

# 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 December 2015 until September 2016.

## Keywords

Paris Agreement – EU Action Plan against Wildlife Trafficking – Air Pollution – Kyoto Targets – EU Timber Regulation – Forest Law Enforcement – Governance and Trade

## 1 Council Speeds Up Process for EU Ratification of Paris Agreement

Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement at the twenty-first session of the Conference of Parties (COP), held in Paris (France) in December, 2015. The COP concluded years of intense negotiations. The Kyoto Protocol, adopted under the 1992 UNFCCC and setting out greenhouse gases emission reduction obligations only for developed states, is nowadays left to a number of developed countries, covering currently the period from 2013 until 2020. According to

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COP 13 in Bali, a new global climate agreement should have been adopted by 2009, in order to continue efforts to prevent the climate from changing. The 2009 Copenhagen deadline was missed, largely due to the failure by COP 15 to adopt the Copenhagen Accord. The new deadline was agreed upon by COP 17 in Durban, mandating the Ad-hoc Working Group on Enhanced Action under the Durban Platform (ADP) “to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties” at the latest by COP 21.

The Paris Agreement includes 16 preambular clauses and 29 operative clauses. The main elements of the Paris Agreement are the following:

- Global Objective (art. 2): Parties agreed to strengthen “the global response to the threat of climate change” by “holding the increase in global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the increase to 1,5°C”, since this would significantly reduce risks and the impacts on climate change;
- Nationally Determined Contributions (art. 3): the concept and the rationale behind the 185 Intended Nationally Determined Contributions (INDCs) presented by all Parties before Paris are confirmed. The NDCs represent the strongest difference of the new regime compared to the Kyoto Protocol and the Copenhagen Accord, because of its voluntary nature and the complete lack of common parameters to verify their actual implementation;
- Mitigation and Ambition (art. 4): global peaking of GHG emissions to be reached as soon as possible; NDCs to be communicated every five years; NDCs to be recorded in a public registry;
- REDD + (art. 5): parties are encouraged to take action to implement and support REDD + activities;
- Market (art. 6): parties can use cooperative approaches that involve the use of internationally transferred mitigation outcomes to achieve their nationally intended contributions; a mechanism to contribute to the mitigation of GHG emissions and support sustainable development is established;
- Adaptation (art. 7): a global goal is set on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change; each party should, as appropriate, submit and update periodically an adaptation communication;
- Loss and Damage (art. 8): The Warsaw International Mechanism for Loss and Damage may be enhanced and strengthened; countries acknowledge

the need to cooperate and enhance the understanding, action and support in different areas such as early warning systems, emergency preparedness and risk insurance;

- Finance (art. 9): developed countries will continue to support climate action to reduce emissions and build resilience to climate change impacts in developing countries; developed countries intend to continue their existing collective goal to mobilise USD 100 billion per year until 2025 when a new collective goal will be set;
- Technology Development and transfer (art. 10): Parties are “to strengthen cooperative action on technology development and transfer”; technology mechanism is established;
- Capacity Building (art. 11): Parties should cooperate to enhance activities in this domain through appropriate institutional arrangements;
- Transparency (art. 13): “an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties’ different capacities and builds upon collective experience is established”;
- Global stocktake (art. 14): in 2023 the first global stocktake assesses the collective progress towards achieving the purpose of the Paris Agreement and its long-term goals;
- Compliance (art. 15): a mechanism to facilitate implementation of and promote compliance with the provisions of the Paris agreement is established;
- Institutional Framework (art. 16–19);
- Final clauses (art. 20–29): signature, entry into force, amendments, settlement of disputes, voting, withdrawal, languages.

It is important to notice, that the Paris Agreement has a double threshold of 55 countries and 55% of global emissions that must be both met before it enters into force and becomes legally binding (art. 21). As of 3<sup>d</sup> October 2016, already 62 countries ratified it (including such countries major emitters as the USA, China and India), accounting for 51,89% of global emissions.

