DG ENV-NGO Dialogue Group

Summary of the Third Meeting

Brussels, Belgium
NOVEMBER 28-29, 2000

Prepared by the
NGO Support Program,
The Regional Environmental Center
for Central and Eastern Europe

With the financial assistance of
The European Commission,
Directorate-General Environment

THE REGIONAL ENVIRONMENTAL CENTER
for Central and Eastern Europe

Introduction

The DG ENV-NGO Dialogue project began in mid-1999. It is a series of meetings between European Commission (EC) officials — from several directorates general but predominantly DG-Environment — and permanently selected representatives of environmental non-governmental organisations (NGOs) from European Union (EU) Candidate Countries, as well as some additional NGOs from South East European countries and Western Europe.

The dialogue has three main purposes:

- to share information on the enlargement process;
- to share information on the general environment programme of the EU;
- to enable NGOs to present their opinion on the process to EC officials.

NGO activists applied to be a part of the group because they represent organisations working on the issue of EU accession and its consequences to the environment. As a result, the group is representative of informed NGO opinion, but does not represent NGOs. The dialogue meetings are organised and facilitated by the Regional Environmental Center for Central and Eastern Europe (REC).

To date there have been three meetings of the dialogue group: one held in Brussels in October 1999, the second held in Szentendre, Hungary in June 2000 and the third one in Brussels in November 2000. One more meeting is planned in 2001. The following text presents a summary of the main discussions, presentations, statements and outcomes made by participants during the November 2000 meeting. This meeting was held to coincide with EEB and WWF Europe Accession-related events.

NGO Support Program
REC

Summary of the Sessions

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NGO Preparatory Meeting and ISPA-NGO Dialogue **Tuesday, November 28**

First Session: **12:00-13:00** NGO Preparatory Session

Robert Atkinson (Head of NGO Support and Capacity Building Program, REC) gave a welcoming address. He outlined the agenda and practical arrangements, as well as describing parallel environmental events occurring in Brussels during the time of the meeting. He explained that the idea for the meeting was, as with previous meetings, to enable the NGOs to prepare for the discussions with EC officials, to be briefed on the agenda and other events and to enable them to decide how to prepare for meeting with the EC Environment Commissioner.

Besides describing these issues, Atkinson presented the current and upcoming projects of the NGO Support Program of REC. These include a number of grant projects on the local, national and region-wide level. He also introduced capacity building; networking; self-sustainability and access to information projects. The session closed with the introduction of participants.

ALEXANDRU SAVULESCU, Romania (left) **and MARC FRANCO, Director, EC DG REGIO** (right) co-chair the ISPA-NGO Dialogue session.

Second Session: **14:30-16:00** ISPA-NGO Dialogue

The co-chairs of the session, **Marc Franco** and **Alexandru Savulescu** (Romanian Journalist's Association – Romania), explained that the session's objectives were: to discuss the relationship between the Instrument for Structural Policies for Pre-Accession (ISPA) and the NGOs; and to present more information about ISPA, the European Commission's instrument to help the ten CEE candidate countries to adapt to the environmental and transport conditions that accession will bring.

Following Marc Franco's presentation (see Box 1), the floor was opened for questions and discussion.

Rudolf Ragonesi (Friends of the Earth – Malta) inquired about the position of the EU vis-à-vis Malta and any support mechanisms comparable to the ones the CEE countries are receiving. Franco stated that ISPA is set up only for 10 CEE countries, and Cyprus and Malta have their own financing mechanism. He added that the same

BOX 1

Presentation of Marc Franco

ISPA officially started operation in 2000. It aims to help financially improve the major environmental and transport infrastructure in the ten CEE Candidate Countries for the period between 2000-2006.

ISPA has an annual budget of EUR 1,058 million. Preliminary results for 2000 indicate that, 51 percent of ISPA funds have been committed to transport and 49 percent to environment projects. The average size of each project is EUR 12 million, and the average rate of assistance is 65 percent. However, the percentage rate of assistance will be lowered in the future, in order to provide ISPA's funding for more projects.

Candidate Countries formulate and prepare the environmental ISPA strategies themselves, taking into consideration the future EU Structural Funds and Cohesion Funds.

Regarding environmental projects, the most important sub sectors that countries have chosen when applying for funding are wastewater treatment, followed by solid waste management, drinking water and air pollution.

In terms of transport projects, preference was given to sustainable public transport especially for projects related to the east-west or EU candidate countries' EU transport corridors. About 50 percent of the selected projects were related to rail and nearly 40 percent to roads system improvement One air transport was approved as well. Overall, transport projects are usually bigger in financial terms in comparison to environmental projects.

In case of multi-annual budgeting, not all available funds were committed, as the intention is to disburse them over the next years of ISPA mandate. Because of this approach, more projects are being implemented in the first year.

To summarise, the first phase, or planning phase, of the ISPA funded projects has been completed. In order to support countries in the implementation phase, the EU Delegations in Candidate Countries will monitor the projects' implementation based on experiences gained during monitoring of EU Cohesion Fund . Monitoring Committees will be organised in each country. These meetings will serve as project implementation review meetings and will be held twice a year.

applies to Balkan countries.

Magda Stoczkiewicz (CEE Bankwatch Network and Friends of the Earth – Belgium) asked several questions. She said public participation can improve the ISPA guidelines by providing more public ownership of the projects, and inquired whether there was any chance to modify the ISPA guidelines by adding criteria related to public participation issues. She also asked whether there was any way to influence the EC to address these issues, and whether the accession countries can be forced by the EC to integrate public participation issues into their procedures. In addition, she suggested that the ISPA strategy can be revised according to the Amsterdam treaty. And, finally, she asked whether there are any possibilities at all to improve the guidelines. In response, Franco stated that, first of all, ISPA can encourage, but cannot impose upon, Candidate Countries something that does not exist in the acquis communautaire or that the EU does not require from its Member States. ISPA though, can contact countries and suggest better cooperation with NGOs.

Referring to the grants issue, **Janis Ulme** (Latvian Environmental Protection Club – Latvia) asked about the ISPA granting verification process. According to Franco, ISPA checks every project for EIA and, if there are any doubts, ISPA will inquire for additional information. ISPA will adopt a project but will not fund it unless the EIA is approved. Advance payment would not be made without proper EIA. Confirming the above state-

The next phase will involve decentralisation, under which the beneficiary countries will become responsible for approval of the steps involved in implementation. This will shift some responsibility from the EC towards implementing countries. But some countries might not yet be ready for speedy decentralisation.

In conclusion, it should be highlighted that ISPA is not one of many EU funds and its aim is to use EU grants funds, in conjunction with other funds, to achieve maximum positive effect on improving transport and environment in the Candidate Countries.

The projects submitted so far have had some imperfections in preparation; they have shown some technical deficiencies, that had to be overcome during appraisal by Commission services and some did neglect economic and financial aspects.

In many projects a better Environmental Impact Assessment (EIA) is needed. In many cases, ISPA has had to ask for an additional EIA. Many projects were approved with the condition that EIA will be conducted and that the environmental impacts will be deemed acceptable. Commissioner Margot Wallström has announced that, starting from Jan. 1, 2001, all candidate countries are requested to submit a full EIA for all projects — a process that is similar to the one existing within the EU.

The overall ISPA objectives for the year 2001 are as follows:

- selection of projects;
- maintaining project quality;
- financial engineering;
- communication and publication.

ment, **Fernando Hervas-Soriano** (European Commission, ISPA coordinator, DG ENV.1) added that unless all criteria are fulfiled the second payment would be withheld.

Changing the discussion to the issue of scientific expertise and involvement of small municipalities, **Ruta Bendere** (Waste Management Association of Latvia – Latvia) wondered why these issues are not considered by ISPA. Franco responded that local/national experts are always involved in the projects, and it is a standard that the local authorities and experts work together. He said the involvement of experts means that projects in need of alteration can be assessed and changed more quickly. In the past, PHARE funds were used for the improvement of projects. Now the only available funds are from ISPA, and the contracting authority is the beneficiary government — not the Commission. It is therefore up to the governments to hire experts for their projects. Due to the size of the projects, some small countries can have a problem with project implementation, because the funds are too large to be absorbed and they cannot find enough experts for the work. However, according to Franco, larger projects are usually of higher quality than the small ones. Usually, small projects need more support, because they tend to be submitted by smaller municipalities lacking project management expertise.

Erzsebet Schmuck (National Society of Conservationists – Hungary) agreed on the general criteria of project selection, but inquired about the real target group of ISPA pro-

RUTA BENDERE, Waste Management Association of Latvia, (center) **questions the involvement of Local Authorities in the ISPA process.**

jects. In response, Marc Franco confirmed that ISPA is trying to identify bigger projects, because these are usually better prepared and reach more people. He noted that EU Structural Funds will be even larger in size than ISPA projects. ISPA, he said, could serve, in a sense, as a preparation for these. In the meantime, ISPA has to work to gradually improve access for funding for smaller projects. The problem lies in proving the importance and urgency in comparison with larger projects. One option might be to group smaller projects into larger ones, Franco said.

As a follow-up question, **John Hontelez** (European Environmental Bureau - Belgium) asked Franco to provide evidence, details and elaboration as to why larger projects are more effective than smaller ones. Hontelez said it is, in fact, a well proven fact that, in the environmental sphere, smaller projects are more effective. Franco replied that he believes the larger projects can have more impact on the environment, as for example, large cities do contribute more to pollution than small ones. Investing in pollution reduction projects in a large city will bring immediate results on a larger scale than such a project would in the small city, Franco maintained. Hervas-Soriano added that many people forget that ISPA is not the only financial instrument for investing in the environment and that there are other instruments that can cover smaller projects.

Next, **Pavla Jindrova** (Center for Community Organising – Czech Republic) said she welcomed Franco's willingness to send a letter to national governments to include NGOs in the ISPA process. She also recalled the issue of the Aarhus Convention and inquired why it cannot be included in the ISPA guidelines. Franco referred to his previous statement that the Aarhus Convention is important, but again noted that ISPA is project-related funding, not funding for strategy or policy.

As a follow-up question, Stoczkiewicz asked: If ISPA is not strategy or policy based, then where, according to Franco, does its priority lie? Is it necessary to make a choice

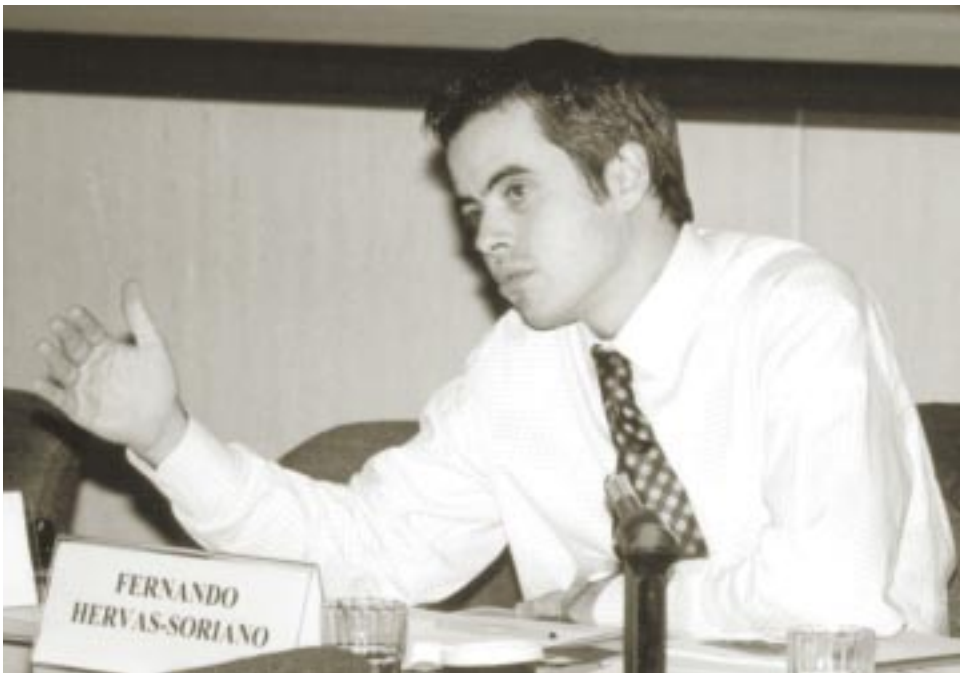
between learning good practices and strategy and running projects or making investments? Franco said, ISPA is designed to prepare ground for future structural funds and as such it has to comply with EU Directives and the acquis communautaire.

