

CENTRE INTERNATIONAL DE FORMATION EUROPEENNE
INSTITUT EUROPEEN DES HAUTES ETUDES INTERNATIONALES

2004-2005 ACADEMIC YEAR

**ENVIRONMENTAL LOBBYING
IN THE EUROPEAN UNION**

M.A. DISSERTATION IN ADVANCED EUROPEAN AND INTERNATIONAL STUDIES

LARISA LÖRINCZI

SUPERVISORS:

**DIR. PHD. PROFF. MATTHIAS WAECHTER
PHD. FELICITAS GUILLOT**

JUNE 2005



ENVIRONMENTAL LOBBYING IN EU

Master Thesis Outline

Introduction

- I. Methodological Approach
- II. Background Information

Chapter I

Interest representation in the EU Environmental Lobbying

- I. Lobbying
- II. Lobbying in the EU - a unique political system
- III. Interest group representation in the EU
- IV. The legislative process in the EU institutions: how and when to influence legislation
- V. The EU environmental policy
- VI. The European Environmental Lobbying
- VII. The 'Green Group of Nine' (G9) environmental NGOs active at the EU level

Chapter II

Practical Aspects – Case studies of Environmental Lobbying in the EU

- I. Greening the EU Constitutional Treaty
- II. Greening the Registration, Evaluation, and Authorization of Chemicals law proposal
- III. Greening the Aarhus Convention on access to information, public participation and access to justice in environmental matters
- IV. Greening the European Emissions Trading Directive (Kyoto Protocol)

Conclusions

Bibliography



ENVIRONMENTAL LOBBYING IN EU

INTRODUCTION

"We live on one planet, connected in a delicate, intricate web of ecological, social, economic and cultural relationships that shape our lives. Achieving sustainable development will require greater responsibility, for the ecosystems on which all life depends, for each other as a single human community, and for the generations that will follow our own."

~ UN Secretary-General Kofi Annan ~

Motto: THINK GLOBALLY, ACT LOCALLY

Kofi Annan's words seem to be so easy and natural that it is almost unthinkable that it be a quoting. And still, we find ourselves dominated by our desires, by our ways of living that do not fit harmoniously the planet on which we live.

Our doings harm the environment and have such repercussions as natural catastrophes, earthquakes, climate change, floods, etc. The 2004 Indian Ocean magnitude 9.0 earthquake and resulting tsunamis that struck the coast of Sumatra, Indonesia on December 26 was probably tripped by Exxon-Mobil Works - according to a survey done by Pure Energy Systems. 'One cubic mile of natural gas extracted every four years at epicenter Aceh facility parents a smoking gun for man-made factor in 9.0 earthquake accompanying tsunami that killed more than 255,000 people. Think of gigantic boulder sitting precariously, nudged over the edge with a small lever.'¹ The earthquake and Tsunami disasters made the headlines and then were quickly forgotten. The UN is the only one still involved in the rebuilding process. But, as we can see, the cause might be man-made. And yet, no actions have been taken against these risky practices. No government has tried to find the ones responsible and place the blame. How avid are we for economical development? How many natural disasters must there be before we take this issue seriously?

¹ Pure Energy Systems, www.pureenergysystems.com/news//2005/01/25/6900062_Exxon_Tripped_Indonesian_Tsunami/index.html



ENVIRONMENTAL LOBBYING IN EU

The thesis deals with the subject of sustainable development in the context of an era of globalization, of economic explosion and an exponential economical increase. All these bring problems that we need to tackle if we want to have a continuing sustainable development, a development that could be insured for future generations. We have the responsibility to leave behind for the future generations a legacy that is at least as good as the one we got in our turn. The XXth Century is known to be the century of technological advancement. Will the XXIst be the one for nature conservation and the creation of a better, safer and cleaner world? Will we realize that when it comes to what matters most to people, we are all the same, and we share all the same values and the same wishes and hopes? When will all of us start to care about a clean and healthy environment and start changing things first with ourselves and then locally, in the living environment?

The perspective in which the thesis is conceptualized is a dynamic one, perceiving globalization as a dynamic force and process that is only at the beginning of its life cycle. Globalization brings about a whole new perspective. Environment is one of the issues that belong most to the phenomenon of globalization, as environment is by definition a transboundary element. All our actions have an impact on environment, most often a negative one. The actions of persons living at one 'end' of the globe will have an impact on the people living in other parts of the world. Ironically, as science has proven, climate change, natural disasters and other negative effects caused by the environmental pollution hit first those who are most innocent, such as fragile and poorer human communities in the Southern hemisphere, who may already be living at the limits of harsh weather conditions. They are the least likely to pollute the environment, to emit greenhouse gases, but they are the most vulnerable. It also hits those who have not yet been born. Causes and impacts of climate change could not differ more – both in terms of timing and of regions. We pollute today, but the effects can be seen in decades. The state of nature today is the result of years of pollution and industrialization. Climate change is very much linked to equity, both North-South, as well as inter-generational.



ENVIRONMENTAL LOBBYING IN EU

We live in a fragile world that has limited resources to offer in order to sustain life. Our patterns of behavior, our consumption societies have come to interfere severely with nature, creating disruptions in the life of the ecosystems.

We need to think about and invest in cleaner and environmental friendly solutions for our industries; we need to come up with new technologies, renewable energies, better and more viable solutions. Actions need to be taken by each one of us. We need to start with us, changing our behavior, improving our local environment.

Europe seems to have understood that action needs to be taken and the EU legislation begins to pay more and more attention to environmental issues. In considering the Kyoto Protocol, the European Union was the first one to commit itself to greenhouse gas emissions reduction, thus taking the lead in environmental protection.

Environment, ecosystems, the living organisms from mammals to birds and from insects to micro organisms, they all suffer from our doings, but can not speak for themselves, can not defend themselves. The ones that come to their defense are the people, 'normal' people that have come to love and cherish their environment, that were sensitive enough to understand that action needs to be taken. These people have gathered into all sorts of associations, civil society groupings, NGOs, nature protection clubs, forming the so-called 'environmental civil society'. They are the millions of members of the big environmental NGOs that by ways of activism, membership, small contributions, and voluntary work try to do something in order to bring the issues to the attention of all people. The environmental NGOs are in fact the voice of millions of members. In general, these NGOs have lots of small offices worldwide, with only a few employees. The variety of environmental NGOs is huge, as they tend to specialize. For example, Bird Life International is a scientific NGO that deals almost exclusively with birds and their habitats. Climate Action Network is a network of NGOs dealing mostly with climate change issues. Some other NGOs like WWF, Greenpeace, EEB are huge NGOs, present in over 50 countries, that have a wider span of work and action that comprises climate change, animal protection, chemicals, forests, oceans, wetlands, and so on.



ENVIRONMENTAL LOBBYING IN EU

The environmental NGOs that will be studied in this thesis are backed up by millions and millions of Europeans that have come to realize the importance of a clean environment.

In a special Environmental Euro barometer entitled 'Attitude of Europeans towards the Environment', survey realized by TNS Opinion & Social between the 27th of October and the 29th of November 2004, 24.786 citizens of the EU aged 15 and above have been surveyed in the 25 Member States. The findings are as follows:²

- Close to **9 out of 10** Europeans believe that policy making should pay as much attention to environmental issues as to economical and social factors when taking decisions;
- Almost **90%** of Europeans believe that environmental concerns should be taken into account in decision making in fields such as employment and the economy;
- State of the environment (**72%**) influences the quality of life as much as social factors (72%) and economic factors are perceived slightly more important (78%);
- When asked about trustworthy sources of information, Europeans across all 25 MS look first to environmental protection associations (**42%**) and scientists (32%);
- An important finding for the EU is that **one third** of respondents believe that decision about protecting the environment can better be taken at EU level - 3% more than two years ago.

These findings are very encouraging as the civil society plays an important role in pressuring the governments, forcing them to take action. Thus, environmental issues have become gradually present in the policy making, more and more policies, regulations, directives and laws that address environmental concerns are being produced at European level. And for environment to become more and more a cross-cutting policy, that is included in all other policies in order to ensure its protection, the civil society plays a crucial role in putting these issues on the agenda of the governments.

² <http://europa.eu.int/comm/environment/barometer/>



ENVIRONMENTAL LOBBYING IN EU

Lobbying is one tool used by the environmental NGOs for this purpose. And as environment is acknowledged to be a trans-boundary issue, Europeans already see it as logical and normal that environmental issues be dealt with at European level. This makes the EU institutions the key actors and in this setup, the environment is 'represented' by the environmental NGOs active at European and national levels.

The European environmental NGOs, the Green Group of 9, made up of the 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 Friends of Nature International (IFN), that will be described in Chapter I, are very active in putting the environmental issues on the agenda of policy makers, trying to influence the policies by ways of lobbying. Compared to big industry lobbies, the environmental lobby is insignificant. They are outnumbered, out-funded and out-resourced. But they have a big advantage: they have the civil society on their side that is demanding action and they also have the expertise. Big NGOs like WWF, Greenpeace, Birdlife International have research labs that carry out studies, monitor the evolution of the world's ecosystems and are able to draw people's attention and put the finger on the environmental problems.

In more depth, this thesis undertakes the study of environmental lobbying in the EU, the active involvement in the environmental policy making in the EU of some environmental NGOs. The focus is on the activity of the Green Group of 9. In the practical part of the thesis, Chapter II, the lobby activity is being analyzed by means of four case studies

- greening the Constitutional Treaty;
- greening the new law on chemicals: REACH;
- greening the ? rhus Convention and
- greening the European Emissions Trading Directive (Kyoto Protocol).



ENVIRONMENTAL LOBBYING IN EU

Researching these four examples of environmental lobbying, the thesis analyzes the lobby activity in each of the four cases, establishes the means and tools used by the G9 in order to bring the issues to the attention of the policy makers and tries to assess the influence that the lobby activity had in each of the four cases.

The Conclusions will present the assessment of the lobby activity through the perspective of the four case studies.



ENVIRONMENTAL LOBBYING IN EU

I. METHODOLOGICAL APPROACH

Despite mounting evidence that NGOs do make a difference in global environmental politics, the questions of how and under what conditions NGOs matter generally remain unanswered. It is very difficult to prove the influence that lobby organisations have on policy making. That is why the present thesis will try to study all aspects of the lobby activity as exemplified throughout the study of the four cases and will use the methodological approach described below as a guiding line for the assessment of the G9 influence on policy making.

In a study made by Michele M. Betsill and Elisabeth Corell entitled 'NGO influence in International Environmental Negotiations: A Framework for Analysis', the authors present and analyze the ways of researching the NGO's influence in environmental negotiations. Through the study, the authors present a possible analysis framework that could be used by researchers of NGO influence, namely the use of multiple data types and sources, as well as methodologies to analyze the role of NGOs.

According to the authors, in assessing the influence, three elements need to be present: access, activity and resources.

Access In the author's view, one of the difficulties in assessing the NGO influence is their lack of direct participation in negotiations. 'NGOs participate as observers and have no formal voting authority. This makes it difficult for NGOs to influence the negotiating process. Thus findings of NGO influence in international environmental negotiations present an interesting empirical puzzle.'³

Activity Another problem perceived by the authors as associated with the failure to define influence is that the evidence presented may not be an appropriate proxy for NGO influence. 'If NGOs truly influence international environmental negotiations, then it should be possible to observe the effects of that influence. In most studies, scholars rely on evidence regarding NGO activities (such as lobbying, submitting information or draft decisions to negotiators on a particular position), their access to negotiations (such as the number of NGOs attending negotiations and the rules of participation) and/or NGO resources (such as

³ Michele M. Betsill and Elisabeth Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis



ENVIRONMENTAL LOBBYING IN EU

knowledge, financial and other assets, number of supporters and their particular role in negotiations). Collectively, evidence regarding NGO activities, access to the negotiations and resources can be useful in identifying instances of NGOs influence in global environmental politics. Clearly, to influence international environmental negotiations, NGOs must engage in some activity to ensure their views are heard. However, it is important to remember that NGO activity does not automatically translate into influence. It is entirely possible that NGOs are extremely active during a negotiation process but that the actors do not alter their behavior in response to those activities.⁴

Resources In addition to activity and access, some authors use NGO resources as evidence of influence. Princen argues that NGO influence is ‘achieved by building expertise in areas diplomats tend to ignore and by revealing information economic interests tend to withhold . . . it is influence gained from speaking when others will not speak, from espousing something more than narrow self interest, from sacrificing personal gain from broader goals, from giving voice to those who otherwise do not have it, from rejecting pessimism and looking for signs of hope. Put differently, it is the influence gained by filling a niche that other international actors are ill equipped to fill. Moreover, it is influence gained when other actors need what only environmental NGOs can offer.’⁵ The NGO resources Princen is referring to are the knowledge and interests they represent, as well as the particular role NGOs have in international environmental negotiations.

Another possible measure of influence that is presented in the study, given by Keck and Sikkink is that to “assess the influence of advocacy networks [NGOs] we must look at goal attainment at several different levels.”⁶ In other words, it is important to ask whether political outcomes reflect the objectives of NGOs. A **comparison of NGO goals with outcomes** provides more concrete evidence of NGO influence than a focus limited to activities, access and/or resources. Analyses demonstrating that NGO activities designed to

⁴ Michele M. Betsill and Elisabeth Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis

⁵ Princen, Thomas, NGOs: Creating a Niche in Environmental Diplomacy. In *Environmental NGOs in World Politics: Linking the Local and the Global*, edited by Princen and M. Finger, 29–47. London: Routledge.

⁶ Keck, Margaret E., and Kathryn Sikkink., *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press, 1998.



ENVIRONMENTAL LOBBYING IN EU

promote a particular position can be correlated with an outcome (e.g. inclusion of specific text in the agreement) can make a plausible case for the possibility that NGOs had something to do with bringing about that outcome.⁷

“The fundamental idea of **process tracing** is “to assess causality by recording each element of the causal chain.” In the specific case of NGOs in international environmental negotiations, this requires building a logical chain of evidence linking NGO transmission of information, actors’ use/nonuse of that information, and the effects/non-effects of that information. Researchers can draw on evidence related to what NGOs were doing (activities and resources), how they tried to transmit knowledge and information to negotiators (access), whether delegates responded to that information, and whether those responses were consistent with the NGO position (goal attainment). The most direct indication of NGO influence is indeed whether the final agreement reflects NGO goals.⁸

Another procedural indicator of NGO influence mentioned by the authors is if delegates give serious consideration to an NGO proposal, even if they do not ultimately include that proposal in the final agreement. ‘NGOs can also be said to have been influential if evidence can be found suggesting they have shaped the jargon used by state decision makers during the negotiations. In the Kyoto Protocol negotiations, for example, environmental NGOs are widely credited with coining the term “hot air” in reference to proposals that would enable a country whose greenhouse gas emissions were below its legally binding limits to trade the difference.⁹ Establishing jargon is a way for NGOs to influence how negotiators and observers perceive various issues and proposals in a negotiation.’¹⁰

⁷ Michele M. Betsill and Elisabeth Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis

⁸ *ibidem*

⁹ Bettelli, Paola, Chad Carpenter, Deborah Davenport, and Peter Doran, Report of the Third Conference of the Parties to the United Nations Framework Convention on Climate Change: 1-11 December 1997. Earth Negotiations Bulletin 12 (76).

¹⁰ Michele M. Betsill and Elisabeth Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis



ENVIRONMENTAL LOBBYING IN EU

The authors Betsill and Corell present in the end of their paper a model of an analytical framework for assessing NGO influence in international environmental negotiations: ‘Our framework consists of a clear definition of influence that can be used as a guide for gathering evidence of NGO influence... (see Table 1). Our framework relies heavily on “triangulation”—the use of multiple data types, sources and methodologies to determine the role of NGOs in international environmental negotiations. “Triangulation is supposed to support a finding by showing that independent measures of it agree with it or, at least, do not contradict it.” To obtain a creditable assessment of NGO influence it is important to collect several types of data drawn from multiple data sources.’¹¹

Triangulation by:	1) Intentional transmission of information	2) Behavior of other actors
Data Type	NGO participation <i>Activities:</i> What did NGOs do to transmit information to decision makers? <i>Access:</i> What opportunities did NGOs have to transmit information? <i>Resources:</i> What sources of leverage did NGOs use to transmit information?	Goal attainment <i>Outcome:</i> Does the Final agreement contain text drafted by NGOs? Does the Final agreement reflect NGO goals and principles? <i>Process:</i> Did negotiators discuss issues proposed by NGOs (or cease to discuss issues opposed by NGOs)? Did NGOs coin terms that became part of the part of the negotiating jargon?

Data Source: Primary texts (e.g. draft decisions, country position statements, the final agreement, NGO lobbying materials)
 Secondary texts (e.g. ECO, Earth Negotiations Bulletin, media reports, press releases)
 Interviews (government delegates, observers and NGOs)
 Researcher observations during the negotiations

Research Task: Analyze Evidence of NGO Influence

Methodology: Process Tracing Counterfactual Analysis

¹¹ Michele M. Betsill and Elisabeth Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis



ENVIRONMENTAL LOBBYING IN EU

II. BACKGROUND INFORMATION

Sustainable Development

Sustainable development (SD) supposes 'the meeting of human needs without a level of resource use and waste generation that threatens the local, regional, or global environment'.¹²

In 1999, ahead of the Rio Earth Summit, WWF defined sustainable development as 'Improving the quality of human life while living within the carrying capacity of supporting ecosystems'. The definitions given to SD are various but they all contain the following words: limited resources, environment, future, economical development. It is a puzzle with multiple solutions. The future will tell where the compromise lies between on one hand our needs, desires for gains, economic development and, on the other hand, meeting the demands of a limited resources world that needs protection and care.

Historical Background

Sustainable Development, a term commonly defined as "economic and social development that meets the needs of the current generation without undermining the ability of future generations to meet their own needs". This almost universally quoted definition was produced in **1997** by the World Commission on Environment and Development (WCED), otherwise known as the Brundtland Commission (after its Chairwoman, Gro Harlem Brundtland, Prime Minister of Norway).

Since the mid 1970s, sustainable development has emerged as the preferred way of dealing with the rapid degradation of the natural environment. The first global meeting on this issue, the UN Conference on the Human Environment in 1972, focused mainly on the environmental issues, such as pollution and waste, which were most evident in the wealthy nations, and associated with industrial development and a rapid growth in consumption. Much less attention was given to the needs of lower income countries of the developing world for

¹² Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.



ENVIRONMENTAL LOBBYING IN EU

stronger and more stable economies, as well as environmental improvement. Although the need to combine development and environment goals was becoming evident, more emphasis was placed on the “limits to growth” arising from shortages in resources such as metals and fossil fuels.¹³

The new concern for what later became labelled “sustainable development” is evident in the Cocoyoc Declaration of 1974, which addressed the issue of how to respect the “inner limit” of satisfying fundamental human needs within the “outer limits” of the Earth’s carrying capacity. But it was the World Conservation Strategy of 1990 that launched sustainable development into the international policy arena, stressing the importance of integrating environmental protection and conservation values into the development process.

The Brundtland Commission then paved the way for the UN Conference on Environment and Development (UNCED), otherwise known as **the Earth Summit in Rio de Janeiro in 1992**. This conference approved a set of five agreements:¹⁴

- 1) Agenda 21 - a global plan of action for sustainable development, containing over 100 program areas, ranging from trade and environment, through agriculture and desertification, to capacity building and technology transfer.
- 2) The Rio Declaration on Environment and Development - a statement of 27 key principles to guide the integration of environment and development policies (including the polluter pays, prevention, and precautionary and participation principles).
- 3) The Statement of Principles on Forests - the first global consensus on the management, conservation, and sustainable development of the world’s forests.
- 4) The Framework Convention on Climate Change - a legally binding agreement to stabilize greenhouse gases in the atmosphere at levels that will not upset the global climate.
- 5) The Convention on Biological Diversity - a legally binding agreement to conserve the world’s genetic, species, and ecosystem diversity and share the benefits of its use in a fair and equitable way.

¹³ Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.

¹⁴ United Nations: Johannesburg Summit 2002, www.johannesburgsummit.org



ENVIRONMENTAL LOBBYING IN EU

Implementing the idea of a sustainable development

High-level legal and political commitments have been made to sustainable development, but that is to be followed by putting it into practice. In order to successfully implement sustainable development, policies for sustainable agriculture, fisheries, climate change, etc. need to be produced, support at sustainable forestry needs to be directed, national sustainability strategies need to be developed. The Brundtland Commission's definition provides little guidance of how to implement SD. The absence of a clear definition has allowed some to claim that they are practicing sustainable development, while essentially retaining their earlier approaches.

