

# Is there anything Germany can learn from UK green policy? 01/03/2012

I am bound to view this question from a European perspective, having been an MEP and chairman of the European Parliament's environment committee. National green policies are now subsumed within an EU framework, where we should all be doing much the same, subject to the degree of variation that directives allow.

Germany supplied the vital driving force behind EU environmental policies when these took off in the mid 1970s. They had the money and they could afford to comply with ambitious targets for controlling pollution and, more recently, for switching to new solutions to cope with and hopefully reverse climate change. By contrast, the British attitude has been to raise questions about the legitimacy, effectiveness and practicality of EU actions. Our reputation for being anti-European has made the task of those UK civil servants and MEPs who negotiate at EU level much more difficult. Where variations in national policies do exist, they are essentially differences over the choice of green solutions at EU level, and over ways of ensuring that these solutions are followed.

## **Taking cost into account**

Fundamentally, the difference in the two approaches has been that the Germans have, historically, gone for the maximum, for example arguing for very tough targets on air and water pollution, and looking for highly detailed EU laws covering such things as quality standards for different types of recycled materials. The presence of the Greens in some strength in the Bundestag and European Parliament underpins this drive, which reached a high point under Jurgen Trittin, a Green, who was the German environment minister from 1998 to 2005. At that time I remember asking a German civil servant whether his Ministry ever briefed German MPs and MEPs on the potential cost of new EU green policies. He answered that, under Trittin, they prepared the papers but were unable to pass them on. British ministers have never shown this degree of green ruthlessness (or recklessness).

In fact the British have not been green visionaries; they have been, and are, experts in the reality check at EU level. It is noteworthy that British MEPs (to varying degrees) have taken an interest in how much EU green policies will cost. Until impact assessment became a requirement, draft directives were not costed when they left the Commission, and were still not costed when they were agreed by ministers and MEPs. This extraordinary state of affairs laid environment policy in particular wide open to the danger that it would be agreed by all ministers, who did not want to acquire a reputation for obstruction in this field, and then put into operation late and unevenly by the member states.

This can give defaulting countries a competitive advantage and deceive the European public into the belief that environmental problems were being universally addressed. Even where failure has been revealed the Commission has been slow to act, and, when it does, the procedures available to persuade or compel member states to implement the law properly are tortuously slow. Where member states themselves apply penalties for non-compliance, with EU law the variations in levels can be huge: a recent report on REACH (the European Community regulation on chemicals and their safe use) records that the maximum fine in Latvia is below €5,000. In Belgium it can go up to €55 million

I think the Germans have something to learn from us on all this. Let me summarise:

- Germans have paid far too little attention to the possible economic costs of new EU green laws. They have preferred to emphasise the cost of inaction. That is fine, but actually we need both types of information if we are not to adopt laws in the dark. There are large areas of failure: for example, 20 countries face infringement procedures over non-compliance with air quality standards for particulates.
- Despite having the largest parliamentary Green party in Europe, Germany has hardly taken up the case of supervision of environmental law. British MEPs, members of the House of Lords and some MPs seem more alert to the problems here. Report after report from the European Commission laments the non-availability of data from certain member states. No data means no basis for Commission action (except to demand the data). ‘Summits’ between Council, Commission and MEPs designed to lay bare what is happening on particular directives are simply not attended by countries with failures to hide. No country is prepared to beef up the European Environmental Agency to give it real supervisory powers. The idea of a European Waste Inspectorate seems to have been effectively landfilled.
- Germans are far less interested than the British in the issue of penalties, where the dilemma is that we have an excessively slow way of getting a defaulting country to the European Court, and then the only remedy we have is a fine, when in fact shortage of money may be the reason for failure. Whereas the British would like to debate ways of improving this situation, and operating sticks and carrots more effectively, Germany seems uninterested.

The upshot of all this is that we have created, on green issues in the EU, a situation which mirrors the problem of the Euro: poor intelligence, concealed neglect and potentially disastrous consequences for example from continuing pollution of air and water, from the trade in unsorted, untreated and undeclared wastes, from long-term damage to wildlife habitats and from failure to implement measures to halt or mitigate climate change. The fact that these consequences may be felt by future generations should encourage Germany and Britain to work together to raise such sensitive and difficult issues and to do something about them.