



STAKEHOLDER

Newsletter N°4 of ECO, The Malta Ecological Foundation on EU Accession and the Environment

Intro

In the fourth issue of STAKEHOLDER we round up the interview that the NGOs from Accession countries carried out with Commissioner Wallström where she answers questions on the integration of environment in other sectorial policies, institutional strengthening and the role of NGOs in the accession process.

In this issue we publish the second set of proposals of the Candidate Countries' NGOs to the four priority areas of the 6th EAP published by the Commission.

We also evaluate the most recent developments in Accession talks on page 6 and 7.

And after weeks of hard work Maltese NGOs have drawn up the first two Position Papers on the implementation of the Acquis. The first two, on Energy and Waste, are being published in this STAKEHOLDER.

These position papers have been signed by Birdlife, Din l-Art Helwa, ECO, The Malta Ecological Foundation, Friends of the Earth (Malta), Marine Life Care Group, Moviment Graffiti, and Nature Trust.

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NGOs from Accession Countries Interview **Commissioner Wallström** - Part II

The European Commission pointed out several times that institutional strengthening is one of the priority tasks of accession countries. There does not appear to be enough support for this, apart for the twinning programmes for governments. Other sectors of the society that will bear a heavy burden of implementation (Local Councils, Industry and NGOs) seem to be largely left out of any capacity building support programmes. What is your opinion?

There are no formal obstacles for local and regional actors to participate in Twinning programmes. However, the initiative should come from the Candidate Country who has to assess the local or regional level's administrative capacity to take part in the programme. As to the financial support, the Commission has initiated the ACCESS programme under Phare-programme. This grant programme with a budget of 20 million€ for 2000 -2002 aims at strengthening Civil Society. NGOs operating in the environmental and socio-economic fields are eligible for the programme. In total, 30% of Phare is allocated in institutional strengthening. DG Environment also has its own Action Programme aimed at supporting the environmental NGOs. This programme is, at the moment, open to European NGOs, whose structure and activities cover all - or some - of the Member States as well as neighbouring countries. However, we are looking at the possibility of revising the Action Programme to include NGOs from the Candidate Countries and the Balkans as well.

One of the biggest challenges your Directorate is facing is the commitment from the Amsterdam Treaty about the integration of environment in other sectoral policies. We have observed that integration has become a topic of reporting in the enlargement process. Have any interesting results emerged yet?

At the EU level, Article 6 of the Treaty and the interest of the Heads of State and Government has put the integration of environmental objectives into other policy areas at the centre stage. In addition, we can draw on the strong support of citizens for progress in this area. In practice, I see us promoting integration through the following mechanisms: the sectors should develop their own thinking on how to better integrate environmental concerns into their policies. This was the idea behind the Cardiff European Council conclusions. Transport, Agriculture and Energy Councils already presented their initial integration strategies to the Helsinki European Council. Other sectors (Industry, Internal Market, Development, Fisheries, Ecofin, General Affairs) have started developing their strategies for the Gothenburg Summit in June 2001 in close co-operation with the Commission.

The next step is to implement the strategies. The Council will have to adopt necessary decisions in this respect, including (at least indicative) targets, timetables and indicators. The Commission will also strengthen its internal mechanisms to make sure that environmental protection is taken into account when preparing other policy initiatives. The Community's sustainable development strategy currently under development should provide us with a vehicle to resolve inconsistencies in major policy areas. For the Candidate Countries the accession process creates a tremendous opportunity to take into account the environmental aspects before settling different policy areas. This way the countries have a chance to do it right from the start and to avoid correcting mistaken decisions afterwards.

Which are the weakest environmental issues in all accession countries? Which are their positive aspects? Could you point out the main differences among accession countries?

