

OFF  
THEIR  
GAME



ENVIRONMENTAL TRACK RECORD | European Commission 2010-2012



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# INTRODUCTION

Brussels, June 2012

This report is a mid-term assessment of the environmental performance of the Barroso II European Commission, covering the period from early 2010 to mid-2012. It is issued by the Green10, a platform of environmental organisations active at EU level, with a membership of over 20 million EU citizens.

Individual sections in this report summarise the Commission's activities in different policy areas and set out our recommendations for the remainder of its term in office. We have also briefly assessed the performance of many European Commissioners and the Commission President.

Of course, the European Commission is not alone in defining Europe's environmental policy. EU member states and the European Parliament eventually make the final decisions, and it is fair to say that over the past two-and-a-half years the member states have often blocked progress and defended destructive policies.

In addition, any evaluation would not be complete without putting it in the context of the euro crisis that fully unfolded in the past two years and often dominated the agenda of the College of Commissioners. This crisis has obviously absorbed a large share of the Commission's energy. But it is not acceptable that it has stood in the way of efforts to tackle the environmental and resource use crises.

These twin crises need to be confronted in parallel. Both are ultimately about wasting resources we do not have. Solving these multiple crises means thinking in a long-term perspective, namely about tomorrow's consequences of today's actions. They therefore require profound economic as well as societal changes. Business as usual is simply not an option.

A healthy environment and sustainable use of resources are fundamental conditions for peace and prosperity. The European Union depends heavily on imports of ever more scarce and hence expensive natural goods — including food, energy, wood and minerals. Using fewer resources and emitting less carbon and toxic chemicals go hand in hand with healthy economic development and future-proof jobs.

The European Commission has a unique role to play in this respect, and this is not (just) a matter of opinion: according to EU law, the Commission has the right (and obligation) to take initiatives that *"promote the general interest of the Union"*. It is the so-called 'guardian of the treaties' that must *"oversee the application of Union law"* (Article 17 of the Treaty on European Union).

EU treaties state four specific objectives related to the environment:

- ❖ *"preserving, protecting and improving the quality of the environment";*
- ❖ *"protecting human health";*
- ❖ *"prudent and rational utilisation of natural resources";*
- ❖ *"promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change"* (Article 191 of the Treaty on the Functioning of the European Union).

Environmental organisations have been warning for decades that climate change, the depletion of natural resources and the extinction of species are the biggest threats to our societies. Without a stable climate and food cycle, clean air and wa-



ter, our societies cannot function. Healthy ecosystems are essential for economic activity and well-being. However, most existing production and consumption patterns in Europe are negatively affecting our health and polluting the environment, in many cases irreversibly.

One example of the European Commission's difficulty to provide leadership on central economic and environmental issues is its flip-flopping on energy policy.

The Union's existing energy system is outdated, insecure and highly damaging to health and nature. It is also very costly: €1 billion is wasted every day on imports of oil and other fossil fuels — an exorbitant transfer of wealth from Europe to a small group of people in oil and gas-rich countries. To his credit, President Barroso has recognised the political importance of energy policy, promoting a common European approach which has led to long-term 'roadmaps' to plan the transition to a sustainable energy system. In his 2010 State of the Union address, he declared that energy policy would become *"a central priority for action"* of this Commission and announced legislative proposals that would *"give us a real energy community in Europe."* Policies on climate change, transport and energy would be combined into a coherent approach on resource efficiency and the promotion of renewable sources of energy that would also stimulate innovation and create new jobs, said Barroso. The President also put the EU's existing 20% energy efficiency target among the headline targets of his *"Europe 2020 strategy for a smart, inclusive and sustainable economy"* and made resource efficiency one of its flagship initiatives.

However, existing policies and the legislative proposals that followed these announcements have so far failed to live up to the President's rhetoric. On energy

efficiency, the Commission tabled a proposal that would see the EU fall short of its 20% efficiency target by one third. On a more positive note, the 2050 Energy Roadmap, despite skewed assumptions, rightly identifies renewables and energy efficiency as the two *"no regrets options"* for the Union's future energy system. But the Energy Commissioner does not always sing from the same hymn sheet and is not championing the systemic changes needed to encourage a large scale uptake of renewables and efficiency. Finally, despite a lot of talk about youth and innovation, the EU still gives more money to research on nuclear and fossil energies, rather than to spur on innovators in clean renewable technologies.

