



# EEB AND THE EU ENLARGEMENT

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Brussels, October 2001

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The European Environmental Bureau (EEB)

The EEB is a federation of 140 environmental citizens organisations based in all EU Member States and most Accession countries, as well as a few neighbouring countries. They range from local and national to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal. The EEB office in Brussels was established in 1974 to provide as a focal point for its members to monitor and respond to the emerging EU environmental policy. It has an information service, it runs nine working groups of EEB-members, it produces position papers on topics that are, or should be, on the EU agenda and it represents the Membership in discussions with the Commission, European Parliament and the Council. It closely co-ordinates EU-oriented activities with its Members on the National levels. Furthermore it follows closely the EU enlargement process as well as some pan-european issues like the follow up of the Aarhus Convention.

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## INTRODUCTION

Every year in late autumn the European Environmental Bureau (EEB) organises its Annual Conference. The Year 2000 was no exception. But what was exceptional, was that it took place 10 years after the first enlargement eastwards of the EU.

In early October 1990, the German Democratic Republic (GDR) was reunited with the Federal Republic of Germany, and thus was the first former socialist country to join the EU. Today, 10 Central and Eastern European countries, two small Mediterranean islands, Cyprus and Malta, and also Turkey are all waiting at the door of the EU. When they join, it will mark a huge change, not only for countries themselves, but also for the EU. This upcoming enlargement brings up many questions over whether the change will be good or bad; what would we lose and what would we gain; will economies in new countries get better; will it be good only for politicians, and so on. For environmentalists, the most important question is what will happen to the environment. We need to know what impact this enlargement will have in both the east and the west of Europe; whether it will help to establish and follow a sustainable development path in Europe, or whether it will lead to heavier pressure on the environment, on biodiversity, human health and behaviour in the future.

With the accession process well underway, the negotiations of accession confirm and further complete the strong impact which the Western European economy and consumption culture, the EU *acquis communautaire* and other plans, have on other, neighbouring, countries. It is a major challenge to maximise positive impacts and to prevent negative impacts. The obvious positive impacts are to be found in improved environmental management in accession countries, and an overall improvement of Europe's environment as a result. The obvious negative potential is related to the increased pressure upon biodiversity, the acceleration of growth of road transport, the transformation of agriculture and the growth of unsustainable consumption patterns. But there are other concerns too; in particular, on whether the speed of the process and the eagerness of the accession countries to join as quickly as possible, are impacting the quality of that process.

With this in mind, it is not surprising that the theme of the Annual Conference 2000 of EEB was "The Impact of EU Enlargement on Sustainable Development in Europe". We aimed to bring together the decision-makers of the EU and

representatives of environmental organisations to discuss:

- the potential impact of the enlargement process for the realisation of a sustainable development strategy for the EU;
- the impact of the accession process on the development of civil society in accession countries, and therewith on the potential for sustainable development in these countries;
- the pros and cons of the emphasis on a full transposition of the environmental acquis.
- the need or inevitability of a Europe of different speeds in order to prevent slow down or ineffective compromise policies.

The Helsinki Summit in December 1999 took three very important decisions that all shaped the nature of developments in an enlarged European union. First of all, it gave the green light to starting negotiations with not 6 but 12 - and eventually 13 (Turkey) - countries for joining the EU. Secondly, it started the negotiations on the Nice Treaty, which should facilitate the management of a larger EU with almost double the number of member countries, with large differences in economic situations, circumstances and cultural and social traditions. Thirdly, it asked the European Commission to develop a Sustainable Development Strategy, to be adopted by the European Summit in Goteborg in June 2001. All three processes are important for environmental organisations, and in the perception of the EEB, they are closely linked.

Due to these developments, and because we have been involved in the whole enlargement process for a long time, we decided to prepare this special publication. In it, we look back on political and democratic changes in Europe and consider what role environmental organisations played 10 or 11 years ago, and what their role today is. We also try to give short, concise information on the main issues related to the enlargement process – the negotiations, transition periods and pre-accession funds, as well as considering what enlargement means for Sustainable Development. We hope that this booklet will help you to find some quick answers on general questions related to EU enlargement, and will contribute to our common work in the future.



# EEB INVOLVEMENT IN THE ENLARGEMENT PROCESS

The enlargement of the EU certainly has positive potential. It can help the new countries to accelerate their environmental policies and practice. It can expand the impact of positive EU-wide policies across larger parts of Europe. It can help to bring in positive incentives for certain things, such as cleaner agricultural production methods in the current member countries of the EU.

However, it is clear that enlargement also brings a number of potential threats to both future and existing members. The consumption patterns dominant in Western Europe are attractive to the Eastern European public, but they also increase the pressures on the environment. Western concepts of deregulation, privatisation and commercialisation may endanger existing practices of biodiversity protection, public transport schemes and agricultural practices. Vast investments in infrastructure may also bring serious and long lasting environmental impoverishment.

Another threat not to be underestimated is the slowing-down of EU environmental and sustainable development policies which may be caused by the entrance of new countries with less strong environmental orientations than the current average.

The enlargement process is of great importance for environmentalists for several reasons: firstly it is important for the environment and for biodiversity in the accession countries. Secondly, it may affect the chances for sustainable development policies for the European Union as it stands at present.

The EEB's involvement in the EU enlargement process dates back to 1994, when the first organisations from the accession countries became corresponding members of the organisation. In 1995, the EEB organised a workshop in Sofia for Central and Eastern European (CEE), and Mediterranean, NGOs on how environmentalists from the accession countries could organise around this issue.

Today's the EEB membership includes 16 organisations from nine accession countries, and is increasing steadily. The rapid expansion of its network to the CEE countries, and the increasing importance of the EU enlargement process, mean that a substantial part of the EEB's work now focuses on EU enlargement.

The EEB's enlargement work has developed into two main areas:

Providing information and assistance to the groups, and capacity building  
Following political developments and trying to influence them.

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1. *The first area of work includes almost everything related to assisting groups: information gathering, dissemination to the environmental organisations in the countries concerned, preparation of publications, providing expertise, and so on.*
  - *In 1997, a Hungarian EEB member, the National Society of Conservationists got together with an EEB member in the Czech Republic (the Society for Sustainable Living) and the Institute for Sustainable Development in Poland, to initiate the project "Increasing Awareness and NGO Consciousness on the European Union". This project aims to provide objective information about the European Union and the possible consequences of its enlargement on the environment, and to facilitate an active role in the accession process for NGOs from the CEE countries. Other partners of the project included environmental groups from Estonia, Slovakia and Slovenia as well as Friends of the Earth Europe and Milieukontakt Oost-Europa. The EEB has played an active part in the fundraising with the EU institutions, and since 1998 it has been directly involved in the abovementioned project. The EEB's role here was to prepare, or to assist in preparation of, seven booklets related to different parts of the EU policies, namely: "EU Accession and Environment: An Introduction", and training materials on Energy, Transport, Waste, Structural Funds, Agriculture, Biodiversity. These publications have been widely distributed among NGOs in CEE countries and in the EU, and have been used in training sessions organised in the six CEE countries for NGOs to widen their knowledge of the EU and the enlargement process as well as of general developments in the EU (Agenda 2000, sustainable development). Our experts have also participated in most of the training sessions in the accession countries.*
  - *At the end of 1999, this project, under the title "Towards improved information, integration and implementation in the EU enlargement process" entered its second phase and was broadened to 12 accession countries (not Turkey). As before, this project was set up and led by environmental organisations in the region, but specific contributions are expected from the EEB, mainly in the areas of information, consultation and co-ordination. The EEB has prepared two new publications: one on the Environmental Policy Integration and another one on the EU Water Policy.*
  - *In 2000, the EEB prepared and organised two specific discussions. One of these was on one of the most difficult pieces of the *acquis communautaire*, the IPPC Directive, and another was on the preparations for the 6<sup>th</sup> Environmental Action Programme. This latter activity was organised in conjunction with Milieukontakt Oost-Europa.*

- *The EEB also continues to, and expands its policy to, involve environmentalists from accession countries in the regular activities of its working groups (10 at the moment) which contributes to common understanding and knowledge of the EU issues.*
  - *We also have begun a regular electronic newsletter entitled “Enlargement In-Brief”, in which we give an overview of what is happening in relation to EU enlargement.*
  - *Since January 2000, we have included a new chapter called Enlargement Bulletin in the EEB newsletter “METAMORPHOSIS”, where we publish articles from and about the accession countries and enlargement issues.*
2. *Another area of the EEB’s work is our involvement in the political developments related to EU enlargement.*

*Since the launch of AGENDA 2000 in 1997, we have closely monitored the enlargement process, and started to follow and comment on policies of the Commission concerning enlargement, from the viewpoint of environmental organisations in eastern and western Europe. To this end, we have organised several conferences where environmentalists and officials have discussed the potential and the threats posed by enlargement; namely, “Rural Development in an enlarged Europe” (Vienna, 1998), “The fate of environment in accession negotiations” (Vienna, 1999) and “The EU Sixth Environmental Action Programme and the Accession countries” (Brussels, 2001).*

*The aim of the EEB’s work on enlargement is to promote synergy between this process and sustainable development. This means that the enlargement process needs to be used to promote structural changes in the economies of CEE, Cyprus and Malta, to reduce the pressure on the environment, preserve biodiversity, change consumption and production patterns and integrate social issues in the work of the environmental movement in those countries. A large part of this aim is to be realised in the ongoing work of the EEB on reforming the EU itself, as that is the best guarantee for success in the future member states. But a strong, well-informed, recognised and integrated environmental movement in the accession countries is a prerequisite both for progress in their own countries and for preventing these countries from becoming conservative forces in an enlarged Union.*

*In this work, it is important to keep up the pressure on governments and business in these countries to implement the environmental acquis communautaire fully and completely upon accession. This is good for the environment and public health, and will allow further opportunities for the improved development of EU environmental policies as a whole; whereas, tolerating a group of laggards would only lead to stagnation.*

*The EEB is often consulted about its opinion of EU enlargement and the environment by different EU institutions, and we are very keen to participate, as this provides us with the opportunity of promoting the views of environmentalists from different parts of Europe. During the period 1998–1999, we submitted our positions to the European Commission for the preparation of Guidelines for PHARE Programme implementation*

*in candidate countries in 2000–2006, as well as for the ISPA regulation. In 2000, we responded to a request from the Environment Committee of the European Parliament to comment on their “Enlargement and Environment” report.*

The EEB believes the following points are crucial for a successful enlargement process:

- There must be strict implementation of the principle that all new domestic and foreign investments in Accession Countries need to follow, at least, the current EU “acquis”. On the other hand, the acquis of the EU is the result of political compromises. So, it should never be interpreted and/or presented, not by the EU, nor by the governments of the Accession Countries, as the upper limit for that which is required or even allowed. Where Accession Countries have higher levels of protection in their legislation, or better systems in place, these should be respected and further implemented, rather than abandoned.
- The EU should give priority in its assistance to support the strengthening of existing and the creation of new institutions needed to design, promote and implement environmental and sustainable development policies.
- At least 50% of the pre-accession financial instruments should be used for environmental activities. One particular area for investments is the setting up of pilot programmes for the early application of Best Available environmentally friendly Technologies by local industries. Environmental authorities and environmental organisations should be given substantial opportunity to be involved in the design, implementation and monitoring of the use of these funds.
- Sustainable development must be based on active involvement of civil society. In the Accession Countries the governments should engage in an ongoing substantive dialogue with environmental citizens organisations about the preparations for accession and the choices to be made in the negotiations with the EU. Environmental Citizens Organisations must be supported, both by the EU and its Member States as well as by their own governments, to have the means for research, awareness raising and other forms of involvement in the accession process.





# CIVIL SOCIETY IN CENTRAL AND EASTERN EUROPE

(a partly historical view)



## THE POLISH ENVIRONMENTAL MOVEMENT AND TRANSITION

by Krzysztof KAMIENIECKI,  
Institute for Sustainable Development, Poland

**I**t is difficult for me to write about the Polish environmental movement in abstraction from my personal motifs and perception of its issues through the narrow scope of my own observations. This is a result of my participation in the actions of this movement, the strong feeling of being part of it and the effect of this participation on my personal life. Fortunately, the Polish environmental movement has its own researchers, who evaluate the importance of non-governmental action in environmental protection with the meticulous apparatus of their profession.<sup>1</sup>

Poland was the first country of the Communist bloc where conditions emerged for the establishing of the first environmental non-governmental organisation in the CEE region. The foundation of the Polish Ecological Club (PKE) in 1980 was an event of significance for the transition initiated by *Solidarity*. The Club quickly turned into a large, nationwide organisation. The actions it organised, which we would call campaigns today, brought effects. The Club challenged the then environmental policy, requested thorough change in the manner of managing environmental protection and promoted values, which should be observed for non-governmental actions to be credible. The introduction of martial law terminated many non-governmental actions, including environmental ones. It did not mean, however, that the 1980s were a period of idleness. I can recall two events of particular significance for the development of the environmental movement. The first event – indeed, a whole series of events – consisted of protests against the construction of nuclear power plants. Many of the actions organised then had the nature of illegal demonstrations. There were also attempts to reach decision-makers with independent reports indicating the scale of the potential risk from the projects to build nuclear power plants. These actions brought a success and the already democratically elected Government stopped the construction of the power plant in process and resigned from launching a new construction.

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<sup>1</sup> See Piotr Glinski, *Polscy Zieloni* [The Polish Greens - in Polish], Warsaw 1996

Another event, which it is worthwhile to mention on the international forum, was the conference organised by the Polish Ecological Club in 1986, called "Sustainable development as a chance for survival of the civilisation". It was not the title – which certainly has lost nothing of its topical nature – that mattered. The papers presented there shifted the focus of thinking about the environment from its traditional protection to a process based on the integration of environmental, economic and social aspects. It may seem strange, but – although it did have its own environmental sub-desk - the famous Polish Round Table attracted a narrow group of organisations and their leaders. Probably, there was not enough space and time for fuller co-operation. The significance of the Round Table is indisputable. Its decisions shaped Poland's environmental policy for several years to come. If not for the previous actions by PKE, the "Freedom and Peace" organisation, and, most likely, by the Nature Conservation League as well as by tens of scientists with an independent frame of mind and persons who wanted change in environmental protection, perhaps these issues would have been absent from the agenda of the Round Table.

The democratic changes which have taken place in Poland, have made it possible to launch new methods of action. One of them is lobbying. The fullest use was made of this form of influencing the public opinion and Members of Parliament as amendments were made to the Constitution. The environmentalists tried to incorporate several provisions into the new Constitution, which would create formal conditions for the implementation of sustainable development. The wording of the draft provisions was agreed, signatures were collected and a promotion campaign was conducted. These provisions were incorporated into the Constitution, although many people were disappointed by the way in which the campaign was conducted.

Pressure on Members of Parliament was used as a form of action in the course of work on amendments to the Act on Access to Information and EIA. Environmentalists used the services of lawyers and experts forcing Members of Parliament to adopt important provisions. The fact that still a few issues have not been addressed does not detract from the significance of that action.

When one looks at the activities of the Polish environmental movement over the recent years, one cannot miss their effect on the development of sectoral policies. To give just two examples: in transport policy and in agriculture. The Institute for Sustainable Development developed an alternative transport policy, disseminated it and, strengthened by support from other organisations, it managed to have its conclusions reach the relevant ministry. The Government policy now being elaborated takes some parts from the work by non-governmental organisations. Unfortunately, it does so on a piecemeal basis, thus preventing the adoption of a sustainable transport concept in Poland.

For many years the environmental movement demanded that favourable conditions should be created for organic farming. It seemed to be a hopeless matter; still, in 1999 the Government introduced subsidies for organic farmers or those who wanted to shift to this type of agriculture.

When we write such short summaries of the activities of a non-governmental movement we usually mention large organisations and events which attracted nationwide attention. The non-governmental movement consists of tens of organisations without which no widely known events would take place. They create the climate and basis for a national success. Their local victories give others strength and momentum to undertake wider action. In Poland, there are about 700 organisations, which identify themselves with actions for environmental protection. It is their opinions that give shape to changes at regional, county and local levels.

The Polish environmental movement would not be so active without assistance from, and co-operation with, Western organisations. This assistance has had several stages. Each involved financial and substantive support. Has anyone counted the number of training courses, conferences and documents that strengthened Polish environmental organisations, opening new opportunities for action to them? Let me again mention several institutions and organisations which are close to me and have had, to my mind, their effect on the development of the Polish environmental movement. I am aware that this list is glaringly incomplete: FOE, the EEB, The Swedish NGO Secretariat on Acid Rain, CCB, Milieukontakt, Bund, and Foundations like: RBF, GMF, Mott, Ford. In supporting the Polish environmental movement, these organisations helped us – Polish environmentalists – to take part in international work on a partnership basis. This, too, was a manifestation of political transition, which has by no means been finalised in Poland.

Certainly, the Polish environmental movement has had a role to play in the transformations over recent years. Probably, its influence was less than could be expected from the number of organisations and people active in them. The movement has no political representation of its own, which weakens the effects of its actions. However, the grassroots nature of this movement, its dynamics and diversity are characteristic of young democracies. The movement brings some substantive turmoil and anxiety to the public, but the range of influence of individual organisations and the movement as a whole is limited. In Poland, the interest in the issues of environmental protection is waning. The focus of this interest is shifting to the economy. The movement is becoming increasingly professional, but it has insufficient expertise to find convincing arguments for the need to undertake sustainable actions. Unfortunately, the transformed and degraded environment itself gives the best argument, but this is something that no environmentalist can be happy with, anyway.

## ON THE DEVELOPMENT OF THE HUNGARIAN ENVIRONMENTAL NGO MOVEMENT SINCE POLITICAL CHANGE, AND ITS ROLE IN THE ACCESSION PROCESS

by Erzsébet SCHMUCK,  
National Society of Conservationists, Hungary

**The** environmental movement in Hungary played a decisive role in changing the political system and in the formation of democracy. The Danube-movement, organised at the beginning of the 80s against the Gabčíkovo-Nagymaros hydro-power project, became the leading force for political change at the end of the decade. The Danube-movement widened into a political movement, attracting those who promoted political change.

Political change opened up a new era of development for the Hungarian environmental movement, and in the early 90s a few hundred new – large and small – organisations started up, mainly focusing on local environmental problems. It was in this era when several organisations - now prominent both inside Hungary and internationally – came to life, such as the National Society of Conservationists (Magyar Természetvédők Szövetsége), the Clean Air Action Group (Levegő Munkacsoport) and the Waste Alliance (Hulladék Munkaszövetség).

The early 90s brought about a change of media attitude. In the late 80s the media paid special attention to the representation of environmental NGOs. After the political changes, only the parties had the opportunity to express their views in the national media. Being "dumb" contributed greatly to the fading interest of society in environmental issues.

At the same time, the environmental and nature conservation movement improved its organisation, even when compared to the Western European environmental NGO sector. This is connected to the fact that since 1991, the Hungarian NGOs have met annually for a three-day assembly. These annual meetings enable NGOs to establish closer co-operation, professional networks and provide opportunities for the discussion of important environmental issues.

The financial resources of the movement became more predictable and more considerable by the second half of the 90s, as smaller contributions could be acquired from the Parliament, project proposals could be submitted for support to the Central Environmental Fund and also some foreign financial sources opened up. An important difference between the western NGOs and the Hungarians is that in our country – as a consequence of a lower standard of living – the population is not willing to support NGOs, just as the business sector is not prepared for that either. Despite the lack of these indigenous funding sources, the Hungarian environmental movement has improved its capacity considerably. Today the movement can draw on a broad range of human resources and infrastructure backgrounds.

The development of the movement became evident by the frequent intervention of the NGOs sphere in the preparation of environmental policy programs, laws thus enacted as a result of the decision-making process. A good example for this is the preparation of the Framework Law on the Environment in 1995, or the preparation of the National Environmental Program (1997-2002).

NGO representatives were invited to several committees that enhanced democratic rights, social dialogue and transparency. The National Environmental Council, being the advisory body of the government, can serve as a prime example where seven out of 22 members are delegated by NGOs.

It seemed that the position of the movement had stabilised, but two years ago the Ministry for Environment came under the administration of the Smallholders' Party.

*The last two years have destroyed all that had been achieved before. The minister (who was in office for two years, until 15<sup>th</sup> of June this year) started a veritable war against the environmental movement. This resulted in the withdrawal of all achieved rights, cancellation of membership for NGO representatives in several committees, removal of state financial support and the establishment of its own NGOs with the leadership of the top management of ministerial institutions. The dialogue between the ministry and the movement ceased to exist.*

It was also a great disadvantage, because the process of EU accession accelerated under this minister's period in office, and the involvement of environmental NGOs in the process would have been crucial. This observation is supported by the fact that Hungary – besides a good generic evaluation – received low scores in the field of environment in the EU country reports. Hungary is lagging behind, especially in the area of legal harmonisation and institutional development.

The new minister of environment appointed on 15<sup>th</sup> June was quick to improve the situation. He began to strengthen the professional performance of the

ministry and to improve the poor relationship between the ministry and the green movement.

Unfortunately, he could not complete this task, because he was discharged from office by the Prime Minister (on the advice of the Chairman of the Small Holders Party) by 1<sup>st</sup> December 2000.

Environmental organisations are concerned about the processes of environmental protection and the processes at the Ministry for Environment, as well as about the devaluation of the environmental policy. All the above strongly influence the participation of the environmental organisations in the EU accession process.

To the best of our knowledge, the government has a programme for informing society about issues related to the EU accession, but it is certainly true that in the field of environmental protection and nature conservation nothing has been implemented.

The majority of environmental and conservation NGOs are under-informed about the environmental consequences of the accession, the accession process, the enlargement policy of the EU, the mechanisms of the EU institutions, their policies (including environmental policy) and the role of NGOs in the EU.

Several of the bigger Hungarian NGOs started to focus on the issues related to the EU accession two to three years ago. It was a great help to them that two years ago a few CEE NGOs, together with EU-based partner NGOs, implemented a programme of awareness raising and education among environmental NGOs about the environmental context of the accession. The international co-ordinator of the project at that time was the National Society of Conservationists (Magyar Természetvédők Szövetsége). In the framework of the project we have organised training courses, published training materials and started to make ourselves acquainted with the national preparation programmes of the government.

Unfortunately, the preparation of the Hungarian NGOs slowed down due to the lack of funding, especially the lack of support from the Ministry of Environment, Hungary. All this has occurred at a time when it is evident that the preparation of the public cannot be delayed any longer, since it is the wider public that must cover the expenses needed for the solution of sewage, waste and air pollution problems - which are prerequisites of Hungary's future membership of the EU.

## NGOs AS ADVOCATES OF SUSTAINABLE DEVELOPMENT AND DEMOCRACY IN SLOVENIA

by Vida OGORELEC WAGNER,  
Umanotera, the Slovenian Foundation for Sustainable Development, Slovenia

While the mainstream society in Slovenia is rushing to catch up with the Western world and European Union in particular, there are individuals and organisations who are promoting a slower pace. They are asking for more attention to be given to fundamental questions, such as: Is the fast track actually taking us in the right direction? Will the process bring us more democracy? Will the development trends not threaten the quality of the natural environment? They are arguing that GDP is not an accurate indicator of development and progress. They are challenging the “freedom” of the Market and the Consumer by introducing the concept of a limited environmental space. They are claiming that a parliamentary democracy and a multi-party system are not sufficient for a democratic society, and they are struggling for a participatory democracy. In short, they are redefining the very foundations of the popular understanding of progress, democracy and economy.

NGOs are a relatively new phenomenon in Slovenia, with most organisations being no older than 10 years. Whilst there are some 15.000 NGOs in Slovenia, out of which more than 130 are dealing with environmental protection and nature conservation, there are only about 10 of these which have employed staff and can be seen as “professional” organisations. Only three of these have significant membership (Birdlife Slovenia, Slovenian E-Forum and Slovenian Ecological Movement). Therefore the strength of the environmental civil society in Slovenia is not in the numbers of the organisations and their members, but in the power of their arguments, rather like think tanks. Their role in the evolution of society has many faces.

