OPINIONS

COMMITTEE OF THE REGIONS

86TH PLENARY SESSION HELD ON 5 AND 6 OCTOBER 2010

Opinion of the Committee of the Regions on 'The role of local and regional authorities in future environmental policy' (outlook opinion)

(2011/C 15/02)

THE COMMITTEE OF THE REGIONS

— believes that local and regional authorities should play a greater role in formulating EU environmental policy as this guarantees better implementation and ownership. Innovative methods of multilevel governance, including harnessing existing networks and platforms, will promote pro-active commitment of local and regional authorities. The Covenant of Mayors could be regarded as a reference in this regard and its concept could be extended to other key EU environmental policy areas;

— invites the European Commission to explore co-organising an annual forum to address regional and local problems and solutions in the application of EU environmental law and calls upon the European Parliament to associate the CoR to its debates with the European Commission on implementation of European environmental law;

— invites Member States to ensure that the internal distribution of competences is respected and proper procedures are put in place for consultation, including the setting up of 'dossier/transposition teams' consisting of experts from the national administration, regions and associations of local authorities to work together throughout the whole policy cycle;

— supports a general and binding framework on environmental inspections. The details of the form and content of inspections should be regulated nationally and developed at local and regional level, on the basis of general principles set by the EU and at lower levels of government;

— stresses that a 7th Environment Action Programme would be a key pillar of the EU2020 Strategy and is needed to articulate its implications for environmental policy. It should set clear targets and timetables, as well as maintain a common thematic strategy on soil protection including the aim to adopt a Soil Framework Directive.

Rapporteur:	Mrs Paula Baker (UK/ALDE), Member of Basingstoke and Deane Council
Reference document:	Spanish presidency referral

I. **POLICY RECOMMENDATIONS**

THE COMMITTEE OF THE REGIONS

A. **General**

1. welcomes being involved in 'Better instruments for environmental policy' and work towards a 7th Environment Action Programme, because local and regional authorities are key to the delivery of environmental policy and achievement of tangible results;

2. applauds the excellent work on environmental issues already done by many Local and Regional authorities and wishes to encourage them further;

3. recognises that effective application is an obstacle. In 2008, 23,5 % (481) of all infringements of EU legislation related to the environment ([1]), indicating continuing damage to the environment and distortion of competition;

4. aims in this opinion to highlight opportunities to increase the effectiveness of environmental protection at all levels of governance and all stages of policy development;

B. **Enhancing coordination and governance**

5. believes local and regional authorities should play a greater role in formulating EU environmental policy. Their involvement guarantees better implementation and ownership. The CoR's concept of multilevel governance should be applied to EU environmental policy and the pilot work on tripartite contracts between the EU, National and Regional or Local levels should be extended ([2]). This would allow a true sharing of responsibilities between the different levels of governance in order to meet agreed outcomes;

6. believes innovative methods of multilevel governance, including harnessing existing networks and platforms, will promote pro-active commitment of local and regional authorities instead of relying on simple enforcement of EU law via the Member States. There are many examples in Europe's regions and cities where local levels have taken ambitious action when the Member State was not acting such as Local Agenda 21 which stemmed from the 1992 Earth Summit. The Covenant of Mayors could be regarded as a reference in this regard;

7. urges the European Commission to examine whether this concept could be extended to other key EU environmental policy areas such as biodiversity, waste and water, noise and air pollution and land use, taking an integrated approach that involves intersectoral coordination;

8. regrets that although regional and local authorities have clear tasks in environmental protection, EU environmental legislation addresses Member States and requests the designation of a 'competent authority' only (seldom 'authorities') and mentions cooperation only exceptionally ([3]);

9. regrets the lack of emphasis on actions supporting good local and regional governance in European Commission plans to improve implementation of EU environmental laws ([4]);

10. points out that article 11 of the Lisbon Treaty imposes stronger dialogue and consultation by European Institutions. Local and regional authorities believe this new provision offers opportunities to develop their role in the formulation of EU policy. Further, the principle of subsidiarity is extended to regional and local levels and article 5 of the Subsidiarity Protocol states that draft legislative acts shall contain an assessment of the proposal's financial impact and implications for the rules to be put in place by Member States, including regional legislation;

11. believes the European Commission's impact assessment should be extended to the local and regional level with territorial impact analysis becoming standard practice;

12. calls upon the European Parliament and Council to make amendments and modifications to legislative proposals which have far-reaching impacts on local and regional authorities, subject to impact assessment similar to that carried out for the initial proposal;

13. underlines that implementation of environmental legislation often requires significant administrative and financial commitment and competence as regards the contents and skills involved, as well as a political will. Identifying the impact on local and regional institutional structures may help justify greater financial incentives and the European and national support necessary;

([1]) COM(2009) 304 final, European Commission website 'Statistics on environmental infringements'.

