

## ***CORRIGENDUM***

1. Page 4, chapter 2.2, penultimate bullet point, list of Member States in brackets: "and Slovenia" is to be deleted (the comma after "France" replaced by the word "and").
2. Page 4, chapter 2.2, ultimate bullet point: the penultimate sentence (starting with "However, mandatory" and ending by "yet in place.") is to be deleted as a whole,
3. Page 7, chapter 4.1.1, penultimate paragraph: the last sentence (starting with "In Spain" and ending by "and not ELD.") is to be deleted as a whole.
4. Page 8, chapter 4.1.3: in the first sentence the words "in general" are to be inserted between "available are" and "the exclusion".
5. Page 8, chapter 4.2, second sentence: between "rules, that" and "the Member States" the words "most of" are to be inserted.
6. Page 9, chapter 4.3.2, fourth sentence (starting with "Spain introduced"): the number "5" is to be replaced by the number "20".

### Explanatory notes:

(1) In the section on multi-party causation the report refers to a few Member States who primarily apply proportionate liability and quotes among them also Slovenia. This is according to information from the Slovenian ELD government experts not the case and should therefore be deleted in the text.

(2) In the section on mandatory financial security eight Member States are listed which introduced mandatory financial security. The report mentions at the end of this section that mandatory financial security is delayed in the three countries where it was supposed to come into effect in 2010 (Portugal, Spain, Greece) because essential provisions were not in place. As ELD government experts from Spain and Portugal demonstrated, there are no delays in Spain and Portugal due to lacking of essential provisions. In the case of Spain for example, the mandatory financial security requirements are phased in gradually for different economic sectors pursuant to a time schedule according to a priority order laid down in a Ministerial Ordinance of June 2011, as foreseen by the Act 26/2007 transposing the ELD into Spanish law. Thus, the misleading sentence is to be deleted as a whole.

(3) In the chapter on financial security products for the ELD is a wrong statement, according to which in Spain where mandatory financial security provisions would apply without exclusions for GMOs, would be a special provision to address any damage and losses under a civil liability regime and not the ELD. As this phrase is clearly wrong, it is to be deleted.

(4) In the chapter on limitations and gaps in financial security products, the report mentions that limitations of the insurance products currently available are the exclusion of gradual environmental damage and exclusions for some types of remediation, such as compensatory remediation. As shown by Austrian ELD government experts, such exclusions do not necessarily exist in Austria (and presumably also other Member States), hence the introduction of the moderating wording "in general".

(5) In the chapter regarding the need for harmonised mandatory financial security, the report mentioned that "the" Member States opting for mandatory financial security would not yet have their systems in place. As this statement is not correct with regard to some Member States (see correction 2 above) the statement is to be moderated by clarifying that only most of those eight Member States were in delay.

(6) In the chapter on ceilings for the financial guarantee Spain is quoted with a ceiling to liability of operators of € 5 million. The figure is clearly wrong and is to be replaced by the correct € 20 million.