

**Fifth Joint Conference on
Agriculture, Food, and the Environment**

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University of Minnesota
Center for International Food and Agricultural Policy

Università degli Studi di Padova
Dipartimento Territorio e Sistemi Agro-forestali

Agricultural Development Agency - Veneto Region

University of Perugia

University of Bologna - CNR

**SESSION VI: AGRICULTURAL POLICY AND SUSTAINABLE
DEVELOPMENT II**

PAPER 4: EUROPEAN UNION ENVIRONMENTAL POLICY

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FOREWORD

This volume contains the papers presented at the Fifth Joint Minnesota/Padova Conference on Food, Agriculture, and the Environment held at Abano Terme, near Padova in Italy, June 17-18, 1996. This conference was organized by the Center for International Food and Agricultural Policy at the University of Minnesota and the Dipartimento Territorio e Sistemi Agro-forestali at the Università degli Studi di Padova (University of Padova) under their international collaborative agreement, along with the Agricultural Development Agency - Veneto Region, the University of Perugia, and the University of Bologna - CNR. The first Joint Conference was held in Motta di Livenza, Italy in June 1989, the second in Lake Itasca, Minnesota in September 1990, and the third in Motta di Livenza in June 1992. The Fourth Joint Conference was held in September 1994 at the Spring Hill Center in Minnesota.

This conference focused on topics of mutual interest in the areas of (1) agricultural and resource policy, (2) land markets, (3) the food and agricultural industry, (4) agriculture and the environment, and (5) agricultural production and environmental quality and sustainability. Although the conference was not intended to provide a comprehensive coverage of all the issues, this volume hopefully represents a useful contribution to current understanding and debate in the areas of food, agriculture, and the environment.

Judy Berdahl, secretary for the Center for International Food and Agricultural Policy at the University of Minnesota, assisted with these Proceedings.

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5th Joint Conference on "Agriculture, Food and the Environment"
Abano Terme, June 17-18 1996

European Union environmental policy

by

Wilma Viscardini Donà
(University of Padua)

1. Premise

Environment is fast bound to the concept of "sustainable development", confirmed by the Final Act of Marrakech, at the end of Uruguay Round Negotiations. Thus, in the Preamble of the Agreement creating the World Trade Organisation (WTO), all the contracting parties have recognized the aim of a sustainable development directed to protect and preserve the environment.

This important Preamble belongs now to the juridical framework of the European Community (*) and is more and more conditioning the sectoral policies as wells as the global strategies of the EU and of the Member States. It is useful to remember that, in the context of WTO, a special committee has been instituted for studying the compatibility among production, transformation, environment and sustainable development.

As far as the relation between agriculture and environnement is concerned, I would press that the agriculture is subjected to natural, external negative agents (dry weather, hail, etc.). For this reason agriculture was tradionally definied as an *activity exposed to an environmental risk*, that justified a favourable legislation for farmers.

(*) Hereinafter we use the expression "European Union" (EU) that has been established in 1993 by the Maastricht Treaty . However I would precise that the European Union includes the European Communities instituted in different years:
ECSC (European Coal and Steel Community) - 1951
EEC -now EC- (European Economic Community) - 1957
EAEC (European Atomic Energy Community)- 1957

However, in the past 40 years, agriculture has undergone a technological revolution so important that it can now dominate environment and, furthermore, damage it. Therefore, that expression has to be read in a different, contrary meaning; so that we could say that environment is now exposed to *an agriculture risk*.

So that the Agreement of Marrakech concerning the Agriculture provides for "non- commercial aspects" like alimentary security and environment protection.

2. EU juridical power on environmental policy

Only in 1987 the development of the EU competence about environment has taken a strong step forward by the Single European Act. It is a new Treaty between the Member States amending the primary Treaties. In particular, some specific provisions have been introduced for conferring powers in the environmental field to the european institutions.

