

## **Environmental Audit Committee**

### **An assessment of EU-UK environmental policies**

#### **Background to CIWEM**

1. CIWEM is the leading independent Chartered professional body for water and environmental professionals, promoting excellence within the sector. The Institution provides independent comment on a wide range of issues related to water and environmental management, environmental resilience and sustainable development.
2. CIWEM welcomes the opportunity to respond to the Environmental Audit Committee on an assessment of EU-UK environmental policies. We consider that the EU has been at the forefront of environmental policy and has demonstrated success in a number of areas, helping to tackle long term and transboundary environmental issues. Failures are often caused by poor implementation and lack of robust and consistent monitoring. Effective implementation, and in some cases direct transposition, may lead to improvements in the future.

#### **Response to consultation questions**

Objective 1: To understand the objectives of EU environmental policies, and the extent to which they have helped to address the most important environmental issues to the UK.

a) What advantages and/or disadvantages does environmental policy making at the EU level offer for the UK?

3. EU law has accelerated action on environmental protection, through for example the Birds and Habitats Directives, which protects designated areas from development and the Urban Waste Water Treatment Directive which has limited the discharge of raw sewage into rivers or the sea. Movement towards compliance with the Water Framework Directive has had visible benefits to the environment and we now have cleaner rivers with more diverse ecology. Waste management is also largely led by the EU with targets for recycling and reducing waste to landfill and the forthcoming circular economy package. Without EU environmental policies it is likely that UK legislation would become weaker over the long term as EU policies are able to override political short termism.
4. Environmental issues are often 'transboundary' in nature, and especially in mainland Europe, environmental effects cannot be confined to one country. An important issue for the UK is transboundary air pollution. The National Emission Ceilings (NEC) Directive is a critical instrument to reduce air pollution as it limits 'exports' and 'imports' of air pollution between different EU countries. By doing so, it helps improve ambient air quality locally and improve people's health and quality of life. It is now known that not only does nitrogen

(and ozone) cause harm to human health but also that it has devastating effects on biodiversity even at low levels of deposition.

5. The EU has had a good track record on promoting climate change adaptation and mitigation activities. It has also encouraged better cooperation with neighbouring countries to the EU. In addition there are Strategic Steering Groups such as that for Water and Climate which coordinate thinking on incorporating climate change into River Basin Management Planning, sharing best practice and producing guidance documentation to support River Basin Management Planning implementation.
6. Having an EU wide level of consistency in regulation helps to maintain a continuous and fair approach to dealing with environmental issues. It also allows Member States to play a part in reaching a wider geographical or strategic objective (helping ones neighbours or benefitting from their efforts). Such policies also allow for benchmarking, providing better transparency and distribution of costs. It can also create a level playing field to avoid distortions in industrial competitiveness. Policy making at this level also provides greater impact on a global scale and leverages each Member State's contribution to global goals.
7. There have been some disadvantages from the unintended consequences of legislation which the UK is tied to. For example the transport biofuels policy did not fully consider the environmental and social impacts in terms of biodiversity loss, fertiliser requirements and the loss of farmland for food production. The fruit and vegetable specifications set out in EU guidelines have created an excess of wasted food and its associated water and fertiliser.

b) Has the right balance between the objective of setting a flexible common EU framework for tackling cross-border environmental problems, and allowing for distinct national approaches to be taken into account been achieved?

8. The EU sets out the framework for environmental legislation and each Member State implements the articles under its own legislative framework using subsidiarity as appropriate. Subsidiarity has worked in many instances, however sometimes it has added complexity. Where MEPs are in full agreement, more direct transposition (i.e. as regulation) may often work better.
9. Flexibility in transposition, should in effect, only be necessary where there are unique circumstances. For example very large cities such as Paris and London were unable to meet Urban Waste Water Treatment Directive deadlines for storm water discharges. A more federal approach in these circumstances may be more appropriate.

c) How successful has the implementation of EU environmental policy and the role of the EU as an international negotiator on environmental issues been for the UK? In areas where this has fallen short, where could improvements be made?

10. As a larger body than individual nations, with the influence to deliver action, the EU can negotiate more effectively and efficiently internationally. The leveraging effect has certainly increased the impact of the UK. Inconclusive international negotiations are far too common. The EU can use its ability at making policy, negotiating, researching and

drawing together actors to become a leader in global negotiations. Yet at the same time, the EU needs to streamline its processes for arriving at negotiating positions and ratifying agreements made.

