

COMMON POSITION (EC) No 3/2002**adopted by the Council on 27 September 2001****with a view to adopting Decision No 2002/.../EC of the European Parliament and of the Council
of ... laying down the sixth Community environment action programme**

(2002/C 4/03)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Com-
munity, and in particular Article 175(3),

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee⁽²⁾,

Having regard to the opinion of the Committee of the
Regions⁽³⁾,

Acting in accordance with the procedure laid down in
Article 251 of the Treaty⁽⁴⁾,

Whereas:

- (1) A clean and healthy environment is essential for the well-being and prosperity of society, yet continued growth at a global level will lead to continuing pressures on the environment.
- (2) The Community's fifth environmental action programme 'Towards sustainability' ended on 31 December 2000 having delivered a number of important improvements.
- (3) Continued effort is required in order to meet the environmental objectives and targets already established by the Community and there is a need for the sixth environmental action programme (the 'programme') set out in this Decision.
- (4) A number of serious environmental problems persist and new ones are emerging which require further action.

(5) Greater focus on prevention and the implementation of the precautionary principle is required in developing an approach to protect human health and the environment.

(6) A prudent use of natural resources and the protection of the global eco-system together with economic prosperity and a balanced social development are a condition for sustainable development.

(7) The programme aims at a high level of protection of the environment and human health and at a general improvement in the environment and quality of life, indicates priorities for the environmental dimension of the sustainable development strategy and should be taken into account when bringing forward actions under the strategy.

(8) The programme aims to achieve a decoupling between environmental pressures and economic growth whilst being consistent with the principle of subsidiarity and respecting the diversity of conditions across the various regions of the European Union.

(9) The programme establishes environmental priorities for a Community response focusing in particular on climate change, nature and biodiversity, environment and health and quality of life, and natural resources and wastes.

(10) For each of these areas key objectives and certain targets are indicated and a number of actions are identified with a view to achieving the said targets. These objectives and targets constitute performance levels or achievements to be aimed at.

(11) The objectives, priorities and actions of the programme should contribute to sustainable development in the candidate countries and endeavour to ensure the protection of the natural assets of these countries.

⁽¹⁾ OJ C 154 E, 29.5.2001, p. 218.

⁽²⁾ OJ C 221, 7.8.2001, p. 80.

⁽³⁾ OJ C ...

⁽⁴⁾ Opinion of the European Parliament of 31 May 2001 (not yet published in the Official Journal), Council Common Position of 27 September 2001 and Decision of the European Parliament of ... (not yet published in the Official Journal).

- (12) Legislation remains central to meeting environmental challenges and full and correct implementation of the existing legislation is a priority. Other options for achieving environmental objectives should also be considered.
- (13) The programme should promote the process of integration of environmental concerns into all Community policies and activities in line with Article 6 of the Treaty in order to reduce the pressures on the environment from various sources.
- (14) A strategic integrated approach, incorporating new ways of working with the market, involving citizens, enterprises and other stakeholders is needed in order to induce necessary changes in both production and public and private consumption patterns that influence negatively the state of, and trends in, the environment. This approach should encourage sustainable use and management of land and sea.
- (15) Provision for access to environmental information and to justice and for public participation in policy-making will be important to the success of the programme.
- (16) Thematic strategies will consider the range of options and instruments required for dealing with a series of complex issues that require a broad and multidimensional approach and will propose the necessary actions, involving where appropriate the European Parliament and the Council.
- (17) There is scientific consensus that human activity is causing increases in concentrations of greenhouse gases, leading to higher global temperatures and disruption to the climate.
- (18) The implications of climate change for human society and for nature are severe and necessitate mitigation. Measures to reduce emissions of greenhouse gases can be implemented without a reduction in levels of growth and prosperity.
- (19) Regardless of the success of mitigation, society needs to adapt to and prepare for the effects of climate change.
- (20) Healthy and balanced natural systems are essential for supporting life on the planet.
- (21) There is considerable pressure from human activity on nature and biodiversity. Action is necessary to counteract pressures arising notably from pollution, the introduction of non-native species, potential risks from releasing genetically modified organisms and the way in which the land and sea are exploited.
- (22) Soil is a finite resource that is under environmental pressure.
- (23) Despite improvements in environmental standards, there is increased likelihood of a link between environmental degradation and certain human illnesses. Therefore the potential risks arising, for example, from emissions and hazardous chemicals, pesticides, and from noise should be addressed.
- (24) Greater knowledge is required of the potential negative impacts arising from the use of chemicals and the responsibility for generating knowledge should be placed on producers, importers and downstream users.
- (25) Chemicals that are dangerous should be substituted by safer chemicals or safer alternative technologies not entailing the use of chemicals, with the aim of reducing risks to man and the environment.
- (26) A sustainable use of pesticides should take place in a way to minimise negative impacts for human health and the environment.
- (27) The urban environment is home to some 70 % of the population and concerted efforts are needed to ensure a better environment and quality of life in towns and cities.
- (28) There is a limited capacity of the planet to meet the increasing demand for resources and to absorb the emissions and waste resulting from their use and there is evidence that the existing demand exceeds the carrying capacity of the environment in several cases.
- (29) Waste volumes in the Community continue to rise, a significant quantity of these being hazardous, leading to loss of resources and to increased pollution risks.

- (30) Economic globalisation means that environmental action is increasingly needed at international level, including on transport policies, requiring new responses from the Community linked to policy related to trade, development and external affairs enabling the pursuit of sustainable development in other countries. Good governance should make a contribution to this end.
- (31) Trade, international investment flows and export credits should make a more positive contribution to the pursuit of environmental protection and sustainable development.
- (32) Environmental policy-making, given the complexities of the issues, needs to be based on best available scientific and economic assessment, and on knowledge of the state and trends of the environment, in line with Article 174 of the Treaty.
- (33) Information to policy-makers, stakeholders and the general public has to be relevant, transparent, up to date and easily understandable.
- (34) Progress towards meeting environmental objectives needs to be measured and evaluated.
- (35) Based on an assessment of the state of the environment, taking account of the regular information provided by the European Environment Agency, a review of progress and an assessment of the need to change orientation should be made at the mid-term point of the programme,
2. The programme sets out the key environmental objectives to be attained. It establishes, where appropriate, targets and timetables. The objectives and targets should be fulfilled before expiry of the programme, unless otherwise specified.
3. The programme shall cover a period of 10 years starting from ... (*). Appropriate initiatives in the different policy areas with the aim of meeting the objectives shall consist of a range of measures including legislation and the strategic approaches outlined in Article 3. These initiatives should be presented progressively and at the latest by four years after the adoption of this Decision.
4. The objectives respond to the key environmental priorities to be met by the Community in the following areas:
- climate change,
 - nature and biodiversity,
 - environment and health and quality of life,
 - natural resources and wastes.
- (35) Based on an assessment of the state of the environment, taking account of the regular information provided by the European Environment Agency, a review of progress and an assessment of the need to change orientation should be made at the mid-term point of the programme,

Article 2

Principles and overall aims

HAVE DECIDED AS FOLLOWS:

Article 1

Scope of the programme

1. This Decision establishes a programme of Community action on the environment (hereinafter referred to as the 'programme'). It addresses the key environmental objectives and priorities based on an assessment of the state of the environment and of prevailing trends including emerging issues that require a lead from the Community. The programme should promote the integration of environmental concerns in all Community policies and contribute to the achievement of sustainable development throughout the current and future enlarged Community. The programme furthermore provides for continuous efforts to achieve environmental objectives and targets already established by the Community.

1. The programme constitutes a framework for the Community's environmental policy during the period of the programme with the aim of ensuring a high level of protection, taking into account the principle of subsidiarity and the diversity of situations in the various regions of the Community, and of achieving a decoupling between environmental pressures and economic growth. It shall be based particularly on the polluter-pays principle, the precautionary principle and preventive action, and the principle of rectification of pollution at source.

The programme systematically promotes sustainable development and contributes to the European sustainable development strategy, *inter alia*, by setting out environmental priorities for the strategy.

(*) The date of adoption of this Decision.

