European environmental policy

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Abstract

Despite its primarily economic origins and its belated concern for the environmental issues, the EU became, after 1972, one of the major international actors in the protection of the environment. Recognised in treaties from 1986 onwards, environmental policy was organised around the notion of sustainable development and gave rise to a strong legislative agenda and the establishment of structures of information, financing and control on a European level. In so doing, the EU found a new form of legitimation.

Article

Today, the European Union is at the forefront of the global environmental struggle, and it gave itself the official objective, in the Lisbon Treaty (2007), of acting for the sustainable development of the planet. The organisation and contours of environmental policy are defined by Articles 191 to 193 of the Treaty on the Functioning of the European Union (TFEU).

However, nothing predisposed Europe to occupy a prominent position in this field. Indeed its first aim was to build peace based on interdependence and economic growth. This was the meaning of the European Coal and Steel Community (ECSC, 1951) and of the Treaties of Rome (1957). These initial decisions, even if they have been widely amended since, continue to influence the public policies implemented. The start of a veritable European environmental policy is usually dated to the Paris Declaration of 1972, which led to the launch of the first Action Programme for the Environment the following year. Six others followed (a seventh starting in 2013) defining the priorities—and sometimes quantifying the objectives—of the EU in environmental matters. Several factors explain this shift in the early 1970s: environmental disasters, which brought about higher public expectations (the creation of Ministries for the Environment, such as in France in 1971) and a heightened international awareness (UN Conference in Stockholm in 1972), but above all the desire to limit the distortions of competition within the European market that different environmental regulations on a national level could create. It was therefore primarily for economic reasons that the first environmental policies were introduced on a European level, which explains why they basically fixed minimal norms to be respected by each state in terms of the emission of pollutants and the management of waste. Almost 200 regulations were passed in the space of two decades.

While EU environmental policy was thereby launched, it was not until 1986 that it had a legal basis in European treaties. The Single European Act was the first treaty to include the title "Environment" (Title VII). The presence of environmental policy increased continuously thereafter: the Maastricht Treaty in 1992 made it a "European Policy" and also extended the areas in which qualified majority voting applied. The 1997 Amsterdam Treaty, meanwhile, referred to "sustainable development" as an EU *objective* for the first time. Environmental policy emerged as a transversal element that all other European policies had to take into account. Sustainable development thus became, in theory at least, the touchstone of all the EU's policies.

Two distinct phases are usually identified, the first, lasting until the early 1990s, characterised by strong regulatory activity and an extension of the EU's areas of involvement in environmental matters, and a second which saw this policy consolidated and deepened, with an emphasis on mechanisms of evaluating and improving existing policies, thereby moving from norm-setting to global strategy. The fields of activity covered are extremely broad, ranging from air and water quality to the regulation of GMOs, from waste management and pesticide reduction to sustainable urban planning and, more recently, global warming.

To do this, EU environmental policy is based on principles, some of which are quite common (polluter pays, action at source), while others are more specific to the broad European ambitions (the precautionary principle, sustainable development) or to its operating procedures (subsidiarity).

Over time, policy instruments were put in place to carry out these ambitious policies. It was mainly from Maastricht onwards that they have been formalised. The European Environment Agency was set up in 1993, based in Copenhagen, primarily with a public information role. The same year, the post of European Commissioner for the Environment was created, assisted by a Directorate General. This had existed in embryonic form since 1973 as a branch of the Directorate General (DG) for Industry, with a grand total of five people on its staff. By the early 2010s, its staff numbered 500 people. The mission of the Commissioner and the DG Environment consists of proposing legislative or financial measures for protecting the environment and ensuring their implementation within the member states. Since the addition, in the Lisbon Treaty, of the objective to fight against climate change, a commissioner and a DG specifically dedicated to this question have been created. Finally, even if the cost of EU environmental policy must be borne by the member states, the LIFE programme (*L'Instrument Financier pour l'Environnement*, the Financial Instrument for the Environment) was set up in 1992 to support the implementation of policy and to finance improvements and research in environmental matters. Over the last forty years, more than 3000 projects have been financed by this programme, which for the period 2014-2020 has a budget of 3.4 billions euros at its disposal (compared with 2 billions for the previous period, 2007-2013).

Thus, over the last four decades, an interplay between various different elements has been established. Numerous new actors have been added to the original partnership between the Council and the Commission: pressure groups, the European Court of Justice (whose decisions have allowed the expansion of the EU's fields of activity), national and European administrations, and above all the European Parliament, since the principle of co-decision has become the norm in environmental matters since the Treaty of Amsterdam (1997). It is this multiplicity of actors involved in European environmental policy which, as much as its large scale, explains its extraordinary complexity as well as the competition between different stakeholders: the Parliament and the Commission, in particular, use it to extend their prerogatives and to legitimise their existence.

These tensions are particularly noticeable in EU involvement on the international stage. Europe is recognised as a world leader in global environmental policy. It participated in most of the large multilateral agreements of recent decades on the protection of the ozone layer, biodiversity or climate change. Yet, while the EU is leading the way with its strong environmental ambitions, it is rarely able to exert sufficient influence in the negotiations to get comprehensive measures adopted internationally: it is above all a leader by example. Its actions are often weakened by internal divisions. Indeed, EU environmental policy is based on shared competence between the EU and the member states. It is thus frequently the case that these states are represented in international negotiations at the same time as the EU, inevitably at the risk of disharmony. The Commission often uses this argument to ask the Council for an exclusive mandate in international negotiations, playing on the uncertainty surrounding the sharing of certain competences. This could lead to very heated exchanges, as during the 2010 discussions on mercury under the auspices of the UN.

These tensions can be explained by the popularity of the environmental policy of the EU, which is a success with the citizens of the continent in all Eurobarometer polls. The EU and all its different components find a form of legitimacy on which they seek to build. They reinforce this legitimacy further by endeavouring to democratise decision making, for example by facilitating access to information or, since 2012, through the European Citizens' Initiative, of which environmental groups have made extensive use.

Bibliography:

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