The Paris Agreement is a mixed agreement, which means that some of the issues it covers are the responsibility of the EU and others of Member States. It is therefore has to be ratified by both the EU and all the 28 Member States. So far France, Hungary, Austria and Slovakia have completed their national ratification procedures and several other countries are very close to doing so. As for the EU, just recently the Council of the European Union agreed to speed up the process of ratification of the Paris Agreement. Ministers endorsed a Council decision on EU conclusion of the agreement and asked the EU Parliament for its consent. Once the European Parliament gives its green light, the decision

on conclusion will formally be adopted. The EU will then be able to ratify the Agreement.

For further information, see:

1. European Commission, Climate Action, What does EU do for Climate?;
2. European Commission, Climate Action, Europe Readies next Steps to Implement the Paris Agreement;
3. European Commission, Press Release, Paris Agreement Signing Ceremony in New York – the EU calls for swift ratification;
4. European Council, Council of the EU, Climate Change, the EU signs the Paris Agreement;
5. European Council, Council of the EU, Climate Change: Council Speeds up Process for EU Ratification of Paris Agreement;
6. UNFCCC, Paris Agreement, Status of Ratification.

## 2 **European Commission Adopts a Communication on the EU Action Plan against Wildlife Trafficking**

The EU has long been at the forefront of the fight against wildlife crime, advocating for strict rules under the Convention on Trade in Endangered Species (CITES), promoting its implementation in all countries, and supporting large scale conservation efforts. Wildlife from, into and within the EU is regulated through a set of Wildlife Trade Regulations that implement the provisions of the CITES Convention. The EU Nature Directives prohibit the sale and transport of a number of strictly protected wild species in the EU. Wildlife trafficking is also included in the Directive on the Protection of the Environment through Criminal Law, which requires Member States to consider it a criminal offence.

In 2014 a consultation on the EU approach against wildlife trafficking showed strong support for the development of an EU Action Plan. The European Parliament adopted a comprehensive resolution in January 2014 calling for an EU Action Plan against wildlife crime and trafficking. In February, 2016 the European Commission adopted a Communication on the EU Plan against Wildlife Trafficking.

The Plan sets out a comprehensive blueprint for joined-up efforts to fight wildlife crime inside the European Union and for strengthening the EU's role in the global fight against these illegal activities. The document comprises 32 measures to be carried out between now and 2020 by the EU and its 28 Member States. It focuses on three priorities:

- Prevent trafficking and reduce supply and demand of illegal wildlife products: for example by the end of 2016 the Commission will prepare guidelines to suspend the export of old ivory items from the EU;
- Enhance implementation of existing rules and combat organized crime more effectively by increasing cooperation between competent enforcement agencies such as Europol;
- Strengthen cooperation between source, destination and transit countries, including strategic EU financial support to tackle trafficking in source countries, help build capacity for enforcement and provide long term sources of income to rural communities living in wildlife-rich areas.

For further information, see:

1. European Commission, Press Release, Questions and Answers on the EU Action Plan against Wildlife Trafficking;
2. European Commission, Environment, The EU and Trade in Wild Fauna and Flora;
3. European Commission, Press Release, Commission Launches Action Plan to Crack down on Wildlife Trafficking;
4. European Commission, The EU Approach to Combat Wildlife Trafficking.

### 3 Other Legal Acts and Policy Documents

N <sup>o</sup>	Title	Brief Description	Source
1	Air Pollution	Many Europeans are still exposed to harmful air pollution. Air pollution is the single largest environmental health risk in Europe. It shortens people's lifespan and contributes to serious illnesses such as heart disease, respiratory problems and cancer. A new report published by the European Environmental Agency (EEA) estimates that air pollution continues to be responsible for more than 430 000 premature deaths in Europe.	EEA, Many Europeans still Exposed to Harmful Air Pollution

- 2 Parliament is the first EU Institution to become 100% carbon neutral
 

As of 2016, the European Parliament's irreducible carbon emissions can be fully offset, making it the first EU institution to become 100% carbon-neutral. Offsetting applies only in cases where carbon emissions are unavoidable or cannot be further reduced. CO<sub>2</sub> offsetting entails buying carbon offsets to compensate for the buyer's own CO<sub>2</sub> emissions. Such offsets are typically achieved by providing financial support for renewable energy or efficient energy projects, which aim to reduce greenhouse gas emissions in a global context.

