



## Environmental Audit Committee inquiry: Assessment of EU/UK environmental policy

*Written evidence submitted by Friends of the Earth (England, Wales and Northern Ireland)*

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### Introduction

- 1) Friends of the Earth is the UK's most influential environmental campaigning organisation. We are a unique network of campaigning local groups working in over 170 communities throughout England, Wales and Northern Ireland. We are a member of Friends of the Earth International, uniting 75 national member groups.
- 2) Friends of the Earth is two distinct organisations – Friends of the Earth Trust and Friends of the Earth Limited.<sup>1</sup> As of the tax year 2013-2014, 90% of our income comes from individuals. A very small percentage (1%) of our funding comes from the EU.<sup>2</sup>
- 3) We welcome the opportunity to submit evidence to the Environmental Audit Committee's inquiry to assess the extent to which EU environmental objectives and policies have succeeded in tackling environmental issues in the UK. In summary, Friends of the Earth believes that:
  - The EU is far from perfect, as exemplified by the worrying trend of prioritising economic growth and business interests over social and environmental considerations. ***However, in the field of environmental policy, perhaps more than any other area, the EU has had an overwhelmingly positive effect on the UK.***
  - If the UK exits from the EU but remains a part of the European Economic Area (EEA), ***the huge progress made in improving the UK environment could be lost*** in the absence

of external pressure and auditing from EU actors. Additionally, the UK would still be subject to a wide range of EU laws but with little influence over their content.

- ***A total withdrawal from the EU suggests a much wider erosion of environmental policy*** and risks significant environmental and economic damage to the UK.
- **One of the foremost barriers to the EU pursuing positive environmental policy in the future is the current environmental policy and approach of the UK itself.**

## **Objective 1: To understand the objectives of EU environmental policies, and the extent to which they have helped to address the most important environmental issues to the UK**

### ***What advantages and/or disadvantages does environmental policy making at the EU level offer for the UK?***

- 4) Environmental policy making at the EU levels offers many advantages to the UK.<sup>3</sup> These include but are not limited to:
  - Addressing environmental issues at an EU level ensures a level playing field for EU and UK business and creates an effective regulatory floor/minimum environmental standard across the EU single market. This prevents national regulators from reducing environmental protections in order to grant its industry a competitive advantage.
  - Many environmental problems fail to respect domestic borders, such as air pollution and marine management. As such, they require concerted action of the kind that cannot be undertaken successfully by the UK, or any country, unilaterally.
- 5) Yet, there are emerging signs that environmental protections are becoming de-prioritised within the EU and reframed (wrongly) as barriers to jobs and growth. In a study for Friends of the Earth, Dr Charlotte Burns of the University of York states that this *“worrying trend of prioritising economic growth and business interests is exemplified by the Regulatory Fitness programmes and Transatlantic Trade and Investment Partnership (TTIP) negotiations.”*<sup>4</sup>
- 6) However, as much of the pressure to weaken and undermine EU environmental policy originates from the UK – see for example UK attempts to water down the EU birds and habitats directives<sup>5</sup> – there is little reason to think that leaving the EU would reverse this trend. If anything, the evidence suggests that leaving would exacerbate it further.

***Has the right balance between the objective of setting a flexible common EU framework for tackling cross-border environmental problems, and allowing for distinct national approaches to be taken into account been achieved?***

- 7) In ceding the authority to create environmental policy to the EU all member states, including the UK, have accepted restrictions on their ability to act unilaterally. However, it would be wrong to say that the UK has no influence. There are established decision-making mechanisms and processes in place which ensure national interests are taken into account. Additionally the principle of subsidiarity – that action can only be taken at the EU level if it cannot be satisfactorily enacted at the national, regional or local level – continues to reign supreme throughout the development and agreement of EU legislation.<sup>6</sup>

***How successful has the implementation of EU environmental policy and the role of the EU as an international negotiator on environmental issues been for the UK? In areas where this has fallen short, where could improvements be made?***

