

## **Feedback from WWF European Policy Office on the work of the European Commission Task force on subsidiarity, proportionality and “doing less more efficiently”**

18 June 2018

*Building on a letter dated 11 December 2017 sent by the Green10 to First Vice-President of the European Commission and Chair of the Task Force Frans Timmermans, this contribution by WWF focusses primarily on tasks (a) and (b) set out in Article 3 of the President’s decision setting up the Task Force, namely on the application of the principles of subsidiarity and proportionality, and the identification of policy areas where decision-making or implementation could be redelegated to Member States over time. This contribution can be published on the Task Force’s website.*

### **On the role and functioning of the task force**

- (1) The Task Force’s stated aim<sup>1</sup> is inter alia to identify “any policy areas where, over time, decision making and/or implementation could be re-delegated in whole or in part or definitively returned to the Member States”, in line with scenario 4 “Doing less more efficiently” from the Commission's White Paper on the Future of Europe from March 2017, which puts forward a future in which EU standards for the environment and health among others move away from harmonisation towards a strict minimum. The establishment of this Task Force on the basis of one scenario of the White paper, while none were established for any of the other scenarios, gives the impression that the Commission has pre-empted the outcome of the consultations and discussions on the Future of the Europe in and among Member States. **It should therefore be acknowledged that the contribution of the Task-Force forms part of only one scenario presented in the White paper on the Future of Europe.**
- (2) The Decision to establish the Task Force mandates it to “take a critical look at all policy areas to make sure the Union focuses and attributes its limited resources in areas where the EU adds value”. The methodology and reference frame for identifying such areas should be made clear, as well as the evidence used to identify such areas. **The views adopted by the Task Force in its final report to the President of the European Commission should be clearly substantiated and referenced.**
- (3) While the Task Force website allows for interested parties to provide feedback, and there is transparency regarding which interest groups have responded, WWF believes there has been a lack of clear process for stakeholder engagement, in terms of outreach towards certain sectors or stakeholders. **The final report, when published, should address the approaches which were undertaken to consult with the widest range of stakeholders possible, and clearly reference the stakeholders whose views it adopts.**
- (4) The Decision to establish the Task Force stated that the European Parliament would appoint three members. The Parliament declined to participate in the Task Force, which in our view reduces the standing the report will have.

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<sup>1</sup> [DECISION OF THE PRESIDENT OF THE EUROPEAN COMMISSION on the establishment of a Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently"](#)

- (5) WWF further regrets that representation of women and gender balance was not ensured in the Task Force. The EU, including the European Commission, as a signatory to the 2030 Agenda for Sustainable Development has a responsibility to implement it in its internal processes as well. This includes Goal 5 on gender equality and a target on ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political and public life.

#### **On subsidiarity and proportionality**

- (6) The principles of subsidiarity and proportionality as laid down in Article 5 of the Treaty on the European Union aim to ensure that decisions are taken as closely to citizens as possible and limited to what is necessary to achieve the objectives of the treaties.
- (7) As an organisation active at EU and Member State level on environmental and climate issues, WWF would like to address the need for and added-value of EU concerted action against environmental degradation and climate change.
- (8) **Due to their cross-border nature, environmental issues are better addressed by acting together rather than unilaterally.** For example, rivers such as the Rhine or the Danube flow through large parts of Europe and water pollution or the construction of a dam in one country can have serious consequences in other countries. Our wildlife doesn't know borders either, and migratory birds and animals moving across our continent might not everywhere receive the same level of protection without the harmonised protection rules that exist at EU level. And of course, the atmosphere does not care where greenhouse gases are emitted – they all contribute to climate change.
- (9) Not only **does our environment benefit from the protection afforded by common EU rules, but so do public authorities and economic actors.** Once EU legislation is approved, measures are changed rarely and infrequently, thereby creating confidence in the legal framework. This helps both public authorities and private investors to plan ahead. Common standards and legislation are a crucial pillar of any common market, ensuring a level-playing field for businesses across the EU and minimising distortions in competition across the EU single market, as well as providing equivalent consumer and environmental protection regardless of the origin of commodities.
- (10) The EU has greater scope than its constituent Member States to influence international negotiations and outcomes, particularly on climate change; while internally, shared decision-making enables the European economy to overcome some of the conflicts holding back progress at global level.
- (11) The College of Commissioners itself has, since the beginning of its current term in 2014, moved its position on the added-value of EU action in the field of environmental policy, notably on the issue of tackling plastic pollution. In November 2014, the Commission planned to withdraw legislation designed to reduce plastic bag consumption, with strong opposition from Member States, the European Parliament, and civil society organisations. This contrasts vividly with the Commission coming forward in May 2018 with a proposal to reduce the impact of single-use plastic on our oceans, following strong public support for

further action, and recognition that action must be taken at the European level to tackle the global nature of this issue. WWF applauded the Commission's proposal upon its publication<sup>2</sup>.

(12) **There is strong public support for EU level action on the environment and climate.** The latest Eurobarometer survey on Attitudes of European Citizens towards the Environment<sup>3</sup> from autumn 2017 found that there is strong support for protecting the environment, with 94% of Europeans considering it important to them personally. Most significantly, support for action at the European level is increasing: 67% of Europeans believe decisions to protect the environment should be taken jointly within the EU, a progression of 7 points since 2014.

