



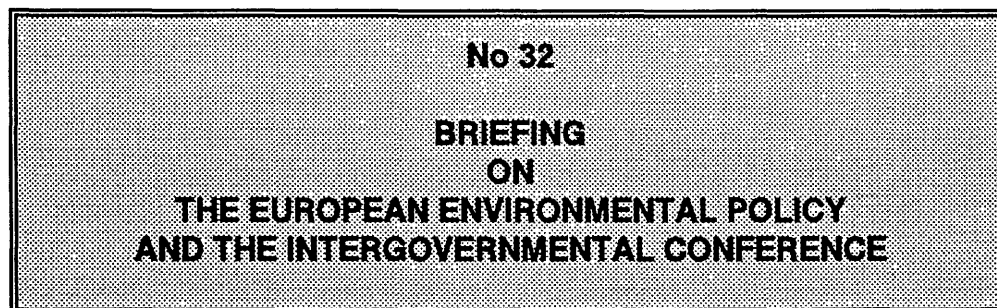
SECRETARIAT WORKING PARTY

TASK-FORCE  
ON THE  
" INTERGOVERNMENTAL CONFERENCE "

WORKING PARTY SECRETARIAT

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The Briefings have been drafted by the Parliament Secretariat Task Force on the Intergovernmental Conference. Their purpose is to gather together, in an organized, summary form, the proposals and suggestions which the authorities in the Member States, the Union's institutions and specialist commentators have put forward on the issues likely to be on the IGC/96 agenda.

Briefings will be updated as negotiations proceed.

Already out:

1. The Court of Justice
2. The Commission
3. The Court of Auditors, ESC and COR
4. Differentiated integration
5. The common foreign and security policy
6. The role of the national parliaments
7. The hierarchy of Community acts
8. Codecision procedure
9. CJHA
10. European citizenship
11. WEU, security and defence
12. Public services
13. Social policy
14. The European Parliament
15. The European Council
16. The Council of the European Union
17. The budget and the IGC
18. The IGC and transparency
19. Subsidiarity and the allocation of powers
20. The Union's legal personality and external representation
21. Commitology
22. Fundamental rights
23. The IGC and the democratic nature of the Union
24. The coherence of the external action of the EU under the first (Community) and second (CFSP) pillars
25. The 1996 IGC and the effectiveness of the Union
26. Europol
27. The IGC and the Schengen Convention
28. Combating fraud
29. Energy
30. Tourism and the IGC
31. Economic and social cohesion
32. European environment policy and the IGC
33. The CAP and the IGC
34. Civil protection and the IGC
35. Non-discrimination on sexual grounds
36. EU enlargement
37. Employment and the IGC
38. The IGC and Economic and Monetary Union
39. Asylum and immigration policy
40. Social exclusion and the IGC
41. Children and the IGC
42. Fight against drugs and the IGC
43. The IGC and the fight against racism

**BRIEFING  
ON  
THE EUROPEAN POLICY AND THE IGC**

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**BRIEFING  
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THE EUROPEAN ENVIRONMENTAL POLICY AND THE IGC**

**CONFERENCE AGENDA**

**The Treaty on European Union (TEU) and the European Council**

Formally based on Article N of the TEU the first meeting of the Intergovernmental Conference (IGC) **was** held in Turin on 29 March 1996. Although the Conference **was** primarily expected to discuss among others institutional issues, the implications of further enlargement, the Common Foreign and Security Policy (CFSP), Cooperation on Justice and Home Affairs and the implementation of the subsidiarity principle, environmental questions **were soon** raised as well.

On the one hand, a number of reform proposals (---) discussed at the IGC, for example questions concerning decision-making procedures, multiple-speed integration or subsidiarity, may have an impact on EU environmental policy. This is the reason why the positions of EU institutions and the Member States on these issues have, albeit only to a limited extent, been included in this paper.

On the other hand, although Article N of the TEU refers to a number of points which are to be discussed at the IGC, other issues **have been** added to this. Various EU institutions, Member States and other actors have made proposals to place a number of environmental concerns on the IGC agenda.