European Parliament Press Release, Parliament is first EU Institution to become 100% carbon neutral.
3. EU meets Kyoto Targets under First Commitment Period (2008–2012)
 

The European Union and its Member States have met their GHG emission reduction commitments under the Kyoto Protocol's first commitment period (2008–2012). For the whole period, the EU's total emissions, without Cyprus and Malta, which have no targets, were 23,5 gigatonnes of CO<sub>2</sub> equivalent. This is equivalent to a reduction of around 19% below the base year in the commitment period 2008–2012. Almost all Member States committed to a reduction of 8% during this period, either jointly under the EU-15 "burden-sharing" or individually.

European Commission, Climate Action, EU meets Kyoto targets under first commitment period (2008–2012).
- 4 F-gas Report 2014
 

The European Environmental Agency (EEA) has published the annual report on fluorinated gases for 2014, "Fluorinated Greenhouse Gases 2014". F-gases are powerful GHGs, reducing emissions from these gases is key to avoiding climate change.

European Commission, Climate Action, F-gas Report 2014: Gearing up for the new F-gas Regulation.

№	Title	Brief Description	Source
5	EU Timber Regulation	<p>F-gases are used in sectors such as refrigeration and air-conditioning to replace ozone-depleting substances. The original F-gas Regulation adopted in 2006 is being replaced by a new Regulation adopted in 2014.</p> <p>The first evaluation of the EUTR shows great disparities between Member States. A wide variation in human and financial resources available for the application and enforcement of the EUTR was reported. Available human resources range from approximately 1 to 200 person/month. As for the scope of the EUTR, it is highlighted that some timber-based products, such as musical instruments, wooden coffins or wooden seats are not covered. Furthermore, it is explained that none of the Voluntary Partnership Agreements (VPA) has entered into force yet.</p>	European Commission, EU Timber Regulation, More Effort Needed from Member States and Private Sector.
6	Pact of Amsterdam	<p>An informal Ministerial meeting on urban matters agreed on the “Pact of Amsterdam”- it sets out the principles of the Urban Agenda for the EU. The Urban Agenda in the EU will allow for European cities to have a say in EU policy making. The Urban Agenda will develop 12 partnerships on 12 identified urban challenges. The partnerships will allow cities to work together with other actors to improve EU urban areas. The action plans designed by the partnerships</p>	European Commission, Press Release, The Urban Agenda for the EU: European Cities get their say in EU policy making.

- will focus on a more effective and coherent implementation of existing EU policies in cities in the fields of environment, transport and employment.
- 7 Developmental Consultation From 30 May to 21 August 2016 a public consultation took place on revising the EU Consensus on Development, in line with the UN 2030 Agenda for Sustainable Development. European Commission, UN 2030, Agenda for Sustainable Development, Public Consultation on Revising the European Commitments on Development.
  - 8 Forest Law Enforcement, Governance and Trade (FLEGT) The Council has adopted conclusions on the evaluation of the FLEGT action plan and of the EU timber regulation (EUTR). The Conclusions highlight the positive contribution that these instruments have made in reducing EU imports of illegal timber and increasing the awareness of the general public and market operators about the issue of illegal logging. The conclusions also call upon member states and the Commission to do even more to tackle this phenomenon, with a view to achieving sustainable forest management globally. European Council, Forest law enforcement, governance, and trade: Council Conclusions
  - 9 Air Quality The Council and the European Parliament have reached a provisional agreement on a directive to reduce emissions of air pollutants. Under the new directive, stricter limits are set from 2020 to 2029 and from 2030. European Council, Press Release, Air Quality: Agreement on Stricter limits for Pollutant Emissions.



- 10 Global Summit on Wildlife Conservation      During the 17th Conference of Parties to the UN Convention on Trade in Endangered Species (CITES, COP 17) in Johannesburg, South Africa, the EU participated for the first time as a full member of CITES. The EU supported a continuation of the ban on international trade in ivory and pressed for the adoption of strong measures against ivory trafficking, as well as trafficking affecting rhinoceroses, tigers, great apes, pangolins and rosewood. Earlier this year the EU agreed on a comprehensive Wildlife Trafficking Action Plan, which will be implemented jointly by the EU institutions and the Member States up to 2020.
- European Commission, EU pushes for further tightening of wildlife trade rules at global summit on wildlife conservation; EU position for the 17th COP to the CITES.
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