

CONTROL OF APPLICATION OF ENVIRONMENT LAW

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EC ENVIRONMENT LAW

- More than 200 legal acts, mostly directives
- Covering virtually all environmental sectors (water, air, nature protection, chemicals ...)
- And some horizontal issues (access to information, impact assessment)

INFRINGEMENT PROCEDURE

- Triggered by the Commission when requirements under EC environment law are not met
- Initiation as:
 - Own initiative cases – i.e. through an investigation by Commission
 - As complaint cases – i.e. when citizens or NGOs bring breaches to attention of the Commission.

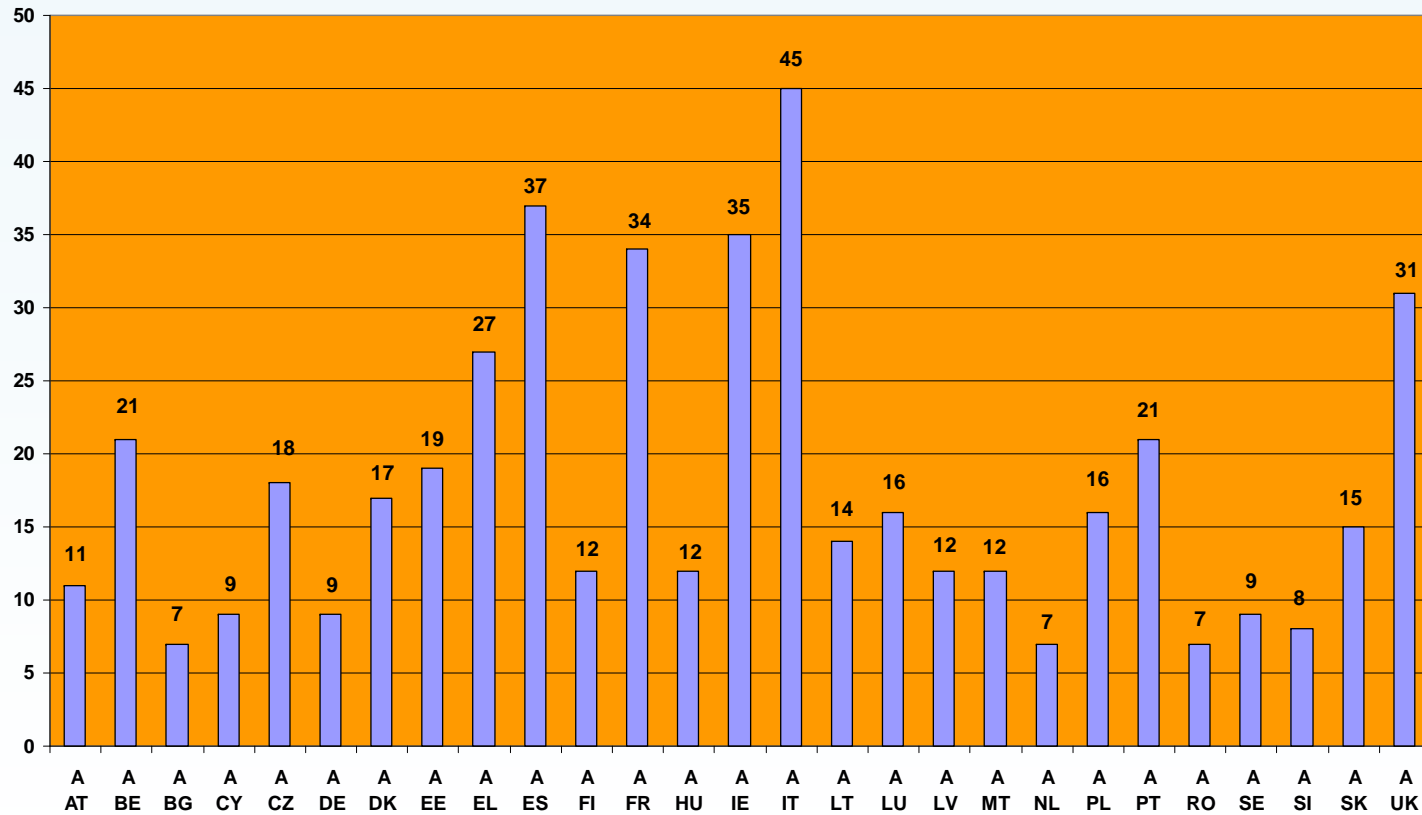
EC TREATY

- **Article 211 EC Treaty** - Commission is guardian of the Treaty
- **Article 226 EC Treaty** - Commission can initiate infringement proceeding and apply to the ECJ
- **Article 228 EC Treaty** - Lack of execution of ECJ rulings – possibility to impose substantial fines
- **Article 243 EC Treaty** – interim measures by the ECJ

2008 Communication

- **Recognises challenges such as late national legislation, inadequate environmental infrastructure**
- **Emphasises co-operation with Member States to prevent infringements – better quality legislation, more guidance & assistance from Commission.**
- **Improved handling of citizen complaints – EU pilot, presence in national capitals.**
- **Prioritisation of infringement work**

N° of infringements per Member State (31/12/2008)



Infringements per Sector