- 8) In a Friends of the Earth co-sponsored paper, the Institute for European Environmental Policy (IEEP) list a number of ways the implementation of EU environmental policy has benefited the UK (and other member states).<sup>7</sup> They include (paraphrased and part-quoted):
- *Certain environmental issues have been addressed in the UK, and elsewhere in Europe, that would not have otherwise been on the national agenda. Examples include the prevention of sewage sludge dumping in the North Sea and the suspension of some uses of neonicotinoid pesticides.*
  - *The UK as a participant in global negotiations has gained more influence through its position within the EU and in turn the EU has been able to achieve more, e.g. on climate change, than it would have done if nations had acted alone.*
  - *EU legislation has raised standards relating to products, processes and ecosystems higher than they would otherwise have been in a substantial number of areas (but not in all). The comfort offered by simultaneous action on a European scale has made it more palatable in political and economic terms to raise standards above what otherwise might have been the UK's chosen level.*
  - *In some areas of policy the demands imposed on the authorities concerned are sufficiently large that there are economics of scale from a pooled approach under a single authority as well as with environmental and trade related benefits.*

- *The EU has provided direction, momentum and a sense that environmental standards have to be raised as a strategic priority in policy.*

9) However, recent years have seen the environment seeming de-prioritised as an issue, and increasingly made subservient to a narrative of trade, jobs and growth. This has resulted in EU environmental policy being either delayed, watered down or binned. For example, the 2014 Circular Economy Package, which sought to unlock the environmental and economic opportunities of the circular economy hand-in-hand, is shortly to be re-tabled with a much more explicit focus on jobs and growth.<sup>8</sup> Additionally, regulation to restrict the use of Endocrine-Disrupting Chemicals in pesticides has been delayed due to reported pressures arising from the TTIP negotiations<sup>9</sup> and the Fuel Quality Directive (FQD) was watered down due to pressure from the US and Canada so as to not discriminate against tar sand oil imports.<sup>10</sup>

10) To this regard it must be noted that the UK has been hostile to much of the recent pro-environment policy coming out of the EU. To give just three examples: the UK played a part in undermining the FQD;<sup>11</sup> tried to water down the EU energy efficiency directive;<sup>12</sup> and successfully blocked the adoption of binding national renewables targets for 2030.<sup>13</sup> **Thus, one of the foremost barriers to the EU pursuing positive environmental policy in the future is seemingly the environmental policy and approach of the UK itself.**

## **Objective 2: To understand the implications of EU environmental policies on UK environmental protection.**

### ***Have EU environmental policies taken into account the specific character of environmental issues in the UK?***

11) Environmental issues are often trans-boundary, and the purpose of EU measures is to address concerns at the European level, not at that of the Member State. As such it is not entirely appropriate to judge the impact of environmental policy on the UK in isolation from the broader European or global perspective. However, it is clear that EU environmental policy has, broadly speaking, taken into account the specific character of environmental issues in the UK. The aforementioned IEEP report states that:

*“In considering the impact of EU environmental law on the UK, it is important not simply to focus on the impacts on England, or usually England and Wales. Scotland has and continues to have some common areas of environmental law with England and some areas of difference. The most notable changes due to EU law have been legal (e.g. the adoption of new primary legislation to implement the Water Framework Directive) and political (e.g. to ensure protection of habitats of European importance which were increasingly under threat.) However, without*

*EU law, it is likely that environmental law in Northern Ireland would be seriously lagging behind. Over many years the UK has been subject to infringement proceedings due to failure to transpose EU law in Northern Ireland. While some of this can be explained by changing governance during the troubles, the pressure arising from the EU has meant that environmental protection has not been allowed to take a back seat despite other political preoccupations. On a very much smaller scale is the case of Gibraltar, where there would have been far less impetus to develop environmental legislation without EU law.*

*EU law has, therefore, both provided flexibility for sub-national approaches and prevented parts of the UK from falling behind in achieving contemporary levels of environmental protection. This appears a positive result of EU level action, which very likely would not have arisen if there was simple UK competence on these issues. This has helped produce a more level playing field for business across the UK as well as benefitting the environment.”<sup>14</sup>*

