



# DG ENV-NGO Dialogue Group

*Summary of the Fifth Meeting*



Regional Environmental Accession Project



THE REGIONAL ENVIRONMENTAL CENTER  
*for Central and Eastern Europe*

## About the REC

The Regional Environmental Center for Central and Eastern Europe (REC) is a non-partisan, non-advocacy, not-for-profit organisation with a mission to assist in solving environmental problems in Central and Eastern Europe (CEE). The Center fulfils this mission by encouraging cooperation among non-governmental organisations, governments, businesses and other environmental stakeholders, by supporting the free exchange of information and by promoting public participation in environmental decision-making.

The REC was established in 1990 by the United States, the European Commission and Hungary. Today, the REC is legally based on a Charter signed by the governments of 27 countries and the European Commission, and on an International Agreement with the Government of Hungary. The REC has its headquarters in Szentendre, Hungary, and local offices in each of its 15 beneficiary CEE countries which are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, FYR Macedonia, Poland, Romania, Slovakia, Slovenia and Yugoslavia.

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Regional Environmental Accession Project



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<b>CAP</b>	Common Agricultural Policy
<b>CARDS</b>	Community Assistance for Reconstruction, Democratisation and Stabilisation
<b>CC</b>	Candidate Country
<b>CEE</b>	Central and Eastern Europe
<b>CFCU</b>	Central Financing and Coordination Unit
<b>DG AGRI</b>	European Commission Directorate-General Agriculture
<b>DG ELARG</b>	European Commission Enlargement Directorate-General
<b>DG ENV</b>	European Commission Directorate-General Environment
<b>DG REGIO</b>	European Commission Directorate-General Regional Policy
<b>EAP</b>	Environmental Action Programme
<b>EC</b>	European Commission
<b>EEA</b>	European Environmental Agency
<b>EIA</b>	Environmental Impact Assessment
<b>EIB</b>	European Investment Bank
<b>EMAS</b>	Environmental Management and Audit Scheme
<b>EU</b>	European Union
<b>GDP</b>	Gross Domestic Product
<b>GMO</b>	Genetically modified organism
<b>IPPC</b>	Integrated Pollution Prevention and Control
<b>ISPA</b>	Instrument for Structural Policies for Pre-accession
<b>LCP</b>	Large Combustion Plants Directive
<b>NGO</b>	Non-governmental organisation
<b>OLAF</b>	European Commission European Anti-fraud Office
<b>PCB</b>	Polychlorinated Biphenyl
<b>REAP</b>	Regional Environmental Accession Project
<b>REC</b>	The Regional Environmental Center for Central and Eastern Europe
<b>REReP</b>	Regional Environmental Reconstruction Programme
<b>SAA</b>	Stabilisation and Accession Agreement
<b>SAPARD</b>	Special Accession Programme for Agriculture and Rural Development
<b>SEA</b>	Strategic Environmental Assessment
<b>SEE</b>	South Eastern Europe
<b>SOP</b>	Sectoral Operational Programme
<b>TA</b>	Technical Assistance
<b>TAIEX</b>	Technical Assistance Information Exchange
<b>TINA</b>	Transport Infrastructure Needs Assessment
<b>UWWT</b>	Urban Waste Water Treatment
<b>VOC</b>	Volatile Organic Compound

# Introduction

## Background of the Dialogue Meetings

Since 1999 the Directorate-General Environment of the European Commission has been holding regular meetings with 40 environmental NGOs from European Union Candidate Countries and the Balkans. Non-governmental organisation (NGO) activists meet with representatives of the European Union to discuss environmental issues in an open and constructive dialogue. The Regional Environmental Center for Central and Eastern Europe (REC) facilitates the Dialogue meetings. The fifth DG ENV-NGO Dialogue Group met on 9-10 December 2001 in Brussels. A summary of the meeting can be found in this book.

During the meetings NGOs receive first-hand information from European policy-makers about ongoing issues in enlargement and environmental policy and have the opportunity to explore how they can play an active and constructive role as environmental watchdogs in the enlargement process. In addition DG Environment uses the meetings as a platform to consult NGOs on new environmental policy developments in the European Union and their implications for the Candidate Countries. The meetings are an opportunity for NGOs to address their concerns to EU policy-makers and to strengthen cooperation among the NGOs themselves.

The previous Dialogue meetings have helped the participating NGOs better understand the process of EU enlargement and the priorities of future EU policy, as well as the benefits for civil society in the Candidate Countries. For most NGOs the meetings are the only possibility to obtain information from policy-makers — including Commissioners and Members of the European Parliament — on the environmental enlargement process. The meetings have also helped NGOs formulate their policies and strengthen their positions *vis-à-vis* their national governments.

At the request of the Candidate Countries' NGOs, representatives from the large European NGO networks, mainly the Group of Eight (G8), became observers of the Dialogue group (a list of participations can be found in Annex III).

For DG ENV and other participating Commission services (mainly DG REGIO, DG AGRI, DG ELARG), the meetings are useful for obtaining informal information from civil society and for learning of potentially contentious issues.

## The Preparatory Seminars

In order to increase preparations for the fifth Dialogue meeting, three topics were agreed upon in advance. The topics (as well as the date and place of the meetings) were:

- Green Economy and Integration (5 November 2001 in Budapest, Hungary)
- The Role of NGOs in Accession and Capacity Building (16 November 2001 in Ostrava, Czech Republic)
- Pre-Accession Funding (10 November 2001 in Vilnius, Lithuania).

Each of the seminars produced a document that represented the NGOs' consensus position on the particular topic. Based on the three individual papers, a joint document was compiled and presented to the Commission. The joint document appears in Annex I.

Following the presentations, the NGO participants discussed the issues and formulated the following six points as topics for discussion with the Commissioner:

- Integration of environmental policy — there is no apparent integration of sustainable development in the accession process.
- Green budget reform — there are delays in implementation and problems with illogical subsidies.
- The partnership principle should be included in all pre-accession funds and procedures via the Aarhus Convention, especially in monitoring and evaluating mechanisms (including Strategic Environmental Assessment [SEA]) for all pre-accession funds (and in preparations for Structural Funds).
- Capacity building and funding for NGO participation in pre-accession activities in environmental areas should be increased through a) including NGOs among beneficiaries of technical assistance and training provided by the European Commission to accession countries (e.g. Twinning) and b) specific measures for NGO involvement in planning, decision-making, monitoring, etc. of pre-accession funds.
- Pre-accession funds should be in line with the Strategic Development Strategy.
- DG Environment should require candidate countries to include NGO comments in government reports directed toward the EU.

A summary of the discussion with the Commissioner appears on page 16.

## The next meeting

The next Dialogue meeting will be held back to back with DG Environment's Green Week (15-20 April 2002) in Brussels. The Green Week is a conference and exhibition on EU environmental policy.

## European Civil Society Sector Steering Group

NGOs from the Dialogue group will also be involved in the Commission's preparatory work on the World Summit on Sustainable Development (WSSD), to be held in Johannesburg in September 2002. In February 2001 the European Commission launched Ten years after Rio: preparing for the World Summit on Sustainable Development in 2002. In line with Agenda 21, which extensively addresses the role of various civil society stakeholders in the implementation of a global agreement, the EU has formally reached out to civil society to participate in the WSSD preparations.

The Commission has therefore set up a European Civil Society Sector Steering Group in which the NGO Dialogue group will be represented to ensure that civil society from the Candidate and Balkan Countries can contribute to the preparations. An important step in the work will be a public conference on Thursday 18 April 2002 within the framework of the Green Week.



# Summary of the Sessions



## Summary of the Sessions

# Meeting with Commissioner Margot Wallström

The Commissioner opened the session with an introductory speech, followed by a presentation of the NGOs' main points from the preparatory seminars on green economy and integration, pre-accession funding and the role of NGOs in the accession process. The presentation became the basis for discussion.

### Opening Speech by Margot Wallström, Commissioner for Environment

“Check upon Delivery”

#### Ladies and Gentlemen,

A warm welcome to this dialogue meeting to all of you and thank you for coming to Brussels again.

This is now the fifth and last meeting of the first series of dialogue meetings and I am sure you know that we have opened a new call for interested NGOs to apply for the next set of four dialogue meetings. This will also give a chance to other groups to benefit from these meetings. I am hoping for a wide participation of active NGOs and I would like to encourage you all to apply for the next round as well. Applications need to be sent to the Regional Environmental Center by the end of December. The first time we will invite the members of the next set of NGO dialogue meetings will be in spring for the Green Week.

#### Evaluation

Based on the evaluation we carried out during our last meeting in April I think it's fair to say that our group has already achieved something together. My services and I have benefited from gaining first hand information from your organisations. This has been important background knowledge for us when dealing with the national authorities in your countries. Many of your concerns have been addressed when meeting with representatives of your ministries — the results might not always be visible but I can promise you that our dialogue has contributed to the fact that things have started to move in the right direction.

Let me just mention some examples where I am particularly pleased that we have been successful in addressing your needs.



**MARGOT WALLSTRÖM,**  
**Commissioner for Environment,**  
informs Dialogue  
participants about the new  
Action Programme proposed  
by the Commission.

## Extension of DG ENV's activity funding to the Candidate and Balkan Countries

As I promised you in previous meetings, I wanted to extend the geographical scope of the Action Programme promoting European environmental NGOs in order to include NGOs from the Candidate Countries and the Balkans. Today, I have some good news for you.

At the end of October, the Environment Council reached a political agreement on the Proposal for a new Action Programme, which will — once adopted — provide continuous funding for environmental groups over the next five years (2002-2006).

In addition to having its timeframe extended from 4 to 5 years — and a number of other new features — the proposed Programme will receive a significantly increased budget (EUR 32 million).

It will also feature a new pan-European approach. Conscious of the fact that environmental problems such as greenhouse gases, acid rain, and polluted air and rivers, do not stop at the EU's borders, we have proposed to increase the scope of the Programme to include not only NGOs based in the Member States but also those active in the Candidate Countries and the Balkans. The whole European environmental protection movement has to be involved.

The Proposal is still following the “co-decision procedure”, but we hope that the successful outcome of the Council meeting we had in October will guarantee its approval by the European Parliament and rapid adoption in the “second reading.”

But even if we won't know the final details of the new Action Programme until the Parliament has had its say, it is very reassuring to know that at no point in the negotiations has the proposed inclusion of NGOs from the Candidate Countries and the Balkans been questioned. And this is a very good sign!

