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CONSIDERATIONS ON THE ENVIRONMENTAL POLICIES AND STRATEGIES OF THE EUROPEAN UNION

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Abstract: The protection of environmental factors, of the environment as a whole, is a major and ever more pressing issue, which should be of interest to all mankind, to all the states, and to all political and governmental decision factors. In this sense, at the level of the Member States of the European Union, it was necessary to draw and adopt coherent environmental policies and strategies, which would insure an effective protection of the natural and anthropological factors, on the medium and long term.

Environmental quality is a matter of general, global interest, which requires achieving appropriate environmental policies, taking into account the essential connection between the world's economy and the environment.

The environmental policy is a method of organising, coordinating, and institutionalising the complex activity of protecting the environmental factors, meant to set the strategies, means, and their implementation techniques at a national, regional, and global level, with the purpose of insuring the preservation and development of the environment.

Within the European Union, the opportunity to draw and adopt an environmental policy was determined by the problems that surged following the rapid extension of pollution, a phenomenon that does not stop at the borders of one state or of Europe.

Thus, in a first instance, the general policy concerning the environmental protection within the European Union was formulated and defined, through the elaboration and implementation of the Environmental Action Programmes, following which the European Commission established the sectoral strategies in the field, starting from the Strategy for sorting waste and continuing with the

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EU Strategy for natural protection, the EU Strategy for air pollution, and the EU Strategy for water pollution. In the end, by adopting the Strategy for Sustainable Development, the environmental policy is permanently connected to the environmental issues that may appear, leading to new tendencies in the actions for environmental protection.

The efficiency of environmental policies in the European Union is materialized through improvements in the issues related to air quality, surface water quality, through the dissemination and delimitation of fauna protection areas, but there are still many contexts in which such approaches should be intensified, such as: global warming, deterioration of piscicultural fauna, decline in biodiversity.

1. The environmental policy in the European Union

Taking into account the role of policies, in broad and global terms, as a way of organising and conducting human activity and social relations, we should underline the fact that it is the main factor meant to insure a certain social order, established by the state and political authorities. As such, the environmental policy is a way of organising and regulating the detailed activity of protecting the environmental factors, implying - among others - establishing and implementing strategies, methods and means, including legal ones, reflected into vast and coherent actions performed nationally as well as internationally, meant to insure the improvement of environmental conditions (Lupan, 2009).

The environmental policy cannot be seen in isolation. It is part of the set of major policies, as a “support” policy (Dragoș, Velișcu, 2004), together with the public health policy, the consumer protection policy, the social policy, the cultural policy, etc. At the same time, taking into consideration the economic and social factors as well, the environmental policy and strategies should also aim at continuously improving the life conditions on Earth (Oneț, 2017).

From this perspective, at a global level, the protection of environmental factors has determined the creation and expression of several concepts referring to this notion. Thus, according to the geocentric concept, environmental protection is a purpose in itself, with the main object of protection being Earth itself, and any kind of human intervention in nature being considered reprehensible. On the other hand, the concept of biocentrism allows human intervention in the life of other species, but solely with the purpose of real and effective protection, with the ecological concerns of mankind having to be focused on the other life forms. Finally, according to the anthropocentric perspective, man should be allowed any action, even infringing the laws governing nature, with the priority being meeting man’s needs (at any cost) (Marinescu, 2010).

The environmental policy of the European Union is founded on a series of

principles stipulated in various international documents, including in the Treaty on the functioning of the European Union. In this sense, we mention first and foremost the principles of precaution and preventive action, to which we should add the principle according to which the polluter pays.

Starting from these principles, whenever starting a new project, it is important to take into account its impact on the environment from the very moment when the decision is taken. A cautious, preventive action – implementing new projects based on such premises – implies much lower costs compared to the expenses required to repair the damaged environmental factors and compensating for the prejudices caused by an irresponsible attitude. Such principles imply legally assuming certain obligations of environmental protection when performing any activity with an impact on the quality of environmental factors (Bud, 2009).

The role of the principle of precaution is, among others, to achieve sustainable development and eliminate the risks for irreversible and irrecoverable environmental damage, as stipulated in article 191 paragraph 2 of the Treaty on the functioning of the European Union. According to this article, in case there is a danger of serious or irreversible damage, it will be impossible to invoke as an argument the lack of a complete scientific certainty in order to delay the application of effective measures to prevent the degradation of environmental factors (Petrescu-Mag, 2011).

In the spirit of the principle that “the polluter pays”, anyone who performs a risky activity, which may damage the environment, should also support the necessary expenses for implementing the measures to fight the resulting (possible) pollution, and the corresponding amounts should be included in the production costs of the goods or services obtained from the polluting activity.