'Sustainable development is by nature an interdisciplinary concept, drawing on the social and physical sciences as well as law, management, and politics. It is also a dynamic approach which, according to the Brundtland Commission, is "a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations". Meeting human needs forms the bedrock of sustainable development.'¹⁵

Meeting the goals of sustainable development

A commitment to meet the needs of present and future generations has various implications. "Meeting the needs of the present" means satisfying:¹⁶

- 1) Economic needs—including access to an adequate livelihood or productive assets; also economic security when unemployed, ill, disabled or otherwise unable to secure a livelihood.
- 2) Social, cultural, and health needs—including a shelter which is healthy, safe, affordable, and secure, within a neighborhood with provision for piped water, drainage, transport, health care, education, child development, and protection from environmental hazards. Services must meet the specific needs of children and of adults responsible for children (mostly women).

¹⁵ Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.

¹⁶ ibidem



ENVIRONMENTAL LOBBYING IN EU

Achieving this implies a more equitable distribution of income between nations and, in most cases, within nations.

3) Political needs—including freedom to participate in national and local politics and in decisions regarding the management and development of one's home and neighbourhood, within a broader framework that ensures respect for civil and political rights and the implementation of environmental legislation.

Meeting such needs “without undermining the ability of future generations to meet their own needs” means:¹⁷

- 1) Minimizing use or waste of non-renewable resources—including minimizing the consumption of fossil fuels and substituting with renewable sources where feasible.
- 2) Sustainable use of renewable resources—including using freshwater, soils, and forests in ways that ensure a natural rate of recharge.
- 3) Keeping within the absorptive capacity of local and global sinks for wastes—including the capacity of rivers to break down biodegradable wastes as well as the capacity of global environmental systems, such as climate, to absorb greenhouse gases.

Drifting towards unsustainability

At present, these “preconditions” are rarely being met. As a result, the world appears to be locked into a number of downward trends, which are moving away from, rather than towards, sustainability. The roots of this decline are many, but can be clustered into two broad groups: **market failures**, where economic transactions fail to take account of social or environmental costs; and **policy failures**, where governments inadvertently encourage environmental degradation, for example by subsidizing energy and water use.¹⁸

¹⁷ Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.

¹⁸ ibidem



ENVIRONMENTAL LOBBYING IN EU

Balancing Objectives

Sustainable development means achieving a quality of life that can be maintained for many generations. Sustainable development aims to reverse these downward trends. There is a growing consensus that sustainable development means achieving a quality of life that can be maintained for many generations because it is:¹⁹

- 1) Socially desirable—fulfilling people’s cultural, material, and spiritual needs in equitable ways.
- 2) Economically viable—paying for itself, with costs not exceeding income.
- 3) Ecologically sustainable—maintaining the long-term viability of supporting ecosystems.

‘Sustainable development will entail integration of these three objectives where possible, and making hard choices and negotiating trade-offs between objectives where integration is not possible. These negotiations will be greatly influenced by factors such as peace and security, prevailing economic interests, political systems, institutional arrangements, and cultural norms. There is no blueprint for sustainable development. It needs to be defined to meet and respect the particular needs and circumstances of individual countries, societies, and cultures.’²⁰

¹⁹ Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.

²⁰ ibidem



ENVIRONMENTAL LOBBYING IN EU

Chapter I

Interest representation in the EU. Environmental lobbying.

I. Lobbying

According to the definition given by Microsoft Encarta Encyclopedia, 'lobbying is a practice of attempting to influence legislation. Lobbying is performed by agents, called lobbyists, of a particular interested group, known as the lobby. The lobbyist may request votes either for or against pending legislation. The term derives from the way in which these agents formerly confronted legislators in the lobby or hallways directly outside a legislative chamber. Lobbyists may represent such varied interests as agriculture, transport, professions such as medicine and the law, or such groups as women voters or conservationists.'²¹

Some facts and figures related to the number and nationality of the lobbyists in Brussels²²

By some estimates, there are **13,000 Lobbyists** in Europe's political capital, Brussels. As such, it comes second after Washington DC, where 25,000 lobbyists are known to lobby the Congress. There are only **6,500 Commission officials** involved in policy making and they are the prime target of lobbyists. Out of the total number of lobbyists, only **40%** (approx. 5,000) are **accredited lobbyists to the European Parliament**. The largest number of accredited lobbyists are Germans (approx. 640 accredited lobbyists), followed by English (approx. 350 accredited lobbyists), the French and the Italians (approx. 290 accredited lobbyists) and the Spanish (approx. 170 accredited lobbyists).

The new member states combined have but 60 accredited lobbyists to the European Parliament. 5,000 accredited lobbyists for 732 MEPs equate to **7 lobbyists per MEP**.

²¹ Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.

²² www.EULobby.net. Facts and Figures



ENVIRONMENTAL LOBBYING IN EU

The lobbyists as professionals go to great lengths to get close to the lawmakers. From invitations to dining in fancy restaurants to setting up television screens in the Parliament's long corridors in order to supply information displays are just some of the tricks of the job.

The lobbyists' all important asset is the Contact book. A successful lobbyist spends years building up contacts and knowledge of the system. The key to good lobbying in Brussels is to build up strong relationships with bureaucrats, some of whom stay in office for decades. The decisive factor is not how big you are, but how influential you are. In the world of contacts, it is not the number of people that you know that counts, but who you know.²³

According to some estimates, more than half of the laws enacted by European national Parliaments now originate in Brussels.²⁴ In areas such as environment, areas having a huge impact on business, the proportion can be 70% or higher, according to Enrique Tufet Opi, director at Weber Shandwick, leading communications consultancy. The institutions need lobbyists to provide them with an insight into the impact of EU policies on the real world. According to Michel Burrell, Vice-Chairman Edelman Europe, there is a mutual respect between the lobbyists and the decision-makers. "To be an effective lobbyists you need to build long-term relationships and this is possible if your interlocutor trust you and acknowledge that you are operating to a set of appropriate ethical standards."²⁵

Brussels, according to Burrell, is a 'kind of village', and, as in a village, people need to be well plugged into the gossip that they need to know. The most effective lobbying is the one that is made in the early stage, early in the decision-making process. 'Good lobbying is based on in-depth knowledge of the subject and a clear understanding of how the institutions work. This is how the best client-consultancy relationships function, with the client providing the facts from the front line and the consultant adding an appreciation of how those facts can most effectively be deployed. Clients can also benefit from the objectivity that their consultants can bring and their ability and willingness to convey unpalatable feedback.'²⁶

²³ www.EULobby.net, *The Art of Brussels Lobbying*, an article by Michel Burrell, Vice-Chairman Edelman Europe

²⁴ Graham Bowley, *The International Herald Tribune*, November 2004

²⁵ www.EULobby.net, *The Art of Brussels Lobbying*, an article by Michel Burrell, Vice-Chairman Edelman Europe

²⁶ *ibidem*



ENVIRONMENTAL LOBBYING IN EU

II. Lobbying in the EU – a unique political system

As described by the EU Lobbying Consortium: 'the EU constitutes a unique system with intricate features that need to be known and understood if we are to work with them.'

In the followings, the thesis describes the system in order to facilitate a better understanding of the playground for lobbying.

The EU is unique by historical reasons, structural reasons, etc, having outstanding features such as a 'multi-layer structure and the combination of supra-national and inter-governmental elements in the decision-making. In the course of the policy making cycle, responsibilities and competences shift and, with them, actor constellations and the rules of the game. Agenda-setting and policy-formulation are EU's prerogatives, whereas implementation is the sole responsibility of the Member States. Depending on the subject-matter, decision-making powers are distributed between Community institutions in different ways, which all add up to a highly complex system of governance; the high degree of functional segmentation, the result of the process of European integration.

The EU Lobbying Consortium describes the functional differentiation in the work of the Council and the Commission: the Council and the working groups of the Council meet in "specialized" councils. Over time they have developed their own policy philosophies, policy making styles and networks of interests. The same holds true for the European Commission. Despite the fact that the Commission is a collegiate body, the Commission's Directorates have become increasingly autonomous. They have their own functional profile and are closely locked up in well established policy communities. The European Parliament (EP) is a typical working parliament in which functional specific committees have a strong position. In the case of the Parliament, however, functional segmentation may be less pronounced because the EP has to find a broad consensus most of the time in order to push its point in relation to the Council and the Commission. The European Commission being responsible for the initiation of policy proposals disposes of only limited resources and is therefore particularly open to external expert advice. It not only attracts but also organizes a dense network of consultation.



ENVIRONMENTAL LOBBYING IN EU

In order not to become too dependent on expert knowledge provided by the Member States, the Commission includes all kinds of private interests in the process of policy formulation.

Last but not least, the EU is a dynamic system under constant change. Beside the IGCs (Intergovernmental Conferences), there is a steady process of incremental change, with the transfer of more and more responsibilities to the European level.²⁷

III. Interest group representation in the EU

Interest groups have adapted to this new emerging European polity. The growing importance of the EU has led to a huge increase of lobbying in Brussels. This growing army of EU lobbyists has not left the national battlefields void, just doubled. Interest groups have adapted to this multi-layer character of the European system by establishing organizations at all levels, building direct channels of contacts to supranational, as well as to national political actors, and seeking to get involved in all the relevant national, transnational and supranational networks.

Interest groups pursue a 'dual strategy', striving for access and voice in European policy making through national governments and directly through communications with EU institutions. The combination of multiple channels of access is mandatory, because, in the course of the policy making cycle, the arena changes from one level of government to the other and because European decision-making still is a mix of intergovernmental and supranational bargaining.²⁸

The segmentation of European policy making has had its effects on the organization of private interests as well. Over time, the specialized individual Directorates General of the Commission have established close links to relevant interest groups. The most welcomed partners in such issue-specific networks are sectoral interest groups.

²⁷ EU Lobby Consortium, *The Lobby Radar*, Newsletter, Issue Vol 1, no. 2, December, 2004

²⁸ *ibidem*



ENVIRONMENTAL LOBBYING IN EU

With the high premium put on relevant problem-solving strategies, influence goes with an interest group's capacity to provide what is most needed: technical expert knowledge, assessment of political response and support in implementing chosen policies.²⁹ This gives a greater say to interests that can live up to the need of a technocracy.

In conclusion, the institutional characteristics of the EU system have put high pressure on the organization of interest representation to adapt to the new system marked by its complexity, highly-segmented and multi-level structure.³⁰

IV. The legislative process in the EU institutions: how and when to influence legislation

For interest representation, knowing when and how to influence legislation is crucial. Community legislation is the result of an often lengthy process of consultation and negotiation. Under the treaties, the Commission has the exclusive right to initiate new legislation by drafting proposals, so called White Papers. Where the Council and the Parliament want actions taken, they must ask the Commission to undertake studies and to submit appropriate proposals. This makes the Commission the most important starting point for attempting to influence decision-making process.

Furthermore, as all interviewed people say, the best time to influence the Community's decision-making is as early in the process as possible. It also seems to be of importance to make contacts at the important level in the Commission. 'Lobbying is about who you know and being at the right place at the right time. You have to have your argument ready for the time when the political chance arises, when the opportunity window opens.'³¹

It is also important to have the right contacts. It is not the top level contacts that matter, but the medium and the lower level ones, which are the most important because these are the levels that actually draft legislation.

²⁹ EU Lobby Consortium, *The Lobby Radar*, Newsletter, Issue Vol 1, no. 2, December, 2004

³⁰ *ibidem*

³¹ Interview with Daniel Mittler, Greenpeace International Unit, Berlin, February 16th



ENVIRONMENTAL LOBBYING IN EU

And then there are the rapporteurs, this time in the framework of the Parliament, and they are the people charged of specific dossiers and in charged of drawing up the Parliament's view. They are the ones that will do all the work, will lead and will represent the views of the Parliament as a whole. All MEPs don't have the time to spend on all issues, so in most of the cases, they will follow the lead of the rapporteur. So it is obvious how important it is for a lobbyist to influence these people.

As examples, in the case of the new chemicals law REACH that has been on the agenda for some time and will continue to be for the next few years, the three rapporteurs are: 'Italian Socialist Guido Sacconi, rapporteur in charge of the environmental committee, Swedish Liberal, in charge of the industry committee, German centre-right deputy Hartmut Nassauer, rapporteur for the internal market committee.'³²

Several representatives of lobbying organisations have argued in interviews that the Commission is the most important point at which to direct lobbying efforts. In an organization which is short on both human and money resources and decision-making capacity – like the environmental NGOs are, setting the agenda is of crucial importance. Major European associations such as UNICE and ETUC, as well as the other individual organizations try to put issues on the Commission agenda.

The next important early stage for interest articulation is when a new proposal for legislation is being drafted within the Commission and considered by experts and working parties. 'You have to be in for the whole time: beginning, middle and the end which is a long tail. Environmental lobbying is about being influential throughout the whole process, influencing processes before they come out, even the ones that do come out.'³³

As Lodge states: 'Commission proposals are not fashioned out of thin air. Rather they represent the culmination of an extensive process of consultation with leading representatives of Euro-level interest groups, national experts, senior civil servants and politicians.'³⁴

³² *Reaching out for a chemicals compromise*, article by Anna McLauchlin, European Voice, 7-13 April 2005, vol. 11, no. 13.

³³ Interview with Mr. Tony Long, Director of WWF, EPO, Brussels, April 2005

³⁴ Lodge, J., *The European Community and the Challenge of the Future*, London, 1989



ENVIRONMENTAL LOBBYING IN EU

This is also backed by what Mr. Tomas Gronberg from DG Environment says in the interview taken in Brussels: ‘for every single proposal we are doing consultations with stakeholders. To be in touch with stakeholders is for DG Environment -an environmental policy making- and I think I can say that for the Member States also, is part of the backbone in the preparatory and decision-making processes, because those who advocate environmental issues in the policy making institutions need to have some kind of support or pushing. And if we look at it, the environmental NGOs are really the only proponents for environmental values. So, that’s why we believe it is important to listen to them and also to give them support. Industry and other interest groups have much stronger economic means at their disposal so that’s when we started since several years to also fund the environmental NGOs. They have a special fund.’³⁵

And the same person is addressing the issue of environmental lobbying in the case of REACH and recognizing the environmental lobbying implication: ‘In REACH, you could clearly see that there was a division of interest: environment/health vs. industries. After the final internet consultation, their line of argument was that the Commission watered down the proposal. The argument of the Commission was that: ‘we can not put forward something that is economically impossible to achieve’. The objective of the Commission was to put forward a balanced proposal that took into account both competitiveness and environmental/health issues. But the NGO played an extremely important role in defending their position. In REACH, without the persistent and very strong lobbying from their side, it would not have been possible for the Environmental Commissioner to put forward such a proposal with such consequences for industry. REACH is the most consulted piece of legislation in the history of the Commission.’³⁶

³⁵ Interview with Mr. Tomas Gronberg, DG Environment, Brussels, April 2005

³⁶ ibidem



ENVIRONMENTAL LOBBYING IN EU

The legislative process, as analyzed by Svein Anderson and Kyell Eliassen in the book entitled Making policy in Europe; The Europeification of Policy making is described in the following. The purpose is to examine the different phases in the European decision-making in order to identify the possibilities for influencing the process.

The phases in the decision-making process are:

Proposition of new legislation: Agenda setting – the Commission has the exclusive right. The idea of specific Community initiative may in fact originate from outside the European Commission or stem from the European Parliament or the European Council. Agenda setting is of decisive importance.

Preliminary proposition, the so called Green Paper – in this stage, analysis are carried out by independent experts from the member states, organizations, firms, major European federations, large multinational companies have the opportunity of being heard, discussions in the various offices of the Commission take place, the case is presented to the Directors General who attempt to reach an agreement on the substance of the proposition, national experts are consulted, calculations are made, arguments are being considered, the Commissioner responsible for the proposal formulates the proposition and puts it on the agenda for one of the two weekly meetings. When and if the Directors General reach a consensus, the decision is taken, voted.

The Commission issues a White Paper, first reading in Parliament – the work of the Parliament is prepared in different expert committees, each responsible for certain areas. The committees choose a chairman – the rapporteur – who prepares the recommendation. The recommendations are then presented to the different parties and Parliament makes a preliminary comment on the case. Parallel to this, a hearing is run in the Economic and Social Council (ESC) that has nine committees that prepare their propositions. The ESC has advisory status.



ENVIRONMENTAL LOBBYING IN EU

After the first hearing in Parliament, the Council makes a temporary statement on the proposition. COREPER (the twelve ambassadors of Permanent Representatives) have the final decision, coordination and mediation between the different countries.

The twelve national attachés within the relevant field form a working group. The country which holds the chairmanship decides which of the Commission's proposals should be put on the agenda during the following six months and how they should be dealt with. After considering the issue, the working group hands over a recommendation to the COREPER. If the ambassadors cannot produce a qualified majority voting, the proposition is taken to the Council of Ministers. At this stage, it is dealt with by the national ministers who are in charge of the particular area congruent to the particular issue on the agenda. In order for a final decision to be passed, either unanimity or QMV is required. If disagreement or simple majority, the Council advises the Commission to withdraw the proposition or to make the necessary alterations. If the COREPER reaches consensus, the Council merely gives the formal clearance, the proposition is decided upon as an A point. During the second hearing in Parliament, the preliminary recommendations of the Council is again subject to hearing in Parliament and is dealt with according to one of the different procedures, which include the consultation or the co-decision procedure. The outcome determines the future treatment of the proposal. The ultimate stage is the final settlement agreed in the Council.³⁷

Interest representations lobby the whole process. Throughout the legislative process, the lobbying activity takes various types of participation, such as: agenda setting, preparing documents and drafting proposals, hearing procedures, formal contacts outside the hearing procedure, informal contacts and influencing court decisions. The environmental lobbying attempts to strengthen general awareness of the EU institutions concerning certain environmental issues. Environment constitutes the so called cross-cutting policy area, that emerge around a certain kind of unintended consequences produced by a successful economic growth strategy.³⁸

³⁷ Anderson, S. Svein & Eliassen, A. Kyell, *Making policy in Europe, The Europeanization of Policy making*, SAGE Publications, London, 1993

³⁸ ibidem



V. The European Environmental Policy

Over the past thirty years, in the field of environment there has been some major progress in terms of the establishment of a comprehensive system of environmental controls in the EU.

Action began so early as **1972** at the *Paris Summit* when it was recognized that in the context of economic expansion and improving the quality of life, particular attention should be paid to the environment. Action began with the four successive action programs (from the first to the fourth EC Environmental action programs), based on vertical and sectoral approach to ecological problems.

The Single European Act (1987) adding a title specifically on the subject (Art. 130r-130t) is considered to be **the turning point** for the environment.

It is not until the Treaty of Maastricht in 1993 that the environmental action receives status of **EU policy** (Art. 130r of the Treaty of Maastricht). Also at this time, the EMAS – eco-management and auditing scheme is introduced.

In 1999, the Amsterdam Treaty further highlights the importance of the environment by making the environmental policy a key political objective of the Union.

To date, the sixth environmental action program 2001-2010 (6EAP) gives a new sense of purpose and direction to the Community's environmental policy by clearly setting out the objectives for the next decade and by determining the actions that need to be taken within the following 5 to 10 years if the goals set are to be achieved. The 6EAP puts forward a series of actions in order to tackle the persistent environmental problems.

The four priority areas are:³⁹

- Climate change;
- Nature and biodiversity;
- Environment and health and quality of life;
- Natural resources and waste.

³⁹ Environment DG, Information Brochure, Luxembourg, 2002



ENVIRONMENTAL LOBBYING IN EU

The strategic approach to achieve the 6EAP is underpinned by five major objectives⁴⁰ that put the emphasis on effective implementation and innovative solutions:

- Improve the implementation of existing environmental legislation at national and regional level;
- Integrate environmental concerns into other policy areas;
- Work closely with business and consumers in a more market-driven approach to identify solutions;
- Ensure better and more accessible information on the environment for citizens;
- Develop a more environmentally conscious attitude towards land-use planning.

VI. The European Environmental Lobbying

The Green Group of Nine (G9) environmental NGOs active at EU level

In the environmental field, nine groups make up the so-called 'G9 environmental NGOs'. The members are: 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 Friends of Nature International (IFN). Together, these groups employ over 70 full-time staff.

