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**EUROPEAN UNION POLICIES FOR A  
GREEN ECONOMY: ANALYSIS AND  
OBJECTIVES TOWARDS 2020**



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“Act so that the consequences of your action are compatible with the  
permanence of genuine human life on Earth.”

Hans Jonas, *The Imperative of Responsibility*

## **§ 1. INTRODUCTION.**

The European Union is in a state of economic and global leadership prostration that seems not to have exit and end.

Difficult socio - economic conditions, mostly due to the global financial situation, the sovereign debt crisis and the ensuing recession (which in turn results in an increasing unemployment – in particular youth), are putting a strain on the system of the single market. In addition to that, Europe bind delays in the process of political, banking and fiscal integration, that threaten to derail the European project in the terms in which it was thought – and dreamed of, with great foresight – by the Founding Fathers.

In addition to these preliminary considerations that relate to a mere reading, of course, for brevity of analysis, insufficient, of the European reality as it appears today, we have to consider the reflections of a more general nature that relate deeply to the *raison d'etre* of Europe as a unified entity acting on a global scale.

For half a century, Europe has been the land of peace, prosperity, social security, economic growth, and cultural promotion for its citizens.

The path of the former Community, then Union, towards a greater political integration, and not only towards a more structured interdependence of Member State's markets, has meant that other similar experiences were tested in other strategic areas of the world, in the belief – felt first by Europe – that unitary responses from countries that are part of the same region are necessary to deal with global issues.

Briefly Europe was – and still is, in many aspects commonly underestimated by the majority – a model, which today is affected by the fatigue of a long way traveled and who need new dreams and new reasons to take the final step towards the United States of Europe, which are – in the opinion of the writer – the *conditio sine qua non* (but not sufficient) to ensure that Europe can acquire a new global leadership.

Among the issues of global nature that are imposed for the past two decades in the political agenda, the main topic is undoubtedly represented by the climate change one, and the consequent need to convert the development model to the so-called Green Economy.

In my opinion – without the emphatic or ideological tone which is often used in addressing this topic – the issue is crucial in the redefinition of a geopolitical asset, and that's why Europe must take its responsibility as a global leader, trying to give more substance to the right expectations that, for example, President Obama expressed for the USA at the time of his election.

In fact, in my opinion, reciprocity in the sphere of international relations in the medium term will require a reconsideration of the relations among Powers (increasingly in the G20 rather than G8) related to the effective implementation of policies aimed at pursuing a sustainable development model and the subsequent reduction of CO2 emissions. That is, the free trade system – to be pursued strongly by new agreements on a global scale as the one in program between the U.S. and the EU – must be accompanied

by an ever closer collaboration on the methods which through the growth is oriented, and on the law applicable in the most diverse areas of economic and production.

It is now clear that the sensitivity of the public opinion around the world on these issues is extremely high and concrete answers – with a view to improving the quality of life of citizens – is required with increasing insistence.

The creation of a *Smart World* in all its features is sure to be one of the parameters on which citizens evaluate those who will take power in the coming decades and on which governments themselves – hopefully, as far as we are concerned, the United States Europe – will focus most of their attention in the definition of relationships with global partners.

Therefore, the pursuit of a green economy within the European scene deserves to be deepened.

A deliberately concise analysis of what structure the European Union is equipped, to meet the global challenges that I mentioned earlier, is essential if you want to think about the prospects that this issue might have, also looking forward to the next upcoming international Rounds in which Europe will surely be protagonist.

## **§ 2. THE CONCEPT OF GREEN ECONOMY AS PREPARED BY UNEP, OECD, EU.**

Before analyzing the legislation and policies that the European Union has taken up to the time of writing this paper analysis, it is fundamental to give a definition of Green Economy that allows to focus the dissertation on the issues considered essential to achieve sustainable growth by the most important organizations and international agencies.

EU Communication “*Rio +20: towards the green economy and better governance*” – in addition to referring to the objectives of the strategy “*Europe 2020*” – retains the essence of the key findings of UNEP<sup>1</sup>, on which it is therefore appropriate to examine briefly.

In the document “*Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication*” released in 2011, UNEP has drawn a detailed road map for the implementation of a green economy, and has done so by identifying green investments directed mainly in two areas: supply and sustainable use of natural capital and energy.

