Environment: 6th Community action programme 2001-2010

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

This Commission staff working document accompanies the Commission communication on implementing European Community Environmental Law - preventing breaches of and addressing specific challenges in implementing EC environmental law.

This document consists of two parts which can be summarised as follows:

First part – avoiding breaches of EC environmental law: this part describes some of the general means and methods whereby the Commission tries to avoid breaches of EC environmental law arising. The Commission seeks to prevent breaches of environmental law throughout the legislative life cycle — that is, through all the stages of legislation from conception and design to adoption, follow-up, review and revision.

- **Preparing EC legislation**: the Commission designs its new environmental policy instruments to meet environmental goals in ways that aim to avoid unnecessary administrative burdens and costs. It also reviews existing policies to significantly improve their implementation in the light of experience; legislation on industrial emissions has recently been reviewed, and a review of legislation on waste electronic and electrical equipment and restrictions on hazardous substances will be finished before the end of 2008. As regards the types of proposed future legal act, the Commission does not exclude greater reliance on regulations, the regulation known as REACH being an example. However, because of the need to take account of local and regional environmental conditions and administrative arrangements, the directive is likely to remain an important instrument.
- **Checking and ensuring the quality of national and regional implementing legislation**: a major effort has been underway for some years to ensure good quality national and regional legislation. The effort involves systematically checking conformity, relying on outsourced studies in a first phase of examination where appropriate. Studies have already been obtained for most of the principal parts of the acquis and follow-up action has begun for key waste, nature conservation and water directives. A risk-based approach is being applied — i.e. the Commission identifies and puts particular emphasis on those non-conformity problems likely substantially to might harm or impede practical compliance, as where non-conformity significantly narrows a directive’s intended scope of application.
- **Checking and supporting how tasks and obligations are met at national and regional level**: the environment directorate-general has set up internal task forces for nature conservation, water, air, climate change, waste and impact assessment to ensure the coherent and co-ordinated use of the tools available.
- **Performance scoreboards**: these involve showing the relative levels of compliance or performance of Member States at a given point in time by reference to a common performance indicator. They assist Member States by allowing them to compare how well they are doing by reference to other Member States.
- **Community financial assistance**: Community funds underpin the goals set by EC environmental law. The LIFE Fund, which is exclusively devoted to environmental projects, assists interventions that fall outside the scope of the main funding instruments. Community funding is subject to rules requiring compliance with EC law, including environmental obligations. Plans, programmes and projects co-financed by the Community which are likely to have significant environmental effects should be assessed in accordance to the Strategic Environmental Assessment (SEA) Directive and

the Environmental Impact Assessment (EIA) Directive. This helps secure compliance upstream and eases the process of Community co-financing. Funding of non-compliant projects is suspended where there is an open infringement procedure, and any violation of cross-compliance rules linking direct payments to farmers under the Common Agricultural Policy to respect for certain key environmental directives results in a reduction or cancellation of direct payments.

- **Pre-accession support activities:** the Commission runs a broad range of practical measures supporting transposition and implementation of the acquis by candidate and potential candidate countries. Opening and closing benchmarks are set to guide the acquis alignment and implementation. In addition, the Commission holds explanatory meetings and workshops on new or more complex parts of the acquis and provides technical assistance for drafting legislation. The overall progress made, including in the field of the environment, is assessed in annual progress reports and priorities for action are identified in the accession and European partnerships.
- **Other actions consist of commission guidance documents and other support for Member States and interested Parties, dialogue with authorities, institutions and interested parties with key roles in implementation, legal review and enforcement.**

Second part: this section of the document looks at implementation in the different sectors that make up EC environmental law such as nature conservation, waste management, protecting water resources, air quality, climate change, industrial installations, chemicals, pesticides and biotechnology, environmental liability, etc. For each sector, the main pieces of legislation are set out, the current position on implementation is evaluated, further challenges are described and there is a presentation of the main priorities in terms of Commission enforcement action.