In a society that does not appreciate any innovations that do not bring immediate economic benefit, the environmental citizen’s organisations (ECOs) serve as **incubators of alternative solutions** for the future, in a variety of fields. This function can be seen as the most valuable, and the most constructive, as it means searching for solutions to problems. There is growing success in the areas of agriculture (The Institute for Sustainable Development has been instrumental

in the development of organic agriculture, of a certification system and joint marketing of organic produce) and alternative energy (The Slovenian E-Forum is working on promoting energy efficiency and the use of bio-mass in energy production — in a country where 53% of the total surface area is covered with forests).

On the level of more horizontal measures, an international project was organised, promoting the green budget reform in Central and Eastern Europe, in a partnership between Umanotera, The Slovenian Foundation for Sustainable Development and The Wuppertal Institute. In Slovenia the results of this projects are yet to be seen; it was a clear investment into the future. In the field of social innovation, ECOs have been very active in promoting participatory democracy, and the Aarhus Convention has brought an international recognition to these demands and provides a useful framework. It is therefore not surprising that a coalition of 17 organisations has been formed this summer, as a pressure group for early ratification and implementation of the convention.

Another important function is that of a **watchdog**, keeping an eye on the implementation of international agreements and our legislation. We have only seen a few attempts so far in this direction, considering that for such a role to be fulfilled, the society should be more mature, and the democracy better established. In the past, there have been a few appeals calling for the strict implementation of the Environmental Protection Act passed in 1993. This was a very progressive piece of legislation, but has not yet been fully implemented (especially in the provisions on environmental accounting, strategic impact assessments and the Precautionary Principle).

The most recent call involved a case that was brought to the constitutional court concerning the struggle against downward harmonisation in the EU accession process. In the spring, two new regulations on emissions from incineration plants came into force, replacing an earlier regulation from 1994. The new regulation on municipal waste incineration was "fully harmonised with the EU", meaning a now already outdated EC 89/369 directive, which did not even regulate dioxins and furans, while emissions levels for Hg, Cd, Tl are four times higher now, SO<sub>2</sub> six times higher, and heavy metals 12 times higher than they were. In the light of plans for three municipal waste incinerators to be built in Slovenia (at present there are none) this represents quite a potential threat. An appeal was submitted to the Constitutional Court of Slovenia, asking for the two regulations to be dismissed as unconstitutional and unlawful, especially for violating the precautionary principle as defined in the Environmental Protection Act.

Another interesting and promising example was the ECO involvement in the recent parliamentary election, where party programmes were evaluated and compared from the point of view of various aspects of environmental policy and

nature conservation. A public debate of key parties was organised on the topics, and now a set of indicators and benchmarks for monitoring how well the pre-election programmes will be implemented is being developed.

The **saying "no" function** is based on conflict rather than co-operation. It has so far had very limited success, and whatever has been achieved was mostly in attracting public attention to certain issues, rather than any political success in decision-making bodies. One such action was a request by a coalition of five NGOs for a moratorium on GMOs in 1999. Considering there is no legislation regulating the release of GMOs or the labelling of food originating from GMO crops, such a moratorium would make a lot of sense in the "in-between" period, but the initiative received zero response from the parliament and government.

As a counter-balance to the less constructive functions, there is a significant NGO activity in **building capacity** and in **bridging information gaps**. These activities range from campaigns for consumer awareness (by the Consumer Association), promotion of the Car-Free Day (by Gaja Society in Maribor and Ljubljana Cyclists Network), educational programmes for schools (Eco School project by the Slovenian Ecological Movement and Water Detective by ICRO Institute), to training programmes and publications for Local Agenda 21, production of the Green Pages Almanac and awareness raising on the EU accession issues related to environment (all by Umanotera).

In the **EU accession process** the NGOs have not played a significant role so far. Even when they organised themselves well as a part of an international, EU funded project, they were only formally involved in the official drafting of the negotiations position paper at the last stage, when the positions were already formulated. Nevertheless, an NGO position was formulated on the requests for transition periods, but only after they were adopted (see box below). The only exception took place in the nature protection chapter, where a successful Birdlife Europe campaign yielded results with the request for a technical adaptation and request for the inclusion of the Kentish plover (*Charadrius alexandrinus*) in Annex I (special protection measures) to the Directive on the Conservation of Wild Birds.

NGO position on Slovenian Requests for Transition Periods for the Environmental Acquis:

When it comes to the actual requested transition periods; things are not as fixed and absolute as they appear. Considerably earlier compliance would be possible in almost all areas (with the exception of the investment-intensive directives: Urban WasteWater, IPPC), provided that the environment became a priority area for the accession countries. However, speed would not necessarily be an advantage. With only two years left before the "working assumption for accession to the European Union" for Slovenia (31 December 2002), it appears that detailed binding plans for transposition and implementation (even if over a period beyond planned accession) would be a wiser approach, rather than rushing ahead too fast.

These two statements appear to contradict each other, however the key difference is "environment as a priority", which is clearly not the case in candidate countries presently; however, it could be boosted by a proper approach based on positive motivation rather the current command-and-control and top-down one.

In either case, investing more time in the planning phase, in the search for the best options (economically and environmentally) would pay off in many ways in the long-term. Working out possible scenarios and their implications is seen as a completely normal thing to do as a part of the decision-making process in the established democracies, but is hardly ever done in Slovenian society.

*An NGO position on transition periods requested by the Republic of Slovenia (Umanotera)*

- **Fuel Quality** (Directive 98/70/EC) - two years requested, until 31 December 2004. We do not approve: continued production has been requested for the Lendava Refinery, which has been shown to be an installation without good economic prospects and which already generates huge losses. Plans for restructuring the facility have been prepared and it is just a matter of political will to close it down. This should be done primarily for economic reasons, rather than environmental.

*This request has been dropped during the bilateral discussions between Slovenia and the European Commission.*

- **Packaging and Packaging Waste Management** (Directive 94/62/EC) - five years requested, until 31 December 2007. We do not approve of this transition period. It reflects the pressure of the industry and the wrong priorities that have been set for dealing with municipal waste: rather than investing heavily into source

*reduction and recycling, the main investments envisaged are for incineration (three incinerators planned) and upgrading landfills.*

- **Urban Waste Water** (Directive 91/271/EEC) - ten years requested, until 31 December 2015. It is common knowledge that the implementation of this directive is extremely investment intensive (responsible for 60% of all costs related to EU harmonisation in the field of environment in Slovenia), and we support the requested period. Even 2015 is a very ambitious target date for full compliance. We also think that in Slovenia, where the dispersed population and 60% of the surface water pollution comes from settlements that are smaller than 2000 PE, the EU framework, which focuses exclusively on large urban conglomerations, is not appropriate, and a more decentralised approach would better benefit the environment and health. Some 44 % of the territory is Karst, and a half of all the water supply originates there. The criteria of the carrying capacity rather than emissions according to population units should be taken into account to tackle the problem. Perhaps our government should have asked for a derogation in this field - due to the country specific conditions.
- **Integrated Pollution Prevention and Control - IPPC** (Directive 96/91/EC) four years for the existing facilities - until 30 September 2011. It is very hard to judge this, but one can easily form the opinion that when the industry claims the proposed deadlines to be feasible they are probably not ambitious enough and could be pushed to take place sooner with pressure for earlier compliance. This especially goes for those investments where restructuring would cut resource and energy use, and therefore benefit the economic aspects of production, as well as environmental ones in the long, or sometimes even mid, term.

Compliance with the Acquis can definitely not be seen as the only indicator of environmental performance, let alone of the level of sustainable development. More emphasis should be put on other **instruments**, in addition to legislation, and on the **integration** of the environment into other sectors. The Acquis (legislation) is extremely important, but is not enough. The present approach will result in the bulk of investment money being spent on expensive end-of-pipe solutions, thus repeating the mistakes of the West. Why are the essence of 5th EU Environmental Action Plan of 1992 (with its broadened spectrum of instruments) and the principle of integration of the environment into other policy areas from the Amsterdam Treaty, not applied to the enlargement process? Only such an approach would prove that the EU is serious in its concern about environment and sustainable development, rather than exclusively worrying about the single market.

Note: by the time this publication is published, Slovenia will have closed negotiations on the chapter on the Environment, leaving three requests for transition periods.

Even if the substance of NGO work has priority over their institutional set-up, it is interesting to take a look at the **connections between organisations**, within the movement in Slovenia as well as internationally. The first characteristic is the lack of any associations, formal networks or umbrella organisations. This may be the result of suspicions about possible abuse of such "super-structures", but also reflects the lack of funding for such projects. However, this apparent weakness might be a strength at the same time; despite the absence of permanent formal structures, there is a vibrant activity of networking and ad-hoc mobilisation on issues that motivate groups (e.g. GMOs, climate, transport, waste incineration, EU accession, Aarhus Convention). Using electronic means of communication to their advantage, organisations can organise themselves around such topics extremely quickly, can exchange views and positions, and can reach a variety of target groups, with limited financial resources, without the burden of a permanent structure overhead and management. Further experience in creating ad-hoc coalitions and networks (a catalogue of possible models) will bring improved ways of self-organisation that are prerequisites for successful public participation in decision-making.

Due to the small size of the country, with less than two million people, the critical mass will simply never be there to cover all the specialised areas of expert interest, so we rely on international connections for access to such sources of knowledge. It is precisely the international connections that are not only a need, but also one of the greatest assets of NGOs compared with governmental and for-profit organisations. In today's globalised world, the opportunities of working in international partnerships to transfer cutting-edge concepts and solutions definitely make up for limitations due to the size of Slovenia.





THE PREPARATIONS FOR  
ENLARGEMENT AND THE  
STATE OF NEGOTIATIONS



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**A**s soon as political changes began in the Central and Eastern European Countries (CEECs), the possibility that they might become members of the EU was considered by both sides – by the CEECs and by the EU itself. Within the EU, Germany was at the forefront of efforts to encourage the CEECs to join. After several years of internal and bilateral discussions, the European Council set the formal preconditions for enlargement in its Copenhagen Summit, in June 1993 (see below). The Council was seeking to define a global pre-membership strategy, while at the same time gradually developing the legal and financial instruments to consolidate the enlargement process.

#### Europe Agreements and Structural Dialogue

Since the disappearance of the Communist regimes, the EU has supported the CEECs in their transition to market economies. The EU, with its PHARE (at the beginning meant for Poland and Hungary – and so reads as Poland and Hungary: Action for the Restructuring of the Economy) Programme, launched a system of substantial financial aid in the form of grants for all former Eastern Bloc countries. These included Slovenia, the Baltic nations and Albania (a similar scheme, TACIS, was set up for the N.I.S. countries). In more general terms, the Union has co-ordinated international support for the region in collaboration with the G-24 (OECD members), it has played an important role in the setting up of the EBRD (European Bank for Reconstruction and Development) and it has encouraged financial support from major credit suppliers, especially for loans to finance the balance payments. In trade terms, the Union has made an effort to further open up its markets.

This move to free-up markets has been speeded up by the finalising of the “Europe Agreements”. Europe Agreements provide the means whereby the European Union offers associated countries the trade concessions and other benefits that are normally associated with full membership of the European Union. These agreements are the most wide-ranging agreements the European Union has ever entered into. They cover political dialogue and economic integration, as well as cultural and financial co-operation. These agreements

create an asymmetric trade liberalisation relationship. The Union agreed to immediately dismantle trade and custom barriers, excluding textile, steel and agricultural products, while the CEECs will be granted a ten-year transition period to complete the liberalisation process.

The European Union signed Europe Agreements with Poland and Hungary in 1991, the Czech Republic, Slovakia, Romania and Bulgaria in 1993, Estonia, Latvia and Lithuania in 1995 and with Slovenia in 1996. With three other candidate countries, the Association Agreements (similar to the Europe Agreements) were signed much earlier: Turkey in 1963, Malta in 1970 and Cyprus in 1972. These agreements have become a main element of the framework within which countries work towards the EU membership. All countries that have signed the Europe Agreements with the EU become eligible for membership and are brought into the pre-accession strategy. Under the Europe Agreements, the associate countries commit themselves to approximating their legislation to that of the European Union. This includes applying legislation favouring competition and applying state-aid rulings which are compatible with the legislation in the EU. The Europe Agreements provide for financial co-operation, including grant finance provided under the PHARE Programme, together with macroeconomic support.

One of the key elements of the Europe Agreements is the Association Councils. These are a series of bilateral meetings between the EU and each partner country, which have been supported by Association Committees as well as Joint Parliamentary Committees. Furthermore, the Europe Agreements initiated political co-operation between the Union and the CEECs. This took the form of regular ministerial meetings, referred to as the “structured dialogue”, for the discussion of issues of common concern, and whereby associated countries are able to familiarise themselves with European Union Institutions and decision-making processes. The “structured dialogue” covered a number of Community sectors, especially those with a trans-European dimension, including energy, the environment, transport, science and technology, common foreign and defence policy, legal issues and home affairs. The joint EU-CEE meetings were, nevertheless, on a consultation basis only.

On March 25<sup>th</sup>, 1998, the European Commission approved the Accession Partnership Agreements for 10 applicant countries, which means that “structural dialogue” no longer exists.

White Paper

Within the framework of the Europe Agreements, the partner countries began to approximate legislation and to move towards the economic freedoms upon which the EU’s internal market is based. Early in 1995, **the White Paper on Preparation of the Associate Countries of Central and Eastern Europe for**

**Integration into Internal Market of the Union** was produced, to help the associated countries prepare for this process. The White Paper sets out the framework of essential internal market legislation, divided into 23 sectors, covering: the free movement of capital, the free movement and safety of industrial products, competition, agriculture, transport, energy, environment and so on. It identifies the key measures in each sector of the internal market, and suggests the sequence in which approximation of legislation should be tackled. Alignment with the internal market was expected to reinforce economic reform and industrial restructuring, and to stimulate trade and commerce. The White Paper outlined the steps to be taken by the Commission, the associated countries and the Member States to ensure that these benefits are achieved. Where the environment is concerned, the White Paper refers only to those acts which relate to the free movement of goods, capital and persons. They comprise 36 environmental directives and 21 environmental regulations of the 70 environmental acts forming the core of the *acquis* of the Community legislation. The White Paper is not binding, nor does it form part of the accession negotiations. For that, countries need an approximation of the whole **ACQUIS COMMUNAUTAIRE** (EU-regulations, from now on referred to as “*acquis*”).

#### Copenhagen Criteria

The European Council meeting in June 1993 in Copenhagen agreed that “the associated countries of Central and Eastern Europe that so desire shall become members of the European Union, as soon as they are able to assume the obligations of membership” and set up criteria to be used for evaluation of the readiness of associate countries to become members of the EU. They are as follows:

- the applicant country must have achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- it must have a functioning market economy, as well as the capacity to cope with – competitive pressure and market forces within the EU;
- it must have the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

In the process of the accession, furthermore, the acceptance and implementation of the Acquis (the body of European law and legal framework and institutional structures of the Union) is essential.

## Acquis Communautaire on Environment

The European Union's environmental legislation, which has been developed over the last 30 years today, consists of some 300 acts: directives, regulations, decisions and recommendations. They are joined by numerous communications and policy guidelines drawn up by the Commission. The Community's environmental acts are described in the **GUIDE TO THE APPROXIMATION OF EUROPEAN UNION ENVIRONMENTAL LEGISLATION (SEC (97) 1608)**, published in August 1997 by DG XI (now DG ENV). This follows on from the White Paper on the internal market. It divides the Union's legislation into nine sectors, subdividing each sector into Non-White-Paper and White paper legislation. It is intended to help policy makers and officials in Accession countries deepen their understanding of EU environmental legislation and identify the key issues and steps in approximation of environmental legislation.

In general, the EU requires potential newcomers to adopt the entire *acquis* before accession. However, Agenda 2000 and its annexes have already made it clear that the Commission does not want to stick to that principle for environmental rules. It foresees that countries will only be able to apply them entirely "in the long term", while accession can take place in the "medium term".

From Agenda 2000 to the start of the negotiations

Agenda 2000, the strategy paper of the Commission for the EU from the year 2000 includes analysis and proposals with regard to enlargement. It has 10 annexes, one for each CEEC, in which its state of affairs and potential with regard to the Copenhagen criteria and the *acquis communautaire* has been analysed. The analyses, which use, as a starting point, the replies to questionnaires from the applicant countries sent by April 1996, led the Commission to recommend that accession negotiations should start with Hungary, Poland, Estonia, the Czech Republic and Slovenia, leaving the other five for the second wave.

This proposal dissatisfied many MEPs and certain Member States, as well as environmental NGOs who felt that "the division of the applicant states into two classes was very discouraging for the governments and citizens of some of these states" and that the start should be common for all. Besides that, environmental NGOs in both the West and the CEE countries felt that the Commission's opinion was based on a one-sided story and that the public and NGOs in the countries concerned had not been involved in these very important processes.

The December 1997 European Council decided to indeed start with the first group of five (plus Cyprus). However, in order to ensure that the other five (and Turkey, a long-standing candidate who has a difficult relationship with the EU) were not left entirely out of the European process, a European Conference was

set up, composed of Heads of States and Governments and the President of the Commission, and of Ministers of Foreign Affairs, which meet annually.

The Council also agreed on a reinforced pre-accession strategy with annual reviews of progress. It is to be articulated around the Europe Agreements, Accession Partnerships and "substantially" increased pre-accession aid. This approach also means that from year to year the Council can decide whether or not to start negotiations with one or more countries of the second group.

In January 1998, the Council endorsed the draft Regulation for the Accession Partnership Agreements (see below) prepared by the Commission for each of the ten Central and East European countries, and in March the negotiations officially started.

After the Helsinki Summit in December 1999, the situation has changed and five other countries (called the Helsinki Group) have joined the Accession Negotiations. Enhanced co-operation also has been agreed with Turkey.

#### Pre-Accession Strategy

Taking into account the intensification of the enlargement process during 1996 and 1997, it has been necessary to reinforce the pre-accession strategy. The key instruments of the pre-accession strategy, apart from the Europe Agreements, are:

- Accession Partnership Agreements (APAs)
- National Programmes for the Adoption of the *Acquis* (NPAAAs)
- Pre-Accession assistance including the Phare Programme, Environment and transport investment support (ISPA), Agricultural and Rural development support (SAPARD) and the opening of Community Programmes.

Accession Partnership Agreements, or Accession Partnerships (APs), are key features of the reinforced pre-accession strategy and have been drawn up for each candidate country. They provide an assessment of priority areas in which the candidate country needs to make progress in order to prepare for accession and outline the ways in which the PHARE Programme will support such accession preparations.

Objectives cover areas such as strengthening democracy and the rule of law, protection of minorities, economic reform, reinforcement of institutional and administrative capacity, preparation for full participation in the internal market, justice and home affairs, agriculture, environment, transport, employment and social affairs, regional policy and cohesion. Each applicant country has to prepare a National Programme for the Adoption of the *Acquis* (NPAA) which should set out a timetable for achieving these priorities and intermediate objectives and, where possible, indicate the necessary staff and financial

resources (for this, annual financial agreements have to be made). Under the Accession Partnership Agreements, Community assistance is conditional on commitments under the Europe Agreements, further steps made towards satisfying the Copenhagen criteria and progress in implementing the APAs. Failure to respect these general conditions could lead to a decision by the Council to suspend financial assistance. The implementation of the APAs is monitored, in particular, through the Europe Agreements framework. This monitoring began in 1998, before the Commission presented its first regular report to the Council reviewing the progress made by the applicant countries. It has been followed by two more progress reports in 1999 and 2000. Progress has been evaluated on political and economic criteria, as well as on the countries' ability in the adoption, implementation and enforcement of the *acquis*. Detailed information about progress reports can be found in the Commission's Web site<sup>2</sup>.

### The Accession Negotiations

To start negotiations, the Commission has set up an Accession Negotiations Task Force, whose role was to prepare a draft of the EU's common negotiating positions, draft and raise legal instruments, check secondary legislation in the applicant countries and co-ordinate with the Council of Ministers' General Secretariat and its rotating presidency. It was also the job of the Task Force to come up with proposals and work with applicants on compromise solutions for the problems that emerge from the enlargement negotiations, as well as to ensure close co-operation with Commission departments in drafting Commission Communications to the Council on negotiations; it also represents the Commission in negotiations and co-ordinating information policy.

The negotiations started with an analytical examination of the *acquis* (a process called "screening"), in multilateral sessions bringing together all negotiating countries, the Task Force, and officials of DG IA (now DG ELAR). Based on the screening results, Candidate Countries have submitted their negotiation positions for all chapters of the EU legislation (in total 31)<sup>3</sup>. In these negotiation positions, countries indicate which pieces of the EU legislation will be adopted and implemented by the date of the accession and where transition periods will

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<sup>2</sup> [http://www.europa.eu.int/comm/enlargement/report\\_11\\_00/index.htm](http://www.europa.eu.int/comm/enlargement/report_11_00/index.htm)

<sup>3</sup> 1- Free movement of goods, 2-Free movement of persons, 3- Free movement of services, 4- Free movement of capital, 5- Company law, 6- Competition policy, 7- Agriculture, 8- Fisheries, 9- Transport policy, 10- Taxation, 11- Economic and Monetary Union, 12- Statistics, 13- Social policy and employment, 14- Energy, 15- Industrial policy, 16- Small and medium size enterprises, 17- Science and research, 18- Education and training, 19- Telecommunications and information technologies, 20- Culture and audio-visual policy, 21- Regional policy and co-ordination of structural instruments, 22- Environment, 23-Consumers and health protection, 24- Co-operation in the field of justice and home affairs, 25- Customs union, 26- External relations, 27-Common Foreign and security policy, 28- Financial control, 29- Financial and budgetary provisions, 30- Institutions, 31- Others

be required (see also below). The negotiations are conducted in bilateral accession conferences between the Member States and each applicant. The Environment Chapter has proved to be one of the most difficult ones, where most countries have requested long transitional periods. Many candidate countries have asked for transition periods for the Urban Waste Water Treatment Directive, Drinking Water, Large Combustion Plants, Packaging and Packaging Waste Directive, Integrated Pollution Prevention and Control (IPPC) etc. As of August 2001, negotiations on the Environment Chapter have been opened with all Accession Countries, apart from Romania and Turkey. The first country to provisionally close this chapter was Slovenia (March 29<sup>th</sup>) followed by the Czech Republic, Estonia and Hungary (June 1<sup>st</sup>), Lithuania (June 27<sup>th</sup>) and Cyprus (July 27<sup>th</sup>).

After the reorganisation of the Commission in 1999, all issues related to EU Enlargement fall under the responsibility of DG ENLARGEMENT (DG ELAR) (Commissioner Günter Verheugen). This body is responsible for the management of the Accession Partnerships, the EU pre-accession funding, the Europe Agreements, and the regular evaluation of how far each applicant is complying with its undertakings to the EU, including its progress in implementing its National Programme for the Adoption of the *Acquis*. The other Directorates-General also supply the sectoral expertise to DG ELAR.

In November 2000, when the Commission presented progress reports for each applicant country, it also considered outlining a strategy to take the negotiations into a more substantial phase and point the way forward to their conclusion. This strategy enables the Member States and the Candidates to take up, in the accession conferences, the key issues which need to be resolved to bring negotiations to a satisfactory conclusion.

The main elements of the strategy are:

- an invitation to the Member States and the candidate countries to take up in negotiations the substantial issues raised by requests for transitional measures (periods)
- an analysis of such requests, distinguishing between cases that the Commission considers to be acceptable, negotiable or unacceptable
- a detailed "road map", providing a clear sequence for tackling these issues in the course of 2001 and 2002
- a proposal to facilitate negotiations by "setting-aside" chapters with a limited number of remaining problems
- an indication of the time needed to complete the negotiations.

This strategy is based on the principles laid down at the outset of the negotiations and the progress already achieved.

## Transitional periods (measures)

Accession negotiations are based on the principle that candidate countries accept the *acquis* and apply it effectively upon accession. Transitional periods, whereby the application of part of the *acquis* is delayed for a specific period, are accepted only in well-justified cases.

