

The European Union policies on environmental protection

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ABSTRACT

Obligation of every individual, every society, and every state is to take care of the district, to his environment where he's living, his family, his friends, and his companion. If anyone of us cares about conservation, cleanliness and maintenance of the environment, as that care for our shoes, then all will live in a healthy environment.

It would be enough, even with raising the voice and awareness for prevention of pollution of the environment in which we live, would give the fruit and its positive effects.

Protection of the environment in any modern democratic state is presented as a constitutional category, protected by the highest legal act, i.e. the constitution.

All our actions towards environmental pollution, affects in appearance of one of the silent forms of criminality, it is ecological crime. Submission of this form of criminality comes to expression for the reason that, we as a society express a large tolerance and a very soft attitude towards this form of criminality.

Therefore, protection of the environment involves everyone. Here is the expression of Hobbes: The war of all against all, because every one of us is potential perpetrator, every one of us is potential victim, as well.

In preventing and combating this negative phenomenon in our society, important role can play anyone who felt himself able to do this, starting from the state institutions, and up to the ordinary individual, without any authorization or impact on the society where he lives.

For a healthy and clean environment, also much more can contribute states whose possessing weapons of mass destruction, which means giving up from that they possessing.

Every armed conflict should be cease fired immediately, in order to support dialogue, because, apart from damage to people and material, very much more desolate environment, is disequilibrating the ecosystem.

Wars and armed conflicts represent the main potential for pollution of the environment.

We know that the damages and consequences of environmental pollution who's coming as a result of various causes, in order to protect these ecological values, without which human life is impossible to imagine, they must be treated as crimes against humanity and international law, solely because of the weight and importance they have for the human life and his environment.

With one shot, you can kill one man, but with environment pollution, you can kill all mankind.

Keywords: environment, ecological crime, ecosystem, eco-values, international instruments, European policy.

Definition

It is useful to consider that environmental policy comprises two major terms: environment and policy. Environment refers to the physical ecosystems, but can also take into consideration the social dimension¹ and an economic dimension². Policy can be defined as a "course of action or principle

¹ quality of life, health

adopted or proposed by a government, party, business or individual". Thus, environmental policy focuses on problems arising from human impact on the environment, which retroacts onto human society by having a (negative) impact on human values such as good health or the 'clean and green' environment.

Environmental issues generally addressed by environmental policy include (but are not limited to) air and water pollution, waste management, ecosystem management, biodiversity protection, the protection of natural resources, wildlife and endangered species, and the preservation of these natural resources for future generations. Relatively recently, environmental policy has also attended to the communication of environmental issues. A major article outlining and analyzing the history of environmental communication policy within the European Union has recently come out in *The Information Society*, a journal based in the United States. (Mathur, Piyush. "Environmental Communication in the Information Society: The Blueprint from Europe," *The Information Society: An International Journal*, 25: 2, March 2009 , pp. 119–38. Accessible).

The rationale for governmental involvement in the environment is market failure in the form of forces beyond the control of one person, including the free rider problem and the tragedy of the commons. An example of an externality is a factory that engages in water pollution in a river. The cost of such action is paid by society-at-large, when they must clean the water before drinking it and is external to the costs of the factory. The free rider problem is when the private marginal cost of taking action to protect the environment is greater than the private marginal benefit, but the social marginal cost is less than the social marginal benefit. The tragedy of the commons is the problem that, because no one person owns the commons, each individual has an incentive to utilize common resources as much as possible. Without governmental involvement, the commons is overused. Examples of tragedies of the common are overfishing and overgrazing (Rushefsky, Mark E. (2002). *Public Policy in the United States at the Dawn of the Twenty-first Century* (3rd ed.). New York: M.E. Sharpe, Inc. pp. 253–254. ISBN 978-0-7656-1663-0.).

The EU' environmental policy

The European Union is considered by some to have the most extensive environmental laws of any international organization. Its environmental policy is significantly intertwined with other international and national environmental policies. The environmental legislation of the European Union also has significant effects on those of its member states. The European Union's environmental legislation addresses issues such as acid rain, the thinning of the ozone layer, air quality, noise pollution, waste and water pollution. The Institute for European Environmental Policy estimates the body of EU environmental law amounts to well over 500 Directives, Regulations and Decisions (Jordan, A.J. and C. Adelle (ed.) (2012) *Environmental Policy in the European Union: Contexts, Actors and Policy Dynamics* (3e). Earthscan: London and Sterling, VA.).

