



EC-NGO Dialogue Group

Summary of the Second Meeting



THE REGIONAL ENVIRONMENTAL CENTER
for Central and Eastern Europe

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Szentendre, Hungary
JUNE 17-19, 2000

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for Central and Eastern Europe

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THE REGIONAL ENVIRONMENTAL CENTER
for Central and Eastern Europe



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Introduction

The expansion of the European Union to include the countries of Central and Eastern Europe (CEE) has become a defining period in European politics. The issues surrounding expansion are numerous and complex, and within these issues is included the debate over the environmental implications of accession. This process has resulted in the governments and parliaments of the accession countries creating institutions and mechanisms to facilitate the integration process.

It has been recognised by the European Commission (in particular EC Directorate General for Environment, Nuclear Safety and Civil Protection (DG-ENV)) that NGOs and the public have had a lack of opportunities to become involved in this debate. Indeed, surveys indicate that citizens and NGOs are definitely not well, or sufficiently, informed on EU matters. As a result, awareness about the environmental implications of EU policy is fairly low.

To address — in part — this lack of information DG-ENV teamed up with the Regional Environmental Center for Central and Eastern Europe (REC) to build a dialogue between key EU institutions and NGOs from the accession countries.

The dialogue project — consisting of four meetings over two years between DG-ENV and NGOs — will allow discussions and debates on current EU accession processes in the environmental field. It was designed to inform NGOs about ongoing enlargement and environmental issues; to improve transparency and relations with candidate countries, NGOs; and to explore ways with the NGOs whereby they can play an active and constructive role in the enlargement process. This will hopefully enable the NGOs to be better equipped to take an active role in the discussion on EU environmental policy and the accession process. Provision of up-to-date information from EC officials has been a major facet of the project.

NGOs for the dialogue were selected on the basis of an application procedure. The target was to involve those NGOs already working on accession issues and allow a fair geographical representation. NGOs from all 13 Accession countries (Bulgaria, Cyprus, Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovakia, Slovenia and Turkey) were invited to take part in the first round of discussions. Additional NGOs were selected from the South East European countries, which are not yet candidate countries but are heading in that direction.

The first of the four dialogue meetings took place in Brussels from October 20-23, 1999. It focussed largely on different pre-accession funding instruments. The second meeting, which is summarised by this REC publication, took place in June 2000 in Szentendre, Hungary. The meeting ran alongside the 10th Anniversary of the REC and a CEE Ministerial Consultation on key environmental issues. This gave the participating NGO dialogue group a unique opportunity to air their opinions directly to decision makers. The Environment Commissioner Margot Wallström participated in both meetings.

The dialogue between DG-ENV and NGOs is facilitated by REC's NGO Support Program. It represents part of REC's goal to promote NGOs and government working together. The dialogue has given NGOs the opportunity to meet directly the officials working on enlargement issues and gather the most recent information and briefings on the process. It has also enabled like-minded NGOs to network and develop common activities.

Robert Atkinson

Head of Programs
NGO Support and Capacity Building

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Summary of the Sessions

Summary of the Sessions

NGO Preparatory Meeting Saturday, June 17

First Session: 14:00-15:30 How to present NGO views

Alexander Juras (Deputy Executive Director, REC) made a welcome address to the NGOs present. He outlined the plans for the weekend and the possibilities for the dialogue group to input to other events being held at the REC at the same time. He explained that the idea for this afternoon session was to enable the NGOs to prepare themselves for discussions with the Commission officials, to be briefed on the agenda and other events and to enable them to decide how to prepare their message to the CEE environment ministers, the EC Commissioner and the media.

Robert Atkinson (Head of NGO Support Program, REC) gave an explanation of the agenda for the three days of this second dialogue meeting, practical arrangements and the other parallel meetings.

He reminded the Dialogue Group NGOs that the three main purposes of the dialogue were:

- to share information on the enlargement process;
- to share information on general environmental programs;
- to provide an opportunity for the Commission to hear from NGOs.

Atkinson suggested that the outputs for the meeting could be the following:

- NGOs will be informed on what is really going on in the accession process;
- NGOs will give their views to EC Commissioner for Environment Margot Wallström and Commission staff;
- NGOs will give input into the CEE Ministerial Consultation;
- NGOs will have a press conference opportunity;
- NGOs will give suggestions for the next dialogue meeting.

Alexander Juras then began the work of the preparatory meeting. He stated that, in his view, the two sessions on Saturday should be used to share views and prepare a common position for certain inputs:

NGOs should come to a common consensus and present a unified position.

.....
 recommendation from
 NGO Dialogue Group

- The first part of the discussion is to prepare the presentation to the Commissioner. Emphasis should be on making best use of the one hour with the Commissioner. The main elements and structure of the presentation should also be discussed. He said the best way to structure the hour with the Commissioner is as follows:
 1. Introduction by the Commissioner.
 2. Questions/Comments.
 3. 10 minute presentation by the NGOs.
 4. 20 minutes for a response from the Commissioner.
- The CEE Ministerial Consultation will serve as a second opportunity for NGOs to make their views known.

Silke Will (DG-Environment, European Commission) made the point that the Commissioner would like to inform the NGOs about the following issues:

- integration of environmental policy in the sectoral policies;
- funding for environmental projects;
- enlargement.

The best way to integrate other issues is to prepare a statement to present to the Commissioner and then get her opinion.

The chair opened the floor for comments and suggestions on the structure of the meeting with the Commissioner and the way to prepare the NGO opinions.

The main comments from the **Dialogue Group** are listed below:

- NGOs should come to a common consensus and present a unified position.
- NGOs may help speed up the accession process by formulating a position.
- Emphasis should be on accession without a distinction between CEE countries.
- There should be consensus on two or three hot subjects to present to the Commissioner.
- A brainstorming meeting earlier in the morning produced a plan for separating the presentation to the Commissioner into five parts:
 1. Introduction. How accession is viewed nationally and internationally.
 2. Expectations from the EU. NGO involvement in different areas.
 3. Expectations from governments.
 4. Introduce suggestions on key areas.
 5. Discuss NGO contributions to the process.
- In order to be effective, questions presented to the Commissioner ought to be specific and targeted rather than general.

- Most critical issues for both EU member states and accession countries:
 1. Risk of environmental protection during accession process.
 2. Social/economic issues.
 3. Important criteria for accession by EU.
 4. Political concessions will be made, where?
 5. Expectations from EU side.
 6. Will accession strengthen or soften the position for environment?
 7. Transition periods.
- There is an opportunity for more comprehensive communication during the press conference and the ministerial meeting.
- We need an inventory of each communication opportunity. Communications can then be tailored to each audience.
- It makes sense to first come up with a large number of issues and then prioritise them, depending on the target audience.
- There is also an opportunity to produce a longer paper in order to treat more subjects in more depth. The presentation should be a summary of the most important issues.
- As the Commissioner is travelling from State to State, she should be meeting with not only environmental officials but also with ministers of economy and prime ministers. Sustainable development includes the economy as well as the environment. This would also be an opportunity for NGOs to make suggestions for political concessions.

Following the discussion **Alexander Juras** summarised the points made:

- Clarification of the status of Turkey, Malta and Cyprus.
- There should be two or three specific/main topics to present to the Commissioner.
- There will be other opportunities to communicate with the Commission at other meetings and by producing a longer paper.
- The presentation to the Commissioner should be divided into five parts.

The next issue discussed was how to prepare the statement. Involving the entire group in this task was considered impractical. Therefore, it was decided to have a working group draft a statement to the Commissioner and present the statement to the whole group. Additionally, a decision was made to have a press conference for the NGOs. Following this, members of the working group were decided upon.

COFFEE BREAK

As the Commissioner is travelling from State to State, she should be meeting with not only environmental officials but also with ministers of economy and prime ministers.

recommendation from
Dialogue Group

BOX 1

CEE Ministerial Consultation Agenda

EU enlargement- EU policy in an enlarged Europe

Discussion objectives:

- Cooperation for the South Eastern Europe Reconstruction Program
- Danube River Basin
 - a) Creation of an ecology network
 - b) Tisza River contamination
- Possible inputs regarding the Kiev Ministerial conference 2002
 - a) Working groups to begin initial discussion on what issues ministers think are useful or necessary

Priority issues regarding EU enlargement

- Transport and Environment
- Protection of biology and landscape in South Eastern Europe
- Climate Change and enlargement
- Financing mechanisms for investments into South Eastern Europe

Five priorities of the Regional Environmental Reconstruction Programme for South East Europe:

- To institute strong policy development

Second Session: 16:00-18:30

Input to the CEE Ministerial Consultation

Alexander Juras introduced **Jernej Stritih** (Executive Director, REC) who presented an overview of the topics for the CEE Ministerial Consultation to be held on Monday, June 19. (See Box 1.)

Jernej Stritih went on to say that — owing to space — only five-to-ten NGO participants will be allowed inside the room at the Ministerial Meeting, and that short interventions will be allowed for three-to-five minutes. He felt that the main issues should focus on:

- Transportation;
- Biodiversity and Landscape;
- South Eastern Europe;
- Kiev 2002;
- and, possibly, the Danube River Basin.

The floor was opened for a brainstorming of the dialogue group. The comments were recorded for use by the NGOs formulating the NGO Statement:

- We need to create more financial mechanisms in getting money for South Eastern Europe. Will funding from the EU only go to transport and motorways?

- Development of an environmental civil society including NGO participation as a necessary precondition for the improvement of the environment
- Rehabilitation of environmental damage from the conflict, along with the UNEP task force
- Foster regional cooperation and cross-border cooperation
- Dedicate resources for local priorities in each country

Danube River Basin:

- Create an ecological network in the Danube River Basin
- Follow up on the Baia Mare accident

- Potential cooperation between Hungary, Ukraine, and Romania in cleaning up and future prevention of accidents within the basin

Kiev 2002 Meeting:

- Full one-day agenda for the ministers
- UNECE presentations
- Discussion on transport, health, and environment- the objective is to have the ministers adopt a convention on these issues in Kiev

- We feel that a strong civil society is essential to any funding given, and the REC's plan for South Eastern Europe includes public participation as one of its primary goals for the region's eventual reconstruction.
- Why should we discuss only the Danube Basin, why not generalise in Kiev for all river basins?
- Biodiversity and landscape are usually connected to the Agricultural Ministry, which generally has more power in the government in comparison to the Environmental Ministry.
- Cyprus NGOs oppose long transitional periods and would like to eliminate transition periods seen by some as necessary to comply with environmental regulations in the accession process.
- The working group should focus on generating networking, not only the Danube but also on many impacts on the environment and enlargement. There should be an EU scale approach taken at Kiev on global issues including climate change and biodiversity.
- Malta would like to see a phase-out of transition periods, rather than their elimination.



JERNEJ STRITIH, REC
Executive Director, outlines
the Ministerial Consultation.

