

Environment themes



European Commission

General

Water

Land

Air

Industry

Waste

Nature

Urban

Funding

**Law**

Economics

Assessment

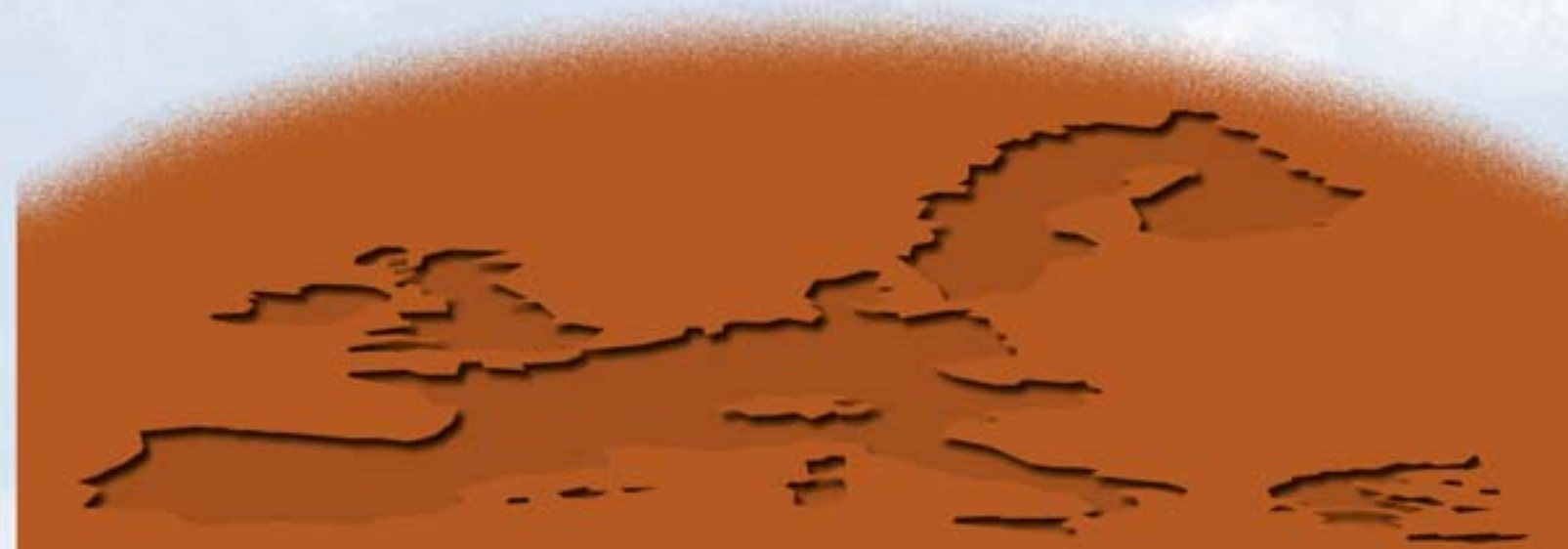
Nuclear issues

Risks

Education

# Third Annual Survey on the implementation and enforcement of Community environmental law

*January 2000 to December 2001*



OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

ISBN 92-894-3899-1



9 789289 438995

See our publications catalogue at:  
<http://europa.eu.int/comm/environment/pubs/home.htm>

A great deal of additional information on the European Union is available on the Internet.  
It can be accessed through the Europa server (<http://europa.eu.int>).

Luxembourg: Office for Official Publications of the European Communities, 2002

ISBN 92-894-3899-1

© European Communities, 2002  
Reproduction is authorised provided the source is acknowledged.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.10.2002  
SEC(2002) 1041

**COMMISSION STAFF WORKING PAPER**

**Third Annual Survey**

**on the implementation**

**and enforcement of**

**Community environmental law**

*January 2000 to December 2001*

## FOREWORD

Each year the Commission receives an increasing number of complaints alleging that Member States have implemented or applied Community environmental law incorrectly. This trend clearly reflects the growing concern of European citizens about the state of the environment and the way in which Member States are complying with Community environmental law. It also highlights that these issues cannot always be solved by the existing structures and mechanisms in the Member States.

Since I first became Environment Commissioner, I have consistently stressed the importance of full compliance by the Member States with Community environmental law. The Sixth Environment Action Programme<sup>1</sup> clearly states that the full application, enforcement and implementation of all existing Community environmental legislation is a strategic priority for the European Union. Effective and efficient environmental legislation is essential in order to achieve a high level of environmental protection. Equally essential is the need to systematically monitor compliance with the legislation, as well as to inform the public about the compliance record of each Member State.

This is why I welcome in particular this third Annual Survey, which covers the period 2000/2001. It follows on from the first Annual Survey (1996/1997)<sup>2</sup> and the second Annual Survey (1998/1999)<sup>3</sup>, by providing up-to-date information on the state of application of Community environmental law. This is in response to the Commission Communication on implementing Community environmental law<sup>4</sup> and the Resolutions of the Council<sup>5</sup> and European Parliament.

I hope that the publication of this survey will provide Member States with an invaluable source of information and that it will make them even more committed than they already are to seeing the full, timely and correct implementation of Community environmental law.

Margot Wallström

Member of the Commission

---

<sup>1</sup> COM(2001)31 final, 24.1.2001.

<sup>2</sup> SEC(1999) 592, 27.4.1999.

<sup>3</sup> SEC(2000) 1219, 13.7.2000.

<sup>4</sup> COM(96) 500 final, 22.10.1996.

<sup>5</sup> OJ C 321, 22.10.1997, p. 1.

## CONTENTS

FOREWORD .....	2
INTRODUCTION.....	5
CHAPTER I: IMPLEMENTATION OF COMMUNITY ENVIRONMENTAL LAW IN 2001 .....	6
1. Freedom of access to information.....	8
2. Environmental impact assessment .....	9
3. Air .....	13
4. Water.....	15
5. Nature.....	20
6. Noise .....	27
7. Chemicals and biotechnology .....	27
8. Waste.....	30
9. Environment and industry.....	36
10. Radiation protection.....	37
11. Trends and orientations.....	40
CHAPTER II: IMPEL (EUROPEAN UNION NETWORK FOR THE IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAW)...	42
1. Background .....	42
2. IMPEL's Activities .....	42
3. Legal base.....	43
4. Participation of other countries .....	43
4.1. Central and eastern European countries, Cyprus and Malta/ Cooperation with AC- IMPEL .....	43
4.2. Other European countries (EEA) .....	44
5. IMPEL reports adopted in 2000 and 2001 .....	45
6. Work projects and budget during 2000 and 2001 .....	46
7. Conclusions and outlook for the future.....	46
8. INECE.....	46

CHAPTER III: DETAILS OF MEMBER STATES' TRANSPOSING MEASURES COMMUNICATED FOR COMMUNITY DIRECTIVES TO BE TRANSPOSED DURING THE PERIOD COVERED BY THE SURVEY ( <i>NOTIFICATIONS RECEIVED BY 31 DECEMBER 2001</i> ) .....	48
ANNEX I: EXTRACT FROM THE « EIGHTEENTH ANNUAL REPORT ON MONITORING THE APPLICATION OF COMMUNITY LAW 2000 » ( <i>ENVIRONMENT CHAPTER</i> ).....	88
1. Freedom of access to information .....	90
2. Environmental impact assessment .....	91
3. Air .....	94
4. Water .....	95
5. Nature.....	100
6. Noise .....	104
7. Chemicals and biotechnology .....	104
8. Waste.....	106
9. Environment and industry .....	110
10. Radiation protection.....	111
ANNEX II: SCOREBOARD PER MEMBER STATE AND SECTOR SHOWING THE NUMBER OF NON-COMMUNICATION, NON-CONFORMITY AND HORIZONTAL BAD APPLICATION CASES .....	116

## **INTRODUCTION**

The Third Annual Survey is divided into three main parts: the first Chapter highlights details of infringement actions that have been initiated by the Commission in each sector of Community environmental law in 2001. The developments during the year 2000 are to be found in Annex I which consists of an extract of the Chapter on environment in the Eighteenth Annual Report on Monitoring the Application of Community Law (2000). The second Chapter of this Annual Survey includes an update of the work that is currently being carried out by the European Union Network for the implementation and enforcement of Community environmental law (IMPEL). The third Chapter lists those environmental Directives that Member States should have transposed during 2000 and 2001, providing details of the adopted national transposition measures. Annex II presents a scoreboard that details - per Member State and per sector – ongoing infringement actions as a result of non-communication, non-conformity as well as actions with regard to horizontal bad application cases.

## CHAPTER I: IMPLEMENTATION OF COMMUNITY ENVIRONMENTAL LAW IN 2001

The environment sector represented over a third of the complaints and infringement cases concerning instances of non compliance with Community law investigated by the Commission in 2001. The Commission brought 71 cases against Member States before the Court of Justice and delivered 197 reasoned opinions on the basis of either Article 226 or 228 of the EC Treaty. This marks an increase of approximately 40% compared to the corresponding figures of the previous year. In this respect, it is important to note that the Commission aims at the settlement of suspected infringements as soon as they are identified without it being necessary to initiate formal infringement proceedings.

The Article 228 procedure has continued to serve as a last resort to force Member States to comply with the judgments given by the European Court of Justice. In 2001, the Commission brought three cases in the Court under Article 228 and sent 15 letters of formal notice and 7 reasoned opinions for failure to notify, non-conformity or incorrect application under Article 228. Two out of three cases brought in the Court during 2001 under Article 228 were withdrawn as the Member State at issue took the necessary measures to comply with the judgment. Further details are given below in the discussion of the various sectors.

The Commission is continuing the practice of using Article 10 of the Treaty, which requires Member States to cooperate in good faith with the Community institutions, in case of a consistent lack of reply to Commission letters of request for information. This lack of cooperation prevents the Commission from acting effectively as guardian of the Treaty.

No major developments have occurred since last year's report in the *notification by Member States of measures implementing environmental legislation*. Several directives fell due for transposition in 2001 :

- Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to Directive 98/70/EC of the European Parliament and of the Council to technical progress as foreseen in Article 10 of that Directive<sup>6</sup> (Transposition date: 01.01.2001) ;
- Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars<sup>7</sup> (Transposition date: 18.01.2001) ;
- Commission Directive 2000/21/EC of 25 April 2000 concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of Council Directive 67/548/EEC<sup>8</sup> (Transposition date: 01.04.2001) ;

---

<sup>6</sup> OJ L 287, 14.11.2000, p. 46-50.

<sup>7</sup> OJ L 12, 18.01.2000, p. 16-23.

<sup>8</sup> OJ L 103, 28.04.2000, p. 70-71.



- Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations<sup>9</sup> (Transposition date: 01.04.2001) ;
- Commission Directive 2000/32/EC of 19 May 2000 adapting to technical progress for the 26<sup>th</sup> time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances<sup>10</sup> (Transposition date: 1.6.2001) ;
- Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors<sup>11</sup> (Transposition date: 3.7.2001) ;
- Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste<sup>12</sup> (Transposition date: 16.7.2001)
- Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air<sup>13</sup> (Transposition date: 19.7.2001) ;
- Commission Directive 2000/33/EC of 25 April 2000 adapting to technical progress for the 27<sup>th</sup> time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances<sup>14</sup> (Transposition date: 01.10.2001) ;

As before, the Commission needed to initiate proceedings in several cases of failure to notify it of transposing measures. Details of these cases are given in the sections on individual sectors and directives.

Proceedings are in hand in all areas of environmental legislation and against all the Member States in connection with the *conformity of national implementing measures*. Monitoring the action taken to ensure conformity of Member States' legislation with the requirements of the environmental directives is a priority task for the Commission. In connection with transposition of Community provisions into matching national provisions, there has been some improvement as regards the provision, along with the statutory instruments transposing the directives, of detailed explanations and concordance tables. This is done by Germany, Finland, Sweden, the Netherlands, France and sometimes Denmark and Ireland.

The Commission is also responsible for checking that *Community environmental law* (directives and regulations) *is properly applied* in practice, and this is a major part of its work. This means checking Member States' practical steps to fulfil certain general obligations (designation of zones, production of programmes, management plans etc.) and examining specific cases in which a particular administrative practice or decision is alleged to be

---

<sup>9</sup> OJ L 85, 29.03.1999, p. 1-22.

<sup>10</sup> OJ L 136, 08.06.2000, p. 1-89.

<sup>11</sup> OJ L 162, 03.07.2000, p. 1-78.

<sup>12</sup> OJ L 182, 16.07.1999, p. 1-19.

<sup>13</sup> OJ L 163, 29.06.1999, p. 41-60.

<sup>14</sup> OJ L 136, 08.06.2000, p. 90-107.

contrary to Community law. Complaints and petitions sent to the European Parliament by individuals and non-governmental organisations, and written and oral parliamentary questions and petitions, generally relate to instances of bad application.

The number of complaints continued to rise in 2001, following the trend already apparent as from 1996<sup>15</sup>. Spain, France, Italy and Germany were the countries most often concerned. While complaints often raise more than one problem, a broad classification of complaints open in 2001 shows that one in every three is concerned with nature conservation and one in every four with environmental impact, whereas waste-related problems were raised in one in six cases and water pollution one in ten; the remaining sectors account for between 1-6%.

As stated in the previous report, the Commission must, when considering individual cases, assess factual and legal situations that are very tangible and are of direct concern to the public. It thus encounters certain practical difficulties. Without abandoning the investigation of incorrect application cases (especially those which highlight questions of principle or general interest or administrative practices that contravene the directives) the Commission therefore concentrates on problems of communication and conformity.

The Commission continued work in 2001 as a follow up to the Communication adopted in October 1996 (“Implementing Community Environmental Law”), in particular with regard to environmental inspections. In this respect, the adoption of the Recommendation of the European Parliament and the Council on Minimum Criteria for Environmental Inspections (2001/331/EC) is particularly worth noting. The Recommendation draws heavily on the work which had been done in previous projects under IMPEL (“Implementation and Enforcement of EU Environmental Law” network). It includes several tasks which IMPEL is specifically invited to undertake and it will be one of the principal features of IMPEL’s work programme over the next few years. These include establishing a scheme under which Member States report and offer advice on inspectorates and inspection procedures in Member States ; drawing up minimum criteria concerning the qualifications of environmental inspectors and developing training programmes ; and preventing illegal cross-border environmental practices through the coordination of inspections with regard to installations which might have significant transboundary impact.

## **1. Freedom of access to information**

Directive 90/313/EEC on the freedom of access to information on the environment is a particularly important piece of general legislation: keeping the public informed ensures that all environmental problems are taken into account, encourages effective participation in collective decision-making and strengthens democratic control. The Commission believes that, through this instrument, ordinary citizens can make a valuable contribution to protecting the environment.

Although all Member States have notified national measures transposing the Directive, there are several cases of non-conformity where national law still has to be brought into line with the requirements of the Directive.

---

<sup>15</sup> 1996 : 161, 1997 : 242, 1998 : 432, 1999 : 453, 2000 : 543, 2001 : 587.

The Commission continued court proceedings against France (Case C-233/00), since the French measures did not ensure formal, explicit and correct transposition of several aspects of the Directive, including the obligation to provide a formal explanation of refusal of access to the information.

The Commission brought court proceedings against Austria (Case C-86/01) for not having completely transposed provisions concerning free access to information and the exceptions from it as well as concerning the definitions of public authorities and bodies. Of the six Länder originally concerned, five have amended their laws during the procedure and the correct transposition of only one Land (Styria) is missing.

Two cases of non-conformity, both concerning Germany, could be closed during the year 2001. Infringement proceedings on the basis of Article 228 of the Treaty against Germany for not having implemented the judgment in case C-217/97 was closed after Germany had notified the amended legislation to oblige the authorities to provide information also during administrative proceedings, to supply information in part where it can be only partly provided and to provide for a charge only if information is actually provided. A court action (Case C-29/00) was withdrawn after Germany has notified the amended legislation respecting the deadline to provide a response to the request for information within two months.

Among the most common subjects of complaint brought to the attention of the Commission are refusal by national authorities to provide the information requested, slowness of response, excessively broad interpretation by national government departments of the exceptions to the principle of disclosure, and unreasonably high charges. Directive 90/313/EEC is unusual in containing a requirement for Member States to put in place national remedies for improper rejection or ignoring of requests for access to information or unsatisfactory response by the authorities to such requests. When the Commission receives complaints about such cases, it advises the aggrieved parties to use the national channels of appeal established to allow the Directive's aims to be achieved in practice.

## **2. Environmental impact assessment**

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC, is one of the prime legal instruments for general environmental matters. The Directive requires environmental issues to be taken into account before granting development consent in a broad range of projects.

Directive 2001/42/EC of the European Parliament and of the Council has been adopted 27 June 2001<sup>16</sup>. Member States shall bring into force their internal rules necessary to comply with this Directive before 21 July 2004. When Directive 85/337/EEC is relating to projects, this new "strategic environmental assessment" Directive of a procedural nature aims for ensuring that an environmental assessment is carried out for certain plans and programmes which are likely to have significant effects on the environment.

The deadline for transposition of Directive 97/11/EC amending Directive 85/337/EEC was 14 March 1999. By the end of 2001, four Member States (Belgium, France, Greece and Luxembourg) still had not notified the Commission of transposing measures and therefore the

---

<sup>16</sup> OJ L 197, 21.7.2001, p. 30.

Commission continued the court actions against these Member States. In its judgment of 25 October, the Court condemned Luxembourg for non-communication of transposition measures for Directive 97/11/EC. Court actions for non-communication against Germany and Spain could be dropped during 2001.

On 22 October 1998, the Court had found against Germany (Case C-301/95), holding that it had failed to discharge its obligations on several counts, e.g. by failing to discharge its obligations by excluding entire classes of projects listed in Annex II from the requirement for environmental impact assessments. Since Germany had not taken sufficient measures to comply with this judgment, the Commission initiated court proceedings under Article 228 of the Treaty (Case C-41/01). The court action was withdrawn after Germany had adopted and notified the required laws to the Commission.

On 21 January 1999 the Court had ruled in Case C-150/97 that Portugal's failure to adopt the provisions of law, regulation or administrative action needed to ensure full compliance with Directive 85/337/EEC constituted a failure to meet its obligations under Article 12(1) of the Directive. Following the opinion of Advocate General Mr. Mischo, the Court found not only that Portugal had failed to comply with the deadline for transposition but also that the Portuguese legislation<sup>17</sup> which belatedly transposed the Directive did not apply to projects for which the authorisation procedure was in progress when it entered into force, on 7 June 1990. The Commission closed the proceedings against Portugal under Article 228 of the Treaty after that Member State had changed the national legislation to implement the judgment.

In case C-392/96 the Court had found that, by not adopting all the necessary measures for proper transposition of Article 4(2) as regards projects falling within points 1(d) and 2(a) of Annex II to Directive 85/337/EEC, and only partly transposing Article 2(3), (5) and (7), Ireland had failed to fulfil its obligations under Article 12 of the Directive. The case related particularly to Ireland's setting of thresholds for certain types of projects, i.e. initial reforestation where there was a potential negative ecological impact, land reclamation and peat extraction. The thresholds were so high that in practice a large number of projects with a considerable environmental impact were taken out of the assessment procedure provided for by the Directive. Ireland did not contest that it had failed to transpose Article 2(3), (5) and (7). Since Ireland however did not take all the necessary measures to comply with the judgment, the Commission submitted a reasoned opinion to Ireland under Article 228 of the Treaty. The reply by Ireland and the related amended legislation is under examination by the Commission.

In a judgment given in 14 June 2001 (Case C-230/00), the Court condemned Belgium for the possibility to grant tacit approvals for many types of plans and projects falling under the Directive and certain other directives. The Court held that tacit authorisation cannot be compatible with the Directive 85/337 which requires assessment procedures preceding the grant of authorisation, whereby the national authorities are required to examine individually every request for authorisation.

After Italy had adopted and notified the necessary legislative amendments, the Commission was able to close infringement proceedings (reasoned opinion sent in 2000) against Italy for excluding in five regions from the impact assessment procedures the projects for which a request for development consent had been introduced before the entry into force of their

---

<sup>17</sup> Decree-Law 278/97, 8.10.1997.

recent regional impact assessment acts although the Directive is applicable in Member States since 3 July 1988, which was the deadline for Member States to transpose it in their internal legal systems. The conformity of the Italian national and regional law with the Directive is under examination.

The Commission brought a court case against Greece for incorrect transposition of Article 6 paragraph 2 and Article 12 of Directive 85/337/EEC (Case C-301/01). The Commission also continued court proceedings initiated in 1999 against Spain (Case C-474/99) over the failure to provide for impact assessments for most Annex II projects.

The Commission was able to withdraw the court case initiated against Germany in 1999 (Case C-24/99) for not requiring, as far as the territory of certain Länder was concerned, the environmental impacts assessment in certain cases, after the adoption and communication by Germany of the necessary amendments in legislation.

A reasoned opinion was sent to Belgium for not taking the measures necessary to completely and correctly transpose Article 8 of the Directive as far as the Flamish Region is concerned. As Belgium has not replied to the reasoned opinion, the Commission decided to bring the case before the European Court of Justice.

The Commission also sent a reasoned opinion to the United Kingdom for the failure to fully transpose the Directive in relation to certain agricultural operations listed in its Annex II. A reasoned opinion was also sent to the Netherlands for the incorrect transposition of several articles of the Directive involving also Annex III and IV. The replies submitted by the United Kingdom and the Netherlands are under assessment by the Commission.

As already mentioned in previous Reports on Monitoring of the Application of Community Law, many complaints received by the Commission as well as Oral and Written Questions tabled by the European Parliament and a large number of Petitions presented to Parliament relate, at least incidentally, to alleged instances of incorrect application by national authorities of Directive 85/337/EEC, in particular in cases concerning projects of the types listed in Annex II thereof. These complaints often require the examination of whether Member States have exceeded their margin of discretion as to decide whether such projects should be subject to an environmental impact assessment or not. As regards complaints about the quality of impact assessments and the lack of weight given to them, it is extremely difficult for the Commission to assess these cases. The basically formal nature of the Directive gives a limited basis for contesting the merits of such assessments and the choice taken by the national authorities if they have complied with the procedure laid down by the Directive. Most of the cases brought to Commission's attention concerning incorrect application of this Directive revolve around points of fact where the most effective evaluation should rather be ensured at a decentralised level, particularly through the competent national administrative and judiciary instances.

Proceedings are being taken in certain cases of incorrect application.

The Commission decided to take Luxemburg to the Court for not following the impact assessment procedure required by the Directive in the authorisation of a motorway project in Luxemburg. The Commission brought a court action against Spain for not carrying out the impact assessment in the context of the modification project of the railway Valencia-

Tarragona. The case against Spain concerning the infringement of the Directive in the context of the expressway project Oviedo-Llanera (Asturias) is under examination.

Having sent a reasoned opinion to Italy, and in the absence of a reply, the Commission decided to bring a court action against that Member State for the failure to assess whether a road project in Teramo (Abruzzo) under Annex II of the Directive should be subjected to the environmental impact assessment procedure required by the Directive.

The Commission decided to bring a court action against Portugal for the lack of environmental impact assessment concerning construction of a residential area within the nature protection site in Sintra/Cascais.

In addition, the Commission sent a reasoned opinion :

- to France for excluding certain small scale projects from the requirement to carry out environmental impact assessment, although they might have significant environmental effects.
- to Portugal for not following the environmental assessment procedures laid down in Article 5 and Article 6 paragraph 2 of the Directive in the context of an expressway project Lisbon-Algarve<sup>18</sup>.
- to the United Kingdom for the failure to correctly apply Article 4 of the Directive in relation to a large leisure complex at Crystal Palace, a project falling under Annex II to the Directive. A reply from the United Kingdom is being assessed.
- to Spain for the failure to follow the environmental assessment procedure in a manner required by the Directive in relation to a construction of a depot for toxic waste near the airport of Sondika (Bilbao). A reply by Spain is being assessed.
- to the Netherlands for the incorrect application of the criteria in Annex III to the Directive in relation to certain dyke projects.
- to Ireland for the failure to correctly follow the environmental impact assessment procedures for a range of projects, including urban developments and roads. A reasoned opinion, issued for the failure to carry out environmental impact assessments for several linked development projects at Ballymun, County Dublin, is treated under this procedure. A reply by Ireland in this case is under assessment.
- two reasoned opinions to Ireland for the failure to follow environmental assessment procedure in the context of certain peat extraction projects.

The Commission decided to send a supplementary reasoned opinion to Italy for authorising a project of urban waste landfill in Spoltore (Pescara) not following the impact assessment procedure required by the Directive.

Concerning the reasoned opinion sent to Portugal for insufficient public consultation concerning certain expressway projects, the Commission is examining the reply by Portugal.

---

<sup>18</sup> See also under Chapter « Nature » below.

Having sent a reasoned opinion sent to Spain concerning the environmental impact assessment of the planned construction of an airport in Ciudad Real, the Commission asked more information from the Spanish authorities and is waiting for the reply.

Having sent a prior reasoned opinion for the infringement of the Directive in the authorisation of the expressway project « Acceso Norte al Puerto de Algeciras », the Commission found after a detailed technical examination that the project in question does not fall under Annex I and closed the case.

### **3. Air**

Council Directive 96/62/EC on ambient air quality assessment and management forms the basis for a series of Community instruments to set new limit values for atmospheric pollutants, starting with those already covered by existing directives, lay down information and alert thresholds, harmonise air quality assessment methods and improve air quality management in order to protect human health and ecosystems.

Article 3 of the Directive was due to be transposed by 21 May 1998. By the end of 2001, all Member States except Spain had complied with their obligation to notify transposing measures of Article 3 of the Directive. In a case brought by the Commission the Court condemned Spain for failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to designate the competent authorities and bodies referred to in the first paragraph of Article 3 of the Directive (judgment of 13 September 2001 in Case C-417/99).

All the other Articles of the Directive had to be transposed by 19 July 2001. By the end of 2001 Belgium (Flanders), United Kingdom, Ireland, Greece, Spain and Germany still had not communicated the national transposal measures for those Articles.