2. The programme aims at:

- emphasising climate change as an outstanding challenge of the next 10 years and beyond and contributing to the long-term objective of stabilising greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Thus a long-term objective of a maximum global temperature increase of 2 °Celsius over pre-industrial levels and a CO₂ concentration below 550 ppm shall guide the Programme. In the longer term this is likely to require a global reduction in emissions of greenhouse gases by 70 % as compared to 1990 as identified by the Intergovernmental Panel on Climate Change (IPCC),
- protecting, conserving, restoring and developing the functioning of natural systems, natural habitats, wild flora and fauna with the aim of halting desertification and the loss of biodiversity, including diversity of genetic resources, both in the European Union and on a global scale,
- contributing to a high level of quality of life and social well being for citizens by providing an environment where the level of pollution does not give rise to harmful effects on human health and the environment and by encouraging a sustainable urban development,
- better resource efficiency and resource and waste management thereby decoupling the use of resources and the generation of waste from the rate of economic growth and a shift to more sustainable production and consumption patterns aiming at significant gains in resource efficiency.

3. The programme shall ensure that environmental objectives, which should focus on the environmental outcomes to be achieved, are met by the most effective and appropriate means available, in the light of the principles set out in paragraph 1 and the strategic approaches set out in Article 3. Full consideration shall be given to ensuring that the Community's environmental policy-making is undertaken in an integrated way and to all available options and instruments, taking into account regional and local differences, as well as ecologically sensitive areas, with an emphasis on:

- extensive dialogue with stakeholders, raising environmental awareness and public participation,
- analysis of benefits and costs, taking into account the need to internalise environmental costs,

- the best available scientific evidence, and the further improvement of scientific knowledge through research and technological development,
- data and information on the state and trends of the environment.

4. The programme shall promote the full integration of environmental protection requirements into all Community policies and actions by establishing environmental objectives and, where appropriate, targets and timetables to be taken into account in relevant policy areas.

Furthermore, measures proposed and adopted in favour of the environment should be coherent with the objectives of the economic and social dimensions of sustainable development and vice versa.

5. The programme shall promote the adoption of policies and approaches that contribute to the achievement of sustainable development in the countries which are candidates for accession ('candidate countries') building on the transposition and implementation of the *acquis*. The enlargement process should sustain and protect the environmental assets of the candidate countries such as wealth of biodiversity, and should maintain and strengthen sustainable production and consumption and land-use patterns and environmentally-sound transport structures through:

- integration of environmental protection requirements into Community programmes including those related to development of infrastructure,
- promotion of transfer of clean technologies to the candidate countries,
- extended dialogue and exchange of experience with the national and local administrations in the candidate countries on sustainable development and preservation of their environmental assets,
- cooperation with civil society, environmental non-governmental organisations (NGOs) and business in the candidate countries to help raise public awareness and participation,
- encouraging international financing institutions and the private sector to support the implementation of and compliance with the environmental *acquis* in the candidate countries and to pay due attention to integrating environmental concerns into the activities of the economic sector.

6. The programme shall stimulate:

- the positive and constructive role of the European Union as a leading partner in the protection of the global environment and in the pursuit of a sustainable development,
- the development of a global partnership for environment and sustainable development,
- the integration of environmental concerns and objectives into all aspects of the Community's external relations.

- consideration, prior to their adoption, of whether action in the economic and social fields, contribute to and are coherent with the objectives, targets and time frame of the programme,
- establishing appropriate internal mechanisms in the Community institutions, taking full account of the need to promote transparency and access to information, to ensure that environmental considerations are fully reflected in Commission policy initiatives,
- regular monitoring, via relevant indicators, elaborated where possible on the basis of a common methodology for each sector, and reporting on the process of sectoral integration,

Article 3

Strategic approaches to meeting environmental objectives

The aims and objectives set out in the programme shall be pursued, *inter alia*, by the following means:

1. development of new Community legislation and amendment of existing legislation, where appropriate;
2. encouraging more effective implementation and enforcement of Community legislation on the environment and without prejudice to the Commission's right to initiate infringement proceedings. This requires:

- increased measures to improve respect for Community rules on the protection of the environment and addressing infringements of environmental legislation,
- promotion of improved standards of permitting, inspection, monitoring and enforcement by Member States,
- a more systematic review of the application of environmental legislation across the Member States,
- improved exchange of information on best practice on implementation including by the European network for the implementation and enforcement of environmental law (IMPEL network) within the framework of its competencies;

3. further efforts for integration of environmental protection requirements into the preparation, definition and implementation of Community policies and activities in the different policy areas are needed. Further efforts are necessary in different sectors including consideration of their specific environmental objectives, targets, timetables and indicators. This requires:

- ensuring that the integration strategies produced by the Council in different policy areas are translated into effective action and contribute to the implementation of the environmental aims and objectives of the programme,

- further integration of environmental criteria into Community funding programmes without prejudice to existing ones,

- full and effective use and implementation of environmental impact assessment and strategic environmental assessment,

- that the objectives of the programme should be taken into account in future financial perspective reviews of Community financial instruments;

4. promotion of sustainable production and consumption patterns by effective implementation of the principles set out in Article 2, to internalise the negative as well as the positive impacts on the environment through the use of a blend of instruments, including market based and economic instruments. This requires, *inter alia*:

- encouraging reforms of subsidies with considerable negative effects on the environment and that are incompatible with sustainable development,

- analysing the environmental efficiency of tradable environmental permits as a generic instrument and of emission trading with a view to promoting and implementing their use where feasible,

- promoting the use of fiscal measures such as environmentally related taxes and incentives,

- promoting the integration of environmental protection requirements in standardisation activities;

5. improving collaboration and partnership with enterprises and their representative bodies and involving the social partners, consumers and their organisations, as appropriate, with a view to improving the environmental performance of enterprises and aiming at sustainable production patterns. This requires:
- promoting an integrated product policy approach throughout the programme that will encourage the taking into account of environmental requirements throughout the life-cycle of products, and more widespread application of environmentally-friendly processes and products,
 - encouraging wider uptake of the Community's eco-management and audit scheme (EMAS)⁽¹⁾ and developing initiatives to encourage companies to publish rigorous and independently verified environmental or sustainable development performance reports,
 - establishing a compliance assistance programme, with specific help for small and medium-sized enterprises,
 - stimulating the introduction of company environmental performance award schemes,
 - stimulating product innovation with the aim of greening the market including through improved dissemination of results of the LIFE programme⁽²⁾,
 - encouraging voluntary commitments or agreements to achieve clear environmental objectives, including setting out procedures in the event of non-compliance;
6. to help ensure that individual consumers, enterprises and public bodies in their roles as purchasers, are better informed about the processes and products in terms of their environmental impact with a view to achieving sustainable consumption patterns. This requires:
- encouraging the uptake of eco-labels and other forms of environmental information and labelling that allow consumers to compare environmental performance between products of the same type,
 - encouraging the use of reliable self-declared environmental claims and preventing misleading claims,
 - promoting a green public-procurement policy, allowing environmental characteristics to be taken into account and the possible integration of an environmental life cycle, including the production phase, concerns in the procurement procedures while respecting Community competition rules and the internal market, with guidelines on best practice and starting a review of green procurement in Community institutions;
7. to support environmental integration in the financial sector. This requires:
- considering a voluntary initiative with the financial sector, covering guidelines for the incorporation of data on environmental costs in company annual financial reports, and the exchange of best policy practices between Member States,
 - calling on the European Investment Bank to strengthen the integration of environmental objectives and considerations into its lending activities in particular with a view to supporting a sustainable development of candidate countries,
 - promoting integration of environmental objectives and considerations into the activities of other financial institutions such as the European Bank for Reconstruction and Development;
8. to create a Community liability regime requires, *inter alia*:
- legislation on environmental liability;
9. to improve collaboration and partnership with consumer groups and NGOs and promote better understanding of and participation in environmental issues amongst European citizens requires:
- ensuring access to information, participation and justice through early ratification of the Aarhus Convention⁽³⁾ by the Community and by Member States,

⁽¹⁾ Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (OJ L 114, 24.4.2001, p. 1).

⁽²⁾ Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ L 192, 28.7.2000, p. 1).

⁽³⁾ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Aarhus, 25 June 1998.

- supporting the provision of accessible information to citizens on the state and trends of the environment in relation to social, economic and health trends,
 - general raising of environmental awareness,
 - developing general rules and principles for good environmental governance in dialogue processes;
10. to encourage and promote effective and sustainable use and management of land and sea taking account of environmental concerns. This requires, while fully respecting the subsidiarity principle, the following:
- promoting best practice with respect to sustainable land-use planning, which takes account of specific regional circumstances with particular emphasis on the integrated coastal zone management programme,
 - promoting best practices and supporting networks fostering the exchange of experience on sustainable development including urban areas, sea, coastline, mountain areas, wetlands and other areas of a sensitive nature,
 - enhancing the use, increasing resources and giving broader scope for agri-environment measures under the common agricultural policy,
 - encouraging Member States to consider using regional planning as an instrument for improving environmental protection for the citizen and promoting the exchange of experience on sustainable regional development, particularly in urban and densely populated areas.