Under accession, the integration of environmental regulation, such as biodiversity, should be addressed.

recommendation from
NGO Dialogue Group

Debate then concentrated on two areas for NGO expectations:

- Expectations from the EC:
 1. Under accession, the integration of environmental regulation, such as biodiversity, should be addressed.
 2. One of the expectations from the EC should be specific programmes for financial mechanisms required to fund transition costs. This should include the participation from NGOs in candidate countries.
 3. It is important to link all of the countries' NGOs, whether they are from a transition country or not.
- Expectations From National Governments:
 1. The development of a national sustainable development strategy encouraging public involvement.
 2. Public participation should be a formalised process. The governments ought to make clear rules governing the scope of public participation.
 3. National governments should cooperate regarding issues like biodiversity.
 4. Accession governments should have a clear and realistic enforcement mechanism for their ultimate compliance.
 5. Governments should keep the public fully informed within the process of public participation rather than forcing the public to learn about its own rights.
 6. The public should demand integration within governmental policies of the EU. This would ensure that EU environmental concerns are built within accession and would be beneficial for national development, the environment and sustainable development.
 7. It may be necessary to address the differences and common areas of concern in separate ministries, for example the ministry of agriculture and ministry of environment.

Summary of the Sessions

EC-NGO Dialogue Meeting

Sunday, June 18

First Session: 09:00-11:15

State of play in accession and negotiations, including screening of the new acquis

Timo Mäkelä (Head of Unit, DG Environment) made an official welcome to the meeting. He especially noted the involvement in the Dialogue Group of Turkish NGOs.

Krzysztof Kamieniecki (ISD, Poland) co-chaired the session together with Timo Mäkelä. He began by outlining the ideas of the morning session and emphasised some points early on, such as: What can be done with the dialogue? How much space is there for NGOs in the accession process? Kamieniecki noted that NGOs should be an important part of the negotiating process, with national governments looking to the NGOs as an example to improve communication with their people. He gave the floor to Mäkelä to present an overview of the “state of play” in the negotiations process from the Commission’s perspective. (See Box 2.)



KRZYSZTOF KAMIENIECKI, ISD, Poland (centre) acts as co-chair for the first session.

BOX 2

Overview of EC view of the negotiations

Negotiation process with the Luxembourg group countries (Czech Republic, Estonia, Hungary, Poland, Slovenia and Cyprus):

- December 1999 — EU established a negotiating position on environment, the so-called EU's Common Position based on the candidate countries' position papers for the Luxembourg group countries.
- EU's Key positions:
 - a. No compromise in terms of the acquis.
 - b. Legal work (transposition) needs to be completed by the date of accession.
 - c. All legislation needs to be in practice (implementation); exceptions are only possible for legislation for which transitional periods have been agreed.
 - d. Priority areas:
 - i. Horizontal legislation.
 - ii. Protection of nature, especially the Birds and Habitat directive of the EU.
 - iii. Industry and internal markets related legislation.
 - e. All new investments need to comply with the acquis during the pre-accession period.
 - f. Precious plans and programmes with measurable milestones backed up by financial and institutional development plans.
 - g. Transitional periods need to be limited in time and scope.
 - h. Additional information and technical consultations have been requested for different areas of legislation depending on the country.
- Technical consultations were compiled in May.
 - a. Based on the technical consultations and additional information provided by the countries, the EC drafts new position papers (clean papers) as the basis for negotiation. Two or three countries should be done by mid-July, others to follow. For those countries that are not ready yet, position papers will be drafted at a later stage (possibility for differentiation).
 - b. Submission of revised Draft Common Position to the Council in July.
 - c. A global paper on how to complete the negotiations will be debated in Nice under the French Presidency in order to get the mandate to complete the negotiations from the Member States.
 - d. It might be possible to conclude negotiations on the environment for a few countries during the first half of 2001.

Negotiation process with the Helsinki group countries (Bulgaria, Latvia, Lithuania, Romania, Slovak Republic and Malta):

- The screening was finalised by the end of last year.
- The screening reports will be submitted to the Member States soon. The delay is due to the fact that it has been decided to include the new acquis into the report. A similar process will now follow as with the Luxembourg group of countries. First, the countries will submit their negotiating position to the Commission. Then the Commission will draft its Common Position paper based on the countries position papers. The Commission has determined that one or two countries might be ready for opening negotiations.

Turkey:

- i. First official meeting took place a few weeks ago.
- ii. The same negotiation process will follow in a similar way.

Other ongoing issues besides the negotiations:

- Membership in the European Environmental Agency (first agency for pre-accession countries to join), negotiations were opened in Spring.
- Participation in Life Programme – Romania has benefited from the programme since 1999. The programme is for EU assistance. Five additional countries have joined.
- Next round of Regular Reports: The assessment in the Regular Reports will help the Member States to draw conclusions on how to move forward within the negotiations. Four new features will be introduced into this year's report:
 - a. Score boards.
 - b. Administrative capacity.
 - c. Special chapter on implementation of national programme for the adoption of the acquis.
 - d. Progress on integration of environment into sectoral policies.

Review of the Accession Partnership Priorities by the Commission in October.



Following Mäkelä's presentation the floor was opened for questions and discussion. **Engin Ural** (Turkey) explained that his NGO performed a detailed survey in 1989 comparing the laws between the EC and Turkey. They were the first NGO to perform such a survey in the country. He asked if there is direct support from the EU for NGOs.

Nergis Yazgan (Turkey) stated that in Turkey NGOs have continuously been in front of the government in biodiversity conservation and that they are the ones currently laying the ground for accession in the future.

Tibor Farago (Hungary) felt that the transition period is an important topic and he wanted to know: Are the new "clean" position papers an indication of firm positions or is there room for negotiation? Additionally, what is the duty of the Commission with regard to the papers, and what is the future of the final papers and timetable for negotiations?

Vida Wagner (Slovenia) pointed out that there is good and bad news in the current state of play. The good news is that integration has become part of the annual report. (Though she asked how — technically — this is done.) The bad news is that there are checks on the process. She said there is a higher need for public participation, stakeholder involvement and transparency. Additionally she pointed out that the common position papers are confidential documents that cannot be cited to NGOs.

Andras Krolopp (Hungary) said that discussion concerning transition periods should be opened to the NGOs. He noted that there are also issues that are not related to the envi-

ENGIN URAL, Turkey (left) and **ANDRAS KROLOPP**, Hungary (right) during the dialogue.

The Commission has taken the view that it is up to the candidate countries to discuss the information provided in the position papers.

.....
Timo Mäkelä's response to NGOs' questions

ronment, but can have serious impacts on the environment. He asked what sectors are doing and how is legislation being harmonised. He said there is strong resistance from national governments (particularly in the banking field) and that better implementation is needed (often existing laws are not implemented). He asked whether it would be helpful for NGOs to list problem areas.

Timo Mäkelä responded to these points and questions:

- A list of problem areas would be helpful if it would indicate that things are not as they are represented by national governments.
- In response to the Turkish NGO research, he was interested in having the comparative law report compiled by them.
- In terms of EU support for NGOs, there are assistance programs from the EU available to Turkey, Malta and Cyprus. However, the support options for those three countries are more fragmented than for CEE countries, although Turkey is eligible for the Life Programme.
- In preparing the position papers, there is a formal debate on transition periods. In practice a real negotiation/discussion can begin. There is a systematic approach by the Commission with regard to the position papers. The Commission was asked to establish an objective approach. This includes indicators of how quickly countries are moving. This will be implemented using a scoreboard technique.
- There is the same hope with regard to administrative capacity in applicant countries. A five-page questionnaire will be used to determine if the competent authority has been defined across environmental legislation.
- With regard to integration questions, he mentioned that they are looking to the future and making a link to the *acquis*. Additionally, there are binding environmental requirements, such as the full implementation of EIA directive. Also, there will be a reassessment of TINA, including a strategic environmental assessment as a part of the programme.
- On transparency he said: With regard to the common position papers — confidential papers always attract more attention. The Commission has taken the view that it is up to the candidate countries to discuss the information provided in the position papers. The Commission does not want to violate the sovereign decision-making authority of national governments. Our suggestion would be to put pressure on national governments to release this information. He reminded the Dialogue Group that the Commission is not running the negotiations, member states are.

Preparations of National Governments for Accession

As a part of the dialogue agenda the views and opinions of national governments was to be considered. A number of environment ministry officials were invited.

Louise Lakos (Deputy Head of Department) from the Ministry of Environment, Hungary gave a presentation on the Hungarian Ministry's situation. (See Box 3, page 22.)

After the presentation the following points were made.

Timo Mäkelä noted that the EC understands the pressures on national governments to do more and do it more quickly.

Tibor Farago addressed four points:

- General points are more interesting for the meeting rather than specific points about Hungary. Good preparation for accession will come naturally if the overall environmental programme is strong. However, this is not the isolated task of the environmental minister. It should be the overall approach taken by government. That includes making assessments, hearing the opinions of civil society and raising awareness. All of these steps will ease negotiations. Environmental programs should be implemented for their own benefit rather than just implementing them to comply with the acquis.
- Administrative capacities: Limited capacity is simply a reflection of the larger problem, environment is not being pursued as a policy of national governments.
- Transition periods: It's better not to have any at all. National governments should strive to have a good environment, independent of the EU.
- Transparency: Various stakeholders and the public need to be involved.

Vida Wagner, Umanoterra, Slovenia gave a presentation from the NGO viewpoint on the way negotiations are being handled. (See Box 4, page 23.)

Timo Mäkelä commented on the two presentations. He noted the progress in Hungarian legal work and that the environmental impact assessment directive is rushed, though the clean position papers will be used as a basis for the negotiations. He stated that EUR 170 million is available for increasing public participation. Though this will be implemented in a tailored and decentralised way by the EU Delegations.

Commenting on Vida Wagner's presentation, Mäkelä felt that despite the haste and frustration, a lot of work has been done to improve the environment — no matter how incomplete. He said that sustainable development is based on three pillars — economic growth, social development and environment. He noted that there is a clear imbalance between local government and industry and he felt that the use of the EUR 170 million would help to balance this. Regarding her view that there is a great deal of downward harmonisation, he said that national decision makers are responsible for doing their job properly. Countries can also impose higher standards unless those standards affect internal markets.

Krzysztof Kemieniecki, the session chair, said so far we have focused on NGOs, the Commission and government, but the Parliament's role has been forgotten. In his view, Parliament is important for producing quality legislation in order to implement a new vision of enlargement.



TIMO MÄKELÄ, Head of Unit, DG Environment (right) and **SILKE WILL**, DG-Environment, European Commission (left) at the dialogue.