The key source of power and influence of these public interests is the Commission. Virtually all environmental, consumer and other public interest groups in Brussels derive their main source of funding from the EU budget, via the various DGs of the Commission.

For example, in 2002 environmental groups received a total of €6.5 million per year from the Commission, and consumer groups received €1.6 million (Greenwood, 2003, p.199).

The Commission has also been central in setting up fora to provide **access** by these groups in the EU policy process. For example, the European Environmental Bureau (EEB) has been invited to attend meetings of the Environmental Council, and has even been a member of the Commission's delegation to the Earth Summits.

⁴⁰ Environment DG, Information Brochure, Luxembourg, 2002



ENVIRONMENTAL LOBBYING IN EU

Why does this group exist? Where does the legitimacy of the G9 lie?

Public opinion polls consistently show that European citizens are deeply concerned about the environment. The environment is an area where EU decision-makers can take action to bridge the gap between European institutions and citizens, to change people's lives for the better. As environmental problems do not respect national boundaries, it makes sense to tackle these issues with laws and regulations at EU level. Widespread public concern over the state of the environment has led to a continuous growth in the membership of environmental non-governmental organisations in Europe in recent years. Membership of the nine leading environmental organisations active at EU level is now estimated to be over 20 million people.⁴¹

The G9 is an informal coalition of the nine principal European environmental groups based in Brussels, lobbying and advising the European institutions. The Green Group of Nine was formed early in the 1990s by four NGOs: EEB, Greenpeace, WWF and Friends of the Earth. Today, they are nine, with a combined membership and sponsorship. Although they work individually, they sometimes unite under the umbrella of the 'G9' when approaching the EU institutions. They participate in a number of different Commission experts groups and committees, providing input into policy making.

They work with the EU law-making institutions the European Commission, the European Parliament and the Council of Ministers - to ensure that the environment is placed at the heart of policy making. This includes working with their member organisations in the Member States to facilitate their input into the EU decision-making process.⁴²

While campaigning at EU level, G9 NGOs encourage the full implementation of EU environmental laws and policies in the Member States, lobby for new environmental proposals, as appropriate, work with the EU institutions to ensure that policies under consideration are as environmentally effective as possible and promote EU environmental leadership in the global political arena.

⁴¹ G9, *Introducing the G9 group of environmental NGOs active at EU level*, G9, Brussels, 2005

⁴² *ibidem*



ENVIRONMENTAL LOBBYING IN EU

The G9 are also active in public awareness raising, which they do by informing their members and the wider public of environmental developments at EU level, and encouraging them to make their voice heard. The G9 give a voice to thousands of locally-based associations, which would otherwise have no access to EU decision-makers and contribute to the strengthening of civil society across Europe, through training in advocacy skills, policy analysis and the EU decision-making process.

A key element of the G9 Environmental Action Plan is to try to de-link economic growth from environmental degradation. G9 members also emphasize the need to enhance public participation in environmental policy decision-making.

'In 2005 and 2006, the United Kingdom and Germany are scheduled to take on the rotating annual presidency of the G9. Early indications suggest that global environmental protection and climate change will be a key pillar of the UK presidency.'⁴³

The way the G9 works is by trying to observe the process of decision-making, taking into account the views of member organisations, their staff, boards and members. They reflect the views of millions of European citizens and thousands of local associations at EU level. The strength of the G9 NGOs is in their networks. European environmental NGOs regularly send information to their members and supporters, which is vital to ensure that these groups are fully informed of developments at EU level, so that they can contribute effectively to the EU decision-making process.⁴⁴

As far as the funding is concerned, membership contributions are an important part of the finances of G9 organisations. They also receive core funding from the European Commission, except for Greenpeace. Furthermore, some member organisations of the G9 receive funding on a case-by-case basis for specific projects from governments and foundations. Some organisations also receive specific donations from industry. Greenpeace does not request or accept financial support from governments, the EU or industry. All G9 organisations are externally audited every year.⁴⁵

⁴³ Green G8, *Introducing European Environmental NGOs – Their Role and Importance in European Union decision-making*, Brussels, 2001

⁴⁴ G9, *Introducing the G9 group of environmental NGOs active at EU level*, G9, Brussels, 2005

⁴⁵ *ibidem*



ENVIRONMENTAL LOBBYING IN EU

Joint G9 activities – some examples

As well as working individually with EU institutions on key policy areas, they also coordinate joint responses and recommendations to EU decision-makers on issues of interest to all NGOs. Some examples when the G9 worked together are:⁴⁶

The Constitutional Treaty: NGOs successfully lobbied the European Convention to retain existing Treaty commitments to sustainable development, environmental protection and the integration of environmental concerns into each EU policy area. They also supported an increase in the power of the European Parliament in several areas of work.

The EU's Sustainable Development Strategy: The G9 works to ensure the attainment of the objectives of the Sustainable Development Strategy agreed by the Gothenburg European Council in 2001. They closely monitor progress on the individual commitments, and have prepared joint input to the EU institutions for the review of the Strategy.

European elections: NGOs produced a joint 'manifesto' outlining key recommendations for action by MEPs in the European Parliament 2004-2009. They worked with member organisations to promote these recommendations with MEP candidates and political parties at national level.

Greening the EU Budget: The EU's annual budget procedure presents an opportunity for G9 NGOs to lobby for a shift in funds away from environmentally damaging measures to those budget lines that deliver public goods and environmental benefits. G9 NGOs have been active in seeking to reform the Structural Funds, the Common Agricultural Policy and the Common Fisheries Policy.

Coalition for sustainable EU funds/Greening the new regulation for EU funds 2007-2013: Coalition of Friends of the Earth Europe, CEE Bankwatch Network, World Wide Fund for Nature, BirdLife International, Milieukontakt Oost-Europa and European Environmental Bureau in co-operation with other NGOs set up a platform aiming to influence

⁴⁶ G9, *Introducing the G9 group of environmental NGOs active at EU level*, G9, Brussels, 2005



ENVIRONMENTAL LOBBYING IN EU

the new Structural Funds/Cohesion Funds guidelines and to make sure that these benefit the environment and people.

Other examples: Greening the Birds and Habitats Directives, the Common Fisheries Policy, the European Climate Change Program, the ratification of Kyoto and the Emissions Trading, Clean Mechanisms and Joint Implementation Scheme, **Registration Evaluation Authorization of Chemicals (REACH)**, the reform of the Common Agricultural Policy, the EU's Sustainable Development Strategy, the Regional Policy, etc.

A short overview of each of the members of the G9

The European Environmental Bureau (EEB)

The EEB is a federation of more than 140 environmental citizens' organisations based in all EU Member States, as well as in some neighboring countries. They range from local and national, to European and international, together numbering more than 15 million citizens. As such, it is one of the big NGOs making up the G9 and is also among the founders of the G9. The EEB has consultative status at the Council of Europe and the United Nations Commission on Sustainable Development (CSD), and has working relations with the Commission of the European Union, the European Parliament, the Economic and Social Committee of the European Union, and the OECD.

EEB is active in the areas such as the EU Sustainable Development Strategy, environmental policy integration, environmental governance, a wide range of environmental policy issues, in particular on policies relating to air quality, biodiversity, chemicals, product policies, noise, soil, waste and water, implementation. They give assistance to members fighting for the enforcement of EU law and are involved in guidance for the implementation of the Water Framework Directive, the IPPC Directive, the European Ecolabel Scheme and Standardization.



ENVIRONMENTAL LOBBYING IN EU

The way the EEB works is a structure of working groups on particular issues, composed of representatives of EEB organizations, concentrated activities and coordination in some other fields as well, including: transparency and public participation, environmental policy integration, Mediterranean issues, intensive contacts with the European Institutions, formal and informal, intensive information provision to EEB members; partly via the bi-weekly internal newsletter "In Brief", and via working sessions with the members at national levels and by organizing seminars to support the work of the working groups, and some larger conferences.

Some of the publications that the EEB issues are: Memoranda for the Presidencies; the external magazine "Metamorphosis", the EEB-homepage on the Internet; and special publications.

Birdlife International

BirdLife International is a global partnership of conservation organisations which strives to conserve birds, their habitats and global biodiversity, working with people towards sustainability in the use of natural resources. BirdLife International is the world authority on the status of birds, their habitats and any conservation problems endangering them. BirdLife Partners operate in over one hundred countries and territories worldwide. BirdLife International has 41 Partners and 1.7 million members in Europe. They are active in all the EU Member States.⁴⁷

The way BirdLife International works is through conservation science, action on the ground, advocating change, developing capacity and building awareness.

BirdLife International are involved in The Birds and Habitats Directives, in which they work towards the full implementation of these Directives and the effective management and financing of the 'Natura 2000' network of wildlife sites, the reform of the Common Agricultural Policy (CAP), the EU's Sustainable Development Strategy, the Regional Policy,

⁴⁷ G9, *Introducing the G9 group of environmental NGOs active at EU level*, G9, Brussels, 2005



ENVIRONMENTAL LOBBYING IN EU

the Common Fisheries Policy (CFP), the EC Biodiversity Strategy, trans-European transport networks, forestry, environmental liability, water policy, climate change, transport, environmental impact assessment, EU enlargement, trade and development policy and environmental tax reform.

Some of the specialized publications of BirdLife are: World Birdwatch is the quarterly magazine of BirdLife International, Bird Conservation International - scientific journal, as well as books and articles published in partner journals.

Climate Action Network Europe (CAN Europe)

Climate Action Network Europe (CAN-Europe) is a non-profit organization operating as a coordination office since 1989 for environmental groups in Western Europe working on climate change issues.

CAN supports and empowers civil society organizations to influence the design and development of an effective global strategy to reduce greenhouse gas emissions and ensure its implementation at international, national and local levels in the promotion of equity and sustainable development.

The main tool of the CAN office in Brussels is political lobbying. And since climate change involves so many different issues, it does not only target the Environment DG but also works with the Energy, Transport and Agriculture DGs.

The way the CAN works is by providing a forum for NGOs to share ideas and expertise, strategies and information on climate change, promote actions and link these with wider efforts. CAN-Europe acts as a source of information for its members both on International and EU policy developments, through mailing lists, newsletter, website, events. CAN-Europe also ensures that NGO voices are heard in the wider policy arena by liaising with varied policy stakeholders and Institutions.

CAN-Europe monitors and encourages the implementation of policies and measures that combat climate change in the EU, as well as working with national NGOs to do the same at the member state level. Work is done on all aspects of EU policies linked to climate change



ENVIRONMENTAL LOBBYING IN EU

issues. This includes the European Climate Change Program (ECCP), emissions trading in the EU, promotion of renewable energy, ratification of the Kyoto Protocol in the EU, liberalization of the energy market, security of energy supply, green electricity and F-gases. CAN-Europe follows closely the international negotiations on the UN Framework Convention on Climate Change.⁴⁸

Friends of the Earth Europe (FoEE)

Friends of the Earth Europe is the largest grassroots environmental network in Europe campaigning for sustainable solutions to benefit the planet, people and our common future. It is united by a common belief in strong grassroots activism and effective national and international advocacy. The European branch of Friends of the Earth International is the world's largest grassroots environmental network uniting 73 national member organizations and some 5,000 local activist groups on every continent.⁴⁹

The way FoEE works is by influencing European and EU policy and raises public awareness on environmental issues by providing institutions, media and the public with regular information via a wide range of campaigns, publications and events. It supports the network with representation, advice and coordination in European and EU policy making, and sharing of knowledge, skills, tools and resources. Also, FoEE enables people to participate in its international campaigns through local activist groups and national organizations in more than 30 European countries

FoE are active in the areas of the use of Pre-accession and Structural/Cohesion Funds, combating climate change, GMOs, the new chemicals law, REACH, ending the institutionalized promotion of nuclear power, international trade and investment negotiations, sustainable farming and healthy food and other issues that include the EU constitutional debate, environmental governance, euro-Mediterranean issues, resource use and waste

⁴⁸ CLIMATE ACTION NETWORK EUROPE, <http://www.climnet.org>

⁴⁹ FRIENDS OF THE EARTH EUROPE (FoEE), <http://www.foeeurope.org>



ENVIRONMENTAL LOBBYING IN EU

management issues, monitoring European Parliament environmental decisions and corporate accountability/CSR issues.

International Friends of Nature (IFN)

International Friends of Nature (IFN) is a non-profit organization which unites more than 50 national organisations within a broad network of regional and local groups, focusing on sustainable development, a professional commitment to the protection of nature and the environment and developing various forms of eco-tourism in theory and in practice. Getting people to beautiful natural settings, awakening their love of nature and giving them knowledge about nature and culture are some of their major aims.⁵⁰

IFN are active in the areas of landscape protection, sustainable land use and regional development, sustainable consumption, production and health, environmental education, sustainable tourism, environmental aspects of development issues, EU constitutional debate, environmental impact assessment, capacity building in new EU Member States, monitoring European Parliament environmental decisions, establishment of Natura 2000 ecological networks, energy efficiency, public transport, Eco-labels.

The way IFN works is by way of political lobbying at the international level, with the implementation of international projects, with information exchange and the coordination of joint activities engaged in by member federations and groups of partners, and with the provision of international services.

Greenpeace International

Greenpeace is a non-profit organization, with a presence in 40 countries across Europe, the Americas, Asia and the Pacific. Greenpeace is an independent, campaigning organization, which uses non-violent creative confrontation to expose global environmental problems and

⁵⁰ G9, Introducing the G9 group of environmental NGOs active at EU level, G9, Brussels, 2005



ENVIRONMENTAL LOBBYING IN EU

to drive the solutions which are essential to a green and peaceful future. They neither request nor receive financial support from governments, the EU or industry.⁵¹

Greenpeace is active in climate change, chemicals, corporate liability, energy, forests, genetic engineering and oceans.

Greenpeace's European Unit monitors the work of the EU Parliament, Commission and Council, tries to expose deficient EU policies and laws, and challenges decision-makers to implement progressive solutions.

Greenpeace is one of the few G9 NGOs that organize campaigns, such as for the protection of oceans and ancient forests, the phase out of fossil fuels and the promotion of renewable energy to stop climate change, the elimination of toxic chemicals, the prevention of genetically modified organisms being released into nature, an end to the nuclear threat and nuclear contamination and Safe and sustainable trade.

Greenpeace is independently funded and does not accept donations from governments, corporations or political parties but relies on contributions from individual supporters and foundation grants. Also, Greenpeace is the only G9 NGO that receives no funding from the European Commission.

The European Federation for Transport and Environment (T&E)

T&E is the European umbrella for non-governmental organisations working in the field of sustainable mobility of people and freight. T&E was founded in 1989. Today T&E has some 40 non-governmental organisations as members in 20 countries, including EFTA and Central and Eastern Europe. T&E promotes a European transport policy that is environmentally sustainable, economically sound and socially just. T&E not only follows the EU legislative process, but also initiates debates and pushes pro-actively for action.⁵²

⁵¹ G9, Introducing the G9 group of environmental NGOs active at EU level, G9, Brussels, 2005

⁵² ibidem



E N V I R O N M E N T A L L O B B Y I N G I N E U

T&E are active in the areas of transport pricing policy, aviation and shipping, fuel efficiency, in particular for passenger cars, cleaning up vehicles and fuels, European investment into transport infrastructure, air quality, noise, urban and public transport policy.

The T&E like all the other G9 NGOs works at both levels, national and international: the secretariat in Brussels works closely in various ways together with the European institutions, while member organizations have close contacts with their decision-makers and effect campaigns at national levels.

T&E provides the members and its enlarged network of stakeholders with regular news, briefings, publications and press releases, as well as a monthly newsletter.

WWF European Policy Office (WWF-EPO)

"We shan't save all we should like to,
but we shall save a great deal more than if we had never tried."

(Sir Peter Scott, one of the founders of WWF).

Since its conception in 1961, WWF has worked to conserve nature and ecological processes through a combination of action on the ground, national and international advocacy work to establish appropriate policies, and international campaigns to highlight and demonstrate solutions to crucial environmental problems.

WWF is an independent foundation registered under Swiss law, governed by a Board of Trustees under an International President with a mission to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.

WWF has almost 5 million supporters and a global network active in more than 100 countries.



E N V I R O N M E N T A L L O B B Y I N G I N E U

WWF is active in the areas of climate change and energy policy, agriculture and rural development, chemicals policy, Common Fisheries Policy, Regional Funds, water policy, development policy and EU external relations, trade policy, forests.

In order to achieve its objectives, for WWF the answer lies in campaigning and lobbying, as well as working in the field. WWF continues to assume its role as a credible and influential global leader by campaigning and lobbying at the highest possible level, using the appropriate tools to achieve its objectives. Also, WWF is working in collaboration with stakeholders to influence key global policy strategies and activities.

The WWF European Policy Office leads the WWF network in working to shape European Union policies impacting on the European and global environment. The role of the European Policy Office is to influence EU legislation and policy in line with WWF objectives, use the Brussels media corps to spread WWF's message and inform the WWF global network about important developments in Brussels that will have an impact on conservation.⁵³ The EPO is funded by the WWF network, the European Commission, foundations and private and corporate donors.

In order to exemplify the financing of the environmental NGOs, the thesis will present the example of the WWF EPO's 2003 financial year report that shows the amounts received and the expenditures.

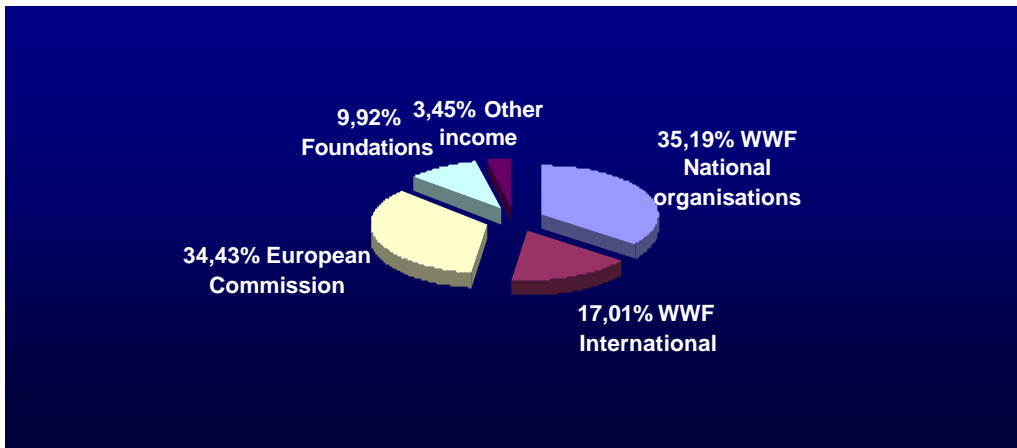
⁵³ *Your guide to WWF in the EU*, © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004



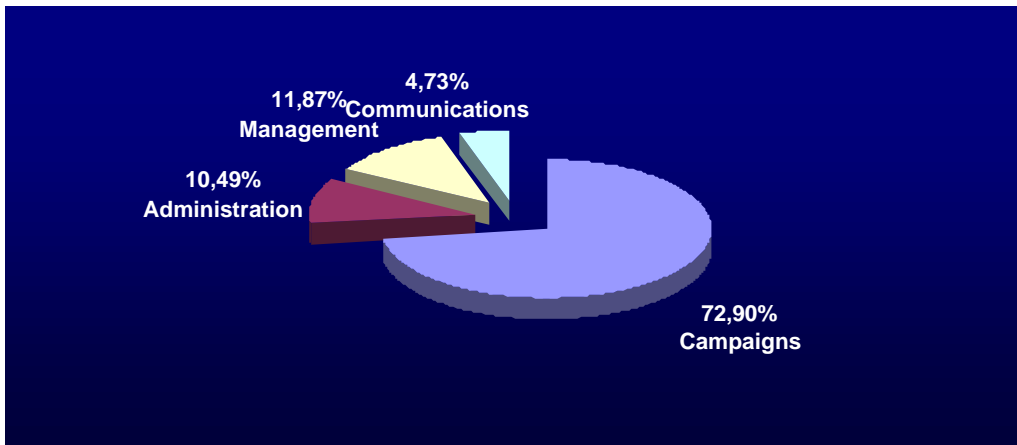
ENVIRONMENTAL LOBBYING IN EU

WWF – European Policy Office – financial year 2003⁵⁴

INCOME: 1.944.245 Euros



EXPENSES: 2.191.194 Euros



⁵⁴ Your guide to WWF in the EU, © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004



ENVIRONMENTAL LOBBYING IN EU

European Public Health Alliance – Environment Network (EEN)

The European Public Health Alliance – Environment Network is an international non-governmental organization advocating environmental protection as a means to improving health and well-being. As an independent health and environment network, EEN is a vital counterbalance to powerful industry lobbies in Brussels.

