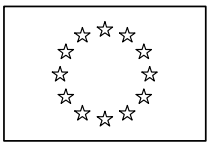

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COMMISSION STAFF WORKING PAPER

Sixth Annual Survey

on the implementation and enforcement

of Community environmental law

2004

FOREWORD

Over the last 30 years, the European Union has developed a comprehensive body of legislation to provide European citizens with a high level of environmental protection. But to be effective, this body of law must be fully and correctly implemented and all aspects and details of this legislation must be respected.

Proper implementation of EU environmental laws will help Member States not only to protect their biodiversity and natural resources but also to give their citizens the quality of life and the safe, pleasant surroundings they deserve. Therefore, I share with my predecessor, Margot Wallström, the emphasis on the importance of ensuring that Member States increase their overall efforts to comply fully with our laws. It is an essential task for the Commission, as guardian of the Treaty, to check that national implementing measures meet the requirements of environmental directives.

Better implementation of Community environmental law and its proper application on the ground will be among my work priorities during my mandate over the next 5 years. As the new European Commissioner responsible for the environment, I will ensure that my services continue to take pro-active initiatives and to organise regular meetings with the national authorities in order to avoid problems where possible. We will also continue to produce interpretative texts and guidance documents to help Member States in transposing environmental directives correctly and on time as well as in answering key implementation questions that may arise. Where violations of Community environmental law are identified, appropriate action under Articles 226 and 228 of the Treaty establishing the European Community (the EC Treaty) will be taken.

Ensuring proper environmental compliance is even more a challenge following the recent enlargement of the European Union. In principle, the whole *acquis communautaire* in the area of the environment had to be transposed by the new Member States before their accession to the European Union, but transition periods for the implementation of certain environmental obligations were agreed during the accession negotiations. Due attention will be paid to timely and correct implementation, and the first infringement procedures against the new Member States for non-transposition of EU environmental law were initiated at the end of 2004. I am ready to devote all necessary efforts to ensure overall coherence and consistency with EU environmental legislation across the European Union.

I am very pleased to present this Sixth Annual Survey, covering the year 2004, which aims to inform the public about the state of implementation of EU environmental legislation and about the comparative compliance records of all Member States. I believe that this document will also provide Member States with a useful source of information and will make them even more committed to ensuring that they fully and effectively implement and apply Community environmental law.

Stavros Dimas

Member of the Commission

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CHAPTER I
IMPLEMENTATION OF COMMUNITY ENVIRONMENTAL LAW IN 2004

Under the EC Treaty, the Commission is charged with ensuring that EU law is properly applied in the Member States. Implementation of EU environmental law by Member States has improved in recent years. This is reflected in the much lower number of new complaints[1] and infringement cases opened by the Commission in 2004 in the environment sector. In 2004, the environment sector accounted for slightly less than a third of all complaints and infringement cases concerning non-compliance with Community law investigated by the Commission[2].

In 2004, 336 new complaints alleging breaches of Community environmental law were lodged with the Commission in the environment area. A number of these complaints concerned the new Member States[3]. The Commission issued 101 reasoned opinions on the basis of Article 226 of the EC Treaty and brought 45 cases against Member States before the Court of Justice. The Commission also 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. Further details are given below in the individual sections of this Chapter.

With effect from 1 May 2004, the European Union expanded to include ten more Member States, thus increasing the territory on which the *acquis communautaire* has to be respected. 1 May 2004 marked the deadline for the ten new Member States to formally adopt and communicate to the Commission the implementing measures for more than a hundred environmental Directives. The Commission was monitoring the failures to communicate these implementing measures and resolved to wait until 31 October 2004 to launch infringement procedures against the new Member States. Letters of formal notice were sent to eight new Member States in December 2004[4].

With infringement proceedings, the Commission aims to improve Member States' compliance with EU environmental law in order to provide citizens with a high level of environmental protection. However, infringement proceedings pursuant to Articles 226 and 228 of the Treaty are not the only way to ensure proper implementation of EU environmental law. Good implementation requires a range of complementary approaches under which the Commission strives to be proactive and prevent infringements occurring in the first place.

Proactive initiatives include the production of guidelines and interpretative texts to help Member States understand the Commission's view as to how certain directives or certain

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1 From 1996 until 2001, the number of complaints continued to rise. As from 2002 this number has slightly decreased. In 2004, the number of new complaints decreased substantially. 1996: 161, 1997: 242, 1998: 432, 1999: 453, 2000: 543, 2001: 587, 2002: 555, 2003: 505, 2004: 336.

2 The environment sector still has the biggest number of open investigations by the Commission: Commission: 4,508 open cases, Environment: 1,220 open cases.

3 It may be of interest to note that the Commission detected a complete absence of complaints pointing to deficiencies in the Baltic Member States, while with regard to the Central European Member States a large number of cases have been brought to its attention by individuals from the old Member States.

4 Lithuania and Latvia had already complied with all notification obligations.

provisions should be best implemented on the ground[5]. They also include multilateral discussions in technical committees, contributions to expert seminars and bilateral contacts between the Commission and the Member States in the course of package meetings with Member States[6]. This approach has been confirmed by the Commission in its Communication on better monitoring of the application of Community law[7]. Coordinated use of Community funds can also help –for example, there is close cooperation with the agricultural and regional development directorate-generals on agri-environmental spending to support Natura 2000 and regional spending to build waste-water treatment plants and other environmental infrastructure. The Commission has also maintained its strict policy with regard to the granting of Community funding for the conservation of sites under the LIFE Regulation concerning sites included in the Natura 2000 network.

Secondly, the Commission is trying to be as systematic as possible in checking compliance. In some sectors, reports play a key role –for instance, annual reports on bathing water quality. In others, the Commission collects and analyses key data, such as the rate of progress in installing waste-water treatment facilities. Major studies have been launched to check the completeness and accuracy of national implementing legislation. During 2004, the Commission also started a conformity checking exercise for the ten new Member States.

Finally, where problems are identified, the Commission is seeking to be as strategic, coordinated and effective as possible in its interventions –for example, through the development of implementation plans for key sectors. These put the emphasis on achieving the main implementation goals. The Commission is also making it clear that it favours constructive engagement with Member States –that is, where Member States are willing to take steps to resolve problems, the Commission will provide them with all the assistance it can.

Information exchange between implementing authorities is also a tool for improving implementation. Since its inception in 1992, the informal EU network for the Implementation of Environmental Law (IMPEL), consisting of the Commission and the Member States, has been a key instrument in discussing the practical application of existing legislation.

There is also a need to improve transparency and awareness on the state of implementation of EU environmental legislation. To this end, this Sixth Annual Survey includes a Scoreboard, which details the comparative implementation record of each Member State in each sector of the environment.

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5 For instance, the Commission has published guidance on how to implement Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment; in August 2004, the Commission officially published a guidance document on hunting.

6 During 2004, package meetings were held with Belgium, France (2), Germany (2), Greece, Italy, the Netherlands (2), Portugal, Spain and the United Kingdom. Ten proactive meetings were organised in the new Member States (Czech Republic, Hungary, Slovakia, Malta, Poland, Cyprus, Slovenia, Latvia, Estonia and Lithuania).

7 COM(2002)725 final, 13.12.2002.

1.1. Freedom of access to information

Directive 90/313/EEC on the freedom of access to information on the environment aims to make information held by public authorities on the environment more accessible to the public, and to ensure that fair standards of access are applied across the Community. Member States must ensure that environmental information is made available in response to a request from a member of the public, and any refusal must be based on a limited list of exceptions, which include national security, commercial confidentiality, etc. The authority that receives the request must reply within 2 months of receiving it. The Directive also requires general information on the environment to be made available to the public.

As regards *non-conformity* of national transposition measures with the Directive, the Commission sent a reasoned opinion under article 228 EC Treaty to France for non-execution of a Court ruling of June 2003 (case C-233/00), in which the Court of Justice identified several shortcomings in the French transposition measures. The Court of Justice found that, in several respects, the French legislation was unduly restrictive in providing for citizen access to information. Since then, France has resolved all except one of the shortcomings identified by the Court. The outstanding problem relates to the failure of French legislation to require that, where public authorities tacitly refuse to provide environmental information, citizens are provided with the reasons for refusal within a period of two months of submitting their initial request. France is in the course of amending its legislation, but the necessary revision has not yet been notified to the Commission.

During 2004, the Commission continued infringement proceedings against a few Member States for *bad application* of the Directive, in particular for refusing access to information for reasons not featuring among the list of accepted reasons in the Directive.

Directive 2003/4/EC of 28 January 2003 on public access to environmental information has replaced Directive 90/313/EEC with effect from 14 February 2005. The new Directive corrects the perceived shortcomings arising from the application of Directive 90/313/EEC in practice and brings it into line with developments in information and communications technology.

1.2. Environmental impact assessment

The EIA Directive[8], is an important part of EU environmental legislation. It requires Member States to carry out an environmental impact assessment (EIA) on certain public and private projects, before they are authorised, where it is believed that the projects are likely to have a significant impact on the environment. For some projects (such as motorways, airfields and nuclear power stations) listed in Annex I to the Directive, such assessments are obligatory. For others (such as wind-farms, urban development projects, tourism and leisure activities) listed in Annex II, Member States must operate a screening system to determine which projects require assessment. They can apply thresholds or criteria, carry out a case-by-case examination or use a combination of these screening instruments.

[8] Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC.

With regard to screening systems and the Commission's burden of proof in assessing them, the Court of Justice ruled in its judgment of 29 April 2004 (Case C-117/02, Commission/Portugal) that it is not sufficient to establish that a project is to be carried out in a national park in order to assume that the project will have significant effects on the environment. The Court stated that at the very least, the Commission must furnish a minimum of proof of the effects that the project is likely to have on the environment. In its judgment of 10 June 2004 (Case C-87/02, Commission/Italy), the Court of Justice ruled that a decision by which the national competent authority takes the view that a project's characteristics do not require it to be subjected to an EIA must contain or be accompanied by all the information that makes it possible to check that it is based on adequate screening carried out in accordance with the requirements of the EIA Directive.

The objective of an EIA is to identify and describe the environmental impacts of projects and to assess whether prevention or mitigation is appropriate. During the EIA procedure, the public can provide input and express environmental concerns with regard to the project. The results of this consultation must be taken into account during the authorisation process.

An amendment to the EIA Directive was adopted in 1997[9]. While retaining the basic framework of the original Directive, the amendment reinforced many of the Directive's provisions. Member States should have adopted the necessary national legislation to take account of this amendment by March 1999.

During 2004, the Court of Justice condemned the UK (Case C-421/02) for incomplete transposition of the EIA Directive as regards Scotland and Northern Ireland.

Problems with the *conformity* of national measures with the EIA Directive have persisted. Conformity problems often relate to national laws which do not ensure that all projects for which an EIA must be carried out are made subject to the assessment procedure required by the Directive. During 2004, the Commission sent reasoned opinions to Portugal and Italy because their implementing legislation is not in line with several of the Directive's requirements. The Commission also decided to refer the UK to the Court of Justice because projects on Crown land[10] are generally excluded from British planning legislation and are therefore not subject to the UK regulations that transpose the Directive. The Commission considers that this puts members of the public in the UK at a disadvantage in exercising their rights under the EIA Directive with regard to developments on Crown land.

Many cases relate to alleged instances of *bad application* of the EIA Directive by Member State authorities. During 2004, the Commission issued reasoned opinions to Belgium, Germany, Italy, Ireland and Spain and decided to refer Italy and Spain to the Court of Justice for their failure to ensure that a project was subject either to screening and/or an EIA.

In its judgment of 16 September 2004 (Case C-227/01), the Court of Justice condemned Spain for failure to carry out an EIA for the project for a Valencia-Tarragona railway line. In its judgment of 10 June 2004 (Case C-87/02), the Court of Justice condemned Italy for failure to ensure that the project to construct an outer ring road at Teramo was subject to screening.

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9 Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

10 Crown land is land owned by the state.

In a preliminary ruling of 7 January 2004 (Case C-201/02, Delena Wells/Secretary of State), the Court of Justice clarified the concept of development consent within the meaning of Article 2(1) of the EIA Directive. According to the Court, Article 2(1) of the EIA Directive, read in conjunction with its Article 4(2), is to be interpreted as meaning that the decisions adopted by the competent authorities, whose effect is to permit the resumption of mining operations, comprise, as a whole, a development consent within the meaning of Article 1(2) of that Directive, so that the competent authorities are obliged, where appropriate, to carry out an assessment of the environmental effects of such operations. Furthermore, the Court ruled that competent authorities are obliged to take, within the sphere of their competence, all general or particular measures for remedying the failure to carry out an assessment of the environmental effects of a project as provided for in Article 2(1) of the EIA Directive. The detailed procedural rules applicable in that context are a matter for the domestic legal order of each Member State, under the principle of procedural autonomy of the Member States, provided that they are not less favourable than those governing similar domestic situations and that they do not render impossible in practice or excessively difficult the exercise of rights conferred by the Community legal order. In that regard, it is for the national court to determine whether it is possible under domestic law for a consent already granted to be revoked or suspended in order to subject the project to an assessment of its environmental effects, in accordance with the requirements of the EIA Directive, or alternatively, if the individual so agrees, whether it is possible for the latter to claim compensation for the harm suffered.

According to Article 2(3) of the EIA Directive, Member States may, in exceptional cases, exempt a specific project in whole or in part from the provisions of this Directive under the condition that they strictly follow their obligations under the Directive. In this event, the Member States must inform the Commission, prior to granting consent, of the reasons justifying the exemption granted, and provide it with the information made available to their own nationals. During 2004, Italy informed the Commission that it was applying Article 2(3) to a project for waste-water treatment in Tolmezzo and a project for upgrading port infrastructures in Ortona. These cases are currently being examined by the Commission in order to ensure full compliance with the obligations under Article 2(3).

The Strategic Environmental Assessment Directive (SEA Directive)[11] should have been implemented by all Member States by 21 July 2004 at the latest. The SEA Directive enables everybody to express their opinion on the environmental report and on the draft plan or programme. While, under the EIA Directive, the EIA comes in at a later decision-making stage, where important commitments have already been made, the SEA applies at an earlier stage so that citizens can have a greater opportunity to comment on decisions. This allows for alternative solutions and their environmental effects to be considered systematically in order to identify the most environmentally sound alternative. The Directive also requires quality control of the environmental reports and monitoring of the implementation of plans and programmes in order to identify unforeseen effects on the environment and to enable remedial action to be taken[12].

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

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[11] Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

[12] The Commission has published guidance on how to implement the SEA Directive: http://europa.eu.int/comm/environment/eia/home.htm

programmes relating to the environment amends the EIA Directive with regard to public participation. This Directive has to be transposed into national law by 25 June 2005 at the latest.

1.3. Air

In 1996, the Framework Directive for assessing and managing ambient air quality[13] was adopted. In 1999, the Framework Directive was followed by the first "daughter Directive"[14] setting limit values for the pollutants nitrogen dioxide, nitrogen oxides, particulate matter (PM10), sulphur dioxide and lead. The limit values are to be met by certain dates and may not be exceeded thereafter. For example, the deadline for PM10 is 1 January 2005, whereas the limit value for nitrogen dioxide must be complied with from 2010 on. The Directive requires Member States to monitor air quality, and if the air pollution level is too high, they have to take action to bring it down. Each year, they must send the Commission a list of "zones and agglomerations" where the air quality limit values plus a tolerance margin have been exceeded. They must also send plans or programmes to reduce the pollution in these areas and achieve the limit values at the set dates. The first of these plans were due by 31 December 2003.

During 2004, the Commission sent letters of formal notice to Austria, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain and the UK for failure to draw up plans by 31 December 2003. The Commission closed the cases against Austria and Luxembourg after they had transmitted these plans.

In two separate cases, the Commission sent reasoned opinions to Italy because of missing data on air quality in the Calabria region and over problems with measuring air pollution by particulate matter (PM10) and informing the public about the pollution levels in the municipality of Civitavecchia (Rome).

The EU's Ozone Regulation[15] aims to curb and eventually eliminate the use of substances that destroy the ozone layer, which is the global shield that protects the earth from harmful solar rays. Such controlled substances include CFCs (chlorofluorocarbons), HCFCs (hydrochlorofluorocarbons), halons and methyl bromide, which were widely used as cooling agents in refrigerators and air conditioners, as solvents for cleaning and as pesticides, respectively. The Regulation is the EU's legislative instrument for phasing out these substances because of their damaging effect on the ozone layer. It includes controls on the production, importation, exportation, supply, use, leakage and recovery of such substances and establishes a licensing procedure for all imports.

The Regulation requires Member States to supply information on measures taken to promote the recovery, recycling, reclamation and destruction of controlled substances and to provide data on what has been done to make organisations and users responsible for carrying out these activities. In addition, the Regulation obliges Member States to respect other reporting requirements, including providing information on annual leak checks, submitting data on the

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13 Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management.

14 Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air.

15 Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer.

minimum qualification requirements for all personnel involved in operations using the substances covered by the Regulation and communicating details on the quantities of controlled substances that have been recovered, recycled, reclaimed or destroyed.

The Commission sent letters of formal notice to Belgium, France, Germany, Greece, Italy, Portugal, Spain and UK and a reasoned opinion to Ireland because of their failure to submit complete and substantial reports on the use of the pesticide methyl bromide on traded crops. The infringement procedures against Spain and the UK were closed after they had submitted the reports.

