TRANSPORT AND THE ENVIRONMENT COMMITTEE

AGENDA

17th Meeting, 2001 (Session 1)

Tuesday 12 June 2001

The Committee will meet at 2.00 pm in The Hub to consider the following agenda items:

1. **Items in private:** The Committee will consider whether to take item 7 in private.

2. **Sixth Environmental Action Programme:** The Committee will take evidence from—
   
   Jim Currie, Director General, DG Environment, European Commission.

   *Not before 3.00 pm*

3. **Subordinate Legislation:** The Committee will consider the following affirmative instrument—

   The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No 2) Order 2001, (Draft)

4. **Highlands and Islands Ferry Services:** The Committee will consider a further paper from the Reporters on the Scottish Executive's proposals for the future of the Highlands and Islands ferry service network.

5. **Procedures Committee Inquiry into the application of Consultative Steering Group principles in the Scottish Parliament:** The Committee will consider a paper from the Procedures Committee.

6. **Petition PE 96:** The Committee will consider how to take forward consideration of Petition PE 96, by Mr Allan Berry, which calls on the Parliament to hold an inquiry into the adverse environmental effects of sea cage fish farming.

7. **Water Inquiry:** The Committee will consider a further draft report on its inquiry into water and the water industry.
The following public papers are relevant for this meeting:

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OFFICIAL NEWS RELEASE OF THE SWEDISH PRESIDENCY;

EUROPEAN ENVIRONMENT COUNCIL 7 AND 8 JUNE

Policy area: Environment
News item: Press release

On Thursday 7 June and Friday 8 June, the Swedish Minister for the Environment, Kjell Larsson, will chair the second and final Environment Council meeting of the Swedish Presidency.

It is a packed programme. The Presidency hopes that the ministers will be able to reach consensus on no fewer than five common positions and four council conclusions.

The Government singled out four priority issues prior to taking up the Presidency: a new EU environmental programme, climate change, chemicals and more environment-friendly products.

All four issues will be discussed at the meeting in Luxembourg.

The Ministers are to adopt common positions on:

• **The sixth Environmental Action Programme**: The new EU environmental programme will establish the focus of environmental policy for the next ten years. Not only is this important for the environmental field but it will also reinforce environmental concerns in all policy areas. One of Sweden’s principal goals as President of the EU has been to bring about a preliminary decision on the programme before the Göteborg Summit since the programme establishes fundamental environmental objectives that are important if it is to be possible to adopt the European Sustainable Development Strategy in Göteborg.

The debate on the Commission’s proposal has centred on whether the programme needs to be more clear-cut as regards objectives and timetables.

The programme has been discussed during the spring in the Environmental Council Working Party and has been made much more tangible and precise.

The programme has been strengthened as regards, for example, the need for integrating environmental policy into the different sectors, the need for clearer messages when it comes to the environment in the candidate countries and the need for more efficient resource use. These issues were emphasised by the environment ministers at the council meeting in March. at which juncture it was also pointed out that the programme should place more emphasis on the urban environment and should include a producer responsibility for chemicals. This was also included in the Presidency’s proposal.

There is also a proposal for a so-called “generation objective” - an objective to be achieved within one generation - for chemicals, similar to the generation objective introduced in Sweden. The substitution principle is to be included for pesticide use.
This means that hazardous substances are to be replaced when a less hazardous alternative exists. There is also a requirement for a reduction in the use of pesticides.

The proposal contains four themes, setting out targets and concrete measures: climate change, biodiversity, the link between the environment and human health and the use of natural resources.

The programme will be followed up using seven strategies. The Commission will be requested to develop more detailed proposals. The strategies concern air quality, pesticides, resource use, the urban environment, land use, the marine environment and waste recovery. The Commission proposed six strategies to which a seventh concerning the urban environment has now been added.

Last Thursday, the Parliament voted on the proposal having processed it extremely rapidly. MEPs approved 230 proposals for amendments. There are still certain undecided issues prior to the council meeting but there is strong possibility that a common position will be adopted.

**Electronic waste**

Waste from electrical and electronic equipment (WEEE) is increasing rapidly.

To counter this, the Commission has proposed a directive on waste from electrical and electronic equipment. The WEEE directive will protect land, water and air from electronic waste emissions. There is also a directive restricting the use of certain hazardous substances in electrical and electronic products. This directive is aimed at phasing out lead, mercury, cadmium, hexavalent chromium as well as brominated flame retardants, PBB and PBDE in new electrical and electronic products as from 1 January 2008. There are a number of unresolved issues that hopefully can be ironed out at the meeting. These include timetables for when collection, recycling and re-use targets are to be met.

**Chemical discharges to water**

The proposal contains a list of 32 chemical substances, divided up into three categories: priority substances, certain priority hazardous substances and priority hazardous substances under review pending better data on which to base decisions.

