

Management of natural resources by the European Union

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EU management instruments legislative form

- (1) Water: directive 2000/60 establishing a framework for EU action
in the field of water policy**
 - (2) Air: directive 2008/50 on ambient air quality and cleaner air for Europe**
 - (3) Biodiversity: directive 92/43 on the conservation of natural habitats
and of wild fauna and flora**
 - (4) Raw materials/waste: directive 2008/98 on waste**
- All four sectors covered by directives**
 - All four sectors supplemented by other EU legislation**
 - No legislation on biodiversity, despite the Convention**
 - Raw materials not covered, as this would impinge on product policy issues**

EU management instruments

objectives of management

- (1) Water: good surface water status by 2015
good groundwater status by 2015
- (2) Air: avoid, prevent or reduce harmful effects on human health and the environment as a whole
- (3) Biodiversity: favourable conservation status of habitats and species
- (4) Raw materials/waste: preventing or reducing the adverse impacts of the generation of and management of waste, reducing overall impacts of resource use and improving the efficiency of such use

EU management instruments

Procedural requirements

- (1) Water:** - River basin districts;
 - Monitoring programmes (Art.8)
 - Programme of measures; update every six years (Art.11)
 - River basin management plans; update every six years (Art.13)
- (2) Air:** - Establishment of zones and agglomerations (Art.3)
 - Establishment of sampling points (Art.7)
 - Air quality plan, when exceeding of values (Arts.17 and 23)
 - Short term action plan (Art.24)
- (3) Biodiversity:** - Establishment of Natura 2000 zones (Art.6)
 - necessary conservation measures, involving, if need be, appropriate management plans
- (4) Raw materials/waste:** - waste management plans (Art.28)
 - waste prevention plans (Art.29)
 - periodic inspections (Art.34)

Transboundary management

- (1) Water: Transboundary river basin districts, if possible
Transboundary river management plans, if possible**
- (2) Air: Air quality plans with other Member States. Attempt to cooperate with third countries (Art.25)**
- (3) Biodiversity: -**
- (4) Raw materials/waste: principles of self-sufficiency and proximity for installations of waste disposal and the recovery of mixed municipal waste (Art.16)
PIC for international treatment/disposal
The recovery of nuclear waste is not waste treatment!**

How does the Commission coordinate? 1

- (1) Water: MSt: River Basin Plan to be sent to Commission within 3 months
Summary reports of monitoring programmes to be sent to Commission
Commission: Interim report on River Basin Plans every 3 years
Report River Basin Plans every 6 years (Art.18)
Conference on water, “if appropriate” (Art.18)
- (2) Air: MSt report annually on quality levels exceeded (Art.27)
Air quality plans to be sent to Commission within 2 years! (Art.23)
No information to Commission on short term action plans
Commission: No report on functioning of Directive or on air quality!
- (3) Biodiversity: MSt: no obligation to draw up management plans
every 2 years, detailed report on derogations (Art.16)
every six years a report on directive (Art.17)
Commission: every six years, composite report on directive (Art.17)

How does the Commission coordinate? 2

- (4) Raw materials/waste: MSt inform the Commission of waste management plans and waste prevention programmes (Art.33)
report every three years on implementation (Art.37)
Commission: no obligation as to plans and programmes
every 3 years implementation report (Art.37)

Reports: not always electronic; reports deal with successes, not failures
Commission reports hampered by translations, therefore succinct

- Committees: Art.21 of 2000/60; Art. 20 of 92/43
Art.29 of 2008/50; Art. 39 of 2008/98
- coordination on interpretation of the directive
 - preparation of implementing measures
 - no „name and shame“
 - no transparency

Information of the public

„Public authorities hold information on the environment in the interest of the public“

(1) Water: Info on preparatory documents and timetable to River Basin Plans

„On request“ info also on background documents (Art.16)