Before the Single European Act, EU hadn't an attribution of competence regarding environment. It was necessary to use Articles 100 and 235 of EEC Treaty. The principal objective was the fulfilment of the common market and, only indirectly, the environment protection.

A first formal step was made with the Directive 67/548 concerning covering, classification, packing and labelling for dangerous chemicals.

From 1972 the guidelines of a environmental policy were drawn in specific programmes:

I^a 1973

II^a 1977

III^a 1983

IV^a 1987

V^a 1992 (into force, with some amendments, until 2000)

If the first two programmes were a large member of essential remedial measures seen as necessary for environment protection, is the third programme that makes clear some principles and aims of EU environmental policy.

In application of them, some harmonizing dispositions entered into force in the beginning of Seventies.

I would mention :

Directive 73/404 concerning detergents

Directive 75/440 concerning quality of drinking water

Directive 75/442 concerning waste management

Directive 76/160 concerning bathing water (seawater or lakewater)

Many initiatives - that obviously concerned strictly the production methods, public administration management etc.- were delayed because of the economic crisis (oil crisis of 1973-74 and 1980-81 and the following recessions).

We wouldn't have had a strong engagement of EU in the environmental field if some important accidents hadn't occurred in the previous years:

In november 1986 between 10 and 30 tonnes of chemicals (among them deadly mercury components escaped into the Rhine by a chemicals plant near Basle in Switzerland. This "poisoned wave" menaced the banks of Germany , France and Netherland killing millions of fishes and wild life along the way, forcing Dutch citizens to seek alternative drinking water supplies. It continued its trail of destruction up to the North Sea.

It occurred other ones in the 1980's:

- the leak of Dioxin at Seveso, Italy
- the destruction of forests in Germany because of acid rain.
- the radioactive cloud by Chernobyl in 1986.

The Members States realized that was necessary a direct jurisdiction "beyond the borders".

Environment protection had to become a theme of major significance. This is true for the Members States and the EU as a whole: it is common knowledge that pollution is no respecter of frontiers and it is therefore essential to fight it on the widest possible scale.

Therefore the juridical frame was amplified and cleared by the most important amendments of the Treaty of Rome:

- the Single European Act (1987) - as I said
- and, in less measure, the Treaty of Maastricht

Essential point is the introduction in the EEC Treaty of Article 130 R.

3. Article 130 R

It's the present basis of environmental policy; it provides that:

1. Community policy on the environment shall contribute to pursuit of the following objectives:

- *preserving, protecting and improving the quality of the environment;*
- *protecting human health;*
- *prudent and rational utilization of natural resources;*
- *promoting measures at international level to deal with regional or worldwide environmental problems.*

2. Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. Environmental protection requirements must be intergated into the definition and implementation of other Community policies.

In this context, harmonization meausures answering these requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a Community inspection procedure.

3. In preparing its policy on the environment, the Community shall take account of:

- available scientific and technical data;*
- environmental conditions in the various regions of the Community;*
- the potential benefits and costs of action or lack of action;*
- the economic and social development of the Community as a whole and the balanced development of its regions.*

4. Within their respective spheres of competence, the Community and the Member States shall cooperate with third countries and with the competent international organizations. The arrangements for Community cooperation may be the subject of agreements between the Community and the third parties concerned, which shall be negotiated and concluded in accordance with Article 228.

The previous subparagraph shall be without prejudice to Member States competence to negotiate in international bodies and to conclude international agreements.

This provision involves an idea of environmental policy in which economic and social development should be undertaken in such a way as to avoid environment problems.

The protection of the environment constitutes the basis of, but setting limits too, further social and economic progress.

Furthermore, it has become a central imperative that the definition and implement of the others European policies (industry, agriculture, transports, energy, research, security) must have into account the environment protection requirements (Article 130 R par. 2).

A second principle, formally established by the same article 130R par.2 of the EU Treaty is that "the polluter should pay".

