

EU environmental law (sectors)

Dra. Mar Campins Eritja

Departament de Dret Penal i Criminologia, i Dret
Internacional Públic i Relacions Internacionals, Universitat
de Barcelona

EU**E****U****E****L**  *Jean Monnet Chair
on European Union
Environmental Law*



Areas of action

- Climate change
- Pollution of water resources
- Atmospheric pollution
- Nature conservation / habitats
- Waste Management
- Chemicals
- IPPC
- EIA
- Public Participation

Climate Change

- EU15 collectively signed up Kyoto Protocol 1st commitment period
- EU28 signed up up Kyoto Protocol 2st commitment period
- EU28 signed up the Paris Agreement
- Effort Sharing Decision

Climate Change

- 2007: Package 2020 (at least 20% of GHG emission reduction compared to 1990)
- 2014: EU Climate & Energy Framework 2030 (at least 40% of GHG emission reduction compared to 1990)



Climate Change

- 20% increase in energy efficiency by 2020;
- 20% reduction in GHG emissions compared to 1990 levels by 2020;
- 20% share of the energy from renewable sources in the total energy consumption in EU by 2020

Climate Change

- Target for GHG emission reduction in EU by 40% compared with 1990, by 2030;
- Target for 27% share of renewable energies in EU end-use energy, by 2030;
- Energy efficiency improvement – EU indicative target of 27 % by 2030

Climate Change

- Revised Emissions trading Directive (cap & trade)
- Renewables energies Directive
- Energy efficiency Directive
- Geological storage of carbon dioxide Directive
- Transport sector:
 - Directive on specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions
 - Directive on emission performance standards for new passenger cars

Water quality

- Water Framework Directive (2000/60/EC):
 - Overall framework for water policy
 - Based on integrated river basin management
 - MS to establish river basin management plans and programmes of measures to achieve « good water status » by 2015
 - Combined approach (environmental quality standards and source controls)

