



**COUNCIL OF
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NOTE

from: General Secretariat
to: Delegations
Subject: Main events under the Belgian Presidency
- Information from the Presidency

Delegations will find annexed a note from the Presidency on the above topic, to be dealt with under “other business” at the meeting of the Council (Environment) on 20 December 2010.

**Main events under the Belgian Presidency
- Information from the Presidency -****“The enforcement of European Biodiversity law at national level”, Annual Conference -
EU Forum of Judges for the Environment, Brussels, 18 and 19 October 2010**

In 2010, the year of Biodiversity, the European Union Forum of Judges for the Environment (EUFJE) held its annual conference specifically to discuss the enforcement of the Habitats Directive and the Birds Directive at national level. This Conference brings together national and European judges, as well as academics presenting relevant legal developments in this area of work.

For the first time, a special session was devoted to EU Prosecutors in order to consider the criminal aspect of enforcement of European environmental legislation. It also gave them an opportunity to reflect on the need to set up some sort of prosecutors' network at EU level, in order to better cooperate and exchange experiences, as is done in the EUFJE.

Various observations were made on European environmental legislation and its enforcement, notably on biodiversity:

- Recognition of a general enforcement deficit with regard to EU environmental law;
- Tendency towards a depenalisation process in some Member States which raises questions with regard to the concept of “effective, proportionate and dissuasive criminal sanctions”;
- Lack of policy in relation to a specific enforcement norm-setting reference in EU legislation;
- Importance of having all Natura 2000 areas fully designated, as is done for marine areas;
- Importance of taking full account of the specific problems of migratory birds;
- Importance of continuing to take full account of the role of national judges when drawing up the categories of priorities relating to enforcement proceedings at EU level;
- Importance of ensuring that citizens and NGOs have an appropriate mechanism at national and EU level to address their complaints concerning the implementation of environmental law;
- Need to establish a network of specialist environmental prosecutors at EU level with the aim of exchanging information and experience and enhancing cooperation between them.

The presentations are available on the website of the *European Union Forum of Judges for the Environment*:

http://www.eufje.org/EN/conferences/brussels_2010/program_including_presentations

“Water Framework Directive Economics: taking stock and looking ahead”, Liege, 19 and 20 October 2010

The event hosted by the Belgian Presidency was attended by more than 100 participants from Member States, Non-Governmental Organisations, industry stakeholder groups and the European Commission.

The *objectives* of the conference were:

- to share information and exchange views between Member States and stakeholders on their experience in implementing the economic aspects of Article 9 (cost recovery for water services) and the cost-effectiveness analysis (CEA) of WFD measures and to get a better understanding of the common difficulties encountered;
- to identify relevant developments and research needs; and
- to identify needs for future work relating to WFD economics.

The main points regarding future work are as follows:

- more issues for further work were identified on Article 9 than on the cost-effectiveness analysis (CEA);
- the link between methods applied and results and policy decisions was emphasised as an important challenge;
- some workshop participants pointed to the need to integrate implementation of the Water Framework Directive (WFD) with other policies and directives;
- various research issues were identified;
- for a number of topics, it was stated that work is needed both on research and on (non-research) policy work (e.g. on CEA, institutions, procedures, consideration of the ecosystem approach);
- it was pointed out that, overall, the integration of non-economists is important for further work.

Overall, some form of experience exchange was welcomed by almost all workshop participants. However, diverging views were expressed regarding what this work should be and the best way to organise it. *The differing views were as follows:*

- clarify implementation issues up to now: develop common definitions, methodologies (e.g. environment and resource costs) etc.;
- answer specific questions (as far as possible) for second cycle: identification of specific questions and develop common answers;
- limited support for new guidance documents.

“25th anniversary of the EIA Directive: Successes - Failures - Prospects”, Leuven, 18 and 19 November 2010

This Conference, co-organised by the Belgian Presidency and the Commission, is to be seen as the concluding event of the phase of public consultation on the review of the Directive. As announced in its Work Programme 2011, the Commission will come up with a proposal to revise Directive 1985/337/EEC in 2012 at the latest, after conducting an Impact Assessment. The Conclusions of the Conference are to be fed into the review.

