



Environmental crimes

The case against Commissioner De Palacio:
Examples of serious policy shortcomings



Getting transport's prices right

Getting transport's prices right is essential for implementing the 'polluter pays' principle and making transport sustainable.

- There has been broad consensus for years that transport pricing is indispensable in improving transport's environmental, economic and social performance. Despite political commitment by member states and the Commission, De Palacio has postponed indefinitely all work on a promised **framework directive on infrastructure pricing**.
- The revision of the **Eurovignette Directive** is on the verge of being adopted (Eurovignette is a road pricing scheme for trucks). The revision is presently going through an accelerated inter-service consultation process (two weeks in summer). However, the version under review takes transport pricing backwards rather than forwards. It falls short of what European leaders asked for in Barcelona (March 2002) and fails to reach DG TREN's own policy goals for fair and efficient pricing, made in its 2001 White Paper on 'European transport policy for 2010: time to decide'. The Eurovignette revision also ignores basic principles of a fair and efficient pricing system which were laid down in the 1998 white paper on 'Fair payment for infrastructure use'.
- On the evidence available it would appear that Commissioner De Palacio either does not understand the need for the EU policy of **decoupling** transport and economic growth or chooses to ignore it.



Trans-European Transport Networks

There was to have been a 'mini-revision' of the TENs guidelines in 2001: De Palacio delayed that work until the full revision. This meant renegeing on Commission commitments, but would not have been so bad had the full review been conducted properly. It was not.

- Instead, De Palacio launched a High Level Group, chaired by former Commissioner Karel van Miert. It contained only high level national officials from member states' transport ministries, and an EIB representative. Not only was the work of this group intransparent, it did not give stakeholders a chance to comment at any stage of the drafting process. Unsurprisingly, this resulted in a poor quality **revision of the TENs guidelines**.
- This is partly because of the group's mandate. Van Miert told MEPs a week after the report was published that the Commission should in future spend more time examining the projects before any future revision. He admitted the revision does not even include an economic assessment of the proposed projects, let alone an environmental one.
- The revision also makes a number of questionable assumptions which contradict EU policy. For instance, it assumes continued transport growth, despite many EU statements on the need to slow transport growth and to decouple transport and economic growth.
- Finally, the proposed revision is being rammed through the now-unavoidable stakeholder consultation process: having been recently opened for comment, interested parties have only until the end of August to comment – during the summer break.
- Commissioner De Palacio is behind this group and has been one of the driving forces behind the report's completion. She is responsible for ensuring that EU policies, such as environmental integration, are carried out; and has patently failed to do so in this case.



Nuclear package

Current proposals place no additional requirements on Member States, instead requiring *setting out basic obligations and general principles on safety*. They mirror the demands of the IAEA's nuclear safety convention, but have less transparency, thus increasing reporting and monitoring with no added benefit. Furthermore, the directive is in danger of being seen as the introduction of EU nuclear safety standards. This dangerous deception should not be used to claim that the issue of nuclear safety has now been addressed.

- The proposal for the requirement **for decommissioning and radioactive waste management funds** to be separated from the utility seems welcome. However, the opt- out allowing utilities to continue to manage the decommissioning fund under unspecified 'exceptional circumstance' undermines the whole proposal.

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The current language, with the opt-out clause, is worse than having no EU legislation at all, because some operators will comply while others – like EDF, EON and RWE – are likely to continue using these funds, leaving them in an increasingly dominant position within the energy market.

- The **directive on waste management**: The Commission has decided that deep geological disposal for high-level radioactive waste is the only option. There is no real agreement that this is the best way forward. Creating an arbitrary common date for construction of repositories is not responsible because decisions about management of high-level radioactive waste require a process of public consultation and democratic decision-making, that cannot be determined by Commission or EU diktat. Further, the science of deep geological disposal is in its infancy: scientific progress, if at all possible, cannot not be bound by random political dates.
- The proposal allows the **export of radioactive waste** to countries outside the EU. The only reason for this is because states that have chosen the nuclear option have failed to find acceptable ways to manage radioactive waste. Countries using nuclear power should take responsibility for the waste they produce. By accepting waste export to less wealthy countries as a valid disposal option, the Commission is endorsing trade in radioactive waste. This is totally unacceptable and has been prohibited for non-radioactive waste.



Aviation

The Commission's 1999 Communication on aviation and the environment indicated the need for introduction of a Europe-wide aviation charge to internalise aviation's external costs. Such a charge is necessary, because of the large and growing problem posed by aviation, particularly in relation to climate change, and because there is no movement at ICAO, the international governing body. It would also guarantee such an instrument would be introduced in the near future. The Commission then ordered a study on the subject, which showed that an **environmental aviation charge** is feasible at EU level. Such a charge would take seriously EU commitments to making the polluter pay and integrate environmental concerns into transport policy. However, De Palacio has blocked all movement in this direction.



Internal Electricity Market

De Palacio has had a destructive influence on the **internal energy market**, and succeeded in reducing into an Annex the amendment which would have set the rules for decommissioning of nuclear power plants. Fortunately, the original language she proposed (with numerous references to the Euratom Treaty) was blocked.



Hydrogen

In the June 2003 **High Level Conference** on Hydrogen, De Palacio kept singing the praises of nuclear fusion; which runs against existing EU policy. At this conference she referred to nuclear energy as one of the two unlimited sources of energy (the other being solar power, she said). In addition, she set up the **High Level Group** on Hydrogen, composed principally of industry representatives, which excluded civil society. Unsurprisingly, although the stated objective of the hydrogen economy is to help sustainable development and a way away from fossil fuels, no real strategy is on the horizon as to how this would happen.



Publicly undermining EU credibility

By contradicting existing EU transport policy in **comments to German media** about transport pricing, and subsequently failing to respond to calls for De Palacio to justify her actions.



Governance

De Palacio has consistently **avoided meeting with environmental NGOs**, but she appears to take every opportunity to participate in industry events. The photos on her personal Commission-hosted website provide good visual illustration of this. Further governance problems include De Palacio's **method of developing transport policies**: she favours the "high level groups" approach for developing policies, such as the Van Miert and Hydrogen groups mentioned above and setting up of the Energy and Transport Forum. In addition to largely by-passing her services, these groups operate in a non-inclusive and intransparent manner which typically does not include NGOs. In addition, the abovementioned public undermining of the EU's credibility raises serious governance questions.