Transitional periods should be limited in time and scope, and accompanied by a plan with clearly defined stages for application of the *acquis*. They must not involve amendments to the rules or policies of the EU, disrupt their proper functioning, or lead to significant distortion of competition. The analysis will be made on a case-by-case basis, taking into account the country's interests and the likely impact of each request on the functioning of the EU and the interests of the other applicant countries. The acceptance of transitional periods in one case will not constitute a precedent for others.

In preparing common positions, in response to the candidate's requests, the Commission distinguishes between three cases:

**Acceptable.** This category includes transitional periods of a technical nature that pose no significant problems.

**Negotiable.** This category includes those requests with a more significant impact, in terms of competition or the internal market, or in time and scope. Requests in this category will be examined taking into account not only competition and the single market, but also, the effects on the economy, health and safety, the environment, consumers, citizens, other common policies and the Community budget.

**Unacceptable.** This category includes transitional periods posing fundamental problems and will not be accepted.

In the field of the environment, transitional periods are not granted for any horizontal legislation, legislation on nature protection and framework legislation. Negotiable transitional periods are in the area of directives needing heavy investment, such as the Urban Waste Water Treatment Directive, Large Combustion Plants, Waste, Packaging Waste, IPPC (existing installations), etc. But here also, transition periods are granted only for the investment part of the compliance, and not for the transposition into national law or administrative structures.

TRANSITION PERIODS ON ENVIRONMENT (as of August 1st, 2001)

Directive	Cyprus (closed)	Czech Rep. (closed)	Estonia (closed)	Hungary (closed)	Latvia (opened)	Lithuania (closed)	Poland (opened)	Slovakia (opened)	Slovakia (closed)	Malta (opened)	Bulgaria (opened)
Nature:											
- birds			withdrawn		2010	withdrawn					
- habitats		withdrawn	withdrawn		2010	withdrawn					
- trade in species											
Water:											
- urban waste water	2012	2010 2006 2002	2010 2009	2015 2010 2008	2015	2009	2015	2015	2015	2008	2014
- nitrates		withdrawn	withdrawn	withdrawn	2010	withdrawn	2008				
- groundwater		withdrawn	withdrawn	withdrawn	2010	2010	withdrawn	2008			
- discharge of substances		withdrawn	withdrawn	withdrawn	2010	2010	2008	Y?		2008	2010
- drinking water		withdrawn	2013	withdrawn	2015	withdrawn	2008	2008		2005	
- quality of surface water					2008		withdrawn				
- bathing water					2005						
- fish water											
- water framework											
Industrial Pollution:											
- large combustion plants		withdrawn		2004	2008		2010	2010		2005	?
- IPPC				withdrawn	2015		2010	2012	2011	2008	2011
- Seveso II				withdrawn	2004					2006	
- VOCs from solvents					Y?			2010			2011
Air:											
- framework											
- SO <sub>2</sub> , NO <sub>x</sub> , lead, particulates											
- VOCs			2006		2008	2007	2009	2010		2004	2009
- CO and benzene							yes?				2014
- sulphur content of fuel					2004	withdrawn			withdrawn		
- quality of fuel/lead in petrol											
- machinery emissions											
Waste:											
- framework directive			withdrawn	2005	2004		withdrawn				
- hazardous waste					2004		withdrawn				
- incineration of hazardous/ municipal waste (old)					2004			2006			
- incineration of waste (new)											
- end of life vehicles											
- shipment of waste					2004						2012

- disposal of waste oils				2004					
- disposal of PCBs and PCTs									
- packaging	2005	2005	2005	2015	2006	2007	2007	2005	2011
- batteries				2004					
- landfills			2009	2015	2011	2012			2014
- sludge									
- asbestos				2004					
Chemicals:									
- ozone depleting substances						2005		2008	
- GMOs and biocides									
Radiation protection:									
- ionising radiation				2005		2006			
- medical exposure									
- chapter III Euratom									
- basic safet standards									
- shipment of rad.waste									

The EU has not yet begun negotiations on the environmental chapter with Romania and Turkey.

The table above shows the requests for transition periods submitted by the candidate countries in the field of the environment (situation as of August 2001):

## A "road map" for the negotiations

In order to advance the negotiations on the basis of the existing principles, the Commission proposed a "road map", in the form of a sequenced approach to the chapters in the negotiations. The Commission suggested that the accession conferences in the course of 2001 take up, as far as possible, the most outstanding substantial issues in the negotiations, except those with the greatest budgetary implications. These, together with the institutional chapter and remaining unresolved issues, would be addressed in the first half of 2002. The "road map" identifies priorities for the negotiations for the coming period.

In cases where a chapter cannot be provisionally closed, but the number of remaining problems is very limited, the Commission would propose to modify the approach taken so far. Instead of leaving such a chapter on the negotiating table, the chapter could be "set aside" with the proviso that it will be revisited in order to find a solution to the few remaining issues at an appropriate time. This would reduce considerably the number of open chapters and more clearly identify the problems remaining to be resolved.

In line with the approach to introduce a "road map", the Commission proposes to adapt the approach on opening chapters to allow well-prepared candidate countries which started negotiations this year, to catch up. Monitoring will continue for all chapters, to establish whether commitments concerning the adoption and implementation of the *acquis* have been fulfilled.

### Priority schedule for the first half of 2001

In this period, the Union has, as a priority, to define common positions, including positions on requests for transitional periods, with the view to provisionally close the following chapters:

- Free movement of goods
- Free movement of persons
- Freedom to provide services
- Free movement of capital
- Company law
- Culture and audio-visual policy
- Social policy and employment
- Environment
- External relations

Priority schedule for the second half of 2001

Common positions will be given, including the view to provisionally close the following chapters:

- Competition policy
- Transport policy
- Energy
- Taxation
- Customs union
- Agriculture (in particular veterinary and phytosanitary questions)
- Fisheries
- Justice and home affairs
- Financial control

Priority schedule for the first half of 2002

In this period, the Union will concentrate on any important questions from other chapters for which solutions have not yet been found, and will define common positions, including positions on all requests for transitional measures, with a view to closing provisionally the remaining chapters:

- Agriculture (remaining questions)
- Regional policy and structural instruments
- Financial and budgetary provisions
- Institutions
- Other matters

Prospects for concluding the negotiations

The European Parliament, in its resolution in October 2000, called for Members States and Candidate Countries to “do everything in their power to ensure that the European Parliament can give its assent to the first accession treaties before the European Parliament elections in 2004, in order that these countries might have the prospect of participating in those elections”.

The Commission maintains the view expressed in its 1999 Composite Paper, that it should be possible to conclude negotiations with the most advanced countries in 2002.

**The three conditions for accomplishing the first accessions** are the financial framework, institutional reform, and the conclusion of negotiations with those countries that fulfil all criteria for membership:

- as to the financial conditions, the approach envisaged by the Commission should allow the Union to stay within the framework decided by the Berlin European Council (March 1999).
- Concerning institutional reform, the decisions were taken at Nice Council meeting (December 2000)
- Concerning the accession negotiations and preparations for membership, the Commission considers that if its strategy is effectively pursued, the conditions will be created to conclude negotiations in 2002 with some countries.

The European Council in Göteborg on June 15 – 16<sup>th</sup>, 2001 confirmed breakthroughs in the negotiations and agreed on the framework for the successful completion of the enlargement. It reconfirmed that enlargement is irreversible and if progress towards meeting the accession criteria continues at an unabated pace, the "road map" should make it possible to complete negotiations by the end of 2002 for those candidate countries that are ready.

From Application to Accession – main steps along the road...

The basic legal provision for extending the membership is to be found in Article O of the Union Treaty, modified with the Amsterdam Treaty, coming into force in 1997:

"Any European State which respects the principles set out in Article F(1)<sup>4</sup> may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members."

The process of enlargement can be (and normally is) a lengthy and complicated affair. Previous enlargements of the Union have taken many years – in case of the United Kingdom, Denmark and Ireland it took more than 11 years, and more than 8 years for Spain. The last enlargement, with Austria, Finland and Sweden, was conducted more rapidly and took 6, 4 and 3 years respectively.

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<sup>4</sup> Article F(1) says that „the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law“.

The basic stages of the process are:

1. the application for membership;
2. the Opinion;
3. the opening of negotiations;
4. the conclusion of negotiations;
5. accession

and the process also includes the following steps:

1. a European country submits an application for membership to the Council of the European Union.
2. The Council asks the Commission to deliver an Opinion on the application.
3. The Commission delivers its Opinion on the application to the Council.
4. The Council decides (unanimously) to open negotiations for accession.
5. Negotiations are opened between the Member States, and each applicant individually.
6. The Commission proposes, and the Council adopts (unanimously), positions to be taken by the Union vis-à-vis the applicants in accession negotiations.
7. Agreement reached between the Union and applicant on a Draft Treaty of Accession.
8. Accession Treaty submitted to the Council and the European Parliament.
9. The Commission delivers another Opinion, on the Accession Treaty.
10. European Parliament delivers its assent (explicit agreement) to the Accession Treaty (by an absolute majority).
11. The Council approves the Accession Treaty (unanimously).
12. Member States and Applicants formally sign the Accession Treaty.
13. Member States and Applicants ratify the Accession Treaty.
14. After ratification, the Treaty comes into effect on the day of accession: the applicants become Member States.

The application for membership is an autonomous decision for the country concerned, and the Union has not officially encouraged or discouraged applications. Probably the most significant of the different stages is the decision by the Union to open negotiations, not only because such negotiations require a large input of political and human resources, but also because opening them implies a willingness to conclude them. The timing of the decision to conclude the negotiations depends at least as much on the applicant countries as on the Union, and for them it is related to factors such as the terms being offered by the Union, the progress of other applicants, and the domestic political situation.

The final period, between the conclusion of negotiations and accession, is determined by the time necessary for ratification; with the increasing number of Member States, and the fact that the assent of the European Parliament is now required, the requirements of ratification are more severe, and a year would seem to be a minimum time required to complete the procedures.

In the past, accessions have always taken place on January 1<sup>st</sup> of the year following the effective conclusion of negotiations. The choice of this date is based on practical considerations: it fits the Union's budgetary year and also the cycle of its institutions, particularly the six-monthly rotation of the presidency of the Council.

As far as the current negotiations are concerned, it is possible that with some countries they may be concluded by the end of 2002, leaving one year for ratification in both Member States and Applicant Countries. This opens up the possibility for some of the Accession Countries to become Members of the European Union in 2004, and to take part in the new elections of the European Parliament.

## CHARACTER OF PRE-ACCESSION ASSISTANCE

Pre-accession assistance has been a subject of major interest, as well as criticism from environmental NGOs, governmental officials and local authorities, starting with the legislation itself, the amount of financial assistance, the balance in support between different sectors, the project preparation cycle, and finally the openness and transparency of the whole process.

In this chapter we would like to give a brief overview on the character of pre-accession assistance; its instruments and its possibilities for the Accession countries. We also would like to offer the opinions of some of the environmental organisations that have made more detailed assessments of the pre-accession funds, or at least part of them.

From its own point of view, the EEB wants to see the following happen in the future:

1. The EU should raise its overall financial contribution to accelerate the implementation of environmental standards in the applicant countries.
2. Any investments supported from EU sources must be in line with the environmental acquis.
3. For national and international funding enforcement, control and monitoring mechanisms should be put in place to keep them in line with the acquis
4. Full openness and transparency is needed in both the preparatory phase and implementation of different projects, which are supported by pre-accession funds
5. There should be a possibility of supporting small scale projects or of bundling them within ISPA and PHARE funding
6. The scope of ISPA should be reviewed and should include other areas than just transport networks, water and waste
7. EIB should be restructured in order to respect environmental and democratic principles in its operations.

## Assistance to the applicant countries

The pre-accession strategy is a top priority for the European Union and will continue to be so for some years to come. It consists of a combination of priority setting coupled with financial assistance, Assistance Agreements, participation in Community Programmes and agencies and preparation of the negotiations through analytical examination of the acquis. The European Commission considers the pre-accession strategy to be of vital importance in the preparation of the associated countries for accession. It is a strategy which should lead to a successful integration. The forthcoming enlargement of the European Union is remarkable for the socio-economic problems of the applicant countries and the fact that the essential structural policies are virtually or completely non-existent. This means that Community assistance will go hand-in-hand with the introduction of these policies. For the first time, specifically targeted structural aid is and will be granted to the future Member States before their accession.

Central and Eastern European candidate countries have received EC financial assistance since the beginning of the transition process. First introduced in 1989, the PHARE Programme was set up to help the transition process in Poland and Hungary and it was subsequently extended to other countries towards their preparations for accession. PHARE was, and still is, the main channel for the European Union's financial and technical co-operation with CEE countries. Originally allocated Euro 4,2 billion for the 1990 - 1994 period, the PHARE budget was increased to Euro 6,693 billion for the 1995-1999 period.

Following the conclusions of the Berlin European Council (March 24-25, 1999), pre-accession assistance to the candidate countries of Central and Eastern Europe will be more than doubled from 2000 to 2006 as proposed by the European Commission in AGENDA 2000. From the year 2000 onwards, pre-accession assistance is composed of three separate elements: the PHARE programme, the Instrument for Structural Policies for Pre-Accession (ISPA) and the Special Assistance Programme for Agriculture and Rural Development (SAPARD).

Programmes under these three instruments follow the principles, priorities and conditions set out in the Accession Partnerships. The pre-accession funds made available after the accession of the first new Member States will be reallocated to the other candidate countries, so that the same total resources will help a smaller number of countries.

## Phare programme

Phare in brief:

- Draft guidelines for PHARE programme implementation in candidate countries for the period 2000-2006 in application of Article 8 of Regulation 3906/89 and comments submitted by EEB and FoE E to the Commission on July 15, 1999
- finances institution-building measures across all sectors and investment in fields not covered by the other two instruments, including integrated regional development programmes;
- has an annual budget of Euro 1,560 million;
- comes under the responsibility of the Directorate General Enlargement, which also assumes the overall co-ordination between the three instruments, supported by the PHARE Management Committee.

From 1990 to 1996, ECU 600 million of PHARE's total budget of 5.416,9 million ECU was invested in the environmental sector, which equals 9% of PHARE resources. From now on, PHARE's primary objective is to prepare the applicant countries for accession, thereby being the most important financial instrument for the Commission in this regard. From 1995 to 1999 ECU 6.7 billion is allocated, and from 2000 to 2006 ECU 1.560 billion per year is set for all 10 applicant countries together.

In AGENDA 2000, launched in 1997, the European Commission proposed to focus the PHARE Programme on preparing the candidate countries for EU membership by concentrating on two crucial priorities in the adoption of *acquis communautaire*:

- Institution-building (30% of the budget); which involves the strengthening of democratic institutions, rule of law, public administration and all entities responsible for public services in order to establish the necessary institutional and administrative structures and to train people required to apply the *acquis*;
- Investment support relating to the adoption of the Community *acquis*, particularly non-physical investment and other capital assistance (70%). A third of this is to be used to finance measures in the environmental sector.

PHARE grants for environmental projects should be allocated to four sectors:

1. Legislation and policy adapted to implementation and enforcement, approximation to EU law and integration in general;
2. Development of environmental financing, including the development of new instruments and support for the development of key financial institutions (e.g. eco-funds);
3. Support for institutions which are active in the approximation of legislation and are also assisted by the recipient country;
4. Increasing environmental awareness.

For financial assistance every year, the Commission will sign a Financing Memorandum with each of the accession countries, in which countries will undertake to implement a number of priorities identified in their Accession Partnership Agreements.

Until the end of the period 2000–2006, the PHARE Programme will remain the main Community instrument for co-operation with the CEECs. In each country until it joins, PHARE will have virtually **the same scope as objective 1 of the Structural Funds**, which will be applied later. Between 2000 and 2006, funding for PHARE will be increased from an average of Euro 1 billion to 1.56 billion per year.

**PHARE's assistance takes the form of grants rather than loans**, and its work has grown to encompass a wide range of activities.

PHARE's role has also evolved to keep pace with political developments. Ten of the partner countries have applied to become members of the EU; PHARE's role in these countries is to help them prepare for EU membership. In order to redirect support towards the preparation of the candidate countries for accession in the key areas identified in the Accession Partnerships, all Phare activities now concentrate on two priorities.

**The first priority** is to help the administrations of the partner countries acquire the capacity to implement the *acquis communautaire*. PHARE will thus help the national and regional administrations, as well as regulatory and supervisory and other bodies, in the candidate countries to familiarise themselves with Community objectives and procedures and to prepare for their implementation.

Around one third of PHARE is allocated to this institution-building, which strengthens the candidates' capacity to enforce and implement the *acquis*. TAIEX (Technical Assistance Information Exchange Office) makes experts available for short-term advice. Twinning<sup>5</sup> which was launched in 1998 as the

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<sup>5</sup> More about Twinning you can find in the publication of Enlargement Directorate of the European Commission „Twinning in Action" published in March 2001.

principal mechanism for Institution Building process, involves long-term secondment of officials from Ministries, regional bodies, public agencies and professional organisations in the Member States to corresponding bodies in the candidate countries, to promote the transfer of technical and administrative know-how. 228 twinning projects are operational, with 150 pre-accession advisers already in place. 129 further projects are being initiated under PHARE 2000.

Number of Twinning projects financed under PHARE in 1998-2000

Candidate Country	Agriculture (incl. veterinary and phytosanitary projects)	Environment	Public Finance (incl. Taxation, Customs, Internal Market etc.)	Justice and Home Affairs	Social Policy	Regional Development and preparation for Structural Funds	Others	Total
Bulgaria	7	11	12	6	4	3	2	45
Czech Republic	3	5	7	11	9	2	5	42
Estonia	4	2	7	5	3	1	-	22
Hungary	6	5	9	5	4	2	-	31
Latvia	3	2	4	4	1	3	1	18
Lithuania	2	1	6	6	3	1	6	25
Poland	16	6	15	6	4	3	8	57
Romania	7	3	13	8	5	3	3	42
Slovak Republic	6	6	8	12	6	1	5	44
Slovenia	6	2	7	7	4	2	3	31
TOTAL	60	42	88	70	43	21	33	357

For the 1998 and 1999 PHARE programming periods, twinning has been focused on four priority sectors: \* Agriculture, \* Environment, \* Finance and \* Justice and Home Affairs. These represent the short-term priority sectors that have been identified in the Accession Partnerships. Twinning also covers projects which prepare candidate countries for the introduction of structural funds. Under PHARE 2000 and subsequently, in addition to the above, other areas of the *acquis communautaire* are addressed through twinning. **Medium term twinning** is to be introduced in 2001 to provide more flexibility. SIGMA (Support for Improvement of Governance and Management in Central and Eastern European countries) provides advice on horizontal governmental functions.

Some examples of twinning projects in the field of the environment (1998 programme):

Bulgaria

Policy advice to develop overall strategy of the Ministry and Approximation of legislation and practices (environmental information, water, air) with Germany as a leading partner and with the involvement of Austria and France. Budget - Euro 1.8 million

Czech Republic

Law enforcement institutions (Czech Environmental Inspection) with Germany as a leading partner and with the involvement of Sweden and Denmark. Budget Euro 0.85 million.

Estonia

Implementation of environmental accession programme (air) with Finland as a leading partner and with the involvement of Germany. Budget Euro 0.4 million.

Implementation of environmental accession programme (water) with Sweden as a leading partner and with the involvement of France. Budget Euro 0.413 million.

Hungary

Legal approximation in the environmental field (waste, air, water) with France as a leading partner and with the involvement of Germany and Austria. Budget Euro 0.716 million.

Central Environmental Protection Fund with Germany as a leading partner and with the involvement of Austria. Budget Euro 0.987 million.

Habitats Directive – Finland as a leading partner and with the involvement of Spain. Budget Euro 0.2 million.

Latvia

Strengthening of institutional capacity (water) – Sweden as a partner. Budget Euro 0.35 million.

Strengthening of institutional capacity (hazardous waste) – Denmark as a partner. Budget Euro 0.3 million.

Poland

Implementation of environmental legislation and strategies (waste, air; water) - France as a leading partner with the involvement of Germany and the UK. Budget Euro 3 million.

Romania

Support on basin-related water management - France as a partner. Budget Euro 0.6 million.

Development of policy unit, legal drafting, nature protection, inter-ministerial committee on environment, local environmental protection agencies, State Ownership Fund - Germany as a partner. Budget Euro 0.6 million.

Slovak Republic

Legal advice on the approximation of legislation (water) - The Netherlands as a partner. Budget Euro 0.3 million.

Advice on the harmonisation of sectorial policy - Germany as a partner. Budget Euro 0.3 million.

Strengthening of institutions (air) - Austria as a leading partner with the involvement of the UK. Budget Euro 0.7 million.

Slovenia

Support to NPAA development and implementation (policy, information and training systems, sector legislation, sustainable financing mechanisms) - Austria as a leading partner with the involvement of Germany and France. Budget Euro 0.5 million.

**The second priority** is to help Candidate Countries bring their industries and major infrastructure up to Community standards by mobilising the investment required. This effort will be largely devoted to areas where Community norms are becoming increasingly demanding: environment, transport, industrial plant, quality standards in products, working conditions, and so on. Here another third of the PHARE budget is used for co-financing. And **the last third** of the PHARE budget is now being allocated to **economic and social cohesion**. This helps to develop the mechanisms and institutions necessary to implement Structural Funds after accession, supported by investment or grant schemes with a regional or sectoral focus.

## THE SPECIAL ACCESSION PROGRAMME FOR AGRICULTURE AND RURAL DEVELOPMENT (SAPARD)

SAPARD, in brief:

- Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period
- Finances agricultural and rural development;
- Has an annual budget of Euro 520 million;
- Comes under the responsibility of the Agricultural Directorate General.

SAPARD, as proposed by the European Commission, would help Candidate Countries to deal with the implementation of the *acquis communautaire* as it relates to the common agricultural policy (CAP), as well as the structural adjustment in their agricultural sectors and rural areas. The implementation of SAPARD is meant to be fully decentralised. The rural development plans of the beneficiary countries are expected to be approved by the Commission before the end of 2000. On the basis of the approved plans, SAPARD will co-finance rural development projects selected by countries. The implementation structure for each country includes a SAPARD Agency, responsible for management and payments. Before SAPARD funds may be transferred to a country, the Agency needs to be accredited by the competent authority of the relevant country and the implementation structure must be approved by the Commission. In all countries, the preparation of the accreditation of a SAPARD agency is currently ongoing. SAPARD covers the period between 2000 and 2006; however, the candidate countries may only benefit through SAPARD between the year 2000 and the time they join the EU.

### Priorities and objectives

The Commission proposal for a Council Regulation includes a wide range of measures for structural and rural development that would be eligible to receive assistance from SAPARD. These include:

- investments in agricultural holdings;
- improving the processing and marketing of agricultural and fishery products;
- improving the structures for quality, veterinary, and plant health controls;
- promoting agricultural production methods that aim to protect the environment;
- diversifying economic activities in rural areas;
- setting up farm relief and farm management services;
- setting up producer groups;
- renovating villages and preserving the rural heritage;
- improving and reparcelling land;
- establishing and updating land registers;
- improving vocational training;
- developing and improving rural infrastructure;
- water resources management;
- promoting forestry, including afforestation, investments in forest holdings owned by private forest owners and processing and marketing of forestry products;
- financing technical assistance, including studies.

### Finance

SAPARD funds amount to EUR 520 Million each year, to be provided out of the Guarantee section of the European Agricultural Guidance and Guarantee Fund (EAGGF). How much each candidate country will be allocated under SAPARD will depend on objective criteria. These include the farming population, agricultural area, the level of prosperity (GDP) and the specific territorial situation. When a candidate country joins the EU, it becomes eligible for assistance under Community policies, notably the Structural Funds. Its share of SAPARD funds will then go to the remaining candidate countries still in the pre-accession stages.

Under the SAPARD programme, the Community may contribute up to 75 per cent of the total eligible public expenditure of particular intervention measures. This is reduced in the case of actions that are revenue-generating. In the case of revenue-generating investments, total public aid can amount to 50 per cent of total eligible costs of the action; SAPARD can fund up to 75 per cent of this public aid.

Technical assistance, and similar activities undertaken at the initiative of the Commission, can be financed to up to 100 per cent of the total cost. This is limited to 2 per cent of the total annual budget allocation.