UNEP has declined 11 essential elements of a green economy, which refer in part to the sphere of natural capital (forests, water, agriculture and fisheries), in part to that of the productive sectors (renewable energy,

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<sup>1</sup> The United Nations Program for the Environment (UNEP) is an international organization (specifically a specialized agency of the United Nations), which operates since 1972 against climate change in favor of environmental protection and sustainable use of natural resources. It is based in Nairobi.

manufacturing, production of waste, construction, transport, tourism and cities).

As can be seen, the conversion of the model of development towards the green economy<sup>2</sup> is the necessary step to achieve the goal of sustainable growth, the ultimate goal by all identified to the transition to new economic models.

The OECD identifies, in fact, in the so-called *Green Growth* the concept around which you can build new business and social models, thanks to the opening of new markets and to a technological innovation that knows how to decouple economic growth from dependence on natural capital.<sup>3</sup>

Therefore, while in the past the concepts of green economy and green growth were placed in antithesis – as if they represented two different ways of looking at environmental issues – they are now seen as complementary and functional to each other. This is the approach adopted by the European Union in the Rio +20 document mentioned above.

In conclusion – always referring to the Report of the UNEP previously mentioned – we can say that “in the green economy, growth in income and employment is driven by public and private investments that reduces carbon

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<sup>2</sup> The green economy, therefore, should not be understood as one of the areas of a broader economic model, but should be considered as a new economic model at all, applicable to all sectors, environmental and social, of production.

<sup>3</sup> Today, the so-called *brown economy* is based mainly on the use of natural resources that will run out, and the foundations of the green economy are dictated by the need to find – thanks to technological innovation – new forms of inexhaustible energy supply.



emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services.”

### **§ 3. EUROPEAN POLICIES IN KEY AREAS OF A GREEN ECONOMY. PREMISE.**

In the communication “*A resource-efficient Europe - Flagship initiative under the Europe 2020 Strategy*” the European Commission emphasizes that “the initiative aims to create a framework for policies to support the shift towards a resource-efficient and low-carbon economy which will help us to: boost economic performance while reducing resource use, identify and create new opportunities for economic growth and greater innovation and boost the EU's competitiveness; ensure security of supply of essential resources; fight against climate change and limit the environmental impacts of resource use. To Achieve a resource-efficient Europe, we need to make technological improvements, a significant transition in energy, industrial, agricultural and transport systems, and changes in behavior as producers and consumers.”<sup>4</sup>

In light of these binding declarations of intent is legitimate to ask: what policies have been adopted in the European Union for the conversion of the

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<sup>4</sup>Brussels, 26.1.2011, COM(2011) 21, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, “*A resource-efficient Europe – Flagship initiative under the Europe 2020 Strategy*”, pag. 3.

economic model to a green economy? What is the current situation and recent developments which have occurred in key areas?

It's worth mentioning at the outset that the areas shown can only be regarded as interdependent – that is, part of a unified European strategy (“*Europe 2020*” above all) to integrate and standardize the objectives of each sector, an overview which must always be taken into account as a parameter of the individual measures taken.

Based on the definition given by UNEP, which identifies 11 areas of economic interest essential to the pursuit of a green economy, will be briefly reviewed in this section the most important legislation relating to natural capital (forestry, water, agriculture and fisheries) and productive sectors (renewable energy, manufacturing, waste production, construction, transport, tourism, cities).<sup>5</sup>

## **§ 4. EUROPEAN POLICIES IN KEY AREAS OF A GREEN ECONOMY: NATURAL CAPITAL.**

**4.1 Forestry.** According to studies by the Commission, “the EU currently contains 5% of the world's forests and EU forests have continuously expanded for over 60 years” and “EU forests and other wooded land now

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<sup>5</sup> Although the areas for the implementation of a Green Economy as identified by UNEP are 11 – which also include cities – I think that the so-called *smart cities* are not areas of economic interest, but places where daily sustainable growth can be put into practice following the dictates who later will list in the various areas of interest. Therefore, an analysis of the role of cities in achieving a green economy will not be the subject of the paper, but a suggestion on the topic will be called in the "Conclusions" to the paper.

cover 155 million ha and 21 million ha, respectively, together more than 42% of EU land area.”

These data show the importance of this sector – in particular – for the protection of biodiversity and the prevention of climate change.

