The environmental laws are vital for Europe’s long-term health and prosperity. But first they must be properly implemented and respected!

The EU and its Member States have a wide range of laws to protect human health and the environment. The Commission is tasked with ensuring that Member States comply with these laws. Preventive measures are more effective and considerably cheaper than having to undo the damage caused by unsustainable practices. That’s why the Commission promotes a proactive approach that begins with informal discussions and support to apply the EU rules («compliance promotion»). If this fails to produce results, and the matter is not properly addressed at national level, EU legal action follows. The formal procedure begins with a letter of formal notice and may end in front of the Court of Justice of the EU. If a Member State fails to abide by a Court ruling, a second referral to Court and fines may ensue.

This factsheet looks at a recent study of a selection of 244 infringement cases (out of several thousand cases in total) that were handled between 1994-2014 in several areas of environmental policy – waste management, water, industrial emissions, nature protection and environmental impact assessments. The results show that EU enforcement action brings considerable benefits for citizens and environment. These can take different forms. In some cases, EU legal action reduced the economic costs and losses that typically result from damage to human health and the environment when environmental legislation is flouted. In other cases, it contributed to a better quality of national legislation and decision making.

The main findings of the study and a few illustrative cases are presented below. For a full list of cases, and an overview of ongoing environmental cases, please consult the study, which is available at http://ec.europa.eu/environment/legal/law/pubs.htm
A. PROPER WASTE MANAGEMENT – KEY FOR EUROPE’S SUSTAINABLE DEVELOPMENT AND FOR FUTURE-PROOFING OUR ECONOMIES IN A WORLD OF EVER SCARCE RESOURCES

The Commission’s enforcement action ensures compliance with EU waste legislation, the ultimate objective of which is to make the European economy more sustainable and circular. Beneficial effects include:

- **Increasing reuse/recycling of waste**: Enforcement action helps avoid delays in reaching targets for reuse and recycling, with benefits amounting to an average of EUR 1.2 billion per case.
- **Improving the standards of landfills**: in the cases reviewed, avoiding delays in the proper application of the standards is estimated to have brought average savings of EUR 50 million per case per year.
- **Curtailing the use of non-compliant landfills**: in cases relating to unauthorised landfills and the use of illegal dumpsites, the average benefit per case was estimated to be between EUR 4 and 6 million.

**ILLUSTRATIVE CASE**

**REGULARISATION OF 8,523 ILLEGAL LANDFILLS IN FRANCE**

**Issue** Alerted by reports in the French press, the Commission launched an infringement case against France in 2003 over the existence of numerous illegal landfills. By the time the case was brought in front of the Court of Justice of the EU, only 26 unauthorised landfills remained, out of an original total of 8,523.

**Outcome** The Commission was presented with an action plan to bring each of the 26 landfills into compliance, with proper permitting procedures, rehabilitation or closure, as appropriate. In view of the efforts of the French authorities, the Commission decided to close the case. Compliance for these last 26 landfills brought benefits of EUR 2.4 million per year.

B. PROVIDING PEOPLE WITH THE INDISPENSABLE CLEAN WATER

By ensuring compliance with EU water legislation, Commission enforcement action:

- Ensures that all urban areas have working waste water treatment facilities working properly. When the removal of nutrients is quantified, the pollution avoided is valued at an average of EUR 66 million per case per year.
- Reduces water pollution by limiting nitrogen emissions: in the cases reviewed, ensuring compliance reduced nitrogen pollution to the value of EUR 77 million on average, per case per year.
- Improves the quality of drinking water and reduces exposure to harmful substances: compliance reduces the negative impact of unsafe drinking water on human health. Ensuring compliance with quality parameters has been valued at EUR 2 million on average per case analysed, per year.
- Improves the quality of bathing water and its impact on health and the economy. The value of compliance was quantified through the benefits of improved health protection, together with willingness to pay for clean bathing water. The benefits of improved bathing water quality were estimated to amount to EUR 97 million on average per case analysed, per year.

**ILLUSTRATIVE CASE**

**IMPROVED DRINKING WATER FOR 49 000 HOUSEHOLDS IN GREECE**

**Issue** In 2004, the Commission opened a case against Greece over poor quality drinking water in the Central Macedonia region. High levels of dangerous minerals in the water in several municipalities meant that the water was unsafe, with residents potentially exposed to serious health risks.

**Outcome** The case led the Greek authorities to declare the water in the region unsafe for human consumption. They also agreed to inform the public whenever contamination exceeded the levels set out in the Directive. New sanitation units and a water treatment plant were built, and new sources of clean water identified. The enforcement action protected the health of 49,000 households in the affected region, with an estimated monetary benefit of EUR 100 000 to 500 000 per year in terms of avoided medical costs.

**Benefits of reduced water pollution per case:**
- EUR 66 million for waste water treatment
- EUR 77 million for cleaning nitrogen pollution
- EUR 2 million for drinking water
- EUR 97 million for bathing water
C. PRESERVING NATURE

The Commission’s enforcement action centres round ensuring that Member States comply with the Birds and Habitats Directives. Beneficial effects include:

- Improvements in the EU’s network of nature protection areas, Natura 2000, that offer sanctuary for habitats and species, with benefits estimated at around EUR 1.2 billion per case analysed, per year.
- Reductions in the negative impact of projects in protected areas: projects which may have a significant negative impact on a Natura 2000 site are subject to an assessment to avoid adverse effects, and compensatory measures are introduced to offset the negative impact of the project.
- Clearer and/or stricter hunting and species protection measures at national level, such as enforcing bans on the hunting of species during their breeding season, or enforcing bans on environmentally unfriendly hunting and fishing.