The Commission has laid down the indicative budget allocations among the applicant countries from Central and Eastern Europe, representing an overall budget of EUR 520 million in each year of the programme, which is in line with the Union's budget forward planning adopted by the European Council in Berlin on March 25th, 1999. This is divided among the countries as follows:

<b>COUNTRY</b>	<b>INDICATIVE BUDGET ALLOCATIONS (in EUR million, at constant 1999 prices)</b>
Bulgaria	52.124
Czech Republic	22.063
Estonia	12.137
Hungary	38.054
Lithuania	29.829
Latvia	21.848
Poland	168.683
Romania	150.636
Slovenia	6.337
Slovakia	18.289
<b>Total</b>	<b>520.000</b>

#### Programming

Each candidate country will draw up development programmes for rural areas to cover the period 2000-2006. The programmes should:

1. Set out the needs of the rural areas concerned and their development potential;
2. Establish a strategy for rural development with clear, quantified objectives;
3. Indicate the expected impact of the programme in economic, social, environmental and employment terms;
4. Provide an estimate, per year, of the financial resources needed for the realisation of the programme. This estimate should be broken down by finance source;
5. Describe the systems that will be used for programme implementation. This description should include the designation of an appropriate management authority; the establishment of mechanisms for financial management and control, as well as monitoring and evaluation; and the ways in which the authorities and social and economic partners are to be associated with the programme management.

Actions that improve market efficiency, quality and health standards and create new jobs in rural areas should be prioritised. The Commission intends to work closely with each authority during this process, and the plan will form the basis for discussions prior to the Commission's approval of a Programme for Rural Development.

At the end of 2000, BirdLife International published a report which examines the rural development plans produced by 10 Central and Eastern countries as a pre-requisite to receive money from SAPARD. This report outlines the potential environmental effects of measures chosen by the accession countries under the SAPARD regulation and how plans address these effects. The SAPARD regulation lists 15 measures that accession countries can choose from to align their agricultural sectors with that of the EU. One measure is “agricultural production methods designed to protect the environment”. Although some other measures could also benefit the environment, far more measures may lead to a loss of wildlife and habitats of farmland.

According to the findings of Birdlife International:

1. Most of the budget allocation goes to classic agricultural activities – investments in agricultural holdings and processing and marketing of products;
2. Only seven out of 10 countries proposed production methods designed to protect the environment, and only a small part of the total budget is devoted to such measures;
3. Plans fail to review the environmental situation in the countryside sufficiently;
4. The environment is only partly integrated into the environmental objectives, eligibility and project selection criteria given in the plans. References to nature conservation in the objectives and criteria are usually unsatisfactory;
5. The potentially harmful impact on the natural environment of several proposed measures – such as irrigation, afforestation, polderisation and road development – is generally not recognised. The need for Environmental Impact Assessment for projects is specified only exceptionally;
6. The plans miss the opportunity to access and use the potential of low-input farming to contribute to biodiversity conservation, both within and outside protected areas;
7. Environmental NGOs in the accession countries have not been consulted sufficiently in the preparation of the plans;
8. Information is missing or negligible on links between SAPARD measures and *projects funded under other pre-accession funds (ISPA, PHARE)*.

With this in mind, Birdlife International urges the EU and the Accession countries to:

1. Change the overall balance of the national SAPARD budgets so that at least 10% goes to environmentally-friendly farming practices
2. Assess more thoroughly the opportunities provided by certain farming practices to preserve biodiversity and landscape in rural areas
3. Establish a clear link between the proposed measures and existing and future protected areas, such as the NATURA 2000 network
4. Specify a broader range of environmental objectives and targets
5. Design clear and measurable biodiversity conservation objectives and criteria for measures that can deliver benefits to the natural environment
6. Design eligibility and project selection criteria so that projects with negative impact on areas of high ecological, biodiversity and landscape value can be avoided
7. Develop indicators for the proposed measures to enable the potential impact of these measure on the environment to be assessed objectively, including biodiversity indicators
8. Include representatives of environmental NGOs in the monitoring committees
9. Provide guidance and expertise on selected areas relating to the implementation of the SAPARD plans – eg monitoring, indicators, assessment of the environment impact of projects and plans, public participation.

SAPARD is the first external aid programme where the Commission has allowed a decentralisation of the management of external aid to a recipient third country. The aim of this exercise is to accustom future EU members to the management of EU funds. However, up to now, EU pre-accession aid for agriculture and rural development has not flowed to the candidate countries. So far, only Bulgaria and Estonia have received the green light to start using SAPARD. Czech Republic, Latvia, Lithuania, Poland and Slovenia are likely to follow by the end of the year. Other countries will be able to start implementing the SAPARD programme next year. There have been some worries that money which is not used for 2000 might be lost, but the Commission has ensured candidate countries that they can use this money until the end of 2002.

## THE PRE-ACCESSION STRUCTURAL INSTRUMENT (ISPA)

ISPA in brief:

- Council Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession.
- Finances major environmental and transport infrastructure;
- Has an annual budget of Euro 1,040 million;
- Comes under the responsibility of the Regional Policy Directorate General.

This represents assistance of 1.040 billion Euros per year for the period 2000 – 2006, and will be initially granted to all applicant countries. It will subsequently be focused on countries joining the Union at a later stage (as countries that have joined will have access to the regular, much larger, Structural Funds of the EU). Structural assistance is meant to bring the applicant countries infrastructure up to Community standards. For the management of the funds, an instrument for structural policies for pre-accession aid (ISPA) has been prepared and on June 21, 1999, the Council adopted the regulation on this new instrument (1267/1999(EC)). The Commission proposes that ISPA should limit its funding to environment and transport projects (like Cohesion funds inside the EU). In the environmental field, assistance under ISPA will enable the beneficiary countries to comply with the requirements of environmental legislation and with the objectives contained in the Accession Partnerships.

As laid down by the regulation, the following indicative allocations of ISPA between beneficiary countries (range as % of the total) are:

COUNTRY	ISPA (%)
Bulgaria	8.0 - 12.0
Czech Republic	5.5 - 8.0
Estonia	2.0 - 3.5
Hungary	7.0 - 10.0
Lithuania	4.0 - 6.0
Latvia	3.5 - 5.5
Poland	30.0 - 37.0
Romania	20.0 - 26.0
Slovenia	1.0 - 2.0
Slovakia	3.5 - 5.5
<b>Total</b>	<b>1040 million Euro (1.040 billion)</b>

As was the case for the Structural Funds allocations made by the Commission between Member States on July 1, 1999 (IP 99/442), the indicative allocation of ISPA by a beneficiary country is based on objective criteria. The criteria used are population, GDP per capita and surface area. In order to encourage the beneficiary countries to propose high quality projects, and to have some flexibility in the management of ISPA funding, the allocation is given as a range.

The objectives of ISPA projects have their origin mostly in the Accession Partnerships and National ISPA strategies for Environment and Transport sectors. The Commission prepared Framework documents for ISPA funding in the field of Environment and Transport, in order to specify the field of intervention of the ISPA instrument and therefore help in the ISPA strategy drafting process. **For the Commission the key orientations are:**

- Community dimension of investments
- Systematic approaches (no isolated ad hoc interventions)
- Concentration on projects with impact on a maximum number of people
- Maximum financial leverage

The national strategies, set up by the Candidate Countries, propose a middle- to long-term view on the priorities for the environment and transport sector.

ISPA has attracted heavy criticism by environmentalists and Members of the European Parliament for its 5 million-minimum size of its projects. *"We call upon the European Commission to review its rules and procedures on pre-accession aid to fully integrate environmental interests in all supported investments, and to consult ENGOs in this process. Further we want to see the 5 million Euro minimum limit for ISPA to be removed,"* demanded an environmental NGO Dialogue Group in Szentendre, June 2000.

Sectors benefiting from ISPA:

1. The Environment – bringing the applicants up to the EU standards

Applicant countries generally have important needs for assistance in the field of environment, in order to comply with:

EU environmental legislation:

- Preserving, protection and improving quality of environment
- Protecting human health
- Prudent and rational utilisation of natural resources.

EU environmental principles:

- Precautionary principle
- Preventative action
- Damage rectified at source
- Polluter should pay.

ISPA assistance will concentrate on the “investment heavy” directives, i.e. directives that are costly to implement, and to deal with the worst environmental problems, on:

- Drinking-water supply
- Treatment of waste water
- Solid-waste management
- Air pollution.

2. Transport: extending the Trans-European transport Networks (TEN)

There is an urgent need to build and rehabilitate transport infrastructures in the applicant countries and to link these to the Union’s transport networks, since this is a crucial part of their economic strategies. Assistance should go to transport infrastructure projects which encourage sustainable forms of moving people and goods, in particular projects which are of community interest, and projects which enable the countries concerned to meet the objectives of the Accession Partnerships. This will include providing good connections between the Trans-European transport Networks and road and rail corridors (identified at the Helsinki and Crete conferences) in the applicant countries, and interconnections between national networks and links from these to the TENs.

Bringing transport infrastructure in the applicant countries up to the standards of the Union to meet the expected growth of traffic will call for major investments. ISPA will therefore be contributing funding to the development of railways, roads, ports and airports, taking into account the requirements for sustainable transport and modal change. **Unfortunately according to the framework documents, ISPA funding will not cover urban transport.**

### 3. Technical assistance – directly related to the projects being funded

A small part of the ISPA budget may also be used to fund preparatory studies and technical assistance. A clear link must be shown between these measures and the projects funded by ISPA. Technical assistance will have a crucial role in guaranteeing a high level of quality in projects, in terms of both management and impact, and will allow research results to be incorporated in the relevant sector as far as possible.

In 2000, the Commission signed 75 projects altogether, including 39 environment projects and Technical Assistance and 36 transport projects.<sup>6</sup>

The following list shows the balance between environmental, technical assistance and transport projects (amounts are in Euro):

#### Bulgaria

Environment – 2 projects – total = 103.977.201 ISPA= 77.982.901 49,36%  
 Transport – 2 projects – total = 175.135.135 ISPA = 80.000.000 50,64%

#### Czech Republic

Environment – 2 projects – total = 53.162.450 ISPA = 34.486.055 34,15%  
 Technical assistance – 2 projects – total = 1.213.333 ISPA 910.000 0,90%  
 Transport – 3 projects – total = 132.069.968 ISPA = 65.599.177 64,95%

#### Estonia

Environment – 4 projects – total = 29.106.150 ISPA =19.760.351 56,02%  
 Technical assistance – 1 project – total = 1.800.000 ISPA = 1.350.000 3,83%  
 Transport - 1 project – total = 18.885.210 ISPA =14.163.908 40,15%

#### Hungary

Environment - 5 projects – total = 122.965.930 ISPA = 70.143.154 26,79%  
 Technical assistance – 4 projects – total = 2.654.300 ISPA 1.990.725 0,76%  
 Transport - 3 projects – total = 379.378.000 ISPA = 189.689.000 72,45%

#### Latvia

Environment – 3 projects – total = 59.373.000 ISPA = 37.692.350 46,46%  
 Technical assistance -1 project – total = 425.000 ISPA = 318.750 0,39%  
 Transport - 4 projects – total = 57.495.846 ISPA = 43.121.885 53,15%

#### Lithuania

Environment - 2 project – total = 45.500.000 ISPA = 22.750.000 34,84%  
 Transport - 3 project – total = 73.222.400 ISPA = 42.553.160 65,16%

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<sup>6</sup> DG Regio - ISPA Report 2000, February 2001

Poland

Environment - 7 projects – total = 323.357.659 ISPA = 198.423.186 37,32%  
Technical assistance – 3 projects – total = 4.752.500 ISPA = 4.517.500 0,85%  
Transport - 6 projects – total = 438.330.090 ISPA = 328.747.579 61,83%

Romania

Environment - 5 projects– total = 241.838.653 ISPA = 181.378.990 34,34%  
Transport - 3 projects – total = 462.501.436 ISPA = 346.876.062 65,66%

Slovakia

Environment - 3 projects – total = 54.447.227 ISPA = 27.223.613 41,38%  
Transport - 1 project – total = 51.422.000 ISPA = 38.566.500 58,62%

Slovenia

Environment - 2 projects – total = 26.387.690 ISPA =13.969.093 56,91%  
Technical assistance – 2 projects – total = 1.600.000 1.200.000 4,89%  
Transport - 1 project – total = 12.500.000 ISPA = 9.375.000 38,20%

Total for all countries: 75 projects - total = 2.873.501.178 from that ISPA support = 1.852.788.939

Support for environmental projects has been divided as follows:

- Drinking water – 5.98 %
- Drinking and sewage water – 9.24 %
- Sewage water: collection/treatment – 64.38 %
- Solid waste – 20.40%

Looking on what each country has received from ISPA in 2000 the situation is as follows (the percentages per country are calculated on the total amount of the signed projects):

a) Bulgaria

- 10,43% or 104.045.600
- Sofia airport is so far the only CEEC airway project to receive an ISPA grant.

b) Czech Republic

- 7,02% or 69.988.708
- For the environment, the priority in 2000 was on sewage network projects. Technical assistance has been asked for to prepare projects in the other domains. On transport, the main focus was on projects necessary to end work already started under Phare.

c) Estonia

- 2,83% or 28.219.407
- Technical assistance has been requested for the preparation of transport projects.

- d) Hungary
- 8,82% or 87.990.703
  - Solid waste receives more than half of the grants for environment projects. On transport, the Hungarian government has only asked for grants for rail projects.
- e) Latvia
- 4,69% or 46.748.588
  - In 2000, the environment sector received more than half of the grants for Latvia. In the transport sector, most attention was placed on rail projects.
- f) Lithuania
- 5,24% or 52.242.528
  - The monies spent on transport projects far exceeded that spent on the environment.
- g) Poland
- 30,77% or 306.957.655
  - The country percentage and the amounts attributed to the environment and to transport are worse than foreseen in the initial budget: at the last moment, two environment projects (valued at more than 41 million) were carried over to the 2001 budget.
- h) Romania
- 23,98% or 239.228.470
  - In the year 2000, a balance between the two sectors was almost reached. But transport projects, already planned, will consume much of the budget for the years to come.
- i) Slovakia
- 4,26% or 42.459.572
  - Given the few projects proposed in the environmental sector this year, and the difficulties in bringing several of them up to an acceptable standard, the Commission proposed to devote more than the target 50% to the transport sector, given that the sole project (Bratislava-Trnava Rail Modernisation) was sufficient to take up more than half of the country's allocation.
- j) Slovenia
- 1,97% or 19.635.275
  - This country's percentage almost reaches the upper margin allowed by the ISPA mandate.

In order to make sure that there is good co-ordination of pre-accession assistance, the Council has adopted the Council Regulation (EC) No. 1266/1999 of June 21 1999 on Co-ordinating aid to the Applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89.

All projects which get funding from one of the pre-accession instruments have to be co-financed by the beneficiary countries. The European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD) are also involved in most of the ISPA projects. Co-financing with the International Financial Institutions (IFIs) is especially important for large-scale infrastructure projects. The 1998 Memorandum of Understanding between the Commission and the IFIs to enhance co-ordination and co-financing with PHARE was revised in March 2000 to include ISPA and SAPARD. The EIB has a loan potential of Euro 16 billion for 2000 – 2007 in the accession countries.

Pre-accession assistance to Cyprus and Malta from the year 2000:

Such assistance is provided under the specific Council regulation with an allocation of Euro 95 million for 2000 – 2004. Assistance is to focus on the harmonisation process (based on the priority areas specified in the Accession

Partnerships), and, in the case of Cyprus, on bi-communal measures that might help to bring about political settlement.

Pre-accession assistance to Turkey from the year 2000:

Such assistance is provided under the two “European Strategy” regulations for Turkey (Euro 150 million for 2000 – 2002), as well as under the MEDA II programme (Euro 127 million per year). This implies that, as from the year 2000, the annual financial allocation to Turkey will nearly double (Euro 177 million compared with Euro 93 million for 1996-1999).

#### Participation in Community Programmes and Agencies

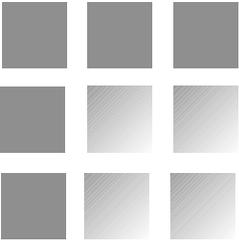
The participation of candidate countries in Community Programmes is a key feature of the pre-accession strategy. All candidate countries in Central and Eastern Europe participate in Community Programmes, in particular in education, youth, research, energy, the environment etc. Negotiations have been concluded with all 13 Candidate Countries for their participation in European Environment Agency. After ratification of the agreements, most countries become members of the Agency in 2001.

The EU also realises it is necessary to give assistance to the approximation of laws and its enforcement. For this purpose TAIEX (Technical Assistance Information Exchange Office), set up when the White Paper (see above) was launched, is being reinforced. TAIEX is to provide information on the entire Community *acquis* (in particular on the environment and transport), not only to governments but also to firms.

To conclude this chapter, it is worth mentioning that, as environmentalists, we want to see at least 50% of pre-accession financial instruments used for environmental activities. One particular area for investments is the setting up of pilot programmes for the early application of “Best Available” environmentally friendly technologies by local industries. Environmental authorities and environmental organisations should be given substantial opportunities to be involved in the design, implementation and monitoring of the use of these funds. At the end, we (the EEB) also want to see the EU develop “ *by mid-2002, a critical review of the orientation and practical use of pre-accession funds and the instruments of the cohesion policy after accession in order to ensure a maximum contribution for sustainable development and prevent negative impact on the environment. This includes: re-orientation of ISPA towards urban public transport systems and small-scale environmental projects. Re-orientation of SAPARD towards environmentally sound and biological forms of agriculture. For PHARE it means more emphasis on supporting the pre-conditions for an effective environmental policy, based on able administrations and active environmental citizens organisations.*”<sup>7</sup>

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<sup>7</sup> EEB Proposals to Strengthen the 6th Environmental Action Programme of the European Union, February 2001 (N° 2001/006)



# SELECTED SPEECHES FROM THE EEB CONFERENCE ON THE IMPACT OF EU ENLARGEMENT ON SUSTAINABLE DEVELOPMENT IN EUROPE

November 30 - December 1st, 2000  
Palais de Congrès, Dynastie Building, Brussels

This event was organised with the financial support of the European Commission, French Ministry of Environment and Ministry of Housing, Spatial Planning and the Environment of the Netherlands.



## INTRODUCTION

**The** Helsinki Summit in December 1999 took three very important decisions that may all shape the nature of developments in an enlarged European Union:

1. First of all, it gave the green light for the start of negotiations with not 6, but 12, and eventually 13 (Turkey) countries, on joining the EU.
2. Secondly, it started negotiations on the Nice Treaty, which should make the management of the EU possible with almost double the present number of member countries, and with larger differences in economic realities, circumstances and cultural and social traditions.
3. Thirdly, it asked the European Commission to develop a Sustainable Development Strategy, to be adopted by the European Summit in Göteborg in June 2001.

All three processes are important for environmental organisations and, in the perception of the EEB, they are closely linked.

The accession negotiations confirm and further complete the strong impact which the western European economy and its consumption culture, and the EU *acquis communautaire* and implementation plans, have on other neighbouring countries. The challenge is to maximise the positive impacts and prevent negative impacts. The obvious positive impacts lie in improved environmental management in Accession Countries and an overall improvement of Europe's environment as a result. The obvious negative potential is related to the increased pressure upon biodiversity, the acceleration of growth of road transport, the transformation of agriculture, the growth of unsustainable consumption patterns. But there are other concerns, in particular about the speed of the process and the eagerness of the accession countries to join as quickly as possible, and how this impacts upon the quality of the process.

When this conference took place, much was already known about the complications which the EU *acquis communautaire* produces for Accession Countries. The first indications were available of how the special financial assistance for the accession was being used, and of how the EU was preparing itself for a Union of 28 countries. In considering this, the issue of "enhanced cooperation", as laid down in the Treaty since Amsterdam (Title VII), is important.

Would it accelerate environmental protection and sustainable development by creating vanguards? or, would it reduce the pressure on laggards within an enlarged Union?

Given that the Strategy is to give a vision for the next decades, it is a matter of course that it must build upon the special challenges and opportunities of the new composition of the Union. Will the features and interests of the Central and Eastern European Countries (CEE) be properly integrated?

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## CONFERENCE OBJECTIVES

- To bring together the EU's decision-makers and representatives of environmental organisations to discuss:
    - the potential impact of the enlargement process on the realisation of a Sustainable Development Strategy for the EU;
    - the impact of the accession process on the development of civil society in Accession Countries, and therewith on the potential for sustainable development in these countries;
    - the pros and cons of the emphasis on the full transposition of the environmental acquis;
    - the need for, or inevitability of, a Europe of different speeds in order to prevent slow-down or ineffective compromise policies.
  - To conduct workshops on a number of other issues of (potential) importance for the EEB's work in the coming year.
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 Conference’s Keynote Speech by Professor NOWICKI,  
 Chief of Ecofund, former Environment Minister of Poland

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## THE CONTRIBUTION OF ACCESSION COUNTRIES TO EUROPE'S SUSTAINABLE DEVELOPMENT

by Professor Maciej Nowicki,  
Director of Ecofund, Poland

**All** of us realize the huge, historical importance of the times in which we are living. Now, our own eyes have witnessed the collapse of an aggressive, even criminal, totalitarian system, that had driven many nations into poverty and kept the entire world in fear of a total annihilation.

Now, after nearly a half of a century, the iron curtain fell down, and democracy may return to the countries on the east side of Europe, and just now, after 1,000 years, Europe is returning to the idea of unification, that will give peace and free movement of capital, ideas, people and values.

Thus, the last decade should have been a joyful celebration for Europeans, both in the East and in the West part of the continent, because we all will benefit from the union of our countries. If that is so, why no such joy can be seen? Furthermore, many politicians and the mass media tend to expose rather the dark sides of the unification, and the accession negotiations do not resemble an extremely important political process, but rather commercial haggling.

Why is this happening? I believe both sides carry their share of responsibility.

In the Accession Countries, after a short euphoria promoted by the change of the system, we entered the stage of laborious development of a civil society. This process is neither easy nor short-term; nevertheless it is advancing.

It is a fact, that the increasing share of power is being transferred down to regions and communes; however, the distribution of the Gross National Product (GNP) still remains too centralised. Citizens' institutions, such as ecological,

charity and consumer organisations, are still too weak to be treated as important partners by the local authorities, business circles, not to mention the government. The development and growth of these organisations is a prerequisite for further advancement towards democratisation, because they express in the best way the will of society, and give people the best advice on how to operate actively, now that we all are real managers(hosts) in our homelands.

The passive attitude is something we have inherited from the old system, in which masses of people could only then be manipulated if they remained passive. In a democratic system, the passive attitude becomes a key obstacle to the process of democratisation, and to an economic development.

This passive attitude leads to an increase in unemployment in such cases when an industrial plant in small town goes bankrupt, and the people cannot see themselves doing anything else than before. Such situations induce a decline of ideas, which leads to higher crime rates, while crime itself becomes increasingly better organised and threatening.

In effect, this passive attitude may threaten the entire process of democratisation. Therefore, it is of key importance for the success of the democratic transformation in the Central and East European countries to activate all available mechanisms that promote and support non-governmental organisations (NGOs).

In this process, strong support from the mass media is absolutely necessary, however no such assistance has, as yet, been provided. Worse still, instead of objectively informing the population about what is really happening in the country, the media focus their efforts on describing crime, scandals, confusion and party rows, almost entirely ignoring the remarkable, positive changes that are at the same time occurring in our countries.

Such a policy by the media shapes a distorted image of democracy in our minds : an image of a wrong and undesired system – of a system that brings in rows instead of a full consent of party leaderships, crime in the streets instead of order safeguarded by the police, unemployment growth instead of jobs, as well as poverty to the majority of the population. Such one-sided image is presented everyday to society and is broadcast abroad, thus posing a serious threat to this fragile plant, which democracy still is in our countries.

However, it is a question whether accession to the European Union will promote the democratisation process in the countries of Central and Eastern Europe.