In line with this approach, the EU has provided, on one hand, an extension and improvement of the dispositions already entered into force and, on the other, valuable financial support for demonstration projects at developing clean technologies, techniques for recycling and reusing waste, locating and restoring sites contaminated by waste and hazardous substances, and methods for measuring the quality of the natural environment.

As regards the second aspect, I have to remember that of environmental policy has financial costs (increasingly for the next years), the cost of doing nothing is higher.

One study in Germany has estimated that the effects on health by air pollution (including lost working hours, medical cost, and the cost in human life) amounts to between 1,1 and 2,7 millions ECU* for year; the loss of agricultural production caused by acid deposition is around 1 billion ECU* per year.

It should be stressed the significant position of the *Court of Justice* in the judgment of 20.9.1988.

Against the observations of the Commission, which argued that the Danish system for requiring returnable containers for beer and soft drinks and licensing types of containers represented a barrier to trade and therefore outlawed with regards to the free market, the Court has declared that it was indeed a limitation on trade but the Danish measure would be justified on the basis of the environment protection. The Court upheld this thesis sustaining that this kind of measures had to be proportionate to the final objective. In the absence of a common rule concerning the trade of these products, the Member State had respected the principle of proportionality minimizing the effects on freedom of exchange.

4. Financial supports and research

To provide financial support I like to remember the *LIFE* that is a special financial instrument for environment to which the Community has granted a support of 450 millions ECU (period 1996-1999) (Value of the ECU in USD on 18.6.96 = 1.25269).

Its tasks consist on, beyond the financing of actions in the Community, technical assistance for the third countries of Mediterranean Sea and Baltic Sea.

Furthermore other financial supports contribute for environmental infra-structures (water provisions, waste management, etc.) Cohesion Fund, Regional Development European Fund, and the specific common initiatives (Urban, Interreg, Rechar, Resider, etc.).

In application of the third paragraph of article 130R (gathering of scientific data, monitoring of e. conditions in the various regions of the EU) the EU has instituted the *European Agency for the Environment* (reg. 1210/90, G.U.C.E. L120/90). Its seat is in Copenhagen and its activity started only last year. Last september it has published a Report about e. conditions in Europe.

5. Legal actions

As regards the adoption of provisions of law, an important weapon for environment protection has been the directive regarding environmental impact assessment (entered into force on 3.7.1988). It integrates ecological awareness into the planning and decision-making process in all sectors, particularly those above mentioned.

However it is even obvious that the application of high environmental standards of protection should no longer be seen as an arbitrary imposition and, therefore, unnecessary cost on productive activities. On the contrary, strict norms must be associated with economic and job creation. It's the reason why the Community, in addition to the adoption of dispositions, has provided different types of actions and programmes relating to the environment for helping and economic and social progress that is a balanced and sustainable.

The environmental legislation is marked by some *general actions and specific actions*..

A. General Actions

Enforcement

It means the possibility of binding instruments concerning the setting of common standards for environmental quality emissions, treatment procedures, waste storage and disposal.

The principal instrument is the directive that, following the definition of Article 189 of the EC Treaty, "*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*".

Education and environment

- pilot project encouraging the teaching of environment studies in primary, secondary schools.

- training schemes for professional people (University staff, engineer, scientists).
- information campaign (1987 european year of the Environment).

Waste Management

More than 2 billions tonnes in the EU every year of which:

60% dumped

33% incinerated

7 % composted

Furthermore, there is the spectre of dangerous moving across Europe in search of the cheapest and least regulated outlets.

The environmental policy is based on three key of solution: waste prevention, waste recycling, safe disposal (creation of clean technologies).

Agriculture

With the regulation n. 2078/92 (G.U.C.E. L 215/92) the EU has provided a development of an agricultural production protecting land from damaging ecological consequences and, especially, the human health.

The farmers are encouraged, by specific aids, to make undertakings regarding farming methods compatible with the requirements of environment protection and maintainance of the countryside.

