

Mr Frans Timmermans

Designated Vice President for Better Regulation,
Inter-Institutional Relations, the Rule of Law and the
Charter of Fundamental Rights

European Commission

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Rue de la Loi, 200
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BELGIUM

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Subject: Better Regulation and the Rule of Law in the President elect's Jean Claude Juncker Commission

Dear Vice President Timmermans,

I am writing to you as Chair of the Green 10, the alliance of leading environmental NGOs at EU level, supported by over 20 million EU citizens and active in all 28 Member States, to convey our concerns and proposals ahead of your confirmation hearing at the European Parliament.

As you may be aware, environmental NGOs have been expressing grave concerns over the proposed set-up for the new Commission.

None of the vice presidents' mission letters mentions sustainability as a key issue, and the mandate for the environment commissioner aims for a freeze and possibly rollback of environmental policies. It would also mean that for the first time in two decades the EU would not have a dedicated environment commissioner. And we have serious concerns over conflicts of interest resulting from the current assignment of some portfolios.

We have made four proposals to rebalance this situation: establish a vice president for sustainability, upgrade the Vice President for Energy Union to 'Climate Action and Energy Union', ensure the full-time environment portfolio gets reinstated, and resolve the conflicts of interest.

As to your mandate, it is undoubtedly read by many as aiming to reduce, rather than improve, EU regulation.

Needless to say, we see things differently.

First, your role is not limited to regulation; it is also about fundamental rights and the rule of law. We trust that you will take **all your mandate's pillars** equally seriously in your daily work.

Second, there is clear evidence that EU environmental legislation has been extremely beneficial for Europe as a whole. It has very much improved the quality of life and health of European citizens. Moreover, it is a condition sine qua non for Europe to remain competitive in green investments and technologies, which will generate the jobs of the future. Vice versa, no evidence exists that environmental deregulation improves growth and jobs.

The Green 10 is chaired by BirdLife Europe

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For our densely populated continent with relatively limited natural resources, a smart, green and resource-efficient economy is not only an example to the world, but simply a matter of enlightened self-interest.

Last but not least, recent geopolitical events are forcing Europe to fundamentally rethink its dependence on fossil fuels, a question to which only EU legislation on climate, renewable energy and energy efficiency has credible answers.

The special Eurobarometer 416 from the 8 September 2014, shows that despite the economic crisis 95% of the 28.000 interviewed citizens said that protecting the environment is important to them personally and that more should be done. **Environment is clearly one of the few areas where citizens recognise the added value of EU action.**

This is not to say that nothing can be improved about the way EU regulation works.

In this spirit, we would like to suggest several initiatives you could champion in your vital role of first Vice President:

- **Use environmental legislation's potential as an engine of innovation.** By promoting challenging efficiency and emission standards and ensuring that environmental targets are actually met, you will unlock huge creative forces that will allow European companies to charge ahead with innovative and sustainable products, services and business models;
- **Enforce the legally binding 7th Environmental Action Programme.** The Commission has a clear legal mandate given to it by the Parliament and Council in terms of environmental action. As First Vice President you will be in the position to ensure all Commissioners honor this commitment.
- **Promote and protect the fundamental right to environmental protection** as per the EU Charter of Fundamental Rights (art. 37): *A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.*
- **Promote access to justice.** We ask you to help citizens exercising these rights by promoting the long due legislation on Access to Justice in environmental matters and ensure that the Aarhus Convention is fully implemented in the work of all Commissioners.
- **Guarantee more transparency.** The EU often lacks transparency in decision forming and this is causing increasing widespread euro-skepticism as shown by the last European Parliament elections. A first example is lobbying; the register of interest representation does not apply to the Council, is voluntary and not verified, let alone policed. A second example is expert groups; the way these groups conduct their affairs is still often opaque and there is no mechanism to verify and encourage balance in interest groups.
- **Focus on Better Implementation.** EU environmental law is often patchily implemented, and it is often at the implementation level where unnecessary administrative burdens originate, not at the EU level. Improving the Commission complaints and infringement mechanisms and resources is important.
- **Ensure better enforcement and market surveillance.** Equally often, laws are implemented at member state level but poorly enforced. This leads to inequalities before the law and often, in case of product regulations, to illegal, inferior, often imported, B-grade products on the market, undermining premium quality manufacturers and technologies. These are serious issues in many respects and need to be addressed. The long pending legal proposal on inspections should be a priority for action.
- **Anchor the Polluter Pays and Precautionary Principles in new actions.** Not only are these fundamental principles written into the EU Treaty, but they also provide a clear compass for the definition of good regulation. By screening all legislative proposals, you will be able to ensure these principles are strictly followed, hence producing good, solid and effective legislation.

- **Improve impact assessments.** The current application of impact assessments is very uneven. Environmental and climate initiatives are underpinned by years of analyses and modelling and very detailed impact assessments. The same standards do not apply to action in other key areas of EU action like agriculture or trade.

On the 7th October you will face the hearing in the European Parliament in relation to your nomination for the role of first Vice President. This will give you a unique opportunity to clarify your interpretation of your new role. We hope you will use this opportunity to commit to a modern, progressive and forward looking vision of European Legislation, one that can be an engine of innovation and bring good jobs, health and quality of life to EU citizens.

Yours sincerely,



Angelo Caserta, Regional Director of the European Division – BirdLife International

On behalf of the Green 10 EU Directors

Wendel Trio, Director – Climate Action Network (CAN) Europe

Petr Hlobil, Director of Programmes – CEE Bankwatch Network

Jeremy Wates, Secretary-General – European Environmental Bureau

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Jorgo Riss, Director – Greenpeace European Unit

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