In my opinion, this is simply a rhetorical question, as the answer is absolutely positive. Adoption of European legislation is an invaluable enrichment in itself,

as it includes regulations that stimulate democratic processes, and creates new, important institutions: it includes guidelines for fair competition, confrontation of monopolies, human and consumer rights protection, and lastly it includes high standards for environmental protection. All this can be most helpful to us.

Nonetheless, another question arises: will the accession to the European Union prompt an acceleration of the transformation towards sustainable development ?

Here, the answer is not that simple any more. On the one hand, a sweeping modernisation of industry, largely assisted by firms from the European Union, is accompanied by efforts to save raw materials and water and energy, and promote the recycling of waste and enhancement of product quality, and thus follow the correct path towards sustainability.

But on the other hand, in the area of transport, the European Union focuses its attention exclusively on the development of trans-European networks: motorway networks, high-speed trains and the development of international waterways, while all these three measures are contrary to the idea of sustainable development. At the same time, nothing is undertaken in order to start the large-scale transit of traffic across our countries. I think this is simply because then the motorways would prove unprofitable. Another astonishing fact is that the ISPA Programme supports the construction of motorways, but assigns no money to the enhancement of public transportation and to improving the transport infrastructure in our big cities.

The agriculture issue is similar. The European Commission does not want to accept the different character, for example, of Polish agriculture, which may be less efficient, but to a large extent sustains a symbiosis with wildlife, thus preserving a large diversity of species, while at the same time delivering tasty and healthy products. Pushing us towards intensive agriculture leads to a destruction of the existing structure, to additional 2-million unemployment and a shift towards a mass production of food with low nutritional quality.

Shouldn't we rather consider a change of the agricultural policy in the European Union ? Do we really have to torture animals and bring so much chemistry into the soil and plants ? Do we really have to pay this price to achieve productivity, and through this – cheap, but, to a great extent, low-value products, while leaving at the same time immense areas uncultivated? Is this really the optimal approach?

Now, that the affluence of the EU's citizenship is shown by a per capita income of 15 – 25 thousand dollars per year, can these nations not afford slightly more expensive but better quality food ? The dynamic growth of ecological farming

shows us the right direction, and just this trend should, in my view, be promoted strongly in the strategy of sustainable development that the European Commission is now elaborating. Then, the European Union could see eastern European agriculture in quite a different light, and notice the splendid natural assets that this region has still preserved. These assets are a substantial part of our common European heritage, just like, for instance, the grand architectural monuments in Western Europe.

However, apart from such problems, I am convinced that in general the Accession Countries can gain benefits from membership of the European Union, particularly if the European Commission adopts a less dogmatic approach to the Accession Process, with less cold calculation and more will to give the entire, united Europe a foundation for a harmonious development.

The Commission's current ruthless approach becomes especially apparent in the negotiations on environmental protection. We must all keep in mind the fact that the enormous progress that has been made in this area in our countries over the last 10 years has been financed mainly with our own resources. For example, the entire amount of foreign aid to Poland over the last decade has totalled not more than 5% of the country's expenditure in the field of environmental protection (and only 1% of expenditure came from the PHARE Programme). This means that the remaining 95 percent of funds, that constitutes nearly 20 billion euros in 10 years, have been raised from Poland's own resources. This amounts to 1.6 % of the country's national product, which is the maximum effort that we are able to make. Now, that the ISPA Fund has been launched, but at the same time bilateral aid has been reduced, the share of foreign assistance will increase only slightly, in my opinion to a level not higher than 5 - 7%, and after accession, to a level not higher than 10-15%. This means also that our own resources in the future will remain as the main source of financial measures to make up for huge negligence in this areas, inherited from the previous political system.

In this situation, is it simply impossible to fully (100%) achieve all the Union's stringent standards in a very short term? In the situation where Member States do not fully meet these standards, I ask myself, how long a transition period do they have?

Bearing this in mind, why are the Commission's officials so opposed to the transition periods that we consider necessary from a financial point of view, if we are really to meet all our commitments ? I am personally delighted that the goal has been set so high, however, I do fear that the Commission's unrealistic demands may defer the accession, which in turn may even lead our society to reject the Accession Process as such.

Having observed this much, I cannot resist having the impression that this dogmatic position is backed by big business, which sees a vast market opening

up; a market that does not have its own, state-of-the-art environmental protection industry, and that will have to buy a large majority of new technology in the countries of European Union. Our rough assessment indicates that the sales revenue of Western European companies in Poland presently exceeds the EU subsidies several times over, and also in the future, these revenues will be much higher than EU financial assistance to our countries.

At this point, I have arrived at my next subject. I said that the Accession Countries will derive benefit from membership of the European Union, but conversely, I think, the EU countries will benefit as well. Here again, the political advantages must be quoted in the first place: particularly the higher political stability of the entire European continent. I think that stable peace has a very high price. To this, one must add a complete opening-up of the EU's existing eastern borders, and the convertibility of currencies which, combined with the elimination of trade barriers, creates an excellent environment for business expansion on a far-from-saturated market of more than 100 million people. This market is filled with people would like to enjoy the pleasures of affluence, after years of shortages, while the current democratic system provides the chance for social and economic development.

The Accession Countries will also bring valuable enrichment into the enlarged European Union: the wealth of nature that these countries can still be proud of, and also the wealth of culture and traditions, the wealth of the immaterial and spiritual values. These values, however, considerably shape the quality of human life. Restoration of these values in the EU countries is, in my opinion, a *sine qua non* pre-requisite for a successful implantation of the idea of sustainable development across the entire European continent.

It is a great pity that the nations of the European Union are not advised about all these benefits. Instead, fears are kindled that these nations will have to incur enormous costs when admitting the poor brothers into the family; in particular, these costs are far overestimated, since nobody adjusts the calculation for the profits, described earlier, that EU firms will reap, and nobody counts the jobs created in the production of all the different goods for these countries, or the jobs and services sold to millions of new, ever richer, tourists from the eastern part of the continent.

Concerns about economic emigration to wealthier countries are also much exaggerated. Borders have long been nearly entirely open, and not many people have been eager to leave their own homes. However, if the wrong decisions generate (or cause) an abrupt growth in unemployment, this problem may suddenly emerge. Thus, the key idea here is not to scare the people in Western Europe that they will lose their jobs due to an arrival of Eastern European workers, but to establish the right conditions for the economic development of the Union's new members.

Thus, rejecting the unfounded fears that persist on both sides and, being fully aware of the hazards to be avoided, we can definitely conclude that the enlargement of the European Union will be advantageous to either side, to all Europeans.

This unification will bring all of us substantial political, economic and cultural benefit; because only an united, economically-strong Europe with modern industry supported by science, a Europe with an immense intellectual and cultural potential, will have the ability to meet the global challenges of the 21<sup>st</sup> century – a century, in which only huge state structures and blocs of states will count. Only economic optimisation, democracy, abundance of capital, outstanding culture, and avoiding armed conflicts within European community will be able to avert the decline of Europe to the role of a charming museum and to remain as one of the key players in the global arena.

And the global challenges are virtually overwhelming; generated by such global issues as globalisation of the economy, communications and trade, a revolution in information, revolution in technology, a revolution in science and leisure. All these processes create various opportunities for advancement; however, they also can cause many threats. All these issues are accompanied by (well-known to everybody) ecological hazards on a global scale, and by potential conflicts that can emerge, as natural non-renewable resources shrink. Much evidence supports the belief that political and economic relations between the rich North and the poor South will increasingly overshadow the planet's future and even the future of human civilization. I believe that without a substantial rise in educational and technological assistance for developing countries, to make their economic and democratic development possible, the rich countries may see themselves incapable of stopping a huge wave of immigration as well as the devastation of natural and mineral resources in poor countries, because their most urgent interest will be simply to survive.

The current aid from the European Union for developing countries makes up, on average, no more than 0.3% of their national product, and anyway, this aid is said to be applied ineffectively. Nevertheless, many positive examples can be quoted and they should be used as a foundation for a new, large, international assistance programme in the spirit of Agenda 21, with funds several times higher than they are today. This money would not be wasted, as it will enhance political stability as well as the economic and cultural development of the indigent countries, which is the best method of sustaining global peace and avoiding a mass exodus of refugees from these countries.

While the main task of poor countries on the path to sustainable development is to save their environment and mineral resources, the rich countries' largest obstacle on that path is their consumeristic lifestyle. Yes, we can reach the point at which the environment will be clean, the industry will consume as little

energy and resources as possible, and a large share of waste will be recycled. But still our countries will be far from meeting the criteria of sustainable development, if this industry, even modernised, continues to produce inessential goods, gadgets, while the demand for them is stimulated artificially, using fashionable campaigns and loud, increasingly spicy advertisements.

Even today, advertising is among the world's most powerful industries, and the expenditure on it exceeds the total financial aid for poor countries by five or six times. All this effort is necessary to convince the consumers to buy things they do not indispensably need. And people buy newer and newer things merely because they are new. This is just a consumeristic lifestyle. It is usually accompanied by an emotional emptiness, a lack of more profound non-material interests, and thus leads to psychological and physical disorders. And then, a strange thing happens: sociological research has shown that such an attitude does not make a person happier. This is clear so far, as happiness is a state of mind which comes from the emotional, not the material, sphere of life, and money cannot buy it. This attitude can be changed and the trap of consumerism can be avoided, but only if the psychological and physical balance is restored; that is, if the hierarchy of values makes it possible to restore the feeling of happiness and a sense of meaning in life. Only this can save us all from living in a dehumanised society in the era of computers, virtual worlds, automatization and robots.

Teaching humanistic values at school and after school in the mass media, the state's support for the so-called high culture and promotion of science and art: all this leads us to the humanistic society. And only such a community has the ability to carry the entire legacy of human civilisation into the 21<sup>st</sup> century and to save it from oblivion.

I believe that not only a human body, but also an entire state's structure needs a psychological and physical balance for its sound development. In case of the state, the economy makes up its physical part, whereas culture makes up the psyche. If we strive to achieve sustainable development, we must pay equal attention to both elements.

Let us trust that the United Europe will pursue this sound development in the forthcoming century, and that the dream of its founding fathers will come true – that this new, united Europe will be wealthy, politically and economically strong, but also that this Europe will foster its remarkable cultural traditions. Let us spare no effort for such a Europe, that gives the world peace, democracy, and a high value of life and culture.

## THE STATE OF AFFAIRS ON THE ENLARGEMENT PROCESS: A VIEW FROM THE FRENCH PRESIDENCY

by Marc Giacomini, Head of the International Affairs Division,  
French Ministry of the Environment and Spatial Planning

**I** am very pleased and honoured to discuss with you today the impact of the enlargement of the European Union on sustainable development in Europe.

Representing the French Presidency, I will start by reminding you of a few of our priorities in the environmental field, and their status:

In view of Rio +10 and in the framework of the preparation of the strategy the Union will adopt, the French Presidency has launched a reflection on the international governance regarding the environment. Important work has been done in the Environment Council, during the second semester, on the likely solutions to enhance the institutional architecture related to the environment, in the spirit of the Malmo declaration. If the political conditions allow it, this enhancement could lead to the creation of the World Organisation for the Environment.

Another priority is, in the other workings of the Council, to encourage progress in the integration of the environment in all the policies of the Union. Two issues in particular are being pushed forward:

- Maritime security, which will be on the agenda of the transportation Council to be held on 22 December, in view of the adoption of a common position on the first security maritime packages.
- Renewable energies, which will be on the agenda of the Energy Council of 5 December, in view of the common position on the renewable energies directive.

The conference of The Hague on climate change:

- Strongly mobilised the energies of the Presidency and of the 15 Member States.
- Did not fully succeed in, but progressed, the discussion with developing countries, such as the Umbrella group, in spite of the difficulty it met on the sinks issue

Enlargement

1. Inter-linked issues: reform of the institutions, overview of the enlargement process, impact on the environment

Beyond the issue of sustainable development that we will approach today, the success of the enlargement project resides notably in the success of the European Union's institutional reforms.

The next enlargement means the European Union will face doubling the number of its members. This is more than just a change of scale from the former enlargements, it is a real challenge. The issue at stake is the future of the European Union, it must prove it can continue to work, but also that it can work better than it does today.

The French Presidency has chosen to give a strong impetus to the enlargement process, as part of the process leading up to the Nice Summit:

- On the one hand to conclude the Inter-Governmental Conference (IGC) on the institutional reform
- On the other hand to define an "overview" of the enlargement process.

The institution reform is a particularly difficult exercise that mainly concerns three major points:

- The organisation of the functioning of the Commission
- The qualified majority vote
- The review of the "balance system" – the number of votes that each country has, in the Council.

The French President is currently visiting the European capitals in order to get a substantial agreement on the reform of the institutions at the Nice Summit.

During the General Affairs Council of 20<sup>th</sup> November which aimed at preparing an overview of the enlargement process, in view of the European Council of Nice, Member States' delegations insisted on the importance of the effective application of the *Acquis* and the follow-up by Candidate Countries.

The Delegations were equally reminded of their commitments taken in Helsinki, knowing that the Union had to be completely ready by 1<sup>st</sup> January 2003 to accept new member states, and the importance given to the differentiation principle, that is to say that each country moves forward within the negotiations according to its own merits.

As a matter of fact, in order for the enlargement process to succeed, it is required to be exacting demanding with the application of the *Acquis* both in terms of transposition and implementation. It is not an instrument set up to artificially postpone accession. It is something which is essential to ensure the good workings of the Union. Not being demanding today would lead us into difficult repercussions, because that would mean concretely an incapacity to carry out, together, ambitious community politics, such as in the field of the environment. It is the European project that would be weakened.

The presentation by the Commission on 8<sup>th</sup> November of its strategy document, its 13 annual reports on the progress achieved by the candidates, and for the first time, of 12 indicators to paint a picture of the negotiations, country by country, to indicate the progress made by the Candidate Countries throughout the past year. The Commission suggested, in its pre-accession strategy, a "road map" along which to conduct the negotiations during the next few semesters (until June 2002). This "road map" sets out a list of the chapters on which the Union must achieve Common Positions as a priority, notably on the requests for transition periods, in view of the temporary closure of the chapters. It suggests a strategy which aims to finalise accession negotiations with the countries most advanced in negotiations in order for the Union to be ready to accept new member States from 1<sup>st</sup> January 2003, in accordance with the Helsinki conclusions.

As for the environment, most of the candidate countries made important progress over the past year in analysing their internal situations and in developing strategies and investment plans for the environment.

Regarding negotiations on the environment, a second draft of the Common Positions on the EU's negotiations with the six candidate countries of the Luxembourg group (Poland, Hungary, Czech Republic, Estonia, Slovenia and Cyprus), should be adopted during the ministerial accession conference on 4<sup>th</sup> and 5<sup>th</sup> December. The chapter on the environment was opened with Lithuania (from the Helsinki group), during the accession conference on 20<sup>th</sup> and 21<sup>st</sup> November.

The directives which are the subject of a number of requests are the IPPC Directive, Packaging and Packaging Waste Directive, and the Urban Waste Water Treatment Directive. It is therefore important to observe that, under the

French Presidency, some common negotiation positions concerning the chapter on environment moved forwards to discuss basic issues about the *AcquisAcquis*, related to the granting of transition periods.

In effect, transition periods are possible; they exist amongst the 15, but they have to be justified, limited in length (of time) and in their field of application, and must not create distortions of competition nor affect the proper functioning of the internal market.

Moreover, it is important to observe that under the French Presidency, the negotiations about the participation of the accession countries in the European Environment Agency, the first official agency of the EU to open its doors to the accession countries, were successful.

## 2) Enlargement and environment

The European environmental policy is one of the top priorities in the *AcquisAcquis Communautaire*. Why is it one of the main priorities? This is because this part of the *Acquis* will be one of the most difficult ones, because we want to avoid all risk of “ecological dumping”.

The European environmental policy, as such, will turn 30 years old in 2003, which is the anniversary of the first Environmental Action Programme.

This policy is made up of almost 300 texts, without also including the Union’s participation in several international agreements in this area.

The first point of this *AcquisAcquis*, I say to all of you, is to demonstrate that an ambitious policy can offer the possibility of exploiting a huge potential of social, economic and technological innovation.

In 30 years it has become an extraordinary factor in economic competitiveness. The investor never thinks in terms of constraints imposed by the standard, but rather in terms of setting up and applying innovation. We often talk about environmental legislation as using the “best available technologies”, and add “at acceptable cost” in order to show we are being realistic. This harmonisation is to be found in the Amsterdam Treaty, which is going to allow Member States to introduce stricter environmental standards than those of the Fifteen, as long as they are compatible with the Internal Market and do not distort competition.

The Union is attached to this *Acquis*.

It is not only attached to it just for the regulations of its market – the constant worry was obviously to prevent the distortion of competition, the inherent concern of the proper functioning of the market between the Member States. But the Union also wants to fulfil the growing demand of European citizens legitimately claiming more public power to intervene to prevent the risk of degradation to the environment and to health in both the long and the short terms. The accession process is a unique opportunity to make note of the improvement in the environmental situation in Europe, from a sustainable development perspective, in accordance with the Amsterdam Treaty.

I am aware that the environment chapter is one of the most difficult in the enlargement negotiations. It requires a lot of legislative work from the Candidate Countries, an adaptation and reinforcement of public administration as well as important investment in public infrastructures. The implementation of the *Acquis* is a difficult and costly exercise, since the Commission has valued it at between 100 and 120 billions Euros for all the Candidate Countries.

Furthermore, the environment is a sector which is in constant evolution, and the *Acquis Communautaire* constantly reinforces the general objective of sustainable development, as shown in the work being done to integrate the environment into the sectoral policies, or in the recent adoption of the Water Framework Directive.

Nevertheless the implementation of the *Acquis* is not a unilateral exercise; it is the opportunity to exchange experiences, and enables us to integrate the best values and elements of the Candidate Countries into the Union. As for the environment, I know for instance that their policies about nature protection are often quite remarkable.

Besides the Union has foreseen that all its financial aid, such as the ISPA programme, should be accompanied by a study to assess the environmental impact. In this way positive signals are sent out, so that Candidate Countries can establish economic development in harmony with respect for the environment.

The NGOs are an essential element in this, at the local level, for taking the environment into account. Sustainable development must be based on the active participation of civic society. The French Ministry for the Environment, therefore, financially supports the European Environmental Bureau for public information campaigns regarding environmental problems and for the development of close associations and networks in the candidate countries.

These activities among the associations of the Candidate Countries can equally manifest themselves in other forms that we are ready to support



## THE EUROPEAN PARLIAMENT'S POSITION ON THE EU ENLARGEMENT

by Elmar BROK, MEP, Chairman of the  
Foreign Affairs Committee of the European  
Parliament

**I** am pleased to speak at this conference as I know that your organisation plays a very important role in environmental policy and also the enlargement process.

I would like to make a few remarks about Central and Eastern European countries. We can see that there is already a lot of support, in the pre-accession process, being given to the applicant countries via different programmes like PHARE, and so on, and this so-called « screening » of central and eastern European countries to see how far the Acquis Communautaire has been adopted by the candidates. Environmental progress varies according to each country but is often disappointing.

The latest screening of the applicant countries and how far they meet the criterias of the transition periods show that many countries have demanded extra time to meet the criterias, and in many areas such as water and air pollution it is doubted by the Commission that the candidates will be able to meet the criterias in time - especially Poland, the Czech Republic and Hungary, who will probably need more time to adjust to the criterias.

I think we have to set up within this enlargement process certain environmental priorities ; such as the settlement of a target date for enlargement to allow business and administration to plan in advance. This is done, I think, in a certain way by the procedures of the European Parliament, and which was taken on board by the Commission in the progress report. I think there is a good chance that the Nice Summit will adopt that.

If Nice becomes a success (but this is not a certainty) then the plan is that we need one and half years, or something like that, for the ratification process of the

Nice treaty which is condition for the enlargement of the European Union. So the first membership treaties could be signed around Autumn 2002, and the aim is that then the ratification process in European and national parliaments can take place, so that the first countries could join the European Union in time to take part in the European Parliament elections of 2004.

That would mean that of course, in 2003 or the beginning of 2004, the first countries could join. The European Parliament has made very clear that the Acquis Communautaire must be fulfilled, but that there will be, for sure, the need for certain transitional periods in certain sectors, and, for sure, also in part of environmental policy. But we will give, in the negotiations, no political rebate. It must be the full acceptance and fulfillment of the criteria that the Acquis is part of and we must see in what way a country has the administrative abilities to implement what is decided. It is not enough just to change laws ; but it is also the will and ability to implement the laws that is important. It will be part of the negotiation process of PHARE that this can be done. It must also be done in co-operation with the agricultural sector.

We believe that it would be helpful, though, to create a roundtable of the environment ministers of the Candidate Countries in the European Union and there should be also a creation or development of the groups of national environmental experts, as is already promoted by the European Environmental Bureau.

What is still to be done ? First of all, there is still the transposition into national law of the full body of EU legislation related to the environment, such as waste, water, drinking water, air pollution, industrial pollution, waste incineration and dangerous substances. The implementation of the more costly regulation changes, as mentioned above, usually has to be put into force five years after membership of the EU. The implementation of low cost regulation must take place at the latest by the day of membership of the EU. The establishment of an effective administrative structure to monitor and enforce this legislation is needed, as I said before, and there must be also a physical investment - notably in infrastructure - which is required to meet the legal obligations.

The EU is increasingly giving financial aid. It has introduced carefully-reviewed investment projects appropriate for the needs of each Candidate Country, but further reform of the CAP is needed within the European Union, as well as reinforcement of the environmental aspects within this CAP, and we have to review the decision-making processes within the European Union.

I think it is very important that we make clear that the membership of the European Union is a very important question, which is not just to do with certain sectors but is of importance for all. Because if all these applicant countries, step-by-step, individually judged, become members of the European Union or see the

light at the end of the tunnel that they can become members, it will create political stability. And political stability is very important to have for the development and the creation of economic and social stability. And I think this is in the interests of both the applicant countries and the European Union. Only if this is fulfilled, can the Candidate Countries develop the strength for a progressive environmental policy - so it is all connected.

Myself as a German, with my wife coming from eastern Germany, know exactly - although it is not totally comparable - how difficult it was after the disasters of socialist/communist economic policy, to overcome the environmental disasters for such a policy and how expensive it was. And also even with huge financial help from western Germany (which has given every year until now, for the last 10 years, 150 billion DM to eastern Germany), how difficult it was to meet the EU environmental standards.

The applicant countries do not have a western Germany. There is the European Union, but the EU as a whole has a budget, for all the policies of the European Union, of the same size as the annual support of western Germany to East Germany. So West Germany financed the full budget of the EU to East Germany - and still, even with this support, in East Germany, the situation lasted so long, before it could fill the EU environmental criteria. So from this, we can really get a perspective on the problems we face in some CEE countries, where some standards are even lower than they were in 1990 in eastern Germany.

It cannot be seen, for example in the industrial area of Upper Silesia, that Poland can fulfil the EU environmental criteria on the first day of its membership, and therefore I think we have to be aware that this can only be done step-by-step. What is also needed is the support and the help of the countries of western Europe and the European Union as a whole, but also the understanding that it must be a step-by-step process. I hope we will achieve something in this process, because it is in the common interest on two points: if the criteria are fulfilled, this will be a fair result for competition, so this is in the interest of western European industry in a certain way. And secondly, it is in all our interest, as air and water do not stop at frontiers.

Therefore I think we should try to interest our citizens more. But here we face a very difficult problem, because in most west European member countries, the citizens believe that the enlargement process will become too expensive. But that is not true, in real terms. As the Commission made it clear in its report on 8th November, the EU had in 1990, a trade surplus with the CEE of more than 20 billion Euros. But the financial aid of the EU for the accession process is just 3 billion Euros. For the moment, we earn from such countries, and I think we need to tell this truth to our citizens to get their support for the enlargement process as a whole, as a win-win situation, but also for their understanding for help in order to achieve certain goals. I think this is one of the major battles. We have

agreed with the Commission to set up a common information campaign on enlargement, with national governments in the EU and applicant countries, as a joint activity between Commission and Parliament, and I believe that the environmental aspect and the « win-win » situation on the environment should be part of this campaign to gain the public's support for faster environmental development in such countries.

