

STRENGTHENING *UNIVERSITY* COOPERATION *OSIJEK – PÉCS*

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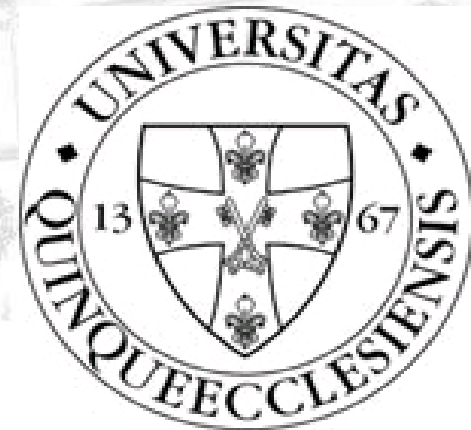


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IPA Cross-border Co-operation Programme



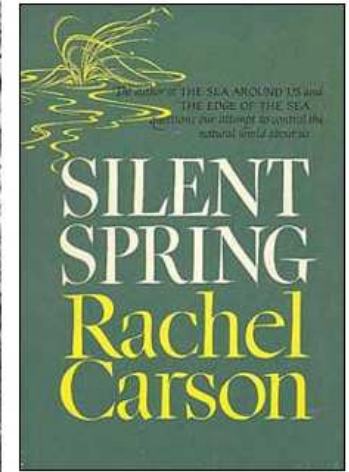


Environmental Protection in the European Union

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SUNICOP Summer School
Pecs, 9 – 14 July 2012

- Rachel Carson –
"Silent Spring" (1962),



- Stockholm Conference (1972),
- Rio Conference (1992) → UN Conference on Environment and Development (UNCED),
 - the United Nations Framework Convention on Climate Change (UNFCCC),
 - the Convention on Biological Diversity (CBD),
- Johannesburg Conference (2002),
- Rio+20 Conference (2012)

- UN Climate Change Conference 2009 – COP15 (Copenhagen),
- 2010 – COP16 (Cancún, Mexico),
- 2011 – COP17 (Durban)



UNITED
NATIONS
CLIMATE
CHANGE
CONFERENCE
2009



Rio+20: towards the green economy and better governance??

- June 2012 – United Nations Conference on Sustainable Development (UNCSD or "Rio+20"),
- 20 years after the first "Earth Summit",
- To secure renewed political commitment for sustainable development,
- Two intertwined themes:
 - "a green economy in the context of sustainable development and poverty eradication",
 - "the institutional framework for sustainable development"



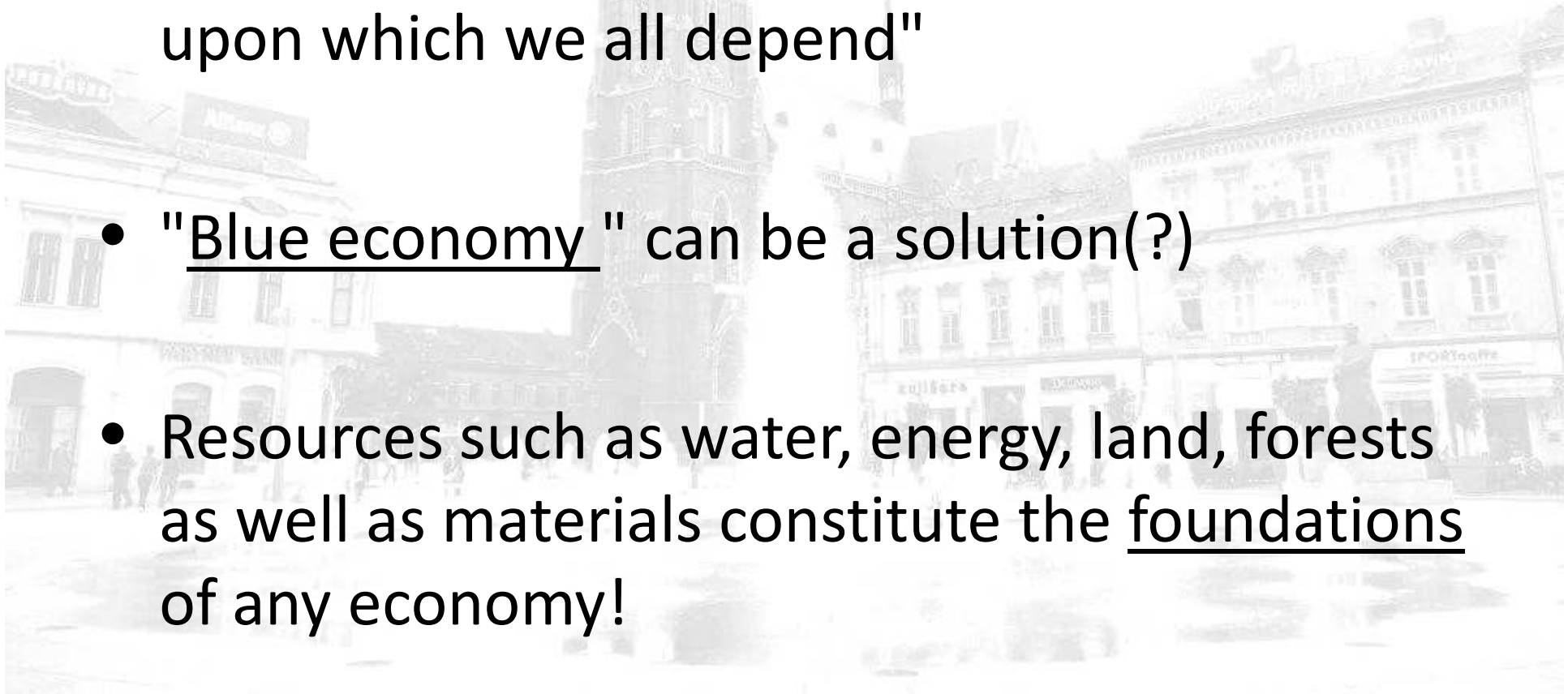
"Green economy"

- An economy that
 - generates "growth",
 - creates jobs and
 - eradicates povertyby investing in and preserving the natural capital,
- Future economic growth in emerging economies can help lift people out of poverty(?)
- *"while progress has been made many challenges still exist, in particular to make growth more sustainable"(???)*

- "An economy that can secure growth and development, while at the same time improving human well-being, providing decent jobs, reducing inequalities, tackling poverty and preserving the natural capital upon which we all depend"

- "Blue economy" can be a solution(?)

- Resources such as water, energy, land, forests as well as materials constitute the foundations of any economy!



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- Many challenges require a global and regional response \Rightarrow *national efforts alone will not be enough to green the global economy*
 - Rio+20 was a significant opportunity to advance SD:

"Together, we need to ensure tangible, effective action that can have real impact across the world."

- Is there potential of action at global level?
- We have to rethink the conventional model of economic progress \rightarrow *but the EU is a "regional economic integration organisation" (REIO)!*