Third Session: **16:15-17:00**
Compliance with Environmental EU Directives and Project Evaluation for Environmental Sector

Fernando Hervas-Soriano (EC, ISPA coordinator, DG ENV.1) explained how DG ENV is involved in the management of ISPA. He said this cooperation has gone very well so far. Hervas-Soriano began with an introduction of the main points of cooperation among DG ENV and DG REGIO, these being:

- strategic and programming level;
- ex-ante project appraisal;
- institution building/information;
- monitoring/ex-post evaluation.

On the strategic and programming level, ISPA's environment strategies include considerations of: the state of the environment for air, water and waste and policy issues; investment needs to comply with EU acquis; financing sources; prioritisation criteria and



FERNANDO HERVAS-SORIANO, EC, ISPA Coordinator, DG ENV.1 makes a presentation on ISPA Compliance with Environmental EU Directives.

project identification. All these are subject to regular update.

As far as Priority Environment Projects for Accession are concerned, ISPA gives assistance to countries for preparation of investment strategies for the implementation of heavy investment directives for the environment — and to develop and implement a pipeline of appropriate projects suitable for funding through national and international funds.

Explaining project identification in ISPA Pipelines, he highlighted the following issues:

1. Update on accession negotiations for Chapter 22 (environment), including: level of transposition and implementation of relevant Directives and transitional periods requests.
2. The link between accession priorities and investments.
3. Consultations on project lists and technical assistance requests.
4. Future joint country visits.

Furthermore, Project Applications Appraisal consists of two rounds of consultations and has to be: coherent with accession priorities on environment; comply with EU "acquis"; and comply with EU policies, for example the polluter pays principle.

In terms of compliance with the EU acquis communautaire: All new investments should comply with the EU environmental acquis, and project proposals should respect EC horizontal legislation (EIA, IPPC, Nature protection, Transport & Environment) and sectoral legislation, including the norms and standards of the EU. Furthermore, water projects should comply with the EU acquis on: urban wastewater, drinking water and dangerous substances. Waste management projects should comply with: the Waste Framework, and Directives on landfill and incineration. Air projects should comply with: the Air Framework and the daughter directives related to air.

The Environmental Impact Assessment structure implementation

Hervas-Soriano described the EIA process and provided some examples of projects from Annex I:

- **Transport:**
  - Motorways and express roads (including widening and realignment > 10 km).
  - Long-distance railway traffic lines.
  - Airports (runway length > 2.1 km).
- **Environment:**
  - Wastewater treatment plants (> 150000 p-e).
  - Dams (> 10 million cubic metres).
  - Incineration or landfill of hazardous waste.
  - Incineration or landfill of waste (> 100 tones/day).

From Annex II Hervas-Soriano listed the following as main areas applied for:

- **Transport:**
  - Roads.
  - Harbours.
  - Railways and airports (not included in Annex I).
- **Environment:**
  - Waste disposal facilities (not included in Annex I).
  - Wastewater treatment plants (Annex I).
  - Sludge deposition sites.

Within both areas (Transport and Environment) any change or extension of Annex I and II projects which may have significant adverse effects on the environment requires EIA.

For those projects requiring a formal EIA, the relevant documents to be provided to the Commission are:

- The non-technical summary of the environmental impact study.
- The results of consultations with the designated environmental authorities and the public.
- The final statement from the competent authority and evidence that main elements have been made public.

The Non-Technical Summary of the EIA study should provide evidence that the impact study includes:

- Assessment of direct and indirect effects on factors listed in article 3.
- Minimum information to be provided to the competent authority:
- Project description (site, design, size…).
- Mitigation and remediation measures.
- Data on main potential impacts on the environment.
- Outline of the main alternatives studied.

The Results of Consultations should be provided as evidence that proper consultations have taken place with the competent environmental authorities, with the public concerned and with neighbouring countries likely to be affected.

Before the development consent is granted, the Results of these Consultations should outline: dates of the consultations, outcome of the consultations and how concerns of the public have been taken into consideration in the decision making process.

Following the impact study and the consultations, a Final Statement should be issued and signed by the competent authority. It should integrate the results of the impact study and consultations, and there is a minimum of information concerning development consent that should be made available to the public: content of the decision and conditions, main reasons on which it is based, a description of avoidance/mitigation measures.

Projects covered by Annex II that do not require formal EIA, or projects not covered by the EIA Directive, need to provide information concerning their location and poten-

ISPA's environment strategies include considerations of: the state of the environment for air, water and waste and policy issues; investment needs to comply with EU acquis; financing sources; prioritisation criteria and project identification.

ISPA compliance with Environmental EU Directives

Following the EIA, a Final Statement should be issued and signed by the competent authority and there is a minimum of information concerning development consent that should be made available to the public.

Fernando Hervas-Soriano

tial impact on environmentally sensitive areas.

Institution building support for ISPA includes: the work of pre-accession advisers under PHARE twinning; the organisation of country seminars on the EIA Directive (organised jointly by DG REGIO and DG ENV to take place in February-March 2001). In addition there will be future-specific training on sectoral Directives. Interested parties can also contact DG REGIO rapporteurs, ISPA co-coordinators and Ministries of Environment.

Fourth Session: **17:00-17:30**
Networks for Transport Sector

Remi Mayet's (EC DG TREN B2 – TEN policy unit) presentation on the Trans-European Transport Network in an Enlarged EU and DG TREN contribution to the ISPA process was divided into four parts:

- Explaining the Trans-European Transport Network policy in the EU.
- Explaining the TINA process that is used by the Commission to assess transport projects financed by ISPA.
- Environmental issues.
- What next — conclusions?

Mayet began by addressing the question: How did the EU arrive upon developing the concept of a Trans-European Network? For many years, the Common Transport Policy focused on creation of a common transport market and liberalisation of transport services. Only in the beginning of the 1990s were the first concerns raised over environmental problems caused by transport projects, including, increasing congestion and lack of a coordinated infrastructure policy. These concerns, together with the need to complete the internal market in all sectors, as well as the need to strengthen social and economic cohesion of the Union, lead to the development of Trans-European Networks (TENs). This concept was then "enshrined" through the Maastricht Treaty.

According to the Maastricht Treaty, TEN should help to create the internal market and should allow countries to take full advantage of an area within internal frontiers. The objective of the EC in this context is to contribute to the development of the TEN, to encourage interconnection and interoperability and to link islands, landlocked and peripheral regions.

The EC's actions regarding TEN are: to define guidelines, to financially support projects of common interest, to ensure interoperability and harmonisation of standards and to cooperate with third countries to promote projects of common interest and interoperability.

Aside from the EC Guidelines, there are three main legal instruments to support activities related to the TEN road network:

- For coordinated infrastructure planning: Community guidelines for the development of the trans-European Network (Decision 1692/96/EC).
- For interoperability standards: Rail interoperability directive (Directive 96/438).
- For rules on spending the money: Financial regulation for the TEN budget (Regulation 2236/95).

ERICH UNTERWURZACHER, EC DG REGIO (left) **and REMI MAYET, EC DG TREN B2 – TEN policy unit answer NGOs' questions related to ISPA and TEN.**

In practice the first legal instrument (the EC Guidelines) should be used to identify projects of common interest; to determine the necessary conditions to get EU infrastructure money (structural funds, TEN budget, EIB, FEI etc.); to implement other EU regulatory measures like the interoperability directive, the weekend and night ban legislation, etc; to give a signal to private or public actors of where the priority public infrastructure investments are located.

In terms of funding, there is a need for roughly EUR 400-500 billion, of which EUR 100 billion is required for priority projects before 2010. On average, EUR 20 billion a year has been spent already, both from the private and government sector of Member States. Thirty percent of this expenditure was supported by the EU contribution. For the financial period of 2000-2006, it was estimated that expenditures would be EUR 18 billion per year. This, obviously, shows that the amount is not sufficient to complete the entire TEN without the involvement of the private sector.

The TEN is a multimodal network. High speed rail lines, conventional rail lines, combined transport, inland waterways, airports, roads, traffic management systems, sea and inland ports all are sections of the network.

The proposed TINA network will comprise approximately 20,000 km of road and rail systems. The cost, however, of upgrading the system to traffic requirements will amount to around EUR 90 billion. This will require governments to invest about 1.5 percent of the GDP until 2015 in the transport infrastructure.

When considering the environmental issues of transport and how to integrate envi-

ronmental issues into TEN policy, priority should be given to a multimodal network, and a correct application of the EIA. The SEA should be used more extensively and the Commission should stress new research on SEA in transport.

Questions for the future are: How do we cope with the traffic increase and respect Kyoto commitments at the same time, or, in other words how to stabilise the modal split? The last question though is: How will the enlargement of the EU and its consequences impact on social and economic cohesion?

Enlargement however, is not the only challenge to European transport infrastructure. Other issues that all old and new members of the enlarged EU will face in the coming future include:

- modernisation of the rail sector through market access and harmonisation of safety rules;
- maritime safety;
- road safety through coordination of national policies and definition of common rules for international routes; infrastructure financing and pricing: involvement of the private sector and setting the right price;
- priority investments and quality standards.

Fifth Session: **17:30-18:00**
Experience of Hungarian NGOs with ISPA

The main points of **Ferenc Joo's** (Hungarian Traffic Club – Hungary) presentation could be summarised as follows:

- As an example of ISPA funding, the Hungarian government decided to withdraw road project proposals, as it intends to build roads from "secure" state funds. Three main rail projects will be built and these will cost around EUR 370 million, with state funding included. These are intended to be developed between 2001-2007. Furthermore, the Hungarian State Railways (MAV) receives roughly EUR 220-300 million as a subsidy from the state, of which 50 per cent is spent on infrastructure. In 2001, 25-30 percent of all Hungarian infrastructure investment into State Railways will support ISPA projects. Out of this amount, 77-83 percent of the funds will be directed towards upgrading schemes and new infrastructure investment, while regular maintenance will account for only 17-23 percent.
- In terms of NGO experience with ISPA funding in Hungary, there was not enough time yet to develop a proper full analysis. But NGOs have noticed that the ISPA funding was based on the TINA network and as such indirectly and in some cases directly affects national transport policies.
- The NGOs also get the impression that ISPA funding decisions sometimes have a political tone, and they are likely to disregard transport expert opinions. Large-scale ISPA projects could lead to unnecessary facility development and upgrades of transport infrastructure without providing enough rolling stock capable of using these facilities.

- In addition, connections of high-volume networks to conventional corridors and junctions are not sufficient. ISPA concentrates on linear development, while bottlenecks are often not solved and technological improvement is not guaranteed.

FERENC JOO, Hungarian Traffic Club, presenting the Hungarian NGOs' experiences with ISPA.