Besides the mentioned principles, others also play a role in this matter. For example, the principle of high environmental protection requires for the objective of the environmental policy of the European Union to be reaching a high level of natural protection, taking into account the diversity of situations that exist in the various regions of the Union.

Also, the principle of the global approach implies the need for a universal action, coordinated at a regional and world level, as only such action might insure effective monitoring and control, thus avoiding the fragmentation and inefficiencies of pollution prevention measures (Duțu, 2012).

Another principle, that of the integration of ecological requirements in all the European Union policies, imposes for all activities performed within the Union to take into account the impact they may have on the environment, whose protection should be included among the objectives of all the other European policies. Consecrating this principle, the Stockholm Declaration of 1972

stipulates in its art. 13 that “in order to rationally manage the resources and improve the environment, the states must adopt an integrated and coordinated conception of development planning, so that their development is compatible with the need to protect and improve the environment, in the interest of the population.”

According to the principle of proximity, locale communities are stimulated and encouraged to assume responsibilities, to initiate and implement projects that aim at waste management and improving pollution.

The principle of subsidiarity leaves to the responsibility of the States their own needs and methods for drawing their own policies in the field of environmental, protection in agreement with the competences established within the Union and respectively within each Member State, in relation with the type and extent of pollution, with the required measures and with the region to protect. The European Union reserves the right to intervene only to the extent to which it can act more promptly and effectively than each affected state (Cobzaru, 2012).

The main objective of the environmental policy of the European Union is protecting and consolidating natural capital, in the sense of developing an economy that uses our planet’s resources efficiently. Starting from this desideratum, the Treaty for the functioning of the European Union states the fact that its environmental protection policy should insure reaching the following objectives: protection of the natural environmental factors and improving their quality; rational and efficient use of natural resources; protecting people’s health; promoting, supporting, and implementing measures meant to insure solving regional or global environmental problems, especially those linked to climate changes (Bădescu, 2011).

Also, from the list of objectives of the environmental policy of the European Union, we should also mention the right of the individual and of the population as a whole to have access to the best information on the state of the environment, which would allow the public to participate actively in making decisions on environmental policies at a national level as well as within the European union. Correlatively, state authorities and bodies are obliged to provide the population, in due time, data and information on the condition of the various environmental factors.

We should not forget to mention another objective, which aims, as stated previously, at including environmental policies among the other sectoral policies, in a balanced and harmonious way. This can be seen reflected in fields where the integration of environmental policies is rather advanced (industry), in comparison with other sectors where this operation is slower - tourism and agriculture (Pohoată, 2005).

European Union policies can be drawn and implemented only through legal, technical, and financial instruments, by a series of institutional actors of the Union.

At the level of the European Union, in order to meet the main objectives of the environmental protection policies, a number of normative texts have been drafted, which mainly regulate the reduction of pollution of any kind, the protection and improvement of natural environmental factors and natural resources (Duțu, 2012). The texts that we mention are mainly included in Regulations and Directives as well as in decisions, recommendations, and opinions. Regulations are compulsory and are addressed to all the citizens of the Member States, without the need to issue any other normative act at the national level (Pohoață, 2005).

The Regulations institute a series of interdictions, such as for instance the one concerning the export of waste into developing countries.

In order to implement environmental policies, the directives of the European Union are much more largely used. They impose on the Member States the obligation to adopt normative acts at a national level, in the direction of implementing the measures imposed by the European Union. Of these, we mention for example: Directive 2008/50/CE of the European Parliament and of the Council of May 21, 2008, concerning air purity, which imposes thresholds of its quality for certain polluting agents; Council Directive 99/22/CE of March 19, 1999, referring to the preservation of wild life in zoos; Directive 2011/92 of the European Parliament and of the Council of December 13, 2011, concerning the evaluation of the effects of certain public and private projects on the environment, requiring subjecting any investment that may have a potential impact on the environment to the environmental impact evaluation procedure; Directive 2003/4/CE of the European Parliament and of the Council of January 28, 2003, concerning public access to environmental information and the abrogation of Directive 90/313/CEE of the Council.

The technical instruments are meant to insure the compliance with the quality standards referring to the environment and using the most appropriate technologies. Such instruments are: standards and thresholds for the emissions of polluting substances; Eco-labelling (denomination) that reveals the EU products that meet eco-specific criteria; criteria applicable to environmental inspections in the Member States, created in order to insure the compliance with the environmental legislation of the European Union and its homogenous application.