**The following items have been discussed which are directly or indirectly related to EU environmental policy:**

- **Place of the environment in the general objectives of the Treaties by changing Article B TEU and Article 2 Treaty on the European Community (TEC).**
- **Incorporation of the protection of the environment into all policies named in Article 3 TEC.**
- **Modification of the decision-making procedure towards QMV wherever environmental matters are involved.**
- **Extending the scope of the co-decision procedure of Article 189b (8).**
- **May the Member States be allowed to introduce stricter environmental rules without regarding this as a hindrance of the functioning of the common market?**
- **New title on animal welfare.**

## **POLICY PRONOUNCEMENTS AND STATEMENTS OF VIEWS**

The following information is summarized especially with regard to environment policy and does not necessarily appear in the original wording or order.

### **1. European Parliament**

- a) Environment policy should be included as a genuine objective in the Treaty, separat clause on sustainability and the environment in its preamble, and protection of the environment should be included in Article 3;
- b) Protection of the environment should be explicitly taken into account in the implementation of the common policies of the Union, in particular by modifying Articles 130u (1), 130a and 130b;
- c) Environment policy must be an integrated feature of all policy areas of the Union which affect the environment;
- d) Member States must be able, if so desired, to lay down more stringent environmental standards than those of the European Union in accordance with Article 100a (4);
- e) The importance of environmental impact reports as a means of strengthening the environmental aspect in the Treaties must be enchanced by amending Article 130r (2);
- f) Given the enormous interest shown by European citizens, the question of animal welfare should be given greater prominence and included as a new Title XVI B/Article 130t in the EC Treaty;
- g) The application of Qualified Majority Voting (QMV) needs to be broadened.
- h) Except for certain areas, the co-decision procedure should be applied as a general rule.

### **2. Commission**

- a) Depending on the specific issue the legal basis and the decision-making procedure for environmental regulations varies. This state of affairs has caused serious difficulties.
- b) The introduction of QMV and the cooperation procedure for most environmental decisions has increased the efficiency of the decision-making process.
- c) Despite fears to the contrary, the co-decision procedure has worked fairly well.

- d) An environment benefitting from a high level of protection is one of the major concerns of citizens in the Union.
- e) The Commission considers that the provisions of the Treaty directed at sustainable development and at a healthy environment should be reinforced in two ways:
  - the right to a healthy environment, and the duty to ensure it, should be included in those provisions of the Treaty affecting the citizen;
  - the environment should be specifically incorporated into the other policies of the Union.
- f) In order to enforce the legislative role of the European Parliament, the scope of the co-decision procedure should be extended to all areas of legislative activity of the Community.**
- g) Among these should be the measures necessary to implement the objectives of Article 130r and the measures for the execution of general action plans that put down the primary objectives (Article 130s (1), (2), (3)).**

### **3. Council**

- a) The Council stresses the importance of the subsidiarity principle. However, the principle should not be used to question the *acquis communautaire*.
- b) Broader application of QMV has improved the efficiency of decision-making.
- c) Despite some difficulties co-decision has worked reasonably well.
- d) The large number of different decision-making procedures make it difficult for outsiders to understand the basic workings of the EU.
- e) Although the Council has been anxious to integrate environmental aspects into other policies and to safeguard a high level of environmental protection, some delegations feel that - not least against the background of the results of the Rio Conference - the achievements have not been lacking.

### **4. Member States**

#### **4.1 Austria**

- a) The Austrian government emphasises that institutional reforms must be designed with a view to substantive problems. The most urgent issues that need to be addressed are environmental protection and the fight against unemployment.
- b) A future enlargement of the EU requires an enhanced European capacity to deal with

environmental problems.

- c) Differentiated integration should be allowed only under restrictive conditions. Austria is particularly alarmed by the possibility that a rejection of high level European standards in the social and environmental fields by some Member States may lead to competitive advantages for the economies of these countries.
- d) QMV and the co-decision procedure should be applied with respect to the environment. Article 130s must be amended correspondingly.
- e) Austria wants to anchor the concept of "sustainable development" as a basic objective in Article 2.
- f) Article 36 should refer to environmental protection as one of the reasons which may justify trade barriers.
- g) Article 39 is to include the promotion of environmentally friendly farming as one of the goals of the CAP.
- h) Article 100a (4) concerning the implementation of the internal market must be improved with respect to the environment.
- i) Austria wishes to integrate the environmental dimension in the provisions of the treaty concerning the trans-european networks and the transport policy.**
- j) The policies of the Community should take account of the protection of animals.**
- k) The principle of subsidiarity needs to be clearly defined. This could be obtained by appending an annex on the basis of the Edinburgh conclusions.**

