

Annual Survey highlights Member States' compliance with EU environmental laws

The European Commission just published the Fourth Annual Survey on the implementation and enforcement of European Union environmental law. The report, which covers the year 2002, shows that Member States are late in transposing environmental legislation. It also indicates that the implementation of the key environmental Directives in the Member States is inadequate, particularly in the sectors of nature protection, environmental impact assessment, water and waste

Commenting on the report, Environment Commissioner Margot Wallström said: "This report is a key tool in my commitment to increased transparency in the « green » compliance record of Member States. I trust that it will make them even more committed than they already are to ensuring the full, timely and correct implementation of EU environmental law. "

The purpose of the Annual Survey is to provide systematic, reliable and transparent information to the public about Member State compliance with EU environmental law. As such, it supplements the general "Annual Report on Monitoring the Application of Community Law" by giving information focused specifically on the implementation of environmental law. This contributes to the citizen's access to information and access to justice in line with the Aarhus Convention¹. The report details the implementation record of each Member State in each sector of environment legislation. Sector-by-sector (nature, waste, water, air etc.) analysis is provided, with more specific descriptions and detailed explanations.

The Survey highlights the importance of transposition of certain key obligations of environmental Directives. A single infringement of a key obligation – such as deficient transposition of an obligation to assess environmental impacts or a failure to designate an area – often compromises the full application of the Directive concerned and generates more and more complaints to the Commission.

This situation clearly needs to be improved. This is particularly important in view of EU enlargement in order to ensure that new Member States transpose and implement correctly the environmental « acquis communautaire » within the agreed timeframes.

Taking non-compliant Member States to the European Court of Justice is not the only nor necessarily the most efficient way to ensure compliance. In many cases complainants can obtain satisfaction more quickly by using means of redress under national law. The implementation of the Aarhus Convention is expected to create more effective access to justice in the Member States. However, in order to ensure more effective handling of the complaints received by the Commission, it is essential to define priority criteria for environmental complaints, in line with the Communication

¹ UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

on better monitoring the application of Community law, based on the White Paper on European Governance².

In addition, a more proactive approach both in the preparation and in the implementation of environmental legislation is needed, including regular contacts with officials responsible for implementation in the Member States. 'Package meetings' and proactive meetings should be used more generally and bilateral contacts should take place well before the implementation deadline in order to offer 'technical assistance'. Moreover, the adoption of implementation guidelines, where appropriate, at an early stage can help Member States to transpose environmental Directives correctly and on time.

The Fourth Annual Survey on the implementation and enforcement of EU environmental law (2002) can be found at:

<http://europa.eu.int/comm/environment/law/as02.htm>.

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² White Paper on European Governance, page 45