

**THE REPUBLIC OF TURKEY**  
**BAHÇEŞEHİR UNIVERSITY**

**THE EU AS A GLOBAL ACTOR IN ENVIRONMENTAL  
POLITICS?**

**Master's Thesis**

**EMİNE BERNA KOCAKALAY**

**ISTANBUL, 2010**



**THE REPUBLIC OF TURKEY**  
**BAHÇEŞEHİR UNIVERSITY**  
**THE GRADUATE SCHOOL OF SOCIAL SCIENCES**  
**EUROPEAN PUBLIC LAW AND EUROPEAN INTEGRATION GRADUATE**  
**PROGRAMME**

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## ABSTRACT

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European Public Law and European Integration Graduate Programme

Thesis Supervisor: Assist. Prof. Dr. Selcen Öner

September, 2010, 83 Pages

The globalisation process is continuing at a dizzying speed while the rapid modernisation process provides new opportunities for the humanity as well as making the new problems to surface and widening the impact of the existing problems. Environmental problems are the main issues that affect the living creatures and leading to an uncertain future for the earth. Environmental problems that threaten the earth and the future of the humanity include the acid rains, air pollution, ozone layer depletion and global climate change.

Widespread environmental disasters arising around the world on one hand, the efforts to ensure free competition and free movement as basic elements of European integration on the other, forced the European Union to develop joint initiatives and a common policy of environment. The environmental policy of the EU that has its roots back in 1970's is one of the most essential policies as well as being one of the international issues where the EU plays an active role. The European Union has developed a very comprehensive legislation on the environment in order to meet the requirement of an environmental policy. This is one of the policy areas the EU has made the less concession. Thanks to this, the EU has become an active policy maker as well as an entity executing these policies. Especially against the global warming, the EU assumed a special position, enhanced the international cooperation and set the agenda. In order to become a global actor, the EU must strengthen its institutions and define a common ground with the member states that have diverging expectations and interests.

**Key Words:** EU, Environmental Policy, Globalization, Sustainable Development.

## ÖZET

### ÇEVRE POLİTİKASINDA KÜRESEL BİR AKTÖR OLARAK AVRUPA BİRLİĞİ?

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Avrupa Birliği Kamu Hukuku ve Entegrasyonu Yüksek Lisans Programı

Tez Danışmanı:Yard.Doç.Dr. Selcen Öner

Eylül, 2010, 83 Sayfa

Dünya üzerindeki küreselleşme süreci baş döndürücü hızla devam ederken, dünyada yaşanan hızlı modernizasyon dönemi insanlığın önüne yeni olanakların sunulmasına ve bununla birlikte yeni sorunların ortaya çıkmasına, mevcut sorunların ise daha geniş çapta etkili olmasına yol açmaktadır. Bu sorunların başında tüm canlıları olumsuz yönde etkileyen ve gün geçtikçe dünyayı meçhul bir geleceğe doğru sürükleyen çevre sorunları gelmektedir. Dünyayı ve insanlığın geleceğini tehdit eden en önemli çevre sorunları arasında asit yağmurları, hava kirliliği, ozon tabakasının delinmesi, küresel iklim değişikliği yer almaktadır.

Bir yandan tüm dünyada baş gösteren çevre felaketleri bir yandan Avrupa bütünleşmesinin temel unsurlarından biri olarak kabul edilen serbest rekabetin ve serbest dolaşımın sağlanması çabası Birlik çapında çevre konusunda da ortak girişimleri ve ortak bir politika oluşturmayı zorunlu kılmıştır. 1970'li yıllarda temelleri atılan AB çevre politikası bir yandan birliğin en temel politikalarından biri, diğer yandan AB'nin uluslararası arenada etkin bir rol oynadığı politikalarından biri olmuştur. Çevre bilincinin oluşması ile başlayan süreçte gereklilik haline gelen çevre politikası bakımından AB çok geniş bir çevre mevzuatı oluşturmuş ve çevre politikası Birliğin en az ödün verdiği politikalarından biri olmuştur. Bu sebeple, AB, uluslararası arenada hem aktif bir politika belirleyici hem de bu politikaları yürüten bir birlik durumuna gelmiştir. Özellikle küresel ısınma ile mücadelede kendisini ayrıcalıklı pozisyona sahip olarak görmüş ve bu konuda uluslararası işbirliğini arttırarak gündem belirleyici olmuştur. AB'nin çevre konusunda global bir aktör olabilmesi için birlik kurumlarını güçlendirerek, farklı beklenti ve çıkarları olan üye ülkelerle birlikte ortak bir politik tutum içinde olması gerekmektedir.

**Anahtar Kelimeler:** AB, Çevre Politikası, Küreselleşme, Sürdürülebilir Kalkınma.

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## ABBREVIATIONS

Eco-Management and Audit Scheme	: EMAS
Environmental Impact Assessment	: EIA
Environment Information and Observation Network	: EIONET
European Coal and Steel Community	: ECSC
European Community	: EC
European Court of Justice	: ECJ
European Economic Community	: EEC
European Environment Agency	: EEA
European Environment Bureau	: EEB
European Investment Bank	: EIB
European Parliament	: EP
European Union	: EU
European Waste Catalogue	: EWC
Directorate-General	: DG
Genetically Modified Organisms	: GMO
Implementation and Enforcement of Environmental Law	: IMPEL
International Panel on Climate Change	: IPCC
National Environmental Action Programme	: NEAP
Non Governmental Organization	: NGO
United Nations	: UN
United Nations Climate Change Framework Convention	: UNCCFC
United Nations Conference on Environment and Development	: UNCED
Organisation for Economic Cooperation and Development	: OECD
Qualified Majority Voting	: QMV

Registration, Evaluation, Authorisation and Restriction of Chemicals	: REACH
Single European Act	: SEA
Special Areas of Conservation	: SAC
World Commission on Environment and Development	: WCED
World Wide Fund for Nature	: WWF

## 1. INTRODUCTION

Pollution of the environment and the damage in the whole universe reached unrecoverable and unprecedented levels. The issue of environment becomes increasingly decisive in both the policies of the world countries and the European Union (EU). Today, the policies on environment and their implementation mechanisms must be finely tuned by all of the national and international actors in order to create an effective tool.

Founded with the vision of establishing a domestic market, it was not long before the EU realized that it could not neglect the emerging worldwide environmental problems in the process of its economic globalization and regional integration. Environmental policies have been incorporated into the structure of the common market on grounds of the necessity of increasing the quality of life. The EU was trying to maintain a beneficial and sustainable development with a view to achieve the environmental standards (Klatte 1999, p.77).

In time, the EU has evolved into a supra-national organization comprised of European nations that have handed over their sovereignty in certain areas. Within this scope, power to formulate international policies to cope with the regional and global environmental problems and to cooperate with third countries and international organisations has been exclusively given with the Union. The EU has thus become a union that was appropriately authorized to identify and execute policies that further expand and reinforce its competence on the subject of environment and emerge as an active policy maker in the international arena (Benson and Jordan 2010, p.364).

The EU has targeted to play a more global role than the United States especially in the context of climate change both thanks to its multiparty institutional structure and its environmental policy which is based on the principle of sustainability. However, it has

recently faced various problems to act in unity with its 27 members on this subject due to the supra-national and national problems stemming from the enlargement process and other external factors (Chaban, Elgstrom & Holland 2006, p.246).

During 1970's environmental protection has become an important issue for the entire world. World countries started the efforts to reach an international framework through conferences and talks. Several agreements were signed through decades and they continued with the Kyoto Protocol in 1997. Since the environmental problems have no boundaries, advanced countries of the world must assume their responsibilities just like the EU. But this approach is in contradiction with the ambition of endless economic growth and the environmental problems are also growing. Many experts fear that in the near future humanity will become unable to compensate the damages to the environment. In order to prevent such a situation all countries should start to focus on saving the environment even if this means to sacrifice their own economic interests (Giorgiev 2009). The success of the efforts to protect the environment depends on the support of developed countries like the US and Japan as well as the emerging countries like India, China, Indonesia, Brazil and Mexico. The most important step on this way was taken in Copenhagen Summit in December 2009 and the "green fund" was founded under the United Nations Framework Convention on Climate Change ([www.countrywatch.com](http://www.countrywatch.com) 2010).

In my thesis I will try to analyze the position of the EU in the world in terms of environmental politics, whether it can be considered as a global actor or not in terms of environmental politics. While searching the answers of my research question my target is to analyze the development and present state of the environmental policy of the EU with a view to provide prospective interpretations and expectations relevant with crucial theme of environment. So I will focus on questions such as how the environmental consciousness was adopted as a policy subject within the Union and despite the development targets and a wide diversity of social, cultural and economical groups,

what is the reason that the EU showed a strong determination about environmental policy.

In this context, EU action plans and principles and the treaties regarding the formation and development of EU environmental policy have been examined in the Second Chapter.

Major areas and components of environmental policy and its implementation process, the instruments that gain significance in the implementation, regulatory actions and the effects of the institutions of the EU, the members states and Non Governmental Organizations (NGO)s on these processes have been analyzed in the Third Chapter.

In the Fourth Chapter, major treaties in this field that include the Kyoto Protocol, which is the most advanced treaty in global sense and the Lisbon Treaty, which is the EU's latest founding treaty as well as the role that the EU played in developing these protocols were put under spotlight and Europe 2020 Strategy which also formulates the EU's environmental policy targets have been interpreted.

## **2. DEVELOPMENT PROCESS OF THE EU ENVIRONMENTAL POLICY**

Main motive behind the foundation of the European Coal and Steel Community (ECSC), which is the seed of what is now the EU was to achieve economic progress. The Treaty of Rome which established the European Economic Community (EEC) provided no clauses on environment as economic growth did not yet fuel any pollution problems in the European Community, as in the entire world, during 1950s (Hull 1994, p.145). The progress in economic sphere within the Community spread to other spheres in time, fuelling the need for establishing political, social and cultural policies. Environmental policy, which is one of these spheres, became one of the priorities of the Community as part of the environmental problems that emerged by a fast economic growth (Weatherill and Beaumont 1999, pp.1030-1058). The policy was formulated and developed as a result of the interest shown for it. Hence, the EC, which was founded on the principle of raising the living standards, decided to take environmental measures at Community level in the face of the fact that environmental problems which are among the fundamental problems of mankind that become bigger each day, and that environmental problems have no boundaries.

United Nations (UN) Environment Conference which was held in Stockholm in 1972 was the first conference emphasizing the importance of the environment. This conference took the attention of the whole world regarding protection and improvement of environment and it also influenced EU to take steps on environmental issues (Kamieniecki 1993, p.10).

The origin of the European Environmental Protection Laws and Regulations dates back to the EC Summit held in the same year (1972) in Paris. Driven by the consideration that the difference between environmental laws and regulations imposed by each government separately are of the size that may lead to the disruption of the equality of

free competition between the member states, and that it would be more beneficial if the Community adopted a common environmental policy in dealing with the environmental problems that know no frontiers compared with the case of each government trying to deal with such problems on its own; the Conference laid down the first principles of what would turn out to be the modern environmental policy (Baker 1997, pp.92-93).

“Environment knows no frontier” was the EU’s slogan in 1970s when the Community started its first efforts of developing its first laws and regulations on environment. First directives were about the testing and labelling of dangerous chemicals, protection of the drinking water and surface waters and controlling of air pollutants stemming from the energy plants and motor vehicles such as SO<sub>2</sub>, NO and particles (Lenschow 2005, p.306). Most of the European Commission directives from 1970s to 1980s were primarily connected with the commitment to improve the living and working conditions of its own citizens. However, it was seen by time that quality of life could not be improved solely by increasing the income and multiplication of the material assets (European Commission 1973, pp.1-51).

All measures and policies were inserted to the founding treaties of the Community via Single European Act (SEA) in 1987 thus becoming the official policy of the Community. Issues and actions on the protection of the environment were previously based on the clause of Rome Treaty " (1957, Article 1), "... the constant improvement of the living and working conditions of their peoples". As provided under the Preamble of the Rome Treaty, and the Article 2 defining the Community’s task;

*... by establishing a common market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it (Rome Treaty 1957 ).*

The clauses in Article 100 of Treaty of Rome concerning the prevention of unfair competition between Member States and Article 235, on strengthening the common market and taking action against any threat against internal market development can be

included under the same group of provisions in addition to the verdict of European Court of Justice in 1985, “Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU) Case” 240/83 ruling that the protection of the environment was one of the main objectives of the Community has been one of the most important pillars in relation to the environment (Bird and Pestana 1996, p.223).