## **4.2 Belgium**

- a) The internal market and EMU should be complemented with a common basis ("socle") of community legislation in the fiscal, environmental and social fields.
- b) Belgium rejects a Europe "à la carte" and insists that the benefits of the internal market cannot be separated from the obligation to apply EU social, environmental and fiscal regulations.
- c) Provided that it is applied on the basis of restrictive conditions, differentiated integration is considered helpful.
- d) QMV and the co-decision procedure should be applied with respect to the environment to achieve a common basis ("socle") of legislation in this field.

- e) A clause dealing with the environment should be inserted into the Treaty provisions for the common commercial policy.
- f) **Enlargement will not be opposed, but should not be tried if it is not undertaken on the basis of an enforced European Union.**
- g) **The principle of subsidiarity should play a larger role in order to define where and when it is necessary that the Union takes measures.**
- h) **Environmental protection is to be integrated into Article 2 TEC.**
- i) **As the right to live in a healthy environment should be protected by the Community's environmental policy (Article 130r (1) TEC), that means that all the Commission's propositions have to undergo an environmental impact assessment.**

### 4.3 Germany

#### (Former paragraph a) ---)

- a) QMV should be the rule with regard to decisions concerning environmental protection. However, an extension of QMV to include Article 130s (2) is much less likely to be accepted at the IGC since the provision covers issues (e. g. taxes, land use, use of water resources, energy) which are viewed by some Member States (and the German Ministry of Finance) as very sensitive.
- b) Co-decision must be extended. While an extension to Article 130s (1) should be possible, a further extension to Article 130s (2) is much less likely to be accepted at the IGC because such a step would require the introduction of QMV (see point a)).
- c) The principle of sustainable development as formulated in the action plan of the Rio Conference (Agenda 2a) must be integrated into Article 2 as an objective of the Community. It should also become part of Article B of the TEU as one of the Unions' objectives.
- d) In order to strengthen the integration of environmental concerns into other policies, Article 130r (2) must be replaced or supplemented by a new Article 3c. As does Article 3b for subsidiarity, the new rule would define environmental protection as a general principle governing the implementation of the goals and tasks laid down in the Treaty. By contrast, strategic and legal reasons speak against efforts to introduce environmental clauses one by one into individual issue areas.
- e) Article 100a (3) should oblige not only the Commission but also the EP, and particularly the Council, to draft legislation which safeguards a high level of environmental protection.



- f) Article 100a (4) must express more clearly that Member States are not only allowed to maintain existing environmental regulations which exceed EU standards, but may also introduce new regulations provided that the latter are aimed at, and contribute to, better protection of the environment.
- g) Article 100a (4) should state more clearly that a Member State need not vote against an act, if that state wants to take recourse to the possibility of introducing or maintaining stricter national environmental standards.
- h) Article 36 must refer explicitly to environmental protection as one of the reasons which may justify trade barriers.
- i) The integration of the Euratom Treaty is a long-term project which may raise the issue of changing the substance of Euratom itself. Therefore this topic should not be discussed at the IGC.
- j) In order to guarantee the strict observation of the subsidiarity principle by the Union's institutions it needs to be clearly defined. Germany proposes a protocol that would provide the application of the subsidiarity principle where, among other things, there are measures to be taken that concern questions of a transboundary nature.**
- k) The activities of the Community shall include a contribution to the improvement of animal protection.**

#### 4.4 Denmark

- a) Improving the state of the environment is one of Denmark's priority areas for the IGC.**
- b) Denmark proposes that the objective of sustainable development as laid down by the Rio Conference be incorporated in the preamble, Article B TEU and in Article 2 TEC.**
- c) In line with the principle of subsidiarity, Denmark advocates initiatives to enhance national parliaments' ability to express their views as to whether a legislative proposal of the Commission complies with the principle of subsidiarity.**
- d) Environmental considerations should be integrated to a greater extent into the other areas of cooperation, e.g. agriculture, transport, and trans-european networks. Therefore a new Article 3c, a general provision to this end, as well as references in the sectorial Titles are to be added.**
- e) The internal market must be achieved while respecting the environment.**