In response to this presentation, **Marc Franco** agreed that Joo had pinpointed delicate issues related to ISPA investment in Hungary. The EC, is in favour of investment in the rail sector, since it is more environmentally friendly than the road system. CEE countries currently have an "advantage" over Western Europe, because more goods in this geographic area are still moved by rail. The EC would like to preserve the CEE's heavier utilisation of rail, however, many rail companies in CEE — as well as in the EC — should be restructured. Most rail companies are in a disastrous state, all over the world. But we need rail to preserve the environment. The need for rail maintenance and financial management also causes problems for international financial institutions. In Hungary's case, the government decided to fund roads by themselves. While it seemed that some investments are over-dimensioned, as in the case of border between Greece and FYR Macedonia, the current low level of traffic is due to the war, and that this should change as the situation stabilises.

Franco also welcomed all comments about ISPA, and about how the dialogue between ISPA and NGOs could be stimulated. He suggested that regular meetings could be arranged once a year. As far as the NGO dialogue with their governments is concerned his office could write a letter to ISPA national coordinators in ministries of transport and environment to develop such dialogues within the Candidate Countries, and to suggest to governments to incorporate consultations with NGOs based on the Aarhus Convention. This process of added local expertise can play a significant role in project assessment evaluation. Franco stated that ISPA will share experience from today's meeting with all CEE governments.

Joo responded to Franco's remarks on his presentation by stating that he believes that assessment and full liberalisation of the rail sector should be conducted as soon as possible. Franco replied that all involved institutions are trying to do their best, however, they are worried about management issues.

Bringing the Slovak experience into the discussion **Jan Rohac** (Ekopolis Foundation – Slovakia) mentioned the fact that, in Slovakia, the TINA corridors were set up by the Meciar government. For this reason and others, he asked whether it is possible to reevaluate the TINA documents again, to bring them closer to the real needs of regions. Mayet answered that the TINA report is a working document of the Commission, and it is used for the evaluation of the ISPA programme. It has to be seen as the only available document at the European level to start the discussion, particularly in the context of the negotiation process. The discussion on it is not finished yet and we will encourage bringing new thoughts and arguments into the process.

ANDRAS KROLOPP, CEE WEB, Hungary, questions how ISPA evaluates its projects vis-a-vis the Habitat Directive.

Mara Silina (European Environmental Bureau – Belgium) raised two questions that referred to Hervas-Soriano's presentation on the relationship between ISPA and EIA. Her first concern related to ISPA readiness to integrate the elements of the upcoming EU legislation, such as the Water Framework Directive that is being prepared now, into the project preparation stages. She asked how ISPA sees this process further developing, because the countries have to transpose legislation, then implement and to enforce it. Silina said she was not convinced that new legislation will be included into future projects until the countries complete the implementation process for this legislation. Her second question was connected to the IPPC Directive: This is one of the most difficult pieces of legislation to transpose and implement in the candidate countries, how is it incorporated into the transport projects, since this?

Fernando Hervas-Soriano highlighted the fact that existing legislation is always taken as a basis for project development, but ISPA also looks into the new directives to be incorporated. However, he added, ISPA is not able to enforce legislation that is not yet even applicable to Member States. In the case of the SEA, ISPA is strongly encouraging all countries to apply it if possible. As per the second question, the IPPC Directive, Hervas-Soriano said the annexes of the IPPC do not cover transport projects as far as he knew.

Continuing the discussion about compliance with specific EU Directives, **Andras Krolopp** (CEE WEB – Hungary) referred specifically to the Habitat Directive. Saying that, according to ISPA regulations, the proposals are evaluated against compliance with the directives, and that, the Habitat Directive will come into force only after accession, he wondered how ISPA evaluates projects, knowing that accession countries will nominate their habitats after accession. In the second part of his question Krolopp inquired about the percentage of ISPA projects that are spent on waste reduction (should it be solid or sewage waste) keeping in mind the sustainability principle rather than temporary solutions, like land fills or incinerators.

Concerning the application of the habitat directive, Hervas-Soriano affirmed that, indeed, this is not an easy task in the sense that the countries have not yet defined the areas for habitats, but ISPA already has some valuable information on what these areas should be. This information is coming from various sources, such as the IBA list from BirdLife International, furthermore, the Corine project has also identified some habitat zones. However, the ISPA analysis is always made on case-by-case basis. ISPA consults with conservation authorities in each country to verify whether projects are located in what ISPA considers a sensitive area, and this includes areas covered by national and international legislation. As far as waste reduction is concerned, ISPA requires each individual project to be framed by a waste strategy, and that should include provisions concerning waste prevention at source.

Erich Unterwurzacher (EC DG REGIO) said that 21 percent of environmental projects deal with waste management. This area consists of three main components: collec-

tion separation, recycling and closing of existing landfills (dump sites). He also noted that there is usually a waste component in water projects (e.g. for sludge handling and disposal).

Magda Toth Nagy (REC – Hungary) pointed out that Hervas-Soriano did not mention one horizontal piece of legislation while describing directives against which the projects proposals are evaluated. She said the Access to Environmental Information Directive should be added to the list of directives impacting project preparation, along with EIA and IPPC, since applying this Directive would help many NGOs improve their access to information. Hervas-Soriano said that this issue relates to the Aarhus Convention. He said the EU has ratified the Convention, but it is still in the process of adapting its legislation to be in line with the Convention. Obviously, when the Aarhus Convention is fully transposed it will apply horizontally, he said.

Continuing the discourse on legislative issues **Petko Kovatchev** (Center for Environmental Information and Education – Bulgaria) asked how DG Environment introduces the polluter pays principle (PPP) in transport projects in the light of present-day high oil prices, and at a time when most of the oil companies blame oil prices on "green taxes?" Kovatchev also asked Hervas-Soriano to clarify his assertion that the transport and environment project proposals should respect first horizontal legislation and only secondly sectoral legislation that refers to environmental projects only. He also wondered whether that means that transport projects should not respect sectoral legislation? Hervas-Soriano answered the second question first, saying that transport projects have to comply with standards that are included in EU legislation. Sectoral directives apply to transport projects, but this is not assessed by DG Environment but rather by DG TREN. Regarding the first part of the question on how to apply the PPP issue in transport, he said that it is a difficult question. The PPP has been established in the treaty and this is a main legal basis for applying it in the context of ISPA, but there is only one environmental directive that directly mentioned the PPP, the Waste Directive. The new Water Framework Directive will also include the PPP as a requisite. Mayet added that the most relevant legislation taken into account while assessing transport projects is the EIA.

ERICH UNTERWURZACHER, EC DG REGIO, answers NGOs' questions related to ISPA.

At this point, **Richard Filcak** (REC Country Office – Slovakia) introduced the issue of the public transport development and the lack of funding for it within ISPA. Unterwurzacher responded that ISPA is fully aware of the problem of urban transport, not only in CEE but also in Western Europe. As it is structured, he said, ISPA is essentially a precursor of the Cohesion Fund, focusing 50 percent on transport and 50 percent on environment. Furthermore, the Cohesion Funds and ISPA as such, aim at social and economic cohesion, bringing the less developed regions and countries, to a higher level of economic development. Therefore, from this point of view, developing infrastructure for transport of persons and goods are the key priorities for Cohesion Fund and ISPA.

Summary of the Sessions

DG ENV-NGO Dialogue
Wednesday, November 29

First Session: **9:00-10:00**
Opening of DG ENV-NGO Dialogue

Jean-Francois Verstrynge (Deputy Director General, DG ENV) and **Rudolf Ragonesi** (FOE – Malta), co-chairs of the session, introduced the session's objectives as being further expansion of the dialogue between DG ENV and the NGOs.

A question period followed Jean-Francois Verstrynge's presentation (see Box 2).

Magda Stoczkiewicz asked a question she stated that some participants were a bit confused about the status of the Aarhus Convention, because DG REGIO, ISPA, has suggested that the public participation issue can not be imposed during project implementation, while DG ENV seems to suggest that it is valid. She asked: Can the EC impose the Aarhus Convention? Verstrynge said that Aarhus is not yet part of the acquis, and therefore it cannot be imposed. But he noted that the negotiations are underway. EIA must be part of all projects. Adding to this statement, **Susan Hay** (EC DG ENV) said that despite the fact that the Aarhus Convention is not yet part of the acquis, the EC already knows that it is likely to become part of it. She said governments can go ahead and implement the Convention on their own, and added that NGOs can push their governments to do so. So far, only Romania has ratified the Convention, other countries should ratify it before middle of the 2001.

Ruta Bendere asked whether there is any indication that the "second wave" accession countries can join the "first wave" any time in the future. Verstrynge, replied that, since the speed of the accession process is based on a country's individual progress, technically there is no division between "first" or "second wave" accession countries anyway.

Jiri Dlouhy (Society for Sustainable Living – Czech Republic) complained that some environmental legislation from the EC was not translated into Czech, and the Czech government does not want to release it. Jan Rohac was interested in whether the EC will check EIA quality, or will it leave that up to the governments. Responding to these questions, Verstrynge said that EC environmental legislation is available on the internet in many languages already.

RUDOLF RAGONESI, FOE – Malta (left) **and JEAN-FRANCOIS VERSTRYNGE, Deputy Director General, DG ENV** (center) **and IAN CLARK, Deputy Head of Unit – DG ENV.1, European Commission** (right) **chair the opening sesion of DG ENV-NGO Dialogue.**

BOX 2

Presentation of Jean-Francoise Verstrynge on the state of play in the enlargement process:

The Commission is getting into the crucial phase of the enlargement process negotiations, because most of the preparatory work has been finished in the Candidate Countries, with the exception of Turkey. Furthermore, just two weeks before, the Commission issued its new negotiation strategy.

"The Luxemburg Group" opened the negotiations in November 1999. The group consisted of the Czech Republic, Cyprus, Estonia, Hungary, Poland and Slovenia. There is progress with Cyprus and Slovenia, which have completed the second round of environment negotiations. The Commission is aware of these countries' needs and is certain of its own position. The discussion is currently concentrating on some aspects of technical consultations to clarify transitional requests. The Commission has taken the position that transition periods will be given only in investment-heavy Directives. Anything related to horizontal legislation like EIA or nature protection will be refused transition periods.

The Commission wants very targeted and specific transition periods. Two countries, Cyprus and Slovenia have two outstanding requests for transition periods, on the Packaging Waste Directive and Urban Wastewater Directive. In addition, in the case of Slovenia, the Council has agreed on a transition period for IPPC. The fourth request, on the quality of fuel, has been withdrawn. Both countries are extremely cooperative and the Commission does not envisage any major obstacles during future negotiations.

In the case of the Czech Republic, Estonia and Hungary, the Council will shortly approve a common position from the EC side. In these countries there are many requests for transition periods, therefore, this group is not as advanced in negotiations as the Commission would wish. There are some problems with the Czech Republic due to minority government; the parliament especially is slow in following the work of the government. In Hungary there are few results, due to the instability in the position of the minister of environment, which has been changed quite a few times. Since the change in the minister position, many experts have also left; therefore, there are not too many people with expertise. The government, however, is very cooperative and the Commission does not anticipate any problems with the Hungarian parliament as compared to the Czech one.

Poland, is asking for too many transition periods. On the other hand, several laws were passed and the overall situation is improving. Poland is also in quite a difficult situation due to upcoming elections. Moreover, Poland has decentralised environmental responsibility to regions and municipalities without giving sufficient funds or staff for local authorities. Overall, the EC is not sure when the negotiations will be completed.