Environmental protection has become a concern for the Community to the extent that it did not block the economic activities until the signing of the SEA. Despite this fact, Environmental Action Programmes pursued until 1987 had an implied character which were designed to introduce a solution to the key environmental problems of their time were among the most important instruments. Although not legally binding, they have been one of the foremost forces behind the formulation of the legislation of the environmental policies which were not provided under the Treaty of Rome. A total of six Environmental Action Programmes have been adopted and enforced until today. These were programs which identifies the environmental problems threatening the EU and the world, and the ways of settlement of these problems, and which invited the Community for action. It was not always possible to fully achieve the environmental targets set forth at Community level, but sole setting forth of the programs and the recognition of the environmental problems have been an indicator of the significance placed on environment highlighting the need to take legal measures on this subject. The First Environmental Action Programme for the period between 1973 and 1979 mainly aimed the prevention of the environmental pollution through adopting the following targets (Barnes and Barnes 1995, p.301):

- a- Adoption of the polluter-pays-principle;
- b- Prevention of pollution at its source;
- c- Considering the environment in all planning and decision-making processes;
- d- Considering the effects of the Community’s policies on developing countries;
- e- Development of international cooperation;

- f- Holding educational activities to raise environmental awareness;
- g- Ensuring realization of activities that fit the purpose;
- h- Coordination and harmonization of environmental programs in all member countries (Horspool and Humphreys 2006, p.394).

With this first course of action on environmental issues ever accepted, EU emphasized on the importance of international cooperation and showed the signs of a strong set of politics on environment being established, not only within the EU but all around the world.

New targets have been defined under the second Environmental Action Programme that covered the period between 1977 and 1981, and previous targets that could not be put into implementation were repeated. In the Third Environmental Action Programme that covered 1982-1986 period, it was stated that implementation and targeting of measures only for the protection of the environment was not sufficient, and that environmental priorities should be transferred to other policy areas as well. Besides, preparation and enforcement works and procedures of the Environmental Impact Assessment (EIA) have also gained impetus (Baker 1997, p.94).

Fourth Environmental Action Programme was for 1987-1992 period and it was enforced following the SEA. It pursued the basic motives identified by the Act and enhanced the understanding of environmental protection by emphasizing that the protection is a requisite for social and economical development (Horspool and Humphreys 2006, p.394).

These four Environmental Action Programmes announced in the period between 1973 and 1992 were mainly focusing on the prevention of environmental pollution however they were not satisfactory due to the high pace of the development of the industry. Fifth Environmental Action Programme, also named “Towards Sustainability”, which covered the period between 1993 and 2000, mentioned sustainable development as

different from the previous four programs, and it supported policies to such ends. After the fifth Environmental Action Programme the basic principles of the environmental policy of the EU were clarified. Climate change, acid rains, air quality, protection of the nature and biologic variety, management of water resources, protection and management of the coastal areas, waste management, and urban environment have been among the priority subjects. Besides, industrial risks, protection from radiation and nuclear security, civil defence and environmental subjects were also dealt with a special care. The Program required addition of the environmental dimension to all policies of the Community, and attachment of special care to the development of international cooperation (Hey 2004, p.23). The Principle of Sustainable spreading as a strong wave in the EU the environment associated directly with the economics. The environment and economics being already in liaison across the continent, EU proved to be one of the most influential actors of the international stage.

Sixth Environmental Action Programme which covers the period 2002-2012 describes the Community's priorities on environment until 2010. This Program, named "Environment 2010: Our Future, Our Choice", set the following priority targets;

- a- Prevention of the climate changes,
- b- Protection of natural and bio-varieties,
- c- Protection of the damages of environmental pollution on human health, and
- d- Sustainable use of natural resources and improvement of waste management (Horspool and Humphreys 2006, p.398).

"Introductory Chapter" of the Program started with the following fundamental questions and descriptions:

*What sort of environment do we want for ourselves? What sort of environment do we want for our children and grandchildren? All of us should admit that the air we*

*breathe, the water we drink and the food we eat should be clear of hazardous pollutants. We would like to avoid ourselves from the uncertain threats of the climate change. A clean and a healthy environment is of vital importance for the life quality that we wish for us today and for our children and grandchildren tomorrow (http://eur-lex.europa.eu 2010).*

This program made it possible to deal with global environmental problems; it underlined the significance of the existing natural resources and environmental values. It emphasizes the sustainable development and calls for cooperation among actors for the implementation of the policy tools.

## **2.1. LEGAL GROUNDS OF THE ENVIRONMENTAL POLICY**

Regulations regarding the EC's environmental policy, which gained a legal framework with the SEA in 1987, were previously based on the clauses of Articles 100 and 235 of the Treaty of Rome on competition before the enactment of the SEA.

The Treaty of Rome was amended by the SEA in 1987 as part of the strategy based on gaining further depth to integration in Europe and formation of the domestic market, under which environmental issues were included to the new Chapter VII for the first time (Nicoll and Salman 2001, p.300). Chapter VII which is consisted of Articles 130r, 130s and 130t targeted the protection of the environmental quality, protection of human health, wise use of the natural resources, asserted the necessity of integrating the principles of prevention at source and polluter pays and protection requirements to other policies of the Community (Bird and Pestana 1996, p.212). These newly-inserted articles drew the legal framework of the common environmental policy; determined the targets and scope of the policies and applications adopted by the Community for the protection of environment; explained the distribution of authority in this field; and developed an official identity as a "Union Policy" to the "environmental policy" on which there were arguments on whether or not it was part of the legal acquis of the Community until then. Aside from these provisions, Article 100A which replaced the

previous Article 100 of the Founding Treaty of EEC clarified the relationship between the environment, human health and labour with the realization of the target of the single market (Mathijsen 2004, p.411). On the other hand, Community's founding treaty was amended by the SEA and the Council was authorized to take measures for the protection of the environment on the basis of high level protection. The EC has become the party to many international treaties on environment following 1987.

Before signing of the Maastricht Treaty, an atmosphere of broad consent existed for the expansion of the content of the environmental policies established up until then and for clarification of the subjects on distribution of authority in particular. Consequently, the Treaty managed to introduce some novelties within the scope of the clauses related with the environment (Mathijsen 2004, p.413).

Signed in 1992, the Maastricht Treaty brought about some novelties on the common environmental policy taking into consideration the Rio Conference at which EU was a party. Sustainable development policy has been made one of the fundamental targets of the EU, although not yet a part of treaty text, by the insertion the expression of "a sustainable, steady and non-inflationist development which respects the environment" to the Article 2 which defined the main targets of the Community in the introductory chapter of the Maastricht Treaty (Nicoll and Salman 2001, p.301). For the first time ever, "environmental protection policy" was inserted to the Article 3 which listed the fundamental policies. This regulation formally rendered the common environmental policy one of the Community's policies (Kent 2001, p.340).

Significant amendments have been aimed to be made in the legal framework of the common environmental policy via the Amsterdam Treaty which became effective in 1999. The concept of sustainable development has been included to the Community's foundation purposes and main targets in addition to the introductory chapter of the Treaty. Hence, sustainable development with a focus on environmental aspects has been further expanded with the Amsterdam Treaty (Mathijsen 2004, p.412).

The measures required to be implemented for protection of the environment and ensuring the sustainable development have been integrated into the definitions and applications of all Community policies within the framework of a new article inserted to the Founding Treaties (Jones 2001, p.348). The procedure for informing the Commission and approval of all kinds of measures have been clarified as would be applicable to the cases where member states intend to take different national measures for the protection of the environment and human health aside from the measures provided within the framework of the EU harmonization laws and regulations. This amendment would make it possible to prevent the measures to be taken by some individual member states for the protection of the environment from having negative effects on the functioning of free trade and single market (Jordan 1998).

Environmental norms were raised to a higher level gaining them a more prominent character with the Nice Treaty signed after the EU summit in December 2000. This agreement has not brought any different determination regarding environment (Lenschow 2005, p.309).

The international treaties, which are accepted as the written sources of the European Community's law, consist of treaties ratified by the Union itself as a legal entity, mixed treaties ratified by the Union and member states jointly, multilateral treaties ratified by all the EU's member states, and case-laws of the Court of Justice.

According to Article 174 of the Treaty of European Community, development of measures on international level to deal with regional and global environmental problems is one of the instruments of EC environmental policy. Under this treaty, the Community can collaborate with third countries and international organizations. Although this possibility has recently been acknowledged by the Maastricht Treaty, the Community has become a party to international conventions on environmental protections since the 1970s. The EU's role in international environmental policy in ERTA case, emerged as an important benchmark. Community typically legislate first, than uses his powers

outside. The court's case law did not clarify whether the Community will be represented in the international arena by the Commission or the Council Presidency. The Commission is not necessarily the representative in face of the international community; the Council Presidency may also fulfil this role. Besides, the court decision did not change the international status of the member states (Sbragia 1997).

The Community is currently a party to more than 30 conventions and treaties relating to the environment, and actively takes part in such negotiations within its competence that lead to those treaties. In this context, the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention for Protection of Mediterranean Sea against Land-based Pollution, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol can be given as examples of international treaties to which the EU has become a party. Furthermore, the Community participates in activities and negotiations that occur under the framework of international organizations and programmes, especially under the auspices of the UN with the observer status (Sbragia 1997). The Community, taking also part in the activities of UN Commission on Sustainable Development, has recently ratified the Kyoto Protocol as well.

## **2.2 THE MAIN PRINCIPLES OF THE EU ENVIRONMENTAL POLICY**

Several basic principles have been adopted by EU institutions in time as the pillars of the environmental policy and these guidelines have gained a legal foundation in time which still affects the policies of the EU today. Therefore we have to understand these major principles in order to explain the past and future actions taken in the field of environment.

Polluter pays principle, being one of the fundamental principles of environmental policy, was accepted in the First Environmental Action Programme. It had been brought up at first by the Organisation for Economic Cooperation and Development (OECD) in

the early 1970s, and has begun to be used in the practice since then. This principle implies that the polluter should meet the cost of measures taken to eliminate the damages inflicted upon the environment (OECD Monograph, 1992). The principle, having a certain economic rationale, aims to recover the costs relating to both the environmental pollution and the elimination of such pollution beyond simply aiming to protect the environment. Implementation of the polluter-pays-principle has been one of the factors that led to the development and enforcement of economic tools and instruments on the subject of the environment.

Precautionary principle is rather a legal approach. Although the possible dangers resulting from activities that might be a problem in terms of environment cannot be scientifically foreseen, this principle implies that the necessary measures should be taken. The idea that the results of an environmental danger might become visible only after several years and that it might not be always possible to eliminate such results constitutes the basis of this principle (Mathijssen 2004, p.412). Polluter-pays principle was originally developed with financial concerns. However, eventually this principle became an indicator of Community's sensitivity to environmental issues.

This principle was declared in the Rio Declaration of UN Conference on Environment and Development as follows, and it was also included in the Maastricht Treaty for the first time:

*In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation (Rio Declaration Principle 15 1992).*

Having signed under the principle as part of union-wide treaty, EU executes its environmental policy on a global level. Because the EU adopted this existing, internationally well-accepted principle and built its policy around it.

Prevention Principle is based on the idea of intervening the possible environmental problems before they occur in reality. The Third Environmental Action Programme made a reference to this principle, and its legal basis had been established by the SEA and conserved in other founding treaties (Horspool and Humphreys 2006, p.394).

Cooperation Principle is one of the most significant principles aiming to prevent the global pollution. Since the impact areas of environmental problems are quite extensive, it is necessary to support cooperation and co-ordination both within the Union and in the international arena to succeed in implementing the environmental policies. The cooperation principle has been incorporated into the EU environmental policies with the Fifth Environmental Action Programme (European Commission 1997, pp.9-10).

The integration principle, implies that environmental protection measures, which are essential to the achievement of sustainable development, should be made coherent with all policies of the Union. This principle, which aims to integrate the environmental protection into the other policies of the Union, constitutes one of the fundamentals upon which the Community would carry on its activities. In accordance with the Article 6 of the Amsterdam Treaty, the requirements of environmental protection have to be articulated with other policies and activities of the Community to promote the sustainable development. Free movement of goods and competition policy have always been among the most affected policy areas since the beginning of the European integration process. Achieving free competition and free movement, which are regarded as the basic elements of European integration, requires to take joint initiatives and to build a common policy on the subject of environment (Lafferty and Hovdene 2003, p.1-22).

Implementation of different environmental policies in member countries, and especially determination of different environmental criteria, may also cause differences in product costs. Similarly, the quality standards determined by some member countries may prevent the entry of certain products produced in other member countries. Furthermore,

investments that have been seen as necessary to prevent air and water pollution in some member countries may substantially increase the product costs. For such and similar reasons, free movement of goods and free competition among the member countries may not be achieved at a full extent. In order to prevent this situation, the common environmental policy has been prepared and other policies have been made coherent with the environmental policy (Moussis 2007, p.313).

Subsidiarity principle is based on the idea that if the objectives of any arrangement can be attained better at Community level, such arrangement then should be done by the organs of the Community, and that otherwise it should be left to the member states. The meaning and content of this principle has been established in constitutional terms while the SEA and the EEC Treaty's Article 130r (4), which was related to environmental arrangements, was prepared, though its name never openly stated (Nicoll and Salmon 2001, p.300).

The subsidiarity principle could only be incorporated into the European Union law with the Maastricht Treaty in constitutional terms (Liberatore 1997, p.112). According to this article:

*The community shall take action relating to the environment to the extent to which the objectives referred to in first paragraph can be attained better at Community level than at the level of the individual Member States (Article 5 1992).*

If the Union cannot attain an intended objective at a full extent by actions of member states, and hence that objective can be attained better and more efficiently through the action of the Community, the Community will be supposed to act in such manner. Furthermore, according this principle if the action will be done by a member state, it should be done by the practices of local administration standing close to the people as much as possible (Bongaerts 1994, p.164).