ILLUSTRATIVE CASE

PROJECT TO BUILD A DAM IN PORTUGAL, WITH POSSIBLE IMPACT ON THE IBERIAN LYNX

**Issue** The Portuguese authorities had approved construction of projected dam in Odelouca, inside an area proposed for protection as part of the Natura 2000 network, despite an impact assessment showing that the dam would also have a negative impact on the Iberian Lynx. Under the Habitats Directive, plans or projects expected to have a negative impact on a protected site can only go ahead if there is overriding public interest and no alternative solution. The Member State, however, must take compensatory measures to ensure that the Natura 2000 network is protected overall.

**Outcome** After an infringement case was opened in 1998, the Portuguese authorities demonstrated that the dam was indeed necessary for providing drinking water for human consumption in the Algarve region. The Commission agreed to the construction of the dam, provided certain measures were put in place, including a conservation programme to reintroduce the Lynx and construction of a breeding centre in Odelouca. This programme was a success, and the first Lynx bred in the Odelouca centre was recently released into the wild. The first specimens of Lynx born in the wild in Portugal were observed in 2015.

D. ENVIRONMENTAL ASSESSMENTS – CHEAP AND EASY WHEN DONE PROPERLY AT THE RIGHT MOMENT

The Environmental Impact Assessment Directive ensures that the environmental implications of projects are taken into account before a competent authority delivers its stamp of approval. Over the years the Commission has made sure that national laws are respected requiring that environmental impacts are complied with when projects are approved. In addition, it was also often called upon by citizens to verify whether such assessments had actually been carried out for individual projects (such as building of tourist resorts, infrastructure projects like roads, railways, ports and airports, location and operation of new landfills and waste installations). Where such assessments were found missing, the Commission often ensured that additional measures were put in place to protect human health and the environment from unnecessary further damage.

ILLUSTRATIVE CASE

SAFER WASTE MANAGEMENT INSTALLATIONS IN LOMBARDY, ITALY AFTER ASSESSING THEIR ENVIRONMENTAL IMPACT

**Issue** In 1999, the Commission opened a case against Italy for the lack of assessment of impacts of an installation that had been authorised to manage 75,000 m³/year of waste, including hazardous waste.

**Outcome** The case led the Italian authorities to make an ex-post assessment of the potential environmental effects of this installation in 2000, which resulted in new environmental prescriptions. Consequently equipment was installed to monitor the water quality in the vicinity of the plant, and programs were put in place to monitor waste samples, noise and to ensure general supervision of the installation. A similar case relating to an incinerator also located in Brescia, Lombardy, led to a similar outcome in 2007, after a longer infringement procedure leading also to a ruling of the Court of Justice.

More nature protection sites that are better managed, with benefits estimated at around EUR 1.2 billion per case, per year

1. based on a pre-established value of between EUR 130 and EUR 1,800 per hectare of land brought into the Natura 2000 network.
E. CLEAN AIR

The Commission took legal action to ensure that industrial emissions across the EU are kept at a level safe for people and the environment, by checking whether all industrial installations of a certain size complied with their obligations on limiting emissions of pollutants into the air. Such cases are significant as the enforcement of these obligations relate to the air we all breathe. Legal action in the field of industrial emissions helped:
- save lives and reduce costs linked to health care,
- bring benefits to economic operators, providing economic and legal certainty for their investments and securing a level playing field across the EU;
- improved national legislation and decision making.

ILLUSTRATIVE CASE
MISSING PERMITS FOR INDUSTRIAL INSTALLATIONS IN SPAIN

Issue In 2008, the Commission opened a case against Spain as about 600 out of approximately 4300 industrial installations did not have a proper permit governing their emissions. Due to the slow pace of the permitting, the case was brought before the Court of Justice of the EU, who condemned Spain in 2010 for this failure (concerning then around 533 installations).

Outcome The case sped up the permitting procedures so that by the end of 2012 all installations had a permit. These permits ensured that the emissions of the installations corresponded to best available techniques, effectively limiting them as much as possible. Similar positive outcomes were also obtained against the other Member States which had not ensured in due time that their industrial installations had state of the art authorisations.

OTHER BENEFITS OF THE COMMISSION’S ENFORCEMENT ACTION

Ensuring that environmental law is respected by all Member States has other benefits:
- Ensuring legal certainty: Infringement procedures clarify what is and is not acceptable, harmonising standards across the EU. This helps create a level playing field for all operators, and works to protect citizens’ rights under EU law.
- Deterring incorrect application: Member States are more likely to take earlier action to ensure correct implementation if there is a possibility of an infringement procedure which may end up in fines.
- Improving the national framework for environmental protection: Infringement cases can improve how environmental law is interpreted and implemented in Member States, triggering changes in national legislation to make it more effective.
- Improved national implementation mechanisms: Following an enforcement action, a Member State may undertake structural reform to improve the functioning of its national administration.

In the case of illegal dumpsites, for example, several infringement actions have prompted structural changes to improve the entire enforcement system.
- Enhanced governance at national level where EU law applies: Infringement actions have led to greater inclusion of citizens in the environmental protection process. These actions often stem from individual complaints, and they encourage authorities to take greater account of concerns raised by the public.

OUTLOOK

The Commission continues to take legal action where it establishes that EU environmental laws are not respected, focusing on the most imminent threats to citizens’ health and the environment, and making sure that the national environmental protection mechanisms are doing their part. This action will bring even greater benefits to citizens and the environment, as the Commission continues to target:
- Proper waste management, keeping a close eye on irregular landfilling;
- Good water quality and quantity by addressing improper treatment of our waste waters, nitrates from agriculture and other sources of pollution;
- Clean air, taking action on particulate matter (PM10) and nitrogen oxides (NOx) and making sure that the high standard emission permits for industrial installations are observed;
- High quality assessments of impacts on the environment, ensuring effective participation of the public and access to national justice if needed.