In case of "The Helsinki group" (Bulgaria, Latvia, Lithiania, Malta, Romania and Slovakia) — negotiations with some countries have been opened. The first round of negotiations has been completed with Lithuania, but Lithuania still has to fully justify the transition requests. Negotiations with Latvia and other countries from this group have not been open. Latvia has just submitted its negotiation position and now this is being evaluated.

In the cases of Bulgaria, Malta, Romania and Slovakia: The Commission has asked the countries to rapidly prepare their position papers. All except Romania have informally signaled that they want to start negotiations. However, negotiations cannot start before the Commission gets position papers. Position papers should be ready early next year in order for the Commission to be able to prepare a common draft position. Some position papers are expected to arrive in January and February.

The real progress of negotiations depends on the countries themselves. Capacity building in Malta, Romania, Bulgaria and Slovakia is not ready. Until these countries improve their capacity, the EC will be not be ready to deal with the approximately 270 directives that have to be negotiated within the environmental chapter. In the case of Turkey, preparations for screening will be established soon. The government is very serious and willing to cooperate. Turkey has paid EUR 2 million to be part of the European Environmental Agency (EEA), as opposed to other accession countries, whose fee is subsidised through the EU's PHARE programme.

In contrast to 1999, the transposition of the environmental acquis is faster in a number of countries now than

before. However, implementation remains weak in many countries. In particular, in water, industrial pollution control, chemicals and nature protection, more resources are needed to speed up the transposition process and definitely more resources are needed for implementation.

The new enlargement strategy

The new enlargement strategy aims to take the negotiations to a more substantial phase, and point the way towards their conclusion. The main elements are to invite the Member States and Candidate Countries to take up the substantial issues related to the transition periods requested and to categorise the requests as acceptable, unacceptable or negotiable. In general, unacceptable requests are transition periods for framework directives, Aarhus, EIA, nature protection and anything that blocks the internal market. Acceptable requests include wastewater (covered under the Investment Heavy Directive). For example, a negotiable request would be the Packaging Directive. Monitoring of implementation of the governments' commitments is an NGO role. Aarhus should be observed and taken into more serious consideration by governments. The analysis of transition requests will be done on a case-by-case basis, meaning country-by-country and sector-by-sector and directive-by-directive.

A detailed "road map" providing for a clear sequence for tackling these issues for 2001 and 2002 is required. The aim of the "road map" is to ensure commitment to realistic timetables for negotiations. The principle of differentiation between the countries will be maintained.

The strategy for the environmental chapter is that the EU will define common positions, including positions for transition periods, with the aim of a provisional closure of the environmental chapter for the advanced countries by the end of the first half of 2001. Progress will depend on all parties. Member States need also to be ready to formulate their position on transition periods.

Within the frame of preparations for ISPA, it has been observed that, in many cases, problems arise when Candidate Countries have difficulties in implementing EIA during the first year. Therefore, ISPA decided to start country-specific EIA workshops in February 2001. Furthermore, the presenter noted that once the associated countries become members, more funds will be available for them from the EU, but if countries are not prepared to absorb these funds then they will not be utilised properly. Therefore, right now is the time to prepare and build capacity. If this time is wasted, the countries will not be able to absorb funds from cohesion funds.

In terms of EEA membership: agreements have been signed and are being ratified now, except with Lithuania. Lithuania is behind due to procedural local issues.

Coming back to the issue of transition periods, the Commission is disappointed that some countries asked for transition periods for nature protection.

In the case of Balkan countries, the situation is more complicated. The REC and FYR Macedonia have worked very hard to help to get all countries to one discussion table. Recently, an investment programme was also put in place to help these countries improve their environment. A Balkan Task Force was created and it met in July and then in November. A quick start package for some projects in some categories together (capacity building, relations with NGOs, war damage, regional, local, transboundary projects) was put in place. Financing is almost ready for the projects from the first two categories. Some funds are also available for projects from other categories as well. Yugoslavia, from now on, should be considered as a full participant in the process. The Commission has approved roughly EUR 200 million as an emergency aid package for Yugoslavia.

If Bulgaria will not comply with what it has already legally committed itself to regarding nuclear reactors, this will have a definite impact on the remaining negotiations.

Jean-Francois Verstrynge

Vida Wagner (Umanotera – Slovenia) inquired about the process of integration of the environment into other sectors. Verstrynge agreed that the process was rather slow and pointed out that this was due to the weakness of some environmental ministries that have little impact on others (such as transport, or other relevant ministries). Integration in Candidate Countries is almost not existent, that is why EC insists on EIA and strategic EIA.

Petko Kovachev asked if it is possible that lack of progress on nuclear safety in Bulgaria could block all progress. Regarding the issue of nuclear reactors in Bulgaria, **Jean-Francois Verstrynge** said this question has been already agreed upon with Bulgaria. If the country does not comply with what it has already legally committed itself to do, this will have a definite impact on the remaining negotiations.

Second Session: **10:30-12:50**
Rountable Discussions and Reporting Back to Plenary

Round Table 1:
Ratification of the Aarhus Convention by the Commission and its implications on the governments in the Candidate Countries

Magda Toth Nagy, key note speaker, said there has been an interplay and mutual influence in the development of the EU Legislation and the development of the Aarhus Convention (AC).

The first draft of the Convention was built on the EU Directive on Access to Environmental Information (AEI), but became stronger than that. Now the EU is preparing a new Directive on AEI, which will be slightly stronger than the Convention. It may be possible, that in the future, the Convention will be strengthened in turn.

In 2000, the REC held a project called "Building Bridges Between the Aarhus Convention and EU Accession," in which they invited ministry officials and NGOs to discuss the ongoing processes regarding the EU Legislation in light of the AC.

In many countries, ministry officials are not aware of the recent and upcoming changes in EU legislation, and activities for harmonisation and implementation of the national legislation with that of the EU is focused on the status of 1999 only. But, Toth Nagy pointed out, we should be prepared for the future changes as well: How will issues like handling of GMO permits or access to documents in the EC reflect the provisions of the Convention?

Susan Hay, key note speaker, discussed the Status of the Ratification of the AC by the EU: Hay affirmed that NGOs can play an important role in coordinating the work for the ratification of the AC. The EU signed the Convention, which is based on principle 10 of the Rio Declaration. In June 1998, there were 40 signatories altogether, including all EU Member States, all CEE countries except Turkey and Slovakia and all NIS countries except Russia. To date, 11 countries have ratified the convention. Of these, only Denmark is an EU Member State. Romania is the only EU Candidate Country that declares they have managed to update their legislation in line with the Convention. It is expected that seven applicant countries will ratify the Convention in 2001. There are special Task Forces set up to promote this process. Meanwhile, the EU is not able to ratify the Convention very rapidly, due to the fact that there is a lot of relevant community legislation to be changed prior to that process. However, according to Hay, the political will is there and the expected date of ratification is after 2002. The Member States are allowed to go ahead and ratify the Convention earlier.

Hay introduced the implications of the various articles of the Convention to the EC legislation:

FIRST PILLAR: The Draft New Directive on Access to Environmental Information

The proposal to improve the present Directive on AEI was adopted by the Commission in June 2000. The new draft fully incorporates the provisions and principles of the AC: There is a new definition of environmental information, the scope of refusals has been clarified, more information has to be spontaneously available and an appeal procedure is included. Furthermore, a proposal for a new regulation on access to documents under the Art. 225 of the Amsterdam Treaty was adopted at the beginning of 2000 and the new regulation will hopefully be adopted before the end of 2001. According to Hay, the proposal has been well received, there have been many meetings and discussions held already and the Parliament will give its opinion on the first reading phase in May 2001.The text of the regulation is not compatible with the Aarhus Convention, as it apparently reflects the different interests of other services of the EC and covers all, not just environmental information.

MAGDA TOTH NAGY, REC, Hungary, keynote speaker in the Dialogue's roundtable on Aarhus Convention.

SECOND PILLAR: EIA, SEA, IPPC and Other Directives

2.a. Proposals to amend EC legislation on EIA, IPPC etc.: Hay said the written procedure is going on in the Commission in the following 10 days. There are no problems foreseen. Remarks can be taken into account quickly.

2.b. Plans and programs on EC level: Some DGs have always consulted with the public very widely. There is a reform process underway and there are general efforts towards improvement of the discussion with civil society. A paper has been proposed on the best practices in consulting of the stakeholders called "Guidelines for Consultations."

THIRD PILLAR: Access to Justice in Environmental Matters

Hay noted that the solutions are also built in other pillars of the Convention. Soft law instruments may be needed as well. These have not been looked at yet. NGOs must have an interest before taking any action against an institution. For that, the Treaty should be amended. The meeting in Nice has not addressed this issue but only discussed institutional voting rights. Furthermore, as there are 16 actions needed to bring the Convention into force, the participating NGO representatives from the Candidate Countries were asked to push their national governments to adopt legislation that is in line with the community acquis. Hay suggested that NGOs give a message to governments that they must not delay the improvements of EIA and IPPC legislation.

She said that EU Member States may ratify the Convention when they are ready, during the next year or two. The EC will ratify then all of them. By 2002/2003, we should see

aligned related EC legislative documents ready. The Convention will be in force in 2002. In addition, she said, the approximation process is a good driving force for ratifying the Convention as soon as possible. It is very important that the necessary infrastructures and national laws are in place as well.

Toth Nagy outlined the recent news on the ratification: Albania and Kazakhstan have ratified the Convention; Poland is very close to do so; Hungary and Slovenia have already aligned their legislation.

A short question period followed, with **Rudolf Ragonesi** asking about procedural issues as to how the courts define the necessary interest and whether it means that the person appealing must be directly affected. **Pavla Jindrova** petitioned for the new directive on EIA to provide for more involvement of the Candidate Countries' NGOs in the preparation of the position papers related to EU accession. Hay responded that the rules couldn't be changed according to one stakeholder wish. On the NGO participation issue, she avowed that only Member States can participate in the legislative process, and there are no proposals for inviting observers from Candidate Countries to attend these discussions.

Discussing the issue of the rapid ratification of the Aarhus Convention, and its importance for Candidate Countries, a participant said that countries of the region have a long history of a lack of transparency, but a change in personal behaviour is needed. The Aarhus Convention is said to be solving the problems that existed in the West 10 years ago. In the Candidate Countries the problem still exists.

PAVLA JINDROVA, Center for Community Organising, Czech Republic (center left)**, CAMELIA ZAMFIR, Earth Friends, Romania** (center) **and RUTA BENDERE, Waste Management Association – Latvia** (right) **— NGO representatioves in the Dialogue.**

Jindrova commented:

1. The Convention will be an important tool to check that the transparency level would not be lowered after accession. For Candidate Countries, Accession is the main priority now and not the transparency.
2. Plans for pre-accession funding should be transparent for the public. This is important as a precedent. Next time the authorities will say that, in previous funding sessions, transparency was not necessary.
3. It has been written down in guidelines that in using the structural and pre accession funds social and economical partners should be involved. But there is no specification, when, how etc. So the Aarhus Convention could be a good tool for interpreting of partnership principle.
4. The Czech NGOs would be happy to share their experiences on public participation in decisions on regional development plans and assessment of those.

Ratification and implementation of the Aarhus Convention is a part of the accession process. Its principles should be involved in all activities related to the use of the pre-accession funds and interpretation of the Partnership principle. **Susan Hay** fully agreed that the ratification of the Aarhus Convention is an important step in the accession process. As for interpreting the Partnership Principle, there is a Good Practice Guide needed indeed.