A letter of formal notice was sent to the UK and a reasoned opinion sent to Belgium and Luxembourg for failing to meet certain detailed requirements of the Regulation concerning, respectively, the qualification requirements for personnel involved in operations using the substances covered by the Regulation and the precautionary measures to prevent and minimise leakages of controlled substances. The case against Luxembourg was closed after its legislation had been adapted to these requirements. The Commission also decided to refer Italy to the Court of Justice because it failed to take all precautionary measures to prevent and minimise leakages of controlled substances.

In a judgment of 28 October 2004 (Case C-406/03), Ireland was condemned by the Court of Justice for failure to report on the systems established to promote the recovery of used controlled substances, to provide information on annual leak checks and to meet the requirements of the Regulation concerning the qualification requirements for personnel involved in operations using the substances covered by the Regulation and concerning precautionary measures to prevent and minimise leakages of controlled substances.

The National Emission Ceilings Directive[16] aims to reduce air pollution by setting national emission ceilings for certain atmospheric pollutants that must be met by the Member States by 2010. The Directive also requires the Member States to report to the Commission the measures that they have taken to meet the Directive's requirements. In particular, by 31 December 2002, they were to have informed the Commission of their plans for meeting their emission ceilings, which should have been drawn up by 1 October 2002. During 2004, the Commission sent a reasoned opinion to Ireland for failure to submit a finalised plan to meet national emission limits for certain air pollutants.

Directive 2002/3/EC relating to ozone in ambient air[17] had to be transposed by the Member States by 9 September 2003. The Directive sets long-term objectives equivalent to the World Health Organisation's guideline values and target values for ozone in ambient air, to be attained where possible by 2010. Non-compliance requires Member States to work out reduction plans and programmes to be reported to the Commission and to be made available to the public so as to allow citizens to trace progress towards meeting the ozone standards. The Directive also includes improved and more detailed requirements for monitoring and assessing ozone concentrations and for informing citizens about the actual pollution load.

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16 Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants.

17 Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air.

Most Member States have transposed Directive 2002/3/EC. During 2004, the Commission closed the infringement procedures for *non-communication* of national transposition measures against Germany, Ireland, Italy, Portugal, Spain, Sweden and UK. However, the Commission sent a reasoned opinion to the Netherlands and decided to refer Finland (as regards the province of Åland) and Greece to the Court of Justice for failure to adopt and notify the necessary national legislation to give effect to the Directive.

The EU Emissions Trading Directive[18] is a key element in the EU's strategy for reducing its greenhouse gas emissions under the Kyoto Protocol. The Directive aims to ensure that emissions in the energy and industry sectors are cut at least cost to the economy. Emissions trading officially starts on 1 January 2005. The deadline for Member States to transpose the Directive was 31 December 2003. The Commission sent reasoned opinions to France and the Netherlands and decided to take Belgium, Finland, Greece, Ireland, Italy, Luxembourg, Portugal and the UK (as regards Gibraltar) to the Court of Justice for not fully transposing the Directive into national law[19]. The Commission closed infringement procedures against Austria, Denmark, Germany and Spain because they subsequently transposed the Directive into their national legislation.

Moreover, the Commission sent reasoned opinions to Greece[20] and Italy for failure to submit a national allocation plan by 31 March 2004. National allocation plans are required under the Directive to outline the number of greenhouse gas emission allowances that a Member States intends to allocate to its industries so that they can participate in the EU emissions trading scheme starting in 2005. Member States have to set limits on emissions from energy-intensive plants by allocating to them CO2 emission allowances under national allocation plans. Companies that do not use all their allowances will be able to sell them to companies that have difficulties keeping their emissions within the limits allocated to them, thus providing an incentive to companies to strive for emission reductions.

Directive 2003/17/EC, amending Directive 98/70/EC on the quality of petrol and diesel fuels[21] lays down the environmental fuel quality specifications for petrol and diesel in the EU, and in particular provides for the phase-in of low-sulphur fuels to reduce pollution from road vehicles. Most Member States transposed the directive into their national law by the 30 June 2003 deadline. During 2004, the Commission decided to take Belgium, Italy and Portugal to the Court of Justice because they had not yet completed the transposition process. The Commission closed infringement procedures for *non*-communication against Austria, Denmark, Finland, France, Germany, Greece, Ireland, Spain, the Netherlands and the UK.

1.4. Water

Monitoring the implementation of Community legislation on water quality remains an important part of the Commission's work. This is due to the quantitative and qualitative

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18 Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.

19 In the meantime some Member States have communicated national transposition measures and they are under examination by the Commission.

20 Greece communicated its national allocation plan on 30 December 2004.

21 Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels.

importance of the responsibilities imposed on the Member States by Community law and by growing public concern about water quality.

The Water Framework Directive[22] establishes a European framework for the protection of all water bodies in the European Union (including rivers, lakes, coastal waters, groundwater and inland surface water). Its objective is to achieve a good quality for water resources by 2015. This objective is to be reached through integrated management based on river basins, since water systems do not stop at administrative borders. The Water Framework Directive operates with clear deadlines for the various steps required to move towards sustainable and integrated water management in Europe.

The national legislation necessary to implement the directive became due on 22 December 2003. The Commission sent a reasoned opinion to France and the UK (for the missing transposition measures for Gibraltar) and decided to refer Belgium, Finland, Germany, Italy, Luxembourg, the Netherlands and Portugal to the Court of Justice for not having completed the process of adopting and notifying the necessary national legislation to the Commission. The Commission closed the case against the UK after it had notified the necessary transposition measures for Gibraltar.

The Bathing Water Directive[23] sets "imperative" water quality standards that must be complied with, as well as higher "guide values" that Member States are encouraged to meet. These include a range of key parameters (including indicators of the presence of faecal bacteria and three physico-chemical parameters). The Directive also details the requirements for monitoring and reporting bathing water quality. The Bathing Water Report 2003 shows that bathing water quality in the fifteen "old" Member States (EU15) continues to improve[24]. In 2003, 98.6% of EU coastal bathing waters and 92.3% of all fresh waters complied with the Directive. As the report covers the year 2003, data for the new member states are not yet included, but they will be included from the next year onwards. Many Member States are now very close to full compliance with the quality standards and the monitoring requirements under the Directive. In some Member States, however, there is a tendency to ban bathing or declassify bathing sites when there are problems, rather than removing the source of pollution.

Some proceedings concerning *non-conformity and/or bad application* concerning the Bathing Water Directive are still under way against some Member States. In its judgment of 15 July 2004 (Case C-272/01) the Court of Justice condemned Portugal because it had not observed the mandatory limit values laid down by the Bathing Water Directive.

The Dangerous Substances Directive[25] is one of the earliest pieces of EU environmental legislation. It creates a framework for dealing with water pollution caused by discharges of an extensive list of dangerous substances, such as heavy metals, pesticides and chemicals (such as PCBs). Under this Directive, Member States must adopt pollution-reduction programmes

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22 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

23 Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water.

24 The Bathing Water Reports are available under http://www.europa.eu.int/water/water-bathing/report.html

25 Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

with binding water-quality objectives and establish a monitoring network as well as a system for the authorisation of discharges. The Dangerous Substances Directive is now integrated within Directive 2000/60/EC (Water Framework Directive).

Under the provisions of the Dangerous Substances Directive, the Commission sent a reasoned opinion to the Netherlands on account of the absence of pollution-reduction programmes in some parts of the country. The Commission also sent a reasoned opinion under article 228 EC Treaty to France for non-execution of a ruling by the Court of Justice (Case C-130/01) which found that France had still not adopted legislation implementing the provision on pollution-reduction programmes.

The Shellfish Waters Directive[26] requires Member States to designate waters in which shellfish are in need of protection and to achieve mandatory quality standards through the implementation of pollution-reduction programmes. The Commission decided to refer Ireland to the Court of Justice because it designated and protected too few shellfish waters. In a separate case, the Commission also sent Ireland a letter of formal notice under Article 228 EC Treaty asking it to comply with the Court judgment of 11 September 2003 (Case C-67/02) which required Ireland to establish pollution-reduction programmes for the 14 areas along the Irish coast designated as shellfish waters.

Concerning the Drinking Water Directive[27], the Commission continued a small number of infringement cases relating to *bad application* of the Directive, particularly concerning the poor quality of drinking water. In its judgment of 28 October 2004 (Case C-505/03) the Court of Justice condemned France for breaches of the quality standards for nitrates laid down in the Drinking Water Directive. The Drinking Water Directive was repealed as from 25 December 2003 by Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption. Directive 98/83/EC was due to be transposed into national law by 25 December 2000. All Member States have now transposed this Directive.

The Community has two legislative instruments aimed specifically at combating pollution from phosphates and nitrates and the eutrophication they cause.

The first, the Urban Waste-Water Treatment Directive[28], requires towns and cities to meet minimum waste-water collection and treatment standards within deadlines fixed by the Directive. The deadlines are fixed according to the sensitivity of the receiving waters and to the size of the affected urban population. The Directive required Member States to have identified sensitive areas by 31 December 1993. Strict standards for the discharging of waste-water directly from towns and cities with a population above 10,000 into sensitive areas, or their catchment areas, should have been achieved by 31 December 1998. The same deadline applies to the extraction of the nutrients that contribute to eutrophication. Proper treatment for waste-water discharges from cities and towns with more than 15,000 inhabitants should have been installed by December 2000.

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26 Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters.

27 Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption.

28 Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.

During 2004, the Commission sent reasoned opinions to Finland, Luxembourg, Portugal, Sweden and the UK and decided to refer Italy[29] and Spain[30] to the Court of Justice because they did not meet the December 1998 deadline. The Court also condemned Belgium (Case C-27/03)[31], Greece (Case C-119/02)[32] and France (Case C-280/02)[33] for not meeting this deadline.

The Commission sent letters of formal notice to France, Greece, Italy, Portugal and Spain, as a Commission investigation found that many cities and towns in these Member States fail to properly treat waste-water discharged from towns with more than 15,000 inhabitants ("secondary treatment"), by the deadline of 31 December 2000. Reasoned opinions were sent to Italy[34], Ireland[35] and the United Kingdom[36] for failing to meet this deadline.

The Commission decided to refer Greece to the Court of Justice for the lack of treatment and dangerous transport of sludge from the urban waste-water treatment plant in Psitallia near Athens. Under the Urban Waste-Water Treatment Directive, sludge arising from waste-water treatment should be re-used whenever appropriate and its disposal routes should minimise the adverse effects on the environment.

The second anti-eutrophication measure is the Nitrates Directive[37]. This Directive aims to prevent pollution of surface waters and groundwater caused by nitrates from agricultural sources (chemical fertilisers and livestock manure). Member States were required to carry out monitoring of surface waters and groundwater, to identify nitrate-polluted waters (surface and groundwater with nitrate concentrations above 50mg/L and eutrophic waters, or waters which might contain more than 50mg/L nitrate or became eutrophic if no action is taken) and to designate as nitrate-vulnerable zones those areas of their territory draining to polluted water by December 1993. Water monitoring and the review of nitrate-vulnerable zones are to be repeated at least every four years. In nitrate-vulnerable zones; a set of measures (action programmes) are to be taken to reduce and prevent water pollution from agricultural sources. During 2004, the Commission opened an infringement procedure under Article 228 EC Treaty against Ireland in order to make it comply with the Court judgment of 11 March 2004 (Case C-396/01) condemning Ireland for failing to designate zones vulnerable to nitrate pollution and to adopt a nitrate action programme. Infringements cases on account of insufficient designation of zones and/or non-compliant action programmes are ongoing against several other Member States.

1.5. Nature

The EU's two key pieces of nature conservation law are the Wild Birds Directive[38] and the Habitats Directive[39].

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29 as regards an agglomeration of municipalities in the Varese province.
30 as regards the beach at Motilla in Valencia, an area that has been designated as sensitive.
31 as regards several agglomerations in the Flemish, Brussels and Walloon regions.
32 as regards the agglomeration of Thriasio Pedio.
33 as regards a hundred agglomerations all over the country.
34 as regards the province of Foggia.
35 as regards the towns of Bray, Shanganagh, Howth, Letterkenny, Sligo and Tramore.
36 as regards 14 agglomerations, of which 9 are in Northern Ireland, 4 in England and 1 in Scotland.
37 Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.
38 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

The Wild Birds Directive is the EU's oldest piece of nature conservation legislation. It creates a comprehensive scheme of protection for the EU's wild bird species. There are a number of separate but related components to this scheme. One relates to habitat conservation and includes a requirement to designate special protection areas (SPAs) for migratory and other vulnerable wild bird species. SPAs form part of the Natura 2000 network under the Habitats Directive and benefit from several safeguards. A second consists of a series of bans imposed on activities that directly threaten birds (such as the deliberate destruction of nests and the taking of eggs) and associated activities such as trading in live or dead birds. A third component establishes rules that limit the number of species that can be hunted and the periods during which they can be hunted. Rules also define certain permitted methods of hunting. For the second and third components, "derogations" (i.e. exemptions) can be granted provided that strict requirements are met and provided that no other satisfactory solution is possible.

During 2004, the Commission sent a reasoned opinion to Sweden because it had allowed the hunting of cormorants and rooks during the rearing season and had also authorised the destruction of cormorant eggs and rook nests containing birds and eggs.

The Commission also decided to refer the United Kingdom to the Court of Justice because the trading ban in its legislation only covers those protected species whose natural range is the territory of the United Kingdom and also excludes certain birds.

In its judgment of 9 December 2004 (Case C-79/03), the Court of Justice condemned Spain for failure to fulfil its obligations under the Wild Birds Directive by allowing hunting using limed twigs in the Community of Valencia by means of the method known as "parany". The Court held that hunting by means of "parany" falls under the prohibition laid down in Article 8(1) of the Directive and that it cannot be established that there is no other satisfactory solution.

The requirements of the Wild Birds Directive with respect to the management of hunting have been the subject of controversy in different Member States. The Commission has therefore identified the need to provide clear guidance on how Member States should be reflecting the principles laid down in the directive in their national measures for regulating hunting: in August 2004, it officially published a guidance document on hunting[40]. This guidance document aims to provide better clarification of the requirements of the Directive relating to hunting, within the existing legal framework and strongly based on scientific principles and data and the overall conservation aim of the Directive.

The Habitats Directive provides a comprehensive protection scheme for a range of animals and plants, as well as for a selection of habitat types. It provided for the creation, by June 1998, of a network of protected sites known as Natura 2000, which embraces SPAs designated under the Wild Birds Directive and sites proposed by Member States under the Habitats Directive (proposed Sites of Community Importance of pSCIs). For each bio-geographical region, a Commission decision then fixes the EU list of sites of Community

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39 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

40 More information under http://europa.eu.int/comm/environment/nature/nature_conservation/focus_wild_birds/sustainable_hunting/index_en.htm

Importance (SCIs). These sites are subsequently to be designated by Member States as Special Areas of Conservation (SACs), which, together with SPAs, will constitute the Natura 2000 network. The sites proposed by Member States must be based on scientific criteria and scientific information. All sites in the network must respect the stipulated safeguards. These include the prior assessment of potentially damaging plans and projects, the requirement that these plans and projects -if causing significant damage- be approved only if they represent an overriding interest and only if no alternative solution exists, and measures for providing compensatory habitats. Once fully in place, this network should ensure that the best examples of EU natural habitats, and areas hosting rare and endangered plant and animal species, are properly conserved and protected. Delays in the submission of site proposals by Member States have meant that the completion of the Natura 2000 network has fallen seriously behind schedule. In addition to providing for the creation of Natura 2000, both the Wild Birds and Habitats Directives contain species protection provisions. Derogations can be granted, but only under strict conditions.

Regarding the transposition of the Wild Birds and Habitats Directives, a small number of *conformity* problems remain unresolved. During 2004, the Commission had to continue infringement actions against some Member States. The Commission decided to refer Austria, Ireland and the UK to the Court of Justice because of *non-conformity* of parts of their legislation with the Wild Birds and Habitats Directives.

In its judgment of 15 July 2004 (case C-407/03), the Court of Justice condemned Finland for failure to require in its legislation the necessary legal certainty that all projects, including those already subject to the environmental impact assessment procedures, are subject to an appropriate assessment under Article 6(3) of the Habitats Directive. As the Finnish legislation was subsequently brought in line with the requirements of the Directive, the Commission decided to close the case.

The Commission sent a letter of formal notice under article 228 EC Treaty to Portugal asking it to comply with a 2002 ruling (case C-72/02) finding that Portugal had not transposed correctly parts of both the Habitats and Wild Birds Directives.

The main problems with the implementation of the Wild Birds and Habitats Directives relate to its *bad application*. In some countries the classification of special protection areas (SPAs) and the selection of proposed sites of Community importance (pSCIs) for inclusion in the Natura 2000 network remain problematic. Existing SPAs for birds in a number of Member States are still too few in number or cover too small an area.

The Commission decided to refer Spain, Portugal and Greece to the Court of Justice for insufficient designation of SPAs.

The Commission sent a reasoned opinion to France because of non-execution of a court judgment of 26 November 2002 (Case C-202/01) finding that France's SPA network was inadequate due to an insufficient number of designated sites. The Commission also sent a reasoned opinion under Article 228 EC Treaty to Italy asking it to comply with a 2003 judgment (Case C-378/01) ruling that Italy failed to classify a sufficient number of territories as SPAs.

As regards pSCIs, the Commission continued infringement proceedings against several Member States whose selection of sites is either not satisfactory or is under assessment

subject to the results of bio-geographical seminars. The Commission sent Germany a reasoned opinion because it considers that, on scientific grounds, the boundaries of the site "Niederungen der Unteren Havel" in Brandenburg are not correct[41]. The Commission sent a reasoned opinion under Article 228 EC Treaty to France for non-execution of a Court judgment of 11 September 2001 (case C-220/99) finding that France had failed to transmit the complete list of pSCIs and information on these sites.