The picture looks similar on biodiversity and the reforms of EU agriculture and fisheries policies, supposedly two of the largest undertakings of this Commission. For both reforms, President Barroso announced that they would *"play a major role in European measures to address some of the biggest challenges ahead, such as global food security, biodiversity loss and the sustainable management of natural resources"*. The Fisheries and Agriculture Commissioners delivered pertinent critiques of existing rules and practices and promised to 'green' agriculture policy and to make EU fisheries sustainable. Yet the proposals that followed these announcements are not fit to halt the destruction of life in the seas by industrial overfishing, nor the loss of biodiversity and steady contamination of our soils, water and food, and ultimately our bodies by chemical-intensive agriculture.

The Barroso II Commission may therefore have the right game plan, but during its first two years in office it has lacked endurance and commitment when it came to turning its plan into action. It should now take Europe off the track of environmental and economic degradation and put it back on course for a healthier, more prosperous and safer future.





## President José Manuel Durão Barroso

President Barroso's second term is unfolding in challenging times, with bond spreads and bailouts dominating his agenda and with a Council that is not very receptive, and sometimes even hostile, to environmental initiatives. In this context, it is positive that some environmental elements found their place in the Europe 2020 strategy, with resource efficiency as one of the seven 'flagship initiatives'. Barroso has also tried to boost long-term thinking with roadmaps to 2050 on climate, energy and transport. He created a separate climate department in the Commission and has recently played a helpful role in policies on energy efficiency, unconventional oil, and sulphur in marine fuels.

Yet, some of his strategic decisions have weakened environmental protection: he shifted responsibility for pesticides and genetically modified organisms to the Health & Consumer Policy Commissioner, eroding the portfolio of the Environment Commissioner. His 'better regulation' agenda (which includes new impact assessment procedures) stifles creative thinking and can be partly blamed for weak environmental policy proposals. He has not seized the opportunity of tight budgets to push governments to green their tax systems or to end environmentally harmful subsidies. He has yet to resolve rows between Commissioners on a variety of issues, such as biofuels and indirect land use change and, more broadly, to create a consensus in his team that the European economy will not become greener by itself but needs decisive action from the Commission.

LIGHT  
MY FIRE



SHOW FONY

## Commissioner Dacian Cioloș

### AGRICULTURE & RURAL DEVELOPMENT

Commissioner Cioloș stated that his main ambition for the new Common Agricultural Policy (CAP) was to make it green and fair. Unfortunately, his rhetoric has not translated into effective progressive measures. The proposal he presented for a new CAP in early October 2011, two months after he had managed to secure agreement in the Commission on the CAP's share of the overall EU budget, was effectively emptied of most ambitious measures. Given the resistance to a greening of the CAP among member states, but also among members of the European Parliament, the bar for this reform was set at a very low level.

On biofuels, which were strongly promoted by his predecessor, Commissioner Cioloș is, with Commissioners Barnier and Oettinger, reported to be the main obstacle to tackling the negative impacts of indirect land use change, thereby undermining his own green reform agenda.



### 2010-2012 track record:

The Commission finally embraced the concept of linking Common Agricultural Policy (CAP) subsidies to the delivery of public goods and identified some crucial environmental challenges (e.g. grassland protection, the need for environmentally managed buffer zones, crop rotation). However, the Commission's proposal to reform the CAP was timid. It did not tackle environmental emergencies linked to intensive livestock operations or irrigation-dependent crops. The EU budget proposal also failed to put any emphasis on rural development policy, thus jeopardising one of the most useful parts of the CAP.

On genetically modified organisms (GMOs), the Commission has continued to ignore criticism of the existing legal framework by member states, scientists and environmental organisations. Alarming, the new Commission started its mandate with an authorisation for the cultivation of a GM potato, the first such authorisation after a 12-year moratorium, and a legally flawed proposal allegedly allowing EU countries to ban the cultivation of GMOs on their territory. The antibiotic-resistant GM potato has since been a commercial flop and its producer, the chemicals company BASF, has withdrawn it from the market.

### Final stretch — 2012-2014:

- ❖ Promote an ambitious CAP reform in negotiations with Parliament and Council by proposing workable improvements to implementing rules that support high nature value farming, discourage harmful investments and ensure the quality and the funding for environmental schemes.
- ❖ Use the CAP reform to encourage farmers to respect water and pesticides legislation (by strengthening 'cross-compliance').
- ❖ Support adequate budget allocation for rural development and environmental measures.
- ❖ Fully implement the relevant Environment Council conclusions from December 2008 and fix the substantial gaps in the risk assessment of GMOs. No authorisation of genetically modified crops until then.



PLAYING BY  
THE RULES

## Commissioner Janez Potočnik

### ENVIRONMENT

Commissioner Potočnik has so far focussed his greatest efforts on resource efficiency. He managed to parachute it firmly into the Europe 2020 strategy and convincingly argued its economic advantages. But concrete measures still have to follow.