No info on programme of measures, monitoring programmes, costs

(2) Air: Info on air quality plans; daily, if possible hourly info on air quality (26)

Annual reports on air pollutants (Art.26)

(3) Biodiversity: report every six years is made publicly available (Article 17)

Report on derogations not made public (Art.16), Art.6-exceptions not made public; no information on management measures (Art.6)

(4) Raw materials/waste: info on management plans and prevention programmes

Report every 3 years to the Commission not made public (Art.37)

Participation of the public

(1) Water: Participation in River Basin Plans (Art.16)

No participation in programmes of measures, cost decisions, derogations

(2) Air: Participation in air quality plans (Directive 2003/35)

No participation in location of sampling points, in short-term programmes

(3) Biodiversity: Participation not foreseen

De facto participation of nature protection NGOs (quite considerable)

(4) Raw materials/waste: participation in plans and programmes (Art.31)

(Lack of) Enforcement

- (1) The Commission does not insist in compliance with reporting obligations**
- (2) The Commission does not assess plans and programmes**
- (3) The Commission does not systematically require compliance with standards (air, water)**
- (4) Member States shall lay down penalties for non-compliance with the requirements of the directives (except 92/43). These penalties shall be effective, proportionate and dissuasive.**
However, the Commission neither compares such penalties nor does it check, whether they are effective.
- (5) No auditing reports by the Commission**
- (6) No discussion, whether administrative sanctions are better suited.**

Positive assessment

EU law created a management framework. This obliged all Member States to adopt some management measures , in particular plans and reports

Positive assessment

The EU framework had a considerable influence on the administrative and political structures within the Member States, on staffing, on transparency and on accountability towards the national public

Positive assessment

The Committee and ministerial gatherings helped transferring know-how, exchange experience, orient priorities and influence financial decisions. They strengthened the national environmental administration with regard to other sectors (agriculture, industry, transport,energy etc)

Positive assessment

Without the EU legislative and management framework, the state of the environment and the management of the environment in numerous Member States would be much worse.

Positive assessment

Overall, environmental protection was promoted through procedures:

- plans**
- reports**
- meetings**
- transparency**

Room for improvement

There is no EU policy on the prudent use/management of raw materials;

Room for improvement

„Circular economy“ is, for the time being, just a slogan. The EU is at present not capable and/or willing to develop a product policy – which would be the basis for circular economy and for resource management

Room for improvement

Natura 2000 is one thing, but the protection of biodiversity is broader.

The favourable conservation status of all habitats and species is far away.

The management of measures so far did not stop the loss of biodiversity

Room for improvement

Air pollution in EU agglomerations in a catastrophe. „Dieselgate“ revealed the management and enforcement omissions of the EU and of national authorities

Room for improvement

Just more than 50 per cent of waters comply with a good quality status, 15 years after the adoption of the Framework Directive. Water quantity issues and flood prevention are underdeveloped.

Ways ahead - transparency

Environmental impairment does not have mainstream attention of the EU. Data are left to publication by the EEA and by DG Environment.

As data and reports can be made available in electronic form, the whole transparency policy needs a review. Serve the citizen, not (only) the administration!

Give environment a voice: transparency, civil society integration, access to justice

Ways ahead - policy

There should be a biodiversity policy. Species management is intransparent and not coherent. There is limited accountability

The management of raw materials needs to be reconsidered. It cannot be solved by waste policy approaches

Water policy runs the risk of settling with business as usual. A target of systematic pollution reduction by hazardous substances (Art.16 of 2000/60) was averted and never replaced (Bergen 1997)

Ways ahead - enforcement

Nothing undermines the credibility of public authorities more than legislation which is not applied

Air pollution: existing standards are not enforced (including cars)

Policy should be to separate policy administration and enforcement bodies (model: competition law)

Ways ahead - accountability

**Ensure that all Member States lay account
how they manage natural resources (the
environment), by full reporting, also on deficits**

**Thank you
for your attention**