EEN advocates the protection of the environment as a means of improving the health and well being of European citizens. Launched in 2004, it represents 3-5 million European citizens and brings together groups that want to ensure that health is at the centre of environmental issues.⁵⁵

Member groups include NGOs specializing in public health, environment-related health conditions and women's environmental and health concerns, and associations representing health care professionals.

One of EEN's key objectives is to bring health expertise to the environmental policy making process. This involves exploring the complex linkages between health and the environment in order to provide policy-makers with a clear image of the wider perspective.⁵⁶

EEN are active in the areas of healthy mobility, safe indoor air quality, toxic-free food, health in environmental governance, EU Environment and Health Strategy, the Children's Environment and Health Action Plan in Europe, WHO Environment and Health process, the Aarhus Convention, and the European mercury strategy.

⁵⁵ G9, Introducing the G9 group of environmental NGOs active at EU level, G9, Brussels, 2005

⁵⁶ *ibidem*



E N V I R O N M E N T A L L O B B Y I N G I N E U

Chapter II

Practical Aspects

Case studies of Environmental Lobbying in the EU

I. Greening the EU Constitutional Treaty

Introduction to the subject matter

When the Nice Treaty was adopted in December 2000, the next IGC was already on the horizon. A year later, in December 2001 at the Laeken summit, the European Council created the European Convention on the Future of the European Union, a forum that would prepare options, potentially even a draft Constitutional treaty, to be considered at the 2004 Intergovernmental Conference.⁵⁷ The Laeken Declaration on the Future of the European Union is considered the mandate of the Convention

The European Convention tries to consolidate the elements of European identity into a document that will shape and guide the policy of the European Union into the future, revising the treaties on which the European Community and the European Union activities are currently based and preparing it for a more numerous membership view the continuous enlargement process.

Lobby activity

The Green 8 (at that time EEN was not part of the group) contributed actively to this process, seeking to ensure that the environmental and sustainability dimension of the EU were fully reflected in the revised Constitutional Treaty.

⁵⁷ Laeken Declaration on the Future of the European Union. Annex I to the Presidency Conclusions, Laeken, 14 and 15 December 2001. SN 300/1/01/ REV 1



ENVIRONMENTAL LOBBYING IN EU

A first contribution of the G8 was prepared as soon as the Convention began its deliberations, urging that a new Constitution treaty must:⁵⁸

- maintain the objectives and principles essential for environment and sustainable development, in particular as laid down in articles 2, 6, 174 and 228 of the EC Treaty;
- extend transparency requirements to all EU bodies and guarantee the right of access to information, public participation in decision-making and access to justice;
- eliminate unanimity from environmental decision-making and extend QMV with co-decision for environmental decisions (in particular Article 175 (2) of the EC Treaty);
- revise old and outdated objectives of the sectoral policies of the EU. Initially, the call was for a review of the EU's 45 year old objectives on Agriculture Policy, however, this was later extended to additional policy areas;
- include environmental rights in the Charter of Fundamental Rights.

Moreover, the G8 considered the European Convention an opportunity to achieve greater policy coherence between the internal and external affairs of the European Union, which should be rooted in the commitment, already enshrined in the Treaty, to the protection and improvement of the environment and the promotion of sustainable development.⁵⁹

When the Convention's Presidium presented its preliminary draft of a Constitutional Treaty in October 2002, referred to as the "skeleton treaty",⁶⁰ the G8 was dismayed at the fact that the objectives of the Union had deleted references to both "sustainable development" and the "improvement of the quality of the environment".

'When we saw the first draft, we noticed that some of the key environmental provisions existing in the present Nice Treaty were not there: Art 6 Integration principle was not there, Sustainable development as an overarching objective of the Union was not clearly expressed, so it meant that we would lose against the status quo. So, we had to get involved simply to defend the status quo. Environmental movement in Europe made significant

⁵⁸ Initial Contribution to the Convention on the Future of Europe, G8, April 18, 2002. All G8 contributions can be found at WWF European Policy Office: <http://www.panda.org/epo>.

⁵⁹ Ioli Christopoulou and Tony Long, *Conserving the environmental acquis* An Assessment of the European Convention, November 2000

⁶⁰ European Convention. *Preliminary draft of Constitutional Treaty* (CONV 369/02) Brussels, 28 October 2002.



ENVIRONMENTAL LOBBYING IN EU

progress in the years 1980's - 1990's in terms of European legislation and some of the treaty revisions earlier.⁶¹

Having recognized that the Convention could potentially weaken the environmental Treaty provisions, the G8 awaited the first draft of articles with some trepidation. They were presented by the Presidium in early February 2003 (European Convention. *Draft of Articles 1 to 16 of the Constitutional Treaty* (CONV 528/03) Brussels, 6 February 2003.)

In this first version of the proposed draft Article 3 “sustainable development” was included among the objectives of the Union. But to the G8's disappointment, its definition, focusing only on economic and social elements, was clearly missing the environmental pillar. Article 2 of the existing EC Treaty already recognized the promotion of “a high level of protection and improvement of the quality of the environment” as a task of the European Union.⁶²

The absence of a clear commitment to environmental protection and improvement meant that a distinct European value, the appreciation of and will to contribute to environmental issues, shared across EU citizens would not be reflected in the European Constitution. As a result, the Convention would have failed in fulfilling its mandate of creating a European Union that would be responsive to the concerns of its citizens, a primary concern in the Laeken Declaration. Moreover, it would weaken the EU's self-perceived yet widely recognized global leadership in environmental issues, a role that was at least to some extent confirmed at the World Summit on Sustainable Development in Johannesburg in 2002. Reflecting this position, the G8 pointed out that Article I-3.4 referred to sustainable development of the Earth in the context of the Union's external relations. The definition of sustainable development remained in the balance until the closing stages of the Convention process. A final and intense lobbying effort was mounted by the G8 during these last two weeks of the Convention. It was only in the draft presented prior to the final (regular) session of the Convention that the definition of sustainable development was restored.⁶³

⁶¹ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005

⁶² Toli Christopoulou and Tony Long, *Conserving the environmental acquis* An Assessment of the European Convention, November 2000

⁶³ *ibidem*



ENVIRONMENTAL LOBBYING IN EU

The G8 was also faced with the challenge of trying to secure the status of two fundamental principles in the new Constitutional Treaty, namely the principle of environmental policy integration and the principle of policy coherence. When the first drafts of the Constitutional Treaty were presented, it was unclear whether the references to these two principles would remain in the Treaty. While draft Article 8, which outlined the fundamental principles of the EU, grouped together other principles that are presently found in the same place of the Treaty, these two principles were absent.⁶⁴ The G8 argued that both principles were of fundamental significance to the objective of sustainable development – social, economic, environmental – for two central reasons. First, environmental considerations need to be examined when any policy is applied. Second, sustainable development must be promoted globally and in particular in the poorest countries, where the resolution of environmental questions is inextricably linked with the fight against poverty. With such an understanding the G8 promoted an amendment to include the integration and coherence principles into Article 8.⁶⁵ So far the G8 activities have been mainly on the defensive in the Convention process. The one area that it considered as a potential area for significant progress was the proposal of a title on the Democratic Life of the Union (Title IV).⁶⁶

The G8 presented draft articles to be included in the new Constitutional articles on the basis of the arhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which is the most important international legal agreement to date on participatory democracy.⁶⁷ The main focus of the G8 contributions were three principles: transparency, participatory democracy and access to justice. A major weakness of the Constitutional treaty has been its failure to include the right of access to the European Court of Justice for citizens and their organisations.⁶⁸

The environmental groups welcomed the Convention's intention to strengthen the role of the Parliament in areas that have an impact on the environment, such as economic, social

⁶⁴ European Convention. *Draft of Articles 1 to 16 of the Constitutional Treaty* (CONV 528/03) Brussels, 6 February 2003.

⁶⁵ Ioli Christopoulou and Tony Long, *Conserving the environmental acquis* An Assessment of the European Convention, November 2000

⁶⁶ The articles were first presented in European Convention. *The Democratic Life of the Union*. (CONV 650/03) Brussels, 2 April 2003.

⁶⁷ Ioli Christopoulou and Tony Long, *Conserving the environmental acquis* An Assessment of the European Convention, November 2000

⁶⁸ *ibidem*



ENVIRONMENTAL LOBBYING IN EU

and territorial cohesion, agriculture and fisheries, research and technological development and industry.

In the G8 initial position paper regarding the European Union Constitution, position paper presented in the **'Towards a Green EU Constitution'**. Greening the European Convention Proposal, August 2003, the other shortcomings of the draft constitution as assessed by the G8 were:

- The Union Policies which were highly criticized by the G8 that considered this part of the draft Constitution as being the biggest weakness in the proposal. The reason is that many policies were drawn from existing treaties, without any reconsideration of their objectives. As they stood, they made EU sectoral policies conflict with the overall objective of sustainable development and improvement of the environment. The G8 urged for a reconsideration of the union policies and their adaptation to the completely different context.
- The Laeken Mandate asked for ways of intensifying cooperation in the field of social inclusion, the environment, health and food safety. While social inclusion was an important item for the Convention, environment, health and food safety received hardly any attention.
- The reformulation of the policy chapters such as agriculture, transport, cohesion, research that were not given much attention.
- Challenges like environmental and life protection, employment stimulation, social justice and inclusion guaranteeing, product safety and healthy food ensuring which were gravely under-represented.
- Regarding Participatory Democracy, the G8 drew the attention of the Convention on the fact that participatory democracy is an essential element for sustainable development and that the Constitution should define minimum requirements for public participation and give citizens the right to challenge EU institutions at the European Court of Justice in cases where these institutions violate EU law and policies.



ENVIRONMENTAL LOBBYING IN EU

- Regarding Parliamentary Democracy, the G8 asked that the co-decision for the European Parliament be the rule for all areas relevant to the environment, including the fiscal policies.
- Requirement that the Convention would respect the objective of sustainable development, the obligation of integration of environmental protection requirement in all Community's policies and activities and most parts of the existing chapter on Environmental Policy.
- G8 called for institutional rights for civil society, in particular with regard to transparency in decision-making, public participation and access to justice at the EU level.
- Updating of the agricultural chapter.
- The Chapter on energy should integrate sustainable development as a primary goal.
- A greater compliance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, on participatory democracy, which is the most important international legal agreement on participatory democracy.
- The G8 welcomed the inclusion of the Charter of Fundamental Rights, even though the right to clean air and healthy environment are missing.
- The G8 supported the initiative of Commissioner Margot Wallström to add a Protocol on Sustainable Development, which would ensure that sustainable development, properly defined, would take a central place in the EU.
- The G8 has requested that the Euratom Treaty which dates from the 1950s be abolished. Back then, nuclear energy was perceived as a safe energy source. But the situation changed since now, the dangers, cost and problems related to nuclear waste have been recognized.

Intense lobbying took place regarding the inclusion of the old Euratom Treaty in the new draft: 'on EURATOM we managed to get quite a discussion started with the Austrian delegates, Irish delegates, and European countries that are generally anti nuclear.



ENVIRONMENTAL LOBBYING IN EU

Germany also realized that this could become a bigger issue, the France wanted to keep it in there, Valéry Giscard d'Estaing wanted to merge EURATOM fully into the first draft treaty. You can't be member of EU without being a member of EURATOM; you can't change EURATOM without changing the constitution. We were very concerned that it would be consolidated into the Constitutional Treaty. We also showed some pictures, a banner 'NO Nuclear constitution', and that was the slogan saying that if you merge EURATOM into the treaty than we would consider it a nuclear constitution and than we would really go against it because it is unacceptable that at the beginning of the XXI Century you are writing the new Treaty and than you take this completely outdated promotion of a treaty fully in there. In the context of this convention they did not have time to prepare solutions, so we provided a solution: which was to commit politically that you would have a separate EU conference on EURATOM. The securing of the Status Quo was during the convention. We got Germany, Austria and Ireland in the final conclusions of the IGC on EURATOM, we were pushing very strong during the IGC and we had all these proposals on how the treaty could not only keep the Status Quo but actually go beyond it, Green the EU Constitution even further. We kept raising these with Member States and foreign ministries. The overall result was the EURATOM was not fully merged but was kept as a separate treaty. Of course we would have liked it to be completely cancelled but at least, having it separately, it gives us the opportunity to address it at a later stage.⁶⁹

Some of the lobby tools used to Green the Constitution were:

1. Amendments, position papers, letters

The G8 prepared very specific amendments, published in multiple position papers, which were received with considerable support:

- WWF article 'Key points on the European Convention on the Future of Europe', April 2003;
- Open letter from the Green 8 to the Members of the Presidium from 9 may 2003;
- The European Convention: Green 8 summary briefing, 31 May, 2003;

⁶⁹ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

- Letter from the Green 8 to all members of the European Convention on the objective of Sustainable Development (Article I-3), 29 May, 2003;
- Letter from the Green 8 to all members of the European Convention concerning Participatory Democracy and Access to Justice (Articles I-46 and III-266), 29 May, 2003;
- *Amending Part III – Green 8 Proposal*, E-mail to all members of the European Convention from the G8, Brussels, 17 June, 2003;
- *Greening Part Three of the Proposed Draft Constitution of the European Union, A proposal by the G8*, Brussels, 17 June, 2003;
- The European Convention: Green 8 assessment, 16 June, 2003;
- *Towards a Green EU Constitution*, Greening the European Convention Proposal, August 2003;
- *Green Eight review of the EU's Sustainable Development Strategy, What happened to the 80 commitments?*, 2004, Brussels;
- G9, 'The EU's new Constitution: Assessing the Environmental Perspective', November 2004;
- Act4Europe Campaign: Ratification of the European Constitution NGO Toolkit, February 2004;

2. Act4Europe campaign

As part of the larger 'civil society' agenda, the G8 were also part of the Civil Society Contact Group, a coalition of organisations with a European social, environmental, human rights and development background and the European Trade Unions Confederation. This Contact Group initiated the Act4Europe campaign, with its main objective to increase civil society's involvement in the work of the Convention and later the IGC. Its common concerns included a strong concept of sustainable development in the Constitution as well as transparency and participatory democracy. Since its signing in June 2004, the Act4Europe campaign has concentrated on engaging with NGOs across the European Union, but particularly in the new Member States, on encouraging cross-sectoral debate and on analysis of the final text.⁷⁰

⁷⁰ Act4Europe, www.act4europe.org



ENVIRONMENTAL LOBBYING IN EU

3. Briefing papers, badges, meetings, banners, slogans

Greenpeace attended the meetings, spoke to MEPs, prepared briefing papers, had visible badges reading 'EURATOM, non merci' in all languages that we distributed to MEPs, handing out briefing papers, etc. 'We gave it (briefing paper) to Valéry Giscard d'Estaing 3 times, so they (MEPs) started to see that the civil society was concerned about the environmental issues, the environmental NGOs were definitely concerned.'⁷¹ On EURATOM, the G9 had pictures shown with atomic bombs, big banners saying 'NO Nuclear Constitution', slogans with 'nuclear constitution', etc.

Assessing the Environmental Perspective

The content of the Constitution is of high potential importance for the environmental movement. It will determine the potential for environmentally sustainable development inside the Union, as well as in its external policies. It will also determine whether the EU will respect the principles of the Aarhus Convention, an essential element of participatory democracy.

In the paper '**The EU's new Constitution: Assessing the Environmental Perspective**' published in November 2004 by the G9, the G9 evaluated the content of the EU Constitutional Treaty as compared to the requests and ambitions the G9 had formulated throughout the drafting of the Convention by means of its numerous lobbying tools.

The comparison of the demands and the results highlights the followings, which can also prove the extent to which the G9 were successful in influencing the European Convention.

Positive outcome/'win':

- The key provisions on environment, public health and sustainable development found in the Nice Treaty were retained;
- The new Constitution introduces the principle of participatory democracy into the EU's primary legal text;

⁷¹ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

- An innovation present in the new Constitution is the citizen initiative right whereby a million citizens can invite the Commission to propose legislative act;
- Access to information obligations have been extended to all EU bodies;
- Transparency of decision-making is improved by requiring the Council to meet and vote in public on all legislative matters;
- The principles of environmental policy (polluter pays, precautionary principle, etc.) have been retained unchanged;
- The statement of the objectives of environmental protection and sustainable development and the integration principle is somewhat stronger than in the Nice Treaty;
- The integration principle now applies to all EU policies, including those previously covered by the second and third pillar of the Treaty;
- The new Constitution re-affirms the key overarching objectives of sustainable development and environmental policy integration;
- In the energy policy area a new chapter has been added with a clear statement of environmental objectives;
- Parliament's co-decision powers have been extended in a number of areas – CAP/CFP generally, research, trade, although many of these are not directly related to environmental policy;
- Parliament's increased control over the entire EU budget, including agricultural spending;
- For the environmental cases, access to the European Court of Justice has been granted, but the scope of the new provision remains limited and uncertain;
- The inclusion in the Constitution of the Charter of Fundamental Rights, which includes a provision on environmental principles which is not phrased in terms of right;
- The new Constitution establishes legal personality of the Union which makes it possible for the EU to accede to the European Convention on Human Rights, that has established jurisprudence on environmental rights



ENVIRONMENTAL LOBBYING IN EU

- The inclusion in the Constitution of extra measures of control for the national parliaments over the Commission initiative by use of the principle of subsidiarity. Whether the national parliaments will make use of this principle for environmental measures remains to be seen;
- The separation of the Euratom's legal personality and treaty from the rest of the EU is positive as the new Constitutional text has not been 'contaminated' by the outdated and inappropriate pro-nuclear text of Euratom;
- The role of the European Economic and Social Committee has not changed.

Negative outcome/'loss':

- Many of the Nice Treaty's outdated provisions in key EU policy areas such as agriculture and transport were retained;
- Parliament's saying over the multi-annual budget appears to have been weakened;
- The unanimity requirement for the adoption of fiscal instruments for environmental purposes has been retained;
- The Euratom organization and treaty stay in force, remaining a separate treaty from the Constitutional treaty, although linked by a new protocol attached to the new treaty.

According to the G9, the time and attention given to the environmental issue in the Convention and the IGC was negligible.⁷²

The G9 succeeded in preserving the strong provisions on environment and sustainable development that were achieved in the Treaty of Amsterdam and the Treaty of Nice. Beyond that, little progress was made.

The revision of the treaty by the European Convention achieved only very limited advances in the environmental field, for example with respect to the objectives of the external action of the Union. Rather a great amount of time and resources were devoted to safeguarding existing provisions. In other words, and putting it kindly, the environmental organisations spent a great

⁷² G9, 'The EU's new Constitution: Assessing the Environmental Perspective' published in November 2004



ENVIRONMENTAL LOBBYING IN EU

deal of time running to stand still. It is highly unlikely that European citizens will feel that the European Union has now acquired a stronger legal base to design policies that will address their fundamental concerns about the future of the environment and the social well-being of present and future generations. The G8 considers the revision of the policies in Part Three of the Treaty will be a priority for the next reforms, while also demanding a further discussion on citizen's access to justice.⁷³

The EEB considered the outcome of the Convention to be disappointing with regard to the strengthening of sustainable development and environmental policy integration in sectoral and horizontal policies. The EEB would also have liked a clearer spelling-out of participatory democracy. Another worrying point was the possibility that EURATOM will continue to be a component part of the EU. Therefore the EEB with its coalition partners is aiming at an improvement of the text. This means that the objective with regard to the IGC is to have a Convention that is considerably more progressive than the draft put on the table in June 2003.⁷⁴

According to Daniel Mittler from Greenpeace International, the Constitution is a good example of holding on to past winnings. As for the lobby activity's outcome, it was good and successful lobbying. There was a big danger of getting lot less. Was successful lobbying but the results are not 100% satisfactory.⁷⁵

Jorgo Riss from Greenpeace European Unit said that 'We were in the end successful in defending the Status Quo. It was clear that it would have caused a major outcry if the Constitutional Treaty would have fallen back the previous treaties. Didn't take much convincing; only alerting people: 'Pay attention, this and that is not in there. Why is it not in there?''⁷⁶

⁷³ Ioli Christopoulou and Tony Long, *Conserving the environmental acquis An Assessment of the European Convention*, November 2000

⁷⁴ EUROPEAN ENVIRONMENTAL BUREAU (EEB), <http://www.eeb.org>

⁷⁵ Interview with Mr. Daniel Mittler, Greenpeace International Unit, Berlin 2005

⁷⁶ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005



II. Greening REACH (Registration, Evaluation and Authorization of Chemicals) - the new law on chemicals

Introduction to the subject matter

The European Commission's new REACH legislation is an important contribution to sustainable development, ensuring a high standard of protection of human health and the environment, whilst simultaneously encouraging industry to innovate towards safer and greener products.