When meeting with resistance, Commissioner Potočnik has not always moved fast enough, as demonstrated by the delayed biodiversity strategy, his inertia on air pollutants and the on-going paralysis on strict criteria for biofuels. His hesitation on the need for a 7th Environmental Action Programme means that the Commission is now well behind schedule. Following an internal compromise with Industry Commissioner Tajani, he has advanced the process of banning dangerous chemicals under the REACH legislation, but at an unacceptably slow pace.

With Commissioner Hedegaard, he strongly resisted extending coal subsidies in Europe. He showed leadership in fighting to get a meaningful outcome at the Nagoya summit of the UN Convention on Biological Diversity. He has spent a lot of time and effort trying to incorporate the green cause in areas such as agriculture, the Europe 2020 strategy and the semester process that was set up in 2010. He showed good timing by making 2012 his year of water, coinciding with the review of the Water Quality Directive and the Danube strategy. He is a politician who believes in the value of evidence and facts, and works in an open and approachable manner.

### 2010-2012 track record:

The Commission proposed a new 2050 vision and a new target to halt and reverse the loss of biodiversity and ecosystem services (clean air, drinking water, oxygen-producing forests, etc.) by 2020. Both are important in view of their extensive socio-economic benefits. However, the new 2020 Biodiversity Strategy, which the Commission put forward as the main instrument to reach the target, was massively watered down under pressure from industry interests. The strategy now lacks ambition and detail on agriculture and fisheries, and is thus unlikely to halt biodiversity loss in Europe.

In relation to the EU budget for 2014-2020, the Commission has failed to propose a significant increase of funding for nature protection in Europe.

On the positive front, the Commission is preparing a visionary study to assess the link between EU consumption and global deforestation.

### Final stretch 2012-2014:

- ❖ Ensure, during negotiations with Parliament and Council and during the programming phase, that sufficient funding for biodiversity conservation is written into the new EU budget, in particular through the allocation of 1% of the budget to the LIFE fund.
- ❖ Ensure, as a minimum, a timely implementation of the Biodiversity Strategy and propose more effective action when it is reviewed in 2014, especially with respect to the protection of species and habitats, and measures related to the greening of agriculture.
- ❖ Put forward a strategy that enhances biodiversity and ecosystem protection in the EU countryside.
- ❖ Draft an effective new directive on invasive alien species.
- ❖ Strengthen the weak enforcement of the Birds and Habitats Directive.
- ❖ Following the swift publication of the deforestation study, present an action plan mapping out how the EU will contribute to halting deforestation by 2020.
- ❖ Ensure that the blueprint to safeguard Europe's waters, due in 2012, delivers on its ambitious objectives.





## Commissioner John Dalli

### HEALTH & CONSUMER POLICY

Under Barroso II, the Commissioner for Health and Consumer Policy was given the lead on certain issues that were previously handled by the Environment Commissioner. Disappointments began early. Ten days into the job, Commissioner Dalli authorised a highly controversial antibiotic-resistant genetically modified (GM) potato, which former Commissioner Dimas had refused to authorise.

Commissioner Dalli has since acknowledged complex views on GMOs, though his threats to restart authorising GM crops for cultivation continue. He fails to fully recognise the need to overhaul the EU authorisation process and the workings of the European Food Safety Authority, which is marred by conflicts of interests. Under Commissioner Dalli's watch there has also been little progress in the more responsible use of pesticides, which could include promoting 'pesticide-free areas'.

During the coming two years, the Commissioner should seize opportunities to deliver major health benefits by preventing environment-related chronic disease. He can do this by acting on EU climate and air quality policies, by supporting reduced use of pesticides and other chemicals, such as hormone-disrupting chemicals that are increasingly linked to cancers and serious illnesses like diabetes and obesity.

HOT POTATO



## 2010-2012 track record:

The Commission advanced the debate on hormone-disrupting chemicals (endocrine disruptors - EDCs) and the cocktail effect (the impact of simultaneous exposure to multiple chemicals) by examining the most recent science. The forthcoming EDC strategy review and new criteria to identify EDCs will influence whether pesticides, biocides (disinfectants and preservatives) and REACH chemical laws can effectively protect human health and the environment.

Alarmingly, the REACH chemicals system, which aims to phase out the most dangerous chemicals, is still painfully slow. The Commission is also yet to deliver on its promise to produce a roadmap to identify the most harmful substances.

The Commission revised its Mercury Strategy, but failed to endorse any new action (with the exception of an assessment of mercury use in dental amalgam) in anticipation of a new global treaty under the United Nations Environment Programme.

On nanomaterials (microscopic particles with potential risks for health and the environment), the Commission systematically slowed down progress on assessing their risks, while a few member states and the European Parliament have instead been driving the process (in particular with respect to the presence of nanomaterials in cosmetics, biocides, novel foods, etc.). When defining 'nanomaterials' the Commission decided to reflect industry preferences, thus contradicting the advice of its own scientific experts.