The types of challenge

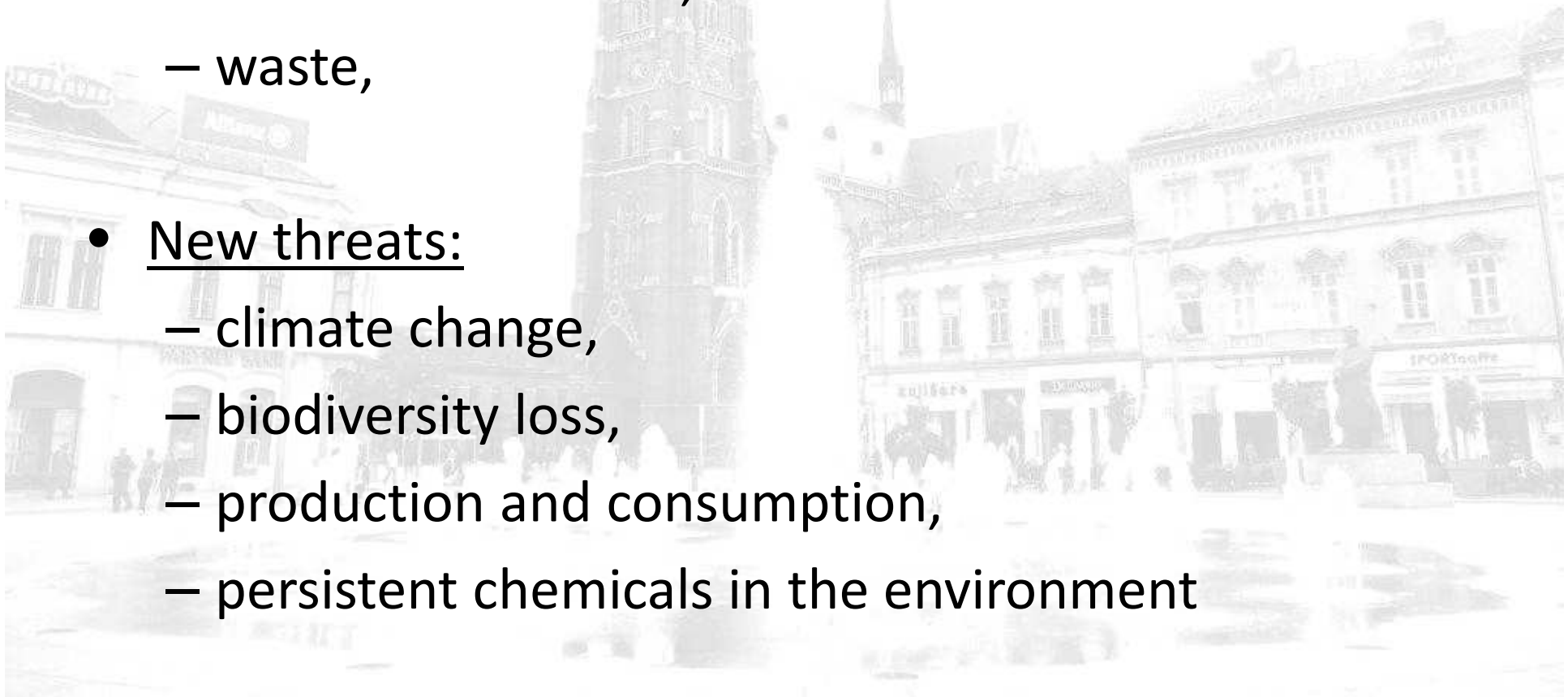
1. 'Old' problems (ozone, air, etc.):
 - we know how to solve them and what implementation action is required,
 - practical difficulties at local level
2. More complex issues (water, waste, etc.):
 - progress is also being made,
 - the progress is not fast enough → *strong cross-border and international cooperation is required*
3. Particularly complex issues (climate change, biodiversity, etc.):
 - slow progress,
 - no immediate and obvious benefits,
 - they seriously limit future options → *long-term, integrated cross-sectoral measures are required*

- Old legacies:

- air pollution,
- water issues (drinking water, surface and groundwaters),
- contaminated sites,
- waste,

- New threats:

- climate change,
- biodiversity loss,
- production and consumption,
- persistent chemicals in the environment

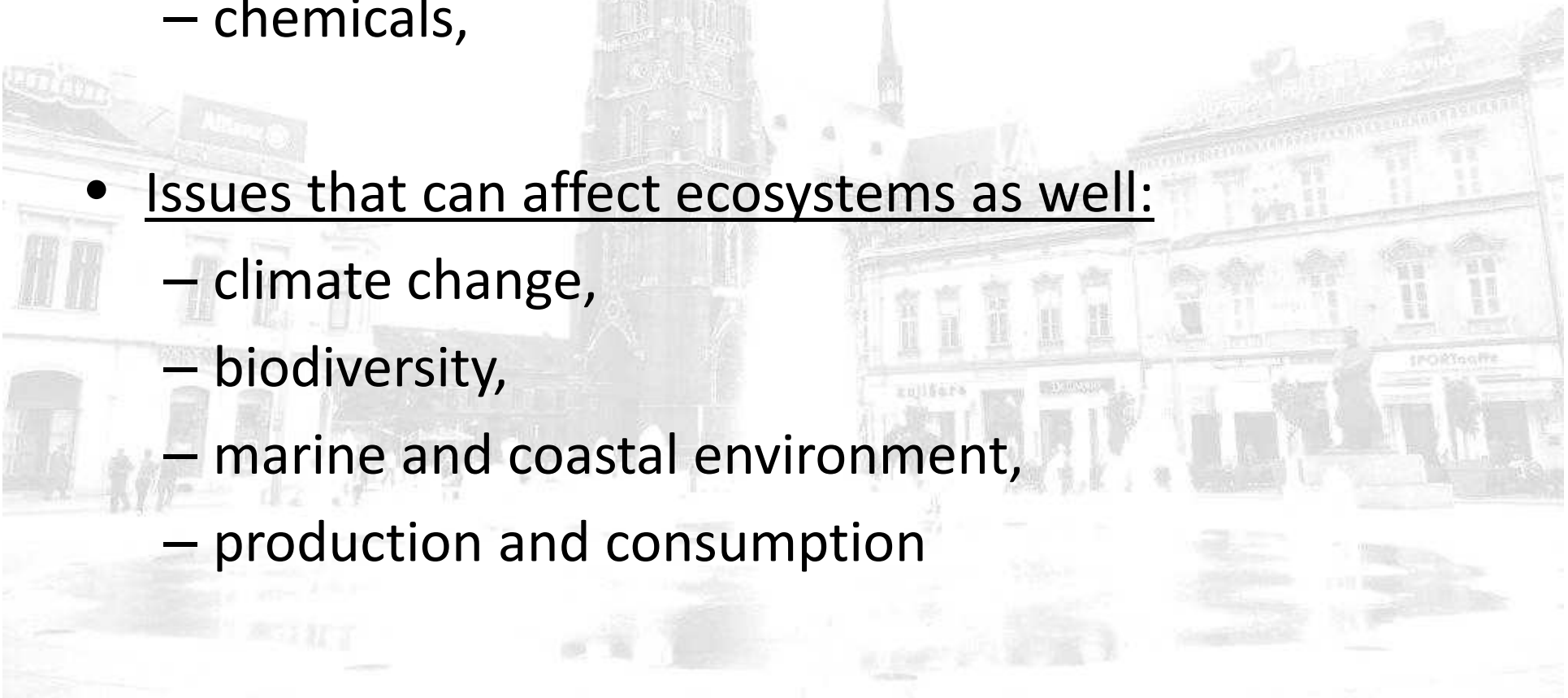


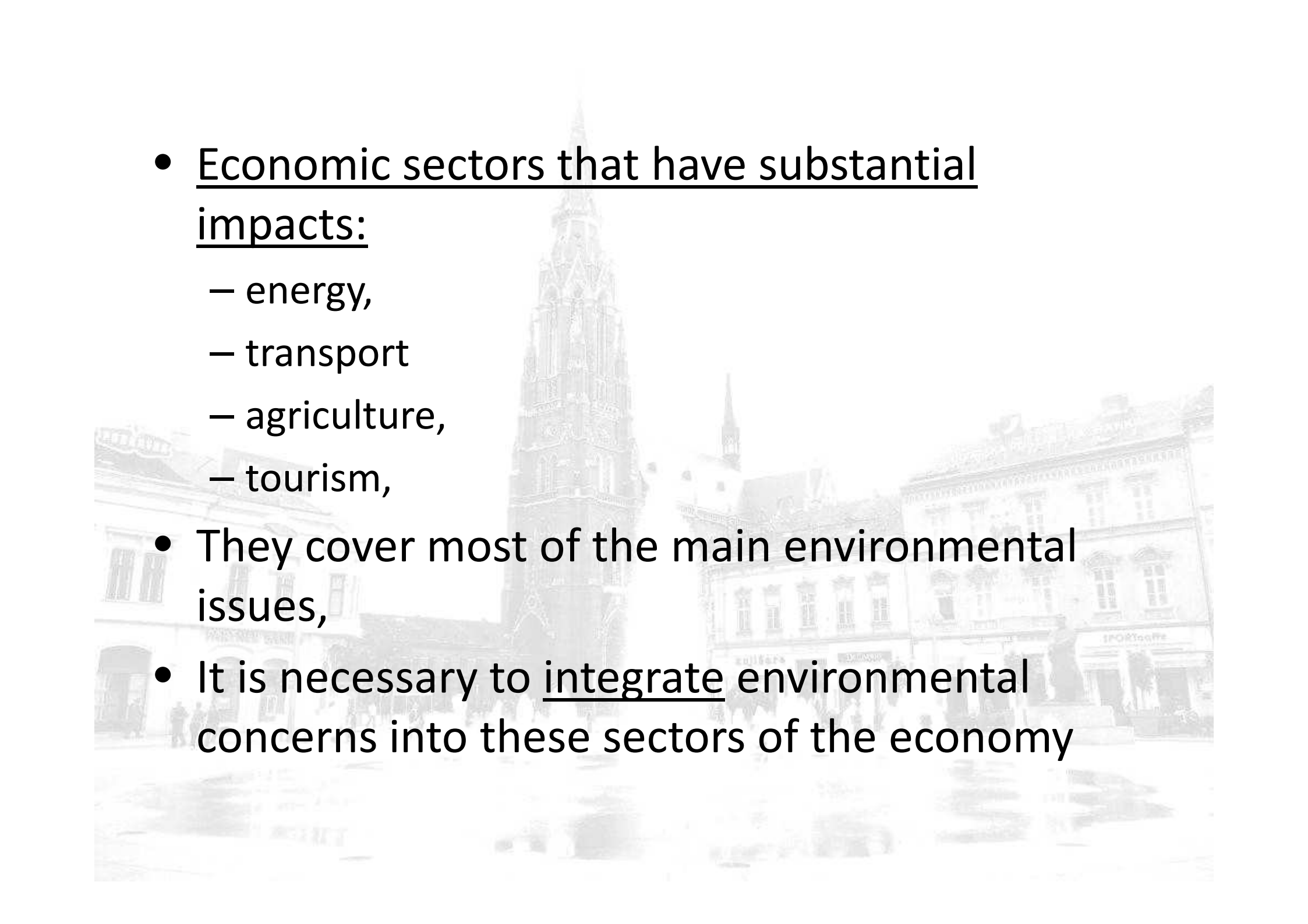
- Impacts that most directly affect human health:

