

**ENVIRONMENTAL POLICY IN THE EUROPEAN  
UNION – THE LEGISLATIVE FRAMEWORK  
AND THE INSTITUTIONAL ACTORS**

**POLITICA DE MEDIU A UNIUNII EUROPENE –  
CADRUL LEGISLATIV I ACTORII INSTITU IONALI**

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***Abstract:** This article analysis the increasingly important role of the European Union environmental policy, making a short presentation of the rational, principles, objectives, instruments, legislative framework and institutional actors of European environmental policy. Issue under discussion have a long history and now, the environment policy has become a EU's central objectives, and its environment protection directions are deemed as binding for the member states. The key message is the necessity to achieve a decoupling of economic growth from environmental pressures in line with sustainable development.*

***Key words:** environmental policy, EuropeanUunion*

**INTRODUCTION**

Came into being on the European agenda in the beginning of the 1970s, the concern for the environment gained a clear feature once the Club of Rome gave the signal, regarding the natural resources and the deterioration of the quality of water, air and soil.

Once the awareness of the negative consequences of the economical development upon nature, biosphere and the society also, was realized, the communitarian policy was created two years later (1972), policy which developed into one of the most important communitarian policies.

Its importance is due to the fact that the environmental policy became the EU's central objective, and the aspects of protecting the environment are considered to be mandatory for the EU member states.

**MATERIALS AND METHODS**

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- § *the principle “the polluter pays”*- takes into consideration that the polluter has to bear the damages, the price of these measures will be reflected into the production cost of the goods or services that caused the pollution;
- § *the principle of the preventive action*- sustains the premises that it is better to prevent than to fight against;
- § *the principle of precaution while making decisions* – stipulates taking precaution decisions when an activity threatens to alter the environment or the human health, even though a cause-effect relationship isn't scientifically proven;
- § *the principle of ensuring a high level of environmental protection* – stipulates that the environmental policy of the EU to aim at a high level of protection;
- § *the principle of integration* – stipulates that all the environmental protection requirements to be present in defining and implementing other policies at the communitarian level
- § *the principle of proximity* – has as its aim to encourage the local communities to take the responsibility for the waste and pollution they produce.

The legal basis of the environmental policy of the EU is constituted by the articles 174-176 of the EU Treaty, to which the articles 6 and 95 are added.

*Article 174* is the one that sets the objectives of the environmental policy and also contains the aim of this policy – insuring a high level of protection for the environment taking into account the diversity of situations present in different regions of the EU.

As for the *objectives* that are the basis of the environmental policy of the European Union, these are clearly stated through this article:

- the prevention, reduction and containment of environmental damage;
- the conservation of an ecological equilibrium;
- the rational use of natural resources;
- to promote measures at international level to deal with regional or worldwide environmental problems.

As a supplement of it, *Article 175* identifies the proper legislative procedures in order to attain this aim and sets the way of taking decisions in the environmental policy, and *Article 176* allows the EU member states to adopt stricter standards.

*Article 95* wants to harmonize the legislation regarding health, environment protection and protection of the consumer in the member states (a derogation stipulation that allows these to add national legislative stipulations having the aim of a better environmental protection).

*Article 6* promotes the durable development as an horizontal policy of the European Union and this way underlines the need to integrate the requirements for protecting the environment into defining and implementing the sector European policies, meaning that we have to bear in mind the inclusion of the requirements regarding the environmental protection in other domains, in order to contribute to a durable development.

To these articles, we can add more than 200 directives, regulations and decisions that has been ratified, which constitute the horizontal legislation and the sector legislation regarding the environmental protection.

The horizontal legislation includes those regulations that regard the information's transparency and circulation, facilitation of the process of taking a decision, activity development and civil society involvement in the environmental protection.

Unlike this one, the sector legislation refers to the sectors that make the objective of the environmental policy (waste management, phonic pollution, water quality, air quality, weather changes, industrial pollution control, nature's protection, soil protection, chemical substances, genetically modified organisms and civil protection – that are to be found in the action plans and the elaborated strategies).

The environmental policy of the European Union is supported by a number of institutional actors which are involved in its preparation, definition and implementation in the global or national policies.

