



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat
to: Delegations

Subject: Assessment of the Sixth Community Environment Action Programme and the way forward:
Towards a 7th EU Environment Action Programme
- Council conclusions

Delegations will find annexed for information:

- the Council conclusions on the above, as adopted by the Council (Environment) on 10 October 2011;
 - a statement that will be entered into the Council's minutes made by the Commission at the meeting.
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**ASSESSMENT OF THE SIXTH COMMUNITY ENVIRONMENT ACTION
PROGRAMME AND THE WAY FORWARD:
TOWARDS A 7th EU ENVIRONMENT ACTION PROGRAMME**

- Council Conclusions -

RECALLING that for the last 40 years, Environment Action Programmes have provided the EU with environment policy frameworks that have contributed to achieving environmental goals and mainstreaming environmental considerations in other EU policy areas, while providing all relevant stakeholders with a framework on upcoming legislation and actions;

RECALLING that the 2006 renewed EU Sustainable Development Strategy¹ contributes to mainstreaming the objectives and principles of sustainable development into a broad range of EU policies and that at the latest by 2011, the European Council will decide when a comprehensive review of the EU SDS needs to be launched;

RECALLING the Council conclusions 20 December 2010² on Improving environmental policy instruments and on Sustainable materials management and sustainable production and consumption: key contribution to a resource-efficient Europe³ as well as those of 28 June 2007⁴ on the Mid-term review of the Sixth Community Environment Action Programme (6th EAP)⁵;

CONSIDERING that the Europe 2020 Strategy for smart, sustainable and inclusive growth is expected to make a significant contribution towards a safe and sustainable, more resource-efficient, greener and more competitive EU economy, and UNDERLINING the need to ensure that the 7th EAP be coherent and complementary with the Europe 2020 Strategy as well as mutually reinforcing with the relevant flagship initiatives;

¹ Doc. 10917/06.

² Doc. 5302/11.

³ Doc. 17495/10.

⁴ Doc. 10796/07.

⁵ Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Action Programme (OJEU L 242, 10.9.2002, p.1).

UNDERLINING that the Union aims at a high level of protection and improvement of the quality of the environment pursuant to Article 3(3) of the Treaty on European Union (TEU), bearing in mind the principles of subsidiarity and proportionality pursuant to Article 5 of the TEU;

RECALLING that pursuant to the provisions of Article 192(3) of the Treaty on the Functioning of the European Union (TFEU), general action programmes setting out priority objectives to be attained shall be adopted in accordance with the ordinary legislative procedure;

RECALLING that the current 6th EAP will expire on 22 July 2012 and UNDERLINING the need to ensure continuity by having the 7th EAP adopted as soon as possible, in order to feed into the discussions on the next EU financial framework and hence contribute to its greening

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1. WELCOMES the Commission's communication on the final assessment of the 6th EAP⁶, based on an external assessment, the results of a public consultation and the European Environment Agency report "The European Environment - State and Outlook 2010 (SOER 2010).
2. WELCOMES the presentation by the Commission of its communication on a Roadmap to a resource efficient Europe⁷ and LOOKS FORWARD to advancing the issue in the forthcoming discussions on it.

⁶ Doc. 13683/11 - COM(2011)531 final.

⁷ Doc. 14632/11 + ADD 1 + ADD 2 - COM(2011) 571 final + SEC(2011) 1067 final + SEC(2011)1068 final.

3. NOTES with satisfaction that the overall conclusion of the final assessment is that on balance the 6th EAP has been helpful in that it provided an overarching framework for environment policy for a decade, during which environmental legislation has been consolidated and substantially completed; that most of the actions of the 6th EAP have been or are in the process of being completed; that adoption by co-decision⁸ has increased its legitimacy and has helped create a sense of ownership for subsequent policy proposals; and that the 6th EAP is widely perceived by EU, national, regional and local authorities as a reference point, thus providing arguments to promote environmental policy measures and to secure predictable funding for their implementation.
4. NOTES with satisfaction that the 6th EAP has contributed to making progress and reaching positive results in most of the thematic strategies⁹ and priority areas¹⁰. Although progress has varied across the areas covered by the thematic strategies, their preparation has in general helped to increase environmental awareness and build political will, and in some cases led to the adoption of effective targets and timetables and their subsequent implementation.
5. NOTES with concern that in its final assessment of the 6th EAP, the Commission concludes that the 6th EAP has a number of shortcomings and limitations, *inter alia* inadequate implementation and/or lack of necessary financial means, which has led to poor or insufficient achievement of some of its objectives.
6. INVITES the Commission and the Member States to further strengthen their efforts to complete the achievement of the 6th EAP objectives and to implement the EU environmental legislation.

