

Recent Developments in EU Environmental Policy and Legislation

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Abstract

This section briefly describes the significant political initiatives and acts of legislation in the environmental field adopted from March 2015 until December 2015.*

Keywords

Circular Economy Package – Regulatory Fitness and Performance Programme (REFIT) – Habitats and Birds Directives – Biodiversity Strategy (Midterm Review) – Multi-annual Implementation Plan for the EU Forest Strategy

1 Circular Economy Package

The EU currently loses a significant amount of materials that are discarded instead of being reused and/or incinerated or disposed of instead of being recycled. In order to contribute to the EU's efforts to develop a sustainable, low carbon, resource efficient and competitive economy, in December, 2015, the European Commission adopted a new Circular Economy Package.¹ The Package aims to ensure that the right regulatory framework is in place for

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1 After having withdrawn its first version late 2014 by means of its Better Regulation Program. See, Y.M. Gordeeva, Commission Adopts "Circular Economy Package", Recent Developments in the EU Environmental Policy and Legislation, *Journal for European Environmental and Planning Law*, 12, 2015, p. 53.

the development of the circular economy in the single market. In addition, the Package aims to give clear signals to economic operators and society on the way forward with long term waste targets, providing concrete and broad set of actions to be carried out before 2020.

The Circular Economy Package consists of an EU Action Plan for the Circular Economy and revised legislative proposals on waste. The Action Plan establishes a concrete programme of action, with measures covering the whole cycle: from production and consumption to waste management and the market for secondary raw materials. The annex to the Action Plan sets out the timeline when the actions will be implemented. The revised legislative proposals on waste include: the proposed Directive on Waste; the proposed Directive on Packaging Waste; the proposed Directive on Landfill; the proposed Directive on Electrical and Electronic Waste, on End-of-Life Vehicles, and Batteries and Accumulators and Waste Batteries and Accumulators. The proposals set clear targets for reduction of waste and establish a long-term path for waste management and recycling. The targets are accompanied by concrete measures to address obstacles on the ground and different situations across the EU Member States.

As part of the circular economy package, the Commission held a circular economy conference in Brussels in June, 2015 (700 stakeholders). The conference followed a twelve – week public consultation from 28 May to 20 August 2015 (over 1500 submissions).

For further information, see:

1. E.C., Environment, Circular Economy Strategy. // <http://ec.europa.eu/environment/circular-economy/index_en.htm>, last viewed 15 December 2015;
2. E.C., Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Closing the Loop – An EU Action Plan for the Circular Economy, COM (2015) 614/2;
3. E.C., Commission Staff Working Document, Additional Analysis to Complement the Impact Assessment Staff Working Document (2014) 208 supporting the review of EU Waste Management Targets, SWD (2015) 259 final, 2 December 2015;
4. Y.M. Gordeeva, Commission Adopts “Circular Economy Package”, Recent Developments in the EU Environmental Policy and Legislation, *Journal for European Environmental and Planning Law*, 12, 2015, p. 53.

2 **Regulatory Fitness and Performance Programme (REFIT): Fitness Check of the EU Birds and Habitats Directives**

Launched in 2012, the REFIT is a programme aimed to make the EU law lighter, simpler and less costly so that it benefits citizens and businesses and helps create the conditions for growth and jobs. Under REFIT, the Commission regularly screens the EU legislation for burdens, inconsistencies and ineffective measures and identifies corrective action. The aim is to make sure that the policy objectives are achieved and the benefits of EU legislation are enjoyed at lowest cost and with a minimum of administrative burden. REFIT is a continuous programme, affecting the whole policy cycle – from the design of a piece of legislation to implementation, enforcement, evaluation and, where justified, revision.

On 2 October 2013, the Commission defined an ambitious agenda with over 100 individual actions including 46 legislative actions to simplify and reduce regulatory burden, 7 initiatives to repeal existing regulation and 9 initiatives to withdraw proposals for new regulation. Besides, the Commission committed to carry out 47 Fitness Checks and evaluations under REFIT to assess the efficiency and effectiveness of EU regulation and prepared future initiatives for simplification and regulatory burden reduction. Fitness Checks provide an evidence-based critical analysis of whether EU actions are proportionate to their objectives and delivering as expected. They cover environmental, economic and social aspects, and concern all EU policy areas.