Other important points made by the participants regarding the Third Pillar could be outlined as follows:

- More attention should be paid to the preamble of the Aarhus Convention that highlights the involvement of civil society.
- Local level experience is very important: There are some good examples in Romania, where the Local Governments and NGOs work hand-in-hand to develop transparency procedures.
- The biggest obstacle in the process may be the limited capacity and time of NGOs, even if the legislation is in place. NGOs may want to hire an expert to go to court, but that really requires money.
- The EU working paper on public participation in programs and plans related to the environment does not speak about policies as clearly as Aarhus Convention Art 7 does.
- Legislation is not implemented properly. Is there any work going on from the EU side to check the implementation of the newly adopted legislation? How could the accession countries be better involved in preparing a dialogue in an informal way?

Conclusions from the Session:

- A positive message was received from the Commission that the Aarhus Convention is an important legal instrument and that its ratification by Candidate Countries is an inseparable part of the accession process.

Ratification and implementation of the Aarhus Convention is a part of the accession process. Its principles should be involved in all activities related to the use of the pre-accession funds and interpretation of the partnership principle.

Pavla Jindrova

While the 6th EAP sets bottom lines for environmental quality, it still leaves decisions on how to achieve this quality to a consultation process with different interest groups.

Alan Huyton

- The principles and provisions of the Aarhus Convention should be incorporated into the accession process.
- There should be better involvement of NGOs in the whole process — not only in the discussions on how to use pre-accession funds.
- The Aarhus Convention could be a basis for guidelines on good practices of implementing the partnership principle.
- Arguments for better involvement of Civil Society can be found in the Preamble of the Aarhus Convention. Political Commitment existed when the Convention was signed in Aarhus.

Round Table 2
Discussion in the state of play of the 6th EAP: Reflection on Enlargement

Alan Huyton gave a summary of the current version of the draft of the Sixth Environmental Action Plan (6th EAP). He said it contributes to a sustainable development programme but does not create a sustainable situation. While the 6th EAP sets bottom lines for environmental quality, it still leaves decisions on how to achieve this quality to a consultation process with different interest groups. This should result in a political message from the Council and Parliament, endorsing the programme. As a result, the 6th EAP should not be as technical as the 5th one.

The starting point of the programme is the recognition that economic development and a good environment are both needed and that ways need to be found to achieve both. The programme will likely be adopted as a Commission proposal at the beginning of 2001, then go through the co-decision process in the Council and Parliament, which might take 1-3 years, or more. The scope of the programme is a 10-year period. The programme includes a political message and a legal text. This will result in the programme becoming policy and enable the Commission to carry on its work in the field of environment.

There are 4 key areas of the programme, namely:

- Climate change (includes long-term after-Kyoto figures)
- Nature and biodiversity (some controversy with CAP)
- Natural resources and waste (prevention and recycling)
- Environment and health (more research and evidence needed)

There is a specific approach on targets: The 6th EAP encourages the use of targets that are already set and the setting of new targets where they do not yet exist. Enlargement is mentioned in a separate chapter, to emphasize its importance as it will have happened by the time the 6th EAP ends.

Richard Filcak briefly presented the NGO input into the 6th EAP. The REC has decided to comment on the draft to provide input into the programme and to build capacity

on the NGO side to enable the NGO's to comment on similar policy papers in the future. The comments concluded that the 5th programme was too long and that the 6th one should be legally binding and carry more incentives for implementation. More transparency and public participation should be ensured when carrying out the programme. Lessons learnt during the work included that more in-country capacity and an institutional reform is needed to implement the programme's guidelines.

Questions were asked and a discussion evolved, with the following major points:

- Are there indicators and ethical elements included in the draft?
- How specific will the programme be?
- Are different needs of people and societies in Candidate Countries taken into account?
- In the field of health and environment, is there only more research proposed?
- Are only interests of sustainable economic growth included, or is the interest of the environment on its own as well?
- How much stress is put on the people? How are they expected to be influenced to change their lifestyle and consumption?
- Are the environmental effects (of the EU) on the whole planet taken into account?
- Does the programme specifically deal with urban transport?

In answer to these, Filack said: It was understood that the emphasis on the ethical element is to a greater extent a mandate of the Member States (and the NGOs) than the Commission. More evidence is required on some health and environment issues, thus the stress is on more research. The intention of the programme is to solve the environmental problems. Therefore, it does not attempt to select in between projects but it allows the stakeholders to prioritise by themselves. It should be remembered that, the cornerstone of the EU is the free market — so production, trade and economic prosperity need to be appreciated. The 5th EAP did not solve economic and social problems but did lead to integration, and this process must be continued. The programme recognizes the need for better policy making, trying to identify at an early stage the potential contradictions in policy making. One area the programme specifically recognizes as problematic is freight transport. It says that Community funding should target public transport and that road building should not be at the (great) expense of the environment. Some incentives for work on the local government level are outlined. Specifically, more careful local planning should be done, taking into account existing policies, such as land-use planning. The Commission could facilitate this by setting up new databases, etc.

Some suggestions were aired such as including NGO's in the in-country consultation process, giving more support for research and putting more stress on the need for approximation. Also, it was suggested that a paragraph should be included on influencing people's habits, achieving sustainable lifestyles and the need to identify a limit, beyond which we cannot use our natural resources.

Round Table 3
EU Agriculture policy in Candidate Countries and SAPARD

Anamarija Slabe (Institute for Sustainable Development – Slovenia) opened the discussion by presenting some points regarding the agriculture policy and Rural Development Programme (RDP). From the available RDPs of Candidate Countries (on the EC's web site), it can be seen that the approach on which the programmes are based, can be described as follows:

- There is "normal" agriculture and "multifunctional" agriculture.
- "Multifunctional" agriculture is (more or less) explicitly mentioned only in the frame of the measure as "agricultural production methods designed to protect the environment and maintain the countryside."
- Not all Candidate Countries have chosen to encourage environmentally friendly agriculture, which does not imply that they won't give financial support to agro-environmental measures. Unfortunately, the reality shows that, if this is not written somewhere as one of the priorities, such measures are the first to be postponed when funding becomes scarce.
- Candidate Countries are, in this regard, not more advanced than the majority of Member States, though their needs for a much stronger multifunctional character of agriculture are very high. There is a danger, that certain trends toward unsustainable agricultural production will start to reinforce themselves. This has already begun to happen, and one reason for this is that the sustainable alternatives are not given enough opportunity to develop their potential.
- What are the prospects for the multifunctional character of agriculture (in the future development of CAP) to get out of the rural development frame? Or, vice versa, what are the prospects for the rural development frame to be extended to a much wider scope, in such a way that multifunctional agriculture would become an inherent part of "normal agriculture?"

Some general questions that should be asked include:

- How many Candidate Countries have included in their RDPs the mention of "agricultural production methods designed to protect the environment and maintain the countryside?" Which actions were proposed under this measure (e.g. agro-environmental schemes), and what is the extent of this measure regarding individual RDPs in terms of finances?
- How (if at all) is the Commission/DG AGRI checking whether "social partners on an appropriate level" have been consulted regarding RDPs? What possibility does the Commission have to check the mentioned consultation, and what importance does the Commission give to this work? (Have specific measures been taken)? What would the Commission suggest to Candidate Country NGOs if they feel this request has not been sufficiently respected?
- What has been done, or what is planned, regarding assessment of the environmental impact of individual programmes which will be supported under SAPARD?

- Has there been any effort to evaluate the overall environmental impact of individual Candidate Countries' RDPs, either by DG Agriculture or DG ENV? If not, is there some plan to do so in the coming years?

After presenting these points and questions, Slabe gave the results of the questionnaire, which was prepared based on the decision made during the previous dialogue meeting in Hungary, to review and asses to what extend the NGOs are involved in the process.

The questionnaire was distributed among environmental NGOs and organic farmers. The results are shown in an Annex to this report.

The questionnaire was also delivered to the governments in some countries, because the questions asked related to how governments see involvement of NGOs in RDP. Overall, according to Slabe, the governments have a more optimistic approach than NGOs, this applies especially to cooperation issues. The main obstacles for NGO involvement from the governments point of view, according to the survey, are short deadlines. Political sensitivity, however, is not considered an issue by governments.

Slabe said that the governments have no tradition of cooperation with NGOs, despite the fact that they claim otherwise. According to the survey, farmers said that NGOs were the first ones to come and discuss RDP with them. It seems that many governments have no capacity for outreach, or do not believe that cooperation will enhance the process. Overall, the results of the survey are better that NGOs would expect.

Responding to Slabe's presentation, **Valery Morard** (EC DG AGRI) presented lessons from SAPARD activities to date. He said the budget for year 2000 can be spent by the countries until 2002. Main topics for current and future work are defined according to the manual for SAPARD, which has a list of eligible costs and rules of procedure.

In addition, he mentioned, that SAPARD is of course aware that the CEE governments have no experience in cooperation with local stakeholders, but added that a similar approach has also been noticed in the EU itself. SAPARD is, furthermore, aware that there is no local outreach, such as consultations with farmers. SAPARD, however, must underline that all Candidate Countries are very successful in drafting their programmes.

Slabe responded that the main NGO concern is the limited amount of funds available to meet diverse priorities. She said SAPARD should be talking with NGOs about how to use structural funds and how to encourage NGO involvement.

Addressing Slabe's remarks, Morard answered that it is not correct to say that the EC set up too many priorities without providing funds to fulfill them. The priorities, he said, are identified by Accession Partnership, which includes the EC plus national priorities. Some countries will use SAPARD to prepare institutions to deal with CAP in the future. Furthermore, according to Morard, there are not really enough funds for multifunctional activities, because the EU has to apply internal market rules. Environmental concerns were not attached to the CAP in the past, however with increasing environmental awareness this may happen in the future. At this stage of accession negotiations, the more constraints Candidate Countries put on the process, the less competitive they are with Member States. Candidate Countries will be asked to apply EU laws before entering the EU. As of now, two thirds of SAPARD funds are given to industrial agriculture. It is up to the Candidate Countries to get the NGOs involved.

As regards the SAPARD projects, general conditions of EIA and similar procedures should be applied to all projects. No SAPARD projects receive money without complying with EU rules prior to accession. Candidate Countries will conduct monitoring of SAPARD

The main NGO concern is the limited amount of funds available to meet diverse priorities. SAPARD should be talking with NGOs about how to use structural funds and how to encourage NGO involvement.

Anamarija Slabe

MARET MERISAAR, Estonian Green Movement, Estonia reports conclusions from the roundtable on the Aarhus Convention to the Plenary.

projects — some governments may want to use NGOs' expertise. This, however, is outside of the power of EU.

Furthering the issue of NGO participation, **Krzysztof Kamieniecki** (Institute for Sustainable Development – Poland) expressed his concerns, the first one being that it should be clearer: NGOs are here to present their distress over a troubling situation. What is not being discussed is that the process is not too democratic, and the EU has a role to play in forcing governments to act democratically. There should be a rule that certain ministers are responsible for cooperation. If enlargement were a political term than it would be a political failure to miss this opportunity. Many NGOs are losing passion for accession because they do not believe that they can be included in the process. It is a role of the state administration to be responsible and work with NGOs on political issues. His second concern was about integrating policy, whether it was taken as a tool for sustainable development. Since it is an aspect of enlargement one of the assets of the Candidate Countries is their biodiversity but how we can preserve it since the funds from EU are not sufficient.

Responding to the above comments, and previous issues, **Valery Morard** stated that it is written in the agreements with the countries that there should be cooperation with civil society and it is the role of the local administrations to tackle it. This requirement is also placed on the Member States.

Andras Krolopp asked: What are the tasks and mandate of the monitoring team, and, furthermore, who sets the criteria and what are the team's responsibilities?