12) It is perhaps possible to make the case that the UK environment would benefit from leaving the EU common fisheries policy (CFP), given the unsustainable fishing practices that have characterised it. However, it is unclear that leaving the EU would have a major impact. Many of the headline issues were resolved in 2013, and while the UK would take back control of fish within its exclusive economic zone, its authority would be limited; there is no guarantee that the UK would be able to secure migratory fish for itself, and the UK will remain subject to a range of international agreements. Consequently, it seems unlikely that the UK's quotas would change a great deal if we were to leave the EU.<sup>15</sup>

### **How effective have EU environmental policies been in addressing environmental issues in the UK? What work needs to be done?**

13) EU membership has had a profound impact on UK environmental policy. In the 1970s and 80s the UK earned the unattractive reputation for being the 'Dirty Man of Europe'. We had the highest sulphur emissions in the EU and our seas were characterised as open sewers. The policies pursued by environmentally progressive countries such as Germany and Denmark have driven up standards in the EU as well as acting to prevent the weakening of environmental policies by less progressive states, such as the UK. Today, many of the most important UK environmental policies and priorities are those that have emerged via the EU.<sup>16</sup> For example:

- The EU's bathing water directive has led to marked improvement in the quality of UK beaches and bathing water.<sup>17</sup>
- EU legislation such as the air quality framework directive and related 'daughter' directives have seen our emissions of sulphur dioxide and nitrous oxide fall significantly. Where problems do exist, UK citizens can now rely on their rights being enforced under EU law.<sup>18</sup>

Without external pressure and legal avenues afforded by EU membership it is unlikely that policy-makers would take the measures needed to secure citizens' health, as the reluctance to address air quality in urban centres on grounds of cost testifies.<sup>19</sup>

- The EU provides policies to protect UK wildlife under the Natura 2000 habitats and birds directives. Protected sites in the UK were being lost at a rate of 15% a year before the adoption of the directives, but that rate declined to just 1% a year following their implementation.<sup>20</sup> Yet, despite George Osborne's claims that wildlife protection rules were "*placing ridiculous costs on British businesses*" being revealed as false in more than 99.5% of cases,<sup>21</sup> the UK has continued to push for a review of the legislation at the European level as part of the Regulatory Fitness and Performance Programme.

14) There are still things to be done. The UK must push the EU to support a fair and ambitious climate deal based on principles of historic responsibility at COP21. Additionally the UK should stop dragging its heels on air quality; stop promoting policies and approaches – for example TTIP – that threaten to weaken the effectiveness of EU environmental policy; and seek to actively enhance progressive EU led initiatives such as the circular economy package.

15) Leaving the EU would likely only serve to put downward pressure on UK environmental policy. If the UK were to leave and instead become a member of the EEA **we would no longer be subject to certain important pieces of environmental regulation including the bathing waters, birds and habitats directives**, and will have little say over other key areas of European regulation which we will nevertheless remain subject, for example pollution controls on industry or rules on product policy.<sup>22</sup>

16) If we were to leave the EU but not join the EEA it seems inevitable that we would see a watering down of environmental policy. The spectre of 'red-tape' is invoked as a key area for renegotiation with our European partners and in recent times the UK government has failed to play a leading roles in the environmental policy field while actively obstructing progressive legislation. (Examples of this can be found in Paragraph 10.) Furthermore, domestic attacks on the green energy sector,<sup>23</sup> repeated criticism of the nature protection laws,<sup>24</sup> and the government's concerted effort to push through shale gas extraction<sup>25</sup> undermines any suggestion that environmental protection would remain a political priority post-exit. However, it should be noted that some of the potential negative impacts would be tempered by the likelihood that we will have to maintain some EU rules in order to sell products within the EU.<sup>26</sup>

## What impact has EU environmental policy had on the UK's businesses which are effected by the policies?

17) Making environmental policy at an EU level has one clear advantage to businesses operating in the UK and across Europe: instead of having to conform to 28 different sets of environmental standards and regulation, they only have to conform to one. This removes 'red tape' and costly barriers to entry, meaning firms that wish to start exporting can compete on a level playing field. To this regard, 71% of UK businesses surveyed by the Confederation of British Industry (CBI) believe that the EU has been positive for UK companies.<sup>27</sup>

