Implementing the 7th Environment Action Programme - Status, Challenges, and Next Steps Towards an 8th Environment Action Programme

Background Consultation Report to the Policy Forum: June 2018, Vienna

European Environmental Bureau, EEB

Patrick ten Brink, Tatiana Santos, Elena Lymberidi-Settimo, Stephane Arditi, Sergiy Moroz, Margherita Tolotto, Roland Joebstl, Elise Vitali, Bérénice Dupeux, Christian Schaible, Patrizia Heidegger

With inputs from: Alice Belin and Ann Domm of Seas at Risk

Umweltdachverband, UWD

Julika Dittrich, Angelika Schöbinger-Trauner, Barbara Weichsel-Goby, Bernhard Zlanabitnig, Gregor Danzinger, Kerstin Friesenbichler, Stefanie Schabhüttl

With inputs from: Bundesministerium für Nachhaltigkeit und Tourismus (BMNT), Österreichischer Baustoff-Recycling Verband, Ökosoziales Forum Wien, Re-Use- und Reparaturnetzwerk Österreich (RepaNet), Umwelt Management Austria, Sustainable Europe Research Institute (SERI), Umweltbundesamt, Verband der öffentlichen Wirtschaft und Gemeinwirtschaft Österreichs (VÖWG)

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Implementing the 7th EAP – Status, Challenges, and Next Steps towards an 8EAP?

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This report is a background report to the environmental policy forum being held in Vienna, 13 June 2018 and part of a broader project on the upcoming Austrian Presidency and the 8EAP ("AT 18 - From the Austrian EU Council Presidency to the 8th EU Environment Action Programme", project organized by the Umweltdachverband (UWD) in collaboration with the European Environmental Bureau (EEB) and supported by the Ministry of Sustainability and Tourism (BMNT) and the European Union).

The background paper presents, for each of the priorities of the 7EAP, their objectives, progress to date, status today, and required actions (to 2020 and beyond). The aim is to have a basis upon which to debate what still needs to be done in the priorities areas, what should remain environmental priorities beyond 2020, what specific action would be needed, and what could an 8EAP look like to address these.

In each chapter there are questions for the policy forum debate. The report will also be made available to the participants of the Policy Forum.

Implementing the 7th Environment Action Programme: Status, Challenges, and Next Steps towards an 8th EAP?

1 The aims and objectives of the 7EAP

The 7th Environment Action Programme (7EAP), adopted by the European Parliament and the Council of the European Union in November 2013[1], came into force in January 2014 and priority objectives (see Box 1) need to be met by 2020. The 7EAP is guided by the long term vision:

In 2050, we live well, within the planet's ecological limits. Our prosperity and healthy environment stem from an innovative, circular economy where nothing is wasted and where natural resources are managed sustainably, and biodiversity is protected, valued and restored in ways that enhance our society's resilience. Our low-carbon growth has long been decoupled from resource use, setting the pace for a safe and sustainable global society.

7EAP http://ec.europa.eu/environment/pubs/pdf/factsheets/7eap/en.pdf

The 7 EAP: its key objectives, 'enabling' measures, and horizontal priority objectives

Three key objectives: Thematic priorities:

- to protect, conserve and enhance the Union's **natural capital**
- to turn the Union into a **resource-efficient**, green, and competitive low-carbon **economy**
- to **safeguard** the Union's citizens from **environment-related pressures** and risks to health and wellbeing

Enabling Framework: Four "enabling" priority objectives

- better **implementation** of legislation
- better **information** by improving the knowledge base
- more and wiser **investment** for environment and climate policy
- full **integration** of environmental requirements and considerations into other policies

Two horizontal priority objectives:

- to **make** the Union's **cities more sustainable**
- to help the Union **address international environmental** and **climate challenges more effectively**.

In addition, the 7th EAP should be based on the **precautionary principle, the principles of preventive action and of rectification of pollution at source** and **the polluter-pays principle**.

See Article 2 of the 7EAP (EU, 2013)

Since the first programme launched in 1973, the EAP's have evolved, with each new EAP addressing agreed priorities in a changing environmental, institutional and economy context, whilst taking on board the successes and failures of previous EAPs (see Box2).

[1] DECISION No 1386/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 November 2013 on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet"

Context: The evolution of the EAPs – a dynamic process

The 6th Environment Action Programme (6EAP), adopted in July 2002, was a 10-year framework for Community action on the environment, with **four focal areas**:

- climate change;
- nature and biodiversity;
- environment and health and quality of life;
- and natural resources and wastes.

In addition, **three horizontal and governance related approaches** were adopted: 'strategic approaches'; 'international issues'; and 'environmental policy-making', as were **seven thematic strategies**: air pollution; marine environment; prevention and recycling of waste; sustainable use of resources; urban environment; soil; and pesticides.

The 6EAP assessment concluded that the 6EAP delivered benefits for the environment and an overarching strategic direction for environment policy. It also recognised that unsustainable trends persisted in the four priority areas of the 6th EAP. *See Preamble (4) of the 7EAP (EU, 2013).*

The 5th EAP – "Towards Sustainability" – focused on the four priorities:

- to maintain the overall **quality of life**;
- to maintain continuing **access to natural resources**;
- to **avoid lasting environmental damage**;
- to consider as **sustainable a development which meets the needs of the present without compromising the ability of future generations** to meet their own needs.

In addition, the integration of the environmental dimension in all major policy areas was a key objective. Secondly, there was a move from command-and-control approach to one of shared responsibility between the various actors, e.g. governments, industry and the public. Commitment to these was regarded as necessary to achieve the objectives.

In summary, the EAPs often maintain the same themes from one EAP to another, but present them in different forms. New priorities are also added in a changing environmental, institutional and global context. And the form and structure of the EAPs change.

The 7EAP is also not alone. As stated in the action plan, *it should build on the Europe 2020 strategy, the Union climate and energy package, the Commission Communication on a Roadmap for moving to a low-carbon economy in 2050, the EU Biodiversity Strategy to 2020, the Roadmap to a Resource efficient Europe, the Innovation Union Flagship Initiative and the European Union Strategy for Sustainable Development.* Meeting the objectives also builds on the implementation of the range of directive and regulations of the EU Acquis Communautaire, the EU budget, and wide range of national and regional policies, governance initiatives and funding.

2 To Protect, Conserve and Enhance the Union's Natural Capital (7EAP Priority Objective 1)

About the Objective: Natural Capital

The first action area is linked to **"natural capital" –** from **fertile soil and productive land and seas to fresh water and clean air** – as well as the **biodiversity** that supports it. **Natural capital includes vital services** such as pollination of plants, natural protection against flooding, and the regulation of our climate. The Union has made commitments to halt biodiversity loss and achieve good status for Europe's waters and marine environment.

Moreover, it has put in place the means to achieve this, with legally-binding commitments including the **Water Framework Directive, the Air Quality Directive, and the Habitats and Birds Directives,** together with **financial and technical support**.

To get there, the EAP expresses the commitment of the EU, national authorities and stakeholders to speed up the delivery of the objectives of the **2020 Biodiversity Strategy** and the **Blueprint to Safeguard Europe's Water Resources.**

The EAP also identifies topics, which need further action at EU and national level, such as **soil protection and sustainable use of land**, as well as **forest resources**. The programme sets out the need for **more effective action to protect oceans and seas, safeguard fish stocks and reduce marine litter.**

2.1 What has been done within the 7EAP context?

EU level

EU-level action has been primarily framed by the strategic frameworks enabling and supporting the achievement of the natural capital objective. In particular, the actions put forward by the **EU's Biodiversity Strategy to 2020** and the **Blueprint to Safeguard Europe's Water Resources** have been carried out primarily to support Member States in the implementation of the existing nature, water and marine legislation, to adopt new legal frameworks where gaps have been identified such as tackling invasive alien species or increasing water re-use as well as to increase coherence with other EU policies and funding instruments including on agriculture. Unfortunately, these actions have not been sufficient to date and the EU is set to miss its goal of halting and reversing the loss of biodiversity or bringing all its waters to ecological health.

Examples of key actions include:

Natura 2000 network

The **Natura 2000** network has been largely completed for terrestrial and inland water habitats, covering about 18 % of the land surface. The marine network coverage has increased to 7 %[2], still below the 10 % global target. The implementation of the Nature Directives led to several species and habitats reaching favourable or improved conservation status compared to 2010 baseline, however, the important challenges remain including the need to ensure the effective management of Natura 2000 sites and securing necessary finance to support the network. **The Nature Directives** have

[2] http://icm.eionet.europa.eu/ETC_Reports/SpatialAnalysisOfMarineProtectedAreaNetworksInEuropesSeas_VolumeA_2017/Spatial%20Analysis%20MPA%20Networks_v1.5.pdf (p16)

undergone a **Fitness Check** evaluation in 2016. This resulted in the adoption by the European Commission of an *Action Plan for Nature, People and the Economy,* which contains 15 measures to support implementation of the directives by 2019.

Restoring ecosystems and their services (Green Infrastructure)

The European Commission adopted an EU-wide Green Infrastructure strategy in 2013, promoting investments in green infrastructure including from EU funding instruments as well as increasing knowledge base. However, the development of a Trans-European Network for Green Infrastructure, the so-called "TEN-G" equivalent to the existing networks for transport, energy and ICT, has been abandoned.

Invasive alien species

The Regulation on **invasive alien species** entered into force in 2015, providing a set of measures to be taken across the EU in relation to 37 invasive alien species. The work is on-going to extend the list of invasive alien species so that the list includes the species that pose the greatest threat to the EU.

EU initiative on pollinators

Following a request from the European Parliament and the Council, the European Commission is currently developing **EU initiative on pollinators** aimed to tackle the causes of decline of pollinators and improve knowledge and collaboration. The JRC is working on pollinator maps to clarify the economic importance of wild pollinators to EU agriculture.

Water

The implementation of the **Water Framework Directive** has resulted in some improvements in water management across the EU and most Member States have developed next iteration of the river basin management plans. Most of the actions put forward in the Blueprint to Safeguard Water Resources have been implemented including new legal instrument to increase water reuse. However, the objectives of the WFD will not be achieved and only about 40% of the EU rivers lakes and wetlands are in good ecological health. There is N on-going fitness check evaluation of several pieces of the EU water legislation including the Water Framework and daughter directives which is expected to identify measures to improve their implementation. There are concerns regarding pressures to weaken the WFD given economic interests and lack of progress with meeting objectives.

CAP 2014-2020

The **CAP 2014-2020** emphasised the joint provision of public and private goods by allocating 30% of the budget of its first pillar to 'greening'. Farmers receiving an area-based payment have to comply with three measures deemed beneficial for the environment: diversifying crops, maintaining permanent grassland dedicating 5% of arable land to 'ecologically beneficial elements'. Discussions are underway on the post 2020 CAP.

Country insight: Austria

Natural Capital

What has been done since 2014 within the 7EAP context?

Implementation of the Nature Directives (Birds and Habitats Directives)

- Further designation of Natura 2000-sites and / or site expansions in all federal states following an infringement procedure initiated by European Commission in 2013;
- Development of management plans for many Natura 2000-sites;
- Establishment of site managers for many Natura 2000-sites in several federal states.

Implementation of the EU Water Framework Directive

- Implementation of the **1st National River Basin Management Plan** (RBMP) 2009, including an analysis of the current status in 2013 and allocation of EUR 140 million for the 1st planning period for water-ecological remediation measures;
- Implementation of several accompanying quality target regulations and guidelines (e.g. concerning fish ladders; the survey of biological quality elements) and also the water catalogue (serves as a decree of transparency when weighing up the overriding public interest in procedures with the exception of the prohibition of deterioration under water law);
- Focus on making rivers fish-passable during the 1st National River Basin Management Plan planning period and issuing various remediation decisions to power plant operators with regard to the installation of fish ladders / residual water subsidies. Accompanying adoption of various regional water management programs in most Austrian provinces;
- The adoption of the **2nd National River Basin Management Plan** for the planning period 2015 - 2021 followed late in mid-2017. So far there is no funding for water ecological remediation measures;
- In 2017 a provisional “water development and risk management concept” (GE-RM" guideline/Gewässerentwicklungs- und Risikomanagementkonzept) for the purpose of integrative river basin management was adopted.

National Biodiversity Strategy Austria 2020+

- The national biodiversity strategy was developed in a participative process within the framework of workshops involving all stakeholders. The strategy was published in 2014.

2.2 Results: What is the status?

The 7 EAP objectives - to protect, conserve and enhance the Union’s natural capital – are far from achieved and biodiversity loss and degradation of ecosystem services have continued since 2010 baseline as confirmed by the EEA 2017 report indicators in the box below – though progress has been made in a range of areas.

EU level

Natura 2000 network

As regards the **network of Natura 2000 sites** – this has been growing significantly over recent years and now covers 18 % of the EU's land area and almost 7% of its marine territory[3], but many sites are still far from reaching good conservation status objectives and there are concerns that a number of sites, particularly marine protected areas are "paper parks".

Water

Around 40 % of **surface waters** (rivers, lakes, transitional waters and coastal waters) are in good ecological status, while only 38 % of surface waters are in good chemical status. Groundwaters generally have better status: good chemical status has been achieved for 74 % of them, while 89 % achieved good quantitative status. European waters remain under pressure from water pollution, over-abstraction and structural change from a range of human activities. These pressures often act at the same time and affect the good functioning of ecosystems, contribute to biodiversity loss, and threaten the valuable benefits water provides to society and the economy. (EEA State of Water 2018, report in prep).

Air

Data from the European Environmental Agency shows that releases of the 8 most reported pollutants have been stable (2007-2014), a decline of certain heavy metals by 15-40%, with high fluctuations for copper and arsenic. A small percentage of facilities are responsible for a high release or very specific sectors (e.g. intensive aquaculture, paper and wood production, chemical industry for nutrients, the energy sector, the metals production/processing and Mineral industry are mainly responsible for heavy metals releases)[4]. Upstream pollution prevention / control measures at source, such as within the review of Best Available Techniques Reference Documents (BREFs) under the Industrial Emissions Directive, have been set, with various degrees of ambition level.

CAP 2014-2020

As regards the introduction of '**greening' into the CAP**, the accompanied introduced flexibility for Member States failed to deliver significant environmental benefits. First of all, the three greening measures have targeted only a relatively small number of farmers in Europe. Second the measures defined by Members Sates in order to comply with the new greening requirement failed to deliver on biodiversity and the environment.

[3] EEA (2016) Mid-term review of the EU biodiversity strategy to 2020 available at://www.eea.europa.eu/themes/biodiversity/mid-term-review-of-the/

[4] EEA Emissions of pollutants to Europe's waters –sources, pathways and trends, Technical report 3/2017).

Status of implementation:

The **EEA 2017 indicator report** underlines that progress with the objectives is far from sufficient and that this issue remains a live issue for consideration under a future EAP.

Priority objective 1: 'to protect, conserve and enhance the Union's natural capital'

	EU indicator past trend	Outlook of the EU meeting the selected objective by 2020
Exposure of terrestrial ecosystems to eutrophication due to air pollution	▲	●
Gross nutrient balance in agricultural land: nitrogen	▲	●
Land take	▲	●
Forest: growing stock, increment and fellings	▲	●
Status of marine fish stocks	▲	●
Abundance and distribution of selected species (common birds and grassland butterflies)	▲	●
Species of European interest	▲	●
Habitats of European interest	▲	●
Status of surface waters	N.A.	●

European Environment Agency

EU indicator past trend		Outlook for meeting the selected objective by 2020	
▲	Improving trend	●	It is likely that the objective will be met by 2020
▲	Stable or unclear trend	●	It is uncertain whether or not the objective will be met by 2020
▲	Deteriorating trend	●	It is unlikely that the objective will be met by 2020

Source: https://www.eea.europa.eu/publications/environmental-indicator-report-2017

The EP's Mid-term review of the Implementation of the 7th EAP noted that:

- **an improving trend is spotted for**: 1. exposure of terrestrial ecosystems to eutrophication due to air pollution; 2. gross nutrient balance in agricultural land: nitrogen; 3. land take; 4. status of marine fish stocks;
- **a deteriorating trend is spotted for**: (biodiversity in general) 1. abundance and distribution of selected species (common birds and grassland butterflies); 2. species of European interest; 3. habitats of European interest;
- **a stable or unclear trend for**: 1. growing stock, increment and felling of forests, and 2. status of surface water.

It also states that: all six initiatives/actions/instruments/requirements under Objective 1 were perceived as being insufficiently implemented at both EU and Member State level:

- the Biodiversity strategy;
- ensuring healthy fish stocks, combating marine litter, completing the Natura 2000 network of marine protected areas, and ensuring sustainable coastal zones management;
- the Union air quality legislation and defining strategic targets and actions beyond 2020;
- reducing soil erosion, increasing soil organic matter, remediating contaminated sites, adopting targets on soil and land as a resource, and adopting land-planning objectives;
- reducing nitrogen & phosphorus emissions, improving source control & phosphorus recovery;
- developing and implementing a renewed Union forest strategy.

The mixed rate of progress is often attributed by respondents to ineffective policy implementation and integration at national level.

"*European Union member countries wrote and signed up to laws that could protect our oceans and end overfishing by 2020 if correctly implemented. But so far they are blatantly ignoring their own promises, while our marine ecosystems continue to be destroyed. With only a couple years left to act, the challenges are getting bigger every day",* said Monica Verbeek, Director of Seas At Risk

Country insight: Austria

Natural Capital

Results – what is the status?

Implementation of the Nature Directives (Birds and Habitats Directives)

- Site designation process of further Natura 2000-sites still incomplete. There are several open claims from the letter of formal notice of the EC and further gaps in the current Natura 2000 site network in Austria have emerged in an informal working document of the EC, which is, however, not part of the infringement procedure.
- The existence of many management plans to date can be highlighted as a positive development; however, they are often formulated in a very general manner and lack detailed measures.
- The site managers, who have been established for several sites, are perceived as extremely valuable and competent, there is no knowledge of negative examples.
- The site designation process initiated by the infringement procedure should have been used to designate the sites in a coordinated manner to ensure sufficient coverage of protected habitats and species at the biogeographical level in Austria. Only in this way it can be guaranteed that sufficient sites are available for the long-term protection of the habitats and species of the birds

and habitats directives and that there is clarity and legal certainty for project applicants and land owners.

Implementation of the EU Water Framework Directive

- Target for 2027: 100% of rivers are in good ecological status or good ecological potential, respectively;
- Currently Austria is far from reaching this target- more than 60% of Austria's surface waters of rivers are not in good ecological condition, 30% of the water network is structurally impoverished;
- Successes in the process:
  - Introduction of the necessary legal regulations in Austria;
  - Raising awareness of the objectives of water protection among all stakeholders concerned including the wider public;
  - Numerous fish-unpassable barriers were made passable;
  - Much better data basis of our waters by the obligatory actual status analyses;
  - Although belatedly: adoption of regional water management programmes by most federal states with the definition of exclusion and suitability zones for hydropower;
  - The integrative river basin management approach is finally being pursued;
- Failures in the process / missed opportunities:
  - Still no nationwide introduction of sectoral water fees such as hydropower, industry, tourism, etc.;
  - Still no NGO participation in water law proceedings that are not conducted as Environmental Impact Assessment (EIA) proceedings;
  - No financial endowment for the 2nd National River Basin Management Plan period - thus hardly any further restructuring measures to be expected;
  - Only a comparatively small percentage of water bodies could be improved in their ecological status, as the focus was mainly on technical continuity and less on morphological, structure-improving measures (problems of voluntary implementation of such measures and the general availability of land were the main obstacles);
  - The target of having 100% of water bodies in good ecological status by 2027 is now dismissed as unrealistic and the political will and pressure to implement the WFD targets is decreasing noticeably accordingly.