**Article 7a or 100a (3) TEC should therefore provide that internal market measures affecting health, safety and environmental protection must respect the principles of Community environmental policy laid down in Article 130r (2) TEC.**

- f) Where a Member State is of the opinion that, at Community level, a sufficiently high level of environmental protection has not been achieved, it may apply or introduce its own, stricter national rules based on new knowledge. This can be achieved by amending Article 100a (4) TEC.**
- g) Article 100a (3) TEC should make it clear that all Community proposals and enactments have to take a high level of environmental protection as their base.**
- h) The use of QMV should be extended to clearly defined areas. Among these, Denmark favours the introduction of taxes in order to resolve cross-border environmental problems. Denmark therefore proposes the addition of a Protocol relating to Article 130s TEC that lists environmental taxes in clearly defined areas. These taxes should be minimum taxes.**

#### **4.5 Spain**

- a) The subsidiarity principle is merely an instrument indicating "who has to do what". It cannot be used as a "weapon" to reduce or enlarge EU competences.**
- b) Spain regards environmental protection as one of the issue-areas involving high costs for national economies. With respect to these policies the government rejects QMV. Rather, unanimity or a "super-qualified" majority should be the rule. It is also pointed out that a combination of both of the latter two procedures or a total exclusion of expensive policies is seen as much less likely.**
- c) By removing Article 189b (8) from the Treaty Spain makes it clear that it does not support the extension of the co-decision procedure to the area of the environment.**
- d) Spain is in favour of enlargement, but opposes any reform of the common policies.**
- e) It rejects the possibility of a Europe "à la carte" but not differentiated integration.**
- f) On the environment, the initial goal should be to achieve suitable implementation of the existing rules. It is not necessary to reinforce the Treaty provisions to this end.**

- g) It should be determined where action should remain the internal responsibility of Member States. But on subsidiarity, Spain does not favour amending Article 3b of the Treaty, although it could endorse inclusion of the Birmingham and Edinburgh declarations in a protocol.

#### 4.6 Finland

- a) Sustainable development must be given priority at the IGC because economic growth and the future enlargement of the EU pose major challenges in terms of the coordination of economic development and environmental protection.
- b) If a list of basic rights of European citizens is to be introduced, the right to a sustainable and safe environment should be included.
- c) The subsidiarity principle must be implemented. **Article 3b TEC, laying down the subsidiarity principle, does not need to be changed whereas it would be useful for its precise implementation to introduce a protocol based on the Edinburgh Resolution.**
- d) The freedom of Member States to implement stricter environmental regulation than what is agreed upon at the European level must be reinforced (Article 100a (4)).
- e) Finland wants a broader application of QMV in matters concerning the environment.
- f) Decision-making procedures for environmental matters should be simplified.
- g) Sustainable development is to become one of the Union's basic objectives (Article b).
- h) Community decisions should aim at a high level of environmental protection.
- i) The integration principle contained in Article 130r (b) must be consolidated by integrating environmental concerns more explicitly into other sectors, particularly the internal market, agricultural, transport, industrial, structural and trans-European networks policy.
- j) QMV is considered helpful for decisions dealing with energy and the introduction of environmental taxes. The latter issue, however, raises the need to discuss the fundamental question of Community competences and decision-making procedures in tax matters.
- k) Despite its importance the subsidiarity principle should not be allowed to impair certain objectives of the Treaty, e. g. protection of the environment.

