



EU Environmental Policy proposals

Purpose

1. This report aims to update members on a number of key EU legislative dossiers on Air Quality, Waste, Urban Mobility and Climate Change that the European Commission is currently or about to consult on. In view of the time until the next Executive Group meeting a number of key messages are proposed that would inform the COSLA response and lobby actions in the intervening period.

Recommendations

2. Members of the Executive Group are invited to:
 - i. Note the preparations for new legislative proposals on EU Air Quality, Urban Mobility, and Waste and Climate Change adaptation; and
 - ii. Discuss and approve with any amendments the COSLA key political lines in each of these dossiers as expressed in points, 8, 11, 14 and 18.

EU Climate Change Adaptation Strategy

3. The EU Adaptation Strategy was launched on April 16 by the European Commission. It aims to put in practice the recommendations of the EU White Paper and will draw from domestic and EU resources, namely the LIFE, Structural and Rural Development funds.
4. The Strategy highlights that only fifteen EU Member States have comprehensive adaptation strategies. Scotland is indeed acknowledged for its adaptation strategy with reference being made to the Climate Change (Scotland) Act and the Scottish Government's Adaptation Strategy.
5. The EU Strategy sets out several key objectives and actions across member states:
 - (1) Support national adaptation strategies and provides funding for developing adaptation capacities;
 - (2) Support adaptation in cities by drawing on the pilot project 'Adaptation strategies for European cities' (in which Stirling Council participates) and by including a voluntary commitment to adopt local adaptation strategies into the EU Covenant of Mayors – the Covenant is currently committed to local plans for carbon emissions reduction;
 - (3) Promote adaptation in key vulnerable sectors such as agriculture, fisheries and cohesion policy through so called 'climate-proofing';
 - (4) Promote the use of insurance against natural and man-made disasters;
 - (5) Address gaps in the knowledge base about adaptation by reinforcing the European climate adaptation platform as 'one-stop shop' for information on cost-benefit assessments; regional and local-level analyses and risk assessments; frameworks, models and tools to support decision-making, assess effectiveness, and evaluate implemented measures; and innovative financing.
6. In 2009 the Commission published a White Paper on Climate Change and followed it up with a consultation on an EU Adaptation strategy in 2012. As we did with a number of pieces of climate change relevant legislation, COSLA submitted a response drafted on the

basis of evidence from Councils which was also included in a report by the European Policy Centre, a Brussels-based think tank.

7. While agreement on the EU Budget 2014-2020 is still pending we can safely anticipate that the new LIFE Programme will have a €800m climate change sub-heading. Equally, part of Horizon2020 will be used to fund researching climate impact and the EU Structural Funds, Common Agricultural Policy and the Connecting Europe Facility would finance climate adaptation-related interventions. Overall 20% of the EU budget is to be spent either directly or indirectly on climate change action.

COSLA key messages on EU Climate Change Adaptation

8. In light of the EU Adaptation strategy's implementation and in preparation for the adaptation review in Scotland, the Executive Group are asked to endorse, and amend where appropriate, the following key messages that will inform COSLA lobbying work in the Europe Union and in Scotland:
 - a. COSLA believes that Local Authorities are at the forefront of the challenge of mitigating and, crucially, of adapting to climate change and therefore promotes the position that EU climate change policy should support and be informed by the efforts at local level in terms of impacts, scenario planning, financial support and ensuing delivery of public services;
 - b. COSLA reiterates that Climate Change Adaptation strategies on the national and the European level should be developed in full partnership with local authorities to make full use of their ability to deliver adaptation through their public services and work innovatively with public and private sector partners to address climate change related problems.
 - c. We strongly defend the view that adapting to Climate Change can only be achieved through a Multi-Level Governance approach, where the roles and responsibilities, political and financial, are clearly laid out between local, national and EU actors and also between different policies, particularly the EU policies to avoid gaps, inconsistency and duplication of policy responses;
 - d. Any EU strategy, to be realistically implemented on the ground, should recognise from the outset that there are limited organisational and financial resources at national and local level. We therefore welcome that the Commission foresees support for adaptation activities through EU programmes and funds dedicated to addressing climate change.
 - e. COSLA welcomes that support for adaptation in cities is a main objective in the EU Adaptation strategy. However, it is important that it supports local authorities regardless of a geographic or an institutional concept of 'city', whereby taking into account the differences in local governance structures across Europe. It is perfectly possible that local authorities not commonly understood as cities – perhaps due to a more diffuse built environment – undertake adaptation measures and shall be supported by the European and national level.
 - f. We welcome that the EU Adaptation strategy will address gaps in the knowledge base as it is crucial to develop comprehensive and integrated methodologies including indicators to measure the success of responses, impact and cost-benefit assessments, tools for demonstrating economic, environmental and social benefits of measures and cross-border coordination. We therefore continue to support the European Climate Adaptation Platform.