([2]) CdR 89/2009 fin, COM(2002) 709 final.

([3]) Brussels Environment (IBGE) Study 2010 'The Regional Dimension in EU Environmental Regulations and Directives', http://www.eapdebate.org/files/files/study-regionaldimension.pdf.

([4]) COM(2008) 773/4.

14. deems it essential for the European Commission to have common instruments in order to provide local and regional authorities with sufficient resources to meet the objectives laid down;

15. insists that better communication is needed across all governance levels during all phases of policy development; including investment in information systems and internet tools that make environmental information transparent to the public and public institutions. Reporting pressure on local and regional authorities can be reduced by ICT without affecting the impact of legislation;

16. advises that national Environment Ministries should set up vertical 'dossier teams' consisting of experts from the national administration, regions and associations of local authorities to work together throughout the whole policy cycle;

17. wishes to see strong promotion of the EU's LIFE+ Programme in all regions of Europe to boost innovative local actions, and to increase impact and visibility of its 'Environment Policy and Governance' strand;

18. welcomes the European Commission suggestion of establishing permanent implementation networks involving European Commission staff and Member State contact points ([5]). Member State contact points should be supported by national implementation teams involving local and regional administrators;

19. urges, without further delay, follow up in the Council of the proposal for a Directive on access to justice in environmental matters, approved by the European Parliament in 2004. This would fully implement the Aarhus Convention and contribute to better and more consistent enforcement of environmental law;

20. urges knowledge sharing across judicial systems dealing with infringements and non-compliance with EU environmental legislation;

21. supports the European Parliament's call for a general and binding framework on environmental inspections, establishment of an EU environmental inspection force, and a strengthened EU Network for the Implementation and Enforcement of Environmental Law (IMPEL) ([6]). A binding instrument for inspections can reduce unfair competition between EU regions and cities due to different inspection regimes, as well as ensure standardised legal action. However, the details of the form and content of inspections should be regulated nationally and developed at local and regional level, on the basis of general principles set by the EU and at lower levels of government;

22. reiterates its recommendation for an extended IMPEL network to the local and regional levels in all Member States which could include developing strong national IMPEL networks to disseminate IMPEL outcomes widely ([7]);

C. **Establishing more effective links between policies**

23. welcomes recent work between REGIO and DG ENV to ensure the former's actions fully respect environmental requirements and believe this coherence is needed across all departments. The holistic agenda signalled in the EU 2020 strategy is welcomed, but it needs a strong territorial dimension;

24. insists that policy coherence and environmental impacts are considered in the review of the EU budget post 2013 and all EU Cohesion and Agriculture funding;

25. stresses that there are unintended contradictions between different elements of environmental legislation. For example, waste minimisation should be regulated through both the Waste Framework Directive and the Product Directive. Simplification to clear, unambiguous and outcome-focussed legislation will make regulations more targeted, better accepted and applied;

26. underlines that when the European Commission is drafting or revising European legislation local and regional authorities should be consulted. Their valuable experience can aid early detection of inconsistencies with other policies or harmful impacts and enhance the effectiveness of legislation;

27. seeks an easing of the rules on market distortion where these are a barrier to green public procurement;

28. insists legislation that addresses the source of an environmental impact is crucial to achieve environmental objectives and ensure consistency obligations on local and regional authorities. For example, local and regional authorities cannot influence emissions standards of vehicles but must meet EU air quality targets;

29. advocates the use of market based instruments that reflect the full cost of a good or service, making it's lifetime environmental impacts visible to the consumer at the time of purchase and underlining producer responsibility;

([5]) COM(2008) 773/4.

([6]) Resolution of 20 November 2008 on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States.

([7]) CdR 36/2001 fin.

D. **How local and regional authorities can carry out more environmental work**

Issues of governance

30. invites Member States to ensure that the internal distribution of competences is respected and proper procedures are put in place for consultation with local and regional authorities. Good collaboration, in particular by 'transposition teams' of national, regional and local administrators, supports mutual understanding and successful implementation of legislation ([8]);

31. highlights the pivotal role regional and local authorities have in collecting environmental data. To ensure reports and indicators relating to the state of the EU environment are consistent, effective and reliable, the correct responsibilities, resources and information flows between municipalities, regions and Member States are needed;

32. encourages transparency of functions, in particular between departments who enforce EU environmental law and those who supply environmental services or infrastructure and spatial planning;