Directive 97/68/EC of the European Parliament and of the Council on the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery was due to be transposed by 30 June 1998. By the end of 2001, all Member States have finally transposed this directive. France adopted and communicated to the Commission the necessary measures to transpose the directive after the court had condemned France for the non-communication of the transposal measures for the Directive (judgment of 23 November 2000 in Case C-320/99).

Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC<sup>19</sup> was due for transposition by 1 July 1999. The Commission brought court action against the United Kingdom for non-communication of the transposal measures as far as Gibraltar is concerned (Case C-30/01) as part of its larger action against the UK because of the position adopted that there was no need to transpose Community legislation concerning free movement of goods for Gibraltar (see below). By the end of 2001, all other Member States had adopted and communicated the transposal measures for the Directive.

---

<sup>19</sup> OJ L 350, 28.12.1998, p. 58.

Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC<sup>20</sup> was due for transposition by 1 July 2000. By the end of 2001 Germany, Italy and the United Kingdom (for a part of its territory) still had not complied with their obligation to adopt and send the transposition measures. Consequently, the Commission continued infringement procedures for non-communication of the transposal measures against these Member States.

Several Directives in the air sector required transposition during 2001.

Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sup>2</sup> emissions in respect of the marketing of new passenger cars<sup>21</sup> was due for transposition 18 January 2001. By the end of 2001, seven Member States (Germany, Spain, France, Italy, Portugal, the United Kingdom and Greece) still had not adopted and communicated the necessary measures to the Commission. The Commission decided to bring court actions for non-communication against these Member States.

Decision 2000/1753/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO<sub>2</sub> from new passenger cars sets two deadlines for the Member States: one for information gathering, communicating and monitoring and for reporting on implementation (28 February 2001) and one for the communication of the necessary data with regard to CO<sub>2</sub> emissions from passenger cars (1 July 2001). The Commission started infringement proceedings against eleven Member States for the non-communication of the required information to the Commission within the deadlines.

Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations<sup>22</sup> was due for transposition 1 April 2001. By the end of 2001, only five Member States (Germany, Luxembourg, Portugal, Sweden and the Netherlands) had fully adopted and communicated their transposal measures for the Directive. The Commission continued infringement procedures for non-communication against all the other Member States.

Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air<sup>23</sup> was due for transposition 19 July 2001. By the end of 2001, only six Member States (Austria, Denmark, the Netherlands, Finland, Luxembourg and Sweden) had adopted and communicated the complete transposal measures to the Commission. Infringement proceedings were continued against all other Member States.

Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to Directive 98/70/EC of the European Parliament and of the Council to technical progress fell due 1 January 2001. By the end of 2001, three Member States (Austria, Greece and Italy) still had not adopted and communicated the

---

<sup>20</sup> OJ L 121, 11.5.1999 p.13.

<sup>21</sup> OJ L 12, 18.1.2000, p.16.

<sup>22</sup> OJ L 85, 29.3.1999, p. 1.

<sup>23</sup> OJ L 163, 29.6.1999, p. 41.



necessary transposal measures to the Commission. The Commission decided to bring court actions for non-communication against these three Member States.

The following action was taken due to non-conformity problems in the air sector :

- The Commission sent a reasoned opinion to Italy for legislation that allows the use of HCFC's in certain fire fighting installations in breach of Council Regulation 2037/2000/EC on substances depleting ozone layer.
- The Commission decided to send a reasoned opinion to Austria for certain Austrian provisions not compatible with Article 5 and Annex I to Council Directive 92/72/EC on air pollution by ozone.
- The Commission sent a reasoned opinion to Austria over the lacking transposition of Council Directive 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants and of Council Directive 89/429/EEC on the reduction of air pollution from existing municipal waste incineration plants. As the Commission was not satisfied with the reply sent by Austria, it decided to bring a court case against that Member State.
- The Commission decided to send a reasoned opinion to Sweden for defining 'a new plant' differently from Council Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants.

In addition, some action was taken for the bad application of Directive 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants. The Commission continued the court case (C-139/00) against Spain for authorising incinerators in breach of the Directive and brought a court action against France for the breach of the same Directive.

#### **4. Water**

Monitoring implementation of Community legislation on water quality remains an important part of the Commission's work. This is due to the quantitative and qualitative importance of the responsibilities imposed on the Member States by Community law and by growing public concern about water quality.

There are several cases under way concerning infringements of Directive 75/440/EEC on the quality required of surface water intended for the abstraction of drinking water. Some of the proceedings concern the preparation of systematic action plans (Article 4(2)) as an essential part of the effort to safeguard water quality (nitrates, pesticides, etc.) Others are concerned with the criteria for exemptions under Article 4(3).

In its judgment of 8 March 2001 (Case C-266/99), the Court of Justice declared that, by failing to take the necessary measures to ensure that the quality of surface water intended for the abstraction of drinking water conforms to the values laid down pursuant to Article 3 of Directive 75/440/EEC, France has failed to fulfil its obligations under Article 4 of that directive. As France did not comply with the judgment, the Commission decided to send a letter of formal notice on the basis of Article 228 of the EC Treaty to France.

On the other hand, the Commission was able to withdraw the court action (Case C-375/00) initiated before against Italy over its lack of a systematic action programme for Lombardy, after Italy had communicated to the Commission the necessary action plan.

With regard to Directive 76/160/EEC concerning the quality of bathing water, monitoring of bathing areas is becoming increasingly common and water quality is improving. Despite this progress, however, proceedings are still under way against most Member States since implementation still falls far short of the Directive's requirements.

The Commission decided to withdraw the court action (Case C-85/01) under Article 228 against the United Kingdom for non-compliance with the Court judgment of 14 July 1993 (Case C-56/90) concerning certain bathing waters on the Fylde Coast in North West England, as all bathing waters concerned were finally compliant with the relevant mandatory standards.

The Commission brought Spain in front of the Court (Case C-278/01) on the basis of Article 228 for non-compliance with the Court ruling of 12 February 1998 (Case C-92/96) in which the Court declared that Spain had failed to act to bring the quality of inland bathing waters into line with the binding values set by the Directive.

On 8 June 1999, the Court had ruled in Case C-198/97 that Germany had failed to fulfil its obligations with respect to water quality and sampling frequency. The Commission continues to examine the development of the situation in German bathing waters in the light of the Commission's annual report on the quality of bathing water. By the end of 2001, the infringement proceedings opened in 2000 against Germany on the basis of Article 228 for the non-compliance of the above judgment remained open.

In a judgment of 25 May 2000 (Case C-307/98), the Court found against Belgium for excluding, without proper justification, from the scope of the Directive numerous inland bathing areas and not adopting, within 10 years of notification of the Directive the measures needed to comply with the limit values fixed by the Directive. The Commission is examining the reply to letter of formal notice sent to Belgium under Article 228 of the Treaty for non-compliance with the above judgment.

The Commission regularly publishes an annual report of the quality of bathings water to control the compliance with the parameters of water quality and sampling frequency of Directive 76/160/EEC. In 2001, the horizontal infringement proceedings based on the results in these reports developed as follows.

The Court condemned three Member States for insufficient water quality and/or sampling frequency : France (Case C-147/00, Judgment of 15 March 2001), the United Kingdom (Case C-427/00, Judgment of 13 November 2001) and Sweden (Case C-368/00, Judgment of 14 June 2001). The Commission continued court action against the Netherlands (Case C-268/00) and brought a similar action against Portugal (Case C-272/01) and Denmark (Case C-226/01). Infringement procedures for the same reasons against Finland and Italy were closed in view of the results shown by the Commission's report on the quality of bathing water for the bathing season 2000.

In addition, the Commission decided to bring a court action against France for not transmitting to the Commission the required information for the quality of its bathing waters during the bathing season 1999.

Proceedings have been started against most Member States over their implementation of Directive 76/464/EEC on dangerous substances discharged into the aquatic environment and of the directives setting levels for individual substances.

By the end of 2001, the Court had given judgments against Luxembourg (Case C-206/96), Spain (Case C-214/96), Italy (Case C-285/96), Belgium (Case C-207/97), Greece (Case C-384/97), Germany (Case C-184/97), Portugal (Case C-261/98) and the Netherlands (Case C-152/98) for the failure to establish programmes incorporating quality objectives to reduce pollution by these substances. The countries concerned have not yet notified sufficient measures to ensure compliance with Article 7 of the Directive. The Commission continued infringement proceedings for non-compliance of the above judgments based on Article 228 against Luxembourg, Spain and Italy, as well as opened such proceedings against Belgium, Greece and Portugal. Measures notified by Germany and Belgium in the end of 2001 are under examination by the Commission.

The Commission brought a similar court action also against France (C-130/01). Having examined the additional measures sent by Ireland, the Commission concluded that the prior decision to take Ireland in front of the Court was justified and ordered the decision to be implemented without delay.

The Commission was able to close proceedings under Article 228 against Greece for non-compliance of the judgment of 11 June 1998 (Joined Cases C-232/95 and C-233/95), since Greece put in place programmes to reduce pollution by the substances on List II of Directive 76/464/EEC for Lake Vegoritis and the Gulf of Pagasitiko.

The Commission intends to facilitate the adoption by the Member States of programmes under Article 7 of Directive 76/464/EEC by drafting a guidance document on this issue. By this document the Commission aims to support Member States in the implementation of both the existing Directive and (Article 7 of Directive 76/464/EEC) and the new Water Framework Directive 2000/60/EC. The document will identify eight elements to be included in the programmes on pollution reduction.

Having examined the measures taken at an agri-food plant in Santo Tirso - namely the construction of a water treatment plant - and the conclusions of the monitoring carried out by the Portuguese authorities, the Commission considered that the water discharges complied with the requirements of Directive 76/464/EEC and therefore closed the case.

Having already decided to bring a Court action against the United Kingdom for inadequate designation of the waters covered by Directive 79/923/EEC on shellfish waters as well as for the failure to draw up improvement programmes and adequately monitor the waters in question, the Commission was able to close the case following the communication by the UK authorities of a significant number of newly designated shellfish waters and corresponding improvement programmes as well as monitoring measures.

The Commission sent a reasoned opinion to Ireland for the absence of programmes under Article 5 of the Directive.

The Commission continued the court action (Case C-316/00) against Ireland for incorrect application of Directive 80/778/EEC following widespread detection by the Irish

Environmental Protection Agency of microbiological contaminants in drinking water, especially rural water supplies.

The Commission decided to close the case against Portugal for not fixing, as far as Azores are concerned, limit values for the parameters listed in Annex I to Directive 80/778/EEC.

The Commission issued a reasoned opinion to Spain for the bad quality of drinking water in several villages of the Alicante Province (Javea, Denia, Teulada-Moraira, Benitachell, Muchamiel, Bussot and Aigues). The Commission has sent a request for more detailed information to the Spanish authorities to make conclusions on their earlier responses to the reasoned opinion. Another reasoned opinion was sent to Spain for the pollution of waters for human consumption due to the increase of pig farms in the area of Baix Ter in the Province of Gerona (Cataluña).

The Commission also sent two reasoned opinions to France over the bad application of Directive 80/778/EEC, but was able to close the both cases on the basis of the reply given by the French authorities. The first case concerned maximum concentration of lead in drinking water in 8 municipalities in France. The second case concerned the breach of Article 7, 8 and 12 of Directive 80/778/EEC in Martinique.

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, which will replace Directive 80/778/EEC as from 2003<sup>24</sup> was due to be transposed into national law by 25 December 2000. Member States may have to take steps immediately to ensure compliance with the new limit values under the new directive. By the end of 2001, six Member States (Belgium, France, Luxemburg, Spain, Sweden and the United Kingdom) still had not adopted and communicated to the Commission the (full) transposal measures under this directive. Therefore, the Commission decided to bring court actions against these Member States.

The Community has two legislative instruments aimed specifically at curbing pollution from phosphates and nitrates and the eutrophication they cause.

The first, Directive 91/271/EEC, concerns urban waste-water treatment. Member States are required to ensure that, from 1998, 2000 or 2005, depending on population size, all cities have waste water collection and treatment systems. In addition to checking notification and conformity of the transposing measures, the Commission must therefore now follow up cases of incorrect application. Since this Directive plays a fundamental role in the campaign for clean water and against eutrophication, the Commission is particularly eager to ensure that it is implemented on time.

The Commission brought a court action (Case C-419/01) against Spain over insufficient and incorrect designation of vulnerable zones under Article 5 of the Directive.

The Commission continued a court action against Italy (Case C-396/00) over failure to treat urban waste water in the Milan area and against Austria over non-conformity of transposition of the Directive as regards the delays for the establishment of both collection and treatment of urban waste water. In its Opinion of 11 December 2001, the Advocate-General held that, by

---

<sup>24</sup> OJ L 330, 5.12.1998, p. 32.

not ensuring that by 31 December 1998 at the latest the discharges of urban waste water of the city of Milan were subjected to more stringent treatment than secondary treatment or an equivalent treatment prescribed by Article 4 of the Directive, Italy has failed to fulfil its obligations under Article 5(2) of the Directive.

The Commission decided to bring a court action against Germany mainly for the failure to demonstrate that the monitoring methods applied in Germany are equivalent to those foreseen in Annex I.D of the Directive.

The Commission also decided to bring a court action against Belgium, France and Greece for several infringements of the Directive. The case against Belgium concerns the belated implementation of the Directive in respect of the building of sewers and waste-water treatment plants. The case against France concerns a lack in the identification of sensitive areas and insufficiencies in the water treatment.

Concerning Greece, the Commission decided to bring a court action for failure to comply with Article 3(1) and 5(2) of the Directive 91/271/EEC in the region of Elefsina. In addition, the Commission continued infringement proceedings against Greece concerning two water treatment plant projects, the first one in Psittalia-Athens (a court action decided in 2001) and the second one in Thessaloniki (reasoned opinion sent in 2001).

The Commission also sent a reasoned opinion to the United Kingdom for the failure to correctly designate and to review sensitive and less sensitive areas under Directive 91/271/EEC. The reply given by the United Kingdom is under technical assessment.

The second anti-eutrophication measure is Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. The Commission has continued to devote great efforts in enforcing this Directive.

The Court condemned Spain in a judgment of 13 April 2000 (C-274/98) for not establishing action programmes referred to in Article 5 of the Directive. The Commission sent a letter of formal notice based on Article 228 for non-compliance of that judgment. After Spain had communicated all the necessary action programmes, the Commission was able to close the case.

In 8 November 2001, the Court gave its judgment in the case against Italy over action programmes and reporting requirements (Case C-127/99). The Court condemned Italy for having failed to establish action programmes within the meaning of Article 5 of the Directive, carry out the monitoring operations prescribed by Article 6 of the said Directive, and to submit to the Commission a report under Article 10 of the Directive.

In his opinion of 29 November 2001 in Case C-258/00 against France, Advocate General Geelhoed agreed with the Commission's arguments and suggested that the Court declare that France had breached Article 3 and Annex I to the Directive by failing to appropriately designate vulnerable zones.

The Commission brought Ireland in front of the Court (Case C-396/01) for the absence of the designation of any vulnerable zones and decided to refer Belgium to the Court for the non-conformity of transposition as regards the national implementing measures, the production of codes of practice and the designation of vulnerable zones.

The Commission sent a reasoned opinion both to Portugal and Sweden for insufficient designation of vulnerable zones.

Court actions brought against Germany (Case C-161/00) over non-conformity of the action programmes carried out and against the Netherlands (Case C-322/00) for several insufficiencies of action programmes are continuing. In its Opinion of 4 October 2001 in Case C-161/00, the Advocate-General held that Germany has failed to fulfil its obligations under Article 5 paragraph 4 and Annex III, point 2, of the Directive.

On the other hand, the court action decided against Greece in 1999 over lacking establishment of action programmes, non-adoption of codes of good agricultural practice and certain control measures was closed after Greece had taken all the necessary measures.

The Commission referred Belgium to the Court for the incorrect application of Articles 3,5,10 and 12 of the Directive, in particular for the insufficient identification of polluted waters or waters threatened by pollution, the insufficient designation of vulnerable zones and for the absence of published actions programmes for the vulnerable zones.

In its judgment of 7 December 2000 (Case C-69/99), the Court condemned the United Kingdom over failure to adopt all measures necessary to comply with the obligations laid down in Article 3(1) and (2) (designation of vulnerable zones) and Article 5 (drawing up of action programmes) of the Directive. Given that the United Kingdom still failed to ensure compliance with Articles 3(1) and 3(2), the Commission sent a letter of formal notice under Article 228.

In its judgment of 8 March 2001, the Court condemned Luxembourg in Case C-266/00 for failing to adopt transposition measures necessary to comply with several provisions of the Directive.

Concerning Finland, the Commission was able to close the case concerning insufficiencies in action programmes relating to prohibition periods, capacity of storage vessels and rules for land application of manure after Finland had adopted and communicated to the Commission new measures following the reasoned opinion sent by the Commission.

The Commission also decided to open court proceedings against Belgium in the water sector concerning Directive 91/692/EEC on the standardisation and rationalisation of reports. After the examination of the replies submitted by Belgium, it turned out that Belgium still has failed to send in, in so far as the Brussels region is concerned, all the necessary reports for several directives in the water sector.

In its judgment of 12 December 2000 (Case C-435/99), the Court condemned Portugal for failure to provide reports in the water sector until 1999. As it was not any more possible to obtain the information for the years concerned, the Commission closed the case.

## **5. Nature**

The two main legal instruments aimed at protecting nature are Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

Regarding the transposition of Directive 79/409/EEC several conformity problems remain unresolved, particularly concerning hunting and derogations (Article 7(4) and Article 9).

Thus, in a judgment of 7 December 2000 against France in relation to the opening and closing dates of the hunting season for migratory birds (Case C-38/99), the Court found that France had failed to correctly transpose Article 7(4) of the Directive, by having failed to correctly implement the aforesaid provision and by having omitted to communicate all the transposition measures relating certain parts of its territory. The new regime for hunting periods adopted by France in 2000 still raised problems in light of Article 7(4) of the Directive.

In its judgment of 17 May 2001 (Case C-159/99) the Court found that, by laying down rules permitting the capture and keeping of the species *Passer italiae*, *Passer montanus* and *Sturnus vulgaris*, contrary to the combined provisions of Articles 5 and 7 of the Directive, Italy has failed to fulfil its obligations under the Directive.

The Commission brought a court action against Sweden for its failure to correctly transpose Article 4(4) of Directive 79/409/EEC, as replaced by Article 6(3)-(4) of Directive 92/43/EEC, Article 6(3) and Article 9(2) of Directive 79/409/EEC.

The Commission also decided to bring court action against Greece concerning the duration of the hunting period. The execution of this decision was postponed in order to examine the modification of a recent ministerial decision related to the hunting period.

The Commission sent a reasoned opinion to Germany and decided to instigate proceedings before the Court for game hunting legislation infringing Articles 7(4) and 8(1) of Directive 79/409/EEC.

The German legislation declares a number of wild ducks as huntable, which are not huntable according to the Directive. In addition, Germany allows the hunting of some species during periods protected by the Directive and during the night.

The Commission issued a supplementary reasoned opinion to Finland concerning the non-conformity of the Finnish hunting legislation with Articles 7(4) and 9 the Directive (hunting of certain waterfowl species in the spring time, hunting season for certain other bird species).

Following the reasoned opinion sent to Spain in the beginning of 2000 over the hunting of certain migratory bird species in Guipúzcoa, the Commission is examining the reply sent by Spain.

Infringement proceedings concerning hunting practices in the special protection area of Baie de Canche and Platier d'Oye in France was closed, as it was not shown that these practices would be incompatible with the conservation objectives of the Directive.

Also other non-conformity issues under Directive 79/409/EEC were addressed during 2000.

The Commission brought a court action (Case C-377/01) against Belgium for the absence of transposition of Article 5 (c) and (e) and Article 6(1) of Directive 79/409/EEC, as well as for the incorrect transposition of Article 4(1), (2), (4) and Annex I of Directive 79/409/EEC (Case C-415/01).

The Commission submitted a reasoned opinion to the Netherlands for allowing on a large scale the taking of eggs of a Lapwing (*Vanellus vanellus*) contrary to the requirements in Article 5 and Article 9 of the Directive.

The Commission sent a reasoned opinion to Spain for allowing hunting with lime (a non-selective hunting method) in the Autonomous Community of Valencia contrary to Article 8 and Annex IV(a) of the Directive.

The Commission sent a reasoned opinion to Portugal for allowing hunting practices not fully complying with Article 7(3), 7(4) and 8 of the Directive.

By the end of 2000, i.e. about six and a half years after the deadline which expired in June 1994, the last Member States had finally notified the Commission of their transposition measures for Directive 92/43/EEC. However, in many cases the transposition is insufficient, particularly concerning Article 6 on the protection of habitats in the special conservation sites which are to be set up, and Articles 12 to 16 on protection of species.

Thus, in its judgment of 6 June 2000 (Case C-256/98) the Court ruled against France for failure to adopt within the prescribed period all the laws, regulations and administrative measures necessary to comply with Article 6(3) and (4) of the Directive. The infringement proceedings under Article 228 against France were closed since France had fully communicated the transposition measures for Article 6 of the Directive by the end of December 2001.

The Commission also brought Luxembourg (Case C-75/01) and Belgium (C-324/01) to the Court for failure to implement a number of provisions of the Directive properly.

The Commission decided to bring a court action against Portugal for failure to transpose several provisions of Directive 92/43/EEC and Directive 79/409/EEC properly.

A Court action was initiated against Sweden (Case C-279/01) for its failure to correctly transpose Articles 4(5), 5(4), 6(2)-(4), 15 and 16 of Directive 92/43/EEC.

The Commission decided to bring Italy in the Court for the incorrect transposal of Articles 5,6 and 7 of the Directive.

The Commission sent a reasoned opinion to the United Kingdom for the failure to transpose several provisions of Directive 92/43/EEC and to the Netherlands for the same reason, including also incorrect transposition of Article 4(1) and 4(2) of Directive 79/409/EEC. The United Kingdom has responded and the further information they have provided is being technically assessed.

The Commission sent a reasoned opinion to France for non-conformity of its law with Directive 92/43/EEC as regards the protection of wolves. Having analysed the reply given by France to the reasoned opinion, the Commission was able to close the case, since the provisions concerned were repealed.

As in the past, the main problems with the implementation of Directives 79/409/EEC and 92/43/EEC relate to the identification and protection of sites of natural interest, either in connection with the classification of special protection areas for birds and the setting out of



national lists of other sites for inclusion in the Natura 2000 network, or the protection of such sites.

As mentioned in the last report, problems still arise in several Member States with Article 4 of Directive 79/409/EEC, which requires that sites shall be classified as special protection areas (SPAs) for wild birds wherever the objective ornithological criteria are met.

The Commission is pressing ahead with infringement proceedings in certain key cases.

The Court had in 1999 given two judgments against France. In the first one (Case C-166/97), the Court found against France for failing to classify a sufficiently large area of the Seine estuary as a special protection area (SPA) and for failing to adopt measures to provide the classified SPA with an adequate legal regime under Article 4(1) and (2) of the Directive. The Commission decided to send a reasoned opinion under Article 228 to France for not taking the necessary measures to comply with the judgment as regards the second ground.

In the second one (Case C-96/98), the Court found against France for failing, within the prescribed period, to classify a sufficient area in the Poitevin Marsh as special protection areas, failing to adopt measures conferring a sufficient legal status on the special protection areas classified in the Poitevin Marsh, and failing to adopt appropriate measures to avoid deterioration of the sites in the Poitevin Marsh classified as special protection areas and of certain of those which should have been so classified. The Commission opened infringement proceedings against France for non-compliance of the above judgment based on Article 228. Measures notified by this Member State in the end of 2001 are under examination by the Commission.

In 7 December 2000 the Court gave one more judgment (Case C-374/98) against France concerning similar complaints, finding that France has failed to fulfil its obligations under Article 4(1) of the Directive by not classifying any part of the Basses Corbières site as a special protection area and by not adopting special conservation measures for that site sufficient in their geographical extent. Also in this case the Commission decided to send a reasoned opinion under Article 228 to France for non-compliance with the judgment.

Although areas should have been designated SPAs when the Directive entered into force in 1981, existing sites in a number of Member States are still too few in number or cover too small an area. The Commission's present strategy revolves around initiating general infringement proceedings, rather than infringement proceedings on a site by site basis.

Thus, the Commission brought a court action (Case C-202/01) against France for insufficient classification of special protection areas under Article 4(1) and 4(2) of the Directive. Proceedings opened earlier in relation to the area of Basses Vallées de l'Aude was closed, since this area was designated as a special protection area and conservation measures for the site were adopted.

The Commission is also pursuing proceedings against other Member States on the same grounds. It continued the court proceedings against Finland (Case C-240/00) and opened such proceedings against Italy (Case C-378/01), as well as, having examined the measures communicated by Portugal, decided to execute without delay its earlier decision to open court proceedings against this Member State. The Commission also issued a reasoned opinion to Ireland for the failure to classify sufficiently SPAs and to adequately safeguard classified and

unclassified sites. A recent reply by Spain to Commission's earlier reasoned opinion for insufficient classification of SPA's is under assessment.

The Commission was able to withdraw a court case (Case C-354/00) against Spain for the failure to classify a sufficient number of SPAs in the Murcia region after Spain had made supplementary designations.

Having examined a significant number of new special protection areas classified by the Netherlands, the Commission closed the procedure under Article 228 to oblige that Member State to comply with the Court's judgment of 19 May 1998 (Case C-3/96).

The insufficient classification of SPAs by Luxemburg is now considered in the context of a more general case also concerning the insufficiency of the national legal framework to protect SPAs. The case against Germany was closed since Germany had made a substantial progress in designating the SPA's. This case was based on the study on International Bird Areas (IBA) 1989 and does not exclude new infringement cases on the basis of the more recent studies, such as the IBA 2000 study.

Member States continued to propose conservation sites in accordance with Article 4(1) of Directive 92/43/EEC.