- g. COSLA welcomes the proposal to give the Covenant of Mayors a new role in local climate change adaptation and we advocate close working and consistency with other existing EU local sustainability initiatives such as the Smart Cities and Communities Initiative, the European Reference Framework for Sustainable Cities etc.
- h. COSLA welcomes the mainstreaming of climate change adaptation across EU policies. We hold that place-based integrated policies may be used as a vehicle to help address horizontal and cross-policy challenges posed by climate change as part of a mixed approach. In that regard would be also keen that domestic local initiatives such as the Climate Change Declaration were more explicitly acknowledged in the Action Plan.

EU Waste review

- 9. The European Commission has been working for years in the development of the next generation of Waste legislation. It is about to launch a first stage consultation on the proposed reform that is due in early 2014. COSLA has been having an informal dialogue with the Commission both bilaterally and as part of our work in CEMR so we are already aware of the main tenements of that proposed reform. Rather than for a radical overhaul of waste legislation the commission is aiming at a consolidation of existing legislation and crucially, to improve implementation in the worst offending Member States (UK and Scotland are in the 2nd top quarter of the table). However the new proposal will indeed add new waste streams such as plastic, packaging and biowaste. Crucially we expect the Commission to increase the legally binding waste targets from the existing Waste Framework Directive. From the intelligence we have obtained and after consultation with WMON we can conclude that the higher and faster targets that the Commission is considering would be challenging to meet under the current Zero Waste Scotland plans.
- 10. Indeed Scotland representative in the Committee of the Regions Cllr McChord had recently highlighted the need for the Commission to be both realistic and focus on the less performing countries rather than uniform approaches that can add duplication in those countries that are making progress such as in Scotland. This is a view that was widely supported by a majority of countries and political groups, with the European Commission in presence.
- 11. The 1st Stage consultation will be launched in May and in view of the time until the next meeting members are invited to consider a number of policy lines that together with the input from Council officials will constitute our response:
 - i. We understand that the Commission is in favour of raising the current mandatory target for the recycling of solid municipal waste to 70% by 2020. We would consider it is more realistic for Scotland any many other countries to achieve that target in 2025.
 - ii. Should the Commission propose that , by 2020, the quantity of municipal waste generated per person should be reduced by 10% in comparison with the levels recorded in 2010, it is necessary to clarify that if overall waste reduction target of the new directive and the per person target conflict the former, which should be regarded as the prevailing one;
 - iii. If the Commission were to propose, as we suspect they will want to increase the target for recycling plastic packaging – for plastics of all kinds – to 70% and set the recycling targets for glass, metal, paper, cardboard and wood at 80% we consider essential that within these overall EU average targets , intermediate targets and transitional periods should be negotiated with individual Member States and Devolved administrations , particularly the least performing;

- iv. More generally given the large diversity of situations across the EU and the serious problems of implementation of the existing rules in many Member States we would encourage that the Commission would focus its efforts in those clearly non and underperforming countries;
- v. For those countries with policies in place that show a clear direction of travel towards achieving the overall EU target, we would support that the Commission negotiates with them, intermediate targets, roadmaps and transitional periods. This would allow the least advanced performers to catch up whilst also supporting the efforts made by the most advanced performers;
- vi. If at the end of this consultation the Commission were to propose that by 2020, 100% of waste should be subjected to selective sorting at the point of the sorting centre recognition should be given to the fact that co-mingling might be the most practical solution for household waste, particularly in harder to reach locations;
- vii. COSLA reiterates its earlier call that if the EU were to introduce a new legal framework for recycling targets for biowaste, it should be within the revised Waste Framework Directive and not as a separate piece of legislation as it has often been suggested;
- viii. We understand that the Commission may be considering restricting further the rules concerning the shipment of waste between Member States. We would urge caution on this issue as in many countries and regions shipment of waste within the current EU framework would need to continue were a local solution does not prove practical. More generally a move to a more circular economy should be expressed in realistic timescales to allow for infrastructure and planning arrangements to develop.

12. The above points are high level ones that will form the base of the stage 1 EU consultation, In the Autumn the Commission is expected to launch a more detailed stage 2 Consultation that COSLA with the help of Councils, and in particular Waste Management Officers Network (WMON) is keen to provide more detailed assessment about the impact of the new EU waste legislation in Scotland.

Air Quality:

13. This is going to be amongst the key environmental dossiers this term. We have been working since 2011 on this issue in close cooperation with air quality experts from Councils and through CEMR we are able to provide input to the expert panel on Air Quality that is helping the Commission draft the forthcoming proposal. In cooperation with Glasgow City Council we are seeking further engagement this June during European Green Week which will have air quality as its central theme. It is worth noting that should EU standards be tightened a number of Scottish Councils would have increasing difficulty in meeting the EU obligations with the possibility of sanctions down the line.

14. As part of our continuing engagement through CEMR through a number of public and non-public consultations currently taking place we are inviting members to consider and eventually agree the following policy lines:

- i. COSLA agrees that an effective air policy is crucial to improve the health of citizens and the environmental conditions in the European Union.
- ii. Local Authorities have a key role in the implementation of the EU air legislation, air quality is often a very localised problem and Councils aim to contribute to address its impacts.