Problems remain concerning the special protection regime under Article 4(4) of the Wild Birds Directive and Article 6(2) to (4) of the Habitats Directive, e.g. wrongly applying or setting aside the special protection regime in relation to various activities significantly affecting conservation objectives, habitats or species. In this respect, the Commission sent reasoned opinions to Italy[42] and Spain[43] and decided to refer Spain[44], Greece[45] and Italy[46] to the Court of Justice.

In its judgment of 29 January 2004 (Case C-209/02) the Court of Justice condemned Austria because it authorised the extension of a golf course in the province of Styria despite a negative assessment of its implications for the habitat of the corncrake (*crex crex)* in an SPA situated in that province.

The Commission sent Ireland a letter of formal notice under Article 228 EC Treaty requesting it to comply with a Court judgment of 13 June 2002 (Case C-117/00) condemning Ireland for allowing serious deterioration of wild bird habitats to occur through overstocking with sheep.

In a preliminary ruling of 7 September 2004 (Case C-127/02, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels), the Court of Justice clarified the concept of "plan" or "project" within the meaning of Article 6 (3) of the Habitats Directive. According to the Court, mechanical cockle fishing which has been carried on for many years but for which a license is granted annually for a limited period, with each licence entailing a new assessment both of the possibility of carrying on that activity and of the site where it may be carried on, falls within the concept of "plan" or "project". As to the relation between Article 6 (3) and (2) of the Directive, the Court held that Article 6 (3) "establishes a procedure intended to ensure, by means of a preliminary examination, that a plan or project which is not directly connected with or necessary to the management of the site concerned, but likely to have a significant effect on it, is authorised only to the extent that it will not adversely affect the integrity of that site", but noted that "Article 6(2) establishes an obligation of general protection consisting in avoiding

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41 At the end of 2004, Germany corrected the boundaries of the site in accordance with the requirements of the Habitats Directive.

42 Concerning several cases in which Italy has failed to assess the potential impact of construction projects within protected sites.

43 Concerning, amongst other things, an irrigation project in the province of Lleida that will adversely affect an area that has been identified as important for steppic wild bird species and an open-cast mining project to be located inside an important nature site in the province of Leon.

44 Concerning the failure to assess the effects of sand extraction and beach regeneration on important nature sites along the Spanish Mediterranean coast

45 Concerning pollution and degradation of Lake Koronia and an illegal waste landfill operating within a Natura 2000 site in Maroulas on Crete.

46 Concerning the granting of development consent, notwithstanding the negative outcome of the assessment pursuant to Article 3 of the Habitats Directive for a forestry road and a hard-surfaced trackway in the Dolomites in the Bolzano Province. Italy also failed to carry out such an assessment in relation to new skiing infrastructure in the heart of the Stelvio National Park.

deterioration and disturbances which could have significant effects in the light of the Directive's objectives, and cannot be applicable concomitantly with Article 6(3)".

Problems with the implementation of the Habitats Directive may also arise with regard to the protection of species. Article 12 of the Directive establishes a strict protection scheme for the species listed in Annex IV(a). Strict protection involves prohibiting all forms of deliberate capture or killing of specimens of these species and the deterioration or destruction of breeding sites and resting places. The Directive allows for exceptions –"derogations"- on a number of grounds. However, these derogations are subject to strict conditions. In particular, there must be no satisfactory alternative and a derogation must not be detrimental to the maintenance of populations of the species at a favourable conservation status.

During 2004, the Commission decided to take Finland to the Court of Justice as it considered that the systematic hunting of wolves, with hunting licences granted on the basis of certain predetermined quotas, does not meet the conditions laid down in the Habitats Directive for granting exceptions to the general prohibition on deliberate capture or killing.

The Commission decided to refer Greece to the Court of Justice for failure to protect the Milos viper, which is a rare species and must be strictly protected under the Habitats Directive.

The Commission also decided to refer Ireland to Court of Justice as Irish legislation and practice does not sufficiently protect a number of endangered animal and plant species (including the lesser Horseshoe bat, the natterjack toad and cetacean species).

The Commission sent a reasoned opinion under Article 228 EC Treaty to Greece urging it to comply with a 2002 Court ruling (Case C-103/00) finding that Greece had failed to adequately protect the rare loggerhead sea turtle, *Caretta caretta,* on the island of Zakynthos.

On 7 December 2004[47] the Commission adopted the EU lists of sites of Community importance for the Atlantic and Continental bio-geographical regions, adding more than 7,000 nature sites to the Nature 2000 network[48]. This is another major step forward in establishing Natura 2000.

Council Directive 1999/22/EC, relating to the keeping of wild animals in zoos, aims to protect wild fauna and conserve bio-diversity by providing for the licensing and inspection of zoos in the EU, thereby both safeguarding and strengthening the essential role that zoos play in animal conservation. The deadline for transposing the Directive into national law was 9 April 2002. On 10 June 2004, the Court of Justice found that Italy had failed to transpose the requirements of the Directive into its national legislation (Case C-302/03). As Italy had still not notified the necessary legislation, it was sent a letter of formal notice under Article 228 EC Treaty. On 14 October 2004, the Court of Justice found that Germany had failed to transpose the requirements of the Directive into its national legislation (Case C-339/03).

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47 Commission Decision of 7 December 2004 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Atlantic biogeographical region (OJ L 387, 29.12.2004, p. 1) and Commission Decision of 7 December 2004 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Continental biogeographical region (OJ L 382, 28.12.2004, p. 1).

48 The lists previously adopted are the Macaronesian list (Azores, Madeira, Canary Islands) adopted on 28 December 2001 and the Alpine list adopted on 22 December 2003.

1.6. Chemicals and biotechnology

Community legislation on chemicals and biotechnology comprises various groups of directives that relate to products and activities. They have certain characteristics in common: they are technically complex, require frequent changes to adapt them to new knowledge, apply to both the scientific and industrial spheres and deal with risks for human health and the environment.

The Dangerous Substances Directive[49] represents the EU's core legislation for dealing with chemicals. Since it was adopted in 1967, the Directive has been amended or adapted on numerous occasions to keep up with scientific and technical developments. Commission Directive 2001/59/EC[50], adapting the Dangerous Substances Directive to technical progress for the 28th time, had to be transposed by 31 July 2002. Most Member States have transposed this Directive in time. During 2004, the Commission closed the infringement procedure against France for *non-communication* of the transposition measures required to implement and amend the Dangerous Substances Directive. The Commission also closed the infringement procedure against France for failure to adopt the necessary measures to comply with Commission Directive 2000/21/EC concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of the Dangerous Substances Directive.

Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products was due to be transposed by the Member States no later than 14 May 2000. The Biocides Directive sets environmental and safety standards for biocides and requires Member States to set up an authorisation system for marketing biocidal products. Most Member States have communicated transposition measures for the Directive. During 2004, the Commission closed the infringement procedure against France for *non-communication* of national transposition measures.

Animal experiments are covered by Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes. During 2004, the Commission closed infringement procedures against France and the Netherlands for *non-conformity* of their national legislation with some requirements of the Animal Experiments Directive.

The amending Directive on the Contained Use of GMMs[51] substantially amends the 1990 parent Directive, Council Directive 90/219/EEC, and adapts it to take account of technological advances since its adoption in 1990. The amending Directive aims to bring the legislation into line with current international practice and its core objective is to link the administrative procedures and notification requirements more closely to the real risk of the activities concerned. Furthermore, it expands the guidelines on the containment and control measures that need to be applied to protect human health and the environment. It also introduces more flexibility to allow for easier adaptation in response to future technical

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49 Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

50 Commission Directive 2001/59/EC of 6 August 2001 adapting to technical progress for the 28th time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

51 Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms.

progress. National transposing legislation should have been adopted and communicated to the Commission by 5 June 2000 at the latest.

The Commission initiated infringement procedures under Article 228 of the Treaty against France to make it comply with a Court judgment of November 2003 that found that France had failed to transpose the Directive on the Contained Use of GMMs in relation to emergency plans and information to the public about emergency measures (Case C-429/01). The Commission closed infringement procedures against Spain and Belgium for *non-communication* of national transposition measures and against Luxembourg for *non-conformity* of parts of its legislation with the Directive.

Directive 2001/18/EC has revised the original framework for regulating the release of GMOs in the Community[52]. The original regulatory framework, was established by the 1990 Directive[53], in response to concerns that the release of GMOs might lead to irreversible damage to the environment. Directive 2001/18/EC had to be transposed into national law by 17 October 2002. During 2004, the Court of Justice condemned several Member States for failure to transpose the requirements of the Directive into their national legislation (Austria: Case C-421/03, Belgium: Case C-417/03, France: Case C-419/03, Finland: Case C-423/03, Germany: Case C-420/03, the Netherlands: Case C-422/03). The Commission closed the infringement procedures against Austria, Spain and Luxembourg once they took the necessary transposition measures.

1.7. Waste

The Waste Framework Directive[54] lays down basic requirements for Member States regarding the handling of waste and sets out a definition of the term "waste". Member States must ensure that the disposal and recovery of waste does not present a risk to water, air, soil, plants or animals or adversely affect the countryside. Furthermore, they must prohibit the dumping or uncontrolled disposal of waste and establish an integrated and effective network of waste disposal plants, prepare waste management plans and ensure that waste treatment operations receive a permit. Waste collectors must have special authorisation to operate or be registered, and companies carrying out waste collection or disposal must undergo periodic inspections. Member States still have problems in fully and correctly implementing the provisions of this Directive in national law.

In its judgment of 16 December 2004 (Case C-62/03), the Court of Justice condemned the UK for *non-conformity* of its national legislation with some provisions of the Waste framework Directive.

In 2004, the Commission launched a number of infringement actions, including some referrals to the Court of Justice, involving *bad application* of the Waste Framework Directive. A large number of cases primarily concerned local waste dumping problems (illegal landfills and/or

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52 Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

53 Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms.

54 Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC.

uncontrolled treatment of waste, non-existent or insufficient environmental impact assessments, uncontrolled dumps, etc).

The Commission receives a considerable number of complaints, petitions and parliamentary questions concerning the operation in several Member States (such as Spain, Greece, France, Italy, Ireland) of illegal or uncontrolled landfills, where waste disposal endangers human health and harms the environment. During 2004, the Commission sent Ireland reasoned opinions in five cases concerning unauthorised waste activities (such as illegal waste sites or the absence of waste licences that respect the environment). The Commission also decided to refer France, Italy and Spain to the Court of Justice because of the existence of numerous illegal and uncontrolled landfills not meeting the requirements of the Waste Framework Directive.

During 2004 the Court of Justice condemned several Member States because of failure to respect the requirements of the Waste Framework Directive in relation to individual landfills (Italy: Cases C-375/02, C-383/02, C-516/03 and C-447/03; Spain: Cases C-398/02 and C-446/01; Greece: Case C-420/02). In some of these cases, the Commission started the procedure under Article 228 EC Treaty asking the Member States to comply with the Court judgment.

Another category of *bad application* of waste legislation comprises inadequate waste planning. During 2004 the Court of Justice condemned several Member States for failure to draw up the plan provided for by Directive 96/59/EC on the disposal of PCB and PCT (Germany: Case C-454/01, Portugal: Case C-185/02). The Commission also sent a letter of formal notice under Article 228 EC Treaty asking Greece to comply with a Court judgment of 5 June 2003 (Case C-83/02) condemning Greece for failure to draw up such a plan.

In a preliminary ruling of 1 April 2004 (joined cases C-53/02 and C-217/02, Commune de Braine-le-Château, Michel Tillieut and Others) the Court of Justice clarified what should be included in plans to be drawn up in accordance with Article 7 of the Waste Framework Directive. According to the Court, Article 7 must be interpreted to mean that the management plan or plans to be drawn up by the competent authorities of the Member States under that provision must include either a geographical map specifying the exact location of waste disposal sites or location criteria which are sufficiently precise to enable the competent authority responsible for issuing a permit under Article 9 of the Directive to determine whether the site or installation in question falls within the management framework provided by the plan.

The case-law on the definition of waste under the Waste Framework Directive was further developed by the preliminary ruling given by the Court of Justice on 7 September 2004 (Case C-1/03, Van de Walle and Others). The Court held that hydrocarbons that are unintentionally spilled and cause soil and groundwater contamination are waste within the meaning of the Waste Framework Directive. The same is true for soil contaminated by hydrocarbons, even if it has not been excavated. As to the concept of the holder of waste within the meaning of the Directive, the Court held that a petroleum undertaking that supplies a service station can be considered to be the holder of such waste only if the leak from the service station's storage facilities which gave rise to the waste can be attributed to the conduct of the petroleum undertaking.

In a preliminary ruling given by the Court of Justice on 11 November 2004 (Case C-457/02, Niselli), the Court ruled that Annexes IIA and IIB of Directive 75/442/EEC as amended are not exhaustive and therefore the definition of waste cannot be construed as covering exclusively substances or objects intended for, or subjected to, the disposal or recovery operations mentioned in Annexes IIA and IIB or in equivalent lists, or those operations to which their holder intends or is required to subject them. Furthermore, the Court held that the meaning of waste is not to be interpreted as excluding all production or consumption residues which can be or are re-used in a cycle of production or consumption, either without prior treatment and without harm to the environment, or after undergoing prior treatment without, however, requiring a recovery operation within the meaning of Annex IIB to the Directive.

During 2004, the Commission decided to refer Italy to the Court of Justice because of undue exclusion of excavated earth and food waste from the notion of waste under the Waste Framework Directive.

Regarding Directive 75/439/EEC on the disposal of waste oils[55], the Commission decided during 2004 to refer Finland to the Court of Justice for failure to give priority to the processing of waste oils by regeneration. The Court also condemned the UK and Sweden (Case C-424/02 and Case C-201/03) for this reason.

Directive 91/689/EEC on hazardous waste[56] sets the framework for EU standards for the management of hazardous waste. It complements the Waste Framework Directive, which provides a legislative framework for all types of waste, whether hazardous or not. In particular, it provides the key definitions of what constitutes waste, disposal and recovery. The concept of hazardous waste is defined in the Hazardous Waste Directive and this in turn is linked to a binding list called the Hazardous Waste List. Some Member States still have problems in transposing the national legislation correctly. In its judgment of 12 October 2004 (Case C-431/02), the Court of Justice condemned the UK for incomplete transposition of the Directive.

Council Regulation No 259/93[57] governs the supervision and control of shipments of waste between Member States. Shipments of waste are subject to prior notification to the competent authorities so that they are duly informed of the type, movement and disposal or recovery of the waste. The competent authorities of the place of destination and dispatch can object to such shipments under the circumstances defined by the Regulation. In a preliminary ruling of 16 December 2004 (Case C-277/02, EU-Wood-Trading) the Court of Justice clarified the circumstances under which the competent authorities can raise objections to shipments. In its judgment of 14 October 2004 (Case C-113/02), the Court of Justice condemned the Netherlands because its rules on shipments of waste contravene Article 7(4) of the Regulation.

The Packaging Waste Directive[58] aims to ensure the functioning of the internal market in packaging and packaged goods, while reducing the environmental impact of packaging and its

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55 Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils.

56 Council Directive 91/689/EEC of 12 December 1991 on hazardous waste.

57 Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community.

58 European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste.

waste on the environment. It sets percentage targets for the recovery and recycling of packaging waste and requires Member States to set up collection, recycling and recovery schemes for this waste stream. During 2004, the Commission decided to take the Netherlands to the Court of Justice because of shortcomings in the Dutch legislation to implement the Packaging Waste Directive.

In its judgment of 14 December 2004 (Case C-463/01), the Court of Justice stated that the German system for the re-use of packaging for products that must be bottled at source under Council Directive 80/777/EEC of 15 July 1980 (on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters), was contrary to Article 5 of the Packaging Waste Directive because Germany did not allow sufficient time to importers to adapt their production lines to the system. Article 5 provides that Member States may encourage systems for the re-use of packaging that can be reused in an environmentally sound manner where this conforms with Article 28 EC Treaty. The Court confirmed that deposit-refill systems are compatible with Article 5, but Member States must allow sufficient time to importers to adapt to such systems when this requires a change from non-reusable to reusable packaging.

The PCB/PCT Directive[59] covers hazardous chemicals whose toxicity and tendency to bioaccumulate represent a particular threat to the environment and to human health. The aim of the Directive is to ensure the controlled disposal of PCBs in the Member States. In particular, all companies involved in the decontamination and/or the disposal of PCBs, or that use PCBs or equipment containing PCBs, must first obtain a permit. It also sets out requirements for the decontamination or disposal of equipment containing PCBs and the disposal of used PCBs in order to ensure that they are completely eliminated. In particular, it requires Member States to adopt and communicate to the Commission inventories of equipment with PCB volumes above a specified limit. It also requires Member States to adopt and communicate to the Commission plans for the safe decontamination and disposal of equipment containing PCBs. The Commission sent a reasoned opinion under Article 228 EC Treaty to Greece asking it to comply with a 2003 judgment (Case C-83/02) declaring that Greece had failed to fulfil its obligations under the PCB/PCT Directive because the Greek measures do not ensure the appropriate elimination of PCBs.

The Landfill Directive[60] establishes a set of detailed rules in order to prevent or minimise the negative effects that landfill sites for waste can have, including pollution of soil, air and water and risks to human health. In particular, as far as existing landfill sites are concerned (those already authorised or in operation on 16 July 2001), the operator must present to the competent authority, for approval by 16 July 2002, a conditioning plan which indicates how the requirements of the Directive will be met within the required timeframe. The Directive also bans certain types of waste from landfill sites, for example used tyres, and requires Member States to reduce the amount of biodegradable waste that they landfill to 35% of 1995 levels. In its judgment of 15 December 2004 (Case C-172/04), the Court of Justice condemned France for failure to transpose the Directive into its national law.