Article 4

Thematic strategies

1. Actions in Articles 5 to 8 will include the development of thematic strategies and the evaluation of existing strategies for priority environmental problems requiring a broad approach. These strategies should include an identification of the proposals that are required to reach the objectives set out in the programme and the procedures foreseen for their adoption. These strategies should, where appropriate, take the form of a Decision.
2. The thematic strategies may include approaches among those outlined in Article 3 and in Article 9 and relevant qualitative and quantitative environmental targets and time-tables against which the measures foreseen can be measured and evaluated.

3. The thematic strategies should be developed and implemented in close consultation with the relevant parties, such as NGOs, industry, other social partners and public authorities, while ensuring, as appropriate, consultation of candidate countries in this process.

4. The thematic strategies should be ready for implementation five years after the adoption of the programme at the latest.

5. The Commission will report regularly to the European Parliament and the Council on the progress of the development, implementation and on the effectiveness of the strategies.

Article 5

Objectives and priority areas for action on tackling climate change

1. The aims set out in Article 2 should be pursued by the following objectives:
 - ratification and entering into force of the Kyoto Protocol to the United Nations Framework Convention on Climate Change by 2002 and fulfilment of its commitment of an 8 % reduction in emissions by 2008 to 2012 compared to 1990 levels for the European Community as a whole, in accordance with the commitment of each Member State set out in the Council conclusions of 16 and 17 June 1998,
 - realisation by 2005 of demonstrable progress in achieving the commitments under the Kyoto Protocol,
 - placing the Community in a credible position to advocate an international agreement on more stringent reduction targets for the second commitment period provided for by the Kyoto Protocol. This agreement should aim at cutting emissions significantly and take into account the necessity to move towards a global equitable distribution of greenhouse gas emissions.
2. These objectives shall be pursued by means, *inter alia*, of the following priority actions:
 - (i) implementing international climate commitments including the Kyoto Protocol by means of:
 - (a) examining the results of the European climate change programme and adopting effective common and coordinated policies and measures on its basis, as appropriate, for various sectors complementary to domestic actions in the Member States;

- (b) working towards the establishment of a Community framework for the development of effective CO₂ emissions trading with the possible extension to other greenhouse gases;
- (c) improving monitoring of greenhouse gases and of progress towards delivering Member States commitments made under the Internal Burden-sharing Agreement;
- (ii) reducing greenhouse gas emissions in the energy sector:
 - (a) undertaking as soon as possible an inventory and review of subsidies that counteract an efficient and sustainable use of energy with a view to gradually phasing them out;
 - (b) encouraging renewable and lower carbon fossil fuels for power generation;
 - (c) encouraging the use of renewable energy sources, including the use of incentives, including at the local level, with a view to meeting the indicative target of 12 % of total energy use by 2010;
 - (d) introducing incentives to increase combined heat and power and implement measures aiming at doubling the overall share of combined heat and power in the Community as a whole to 18 % of the total gross electricity generation;
 - (e) prevent and reduce methane emissions from energy production and distribution;
 - (f) promoting energy efficiency;
- (iii) reducing greenhouse gas emissions in the transport sector:
 - (a) identifying and undertaking specific actions to reduce greenhouse gas emissions from aviation if no such action is agreed within the International Civil Aviation Organisation by 2002;
 - (b) identifying and undertaking specific actions to reduce greenhouse gas emissions from marine shipping if no such action is agreed within the International Maritime Organisation by 2003;
 - (c) encouraging a switch to more efficient and cleaner forms of transport including better organisation and logistics;
 - (d) identifying and undertaking specific action to reduce greenhouse gas emissions from motor vehicles including N₂O;
 - (e) promoting the development and use of alternative fuels with the aim of substantially and continually increasing their share and of low fuel consuming vehicles;
 - (f) promoting measures to reflect the full environmental costs in the price of transport;
 - (g) decoupling economic growth and the demand for transport with the aim of reducing environmental impacts;
- (iv) reducing greenhouse gas emissions in industrial production:
 - (a) promoting eco-efficiency practices and techniques in industry;
 - (b) developing means to assist SMEs to adapt, innovate and improve performance;
 - (c) encouraging the development of more environmentally sound and technically feasible alternatives aiming at reducing emissions, phasing out the production where appropriate and feasible, and reducing the use of industrial fluorinated gases HFCs (hydrofluorocarbons), PFCs (perfluorocarbons) and SF₆ (sulphur hexafluoride);
- (v) reducing greenhouse gas emissions in other sectors:
 - (a) promoting energy efficiency notably for heating, cooling and hot tap water in the design of buildings;
 - (b) taking into account the need to reduce greenhouse gas emissions, alongside other environmental considerations, in the common agricultural policy and in the Community's waste-management strategy;
- (vi) using other appropriate instruments such as:
 - (a) promoting the use of fiscal measures, including a timely and appropriate Community framework for energy taxation, to encourage a switch to more efficient energy use, cleaner energy and transport and to encourage technological innovation;
 - (b) encouraging environmental agreements with industry sectors on greenhouse gas emission reductions;

- (c) ensuring climate change as a major theme of Community policy for research and technological development and for national research programmes.

3. In addition to the mitigation of climate change, the Community should prepare for measures aimed at adaptation to the consequences of climate change, by:

- reviewing Community policies, in particular those relevant to climate change, so that adaptation is addressed adequately in investment decisions,
- encouraging regional climate modelling and assessments both to prepare regional adaptation measures such as water-resources management, conservation of biodiversity, desertification and flooding prevention and to support awareness-raising among citizens and business.

4. It must be ensured that the climate challenge is taken into account in the Community's enlargement. This will require, *inter alia*, the following actions with candidate countries:

- supporting capacity-building, for the application of domestic measures for the use of the Kyoto mechanisms and improved reporting and emission monitoring,
- supporting a more sustainable transport and energy sector,
- ensuring that cooperation with candidate countries is further strengthened on climate change issues.

5. Combating climate change will form an integral part of the European Union's external relations policies and will constitute one of the priorities in its sustainable development policy. This will require concerted and coordinated efforts on the part of the Community and its Member States with a view to:

- capacity-building to assist developing countries and countries with economies in transition for example through encouraging projects in connection with the clean development mechanism (CDM) in the Kyoto Protocol and joint implementation,
- responding to identified technology-transfer needs,
- assisting with the challenge of adapting to climate change in the countries concerned.

Article 6

Objectives and priority areas for action on nature and biodiversity

1. The aims set out in Article 2 should be pursued by the following objectives:

- halting biodiversity decline with the aim to reach this objective by 2010, including prevention and mitigation of impacts of invasive alien species and genotypes,
- protection and appropriate restoration of nature and biodiversity from damaging pollution,
- conservation, appropriate restoration and sustainable use of marine environment, coasts and wetlands,
- conservation and appropriate restoration of areas of significant landscape values including cultivated as well as sensitive areas,
- conservation of species and habitats, with special concern given to preventing habitat fragmentation,
- promotion of a sustainable use of the soil, with particular attention to preventing erosion, deterioration, contamination and desertification.

2. These objectives shall be pursued by means of the following priority actions, taking into account the principle of subsidiarity, based on the existing global and regional conventions and strategies and full implementation of the relevant Community acts. The ecosystem approach, as adopted in the Convention on Biological Diversity⁽¹⁾, should be applied whenever appropriate.

(a) On biodiversity:

- ensuring the implementation and promoting the monitoring and assessment of the Community's biodiversity strategy and the relevant action plans, including through a programme for gathering data and information, developing the appropriate indicators, and promoting the use of best available techniques and of best environmental practices,
- promoting research on biodiversity, genetic resources, ecosystems and interactions with human activities,

⁽¹⁾ OJ L 309, 13.12.1993, p. 1.