In the environment policy field, the Commission has already completed Fitness Checks of EU freshwater and waste related legislation, and is now carrying out a Fitness Check of the EU Birds and Habitats Directives. The mandate for the Fitness Check of the Directives was published in February, 2014. It identified the overall scope and aim of the exercise, and set out a number of the key questions to be addressed by the Fitness Check. As part of the exercise a 12 week public consultation was carried out from 30 April, 2015 until 26 July, 2015. The consultation was designed to gather opinions on current EU nature conservation legislation and its implementation to date. In addition, based on MS conservation status assessments for the Birds and Habitats Directives, the “State of Nature in the EU” report was published in May, 2015. The results of the Fitness Check of the EU Birds and Habitats Directives will be published as a Commission Report in the second quarter of 2016.

For further information see:

1. EC, Fitness Check of EU Nature Legislation, Birds and Habitats Directive. // <http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm>, last viewed 14 December 2015;

2. EC, Better Regulation, key documents. // < http://ec.europa.eu/smart-regulation/better_regulation/key_docs_en.htm>, last viewed 14 December 2015;
3. EC, Environment, Waste, Review of Waste Policy and Legislation. // <http://ec.europa.eu/environment/waste/target_review.htm>, last viewed 14 December 2015;
4. EC, the Fitness Check of EU Freshwater Policy, Commission Staff Working Document, 15 November, 2012, SWD (2012) 393 final.

3 European Commission Reports on the Implementation of the EU Biodiversity Strategy: More Ambition Needed to Halt Biodiversity loss by 2020

The World Economic Forum listed “biodiversity loss and ecosystem collapse” among the top 10 global risks in 2015.² In 2010 the EU biodiversity baseline³ indicated that up to 25% of European animal species were facing extinction and 65% of habitats of EU importance were in an unfavourable conservation status, mainly due to human activities. According to the 2010 baseline, basic ecosystem services in the EU continuously deteriorated.

As a response, in 2011, the European Commission adopted the EU Biodiversity Strategy to 2020. It implements the EU commitments under the Convention on Biological Diversity. The Strategy is an integral part of the Europe 2020 Strategy and the 7th Environmental Action Programme. The headline target of the Strategy is to “halt the loss of biodiversity and ecosystem services by 2020, to restore ecosystem in so far as it feasible, and to step up the EU contribution to averting global biodiversity loss”. The Strategy is built around six targets, each supported by a set of actions.

In October, 2015 the European Commission published the “Mid-term Review of the EU Biodiversity Strategy to 2020”. The Report, assesses whether the EU is on track to achieve the objective of halting biodiversity loss by 2020 against the 2010 baseline. The Report reviews the state of the art under each of the Strategy’s targets; describes what actions have been implemented; and outlines gaps and further actions needed to reach the target by 2020. The Review draws on the best available information from a wide range of sources summarized in the accompanying Staff Working Document.

2 World Economic Forum, Global Risks, 2015, 10th Edition.// < http://www3.weforum.org/docs/WEF_Global_Risks_2015_Report15.pdf>, last viewed 15 December 2015.

3 European Environmental Agency, EU 2010 Biodiversity Baseline, 2010.

The mid-term assessing progress under the EU Biodiversity Strategy showed that the 2020 biodiversity targets can only be reached if implementation and enforcement efforts become considerably bolder and more ambitious. The Report underlines the progress made in establishing important policy frameworks (e.g. the common fisheries policy, the Invasive Alien Species, the Timber Regulation, etc.), however, at the current rate of implementation, biodiversity loss and the degradation of ecosystem services will continue throughout the EU, with significant implications for the capacity of biodiversity to meet human needs in the future. The review stresses the urgency to intensify the implementation of measures across all targets and the need to ensure that the principles included in the policy frameworks are fully reflected on the ground.

For further information, see:

1. E.C., Report from the Commission to the European Parliament and the Council, The Mid-Term Review of the EU Biodiversity Strategy to 2020, SWD (2015) 187 final, COM (2015) 478 final, 2 October 2015;
2. E.C., Protecting Europe's Nature: More Ambition Needed to Halt Biodiversity Loss by 2020, Press Release, 2 October 2015;
3. E.C., EU Biodiversity Strategy to 2020, 2011.

4 **Commission Outlines Multiannual Implementation Plan for the EU Forest Strategy**

In September 2013 the Commission adopted a EU Forest Strategy. The Forest Strategy set a 2020 objective: to ensure and demonstrate that all forests in the EU are managed according to sustainable forest management principles. In order to achieve the 2020 objective, the strategy outlines eight interlinked priority areas under the three different headings of: contributing to major societal objectives;⁴ improving the knowledge base;⁵ and coordination and communication.⁶

In May, 2014 the Council of the European Union adopted Conclusions, which welcomed the 2013 Forest Strategy. In September, 2015, in line with the

4 Namely: supporting urban/rural communities; fostering competitiveness and sustainability of forest-based industries; forests and climate change; and protecting forests and enhancing ecosystem services.