In the *Green Paper on Forest Protection and Information in the EU: Preparing forests for climate change*, adopted by the European Commission in 2010, is remembered first and foremost that “among other purposes” of the previous *EU Action Plan for Forest* of 2006 “include the maintenance and appropriate enhancement of biodiversity, carbon sequestration, integrity, health status and resilience of forest ecosystems at various geographical scales, because the proper functioning of these ecosystems is a key element to maintain the ability production”, with the provision of a system for the monitoring of forests with a view to providing greater consumer protection.

The main objective of the *Green Paper* was to launch a debate at EU level between the main stakeholders and Member States, who hold expertise in this subject.<sup>6</sup>

Following the adoption of the *Green Paper*, the Standing Forestry Committee (SFC) agreed at its December 2010 meeting to the Commission's proposal for setting up an ad hoc working group in order to examine the results of the discussion launched by the *Green Paper* on the field of forest

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<sup>6</sup> The treaties do not provide for a Common Forestry Policy, but rather stringent guidelines were established, as demonstrated by the Green Paper of 2010 and the EU Action Plan for Forest in 2006.

information. The terms of reference that the SFC agreed to for this working group divide the work in two phases: a first phase consisting of reviewing the state of forest information systems in the EU and compiling a list of relevant forest information parameters that are linked to EU policies affecting the forest sector; a second phase focussing on how the actual state of forest information can be improved, which additional information would be needed and the resources that would be required.”<sup>7</sup>

The work of the *ad hoc* working group has produced a *Final Paper* released in March 2012, which today is the culmination of research and production of the Community legislation on this issue.

EU's main objectives – placed, as mentioned, under the auspices of the Standing Forestry Committee (SFC) – are the reduction of deforestation and reforestation of some areas tested through economic mechanisms, such as certified timber schemes, certification for rainforest products, payments for ecosystem services, benefit-sharing schemes and community-based partnerships.

**4.2 Water.** The growing scarcity of water is a major problem that the European Union and the Member States are facing.

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (i.e. EU Water Framework Directive), in defining the contours of the problems related to water resources to ' EU internal, fixed policy

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<sup>7</sup> <http://ec.europa.eu/environment/forests/information.htm>

objectives that the Union should pursue in improving water supply and efficiency, to be achieved by 2015.

The Water Framework Directive (WFD) has been implemented over the years, and today there are two main documents about the theme of water, designed to ensure good quality water in sufficient quantities for all legitimate uses:

- 1) The Blueprint<sup>8</sup> is the most recent strategy that has been prepared by the European Union and it “outlines actions that concentrate on better implementation of current water legislation, integration of water policy objectives into other policies, and filling the gaps in particular as regards water quantity and efficiency. The objective is to ensure that a sufficient quantity of good quality water is available for people's needs, the economy and the environment throughout the EU.”
- 2) The Third of WFD implementation report of November 2012 is mainly composed by the River basin management plans (RBMPs). It should be noted that "the assessment of the RBMPs Indicates That progress towards the objective of good status by 2015 is expected, but it will not be achieved for a significant proportion of water bodies" and that, although “the chemical quality of water bodies has

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<sup>8</sup> Brussels, 14.11.2012, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, *A Blueprint to Safeguard Europe's Water Resources*, COM(2012)0673.

significantly improved in the last 30 years” the situation “as regards the priority substances listed in the WFD falls short of the objective”, adding finally – as a recommendation – that the “implementation should ensure that water management is based on a better understanding of the main risks and pressures in a river basin, founded on proper monitoring. This will result in cost-effective interventions to ensure the long-term sustainable supply of clean water for people, business and nature.”

The Commission's assessment shows that more efforts are needed to ensure the achievement of the WFD objectives in the 2015, 2021 and 2027 planning cycles.

**4.3 Agriculture.** From the agricultural point of view, a lot - perhaps too much - has been done at Community level and many EU budget resources are allocated to this specific sector.<sup>9</sup>

The Common Agricultural Policy (CAP) is one of the main instruments of development adopted by the European Union and many incentives have been studied “to encourage modernisation and help farmers improve their farms, process and sell their produce and produce higher-quality foods using more sustainable, environmentally-friendly farming methods. Moreover, from 2014, the CAP will offer new measures to facilitate collective investment, help small farms to develop and encourage transfers of agronomic know-how between farmers through a European Innovation

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<sup>9</sup> CAP commits around 34% of EU budget.