In its judgment of 11 September 2001, the Court condemned Ireland (Case C-67/99), Germany (Case C-71/99) and France (Case C-220/99) for failing to transmit to the Commission, within the prescribed period, the list of sites mentioned in Article 4(1), first subparagraph, of Directive 92/43/EEC. In view of opening possible proceedings under Article 228, the Commission sent a request for information as to what measures have been taken by these Member States to comply with the judgment. Following its failure to provide a timely response, Ireland was sent a letter of formal notice.

The Commission decided to send a supplementary letter of formal notice to Sweden for the insufficiencies in the 'indicative list' submitted by that Member State.

The situation with the list submitted by Austria is still not satisfactory (reasoned opinion sent in 1998), but further proceedings will depend on the biogeographical seminars planned for 2002.

The supplementary list submitted by Portugal following the reasoned opinion sent in 2000 by the Commission is under examination.

The United Kingdom has carried out a substantive review its national lists. Most of these newly identified sites have now been formally proposed to the Commission. These new sites are under evaluation and the Commission has decided to continue to suspend the Court action decided in 1999 until the remaining sites are formally proposed and all the additional sites have been formally assessed at the next biographic seminar.

The Commission decided to close the infringement proceedings against the Netherlands, since the supplementary list sent by that Member State turned out to be substantial in the light of the atlantic biogeographical seminar, necessitating only minor adaptations. Also the case against Finland was closed after Finland had informed the Commission that the list submitted by Finland can now be considered to be final for almost all sites originally proposed.

The supplementary list of sites submitted by Belgium during 2001 is under technical analysis by the Commission.

During 2001, the Commission continued setting conditions in Structural Funds plans and programmes and rural development programmes requiring Member States to submit outstanding lists for the setting up of the Natura 2000 network in accordance with their obligations under Directives 79/409/EEC and 92/43/EEC.

The Commission has maintained its strict policy with regard to the granting of Community funding for conservation of sites under the LIFE Regulation on sites being integrated or already integrated into the Natura 2000 network. Furthermore, it scrutinises requests for cofinancing from the Cohesion Fund very thoroughly to ensure compliance with EC environmental legislation.

Problems remain concerning unsatisfactory application of the special protection regime under Article 4(4) of Directive 79/409/EEC and Article 6(2) to (4) of Directive 92/43/EEC, i.e. failure to classify areas fulfilling the objective ornithological criteria as special protection areas and/or by setting aside the special protection regime in relation to projects affecting sites.

The Commission decided to send a reasoned opinion to France for the insufficient national legal framework to protect SPAs in accordance with Article 4 of Directive 79/409/EEC. Measures notified by this member State in the end of 2001 are under examination by the Commission. A reasoned opinion was sent to Luxembourg for a similar reason.

The Commission decided to bring a court action against Austria for infringing Article 6(3) and (4) of Directive 92/43/EEC in the context of an extension of a golf course in the Enns valley affecting the area of Wörschacher Moor (SPA).

The Commission is examining the reply given by Belgium in order to decide whether to press ahead a court action against Belgium for its failure to protect the SPA in the Zwarte Beek valley.

The Commission continued the court action against Ireland (Case C-117/00) for failure to adopt measures to protect against overgrazing of habitats populated by species of wild birds covered by the Directive 79/409/EEC in the West of Ireland.

The Commission sent a reasoned opinion to Finland for authorising, in breach of Article 4(4) of Directive 79/409/EEC, the Vuotos artificial lake and power plant project affecting the mires of Kemihaara, a site which should have been classified as a SPA.

The Commission decided to send a reasoned opinion to Sweden for the insufficient classification of an important bird area (Umeälvens delta) affected by a railway line plan in Northern Sweden ('Botniabanan').

The Commission decided to send a reasoned opinion to Portugal for authorising a construction of a dyke deteriorating a SPA (Baixo Vouga) in breach of Article 4(4) of Directive 79/409/EEC.

The Commission decided to send a reasoned opinion to Austria for the failure to designate the « Steinfeld » area as SPA under Directive 79/409/EEC and a proposed SCI under Directive 92/43/EEC, as well as the failure to apply Article 6 of the latter Directive to an urban development project, a leisure park project as well as an airport-extension project in relation to that area.

As a consequence of the judgment of 7 December 2000 (Case C-374/98), the Commission had to send a supplementary letter of formal notice, now on the basis of Article 4(4) of Directive 79/409/EEC, to Portugal concerning the “Abrilongo” dam project affecting the Campo Maior SPA and species required to be protected under the Directive.

The Commission sent a reasoned opinion to Portugal for authorisation of an expressway project in spite of its negative impacts on the site Castro Verde (SPA) and without following the requirements under Article 6(4) of Directive 92/43/EEC.

The Commission decided to send a reasoned opinion to Spain for the breach of Article 6 of Directive 92/43/EEC in the context of an irrigation plan affecting the SPA « Villafáfila » in the Province of Zamora.

The Commission sent a reasoned opinion to Austria for a failure to correctly delimitate the site « Feuchte Ebene-Leithaauen » and to correctly apply Article 6(3) of Directive 92/43/EEC in relation to a project to build a horse race park affecting this site in Lower Austria (classified SPA and proposed SCI).

The Commission sent a reasoned opinion to Italy for the failure to take appropriate steps to ensure that the area « Is Arenas » (a proposed site of Community importance) is not deteriorated in breach of Article 6(2) of Directive 92/43/EEC in relation to a construction project of a holiday village with a golf course. The reply given by Italy is under assessment.

The Commission sent a reasoned opinion to Portugal for the incorrect application of Article 6(3) and 6(4) in relation to project of constructing a dam affecting a proposed SCI (Monchique).

The Commission sent a reasoned opinion to Portugal for incorrectly applying Article 6(3) and 6(4) of Directive 92/43/EEC and Article 5 of Directive 85/337/EEC on the environmental impact assessments in the context of an expressway project Lisbon - Algarve.

The Commission sent a reasoned opinion to France for setting aside the procedure under Article 6 of Directive 92/43/EEC concerning some damages caused in a Natura 2000 site in the East of France.

Problems with the implementation of Directive 92/43/EEC may also arise with regard to the protection, not of classified or nominated sites, but of species. Article 12 of the Directive establishes a strict protection scheme for species under Annex IV (a), from which Member States can only derogate on conditions laid down in Article 16(1) and (2).

For example, the Commission has brought a court action against Greece for threats to a species of turtle (*Caretta caretta*) on the island of Zakynthos (Case C-103/00). In its Opinion of 25 October 2001, the Advocate-General held that Greece had breached Article 12

paragprah 1(b) and (d) by not taking measures necessary to establish and implement an effective and strict protection regime for this species.

The Commission also sent a reasoned opinion to Germany for failure to properly protect the habitats of an endangered hamster (*Cricetus cricetus*) population at Horbacher Börde near Aachen close on the frontier with the Netherlands, one of the most important sites for this species in the North West Germany. The measures carried out and envisaged by Germany for the protection of hamster in the area are currently being assessed.

The Commission brought a court action (Case C-434/01) against the United Kingdom for its failure to ensure the proper protection of the Great Crested Newt (*Triturus cristatus*).

The Commission decided to send a reasoned opinion to France for the breach of Article 12(1)(d) of the Directive, as well as the insufficient assessment of impacts on the insect *Osmoderma eremita* in relation to the expressway A28 project.

Regarding the implementation of Regulation 338/97/EC on the implementation in the Community of the 1973 Washington Convention on international trade in endangered species of wild fauna and flora (the Cites convention), the infringement procedures against Greece resulted in Greece notifying the Commission in 1999 of various measures and Ministerial decisions supplementing Act 2637 of 27 August 1998. The decision to refer the matter to the Court has been deferred pending verification of the Greek legislation's conformity with the Community requirements. Finally, the case was closed as the new legal framework notified to the Commission was found to be in conformity with the Regulation 338/97/EC.

The Commission has decided to bring a court action against France because of pollution of « étang de Berre » by the Mediterranean sea by some significant discharges from an hydroelectric plant.

## **6. Noise**

European Parliament and the Council Directive 2000/14/EC on the approximation of laws of the Member States relating to noise emission in the environment by equipment for use outdoors<sup>25</sup> was due to be transposed in 3 July 2001. This directive repeals as from the 3 January 2002 nine directives concerning different types of equipment. The Commission had to start infringement proceedings against thirteen Member States. By the end of 2001, infringement proceedings were still open against eleven Member States who had not yet adopted and communicated their transposal measures, or had not done so for the whole of their territory.

## **7. Chemicals and biotechnology**

Community legislation on chemicals and biotechnology covers various groups of directives relating to products or activities which have certain characteristics in common: they are technically complex, require frequent changes to adapt them to new knowledge, apply both to the scientific and industrial spheres and deal with specific environmental risks.

---

<sup>25</sup> OJ L 162, 3.7.2000, p.1.

One of the features of Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances is the frequency with which it has to be amended, to keep up with scientific and technical developments. Thus, Commission Directive 2000/32/EC of 19 May 2000 adapting Directive 67/548/EEC to technical progress for the 26<sup>th</sup> time, fell due in 1 June 2001. In addition, the transposal deadline for the Commission Directive 2000/21/EC of 25 April 2000 concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of Directive 67/548/EEC was 1 April 2001.

In this context, Member States are still frequently late in communicating their transposition measures, but the Commission automatically commences proceedings in order to make Member States meet their obligations.

The Commission is examining the reply sent by Germany to Commission's earlier reasoned opinion concerning the definition and handling of man-made vitreous (silicate) fibres (MMMF) in contravention of Directive 67/548/EEC.

The Commission brought a court action (Case C-30/01) against the United Kingdom as they maintained the position that Community legislation concerning free movement of goods need not be transposed in Gibraltar. They had therefore not transposed Directives 67/548/EEC and its amending Directives, Council Directive 93/12/EEC on the sulphur content of certain liquid fuels, Council Directives concerning noise (Directive 79/113/EEC and others) and Council Directive 94/62/EC on packaging waste.

Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products<sup>26</sup> was due to be transposed by the Member States by no later than 14 May 2000. By the end of 2001, seven Member States (Portugal, Spain, Ireland, the United Kingdom, Germany, Luxemburg and France) were subject to court proceedings for non-communication of the transposal measures.

Animal experiments are covered by Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes.

In its judgment of 18 October 2001, the Court found that Ireland has failed to adopt all the measures necessary to ensure the correct implementation of Articles 2(d), 11 and 12 of the Directive as well as to provide for an adequate system of penalties for non-compliance with the requirements of the Directive (Case C-354/99).

The Commission continued the court action against France (Case C-152/00) concerning for incomplete and incorrect transposition of the Directive.

The Commission brought a court action (Case C-205/01) against the Netherlands to the Court for incorrect transposition of the Directive.

---

<sup>26</sup> OJ L 123, 24.4.1998, p.1.

In order to examine the recent measures taken by Belgium, the Commission decided to postpone the decision to bring that Member State in the Court for having too many exemptions for using non-purpose bred cats and dogs in experiments.

The Commission sent a reasoned opinion to Spain for incorrect application of the Directive in the Autonomous Community of Andalusia.

The use of genetically modified micro-organisms (GMMs) is governed by Directive 90/219/EEC (relating to their contained use), which has been amended by Directive 98/81/EC. The legislative framework governing the use of genetically modified organisms (GMOs), Directive 90/220/EEC, will be replaced by Directive 2001/18/EC (of 12 March 2001) as from 17 October 2002, by which date Member States must transpose its provisions. In accordance with the precautionary principle, the objective of this Directive is to approximate the laws, regulations and administrative provisions of the Member States and to protect human health and the environment when conducting deliberate releases, including the placing on the market, of genetically modified organisms in the Community.

The Commission brought a court action (Case C-429/01) against France concerning incorrect transposition of several provisions of Directive 90/219/EEC into its national law.

Directive 90/219/EEC was amended by Council Directive 98/81/EC of 26 October 1998 (contained use of genetically-modified micro-organisms)<sup>27</sup>, which had to be transposed by 5 June 2000. By the end of 2001, proceedings for non-communication of transposition measures for this Directive were open against seven Member States, five of which have already been taken to the Court.

Finally, two cases of incorrect application of Directive 90/220/EEC remain open against France.

The first failing concerns the subsequent stages of the authorisation procedure for the placing on the market of products consisting of or containing GMOs. The Directive stipulates that when a decision has been taken approving the placing on the market of such a product, the competent authority of the Member State which received the initial notification must give its consent in writing so as to permit the product to be placed on the market. France has not given its consent in respect of two favourable decisions adopted in 1997. However, in a similar case regarding maize, the French *Conseil d'Etat* (supreme administrative court) asked the Court of Justice for a preliminary ruling (Case C-6/99) as to whether the national authorities had any power of discretion following the adoption of a favourable decision by the Commission pursuant to Article 13(4) of Directive 90/220/EEC. In its judgment of 21 March 2000, the Court held that after an application for placing a GMO on the market has been forwarded to the Commission and no Member State has raised an objection, or if the Commission has taken a 'favourable decision', the competent authority which forwarded the application must issue the consent in writing, allowing the product to be placed on the market. However, if in the meantime the Member State concerned has new information that the product may constitute a risk to human health and the environment, it will not be obliged to give its consent, provided that it immediately informs the Commission and the other Member States about the new information. In a recent judgment of 4 November 2000, the French *Conseil d'Etat* has

---

<sup>27</sup> OJ L 330, 5.12.1998, p.13.

followed the decision of the Court of Justice, and has considered that without new information regarding the risks, the French Ministry could not call into question the decision taken by the Commission and based on the opinion of the three scientific committees. The procedure against France is still open (reasoned opinion stage), while the Commission is considering the possible application of the safeguard clause in Article 16 of Directive 90/220/EEC.

The Commission brought a court action (Case C-296/01) against France for non-transposition and incorrect transposition of several provisions of the Directive 90/220/EEC.

## **8. Waste**

Infringement proceedings in relation to waste continue to abound, concerning both formal transposition and practical application. As mentioned in the last report, the most likely explanations for the difficulties in enforcing Community law in these matters are as much the need for changes in the conduct of private individuals, public services and business firms as the costs of such changes.

Regarding the framework directive on waste (Directive 75/442/EEC, as amended by Directive 91/156/EEC), the Member States still have problems in fully and correctly implementing its provisions into national law :

- The Commission brought a court action (Case C-194/01) against Austria for the failure to transpose correctly the Community definition waste into Austrian law (for providing for exceptions which are not covered by the Community definition, and for failure to transpose certain Annexes under Directives 75/442/EEC and 91/689/EEC). The Commission also sent a reasoned opinion to the same Member State for defining « disposal » and « recovery » differently from Annex II to Directive 75/442/EEC and for non-transposition of the inspection duty in the laws of certain Länder.
- The Commission brought a court action (Case C-196/01) against Luxembourg for incorrect transposition of the waste catalogue under Commission Decision 94/3/EC based on Directive 75/442/EEC. In its Opinion of 13 December 2001, Advocate-General Mr.Léger agreed with the Commission's claim.
- The Commission sent a reasoned opinion to Italy for establishing a derogation system for non-hazardous waste recovery installations going beyond the limits of Article 11 of Directive 75/442/EEC.
- The Commission sent a reasoned opinion to the United Kingdom, and having examined a reply to it, decided to bring a court case against that Member State, for incorrect transposition of Articles 1-5, 8 and 12-14 of Directive 75/442/EEC.
- Having decided to send a reasoned opinion to Belgium because of the Wallonian Region's failure to provide a correct definition of waste in its implementation legislation, the Commission was able to close the case after Belgium had adopted and notified the necessary measures for the waste definition.

Most of the implementation difficulties concern the application of Waste Framework Directive to specific installations. This is at the root of the large number of complaints



primarily concerned with waste dumping (uncontrolled dumps, controversial siting of planned controlled tips, mismanagement of lawful tips, water pollution caused by directly discharged waste). The Directive requires that prior authorisation be obtained for waste-disposal and waste-reprocessing sites; in the case of waste-disposal, the authorisation must lay down conditions to contain the environmental impact.

The adoption by the Council on 26 April 1999 of Directive 1999/31/EC on the landfill of waste<sup>28</sup> clarifies the legal framework in which sites employing this method of disposal are authorised in the Member States. This Directive was to be transposed by 16 July 2001. For landfills coming into operation after, as well as those existing on this date, requirements have been tightened by this Directive. By the end of 2001, the infringement proceedings for non-communication of the transposing measures were open against 11 Member States : Belgium, Finland (as far as the Province of Åland is concerned), Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom.

As mentioned previously, the Commission uses individual cases to detect more general problems concerning incorrect application of Community law, such as the absence or inadequacy of waste management plans, based on the assumption that an illegal dump may provide evidence of an unsatisfied need for waste management.

In its judgment of 4 July 2000, the Court had declared that by failing to take the necessary measures to ensure that in the area of Chania waste is disposed of without endangering human health and without harming the environment in conformity with Articles 4 and 6 of Directive 75/442/EEC on waste and Article 12 of Directive 78/319/EEC on toxic and dangerous waste, Greece has not taken measures to comply with the judgment of 7 April 1992 (Case C-45/91) and has failed to fulfil its obligations under Article 171 (now 228) of the Treaty. As previously stated, this is the first time that the European Court of Justice has taken a decision to fine a Member State under Article 228 of the Treaty. This constitutes a significant milestone for the European Union in terms of enforcement of Community environmental law *vis-à-vis* the Member States.

The case concerns the existence and the functioning of an illegal solid waste dump in Kouroupitos in the region of Chania where domestic waste, limited quantities of dangerous waste (for example, waste oils and batteries) and of different kind of commercial and industrial waste were illegally dumped. The Court decided to impose a financial penalty of € 20.000 per day on Greece for non-compliance. The Commission has sent periodically to the Greek authorities letters requesting the payment of the daily penalty of € 20.000 from July 2000 (as from the 4<sup>th</sup>) to February 2001 included. In March 2001, the site was closed and the waste were treated in an appropriate installation. Therefore, the Commission considered that Greece had complied with the judgment and closed the case. Greece has paid all the amounts due within deadlines set, representing a total sum of € 5.400.000.

In a judgment of 9 November 1999 (Case C-365/97), the Court had found against Italy for failing to take measures necessary to dispose of the waste discharged into the watercourse running through the San Rocco valley without endangering human health or the environment, and for failing to take measures to ensure that the waste collected in an illegal tip is handed over to a private or public waste collector or a waste disposal company. The Commission is

---

<sup>28</sup> OJ L 182, 16.7.1999, p.1.

examining the reply by Italy to Commission's letter of formal notice submitted under Article 228 for non-compliance with the judgment.

In addition, the Commission took the following measures involving a bad application of the Waste Framework Directive (sometimes also involving other directives, such as Directive 85/337/EEC on environmental impact assessment):

- court action brought (C-302/01) against Greece concerning uncontrolled waste dumping in Epitalio in the Peloponnese
- court action brought against Spain (Case C-446/01) for several illegal landfills
- reasoned opinion sent to Spain concerning an illegal landfill in Bañeza (León)
- court action decided against Spain relating to a pig farm in the zone of Vera Almeria
- Ireland referred to the Court for the failure to effectively prohibit unauthorised waste disposal in several parts of the country, to safeguard areas of special interest from waste disposal, to correctly apply permit requirements and to establish an adequate network of disposal installations under Directive 75/442/EEC
- a reasoned opinion sent to Italy for allowing the storage of hazardous waste in the premises of a private company in breach of Article 4 of and Article 8 of Directive 75/442/EEC
- a reasoned opinion sent to Italy over the danger for environment caused by storage of hazardous waste in the area of Granciarara di Castelliri (Frosinone) and another reasoned opinion for three landfills of solid urban waste in Rodano (Milan) which are likely to cause air, soil and groundwater pollution and to be a danger for human health
- a reasoned opinion sent to Italy for excluding from the legislation of certain regions certain categories of food waste
- a reasoned opinion sent to Spain concerning a restoration project of a landfill in Zuazo for e.g. lacking environmental impact assessments. A reply by the Spanish authorities is under examination by the Commission
- a reasoned opinion sent to Spain for not following the requirements for environmental impact assessment under Directive 85/337/EEC concerning a construction project of a landfill in Guancha, San Sebastián de la Gomera (Canary Islands)
- a reasoned opinion to Greece for allowing an uncontrolled operation of a landfill in Pera Galini in Crète.

Regarding Directive 91/689/EEC on hazardous waste, Member States had still problems in transposing the national legislation correctly. The Commission :

- continued the court action against Italy (Case C-65/00) for Italian legislation on hazardous waste not being in conformity with EC legislation as for the exemption

from the permit requirement imposed by Directives 91/156/EEC and 91/689/EEC to undertakings carrying out hazardous waste recovery. In its Opinion of 20 September 2001, Advocate-General Mr. Mischo held that Italy has not complied with Article 3 of Directive 91/689/EEC because it has not required a permit from those undertakings

- decided to bring a court action against Austria for the incorrect transposition of Article 2 paragraph 4, Article 4 paragraph 1 and Article 5 paragraph 2 of the Directive
- sent a reasoned opinion to the United Kingdom, and having examined the reply to it, subsequently decided to bring a court case against that Member State, for incomplete transposition of several provisions of the Directive
- sent a reasoned opinion to Belgium for non-transposition of Article 5 paragraph 3 of the Directive (an identification form).

Given that planning is such an important part of waste management - a point illustrated by the examples above - the Commission decided in October 1997 to start infringement proceedings against all Member States except Austria, the only State to have established a planning system for waste management. These proceedings cover a range of deficiencies, relating variously to plans as required by Article 7 of the Waste Framework Directive, plans for management of dangerous waste as required by Article 6 of Directive 91/689/EEC, and special plans for packaging waste, as required by Article 14 of Directive 94/62/EC.

In his Opinion of 5 July 2001, the Advocate-General held that, by failing to draft waste management plans for the whole country for all categories of waste, and by failing to include a chapter on packaging waste therein, France has breached Article 7 paragraph 1 of the Waste Framework Directive, Article 6 paragraph 1 of Directive 91/689/EEC and Article 14 of Directive 94/62/EC.

The Commission continued court actions brought earlier against the United Kingdom (Case C-35/00) and against Italy (Case C-466/99) in respect of all three categories of plans. In both cases the Advocate-General has agreed with the Commission (Opinion of Mr. Mischo 20 September 2001 in Case C-466/99 and Opinion of Mr. Tizzano 11 September 2001 in Case C-35/00).

On the other hand, the Commission withdrew the court action against Greece (Case C-132/00), Luxembourg (C-401/00) and Ireland (Case C-461/99), as those Member State had provided the outstanding plans. The Commission also decided to close a court action decided against Spain after receiving the necessary plans from the Spanish authorities.

In its judgment of 11 December 2001, the Court stated that by failing to forward to the Commission, for the period from 1995 to 1997, the report required under Article 18 of Council Directive 75/439/EEC, as amended by Directive 91/692/EEC, within the period fixed by that provision, the Italian Republic has failed to fulfil its obligations under that directive (Case C-376/00).

As regards Directive 91/689/EEC on hazardous waste, the Commission had commenced infringement proceedings in 1998 against a number of Member States which had failed to

provide the Commission with particular information required in relation to establishments or undertakings carrying out disposal and/or recovery of hazardous waste. In 2001, a court action against Greece (Case C-33/01) was brought on this point. On the other hand, the Commission was able to close a case against France after that Member State had completed the necessary information under Article 8(3) of Directive 91/689/EEC.

Regarding the implementation of the Directives on batteries and accumulators containing certain dangerous substances (91/157/EEC and 93/86/EEC), the Commission sent a reasoned opinion to Italy for allowing the marketing of alkaline manganese batteries in breach of the requirements of the Directive. On the other hand, the Commission was able to close the case concerning incomplete transposition and implementation of the program to be established for batteries under this Directive due to the measures taken by Austria after the reasoned opinion submitted by the Commission.

The Commission is continuing infringement proceedings against those Member States which have not yet established the programmes called for by Article 6 of the Directive. The Commission sent a reasoned opinion to Germany for the failure to submit programme pursuant to Article 6 of the Directive. A reply sent by Germany is under technical assessment.

Commission Directive 98/101/EC of 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances<sup>29</sup> was due for transposition by 1 January 2000. During 2001 the Commission was able to close the proceedings for non-communication of transposition measures for this directive concerning Portugal, Greece, Ireland, Germany and the Netherlands. On the other hand, the Commission had to bring a court action against the United Kingdom (Case C-373/01) and Italy (Case C-323/01) for the non-communication of the transposal measures for the Directive.

In its judgment of 13 April 2000 (Case C-123/99), the Court held that Greece has failed to adopt the laws, regulations and administrative provisions necessary to comply with Directive 94/62 on packaging and packaging waste. The Commission closed the proceedings opened earlier against Greece for non-compliance with this judgment after this Member State had adopted and communicated to the Commission the necessary transposal measures.

The Commission is examining a reply sent by the Netherlands to Commission's reasoned opinion for several issues where the Dutch law is not in conformity with the Directive.

The Commission considers that Denmark has not transposed the targets laid down in Article 6 paragraph 1 of the Directive neither the definitions set out in Article 3 of the Directive. Therefore, a reasoned opinion was sent to Denmark.

The Commission brought a court action against Germany concerning its packaging Regulation (commonly referred to as the 'Töpfer' regulation), which promote the re-use of packaging materials and since the reuse quota as set up by the German Regulation leads to a barrier to trade and indirect discrimination of imported natural mineral waters to be filled at source.

---

<sup>29</sup> OJ L 1, 5.1.1999, p. 1.

Not only must transposition measures be notified to the Commission, they must also conform with the relevant Community legislation. The Commission considers that this is not the case in Denmark, and thus the Commission continued proceedings before the Court of Justice (Case C-246/99) in relation to Denmark's so-called 'Can Ban', i.e. Danish legislation which bans the marketing of beer and carbonated drinks in metal cans and other types of non-reusable packaging. The Commission considers that also such packaging shall be allowed to be marketed under the Directive. In his Opinion of 13 September 2001 the Advocate General suggested that the Court should declare that Denmark failed to fulfil its obligations under Article 18, in conjunction with Articles 5, 7 and 9, of Directive 94/62/EC.