Finally, the publication of the Commission proposal on environmental quality standards for aquatic environments marks 12 years of important EU legislation on water. However, the Commission has failed to bring the proposal in line with the requirement of the Water Framework Directive to phase out the most dangerous substances and has missed the opportunity to propose EU-wide measures to prevent pollution at source.

## Final stretch — 2012-2014:

- ❖ Establish hazard-based EDC criteria and revise the EDC Strategy to include measures that reduce multiple exposures.
- ❖ Propose the announced post-2012 roadmap for REACH in order to substitute the most harmful substances by 2020.
- ❖ Continue to play a leading role in the UN mercury treaty negotiations; propose a mercury phase-out in dentistry and button cell batteries.
- ❖ Review EU legislation to address possible risks from nanomaterials and establish an EU inventory of all types and uses.
- ❖ Propose phase-out timetables for all priority water pollutants.
- ❖ Link the Water Framework Directive to REACH and pesticides legislation; chemicals that are to be phased out under the former should automatically be substituted under the latter.



ROLLING WITH  
THE PUNCHES

## Commissioner Connie Hedegaard

### CLIMATE ACTION

Commissioner Hedegaard helped prevent the collapse of global climate negotiations and defended climate legislation in a difficult European and global context. She has opted for a tough approach towards big country carbon emitters, demonstrating her resolve in her stand on the inclusion of aviation in the emissions trading scheme. She has shown concern for the environmental and health impacts of climate change and recognised the threat it represents for the planet's least developed countries and small island states.

Commissioner Hedegaard tried to push EU member states to increase their joint climate ambition, but so far she has not found the right strategy to mobilise them. She secured support from member states to take some first steps towards repairing the failing EU carbon market. Despite significant opposition from other Commissioners, she put out a good proposal to address the emissions of tar sands and other dirty transport fuels and is fighting hard on biofuels. Surprisingly, she has shown no appetite to advance the EU's car efficiency standards beyond 2020. This is despite the fact that the car industry is doing better than legally required and has largely dropped its resistance to the 2020 target, which is due to be confirmed this year.

Finally, she managed to ' earmark' one fifth of the proposed 2014-2020 EU budget for climate mitigation measures.

## 2010-2012 track record:

With its roadmap for a low-carbon economy, its two reports analysing the costs and benefits of moving beyond the 20% greenhouse gas emission reduction target for 2020 and announced first steps towards repairing the EU's carbon market, the Commission made a decent effort to increase EU climate ambition and highlight the economic and health benefits of higher targets. The Commission also stood firm on the integration of aviation in the Emissions Trading Scheme (ETS) despite international pressure.

The Commission proposal for the new EU budget specifies that one fifth of funds should go to climate action. Despite such progressive commitments, the Commission has systematically failed to ensure that lending by the European Investment Bank (EIB) is in line with climate goals. The EIB, the world's biggest energy lender, almost doubled the funds given to fossil fuels (coal, oil and gas) between 2007 and 2010 (from €2.8 billion in 2007 to €5 billion in 2010).

## Final stretch — 2012-2014:

- ❖ Contribute to raising the ambition of international climate negotiations (by advocating stronger targets, new innovative funding sources for climate adaptation and mitigation, preventing deforestation and social injustice, and reducing loopholes in carbon accounting rules that prevent ambitious emission reductions).
- ❖ Develop and defend EU policies in all sectors to ensure that the EU does its fair share to cut carbon emissions to keep global temperature increase to well below the dangerous threshold of 2 degrees Celsius (for 2020 this means cutting domestic EU emissions by at least 30%). Promote related co-benefits such as better health and job creation.
- ❖ Find structural solutions to repair the EU ETS so that it delivers further emission cuts and green investments. Address the surplus in emission allowances by withholding approximately 1.4 billion allowances. Strictly assess applications for free emission allowances for the power sector submitted by eight Eastern and Central European countries.
- ❖ Develop proposals for a 2030 climate and energy package, containing ambitious carbon, energy efficiency and renewable energy targets.
- ❖ Encourage member states to fund measures to tackle the causes of climate change (mitigation), to help adapt to its effects (adaptation) and to protect forests globally.
- ❖ Defend the earmarking of funds for clean energy and overall climate-related spending in the new EU budget.
- ❖ Put pressure on the EIB to end lending to fossil fuels — especially coal — during its energy policy revision scheduled to begin in 2012.