Information sharing

33. urges national and regional environment ministries and agencies, with the involvement of representatives of local and regional authorities to develop guidance documents, including specific proposals for instruments, benchmarks and templates for procedures to be implemented by local and regional authorities. At the same time they should take appropriate measures to boost cooperation between local and regional authorities in the EU confronted with comparable environmental problems;

34. endorses the value of sharing good practice between local and regional authorities including ways to overcome challenges of information access and visibility or language differences;

Engaging and involving citizens

35. congratulates those authorities who inspire and involve citizens to set shared long-term quality of life visions for their areas, linking environmental, social and economic issues;

36. urges support for education and research to reinforce connections between the citizen and their environment. Citizens are not fully aware of the role that environment plays in their lives ([9]). Being the closest level to local communities, local and regional authorities can encourage greater awareness among citizens of all ages;

37. believes authorities should introduce procedures for disseminating information, preferably via the internet, and implement the Aarhus Convention ([10]), giving access to environmental justice, engaging the public in monitoring local implementation of EU environmental policy and establishing appropriate tools for participatory democracy and local ownership;

38. believes the SEA and EIA Directives are key instruments for local and regional environmental policy and public participation ([11]) to ensure local knowledge is taken into account, while noting the cost and skills implications;

39. urges local and regional authorities to use simplified, coordinated public mechanisms for environmental monitoring, which make it easier to meet the requirements laid down by legislation and promoting the relationship between administrations and the public based on the principles of efficiency, transparency and shared responsibility;

Finance and horizontal integration

40. invites local and regional authorities to integrate the environment across all areas of activity, for example by supporting green local businesses by venture capital, business angels, and micro-credits, including advice on green procurement;

41. encourages local and regional authorities to be 'Green Procurers'. Public procurement amounts to 16 % of the EU GDP and should ensure best environmental value, the new Green Public Procurement website (http://ec.europa.eu/environment/gpp) is therefore welcomed;

42. endorses full use of the cost recovery options provided for Article 9 of the Water Framework Directive, to provide incentives for savings and efficiencies, and Article 14 of the Waste Framework Directive to make environmental costs visible to the user, and calls for similar economic instruments to be included in future proposals;

43. endorses close alignment of planning (including sustainable spatial planning) with manufacturing and distribution, with due respect for existing national planning systems, in order to promote low carbon development, sustainable production, resource efficiency and renewable energy, and in this way create green jobs and promote sustainable growth, while reducing impacts on the environment and public health;

([8]) CdR 199/2009 fin, CdR 89/2009 fin, EIPA 2009 study 'The institutional impacts of EU legislation on local and regional governments'.

([9]) According to Eurobarometer special surveys on public attitudes to the environment (biodiversity 2010, climate change 2009, environment 2008), see http://ec.europa.eu/environment/working_en.htm.

([10]) UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

([11]) CdR 38/2010 fin.

44. calls for future policy-making on environmental management in border regions and in adjoining areas with common rivers or other shared border waters to make better use of partnership programmes such as Euroregions at local level to exert influence in the neighbouring country and to draft and implement common environmental protection programmes;

E. **How the CoR can contribute**

In the policy development stage

45. invites the European Commission to take a more pro-active approach in seeking early input by the CoR into policy elaboration, by requesting Outlook Opinions;

46. commits to continue the existing cooperation with the European Commission in assessing the impact of certain proposals on local and regional authorities (territorial impact assessments) through the CoR's specific networks, the CoR's Subsidiarity Monitoring Network and EU2020 Monitoring Platform;

In both the policy development and the decision phases

47. commits to feed grassroots experience from practitioners of local and regional administrations into the drafting of its opinions. This includes targeted consultations of the CoR's specific networks, the CoR's Subsidiarity Monitoring Network and EU2020 Monitoring Platform, as well as organising hearings with local and regional associations and key stakeholders;

In the decision phase

48. stresses that the Lisbon Treaty has strengthened the role of the CoR in decision-making on EU climate change policy by introducing an explicit mandatory consultation of the CoR, further welcomes the Lisbon Treaty provision for a right of re-consultation if an initial legislative proposal is modified substantially in the legislative process, enabling the CoR to draw up revised opinions;

49. wishes to reinforce cooperation with the co-legislators European Parliament and the Council on environmental dossiers. The ENVI Committee of the European Parliament could explore joint hearings and invite CoR rapporteurs to present key CoR opinions. Member States could invite the CoR to participate systematically in the informal Council meeting of environment ministers ([12]);

In improving implementation

50. invites the European Commission to explore co-organising an annual forum to address regional and local problems and solutions in the application of EU environmental law in specific sectors, such as water or biodiversity, noise, air or waste;

