Basic information

1996/2217(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Environment: implementation of the Community law **Subject** 3.70 Environmental policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Consumer Protection	COLLINS Kenneth D. (PSE)	09/01/1996

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	GEBHARDT Evelyne (PSE)	19/12/1996

Council of the European Union

Council configuration	Meetings	Date
Environment	2017	1997-06-19
Environment	1990	1997-03-03
Social Affairs	2030	1997-10-07

Key events

Date	Event	Reference	Summary
22/10/1996	Non-legislative basic document published	COM(1996)0500	Summary
15/11/1996	Committee referral announced in Parliament		
03/03/1997	Debate in Council		
20/03/1997	Vote in committee		Summary
20/03/1997	Committee report tabled for plenary	A4-0109/1997	
13/05/1997	Debate in Parliament		
14/05/1997	End of procedure in Parliament		
02/06/1997	Final act published in Official Journal		
19/06/1997	Resolution/conclusions adopted by Council		

07/10/1997	Resolution/conclusions adopted by Council		

Technical information	
Procedure reference	1996/2217(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/08372

Environment: implementation of the Community law

1996/2217(COS) - 14/05/1997 - Text adopted by Parliament, single reading

In adopting the report by Ken COLLINS (PSE, UK), by 444 votes to 0, with 3 abstentions, Parliament called on the Commission to codify Community environmental legislation in order to improve its coherence and transparency and to propose legislation to ensure that a certain proportion of Community appropriations is earmarked annually for the implementation of environmental legislation and for the Community budget to give priority to environmental objectives. The report proposes a two-tier series of measures: (1) It calls on the Commission to: - propose legislation requiring each Member State to have an environmental inspectorate, to be subject to monitoring and oversight by the Commission; - bring forward proposals which link its own work with that of the European Environment Agency (EEA) and of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) in order to ensure adequate monitoring of the national inspection agencies; - introduce a legislative proposal on access to justice giving individuals and organizations a right of legal standing before their national courts in the case of alleged breaches of Community environmental legislation; - bring forward proposals for the thorough application of Article 171 of the EC Treaty to breaches of environmental law (payment by a Member State of a lump sum or penalty for failure to comply with a Court judgment); - make official communications between it and the Member States related to Article 169 of the EC Treaty (failure to fulfil obligations under the Treaty) available to Parliament; (2) It calls on the IGC to: - ensure that all environmental legislation is subject to the codecision procedure; - to amend the Treaty so as to allow certain organisations to challenge Community decisions on environmental matters before the Court of Justice. Plenary also adopted an amendment calling on the Council and the Commission to publish all declarations adopted in connection with environmental legislation.

Environment: implementation of the Community law

1996/2217(COS) - 23/04/1997 - Economic and Social Committee: opinion, report

The Committee notes that the application of environmental legislation varies considerably as a result of various economic, administrative and geographic factors. It underlines, however, that none of these reasons justifies failure to comply with the regulations. The Committee welcomes the Commission's proposal to draw up recommendations for a harmonized environmental inspection system and it further urges the Commission to reinforce its monitoring and inspection powers under treaty article 155 and if necessary provide itself with the means of doing this.

Environment: implementation of the Community law

1996/2217(COS) - 27/04/1999 - Follow-up document

Improving the implementation and enforcement of Community environmental law is an important priority for the Commission and ensuring that the main actors in the field are informed and aware of the state of implementation and enforcement of the Community law in the Member States helps to contribute to its correct application. This First Annual Survey on the Implementation and Enforcement of Community Environmental Law includes more information, particularly on questions of policy and procedure, than was available in the Commission's Communication on Implementing Community Environmental Law. The Survey also contains details of the work of IMPEL (the European Union Network for the Implementation and Enforcement of Environmental Law). This Working Document is produced in response to requests from the European Parliament and the Council to the Commission to produce such a survey. It aims to provide up-to-date information on the state of application of Community environmental law, the follow-up actions to the Commission Communication on Implementing Community Environmental Law, other specific horizontal actions, the work carried out by IMPEL during the period covered by the Survey, IMPEL's Work Programme for 1998, as well as details of Member States' transposing legislation communicated for Community Environmental Directives to be transposed during the period of the Survey. It also includes the chapter on the Environment from the Commission's 15th Annual Report on Monitoring the Application of Community Law. The first Annual Survey covers the period from October 1996 to the end of December 1997. It should be noted that the Annual Survey does not set out new policy and, accordingly, is in the form of a Commisison Services' Working Document.