BOX 3

Main points presented by Louise Lakos

- Lakos started by recalling some basic elements:
 - a. Hungary's harmonisation strategy — completion of law harmonisation is expected by 2001.
 - b. Efforts to complete implementation — Special regard is being given to the following areas:
 - i. internal markets;
 - ii. transboundary pollution;
 - iii. facilities.
 - c. Requests for transitional periods were only made for nine areas having high post impact and high burdens.
- Hungary's Position paper:
 - a. Its is a short paper, not descriptive.
 - b. It is focused mainly on transition period areas.
 - c. The paper was written with the knowledge that the EU will request additional support information.
 - d. Environmental policy included detailed implementation plans, financing and deadlines.
- Examples from present EU member states would be useful to accession countries. Particularly as it is difficult to plan for 10 — 15 years in the future.
- Problematic areas have been:
 - a. developing capacity and increasing staff;
 - b. financial resources;
 - c. finding trained people.
- The Ministry of Environment is required to follow strict guidelines, hopefully more transparency will be introduced into the process.
- Lakos recalled achievements since the last regular report:
 - a. There's been a speed up in law harmonisation.
 - b. Several Acts have been passed through Parliament. Specifically, Acts relating to catastrophes, chemical safety and waste management.
 - c. Three Government Decrees on the protection of animal species, groundwater, and environmental impact assessment legislation were amended.
 - d. Five Ministerial Decrees were issued, including one on noise emissions limitations for aircraft.
- 42 pieces of community legislation have been passed.
- Drafts of domestic rules are in progress, including a comprehensive decree on air quality control and measurements.
- There are plans to produce a government decree on surface waters by the end of 2000.
- Environmental Impact Assessment should be finished by the end of this year.
- There are plans to speed up IPPC legislation.
- Hungary is preparing to apply to the LIFE program next year.
- There are plans to join the European Environmental Agency next year..
- Law harmonisation main issues:
 - a. tedious and long term task;
 - b. the large scale of the *acquis*;
 - c. it is difficult to come up with new legislation;
 - d. hopes that the ministry will be more proactive to NGOs in the future. We invite NGOs to come to the ministry with criticisms before going to Brussels.
- The current state of the negotiations is that the Environment Ministry is preparing supplemental information.



LOUISE LAKOS, Deputy Head, Department of International Relations, Ministry of Environment, Hungary

Louise Lakos commented on the issue of transition periods. She felt that so many procedures are required that with a zero year transition period it practically means next day implementation, which is often unrealistic. She went on to say that even member countries gave themselves grace periods to implement directives (today the *acquis* is not transposed in member states 100 percent), so the Candidates, with less developed economies, must ask for some time in specific areas.

Timo Mäkelä responded to the last point from Louise Lakos regarding Implementation in EU member states. He said that the Commissioner has denounced member states that have not complied with community legislation. There seems to be certain problematic areas, though.

COFFEE BREAK

BOX 4

Main points from Vida Wagner's presentation

Vida Wagner outlined the characteristics of the EU accession process that are difficult and do not correspond with democracy.

1. The process is boring and technical. The process is a turn off for stakeholders and governments. Transposition of the *acquis* requires a balance of expenses — more to it than that. Must also take softer approaches. Huge investments are made in infrastructure, but only a small fraction is spent highlighting benefits of environmental policies to the public.
2. Time limits are too short. Who imposes these time limits? They produce negative results. The final products are papers that are not well grounded. The process does not allow for proper public participation.
3. Lack of stakeholder involvement: Local governments are excluded from the process yet they bear the greatest load for implementation. Industry and multinational corporations are well prepared and have a lot of influence, but there is no countervailing influence from the NGOs. One exception is a multinational NGO that was well prepared and took part in the drafting of a negotiation paper — we should encourage this more.
4. NGO involvement is hampered by a lack of capacity and funds. We should rely on common sense in requesting transition periods. NGOs are reluctant to comment on common position papers because they want to maintain a good working relationship with national governments. Enlargement is primarily about economic interest, and there is a fear that the environmental card will be played for the wrong reasons.
5. Transition periods: There is heavy industrial lobby pressure. Intensive directives do take time. However, directives for which no transition period is asked are still not being implemented. The environment should be a priority.
6. There should be an effort to encourage expression of country specific situations. For example, the wastewater directive is

designed for urban areas. It does not respond to the needs of rural areas. There should be decentralisation according to needs.

7. Harmonisation downwards approach can have the result of haste and mistakes because of the rush.



VIDA WAGNER, Umanoterra, Slovenia gives her presentation on the EU accession process.

There is a need to build a bridge between citizens and the Commission.

Timo Mäkelä's response to a question asked by the Dialogue Group

**Second Session: 11:45-13:00
The Involvement of NGOs and the General Public in the Accession Process**

Sergiu Serban, Project Manager, Country Office Support Department, REC, made an Introduction to an Opinion Poll on Accession and Environment. (See Box 5)

The dialogue group commented on the presentation of the Opinion Poll:

- There needs to be an attempt to explain differences between countries — an analysis is needed rather than just results.
- The level of information in countries could be influenced by how accessible the information is.
- Were there questions about the sources of information and their adequacy? — Yes.
- How seriously are polls taken in Brussels? — this asked of Timo Mäkelä who responded:
 1. They are becoming a powerful tool.
 2. There is a need to build a bridge between citizens and the Commission.
 3. There is a need to expand polls to cover candidate countries.
- It would be useful to repeat the survey after time in order to monitor changing opinions about accession.
- Can the surveys be trusted, when there is no public discussion on the negotiating and implications of accession?
- The media is usually positive, how are people informed of all the possible implications, negative as well as positive?
- Discussion should supplement surveys.

Following the results of the opinion poll survey a debate was opened on the way NGOs and the public could/should be involved in the accession process.

Timo Mäkelä expressed his hope that the new Access Programme would assist NGOs in being more involved and active. He introduced the Access Programme, approved last year and launched this year. It is designed to support the development of civil society in candidate countries. It includes a variety of instruments:

- macro projects in collaboration with NGOs in more than one country;
- micro projects at the national level;
- networking facility — aims to involve NGOs and non-profits of candidate countries in existing EU organisations;
- it does not provide core funding as such — though will cover limited overhead/administrative expenses.

BREAK FOR LUNCH

BOX 5

Main points from Sergiu Serban

- Most of the CEE countries have started the process of accessing the EU, and environmental protection is a relevant issue on the negotiation agenda. The REC has recently conducted a series of opinion polls with respect to public perceptions of the EU accession process and its potential impact on the environment in several countries in CEE. Financial support for these opinion polls was received from European Commission — Directorate General Environment (DG Environment).
- The countries of Hungary, Romania and FYR Macedonia were chosen for the poll, as they represent different stages in the EU accession process: Hungary is considered to be in the forefront group, Romania is part of the “second wave,” and FYR Macedonia has not started the accession negotiations yet.
- Three polling locations were used in each country, to allow for comparisons between different areas: there was polling in Budapest, Bucharest and Skopje, the capitals of the countries; the industrialised cities of Miskolc in Hungary, Galati in Romania and Veles in FYR Macedonia; and in three rural areas: Turkeve in Hungary, villages around Brasov in Romania and Srnovci area in FYR Macedonia.
- The findings are presented in four reports: a full version for each country in the national language and an English comparative version presenting main findings in all three countries.

The results of the opinion polls are meant to provide an information source on awareness of the general public related to environmental problems, environmental behaviour — and assessment of national environmental policies and attitudes towards accession and perceived environmental consequences of accession.

As the analysis of all the data is policy oriented and designed for policy recommendations, the following environmental stakeholders should be able to make use of the report to shape their actions and strategies:

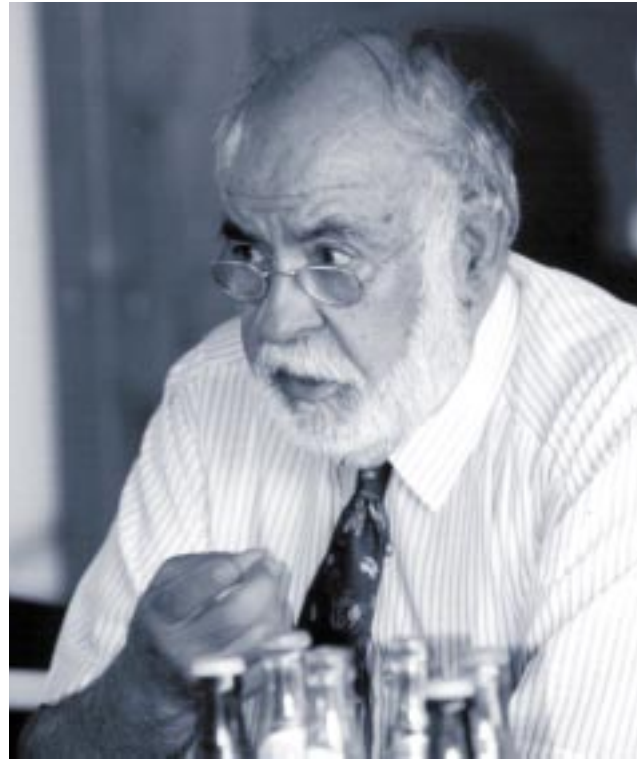
- **National authorities** can use this report to shape public relations strategies, to find out which channels of information to use, to see which population groups are most receptive to certain themes, to identify information gaps and needs, to serve as a “starting point” for awareness raising campaigns and various other purposes. The report is also a vital measure of how the respondents perceive the accession process. It can help point out information gaps and illustrate the fields where people need to have a clearer understanding in order to follow the realisation of policies in the future.
- **Local authorities** can use this report when trying to co-operate with well-known local NGOs, when finding out which policy fields are accepted among the local population and when shaping their information strategies. The report helps local authorities see how well the population knows the environmental situation



SERGIU SERBAN, Project Manager, Country Office Support Department, explains the EU accession surveys.

and where people can be activated to behave in a more environmentally friendly manner. Local authorities might also get a clearer picture about arguments to use for enforcement.

- **NGOs** can use this report to find out how well they are known, how much credit they receive for their work and how they can reach people. It will also help NGOs in shaping actions involving volunteer work and designing information material to address issues that the public does not know about or clearly understand. The report is also vital for assessing public support.
- **EU institutions** will be able to assess the atmosphere they can expect in Hungary, Romania and FYR Macedonia concerning EU accession, as well as the expectations that accession will have positive influences on the environmental situation. The study helps elucidate exactly what different national populations expect from accession and how they think this will influence the environmental situation. This might be helpful in shaping information campaigns and informational material.



ALAN HUYTON, DG Environment B.1 (left) and **DAPHNIS PANAGIDES**, Friends of the Earth, Cyprus (right) speaking during the dialogue.

Third Session: 14:00-14:45 Environmental Policy: Integration of Environment into other Sectoral Policies

In his opening speech, the chairman of the session **Daphnis Panagides** (Friends of the Earth, Cyprus) introduced the goals of the session: to enhance the involvement of EU candidate countries in the process of formulation and improvement of EU policies; and, integration of environment into the areas of transport, agriculture and energy. According to the Chairman, this goal should be reached through: building connections between environmental policies and policies of other sectors, namely transport, agriculture and energy; integration of environmental concerns into funding policies; strengthened involvement of NGO's; and development of new actions to meet the challenge of environmental integration.

Next, **Silke Will** (DG Environment) briefly introduced the Commission's work on the 6th Environmental Action Programme (EAP), stressing the need for more input from other stakeholders, including EU candidate countries and environmental NGOs, during the process of its formulation. She highlighted the importance of the current meeting as a model for similar activities in the future.