- l) An extension of the co-decision procedure should be considered favourably.
- m) **Without abandoning the principle of free circulation of goods, the objectives of the sectoral policies should be revised in the light of the principle of sustainable development.**
- n) **The Union should be obliged to take into account environmental matters especially in the areas of the Union's agricultural, transport, education, research and industrial policies.**

#### 4.7 France

- a) In case that not all of the Member States want to go ahead with European integration at the same pace, a general clause should be considered which would allow a group of Member States to proceed faster within the institutional framework of the Union.
- b) QMV should be used more broadly.
- c) **Among the most urgent concerns of European citizens are environmental questions, and the IGC should bring them solutions.**
- d) **In order to reinforce the subsidiarity principle, an institution consisting of representatives of the national parliaments should be created that has to be consulted with regard to this principle.**

#### 4.8 Greece

- a) In order to increase the efficiency of decision-making, QMV should be the rule in environmental matters.
- b) **The need to promote the goal of sustainable development in the implementation of environmental policies should be taken into account. To this end, Greece is in favour of supplementing and strengthening the objectives of the Community's environmental policies.**
- c) **Article 3b TEC already is a very good basis for properly implementing the subsidiarity principle. It should not be used as a cloak for retarding the Union's development.**
- d) **The co-decision procedure should be used as a general rule where legislative measures are concerned. The expression of "legislative measures" still needs to be defined.**

## 4.9 Italy

- a) The EU needs to reinforce its efforts to confront the problems which are most dramatically perceived by the citizens. In this context European initiatives in the field of environmental protection constitute an important investment into the future and a way of raising consciousness for the transboundary character of contemporary challenges.
- b) One of the priorities of Europe's citizens is sustainable growth.
- c) The Union's environmental policy must become more comprehensive, making the most of the initiatives aimed at defining new instruments and objectives for sustainable development.
- d) Other policies, be they economic, fiscal, industrial or cooperation policies must interact with environmental policy.
- e) In order to deal effectively with the challenges of diversity and enlargement, the Italian government proposes to change EU decision-making procedures and to discuss the idea of differentiated integration. The maintenance of the *acquis communautaire* ("patrimonio comunitario") including, among other things, a strengthened supranational environmental policy, is one of the essential conditions for the acceptability of a strategy of differentiated integration.
- f) The subsidiarity principle should not be used to "re-nationalize" policies which today are dealt with at the supranational level.
- g) QMV must be applied much more broadly.
- h) As would be consistent with the introduction of a hierarchy of norms, questions decided by a qualified majority in Council should be subjected to the co-decision procedure.
- i) Italy stresses the importance of the subsidiarity principle. It feels, however, that over-emphasizing subsidiarity could undermine the Commission's competence to submit proposals, re-fragment the single market, and affect the uniform nature of Community law.**
- j) On the subject of differentiated integration, the revised Treaty should explicitly set out this principle, alongside a series of indispensable conditions for its operation.**

## 4.10 Ireland

- a) A high-quality environment can be a stimulus to innovation and can promote

**employment. A strong and visible environmental role can be important in bringing the Union close to its citizens. Ireland will continue to support the development of environmental policies at EU level.**

- b) Ireland favours a unified approach to European integration. Any kind of multi-speed or hard-core system would be assessed in the light of the national interest.
- c) Ireland does not oppose further enlargement of the Union, but it must not lead to the creation of an exclusive hard core of member states.**
- d) QMV should be used more widely, although some areas which are highly sensitive for individual countries are to continue to be subjected to unanimity.
- e) The co-decision procedure is to be extended to new fields.
- f) For a successful implementation of the environmental policy at the level of the Union, environmental considerations should be properly integrated into other policy areas such as industry, agriculture, energy, transport and tourism.**
- g) The Union's policy on nuclear energy should take into account the protection of the environment. Ireland proposes to copy the provisions of Article 130r TEC into the EURATOM Treaty.**

#### **4.11 Luxemburg**

- a) The government supports an extension of QMV. However, in matters which touch on issues of national sovereignty, for example taxation, unanimity should continue to be a requirement.
- b) All questions decided by QMV in the Council are to be subjected to the co-decision procedure.
- c) In order to ensure that economic development does not have a negative impact on the environment, environmental policy should be an important topic at the IGC.
- d) Enlargement will not be opposed but should not take place if it is not undertaken on the basis of an enforced Union.**
- f) The European Union's role should be enhanced wherever national measures are insufficient. The environment is one of these areas.**
- g) The Union must content itself with implementing only minimal common standards as a basis ("socle") from which the member states, according to their national peculiarities, will start.**