5 Namely: forest information and monitoring and research and innovation.

6 Namely: global perspectives and working together.

Council conclusions, supported by the European Parliament own-initiative report as well as by the Opinion of both the Economic and Social Committee and the Committee of the Regions, the European Commission in close cooperation with the Standing Forestry Committee (SFC), and in consultation with both the Civil Dialogue Group on Forestry and Cork and the Expert Group on Forest-based Industries and Sectorally Related Issues, prepared a Multi-annual Implementation Plan (MAP) for the 2013 Forest Strategy.

The MAP provides a concrete list of actions for the period from 2015 until 2020, the actors and timing of the different activities as well as the expected outcomes. The Plan is structured according to the eight priority areas of the EU Forest Strategy, providing actions and target dates for each area. The main bodies having input to the Plan are identified as follows: the Standing Forestry Committee; the Civil Dialogue Group on Forestry and Cork; and the Expert Group on Forest-based Industries and Sectorally Related Issues. The European Commission, according to the Plan, will implement the relevant actions.

The implementation is divided into two periods. During the period of 2015–2017, as a first step, the work of the Commission services will concentrate on the following priorities: enhancing policy coherence; sustainable management of forests in the EU; competitiveness of the forest-based sector; the contribution of sustainably managed forests to rural development; strengthening the Forest Information System; the sustainability of forest-based biomass; and maximization of the contribution from the Natura 2000 network to maintaining and restoring a favourable conservation status of forest habitat types and species of Community interest including wild birds. As a second step, the mid-term review of the EU forest Strategy is to be carried out by 2018. This will allow to determine the priorities for the MAP period from 2010 until 2020.

For more information see:

1. EC, Commission Staff Working Document, Multi-annual Implementation Plan of the new EU Forest Strategy, SWD (2015) 164 final, 3 September 2015;
2. Council of the European Union, New EU Forest Strategy: Conclusions adopted by the Council, 9944/14 (OR. en) PRESSE 297, 19 May 2014;
3. EC, Agriculture and Rural Development, Forests, EU Forest Strategy. // <http://ec.europa.eu/agriculture/forest/strategy/index_en.htm>, last viewed 16 December 2015;
4. Yelena M. Gordeeva, The New EU Forest Strategy, Recent Developments in EU Environmental Policy and Legislation, *Journal for European Environmental and Planning Law*, 11, 2014, p. 79.

5 Other Legal Acts and Policy Documents

№	Title	Brief Description	Source
1.	EU Timber Regulation	From 15 April 2015 until 3 July 2015 the EC held public consultations on the evaluation of Regulation (EU) No 995/2010 of October 2010 laying down the obligations of operators who place timber and timber products on the market (the EU Timber Regulation). The objective of the consultation was to gain stakeholder and public input regarding a review of the Regulation. The review provides essential elements for the mandatory report to be submitted by the Commission to the European Parliament and the Council.	EC, Environment, Consultations.// < http://ec.europa.eu/environment/consultations/eutr_en.htm >, last viewed 14 December 2015.
2.	Plastic Carrier Bags	EU countries will be required to reduce plastic carrier bags drastically under new rules voted by Parliament on 28 April 2015.	European Parliament, MEPS clamp down on wasteful use of plastic carrier bags.
3.	EU Emission Trading Scheme (EU ETS)	Emissions of greenhouse gases from installations participating in the EU ETS are estimated to have decreased by about 4-5% in the 2014, according to the information recorded in the Union Registry.	EC, Emissions Trading: 2014 Data shows emissions reductions.
4.	Poverty Eradication and Sustainable Development after 2015	The Post-2015 Agenda presents a great opportunity to address the interlinked challenges of poverty eradication and sustainable development. Making the most of this is a key priority for the EU and its MS. The Council conclusions on a New Global Partnership for Poverty Eradication and Sustainable Development after 2015 complement the December 2014 conclusions and further develop aspects of the new global partnership needed to achieve the sustainable development goals.	European Council, Council of the European Union, Council Conclusions on a New Global Partnership for Poverty Eradication and Sustainable Development after 2015.