Partnership in the farming sector.”

According to EU Commission statements, “the CAP ensures that its rules are compatible with environmental requirements and that CAP measures promote the development of agricultural practices preserving the environment and safeguarding the countryside. Farmers are encouraged to continue playing a positive role in the maintenance of the countryside and the environment. This is achieved by: targeting aid at rural development measures promoting environmentally sustainable farming practices, like agri-environment schemes; enhancing compliance with environmental laws by sanctioning the non-respect for these laws by farmers through a reduction in support payments from the CAP.”<sup>10</sup>

Finally, it is of singular importance – because of its recent conclusion – the agreement reached June 26, 2013 within the Community institutions on the reform of the CAP.

MEMO/13/621 summarizes the main elements that will be brought to the attention of the Council. Particular attention is paid to the so called "Greening" and it is stated that “each holding will receive a payment per hectare for respecting certain agricultural practices beneficial for the climate and the environment. Member States will use 30% of their national envelope in order to pay for this. This is compulsory and failure to respect the Greening requirements will result in penalties which go beyond the Greening payment, i.e. after a transition offenders will also lose up to 125%

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<sup>10</sup> [http://ec.europa.eu/agriculture/envir/index\\_en.htm](http://ec.europa.eu/agriculture/envir/index_en.htm)

of their Greening payment. The 3 basic measures foreseen are: maintaining permanent grassland; crop diversification (a farmer must cultivate at least 2 crops when his arable land exceeds 10 hectares and at least 3 crops when his arable land exceeds 30 hectares. The main crop may cover at most 75% of arable land, and the two main crops at most 95% of the arable area); maintaining an *ecological focus area* of at least 5% of the arable area of the holding for farms with an area larger than 15 hectares (excluding permanent grassland) – i.e. field margins, hedges, trees, fallow land, landscape features, biotopes, buffer strips, afforested area. This figure will rise to 7% after a Commission report in 2017 and a legislative proposal.”<sup>11</sup>

**4.4 Fishing.** The European Union adopts the Common Fishery Policy (CFP), that brings together a range of measures designed to achieve a thriving and sustainable European fishing industry.

The Council Regulation (EC) No 2371/2002 of 20 December 2002, *on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy* is the main legislative text which refer to this matter.

According to statements of principle contained in the Regulation, the “Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.” In order to achieve these goals, “the Community shall apply the

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<sup>11</sup> [http://europa.eu/rapid/press-release\\_MEMO-13-621\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-621_en.htm)



precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems.” Moreover, the European Union “shall aim at a progressive implementation of an eco-system-based approach to fisheries management” and “to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interests of consumers.”

In addition, the Council Regulation (EC) No 861/2006 of 22 May 2006, establishing *the framework for Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea* institutes a set of specific instruments of control and enforcement, data collection and scientific advice, governance and international relations under the CFP.

In summary, the Commission states that “the most important areas of action of the CFP are: laying down rules to ensure Europe's fisheries are sustainable and do not damage the marine environment; providing national authorities with the tools to enforce these rules and punish offenders; monitoring the size of the European fishing fleet and preventing it from expanding further; providing funding and technical support for initiatives that can make the industry more sustainable; negotiating on behalf of EU countries in international fisheries organisations and with non-EU countries

around the world; helping producers, processors and distributors get a fair price for their produce and ensuring consumers can trust the seafood they eat; supporting the development of a dynamic EU aquaculture sector (fish, seafood and algae farms); funding scientific research and data collection, to ensure a sound basis for policy and decision making.”<sup>12</sup>

## **§ 5. EUROPEAN POLICIES IN KEY AREAS OF A GREEN ECONOMY: PRODUCTIVE SECTORS.**

**5.1 Renewable sources.** The addiction to fossil fuels is one of the most relevant economic and geopolitical problems that the European Union – and, generally speaking, the West – is facing for the past two decades.

Recently, the U.S. has found in shale gas and gas fracking an alternative source that will allow them to move towards greater energy independence.

Europe, for its part, is mainly divided between massive imports of gas from Eastern Europe (Russia in particular), nuclear power production and use of fossil fuels.

These resources will also be needed in the future and it would be unrealistic to argue otherwise. In the medium term, in fact, it is

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<sup>12</sup> [http://ec.europa.eu/fisheries/documentation/publications/pcp2008\\_en.pdf](http://ec.europa.eu/fisheries/documentation/publications/pcp2008_en.pdf)

unrealistic to think of an economic system that does not use these sources of energy, and the transition to a Green Economy will take many years, if not decades.