The Paris Summit meeting of heads of state and government of the European Economic Community³ in October 1972 is often used to pin point the beginning of the EU's environmental policy. A declaration on environmental and consumer policy was adopted at this summit which requested the European Commission to draw up an action programme for environmental protection. This (first) Environmental Action Programme was adopted in July 1973 and represented the EU's first environmental policy. Furthermore, the task force within the Commission that drew up this action programme eventually led to the formation of a Directorate General for the Environment (Knill, C. and Liefferink, D. (2012) *The Establishment of EU Environmental Policy*. In: Jordan, A.J. and C. Adelle (ed.) (2012) *Environmental*

² resource management, biodiversity

³ EEC

Policy in the European Union: Contexts, Actors and Policy Dynamics (3e). Earthscan: London and Sterling, VA.).

The primary reason at that time for the introduction of a common environmental policy was the concern that diverse environmental standards could result in trade barriers and competitive distortions in the Common Market. Different national standards for particular products, such as limitations on vehicle emissions for the lead content of petrol, posed significant barriers to the free trade of these products within the Economic Community (EC). An additional motivation driving the EU's emerging environmental policy was the increasing international politicization of environmental problems and the growing realization from the beginning of the 1970s that environmental pollution did not stop at national borders, but had to be addressed by cross-border measures. At that time there was no mention of environmental policy in the founding treaties of the EU and therefore no explicit Treaty basis which underpinned EU environmental policy. However, the Treaty text was interpreted dynamically enabling environmental policy to be regarded as an essential goal of the Community, even though it was not explicitly mentioned. It was not until the middle of the 1980s and the signing of the Single European Act in 1986 that economic and ecological objectives were put on a more equal footing within the Community (McCormick, J. (2001) Environmental Policy in the European Union. Plagrave: Basingstoke.). EU environmental policy is shaped by a variety of actors including all of the main EU institutions as well as lobby groups which makeup the wider Brussels policy making community. Member states shape EU environmental policy by working within the Council of Ministers. The Council is a central actor in decision making in the EU sharing its decision making power with the European Parliament under the 'ordinary legislative procedure'. There are different Council formations (made up of ministers responsible for particular policy areas) one of which is the Environment Council. The number of Environment Council meetings has increased significantly over time. Heads of state meet in something different – the European Council – which until recently had very little to do with environmental policy. However, more recently the European Council has played an important role in EU climate change policy in particular (Rüdiger K. and Wurzel, W. (2012) Member States and the Council. In: Jordan, A.J. and C. Adelle (ed.) (2012) Environmental Policy in the European Union: Contexts, Actors and Policy Dynamics (3e). Earthscan: London and Sterling, VA.).

The European Commission not only has an exclusive right to propose new environmental policy, but it also has a responsibility to ensure the implementation of environmental rules. Therefore, since its creation in the 1950s the European Commission has been at the heart of the European Union. However, it did not set up a unit dedicated to environmental issues until the 1970s and a full Directorate General for the environment until 1981. Initially DG Environment was perceived as a relatively weak DG but it has gradually become more assertive through the development of technical and political expertise. However, the Commission still has to depend on member states to implement its policies.

Traditionally, the European Parliament gained a reputation as a champion of environmental interests within the EU where it provided an access point for those excluded from decision making and a voice for green political parties. However, it was a reactive and relatively weak institution. More recently the Parliament has benefited from treaty changes that have made it a co-legislator with the Council of Ministers. However, the empowerment of the Parliament seems to have reduced its green credentials as it now appears less willing to adopt green amendments (Burns, C. and Carter, N. (2010a) 'Is codecision good for the environment?' Political Studies, vol 58, no 1, pp128-142.).

Over the last 40 years the EU has attracted the interest of a vast number of lobby groups including environmental NGOs. As early as 1974, environmental groups from all the member states established a central representation in Brussels, founding the European Environmental Bureau. Other environmental NGOs only set up shop in Brussels from the late 1980s onwards. European institutions, especially the European Commission, provide relatively easy access to these groups compared to some national governments. The European Commission has even actively encouraged their participation in policy

making by setting up consultative committees and other bodies, and providing funds to establish and maintain certain core groups (Eising, R. and Lehringer, S. (2010) 'Interest groups and the European Union', in M. Cini and N. Pérez-Solórzano Borragán (eds) *European Union Politics*, Oxford University Press, Oxford, pp189-206).