Nº	Title	Brief Description	Source
5.	24 Rural Development Programs	The European Commission has approved a further 24 Rural Development Programmes aimed at improving the competitiveness of the EU farming sector, caring for the countryside and climate and strengthening the economic and social fabric of rural communities in the period until 2020.	EC, Adoption of a further 24 Rural Development Programmes to boost the EU farming sector and our countryside.
6.	Water legislation	The “Cost of Non-Europe” report examines the state of implementation of current EU Water Legislation and identifies the cost of the lack of further European action in the field. The assessment, made of existing water legislation, confirms that there are still implementation gaps and areas of poor performance.	European Parliament Research Service Study, Water legislation: Cost of Non-Europe Report.
7.	Energy Union	On the 8 th of June, 2015, the European Commission and the Baltic Sea Region countries signed a Memorandum of Understanding modernising and strengthening the Baltic Energy Market Interconnection Plan. At the same time, 12 European countries signed a declaration for regional cooperation on security of electricity supply within the European internal market. This was followed by the signature of a political declaration of the Pentalateral Energy Forum. Regional cooperation “will help achieve EU-wide market integration and further contribute to unlocking the full potential of renewables in the energy system”.	EC, Press Release, Energy Union: Advancing the Integration of European Energy Markets, 8 June 2015.
8.	Animal Health Measures	On 1 June 2015 the European Parliament and the Council reached a political agreement on the animal health proposal in the ordinary legislative procedure. The focus of the	1. EC, Food Safety, Animals, Animal Health Policy Development, Commission’s Proposal for a Regulation;

5 Other Legal Acts and Policy Documents (Cont.)

Nº	Title	Brief Description	Source
9.	Ocean Governance	<p>animal health law is in on the control and prevention of transmissible animal diseases, whose effect can be devastating for individual animals, animal populations, animal keepers and the economy. It puts a high emphasis on the prevention of animal diseases and places a special importance on biosecurity measures as a key prevention tool.</p> <p>From June, 2015 until September, 2015 the EU Commission held a Public Consultation on Ocean Governance. The aim was to collect views on how the EU could contribute to achieving better international governance of oceans and seas to the benefit of sustainable blue growth.</p>	<p>2. European Council, Council of the European Union, EU institutions provisionally agree on animal health measures.</p> <p>EC, DGs, Maritime Affairs and Fisheries, Consultations, Ocean Governance.</p>
10.	New Electricity Market Rules	<p>In July, 2015 the European Commission has adopted new electricity market rules. The new Regulation creates a comprehensive framework for electricity trade in Europe and makes so-called “market coupling” legally binding across the EU. It will also help increase trading of electricity over shorter time horizons, allowing for a more efficient integration of renewables into the grid as suppliers and traders can take into account better forecasts on how much solar or wind energy will be produced.</p>	EC, New Electricity Market Rules help save 4 bn/year.
11.	Air Quality	<p>As air pollution is responsible for around 400, 000 premature deaths in the EU yearly, the European Parliament endorsed the EU Commission plans for more ambitious national caps on emissions of six key pollutants.</p>	European Parliament, Air Quality: Environment MEPS call for tougher new national caps on pollutants.

N ^o	Title	Brief Description	Source
12.	Climate Change	In October the European Environment Agency (EEA) published "Trends and Projections" in Europe Report. According to the Report the EU is on track towards meeting and overachieving its 2020 target for reducing greenhouse gas (GHG) emissions by 20%. GHG emissions in Europe decreased by 23% between 1990 and 2014 and reached the lowest levels on record. Latest projections by MS show that the EU is heading for a 24% reduction by 2020 with current measures in place.	<ol style="list-style-type: none"> 1. E.C., Climate Change: EU shows leadership ahead of Paris with 23% emissions cut; 2. EEA, Trends and Projections in Europe 2015.
13.	GMO Bans Proposal	A draft EU law that would enable any EU Member State to restrict or prohibit the sale and use of EU-approved GMO food or feed on its territory was rejected by the European Parliament in October 2015.	European Parliament, Parliament rejects national GMO proposal.
14.	Drinking Water	As a first step following the European Citizens Initiative Right2Water, new rules amending Directive 98/83 on the quality of water intended for human consumption were adopted, which provide flexibility to member States as to how drinking water quality is monitored in around 100 000 water supply zones in Europe. This will allow for more focused, risk-based monitoring, while ensuring full protection of public health.	<ol style="list-style-type: none"> 1. E. C., EU introduces more efficient monitoring of drinking water for better protection of public health, 28 October 2015; 2. Y.M. Gordeeva, Commission's Response to European Citizens' Initiative "Right2Water", Recent Developments in the EU Environmental Policy and Legislation, 11, 2014, pp. 303 – 305.
15.	Air Pollutant Car Emissions	European Commission calls for full disclosure, zero tolerance and strict compliance.	E.C., European Commission Statement on Air Pollutant Car Emissions.