The Commission continued a court action against Germany (Case C-228/00) for setting up different criteria to distinguish waste for recovery from waste for disposal and to raise accordingly objections against shipment of waste which contravene Regulation 259/93/EEC on the supervision and control of shipments of waste within, into and out of the European Community.

The Commission also continued the court action against Luxembourg (Case C-458/00) as a consequence of its failure to comply with Regulation 259/93/EEC in refusing to allow waste to be transported to French incinerators equipped for energy purposes.

Infringement proceedings were commenced in 1999 against various Member States for failure to submit the annual reports required by Article 41 of Regulation 259/93/EEC.

The Commission decided to bring a court action against Germany for not adopting the terminology "hazardous waste" within Germany waste law and for legislation in Thüringen which does not respect Article 7 paragraph 4 of Regulation 259/93/EEC which authorises Member States to object envisaged shipment of waste for the listed reasons

The Commission decided to bring a court action against the Netherlands concerning shipments of waste from the Netherlands to other countries.

Regarding Directive 75/439/EEC on the disposal of waste oils, the Commission opened infringement proceedings against 11 Member States for the non-conformity of national legislation with several Articles of the Directive, particularly regarding the obligation to give priority to the processing of waste oils by regeneration, notwithstanding that technical, economic and organisational constraints so allowed. The Commission sent reasoned opinions to Austria, Ireland, Portugal and the United Kingdom, and the replies given by the France, Finland, Netherlands, Belgium, Sweden and Denmark to the letters of formal notice were being examined. The Commission also sent a letter of formal notice to Greece.

In such a case opened already earlier, the Commission sent a reasoned opinion under Article 228 to Germany for not complying with the ruling of the Court of Justice of 9 September 1999 (Case C-102/97), concerning Germany's failure to take the measures necessary to give priority to the processing of waste oils by regeneration, notwithstanding that technical, economic and organisational constraints so allowed.

The Commission also continued the Court action against Portugal for incorrect transposition of the Directive (Case C-392/99).

With regard to the disposal of PCBs and PCTs, two particularly dangerous substances, Directive 96/59/EC, which supersedes Directive 76/403/EEC, was due to be transposed by the Member States by 16 March 1998. The Directive stipulates that Member States shall draw up, within three years of its adoption, namely by 16 September 1999, plans for the decontamination and/or disposal of inventoried equipment and PCBs contained therein and outlines for the collection and subsequent disposal of certain equipment under Article 11 of the Directive, as well as inventories under Article 4(1) of the Directive. However, many Member States have still not communicated to the Commission the necessary measures. Thus, in the course of the year 2001 the Commission :

- initiated a court action against Luxembourg (Case C-174/01), Italy (Case C-46/01), Ireland (Case C-120/01), France (Case C-177/01) and Spain (Case C-47/01),
- brought a court action against Germany, decided to bring one against Portugal and Austria and to execute without delay the earlier decision to bring a court action against Greece,

In addition, the Commission continued to examine the cases (letter of formal notice sent in 2000) against Belgium and the United Kingdom as well as the reply given by Sweden to the reasoned opinion. The Commission was able to close the case against Denmark.

Finally, in relation to the sewage sludge Directive 86/278/EEC, under its Article 10 Member States have to ensure that up to date records are kept which register the quantities of sludge produced and the quantities supplied for the use in agriculture, the composition and properties of sludge and the type of treatment carried out. This is necessary to verify that the use of sewage sludge in agriculture does not compromise food production and long term soil quality. In 2001 the Commission was able to close most of the infringement proceedings (Sweden, Ireland and Portugal) started in 2000 for non-compliance with the information and monitoring obligations established under the Directive. The reply to the reasoned opinion sent to Belgium was being examined. The Commission decided to bring a court action against Italy. The Commission is examining the reply given by Austria to Commission's reasoned opinion for non-transposition of several provisions of this Directive.

## **9. Environment and industry**

Directive 96/82/EC (« Seveso II »), replacing Directive 82/501/EEC from 3 February 2001 («Seveso I»), was due to be transposed by no later than 3 February 1999. During 2001, the Commission continued the court actions started in 2000 against Belgium, Ireland and Germany for still incomplete communication of transposal measures for the Directive, particularly Articles 11 and 12. The Commission decided to bring a court action also against France. The court actions against Austria and Portugal for non-communication were withdrawn after these Member States had fully communicated the necessary measures.

The Commission continued the court action (Case C-139/00) against Spain for permitting the Canary Islands (la Palma) to operate incinerators not complying with Directive 89/369/EEC on the prevention of air pollution from municipal waste incineration plants and brought a court action (Case C-60/01) against France for allowing numerous incinerators to operate in contravention of Community legislation, with substantial dioxin emissions.

Regarding Directive 94/67/EC on the incineration of hazardous waste, the Commission decided to bring a court action against Austria for incorrect transposition of several Articles in that Directive.

Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), adopted on 24 September 1996, was due to be implemented by 30 October 1999. In the course of 2001, proceedings for non-communication of the transposition measures to the Commission still had to be continued. Thus, the Commission brought a court action against Belgium, Spain, Greece, the United Kingdom (as far as Northern Ireland and Gibraltar are concerned) and decided to bring one against Luxembourg. On the other hand, court actions against Finland and Germany were withdrawn after those Member States had communicated complete transposal measures to the Commission.

## **10. Radiation protection**

The Community legislation on radiation protection is based on Chapter 3 “Health and Safety” of the Euratom Treaty. It covers all aspects of the protection of the health of workers and the general public against the dangers arising from ionizing radiation. Furthermore, it protects indirectly the air, water and soil of the Community from the impacts of radiation. While it is usually considered that radiation protection essentially deals with exposures arising from nuclear energy, people are mostly exposed to radiation in relation to medical use. The Commission controls the implementation of the radiation protection legislation on the basis of Article 124 and according to the procedure of Articles 141 and 143 of the Euratom Treaty, which correspond to Article 211 and respectively to Articles 226 and 228 of the EC Treaty.

The primary legislation, the Euratom Treaty itself sets in Articles 33-37 certain obligations to the Member States, for example relating to the training and education, environmental monitoring and disposal of radioactive waste. In addition, there are five main directives and three regulations currently in force concerning radiation protection.

The speciality of the Euratom based legislation is that the Commission examines the conformity of the national transposing measures before those measures are adopted in a final way. According to Article 33 of the Euratom Treaty, the Member States shall communicate to the Commission any draft provisions, which it has made to ensure compliance with the basic standards in the area of radiation protection. The Commission shall make appropriate recommendations for harmonising these measures. Even if the recommendations issued under Article 33 are not binding, the fact that Member States usually follow them permits to reduce the number of infringement cases concerning non-conformity in the area of radiation protection.

In 2001, as well as in 2000, the number of submissions of national draft legislation under Article 33 of the Euratom Treaty was high because a large number of Member States were still working on the transposition of two main radiation protection Directives 96/29/Euratom and 97/43/Euratom, that should have been transposed by May 2000. The Commission received 13 submissions under Article 33 of the Euratom Treaty. Some of them have been examined and commented on, although no formal recommendation was issued during 2001. Nevertheless, in cases of late communication where an infringement procedure for non-communication was pending, the Member States were immediately informed that no recommendation would be issued, so that the national legislative procedure could be completed without delay.

Article 35 of the Euratom Treaty provides that each Member State shall establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards. The Commission can verify the operation and efficiency of such facilities. During 2001, the Commission carried out one verification under Article 35 in Austria.

Under Article 36 of the Treaty, Member States provide information on the measured levels of radioactivity in the environment. This allows the Commission to judge i.a. whether the basic standards are complied with. Since the adoption of a Commission Recommendation on the application of Article 36 (2000/473/Euratom) Member States need to comply with the provisions on content and timeliness of reporting. These provisions apply starting June 2001 to the data for the year 2000.

Article 37 aims to forestall radioactive contamination of the environment in another Member State, thereby protecting the general public against the dangers arising from ionizing radiation. Accordingly, Member States must provide the Commission with general data relating to any plan for the disposal of radioactive waste. The Commission assesses the data in order to determine whether the implementation of the plan could cause radioactive contamination of the water, soil or airspace of another Member State. The Commission issues an opinion on the subject, which the Member State has to take into account prior to the authorisation for disposal of radioactive waste. The Commission received 17 submissions from Member States under Article 37 of the Euratom Treaty in 2001 and issued 6 opinions.

There was one infringement case pending relating to Article 37 in 2001: the Commission considered that the United Kingdom had failed to fulfil its obligations under Article 37, because it had not submitted the general data related to dismantling of the JASON research reactor. Since the UK authorities consider that the Euratom Treaty (in particular the provisions of Chapter 3 of Title II), does not apply to military facilities, they indicated that no data would be provided under Art 37 of the Treaty for this facility. Because the Commission does not share the interpretation of the UK, a decision to send a letter of formal notice was taken in December 2000. The UK authorities informed the Commission that the operations concerning JASON were over and maintained their position. A decision to send a letter of reasoned opinion was taken in December 2001.

As mentioned above, the deadline for transposition of two main directives in the area of radiation protection, Council Directive 96/29/Euratom laying down basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation (OJ L 159, 29.6.1996, p. 1) and Council Directive 97/43/Euratom on health protection of individuals against dangers of ionizing radiation in relation to medical exposure (OJ L 180, 9.7.1997, p. 22), expired on 13 May 2000. By the same date, all the old basic safety standards directives (adopted since 1959) were repealed.

The Basic Safety Standards Directive introduces a wider scope and a more detailed set of provisions in order to protect the health of workers and general public soundly and comprehensively. For this purpose, the Directive reduced the dose limits, set new requirements for the justification of all practices involving ionising radiation and introduced an extended ALARA-principle, according to which doses must be kept As Low As Reasonably Achievable. The Directive covers practices, work activities including natural radiation sources and intervention situations. It also clarifies the concept of clearance and



exemption for materials containing radioactivity. Finally, the Directive includes new requirements for the assessment of population dose.

In January 2001, a number of infringement cases were pending against Belgium, Denmark, France, Germany, Greece, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom because these Member States had failed to communicate to the Commission the final transposing measures for Directive 96/29/Euratom. However, at different moments of the year, the Commission was able to close the infringement cases concerning Belgium, Greece, Luxembourg, Spain and Sweden, because all these Member States had in the meantime communicated all the necessary transposing measures. The decisions to hold the Court against France and Portugal were taken in summer and executed in autumn 2001. As for Germany, Netherlands and United Kingdom, these Member States advanced considerably in the transposition of Directive 96/29 during 2001. Nevertheless, because the notified transposing measures were still not complete, the Commission decided in December 2001 to hold the Court against these Member States.

Directive 97/43/Euratom on Medical Exposures improves the level of radiological protection for patients and medical staff. It takes into account the new developments in medical procedures and equipment. It is built onto the experience gained from the operational implementation of former directives and supplements Directive 96/29/Euratom on the Basic Safety Standards. The new Directive lays down a more precise description for the justification principle, regulates the distribution of responsibilities and sets requirements for qualified experts in the medical area.

In January 2001, a number of infringement cases were pending against Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, Netherlands, Portugal, Spain and United Kingdom because they had failed to communicate to the Commission the final transposing measures for Directive 97/43/Euratom. However, at different moments of this year, the Commission was able to close the infringement cases concerning Belgium, Denmark, Greece, Luxembourg, Spain and Sweden, because all these Member States had in the meantime communicated all the necessary transposing measures. The decisions to hold the Court against Ireland, France and Portugal were taken in summer and executed in autumn 2001. As for Germany, Netherlands and United Kingdom, these Member States advanced considerably in the transposition of Directive 97/43 during 2001. Nevertheless, because the notified transposing measures were still not complete, the Commission decided in December 2001 to hold the Court against these Member States.

Directive 89/618/Euratom on Informing the Public includes requirements on informing the general public about health protection measures to be applied and steps to be taken in the event of radiological emergency. In 2001, the Commission decided to hold the Court against France because the conformity check of the French legislation had revealed that it did not fully comply with the Directive as regards definitions, prior information to the public and information to the public in the event of emergency and as regards information to the emergency staff. The Commission also decided to refer Germany to the Court, because the German legislation did not fully comply with this Directive. A new legislation that solves the shortcomings identified in the German legislation was published in Summer 2001, and the Commission accordingly decided to withdraw the application lodged with the Court.

Directive 90/641/Euratom on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas, provides outside workers with

operational radiation protection equivalent to that offered to the operator's established workers. Outside workers are workers employed by an undertaking other than the operator of a facility licensed under the radiation protection legislation, who are exposed to the risk of radiation. Outside workers can work in several facilities in succession in one or more Member States. They are thus liable to be exposed to radiation in several controlled areas (where exposures are significant). These specific working conditions require a specific radiological monitoring system, important to their health protection. In 2000, because Belgium had failed to establish a uniform system fully complying with the Directive, the Commission decided to refer Belgium to the Court. This decision was executed early 2001.

## **11. Trends and orientations**

As mentioned before, a strong increase in the number of new complaints per year has been identified since 1996. The sector of environment represented over a third of the complaints and infringement cases concerning instances of non compliance with Community law investigated by the Commission in 2001. In 2001, about 600 new complaints on environmental issues were lodged with the Commission.

The increasing number of environmental cases is due to several factors:

- Commission's regular monitoring of the conformity of the national implementing measures notified by the Member States pursuant to their obligation to transpose Community directives.
- The increasing public concern on environmental issues, its greater awareness of Community environmental law and of the possibility to bring instances of non compliance to the attention of the Commission, in particular in the framework of Commission's complaints handling<sup>30</sup>.
- The organisational difficulties in the Member States to ensure full compliance with Community environmental law, arising from their own constitutional and/or administrative structure, since the responsibility of implementation lies often under more than one authority (different ministries, central, regional or local authorities, etc).
- Community environmental legislation, in particular key Directives such as Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna and Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as modified by Directive 97/11/EC, is broad in scope. Both Directives include far-reaching environmental assessment obligations to be taken into account in planning and authorising a specific project. Therefore they involve decision making across a wide range of policy sectors, that is often decentralised to several regional and local authorities and attracts a great deal of public attention.

The high number of complaints received by the Commission reflects the inexistence and/or the relative lack of efficiency of complaint mechanisms in Member States.

---

<sup>30</sup> See standard form for complaints to the Commission, OJ C 119, 30.4.1999, p. 5.

The recourse to the infringement proceedings set out in Articles 226 and 228 of the EC Treaty is not, however, the only, nor often the most efficient way to ensure compliance with environmental directives. In many cases, complainants can obtain satisfaction more quickly by using ways of redress under national law.

The Commission, and in particular its Directorate-General Environment, has, in its turn, increased its efforts to take a more pro-active approach towards the Member States to help them better transpose and apply environmental directives. Several seminars were held in 2001 at some Member States where the Commission's view on the correct implementation of particularly complex environmental directives was explained to the competent authorities with a view to prevent, rather than correct, instances of bad application.

## **CHAPTER II: IMPEL (EUROPEAN UNION NETWORK FOR THE IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAW)**

### **1. Background**

IMPEL is an informal network of the environmental authorities of the Member States and the Commission that has existed since 1992. It was set up because it was felt that the weak point in the regulatory chain was at the stage of practical application, that is, the application of environmental laws on the ground. It has as its primary objective to create the necessary impetus in the European Community to ensure a more effective application of environmental legislation. The network provides an opportunity for exchanging information and experience and for developing a greater consistency of approach in the implementation, application and enforcement of environmental legislation, with a special emphasis on Community environmental legislation.

Initially its primary focus was the implementation and enforcement of environmental legislation, mainly as it affected large industrial processes. Since then it has gradually broadened the scope of its activities to cover other parts of the regulatory chain. The first annual survey gave a full description of the history of the network (paragraph 3.5.1, p.19). The second annual survey described how the structure of IMPEL had developed up to June 1999 and how it had then been rationalised (paragraphs 4.2 and 4.3, pp 27-28). As a result, in place of the former standing committees and IMPEL Plenary Meetings there are bi-annual IMPEL meetings in addition to meetings held in connection with projects or clusters of projects. This third annual survey looks at how IMPEL is working now as a result of these changes, what it has been able to achieve, and how it is preparing to ensure its continuing value and usefulness in the future.

### **2. IMPEL's Activities**

The essence of the IMPEL network is its projects. For the most part these are concerned with the implementation and enforcement of environmental legislation, principally as it affects large industrial processes. As a general rule, the projects look at how legislation is currently applied and enforced and then good practice is defined. The projects enable those who take part to become aware of different approaches to implementation and enforcement: seminars and reports on the projects make this information available to national networks and to networks outside the EU.

The adoption of the Recommendation of the European Parliament and the Council on Minimum Criteria for Environmental Inspections (2001/331/EC) in April 2001 has had a substantial impact on the work of IMPEL. This Recommendation itself drew heavily on work which had been done in previous IMPEL projects. It includes several tasks which IMPEL is specifically invited to undertake and it will be one of the principal features of IMPEL's work programme over the next few years. These include establishing a scheme under which Member States report and offer advice on inspectorates and inspection procedures in Member States; drawing up minimum criteria concerning the qualifications of environmental inspectors; developing training programmes in order to meet the demand for qualified environmental inspectors; and preventing illegal cross-border environmental practices through the coordination of inspections with regard to installations which might have significant

transboundary impact. IMPEL has set up a review scheme for inspectorates and inspection procedures and the first review took place in Baden-Württemberg in Germany in October 2001. A project on minimum criteria for the qualifications of environmental inspectors has also begun.

An important recent development in IMPEL is the adoption at the Namur meeting in December of a multi annual work programme. This work programme has been developed from the Recommendation on Minimum Criteria for Environmental Inspections and the 6<sup>th</sup> Environmental Action Programme and will provide the framework for IMPEL's projects in the five year period from 2002-2006. This document will be used in a flexible way and it will be kept under regular review to ensure its continuing relevance.

### **3. Legal base**

There is no formal legal base for the IMPEL network though its role was recognised in the 1996 Commission Communication in Implementing Community Environmental Law and in the June 1997 Resolution of the Council of the EU. As already mentioned, there are references to IMPEL in Council Recommendation 2001/331. There are also references to IMPEL in the Common Position of the Council on the 6<sup>th</sup> Environmental Action Programme. Article 3.2 is about encouraging more effective implementation and enforcement of Community legislation on the environment which requires, amongst other things:

- Promotion of improved standards of permitting, inspection, monitoring and enforcement by Member States; and
- Improved exchange of information on best practice on implementation including by the IMPEL network within the framework of its competencies.

### **4. Participation of other countries**

#### *4.1. Central and eastern European countries, Cyprus and Malta/ Cooperation with AC-IMPEL*

The parallel network for the 12 candidate countries, called AC-IMPEL, was established in January 1998 in Brussels, Belgium. It works in close cooperation with IMPEL in order to support the candidate countries in addressing issues related to the implementation and enforcement of EU environmental legislation during the pre-accession phase. It differs from IMPEL in that the member countries are not yet Member States, thus the environmental "acquis" is not yet applicable in their territory. As and when they accede to the EU, they will become full members of IMPEL, so the network will disappear when all applicant countries become members. AC-IMPEL is also assisted by a Secretariat based in the Commission.

At the IMPEL Meeting in Paris in December 2000 there was a discussion about how the links between the two networks might be strengthened. A full merger was ruled out at this stage as being premature but it was agreed that part of the following IMPEL Meeting in Falun, Sweden, in June 2001 would be a joint meeting between the two networks. The Joint Meeting confirmed the decision of the Paris one that it would be too soon to merge the two networks and decided instead that co-operation between the two networks should be further strengthened, beginning with the establishment of one Joint Meeting per year, during which the relationship of the two networks would be regularly evaluated and issues of common

interest would be discussed. The next Joint Meeting will take place in Santiago de Compostela under the Spanish Presidency, combined with the corresponding IMPEL Meeting. At the same time, officials from the candidate countries will continue to be invited to participate in seminars and workshops where appropriate. They have participated in the Inspections' Exchange Programmes (see below) and found them to be of great assistance.

AC-IMPEL participants have been participating in IMPEL projects, such as the Irish project on permitting, the Conference on implementation and enforcement held in Villach, Austria, the Dutch Comparison Food Project and the Greek project on food processing. The first AC-IMPEL project was organised in Italy with participation from IMPEL on the interrelationship between EIA, IPPC and Seveso Directives and EMAS Regulation, based on the corresponding IMPEL project.

Special training programmes on implementation and enforcement issues are being set up for the twelve candidate countries in the coming years in order to assist them in approximating their environmental legislation to that of the Community (focusing on the training of trainers) as well as "peer reviews" of candidate countries on specific issues by IMPEL and AC-IMPEL experts. An AC-IMPEL exchange programme has also been set up in which IMPEL members may also participate.

The outputs from AC-IMPEL so far have included the following:

- Assessment of Environmental Enforcement Structures and Practices in Estonia and Poland.
- Assessment of permitting, monitoring and enforcement capacity of the Czech environmental administration.
- Mini Library covering the most important and relevant IMPEL reports and papers.
- In-country Training of Inspectors in the Framework of AC-IMPEL (3 reports: Poland, Hungary and Latvia).
- Implementation and enforcement capacities in Slovenia.
- The review of Hungarian implementation and enforcement in the environmental sector.
- AC-IMPEL Review of the interrelationship between EIA, IPPC and Seveso Directives and EMAS Regulation.
- A review of Cyprus' implementation and enforcement capacities (discussed during the AC-IMPEL Plenary meeting, which took place in Cyprus in July 2001).

A study is currently under preparation assessing Latvia's implementation and enforcement capacities in relation to the environmental acquis, which is to be discussed during the next AC-IMPEL Plenary Meeting that will take place in Latvia in February 2002.

#### *4.2. Other European countries (EEA)*

The countries of the European Economic Area (EEA), that is Iceland, Liechtenstein and Norway, are invited to take part in working groups if their specific contribution is considered

valuable. Norway takes part in the two clusters on Training and Exchange and Transfrontier Shipment of waste. Norway was represented at the IMPEL Meetings in 2000 in Oporto and Paris and those in 2001 in Falun and Namur.

## **5. IMPEL reports adopted in 2000 and 2001**

Reports adopted by IMPEL in 2000 and 2001 have included the following:

- Complaint procedures and Access to Justice for citizens and NGOs in the field of the environment within the European Union
- Fact Sheet for Printers (information on how to prevent, limit and control pollution from the printing industry)
- IMPEL 2000 Conference on Compliance and Enforcement
- IMPEL Workshop on the use of Chlorinated Hydrocarbons in Industrial Plants
- Diffuse VOC Emissions (a review of estimation methods and measures for atmospheric emissions of Volatile Organic Compounds and proposed guidelines)
- Finnish Comparison Programme (Self Monitoring and Electronic Reporting)
- IMPEL Workshop on Integrated Permitting (an examination of different approaches in Member States towards environmental permitting and thereby to help establish a consistent approach)
- The Changes in Industrial Operations (an investigation of good practice in supervision and control of changes in industrial operations)
- Report on Lessons Learnt from Accidents
- IMPEL Review Initiative Phase 2: Assessment and test of Questionnaire and Guidance
- Best Practice in Compliance Monitoring
- Integrated pollution control, compliance and enforcement of EU Environmental legislation to industries (IPPC and non IPPC) of the food production/processing sector
- Dutch Comparison Programme (Condoning, Compliance Promotion, Communication and ISO/EMAS and One Page Permits)
- General Binding Rules (examines criteria that should be applied in developing General Binding Rules)
- IMPEL Review Initiative Phase 3: Testing of the Review Scheme: 1<sup>st</sup> Review: Mannheim, Baden Württemberg, Germany, 15-19 October 2001

These reports can be found on the IMPEL website at

<http://europa.eu.int/comm/environment/impel/>

## **6. Work projects and budget during 2000 and 2001**

Since 1997, IMPEL projects have generally been co-financed by the Commission and the Member State leading the project. The proportion of funding from the Commission has ranged from 50-80% though the Commission will only contribute towards eligible costs. This means, for instance, that Member States have to meet the full costs of employees in the public sector who work on IMPEL projects, a fact which should be borne in mind when looking at the investment made in IMPEL projects. The amount allocated to projects in 2000 was €315,914 while in 2001 the total was €235,184.

The emphasis of IMPEL's work continues to be on the implementation and enforcement of environmental legislation, mainly as it affects large industrial processes. Typically, the projects look at how legislation is currently applied and enforced and then good practice is defined. The project on Complaint procedures and Access to Justice for citizens and NGOs in the field of the environment within the European Union provided results which were particularly useful to the Commission.

The number and quality of the reports that IMPEL has produced in 2000 and 2001 illustrates the success of the network in achieving its objectives. Some will be of benefit to small and medium-sized enterprises, such as the one on the fact sheet for printers. Several were concerned with aspects of the implementation of the IPPC directive. The IMPEL 2000 conference on Compliance and Enforcement was a notable achievement and has helped to promote the work of IMPEL to a wider audience. IMPEL has rapidly taken up the challenge presented by the Recommendation on Minimum Criteria for Environmental inspections and has already carried out the first in the series of reviews of inspectorates and inspection practices.

The website continues to be a great success and a very useful way for promoting IMPEL's activities. All of the reports adopted by IMPEL are on the website and this helps to ensure that they are available to a very wide audience.

## **7. Conclusions and outlook for the future**

IMPEL is going from strength to strength. It is continuing to produce work of a very high quality and the website has enabled this work to become known to a wide audience. The adoption of the multi annual work programme (with its emphasis on the Recommendation on Minimum Criteria for Environmental Inspections and the 6<sup>th</sup> Environmental Action Programme) will give a clear focus to the work of the network and should help to ensure that its activities continue to be of high value and usefulness. At the IMPEL Meeting in Namur on 5-7 December 2001, a multi-annual work programme covering the years 2002-2006 was adopted.