Cont. For the priority substances, the Commission has two years in which to propose rules that will reduce emissions. For the priority hazardous substances, the Commission is to propose rules to stop or gradually eliminate emissions within 20 years. A final decision on the third category is to be taken one year after the current decision.

Hazardous substances include brominated flame retardants, short chain chlorinated paraffins (SCCP), phthalates, PAH, mercury, cadmium and lead. A decision on the list and subsequent measures is a way for the EU of implementing its commitments within the North Sea Project, OSPAR (emissions to the Northeast Atlantic) and HELCOM (emissions to the Baltic Sea).

**Cold-start requirements**

The proposal only covers gasoline-driven light commercial vehicles and light-duty buses. As from 2003, requirements are being introduced that will force manufacturers to choose technology that reduces emissions of hydrocarbons and carbon monoxide. The aim is to reduce emissions when driving with a cold engine at
low ambient temperatures, so-called cold-start requirements. The new requirements will lead to cleaner air during the cold season.

**Public access to environmental information**

The ministers will adopt the directive on public access to environmental information. The proposal will give the general public the right of access to environmental information at public authorities and contains, among other things, provisions setting out the applicable rules for when people ask for information and detailing the right to appeal against a decision. All the EU Member States and the EC Commission are signatories to the Århus Convention on the access to information and public participation in decision-making. The directive implements the provisions of the convention and will help Member States in their preparations for ratification of the convention.

The ministers are to adopt council conclusions on:

**The Chemicals Strategy**

In February, the Commission presented a white paper containing a future EU chemicals policy strategy. The Commission is proposing a new system whereby the requirements on all chemicals are the same, irrespective of whether they are new or existing substances. The fundamental principles of the new system are to be the precautionary and substitution principles.

The Presidency's proposal is based on the Commission's white paper, though with some amendments. These include the introduction of a "generation objective", very similar to the Swedish one. Långlivade och bioackumulerande ska omfattas av tillståndssystemet

Another proposal is that very persistent and bioaccumulative substances should be covered by the licensing system.

The same is true of substances that are somewhat less persistent, bioaccumulative and toxic. The conclusions also emphasise that industry should be obliged to obtain sufficient knowledge in order to ensure safe use of all substances.

**Integrated Product Policy (IPP)**

In February 2001, the EU Commission presented a green paper on Integrated Product Policy. The paper presented a strategy for promoting the development of environmentally sound products. During the spring, the Presidency has drafted preliminary council conclusions. Important issues pinpointed in the conclusions include the impact of products and services on human health and the environment and the need for IPP follow-up targets. The proposal also emphasises economic instruments, public procurement support and the impact of globalisation and worldwide trade.

The aims of IPP are to reduce the spread of hazardous substances from products that affect the environment and human health; to promote more sustainable products and make them more resource-efficient; and to reduce greenhouse gas emissions by less transportation and better production processes.
Climate change

During the council meeting, the ministers will discuss the current state of international climate negotiations. Further climate talks will take place in the last week of June in The Hague and as part of COP 6 in Bonn in July.

The ministers will also adopt council conclusions on climate change at the council meeting. The council conclusions are in three parts: Firstly, the conclusions of the UN Intergovernmental Panel on Climate Change will be emphasised. The second part will focus more on stressing the EU’s desire to complete negotiations and pave the way for further work with the ratification of the Kyoto Protocol. The final part will highlight the on-going EU efforts aimed at achieving the EU’s common commitment to an 8-percent reduction in emissions by 2010.

The Commission will also present a progress report on the work going on in the European Climate Change Programme (ECCP) and concerning preparations for the ratification of the Kyoto Protocol.

Preparations in the run-up to the World Summit on Sustainable Development in Johannesburg in 2002.

Ten years after the Rio Conference, the UN is arranging a world summit on sustainable development in Johannesburg. At the council meeting, council conclusions will be adopted on the EU’s further preparations prior to the world summit.

The conclusions will emphasise the overall issues of poverty alleviation and sustainable patterns of production and consumption. Four themes are presented: protection of natural resources in favour of economic and social development, the integration of environmental protection and poverty alleviation, sustainable globalisation and good society management and participation.

- In addition, the Presidency will present a progress report on efforts to integrate environmental concerns into all policy areas and inform the meeting of how preparations are progressing prior to the Göteborg Summit on sustainable development.
EU ALERT

Subject: 6th EAP update  
Date: 25 May 2001  
Contact: Veronica McWatt / veronica.mcwatt@scotent.co.uk  
Ref: 2505/37

The Environment Committee has approved by 36 votes to six, with six abstentions, the Commission’s proposed Environment Action Programme for the next ten years, subject to numerous binding amendments that seek to pin the programme down to specific objectives and a firm timetable for achieving them.

