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NOTE

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to : Delegations

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Subject : Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on implementing European Community Environmental Law

Delegations will find annexed an information note from the Commission on the above subject, which will be dealt with under "other business" at the meeting of the Council (Environment) on 4 December 2008.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on implementing European Community Environmental Law**Information Note from the Commission services**

- On 18 November 2008, the Commission adopted a Communication on implementing European Community Environmental Law. This sector-specific communication complements the 2007 Commission Communication "A Europe of Results"¹.
- The Communication outlines current challenges, which include: the need to improve the timeliness and correctness of national implementing legislation; the need to effectively control waste facilities; the need to complete investments in urban waste water treatment; the need to improve levels of compliance with industrial permit requirements; the need to lower urban air pollutant concentrations; the need to fill gaps in the Community's network of protected nature sites; and the need to ensure proper reporting of climate change data.
- As in "A Europe of Results", the Communication sets out a multi-faceted Commission approach to improving implementation. This involves legislative and post-legislative work to prevent problems arising; improved responsiveness to public concerns about environmental compliance; a targeted approach to use of the Commission's enforcement powers under Article 226 and 228 of the Treaty; and constructive dialogue with the European Parliament, environmental organisations and other interested parties.
- As regards legislative and post-legislative preventive work, the Commission plans to work closely with the Council and the Parliament on the quality of new Community legislation. It also intends to continue to develop supportive tools such as guidance documents and performance indicators for directives that have already been adopted. The value of dialogue with the Member States is emphasised, and the Commission proposes enhanced cooperation with national judges.

¹ COM(2007)502final

- As regards responsiveness to public concerns, the Communication refers to work to promote Community legislation that gives citizens rights to participate and obtain environmental information. It also refers to the improved problem-solving mechanism launched by the Commission earlier this year as a means of responding to citizens' specific concerns. It mentions the posting on a trial basis of Commission officials to 4 representation offices to deal with environmental issues.
- As regards use of the Commission's enforcement powers, the Commission sets out sector-specific criteria for identifying those infringements which justify being addressed more intensively and more immediately. These cover key shortcomings in national implementing legislation; systemic failures, such as widespread tolerance of illegal landfilling; fundamental deficits in implementation such as non-adoption of pollution reduction programmes or non-submission of implementation reports; and failures in respect of major infrastructure projects.
- As regards dialogue with the European Parliament and interested parties, the Commission states its willingness to have constructive exchanges on implementation issues.