The focus of EU environmental policy making has also changed in recent years concentrating more on updating existing policies than on building-up the EU's role in environmental policy. In the 1970s and 1980s EU environmental policy was marked by the rapid build-up of a body of legislation that covered a range of issues previously not dealt with at EU level. Since the 1980s, other new issues have been taken up but in addition an increasing proportion of the environmental agenda has been taken up by debates on the revision of existing legislation. As a result, the proportion of EU environmental legislation that amends previous laws has steadily increased over time. Consequently, for most environmental issues, the key question is no longer: 'should the EU be involved?' but 'what should the EU be doing?' And the logic for getting the issue on the EU political agenda is no longer to make the EU take it up but to change existing policies (strengthening or weakening them, depending on a political actor's objectives). This change in both the stakes of and the key struggle in agenda setting strategies, marks a shift from 'new issues' to 'ongoing or recurring concerns (Princen, S. (2012) *Agenda Setting*. In: Jordan, A.J. and C. Adelle (ed.) *Environmental Policy in the European Union: Contexts, Actors and Policy Dynamics* (3e). Earthscan: London and Sterling, VA.).

In its policy making processes the EU has made a sizeable effort to undertake a particular type of policy coordination, namely the integration of environmental considerations into the operation of all policy sectors. The potential of environmental policy integration is undoubtedly ambitious: economically powerful sectors such as agriculture, energy and transport should 'design out' environmental problems in the development of their own policies. However, it has proven much harder to implement than many had originally expected, not least those working in the European Commission's environment directorate-general. A significant causal factor here has been the EU's fragmented institutional and political structure, which on the one hand has facilitated the adoption of visionary policy objectives, but has also undermined their implementation. Implementation is very much at the 'sharp end' of the EU policy process. The success of EU policies – and with them the whole integration project – are often judged by the impacts they have on the ground. If, however, the *acquis*⁴ is not fully implemented, EU policies risk becoming paper exercises with little tangible effect on environmental quality but serious distorting impacts on the Single Market. The implementation of policy in the EU is widely regarded as being problematic. Yet, both public and academic understanding of this crucial stage of the EU policy process remains relatively limited. Indeed for a long time, a number of factors kept the whole issue of poor implementation down or off the political agenda, but today it is much more politicised, pushed along by the campaigning activities of NGOs and pro-integration actors such as the European Parliament. A whole host of solutions to the EU's implementation problems have been offered, some of which could, if deployed, even compound the problem. But in many respects, the causes of poor⁵ implementation reside in the very structure of the EU. Consequently, there are likely to be no panaceas. To develop new environmental policies, it is important first to evaluate those that have already been adopted. However, this intuitively simple idea is difficult to apply in practice, no more so than in the EU where the complex system of multi-level governance adds considerably to the practical difficulty of evaluating policies. Assessing impacts and finding side-effects of policies is best achieved by a plurality of data, methods, analysts and theories, as well as evaluation criteria. In recent years the demand for evaluations of EU policies and programmes has increased as the importance of evaluation has become

⁴ the body of EU law

⁵ or at least imperfect

more widely recognized. Many actors have become involved in commissioning, producing and using evaluations (including the European Environment Agency), but the role of evaluation is often still quite weak (Mickwitz, P.(2012) Policy Evaluation. In: Jordan, A.J. and C. Adelle (ed.) Environmental Policy in the European Union: Contexts, Actors and Policy Dynamics (3e). Earthscan: London and Sterling, VA.).