#### 4.12 Netherlands

- a) While the government generally supports the conclusions of the Molitor Committee on deregulation, it expresses support for new regulations in selected fields, e. g. social and environmental policy.
- b) A Europe "à la carte" is rejected and the Netherlands are not in favour of the Member States being free to choose at will for integration in some areas and not in others as far as the internal market and supplementary policies are concerned.
- c) Enlargement will not be opposed but should not take place if it is not undertaken on the basis of an enforced European Union.**
- d) The IGC should not rule out the notion of a multi-speed Europe. The Treaty should specify criteria and provisions for a selective process of multi-speed integration.**

#### **(Former paragraph c) of Reference 1 ---)**

- e) Although, in principle, the formation of leading groups of countries poses extremely difficult questions, small groups should nonetheless be given the opportunity to take more far-reaching measures, e. g. in the social and environmental fields.
- f) Council decisions must, in principle, be reached on the basis of a qualified majority. However, exceptions are justified for, among other things, fiscal matters.
- g) The co-decision procedure should replace the cooperation procedure.
- h) Citizens must have a substantial access to information and also adequate means of appeal.

#### **(Former paragraph a) of Reference 3 ---)**

- i) Environmental legislation should be clarified with a view to integrating environmental policy into the other Community policies.**
- j) The application of the subsidiarity principle should be improved on the basis of better-argued proposals from the Commission. The principle of subsidiarity should play a larger role in order to define where and when the Union should take measures.**
- k) Article 100a (3) should state that not only the Commission but also the other EU institutions must base their decisions on a high level of environmental protection.
- l) Article 100a must be clarified in so far as the right of Member States to maintain stricter environmental standards is concerned.
- m) The right of a Member State to maintain or introduce stricter environmental

legislation must not be dependent on whether this state voted in favour or against the respective EU regulations. The Commission should decide within a period of 2 to 3 months whether a national measure concerning the environment is compatible with the Treaties.

- n) If a group of Member States wants to use economic and fiscal instruments to promote environmental protection, then these states should be allowed to progress collectively

#### 4.13 Portugal

(Former paragraph a) ---)

- a) QMV should be used more frequently.
- b) All questions decided by QMV in the Council are to be subjected to the co-decision procedure.
- c) **The provisions set out in the TEU, further developed by the Edinburgh European Council and consolidated in the institutional declaration of November 1993, are sufficient for the full application of the subsidiarity principle. Portugal does not favour including an exhaustive or restrictive "list of powers of the Union" in the Treaty.**
- d) **Portugal rejects any kind of differentiated integration which would permanently institutionalize a differentiation between groups of Member States, since this would lead to the dissolution of the Union. It feels that any "hard core" solution can only be viable if the common objective is defined by all, with its implementation alone being subject to differentiated time schedules.**
- e) **Environmental policy should be compatible with the Union's other fields of action and suitably linked to the cohesion policies.**
- f) **Portugal considers the enlargement to be a strategic imperative for Europe's future stability. But this should not lead to a change of the Union's present characteristics.**

#### 4.14 Sweden

- a) One of the fundamental interests of Sweden at the IGC is to promote closer cooperation to achieve more effective environmental policy.
- b) Frequently, the European level is the most appropriate for dealing with environmental protection. Therefore, the government opposes efforts to use the



subsidiarity principle to “re-nationalize” environmental policy.

- c) The citizens’ right to a good environment should be accentuated in the Treaties.
- d) Public access to information concerning the environment must be improved.
- e) Enlargement of the EU will have beneficial environmental effects for the new Member States as well as for Sweden.
- f) With regard to all decisions concerning the environment QMV should replace unanimity.
- g) The principle of sustainable development - agreed upon at the Rio Conference after the Maastricht Treaty had been concluded - must be reflected more clearly in the Treaty.
- h) The principle that EU environmental standards must safeguard a high level of protection should be reaffirmed more clearly.
- i) EU environmental regulation should essentially consist of minimum standards. The Member States may, if they so wish, implement stricter rules.
- j) Integration of environmental concerns into other issue-areas was one of the fundamental ideas which inspired the action plan (Agenda 2a) adopted at the Rio conference. This principle must be reflected more clearly in the Treaties. In order to enhance the integration of environmental concerns into other policies, it should also be possible to oblige the Commission to carry out an environmental impact assessment, taking into consideration other policy areas.
- k) Environmental protection should become one of the goals of the CAP (Article 39).
- l) The transport and network policies should take account of a sustainable development (un développement viable) concerning the environment.**
- m) The protection of the environment may justify trade barriers.**
- n) The government is examining to what extent protection of the environment could be strengthened in the Euratom Treaty.
- o) The substitution principle (i.e the use of the least dangerous product for the environment) as applied in Sweden should become a Community norm.