The committee, which adopted some 250 amendments at a special, marathon voting session in Strasbourg last Monday supports the Commission proposals for a new Environmental Action Programme subject to numerous amendments that seek to pin the programme down to specific objectives and a firm timetable for achieving them. The Myller Report endorses the Commission’s four priority areas, namely: climate change, bio-diversity, the environment and health and the sustainable management of natural resources and waste, but wants to make the programme more strategic, with compulsory thematic programmes, as well including long-term goals that reach beyond 2010. It also wants the programme to form the environmental pillar of the EU’s sustainable development strategy to be adopted at the Gothenburg summit in June.

The Report believes that the Action Programme should pay much greater attention to enlargement, which will be taking place during the period covered by the programme. One of the amendments it adopted seeks to include the candidate countries in the Natura 2000 nature conservation network. Other amendments call on the EU to take the lead in international environmental policy, press for ratification of the Kyoto Protocol on climate change in 2002, demand EU funding for third-world countries to develop sustainable development programmes and seek the protection of ‘hotspots’ in developing countries.

The Report says the Common Agricultural Policy review in 2003 must enhance rural development and environmentally sound farming, the food industry must guarantee quality products and labelling and monitoring of genetically modified organisms (GMOs) must be strengthened. It stresses that the implementation of environmental legislation must be improved with penalties imposed on recalcitrant Member States, backed up with a policy of ‘name, shame and fame’ to encourage compliance. It wants to involve local communities and business in environmental policy and find ways of changing consumer behaviour. It also proposes a green-energy label by 2005 and cross-border green belts, an integrated urban environment strategy, the development of public transport, stringent noise, air and water pollution limits, action to reduce electro-magnetic pollution and reduce dumping of waste at sea and measures to reduce the environmental damage caused by tourism.

The report is scheduled for debate by the full House, at first reading under the co-decision procedure, on Wednesday, 30 May with the vote the following day.
EU ALERT

Subject: EP adopts 6th EAP
Date: 31 May 2001
Contact: Veronica McWatt / veronica.mcwatt@scotent.co.uk
Ref: 3105/39

Parliament demands concrete goals for next Environment Action Programme

Debate : 30.05.2001
Vote : 31.05.2001

Parliament has adopted a resolution approving the Commission’s proposed Environment Action Programme for the next ten years, subject to numerous binding amendments that seek to pin the programme down to specific objectives and a firm timetable for achieving them. Voting was 274 to 150 with 31 abstentions.

It endorses the Commission’s four priority areas, namely: climate change, bio-diversity, the environment and health and the sustainable management of natural resources and waste, but wants to make the programme more strategic, with compulsory thematic programmes, as well including long-term goals that reach beyond 2010. It also wants the programme to form the environmental pillar of the EU’s sustainable development strategy to be adopted at the Gothenburg summit in June.

Parliament is backing demands by, Riitta MYLLER (PES, FIN), that the programme ‘Environment 2010: Our future, our choice’ should pay much greater attention to enlargement, which will be taking place during the period covered by the programme. One of the amendments it has adopted seeks to include the candidate countries in the Natura 2000 nature conservation network.

Other amendments call on the EU to take the lead in international environmental policy, press for ratification of the Kyoto Protocol on climate change in 2002, demand EU funding for third-world countries to develop sustainable development programmes and seek the protection of ‘hotspots’ in developing countries.

MEPs say the Common Agricultural Policy review in 2003 must enhance rural development and environmentally sound farming, the food industry must guarantee quality products and labelling and monitoring of genetically modified organisms (GMOs) must be strengthened.

They stress that the implementation of environmental legislation must be improved with penalties imposed on recalcitrant Member States, backed up with a policy of ‘name, shame and fame’ to encourage compliance. They want to involve local communities and business in environmental policy and find ways of changing consumer behaviour.

They also propose a green-energy label by 2005 and cross-border green belts, an integrated urban environment strategy, the development of public transport, stringent noise, air and water pollution limits, action to reduce electro-magnetic pollution and reduce dumping of waste at sea and measures to reduce the environmental damage caused by tourism.
TE/01/17/2

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Scottish Statutory Instrument
The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No.2) Order 2001

1. The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No.2) Order 2001 (draft) was laid on 18 May 2001 and has been referred to the Transport and the Environment Committee for consideration. A copy of the instrument is attached as paper TE/01/8/2 along with an Executive note (paper TE/01/8/3).

2. The Report is laid under an affirmative procedure which means that the Parliament must approve the instrument before it may come into force. The sponsoring Minister (Rhona Brankin, Deputy Minister for Environment and Rural Development) has accordingly lodged a motion that the Transport and the Environment Committee recommends that The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No 2) Order 2001, (draft) be approved (S1M-1949).

3. The Transport and the Environment Committee is asked to report on the instrument by 18 June 2001 and Parliament has until 26 June 2001 to deal with the instrument.

4. The draft Order transfers powers to the Scottish Ministers (under section 63 of the Scotland Act) in relation to the promotion of renewable energy in Scotland. The powers transferred are those of imposing obligation on electricity suppliers to supply a specified percentage of renewable energy. Scottish Ministers are also given powers to make certain savings Orders under section 67 of the Utilities Act 2000.