EU Environmental protection

When the EEC was established, environmental protection, let alone the broader concept of sustainable development, was not perceived as an important policy issue. The concept of sustainable development contains environmental, social and economic dimensions; finding practical ways to balance the three is widely regarded as a key challenge. The EU policies in the field of sustainable development evolved as a result of the interaction between internal political drivers and the EU's response to a number of key UN conferences. One such influential conference was the first UN Conference on the Human Environment held in Stockholm in 1972. This not only addressed the environmental concerns of the industrialized countries in the North, but also, the development concerns of countries in the South. Sustainable development was only mentioned in European Council Conclusions for the first time in 1988. Wavering political support for 'sustained growth' and/or 'sustainable development' continued for some years and reveals just how ambivalent attitudes were to the concept. The 1997 Treaty of Amsterdam eventually ensured the formal recognition of sustainable development as a legal objective under the Treaties. Subsequently, the EU's commitment to sustainable development was formalized as one of the EU's fundamental goals. (Pallemaerts, M.(2012) Developing more Sustainably? In: Jordan, A.J. and C. Adelle (ed.) Environmental Policy in the European Union: Contexts, Actors and Policy Dynamics (3e). Earthscan: London and Sterling, VA.).

In 1997, the EU committed itself to draw up a 'national' strategy for sustainable development by 2002. The Commission published a Communication on a European Union Strategy for Sustainable Development in 2001 which was discussed at the Göteborg European Council. However, this strategy suffered from several governance weaknesses which inhibited its implementation. In particular, the Strategy has been heavily affected by its ambiguous relationship to the Lisbon Strategy for growth and jobs, which has received far higher political priority. The political and institutional crisis that faced the EU in 2005 after the rejection of the EU Constitution pushed the Sustainable Development Strategy back up the political agenda. A 'renewed' SDS was subsequently adopted by the EU Council in 2006. The renewed strategy contained more detailed arrangements for implementation, monitoring and follow-up. The legal formalization of the EU's commitment to sustainable development as a policy objective was completed by the Lisbon Treaty. Sustainable development is now repeatedly mentioned in the Treaties: as a basic objective of the EU in the new Article 3 TEU; in Article 21 TEU concerning the external action of the Union; and in Article 11 TFEU setting out the integration principle. The EU is now legally committed to pursue sustainable development both internally and externally⁶. This legal commitment led to the setting up of an impact assessment process to be done *ex ante*, i.e. before the fact, to ensure that all future EU legislation would conform to the principles of sustainable development as laid down in the EU Strategy for Sustainable Development. In fact, multiple processes of impact assessment emerged: Commission-wide Impact Assessment for all future EU legislation, Sustainability Impact Assessment (SIA) for DG Trade and Integrated Sustainability Assessment (ISA) as envisioned in EU-funded research projects such as MATISSE, In-Context and VISION RD4SD, which has been recommended for consideration as a methodology for future global assessments. The post 2008 economic crisis has led to a marked decline in high-level policy interest in long-term policy objectives such as sustainable development. A new 'Europe 2020' strategy replaced the Lisbon Strategy in 2010; it

⁶ i.e. in its relations with 'the wider world'

reduced the environmental dimension to energy and resource efficiency. The words 'sustainable development' is not even mentioned. The future of the EU's sustainable development policies is uncertain and it is possible that the EU will return once again to a narrower focus on environmental policy (Integrated sustainability assessment: what is it, why do it and how? P. M. Weaver, J. Rotmans (eds.), International Journal of Innovation and Sustainable Development, Vol. 1, No. 4. (2006), pp. 284-303).

Institute for European Environmental Policy (IEEP)

Conclusions

An agreement has been reached between the European Parliament's Environment Committee and the Council of Ministers on how to tackle indirect land use change resulting from EU bio-fuels policy. The deal marks the beginning of the end for the five year long debate surrounding this policy which should be signed off by the full Parliament later this month.

Whatever its defects, and there are several, the principle of an agreement allows a way forward. It recognizes the necessity of addressing ILUC⁷ through policy, as many, including IEEP, have urged since the emergence of clear evidence of ILUC and its consequences several years ago. This is a landmark moment in EU bioenergy policy. Not only will ILUC be recognized in EU law, but also the EU has taken proactive steps to mitigate the impacts caused, by restricting the use of certain fuels.

The decision close to being taken by the European Parliament and the Council is however, far from ideal. The restriction on the use of agricultural crop based fuels (7%) could have been more stringent, there could have been more emphasis on accounting for ILUC impacts, rather than simply reporting on them, and there could have been more ambitious steps taken to promote the transition to more sustainable and advanced fuels. Yet the agreement reached this week does at least shows a real commitment to addressing the gaps in this difficult but important area of EU bioenergy policy. More will be needed in the coming years, particularly as discussions develop about how to take forward EU energy and climate policy beyond 2020 and as the implications this has on the wider policy landscape in the development of the circular and bioeconomy become clear.