- developing measures to enhance sustainable use, sustainable production and sustainable investments in relation to biodiversity,
 - encouraging coherent assessment, further research and cooperation on threatened species,
 - promoting at the global level a fair and equitable sharing of benefits arising from the use of genetic resources to implement Article 15 of the Convention on Biological Diversity on access to genetic resources originating from non-member countries,
 - developing measures aimed at the prevention and control of invasive alien species including alien genotypes,
 - establishing the Natura 2000 network and implementing the necessary technical and financial instruments and measures required for its full implementation and for the protection, outside the Natura 2000 areas, of species protected under the Habitats and Birds Directives,
 - promoting the extension of the Natura 2000 network to the candidate countries.
- (b) On accidents and disasters:
- promoting Community coordination to actions by Member States in relation to accidents and natural disasters by, for example, setting up a network for exchange of prevention practices and tools,
 - developing further measures to help prevent the major accident hazards with special regards to those arising from pipelines, mining, marine transport of hazardous substances and developing measures on mining waste.
- (c) A thematic strategy on soil protection, addressing the prevention of, *inter alia*, pollution, erosion, desertification, land degradation, land-take and hydrogeological risks taking into account regional diversity, including specificities of mountain and arid areas.
- (d) Promoting sustainable management of extractive industries with a view to reduce their environmental impact.
- (e) Promoting the integration of conservation and restoration of the landscape values into other policies including tourism, taking account of relevant international instruments.
- (f) Promoting the integration of biodiversity considerations in agricultural policies and encouraging sustainable rural development, multifunctional and sustainable agriculture, through:
- encouraging full use of current opportunities of the common agricultural policy and other policy measures,
 - encouraging more environmentally responsible farming, including, where appropriate, extensive production methods, integrated farming practices, organic farming and agro-biodiversity, in future reviews of the common agricultural policy, taking account of the need for a balanced approach to the multifunctional role of rural communities.
- (g) Promoting sustainable use of the seas and conservation of marine ecosystems, including seabeds, estuarine and coastal areas, paying special attention to sites holding a high biodiversity value, through:
- promoting greater integration of environmental considerations in the common fisheries policy, taking the opportunity of its review in 2002,
 - a thematic strategy for the protection and conservation of the marine environment taking into account, *inter alia*, the terms and implementation obligations of marine conventions, and the need to reduce emissions and impacts of sea transport and other sea and land-based activities,
 - promoting integrated management of coastal zones,
 - further promote the protection of marine areas, in particular with the Natura 2000 network as well as by other feasible Community means.
- (h) Implementing and further developing strategies and measures on forests in line with the forest strategy for the European Union, taking account the principle of subsidiarity and biodiversity considerations, incorporating the following elements:
- improving existing Community measures which protect forests and implementing sustainable forest management, *inter alia*, through national forest programmes, in connection with rural development plans, with increased emphasis on the monitoring of the multiple roles of forests in line with rec-

ommendations adopted by the Ministerial Conference on the Protection of Forests in Europe and the United Nations Forum on Forests and the Convention on Biodiversity and other forums,

- encouraging the effective coordination between all policy sectors involved in forestry, including the private sector, as well as the coordination of all stakeholders involved in forestry issues,
 - stimulating the increase of the market share for sustainably produced wood, *inter alia*, through encouraging certification for sustainable forest management and encouraging labelling of related products,
 - continuing the active participation of the Community and of Member States in the implementation of global and regional resolutions and in discussions and negotiations on forest-related issues,
 - examining the possibilities to take active measures to prevent and combat trade of illegally harvested wood,
 - encouraging consideration of climate change effects in forestry.
- (i) On genetically modified organisms (GMOs):
- developing the provisions and methods for risk assessment, identification, labelling and traceability of GMOs in order to enable effective monitoring and controls of health and environmental effects,
 - aiming for swift ratification and implementation of the Cartagena Protocol on Biosafety and supporting the build up of regulatory frameworks in non-member countries where needed through technical and financial assistance.

Article 7

Objectives and priority areas for action on environment and health and quality of life

1. The aims set out in Article 2 should be pursued by the following objectives, taking into account relevant World Health Organisation (WHO) standards, guidelines and programmes:

- achieving better understanding of the threats to environment and human health in order to take action to prevent and reduce these threats,

- contributing to a better quality of life through an integrated approach concentrating on urban areas,
- aiming to achieve within one generation (2020) that chemicals are only produced and used in ways that do not lead to a significant negative impact on health and the environment, recognising that the present gaps of knowledge on the properties, use, disposal and exposure of chemicals need to be overcome,
- chemicals that are dangerous should be substituted by safer chemicals or safer alternative technologies not entailing the use of chemicals, with the aim of reducing risks to man and the environment,
- reducing the impacts of pesticides on human health and the environment and more generally to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection. Pesticides in use which are persistent or bio-accumulative or toxic or have other properties of concern should be substituted by less dangerous ones where possible,
- achieving quality levels of ground and surface water that do not give rise to significant impacts on and risks to human health and the environment, and to ensure that the rates of extraction from water resources are sustainable over the long term,
- achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment,
- substantially reducing the number of people regularly affected by long-term average levels of noise, in particular from traffic which, according to scientific studies, cause detrimental effects on human health and preparing the next step in the work with the Noise Directive.

2. These objectives shall be pursued by means of the following priority actions:

- (a) reinforcement of Community research programmes and scientific expertise, and encouragement of the international coordination of national research programmes, to support the achievement of objectives on health and environment, and in particular:

- the identification and recommendations on the priority areas for research and action including among others the potential health impacts of electromagnetic pollution sources and including particular attention to the development and validation of alternative methods to animal testing in particular in the field of chemical safety,
- the definition and development of indicators of health and environment,
- the re-examination, development and updating of current health standards and limit values, including where appropriate, the effects on potentially vulnerable groups, for example children or the elderly and the synergies and the reciprocal impact of various pollutants,
- the review of trends and the provision of an early warning mechanism for new or emerging problems;

(b) on chemicals:

- placing the responsibility on manufacturers, importers and downstream users for generating knowledge about all chemicals (duty of care) and assessing risks of their use, including in products, as well as recovery and disposal,
- developing a coherent system based on a tiered approach, excluding chemical substances used in very low quantities, for the testing, risk assessment and risk management of new and existing substances with testing procedures that minimise the need for animal testing and develop alternative testing methods,
- ensuring that the chemical substances of concern are subject to accelerated risk-management procedures and that substances of very high concern, including carcinogenic, mutagenic or toxic for reproduction substances and those which have POPs (persistent organic pollutants) characteristics, are used only in justified and well defined cases and must be subject to authorisation before their use,
- ensuring that the results of the risk assessments of chemicals are taken fully into account in all areas of Community legislation where chemicals are regulated and to avoid duplication of work,

- providing criteria for including among the substances of very high concern those that are persistent and bio-accumulating and toxic and substances that are very persistent and very bio-accumulative and envisaging the addition of known endocrine disrupters when agreed test methods and criteria are established,
- ensuring that the main measures that are necessary in view of the identified objectives are developed speedily so that they can come into force before the mid-term review,
- ensuring public access to the non-confidential information in the Community register on chemicals (REACH register);

(c) on pesticides:

- full implementation and review of the effectiveness of the applicable legal framework⁽¹⁾ in order to ensure a high level of protection, when amended. This revision might include, where appropriate, comparative assessment and the development of Community authorisation procedures for placing on the market,
- a thematic strategy on the sustainable use of pesticides that addresses:
 - (i) minimising the hazards and risks to health and environment from the use of pesticides,
 - (ii) improved controls on the use and distribution of pesticides,
 - (iii) reducing the levels of harmful active substances including through substituting the most dangerous with safer, including non-chemical, alternatives,
 - (iv) encouragement of the use of low input or pesticide free cultivation among others through raising users' awareness, promoting the use of codes of good practices, and promoting consideration of the possible application of financial instruments,
 - (v) a transparent system for reporting and monitoring progress made in fulfilling the objectives of the strategy including the development of suitable indicators;

⁽¹⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1). Directive as last amended by Commission Directive 2001/49/EC (OJ L 176, 29.6.2001, p. 61).