Morard replied that the Monitoring Teams collect information and make recommendations for improvements, but the changes in the program have to be approved by the Commission. The EC is setting indicators that are similar for all countries. Guidelines will be made available. Monitoring and reporting will be made on year/by year basis. The Teams prepare monitoring reports, i.e., progress reports, and recommendations, and conduct ongoing evaluation of the program. Independent evaluators will also be invited.

Third Session: **14:30-15:30**
Meeting with Commissioner

Since Margot Wallström (Commissioner for Environment) was not able to participate in the meeting **Rolf Annerberg** (Head of Cabinet, DG Environment – European Commission) represented her and co chaired the session with **Jiri Dlouhy**.

The goal of the session was to present the results from the Hague Climate Change Conference, and Annerberg stated that the main reason the conference was unsuccessful was that the parties simply ran out of time to conclude negotiations. The discussion will continue next year.

Regarding public participation issues, Annerberg said that several pieces of the acquis already exist. The new directive will be in line with Aarhus and will be implemented next June. In the beginning of next year the acquis will be further strengthened by the amendment of EIA and SEA. There will be also a public participation procedure and public access to enlargement negotiations. This is of course tempered by international rules of diplomacy. Negotiations are sometimes confidential and it is sometimes crucial to maintain this confidentiality. The Commission will not breach these rules. Almost all governments have made their position available on the web. The Commission also tries to involve the public, and this dialogue is one of the examples. There are also publications describing the process. The Commission fully understands the public's interest in enlargement.

Annerberg also said that, although the ratification of the Aarhus Convention is slow, the EU is doing as much as it can by reviewing legal actions. The ratification process of course depends on many issues, and it will probably not happen before 2003. On the other hand, the national governments are free to implement it by themselves. In many cases, it is the national government that counts not the Commission or Council.

As regards access to information, nature protection and EIA, these are the priorities of the EC. The 6th EAP is being finalised, and it gives strategic issues for the future. Obviously NGOs have a huge impact on the process. The 6th EAP addresses major challenges — including climate, nature and resources — and it also sets an agenda for future environmental action as a pillar of EU environmental policy.

The Commission also tries to involve the public, and this dialogue is one of the examples.

Rolf Annerberg

Questions and answers session:

Alexandru Savulescu inquired about the issues that progressed in the Hague meeting. In response, Annerberg said that technical questions were cleared up, so what remains is political issues.

John Hontelez said that, currently, the EU and Candidate Countries have different reduction targets. He further inquired whether, by the time of accession, the greenhouse gas reduction targets in 2012 will be due to Kyoto. Annerberg answered that EU commitment under Kyoto is an 8 percent reduction. This commitment concerns present Member States and will not be affected by enlargement. The EU also introduces the idea of flexible mechanisms when new members join, and they can take part in emission trading schemes as well. The responsibilities of individual members to the Kyoto Protocol remains.

Coming back to the issue of the timing of the Conference, **Rudolf Ragonesi** wondered why there is a need to wait so long for a follow up to Hague. Taking all the facts about climate change into consideration, he asked why the EU was not ready to complete negotiations? According to Annerberg, there was simply not enough time to cover all issues in the Hague. If there was one or two days more, then perhaps, the participants would be able to cover all issues, the other reason was that experts left too many issues.

Vida Wagner said that progress on Climate Change looks like business as usual. The document is strictly economic and it is far too general; and there is not realistic room for public participation, as the process will speed up now. She asked how much importance is really given to the issues of sustainable development and environment, and questioned the relationship between politics and real issues. Referring to both issues raised, Annerberg outlined that it is clear that some areas are more difficult to solve than others, and the challenge facing the environment is a lot of legislation, a lack of administration and no funds. The environment is one of the most important issues. If we accomplish a proper position on environment, everybody will benefit. As per sustainable development, he said he was sure we are going in the right direction.

ROLF ANNERBERG, Head of Cabinet (center), **presenting views on Climate Change negotiations, Aarhus Convention ratification and 6th EAP.**

Petko Kovatchev, reflecting on the indicators of sustainability, questioned how far the Commission has advanced with preparation of these. **Ivan Gyulai** (Institute for Sustainable Development – Hungary): followed in the same scope, asking how the EU can achieve sustainable development — and if there is any scientific background or any measures in place? Regarding the indicators, according to Annerberg, they are part of the follow up to the 6th EAP. As of now the Commission feels that there are too many of them. Furthermore, the EC is constantly working on viable indicators, however, there are trends in society, and we have to follow them.

Fourth Session: **16:00-17:00**
The European Parliament's view on enlargement and environment

Francis Jacobs, Head of Division of the Environmental Committee of the European Parliament, accompanied by **Lina Lofmark**, Member of the Secretariat of the Environmental Committee of the European Parliament, presented the European Parliament's

view on enlargement and environment.

Jacobs said he will initially cover two points: firstly a few words on how the European Parliament and the Environment Committee in particular is involved in the enlargement process, as well as the limitations to their role, and secondly, a few words about some of the specific initiatives and positions that the European Parliament and Environmental Committee has taken on enlargement and what they are planning to do over the coming period.

Environmental policy is one of the areas where the European Parliament has most power and the ability to make general decisions in all but a very limited number specific themes of environmental policy. Enlargement, on the other hand, is an area where European Parliament's role is much more weakly defined and the Environmental Committee's role is in formal terms even weaker.

Jacobs said that this DG ENV-NGO Dialogue has had two main aspects: one to share information on the enlargement process and secondly to share information on certain general environmental policies, like the 6th EAP. Presumably, combining these two reflects the fact that all general environmental policy initiatives will have considerable bearing on the enlargement negotiations — and that the environmental acquis that the Candidate Countries will have to meet is not static but it is a moving target. The Environment Committee of the European Parliament will have a very important say in the shaping of this acquis, and while its role will be much less in the environment negotiations it is conscious of the fact that it needs to monitor these negotiations as closely as possible, and to develop a strong as possible role for itself.

Why is the European Parliament involved in the enlargement process? The formal basis, and by far the most important, is Article 49 of the EU Treaty, which provides for the consent of the European Parliament, acting by absolute majority of its component members, to any applications to join the EU.

This means that, despite the fact that the role of the European Parliament is weaker at the beginning of the negotiations, at the end it is the Parliament who decides whether to invite new members or not. The Parliament, however, is trying to strengthen its role — even by changing its internal procedures — so that also in the medium terms it could influence the process to a greater extent than currently.

The Parliament has the power to ask for regular updates from the Commission on the state of the negotiations, and it can also provide recommendations to the negotiators during the negotiations. Obviously, these are internal rules of the Parliament. Recently, however, the Parliament and the Commission are negotiating a framework agreement on the relationship of the two institutions, which actually has a specific annex on the Parliament's role on international agreements. Based on this, the Parliament will be even more closely involved, and has a greater impact on the negotiations and access to the documents.

The committee responsible for the monitoring of the enlargement is the Parliament's Foreign Committee. This Committee provides reports on individual countries and a global report on enlargement for the Parliament. Most of the other committees provide input to this report. A few Committees, however, including the Environmental Committee, decided to draw up their own special initiative reports on enlargement within their area of competence.

The Foreign Committee was concerned that there will be discrepancies between the reports, so the Environmental Committee submitted their findings to the Foreign Committee global report. It was agreed that these were accepted without modifications.

Aside from the Foreign Affairs Committee important work the enlargement process is being conducted by a number of joint Parliamentary committees with the Candidate

How much importance is really given to the issues of sustainable development and environment in the Climate Change negotiations?

Vida Wagner

The Environment Committee of the European Parliament will have a very important say in the shaping of the environmental acquis, and while its role will be much less in the environment negotiations, it is conscious of the fact that it needs to monitor these negotiations as closely as possible.

Francis Jacobs

Countries. These committees meet both in the Candidate Countries and in Brussels.

Jacobs went on to present some of the positions taken by the Parliament on enlargement issues. One of the key points of the Resolution adopted during the Oct. 1, 2000 plenary Session of the Parliament is that each acceding country is an individual case according to the progress that it has made. The Parliament also took a rather stronger view on the time scale of the enlargement than the other institutions. The European Parliament said that whatever possible should be done to approve the first accession treaty before the new European Parliament is elected in 2004, because this would allow the current Candidate Countries to participate in that election. The other negotiations (unfinished by that time) should be terminated in the course of the next Parliamentary term from 2004-2009.

The third point that Jacobs wanted to make is the question of transition periods. The Parliamentary general resolution said that they should be short and limited. The Environment Committee, however, submitted a number of specific paragraphs. It said of course that the Candidate Countries should have transposed the environmental acquis by the date of the accession. Only in exceptional cases should transition longer than 5 years be accepted, provided that risks to the environment and human health do not call for swift action.

Jacobs said the next formal involvement of the Parliament in the enlargement process will be in June 2001 when the Foreign Affairs Committee will prepare a small general report. The Environment Committee has not yet decided how it will handle the report, whether it will prepare a specific report on each country or concentrate on a number of problem areas. It will, however, set up a small working party from its members (7-8 members, 4 rapporteurs from last year, 2-3 members from unrepresentative groups) to meet regularly to get briefings from the EC and Candidate Countries on the progress of the negotiations. Also, the Environmental Committee has decided to send two delegations to Candidate Countries, one to Poland in March/ April 2001 and one to other candidate country that has yet to be defined.

Jacobs concluded by making a plea to the NGOs to assist the European Parliament in identifying potential real deficiencies in the performance of the accession countries by submitting reports assessing the situation. The European Parliament very much need the NGOs help in assessing some of the problems in the accession countries, so it has maximum and systematic information.

Questions and answers session:

- What are the relationships between NGOs, the European Parliament and Environmental Commission?
- Can enlargement be used as a tool for sustainable development and as a tool for changing the agricultural situation and biodiversity?
- Can we address deepening of country legislation above existing requirements?
- What about the European Parliament relationship and control of EIB in environmental issues?
- The GDP level achieved by Western European countries is due, to some extend to the lack of environmental regulations in the past. Will the CEE countries be able to achieve similar GDP level while imposing the existing acquis?

FRANCIS JACOBS, Head of Division of the Environmental Committee of the European Parliament (center right)**, and LINA LOFMARK, Member of the Secretariat of the Environmental Committee of the European Parliament** (right)**, presented the European Parliament's view on enlargement and environment.**

The response can be summarised as:

- The Parliament would like to have a stronger consultative process. Obviously, there is a need for more regular consultations and contacts with NGOs. Apart from the big formal hearings, there is a need for more regular contacts. It is hoped that, with the changes in the EU, the European Parliament will change as well.
- Even within the existing EU, the European Parliament uses existing legislation of the European Parliament and its framework. The level of environmental protection differs in the EU. There are some countries, like Nordic countries, that have a longer tradition of environmental protection. The Amsterdam treaty allows countries to go further than the framework legislation. This is called Gold-plating of legislation when national legislation is implemented in more detail than the original directive.
- The European Parliament has very limited control of EIB.
- Overall, the European Parliament has no internal resources and capacity to do environmental impact assessments. The European Parliament has small research resources. What we can do is to listen to people and NGOs. People also have different definitions of sustainable development.

Jacobs made a plea to the NGOs to assist the European Parliament in identifying potential real deficiencies in the performance of the accession countries by submitting reports assessing the situation.

Fifth Session: **17:00-18:00**
Conclusions and Follow up

The Chairpersons of the Session **Silke Will** (European Commission, DG ENV.2) and **Adriana Craciun** (REC) invited participants to provide feedback for this meeting and suggestions for the future meetings.