Of the most important economic and financial instruments we mention: the LIFE+ programme created with the purpose of contributing to implementing and developing the environmental policies and legislation, including integrating the

environment in other policies; the environmental fund, an economic-financial instrument particularly useful in achieving and materialising ample environmental protection actions or projects; Structural and Cohesion Funds (SCF), used by the European Union to eliminate the economic and social differences between regions, with the purpose of creating economic and social cohesion.

2. Environmental protection strategies in the European Union

Environmental protection strategies are based on the concept of sustainable development. Starting from the definition of this notion given in 1987 by the World Commission for Environment and Development in the report “Our Common Future”, also known as the Brundtland Report, we must remember that achieving sustainable development implies establishing and meeting certain objectives, such as: achieving economic growth without neglecting the preservation of natural resources; monitoring the impact of economic progress on the environment; preserving the diversity of ecosystems; restructuring production technologies; insuring good life and work conditions for present and future generations; control over population growth, etc. (Pohoață, 2005).

The Commission Communication of May 15, 2001 called “A sustainable Europe for a better world” created the framework for drawing a *European Union Strategy for Sustainable Development*, presented within the European Council in Göteborg on June 15-16, 2001. This strategy sets a series of perspective objectives, of which we mention: responsible (sustainable) management of natural resources; investments for building non-polluting transport systems; firm and effective measures to limit climate changes; stopping the threats and dangers for the health of the population; extending the Global Monitoring System for Environment and Security (GMES), especially in developing countries (Dragoș, Velișcu, 2004).

The thematic strategy on air pollution is the first strategy formally adopted by the European Commission in 2005. This strategy completes the legal framework existing at the time, setting a series of objectives with respect to air pollution, such as for instance reducing by up to 47% the mortality caused by exposure to particles. Some of the measures proposed by this strategy are: adapting and systematising the legislation in the field; firm and urgent decisional intervention with regards to the most dangerous pollutants; careful and permanent monitoring of activities in sectors that may lead to air pollution, etc. The directives of the European Parliament and Council require the Member States to draw plans and programmes that implement and guarantee the compliance with the rules in this matter (Petrescu-Mag, 2011).

Referring to the *Strategy in water protection*, we should mention that within

the European Union we can notice a pressing problem with regards to this important natural factor of the environment, a problem which is mainly determined by the increasing need for quality water consumption and the increase and diversification of the consumer group.

The strategy of the European Union in this field is regulated by Directive 2000/60/CE of the European Parliament and Council of October 23, 2000, which establishes a community policy framework in the water field. The main objective of this directive is to protect and improve water quality. At the same time, the directive sets equally important objectives, such as extending the concept of protection to all surface or subterranean water categories. Norms have also been established to stop the damage on European waters and to improve the quality of all rivers, lakes, and subterranean waters. Concretely, the most important of these norms are: protecting all water forms; limiting water pollution; repairing the ecosystems in and around these waters; guaranteeing sustainable water usage by natural persons and economic agents.

The water directive was mirrored until 2003 in the legislation of the Member States, which have taken on obligations to meet the proposed objectives, of which we mention:

- Identifying hydrographic basins on their territories;
- Analysing the characteristics of each hydrographic basin, including the impact of human activity, and making an economic evaluation of water consumption;
- Appointing authorities that would manage these basins in compliance with the European Union norms;
- Monitoring the condition of the water in each basin;
- Drafting and applying “hydrographic district management plans” in order to prevent the deterioration of surface waters, to protect and improve the quality of subterranean waters, and to preserve protected areas;
- Guaranteeing the recovery of water consumption costs, so that the resources are used efficiently and polluters pay;
- Informing and consulting the public with regards to the hydrographic basins management plans.

Internationally, especially with regards to marine environments, similar measures have been taken. In this sense, we mention that in the context of the Sustainable Development Conference in Rio de Janeiro, of June 2012, a firm commitment has been made to take measures so that until 2025, based on the collected scientific data, marine waste is significantly limited in order to prevent the damages brought to coastal and marine environments. These complete the European regulations referring to the marine environment, and we consider Directive 2008/56/CE of the European Parliament and Council of June 17, 2008,

instituting a community action framework in the policies concerning the marine environment, a normative act that requires Member States to draft and apply measures to insure that all marine regions and sub-regions of the European Union will be in good ecological condition by 2020.