## Vice-President Antonio Tajani

### INDUSTRY & ENTREPRENEURSHIP

For Vice-President Tajani policy on important issues like cars, food and shipbuilding is best made in high level meetings or conferences. Unlike his predecessor, he also engages more in tourism issues. But there is another type of holiday-making that he is keen on: he has called for a regulatory holiday for the car industry, following a meeting with fellow countryman Sergio Marchionne (the CEO of Fiat).

While Tajani has extended the corporate social responsibility agenda, many fear that he continues to accede to industry demands. Further action is needed to hold companies accountable. An important first step would be to support a proposal by DG MARKT for mandatory non-financial reporting by big companies on their social and environmental impacts.

LEG UP





## Commissioner Michel Barnier

### INTERNAL MARKET & SERVICES

While in his previous stint as Commissioner, Michel Barnier earned praise from environmental groups for agreeing that EU funding should be conditional upon respecting environmental legislation, in his current position he is seen as defending vested interests and promoting French government positions. He is reported to have lobbied relentlessly behind the scenes to water down the greening of the Common Agriculture Policy and Common Fisheries Policy reform proposals, as well as to block measures addressing the negative impacts of the EU's biofuel policies.

To his credit, he has announced legislation requiring big companies to report on their environmental and social activities and has reduced the excessive influence of the financial sector in expert groups within DG MARKT.

ARMED AND  
DANGEROUS



STUCK  
IN A RUT

## Commissioner Janusz Lewandowski

### FINANCIAL PROGRAMMING AND BUDGET

Commissioner Lewandowski is perhaps most notorious for his 2011 statement expressing scepticism over man-made climate change and claiming that Europe “*already has overambitious agreements on CO<sub>2</sub> emission reductions*”, which he later retracted following public outrage.

In fact, the Commissioner’s unfortunate statement one year ago now looks like an omen for the next budget. In 2008, a fundamental EU budget reform was announced, with expectations that the budget would turn into a powerful instrument to make the European economy more sustainable. Four years later, nothing has changed from business as usual: member state interests drive the negotiations much more than any consideration about the long-term well-being of European citizens and EU policy objectives.

The Polish government’s systematic rejection of ambitious climate targets for the EU has certainly played its role in making the greening of the budget just a distant dream. Commissioner Lewandowski certainly cannot be blamed for his country’s position; but neither can he be credited with making any serious efforts to green the EU budget. And while his role in the drafting of the 2014-2020 EU budget is largely technical, with the main political instructions coming from the President’s staff, he has brought no progressive elements to the process.

# CROSS-CUTTING ENVIRONMENTAL ISSUES

4.5/10

## 2010-2012 track record:

DG Environment put a lot of emphasis on its 2011 Resource Efficiency Roadmap. Despite combining environmental and economic concerns, the roadmap is yet to deliver a clear vision on how to improve Europe's use of resources, leaving most of the substance to future policy processes. A major disappointment was the lack of ambition in choosing how to measure Europe's resource use scientifically. In particular, the indicator chosen for the next two-three years is far from robust or transparent.

Other initiatives were seriously delayed. The absence of a proposal for the 7th Environment Action Programme could mean that its priorities cannot be included into financing decisions for the new EU budget. There is also no commitment for a second EU action plan on environment and health, despite the success of the first one in advancing the relevant policy and research agenda, and the increasing evidence of ill health linked to environmental pollution. Air pollution continues to plague the EU, but the Commission has failed to deliver overdue legislation.

The 2014-2020 EU budget proposal made only minor environmental advances and did not reflect the Commission's resource efficiency agenda. Plans related to EU regional aid (Cohesion Policy - one third of the total budget) show modest ambition on climate change and fail to earmark funds to deliver needed investments on biodiversity and natural resources. However, in the external dimension part of the budget, the Commission has been bold to propose significant additional funding for the environment, biodiversity and climate change.

## Final stretch — 2012-2014:

- ❖ Adopt a set of indicators that comprehensively measures Europe's use of resources, including for imported products. Adopt EU-wide resource reduction targets by 2013.
- ❖ Deliver the next Environmental Action Programme with a clear priority on health and environmental challenges.
- ❖ Put forward ambitious legislative proposals to improve EU outdoor air quality (including a revision of the overdue National Emissions Ceiling Directive).
- ❖ Ensure that resource efficiency is integrated in EU fund allocation programs.
- ❖ Ensure that sustainable development indicators guide the programming, monitoring and evaluation processes with respect to the spending of EU funds.
- ❖ On the external agenda, ensure that an environmental integration strategy (including the use of strategic environmental and climate risk assessments) is in place before the next programming round in 2013. Apply it to all external policy documents and all EU financial assistance instruments outside the Union, including with regard to EU banks.
- ❖ The European External Action Service should present its vision for the international environment in foreign policy and improve civil society access and consultation.





