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COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

on implementing European Community Environmental Law

SUMMARY OF THE IMPACT ASSESSMENT

{COM(2008) 773 final}
{SEC(2008) 2851}

COMMISSION STAFF WORKING DOCUMENT

Executive Summary of the Impact Assessment

Follow-up on the Communication from the Commission to the Council and the European Parliament on Implementing European Community Environmental Law

Executive Summary

One of the core activities of the European Commission is to promote compliance with Community law. The Commission as guardian of the Treaty has the key role in ensuring that all Member States apply the rules. The objective of the Communication on Implementing European Community Environmental Law is to provide an updated insight into those workings: in particular, outlining some of the substantial changes that have occurred since the Commission last adopted such a Communication in 1996¹ and setting out what action is proposed in the environmental sector to supplement the recently adopted Commission Communication: A Europe of Results — Applying Community Law² (hereafter referred to as “the Horizontal Communication”).

The Communication on Implementing European Community Environmental Law describes the work currently being undertaken by the Commission on the enforcement and application of environmental law, together with some options for improving on current practice. The adoption of the Horizontal Communication has given additional impetus to these improvements. As well as providing an insight into current practices, the Communication on Implementing European Community Environmental Law looks at ways in which it can supplement the Horizontal Communication.

This impact assessment focuses on areas where new initiatives are proposed, trying to quantify their likely impact and looking at alternatives to the actions proposed.

The options assessed are the no-action option, under which complaints lodged with the Commission and petitions from the European Parliament for which the Commission provides an input would all continue to be handled in Brussels and without any particular priority being given to defined case groups. The advantages and disadvantages are assessed.

The option of placing increased emphasis on the prevention of breaches is then analysed, looking at what is already being done in this area and at some additional measures that could be taken to supplement this area of work.

The impact assessment then goes on to look at the option of the Commission providing a local physical presence in the Commission representation offices of four Member States as a pilot scheme in order to bring the Commission closer to the people and the national authorities and to provide for improved feedback to the Commission in Brussels regarding the situation on the ground.

¹ Implementing EC environmental law, October 1996.

² COM(2007) 225.

The option of the Commission becoming more focused in its handling of important cases is then also looked at, adopting the priorities outlined in the Horizontal Communication, but supplementing these with priority areas in the environmental sector, such as breaches of core responsibilities involving EU funding or cases that have a trans-frontier dimension, and systemic breaches which are geographically widespread or repeated despite previous warnings.

Finally, the impact assessment looks at the positive and negative effects of the Commission focusing more on its own powers of investigation and taking environmental cases before the European Court of Justice.

The impact assessment concludes that the best option is a combination of approaches which increases the focus on preventative action, launches the pilot project for a local physical staff presence in the Commission representation offices of four selected Member States, and focuses more on its handling of important cases.