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[59] Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

[60] Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

The End-of-Life Vehicles Directive[61] has a dual aim: to control the environmental impact of the treatment of end-of-life vehicles and their components and to promote car re-use, recycling and other forms of recovery. Among other things, the Directive requires the setting up of collection systems for end-of-life cars and seeks to reduce the use of hazardous chemicals in vehicles. Consumers must be able to hand in their old car for dismantling free of charge and producers must cover all or a significant part of the costs of collection and treatment of end-of-life vehicles.

Some Member States have not yet transposed the Directive. During 2004, the Court of Justice condemned Finland, France, Ireland and UK for failure to transpose the Directive into their national laws (Finland: Case C-292/03, France: Case C-331/03, Ireland: Case C-460/03, UK: Case C-277/03). The Commission sent France a letter of formal notice under article 228 EC Treaty asking it to comply with the Court ruling. However, the Commission closed infringement procedures against Belgium and Greece because they had communicated their transposition measures.

During 2004, the Commission sent reasoned opinions to Luxembourg, Italy and Germany and decided to take Austria to the Court of Justice for *non-conformity* of their national legislation transposing the End-of- Life Vehicles Directive.

The Directive on the incineration of waste[62] aims to prevent or limit as far as practicable the negative effects on the environment and the resulting risks to human health, from the incineration and co-incineration of waste. It imposes stringent operational conditions and technical requirements and sets emission limit values for waste incineration and co-incineration plants within the EU. The deadline for transposing this Directive into national law was 28 December 2002. During 2004, the Commission closed infringement procedures for *non-communication* of national transposition measures against Belgium, Germany and the Netherlands as these countries had communicated their transposition measures. In two judgments of 2 December 2004, the Court of Justice found that Italy and Portugal had failed to transpose the requirements of the Directive into their national legislation (Italy: Case C-97/04; Portugal: Case C-48/04).

The Directive on Waste Electrical and Electronic Equipment (WEEE Directive)[63] requires the Member States to set up collection systems for electronic equipment by August 2005 (August 2007 for the new Member States). When these systems are in place, consumers will be able to take these products back to shops and collection points free of charge. The deadline for transposing this Directive into national law was 13 August 2004.

1.8. Environment and industry

Directive 96/61/EC concerning integrated pollution prevention and control (IPPC)[64] is one of the major pieces of EU environmental legislation on industrial emissions. It regulates the

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61 Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles.

62 Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste.

63 Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), as amended by Directive 2003/108/EC.

64 Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control.

operations of large industrial and agricultural installations with a high pollution potential. These installations must have operating permits that set limits on their emissions to the air, water and land in an "integrated" way, taking account of all three media. A first comprehensive report on measures taken to implement the Directive, covering the period 2000 to 2002, was due on 30 September 2003. All Member States have in the meantime submitted their first reports under the IPPC Directive[65].

During 2004, the Commission continued infringement proceedings against several Member States because of *non-conformity* of their national legislation with the IPPC Directive. The Commission sent reasoned opinions to Denmark and France and decided to refer the Netherlands and Italy to the Court of Justice. In its judgment of 18 November 2004 (Case C-78/04), the Court of Justice condemned Austria for incorrect transposition of the Directive.

The Seveso II Directive[66] aims to prevent major industrial accidents involving dangerous substances and to limit their consequences through emergency preparedness. It strengthens an earlier directive passed in response to the 1976 explosion at a chemical plant in the Italian town of Seveso, which contaminated a wide area with dioxin, one of the most toxic substances known. The revised directive imposes stringent obligations on companies that store dangerous substances and requires that a major-accident prevention policy and emergency plans are prepared in advance. It also sets out requirements for land-use planning and public information, as well as emergency procedures that must be followed when an accident occurs.

During 2004, the Commission sent a letter of formal notice to Germany because it did not ensure that the prevention of major accidents was taken into consideration with regard to the planned new northwest runway at Frankfurt Airport, which would be less than one kilometre from the Ticona chemical plant. Both the airport and Ticona are installations covered by the Seveso II Directive. The Commission also sent Luxembourg a reasoned opinion and decided to refer Austria and Italy to the Court of Justice because of incorrect and incomplete transposition of the Directive.

The Seveso II Directive is amended by Directive 2003/105/EC[67]. This Directive extends the scope of the Seveso II Directive, a step deemed necessary in the light of recent major industrial accidents, such as the incident at a firework plant in Enschede (the Netherlands) in May 2000 or the explosion of a fertiliser plant in Toulouse (France) in September 2001.

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65 A study was drawn up on the basis of these reports, more information under: http://europa.eu.int/comm/environment/ippc/replies_and_opinions/final_report_ippc.pdf

66 Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances.

67 Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances.

CHAPTER II
IMPEL (EUROPEAN UNION NETWORK FOR THE IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAW)

1.1 BACKGROUND

IMPEL is an informal network of European regulators concerned with the implementation and enforcement of environmental legislation. The network is a powerful tool for sharing experience and information on the practical application of environmental legislation across Europe. Cooperation among practitioners in the fields of inspection, permitting and enforcement under the IMPEL network started in 1992. 30 countries –all Member States of the European Union, the two acceding countries Bulgaria and Romania, the two candidate countries Croatia and Turkey, as well as Norway– and the European Commission now participate in the network.

Initially, its main focus was the implementation and enforcement of environmental legislation, mainly where large industrial processes were concerned. Since then, its scope has gradually broadened to cover other parts of the regulatory chain. The previous Annual Surveys provided a full description of the history of the network and described how the structure of IMPEL had developed up to 2003 and what had been achieved as a result of these changes. This Sixth Annual Survey looks at IMPEL's main activities in 2004 and how IMPEL is preparing to ensure its continuing value and usefulness in the future.

1.2. LEGAL BASE

The IMPEL network has a formal legal base in Decision No. 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environmental Action Programme[68]. Article 3 ("Strategic Approaches to meeting environmental objectives") contains an explicit reference to IMPEL's work. Article 3(2) is about encouraging a more effective implementation and enforcement of Community legislation on the environment, which requires, amongst other things:

– promotion of improved standards of permitting, inspection, monitoring and enforcement by Member States; and

– an improved exchange of information on best practice on implementation by, amongst others, the IMPEL network

1.3. IMPEL'S ACTIVITIES

The essence of the IMPEL network is its projects. As a general rule, the projects look at how legislation is currently applied and enforced and how good practice is subsequently defined.

[68] OJ L 242, 10.09.2002, p. 1.

The framework for IMPEL projects and activities is its multi-annual work programme for 2004-2008[69]. It is based on the Sixth Environmental Action Programme and focuses in particular on Recommendation 2001/331/EC on Minimum Criteria for Environmental Inspections.

In 2004, the programme was substantially revised. It now reflects the whole regulatory cycle and key priorities for IMPEL's work in 2004-2008 will be: capacity building, including institutional reviews of inspectorates; improvement of methodologies; development of good practices for permitting and inspection; exploring new approaches and providing feedback to policy makers on the practicality and enforceability of environmental legislation. The latter element will also include an advisory role for IMPEL in the development of new Community environmental legislation. The multi-annual work programme will be implemented in a flexible way and will be kept under regular review to ensure that it is in line with future priorities and developments.

1.3.1. IMPEL's work on Recommendation 2001/331/EC on Minimum Criteria for Environmental Inspections

In 2004, IMPEL continued its work on the Recommendation of the European Parliament and of the Council on Minimum Criteria for Environmental Inspections.

The seventh review of practices and procedures in environmental inspectorates ("IMPEL Review Initiative-IRI") was started in Stockholm, Sweden[70].

In addition, IMPEL finalised its report on the examination of the results and lessons learnt from the six previous IRIs. As regards the overall impact of the IRI review process and whether and how it could be further developed, the following important observations were made by those involved in the trials:

- In terms of "capacity building", the review process was of value to both review team members and the candidate inspectorate.
- The IRI process has a special character; it is not an audit as such but provides a good balance between examining details and establishing an overall regulatory philosophy.
- The IRI process was equally successful in large and small inspectorates and across all variations of cultural, constitutional and legal backgrounds.
- The high level of communication and exchange of views in the course of the review process emphasised the relevance of the project itself and the role of IMPEL.

1.3.2. IMPEL TFS Seaport project

In 2004, the final report on the first IMPEL TFS Seaport project triggered a lot of interest not only amongst enforcement officials but also in the media.

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69 More information under: http://europa.eu.int/comm/environment/impel

70 See fourth Annual Survey for a description of the scheme.

The project was carried out under the umbrella of the IMPEL TFS Cluster, a network of representatives of EU Member States and other European countries concerned with the transfrontier shipment of waste (TFS). The main aim of the project was to improve the enforcement of EU Regulation 259/93 in the six participating seaports by aligning enforcement activities in order to carry out inspections in a uniform way with the ultimate aim of creating of a level playing field within the EU. The project turned out to be a success: a network of contacts for enforcement activities was established, many illegal shipments were detected and the need for a European enforcement strategy on the transfrontier shipment of waste was highlighted.

A follow-up project started in 2004 and will run until 2006.

1.3.3. IMPEL Better Legislation Initiative – Follow-up

Two workshops were organised during 2004 to follow up the IMPEL report on better legislation entitled "Effective Enforcement Needs a Good Legal Base" (see Fifth Annual Survey).

On 18 February 2004, a meeting was held in Brussels with representatives from IMPEL, Member States and the Commission to explore ways of disseminating the report as well as to discuss the report's findings and possible follow-up avenues. The meeting emphasised the need to follow up the project and proposed the development of an action plan to put the report's recommendations into practice. As part of this action plan, a second workshop was organised during the 24th IMPEL Plenary Meeting in Amsterdam on 1–3 December 2004. It resulted in the decision to set up a new IMPEL Cluster on "Better Legislation/Simplification". This cluster was to identify and select areas for legislation (both new and existing) which IMPEL should comment on, as well as areas where IMPEL could provide guidance on the implementation of legislation and the consequences of European Court judgments. The UK volunteered to chair this Cluster. IMPEL is thereby playing an active role in the broader debate on the simplification of the regulatory environment throughout the EU.

1.3.4. Activities of the EU-10 Member States and candidate countries (AC-Cluster, former AC-IMPEL)

With the merger of the two networks IMPEL and AC-IMPEL, the EU-10 Member States and the candidate countries will progressively phase in all IMPEL projects, but they still have the possibility of carrying out projects and activities tailored to their specific needs under the umbrella of the AC-Cluster, with a separate funding mechanism until June 2005. Participation of representatives from the PHARE countries is supported by the PHARE budget; the non-PHARE countries Malta, Cyprus and Turkey have to secure their own funding.

The AC-Cluster covers various tasks, performed under the leadership of a consultant, including training programmes, external assessment and support activities.

Key activities in 2004:

- Enforcement analysis, workshops and training on the Landfill Directive and the Access to Information Directive and;

- "Train-the-trainer" sessions on the SEA Directive and on inspections/management of inspectorates;

- Reviews of enforcement practices in Hungary and Poland;
- Institutional analysis in the Czech Republic.

1.4. COOPERATION WITH OTHER NETWORKS

IMPEL puts great emphasis on strengthening the collaboration and cooperation with other networks in order to build bridges and share its experience and working methods on a global level.

1.4.1. INECE

INECE is the International Network for Environmental Compliance and Enforcement. It is an international partnership established to promote effective compliance and enforcement of domestic environmental laws and international agreements (MEAs) through networking, capacity building and cooperation. It began its work in 1985 and is now a major international network of over 2500 enforcement practitioners from governmental agencies, NGOs and international organisations.

INECE is governed by its Executive Planning Committee (EPC), which "defines INECE's cooperative efforts and makes decisions to realise the INECE mission". IMPEL, represented by the IMPEL Secretariat, is a member of the INECE Executive Planning Committee.

In 2005, INECE will hold its seventh international conference on compliance and enforcement in Morocco. This conference will bring together enforcement officials from all over the world to share experiences and make plans to take the environmental compliance and enforcement challenge to the next level. The IMPEL Secretariat was asked to assist in the nomination process for participants from Western and Eastern Europe.

1.4.2. BERCEN

The Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN) is a network for the countries of South-Eastern Europe (Croatia, FYROM, Serbia and Montenegro, Bosnia and Herzegovina and Albania). The BERCEN Secretariat attended the Amsterdam Plenary meeting in 2004 and called for stronger relations with the IMPEL network, now that its Member countries are moving closer to the EU.

The IMPEL Secretariat participated in the third BERCEN Plenary Meeting in Brussels, 16–17 December 2004, and provided an overview of recent and planned IMPEL activities. At this meeting, BERCEN members agreed to broaden the mandate of the network so that it could perform the role of a new pre-accession network on the implementation and enforcement of environmental legislation (similar to the former AC-IMPEL network), i.e. to carry out activities tailored to the specific needs of the candidate and pre-candidate countries.

1.4.3 REPIN

IMPEL played an important role in the development of the Regulatory Environmental Programme Implementation Network of the Newly Independent States (REPIN; formerly named NISECEN) and maintains a close relationship.

In 2004, the REPIN coordinator participated in the IMPEL Plenary Meeting in Dublin and presented the ongoing work and achievements of the network.

1.5. IMPEL REPORTS ADOPTED IN 2004

Reports adopted by IMPEL in 2004 include the following[71]:

- IMPEL Review Initiative–IRI Phase 4: Review of trial of the scheme;
- Report on Lessons Learnt from accidents, Seminar held in Dijon in 2003;
- Information exchange on e-reporting;
- Remas[72]–IMPEL's view on the Remas criteria;
- Waste-related conditions in environmental permits;
- IMPEL TFS project "Verification of the destination of notified waste".

1.6. BUDGET IN 2004

Since 1997, IMPEL projects have generally received a financial contribution from the Commission and from the Member State leading the project. The amount allocated by the Commission to projects in 2004 was €250,000 and covered costs relating to the organisation of meetings and workshops for the IMPEL projects, in particular the travel and accommodation costs of the participants.

For the activities of the AC-Cluster, €499,540 were available under the PHARE budget.

1.7. CONCLUSIONS AND OUTLOOK FOR THE FUTURE

IMPEL is continuing to deliver work of high quality. The multi-annual work programme (with its emphasis on the Recommendation on Minimum Criteria for Environmental Inspections and the Sixth Environmental Action Programme) gives a clear focus to the work of the network and helps to ensure that its activities continue to be of a high value and usefulness.

The number and quality of the reports that IMPEL produced in 2004 illustrate the success of the network in achieving its objectives.

IMPEL is now at an important point. Over the past 10 years, IMPEL has achieved many successes in bringing together inspectors from different countries to share their experiences and to help bring about improvements in the implementation and enforcement of

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71 These reports can be found under: http://europa.eu.int/comm/environment/impel

72 Remas is a 3-year project designed to examine environmental management systems (EMAS) currently in place in business and industry across EU Member States.
More info: http://remas.ewindows.eu.org/index.htm

environmental legislation. However, IMPEL now faces a number of challenges: Enlargement of the network to 30 members, staying relevant in a changing world, adaptation to new budgetary/financial requirements, and the question of expanding its scope. On the other hand, there will be also new opportunities, e.g. to influence legislation at an early stage. IMPEL will have to take up these challenges and opportunities in order to ensure its relevance. As part of its normal routine, the Commission launched an evaluation of the IMPEL network in 2004 with a view to assessing the network's contribution to a more effective implementation of EU environmental legislation, the proportionality of the costs incurred in relation to the intended results as well as the potential for broadening/changing the scope of activities.