Another principle of the EU is that all the institutions with legislative powers shall aim to provide high level of environmental protection by taking account of regional variations across the Community. The high level of environmental protection principle, being one of the essential principles of the European environmental policy, is also included in Article 2 of the Treaty of EC.

Sustainable development as a major principle brings with it a completely new viewpoint on environment. Based on the assumption that economic development is fuelled and limited by the environment, this viewpoint underlines the importance of ensuring a continuous and balanced development without wasting the environment in order to increase human welfare by also maintaining economic development. Along with this framework, the Community accepted the principles of sharing protective and preventive actions and responsibilities as fundamental to its program (Baker et al. 1997, p.6).

Human beings have long-time ignored the environmental problems caused by economic and industrial development as they believed that the natural resources they own are unlimited. However, this model of development have disturbed the economic-natural balance in disfavour of nature, and hence, it lead to deterioration and reduction of both environmental quality and natural resources. Emergence of negative impacts of these problems on the living fuelled an environmental awareness on a global scale accompanied by significant steps towards prevention of environmental pollution at international arena (Lauber 1994, p.248).

The sustainability had become the main theme of ecological discussions in 1970s, and in just 10 years, the idea of sustainability has soon gained an important place in national and international environmental movements. Sustainable development has first received international recognition with the UN Conference on the Human Environment that met in Stockholm in 1972 and drew the attention of humanity to the ecological problems and it was after this conference that the UN Environment Program was established. This conference highlighted two subjects of “anthropocentric” and “protection of the

resources of the future generations” as the two basic elements of sustainable development within the framework of the “eco-development” that highlight the balance between ecology and development. Then, sustainable development as a concept acquired popular momentum with the publication in 1987 of “Our Common Future”, the report of the UN World Commission on Environment and Development (WCED), also known as the Brundtland Report (Baker et al. 1997, pp.3-4).

The sustainable development, which depends on the premise that society, economy and environment constitute an inseparable unity, promotes the idea that the natural resources required to sustain the human life should be protected while the life quality of human beings is also improved. Sustainable development is an approach that aims to protect the natural life together with human beings, that integrates the protection and efficient use of environment into economic growth and better living standards (Sheate 2003).

Sustainable development has three dimensions:

Social; we should explain the benefits arisen from the improvement of life quality to the people by emphasising the fact that both themselves and the future generations will benefit from it.

Economic; given the fact that every resource on the earth is limited, we have to research how we can efficiently utilize any resource for the purpose of improving the life quality of human beings.

Environmental; we should aim to utilize any resource in a way to maintain its continuity (World Summit for Social Development, 1995).

Global heating, depletion of ozone layer, reduction in the variety of animal species and plants, negative effects of the widespread pollution of air, water and soil, and these environmental problems gaining an increasingly global character have all made it apparent that economical and environmental spheres are in interaction and hence should be taken together. First comprehensive warning as to the need for inclusion of the

mutual dependence to the economic development policies came as early as 1972 with the publishing of the Club of Rome's report entitled "Limits of Growth" (Moussis 2007, p.314).

Sustainable development has been defined in many ways, but there is no internationally agreed definition of term sustainable development. The most accepted definition is from *Our Common Future*: 'Meets the needs of the present, without compromising the ability of future generations to meet their own needs'. The report sought to address the problem of conflicts between environment and development goals by formulating; economic development cannot stop, but it must change course to fit within the planet's ecological limits and made a great contribution by emphasizing the importance of sustainable development (The Brundtland Report 1987).

This report introduced a different approach to the subjects of "anthropocentric" and "protection of the resources of the future generation" which are two fundamental elements of sustainable development and tried to ensure an agreement on the definitions of the anthropocentrism and biocentrism approaches. The purpose of this approach was the establishment of not only political consensus between the governments, but also reaching to a consensus between the business world, scientific organizations, NGOs, and environmentalist organizations (Richardson 1997, p.46).

Sustainable development has become an active policy matter only after the Rio Summit in 1992. UN Conference on Environment and Development (UNCED, The Earth Summit) defined political responsibilities of the countries about the environment, in spite of not being legally binding and led to an action program covering many aspects of environmental conservation and sustainable development. In the Summit, international agreements on climate change and biodiversity and a statement of principles on forests were issued and declared in a declaration called 'Agenda 21' (Dinan 1999, p.419).

In 2002, the World Summit on Sustainable Development, informally known as Rio+10, was organized in Johannesburg to evaluate the implementation process of decisions taken in the Rio Summit and to discuss the latest position of countries regarding the preparation of their own sustainable development strategies.

The summit has emphasized how sustainable development is a possible alternative to the present pattern of economic-social growth and how Agenda 21 represents a powerful long term perspective and also marked a further expansion of the standard definition with the widely used three pillars of sustainable development: Economic, social, and environmental. The Johannesburg Declaration created “a collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development at national, regional and global levels” while the three pillars were rapidly adopted, there was no universal agreement as to their details (Lorinczi 2005, pp.13-14).

“The Johannesburg Declaration on Sustainable Development” was announced at the end of the Summit. After lengthy negotiations an “Implementation Plan” for the next 15 years was prepared and all the member countries accepted this plan.

Sustainable development is one of the main tasks of the treaty on the EU: The goal of sustainable development is listed in Article 2 of the Treaty on the EU (1992), “The Community shall have as its task, (...) to promote throughout the Community a harmonious, balanced and sustainable development of economic activities.” In order to achieve this goal:

*Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities referred to in Article 3, in particular with a view to promoting sustainable development (EC Article 6 1997).*

As it can be seen from the Treaty document, the sustainable development has been accepted as an indispensable principle not only to protect environment, but also to attain the Union's objectives.

The SEA was the first official document that has provided a legal ground for the idea of sustainable development in environmental policy. Three objectives were identified by the SEA: Protection of Environment, Human Health and Sustainable Utilization of Natural Resources. This arrangement has laid the foundations of an environmental policy that would be developed toward the sustainable development. In addition, the inclusion of environment concept within the definitions and implementations of other EU policies, and its association with these policies have been recognized as a fundamental requirement to attain the objectives of sustainable development. This principle, then, was officially accepted with the Maastricht Treaty (Bird and Pestana 1996, p.212).

During the same summit, the European Commission has accepted the Agenda 2000, a document that concerns with the possible problems with which the EU will have to face in the 21<sup>st</sup> century, while the expansion issue being also considered.

The European Commission concluded in Agenda 2000 that,

*None of the candidate countries can be expected to comply fully with the (environmental) acquis in the near future, given their present environmental problems and the need for massive investments (Commission 1997a, p.67).*

With the Amsterdam Treaty which was signed at the end of summit, the concept of sustainable development has become one of the top priority objectives of EU, and the EU's commitment to the idea that its future development should rely on the principle of sustainable development and high level protection of environment was significantly reinforced (Jones 2001, p.348).

The EU also ratified the Agenda 21, which was the global agenda of sustainable development in the UN Conference on Environment and development convened in Rio de Janeiro in 1992 which underlined that EU is committed to support sustainable development not only within its own borders but also around the world (Hull 1994, p.155).

The EU's Fifth Environmental Action Programme was the most significant response that the Union has given to the UN Conference on Environment and Sustainable Development. The EU aims to create a mechanism that would be used to integrate its principle of sustainable development into all of its fundamental policy areas until the end of the "Toward Sustainability" programme period, which targets to guide the Union's growth in line with the objectives of sustainable development (Horspool and Humphreys 2006, p.397).

Targets of the Program were the same as the opinions explained at Brundtland's report. The Programme provided for environmental protection and sharing of the responsibility between all industries, as well as implementation of the sustainable development model at all policies and industries of the Community. It placed particular stress on five major industries of manufacturing, energy, transportation, agriculture, and tourism due to their existing and potential impacts on the environment and their roles within the permanent development target. EU added a socio-political dimension to the concept of sustainable development by further enlarging its viewpoint after Brundtland report. However, it was also true that economy enjoyed bigger care compared with environment as it is apparent from the general approach of the program (Baker 1997, p.97).

In 1998 Cardiff Summit, it was declared that the inclusion of environment issue within the definitions and implementations of other EU policies, and its association with these policies should be recognized as a fundamental requirement to attain the objectives of sustainable development. In the light of this principle, the foundation has been laid for the joint action works at the level of the EU to integrate environmental issues into other

policy areas. These works have begun to be implemented in energy, transport and agriculture (Jones 2001, p.348).

Sustainable development is a principle, which prescribes to meet current needs and expectations without jeopardizing the needs of future generations. This principle, characterized with the motto of “We have borrowed this world from future generations”, suggest that the humanity should not imperil the needs of future generations while trying to continue its development (www.europeangreens.org 2010). In other words, it prescribes to meet current needs and expectations without compromising the needs of future generations.

The principle of the sustainable development which is one of the main pillars of the EU environmental policy is built on the idea that economic development could be maintained through protection of environment. The EU opted to prepare environmental protection policies which are in harmony with the sustainable development rather than adopting sustainability policies for the protection of the environment and prevention of the pollution at all costs. This idea which lies at the base of the sustainable development principle treated the environment as second priority by solely sticking to the sustainability of the economy and punctuated that environmental protection would follow the economic development only (Gerald *et al.*, 2001).

At the Lisbon Summit organized by the EU Council in 2000, it has been agreed upon implementing economic and social reforms so as to realize the objective of making the EU the most competitive and dynamic knowledge-based society in the world by 2010 (Oltean and Rascolean 2008, p.56). While the economic and social dimensions of the strategy have been determined at the Lisbon Summit, the environmental dimension has been added later at the Gothenburg Summit held in June 2001.

At the Gothenburg Summit, it was agreed upon adding some articles to the environmental policy to maintain the sustainability of Lisbon Strategy's objectives, and the relationship between economic development and utilization of natural resources has been further emphasised. In addition, the first sustainable development strategy of EU has been set forth at the Gothenburg Summit (Wheatly 2004). This strategy was reviewed in 2005 and it was eventually ratified at the Council Summit in June 2006. The strategy recognizes the need to gradually change the unsustainable patterns of consumption and production, to actively follow policy implementations and management to attain this objective, and to strengthen the cooperation with partners outside the EU and on a world scale in general. The strategy also sets seven key priority issues, many of which are predominantly environmental.

- a- Climate change and clean energy
- b- Sustainable transport
- c- Sustainable consumption and production
- d- Conservation and management of natural resources
- e- Public health
- f- Social inclusion, demography and migration
- g- Global poverty and sustainable development challenges

The EU, which has made the environmental policies the foremost and the principal of its entire policies, has also developed the environmental awareness in addition to the economic development thus, giving a higher profile to the concept of sustainable development (Moussis 2007, p.314).

### **3. IMPLEMENTATION OF EU ENVIRONMENTAL POLICY**

The EU having a long time legislative experience, has achieved a common level of environmental standards and practices among the member states. Adoption of a directive meant taking up the standards of the most advanced member states for the others. The EU legislation have indeed pioneered the rest of the world in many fields such as testing and labelling of dangerous chemicals, controlling of bio-technological researches and products, and prevention of major industrial accidents. “Environment” has been given a significant place in the Treaty of the EC since 1987. The implementation and enforcement of the EU laws rely on national laws and authorities, since the large part of EU Environmental Legislation is composed of directives that have to be both implemented and made to be implemented by member states (Barnes and Barnes 1999, p.305).

It is an important problem that sometimes member states don't have the necessary institutions, staffs, monitoring processes and penalties, which would make the Union laws applicable all the time and everywhere (EC Communication 2008).

What is important today is to improve the integrity, coherence, scope, management and enforcement of the EU's Environmental Legislation. For this purpose, various measures are being taken: The industry and the public should participate more actively to the making of laws; implementation should be closely monitored and reported; instead of independent and narrow-scoped directives, a framework directive should be enacted for each industry; penalties should be imposed by member states for the breach of national laws which help enforcement of the EU laws; for the lawsuits relating to environment, penalties should be imposed on the member states which do not abide by the decisions of the Court of Justice (Knill and Lenschow 2010).

The Commission employed this new procedure in 1997 for first time. Six different lawsuits were open against the member states that did not abide by the previous decisions of the Court. The results have been positive, and in most cases, the member states have made the necessary changes to make their national laws coherent with the Union laws. The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an unofficial organization established by the environmental authorities of member states, which spend a joint effort to improve the coherence and implementation power of the EU's environmental law. The IMPEL working groups deal with various issues such as industrial permits, conformity assessment and auditing, management of regulation processes and transboundary transportation of wastes (The EU network for the IMPEL 2010).

The one of the area in which the EU has been most active is the issue of air. The EU's policy on air quality has aimed to develop and use suitable instruments that would improve the air quality since the early 1970s. It tries to attain this objective by controlling the emissions caused by mobile sources and by integrating the environmental protection requirements into the transport and energy sectors. Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management ([eur-lex.europa.eu](http://eur-lex.europa.eu)) has a crucial importance as it has established a community framework by determining targets and standards on management and assessment of ambient air quality (Grant and Feehan 2007, p.323).

