

THE 8TH EAP MONITORING FRAMEWORK



POSITION PAPER
Justice and Environment 2023



CONTENTS

Contents.....	2
The 7 th EAP	3
The 8 th EAP	3
The Monitoring Framework.....	4
Evaluation of the Commission Communication	4
Suggestion	6

The 7th EAP

[Decision No. 1386/2013/EU of the European Parliament and of the Council of 20 November 2013](#) on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' is *de facto* the 7th EU Environment Action Programme (7th EAP). The European Parliament and the European Council adopted the 7th EAP in order to help guide EU action on the environment and climate change up to and beyond 2020 based on the following vision:

“In 2050, we live well, within the planet’s ecological limits. Our prosperity and healthy environment stem from an innovative, circular economy where nothing is wasted and where natural resources are managed sustainably, and biodiversity is protected, valued and restored in ways that enhance our society’s resilience. Our low-carbon growth has long been decoupled from resource use, setting the pace for a safe and sustainable global society.”

Back in 2012, Justice and Environment (J&E) commented this act within the public consultation process. We concluded that the 7th EAP should be conscious about the benefits of inclusive governance and should not be afraid to spell them out. One of the strongest statements in our [Position Paper](#) back then was that in terms of priorities in this context (page 7), J&E found the lack of reference to public access to information (inspection and surveillance regimes), participation in decision-making (complaints) and access to justice (all areas of EU environmental law).

The 8th EAP

Now, in 2024 we will have the second anniversary of the entry into force on 2 May 2024 of the [8th Environment Action Programme](#) as the EU’s legally agreed common agenda for environment policy until 2030. The action programme reiterates the EU’s long-term vision to 2050 of living well, within planetary boundaries. It sets out priority objectives for 2030 and the conditions needed to achieve these. Building on the [European Green Deal](#), the action programme aims to speed up the transition to a climate-neutral, resource-efficient economy, recognising that human wellbeing and prosperity depend on healthy ecosystems.

The Monitoring Framework

The Commission has adopted in July 2022 a [Communication on the monitoring framework of the 8th EAP](#) called “*Measuring progress towards the attainment of the Programme's 2030 and 2050 priority objectives*”. The monitoring framework is to be based on a limited number of headline indicators, including systemic indicators on the links between the environment and social dimensions and the economy, enabling the EU to track progress towards green transition and give a high-level strategic political oversight.

The current Position Paper of J&E is a critical assessment of the Commission Communication, taking into account the primary interest and focus of J&E in good environmental governance and rule of law.

Evaluation of the Commission Communication


In its introduction, the Commission Communication establishes that:

*“The 8th EAP builds on the objectives of the European Green Deal (EGD), which is the EU’s growth strategy for achieving a climate-neutral, resource-efficient, non-toxic, resilient and competitive circular economy in a **just and inclusive way**”.*

Later it establishes that

“the monitoring framework builds on sector-specific monitoring tools to ensure coherence and minimise administrative burden”. “It also takes account of the insights from the environmental implementation review.”

The Green Deal dedicates attention to environmental governance matters, so does the 8th Environment Action Programme. We also have to mention that SDG 16 to “*promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*” is a key target which among many strictly environmental targets does not forget that the solution to this crisis we have is as much environmental as social. However, social matters cannot be tackled without the participation of the affected members of the public who demand transparency, inclusiveness and justice.



After such an introduction, one could expect that the headline indicators cover the full spectrum of issues arising from the Green Deal, the 8th Environment Action Programme and ultimately from the Sustainable Development Goals of the United Nations. One would have the hope that given that all these documents dedicate some attention to environmental governance matters, the monitoring framework and the headline indicators also do cover this aspect of environmental protection.

Unfortunately, to the disappointment of many, this is not the case. The selected [headline indicators](#) cover issues like climate change mitigation, climate change adaptation, a regenerative circular economy, zero pollution and the toxic free environment, biodiversity and ecosystems, environmental and climate pressures related to EU production and consumption, enabling conditions and the overarching title Living well within planetary boundaries. However, there is no indicator dedicated to access to information, public participation in decision-making or access to justice as enshrined in the Aarhus Convention.

This puts a big question mark to the entire document and whether it is able to assess the just character of the management of environmental issues. Since environmental governance is an overarching issue affecting all of the specific issues, a systematic assessment of it would be of pivotal importance.

The Commission Communication also gives us an explanation saying that indicators on environmental governance covering compliance assurance, transparency, public participation and access to justice are not suitable as headline indicators but will be used for the in-depth assessments. However, the Commission does not give any reasoning as to why the governance issues are not suitable to be assessed under headline indicators.

The in-depth assessments will use indicators that were not selected as headline indicators; two such assessments are foreseen for 2024 and 2029. Having read this we cannot conceal our disappointment about the choice of headline indicators, again referring back to those major basic documents that are supposed to guide our actions during the triple planetary crisis.

In our view indicators covering access to information, public participation and access to justice are suitable under the monitoring framework and could rely on sufficient data and information to contribute to a better assessment of the implementation of the 8th EAP.

Therefore, our evaluation based on our specific point of view in brief is that there is a striking gap among the headline indicators and according to J&E, social indicators such as those measuring the access rights cannot be left out of the monitoring framework. In our view, it does not suffice to only review those issues within the in-depth assessments planned for 2024 and

2029. J&E offers its assistance to the European Commission in managing this process based on our 2-decade long experience in Aarhus Convention related and access rights related matters.

Suggestion

We suggest to the Commission including these indicators and we hope that the promise in the Commission Communication that is “*the Commission will consider proposing changes to the headline indicators following the 2024 mid-term review and the 2029 evaluation*” will result in including access rights related social indicators into the monitoring framework.

However, we urge the Commission not to wait until the end of such reviews but include the aforementioned indicators into the monitoring framework as soon as practically feasible.

Contact information:

organization: *Justice & Environment*
e-mail: info@justiceandenvironment.org
URL: www.justiceandenvironment.org

Funded by the European Union.



The Work Plan of J&E has received funding from the European Union through its LIFE NGO Grant funding scheme. The sole responsibility for the present document lies with the author and the European Commission is not responsible for any use that may be made of the information contained therein.