Another area where things are moving is ISPA. Based on your complaint about the fact that civil society is not involved in the ISPA process, DG REGIO has taken the initiative to write to all ministries involved requesting the participation of at least three NGOs in ISPA committees. Krzysztof Kamieniecki, from the Institute for Sustainable Development, informed the Commission about the positive developments in Poland. A team of environmental organisations has been established to work with the Minister of Transport on ISPA project. And NGOs are also participating in the ISPA Steering Committee working with the Ministry of Environment.

These are very positive developments, which we should try to multiply and make common practice in all countries. So please report to me also other good examples which I can then use to put pressure on countries which are not so open towards civil society.

## New governance and how it strengthens the role of NGOs

I think you are right in demanding a bigger say in policies. Therefore, the challenge ahead is now to rethink the way we are working within governmental organisations.

On this the European Commission has recently adopted a White Paper on European Governance. The White Paper is based on five principles: openness, participation, accountability, effectiveness, and coherence.

In short, the institutions should work in an open manner and ensure participation in EU policies. They should be accountable and take responsibility for their actions. Policies must be effective and timely, but also coherent and easy to understand.

All these principles are important in establishing more democratic governance at all levels — global, European, national, regional and local.

The Commission, in particular in the environmental sector, has gained some experience to build on.

Already in 1985, the Community adopted the Environmental Impact Assessment Directive, which introduced the basic right of the public to express its opinions on any project that is likely to have a significant impact on the environment. This has been further strengthened by the adoption of the new Strategic Environmental Impact Assessment Directive, which makes sure that the opinion of the public is already taken into consideration at plan and programme level.

In 1990, the Council adopted a Directive on the Freedom of Access to Information on the Environment.

**Already in 1985, the Community adopted the Environmental Impact Assessment Directive, which introduced the basic right of the public to express its opinions on any project that is likely to have a significant impact on the environment.**

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Margot Wallström

**Besides the Commission, national governments also need to inform their citizens about what they are doing at the European level.**

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Margot Wallström

And last but not least, is the United Nations' Aarhus Convention, which was signed by the Community in 1998. The Community is currently in the process of amending several pieces of EC legislation to take account of Aarhus. Ratification is scheduled for 2003. This will grant the public and other interested parties unprecedented and extended access to information, participation in the decision-making process and access to justice where environmental matters are concerned.

Already today, there is a huge amount of information available, for those who are interested, in the form of free publications, or electronic information on the Internet server Europa as well as via the media. We also have free phone-lines in the Member States, where people can call to ask about the EU. We even have free-toll numbers to reach OLAF, the Anti-Fraud Office of the European Commission. Every citizen can call and inform the Commission if they suspect fraud or mismanagement of Community funds.

But besides the Commission, national governments also need to inform their citizens about what they are doing at the European level. Please remember this! Ask for all the information you need to make sure that your institutions can close the gap that many Europeans feel is there between them and the European Institutions.

The consultation process on the White Paper has started and will run until the end of March 2002. The White Paper is available in the Internet. And I would like to invite you all to have a look. By the end of next year, the Commission will report on the progress and draw conclusions from the consultation.

We are seeking your ideas, your contributions on how to better shape the environment policy of the future, in an enlarged European Union. Why not create some network within your countries to formulate your proposals and take part in the debate?

### Enlargement: Informal Ministerial Meeting, visits to Slovenia, Latvia and Lithuania

Before I finish, I would like to briefly summarise the conclusions I have drawn from the two Informal Ministerial Meetings we had two weeks ago as well as the conclusions from my recent visits to Latvia, Lithuania and Slovenia.

During the meeting with the Environmental Ministers on the Danube and Black Sea, we adopted an unprecedented declaration on water protection in the wider Black Sea Region and committed ourselves to restoring the ecosystems and the water quality of these important European water basins.

The following day during the informal meetings with the Candidate Countries Ministers, we discussed the following issues: Benefits for Candidate Countries of complying with EU environmental legislation, measuring sustainable development, preparations for the World Summit in Johannesburg on Sustainable Development, trading of greenhouse gas emissions and EU water legislation.

During the discussions on Climate Change and Emissions Trading a broad consensus on the Commission approach in the form of a multi-stakeholder European Climate Change Programme, was reached. Furthermore the Candidate Countries welcomed the Commission's proposal for a directive on emission's trading.

Another discussion took place on the Sustainable Development Indicators on environment, which have been proposed by the Commission as a follow-up to the Stockholm and Gothenburg European Councils. The environment indicators will be added to the existing set of socio-economic indicators and presented in the annual Synthesis Report

to the Spring European Council. Your Ministers pushed to include real environmental issues such as drinking water, land use and afforestation rate.

And now just a few words on enlargement: In June the Gothenburg European Council agreed on the framework for the successful completion of enlargement. The European Council specified that the negotiations should be concluded with those candidates that are ready by the end of 2002.

After my recent visits to Slovenia, Latvia and Lithuania I think they could be among the countries ready to join in the near future from an environmental point of view — if they keep up the pace taken at the moment!

All three countries have provisionally concluded negotiations, **Latvia** only the day before I went. This provides evidence that the hard work of the Latvian's to catch up with it's own timetable has paid off. One of the main challenges ahead for Latvia is the need to strengthen the administrative capacity through administrative reform.

**Slovenia** needs to speed up the adoption of some key legal acts, namely the Water Act as well as some industry related *acquis*. The main challenges ahead also relate to the implementation and enforcement of the environmental *acquis*.

**Lithuania** has made good progress in transposition of the EU *acquis*, but sufficient financing for implementation and for strengthening administrative capacity needs to be provided. Further investments are also necessary from the industrial sector to meet the EU environmental requirements. This is of particular relevance for waste management, air quality and IPPC (Industrial Pollution Prevention and Control).

And now, I am interested in hearing your views on the topics you have prepared in advance to this meeting. Thank you and please, the floor is yours.



**MARGOT WALLSTRÖM**,  
Commissioner for Environment  
(left), **MAGDA STOCZKIEWICZ**,  
CEE Bankwatch Network/FoE  
(centre) and **JEAN-FRANÇOIS  
VERSTRYNGE**, Acting Director  
General DG ENV (right)  
during the first session  
of the Dialogue.

**The partnership principle should be included in all pre-accession funds and procedures, through the Aarhus Convention, especially in monitoring and evaluating mechanisms.**

Issue raised during the seminar on NGO's role in the Accession process

## Discussion points

The Commissioner and NGO representatives discussed the issues from the preparatory seminars. A summary of the discussion is presented below with the Commissioner's response to the NGO requests.

### **Integration of environmental policy — there is no apparent integration of sustainable development in the accession process.**

A start has been made: each EU Common Position for environment has included a question about the action being taken by the Candidate Country to integrate environment into other policies in line with Article 6 of the EU treaty and the conclusions. Likewise the Common Positions for the transport chapter also address the Sustainable Development Strategy (de-coupling transport from GDP growth). The commitments made by the countries are being monitored through the Association Sub-committees and Regular Reports. This year's Regular Reports present a brief summary of progress. For example Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania and Poland all have set up specific mechanisms to start the process. I also use every opportunity to stress the issue such as during my recent visits and the ministerial meeting at the end of November.

Candidate Countries are becoming involved in the Sustainable Development Indicators project (mentioned in the speech).

### **Green budget reform — there are delays in implementation and problems with illogical subsidies.**

Work is progressing in this field:

- As far as actual EU funding is concerned — support for environment is higher in absolute and in percentage terms than in the past. For example over 20% of the pre-accession funds are for environmental projects — investment and institution building.
- The Sustainable Development Strategy includes target dates for the phasing out of fossil fuel subsidies, tobacco subsidies and reform of the Common Agricultural Policy (CAP).
- Other initiatives include Greening Public Procurement, and reinforcement of the Environmental Management and Audit Scheme (EMAS).

### **The partnership principle should be included in all pre-accession procedures via the Aarhus Convention, especially in monitoring and evaluating mechanisms (including Strategic Environmental Assessment [SEA]) for all pre-accession funds (and in preparations for Structural Funds).**

Implementation of the Aarhus Convention is a new challenge for all public authorities and will certainly change the way the Commission amongst others will operate. Only last week we adopted new internal rules on the access to documents.

You may also be aware of the draft directive we proposed earlier this year to integrate Aarhus into the Environmental Impact Assessment (EIA) and Integrated Pollution Prevention and Control (IPPC) legislation.

As far as SEA is concerned, Candidate Country administrations are fully involved in the efforts being taken by the Commission and Member States to facilitate implementation of the new directive — e.g. seminars and workshops.

We will be initiating some pilot Strategic Assessments of some major transport links such as the via Baltica (in 2002).

With regard to the partnership principle in the Structural Funds themselves, the Commission is working to ensure that this is also applied in the pre-accession phase, for example in the drawing up of the National Development Plans for Phare funding. The more recent versions of these plans do show some improvement as Candidate Country administrations become more aware of EU requirements.

**Capacity building and funding for NGO participation in pre-accession activities in environmental area should be increased through:**

- a) including NGOs among beneficiaries of technical assistance and training provided by the EC to accession countries (e.g. twinning) and**
- b) specific measures for NGO involvement in planning, decision-making, monitoring, etc. of pre-accession funds.**

Technical assistance under Phare, in the form of twinning, has been set up to transfer know-how between governments (from Member States to Candidate Countries). There is also a need to build up capacity and knowledge in the NGO society on policy and funding issues. Therefore, DG ELARG has established the so-called ACCESS programme to build up capacity in civil society for the pre-accession process and (as mentioned in the speech). I want to extend the geographical scope of the NGO Activity Programme.

**ANDRAS LUKACS,**  
**Clean Air Action Group** (left)  
raises the issue of illogical subsidies in the Candidate Countries.

**ERZSEBET SCHMUCK,**  
**National Society of Conservationists** (right)  
stresses that there is not enough capacity to consider policy issues like sustainable development strategies.



**The Community's right to interfere in national procedures is limited to areas in which EU legislation exists.**

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Margot Wallström

**Pre-accession funds should be in line with the Strategic Development Strategy**

While not perfect the pre-accession funds do include some examples of “good practice”:

- More than half of the ISPA transport funding is going to the rail sector; this is a higher share than the Structural Funds (where we have a target for the mid-term review in the Sustainable Development Strategy).
- The Phare Cross Border programme includes numerous initiatives for energy saving. Environmental assessments of Phare plans are improving.
- The SAPARD programmes generally include small agri-environment measures but also support for other important environment actions in rural areas: manure handling (nitrates), waste and water treatment. There is also general NGO involvement in the monitoring of programmes.