The Union's policy on the protection of air quality covers a wide range of air-related problems, and the EU has accepted various directives relating to targets such as controlling chlorofluorocarbons and halons that result in damage on the stratosphere ozone layer. Reduction of SO<sub>2</sub> and NO<sub>2</sub> emissions on the basis of the Convention on Long-range Transboundary Air Pollution", gradual reduction of greenhouse gas emissions, prevention of acid rains on the basis of the UN Climate Change Framework Convention of 1992, and the prevention of air pollution caused by transport (Bird and Pestana 1996, pp.233-240).

Protection of water resources is one of the environmental policies in which the Union has made comprehensive arrangements. Its objectives can be listed as follows: Reduction and prevention of pollution to improve the water quality, conservation of aquatic environments, improvement of aquatic ecosystems, and mitigating the effects of floods and droughts. The Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community was the first directive relating to the water policy (Bird and Pestana 1996, p.258). After this directive that aimed to protect the surface waters, various directives relating both to the determination of water quality (drinking water, potable water) standards, and to the observation of polluting emissions have been ratified. The Community has also ratified the Water Framework Directive 2000/60/EC on the conservation of water, which is one of the most important environmental problems on a global scale as well, and it targets to eliminate organic pollution in surface and coastal waters by the end of 2010 (The official website of EC 2008).

The elimination of natural resources and living species has reached a remarkable dimension in the second half of the 20<sup>th</sup> century, and regarding the continuance of humanity, the importance of preserving environment has gradually increased. The humanity has also begun to realize how much it is dependent on the natural resources, and to take measures for a sustainable development. In this context, the EU showed political determination and took first steps in 1979. In the EU's geography, two important directives have been prepared under these conditions. The Council Directive 79/409/EEC of 1979 on the Conservation of Wild Birds (Birds Directive) relating to the conservation of geographical areas that have importance for the protection of wild birds and the continuance of their breed, together with Council Directive 92/43/EEC of 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitat Directive), has laid the foundation of Natura 2000 Network, a network of nature protection zones in the EU (Christiansen and Piattoni 2003, pp.96-98). The Natura 2000 Network covers the protection zones in the EU, which consist of "Special Areas of Conservation" relating to the Habitat Directive and "Special Protection Areas" relating to the Bird Directive (The official website of the EC 2006). Criteria for determining and

protecting these areas are explicitly defined in directives; however, all the responsibility of taking necessary steps is left to the member states. Although the Commission leaves all the responsibility on these areas to the member states, it allocates considerable amount of funds for protection works. In particular, the EU Life Programme is one of the important fund sources on this area (The official website of EC 2009).

Important habitat and living species that are listed in the annexes of directives are taken into account while determining the Special Areas of Conservation (SAC). This list of areas is then submitted to the committee of scientific advisors working in the European Commission, and following the assessment procedure, the approved areas should be declared as SAC by the Commission and member country within 6 years at most (The official website of the EC 2010). In addition to Birds and Habitat directives, which form the basis of the EU's policies of nature conservation, there exist several related directives and regulations in the EU such as Council Directive 83/129/EEC of 1983 concerning the importation into member States of skins of certain seal pups and products derived, Council Regulation (EEC) No 348/81 of 1981 on common rules for imports of whales or other cetacean products, Council Decision 82/461/EEC of 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals. Conservation of migratory species, Bonn Convention) and Council Regulation (EEC) No 3254/91 of 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards. In short, natural resources and living species that the EU member countries have are treated as a part of the EU's "values". The EU guides the member countries for the purpose of taking every kind of measures to protect these resources and species, and it also sets requirements with which the member countries should have to oblige. The EU, which has determined more than 26,000 areas of protection covering more than 850,000 km<sup>2</sup> in the last 30 years, has eventually put more than 18 percent of EU's geographical area under protection (The official website of the EU 2006).

Council Directive 75/442/EEC on Waste forms the basic framework of EU's waste management. The legislation on waste management is build upon on various directives relating to issues such as collection, elimination and processing of wastes, packaging and packaging wastes, cross-border transportation of dangerous wastes, incineration and damping of dangerous wastes (europa.eu 2010). The Union's policy concerning this matter includes the following elements: Improving product design, eliminating waste at source, encouraging the recycling and re-use of waste, reducing pollution caused by waste incineration, achieving self-sufficiency in waste disposal, and building facilities to establish a suitable network of waste disposal (Bird and Pestana 1996, p.240).

Modern society benefits from chemicals in many ways. They have a variety of areas of use such as food production, pharmaceutical industry, textile industry and automotive. They also have a crucial significance for people's social wealth and economy in general. The issue of dangerous chemicals has always been among the top priority areas of interest in the Community legislation on environment, the Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances was ratified in 1967, and a number of directives has been accepted to set common standards until today. General objectives of Community policy on chemicals are to improve the protection of human health and the environment from the hazards of chemicals and to enhance the competitiveness of the EU chemicals industry (Bird and Pestana 1996, pp.251-252). The REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) regulation, which has entered into force in 2007 as a new European Constitution relating to chemicals, has called the attention to the weak points of the existing system and it aims to improve the protection of human health and environment through better identification of the properties of chemicals at an earlier stage. In an era in which the use of chemicals is increasingly widening, the REACH regulation aims to gradually strengthen the EU's innovative capacity and competitive power on chemicals (The official web site of EC 2010).

On the other hand, Genetically Modified Organisms (GMO), which can be defined as plant and animal organisms whose genetic characteristics have been changed by artificial means or which have been formed by a combination of different genes, are organisms which are resistant to different conditions. EU Regulation No. 1829/2003 on the use of GMOs provides quite strict and cautious conditions on the use of GMOs. Referred regulation's provisions also include the subjects of effects on human health, protection of the environment, and sensitivity to the socio-economic problems, etc. Additionally, the Regulation (EC) No. 1831/2003 providing for the traceability and labeling of the GMOs also emphasize the significance placed by the EU regulations on the human health. All human food or animal feed is assessed from the perspective of their security for health at a maximum level before their introduction to the market, and these products are labelled in an apparent way to ensure the consumers' health and security. Besides member countries are entitled to ban the use or sale of such products within their countries provided that they detect any threat on human or animal health from these products by providing an explanation accordingly. Faced with the public reactions in their countries, some governments even impose rules and restrictions on the total ban of the GMOs in their countries (The official website of EC 2006).

Before the 1980s, it was hardly possible to find any important EU legislation relating to industrial equipments. The Council, taking the acid rains into account, ratified the Directive 84/360/EEC on the combating of air pollution from industrial plants. Industrial production processes have a significant weight in overall pollution in Europe and it is necessary to prevent their acting as an obstacle for conditions of sustainable environment. These directives and regulations cover three areas: Controlling industrial emissions, controlling damages caused by major accident, and environmental audits and eco-labelling (Bird and Pestana 1996, p.237).

The Article 174 of the EC Treaty aims to provide a high level of environmental protection taking diverse conditions in different parts of the Union into consideration. The EU is sensitive to all environmental problems around the world and has developed

the highest standards of environmental rules and regulations in the world. Today, it is essential for the EU to develop the integrity, administration and enforcement of the Environmental Legislation. By means of its environmental legislation, the EU is trying to develop the minimum standard within the Union itself while imposing them to the neighbour countries through the international cooperation and enlargement processes.

### **3.1. THE ROLE OF THE MEMBERS STATES**

#### **3.1.1. The “Leader” Member States in EU Environmental Policy**

Development of environmental policy regulations in some member states during 1970's, environmental policy developments in US and Japan and social movements demanding more environmental protection have triggered the first steps of environmental regulations at community level. However the desire for community level environmental protection was reduced by several events such as oil shocks in 1973 and 1979, acid rain in 1980, Chernobyl nuclear accident in 1986, discovery of ozon layer hole in 1986, toxic waste spill to Rhine, rising public awareness of global warming theories towards the end of the decade (Schreurs 2005, pp.33-34).

The real push to prioritize environmental protection began in the mid 1980s as environmental protection became an increasingly important policy concern in several member states Germany and Netherlands, which are founding members of the Union and Denmark, which joined the union in the first wave of enlargement, have been the pioneers of the environmental regulations. Under the pressure of the steps taken by these “leader” states, the council had to introduce more and more ambitious legislations (Benson and Jordan 2010, p.364).

Netherlands selected a way of consensus among the actors of civil society. The arrangements aiming at the protection of the environment were based on several

agreements or “covenants” signed between business associations, local authorities and environmental groups. Another important aspect of the success of the efforts Netherlands is the strong membership basis of the environmental organizations which increased the tendency to comply with the regulations (Lieverink 1998, pp.86-106). The utility companies in Denmark and Germany were required to procure a certain percentage of the energy they distribute from renewable sources. Denmark is among the EU members where environmental awareness is at highest levels. Green consumerism has become almost a rule in this country which is also the leader of wind power technologies and utilization. 17 percent of the electricity used in Denmark comes from wind power plants. These are the results of the strong environmental movement (Schreurs 2005, p.37).

Although many member states have shown many efforts, Germany has played the major role on environmental issues. Germany was not on the forefront during 1970s but the environment has become one of the most important policy issues for this country after the acid rains in 1982 resulted in mortalities (Weale 1992). Germany has always been one of the leaders of environmental protection within the EU. It adopted many measures earlier than other EU/EEC countries. However, this resulted in calls from German business circles for fair competition conditions within the Union. They asked that their competitors in the other member states should be subject to same environmental protection requirement and incur the same costs of these measures. Therefore one of the major aims of Germany within the Bloc is to make the EU to take tougher environmental measures in order to protect German industry, which faces tougher domestic regulations on environment. Otherwise this would result in unfair competitive conditions against Germany (Schleicher 1997, p.44).

The national awareness on environment in Germany has geared up and environment became a political issue as a result of a series of factors such as protests against war, pacifism, and national reaction towards arming movements, militarism and nationalism as well as student activism after the World War II. The Greens movement, based on the rising environmental awareness and together with the citizens movements resulted in

the establishment of a political green party. In 1983 the Green Party entered the parliament and after this brilliant start, the Green Party increased its support every year and became an important source of power in domestic politics of Germany. The coalition government formed in 1998 by the Green Party with social democrats transformed the political landscape considerably. In fact, Social Democrats and Christian Democrats were already forced by the existence of the Greens to enhance their own green policy preferences (Schreurs 2005, pp.33-34).

The coalition of 'green' northern states, Denmark, Germany and the Netherlands was reinforced by a wave of enlargement in 1995 that brought in Austria, Sweden and Finland as environmentally progressive states (Johnson and Corcelle 1995, pp.10-11). These countries had conducted challenging negotiations within the EU to have the Union toughen its regulations on some environmental issues and brought up some issues that are not covered within the EU environmental policies to the agenda. Among those policies, the principals are packaging waste reduction, recycling, renewable energy production, acid rain and climate change mitigation (Schreurs 2005, p.37).

The stringent implementation of environmental rules in Austria, Finland and Sweden also mentioned in a communication adopted by the Commission in 1998. The commission stated that these countries' rules were stricter than the Community rules and that their accession was helping the Union to strengthen its own environmental rules (European Commission working document 2000).

Compared with other enlargements, the fourth enlargement of the EU in 1995 is mainly regarded as having had a positive effect on the environmental policy of the EU. The enlargements paved the way for stricter environmental rules and regulations and the number of green member states increased. The other member states that previously did not prioritize the environmental protection got under pressure to rise their own environmental standards.

### **3.1.2 The “Weaker ” Member States in EU Environmental Policy**

The environmental standards in the United Kingdom, which became a member in the first wave of enlargement, have always been a very important problem. The UK was considered as “the dirty man of Europe”. However after the Labour Party came to the power in 1997, the UK assumed a role of leadership within the Union on environmental issues (Grant and Feehan 2007, pp.316-317).

Meanwhile, Ireland, which was accepted to the membership at the same time with the United Kingdom, Greece, which joined the Union in the second wave of enlargement, as well as Spain and Portugal, which joined the union in the third wave, have always seen as the laggards of the Union. Their economies and environmental movements are far less developed than that of the original EC member countries. Therefore they did not care much about protection of the environment due to their ambition of speedy development. Compliance with the environmental rules was hardest for these states (Borzel 2003).

The group of former Eastern Bloc countries as well as Cyprus and Malta joined the EU in the latest and biggest wave of enlargement. Bulgaria and Romania have also joined in 2007. These countries have a primary target of economic development which forces them to be reluctant in adopting the environmental standards of the Union. The capacity of the eight Central and East European Countries (CEECs) to develop and implement the environmental policy is said to be lower than the old EU-15 countries because of the challenges they face during the transition period from socialism to the capitalism. The prospects of their active participation at the EU level is also described as bleak (Jehlicka and Tickle 2004, pp.77-95). Indeed their people do not seem to have high demand for environmental policy. Their administrative bodies including environmental ministries are not properly established and lack the administrative capacity to integrate, implement and enforce environmental regulations (Homeyer 2001).

Analysts assume that the new comer can coordinate their policies with the laggards which would result in blockage or slowdown for new environmental regulations. The leader-laggard dynamic is one the major forces behind the expansion of the EU environmental policy (Andersen and Liefferink 1997).