- air quality,
- water,
- soil,
- chemicals,

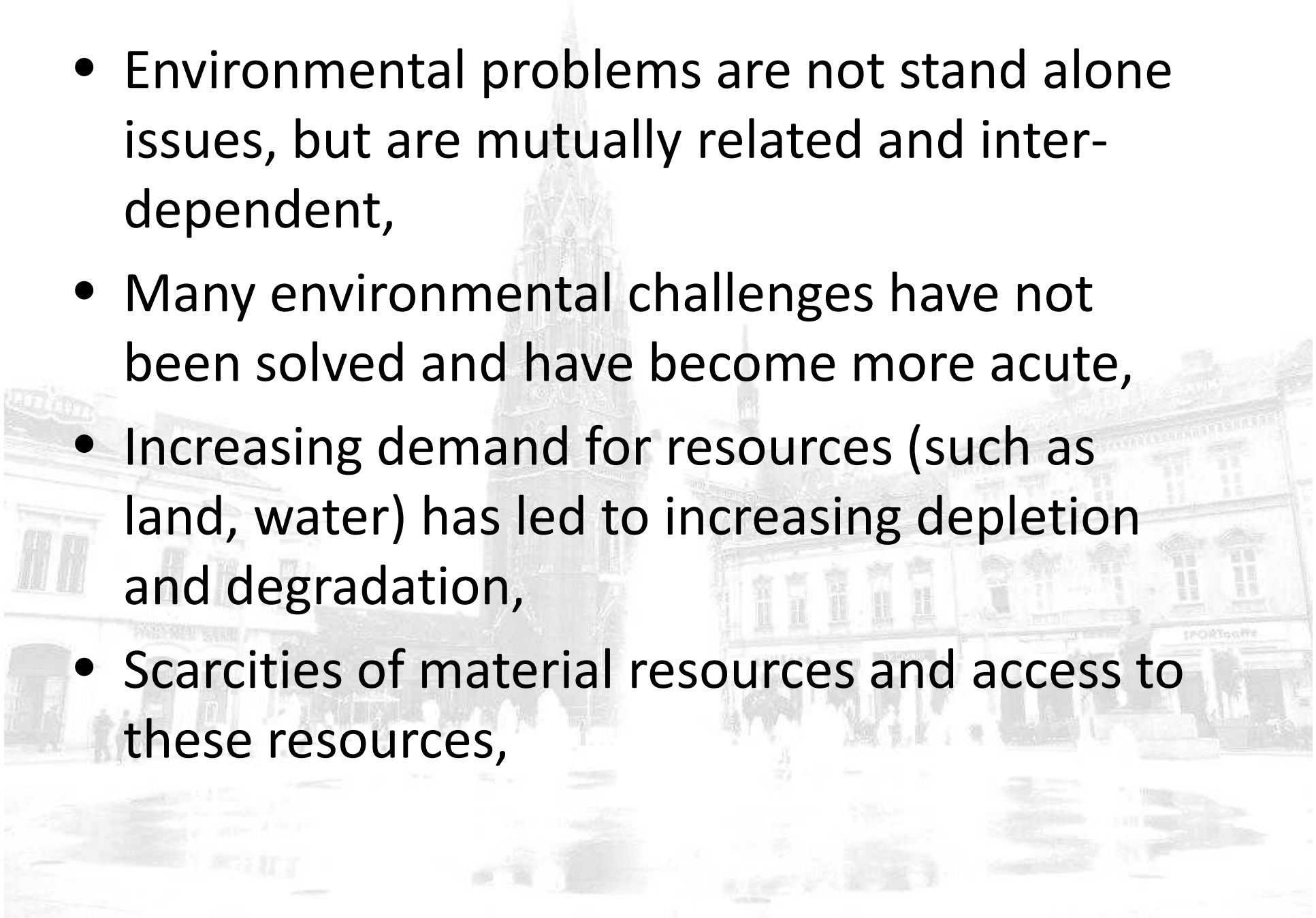
- Issues that can affect ecosystems as well:

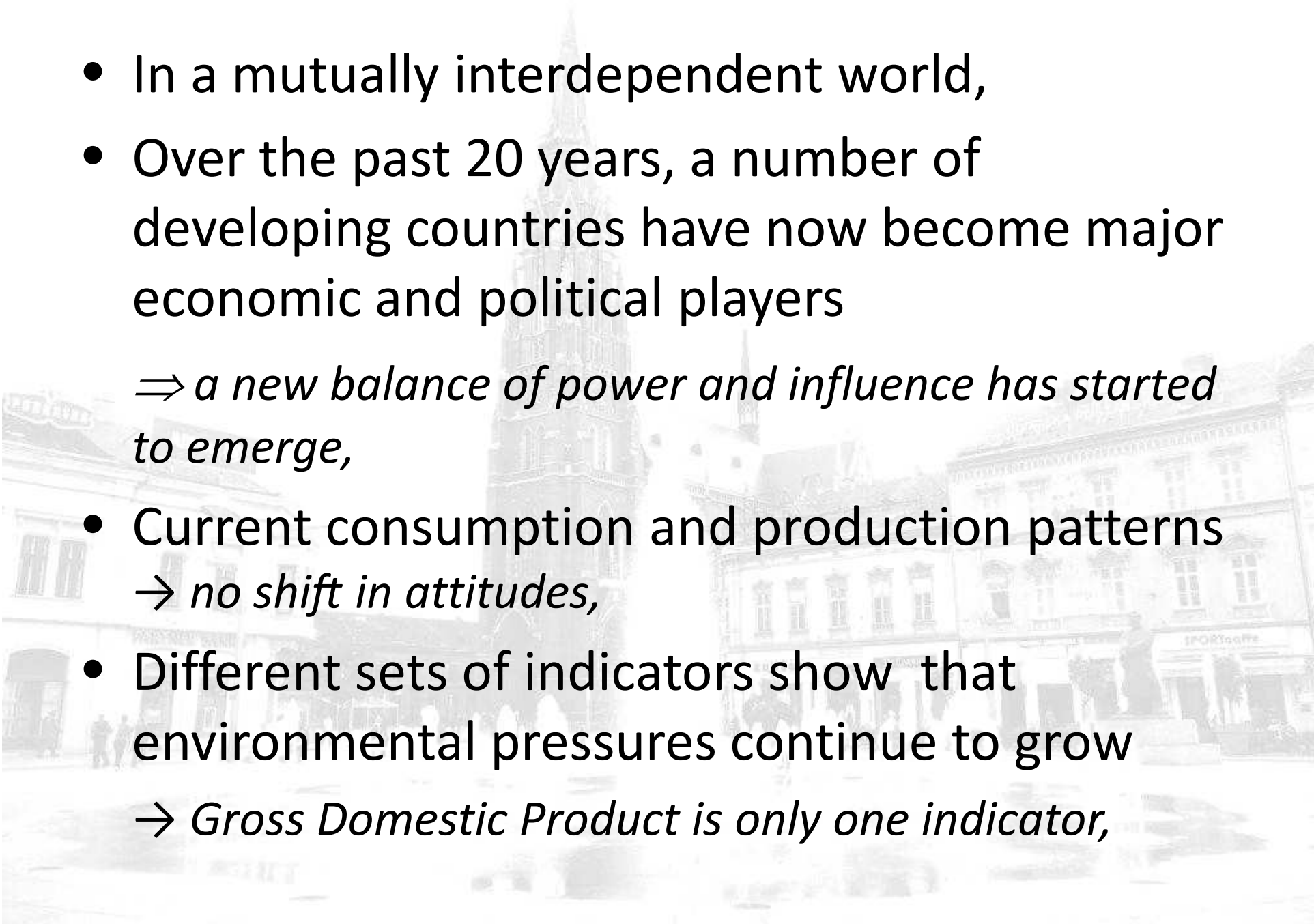
- climate change,
- biodiversity,
- marine and coastal environment,
- production and consumption