## **8. INECE**

INECE is the International Network for Environmental Enforcement and Cooperation. It began in 1985 and is now a major international network with contacts in more than 130 countries. Its accomplishments so far have included:

- The organisation of 5 international conferences



- The publication of 5 editions of the conference proceedings
- The production of the INECE newsletter
- An informative website
- Several training initiatives in cooperation with the World Bank Institute

Every few years INECE organises a Global Conference. The next one is planned for April 2002 in San Jose, Costa Rica. The title of the conference is “Inaugurating a millennium of Implementation and Enforcement of Environmental Law. The main themes of the conference will be institutional capability and performance assessment, raising awareness of the importance of environmental compliance and enforcement and the evolving role of the judiciary in environmental compliance and enforcement. There will be speakers on each of the topics and associated workshops that will give participants the opportunity to discuss themes in depth and develop them further. Towards the end of the conference there will be Regional Network Meetings that will be an opportunity for participants to meet in regional groups.

The Executive Planning Committee of INECE has recognised the need for developing a multi-year work programme and the added value of links with regional networks in addition to holding international conferences every two years or so. A draft work programme has been drawn up based on experience with other networks (including IMPEL and AC-IMPEL). The main objectives will be capacity building, effective networks and enforcement cooperation at country, region and global levels and raised awareness of the importance of environmental compliance and enforcement. Two potential projects have already been identified and these are a training programme for Illegal Transfrontier Movements of Hazardous Waste and a compilation and sharing of innovative domestic decisions.

**CHAPTER III: DETAILS OF MEMBER STATES' TRANSPOSING MEASURES  
COMMUNICATED FOR COMMUNITY DIRECTIVES TO BE  
TRANPOSED DURING THE PERIOD COVERED BY THE  
SURVEY (NOTIFICATIONS RECEIVED BY 31 DECEMBER 2001)**

(2000)

❖ **Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom**

*OJ L 180, 9.7.1997, p. 22-27*

*Transposition date: 12.5.2000*

---

<b>Belgium</b>	<ol style="list-style-type: none"><li>01. Arrêté Royal du 20 juillet 2001 portant mise en vigueur de la loi du 15 avril 1994 relative à la protection de la population et de l'environnement contre les dangers résultant des rayonnements ionisants et relative à l'Agence fédérale de contrôle nucléaire, Moniteur belge du 30.8.2001, p. 28906 - F. 2001-2370 (C-2001/09537)</li><li>02. Arrêté Royal portant sur les attributions et la désignation des membres du Département de contrôle et de surveillance de l'Agence fédérale de contrôle nucléaire chargée de veiller à l'application de la loi du 15 avril 1994 relative à la protection de la population et de l'environnement contre les dangers des rayonnements ionisants et relative à l'Agence fédérale de contrôle nucléaire, Moniteur belge du 30.8.2001, p. 28907 - F. 2001-2370 (C-2001/09537)</li><li>03. Arrêté Royal du 20 juillet 2001 portant règlement général de la protection de la population des travailleurs et de l'environnement contre les dangers résultant des rayonnements ionisants, Moniteur belge du 30.8.2001, p. 28909 - F. 2001-2370 (C-2001/09537)</li></ol>
<b>Denmark</b>	<ol style="list-style-type: none"><li>01. Sundhedsstyrelsens bekendtgørelse nr. 823 af 31. oktober 1997 om dosisgrænser fo ioniserende stråling</li><li>02. Bekendtgørelse nr. 708 af 29. september 1998 om brugen af røntgenanlæg m.v.</li><li>03. Bekendtgørelse nr. 975 af 16. december 1998 om medicinske røntgenanlæg til undersøgelse af patienter</li><li>04. Bekendtgørelse nr. 48 af 25. januar 1999 om elektronacceleratorer til patientbehandling med energier fra 1 MeV til og med 50 MeV</li><li>05. Bekendtgørelse nr. 209 af 6. april 1999 om dentalrøntgenanlæg til intra-orale optagelser med spændinger til og med 70 kV</li><li>06. Bekendtgørelse nr. 663 af 16. august 1999 om større dentalrøntgenanlæg</li><li>07. Bekendtgørelse nr. 765 af 6. oktober 1999 om røntgenterapiapparater til patientbehandling</li><li>08. Bekendtgørelse nr. 954 af 23. oktober 2000 om anvendelse af abne radioaktive kilder pa sygehuse, laboratorier m.v.</li></ol>
<b>Germany</b>	<ol style="list-style-type: none"><li>01. Gesetz zur Änderung atomrechtlicher Vorschriften für die Umsetzung von Euratom-Richtlinien zum Strahlenschutz, BGBl. Teil I Nr. 20 vom 10.5.2000, S. 636</li><li>02. Verordnung für die Umsetzung von Euratom-Richtlinien zum Strahlenschutz, BGBl. Teil I Nr. 38 vom 26.7.2001, S. 1714-1846</li></ol>

---

❖ **Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom**

*OJL 180, 9.7.1997, p. 22-27*

*Transposition date: 12.5.2000*

---

<b>Greece</b>	01. Décision 1014, Efimerida tis Kyverniseos, FEK n° 216/B du 6.3.2001, p. 4343
<b>Spain</b>	01. Real Decreto por el que se establecen los criterios de calidad en medicina nuclear, aprobado el 5 de diciembre de 1997 - RD 1841/97, Boletín Oficial del Estado número 303 de 19.12.1997 02. Real Decreto por el que se establecen los criterios de calidad en radioterapia nuclear, aprobado el 17 de julio de 1998 - RD 1566/98, Boletín Oficial del Estado número 206 de 28.8.1998 03. Real Decreto por el que se establecen los criterios de calidad en radiodiagnóstico, aprobado el 23 de diciembre de 1999 - RD 1976/99, Boletín Oficial del Estado número 311 de 29.12.1999 04. Real Decreto 815/2001 sobre justificación del uso de las radiaciones ionizantes para la protección radiológica de las personas con ocasión de exposiciones médicas, Boletín Oficial del Estado número 168 de 14.7.2001
<b>France</b>	01. Loi sur la sécurité sanitaire de 1998 02. Ordonnance n° 2001-270 du 28 mars 2001 relative à la transposition de directives communautaires dans le domaine de la protection contre les rayonnements ionisants, JORF du 31.3.2001, p. 5056 03. Décret n° 2001-1154 du 5 décembre 2001 relatif à l'obligation de maintenance et au contrôle de qualité des dispositifs médicaux prévus à l'article L. 5212-1 du code de santé publique, JORF du 7.12.2001 p. 19481
<b>Ireland</b>	No notification to date
<b>Italy</b>	01. Decreto legislativo 26 maggio 2000, n. 187, attuazione della Diretiva 97/43/Euratom in materia di protezione sanitaria delle persone contro i pericoli delle radiazioni ionizzanti connesse ad esposizioni mediche, GURI serie generale del 27.7.2000, n.105
<b>Luxembourg</b>	01. Règlement Grand Ducal du 16 mars 2001 relatif à la protection sanitaire des personnes contre les dangers des rayonnements ionisants lors d'exposition à des fins médicales, Memorial du GD du Luxembourg n° 66 du 6.6.2001, p. 1292
<b>Netherlands</b>	01. Wet van 9 juli 2000 tot wijziging van de Kernenergiewet 02. Besluit stralingsbescherming 03. Wijzigingen van het Besluit kerninstallaties, splijtstoffen en ertsen en het Besluit vervoer splijtstoffen, ertsen en radioactieve stoffen
<b>Austria</b>	01. Verordnung über Maßnahmen zum Schutz des Lebens oder der Gesundheit von Menschen einschließlich ihrer Nachkommenschaft vor Schäden durch ionisierende Strahlen (Strahlenschutzverordnung) 12/01/1972, Bundesgesetzblatt Nr. 47, 18.2.1972, S. 481-565 02. Bundesgesetz über Maßnahmen zum Schutz des Lebens oder der Gesundheit von Menschen einschließlich ihrer Nachkommenschaft vor Schäden durch ionisierende Strahlen (Strahlenschutzgesetz), 11/06/1969, Bundesgesetzblatt Nr. 227, 8.7.1969, S. 1337-1349

---

❖ **Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom**

*OJL 180, 9.7.1997, p. 22-27*

*Transposition date: 12.5.2000*

- 
03. Bundesgesetz mit dem das Arzneimittelgesetz geändert wird (Arzneimittelgesetz-Novelle 1993), Bundesgesetzblatt Nr. 107, 16.2.1994, 2021-2040.
  04. Bundesgesetz betreffend Medizinprodukte (MPG), Bundesgesetzblatt Nr. 657, 29.11.1996, S. 4579-4617
  05. Bundesgesetz mit dem Regelungen über Suchtgifte, psychotrope Stoffe und Vorläuferstoffe (Suchtmittelgesetz, SMG), Bundesgesetzblatt Nr. 112, 5.9.1997, S. 1401-1418
  06. Bundesgesetz: Änderung des Bundesgesetzes über die Regelung der gehobenen medizinisch-technischen Dienste (MTD-Gesetz), Bundesgesetzblatt n° 327, 9.7.1996, 2515-2523.
  07. Ärztesgesetz 1998 und änderung des Ausbildungsvorbehaltsgesetzes, Bundesgesetzblatt n° 169, 10.11.1998, 1933-2011.
  08. Verordnung über die Ausbildung zum Arzt für Allgemeinmedizin und zum Facharzt (Ärzte-Ausbildungsordnung), Bundesgesetzblatt n° 152, 4.3.1994, 2113-2262
  09. Erlass zum unmittelbaren Anwendbarkeit von Richtlinien auf dem Gebiete des Strahlenschutzes im Bereich der Medizin ab dem 13. Mai 2000, vom 10. Mai 2000, GZ. 32.240/2-IX/11/2000
  10. Qualitätssicherung und Qualitätskontrolle auf dem Gebiet des Strahlenschutzes im Bereich der Humanmedizin vom 3. Juli 2001, GZ. 32.240/2-IX/11/2001

**Portugal**

No notification to date

**Finland**

01. Säteilylaki, 27/03/1991, SSK 592/1991, ja sen muutokset 1102/1992, 1334/1994, 594/1995 ja 1142/1998
  02. Säteilyasetus, 20/12/1991, SSK 1512/1991
  03. STM:n asetus säteilyn lääketieteellisestä käytöstä, 10/05/2000, SSK 423/2000
  04. Laki Säteilyturvakeskuksesta, 22/12/1983, SSK 1069/1983
  05. Laki lääketieteellisestä tutkimuksesta, 09/04/1999, SSK 488/1999
  06. Kansanterveyslaki, 28/01/1972, SSK 66/1972
  07. Kansanterveysasetus, 21/08/1992, SSK 802/1992
  08. Laki terveydenhuollon valtakunnallisista henkilörekistereistä, 09/06/1989, SSK 556/1989
  09. Asetus terveydenhuollon valtakunnallisista henkilörekistereistä, 01/09/1989, SSK 774/1989
  10. Laki terveydenhuollon ammattihenkilöistä, 28/06/1994, SSK 559/1994
  11. Asetus terveydenhuollon ammattihenkilöistä, 28/06/1994, SSK 564/1994
-

❖ **Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom**

*OJL 180, 9.7.1997, p. 22-27*

*Transposition date: 12.5.2000*

---

<b>Sweden</b>	01 Statens strålskyddsinstitutets föreskrifter om allmänna skyldigheter vid medicinsk och odontologisk verksamhet med joniserande strålning - 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:1, 6.6.2000, s. 1-8
	02. Statens strålskyddsinstitutets föreskrifter om röntgendiagnostik - 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:2, 6.6.2000, s. 1-9
	03. Statens strålskyddsinstitutets föreskrifter och allmänna råd om nukleärmedicin - 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:3, 6.6.2000, s. 1-9
	04. Statens strålskyddsinstitutets föreskrifter om medicinsk strålbehandling - 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:4, 6.6.2000, s. 1-6
	05. Högskoleförordning - 04/02/1999, Svensk författningssamling 1993:100, 2.3.1993, s. 1-60
	06. Lag om yrkesverksamhet på hälso- och sjukvårdens område - 11/06/1998, Svensk författningssamling 1998:531, 22.6.1998, s. 1-18
	07. Förordning om yrkesverksamhet på hälso- och sjukvårdens område - 3/12/1998, Svensk författningssamling 1998:1513, 11.12.1998, s. 1-15
	08. Socialstyrelsens föreskrifter - 04/11/1996, Socialstyrelsens författningssamling 1996:26(M), 29.11.1996, s. 3
	09. Socialstyrelsens föreskrifter och allmänna råd. Kvalitetssystem I hälso- och Sjukvården - 25/10/1996, Socialstyrelsens författningssamling 1996:24(M), 20.12.1996, s. 3-20
<b>United Kingdom</b>	01. The Ionizing Radiation (medical exposure) Regulations 2000, Statutory Instrument No 1059 of 2000, Great Britain
	02. The Ionizing Radiation (medical exposure) Regulations (Northern Ireland) 2000, Statutory Instrument No 154 of 2000

---

❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

<b>Belgium</b>	<ol style="list-style-type: none"><li>01. Arrêté royal du 20 juillet 2001 portant mise en vigueur de la loi du 15 avril 1994 relative à la protection de la population et de l'environnement contre les dangers résultant des rayonnements ionisants et relative à l'Agence fédérale de contrôle nucléaire, Moniteur belge du 30.8.2001, p. 28906 - F. 2001-2370 (C-2001/09537)</li><li>02. Arrêté Royal portant sur les attributions et la désignation des membres du Département de contrôle et de surveillance de l'Agence fédérale de contrôle nucléaire chargée de veiller à l'application de la loi du 15 avril 1994 relative à la protection de la population et de l'environnement contre les dangers des rayonnements ionisants et relative à l'Agence fédérale de contrôle nucléaire, Moniteur belge du 30.8.2001, p. 28907 - F. 2001-2370 (C-2001/09537)</li><li>03. Arrêté Royal du 20 juillet 2001 portant règlement général de la protection de la population des travailleurs et de l'environnement contre les dangers résultant des rayonnements ionisants, Moniteur belge du 30.8.2001, p. 28909 - F. 2001-2370 (C-2001/09537)</li></ol>
<b>Denmark</b>	<ol style="list-style-type: none"><li>01. Sundhedsstyrelsens bekendtgørelse nr. 823 af 31. oktober 1997 om dosisgrænser fo ioniserende stråling</li><li>02. Bekendtgørelse nr. 708 af 29. september 1998 om medicinske røntgenanlæg til undersøgelse af patienter</li><li>03. Bekendtgørelse nr. 975 af 16. december 1998 om medicinske røntgenanlæg til undersøgelse af patienter</li><li>04. Bekendtgørelse nr. 48 af 25. januar 1999 om elektronacceleratorer til patientbehandling med energier fra 1 MeV til og med 50 MeV</li><li>05. Bekendtgørelse nr. 209 af 6. april 1999 om dentalrøntgenanlæg til intra-orale optagelser med spændinger til og med 70 kV</li><li>06. Bekendtgørelse nr. 663 af 16. august 1999 om større dentalrøntgenanlæg</li><li>07. Bekendtgørelse nr. 765 af 6. oktober 1999 om røntgenterapiapparater til patientbehandling</li><li>08. Bekendtgørelse nr. 954 af 23. oktober 2000 om anvendelse af abne radioaktive kilder på sygehuse, laboratorier m.v.</li><li>09. Bekendtgørelse om undtagelsesregler fra lov om radioaktive stoffer, SIS-udkast af 22. december 2000</li><li>10. Bekendtgørelse nr. 120 af 26. februar 2001 om ændring af bekendtgørelse om lægelig kontrol med arbejde med ioniserende stråling</li><li>11. Bekendtgørelse nr. 206 af 23. marts 1990 om lægelig kontrol med arbejde med ioniserende stråling, s. 1-2</li><li>12. Bekendtgørelse nr. 1165 af 16. december 1992 om arbejdsmedicinske undersøgelser efter lov om arbejdsmiljø</li></ol>

---

❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

<b>Germany</b>	01. Gesetz zur Änderung atomrechtlicher Vorschriften für die Umsetzung von Euratom-Richtlinien zum Strahlenschutz, BGBl. Teil I Nr. 20 vom 10.5.2000, S. 636
	02. Verordnung vom 20. Juli 2001 für die Umsetzung von EURATOM-Richtlinien zum Strahlenschutz, BGBl. Teil I Nr. 38 vom 26.7.2001, S. 1714
<b>Greece</b>	01. Décision 1014, Efimerida tis Kyverniseos, FEK n° 216/B du 6.3.2001, p. 4343
<b>Spain</b>	01. Real Decreto 783/2001, de 6 de julio de 2001, por el que se aprueba el Reglamento sobre protección sanitaria contra radiaciones ionizantes, Boletín Oficial del Estado número 178 de 26.7.2001, p. 27284
	02. Real Decreto 1836/1999, de 3 diciembre 1999, por el que se aprueba el Reglamento sobre instalaciones nucleares y radiactivas, Boletín Oficial del Estado número 313 de 31.12.1999
<b>France</b>	01. Décret n° 2001-215 du 8 mars 2001 modifiant le décret n° 66-450 du 20 juin 1966 relatif aux principes généraux de protection contre les rayonnements ionisants, JORF du 10.3.2001, p. 3869 - (NOR MESP0120118D)
	02. Ordonnance n° 2001-270 du 28 mars 2001 relative à la transposition de directives communautaires dans le domaine de la protection contre les rayonnements ionisants, JORF du 31.3.2001, p. 5056
<b>Ireland</b>	01. Radiological protection Act 1991 (No 9 of 1991)
	02. Energy (Miscellaneous provisions) Act 1995 (No 35 of 1995)
	03. Food Safety Authority of Ireland Act, 1998 (No 29 of 1998)
	04. Radiological protection Act 1991(ionizing radiation) Order, 2000, Statutory Instrument No 125 of 2000
	05. European Communities (Revocation of Regulations relating to ionizing radiation and protection of outside workers from such radiations) Regulations 2000, Statutory Instrument No 131 of 2000
<b>Italy</b>	01. Avviso di rettifica ed errata-corrige al decreto legislativo 26 maggio 2000, n. 241 di attuazione della direttiva 96/29/Euratom del Consiglio del 13/05/1996, che stabilisce le norme fondamentali di sicurezza relative alla protezione sanitaria della popolazione e dei lavoratori contro I rischi derivanti dalle radiazioni ionizzanti, GURI, serie generale del 22.3.2001, n. 68
	02. Decreto legislativo 9 maggio 2001, n. 257, GURI serie generale del 4.7.2001, n. 153, p. 9
	03. Avviso di rettifica ed errata-corrige al decreto legislativo 26 maggio 2000, n. 241 di attuazione della direttiva 96/29/Euratom del Consiglio del 13/05/1996, che stabilisce le norme fondamentali di sicurezza relative alla protezione sanitaria della popolazione e dei lavoratori contro I rischi derivanti dalle radiazioni ionizzanti, GURI serie generale del 22.3.2001, n. 68
<b>Luxembourg</b>	01. Règlement grand-ducal du 14/12/2000 concernant la protection de la population contre les dangers résultant des rayonnements ionisants, Mémorial A, N° 9 du 22.1.2001, p. 528

---

❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

<b>Netherlands</b>	01. Wet van 9 juli 2000 tot wijziging van de Kernenergiewet, Staatsblad 2000, 313
	02. Besluit stralingsbescherming, Staatsblad 2001, 397
<b>Austria</b>	01. Strahlenschutzgesetz, BGBl. Nr. 227/1969, idF 657/1996
	02. Strahlenschutzverordnung, BGBl. Nr. 47/1972
	03. Rundschreiben vom 14.9.2000 zur unmittelbaren Anwendbarkeit der Richtlinie 96/29/Euratom ab dem 13. Mai 2000
<b>Portugal</b>	No notification to date
<b>Finland</b>	01. Säteilylaki, 27/03/1991, SSK 592/1991 ja sen muutos 1142/1998
	02. Säteilyasetus, 20/12/1991, SSK 1512/1991 ja sen muutos 1143/1998
	03. Työterveyshuoltolaki, 29/09/1978, SSK 743/1978
	04. Valtioneuvoston päätös terveystarkastuksista erityistä sairastumisen vaaraa aiheuttavissa töissä, 30/12/1992, SSK 1672/1992
	05. Laki Säteilyturvakeskuksesta, 22/12/1983, SSK 1069/1983
	06. Asetus säteilyturvakeskuksesta, 27/06/1997, SSK 618/1997
	07. Säteilyn käytön vapauttaminen turvallisuusluvasta ja ilmoitusvelvollisuudesta, 01/07/1999, OHJE N:o ST 1.5, 01/07/1999, s. 0-10
	08. Säteilysuojelutoimet työpaikalla: 29/12/1999, OHJE N:o ST 1.6 29/12/1999, s. 0-14
	09. Hammasröntgenlaitteiden käyttö ja valvonta, 27/05/1999, OHJE N:o ST 3.1, 27/05/1999, s. 0-10
	10. Radionuklidlaboratorioiden säteilyturvallisuusvaatimukset, 01/07/1999, OHJE N:o ST 6.1, 01/07/1999, s. 0-9
	11. Radioaktiiviset jätteet: 01/07/1999, OHJE N:o ST 6.2, 01/07/1999, s. 0-9
	12. Säteilyaltistuksen seuranta, 25/02/2000, OHJE N:o ST 7.1, 25/02/2000, s. 0-9
	13. Säteilyaltistuksen enimmäisarvojen soveltaminen ja säteilyannoksen laskemisperusteet, 01/07/1999, OHJE N:o ST 7.2, 01/07/1999, s. 0-20
	14. Sisäisestä säteilystä aiheutuvan annoksen laskeminen, 01/07/1999, OHJE N:o ST 7.3, 01/07/1999, page 0-90
	15. Säteilyannosten rekisteröinti: 25/02/2000, OHJE N:o ST 7.4, 25/02/2000, s. 0-7
	16. Säteilytyötä tekevien työntekijöiden terveystarkkailu: 29/12/1999, OHJE N:o ST 7.5, 29/12/1999, s. 0-12
	17. Säteilyturvallisuus luonnonsäteilylle altistavassa toiminnassa, 06/04/2000, OHJE N:o ST 12.1, 06/04/2000, s. 0-15
	18. Säteilyturvakeskuksen päätös 202/310/99 Hammasröntgenlaitteiden käytön vapauttaminen turvallisuusluvasta, 24/05/1999
	19. Ydinergialaki ja muu säännöstö
	20. Ydinenergi laki, 11/12/1987, SSK 990/1987, kuten viimeksi muutettuna 635/1999
	21. Ydinenergia-asetus, 12/02/1988, SSK 161/1998, kuten viimeksi muutettuna

---



❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

1069/1999

22. Valtioneuvoston päätös ydinvoimalaitosten turvallisuutta koskevista yleisistä määräyksistä, 14/02/1991, SSK 395/1991
23. Valtioneuvoston päätös ydinvoimalaitosten valmiusjärjestelyjä koskevista yleisistä määräyksistä, 14/02/1991, SSK 397/1991
24. Ydinvoimalaitoksen ympäristön väestön säteilyannosten arviointi: 23/01/1997, OHJE N:o YVL 7.2, 23/01/1997, s. 0-11
25. Ydinvoimalaitoksen valmiusjärjestelyt: 23/01/1997, OHJE N:o YVL 7.4, 23/01/1997, s. 0-18
26. Ydinvoimalaitosten radioaktiivisten aineiden päästöjen mittaus: 13/07/1992, OHJE N:o YVL 7.6, 13/07/1992, s. 0-7
27. Ydinvoimalaitoksen ympäristön säteilyvalvonta 11/12/1995, OHJE YVL N:o 7.7, 11/12/1995, s. 0-10
28. Ydinvoimalaitosten työntekijöiden säteilysuojelu: 14/12/1992, OHJE N:o YVL 7.9, 14/12/1992, s. 0-9
29. Ydinvoimalaitoksen työntekijöiden säteilyaltistuksen valvonta, 29/08/1994, OHJE N:o YVL 7.10, 29/08/1994, s. 0-9
30. Ydinjätteiden vapauttaminen valvonnasta: 19/03/1992, OHJE N:o YVL 8.2, 19/03/1992, s. 0-6

**Sweden**

01. Strålskyddslag, Svenska författningssamling (SFS) 1988:220
  02. Lag (2000:264) om ändring i strålskyddslagen (1988:220), SFS 2000:264, 9.5.2000
  03. Förordning (2000:808) om ändring i förordningen (1988:295) med instruktion för Statens strålskyddsinstitut, SFS 2000:808, 7.11.2000
  04. Förordning (2000:809) om ändring i strålskyddsförordningen (1988:293), SFS 2000:809, 7.11.2000
  05. Statens strålskyddsinstitutets författningssamling, i det följande SSIFS : 1983:7; 1999:1; 1991:2; 1991:3; 1991:5; 1992:1; 1992:4; 1996:2; 1998:3; 1998:4; 1998:5; 1998:6; 2000:1; 2000:2; 2000:3; 2000:4; 2000:5; 2000:6; 2000:7; 2000:8; 2000:9; 2000:10; 2000:11
  06. Strålskyddslag, 19/05/1988 Svensk författningssamling 1988:220
  07. Strålskyddsförordning 19/05/1988, Svensk författningssamling 1988:293
  08. Förordning med instruktion för Statens strålskyddsinstitut 19/05/1988, Svensk författningssamling 1988:295
  09. Räddningstjänstlag 11/12/1986, Svensk författningssamling 1986:1102
  10. Räddningstjänstlagförordning 11/12/1986, Svensk författningssamling 1986:1107
  11. 9 kap. Miljöfarlig verksamhet och hälsoskydd, Svensk författningssamling 1988:808 - Arbetsmiljölagen 19/12/1977 Svensk författningssamling 1977:1160
  12. Lag om ändring i strålskyddslagen (1988:220) 27/04/2000, Svensk författningssamling 2000:264, 09.05.2000, s. 1-2
-

❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

13. Förordning om ändring i förordningen (1988:295) med instruktion för Statens strålskyddsinstitut 19/10/2000 Svensk författningssamling 2000:808, 7.11.2000, s. 1-2
  14. Förordning om ändring i strålskyddsförordningen (1988:293) 19/10/2000, Svensk författningssamling 2000:809, 7.11.2000, s. 1-7
  15. Statens strålskyddsinstututs föreskrifter m.m. om icke kärnenergianknutet radioaktivt avfall: 20/12/1983, Statens strålskyddsinstututs författningssamling 1983:7
  16. Statens strålskyddsinstututs föreskrifter om strålskärning av röntgenanläggningar för medicinsk diagnostik: 22/03/1991, Statens strålskyddsinstututs författningssamling 1991:1
  17. Statens strålskyddsinstututs föreskrifter om strålskärning av röntgenanläggningar för odontologisk diagnostik : 22/03/1991, Statens strålskyddsinstututs författningssamling 1991:2
  18. Statens strålskyddsinstututs föreskrifter om strålskärning av röntgenanläggningar för veterinärmedicinsk diagnostik, 22/03/1991, Statens strålskyddsinstututs författningssamling 1991:3
  19. Statens strålskyddsinstututs föreskrifter om bäringskikare och pejlkompasser försedda med tritiumljus, 24/02/1992, Statens strålskyddsinstututs författningssamling 1992:1
  20. Statens strålskyddsinstututs föreskrifter om brandvarnare som innehåller strålkälla med radioaktivt ämne, 02/11/1992, Statens strålskyddsinstututs författningssamling 1992:4
  21. Statens strålskyddsinstututs föreskrifter om utförsel av gods och olja från zonindelad område vid kärntekniska anläggningar: 25/09/1996, Statens strålskyddsinstututs författningssamling 1996:2
  22. Statens strålskyddsinstututs föreskrifter om externa personer i verksamhet med joniserande strålning, 18/11/1996, Statens strålskyddsinstututs författningssamling 1996:3, s. 1-6
  23. Statens strålskyddsinstututs föreskrifter om kategoriindelning av arbetstagare och arbetsställen vid verksamhet med joniserande strålning, 29/10/1998, Statens strålskyddsinstututs författningssamling 1998:3
  24. Statens strålskyddsinstututs föreskrifter om dosgränser vid verksamhet med joniserande strålning, 29/10/1998, Statens strålskyddsinstututs författningssamling 1998:4
  25. Statens strålskyddsinstututs föreskrifter om mätning och rapportering av persondoser, 29/10/1998, Statens strålskyddsinstututs författningssamling 1998:5
  26. Statens strålskyddsinstututs föreskrifter om läkarundersökning för arbete med joniserande strålning, 29/10/1998, Statens strålskyddsinstututs författningssamling 1998:6
  27. Statens strålskyddsinstututs föreskrifter om allmänna skyldigheter vid medicinsk och odontologisk verksamhet med joniserande strålning, 28/04/2000, Statens strålskyddsinstututs författningssamling 2000:1, 6.6.2000, s. 1-8
-

❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

28. Statens strålskyddsinstitutets föreskrifter om röntgendiagnostik, 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:2, 6.6.2000, s. 1-9
29. Statens strålskyddsinstitutets föreskrifter och allmänna råd om nukleärmedicin, 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:3, 6.6.2000, s. 1-9
30. Statens strålskyddsinstitutets föreskrifter om medicinsk strålbehandling, 28/04/2000, Statens strålskyddsinstitutets författningssamling 2000:4, 6.6.2000, s. 1-6
31. Statens strålskyddsinstitutets föreskrifter och allmänna råd om röntgenverksamhet inom veterinärmedicinen, 26/05/2000, Statens strålskyddsinstitutets författningssamling 2000:5, 09.08.2000, s. 1-9
32. Statens strålskyddsinstitutets allmänna råd om kompetens hos strålskyddsexperter, 6/05/2000, Statens strålskyddsinstitutets författningssamling 2000:6, 9.8.2000, s. 1-4
33. Statens strålskyddsinstitutets föreskrifter om laborativ verksamhet med radioaktiva ämnen i form av öppna strålkällor, 26/05/2000, Statens strålskyddsinstitutets författningssamling 2000:7, 9.8.2000, s. 1-10
34. Statens strålskyddsinstitutets föreskrifter och allmänna råd om radiografering, 26/05/2000, Statens strålskyddsinstitutets författningssamling 2000:8, 9.8.2000, s. 1-9
35. Statens strålskyddsinstitutets föreskrifter om verksamhet med accelerators och slutna strålkällor, 26/05/2000, Statens strålskyddsinstitutets författningssamling 2000:9, 9.8.2000, s. 1-6
36. Statens strålskyddsinstitutets föreskrifter om personsstrålskydd i verksamhet med joniserande strålning vid kärntekniska anläggningar, 26/05/2000, Statens strålskyddsinstitutets författningssamling 2000:10, 9.8.2000, s. 1-8
37. Statens strålskyddsinstitutets föreskrifter om strålskyddsföreståndare vid kärntekniska anläggningar, 26/05/2000, Statens strålskyddsinstitutets författningssamling 2000:11, 9.8.2000, s. 1-2

**United Kingdom**

01. Health and Safety at work Act 1974 (last amended 1996 and 1997)
  02. The Medicines (Administration of Radioactive Substances) Regulations 1978 (1978 n° 1006) modifieré par The Medicines (Administration of Radioactive Substances) amendment Regulations 1995 (No 2147) et The medicines (radioactive Substances) Order 1978 1978 No 1004
  03. Food Safety Act 1990
  04. Environment Act 1995
  05. Food and Environment protection Act 1985
  06. Ionizing Radiations Regulations (Great Britain) 1999 of 9.12.1999 (1999/3232)
  07. Ionising Radiations Regulations (Northern Ireland) 2000, Statutory Rules of Northern Ireland No 375
  08. Radioactive substances Act 1993 (27 mai) (GB) as amended by Environment Act 1995
-

❖ **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation**

*OJL 159, 29.6.1996, p. 1-14*

*Transposition date: 13.5.2000*

---

09. Radioactive (Basic standards) Scotland Regulation 2000 and Radioactive (Basic standards) Scotland Direction 2000 (Scottish SI 2000 No 100)
  10. The Radioactive Material (Road Transport) (Great Britain) Regulations 1996, Statutory Instrument 1350/1996, into force on 20/06/1996
  11. Health Protection (Ionising Radiation) Ordinance 2001 Interpretation and General Clauses Ordinance the Radiation (Emergency Preparedness and Public Information) Regulations 2001, Draft legal notice of 2001 Gibraltar Gazette
  12. The radiation (emergency preparedness and public information for Great Britain Regulations 2001 (2001 No 2975) of 20.9.2001
  13. Air navigation (cosmic radiation)( keeping of records) Regulations 2000 (No 1380) and air navigation (cosmic radiation) Order 2000 (No 1104)
  14. The radioactive substances (substances of low activity) exemption (amendment) Order 1992 (S.I. No 647)
  15. Nuclear reactors (environmental impact assessment for decommissioning) regulations 1999 (SI No 2892)
  16. Radiation (Emergency Preparedness and Public Information) Regulations 2001 (Great Britain) - (27/08/2001), SI 2001 N° 2975, entrée en vigueur 20/09/2001
  17. Radiation (Emergency Preparedness and Public Information) Regulations 2001 Northern Ireland (27/08/2001), SR of NI 2001 No 436
  18. Radioactive Substances (Clocks and Watches) England and Wales-Regulations 2001 – SI 2001 No 4005
  19. Requirements for the approval of Dosimetry services under the IRR 1999 (supplement on approval for emergency exposures during intervention)
-

❖ **Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market**

*OJL 123, 24.4.1998, p. 1-63*

*Transposition date: 13.5.2000*

---

<b>Belgium</b>	01. Arrêté royal du 5 juin 1975 relatif à la conservation, au commerce et à l'utilisation des pesticides et des produits phytopharmaceutiques, Moniteur belge du 4.11.1975, p. 13864 02. Arrêté royal du 25 juillet 1985 modifiant l'arrêté royal du 5 juin 1975 relatif à la conservation, au commerce et à l'utilisation des pesticides et des produits phytopharmaceutiques, Moniteur belge du 18.12.1985 (N. 85-2623) 03. Arrêté royal du 5 novembre 1991 modifiant l'arrêté royal du 5 juin 1975 relatif à la conservation, au commerce et à l'utilisation des pesticides et des produits phytopharmaceutiques, Moniteur belge du 19.12.1991 (N. 91-3783), p. 28911 04. Arrêté Royal du 5 Septembre 2001 relatif à la mise sur le marché et l'utilisation des produits biocides, Moniteur belge du 12.10.2001, p. 35306
<b>Denmark</b>	01. Lov nr. 256 af 12 april 2000 am ændring af lov om kemiske stoffer og produkter 02. Bekendtgørelse af 5 maj 2000 om ændring af bekendtgørelse om bekæmpelsesmidler
<b>Germany</b>	No notification to date
<b>Greece</b>	01. Décret Présidentiel n° 205, Efimerida tis Kyverniseos, FEK 160A du 16.7.2001, p. 2429
<b>Spain</b>	No notification to date
<b>France</b>	01. Ordonnance n° 2001-321 du 11/04/2001 relative à la transposition de directives communautaires et à la mise en oeuvre de certaines dispositions du droit communautaire dans le domaine de l'environnement, JORF du 14.4.2001, p. 5820
<b>Ireland</b>	No notification to date
<b>Italy</b>	01. Decreto legislativo 25/02/2000 n. 174, Supplemento ordinario alla Gazzetta ufficiale, serie generale, del 28/06/2000, n. 149, pag. 5
<b>Luxembourg</b>	No notification to date
<b>Netherlands</b>	01. Bestrijdingsmiddelenwet 1962 (12/07/1962), ADW, Kluwer, STB. 288 02. Regeling uitzondering bestrijdingsmiddelen (19/05/1978), ADW, Kluwer 03. Regeling samenstelling, indeling, verpakking en etikettering estrijdingsmiddelen (SIVEB) (22/02/1980), ADW, Kluwer 04. Regeling toelating bestrijdingsmiddelen 1995 (RTB'95) (23/02/1995), ADW, Kluwer 05. Besluit wijziging toelatingsvoorschriften bestrijdingsmiddelen, ADW, Kluwer (20/02/1995) 06. Bestrijdingsmiddelenbesluit (25/07/1964), ADW, Kluwer 07. Besluit andere taken College voor de toelating van bestrijdingsmiddelen (12/11/1999), ADW, Kluwer 08. Warenwetbesluit deponering informatie preparaten (21/12/1995), ADW, Kluwer 09. Besluit milieutoelatingseisen niet-landbouwbestrijdingsmiddelen (27/07/1998) 10. Wijziging van de Bestrijdingsmiddelenwet 1962 (implementatie biociden richtlijn), Tweede Kamer, vergaderjaar 1999-2000, 27 085, nrs 1-2, ADW, Kluwer

---

❖ **Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market**

*OJL 123, 24.4.1998, p. 1-63*

*Transposition date: 13.5.2000*

---

<b>Austria</b>	01. Bundesgesetz, mit dem ein Biozid-Produkte-Gesetz erlassen wird sowie das Lebensmittelgesetz 1975 und das Chemikaliengesetz 1996 geändert werden, BGBl. I Nr. 105/2000
<b>Portugal</b>	No notification to date
<b>Finland</b>	01. Laki kemikaalilain muuttamisesta, SSK 1198/1999 02. Laki torjunta-ainelain muuttamisesta, SSK1199/1999 03. Laki terveydensuojelulain 21 §:n muuttamisesta, SSK 1200/1999 04. Valtioneuvoston asetus biosidivamisteista, SSK 466/2000 05. Sosiaali- ja terveysministeriön asetus biosidivalmisteiden pakkaamisesta ja merkinnöistä, SSK 422/2000 06. Ympäristöministeriön asetus Suomen ympäristökeskuksen maksullisista suoritteista, SSK 420/2000 07. Sosiaali- ja terveysministeriön asetus sosiaali- ja terveydenhuollon tuotevalvontakeskuksen maksullisista suoritteista annetun sosiaali- ja terveysministeriön päätöksen muuttamisesta, SSK 498/2000 08. Landskapslag om tillämpning i landskapet Åland av vissa riksförfattningar rörande kemikalier (09/04/1990), AFS Nr 32/1990 09. Landskapslag om ändring av landskapslagen angående tillämpning i landskapet Åland av vissa riksförfattningar rörande kemikalier (12/05/1995), AFS Nr 60/1995 10. Landskapsförordning om ändring av landskapsförordning om tillämpning i landskapet Åland av riksförfattningar om explosionfarliga ämnen och kemikalier (12/10/2000), AFS Nr 73/2000 11. Maa- ja metsätalousministeriön asetus 109/00 viljakasvien siemenkaupasta (24/11/200)
<b>Sweden</b>	01. Förordningen (2000:338) om biocidprodukter 02. Kemikalieinspektionens föreskrifter (KIFS) 2000:3 om ändring i KIFS 1998:8 03. KIFS 1998:8 om kemiska produkter och biotekniska organismer 04. KIFS 2000:4 om ändring i KIFS 1994:12 05. Miljöbalken 1998:808 06. Förvaltningslagen 1986:223 07. Djurskyddsförordningen 1988:539 08. Sekretesslagen 1980:100 09. Sekretessförordningen 1980:657 10. Förordningen 2000:384 11. Sprängämnesinspektionens föreskrifter (SÄIFS) 1994:4 om varuinformationsblad 12. Marknadsföringslagen 1994:450 13. Förordningen 1998:942 om kemikalieavgifter m.m. 14. Förordningen 1998:900 om tillsyn enligt miljöbalken

---

❖ **Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market**

*OJL 123, 24.4.1998, p. 1-63*

*Transposition date: 13.5.2000*

---

	15. Förordningen 2000:341 om ändring i förordningen om tillsyn
	16. Förordningen 1988:525 med instruktion för Kemikalieinspektionen
<b>United Kingdom</b>	01. The Biocidal Products Regulations 2001; 06/04/2001, Statutory Instrument No 880

---

❖ **Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms**

*OJ L 330, 5.12.1998, p. 13-31*

*Transposition date: 5.6.2000*

---

<b>Belgium</b>	01. Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 09/12/1993 relatif aux installations effectuant des opérations mettant en oeuvre des micro-organismes ou des organismes, pathogènes ou génétiquement modifiés - Besluit van de Brusselse Hoofdstedelijke Regering van 09/12/1993 betreffende de inrichtingen die activiteiten verrichten waarbij pathogene of genetisch gemodificeerde micro-organismen of organismen worden aangewend, Moniteur belge du 25.1.1994, p. 1424
	02. Ordonnance du 5 juin 1997 relative aux permis d'environnement
<b>Denmark</b>	01. Bekendtgørelse nr. 384 af 26. maj 2000
	02. Bekendtgørelse af 28. juni 2001 om genteknologi og arbejdsmiljø, Bekendtgørelse nr. 642 tradte i kraft den 16. juli 2001
	03. Bekendtgørelse af lov om arbejdsmiljø, Lovbekendtgørelse nr. 784 af 11. oktober 1999
<b>Germany</b>	No notification to date
<b>Greece</b>	No notification to date
<b>Spain</b>	No notification to date
<b>France</b>	01. Code de l'environnement Livre V Prévention des pollutions, des risques et des nuisances, Titre III
	02. Décret n° 93-773 du 27/03/1993 pris pour l'application s'agissant des utilisations civiles de l'article 6 de la loi n° 92-654 du 13/07/1992 relative au contrôle de l'utilisation et de la dissémination des organismes génétiquement modifiés et modifiant la loi n° 76-663 du 19/07/1976 relative aux installations classées pour la protection de l'environnement, JORF n° 75 du 30.3.1993
	03. Arrêté du 09/06/1993 relatif au dossier de déclaration d'utilisation confinée d'organismes génétiquement modifiés prévu à l'article 19 du décret n° 93-773 du 27/03/1993, JORF n° 148 du 29.6.1993
	04. Arrêté du 27/12/1994 relatif au dossier de demande d'agrément prévu au titre Ier du décret n° 93-773 du 27/03/1993, JORF n° 13 du 15.1.1995, p. 786
<b>Ireland</b>	01. Genetically modified organisms (contained use) Regulations, 2001, Statutory Instrument No 73 of 2001
<b>Italy</b>	01. Decreto legislativo 12 aprile 2001, n° 206 (pubblicato nel "Supplemento ordinario n° 133 alla Gazzetta ufficiale della Repubblica italiana n° 126 del 1/6/2001 - Serie generale") Attuazione della direttiva 98/81/CE che modifica la direttiva 90/219/CE, concernente l'impiego confinato di microorganismi geneticamente modificati
<b>Luxembourg</b>	01. Règlement du 5 octobre 2001 déterminant les informations que doivent contenir les demandes d'autorisation de projets d'utilisation confiée d'organismes génétiquement modifiés, Mémorial A n° 128 du 18.10.2001, p. 2592
<b>Netherlands</b>	No notification to date
<b>Portugal</b>	01. Decreto-Lei n.º 2/2001 de 4 de Janeiro, Diário da República - I série A, n.º 3 de 4.1.2001, p. 39
<b>Finland</b>	01. Laki geenitekniikkalain muuttamisesta, 26/05/2000, SSK 490/2000

---



❖ **Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms**

*OJ L 330, 5.12.1998, p. 13-31*

*Transposition date: 5.6.2000*

---

02. Valtioneuvoston asetus geeniteknikka-asetuksen muuttamisesta, SSK 491/2000
03. Sosiaali- ja terveysministeriön asetus geeniteknikalla muunnettujen mikro-organismien suljetun käytön riskiarvioinnin periaatteista sekä eristämisen- ja muista suojatoimenpiteistä, 31/05/2000, SSK 492/2000
04. Geeniteknikkalaki, 17/03/1995, SSK 377/1995
05. Geeniteknikka-asetus, 24/04/1995, SSK 821/1995

**Sweden**

No notification to date

**United**

**Kingdom**

01. The Genetically Modified Organisms (Contained Use) Regulations 2000, Statutory Instrument, Health and Safety 2000 No 2831 (coming into force 15.11.2000)
  02. Public Health (Genetically Modified Micro-Organisms) (Contained Use) Regulations 2001 - 26/04/2001, Second supplement to the Gibraltar Gazette No 3220 of 26.4.2001, p. 132-183
  03. The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001, Statutory Instrument N° 295/2001 of 15.11.2000, coming into operation 25.9.2001
-

❖ **Commission Directive 98/98/EC of 15 December 1998 adapting to technical progress for the 25<sup>th</sup> time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 355, 30.12.1998, p. 1-624*

*Transposition date: 1.7.2000*

---

<b>Belgium</b>	01. Arrêté royal du 28 septembre 2000 modifiant l'arrêté royal du 11 janvier 1993 réglementant la classification, l'emballage et l'étiquetage des préparations dangereuses en vue de leur mise sur le marché ou de leur emploi et l'arrêté royal du 5 octobre 1998 limitant la mise sur le marché et l'emploi de certaines substances et préparations dangereuses, Moniteur belge n° 228 du 25.11.2000, p. 39238
	02. Arrêté royal du 28 septembre 2000 modifiant l'arrêté royal du 24 mai 1982 réglementant la mise sur le marché de substances pouvant être dangereuses pour l'homme et son environnement, Moniteur belge n° 228 du 25.11.2000, p. 39339
	03. Arrêté ministériel du 10 octobre 2000 rectifiant l'annexe VI de l'arrêté royal du 24 mai 1982 réglementant la mise sur le marché de substances pouvant être dangereuses pour l'homme ou son environnement, Moniteur belge n° 228 du 25.11.2000, p. 39347
<b>Denmark</b>	01. Bekendtgørelse nr. 1065 af 30 november 2000 om klassificering, emballering, maerkning, salg og opbevaring af kemiske stoffer og produkter
<b>Germany</b>	01. Vierte Verordnung zur Änderung der Gefahrstoffverordnung, Bundesgesetzblatt Teil I Nr. 48 vom 29.10.1999, S. 2059
<b>Greece</b>	01. Décision ministérielle 652/2000 modifiant la décision 378/94 du Conseil Chimique Supérieur pour la mise en conformité à la directive 98/98/CE de la Commission du 15 décembre 1998 portant vingt-cinquième adaptation au progrès technique de la directive 67/548/CEE du Conseil concernant le rapprochement des dispositions législatives, réglementaires et administratives relatives à la classification, l'emballage et l'étiquetage des substances dangereuses et en conformité avec les errata de la directive 98/98/CE (19/03/2001), Efimerida tis Kyverniseos, FEK n° 363 du 5.4.2001, p. 6302
<b>Spain</b>	01. Orden del Ministerio de la Presidencia de 5 de octubre del 2000, por la que se modifican los Anexos I, II, III, IV y V del Reglamento sobre notificación de sustancias nuevas y clasificación, envasado, etiquetado de sustancias peligrosas, aprobado por el Real-Decreto 383/1995, de 10 de marzo. Boletín Oficial del Estado número 243 de 10.10.2000, p. 34757. Anexos en el Suplemento del Boletín Oficial del Estado número 243 de 10.10.2000
<b>France</b>	01. Arrêté du 27 juin 2000, JORF du 25.7.2000, p. 11434
<b>Ireland</b>	01. European Communities (Classification, packaging, labelling and notification of dangerous substances) (Amendment) Regulations, 2000, Statutory Instrument No 393 of 29.11.2000
<b>Italy</b>	01. Decreto legislativo n. 205, GURI n. 205 del 2.9.2000
<b>Luxembourg</b>	01. Règlement grand-ducal du 8.6.2001 modifiant et complétant les annexes I, III, IV et VI de la loi modifiée du 15 juin 1994 (Mémorial A N° 68 du 13.6.2001) - relative à la classification, l'emballage et l'étiquetage des substances dangereuses - modifiant la loi du 11 mars 1981 portant réglementation de la mise sur le marché et de l'emploi de certaines substances et préparations dangereuses

---

❖ **Commission Directive 98/98/EC of 15 December 1998 adapting to technical progress for the 25<sup>th</sup> time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 355, 30.12.1998, p. 1-624*

*Transposition date: 1.7.2000*

---

<b>Netherlands</b>	01. Artikel 9(2) ‘Besluit verpakking en aanduiding milieugevaarlijke stoffen en preparaten WMS’.
	02. Artikel 19(2) ‘Nadere regels verpakking en aanduiding milieugevaarlijke stoffen en preparaten (WMS)’
	03. Bekendmaking wijziging EG-richtlijn betreffende bestuursrechtelijke bepalingen inzake gevaarlijke stoffen, Staatscourant van 21.9.2001, nr. 183
<b>Austria</b>	01. Chemikalienverordnung 1999, BGBl. II Nr. 2000/81
<b>Portugal</b>	01. Decreto-Lei n.º 195-A/2000, Diário da República I série A n.º 193 de 22.8.2000, p. 4248(2)
<b>Finland</b>	01. Sosiaali- ja terveystieteidenministeriön päätös kemikaalien luokitusperusteita ja merkintöjen tekemistä koskevan sosiaali- ja terveystieteidenministeriön päätöksen muuttamisesta
<b>Sweden</b>	01. Kemikalieinspektionens föreskrifter (KIFS 1999:3)
<b>United Kingdom</b>	01. The Chemicals (Hazard Information and Packaging for Supply) (Amendment) (No 2) Regulations, 1999, Statutory Instrument No 3165
	02. The Chemicals (Hazards Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 2001; 15.5.2001, S.R. I. 168

---

❖ **Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC**

*OJL 121, 11.5.1999, p. 13-18*

*Transposition date: 1.7.2000*

---

<b>Belgium</b>	01. Normes belges: - produits pétroliers, gasoil chauffage: NBN T52-716 octobre 2000 - produits pétroliers, combustibles résiduels: NBN T 52-717 octobre 2000 - produits pétroliers, gasoil marine: NBN T 52-703 janvier 2001 02. Arrêté royal du 07/03/2001 relatif à la dénomination, aux caractéristiques et à la teneur en soufre du gasoil de chauffage 03. Arrêté royal du 07/03/2001 relatif à la dénomination, aux caractéristiques et à la teneur en soufre de combustibles résiduels 04. Arrêté royal du 07/03/2001 relatif à la dénomination, aux caractéristiques et à la teneur en soufre du gasoil à usage maritime
<b>Denmark</b>	01. Bekendtgørelse af 22. juni 2000 om begrænsning av svovindholdet i visse flydende brændstoffer
<b>Germany</b>	No notification to date
<b>Greece</b>	01. Décision 340/2000 - Harmonisation de la législation hellénique à la directive 1999/32/CE, relative à la réduction de la teneur en soufre de quelques combustibles liquides, et à la modification de la directive 93/12/CEE (15/02/2001), Efimerida tis Kyverniseos, FEK 222/B du 6.3.2001, p. 4557
<b>Spain</b>	01. Real Decreto 287/2001, de 16 de marzo, por el que se reduce el contenido de azufre de determinados combustibles líquidos. Boletín Oficial del Estado número 75 de 28.3.2001, p. 11532
<b>France</b>	01. Arrêté du 19 juin 2000 relatif aux caractéristiques du gazole pêche 02. Arrêté du 19 juin 2000 relatif aux caractéristiques du diesel marine léger, JORF du 27.6.2000, p. 9648 03. Arrêté du 25 avril 2000 relatif aux caractéristiques des fiouls lourds, JORF du 27.6.2000, p.7056 04. Arrêté du 11 août 1999 modifiant l'arrêté du 29 août 1957 modifié fixant les caractéristiques du fioul domestique, JORF du 8.9.1999 05. Arrêté du 15 août 2000 modifiant l'arrêté du 25 juillet 1997 relatif aux prescriptions générales applicables aux installations classées pour la protection de l'environnement soumises à déclaration sous la rubrique n° 2910 (combustion), JORF du 25.9.2000, p. 15313
<b>Ireland</b>	01. The Air Pollution Act (Sulphur Content of Heavy Fuel and Gas Oil) Regulations, 2001, Statutory Instrument N° 13 of 2001
<b>Italy</b>	01. Decreto del Presidente del Consiglio dei Ministri 7 settembre 2001, n° 395: Recepimento della direttiva 99/32/CE relativa alla riduzione del tenore di zolfo di alcuni combustibili liquidi, GURI serie generale, n°255 del 2.11.2001
<b>Luxembourg</b>	01. Règlement grand-ducal du 21 février 2000 concernant la teneur en soufre de certains combustibles liquides, Mémorial 16, du 7.3.2000, p. 491

