Environment: implementation of the Community law

1996/2217(COS) - 22/10/1996 - Non-legislative basic document

OBJECTIVE: the Commission communication seeks to define the guidelines which will facilitate monitoring of and respect for Union environmental legislation in the Member States. SUBSTANCE: the current situation with regard to the implementation of Community environmental law is a matter for concern and must be improved: in 1995 the Commission registered a total of 265 suspected breaches of Community environmental legislation which represented 20% of all the infringements registered in that year. In October 1996 the Commission was dealing with over 600 environmental complaints and infringement cases of which 85 were pending before the Court of Justice. In this Communication the Commission considers the means which can be used to ensure respect for Community legislation at all the levels concerned without systematically involving legal proceedings pursuant to Article 169 of the EC Treaty. To this end the Commission presents three proposals intend to rationalize the implementation of the legislation and to offer European citizens the information and powers needed to ensure respect for environmental law: 1) the development of Community-wide minimum criteria for the carrying out of inspection tasks by Member State authorities; at a later stage the Commission will consider the possible need to create a Community body with auditing competencies; 2) the establishment in the Member States of complaints and investigations procedures which will allow complaints from the public to be examined; 3) an increase in the opportunties for environmental cases to be dealt with by national courts through broader access for the relevant organizations with regard to Community environmental law issues. With regard to reinforcing existing systems, the Commission suggests improvements in the various areas in Community environmental law and policy where current practices show shortcomings, namely: the quality of legislation, transparency, cooperation at Community and Member State level, monitoring and evaluation of the effectiveness of legislation, knowledge of Community environmental law among practitioners of the law and the integration of Community funding into the implementation of Community environmental law. It envisages in particular the systematic introduction in new Community legislation or in the revision of existing texts of a provision requiring Member States to making provision in national law for sanctions where Community legislation has not been implemented.