National Biodiversity Strategy Austria 2020+

- The strategy contains essential points and measures for the conservation of biodiversity. It is an important tool to communicate the necessity of taking action in different sectors;
- A current mid-term evaluation of the national Biodiversity strategy shows that many measures are being taken but their effect "on site" is not yet enough to ensure the long-term conservation of biodiversity in Austria;
- Success: The participative character of the development process of the strategy has led to its broad acceptance and acknowledgement. The strategy is used as a "task list" by several stakeholders and plays an important part in project funding;
- Difficult: The responsibilities for the implementation of the measures are not clearly addressed. As a result the responsible stakeholders are not obliged to take action and the implementation of the strategy is insufficient in some parts.

2.3 What more needs to be done - within the 7EAP and for future attention?

For priority objective 1: the EU's natural capital is not yet being protected, maintained and enhanced in line with the ambitions of the 7th EAP. The 2020 outlook remains bleak overall for the selected set of objectives related to this priority objective. (EEA, Environmental Indicator Report, 2017)

EU level

Nature and water legislation

The EU institutions and Member States need to significantly step up their efforts on implementation of the flagship nature and water legislation, it is possible to reach its ambitious objectives with increased political will and additional resources including from EU funding instruments as well as better coherence with other EU policies and socio-economic objectives. The European Commission needs to continue assisting Member States in implementation through guidance and better knowledge as well as significantly increase its enforcement efforts using all the tools at its disposal such as the Environmental Implementation Review, European Semester and access to the Court of Justice. The EU institutions also need to prioritise completing the necessary legal frameworks such as on Invasive Alien Species. Furthermore the review of EU legislation such as the Water Framework Directive should identify additional measures needed to improve its implementation rather than amend the legal text.

Action to safeguard and restore the EU's natural capital will need to be stepped up beyond 2020 in order to reverse the current trends of loss of biodiversity and ecosystem services. The new post-2020 strategy needs to be embedded in the Sustainable Development Goals framework and achieve a paradigm shift in mainstreaming biodiversity in other sectoral policies as well as mobilise the necessary resources.

Air Pollution

More efforts need to be put in place to strengthen upstream pollution prevention / control measures at source, such as within the review of Best Available Techniques Reference Documents (BREFs) under the Industrial Emissions Directive. Recent BREF documents, such as the BREF for Waste Treatment and the Waste Incineration have set emission levels associated with BAT also for indirect discharges, to promote improved pre-treatment at source for pollutants that may pose problems to the downstream Urban Waste Water Treatment plants or other environmental impacts (e.g. sewage sludge contamination).

A better coherence of achieving the objectives set under the Water Framework and Industrial Emissions Directive and EU chemicals agenda on substitution of chemicals of concern should be promoted.

Furthermore, the identification of new PS/PHS under the Water Framework Directive with better monitoring and upstream pollution prevention and control set through ambitious BAT-Conclusions in the relevant industry sectors should be systematically pursued. BAT-AEL for PHS should clearly show the technical feasibility to prevent pollution from industrial sources in order to achieve the cessation objective. The BREF should promote frontrunner performance of relevant sectors achieving the environmental quality standards instead of best average performance or reduced emissions. The HAZBREF initiative currently under review is also a promising tool to improve better linkage with those policy instruments and hopefully to provide concrete case studies on best practice to improve water quality related to industrial activities.

A better attention to proper implementation by Member States is also required, in line with pollution prevention at source and pays. This would also include economic instruments to disincentive the use of chemicals of concern (e.g. hazardous substance use tax).

Invasive alien species

The EU's IAS Regulation 1143/2014 has the potential to make a significant and sustained contribution to reducing the threat posed by Invasive Alien Species that Europe faces. Given the importance of the IAS Regulation in maintaining the EU's economic and ecological wellbeing, it is important to: further increase the number of species on the EU's IAS List so that the list includes the species that pose the greatest threat to the EU, and which cover the broadest range of invasion pathways including in the marine environment; and to contribute more resources to effectively implementing the Regulation so that the biosecurity threats from IAS are minimised.

Overuse of fertilisers and the use of pesticides

Our freshwater resources are being polluted by the **overuse of fertilisers and the use of pesticides**. Regarding the EU's pesticide approval system there is a clear need for further transparency. Public support for pesticides is dwindling. Nearly 1 million people have signed a European Citizens Initiative (ECI) petition to ban the herbicide glyphosate and the use of dangerous pesticides. Whether for pesticide or fertiliser use a full health and environmental assessment should be carried out prior to their placement on the market. The precautionary principle should apply when situations show scientific complexity.

Reducing the pressure from human activities on marine ecosystems

European seas are in a sorry state. Despite their legal commitment to have clean, healthy and productive seas by 2020 under the Marine Directive (2008/56/EC), successive governments have allowed overexploitation, pollution and mismanagement of an environment that was once abundant and diverse. As a matter of urgency, European governments need to fully implement the Marine Directive by taking ambitious measures to protect biodiversity (e.g. by protecting at least 30% of EU seas in networks of well-managed Marine Protected Areas), stop pollution (from contaminants, nutrients, waste, microplastics and noise) and end overfishing. They also need to apply the ecosystem-based approach when implementing the Maritime Spatial Planning Directive (2014/89/EU), i.e. ensuring that ecosystems are managed within the limits to their functioning and protected from the impacts of damaging activities at sea, such as fisheries, energy and resource exploration and exploitation, shipping and aquaculture.

Marine litter – from macros plastics to microplastics

This is a major and still growing problem, creating pressures on marine species and ecosystems as well as creating health risks, impacts on municipal budgets, and sector activities (fisheries, tourism, and shipping). Up to 50% of the marine litter on Europe's beaches is made up of disposable, use-once plastic items. Measures are primarily needed upstream (e.g. improving product design, banning single-use plastic), on waste and water infrastructures (e.g. improving recycling facilities) and on changing consumer habits (e.g. reducing the use of single-use plastic items, preventing littering). Clean-ups are also important tools, in particular for raising awareness of citizens, but should not be the main focus for action. The plastic strategy and circular economy package offers an opportunity for significant action.

Overfishing

Overfishing is widely acknowledged to be one of the major threats to marine biodiversity. Correctly implemented, the Common Fisheries Policy (CFP) should have led to sustainable fishing across the EU seas by 2015 or, at the latest, by 2020. However, Member States continue to allow many stocks to be fished above scientifically recommended exploitation levels. Therefore, full implementation of the CFP is essential for all commercially exploited fish and shellfish populations to be within safe biological limits, as also required by the Marine Directive. This means setting fishing limits below the maximum sustainable yield exploitation rate (Fmsy); ending discards through the landing obligation; reducing by-catch of non-target species and sexually immature fish through technical, spatial and temporal measures, and quota swaps; and establishing fish stock recovery areas, such as closures at spawning and nursery grounds.

Common Agricultural Policy

Intensive agricultural practices have a considerable negative impact on the EU's natural capital. The current CAP is inadequate to sufficiently reduce pressures on natural capital. Regrettably, the EU is not currently on track to meet several of its environmental and climate objectives, such as halting the decline of biodiversity by 2020 and achieving good status of water bodies, and addressing this requires joint action in several policy areas. Agriculture remains a key driver of environmental damage, with rapidly mounting evidence on the collapse of insect and bird populations in Member States linked to agricultural practices, along with severe pressures from farming on water, soils and greenhouse gas emissions. The Paris Climate Agreement requires a significant boost to the EU climate action, including in the field of agriculture and land use. Therefore it is crucial that the CAP post 2020 becomes more ambitious regarding environmental and climate objectives. The new CAP should help farmers to transition towards a more environmentally friendly agricultural production model and should be based on a more holistic approach including consumption in order to transform our food systems. Such integrated approach would enable to take into account the interdependence between food production, ecosystems and human wellbeing.

Conclusions

Each of the above issues will require not only attention to 2020, but will remain important challenges beyond 2020 and hence potential priority areas for an 8EAP.

Country insight: Austria

Natural Capital

What more needs to be done - within the 7EAP and for future attention?

Implementation of the Nature Directives (Birds and Habitats Directives)

- The site designation process needs to be completed in a professional, (scientifically) reasonable and transparent manner;
- Site managers need to be established at all sites;
- The budget for the implementation of Natura 2000 needs to be increased and labeled (better earmarking);
- Management plans need to be developed as well as updated in a participative manner.

Implementation of the EU Water Framework Directive

- From summer 2018 EU fitness check of the WFD;
- Still no allocation to the **2nd National River Basin Management Plan** from funds of the Environmental Subsidizations Act **(**ESA). The last funding period was EUR 140 million; the evaluation draft with EUR 150 million was last withdrawn at the beginning of 2018. Nevertheless, no introduction of water fees, except for the household sector.
- **3rd National River Basin Management Plan** period 2021 - 2027: has to be adopted; 2027-target: 100% of water bodies should be in good ecological condition.
- Solving the problem of land availability for morphological remediation measure.

National Biodiversity Strategy Austria 2020+

- The various sectors need to be specifically made aware of their responsibility to actively contribute to the implementation of the strategy;
- Broad recognition at the political level is important in order to create an appropriate framework and to generate the willingness to assume responsibility among all relevant stakeholders.

2.3.1 Questions for the policy forum

Question for the policy forum: 1-2 questions.

- Should this be a priority for 8 EAP and why?
- What specific aspect is most important to focus on?
- What should Austria do (policies, implementation, and contribution to EU policy processes)?

3 Turning the Union into a resource-efficient, green, and competitive low-carbon economy (7EAP Priority Objective 2)

About the Objective:

As noted in the 7EAP, the **Europe 2020 Strategy** seeks to promote sustainable growth by developing a more competitive low-carbon economy that makes efficient, sustainable use of resources. Its **'Resource-efficient Europe' Flagship Initiative** aims to support the shift towards an economy that is efficient in the way it uses all resources, absolutely decouples economic growth from resource and energy use and its environmental impacts, reduces GHG emissions, enhances competitiveness through efficiency and innovation and promotes greater energy and resource security, including through reduced overall resource use. **The Roadmap to a Resource Efficient Europe** and the **Roadmap for moving to a competitive low-carbon economy** are key building blocks of the Flagship Initiative. To be more specific, the 7EAP aims help ensure that:

- the Union is expected to meet its 2020 **climate and energy targets** and is working towards reducing GHG emissions by 80–95 % by 2050 compared to 1990 levels;
- the overall **environmental impact of all major sectors** of the Union economy is significantly **reduced, resource efficiency has increased**;
- **structural changes in production, technology and innovation**, as well as **consumption patterns** and lifestyles have reduced the overall environmental impact;
- **waste is safely managed as a resource** and to prevent harm to health and the environment, absolute waste generation and waste generated per capita are in decline...;
- **water stress** in the Union is prevented or significantly reduced.

3.1 What has been done within the 7EAP context?

EU level

Addressing climate change, one of Juncker's 10 priorities and core objective of the 7EAP's priority objectives, has seen very considerable EU action in the last 6 years. The Circular Economy has also gained considerable attention and become a political priority with its multiple objectives of mitigating pressure on natural resources and reducing EU dependency on raw material imports while stepping up our economy towards sustainable patterns and creating jobs. Examples of policy initiatives include:

Implementing the Union Climate and Energy Package

This priority has arguably seen the greatest amount of policy action of all the 7EAP priorities. The 7EAP and the Europe 2020 strategy picked up where the existing commitments of the European Union as defined in the Kyoto-protocol ended and turned it into a continuous policy with binding targets for 2020, 2030, and in 2015, with the Paris Agreement to finally halting global climate change.

The key legal climate change measures include the existing "burden sharing agreement" among Member States into the Effort Sharing Decision, setting national targets for 2020 (406/2009/EC) and followed with the Climate Action Regulation, aka. Effort Sharing Regulation 2021-2030 that was finally agreed in 2018.

This was mirrored by industrial installations and the implementation of the ETS Phase 3 (2013 – 2020) as extended by (2009/29/EC), and 2008/101/EC to include aviation activities in the EU ETS, and later on the Revision for phase 4 (2021-2030) or the EU ETS, agreed in 2017.

Additional sectoral legislation included the F-Gas Regulation (517/2014) and the joint rules on accounting GHG emissions in Land use and forestry for 2021-2030, agreed in 2018.

These legal instruments where supported and facilitated by a number of additional initiative including the 2011 Low-Carbon Economy Roadmap to 2050, the EU Adaptation Strategy Package from 2013, the Green Paper and subsequent proposal on a 2030 framework for climate and energy policies as part of the EU Energy Union Package, presented by the incoming Juncker Commission in 2015.

The developments around Renewable Energy and Energy Efficiency have been of specific importance for this objective.

For renewable energy the national targets of the Renewable Energy Directive (2009/28/EC) for 2020 has triggered EU-wide action and created a revolution in the deployment of renewable technologies. This was supported by Horizon 2020 funding for research & innovation and NER300 programme for renewable energy technologies. To ensure a continuation and necessary acceleration of the energy transition the recast of the Renewable Energy Directive (RED II) for 2030 was proposed in 2016 and is at the time of writing still under negotiation.

Similarly, in the field of Energy Efficiency the existing legal framework including earlier tools like the Energy Services Directive of 2006 was turned into a comprehensive tool with the Energy Efficiency Directive (2010/75/EU) and the Energy Performance of Buildings Directive (2010/31/EU). The implementation of both directives is still ongoing as they set objectives for 2020 but also appropriate revisions for the timescale of 2030 and beyond were necessary with the revision of the Energy Performance of Buildings Directive, setting a 2050 perspective for a nearly zero energy building stock, as agreed in early 2018 and the revision of the Energy Efficiency Directive for 2030 and beyond which is currently under negotiation.

While these elements above have a direct reference to the objective of the 7EAP a range of legal tools in the field of energy were further developed and strengthened while being equally important for the 7EAP as for the aspects of the internal market and political aspects like energy security. These include:

- Fuel Quality Directive (2009/30/EC);
- TEN-E Regulation (347/2013);
- 3rd Internal Energy Market Package;
- European Fund for Strategic Investment (EFSI) and European Structural and Investment Fund (ESIF);
- EU Energy Union since February 2015;
- Proposal for a regulation on the Governance of the Energy Union (under negotiation);
- Gas and Electricity Market Design revisions.

Circular Economy and Waste

Building on sustainable consumption and production policy, as well as on resources efficiency initiatives, Circular Economy has emerged over the last 6 years as a key priority to orient the economic development of Europe's economy towards a more resource independent and efficient one. Numerous actions are now related to the Circular Economy agenda, and this is illustrated by the

adoption of the Circular Economy Package in December 2015 with an annex of 54 actions to be implemented between 2016 and 2019. These include:

- **Revision** of the major **Waste Framework directive, Packaging and Packaging Waste Directive, Landfill Directive, of Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment** (action under the CE Package) aiming at increasing significantly the recycling of municipal and packaging waste, orienting our economy towards waste avoidance, as well as sharing best practices on waste management notably with regards to preparation for reuse, separate collection and producers responsibility;
- **Continuous Implementation** of **Ecodesign Directive** (though very slow down from 2015 onward) with a more systematic inclusion of material efficiency provisions within the minimum requirements to place energy related products on the EU single market, as stated in the communication of the new Ecodesign Work Plan of November 2016;
- **Fitness Check** of the **EU Ecolabel Regulation** to identify shortcomings and recommendations to reinforce the effectiveness of the instrument in promoting sustainable consumption and production;
- **Continuous setting of EU Ecolabel and Green Public Procurement criteria** at EU level (though very slow down in terms of revisions and new product and services groups covered) and efforts to greening the single market through pilot methodology on Product Environmental Footprinting to identify environmental hot spots of products and opportunities to mitigate them;
- **Uptake by industry of the 'Best Available Techniques'** under the **Industrial Emissions Directive (IED)** - to improve resource-use patterns and reduce emissions for 50 000 industrial installations;
- **Launch of the Plastics Strategy** to address Single Use Plastics and plastic pollution, as well as aiming at only recyclable plastic packaging on the market by 2030;
- **Reinforcing and stabilising the market for secondary raw materials** through quality standard setting and addressing the interfaces between chemicals, products and waste policies with a view of cleaning material cycles in the long run, moving towards a toxic free environment, and considering the controversial issue of recycling contaminated materials with legacy substances;
- **Addressing** the construction and demolition **material flows** in order to foster reuse and recycling of building materials through EU guidance documents;
- **Review of the bioeconomy strategy** to shift from our fossil fuel dependency and orient market development towards bio-based solutions.

Conclusions

In summary, a wide range of initiatives have been undertaken and already some clear actions have been taken to contribute to the transition to a low carbon and circular economy at the EU level contributing to the second objective of the 7th EAP. The question of the proper implementation of these defined actions and their monitoring to assess their effectiveness is of utmost importance. However, it is unlikely that already defined measures and actions will be sufficient to answer the challenges of EU Paris commitment with regard climate change, of our SDGs commitments at global level and containing our economic development within the carrying capacity of the planet.

Country insight: Austria

Resource-efficient, green, and competitive low-carbon economy

What has been done within the 7EAP context?

2020 Climate and Energy Targets

- Climate Protection Act;
- Strategy for adaptation to climate change;
- Energy Efficiency Act (much criticised and not really successful);
- Climate and energy strategy, after almost 2 years of delay it was adopted by the Council of Ministers in week 22 of 2018. Bad: Focus on 2030 only, very weak efficiency target, weak and intransparent stakeholder involvement. Good: mobility and heating is included as central sectors, electricity 100% renewable by 2030.

Turning Austria into a resource-efficient, green, and competitive circular economy

- **In 2018,** a seventh amended version of the **2017 Federal Waste Management Plan was published** (valid for the period July 2017 –June 2023 and following the Plans of 1992, 1995, 1998, 2001 and 2006 and 2011). The report provides an **inventory of waste flows and volumes** and outlines concrete **measures, strategies** and **programs** for **waste prevention**, **disposal** and **reuse**. The Waste Management Plan was developed in a stakeholder agreement process and involved mainly the BMNT, experts from the regional governments, the Environmental Agency, the Austrian Chambers of Commerce and Labour, the Federation of Municipalities, and scientific experts and consultants/non-governmental organisations (NGOs) in the field of environmental protection and resource conservation. The draft and publication of a **Federal Waste Management Plan (FWMP** at least once every six years by the Federal Minister of Sustainability and Tourism (BMNT) is a requirement under The Waste Management Act of 2002 (AWG 2002). An integral part of the plan is the **Federal Waste Prevention Programme**. Regarding waste prevention, the planned measures for the period July 2017-June 2023 include:
    - Expansion of the reuse collection;
    - Reuse of components in the construction/demolition sector;
    - Analysis of textile material flows in Austria;
    - Awareness raising, especially for consumers;
    - Continuation of the federal expert platform for reuse;
    - Improvement of the database;
    - Product services – innovative business models;
    - Reuse within public procurement;
    - Review of fiscal measures.
- In 2012, the BMNT published the so-called **Austrian Resource Efficiency Action Plan (REAP)**. The REAP defines resource efficiency as the ratio between monetary output and input of natural resource 'materials', comprising 'energy', 'water', 'air' and 'land'. While the Austrian REAP mainly focuses on increasing material efficiency, its scope also includes the efficiency of energy, water, air and land use. It sets targets, identifies major fields where action is required and introduces instruments and measures for an increase in resource efficiency in Austria;
- Building on the REAP, the Rest2020-Resources.Efficiency.Technologies (RESET2020) initiative was

developed by the Austrian Ministry of Sustainability and Tourism (BMNT) with the aim to drive resource efficiency in the areas of environmental technologies, sustainable production and sustainable consumption.

