

EDITORIAL

It is fair to say that not only US citizens, but also those belonging to the world-wide environmental family, were happy at the outcome of the US election. There has been an overall feeling for some time now that in our sphere too, more initiatives and involvement at the highest level are long overdue. The fact that President-elect Clinton has chosen Senator Al Gore as his Vice, bodes well for a change. However, it would be naive to expect "wonders", considering the major problems in all areas confronting the new US administration.

In the weeks leading up to the election, a large section of the US press painted Al Gore as a danger for the economy. Yes, his genuine involvement cannot be doubted, but he has shown pragmatism in the past when he has compromised on environmental issues. One example, was his vote against the controversial preservation of the snail darter, a small fish threatened by dam construction in his home State.

Throughout the campaign, Governor Clinton stated that although he has had to compromise and has made the choice at times for jobs, because his State is a poor one, a major priority in his administration will be better environmental protection. He has "come to learn something that Bush and his advisers ...don't understand: I've come to reject the false choice between economic growth and environmental protection".

It will be interesting to see how they will tackle the problems of increasing environmental stress, a country in recession, and the promises made.

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Regarding the "Maastricht" ratification, and its attendant difficulties for some EC Member States, the concept of "subsidiarity" is thought to offer a possible solution.

*In general terms, subsidiarity means that action should not be taken away from the level where it can best be carried out; and in this sense, it was originally intended to delimit the scope of the jurisdiction of the Community and its organs vis-à-vis the Member States and their competent organs. Broadly, it requires that action should be taken at Community level only where that would be more appropriate than action at national or local level. Under the Treaty of Rome, "...the Community shall take action relating to the environment to the extent to which the relevant objectives can be attained better at Community level than at the level of the individual Member States". However, Article 3b of the Maastricht Treaty explicitly states, *inter alia*, that the Community shall take such action "in accordance with the principle of subsidiarity"*

Subsidiarity is now accepted as a means of counteracting the momentum towards centralisation in Brussels and the desire to retain decision-making power at the local level -- the essence of a good democratic system. There is no doubt that the Community has been taking on too much and has been going into too much detail, with the drafting of technical annexes etc, instead of being concerned with policy in general.

UK Prime Minister John Major is right when he says that we should not insist on a regulation being carried out by the letter, but rather on whether or not it is implemented.

In this area, too many things are different in the Member States. Where are all the authorities to implement all the directives passed? Just because a State says that they will be incorporated into national law, without taking any action to ensure that this is done, does not solve the problem. As a result, those countries who are honestly implementing the laws are subjecting themselves to unfair competition. A priority for action by Community civil servants should be, therefore, to monitor State implementation.

At the Lisbon Summit in June, the Commission and Council were asked to undertake urgently work on the procedural and practical steps to implement subsidiarity in relation to future proposals for Community action and to report to the Council of Ministers in December in Edinburgh. A re-examination of certain existing Community rules was also authorised, in order to adapt them to the principle of subsidiarity and to report to the Council in December 1993.

12 November 1992

— Jeffrey Bevel —