Environment: implementation of the Community law

1996/2217(COS) - 01/10/2002 - Follow-up document

This document consists of Third Annual Survey on the implementation and enforcement of Community environmental law (January 2000 to December 2001). Each year the Commission receives an increasing number of complaints alleging that Member States have implemented or applied Community environmental law incorrectly. This trend clearly reflects the growing concern of European citizens about the state of the environment and the way in which Member States are complying with Community environmental law. It also highlights that these issues cannot always be solved by existing structures and mechanisms in the Member States. In short, this Third Annual Survey is divided into three main parts : the first Chapter highlights details of infringement actions that have been initiated by the Commission in each sector of Community environmental law in 2001. The developments during the year 2000 are to be found in Annex I which consists of an extract of the Chapter on environment in the Eighteenth Annual Report on Monitoring the Application of Community law (200). The second Chapter of this Annual Survey includes an update of the work that is currently being carried out by the European Union Network for the implementation and enforcement of Community environmental law (IMPEL). The Third Chapter lists those environmental Directives that member States should have transposed during 2000 and 2001, providing details of the adopted national transposition measures. Annex II presents a scoreboard that details - per Member State and per sector - ongoing infringement actions as a result of non-communication, non-conformity as well as actions with regards to horizontal bad application case. More specifically, the environment sector represented over a third of the complaints and infringement cases concerning instances of non compliance with Community law investigated by the Commission in 2001. The Commission brought 71 cases against Member States before the Court of Justice and delivered 197 reasoned opinions on the basis of either Article 226 or 228 of the EC treaty. This marks an increase of about 40% compared to the corresponding figures of the previous year. The Article 228 procedure has continued to serve as a last resort to force Member States to comply with the judgements given by the European Court of Justice. In 2001, the Commission brought three cases in the Court under Article 228 and sent 15 letters of formal notice and 7 reasoned opinions for failure to notify, non-conformity or incorrect application under Article 228. The number of complaints continued to rise in 2001, following the trend already apparent as from 1996. Spain, France, Italy and Germany were the countries most often concerned. As regards IMPEL, it is going from strength to strength. It is continuing to produce work of a very high quality and the website has enabled this work to become known to a wide audience. The adoption of the multi annual work programme (with its emphasis on the Recommendation on Minimum Criteria for Environmental Inspections and the 6th Environmental Action Programme) will give a clear focus to the work of the network and should help to ensure that its activities continue to be of high value and usefulness. At the IMPEL Meeting in Namur on 5-7 December 2001, a multi-annual work programme covering the years 2002-2006 was adopted.

Environment: implementation of the Community law

1996/2217(COS) - 17/08/2005 - Follow-up document

This is the European Commission’s sixth Annual Survey on the Implementation and Enforcement of Community Environmental Law and applies to the year 2004. The purpose of the sixth Annual Survey is to inform the public about the state of the EU’s environmental implementation and to prepare a comparative compliance record of all of the Member States.

The Report notes that the EU Treaties oblige the Commission to ensure that EU law is properly applied in the Member States. Implementation of EU environmental law by the Member States has improved in recent years as is reflected in the much lower number of new complaints and infringement cases opened by the Commission in 2004. For that year, the environment accounted for slightly less than a third of all complaints and infringement cases concerning non-compliance with Community law and investigated by the Commission.

