Recent Developments in EU Environmental Policy and Law*

This section briefly reports on significant political initiatives as well as legal acts and political strategies adopted in the environmental field between April and mid-July 2004.

General Matters and Cross-Cutting Issues

1. Environmental agenda of the Dutch Presidency

The incoming Dutch Presidency has set out an ambitious environmental agenda. Under the rubric "environment as opportunity" the Presidency plans to strengthen the environmental dimension of the so-called Lisbon process, a ten-year strategy adopted at the Lisbon European Council in March 2000 to make Europe the most dynamic and competitive economy by 2010. Focussing on clean technologies and eco-efficient innovations, the Presidency aims to show how environmental policies can contribute to achieving the Lisbon objectives. This might raise the profile of largely neglected linkages to the EU's Sustainable Development Strategy and the Cardiff Process on environmental policy integration.

Other priority areas during the Dutch Presidency include the new chemicals Regulation (REACH), the issue of sustainable mobility (particle emissions from diesel cars, tightening of CO2 emissions from cars, action to reduce transport noise) and international climate policy in the run-up to the Tenth Conference of the Parties to the UN Framework Convention on Climate Change in December 2004. Furthermore, the Presidency seeks to finalise the revised waste shipments regulation that, unexpectedly, was not adopted at the Environment Council in June. It hopes to achieve substantive progress in the fields of mining wastes and restrictions on the use of fluorinated gases, and aims to adopt further legislation in the field of access to information, participation and access to justice in environmental matters ("Aarhus package"). Further goals include achieving political agreement on the revised batteries Directive and on the groundwater Directive. In addition, the Presidency will devote attention to the urban environment strategy and the mercury strategy. For recent developments on these issues see below.

2. Access to Information, Public Participation and Justice

To implement requirements resulting from the 1998 Aarhus Convention, the EU in 2003 already adopted two Directives concerning access to environmental information and public participation in environmental decision-making. In order to fully transpose the Aarhus Convention into EU law and to enable the EU to become a party, three legislative proposals are currently under negotiation in the Council and Parliament. This includes a proposal to address the requirements of the Aarhus Convention on access to justice, a proposal for a Regulation on the application of the Aarhus Convention to EU institutions and bodies, and a proposal for a Decision that will enable the EU to become a party to this Convention. The Dutch Presidency hopes to finalise the "Aarhus package" at the Environment Council in December to permit the EU to be a party to the Aarhus Convention by the time of the Second Conference of the Parties in May 2005.

3. Cardiff process on environmental policy integration

Art. 6 EC Treaty stipulates that environmental protection requirements must be integrated into the definition and implementation of Community policy.

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cies. To put this provision into practice, the European Council at Cardiff in June 1998 launched a process aimed at integrating environmental considerations into the respective work of different Council formations. On 1 June 2004 the Commission has presented an initial report that takes stock of the Cardiff process. While noting some progress, the Commission also emphasises the need to improve the consistency of strategies across Council formations and for greater emphasis on good practice as regards implementation of the integration principle. It concludes that the issue of environmental integration needs increased visibility and political support at the highest level. To this end, the Commission will make efforts to ensure that environmental integration will become a regular agenda item of the Spring European Council meetings which, at present, are focussing primarily on the Lisbon process.

4. Environmental Aspects in Standardisation

On 25 February 2004 the Commission presented a Communication to the Council, the European Parliament and the European Economic and Social Committee on the Integration of Environmental Aspects into European Standardisation. Considering the important role of standards for sustainable development and environmental policy, it calls for a systematic approach to integrating environmental aspects into standardisation processes and underlines the importance of enhancing the participation of stakeholders, particularly those representing societal or public interests.

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**Air Quality**

1. Fourth Daughter Directive on Air Quality

The Council and the European Parliament have agreed on a fourth daughter Directive to the 1996 Air Quality Framework Directive Directive 96/92/EC on ambient air quality assessment and management. The daughter Directive sets out thresholds for arsenic, cadmium, nickel and polycyclic aromatic hydrocarbons (PAH). Member States will have to take all necessary measures not entailing disproportionate costs to meet the ambient air quality targets for the three heavy metals and for benzo-a-pyrene, a marker for PAHs. Measures must be directed at the main emission sources (i.e. iron and steel works, non-ferrous metals processing, coal-fired power stations, cement production, waste incineration). The deadline for implementation is December 2012. Public authorities will have to draw up detailed maps of areas where target concentrations are being exceeded, explain why these were not met and estimate population exposure to the pollutants. Furthermore, they will have to prove that all industrial facilities contributing to the exceedance of thresholds are applying BAT.

2. Sulphur content in ship fuel

On 28 June 2004 the Environment Council reached political agreement, by qualified majority, on the articles of a draft Directive aimed at reducing acidifying sulphur dioxide (SO$_2$) emissions from seagoing ships. The proposed amendment to Directive 1999/32/EC will extend its scope to all petroleum-derived liquid fuels used on board of ships operating in Member States' waters. In particular, the draft Directive would give effect to the 1.5 % sulphur limit applying within SO$_x$ emission control areas agreed through the International Maritime Organisation. Ministers further agreed on a 0.2 % sulphur limit on inland vessels and ships at berth and on the introduction of a stricter 0.1 % limit from 2008 to January 2010. The amendment will provide for the use of approved abatement technologies as an alternative to using low-sulphur fuel. Work on the Directive's preamble will proceed with a view to adopting a common position without further debate. This common position will be sent to the European Parliament for a second reading.

3. Call for tighter car emissions limits

Following a meeting of Chancellor Schröder with representatives of the German automobile industry, the German government, on 13 July 2004, called on the Commission to propose this year rather than in