On the positive side, the Candidate Countries are very strong in nature protection. There is a variety of unique ecosystems, rare species and invaluable natural resources. The challenge will be to keep this richness from vanishing because of the demands of economic development. The environmental problems are reflected by the difficulties the Candidate Countries have in complying with the EU air, waste and water legislation. For instance wastewater treatment, waste management or large combustion plants directive are areas needing substantial investments to achieve compliance. Most countries have requested transition periods also for implementing the directive on packaging waste. There are of course differences between the countries on how far and on which fields they have advanced in compliance. For example Latvia has made good progress in environmental information, nature protection and waste management. Slovenia, for its part, has made substantial progress in the formal alignment of national legislation especially in the areas of horizontal legislation, waste and chemicals. It has also adopted several rules on waste and hazardous waste management in order to complete transposition of the relevant Community framework directives. However, all applicants still need to work on implementation and enforcement of the environmental legislation. They will also have to make further efforts for the strengthening of their administrative capacity.

How and where would you place the environmental NGOs in the accession process?

The environmental NGOs are an essential link between the Commission, the national authorities and civil society. In society in general as well as in the accession process specifically, you should act as environmental watchdogs: your help is needed to keep the environment high up on the political agenda through lobbying Governments and Parliaments in your country, and through information and awareness raising activities. This role to keep an eye on the decision-makers and to create public discussion is even more essential in the Candidate Countries, where civil society in the modern sense is still developing. As I have said in many occasions, my door is always open for the NGOs, and we encourage you to put forward your ideas. This will assist the Commission in defining appropriate actions for the environment in the enlargement process.

ends



In the previous issue of **STAKEHOLDER** the NGOs' general proposals to the 6th EAP were published; in this issue the focus will be on the FOUR priority areas namely **Climate Change** ; **Nature and Biodiversity** ; **Environment and Health** ; **Natural Resources and Waste** .

Specific Proposals and Comments for Priority Areas

The NGOs welcomed the four identified priority areas in the Programme (Climate Change; Nature and Biodiversity; Environment and Health; Natural Resources and Waste) and considered them well chosen and presented; however the interconnections between them are neglected which results in an approach of partial solutions, rather than a holistic one.

Biodiversity should be considered as an integral issue. EU Biodiversity Strategy should be the guide for actions set in the Programme. Biodiversity interlinks with climate change, resource use, all of the different sectors, human health, etc. and has to be a key question of enlargement as there are no guarantees at this moment to maintain the heritage in Candidate Countries. The rapid spread of economic schemes is endangering biodiversity owing to the land taken for new greenfields investments. Development schemes are boosted by EU accession funds as well. The current analysis is insufficient to prevent harmful impact on biodiversity. New screening mechanisms are required to select among projects. The EU should reset its support policy having a strong impetus on sustainability!

In **Resource Efficiency and Waste Management**, we propose that a specific reference and actions to support the existing infrastructure for reuse and recycling of materials in Candidate Countries, to be preserved and modernised, rather than abandoned. The existing financial assistance does not apply the hierarchy of waste management strictly enough.

The targets specified for reduction of waste going to final disposal are not ambitious enough for the Central and Eastern European region. A reduction target of 20% by 2010 would not represent a strong enough incentive for taking strong measures upstream, and it would only further remove the concept of a zero-waste society.

In **Environment and Health**, the Programme should introduce actions to ensure food safety and to minimise the risks from unpredictable consequences on public health and the environment from GMOs.

Participation in the process of preparation of the Programme

Starting with the 2nd EU-NGO Dialogue in June 2000 in Szentendre, NGOs from Candidate Countries have been involved in the preparation of the 6th Environmental Action Programme through the common NGO position paper and individual NGO inputs. The second opportunity was provided with the meeting organised by EEB and Milieukontakt Oost Europa in March 2001 where a common NGO response to the draft Programme was elaborated. Our governments had the possibility to formulate their opinions in the past and we expect that in the future their positions will reflect the positions of NGOs and those of other stakeholders.

We expect that the Commission and the Swedish Presidency will create an opportunity for the NGOs from Candidate Countries to participate in the elaboration of the Sustainable Development Strategy, of which the 6th Environmental Action Programme is an integral part. It will be very important for NGOs to participate in the monitoring and evaluation of the implementation of the Programme.