**DG-ENV should require that Candidate Country government documents include NGO comments.**

The Community's right to interfere in national procedures is limited to areas in which EU legislation exists. In order to ensure a basic right of the public to express its opinions on any project that is likely to have a significant impact on the environment the Community adopted the Environmental Impact Assessment Directive. This has been further strengthened by the adoption of the new Strategic Environmental Impact Assessment Directive, which ensures that the opinion of the public is already taken into consideration at plan and programme level — when drafting the legislation Member States excluded Strategic Environmental Assessment (SEA) for policies. Within the framework of the pre-accession funds the Commission requests evidence of public consultations for each EIA.

As far as other official government documents submitted to the Commission, these have been adopted according to the political procedures in operation in each Candidate Country. The preparation of most of the negotiation papers has involved the national parliaments, e.g. in the Czech Republic. It is through these procedures that your comments need to be channelled. The balance of different points of view needs to be expressed at the national level, where decisions are taken.

The White Paper on European Governance will ensure that the Commission and its current and future Member States work to deepen the involvement of civil society, which I addressed in my speech.

## Summary of the Sessions

# Regional Update

Jean-François Verstryngne, Acting Director General DG ENV, gave an update on the state of play in the environmental enlargement process and environmental cooperation in the Balkans.

### Main points of the speech by Jean-François Verstryngne

“Check upon Delivery”

#### 1. State of Play on Enlargement

##### Negotiations

During the last NGO dialogue meeting in April negotiations were only concluded with one country, Slovenia. Today things have moved along considerably. Chapter 22 has been provisionally closed with eight more countries: recently with Latvia on 28 November, and tomorrow with Slovakia. This is excellent progress and fulfils the objectives set for the Commission.

As regards the remaining four countries, negotiations with Malta and Bulgaria are still open, Romania submitted its first negotiating position in October, so negotiations should be opened in early 2002 during the Spanish Presidency. For Turkey the screening has not started yet.

All Candidate Countries have requested transitional measures and technical adaptations. As a result of negotiations, clarification and substantial additional efforts by the Candidate Countries, several of these requests have been withdrawn. The EU in its turn has considered transitional measures in areas where substantial adaptation of infrastructure is required or where substantial investments need to be spread over time. As a result, limited transitional periods have been granted on a case by case basis, which will be introduced later.

As the Commission made clear from the start transitional measures have not been granted on transposition of legislation, framework legislation (air, waste, water, impact assessment, access to information), nature protection or on essential directives with relevance for the internal market. Also, transitional measures do not relate to new installations. They have only been agreed on the basis of detailed implementation plans, including financing strategies and intermediate targets.

As the next phase after the provisional closure the Commission will strive to reinforce the monitoring of implementation to ensure that the countries are progressing towards commitments made in the negotiations. The Commission will strengthen the systematic monitoring mechanisms for environment.

**Despite the progress made over the past year, the major need now consists of building up adequate administrative structures and strengthening of administrative capacity to implement the *acquis*.**

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Jean-François Verstryngne

Another important pre-accession aspect is to involve the Candidate Countries in the development of EU environmental policy. Already ten Candidate Countries have ratified the agreement to join the European Environment Agency (EEA) and can in practice start the co-operation in 2002.

In June the Gothenburg European Council agreed on the framework for the successful completion of enlargement. The European Council specified that the negotiations should be concluded with those candidates that are ready by the end of 2002. The aim is for new Member States to participate as full members in the next European Parliament elections in 2004.

Looking at the progress reported in the Regular Report it is fair to say that some light at the end tunnel is visible.

### **Regular Reports: Overview and conclusions**

Overall this year's Regular Reports again note significant progress in the adoption of legislation for alignment with the *acquis* in most Candidate Countries.

Some countries still have difficulties in transposing parts of the *acquis*. Nevertheless, despite the progress made over the past year, the major need now consists of building up adequate administrative structures and strengthening of administrative capacity to implement the *acquis*. In line with the overall Enlargement Strategy assistance for strengthening administrative capacity will be the key priority.

For most or all of the Candidate Countries, the environmental part of the Regular Reports and the proposed revised Accession Partnerships identify clearly, that until 2004 and also beyond accession, efforts need to continue, in particular to further strengthen the administrative, monitoring and enforcement capacity, in particular in the field of waste, water and chemicals. But the provisional closure of environment negotiations with eight and tomorrow nine countries shows that *"the rain has gone and we can see all obstacles in the way"* (in more administrative terms: transposition and implementation schedules have been clarified, the priorities for further actions have been set).

*An overview of the state of play in individual countries can be found in Box 1.*

## **2. Balkan Reconstruction Process**

Formal Stabilisation and Association Agreements (SAA) have been negotiated with Former Yugoslav Republic of Macedonia (FYROM) and Croatia. By the end of this year the Council will give the Commission a mandate to open negotiations for an SAA with Albania. Yugoslavia and Bosnia and Herzegovina will be tackled in due course.

The Stabilisation and Association Process (SAP) is the EU contribution to the Stability Pact. The Council recently (19 November) called on the Pact to further concentrate its efforts in a limited number of areas and report back to the Council on its proposals in March next year. A high level informal co-ordinating committee will be set up involving the Presidency of the EU, the High Representative, the Commission and the Special Co-ordinator of the Stability Pact.

The main difference between the Stability Pact and the Stabilisation and Association Process is that the SAP is a formal political process and the Stability Pact informal and without its own resources.

Assistance (including the environmental sector) is given through the CARDS programme. CARDS country strategies have been produced and passed through inter-service

## BOX 1

## Country by country overview of the state of play in the environmental enlargement process (as of December 2001)

■ **Slovenia** — Environmental negotiations provisionally closed in March as first country.

### Transition Periods:

- Packaging Waste (2007 plastics)
- Urban Waste Water Treatment (UWWT) (2015 for smallest agglomerations)
- Integrated Pollution Prevention and Control (IPPC) (up to 2011 for 15 installations)

**Next Steps:** Detailed monitoring in Association Sub-Committees

**Regular Report:** The level of alignment in the environment sector is already high and efforts should now be focussed on adoption of the remaining key legislation in the areas of water quality, Genetically Modified Organisms (GMOs), and radiation protection.

■ **Czech Republic, Estonia and Hungary** — Next set of countries which provisionally closed negotiations on 1 June.

### Czech Republic

#### Transition Periods:

- Packaging and packaging waste (2005 for achieving recovery and recycling targets)
- UWWT (2010)
- Request for IPPC refused for new installations and put aside for existing installations (1 heating plant has been put aside until 2012 and will be dealt with under the revised Large Combustion Plant [LCP] Directive)

**Others:** Newly adopted legislation in most cases not fully in compliance (drinking water, ground water, waste water, waste definition, polychlorinated biphenyl [PCB] thresholds, Environmental Impact Assessment [EIA]). Environmental expenditure has dropped to 1.04% of GDP in 2000.

**Regular Report:** Good progress has been achieved in transposition of the environmental *acquis*. In particular, the adoption of the Act on Environmental Impact Assessment was a major development. Co-ordination amongst the relevant government bodies needs to be improved, with particular attention to the implications of the ongoing process of decentralisation.

### Estonia

#### Transition Periods:

- Volatile Organic Compound (VOC) petrol storage (2006)
- UWWT (2010) for small agglomerations
- Drinking water (2013)
- Landfill (2009)

**Next Steps:** Monitoring in particular those areas relating to landfilling of oil shale ash (specific addendum on commitments provided as condition for provisional closure)

**Regular Report:** Further progress has been made in relation to both alignment and implementation of environmental legislation. Estonia needs to continue these efforts and strengthen administrative capacity, particularly at the local level. Also, enforcement of environmental legislation needs to be improved.

### Hungary

#### Transition Periods:

- UWWT (2015)
- LCP (2004)
- Incineration (2005)
- Packaging (2005)
- Drinking Water use of the derogation provision in Article 9 (2009)

**Regular Report:** Significant progress was also made in the area of environment, notably through the adoption of legislation on Environmental Impact Assessment, on water, waste, industrial pollution control and risk management, on chemicals and on radiation protection. The administrative capacity in this sector was also improved, but needs further strengthening, in particular as regards the clear distribution of tasks between the ministries involved.

continued on next page

## BOX 3 continued

## Country by country overview of the state of play in the environmental enlargement process continued

■ **Lithuania** — Provisional closure during the same month, end of June.

### Transition Periods:

- UWWT (2009)
- VOC petrol storage (2007)
- Packaging (2006)
- *Acquis* 2000/2001: Air quality requirements (new LCP Directive) might cause problems

**Regular Report:** Further progress in the field of environment, where most of the framework legislation is in place. Implementation remains a major challenge, in particular in areas which require heavy investments or investments by private enterprises.

■ **Cyprus** — Provisional closure in July.

### Transition Periods:

- UWWT (2012)
- Packaging (2005)

**Outstanding Issues:** LCP “set aside” until revision of directive. Attention now to focus on issues of implementation — on nature protection and birds.

**Next Steps:** Pressure needs to continue to be exerted to ensure adequate implementation following provisional closure.

**Regular Report:** Good progress can be reported. Cyprus has continued with harmonisation measures both as regards legislative alignment as well as strengthening administrative capacity. Particular attention should now be paid to proper implementation and enforcement.

■ **Poland** — Provisional closure in October after withdrawal of more than 50% of transitional periods.

### Transition Periods:

- UWWT (2015)
- IPPC (2010)
- Discharge of dangerous substances (2007)
- VOC (2005)
- Packaging (2007)
- Shipment of Waste (2012)
- Landfills (2012)
- Radiation from medical sources (2006)
- Sulphur content of liquid fuels (2006)

**Regular Report:** Significant progress has been made in terms of primary legislation. The energy and in particular the transport sectors have seen some progress. In all three sectors considerable further work is also required to strengthen the administrative capacity. This is particularly the case for the environment where regional as well as national structures need to be reinforced.

■ Last country we closed with — **Latvia** — at end of November.

### Transition Periods:

- VOC petrol storage (2008)
- Packaging (2007)
- Landfill (temporary storage of hazardous wastes until adequate installations are in place (2004)
- UWWT (2015)
- Drinking water (2015)
- IPPC (2015)
- Asbestos (2004)
- Medical exposure to radiation (2005)

**Next Steps:** Monitoring with special emphasis on the strengthening of the administrative capacity, especially at local level (waste water and drinking water).

**Regular Report:** Further alignment was achieved in the area of environment. Alignment needs to be completed as concerns access to environmental information, waste management and chemicals. Several specialised bodies were set up, including the Radiation Safety Centre and the Latvian Environment Agency. But further efforts to upgrade the administrative structures are needed.

■ **Slovakia** — To be closed 11 December 2001.