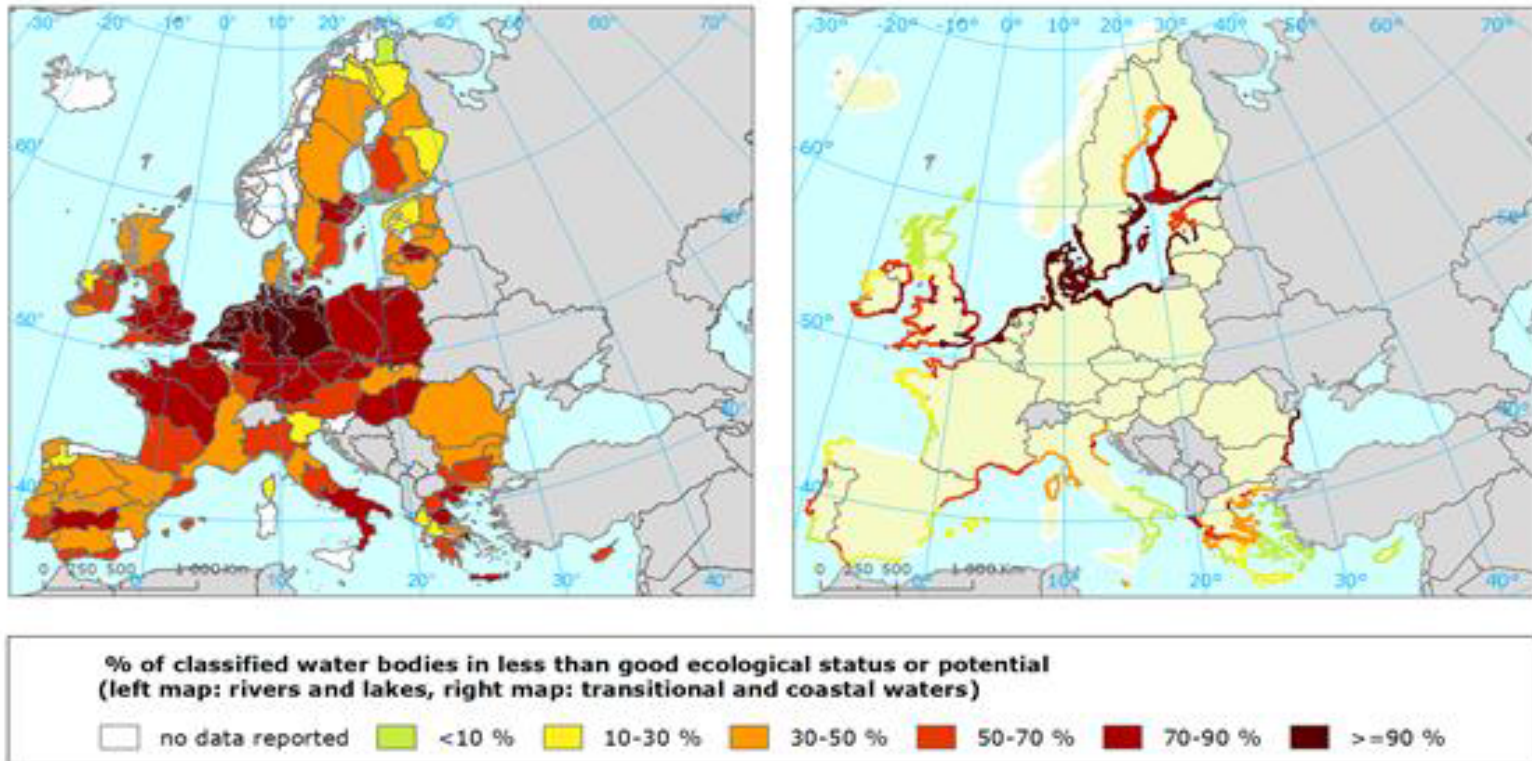
Water quality

Specific Directives on:

- Drinking water quality
- Urban waste water treatment
- Nitrates from agricultural sources
- Bathing water
- Groundwater
- Flood risk



Water quality



- **Figure 7.2:** Proportion of classified surface water bodies in different River Basin Districts in less than good ecological status or potential for rivers and lakes (left panel) and for coastal and transitional waters (right panel) (percentage, based on number of classified water bodies).
- **Source:** EEA
- **Font:** COMMISSION STAFF WORKING DOCUMENT , COM(2012) 670 final, p. 21

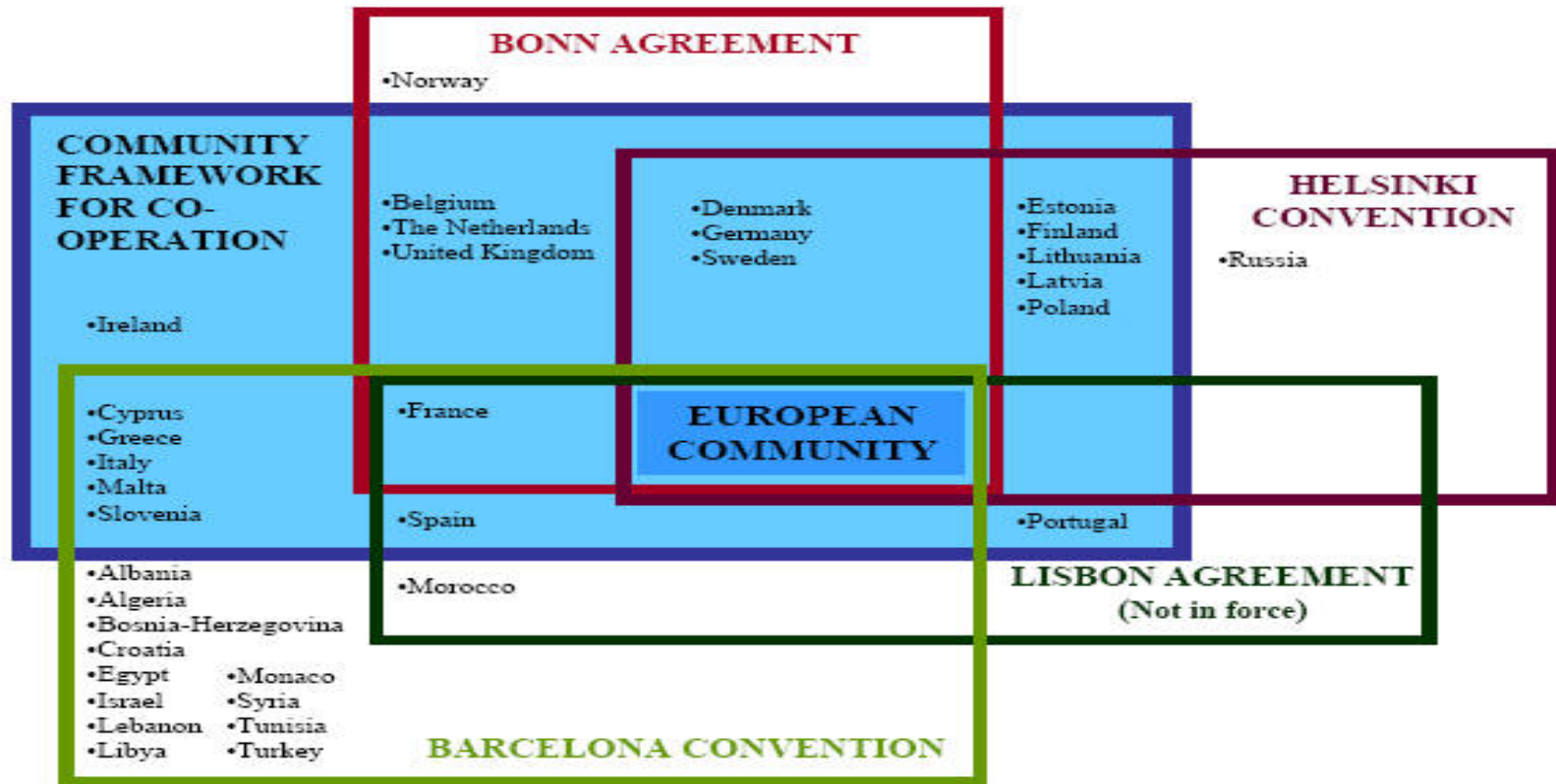
Water quality (marine)