(d) on chemicals and pesticides:

- aiming at swift ratification of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and of the Stockholm Convention on Persistent Organic Pollutants (POPs),
- amending Council Regulation (EEC) No 2455/92 of 23 July 1992 concerning the export and import of certain dangerous chemicals⁽¹⁾ with the aim of bringing it into line with the Rotterdam Convention, improving its procedural mechanisms and improving information to developing countries,
- support the improvement of the management of chemicals and pesticides in developing and candidate countries, including the elimination of stocks of obsolete pesticides, *inter alia*, by supporting projects aimed at such elimination,
- contributing to international efforts on the elaboration of a strategic approach on international chemicals management;

(e) on the sustainable use and high quality of water:

- ensuring a high level of protection of surface and groundwater, preventing pollution and promoting sustainable water use,
- working towards ensuring full implementation of the Water Framework Directive⁽²⁾, aiming at a good ecological, chemical and quantitative water status and a coherent and sustainable water management,
- developing measures aimed at cessation of discharges, emissions and losses of priority hazardous substances, in line with the provisions of the Water Framework Directive,
- ensuring a high level of protection of bathing water, including revising the Bathing Water Directive⁽³⁾,

- ensuring the integration of the concepts and approaches of the Water Framework Directive and of other water protection directives in other Community policies;

(f) on air quality, development and implementation of the measures in Article 5 in the transport, industry and energy sectors should be compatible with and contribute to improvement of quality of air. Further measures envisaged are:

- improving the monitoring and assessment of air quality, including the deposition of pollutants, and the provision of information to the public, including the development and use of indicators,
- a thematic strategy to strengthen a coherent and integrated policy on air pollution to cover priorities for further actions, the review and updating where appropriate of air quality standards and national emission ceilings with a view to reaching the long-term objective of non-exceedance of critical loads and levels and the development of better systems for gathering information, modelling and forecasting,
- adopting appropriate measures concerning ground-level ozone and particulates,
- considering indoor air quality and the impacts on health, with recommendations for future measures where appropriate,
- playing a leading role in the negotiations and the implementation of the Montreal Protocol on ozone depleting substances,
- playing a leading role in the negotiations on and strengthening the links and interactions with international processes contributing to clean air in Europe,
- further development of specific Community instruments for reducing emissions from relevant source categories;

⁽¹⁾ OJ L 251, 29.8.1992, p. 13. Regulation as last amended by Commission Regulation (EC) No 2247/98 (OJ L 282, 20.10.1998, p. 12).

⁽²⁾ Council Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁽³⁾ Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water (OJ L 31, 5.2.1976, p. 1). Directive as last amended by the 1994 Act of Accession.

(g) on noise:

- supplementing and further improving measures, including appropriate type-approval procedures, on noise emissions from services and products, in particular motor vehicles including measures to reduce noise from the interaction between tyre and road surface that do not compromise road safety, from railway vehicles, aircraft and stationary machinery,
- developing and implementing instruments to mitigate traffic noise where appropriate, for example by means of transport demand reduction, shifts to less noisy modes of transport, the promotion of technical measures and of sustainable transport planning;

(h) on urban environment:

- a thematic strategy promoting an integrated approach across Community policies, taking account of progress made in implementing the existing cooperation framework⁽¹⁾, reviewing it where necessary, and addressing:
 - the promotion of Local Agenda 21,
 - the reduction of the link between economic growth and passenger transport demand,
 - the need for an increased share in public transport, rail, inland waterways, walking and cycling modes,
 - the need to promote the use of low emission vehicles in public transport,
 - the consideration of urban environment indicators.

Article 8

Objectives and priority areas for action on the sustainable use and management of natural resources and wastes

1. The aims set out in Article 2 should be pursued by the following objectives:

- aiming at ensuring that the consumption of resources and their associated impacts do not exceed the carrying capacity of the environment and breaking the linkages

between economic growth and resource use. In this context the indicative target to achieve a percentage of 22 % of the electricity production from renewable energies by 2010 in the Community is recalled with a view to increasing resource and energy efficiency drastically,

- achieving a significant overall reduction in the volumes of waste generated through waste-prevention initiatives, better resource efficiency and a shift towards more sustainable production and consumption patterns,
- a significant reduction in the quantity of waste going to disposal and the volumes of hazardous waste produced while avoiding an increase of emissions to air, water and soil,
- encouraging reuse, and for wastes that are still generated: the level of their hazardousness should be reduced and they should present as little risk as possible; preference should be given to recovery and especially to recycling; the quantity of waste for disposal should be minimised and should be safely disposed of; waste intended for disposal should be treated as closely as possible to the place of its generation, to the extent that this does not lead to a decrease in the efficiency in waste treatment operations.

2. These objectives shall be pursued taking into consideration the integrated product policy approach and the Community's strategy for waste management⁽²⁾ by means of the following priority actions:

- (i) Developing a thematic strategy on the sustainable use and management of resources, including, *inter alia*:
 - (a) an estimate of materials and waste streams in the Community, including imports and exports for example by using the instrument of material flow analysis;
 - (b) a review of the efficiency of policy measures and the impact of subsidies relating to natural resources and waste;
 - (c) establishment of goals and targets for resource efficiency and the diminished use of resources, decoupling the link between economic growth and negative environmental impacts;
 - (d) promotion of extraction and production methods and techniques to encourage eco-efficiency and the sustainable use of raw-materials, energy, water and other resources;

⁽¹⁾ Decision No 1141/2001/EC of the European Parliament and of the Council of 27 June 2001 on a Community framework for cooperation to promote sustainable urban development (OJ L 191, 13.7.2001, p. 1).

⁽²⁾ Council resolution of 24 February 1997 on a Community strategy for waste management (OJ C 76, 11.3.1997, p. 1).

- (e) development and implementation of a broad range of instruments including research, technology transfer, market-based and economic instruments, programmes of best practice and indicators of resource efficiency.
- (ii) Developing and implementing measures on waste prevention and management by, *inter alia*:
 - (a) developing a set of quantitative and qualitative reduction targets covering all relevant waste, to be achieved at Community level by 2010. The Commission is invited to prepare a proposal for such targets by 2002;
 - (b) encourage ecologically sound and sustainable product design;
 - (c) raising awareness of the public's potential contribution on waste reduction;
 - (d) the formulation of operational measures to encourage waste prevention, for example stimulating reuse and recovery, the phasing out of certain substances and materials through product-related measures;
 - (e) developing further indicators in the field of waste management.
- (iii) Developing a thematic strategy on waste recycling, including, *inter alia*:
 - (a) measures aimed at ensuring source separation, the collection and recycling of priority waste streams;
 - (b) further development of producer responsibility;
 - (c) development and transfer of environmentally sound waste recycling and treatment technology.
- (iv) Developing or revising the legislation on wastes, including, *inter alia*, construction and demolition waste, sewage

sludge ⁽¹⁾, biodegradable wastes, packaging ⁽²⁾, batteries ⁽³⁾ and waste shipments ⁽⁴⁾, clarification of the distinction between waste and non-waste and development of adequate criteria for the further elaboration of Annex IIA and IIB to the framework Directive on wastes ⁽⁵⁾.

Article 9

Objectives and priority areas for action on international issues

1. The aim set out in Article 2 on international issues and the international dimensions of the four environmental priority areas of this programme involve the following objectives:

- the pursuit of ambitious environmental policies at the international level paying particular attention to the carrying capacity of the global environment,
- the further promotion of sustainable consumption and production patterns at the international level,
- making progress to ensure that trade and environment policies and measures are mutually supportive.

2. These objectives shall be pursued by means of the following priority actions:

- (a) integrating environment protection requirements into all the Community's external policies, including trade and development cooperation, in order to achieve sustainable development by, *inter alia*, the elaboration of guidelines;

⁽¹⁾ Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6). Directive as last amended by the 1994 Act of Accession.

⁽²⁾ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10). Directive as last amended by Commission Decision 1999/177/EC (OJ L 56, 4.3.1999, p. 47).

⁽³⁾ Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances (OJ L 264, 23.10.1993, p. 51).

⁽⁴⁾ Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6.2.1993, p. 1). Regulation as last amended by Commission Decision 1999/816/EC (OJ L 316, 10.12.1999, p. 45).

⁽⁵⁾ Council Directive 75/442/EEC of 15 July 1975 on waste (OJ L 194, 25.7.1975, p. 39). Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

- (b) establishing a coherent set of environment and development targets to be promoted for adoption as part of 'a new global deal or pact' at the World Summit on Sustainable Development in 2002;
- (c) work towards strengthening international environmental governance by the gradual reinforcement of the multilateral cooperation and the institutional framework including resources;
- (d) aiming for swift ratification, effective compliance and enforcement of international conventions and agreements relating to the environment where the Community is a party;
- (e) promoting sustainable environmental practices in foreign investment and export credits;
- (f) intensify efforts at the international level to arrive at consensus on methods for the evaluation of risks to health and the environment, as well as approaches of risk management including the precautionary principle;
- (g) achieving mutual supportiveness between trade and the needs for environmental protection, by taking due account of the environmental dimension in sustainability impact assessments of multilateral trade agreements to be carried out at an early stage of their negotiation and by acting accordingly;
- (h) further promoting a world trade system that fully recognises multilateral or regional environmental agreements and the precautionary principle, enhancing opportunities for trade in sustainable and environmentally friendly products and services;
- (i) promoting cross-border environmental cooperation with neighbouring countries and regions;
- (j) promoting a better policy coherence by linking the work done within the framework of the different conventions, including the assessment of interlinkages between biodiversity and climate change, and the integration of biodiversity considerations into the implementation of the United Nations Framework Convention on Climate Change and the Kyoto Protocol.
- (a) development of improved mechanisms and of general rules and principles of good governance within which stakeholders are widely and extensively consulted at all stages so as to facilitate the most effective choices for the best results for the environment and sustainable development in regard to the measures to be proposed;
- (b) strengthening participation in the dialogue process by environmental NGOs through appropriate support, including Community finance;
- (c) improvement of the process of policy making through:
 - *ex-ante* evaluation of the possible impacts, in particular the environmental impacts, of new policies including the alternative of no action and of the proposals for legislation,
 - *ex-post* evaluation of the effectiveness of existing measures in meeting their environmental objectives;
- (d) ensuring that environment and notably the priority areas identified in this programme are a major priority for Community research programmes. Regular reviews of environmental research needs and priorities should be undertaken within the context of the Community framework programme of research and technological development. Ensuring better coordination of research related to the environment conducted in Member States, *inter alia*, to improve the application of results;

development of bridges between environmental and other actors in the fields of information, training, research, education and policies;
- (e) ensuring regular information that can help to provide the basis for:
 - policy decisions on the environment and sustainable development,
 - the follow up and review of sector integration strategies as well as of the sustainable development strategy,
 - information to the wider public.