## Commissioner Günther Oettinger

**ENERGY**

Commissioner Oettinger did not get off to a good start. Many expected him to defend the interests of large utilities. Halfway through his term, the picture is more nuanced, with the Commissioner oscillating between progressive ideas and obstructive positions.

Commissioner Oettinger has expressed good intentions on numerous issues, but has often failed to follow through with them. He offered strong words in support of energy efficiency, but his proposal was weak and he buckled under pressure from national governments. The same happened with his call for a deep-sea drilling moratorium, which was shelved only a few weeks later. He showed resolve in his first proposal for nuclear stress tests, following the Fukushima disaster, but then watched them get watered down.

His long-standing denial of environmental concerns related to bioenergy has led to serious delays of sustainability standards and correct carbon accounting for biomass and biofuels. He attempted to stop regulation of polluting tar sands and has attacked any attempt to increase Europe's climate ambition. On shale gas fracking, Commissioner Oettinger misrepresented the results of a study commissioned by his own services, arguing there was no need to change EU legislation to address potential health and environmental risks.

On the positive front, and despite heavily biased cost-assumptions, the 2050 Energy Roadmap placed renewables and efficiency at the heart of the EU's energy future. The Commissioner drew the right conclusion and called for a binding renewable energy target for 2030. Now he needs to make sure that this target will be ambitious enough.

**FLIP-FLOPPER**



## 2010-2012 track record:

The Commission made some progress on the implementation of existing 2020 EU energy policies. It proposed a new Energy Efficiency Directive which requires energy companies to deliver annual energy savings, but does not include binding national targets and falls short of delivering the energy savings that the EU has already committed to. It has been slow in implementing the Ecodesign Directive, which establishes environmental standards for consumer energy products. On renewables, the EU's 2020 policies overemphasise the use of bioenergy at the expense of other renewable sources. Sustainability safeguards for biomass (and improved standards for biofuels — see section on Transport) are still missing.

Regarding the Fuel Quality Directive, the Commission supported solid implementation measures. Its proposal would strongly discourage the use of the world's dirtiest transport fuels (like tar sands and shale oil) and requires robust reporting for oil companies, but does not include incentives to improve the energy efficiency of oil extraction (e.g. by reducing gas flaring) or refining methods.

The Commission's proposal on the Energy Tax Directive contains many good elements, such as higher taxes on diesel, but retains an obsolete ban on aviation and maritime fuel taxation.

With its Energy Roadmap for 2050, the Commission also began to consider its post-2020 energy strategy. Despite flawed assumptions, the roadmap demonstrates the central role of renewables, energy efficiency and a more flexible electricity network. The Commission also cautiously opened the debate on long-term renewable energy targets beyond 2020.

In reaction to the Fukushima nuclear accident, the Commission quickly initiated a process of nuclear stress tests. Although this was a good initiative, the test criteria were subsequently diluted by governments.

Finally, the Commission published well-received proposals to develop Europe's energy infrastructure.

## Final stretch — 2012-2014:

- ❖ Propose a binding renewable energy target for 2030, as part of a climate and energy package, and limit the use of bioenergy to sustainable levels in the future.
- ❖ Endorse binding national efficiency targets and assess progress towards the 2020 energy efficiency target by 2014.
- ❖ Jointly revise the Ecodesign and Energy Labelling Directives by 2013.
- ❖ Propose emission reduction incentives for refineries.
- ❖ Update electricity market rules to enable the efficient integration of renewable power.



**BLUNT  
INSTRUMENT**

## Commissioner Johannes Hahn

### REGIONAL POLICY

In negotiations on the new EU Budget, the Commissioner tried hard to align the new Cohesion Policy (EU regional aid) with the priorities of the Europe 2020 strategy. He has not fully succeeded.

The good news is that the proposed Cohesion Policy encourages regions to make efforts to address climate change: it supports energy efficiency and renewable energy projects, waste prevention and recycling, low-carbon transport and urban mobility. It also supports nature protection (including protected areas under NATURA 2000), soil protection, clean water and clean air management.

But despite the Commissioner's good intentions, the proposal lacks bite. The small amounts earmarked for 'low-carbon' — especially in poorer regions — only have a symbolic value. Crucially, the proposal is missing the necessary mechanisms to eliminate environmentally harmful subsidies. This means that Commissioner Hahn decided to trust governments to spend EU taxpayer money wisely. This is hardly a safe bet.

Commissioner Hahn has also been a driving force behind the EU Danube Strategy, adopted in 2011, which aims to boost prosperity in the world's most international river basin, while maintaining and enhancing its unique natural capital. However, some of this strategy's objectives are inconsistent, for example, promoting measures to encourage the return of wildlife to the region, while at the same time supporting the development of old-fashioned infrastructure which could further degrade the environment.