CHAPTER III

DETAILS OF TRANSPOSITION MEASURES COMMUNICATED BY THE MEMBER STATES FOR COMMUNITY DIRECTIVES TO BE TRANSPOSED DURING THE PERIOD COVERED BY THIS SURVEY (NOTIFICATIONS RECEIVED BY 31 DECEMBER 2004)

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

OJ L 197, 21.7.2001, p. 30-37

Transposition date: 21.7.2004

Belgium	01.	Décret du Ministère de la Communauté Flamande du 18 décembre 2002 complétant le décret du 05 avril 1995 contenant des dispositions générales concernant la politique de l'environnement par un titre relatif à l'évaluation des incidences sur l'environnement et la sécurité, *Moniteur belge du 13.2.2003, p. 7281*
	02.	Ordonnance du 18 mars 2004 relative à l'évaluation des incidences de certains plans et programmes sur l'environnement, *Moniteur belge du 30.3.2004, p. 17836-17846*
	03.	Décret relatif au Livre Ier du Code de l'Environnement, *Moniteur belge du 9.7.2004, p. 54654-54697*
Czech Republic	01.	Zákon č. 93/2004 Sb., kterým se mění zákon č. 100/2001 Sb., o posuzování vlivů na životní prostředí a o změně některých souvisejících zákonů (zákon o posuzování vlivů na životní prostředí), *Sbírka zákonů z 3.3.2004, s. 1419*
Denmark	01.	Lov nr. 316 af 5. maj 2004 om miljøvurdering af planer og programmer
Germany	01.	Gesetz zur Anpassung des Baugesetzbuchs an EU-Richtlinien (Europarechtsanpassungsgesetz Bau-EAG Bau), *Bundesgesetzblatt Teil 1 Nr. 31 vom 30.11.2004, S. 1359-1382*
Estonia	01.	Säästva arengu seadus, *Elektrooniline Riigi Teataja, 1.1.2001*
	02.	Keskkonnamõju hindamise ja keskkonnaauditeerimise seadus, *Elektrooniline Riigi Teataja, 1.1.2003*
Greece	No notification received by 31 December 2004	
Spain	No notification received by 31 December 2004	
France	01.	Ordonnance n° 2004-489 du 3 juin 2004 portant transposition de la directive 2001/42/CE du Parlement européen et du Conseil du 27 juin 2001 relative à l'évaluation des incidences de certains plans et programmes sur l'environnement, *JORF n° 129 du 5.6.2004, p. 9979*
Ireland	01.	E.C. (Environnemental Assessment of Certain Plans and Programmes) Regulations 2004, *Statutory Instrument No 435 of 14.7.2004*
Italy	No notification received by 31 December 2004	

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

OJ L 197, 21.7.2001, p. 30-37

Transposition date: 21.7.2004

Cyprus	No notification received by 31 December 2004

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

OJ L 197, 21.7.2001, p. 30-37

Transposition date: 21.7.2004

Latvia	01.	Likums Par 1998. gada 25. jūnija Orhūsas konvenciju par pieeju informācijai, sabiedrības dalību lēmumu pieņemšanā un iespēju griezties tiesu iestādēs saistībā ar vides jautājumiem, *Latvijas Vēstnesis Nr. 64, 26.4.2002*
	02.	Likums Par ietekmes uz vidi novērtējumu, *Latvijas Vēstnesis Nr. 322/325, 30.10.1998*
	03.	Ministru Kabineta 2004. gada 23. marta noteikumi Nr. 157 " Kārtība, kādā veicams ietekmes uz vidi stratēģiskais novērtējums", *Latvijas Vēstnesis Nr. 53, 5.4.2004*
Lithuania	01.	LIETUVOS RESPUBLIKOS APLINKOS APSAUGOS ĮSTATYMO 1 IR 2 STRAIPSNIŲ PAKEITIMO IR PAPILDYMO BEI ĮSTATYMO PAPILDYMO 27 STRAIPSNIU IR PRIEDU ĮSTATYMAS Nr. IX-2032, *Valstybės žinios Nr. 36, 2004 3 7*
	02.	LR teritorijų planavimo įstatymo pakeitimo įstatymas Nr. IX-1962, *Valstybės žinios Nr. 21, 2004 2 7*
	03.	LR aplinkos ministro įsakymas Nr. 69 „Dėl aplinkos apsaugos normatyvinių dokumentų patvirtinimo“, *Valstybės žinios Nr. 47, 1998 5 23*
	04.	LR aplinkos ministro ir LR sveikatos apsaugos ministro įsakymas Nr. 470/581 „Dėl zonų ir aglomeracijų aplinkos oro kokybei vertinti bei valdyti sąrašo patvirtinimo“, *Valstybės žinios Nr. 10, 2000 11 22*
	05.	Aplinkos ministerijos įsakymas Nr. 387 dėl aplinkos apsaugos normatyvinio dokmento LAND 32-99 „Gamtos išteklių naudojimo leidimų išdavimo ir gamtos išteklių naudojimo limitų bei leistinos taršos į aplinką normatyvų nustatymo tvarka“ patvirtinimo, *Valstybės žinios Nr. 106, 1999 12 15*
	06.	Aplinkos ministro įsakymas Nr. 80 dėl taršos integruotos prevencijos ir kontrolės leidimų išdavimo, atnaujinimo ir panaikinimo taisyklių patvirtinimo, *Valstybės žinios Nr. 85, 2002 9 3*
	07.	Aplinkos apsaugos įstatymo pakeitimo ir papildymo įstatymas Nr. I-1352, *Valstybės žinios Nr. 57, 1996 6 19*
	08.	LR aplinkos ministro ir LR sveikatos apsaugos ministro įsakymas Nr. 471/582 „Dėl teršalų, kurių kiekis aplinkos ore vertinamas pagal Europos Sąjungos kriterijus, sąrašo patvirtinimo ir ribinių aplinkos oro užterštumo verčių nustatymo“, *Valstybės žinios Nr. 100, 2000 11 22*
	09.	Lietuvos Respublikos Vyriausybės nutarimas Nr. 904 Dėl Lietuvos Respublikos Vyriausybės 1996 m. rugsėjo 18 d. nutarimo Nr. 1079 „Dėl Teritorijų planavimo dokumentų projektų svarstymo su visuomene nuostatų patvirtinimo“ *pakeitimo, Valstybės žinios Nr. 112, 2004 7 20*
	10.	Lietuvos Respublikos Vyriausybės 2004 m. rugpjūčio 18 d. nutarimas Nr. 967 „Dėl Planų ir programų strateginio pasekmių aplinkai vertinimo tvarkos aprašo patvirtinimo“, *Valstybės žinios Nr. 130, 2004 8 21*

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

OJ L 197, 21.7.2001, p. 30-37

Transposition date: 21.7.2004

Lithuania	11.	Lietuvos Respublikos aplinkos ministro 2004 m. rugpjūčio 27 d. įsakymas Nr. D1-456 „Dėl Planų ir programų atrankos dėl strateginio pasekmių aplinkai vertinimo tvarkos aprašo patvirtinimo“, *Valstybės žinios Nr. 136, 2004 9 7*
	12.	Lietuvos Respublikos aplinkos ministro 2004 m. rugpjūčio 27 d. įsakymas Nr. D1-455 „Dėl Visuomenės dalyvavimo planų ir programų strateginio pasekmių aplinkai vertinimo procedūrose bei vertinimo subjektų ir Europos Sajungos valstybių narių informavimo tvarkos aprašo patvirtinimo*“, Valstybės žinios Nr. 136, 2004 9 7*
Luxembourg	No notification received by 31 December 2004	
Hungary	01.	2004. évi LXXVI. törvény a környezet védelmének általános szabályairól szóló 1995. évi LIII. törvény, valamint a természet védelmérõl szóló 1996. évi LIII. törvény módosításáról, *Magyar Közlöny 2004/97., 2004.7.8., 9146. o.*
Malta	No notification received by 31 December 2004	
Netherlands	No notification received by 31 December 2004	
Austria	01.	Gesetz, mit dem das Salzburger Raumordnungsgesetz 1998 geändert wird, *LGBl. Nr. 13/2004*
	02.	Gesetz vom 30. September 2004 über die Umweltprüfung und Öffentlichkeitsbeteiligung bei der Ausarbeitung bestimmter Pläne und Programme im Land Kärnten (Kärntner Umweltplanungsgesetz–K-UPG), *LGBl. Nr. 52/2004, 25. stück vom 16.11.2004*
Poland	01.	Ustawa z dnia 27 kwietnia 2001 r. Prawo ochrony środowiska, *Dziennik Ustaw z 20.6.2001*
	02.	Rozporządzenie Ministra Środowiska z dnia 14 listopada 2002 r. w sprawie szczegółowych warunków, jakim powinna odpowiadać prognoza oddziaływania na środowisko dotycząca projektów miejscowych planów zagospodarowania przestrzennego, *Dziennik Ustaw nr 197 z 27.11.2002, str. 12375*
	03.	Ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody, *Dziennik Ustaw nr 92 z 30.4.2004, str. 6056*
	04.	Ustawa z dnia 20 kwietnia 2004 r. o zmianie i uchyleniu niektórych ustaw w związku z uzyskaniem przez Rzeczpospolitą Polską członkostwa w Unii Europejskiej, *Dziennik Ustaw nr 96 z 30.4.2004*
Portugal	No notification received by 31 December 2004	
Slovenia	01.	Zakon o varstvu okolja, *Uradni list RS št. 32 z 17.6.1993, str. 1750-1769*
Slovakia	No notification received by 31 December 2004	
Finland	No notification received by 31 December 2004	

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

OJ L 197, 21.7.2001, p. 30-37

Transposition date: 21.7.2004

Sweden	No notification received by 31 December 2004	
United Kingdom	01.	The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, *Statutory Instrument No. 1656 (W.170) of 29.6.2004*
	02.	The Environmental Assessment of Plans and Programmes Regulations (N.I.) 2004, *Statutory Instrument No. 280 of 1.7.2004*
	03.	The Environmental Assessment of Plans and Programmes Regulations 2004, *Statutory Instrument No. 1633 of 28.6.2004*
	04.	The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, *Statutory Instrument No. 258 of 2.6.2004*

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise

OJ L 189, 18.7.2002, p. 12-25

Transposition date: 18.7.2004

Belgium	01.	Ordonnance du 1er avril 2004 modifiant l'ordonnance du 17 juillet 1997 relative à la lutte contre le bruit en milieu urbain, *Moniteur belge du 26.4.2004, p. 34299-34308*
	02.	Arrêté du Gouvernement wallon relatif à l'évaluation et à la gestion du bruit dans l'environnement, *Moniteur belge du 12.7.2004, p. 54852-54859*
Czech Republic	No notification received by 31 December 2004	
Denmark	01.	Bekendtgørelse nr. 766 om kortlægning af ekstern støj og udarbejdelse af handlingsplaner (Støjbekendtgørelsen)
Germany	No notification received by 31 December 2004	
Estonia	01.	Müra normtasemed elu- ja puhkealal, elamutes ning ühiskasutusega hoonetes ja mürataseme mõõtmise meetodid, *Elektrooniline Riigi Teataja, 1.7.2002*
	02.	Välisõhu kaitse seadus, *Elektrooniline Riigi Teataja, 8.1.2004*
	03.	Välisõhu kaitse seadus, *Elektrooniline Riigi Teataja RTI 2004, 43, 298*
Greece	No notification received by 31 December 2004	
Spain	01.	Ley 37/2003, de 17 de noviembre, del Ruido *Boletín Oficial del Estado número 276 de 18.11.2003, p. 40494-40505*
France	No notification received by 31 December 2004	
Ireland	No notification received by 31 December 2004	
Italy	No notification received by 31 December 2004	
Cyprus	01.	Ο Περί Αξιολόγησης και Διαχείρισης του Περιβαλλοντικού Θορύβου Νόμος του 2004, *Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3888 (Παράρτημα Ι) της 30.7.2004, σ. 5275*
Latvia	01.	Likums Par piesārņojumu, *Latvijas Vēstnesis Nr. 51, 29.3.2001*
	02.	Administratīvā procesa likums, *Latvijas Vēstnesis Nr. 164, 14.11.2001*
	03.	2004. gada 13. jūlija Ministru kabineta noteikumi Nr. 579 Vides trokšņa novērtēšanas kārtība, *Latvijas Vēstnesis Nr. 112, 16.7.2004*
Lithuania	01.	Lietuvos Respublikos sveikatos apsaugos ministro Nr.V-520 Dėl Lietuvos higienos normos HN 33-1:2003 „Akustinis triukšmas. leidžiami lygiai gyvenamojoje ir darbo aplinkoje. matavimo metodikos bendrieji reikalavimai“ patvirtinimo, *Valstybės žinios Nr. 87, 2003 9 12*
	02.	Lietuvos Respublikos triukšmo valdymo įstatymas Nr. IX-2499, *Valstybės žinios Nr. 164, 2004 11 11*
Luxembourg	No notification received by 31 December 2004	

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise

OJ L 189, 18.7.2002, p. 12-25

Transposition date: 18.7.2004

Hungary	01.	2004. évi LXXVI. törvény a környezet védelmének általános szabályairól szóló 1995. évi LIII. törvény, valamint a természet védelmérõl szóló 1996. évi LIII. törvény módosításáról, *Magyar Közlöny 2004/97., 2004.7.8., 9146. o.*
Malta	01.	Motor Vehicles (EC Type Approval) Regulations, 2002 under the Product Safety Act (Act No. V of 2001), *Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17,232, 26 ta' April, 2002*
	02.	Regolamenti ta' l-2004 dwar Valutazzjoni u Maniggjar ta' Hsejjes fl-Ambjent taht l-ATT TA' L-2001 DWAR IL-HARSIEN TA' L-AMBJENT (KAP. 435), *Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17,571, 23 ta' April, 2004*
Netherlands	01.	Wet van 30 juni 2004 tot wijziging van de Wet geluidhinder, de Wet luchtvaart en de Spoorwegwet in verband met de implementatie van richtlijn nr. 2002/49/EG van het Europees Parlement en de Raad van de Europese Unie van 25 juni 2002 inzake de evaluatie en de beheersing van omgevingslawaai, PbEG L 189 (geluidsbelastingkaarten en actieplannen), *Staatsblad nr. 338 van 15.7.2004*
	02.	Besluit van 6 juli 2004, houdende regels met betrekking tot de weergave en de beheersing van omgevingslawaai alsmede inwerkingtreding van de Wet van 30 juni 2004 tot wijziging van de Wet geluidhinder, de Wet luchtvaart en de Spoorwegwet in verband met de implementatie van richtlijn omgevingslawaai (Besluit omgevingslawaai), *Staatsblad nr. 339 van 15.7.2004*
	03.	Regeling omgevingslawaai, *Staatscourant nr. 134 van 16.7.2004*
Austria	01.	Steiermärkisches Raumordnungsgesetz 1974, *LGBl. Nr. 127/1974 idF 95/2003*
	02.	Steiermärkisches Landes-Straßenverwaltungsgesetz 1964, *LGBl. Nr. 154/1964 idF 87/2002*
Poland	01.	Ustawa z dnia 20 kwietnia 2004 r. o zmianie i uchyleniu niektórych ustaw w związku z uzyskaniem przez Rzeczpospolitą Polską członkostwa w Unii Europejskiej, *Dziennik Ustaw nr 2004/96/959 z 30.4.2004*
	02.	Rozporządzenie Ministra Środowiska z dnia 23 grudnia 2004 r. w sprawie wymagań w zakresie prowadzenia pomiarów wielkości emisji, *Dziennik Ustaw nr 2004/283/2842 z 30.12.2004*
Portugal	No notification received by 31 December 2004	
Slovenia	01.	Zakon o varstvu okolja, *Uradni list RS št. 41 z 22.4.2004, str. 4818-4853*
	02.	Uredba o ocenjevanju in urejanju hrupa v okolju, *Uradni list RS št. 121 z 11.11.2004, str. 14549-14559*
Slovakia	No notification received by 31 December 2004	

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise

OJ L 189, 18.7.2002, p. 12-25

Transposition date: 18.7.2004

Finland	01.	Valtioneuvoston asetus Euroopan yhteisön edellyttämistä meluselvityksistä ja meluntorjunnan toimintasuunnitelmista. Statsrådets förordning om bullerutredningar och handlingsplaner för bullerbekämpning som Europeiska gemenskapen förutsätter, *Suomen Saadoskokoelma (SK) 801, 27.8.2004, s. 2237-2242*
	02.	Laki ympäristönsuojelulain muuttamisesta Lag om ändring av miljöskyddslagen, *Suomen Saadoskokoelma (SK) 459, 10.6.2004, s. 1337-1338*
Sweden	No notification received by 31 December 2004	
United Kingdom	No notification received by 31 December 2004	

Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

OJ L 35, 11.2.2003, p. 28-81

Transposition date: 11.8.2004

Belgium	01.	5 december 2004. - Koninklijk besluit houdende normen inzake verontreinigende gasvormige en deeltjesemissies van inwendige verbrandingsmotoren voor mobiele niet voor de weg bestemde machines en tot wijziging van het koninklijk besluit van 6 maart 2002 betreffende het geluidsvermogen voor materieel voor gebruik buitenshuis, *Staatsblad van 13.12.2004, blz. 84081-84092*
Czech Republic	01.	Zákon č. 478/2001 Sb., kterým se mění zákon č. 247/2000 Sb., o získávání a zdokonalování odborné způsobilosti k řízení motorových vozidel a o změnách některých zákonů, a kterým se mění některé další zákony, *Sbírka zákonů z 31.12.2001, s.9970-9985*
	02.	Zákon č. 56/2001 Sb. o podmínkách provozu vozidel na pozemních komunikacích a o zmene zákona č. 168/1999 Sb., o pojištení odpovednosti za škodu zpusobenou provozem vozidla a o zmene nekterých souvisejících zákonu (zákon o pojištení odpovednosti z provozu vozidla), ve znení zákona č. 307/1999 Sb., *Sbírka zákonů z 19.02.2001, s. 1962-1991*
	03.	Vyhláška č. 100/2003 Sb., kterou se mění vyhláška 341/2002 Sb., o schvalování technické způsobilosti a o technických podmínkách provozu vozidel na pozemních komunikacích, *Sbírka zákonů č. 100, z 11.4.2003, s. 2724-2788*
	04.	Vyhláška Ministerstva dopravy a spojů č. 341/2002 Sb. o schvalování technické způsobilosti a o technických podmínkách provozu vozidel na pozemních komunikacích, *Sbírka zákonů z 30.7.2002, s. 7146-7255*
Denmark	01.	Bekendtgørelse nr. 905 af 25. august 2004 om ændring af bekendtgørelse om begrænsning af luftforurening fra mobile ikke-vejgående maskiner mv.
Germany	01.	Achtundzwanzigste Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über Emissionsgrenzwerte für Verbrennungsmotoren-28. BlmSchV), *Bundesgesetzblatt Teil 1 (BGB1) Nr. 18 vom 28.4.2004, S. 614-618*
	02.	Berichtigung der Achtundzwanzigsten Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über Emissionsgrenzwerte für Verbrennungsmotoren), *Bundesgesetzblatt Teil 1 (BGB1) Nr. 32 vom 7.7.2004, S. 1423*
Estonia	01.	Liikurmasinate mootoritest eralduvate saasteainete heitkoguste piirväärtused, *Elektrooniline Riigi Teataja, 22.6.2002*
	02.	Välisõhu kaitse seadus, *Elektrooniline Riigi Teataja, RTI, 19.5.2004, 43, 298*
Greece	No notification received by 31 December 2004	

Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

OJ L 35, 11.2.2003, p. 28-81

Transposition date: 11.8.2004

Spain	01.	ORDEN ITC/3158/2004, de 23 de septiembre, por la que se actualizan los anexos I y II del Real Decreto 2028/1986, de 6 de junio, sobre las normas para la aplicación de determinadas Directivas de la CE, relativas a la homologación de tipo de vehículos automóviles, remolques, semirremolques, motocicletas, ciclomotores y vehículos agrícolas, así como de partes y piezas de dichos vehículos, *Boletín Oficial del Estado número 240 de 5.10.2004, p. 33345-33370*
France	No notification received by 31 December 2004	
Ireland	No notification received by 31 December 2004	
Italy	No notification received by 31 December 2004	
Cyprus	01.	Το περί της Εκπομπής Αερίων και Σωματιδιακών Ρύπων Προερχομένων από Κινητήρες Εσωτερικής Καύσης που Τοποθετούνται σε μη Οδικά Κινητά Μηχανήματα Διάταγμα του 2003, *Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3721, Παρ.III (I) της 6.6.2003, σ. 2721-2722*
Latvia	01.	Likums Par piesārņojumu, *Latvijas Vēstnesis Nr. 51, 29.3.2001*
	02.	Likums Par atbilstības novērtēšanu, *Latvijas Vēstnesis Nr. 139, 20.8.1996*
Lithuania	01.	Lietuvos Respublikos Vyriausybės 2004 m. rugsėjo 23 d. nutarimas Nr. 1212 Dėl Lietuvos Respublikos Vyriausybės 2001 m. sausio 17 d. nutarimo Nr. 44 „Dėl transporto priemonių ir sudėtinių transporto priemonių dalių atitikties įvertinimo“ pakeitimo, *Valstybės žinios Nr. 143, 2004 9 25*
	02.	LIETUVOS RESPUBLIKOS APLINKOS MINISTRO 2004 M. RUGSĖJO 22 D. ĮSAKYMAS NR. D1-495 DĖL APLINKOS MINISTRO 2003 M. SAUSIO 7 D. ĮSAKYMO NR. 5 „DĖL NE KELIAIS JUDANČIŲ MECHANIZMŲ VIDAUS DEGIMO VARIKLIŲ TIPO PATVIRTINIMO IR TERŠALŲ IŠMETIMO RIBOJIMO TVARKOS PATVIRTINIMO“ PAKEITIMO, *Valstybės žinios Nr. 183, 2004 12 22*
Luxembourg	01.	Règlement grand-ducal du 12/01/2004 complétant le règlement grand-ducal du 03/02/1998 portant exécution de directives des C.E. relatives à la réception des véhicules à moteur et de leurs remorques ainsi que des tracteurs agricoles et forestiers à roues*, Mémorial Grand-Ducal A n° 11 du 3.2.2004, p. 172*
Hungary	01.	A gazdasági és közlekedési miniszter, valamint a környezetvédelmi és vízügyi miniszter 106/2004. (IX. 16.) GKM–KvVM együttes rendelete a nem közúti mozgó gépekbe építendõ belsõ égésû motorok gáznemû és részecskékbõl álló szennyezõanyag-kibocsátásának korlátozásáról szóló 1/2000. (VII. 21.) KöViM–KöM együttes rendelet módosításáról, *Magyar Közlöny 2004/130., 2004.9.16., 11128. o.*

Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

OJ L 35, 11.2.2003, p. 28-81

Transposition date: 11.8.2004

Malta	01.	Regolament ta' l-2001 dwar Mizuri Kontra l-Emissjoni ta' Tniggis Gej minn Gass u Particelli Zghar minn Magni ta' Kombustjoni Interna (Makkinarju Mobbli Mhux Stradali) taht l- Att Ta' L-2001 Dwar Il-Harsien Ta' L-Ambjent (Att Nru. XX Ta' l-2001), *Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17,142, 26 ta' Settembru, 2001, B2361-B2371*
Netherlands	01.	Besluit van 8 november 2004, houdende wijziging van het Besluit typekeuring luchtverontreiniging trekkers en motoren voor mobiele machines (implementatie richtlijn nr. 2002/88/EG), *Staatsblad nr. 605 van 30.11.2004, blz. 1-8*
	02.	Wijziging Regeling uitvoering Besluit typekeuring luchtverontreiniging trekkers en motoren voor mobiele machines, *Staatscourant nr. 231 van 30.11.2004, blz. 11*
Austria	01.	Verordnung über Maßnahmen zur Bekämpfung der Emission von gasförmigen Schadstoffen und luftverunreinigenden Partikeln aus Verbrennungsmotoren für mobile Maschinen und Geräte (MOT-V), *Bundesgesetzblatt für die Republik Österreich Teil II (BGBl.), Nr. 422 vom 9.11.2004*
Poland	01.	Ustawa z dnia 20 czerwca 1997 r. Prawo o ruchu drogowym, *Dziennik Usta nr 2003/58/515 z 4.4.2003*
	02.	Rozporządzenie Ministra Gospodarki, Pracy i Polityki Społecznej z dnia 29.10.2003r. w sprawie zasadniczych wymagań dla silnków spalinowych w zakresie ograniczania emisji zanieczyszczeń gazowych i cząstek stałych przez silniki, *Dziennik Usta nr 2003/220/2180 z 23.12.2003*
Portugal	No notification received by 31 December 2004	
Slovenia	01.	Pravilnik o emisiji plinastih onesnaževal in delcev iz motorjev z notranjim zgorevanjem, namenjenih za vgradnjo v necestne premične stroje, *Uradni list RS št. 85 z 29.8.2003, str. 12695-12834*
	02.	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti, *Uradni list RS št. 59 z 23.7.1999, str. 7545-7548*
Slovakia	01.	Nariadenie vlády Slovenskej republiky č. 584/2004 Z. z., ktorým sa ustanovujú opatrenia na zníženie emisií zo spaľovacích motorov inštalovaných v necestných pojazdných strojoch, *Zbierka zákonov SR č. 249 z. 1.11.2004*
Finland	No notification received by 31 December 2004	
Sweden	No notification received by 31 December 2004	
United Kingdom	01.	The Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2004, *Statutory Instrument 2004 No. 2034*

Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment

OJ L 37, 13.2.2003, p. 19-23

Transposition date: 13.8.2004

Belgium	01.	12 oktober 2004. – Koninklijk besluit inzake het voorkomen van gevaarlijke stoffen in elektrische en elektronische apparatuur, *Staatsblad van 20.10.2004, blz. 72844-72850*
Czech Republic	01.	Zákon č. 185/2001 Sb. o odpadech a o změně některých dalších zákonů, *Sbírka zákonů z 16.6.2001, s. 4074-4113*
Denmark	No notification received by 31 December 2004	
Germany	No notification received by 31 December 2004	
Estonia	01.	Probleemtoodetes keelatud ohtlike ainete täpsustav loetelu ning probleemtoodetele kehtestatud keelud ning piirangud, *Elektrooniline Riigi Teataja, 30.4.2004, 38, 259*
	02.	Jäätmeseadus, *Elektrooniline Riigi Teataja, 1.5.2004, 30, 208*
Greece	01.	Προεδρικό Διάταγμα 117/2004 δημοσιευμένο στην *Εφημερίδα της Κυβερνήσεως ΦΕΚ αριθ. 82/Α της 5.3.2004, σ. 4297*
Spain	No notification received by 31 December 2004	
France	No notification received by 31 December 2004	
Ireland	No notification received by 31 December 2004	
Italy	No notification received by 31 December 2004	
Cyprus	01.	Οι Περί Στερεών και Επικίνδυνων Αποβλήτων (Απόβλητα Ηλεκτρικού και Ηλεκτρονικού Εξοπλισμού) Κανονισμοί του 2004, *Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3888, Παρ.III (1) της 30.7.2004, σ. 6629*
Latvia	01.	Ķīmisko vielu un ķīmisko produktu likums, *Latvijas Vēstnesis Nr. 106, 21.4.1998*
	02.	Atkritumu apsaimniekošanas likums, *Latvijas Vēstnesis Nr. 473/476, 29.12.2000*
Lithuania	01.	LIETUVOS RESPUBLIKOS SVEIKATOS APSAUGOS MINISTRO ĮSAKYMAS NR. V-258 „DĖL LIETUVOS RESPUBLIKOS SVEIKATOS APSAUGOS MINISTRO 2002 M. GEGUŽĖS 27 D. ĮSAKYMO NR. 239 „DĖL LIETUVOS HIGIENOS NORMOS HN 36:2002 „DRAUDŽIAMOS IR RIBOJAMOS MEDŽIAGOS“ PATVIRTINIMO“ PAKEITIMO, *Valstybės žinios Nr. 74, 2004 4 30*
Luxembourg	No notification received by 31 December 2004	
Hungary	01.	A környezetvédelmi és vízügyi miniszter 16/2004. (X. 8.) KvVM rendelete az egyes veszélyes anyagok elektromos és elektronikai berendezésekben való alkalmazásának korlátozásáról, *Magyar Közlöny 2004/143., 2004.10.8., 11844. o.*
Malta	01.	Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations, 2004, *Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17,646, 31 ta' Awissu, 2004 Taqsima B*

Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment

OJ L 37, 13.2.2003, p. 19-23

Transposition date: 13.8.2004

Netherlands	01.	Besluit van 6 juli 2004, houdende regels met betrekking tot het afvalbeheer en het gebruik van bepaalde gevaarlijke stoffen in elektrische en elektronische apparatuur (Besluit beheer elektrische en elektronische apparatuur), *Staatsblad nr. 340 van 15.7.2004, blz. 1-17*
	02.	Regeling beheer elektrische en elektronische apparatuur, *Staatscourant nr. 142 van 28.7.2004, blz. 26*
Austria	No notification received by 31 December 2004	
Poland	01.	Rozporządzenie Ministra Gospodarki i Pracy z dnia 6 października 2004 r. w sprawie szczegółowych wymagań dotyczących ograniczenia wykorzystywania w sprzęcie elektronicznym i elektrycznym niektórych substancji mogących negatywnie oddziaływać na środowisko, *Dziennik Usta nr 2004/229/2310*
Portugal	01.	Decreto-Lei n.° 230/2004 de 10 de Dezembro que estabelece o regime jurídico a que fica sujeita a gestão de resíduos de equipamentos eléctricos e electrónicos (REEE), transpondo para a ordem jurídica interna a Directiva n.º 2002/95/CE, do Parlamento Europeu e do Conselho, de 27 de Janeiro de 2003, e a Directiva n.º 2002/96/CE, do Parlamento Europeu e do Conselho, de 27 de Janeiro de 2003, *Diário da República–I Série-A N.o 288 de 10.12. 2004, p. 7050*
Slovenia	No notification received by 31 December 2004	
Slovakia	01.	Zákon č. 733/2004 Z. z., ktorým sa mení a dopĺňa zákon č. 223/2001 Z. z. o odpadoch a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a o zmene a doplnení niektorých zákonov, *Zbierka zákonov SR č. 300 z. 29.12.2004*
Finland	01.	Valtioneuvoston asetus vaarallisten aineiden käytön rajoittamisesta sähkö- ja elektroniikkalaitteissa. Statsrådets förordning om begränsning av användningen av farliga ämnen i elektriska och elektroniska produkter, *Suomen Saadoskokoelma (SK) 853,17.9.2004, s. 02412-02414*
Sweden	No notification received by 31 December 2004	
United Kingdom	No notification received by 31 December 2004	

Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)

OJ L 37, 13.2.2003, p. 24-38

Transposition date: 13.8.2004

Belgium	01.	Arrêt du Gouvernement de la Région de Bruxelles-Capitale modifiant en ce qui conernce les déchets d'équipements électriques et électroniques, l'arrêtê du Gouvernement de la Région de Bruxelles-Capitale du 18/07/2002 instaurant une obligation de reprise de certains déchets en vue de leur valorisation ou de leur élimination, *Moniteur belge du 28.7.2004, p. 57692-57700*
	02.	12 oktober 2004. - Koninklijk besluit inzake het voorkomen van gevaarlijke stoffen in elektrische en elektronische apparatuur, Arrêté du Gouvernement wallon relatif à l'évaluation et à la gestion du bruit dans l'environnement, *Staatsblad van 20.10.2004, blz. 72844-72850*
	03.	14 juli 2004. - Besluit van de Vlaamse Regering tot wijziging van het besluit van de Vlaamse Regering van 5 december 2003 tot vaststelling van het Vlaams reglement inzake afvalvoorkoming en -beheer, *Staatsblad van 8.10.2004*
	04.	5 december 2003. - Besluit van de Vlaamse Regering tot vaststelling van het Vlaamse reglement inzake afvalvoorkoming en -beheer, *Staatsblad van 30.4.2004, blz. 35947-36165*
Czech Republic	No notification received by 31 December 2004	
Denmark	No notification received by 31 December 2004	
Germany	No notification received by 31 December 2004	
Estonia	No notification received by 31 December 2004	
Greece	01.	Προεδρικό Διάταγμα 117/2004 δημοσιευμένο στην *Εφημερίδα της Κυβερνήσεως ΦΕΚ αριθ. 82/Α της 5.3.2004*
Spain	No notification received by 31 December 2004	
France	No notification received by 31 December 2004	
Ireland	No notification received by 31 December 2004	
Italy	No notification received by 31 December 2004	
Cyprus	01.	Ο Περί Αξιολόγησης και Διαχείρισης του Περιβαλλοντικού Θορύβου Νόμος του 2004, *Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3888, Παρ.ΙΙΙ (1) της 30.7.2004*
Latvia	01.	Ķīmisko vielu un ķīmisko produktu likums, *Latvijas Vēstnesis Nr. 106, 21.4.1998*
	02..	Atkritumu apsaimniekošanas likums Administratīvā procesa likums, *Latvijas Vēstnesis Nr. 473/476, 29.12.2000*

Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)

OJ L 37, 13.2.2003, p. 24-38

Transposition date: 13.8.2004

Lithuania	01.	LIETUVOS RESPUBLIKOS ATLIEKŲ TVARKYMO ĮSTATYMO 1, 2, 4, 5, 6, 8, 10, 11, 12 IR 30 STRAIPSNIŲ BEI PRIEDĖLIŲ PAKEITIMO IR PAPILDYMO AŠTUNTUOJU1 SKIRSNIU, 341 STRAIPSNIU BEI 5 PRIEDU ĮSTATYMAS NR.IX-2214, *Valstybės žinios Nr. 73, 2004 4 30*
	02.	Lietuvos Respublikos aplinkos ministro 2004 m. rugsėjo 10 d. įsakymas Nr. D1-481 „Dėl Elektros ir elektroninės įrangos bei jos atliekų tvarkymo taisyklių patvirtinimo“, *Valstybės žinios Nr. 141, 2004 9 21*
	03.	Lietuvos Respublikos Vyriausybės 2004 m. spalio 5 d. nutarimas Nr. 1252 „Dėl Lietuvos Respublikos Vyriausybės 2002 m. balandžio 12 d. nutarimo Nr. 519 „Dėl Valstybinio strateginio atliekų tvarkymo plano patvirtinimo“ pakeitimo“, *Valstybės žinios Nr. 148, 2004 10 7*
Luxembourg	No notification received by 31 December 2004	
Hungary	01.	A Kormány 264/2004. (IX. 23.) Korm. rendelete az elektromos és elektronikai berendezések hulladékainak visszavételérõl, *Magyar Közlöny 2004/133., 2004.9.23., 11381-11394 o.*
	02.	A környezetvédelmi és vízügyi miniszter 15/2004. (X. 8.) KvVM rendelete az elektromos és elektronikai berendezések hulladékai kezelésének részletes szabályairól, *Magyar Közlöny 2004/143., 2004.10.8., 11819-11843 o.*
	03.	A Kormány 271/2001. (XII. 21.) Korm. rendelete a hulladékgazdálkodási bírság mértékéről, valamint kiszabásának és megállapításának módjáról, *Magyar Közlöny 2001/150., 2001.12.21., 10807-10810 o.*
Malta	No notification received by 31 December 2004	
Netherlands	01.	Besluit van 6 juli 2004, houdende regels met betrekking tot het afvalbeheer en het gebruik van bepaalde gevaarlijke stoffen in elektrische en elektronische apparatuur (Besluit beheer elektrische en elektronische apparatuur), *Staatsblad nr. 340 van 15.7.2004, blz. 1-17*
	02.	Regeling beheer elektrische en elektronische apparatuur, *Staatscourant nr. 142 van 28.7.2004, blz. 26*
Austria	01.	Verordnung des Bundesministers für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft über Behandlungspflichten von Abfällen (Abfallbehandlungspflichtenverordnung), *Bundesgesetzblatt für die Republik Österreich Teil II (BGBl.) Nr. 459 vom 3.12.2004*
Poland	No notification received by 31 December 2004	
Portugal	01.	Decreto-Lei n.° 230/2004 de 10 de Dezembro que estabelece o regime jurídico a que fica sujeita a gestão de resíduos de equipamentos eléctricos e electrónicos (REEE), transpondo para a ordem jurídica interna a Directiva n.º 2002/95/CE, do Parlamento Europeu e do Conselho, de 27 de Janeiro de 2003, e a Directiva n.º 2002/96/CE, do Parlamento Europeu e do Conselho, de 27 de Janeiro de 2003, *Diário da República- I Série-A N.o 230 de 10.12.2004*

Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)

OJ L 37, 13.2.2003, p. 24-38

Transposition date: 13.8.2004

Slovenia	01.	Zakon o varstvu okolja, *Uradni list RS št. 41 z 22.4.2004, str. 04818-04853*
	02.	Uredba o okoljski dajatvi zaradi starih bremen odpadne električne in elektronske opreme iz gospodinjstev, *Uradni list RS št. 114 z 22.10.2004, str. 13581-13585*
Slovakia	No notification received by 31 December 2004	
Finland	01.	Valtioneuvoston asetus sähkö-ja elektroniiikkalaiteromusta. Statsrådets förordning om avfall som utgörs av eller innehåller elektriska eller elektroniska produkter, *Suomen Saadoskokoelma (SK) 852 ,17.9.2004, s. 02397-02411*
Sweden	No notification received by 31 December 2004	
United Kingdom	No notification received by 31 December 2004	

Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council relating to the availability of consumer information on fuel economy and CO_2 emissions in respect of the marketing of new passenger cars (Text with EEA relevance)

OJ L 186, 25.7.2003, p. 34-35

Transposition date: 24.7.2004

Belgium	01.	Arrêté royal du 3 septembre 2004 modifiant l'arrêté royal du 5 septembre 2001 concernant la disponibilité d'informations sur la consommation de carburant et les émissions de CO_2 à l'intention des consommateurs lors de la commercialisation des voitures particulières neuves, *Moniteur belge du 10.9.2004, p. 66508-66510*
Czech Republic	No notification received by 31 December 2004	
Denmark	01.	Færdselsstyrelsens bekendtgørelse nr. 121 af 27. februar 2003 om ændring af bekendtgørelse om energimærkning mv. af nye personbiler
Germany	01.	Verordnung über Verbraucherinformationen zu Kraftstoffverbrauch und CO_2-Emissionen neuer Personenkraftwagen, *Bundesgesetzblatt Teil 1 Nr. 26 vom 3.6.2004, S. 1037-1044*
Estonia	No notification received by 31 December 2004	
Greece	No notification received by 31 December 2004	
Spain	01.	ORDEN PRE 29 de 15/1/2004, por la que se modifica el Anexo III del Real Decreto 837, de 2/8/2003, por el que se regula la información relativa al consumo de combustible y a las emisiones de CO_2 de los turismos nuevos que se pongan a la venta o se ofrezcan en arrendamiento financiero en territorio español, *Boletín Oficial del Estado número 16 de 19.1.2004, p. 2030-2031*
France	01.	Arrêté du 16 juillet 2004 modifiant l'arrêté du 10 avril 2003 relatif à l'information sur la consommation de carburant et les émissions de dioxide de carbone des voitures particulières neuves, *JORF du 27.7.2004*
Ireland	01.	European Communities (Consumer Information on Fuel Economy and CO2 Emissions of New Passengers Cars) Regulations, 2001, *Statutory Instrument No 339 of 19.7.2001*
Italy	No notification received by 31 December 2004	
Cyprus	01.	Το περί Εμπορικών Περιγραφών (Ενεργειακός Οδηγός - Επιβατικά Αυτοκίνητα) (Τροποποιητικό) Διάταγμα του 2004, *Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3895 (Παράρτημα τρίτο) της 27.8.2004, σ. 6973-6975*
Latvia	01.	Grozījumi Ministru kabineta 2002.gada 27.decembra noteikumos Nr.585 "Noteikumi par marķējumā un reklāmas publikācijās patērētājiem sniedzamo informāciju par jaunu vieglo automobiļu degvielas patēriņu un CO2 izplūdi*", Latvijas Vēstnesis Nr. 116, 23.7.2004*
	02.	Noteikumi par marķējumā un reklāmas publikācijās patērētājiem sniedzamo informāciju par jaunu vieglo automobiļu degvielas patēriņu un CO2 izplūdi*, Latvijas Vēstnesis Nr. 116, 23.7.2004*

Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council relating to the availability of consumer information on fuel economy and CO_2 emissions in respect of the marketing of new passenger cars (Text with EEA relevance)

OJ L 186, 25.7.2003, p. 34-35

Transposition date: 24.7.2004

Lithuania	01.	Lietuvos Respublikos aplinkos ministro įsakymas Nr. D1-191 Dėl Lietuvos Respublikos aplinkos ministro 2003 m. spalio 8 d. įsakymo Nr. 493 „Dėl informacijos apie degalų taupymą ir išmetamųjų CO2 dujų kiekį pateikimo vartotojams parduodant naujus keleivinius automobilius tvarkos patvirtinimo“ pakeitimo, *Valstybės žinios Nr. 60, 2004 4 24*
Luxembourg	01.	Règlement grand-ducal du 12 janvier 2004 modifiant le règlement grand-ducal du 6 avril 2001 concernant la disponibilité d'informations sur la consommation de carburant et les émissions de CO2 à l'intention des consommateurs lors de la commercialisation des voitures particulières neuves, *Mémorial Grand-Ducal A n° 4 du 23.1.2004, p. 18*
Hungary	01.	A gazdasági és közlekedési miniszter, valamint a környezetvédelmi és vízügyi miniszter 64/2004. (IV. 27.) GKM-KvVM együttes rendelete az új személygépkocsik üzemanyag-gazdaságossági és szén-dioxid-kibocsátási adatainak közzétételérõl szóló 12/2002. (III. 14.) GM-KöViM-KöM együttes rendelet módosításáról, *Magyar Közlöny 200457., 2004.4.27., 05936-05937 o.*
Malta	No notification received by 31 December 2004	
Netherlands	01.	Besluit van 23 maart 2004 tot wijziging van het Besluit etikettering energiegebruik personenauto's in verband met de wijziging van Bijlage III bij Richtlijn 1999/94/EG van het Europese Parlement en de Raad, *Staatsblad nr. 142 van 8.4.2004*
Austria	No notification received by 31 December 2004	
Poland	No notification received by 31 December 2004	
Portugal	No notification received by 31 December 2004	
Slovenia	01.	Pravilnik o spremembah in dopolnitvah pravilnika o obveščanju potrošnikov o varčni rabi goriv in emisijah CO2 novih osebnih vozil ; *Uradni list RS št. 133 z 29.12.2003, str. 19610-19611*
Slovakia	01.	Nariadenie vlády Slovenskej republiky č. 384/2004 Z. z. o dostupnosti spotrebiteľských informácií o spotrebe paliva a o emisiách CO2 pri predaji a leasingu nových osobných automobilov, *Zbierka zákonov SR č. 164 z. 1.7.2004*
Finland	01.	Valtioneuvoston asetus autojen polttoaineenkulutuksen ja hiilidioksidipäästöjen ilmoittamisesta annetun valtioneuvoston asetuksen 5 §:n muuttamisesta./Statsrådets förordning om ändring av 5 § i statsrådets förordning om angivande av bränsleförbrukningen och koldioxidutsläppen för bilar, *Suomen Saadoskokoelma (SK) 109 ,18.2.2004, s. 00298-00298*
Sweden	01.	Konsumentverkets allmänna rad om ändring i riktlinjerna (KOVFS 2002:2) för information om nya personbilars bränsleförbrukning, koldioxidutsläpp (CO2) och miljöklass, *Konsumentverkets författningssamling (KOVFS) 2004/7, 2004.7.7*

Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council relating to the availability of consumer information on fuel economy and CO_2 emissions in respect of the marketing of new passenger cars (Text with EEA relevance)

OJ L 186, 25.7.2003, p. 34-35

Transposition date: 24.7.2004

United Kingdom	01.	The Passenger Car (Fuel Consumption and CO2 Emissions Information) (Amendment) Regulations 2004, *Statutory Instrument No 1661 of 29.6.2004*

Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)

OJ L 345, 31.12.2003, p.106-107

Transposition date: 24.7.2004

Belgium	01.	14 juli 2004. - Besluit van de Vlaamse Regering tot wijziging van het besluit van de Vlaamse Regering van 5 december 2003 tot vaststelling van het Vlaams reglement inzake afvalvoorkoming en -beheer, *Staatsblad van 8.10.2004*
Czech Republic	No notification received by 31 December 2004	
Denmark	No notification received by 31 December 2004	
Germany	No notification received by 31 December 2004	
Estonia	No notification received by 31 December 2004	
Greece	No notification received by 31 December 2004	
Spain	No notification received by 31 December 2004	
France	No notification received by 31 December 2004	
Ireland	No notification received by 31 December 2004	
Italy	No notification received by 31 December 2004	
Cyprus	01.	Οι Περί Στερεών και Επικίνδυνων Αποβλήτων (Απόβλητα Ηλεκτρικού και Ηλεκτρονικού Εξοπλισμού) Κανονισμοί του 2004, *Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3888 (Παράρτημα τρίτο) της 30.7.2004*
Latvia	01.	Ķīmisko vielu un ķīmisko produktu likums, *Latvijas Vēstnesis Nr. 106, 21.4.1998*
	02.	Atkritumu apsaimniekošanas likums, *Latvijas Vēstnesis Nr. 473/476, 29.12.2000*
Lithuania	01.	LIETUVOS RESPUBLIKOS ATLIEKŲ TVARKYMO ĮSTATYMO 1, 2, 4, 5, 6, 8, 10, 11, 12 IR 30 STRAIPSNIŲ BEI PRIEDĖLIŲ PAKEITIMO IR PAPILDYMO AŠTUNTUOJU1 SKIRSNIU, 34(1) STRAIPSNIU BEI 5 PRIEDU ĮSTATYMAS NR.IX-2214, *Valstybės žinios Nr. 73, 2004 4 30*
	02.	Lietuvos Respublikos Vyriausybės 2004 m. spalio 5 d. nutarimas Nr. 1252 Dėl Lietuvos Respublikos Vyriausybės 2002 m. balandžio 12 d. nutarimo Nr. 519 „Dėl Valstybinio strateginio atliekų tvarkymo plano patvirtinimo“ pakeitimo, *Valstybės žinios Nr. 148, 2004 10 7*
Luxembourg	No notification received by 31 December 2004	
Hungary	01.	A Kormány 264/2004. (IX. 23.) Korm. rendelete az elektromos és elektronikai berendezések hulladékainak visszavételérõl, *Magyar Közlöny 2004/133, 2004.9.23., 11381-11394 o.*
	02.	A környezetvédelmi és vízügyi miniszter 15/2004. (X. 8.) KvVM rendelete az elektromos és elektronikai berendezések hulladékai kezelésének részletes szabályairól, *Magyar Közlöny 2004/143, 2004.10.8., 11819-11843 o.*
	03.	A Kormány 271/2001. (XII. 21.) Korm. rendelete a hulladékgazdálkodási bírság mértékéről, valamint kiszabásának és megállapításának módjáró, *Magyar Közlöny 2004/150, 2001.12.21., 10807-10810 o.*

Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)

OJ L 345, 31.12.2003, p.106-107

Transposition date: 24.7.2004

Malta	No notification received by 31 December 2004	
Netherlands	01.	Besluit van 6 juli 2004, houdende regels met betrekking tot het afvalbeheer en het gebruik van bepaalde gevaarlijke stoffen in elektrische en elektronische apparatuur (Besluit beheer elektrische en elektronische apparatuur), *Staatsblad nr. 340 van 15.7.2004*
	02.	Regeling beheer elektrische en elektronische apparatuur, *Staatscourant nr. 142 van 28.7.2004*
Austria	01.	Verordnung des Bundesministers für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft über Behandlungspflichten von Abfällen (Abfallbehandlungspflichtenverordnung), *Bundesgesetzblatt für die Republik Österreich Teil II (BGBl.) Nr. 459 vom 3.12.2004*
Poland	No notification received by 31 December 2004	
Portugal	01.	Decreto-Lei n° 230/2004 de 10 de Dezembro que estabelece o regime jurídico a que fica sujeita a gestão de resíduos de equipamentos eléctricos e electrónicos (REEE), transpondo para a ordem jurídica interna a Directiva n.º 2002/95/CE, do Parlamento Europeu e do Conselho, de 27 de Janeiro de 2003, e a Directiva n.º 2002/96/CE, do Parlamento Europeu e do Conselho, de 27 de Janeiro de 2003, *Diário da República–I Série-A N.o 288 de 10.12.2004*
Slovenia	01.	Uredba o načinu, predmetu in pogojih izvajanja gospodarske javne službe ravnanja z odpadno električno in elektronsko opremo; *Uradni list RS št. 118 z 4.11.2004, str. 14194-14198*
	02.	Pravilnik o ravnanju z odpadno električno in elektronsko opremo, *Uradni list RS št. 118 z 4.11.2004, str. 14213-14222*
Slovakia	No notification received by 31 December 2004	
Finland	01.	Valtioneuvoston asetus sähkö-ja elektroniikkalaiteromusta. Statsrådets förordning om avfall som utgörs av eller innehåller elektriska eller elektroniska produkter, *Suomen Saadoskokoelma (SK) 852, 17.9.2004, s. 02397-02411*
Sweden	No notification received by 31 December 2004	
United Kingdom	No notification received by 31 December 2004	

ANNEX

SCOREBOARD PER MEMBER STATE AND SECTOR SHOWING THE NUMBER OF NON-COMMUNICATION, NON-CONFORMITY AND BAD APPLICATION CASES

The Scoreboard uses the following typology for infringement cases:

– **Non-communication (Table 1)** = Member State fails to adopt the measures (national laws, regulations and administrative provisions) to transpose Directives and to communicate them to the Commission within the prescribed time limit.

– **Non-conformity (Table 2)** = Member State transposition measures do not conform to the requirements of the Directive.

– **Bad application (Table 3)** = through actions or inactions Member State fails to comply with EU environmental law requirements, other than requirements to adopt and communicate correct implementing legislation.

Non-communication

The Commission automatically opens an infringement procedure for non-communication if a Member State has not adopted the national measures to transpose the Directive within a prescribed deadline. Non-communication may either be total, i.e. a Directive has not been transposed at all, or partial, i.e. only certain provisions of the Directive have been transposed and/or transposition measures do not cover the whole territory of a Member State. Once transposition is complete, the Commission closes the infringement procedure.

Table 1 shows that Member States are regularly late in communicating their transposition measures for Community environmental Directives. The problems with non-communication are mainly in the air and waste sectors. This high figure has to do with the fact that a relatively large number of Directives were due to be transposed in these areas during the last one or two years.

Non-conformity

Table 2 shows that problems with non-conformity are concentrated in the sectors of impact assessment, nature, waste and water. Where impact assessment is concerned, conformity problems often relate to national laws that do not ensure that all projects for which an impact assessment must be carried out are made subject to the assessment procedures required by the Directive. In the nature sector, non-conformity issues mainly relate to hunting practices[73] not in line with the Wild Birds Directive and insufficient protection regimes for sites[74] and species[75] under the Habitats Directive. In the waste sector, conformity problems mainly

[73] Article 8 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

[74] Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

[75] Articles 12 and 16 of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

concern the incorrect transposition of the Waste Framework Directive[76] (e.g. national law defines 'waste' differently from the Directive), the Hazardous Waste Directive[77], the Packaging Waste Directive[78] and the End-of-Life Vehicles Directive[79]. In the water sector, non-conformity issues include, amongst others, non-compliance with the parameters of bathing water quality under the Bathing Water Directive[80] and failure to adopt pollution reduction programmes under the Dangerous Substances Directive[81].

Bad application

In addition to correct and timely transposition, the effectiveness of Community environmental law is largely dependent on the prudent application of certain obligations and requirements under the Directives. In particular, Community environmental Directives frequently include obligations to classify or designate certain protection or vulnerable areas, adopt programmes or plans, produce reports, etc.

Table 3 shows that bad application cases are concentrated in the areas of nature, waste and water. In the nature sector, Member States still have problems with the classification of special protection areas and with the selection of proposed sites of Community importance and with the special protection regime under Article 4(4) of the Wild Birds Directive[82] and Article 6(2) to (4) of the Habitats Directive[83]. In the waste sector, problems concern local waste dumping and inadequate waste planning. In the water sector, a number of infringements cases are ongoing against Member States that did not meet the deadlines in the Urban Waste-Water Directive[84] and Member States that have not designated sufficient nitrate-vulnerable zones or have not established appropriate action programmes in designated nitrate-vulnerable zones under the Nitrates Directive[85].

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76 Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC.

77 Council Directive 91/689/EEC of 12 December 1991 on hazardous waste.

78 European Parliament and Council Directive 94/62/EEC of 20 December 1994 on packaging and packaging waste.

79 Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles.

80 Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water.

81 Council Directive 76/464//EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community.

82 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

83 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

84 Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.