REACH is designed to be an integrated approach to the control of the production, import and use of chemicals in Europe. It intends to create a system which is based on information about chemicals, and which ensures that useful safety information gets to those using chemicals.

The REACH system is quite complex and it is meant to replace an existing network of 40 or so regulations by being a more coherent, more harmonized and more complete piece of legislation. Crucially, in REACH the main responsibility for chemical safety is clearly placed on the chemical producer, not on public authorities or downstream users.

REACH can be thought of as fulfilling two key roles⁷⁷:

- it lays out the regulatory system that will be in place when it is fully implemented (around 2018), when all chemicals on the market produced or imported at 1 tonne or more per annum are registered with safety data, and there is no longer a backlog of chemicals for which there is insufficient safety information.
- it describes the phased process to overcome the backlog of a lack of safety data on chemicals – including an 11 year period for registering safety information on existing chemicals.

⁷⁷ WWF Detox Campaign, *The REACH Files, A Policy Guide*, 2004



ENVIRONMENTAL LOBBYING IN EU

The new piece of legislation is built around four components, namely:⁷⁸

- Registration – The process under which chemical producers will be obliged to send a registration dossier containing safety data to a central chemicals agency on chemicals produced in quantities above one tonne per year. This provision includes a phase in period of 11 years in order to collect this information for the ‘existing chemicals’.
- Evaluation – Member State experts will evaluate this safety data for certain chemicals, in particular those produced at higher volumes and those of particular concern. This may lead requests for further information to clarify risks, or ensure compliance with the requirements; to MS deciding to propose the substance for ‘authorization’ or ‘restrictions’; or no further action.
- Authorization - Chemicals deemed to be of very high concern will be subject to authorization, which first identifies and prioritizes the chemicals, and then allows industry to submit a case for their continued use. Chemicals of very high concern are defined as those that are carcinogens; mutagens; reproductive toxins; are persistent, bio-accumulative and toxic; very persistent and very bio-accumulative; and of similar concern, e.g. endocrine disrupters.
- Restrictions – Chemicals with other properties of concern (e.g. toxic to the nervous system) may have their uses controlled through this system.

Lobby activity

The Commission consulted widely with the chemicals industry and other business sectors, foreign trade partners, retail, consumer and environmental and animal welfare groups. The consultation exercise included the internet publication of a first draft of the Regulation, which attached more than 6,000 comments from interested parties.

⁷⁸ WWF Detox Campaign, *The REACH Files, A Policy Guide*, 2004



ENVIRONMENTAL LOBBYING IN EU

The new chemicals law has been the subject of intense lobbying activity from the part of the environmentalists (G9), and mainly WWF, EEB, EEN, Greenpeace and Friends of the Earth. A very controversial piece of legislation, REACH has been very strongly opposed by the chemicals industry, UNICE (European Business Association) and CEFIC (European Chemicals Industry).

The Chemicals Industry had a very powerful and aggressive lobbying, and with REACH, one could clearly see that there was a division of interest: environment/health vs. industries.

After the final internet consultation, the environmental NGOs were holding as their line of argument that the Commission **watered down the proposal**. The argument of the Commission was that: 'we can not put forward something that is economically impossible to achieve.' The objective of the Commission was to put forward a balanced proposal that took into account both competitiveness and environmental/health issues. But the NGO played an extremely important role in defending their position. In REACH, without the persistent and very strong lobbying from their side (environmental NGOs), it would not have been possible for the Environmental Commissioner to put forward such a proposal with such consequences for industry. REACH is the most consulted piece of legislation in the history of the Commission.⁷⁹

The new piece of legislation which is REACH is an epic story that has so far lasted for more than 6 years and will last some more. Since 1997-1998 when it first came on the agenda, REACH has been through intense debate, negotiations, internet consultations and an intensive legislative activity that will probably last 3 years, with a delay of 6 months due to the new European Parliament and Commission. Probably the legislation process will last until 2006. Implementation framework for the different categories of chemicals will take about 10 years, 1st round until 2009 and the last being around 2017. 'That is what I call a full policy cycle.'⁸⁰

⁷⁹ Interview with Mr. Tomas Gronberg, European Commission, DG Environment, April 2005

⁸⁰ Interview with Mr. Tony Long, Director of WWF EPO, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

In the interview had in the office of WWF EPO, Mr. Tony Long has mentioned the **complete policy cycle** that NGOs have to go through: ‘You have to be in for the whole time: beginning, middle and the end which is a long tail. Environmental lobbying is about being influential throughout the whole process, influencing processes before they come out, even the ones that do come out.’⁸¹

The idea of reforming the chemicals legislation was around 1996-1997 when the European Parliament was persuaded to hold hearings on endocrine disruptive chemicals. The European Parliament published an own initiative report in 1997, which is as close as the Parliament can get to actually initiate legislation. Holding an own initiative report signaled to the Commission that something was a matter of concern. So the endocrine disruptive chemicals came on to the agenda.

WWF was the major instigators of that and then the Commission started thinking what a reform package would be like.⁸²

According to Jorgo Riss, Director of Greenpeace European Unit, REACH constitutes a ‘perfect example if you want to look at how lobbying works at the European level. And how the idea that we have here a Commission that proposes legislation with European common goods and views and then the Parliament and the Council comments on that. How in reality this all is undermined by the very strong presence of industry lobbying and industry federations.’⁸³

The following reflect the view of Mr. Jorgo Riss, Greenpeace European Unit on the lobby activity conducted by Greenpeace for REACH.

‘In 1999 the Environment Ministers called for a reform of the European chemical industries. The same year, Greenpeace published a proposal that was called: ‘The way forward out of the Chemicals Crises’ suggesting some key principles that the reform should integrate in order to bring forward less chemical pollution of the environment.

⁸¹ Interview with Mr. Tony Long, Director of WWF EPO, Brussels, April 2005

⁸² *ibidem*

⁸³ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005



E N V I R O N M E N T A L L O B B Y I N G I N E U

In 2001 the Commission issued the White Paper Proposal. After 2001, the industrial lobbying started to hit very hard. When the Council asked for an even stricter legislation, the chemical industry got their act together, because until then they were split. German lobby wanted REACH completely to fail. There was no unity within the chemical industry.

But when they saw that the proposal would not fail and that the Council was asking for even stricter legislation, they started to hit real hard. It was clear to us that we had to build an even wider alliance. We had to make an even broader information campaign in order to try to safeguard this very important reform.

On Reach our work was in the first two years to be in contact with the European Commission, primarily the two Directorates that were drafting it, DG Enterprise and DG Environment, to have regular meetings with Commission officials to get information about what they are drafting and how they think that their proposed legislation will address the real problems in real life, to make suggestions when we spot that there are some aspects that they may not capture with their proposed legislation, make proposals and of course to support them to tell them that what they do is very important, that we have increasing problems with contamination of the food chain .

What we saw during those two years when the Commission was drafting was that they were getting increasingly weak, industry was pushing really hard and they (industry lobby) had close relations to DG Enterprise. At the same time, we were collecting our arguments and presenting them to the Commission, we were building a global alliance not only with the other environmental groups in Brussels but with consumer groups, with health groups, mothers associations, etc because there are so many people affected by the chemical contamination, but so few of them have money to have an office in Brussels which would regularly inform them what is happening and organize what is their input into the policy making.

Industry then pressured the Commission to make an internet consultation on this not to further delay the proposal. Because industry really wanted to have it in Parliament after Enlargement not before, because they were hoping that Central and Eastern European and the Mediterranean MEPs will be less concerned with environmental and health protection and



ENVIRONMENTAL LOBBYING IN EU

more into general industry arguments about competitiveness and employment which was sort of the line the industry had chosen.

They (industry lobby) were trying to present REACH as a threat to competitiveness and employment. They were exploiting the unemployment issue in every country. It didn't work with the UK because they do not have a major unemployment problem and they are against animal testing.⁸⁴

REACH 'is a case of long time efforts paying off.' It involves 'discussions about substitution, risk assessment and precaution that NGOs were putting on the agenda for a long, long time. REACH is kind of a moment when all of that is coming together into a comprehensive European regulation. In the chemical field, REACH is the most important piece of legislation for the next few years. It isn't perfect, particularly on using substitutions, forcing Governments to do so. A lot of our efforts are about trying to strengthen that particular part of REACH.'⁸⁵

REACH is really important for the everyday life of people. These chemicals are used in every day products. We see that allergies, cancers many illnesses related to the chemicals are increasing- illnesses connected to chemical contamination. Almost everyone knows a person that has cancer.

Chemical pollution is invisible. The big work that the environmental NGOs had to do was to prove that contamination exists. Industry was fighting back fiercely, trying to make REACH look like a very complex, terribly difficult piece of legislation, a bureaucratic monster from Brussels rather than a necessary reform of an existing terribly complicated legislation that had many gaps.

Also, the media coverage was biased. When the media was relating the issue it was presenting pictures with people dresses in white cotes in laboratories, which made it unclear whether it would be interpreted as a problem that affects everybody rather than a quite technical problem,

⁸⁴ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005

⁸⁵ Interview with Mr. Daniel Mittler, Greenpeace International Unit, Berlin 2005



ENVIRONMENTAL LOBBYING IN EU

a problem that belonged to the chemical industry. 'As long as that is the perception, we are not strong enough. I mean, we are strong, but people need to realize that this is a problem affecting everybody and then you have the legitimacy to turn to the Commission and ask them: 'Why are you only listening to the chemical industry because they are the ones that need to be improved and you have to listen to the other people that are affected that constitute a much broader number? You have to listen also to the other side'⁸⁶ The Commission was almost exclusively listening to the chemicals industry, especially DG Enterprise, fact clearly noticeable in the draft. DG Environment gave into many of the compromise and it was clear that also Mr. Prodi, president at that time, was not strongly interested in the environment aspect. Industry lobbying was very effective in creating this fiasco about job losses. They were launching report after report about impact studies. Later it turned out that it was another scare tool and that what the Environmental NGOs were saying back then and what the Commission studies and KPMG confirm was that what the industry was saying was false. But when the reports that the industry came up with showed huge numbers of unemployment, politicians and commissioners felt obliged to do further compromises. It was very effective on the politicians.

Schroeder and Chirac felt obliged to go along with what the industry was claiming so it was very difficult for the environmental NGOs. 'We had to make visible invisible problems.'⁸⁷

In an article published in the European Voice, issue no 13 from April 7-13 2005, the KPMG's study comes as a response to the study commissioned by the European chemical federation Cefic and the European business association UNICE, which have both been lobbying hard against aspects of the REACH proposal and was basically stating that the cost of REACH is exaggerated. KPMG consultancy 'quashes one of industry's claims: that the cost of registering some low-volume chemicals could lead to them being withdrawn from market. The assessment examines the four main chains affected by REACH: cars, flexible packaging, large-scale inorganic manufacture and the electronics industry. KPMG has concluded that, for the

⁸⁶ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005

⁸⁷ ibidem



ENVIRONMENTAL LOBBYING IN EU

automobile and packaging industries, the cost burden of REACH is 'low' and the risk that companies will have to remove critical substances from the market 'limited'. Also in the article, the Commission sources say that overall, the fear of an unacceptable burden on industry does not appear to be borne out by the study.⁸⁸

The **lobby tools used** by the environmental NGOs and the chemical industry have been various ranging from reports, studies, media coverage, position papers, letters, manifestations, etc. Some of the tools were:

1. DETOX Campaign – WWF initiative for blood testing

Over the past two years, WWF has carried out 'chemical check ups' on more than 200 people to find out the number and level of potentially harmful chemicals in their blood. WWF DETOX Campaign tested 39 Members of the European Parliament and 14 Ministers from 13 EU countries for over 100 chemicals. WWF found 55 out of 103 tested substances in their blood. WWF also carried out chemical contamination tests on celebrities in Italy and Poland, 'ordinary' families and individuals in the UK, Government officials in Spain, and on many other Europeans from a Hungarian doctor to the Director of the European Environmental Agency.⁸⁹

2. Formal and informal meetings with commission officials, MEPs, DG Enterprise and DG Environment. 'On Reach our work was in the first two years to be in contact with the European Commission, primarily the two Directorates that were drafting it, DG Enterprise and DG Environment, to have regular meetings with Commission officials to get information about what they are drafting and how they think that their proposed legislation will address the real problems in real life, to make suggestions when we spot that there are some aspects that they may not capture with their proposed legislation, make proposals and of course to support them to tell them that what they do is very important, that we have increasing problems with contamination of the food chain.'⁹⁰

⁸⁸ European Voice, article by Anna McLauchlin 'Industry report says cost of REACH exaggerated', Brussels, April 2005, issue no. 13

⁸⁹ WWF DETOX Campaign, Reach for a Healthier Future, Brussels, Spring 2005

⁹⁰ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

3. Building a global alliance not only with the other environmental groups in Brussels but with consumer groups, with health groups, mothers associations, etc 'It was clear to us that we had to build an even wider alliance; we had to make an even broader information campaign in order to try to safeguard this very important reform. We were building a global alliance not only with the other environmental groups in Brussels but with consumer groups, with health groups, mothers associations, etc because there are so many people affected by the chemical contamination, but so few of them have money to have an office in Brussels which would regularly inform them what is happening and organize what is their input into the policy making.'⁹¹

4. The creation of Chemical Reaction, a special NGO created by Greenpeace together with the Friends of the Earth and the European Environmental Bureau. The NGO had a dedicated website to try to get the message out.

5. WWF commissioned a study by leading economists to look at the business benefits of implementing REACH. There are costs to many things but from the macro economical point of view, probably the benefits outweigh the costs. And the environmental NGOs also put the costs of the industries in perspective to their profits. The cost of REACH to industries is of 0.05% of their turnover.⁹²

6. EUVOTEWATCH, an initiative of the Friends of the Earth of setting up, before elections, a database with the way the MEPs voted concerning environmental issues. The set of colors used were green for voting environmental friendly, orange for abstention and red for voting against. The colors and happy/sad faces were shown the name of each deputy according to the way they voted on a particular issue connected to environment. Some deputies were very angry. But the environmental NGOs have a duty to inform the people.

7. blood testing to show that the chemicals contaminate the human body, rain drop testing to show that chemicals contaminate the environment, food testing to show that the food chain is being contaminated as well. Greenpeace even went up to the highest lake in

⁹¹ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005

⁹² Ibidem



ENVIRONMENTAL LOBBYING IN EU

the Alps to prove contamination of the water circuit in nature. All were financed by Greenpeace Research Laboratory in Essex UK.⁹³

8. 200.000 signatures gathered on the occasion of the internet consultation.

9. Vacuum cleaning in peoples' houses in different member states to analyze the dust to show that in normal living rooms, in bedrooms, the dust is contaminated with chemicals that shouldn't be there, that come from some of the products that we use.

10. HERA (Human and Environmental Risk Assessment) – a European voluntary initiative, which was launched in 1999 by the following organizations:

- A.I.S.E. (International Organization for Soaps, Detergents and Maintenance Products)
- CEFIC (European Chemical Industry Council)

HERA was launched more than a year before the European Commission announced the revision of the Chemical policy through the 'White Paper' (February 2001). HERA provides a common risk assessment for the household cleaning products industry, and shows that this process can deliver validated safety information on the ingredients used in these products in an effective and transparent way. HERA focuses on gathering available data with producers and downstream users. Transparency and stakeholder input are key features of HERA. In this context, regular consultations are being organized with representatives from academia, EU institutions, NGOs (consumer and environment) and industry. HERA believes that REACH must be accompanied by a consistent policy for communicating risk to consumers. Effective risk communication is absolutely key to building confidence and hence the well-being of consumers and, more broadly, the people of Europe overall.

One of the tools HERA uses is the '**Clean House, Safe Home**' – a pilot tool that is under development. The interactive information tool 'Clean House, Safe Home' aims at informing consumers about the risk and safety of household cleaning products by relaying the scientific work of HERA risk assessment into our everyday life.⁹⁴

⁹³ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005

⁹⁴ European Voice, reporting on 'Five years ahead of REACH', Brussels, April 2005, issue no. 13



ENVIRONMENTAL LOBBYING IN EU

11. Manifesto against animal testing

'There was very strong anti animal testing lobbying. Once, on behalf of the Commission, I had to meet the Animal Welfare Lobbyists handing over hundred of thousands of signatures against animal testing. They also contacted us, we had meetings with them.'⁹⁵

12. Lobby the MEPs – the rapporteurs

The three rapporteurs for REACH are: Italian Socialist Guido Sacconi, rapporteur in charge of the environmental committee, Swedish Liberal, in charge of the industry committee, German centre-right deputy Hartmut Nassauer, rapporteur for the internal market committee.⁹⁶

OSOR – 'One Substance. One Registration' is the joint Hungarian-UK proposal on registration of chemicals. It is one part of the controversial new chemicals regime that is acceptable to both the powerful industry lobbies and to their environmentalist opponents.⁹⁷ In the same article, Julian Scola, of the global conservation organisation World Wide Fund for Nature, calls it 'the one workable proposal on the table that would also save costs for business.' Its opponent, Jean-Claude Lahaut, of Cefic, the European Industry Council, says that it is 'a proposal full of good things.' European Environmental Commissioner, Stavros Dimas, told the European Parliament that 'OSOR sounds like a good idea'.⁹⁸

Assessing the Environmental Perspective

REACH, as proposed by the Commission, will oblige industry to provide safety information for their chemicals, over an eleven year timetable, and creates a new 'authorization' process which should lead to more effective control of the most hazardous chemicals. Safety information will be publicly available on an internet database of registered chemicals, and

⁹⁵ Interview with Mr. Tomas Gronberg, European Commission, DG Environment, April 2005

⁹⁶ *Reaching out for a chemicals compromise*, article by Anna McLauchlin, European Voice, 7-13 April 2005, vol. 11, no. 13.

⁹⁷ European Voice, article by Jerome Glass, 'OSOR – One Substance. One Registration. No headaches?' Brussels, April 2005, issue no. 13

⁹⁸ *ibidem*



ENVIRONMENTAL LOBBYING IN EU

information on chemical safety should flow up and down the supply chain more effectively.⁹⁹

WWF considers that the Commission's REACH is an important step forward. However, WWF believes that improvements are needed to ensure a high level of protection of human health and the environment and that the use of the most hazardous chemicals should be phased out if safer alternatives are available, or if the use is not important to society.¹⁰⁰

In the European Parliament Hearing's Questionnaire, on the Question relating to the new chemicals law REACH, Commissioner Mr. Stavros DIMAS has answered the following¹⁰¹:

'A reform of the current regulatory system is necessary. Adoption and successful implementation of a modern, workable regulatory framework will make an important contribution to sustainable development, and this will be a **high priority for me**. I am well aware that a proposal as important as REACH will need a lot of discussion during the co-decision procedure. While it is important to establish the new system as speedily as possible, not least so as to give legal certainty to EU industry, it is even more important to get the system right from the start. The implementation date of 2006 remains the target date and, together with the European Parliament and the Council, I hope we can keep it. Animal testing is clearly of concern to the public and should be used only when other alternatives are not available. Regarding animal testing in REACH, the legal text is designed to minimize it. The Commission has explored various avenues to avoid duplicate and wasteful testing and to accept all scientifically sound existing data. The provisions concerning data sharing will mean that industry will have less need for animal testing, while the requirement to seek approval for new animal tests provides the opportunity for alternative methods to be considered. However, I am convinced that more can be done. For example, by actively using alternative methods, and by supporting the development and validation of non-animal tests, industry can make an important contribution in this regard.'

⁹⁹ *Your guide to WWF in the EU*, © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004

¹⁰⁰ *ibidem*

¹⁰¹ European Parliament Hearing 'Answers to Questionnaire for Commissioner Mr. Stavros DIMAS' (Environment) Part B, Specific Questions, question no. 10.