I hope your conference will have success in this area, and that you will be able to develop ideas and proposals, which we sometimes need in order to achieve such results. Thank you very much and all the best for your conference.

Questions:

Lone Johnsen, EEB President : How many countries do you think will meet the demands put forward by the European Parliament before 2004?

Elmar Brok, MEP : No country.



## WILL EUROPE'S ENLARGEMENT PROMOTE SUSTAINABLE DEVELOPMENT?

by Rolf ANNEBERG  
Head of the Cabinet of Commissioner  
Margot Wallström

**The** Commission would like to thank the EEB for organising this event and for inviting us to participate. You have chosen a good theme for the conference – enlargement's impact on sustainable development - because it is a two-way process where both enlargement and sustainability can benefit each other.

First of all, we need to be clear about what we mean by Sustainable Development, and what are its practical implications? The question underlying this concept is: What kind of life will today's and future generations have? Sustainable development is concerned with the welfare of both present and future generations. Too often, if a policy benefits us in the short-term, then we turn blind eye to the long-term repercussions. Sustainable development is about making sure that we do not create problems for ourselves further down the line.

But how do we implement sustainable development in practice? We do so by trying to base our policies and actions on a holistic assessment of the links and synergies between the economic, social and environmental dimensions of our policies. Too often, our economic policies have been designed with no consideration for their environmental or social consequences - and some of you coming from business might say the reverse, of course.

Considering the wider impacts of your actions may sound like an obvious statement – but it is not obvious that we have applied such basic common sense in the past. For example, subsidies to dirty coal or to agricultural practices that are bad for the environment and cost consumers, or the release of potentially hazardous chemicals into the environment despite our lack of understanding over the potential impacts they might have.

Problems like this raise justified questions on what direction the environmental development will take in a future Europe of 28. Compliance with the EU environmental norms and standards is one element in achieving a high level of environmental protection when enlarging. But applying in practice the theory of sustainable development will ensure that this high level is achieved, and that it is done so cost-effectively. Even so, we have to face the fact that enlargement will be a major challenge for sustainable development.

But more importantly, enlargement and sustainable development can be mutually supporting and reinforced by each other.

Firstly, enlargement offers a tremendous chance for the Candidate Countries to tackle and clean up the past environmental liabilities. The EU environmental norms and standards are often stricter and embrace a larger scope than those followed in the Candidate Countries in the past. Implementing the EU environmental laws will deliver the Candidate Countries improved public health, cleaner air to breathe, better water to drink and a higher level of environmental democracy.

The enlargement also gives Candidate Countries an opportunity to prevent environmental problems from happening. Here the issue is of course about integrating environmental concerns into other policy areas such as transport, energy, agriculture or industry.

We in the EU have, in many areas, missed that opportunity for prevention and we are now trying to repair the situation: with hindsight it is obvious that some of our choices made in, let's say, transport, are not the model to follow. Let me give you a few examples.

Transport has become one of major contributors to several important environmental impacts: climate change, acidification, local air pollution, noise and loss of biodiversity. A report published earlier this year by the European Environmental Agency (EEA) says that CO<sup>2</sup> emissions in the EU have increased by 40% since 1985 as a result of growth, especially in road and air traffic, the use of heavier and more powerful cars and the linked growth in energy consumption.

According to the report, more than 30% of the EU population is subjected to high road-traffic noise. New motorways take up an average of 10 hectares of land per day. The decreasing rate of road fatalities has slowed down in the past few years, again possibly because passenger transport volumes are growing.

In the light of these rather grim facts, it is fair to say that before the Candidate Countries copy the western way, they should carefully reflect what environmental and social impact their decisions in different policy areas might have.

**Secondly**, enlargement is not a one-way process. It is not all about what the EU will bring to the candidates. They also have a great deal to offer us. They have a variety of unique ecosystems, refuges for many endangered species and invaluable natural resources. Not only do they enrich EU biodiversity, but they can also teach us important lessons in the innovative use of economic tools: such as eco-taxes and environmental fees and charges. For example, the Czech Republic has used charges and differentiated VAT rates to make the polluter pay and to deliver environmental protection cost-effectively. The knowledge of policies is not our preserve, and we trust the Candidate Countries can bring us new ideas and a fresh willingness to improve.

Furthermore, European countries hold in common a number of environmental assets that we can easily protect together: for example, rivers or the Baltic Sea. Also, global threats like climate change or ozone layer depletion call for us to join our forces to fight them.

**Thirdly**, economic growth and environmental protection do not have to conflict.

The potential tension between a strong economy and environmental protection is often overplayed. For example Finland, which scores highly on traditional measures of competitiveness – GDP, patents, productivity – also has high levels of environmental protection. Indeed, there is some evidence that environmental protection actually delivers higher levels of employment. An example of this is our eco-industry, which is one of our most dynamic sectors and biggest success stories: growing at between 5 and 10 % per annum and becoming increasingly international.

An example from Poland will show that we can achieve environmental protection and economic growth together.

In the early 1990s, Poland decided to focus on cleaning up air pollution. In 1991, it was the first Candidate Country to introduce a National Environmental Policy. In the 1990s, the level of air pollutants fell considerably, with sulphur alone decreasing by even 50%. Even if the improvement was in part due to the fall of traditional industries, we should not undervalue the achievement. The average yearly increase is 6%, but emission levels have not risen. Instead, they have first dropped, then stabilised. There is of course more to do, as the emissions level still do not comply with EU standards.

Moving towards sustainability can even improve economic performance and so help support the enlargement process. Not only will taking a coherent approach to policy-making allow you to achieve objectives more effectively, but there is also considerable anecdotal evidence from individual firms that caring for the environment has improved their profitability. It can make firms more aware of their production processes and so help them to use their resources more efficiently and manage their risks better. An example is 3M's Pollution

Prevention Pays programme. 3M estimate that this programme has, since 1975, reduced pollution by over half a billion kilogrammes and saved the company 700 million Euros. And there are many other unquantifiable benefits for companies from a proactive approach to sustainability – brand and company image, employee morale, risk reduction and so on. Indeed, the Dow Jones Sustainability Index reports sustainable firms from a wide spectrum of industry outperforming their competitors. This shows that the link between profitability and environmental protection is neither simply anecdotal, nor solely confined to the eco-industries.

It may be fair to say that enlargement will increase the potential for unsustainable development to have unfortunate impacts, while at the same time increasing the potential rewards to sound policies. The Candidate Countries will be confronted by the opportunities and demands of the single market. Whilst this can make it easier to deliver economic growth, it makes it all the more important to break the link that we have sometimes seen in the past between economic growth and unwanted environmental side effects. To do this, we have to aim for new, environmentally friendly technologies, and for more efficient resource use.

I have so far outlined the major benefits that enlargement means to sustainable development in Europe. Who, then, should have a say in this process ?

It is crucial that all stakeholders are involved. Different levels of government – local, regional and national – have to be included. But it is also very important to make sure that the public has a chance to word its opinion.

The EU has ensured public consultation in environmental legislation, such as the Environmental Impact Assessment (EIA) or access to environmental information. Forthcoming legislation such as Strategic Environmental Assessment, or the already-adopted Water Framework Directive, foster an even greater involvement of stakeholders in domestic policies and policy development. Ratification of the Aarhus Convention will strengthen environmental democracy yet further, because it will give the public the right of access to environmental information, the right to participate in environmental decision-making and ultimately the right to access to justice in environmental matters. The exercise of these rights should lead to « the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being » and also help to promote sustainable development. In future environmental legislative proposals, DG Environment should ensure that public participation provisions are included where it is appropriate.

When the Candidate Countries adopt EU environmental legislation, all these mechanisms will be reflected in their decision-making process as well. However, one pre-condition for public participation is open and free social dialogue, as well as discussions between the stakeholders. This might not be obvious in

many Candidate Countries: for historical and political reasons, their civil societies have not developed to the same extent as in Western Europe. Of course no civil society is built overnight: it has taken the West a century, and often it seems that we are not there yet.

But that is why the role of NGOs is even more pronounced in the Candidate Countries. The NGOs are an essential thread in every democracy's social fabric, a bridge between the public and the decision-makers. Who else than the NGOs would be better placed to act as relay stations in the emerging civil societies ?

This conference addresses important challenges. **To conclude**, I will mention one more challenge that, this time, addresses the NGOs directly.

You know that Commissioner Wallström and DG Environment are always open to NGOs' concerns about environment in the candidate countries and in the EU. But lobbying the Commission is only one side of the coin: NGOs' task could be even more demanding. Their biggest challenge would seem to be to conduct three social dialogues at once.

My Commissioner and DG Environment are doing their best to make the environmental issues a priority in the enlargement. But, of course, by no means does the Commission hold all the solutions. In the end, national governments are the only ones who can really commit a country to sustainability. NGOs should keep talking to decision-makers, and should not give up pushing them.

They should also keep talking to the media. The NGOs and the media are decision-makers' watchdogs that, on many occasions, share the same interests and goals. International NGOs have regularly shown us what a powerful tool a good media campaign can be.

NGOs should talk to the people, especially to young people: today's young are tomorrow's decision-makers. Schools and universities are good starting-points for mobilising and maintaining real commitment from the general public. A well-informed public also knows to demand responsible decisions from their elected legislators. The public opinion in Central and Eastern Europe is favourable to Accession. Enlargement has been perceived as improving the environmental situation. So the ground seems to be ready to accept a more positive attitude towards environmental protection. Because sustainable development does not only spring from high-level policy decisions, it also springs from simple everyday choices. The NGOs can help to keep those decisions and choices on a sustainable track.

The following panel discussion will certainly bring up interesting viewpoints on the issue raised here and also more generally on sustainable development and enlargement. Thank you for your attention.

## WILL AN ENLARGED EUROPE BE A EUROPE OF DIFFERENT SPEEDS?

“Enhanced Cooperation”

by Magda Aelvoet, Belgian Environmental Minister

### INTRODUCTION:

Ladies and gentlemen, dear friends,

yes, ... I think I can in all honesty address all of you as friends, since we all share one common aim: to improve environmental conditions in Europe, and in the world at large.

**A**t a European level, only in the **environmental field, around 100 legislative procedures are currently pending, — most of them already for more than 10 years**, without a directive or regulation having been adopted. This is increasingly becoming an unacceptable situation, screaming for a solution. So I am truly very happy to participate in this panel here today. I thank the organisers with all my heart, for giving me this rare opportunity of sharing my views with you on the introduction of this new tool, closer co-operation, which was expressly conceived with the aim of enabling us to make progress again in areas where we were stuck in a quagmire of tedious procedures.

The panel will attempt to make a first appraisal of that closer co-operation, in the larger framework of the ongoing discussions about the enlargement of the Union, and what this will entail for our common environmental policies. It will not avoid the question of fears, which are being voiced here and there, about a **‘Europe à la carte’** or one ‘with two speeds’ in connection with this new concept.

In a brief introduction, I will try to give a **framework of closer co-operation**, starting by situating some of its history and the main reasons of existence of closer co-operation, and going into some of the most important changes proposed to the Amsterdam text. I will briefly go into some fears voiced about closer co-operation too.

'**Closer co-operation, in the context of eastern enlargement**', will be the subject of my main discourse, which I have subdivided into **three parts**:

1. In the first part I will briefly sketch the **problems of enlargement**;
2. In the second part I will touch on the influence of **institutional reforms**;
3. And lastly but not least, I will look into **the differences between the**

**Candidate Countries.**

***The history:***

So, before going into the technicalities of the provisions, allow me to make a brief sketch of the developments leading directly to the **creation of closer co-operation**. Perhaps this will be helpful when we try to assess its eventual usefulness as a potential tool for simultaneously:

- **deepening the Union**, while, at the same time, keeping the doors open for **the accession of new partners** - partners, who may be feared to encounter even more difficulties in complying with the 'acquis communautaire', let alone, with what *we* would like to add to it in the near future;
- **The deepening aspect consists in the potential of closer co-operation** for opening new possibilities, to adopt certain regulations in the (as yet) not harmonised fields, with some pioneer states, with this moving a bit faster than some other present partners, are capable of, or want to go, for the time being;
- Those partners' interests are taken care of in some of the clauses elaborating on what some call the 'openness principle'.

But I promised to sketch some of the developing history first.

There is an ancient Oriental proverb saying: "if you want to really understand a woman, get to know her mother." Well applied here, I dare say. If we want to understand the concept of closer co-operation, then we have to understand what gave birth to it; meaning in the first place, the circumstances under which it saw the light. In this case, as we all know, it was born in 1997 in Amsterdam. As far as I'm concerned, there are undoubtedly worse places in the world to find a good midwife. No wonder that in the present IGC, which will be concluded in Nice on the 7-9 December, the Benelux countries took the initiative to put the further enhancing and improving of closer co-operation on the agenda... But the point here is: why did it come up just there and then?

There is probably no need to remind you - but I will do it anyway - that in Amsterdam, the agenda of the Inter-Governmental Conference already included the extension of the co-decision procedure with qualified majority voting in the Council. This was largely based on the awareness that the increasing number of member states will make the achievement of unanimity even more difficult at the European level in the future.

However, the Amsterdam amendments to the Treaty can hardly be called successful in this respect. In particular, environmental measures falling under Article 175 (2) TEC still have to be adopted by unanimity. Many of you know

Article 175 by heart. It means basically: decisions in the fields of fiscal matters, town and country planning, land use, quantitative management of water resources and the choice between different energy sources and the general structure of energy supply. In other words, just those fields that concerns all of us here very deeply.

Now, the introduction of closer co-operation into the Treaties of the Community was only seriously considered in the discussions of the Intergovernmental Conference, when it became obvious that a far-reaching elimination of the unanimity principle would not be achieved.

Closer co-operation was called upon as a kind of 'deus ex machina', a last resort, to provide some very tiny - the Scottish would call it 'wee' - measure of flexibility, since it would 'only' require a qualified majority in the Council. That could mean certain deadlocks might be circumvented, be it under very strictly defined provisions, as many conflicting interests had to be taken into account. But at least it would allow slightly more room for manoeuvring.

What it basically boiled down to, is that the unanimity rule would only be applied by the group of countries that volunteered to harmonise legislation in a certain field, which would not bind the 'outsiders'. Only a qualified majority would be needed to initiate a closer co-operation. For example, in the present context, at least eight out of fifteen member states would have to agree. But there remained a quasi-veto right in the procedure. After the adoption of the authorisation decision, the countries participating in the closer co-operation would also still have to unanimously agree on the implementation decisions, while some of the countries lagging behind would not hinder that progress.

*I think we can now tackle the more technical aspects.*

The definition and provisions of 'closer co-operation':

*The definition:*

Member States which intend to establish an 'enhanced co-operation' between themselves, may make use of the institutions, procedures and mechanisms laid down by the future Treaty of Nice and by the Treaty establishing the European Community, provided that the proposed co-operation .

- is aimed at furthering the objectives of the Union and the Community, protecting and serving its interests and reinforcing its process of integration;
- respects the Treaties and the single institutional framework of the Union;
- respects the *acquis communautaire* and the measures adopted under the other provisions of the Treaties; both conditions are especially important because they preclude the possibility that a group of closer co-operation would agree on a lowering of standards already agreed upon.
- closer co-operation must stay within the limits of the powers of the Union or of the European Community and should not cover areas falling within the exclusive competence of the Community;
- nor should it constitute a barrier to or discrimination of trade between the

member states and, of course should never, never, NEVER distort competition between them!

- closer co-operation must not affect the competences, rights and obligations of those member states which do not participate therein;
- it must also be without prejudice to the provisions of the Protocol integrating the Schengen acquis into the framework of the European Union.”.<sup>1</sup>

*It should involve a minimum of eight member states.*

Here, I have to elaborate a bit: **The original fourth condition of Amsterdam**, dealing with the requirement of a majority of the member states participating, gave rise to a lot of discussion. Today this means eight, but after the enlargement, the required majority would become so large it might defeat the purpose of closer co-operation by making it virtually impossible. So the proposition is to keep it to a group of at least eight; not half, not one third, but eight. I think this is a wise proposition, provided, at least, **that facilitating the implementation of enhanced co-operation doesn't turn out to be a trade-off for failure in agreeing a substantive extension of the majority vote in the Council and co-decision**. Regarding the second pillar: the inclusion thereof was, originally, not even considered as a possible field of application of the principle at all, but it is now. I will not elaborate further on that aspect here, as we are focusing here on the environment in the first place.

**What's really new since the Amsterdam treaty is what is now proposed.** Originally it was stated that closer co-operation could only be used when the aims of the Treaties cannot be realised through the implementation of the procedures, as foreseen in those Treaties. This provision proved to be, with some understatement, "insufficiently specified". For example, the answer to the questions of when it failed and by whose decision, has been blowing in the wind for quite a while. This reminds me of another great verse Bob Dylan composed in the sixties, to wit: "There's no success like failure, and failure is no success at all." Some of you may remember. I'm not immediately thinking here of the Climate Conference, although... But let's stick to the problem at hand: I probably am not unearthing a Dark Secret of the Union when I tell you there are diverging views on what we all could call success. But Europe is certainly one of those places where it seems even harder to agree on what is a failure. Who decides it failed, and when? Such issues certainly deserve to be clarified, and guess what, they have been: the Council must now have established that the objectives of such co-operation cannot be attained within a reasonable period by applying the relevant provisions of the Treaties, taking care of the "where". The "when" question, though, is a slightly more difficult one because, again, not everyone may have the same definition of what is a reasonable delay. But at least we will know where to discuss the meaning of what is to be called reasonable and when unreasonable begins, if this amendment is accepted.

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<sup>1</sup> Confer 4810/00: Enhanced co-operation: general principles, p. 9

## THE FEAR OF NEGATIVE CONSEQUENCES OF CLOSER CO-OPERATION: A EUROPE OF DIFFERENT SPEEDS?

Of course, many questions were immediately asked about this new procedure. Would it not create a Europe of two speeds, or an (en français) 'Europe à la Carte', referring to the general fear of an incoherent whole in which the solidarity is lost? And, from another angle, would the introduction of this diversion on the blocked highway towards the generalisation of the Qualified Majority System not become an excuse to keep that road closed for a long time into the future?

I will try to go into those questions in some more detail when I illustrate some of the requirements that have to be met, before a closer co-operation is possible at all, and when we will discuss the safeguards which have been foreseen and the amendments we want to make.

But I would like to start with a couple of general remarks here. First, on the 'Europe of two speeds' issue, what, in fact, should first of all be asked is the question: 'Which **two** speeds are we talking about here?'

In the non-harmonised field, there can be as many as fifteen different speeds present, as each country can have its own regulations there. From that point of view, two or three speeds may well be an improvement over the present situation. Even a partial harmonisation could be preferable over none at all - especially if it clears the way for other states to join the pioneers later, and precisely that possibility is said to be ensured by the so-called "**principle of openness**", which has been worked out in the new Nice-proposition. This reflects the intention of the signatories not to create a permanent core Europe, but to allow only a temporary lead, by providing the opportunity to catch up with the 'leaders' at a later date. In other words: the principle of openness. I admit I'm savouring the sound of it, the principle of open-ness, mmm, — means, that the participating member states have to shape their closer co-operation in such a way that the participation of further member states is not made permanently impossible in practice. I expect our panel to further elaborate on that later.

The 'à la carte' aspect, which is somewhat of a pendant of the 'two speeds' menace, largely depends on the interpretation of the request for authorisation by all partners concerned. But, if we want more flexibility, it will be hard to avoid in certain fields, the group of participants in closer co-operation being different from that in others. In view of the fear over a two-speed Europe, that could even be intentional; but we cannot have it both ways for the time being. So it is, indeed, not unthinkable that for Measure A, for example, Member State B would be a pioneer, while for another it would decide to stay on the sidelines.

Well, there are times when eating à la carte is preferable to having to take the menu of the day, especially when there is no menu of the day available. But, for all practical purposes, there may be many considerations that will induce member states to seek participation with as many closer co-operation groups as possible, anyway. This does not mean in any way that I am closing my eyes to the danger that newcomers, especially, may need a very long time to join the pioneers. The alternative, however, could be a standstill far into the next century.

I come now to the main part:

#### CLOSER CO-OPERATION AND EASTERN ENLARGEMENT.

I based the following considerations mainly on a very good study, commissioned by the Austrian Federal Ministry of the Environment. In the course of the forthcoming enlargement of the EU, a number of countries will accede to the E.U. that, in all likelihood, belong rather to the so-called environmental 'laggards'. They are lagging behind. The following considerations focus on the question of how far closer co-operation can contribute to a new dynamism in European environmental policy, in the face of enlargement, or at least to the maintenance of the environmental status quo.

At first, I will briefly touch on some basic aspects of the problems involved in enlargement with regard to European environmental policy. I will then examine the potential environmental impact of closer co-operation against this backdrop, using two crucial factors: the planned reform of the decision-making-rules of the Community and the differences between groups of candidate countries. Finally we will analyse the questions of whether new member states have to join a closer co-operation already existing at the time of their accession, and also what effects enlargement could have on existing cases of Closer Co-operation.

#### PART 1: PROBLEMS OF ENLARGEMENT

Eastern enlargement constitutes a challenge for environmental progress in the Community. On the one hand, the existing deficit in the practical application and enforcement of European environmental law may become a great deal worse. As the European Commission stated in its annual report on the progress of the Candidate Countries towards accession, major deficits still exist in the Candidate Countries, both with regard to the formal transposition of community legislation and to its implementation and enforcement, in particular in the environmental field. Therefore, a limited number of transition periods will probably be necessary for completely taking over European environmental law. On the other hand, there is the risk of an obstruction of further environmental progress after the accession, since the number of environmental 'laggards' will grow among the member states in the course of the enlargement.

I think we can assume that the worsening of the implementation deficit is related to the protection level provided by the environmental standards of the Community. If this level of protection is raised at the European level, an increase in the implementation deficit is to be expected at a national level and vice versa. Since the Candidate Countries lack both financial and administrative capacities and the original political will, for putting high standards of environmental protection into practice, the relation between regulation level and implementation deficit is probably very close in these countries. This could become an obstacle to further progress in the community's environmental policy. In the course of enlargement, the Community might face the dilemma of either having to lower its environmental regulation level (something I, for one, and I trust everybody here with me, would strongly oppose), or having to accept further implementation deficits. Either option would not only adversely affect environmental protection in Europe, but also reduce the credibility and empirical legitimacy of European environmental policy in the long term. A tendency towards the 're-nationalisation' of European environmental policy could be one of the possible consequences. Something to be avoided by all means.

Against this backdrop, closer co-operation could create opportunities for partly decoupling the connection, between implementation deficits and regulation levels, and at the same time reduce the growing risk of an obstruction of higher protection levels by the increasing number of 'laggards'.

## PART 2: THE INFLUENCE OF INSTITUTIONAL REFORMS

The discussion of the impact that closer co-operation will have on environmental policy, in the context of enlargement, still involves uncertainties at present. Lastly but not least, this is due to the fact that the effects will strongly depend on the future arrangements for the decision-making processes in the EU. Hopefully, the Inter-Governmental Conference in Nice next week will convene to initiate necessary institutional reforms for the environmental policy of the Community. The following two options will probably be of great importance: the extension of QMV to additional provisions of the Treaty, which is under discussion, and the modification of the weighing of votes and/or blocking minorities for decisions of the Council which are taken by qualified majority in the Council, especially so, after the accession of new members. If the 'environmental laggards' among today's member states are taken into account as well (conceding there is no genuine core group to be identified; almost everyone lags somewhere), it is obvious that the chances of an obstruction of advanced environmental regulations would significantly rise.

Thus, resorting to closer co-operation could be helpful in several ways. If the IGC should not adopt reforms that can maintain decision-making efficiency roughly at the same level as today, closer co-operation could allow the majority

of states to circumvent obstructionism. They could take measures corresponding to a protection level that would have been blocked by the laggards in the conventional legislation procedure.

But even if institutional reforms are adopted which more or less permit the maintenance of the present decision-making 'efficiency' (if I can apply the term here), there still could be opportunities for the application of closer co-operation. Given the increase of environmental laggards among the member states upon enlargement, it is to be assumed that the overall protection level will decline, even if the current decision-making efficiency is maintained. Therefore it would again be conceivable that closer co-operation could permit the majority of member states to adopt a higher protection level.

