

FOREWORD

Looking back over my five-year term as Commissioner responsible for the environment, I am struck by the concerns that European citizens have about the state of the environment and the way in which Member States comply with European environmental law. During my term, the Commission has received large numbers of complaints from the general public and non-governmental organizations alleging that Member States have not implemented Community environmental law, or have applied it incorrectly. Cases of suspected non-compliance with EC environmental legislation have also been brought to our attention through the written questions and petitions tabled by the European Parliament.

This survey shows that citizen concerns are justified. Not all Community environmental legislation is implemented correctly or on time, nor is it always properly applied on the ground by the Member States.

As Commissioner responsible for the environment, I have consistently stressed the importance of ensuring that Member States comply fully with our laws. The Sixth Environmental Action Programme¹ clearly states that the full application, enforcement and implementation of all existing Community environmental legislation is a strategic priority for the European Union. This means that it is an essential task for the Commission to check that national implementing measures meet the requirements of environmental directives. If we want to achieve a high level of environmental protection, we must have effective and efficient legislation.

This is all the more important now that the EU has enlarged. We must ensure that the new Member States correctly transpose and implement all the existing legislation - the “acquis communautaire” - within the agreed timeframes. The new Member States have devoted considerable efforts to ensuring compliance with EC environmental legislation by the date of accession. These efforts should be maintained in order to ensure that the implementation of EC environmental law is not compromised by this greatest ever EU enlargement. Such a need is underlined by the fact that there are important environmental assets, such as nature conservation features, to be protected in these new Member States.

In line with the Communication on the better monitoring of application of Community law², we can improve implementation by developing new working methods with Member States at all stages of the implementation life-cycle. I expect full implementation of the Århus Convention³ to improve access to justice on environmental issues in Member States. To this end, proper application of Directive 2003/35/EC concerning public participation in environmental decision-making⁴ will certainly help.

¹ Decision No. 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the 6th Community Environmental Action Programme (OJ L 242, 10.09.2002, p. 1).

² COM(2002)725 final, 13.12.2002.

³ UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

⁴ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156 of 25.06.2003, p. 17).

I would also like to emphasize the need to improve transparency, and awareness of the state of implementation of our laws. For this, it is important to inform the public about the comparative compliance records of all Member States. That is why I particularly welcome this Fifth Annual Survey, which covers the year 2003. It follows on from previous editions⁵ by providing up-to-date information on the state of application of EC environmental legislation. 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.

I believe that publication of this survey will provide Member States with a useful source of information. It should also make them even more committed to ensuring that they implement Community environmental law on time and that they apply it fully and correctly.

Margot Wallström

Member of the Commission

⁵ First Annual Survey (1996/1997) SEC(1999) 592, 27.4.1999; Second Annual Survey (1998/1999) SEC(2000) 1219, 13.7.2000; Third Annual Survey (2000/2001) SEC(2002) 1041, 1.10.2002 and Fourth Annual Survey (2002) SEC(2003) 804, 7.7.2003.

⁶ COM(96) 500 final, 22.10.1996.

⁷ OJ C 321, 22.10.1997, p. 1.