Conclusion: Empowering Citizens and Participation

The Aarhus Convention is a major breakthrough in access to information and participation in decision-making. The legal framework alone, however, will not be sufficient, especially in some Candidate Countries where there is no tradition of participatory democracy, and where the capacity of public administration in environmental protection is limited while the civil society is weak and vulnerable.

We propose that the Programme should pay attention to this specific condition, which could threaten the success of the progressive policy concepts of the Programme. Comparing with EU financial support for infrastructure, very little is invested into creating capacity for a participatory society where in a consensus based process actors would have equal opportunities. At the moment the business sector, represented in a large share by multinational corporations is far better equipped to dominate in such an approach not only in taking decisions, but also in implementation, with little control from the government and NGOs. We expect the Programme to propose concrete actions in support of building capacities for participation and for empowering citizens in Candidate Countries - before and after accession to the Union.

In the spirit of the Aarhus Convention we request that the European Environment Council and Parliament adopting the document will integrate our comments and proposals as presented in this paper.



EU UPDATE

The Swedish EU presidency had "great ambition" to table some 20 chapters of the EU legislation on the negotiation table, and close at least half of them. May 17th was allocated for negotiations with Cyprus, Romania, Bulgaria, Slovakia, Latvia and Lithuania whereas May 18th that should have been given for negotiations with Poland, Hungary, Czech Republic, Estonia, Slovenia and Malta, was rescheduled for June 1st.

This delay comes after Spain (supported by Portugal and Greece) blocked the adoption of the common negotiation position of the EU of the free movement of workers from the new Member States after enlargement. Spain insists on a guarantee from the EU that EU aid through structural funds to Spain's less developed regions will not be reduced because of enlargement.

Swedish Foreign Minister Anna Lindh criticised Spain's blockage of negotiations by linking them to the issue of distribution of EU aid. On a more positive note, meetings within the framework of the Accession Conference were held on May 17th as foreseen before with Cyprus, Romania, Slovakia, Latvia, Lithuania and Bulgaria. During this meeting, 22 common positions on negotiating chapters were dealt with and 12 of them provisionally closed. Issues discussed included free movement of goods, free movement of services, free movement of capital, social policy and employment, telecommunications and IT. The negotiators have been able to provisionally close the Transport policy chapter with Cyprus, which in this way became the first candidate country to close it.

In the beginning of June, the EU Member States submitted their common positions for negotiation on two chapters to the most advanced countries. The two chapters are among the most difficult to negotiate:

1. The **free movement of persons** (where the EU calls for transitional periods of up to 7 years to restrict the freedom of movement of workers from the future new Member States of Eastern Europe)

2. The **free movement of capital** (where most of the candidates call for the right to temporarily restrict the right of non-resident Europeans to buy agricultural land and secondary homes).

Regarding this issue, the EU Member States fully took on board the European Commission's draft common position which limits to five years maximum the possible transitional period after EU Accession during which the candidates can restrict the acquisition of secondary residencies by non-resident EU citizens, and to seven years the acquisition of agricultural and forestry land.

After negotiating meetings at deputy level, with the Czech Republic, Hungary, Estonia, Malta, Poland and Slovenia, the chief negotiators from nearly all candidate countries in general reacted in a relatively positive way to the EU's positions on the above-mentioned issues. Polish chief negotiator Jan Kulakowski stressed that his country was still to analyze it and examine it in depth before reacting or making counter-proposals. The Hungarian negotiator Endre Juhasz went further and said that Hungary will put forward precise proposals that would make it possible to settle the free movement of capital chapter during the ministerial meeting mid-June.

To sum up, here are the results of Friday's, June 1st negotiations:

THE CZECH REPUBLIC - completed negotiations on three chapters on ENVIRONMENT, FREE MOVEMENT OF CAPITAL and SOCIAL POLICY

ESTONIA - completed one chapter on ENVIRONMENT

HUNGARY - completed two chapters on ENVIRONMENT and CUSTOMS UNION

MALTA - completed three chapters on FREE PROVISION OF SERVICES, FREE MOVEMENT OF GOODS and ENERGY

POLAND - completed one chapter on SOCIAL POLICY

SLOVENIA - completed two chapters on EXTERNAL RELATIONS, CULTURAL AND AUDIOVISUAL POLICY

As for the **Environment chapter** - it has been closed with four countries (Czech Republic, Estonia, Hungary and Slovenia) now and it is opened with five others - Cyprus, Latvia, Lithuania, Poland and Slovakia. Still to be opened with Bulgaria, Romania and Malta.