These aids must compensate farmers for any income losses caused by reduction of the use of fertilizers and, consequently, reduction of production, taking into account objectives of the European agriculture policy (especially: "*to ensure a fair standard of living for the agriculture community, in particular by increasing the individual earnings of persons engaged in agriculture; to stabilise markets; to assure the availability of supplies; to ensure that supplies reach consumers at reasonable prices*").

(Article 39 of the EC Treaty)

The international dimension

Some primary aims are:

- Mediterranean sea and wastlines.
- the level of Ozone.
- chlorofluorocarbons.
- hazardous wastes.
- Third World environment degradation and desertification (f.i. the Lomé Conventions).

B. Specific Actions

Hereinafter more relevant measures are outlined:

Air Pollution

Five main headings:

- air quality standards (guide values and limit values set for sulphur dioxide, nitrogen d. and others).
- product quality standards (maximum sulphur of gas oils (not heavy fuels), lead for petrol).
- clean cars (not only to encourage lead-free petrol, but also to reduce the level of pollutants contained in vehicle exhaust gases).
- air pollution from industrial plants (UE requires Member States to authorize new plants only where all preventive measures have been taken and to use the best available technology , attention to acid rain pollution from power stations, waste incinerating plants and other heavy industrial plants. Emissions of sulphur dioxide are to be cut by 60% from 1980 levels in three stages ending in the year 2003 (40% in 1998; similar for nitrogen oxides).
- chlorofluorocarbons.

Noise

- setting of maximum noise emissions from products, notably motor vehicles, motor cycles, aircraft, tractors, plant and equipment, lawnmowers and house hold appliances.
- protection of workers from noise in industrial plants.
- measures for discouraging sales of noisy motor vehicles.

Water

- prevent the discharge of dangerous substances.
- setting of minimum quality standards for receiving water depending on the final use (drinking, bathing, and so on).
- framework - directive (1976) for preventing pollution by products, because of their toxicity, persistence and bio-accumulation, threaten to the environment and human health.
- specific directives for limiting discharges of various substances as cadmium, mercury, aldrin, dieldrin, endrin, nitrate used in agric. production, etc.
- curbing pollution from less sensational sources (waste dumping from ships, f.i.) .
- protection of the subterranean waters.

Chemicals

- classification, packing and labelling of the hazardous chemicals and screening for the trade in the common market of dangerous substances (information about use, details of safety measures, results of toxicological tests, etc).
- conditions for trade of phito-sanitary products.

Flora and Fauna

- limits of the numbers of species which can be hunted and methods of hunting, trade of wild birds and their habitat.
- prohibition of some animals for commercial purpose (as whales).

Nuclear Energy/Safety

- Member States has to adopt permanent methods of monitoring radioactive levels and communicate to the Commission.
- maximum level of contamination for foodstuffs and certain imported products temporarily banned.
- transport and management of radioactive residues.

- mutual international assistance for health protection measures for areas around a nuclear installation.

6. *Final remarks*

To sum up the topic, I would add that the environment protection passes also through the quality policy. This one is considered an instrument of the common agricultural policy and it has been strengthened, in the latest years, by precise legislative, economic and financial interventions, plans and initiatives.

Quality policy has at least one goal in common with environmental policy, that is protection of human health of the EU citizens. It concerns above all agricultural products and foodstuffs coming from some areas or regions of the EU having specific characters, f.i. the cheese "Parmigiano" or "Camembert", the "Champaigne" and many others. These products are appointed with special abbreviations: POD (protected origin designation) and PGI (protected geographic indication).

With this regulation, the EU intends to safeguard the consumers, improving the quality of life.

The final result is a close relationship between the concept of "sustainable development" -initially mentioned- and agricultural, environmental, quality policies.

We know that we are directing ourselves towards a laden with risks future for all mankind but, at the same time, we can already see tangible signs of a positive process not only for the EU as well as the whole international community.