EU biofuel policy potentially can now move towards a more sustainable future. IEEP have been at the forefront of this debate since it's beginning. In 2010 we were one of the first to recognize and quantify the scale and risk of the ILUC issue, with a report that helped to set the ambition of the European Commission in developing its proposal to mitigate ILUC in 2012. Once released, the Commission's ILUC proposal became one of the most talked about and controversial areas of EU environmental policy this decade. However, the debate often lacked clarity and as stakeholders probed further into how ILUC could, or should be addressed, more and more questions began to be raised, ones that blurred the lines between bioenergy and land management policy. In the same year, IEEP undertook an 18 month work programme to provide information and research to address some of these knowledge gaps. As the debate started to draw to a close we have been involved in various research exercises and engaging with industry, environmental groups and Governments, to look for positive solutions to help meet renewable transport goals now and in the future (<http://www.ieep.eu/news/2015/04/conclusion-on-iluc-in-sight>).

Environment directorate – general

The Directorate-General for the Environment is one of the more than 40 Directorates-General and services that make up the European Commission. Commonly referred to as **DG Environment**, the objective of the Directorate-General is **to protect, preserve and improve the environment for present**

⁷ indirect land use change

and future generations. To achieve this it proposes policies that ensure a high level of environmental protection in the European Union and that preserve the quality of life of EU citizens.

The DG makes sure that Member States correctly apply **EU environmental law**. In doing so it investigates complaints made by citizens and non-governmental organizations and can take legal action if it is deemed that EU law has been infringed. In certain cases DG Environment represents the European Union in environmental matters at **international meetings** such as the United Nations Convention on Biodiversity. As part of the Commission's commitment to transparency, Directors-General publish information on meetings held with organizations or self-employed individuals (http://ec.europa.eu/dgs/environment/index_en.htm).

The European Environment Agency

The **European Environment Agency**⁸ is the agency of the European Union that provides independent information on the environment, thereby helping those involved in developing, adopting, implementing and evaluating environmental policy, as well as informing the general public. The agency is governed by a management board composed of representatives of the governments of its 33 member states, a European Commission representative and two scientists appointed by the European Parliament, assisted by a committee of scientists. The EEA was established by the European Economic Community Regulation 1210/1990 (amended by EEC Regulation 933/1999 and EC Regulation 401/2009) and became operational in 1994. It is headquartered in Copenhagen, Denmark. The current Executive Director of the agency is Professor Hans Bruyninckx, who has been appointed for a five-year term. He is the successor of Professor Jacqueline McGlade.

The member states of the union are members; however the Council Regulation establishing it provided that other states may become members of it by means of agreements concluded between them and the EU. It was the first EU body to open its membership to the 13 candidate countries (pre-2004 enlargement). The EEA has 33 member countries and six cooperating countries. The European environment information and observation network⁹ is a partnership network of the EEA and the countries. The EEA is responsible for developing the network and coordinating its activities. To do so, the EEA works closely together with national focal points, typically national environment agencies or environment ministries. They are responsible for coordinating national networks involving many institutions (about 350 in all).

The 33 member countries include the 28 European Union Member States together with Iceland, Liechtenstein, Norway, Switzerland and Turkey. The six Balkans countries are cooperating countries: Albania, Bosnia and Herzegovina, the Republic of Macedonia, Montenegro, Serbia as well as Kosovo under the UN Security Council Resolution 1244/99. These cooperation activities are integrated into Eionet and are supported by the European Union under the Instrument for Pre-Accession Assistance. The EEA is an active member of the EPA Network (European Network of the Heads of Environment Protection Agencies).

Conclusion

Environmental protection remains a priority for the EU and all EU member states, which implies the obligation for the country aspiring to join the EU, to harmonize the legislation which governing environmental issues with that of EU.

⁸ EEA

⁹ Eionet

The issue of environmental protection is set at the global level, because each state is faced with this problem, which probably is not given much importance.

Still priority for any contemporary modern state remains the fight against global warming, the fight against the proliferation of weapons of mass destruction and other factors affecting environmental pollution.

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