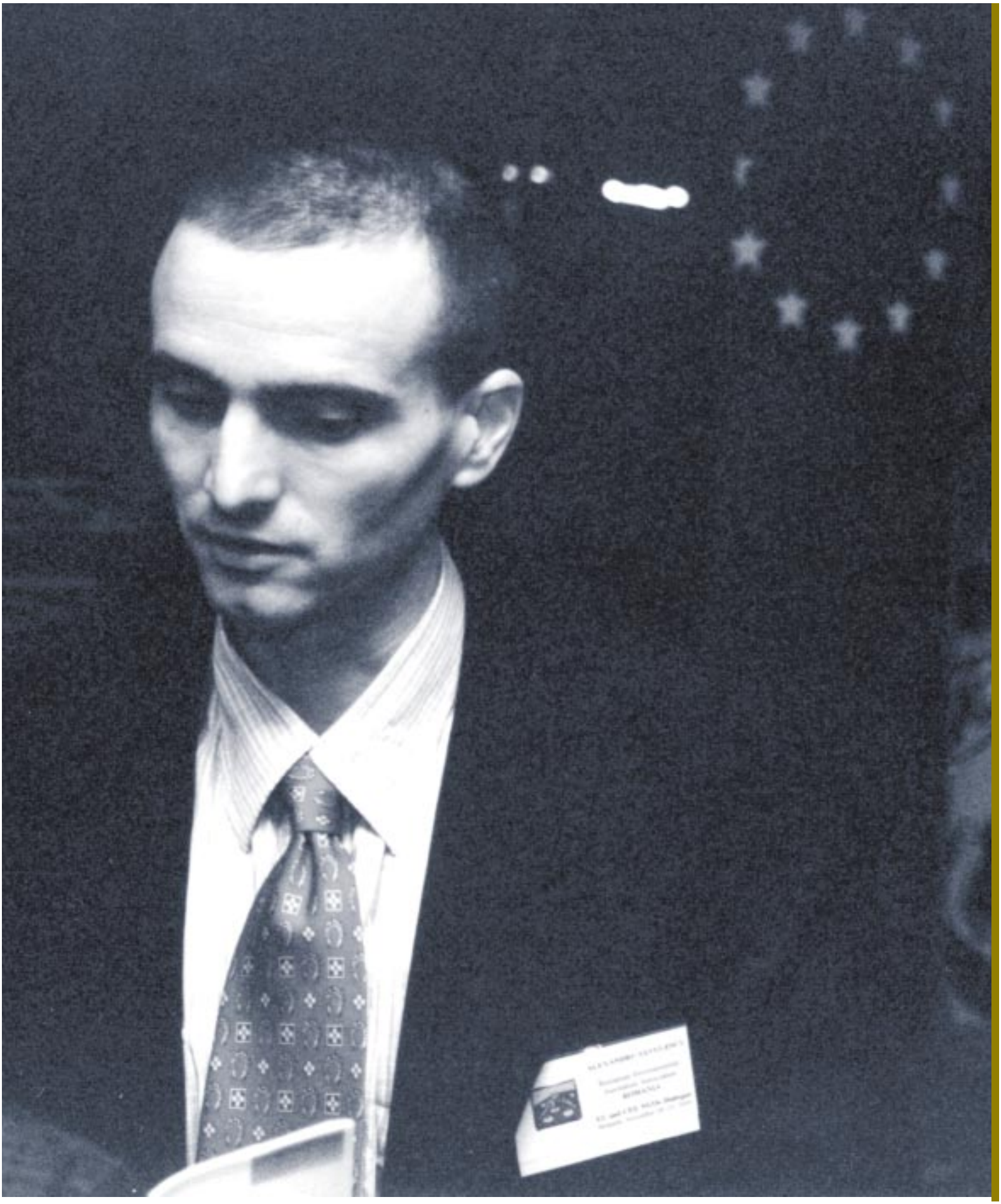
According to the participants, the meeting was very useful and valid for NGOs, especially as a contribution to the 6th EAP. It was suggested that perhaps the format of these consultations, and the role of the NGOs in the consultations could be changed. The NGOs can be more involved in negotiation and so on. All NGOs expressed a need to continue the DG ENV-NGO Dialogue meetings. As for the timing of the next meeting, it was proposed that it be held in late spring or early summer 2001, the reason being that more progress in negotiations will be made by then, so new issues will come up. It was also proposed that EIB and other EC services like Competition and Enterprise be invited. Furthermore, the NGOs would like to meet in another country. Malta was suggested as a first choice, since it could provide more input and role for smaller accession countries.

It was suggested that NGO positions on issues be prepared prior to the meeting, as happened for the Szentendre meeting. It was suggested that having positions ready would greatly improve the quality of the future meeting. One example given was today's agriculture session, in which the NGO had materials already prepared for technical experts. Furthermore, for next meeting, it was recommended that there be a more permanent body/structure for this group, as a forum for exchange of information in advance. A proposition was made to create a database that would show all existing projects. In addition, many participants welcomed the idea of organising a meeting entirely devoted to funding opportunities.

As potential points for future discussions, some NGOs suggested evaluating how this dialogue has influenced EC policy-making, and what has changed due to this process. An evaluation session for the next meeting was also agreed upon both for the NGOs and the Commission.

In addition, it was agreed that the NGOs benefited from current meeting by receiving very good information from involved EC services. But it was suggested that it will be good for the next time if the NGOs provide some country NGO evaluations conducted by the NGO themselves.

Ian Clark (Deputy Head of Unit – DG ENV.1, European Commission) thanked all for participation and contribution to the meeting. He reminded NGOs that currently the budget is for only for one more meeting, but the EC wants the dialogue to continue.



Annexes

Annex I: **The Agenda**

Tuesday, November 28

TIME	CHAIR/SPEAKERS	TOPIC	NOTES	LOCATION
12:00-13:00	**Robert Atkinson**, REC **Adriana Craciun** REC	NGO preparatory session	• Discussion of agenda • Discussion of organisational issues	Borschette 4D
13:00-13:15	**Ian Clark**, DG ENV **Marc Franco**, Director, DG REGIO, NGO representatives and DG REGIO Desk Officers	Welcome by DG ENV and DG REGIO		Borschette 4D
13:15-14:30		LUNCH		Hall Fifth Floor
14:30-16:00	**Marc Franco**, Director, **Alexandru Savulescu**, Romanian Environmental Journalists Association	Welcome and Introduction to ISPA Dialogue, ISPA: Experience of the 1st year, Discussion	• Overview of ISPA projects in 2000 • Lessons learnt • Programming and implementation	Borschette 4D
16:00-16:15		COFFEE BREAK		Hall
16:15-17:00	**Fernando Hervas Soriano,** DG ENV.1, ISPA Coordinator	Compliance with environmental EU Directives, in particular the directive on environmental impact assessment, Project evaluation for Environment Sector	• Internal consultation procedure: compliance check with EU acquis • Cooperation with DG REGIO on EIA • PEPA: financing planning	Borschette 4D
17:00-17:30	**Remi Mayet**, DG TREN	Networks for Transport Sector	• TINA process • Development of trans-european networks • environmental assessment	Borschette 4D
17:30-18:00	**Ferenc Joo**, Hungarian Traffic Club	Experience of NGOs with ISPA, Discussion/Questions		Borschette 4D

Wednesday, November 29

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
09:00-09:10	**Jean-Francois Verstrynge**, Deputy Director General, DG ENV **Rudolf Ragonesi**, FOE, Malta	Opening of DG ENV-NGO Dialogue	• Welcome and objectives	Borschette 4D
09:10-10:00	**Jean-Francois Verstrynge**, DG ENV	Update on the state of play in the enlargement process, Discussion/Questions	• Progress in negotiations • Transitional periods • Candidate countries progress: Regular Reports	Borschette 4D
10:00-10:30		COFFEE BREAK		Hall
10:30-12:50	**ROUNDTABLE 1** **Susan Hay**, DG Env B.3 **Pavla Jindrova**, CCO, Czech Republic Facilitator: **Magdi Toth**, REC	Ratification of the Aarhus Convention by the Commission and its implications on the Governments in the CCc	• Content of the Aarhus Convention — A tool for more democracy in environmental decision making • Timetable for ratification • Implications for the Candidate countries	Borschette 4D
	ROUNDTABLE 2 **Alan Huyton**, DG Env B.2 **Richard Filcak**, REC Slovakia Facilitator: **Adriana Craciun** REC	Discussion in the state of play of the 6th EAP: Reflection of enlargement	• Results of the consultations of the Candidate countries • Reflection of enlargement in the 6th EAP • Implications of the 6th EAP on future policy development	Borschette 4A
	ROUNDTABLE 3 **Valery Morard**, DG-Agri **Anamarija Slabe**, Slovenia Facilitator: **Robert Atkinson**, REC	EU Agriculture policy in Accession countries and SAPARD	• Lessons from Sapard activities to date • Results of NGO questionnaire on Sapard	Commission Building Rue de la Loi, 86 Malbeekroom S38, ground floor
	Rapporteurs	Report back to the plenary		Borschette 4D
12:50-13:00		Introduction of DG ENV desk officers		Borschette 4D,

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
13:00-14:30	NGO representative and DG Env.1 Desk Officers	LUNCH		Borschette Cantine
14:30-15:30	**Rolf Annerberg**, Head of Cabinet Co-chairs: **Jean Francois Verstrynge**, DG ENV **Jiri Dlouhy**, Society for Sustainable Living, Czech Republic	Meeting with Commissioner	• Results from the Hague: Climate Change Conference • Commissioner's view on NGO opinion paper presented to her during the dialogue meeting in June 2000: 6th EAP, new Commission Enlargement Strategy including transitional periods, access to information, public participation. • NGO comments and questions following	Borschette 4D
15:30-16:00		COFFEE BREAK		Hall
16:00-17:00	**Francis Jacobs**, Head of Division of the Environment Committee of the European Parliament **Lina Lofmark**, Member of the Secretariat of the Environment Committee of the European Parliament	The European Parliament's view on enlargement and environment Discussion/Questions	• Pre-Accession funding • Transitional Periods • Progress.	Borschette 4D
17:00-18:00	**Silke Will**, DG-ENV **Adriana Craciun**, REC	Conclusions and follow up	• Comments, topics, ideas and recommendations for the next dialogue	Borschette 4A

NB: Sessions on the 29th will be recorded and summarised

Annex II: **List of Participants**

Accession Countries and Central and Eastern European NGOs

BOSNIA AND HERZEGOVINA

Branko Vucijak
BETA – Bosnian Environmental Technologies Association
St. Tomica 1
Sarajevo, Bosnia and Herzegovina
Tel: (387-71) 212-466
Fax: (387-71) 207-949
E-mail: bvucijak@utic.net.ba

BULGARIA

Petko Kovatchev
Center for Environmental Information and Education
jk "Ilinden", bl. 9, (G1)
1309 Sofia, Bulgaria
Tel/Fax: (359-2) 920-1341
E-mail: ceie@bluelink.net

CYPRUS

Andreas Demetropoulos
Federation of Environmental & Ecological Organisations
Liperti 4B
2121 Aglantzia, Cyprus
Tel: (357-2) 511-397
Fax: (357-2) 423-963
E-mail: theodosioua@hotmail.com

CZECH REPUBLIC

Jiri Dlouhy
Society for Sustainable Living
Krkonosska 1
CZ-120 00 Prague 2, Czech Republic
Tel: (420-603) 841-304
Fax: (420-2) 231-5324
E-mail: jiri.dlouhy@ruk.cuni.cz