The keynote speaker for this session **Alan Huyton** (DG Environment B.1) presented the Commission's approach and process of formulation of the 6th EAP. In his opening remarks,

Huyton informed the audience that the principles of the 5th EAP, such as sustainable development and monitoring, will also be the underlying objectives and scientific bases for the 6th EAP. In addition, according to Huyton, building on the 5th EAP experience, the 6th EAP's environmental policy needs should also be based on better implementation, new legislation, integration by addressing the environmental implications of sectoral policies and democracy by enhancing the citizen's involvement in the policy formulation process.

Introducing the Community's approach of transition from environment to sustainability, he pointed out that the EU is far from reaching the broader objective of sustainability. He saw the need for complementary economic, social and environmental objectives, and furthermore, a debate on the scope and contents of the 6th EAP that would cover an enlarged European Union (EU). A 6th EAP, in his words, would form the environmental pillar of the Community's sustainability strategy.

Further defining the EU's approach to the 6th EAP, he stressed that it should provide links to human health, quality of life and ethical responsibility for the protection of the ecosystem. Accordingly, the 6th EAP should also be a part of EU's sustainable development strategy and be based on the state of the environment and within the enlarged EU and global trends. In an enlarged EU, he declared, a coherence of policies will be needed in order for the Programme to be successful.

Moreover, Huyton stated, the EU's approach to the 6th EAP is to promote citizen involvement and ownership, use of market mechanisms and Strategic Environmental Assessment. The success of the Programme will also depend on properly addressing policy coherence, perverse subsidies, state-aid rules, green procurement and spatial planning.

Summarising, he highlighted the following issues as crucial for the development of 6th EAP: preparation of a short strategic document that will set priorities for actions at the EU level; defining a clear environmental basis for sectoral integration strategies and wider sustainable development strategy; setting objectives and meaningful targets for each issue supported by thematic strategies; ensuring accessibility and encouraging citizens involvement; defining time scale.

Elaborating in detail on the time scale of the 6th EAP process, Huyton provided the subsequent dates:

- January-May 2000: consultation process involving other EU institutions, Member States, other stakeholders.
- March 2000: Council resolution on the Global Assessment.
- End of May 2000: deadline for "public comments."
- November-December Commission proposal for 6th EAP.
- 2001 Co-decision procedure.
- 2001/2003 new Programme in place.

As for the REC involvement, he praised REC's contribution for this stage of the process and encouraged more REC activities in identifying common priority and specific Accession issues at the European level.

As a short summary of Huyton presentation, the Chairman, **Daphnis Panagides** stressed again the importance of the involvement of EU candidate countries and other stakeholders in the process of formulation of EU policies and integration of Environment into the areas of Transport, Agriculture and Energy.

The principles of the 5th EAP, such as sustainable development and monitoring, will also be the underlying objectives and scientific bases for the 6th EAP.

Points raised by
Alan Huyton, DG Environment

A short question period followed with **Tibor Farago** (WWF – Hungary) inquiring about the NGO community’s possibility to comment on draft Commission papers related to the 6th EAP, in the light of the fact that, according to the time scale presented by Huyton, the process is already behind schedule. Furthermore, he inquired about REC’s role as a facilitator of this process. As a follow up to Farago’s query, **Vida Wagner** (Umanoterra, Slovenia) raised similar concerns regarding the time scale of the Programme. She suggested a more flexible approach to the consultation process by providing additional opportunities for inputs based on in-country consultations. Responding to both questions, Huyton remarked that, since it is an ongoing activity, there is still time available for the NGOs to enhance the programme formulation. Referring to the REC’s role in the process, he suggested that NGOs concentrate on the current discussion and consultation opportunity.

Summarising the schedule for the day’s activities, **Vida Wagner** reminded members of the Working Group to prepare draft documents to be incorporated into an NGO Statement to the Ministerial Conference and EC Commissioner for Environment Margot Wallström. After her statement, the Chairman adjourned the session.

The group split into three round-tables: Transport, Agriculture and, Energy and Nuclear Safety. Rapporteurs reported the conclusions in the following plenary session.

RUTA BENDERE,
Waste Management
Association of Latvia,
rapporteur for the
energy roundtable.

Fourth Session: 16:15-17:00 Conclusions: Roundtable Reports and Discussion from the three Round-tables



Chairman of the Session **Daphnis Panagides** invited Rapporteur’s from each Roundtable to present the conclusions of their discussions.

Roundtable I: Energy and Nuclear Safety

Rapporteur: **Ruta Bendere, Waste Management
Association of Latvia**

The Energy Roundtable group participants have defined key priority inter-sectoral issues between Energy and Environment, such as: nuclear safety, climate change, renewable energy sources, economic instruments (green taxes, green investment and green energy). Regarding nuclear energy, immediate closure of high-risk reactors and a ban on construction of new reactors was advised as action that the Commission needed to undertake urgently. It was also suggested that there be no transition periods for liberalisation of the energy market. Furthermore, regarding renewable energy sources, the Roundtable participants suggested to the Commission to promote and support new renewable energy sources. In addition, concrete environmental targets for integration in sector policies were recommended as one of the main preconditions for securing the way



to sustainable development. New legislation and the abolition of subsidies to non-renewable energy sources supported by an immediate start to a rapid abolition of all environmentally perverse subsidies, on the EU, as well as national levels were highly recommended by the Roundtable. Furthermore, hidden subsidies and transparency of subsidies were named as the other important issues to be added to the discussion agenda.

ERICH UNTERWURZACHER, DG Regional Policy (left) and VALERY MORARD, DG Agriculture (right) represent the EC in the Transport and Agriculture Roundtables.

Roundtable II: Transport

Rapporteur: **Paul Kosterink, MilieuKontakt Oost Europa, The Netherlands**

The Roundtable has recommended that the European Commission review its rules and procedures on pre-accession aid to fully integrate environmental interests in the transport area as well as to consult NGOs in this process. Furthermore, the Roundtable has suggested the EUR 5 million minimum limit for ISPA to be removed, with its scope to be reviewed to include urban public transport. Another urgent issue outlined by the rapporteur was to stop the current trend towards road and air transport to utilise other, more environmentally friendly ways of moving goods and people. As a priority issue, the pressures resulting from transport development in the candidate countries on environment and biodiversity were also outlined as the main concerns that are currently not addressed in the enlargement process.

FERENC JOO, Hungarian Traffic Club, was chosen as one of the representatives for the press conference.



Roundtable III: Agriculture

Rapporteur: **Anamarija Slabe, Institute for Sustainable Development, Slovenia**

The Agriculture Roundtable group participants first outlined some general concerns. The first and most important one was the fact that a lower than expected amount of funds was allocated to the accession countries. Therefore, these countries were forced to choose food quality and effectiveness of food processing as their priorities, with less attention to the environment and biodiversity protection. Due to the short period of notification, the accession countries were not able to include the environmental NGOs in the policy formulation process in this area. Furthermore, the NGOs see the existing CAP as an obstacle to the process of introducing environmental issues within the Agriculture sector, therefore, they have called for the review of the EU CAP in order to provide the right framework for an environmentally sound development of agriculture in the candidate countries. Another general issue, according to the Roundtable is the development of the organic sector. Agri-environmental measures promoting biodiversity within the SAPARD need to have priority, especially the relationship between agricultural sector, rural areas and environment. In addition, the narrow scope of the process, with an exclusive focus on the *acquis* as defined through legislation, should be extended beyond the *acquis* so the accession process is more in line with the promotion of sustainable development and democracy. Involvement of a larger number of environmental stakeholders will enhance

this process. Furthermore, environmental impact assessment was considered as a necessary part of the process. A call for an urgent action to prevent or stop the introduction of GMOs into agriculture was also expressed.

Conclusions:

According to **Timo Mäkelä**, it seems that the environment is emerging more and more as an issue that cannot be treated independently from other areas. Relating this development to the accession process, Mäkelä stressed the fact that, without proper balancing of activities between the European Commission and candidate countries in the formulation of priorities for environment, progress towards sustainable development could be difficult to achieve. Obviously, enhanced public involvement and the transparency of the process itself should be further developed. Finally, Mäkelä identified the need to continue the current activities of NGOs in their countries and on the regional scale and continuation of the EC-NGO dialogue on accession issues as one of the most important aspects of proper policy formulation.

In closing remarks, Session Chairman **Daphnis Panagides** congratulated the REC for the organisation of the meeting and stated that there could not be a better way to celebrate the REC's 10th anniversary but by using this opportunity to organise a meeting between NGOs and EC and other environmental stakeholders. NGO representatives to the NGO Press Conference were selected: Rodolf Ragonesi (Friends of the Earth, Malta); Petko Kovatchev (Center for Environmental Information and Education, Bulgaria); Ferenc Joo (Hungarian Traffic Club).

Summary of the Sessions

EC-NGO Dialogue Meeting Monday, June 19

First Session: 9:00-10:00 Meeting with Environment Commissioner Margot Wallström

Introduction from Margot Wallström, Commissioner for Environment

First of all, welcome to Szentendre and the second dialogue meeting.

I am pleased that we were able to extend the circle of the NGOs participating in the dialogue. For the first time we have NGOs from Turkey among us. Some Western European networks have also become permanent members in the dialogue.

The dialogue is becoming a well-known and important platform for discussion on environmental policy developments as well as accession-related issues between “civil society” in the candidate countries and the Commission.

When we met in October last year in Brussels, I had just started my mandate. At that meeting, we discussed the need for a stronger involvement of civil society in the accession process, about the environmental challenge of the EU enlargement process as well as about funding opportunities for NGOs in the candidate countries.

Today I would like to start our meeting with an introductory presentation in which I will focus on three things:

- Firstly, the environmental dimension of the enlargement process.
- Secondly, the Commission’s efforts to integrate environment into other sectoral policies as well as pre-accession funding.
- Thirdly, the involvement of the candidate countries in the preparation of the 6th EAP.

After this the floor is yours. I have been informed that you want to present your views to me concerning public participation in the accession process, pre-accession assistance and some pressing environmental issues.

Enlargement — Conclusions from the country visits to Poland and the Czech Republic:

I understand that you already discussed about the state of play in the accession process yesterday. I will therefore only concentrate on the conclusions I have drawn from my visits to the candidate countries so far (Poland: beginning of March, Czech Republic: beginning of May). I have seen first hand the tremendous effort that is being put into the accession process and I have discussed the issues with, and got feedback from, government, parliament as well as civil society.

MARGOT WALLSTRÖM, Commissioner for Environment (right) addresses the NGOs during the 2nd Dialogue meeting.



My impression is that the environmental *acquis* and its requirements are well understood by now. The momentum has been made, but a substantial amount of work still lies ahead. The ministries of environment have, politically as well as technically, committed themselves to speed up the adoption of the environmental *acquis*. However, it seems to be difficult for the ministries to convince their colleagues in governments as well as parliaments to accelerate the process. Environment needs to be put higher on the political agenda, otherwise it might seriously delay accession.