⁸ The 6th EAP was the first EAP adopted by the European Parliament and the Council in co-decision, which under the Lisbon Treaty has become the ordinary legislative procedure (Article 294 TFEU).

⁹ The thematic strategies are: Air pollution, Sustainable use of pesticides, Prevention and recycling of waste, Sustainable use of natural resources, Soil protection, Protection and conservation of the marine environment and Urban environment.

¹⁰ The priority areas are: Climate change; Nature and biodiversity; Environment and health and quality of life; Natural resources and wastes (Article 1(4)).

7. CALLS ON the Commission and the Member States to enhance the integration of environmental considerations and the mutual coherence of the EU environment policy with respect to other EU policy areas in order to improve the impact of environment policy and actions; in this context, REITERATES its call, without prejudice to the future financial negotiations, for intensified greening of the EU Financial Framework in line with the Europe 2020 Strategy, *inter alia* to promote concrete environmental outcomes and the transition to a safe and sustainable low-carbon, resource efficient, biodiversity friendly and climate resilient economy.
8. Bearing in mind that the prudent and rational utilisation of natural resources is one of the main objectives of the EU environment policy¹¹, SUPPORTS the integration of resource efficiency considerations in the European Semester as of 2012 and UNDERLINES that the 7th EAP will provide an opportunity for further elaboration and implementation of the resource efficiency agenda.
9. INVITES the Commission and the Member States to take into account the shortfalls, challenges and lessons learnt that are *inter alia* identified in the assessment in relation to the different priority areas of the 6th EAP and the effectiveness of the strategic approaches and instruments, as well as the adequacy of the inputs provided and processes deployed, in order to improve the implementation and the performance of EU environmental policy and legislation.
10. In light of the above, INVITES the Commission to present, by January 2012 at the latest and pursuant to article 192(3) of the TFEU, a proposal for a 7th EAP that should *inter alia* address the challenges and objectives set out in paragraph 4 of the Council conclusions of 20 December 2010¹² on Improving environmental policy instruments.
11. REITERATES its invitation to the Commission to further promote health through environment policy by preparing as soon as possible a 2nd Environment and Health Action Plan (EHAP), in order to address *inter alia* the challenges and objectives set out in paragraph 5 of the above Council conclusions.

¹¹ Article 191(1) TFEU.

¹² Doc. 5302/11.

Statement from the Commission on the Conclusions to the Council's minutes

The Commission takes note of the Council's invitations in paragraphs 10 and 11 of the Conclusions to present a general Environment Action Programme setting out priority objectives by January 2012, and a second Environment and Health Action Plan respectively.

The Commission believes that a proposal for a future Environment Action Programme to be adopted through the ordinary legislative procedure should benefit from the views of at least both the Council and the European Parliament on the final assessment of the 6th Environment Action Programme and from a wide public consultation process. Commission also considers it essential to take into account both the achievements and the shortcomings identified in the final assessment of the 6th EAP to determine how a future environment action programme can best provide added value at EU level and maximise its impact on actually improving environmental outcomes. The Commission therefore considers that the adoption of a quality proposal in line with the principles of better regulation is not possible by January 2012.

Improving public health has been, and will continue to be, a key determinant underpinning environment policy especially as regards assessing the benefits of action, as well as linking research to policy. These aspects will therefore continue to be taken into account in future proposals. However any commitment as to the best form for achieving this, such as a decision to pursue it with a second Environment and Health Action Plan can only be taken after carefully assessing the added value of such plan, and its coherence with other policy instruments, notably the future general environment action programme.
