



Consideration of European Issues

Comments by

Northern Ireland Environment Link

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Northern Ireland Environment Link is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 51 Full Members represent over 85,000 individuals, 262 subsidiary groups, have an annual turnover of £100 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment.

These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments we would be delighted to do so.

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Northern Ireland Environment Link (NIEL) welcomes the opportunity to make a submission to the Committee for the Office of the First Minister and Deputy First Minister on their Consideration of European Issues.

CONSIDERATION OF EUROPEAN ISSUES

1. *To review the Northern Ireland Assembly's role in relation to European issues and to make recommendations to improve scrutiny of European policy and enhance engagement with European issues.*

NIEL notes the importance and impact of EU policies and legislation on a wide range of matters in Northern Ireland. OFMDFM estimate that over two-thirds of administrative and legislative actions in Northern Ireland originate from, or are influenced by, decisions taken in Brussels. While UK relations with the European Union are the responsibility of the Westminster Government, implementation of EU policies in Northern Ireland usually falls to the regional administration (the 1998 Northern Ireland Act transferred responsibility for the implementation of EU law on devolved matters to the Assembly).

The Northern Ireland Assembly, therefore, has a crucial role to play in overseeing the implementation of current EU legislation. In addition the Assembly must ensure that Northern Ireland works 'up stream' to influence future EU policies and legislation which will have a local impact.

In reviewing the Northern Ireland Assembly's role in relation to European issues, NIEL suggests that the OFMDFM Committee revisit the recommendations made in the Report and Proceedings of the Committee of the Centre *Inquiry into the Approach of the NI Assembly and the Devolved Government on European Issues (Report 02/01R)* published March 2002. The Report lists some 43 recommendations that form a useful benchmark in relation to the current OFMDFM Committee's *Consideration of European Issues*. NIEL's recommendations are based upon an analysis of progress made against some of the recommendations made in the 2002 Report.

- While the report notes the need for openness and transparency on EU matters, NIEL believes that much remains to be done. Getting clear information and advice on the procedures and mechanisms for the local transposition of EU legislation remains difficult particularly for those operating outside of government.
- If the Northern Ireland Assembly is to effectively scrutinise European Policy it needs to be kept informed of current EU policy issues. The 2002 Report recommended that OFMDFM keeps its database on current EU Directives up-to-date and that this database be shared with the relevant Assembly Committees. While NIEL is unsure as to the degree to which this recommendation has been fulfilled, we feel that this information is not readily available to the NGO sector and therefore contradicts the desire for openness and transparency.
- Recommendation 5 of the 2002 Report suggested that the *Assembly receives from OFMDFM a 12 - 18 month forward programme of EU legislation which the Departments are expected to implement, by subject area with briefing notes on the expected impact on Northern Ireland, while*

Recommendation 6 suggested that *each Department should regularly brief its Assembly Committee on whether it is on target to meet the implementation timetables and on any likely infraction proceedings*. NIEL is supportive of the full implementation of these recommendations and would again suggest that the information provided is made readily available both within and beyond government structures.

- As the various Departmental Assembly committees are responsible for scrutinising the transposition EU legislation, NIEL supports the view outlined in Recommendation 8 that *structures are put in place which ensure that the Departments engage at an early stage with the relevant Assembly Committees in areas where a distinct policy need and position for Northern Ireland is being considered*. These structures would enable the Committees to ensure that views of NGO's are taken on board as any Northern Ireland position must go beyond a purely departmental view.
- The need for greater engagement beyond government circles is further supported by Recommendation 9 of the Report which suggested *that structures should be put into place to make use of all available expertise and networks including those outside the Departments*. Given that the success of any policy will ultimately be determined by the level of support it receives, NIEL believes a cross-sectoral partnership approach to policy design and implementation is essential.
- We suggest that the Recommendation 13 of the 2002 Report be enacted immediately, namely that: *The Committee recommends that OFMDFM establishes a central resource which not only collates all the available EU affairs information but helps explain the context, the implications and the opportunities or threats. The establishment of a web based portal should be investigated as a method of sharing this information with non government organisations and local government*. In the absence of information and the structures necessary for the environmental NGO sector to effectively engage in EU issues, the Northern Ireland response to environmental European policy matters will continue to appear incoherent and piecemeal.

2. *To consider the Northern Ireland Executive's strategic approach to European issues, including in particular, the Executive's response to the work of the Barroso Taskforce.*

The remit of the Northern Ireland Taskforce (NITF) as established by President Barroso was to help the region improve its economic competitiveness and to create sustainable employment. NIEL has no specific comment to make on the Executive's response to the NITF Report other than to insist that the report is framed within the context of Sustainable Development. The NITF formulated suggestions and recommendations on how the administration, the private sector, universities and research institutes and other economic actors can contribute to, and benefit from, Europe with particular emphasis on how to generate growth and jobs.

NIEL feels that the NITF Report, like the Northern Ireland *Programme for Government*, fails to grasp the truly mutual relationship between sustainability and economic growth. The Executive, in overseeing the implementation of the Programme for Government (PfG) and the response to the NITF Report, must ensure that environmental sustainability and enhancement are addressed and delivered. The

NITF Report also refers to the Northern Ireland Sustainable Development Strategy (SDS) being adopted in 2006, however, since the report was issued the Executive has decided to replace the SDS: the revised strategy has not yet been issued. NIEL believes that the SDS should be published and implemented as a matter of urgency. The SDS should provide the template against which all actions suggested within the NITF report are implemented. Similarly, all proposed actions contained within the PfG and SDS should also be considered by the Sustainable Development Stakeholder Forum and the, hopefully soon to be appointed, new Sustainable Development Commissioner.

3. *To consider European policy issues which fall within the remit of the Committee.*

During the suspension of the Northern Ireland Assembly, and following widespread consultation, OFMDFM published *Taking our place in Europe – Northern Ireland's European Strategy 2006-2010*. This document mapped out a framework for Northern Ireland's engagement with Europe. The strategy was also designed to guide the work of regional and local government and set out what needed to be done in partnership with civil society, including the NGO sector. This strategy recognised the environment as a priority EU policy area for Northern Ireland and stated the need to protect and sustain Northern Ireland's environment, concentrating on air and water quality, waste management, flood risk management and climate change. NIEL, therefore, recommends that the Committee updates and implements the strategy as a matter of urgency.

We thank you for the opportunity to make these comments. We hope that you find them helpful and that they will be taken into account in your decision. If you would like to discuss them further please do contact us.