I remember that, last time we met, we discussed about the need for a stronger involvement of the civil society into pre-accession funding. During my visit to Poland I was given a very encouraging example of how the government and NGOs work together on pre-accession funding. NGOs are members of the ISPA steering committee, which decides about the projects which are going to be submitted to the Commission for funding. NGOs will also be included in the monitoring committees, which will be established once the first projects are going to be implemented.

We now move towards the publication of the year 2000 Regular Reports, which will have a great influence on the accession debate in the European Council. Lack of progress will have a negative impact on the negotiations. It is important for countries to show that they will be able to meet the commitments they have given in their negotiation position papers.



DAIVA SEMENIENE, Center for Environmental Policy (far right) member of the dialogue group participates in the discussion.

Integration of environment into sectoral policies and pre-accession funding:

Dramatic events have recently reminded us of the importance of a strong and effective environment policy. The damage done to wildlife and water resources in Romania and Hungary by the cyanide spill is a sharp reminder that human economic activity is linked to environment. It is linked in two ways. Firstly by the impact of our society on nature, and secondly by the disastrous effect on our quality of life and on our economic well being which occurs as a consequence of the harm we do to our environment. We can no longer think about environment and economic development separately.

At the EU level, the EC Treaty (Article 6) has put the integration of environmental objectives into other policy areas at the centre stage. In order to ensure that the candidate countries follow the same principle, the Commission has included the “integration principle” into the Accession Partnership Priorities as well as into the European Union’s Common Negotiation Position.

In practice, I see us promoting integration through the following four mechanisms:

- It is important, for the sake of commitment and ownership, that the sectors develop their own thinking and their own strategies on how to better integrate environmental concerns into their policies.

**The 6th
Environmental
Action Programme
(EAP) is an
excellent
opportunity for
the candidate
countries to
participate in
shaping the
union's future
environmental
policy.**

Margot Wallström

- We have already adopted a series of Commission Communications on how to apply integration at the Commission level (in 1993, 1997 and in the Commission's report to the Cologne European Council in 1999). We are currently reviewing this system to see how integration can be made more effective at Commission level.
- In addition the Community's sustainable development strategy currently under development should provide us a vehicle to resolve inconsistencies in major policy areas.
- And last but not least, the **6th EAP** will have to identify clearly what environmental policy can do to achieve environmental objectives and where other policies have to intervene to address the underlying causes of our most serious environmental problems. I will come back to this later.

With regards to pre-accession financial instruments (ISPA, SAPARD and PHARE) I am sure that we can all see the advantages for your countries to avoid making some of the mistakes made by current Member States in development of infrastructure via integration of environmental concerns into the decision-making process. Environmental Impact Assessment and Strategic Impact Assessment with wide public consultation can help in this respect. Certainly it can ensure that decision on investments are taken in as transparent a way as possible with full knowledge of the likely environmental consequences. This is why we are placing so much emphasis on application of the procedures of the EIA directives in the pre-accession instruments.

In view of the share of transport in overall CO₂ emissions, my services are trying very hard to steer the allocation of funds (particularly ISPA) away from less to more sustainable modes of transport (railways). I am pleased to see that, so far, there is an emphasis on rail projects in the ISPA proposals and hope that we can continue that way. EU support for transport infrastructure can only have a limited influence on the transport trends but can emphasise a message.

Participation of candidate countries in the preparation of the 6th EAP

The 6th EAP is an excellent opportunity for the candidate countries to participate in shaping the Union's future environmental policy. In terms of enlargement, the focus of the 6th EAP must go beyond the issue of compliance with the EU environmental acquis, and should therefore concentrate on:

- Identification of the main environmental priorities for the candidate countries.
- Concentration on the environmental assets (especially in terms of biodiversity/habitats) instead of concentrating on the environmental problems.
- Measures to make sure that the various policies of the EU towards the future Member States are coherent. It is no good if on the one hand the Commission is trying to protect special habitats and avoid increases in air pollution if on the other hand, the Commission is funding transport projects and subsidising agricultural practices that will lead to big increases in environmental pressures.

I invite you to make your views known on the 6th EAP, during our discussion and the following ministerial meeting.

Funding

And finally I want to make you aware of new funding opportunities for environmental NGOs from the CEE candidate countries. Recently we have agreed on the so-called Regional Environmental Accession Project (REAP), which provides technical assistance for the CEE candidate countries. The programme includes support for NGOs and will be handled by the REC.

Statement from Vida Wagner, on behalf of NGO Dialogue Group.

According to the public opinion polls, the public in candidate countries expect the accession process to promote democracy and to improve the quality of the environment. Among the NGOs there is growing concern that neither of these are actually going to happen without a major shift in attitude. Not only are we concerned, but we are also convinced that we have a role to play:

- To make sure that democracy is not sacrificed in the period of the accession process (with the dubious advice that we should just wait for a few years until we become members and then things would normalise). This is an especially sensitive issue in the

MARGOT WALLSTRÖM, Commissioner for Environment (right) responds to questions raised in a discussion chaired by **TIMO MÄKELÄ**, Head of Unit, DG Environment (centre right) and **RODOLF RAGONESI**, Friends of the Earth, Malta (centre left).





ANDRAS LUKACS, Clean Air Action Group, Hungary (above left) and **NERGIS YAZGAN** External Relations Coordinator Society for the Protection of Nature, Turkey (right).

young democracies that have a heavy heritage of “transposition” of orders from above and are still in the process of building proper democratic societies.

- And in promoting the notion that enlargement should be regarded as an opportunity for securing sustainable development in Europe — on both sides of the “Velvet Schengen Curtain” — as we enter into the third millennium.

The character and pace of the process

We find that there are three main characteristics of the accession process that are not in line with promotion of sustainable development and democracy:

- narrow scope, with an exclusive focus on the Acquis as defined through legislation;
- lack of time;
- lack of stakeholder involvement and transparency.

The fact that only transposition (and implementation) of legislation is presently being monitored and evaluated in the field of environment is an indication that an outdated



approach that was valid in the 1970s is being applied. With all due respect to the *acquis*, there are two important aspects that are being left out:

- Consideration of a **spectrum of instruments**, as defined already in the 5th EAP of the EU (that emphasises the importance of a mix of measures to be combined with legislation: economic instruments, education and public awareness, research, government as role model, etc.)
- The need for **integration of environment** into other sectoral policies, as outlined in the Amsterdam treaty, and as one of the main preconditions for securing the way to sustainable development.

Without applying both of these other aspects, there is a real danger that, with the expected growth in economic development, the legislation will be unable to prevent increasing pressure on the environment, and the net impact of EU membership will be negative for the new members.

The process that resulted in the first negotiating position papers in the first wave countries last Summer, and that is presently going on in all 12 candidate countries, was conducted under extreme **time pressure**. It was too short to allow for proper preparation of background studies and to involve the relevant stakeholders. It is only now that the

PAVEL PRYBIL, Hnutí DUHA,
Czech Republic (left) and
BEATRICE SCHELL,
Transport and Environment,
Belgium (right).

true implications of the transposition of the *acquis* and its implementation are slowly emerging. The recent case of the revision of the Czech position can be seen as the first signal of more similar occurrences to come. There is considerable pressure for speed that is a result of the Commission's timetables, of the competitive spirit among the candidate countries themselves and of the political pressure for the enlargement to take place before the support for it diminishes.

Such a dictated speed works against the principles of democracy and **public participation**, and against the application of sound judgement. Local governments are being largely excluded from the consultation process, even if they will bear the greatest burden of implementation (in the areas of wastewater, drinking water, waste). The industry has typically been actively involved in the positions regarding legislation that is of relevance to them (packaging and packaging waste directive, IPPC), which often results in their one-sided influence. The NGOs are usually only formally involved at the last stage, and do not have the capacity to enter the process under such time pressure.

Despite the commitment to **transparency**, the Commission's common positions are classified as "CONF," which sets the tone for the future exchange of documents. This means that unless these documents are leaked, parties other than governments are now excluded from the process. With the *Aarhus* Convention one would expect a more open atmosphere here. The documents hardly contain any "sensitive" information, and they are relatively easy to obtain anyway, however officially they cannot be quoted and discussed! Besides, access to information is the basis of public participation. The atmosphere of "confidentiality" is doing more damage than good.

Second Session: 10:00-11:15 Funding for NGOs in the Accession Countries

Silke Will opened the session outlining the schedule for presentations.

Implementation of the Access Programme and application procedures

The first presenter, **Jari Haapala** (DG Enlargement) first outlined PHARE Programme general issues and details of the Access program, stating that it is only a very small part of the EC assistance for the accession countries. As a general remark, Haapala stated that the nature of the PHARE Programme has changed from being demand to accession driven. The Programme is further amended on a yearly basis based on the accession priorities as expressed in the Accession Partnerships. The Commission has adopted the 1999 PHARE Access Programme for the ten accession candidate countries of CEE in the framework of the PHARE Programme. The European Community will contribute up to a maximum of EUR 20 million to this Programme, which must be implemented by Dec. 31, 2002.

The Access Programme aims at strengthening civil society and at preparing for accession of the candidate countries in CEE. It replaces the PHARE LIEN and Partnership Programmes, which have been in operation between 1993 and 1999.

According to Haapala, the general objectives of the Access Programme are as follows:

a) to promote the implementation of the *acquis communautaire* in policy areas in which governmental activities are absent or are complementary to those of the third sector, and to raise popular awareness and acceptance in these areas; b) to encourage the inclusion and participation of individuals and groups who risk being economically, socially or politically marginalised in the transformation process.

Furthermore, Haapala defined the activities in the following sectors that may be covered by the Programme as: environmental protection, socio-economic development and social activities. However, in order to take into account the specific local needs of each beneficiary country, the assistance priorities will be defined on a country-by-country basis. Therefore, one or two sectors may be particularly emphasised and more focussed sub-sectors may be identified in certain countries.

As a next point of his presentation, Haapala outlined the following instruments of the Access Programme that were defined to support its aims: It provides co-financing grants to support two types of projects carried out by NGOs and non-profit organisations (NPO): transnational “macro-projects” and local “micro-projects.” The macro-projects are carried out in partnership with organisations from at least two different countries (PHARE accession countries and the EU countries). The lead organisation must be based in one of the candidate countries and has to submit the project proposal to the Commission’s Delegation in its own country. Local and regional authorities can be associated as partners to the projects. The micro-projects can be carried out by a single organisation based in one of the candidate countries.

Furthermore, Haapala stated the PHARE contribution will cover up to 80 percent of total project costs where one or more Community partners are involved, and up to 90 percent of total project costs where all partners are established in CEE. The size of the PHARE contribution can be up to EUR 200,000 in the case of macro-projects and up to EUR 50,000 in the case of micro-projects. However, the maximum contributions can be lower in some countries.

In addition, the Programme includes also a Networking Facility, which will provide support for the NGOs/NPOs in the candidate countries to participate in activities organised at EU level. The Facility will mainly cover travel and subsistence costs for attendance at events organised by bodies, such as the EU-wide NGO/NPO platforms. The programme will be locally managed — by Commission Delegations — in the candidate countries. Each Delegation will launch one or more Calls for Proposals in year 2000. The Delegations will also evaluate and select projects for funding, conclude contracts and follow up the projects throughout their implementation.