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- Economic sectors that have substantial impacts:
 - energy,
 - transport
 - agriculture,
 - tourism,
 - They cover most of the main environmental issues,
 - It is necessary to integrate environmental concerns into these sectors of the economy

- Environmental problems are not stand alone issues, but are mutually related and inter-dependent,
- Many environmental challenges have not been solved and have become more acute,
- Increasing demand for resources (such as land, water) has led to increasing depletion and degradation,
- Scarcities of material resources and access to these resources,

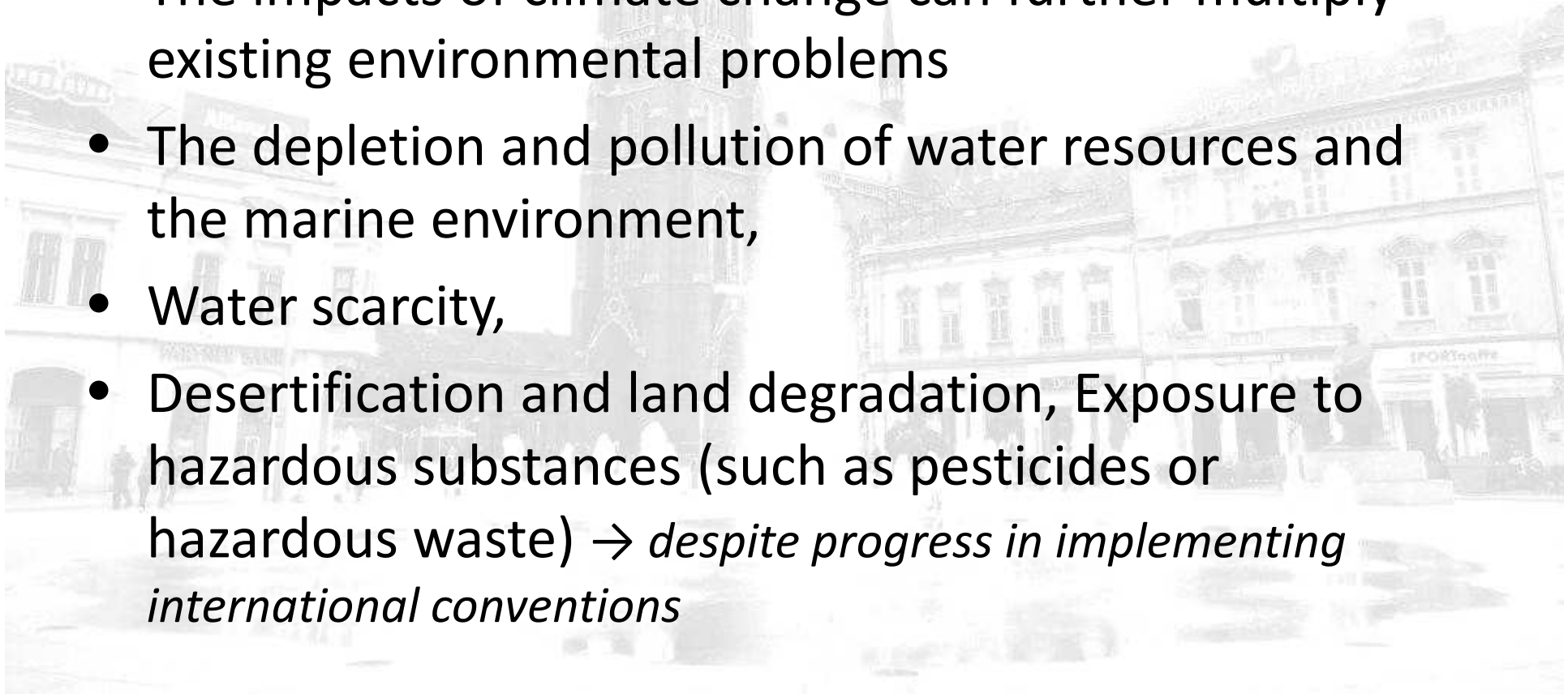


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- In a mutually interdependent world,
 - Over the past 20 years, a number of developing countries have now become major economic and political players

⇒ a new balance of power and influence has started to emerge,

- Current consumption and production patterns
→ no shift in attitudes,
- Different sets of indicators show that environmental pressures continue to grow
→ Gross Domestic Product is only one indicator,

- Biodiversity loss and deforestation continue at an alarming rate,
- Global greenhouse gas (GHG) emissions continue to rise → *fuelled by growing demand for fossil fuels,*
- The impacts of climate change can further multiply existing environmental problems
- The depletion and pollution of water resources and the marine environment,
- Water scarcity,
- Desertification and land degradation, Exposure to hazardous substances (such as pesticides or hazardous waste) → *despite progress in implementing international conventions*



- UN Economic Commission for Europe (UNECE)
- A regional economic commission, established by the UN ECOSOC (Economic and Social Council) in 1947,
- For more than 40 years, UNECE was the only instrument of economic dialogue and cooperation between East and West,
- The main aim is to promote pan-European economic integration, bringing together 56 countries
 - *EU, non-EU Western and Eastern Europe, South-East Europe (SEE), Commonwealth of Independent States (CIS), North America (USA and Canada), Caucasus, Central Asia,*
- UNECE also sets out norms, standards and international conventions to facilitate international cooperation within and outside the region,
- Its concern with environmental problems dates back at least to 1971