Pavla Jindrova
Center for Community Organising
Americka 29
30138 Plzen, Czech Republic
Tel/Fax: (420-19) 743-1728
E-mail: cpkp.cr@telecom.cz

Daniel Rosecky
Center for Community Organising
Czech Republic
Ceska 66
370 01 Ceske Budejovice,
Czech Republic
Tel: (420-38) 38-440
E-mail: cpkp.tabor@telecom.cz

ESTONIA

Maret Merisaar
Estonian Green Movement
Tallinn Office
PO Box 1521
10402 Tallinn, Estonia
Tel/Fax: (372-6) 413-402
E-mail: roheline@online.ee

HUNGARY

Istvan Farkas
National Society of Conservationists
Ulloi ut 91/b
1091 Budapest, Hungary
Tel: (36-1) 216-7297
Fax: (36-1) 216-7295
E-mail: mtvsz@elender.hu

Ivan Gyulai
Institute for Sustainable Development
Kossuth 13
3525 Miskolc, Hungary
Tel: (36-14) 641-3390
Fax: (36-14) 635-2010
E-mail: biodivhu@mail.matav.hu

Ferenc Joo
Hungarian Traffic Club
Ulaszlo u. 15 II/22
1114 Budapest, Hungary
Tel: (36-1) 361-3630
Fax: (36-1) 365-0438
E-mail: fjoo@zpok.hu

Andras Krolopp
CEE WEB
Kossuth utca 13
3525 Miskolc, Hungary
Tel: (36-46) 413-390
Fax: (36-46) 352-010
E-mail: biodivhu@mail.matav.hu

Andras Lukacs
Clean Air Action Group
Pf. 1676
1465 Budapest, Hungary
Tel: (36-1) 209-3822
Fax: (36-1) 361-3630
E-mail: lukacs@levego.hu

Erzsebet Schmuck
National Society of Conservationists
Ulloi ut 91/b
1091 Budapest, Hungary
Tel: (36-1) 216-7297
Fax: (36-1) 216-7295
E-mail: mtvsz@elender.hu

LATVIA

Ruta Bendere
Waste management Association of Latvia
Latvia
Tel: (371-7) 558-790
Fax: (371-7) 820-339
E-mail: bendere@edi.lv

Janis Ulme
Latvian Environmental Protection Club (VAK), Friends of the Earth Latvia (FoE)
Audeju 7/9
LV 1966 Riga, Latvia
Tel: (371-7) 226-042
Fax: (371-7) 213-697
E-mail: int@vak.lv

LITHUANIA

Ruta Bubniene
Center for Environmental Policy
A. Juozapaviciaus 6/2
LT-2005 Vilnius, Lithuania
Tel: (370-2) 728-936
Fax: (370-2) 728-961
E-mail: aapc@post.omnitel.net

MALTA

Rudolf Ragonesi
FOE Malta
P.O. Box 13
Valletta CMR01, Malta
Tel/Fax: (356) 581-657
E-mail: gaia@waldonet.net.mt

POLAND

Piotr Handerek
European Eco-Centre
Uniwersytecka 1
50-951 Wroclaw, Poland
Tel: (48-71) 343-6695
Fax: (48-71) 341-0197
E-mail: p.handerek@ecp.wroc.pl

Krzysztof Kamieniecki
Institute for Sustainable Development
Ul. Lowicka 31
02-502 Warsaw, Poland
Tel: (48-22) 646-0510
Fax: (48-22) 646-0174
E-mail: ine@ine-sd.org.pl

ROMANIA

Alexandru Savulescu
Romanian Environmental
Journalists Association
Str. Xenopol 3, Sc. B, Et. 1, Ap. 9, Sector 1
70181 Bucharest, Romania
Tel/Fax: (40-1) 252-2713
E-mail: arzm@fx.ro

Istvan Sido
AID Rom Bucuresti
Calarasilor nr.177 Sector 3,
Bucharest, Romania
Tel: (40-1) 320-9869, 320-9870 ext. 71
E-mail: office@aidrom.eunet.ro

Camelia Zamfir
Earth Friends
Siderurgistilor SD4A/12
6200 Galati, Romania
Tel: (40-36) 462-564
E-mail: zamfir@sisnet.ro

SLOVAKIA

Jan Rohac
Ekopolis Foundation
Dolna ruzova 22
96901 Banska Stiavnica, Slovakia
Tel: (421-859) 692-0203
Fax: (421-859) 691-2006
E-mail: rohac@spark.sk

Andrej Steiner
ETP Slovakia
Prazska 2
040 11 Kosice, Slovakia
E-mail: steiner@changenet.sk,
majlathova@changenet.sk

SLOVENIA

Milanda Mirkovic
ECO-IUS Law Center
for the Environment Labeco
Metelkova 6
1000 Ljubljana, Slovenia
Tel: (386-1) 231-5601
E-mail: milanda.mirkovic@guest.arnes.si

Anamarija Slabe
Institute for Sustainable Development
Metelkova 6
1000 Ljubljana, Slovenia
Tel: (386-41) 725-991
E-mail: anamarija.slabe@ibm.net

Vida Ogorelec Wagner
Umanotera, The Slovenian Foundation
for Sustainable Development
PO Box 4440
1000 Ljubljana, Slovenia
Tel: (386-1) 432-2354
Fax: (386-1) 439-7150
E-mail: vida@umanotera.org

TURKEY

Onur Ülkü
Environment Foundation of Turkey
Tunali Hilmi Cad. 50/20
06660 Ankara. Turkey
Tel: (90-312) 425-5508
Fax: (90-312) 418-5118
e-mail: cevre@cevre.org

YUGOSLAVIA

Tomislav Sudarevic
TERRAS
Pazinska 13/20
24000 Subotica, Yugoslavia
Tel: (381-24) 554-600
Fax: (381-24) 553-116
E-mail: tsudar@eccf.su.ac.yu

Western European Observer NGOs

BELGIUM

John Hontelez
European Environmental Bureau
Bvd. De Waterloo 34
1000 Bruxelles, Belgium
Tel: (32-2) 289-1090
Fax: (32-2) 289-1099
E-mail: info@eeb.org

Mara Silina
European Environmental Bureau
Bvd. De Waterloo 34
1000 Brussels, Belgium
Tel: (32-2) 289-1090
Fax: (32-2) 289-1099
E-mail: mara.silina@eeb.org

Magda Stoczkiewicz
CEE Bankwatch Network and Friends of the Earth
Rue Blanch 29
1060 Brussels, Belgium
Tel: (32-2) 542-0188
Fax: (32-2) 537-5596
E-mail: magdas@foeeurope.org

SPAIN

Rafael Madueno
MED Forum
Gran Via de les Corts Catalans 643, 3r
08010 Barcelona, Spain
Tel: (34-93) 412-4309
Fax: (34-93) 412-4622
E-mail: medforum@pangea.org

European Commission

Rolf Annerberg
Head of Cabinet, DG Environment – European Commission
200 rue de la Loi (Bu-5 04/15)
1049 Brussels, Belgium
Tel: (32-2) 281-802
E-mail: rolf.anneberg@cec.eu.int

Ian Clark
Deputy Head of Unit – DG ENV.1, European Commission
200 rue de la Loi
1049 Brussels, Belgium
Tel: (32-2) 296-9094
Fax:(32-2) 299-4123
E-mail: ian.clark@cec.eu.int

Imelda Dolan
DG ENV.1 – European Commission
200 rue de la Loi (BU-9 4/121)
1049 Brussels, Belgium
Tel: (32-2) 295-3774
Fax: (32-2) 299-4123
E-mail: imelda.dolan@cec.eu.int

Fernando Hervas-Soriano
ISPA coordinator
DG ENV.1, European Commission
200 rue de la Loi
1049 Brussels, Belgium
Tel: (32-2) 295=3019
Fax: (32-2) 299-4123
E-mail: fernando.hervas-soriano@ece.eu.int

Alan Huyton
DG Environment, European Commission
200 rue de la Loi (TRMF 1/10)
1049 Brussels, Belgium
Tel: (32-2) 296-4681
Fax: (32-2) 295-3273
E-mail: alan.huyton@cec.eu.int

Jean-François Verstrynge
Deputy Director General
DG Environment – European Commission
200 rue de la Loi (BU-5 3/186)
1049 Brussels, Belgium
Tel: (32-2) 295-1147
Fax: (32-2) 299-0310
e-mail: jean-francois.verstrynge@cec.eu.int

Silke Will
Desk Officer – Czech Republic
DG ENV.2, European Commission
200 rue de la Loi
1049 Brussels, Belgium
Tel: (32-2) 296-3948
Fax: (32-2) 299-4123
E-mail: silke.will@cec.eu.int

DG Regional Policy

Marc Franco
Director
DG Regional Policy (ISPA)
European Commission
200 rue de la Loi (CSM2 4/93)
1049 Brussels, Belgium
Tel: (32-2) 295-6462
E-mail: marc.franco@cec.eu.int

Erich Unterwurzacher
Head of Unit
DG Regional Policy (ISPA)
European Commission
200 rue de la Loi (CSM2 4/93)
1049 Brussels, Belgium
Tel: (32-2) 295-6721
E-mail: erich.unterwurzacher@cec.eu.int

DG Agriculture

Valery Morard
DG Agriculture – European Commission
200 rue de la Loi (L130 9/200)
1049 Brussels, Belgium
Tel: (32-2) 295-3030
Fax: (32-2) 295-1746
E-mail: valery.morard@cec.eu.int

European Parliament

Francis B. Jacobs
European Parliament
Head of Division
Committee on the Environment, Public Health and Consumer Policy
Ardenne-Atrium Building - 7K29
2, rue d'Ardenne
B-1047 Brussels
Tel: (32-2) 284-2695
Fax: (32-2) 284-9255
E-mail: fjacobs@europarl.eu.int

Lina Löfmark
Administrator
Committee on the Environment, Public Health and Consumer Policy
Ardenne-Atrium Building 7K40
2, rue d'Ardenne
B-1047 Brussels
Tel: (32-2) 284-2436
Fax: (32-2) 284-9255
E-mail : llofmark@europarl.eu.int

The Regional Environmental Center for Central and Eastern Europe

Robert Atkinson
Head of Programs
NGO Support and Capacity Building
Regional Environmental Center
Ady Endre ut 9-11
2000 Szentendre, Hungary
Tel: (36-26) 504-000
Fax: (36-26) 311-294
E-mail: ratkinson@rec.org

Adriana Craciun
Project Manager
NGO Support and Capacity Building
Regional Environmental Center
Ady Endre ut 9-11
2000 Szentendre, Hungary
Tel: (36-26) 504-000
Fax: (36-26) 311-294
E-mail: acraciun@rec.org

Richard Filcak
REC Slovakia
Vysoka 18
811 06 Bratislava, Slovakia
Tel/Fax: (421-7) 5296-4208
E-mail: rec@changenet.sk

Magda Toth Nagy
Head of Public Participation Program
Ady Endre ut 9-11
2000 Szentendre, Hungary
Tel: (36-26) 504-000
Fax: (36-26) 311-294
E-mail: tmadgi@rec.org

Entela Pinguli
Grants Manager
NGO Support and Capacity Building
Ady Endre ut 9-11
2000 Szentendre, Hungary
Tel: (36-26) 504-000
Fax: (36-26) 311-294
E-mail: epinguli@rec.org

Darek Urbaniak
Project Manager
NGO Support and Capacity Building
Regional Environmental Center
Ady Endre ut 9-11
2000 Szentendre, Hungary
Tel: (36-26) 504-000
Fax: (36-26) 311-294
E-mail: durbaniak@rec.org