On the other hand, not only the less developed countries of Europe are reluctant to adhere to the environmental rules. Although 'laggard' states have often serious difficulties to implement, air, water, waste and nature conservation measures, Northern well off countries also have their own problems. The richer countries which are in general considered as the vanguards of environmental protection have several times been those that are not implementing the EU directives. Loss of biodiversity is at higher levels in Northern Europe compared to the peripheral countries. Municipal waste production and energy consumption also tend to be considerably higher at Northern countries. This suggest that the difficulties of implementing environmental policy is not simply a result of the level of economic development or the environmental awareness of the society but it can be a function of a complex array of factors including, protection of domestic economic interests, power politics, cost considerations, the quality of the legislation itself and public indifference (Weale et al. 2000, pp.435-481).

Although the EU is not a state, and although its member states have differing economic and social perspective in terms of implementation of environmental regulations, the Union has the most progressive environmental policies in the world (Jordan 1999, pp.69-90).

### **3.2 THE ROLE OF THE EU INSTITUTIONS**

To understand how the EU determines and puts its environmental policy into effect, it is necessary to look the roles of legislative, executive and judicial organs and the institutions in environmental matters.

The Commission can propose new legislation and impose penalties on member states for failure of implementation. NGOs and industrial lobbies are always trying to apply pressure on the Commission to determine the environmental policies. The Commission has 23 Directorate General (DG) which cover specific area and the DG XI is responsible for the environment. The SEA enhanced the role of the DG XI. The environmental policy is now considered as part of the EU policies. (Bird and Pestana 1996, pp.214-215). The role and duties of the Commission was not much changed by the Lisbon Treaty but its structure and functions have been altered.

The main function of Environment DG, being one of the 26 units of the European Commission that functions as an executive organ of the Union, is to prepare legal arrangements relating to the environment and to take the necessary measures in order to ensure that Member States would implement these arrangements (Dinan 1999, p.408). The subunits of Directorate, which is headquartered in Brussels with its own staff of 550 employees, are as follows: Communication; Legal Affairs and Civil Defence; Protection of Natural Environment; Climate Change and Air; Water, Chemicals and Cohesion; International Affairs and LIFE; Resources; Sustainable Development and Integration.

The European Parliament (EP) is essentially one of the two chambers with the Council in the bicameral legislature of the EU. Legislative powers are officially distributed between the two chambers. The SEA introduced the cooperation procedure which means that the members of the Parliament are required to cooperate fully in the decision making processes. Then the Maastricht Treaty gave the Parliament the power to veto by absolute majority for any decision on which members of the Council can not have the same opinion. These alterations have led to a mechanism which is more based on consensus and greatly reduced the collective control that the member countries had exercised through the Council of Ministers until then. While Parliament can amend and reject legislation, it takes the Commission to draft a bill, before anything can become law. The EP has gained even more power with the co-decision procedure introduced by

the Treaty of Amsterdam as the sole procedure for environmental legislation. The EP is considered to be the most environment-friendly institution in the EU as it compels the governments to agree to tougher standards on several issues (The official web site of EU 2010).

Lisbon Treaty, like the previous treaties, has enhanced the efficiency of the Parliament for exercising the legislation power of the EU. In the Lisbon Treaty, it has been stated that the Council will share its legislative power with the EP pursuant to the ordinary legislative procedure, and hence, an institutional change favouring the EP has been achieved. Renaming of the co-decision procedure as “natural legislative procedure”, increasing of the number of fields that this procedure is applicable to 35 as well as the stipulation that the EP is now an equivalent organ in legislative procedure to the Council all indicate that the EP has gained significant authority in legislation compared to the past. This implies that the EP will now have the legislative power as much as the Council in areas at which it could only deliver an opinion or was completely kept out in the past. Legal migration, police cooperation, some aspects of trade policy and agriculture are some of these areas. Without any doubt, these changes will make the decision-making procedures more democratic which means that the Union itself will be more democratic (Richard 2009).

The July 1989 the Small Car Directive has been widely cited as an example of the EP’s growing influence on environmental policy. It required all new compact cars to employ catalytic converters by 1991. It represented a major departure from traditional policy, since it did not allow member states to lower their own national emission standards compared to the Community. The passing of the directive was only possible after a series of negotiations which included the use of the right of amending the Council directives by the EP. The EP threatened that, if its amendments were not accepted it would reject completely the norms proposed by the Commission and agreed by the Council. Despite the opposition of France and Italy to establish stricter mandatory emission limits for small automobiles, Germany was committed to the directive. In June

1989 the Council adopted the stricter legislation by Qualified Majority Voting (QMV). The EP's efforts had created an EU policy which sets high protection level for environment. The directive was a victory for the EP demonstrating its growing power (Peterson and Bomberg 1999, pp.190-191).

The Council of Ministers, also referred to as the Council of the EU, is the major decision-making body of the EU. The Council composed government representatives from all member states. The minister responsible for the matters on the agenda (environment, foreign affairs, finance, social affairs, transport, agriculture, etc.) attend the relevant meetings. The Council makes EU law together with the Parliament under the co-decision procedure. The Council is divided into 20 sub-Councils because of the complexity of the issues it refers to. Like the common practice in many international organisations these sub-councils make their decisions through consensus. The decisions are made under a QMV. Each member state has a voting right roughly proportional to their populations (The official web site of EU 2010).

The basic progress that the Lisbon Treaty provides regarding the Council is related to the decision-making procedure. Accordingly, the Council will take all of its decisions on the basis of QMV unless otherwise specified in treaties. There exist three different time periods on the basis of which the qualified majority will be calculated. The voting principles determined by the Nice Treaty will be valid until 2014. After 2014, the definition of qualified majority will be changed and "double majority" will be applied by which it will be necessary to obtain both votes of 55percent of Council members and votes of 15 member states constituting at least 65percent of total population of the EU. Nevertheless, until 2017 it is stated that any member state may request the application of voting principles as determined by the Nice Treaty, for the calculation of qualified majority. From 2017 on, this new procedure of double majority will categorically be applied without any exceptional rule (General Secretariat of the Council of EU 2009).

The European Court of Justice (ECJ) is the final authority of compliance with EU legislation. Member states are immediately bound by the decisions of the ECJ. The foremost characteristic that distinguishes the EU from other international collaborations is that it creates a common and supranational legal order. The ECJ has a unique place and contribution in such effective enforcement of the EU Law. The ECJ is in charge of supervising the due and efficient enforcement of the EU's Law on the activities under its domain, and the execution of such activities in accordance with the EU law. The Court acts as the beacon and integrator in terms of the interpretation and execution of the EU law thanks to its power of interpretation. Besides, it is the legal authority in settlement of the disputes arising out of the ECJ Community's Law. Member states are immediately bound by the decisions of ECJ (Bird and Pestana 1996, pp.219-221).

Environmental policy which had no legal ground until the introduction of the SEA started to be regarded as one of the primary objectives of the Community with the ECJ's decision named ADBHU dated 1983 (240/83, Procureur de la Republic v. ADBHU, [1985] ECR 531).

And with the case of (302/86, Commission v. Denmark, [1988] ECR 4607) protection of the environment was adopted as a priority imperative act while it was admitted that the most important target of the EU was the establishment of the common market by removal of trade barriers, and the subject case marked an interpretation that the ECJ gave the protection of the environment a higher consideration (Nicoll and Salmon 2001, p.303).

European Investment Bank (The EU Bank) is being one of the important financial institutions relating to environment management in the EU, provides support for projects that are related to the environmental protection and sustainable development. The projects supported by the Bank are mostly concentrated on issues such as climate change, efficient use of energy, renewable energy, protection of biological diversity,

water and waste management, sustainable use of natural resources, and improvement of life quality in urban environment (www.eib.org 2010).

### **3.3 THE ROLE OF THE ENVIRONMENTAL NON-GOVERNMENTAL ORGANIZATIONS (NGO)s**

The importance of (NGO)s were acknowledged by the EU during 1990's. This paved the way for many actors to be involved in the policy process. The relations between EU institutions and the NGO's were then fairly structured and developed. These practices which are commonly referred to as "civil dialogue" have seen important developments in recent years such as the Commission's White Paper on Governance, Minimum Standards on Consultation, and the final inclusion of Article 11 in Lisbon The European Union underlined the importance of taking the necessary measures to ensure that people make more contribution to the decision making processes regarding the environmental issues in its 6th Action Package for the period 2000-2010, which came into force in 2000 (EU Civil Society Contact Group 2006, p.12).

The EU defined the role of the NGOs in its decision of March 1, 2002 and formulated a program of support to environmental NGOs in the community. By the same decision the EU acknowledged that the NGOs are essential to coordinate emerging views and perspectives on the environmental issues with the Commission. It is also recognized that these views and perspectives as well as the public concerns about the environment that would be best be understood by the NGOs are not sufficiently dealt with at the state or subordinate level (Kiss and Dinah 2004, p.163).

Based on this approach, lobbying is very important and has a unique structure in the EU. Interest groups have adapted to this new structure in the European political environment. The increasing importance of the EU has led to rapid increase in lobbying activities. Lobbies on the relevant areas are in an effective position at the EU level

because the issues relevant with the protection of the environment have an international character. The growing army of lobbying in EU, have left no empty space in the struggle at national level. Interest groups have adapted to the multi-layered European system have set up organizations at all levels. They have developed direct relationships with all relevant national, supranational and national political actors and joined the transnational and supranational networks (The EC Discussion Paper 2000).

Interest groups follow a dual strategy and they are trying to have a direct impact on the EU policy making through national governments as well as through direct contact with the EU institutions. It is required to use multiple channels to access EU policy making structure, because the issues are addressed at constantly changing levels of the governments and also because European decision-making still has a mixture of negotiations at intergovernmental and supranational levels (EU Consortium Lobby 2004).

Nine organizations in the environmental field in Brussels constitute the "G9 environmental NGOs". Members of this formation include: European Environmental Bureau (EEB), World Wide Fund for Nature (WWF), Friends of the Earth Europe (FoEE), Greenpeace, European Federation for Transport and Environment (TT & E), Birdlife International, Climate Action Network Europe (CAN) and the International Friends of Nature (IFN). Each of the groups works individually in general, but sometimes they come together to have a stronger effect on the law-making bodies (Commission, Parliament, Council of Ministers). They attend some of the meetings of expert groups and committees. For exchange of information and coordination, they meet with the Cabinet of DG Environment and the President of the Commission every six or eight weeks (Johnson and Corcelle 1997, p.192).

Most efficient organization having lobby activities with regards to the protection of the environment is EEB. Founded in 1974, the EEB's main purpose is to have lobby activities on all of the EU regulations having relevance with the environmental matters

and thus to ensure that protection of the environment is adopted as the main target. The EEB has a strong presence at the European Commission, the European Council and the EP. It has a base in Brussels which makes it possible for the organisation to have more direct contact with the EU institutions than national level organizations. Besides, it receives a significant part of its funds from the General Environment Directorate working under the Commission. It has a small permanent staff for the group's main goal of monitoring the EU institutions to check their performance on environmental issues and the linkage of environmental issues with other EU policy matters. Some specific measures for environmental management, audit arrangements and EU's eco-labelling scheme have been the subject of special reports by the EEB (Barnes and Barnes 1999, p.116). Additionally, the Greenpeace and the WWF, which are very effective international organizations, are also carrying out lobbying activities in Brussels.

Carbon tax and waste proposals could be given as the cases that how the NGO's follow a dual strategy and have a direct impact to shape the EU policies. The directive on packaging and packaging waste dated 1994 was adopted to reduce the impact of packaging waste on the environment by introducing a harmonised waste management policy. After a year of negotiations and several drafts, the Commission presented its proposal late 1992. Although the EP made tough suggestions to amend the proposal of the Commission, most of these were rejected as inappropriate or incompatible with the aims of single market. At the end of 1993, the Commission adopted a much weaker text compared to the earlier versions . Although the directive received a cautious welcome from the packaging organisations, NGO's and member states such as Germany, Belgium and Netherlands have severely criticized it. According to the co-decision procedure the proposal was subject to a second reading by the EP. But the coalition was unsuccessful to pass the amendments they desired. The coalition consisted of varied members. Around 50 euro-level lobbyist organisations were active in the shaping of the directive at different phases. They were acting separately or under the auspices of SPAN (Sustainable Packaging Action Network). Together with SPAN, Friends of the Earth and European Environmental Bureau (EEB) formed the core of the green coalition. The relations of the coalition with the Commission were loose, informal and open. Like

most of the environmental issues in the EU, packaging waste policy was subject to bargaining between various actors in terms of both the definition and the solution of the problem. This case is another example of pluralist politics in the EU. But it was clear as well that those opposing stringent cautions for environmental protection were the most effective groups within the issue network although it was rather loose, open and accessible. Obviously these were the industry representatives who overshadowed the initial influence of the environmental advocates by their superior resources and access. The power to influence the environmental decision making is uneven among the policy networks. They remain loose and ad hoc with small decisive impact (Peterson and Bomberg 1999, p. 196).