The Presidency drew the following conclusions.

First of all there is common agreement that the EIA is a worthwhile instrument that contributes to sustainability. However work needs to be done over the next year to achieve its full potential.

Hence, the conference welcomed the Commission’s baseline, which is to *avoid the lowering the level of protection* of the environment when drafting and proposing new legislation.

The most urgent aspect of the legislation is the need to *clarify the provisions*. But given the wide extent of EIA, this cannot be achieved simply by doctoring the wording. Substantial guidance, of a very practical nature, is also essential and will remain so.

Since the EIA is an integral policy tool, it is self-evident that it is linked to other EU legislation, such as the directives on habitat and water protection and on the SEA. It is suggested that possibilities for *more coordination* should be explored further and in this respect the EIA should maintain a central assessment tool. Nevertheless, full thematical integration and a real one-stop-shop procedure seems to be only part of a long-term exercise.

A *tailor-made approach* seems appropriate. Hence, a wide range of discretion at national level should be guaranteed. Smaller projects should be assessed in a relatively simple manner so that more attention can be paid to major complex projects. The EIA should aim to facilitate and speed up decision-making.

The issue of managing the *processes and interactions* between proponents, public authorities and the public deserves particular attention. The different stakeholders should be encouraged to cooperate, preferably as early as possible. The EIA can and should also stimulate proponents to re-examine their draft projects. Therefore the EIA has an *awareness-raising* aspect. The role of the public concerned should be acknowledged, as sufficient input and support is required for a well-founded decision. However at the same time, participation should lead to a clear final statement within a reasonable timeframe that enables the project to be effectively realised.

Improvement of the EIA processes also means that the competent authorities invest further in the *scientific quality* of the EIS. Several tools are possible. In Flanders the existence of a system of recognition of experts per environmental discipline has enabled in-depth knowledge to be built up. More information: <http://www.eutrio.be/pressrelease/environmental-impact-assessment-must-be-more-tailor-made>

“Adaptation to the changing climate: time to intensify efforts”, Brussels, 23 and 24 November 2010

The conference took stock of adaptation to climate change in Europe. Some 150 scientists, stakeholders and public administrators discussed key issues that will need to be addressed further in our adaptation efforts, working within the broad framework set by the Green Paper on ‘Adaptation to Climate Change in Europe - Options for EU Action’ (2007), the official start of European efforts to adapt to the changing climate.

Much of the existing information on adapting to climate change is robust enough to allow action to be taken to reduce risks now. Nevertheless more work has to be done, for instance on costs and benefits of adaptation, as this is important information for decision-makers. Furthermore, uncertainties will always remain, and they are not a reason for inaction on managing climate risks.

Finding a balance between adaptation and mitigation does not necessarily imply a trade-off. Mitigation is vital, but we must adapt to inevitable climate change from past emissions. Capacity-building will be crucial. A Clearinghouse Mechanism is potentially a great asset for knowledge management at EU level.

The adaptation process falls within the bigger context of a sustainable society with high resource-efficiency and economic resilience supported by building climate resilience. Policy instruments need to be sharpened to reflect new needs and to secure future prosperity. Existing financial instruments can be adjusted in innovative ways to accommodate adaptation (e.g. CAP, regional and structural funds). Synergies between ecosystems and climate change adaptation need to be pursued more vigorously. For this and other climate change effects, the integration into spatial planning is a necessary step.

Adaptation thrives on local and regional involvement of private actors and public authorities. It is often inspirational and creative. At national level, governments should provide frameworks and use existing policy dialogues with stakeholders. Besides costs, climate change can also bring benefits. Therefore the private sector must be stimulated to incorporate adaptation in their business plans.

National adaptation strategies should facilitate the exchange of best practices, and should be implemented at all levels, reflecting different priorities, vulnerabilities and capacities. The European Commission is determined to come forward with an EU Adaptation Strategy by 2013.

Full conference materials can be found at the conference website: <http://www.eutrio.be/adapting-changing-climate-time-intensify-efforts>

Press release outcome: <http://www.eutrio.be/pressrelease/efficiency-ecosystem-services-crucial>

“The role of the trade unions in the evolution towards a low-carbon society and in raising environmental awareness”, Bois du Cazier, Charleroi, 24 and 25 November 2010.