However, it is equally likely that these resources are not sufficient to ensure – in an acceptable cost-benefit ratio – the supply necessary to the operation and development of the single market.

Therefore, the renewable energy sector is a key resource if the EU is to compete globally with large producers of renewable energy, and commitment that has been lavished by the Community institutions shows that the awareness of this is very high.

The EU Growth Strategy *Europe 2020* is split between the targets for sustainable development of the so-called "three 20 package", finally entered into force at the beginning of 2013, going chronologically to the natural end of the Kyoto Protocol.

The *20/20/20 package* contains the three targets that the EU has set, to be achieved by 2020: greenhouse gas emissions 20% lower than 1990, 20% Increase in energy efficiency and – last but not least – 20% production of energy from renewable sources.

The climate and energy package comprises four pieces of complementary legislation which are intended to deliver on the 20/20/20 targets, including decisive importance given to the national renewable energy targets.

Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 *on the promotion of the use of energy from renewable source* “sets mandatory national targets for the overall share of energy from renewable sources in gross final consumption of energy and for the share of energy from renewable sources in transport”; “lays down rules relating to statistical transfers between Member States, joint projects between Member States and with third countries, guarantees of origin, administrative procedures, information and training, and access to the electricity grid for energy from renewable sources”; “establishes sustainability criteria for biofuels and bioliquids.”<sup>13</sup>

Under the Directive, Member States shall establish national action plans “which set the share of energy from renewable sources consumed in transport, as well as in the production of electricity and heating, for 2020.”

Specific measures have been adopted by the EU in key areas of renewable sources.

In particular, the Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 *on the promotion of electricity from renewable energy sources in the internal electricity market* “concerns electricity produced from non-fossil renewable energy sources such as wind, solar, geothermal, wave, tidal, hydroelectric, biomass, landfill gas, sewage treatment gas and biogas energies” and establishes

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<sup>13</sup> Article 1 of the Directive mentioned above.

national indicative targets that Member States shall achieve by following the support schemes given.

“The promotion of electricity from renewable energy sources is a high European Union priority for several reasons”, the Directive stresses, “including the diversification...of energy supply, environmental protection and social and economic cohesion.”

Moreover, the EU has also: established a Biomass action plan<sup>14</sup>; given a communication on the promotion of offshore wind energy<sup>15</sup>; adopted a Strategy for biofuels.<sup>16</sup>

**5.2 Manufacturing and Industry.** The industrial sector represents – in the opinion of the writer – the most important one to convert the model of development towards the Green Economy.

The manufacturing sector will supposedly determine the success or failure of the so-called green growth. It may do so either through the conversion of production methods and greater technological innovation either through the

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<sup>14</sup> Brussels, 7.12.2005, COM(2005)/628, COMMUNICATION FROM THE COMMISSION *on Biomass action plan*.

<sup>15</sup> Brussels, 13.11.2008, COM(2008)/768, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS *on Offshore Wind Energy: Action needed to deliver on the Energy Policy Objectives for 2020 and beyond*.

<sup>16</sup> Brussels, 8.2.2006, COM(2006)/34, COMMUNICATION FROM THE COMMISSION that establish an *EU Strategy for Biofuels*.

production of goods and services that integrate more appropriately in the new context of consumption.

It is clear that a newly established relation between sustainable industries and consumers will determine a different approach to consumption.

Indeed, an economy based on principles of environmental sustainability and responsibility towards future generations, on the one hand will be expected to provide innovative and highly qualitative goods and service as they are in the present economic system.

However, on the other hand, it is also expected that consumers – who are increasingly attentive, thoughtful and informed – will guide their consumption towards goods and services produced in a sustainable way, with eco-friendly materials and production rules certificates.

Thus, a question is consequent: how to reconcile then the arising needs of environmental protection with the needs of industrial production? On what sectors focused Community legislation?

It should immediately be stressed that the nexus manufacturing /environment at EU level is considered mainly from the point of view of the impact that the industry has on the surrounding environment in terms of emissions.

Therefore, the regulations of this sector focus on highly polluting industries by establishing the framework within which they can act.