In concrete terms, 336 complaints alleging breaches of Community environmental law were lodged, with a number of them concerning the new Member States. 101 reasoned opinions, on the basis of Article 226 of the EC Treaty, were issued by the Commission and 45 cases against the Member States were brought to the European Court of Justice. In addition, the Commission issued 14 letters of formal notice and 6 reasoned opinions under Article 228 of the EC Treaty to Member States for non-communication, non-conformity or incorrect application. Lastly, letters of formal notice were sent to eight new Member States in December 2004, for their failure to communicate what implementing measures they were undertaking for certain Directives. (When they became Members of the EU in May 2004 they were obliged to adopt and implement more than 100 environmental Directives).

The Commission points out that it seeks to encourage implementation through positive measures and complementary approaches and not only rely on infringement proceedings. Positive initiatives include, for example, the preparation of guidelines and interpretive texts to offer help to the Member States on how they should implement certain provisions on the ground. Other measures include multilateral discussions in technical committees, contributions to expert seminars and bilateral contacts between the Commission and the Member States.

Further, the Commission is trying to be as systematic as possible in checking compliance and prepares reports to that effect – such as on bathing water quality. Major studies have been launched to check the completeness and accuracy of national implementing legislation. This was extended to the ten new EU Member Sates throughout 2004.

Lastly, in cases where problems have been identified the Commission has sought to be as strategic and co-ordinated in its interventions as possible. The Commission also points out that it favours constructive engagement with the Member States where they are willing to take steps to resolve certain problems.

To conclude, the Commission recognises the need to make environmental implementation issues more transparent. To this end, the Report includes a Scoreboard detailing the comparative implementation record of each Member State covering each environmental sector.

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.

Environment: implementation of the Community law

1996/2217(COS) - 07/07/2003 - Follow-up document

This document consists of the Fourth Annual Survey on the implementation and enforcement of Community environmental law which covers the year 2002. It follows on from the First Annual Survey (1996/1997), the Second Annual Survey (1998/1999) and the Third Annual Survey (2000/2001) by providing up-to-date information on the state of application of Community environmental law. This is in response to the Commission Communication on implementing Community environmental law and in response to the Resolutions of the Council and European Parliament. The Commission continues to receive a high number of complaints from the general public and non-governmental organisations concerning non-compliance with Community environmental law. Such complaints often take the form of written questions and petitions in the European Parliament. This reflects the concern of European citizens about the state of environment and the "green record" of their Member States. This survey shows that these concerns are justified: there is a difficulty in the timely and correct implementation as well as proper application of Community environmental law by Member States. The report shows that Member States still have problems in fully and correctly implementing its provisions into national law. In this context, it is necessary to develop new working methods with Member States at all stages of the implementation life cycle. Moreover, the full implementation of the Aarhus Convention will improve the access to justice in Member States and thus also facilitate the handling of complaints by the Commission. The Commission has already taken a number of practical steps to assist Member States in the implementation of Community environmental law. These include, inter alia, the use of guidelines and interpretative texts agreed by the Commission and the Member States when legislation has been adopted. It should be emphasised that the need to improve transparency and awareness of the state of implementation of Community environmental legislation is of high importance. It is important to inform the public about the compliance record of each Member State. Since 1992, the informal network of environmental authorities of the Member States (IMPEL) has created the necessary impetus in the European Community to ensure a more effective application of environmental legislation. The framework for IMPEL projects and activities is its multi-annual work programme. This programme aims at providing a structure for IMPEL's work for the years of 2002-2006. It is based on the 6th Environmental Action Programme with a particular focus on the Recommendation on Minimum Criteria for Environmental Inspections (2001/331/EC). The multi annual work programme will be used in a flexible way and it will be kept under regular review to ensure that it is in line with future priorities and developments. Equally, AC-IMPEL was established in January 1998 in Brussels, Belgium and is the sister network for the candidate countries and assists those countries in the implementation of the acquis communautaire and in capacity building. The merger of the two networks, IMPEL and AC-IMPEL, will ensure an increased exchange of experience among Member States and candidate countries. The AC-IMPEL countries will be full members of the IMPEL network. They will progressively phase in IMPELprojects but still have the possibility of carrying out projects of specific interest to them, as they have access as candidate countries to the funds earmarked for this purpose.