51. calls upon the European Parliament to associate the CoR's ENVE Commission to the specific ENVI Committee debates with the European Commission on implementation of European environmental law;

52. suggests development of the European Green Capital Award, and highlights its desire to be involved in the jury of the Award. To this end, suggests:

— budgetary resources for the winners to promote the EU added value of their award event(s), as in the European Capital of Culture Award;

— maximising the benefits and the legacy which cities experience as the European Green Capital; including networking of winners for knowledge exchange and best practice. CoR support could be envisaged as hosting events and reporting outcomes to the CoR and European Commission;

— that the CoR orients its European events, conferences and Commission meetings in the respective European Green Capital of the year to further enhance exchange of know-how and best practice;

— encouraging European Green Capitals to report back after some years on what further has been done in the field of sustainable urban policy. They should be invited to share new achievements and visions with other cities and interested stakeholders at key European events;

— the Award to promote public involvement in participatory democracy and local ownership, including a regional dimension by involving the city's hinterland in European Green Capital Award activities;

— refining the selection process e.g. the opportunity for the jury to interview representatives of, and arrange visits to, short-listed cities;

— to increase the visibility of the Award, its award ceremony could be co-hosted by the CoR;

F. **Towards a future environmental policy framework**

The need for a 7th Environmental Action Programme

53. believes the 6th EAP has been instrumental in achieving the EU environmental acquis to date and that a 7th EAP is needed;

([12]) CdR 89/2009 fin.

54. stresses that a 7th EAP would strengthen the SDS and be a key pillar of the future EU2020 Strategy, which makes frequent references to 'green growth' and the transition to a low-carbon, resource efficient, economy. A 7th EAP is needed to articulate what is meant by these terms and translate their implications for environmental policy;

55. argues that a 7th EAP will benefit businesses as well as local and regional authorities by providing a structured, long term, planning framework, including for major infrastructure investments;

56. points out that environmental policy must be integrated though all areas of policy, which cannot be achieved through issue specific legislation alone;

57. fears that a failure to adopt another EAP on the expiry of the 6th EAP, which was the first EAP that constitutes a legal instrument with binding decisions, would be seen as a lack of political commitment in an area that is recognised as a key concern of citizens;

Possible Elements of a 7th EAP

58. regrets the lack of explicit reference to the Committee of the Regions in the 6th EAP and urges the principle of multilevel governance with regard to the environment becomes an important element of a 7th EAP;

59. believes a 7th EAP is a long-term strategic planning document, which should set clear targets and timetables, move from relative to absolute targets (e.g. CO_2/per capita) for reductions of specific pressures on the environment and articulate clear environmental outcomes, based on the SOER 2010 ([13]);

60. notes that implementation of a 7th EAP should take into consideration local and regional authorities' powers and political and administrative scope;

61. believes that it should include a fundamental review of data management and capture to ensure accurate comparisons of performance and more meaningful understanding of best practice;

62. believes the 7th EAP should encourage further use of market instruments in combination with regulation. The 6th EAP promoted the use of economic instruments to improve resource efficiency and minimise environmental impact. Where this approach has been used it eases the financial burden on local and regional authorities and improves implementation;

63. calls for the 7th EAP to promote the provision, as of 2013, for regions and cities to benefit directly from the financial resources generated by the greenhouse gas emission allowance trading scheme in order to fund local programmes combating climate change;

64. suggests it has a long horizon, until 2020 as a minimum as we need to plan now for 2050, accompanied by mid-term evaluation and monitoring and clear road maps with interim targets;

65. suggests a systematic approach on resource efficiency, including specific targets and timetables for absolute quantitative reductions in natural resource use and the adoption of a new definition GDP that takes environmental impact into account;

66. strongly urges that links between different policy areas are maintained and environmental objectives and requirements are integrated across sectors, for example land use and urban planning, urban mobility, agriculture, forestry, noise, air pollution and health;

67. urges integration of environmental objectives in major budget areas such as Rural Development and Agriculture;

68. notes that 75 % of the EU population live in cities and they generate 75 % of green house gas emissions, but they are also centres of education, research and innovation. There needs to be a clear urban dimension in the 7th EAP and a mechanism to engage and empower cities;

69. recognises that the processes which are leading to the reduction of soil are undermining the EU's common objectives on climate change, food safety and biodiversity. A common thematic strategy on soil protection including the aim to adopt a Soil Framework Directive should therefore remain part of the 7th EAP.

Brussels, 5 October 2010.

The President
of the Committee of the Regions
Mercedes BRESSO

([13]) EEA State of the Environment Report, due November 2010.