5. The Transport and Environment Committee looked at the issue of renewable energy as part of their consideration of the Budget Process for 2002/03 and discussed the funding arrangements for renewables.

6. The Subordinate Legislation Committee considered the instrument at its meeting on 29 May 2001 and agreed that no points arose on the Report. The Committee’s 24th Report 2001 indicated that the Committee did not wish to draw the attention of the Parliament to the instrument.

7. The Minister for Transport and supporting Officials will be attending the meeting of the Transport and the Environment Committee on 12 June to answer any questions members may have on the instrument. The Minister will then move the motion S1M-1949 and the Committee may formally debate the motion.

8. Under Rule 10.6 the Committee is required to report to the Parliament with its recommendation on whether to approve the instrument.
TRANSPORT AND THE ENVIRONMENT COMMITTEE

REPORTERS REMIT – TENDERING OF HIGHLANDS AND ISLANDS FERRY SERVICES

Background

At its 6th meeting on 28 February 2001, the Transport and the Environment Committee agreed to appoint Maureen Macmillan and Des McNulty as reporters to investigate the decision to tender ferry services in the Highlands and Islands. It was agreed that the reporters would consider this issue further and report back to the Committee with proposed terms of reference for an inquiry into this issue.

Members will recall that the decision to tender these ferry services was announced by the Executive in January 2001, and that the Executive has submitted detailed proposals to the European Commission on this matter. The decision to tender these services was made as a result of the need to comply with Commission guidelines on state aid in maritime transport.

The Committee considered an earlier draft version of this paper on 30 May. The changes to the draft terms of reference suggested at that meeting have been incorporated into this current paper.

Draft Terms of Reference

Reporters have met informally with the Minister for Transport to discuss issues arising from the proposals and have also received factual briefings from Executive officials. Following these discussions reporters seek the agreement of the Committee to the following draft terms of reference:

Reporters will investigate
- the justification for and implications of the decision to tender lifeline ferry services in order to comply with EC guidelines on State aid in maritime transport.
- the development of the service specification for these services
- the need for an independent regulator, and an appropriate operator of last resort
- the structural, organisational and service delivery implications of this decision (including employment, pensions and TUPE issues relating to Caledonian MacBrayne staff and the need for the service to be integrated with other modes of transport)

When the draft terms of reference were last considered the Committee also noted that the development of the service specification should be conducted openly, transparently and in consultation with all relevant parties and that it may be useful to consider the models operating in other EU countries.

The Committee is asked to consider these draft terms of reference, and amend them as necessary prior to agreeing them.
TRANSPORT AND THE ENVIRONMENT COMMITTEE

INQUIRY INTO THE APPLICATION OF THE CONSULTATIVE STEERING GROUP PRINCIPLES IN THE SCOTTISH PARLIAMENT

Purpose

1. The Procedures Committee would be grateful if all committees would consider whether it is appropriate for them to make a submission to this inquiry.

Background

2. In June 1999 the Parliament endorsed the Report of the Consultative Steering Group on the Scottish Parliament (CSG) and the Report’s key principles of sharing the power, accountability, accessibility and equal opportunities. The Report recommended that the Parliament should “take stock” by measuring its achievements against these principles.

3. The Procedures Committee is undertaking this task and launched its enquiry on 3rd April. A copy of the press release is attached.

4. The remit of the enquiry is:

   “Whether the key Consultative Steering Group principles as endorsed by the Parliament – sharing power, accountability, accessibility and equal opportunities – are being implemented in the Parliament, to what extent and with what success.”

Consultation

5. MORI has been appointed to conduct an extensive consultation exercise with all MSPs and staff individually, as well as externally with the general public

Consultation with committees

6. The Committee is particularly concerned to ensure that relevant experience of committees is included in the enquiry.

7. As the enquiry is likely to generate evidence on matters that are highly relevant to the Equal Opportunities Committee and the Public Petitions Committee the relevant clerks have been kept closely in touch and Murray Tosh has written to the Conveners of both committees.
Conclusion

8. The Procedures Committee’s inquiry into the application of the Consultative Steering Group principles in the Scottish Parliament is a wide ranging enquiry involving an extensive internal and external consultation exercise.

9. While the views of Members will be sought on an individual basis, the Procedures Committee considered that individual committees may wish to consider making submissions.

7. *The Procedures Committee would be pleased to hear from any committee that wishes to make a submission and present oral evidence.*

Recommendation

The Committee is asked to consider whether it wishes to make a submission to the Procedures Committee inquiry.