Further meetings within the framework of the Accession Conference were held at ministerial level on June 11-12th.

NGO'S POSITION PAPER ON ENERGY



1. The Maltese NGOs welcome the government's initiative to set up the necessary mechanisms to implement the acquis, in the form of:

- a. The **Malta Resources Authority** which will be regulating, monitoring and licensing all practices, operations and activities relating to energy, water and mineral resources. The Authority will also be responsible for the issuing of licenses and regulating of the electricity sector in Malta. In the event of Malta making use of natural gas (with which we agree) and or nuclear energy (that we strongly oppose), the same Authority will have the same responsibilities as above. The Authority will have a distinct legal personality.
- b. The **Environmental Protection Authority** which is another autonomous body, which will be set up by the third quarter of 2001, and will be responsible for implementing most of the environmental acquis. This authority will have the licensing and enforcing powers in the areas including waste management, air and water quality, nature protection and industrial pollution control and risk management. This Authority will be taking over the responsibilities of the Environment Protection Department within the Ministry for the Environment.
- c. The **Planning Authority** which together with the Environment Protection Authority will be jointly responsible for the endorsement of Environment Impact Assessments (EIA) and the approval of independent consultants carrying out the EIA.

2. The Maltese NGOs are concerned about the effective independence of the Planning Authority from the Government and the Political Parties and fear that decisions taken are not always to the benefit of the Maltese environment. We therefore demand more transparency and effective public participation.

3. The Maltese NGOs' comments on access to information and energy are twofold:

- a. we recognise that a summary of the EIAs, the terms of reference and the site plans are available on the internet for public viewing and comments - an initiative that is a step forward to make information more accessible to the public
- b. we request that such information, in particular, air quality data be made public on a daily basis in the Maltese Media. We insist that Local Councils should be involved in air quality control.

4. The Maltese NGOs request the Maltese government to keep the public, and in particular the environmental NGOs, updated and informed on how the above mentioned authorities, in active liaison with one another, are transposing the EU directives into Maltese legislation. This is in line with the Aarhus Convention to which Malta is signatory.
5. The Maltese NGOs look forward to the publication of the National Energy Policy and remind the local authorities that the EU is aiming to have 12% of its energy generated from alternative sources such as solar or wind power by the year 2008. There exists no disclosure of information yet concerning the Maltese government's initiatives in support of renewable and alternative energy use. The NGOs expect the government to set concrete targets and dates regarding the introduction of alternative sources of energy in Malta.
6. The Maltese NGOs are aware that Malta fulfils the criteria, which define it as a "small isolated system" under directive 96/92/EC. However we strongly believe that depending on a single operator leads to inefficiency and insecurity. Furthermore the Maltese NGOs believe that this is an unsustainable situation and we should not wait until 2005 (transitional period requested). Therefore we insist that the Authority develops a philosophy of market mechanisms to motivate the efficient use of energy, pollution reduction and be the catalysts of energy production from renewable sources.
7. The Maltese NGOs welcome the government's decision to immediately transpose:
 - a. Directive 98/30/EC concerning common rules for the internal market on natural gas. Furthermore, the NGOs augur that this form of energy that allows for one of the cleanest forms of fossil fuel burning and is cheaper to provide in the long run, will be an integral part of the National Energy Policy being drafted.
 - b. The directives on energy efficiency relating to labeling and building regulations. The Maltese NGOs look forward to an equally efficient system of implementation and enforcement.
 - c. The setting up of an Environment Statistics Unit within the Malta Statistics Authority that will be responsible for the collection and compilation of energy statistics. The NGOs request that this information be made public regularly.