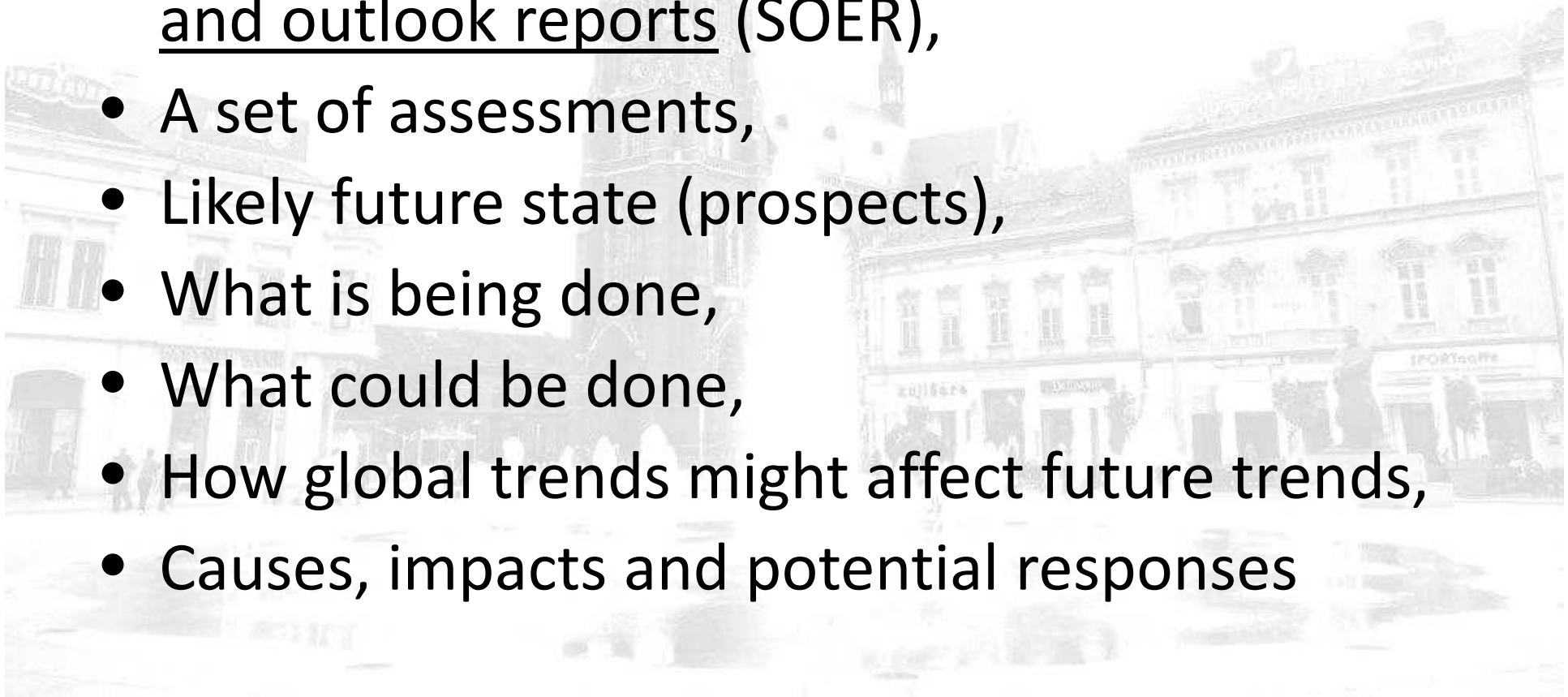
The European Environment Agency

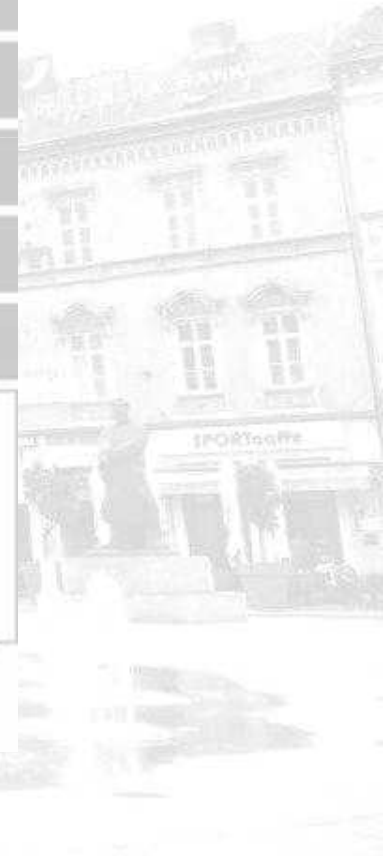
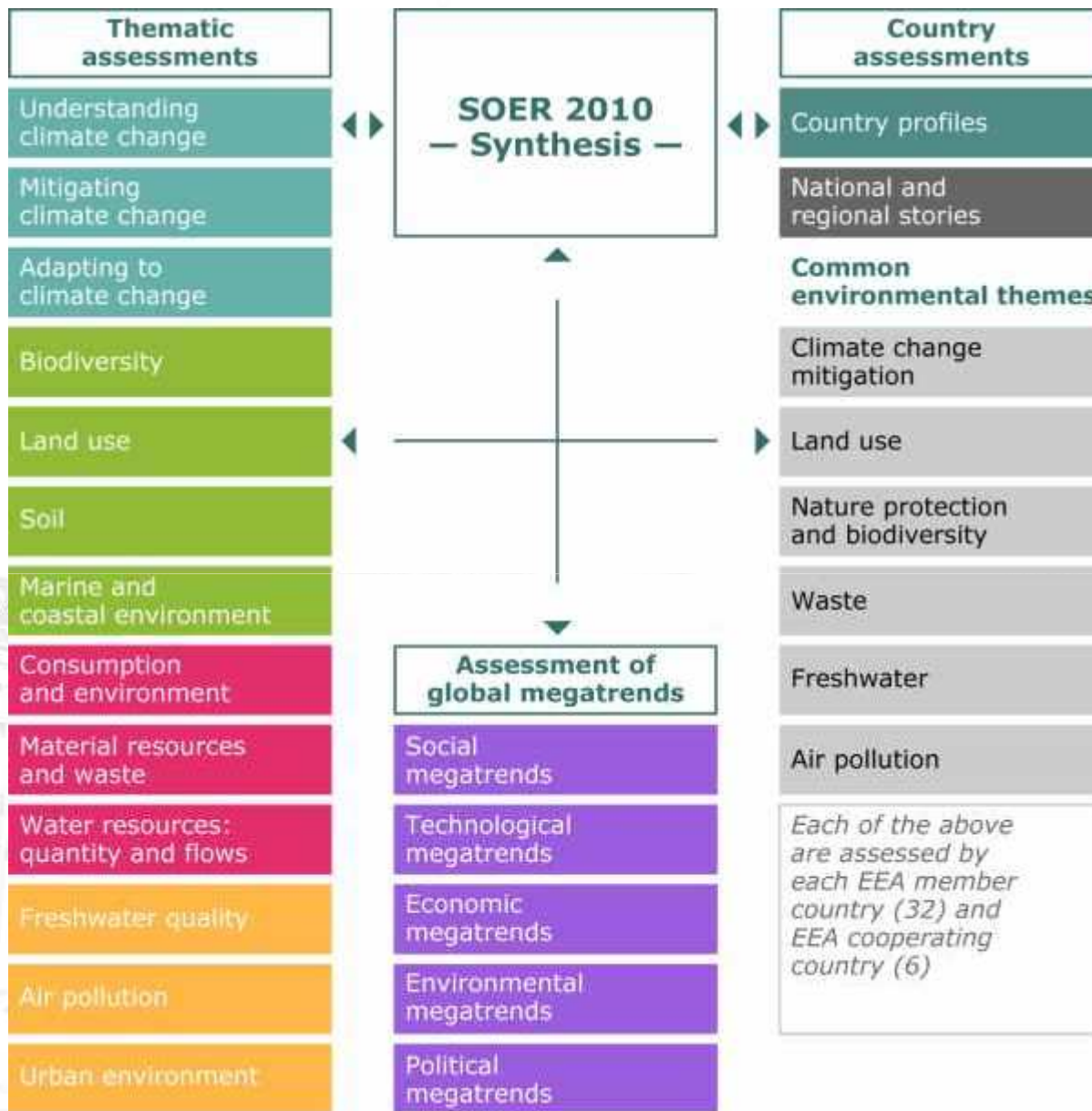
- EEA is an agency of the EU (*→ not UN ECE!*),
- EEA supports the framing and implementation of sound and effective policies to improve Europe's environment,
- It provides sound, independent information on the environment *⇒ A major information source to adopt, develop, implement and evaluate environmental policies*
/→ Shared Environmental Information System (SEIS)/,
- Also helps citizens to better understand, care for and improve Europe's environment,
- 32 member countries and 6 cooperating countries



cca. 600 million people

- Series of 4 pan-European 'state of Europe's environment' reports → *aimed primarily at policymakers,*
- 1995, 1998, 2003 and 2007,
- Additional four five-yearly (2005, 2010) state and outlook reports (SOER),
- A set of assessments,
- Likely future state (prospects),
- What is being done,
- What could be done,
- How global trends might affect future trends,
- Causes, impacts and potential responses





SOER 2010

- European Environment Agency – "The European environment - state and outlook 2010";
- "The EU appears to be locked in a number of status-quo and downward trends which are moving away from, rather than toward, sustainability";
- What is the extent of our knowledge about the state of the environment?
- How can it be safeguarded?
- What kind of effective ways we got of dealing with the problems on the ground?