Shelagh McKinlay  
Clerk to the Committee  
7 June 2001
**Parliamentary News Release 0019/2001**

0019/2001  
Tuesday 3 April, 2001

**HOW HAS THE PARLIAMENT EMBRACED THE C.S.G. PRINCIPLES? HAVE YOUR SAY**  
Views sought on action to date on sharing power, accountability and equal opportunities

The success or otherwise of the Parliament putting the 'key principles’ of sharing power, accountability, accessibility and equal opportunities into practice since it began operation in May 1999 is to be examined by the Procedures Committee.

The public, outside organisations, the Scottish Executive, Parliament staff and MSPs themselves are being invited to give views on how the Parliament has begun to implement the Consultative Steering Group’s (CSG) 'key principles’ during the past two years.

The Parliament endorsed the CSG Report in June 1999. One of that Report’s key recommendations was that the Parliament should "take stock" at the end of each Parliamentary year and measure its achievements against the key principles, which are:

- the Scottish Parliament should embody and reflect the **sharing of power** between the people of Scotland, the legislators and the Scottish Executive;

- the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and the Executive should be **accountable** to the people of Scotland;

- the Scottish Parliament should be **accessible, open, responsive** and develop procedures which make possible a **participative** approach to the development, consideration and scrutiny of policy and legislation;

- the Scottish Parliament in its operation and its appointments should recognise the need to promote **equal opportunities** for all.
Remit

The Procedures Committee has agreed the following remit for this Enquiry: "Whether the key CSG principles as endorsed by the Parliament - sharing power, accountability, accessibility and equal opportunities - are being implemented in the Parliament, to what extent and with what success."

Evidence

In the first instance, evidence is requested in writing. It is anticipated that oral evidence sessions will be organised at a later date with individuals and representative organisations. Questions on which the Committee would be particularly interested in having views may be obtained by calling the Assistant Clerk on 0131 348 5178, the Clerk on 0131 348 5175 or on the Parliament website www.scottish.parliament.uk

Timetable

**Written evidence should be submitted by Tuesday, 26 June 2001.** Oral evidence sessions will be scheduled subject to the Committee’s business programme.

BACKGROUND NOTES

The membership of the Procedures Committee is Convener, Murray Tosh (Con), Deputy Convener, Kenny Macintosh (Lab), Brian Adam (SNP), Patricia Ferguson (Lab), Donald Gorrie (Lib-Dem), Frank MacAveety (Lab) and Gil Paterson (SNP). Professor David McCrone of Edinburgh University has been appointed recently as adviser to the enquiry.

Written evidence can be submitted in the following ways:
- By e-mail to Procedures.Committee@scottish.parliament.uk
- On computer disk in word 98 plus one hard copy, or by letter to The Clerk to the Procedures Committee, The Scottish Parliament, Chamber Office, Parliament Head Quarters, George IV Bridge, Edinburgh.

Guidance on the nature and extent of the evidence likely to be of interest to the Committee is contained in Annex B of Procedures Committee paper PR/00/6/6 which can be obtained by calling the Assistant Clerk on 0131 348 5178, or on the Parliament’s website [http://www.scottish.parliament.uk/official_report/cttee/proced-00/prp00-06.pdf](http://www.scottish.parliament.uk/official_report/cttee/proced-00/prp00-06.pdf)

For further information, the media contact is: Andrew Slorance: 0131 348 5389
E-mail: andrew.slorance@scottish.parliament.uk **The committee contacts are:**
John Patterson, Clerk: 0131 348 5175 E-mail: john.patterson@scottish.parliament.uk
Katherine Wright, Assistant Clerk: 0131 348 5178; e-mail: katherine.wright@scottish.parliament.uk

For general enquiries, contact: 0131 34 85000 For general enquiries, contact: 0845 278 1999 (local call rate)
email: sp.info@scottish.parliament.uk
Visit our website at: www.scottish.parliament.uk ..\new.html ..\new.html
Next Steps

Reporters have identified a number of groups whom they feel it would be productive to meet with during their investigations. These are:

- Experts from the Highland, Western Isles, and Argyll and Bute Councils, together with members of the Highlands and Islands Strategic Transport Partnership
- Representatives of Caledonian MacBrayne
- Representatives of NUMAST and RMT
- The Minister and Executive officials

Further to decisions made regarding the Committee work programme at the meeting of 30 May, the Committee will take evidence from these groups prior to the summer recess.

The Committee also authorised reporters to meet with these and other organisations as appropriate, and to travel to Brussels to meet with officials from the European Commission. Reporters have received written briefings from Professor Neil Kay and will seek meetings with him should it prove necessary to clarify or expand upon his written submissions. Reporters also intend to meet again with the Minister and officials prior to reporting back to the Committee.

Timeframe

The timeframe for progression of this issue is to an extent determined by the speed of the response from the European Commission to the proposals put forward by the Executive. However it is anticipated that the Committee will hear oral evidence prior to the recess, and that reporters will meet with Commission officials during the recess.

