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European Commission
First Vice-President Frans Timmermans
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Brussels, 26 June 2018

**BirdLife Europe's input to the work of the
Task force on subsidiarity, proportionality and “doing less more efficiently”**

Dear First Vice-President Frans Timmermans,

Having been following the announcements of the European Commission on the work of the above mentioned Task Force closely, BirdLife Europe would like to input the following to the process you are chairing:

- The establishment of this Task Force on the basis of one scenario of the White paper (“Doing less more efficiently”), 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.
- While the Task Force website allows for interested parties to provide feedback, and there is transparency regarding which interest groups have responded, BirdLife Europe 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.
- 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. As an organisation active at EU and – through its partners – Member State level on environmental issues, BirdLife Europe would like to address the **urgent need for EU concerted action against environmental degradation, biodiversity loss and climate change.**

- Due to their cross-border nature, **environmental issues in almost all cases have EU added value**, as they 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. The question of **subsidiarity** thus is only a theoretical one for this sector.
- 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.
- 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 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. 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.
- 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**.
- 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. The Fitness Check highlighted the need to focus efforts on better implementation.

- Indeed, before scrutinising existing environmental policies, BirdLife Europe 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.**

Yours sincerely,

Ariel Brunner
Senior Head of Policy

A handwritten signature in black ink, appearing to read 'Ariel Brunner', with a stylized flourish at the end.