(13) Further, the Eurobarometer survey commissioned by the European Parliament in May 2018, one year before the next European elections, found that protection of the environment and the fight against climate change remain a top issue for citizens in several Member States, and citizens in The Netherlands, Sweden and Denmark even listed it as their top priority, ahead of concerns such as the protection of external borders and security and defence policy<sup>4</sup>.

#### **On Better Regulation, “redelegating” and “doing less more efficiently”**

(14) While it goes without saying that if doing less, EU institutions should not be less efficient, the inclusion of “Doing less more efficiently” in the title of the Task Force implies its aim is to identify policy areas to deregulate. The purpose of regulation (in the broad definition of the word) should always be considered, and deregulation should not become a goal in itself. **Better regulation should not be about more or less regulation, but setting policies in those areas where EU action is needed.**

(15) It is often stated that regulation is a barrier to business, and that Better Regulation is therefore about devising law that supports business growth and reduces the absolute amount of administrative and/or regulatory costs. Evidence by the OECD however, shows that the stringency of environmental policies does not harm productivity growth, and that environmental policies aren't a barrier to jobs and growth<sup>5</sup>. Further, the European Commission's High Level Group on Administrative Burdens in its final report found that **environmental policy accounts for less than 1% of all administrative burden** in the EU<sup>6</sup>.

(16) The Better Regulation agenda is often promoted as being in the interest of citizens, and notably SMEs. SMEs account for 99.8% of companies, 2/3 of private employment and 60% of EU added value. Only 3% of SMEs have difficulties in complying with environmental legislation and 41% of them are already going beyond existing environmental legislation or are contemplating to do so<sup>7</sup>. **Since SMEs' concerns relate to other policy and regulatory**

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<sup>2</sup> [WWF applauds European Commission plastics proposal, 28 May 2018](#)

<sup>3</sup> Special Eurobarometer 468 - “Attitudes of European citizens towards the environment”, October 2017

<sup>4</sup> [Eurobarometer Survey 89.2 of the European Parliament, May 2018](#)

<sup>5</sup> Environmental policies and productivity growth – a critical review of empirical findings, Tomasz Koźluk and Vera Zipperer, OECD Journal: Economic Studies, Volume 2014, OECD 2015

<sup>6</sup> [High Level Group on Administrative Burdens – Final Report, 24 July 2014](#)

<sup>7</sup> [SMEs, resource efficiency and green markets, Flash Eurobarometer 381, December 2013](#)

**areas, there is no justification to disproportionately scrutinise environmental policies from an SME perspective.**

(17) **In recent evidence-based evaluations undertaken by the European Commission on EU environmental policy** in the context of its Regulatory Fitness and Performance (REFIT) programme, **such as the fitness check of the Birds and Habitats Directives completed last December, the added value of EU action was clearly demonstrated**, showing that “[a] common legislative framework provides Member States with common reference points, requirements and experience on which to develop their expertise and share information and knowledge”, and enabling Member States to comply with commitments made under international agreements<sup>8</sup>. The fitness check highlighted the need to focus efforts on better implementation.

(18) Indeed, **before scrutinising existing environmental policies, WWF recommends that EU Institutions and Member States must first prioritise on the full implementation of existing policies.** The Commission in particular, must make use of the full set of tools at their disposal ranging from providing EU Member States with better guidance to initiating infringements against non-complying EU Member States.

(19) Finally, **policy incoherence between EU and national legislation is hampering the achievement of EU and internationally agreed environmental objectives.** It is regularly concluded by the institutions themselves in the evaluation and review of existing **environmental policies that the objectives have not been achieved (partly) due to tensions with policies in sectors other than the environment.** Often Environmentally Harmful Subsidies (EHS) are involved. EHS are found mostly in the sectors of agriculture (notably through the Common Agricultural Policy), transport, fossil fuels, waste, water and fisheries (notably through the European Fisheries Fund). They include different types of support such as tax reduction for fossil-fuel transport; subsidies affecting sectors such as road transport, farming and fishing; irrigation subsidies; vessel scrapping; biofuel subsidies, and others. Tackling these would help reduce inefficiencies and inconsistencies in policy-making.

#### **WWF’s recommendations for the Task Force’s report to the President**

(20) On the basis of the evidence presented and the views expressed above, WWF believes the following recommendations should be reflected in the final report produced by the Task-Force to the President.

- a. The views adopted by the Task Force in its final report to the President of the European Commission should be clearly justified, substantiated and referenced;
- b. It should be acknowledged that the contribution of the Task-Force forms part of only one scenario presented in the White paper on the Future of Europe, and therefore the Task Force’s report should in no way pre-empt the results of the debate on the future of Europe currently taking place among Member States.

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<sup>8</sup> Commission staff working document fitness check of the EU Nature Legislation (Birds and Habitats Directives) – 16 December 2016

- c. The findings of the Task Force should be coherent and consistent with conclusions from evaluations and fitness checks undertaken within the European Commission's REFIT programme, such as the result of the fitness check on the Birds and Habitats Directives, which found them to be fit for purpose.
- d. Given the clear added value and citizen support for EU action on environment and climate, the Task Force should recommend that the EU should prioritise fully implementing the existing environmental acquis, including by taking full action on infringement cases.
- e. Priority should also be given to addressing policy incoherence and tackling policy gaps which obstruct the achievement of EU and international agreed objectives.