



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.02.2002

COM(2002) 84 final

2001/0029 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DECISION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**LAYING DOWN THE SIXTH COMMUNITY ENVIRONMENT ACTION
PROGRAMME**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DECISION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**LAYING DOWN THE SIXTH COMMUNITY ENVIRONMENT ACTION
PROGRAMME**

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 18 amendments proposed by Parliament on 17 January 2002.

2. BACKGROUND

Transmission of the Proposal to the Council and the European Parliament (COM(2001) 31) (in accordance with Article 175 (1) of the Treaty)	26 January 2001
Opinion of the Economic and Social Committee	30 May 2001
Opinion of the Committee of the Regions	13 June 2001
Opinion of the European Parliament – first reading	31 May 2001
Adoption of the Common Position	27 September 2001
Communication from the Commission to the European Parliament concerning the Common Position (SEC(2001) 1565 final)	2 October 2001
Opinion of the European Parliament – second reading	17 January 2002

3. PURPOSE OF THE PROPOSAL

The proposal outlines the priorities for action on the environment for the next ten years and provides the environmental component of the Community's strategy for sustainable development. It continues to pursue some of the objectives from the Fifth Environment Action Programme, which came to an end in 2000, but goes further, adopting a more strategic approach. It calls for the active involvement and accountability of all sections of society in the search for innovative, workable and sustainable solutions to today's environmental problems.

The proposal identifies four priority areas:

- Climate Change
- Nature and Biodiversity
- Environment and Health
- Natural Resources and Waste

To achieve improvements in these areas, the new Programme sets out five strategic approaches:

- Ensure the implementation of existing environmental legislation;
- Integrate environmental concerns into all relevant policy areas;
- Work closely with business and consumers to identify solutions;
- Ensure better and more accessible information on the environment for citizens;
- Develop a more environmentally conscious attitude towards land use.

While the proposal emphasises the need for more effective implementation, it also seeks to engage a wider constituency, including business, which can only gain from a successful environmental policy, through new and innovative instruments for meeting complex environmental challenges. A more effective use of legislation based on the best scientific evidence is sought together with a more participatory approach to policy making.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

In second reading, Parliament has submitted amendments of a general nature that seek to emphasise sustainability, re-introduce provisions on environmental crime, promote environmental compatibility of subsidies and fiscal measures, and raising the quality of information upon which policy is based.

In addition, Parliament requests that the various thematic strategies be subject to co-decision, and that they be ready for implementation two years earlier than scheduled in the common position. Parliament has also added targets and actions in respect of climate change and the urban environment.

4.1. Amendments accepted by the Commission

- The Commission accepts amendment 5, which seeks to provide for measures to combat environmental crime, as the Commission had originally proposed.
- The Commission accepts the editorial revision on low fuel-consuming vehicles contained in amendment 19.

- The Commission supports amendment 33, which clarifies that there needs to be decoupling of GDP and transport growth. This wording furthermore is consistent with the Gothenburg European Council conclusions concerning the need to tackle rising volumes of traffic.

4.2. Amendments accepted by the Commission in principle or in part

- The Commission welcomes the suggestion contained in amendment 2 to underline that the 6th environment action programme “is a contribution to the environmental dimension of the European sustainable development strategy and to the integration of environmental concerns into other Community policies”.
- The Commission accepts amendment 39, the wording of which recalls the Commission’s original proposal, with a view to “bringing about more sustainable production and consumption patterns... and aiming to ensure that the consumption of renewable and non-renewable resources does not exceed the carrying capacity of the environment”.
- The general demand in amendment 4 to emphasise the awareness-raising of citizens and local authorities is already provided in the common position (articles 2.3 and 3.9). However, the Commission would support a specific reference to “developing initiatives to raise the awareness of local authorities”, as they play a key role, especially in implementation. Citizens are already covered in article 3.9.
- The Commission accepts the need to “identify criteria that would allow environmentally negative subsidies to be recorded” (amendment 46), although setting a date is unacceptable in the absence of a clearer idea of the resources required for this task. Additionally, the Commission welcomes amendment 45, which advocates “encouraging the use of... environmental taxes and incentives at Community level”.
- The Commission is prepared to “provide on an oral basis annual reports to Parliament and Council” concerning the development of the thematic strategies (amendment 14).
- Concerning the proposed interim target for climate change (amendment 15), the Commission continues to support the provisional target suggested in its communication on a sustainable development strategy. This stipulates that “after meeting its Kyoto commitment, the EU should aim to reduce atmospheric greenhouse gas emissions by an average of 1% per annum over 1990 levels up to 2020”. In support of the climate change objectives, the Commission can also support the suggestion “to undertake further action to reduce greenhouse gas emissions from motor vehicles” (amendment 18), but this should not be limited only to legislative action.
- The Commission can support the suggestion that would prescribe an “integrated, horizontal approach” for the urban thematic strategy (amendment 32) in support of “improving the quality of the urban environment”.
- The Commission can support the principle of making public impact evaluations (amendment 43) but otherwise considers that Parliament’s amendment is too restrictive in limiting this to environmental impact studies. At the same time, the scope suggested (“all Commission Decisions and legislative proposals”) goes beyond that set out in the Declaration n° 12 adopted at the time of the Treaty of Amsterdam. In any case, full and effective use and implementation of environmental impact assessment and strategic environment assessment is already provided as a strategic approach under article 3.3. The

common position should be maintained but with the addition of “and publication of the results”.

4.3. Amendments rejected by the Commission

- The Commission opposes amendment 41, which would require that each and every thematic strategy be subject to co-decision. In addition, the Commission cannot support amendment 13, which would bring forward the deadline by which strategies must be ready for implementation by two years from five to three. The thematic strategies have been suggested as a flexible response to specific priority environmental problems, and the appropriate form of the strategy should only be decided in the light of the widespread consultation that will take place. The common position recognises this while giving a signal that the use of a Decision is to be considered. The need to prepare and consult means that a deadline of three years for all strategies to be ready for implementation is unrealistic.
- At present, the Commission cannot accept the additional target of stabilising transport CO₂ emissions in the context of the Kyoto 8% reduction target for 2008-2012 (amendment 42) since the establishment of sector-specific environmental targets needs to be based on an analysis of feasible options and cost-effectiveness. The Commission will address environmental targets in the transport sphere in a Communication in 2002, as announced in the White Paper on the common transport policy.
- The Commission considers that amendment 20 on measures to reduce emissions of industrial greenhouse gases is superfluous to the text of the common position, which already provides for phasing out production and reducing use of the relevant gases (HFC, PFC, SF₆).
- The date provided for in amendment 38 concerning information on indicators is out of place. Proposing a date (of 2003) suggests that information is to be provided on a one-off basis, whereas the provision of such information is meant to be regular, as set out on article 10e of the common position.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.