

ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have.

TITLE OF THE INITIATIVE	Global Pact for the Environment
LEAD DG – RESPONSIBLE UNIT	DG ENV, Unit F3 (Multilateral Environmental Cooperation)
LIKELY TYPE OF INITIATIVE	Commission recommendation for a Council decision to authorise the Commission to open negotiations on behalf of the European Union
INDICATIVE PLANNING	Q1 2018
ADDITIONAL INFORMATION	http://pactenvironment.org/

This Roadmap is provided for information purposes only and its content might change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Roadmap, including its timing, are subject to change.

A. Context, Problem definition and Subsidiarity Check

Context

The development of a new instrument of international environmental law called 'Global Pact for the Environment', aiming to complement and improve the coherence of international environmental law and to facilitate the implementation of existing obligations under international environmental law, has been initiated by an international group of legal experts with the support of the French government.

The President of the French Republic introduced the project to the United Nations General Assembly on 19 September 2017, in the margins of the ministerial week of the General Assembly's 72nd session. The President of the French Republic called for the creation of a group of Friends of the Pact, which is to develop a draft resolution to be adopted by the United Nations General Assembly to launch formally the negotiations on a Global Pact for the Environment.

The aim of the Group of Friends is to prepare a procedural resolution establishing an open working group responsible for negotiating the Pact under the auspices of the General Assembly. This resolution is expected to be tabled in the first quarter of 2018.

Once this resolution is adopted, the open working group would begin its work. It is currently envisaged that the open working group would be established in spring 2018 and would finish its work in 2020, when the negotiated instrument would be endorsed in an intergovernmental conference.

During the negotiating process, the work carried out by the legal experts would not be considered as a zero draft. There is, therefore, currently no text on the table and the United Nations General Assembly has yet to adopt a resolution that would frame this process.

Problem the initiative aims to tackle

The subject-matter of the negotiations would fall largely within EU policies and competences, in particular in the field of environmental protection (Article 192(1) TFEU). Therefore, the Commission must obtain from the Council an authorisation to negotiate this instrument on behalf of the European Union.

Basis for EU intervention (legal basis and subsidiarity check)

The legal basis for the EU to act in the environmental field is Article 192(1) TFEU and Article 216 TFEU. To the extent that the international instrument falls under the exclusive competence of the EU according to Article 3(2) TFEU, the subsidiarity principle does not apply. If, and to the extent that the international instrument may fall under shared competences under Article 4 TFEU, there is a need for action within the meaning of Article 216 (1) TFEU to protect the integrity of EU law, as the rules of international law and of EU law on the protection of the environment need to remain consistent. The Union itself would be affected by the Pact due to its potential impact on the EU environmental law and on the implementation of existing multilateral environmental agreements to which the EU is a party.

B. What does the initiative aim to achieve and how

The initiative aims at ensuring the EU's participation in the negotiating process. This can only be done by obtaining from the Council the authorisation for the Commission to negotiate the future Global Pact on behalf of the EU. The legal basis for the Council to authorise the opening of negotiations is Article 218(3) and (4) TFEU. The aim of EU participation in the negotiations is to maximise the international instrument's alignment with relevant EU and other international law.

C. Better regulation

Consultation of citizens and stakeholders

The scope and content on the negotiations remain to be determined. Citizens and stakeholders will be consulted at a later stage, once the process has been formally launched by the General Assembly. All appropriate means of consultation will be employed once the new international instrument is taking shape in the context of the United Nations working group. Relevant stakeholders include the representatives of the Member States administrations, NGOs, EU citizens and the general public and may include other stakeholders depending on the developments of the negotiation process. Further information will be made public on the Commission websites as soon as it becomes available.

Evidence base and data collection

The relevant evidence will be collected and used to underpin the EU position once the negotiating process has been formally launched by the United Nations General Assembly and when the scope of the Global Pact for the Environment becomes clear.