**Transition Periods:**

- UWWT (2015)
- Discharge of Dangerous Substances (2006)
- LCP (2007)
- IPPC (2011)
- VOC petrol storage (2007)
- Incineration (2006)
- Packaging (2007)

**Regular Report:** Concerning environment, legislative alignment — with the exception of water quality, nature protection and industrial pollution and risk management — has advanced well, although substantial alignment is still lying ahead. The measures to strengthen the administrative capacities should be rigorously pursued.

■ **Malta** — The negotiations were opened in May and technical consultations are ongoing.

**Timetable 2001:** Common Position on 1st EU Common Position 16 May

**Regular Report:** As regards the environment, the adoption of the Environment Protection Act together with subsidiary legislation represents a significant progress but Malta is still far from full alignment and the capacity to enforce the legislation remains very weak. An overall strategy for the adoption and implementation of the environmental *acquis* must also be developed.

■ **Bulgaria** — The negotiations were opened in July and technical consultations will start in January.

**Regular Report:** Continuation in its positive efforts on transposition of the EC environmental *acquis*, but implementation and the cost of alignment remain a challenge.

■ **Romania** — First negotiating position was submitted in October. Negotiations should be opened in early 2002 during the Spanish Presidency.

**Transition Periods:**

- Transition periods requested, all based on a unilateral assumption by Romania that preparations for accession will be finalised on 1 January 2007

**Next Steps:** Commission will prepare draft Common Position to correspond with Romanian position paper.

**Regular Report:** Advances in aligning itself with the environmental *acquis* but lacks administrative capacity to effectively enforce the newly adopted legislation and insufficient financial resources are allocated to the sector.

■ **Turkey** — Screening has not started yet.

**Regular Report:** In the environmental field, further new legislation needs to be adopted including an important framework law, which is pending before parliament.

**Candidate Countries might not always base their implementation plans on solid funding sources. Will funding needs be answered?**

NGOs' question during EU enlargement discussions

consultation for Albania, Bosnia and Herzegovina, Croatia, Yugoslavia and former Yugoslav Republic of Macedonia, along with a regional strategy. The indicative environmental assistance (to be finally agreed) for the period 2002-2004 (that is covered by the multi-annual programme) amounts to EUR 117.15 million (Albania – EUR 12.7 million; Bosnia and Herzegovina – EUR 34 million; Croatia – EUR 14 million; Yugoslavia – EUR 39.7 million, FYROM – EUR 8.25 million<sup>1</sup> and for regional activities – EUR 8.5 million<sup>2</sup>).

Direct funding of environmental infrastructure will now be left to the international financial institutions.

This represents a large increase for environment. By way of comparison, in the ten-year period 1991-2000, Albania received EUR 5.2 million (excluding water infrastructure) from the Phare programme. It will receive double this (EUR 12 million) over the next three years alone.

Although the programme details are still to be worked out, all country programmes follow broadly the same approach aimed at contributing to the sustainability of any reconstruction efforts. The main efforts target four areas: institutional strengthening, support to civil society, environmental threats to health, and support to regional cooperation and conventions.

The Regional Environmental Reconstruction Programme (REReP) is also open to NGO participation (a steering committee has been formed to feed into this regional process). There is now over EUR 17 million pledged to the REReP of which EUR 12 million is complete or underway. The REReP Task Force meeting in Sarajevo in September made changes to the mechanism to strengthen the link to the SAP.

## Discussion points

The following is a summary of the discussion with NGO participants that followed the speech.

**NGOs in the Candidate Countries are eager to work with other NGOs, but they have a difficult time with the 60-40 % funding-release scheme employed by the Commission and request a different scheme for the region.**

The system of NGO contracts is always a payment in shifts. NGOs have to adapt to the system. NGOs might want to talk to the NGO networks in Brussels to see how they function.

**Many NGOs from Candidate Countries lack the accounting and language skills to receive, or in many cases even apply for funding. Could DG Environment help make funds more accessible to these smaller NGOs?**

Smaller NGOs should hook into the larger NGO networks in Brussels. Smaller NGOs outside the network are not excluded from funding, but DG Environment prefers to operate through the larger, developed networks.

<sup>1</sup> Includes EUR 3.25 million from CARDS 2001 budget

<sup>2</sup> Includes EUR 500,000 from CARDS 2001 budget for EEA activities in Albania and FRY



**In relation to NGO funding, there were ACCESS funds, and in some countries implementation has gone smoothly, for example in Slovenia. In other countries, however, there have been significant delays. For example, in the Czech Republic everyone was promised notification by the end of November, but now it's December and there is still no word about the results. Could DG Environment somehow push for a resolution?**

From 2001, programmes for strengthening civil society, such as ACCESS, have become the responsibility of the national authorities and implementation could therefore differ between countries.

**Can accession countries delay implementation until after accession? Some Member States also neglect to implement EU legislation according to schedule.**

DG Environment will monitor the implementation of legislation. It is important for ministers to proceed according to their negotiated commitments. Otherwise negotiations will be reopened.

Member States are not systematically failing to implement their programmes. Some EU

**KRZYSZTOF KAMIENIECKI, Institute for Sustainable Development** stresses that other ministries should also develop environmental strategies at the national level.



**ENGIN URAL, Environment Foundation of Turkey (left) and PETKO KOVATCHEV, Center for Environmental Information and Education (right)** present issues from Turkey and Bulgaria.

countries have had specific problems implementing certain directives, from time to time, but there are no situations where Member States are completely ignoring their promises, and therefore the Candidate Countries' argument would not hold up. In addition, after Candidate Countries become Member States the same levels of scrutiny will be applied that current Member States are held to.

**Candidate Countries might not always base their implementation plans on solid funding sources. Will funding needs be answered?**

No transition periods on anything have been granted without an investigation into how the programmes will be financed. There have been cases where Candidate Countries base their projections on the assumption of funding from the Structural Funds and the Cohesion Fund, as well as other sources of funding.

## Summary of the Sessions

# The European Commission's New Enlargement Strategy

Soledad Blanco (Head of Unit – ENV.2) gave a presentation on the Commission's new enlargement strategy and then discussed relevant issues with the NGO participants. The presentation is given below, followed by a summary of the discussion.

### Speech by Soledad Blanco

"Check upon Delivery"

#### Ladies and Gentlemen,

Welcome also from my part to the fifth Dialogue meeting.

The Commission's new enlargement strategy was adopted on 13 November. I will briefly present the strategy, and we can then have a free discussion.

In Gothenburg, the European Council formulated the objectives that Candidate Countries that are ready should be able to conclude the accession negotiations by the end of 2002 and should participate as Members in the European Parliament elections of 2004.

For this to be possible, the momentum gained must be maintained:

- The roadmap for the negotiations, which the Commission proposed in its 2000 Enlargement Strategy, and which has proven highly successful, must continue to be duly implemented, in accordance with the principles of own merits (the efforts and achievements of each candidate to meet the accession criteria will be considered individually) and catching-up (the possibility for those who started negotiations later to catch up with the other candidates).
- The Candidate Countries, for their part, must continue and speed up their preparations for membership.

The strategic approach proposed by the Commission consists of two key elements:

- Firstly, indications on how to deal with the remaining negotiating chapters under the roadmap (agriculture, regional policy, financial and budgetary provisions, institutions and other);
- Secondly, an action plan to strengthen and monitor Candidate Countries' administrative and judicial capacity. In this exercise the Commission takes the lead, and has as its partners the Candidate Countries and the Member States.

The Commission's Enlargement Strategy provides indications also for:

- the next steps with those negotiating countries that will not meet the Gothenburg objectives, and

**Through twinning and its more flexible form “twinning light” projects, training can be provided to different governmental levels including the regional and the local level.**

Soledad Blanco

- launching a new phase in the pre-accession strategy for Turkey.

Let's see these elements in detail:

- The remaining chapters of the roadmap

According to the roadmap for the first semester of 2002, the Union will need to define during that period common positions with a view to closing provisionally the already-mentioned last group of chapters: agriculture, regional policy, financial and budgetary provisions, institutions and other.

- An action plan for reinforcing administrative and judicial capacity in the negotiating countries

A key element in ensuring that the objectives set at Gothenburg can be met is that the Candidate Countries must be ready for accession in line with the planned timetable. If we bear in mind the findings of the 2001 Regular Reports, this requires in particular further efforts to strengthen administrative structures and reform judicial systems.

This will be one of the key issues next year in the environment sector. This concerns especially the local and regional administrations, which will have the main responsibility of implementing and enforcing the *acquis*.

The obligations arising from EU directives for local authorities are wide-ranging — for example issuing permits, monitoring and reporting — and require technical and administrative capacity, and highly trained and motivated staff. In all Candidate Countries there is scope for improvement in this sense. A recent study we have commissioned shows this very clearly.<sup>1</sup>

The EU is providing assistance to the authorities to strengthen their capacity through training on the Union's environmental policy. For example:

Through twinning and its more flexible form “twinning light” projects, training can be provided to different governmental levels including the regional and the local level.

REAP (Regional Environmental Accession Programme) provides training for the local level on financial planning.

However, this assistance can mainly offer advice. In the end, the responsibility rests on Candidate Countries' administrations to prepare their officials for EU environmental policy.

The key areas in which further action is required are identified in the proposals for revised Accession Partnerships, which outline priority areas for future work in the Candidate Countries, for each of the negotiating countries.

To ensure that the necessary actions to remedy any remaining shortcomings are duly taken, the Commission proposes an action plan.

This will consist of three stages.

- Firstly, in order to identify the next steps, the Commission, along with each of the Candidate Countries, will analyse in early 2002 how they intend to implement the priorities set out in the Accession Partnerships.
- Secondly, the Commission will identify already ongoing actions to build administrative capacity, and mobilise further means to reinforce these actions.

<sup>1</sup> Administrative Capacity for Implementation and Enforcement of EU Environmental Policy in the 13 Candidate Countries, ECOTEC 2001. Available in DG ENV web site in Europa.



**SOLEDAD BLANCO,**  
**Head of Unit – ENV.2,**  
 presents the European  
 Commission's new  
 enlargement strategy.

- Thirdly, the Commission will confirm or initiate — where appropriate with Member States — monitoring mechanisms, including monitoring reports and peer reviews, in order to evaluate the state of preparation of each candidate country. These monitoring actions should also contribute to an enhanced monitoring of commitments made by the Candidate Countries during the accession negotiations. The Commission will report on this by the time of the Seville European Council, in June 2002.

The 2002 Regular Reports will then examine whether the Candidate Countries will have, by accession, sufficient capacity to properly implement and enforce the *acquis*.