The European Union Strategy for Climate Change is at present highly important and current. It was adopted by the European Commission, who published in 2005 the Communication *Winning the Fight against Climate Change*. This strategy mainly aims to: develop research and innovation in order to design and implement new technologies, which would reduce and eliminate pollution; initiating and supporting by all states of actions meant to slow down climate change; consistent and effective use of market instruments, especially those concerning emissions. We wish to mention some of the most relevant international documents in the field: Decision no. 280/2004/CE of the European Parliament and Council of February 11, 2004, concerning a monitoring mechanism for greenhouse gases within the Community and applying the Kyoto Protocol; the Commission Communication *Climate change, towards an eu post-Kyoto strategy* - COM (98)353 final, of June 3, 1998; the Council Decision no. 2002/358/CE of April 25, 2002, concerning the adoption in the name of the European Community of the Kyoto Protocol during the Framework Convention of the United Nations Organisation on climate change and the common fulfilment of the commitments resulting from it; Directive no. 2003/87/CE of October 13, 2003, establishing a commercialisation system for greenhouse gases within the Community and modifying the Council Directive no. 96/61/CE.

The European Union Strategy for waste management was launched within the sixth Environmental Action Programme, under the slogan *A step forward in the sustainable usage of waste – a thematic strategy on preventing and recycling waste*, whose main objective is to promote a responsible attitude of the producers as well as the consumers towards the environment, which would favour the creation of a self-regulating mechanism of product selection on the market, in order to eliminate the products that harm the environment. The measures suggested by this strategy aim to lower the risk of damaging environmental factors through effective waste management.

Legally, the idea, which was implemented, was to unify and standardise the European Union regulations in the field, mainly included in: Directive no. 2006/12/CE concerning waste, revoked by Directive no. 2008/98/CE; Directive no. 91/689/EEC concerning dangerous waste, Directive no. 75/439/EEC concerning used oils, amended by Directive no. 87/101/EEC and the Council Directive no. 91/692/EEC of December 23, 1991, standardising and rationalising the reports on the application of certain directives referring to the environment and aimed to rationalise and improve, on a sectoral basis, the dispositions on

transmitting information and publishing reports on specific community directives in the field of environmental protection.

Even if this strategy does not set a quantitative benchmark, it aims to limit, to reduce the production of waste, encouraging the recycling industry with the purpose of reintroducing waste into the economic circuit. Indirectly, it aims to break the relationship between economic development and the use of resources and waste production.

The European Union policy is reflected into three complementary strategies in the field of waste management: eliminating waste production at the source, encouraging recycling and reusing waste, and limiting the pollution caused by burning waste (Pascal, Vlad, Deaconu, Vrabie, 2004).

3. Environmental protection policies and strategies in Romania

In Romania, since November 2008, there is a *National Strategy for Sustainable Development (NSSD)* in line with the development trends of the European Union. This document, adopted by Government Decision no. 1460/2008, aimed at achieving short, medium and long-term strategic objectives set on three temporal directions: *Horizon 2013, Horizon 2020 and Horizon 2030*. Unfortunately, few of the proposed objectives have been achieved. It is currently working at the Government level to review this strategy, wishing it to be finalized within one year, setting out precisely the strategic objectives, duplicated by the measures to be taken to achieve the objectives.

In relation to the policies established in the European Union, Romania drew the *National strategy for air protection*. It was approved by the Governmental Decision no. 586/2004 and its main purpose is to insure the legal, organisational, and institutional framework that allows the efficient cooperation of the public authorities and institutions competent in the field of air protection, as well as monitoring, evaluating, and managing air quality on Romania's territory.

This strategy mainly aims to: preserve air quality in the areas and agglomerations where it complies with the thresholds mentioned in the applicable norms for quality indicators; improve air quality in the areas where it does not meet the thresholds foreseen by applicable norms; adopt the necessary measures to limit and even eliminate the negative effects on the environment. This strategy also implies significant and efficient actions performed by the authorities, bodies, and institutions responsible in the field of air protection.

In what concerns water resources management, their quality is monitored in relation to the requirements of European directives, based on the structure and methodological principles of the *Integrated Water Monitoring System in Romania*. The national water monitoring system includes two types of surveillance, according to the requirements of Law 310/2004 that amends and

completes the Water Law 107/1996, which reflects the provisions of the Framework Directive 60/2000/CEE of the European Parliament and Council of October 23, 2000 for water, and the other European Union Directives. Thus, the monitoring supervises and evaluates the condition of all bodies of water of hydrographic basins and an operational monitoring is in place for bodies of waters at risk not to meet the water protection objectives.

In relation to the areas vulnerable to nitrates from agricultural sources, we mention the Governmental Decision no. 964 of 2000, mirroring in the internal legislation the Council Directive 91/676/ EEC of December 12, 1991, concerning water protection against the pollution with nitrates from agricultural sources.

With this normative act, our country took on the obligation to re-examine, revise or complete at least once in four years the list of water areas vulnerable to nitrates, in order to reveal the changes and factors that appear in time and that may affect this natural environmental factor.

