

**Opinion of the Economic and Social Committee on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee, the Committee of the Regions and the candidate countries in central and eastern Europe on accession strategies for environment: meeting the challenge of enlargement with the candidate countries in central and eastern Europe'**

(1999/C 40/07)

On 28 May 1998 the Commission decided to consult the Economic and Social Committee on the above-mentioned communication.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, approved its opinion on 17 November 1998. The rapporteur was Mr José Ignacio Gafo Fernández.

At its 359th plenary session on 2 and 3 December 1998 (meeting of 2 December), the Economic and Social Committee adopted its opinion by 97 votes to one, with three abstentions.

## 1. Introduction

1.1. The Commission communication seeks to define the main environmental challenges of the Central and Eastern European countries' accession to the EU and to develop a possible strategy for meeting these challenges.

1.2. It identifies two main horizontal challenges — legislative and institutional aspects — and five of a sectoral nature — air, waste, water, industrial pollution control and risk management, and nuclear safety. Lastly, it highlights the considerable investment required for any such changes.

1.2.1. Changes to legislation are hindered by the failure to develop an adequate global strategy involving a systematic and comparative examination of legislation, and by a possible lack of legal experts in the field.

1.2.2. At the same time, applicant countries need to improve and fine-tune their administrative structures so that they may draft and introduce the necessary legislation, and subsequently check that it has been properly enforced. This is further complicated by the need to involve various government ministries and take into account the environmental responsibilities transferred to regional and local authorities.

1.2.3. As regards air pollution and its monitoring, the challenges lie in tackling emissions from large-scale installations and monitoring emissions levels in urban areas.

1.2.4. As regards waste, applicant countries seem to have stepped up their efforts to prepare for accession, but there are still considerable difficulties in areas such as the management and treatment of municipal and industrial waste.

1.2.5. The main challenges in terms of water pollution relate to nitrate pollution caused by the use of agricultural fertilizers. There has, however, been significant progress on improving the quality of drinking water.

1.2.6. Relatively little progress has been achieved in industrial pollution control and implementation of the Seveso Directive. A reason for this is that each of these countries has specific industrial 'hot spot' areas where pollution is extremely dense. It is therefore crucial that these countries introduce the Integrated Pollution Prevention and Control directive.

1.2.7. Legal progress has been made in the field of nuclear safety and radiation protection. There is, however, an urgent need to establish the means, including administrative structures and staffing, to guarantee and oversee implementation.

1.3. The Commission communication suggests tackling these challenges by introducing the following four specific measures:

- identifying priority areas;
- setting objectives to be reached by the dates of accession;
- establishing timetables for full compliance;
- ensuring that all new investment complies with the Community *acquis*.

1.4. Priority areas should be identified on the basis of a country-specific examination of legislative requirements and of the administrative capacity to fulfil these. In 1997, the Commission carried out a preliminary screening of national legislation and its degree of approximation to the Community *acquis*. This will be completed by a case-by-case assessment of the economic

implications of implementing Community legislation and by increasing the consideration given to the environmental dimension in any policies developed by the applicant countries in the future.

1.5. Similarly, the Commission recommends, for the purposes of economic efficiency, that current Community legislation be applied to all new investment in these countries. Lastly, it also recommends the establishment of national nuclear regulatory bodies which are both independent and have been approved as technically sound.

1.6. All such measures should result in the establishment of a National Programme for compliance with the Community *acquis* on the environment. The programme needs to clearly define priority measures and deadlines for compliance.

1.7. Community assistance has hitherto been released through the following channels<sup>(1)</sup>:

- the Phare programme, and in particular the Large Scale Infrastructure Investment Facility (LSIF);
- participation of these countries in Community programmes such as LIFE, Altener, SAVE, the Vth RTD Framework Programme, or pre-accession financial assistance;
- EIB and EBRD loans.

1.8. The future aim is to enhance these instruments using methods such as LSIF for 1998 and 1999, ISPA, other Community initiatives such as Interreg, and boosting participation in the sustainable development programme of the Vth RTD Framework Programme.

1.9. The aim is also to reinforce the administrative capacity to prepare and implement legislation by introducing TAIEX and IMPEL (Network for the Implementation and Enforcement of Environmental Law) measures, and by stepping up cooperation with the European Environment Agency.

## 2. General comments

2.1. The ESC approves the country-specific approach for compliance with the Community *acquis* as proposed by the European Commission. It is based on excellent analytical work and meticulous preparation by the Commission.

2.2. Such separate pre-accession strategies should make it possible to define the priorities for each country in line with its particular situation, thus ensuring that resources — especially financial — and technical preparation are adequate.

