



SI/5/2022/KR Public consultation - Transparency and participation in EU decision making related to the environment

IFAW welcomes the European Ombudsman's public consultation on transparency and participation in EU decision making related to the environment. In order to enable and ensure meaningful contribution by all stakeholders, greater transparency in the EU decision making process related to the environment is needed. This document presents IFAW's answers to some questions of the consultation, based on our experience with the revision, drafting and implementation of various EU environmental policies.

Transparency

1. Please describe any difficulties you have faced in searching for and obtaining information or documents related to (decision making on) the environment held by EU institutions.

Agendas of the Scientific Review Group's meetings are published only a few days before the meetings and the notes of the meetings are published with long delays: this makes impossible the NGOs' contribution and the prompt use of the outcomes.

In many cases, NGOs are not offered the possibility to contribute to the drafting of EC policies in support of the EU wildlife trade legislation's implementation. Recently, this was the case with the preparation of the EC Guidance document on live animals bred in captivity and the EC Guidance on tiger trade: no drafts have been shared with stakeholders and no formal possibility to provide inputs has been offered.

Another example is provided by the EU Council Decision for a common position for CITES CoP19: this was adopted on 11 November 2022, but it was not published before or during the CoP. Two stakeholder meetings were held before CITES CoP19 and 1 stakeholder meeting during the CoP. During these meetings stakeholders had the possibility to provide input, but they hardly received feedback on EU positions.

2. In your view, is the environmental information that the EU makes public up-to-date and accurate? If not, please give examples.

Information is sometime shared too late (e.g. agreed EU Council Position for CITES CoP19 still not published, see above).

Trade in EU Annex D species is only recorded and reported by some Member States; consequently, data are incomplete and of limited informative value.

During the implementation of the EU Action Plan against Wildlife Trafficking, very limited information on the Member States' implementation has been shared: only a mid-term and a final evaluation have been published, but these presented very limited and incomplete data. It has then been impossible for NGOs to engage with MS and the EC to address the shortcomings in the implementation of the Action Plan.

3. The EU Aarhus Regulation obliges the EU institutions to set up public databases for the proactive and systemic dissemination of certain environmental information.^[1] What, in your view, should the EU institutions do to make these databases as comprehensive and user-friendly as possible? The kind of information that the EU institutions should include within their scope is set out in Article 4 of the Aarhus Regulation. What specific information needs to be provided to meet this requirement? Should the EU institutions choose to go beyond this legal requirement? In what way?

Data on the import and export of wildlife species that are not included in the Annexes A-C of the EU wildlife trade regulation are lacking. EUROSTAT only provides import data of certain commodity groups (e.g. "frogs' legs frozen", "live reptiles" or "freshwater ornamental fish, alive") but records are not at genus or even species level, making impossible any analysis of the trade. Differently, the US LEMIS Database records all import and export of wildlife, and specific datasets can be requested under the Freedom of Information Act. Import data for non-CITES wildlife species and products should be recorded and made publicly available via a dedicated database.

Concerning industrial fisheries, while TACs and quotas are published, clear tables (with quotas per species and country, scientifically recommended versus actually approved quotas, and justifications for any deviations in quotas) would be needed to make the basis of the EU's decisions for the fisheries sector transparent and understandable.

6. In your view, are the personal and/or professional interests of external experts that the Commission consults in relation to environmental proposals, legislative or otherwise, sufficiently transparent? Please provide reasons for your view.

Greater transparency should be ensured regarding the external experts who are consulted by the Commission. Except in cases where official stakeholder consultation meetings are organised, no details are provided on who are the experts and how often the EC consults them on the various policies.

7. Please raise any further issues you have observed in the transparency of decision making relating to the environment.

The civil society has no access to the drafts produced during the Trilogue process; only very concise communications are provided by the EC or the EP on the status of the negotiations. There is no possibility for NGOs to provide inputs.

Participation

8. What could the Commission improve regarding the involvement of civil society in the preparation and implementation of the policies with an impact on the environment, for example in 'Civil Dialogue Groups' in the context of the EU's Common Agricultural Policy, or 'Domestic Advisory Groups' in the context of the implementation of Free Trade Agreements?

The establishment of Civil Dialog Groups to discuss environmental policy's drafting and implementation would help to ensure access to information and regular exchange of information. Such a dialogue group could enhance participation and provide a mechanism for civil society to report, inform and share information relating to environmental policy. However, representation of various stakeholders (private sector, public sector, NGOs) should be balanced.

Membership of some EU Platforms is unclear: for instance, it is unclear how and according to which criteria membership of the EU Large Carnivores Platform is possible. Calls for applications for the selection of members of the EU Biodiversity Platform should be published at least bi-annually, instead of every 5 years as it is currently.

More dialogue during the full process of development of policies should be allowed, by sharing policy's drafts and consulting experts, the civil society and the private sector during all the phases of the policies' drafting and adoption.