- Several **regional development initiatives** were founded around the principles of a circular economy and energy autonomy. These include, among others, the Styrian Volcano Land (www.vulkanland.at), the European Centre for Renewable Energy in Güssing, the BioRegion Mühlviertel or the Energy Vision Murau.
- In March 2018, **Circular Futures-Plattform Kreislaufwirtschaft** Austria was launched. The objective of the platform is to establish a solution-oriented multi-stakeholder platform as a think tank, incubator, and catalyst for projects and initiatives necessary for a successful transition to a circular economy in Austria. The platform is a collaboration between the Umweltdachverband, the European Environmental Bureau (EEB) in Brussels, the Reuse and Repair Network Austria (RepaNet), and the Verband Afallberatung Österreich (VABÖ), a waste disposal consultancy association with 355 local environmental and waste consultants. The project is supported by the Ministry for Sustainability and Tourism (BMNT) and the European Union (www.circularfutures.at);
- **In the Construction & Demolition sector,** the **Recycled Construction Materials Regulation** (Baustoffrecyclingverordnung), which had been under development for several years, came into force on 1st January 2016. It lays down specific requirements that need to be met during the construction or demolition of structures, such as the execution of a pollutant investigation, an organised and recycling-oriented demolition of structures and a duty to separate the waste generated. Furthermore, (quality) requirements for the manufacture and use of recycled construction materials were set.
- In addition to the **Federal Waste Management Plan (FWMP)** and the **Austrian Resource Efficiency Action Plan (REAP)**, a number of other policies and initiatives relating to resource efficiency and the circular economy exist in Austria to date:
    - The initiative **"Food is Precious!"** – "Lebensmittel sind kostbar!" was launched by the BMNT in 2011 to coordinate the increasing number of initiatives on food waste and to offer to the different stakeholders the opportunity to use a unique and recognizable logo. In cooperation with businesses, consumers, municipalities and social institutions, the initiative aims for sustained prevention and reduction of food waste. (https://www.bmnt.gv.at/land/lebensmittel/kostbare_lebensmittel.html).
    - The **Austrian Action Plan on Sustainable Public Procurement** – Aktionsplan Nachhaltige öffentliche Beschaffung includes public purchasing criteria on the use of recycled materials in building construction, recycled paper, ecologically produced products and the use of products/materials with low hazardous substance concentrations. (http://www.nachhaltigebeschaffung.at/nabe-aktionsplan), enacted in July 2010.
    - The initiative **"Buy Aware"** ("Bewusst kaufen") is a web portal for sustainable consumption in Austria. It offers information on over 250 labels, 60 shopping guides and about 2.000 sustainable products. The aim of the portal is to increase consumer awareness of sustainable products and to provide extensive information on options for conscious, sustainable consumption. The portal was launched by the BMNT in 2010. (www.bewusstkaufen.at)
    - The **Austrian Masterplan "green jobs"**, issued in 2010, aims at further developing the environmental protection industries and technologies. This includes the promotion of resource-efficient products, technologies and services; the replacement of the consumption of primary non-renewable resources with renewable resources and recycled materials; the efficient management of energy resources; research in resource management; the promotion of low-resource consuming buildings and infrastructure in tourism.

- The Austrian Raw Material Plan (Rohstoffplan) aims at setting aside certain territories for the future exploitation of mineral resources, published in 2012 (https://www.bmnt.gv.at/energie-bergbau/bergbau/Rohstoffstrategie.html);
- The **Austrian Strategy on Research, Technology and Innovation** – Strategie Forschung, Technologie und Innovation, adopted in March 2011 (https://www.bmvit.gv.at/innovation/forschungspolitik/index.html);
- The **Austrian Strategy for Education on Sustainable Development** – Österreichische Strategie zur Bildung für nachhaltige Entwicklung, launched in 2008 (https://bildung.bmbwf.gv.at/schulen/unterricht/ba/bine_strategie_folder_18301.pdf?61ed8r);
- A programme funding investments in reducing environmental impacts – Umweltförderung im Inland (https://www.umweltfoerderung.at);
- The **Austrian Eco-Label** – das Österreichische Umweltzeichen, created on the initiative of the BMNT in 1990. The label provides the general public with information on the environmental impact of consumer goods that arises from their production, usage and disposal and attracts the attention of consumers to alternative environmentally friendly products (https://www.umweltzeichen.at);
- The **Production of the Future initiative** – Produktion der Zukunft, Programme launched in 2012 (https://www.bmvit.gv.at/innovation/produktion/produktion_der_zukunft.html; https://www.ffg.at/en/production-future-programme);
- The **Austrian Climate & Energy Strategy**, published in 2018 (https://mission2030.info).

3.2 Results: What is the status?

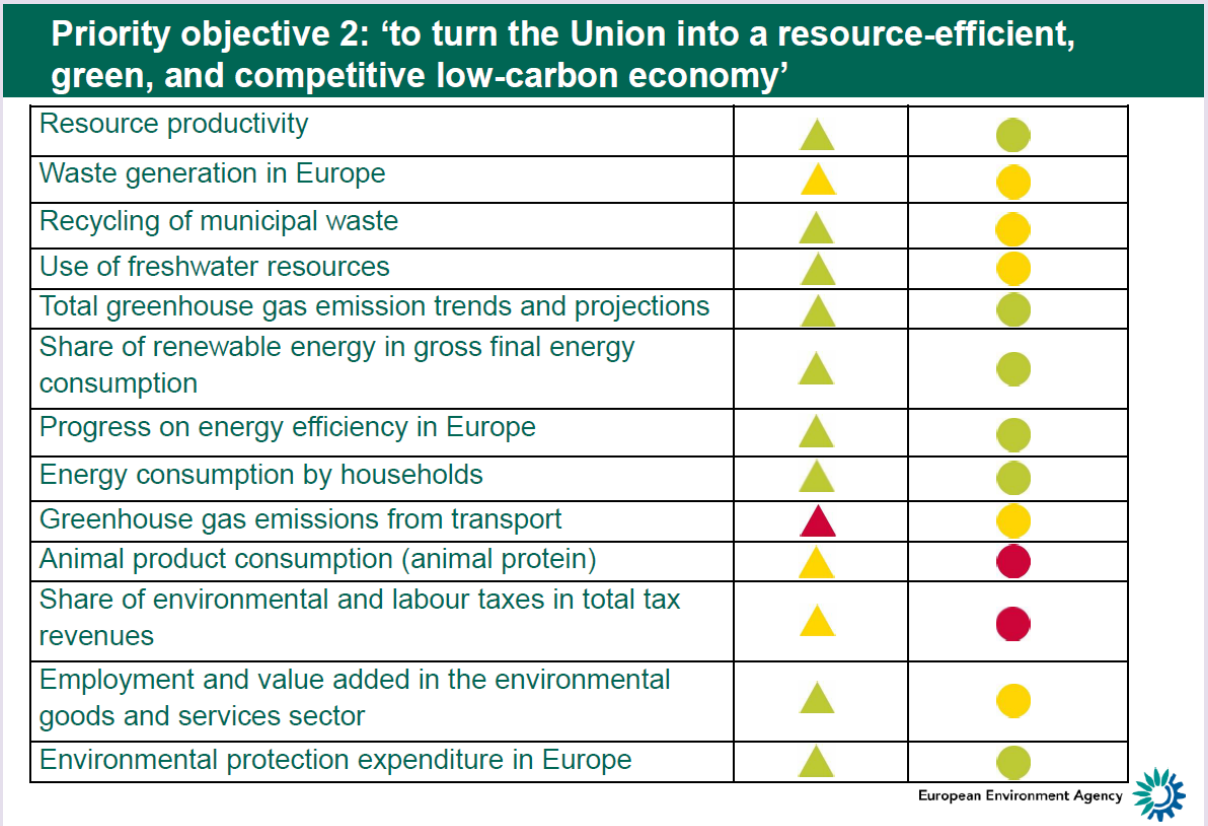
EU level

For priority objective 2, the 2020 outlook continues to show mixed progress. The EU is on track to meet climate and energy related targets. There have also been some resource efficiency improvements, while efforts so far to reduce the overall environmental impact of production and consumption (i.e. in the food, housing and mobility sectors) vary considerably in their success rates. (EEA, Environmental Indicator Report, 2017).

Moving towards a resource-efficient, green, and competitive low-carbon economy would require continuous efforts to better reflect in the price of our goods, services and materials the human health and environmental impacts of our energy and resources consumption. It seems we have so far focused policy on optimising a fossil fuel dependent and linear economy rather than try to radically alter our production and consumption patterns towards an absolute reduction of our environmental impacts. One dimension that is also yet far from being properly addressed is the consequences of the EU economic development and related resources consumption on the rest of the world. There may be a high risk of shifting some of the burden linked to our EU consumption to other countries and economies. Assessing and addressing this global dimension remains a challenge ahead of us.

Status of implementation:

The EEA 2017 indicator report underlines that progress with the objectives has been made, but that there are a range of further steps required. Furthermore, much more needs to be done to meet the overall ambition and hence that this issue remains a live issue for consideration under a future EAP.



Priority objective 2: 'to turn the Union into a resource-efficient, green, and competitive low-carbon economy'

Resource productivity	▲	●
Waste generation in Europe	▲	●
Recycling of municipal waste	▲	●
Use of freshwater resources	▲	●
Total greenhouse gas emission trends and projections	▲	●
Share of renewable energy in gross final energy consumption	▲	●
Progress on energy efficiency in Europe	▲	●
Energy consumption by households	▲	●
Greenhouse gas emissions from transport	▲	●
Animal product consumption (animal protein)	▲	●
Share of environmental and labour taxes in total tax revenues	▲	●
Employment and value added in the environmental goods and services sector	▲	●
Environmental protection expenditure in Europe	▲	●

European Environment Agency

EU indicator past trend		Outlook for meeting the selected objective by 2020	
▲	Improving trend	●	It is likely that the objective will be met by 2020
▲	Stable or unclear trend	●	It is uncertain whether or not the objective will be met by 2020
▲	Deteriorating trend	●	It is unlikely that the objective will be met by 2020

Source: https://www.eea.europa.eu/publications/environmental-indicator-report-2017

Notes: Resources productivity is stated improving, but this is based on Domestic Material Consumption and neglects the impacts of EU consumption outside its boundaries. If raw material consumption or total material consumption basis would be considered it is not obvious that EU resources productivity would have increased.

On some other aspects linked to resources (not energy and climate), the indicators show at best a stagnating trend or more often a degrading trend (turning green to yellow): recycling of Muncipal Solid Waste (MSW), use of fresh water, animal by product consumption, share of environmental taxes and employment in environmental goods and services.

The EP's Mid-term review of the Implementation of the 7th EAP noted that:

- **An improving trend was spotted for**: resource productivity; recycling of municipal waste; use of freshwater resources; total greenhouse gas emission trends and projections; share of renewable energy in gross final energy consumption; progress on energy efficiency in Europe; energy consumption by households; employment and value added in the environmental goods and services sector; environmental protection expenditure in Europe;

- **A deteriorating trend was spotted for**: greenhouse gas emissions from transport;
- **A stable or unclear trend was spotted for**: waste generation in Europe; consumption of meat, dairy, fish and seafood; and the share of environmental labour taxes in total tax revenues.

Country insight: Austria

Resource-efficient, green, and competitive low-carbon economy

Results – what is the status?

2020 Climate and Energy Targets

- GHG emissions could not be reduced compared to 1990: Austria's emission level of ~80 MT CO2eq/a is almost identical to 1990, i.e. far from significant reductions. However, this figure is calculated using the Production Based Assessment (PBA) method. The CBA (Consumption Based Assessment) uses the goods and services consumed in Austria as a basis, which makes the balance look much worse: approx. 120 MT CO2eq/a, i.e. 50% higher emissions (of which exports have already been deducted).
- Final energy consumption still increases despite the energy efficiency law. This law was massively influenced by the Austrian Economic Chamber and others, thus it allows a bunch of useless measures to be acknowledged as improving energy efficiency, while those measures of course have no impact on real efficiency.
- A massive problem in the process is the failure to defend climate policy projects and measures against a massive lobbying of industry and its organizations.
- Tax reform 2015 was not used for 'ecologization'. Only the company's car taxation scheme was changed to provide incentives for e-mobility.

Turning Austria into a resource-efficient, green, and competitive circular economy

- **Resource efficiency:** Austria is still below average in the EU in terms of resource productivity (how efficiently the economy uses material resources to produce wealth), with 1.65 EUR/kg (EU average is 2) in 2015 (Eurostat, Resource productivity, accessed October 2016).
- **Waste generated in Austria:** in 2016, the amount of waste generated in Austria was around 62.08 million tonnes (t). Of these, 59.14 million tonnes were primary waste, with the remainder (secondary waste) resulting from the treatment of this waste, such as ashes from waste incineration. The increase in primary waste by 14.3% since the reference year of 2009, with 51.72 million t, was mainly due to the increasing volumes of excavated materials and other construction factors. There was also an increase of 9.6% in household waste (4.27 million t), separately collected waste and biogenic waste. By contrast, bulky waste has fallen in recent years. (Source: BMNT Die Bestandsaufnahme der Abfallwirtschaft in Österreich, Statusbericht, March 2018)
- **Waste plants in Austria:** There are currently around 2,500 plants in Austria, of which 999 are landfills, 420 processing plants for construction waste, 401 composite plants and 152 biogas plants.
- **Construction & Demolition Waste (CDW)**: Waste from the construction sector is the largest waste stream in Austria. 44 million t or 71,8% of the total waste accumulated in 2016 were excavated materials and mineral CDW. Of these two types of waste, 34 million tonnes were excavated materials, while CDW accounted for 10.4 million t. The Waste Framework Directive requires EU member states to achieve a recycling rate of 70% for mineral CDW by 2020. For excavated material, no compulsory requirements in the form of quotas exist.
    - **Recycled CDW:** In 2016, 8.5 of the 10.4 million tonnes of mineral CDW – i.e. 85% - were

sent to recycling plants and resulted in 4.7 million t of recycled materials;
  - **Recycled excavated materials:** However, in the case of excavated materials – the largest waste stream - the situation looks entirely different. Of the 34.1 million t of soil excavated annually, only 10 million t (30%) were recycled. The rest (70%!) went to landfill. Whether the new formulation of the chapter "Excavation Materials" in the Federal Waste Management Plan 2017 will usher in a turnaround must therefore be monitored critically;
  - **Recycled Construction Materials Regulation (RCMR)**: The tonnage of recycled materials reached its peak in 2014 (7,6 million tonnes) and - despite an increase in CDW - its lowest point in 2016. Amendments to the RCMR in October 2016 are expected to help stabilize recycling levels;
  - **Better qualities of construction waste:** The mandatory execution of a pollutant investigation, introduced by the RCMR in 2016, has led to better qualities of construction waste and enhances the possibilities to recycle the material;
  - **End of waste criteria & improved market for recycled aggregates:** The inclusion of end of waste criteria in the RCM for the best quality of recycled aggregates allows selling recycled aggregates to everyone, not only to certified waste traders. This has not only widened the market but also improves the reputation of recycled materials. These aggregates are now not only technically but also legally equal to primary raw materials.
- **Progress in food waste prevention:** according to the Waste Management Report 2018, Austria has made progress in the period under review since 2011, in the prevention of food waste;
- **Reuse and repair:** the upcycling and reuse sector is becoming increasingly important in Austria. The number of small and medium-sized enterprises (SMEs), non-profit "social (integration) enterprises" as well as One-Person Enterprises, and municipalities that produce useful everyday items or design products as good as new from waste or supposed waste is slowly growing. *However*, while re-use is increasingly acknowledged to be instrumental for the circular economy, the legal and economic framework conditions are still hindering the development of a re-use sector on a broader scale. At this stage re-use as a business model is economically not feasible and needs substantial support. Due to budget cuts in social and labour market integration programs, there is currently a tendency to downsize or even stop re-use activities by social enterprises, leading to a detrimental effect on the re-use sector and on the development of a circular economy in Austria in general;
- **Extended Producer Responsibility (EPR)** systems are in place for different waste streams. However, some MS are covering more waste streams than Austria. Incentive systems to favour prevention and participation in separate collection schemes (Pay as you throw-system, PAYT systems) are in place but don't cover the whole country;
- **Circular Economy:** As outlined above ("What has been done") a number of measures and initiatives have been set up by different government bodies in recent years relating to resource efficiency and to a limited extent to a circular economy. However, no overarching circular economy policy programme exists to date.

3.3 What more needs to be done - within the 7EAP and for future attention?

EU level

Cars and CO2

The new proposal for post-2020 CO_2 standards for passenger cars and light commercial vehicles is the main instrument to reduce emissions from cars and vans and incentivize carmakers to produce and sell zero emission vehicles across the EU single market. It is also a key tool to help EU Member

States achieving their demanding Effort Sharing goals for reducing Greenhouse Gas Emissions by 2030 and for Europe to meet its Paris Agreement commitments. To achieve the Paris goals, it is paramount for the post-2020 proposals to increase the ambition levels compared to the 2021 CO_2 targets in place today. Specific initiatives needed, include:

- *Agree the new proposals by the end of 2018, so that the law can enter into force before the EU elections in summer 2019 and ensure swift implementation;*
- *Strengthen the current Zero and Low Emission Vehicle bonus into an effective two-way adjustment mechanism that requires manufacturers to sell 20% of zero emission vehicles in 2025 and 40% to 60% in 2030;*
- *Introduce real-world CO_2 tests to complement the new laboratory procedure, avoiding another emissions cheating scandal and ensure vehicles are designed to perform on the road from the outset.*

Finalisation and implementation of the 2030 climate and energy framework

The new EU climate legislation for 2030 comprises national binding targets and measures as well as EU-wide instruments like the EU Emissions trading scheme. As part of the implementation of the future accounting rules for land use and forestry the definition of the national baselines and reference levels will be of special importance. The related 2030 energy framework with its instruments for the development of renewable energies, energy efficiency and the internal energy market is still under negotiation and needs to be concluded soon. A new element is being added with new integrated National Energy and Climate plans (NECPs) in the proposed Governance regulation that combines the planning, monitoring and reporting processes for climate and energy policies and facilitates EU coordination and adjustment of related policies. Specific initiatives needed, include:

- *Agree the new proposals by the end of 2018, so that the law can enter force before the EU elections in summer 2019 and ensure swift implementation;*
- *Ensure the full implementation of the climate and energy framework;*
- *Assess the National Energy and Climate plans and ensure that they collectively add up to the required EU ambition.*

Preparation of the EU's mid-century, long-term low greenhouse gas emission development strategy, aka update of the 2050 roadmap

As part of the Paris Agreement on climate change, the European Union and its member states committed to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty while, furthermore, pursuing efforts to limit global average temperature rise to 1,5 °C. The Paris Agreement establishes a ratchet-up mechanism, ensuring that all parties increase their ambition over time and requires the European Union and its Member States to communicate mid-century, long-term low greenhouse gas emission development strategies to the UNFCCC secretariat by 2020. As part of the meeting of the Heads of States in March 2018, the European Council invited the European Commission to present by the first quarter in 2019 a proposal for an update of the 2050 roadmap in accordance with the Paris Agreement, taking into account the national plans:

- *Present the new proposals for an updated 2050 greenhouse gas emission reduction strategy in accordance with the Paris Agreement;*
- *Enable a constructive participation of the European Union in the Talanoa dialogue and a contribution in line with the ratchet-up mechanism.*

Complementary tools for addressing key sources

Limiting warming to 1.5°C requires global transformation with deep emission cuts enabling a zero carbon society by 2050, or shortly thereafter, in line with the Earth Statement. If the EU is to lead this global endeavour, EU emissions should be close to zero earlier. The most cost effective solution is a transition from fossil based power supply to non-combustion renewable based economy with rigorous implementation of full potential of energy demand reduction. An updated 2050 roadmap must therefore result in a complete fossil fuel phase out in energy generation by latest 2030 and set out a path to net-zero EU emissions of harmful pollutants, including GHG. The main elements of tools that need to be updated at EU and Member States level are as follows:

- **Revised Energy Taxation Directive**, to implement earlier decisions on phasing out environmentally harmful subsidies ;
- **Review of EU state aid** rules on environmental protection and energy to only reward innovative solutions going beyond Best Available Techniques, fully implementing the polluter pays principle and providing the best value to EU citizens on overall environmental protection;
- **Mandatory energy efficiency requirements** for large scale industrial industry, in particular large combustion plants in line to "new plant" standards set in the revised LCP BREF and deletion of Article 9(2) of the Industrial Emissions Directive;
- **Support of EU carbon price floor or national carbon price floors** in support of the EU –ETS;
- **A coherent policy on biomass use** for energy purposes (cascade of use principle).