- The EU is not on track for the following:

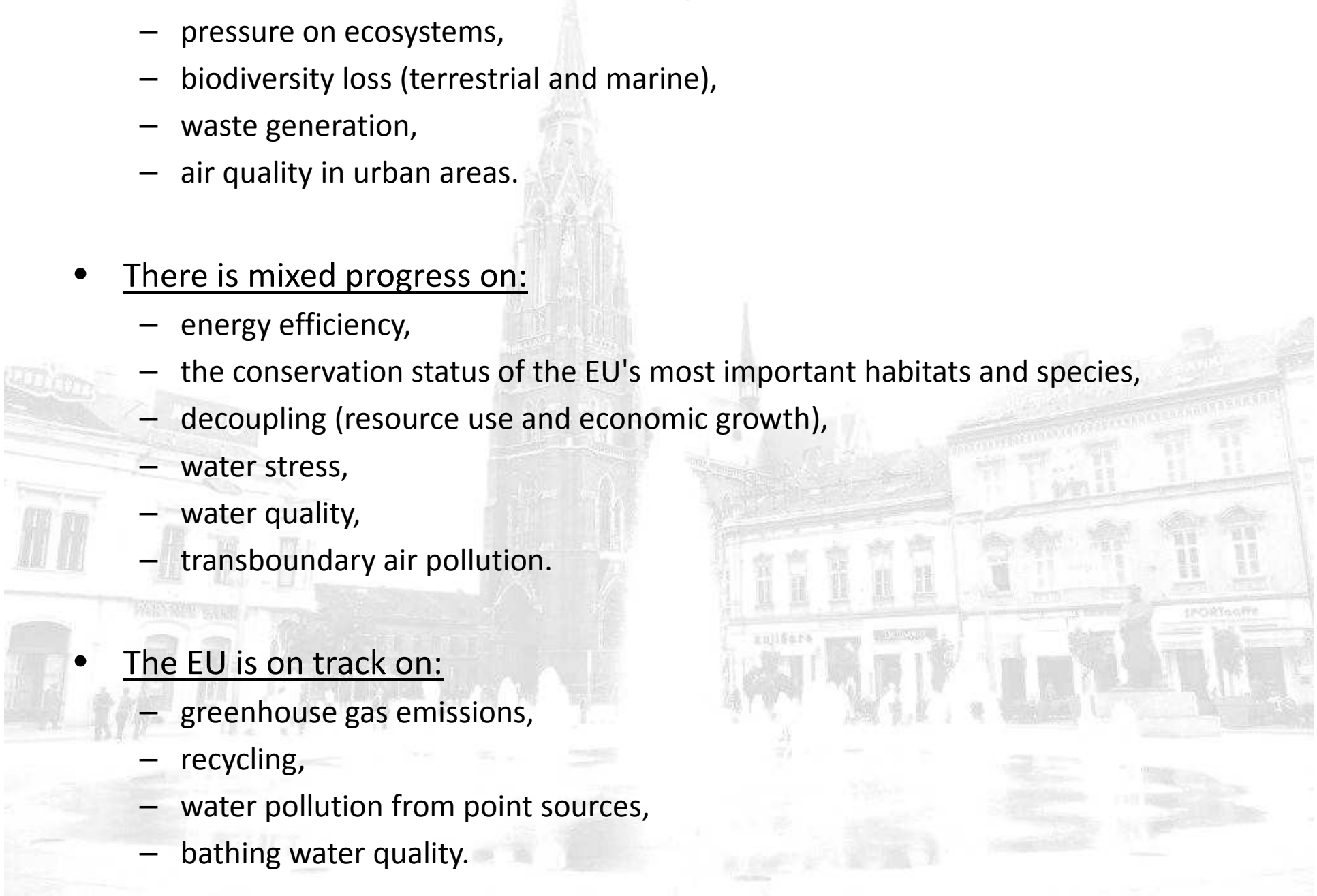
- pressure on ecosystems,
- biodiversity loss (terrestrial and marine),
- waste generation,
- air quality in urban areas.

- There is mixed progress on:

- energy efficiency,
- the conservation status of the EU's most important habitats and species,
- decoupling (resource use and economic growth),
- water stress,
- water quality,
- transboundary air pollution.

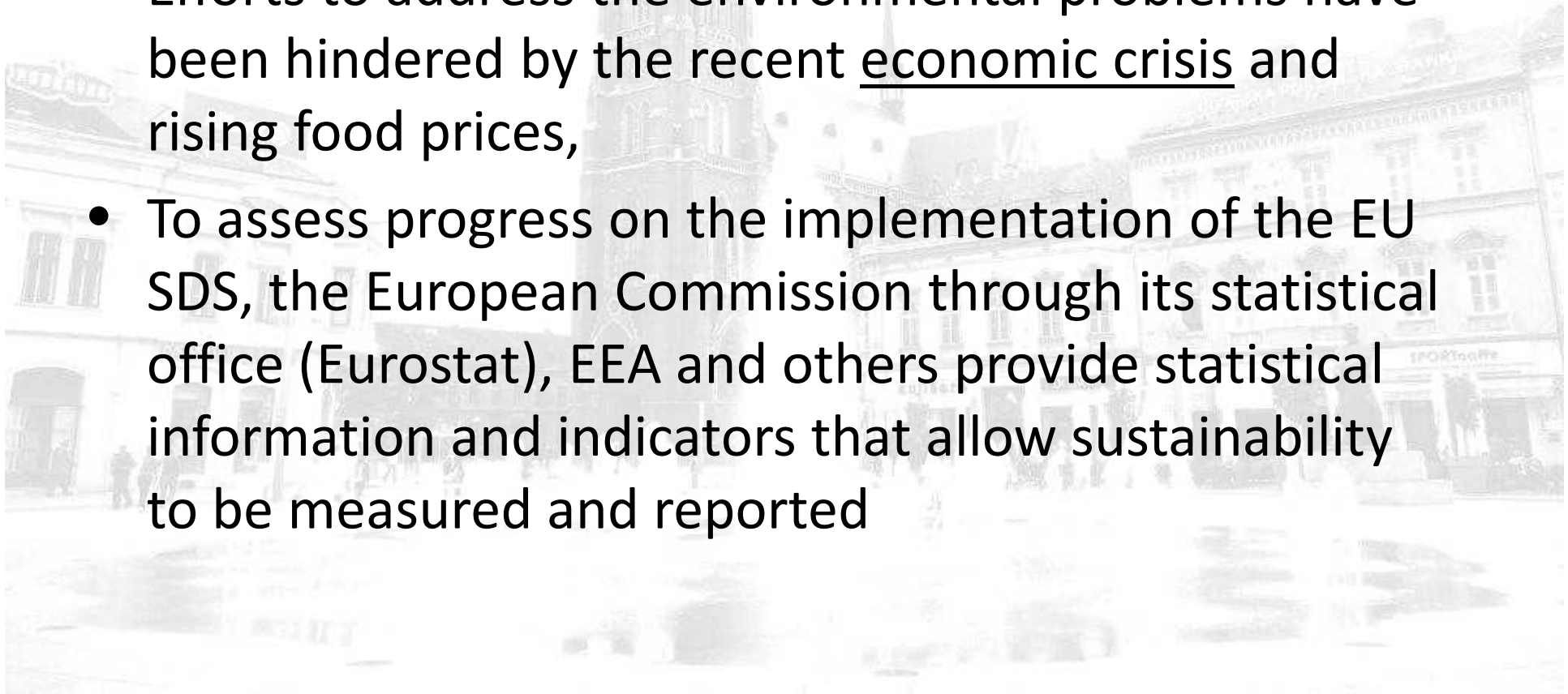
- The EU is on track on:

- greenhouse gas emissions,
- recycling,
- water pollution from point sources,
- bathing water quality.