## TAKING THE PLUNGE

### Commissioner Andris Piebalgs

#### DEVELOPMENT

Commissioner Piebalgs proposed a new strategic approach to EU development policy with his 'agenda for change', with extra emphasis on sustainable agriculture, clean energy and energy security. His focus on energy is not surprising given his previous role as Energy Commissioner. Nonetheless, exactly how the energy agenda will be promoted has yet to be defined. The centrality of energy security in the Commission's dealings with developing countries could also create problems linked to human rights and democracy.

Furthermore, a restructuring of the Commission's development cooperation services has resulted in reduced policy capacity for environmental and natural resource issues.

On the positive side, Piebalgs started a useful dialogue with civil society representatives, including the environment sector, to explore improved political exchanges and participation in EU development cooperation — in Europe and with developing countries.





**SINK OR  
SWIM**

## Commissioner Maria Damanaki

### **MARITIME AFFAIRS & FISHERIES**

Compared to her predecessors, Commissioner Damanaki has brought a breath of fresh air to European fisheries policy. She is striving for an ambitious overhaul of fisheries management and is working to place the Union's Common Fisheries Policy (CFP) onto a path of renewal. When she took office, she committed to making sure that fish stocks would be in better shape by the end of her term.

Sadly, the Commissioner's desire for an end to overfishing has not been matched by an adequate CFP proposal. At times, it seems like the captain has set the course, but the crew (DG MARE) are unable or unwilling to read the charts.

The Commissioner often argues her case on the basis of virtues and principles, which is commendable, but this can play against her in tough negotiations, when concrete solutions and persuasive strategies are required. To her credit, she has stressed the need for clear targets in the reform, regardless of opposition.

Now that the CFP reform is fully under way, it is essential that she follows through on her commitments and navigates the politics to strengthen its outcome.



## 2010-2012 track record:

After an extensive public consultation and grim assessment of the failings in EU fisheries policies, the Commission published its proposals for a new Common Fisheries Policy (CFP) in 2011, pitched as a new direction and fundamental departure from current fisheries management. Sadly, the proposals did not constitute the necessary overhaul of the CFP. While the overarching goal of stock recovery is commendable, the proposals lack clarity and ambition on many important issues, including basic provisions for stock and fleet management and rules on access to fishing resources (including quota allocations and subsidies). This has left many with more questions than answers on how sustainable fisheries might be achieved. Despite big announcements that the future CFP would regionalise a significant part of fisheries management, the proposal was slim on concrete suggestions to achieve this. Meanwhile, the Commission is hopelessly invested in defending its 'one-size-fits-all' market-based scheme of transferable fishing concessions, which few governments and stakeholders consider valuable.

In the meantime, the Commission has stepped up efforts to confront and eliminate illegal, unregulated and unreported (IUU) fishing, with some good results. It has not yet proposed legislation for deep-sea fisheries or an action plan to tackle seabird by-catch in fisheries, which is now overdue by a decade.

## Final stretch — 2012-2014:

- ❖ Promote the adoption of progressive reform proposals by the Council and Parliament, securing clear time-bound sustainability objectives, delivered by environmentally-friendly fishing practices, with rules that favour those who have the least impact on the marine environment and measures to eliminate excessive capacity in the EU fleet.
- ❖ Seek the swiftest possible resolution to the legal issues that are currently blocking the delivery of fisheries management plans.
- ❖ Improve EU fisheries agreements and demonstrate leadership in international fora, with the aim of ending overfishing, promoting fairness and human rights, improving governance and clearly linking financial aid to the delivery of sustainability objectives.
- ❖ Help secure a greener European Maritime and Fisheries Fund that supports an ecosystem-based approach to fisheries management (which assesses the impact of fishing on every element of the marine environment and its biodiversity), stock recovery and a speedy transition to low-impact fishing.



FALLING  
SHORT

## Vice-President Maroš Šefčovič

### INTER-INSTITUTIONAL RELATIONS & ADMINISTRATION

Transparency was one of the focal points of Vice-President Šefčovič's hearing in the European Parliament, following his appointment in 2010. He committed to a high-quality lobby register, acknowledged that the revolving door issue should be addressed and that rules for former Commissioners should be reflected in the staff regulations by 2012. His promises were well received by those concerned about the influence of industry lobbyists on environmental policy-making.

Two years later, however, he has not delivered. His over-optimistic assessment of the Commission and Parliament joint transparency register overlooks its poor data quality and reliability. Several expert groups, advising on environmental and social matters, are still controlled by industry representatives. The new code of conduct for European Commissioners and the staff regulations also fall short of expectations.