Circular Economy, waste, and products

Knowledge base

The potential of a circular economy is today hampered by a lack of accessible data on products contents with regards to chemical substances, materials and performances. An EU information system for products placed on the market should be investigated, building on existing initiatives in different sectors, notably the launch of a database for energy labelled products that could set a precedent for a more systematic release of material content and performances information. This system could be coupled to the development of a harmonised information system with regards to chemical content in products and materials. This would contribute towards a toxic free environment, prevent perpetuating toxic legacy through uninformed recycling and enhance circular consumption patterns by informing businesses and consumers on hazardous contents of the products/services they consider, thus potentially orienting them towards cleaner alternatives.

A significant amount of work has been carried out on the Product Environmental Footprints (PEF) and the knowledge and processes could be useful to support other policy tools and initiatives (e.g. PEF could help fighting misleading green claims in the context of the implementation/application of Directive 2005/29/EC on unfair commercial practices without creating a PEF mark or even a graded PEF label that would confuse consumers**; PEF could also support requirements setting in product policy instruments by helping to identify hotspots and avoiding trade-offs, although performance classes exclusively based on LCA impact categories would not be sufficient.**).

Design of products and services

As 80% of environmental impacts are determined at the design stage, it should be explored how to extend Ecodesign experience on energy related products towards non-energy related products, and target an overall life extension, increased reparability and sustainability of products. The market surveillance activities controlling compliance of products and services placed on the market with

minimum requirements is also to be enhanced in order to ensure a real level playing field among economic actors and the delivery of expected energy and resources savings.

EU Ecolabel Scheme

The EU Ecolabel Scheme is the only existing European wide, third-party verified process that can identify products and services of environmental excellence in a reliable manner. The scheme should be reinforced as a sign-post for the circular economy and non-toxic environment and a trustworthy information tool against companies' self-claims and the proliferation of green claims. The Commission and Member States should increase public recognition and awareness of the label (e.g. through EU and national strategies for communication, enhanced use in Green Public Procurement and other national support schemes, including financial incentives for consumers and/or companies using ecolabelled products and better cooperation with national/regional Ecolabels).

Waste policy

Waste prevention should be given more prominence when setting legally binding targets to ensure a quicker decrease of waste production per capita. Food waste is a priority in that respect. Reuse and preparation for reuse targets should also be defined. These dimensions are to be documented with relevant methodologies as required by new Waste law, but the 8th EAP should ensure ambitious targets are not postponed further. Furthermore, there is a need to improve implementation of waste policy so that it actually delivers its full potential.

Overall resources efficiency

The EU still has no headline target with regards to overall resources efficiency improvement, and the impacts of our resources consumption beyond our boundaries are largely neglected, creating a false perception of our decoupling trend. The contribution of the agriculture sector on resources use and productivity evolution is not yet well captured and there is a coherence gap between the CAP and our resource efficiency goal (food loss and meat production and consumption). The review of the bioeconomy strategy could be a powerful leverage in that perspective, bridging together a more sustainable agriculture policy, the intent of bio-based economy to shift from fossil fuel dependency and the circular economy approaches. It appears essential to inject circular economy principles in the development of the bio-based economy to prevent from exerting an unsustainable pressure on biomass in our way out from fossil fuel. Without a resources conservation approach and the optimisation of every single unit of bio-based material we use according to material loops, the shift from non renewable fossil fuel to renewable bio-based sources may quickly appear non-sustainable either.

Green finances

Balancing better resources taxation versus labour taxation should be further promoted and actually implemented. Environmental fiscal reform at national level should receive more attention, as well as the deployment of proven economic instruments to better manage waste and resources. Finally financial services and schemes supporting the uptake of circular practices at both business and consumers level should be promoted. Applying a tax on use of hazardous substances would support the objective described above on the "knowledge base" and circular economy objective as well as support the objective of substitution of substances of concern (see section 4.2.1.1)

Country insight: Austria

Resource-efficient, green, and competitive low-carbon economy

What more needs to be done - within the 7EAP and for future attention?

2020 Climate and Energy Targets

- All climate and energy-related policies must be geared towards the Paris Agreement. The recently approved climate and energy strategy is far beyond reaching the Paris Agreement;
- The IPCC Special Report on 1.5°C, in which the difference between 1.5°C and 2°C warming is analyzed, will be published in October 2018. It is to be expected that already 2°C will lead to far underestimated, more serious consequences. Therefore, recommendations for action are formulated to achieve the 1.5°C target. These should serve as a benchmark for a future climate policy;
- The method using the Carbon Budget (Austria is ultimately entitled to total emissions of approx. 1,000 MT CO2eq between 2017-2050 to fulfil the 2°C target) is to be increasingly used in the design of all climate-relevant policies. Scientifically based scenario calculations should provide clearly understandable decision-making aids and pathways towards carbon neutrality by 2050
- Tightening of the 2030/2050 targets;
- Extension of the integrated climate and energy strategy (inclusion of areas not currently covered, e.g. agriculture, industry);
- Implementation of the recently approved climate and energy strategy: this strategy by itself is neither legally binding nor filled with precise measures and programs. Thus, a number of legal, fiscal and informal instruments have to be developed and put into action within the next months and years. This process should include the involvement of stakeholders as well as regular evaluation and adaptation loops while in force;
- Eco-social tax reform: the current government has a „no new taxes“ doctrine, thus it is very hard to get support for an eco-social tax reform. On the other hand, a big general tax reform (mainly about tax cuts, deregulation etc.) is scheduled for 2020, so maybe there will be a momentum to use;
- Reduction of environmentally harmful subsidies: these subsidies count for about 4-5 billion Euro per year and could easily be transferred to subsidise efficiency measures or other energy transition measures;
- Removal of legal and financial barriers to foster the energy transition;
- Austria needs energy laws that make 100% renewable energy based on the basis of nature-compatible, renewable energy sources with a focus on wind and solar energy;
- Renewable requirement which effectively prevents the installation of new oil heaters and attractive change-over subsidies;
- More efficiency by promoting thermal refurbishment, expanding and making public transport more attractive, reducing private transport and e-mobility for remaining ‘motorised individual transport’;
- CO2 minimum price at European level is a sensible initiative, but requires national implementation with an alliance of member states.

Turning Austria into a resource-efficient, green, and competitive (circular) economy

Circular Economy: No overarching circular economy policy programme exists in Austria to date. The sum of the individual measures will not automatically transition Austria to a Circular Economy. Rather such a transition will require a coordinated societal effort with civil society and the business sector being equally

important players and enablers. Better product design and new business models, collaborative use and repair initiatives are essential for a paradigm shift in production and consumption. In addition, stronger collaboration between the countless players along the many different value chains is needed. Technology- and consumer-driven consumption will have to be replaced with more labour-intensive maintenance and longer lifetime of products. New policy instruments, including economic instruments, are needed to promote intelligent product design and new business models, drive prevention, make reuse and recycling more economically attractive and move Austria from a waste management approach to a true circular economy. Ultimately the Austrian governments will have to take steps to set Austria on a strategic road towards a Circular Economy. Here other EU Member States have already set numerous examples with the draft and implementation of national roadmaps and strategies, leaving the once pioneering Member State Austria somewhat trailing behind.

What more needs to be done:

- **Implementation of the EU CE package** in a process that builds in public interests and engages with civil society organisations to ensure that citizens' voices are heard, benefit from their perspectives and engagement, and strengthen the effectiveness and legitimacy of the processes;
- **Environmental fiscal reform** leading to long-term structural changes in the fiscal system, including policy measures that shift revenue-raising instruments from labour to resource use and pollution;
- **Circular Economy jobs:** Labour market policies, training and educational programmes to boost the creation of more and new jobs required for the development of a Circular Economy (maintenance, repair and other circular economy business fields). Ideally these should be combined with labour market support and training programmes for the elderly unemployed or migrants thus creating a "double win situation";
- **Capacity building & knowledge transfer:** in order to enable the circular economy, new solutions along countless and sometimes completely different value chains need to be developed. Businesses will only engage in this process if they understand that the Circular Economy pays off through cost savings and long-term success that comes with new business models and new customers. In this regard, targeted capacity building and knowledge transfer alongside with financial support schemes for pioneering companies will be important enablers and drivers of change;
- **Reuse and preparation for reuse targets:** Every ton of re-used products saves multiple tonnes of resource use for production and distribution. In the case of some ICT-products this can be up to 200 times the weight of the product. Just a few percent of Waste Electrical and Electronic Equipment (WEEE) re-use have the same resource saving impact as the recycling of the entire rest of the WEEE.

  While the upcycling and reuse sector is becoming increasingly important in Austria and features some strong and established players, Austria seems to miss out on its potential. EU Member States like Belgium and Holland already manage to save the 10-fold amount of products from destruction by re-use. Reasons include:
  - **Economic framework conditions in Austria:** see above (Results – What is the status?)
  - **Legal restrictions in Austria:** In dealing with reusable materials, the upcycling and re-use sector is still subject to excessive legal restrictions. As outlined in a position paper by the "Eco Social Forum Vienna (Ökosoziales Forum Wien") and the Austrian Association of Public and Cooperative Economy (VOEWG), amendments of the Waste Management Act (Abfallwirtschaftsgesetz „AWG") are required to remove these barriers. The legal regulations which were (originally) directed at large-scale, industrial waste disposal and recycling are adapted too slowly and impractical with regard to the upcoming recycling and reuse sector. A revised, future-oriented Waste Management Act would make an

important contribution to the implementation of a "circular economy" in Austria by exploiting the high ecological, economic, and labour market policy potential of undertakings in the field of upcycling and reuse.

- **Reuse in the Construction sector:** The greatest potential for reuse growth lies in the construction sector, which to date is the largest consumer of raw materials and largest producer of waste. Here the multi-award winning BauKarussell project is setting an example by developing alternatives to the linear mainstream sector. At present the focus in the construction sector is on recycling. Re-Use models could become economically feasible if the construction and demolition processes took it into serious consideration at the earliest possible stage in the planning processes which is currently not the case. What is needed are good practice examples in small, medium and large construction/demolition activities and a strong commitment, especially in public housing and other construction areas under public control. Like for thermic reconstruction of buildings there should be state subsidies for building with used components and parts. The topic of re-use in construction/demolition should also be stressed in the secondary and especially tertiary education sector of relevant professions.
- **Public Procurement:** Austria can also make headway in public procurement. In some cases, there are already good approaches. However, this can be significantly strengthened with regard to the circular economy, for example in the municipal sector.
- **Recycling:** In the light of the revised recycling targets and landfill restrictions for municipal waste, additional efforts will be needed to meet the EU recycling target of 65% for 2030. More efforts are also needed in sustainable phosphorus recycling from sewage sludge and animal meal. There is also room for improvement in the recycling of packaging waste (EU recycling target of 70 % by 2030). And especially in the case of plastics (EU recycling target of 55% by 2030), Austria will have to make headway if it wants to improve its performance. Currently only about a quarter of plastic waste is being recycled. Here the heterogeneity of plastics and their different, sometimes harmful additives are often highlighted as a major impediment to high-quality recycling, also leading to a conflict between resource conservation and the avoidance of pollutant carry-over.
- **Microplastics:** In order to prevent the spread of microplastics, experts emphasize that the handling of sewage sludge should be given special attention. Polluted sewage sludge is not suitable for fertilization in agriculture, although the raw material phosphorus contained in sewage sludge is an important component of fertilizers. To date, more than 50% of municipal sewage sludge is incinerated.
- **Market for secondary raw materials:** secondary raw materials are not yet in a position to outcompete often cheaper and higher quality primary raw materials. Here additional efforts are needed to help establish an attractive and functioning market for secondary raw materials through quality standard setting and by addressing the interfaces between chemicals, products and waste policies with a view of cleaning material cycles in the long run.
- **Incineration:** Reusable and recyclable waste needs to be shifted away from incineration by gradually phasing out subsidies to incineration.
- **Food Waste:** There is still a need for action in the reduction of food waste, which is required to halve by 2030 under the revised EU Waste Framework Directive. One of the many measures proposed in the 2017 Waste Management Plan is a seal of quality for companies that pass on food to social institutions. Households, agriculture, businesses and educational institutions should be increasingly reached with information campaigns. Among other things, this concerns the enjoyment of food after the expiration date.
- **Construction & Demolition Waste:** In order to promote the uptake of recycled building materials, its use should be rewarded in competitive tendering processes for public contracts. The environmental impact and sustainability of the building material as well as the „ton-kilometer" instrument are all suitable criteria to simultaneously promote the use of secondary building

materials, regional elements and the reduction of CO2 emissions from transport.

3.3.1 Questions for the policy forum

Question for the policy forum: 1-2 questions.

- Should this be a priority for 8 EAP and why?
- What specific aspect is most important to focus on?
- What should Austria do (policies, implementation, contribution to EU policy processes)?

4 To safeguard the Union's citizens from environment-related pressures and risks to health and wellbeing (Priority objective 3)

About the Objective:

Water pollution, air pollution and chemicals remain among the general public's top environmental concerns in the Union. In order to safeguard the Union's citizens from environment-related pressures and risks to health and well-being, the 7th EAP shall ensure that by 2020 (*inter alia*):

- **Outdoor air quality** has significantly improved, moving closer to WHO recommended levels, while **indoor air quality** has improved, informed by the relevant WHO guidelines;
- **Noise pollution** has significantly decreased, moving closer to WHO recommended levels;
- Citizens benefit from high standards for **safe drinking and bathing water**;
- The combination effects of **chemicals and safety concerns related to endocrine disruptors** are effectively addressed in all relevant Union legislation, and **risks for the environment and health**, in particular in relation to children, associated with the use of hazardous substances, including chemicals in products, **are assessed and minimised**;
- The use of **plant protection products** does **not have any harmful effects on human health** or unacceptable influence on the **environment**, and products are used sustainably;
- Safety concerns related to **nanomaterials** and materials with similar properties are effectively addressed as part of a **coherent approach in legislation.**

Non-toxic environment strategy - the 7th Environment Action Programme (7th EAP) mandated the European Commission to develop by 2018 "*a Union strategy for a non-toxic environment that is conducive to innovation and the development of sustainable substitutes including non-chemical solutions*, building on horizontal measures to be undertaken by 2015 to ensure:

(1) The safety of manufactured nanomaterials and materials with similar properties;
(2) The minimisation of exposure to endocrine disruptors;
(3) Appropriate regulatory approaches to address combination effects of chemicals; and
(4) The minimisation of exposure to chemicals in products, including, inter alia, imported products, with a view to promoting non-toxic material cycles and reducing indoor exposure to harmful substances."

4.1 What has been done within the 7EAP context?

EU level

Chemicals

In preparation of the strategy for a non-toxic environment, a comprehensive study was commissioned.

The study provides (through several sub-studies) an overview of the state of play and identifies gaps and deficits in the current EU chemicals policy and legislative framework, in relation to the achievement of the non toxic environment goal.

With this purpose, the study describes the drivers and the policy instruments needed for implementing the strategy, such as a sub-study that analyses the implementation of the substitution principle in European chemical legislation, along with the practices and challenges faced by the companies when substituting hazardous chemicals in processes and products and explores the extent to which grouping strategies could be used to enhance the efficiency and effectiveness of the regulatory process.

Another important aspect tackled by the study is the various aspects of the production and use of chemicals in consumer products (articles) and material cycles. It characterises challenges of regulating the content of toxic substance in articles; communication on the content of and potential risks from toxic substances in articles and material cycles; and the communication as well as organisational problems arising from the avoidance of toxic substances in a circular economy.

A third sub-study report focuses on the population groups that are particularly vulnerable to the negative effects of exposure to chemicals, and how these groups can be (better) protected.

The study also investigates the case for regulating substances solely on the basis of their persistence in the environment as these substances may remain in the natural and man-made environments for an indefinite time and eventually reach levels leading to the same type of continuous exposure as occurs with bioaccumulation and to harmful effects to health, environment and natural resources.

Another sub-study provide information on the factors and driving forces that influence the competitiveness and innovation of the European chemical industry and the development of sustainable substitutes including the needs and options to foster the development of new, non-/less toxic substances.

Finally, this study describes the current methodologies for finding new and/or emerging risks (early warning systems) in order to avoid unpredicted damages caused by hazardous substances exposures of workers, consumers and the environment.

On the other hand, the EU Mercury regulation to put in place remaining provisions for the EU to comply with the Minamata Convention was adopted in May 2017.

Air pollution

In December 2013, just after the adoption of the 7th EAP, the European Commission announced a "**New policy package to clean up Europe's air".** The package includes a "**Clean Air Programme for Europe",** a set of measures and instrument to tackle air pollution, a **revised National Emission Ceilings Directive** (adopted in December 2016) and a **proposal for a new Directive to reduce pollution from medium-sized combustion installations** (adopted in November 2015). In the framework of the **Industrial Emission Directive**, several **best available techniques (BAT) conclusions for large air point sources have been adopted, the most prominent being the large combustion plants** BREF, published in August 2017. However there is a large degree of flexibility offered to Member States when implementing those EU benchmarks and a data gap in effective reporting.

Country insight: Austria

Environment-related pressures and risks to health and wellbeing

What has been done within the 7EAP context?

Biodiversity & Health

- Establishment of the initiative biodiversity and health at Umweltdachverband with the support of the BMNT and the EU. The goal is to strengthen the communication of the interlinkages between health / well-being and biodiversity and ecosystem services;
- Creation of the forum "Biodiversity and Health" by the UWD as a cross-sectoral platform. Development of an action plan on biodiversity and health containing 6 target areas and 48 measures, several products (book, short film) to inform the general public.

"Sustainably shape and protect natural resources such as air, water, soil and all our habitats also for future generations." (Health Goal 4 / Impact Goals 1-3)

(Health Goal 4/Impact Goals 1-3)

- Development of health goal 4 within the framework of workshops led by the environment ministry and the health ministry (including the GÖG – Gesundheit Österreich Gmbh) involving stakeholders from relevant institutions and organisations:
  Impact Goal 1:
  "Maintaining and strengthening the foundations for a healthy life by managing resources and the design of the living space responsibly and sustainably." (unofficial translation for: "Die Grundlagen für ein gesundes Leben erhalten und stärken, indem mit Ressourcen und mit der Gestaltung des Lebensraumes verantwortungsvoll und nachhaltig umgegangen wird.")