The Directive n.1/2008 of the European Parliament and of the Council of 15 January 2008 *concerning integrated pollution prevention and control* (IPPC) “requires industrial and agricultural activities with a high pollution potential to have a permit.”<sup>17</sup>

IPPC Directive has at its basis the so-called *Integrated approach*, in the sense that “the permits must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure”, and the principle of *Best Available Technologies* (BAT), defined as “the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.”

In order to receive a permit, industrial installation must comply with certain obligations.<sup>18</sup> Moreover, the decision to issue a permit must contain a

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<sup>17</sup> The Directive excludes from its scope those industrial sites that are subject to the rules of "the system for trading CO<sub>2</sub> emissions" set up by Directive n. 87/2003 (EU ETS) and the discipline that integrates the IPPC Directive.

<sup>18</sup> [http://europa.eu/legislation\\_summaries/environment/waste\\_management/128045\\_en.htm](http://europa.eu/legislation_summaries/environment/waste_management/128045_en.htm)  
“Use all appropriate pollution-prevention measures, namely the best available techniques (which produce the least waste, use less hazardous substances, enable the substances generated to be recovered and recycled, etc.); prevent all large-scale pollution; prevent, recycle or dispose of waste in the least polluting way possible; use energy efficiently; ensure accident prevention and damage limitation; return sites to their original state when

number of specific requirements.<sup>19</sup>

The Directive now analyzed remains into force until the end of 2013, and has been prepared in the meantime a new discipline in Directive 2010/75/EU *on industrial emissions*, which will come into force in the European Union as of January 7, 2014 and which have established – in exchange for greater application flexibility in certain areas that constitute a low environmental problem – more stringent limits to be complied with load of highly polluting industries.

In these regulations informed by the principles above, joins the *European Pollutant Release and Transfer Register (E-PRTR)*, which is a “Europe-wide register that provides easily accessible key environmental data from industrial facilities in European Union Member States and in Iceland, Liechtenstein, Norway, Serbia and Switzerland.” The register contains data reported annually by some 28,000 industrial facilities covering 65 economic activities across Europe.

**5.3 Waste.** The Directive 2008/98/EC of the European Parliament and the

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the activity is over.”

<sup>19</sup> [http://europa.eu/legislation\\_summaries/environment/waste\\_management/128045\\_en.htm](http://europa.eu/legislation_summaries/environment/waste_management/128045_en.htm)  
“Emission limit values for polluting substances (with the exception of greenhouse gases if the emission trading scheme applies - see below); any soil, water and air protection measures required; waste management measures; measures to be taken in exceptional circumstances (leaks, malfunctions, temporary or permanent stoppages, etc.); minimisation of long-distance or transboundary pollution; release monitoring; all other appropriate measures.”



Council of 19 November 2008 *on waste*, named Waste Framework Directive (WFD) “lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.”

It establishes, in a nutshell: the Community regulatory framework for the handling of waste; the notions of waste, recovery and disposal; primary obligations for waste management, sanctioning in particular an obligation of authorization and registration for establishments or undertakings which carry out the operations of waste management; an obligation for Member States – who bear the primary responsibility to implement the contents of the Directive – to develop plans for the management of the waste cycle from collection to disposal, with appropriate programs dedicated to prevention.

The directive informs the polluter-pays principle, guiding principle at international level. “The waste producer and the waste holder”, the text reads, “should manage the waste in a way that guarantees on a high level of protection of the environment and human health” in order to make Europe “a *recycling society*, seeking to avoid waste generation and to use waste as a resource”, putting this issue in the Sixth Community Environment Action Programme.

Next to the Directive stated, are also reported: the Commission Decision

2000/532/EC of 3 May 2000 replacing Decision 94/3/EC *establishing a list of wastes*, including a distinction between hazardous and non-hazardous wastes; Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 *on shipments of waste* (WSR), in which are specified the conditions under which waste can be shipped between countries.

Recently, the Thematic Strategy<sup>20</sup> adopted by the Commission in 2011 has established guidelines and recommendations *on the Prevention and Recycling of Waste* – in the footsteps of the first Strategy of 2005, following which the WFD was adopted – with the intent to evaluate the results.

In 2008, the revised WFD introduced a 50% target for recycling of municipal waste comprising at least paper, metal, plastic and glass; and a 70% target for construction and demolition waste (both to be met by 2020).