The case of Carbon Tax, formed an interest centred not only on the Council but also on the Commission. The members of the Commission are supposed by their organisational role to represent only the supranational goals but in reality they often defend their national position. This case suggest that the interests of the industries cut across the countries and they are reflected in the Commission, the Parliament and the Council. Carbon tax and waste proposals revealed the struggle for power and interest among the actors of the EU. Each organisation was seeking to increase its own power and reach its organisational goals. DG XI viewed the carbon tax proposal as a financial support for environmental actors. Finance authorities and ministries considered this situation as a critical time to deflect the wrong financial proposals which would badly affect the fiscal position of the member states (Zito 2000, pp.179-191).

The groups' organisational and tactical qualities are also decisive for their influence in the decision making. In the carbon tax case, industries suffered of the fact that the interests of their constituents were differing and they could not make a specific and explicit critique of the Commission's proposal. They were also lost out because of the lack of any lobbying ability in Brussels with knowledge about the EU system. On the other hand, NGOs have a strong ability to shape the EU policies. The letter-writing campaign organised by Greenpeace about the proposal of the drinking water directive is one of the numerous examples of this competency. By this way they helped the EP to

push for the preservation of overall pesticide limits and eventually the Commission had to accept this argument despite the view of its own advisers that this would be pointless. Thereby the Commission had to amend not only the proposal but also the rationale behind it. Another example is the press conference organised by the EEB on Auto Oil. EEB proved that the claims of the Portuguese industry to be unable to produce cleaner oil was wrong. The Portuguese government had to withdraw its demand for derogation (Warleigh 2000, p.232).

The continuity of the damage of an environmental problem is influential in the formation of the domestic coalitions and the shaping of their altitude. The member states which are most directly affected by the problems are more likely to join the coalition. The cause of EP, Greenpeace and Denmark was helped by the reaction in the public opinion against hazardous waste imports. When the damages are less apparent the chances are higher for the interest groups to question the cost of the proposals. Having many actors within the coalition means that the efforts to influence the process would have more access points. Greenpeace uses its media skills and regional resources while MEPs make use of their formal resources which are more directly within the process. Success of an entrepreneurial coalition depends on these resources (Zito 2000, pp.179-191).

In the Lisbon Treaty which was accepted in December 2009, the facts that practices of the European Union are based on the principles of democracy and the European Parliament directly represents people are mentioned in the 10th article of the Treaty on European Union. The member states will be represented by their heads of state or government in the European Council and by their governments in the Council. Also in this article, it is mentioned that all members have the right to play a part in the Union's democratic existence and that all decisions of the Union's bodies should be taken in a transparent and pro-people manner (The Lisbon Treaty 2009).

In the 11th article of the Treaty on European, it is underlined that the Union should continue its activities in a way that allows people's attendance and the bodies of the

Union should carry an open, transparent and regular dialogue with the non-governmental organizations. In the third paragraph of the 11th article of the Treaty on European, it is mentioned that the Commission should comprehensively ask the views of the concerned parties in order to ensure coordination and transparency in the Union's activities. In the 15th article of Treaty on the Functioning of European Union, it is underlined that the Union's bodies, institutions and other authorities should conduct their activities in line with the principle of transparency in order to encourage the administrative responsibility and to assure the attendance of the non-governmental organizations. It is also mentioned that the sessions of the European Parliament and the Council on issues related to legislation should be held open to public (The Lisbon Treaty 2009).

To ensure people's participation in the policy making processes is very important in order to understand how the environmental policies are set and comes into force. A successful technical analysis, educating and supporting people for participation, assessment and impact analysis of the progress regarding people's participation and taking people's decisions into consideration in the process of policy making are crucial parts of "process of creating environmental policies." Assessment of the progress of people's involvement will be an important gauge to consider which priorities or demands of people were taken into account as a result of which efforts. So that coordination with the non-governmental organizations will be made and their positive impact on the decision making process will be strengthened. It will be also possible to have transparent governmental mechanisms, to improve democracy in countries, to implement environmental policies with consistency, systematically and decisively and to ensure a sustainable development (Lorinczi, 2005, pp.70-73).

### **3.4 INSTRUMENTS OF ENVIRONMENTAL POLICY**

The variety of implementation instruments of environmental policy has increased as this policy continuously improved over time. The Community, besides ratifying legislation

that aims to attain high level of environmental protection, has also aimed both to maintain uniformity in practice by using financial and technical instruments, and to direct the member countries towards it (Bongaerts 1994, pp.165-166). Judicial arrangements, pilot projects, support funds or various mechanisms can be listed among the examples of such instruments. The instruments, which the Union employs when it come to realize its environmental policy, can be listed as follows:

The Regulation 1973/92/EEC established a financial instrument for the environment to contribute to the implementation and development of both the Community environmental policy and the environment legislation. LIFE has been put into practice with gradual approach. The budget allocations granted for the implementation of LIFE are as follows: 400 million Euros for LIFE I period (1992-1995), 450 million Euros for LIFE II period (1996-1999), and 640 millions Euro for LIFE III period (2000-2004). LIFE provides a joint financial support for the projects included under three main topics: Protection of the wild fauna and flora; implementation of the Community Policy and legislation in the Union and candidate countries; promoting technical assistance for attaining sustainable development in the third countries (Oltean and Rascolean 2008, p.56).

The Regulation 880/92/EEC created a voluntary award scheme for the products that meet the ecological criteria determined by the EU Commission and member countries. Eco-label aims to inform consumers about the environmental properties of a certain product, and to develop more sustainable forms of consumption. After determining criteria, national accreditation boards that exist in each member country receive and evaluate individual applications of eco-label, and successful applicants would be awarded with contracts (Bongaerts 1994, p.171). The producers should pay fees that would be calculated as a certain percentage of the annual volume of sales within the Community of the product awarded with the label. The eco-label is symbolized by a specific flower figure to help to consumers in recognizing environmental-friendly goods and services. The system is specific to the Europe, that is, it can be used within the

borders of the EU. The products carrying the eco-label can also be marketed in countries being a party to the European Economic Area Agreement (Iceland, Norway, and Liechtenstein) in addition to 27 EU member countries. The situation for non-EU countries (Switzerland) and candidate countries (Croatia, Turkey, Former Yugoslav Republic of Macedonia) is yet to be determined. Ecological criteria are developed as a result of close cooperation between the European Union Eco-Labeling Board and the European Commission (Moussis 2007, p.271).

Community has decided to use eco-management and audit systems to systematically and periodically evaluate the environmental performance of industrial enterprises that operate within the boundaries of the EU, and for this purpose, the Eco-Management and Audit Scheme (EMAS) was ratified by the Regulation 1836/93/EEC (Bongaerts 1994, p.171). This regulation evaluates the impacts of public and private sector projects on industrial environment. EMAS has been open to all economic sectors since 2001. The European Commission, with its decision under document number C (2001) 2503, stipulated that it will apply the EMAS Regulation to its own activities (European Commission 2001).

The purpose of these inspections is to provide a high-level of cohesion with the Community legislation relating to the environment. Minimum criteria for environmental inspections are determined by the Recommendation of the EP and of the European Council of 4 April 2001, and it was stated that aiming for a high-level of environmental protection was a general obligation for member countries (Official Journal of the European Communities 2001).

In 1985, the Council Directive 85/337/EEC on the assessment of the effects of public or private projects relating to the environment has enforced the obligation of undergoing a process that aims to assess the environmental effects of certain public and private projects before giving consent by the government. The environmental impact report, which would be prepared depending on the type and scope of the planned production,

includes various issues such as pollution of soil, water and air ambiances, effects on flora, fauna and human societies, historical values, urbanization, employment. The process of Environmental Impact Assessment, which plays a special role for accomplishing prevention principle, has been further strengthened by various directives (Sheate 2003).

The Council Directive 90/313/EEC secures the right of access to environmental information held by or for public authorities. This Directive, which was accepted as a result of Fourth Environmental Action Programme, ensures that the environmental information would be accessible in a gradual and systematic manner, and that it would be disseminated to the people where appropriate. Natural and legal persons have the right to request information concerning the state of environment without their having to state an interest (Bird and Pestana 1996, pp.272-273).

This directive is accepted to adapt the provisions of the Aarhus Conventions to the EU conditions. The UN Economic Commission for Europe Convention, known also as “Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters”, is a new kind of environmental convention that links human rights to the rules on environmental protection (Knill and Lenschow, 2010). The Convention emphasises the importance of access to information relating to the environmental rules as one of the human rights, of public participation and of access to justice in environment-compatible development. The EU signed the Convention in 1998.

In 1991, the Council Directive 91/692/EEC was ratified for the purpose of standardizing and rationalizing reports on the implementation of certain directives relating to the environment. Some of the Community Directives, concerning certain sectors that operate in the area of environment, require that the member states should prepare reports relating to the measures taken to implement the provisions of this directive.

These reports should be prepared and submitted at intervals of three years, and these intervals of three years are valid for all sectors (EC Communication 2008).

The Council Regulation 1210/90/EEC has established the legislation relating to the European Environment Agency (EEA) and the European Environment Information and Observation Network (EIONET) (The official website of EEA). The EEA, headquartered in Copenhagen, was founded in 1994 (Hillier 1998, pp.1-2). The EEA currently has 32 members (27 EU countries plus Iceland, Liechtenstein, Norway, Switzerland and Turkey), and it also collaborates with 6 other countries (Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Montenegro and Serbia). The EEA helps the EU and member countries to make informed decisions about improving the environment, integrating environmental considerations into economic policies and moving towards sustainability. The EEA continues its works on three main areas: Network establishment, monitoring and reporting. It uses the EIONET in order to attain its objectives. The Agency, having a status of legal person, prepares annual reports by conducting researches and studies on areas covered by the Community legislation. It also publishes books, brochures and bulletins, and disseminates its assessments through Internet to inform the public opinion on various applications relating to the Community environmental policy. It works together with national focal points like national environmental agencies and ministries of environment (Bosch 2002). The European Topic Centres have been established under the EEA for the purpose of supporting data-collection, -management and -analysis on environmental areas relating to water, air and climate change, conservation of nature and biological diversity, waste and material flows, and soil (Hillier 1998, pp.2-3).

#### **4. THE PRESENCE AND INFLUENCE OF THE EU IN THE WORLD IN TERMS OF ENVIRONMENTAL POLITICS**

Although the EU is one of the most powerful economical actors in the world, it has problems of political integration. The problems are mainly arising from the fact that the member states are not much willing to integrate in political sphere and they have perception that the Union must primarily deal with building a common internal market. It is also evident that the EU's main purpose is to be able to impose regulations and developing common economic policies with the aim of increasing the EU's strength in economy and international competition rather than becoming a political union. (European Commission 1973, pp.1-51).

The EU has previously adopted the Strategy 2020 to ameliorate the situation after the world economic crisis and to manage the crisis the worries still persist particularly after the bad developments in Greece which became one of the hardest hit country by the crisis (Willis 2010). Therefore it will be appropriate to analyse the environmental policies in the documents approved by the Union as well as its role in the in the Kyoto Protocol in order to predict the EU's approach to the economical developments in the 21<sup>st</sup> century.

##### **4.1 THE EFFECT OF THE LISBON TREATY ON EU'S POSITION IN ENVIRONMENTAL POLITICS**

The EU has been making significant breakthroughs in terms of both integration and enlargement policies since its foundation. However, the Union's its institutional structure and decision-making mechanisms eventually started to cause several bottlenecks at global and internal levels. Lisbon Treaty was signed on 13 December 2007 and became effective on 1 December 2009, as a result of the need for a restructuring in the EU to ensure that the EU can generate solutions for subjects which have a global character like climate change, terrorism and energy security and that it

can assimilate the future wave enlargement. It is targeted that Lisbon Treaty brings in a new impetus to the economic, cultural and social integration process of the EU (Richard 2009).

Lisbon Treaty differs from other founding treaties of the EU in that it is not a new treaty but it includes clauses that amend the current Treaty on European Union and the founding Treaty of the European Community. Lisbon Treaty is hence called as European Union Reform Treaty. The name of the Treaty on European Union is maintained in Lisbon Treaty, while Treaty on European Community was changed as Treaty on the Functioning of European Union (Esentürk 2009). Other than these amendments to the names of the founding treaties, content of these treaties which act as the basis of the EU was also changed significantly by inserting new clauses thereto as well as modifying the numbers of many articles. Lisbon Treaty also stipulated that Treaty on European Union and Treaty on the Functioning of European Union were at the same level and that the EU has a single legal personality. As provided in the Constitutional Treaty, Lisbon Treaty merged the three-pillar structure of EU under a single roof, and a single institutional framework was established under the name of the “European Union” by quitting the term “Community” (Tobler and Beglinger 2007).

In the Treaty on the Functioning of European Union, clauses on the protection of the environment which were previously under articles 174, 175 and 176 were now placed under Articles 191, 192 and 193 which were put under Chapter 20. Provisions of the Article 191 were maintained the same under Article 174 which formulated the legal capacity and basic principles that shaped the Community’s environmental policy, but the goal of fighting with the climate change was added to the Article (Richard 2009).