---

❖ **Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC**

*OJL 121, 11.5.1999, p. 13-18*

*Transposition date: 1.7.2000*

---

<b>Netherlands</b>	01. Besluit van 13 juni 2000, tot wijziging van het Besluit zwavelgehalte brandstoffen ter uitvoering van richtlijn 99/32/EG van de Raad van de Europese Unie van 26 april 1999, betreffende een vermindering van eht brandstofgehalte van bepaalde vloeibare brandstoffen en tot wijziging van Richtlijn 93/12/EEG (PbEG L 121)
	02. Wijziging van het Besluit bepalingsmethode zwavelgehalte brandstoffen, Staatscournant van 18.7.2000, nr. 136, blz. 8
<b>Austria</b>	01. Tiroler Heizungsanlagenverordnung 2000, LGBl. für Tirol Nr. 66/2000
	02. Verordnung der Oö. Landesregierung vom 3. November 1980 über die Lagerung und Verfeuerung von brennbaren Flüssigkeiten, LGBl. Nr. 83/1980, zuletzt geändert durch 57/1992
	03. Reduktion des Schwefelgehaltes in "Schwerölen" und "Gasölen" durch die Kraftstoffverordnung 1999, BGBl. II Nr. 418/1999
	04. Verordnung mit der die Verordnung über die Begrenzung des Schwefelgehaltes von Kraftstoffen für nicht zum Betreiben von Kraftfahrzeugen bestimmte Dieselmotoren geändert wird, BGBl. II Nr. 123/2000
	05. Kärntner Heizungsanlagengesetz (§14) und Verordnung betreffend Durchführungsbestimmungen zum Luftreinhaltegesetz, LGBl. Nr. 63/1998 und LGBl. Nr. 26/198
	06. Steiermärkisches Baugesetz, LGBl. Nr. 59/1995 für die Steiermark
	07. Burgenländisches Luftreinhalte- und Heizungsanlagengesetz 1999, LGBl. Nr. 44/2000 für Burgenland
	08. Vorarlberger Luftreinhalteverordnung, LGBl. Nr. 56/1998 und Verordnung über das Inverkehrbringen von Kleinfeuerungen, LGBl. Nr. 57/1998 für Vorarlberg
	09. Niederösterreichische Bautechnikverordnung 1997 (§ 173 Abs. 1 Z. 2), LGBl. Nr. 8200/8-0 Stammverordnung 108/98 (Niederösterreich)
	10. Verordnung der Wiener Landesregierung , mit der die Verordnung über den höchstzulässigen Schwefelgehalt im Heizöl geändert wird, LGBl. Nr. 60/1990 für Wien
	11. Verordnung des Bundesministers für wirtschaftliche Angelegenheiten vom 02/02/1989 über die Begrenzung des Schwefelgehaltes von Heizöl, BGBl. Nr. 94/1989, 38. Stück, 14/02/1989
	12. Gewerbeordnung 1994, BGBl. Nr. 194/1994 idF BGBl. I Nr. 88/2000
	13. Tiroler Heizungsanlagengesetz 2000, LGBl. für Tirol Nr. 34/2000
	14. Verordnung der Landesregierung über eine Änderung der Luftreinhalteverordnung, LGBl. (Vorarlberg) Nr. 27/2000
	15. Verordnung der Burgenländischen Landesregierung vom 19. Dezember 2000 zur Durchführung des Burgenländischen Luftreinhalte- und Heizungsanlagengesetzes 1999, LGBl. Nr. 79/2000 für das Burgenland
<b>Portugal</b>	01. Decreto-Lei n.º 281/2000 de 10 de Novembro, Diário da República - I série A - n.º 260 de 10.11.2000

---

❖ **Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC**

*OJL 121, 11.5.1999, p. 13-18*

*Transposition date: 1.7.2000*

---

<b>Finland</b>	01. Valtioneuvoston asetus raskaan polttoöljyn ja kevyen polttoöljyn rikkipitoisuudesta, 28/12/2000, SSK 766/2000
	02. Landskapslagen om tillämpning i landskapet Åland av vissa riksförfattningar rörande åtgärder mot förorening av luften, 02/04/1991, ÅFS 32/1991
	03. Ålands landskapsstyrelses beslut om ändring av Ålands landskapsstyrelses beslut om tillämpning i landskapet Åland av vissa statsrådsbeslut rörande åtgärder mot förorening av luften, 12/10/2000, ÅFS 72/2000
<b>Sweden</b>	01. Förordningen 2000:372 om ändring i förordningen 1998:946 om svavelhaltigt bränsle
	02. Miljöbalken 1998:908
<b>United Kingdom</b>	01. The Sulphur Content in Liquid Fuels (Scotland) Regulations 2000, S.S.I.No 169 of 30.6.2000
	02. The Sulphur Content in Liquid Fuels (England and Wales) Regulations 2000
	03. The Motor Fuel (Composition and Content) Ordinance 2001 (No 10 of 2001) first supplement to Gibraltar Gazette; 26.3.2001

---

❖ **Directive 1999/33/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 67/548/EEC as regards the labelling of certain dangerous substances in Austria and Sweden**

*OJ L 199, 30.7.1999, p. 57-58*

*Transposition date: 30.7.2000*

---

<b>Belgium</b>	<i>No notification required</i>
<b>Denmark</b>	<i>No notification required</i>
<b>Germany</b>	<i>No notification required</i>
<b>Greece</b>	<i>No notification required</i>
<b>Spain</b>	<i>No notification required</i>
<b>France</b>	<i>No notification required</i>
<b>Ireland</b>	<i>No notification required</i>
<b>Italy</b>	<i>No notification required</i>
<b>Luxembourg</b>	<i>No notification required</i>
<b>Netherlands</b>	<i>No notification required</i>
<b>Austria</b>	01. Chemikalienverordnung 1999 - ChemV 1999, BGB1. II Nr. 81/2000
<b>Portugal</b>	<i>No notification required</i>
<b>Finland</b>	<i>No notification required</i>
<b>Sweden</b>	01. Förordning 1998:941 om kemiska produkter och biotekniska organismer 02. Kemikalieinspektionens föreskrifter (KIFS) 1993:3 om ändring i KIFS 1994:12 03. KIFS 1998:8 om kemiska proukter och biotekniska organismer
<b>United Kingdom</b>	<i>No notification required</i>

---

❖ **Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption**

*OJL 330 , 5.12.1998, p. 32-54*

*Transposition date: 25.12.2000*

---

<b>Belgium</b>	No notification to date
<b>Denmark</b>	01. Bekendtgørelse om vandkvalitet og tilsyn med vandforsyningsanlaeg, Vandkvalitetdavid8kt, af 21. september 2001
<b>Germany</b>	01. Verordnung zur Novellierung der Trinkwasserverordnung vom 21. Mai 2001, BGBl. Teil I Nr. 24 vom 28.5.2001, S. 959
<b>Greece</b>	01. Décision ministérielle commune Y2/2600/2001, Efimerida tis Kyvernisseos, FEK 892/B du 11.7.2001, p. 10865 02. Décision (Euratom) Y4a 9019-01, Efimerida tis Kyvernisseos, FEK 1082/B du 14.8.2001, p. 14987
<b>Spain</b>	No notification to date
<b>France</b>	01. Décret n° 2001-1220 du 20 décembre 2001, JORF du 22.12.2001, p. 20381
<b>Ireland</b>	01. European Communities (Drinking Water) Regulations, 2000, Statutory Instrument N° 39 of 1.1.2000
<b>Italy</b>	01. Decreto legislativo 2 febbraio 2001, n. 31, Supplemento ordinario n. 41/L alla Gassetta ufficiale, serie generale, n. 52 del 3.3.2001
<b>Luxembourg</b>	No notification to date
<b>Netherlands</b>	01. Besluit van 23 september 1999, houdende wijziging van het Warenwetbesluit Bereiding en behandeling van levensmiddelen en van het Warenwetbesluit Verpakte Waters, Staatsblad van 29.6.1999, nr. 429
<b>Austria</b>	01. Verordnung des Bundesministers für soeiale Sicherheit und Generationen über die Qualität von Wasser für den menschlichen Gebrauch (Trinkwasserverordnung-TWV), BGBl. II Nr. 304/2001
<b>Portugal</b>	01. Decreto-Lei n.º 243/2001, de 5 de Setembro, Diário da República I série A n.º 206 de 5.9.2001, p. 5754
<b>Finland</b>	01. Laki terveydensuojelulain muuttamisesta, 19/05/2000, SSK 441/2000 02. Sosiaali- ja terveystieteiden ministeriön asetus talousveden laatuvaatimuksista ja valvontatutkimuksista, 19/05/2000, SSK 461/2000 03. Sosiaali- ja terveystieteiden ministeriön asetus talousveden valvontatutkimuksia tekevistä laboratorioista, 26/02/2001, SSK 173/2001 04. Terveydensuojelulaki (20 §), 19/08/1994, SSK 763/1994 05. Ålands landskapsstyrelses beslut om ändring av Ålands landskapsstyrelses beslut angående tillämpning i landskapet Åland av vissa riksföfattningar om hushållsvatten, 18/01/2001, ÅFS 3/2001 06. Landskapslag om hälsovården, ÅFS 36/1967, s. 119 07. Landskapslag om ändring av landskapslagen om hälsovården, ÅFS 99/1997, s. 269
<b>Sweden</b>	01. Statens livsmedelsverks föreskrifter om dricksvatten (SLVFS 2001)

---



❖ **Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption**

*OJL 330 , 5.12.1998, p. 32-54*

*Transposition date: 25.12.2000*

---

<b>United Kingdom</b>	<ol style="list-style-type: none"><li>01. Water, England and Wales 2000 No 3184, The Water Supply (Water Quality) Regulations 2000, Statutory Instrument of 2000, No 3184</li><li>02. Water Supply : The Water Supply (Water Quality) (Scotland) Regulations 2001, Statutory Instrument of 2001, 4.6.2001</li><li>03. Bill for an ordinance to amend the Public Health Ordinance in order to provide for the transposition into the law of Gibraltar Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, Third supplement to the Gibraltar Gazette, No 3219 of 19.4.2001</li><li>04. Public Health Ordinance (Amendment) Ordinance n° 19 of 2001 (07/06/2001), First supplement to the Gibraltar Gazette No 3, 227 of 7.6.2001, p. 117</li><li>05. Public Health (Potable water) rules 1994 (Amendment) Rules 2001 - Legal notice n° 61 of 2001 (7.6.2001), Second supplement to the Gibraltar Gazette No 3227 of 7.6.2001, p. 201</li><li>06. The Water supply (water quality) (Amendment) Regulation 2001 - Water, England and Wales (5.9.2001), Statutory Instrument 2001/2885</li></ol>
-----------------------	---

---

**DETAILS OF MEMBER STATES' TRANSPOSING MEASURES  
COMMUNICATED FOR COMMUNITY DIRECTIVES TO BE  
TRANSPOSED DURING THE PERIOD COVERED BY THE SURVEY  
(NOTIFICATIONS RECEIVED BY 31 DECEMBER 2001)**

*(2001)*

- ❖ **Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to Directive 98/70/EC of the European Parliament and of the Council to technical progress as foreseen in Article 10 of that Directive (Text with EEA relevance)**

*O J L 287, 14.11.2000, p. 46-50*

*Transposition date: 01.01.2001*

---

<b>Belgium</b>	01. Arrêté royal du 20/03/2000 remplaçant l'arrêté royal du 26/09/1997 relatif aux dénominations, aux caractéristiques et à la teneur en plomb des essences pour les véhicules à moteur, Moniteur belge du 12.04.2000, p. 11332 (F. 2000 - 943)
	02. Arrêté royal du 20/03/2000 remplaçant l'arrêté royal du 28/10/1996 relatif à la dénomination, aux caractéristiques et à la teneur en soufre du gasoil diesel pour les véhicules routiers, Moniteur belge du 12.04.2000, p. 11329 (F. 2000 - 942)
<b>Denmark</b>	01. Bekendtgørelse nr. 77 af 16. februar 2001 om kvaliteten af benzin og dieselolie
<b>Germany</b>	01. Zweite Verordnung zur Änderung der Verordnung über die Beschaffenheit und die Auszeichnung der Qualitäten von Kraftstoffen vom 22. Dezember 1999, BGBl. Teil I Nr. 61 vom 31.12.1999, S. 2845-2846
<b>Greece</b>	01. Décision ministérielle 237/2001 qui approuve la décision du Conseil Supérieur de Chimie (AXS), Efimerida tis Kyverniseos, FEK 1284/B du 5.10.2001, p. 17469
<b>Spain</b>	01. Real Decreto 1728/1999, de 12 de noviembre, por el que se fijan las especificaciones de los gasóleos de automoción y de las gasolinas. Boletín Oficial del Estado número 272 de 13.11.1998, p. 39659
<b>France</b>	01. Arrêté du 29/12/2000 modifiant l'arrêté du 23/12/1999 relatif aux caractéristiques du gazole et du gazole grand froid, JORF du 8.2.2001, p. 2142
	02. Arrêté du 29/12/2000 modifiant l'arrêté du 23/12/1999 relatif aux caractéristiques du supercarburant sans plomb, JORF du 8.2.2001, p. 2142
<b>Ireland</b>	01. The Air Pollution Act, 1987 (Environmental Specifications for Petrol and Diesel Fuels) (Amendment) Regulations 2001, Statutory Instrument N° 234 of 2001, adopted 31/05/2001
<b>Italy</b>	No notification to date
<b>Luxembourg</b>	01. Règlement grand-ducal du 6 avril 2001 modifiant les annexes I, II, III et IV du règlement grand-ducal du 21 février 2000 concernant la qualité de l'essence et des carburants diesel, Mémorial A N° 48 du 27.4.2001, p. 1025
<b>Netherlands</b>	01. Art. 6 of the "Besluit kwaliteitseisen brandstoffen wegverkeer", Staatscourant nr 237 van 6.12.2000, blz. 20
<b>Austria</b>	01. Kraftstoffverordnung 1999, BGBl. II Nr. 418/1999
<b>Portugal</b>	01. Decreto-Lei n.º 254/2001, de 22 de Setembro, Diário da República I série A n.º 221 de 22.9.2001, p. 6027

---

❖ **Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to Directive 98/70/EC of the European Parliament and of the Council to technical progress as foreseen in Article 10 of that Directive (Text with EEA relevance)**

*O J L 287, 14.11.2000, p. 46-50*

*Transposition date: 01.01.2001*

---

<b>Finland</b>	01. Valtioneuvoston asetus moottoribensiinin ja dieselöljyn laatuvaatimuksista, 28/12/2000, SSK 1271/2001
	02. Valtioneuvoston asetus ilmanlaadusta, 09/08/2001, SSK 711/2001
	03. Landskapslagen om miljöskydd och miljötillstånd, 23/05/2001, ÅFS 30/2001
	04. Landskapsförordning om tillämpning i landskapet Åland av vissa riksföfattningar rörande åtgärder mot förorening av luften, ÅFS 38/2001
	05. Landskapsförordning om ändring av landskapsförordningen om tillämpning i landskapet Åland av vissa riksföfattningar rörande åtgärder mot förorening av luften, ÅFS 48/2001
<b>Sweden</b>	01. Förordningen (1985:838) om motorbränslen i dess lydelse enligt (2 §), SFS 2000:1476; 16/01/2001
<b>United Kingdom</b>	No notification to date

---

❖ **Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars**

*OJ L 12, 18.1.2000, p.16-23*

*Transposition date: 18.1.2001*

---

<b>Belgium</b>	01. Arrêté royal du 05.09.01 concernant la disponibilité d'informations sur la consommation de carburant et les émissions de CO2 à l'intention des consommations lors de la commercialisation des voitures particulières neuves, Moniteur belge du 12.10.2001, p. 35480-35496
<b>Denmark</b>	01. Bekendtgørelse nr. 216 af 28. marts 2000 om energimaerkning m.v. af nye personbiler
<b>Germany</b>	No notification to date
<b>Greece</b>	No notification to date
<b>Spain</b>	No notification to date
<b>France</b>	No notification to date
<b>Ireland</b>	01. European Communities (Consumer Information on Fuel Economy and CO2 Emissions of new Passenger Cars) Regulations, 2001, Statutory Instrument 339 of 2001, signed into law on 19 July 2001
<b>Italy</b>	No notification to date
<b>Luxembourg</b>	01. Règlement grand-ducal du 6 avril 2001 concernant la disponibilité d'informations sur la consommation de carburant et les émissions de CO2 à l'intention des consommateurs lors de la commercialisation des voitures particulières neuves, Mémorial A 44 du 17.4.2001, p. 942
<b>Netherlands</b>	01. Besluit van 3 november 2000, houdende regels inzake de etikettering van het energiegebruik van personenauto's (Besluit etikettering energiegebruik personenauto's), Staatsblad 2000 475 (blz. 1-36)
<b>Austria</b>	01. Bundesgesetz über die Bereitstellung von Verbraucherinformationen beim Marketing für neue Personenkraftwagen (Personenkraftwagen-Verbraucherinformationsgesetz), BGBl. I Nr. 26/2001
<b>Portugal</b>	01. Decreto-Lei n.º 304/2001, Diário da República n.º 274 de 26.11.2001, p. 7551
<b>Finland</b>	01. Valtioneuvoston asetus autojen polttoaineenkulutuksen ja hiilidioksidipäästöjen ilmoittamisesta, SSK 938/2000, s. 2386
<b>Sweden</b>	01. Konsumentverkets (KOVFS 1996:12) riktlinjer för information om nya personbilars bränsleförbrukning, koldioxidutsläpp (co 2) och miljöklass samt 4 § marknadsföringslagen (1995:40), KOVFS 1996:12, 30/12/1996
<b>United Kingdom</b>	01. The Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001 (No 3523) - Laid before Parliament: 31/10/2001; Coming into force: 21.11.2001

---

❖ **Commission Directive 2000/21/EC of 25 April 2000 concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of Council Directive 67/548/EEC (Text with EEA relevance)**

*OJ L 103, 28.4.2000, p. 70-71*

*Transposition date: 1.4.2001*

---

<b>Belgium</b>	01. Arrêté Ministériel du 5 septembre 2001 modifiant l'article 2, §7, 1 <sup>o</sup> ,e, alinéa 2, de l'arrêté royal du 24 mai 1982, réglementant la mise sur le marché de substances pouvant être dangereuses pour l'homme ou pour son environnement, Moniteur belge du 10.10.2001, p. 34682
<b>Denmark</b>	01. Bekendtgørelse nr. 1002 af 14. december 1995 02. Bekendtgørelse nr. 702 af 18. juli 2001 om ændring af bekendtgørelse om anmeldelse af nye kemiske stoffer
<b>Germany</b>	01. § 2 Absatz 3 Satz 1 Nr. 2 des Gesetzes über den Schutz vor gefährlichen Stoffen (Chemikaliengesetz)
<b>Greece</b>	No notification to date
<b>Spain</b>	01. Real decreto 507/2001, de 11 de mayo, por el que se modifica el Reglamento sobre notificación de sustancias nuevas y clasificación, envasado y etiquetado de sustancias peligrosas, aprobado por el Real Decreto 363/1995, de 10 de marzo. Boletín Oficial del Estado número 114 de 12.5.2001, p. 17175
<b>France</b>	No notification to date
<b>Ireland</b>	01. European Communities (Classification, packaging, labelling and notification of dangerous substances) (Amendment) Regulations, 2000, Statutory Instrument No 393 of 29.11.2000
<b>Italy</b>	01. Decreto 18 maggio 2001 - Recepimento della direttiva 2000/21/CE concernente l'elenco degli atti legislativi comunitari di cui all'art. 13 § 1, quinto trattino della direttiva 67/548/CEE in materia di classificazione, imballaggio ed etichettatura di sostanze pericolose, GURI, n. 165 del 18.7.2001, pag. 32
<b>Luxembourg</b>	No notification to date
<b>Netherlands</b>	01. Artikel 71 van de Wet milieugevaarlijke stoffen (ADW, Kluwer) 02. Artikel 9, tweede lit, onder h, van het "Kennisgevingsbesluit gebaseerd op de Wet milieugevaarlijke stoffen"(ADW, Kluwer) 03. Artikel 4 van de Bestrijdingsmiddelenwet 1962(ADW, Kluwer)
<b>Austria</b>	01. Bundesgesetz über den Schutz des Menschen und der Umwelt vor Chemikalien (Chemikaliengesetz 1996 – ChemG 1996), BGBl. I Nr. 53/1997 02. Bundesgesetz, mit dem ein Biozid-Produkte-Gesetz erlassen wird sowie das Lebensmittelgesetz 1975 und des Chemikaliengesetz 1996 geändert werden, BGBl. I Nr. 105/2000
<b>Portugal</b>	01. Decreto-Lei n.º 222/2001 de 8 de Agosto, Diário da República , I série A, n.º 183, 8.8.2001, p. 4874

---

❖ **Commission Directive 2000/21/EC of 25 April 2000 concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of Council Directive 67/548/EEC (Text with EEA relevance)**

*OJ L 103, 28.4.2000, p. 70-71*

*Transposition date: 1.4.2001*

---

<b>Finland</b>	01. Sosiaali- ja terveysministeriön asetus sosiaali- ja terveysministeriön uusien aineiden ilmoitusmenettelyä koskevan päätöksen 1642/1993 8 §:n muuttamisesta, 19/03/2001, SSK 261/2001
	02. Landskapsförordning om tillämpning i landskapet Åland av riksförfattningar om explosionsfarliga ämnen och kemikalier (ÅFS 5/1996) genom vilken rikets social- och hälsovårdsministeriets förordning om ändring av 8 § social- och hälsovårdsministeriets beslut om förfarandet vid anmälan om nya ämnen (FFS 261/2001) genomförs
<b>Sweden</b>	01. Kemikalieinspektionens föreskrifter (KIFS 1998:8) om kemiska produkter och biotekniska organismer
<b>United Kingdom</b>	01. Health and Safety : The Notification of New Substances (Amendment) Regulations 2001, No 1055, into force on 13/04/2001

---

❖ **Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations**

*OJL 85, 29.3.1999, p. 1-22*

*Transposition date: 1.4.2001*

---

<b>Belgium</b>	01. Arrêté du 20 avril 2001 du Gouvernement flamand modifiant l'arrêté du Gouvernement flamand du 6 février 1991 fixant le règlement flamand relatif à l'autorisation écologique et l'arrêté du Gouvernement flamand du 1er juin 1995 fixant les dispositions générales et sectorielles en matière d'hygiène de l'environnement, Moniteur belge du 10.7.2001, p.23818 02. 14 arrêtés du Gouvernement de Bruxelles-Capitale du 8/11/2001 fixant des conditions d'exploiter à diverses installations: - industrie de revêtement de véhicules, - productions de vernis, laques, peintures, encres ou pigments, - fabrication de produits pharmaceutiques, - nettoyage de surfaces, - revêtements de cuir, - conversion du caoutchouc, - revêtement de fil de bobinage, - extraction d'huiles végétales et de graisses animales et activités de raffinage d'huiles végétales, - fabrication de chaussures et pantoufles ou parties de celles-ci, - imprégnation du bois, mise en peinture ou retouche de véhicules ou parties de véhicules, Moniteur belge du 4.12.2001, p. 41339
<b>Denmark</b>	No notification to date
<b>Germany</b>	01. Verordnung vom 21. August 2001 zur Umsetzung der Richtlinie 1999/13/EG über die Begrenzung von Emissionen flüchtiger organischer Verbindungen, BGBl. Teil I Nr. 44 vom 24.8.2001, S. 2180
<b>Greece</b>	No notification to date
<b>Spain</b>	No notification to date
<b>France</b>	01. Arrêté du 29 mai 2000 portant modification de l'arrêté du 2 février 1998 relatif aux prélèvements et à la consommation d'eau ainsi qu'aux émissions de toute nature des installations classées pour la protection de l'environnement soumises à autorisation, JORF du 13.8.2000, p. 12553
<b>Ireland</b>	No notification to date
<b>Italy</b>	No notification to date
<b>Luxembourg</b>	01. Règlement grand-ducal du 4 juin 2001 portant - application de la directive 1999/13/CE du Conseil du 11 mars 1999 relative à la réduction des émissions de composés organiques volatils dues à l'utilisation de solvants organiques dans certaines activités et installations et - modification du règlement grand-ducal modifié du 16 juillet 1999 portant nomenclature et classification des établissements classés, Mémorial A n° 71 du 22.6.2001, p. 1432
<b>Netherlands</b>	01. Regeling oplosmiddelenboekhouding en metingen VOS-emissies, Staatscourant nr. 152 van 9.8.2001, blz. 5
<b>Austria</b>	01. Änderung der Gewerbeordnung 1994, BGBl. I Nr. 88/2000
<b>Portugal</b>	01. Decreto-Lei n.º 242/2001, de 31 de Agosto, Diário da República I série A n.º 202
<b>Finland</b>	01. Valtioneuvoston asetus orgaanisten liuottimien käytöstä eräissä toiminnoissa ja laitoksissa aiheutuvien haihtuvien orgaanisten yhdisteiden päästöjen rajoittamisesta, 31/05/2001, SSK 435/2001 02. Valtioneuvoston asetus ympäristönsuojeluasetuksen muuttamisesta, 23/05/2001, SSK 436/2001