## Towards the first accessions

Given the present pace of negotiations and the progress made so far, the Commission should be able to make recommendations on which Candidate Countries are ready for accession on the basis of its 2002 Regular Reports. Among the twelve negotiating countries, ten have target dates for accession compatible with the Gothenburg timeframe.

## Next steps for negotiating countries that will not meet the Gothenburg objectives

For those negotiating countries that will not meet the Gothenburg objectives the Commission will continue to issue Regular Reports until the overall level of preparation of each of these countries allows them to fulfil all criteria for accession.

Opening all remaining *acquis* chapters for negotiations should be possible in the course of 2002, to the extent the candidates concerned are sufficiently prepared.

In its 2002 Enlargement Strategy Paper, the Commission will set out an updated Road Map, and, if need be, a revised pre-accession strategy for such countries, taking into account progress made in the coming year as well as the conclusions of the Gothenburg European Council.

**PAVLA JINDROVA, Center for Community Organising,** talks about the role of NGOs in the Accession process.



## Towards a new phase for Turkey's pre-accession strategy

With regard to Turkey, by the end of this year 2001, all elements of the pre-accession strategy will be in place (including enhanced political dialogue, co-ordination of all sources of financial assistance in one single framework, Accession Partnership, participation in Community programmes and agencies, and functioning of sub-committees under the Association Agreement).

The Commission considers that in the next stage, attention should turn to a more detailed preparation for EU membership requirements.

In this context, Turkey is encouraged to intensify and accelerate the process of political and economic reform in line with the Accession Partnership priorities. Turkey should also be more forthcoming in working towards a solution of the Cyprus problem and the differences over the European Security and Defense Policy.

Furthermore, it is recommended that a new phase in the pre-accession strategy start, involving detailed scrutiny of Turkey's legislation and its timetable for alignment with the *acquis*. In addition, more attention will be given to the capacity of the Turkish administration to implement and enforce the *acquis* effectively. This will be done in the framework of the sub-committee structure established under the Association Agreement, and will be underpinned by Community assistance as appropriate.

## The challenges after current enlargement

The enlarged Union will need to deepen its relationship with its immediate neighbours and develop further a common approach.

Regional policy, building on the current framework, will ensure that the enlarged EU and its neighbours deepen its common interests and activities

The future borders of the Union must not become a new dividing line.

## Discussion points

The following is a summary of the discussion between Ms. Blanco and the NGO participants.

**Increasing NGOs' administrative capacity in Candidate Countries is one of the keys to implementing a new generation of legislation that calls for more public participation. Does the new enlargement strategy contain the notion of sustainable development and does it support capacity building for civil society, or is the support reserved only for administrations? If civil society is included, are NGOs seen as part of this increasing capacity?**

The Commission publishes annual reports on Candidate Countries' progress towards accession as well as an enlargement strategy paper, evaluating their performance to date and outlining priorities for the future. This document contains a clear reference to sustainable development and to the development of indicators, as well as the participation of Candidate Countries in the strategy and the preparation of the Commission's Synthesis Report for 2003. The Commission is trying to involve the Candidate Countries in the process of sustainable development.

**Increasing NGOs' administrative capacity in Candidate Countries is one of the keys to implementing a new generation of legislation that calls for more public participation.**

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Recommendation from the  
NGO Dialogue Group

**Although civil society has a role as a watchdog in the implementation and enforcement of the environmental *acquis*, local and regional authorities are ultimately responsible for implementation and they will be brought to court if they fail to fulfil their roles.**

.....  
Soledad Blanco

In its strategy paper the Commission proposes an action plan to increase the efficiency of institutions in the Candidate Countries. At the beginning of 2002 the Commission will examine the priorities and main problems to be tackled with each candidate country. A list for implementation of priority actions with deadlines and follow-up and a timetable will be established.

The Commission will report on the action plan to the Seville European Council in June 2002. The 2002 Regular Reports will then examine which countries are going to be ready for accession by January 2004. Therefore the process must move along quickly, and one of the biggest questions is how to develop all of these objectives.

DG Environment is already analysing the accession strategy for every country in order to have an internal assessment of the priorities, and to discuss and find a common understanding with the national authorities. This process will proceed quickly, but the forum for this discussion has yet to be decided on. It could be meetings with NGOs, the Commission and ministries in each country. It would be useful for NGOs to state which issues should be addressed.

Although civil society has a role as a watchdog in the implementation and enforcement of the environmental *acquis*, local and regional authorities are ultimately responsible for implementation and they will be brought to court if they fail to fulfil their roles. These local and regional authorities need assistance in carrying out their responsibilities.

**How much can DG Environment influence the new agricultural policy, or promote revisions to it? A recent conference produced interesting ideas, such as the high biodiversity rate that may be threatened because of the decrease in traditional agricultural methods.**

The Sustainable Development Strategy is in place and agricultural policy must take these principles into account. For any discussion on any proposal put forward by the Commission, consultation with the other directorates-general is compulsory, and DG Environment would surely raise the issue of sustainability. All ideas and concerns that NGOs have regarding sustainable development should be forwarded to the Commission.

## Summary of the Sessions

# Ratifying the Aarhus Convention

Leonor Nieto (DG Environment – European Commission) gave an update on the Aarhus Convention ratification process and then discussed relevant issues with the NGO participants. The presentation can be found below, followed by a summary of the discussion.

### **Presentation by Leonor Nieto**

“Check upon Delivery”

#### **State of Play on the Ratification by the European Community of the UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters**

In June 1998, the European Community and the Member States signed in Aarhus, Denmark, the UN/ECE Convention on access to information, public participation in decision-making and access to justice in environmental matters, the so-called Aarhus Convention.

Sixteen countries are required to ratify, approve, accept or accede to the Convention in order to bring about the entry into force. On 30 October 2001, the Convention entered into force. The following countries have ratified/acceded: Albania, Armenia, Azerbaijan, Belarus, Denmark, Estonia, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, Moldova, Romania, Tajikistan, Former Yugoslav Republic of Macedonia and Ukraine.

In accordance with current practice, the Community will only be able to ratify the Convention once the relevant provisions of Community law have been made consistent with the obligations arising from the Convention. This alignment to the obligations of the Convention has to be carried out at two levels: at the Member State level and at the EC institutions level. Indeed, institutions of any regional economic integration organisation are covered by the definition of “public authorities” laid down in the Convention, alongside national public authorities.

#### **First Pillar: Access to Environmental Information**

##### **A) Member State Level**

On 29 June 2000 the Commission adopted a proposal for a directive of the European Parliament and of the Council on public access to environmental information. The proposal takes on board the obligations arising from the Convention, and goes, to a certain extent, even beyond.

On 7 June 2001, the Environment Council reached a political agreement on the common position.



**MAGDA STOCZKIEWICZ,** CEE Bankwatch Network/FoE (left) and **LEONOR NIETO,** DG Environment – European Commission, (right) discuss how Aarhus principles are applied outside of the EU.

The Council is in the process of formally adopting the common position with a view to transmitting it to the European Parliament for the second reading. According to our information, the Council could formally adopt the common position in January 2002 and transmit it to the Parliament at the February plenary session.

#### **B) EC Institution level**

On 31 May 2001, the European Parliament and the Council adopted Regulation 1049/2001, regarding public access to documents of the European Parliament, the Council and the Commission. The Regulation stems from Article 255 of the ECT, which granted European citizens and residents a right of access to documents of these three institutions. The Regulation entered into force on 3 December 2001.

### **Second Pillar: Public Participation**

#### **A) Member State Level**

In January 2001 the Commission adopted a proposal for a directive of the European Parliament and of the Council providing for public participation in respect of the drawing of certain plan and programmes relating to the environment and amending Council

Directives 85/337 (environmental impact assessment) and 96/61 (integrated pollution prevention and control). The Environment Council of 29 October adopted a common approach on the proposed directive. The Environment Council of 12 December will adopt the political agreement on the common position.

In addition to this, on 27 June 2001, the European Parliament and the Council adopted Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment. The Directive provides for public participation in relation to certain plans and programmes relating to the environment.

There are other pieces of Community environmental legislation with public participation provisions like the water framework directive, GMO legislation, etc.

### **B) EC Institution level**

At the EC institutions level, no legislative proposal has been presented yet. However, within this framework, reference should be made to the White Paper on European Governance. The White Paper stressed the need of reinforcing the culture of consultation and dialogue. It acknowledges that there is currently a lack of clarity about how consultations are run and to whom the institutions listen. The White Paper proposes to underpin this matter by means of a code of conduct setting minimum standards on public consultation. In specific areas, and environment could be one of them, where consultative practices are already well established, the Commission could develop more extensive partnership agreements. Public consultation on the actions identified in the White Paper is currently ongoing.

## Third Pillar: Access to Justice

### **A) Member State Level**

The proposal for a directive on public access to environmental information and the proposal on public participation amending Directives 85/337 and IPPC contain provisions on access to justice which are in line with the requirements arising from the Aarhus Convention.

The Commission services are working at a possible further proposal to implement the 3rd pillar. A proposal for a directive could be made in the course of 2002.

### **B) EC Institution level**

Rules on access to justice against Community institutions are laid down in the Treaty.

In order to ensure compliance with the Convention at Community institutions' level, consideration is being given to a possible proposal for a regulation. The Commission could adopt such a proposal in the course of 2002. This package of measures should be completed by a proposal for a Decision of the Council to ratify the Convention. In light of the above, ratification of the Convention by the European Community could take place at the earliest by 2003.

## Discussion points

The following is a summary of the discussion between Nieto and the NGO participants.

**Aarhus could be a powerful tool for NGOs, but examples of successful implementation and cooperation with governments are still needed. Are there good examples from other countries?**

**The Convention presents a radical change for Candidate Countries by requiring capacity building and changes in the culture of public participation in governmental activities.**

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Leonor Nieto

At the end of November there was a preliminary meeting in Geneva for the parties of the Convention. One idea to emerge from the meeting was for signatories of the Convention to submit a list of successful legislation and ratification efforts. This will soon be available on the Convention Web page.

**Has anything been done to follow up on the pledge to inform other directorates-general at the Commission about possible implications of the Aarhus Convention in other areas?**

DG Environment has informed other directorates-general that the Convention may have implications for their activities. They have been asked to carry out studies regarding their responsibilities for insuring compliance with the Convention. An in-depth analysis of these studies would prove useful.

