

Foreword

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.

As Commissioner responsible for the environment, I have a particular interest to see that the implementation gap of Community environmental law is improved. This is particularly important in view of the enlargement in order to ensure that new Member States transpose and implement correctly the “acquis communautaire” within the agreed timeframes. In line with the Communication on the better monitoring of application of Community law¹, implementation must be improved not only by taking Member States to the European Court of Justice, but also by developing new working methods with Member States at all stages of the implementation life cycle. I also expect that the full implementation of the Aarhus Convention² 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. I would also like to emphasise the need to improve transparency and awareness of the state of implementation of Community environmental legislation. It is important to inform the public about the compliance record of each Member State.

This is why I welcome in particular this Fourth Annual Survey, which covers the year 2002. It follows on from the First Annual Survey (1996/1997)³, the Second Annual Survey (1998/1999)⁴ and the Third Annual Survey (2000/2001)⁵ 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 law⁶ and in response to the Resolutions of the Council⁷ and European Parliament.

¹ COM(2002)725 final, 13.12.2002.

² UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

³ SEC(1999) 592, 27.4.1999.

⁴ SEC(2000) 1219, 13.7.2000.

⁵ SEC(2002) 1041, 1.10.2002.

⁶ COM(96) 500 final, 22.10.1996.

⁷ OJ C 321, 22.10.1997, p. 1.

I believe that the publication of this survey will provide Member States with a useful source of information and that it will make them even more committed than they already are to ensuring the full, timely and correct implementation of Community environmental law.

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