- Regions and sub-regions: Baltic, North East Atlantic, Black Sea, Mediterranean ...
- Assessing the ecological status of waters and impact of human activities
- Determination of *good ecological status* of MS waters based on the criteria established by the Commission
- Defining objectives and indicators
- Establishment of programs of specific measures and coordinated control programs (strategic planning, programs of measures, monitoring)

Water quality (marine)



International frameworks for cooperation in combating accidental pollution



Air quality

Framework Directive on air quality assessment and management (96/62/EC) + Framework directive for ambient air quality and cleaner air for Europe (2008/50/EC)

- Establishment of and compliance with air quality standards for specific pollutants
- MS Action plans if standards exceeded
- Monitoring requirements
- Alert thresholds
- Information and reporting requirements

Air quality

Specific Directives on:

- National emission ceilings for specific pollutants
- Vehicle emissions
- Fuel quality standards
- Emissions of volatile organic compounds GHG emissions trading

Air quality

- 2013: Clean Air Package:
 - Clean Air Programme for Europe: measures to ensure that existing targets are met in the short term and new air quality objectives for the period up to 2030.
 - National Emission Ceilings Directive: national emission ceilings for the six main pollutants , and
 - A proposal for a new Directive to reduce pollution from medium-sized combustion installations
- 2014: Review of the Air Quality Strategy

Nature protection / habitats

- Directive 1979 Wild Birds : general system of protection + protection zones
- Directive Habitats 1992: general system of special protection areas
- International actions (CITES, Ramsar, Biodiversity Convention, etc.)

Nature protection / habitats

- Protecting key species and habitats
- Preserving and restoring biodiversity in EU unprotected rural areas
- Preserving and restoring biodiversity in the EU unprotected marine environment
- Enhancing compatibility of regional and territorial development with biodiversity
- Reducing the impact of invasive alien species

Waste prevention and management

- Waste Framework Directive (2006/12/EC):
 - Definition of waste, waste recovery and disposal
 - General principles of waste management: autosufficiency & proximity + hierarchy
 - Producer responsibility/polluter pays
 - Permit system for recovery and disposal operations
 - Monitoring of waste transport
 - National waste management plans
- Review of the waste package

Waste prevention and management

- Specific Directives for specific types of waste: Hazardous waste, Batteries and accumulators, Packaging and packaging waste, Waste oils, End of life vehicles , Waste electrical and electronic equipment , Mining waste
- Specific Directives establishing environmental standards for specific forms of waste disposal: Waste incineration, Landfills, Regulation on transfrontier shipments of waste

Management of chemicals

- Regulation on Registration, Evaluation and Authorisation of Chemicals (REACH):
 - Registration requirement for all substances produced and imported in EU
 - Industry to gather and submit information on health and environmental hazards
 - Evaluation of risks through systematic procedure
 - Most hazardous chemicals only to be used subject to authorization

Integrated environmental permit

- Directive on Integrated Pollution Prevention and Control (IPPC) (96/61/EC):
 - Harmonized list of activities subject to IPPC permit
 - Emission limit values based on best available techniques (BAT)
 - Public information and participation
 - Monitoring and enforcement requirements

Environmental impact assessment

- Directive on EIA « projects » (85/337, 97/11, 2003/35 & 2009/31) and « Plans & programmes » (2001/42):
 - All public/private projects likely to have significant effect on environment subject to EIA
 - MS may not issue permit before EIA performed
 - Harmonized list of projects subject to EIA throughout EU
 - Other projects to be determined by MS
 - EIA must be made public before permit is issued

Public participation in decision-making

- Directive on public participation in environmental decision-making (2003/35/EC) - Aarhus Convention
 - Public participation required in:
 - procedures for establishment of plans and programmes relating to the environment
 - EIA procedures
 - IPPC permit procedures
 - Public shall be given early and effective participation and be entitled to express comments and opinions
 - Public must be informed of decision taken and the reasons on which it is based