The Federal Public Office for Public Health, Food Chain Safety and the Environment (DG Environment) organised a Workshop at Bois-du-Cazier on the role of the Trade Unions in the transition towards a fair low-carbon, resource-efficient society. Speakers from the International Labour Organization (ILO), the European Commission (DG Employment), the European Trade Union Confederation (ETUC) and the International Trade Union Confederation (ITUC) and members of the academic community took the floor. The audience (65 persons) supported the views expressed on the floor, emphasising practical guidance and action to involve social partners.

Measures to combat climate change result in significant changes in the workplace and generate both opportunities and challenges for workers and unions alike. Trade unions’ new role should be to contribute to the development of a socially just transition towards a low-carbon society. To this end, unions must become go-betweens, coaching and training workers on environmental issues and raising their awareness of them. At the end of the debate, five recommendations were summarised in Conclusions supported by the Belgian Presidency in the framework of the implementation of EU 2020 and related strategies and agendas, with a view to ensuring coherence and sustainability:

- Green jobs, one of the main concepts of the EU 2020 flagship “new skills, new jobs”, should be supplemented by the concept of meaningful jobs – dignified employment
- Eco-innovation, via sectoral technological platforms (steel, automotive, etc.) should help strengthen R&D towards a balanced transition process.
- Planning, as a tool for transition, should closely integrate the social dimension alongside the climate requirements
- Social dialogue should anticipate the consequences of the transition, namely restructuring and economic adjustments
- Regarding budgetary resources, a tax on financial transactions was proposed, as was the introduction of social criteria to condition access to specific EU funding.

The message also targeted the non-profit and public service sectors as key players in the transition process. You can find more detailed information on: <http://www.eutrio.be/pressrelease/towards-low-carbon-society-what-role-unions>.

The role of eco-innovators and eco-innovative SMEs in this transition was also highlighted by a complementary event held on 29 November 2010 (<http://www.eutrio.be/pressrelease/belgian-smes-share-their-stories-eco-innovators-europe>)

“European Environment Policy: What’s next?...Towards a genuine 7th Environmental Action Programme”, Brussels, 25 and 26 November 2010

This conference brought together more than 400 high-level participants, speakers and experts, representing the European Union, national and local institutions and civil society. The conference was based on several preparatory events and studies, organised from 2009 onwards by the Brussels Capital Region, and the participants debated the in-depth evaluation of the 6th Environmental Action Programme (EAP) and its thematic strategies, the coherence and impact of various community strategies in the field of the environment, and the integration of environmental considerations into other policies.

The debate also included a discussion on the importance of developing “Better Instruments” for environmental policy, particularly the role of legal, economic and voluntary instruments, and on the role of local and regional authorities in future environmental policy.

The conference agreed on the need for the European Union to adopt a genuine 7th Environmental Action Programme, to succeed the 6th Programme which will end in 2012. Since it involves the Parliament and the European Council, as well as the whole of civil society, the preparation for this future programme is a major environmental step in participative democracy, guiding the policy for the next decade.

More information is to be found on <http://www.eutrio.be/pressrelease/towards-genuine-7th-environmental-action-programme>; the conclusions of the conference and all the preparatory work remain available on the website www.eapdebate.org.

“Sharing Environmental Information”, Brussels, 29 November 2010 to 1 December 2010

The participants at the conference, organised jointly by the Belgian Presidency and the European Environment Agency (EEA), including representatives from the EEA member countries and cooperating countries, the EEA and the European Commission, considered the issues at stake for the implementation of the Shared Environmental Information System (SEIS).

The participants acknowledged the responsibility of the EEA and individual countries for the development of the regular European Environment State and Outlook Report (SOER) and for the establishment and management of existing European and national environmental information systems.