However, if the present decision-making efficiency *is* maintained, also the pioneering states could continue to expect - in spite of the overall improvement of the laggard's position over today - that they will be able again and again, to achieve decisions in favour of a higher protection level. But, as I said before, there is the risk that the implementation deficits will continue to rise for measures aiming at a relatively high protection level, in particular after the enlargement. Thus, in certain cases, it could be advantageous for environmental policy to adopt higher regulation standards, not for *all* the countries, but only for the majority of the states within the framework of closer co-operation that can be expected to adequately implement them.

### PART 3: DIFFERENCES BETWEEN THE CANDIDATE COUNTRIES

The application of closer co-operation will probably have only minor adverse effects on the homogeneity of legislation and the political integration process. The provisions of the treaty are very strict here. With regard to enlargement, this statement has to be qualified somewhat.

In the course of enlargement, it is to be expected that the differences between the future member states, in particular in terms of economic performance, will increase to an extent hitherto unknown. While the economic gap between the present member states and the candidate countries of the 'first wave' (Estonia, Poland, Slovenia, Czech Republic, Hungary and Cyprus) still seems to be comparable with the relevant differences that characterised the enlargement of the EC to the South, further accessions - for example by countries like Romania or Bulgaria - could involve a new quality of differences.

In the field of environmental policy, this new quality would mean a third group of 'late laggards' could form within the EU, after the accession of countries like Romania or Bulgaria. This group would be different from the laggards in two respects: firstly, in environmental traditions, and in particular, the financial and administrative capacities of the countries concerned for the implementation and

enforcement of European traditions. In particular, the financial and administrative capacities of the countries concerned for the implementation and enforcement of European environmental legislation would be even more limited than, for example, those of the Candidate Countries of the first wave. Secondly, the potential 'late laggards' either do not border on present member states, or they essentially border on laggard states. For this reason, only little environmental impetus is to be expected from trans-border co-operation for the group of late laggards.

In this situation, the environmental benefits of closer co-operation would be doubtful. On the one hand, co-operation aiming at a high protection level would involve the danger that 'late laggards' probably would hardly be able to catch up with the participants of closer co-operation without outside help within a reasonable period of time. On the other hand, it would be difficult in political practice, after the accession of the present twelve official candidate countries, to achieve the simple majority of Member States required for the initiation of Closer Co-operation without the involvement of some laggards. In this case, it is doubtful whether Closer Co-operation can lead to a protection level that is significantly higher than in the conventional legislation procedure with qualified majority voting.

In total, Closer Co-operation:

- (1) is an instrument that may help to **limit the lowering of the protection level** in the wake of the enlargement of the EU.
- (2) Given the restrictive prerequisites for its establishment, and the above limits to its benefits, however, Closer Co-operation has to be **supplemented by further instruments, in particular flexible provisions in secondary environmental law and more flexibility in implementation**, in order to prevent a reduction of the protection level as far as possible.

I think this is some of the gist of what will be discussed by the panel today.

FINAL WORD:

Ladies and gentleman, dear friends, allow me some final words. There is a lot more I could add in this context (such as practical examples of closer co-operation in the European Environmental Policy, or some more of the problems regarding the conditions, which will be discussed more profoundly in the panel), but I admit I may have already taken more ground from under my respected panel partners' feet than I should have, for which I want apologise to them here and now. I realise my introduction has taken already too much time, but I hope it also made this intricate legal matter sufficiently clear for all of you, so that we can safely open the panel discussion herewith. Thank you for your patience for bearing with me so long.

## PERSPECTIVES FOR THE ENLARGEMENT NEGOTIATIONS BY THE EUROPEAN COMMISSION

by Jean Francois Verstryngne, Deputy Director, DG ENVIRONMENT

I am going to try to sum up in a nutshell for you, where we are in the accession negotiations. In the first group of countries that will join the EU – the Luxembourg Group - we have progressed with the negotiations with Slovenia, Estonia and Cyprus – and things are well on the way as far as the chapter on the environment is concerned.

We have more difficulties with the other countries from this group, such as the Czech Republic, Hungary and Poland, in the approximation process because in the Czech Republic and Hungary, the governments are weak and they cannot easily pass legislation via the Parliament. Low capacity-building capabilities in Hungary and Poland make it more difficult for these countries to implement the environmental *Acquis*, so we have not progressed so far with them, although both governments have shown good will. There are also difficulties with Poland because they have decentralised environmental responsibility to regional municipalities without giving them much money or resources to deal with it. So it has not been easy.

But there are no “a priori” fundamental objections and all these questions can conceivably be overcome. If we have sufficient capacity building and sufficient political will, then I am still hopeful that we can resolve the outstanding issues.

In the second group – the Helsinki Group – we have opened negotiations with Lithuania, and we have had some rounds already. Lithuania does not have too many problems but is very weak on implementation. Regarding Latvia, the Commission is on the way to opening the Environmental Chapter, and has discussed this with the Swedish Presidency. Regarding Slovakia, there is not enough capacity-building there, so that makes things difficult. It is difficult to negotiate here as there is a real need for more resources and they are a long way from transposing the *Acquis*, and implementation is extremely weak.

The same is also true for Bulgaria, although the Bulgarian government is making serious efforts to try to improve the situation. In Malta, the situation is that a lot of the *Acquis* has not been transposed, but the government is working on a framework law which would give them the power to do this by themselves; so if the law does go through in February of next year, then the situation should improve. In Romania, the situation is very difficult; there is a lack of capacity building, few transpositions, and extremely weak implementation. So the countries of Bulgaria and Romania target themselves for entry into the EU in 2006 or 2007.

So this gives you an idea of where we stand at this point. The Commission has pressured these governments to increase the resources which they need to transpose the *Acquis* – which comprises about 270 legislative acts. We have insisted they reinforce the inspectorate as implementation is generally weak; lack of inspections and enforcement has an impact on some directives that require existing certified authorities, e.g., IPPC, EMAS, Ecolabel, etc. - so this is no small task. As far as inspection is concerned, the Czech Republic seems to have quite a good inspection service, but the others could be improved.

In talking to these countries, the Commission has requested more financing. In our assessment, there is a need for more financing at the level of between 2% and 3% of GDP. This is above the average OECD level, which is about 1.5%, but we have to recuperate the burden of the past. An investment overall of 2%-3% is what is necessary. Of course the whole burden is not on the governments; we also contribute with financing from PHARE, LIFE and other programmes.

Two weeks ago the Commission came out with a new strategy paper for the negotiation, which implied that we are going to intensify the negotiation. We keep the point of differentiation, so that we negotiate with each of the countries the best we can. Then we assess where they are, and they have to present a “road map” for the negotiation for 2001 and 2002. We intend to intensify the negotiations on the environment in the first six months of next year, providing we have a position from these countries. We have all the positions of the first group, and some from the second group – but other countries are still preparing their positions and we are still awaiting them. If they arrive in January or February, then we still have nearly six months to debate them; but if they arrive later, then, of course, it becomes more difficult.

At the end of the six months, we intend to make a differentiation assessment, which means we are going to judge whether there is enough capacity, enough transposition, enough capacity for implementation, how much financing they are going to do – and we will then classify them. This means that with some of these countries, we will continue the intensive negotiations and try to close the environmental chapter. Remember that the *Acquis* which is in the pipeline for

the moment in the negotiations is the *Acquis* up to and including 1999; I have not yet talked about the *Acquis* of 2000, which includes very serious parts, such as the Water Framework Directive to name just one.

As far as transition periods are concerned, the Commission has decided to classify them into three categories: what is acceptable, not unacceptable and negotiable. DG Environment has already agreed with DG Enlargement (about 18 months ago), how we are going to do this for the Environment.

DG Environment (and Commissioner Wallstrom has already said this in public) will not accept transition periods for horizontal legislation (such as access to information, or environmental impact assessment), or for framework legislation, or for any legislation to do with nature protection. This is because, after discussions with the European Environment Agency in Copenhagen, we are convinced that nature is in a far better position there [*in the accession countries*] than in western Europe, and there is a risk that they may do there as we did after World War Two. We do not want this to happen, so we are insisting on quick designation of Natura 2000 sites and the rest of nature protection.

What *is* acceptable to us, is transition periods in investment-heavy directives (such as water treatment, incineration, large combustion plants). But we are going to request very detailed information on these things, so we know exactly how many plans are missing, for each category of waste water, for example; and how many plans there are among the existing ones that do not comply with IPPC. I also want to know how much financing they are allotting to solve these problems for the duration of the period before accession, and after accession, during the transition period. From all this information, we can then judge if the request is acceptable or not. Of course, they can anticipate receipt of future cohesion funds, structural funds, and other means which are higher than the present ISPA or PHARE.

In the negotiable category (which of course depends on what a country requests and what it justifies) are more intermediate things, often in the waste sector. A typical example is the Packaging Waste Directive; we have given existing EU countries such as Greece and Portugal until 2005 on this. I think it would be difficult not to give accession countries the same, but again we do need to know what would happen in the intermediate period. We will not give out the 2005 extension en masse; we will need exact and extensive information to be provided regarding the financing of the implementation of the Directive at stake.

The strategy the Union is using for the moment is to try to have as much transposition as possible, to strongly insist on implementation and capacity building, try to ease their way on the financial side, by helping them with technical assistance, twinning programmes from our Member States. We have some very good past reports about how helpful this is.

We also want to involve more money from the private sector, because our reading of the situation is that if you add up all that they have under the national budget, (whether it be national, regional or local), and all that comes from the European Union and from its various sources, and all that can come from IFIs – there is still not enough money to do the job of building in all the things we need to protect the environment, even if we projected it on a 20-year period. So private capital has to help us, and of course this presumes that a cash flow is created on which you can borrow, so that you can trigger private capital. Some countries are already doing this, some are thinking about it, and others have some resistance to it, and we can help them.

So what the Commission is doing is trying to push the negotiations forwards, while at the same time controlling what is really happening, and of course, we can have no illusions that, in transposing the *Acquis* correctly, improving the environment is a huge task for these countries. The burden of the past is very serious, and environment is not negotiable like agriculture. So environment will be the sector at the bottom of the “sack” of negotiations, which means that even if we are ahead of other sectors for the moment, if you negotiate on agriculture, then you can cut subsidies in half, for example. If I negotiate on the Water Framework Directive, however, I cannot have half a water framework directive. This doesn't work. You have to take the whole thing, and this has implications.

Nevertheless, the Commission feels great support from these governments. We have no political resistance in any of them; it's more a question that it is cumbersome and heavy, laborious, and that our legislation is technical. There is also little general environmental awareness in these countries, which does not help.

Hence, we prioritise the problems to a certain extent. As I have said, the framework directives and nature protection have to be at the forefront. Environmental Impact Assessment (EIA) must also be up at the front, as it is the way to help environmental ministries, which are often very weak in these countries, to involve themselves in what people in the other ministries are doing, in transport, energy, agriculture and so on. We have to help them.

Water is very important, and is the first thing they address. If you look at the number of ISPA products which have been approved so far (42), most of them are in the water sector. Only 10 of them are in the waste sector. Waste is a problem which comes later; it comes with economic development. We can see in our figures that the quantity of waste per inhabitant increases with the GDP. So water comes before waste, even though waste is, of course, very important. There are also air problems, but here the situation in each of the accession countries is quite different, and so we have to be more “ad hoc” here. We have not yet seriously discussed climate change with them, and one of the things we were waiting for after COP6 was to put a platform together, with them, for

negotiations and discussion on Climate Change. Unfortunately COP6 did not succeed, but now it is time to bring Candidate Countries on board in the climate change negotiations.

One last word, on Turkey. We have not started the screening process with Turkey yet, but we have been to Ankara, and there is also very good will there, so I hope we will make progress.

We have now concluded negotiations with all the countries for making them members of the European Environmental Agency. We signed with Lithuania yesterday, so it is now going for ratification in the council in their national procedures, which is very good news. We also want to bring Turkey, Cyprus and Malta into REC, the regional environmental centre in Budapest, which has helped these countries, and the Commission, very much. It is also time for us to bring the other Candidate Countries into this.

## PERSPECTIVES FOR THE ENLARGEMENT NEGOTIATIONS FROM THE ACCESSION COUNTRIES' POINT OF VIEW

« AGENDA FOR ACCESSION »

by Ferenc LIGETVÁRI, Hungarian Minister of Environment

**The** Hungarian Government has expressed repeatedly that Hungary will be ready for accession to the European Union by the beginning of the year 2003. This means that also by this time, the environmental acquis will be fully transposed, the necessary institutional framework will be developed and, to a great extent, the implementation will be done, as well.

As regards the overall state of the environment in Hungary, it can be stated that it corresponds to the average level of the environment in the EU region. Thanks to biodiversity in Hungary, the EU region will be enriched from an environmental point of view.

I would like to present to you briefly some characteristics of the areas of our environment:

In the field of **air pollution control**, emissions of sulphur-dioxide, solide particulates and lead has been continued, but emissions of nitrogen-oxides and carbon-monoxide have been increased.

The programme of reduction of ozone depleting substances has also been carried out successfully. And since 1 April 1999, the distribution of leaded petrol has been forbidden in Hungary.

In the field of **water pollution control**, I have to stress that for the implementation of a municipal waste water treatment programme, 40% of the Environmental Fund was used in 1999. This supported, in 1998 and 1999, 288 municipalities with a total of 12 billion HUF.

The state of surface water is continuously controlled by the local monitoring system. Ever year, some 300,000 physical, chemical, hydrobiological and bacteriological analyses are carried out.

96% of our water comes from abroad. An environmental catastrophe struck Hungary at the beginning of this year owing to cyanide and heavy metal pollution of the rivers Tisza and Szamos from Romania.

Following this event, the Hungarian Government launched a « Regional Environmental Initiative » in order to call attention to the necessity of regional handling of environmental risks.

In the field of **waste management**, it should be mentioned that the yearly production of waste is about 70 million in Hungary, and also the accumulated waste quantity from the previous decades is considerable.

Notable progress was reached in May on this, by the adoption of the new, EU-conforming law on waste management. Based on this, the preparation of the national waste management plan has begun.

As regards **nature conservation**, which is at a traditionally high level in Hungary, there is a continuous increase in the number of protected areas, which nowadays stands at more than 800 000 hectares; that means 8% of the total territory of Hungary.

In the last two years, eight standards related to landscape protection have also been set. It is important to mention our participation in the construction of the National Agri-Environmental Programme.

From this brief presentation, it can be seen that the very complex tasks of environment and nature conservation can only be carried out successfully if the work of the Government is actively supported by the NGOs.

EU Accession

Concerning the process itself, the following is for your information.

- In 2000, the legal process was accelerated. Two acts were adopted: the Act on Waste Management and the Act on Chemical Safety. Furthermore, several governmental and ministerial decrees have been passed, harmonising EC legislation in the following areas: quality of petrol and diesel fuels; non-road mobile machinery; protection of groundwater; use of leghold traps; and basic safety standards of nuclear safety. Drafting of other pieces of legislation is in progress or under conciliation. The most important of these are the framework government decree on air quality; the decrees implementing the waste

management act; and the draft legislation on water quality. Hungary places special emphasis on the transposition of the Directive on Environmental Impact Assessment and the Directive on Integrated Pollution Prevention and Control (IPPC).

- A **Department for European Integration** has been established within the Ministry for Environment. It is supervised by a deputy state secretary, together with two other departments (for international co-operation and for international assistance). The Department for European Integration is responsible for the general co-ordination of the approximation process concerning the environmental chapter of the acquis.
- An important step in the field of implementation is that a frozen HUF 23 billion of the former Environmental Central Fund was opened by the Government. According to the draft act on the central budget, the Ministry for Environment will get HUF 53.7 billion in 2001 and 50.5 billion in 2002. Responsibilities are shared between different ministries, so a greater amount of money will be spent on environmental protection targets. An important source of financing investments is ISPA. Hungary has applied for Community assistance under ISPA for the establishment/upgrading of municipal waste water systems at the cities of Szeged and Győr and the region around Lake Tisza, and for regional waste management projects in respect of four major agglomerations. So far six projects have been approved by the ISPA Management Committee.
- Hungary's **new six-year National Environmental Programme (2003 – 2008)** is under preparation. Its concept contains the principle of more effective integration of environmental protection into the sector policies.
- Hungary intends to join the **European Environment Agency** and it will participate in the **LIFE III** programme from 2001. Also, facing the second round in accession negotiations, we will try to reduce number of requests for transition periods.

Ladies and Gentlemen, we hope that this conference organised by the EEB will facilitate our dialogue, and with the help of environmental NGOs, the approximation to EU-standards can be completed more quickly and successfully.

Thank you for your kind attention.

## INTRODUCTION TO THE SUSTAINABLE DEVELOPMENT STRATEGY AND HOW THE ENLARGEMENT OF THE EU IS INTEGRATED INTO IT

by Uno Svedin, Chairman of the European Consultative Forum on the Environment and Sustainable Development

**I** am delighted to be here, speaking on a topic close to my heart – Sustainable Development in Europe. The theme of the conference relates to the enlarged Europe, but also makes the point that sustainable development should not be handled in an isolated way.

The Forum, for those of you who do not know, was set up by the Commission and works as an advisory body to the Commission. It is independent in formulating advice and its members (around 30) are appointed by the Commission for a period of four years and come from widespread backgrounds around Europe. Some of these are here present today. We also have a newsletter which it is possible to get through our secretariat in DG Environment. Recent work has dealt with Sustainable Development Strategy, the 6th Environmental Action Plan, Governance, Integrated Product Policy and Spatial Policy in Europe is also something we have dealt with in the formal sense. We have papers on these topics, mostly available through the web.

On the Sustainable Development Strategy, we have addressed this issue in the following ways: we are interested in the policy integration, governance coupling (we would like to see governance not as a separate thing, but we would like to do the linking), the implementation and monitoring aspects (we would like the future SDS to target priorities use), we are very keen on public participation, we would like to see decent and well-connected research and education – we would like to be connected to the economic development issues and we would like a global reach with global responsibility and leadership on this for Europe.

What about the background? We see it comes through the Amsterdam Treaty (Articles 6 and 8) which provides it with strong foundations. We also think the EU is well-placed for Rio +10, in 2002, and we are also warming up for that. The Cardiff process, of course, is the most ambitious such initiative worldwide, and is dealt with in a continuous way; there is something to build on. We think there

has been early progress in Integrated Product Policy (IPP) and the Transport Environmental Report Mechanism (TERM) issue ; that could be a starting point for the Strategy.

If that were all, then we could go home, but we cannot do this because there are lots of problems and barriers. We have barriers to the policy integration ; we have inertia of various kinds ; counter-lobbying ; resistance from other DGs ; resistance from Member States. But we also have new and growing focus on the governance in terms of the *corporate* governance which is something that also has to be taken into account.

I distinctly referred to the global governance dimension, post-WTO, IMF-type issues, just to allude to them in this context. We think that governance is a reasonable and interesting testbed for many of these things, and that the EU is relatively well-placed for this. We think that the SDS should be a concrete example of the EU's quest for better governance, and we also think that the White Paper should present SDS as a test case. So we would like to see the connection between the SDS and the White Paper on governance.

So we have to run in this multi-layered type of world of organisations on a multi twin-track strategy with progressive deepening of policy integration at Member State level, and also parallel policy integration processes at EU level - and have a nice, reasonable linkage between the various levels in Europe.

We also think that the President of the Commission comes in here ; that the SDS will need better cross-sectoral monitoring and evaluation mechanisms and we would like the President's authority to be used for these elevated but important tasks.

On the SDS, we have a number of conclusions :

We have the context where we are moving over to the issues of the enlargement. Here we have the growing need for integration of economic, social and environmental targets, timetables, indicators and monitoring. That is important. And here I am alluding to the 6<sup>th</sup> Environmental Action Programme because of course the « green » part of all this has to be expressed also in another, more compact way, and we hope that this more compact way, where also the Forum has taken a position and there is a Position Paper, also has to be mentioned when we are dealing with the SDS this afternoon.

SDS must build on existing foundations, for example, stability and convergence criteria of Economic and Monetary Union, and it must target and communicate real priorities.

I mentioned Public Participation earlier as an important position of the Forum. It's not only worth mentioning, but you also have to introduce the question of

« but how ? » There is a need to create the links to wealth creation and trade – but on what terms ? This alludes, of course, to the global dimension of the chart. The EU has to consider how to « export » good Sustainable Development governance as part of the foreign policy, so we have a foreign policy dimension to the sustainability, which we think the Commission – and in a broader sense, the Union – should make use of.

We think that the Strategy and the White Paper on Governance should establish sustainability-related standard-setting and bargaining systems for products and industrial processes for all sectors. And we also think that the Cardiff Process could be of interest in instrumental terms, and also there it is necessary to have benchmarking processes to see that the integration also goes well.

We need to develop a system for independent advice and monitoring, maybe in the terms of a Sustainability Council made up of Sustainability Ombudsmen, elected by appropriate groups. We have developed this further in a package in the Governance Paper of the Forum. But it could also be in other forms – we are open and flexible with regard to that – but there has to be high-level machinery for independent advice, and to ensure policy integration in Member States, and candidate accession countries, which is, of course, one of the highlights of this afternoon's discussion.

We think that it is necessary to design a transparent and democratic process for developing indicators, targets and timetables. Observe that we think it is the *process* that is important, it's not that you have a sort of list and you say you must have this list. It is the process that emerges as an outcome of the list. It has to be a democratic process that *brings* the list, and it's important, in doing so, to involve other parties besides just the government in the process, particularly in the light of the upcoming EU reforms.

So, I will close now on the SDS and the Forum's recommendations, which means that we think that, both with regard to the Strategy and with regard to the White Paper on Governance, the following points are necessary :

- It's important that these documents should describe participatory institutions for target-setting, monitoring and evaluation.
- It's important that there is a follow-up of the Cardiff Process with regard to the integration of the sectors, and also
- A taking into account of the global responsibility which I alluded to earlier, which we think, in the Forum, is very important.

I have now covered the first part of my speech, and can now start the second part, which will be easier as I can now allude to points covered by the first part. Let us now take a closer look at the paper by the forum, developed in December

1998, entitled « The Paper by the Consultative Forum on Enlargement and Environment » . Of course, as with the other papers, it is available for distribution.

Let's see what we said on this topic. The issues we raised connect to what we recently said on the SDS. So there is no change in the policy. It is related to :

- the integration of the environmental considerations in all policy areas, a sort of « Cardiffness » if you like.
- the institutional development (which concept we developed further in our Institutional and Governance Paper),
- the costs and benefits, including the environmental benefits of enlargement,
- the totality of the participation, transparency and information package we also see as the central pivotal point in the SDS.

Let's take these one by one.

On Integration :

We say that the integration of the Sustainable Development aspects from different EU DGs is important in the preparatory stage.

We say that meeting the Acquis is an indispensable condition for membership BUT is not an end in itself. I think you have discussed the Acquis. The process of enlargement also provides the EU with the opportunity of checking its own internal compliance. This is interesting; it could sometimes happen that this is portrayed as a requirement for outsiders, and maybe insiders later, but in fact it is also a possibility for reflection internally on the issue.

Adoption of EU policies should not mean LESS environmental quality. If you push for the enlargement, you must ensure that the push forward of the enlargement mechanism is not something that makes things worse,

It is not just the rules alone ; there must also be emphasis on the implementation. It is not just something that stays on the surface of stating this or that policy or legal framework ; we also have to see a distinct implementation of these.

### **On the Institutional Development :**

It is important that we do have targets for all insitutions, not only environmental agencies. Here we come back to the point about sectoral integration.

The Commission should encourage the environmental infrastructure in Accession Countries, which means that there is a « preparedness » in these countries and they are supported by the mechanism which the EU has already at this stage to prepare.

The policy instruments also need to be flexible, to a certain degree.

On the Costs and Benefits :

Not only focus on monetary and investment costs, but remember also other types of losses, for example, environmental values.

The available resources must match the targets set, so there is no mismatch in this sense.