  Impact Goal 2:
  "Avoid, identify, monitor and, where possible, reduce environmental impact with potential health effects." (unofficial translation for: "Umweltbelastungen mit potenziellen Auswirkungen auf die Gesundheit vermeiden, identifizieren, beobachten und, wenn möglich, reduzieren")

  Impact Goal 3:
  "Promoting / strengthening awareness of the link between the environment and health among the population and decision-makers, and ensuring environmental justice in the best possible way." (unofficial translation for: "Bewusstsein über den Zusammenhang zwischen Umwelt und Gesundheit bei Bevölkerung und Entscheidungsträgern fördern/stärken und Umweltgerechtigkeit bestmöglich sicherstellen. ")

Noise

- As part of the strategic noise mapping and action planning, the noise protection programmes implemented by the relevant authorities will be continued and adapted to current conditions. In the rail transport sector, some of the freight wagons in the existing fleet have already been retrofitted, and the noise-based track charge introduced in 2017 is expected to speed up complete retrofitting;

Air Pollution

Road Transport

- In 2016, introduction of a speed limit on highways due to poor air quality combined with the Introduction of bans of certain goods on the road (waste and very heavy goods such as stones) on a freight corridor in the Western Austrian region of Tyrol with high NOx emissions.

Domestic Heating

- In Austria, legislation on the approval of small combustion plants is the responsibility of the provinces. All nine federal states (Bundesländer) have agreed to align provisions on the placing on the market of small combustion plants ("Vereinbarung unter den Ländern", Art 15a B-VG). By January 2011, the agreement was signed by all state governors. These provisions become binding for citizens as soon as they are incorporated into the respective state law. See http://www.richtigheizen.at/ms/richtigheizen_at/right/emission limit values/ ;
- In addition, most federal states have individual support programmes or initiatives for replacing old heating systems, refurbishing and switching to renewable energy sources (e.g. district heating), see http://www.richtigheizen.at/ms/richtigheizen_at/ofen/information/. Some federal states and the BMNT have also launched information campaigns on correct heating (see http://www.richtigheizen.at/);
- The air pollution control programmes of the federal states for the reduction of fine dust pollution according to the Immissionsschutzgesetz-Luft also usually include measures to reduce emissions from the space heating sector (replacement of old solid fuel heaters, subsidies, district heating connections, etc.);
- More information about programmes of measures: http://www.umweltbundesamt.at/umweltsituation/luft/luftguete_aktuell/massnahmen/

Chemicals, Endocrine Disruptors, Microplastics & Nanotechnology

Chemicals

- A few weeks before Austria takes over the EU Council Presidency, the last deadline for the registration of individual substances provided for in the REACH chemicals regulation ends;
- In order to adapt the ChemG 1996 (Chemicals Law), the Water Act 1959 and the AWG 2002 (Waste Management Act) and the applicable administrative criminal law to Union law, an amendment in the form of a collective amendment is required in relation to the areas described above. The review process was initiated in spring 2018. https://www.bmnt.gv.at/umwelt/chemikalien/ChemNews_XXV.html

Endocrine Disruptors

- There are currently a number of regulations at EU level that explicitly deal with endocrine disrupting substances: These include the REACH chemicals legislation, the Plant Protection Products Regulation, the Biocidal Products Regulation, the Cosmetics Regulation, the Water Framework Directive and, under certain conditions, the regulation for human medicines:
    - In Austria, scientific criteria and definitions for the identification of endocrine disruptors are under development. https://www.ages.at/themen/endokrin-wirksame-substanzen/
    - In October 2016, the Endocrine Disruptors Dialogue Platform - a stakeholder platform- was established as part of the "risk dialogue" (Risikodialog).

http://www.risikodialog.at/ms/risikodialog/endokrinesubstanzen/endokrine_dialog/

Microplastics & Nanotechnology

- At the Environment Council in December 2014, Austria, along with a number of Member States, advocated for an EU-wide ban on microplastics in cosmetics and cleaning products;
- On Austria's initiative the stakeholder conference "Eliminating Plastic and Microplastic Pollution - an urgent need" took place in Brussels in May 2015;
- The Austrian Nanotechnology Action Plan contributes to closing knowledge gaps in the field of risk management for nanomaterials. It contains 50 measures and is currently being implemented;
- Plastic in the Danube: a special monitoring programme records the presence of plastics in the order of > 0.5 mm in the Danube.

4.2 Results: What is the status?

EU level

For priority objective 3: the 2020 outlook for this objective also continues to be mixed. On the one hand, there have been substantial reductions in emissions of air and water pollutants in recent decades. On the other, key concerns persist around air quality and noise pollution in urban areas and chronic exposure of the population to complex mixtures of chemicals in products. (EEA, Environmental Indicator Report, 2017)

Chemicals

In order to build on the non-toxic environment strategy, the 7th EAP mandated horizontal measures to be undertaken by 2015 to ensure: the safety of manufactured nanomaterials and materials with similar properties; the minimisation of exposure to endocrine disruptors; appropriate regulatory approaches to address combination effects of chemicals and the minimisation of exposure to chemicals in products, including, inter alia, imported products, with a view to promoting nontoxic material cycles and reducing indoor.

These horizontal measures have not yet been implemented.

Moreover, the Union so far failed to make progress in developing a Union strategy for a non-toxic environment that is conducive to innovation and the development of sustainable substitutes including nonchemical solutions and exposure to harmful substances. It will most probably miss the 2018 deadline.

On the other hand measures in relation to the ratification and implementation of the Minamata Convention were carried out. The EU Mercury regulation was adopted in May 2017, putting in place provisions to meet the requirements of the Minamata Convention on Mercury. The Convention was then ratified right after by the EU and seven Member States. Other Member states have ratified since then.

Air pollution

More than 400,000 early deaths in Europe are still caused by air pollution, a report published in 2017 by the European Environment Agency found. Member States are constantly breaching existing air quality standards with consequent high health and environmental costs. Binding national emission

reduction targets had been established for 2020 and 2030: despite that, levels of some pollutants are still increasing.

Status of implementation:

The EEA's 2017 indicator report underlines that the objective to safeguard EU citizens from environmental-related pressures and risks to health and well-being is far from being achieved, despite some areas of progress.

Priority objective 3: 'to safeguard the Union's citizens from environment-related pressures and risks to health and well-being'

	EU indicator past trend	Outlook of the EU meeting the selected objective by 2020
Exceedance of air quality limit values in urban areas (nitrogen dioxide: NO_2; coarse dust particles: PM_{10}; ozone: O_3; fine particulate matter: $PM_{2.5}$)	▲ NO_2, PM_{10}, $PM_{2.5}$ ▲ O_3	●
Emissions of the main air pollutants in Europe (sulphur oxides: SO_2; nitrogen oxides: NO_X; ammonia: NH_3; non-methane volatile organic compounds: NMVOCs; fine particulate matter: $PM_{2.5}$)	▲ SO_2, NO_X, NMVOCs, $PM_{2.5}$ ▲ NH_3	● SO_2, NO_X, NMVOCs, $PM_{2.5}$ ● NH_3
Bathing water quality	▲	●
Number of countries that have adopted a climate change adaptation strategy and/or plan	N.A.	●
Exposure to environmental noise	▲	●
Production of chemicals, by hazard class	▲	●
Total sales of pesticides	▲	●

EU indicator past trend		Outlook for meeting the selected objective by 2020
▲	Improving trend	● It is likely that the objective will be met by 2020
▲	Stable or unclear trend	● It is uncertain whether or not the objective will be met by 2020
▲	Deteriorating trend	● It is unlikely that the objective will be met by 2020

Source: https://www.eea.europa.eu/publications/environmental-indicator-report-2017

The EP's Mid-term review of the Implementation of the 7th EAP noted that the Commission EIR identified air quality and noise as the policy fields where the main challenges and most pressing implementation gaps across Member States are found with relevance to Objective 3. Among the spotted problems in terms of ambient air quality and noise, reportedly together responsible for hundreds of thousands of premature deaths per year, are:

- The Commission has undertaken **legal action** against the majority of Member States for exceeding PM10 limit values, and against almost half of Member States for NO2 exceedances and for lack of effective measures taken at national level;
- as regards **PM10 pollution** from domestic heating, measures addressing solid fuel burning (banned in some cities with high PM10 levels) need to be implemented by 18 Member States; agricultural waste burning is still contributing to high levels of PM10 pollution and needs to be addressed;
- As regards **NO2**, measures need to target diesel vehicles, for instance by introducing stringent low-emission zones in inner city areas or by phasing out preferential tax treatment;
- the EIR indicates that for the current five-year reporting cycle, more than 30 % of the required **noise maps** and around 60 % of the **action plans** are missing.

- As to point source emitters, the EEA[5] finds that decrease in pollution is attributed to increased regulation such as the IED (BAT standards) and improved energy efficiency requirements. Energy production is still responsible for the largest fraction of most air pollutants required to be reported and accounted for more than 1/3 of air pollution of Hg, NOx, PM10, SOx and CO2 followed by iron and steel and non-ferrous metals

Country insight: Austria

Environment-related pressures and risks to health and wellbeing

Results: What is the status?

Biodiversity & Health

- The participative development of the action plan on biodiversity and health, which is supported by the environment ministry (BMNT) as well as the health ministry (BMGASK) has large added value;
- Awareness for the issue has been created in several areas and many stakeholders are willing to take action and develop their own projects;
- Public relations work is sometimes difficult as it is hard to communicate such a complex topic. The products are well made and appreciated by those who know them but it is a challenge to get broad recognition in the general public;
- It is also hard to get stakeholders to take up measures that are associated with costs. Therefore the emphasis is put on using the various synergies of biodiversity conservation and health promotion as well prevention of diseases.

"Sustainably shape and protect natural resources such as air, water, soil and all our habitats also for future generations." (Health Goal 4 / Impact Goals 1-3)

- Both the health goal and the impact goals were jointly formulated;
- Measures were suggested by all participants of the workshops and were also jointly evaluated and determined or discarded;
- The participative process worked well and the health goal have therefore been defined from many different angles;
- Communication of health goal 4 and its measures needs to be strengthened to improve recognition at the political level;

Noise

- Statistics Austria's regular microcensus surveys show a further decline in the significance of the transport sector as a cause of noise disturbances, while the overall extent has remained comparatively constant. It can be assumed that the measures taken in the transport sector have contributed to this. Noise interference from other noise sources such as construction sites and noise from neighbouring apartments is increasing. However, the use of strategic noise maps for the evaluation of implementation successes is only possible where identical modelling has taken place, since adjustments to the model parameters can have a strong impact on the number of people affected;
- The strategic noise mapping and action planning leads to a significantly more transparent noise protection planning, and through the integration of the public and the information made publicly

[5] https://www.eea.europa.eu/data-and-maps/indicators/industrial-pollution-in-europe/assessment

available, greater awareness is also raised among the population. However, the measures set out by the competent authorities in the action plans are still very general in some cases. The designation of no persons affected by aircraft noise above the threshold values of environmental noise action planning in the course of noise mapping does not appear to adequately reflect the noise disturbances caused by aircraft noise depicted in the microcensus surveys. Promoting the conversion of the freight car fleet is an important measure to utilize the existing noise reduction potential.

Air Pollution

Road Transport

- In 2016, on the specific corridor in Tyrol, the situation has improved due to the measures taken; however the growth in truck traffic is endangering this development;
- Especially, regarding nitrogen oxides (NOx), Austria is still not complying with the EU rules;
- Austria has still no low emission zones for passenger cars, although the topic has been considered for Linz, Graz and Vienna. The effects on health of especially diesel emissions are still not widely recognized. No specific extra measures have been taken to improve the performance of new cars with too high NOx emissions.

Domestic heating

- Air pollution and greenhouse gas emissions from the space heating sector have been declining for years, see e.g. the emission trend report: http://www.umweltbundesamt.at/aktuell/publikationen/publikationssuche/publikationsdetail/?pub_id=2220
- Due to the long service life of the facilities and renovation cycles, the space heating sector is very sluggish; in addition, there are rebound effects; and legal, social, economic and other barriers (e.g. tenants - ownership problems).

4.3 What more needs to be done - within the 7EAP and for future attention?

EU level

Air pollution

The quality of air has been a major source of public concern and is expected to remain a key health and environment priority until the end of the 7EAP and into the 2020s. Key actions needed include:

- The **enforcement of existing legislation**, also through legal means, is a key priority. Member States have made commitments and need to be kept accountable.
- **Compliance** should be ensured “as soon as possible” (as stated by the Ambient Air Quality Directives) and also **long-term strategies should be established** in order to **cut down emissions from transport, energy, industry, agriculture, domestic heating and other sources**. Rigorous implementation of stricter emission levels associated with the use of BAT and refraining the use of derogations allowed by the IED.
- **Different levels of governance** should **work together** in order to identify the measures that work better in the different contexts, and financial support should be granted only to measures/actions/programmes, which really contribute to a cleaner air in the EU.

- **EU legislation should be in line with the latest WHO recommendations on air quality**.
- And an efficient and harmonised monitoring system should be put in place and **data gathered should be easily accessible by the public, ideally in real time**. For point source emitters, implementation of the recommendations of the EEB report "Burning: the evidence"[6]

Chemicals

Concerns about health and environmental impacts of chemicals has grown in recent years, as increasing evidence underlines the risks that chemicals pose. To reduce the risks, comply with legislation and other commitments, and to address public concern, the following actions are needed:

- **The implementation** of the horizontal measures committed to in the 7EAP should be accelerated;
- An **ambitious and comprehensive non-toxic environment strategy** should be developed by the Commission in close collaboration with the Member States and the Union institutions;
- **Innovation and substitution,** including non-chemical alternatives, should be encouraged and green chemistry promoted;
- **Public's right to information** to enable consumers to make informed choices should be guaranteed.

Under **REACH:**

Quick implementing actions foreseen in the REACH Evaluation process are necessary in addition to:

- Stepping up efforts to ensure that, by 2020, all substances of very high concern (SVHC) are included in the REACH candidate list and improving the identification of new substances of very high concern, in particular those with endocrine-disrupting properties;
- Effectively **phasing out the substances of concern** for human health and environment;
- **Implementing the "no data, no market" principle** including measures to effectively oblige companies to fully comply with their obligations to provide adequate information on the hazards, uses and exposure of the chemicals they market and procedures to remove dossier non-compliances or data gaps;
- Increase **transparency**, in particular of non-compliant companies and chemicals in articles;
- Acting without delay and ensuring proper and effective implementation of the **precautionary principle**, which grounds Union policy on the environment and specifically underpin the REACH Regulation;
- **Promote safer chemicals and products, sustainable innovation and clean production**; effectively shifting the burden of proof to companies and applying the polluter pays principle;
- Improving the **information on hazards and risks of chemicals** in consumer products;
- Bringing low-volume production substances and polymers into the **REACH regulation**;
- Supporting development of **non-toxic material cycles** to minimise the adverse effect of all wastes on human health and the environment.

Under the **interface chemicals, products and waste:**

- **A legal framework** that is not less protective of human health and the environment when materials are recovered from waste and when products are made of recovered materials. This means notably requiring appropriate decontamination of waste before it can be recovered and rejecting the possibility of more lenient threshold levels of hazardous contents when applied to

[6] http://eeb.org/most-eu-countries-failing-to-ensure-effective-access-to-industrial-pollution-information/

recovered secondary raw materials compared to virgin primary raw materials. Associated sound requirements for verification and control processes are needed as well;
- **Transparency: Information on hazardous chemicals** properly passed along the material cycle, through legally binding requirements for full transparency on the chemical contents in all constituent components of products together with requirements for information sharing between all stakeholders in supply chains.

On Mercury:

- The implementation and enforcement of the provisions of the **EU Mercury regulation** should be assured, especially with respect to the supply and trade provisions, the mercury and mercury compounds' export ban, mercury use in industrial processes and products, as well as dental amalgam.
- Special attention should be paid in relation to the measures related to **mercury use in dentistry**, to ensure its **phase out** sooner rather than later.

Country insight: Austria

Environment-related pressures and risks to health and wellbeing

What more needs to be done - within the 7EAP and for future attention?

Biodiversity & Health

- Implementation of the 48 measures of the action plan. Acknowledgement of the importance of biodiversity conservation for health promotion.

"Sustainably shape and protect natural resources such as air, water, soil and all our habitats also for future generations." (Health Goal 4/ Impact Goals 1-3)

- Push for the implementation of the measures, get recognition for the importance of the goal on a broad scale and highlight the different responsibilities.

Noise

- The high number of people affected is a reason to attach even greater importance to noise protection. The measures provided for in the action plans should be made more specific. The planning period available for this will be extended accordingly from the next mapping phase onwards with the intended adaptation of the Environmental Noise Directive. An ongoing evaluation of the implementation of the measures set out in the Action Plans and the identification of the residents protected by the measures appear necessary and should be better presented in the process. Measures must be taken at all levels. At EU level, greater use by Member States is needed to reduce emission limits - for example for tyres.

Air Pollution

Road Transport

- Better enforcement of the speed limits, especially on highways in areas with poor air quality;
- Better enforcement or control of NOx-emissions on-road, both for cars and trucks;
- Tightening of the low emission zones for trucks;
- Introducing low emission zones for passenger cars;

- The Euro 5 and 6 cars with high NOx emissions should undergo a hardware fix which should be financed by the car manufacturers.

Domestic Heating

- Consistent implementation of the measures mentioned in the climate and energy strategy mission2030 (https://mission2030.info/) in the area of space heating, as well as accompanying monitoring and rapid countermeasures in the event of deviations from the target path.

Chemicals, Endocrine Disruptors, Microplastics & Nanotechnology

Chemicals

- Full implementation of REACH regulations in Austria;
- How can chemicals policy contribute to a circular economy?-For example, in the areas of "green chemistry", human biomonitoring or biocides.

4.3.1 Questions for the Policy Forum

Question for the policy forum: 1-2 questions.

- Should this be a priority for 8 EAP and why?
- What specific aspect is most important to focus on?
- What should Austria do (policies, implementation, contribution to EU policy processes)?

5 Enabling Framework: Improving Implementation, Knowledge Base and Science-Policy-Interface, Secure investments, Integration (7EAP Priority objectives 4 – 7)

Enabling Priority 4: To maximise the benefits of Union environment legislation by improving implementation

The high number of infringements, complaints and petitions in the area of the environment shows the need for an effective, workable system of checks and balances at national level to help identify and resolve implementation problems, along with measures to prevent them from arising in the first place. Efforts in the period up to 2020 will focus on delivering improvements in four key areas:

First, the way knowledge about implementation is collected and disseminated will be improved to help the general public and environment professionals fully understand the purpose and benefit of Union environment legislation and how national and local administrations give effect to Union commitments.

Second, the Union will extend requirements relating to inspections and surveillance to the wider body of Union environment law, and further develop inspection support capacity at Union level. Reinforced peer review and best practice sharing, as well as agreements for joint inspections within Member States, at their request, are to be encouraged.

Third, the way in which complaints about implementation of Union environment law are handled and remedied at national level will be improved where necessary.

Fourth, Union citizens will have effective access to justice in environmental matters and effective legal protection, in line with the Aarhus Convention and developments brought about by the entry into force of the Lisbon Treaty and recent case law of the Court of Justice of the European Union.