Objective 2: To understand the implications of EU environmental policies on UK environmental protection.

a) Have EU environmental policies taken into account the specific character of environmental issues in the UK?

11. There is generally enough scope in subsidiarity to take account of specific regulatory issues, as the high level EU environmental policies are broad enough. There is occasionally a conflict between some aspects of EU environmental policy, for example between Habitats Directive and Water Framework Directive targets. Although there is a clear link made in the legislation for the Water Framework Directive to take account of the Protected Area targets for Special Areas of Conservation and Special Protection Areas (SPA), in practice conflicts between the two can happen. Two specific examples of this in the UK: SPA grassland habitat has developed based on river deposits of historic metal-mining related sediments with niche species adapted to it. The Habitats Directive would require the conservation of this habitat, while the Water Framework Directive would require removal of the potential source of contaminated sediment. Other conflicts exist where artificial structures (e.g. weirs) have created SPA wetland. Removing the weir helps meet Water Framework Directive targets to re-naturalise the system, but the drop in the water level could potentially impact the SPA. It is not clear which takes precedent.

b) How effective have EU environmental policies been in addressing environmental issues in the UK? What work still needs to be done?

12. There have been numerous examples of environmental improvement, especially in the river and coastal water improvement<sup>1</sup> through the Water Framework Directive and progress has been made on sustainability, however much more can be done. The greatest challenges, may include adapting to climate change and putting in place the frameworks to move from a linear to a more resource efficient, circular economy.
13. The Water Framework Directive in particular has been a key stimulus for improvements to river catchments at both a site specific level and more widely in terms of catchment management. There are clear benefits beginning to be documented from the work undertaken to improve rivers under the first cycle of River Basin Management Plans in terms of physical modification, water quality and particularly removing impoundments and barriers to fish passage. It may take time to quantify the wider benefits of this work.
14. EU Environmental Directives are often inter-twined with wider international treaties including the Ramsar Convention (169 countries) and the Bern Convention. This blurs the

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1. Metcalfe et al. 2012. An assessment of the nonmarket benefits of the Water Framework Directive for households in England and Wales. <http://onlinelibrary.wiley.com/doi/10.1029/2010WR009592/full>

distinction between national, European and international perspectives. The Environment Agency has been able to use Grant in Aid to create compensatory habitat under the Conservation of Habitats and Species Regulations 2010, (which transpose the Habitats Directive into UK law) as part of flood defence schemes, which would have been unlikely had the EU Habitats Directive not existed.

15. The recent Volkswagen scandal also emphasises the need to continuously monitor and seek to improve in areas where progress has already been made. Air quality and more generally 'quality of life', will become increasingly important as the quantification of the health impacts become known.

c) What impact has EU environmental policy had on the UK's businesses which are affected by the policies?

16. Whilst regulation can be seen as a burden, good regulations, well implemented, can have a substantially positive net impact. Many businesses have benefitted as a direct result of being more sustainable or have benefitted as a result of environmental improvements. For example contractors that have carried out work on the infrastructure improvements (e.g. building new sewerage treatment works). UK Water Companies have invested over £100 billion since privatisation in 1989, some of this to meet EU Directives considerably adding to the economy in general. In many instances the cost has been passed on to customers, at a regulated price, and they have been willing to pay for environmental improvements (as water company and other surveys indicate). Secondly there will be those that have benefitted from the environmental improvements (for example, coastal tourism accounts for £8.9bn in expenditure in UK seaside economies, generating 180,000 full time jobs; and the shellfish industry<sup>2</sup>).
17. Regulations to divert waste from landfill and push it up the waste and resource hierarchy, have created innovation and growth for many years now in the industry sector.
18. EU legislation strikes a balance protecting the environment and the wider UK economic interest but in many ways it does not go far enough. The UK's economic interest is affected by poor implementation of environmental legislation across the EU and if the focus was more on effective implementation of all the existing environmental legislation this would be a major benefit for all of Europe.

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2. Campos et al. 2013. Trends in the levels of Escherichia coli in commercially harvested bivalve shellfish from England and Wales, 1999–2008. <http://www.sciencedirect.com/science/article/pii/S0025326X12005681>