85 Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Open Infringements by sector (31/12/2004)

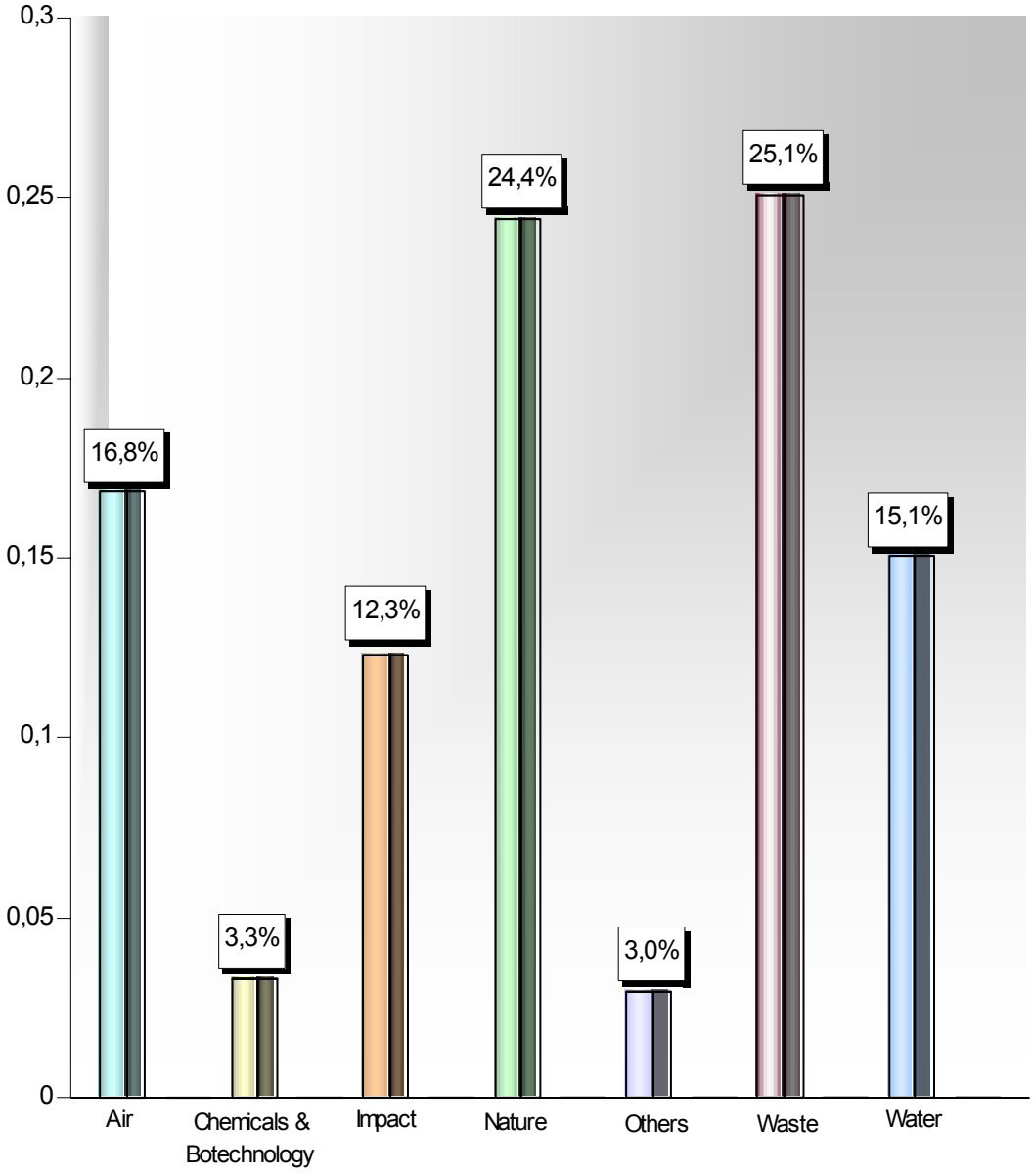
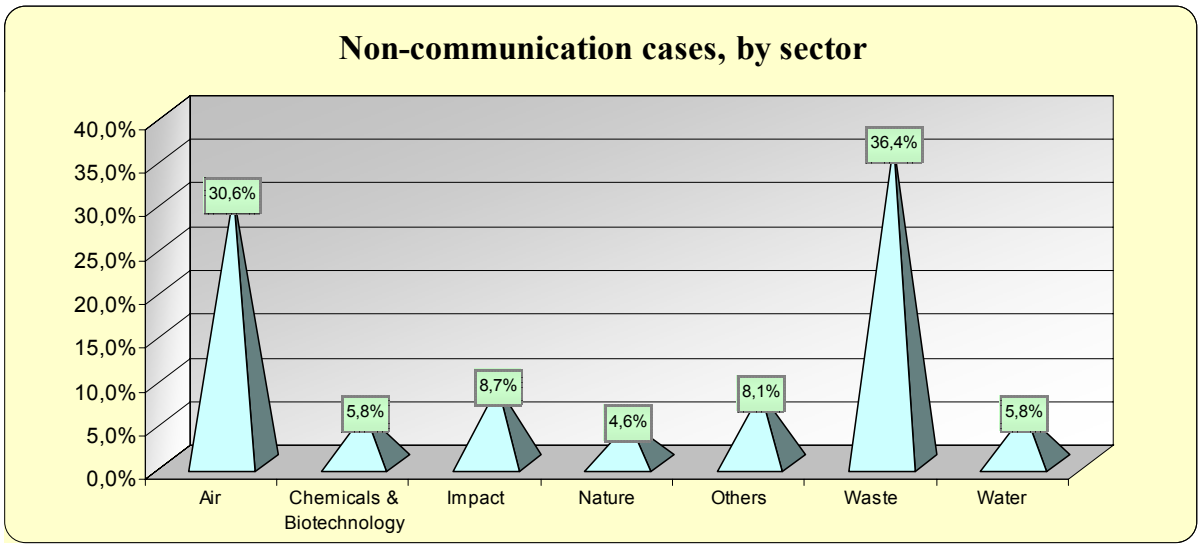


TABLE 1: NON-COMMUNICATION CASES (31/12/2004)

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK		
Air	3	2	0	0	5	6	0	2	2	5	1	0	0	1	2	1	6	2	2	4	2	0	3	3	1	*53*	30,6%
Chemicals & Biotechnology	1	3	0	1	0	1	0	1	0	0	0	0	0	0	0	1	1	0	0	0	0	0	1	0	0	*10*	5,8%
Impact	1	0	0	1	0	1	1	1	0	1	1	0	0	1	0	1	1	1	0	1	0	1	1	1	0	*15*	8,7%
Nature	0	0	0	1	0	0	0	0	0	1	0	0	0	0	4	0	0	0	0	0	0	2	0	0	0	*8*	4,6%
Others	1	1	0	1	0	1	0	1	1	1	0	0	0	1	0	0	0	1	0	1	0	1	1	1	1	*14*	8,1%
Waste	1	4	3	3	2	2	3	5	4	4	0	0	0	3	0	2	0	3	3	4	3	3	4	3	4	*63*	36,4%
Water	1	2	0	1	0	0	0	1	0	1	0	0	0	1	0	0	1	0	0	1	0	0	1	0	0	*10*	5,8%
Total:	8	12	3	8	7	11	4	11	7	13	2	0	0	7	6	5	9	7	5	11	5	7	11	8	6	*173*	100,0%



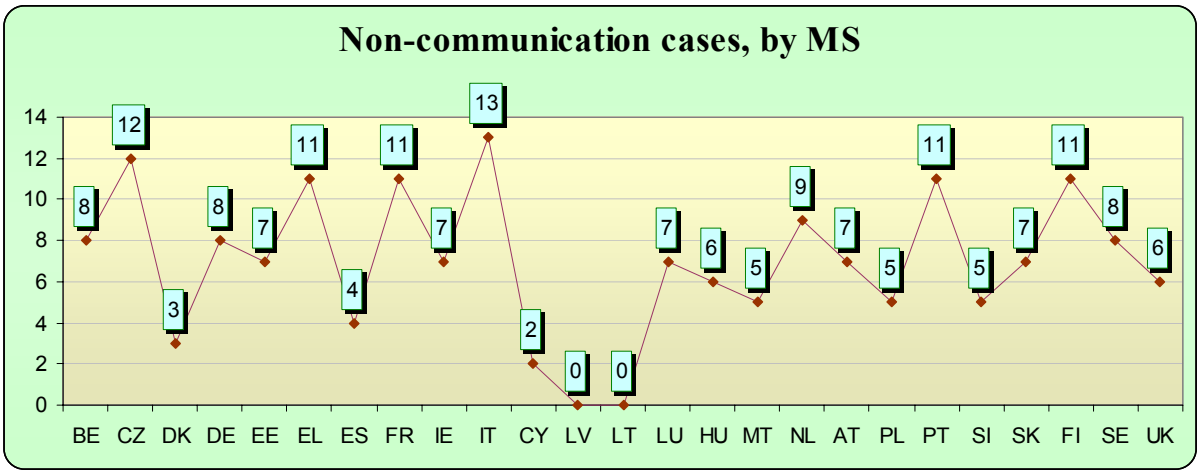
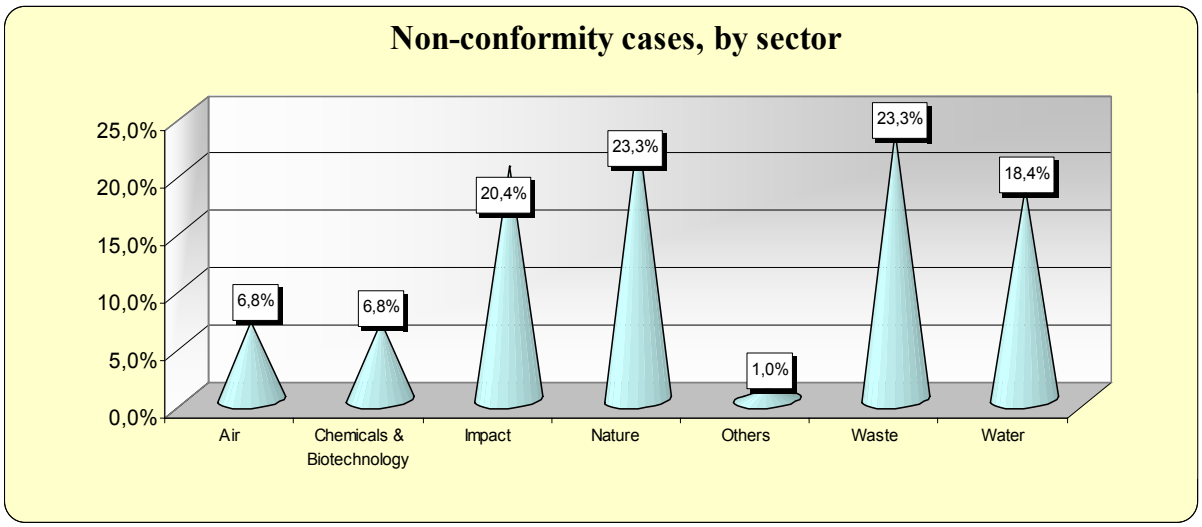


TABLE 2: NON-CONFORMITY CASES (31/12/2004)

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK		
Air	0	0	1	1	0	0	0	1	0	0	0	0	0	1	0	0	1	2	0	0	0	0	0	0	0	*7*	6,8%
Chemicals & Biotechnology	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1	*7*	6,8%
Impact	3	0	0	1	0	0	3	0	2	4	0	0	0	0	0	0	1	0	0	1	0	0	0	1	5	*21*	20,4%
Nature	0	0	1	2	0	2	1	7	2	1	0	0	0	0	0	0	1	3	0	1	0	0	1	0	2	*24*	23,3%
Others	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*1*	1,0%
Waste	0	0	0	2	0	1	1	1	0	11	0	0	0	1	0	0	2	1	0	0	0	0	0	1	3	*24*	23,3%
Water	3	0	1	1	0	0	2	3	3	1	0	0	0	1	0	0	1	0	0	1	0	0	0	1	1	*19*	18,4%
Total:	6	0	3	7	0	3	8	14	8	18	0	0	0	3	0	0	7	7	0	3	0	0	1	3	12	*103*	100,0%



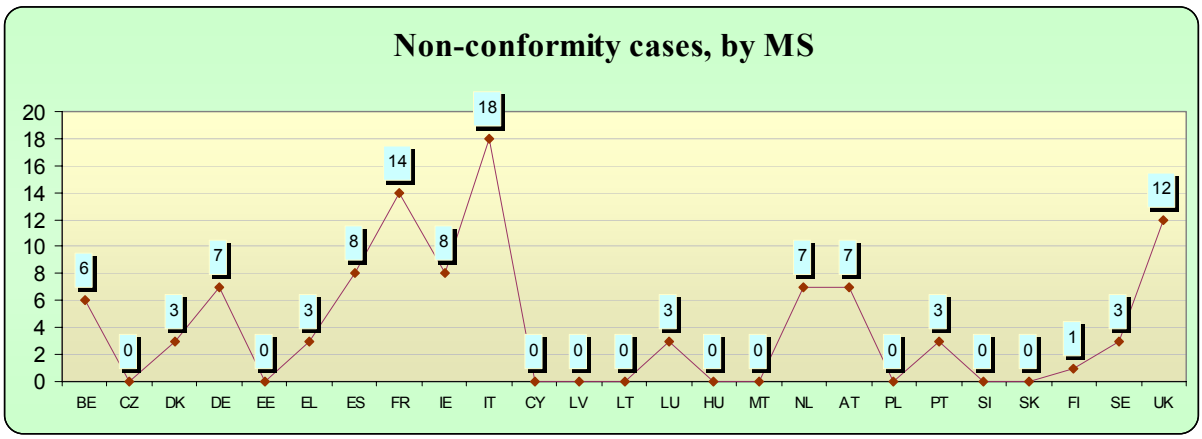
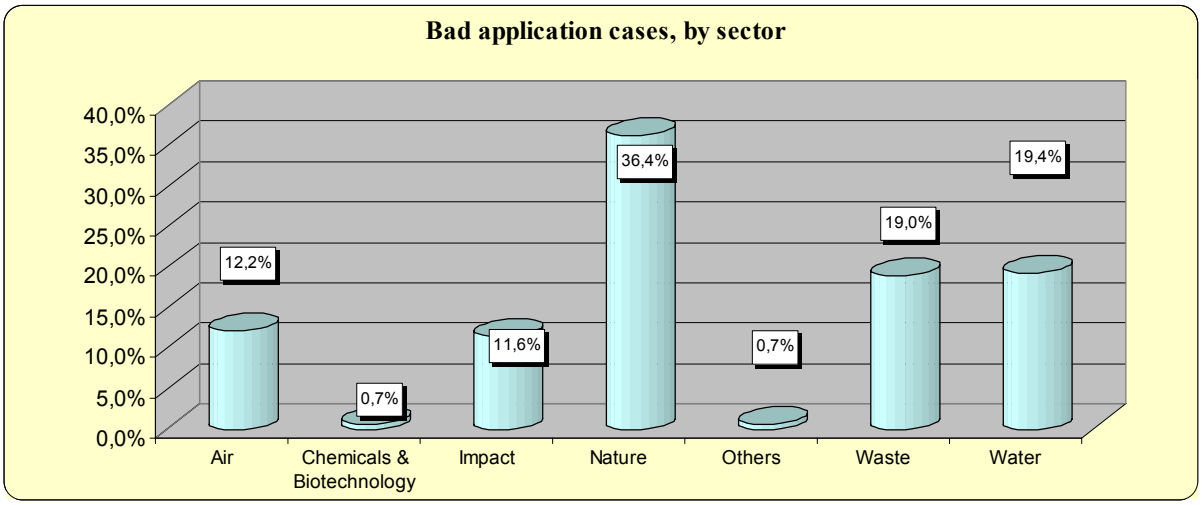
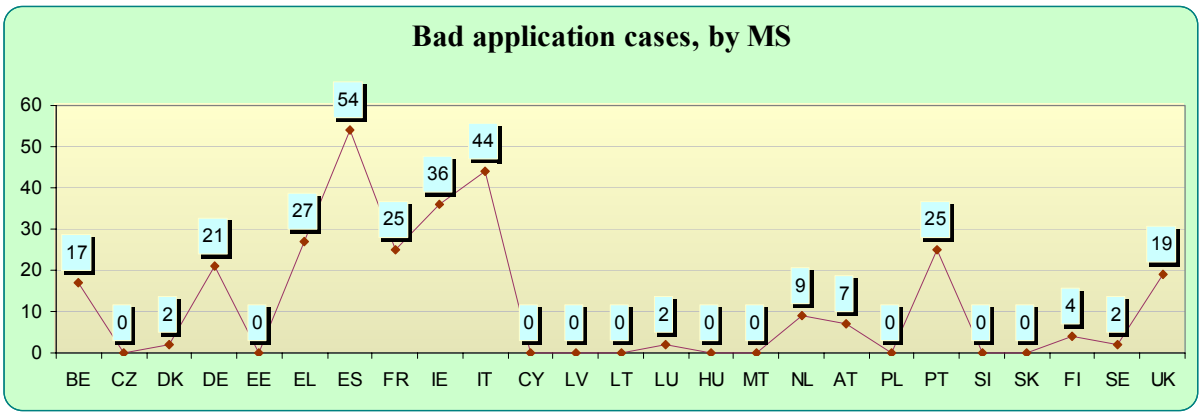


TABLE 3: BAD APPLICATION CASES (31/12/2004)

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK		
Air	2	0	0	2	0	5	2	2	6	10	0	0	0	1	0	0	0	1	0	3	0	0	0	0	2	*36*	12,2%
Chemicals & Biotechnology	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*2*	0,7%
Impact	2	0	0	3	0	0	10	0	6	10	0	0	0	0	0	0	0	1	0	0	0	0	0	0	2	*34*	11,6%
Nature	9	0	1	14	0	7	21	11	9	11	0	0	0	0	0	0	4	4	0	8	0	0	2	1	5	*107*	36,4%
Others	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*2*	0,7%
Waste	2	0	1	0	0	7	10	5	7	9	0	0	0	0	0	0	2	1	0	8	0	0	1	0	3	*56*	19,0%
Water	2	0	0	0	0	8	9	7	8	4	0	0	0	1	0	0	3	0	0	6	0	0	1	1	7	*57*	19,4%
Total:	17	0	2	21	0	27	54	25	36	44	0	0	0	2	0	0	9	7	0	25	0	0	4	2	19	*294*	100,0%





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