Article 10

Environment policy making

The objectives set out in Article 2 on environment policy-making based on participation and best available scientific knowledge and the strategic approaches set out in Article 3 shall be pursued by means of the following priority actions:

The production of this information will be supported by regular reports from the European Environment Agency and other relevant bodies. The information shall consist notably of:

- headline environmental indicators,

— indicators on the state and trends of the environment,

— integration indicators;

(f) reviewing and regularly monitoring information and reporting systems with a view to a more coherent and effective system to ensure streamlined reporting of high quality, comparable and relevant environmental data and information. The Commission is invited, as soon as possible, to provide a proposal as appropriate to this end. Monitoring, data collection and reporting requirements should be addressed efficiently in future environmental legislation;

(g) reinforcing the development and the use of earth monitoring (e.g. satellite technology) applications and tools in support of policy-making and implementation.

Article 11

Monitoring and evaluation of results

1. In the fourth year of operation of the programme the Commission shall evaluate the progress made in its implementation together with associated environmental trends and prospects. This should be done on the basis of a comprehensive set of indicators. The Commission shall submit this mid-term report together with any proposal for amendment that it may consider appropriate to the European Parliament and the Council.

2. The Commission shall submit to the European Parliament and the Council a final assessment of the programme and the state and prospects for the environment in the course of the final year of the programme.

Article 12

This Decision shall be published in the *Official Journal of the European Communities*.

Done at ...

For the European Parliament

The President

For the Council

The President

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

On 26 January 2001 the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council laying down the Community environment action programme 2001 to 2010 (sixth EAP) based on Article 175(3) of the Treaty⁽¹⁾.

The European Parliament gave its opinion on 31 May 2001.

The Economic and Social Committee gave its opinion on 30 May 2001.

The Committee of the Regions gave its opinion on 13 June 2001.

On 27 September 2001, the Council adopted its Common Position in accordance with Article 251 of the Treaty.

II. OBJECTIVE

The proposal establishes a programme for Community action on the environment for the next 10 years. It focuses in particular on climate change, nature and biodiversity, environment and health as well as quality of life, and natural resources and wastes. For each of these areas, the programme indicates key environmental objectives and certain targets, and identifies a number of actions to achieve them.

Seven thematic strategies are to be developed by the Commission in order to establish further quantifiable and time-bound objectives. These strategies will cover air quality, the marine environment, resource use, pesticides, waste recycling, soil protection issues and the urban environment. They should be ready for implementation at the latest five years after the adoption of the programme.

The initiatives to be taken to meet the objectives of the programme shall consist of a range of measures, including legislation, voluntary agreements, improved information and involvement of consumers, enterprises and public bodies. These initiatives shall be presented progressively and at the latest four years after the adoption of the programme.

III. ANALYSIS OF THE COMMON POSITION

1. GENERAL

The Council, although sharing the Commission's view on the main priority areas, has considerably tightened up the original proposal, in particular when it comes to objectives, timetables, the development of thematic strategies, environmental integration, the relationship with the candidate countries and the EU's global responsibility for sustainable development. The programme also stipulates that the environmental objectives defined should be achieved within 10 years unless otherwise specified.

⁽¹⁾ OJ C 154 E, 29.5.2001, p. 218.

The programme foresees, *inter alia*, that:

- a long-term climate objective is not to exceed a global temperature change of 2 °C over preindustrial levels and to stabilise CO₂ concentrations below 550 ppm,
- by the year 2010, 12 % of the total use of energy should be derived from renewable energy sources,
- measures are presented within a number of policy areas which will contribute to the fulfilment of the EU's commitment to reduce greenhouse gas emissions,
- a halt to the loss of biodiversity should be achieved by 2010,
- within one generation, by 2020, only chemicals that do not have a significantly negative impact on health and the environment should be produced and used,
- the improvement of air quality with a view to non-exceedance of critical loads and levels,
- the substantial reduction of people affected by detrimental health-related noise levels,
- a more sustainable use of pesticides, as well as a significant overall reduction in risks and of the use of pesticides, consistent with necessary crop protection, should be achieved,
- economic growth should be decoupled from resource use,
- the amounts of waste produced should fall and recycling and reuse should receive priority,
- subsidies which counteract an efficient and sustainable use of energy should be reviewed with a view to gradually phasing them out,
- green public procurement policy should be promoted, allowing environmental characteristics to be taken into account and the possible integration of environmental life cycle concerns, including the Production phase, into procurement procedures, starting a review of procurement in Community institutions.

The EU's global responsibility is emphasised by the fact that environmental concerns should be integrated into all the Union's external relations, including trade and development cooperation. The relation between trade and the environmental protection needs should be clarified; as a result all trade agreements should be analysed at an early stage from a sustainable development perspective.

The Commission has accepted the Common Position agreed by the Council.

2. PARLIAMENT'S AMENDMENTS

The Council accepted, in substance or in part, 174 of the 221 amendments proposed by the European Parliament. It should be noted that the important changes in the structure of the Decision make it difficult to establish a precise correspondence between Parliament's amendments and the Council's Common Position. Thus a great majority of amendments have not been taken up literally but are in fact covered in substance or in principle by the Common Position.

In particular, the Council:

- (a) introduced in the Common Position 174 amendments in part or in principle as follows:

amendments 2 and 20 on thematic strategies: the Common Position includes a new recital 16, in parallel to a new Article 4, explaining the nature and content of thematic strategies. These amendments are therefore covered in their principle by the Common Position;

amendments 3 and 4 on ex-post controls: given the operational nature of these amendments, which are better suited for the body of the Decision, the Common Position foresees a number of additional actions in Article 3(2) on implementation and enforcement of Community legislation, as well as a specific reference to ex-post evaluation in Article 10(c) which cover the substance of amendment 3 and part of amendment 4;

amendments 6 and 7 on integration: the substance of these amendments, of an operational nature, is partly covered by Article 3(3), although the Common Position opts for a more general language;

amendment 9 on renewable resources: the substance of this amendment, of an operational nature, can partly be found in Article 5 (on climate change) (2)(ii) on the reduction of greenhouse gas emissions in the energy sector, where an indicative target on the use of renewable energy sources has also been added;

amendment 11 on citizen involvement: the substance of this amendment, of an operational nature, can be found in Article 3 (strategic approaches to meeting environmental objectives), notably in paragraphs 6 and 9;

amendments 12 and 13 on wastes: recital 29 of the Common Position merges the original recitals on wastes (amendment 13), however the operational aspects of amendment 12 are to be found in Article 8 (on sustainable use and management of natural resources and wastes), particularly in paragraph 1 (objectives) second indent, and paragraph 2(ii) (measures on waste prevention and management);

amendment 14 on transport policy: recital 30 covers this amendment in substance;

amendment 260 on environment policy-making: the precautionary principle is now specifically the subject of recital 5. In addition, Article 2 (principles and overall aims) covers this amendment particularly in paragraph 3 (introductory phrase, first and second indents);

amendment 261 on information: is partly covered by recital 33 and by Article 10(e) and (f);

amendment 16 on the Aarhus Convention: this amendment, of an operational nature, is covered in its substance by Article 3(9);

amendment 21 on the title of Article 2 is covered in substance by the Common Position, and the specific objectives for each priority areas have been transferred from Article 2 to the specific Articles (5 to 9) as suggested by the European Parliament;

