Environment: 6th Community action programme 2001-2010

2001/0029(COD) - 18/11/2008 - Follow-up document

The Commission presents a Communication on implementing European Community Environmental Law. The aim of this Communication is to show how the new approaches set out in the Communication "A Europe of Results — Applying EU Law" will be applied in the area of environment.

It shows how EC environmental law can be implemented better by a combination of:

- legislative and post-legislative work aimed at the prevention of breaches;
- responding to the specific concerns of the European public;
- more immediate and more intensive treatment of the most important infringements;
- enhanced dialogue with the European Parliament,
- enhanced transparency, communication and dialogue with the public and interested parties.

This review is particularly timely in the light of EU enlargement in the period 2004-2007, the deepening of environmental concerns, a growing environmental acquis, important developments in the case-law of the European Court of Justice (ECJ) and the emergence of new compliance-promoting practices. The Communication reflects the increased priority attached to implementation, especially as expressed in the Sixth Environment Action Programme and its mid-term review, and responds to a long-standing interest of the European Parliament.

The Communication first sets out the challenges in applying environmental law in the EU.

The specific means of promoting and achieving compliance are then outlined, divided between: preventing breaches by improving the quality of new EC environmental legislation and ensuring good-quality national implementation; responding to the specific concerns of the

European public, with an improved problem-solving mechanism and an enhanced Commission presence in the Member States; criteria for identifying breaches which call for an especially high level of attention; and proposals for enhanced dialogue with the European Parliament, the public and interested parties. The Communication is complemented by two separate Commission documents, one a description of sectoral challenges and an outline of preventive measures to promote compliance, and the other a summary of the impact assessment.

Dialogue with the European Parliament: as co-legislator, the European Parliament has a clear interest in effective implementation. The environment accounts for about 10% of all parliamentary questions put to the Commission. The Environment Committee has periodic sessions on the implementation of EC environmental law, and the environment is currently the main subject in 35% of the petitions handled by the Petitions Committee. The work of these Committees can facilitate dialogue on strategic aspects of implementation, such as those relating to the evaluations to be made in future Commission Annual Reports on the Application of EU law. For example, the Environment Committee's implementation sessions provide an occasion to discuss the situation in particular sectors, such as water, waste and nature conservation. The improved problem-solving mechanism should help the Petitions Committee to address citizens' grievances. It is to be expected that the Parliament will also have inter-actions with national parliaments, not least because of the role these play in transposing directives for which the Parliament is co-legislator. The Commission is ready to assist in these interactions.

The Commission considers that effective implementation of EC environmental law will use a combination of means. Using

the tools of impact assessment and consultation, preparation of legislation will focus on the most efficient ways of meeting environmental goals. Subsequent work will focus on preventing breaches by helping Member States to adopt national and regional legislation and other measures that are timely, complete and correct. In parallel, the Commission will seek to address the specific concerns of the European public by promoting responses at national and regional level, applying the improved problem-solving mechanism and itself making environmental law expertise available in Member States, initially on a pilot basis. A set of criteria will be used to identify any breaches that call for a particularly high level of attention, including where appropriate requests to the ECJ for interim measures. It is also intended to have enhanced dialogue with the public and interested parties as well as the European Parliament and, where appropriate, to refine the Commission’s approach in the light of this.