They are permanently consulting the governments from the member states, employers' and professional organizations, non-governmental organization and think-tanks. Through their diverse attributions, these institutions contribute to the synergic character of the environmental policy and provide the achievement of the objectives (both at the legislative level as well as the implementation's level).

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*The European Commission* – The General Environmental Directorate from the European Commission was created in 1981 and is directly responsible for elaborating and insuring the environmental policy implementation. Its role is to initiate new norms and to make sure that the adopted measures will be implemented in the member states.

*The European Union Council – Environment Ministers' Council* as a component part of the Council of the European Union, formally reunites 4 times a year and informally 2 times of year (2 formal councils and 1 informal council during the period of a presidency), having the aim of coordinating the environmental policies of the member states. The decisions of the Council are made with qualified majority in co-decision with the European Parliament.

The involvement of the *European Parliament* in the environmental policy of the Union is shown through its cooperation with the other institutions and its involvement in the co-decision process. In 1973 the Parliament established an Environmental Committee.

The proposed legislation is submitted to the Environmental Committee preparing a report containing a draft opinion. The sketch of view is discussed in the plenary session of the Parliament and the final version shall be notified the Council and Commission.

*The Economic and Social Committee* has an advisory role in the process of decision and illustrates the generality of the environmental policy. This Committee has been established by the Treaty establishing the European Economic Community in 1957 in order to represent its interests of various economic and social groups.

*The Regional Committee* has an advisory role and insures the implication of the regional and local authorities in the process of taking decisions at the communitarian level. The environmental issues are the responsibility of the 4<sup>th</sup> Commission, together with spatial planning and the issues related to urban policy and energy.

The decisions of the institutional actors that are involved in the environmental policy are taken into account with the following principles which are laid down in *Article 175* of the EC Treaty:

- as a general rule, the decisions are taken by qualified majority in the Council and in cooperation with the European Parliament;

- for the programs of action, the decision of the qualified majority in Council and in co-decision with the European Parliament are to be obeyed;
- decisions in unanimity in the Council and after the consultation of the European Parliament for the fiscal matters and the measures related to the territorial planning, land use and management of water resources, as well as for measures that affect the energy policy.

### **RESULTS AND DISCUSSIONS**

The evolution of environmental policy and its changes over time are reflected not only by the objectives and the priorities, but also by the number- that is still growing- of its instruments of implementation.

Thus, one can speak of developing three types of tools: legal, technical and economic-financial instruments, plus a set of “helping instruments” that respond rather to new trends and strategies for environmental protection.

*The legislative instruments* create the legal framework of the communitarian environmental policy and are represented by the existing legislation in this area which constitutes the communitarian *acquis* (directives, regulations and decisions).

*The technical instruments* ensure that the environmental quality standards are being obeyed and also that the best available technologies are being used. The category of technical instruments may include: standards and emission limits; best available technology (BAT); eco-labeling; criteria for environmental inspections in Member States.

Other two instruments are represented by the measure and control networks for pollution of air, soil, water etc, and by the databases regarding the pollution level, the alert thresholds, the inventory of the emission pollutants etc. (continuously monitors the environmental condition and provides the necessary information to initiate preventive and recovery actions).

*The financial instruments* of the environmental policy are represented by the programs that finance the actions related to environmental protection from training personnel and implementing voluntary technical instruments to investments in complex, non-pollutant technologies.

### **CONCLUSIONS**

In developing the communitarian environmental policy it is necessary a continuation of the process of strengthening the institutional capacity, having the aim of efficiently implement the environmental protection legislation , as well as of those that will be adopted at Community level in waste management, water quality, air quality, chemicals, etc.

In preparing and adopting various plans and programs in various fields (agriculture, transport, energy, etc.) that could have significant environmental effects, it is mandatory to ensure the integration of the objectives and requirements of environmental protection. The national strategies and environmental policies should be outlined with clear objectives and coherent measures of achievement in light of Community policies and strategies, but also by national priorities.

Research must have a more and more important role in the environmental policy through increased resource efficiency, developing new clean technologies with a high productivity and low energy consumption as well as identification of new resources.

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