

Executive summary

The first annual survey, covering the period 1996/1997, was presented in April 1999 ⁽¹⁾ and was prepared in response to the Commission's communication on implementing Community environmental law ⁽²⁾ and resolutions of the Council and European Parliament, which envisaged the annual survey providing supplementary information to that contained in the Commission's annual report on monitoring the application of Community law.

This second annual survey covers the calendar years 1998 and 1999 and follows on from the first annual survey in providing up-to-date information on the state of application of Community environmental law. It comprises five main parts: continuing follow-up actions to the Commission's communication on implementing Community environmental law; other specific horizontal actions; the work carried out by IMPEL during the period covered by the survey and its work programme for 2000; and details of Member States' transposing legislation communicated for Community environmental directives to be transposed during the period of the survey. Finally, it includes the chapter on the environment from the Commission's 16th annual report on monitoring the application of Community law ⁽³⁾.

Continuing follow-up action arising from the Commission's communication on implementing Community environmental law: The Commission's proposal for a Council recommendation providing for minimum criteria for environmental inspections in the Member States was adopted by the Commission in December 1998. The Council, rejecting, with the Commission, the European Parliament's amendments to change the form of the proposal to a directive, adopted the common position on 30 March 2000.

Work continued on promoting knowledge of Community environmental law with the magistrates' training courses and the establishment of a pilot project for teaching Community environmental law at five universities in different Member States (Belgium, Denmark, Greece, France and Italy).

Other specific actions included the simplification of the previous draft text of the White Paper on environmental liability and an indication that a framework directive could be a final outcome after consultation on the White Paper in due course. The year 1998 also saw the signature of the UN/ECE Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (the Aarhus Convention) in Aarhus, Denmark.

⁽¹⁾ SEC(1999) 592, 27.4.1999.

⁽²⁾ COM(96) 500 final, 22.10.1996.

⁽³⁾ COM(1999) 301 final, 9.7.1999.

All Member States are signatories and work is proceeding apace to prepare for ratification of the Convention. The EC has signed; before the Community can ratify, it must ensure that all relevant Community legislation is aligned to the provisions of the Convention. Amongst this work is the revision of Directive 90/313/EEC on the freedom of access to information on the environment.

The Environment Directorate-General is committed to ensuring that information on its activities is widely available and the second annual survey lists the various publications relating to its work which have appeared during 1998 and 1999.

In December 1998, the Commission adopted a communication entitled 'The review clause: Environmental and health standards, four years after the accession of Austria, Finland and Sweden to the European Union'. It shows that the review process foreseen in the Accession Treaties of these three countries has resulted in higher protection standards for health and the environment across the EU.

Work carried out by IMPEL: Since the last annual survey, IMPEL (the European Union network for the implementation and enforcement of environmental law) has rationalised its structure and many of its longer term projects have been completed. This has enabled an evaluation of its work to be undertaken. Undoubtedly, its greatest achievement has been its work in relation to environmental inspections. Also those projects of a practical nature which it has undertaken can be regarded as successes. The Commission has concluded that Commission co-financing of the network should continue.

The second annual survey again lists those environmental directives which Member States should have transposed during 1998 and 1999, with details of the national transposition measures. It also indicates those Member States which have failed to transpose the relevant directives by the due date.

Finally, in order to provide a comprehensive reference work in relation to the application of Community environmental law, the annual survey contains as an annex the environment chapter from the Commission's 16th annual report on monitoring the application of Community law.

The annual survey does not set out new policy and, accordingly, is in the form of a working document of the Commission services.

The Commission hopes that this second annual survey will continue to increase awareness and improve transparency of the application of Community environmental law in the Member States, and demonstrate how the Commission, with the assistance of all the main stakeholders, is putting into effect the main suggestions contained in the 1996 communication, enabling all the main actors involved to continue to participate fully, contributing to an improved environment.