In the conclusions to the document, it is stated that “significant progress has been achieved on a number of fronts, particularly in the improvement and simplification of legislation, the establishment and diffusion of key concepts such as the waste hierarchy and life-cycle thinking, on setting focus on waste prevention, on coordination of efforts to improve knowledge, and on

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<sup>20</sup> Brussels, 19.1.2011, COM(2011) 13, REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS *on the Thematic Strategy on the Prevention and Recycling of Waste*.

setting new European collection and recycling targets.” Although, significant margin for progress still exist and “proper implementation and enforcement of the existing EU waste acquis must remain a priority notably by ensuring compliance with key EU targets and to the full implementation of the WFD and the WSR”, mainly because “improving the competitiveness of EU recycling industries is essential for the generation of jobs in the EU” and “waste policies can help develop the markets of secondary raw materials and strengthen their supply in the EU, thus improving the resource-efficiency of the EU economy.”

**5.4 Buildings.** “Buildings account for 40 % of total energy consumption in the Union. The sector is expanding, which is bound to increase its energy consumption. Therefore, reduction of energy consumption and the use of energy from renewable sources in the buildings sector constitute important measures needed to reduce the Union’s energy dependency and greenhouse gas emissions.”<sup>21</sup>

In order to achieve such an important goal, EU adopted the Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 *on the energy performance of buildings*, which constitutes the main legislative instrument to reduce the energy consumption of buildings.

The Directive “lays down requirements as regards:

a) the common general framework for a methodology for calculating the

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<sup>21</sup> Paragraph 2 of the Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 *on the energy performance of buildings*.

integrated energy performance of buildings and building units;

b) the application of minimum requirements to the energy performance of new buildings and new building units;

c) the application of minimum requirements to the energy performance of:

(i) existing buildings, building units and building elements that are subject to major renovation;

(ii) building elements that form part of the building envelope and that have a significant impact on the energy performance of the building envelope when they are retrofitted or replaced; and

(iii) technical building systems whenever they are installed, replaced or upgraded;

d) national plans for increasing the number of nearly zero-energy buildings;

e) energy certification of buildings or building units;

f) regular inspection of heating and air-conditioning systems in buildings; and

g) independent control systems for energy performance certificates and inspection reports.”

Moreover, “Member States shall draw up national plans for increasing the number of nearly zero-energy buildings” and ensure that by December 2020 all new existing buildings and the ones owned and occupied by public

authorities are nearly zero-energy buildings.

Article 5 of the Directive 2010/31/EU required the European Commission to institute a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements. Such a measure has been taken by the EC with the Commission Delegated Regulation (EU) No 244/2012 of 16 January 2012.

The Delegated Regulation's scope summarizes that "the methodology framework specifies rules for comparing energy efficiency measures, measures incorporating renewable energy sources and packages and variants of such measures, based on the primary energy performance and the cost attributed to their implementation."

Furthermore, "it also lays down how to apply these rules to selected reference buildings with the aim of identifying cost-optimal levels of minimum energy performance requirements."

Finally, the Commission recently published two documents that audit the *status* of energy efficiency of buildings: on 18 April 2013 a report *on financial support for energy efficiency in buildings* was released "stressing that the EU needs to improve the financial support in this sector if it wants to meet its 2020 and 2050 targets"; on 20 June 2013, a second study on energy performance certificates in buildings and their impact on transaction prices and rents in selected EU countries was issued showing that "a positive impact of the Energy Performance

Certificate under the Energy Performance of Buildings Directive (Directive 2010/31/EU) on sales and rental prices indicating that better energy efficiency is rewarded in the market.”

**5.5 Transports.** The *Greening transport package* of July 2008 seeks to steer the European transport sector towards enhanced sustainability. The way to achieve the above-mentioned goal is: making transport prices better reflect their real cost to society so that environmental damage and congestion can be reduced while boosting the efficiency of transport; enabling Member States to reduce environmental damage and congestion through more efficient and greener road tolls for lorries; setting out how to reduce the perceived noise from existing rail freight trains by 50%.

The Communication from the Commission to the European Parliament and the Council *on Greening Transport* given on 8 July 2008 emphasizes that the EU has already done a lot in all transport modes and many different policy areas ranging from research and development to energy policy and from transport to environment policy.

