

# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	<a href="#">1996/2269(COS)</a>	Procedure completed
Environment, 5th action programme : environmental agreements between industry and public powers		
Subject 3.70 Environmental policy		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Consumer Protection	PSE <a href="#">GRAENITZ Ilona</a>	26/02/1997
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Social Affairs	<a href="#">2030</a>	07/10/1997
	<a href="#">Environment</a>	<a href="#">2017</a>	19/06/1997
	<a href="#">Environment</a>	<a href="#">1990</a>	03/03/1997

Key events			
27/11/1996	Non-legislative basic document published	COM(1996)0561	Summary
17/01/1997	Committee referral announced in Parliament		
03/03/1997	Debate in Council	<a href="#">1990</a>	
19/06/1997	Resolution/conclusions adopted by Council		
19/06/1997	Vote in committee		Summary
19/06/1997	Committee report tabled for plenary	<a href="#">A4-0224/1997</a>	
16/07/1997	Debate in Parliament		
17/07/1997	Decision by Parliament	T4-0406/1997	Summary
17/07/1997	End of procedure in Parliament		
22/09/1997	Final act published in Official Journal		
07/10/1997	Resolution/conclusions adopted by		

Technical information	
Procedure reference	1996/2269(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/08495

Documentation gateway					
Non-legislative basic document		COM(1996)0561	27/11/1996	EC	Summary
Committee report tabled for plenary, single reading		<a href="#">A4-0224/1997</a> <a href="#">OJ C 286 22.09.1997, p. 0007</a>	19/06/1997	EP	
Text adopted by Parliament, single reading		T4-0406/1997 <a href="#">OJ C 286 22.09.1997, p. 0186-0224</a>	17/07/1997	EP	Summary

## Environment, 5th action programme : environmental agreements between industry and public powers

**OBJECTIVE:** the purpose of the Commission communication is to promote and facilitate use of voluntary environmental agreements concluded with industry and public authorities. This initiative falls within the strategy of the Fifth Environmental Action Programme.

**SUBSTANCE:** for the purpose of this communication environmental agreements represent agreements between industry and public authorities on the achievement of environmental objectives. Such agreements can be legally binding with obligations for the parties. They can also take the form of unilateral commitments on the part of industry recognized by the public authorities. The environmental agreements have the advantage of encouraging the industrial sector to anticipate and favour, on a voluntary basis, viable, appropriate and clean solutions and to meet more quickly the objectives desired than through the traditional method of legislation. In order to encourage their use the communication sets out general guidelines to ensure their transparency, which is essential if they are to be effective. The Commission suggests the following criteria: prior consultation of the interested circles; a binding form; quantified objectives and a staged approach; right of access to the agreement by third parties; monitoring of implementation; publication of the agreements and the results achieved. The Commission also addresses a recommendation to the Member States in order to provide a clear framework for the use of environmental agreements as an implementation tool of Community directives. ?

## Environment, 5th action programme : environmental agreements between industry and public powers

Concern that the increasing shift of environmental protection from parliamentary legislation to self-regulation by industry might trigger a crisis of confidence among the public was expressed in a report adopted by the Committee. The own-initiative report drafted by Mrs Ilona GRAENITZ (PES, AU) analysed a Commission communication on environmental agreements between industry and public authorities aimed at achieving specific environmental objectives. In adopting the report, the committee took the view that such agreements could be used to supplement legislation but that binding legislation would continue to form the backbone of EU environmental policy. It noted that "the case-law of the European Court of Justice in this area indicates that environmental agreements between industry and public authorities are basically of extremely limited suitability as a tool for implementing directives nationally". Unlike legislation, such agreements did not guarantee any effective protection of third parties (eg local residents). Legal protection under administrative law also disappeared as far as the parties to the agreements were concerned. On the other hand, the committee also thought that environmental agreements offered a range of benefits, including the promotion of a proactive environmental attitude by industry and the solution of sectoral, local or temporary environmental problems. Environmental agreements have been used by Member States, particularly the Netherlands, for more than ten years but they are very varied (eg declarations of intent, undertakings and formal agreements). Hence the committee wants a precise definition of what constitutes an environmental agreement. It also wants such agreements to be legally binding on all parties in every case. The committee expressed its surprise that the Commission had adopted a recommendation to Member States on the use of environmental agreements without awaiting Parliament's reaction to the communication. ?

## Environment, 5th action programme : environmental agreements between industry and public powers

In adopting the report by Mrs Iona GRAENITZ (PSE, A), the European Parliament expressed the view that environmental agreements were a dynamic instrument and that they could be used to supplement legislation or even, in certain cases, take its place. Nonetheless, binding legislation must remain the backbone of the Union's environmental policy. Parliament stressed that environmental agreements must be transparent, enforceable, reliable and legally binding on all parties. Accordingly, when implementing environmental agreements, the legal protection of the parties legally concerned and of third parties must be ensured in the same way as it was when implementing legislation. The Commission was called upon to seek the best way of providing such protection. More generally, Parliament considered that environmental agreements could only be successful if the following criteria were met: - parties to an agreement must have the requisite powers to conclude and implement them, and there must be clear provisions concerning legal succession and bankruptcy, - legally binding objectives, and intermediate objectives in every case, - mechanisms for monitoring of the objectives either by the public authorities or by an independent body, - a clear indication of the duration of the agreement, as well as a precise definition of the circumstances in which sanctions were to be triggered, - definition of the parties, - openness. Parliament called on the Commission to draw up proposals for a possible procedure for granting a negotiating mandate for any environmental agreements at Community level, ensuring however that the European Parliament was involved, in accordance with Article 130s(3) of the EC Treaty, both in the granting of the negotiating mandate and during the negotiations themselves. ?