Enabling Priority 5: To improve the knowledge and evidence base for Union environment policy

Steps should be taken at Union and international level to further strengthen and improve the science-policy interface and citizen engagement (Para 67, 7EAP). The pace of current developments and uncertainties surrounding likely future trends requires further steps to maintain and strengthen this knowledge and evidence base in order to ensure policy in the Union continues to draw on a sound understanding of the state of the environment, possible response options and their consequences (Para 68). To meet the 7EAP requires, in particular:

- Coordinating, sharing and promoting research efforts at Union and Member State level with regard to addressing key environmental knowledge gaps, including the risks of crossing environmental tipping-points and planetary boundaries;
- Adopting a systematic and integrated approach to risk management, particularly in relation to the evaluation and management of new and emerging policy areas and related risks as well as the adequacy and coherence of regulatory responses.
- Simplifying, streamlining and modernising environmental and climate change data and information collection, management, sharing and re-use, including the development and implementation of a Shared Environmental Information System;
- Developing a comprehensive chemical exposure and toxicity knowledge base, which draws on data generated without animal testing where possible.
- Intensifying cooperation at international, Union and Member State level on the environment science policy interface (SPI)

Enabling Priority 6: adequate investment from public and private sources to achieve 7EAP objectives

In order to secure investment for environment and climate policy and address environmental externalities, the

7th EAP shall ensure that by 2020:

- Environment and climate policy objectives are achieved in a cost-effective way and are supported by adequate finance;
- Public and private sector funding for environment and climate-related expenditure is increased;
- The value of natural capital and ecosystem services, as well as the costs of their degradation are properly assessed and considered in policy-making and investments.

This requires, inter alia:

- Phasing out environmentally harmful subsidies; increasing the use of market-based instruments; expanding markets for environmental goods and services;
- Facilitating the development & access to innovative financial instruments and funding;
- Reflecting environment and climate priorities in policies and funding strategies to support economic, social and territorial cohesion;
- Making full and efficient use of available Union funding for environmental action, including by devoting 20 % of the budget to climate change mitigation and adaptation through the mainstreaming of climate action and linking that funding to clear benchmarks, target setting, monitoring and reporting;
- Integrating environmental and climate- considerations into the European Semester process,;
- Developing and applying alternative indicators that complement and go beyond GDP;
- Putting in place incentives and methodologies that stimulate companies to measure the environmental costs of their business and disclose environmental information as part of their annual reporting;
- Encouraging companies to exercise due diligence, including throughout their supply chain;

Enabling Priority Objective 7: Full integration of environmental requirements and considerations into other policies

Integrating environmental protection concerns into other Union policies and activities has been a Treaty requirement since 1997. In order to improve environmental integration and policy coherence, the 7th EAP shall ensure that by 2020 sectoral policies at Union and Member State level are developed and implemented in a way that supports relevant environment and climate-related targets and objectives. This requires, in particular:

- Integrating environmental and climate-related conditionalities and incentives in policy initiatives, including reviews and reforms of existing policy, as well as new initiatives, at Union and Member State level;
- Carrying out ex-ante assessments of the environmental, social and economic impacts of policy initiatives at appropriate Union and Member State level to ensure their coherence and effectiveness;
- Fully implementing the Strategic Environmental Assessment Directive and the Environmental Impact Assessment Directive;
- Using ex-post evaluation information relating to experience with implementation of the environment acquis in order to improve its consistency and coherence;
- Addressing potential trade-offs in all policies in order to maximise synergies and avoid, reduce and, if possible, remedy unintended negative effects on the environment

5.1 What has been done within the 7EAP context?

EU level

5.1.1 Improving Implementation

In addition to the environmental theme related actions noted in the earlier chapters, some horizontal governance initiatives have been launched. These are presented in turn below.

In 2016, the **Environmental Implementation Review (EIR)** process was formally launched (initiated during the Luxembourg Presidency in 2015), responding to the recognition that the implementation of the EU environmental acquis was proving a major challenge across many Member States, with significant implementation gaps in European environmental legislation in air quality, biodiversity, water quality and management, waste management, and noise. This implementation deficit leads to

important environmental, economic and social costs, and reduces the credibility of national and EU authorities to its citizens;

As with the **European Semester (see box)**, there is a regular analysis of the state of progress with implementation in Member States and recommendations for action (CSRs: country specific recommendations). There are also important **national dialogues**, and an initiative for **peer-to-peer support** across Member States, and initiatives on compliance assurance to help address the implementation deficit - the 'EU actions to improve environmental compliance and governance' (COM/2018/10)[7], and the EC Decision C(2018)10, establishing a new high-level expert group entitled the 'Environmental Compliance and Governance Forum';

The European Semester

In 2010, the European Commission launched the European Semester process to help coordinate economic policies across the EU, providing country-specific recommendations (CSRs) each year. 'Greening the European Semester" is part of this process, aiming to ensure that macro-economic policies are environmentally sustainable. Past CSRs have focused on, for example, improving economic signals through environmental tax reform and reforming environmentally harmful subsidies, as well as recommendations to encourage resource efficiency and a transition to a circular economy. The process has received less political attention in recent years, and this should be rectified.

Aarhus

All EU Member States and the EU itself are Parties to the Aarhus Convention (which entered into force 31 October 2001). The table below summarises the state of play. The key developments during the period of the 7 EAP have been:

- The withdrawal of the 2003 proposal for a directive on access to justice in May 2014 and the adoption of non-binding guidance on access to justice in April 2017 – this interpretative guidance is a useful interim measure pending the issuing of a legislative proposal on access to justice. There remains a need to re-launch negotiations on an EU Directive on Access to Justice.
- The finding by the Aarhus Convention Compliance Committee of non-compliance by the EU with the Convention in March 2017 (case C-32), confirming the need to align the Aarhus Regulation (1367/2006) with the Aarhus Convention – in particular, the limitation of the type of measures which could be challenged under the access to justice provisions of the Regulation to 'measure[s] of individual scope' was deemed not compatible with the Convention. A consultation was opened, closing on 5 June.

[7] http://ec.europa.eu/environment/legal/pdf/COM_2018_10_F1_COMMUNICATION_FROM_COMMISSION_TO_INST_EN_V8_P1_959219.pdf

Aarhus Convention: State of Play

	Access to Information *the right of everyone to receive environmental information that is held by public authorities*	**Public Participation** *the right of citizens and NGOs to participate in environmental decision-making.*	**Access to Justice** *the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general*
Member State	Directive 2003/4/EC	Directive 2003/35/EC & specified in range of other directives : e.g. WFD (Directive 2000/60/EC)	2017: **Notice on Access to Justice in Environmental Matters** (2017/C 275/01) (non-binding guidance) *2003 COM proposal was blocked by MSs and eventually withdrawn by COM*
EU	Regulation 1367/2006 "The Aarhus Regulation" *The 2006 regulation, for the information pillar, modifies an earlier 2001 regulation on access to docs*		

Infringement proceedings and ECJ cases

When Member States are suspected to be in breach of EU law, the European Commission has the right and the duty to launch the so called "infringement proceedings": the European Commission and the Member State concerned start a formal dialogue where Member States provide information to dissipate the doubts about their compliance with EU law. If the information shared by Member States does not prove to be sufficient, the European Commission proceeds with the legal action in front of the European Court of Justice. The ECJ has then the power to assess if the Member States is breaching EU law.

A few recent cases can better explain how key the European Commission's role is in ensuring a full and coherent implementation of EU law at national level:

- in April 2017, at the end of an infringement procedure against Bulgaria, the European Court of Justice found this Member State to be in breach of the Ambient Air Quality Directives (referring to an older judgment stating that all EU citizens have the enforceable "right to clean air", *Janecek* case);
- In February 2018 the European Court of Justice, following the European Commission's decision to send another Member State to Court, found that also Poland was in breach of EU law on air quality.
- 6 additional Member States were sent to Court in May 2018 for not having ensured to their citizens the right to clean air.

5.1.2 Improving the Knowledge Base and Science-Policy-Interface (SPI)

There have been a range of measures and initiatives to improve the evidence base and its integration into the SPI, including:

- Implementation of the **Shared Environmental Information System** principle of ***'produce once, use often'*** and the common approaches and standards on acquisition and collation of consistent spatial information under the **INSPIRE and Copernicus** systems; as well as
- Other environmental information systems for Europe - e.g. Biodiversity Information System for Europe (**BISE**), the Water Information System for Europe (**WISE**), **MAES**;
- Use of **strategic environmental assessments** (**SEA) and environmental impacts assessments (EIAs)** with due consultation and timely integration into policy processes;
- **Accounting – e.g. regulation on environmental accounts –** and development of material flow accounts et al.;
- **Analysis of environmental footprints** (e.g. product environmental footprints) to help inform policy making and provide information on supply chain impacts business-to-business and to consumers (e.g. via QR or bar codes). Or improved data portals allowing benchmarking of industries in environmental performance[8].

5.1.3 Securing investments for climate and environment

The EU Budget - MFF 2014-2020 – is the main direct EU source of securing investments for climate and environment. The annual EU budget is around €145 bn, equivalent to about 1% of EU GDP (Total budget over 2014-2020: 1,087 billion EUR, or 1.03% of GNI). Most is spent on *Smart and Inclusive Growth (*that comprises: "competitiveness for growth and jobs" and *economic, social and territorial cohesion*") and on *Sustainable Growth: Natural resources* (mainly the common agricultural policy. Research's share of the EU budget has grown over EU budgets, to around EUR10bn/year. The Life environment programme accounts for just EUR0.4bn/year – i.e. around 0.3% of the budget.

There is funding for the environment within the broader headings. First there is a 20% climate proofing commitment – i.e. that 20% of the budget should be targeted at climate change related activities (mitigation or adaptation). Then there are also agri-environmental measures within the CAP and a range of green economy related activities within the Smart and Inclusive growth line – however, the level of greening is far lower than needed to meet the objectives of the 7EAP.

In addition, revenues from the EU-ETS should prove to be an important source at the Member State level - the EU ETS Directive (Directive 2003/87/EC) states at least 50% of the revenues from auctioned allowances should support climate and energy activities, including on GHG reduction, RES development, CCS, energy efficiency, low-emission and public transport, and measures to avoid deforestation. While initially allowance was allocated by grandfathering and there were no auctions, by 2013 40% of the allowances were auctioned. This proportion is increasing as some sectors will also transition to auctioning[9]. Revenues from EU ETS allowance auctions were around 3.2 billion EUR in 2014 and 4.9 billion EUR in 2015[10].

[8] (see recommendations http://eeb.org/most-eu-countries-failing-to-ensure-effective-access-to-industrial-pollution-information/)

[9] https://ec.europa.eu/clima/sites/clima/files/ets/auctioning/docs/auction_revenues_report_2017_en.pdf

[10] See also https://www.ecologic.eu/sites/files/publication/2016/2584-maximiseretsfulltechnicalreport_final.pdf for additional insights from a complementary analysis

Country insight: Austria

7 EAP Priority Objectives 4-7

What has been done within the 7EAP context?

Priority Objective 4: Improving Implementation

Implementation of the Aarhus Convention

Implementation of the first pillar "Access to environmental information"

- Amendment Federal Law Gazette (BGBl) I 2005/6 to the Environmental Information Act (UIG); corresponding alignment by the federal states in their state environmental information laws
- Implementation of the second pillar "Public participation in environmental decision-making procedures": Implementation through several legislative acts in the area of plant law covered by this, in particular through:
    - Decree of EIA law (2000) and subsequent amendments
    - Amendment of the Industrial Code (GewO) 1994, the Minin Act (MinroG) and the emission protection law for boiler plants in the course of the Industrial Law Act Amendment (2005)
    - Amendment of the Waste Management Act (AWG) 2002 et al.

Implementation of the 3rd pillar "Access to justice"

- Access to courts for the first and second pillars has been largely implemented;
- Article 9, paragraph 3 of the Aarhus Convention also requires court access for the general public (including environmental NGOs) for other violations of environmental law. Austria has still not fully implemented this provision. Apart from EIA procedures, IPPC procedures and environmental liability procedures, NGOs still have no access to legal protection under national legislation. Institutions such as environmental lawyers cannot compensate for this lack of legal protection.

Better Regulation / Deregulation Agenda of the European Commission (especially the Juncker Commission) using the example of the Fitness Check of the EU Nature Directives (Birds and Habitats Directives)

- The Austrian eNGOs BirdLife Austria, WWF and Umweltdachverband cooperated closely on the occasion of this fitness check (2015-2017). The review of the two nature directives was accompanied; the organisations submitted their comments to the consultation process and generally called for participation.

Implementation Art 9 EU Water Framework Directive

- With the cost recovery principle for water services standardized in Art 9 of the EU Water Framework Directive, a "new" environmental economic instrument has been introduced into European water pricing policy: It requires EU Member States "to take into account the principle of covering the costs of water services, including environmental and resource costs, taking into account the economic analysis and in particular the polluter pays principle".
- In Austria, Art 9 WFD was implemented under Article 55e Water Act (WRG) - with the significant restriction that only water supply and wastewater disposal are defined as water services subject to the cost recovery principle.
- Activities such as agricultural irrigation, the industrial use of waters or impoundments or reservoirs for flood protection, hydropower use or shipping are not included.
- However, § 19 para 1 and para 3 lit d u e of the Nature Protection Law of Tyrol (Tir NSchG) should be emphasized, in which the abstraction of water for snow production plants and the discharge or

abstraction of water for the operation of power generation plants are standardised as projects subject to tax.

Implementation of the EIA Directive

- The EU regulations have been implemented in Austria with the current EIA Act 2000 and in the regulation on areas with polluted air provided for therein.

7EAP objective 5: To improve the knowledge and evidence base for Union environment policy

- The Umweltbundesamt (Environment Agency Austria) carries out studies to determine the pollutant load of a person or a population group (human biomonitoring). Biological materials such as blood, urine, breast milk, saliva, and hair or tissue samples are chemically analysed for pollutants or their degradation products. http://www.umweltbundesamt.at/leistungen/loesungen/humanbiomonitoring/
- Environmental Control Report Balance sheet on the environmental situation in Austria http://www.umweltbundesamt.at/aktuell/presse/lastnews/news2016/news_20161006/

Priority Objective 6: Secure investments

- The recently adopted Climate and Energy Strategy includes points on green finance, environmentally harmful subsidies;
- Austria's contribution to international climate financing.

5.2 Results: What is the status?

EU level

5.2.1 Improving Implementation

As noted for each of the thematic priorities, there are major implementation deficits and a recognition that improved implementation is a priority and a necessity. This is also being supported by the REFIT analysis – e.g. on the Birds and Habitats directive REFIT it was concluded that the directives were fit for purpose and that it was implementation that was weak and that this, in turn, reflected a range of issues including fund availability.

As regards the **Semester** process, it can and should encourage sustainable development (SD) and support good governance principles through improved policy coherence. However, the semester's contribution to SD has been severely weakened in recent years. The **EIR** is critical in the drive to address the implementation deficit in the EU environmental acquis - significant implementation gaps exist in the areas of air quality, biodiversity, water quality and management, waste management, and noise. Improving implementation will bring important environmental, economic and social benefits, and increase the credibility of national and EU authorities to its citizens.

On Aarhus, the non-binding guidance on access to justice was published in 2017 and it is too early to talk of its impact on access to justice in Member States. There is still a need for a legally binding instrument setting certain minimum standards for access to justice in environmental matters to help improve opportunities for the public and environmental citizens' organisations to insist on respect for environmental law.

At the EU level, there remain strong concerns about the fact that the Aarhus Regulation does not fully comply with the Aarhus Convention, notably because the types of measures which could be

challenged under the access to justice provisions have been limited to 'measure[s] of individual scope' – e.g. to decisions on permits for placing on the market of genetically modified organisms and chemical substances under the REACH regulation on industrial chemicals.

While the respect of access to justice principles at national level remains subject to the national legislation, which can vary a lot from a Member State to another depending on the level of implementation of the Aarhus Convention's third pillar, easily recognisable challenges remain also regarding access to justice at EU level (notably the lack of standing to challenge breaches of EU environmental law by EU institutions).

Regarding the latest identified aspect: the Aarhus Convention Compliance Committee (independent international body in charge of ensuring a full and coherent implementation of the Aarhus Convention at UNECE level) has already stated in the Conclusions of the C-32 case that the EU is not correctly implementing the Aarhus Convention since it is limiting access to EU Court to challenge "measures of individual scope": a requirement which almost automatically prevents NGOs (and individuals) from having access to EU courts to challenge EU acts and legislation in breach of EU environmental law. The Compliance Committee also provided some recommendations about what could be done. Latest resistance showed by the European Commission proved that a lot of work remains to be done.

The general public and the NGOs have an important role to play in ensuring the respect of environmental legislation and its full implementation. It is fundamental to address this issue and to coherently work to improve access to justice at national and EU level.

5.2.2 Improving the Knowledge Base and Science-Policy-Interface

There remain a lot of information gaps, including:

- Understanding of complex issues related to environmental change, such as the impact of climate change and natural disasters, the implications of species loss for ecosystem services, environmental thresholds and ecological tipping points – Para 71, 7EAP;
- Health and environmental properties of chemical substances in use. For instance, human health and environmental implications of endocrine disruptors; chemicals in products and secondary raw/recycled materials as well as the combined effects of chemicals;
- Uses of chemicals along supply chains, exposures (in particular of vulnerable groups of population), hazard identification methods as well as monitoring and surveillance data
- Production, uses, exposure and health and environmental impacts of plastics and nanomaterials;
- Impacts and flows of pharmaceuticals in the environment;
- A lack of real time available data to citizens on the quality of air, water or measures taken by the polluters to prevent/reduce impact;
- Insufficient information for business and citizens on product ingredients and footprints – need for more transparency and traceability.

5.2.3 Securing investments for climate and environment

The European Commission tabled its proposal for the EU Budget (MFF) on the 2 May 2018, asking for EUR 1,279 billion for 2021-27, or 1.114% of GNI[11]. The main budget lines are:

- Cohesion and Values: EUR 442.4billion (34%)
- Natural resources and environment: EUR 378.9billion (30%)
- Single Market, innovation and digital: EUR 187.4 billion (15%)
- Neighbourhood and the world: EUR 123 billion (9%)
- European Public Administration: EUR85.3 billion (7%)
- Migration and border management: EUR 34.9 billion (3%)
- Security and defense: EUR 27.5 billion (2%)

The proposed budget includes "climate proofing/mainstreaming" of 25%, up from 20% from the previous budget. If done, this would imply that around EUR 320 billion will be spent on climate. To achieve this, in the current budget there has been minimum thresholds for earmarking – i.e. 15% to 20% of regional funds, 35% of horizon 2020.

For environment, opportunities within the proposed budget include[12]:

BUDGET LINE	Explicit or potential allocations to Environment
II. COHESION & VALUES	The MFF proposal notes - *the Commission is also reinforcing the synergies with Cohesion Policy and the Common Agricultural Policy to finance investment in nature and biodiversity.* The level depends on actual commitments to **earmarking** and also **on integration in practice** – i.e. countries and regions making use of the funds.
5. Regional Development & Cohesion	
• European Regional Development Fund	
• Cohesion Fund	
7. Investing in People, Social Cohesion & Values	
• European Social Fund + (including Integration of Migrants and Health)	
III. NATURAL RESOURCES & ENVIRONMENT	-
8. Agriculture & Maritime Policy	*The EAGF does not ring fence any budget allocated to the environment, the environmental ambitions a voluntary eco-scheme is left to Member States to decide.* *EAFRD have been the most impacted by budget cut (-17%), 30% will have to be allocated to Agri-environmental schemes.*
• European Agricultural Guarantee Fund (EAGF)	
• European Agricultural Fund for Rural Development (EAFRD)	
• European Maritime & Fisheries Fund (EMFF)	
9. Environment & Climate Action	-
• Programme for Environment & Climate Action (LIFE)	Total envelope 2021-27: *EUR* **5.45 bn** of which: *EUR* 3.5bn for Environment & *EUR* 1.95bn for Climate

Source: COM (2018) 321 Final

Citizen interest in improving implementation and enforcement

In the November 2017 Eurobarometer survey, 94% of respondents said that protecting the environment is important to them personally, and there was a high support for better enforcement of legislation (31%), the introduction of heavier fines for breaches of environmental legislation (34%) and introducing stricter environmental legislation (30%). The Grenfell tower fires, Dieselgate, Bialowieza Forest, and the Deepwater Horizon oil spills underline the need for better implementation and enforcement of EU and national laws.