2.3. Important elements in these national pre-accession environmental strategies are:

- transposition, within a suitable time-frame, of the Community *acquis* into national legislation, with greater urgency where the *acquis* needs to be brought into force (see point 2.6 with regard to the transitional periods);
- training of officials at national but also at regional and local level in their specific duties, so as to ensure that the rules are implemented and applied correctly;
- establishing — in many cases as a matter of priority in view of the urgent need to allocate Community financial assistance — systems for measuring and recording environmental pollution data, both emission and immission levels;
- creation and integration of these measuring systems into a national network so that the data can be forwarded uniformly to the European Commission in Brussels and the European Environment Agency, thus enabling compliance with obligations to be checked;
- awareness-raising campaigns directed at industry, local authorities, farmers and in general at those who will have to implement the measures, agreements and time-limits for compliance;
- training plans specifically for engineers and workers in the various sectors of the economy, including local authorities, on the implications of Community environmental policy and its efficient management within the enterprise or institution for which they work;
- gearing of direct Community aid and EIB and EBRD loans to compliance with the priorities established and with the environmental rules for new industrial and infrastructure investment (as set out in point 2.8).

2.4. The ESC is aware that the Community *acquis* is not fixed and immutable in time but is, on the contrary, continually progressing both in the fields it covers and in the level of requirements established by directives and regulations. An example of this is ILO Convention 174 on the prevention of major accidents, which is awaiting ratification by a significant proportion of Member States

<sup>(1)</sup> See especially the ESC opinion on the Council Regulation establishing an Instrument for Structural Policies for Pre-accession (ISPA), OJ C 407, 28.12.1998.

and which could undoubtedly, in keeping with the Committee's support for this type of convention<sup>(1)</sup>, become part of the Community acquis by the accession date.

2.5. The ESC considers that these individual pre-accession strategies for the candidate countries should as far as possible seek to comprise some criteria common to all of them as regards, for instance, the transitional periods for full application of the Community acquis, this being the only way to avoid distortions of competition between the applicant countries themselves.

2.6. The ESC therefore considers it necessary that the accession negotiations establish transitional periods for the applicant countries based on the following factors:

- the transitional periods will have to be as short as is technically and economically possible while allowing the applicant countries to adjust smoothly to the Community acquis;
- the transitional periods should if possible be the same for all the applicant countries except where there are overriding reasons justifying special treatment;
- the transitional periods will therefore have to be the same for all the countries for each directive and specific regulation and will have to be consistent within each sector (e.g. air pollution, waste, etc.), so as to avoid an unwanted temporary migration of the pollution from one sector to another;
- the transitional periods could be somewhat longer in those cases where free competition in the single market is not directly affected, as in the case of urban waste treatment plants; on the other hand, transitional periods should be allowed only in exceptional cases and should be minimal where competition is affected, be it between Community enterprises or between national enterprises in the applicant countries.

2.7. The applicant countries are already informed regularly of the Commission's proposals and the negotiations in the Council for the introduction of new environmental legislation; they should forward this information immediately to their enterprises, local and regional organizations and general public, so that they can take suitable preparatory measures.

<sup>(1)</sup> OJ C 102, 24.4.1995.

2.8. In the interests of greater efficiency, the ESC considers that new productive investment in the applicant countries, be it for the renewal of obsolete industrial plant, expansion or for new plant, should comply with the existing environmental acquis even if this is not yet mandatory in those countries. This should take the form of a non-binding recommendation, but could be made mandatory for investment financed totally or in part by the Community or, indirectly, by not applying any transitional period to investment in modernization, expansion or new plant undertaken after a certain date.

2.9. The ESC considers that this application of the environmental acquis can also be a source of wealth and job creation in the candidate countries, provided that local industry can be mobilized and used wherever possible to produce and install the necessary plant. For this reason the ESC calls on the European Commission to carry out a specific study taking stock, for each applicant country, of their technological facilities, plant manufacturing capacity and the level of training of the engineers and workers who are to carry out these tasks. On the basis of this study and as part of the pre-accession strategy, regional-level projects could be financed (covering the manufacture of plant in each of the applicant countries for the other applicant countries and even the EU itself), which are able to offset the cost of adopting the environmental acquis for these countries.

2.10. The Committee also takes the view that in certain circumstances, environmental protection schemes in these countries may prove a valuable source of information for the EU itself and for the remaining applicant countries. It asks the Commission to identify such schemes.

2.11. Finally, the ESC would point out the need to reinforce regional preparatory measures between the applicant countries in areas such as river network management, control of transborder air pollution, risk management in industrial concentrations near to borders, training and awareness-raising plans for entrepreneurs, workers and the general public.

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*The President*  
*of the Economic and Social Committee*  
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