- iii. However, local and regional authorities face several obstacles in their efforts to comply with the EU standards. This is mainly due to the fact that their ability to influence air quality is limited, due to background concentrations beyond the local scope of influence, limited means, and tools and in many cases limited policy freedom.
- iv. Next to health problems, this constant risk of non-compliance of EU legislation (and sanctions) could also have serious consequences for local development in broader sense, for instance new construction works no longer passing the air quality tests.
- v. What is urgently needed is a more ambitious source policy at EU and national level and better coordination between the actions of the different implementing levels.
- vi. In that respect we strongly support the fact that the review of the EU air policy will be in line with the objectives and principles of the 2011 Roadmap to a resource efficient Europe and the 2012 Environment Action programme to 2020, which particularly highlight that the polluter-pays principle and the principles of rectification of pollution at source should be at the core of future EU environmental policies.
- vii. Indeed EU air policy should focus on health impacts as the most pressing challenge today. Therefore it should concern pollutants that are first and foremost detrimental to human health. Possible concerns that this may lead to a downgrading on the importance of NO2 objective.
- viii. In its position paper, CEMR would like to share its proposals for the review of the EU air policy in order to make it more effective and supportive of actions taken at local and regional level.
- ix. We will continue working towards the launch later this year of the review of the EU air policy marking the "European year of Air".

Urban mobility

- 15. The European Commission is about to table for the first time legislation to impose on Local Authorities EU wide uniform rules on access restriction – congestion charging – low emission zones. This initiative is contained within a wider set of proposals on the Urban Mobility, to which COSLA had contributed. By mid-2013 an EU urban mobility package will include binding common rules on urban transport that could overrule local transport powers, on the argument that they constitute a barrier to EU-wide trade. Needless to say that COSLA has been longstanding against such measures on the basis that the European Union has no power on local transport or planning issue.
- 16. Indeed as a direct result from COSLA interventions the Scottish Government and the UK Government managed to resist an earlier attempt by the EU to move to legislate on this area. However the transport industry has been lobbying hard on the Commission on the basis that the current fragmentation of local transport schemes and rules is a barrier to the free flow of goods and passengers in the EU Internal Market, which in turn is an area where the EU has considerable power.
- 17. Disappointingly enough COSLA together with CEMR and a few other local government stakeholders are among the few organisations that are at this stage preparing for the forthcoming intense legislative battle to try to resist or at least limit the attempt to the Commission to legislate on this area.

18. In order to ensure that our forthcoming lobbying has overall political support from Scottish Local Government, members are invited to consider, and eventually agree the following political messages:
- i. COSLA stresses that wherever local transport frameworks and solutions are already well developed, added value from any forthcoming European urban mobility proposal would be better achieved by supporting the development of existing structures. COSLA would not support any EU measure that would introduce mandatory local transport rules (planning, green zones, organisation of transport, etc.).
 - ii. Local transport is a local power within the UK and Scottish settlements. It is quite debatable that the Commission claim that it has the power to act if the local/national level cannot deliver it should be the Commission to act imposing harmonising rules;
 - iii. Harmonisation as a *'one-size-fits-all'* solution would not fit the different local conditions both in terms of specific local powers and of effectiveness of EU wide standards. This would leave in practice local transport policy being determined by EU or national expert panels upon which local political scrutiny would be limited at best.
 - iv. Against the EU claim of hundreds of different local schemes being a barrier for the internal market rather than jumping to the European level it should be possible to attempt first the national legislative route, thus reducing significantly the number of different regimes in place.
 - v. We are open however for the Commission continuing the process of identifying guidelines, or a reference framework well before considering entering into rules. We would also support the exchange of information tools for both industry and citizens as well as the development of Integrated Transport System standards that local authorities can chose to use to optimise their transport flows and services.
 - vi. We are opposed to any form of EU legislation on road user charging, congestion charging, and workplace parking levies, Low Emission Zones and access control measures. Even if there might be sound environmental or economic reasons to introduce such schemes this is and must remain a local decision and the verdict should ultimately rest on the local electorate, even if there are on paper sound reasons to limit access of private vehicles to town centres.
 - vii. Equally the introduction of such schemes need to assess its implications in other agendas, such as impact in spatial planning, economic development (such economic impact in transport from peripheral or urban areas when no alternative to private transport exists).
 - viii. Finally we believe that EU funding for transport is clearly one of the areas of greater EU added value which in many ways could be achieved more effectively through EU goals with greater ownership than mandatory EU rules.

Conclusion

19. Using the proposed policy lines COSLA will continue working on these draft legislation and will report developments at the next meeting, eventually asking for further political guidance from members as appropriate.

Serafin Pazos-Vidal
Head of Brussels Office
0032496084967
serafin@cosla.gov.uk

Leonie Hertel
EU Policy Officer
00322 2138 120
leonie@cosla.gov.uk

May 2013