[11] https://ec.europa.eu/commission/publications/factsheets-long-term-budget-proposals_en
[12] https://eur-lex.europa.eu/legal-content/EN/TXT/DOC/?uri=CELEX:52018DC0321&from=EN

Country insight: Austria

7 EAP Priority Objectives 4-7

Results: what is the status?

Priority Objective 4: Improving Implementation

Implementation of the Aarhus Convention

- Various major legal protection gaps in the environmental field for the general public - only partial fulfilment of the legal protection requirements according to Art 9 para 3 Aarhus Convention;
- Two complaints procedures are pending before the Aarhus Convention Compliance Committee (ACCC):
  - ACCC/C/2010/48 complaint for Austria's general failure to act in accordance with its obligations under Art 9 para 3 Aarhus Convention;
  - ACCC/C/2011/63 complaint concerning the total lack of access-to-justice for environmental NGOs to administrative criminal proceedings and judicial criminal proceedings concerning breaches of environmental provisions of national law.

- Furthermore, EU infringement pending against the Republic of Austria since July 2014 for failure to implement Article 9, paragraph 3 of the Aarhus Convention.

Successes:

- The Aarhus Convention gave us an unconditional right of access to environmental information for everyone. This right has meanwhile become very widely accepted;
- Participation in environmental decision-making procedures was also greatly strengthened, above all through the legal standing of NGOs & citizens' initiatives in EIA procedures;
- In the area of legal protection in other breaches of environmental law, a breakthrough has now been achieved by the preliminary ruling of the European Court of Justice in the Austrian Protect case, which has meanwhile led to a turnaround in the judicature of the Administrative Court: According to this, environmental NGOs recognised under Union law are now to be granted party status in water law proceedings, including the right of appeal to a court;
- A federal-state working group, which has been set up for several years, as well as a federal state working group, are dealing with the topic of Aarhus implementation in the area of Art 9 para. 3.

Failures:

- That the legal protection of the public - especially recognized environmental NGOs - after all these years (note that Austria ratified the Convention already on 17.01.2005!) is still not implemented in conformity with the convention. Compared to other EU member states, Austria is lagging far behind.

Better regulation / Deregulation agenda of the European Commission using the example of the Fitness Check of the EU Nature Directives (Birds and Habitats Directives)

- Only in July 2017 it was decided that the nature conservation/protection guidelines would remain unchanged. The European Commission published an action plan with measures to improve the implementation of the two Directives, which should be implemented between 2017 and 2019. Recently, a midterm review of this implementation was published.
- In general, the Fitness Check posed major challenges for environmental and nature conservation organisations, as it questioned the efficiency, effectiveness, relevance, coherence and EU added value of the two Nature Directives. A Europe-wide resource-intense campaign accompanied and influenced the process adequately. In Austria like in other EU Member States, the deregulation process led in part to uncertainty and false expectations (change or abolition of the Directive or its annexes) on the part of land users but also of authorities and could thus have acted as an obstacle to the further

implementation of e.g. Natura 2000 management in Austria.

- The Commission's strict deregulation agenda is and has been applied to other EU environmental legislation (review of the EU Water Framework Directive, rejection of a proposal for an EU-wide soil protection directive).
- The deregulation agenda has not been applied to other strongly budget-impacting legislatures (e.g. Common Agricultural Policy that accounts for 40% of the EU budget!) despite strong calls for effectiveness reviews and repeated calls from civil society.

Implementation of Art 9 EU Water Framework Directive: Water fees

- The application of opting-out in Austria for all water services that cannot be allocated to water supply or waste water disposal has to be assessed as an environmentally harmful indirect subsidy;
- An exemption from the principle of cost recovery would only be justified if other measures could ensure that the objectives of the WFD are not jeopardized. However, that is currently not the case;
- Additionally, funding for the implementation of the 2nd National River Basin Management Plan for the period 2015 - 2021 is still lacking, which could be at least partially compensated by the introduction of water fees. Thus, only a small or no implementation of measures is to be expected;
- This is even more of a missed opportunity, as the extensive opt-out means that important funds for implementing the objectives of the Water Framework Directive are lacking and environmentally harmful subsidies are maintained instead.

Implementation of the EIA Directive

- In Austria, the EIA procedure is the flagship procedure in which - as far as possible - comprehensive public participation has been achieved.
- On average there are 100 EIA screening procedures per year (focus: infrastructure projects: 40%). In approximately 83% of the screening decisions, the EIA authority determines that there is no EIA obligation. In the 3-year period August 2012 - September 2015, there were only 13 NGO complaints against negative EIA screening decisions.
- Approximately 26 projects per year are submitted to the EIA (mainly energy industry & infrastructure); whereof only about 4% of these projects are not approved.

Successes:

- Concerns about great amounts of lawsuits and the length of proceedings have not materialized. Overall, only a marginal proportion of around 4% of the projects are not approved - at least the EIA procedure is not an instrument to prevent this. From the beginning of the public disclosure of the project documentation (from the completeness of the documents) to the decision, the average duration of the proceedings is only 9.9 months. Also, there are comparatively few "outliers" in terms of procedure durations. Another advantage is that the EIA results in a concentration of procedures, i.e. a single approval decision replaces a large number of separate licenses. Overall, transparency, improved process quality and increased acceptance of the projects speak for themselves and are the main advantages of opening up the processes to the public.

Failures:

- Unfortunately, a strategic environmental assessment is rarely or not at all used in advance. This overloads the EIA procedures for the approval of individual projects with conflicts regarding site selection, project design, zero variant, etc. that can hardly be resolved at the individual project level;
- Necessary but still missing legal frameworks, such as a binding climate & energy strategy, bring additional uncertainty into the individual project level;
- Public participation is often experienced as not open to results or alibi-wise, respectively;
- The involvement in EIA procedures as a member of the public is very resource-intensive from a personnel and financial point of view.
- Discussions about deregulation / gold plating are also increasingly perceptible in the area of EIA. In

particular, there are plans to introduce a “Standortanwalt” (‘location attorney’) as an additional party to EIA procedures and charged to represent the economic interests supporting a planned project, while acting as a counterweight to the public, which is experienced as "project opponents". Also the “Umweltanwalt” (“environmental lawyer”) is discussed as a gold plating measure and its abolition proposed, the recognition criteria for NGOs to be tightened.

- Even "bad(ly)" (prepared) projects are often approved under an EIA by imposing obligations or compensatory measures or applying exemption clauses.
- In general, it is noticeable that the project applicants are striving to "avoid" an EIA: salami tactics and a push for EIA screenings in order to prevent an obligation.

Priority Objective 7: Integration

Greening of the Common Agricultural Policy (CAP)

- In Austria, the equivalence regulation to the UBB (“environmentally sound and biodiversity-promoting management”) has made it possible to designate quantitatively more biodiversity areas, as grassland biodiversity areas also have to be created in comparison with the UBB greening measure. The quality of these areas for biodiversity concerns is regarded to be higher, as the use of plant protection products is generally prohibited.
- Studies have been published at European level (e.g. by IEEP) which show that the Ecological Focus Areas (EFAs) have not had any added value for biodiversity, as not only maize monocultures but also permanent crops such as Miscanthus giganteus may be cultivated on them. Only since May 2017 the use of pesticides has been banned on these priority ecological areas. The ecological effectiveness is therefore highly controversial; the greening at EU level is considered to have failed.
- The greening was successively watered down (approval of further crops on EFAs, use of pesticides until mid-2017), so that the areas actually intended for biodiversity continued to serve as production areas for soya or maize cultivation or permanent crops (e.g. Miscanthus giganteus).
- The "Austrian solution" with the UBB equivalence is to be assessed as positive, as stricter criteria were applied and in total slightly more areas were designated compared to a screening variant only. The qualitative benefits for biodiversity have not yet been evaluated.
- Greening at European level is expected to be abolished again due to a lack of success (the cause of which is the above-mentioned watering down of the underlying policy). This must, however, be replaced by other, actually effective environmental regulations.

5.4 What more needs to be done - within the 7EAP context and for future attention?

EU level

5.4.1 Improving Implementation

EU Budget (MFF)

There is a need to ensure that the EU Budget (MFF) supports the implementation of the 7EAP objectives and that subsequent MFFs support future EAPs. This requires the prioritisation of budget allocations to 7EAP objectives (e.g. to support climate mitigation and adaptation, biodiversity) as well as added value of EU monies – e.g. by climate and biodiversity proofing the MFF to avoid/minimise funding projects and initiative that create problems in other areas.

Greater use needs to be made using infringement procedures to ensure that Member States respect the commitment for an EU where the rule of law is respected.

A greater use of fees and fines is needed and other compliance assurance measures. To support this more peer-to-peer engagement could help – as currently is one focus area of the EIR.

With regard to the **European Semester and EIR processes**, strong political support is needed to formulate and communicate country specific recommendations within these processes, as well as to engage in the national dialogues, peer-to-peer support activities and with the recent initiatives on environmental compliance and governance (COM/2018/10, and EC Decision C(2018)10). There is a need to*:*

- *Reiterate and increase the political commitment to the Greening of the European Semester process, and encourage measures to improve economic signals to enable the transition to a resource efficient, inclusive, circular economy that supports the sustainable development goals (SDGs);*
- *Recognise that the implementation deficit needs to be treated with continued urgency and high level political commitment to ensure a Europe where the rule of law is respected, and reap the benefits of action;*
- *Encourage that both the Greening the Semester and EIR processes build in public interests and engage with civil society organisations to ensure that citizens' voices are heard, benefit from their perspectives and engagement, and strengthen the effectiveness and legitimacy of the processes.*

Aarhus

The most pressing priority in relation to the Aarhus Convention is to bring the EU back into compliance with the Convention by amending the Aarhus Regulation, at the latest before the seventh session of the Meeting of the Parties in 2021. As a minimum, this should involve removing the limitation of the type of measures that may be challenged to measures of individual scope. As regards the Member State level, the interpretative guidance on access to justice should provide the basis for developing and adopting a new legally binding instrument on access to justice.

More generally, the EU should recognise that the rights and obligations in a text that was developed more than two decades ago covering countries in Eastern Europe and Central Asia without longstanding democratic traditions should be further strengthened, at least in their application in the EU if not at the intergovernmental level. For example, developments in information technology have transformed the possibilities for making environmental information publicly accessible.

5.4.2 Securing investments for climate and environment.

From an environmental perspective, the proposed MFF does not offer adequate support for environment and climate and does little to properly mainstream sustainability. It is unfortunate that the Sustainable Development Goals (SDGs) are not integrated better throughout, that the budget does not appear to be Paris compatible, that there is still too much potential for environmental harmful spending, and that the budget does not catalyse a transition to sustainable agricultural practices (though this last point is dependent on the CAP proposal out 1 June). Specific needs for the MFF (which will be debated in Parliament and Council) are:

- Ringfencing – have 50% of the CAP budget focused on reaching the Environment and Climate objectives
- Within the CAP – ensure a proper accountability mechanism that ensure that Member States are ambitious as regards environmental integration – and have payments tied to environmental performance (i.e. "results-based" scheme).
- Have an EU budget that leads to net negative EU GHG emissions.
- Systematically ensure a climate, biodiversity and SDG-proofed budget.
- Ensure measures in place that Member State discretion of use of funds is tracked and targeted, and motivated toward sustainability.
- While a 1% LIFE allocation to biodiversity and climate is a step forward from the 0.3% under the last budget it falls far short of needs to meet commitments.

There is need for continued progress on auctioning of **EU-ETS** allowances and allocations of budgets to climate change mitigation and adaptation measures.

Furthermore, there should be a continued drive for greater use of **environmental fiscal reform** in Member States, and use both the new revenues from new taxes and the saved revenues from reformed subsidies to invest in sustainability. Particular attention should be given for driving progress on carbon-taxes and reducing relative subsidies on diesel and private transport.

5.4.3 Integration

The achievement of many of the priority objectives of the 7th EAP and indeed wider environmental objectives as well as ambitions for better regulation, will require continued efforts at ensuring effective integration of environmental and climate-related considerations into other policies, as well as more coherent, joined-up policy approaches that deliver multiple benefits. In addition, the SEA and EIA directive will need to be used more effectively (i.e. in a timely manner, with good coverage of issues and integrated into decision making processes).

Country insight: Austria

7 EAP Priority Objectives 4-7

What more needs to be done – within the 7EAP context and for future attention?

Priority Objective 4: Improving Implementation

Implementation of the Aarhus Convention

- Complete implementation of Art 9 (3) Aarhus Convention; thus also leads to a change from the strong protective provision doctrine") in favour of a possibility of asserting ideal interests.
- Ensuring that public participation/legal protection does not get "falls into bad ways" in the course of deregulation or the abolition of 'gold plating'.
- Ensuring truly open, early and effective participation processes, which are unfortunately currently very

expandable and in need of improvement.

Better regulation / Deregulation agenda of the European Commission using the example of the Fitness Check of the EU Nature Directives (Birds and Habitats Directives)

- Der The action plan adopted by the EC after the fitness check of the Birds and Habitats must be consistently implemented. Austria in particular needs to complete the Natura 2000 network
- The review of the Water Framework Directive is expected to start in summer of 2018 and should be accompanied by environmental and nature protection stakeholders in order to ensure a balanced stakeholder consultation and to maintain the European Union's high quality environmental legislation.
- Preparations for the new Common Agricultural Policy have started at European level in 2018. Adequate earmarking of CAP funds for biodiversity and environmental concerns must be ensured.

Implementation of Art 9 EU Water Framework Directive: Water Fees

- Full introduction of water fees for all sectors: Activities such as agricultural irrigation, the use of fertilizers and pesticides in agriculture, the industrial use of waters or impoundments or reservoirs for flood protection, hydropower use or shipping should also be priced.
- Introduction of a levy on the use of mineral fertilizers and pesticides in agriculture.
- Introduction of a separate law to internalize the external costs of waste water disposal for indirect dischargers by means of an earmarked fee.
- Standardization of water abstraction and water impoundment fee laws at state level.

Implementation of the EIA Directive

- Full implementation of EIA Amendment Directive 2014/52/EU.
- Strengthening the Strategic Environmental Assessment to relieve the burden on procedures for individual projects.
- Strengthening the instrument of environmental mediation.
- Introduction of application rights for the general public to conduct an EIA determination procedure (currently only a subsequent right of appeal, which, without the right to file an application, can go nowhere if none of the other entitled parties files an application for an EIA determination procedure)
- Increasing the civil servant staff so that proceedings can be carried out more quickly.
- Improvement of the quality of the submitted project documents would be urgently necessary, also due to numerous vital improvement orders time is lost.
- Change in the perception of the public that it is seen as an important factor for the quality of the procedures. At the moment the participation of the general public or NGOs is seen as hinderer.
- Improvement of the quality of the participation process, also in terms of early involvement/action, when still all possible ways are still open.

Priority Objective 6: Secure investments

- Focus on Green Finance to mobilize investments in decarbonisation.
- Push for Carbon Pricing and true-cost pricing, to internalize external effects of fossil energies.
- Key is the taxation of the use of natural resources, incl. energy, while at the same time reducing taxes in labour.
- Support European initiatives to substantially reduce resource consumption (material footprints) without waiting for countries outside Europe to join. Sustainability increases competitiveness of European economies.
- Support households and small businesses in radical social innovative behaviour, including sharing, reparability, reuse and recycling (circular economy).

- Screening legislation for measures that create incentives for resource-overconsuming behaviour and removing of those.
- Creating incentives for and removing incentives against lower consumption and work less, including better social security (basic income).
- Reduce taxes on repair and other eco-efficient services.
- Increasing (value added) taxes on resource-consuming products such as palm oil, meat and supporting European production of soy and other feed stuff.

Priority Objective 7: Integration

Greening of the Common Agricultural Policy (CAP)

- It must be ensured that the next Common Agricultural Policy takes more account of biodiversity concerns and strengthens cross-compliance (environmental obligations/requirements under the first pillar). Direct payments under the first pillar must be linked to high minimum environmental standards. Austria, with its small-scale agriculture, would benefit from high environmental standards. The continuing loss of biodiversity in cultural landscape must be sufficiently taken into account in the design and budget of the next agricultural policy. It must be possible to provide incentives for the preservation of biodiversity in the agricultural landscape.

5.4.4 Questions for the Policy Forum

Question for the policy forum: 1-2 questions.

- Should this be a priority for 8 EAP and why?
- What specific aspect is most important to focus on?
- What should Austria do (policies, implementation, contribution to EU policy processes)?

6 Sustainable Cities & International Environmental Challenges (7EAP Horizontal Priority Objectives 8 & 9)

Priority objective 8: To enhance the sustainability of the Union's cities

By 2020, 80 % of [the EU's] population is likely to live in urban and peri-urban areas. Most cities face a common set of core environmental problems, including air quality concerns, high levels of noise, traffic congestion, GHG emissions, biodiversity loss and degradation, water scarcity, floods and storms, diminishing green areas, contaminated sites, brownfields and inappropriate waste and energy management. At the same time, Union cities are standard-setters in urban sustainability and often pioneer innovative solutions to environmental challenges. *Paras 90 and 91 of 7EAP.*

Furthermore, the Union should further promote and, where appropriate, expand existing initiatives that support innovation and best practice in cities, networking and exchanges and encourage cities to showcase their leadership with regard to sustainable urban development. *Para 94* of 7EAP

In order to enhance the sustainability of Union cities, the 7th EAP shall ensure that by 2020: a majority of cities in the Union are **implementing policies for sustainable urban planning and design, including innovative approaches for urban public transport and mobility, sustainable buildings, energy efficiency and urban biodiversity conservation.** (EU, 2013)

Priority objective 9: To increase the Union's effectiveness in addressing international environmental and climate-related challenges

The 7 EAP recognises that ensuring the sustainable use of resources is one of the most pressing challenges facing the world today and is central to ending poverty and securing a sustainable future for the world. At Rio + 20, world leaders renewed their commitment to sustainable development [via the SDGs]. In addition to translating these commitments into action at local, national and Union level, the Union will engage proactively in international efforts to develop the solutions needed to ensure sustainable development globally.

In order to increase the Union's effectiveness in addressing international environmental and climate-related challenges, the 7th EAP shall ensure that by 2020:

- **the outcomes of Rio + 20 are fully integrated into the Union's internal and external policies** and the **Union is contributing effectively to global efforts to implement agreed commitments**, including those under the **Rio conventions** [CBD, UNFCCC, CCD] and to initiatives aimed at promoting the **global transition towards an inclusive and green economy in the context of sustainable development and poverty eradication**;
- the **Union is providing effective support to national, regional and international efforts** to address environmental and climate-related challenges and to ensure SD;
- **the impact of consumption in the Union on the environment beyond the Union's borders** is reduced.

6.1 What has been done within the 7EAP context?

6.1.1 Sustainable cities

One of the nine main priority objectives of the 7th EAP by 2020 was to *make the Union's cities more sustainable* (priority nr 8). This represents one of the most local challenges to tackle, where the subsidiarity principle of a region or a city must be complemented by a more coordinated European and national policy. This has not always been the case in terms of legal obligations, enforcement or diverging priorities for the local authorities.