The *Greening Transport Inventory* collects the most important measures taken by the EU, grouping them “according to their major negative impact, namely climate change, local pollution, noise pollution, congestion and accidents.”<sup>22</sup>

On 28 March 2011 Commission released a *White Paper* containing a

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<sup>22</sup> Paragraph 2 of the Communication mentioned.

“roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system.”

Forty concrete initiatives to be taken by the Commission in the next decade are set up in the document to build a competitive transport system that will lead to easier mobility, removing major barriers in key areas and fuel growth and employment.

The White Paper stresses that: “new transport patterns must emerge, according to which larger volumes of freight and greater numbers of travellers are carried jointly to their destination by the most efficient (combination of) modes”<sup>23</sup>; “a Single European Transport Area should ease the movements of citizens and freight, reduce costs and enhance the sustainability of European transport”<sup>24</sup>; a target of 60% GHG emission reduction is to be achieved by 2050.<sup>25</sup>

In conclusion, the European Commission deems that “new technologies for vehicles and traffic management will be key to lower transport emissions in the EU as in the rest of the world”, foreseeing that “delayed action and timid introduction of new technologies could condemn the EU transport industry to irreversible decline.”<sup>26</sup>

**5.7 Tourism.** Unfortunately, very little has been done by the EU in the

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<sup>23</sup> Paragraph 19 of the White Paper.

<sup>24</sup> Paragraph 36 of the White Paper.

<sup>25</sup> Ten Goals for a competitive and resource efficient transport system are given at paragraph 2.5. They constitute a benchmark for achieving the 60% GHG emission reduction target.

<sup>26</sup> Paragraph 8 of the White Paper.

field of tourism.

Infact, the first and only initiative of the European Commission was to launch a stakeholders' consultation on the first draft of a *European Charter for sustainable and responsible tourism*.<sup>27</sup>

The public consultation ended on 20 April 2012<sup>28</sup> and, although the Commission envisage to propose the Charter in 2013, to date there is no more information on what actually has been done.

## **§ 6. Conclusions.**

The analysis that we conducted in the previous pages sets clear that the European Union has a very advanced legislation in the areas that most characterize the Green Economy.

In eight of the ten areas that have reported a brief summary, the EU adopted a common policy, directives and regulations often very specific.

Tourism sector only has ran out of any rule and is still in anticipation of a path leading to the definition of a strategy in this area.

The legislative framework, therefore, theoretically allow a high homogenization of the measures taken in the Member States and a tight timetable towards the goals set for 2020.

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<sup>27</sup> The initiative was being proposed in the framework of Action 15 of the 2010 Commission Communication on Tourism *"Europe, the world's N°1 tourist destination – a new political framework for tourism in Europe"*1.

<sup>28</sup> A *summary report of the consultation on the European Charter for sustainable and responsible tourism* was produced by the Commission on October 2012.



However, although Directives and Regulations are detailed and complete, we can not say that the result of the conversion of the economic model to the Green Economy has been reached or is about to be.

The resources devoted to the Community budget – always too small compared to real needs – in this issue are still scarce; not always the Member States have transposed the rules with due decision at national level; the public opinion is poorly informed of what Europe has done and he's going to do – even in terms of investments and chances to start up new business; citizens in everyday life, they often forget the basic principles of sustainability that would require small gestures in the face of great results for the community, in particular in the field of waste, use of water and consumption; there are still large disparities between the 28 Member States in terms progress of policies.

Much remains to be done, but the fact that the EU is already preparing a Roadmap towards 2030, and ambitious targets for 2050 confirms that the will to move towards a Green Economy has incontrovertibly been taken.

As pointed out in the course of the analysis, I believe that cities are the place where the most significant results of the conversion of the economic model are predictable on a short-term experience.

It is essential that local authorities are guided by the European Union and national institutions, as investing in terms of technological innovation related to the use of the Network, the environmental sustainability of public buildings and mobility, collection and disposal of waste, sound management

of the water cycle, can only ensure a better quality of life for citizens, as well as new possibilities for the creation of jobs and business.

European cities should be the heart of a great season of innovation, that would allow Europe to relaunch on the international stage as the vanguard of a new development seeking citizens prosperity.

Conditions to take this important step have been prepared.

Now it is necessary to proceed with the right investments – public and private – in order to avoid that the declarations of intent and objectives identified should give way to the chimera of a failure that Europe could not support.

Rome, 8 September 2013

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