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## ‘Better regulation’ doesn’t mean relying on voluntary measures

Using voluntary schemes to encourage ‘better regulation’ doesn’t work, a new report suggests.

Research published today [Wednesday 4 November] by the RSPB (BirdLife in the UK) shows the impact of such initiatives is limited. More than 80 per cent of the schemes assessed were found to perform poorly on at least one key measure.

Regulations play a vital role in protecting nature and the environment across Europe. However, concerns about the costs of regulation to business have increasingly led policymakers in the EU and in Member States to promote the use of voluntary alternatives to regulation in seeking to achieve environmental policy objectives.

Until now, a lack of evidence has hampered efforts to prove the value of regulation when protecting wildlife and the environment. But now the RSPB report *Using regulation as a last resort?* has assessed the performance of voluntary approaches and reviewed the effectiveness of more than 150 voluntary schemes across a range of sectors and issues.

It found the majority of schemes set unambitious targets, with many also failing to achieve even those. In addition, many schemes were undermined by low rates of private sector participation and the resultant lack of a ‘level playing field’ for those participants seeking to improve their performance. The research found nothing to support the claim that voluntary approaches can be an effective alternative to regulation.

Ariel Brunner, Senior Head of Policy at BirdLife Europe, stated: “We need to start changing the debate about “Better Regulation” in the EU. This new report shows that voluntary initiatives are no substitute for sound legislation. Good legislation, properly implemented, is the cornerstone of a civilised society.

“First Vice President Timmermans must ditch the bad advisers suggesting that his role should be cutting environmental legislation and focus instead on making EU legislation work for citizens, which is what the Treaty and the legally binding 7th Environmental Program mandate him to do.

“From the Circular economy to the Nature Directives, he has concrete possibilities to show that he is ready to stand up for citizens’ rights and use the EU to build a better society.”

The RSPB’s Donal McCarthy, the report’s lead author, added: “Our report is the largest assessment examining the performance of voluntary schemes. Our findings confirm that relying on voluntary action alone is insufficient to tackle the serious market failures that exist when trying to curb environmental destruction and degradation. Without environmental legislation, wildlife right across Europe would be in a far worse state, exploited for short-term gain without proper consideration of the long-term consequences.”

The report does recognise that voluntary action by those in the private sector who want to improve their environmental performance should be strongly supported, given the potential

for significant improvements, but commercial pressures mean there are limits to what they can do. The report highlights that well-designed voluntary schemes work best when there are clear incentives for participation and performance improvement, normally where a close alignment exists between commercial drivers and environmental benefits.

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The report can be downloaded here: <http://goo.gl/qVzIG3>

**Key examples from the study:**

- The voluntary 'codes of practice' for tackling the spread of invasive non-native species – one of the key threats to wildlife. These codes have consistently failed to deliver and new binding legislation to tackle the problem was introduced last year.
- The failure of a voluntary agreement with retailers to substantially reduce the number of single-use plastic carrier-bags given to customers in England has recently resulted in the introduction of mandatory charging, following the success of this approach in significantly reducing use in other places, such as Scotland and Wales.
- More than two decades of reliance on voluntary action by industry has failed to deliver on the UK Government's own targets for reducing the use of peat-based composts, in spite of the best efforts of some producers and retailers.

**Notes:**

For the report, each scheme was assessed against three performance indicators that together determine scheme impact: target achievement (the extent to which scheme targets were realised), target ambition (the stringency of the scheme targets relative to the policy objective), and level of uptake (the industry participation rate). Each performance indicator was assessed based on information obtained from existing scheme assessments and published reports. The results were as follows:

- \* 64% of schemes assessed in relation to target achievement performed poorly, meaning that they failed to achieve the majority of their targets (or, where relevant, compliance rates greater than 50%). 78% of schemes assessed in relation to target ambition performed poorly and 57% assessed in relation to level of uptake performed poorly.

The majority of the schemes assessed came from EU countries (58%), and over a quarter came from the UK (29%). The results showed that:

- \* There was no significant difference in the relative performance of UK and non-UK schemes.
- \* Schemes from EU countries performed significantly better than schemes from non-EU countries, but the vast majority (more than 75%) of schemes from EU countries still performed poorly on at least one performance indicator. More than half failed to achieve the majority of their targets (or, where relevant, compliance rates greater than 50%).

In order to obtain as complete a picture of performance as possible, the report looked at both environment-related schemes (68%) and non-environment-related schemes (32%) to see if any lessons could be learned. The results showed that:

- \* Environment-related schemes performed significantly better than non-environmental schemes, but the vast majority (over 75%) of environment-related schemes still performed poorly on at least one performance indicator. Over half failed to achieve the majority of their targets (or, where relevant, compliance rates greater than 50%).