Europe is densely populated and 80% of its citizens are likely to live in or near a city by 2020. European cities have common set of challenges such as air quality, poor biodiversity, waster scarcity, waste quantities and management, noise or mobility. European environmental policies address those issues by involving national governments into the legislative process. However, since the challenges remain mostly local, there has been too little involvement of city authorities at the EU level to co-create that legislation.

In parallel, there have not been sufficient funds streamed to regional and local authorities directly from the EU to support improvement initiatives in cities in those above mentioned subjects. Cohesion Funds has been accessible, but were not sufficient to expand initiative widely and moreover were too much controlled by the national governments. Too little involvement of local authorities at EU level has arguably indirectly resulted in multiple infringement processes of breaching EU law.

Various awards to acknowledge cities' good initiatives - e.g. European Green Capital award[13] and the European Green Leaf award[14] have been helpful in disseminating best practices, and raise the visibility and political agenda; however they lack consistency and continuity to really assist EU cities largely to move towards a more sustainable solutions. Similarly the focus on cities in several Green Week events has helped raise the profile of good practice and brought together stakeholders, but this can be but a small catalyst for the wider city transition.

6.1.2 International environmental challenges

The 7th EAP recognises that ensuring the sustainable use of resources is one of the most pressing challenges facing the world today and is central to ending poverty and securing a sustainable future for the world. At Rio + 20, world leaders renewed their commitment to sustainable development.

The EU has played an active role throughout the process that led to the adoption of the Sustainable Development Goals (SDGs) in September 2015 and is committed to implementing the 2030 Agenda for Sustainable Development and the SDGs within the EU and in development cooperation with partner countries. In November 2016, the Commission came forward with a Communication on the next steps for a sustainable European future which explained how the Commission's current 10 political priorities contribute to implementing the 2030 Agenda and how the EU will meet the Sustainable Development Goals (SDGs) in the future. A second Communication on a new European Consensus on Development proposed shared vision and framework for development cooperation for the EU and its Member States, aligned with the 2030 Agenda. In its Communication on the next steps, the Commission also announced the formation of a Multi-Stakeholder Platform on the Implementation of the SDGs which convened its first meeting in December 2017.

[13] http://ec.europa.eu/environment/europeangreencapital/winning-cities/
[14] For cities between 20,000 and 100,000 inhabitants:
http://ec.europa.eu/environment/europeangreencapital/europeangreenleaf/index.html

In June 2017, the Council of the European Union adopted Conclusions in response to the Commission's Communication. The Council underlined that sustainable development needs to be mainstreamed into all policy areas. It also called on the EC to set out by mid-2018 an implementation strategy with timelines, objectives and concrete measures to implement the 2030 Agenda in all EU policies. It also asked the EC to identify gaps where the EU needs to do more by 2030.

In November 2017, Eurostat published its report on SDG implementation in and by the EU.

The 7th EAP also recalls the importance of multilateral environmental agreements (MEAs) and that Member States should ensure their ratification. Moreover, Member States should proactively engage in international negotiations on new and emerging issues. A recent example of the EU's proactive role in tackling new issues is the Union's initiative for a new global treaty on mercury. The Minamata Convention was negotiated and concluded in 2013. In 2017, the EU ratified the convention. Another emerging issue in which the EU has so far not been a front-runner in pushing international negotiations is the question of corporate accountability. With its extended value chains, economic globalisation has created specific challenges, including in the area of human rights protection and negative environmental impact. The EU was initially very reluctant to contribute to the drafting of a binding treaty on human rights and business which could install due diligence obligations to prevent negative human rights and environmental impact caused by business activities.

Country Insight: Austria

7EAP Priority Objectives 7&8

What has been done within the 7EAP context?

Priority Objective 8: Sustainable cities

Smart City Vienna

- The aim of the Smart City Vienna (SCW) initiative is to find modern and effective answers to climate change and the drastic shortage of natural resources and to achieve the ambitious climate and energy targets of the EU.
- In 2011, development of SCW framework strategy: https://smartcity.wien.gv.at/site/initiative/rahmenstrategie/
    - The Smart City Vienna framework strategy was developed by a team of internal and external experts of the City of Vienna. This requires a long-term strategic approach. Based on the work of the stakeholder process in the years 2010 to 2012, a decision was taken in 2013 to develop the Smart City Vienna framework strategy.
    - Building on this, the framework strategy was drawn up by the administration in cooperation with numerous experts from civil society, social science institutions, the research sector and industry, and was adopted by the Vienna City Council on 25 June 2014 following an extensive discussion process. The implementation of these smart strategies requires internal city forces and departments as well as companies, researchers and - last but not least - every citizen.
- Smart City Vienna framework strategy: objectives and thematic areas (social inclusion, resources, innovation): https://smartcity.wien.gv.at/site/files/2016/12/SC_KF_EN_WEB_individual.pdf
- As the Smart City Agency of the City of Vienna, Urban Innovation Vienna covers a wide range of tasks in the areas of coordination, communication, Smart ICT and further development of Smart

City Vienna.

Priority Objective 9: International Environmental Challenges

- Since the adoption of the 2030 Agenda and the SDGs in September 2015, Austria has not yet sufficiently adopted its politics and policies to reach the Goals by 2030 and/or taken concrete measures to support the international implementation. An inter-ministerial working group has been set up, but a gap-analysis, an overarching strategy, additional resources as well as high level political commitment and stakeholder participation are lacking.

6.2 Results: What is the status?

EU level

6.2.1 Sustainable cities

The EP's mid-term evaluation of the 7EAP, noted that (from their consultation exercise): *More than half of respondents think that the policies of major European cities have been consistent with the 7th EAP, although just over 10 % think that coherence is high.*

The respondents also noted that: *An overwhelming majority of respondents think that the 7th EAP has played an important role in achieving the existing urban sustainability results, but also point out that these results might be more directly associated with the effect of other policies, such as cohesion policy. However, they acknowledged the importance of having an overall strategy driving the EU and national urban*-sustainability agenda.

The European Commission's report 'the State of European Cities 2016', highlighted areas where EU cities made progress and where still a lot has to be done. Four main environmental areas were discussed in the report: mobility, resource efficiency, air pollution and GHG reduction. In all of them a wide divergence has been pointed out, as some cities indeed lead the way in improving those areas, while most of the cities still do lack any concrete result oriented action. Most of the cities showed commitment to reducing GHG emissions and adapting to climate change. In mobility there is a significant awareness to move to more sustainable modes of transport; however this change is slow and insufficient to achieve satisfactory results by 2020. Regarding resource efficiency, there has been some progress in separate collection and recycling as well as in reduction of landfilling however the capacity of waste incinerators has grown significantly, also because of the wrongly used Cohesion Funding.

6.2.2 International environmental challenges

Despite the EU's active role in the process that led to the adoption of the SDGs in 2015, the EU now lacks ambition in the implementation of the SDGs. The current Commission's political priorities have sidelined sustainable development objectives. The EC has so far not developed any strategy on how to achieve the SDGs by 2030. The Commission's Communication from November 2016 focused on showcasing how the current 10 priorities until 2020 support the implementation of the SDGs rather than analysis gaps and proposing concrete steps. There is still a tendency to perceive the SDGs as a framework for the EU's development cooperation and aid policies but not as the guiding framework for all of its external and internal policies.

The EU has so far not reported at the High-Level Political Forum (HLPF) regarding its implementation of the SDGs. The EU also does not play an active role in the Regional Forum on Sustainable Development at UNECE level which is meant to feed into the annual HLPF.

The SDG framework has not led to more policy coherence for sustainable development at EU-level. Many sectoral policies are still developed without sufficient consultation and cooperation between the different policies areas. The recently presented proposal for the future Common Agricultural Policy (CAP) is exemplary for the lack of policy coherence and the absence of a whole of government approach. Also the proposal for the new Multi-Annual Financial Framework (MFF) does not foresee coherent sustainability proofing for all parts of the EU's budget. While funding for environmental programmes, for instance, through the LIFE programme, has been increased, the new MFF as it stands now does not seem to become a driver for sustainable development and environmental aspects are not fully integrated throughout the budget.

The Eurostat report on monitoring progress towards the SDGs in an EU context from November 2017 has painted a rosy picture of the EU's achievements. This is partially due to the methodology in which any progress – even if marginal – leads to a positive evaluation. That is, even if the EU is progressing way too slow in order to achieve certain SDGs and related targets by 2030, the result in the report is still positive. Moreover, certain key issues, such as the need to reduce our material footprint in absolute terms, were not covered by any indicators so far.

Country Insight: Austria

7EAP Priority Objectives 7&8

Results: What is the status?

Priority Objective 8: Sustainable cities

Smart City Vienna

- More and more interest in the Smart City concept; many projects have emerged; international interest in the Viennese approach (focus on people; technology as nervous system and "enabler", not in the centre)
- The City of Vienna is working to achieve the objectives of the SCW framework strategy through various measures. Above all, Smart City Vienna (SCW) Framework Strategy projects make a major contribution to further developing the city, especially in the direction of sustainability and resource conservation: https://smartcity.wien.gv.at/site/projekte/
- The following results on the different topics could be recorded within the scope of the SCW monitoring: https://smartcity.wien.gv.at/site/initiative/monitoring/
- A revision of the framework strategy is currently taking place in order to expand and adapt objectives if necessary and to bring the strategy up to the latest status - here the focus is on current challenges and how to deal with them in the future; things that have worked are being further expanded while special attention is being paid to areas where there is a need to catch up.

Priority Objective 9: International Environmental Challenges

- The current main-streaming approach leads mainly to window dressing, where already existing measures are being called SDG-implementation. Even though Austria committed to "work tirelessly to the full implementation of this Agenda by 2030", it seems to be more like business as usual.
- The Agenda 2030 could be used to guide political changes and to "take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path". With ambitious political commitment new and transformative measures could be taken, to ensure a decent life for all (including future generations) within planetary boundaries. Instead, in Austria the SDGs appear to be seen as just yet another reporting duty towards the UN.

6.3 What more needs to be done - within the 7EAP and for future attention?

EU level

6.3.1 Sustainable cities

Environmental policies need to involve more local and regional stakeholders in policymaking at the EU level – this will help the science-policy-stakeholder interface. The Committee of the Regions and cities' associations, as well as NGOs, have to be heard so that their challenges are better addressed in a more systemic manner.

Among some most priority actions in this matter in the coming years the cities need to improve their mobility systems by promoting cycling and public transport – to improve air quality, congestion and help mitigate GHG emissions.

The promotion of green spaces should follow biodiversity principles, as well as helping with climate, health and social benefits. Their presence in the urban infrastructure is crucial to mitigate climate extremities (heat stress; flooding).

Regarding resource efficiency cities have a crucial role to play by implementing circular economy solutions through green public procurement and at consumers level starting from promotion of durable goods, reduction of waste generation, supporting reuse activities, enforcing separate collection of waste and sustainable management of waste by investing in recycling rather than in waste incineration.

Sufficient accessible funds for local authorities and associations of citizens should be made available to attain those goals.

6.3.2 International environmental challenges

The EU needs to ensure that the achievement of the 2030 Agenda and the SDGs are fully integrated into the Union's internal and external policies ensuring policy coherence for sustainable development. This requires a shift away from the current political priorities which focus on jobs, growth and security towards priorities aligned with the objectives of the 2030 Agenda. The Commission needs to develop an overarching strategy for a sustainable Europe by 2030 including interim and long-term targets and clear timelines. Such a strategy must be based on the in-depth assessment of gaps and the most pressing challenges. It should also serve as the framework for the debate on the Future of the Europe.

The EU must ensure that its monitoring efforts help policy-makers to address the key challenges. SDG indicators should help us to understand the distance to the target that we still need to cover.

The EU needs to promote the 2030 Agenda in order to overcome the lack of public engagement and calls for action to raise awareness among EU citizens. The EU needs to ensure a participatory process around the implementation of the SDGs. The Multi-Stakeholder Platform needs to be established on a more permanent basis with a clear mandate to advice the Commission on concrete policies.

The EU must in particular ensure that the impact of consumption in the Union on the environment beyond the Union's borders is reduced. This requires an ambitious strategy and further policies, for instance, as required in the 7th EAP, to implement the 10-year Framework of Programmes on Sustainable Consumption and Production. The sustainability and environment chapters of the EU's trade agreements must be given teeth while the Union's trade policy as a whole needs to be assessed – as also demanded by the 7th EAP – against environment and climate goals.

The EU needs to push for the further development and ratification of multilateral environmental agreements on new and emerging issues. The EU should play a pro-active and supportive role in the negotiations of a UN Treaty on Business and Human Rights.

Country Insight: Austria

7EAP Priority Objectives 7&8

What more needs to be done - within the 7EAP and for future attention?

Priority Objective 8: Sustainable cities

Smart City

- Smart City is a continuous process that has to adapt to the constantly changing conditions (e.g. autonomous driving / changed mobility behaviour will lead to new trends in the future, which in turn will influence our needs with regard to our working and living situation).
- The challenge here will continue to be population growth: how can the quality of life for all citizens be ensured in view of this trend?
- Awareness raising is a measure that must be pushed further in order to raise awareness among citizens.

Priority Objective 9: International Environmental Challenges

- High level political commitment, stock taking and gap-analysis, overarching implementation plan for the SDGs (including new measures and resources), participation of all relevant stakeholders, Austria to support strong connections between sustainable development and future MFF.

6.3.3 Questions for the Policy Forum

Question for the policy forum: 1-2 questions.

- Should this be a priority for 8 EAP and why?
- What specific aspect is most important to focus on?
- What should Austria do (policies, implementation, and contribution to EU policy processes)?

7 Conclusions and recommendations – priorities for beyond 2020 and what should an 8EAP focus on?

The June policy forum will be exploring the priorities for the 2020s that could become the focus of an eventual 8EAP. It will also debate the form that the 8EAP could take to improve buy in and implementation.

The text below is therefore – at the moment – generic and focuses on questions for the policy debate in the forum.

Following the policy forum, and informed by the debate, we will build an action plan for 2021-2030. This aims to be an input to reflections on an 8EAP.

Looking beyond 2020, the EU and its neighbours will need to accelerate progress in coming decades on climate change mitigation and adaptation, air pollution and other environmental problems in order to achieve the 7th EAP's 2050 vision of 'living well, within the limits of our planet'. Such accelerated efforts will, at the same time, contribute to meeting the many related EU commitments under the 2015 Paris Agreement on climate change and the United Nations' 2030 Agenda for Sustainable Development.

(EEA Environmental Indicator Report, 2017)

7.1 The 7EAPs role to date

As with earlier EAPs, the 7EAP has been an important legal framework to give both direction and certainty to policy making and hence help avoid short term issues and political concerns side-lining identified important needs.

For the 7EAP, in early years, reference to its commitments was useful to help guide priorities, including the European Commission's work plans. While only a few of the priorities were integrated into the 10 priorities of the Juncker Commission (notably climate change mitigation and adaptation), most of the 7EAP priorities received attention, even if in lesser ways than was initially the attention when launched.

The EAPs often face the criticism that they are not visible to the outside world, and where there are commitments and high level political interest, and then there is arguably no need for an EAP as the commitments are noted elsewhere. However, without pre-judging the ongoing 7EAP evaluation, it is clear that having an EAP set by the Commission, Council and Parliament helps to ensure that items are in the Commission work plan that could otherwise have been left for future administrations to address. The fact that this has happened less than it should have during the period of the 7EAP is due to the very low priority given to environment by the current Commission and, in particular, the President.

7.2 Gaps and needs: What are remaining issues?

Thematic Priorities

The evidence above shows that there are remaining gaps in each of the 7EAP objectives – both for the period to the end of the7 EAP (2020) for each of the thematic priorities. As noted in the Mid-term review of the Implementation of the 7th Environment Action Programme launched by the European Parliament's Committee on the Environment, Public Health and Food Safety - The *European Implementation Assessment by the EP found that while the EAP scope remains relevant to current needs and adds value to EU and national policy-making efforts, its objectives are unlikely to be fully met by 2020, despite sporadic progress in some areas*. The EEA's 2017 indicator report similarly underlines that progress in each of the thematic priorities is insufficient to meet the set objectives:

(1) to protect, conserve and enhance the Union's **natural capital**
(2) to turn the Union into a **resource-efficient**, green, and competitive low-carbon **economy**
(3) to **safeguard** the Union's citizens from **environment-related pressures** and risks to health and wellbeing

Enabling Framework

The Enabling Framework, with its four "enabling" priority objectives has made progress, but more remains to be done in each of the areas:

(4) better **implementation** and **enforcement** of legislation
(5) better **information** by improving transparency and the knowledge base
(6) more and wiser **investment** for environment and climate policy
(7) full **integration** of environmental requirements and considerations into other policies

The EP's mid-term assessment of the 7 EAP noted - *Another key finding in this document is that environmental and climate-related concerns are not sufficiently integrated into a number of EU policies.*

Horizontal Priority Objectives

The horizontal priority objectives have also been some significant progress with the two horizontal priority objectives:

(8) to **make** the Union's **cities more sustainable**
(9) to help the Union **address international environmental** and **climate challenges more effectively**.

Though this is also due to concerted efforts by a range of cities and other country governments and international institutions.

There arguably also need to be significantly more progress on the **precautionary principle, the principles of preventive action and of rectification of pollution at source** and **the polluter-pays principle**.

Workshop Question: What are your views on which 7EAP priorities have seen the most / least progress and what challenges remain for beyond 2020?

7.3 Towards an 8EAP to create a new strategic framework

The arguments supporting the 7EAP and earlier EAPs also apply to the 8EAP – that having a high level commitment across the EU institutions for the environment creates an opportunity for a vision and practical framework for initiatives to meet the Commission's treaty objectives.

Having a formal commitment allows all stakeholders to remind the European Commission, other EU institutions and their national administrations of the commitments (as the Council represents all Member States) and hence reduced the risk of backsliding on commitments.

These arguments are still valid today and arguably even more valid given the scale of the challenges and the time we have to address them if we wish to avoid major impacts.

An 8EAP can also elaborate on how the EU will deliver on the environmental dimension of SDG implementation in the EU.

The European Parliament's mid-term evaluation of the 7EAP concluded that: A majority of stakeholders are fully convinced that strategic guidance for policy-making in the field of environment and climate (in the form of an environment action programme) would be a good framework for the post-2020 period.

Furthermore, stakeholders almost unanimously agreed that the 8th EAP should follow the model of its predecessor. However, the endorsement of a new programme by the wider stakeholder community will depend on its content.

Respondents have suggested that "the next EAP should have a simplified framework and should be better communicated at the national level; all stakeholder groups should be more involved with the drafting; it should reflect the new political landscape; and progress towards implementing the new Programme should be monitored very closely" (page 56).

Workshop Question: What are your views on the value of the 7EAP, on the EAP process itself and on the needs for a future EAP?

7.4 What should be the priorities for 2021-30 and the form of the 8EAP?

It is clear that ALL the main priorities noted in the 7EAP have not been fully achieved yet, will not be fully achieved by 2020, and will remain relevant after 2020, and hence potential candidates for a future 8EAP. The question is more one of which should be prioritised at what level, what type of formulation is helpful for the objectives and what measures are needed to help achieve the objectives.

Workshop Question to the Policy Forum:

- Which priorities should be kept?
- Which priorities if any should be dropped, which new, and where should the emphasis be?

What form should the 8EAP take?

> *The 7EAP is like a Christmas tree with something for everyone. They are all needed, but there are so many items that difficult to believe that we can achieve them all.*

The form of the EAPs has changes with each new EAP. There is therefore an opportunity to recommend alternative structures that might help clarity and implementation. This is likely to be an area of considerable debate.

Workshop Question to the Policy Forum:

- Is there a different way of structuring the 8EAP that will help its uptake and implementation?