of the Treaty and the Cardiff process at all, where such coherence is made concrete with the requirement to integrate environmental interests into all EU policies. It does refer to the Goteborg Summit conclusion that all major new EU policies need to go through a sustainable development impact assessment.
3. The White Paper poses questions about the future use of the comitology procedure, at least where Member States take part in regulatory and management committees. The Commission wants to restrict/re-formulate the Member States' role to purely legislative and control over the Commission as executive body. The impacts the proposed changes to the comitology procedure would have on the development of EU environmental legislation remain uncertain and may have negative impacts which need to be more fully considered.
4. The White Paper also emphasises the important role of local and regional authorities and suggests more influence on decision making (via a stronger Committee of the Regions as well as through other forms of direct cooperation, dialogue and even contracts). This may have positive impacts on implementation but may also complicate the legislative decisionmaking process at the Community level.
5. The Paper promotes co-regulation, a phenomenon that we know as environmental agreements. We are critical of this notion, given our experience to date with such agreements. Increased use of 'co-regulation' may also relieve the pressure on governments to strengthen their regulatory bodies, whereas such bodies are necessary for effective environmental policies and level playing fields in the Community.
6. The White Paper can be read as promoting a further shift from result towards process orientation. While the idea of promoting dialogue is attractive, in reality co-operation rather than prescription may mean excessive freedom for manoeuvre for business

without a corresponding advantage in terms of environmental protection, less ability for the public to insist on the enforcement of result-oriented policies, and a marginal role of public authorities in managing sustainable development. It also may lead to increasing differences in performance throughout the region.

7. The White Paper says it wants to strengthen the role and involvement of "civil society". However, it includes employers' organisations in its definition. Employers' organisations are, together with the trade unions, the 'social partners'. Including employers in the definition of civil society risks stretching the definition too far. An alternative approach would be separate "social partners" (employers' and employees' organisations), representing the market, from "civil society".
8. The White Paper views the Economic and Social Committee (ESC) of the Community as having a role in representing civil society. This is a questionable assumption. The members of the ESC are appointed by the Member States and it is dominated by the social partners. The room for the ESC to increase the numbers of civil society representatives is limited and that still will have to go through member state appointments. The ESC is an advisory body to the other Institutions and if the ESC is successful in being recognised as the facilitator of the voice of civil society, this may in the end reduce the opportunities for environmental (and other) NGOs to have direct dialogue with Community's decisionmaking institutions.
9. The White Paper approaches NGOs with a mixture of offers and demands. The offers remain vague: more dialogue, and in some cases partnership contracts. The demands are more concrete. They will be laid down in a code of conduct, making the public support, representativeness etc. of NGOs visible. Care needs to be taken that these demands do not lead to the institutionalisation of a group of NGOs with privileged access. Civil society is too diverse and too fluid to be easily structured in terms of these demands. Care needs to be taken that these demands do not raise the barriers for citizens and civil society to engage in dialogue with the EU's decisionmaking institutions. NGOs should be judged on the quality of the input they give, not just on the numbers of people they represent, or the length of time their organisations have existed.
10. The White Paper has a chapter on EU's role at the global level. It is quite limited, restricting itself to the need for more consultation with non-governmental organisations in other countries of the world and seeming to be mainly written to seek ways in which the position of the Commission will be strengthened inside and outside the EU.

For more information, please contact:

John Hontelez
Secretary General
Tel.: +32 2 289 10 90
Fax: +32 2 289 10 99
e-mail: hontelez@eeb.org