Šefčovič has also ignored several high-profile cases of conflicts of interest, including one concerning former Commissioner Verheugen and others involving high-ranking EU environment and energy officials who are now working as lobbyists. So far, he has failed to adequately tackle EU transparency and has repeatedly refused to meet civil society representatives.

## 2010-2012 track record:

2010 will be remembered as the year of high-profile conflicts of interest. The attempt to fix the problem of Commissioners going through the revolving door at the end of their mandate was too little, too late. It fell short of setting up the safeguards necessary to prevent scandals, such as the one involving former Industry Commissioner Verheugen taking on four private sector jobs and setting up his own lobbying consultancy.

Hope returned in 2011, but it was short-lived. In June, a joint Commission-Parliament lobby register (the so called 'Transparency Register') was set up. However, without mandatory and high-quality reporting, it does not yet live up to its name.

Furthermore, the Commission review of legislation on access to documents was seen by both Parliament and civil society as an attempt to restrict citizen access. This is a very bad sign given that the Commission regularly fails to be as transparent as legally required under existing rules.

## Final stretch — 2012-2014:

- ❖ Commit to a fully mandatory register for lobbyists by 2015 at the latest.
- ❖ Get serious about blocking the revolving door between the Commission and corporate lobby firms: upgrade the code of conduct for Commissioners and do not miss the opportunity provided by the current review of EU staff regulations to tackle the same problem at staff level.
- ❖ Favour proactive transparency and disclosure over secrecy: refrain from restricting the scope of access to documents and actively comply with obligations under current legislation, in particular on access to environmental information under the Aarhus Convention.





EASY RIDER

## Vice-President Siim Kallas

## TRANSPORT

Vice-President Kallas reluctantly accepted greenhouse gas reduction targets in his white paper on transport. But he was quick to downplay them in a Council debate as merely aspirational. Worse, most of his actions seem to be inspired by a desire to increase transport rather than to cut emissions.

He favours policies that further fuel the growth of aviation, the most climate-intensive and subsidised mode of transport. His airport package aims to encourage flying and he was instrumental in keeping the outdated and redundant EU-wide ban on kerosene taxation in the proposal for the Energy Tax Directive.

More generally, he has repeatedly said that transport growth is essential for economic growth, a concept that has no empirical or scientific basis. True to that line, he is trying to lift the ban on the use of 'megatrucks' in international transport. He is preparing a strategy to push alternative transport fuels, without much concern about their environmental impact.

On the positive side, Kallas has put in modest attempts to green and rationalise EU transport investments, believes in the user-pays principle and road pricing, and is trying to make lorries safer and more aerodynamic.

## 2010-2012 track record:

The 2011 transport white paper sets a target for a 60% reduction in greenhouse gas emissions from the transport sector by 2050. But precious little action has been taken to achieve this; indeed, most action is aimed at further fuelling transport growth. An airport package primarily aims at facilitating air transport, further illustrated by DG MOVE's internal working objective to increase air connections by 5% a year and by the refusal to end the ban on taxation of kerosene and marine fuel.

The Commission is on the verge of allowing cross-border traffic with 'megatrucks', contradicting its white paper objectives to move half of long-distance freight transport to rail and water. Furthermore, the proposals for infrastructure spending in 2014-2020, particularly for spending under cohesion funds, pay lip service to climate and energy targets and give a cursory glance to environmental impacts.

On vehicle efficiency, the Commission is set to confirm the 95 grams of CO<sub>2</sub> per kilometre (g/km CO<sub>2</sub>) target for cars for 2020, but appears unwilling to propose any new emission targets for later. Efforts to make trucks cleaner and safer are underway, but with long delays. The Commission has drafted a good proposal to deal with high-carbon sources of transport fuel, but has been deadlocked on biofuels policy for years, despite the evidence on emissions from so-called 'indirect land-use change'.

## Final stretch — 2012-2014:

- ❖ Propose ambitious CO<sub>2</sub> targets for new passenger cars (80 CO<sub>2</sub>/km for 2020 and 60 g CO<sub>2</sub>/km for 2025) and vans.
- ❖ Propose a more effective CO<sub>2</sub> labelling directive to stimulate the uptake of more efficient vehicles.
- ❖ Set out plans to regulate the efficiency of heavy goods vehicles.
- ❖ On biofuels, include emissions from indirect land use change in the renewable energy and fuel quality directives.
- ❖ Propose measures to reduce the climate impact of shipping and trucking, as well as the biodiversity impact of inland navigation.
- ❖ Develop a method to compare climate and environmental impacts of infrastructure projects funded by the EU.

# Green 10

The Green 10 is an alliance of ten of the largest European environmental organisations and networks, with a membership of over 20 million people.

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