amendments 22, 23 and 24 on policy principles and integration: are covered in substance by the Common Position which elaborates on the programmes' policy principles in Article 2 (principles and overall aims) (1), drawing from Article 174 of the Treaty. In respect to integration (Article 6 of the Treaty), a full reference is introduced in recital 13. In addition Article 2(4) is devoted to integration of environmental protection requirements into other policies. The Common Position addressed in depth the question of indicators and monitoring (second part of Amendment 24) in Article 10 (on environment policy making) (e);

amendment 25 on sustainable development: is covered partly in Article 2(1) second indent, while the international dimension of sustainable development, notably the Rio +10 Conference of 2002, is addressed in Article 9;

amendments 26, 27, 28, 29, 32 and 33 on the structure of the Decision: are mostly covered by the Common Position which has transferred all the area-related specific objectives to the corresponding Articles of the Decision;

amendments 34, 35, 37, 39, 40 on the general objectives of the programme: are covered in principle and partly by the Decision, which maintains a general aim for each area in Article 2(2). Several of the detailed objectives suggested by these amendments are developed in the specific Articles devoted to each area (Articles 5 to 8);

amendment 43 on Local Agenda 21: this reference is taken up in Article 7 (on environment and health and quality of life) (2)(h), on actions related to the urban environment;

amendments 276 and 44 on development of legislation: are covered in part by the Common Position whereby a new paragraph 1 is introduced in Article 3 to address this issue in particular. However, the principles on which legislation should be based figure already in the preamble and in Article 2(1) and are not repeated here. In addition, the section on implementation of legislation is maintained and further developed (Article 2(2));

amendment 45 on integration: is covered in principle by Article 3 (strategic approaches) (3) making reference to the need of specific environmental objectives, targets, timetables and indicators in the different policy areas, while the specific policy sectors are addressed case-by-case, in the Articles devoted to each priority area;

amendments 47 and 51 on the Commission's organisation and Decisions: are covered in substance, without the obligatory element, respectively by the third indent of Article 3(3), which is relevant to all the Community institutions and by the sixth indent of the same Article, which introduces a comprehensive reference to environmental impact assessment;

amendment 263 on negative subsidies: is covered in part by Article 3(4) first indent, calling for the reform of subsidies with considerable negative environmental effects, keeping in mind that the applicable time-frame would be that generally applicable to the whole programme and that an inventory of 'negative' subsidies, as well as their gradual phasing out is foreseen specifically in Article 5 (climate change) (2)(ii) in relation to the energy sector;

amendment 50 on the common agricultural policy and Community funding programmes: the principle of this amendment is covered by Article 3(3) (particularly the first, fifth and seventh indents) and by Article 6 (on nature and biodiversity) (2)(f) specifically devoted to the common agricultural policy;

amendment 53 on encouraging innovation and involvement of local communities is implicitly covered by Article 3(6), (9) and (10);

amendment 54 on research: Article 10 (on environment policy making) point (d) specifically addresses the issue of research in the Community and in the Member States;

amendments 55, 57, 58, 59, 60 61, 62 on implementation: while amendment 55 is taken up in full (Article 3(2) introductory phrase) amendments 57, 58, 59, 60, 61 and 62 are covered in part or in principle, sometimes implicitly, by Article 3(2) of the Common Position, notably by the more general wording (first indent) 'increased measures to improve respect for Community rules on the protection of the environment and addressing infringements of environmental legislation';

amendment 64 on upgrading knowledge: is covered in substance by Article 10(d) (on research needs) and (f) (on monitoring, data collection and reporting systems);

amendment 264 on thematic strategies: is mostly covered by a new Article 4 of the Common Position. In relation to the decision-making process to be envisaged for the thematic strategies, a framework directive has not been considered suitable in all cases given the purpose of the strategies, which should themselves identify further proposals required to reach the objectives of the programme and the procedures foreseen for their adoption. The text of the Common Position maintains flexibility, and foresees that the strategies should take the form of a Decision where appropriate. Furthermore, while it is clear that indicators will be needed in order to measure the achievements of the thematic strategies — where quantitative targets and timetables will be identified (paragraph 2), an additional paragraph on indicators has not been included in order to avoid overlap with Article 10(e) specifically devoted to this matter;

amendment 67 on Community research: is covered in substance by Article 10(d);

amendments 292, 69 and 70 on environmental performance of enterprises: are covered in principle by Article 3(5) (notably introductory phrase, first and fifth indents) and paragraph 6 (addressing *inter alia*, public bodies, including local authorities);

amendments 265 and 286 and 72 on legal frameworks for voluntary commitments: are partly covered by Article 3(5) last indent, on the encouragement of voluntary agreements which calls for procedures to be set up in the event of non-compliance while flexibility is maintained in relation to the cases where these agreements need to be encouraged. In as far as these will be part of the thematic strategies, they will contain targets, timetables and a monitoring mechanism; furthermore the Council and the European Parliament will be involved in their definition;

amendment 73 on training: is covered in principle by Article 10(d) whereby the development of bridges between environmental and other actors in the field of information, training, research, education and other policies is called upon, and keeping in mind that the activities under the Community framework programme also include training;

amendment 74 on small and medium-sized enterprises: is covered in principle by Article 3(5) (notably introductory phrase coupled with third indent);

amendment 75 on fiscal measures: is covered in substance by Article 3(4), third indent;

amendment 78 on public procurement: is covered in substance by Article 3(6), third indent;

amendments 82 and 88 on participation and access to information: are covered in substance by Article 3(9), although children and young people are not specifically mentioned;

amendment 91 on education: the need to link education and environmental and other actors is mentioned in Article 10(d), second indent, taking account of the limits of Community competence in this area;

amendment 92 on raising awareness: is covered in substance by Article 3(9), third indent;

amendment 93 on interregional protection projects: is covered by Article 3(10) (introductory phrase and first indent) and Article 9 (on international issues) (2)(i);

amendments 96, 97, 98 and 101 on regional and spatial planning: while amendment 96 is covered in full by Article 3(10), last indent, amendments 97, 98 and 101 are covered in part and in principle by the first and second indents of the same paragraph also taking into account that climate change prevention is fully addressed in Article 5 and that sustainable urban environment is addressed in Article 7;

amendment 104 on general aims for actions on climate change is covered by Article 2(2), first indent, without mention of the reduction target of 50 % by 2040, considered premature;

amendments 105 and 247 on the Kyoto Protocol: while amendment 105 is fully incorporated in Article 5(1), first indent, amendment 247 is partly covered by the same indent;

amendment 106 on CO₂ emissions from transport: although not covered as such, a complete paragraph on transport (Article 5(2)(iii)) is now foreseen in the present Article;

amendments 107 and 108 on implementation and further reductions: are broadly covered by Article 5(1), second and third indents, although the identification of additional reduction targets is considered premature at this stage;

amendment 109 on product standards: is covered in the Common Position by the horizontal provision on standards (Article 3(4), last indent) and by Article 5(2) (ii) (c) and (f) and (2)(iii) (e);

amendment 114 on sectoral objectives: is covered through the distinction by sector of actions to be undertaken for reducing greenhouse gas emissions;

amendments 116, 117, 120, 248, 123, 291, 284, 127, 128 and 130, on the energy, transport, industrial, and fiscal sectors: are covered in full or in part by Article 5(2) (ii), (iii), (iv), (vi) although the language used in the Common Position is sometimes broader;

amendment 254 on energy efficiency in the candidate countries: is covered in substance by Article 5(4) devoted to candidate countries;

amendments 133, 134, 136, 138 and 140 on aims and objectives in the area of nature and biodiversity: amendment 133 is covered by Article 2(2), second indent, and by Article 6(1); amendments 134, 136, 138, 140 are also incorporated in the latter paragraph;

amendments 137, 139, 142, 143, 144, 145, 150, 257, 268, 283, 155, 158, 159, 166 and 259 on actions for protection of nature and biodiversity: are covered in substance or in part by Article 6(2)(a) (amendments 137, 142, first part of 143, 144, 145); (g) (second part of amendment 143, amendment 268); (h) (amendments 139, 283, 155); (f) (amendments 150, 257) and (i) (amendments 158, 159, 166, 259);

amendment 141 on protection of water: to avoid overlapping of actions, this subject is addressed substantially in Article 7 of the Common Position (notably paragraph 2 (e)), while recognising that water protection could be addressed theoretically in both Articles 6 and 7;

amendment 151 on biodiversity action plans: is partly covered by Article 6(2)(a), first indent although the language of the Common Position is broader, referring to the Community's biodiversity strategy and the relevant action plans, without specifying their content and administrative level. Natura 2000 is specifically addressed in the seventh indent of the same paragraph;