Article 175 on the decision-making procedures of the EU was regulated as Article 192, and a new regulation introduced via an amendment of the Treaty allowed for the exercise of the ordinary decision-making procedures on the protection of the environment. According to this new decision-making procedure-new ordinary decision-making procedure-the EP and the Council will decide about the measures to be

implemented by the EU in order to reach the targets laid down under Article 191 after consulting with Economic and Social Committee and Committee of the Regions (The Lisbon Treaty 2009).

Article 174, which authorize Member States to impose or maintain stricter measures on condition of compliance with the Treaty on EC, were regulated under Article 193. Lisbon Treaty provides no clauses on environment that are different from the clauses in previous treaties (Tobler and Beglinger 2007). However, there were some amendments to the institutional structure and decision-making processes introduced with the Treaty which were aimed at helping the EP to be more effective and prevent possible congestion during decision-making. According to the citizenship initiative entitling the citizens within the EU to participate to the political processes within the EU the Commission may be requested to submit a proposal on any subject within the framework of its authorities by the signature of a minimum of one million citizens from a certain number of member states (General Secretariat of the Council of the EU 2009).

This new democratic tool will contribute to the following achievements: Individuals who are worst affected by the environmental pollution, environment-related organizations, institutions and the NGOs will have a sanction against the industries that pollute the environment democratic innovation, national parliaments will have the opportunity to participate to the activities of the EP which will in turn strengthen the powerful image of the EU, bring about a democratic and more legitimate environment Union resulting with positive steps in all political areas.

Protection of the fundamental values like human rights, freedom, democracy, equality and rule of law at the level of the EU, ensuring the creation of a more liveable environment for the mankind within the EU. Legal personality which has been gained with the Treaty will help the EU to act as a whole, gain the EU the character of sole authority in both the affairs between the EU and the member states, and at international arena, and thus secure a more effective identity for the EU in global sphere (Richard 2009).

“Consolidated Versions of the Treaty on European Union and The Treaty on the Functioning of the European Union” where the amendments and revisions to the referred treaties are recorded should be examined in order to see the legal ground and basic principles on which EU environmental policies are based. The Treaty of Lisbon preserved the achievements of the EU for environment. It reinforced and better defined the sustainable development as an objective of the EU (Tobler and Beglinger 2007). It provided that the Union aims to work for the sustainable development of Europe based on a high level of protection and improvement quality of the environment. As an expected consequence of this provision, the Lisbon Treaty makes the combat against climate change on an international level a specific objective of EU environmental policy (See Annex I for the articles of the Treaty of Lisbon relating to the environmental policy).

Lisbon Treaty provided that the EU shall be active at global level to fight against environmental problems and particularly the climate change paved the way to transform the environmental policy from a union-wide understanding to the world stage.

#### **4.2 THE ROLE OF THE EU IN KYOTO PROTOCOL**

The global warming which began with the industrial revolution refers to the climate change that happens as a result of greenhouse effect caused by chemicals existing in the atmosphere like carbon dioxide. In the coming years, it is expected that the climate change will result in severe droughts in some regions of the world, while flood disasters are expected to be happened in some other regions. Global warming and climate change are irreversible man-made processes. For the benefit of the future generations, measures must be taken to keep these processes at minimum level to decrease the release of the greenhouse gases (16 Years of Scientific Assessment in Support of the Climate Convention 2004).

It was the UN Climate Change Framework Convention, opened to signature at the Rio Conference in June 1992 that initially set out action strategies and obligations relating to reducing of and taking serious measures for carbon dioxide (CO<sub>2</sub>) emissions, especially in developed countries, which lead to climate change. In this Convention, it was clearly declared that all the parties are compelled to undertake common obligations relating to reduction of greenhouse gas emissions, prevention of climate change and reduction of its effects, etc. However, it was also recognized that countries have common but different responsibilities, specific national and regional developmental priorities, objectives and circumstances. In this context, those OECD members enlisted in “ANNEX I” are obligated to implement policies that would reduce greenhouse gas emissions and to lower their total greenhouse gas emissions to the level observed in the 1990s, while the other OECD members enlisted in “ANNEX II” are obligated to provide financial and technological support to the developing countries in addition to those obligations defined in “ANNEX I”. To be able to attain the ultimate objective of the Convention, a Conference of Parties at which all the related parties participate is organized each year (Kyoto protocol 1992). In addition to this convention, the Kyoto Protocol was ratified in 1997.

Kyoto Protocol is the only international convention that sets binding targets for reducing the greenhouse gas emissions (Breidenich et al. 1998, pp.315-331). The Kyoto Protocol calls for that the developed countries should reduce their greenhouse gas emissions in the 2008-2012 period to 55 percent below percent of the total global greenhouse gas emissions produced in 1990 and also the ratifying countries had to account for more than 55 percent of emissions, which create a greenhouse effect on the world climate, in order for the Kyoto protocol to become valid in an international arena (Böhringer 2010).

However, the US declared that it withdraws its signature from the Kyoto Protocol, signed by President Bill Clinton in 1997, in 2001 during the George Bush presidency and therefore the protocol could not come into force. Bush developed alternative solutions like “voluntary initiatives limiting emission” to fight against the existing

global climate issues, saying that the findings on the global warming cannot be proved despite the results put forward by his country's "Environmental Protection Agency" and denied to be part of the Kyoto, citing the high-costs after saying the global warming and climate change cannot be related to human activities despite (www.countrywatch.com 2010). In fact the US was the first country which needed to take measures for the ozone layer regarding to introduce international limits on green gas emissions but left alone in the solution process of the issue. The members of the European Community, such as United Kingdom, France, Germany and Italy, who constitute the majority of CFC outputs and market the products manufactured through these to less developed countries, objected to reductions, saying that the scientific researches on this are not conclusive. Large emerging countries like India, China, Indonesia, Brazil and Mexico as well as developed countries such as Japan were also stood on the opposition. Only Canada and Scandinavian countries (Finland, Norway and Sweden) extended their support to US on its efforts to start negotiations on a framework agreement and related protocols that have binding regulations to reduce the CFC usage (Porter and Brown 1996, pp.72-73).

Although the Vienna Convention remained as a framework agreement given that the parties' unwillingness to enter into obligation and could not directly contribute to the resolution of the issue, it can be seen as a starting point for the following phases. The Framework Agreement Regarding the Climate Change approved in Rio Environment and Development Conference in 1992 was largely inspired by the Vienna Convention (Breitmeir 1997, p.103).

The EU which is a party to the UN Climate Change Framework Convention (UNCCFC) of 1994, ratified the Kyoto Protocol in April 1998. The EU has secured a strong position in international efforts by adopting an emission target on its own with the decision of Luxembourg Environment and Energy Council in 1990, long before the UNCCFC. The EU, with its 27 members, shows a strong commitment to the obligation of reducing its total emissions in the 2008-2012 period to 8 percent below 1990 levels (Sbragia and Damro 1999, p.53). For sharing this obligation, intensive calculations have been done

by means of scientific analytic models that help to determine how much it would be possible to reduce emissions on the basis of sectors and member countries.

On the other hand, the EU has formally signed the protocol on April 25, 2002 and this commitment made the EU undisputable leader of the efforts on climate change especially after the US' cancellation of the protocol. The EU took the leadership on this issue and started to seek support in its environmental campaign launched to put the Kyoto protocol into force (Skodvin and Andresen 2006, p.21).

The targets set by the Kyoto Protocol have been dealt with during the recent expansion process experienced in 2004. Climate change policies, which had been shaped primarily together with the energy sector in the 1990s, have been continuously improved so as to be implemented in an integrated manner with other economic sectors, especially following the European Climate Change Programme of 2000 and the EU Sustainable Development Strategy of 2001 (The official web site of EC 2010). In order to anticipate the future policies of the EU one has to look at the strategies of the EU for the period after 2012, called as post-Kyoto period. The EU has very ambitious targets, that drew criticism sometimes, and the common grounds of these targets are cooperating with the Third World countries, third parties and neighbor countries, while pulling the emerging economies into these mechanisms after making efforts to contribute cost reductions and increasing consciousness (İzci 2005).

When the Russia finally ratified it in 2004, the protocol entered into force in 2005 as the 55 percent criterion was met. Although the negative attitude of US had resulted in difficulties and delayed the protocol's entry into force, the considerable efforts and cooperation have been shown in an international arena in order for the Kyoto Protocol to enter into force despite all the hindrances created by US. This is a clear sign of the fact that the environmental awareness is now against the industrialization (Böhringer, 2010).

European Commissioner on Environment, Stavros Dimas, said in a speech in 2007 that the European Union has every tool and opportunity to lead the required global action on climate change. These remarks are seen as the EU's self-declaration of the leadership in efforts to curb the global climate change issues (Dimas 2007).

The EU has targeted to play a more global role compared to the US. Thanks to its multiparty structure and its environmental policies based on sustainability it may be considered successful in this sense.

### **4.3 THE ROLE OF THE EU IN COPENHAGEN SUMMIT**

15<sup>th</sup> session of the Conference of the Parties of the UN Framework Convention on Climate Change was held in December 2009 to set the targets for the aftermath of the termination of the Kyoto Protocol in 2012. This session was marked as the most comprehensive conference ever held up to date for fight against climate change (www.iisd.ca 1997). The expectations from the 15<sup>th</sup> session of the Conference of the Parties were high. It was expected that a comprehensive and binding agreement, which targeted significant reductions in emissions, would be signed. But at the end of the session, a statement titled the "Copenhagen Accord", which is not binding at all and is more along the lines of a political consensus, was issued. In the Accord, it was emphasized that the necessity of significantly reducing greenhouse gas emissions, which cause global warming, was scientifically proven as well. It was stated that greenhouse gas emissions should be reduced to ensure that the global increase in temperature stayed below 2C. It was also stated that developed countries should provide the adequate, foreseeable and sustainable financial sources and support for technology and capacity development needed for the adaptation process of the developing countries. It was underlined that powerful political willpower was needed to fight against climate change (Copenhagen Accord 2009).

At the end of the International Panel on Climate Change (IPCC), it was announced that global greenhouse emissions should be halved by the year 2050 to keep the increase in the global temperature below 2°C. It was stated that developed countries should reduce their emissions by at least 40 percent and developing countries by at least 30 percent by the year 2020. Even if this was achieved, the possibility of keeping the increase in global warming below 2°C was declared as being around 50 percent. Despite these facts, the parties did not show an effort during the session to take measures beyond the already existing ones against this great threat which the whole of humanity faces (Becker 2009).

The USA, which has the largest economy in the world and is the greatest producer of carbon dioxide in the world, has not signed the Protocol despite pressure from the developing countries. On the other hand, China and the US put the blame on each other for the inconclusive talks after the negotiations ended. The supervision of the greenhouse emission was among the most fiercely debated topics at the summit due to the objections of China to international supervision. The part of the statement which says that “In the process, an international supervision could be held but this must be made with respect to the concerned country’s right of independence” is seen as a reference to China’s position (Baykan 2009).

The decisions of December 2009 have met with intense reaction from the nations, particularly African countries, which will be affected most by the climate change. The frustration about the results of the summit was best expressed by Venezuelan President Hugo Chavez in his speech at the summit. Chavez said the process in Copenhagen is “not democratic; it is not inclusive.” In particular, he criticized an attempt by rich countries to overturn the Kyoto Protocol. Doing so would eliminate differentiation between the obligations of rich and poor countries, treating countries from the Global North and South as equally responsible for climate change (Janicke 2009).

Although any potential environmental catastrophe is a matter of concern for the whole world, another fundamental problem experienced during the session was the differences

in the development levels of the parties. Because of these differences, parties are in conflict about their expectations from the session and each other. Developing countries state that countries, which have grown wealthy by damaging the environment, should meet the cost of global warming and should decrease their greenhouse gas emissions between 2013 and 2017. Developed countries want other developed countries such as the US to be involved in the process (Becker 2009).

Protecting the environment came into prominence starting from the 1970s as the subject of many international conferences and agreements and has continued with the Kyoto Protocol in 1997. This concept today clashes with the countries' ambitions for limitless economic growth and the problems experienced in the area of the environment continue increasing. In the coming years, they will cause damages to humanity which will be impossible to compensate for. To prevent these environmental catastrophes from taking place, all countries should leave their economic considerations to one side and should start focusing on saving the environment at any cost (Giorgiev 2009). The EU, which is in need of administrative restructuring in terms of both decision-making procedures and operation of the institutions in the aftermath of the latest wave of enlargement, has behaved extremely sensitively on the subject of climate change and has therefore come to enjoy a pioneering role with this policy in the world.

The EU has approved the EU climate and energy package in December of 2008 ahead of the COP15 meeting in which the liabilities of post-Kyoto period will be determined in a bid to prove its global leadership. The EU, who declared its target of green gas reduction as 20 percent from the levels in 1990 by 2020 under this package, sent the signals that it might raise this target to 30 percent if the other global actors make similar commitments (The Economic Development Foundation 2009, p.10).

But, despite this pioneering attitude, the EU failed to reach its target of reducing emissions which it has determined for the Union-wide within the framework of Kyoto protocol and could not become an effective player in Copenhagen. The EU member countries, which emphasize the subject of climate change at every step and which take

this issue seriously, had difficulty in displaying a collective attitude in Copenhagen (Gardner 2009).