Des McNulty
Maureen Macmillan
June 2001
Neil Stewart
Assistant Clerk to the Transport and Environment Committee.
June 2001
EXPLANATORY MEMORANDUM ON EUROPEAN COMMUNITY LEGISLATION

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the Sixth Environment Action Programme of the European Community: “Europe 2010: Our future, Our choice”


Submitted by the Department of the Environment, Transport and the Regions

March 2001

SUBJECT MATTER

1. The Sixth Environment Action Programme follows the Fifth Environment Action Programme 'Towards Sustainability', which was launched in 1992 and reviewed in 1996. In November 1999, the European Commission produced a Global Assessment of the Fifth Environment Action Programme. This was an evaluation of the success of the Programme and took account of a state-of-the-environment report produced by the European Environment Agency the same year. In response, the Helsinki European Council invited the Commission to prepare a Sixth Environment Programme by the end of 2000, setting out the EU’s priority environmental objectives for the next ten years. This proposal constitutes the response to that request.

2. The document is in two parts, a Communication and a shorter Decision accompanied by an Explanatory Memorandum. The Communication outlines the thinking behind the Decision. Only the Decision has legal effect and is open for negotiation.

3. The topics covered are grouped into the following four areas, which the Commission identified from the conclusions of the Global Assessment and the state-of-the-environment report.

4. Climate Change: The main objective is to ensure the targets agreed under the Kyoto Protocol are met, a variety of instruments and measures are put forward to this effect. It also looks forward to new goals beyond Kyoto. Adaptive measures and policies are acknowledged as areas in which more work is needed.

5. Nature and Biodiversity: ‘Thematic strategies’ are proposed for soil protection and the marine environment. Encouragement is given to the integration of environmental concerns with the Common Agricultural Policy, the Common Fisheries Policy, amongst others. Other recommendations include developing strategies and measures on forests, reinforcing controls on GMOs and monitoring the Community’s biodiversity strategy.
6. **Environment and Health**: Research and scientific expertise are recognised as needing encouragement to support policy. 'Thematic strategies' are proposed for pesticides and air pollution while suggestions are made for chemicals and the use and quality of water.

7. **Sustainable Use of Natural Resources and the Management of Waste**: Recommendations are made to revise the legislation on sludges and to legislate on bio-degradable wastes. 'Thematic Strategies' are proposed for the sustainable use of resources, and waste recycling. Waste prevention is also highlighted.

8. The proposal also makes recommendations for how international issues should be tackled. Environmental considerations should be taken into account in external policies, including financial policies and trade agreements. Efforts to strengthen international environmental governance should be made and international consensus sought.

9. Due to the breadth of the subjects covered, the programme focuses on several strategic approaches which can be applied across the environmental spectrum.

   - The implementation of existing environmental legislation needs to be improved, supported with a policy of public information.
   - Legislation should be introduced on environmental liability.
   - Environmental concerns should be integrated more into other policies.
   - Market-based instruments should be used to promote the polluter pays principle; not only should poor performance be penalised but good performance rewarded.
   - The financial sector should be targeted and a voluntary initiative considered.
   - Information available to the public should be of higher quality and more easily accessible, this can help informed consumer decisions that will feedback into the market. Public subsidies should be used to promote environmentally friendly practices.
   - Land use planning and management decisions should be guided by 'best practice', to reduce impact on the environment.

10. Participation and a solid scientific basis are highlighted as the foundation for good policy making.

**Scrutiny History - See Annex.**

**MINISTERIAL RESPONSIBILITY**

11. The Secretary of State for the Environment, Transport and the Regions has lead responsibility for the Action Programme with respect to EU negotiations. That responsibility touches on devolved matters, so it will be exercised in consultation with the Devolved Administrations. The Treasury, the Department of Trade and Industry, the Export Credit Guarantee Department, the Department for International Development, the Ministry of Agriculture Fisheries and Food, the Foreign and Commonwealth Office, the Health and Safety Executive, the Department for Culture Media and Sport, the Department of Health and the Secretaries of State for Scotland, Wales and Northern Ireland also have an interest.
LEGAL AND PROCEDURAL ISSUES

i) Legal basis: Article 175(3) TEC
ii) European Parliament procedure: Co-decision procedure (Article 251 TEC)
iii) Voting procedure: Qualified Majority
iv) Impact on United Kingdom law: The proposed Decision will not have direct regulatory impact and will not require transposition into UK legislation. It is likely to set out a framework within which the Commission will bring forward legislative proposals.
v) Application to Gibraltar: Once adopted, the proposed Decision will have legal effect with respect to Gibraltar.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

12. The Commission document does not indicate whether it is thought that the proposal should apply to the EEA. The EEA Joint Committee will take this decision once the proposal has been adopted.

SUBSIDIARITY

13. The Action Programme addresses those environmental issues that the Commission considers need a unified response at a European level but allows for measures to achieve the objectives to be adopted at a later stage. The Government will examine such measures for their conformity with subsidiarity principles.