#### **4.15 United Kingdom**

- a) QMV should not be extended, particularly not with respect to issues which are at

the heart of national sovereignty, such as taxation, foreign policy or defence.

- b) There is no need for broader application of the co-decision procedure.
- c) The principle of subsidiarity should play a larger role.
- d) Progress is needed at a European level to achieve a real and lasting improvement in animal welfare standards.

## **5. Reflection Group**

- a) Since the environment has cross border effects and is essential for survival, the IGC should examine how the capacity of the EU to act more efficiently in this area can be improved and which tasks should be left to the Member States.
- b) Reform must equip the Union with the necessary means to give priority to the problems which are of the greatest concern to the citizens. One of these problems is environmental degradation.
- c) Public opinion presses for greater awareness of the limits imposed by the environment and sustainable development.
- d) A majority of Member States is prepared to consider extension of QMV with regard to the environment. However, any financial consequences which such a step may involve still pose a problem.
- e) Correct application of subsidiarity and appropriate recognition of the principle of sufficient means may facilitate the introduction of QMV for questions concerning the environment.
- f) More involvement of the EP through co-decision could be possible.
- g) Means to strengthen enforcement and implementation of EU environmental regulations should be considered.
- h) The incorporation into the Treaty of the principle of sustainable development agreed upon at the Rio Conference may be discussed.
- i) Priority should be given to taking account of the environmental dimension of Community policies.
- j) An inclusion of the environment into Article 36 (restrictions on imports), Article 39 (objectives of the CAP), Article 74 (transport), Article 129b and the following provisions (trans-european networks) may be possible.

- k) Improvement of the possibilities offered to Member States by Article 100a (4) for laying down higher national environmental standards could be considered.
- l) Efforts by some Member States to reform the Euratom Treaty appear to meet with resistance from others.

## **CONCLUSIONS AND ASSESSMENTS**

***I. Since one of the priorities of the IGC is to meet the expectations of the Union's citizens, and environmental questions are seen among their major concerns, this subject, among others that are likely to affect it indirectly, has been extensively discussed at the conference.***

- 1. Place of the environment in the general objectives of the Treaty by amending the Preamble and Article B TEU as well as Article 2 TEC.**
- 2. Integration of environmental protection into all sectoral policies by introducing a new Article 3d TEC.**
- 3. Explicit provisions in certain sectoral policies that environmental protection requirements must be taken into account.**
- 4. Extension of QMV in relation to the environment.**
- 5. Introduction of more stringent national environmental provisions without upsetting the principles and operation of the internal market.**
- 6. More effective application of the subsidiarity principle either by referring to, or by incorporating, the Edinburgh European Council conclusions.**
- 7. Extension of the range of areas in which the co-decision procedure applies.**
- 8. "Differentiated integration", allowing Member States to cooperate more closely in specific areas using the institutional framework of the Union.**

***II. On some of the above items agreement between the Member States appears to be easier than on others. Lately, broad convergences have appeared with regard to the following issues:***

- 1. Reinforcement of sustainable development.**
- 2. Giving more teeth to the Preamble, Article B TEU and Article 2 TEC.**

3. No annex to the Treaty with regard to taking into account the environment in all individual policies.
4. Integral part of all EU policies.
5. Participation in the implementation of common policies (Articles 130u (3), 130a and 130b TEC)
6. No change to Article 3b TEC, but inclusion of a new protocol based on the definitions agreed at Edinburgh.
7. Rejecting a Europa "à la carte".
8. Differentiated Integration acceptable only under the same or similar conditions to those laid down by the reflection group.
9. Opposition to a new common energy policy.

***III. More controversial suggestions have also been discussed among the Member States:***

1. More stringent national provisions on the environment (Article 100a (4) TEC).
2. Abandon unanimity (Article 130s TEC) and use QMV in environmental matters.
3. Application of codecision procedure.