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- Environmental policy in the EU and its neighbouring countries has delivered substantial improvements to the state of Europe's environment,
 - An enhanced understanding of the links between environmental challenges combined with unprecedented global megatrends,
 - Major environmental challenges remain, which will have significant consequences for Europe(!)
 - Environmental pressures are increasingly global and systemic in nature,
 - Implementation gaps and emerging challenges,
 - Several priority areas and other environmentally important sectors,

- Changing circumstances of environmental challenges requires better coherence,
- The increasingly interlinked nature of environmental challenges imply a need to be flexible and to adapt,
- Efforts to address the environmental problems have been hindered by the recent economic crisis and rising food prices,
- To assess progress on the implementation of the EU SDS, the European Commission through its statistical office (Eurostat), EEA and others provide statistical information and indicators that allow sustainability to be measured and reported

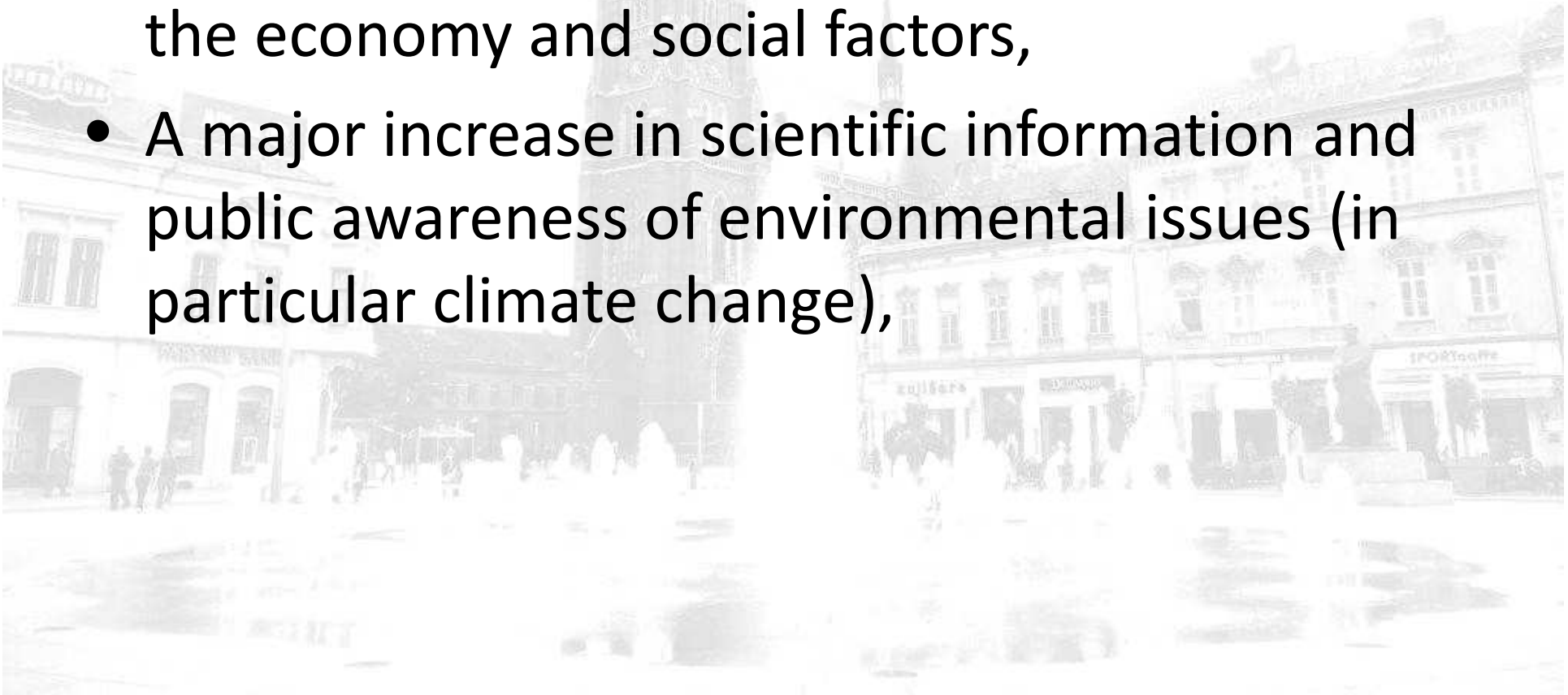


The Europe 2020 Strategy

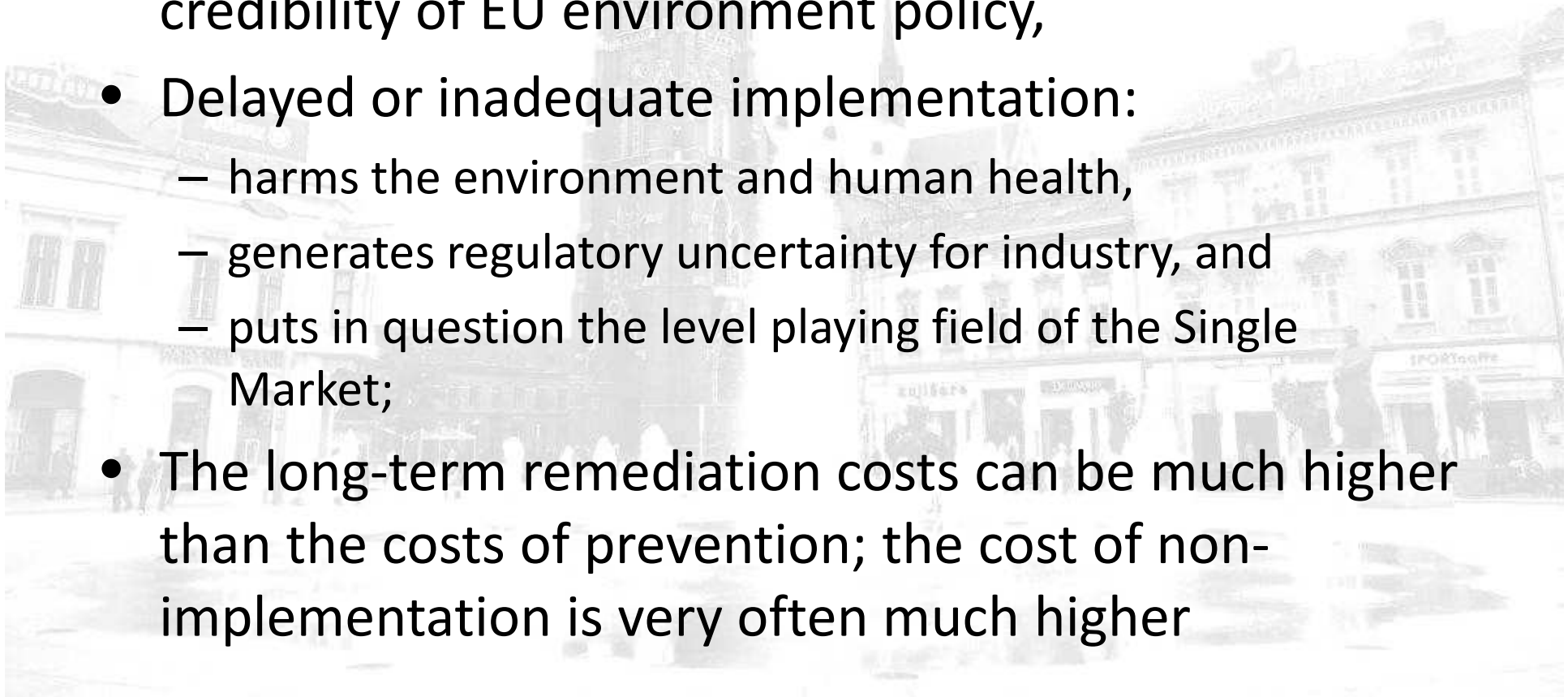
- 2000 – The Lisbon Strategy (2001 – EU SDS),
- "An effective tool for delivering on sustainable development"(SD),
- It aims to transform the EU into a knowledge-based, resource efficient and low-carbon economy,
- A response to the challenges facing the EU up to 2050(!),
- It establishes the mutually reinforcing priorities of "*smart, sustainable and inclusive growth*"(?),
- /These are driven by 5 headline targets and seven flagship initiatives/

