

Scrapping EU green plans a ‘blunder’



By Isabella Kaminski

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Draft circular economy plans will be replaced by a “more ambitious” new package later this year. But environmental and waste industry groups are outraged



A wide range of environmental and industry groups, national governments and MEPs have criticised the European Commission’s decision to scrap key EU environmental plans.

In December, the European Commission confirmed speculation that its 2015 work programme would include withdrawal of a draft circular economy package and changing a major air pollution proposal.

Presenting the programme to the parliament on 16 December, vice-president Frans Timmermans told MEPs that withdrawing updated waste targets and policies tabled as part of the circular economy package would “make way for a broader and more ambitious proposal” this year.

Environment commissioner Karmenu Vella told critics on Twitter that “the most important fact is that [the] circular economy remains a live dossier to be developed in 2015”, adding that the circular economy is “safe in the hands of this commission” and remained a priority.

The commission will also modify a proposal to tighten the national emission ceilings (NEC), linking this work with legislative proposals on the 2030 climate and energy package. This would help bridge the gap emerging between member states and the European Parliament on the issue, said Timmermans.

The NEC Directive proposal was the main plank of the air quality package tabled last year (endsreport.com/42561).

The work plan contains 23 new measures to be introduced in 2015, including a framework for an ‘energy union’, which had been promoted by incoming European Council head Donald Tusk (endsreport.com/45440).

A much longer list of proposals tabled by previous commissions will be withdrawn or amended to focus on major priorities set out in the new commission’s ‘jobs and growth’ agenda.

Mixed reaction

The work programme was welcomed by industry group BusinessEurope, which had strongly lobbied for the circular economy package to be retabled as “an economic piece of legislation” rather than as an environmental one, and for the NEC Directive update to be withdrawn.

But the decision has caused outrage elsewhere. In December, Joan Walley, chairwoman of the Environmental Audit Committee, wrote to commission president Jean-Claude Juncker saying it was “essential” to retain these two vital areas. And 11 member states (not including the UK) also wrote to the commission to support the draft laws.

Most MEPs were individually supportive of the existing plans, but the parliament failed to adopt a resolution on the matter following political squabbling in January. As a result, the commission’s work programme will go ahead unchallenged.

Ray Georgeson, chief executive of the Resource Association, said he did not understand why the circular economy package needed to be withdrawn completely. “Surely this could have been done within the existing timetable, and maintained momentum?”

“By deprioritising the package for this year’s programme the commission signal they do not see the circular economy as a priority that delivers jobs and growth in line with their stated objectives for revising their work.

“This sends a mixed signal to our industry about the future of the circular economy package and it is not a welcome move.”

Since the commission’s announcement, there has been speculation about what the new package might contain, with some saying it is unlikely it will contain any mass changes.

Roy Hathaway, Europe policy adviser for the Environmental Services Association (ESA), said: “The commission’s previous proposals were not perfect, but the direction of travel they set was right, and would have helped encourage private sector investment in better resource management.

The ESA was one of a number of organisations that made strong representations to the EU and the UK government when plans to axe the packages emerged in leaked documents last year (endsreport.com/46223).

Any delay is likely to have a knock-on effect on national policies (see p5), but the UK government has been reticent to criticise the commission while it lobbies for lighter touch EU energy regulation (see p8).

Alan Andrews, a lawyer for legal NGO ClientEarth, said: “The UK government views environmental regulation as ‘red tape’ so has stood quietly by and let this happen. British MEPs of all political stripes have played a leading role in opposing Juncker’s plans to scrap the proposal – it’s time the government showed similar leadership.”

Environment minister Dan Rogerson said the government supports the NEC directive but believes amendments are needed to make the 2030 targets “realistic”.

But a coalition of green NGOs, including EEB, Greenpeace and Friends of the Earth, said it is now unclear whether talks on the NEC Directive can continue before the legislative proposals on climate and energy for 2030 are finalised. They described scrapping the packages as a “colossal strategic blunder”.

Several weeks after the announcement of the work programme, a group of leading environmental lawyers questioned the legality of the decision in a letter sent to commissioner Vella.¹

The Avosetta Group said the decision undermined the EU's environmental policy goals set by MEPs. The 17 signatories to the letter, all professors, included Ludwig Krämer from the University of Bremen and ENDS' legal commentator Richard Macrory from University College London.

The group pointed out that a progressive clean air policy and an efficient circular economy package were among the key objectives of the EU's seventh environmental action programme (7EAP) adopted in 2013 by the European Parliament and Council.

“From a democratic point of view, it would be odd that an executive agency is able to depart so easily and so significantly from the union lawmaker's 2013 policy goals. It is fair to say that the commission's proposals have to be in line with a policy programme adopted by the lawmaker.”

It said the concept of 'better regulation' as envisioned by the commission “has to be consistent with Treaty obligations, since an administrative practice can in no way prevail over Treaty law”.

The group added that withdrawing or making substantial changes to two legislative packages at this particular time sends a confusing message about the EU's environmental leadership in the run up to the Paris climate talks later this year.