18) Ambitious European environmental policies also offer business opportunities to progressive UK firms as they can become leaders in developing new technologies. The UK has the potential to be at the forefront of investments into carbon, capture and storage and renewables in order to meet our EU obligations. The CBI suggest that green business accounts for 8% of GDP, a third of UK growth in 2011-2012 and could add a further £20 billion to the UK economy.<sup>28</sup>

## Key references

Dr Charlotte Burns for Friends of the Earth (2015), 'The EU Referendum and the environment':

[www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf](http://www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf)

Friends of the Earth (2015), 'Our Position Paper on: European Union Membership':

<https://www.foe.co.uk/sites/default/files/downloads/policy-position-european-union-membership-81703.pdf>

IEEP (2013), 'Report on the influence of EU policies on the environment':

[http://www.ieep.eu/assets/1230/Final\\_Report\\_-\\_Influence\\_of\\_EU\\_Policies\\_on\\_the\\_Environment.pdf](http://www.ieep.eu/assets/1230/Final_Report_-_Influence_of_EU_Policies_on_the_Environment.pdf)

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<sup>1</sup> Friends of the Earth, 2015. 'Trust and Limited'. [http://www.foe.co.uk/what\\_we\\_do/about\\_us/friends\\_earth\\_trust\\_limited](http://www.foe.co.uk/what_we_do/about_us/friends_earth_trust_limited)

<sup>2</sup> Friends of the Earth Trust, 2014. 'Report and Accounts for the year ending 31 May 2014'. <https://www.foe.co.uk/sites/default/files/downloads/friends-earth-trust-annual-accounts-2013-2014-75360.pdf>

<sup>3</sup> IEEP, 2013. 'Report on the influence of EU policies on the environment'. [http://www.ieep.eu/assets/1230/Final\\_Report\\_-\\_Influence\\_of\\_EU\\_Policies\\_on\\_the\\_Environment.pdf](http://www.ieep.eu/assets/1230/Final_Report_-_Influence_of_EU_Policies_on_the_Environment.pdf) page ii

<sup>4</sup> Charlotte Burns, 2015. 'The EU Referendum and the environment', *Friends of the Earth*. [www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf](http://www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf) page 1

<sup>5</sup> Damian Carrington, 2012. 'Osborne's claim wildlife rules too costly for business challenged by own review', *The Guardian*. <http://www.theguardian.com/environment/2012/mar/22/conservation-business-review>

<sup>6</sup> IEEP, 2013. 'Report on the influence of EU policies on the environment'. [http://www.ieep.eu/assets/1230/Final\\_Report\\_-\\_Influence\\_of\\_EU\\_Policies\\_on\\_the\\_Environment.pdf](http://www.ieep.eu/assets/1230/Final_Report_-_Influence_of_EU_Policies_on_the_Environment.pdf) page 5

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<sup>7</sup> Ibid, page 7

<sup>8</sup> David Powell, 2014. 'And breathe: how we helped stop the European Commission killing new green laws', *Friends of the Earth*. <https://www.foe.co.uk/blog/breathe-how-we-helped-stop-european-commission-killing-new-green-laws>

<sup>9</sup> Zachary Davies Boren, 2015, 'TTIP controversy: EU drops pesticide laws because US says it should', *The Independent*. <http://www.independent.co.uk/news/world/europe/ttip-controversy-eu-drops-pesticide-laws-because-us-says-it-should-10270199.html>

<sup>10</sup> James Crisp, 2015, 'Canada tar sands will not be labelled 'dirty' after all', *EurActiv*. <http://www.euractiv.com/sections/energy/canada-tar-sands-will-not-be-labelled-dirty-after-all-310910>

<sup>11</sup> Craig Willy and Arthur Neslen, 2011, 'UK accused of stalling EU tar sands regulation', *The Guardian*. <http://www.theguardian.com/environment/2011/oct/27/uk-eu-tar-sands-regulation>