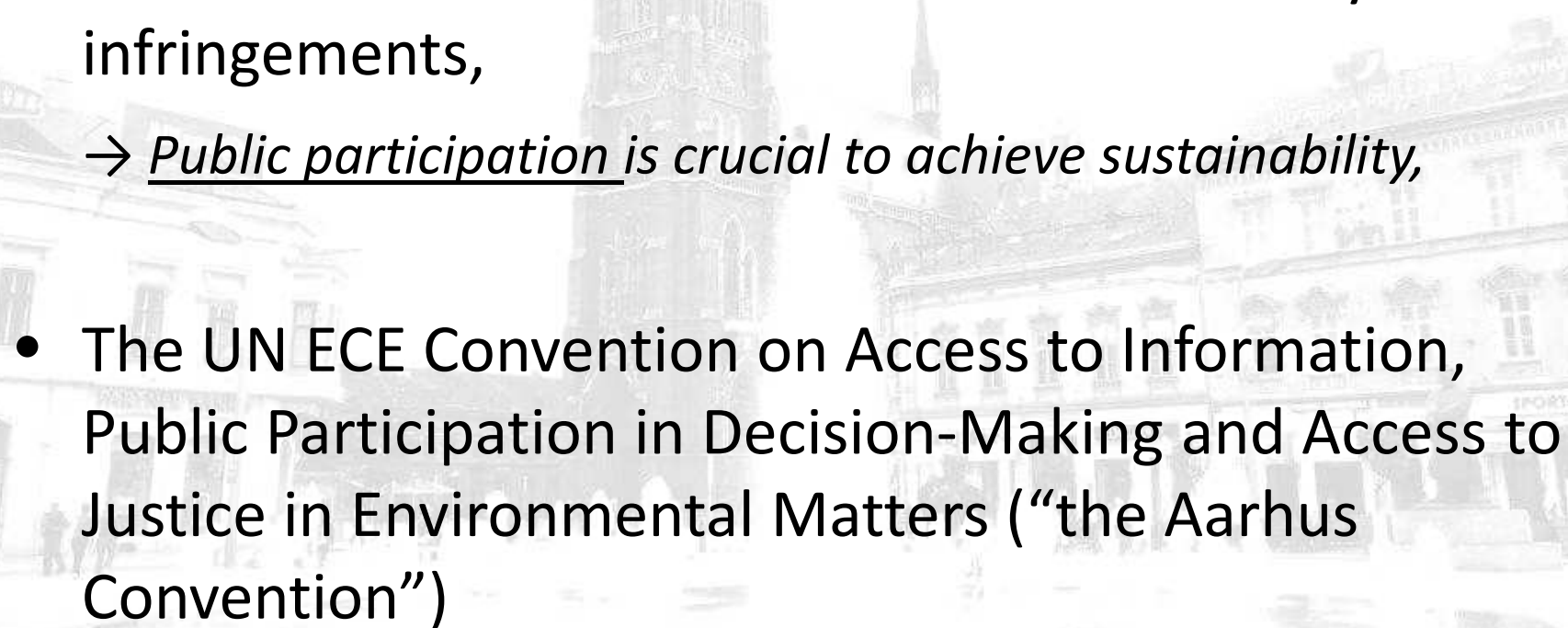
The right to a clean and healthy environment

- For most citizens a healthy environment is as important to their quality of life as the state of the economy and social factors,
- A major increase in scientific information and public awareness of environmental issues (in particular climate change),



- Environmental problems – and the cross-cutting nature of EU environment law – cut across international, EU and national laws,
- Poor implementation of environmental legislation undermines the achievement of objectives and the credibility of EU environment policy,
- Delayed or inadequate implementation:
 - harms the environment and human health,
 - generates regulatory uncertainty for industry, and
 - puts in question the level playing field of the Single Market;
- The long-term remediation costs can be much higher than the costs of prevention; the cost of non-implementation is very often much higher



- 
- Failures of effective implementation → *salient in EU environmental law,*
 - The Commission continues to pursue an ambitious environment policy, and
 - The Commission focuses on fundamental or systemic infringements,
→ Public participation *is crucial to achieve sustainability,*
 - The UN ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“the Aarhus Convention”)

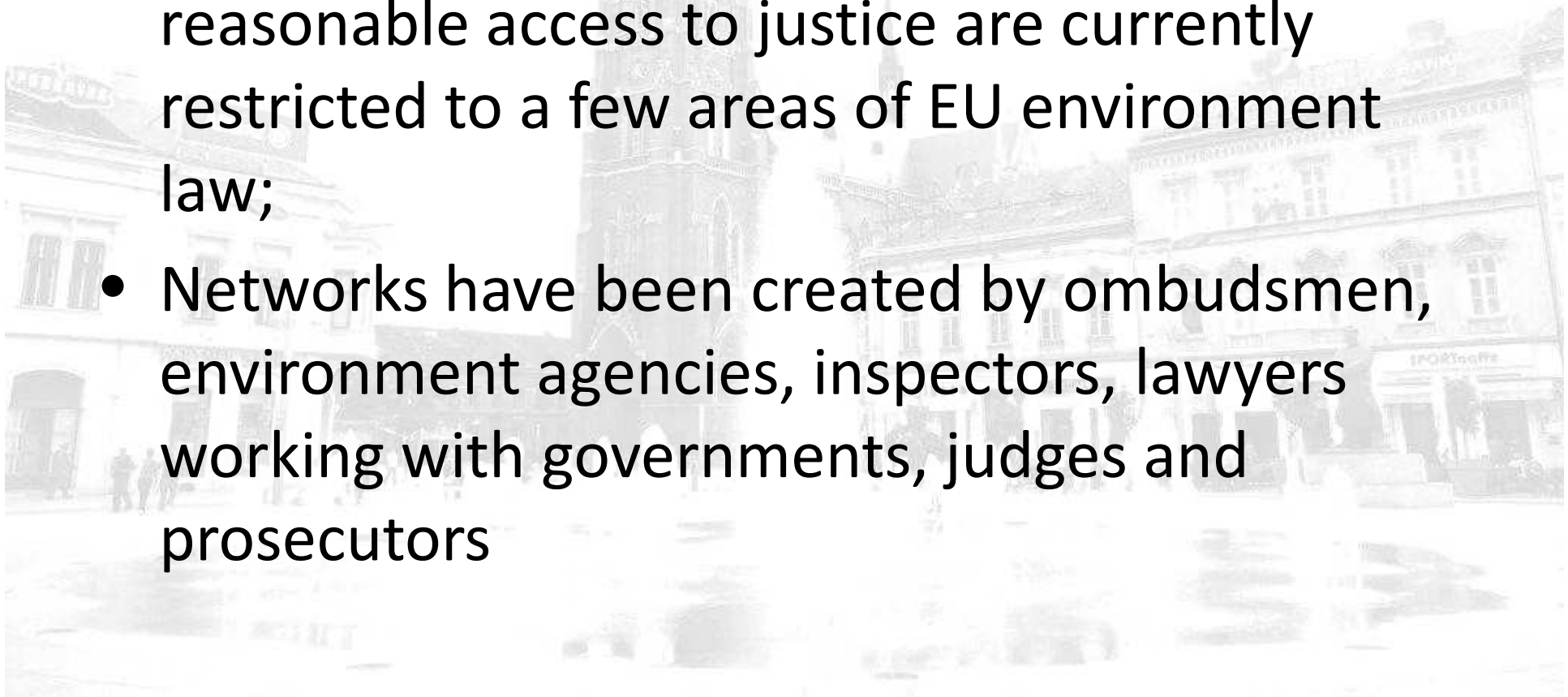
- The development of environmental rights of the public:
 1. access to information,
 2. participation in decision-making processes,
 3. access to justice → *administrative bodies and courts*,
- Environmental NGOs have an automatic right of access to justice,

- EU + 26 MSs are Parties to the international convention on the rights of the public,
- Signing obliges the EU to align its legislation to the requirements of the convention,

- The proposed directive on access to justice in environmental matters (2003) has not been adopted by the Council → *MSs are actually not committed*
- They will remain responsible for the performance of these obligations?

- Law No 554/2007: environmental NGOs are only 'interested parties',
- In 2008, the Slovak Ministry for Environment granted an application for permission to derogate from the protective conditions accorded to the brown bear /→ *a substantive provision!*,
- An environmental NGO sought recognition of its status as a 'party to the administrative proceedings',

- There is currently no general framework on how competent authorities should respond to complaints at national level;
- Specific provisions aimed at ensuring reasonable access to justice are currently restricted to a few areas of EU environment law;
- Networks have been created by ombudsmen, environment agencies, inspectors, lawyers working with governments, judges and prosecutors





- **Court of Justice:**

- International agreements concluded by the EU form an essential part of the EU legal order,

- The convention is a ‘mixed agreement’ which contributes to the pursuit of the objectives listed in Art. 191 TFEU,

- It concerns a field in large measure(?) covered by it in EU law,

→ *it is for the Member States’ courts to ensure effective judicial protection*

- ‘It is, however, for the referring court ‘to interpret, to the fullest extent possible, the procedural rules relating to the conditions to be met in order to bring administrative or judicial proceedings in accordance with the objectives of Article 9(3) of that convention and the objective of effective judicial protection of the rights conferred by EU law, in order to enable an environmental protection organisation (...) to challenge before a court a decision taken following administrative proceedings liable to be contrary to EU environmental law.’

/Para. 52 of the judgment/

- Does the issue remain outside the scope of EU law ? EU law limits the discretion of the MSs? The Court stepped into the legislature's shoes?
- Is the protection of the brown bear relevant? The procedural protection of substantive rights? The Court made a mistake?
- Applicants have to persuade national courts in each case?
- It applied a double standard here??