Polidano Ad



8. The Maltese NGOs support the introduction, as from 1st January 2001, of petrol with a lead content that was reduced from the previous rate of 0.4g/litre to 0.15g/litre. We welcome the draft Environment Protection Act that will embrace the spirit of the EU Environmental Acquis. The Act will transpose all the related directives, however we show concern about the following exceptions:

- a. Directive 98/70/EC (quality of petrol and diesel fuels) with regards to the phasing out of leaded petrol whereby a 3 year transitional period is being asked for.
- b. Directive 94/63/EC (volatile organic compound emission resulting from the storage and distribution of Petrol) with regards to the application of Article 5 on the road tanker fleet, whereby a transitional period of 2 years is being asked for.
- c. Directive 88/609/EEC (limitation of emissions from large combustion plants) to enable (Delimara Power Station) the reduction of NOX and dust emission to levels required by the directive, whereby a 3 year transitional period is being requested.

The Maltese NGOs are preoccupied about these transitional periods believing that further deterioration to the quality of air in the Maltese Islands will occur during the time lapse. We suggest that besides reducing the transitional period requested:

- i. The price of unleaded petrol is reduced;
- ii. The introduction of 3 way catalytic converters and diesel afterburners in motor vehicles be made mandatory.

9. The Maltese NGOs also suggest that in implementing the acquis on Energy the following actions be taken into consideration:

- a. The launch of an educational campaign, in collaboration with NGOs and the National Environmental Educational strategy (NEES), whereby the practice of saving energy is promoted as the BEST option.
- b. The use of Best Available Techniques available in this sector in the implementation of the acquis.
- c. To generate public interest and stimulate investments in renewable and alternative energy systems especially wind and solar energy, for example through liberalization that would allow the setting up of wind farms.
- d. To promote the concepts of "Producers' responsibility", "The polluter pay principle" and "The precautionary principle".

10. The Maltese NGOs insist that the transposition of EU legislation is only a means to an end. We request the government to state how he intends to ensure that these directives are being IMPLEMENTED and to specify what instruments will be used to ensure implementation of directives. Furthermore, the Maltese NGOs demand the government to specify how this will be ENFORCED and what corrective action will be taken against infringement.

Conclusion

We, the Maltese NGOs reiterate our commitment to act as "watch dogs" over the accession process paying particular attention to the transposition, implementation and enforcement of EU legislation and its consequences on the Maltese environment. We commit ourselves to discuss national strategies as well as to evaluate least cost options for implementing the *acquis communautaire*.

Birdlife, Din l-Art Helwa, ECO, The Malta Ecological Foundation, Friends of the Earth (Malta), Marine Life Care Group, Moviment Graffiti, and Nature Trust.

The Future of Antarctica ?



We the Maltese environmental NGOs, presenting our position paper on the implementation of the Acquis Communautaire by the Government of Malta, **BELIEVE:**

1. that the gains to be made from the implementation of the EU's Acquis Communautaire on Malta's waste management situation are significant. In Malta, environmental resources are scarce and environmental impacts are magnified by the population density that is pronounced by the million+ tourists who visit the islands annually. We believe that the EU's Waste Management Regulations will contribute towards slowing down the depletion and degradation of natural resources (minerals, aquifers, habitats), and the environment (air, water, seas, soils, biodiversity) by regulating harmful activities like dumping, uncontrolled land filling and incineration and by encouraging environmentally beneficial activities (such as emissions control, research, information gathering and dissemination, integrated decision-making etc).
2. that as a result of this intervention, management and use of natural resources will be more efficient. Improved air quality, drinking water quality, bathing water, lower risks of contamination, more information, a better protected countryside and safer working conditions etc are among the envisaged health benefits to be generated. It will also result in higher recreational, health and amenity benefits.
3. that there are economic benefits as a result of the implementation of these directives. Certain activities (e.g. land filling) harm other productive activities (e.g. tourism, agriculture) through the pollution they generate. We believe that:
 - a. a reduction of impacts on other productive activities will result in reduced costs of pollution control, treatment and clean ups by third parties.