E N V I R O N M E N T A L L O B B Y I N G I N E U

However, considering the Commission's proposal on REACH, there is a general consensus among environmentalists that the Commission has watered down the proposal. 'The Commission has backed down after industry lobbying and produced a weaker REACH proposal', says Swedish MEP Jonas Sjoestedt, coordinator for the group of the European United Left/Nordic Green Left on the Parliament's environment, public health and safety committee.¹⁰² In the same article, Jonas Sjoestedt continues: 'To be able to achieve this (prevent serious pollution of the environment and to diminish major health problems like cancer, allergies and infertility) we need a strong REACH. The present proposal has to be improved. It has been seriously weakened during its drafting in the European Commission. A comparison of the Commission's initial white paper with its eventual proposal shows that it backed down in the face of strong lobbying from industry and weakened its position over both the substitution principle and the requirements for registration for lower tonnage chemicals.'¹⁰³

WWF, Greenpeace, FoE Europe, EEN, BEUC and EEB continue their lobby activity by calling on the MEPs to improve REACH in five priority areas, in order to:¹⁰⁴

- **Phase out the use of hazardous chemicals**, only allowing their continued use if no safer alternatives are available and their use is essential to society;
- **Strengthen registration procedures** to close the gap in safety information for chemicals produced in 1-10 tonne per annum quantities;
- Ensure that industry information receives an **independent quality audit**;
- Require chemicals used in **imported articles** to undergo the **same information requirements** as those in EU-made articles, so as to protect consumers and avoid distortion of competition;
- Make sufficient **information** on chemicals **publicly available** so that downstream users, retailers and consumers can find out which chemicals are contained in the products they purchase and make their own risk judgments.

¹⁰² European Voice, 'Is REACH too harsh on industry or the environment?', Brussels, April 2005, issue no. 13

¹⁰³ ibidem

¹⁰⁴ WWF DETOX Campaign, Reach for a Healthier Future, Brussels, Spring 2005



E N V I R O N M E N T A L L O B B Y I N G I N E U

According to Greenpeace, the biggest loophole in the draft of the Commission is the % of the most dangerous substances. The use of these high risk substances should be only used if there is no sure substitute and if this application is essential. For example, if it is needed for the treatment of AIDS, meaning of high society interest.

Greenpeace continues to demand that the principle of substitution be integrated in REACH.¹⁰⁵

All things considered, REACH remains one of the biggest achievements for environmental legislation, being the most important piece of legislation concerning the use of chemicals and knowing that it will force industry to be more responsible and more transparent.

¹⁰⁵ Interview with Mr. Jorgo Riss, Director of Greenpeace European unit, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

III. Greening the Aarhus Convention on access to information, public participation and access to justice in environmental matters

Introduction to the subject matter

The Convention highlights the emergence of a human right to environment in the European context.

In her research entitled: 'Do Europeans Have a Right to Environment?' Nicole Bjerler, Ph.D.-candidate University of Vienna makes an analysis on the margins of the Aarhus Convention and makes the following statement: 'One way to alter our collective harmful behavior may be to vest individuals with a **right to environment** and thereby give the victims of environmental degradation a clear voice. Such a human right to environment would supplement traditional international environmental law and empower human beings in their quest for a sustainable and healthy environment.'

In order to empower people with the right to environment, the author has several solutions¹⁰⁶.

One option is the 'greening' of existing human rights, which signifies that environmental matters be subsumed under inter alia the rights to life, health, adequate living conditions and information.

The second option is the establishment of a substantive right to environment. A right to environment in its own capacity would under all circumstances imply the promotion of a certain level of environmental quality.

A third option is the promotion of procedural or participatory rights in connection with environmental concerns -a concept which has come to be referred to as 'environmental democracy'. It is this third option that has gained significant approval and consent in the past decade.

¹⁰⁶ Bjerler, Nicole, Do Europeans have a right to Environment?



ENVIRONMENTAL LOBBYING IN EU

The source and foundation of environmental democracy emanates from Principle 10 of the Rio Declaration, which reads:

‘Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in the decision-making process. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.’

The most prominent example of putting Principle 10 into practice is the so-called Aarhus Convention, which was elaborated under the auspices of the UN Economic Commission for Europe (UNECE)¹⁰⁷, and is the first legally binding instrument linking human rights and the environment. The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters¹⁸ was adopted on 25th of June 1998 in Aarhus, Denmark, and entered into force on the 30th of October 2001.

Activists can mobilize around the cause of protecting the environment only if their right to information, as well as their freedoms of expression and association¹⁰⁸ are ensured.¹⁰⁹

The Convention was preceded by a number of international declarations on the right of access to information such as the 1972 Stockholm Declaration, Chapter 40 of Agenda 21, Principle 10 of the Rio Declaration, and the 1995 Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making.

¹⁰⁷ United Nations Economic Commission for Europe. UNECE has 55 member countries including US, Canada, western and eastern Europe, central Asia and the Newly Independent Countries (Republics of the former Soviet Union). For further information, <http://www.unece.org>

¹⁰⁸ These rights are contained inter alia in Article 19 ICCPR.

¹⁰⁹ One example demonstrating this point is the execution by the Nigerian Government of human rights activist Ken Saro-Wiwa, who had protested against serious environmental damage to the Ogoni homeland and people resulting from petroleum extraction activities by Shell. Another prominent example of an individual simultaneously committed to the promotion of human rights and the environment is Wangari Maathai, who was awarded the 2004 Nobel Peace Prize 'for her contribution to sustainable development, democracy and peace'.



ENVIRONMENTAL LOBBYING IN EU

Article 1 of the Aarhus Convention is significant as it is the first time that an international agreement recognizes 'the right of every person of present and future generations to live in an environment adequate to his or her health and well-being'.

One of three areas this Convention covers to guarantee this right is improving public access to environmental information held by public authorities. EU institutions are also included in the Convention's definition of public authorities, as the Community signed the Aarhus Convention alongside the 15 Member States.

Relating to the Aarhus Convention and to its interpretation as a piece of legislation that gives people the right to environment, Mr. Tomas Gronberg from DG Environment made the following statement on the occasion of an interview in Brussels in April 2005: 'The reality is that the legislation in environmental field is very broad, covers most policy areas. The biggest challenge is to implement them properly. We also understand that for legislation to be implemented, people must feel that it is important to do so. And how can you get the feeling for importance and obedience to that? It's if you feel that you have ownership to that. To create that we generate an understanding, discussion, stakeholders can present their ideas, we create an ownership. The rational is there.'

The 40 Signatories of the Convention held their First Meeting in Moldova on 19-21 April 1999. They discussed a work-plan that included the promotion of ratification and implementation of the Convention, pending its entry into force, and the publication of a implementation guide for the Convention. The Second Meeting of the Signatories took place in Dubrovnik (Croatia) on 3-5 July 2000, where progress was assessed. An implementation guide on the Aarhus Convention has been produced and was presented at the July 2000 meeting.



E N V I R O N M E N T A L L O B B Y I N G I N E U

The Convention consists of the following three pillars:

1. Access to Information

The first pillar of the Aarhus Convention establishes the right of individuals to be informed about environmental matters.¹¹⁰ This entails not only passive obligations on behalf of the public authorities to hand out available information upon request (without the party having to state a particular interest for requesting the information), but also obliges States to actively disclose and disseminate environmental information. This can be done inter alia through state-of-the-environment reports, product information as well as national pollutant inventories or registers.

2. Public Participation

The second pillar contains detailed requirements for public participation¹¹¹ at all levels of decision-making, whether regarding specific decisions or broader plans and programs, but also concerning the preparation of environmental legislation.

3. Access to Justice

Access to justice¹¹² is provided for in the third pillar of the Convention, which is closely linked to the first two pillars: access to justice must be granted where a person deems that his/her rights concerning information or participation have not been respected. Moreover, members of the public shall have access to legal remedies to challenge acts and omissions by private persons and public authorities that contravene national environmental law.

Lobby activity

The role of the civil society was and is of ensuring that the Aarhus Convention is ratified and in force in the EU and the candidate countries are before the Rio+10 Conference.

The European Commission, DG Environment has organized a conference on the 5th and 6th of July 2004 in Brussels, entitled *'The Aarhus Convention and the Citizen. NGOs in new Member*

¹¹⁰ Article 4 -access to environmental information, Article 5 -collection and dissemination of environmental information.

¹¹¹ Article 6 -decisions on specific activities, Article 7 -plans, programmes and policies, Article 8 -executive regulations and normative instruments.

¹¹² Article 9 of the Convention.



ENVIRONMENTAL LOBBYING IN EU

States'. The conference was organized in order to give the stakeholders the possibility to express their views, present their positions and assess the Convention. Several environmental NGOs have participated, including NGOs from the new Member States. (Liga para a Proteccao de Natureza, Portugal, Access Initiative, Budapest, UNECE, Geneva, REC, Budapest, Greenpeace, London, Asociacion de Proteccion de la Naturaleza, Spain, Umanotera, Slovenia, EEB&Stichting Natuur en Milieu, Netherlands, EEB, Brussels, Baltic 21, Stockholm and Institute for Environmental Policy, Praha).

The role of the NGOs in support of the ? rhus Convention implementation was to be the organized force to support implementation, they were the intermediaries between authorities and citizens, they were building up capacity, they were offering assistance to citizens and other NGOs, they established partnerships in implementation at different levels and they participated in decision-making bodies.

Assessing the Environmental Perspective

Through the ? rhus Convention, there is wide-spread recognition of *procedural* rights to environment. The ? rhus Convention has established an explicit link between human rights and the environment that can no longer be denied or ignored by States. Inspired by the success of this landmark Convention in Europe, other regions are seeking to establish similar mechanisms to implement Article 10 of the Rio Declaration in their spheres of influence.

Europe can indeed serve as a guiding light on the path to a more sustainable future. In time, the human right to environment will hopefully take on a truly universal dimension, just like it has reached wide-spread recognition in the European context with the ? rhus Convention.



ENVIRONMENTAL LOBBYING IN EU

In the European Parliament Hearing's Questionnaire, Commissioner Mr. Stavros DIMAS has answered several questions. Relating to the Aarhus Convention, Commissioner Dimas has stated¹¹³:

'The active involvement of civil society in environmental policy making is necessary and beneficial, both at the time policy is made and later to ensure effective enforcement. The Commission is committed to pursuing the objectives of the Aarhus Convention on access to information, public participation in decision-making and access to justice on environmental matters, including in international negotiations. We must work to ensure that the voice of civil society is heard and taken into account in international environmental policy, for example through consultations in advance of international negotiations, and through regular contacts during the negotiations.

There should be regular dialogue with the Parliament on all main policy issues, including those outside the co-decision process. In developing the forthcoming Thematic Strategies which will set the future policy framework in a number of key areas, the Commission has issued consultation documents which have all been discussed with the Parliament. I will of course have regular meetings with the Committee on the Environment, Public Health and Food Safety and am looking forward to a fruitful and successful cooperation.

Sensitive documents are defined in Parliament and Council Regulation No 1049 of 2001, which provides for the protection of the essential interests of the EU and of the Member States mainly in the areas of public security, defense and military matters. We should not classify documents as sensitive unless this is necessary under the provisions of this Regulation. Under the Aarhus Convention, when agreement is reached in the Council on the implementing legislation, we can look forward to the public being given access to environmental information held by Community Institutions and bodies.'

¹¹³ European Parliament Hearing 'Answers to Questionnaire for Commissioner Mr. Stavros DIMAS' (Environment) Part B, Specific Questions, question no. 8.



ENVIRONMENTAL LOBBYING IN EU

IV. Greening the European Emissions Trading Directive (Kyoto Protocol)

‘Climate change will be one of the priorities of my mandate as Commissioner responsible for environment. It is one of the biggest and most important challenges that we have to face this century. The European Union has always been at the forefront of the global fight against climate change. I intend to continue this.’

Mr. Stavros Dimas, Commissioner for the Environment

Introduction to the subject matter

Climate change is one of the largest threats to sustainable development. Our consumer societies, our consumption patterns, the coal and oil we burn to produce electricity, run industrial machines, power cars, and heat building procedures are all producing CO₂ and greenhouse gases that threaten to disrupt our ecosystems and species, food security, human health and entire vulnerable economies on an unprecedented scale.¹¹⁴

The 1990s was the hottest decade in the past millennium, and the effects are being felt all over the world: from melting glaciers to sweltering heat waves, such as the summer of 2003 that killed 14,800 people in France alone.¹¹⁵

The global climate is changing. This is, in short, the conclusion from the Third Assessment Report of the Intergovernmental Panel on Climate Change (IPCC).¹¹⁶ Concern for the changing climate led to negotiations on a global effort in the late 1980s. The effects of climate change could be serious: while some places may warm, others place may cool, or become dryer, wetter or stormier, and more natural catastrophes are likely to occur. Many of the changes are expected to be detrimental, in particular to those places that are already vulnerable to climatic circumstance.

¹¹⁴ *Your guide to WWF in the EU*, © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004

¹¹⁵ *WWF Annual Review 2004*, © WWF 2005.

¹¹⁶ Joanna Depledge, *Climate Change in Focus: The IPCC Third Assessment Report*, Sustainable Development Programme, Royal Institute of International Affairs, Briefing Paper New Series No. 29, February 2002



ENVIRONMENTAL LOBBYING IN EU

We know from science that climate change hits first those who are most innocent, such as fragile and poorer human communities in the Southern hemisphere who may already be living at the limits of harsh weather conditions. Ironically, they are the least likely to emit greenhouse gases. It also hits those who have not yet been born. Causes and impacts of climate change could not differ more – both in terms of timing and of regions. Thus, climate policy is very much linked to equity – North-South as well as inter-generational.

Despite this overarching threat, solutions to climate change are not that easy to implement. The European Union, together with the UNO has been trying to respond to the environmental degradations by implementing several policies and measures meant to combat climate change in the EU. These include the European Climate Change Program (ECCP), Post 2012 Climate Policy; Emissions trading, Clean Development Mechanism and Joint Implementation, Ratification of the Kyoto Protocol, etc.

Under the Kyoto Protocol in 1997, the European Union committed itself to reduce its greenhouse emissions by 8% in 2008-2012 compared to 1990 levels.

The Bonn Agreement and the Marrakesh Accords were agreed in 2001 between some 180 countries and contain the legal details of the Kyoto Protocol. In 1992, in Rio de Janeiro, at the 'Earth Summit', the UN Framework Convention on Climate Change (FCCC) was signed, as well as other environmental and development treaties.

In 1992, the Rio 'Earth Summit' agreed to try to stabilize the concentration of greenhouse gases in the atmosphere with the objective of preventing 'dangerous anthropogenic interference with the climate system'. To date, 186 countries have ratified the Convention.

After entry into force of the Framework Convention, in 1995, Parties started the negotiations for stronger commitments with targets and timetables. This process resulted, after more than two years of intense negotiations, in the adoption of the Kyoto Protocol in December 1997, in Kyoto, Japan. The Kyoto Protocol supplements and strengthens the Convention as it is a legally binding treaty, which has the same objective as the Convention, and specifies the reduction of gas emissions by five percent from 1990 levels by 2008-2012.



E N V I R O N M E N T A L L O B B Y I N G I N E U

The Protocol's emissions targets cover the six main greenhouse gases: Carbon Dioxide (CO₂); Methane (CH₄); Nitrous Oxide (N₂O); Hydro Fluorocarbons (HFCs); Per Fluorocarbons (PFCs); and Sulphur hex Fluoride (SF₆).

Countries included in Annex B to the Kyoto Protocol and their emissions targets¹¹⁷

Country	Target (1990 – 2008/2012)
EU-15*, Bulgaria, Czech Republic, Estonia, Latvia, Liechtenstein, Lithuania, Monaco, Romania, Slovakia, Slovenia, Switzerland	-8%
US	-7%
Canada, Hungary, Japan, Poland	-6%
Croatia	-5%
New Zealand, Russian Federation, Ukraine	0
Norway	+1%
Australia	+8%
Iceland	+10%

Under the Kyoto Protocol, the EU 26 has committed itself to reduce its greenhouse emissions between 2008 and 2012 to 8% below Europe's 1990 emission levels. Among others, the US and China did not ratify the protocol, putting the whole process in danger. Europe assumed international leadership and was stubborn to continue the program and succeeded in having it ratified by having 150 countries approving/ratifying the protocol at a 61,6% total % of emissions¹¹⁸.

¹¹⁷ Annex B to the Kyoto Protocol and their emissions targets

¹¹⁸ ibidem



ENVIRONMENTAL LOBBYING IN EU

Instruments previewed for Kyoto are¹¹⁹:

- domestic policies and measures

The Protocol provides an indicative list of policies and measures that might help mitigate climate change and promote sustainable development.

- flexible mechanisms:

- Greenhouse gas Emissions Certificate Trading
- Joint Implementation
- Clean Development Mechanisms

These are designed to help Annex I Parties cut the cost of meeting their emissions targets by taking advantage of opportunities to reduce emissions, or increase greenhouse gas removals, that cost less in other countries than at home. Under joint implementation, an Annex I Party may implement a project that reduces emissions (e.g. an energy efficiency scheme) or increases removals by sinks (e.g. a reforestation project) in the territory of another Annex I Party, and count the resulting emission reduction units (ERUs) against its own target. Under the clean development mechanism (CDM), Annex I Parties may implement projects in non-Annex I Parties that reduce emissions and use the resulting certified emission reductions (CERs) to help meet their own targets.

- sinks

Parties may offset their emissions by increasing the amount of greenhouse gases removed from the atmosphere by so-called carbon “sinks” in the land use, land-use change and forestry sector. The activities in this sector eligible under Kyoto are afforestation, reforestation and deforestation and forest management, cropland management, grazing land management and revegetation.

For the Kyoto Protocol, many concessions were made in order to keep as many countries on board as possible, so that they would not follow the example of US and withdraw. A particular area where concessions were made was the use of sinks (i.e. measures considered to be very cheap that enable the biosphere to soak up emission from cars and power plants, for example

¹¹⁹ UN World Summit on Sustainable Development site, ‘We live on one planet. Millennium Development Goals. Kyoto’



ENVIRONMENTAL LOBBYING IN EU

through planting trees)¹²⁰ to offset emissions of greenhouse gases, using afforestation, forestry management and various forms of agricultural land management.

The European Community's remarks to the Kyoto Protocol signing were:

"The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular article 175 (1) thereof, it is competent to enter into international agreements, and to implement the obligations resulting there from, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilization of natural resources;
- promoting measures at international level to deal with regional or world wide environmental problems.

The European Community declares that its quantified emission reduction commitment under the Protocol will be fulfilled through action by the Community and its Member States within the respective competence of each and that it has already adopted legal instruments, binding on its Member States, covering matters governed by the Protocol. The European Community will on a regular basis provide information on relevant Community legal instruments within the framework of the supplementary information incorporated in its national communication submitted under article 12 of the Convention for the purpose of demonstrating compliance with its commitments under the Protocol in accordance with article 7 (2) thereof and the guidelines there under."¹²¹

The big success in 2004 was the Russian government's decision to reverse its earlier objectives and add its endorsement of the protocol, thereby bringing it into law. 'WWF staff played a crucial role in achieving this.'¹²²

¹²⁰ Vrolijk Christiaan, *A New Interpretation of the Kyoto Protocol, Outcomes from The Hague, Bonn and Marrakesh*, The Royal Institute of International Affairs, Briefing Paper no. 1, April 2002

¹²¹ Annex to the Kyoto Protocol KYOTO PROTOCOL STATUS OF RATIFICATION, last updated on the 29 April 2005

¹²² *WWF Annual Review 2004*, © WWF 2005.



ENVIRONMENTAL LOBBYING IN EU

Lobby activity

The Kyoto Protocol is one of the policies in environmental protection that knew assiduous lobbying at all levels national, international, from G9 lobbying the EU institutions to EU lobbying Russia and US and the other countries.