JARI HAAPALA,
DG Enlargement, outlines
general issues of the PHARE
Programme and details of
the Access programme as a
new funding tool for NGOs.

BOX 6

Summary of Robert Atkinson's presentation on REC Funding

Robert Atkinson stated that the mission of REC NGO Support and Capacity Building Program is to seek to advance civil society in the environmental field in CEE, in order to promote environmental protection and sustainable development principles in the process of transition and development. Elaborating on the Program mission, he outlined the REC's view on the role of civil society as advancing democracy, pluralism and diversity in society under the rule of law; promoting and enforcing transparency and accountability in government and the economy; creating alternative institutions for serving public needs; improving decision-making by including a more efficient representation of public and private interests and serving as a link between the individual, the government and the market.

Describing the NGO Support Program activities, Atkinson highlighted the fact that REC provides support for the organisational development and activities of environmental non-governmental organisations in CEE as an important point of civil society, primarily through financial resources, access to information resources and capacity building assistance. Referring to the above statement he stressed the following areas of REC support to the NGO community:

- Researching new support mechanisms for NGOs — i.e. Sustainable NGO Financing.
 - Promoting the strengths of environmental NGOs to other stakeholders — facilitation or dialogue between sectors.
 - Free access to the information resources of the REC.
- These activities are realised through NGO Support Program activities that consist of the following project areas:
1. Grants giving (financial support to NGOs) that includes the following: Small (local) grants to fledgling NGOs: Supporting small-scale projects, these grants do not exceed EUR 5,000 per NGO per year and are administered locally in national languages. Medium (national) grants: Addressing issues of nationwide importance, these grants are up to EUR 10,000 per project and focus on supporting NGO-local government cooperation as a first priority. Regional grants: Grants of up to EUR 25,000 to assist NGOs in addressing cross-border environmental issues. NGO partners from different countries in the region work together on these grants. The programme is administered from REC Headquarters.
 2. Capacity building and training, including: fellowship programmes: both nationally and regionally based fellowship programmes are provided; regional training allows for cross-national experience sharing; internship programme for students with the REC; preparation of training publications, in particular the Insight newsletter and customised training (such as to REC Moldova).
- Regional, national, local and topic specific grants giving — for a number of donors.
 - Capacity building programmes — i.e. Advanced and Junior Fellowship Programs.
 - Promoting NGO participation in environmental decision-making (with the REC's Public Participation Program).

New REC funding opportunities for NGOs, Robert Atkinson

The second presenter **Robert Atkinson** (REC – Hungary) outlined REC NGO Support and Capacity Building Program activities followed by description of REC granting activities. (See Box 6)

COFFEE BREAK

Third Session: 11:30-13:00 Wrap-up Session

Silke Will proposed to divide the session in two parts: the first serving as a forum for feedback from the NGOs to the EC and REC, and the second as recommendations for future NGO activities.

3. Information dissemination based on needs and trend assessments: There is a constant requirement for information on the status of the NGO movement and the impact of its activities. In recent years, REC has produced a publication called "Trends in Funding and an NGO Needs Assessment — Problems, Progress and Possibilities."
4. Viable NGO development and sustainable NGO financing:
 - NGO self-financing grants: Selected NGOs receive small venture-planning grants to develop self-financing business plans (with technical support). Those with superior plans would receive Venture Grants to help start up or expand their self-financing ventures.
 - NGO Networking and regional cooperation: NGO Donor workshop in 1997 and an EU/NGO Dialogue 1999-2001 are just a couple of our activities.

OUR PARTNERS

The projects described above have been supported by a great variety of donors/partners.

Country donors include: Croatia, Denmark, the European Union (DG-XI, DG-I Phare Multi-Country Programme, Phare Partnership Programme), Finland, the Netherlands, Switzerland, and the United States of America (USAID and USEPA). Foundation/institution donors include: Sainsbury Foundation (UK), Soros Open Society and the World Bank.

OUR RECIPIENTS

The REC designs support projects and programmes for CEE Environmental NGOs. The countries the REC primarily targets are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, FYR Macedonia, Poland, Romania, Slovakia, Slovenia and Yugoslavia. However, the REC has also assisted NGOs in Armenia, Belarus, Cyprus, Georgia, Malta, Moldova, Kazakstan, the Russian Federation, Tadjikistan and Ukraine. Furthermore, in a limited number of projects, we have given non-financial assistance to NGOs from Western Europe, North America and the rest of the world by facilitating their cooperation with CEE NGOs.

Based on the two-day dialogue the representatives of the NGOs have suggested the following issues to be considered by the EC and the REC:

- As regards the structure and organisation of future meetings it was recommended that:
 - a. more time is allocated for direct discussions (Roundtables) between NGOs and EC representatives including invitation of experts;
 - b. more flexible topic selection with attention paid to specific versus general issues;
 - c. and invitation of government representatives to the meeting.
- Furthermore, the NGOs have suggested longer preparatory process including:
 - a. more meetings between NGOs and NGOs with REC;
 - b. more contact between NGOs from CEE and EU;
 - c. better mapping of situation and more emphasis to be placed on follow up activities.

- As way to enhance the preparatory process, the NGOs proposed to further stimulate communication and information sharing between all stakeholders and proposed to organise a number of retreats prior to the official meetings.

There was one suggestion to bring a more political edge to the activities of the NGOs in their countries. This was followed up with the idea for the Dialogue Group to link up in future with those responsible in the European Parliament for environment and accession.

Discussing the future NGO activities, the NGOs have decided to continue the discussion on current issues to deeper enhance the 6th EAP process versus bringing new issues on the agenda, and highlighted the need for policy formulation as a strategic issue. As a main issue, the NGOs have defined the formulation of NGOs own strategy for future activities and suggested formulation of “ECO-Politics” as a vehicle for future policy development.



Annexes

Annex I: The Agenda

Saturday, June 17

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
11:30	Miroslav Chodak, REC	SEA of Transport Policies in CEE OPTIONAL SESSION	The REC invites interested NGOs to give their input to the project	First Floor, REC Conference Center
13:00		LUNCH		Back Garden, REC Grounds
14:00	Robert Atkinson, REC	Agenda	Introduction to the agenda and practical arrangements	First Floor, REC Conference Center
14:30	Alexander Juras, REC	NGO Prep-Meeting for the Dialogue	<ul style="list-style-type: none"> To decide on the best way to present NGO views to the Commissioner (who and what) To prepare views on one issues: the Role of NGOs in the Accession Process — NGOs suggestions To decide how the possibility for NGO press conference (Monday PM) could be used 	First Floor, REC Conference Center
15:30		BREAK		Lobby, REC Conference Center
16:00	Alexander Juras, REC Jernej Stritih, REC	NGO Prep-Meeting for the Ministerial Consultation	<ul style="list-style-type: none"> Introduction to the Ministerial Consultation Selection of NGOs, which will participate in the Ministerial Consultation Agreement on formulation of the NGOs position: <ul style="list-style-type: none"> – The process of EU Enlargement in the environment sector and how enlargement should be dealt with in the 6th Environmental Action Programme of the EU. – South East Europe reconstruction – Kiev Ministerial Meeting 2002 	First Floor, REC Conference Center
18:30		REIMBURSEMENT	Adriana Craciun	
19:00		GARDEN PARTY	Informal welcome to REC for NGOs	Back Garden, REC Grounds

Sunday, June 18

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
09:00	Timo Mäkelä , Head of Unit, DG Environment Krzysztof Kamieniecki , Institute for Sustainable Development, Poland	Official Welcome and Opening	<ul style="list-style-type: none"> • Purpose of the dialogue • Expectations 	Ground floor, REC Conference Center
09:15	Timo Mäkelä , DG ENV Vida Wagner , Umanotera, Slovenia	State of Play in Accession and Negotiations, with Screening of new acquis	<ul style="list-style-type: none"> • Update on the State of Play in Accession and Negotiations • Screening of new acquis • The acquis as a moving target 	Ground floor, REC Conference Center
10:00	Louise Lakos , Deputy Head, Department of International Relations, MoE, Hungary	Preparations of National Governments for Accession	<ul style="list-style-type: none"> • State of play of negotiations and readiness of the countries • Problematic areas • Measures taken by national governments • Accountability and transparency of national governments 	Ground floor, REC Conference Center
11:15		BREAK		Lobby, REC Conference Center
11:45	Sergiu Serban , REC	Introduction to an opinion poll on accession and environment	<ul style="list-style-type: none"> • Presentation of the results of an opinion poll carried out by the REC on accession and environment in Hungary, Romania and Macedonia 	Ground floor, REC Conference Center
12:00	Timo Mäkelä Vida Wagner Louise Lakos Sergiu Serban	The Involvement of NGOs and the General Public in the Accession process — Actions for Involvement	<p>Questions and comments related to the morning sessions:</p> <ul style="list-style-type: none"> • Level of involvement of NGOs and public • Report of experience of NGOs • Discussion of EU's, candidate countries' and NGOs' position about the role of NGOs and the public in the accession process and their involvement 	Ground floor, REC Conference Center
13:00		LUNCH		Back Garden, REC Grounds

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
14:00	<p>Daphnis Panagides, FoE Cyprus Timo Mäkelä, DG Environment – Keynote</p> <p>ROUNDTABLES: 1 – ENERGY Alan Huyton, DG ENV.B.1 Pavel Prybil, Hnutí DUHA, Czech Republic</p> <p>2 – TRANSPORT Erich Unterwurzacher, DG Regional Policy Ferenc Joo, Hungarian Traffic Club</p> <p>3 – AGRICULTURE Valery Morard DG Agriculture Anamarija Slabe, Institute for Sustainable Development, Slovenia</p>	<p>Environmental policy — Integration of environment into other sectoral policies:</p> <ul style="list-style-type: none"> • Global Assessment; • 6th Environmental Action Programme; • Integration of environmental policy into EU pre-accession funding and funding from International Funding Institutions (IFIs) 	<ul style="list-style-type: none"> • Involvement of candidate countries to improve EU policies and develop future policies • Connections between environment and sectoral policies • Actions to meet the challenge of environmental integration • Integration of environmental concerns into funding policies • Environmental concerns and IFIs funding policies • Involvement of NGOs • Environmental Impact and Strategic Environmental Assessment <p>Followed by roundtable discussion on:</p> <ul style="list-style-type: none"> • Transport and Environment • Agriculture • Energy and Nuclear Safety (Independent facilitators will assist the discussions) 	<p>Ground floor, REC Conference Center</p> <p>Roundtables will be split into side rooms (to be announced)</p>
16:00		BREAK		Lobby, REC Conference Center
16:15	<p>Timo Mäkelä, DG Environment Daphnis Panagides Friends of the Earth, Cyprus</p>	Roundtable reports and discussion	NGO rapporteurs report back on the main discussion points and concerns related to each issue area	Ground floor, REC Conference Center
17:00		Celebration of the 10th Anniversary of the REC		Back Garden, REC Grounds