The conference participants agreed on the following conclusions:

1. There is a need to streamline reporting mechanisms at both European and global levels, including streamlining environmental data, indicators and information according to the ‘collect once and use many times’ principle.
2. The SEIS Implementation Plan is currently under development and the Commission is encouraged to publish it as soon as possible. In order to ensure broad support from EEA countries, EU institutions, and the European Environmental Data Centres, the proper involvement of all stakeholders in its development and implementation is emphasised. To secure the sustainability of the processes, the importance of shared ownership with the countries is recognised.
3. The sharing of environmental data, information and assessments through appropriate involvement of all levels of governance is endorsed. This also reflects the principle that ‘data and information should be kept as close as possible to the source’.
4. The SOER and ‘Shared European and National State of the Environment’ (SENSE) processes have been a valuable exercise. After a period of reflection, the next steps should be envisaged as the experiences are useful for other SEIS implementation activities. It is recognised that SEIS, through the use of relevant Information Communication Technology (ICT), should be closely connected to the digital agenda for Europe as part of the EU strategy 2020.

5. The benefit of mutually supportive interaction between the SEIS, Infrastructure for Spatial Information in Europe (INSPIRE) and Global Monitoring for Environment and Security (GMES) processes is emphasised. A further clarification of their complementary purposes would be welcome; and the benefits of collaboration and exchange of information are considered very important.
6. It is necessary that the countries support and strengthen the environmental aspects of the INSPIRE implementation process through appropriate national coordination mechanisms.
7. It is acknowledged that the GMES provides opportunities to establish information services offering data and information complementary to existing processes. In addition, the GMES user forum should be used to make these information services entirely user-driven and tailored to the needs of the countries.
8. Initiatives towards enhancing the availability of data and information produced or commissioned by government or government-controlled entities such as the Open Government data initiative is welcomed.
9. To improve the awareness, understanding and acknowledgement of the various information processes, it is important that effective communication be offered continuously to all stakeholders involved.
10. It is agreed that SEIS Implementation should not put additional strain on state budgets, but should help ensure cost-efficiency in the handling of environmental data and information.

More information can be found at <http://nfp.irceline.be/events-en/C-SEI>

“Closing the International Year of Biodiversity 2010: How to better understand and communicate the socio-economic value of Biodiversity - A green future and benefits for everyone - Biodiversity and social responsibility”, Charleroi, 14 December 2010

This conference organised by the Federal Public Office for Public Health, Food Chain Safety and the Environment (DG Environment) focused on the socio-economic value of ecosystems to society and was attended by more than 100 participants from Member States, EU institutions, international organisations, social and economic institutions and civil society (trade unions, enterprise representatives, consumer groups, green NGOs, etc.)

Biodiversity provides fundamental services and goods to human beings which are too often taken for granted. Increased awareness of these benefits is crucial to ensuring action for their protection. Maximising benefits and minimising risks both for companies and consumers is part of any responsible policy. A well-designed and agreed market-based approach is a necessary complement to regulatory public policy.

This event marked the close of the 2010 International Year of Biodiversity and launched a number of new post-2010 multi-stakeholder initiatives with a view, inter alia, to ensuring a transition to the International Year of Forests in 2011.

The results of the conference are summarised in a set of Recommendations endorsed by the Belgian Presidency:

- Ensure coherence between the EU strategies and plans that have recently been or will shortly be developed for the next decade, inter alia the “Biodiversity Strategy post 2010” and the “2020 strategy for sustainable growth”;
- Integrate the resource-efficiency and post-2010 biodiversity targets and goals into the EU 2020 Strategy as a key objective and into its implementation tools at Community and MS level;
- Increase the understanding of the socio-economic value of biodiversity for society;
- Share information and exchange views, best practices and experience for a twofold socio-economic and environmental benefit, in particular with regard to positive experiences of integrating biodiversity in strategies and/or management activities and obstacles and new challenges confronting private and public businesses;
- Translate the decisions taken in Nagoya into acts and the recommendations of the TEEB into concrete and pragmatic commitments by companies, consumers, trade unions and the various actors of civil society, inter alia through the EU Business @ Biodiversity Initiative;
- Identify needs at both strategic and operational levels for future work relating to the socio-economic aspect of biodiversity, in particular with regard to the business sector, trade unions, consumers, NGOs and other relevant sectors.

More information on the conference is to be found on <http://www.eutrio.be/pressrelease>