***IV. Finally, the following proposals have been, or at least are likely to be, the most controversial:***

1. Inclusion of a new title on animal welfare.
2. QMV on economic and fiscal instruments to promote environmental protection.
3. Co-decision concerning economic and fiscal instruments to promote environmental protection.
4. The environmental issues raised in connection with the integration of the ECSC and Euratom treaties into the Treaty.

**V. As the IGC has already shown, environmental matters are dealt with as earnestly as any other subject. It even seems possible that agreements might be achieved on a number of questions raised. But these points are of a rather general character (general support, sustainable development) or of only indirect relevance for environmental policy (QMV, subsidiarity). Furthermore, the Member States, during this first year of the IGC, did not, and still do not seem to, tend towards radical changes of their opinions. Therefore, substantive outcomes for the better of the environment are still difficult to predict.**

\* \* \* \* \*

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## Annex

### ATTITUDES TOWARDS ENVIRONMENTAL ISSUES IN THE CONTEXT OF THE IGC

	EP	Coun- cil	Com	A	B	D	DK	E	F	FIN	GR	I	IRL	L	NL	P	S	UK
general support	+	o+	+	+	+	o	+	o	o	+	o	+	o	+	+	o	+	o
preamble	+	o	o	o	o	o	+	o	o	o	o	o	o	o	o	o	o	o
Art. 2, 3 (task, objectives)	+	o	+	+	o	+	+	o	o	+	o	o	o	o	o	o	+	o
sustainable development	+	o	+	+	o	+	+	o	o	+	o	+	o	o	o	o	+	o
QMV	+	o+	+	+	+	o+	+	-	o+	+	+	+	o+	o+	o+	+	+	-
co-decision	+	o+	+	+	+	o+	o	o	o	o+	o	+	o+	o+	+	+	o	-
subsidiarity	o	o+	o	o	o	o	o+	o-	o	o+	o	o+	o	o	o	o	o-	+
multi-speed	o+	o	o+	o+	o+	o	o	o	+	o+	-	o+	-	o	o+	o	o	o
"a la carte"	-	o	-	-	-	o	o	o	o	o	o	o	-	o	-	o	o	o
differentiated integration	o	o	o	o+	+	o	o	o	+	o	-	o+	-	o	+	-	o	o
minimal standards	+	o	o	o	+	+	+	o	o	+	o	o	o	o	+	o	+	o
high level (Art. 100a 3)	+	o	o	+	o	+	+	o	o	+	o	o	o	o	+	o	+	o
integration	+	o	+	o	o	+	+	o	o	+	o	+	o	o	+	o	+	o
structural policy	+	o	o	o	o	o	+	o	o	+	o	o	o	o	o	o	o	o
agricultural policy (Art. 39)	+	o	o	+	o	o	+	o	o	+	o	o	o	o	o	o	+	o
internal market	o	o	o	o	+	o	o	o	o	+	o	o+	o	o	o	o	+	o
commercial policy	+	o	o	o	+	o	o	o	o	o	o	o	o	o	o	o	o	o
industrial policy	+	o	o	o	o	o	o	o	o	+	o	o+	o	o	o	o	o	o
transport policy	+	o	o	o	o	o	+	o	o	+	o	o	o	o	o	o	o	o
networks	+	o	o	o	o	o	+	o	o	o	o	o	o	o	o	o	o	o
free circulation of goods (Art. 36)	o	o	o	+	o	+	o	o	o	o	o	o	o	o	o	o	o	o
animal welfare	+	o	o	o	o	o	o	o	o	o	o	o	o	o	o	o	o	+
taxation, levies	o	o	o	o	o	o-	+	o	o	o+	o	o+	o	o-	o+	o	o	o
euratom	+	o	o	o	o	-	o	o	o	o	o	o	o	o	o	o	o+	o
enlargement	o	o	o	o+	o	o	o+	o	o	o	o	o	o	o	o	o	+	o

In most cases, the indications should be taken as a rough guide only. For clarifications and details see foregoing text.

- + = in favour
- o+ = tending towards support
- o = no pronouncement, fundamentally neutral
- o = tending towards rejection
- = opposed