As far as the lobbying activity is concerned, the G9 lobbied through the complete emerging in the issue by WWF, Greenpeace, Climate Action Network Europe, BirdLife International and Friends of the Earth Europe, that together with other NGOs and interest groups from diverse milieus have tried to influence the EU member states to become the first OECD countries to ratify the Kyoto Protocol in March 2002 and to adopt the Emissions Trading Directive in December 2002, which makes the EU the first legal entity in the world setting absolute emission limits for individual industrial CO₂ emitters. This affects about 10,000 installations in Europe covering almost 50% of the EU's climate pollution.¹²³

WWF entered the national and international climate change debates as early as 1992 as a player and took the first initiative to advance the climate protection prior to the Earth Summit in Rio de Janeiro. The activities were merely steered by the international WWF secretariat in Switzerland and the contributions of the WWF were rather marginal compared to other NGOs. This marginal role changed when the decision was taken that the first conference of the Parties on climate change would take place in Germany, a key country for climate change mitigation. The WWF strengthened its approach to reach the responsible decision-makers with the help of good decision-making capabilities, expertise from key WWF staff, professional media work and public awareness rising.¹²⁴

In the Kyoto negotiations, the WWF contributed by presenting scientific studies to determine the technical possible reductions for Europe, as well as by putting pressure on the industrial representatives, by threatening them with heavy public campaigns to make industry

¹²³ *Your guide to WWF in the EU*, © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004

¹²⁴ Long, T., Salter, L and Singer, S., *WWF: European and Global Climate Policy*, 2002. In: R. Pedler, ed., *European Union Lobbying. Changes in the arena*. Houndmills: Palgrave, 2002, pp. 87-103.



ENVIRONMENTAL LOBBYING IN EU

accept the negotiated targets and conditions.¹²⁵

One of the biggest opponents of Kyoto was CEFIC (European Chemical Industry Council). CEFIC's inability to find a common position was a great advantage for the environmental NGOs. It was only in June 2003 that CEFIC board agreed on a common position, a common statement. They had a strong lobby but the long period of lack of a common position went for the advantage of the environmental NGOs.¹²⁶

In March 2000, the Commission published a Green Paper on Emissions Trading that stimulated discussion over a one-year consultative period where stakeholders were able to propose measures, communicate their views and positions.

The G9 had a tactical alliance with industry. WWF presented a position very much in favor of the emissions trading scheme, but at the same time they emphasized the importance of several characteristics to make the system an effective one. WWF supported a European allocation system in contrast to national allocation schemes; it stressed the necessity for a clear restriction of flexible mechanisms, and demanded severe fines for non-compliance. As for the distribution of allowances, WWF expressed a preference for the auctioning model (allocation of allowances in an auction) – as opposed to the 'grandfathering' model (giving the allowances for free according to the CO₂ emissions of the single installations in a certain basis year) and the greenhouse gas reductions should only be achieved by CO₂ savings, as other gases were difficult to monitor and not that decisive.¹²⁷

The G9 was successful in insuring that the proposal would have fixed targets for companies, no opt-outs for whole sectors and quite a rigid monitoring system with fines still 20 times the market price per ton. Additionally, paying fines for non-compliance does not change the fact that the company has to fulfill its obligations anyway and public access to

¹²⁵ Eckermann Stefanie, *Lobbying European Environmental Policy making, The involvement of the WWF and CEFIC in Brussels*, POLS30021, 2004

¹²⁶ *ibidem*

¹²⁷ Interview with Stephen Singer, Head of the European Climate and Energy Unit of WWF, 23.07.2004, author Eckermann Stefanie, *Lobbying European Environmental Policy making, The involvement of the WWF and CEFIC in Brussels*, POLS30021, 2004



ENVIRONMENTAL LOBBYING IN EU

information is to be granted.¹²⁸ By the time the proposal arrived in the Environmental Committee of the European Parliament for the first reading, the environmental NGOs lobbied the rapporteur for the emissions trading directive, MEP Jorge Moreira da Silva. According to Stephen Singer (WWF), Moreira da Silva was seen by WWF as 'a driving force in parliament, the one who brought the proposal forward'. To inform the MEPs in the Environmental Committee, as well as the ones voting in the plenary session, WWF, CAN and BirdLife distributed recommendations, guidelines recommending to MEPs which amendments to accept and which to oppose. In the end, the EP accepted 73 amendments, among them the possibility for member states to grant opt-outs for certain industry installations and for limited auctioning of 15% of the permits.¹²⁹

An agreement was finally reached on 26 June 2003 and the directive was adopted in the second reading of the parliament on the 3rd of July 2003. All in all, it became obvious that the text of the directive was not substantially changed after the drafting of the proposal, even though several amendments were accepted. Industry could count as gains the following: acceptance of their preferred allocation method, national allocation plans, the inclusion of other gases than CO₂ after 2008, the exclusion of chemistry, certain opt-outs and the possible linking of the emissions trading with flexible mechanisms. Environmental NGOs did not lose out too much due to supporters in the Commission and in the Parliament and some member governments. They could get through the existence of such a system in general, fixed caps, considerable fines for non-compliance, 5% and later 10% voluntary auctioning of allowances and the fact that the national allocation plans have to be accepted by the Commission.¹³⁰

WWF considers this directive a big success and Singer was surprised of how much the environmentalists got through.¹³¹

¹²⁸ Commission of the European Communities, 2001 Proposal for a Directive of the European Parliament and of the Council Establishing a Scheme for Greenhouse Gas Emission Allowance Trading with the Community and Amending Council Directive 96/61/EC. Brussels:CEC.

¹²⁹ EurActiv, 2003, Greenhouse Gas Trading: MEPs Hope to Avoid Conciliation. www.Euractiv.com

¹³⁰ Commission of the European Communities, *Directive of the European Parliament and of the Council of 13 October 2003 Establishing a Scheme for Greenhouse Gas Emission Allowance Trading with the Community and Amending Council Directive 96/61/EC*. Brussels: CEC, 2003.

¹³¹ Interview with Stephen Singer, Head of the European Climate and Energy Unit of WWF, 23.07.2004, author Eckermann Stefanie, *Lobbying European Environmental Policy making. The involvement of the WWF and CEFIC in Brussels*, POLS30021, 2004



ENVIRONMENTAL LOBBYING IN EU

Assessing the Environmental Perspective

Kyoto represents a huge success in terms of world recognition of action taken for the protection of the environment, in spite the refusal of America and China to join in.

Kyoto constitutes a small step, the reduction of 8% in the emission of greenhouse gas is far from the action needed in order to tackle the global warming and the climate change effects leading to the deterioration of the ecosystem, but it is a huge step forward as it constitutes a precedent in global measures with 150 countries agreeing and ratifying.

Kyoto Protocol is an important step in limiting greenhouse gases but is only the beginning in what needs to be done to shift to a carbon-free and clean energy future. The future consists of renewable energy sources such as wind, solar and biomass, cleaner technologies such as cogeneration, super efficient buildings, cars and appliances. In this context, China and Japan are leading the way.

'Asia is already taking lead as long as the energy efficient cars are concerned, China will compete on energy efficiency as they already have the refrigerators 50 times more efficient than what we have on our markets.' Tony Long, WWF EPO.¹³²

It is an achievement that there was any agreement at all. After all, reducing greenhouse gases affects virtually all aspects of economic activity from electricity generation, industrial activity, agriculture, forestry, and transport. By calling for a change to a less carbon-intensive world, Kyoto signals the need for fundamental change in the way economic activity is organized.

A second positive feature is that the agreement enables carbon trading to take place in order to help secure emission reduction targets. Carbon trading involves one country cutting emissions of CO₂ in another country. This has no deleterious environmental effect overall because a tonne of CO₂ does the same amount of damage wherever it is emitted. But it is known that it is much cheaper to reduce emissions in, say, Eastern Europe than in the United

¹³² Interview with Mr. Tony Long, Director of WWF, EPO, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

States, so securing the reductions in Eastern Europe could save substantial sums of money for the US. Keeping these compliance costs down is crucial since the cost of meeting the Protocol targets are the biggest obstacle to further international agreement. Critics of the Kyoto Protocol point to the very slow pace of ratification and to the fact that even if the 2010 targets are met, very little happens to projected rates of global warming. The reason is that developing countries' growth rates of emissions are very much higher than in the developed world. So far, developing countries have refused to adopt emission reduction targets. If they continue to refuse to do so, little will happen to change the rate of global warming. However, a more serious threat to the success of international climate cooperation came in early 2001 when President George W. Bush announced that the US would not implement the Kyoto Protocol. That the world's greatest producer of greenhouse gases should review its climate change policy in this way was greeted with anger and frustration by governments and environmentalists worldwide.¹³³

In order to keep global warming below a temperature increase of 2 degrees over pre-industrial temperatures, ambitious politics are necessary in the EU. For example to increase renewable energies to 25% by 2020 and a continuous decrease of overall energy consumption by 1% annually.¹³⁴

WWF will focus primarily on the power sector as a key for energy policy changes. WWF will continue to call for:¹³⁵

- large reductions in CO₂ emissions from fossil fuels to make the power sector carbon-free by the middle of this century;
- improvements to the end-use efficiency of appliances, buildings and industrial motors;
- measures to increase the efficiency of power plants such as through combined heat and power;
- expansion of the role of renewable energy such as wind power, biomass and solar power;
- the phasing out of subsidies to the fossil fuel industry.

¹³³ Microsoft Encarta Encyclopedia 2002. © 1993-2001 Microsoft Corporation.

¹³⁴ *Your guide to WWF in the EU*, © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004

¹³⁵ *Ibidem*



ENVIRONMENTAL LOBBYING IN EU

Asked about the European Union's voluntarist policy on climate change, Commissioner Stavros Dimas responded¹³⁶:

'We need to work with the wider international community if our environment policy is to meet its goals. Environmental degradation constitutes a security threat in many parts of the world and is therefore becoming a key foreign policy issue. European co-operation has already brought about convergence on environmental standards for 25 countries, and many countries round the world use EU standards as a basis for their policies.

Working with major partners such as the United States and Russia - but also developing countries such as China, India, Brazil and South Africa - is crucial. We must maintain and develop a dialogue with the US to seek together solutions to global environmental problems, including climate change.

Russia is another major partner, and not only in relation to the Kyoto Protocol. Our dialogue with Russia is important in several other areas, such as clean technology in energy and industrial production, the fight against illegal logging, and cooperation on water policy and protection of the marine environment.

The Commission has a strategic partnership with China in the area of environment. If we can help China to move towards sustainable policies in the areas of energy, transport, forestry, or water management, we will have contributed significantly to the environmental health of our planet.

Climate change will be one of the priorities of my mandate as Commissioner responsible for environment. It is one of the biggest and most important challenges that we have to face this century. The European Union has always been at the forefront of the global fight against climate change. I intend to continue this.

Member States have indicated their determination to meet their Kyoto targets. In this context, we need to put emphasis on monitoring and reporting so that everyone can see where we are making progress and where we are falling behind. It is essential to ensure

¹³⁶ European Parliament Hearing 'Answers to Questionnaire for Commissioner Mr. Stavros DIMAS' (Environment) Part B, Specific Questions, question no. 11.



ENVIRONMENTAL LOBBYING IN EU

that, within the EU, there is a smooth start and an effective functioning of the emissions trading system for the first stage starting January 2005. The European Climate Change Programme will help us to work with Member States to find additional ways of tackling emissions and thus ensure that we meet our 8% reduction target on time.

With regard to the post 2012 period, the Spring 2005 European Council is planning a discussion on future strategies. Preparing for this debate will be a high priority for me.'



ENVIRONMENTAL LOBBYING IN EU

Conclusions

Assessing the outcome of the lobby activity as observed in the four case studies

The four cases researched in the present thesis were chosen as being the most recent cases of policies that touch upon environmental issues. They are only some examples drawn from the multitude of European policies that relate to environmental issues and that were the target of the environmental lobbying organisations. The selection of the case studies was done also in a way as to cover a wide span of domains within the environmental protection, from chemicals to access to information to climate change issues.

Lobbying is not an easy activity and proving that the lobby activity has been influential has proven to be a difficult task, as there are no direct proofs available for such an end. Lobbying is subtle, most often involving informal discussions, years of relationship building and confidence earning. Therefore, tracing the line or putting the finger on the exact instance when the lobby was influential is a utopia. But what can be asserted without any question is the clear and noticeable active involvement of the environment lobby organizations (the G9) in the EU policy making, their presence in the process. The G9 used a variety of lobbying tools and methods to get their message through, they share some very important advantages like transparency, credibility, the support of the civil society, only to name a few.

Environmental lobbying is all about a small number of professionals, experts in their fields of research that get a great deal of things done. Small achievements, steady steps forward are the basic pace of moving.

The G9 lobbied at both national and international level with the help of the wide network of members that form the 'environmental civil society'. Sometimes they acted as watchdogs safeguarding the policies that relate to environmental protection and keeping an eye on the Member States in implementing the policies taken at the EU level.

The strongest asset that the environmental NGOs have is their power to generate public awareness on questions related to environment, such as climate change, biodiversity,



ENVIRONMENTAL LOBBYING IN EU

new sources of energy, toxic waste, ozone depletion, bird habitats, protected areas, water, land and air pollution, chemical wastes, rainforests, ice melting, environmental hazards, chemical contamination, noise, and so on. To achieve this, G9 goes to great length to do surveys, publish reports, alert the press about the present state of the environment, they put the finger on the problem and try to give solutions to the problems. They look for the underlying reasons and causality, they lobby for changes in the policies and do not accepting compromises, they try to show and pressure the ones responsible to take action.

One consideration in proving their role and influence is by questioning whether the state of the environment would be the same had they not existed. A fair response to that question is that their presence comes naturally and functions as an alarm system that is triggered whenever the environment is under menace. They are the guardians of the environment, the ears, mouth, voice of the nature and animals that make up our planet. In this position, their involvement is greatly and widely recognized, and the EU officials turn to them for consultancy, support and expertise on environmental issues.

The G9 work on a scientific base, they have top specialists in all field of environmental protection, they run independent labs and perform analysis, tests, studies that are made public via specialized magazines, in the press, on the NGOs' websites.

Referring to the advantages that NGO's have in comparison with the powerful industrial lobbies, Tony Long (director WWF) answered: 'I think you should consider that even though G9 have got far less resources, they have two advantages:

1. Supported by broad public opinion – in Europe, people understand environment and why it should be done at European level because of its trans-boundary nature. This is not necessarily true for industrial lobbyists.
2. Whether you are an environmentalist in Sweden or Greece or Spain, you tend to have a fairly common perception of the problem and of the solutions. Which normally have to do with market failures, the inability to protect the global commons and so forth. So there is very little debate and dispute among environmental NGOs. Sometimes on the questions of tactics, but not on the overall analysis. That leads me



ENVIRONMENTAL LOBBYING IN EU

to conclude that environmental NGOs can work at **the highest common factor** which is not necessarily that case with the business and industries. From Stockholm to Athens to Madrid to London you will have competing industries so their analysis of their own self interest may not be commonly shared and that reflects itself in the affects their position paper. That is what I call **the lowest common denominators**. That is what happens in Brussels with the big trade associations ex. UNICE, CEFIC, trade associations operating on the lowest common denominator. This gives us a certain advantage.¹³⁷

The environmental NGOs share the **over-arching goal of protecting the environment and promoting sustainable development**, they have been acting together on a range of issues for the best part of a decade and they are not plagued by the profit and market share tensions that underpin relations between many business and industry interest groups.¹³⁸

Set against this is the doubt about who are the environmental NGOs actually representing? How do they keep in contact with the members? Do they consult people? How are they accountable and to whom?

'We don't represent anybody. We seek to reflect the views of people concerned with environment.' Tony Long, WWF.

This political science **question of legitimacy** is partly solved in an indirect manner by the fact that the big amount of the NGO's resources come from the members and from independent, private donors. And if they were not pleased with the actions taken by the environmental NGOs, they would stop financing and the environmental NGOs would be shortly out of business. Therefore, it is an indirect legitimacy, a market mechanism.

Another advantage of the G9 is its **flexibility**. They have a **light structure**; they are **highly adaptable in** forming ad-hoc coalitions in order to get the best result.

¹³⁷ Interview with Mr. Tony Long, Director of WWF EPO, Brussels, April 2005

¹³⁸ Mazey and Richardson, *Environmental groups and the EC: challenges and opportunities*. (1993)



ENVIRONMENTAL LOBBYING IN EU

The positioning in Brussels is also a great advantage as this places them in the heart of the policy making system, with direct access to information. 'Once you work in Brussels, you know (what is going on). It's a rather small town.' Tony Long, WWF.

Out of the G9, the WWF, EEB and Greenpeace operate also as insider groups in the elite pluralist system of the EU. Some of them have consultative status with the EU institutions, take part in committees and are valued for their expertise and scientific based approach.

Amongst 'allies', the environmental NGOs can count some MEPs, DG Environment, 'greener' member governments, as well as the Green Party.

Over the years, the influence of the G9 increased as environmental protection developed to an issue of great public interest and because people realized that environment degradation is one of the issues that do not stop at country borders, though people perceive it logic for the environmental policy to be made at an international level. This places the environmental issues in the heart of Europe, in Brussels. G9 have been active in Europe for a long time and through their actions, they have achieved name recognition, credit, stable and trusted relations with the members of the EU institutions.

The different lobbying tools used by the G9 are: following everything that goes on in Brussels, feeding their members, asking for opinions on how to proceed, collaborating closely with all members of the G9, receiving information from Member States capitals, formulating common position papers, and presenting them during the on-line consultations organized by the Commission, meeting with people from the Commission, especially the ones that are going to write the communication, preparing joint inputs to the consultations with their members, collaborating closely with the NGO specialized on that particular subject field, asking for signatures from the members because quantity matters, producing reports, publications, meeting with people from other DGs apart from DG Environment - people who will be involved within the Commission - because when DG Environment makes a policy proposal, it has to have it circulate at the other DGs in what they call the Inter Service Consultation, writing letters to a commissioner or the Commission president or to all commissioners saying



ENVIRONMENTAL LOBBYING IN EU

'you must be doing something do this and that...'; having informal contacts with the commissioners, lots of formal consultations, public positioning in the form of position papers, letters, etc.

'That EU communication should turn into a mandate from the Council or whoever to develop a proposal on a specific policy instrument than we would again go to the Commission both in terms of public and informal ways. And then when it is published and sent to the Council and the Parliament, that's when it moves slightly from Brussels to the MS capitals, certainly in the case of the Council, here in Brussels we would get in touch with the foreign representation and their environmental offices to find out about the position of the countries and maybe make an argument.'¹³⁹

When the proposal gets to the Parliament, G9 has to apply more drastic ways in terms of setting up meetings to try and convince MEPs of their position, to bring in amendments. MEPs are very busy people, sometimes G9 meets with the parliamentary assistants. The way it is organized, the G9 stick to a few key people – the leaders, the rapporteurs, which are the people in charge of the particular issue. Not every parliamentarian knows all issues therefore, they will follow the lead.

In the Parliament, environmental NGOs have good allies in the Greens, which follow the same line as the G9 and supply them with information from the Parliament on who are the people that are crucial. It's mainly informal and comes very good as the resources allocated to lobbying the Parliament are often limited.

If all these do not work, big environmental NGOs such as WWF and Greenpeace and Friends of the Earth can turn to one of their aces which are the ad-hoc representations, the political theatre. Not once could we see pictures of people dressed up as animals, dolphins, Neptune, and so on.

Even if environmental NGOs are outnumbered, out-funded and out-resourced, they can use public pressure to some extent. MEPs try to take into consideration both sides, even if on one side there are 10 people and on the other 100. It's still 2 sides, 2 voices.

¹³⁹ Interview with Matthias Duwe, Climate Action Network Europe, Brussels, April 2005



ENVIRONMENTAL LOBBYING IN EU

As an exemplification, for the Parliamentary elections in 2004 the G9 created a database on every MEP and their environmental record, which can be found on the Friends of the Earth's website. The idea behind it was **'name and shame'**, Matthias Duwe, CAN.

