

# EDITORIAL

*Now that the Uruguay Round has been completed and GATT is on the way to becoming the WTO, environmental protection and sustainable development must be stamped on the agenda of the new trading system. In this respect, the essential input of the NGOs to the specialised agencies of the new Organisation must be ensured, as these will not be able to function adequately without such expertise.*

*UNEP is "optimistic" at the GATT outcome, and has pointed out that "while there is no specific provision in the final act for an environmental committee, the inclusion of some environmental provisions.... mark a first and welcome step...in the greening of trade policies". Others, including WWF, have been very critical.*

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*The decision of the Swiss plebiscite to ban transit lorries from the Alps within ten years, has not only a direct impact on Switzerland, but has proved indirectly to be of great help to the Austrians in their membership discussions with the European Union (EU). This has enabled Austria not only to retain its transit agreement with the EU, but also demonstrated to the other member States that there are valid reasons to conserve the terms of such an agreement. It is doubtful whether the compromise achieved would have been accepted by the other EU countries if the Swiss had not voted as they did.*

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*The Neue Zürcher Zeitung reports that Greenpeace has decided to enter new markets, to develop from a purely political, often controversial institution, into a "multi-product enterprise". This will mean that those responsible will have to adapt to the rules of the market, if they are to succeed in the commercial sphere. Greenpeace has said that it "understands how to succeed in the commercial sphere and will become a player to be reckoned with". An unexpected turn of events.*

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*Sometimes European Union States are very slow to take decisions where national interests are involved. In 1990, a decision was taken to establish the European Environment Agency and only this year a decision was taken on the location. Now, almost four years later, the official gazette has included an advertisement, asking for applications by the end of February 1994, for the post of Director of the Agency. We are understandably curious when the Agency will actually start work. If everything goes well, the decision on the building in Copenhagen will have been taken by the time this issue is published.*

*The Commission has taken steps to improve its knowledge of the environment through a General Consultative Forum on the Environment. The 32-member forum includes representatives of all social groups. In this connection, the hope was voiced that the group could help build consensus at an earlier stage and hasten the speed of EU legislation. Although the law-making process is always enriched by inviting people from other disciplines, the expectation that this will accelerate*

*the procedure, seems unrealistic: Not only the Commission is involved in legislation, the opinion of the Parliament, whose power is increasing, is too. The Economic and Social Council, similar in composition to the new forum, should also not be forgotten. The decision making process is, and will become even more, a political one, taking only limited account of the opinion of such advisory groups, even good ones.*

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*It is interesting for lawyers to note that in its obligation to implement the principles of subsidiarity, EU officials reviewed approximately 50,000 pages of legislation. They now realise that about a quarter of this could be discarded as being no longer up-to-date, while other instruments of legislation should be consolidated and streamlined.*

*Those States who have been cited before the European Court for not having transferred - word for word - water legislation into national legislation, may be interested to learn that the 15 instruments on water are to be consolidated into a maximum of three umbrella directives.*

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*This is perhaps the largest double issue we have ever printed. The next one will report mainly on the UN Commission on Sustainable Development where, after Ambassador Razali, it seems that Klaus Töpfer, German Minister of the Environment, will take the Chair: He has been nominated by WEOC Group whose turn it is to fill the position. The High-Level Ministerial Segment will be on the 26 / 27 May.*



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*We reported that the LOS comes into force on 16 November. Many more nations than expected will be on board; see Draft Agreement and Draft Resolution on page 135.*

*Lawyers will be surprised concerning the chosen process.*