More emphasis on the environmental benefits of accession, such as :

- Lowered health risks
- Reduced ecosystem pressures
- Enhanced environmental awareness
- Strengthened competitiveness due to improved standards and efficiency
- Facilitated export
- Benefits from the EU assistance programmes.

Search for cost-effective measures.

On Participation :

We have dealt with participation in the framework of the Sustainable Development Strategy, and it comes back as an important pivotal point, connected, of course, to democracy, and other such issues.

Encouragement of the participatory mechanisms.

Work for transparency in the process. I alluded earlier to the importance of the process.

Development of public awareness.

The NGO presence is, of course, essential and necessary.

Let me now round up in terms of key messages in two directions. Key messages should go to the Commission and to the Accession Countries.

With regard to the **European Commission**, the key messages are that :

- Enlargement is one element in a wider process connected to Sustainable Development. So enlargement is not separate either ; it has to be seen as part also of the sustainable development mechanism for Europe.
- Protection of environmental quality should be an overall guiding principle in the enlargement process. That would be good if that could be so. You can state

it, work for it, and then hope that the pressure you can exert will mean that something of it comes true.

With regard to the **Accession Countries**, the key messages are that they should:

- Strive for negotiated results that preserve their environmental assets and their sustainable development connections, with regard, for example, to : biodiversity and landscape, cultural diversity, and environmental quality standards. So that the entire process, in widening, brings these qualities into light, and to be implemented.
- Make the most cost-effective approaches to environmental protection. Here I think lots of discussions are needed to decide which mechanism that would be. It is something that has to be developed in this participatory process.
- Place high value on enhanced investment in environmental institutions.

That is all for the Forum, and I have now spoken with regard to our general position with regard to the Sustainable Development Strategy, which we hope will be the pivotal point. We are looking forward to the Gothenburg Summit very much, where we hope, from point of view of the Forum, that many of these issues will be highlighted and also manifested in Gothenburg. And we also hope that the enlargement process and the necessary and interesting process in Europe will also be connected to the Sustainable Development « enlargement » in Europe.

## THE SUSTAINABLE DEVELOPMENT STRATEGY AND THE ENLARGEMENT OF THE EU

by Ulf Sviden, Permanent Representation of Sweden, Brussels

Chairperson Ralph Hallo introduced Ulf Sviden, and outlined to the conference that Mr Sviden's role covered responsibilities in the environmental field, as well as in the upcoming Swedish presidency.

I am pleased to have this opportunity to speak about a few issues related to the Sustainable Development Strategy. As has been said, the Helsinki Summit in 1999 gave a very clear mandate to the EU institutions, and to the forthcoming Swedish presidency. In June 2001, at the Goteborg (Gothenburg) Summit, the EU has to adopt its Sustainable Development Strategy. Why? Because first and foremost, every member of the U.N. has to provide such a strategy before the forthcoming global summit to take place in 2002 in Africa or Asia. [Rio +10, Johannesburg]

The EU is part of that process and has to prepare a strategy of its own, additional to the Member States' own strategies, and the strategies of other countries as well. That work has now started. In addition, the Helsinki summit also gave us a clear mandate to pursue the issue of sectoral integration; the process of trying to integrate environmental concerns into the sectors. Nine sectors were mentioned in particular. I will come back to that.

We as the Presidency, have to ensure that some, hopefully clever, and forward-looking conclusions in that process will be taken at Goteborg, and will hopefully lead us to better integration and better processes for the future.

The 6th Environmental Action Programme is being finalised in the Commission. We have been promised a version in all languages in mid-January. Our ambition is then to take it to our working group and work with it intensively, with the view of reaching what we call "a Common Position" in the Environmental Council of June, roughly 10 days before the Goteborg Summit. That is a very tight timetable, and those of you who are familiar with the EU process know it

is, because this is a co-decision, unlike the previous environmental action programmes, and this is a joint programme from the Council and the Parliament. That the Parliament has finished its first reading before the June Environmental Council. It will be very tight but we still hope to stick to that plan.

So we will be able to read the document from the Commission shortly after the Christmas recess. The link is clear. The 6th Environmental Action Programme will be the environmental part of the Sustainable Development Strategy. I will come back to that.

But the document itself (the 6th Environmental Action Programme) will hopefully be shorter than the fifth, and be more action-oriented, and we are trying to make it more readable, and more directed towards various stakeholders. We hope to be able, with the help of the EEA in Copenhagen, to develop more refined indicators; first of all targets; attached to them, indicators, and hopefully also some follow-up mechanisms.

On targets, how are we going to reduce the number of Europeans who are exposed to noise levels, for example, and this should look at not only that we should reduce them, but how much are we going to reduce these levels, and how.

Climate will certainly be a major theme in the Action Programme. That was clear well before the Hague meeting itself and its conclusion. There is no doubt that climate will, for the next 10 years as that is the timeframe of the programme, be very much a central theme. And other environmental issues will hang on the climate concept, such as protection of urban air quality and major other issues.

Also biodiversity will be a major theme, as we hope and expect. But health and environment will be more at the forefront than it has been in the past. So this is the 6th EAP - it is an Environmental Council issue, but will have a link into the Sustainable Development Strategy.

So once again, what is this Strategy? Work is now going on. It is clear the SDS is not only an environmental programme. It is the inter-link between economic, social and environmental policies. The task of writing a proposal from the Commission is developed within the Prodi cabinet itself. It is not a major task of the DG Environment, although DG Env certainly provides helpful input into it.

We hope we can be able to develop these three pillars, and a new dimension in the SDS is that it will take the EU into more long-term planning. Much of the EU work is fairly short-term oriented. Now we speak of a time of more than one generation ahead, or even more, if you are talking about climate.

But we are, again here when it comes to the SDS, trying to work out a number of SDS targets and also indicators attached to those targets. Because we don't want just to have another nice, well-presented document; we want this to be action-oriented, so that the stakeholders can feel that this is the message that they have to adhere to.

We have talked about the social dimensions. Let me just cite some of the examples : the decrease in population in Europe after 2020, and what will that lead to ? longer education, shorter term you are actually in work ; ageing of population - what does that mean and what consequences will that have ? In macro-economic terms we talk about these developments and how will that affect pension schemes, whether the tax base erodes in the long term, and so on.

And then also of course, we have environmental issues. Environmental elements of the strategy, but also elements of the 6th Environmental Action Programme, as I said. It is my hope we will have a more equal balance between the three major policy areas.

A very important issue where I think progress is being made is what we can call « sustainable mobility ». I hope we will see some good proposals which we can take further to a decision in Goteborg. How can you combine the need for transport with the huge environmental, detrimental effects we can see today ? This is the type of issue which will be addressed within the Sustainable Development Strategy. You can imagine, however, from my short examples, I hope we will see an interesting and informative document, although it is no secret that there are difficulties for the writers at the moment. Although there are many committed people working on it, perhaps the upper part of the hierarchy are not yet fully convinced of the beauty of this concept.

On environmental integration, I said that nine sectors were mentioned from the Helsinki Summit to make an evaluation of the Cardiff process. They are doing that and it is on the agenda for all the Councils ; ECOFIN even earlier this week, already. Agriculture, fisheries, development, transport, energy, general affairs council and so forth.

Progress varies. We have seen some very interesting papers and I can recommend them to you, because they are public, not least from ECOFIN, in which they try to offer some assessment of how to better integrate environment into the general economic policies.

Transport we also think are on a good track - also development assistance and development co-operation. But there are some others where progress so far has been slower, such as agriculture and general affairs (foreign ministries), which the Swedish minister for foreign affairs will have to do something about, because she was formerly the minister for the environment. Also the internal

market must be included here ; they think they have already done what they have to do, but we are pressing them to do something more, because we would like to have the total picture for Goteborg.

Our task will be to try to combine the results of these nine sector councils and their recommendations, to see how we are going to press ahead in the future. We would like to see that there will be regular reporting of the kind we already have with the indicators in the economic and social policy areas, reported to the heads of states and governments at the summits. We would also like to have a sort of mechanism, (and here I am talking more about our aspirations than about what we see in the programme), built in so that if there are any major environmental events, there can be a mechanism in the EU to take care of that.

The mandate we have as incoming President is a huge one, but full of opportunity, and we would certainly like to use that.

What can we now say about enlargement, which is after all the theme of this. We have the three « Es » as our major priorities:

Enlargement,  
Employment,  
Environment

(and please also read sustainable development as being within Environment.)

Here we see a nice combination, with the possibilities for synergies. We are certainly pushing environmental chapters in the accession negotiations. We hope to open new chapters for candidate countries which have not already opened negotiations. We hope to conclude the environmental chapter, provisional of course, for a few countries that are already advanced in the negotiations. We feel that the expectations of us in the field of enlargement are very great.

It is very important that we find a better formula than we have today when it comes to co-operation with the candidate countries in running EU business. Twelve new members will come into the Union. We do not know the exact timing, but as we head for that, it is only natural that a better way of co-operation with the Union institutions and the candidate countries can take place.

As the Swedish presidency, we will also try to have some discussions with the Candidate Countries also invited, the day before the March Environmental Council. We will invite environmental minister to have informal discussions on the major themes of the 6th EAP. So before we take any decisions ourselves, in the Union, we would also like to have the views of the governments of the candidate countries.

As the presidency we will also have a number of meetings to which the candidate countries will be invited. There are other types of meetings, but we still lack a sort of mechanism where all these are better connected with the candidate countries. If you have any ideas we can improve these, I try to speak to my environmental attaches here. We do have meetings, but after all, it's not that often.

Even when we talk about Sustainable Development, it comes down to the very concrete work we are doing. A number of the legislative acts which are on the table (white papers or green papers) are of high relevance to sustainable development. It is the Aarhus Convention of public information and public participation. There are chemical strategies waste policies and they are an important part of sustainable certitude.

## THE SUSTAINABLE DEVELOPMENT STRATEGY: LET US NOT CREATE ILLUSIONS

Krzysztof KAMIENIECKI, Institute for Sustainable Development, Poland

Problem One : The Reform of the Union

(The Candidate Countries may slow down the process of reform of the Union.)  
The falling support for the accession of new countries to the Union means that a number of European societies are opposed to a change in the existing state of things. They do not want to see Union as a pan-European organism. Its creation requires reforms and resources and resignation from something. The growing scepticism with regard to new candidates can be explained by the risk to security, the fear of job losses and even the location of nuclear power plants. But perhaps this scepticism should be regarded as the lack of support of these societies for the implementation of reforms which the Union requires.

Problem Two : The Europe of Different Speeds. Federation of Countries

The discussions on the future of Europe do not attract the attention of the citizens of the Candidate Countries (as they appear to be too abstract). We tend to take note of French and German concepts - of the views of German politicians, which are probably green, and French politicians, who are probably not green. Politicians react to Fischer's proposal in a different way than do various social groups. In wishing to understand the institutional reforms of the Union, I need to apply the benchmark of sustainability to them. I would like to consider whether they would strengthen the bureaucratic structures or if, on the contrary, they would enhance public participation in decision-making ; whether they would facilitate the integration of environmental policy into sectoral policies and whether they would strengthen the position of those countries that take the lead in actions for sustainable development. We cannot speak about sustainability out of a short political vision of Europe.

Problem Three : The countries of the European Union have failed to use the European enlargement process for accelerating actions for sustainable development

The division into negotiation chapters adopted and controlled by the Commission follows the traditional division into economic sectors in the Candidate Countries. This division, adopted in the negotiations, strengthens the sectoral way of thinking about the economy in the Candidate Countries, reinforces the conservative management structures and convinces the public that it is justified to keep the existing divisions. As a result, we have allowed politicians not to think in integrated terms, and have postponed for years the ability of the administration to integrate policies.

Problem Four : Accelerated harmonisation weakens the fragile budding progress in democracy

The Governments of the Candidate Countries boast about the extent of the harmonisation of the national law with the Acquis. The higher the level, the louder the praise from the Union officials. However, no one makes the Governments or Parliaments account for the extent of public participation in the process of creating the new, harmonised legislation. Certainly, it is an internal issue for the Candidate Countries. Polish environmental organisations take part in consultations and they are invited to participate. In many cases, however, the pace of the work, though criticised by the Commission, is too fast for NGOs to be able to apply the full spectrum of means whereby they can influence the shape of the legislation being created.

Problem Five : Biodiversity

Poland is aware of the high level of its biological diversity and wishes to enhance it. The Poles regard their nature as capital which they can bring to the common Europe. There are politicians in the Union that speak about the environment and encourage Poland to protect its biodiversity. It would appear that there is full agreement here as to the political and ecological goals. However, the reality is completely different.

The accession documents fail to mention EU grants for nature conservation in the Candidate Countries which have lower per capita GDPs, while having higher per capita biodiversity per unit surface than the EU average. This issue is extremely important ; all the more so as it applies to countries which are distinctly richer in terms of biodiversity than the EU and, at the same time, distinctly deviate from the EU standards in terms of their unit GDPs. It is worthwhile adding here that, given the much higher diversity of species in Eastern Europe, the allocations from the LIFE Fund established under the

Council Regulation EEC/1973/92, the goals of which include financing the development of the NATURA 2000 network, are satirical.

Polish environmental organisations are interested in implementing the EU standards on nature conservation, along with simultaneous EU proposals concerning financial support to our efforts in this field over and above the achievements made by the EU countries which are at the least advanced in this respect. The rationale for this is the fact that, after all, we are at least twice as poor as the poorest EU countries.

Problem Six : The conservation of high biodiversity in the Candidate countries would reform the approach to agricultural and rural development policies throughout EU.

Problem Seven : The deceptive implementation of the *acquis*.

The pressure for the quick implementation of the environmental *acquis* meets with NGO approval. The difference is that the EU sees to the technical side of the implementation, whereas the NGOs see to the qualitative side. Experiences indicate that it is an illusion to expect qualitative change in a short time.

Problem Eight : The falling interest of the public in environmental issues in Europe

The falling interest in environmental protection is an expanding phenomenon, although it used to be the top priority in social surveys done in Poland. We can see no rationale for delays in developing the Sustainable Development Strategy for Europe. But in recent surveys, public interest has waned. However this does not and should not mean that politicians are free to resign from radical actions for sustainable development.

In the 6EAP and the Strategy we may look for ways of reducing the overall costs of accession, provided that they incorporate ambitious environmental goals. When we talk about biodiversity in a serious way, a model way, we can probably touch on something of what we call Sustainable Development - and also in Poland.

Problem Nine: Consumption patterns and the will of society to become more sustainable

My mission is to promote sustainability and I always felt it was possible, because Polish society put environmental protection as a top priority. This was shown by social surveys. We continued surveys over the past few years, and 30% of people were even prepared to pay and to sacrifice certain things to have better environmental protection. Recently, however this group of people decreased to

just 20% and the people surveyed put environmental protection far from the top. To expect sustainable development to be achieved through different acquis, is an illusion. There has to be public support for it.

## ENLARGEMENT AND THE EU'S SUSTAINABLE DEVELOPMENT STRATEGY

by Erzsebet SCHMUCK, Chairperson of the Hungarian Society of Conservationists (MTVSZ)

**L**et me point out, at the beginning of my short presentation, that the time has come for associated countries to be involved in the design of the common Sustainable Development Strategy.

I firmly believe that during the elaboration of the new strategy, increasing consideration should be given to the specific situations and expectations in non-candidate countries as well.

The natural and socio-economic environment in the states aspiring for EU membership differ largely from those in Member States. Candidate Countries are surprisingly rich in semi-natural, pristine areas and they can boast remarkably high levels of biological diversity. Due to their healthier modal split, Candidate Countries' transport systems lay a lesser burden on the environment than those of most Member States. It is in our common interest to preserve these natural assets and favourable conditions for the benefit of us all.

We also must bear in mind that in terms of economic output, standard of life and the quality of social welfare systems, Candidate Countries still lag behind the European Union. Any sustainability strategy for Europe that disregards the above-mentioned differences is doomed to failure.

Conservationist and environmentalist NGOs in Candidate Countries firmly believe that enlargement is a unique chance for both for them and the EU to increase the level of sustainability at a European level and this chance must not be missed. Unfortunately, however, current trends in European policy-making do not seem to reinforce this belief.

Each year, on receiving the European Commission's Annual Report on the progress towards Accession, our Government reviews the policy areas mentioned in this document. When it comes to environmental policy, both the EU and our Government agree that the three most important problem areas (besides legal approximation), where tremendous work needs to be done in

order to come up to European expectations, remain waste management, waste water treatment and air pollution.

However, even if all these problem areas are tackled successfully (and this is an extremely costly endeavour!) it remains doubtful whether our solutions actually promote sustainability. The technical solutions of these challenges are typically of the kind where improvements to the environment may easily put further burden on natural resources in general. As we all know, end-of-pipe solutions have little to do with sustainability.

Sustainability is about the sustainable use of resources and is not to be mixed up with punctual efforts to clean up the environment around us.

Let me, therefore, put forward some of the suggestions which Hungarian NGOs have formulated after the reading of the draft of the 6th Environmental Action Programme.

I personally feel that each of the ideas below is highly relevant and should be given due consideration during the design of the new Sustainable Development Strategy.

- (1) There is little hope to achieve sustainability at EU level unless sustainability is promoted at global level. There is a universal need for co-ordinating and concerting environmental policies and strategies. Worldwide economic competition has accelerated the pace of economic growth and the exploitation of natural resources.

In an increasingly competitive economic environment, the EU is unlikely to self-impose environmentally motivated restrictions that would weaken its global economic position. Therefore, the European Union has a vested interest in promoting the perspective of sustainability worldwide. Only if similar norms and restrictions are applied on the world's economies will the EU be capable of following a genuinely sustainable policy without exposing itself to excessive competition.

- (2) More often than not, end-of-pipe environmental solutions focusing on the clean-up of certain areas put an additional burden on the natural resources of others. Most environmental measures only shift stresses from one natural medium(soil, water, air) to another. Some solutions relieve smaller areas at the cost of their broader environment, while others relieve larger areas and concentrate environmental stresses on one area. It is, therefore, obvious that before actually taking them, we should test our planned environmental « solutions » for their sustainability. Only by carefully analyzing the route of

stresses and the environmental costs of shifting them from one medium or region to another, will we be able to evaluate the real benefits of our measures.

- (3) Hungarian NGOs feel the urgent need of a new Framework Directive on Strategic Environmental Assessment (SEA) which would complement the mechanism of Environmental Impact Assessment (EIA). The European Union has a clear interest in assisting would-be member states in setting up adequate institutions for the enforcement of the Strategic Environmental Assessment Directive in their regional planning, the more so because most investments in this field (transport infrastructure and environmental programmes) are co-financed from European coffers (SAPARD, ISPA).
- (4) Consumer behaviour is a key element from the viewpoint of environmental protection and sustainability.

## POLICY OPTIONS FOR ENVIRONMENTALLY FRIENDLY AGRICULTURE IN CENTRAL AND EASTERN EUROPE: A THREE-TRACK POLICY APPROACH

by Darko Znaor, ETC Ecoculture consultants,  
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**L**ow-input agriculture is the dominant farming style in the majority of the Central and East European (CEE) countries. However the shift from high-input agriculture, as practised during the communist time, to the present low-input farming was not the result of a designed policy for agricultural development, but rather the consequence of a socio-political evolution from state economy to market economy.

Ten years after the transition, the agricultural policies of most Central and East European countries are still at the “crossroads”. They are characterised by a diversity of visions on further development and on concepts of how to implement these visions. The agri-environmental component of the current CEE’s agricultural policies either does not exist or is rather vague and underdeveloped. Most of the CEE countries still aim at restoring agri-chemical inputs to the pre 1990 level.

Low-input farming is not necessarily environmentally friendly, since it often does not pay sufficient attention to the environmental degradations caused by agricultural operations. This type of farming too can lead to severe soil erosion, declining biodiversity and build-up of pests and diseases. Besides, low-input farming is often not economically viable.

To enable the development of environmentally-friendly agriculture in CEE countries, a three-track policy approach is suggested. Its measures should:

1. Improve environmental and economic performance of the current low-input agriculture;
  2. Promote further development of pioneering organic agriculture, and
  3. Convert the remaining high-external-input regime to integrated agriculture.
- A mix of policy instruments (regulative, economic, informative, institutional and voluntary) should be put in place to facilitate further development of this three-track policy.

The calculation from a recently finished PHARE project in Bulgaria, Hungary and Romania suggests that a three-track policy approach makes an interesting policy option, both from the economic and the environmental points of view. A share of as little as 30% of improved low-input agriculture and organic agriculture in the total agricultural production, results in gross national agricultural production values comparable to those obtained by the conventional scenario. However, when the external (environmental) costs of N-leaching are internalised into the price of the produce by charging a shadow price of 1 per kg of nitrogen leached, the sustainable scenario showed even greater economic benefit. It resulted in net national agricultural production values of 5% (Romania), 16% (Bulgaria) and 40% (Hungary) higher than by using the conventional scenario. At the same time, the sustainable scenario exhibits substantially lower nitrogen leaching (45% in Romania, 34% in Bulgaria and 18% in Hungary) as compared with the conventional scenario. This nutrient emission reduction complies quite well with the targets set for nutrient reduction for the Danube River and the Black Sea.

The establishment of an international facility to support national teams in preparing and implementing the-three track policy would enable a concerted action to be made in CEE countries.

## NECESSARY STEPS TOWARDS THE VISION OF SUSTAINABLE AGRICULTURE IN CENTRAL AND EASTERN EUROPE

Environmentally friendly agriculture  
in Central and Eastern Europe

by Martien Lankester, The Netherlands  
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Which steps are necessary to work towards environmentally friendly agriculture ?

### POLICY

**I**t is necessary to adapt national legislation according to EU regulations on organic farming, and to EU regulations on rural development (including Agri-Environmental programmes, which are important instruments to achieve sustainable agriculture). This is obligatory in the framework of pre-accession, and it will help prepare for practical changes.

This means that also one or more certification bodies for organic farming need to be established. At the same time, the national guidelines for agricultural education need adaptation. It would be practical to start with a strategic framework, e.g. a National Action Plan for Organic Farming, which can serve as a broader framework for the necessary actions.

In the Ministry of Agriculture, it is important to have a section which is charged specifically with these steps, and is properly trained. Also it has proven useful in different countries (some examples are the national working groups on Agri-Environment) to establish an advisory committee to prepare and implement this action plan. Representation in this committee of many stakeholders would be the most effective technique (MoA, MoE, MoRD, research, farmers, NGOs, business). Another structure that needs adaptation is the Farm Advisory Service. In Poland, for example, many regional farm advisory services have already acquired expertise on organic farming.

## CAPACITY BUILDING

Training is necessary in:

- organic/low-input farming methods, for farmers and farm advisors
- processing and marketing
- organisational development (for groups of farmers, NGOs).

Special attention should be paid to the co-operation between environmental and agriculture organisations. Whereas environmentalists usually start with ideas and ideals, farmers start from the economic perspective. Bringing these two together is an important challenge. Useful methods of realizing this kind of capacity building are training sessions, exchange visits to other (EU, but especially other CEE) countries, demonstration projects, publications and conferences.

Practical demonstration of good practice, leading to an economically viable operation which is at the same time environmentally sound and socially just, is always the best example.

## AWARENESS RAISING

The consumer needs to be informed and motivated in order to buy the products of the organic farmer. Publicity campaigns can be launched based on arguments of environment, bio-diversity, landscape, health and food safety, showing the integrative value of organic farming. This will make consumers an important ally.

## MARKET

The organic farmer should not rely on subsidies alone, but in the market he should receive the value which his product and production method have for health, food safety, environment, bio-diversity etc. Market chain development thus is an important issue.

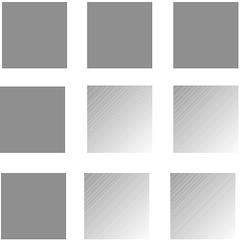
## FINANCING STRUCTURES

New financing structures need to be developed which make it possible to use money earmarked for such things as biodiversity or climate, for example, as investment capital in organic enterprises.

## INTERNATIONAL SUPPORT

An international project needs to be launched to structurally support co-ordinated activities in different CEECs with expertise from the EU and CEE.





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