POLICY IMPLICATIONS

14. As the Decision is a very broad-reaching document and does not have direct regulatory impact, it is not easy to draw policy implications for the UK. Rather it sets out strategic approaches and issues of importance, without laying down specific binding targets in any area or prescribing the detail of any actions or measures that will be necessary. It will fall to the Commission to put forward proposals to meet the objectives in the programme. The Government will consider implications of these measures at the appropriate time. However, the proposal does make recommendations for legislation to be revised or created in several areas and calls for several ‘Thematic Strategies’ to consider the problems and possible solutions in more detail.

15. The Government welcomes the effort to adopt a more strategic focus, which is likely to result in a more coherent approach to making policies that affect environmental protection, but will be seeking to emphasise its view on the main challenges for future environmental policy. In our view climate change is the key challenge for the next ten years, while the second major challenge is to de-couple adverse environmental effects from rising prosperity; for this we need to achieve greater resource efficiency. The Government endorses the call for improved implementation, which will ensure that our objectives are achieved more consistently across the EU and result in a more level-playing field for business. We also support the commitment to improved processes of policy making including objective-based regulation, evidence-based approaches, transparency and consultation. We will aim to reinforce the emphasis on policy processes, implementation and enforcement. The
Government also aims to ensure that targets are supported by a degree of analysis appropriate to their level of detail.

16. One of the main impacts will come from further efforts to take environmental considerations into account when designing policies in other sectors.

REGULATORY IMPACT ASSESSMENT

17. A Regulatory Impact Assessment is being prepared and will be submitted as soon as it is completed. However, as the programme does not spell out detailed provisions, the assessment will be at a level of generality in keeping with the nature of the programme.

FINANCIAL IMPLICATIONS

19. There are unlikely to be any direct financial implications.

CONSULTATION

20. The DETR held a stakeholder event on the Global Assessment of the Fifth Environment Action Programme on 18 May 2000 with Commission participation. The Commission also invited comments on its Global Assessment which the Department drew to the attention of a number of bodies. The UK response to the Global Assessment was prepared in consultation with all Government Departments. The DETR plans a public consultation on the Commission proposal with bodies representing a wide range of environmental and business interests.

TIMETABLE

21. A public debate is planned for the March Environment Council, working towards the adoption of a Common Position in June.

Michael Meacher MP
Minister for Environment
Department of the Environment, Transport and Regions
ANNEX

Scrutiny History

The Fifth Environmental Action Programme was the subject of explanatory memorandum 6132/92, which the House of Commons Select Committee on European Legislation considered on 17 June 1992. The Committee recommended it for further consideration by European Standing Committee A where it was debated and cleared on 27 October 1992. The House of Lords Select Committee on European Communities cleared document 6132/92 on 21 January 1993. A progress report on the implementation of the Fifth Environmental Action Programme was the subject of explanatory memorandum 4601/96, which was cleared by the House of Commons Select Committee on 28 February 1996. The House of Lords Select Committee considered this on 26 March and referred it to Sub-Committee A and it was subsequently cleared. The Global Assessment of the Fifth Environmental Action Programme was the subject of explanatory memorandum 13598/99, which was submitted on 12 January 2000. EM 13598/99 was considered by the House of Commons European Scrutiny Committee to be not legally or politically important and cleared on 9 February 2000. The House of Lords Select Committee on the European Union cleared the explanatory memorandum on 18 January 2000.

On the sixth environment action programme of the European Community
Executive Summary

Context for the new programme

A healthy environment is essential to long term prosperity and quality of life and citizens in Europe demand a high level of environmental protection. Future economic development and increasing prosperity will put pressure on the planet's capacity to sustain demands for resources or to absorb pollution. At the same time, high environmental standards are an engine for innovation and business opportunities. Overall, society must work to de-couple environmental impacts and degradation from economic growth. Business must operate in a more eco-efficient way, in other words producing the same or more products with less input and less waste, and consumption patterns have to become more sustainable.

In the European Union, thirty years of environment policy has led to a comprehensive system of environmental controls. The 5th Environment Action Programme (1992-1999), 'Towards Sustainability', took new measures and a broader commitment to integration of environmental concerns into other policies. The Global Assessment of the programme concluded that while progress was being made in cutting pollution levels in some areas, problems remained and the environment would continue to deteriorate unless:

- more progress was made in the implementation of environmental legislation in Member States;
- integration of environment into the economic and social policies driving the pressures on the environment was improved and deepened;
- stakeholders and citizens took more ownership of efforts to protect the environment;
- new impetus to measures aimed at addressing a number of serious and persistent environmental problems as well as a number of emerging concerns.

This context has guided the strategic focus of the Sixth Environmental Action Programme, which effectively sets the environmental objectives and priorities that will be an integral part of the European Community's strategy for sustainable development. The programme sets out the major priorities and objectives for environment policy over the next five to ten years and details the measures to be taken.