When asked about the influence G9 has on policy making, Matthias Duwe from CAN answered: 'On a general note, it is very difficult to assess the degree of influence the G9 has on policy making. Measuring where one has been successful is very difficult. Also, measuring the degree of influence is very difficult. The comparative approach of assessing the influence of NGOs on policy making and implementation of policies by comparing the NGO position papers with the actual outcome papers will in most cases lead to the conclusion that No, the NGOs did not influence it. It is a very objective approach. The other approach is the hypothetical one. What would have happened if? Where are the issues where the things that could have been much worse were averted? In both cases, the question is which are the actors in the arena? How involved are the NGOs and to what degree they influenced. The big decisions are taken at the highest spheres of influence where the G9 has no access. With these decisions we have nothing to do but we welcome them. Lots of examples where our work with our Parliament or Council member has helped bringing around a certain decision. How can you ever tell that there is a change, that NGO action changed the opinion, changed the action. The constellation on every new environmental policy is always different. Who is going to be rapporteur? The European Parliamentarians are more open, inclusive than at national level. More open and less on a party line. It is a complex issue and it's a matter of case by case. But, **one thing I can say is that if we hadn't achieved anything we would all have gone home. The small successes keep everybody going!**¹⁴⁰

'Lobbying is about who you know and being at the right place at the right time. You have to have your argument ready for the time when the political chance arises, the opportunity window opens.'¹⁴¹

¹⁴⁰ Interview with Matthias Duwe, Climate Action Network Europe, Brussels, April 2005

¹⁴¹ Interview with Daniel Mittler, Greenpeace International Unit, Berlin, February 16th



ENVIRONMENTAL LOBBYING IN EU

A very nice comment on the margins of the lobbying activity was brought about by Mr. Daniel Mittler on the occasion of an interview taken in Berlin in 2005: 'interesting thing about lobbying is that individuals have power and what you can really achieve is very constraint. An example is that at the World Summit on Sustainable Development there was a bad sentence in the agreement that actually meant that trade rules were always more important than environmental ones. This sentence was actually already accepted. We were very unhappy about that. An individual from a very small state in Ethiopia decided to reopen this issue and make a very passionate statement on the floor. In the same time, NGOs were standing outside in the negotiating room with peaces of paper in their hands reading 'paragraph 7 will have to go'. And a dynamics developed and by the end of the evening, that sentence was gone. This wouldn't have happened if that person from Ethiopia hadn't dared to do it. **So, people matter!!!** Lobbyists sometimes can make sure that something that already has slipped through the crack can be changed if you talk to the right people.'¹⁴²

On the question whether G9 has an impact on policy making, Daniel Mittler from Greenpeace International has a more optimistic opinion: 'definitely their activities have an impact. Environmental organisations influence polity. The literature about lobbying, NGO work is bullshit – happy to be quoted about it – because it is written by academics, people that never dealt with lobbying. G9 is a very interesting and powerful model of NGOs. They are both at national and international level. Very unique and very successful lobby group, made up of a small number of people that get a lot done. G9 is a very interesting model. Interesting stuff is in the individual story, how a particular piece of legislation is lobbied. But compared to big industrial lobbyists, G9 has no influence at all.'¹⁴³

But lobbying exists only by the measure of a reciprocal partnership, in which one needs the other just as much. In European Union policy making on the environment, NGOs play an important role. They take part in expert advisory groups and committees, and act as a significant channel for broadening consultation with EU citizens.

¹⁴² Interview with Daniel Mittler, Greenpeace International Unit, Berlin, February 16th

¹⁴³ ibidem



ENVIRONMENTAL LOBBYING IN EU

'To be in touch with stakeholders is for DG Environment -an environmental policy making unit- and I think I can say that for the Member States also, is part of the backbone in the preparatory and decision-making processes, because those who advocate environmental issues in the policy making institutions need to have some kind of support or pushing. And if we look at it, the environmental NGOs are really the only proponents for environmental values. So, that's why we believe it is important to listen to them and also to give them support. Industry and other interest groups have much stronger economic means at their disposal so that's when we started since several years to also fund the environmental NGOs. They have a special fund. The umbrella organization, G9 is very well informed about the agenda. We are obliged to publish to Parliament and the Council our work programs. So, interest organisations know very well what is in the pipeline. You have the experts in the NGOs who meet with the desk offices maybe not on a daily bases, but they know very well what is going on.'¹⁴⁴

In the Introduction Brochure of the DG Environment, the environmental NGOs along with business, government and consumers are considered the principle drivers of the environmental agenda.¹⁴⁵

All these constitute mixed arguments and proofs brought in the support of proving that the environmental lobbying is influential. In the last part of the conclusion, the thesis will shortly run a check list built up on the methodological approach of process tracing counterfactual analysis conceived by Michele Betsill and Elisabeth Corell, theoretical approach that is in extenso presented in the introductory chapter under Methodological Approach. The purpose is to show by one additional means that the lobby activity in these four specific cases could be perceived as having influenced the decision-making process.

¹⁴⁴ Interview with Mr. Tomas Gronberg, DG Environment, Brussels, April 2005

¹⁴⁵ Environment DG, Information Brochure, European Commission, Brussels, 2002



E N V I R O N M E N T A L L O B B Y I N G I N E U

Elements that prove the influence of the lobby activity, as viewed by Betsill and Corell	Y/No	Elements applied by the G9
-access	Y	direct participation through the working committees where the G9 have consultative status, internet consultations, formal and informal meetings with Commission officials and MEPs, etc.
-resources	Y	expertise, scientific reports, experiments, financial assets, etc.
-activity	Y	lobbying, submitting proposals, drafts, letters, manifestations, campaigns, tests, etc.

Methodological approach suggested in analyzing the influence of lobby organisations on the policy making	Y/No	Elements used in the present thesis
-use of multiple data types	Y	studies, assessments, websites, academic papers, books, newspapers, interviews, etc.
-use of multiple data sources	Y	<u>Primary sources</u> : drafts, decisions, position papers, amendments, lobbying materials, etc.
		<u>Secondary sources</u> : media reports, press releases, specialty reports, surveys and brochures, etc.
		Interviews with members of the G9 (Greenpeace, WWF, CAN, BirdLife International), the DG Environment and objective observers such as UNEP and IEEP (International European Environmental Policy).
-goal attainment – comparison of NGO goal and attainment	Y/No	In some cases NGOs got what they wanted, in other cases the victories are smaller.
-process tracing	Y	follow the lobby activity from the beginning until the end of the process
-serious consideration given by policy makers to the NGO information presented	Y	in the case of the EURATOM Treaty, Greenpeace managed to get a big discussion started at the IGC.
- shaping the jargon	Y	coining the term 'hot air' in the case of the Kyoto Protocol



ENVIRONMENTAL LOBBYING IN EU

BIBLIOGRAPHY

Books

- Anderson, S. Svein& Eliassen , A. Kyell
Making policy in Europe, the Europeification of Policy making, SAGE Publications, London, 1993
- BBC News
Globalisation: What on Earth is it about?, E-CYCLOPEDIA, 1999
- Bendell, J.
Globalisation and the new policy of sustainable development, New Academy of Business, UK
- Bettelli, Paola, Chad Carpenter, Deborah Davenport, and Peter Doran.
Report of the Third Conference of the Parties to the United Nations Framework Convention on Climate Change: 1–11 December 1997. Earth Negotiations Bulletin 12 (76).
- Brown, Lester R.
State of the World, 1998, World Watch Institute, New York: W. W. Norton & Company, 1998
- Commission Européenne
Opter pour un avenir plus vert, L'Union européenne et l'environnement, ©Communautés européennes, 2002
- Department for International Development
Making Globalisation work for poor people., DFID Information Department The Government of the UK, 12/2000, Glasgow, UK
- Encyclopaedia Britannica
Politics: Globalization, Encyclopaedia Britannica, Inc., 2002
- Environment DG
Information Brochure, European Commission, Brussels, 2002
- European Parliament
Lobbying in the European Union: current rules and practices, EP, Constitutional Affairs Services, Working Paper, 2003
- Ferraro, Gianluca
Groupes d'intérêt et Communauté Européenne, Le Lobbying dans un système politique en formation, Camera di Commercio Italiana, Geafiche Amadeo, 2001
- Fukuyama, Francis
Economic Globalization and Culture, Merrill Lynch & Co., Inc., 2001
- Hertz, Noreena
The Silent Takeover: Global Capitalism and the Death of Democracy, Arrow Inc. 2002



ENVIRONMENTAL LOBBYING IN EU

- Hex, Simon *The Political System of the European Union*, 2nd Edition, 2004
- IGES *Environmental Education for Sustainable Development*, International Review for Environmental Strategies, vol 4, no. 1, Japan, 2003
- IGES *Sustainable Freshwater Resource Management*, International Review for Environmental Strategies, vol. 3, no. 2, Japan, 2002
- Keck, Margaret E., and Kathryn Sikkink. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press, 1998.
- Lodge, J., *The European Community and the Challenge of the Future*, London, 1989
- Long, T., Salter, L and Singer, S. *WWF: European and Global Climate Policy, 2002*. In: R. Pedler, ed., *European Union Lobbying. Changes in the arena*. Houndmills: Palgrave, 2002, pp. 87-103.
- Mazey, S. and Richardson, J. *Environmental groups and the EC: challenges and opportunities*. (1993) IN: Judge, D. ed. *A green dimension for the European Community: political issues and processes*. London, Frank Cass, pp.109-128.
- Nanon, Jacqueline et Clamen, Michel *L'Europe et ses coulours, Lobbying et lobbyistes*, ©Dunod, Paris, 1991
- Pallares, Ana Elena *La réglementation du lobbying aux États-unis et dans L'Union Européenne*, Université de Nice-Sophia Antipolis, mémoire année universitaire 1997-1998, France
- Petcu, Mirela-Camelia *L'Action politique des multinationales dans l'Union Européenne*, IEHEI, mémoire année universitaire 2002-2003, France
- Prevost-Testart, Dominique-Claire *Le Lobbying ou l'échiquier des pouvoirs*, Méthodologie a l'usage des entreprises, Edition Liaisons, Paris, 1993
- Princen, Thomas *NGOs: Creating a Niche in Environmental Diplomacy*. In *Environmental NGOs in World Politics: Linking the Local and the Global*, edited by Princen and M. Finger, 29–47, London: Routledge.



ENVIRONMENTAL LOBBYING IN EU

Sen, Amartya

Development as freedom, NY, Random House, 1999

Short, Clare

Eliminating World Poverty: Making Globalisation Work for Poor, White Paper on International Development, presented in Parliament by command of Her Majesty, December 2000

Soros, George

Despre Globalizare, Editura Polirom, 2002

Turner, R. Kerry

Sustainable Environmental Management: Principles and Practice, London: Belhaven in association with Economic and Social Research Council, 1988

Williamson, Lewis

Globalisation: world-changing or word-changing, Guardian Unlimited, 2002

Studies, reports, drafts, articles, magazines, research papers

Betsill, Michele M. and Corell, Elisabeth

NGO influence in International Environmental Negotiations: A Framework for Analysis

BirdLife International

The Brussel Briefing newsletter of ECO Vol. 13, Issue I, Jan.-Feb. 2005, Brussels

BirdLife International

World Birdwatch, Vol. 27, No. 1, March 2005, London, UK.

BirdLife International

Birds in the European Union a status assessment, © 2004 BirdLife International

BirdLife International

State of the World's Birds, 2004, Indicators for our changing world, © 2004 BirdLife International

BirdLife International

A Strategy for birds and people: responding to our changing world, Cambridge, UK, 2004.

BirdLife International

Working Together for Birds and People; delivering solutions for our changing world, Cambridge, UK, 2004.

Bowley, Graham

As the EU's Influence grows, so does an army of Lobbyists, article published on the web site of the EU Lobbying consortium, November 2004

Bjerler, Nicole

Do Europeans have a right to Environment?

Burrell, Michael

The Art of Brussels Lobbying, article published on the web site of the EU Lobbying consortium



ENVIRONMENTAL LOBBYING IN EU

- CAN Europe *HOTSPOT Magazine, Issue Thirty-six, March 2005, Brussels*
- Commission of the European Communities
*Proposal for a Directive of the European Parliament and of the Council
Establishing a Scheme for Greenhouse Gas Emission Allowance Trading with
the Community and Amending Council Directive 96/61/EC. Brussels: CEC,
2001.*
- Commission of the European Communities
*Directive of the European Parliament and of the Council of 13 October 2003
Establishing a Scheme for Greenhouse Gas Emission Allowance Trading with
the Community and Amending Council Directive 96/61/EC. Brussels: CEC,
2003.*
- Depledge, Joanna *Climate Change in Focus: The IPCC Third Assessment Report, Sustainable
Development Programme, Royal Institute of International Affairs,
Briefing Paper New Series No. 29, February 2002*
- Eckermann, Stefanie *Lobbying European Environmental Policy making, The involvement of the
WWF and CEFIC in Brussels, POLS30021, 2004*
- Environnement pour les Européens
*Magazine de la direction générale de l'environnement, no 18,
Décembre 2004*
- EurActiv *Greenhouse Gas Trading: MEPs Hope to Avoid Conciliation,
www.Euractiv.com, Euractiv 2003, EU News, Policy Positions and
EU Actors Online*
- European Environmental Bureau
*Good Governance for the Environment, Annual conference of EEB, EEB
Publication number 2002/013, September 2001, Brussels*
- European Parliament Hearing *'Answers to Questionnaire for Commissioner Mr. Stavros DIMAS'
(Environment) Part B, Specific Questions*
- European Voice *Magazine, 7-13 April 2005, Volume 11 no 13, Brussels*
- EU Lobby Consortium *The Lobby Radar, Newsletter, Issue Vol 1, no. 2, December, 2004*



ENVIRONMENTAL LOBBYING IN EU

- Green 8 Open letter from the Green 8 to the Members of the Praesidium, 9 May, 2003
- Green 8 The European Convention: Green 8 summary briefing, 31 May, 2003
- Green 8 Letter from the Green 8 to all members of the European Convention on the objective of Sustainable Development (Article I3), 29 May, 2003
- Green 8 Letter from the Green 8 to all members of the European Convention concerning Participatory Democracy and Access to Justice (Articles I-46 and III-266), 29 May, 2003
- Green 8 *Amending Part III – Green 8 Proposal*, E-mail to all members of the European Convention from the G8, Brussels, 17 June, 2003
- Green 8 *Greening Part Three of the Proposed Draft Constitution of the European Union, A proposal by the G8*, Brussels, 17 June, 2003
- Green 8 The European Convention: Green 8 assessment, 16 June, 2003
- Green 8 *Towards a Green EU Constitution, Greening the European Convention Proposal*, August 2003
- Green 8 *Green Eight review of the EU's Sustainable Development Strategy, What happened to the 80 commitments?*, 2004, Brussels
- Green 8 The EU's new Constitution: Assessing the Environmental Perspective', November 2004;
- Green 8 *Introducing European Environmental NGOs – Their Role and Importance in European Union decision-making* Brussels, 2001
- Green 9 *Introducing the Green 9 group of environmental NGOs active at EU level*, G9, Brussels, 2005
- International Review for Environmental Strategies
IGES (Institute for Global Environmental Strategies)
- Minder, Raphael *Lobbying in Brussels*, article published on the web site of the EU Lobbying consortium, September 2004
- Rechkemmer, Andreas *Lösungsansätze für globale Umweltprobleme*, Informationen zur politischen Bildung, Nr. 280/2003



ENVIRONMENTAL LOBBYING IN EU

Sociétal	Dossier: Énergie - environnement: La gouvernance mondiale a l'épreuve – Sociétal, nr. 31, 1 ^{er} trimestre, 2001
Spencer, Tom	<i>„How to get the best out of your lobbyist’</i> , open letter to new MEPs, 2004
Vogler, John	<i>Globale Umweltpolitik</i> , In: Ulrich Beck (Hg.): <i>Perspektiven der Weltgesellschaft</i> , Frankfurt a.M. 2001, 360S.
Vrolijk Christiaan	<i>A New Interpretation of the Kyoto Protocol, Outcomes from The Hague, Bonn and Marrakesh</i> , The Royal Institute of International Affairs, Briefing Paper no. 1, April 2002
WWF DETOX Campaign	<i>Reach for a Healthier Future</i> , WWF DETOX CAMPAIGN, Spring 2005
WWF European Policy Office	<i>Your guide to WWF in the EU</i> , © World Wide Fund For Nature, European Policy Office, Brussels, Belgium, June 2004
WWF's Trade and Investment Program	<i>New ways of making trade and investment work for people and the planet</i>
WWF International	<i>WWF Annual Review 2004</i> , © 2005 WWF
WWF International Arctic Program	<i>2° is too much!</i> , January 2005, Norway, Oslo
WWF Detox Campaign	<i>REACH for a healthier future</i> , Spring 2005, Brussels
WWF Detox Campaign	<i>The REACH Files, A Policy Guide</i> , 2004
Zhihao Yu	<i>Environmental Protection and Free Trade: Direct and Indirect Competition for Political Influence</i> , Centre for Research and Globalisation and Labour Markets, School of Economics, University of Nottingham, Research Paper, 2000/3

Internet Sources:

www.undp.org	United Nations Development Program (UNDP)
www.wuppertal-institut.de	Das Wuppertal Institut für Klima, Umwelt, Energie GmbH
www.inwent.org/izep	Das Informationszentrum Entwicklungspolitik (IZEP)
www.sustainable-development.gov.uk	UK Government Sustainable Development
www.un.org/esa/sustdev	United Nations Division for Sustainable Development
www.iisd.org	International Institute for Sustainable Development



ENVIRONMENTAL LOBBYING IN EU

www.sustdev.org	Sustainable Development International
www.sustainable.doe.gov	Centre of Excellence for Sustainable Development
www.johannesburgsummit.org	United Nations: Johannesburg Summit 2002
www.iisd.ca	IISD Linkages - A Multimedia Resource for Environment
www.sdgateway.net	SD Gateway (Sustainable Development Gateway)
www.wbcscd.ch	World Business Council for Sustainable Development
www.ecouncil.ac.cr/	The Earth Network for Sustainable Development
www.ace.mmu.ac.uk/esd/	Encyclopaedia of Sustainable Development
sd-online.ewindows.eu.org/	Sustainable Development Online
www.cordis.lu/eesd/	CORDIS: EESD: Energy, Environment and Sustainable Development Home.
www.sdri.ubc.ca/	Sustainable Development Research Initiative
www.un.org/esa/sustdev/agenda21.htm	United Nations Division for Sustainable Development - Agenda 21
www.un.org/events/wssd/	World Summit on Sustainable Development
www.un.org/rio+10/	Johannesburg Summit 2002
www.dti.gov.uk/sustainability/	DTI - Sustainable Development and Environment
europa-eu-un.org/articles/el/article_1004_el.htm	EU@UN - Environment and sustainable development
www.kepemep-cree.org/European_Policies/eu_policies_3_en.html	Policies of the European Union, Sustainable Development
www.worldsummit2002.org/regions/europe/eusds.htm	European Sustainable Development Strategy
www.umweltdatenbank.de/lexikon/european_strategy_for_sustainable_development.htm	European Strategy for Sustainable Development - Lexicon
www.shef.ac.uk/~ebn/Whats_New/j_m2001/2002prep.html	Ten Year Plan for Sustainable Development Proposed EU
http://europa.eu.int/comm/commissioners/wallstrom/index_en.htm	EUROPA - Margot Wallström
www.esl.jrc.it/envind/	Measuring sustainability: Sustainable Development indicators



E N V I R O N M E N T A L L O B B Y I N G I N E U

www.EULobby.net

<http://www.eeb.org>

<http://www.birdlife.org>

<http://www.climnet.org>

<http://www.foeeurope.org>

<http://www.nfi.at>

<http://eu.greenpeace.org>

<http://www.t-e.nu>

<http://www.panda.org/epo>

<http://www.env-health.org>

<http://www.euractiv.com>

<http://www.panda.org>

<http://www.corporateeurope.com>

<http://www.cefic.be>

<http://europa.eu.int/comm/environment>

<http://www.europarl.eu.int>

<http://eea.eu.int>

<http://www.ieep.org.uk>

<http://www.europeanvoice.com>

European Lobbying Consortium

EUROPEAN ENVIRONMENTAL BUREAU (EEB)

BIRDLIFE INTERNATIONAL

CLIMATE ACTION NETWORK EUROPE

FRIENDS OF THE EARTH EUROPE (FoEE)

INTERNATIONAL FRIENDS OF NATURE

GREENPEACE INTERNATIONAL

THE EUROPEAN FEDERATION FOR TRANSPORT
AND ENVIRONMENT (T&E)

WWF – WORLD WIDE FUND FOR NATURE - EPO

European Public Health Alliance -Environment Network

EURACTIV

WWF INTERNATIONAL

Corporate Europe Observer

CEFIC, The European Chemical Industry

European Commission, DG Environment

European Parliament

European Environmental Agency (EEA)

Institute for European Environmental Policy

European Voice

Interviews:

BirdLife International

CAN-E

European Commission, DG Environment

Greenpeace International

Greenpeace European Unit

IEEP

UNEP Brussels Liaison Office

WWF EPO

Konstantin Kreiser

Matthias Duwe

Tomas Gronberg

Daniel Mittler

Jorgo Riss

Jason Anderson

Sylvie Motard

Tony Long