This heightened the difficulty of moving forward with the existing number of members with the old decision-making mechanisms and underlined the importance of the Lisbon Treaty, came into force in December 1, 2009, once again. A mechanism of “reinforced cooperation” that allows the member states to adopt more comprehensive targets in a specific policy, is one of the institutional reforms of the Lisbon Treaty (The Economic Development Foundation 2009, p.10).

Meanwhile, the EU will play an effective role in political initiatives such as energy efficiency, trade of carbon emissions, energy taxes and collective implementation both within the bloc and in the world although it fails to meet all the defined targets.

Developments that have led to this outcome can be listed as the EU-wide political problems and the consideration that the policy followed on the subject of climate change could jeopardize the economic recovery after the global crisis. This is because the attitude of not only the EU but all UN member states who also signed the Kyoto Protocol during the resumed climate change negotiations held in Bonn-Germany in 2010 was a clear indication that they lacked the resolution to pass to the next stage after Copenhagen Summit. Only the working plan for the climate change negotiations for 2010 was accepted in this conference, and other than that, there have been preliminary works for the adoption of the agreement text which is legally binding for the negotiations. Considering these developments in the world and the existing situation, it is highly unlikely that putting a formally binding agreement into life, which was the aim of the Kyoto Protocol, will be accomplished at the 16<sup>th</sup> session of the Conference of the Parties, which will be held in Mexico in December (www.unep.org. 2009).

EU plays a key role in the multilateral institutions of the world politics and increases its efficiency as well as resources within itself (Hill and Smith 2005, p.400). Therefore the

EU has become an active policy maker in the global scale and a union that implements these policies. The European Community's efforts to widen and strengthen its environmental capabilities are based on expanding the EU integration, thus the deals aimed at increasing the effectiveness of the EU on global politics (Sbragia 2002, pp.201-224). Moreover the EU started to play a role in the global scale with its environment policies after the US' withdrawal from the Kyoto protocol ([www.europolitics.info](http://www.europolitics.info) 1997).

It is clear that with its environmental policies the EU is in a better position as a global actor compared to the US which has the world's most developed and biggest economy and became a global actor on environmental issues especially after 1970s. The major factor that brought the EU to such a position is the difference between its environmental policies and the US policies (Steelman, 2007).

The EU has accepted the principle of precautionary, a key element of the EU's environment policies, in order to eliminate the factors threatening both human health and environment within its *acquis* and in implementation, while the US initially adopted this principle only for human health. The EU puts the protection of health and environment at forefront, while the US sees cost-benefit analysis and market-focused concerns as a priority in the implementation of this principle (Christoforou 2004, pp.17-50).

The global environmental issues overshadowed by the economic concerns in the US and the removal of trade barriers were always a priority compared to the issue of protection of environment. However in the EU, the negotiations on the environmental policies were conducted by the environmental institutions which are independent from the economic and trade institutions. The environment is better safeguarded in the EU than it is in the US (Kramer 2004, pp.53-70).

Environment has a central role in the EU's activities, while it is overshadowed by the political powers in the US. In the US, the free market economy shapes the future of the environment, while there is a strong consensus within the EU that environment is an inseparable piece of economy as well as social integration (Vig and Faure 2004, pp.347-355). The most important evidence of this approach is the recognition of the principle of sustainability as a legal rule in the EU (Baker and McCormick 2004, pp.277-305).

Although the EU makes intensive efforts in the international arena to put the Kyoto Protocol into life as a result of lack of an US role, the Kyoto Protocol has become the international agreement with the most intense and complex preparation process so far as an expected result of the facts that many countries with different social and economic circumstances should cut an agreement and bring their economies in line with new regulations. It is not realistic to expect an agreement from the gathering of many participants from almost every country in the world (Hamilton 2007).

#### **4.4 EU 2020 STRATEGY**

Worldwide competition and technical development rate during 2000s prompted the EU to adopt many economical and social reforms at the level of the EU, whose population is ageing considerably, ultimately leading the Union to organize Lisbon Summit in March 2000. By the economical and social reform decisions taken at Lisbon Summit, EU Council has targeted to become an information society with the highest dynamism and competitive strength globally in 2010. However, the EU cannot reach these targets till 2010 (Wheatly 2004). Although Lisbon Strategy of 2000 could not secure full realization of the targets in the EU. EU Constitution was refused by some member countries starting from 2004, increasingly higher nationalist movements in member countries, problems encountered in the enlargement process and decision-taking mechanism and the ensuing problems in its institutions. EU Leaders Summit was held in December 2009 to help the Union to overcome the problems posed by its enlargement process and the global economical crisis as well as the joblessness problem

resulting from these. It was resolved in this Summit that the EU created a new strategy, therefore the report “Consultation on the Future EU 2020 Strategy” prepared by the European Commission stated that EU’s new strategies were based on creating value via information-based growth and the creation of a society with a high employment rate and a more competitive, coordinated and environmental economy (General Secretariat of the Council of EU 2009), and the EU 2020 Strategy was approved in the European Council’s Summit held in Brussels in March 2010.

This strategy underlined the problems on environment and especially on the climate change, and the solution suggestions to these problems in order to ensure the EU’s policy of social economy to withstand the global economic risks currently experienced and may possibly emerge worldwide in the future. The main objective under this Strategy was the EU’s realization of a strong economical structure and its achievement of social welfare in the general of the Union. The fact that environmentalist mentality was also highlighted in the Strategy and its affirmation of the conditional suggestions of the member states as part of the global agreement to be reached on climate until 2012 in particular may be regarded as an indicator that the continuity in the economic growth could only be achieved on condition of the maintenance of the ecological values. On the other hand, the Strategy also underlined the necessity of formation of a sustainable and highly competitive economy which uses its resources productively, stating further that this would enable the prevention of deterioration of the environment, losses in biodiversity, and the unsustainable use of the resources while ensuring improvement in the social welfare level of the world. Such an approach is said to promote the economical, social and regional conformance too. Although the strategy emphasized the importance placed by the EU on environment, this emphasis was not in the form of the protection of the environment at all costs but just as a necessity of the economical growth, thereby leaving the environment in the shade of the economy once again (European Commission, 2010 ).

## 5. CONCLUSION

Although the environmental problems had affected the human life even before the 20<sup>th</sup> century, it was only in the last century that emerged the environmental awareness and efforts to fight against the impacts. The EU's founding treaties initially had no provisions directly related with the environment. In parallel with the increasing problems and awareness, a common environmental policy was mounted to such treaties subsequently (Hull 1994, p.145).

The thinking that environmental resources such as water, soil and air which are also regarded as the forces behind the economy and the economic development should be protected in general of the Union in parallel with the emergence of the environmental awareness and sensitivity. Following these developments, each member state had to adopt a different regulation for the protection of the environment, leading to the disruptive effects on the competition within the EU whose sole purpose was the formation of a common market. Hence, it emerged as a necessity that EU should establish an environmental policy which has uniform environmental standards in the EU aimed at formation of a common market also eliminating such competition-distorting factors (Official Journal of the European Communities 1973, pp.1-51).

Rise of the environmental sensitivity triggered upon the understanding that environment was the foremost source of the economic development at the level of the EU prompted the development of an EU environmental policy and the applications of the EU environmental policy becoming more widespread. On the other hand, foundation of the environmentalist parties and increased public support for them in the EU countries also contributed to the implementation of the environmental policy in the EU. Some decisions of the ECJ created guiding and commanding practices for the exercise of the legal regulations on environment, thereby broadening the ground for the use of the environmental policies. EU Environmental policy has become a policy which affects all decisions and actions of the EU through its integration to the transportation policy, trade

policy, agricultural policy, energy policy and all other policies, and it was admitted as one of the living rights of the mankind. On the other hand, the EU has become one of the international organizations with most sensitivity to the protection of the environment. It has provided and is still providing significant contributions for the development of the principles of the environmental policy. The union provides an example of good implementation of such principles as well (Benson and Jordan 2010, p.364).

The EU's environmental policies, which were not included in the founding charters but later were constituted in order to improve wealth and to fight with the environmental pollution as a result of a rapid economic growth, has become one of the most important policies within the union and has started to compete with the policies of leading countries. Definitely the EU succeeded to implement many new policies in this process.

The EU has become a supranational union and has a say in the global arena despite the socio-economic issues arise not only from the differences between member states but also from the differences between the various regions within the member states. Acting together is a basic target for the EU which runs its regional enlargement efforts in this context. The EU's environmental policies differ from the nation-states' policies due to its sustainability and tendency to be multilateral.

The EU is very effective on environmental issues through its own rules and standards as well as its strong ties with non-member states. In this context, the EU has become a global policymaker with its environmental policies and a power that combines and leads the efforts with the sustainable policies it pursues with other states (Benson and Jordan 2010, p.364).

The EU policies on the environment and natural resources whose importance has been increasing since 1970s played an important role at the EU level for the purpose of controlling environmental threats and prevention of the environmental pollution. These

policies also created a political arena where the EU played important roles at international level. The enlargement process of the EU was also significant for environmental policy of the Union as the EU had to deal with pollution problems across its borders. The EU establishes minimum standards for its internal use with its environmental policy and it tries to spread these standards to its nearby territory by way of its enlargement policy and its cooperation with neighboring countries. Harmonization with the EU's environmental laws and regulations has positive effects both on the existing and new members. For new members, acceptance of the EU standards prevents worsening of the current situation and improves the environmental conditions. The EU has always been very sensitive to environmental problems, and it developed the world's most comprehensive environmental laws and regulations as a result of its responsible environmental policy.

As a conclusion of this study, we can say that EU environmental policy has become one of its most important policies. It is incorporated into all of its other policies. It supports the internal integration process while enhancing the position of the Union in its way to become a global actor. The EU's aim is to make use of its advanced environmental policy which is based on the essential principle of sustainable development. One of the findings of this study is that the environmental policy area is an advantage for the EU in its competition with the US. After the withdrawal of the US from the Kyoto Protocol, the EU has set the agenda in the fight against global warming and pollution as the guiding entity. However, most of the countries did not confirm and put into practice the Protocol and this has become a failure for the Union itself in its first test to be recognized as a global actor. It's also obvious that the global warming is a much bigger problem than the EU can solve alone. Other global actors such as the US and Japan as well as the developing countries such as China, India and Russia should cooperate sincerely because they are major sources of carbon emissions. But bringing so many participants from all around the world, making them work efficiently and agreeing on a common ground is not an easy task. It is proven that even within the EU, the 27 member states cannot easily agree on vital issues (Gardner 2009). Lisbon Treaty signed in 2009 has provisions about the methods of the EU to deal with the environmental and climate

problems. It is setting the target for the EU of becoming a global actor in the settlement of these problems. In other words the EU has declared its desire to become a global actor in Lisbon Treaty and this goal particularly relates to the environmental issues. It has been concluded that the EU can reach this target through enforcing its own institution and agencies and taking a coherent attitude on environmental issues both within the Union and the international arena.

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## **APPENDIX**

## **APPENDIX 1- PROVISIONS OF THE TREATY OF LISBON REINFORCING THE OBJECTIVE OF ENVIRONMENTAL PROTECTION**

### *Article 3*

*(ex Article 2 TEU)*

...

*2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.*

### *Article 11*

*(ex Article 6 TEC)*

*Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development*

### **Article 114**

*(ex Article 95 TEC)*

*3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, Taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective*

## **Article 191**

*(ex Article 174 TEC)*

*1. Union policy on the environment shall contribute to pursuit of the following objectives:*

- 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.*

*2. Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.*

*In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a procedure of inspection by the Union.*

*3. In preparing its policy on the environment, the Union shall take account of:*

- available scientific and technical data,*

- *environmental conditions in the various regions of the Union,*
- *the potential benefits and costs of action or lack of action,*
- *the economic and social development of the Union as a whole and the balanced development of its regions.*

*4. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for Union cooperation may be the subject of agreements between the Union and the third parties concerned.*

*The previous subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.*

## **Article 192**

*(ex Article 175 TEC)*

*1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191.*

*2. By way of derogation from the decision-making procedure provided for in paragraph 1 and without prejudice to Article 114, the Council acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt:*

*(a) provisions primarily of a fiscal nature;*

*(b) measures affecting:*

*– town and country planning,*

*– quantitative management of water resources or affecting, directly or indirectly, the availability of those resources,*

*– land use, with the exception of waste management;*

*(c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply.*

*The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, may make the ordinary legislative procedure applicable to the matters referred to in the first subparagraph.*

*3. General action programmes setting out priority objectives to be attained shall be adopted by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the regions.*

*The measures necessary for the implementation of these programmes shall be adopted under the terms of paragraph 1 or 2, as the case may be.*

*4. Without prejudice to certain measures adopted by the Union, the Member States shall finance and implement the environment policy.*

*5. Without prejudice to the principle that the polluter should pay, if a measure based on the provisions of paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, such measure shall lay down appropriate provisions in the form of:*

*– temporary derogations, and/or*

*– financial support from the Cohesion Fund set up pursuant to Article 177.*

### **Article 193**

*(ex Article 176 TEC)*

*The protective measures adopted pursuant to Article 192 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Treaties. They shall be notified to the Commission.*