A strategic approach to meeting our environmental objectives

Environment policy must be innovative in its approach and seek new ways of working with a wide cross section of society.

Implementation of existing environmental legislation needs to be improved. Vigorous legal action through the European Court of Justice should be combined with support for best practices and a policy of public information to 'name, fame and shame'.

Integration of environmental concerns into other policies must be deepened, for example all Commission policy initiatives should be fully assessed in this light. Progress should be measured through indicators and benchmarking.
Working with the market through business and consumer interests will contribute to more sustainable production and consumption patterns. Business should not simply be penalised for failure but schemes should be introduced to reward good performance. Consumers need useful information to allow them to choose environmentally benevolent products, thus driving the market. Public subsidies should promote environmentally friendly practices. Business must be encouraged to innovate, for example seizing the opportunities offered by the use, development and spread of clean technologies.

Individual citizens make daily decisions that directly or indirectly impact the environment. Better quality and easily accessible information on the environment and on practical matters will help shape opinions and thus decisions.

Land use planning and management decisions in the Member States can have a major influence on the environment, leading to fragmentation of the countryside and pressures in urban areas and the coast. The Community can provide support by promoting best practice and through the Structural Funds.

These approaches will apply across the spectrum of environmental issues. In addition, special attention will be paid to four priority areas for action.

Tackling climate change

Objective - to stabilise the atmospheric concentrations of greenhouse gases at a level that will not cause unnatural variations of the earth’s climate.

The scientific consensus is that climate change is happening and that human activity is causing the increases in concentrations of greenhouse gases that are the cause of the problem. The key priority for the 6th Programme will be the ratification and implementation of the Kyoto Protocol to cut greenhouse gas emissions by 8% over 1990 levels by 2008-12. This must be considered as a first step to the long term target of a 70% cut.

Nature and Bio-diversity - protecting a unique resource

Objective - to protect and restore the functioning of natural systems and halt the loss of biodiversity in the European Union and globally. To protect soils against erosion and pollution.

Healthy and balanced natural systems are essential to supporting life and the functioning of society. Pressures from pollution, unsustainable use of the land and sea and risks to biodiversity need to be redressed. Full implementation of environmental legislation is the key to the pollution threat. Valuable environmental areas should be protected by the Community’s Natura 2000 programme and this must be implemented fully. Extending protection to the wider countryside requires a deeper and effective integration of environment and bio-diversity into agriculture, landscape, forestry and marine policies, coupled with new initiatives, for example to develop a soil strategy for Europe. More attention will be given to protecting the marine environment.

Environment and Health

Objective - to achieve a quality of the environment where the levels of man-made contaminants, including different types of radiation, do not give rise to significant impacts on or risks to human health.
There is increasing realisation, and evidence, that human health is affected by environmental problems related to air and water pollution, dangerous chemicals and noise. A holistic and comprehensive approach to environment and health is needed, with precaution and prevention of risk being central to this policy and taking account of particularly vulnerable groups such as children and the elderly. Implementation of existing legislation and further actions will be needed in the individual policy areas.

Sustainable use of natural resources and management of wastes

Objective - to ensure the consumption of renewable and non-renewable resources does not exceed the carrying capacity of the environment. To achieve a de-coupling of resource use from economic growth through significantly improved resource efficiency, dematerialisation of the economy, and waste prevention.

The planet's resources, especially renewable resources like soil, water, air and timber, are under severe pressure from human society. A strategy is needed aimed at measures, such as taxes and incentives, to ensure a more sustainable use of resources.

Waste volumes are predicted to continue rising unless remedial action is taken. Waste prevention will be a key element of an integrated product policy approach. Further measures are needed to encourage recycling and recovery of wastes.

The European Union in the wider world

The implementation of the Sixth Programme will be undertaken in a context of an enlarged European Union and subsequent measures will need to take this broader perspective into account.

The implementation of the Community's environmental legislation will of course be the main task for the candidate countries, supported by Community funding programmes. The Candidate Countries have the opportunity to make progress towards an economic development that is sustainable and avoids the type or scale of environmental problems now faced in Western Europe.

Internationally, it will be essential that environmental concerns are fully and properly integrated into all aspects of the Community's external relations. Environment must be taken seriously by international organisations and properly resourced. International conventions, notably on climate change, bio-diversity, chemicals and desertification need to be supported and implemented.

Policy-making based on participation and sound knowledge

Broad involvement of stakeholders will be central to the successful implementation of the Sixth Programme, and in every stage of the policy process from agreeing targets to putting measures into practice. Sound scientific knowledge and economic assessments, reliable and up-to-date environmental data and information and the use of indicators will underpin the drawing-up, implementation and evaluation of environmental policy.

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The proposed decision on a 6th Environment Action Programme will give an enlarged European Union the direction, impetus and tools we need to create a clean and safe
environment. It will involve citizens and business in this endeavour and will contribute to sustainable development.