Monday, June 19

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
09:00	Timo Mäkelä , DG Environment Rodolf Ragonesi , Friends of the Earth, Malta Commissioner Margot Wallström , DG Environment NGOs	Commissioner's statement NGO prepared statement(s) Questions to the Commissioner	Commissioner's Statement Presentation of NGOs views on: • NGO and public participation in Accession Process • State of play pre-accession financing instruments • EU Environmental policy and three pressing environmental issues (Transport, Agriculture and Energy)	Ground floor, REC Conference Center
10:00	Selected NGO representatives (to be selected Saturday)	CEE Ministerial Consultation	Participation in CEE Ministerial Consultation (separate agenda)	First floor, REC Conference Center
10:00	Silke Will , DG Environment Adriana Craciun , REC Jari Haapala , DG ELARG Robert Atkinson , REC	Funding for NGOs in the accession countries: • Access – programme • REC new funding for NGOs Funding gaps for NGOs	<ul style="list-style-type: none"> Implementation of the Access programme and application procedure New REC funding opportunities for NGOs Support for NGOs from countries not covered by Phare 	Ground floor, REC Conference Center
11:15		BREAK		Lobby, REC Conference Center
11:30	Silke Will , DG Environment Adriana Craciun , REC	Wrap-up session	Conclusion session to cover: • Recommendations for follow-up; • New issues for further meetings; • Structure of the dialogue; • Session #3 – where & when?	Ground floor, REC Conference Center
13:30	NGOs	NGO Press Conference		To Be Decided
13:00		LUNCH		Back Garden, REC Grounds

Annex II: The NGO Statement

Views from the Environment NGO Dialogue Group on the Accession Process and the Preparations for the 6th Environmental Action Programme

Szentendre, June 19, 2000

Demands to the European Commission, the EU Member States and the candidate countries [Explanatory Memo is attached]:

1. Role of civil society:

Ensure that the Aarhus Convention is ratified and in force in both the EU and candidate countries area before the Rio+10 Conference, therewith also giving the right example to other parts of the world.

2. The character and speed of the accession process:

Review the procedures for accession so that transparency and public participation can be really realised, also in the spirit of the Aarhus Convention.

3. Views of ENGOs on the accession negotiations

Encourage ENGOs to play an active role in this discussion, provide the proper procedures for involvement and seriously look at the criticisms and alternatives the NGOs are presenting on the difficult question of transition periods.

Note that, as a general principle, ENGOs cannot accept any transition periods for horizontal legislation like access to environmental information and Environmental Impact Assessment. Also the implementation of Natura 2000 should be a requirement from the date of accession.

4. Financial assistance for candidate countries

- We call upon the European Commission to review its rules and procedures on pre-accession aid to fully integrate environmental interests in all supported investments, and to consult ENGOs in this process. Further we want to see the EUR 5 million minimum limit for ISPA removed. In ISPA the scope is to be reviewed to include, e.g. urban public transport and waste minimisation schemes. For SAPARD the development of the organic sector and agri-environmental measures promoting biodiversity need to have priority.
- The EIB needs to be restructured in order to respect environmental and democratic principles in its operations.

- We call upon candidate countries to use the pre-accession funds as seed money for sustainable development and not as a tool for short-term economic gains at the expense of environment and biodiversity.

5. Support for ENGOs in the accession process

Establish substantial funds for ECO involvement in the accession process.

6. Promote innovative solutions

The Commission should promote and facilitate innovative solutions, such as small-scale sewage treatment plants. This would also lead to a better use of the limited local and national funds available. It would generate effective, innovative and job creative projects that develop sustainability in candidate countries and EU as a whole.

7. Urgent action in priority areas: transport, energy, agriculture and biodiversity

Immediate and concrete action, laid down in official and binding action plans, in particular so that:

- Amsterdam Treaty Art. 2 and 6 and the 5th EAP are fully part of the negotiations.
- Concrete environmental targets for integration in sector policies are established.
- The protection of biodiversity is present in all sectors as an utmost priority.
- SEA becomes a prerequisite for all new plans, programmes and policies, with involvement of NGOs.
- Investments are directed towards sound environmental projects

Specific demands include:

- On biodiversity: improvement of the Habitat Directive to establish ecological corridors.
- On energy: immediate closure of high-risk reactors, no construction of new reactors; inclusion of the candidate countries in the EU strategy to promote renewables. No transition periods for liberalisation of the energy market.
- On agriculture: urgent action to prevent or stop the introduction of GMOs; review of the EU CAP in order to provide the right framework for an environmentally sound development of agriculture in the candidate countries.
- On transport: stop the trend towards road and air transport.

8. Expectations towards governments of candidate countries

- Candidate countries should underline in their communication with the public, that the implementation of the EU environmental legislation is in their own interest, leading to a better quality of life.

- Reinforcement of inter-governmental cooperation of candidate countries to strengthen information and experience sharing, in working together to (re-) establish faith of the public in democratic decision-making
- A common stand in favour of retaining national legislation that sets higher environmental standards than the Acquis as it presently stands should be taken.
- The structural weakness of environmental administrations should be addressed. More weight should be given to the environment ministry at cabinet level, greater budget allocations should be made for environment protection agencies, pilot projects, conservation and the promotion of national environmental councils.
- Strict measures should be taken against black markets, corruption and other criminal activities that are an effective driving force behind environmental destruction in candidate countries. Special attention to be paid to EU-based companies in order to avoid their involvement in illegal activities.

9. The future of sustainable development in an enlarged European Union.

We demand from the Commission that:

- When preparing the 6th EAP, the enlargement should be explicitly taken into account. It will serve a larger geographical area — with more diverse natural assets, with more pollution sources and with an increased need to co-ordinate the implementation of the agreed policies and measures.
- The overall objective should not be overlooked, namely, that the EU should really move towards sustainability and as a crucial element of this objective, we should arrive at a better state of environment, healthier environmental conditions for all citizens, with specific, health oriented targets and better conservation of values of our natural heritage. One of the attractive aspects for the candidate countries (when they join the EU) should be the opportunity that they will have a better environment in their countries when they align with the EU's programme objectives, requirements and standards.
- As a matter of fact, the candidate countries perform better on sustainability/environmental indicators in certain areas than several Member States or the EU at average. These advantages should also be taken into consideration in the planning process.

Some essential elements of the 6th EAP include in our views:

- Concrete, quantified environmental targets and timetables.
- Choice for a strong regulatory role for authorities, on the basis of concrete and strict standards, rather than relying on voluntary agreements and other forms of soft policies.
- A strong drive towards a comprehensive environmental tax reform, as much as possible coordinated in the entire (enlarged) EU, not excluding pioneering by individual or groups of countries.
- An immediate start to a rapid abolishment of all environmentally perverse subsidies, on the EU as well as the national levels, as well as hidden subsidies such as tax reductions for car users and tax exemptions for air traffic.

Explanatory Memo to Views from the Environment NGO Dialogue Group on the Accession Process and the Preparations for the 6th Environmental Action Programme

Szentendre, June 19, 2000

At the invitation of the European Commission and the Regional Environmental Center for Central and Eastern Europe, representatives of Environmental NGOs met in Szentendre, Hungary from June 17-19, 2000 to discuss issues related to the accession process and the preparations for the EU 6th Environmental Action Programme with representatives of the Commission.

As input for the discussion with the Environment Commissioner, and as contribution to the Ministerial Consultation on Environmental Policy-making in Central and Eastern Europe, held at the same location on June 19, the following statement was prepared by the NGO representatives.

According to opinion polls the public in candidate countries expects the accession process to promote democracy and to improve the quality of environment. Among Environmental NGOs (ENGOS) there is a growing concern that neither of these will actually happen without a major shift in approach. Our concern is based on the ongoing negative trends in the state of the European environment and the lack of a convincing response by the European decision-makers.

Not only are we concerned, but we are also convinced that we have a role to play:

- To make sure that democracy is not sacrificed in the accession process (we have been given the dubious advice that we should just wait for a few years until we become members and then things would normalise). This is an especially sensitive issue in the young democracies that have a history of “transposition” of orders from above, and that are still in the process of building proper democratic societies.
- In promoting the notion that enlargement should be regarded as an opportunity for securing sustainable development in Europe — on both sides of what was historically divided but now will be progressively integrated.

1. Role of Civil Society

Authorities have the responsibility to provide the right conditions for a civil society driven sustainable development. Citizens must be offered the right to know, to be involved and to act against what they consider as violation of their rights and the interests of the common good. In particular the positive potential of active citizen involvement in environmentally sustainable development, in decision-making and practice, needs to be fully realised.

The Aarhus Convention provides important tools to fulfil this responsibility. We are disappointed with the lack of progress of ratification and implementation in the EU and candidate countries. National governments have their own responsibilities, but given the

lead role of the Commission in parts of it, we are in particular critical of the lack of leadership the Commission is showing. Concretely:

- **Access to Information:** there is progress on revising the directive for Member States, but there is a regressive proposal on Access to Documents on the EU Institutions level, bluntly violating the Aarhus Convention.
- **Public Participation:** start of discussion on four directives that have this element in order to comply with Aarhus, but no sign of a project to fulfil Aarhus on the EU Institutional level.
- **Access to Justice:** moral support from the Commission to realise this at the national level, but no support at all for the “Greening the Treaty III” demand of Environmental NGOs to have this realised on the EU level.

The European Commission, the EU Member States and the candidate countries are called upon to ensure with their actions at home that the Aarhus Convention is ratified and in force in both the EU and candidate countries before the Rio+10 Conference, therewith also giving the right example to other parts of the world.

2. The Character and Speed of the Process

Three main characteristics of the accession process are so far not in line with the promotion of sustainable development and democracy:

- Narrow scope, with an exclusive focus on the Acquis as defined through legislation;
- Lack of time;
- Lack of stakeholder involvement and transparency.

The fact that only transposition (and implementation) of legislation is presently being monitored and evaluated in the field of environment is an indication that an outdated approach is being applied. With all respect to the Acquis, there are two important aspects that so far have been left out:

- Consideration of a **spectrum of instruments**, as defined already in the 5th Environmental Action Programme (EAP), that emphasises the importance of a mix of measures: regulation, economic instruments, education and public awareness, research, government as a role model, eg. public procurement, etc.
- The need for **integration of environment** into other sectoral policies, as outlined in the Amsterdam treaty, and as one of the main preconditions for securing the way to sustainable development.

Without this mix of measures there is a real danger that, with the expected growth in economic development, the legislation will be unable to prevent increasing pressure on the environment, and that the net impact of EU membership will be negative for new members.

Therefore we welcome the recent decision of the Commission to pay attention to the environmental policy integration aspect of the enlargement process

in the annual assessments of progress, and we will closely follow and assess this ourselves.

The process that resulted in the first negotiating position papers in the first wave countries last summer, and that is presently going on in all 12 candidate countries was conducted under extreme **time pressure**. This is a result of the Commission's timetables, of the competitive spirit among the candidate countries themselves, and of the political pressure for the enlargement to take place before the support for it diminishes. This means there is no time for proper preparation of background studies and for involving the relevant stakeholders. It is only now that the true implications of the transposition of the *Acquis* and its implementation are slowly surfacing. The recent case of the revision of the Czech position can be seen as the first signal of more similar occurrences to come.