amendments 148 and 157 on protection of soil and marine environments: are taken up in their essence by Article 6(2)(c) and (g) respectively, taking into account the need to avoid both prejudging the ongoing reflections on the content of these thematic strategies and duplication with the Common Provisions applicable to all the thematic strategies of Article 4;

amendment 256 on landscape protection: is partly introduced in Article 6(2)(e) although this theme is not considered appropriate for a thematic strategy and a more general reference is made to the relevant international instruments;

amendment 160 on the aims for the area of environment, health and quality of life: is covered in substance by Article 2(2), third indent, with a broader all-inclusive language so that specific references to food and drinking water can be omitted;

amendments 161, 270, 167(in part), 169, 170, 177, 180, 282 (second part) on the objectives for the area of environment, health and quality of life: are covered in full or in part in Article 7(1);

amendments 289, 165, 167 (in part), 168, 171, 172, 174, 175, 178, 179, 182, 183, 184, 188, 189, 192, 194, 195, 193 and 277, 199, 200, 204, 282 (first part) on specific actions in the same area: are covered in part or in principle by Article 7(2)(a) (amendments 172, 174, 175, 204); (b) (amendments 165, 178, 179, 289); (c) (amendments 184, 188, 189); (d) (amendments 182, 183); (e) (part of amendments 167, 192, 193/277, 194, 195); (f) (amendments 168, 199, 200); (g) (amendment 282 (first part)); (h) (amendment 171);

amendment 181 on international conventions: is covered by the horizontal action foreseen in Article 9 (on international issues) (2)(d);

amendment 207 on the urban environment: is partly taken up by Article 7(2)(h) of the Common Position. Given the limits of Community competence and the horizontal nature of this theme, covering several of the points addressed elsewhere in the programme, the Common Position considers a thematic strategy more suitable than a legislative framework at this stage, allowing stakeholder consultation and careful consideration of the additional issues to be tackled at EU level;

amendments 278 and 200 on aims and objectives for sustainable use and management of natural resources and wastes: are taken up partly in Article 2(2), fourth indent and partly in Article 8(1) and (2);

amendment 212 on sustainable use of resources: the amendment has not been included as such although the thematic strategy on the sustainable use and management of resources will establish goals and targets for resource efficiency and the diminished use of resources. The link with the Community research programme is covered by a paragraph foreseen to this end in Article 10(d);

amendments 213, 215, 216, 217, 219, 220 and 222 on actions for sustainable use and management of natural resources and wastes: are covered in substance or in part by Article 8(2) (i) (amendment 213); (iii) (amendments 217, 219, 220); (iv) (amendments 215, 216, 222);

amendment 251 on the Kyoto Protocol and the EU's external relations is covered in substance by Article 5(5) entirely devoted to this subject;

amendment 226 on multilateral agreements: is reflected in Article 9(2) (g) and (h);

amendments 227 and 239 on supporting sustainable development at regional and local level and Local Agenda 21: amendment 227 is covered in substance by Article 3, (6) and (10) while Local Agenda 21 is referred to in Article 7(2) (h) on the urban environment;

amendment 228 on cooperation with developing countries: is reflected in Article 9(2)(a) and (c);

amendment 229 on the precautionary principle: is taken up in Article 9(2)(f);

amendment 230 on trade agreements: is reflected in substance in Article 9(2)(g);

amendments 231 and 232 on cross-border pollution: are covered in substance by Article 9(2)(i);

amendment 233 on objectives for environment policy-making: figures in Article 10 (introductory phrase) where a reference to the strategic approaches set out in Article 3 is introduced;

amendments 274 and 236 on rules for dialogue: are covered in principle by the general wording of Article 10(a) where improved mechanisms and general rules and principles of good governance are to be developed for consultation of stakeholders;

amendments 234, 237 and 244 on the Aarhus Convention and access to information: are covered in full, in substance, or in principle by Article 3(9);

amendment 235 on supporting NGOs: is included in Article 10(b);

amendment 238 on strategic environmental assessment: is incorporated in Article 3(3);

amendments 240, 241, 243 on actions to improve environmental policy making: are covered in part or in their principle by Article 10(d), (f) and (g) respectively;

amendments 245 and 281 on evaluation and reporting: are covered in part by Article 11(1);

(b) did not include 47 amendments in the Common Position. In particular:

— the Council followed in respect of amendments 5, 8, 10, 36, 41, 42, 48, 252, 56, 63, 65, 80, 81, 266, 85, 90, 94, 99, 118, 132, 147, 162, 176, 187, 191, 196, 198, 201, 203, 218, 223, 224, 280 the position expressed by the Commission,

— the Council did not accept 13 amendments accepted in full or in part by the Commission for the following reasons:

amendment 68 on environmental liability: although the spirit of this amendment is partially incorporated in Article 3, notably paragraph 4, the Council considers that a reference to compulsory civil liability insurance is premature, and that the outcome of negotiations on a future Commission proposal on environmental liability should not be prejudged;

amendments 30 and 31 on the candidate countries: a general and comprehensive paragraph on the policies and approaches that contribute to sustainable development in the accession countries was considered necessary in Article 2 on the general objectives of the programme, leaving to the specific Articles only the aspect specifically linked to the priority areas;

amendment 288 on legislation on environmental liability: given the forthcoming Commission proposal and the difficulty of the subject, the Council prefers not to pre-empt the results of the negotiations or to indicate a precise deadline for their accomplishment;

amendment 95 on sustainable land-use planning: the Council considers that sufficient flexibility is foreseen in Article 3(10) introductory phrase and first indent to cover transport, cultural heritage and historic urban areas and considers it more appropriate to avoid mentioning in the programme a detailed list of specific topics on which emphasis should be placed, given that these will be examined case-by-case;

amendments 100 and 246 on the revision of the CAP: the Council considers that the results of the revision of the common agricultural policy, foreseen in 2002, should not be prejudged. Furthermore, the amendment is covered to a great extent by Article 3(3), which stresses the need for the integration of the environment into other Community policies, by Article 5 where alternative energy sources are addressed and by Article 8 where a thematic strategy on recycling is foreseen;

amendment 290 on emission trading: the Council considers it premature to fix 2005 as a deadline for establishing a Community-wide emission-trading scheme. Furthermore the need for clear monitoring is covered by the wording of Article 5(2)(i)(b) which calls for an effective CO₂ emission-trading Community framework;

amendment 287 on alternative fuels: although the Common Position introduces a quantitative target in relation to the use of renewable energy sources (Article 5(2)(ii)(c)), a further quantitative target on consumption of alternative fuels for cars and trucks is considered too specific for the purposes of this programme;

amendment 131 on adaptation measures to prepare for climate change: the Council did not include a specific mention of the local level for adaptation measures; these are not necessarily excluded by the present wording of Article 5(3);

amendment 152 on the common fisheries policy: the wording of this amendment is considered too prescriptive for actions on the integration of environmental considerations into other Community policies;

amendment 156 on green-belt networks in Europe: the principle of this amendment, which needs further clarification, might be considered to be covered by Article 6(2)(h), second indent, and by Article 9(2)(i); 'green belt networks in Europe' are not mentioned as such in the Common Position;

amendment 173 on the sixth framework programme for RTD: the Council does not consider necessary to specifically mention the sixth framework programme given that this is covered by a general reference to the Community research programmes (Article 7(2)(a)). The Community framework programmes are also specifically addressed by Article 10(d);

amendment 279 on reassessment of the Integrated Pollution Prevention and Control (IPPC) Directive: the Council did not add this reference to the Common Position, noting that the Commission includes 'further implementation and development of the IPPC Directive' among the activities to be undertaken in the framework of actions on environment and health in the communication accompanying the Commission proposal for a sixth environmental action programme (COM(2001) 31 final).

IV. OTHER CHANGES INTRODUCED BY THE COUNCIL

The Council carried out a relatively extensive restructuring of the text of the Decision. To enhance the focus of Article 2 on the principles and overall aims of the programme the specific objectives that this Article contained have been moved to the specific Articles devoted to the four priority areas of the programme.

Besides adding a specific Article on the thematic strategies, the Council elaborated on all the Articles of the Commission proposal, to make them more precise and adding where possible concrete targets and timetables, as illustrated in Section III.1.

The Council also modified and added a number of recitals, to motivate the content of the Articles of the Decision.

V. CONCLUSIONS

The Council considers that its Common Position, which incorporates the amendments mentioned in Section III.2.(a), takes largely into account the opinion of the European Parliament at first reading. It represents a balanced solution for a new action programme which, compared to the fifth action programme and given its 10-year time-frame, needs to be ambitious and comprehensive and at the same time realistic and flexible.