**When parliaments are told to implement directives, it is often not in their interest to put precise wording in the actual directive, which in theory should happen, but may not in practise. For example, when public participation is called for, timeframes must also be given, but the timeframes can be limited, which in turn limits public participation. How to address this issue?**

In accordance with the EC Treaty, directives shall be binding as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. In accordance also with the subsidiary principle, it is up to the Member States to define the practical arrangements when they imple-



**ISTVAN SIDO, AID Rom (left)**  
and **LAVINIA ANDREI,**  
**CANCEE/TERRA Millennium**  
**III, (right)** present the  
situation in Romania.

ment e.g. the Public Participation Directive. The Directive and the Aarhus Convention say that the timeframes for consulting shall be reasonable leaving up to the Member States/signatories to the Convention to decide, in accordance with their legal systems what “reasonable” is. This can give rise to different timeframes in different Member States.

**Are the principles of Aarhus applied outside of the EU, especially regarding funding decisions?**

Strictly speaking, the Aarhus Convention does not contain legal regulations requiring public participation in funding decisions.

**Often too much time is spent on the legal provisions of the Aarhus Convention, without enough attention to the practical side of participation. There are preconditions for the spirit of the provisions that are different concepts of participation than what the Candidate Countries are used to. Without the capacity to contribute, public participation is merely a formality. Can NGOs expect more opportunities for capacity building?**

The Convention presents a radical change for Candidate Countries by requiring capacity building and changes in the culture of public participation in governmental activities. Many projects are being carried out in applicant countries to address this situation, and slowly these capacity-building exercises and exchanges will bring political processes in line with the principles of the Convention. DG Environment always reminds Candidate Countries that they must adhere to the rules regarding environmental education and pub-



**JIRI DLOUHY,**  
Society for Sustainable Living,  
takes part in a discussion about  
the Aarhus Convention.

**Often too much time is spent on the legal provisions of the Aarhus Convention, without enough attention to the practical side of participation.**

Point made by  
NGO Dialogue Group

lic participation. There is hope that NGOs will become key players in this respect.

In action plans for strengthening capacities, making administrations aware of what these pillars mean should be part of the NGO proposals to be included in the new Community programme in support of NGOs, as was already the case with environmental assessments. NGO activities under new programme status have not yet been finalised by the European Parliament. The activities are linked to action programmes, while environmental education and implementation must also be priorities. The programme is expected to be adopted in 2002, meaning that the first call for proposals would be in 2003. NGOs would be eligible to apply for these activities.

**Are national authorities allowed to produce annexes to international conventions or should they prepare annexes for implementation? Or should they make national legislation in compliance with the Aarhus Convention?**

It is up to each signatory of the Aarhus Convention to ratify the Convention in accordance with its national legal system. As far as the implementation of the Convention is concerned, it is again up to each signatory to decide how best to incorporate the provisions of the Aarhus Convention into their national legal systems. Some may do it by means of a horizontal system, while others may offer special legislation for each pillar of the Convention. It does not matter as long as the objectives are met.

**When Hungary ratified the Aarhus Convention, the public was told that Hungarian legislation and its constitution were already better than what the Convention demanded. Though Aarhus was in place, they had implementation problems with all three pillars. The biggest problem was access to justice because judges lacked information about environmental laws, and due to the slow processes of the Hungarian legal system investment had often already been completed before measures could be taken.**

This is a sensitive area, one that Member States face also. A workshop on Access to Justice was organised under the auspices of the Aarhus Convention. The Taskforce on Access to Justice that was set up under the Convention was in the process of compiling practises and experiences in signatory states and they are about to finalise a handbook of good practise that will likely be adopted soon.

At the Community level, DG Environment is currently examining how best to implement the access to justice provisions of the Convention, but it will be a “learning by doing” process. The main problem regarding the future implementation of the Convention is that it is broadly drafted. This will allow parties to the convention to implement it in quite different ways.

## Summary of the Sessions

# Roundtable Discussions

NGO participants broke into three groups for roundtable discussions with representatives from various DGs. The roundtables, facilitated by the REC, dealt with the three topics chosen for the preparatory meetings. NGO participants reported back to the plenary on the results and conclusions of their roundtable meetings. The main points of the roundtable discussions are provided below.

### Green Economy and Integration

The discussion focused mainly on greening budgets and taxation systems, as well as on sectoral integration. In general, these are on-going processes in the EU. In Candidate Countries there is an excellent opportunity to implement these changes because many of the legislative procedures are currently in the process of being transformed. Since these



**CAMELIA ZAMFIR**, Earth Friends (left), **RUTA BUBNIENE**, Center for Environmental Policy (centre) and **LAVINIA ANDREI**, CANCEE/TERRA Millennium III, (right) during the plenary session on Green Economy and Integration.



**VIDA OGORELEC WAGNER, Umanotera, The Slovenian Foundation for Sustainable Development**, presents the results of the discussion on NGOs' role in the accession process.

The partnership principle applied in the Structural Funds will also apply to the Candidate Countries.

## The Role of NGOs in Pre-accession and Capacity Building

The White Paper on European Governance contains useful action points. The first is a Code of Conduct on consultation procedures to be adopted by 2004. The second is the possibility of partnership agreements — Commission services should establish partnership agreements with NGOs. For example, DG Environment plans to enter a pilot agreement with the Group of Eight, the NGO network based in Brussels. It is likely that Candidate Country NGOs will also be able to enter such agreements.

A survey on public participation and access to information in the accession process would be useful. Such a survey could give an overview on public participation in the negotiations, financing and planning of the accession process. The results of such a survey could serve as a topic for the next NGO dialogue.

processes are also at an early stage in Member States, NGOs from both Candidate Countries and Member States should work together to influence EU policies. Taxation systems are often the focus of green economy reforms, but entire economic systems must be examined with sustainable development in mind.

## Pre-accession Funding

In order to improve the assessment of the pre-accession funding application, the Commission has revised the application forms, including the part on EIA and Natura 2000.

Preparatory steps for Strategic Environmental Assessments (SEAs) for trans-European transport networks and extensions in pre-accession countries are under preparation.

The Commission is working to allow Candidate Countries to benefit from Structural Funds after accession. They expect to have a simplified procedure in place for the period 2004-2006 based on the current legislation. The process entails:

- **First stage** – clarification of the scope and amount of funds, and the identification of managing and implementing authorities.
- **Second stage** – the agreements based on the national Development Plans come into force after countries sign the accession treaty. Implementation plans for the programming should already be in place.

In regards to public participation in the national development plans, it was mentioned that SEAs would be a precondition for all EU funding from 2004 once the new directive comes into force, thus mandating public participation.

The 6th EU Environmental Action Programme calls for stakeholder hearings for all thematic strategies that are planned, which is another opportunity for NGOs from the Candidate Countries to participate.

NGOs are not eligible for twinning programmes under Phare. These programmes are targeted towards know-how transfer between governmental organisations. Officials from the Member States offer advice to Candidate Countries' governments on the implementation of legislation. Other programmes such as the horizontal Phare Programme, called ACCESS, as well as DG Environment's activity funding are targeted towards the non-governmental sector.

ACCESS programme funds are available in the 10 Central and Eastern European countries. A new development is the involvement of Candidate and Balkan Countries in DG Environment's Activity Programme for NGOs — a total of EUR 32 million is available, of which EUR 7 million is budgeted for Candidate Country NGOs. The programme will run for 5 years. The adoption process of the Activity Programme budget is in progress in the European Parliament, and a call for proposals will be around Easter at the earliest.

There is also the general call for proposals to be announced in spring 2002.

The funding for information campaigns for enlargement is now allocated to the delegations and information can be found on the European Union Web site.



**PAVEL PRIBYL, Hnutí DUHA/Friends of the Earth Czech Republic**, reports the pre-accession funding points to the plenary.



## Annexes



# Annex I: NGO Position Papers

## Green Economy and Integration

The seminar on Green Economy and Integration was organised by the Central and Eastern European Working Group for Enhancement of Biodiversity on 5 November 2001, in Budapest, Hungary. Participants at the seminar represented Central Eastern European NGOs (Dialogue members and others). The following position paper was prepared for the consideration of the European Commission.

### Preamble

The EU accession process (including preparations for the full implementation of the *acquis communautaire*) presents a great challenge for the different economic sectors in the Candidate Countries (CC), particularly considering the economic competitiveness in the EU and world market, as well as the social well being of the countries.

In striving for accession to the EU all the different sectors are under enormous pressure to fulfil their obligations. In order to help the accession process, the Brussels administration has made pre-accession funds available, which on the one hand are helping to meet the EU environmental legislation, and on the other are assisting the countries to be able to deal with the other EU funds for which they will only be eligible after accession.

CC Environmental NGOs are concerned that in this expedited preparation, the different sectors are lacking co-operation and co-ordination and that in spite of the environmental considerations nature and the environment will suffer.

For this position paper NGOs from different accession countries came together to discuss some economic questions relating to the EU accession process, and their consequences on nature and environment protection. The NGOs have identified some cross-cutting issues affecting more sectors and some specific ones that require consideration by the European Commission in the future.

### Crosscutting Issues

#### C.1 – Overproduction and consumption patterns

Presently over-production and over-consumption are having an enormous burden on the environment, while the support mechanisms and pricing systems are not reflecting true external costs. The prices of non-renewable assets (non-renewable energy and other natural resources, such as water and raw materials) should increase exponentially through consumption and use, thus promoting moderate consumption and increased savings.

#### C.2 – Localisation of production and consumption

Local conditions should be the basis for both agricultural and industrial production and services, i.e. those products, agricultural varieties and methods should be prioritised that

can be the best adapted to local circumstances. This can preserve the diversity of agricultural and industrial products and varieties, as well as traditional knowledge for future generations. Likewise, products should be retailed locally, to an extent that is possible.

### **C.3 – SEA and carrying capacity analysis**

Strategic Environmental Assessment of public investments should also include the analysis of the carrying capacity of natural resources and the assessments of global benefits. Otherwise excessive use will deplete the resources leading inevitably to a drastic drop in available assets.

### **C.4 – Infrastructure**

Infrastructure improvement leads to the fragmentation of habitats in almost every case, this jeopardizes the stability and survival of species and ecosystems. As another risk, the creation of new waterways endangers water ecosystems and wetlands along the waters. Contrary to the present practice, the focus should be on the maintenance and improvement of existing infrastructure instead of its expansion, which would also be more profitable economically.

### **C.5 – Financial support system**

Proposals for EU funds should be scrutinized against preservation of biodiversity and sustainability criteria (meaning not against financial sustainability but their relation to sustainable development). The use of pre-accession funds should be evaluated in accordance with the applicable EU legislation, even if it is not yet in force in candidate countries. This is most relevant in the designation of Natura 2000 sites over which infrastructure investments may take priority due to the lack of protection by the Habitat Directive. This controversial situation also leads to habitat fragmentation.