<sup>12</sup> Fiona Harvey, 2012, 'UK government waters down EU energy efficiency deal', *The Guardian*. <http://www.theguardian.com/environment/2012/jun/14/uk-government-eu-energy-efficiency>

<sup>13</sup> Henriette Jacobsen and James Crisp, 2014, 'EU leaders adopt 'flexible' energy and climate targets for 2030', *EurActiv*. <http://www.euractiv.com/sections/eu-priorities-2020/eu-leaders-adopt-flexible-energy-and-climate-targets-2030-309462>

<sup>14</sup> IEEP, 2013. 'Report on the influence of EU policies on the environment'. [http://www.ieep.eu/assets/1230/Final\\_Report\\_-\\_Influence\\_of\\_EU\\_Policies\\_on\\_the\\_Environment.pdf](http://www.ieep.eu/assets/1230/Final_Report_-_Influence_of_EU_Policies_on_the_Environment.pdf) page 15

<sup>15</sup> Charlotte Burns, 2015. 'The EU Referendum and the environment', *Friends of the Earth*. [www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf](http://www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf) page 6

<sup>16</sup> Ibid, page 2.

<sup>17</sup> European Environment Agency, 2015. 'State of bathing water'. <http://www.eea.europa.eu/themes/water/status-and-monitoring/state-of-bathing-water>

<sup>18</sup> ClientEarth, 2015. 'UK Supreme Court orders Government to take "immediate action" on air pollution'. <http://www.clientearth.org/news/press-releases/uk-supreme-court-orders-government-to-take-immediate-action-on-air-pollution-2843>

<sup>19</sup> Environmental Audit Committee – Seventh Special Report, 2012. 'Air quality: A follow-up report: Government Response to the Committee's Ninth Report of Session 2010-12'. <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmenvaud/1820/182002.htm>

<sup>20</sup> Arthur Neslen, 2015. '100 British conservation groups oppose review of EU wildlife laws', *The Guardian*. <http://www.theguardian.com/environment/2015/may/12/100-british-conservation-groups-oppose-review-of-eu-wildlife-laws>

<sup>21</sup> Damian Carrington, 2012. 'Osborne's claim wildlife rules too costly for business challenged by own review', *The Guardian*. <http://www.theguardian.com/environment/2012/mar/22/conservation-business-review>

<sup>22</sup> Charlotte Burns, 2015. 'The EU Referendum and the environment', *Friends of the Earth*. [www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf](http://www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf) page 5-7

<sup>23</sup> Adam Vaughan and Terry Macalister, 2015. 'The nine green policies killed off by the Tory government'. *The Guardian*. <http://www.theguardian.com/environment/2015/jul/24/the-9-green-policies-killed-off-by-tory-government>

<sup>24</sup> Damian Carrington, 2012. 'Osborne's claim wildlife rules too costly for business challenged by own review', *The Guardian*. <http://www.theguardian.com/environment/2012/mar/22/conservation-business-review>

<sup>25</sup> Piilta Clark and Andrew Bounds, 2015. 'Ministers freed to intervene in fast-track fracking drive.' *The Financial Times*. <http://www.ft.com/cms/s/0/a346b038-4114-11e5-b98b-87c7270955cf.html#axzz3qR1QJUEL>

<sup>26</sup> Charlotte Burns, 2015. 'The EU Referendum and the environment', *Friends of the Earth*. [www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf](http://www.foe.co.uk/sites/default/files/downloads/eu-referendum-environment-81600.pdf), page 8.

<sup>27</sup> CBI, 2013, '8 out of 10 firms say UK must stay in EU – CBI/YouGov survey'. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey/>

<sup>28</sup> CBI, 2012, 'The colour of growth: Maximising the potential of green business.' [http://www.cbi.org.uk/media/1552876/energy\\_climatechangerpt\\_web.pdf](http://www.cbi.org.uk/media/1552876/energy_climatechangerpt_web.pdf)