- b. Companies that undertake careful management of their materials and use of environmentally-friendly processes, may be more competitive through the rational use of resources, better brand image, better relations with regulators, and better standing with banking and insurance agencies.
- c. An important economic benefit arises from the possibility of job generation, both with the public and the private sector to implement all the requirements.
- 4. The Maltese NGOs agree with the EU directives listed in Annex 2 and believe that the fact that they are legally binding augurs well for Malta. We

DEMAND

- a. that although the method of implementation is often up to the member states, the Government of Malta chooses the most environmental friendly method of implementation through the best available technology; we NGOs call for a waste management system that involves waste separation at source so that different waste streams are dealt with separately; one of the streams should be of organic matter and be made into good quality compost;
- b. that waste management be considered as intrinsically linked with building development and consumption; it is necessary for a plan to be developed for a sustainable use of resources with an agreed timeframe and targets; we see no reason why Malta should be creating so much waste.
- c. that policy instruments be explored and identified in order to follow this waste management hierarchy: minimization (reduce), reuse and recycling prior to disposal.
- d. the necessary public sector capacity building to ensure effective implementation and enforcement.
- e. a widespread and ongoing educational campaign that reaches all age brackets and all walks of life, with the active involvement of civil society.
- f. that the charges on waste management reflect real costs (contrary to the present unsustainable situation) as an incentive to reduce and avoid waste.
- g. that prices of local virgin materials (eg. stone) should reflect the real cost of their provision to promote efficient extraction/recovery/recycling of these resources.



5. The Maltese NGOs are **CONCERNED**:
- a. that the government might use the inbuilt transition period to implement the Wastes Framework Directive 75/442/EEC amended by directive 91/156/EEC and argue that this directive be implemented in the shortest time possible.
 - b. about the possible use of incineration (Incineration of hazardous waste directive 94/67/EEC) We reject incineration as a waste management option for municipal solid waste and would only accept small incinerators for specialized waste if these are proved to be the best viable option; in principle we oppose incinerators as these work against the idea of waste reduction; we also recognise that incinerators are dangerous whatever the technology used;
 - c. about dumping at sea as a waste disposal option and believe that under no circumstances is this acceptable. Such dumping only puts the problem out of site and damages the ecosystems on the seabed.
 - d. with the delay of the Maltese government to transpose, implement and enforce the relevant EU directives
 - e. about the funding to implement these directives
 - f. that not all projects funded by the EU in the past have necessarily contributed to the positive enhancement of the environment. There seems to have been a bias towards large-scale end-of-pipe infrastructure. Maltese NGOs insist that in funding applications, Maltese authorities should base proposals on the waste hierarchy and not focus exclusively on end-of-pipe solutions.

6. The Maltese NGOs **SUPPORT** the government's decision to request a derogation to safeguard the reuse of glass bottles and to prohibit the introduction of mineral drinks in plastic bottles, which the free movement of goods would require. The Maltese NGOs encourage the government to continue to negotiate to maintain its existing beverage container-packaging regime in accordance to LN158/98.



Conclusion

The EU's requirements in the waste management sector will result in more information about waste streams, which forms the basis of environmental policymaking, management, monitoring and enforcement. Such changes should bring about better policy-making, monitoring and enforcement by the public sector.

We, the Maltese NGOs reiterate our commitment to act as "watch dogs" over the accession process paying particular attention to the transposition, implementation and enforcement of EU legislation and its consequences on the Maltese environment. We commit ourselves to discuss national strategies as well as to evaluate least cost options for implementing the acquis communautaire.

Signed by: ECO, The Malta Ecological Foundation, Friends of the Earth (Malta), Marine Life Care Group, Moviment Graffiti, and Nature Trust.

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Food for Thought



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Towards Information, Integration and Implementation in EU Accession

All correspondence is to be sent to ECO, P.O.Box 322 Valletta CMR 01 MALTA

www.ecomalta.org

eco@ecomalta.org