The policy of EU based banks, and banks in which the EU has a decisive influence, must be altered accordingly.

### **C.6 – Access to environmental information**

In order to prevent the translocation of environmental degradation through the access of environmental information, the Aarhus Convention should also apply to the activities undertaken outside the EU by companies registered in the Community.

### **C.7 – 6th EAP**

The 6th EAP should enumerate concrete actions with objectives, timelines, monitoring mechanisms, which would be more effective in achieving the aims in environmental and nature protection.

### **C.8 – Sustainability indicators**

Preservation of biodiversity (on all levels from species to ecosystems and landscapes) should be an essential indicator when evaluating sustainability criteria. This would contribute to the long-term preservation of natural assets.

### **C.9 – Green energy and biodiversity**

When talking about “green energy,” energy production must be evaluated outside this specific sector. Planting of monoculture fuel forests or rape for bio-diesel might be an

alternative for traditional and non-sustainable energy production, but could pose harm on biodiversity as well as on agriculture. Thus, on the whole it is often doubtful whether these methods have any positive effect for the environment.

The Western world should share the responsibility of the Third world's environmentally friendly development.

## Sectoral issues

### S.1 – Biodiversity

#### *EU vs. National Legislation*

EU provisions for nature conservation (Birds and Habitat Directives) might be weaker than the present nature conservation acts of the accession countries (e.g. the provisions for the percentage of protected areas). Besides there is a danger that certain elements of the Habitat Directive (the notion of overriding public interest) will be a powerful tool of industrial lobby groups.

#### *Natura 2000 Network*

The designated Natura 2000 sites can only preserve the biodiversity in functioning ecosystems, if the protected areas are part of an ecological network with ecological corridors binding them to one another. Fragmented and isolated ecosystems cannot survive on the long term due to ecological reasons. Thus the concept of a network should be the basis when accepting the designated Natura 2000 sites.

In the period leading to accession, accession-countries should protect and manage areas/sites, identified as eligible to be part of the Natura 2000 network, in such a manner as to safeguard their ecological integrity and value and applying, at least, the provisions of the Habitat Directive, even though this is not yet in force in the candidate countries.

### S.2 – Agriculture

#### *CAP*

The Common Agriculture Policy (CAP) fails to address biodiversity degradation issues resulting from agriculture activities in an efficient way. The CAP review in 2003 and CAP reform in 2006 could be a great challenge to reverse the pressure from agricultural activities on natural, semi-natural habitats. It is crucial that the future member states will be rightfully represented in the CAP reform process and nature conservation concerns will be high on the agenda.

#### *Land abandonment*

In the Candidate Countries with a traditionally high share of agriculture production, huge areas of arable land must be abandoned as a precondition for accession. Generally, the abandoned areas will be the extensively cultivated areas with low output, which maintain high biodiversity at the same time. The future of these lands is worrying: according to the current trends they will be either left unmanaged (leading to the loss of biodiversity) or converted for industrial production (also leading to the loss of biodiversity). One possible way might be to convert these lands to protected areas providing them with sufficient management.

### **S.3 – Transport**

#### *Insufficient support for public transport*

Public transport in most candidate countries is deteriorating and rapidly losing ground to private vehicles. This is partly due to the fact that these countries are not complying with the EU regulation, which requires state compensation for obligatory public services if the tariffs do not cover their costs.

On the contrary car manufacturers receive enormous subsidies, mostly in the form of tax and customs allowances. This result is that the external costs of car transport, is not being paid by producers and users.

#### *Cargo traffic*

Huge international freight road traffic is passing through the candidate countries mostly without paying any taxes or fees while causing enormous damage to the roads and environment. This is mainly the result of serious pressure from the EU not to tax these heavy vehicles. In addition the EU is even demanding the candidate countries to finance national pavement strengthening program from public money in order to achieve 11.5-tonne axle-load standard bearing capacity, which again means an enormous subsidy to cargo road transport.

### **S.4 – Energy**

#### *Over-capacity in production*

It can be predicted, that due to the pressure of the energy sector (especially of the large energy companies) and because of such energy saving measures like more energy efficient appliances and the closing of energy intensive production, an overproduction of energy will occur. When the supply overruns the demand side in the long run, it might result in a price decrease, and consequently increased energy consumption.

Energy policy must deal with this problem by promoting reduction in energy producing capacity of the large energy plants.

#### *Pricing*

The energy sector should produce under the same fiscal and liability conditions as any other – e.g. chemical industry.

The price of energy should reflect the external costs of energy production, and should be prohibitive for increasing energy consumption.

#### *Energy policy*

Energy policy should cover building and urban energy policy issues, creating market niches for alternative energy techniques, by increasing the pricing of the conventional ones, and providing price support (perhaps from the increased prices of the previous ones) for more environmental friendly ones. Energy policy should promote diversification and the local supply of smaller units (regions, farms, households).

#### *Energy saving policy*

Energy saving policy should be integrated into all sectors of the economy and of the everyday life as a basic principle.

#### *Global responsibility*

The EU should share responsibility of the third world's energy problems by promoting environmentally friendly solutions and controlling the activities of the EU companies operating there.

## Pre-accession Funding

The seminar on Pre-accession Funding was organised by the Center for Environmental Policy in Vilnius, Lithuania, on 10 November 2001. Fifteen participants from Central Eastern European NGOs and the Lithuanian team took part in the discussion and made recommendations to the European Commission (EC) regarding pre-accession funding.

### Main Problems

NGOs from the candidate countries pointed out the major deficiencies in the implementation of the pre-accession funds. These are:

- The process is not transparent,
- Civil society is not involved in the phase of project preparation and decision making,
- Environmental concerns are lagging behind the rhetoric of sustainable development.

During the meeting participants shortly presented an overview of environmental financing from ISPA, PHARE and SAPARD funds. They focused mainly on factors affecting efficiency of their implementation. A number of shortcomings and problems, especially of institutional and financial origin, were identified and actions needed to improve the situation were discussed. The lending policies of multi-lateral development banks (IFIs) for pre-accession countries, the sectoral distribution of loans, and co-financing of projects under ISPA program were also shortly debated.

The problems of insufficient involvement of NGOs and, in general, of the public when planning national policies for each pre-accession funding programme were addressed. Also, inconsistencies of pre-accession funding with relation to the European Strategy on Sustainable Development were highlighted.

Some surveys made by NGOs revealed: a substantial lack of information on ISPA funding opportunities, limited access to the main ISPA documentation and a wide range of problems municipalities encounter with preparation of ISPA applications.

A comprehensive evaluation study on impact of development of Transport Infrastructure Needs Assessment (TINA) transport network in 10 candidate countries for Important Bird Areas (IBAs) was presented. The conclusion was made that the implementation of TINA projects would destroy or significantly affect one-in-five IBAs, which calls for revision of some TINA development plans and application of more complex impact evaluation tools such as Strategic Environmental Assessment.

As regards SAPARD funding it was suggested that small and family farms should get more attention and it should be ensured that organic agriculture should be given priority as the most suitable agricultural practice for such type of producers.

In addition, drawbacks related to process transparency and public involvement, lack of clear rules for using assistance, weakness of monitoring were discussed during the meeting. Moreover, some recent institutional reforms in most of candidate countries, e.g., establishment of very centralised Central Financing and Co-ordination Units (CFCUs) did not help to make the funding process more efficient.

It also was realised that in many cases the “end-of-pipe” attitude is prevailing and in particularly waste minimisation has not played a priority role in the waste sector.

**It was concluded that the main problem in pre-accession funding is ineffective funds management or even occasional misuse.** This is evident from the experience with many

projects and transport related projects in particular (TINA).

It is believed that this situation is the result of the following bottlenecks:

- Lack of institutional capacity in candidate countries;
- Lack of guidance for the use of pre-accession funding from the EC side, misleading procedures for economic analysis;
- Absence of external costs calculation requirement;
- Outdated ISPA strategies in many countries;
- Lack of Strategic Environmental Impact Assessment of the funding programmes;
- Lack of monitoring of the funding;
- Lack of transparency of bank processes and information on the funding process (EIB, ISPA, SAPARD);
- Lack of public consultation on projects;
- Lack of regional development policies in candidate countries.

## Recommendations for the EC on how to improve pre-accession funding

In order to avoid using of pre-accession funds for environmentally damaging projects, the following recommendations were made:

### **Improvement of legal basis and institutional work:**

- Easing and clearing of the procedures and administration of SAPARD funds at farm level, thus providing access to the funds for small and family farms;
- Encourage the national governments to provide technical assistance (TA) to local authorities and to support inter-municipal co-operation re ISPA;
- Include an affordability analysis in the project planning;
- Specify requirements to public transport related projects for ISPA;
- Encourage candidate countries (CCs) to revise ISPA Strategies and to include air quality improvement related projects in the funding pipeline;
- Set a procedure to check the compliance of all proposed projects against the EU environmental legislation, though it is not officially in effect in CCs;
- Propose the measures to strengthen EIAs' and SEAs' role in investment processes funded through pre-accession funds: fully scrutinise EIA from the EC side; encourage the CC governments to accelerate the SEA process in accession countries;
- Encourage the CC governments to provide transport related investment project proposals that focus on the modernisation of existing infrastructure and not on new construction;
- Establish a discussion on the decentralising of CFCUs, providing more powers to the national ministries;
- While planning investment projects, take into consideration potential NATURA 2000 sites;
- Sustainable development should be the overall framework within which all the processes and pre-accession funded projects are prepared and implemented.

### **Access to information, public participation and involvement into the decision making process (see also recommendations from the seminar Role of NGOs in pre-accession and capacity building)**

- Demand the better performance of governments in informing local authorities about the alternatives of funding and the selection of the projects;
- Encourage CC governments to involve NGOs at an early project development stage (e.g. including them in ISPA evaluation commission).
- Encourage the CCs to increase the role of NGOs in spreading information at local and regional level;
- Allocate certain funds in the EC for spreading of information on pre-accession funding;
- Facilitate preparation of a practical plan for public information about pre-accession funding;
- Establish the monitoring and assessment mechanism for pre-accession funding and ensure that NGOs are included in it;
- Disseminate and consult with the public the reviewed strategies for pre-accession funds. Organise information meetings with NGOs to discuss the investment process and facilitate public participation in the funding process;
- Prepare and disseminate to the governments and consult with the public the strategies of cohesion and regional funds, in order to create efficient legal, institutional and organisational system.