In other words, we mention the *National strategy for Climate Change* adopted by the Governmental Decision no. 645/2005. This strategy is at the basis of drafting and adopting the National Action Plan for Climate Change. This plan has become the first instrument implementing the National strategy for Climate Change, establishing the method of observing and reporting the progress achieved in the field, setting tasks and responsibilities for each authority and institution involved.

With regards to waste, a first *National Waste Strategy* was adopted as early as 2004, in the context of Romania's joining the EU. Subsequently, the framework Directive 2008/98/CE of the European Parliament and Council, of November 19, 2008, concerning waste and revoking other directives was reflected and implemented in Romania as well, through the drafting and adoption of a new strategy. It suggested a set of measures that insure the transition from a development model based on production and consumption to a model based on preventing waste generation and the use of raw materials in industry, thus insuring the preservation of natural national resources. This strategy establishes Romania's priority policies and objectives in short- and medium-term waste management.

For the short-term implementation of the Strategy, the National Waste Management Plan was drafted, containing details on the actions to be implemented in order to meet the objectives and deadlines set by the Strategy. Unfortunately, Romanian authorities did not manage to meet the deadlines for the revision and update of the national waste management plan and the waste-generation prevention plan, risking sanctions from the European Union Court of Justice, upon the request of the European Commission. Romania is one of the

lowest performing Member States with regards to solid municipal waste management.

Conclusions

In order to be coherent and efficient, environmental policies should be the result of the approaches and decisions of all national and international authorities, institutions, and bodies, of the entire society. Starting from this desideratum, the European Union has drawn a coherent, rigorous, and transparent environmental policy, based on multiple consultations and information exchange on environmental matters with all the institutional stakeholders, since only in this way it could solve and eliminate the weaknesses faced by mankind, insuring a real and effective protection of natural factors. In this approach, the main role is played by the European Union, which pulls the needed strings to coordinate, support, and verify the manner and degree of implementation of the commitments undertaken by the Member States.

Drafting and implementing the environmental policies implies adopting a coherent and detailed legislation at the level of the European Union as well as at a national level, which would allow creating and implementing sustainable and efficient environmental strategies based on the principles that govern this field, especially the principle of subsidiarity, which grants national and local authorities decision-making and solving powers in regards to environmental priorities, with the European Union's intervention being felt only when coordinated actions at the global level are necessary.

Equally, for noticeable efficiency in implementing the appropriate commitments and measures, it is important for the states to cooperate, notify each other, and exchange information and advanced technologies. The environmental problems that humankind now faces can only be solved with the combined effort of all states, since pollution does not care about country or continent borders, and the states' jurisdiction is powerless in the face of the negative consequences of pollution.

References

- Bădescu Valentin Stelian** (2011), *Dreptul mediului, Sisteme de management de mediu*, "C.H.Beck" Publishing House, Bucharest, p.84.
- Bud Maria** (2009), *Dreptul mediului*, "Anastasis" Publishing House, Sibiu, p. 34.
- Cobzaru Angelica** (2012), *Principiile dreptului european al mediului*, "Universul Juridic" Publishing House, Bucharest, p.89.

- Dragoş Dacian Cosmin; Velişcu Raluca** (2004), *Introducere în politica de mediu a Uniunii Europene*, “Accent” Publishing House, Cluj-Napoca, p.26 and 112-113.
- Duţu Mircea** (2012), *Politici publice de mediu*, “Universul Juridic” Publishing House, Bucharest, p. 50 and 52.
- Lupan Ernest** (2009), *Tratat de dreptul protecţiei mediului*, “C.H.Beck” Publishing House, Bucharest, p.19.
- Marinescu Daniela** (2010), *Tratat de dreptul mediului*, “Universul Juridic” Publishing House, 5th edition revised and amended, Bucharest, p.13.
- Oneţ Cristina** (2017), *Dreptul mediului*, “Universul Juridic” Publishing House, Bucharest, p. 17.
- Pascal I. Vlad, Deaconu Şt., Vrabie C.** (2004), *Protecţia mediului înconjurător*, “Dacris” Publishing House, Bucharest, p. 18.
- Petrescu-Mag Ruxandra Mălina** (2011), *Protecţia mediului în contextul dezvoltării durabile. Legislaţie şi instituţii*, “Bioflux” Publishing House, Cluj-Napoca, pp. 30-31 and 81.
- Pohoacă Ioan** (2005), *Dezvoltarea durabilă şi politica de mediu în Uniunea Europeană*, the Publishing House of “Alexandru Ioan Cuza” University, Iaşi, p.165-166.