Such a dictated speed works against the principles of democracy and **public participation**, and against the application of sound judgement. Local governments largely are excluded from the consultation process, even if they will bear the greatest burden of implementation (in the areas of wastewater, drinking water, waste). The industry has typically been actively involved in the positions regarding legislation that is of relevance to them (packaging and packaging waste directive, IPPC), which often results in their one-sided influence. The NGOs are usually only formally involved at the last stage, if at all, and do not have the capacity to enter the process under such a time pressure.

Despite the commitment to **transparency**, the Commission's Common Positions are classified as "CONF(idential)," which sets the tone for the future exchange of documents. This means that unless these documents are leaked, parties other than governments are excluded. With the Aarhus Convention, one would expect a more open atmosphere. The documents hardly contain any "sensitive" information, and they are relatively easy to obtain anyway, however officially they cannot be quoted and discussed! Besides, access to information is the basis of public participation. The atmosphere of "confidentiality" is doing more damage than good.

We demand from the Commission, the Member States and the candidate countries a review of the procedures so that transparency and public participation can be really realised, also in the spirit of the Aarhus Convention.

3. Views of ENGOs on the Accession Negotiations

The discussion about transitional periods for parts of the environmental *acquis* is becoming more and more concrete. Despite the limited transparency and the lack of a full dialogue, ENGOs in several candidate countries do have opinions about what their governments present. They are not against transitional periods per se, and in some cases prefer more time in order to find better solutions. But they have a critical view on where lack of political will, influence from commercial interests, lack of a real challenge have defined the position of the government. We want the accession process to promote improvement of the environmental situation as soon as possible, to improve the public health, to prevent losses of species, to make the road to sustainable development easier. We also realise that long transposition periods will undermine further progress on the EU level.

We call upon the Commission, the Member States and the candidate countries to encourage ENGOs to play an active role in this discussion, to provide the proper procedures for involvement and to seriously look at the criticisms and alternatives the NGOs are presenting on the difficult question of transition periods.

As a general principle, ENGOs cannot accept any transition periods for horizontal legislation like access to environmental information and Environmental Impact Assessment. Also the implementation of Natura 2000 should be a requirement from the date of accession.

4. Financial Assistance for candidate countries

We have several concerns with the way the financial support from the EU for the accession process is being organised and used.

- The current pre-accession funds are being used without a long term vision. They do not function as the start of a longer-term process of cohesion in the enlarged union. Looking at the results of the cohesion policy in the current EU, it is essential that high environmental standards and a positive environmental impact as a requirement for all investments supported by EU funds (respecting art. 6 of the Amsterdam Treaty).
- The EUR 5 million minimum limit for ISPA favours large scale projects. This is not always the best solution for the environment, prevents smaller projects and it also puts authorities in poor regions in an unfavourable position to solve their environmental problems.
- ISPA does not include the objective of waste minimisation, therewith missing an opportunity to promote this most structural solution to the growing problem of waste. ISPA also does not allow support for urban public transport.
- The SAPARD fund is very much limited and risks in practice to be primarily used for adapting agriculture in the candidate countries to the EU market, with clear negative impact on the environment.
- The largest source for finance from the EU, the European Investment Bank, has a particularly negative track record with ENGOs because of its heavy involvement in projects with a clear negative impact on the environment and its lack of transparency and respect of the right for public involvement.
- External costs are not included in the cost benefit and cost efficiency analyses of pre-accession funded projects, EIB or other funding mechanisms managed by the EU. Strategic Environmental Assessment is so far not required.
- Furthermore, there are not sufficient guaranties that the pre-accession aid will not affect areas with high biodiversity values. The recent development patterns easily lead to the loss of biodiversity and in particular habitats in these regions that are supposed to be protected under EU legislation. Consequently, model projects should be supported that implement sustainable development in rural areas.
- The decision-making on how the pre-accession funds are going to be used does not include meaningful public participation procedures.

We call upon the European Commission to review its rules and procedures on pre-accession aid to fully integrate environmental interests in all supported investments, and to consult ENGOs in this process. Further we want to see the EUR 5 million minimum limit for ISPA removed. In ISPA the scope is to be reviewed to include, e.g. urban public transport and waste minimisation

schemes. For SAPARD, the development of the organic sector and agri-environmental measures promoting biodiversity need to have priority. The EIB needs to be restructured in order to respect environmental and democratic principles in its operations. We call upon candidate countries to use the pre-accession funds as seed money for sustainable development and not as a tool for short-term economic gains at the expense of environment and biodiversity.

5. Support for ENGOs in the Accession Process

ENGOs can play an important role in real involvement of the public in the accession process and in improving the quality of the process itself. We consider it highly important that the Commission, the Member States and candidate countries make much more resources available for capacity building and institutional development for NGOs.

We want to emphasise that the amount of funding available in the entire region for accession related NGO work is comparable with the costs of the preparations of one or two larger ISPA projects. This shows that there are currently very few financial resources for NGOs that enable them to get involved in the accession process. On the EU level, progress on a special fund called “Access” is extremely slow and will only add very little to the available resources. The new EUR 170 million fund for public awareness about the accession process risks to be used for direct information from governments and Commission to the general public, rather than to promote the real discussions in society about the meaning of this process that are greatly needed.

We call upon the Commission, the Member States and the candidate countries to establish substantial funds for ENGO involvement in the accession process.

6. Promote Innovative Solutions

It cannot be denied that the Commission has a large impact on the development of national strategies in candidate countries. It therewith also has a large responsibility to promote the best result with regards to integration, but it has to respect the democratic rules and norms that have been developed in the 10-year period of transition.

The Commission, and in particular its Commissioners, should in concrete ways promote the need for environmental policy integration. They should show this in their sectoral and enlargement policies in the EU and in their messages and visits to the candidate countries they should underline that they expect the same from candidate countries.

The Commission is so far not visible in promoting and stimulating the development of innovative approaches in implementation of the environmental *acquis*. But eco-efficiency approaches are most needed as the implementation of the *acquis* should not lead to maintaining and increasing pressure on the environment.

Parts of the *acquis*, the criteria for ISPA, dominant perceptions with decision-makers and advice and pressure from commercial interests lead to large scale and expensive end-of-pipe solutions.

The Commission should promote and facilitate innovative solutions, such as small-scale sewage treatment plants. This would also lead to a better use of the limited local and national funds available. It would generate effective, innovative and job creative projects that develop sustainability in candidate countries and the EU as a whole.

7. Urgent Action in Priority Areas: Transport, Energy, Agriculture and Biodiversity

The increased pressures resulting from transport development and intensification of agriculture in the candidate countries on environment and biodiversity are the main concerns that are currently not really addressed in the enlargement process. The problem of nuclear power is not dealt with in the necessarily decisive manner, which exposes the population to further risks and increases the nuclear legacy for the future. In all these cases the awareness of the problems is there, what we miss are concrete actions to prevent the negative impacts.

The NGOs therefore demand immediate and concrete action, laid down in official and binding action plans, in particular so that:

- **Amsterdam Treaty Art 2 and 6 and the 5th EAP are fully part of the negotiations.**
- **Concrete environmental targets for integration in sector policies are established.**
- **The protection of biodiversity is present in all sectors as an utmost priority.**
- **SEA becomes a prerequisite for all new plans, programmes and policies, with involvement of NGOs.**
- **Investments are directed towards sound environmental projects**

Specific demands include:

- **On biodiversity: improvement of the Habitat Directive to establish ecological corridors:**
- **On energy: immediate closure of high-risk reactors, no construction of new reactors; inclusion of the candidate countries in the EU strategy to promote renewables.**
- **On agriculture: urgent action to prevent or stop the introduction of GMOs; review of the EU CAP in order to provide the right framework for an environmentally sound development of agriculture in the candidate countries.**
- **On transport: stop the trend towards road and air transport.**

8. Expectations Towards Governments of Candidate Countries

ENGOS have noticed a trend amongst the governments of candidate countries to exclude environmental development from the list of national priorities. This trend needs to be reversed, and in order to do so, the following issues should be addressed, in addition to requests listed elsewhere in this document:

- **Candidate countries should underline in their communication with the public, that the implementation of the EU environmental legislation is in their own interest, leading to a better quality of life.**

- **Reinforcement of inter-governmental cooperation of candidate countries to strengthen information and experience sharing, in working together to (re) establish faith of the public in democratic decision-making.**
- **A common stand in favour of retaining national legislation that sets higher environmental standards than the Acquis as it presently stands should be taken.**
- **The structural weakness of environmental administrations should be addressed. More weight should be given to the environment ministry at cabinet level; greater budget allocations should be made for environment protection agencies, pilot projects, conservation and the promotion of national environmental councils.**
- **Strict measures against black markets, corruption and other criminal activities that are an effective driving force behind environmental destruction in candidate countries. Special attention to be paid to EU-based companies in order to avoid their involvement in illegal activities.**

9. The Future of Sustainable Development in an Enlarged European Union

Decisions on the future policies of the EU are of particular interest for the candidate countries as they expect to become members during the period of implementation of such policies. From the point of view of the ENGOs, the recent initiative to formulate an EU Sustainable Development Strategy is the most essential challenge, even if it is rather unclear at this stage how it will inspire and effectively integrate the present sector-oriented policy processes within the EU.

The preparation of the new EAP already has a much more concrete shape. We welcome that the Commission launched an open debate on the content of the 6th EAP. Besides the contributions by several national and European ENGOs, we wish to express several common position points:

- **When preparing the 6th EAP, the enlargement should be explicitly taken into account. It will serve a larger geographical area — with more diverse natural assets, with more pollution sources and with an increased need to co-ordinate the implementation of the agreed policies and measures.**
- **The overall objective should not be overlooked, namely, that the EU should really move towards sustainability, and as a crucial element of this objective, we should arrive at a better state of environment, healthier environmental conditions for all citizens, with specific, health oriented targets, and better conservation of values of our natural heritage. One of the attractive aspects for the candidate countries (when they join the EU) should be the opportunity that they will have a better environment in their countries when they align with the EU's programme objectives, requirements and standards.**
- **As a matter of fact, the candidate countries perform better on sustainability/environmental indicators in certain areas than several Member States or**

the EU at average. These advantages should also be taken into consideration in the planning process.

Some essential elements of the 6th EAP include, in our views:

- **Concrete, quantified environmental targets and timetables.**
- **Choice for a strong regulatory role for authorities, on the basis of concrete and strict standards, rather than relying on voluntary agreements and other forms of soft policies.**
- **A strong drive towards a comprehensive environmental tax reform, as much as possible coordinated in the entire (enlarged) EU, not excluding pioneering by individual or groups of countries.**
- **An immediate start to a rapid abolishment of all environmentally perverse subsidies, on the EU as well as the national levels, as well as hidden subsidies, such as tax reductions for car users and tax exemptions for air traffic.**

Annex III: List of Participants

Accession Countries and Central and Eastern European NGOs

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