The activities should take place as soon as possible, but no later than the preliminary date of the first accession — the beginning of 2004.

### **Role of NGOs in pre-accession and capacity building**

The seminar on Role of NGOs in pre-accession and capacity building was organised by the Center for Community Organizing in Ostrava, Czech Republic, on 16 November 2001. Fifteen participants from Central Eastern European NGOs attended the seminar. It was concluded that the NGO Dialogue group should recommend the following issues to the European Commission, in particular DG Environment, DG Enlargement and DG Regional Development:

**1) Partnership principle** (Council Regulation No 1260/1999) General provisions on the Structural Funds Article 8 are implemented in a way that NGOs are invited to get involved in:

- Planning, decision-making and monitoring of pre-accession funds SAPARD, ISPA and PHARE (through NGO participation in all monitoring and management committees) — composition of committees should be balanced regarding representation of stakeholders (sectors in society, gender etc. — NGO representative is selected by NGO community itself and not by the government),
- Elaboration of National Development Plan (through NGO participation in working groups, making available to the public the draft documents and discussing them at public hearings),

- Drafting legislation related to accession (through NGO participation in the working group for drafting legislation or public discussions of the draft laws).

DG Environment should ensure that national governments of accession countries follow this way of implementation in all activities related to environment (activities in which supervision is the responsibility of DG Environment).

DG Environment should promote this way of implementation of the partnership principle within EC as the main damage to the environment is caused by activities in sectors other than those directly related to environment (e.g. transport, industry, energy) and the involvement of environmental NGOs strongly contributes to protection of environmental interests. The partnership principle should be included into the revisions of the ISPA, SAPARD, Structural Funds and Cohesion Funds regulations.

- 2) National Governments of Accession Countries are required to report** about NGOs involvement in pre-accession activities. This report should be commented by NGOs and accompanied by support materials. The findings should then be addressed in a regular EC report on country progress towards accession. Minimum requirements for NGO involvement are described in other sections of this document.

DG Environment should ensure that national governments of accession countries report on NGOs involvement in pre-accession activities related to environment (activities whose supervision is the responsibility of DG Environment) and address the situation in its part of the regular report on country progress towards accession.

DG Environment should promote this approach within the EC.

- 3) NGOs should be one of the beneficiaries of technical assistance and training** provided by the EC to accession countries – twinning programmes, TAIEX, etc.

DG Environment should ensure that NGOs are one of the beneficiaries of technical assistance and training provided by the EC in environment related activities and should promote this approach within the EC.

- 4) Funding for NGO involvement in pre-accession activities in environmental areas:**

- It is necessary to improve access to information on financial sources. Not much information on DG Environment funding is available for NGOs. The same situation applies to other EC funded programmes, e.g. those administered by delegations.
- NGOs should be eligible for SAPARD and Phare in each of candidate countries. It should not be acceptable that national governments decide to exclude them from the process.
- Each pre-accession fund should contain specific measures for building NGOs capacity to:
  - Be involved in planning, decision-making and monitoring of pre-accession funds, national development plans and new legislation i.e. for networking, training and information exchange among NGOs.
  - Prepare and implement projects for SF. Build administrative capacities, language, financial stability, partnerships with other institutions in country and transfer experiences from NGOs in EU member states.

- Requirements for NGOs' access to EU funds should not be prohibitively strict (especially programmes aimed at development of civil society). NGOs in accession countries are in most cases not strong enough to cope with the stricter requirements adopted recently in several countries (small and local NGOs are disadvantaged, procedures are too long, some funds require project expenses to be partly covered by NGOs in advance [co-financing], etc.).

DG Environment should ensure that those issues are tackled in areas within its competencies and should actively promote this approach within the EC.

- 5) **DG Environment should require that documents brought by Governments** (analyses, national positions, which Governments take to EC, etc.) already include NGOs comments. Also, DG Environment should require that NGOs are informed in a timely manner and in the appropriate way about activities and documents being prepared to allow sufficient time for their contribution and comment.
- 6) **DG Environment should require that NGOs are involved in elaboration of Sectoral Operational Programme Environment.** DG Environment should also require that the SOP includes a special chapter or priority concerning support for environmental NGOs. DG Environment should monitor carefully the stage of SOP elaboration in Accession Countries.
- 7) **DG Environment should prepare regular reports regarding the implementation of the Aarhus Convention.**



## Annex II: The Agenda

### Sunday, December 9

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
14:00-14:15	<b>Alexander Juras</b> , Deputy Director, REC and <b>Robert Atkinson</b> , Head of Programmes, NGO Support and Capacity Building, REC	Welcome and introduction to agenda	<ul style="list-style-type: none"> <li>Welcome</li> <li>Description of agenda and logistics</li> </ul>	Beaulieu-5, Salle C
14:15-15:30	<b>NGO participants</b>	NGO preparatory meeting for the Dialogue		Entrance Beaulieu-1 (Beaulieu Metro)
15:30-16:00		COFFEE BREAK		
16:15-17:30	<b>NGO participants</b> <b>Ruta Bubniene</b> , CEP, Lithuania <b>Andras Lukacs</b> , CAAG, Hungary <b>Pavla Jindrova</b> , CCO, Czech Republic  Facilitator – <b>Alexander Juras</b>	Presentation of preparatory seminar results	<ul style="list-style-type: none"> <li>Green Economy and Integration</li> <li>Pre-accession Funding</li> <li>The Role of NGOs in the Accession Process</li> </ul>	Beaulieu-5, Salle C

## Monday, December 10

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
09:00-10:00	Chair: <b>Magda Stoczkiewicz</b> , CEE Bankwatch Network/FoE  <b>Commissioner Margot Wallström</b>	Opening  Introductory speech by Commissioner Margot Wallström  Presentation by NGOs of key outcomes of the preparatory seminars on <ul style="list-style-type: none"> <li>• Green Economy and Integration</li> <li>• Pre-accession Funding</li> <li>• The Role of NGOs in the Accession Process</li> </ul> Followed by discussion	<ul style="list-style-type: none"> <li>• Welcome and objectives of meeting</li> <li>• 15 min. speech by Commissioner Wallström</li> <li>• 10 min. presentation by NGOs of key outcomes of the preparatory seminars</li> </ul>	Beaulieu-5, Salle C (Beaulieu Metro)
10:00-11:00	Chair: <b>Magda Stoczkiewicz</b>  <b>Jean-François Verstrynge</b> , Acting Director General, DG ENV	Update on the state of play in the environmental enlargement process and environmental cooperation in the Balkans  Followed by discussion	<ul style="list-style-type: none"> <li>• Progress in negotiations</li> </ul>	Beaulieu-5, Salle C
11:00-11:15		COFFEE BREAK		
11:15-12:00	Chair: <b>Magda Stoczkiewicz</b>  <b>Soledad Blanco</b> , Head of Unit, DG ENV.2	New enlargement strategy  Followed by discussion		Beaulieu-5, Salle C
12:00-12:45	Chair: <b>Magda Stoczkiewicz</b>  <b>Leonor Nieto</b> , DG ENV.2	Status of Implementation of Aarhus Convention  Followed by discussion		Beaulieu-5, Salle C
12:45-13:15	<b>NGO representatives and DG ENV.2 Desk Officers</b>	Meetings with respective DG ENV.2 "Desk Officers"	<ul style="list-style-type: none"> <li>• Desk Officer meets with the NGOs from the country for which they are responsible</li> </ul>	Beaulieu-9, 4th floor (see list)
13:15-14:30	<b>NGO representatives and DG ENV.2 Desk Officers</b>	LUNCH		Beaulieu Atrium 9

TIME	CHAIR/SPEAKERS	TOPICS	ISSUES/QUESTIONS	LOCATION
14:30-16:00	Facilitator: <b>REC</b> Roundtable: <b>NGOs and François Wakenhut, Manfred Rosenstock, Pierre Strosser, Robert Goodchild</b> , DG ENV, <b>Daniel Boeshertz</b> , DG TAXUS, <b>Alain Alexis</b> , DG COMP Rapporteur: <b>Lavinia Andrei</b> , CANCEE/TERRA Millennium III	Roundtables <b>Green Economy and Integration</b>	<ul style="list-style-type: none"> <li>• 15 min presentation by NGOs on results from the prep-seminar in Hungary</li> <li>• Cardiff integration process</li> <li>• Taxation, market-based instruments</li> <li>• State aid</li> </ul>	Beaulieu-5, Salle A
	Facilitator: <b>REC</b> Roundtable: <b>NGOs and Fernando Hervas-Soriano, Michael Hamell, Leonardo Nocolia</b> , DG ENV <b>Erich Unterwurzacher, Jeroen Jutte</b> , DG REGIO <b>Seppo Nurmi</b> , DG ELARG <b>Max Messner</b> , EIB Rapporteur: <b>Pavel Pribyl</b> , Hnutí DUHA/Friends of the Earth Czech Republic	<b>Pre-accession Funding</b>	<ul style="list-style-type: none"> <li>• 15 min presentation by NGOs on results from the prep-seminar in Lithuania</li> <li>• Pre-accession Funding: Phare, ISPA, SAPARD</li> <li>• EIB loans</li> <li>• National Development Plans 2002</li> <li>• Structural Funds</li> <li>• Environmental Impact Assessment/ Strategic Environmental Assessment</li> </ul>	Beaulieu-5, Salle B
	Facilitator: <b>REC</b> Roundtable: <b>NGOs and Annika Agerblad, Pascal Lefevre, Silke Will, Andrew Murphy</b> , DG ENV Rapporteur: <b>Vida Ogorelec Wagner</b> , Umanotera	<b>The Role of NGOs in the Accession Process</b>	<ul style="list-style-type: none"> <li>• 15 min presentation by NGOs on results from the prep-seminar in the Czech Republic</li> <li>• Funding: State of play on the revision of the DG ENV's activity programme</li> <li>• The Commission's White Paper on Governance: What's in it for NGOs?</li> <li>• Role of NGOs in the Balkan reconstruction process</li> </ul>	Beaulieu-5, Salle C
16:00-16:15		COFFEE BREAK		
16:15-17:15	Co-Chairs: <b>Ian Clark</b> , Deputy Head of Unit, DG ENV.2 and <b>Rudolf Ragonesi</b> , Friends of the Earth Malta, <b>3 Rapporteurs</b>	Report to the plenary		Beaulieu-5, Salle C
17:15-18:00	<b>Silke Will</b> , Desk Officer, DG ENV.2 and <b>Cerasela Stancu</b> , REC	Conclusions, evaluation of the meeting, next steps		Beaulieu-5, Salle C



## Annex III: List of Participants

### Participant NGOS

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