---

❖ **Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations**

*OJL 85, 29.3.1999, p. 1-22*

*Transposition date: 1.4.2001*

---

<b>Sweden</b>	01. Miljöbalken (1998:808)
	02. Förordning (1998:899) om miljöfarlig verksamhet och hälsoskydd
	03. Förordning (1998:900) om statliga myndigheters serviceskyldighet
	04. Förordning (1998:901) om verksamhetsutövers egenkontroll
	05. Förordning (1998:905) om miljökonsekvensbeskrivningar
	06. Tryckfrihetsförordningen
	07. Förvaltningslagen (1986:223)
	08. Sekretesslagen (1980:100)
<b>United Kingdom</b>	01. The Environmental Protection Act 1990 (Part I); 01/11/1990
	02. The Pollution Prevention and Control Act 1999; 27/07/1999
	03. The Industrial Pollution Control (Northern Ireland) Order 1997 ; 26/11/1997
	04. The Pollution Prevention and Control (England and Wales) Regulations 2000; 01/08/2000
	05. The Pollution Prevention and Control (Scotland) Regulations 2000; 28/09/2000

---



❖ **Commission Directive 2000/32/EC of 19 May 2000 adapting to technical progress for the 26<sup>th</sup> time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 136, 8.6.2000, p. 1-89*

*Transposition date: 1.6.2001*

---

<b>Belgium</b>	01. Arrêté royal du 11 juillet 2001 modifiant l'arrêté royal du 24 mai 1982 réglementant la mise sur le marché de substances pouvant être dangereuses pour l'homme ou son environnement, Moniteur belge du 5.9.2001, p. 30058
	02. Arrêté royal du 11 juillet 2001 modifiant l'arrêté royal du 11 janvier 1993 réglementant la classification, l'emballage et l'étiquetage des préparations dangereuses en vue de leur mise sur le marché ou de leur emploi, Moniteur belge du 5.9.2001, p. 30129
<b>Denmark</b>	01. Bekendtgørelse nr. 1065 af 30. november 2000 om klassificering, emballering, mærkning, salg og opbevaring af kemiske stoffer og produkter
<b>Germany</b>	01. Vierte Verordnung zur Änderung der Gefahrstoffverordnung, Bundesgesetzblatt Teil I Nr. 48 vom 29.10.1999, S. 2059
<b>Greece</b>	No notification to date
<b>Spain</b>	01. Orden del Ministerio de la Presidencia de 5 de abril 2001 por la que se modifican los anexos I, IV, V, VI y IX del Reglamento sobre notificación de sustancias nuevas y clasificación, envasado y etiquetado de sustancias peligrosas, aprobado por el Real Decreto 363/1995, de 10 de marzo. Boletín Oficial del Estado número 94 de 19.4.2001, p. 14216
<b>France</b>	01. Arrêté du 30 juin 2001 modifiant l'arrêté du 20 avril 1994 relatif à la déclaration, la classification, l'emballage et l'étiquetage des substances et transposant les directives 2000/32/CE de la Commission du 19 mai 2000 et 2000/33/CE de la Commission du 25 avril 2000, portant respectivement vingt-sixième et vingt-septième adaptation au progrès technique de la directive 67/548/CEE modifiée, JORF du 31.8.2001, p. 12308, NOR MEST0110991A
<b>Ireland</b>	01. European Communities (Classification, packaging, labelling and notification of dangerous substances) (Amendment) Regulations, 2000, Statutory Instrument No. 393 of 29.11.2000
<b>Italy</b>	01. Decreto 26 gennaio 2001. Disposizioni relative alla classificazione, imballaggio ed etichettatura di sostanze pericolose in recepimento alla direttiva 2000/32/CE, GURI n. 187 del 17.7.2001, pag. 5-6
<b>Luxembourg</b>	01. Règlement grand-ducal du 8 juin 2001 a) modifiant et complétant les annexes I, III, IV, V, VI et IX de la loi modifiée du 15 juin 1994 - relative à la classification, l'emballage et l'étiquetage des substances dangereuses et - modifiant la loi du 11 mars 1981 portant réglementation de la mise sur le marché et de l'emploi de certaines substances et préparations dangereuses b) adaptant les règlements grands-ducaux du 6 janvier 1996, du 19 juin 1998 et du 21 mai 1999 portant exécution de la loi modifiée du 15 juin 1994, Mémorial A n° 68 du 13.6.2001, p. 1396
<b>Netherlands</b>	01. Besluit verpakking en aanduiding milieugevaarlijke stoffen en preparaten
	02. Regeling inwerkingtreding richtlijn nr. 2000/32/EG
	03. Implementatie van artikel 2 van de genoemde richtlijn, Staatscourant nr. 114 van 18.6.2001

---

❖ **Commission Directive 2000/32/EC of 19 May 2000 adapting to technical progress for the 26<sup>th</sup> time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 136, 8.6.2000, p. 1-89*

*Transposition date: 1.6.2001*

---

<b>Austria</b>	01. Chemikalienverordnung 1999, BGBl. II Nr. 81/2000
	02. Bekanntmachung vom 6. Oktober 2000, BGBl. II Nr. 326/2000
<b>Portugal</b>	01. Decreto-Lei n.º 222/2001, de 8 de Agosto, Diário da República I série A n.º 201
<b>Finland</b>	01. Sosiaali- ja terveystieteiden ministeriön asetus vaarallisten kemikaalien pakkauksen turvasulkimesta ja näkövammaisille tarkoitettusta vaaratunnuksesta, 21/05/2001, SSK 430/2001
	02. Sosiaali- ja terveystieteiden ministeriön asetus vaarallisten aineiden luettelosta, 21/05/2001, SSK 624/2001
	03. Sosiaali- ja terveystieteiden ministeriön asetus kemikaalien luokitusperusteista ja merkintöiden tekemisestä, 26/09/2001, SSK 807/2001
<b>Sweden</b>	01. Kemikalieinspektionens föreskrifter (KIFS 2000:9) om ändring i Kemikalieinspektionens föreskrifter (KIFS 1994:12) om klassificering och märkning av kemiska av kemiska produkter (29/12/2000)
	02. 3 § Kemikalieinspektionens föreskrifter (KIFS 2000:8) om ändring i Kemikalieinspektionens föreskrifter (KIFS 1998:8) om kemiska produkter och biotekniska organismer (29/12/2000)
<b>United Kingdom</b>	01. The Chemicals (Hazard Information and Packaging for Supply) Regulations 1994, Statutory Instrument 1994/3247 (“CHIP”)
	02. The Chemicals (Hazard Information and Packaging for Supply (Amendment) Regulations 2000 (CHIP 2000) and Approved Supply list (Sixth Edition) (ASL) 2000 No 2381, coming into force 2.10.2000
	03. Notice of approval of the Code of Practice (ACoP). On 20.9.00, Annex V of Directive 67/548/EEC was adopted as an Approved Code of Practice
	04. The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995; Statutory Rules 1995 No 168, coming into operation 15.3.2000
	05. The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1995, Statutory Instrument 1995 No 168, coming into force on 2.10.2000

---

❖ **Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors**

*OJL 162, 3.7.2000, pp. 1-78*

*Transposition date: 3.7.2001*

---

<b>Belgium</b>	No notification to date
<b>Denmark</b>	No notification to date
<b>Germany</b>	No notification to date
<b>Greece</b>	No notification to date
<b>Spain</b>	No notification to date
<b>France</b>	No notification to date
<b>Ireland</b>	No notification to date
<b>Italy</b>	No notification to date
<b>Luxembourg</b>	No notification to date
<b>Netherlands</b>	01. Regeling geluidsemissie buitenmaterieel, Staatscourant 2001, nr. 166, blz. 55, 29.8.2001 02. Intrekking van de Regeling geluidproductie bouwmachines (artikel 19, eerste lid van de Regeling geluidsemissie buitenmaterieel 03. Besluit van 22 juni 2001, houdende intrekking van het Besluit geluidproductie gazonmaaimachines, Staatsblad 2001, 309
<b>Austria</b>	01. Verordnung des Bundesministers für Wirtschaft und Arbeit über Geräuschemissionen von zur Verwendung im Freien vorgesehenen Geräten und Maschinen, BGBl. II Nr. 249/2001
<b>Portugal</b>	No notification to date
<b>Finland</b>	01. Valtioneuvoston asetus ulkona käytettävien laitteiden melupäästöistä, 05/07/2001, SSK 621/2001
<b>Sweden</b>	No notification to date
<b>United Kingdom</b>	01. The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001, Statutory Instrument No 2001/1701 (in force completely on 3.7.2001)

---

❖ **Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste**

*OJL 182, 16.7.1999, p. 1-19*

*Transposition date: 16.7.2001*

---

<b>Belgium</b>	01. Arrêté du Gouvernement flamand du 13.07.01 modifiant l'arrêté du Gouvernement flamand du 6 février 1991 fixant le règlement flamand relatif à l'autorisation écologique et l'arrêté du Gouvernement flamand du 1er juin 1995 fixant les dispositions générales et sectorielles en matière d'hygiène de l'environnement, Moniteur belge du 19.9.2001, p. 31427
<b>Denmark</b>	01. Lov nr. 479 af 7. juni 2001 om ændring af lov om miljøbeskyttelse og lov om forurennet jord, i kraft den 1. juli 2001 02. Bekendtgørelse nr. 650 af 29. juni 2001 om deponeringsanlaeg, i kraft den 16. juli 2001 03. Bekendtgørelse nr. 647 af 29. juni 2001 om uddannelse af driftsledere og personale beskæftiget på deponeringsanlaeg, i kraft den 16. juli 2001 04. Bekendtgørelse nr. 648 af 29. juni 2001 om ændring af bekendtgørelse om affald, i kraft den 16. juli 2001 05. Bekendtgørelse nr. 646 af 29. juni 2001 om godkendelse af listevirksomhed, i kraft den 16. juli 2001
<b>Germany</b>	01. Gesetz zur Förderung der Kreislaufwirtschaft und Sicherung der umweltverträglichen Beseitigung von Abfällen (Kreislaufwirtschafts- und Abfallgesetz - KrW/AbfG) vom 27. September 1994, zuletzt geändert durch Artikel 8 des Gesetzes zur Umsetzung der UVP-Änderungsrichtlinie, der IVU-Richtlinie und weitere EG-Richtlinien zum Umweltschutz (Artikelgesetz) vom 27. Juli 2001, BGBl. Teil I Nr. 40 vom 2.8.2001, S.1950 02. Verwaltungsverfahrensgesetz (VwVfG) in der Fassung der Bekanntmachung vom 21. September 1998, BGBl. Teil I, S. 3050 03. Bundes-Immissionsschutzgesetz in der Fassung der Bekanntmachung vom 14. Mai 1990 (BGBl. Teil I Seite 880) zuletzt geändert durch Artikel 2 des Gesetzes vom 27. Juli 2001, BGBl. Teil I Nr. 40 vom 2.8.2001, S. 1950 04. Vierte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über genehmigungsbedürftige Anlagen) in der Fassung der Bekanntmachung vom 14. März 1997 (BGBl. Teil I Nr. S. 504) zuletzt geändert durch Artikel 4 des Gesetzes zur Umsetzung der UVP-Änderungsrichtlinie, der IVU-Richtlinie und weitere EG-Richtlinien zum Umweltschutz (Artikelgesetz) vom 27. Juli 2001, BGBl. Teil I Nr. 40 vom 2.8.2001, S. 1950 05. Neunte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über genehmigungsbedürftige Anlagen) in der Fassung der Bekanntmachung vom 29. Mai 1992 (BGBl. Teil I, Seite 1001), zuletzt geändert durch Artikel 5 des Gesetzes zur Umsetzung der UVP-Änderungsrichtlinie, der IVU-Richtlinie und weitere EG-Richtlinien zum Umweltschutz (Artikelgesetz) vom 27. Juli 2001, BGBl. Teil I Nr. 40 vom 2.8.2001, S. 1950 06. Verordnung über die umweltverträgliche Ablagerung von Siedlungsabfällen und über biologische Abfallbehandlungsanlagen vom 20. Februar 2001, BGBl. Teil I Nr. 10 vom 27.2.2001, S. 305
<b>Greece</b>	No notification to date
<b>Spain</b>	No notification to date

---

❖ **Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste**

*OJL 182, 16.7.1999, p. 1-19*

*Transposition date: 16.7.2001*

---

<b>France</b>	<ol style="list-style-type: none"><li>01. Code de l'environnement Livre V, titre 1er</li><li>02. Décret n° 2001-594 du 5 juillet 2001 relatif au Conseil national des déchets, JORF du 7.7.2001, page 10857 (NOR ATEP0190033D)</li><li>03. Décret n° 2000-404 du 11 mai 2000 relatif au rapport annuel sur le prix et la qualité du service public d'élimination des déchets, JORF du 14.5.2000, p. 7265 (NOR ATEP0080001D)</li><li>04. Décret n° 93-1410 du 29 décembre 1993 fixant les modalités d'exercice du droit à l'information en matière de déchets prévues à l'article 3-1 de la loi du 15 juillet 1975, JORF du 31.12.1993, p. 18703 (NOR ENVP9310021D)</li><li>05. Arrêté du 9 septembre 1997 relatif aux décharges existantes et aux nouvelles installations de stockage de déchets ménagers et assimilés, JORF du 2.10.1997, p. 14292 (NCR ATEP9760348A)</li></ol>
<b>Ireland</b>	No notification to date
<b>Italy</b>	No notification to date
<b>Luxembourg</b>	01. Projet de règlement grand-ducal concernant la mise en décharge des déchets
<b>Netherlands</b>	No notification to date
<b>Austria</b>	01. Bundesgesetz, mit dem das Abfallwirtschaftsgesetz und das Wasserrechtsgesetz geändert werden (AWG-Novelle Deponien), BGBl. I Nr. 90/2000
<b>Portugal</b>	No notification to date
<b>Finland</b>	<ol style="list-style-type: none"><li>01. Valtioneuvoston päätös kaatopaikoista, 04/09/1997, SSK 861/1997</li><li>02. Valtioneuvoston päätös kaatopaikoista annetun valtioneuvoston päätöksen muuttamisesta, 18/11/1999, SSK 1049/1999</li><li>03. Ympäristölupamenettelylaki, 19/04/1991, SSK 735/1991</li><li>04. Ympäristölupamenettelyasetus 17/08/1992, SSK 772/1992</li><li>05. Jätelaki, 03/12/1993, SSK 1072/1993</li><li>06. Jäteasetus, 22/12/1993, SSK 1390/1993</li><li>07. Ympäristöministeriön päätös yleisimpien jätteiden sekä ongelmajätteiden luettelosta, 14/11/1996, SSK 867/1996</li><li>08. Valtioneuvoston asetus kaatopaikoista annetun valtioneuvoston päätöksen muuttamisesta annetun valtioneuvoston päätöksen voimaantulosäännöksen muuttamisesta, SSK 552/2001</li></ol>
<b>Sweden</b>	<ol style="list-style-type: none"><li>01. Förordning (2001:512) om deponering av avfall, 19/06/2001</li><li>02. Naturvårdsverkets föreskrifter (2001:14) om deponering av avfall, 10/07/2001</li><li>03. Miljöbalken (konsoliderad version, utskrift från Regeringskansliets rättsdatabas), SFS nr 1998:808, 11/06/1998</li><li>04. Renhållningsförordning (1998:902) (konsoliderad version, utskrift från Regeringskansliets rättsdatabas), SFS nr 1998:902, 25/06/1998</li><li>05. Förordning (1996:971) om farligt avfall (konsoliderad version, utskrift från Regeringskansliets rättsdatabas), SFS 1996:971, 26/09/1996</li><li>06. Förordning (1998:901) om verksamhetsutövers egenkontroll, 14/07/1998</li></ol>
<b>United Kingdom</b>	No notification to date

---

❖ **Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air**

*OJL 163, 29.6.1999, p. 41-60*

*Transposition date: 19.7.2001*

---

<b>Belgium</b>	01. Arrêté du Gouvernement wallon relatif à l'évaluation et la gestion de la qualité de l'air ambiant 02. Arrêté du gouvernement de la région de Bruxelles-Capitale relatif à la fixation de valeurs limites pour l'anhydride sulfureux, le dioxyde d'azote et les oxydes d'azote, les particules et le plomb dans l'air ambiant, Moniteur belge du 26.7.2001, p. 25341 - (F. 2001 - 1960)
<b>Denmark</b>	01. Bekendtgørelse nr. 671 af 9. juli 2001
<b>Germany</b>	No notification to date
<b>Greece</b>	No notification to date
<b>Spain</b>	No notification to date
<b>France</b>	No notification to date
<b>Ireland</b>	No notification to date
<b>Italy</b>	No notification to date
<b>Luxembourg</b>	01. Règlement grand-ducal portant application de la directive 1999/30/CE du Conseil du 22 avril 1999 relative à la fixation de valeurs limites pour l'anhydride sulfureux, le dioxyde d'azote et les oxydes d'azote, les particules et le plomb dans l'air ambiant, Mémorial A n° 67 du 7.8.2000, p. 1331
<b>Netherlands</b>	01. Besluit van 11 juni 2001, houdende uitvoering van richtlijn 1999/30/EG van de Raad van de Europese Unie van 22 april 1999, betreffende grenswaarden voor zwaveldioxide, stikstofdioxide en stikstofdioxiden, zwevende deeltjes en lood in de lucht (PbEG L 163) en richtlijn 96/62/EG van de Raad van de Europese Unie van 27 september 1996 inzake de beoordeling en het beheer van de luchtkwaliteit (PbEG L 296) (Bespuit luchtkwaliteit), Staatsblad 2001, 269 02. Besluit van 9 juli 2001, houdende vaststelling van het tijdstip van inwerkingtreding van het Besluit luchtkwaliteit, Staatsblad 2001, 344 03. Regeling van de Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer van 9 juli 2001, nr. MJZ2001074955, houdende vaststelling van de wijze van meten en berekenen van luchtverontreiniging ingevolge het Besluit luchtkwaliteit (Meetregeling luchtkwaliteit), Staatscourant 2001, 135 04. Smogregeling 2001, Staatscourant 2001, 109
<b>Austria</b>	01. Bundesgesetz, mit dem das Abfallwirtschaftsgesetz und das Wasserrechtsgesetz geändert werden (AWG-Novelle Deponien), BGBl. I Nr. 90/2000
<b>Portugal</b>	No notification to date
<b>Finland</b>	01. Valtioneuvoston asetus ilmanlaadusta, 09/08/2001, SSK 711/2001, s. 2187 02. Landskapslagen om miljöskydd och miljötillstånd, 23/05/2001, ÅFS 30/2001 03. Landskapsförordning om tillämpning i landskapet Åland av vissa riksförfattningar rörande åtgärder mot förorening av luften, 21/06/2001, ÅFS 38/2001 04. Landskapsförordning om ändring av landskapsförordningen om tillämpning i landskapet Åland av vissa riksförfattningar rörande åtgärder mot förorening av luften, 13/09/2001, ÅFS 48/2001

---

❖ **Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air**

*OJL 163, 29.6.1999, p. 41-60*

*Transposition date: 19.7.2001*

---

<b>Sweden</b>	01. Miljöbalken (1998:908)
	02. Förordning 1997:693
	03. Förordning 2001:527
	04. Naturvårdsverkets föreskrifter NFS 2000:12
	05. Kungörelse 1993:12
	06. Kungörelse 1993:11
<b>United Kingdom</b>	01. The Air Quality Limit Values Regulations 2001. 2001 No 2315, coming into force 19.6.2001
	02. The Air Quality Limit Values (Wales) Regulations 2001, coming into force 19.6.2001
	03. The Air Quality Limit Values (Scotland) Regulations 2000, 2001 No 224, coming into force 19.6.2001

---

❖ **Commission Directive 2000/33/EC of 25 April 2000 adapting to technical progress for the 27<sup>th</sup> time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 136, 8.6.2000, p. 90-107*

*Transposition date: 1.10.2001*

---

<b>Belgium</b>	01. Arrêté royal du 14 septembre 2001 modifiant l'arrêté royal du 24 mai 1982 réglementant la mise sur le marché de substances pouvant être dangereuses pour l'homme ou son environnement, Moniteur belge du 1.11.2001, p. 37952
<b>Denmark</b>	01. Bekendtgørelse nr. 1065 af 30. november 2000 om klassificering, emballering, mærkning, salg og opbevaring af kemiske stoffer og produkter
<b>Germany</b>	01. Prüfnachweisverordnung (ChemPrüfV), Bundesgesetzblatt I Nr. 48 vom 29.10.1999, S. 2060
<b>Greece</b>	No notification to date
<b>Spain</b>	01. Orden del Ministerio de la Presidencia de 5 de abril 2001 por la que se modifican los anexos I, IV, V, VI y IX del Reglamento sobre notificación de sustancias nuevas y clasificación, envasado y etiquetado de sustancias peligrosas, aprobado por el Real Decreto 363/1995, de 10 de marzo. Boletín Oficial del Estado número 94 de 19.4.2001, p. 14216
<b>France</b>	01. Arrêté du 30 juin 2001 modifiant l'arrêté du 20 avril 1994 relatif à la déclaration, la classification, l'emballage et l'étiquetage des substances et transposant les directives 2000/32/CE de la Commission du 19 mai 2000 et 2000/33/CE de la Commission du 25 avril 2000, portant respectivement vingt-sixième et vingt-septième adaptation au progrès technique de la directive 67/548/CEE modifiée, JORF du 31.8.2001, p. 12308 - NOR MEST0110991A
<b>Ireland</b>	01. European Communities (Classification, packaging, labelling and notification of dangerous substances) (Amendment) Regulations, 2000 S.I. No.393 of 2000, Statutory Instrument No 393 of 29.11.2000
<b>Italy</b>	01. Decreto ministeriale 11 aprile 2001, recepimento della direttiva 2000/33 recante XXVII adeguamento al progresso tecnico della direttiva 67/548, Supplemento ordinario n. 203 alla GURI serie generale, n. 172 del 26.7.2001, pag. 1-425
<b>Luxembourg</b>	01. Règlement grand-ducal du 8 juin 2001 a) modifiant et complétant les annexes I, III, IV, V, VI et IX de la loi modifiée du 15 juin 1994 - relative à la classification, l'emballage et l'étiquetage des substances dangereuses et - modifiant la loi du 11 mars 1981 portant réglementation de la mise sur le marché et de l'emploi de certaines substances et préparations dangereuses b) adaptant les règlements grands-ducaux du 6 janvier 1996, du 19 juin 1998 et du 21 mai 1999 portant exécution de la loi modifiée du 15 juin 1994, Mémorial A n° 68 du 13.6.2001, p. 1396
<b>Netherlands</b>	01. Besluit verpakking en aanduiding milieugevaarlijke stoffen en preparaten 02. Implementatie van artikel 1 van de genoemde richtlijn, Staatscourant nr. 140 van 24.8.2001
<b>Austria</b>	01. Bekanntmachung des BMLFUW - BGBl. II Nr. 326/2000, gemäss Chemikaliengesetz 1996 (ChemG 1996) - BGBl. I Nr. 53/1997 in der Fassung BGBl. I Nr. 108/2001, iVm § 3 Abs. 5 sowie § 4 Abs. 2 der Chemikalienverordnung 1999 (Chem V 1999) BGBl. II Nr. 81/2000
<b>Portugal</b>	01. Decreto-Lei n.º 222/2001, de 8 de Agosto, Diário da República I série A, n.º 201

---



- ❖ **Commission Directive 2000/33/EC of 25 April 2000 adapting to technical progress for the 27<sup>th</sup> time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 136, 8.6.2000, p. 90-107*

*Transposition date: 1.10.2001*

---

<b>Finland</b>	01. Sosiaali- ja terveysministeriön asetus kemikaalien luokitusperusteista ja merkintöjen tekemisestä, 26/9/2001, SSK 807/2001
<b>Sweden</b>	No notification to date
<b>United Kingdom</b>	01. Notice of Approval of adopting Annex V to EC Directive 67/548/EEC as an Approved Code of Practice

---

**ANNEX I:       EXTRACT FROM THE « EIGHTEENTH ANNUAL REPORT ON  
MONITORING THE APPLICATION OF COMMUNITY LAW 2000 »  
(ENVIRONMENT CHAPTER)**

During the year 2000 the number of new cases (complaints, own initiative cases and infringements) in the environmental sector continued to show a rising trend (755 in 2000, compared to 612 in 1999). The Commission brought 39 cases against Member States before the Court of Justice (none on the basis of Article 228 of the Treaty) and delivered 122 reasoned opinions or supplementary reasoned opinions (eight of them under Article 228). In this respect, it must be borne in mind that the Commission aims at the settlement of suspected infringements as soon as they are identified without it being necessary to initiate formal infringement proceedings.

The Article 228 (ex Article 171) procedure has continued to prove effective as a last resort to force Member States to comply with the judgments given by the European Court of Justice. In 2000, in two cases a decision to go to the Court was taken and several letters of formal notice or reasoned opinions were sent for failure to notify, non-conformity or incorrect application. Further details are given below in the discussion of the various sectors.

For the first time since the possibility to fine a Member State for not complying with the ECJ judgments entered into force in 1993, the Court has taken a decision on the basis of Article 228. This was Case C-387/97 *Commission v Greece* on waste disposal in Crete (see section on “waste” below).

The Commission is continuing the practice of using Article 10 of the Treaty, which requires Member States to cooperate in good faith with the Community institutions, in case of a consistent lack of reply to Commission letters of request for information. This lack of cooperation prevents the Commission from acting effectively as guardian of the Treaty.

The Commission continued work in 2000 as a follow up to the Communication adopted in October 1996 (“Implementing Community Environmental Law”) in particular with regard to environmental inspections where the Commission tabled a proposal for a European Parliament and Council Recommendation on minimum criteria for environmental inspections based on Article 175 of the Treaty. In the final stage of the conciliation procedure, launched in September 2000 as a result of diverging views between the European Parliament and the Council on the form of the act, agreement was reached in early January 2001 on a recommendation for environmental inspections in the Member States. It was largely based on a compromise put forward by the Swedish Presidency and a few additional amendments made by the European Parliament.

On the basis of reports to be provided by Member States, the Commission may possibly propose a directive in 2003 in the light of the experience gained from the recommendation and additional work to be carried out by IMPEL (“Implementation and Enforcement of EU Environmental Law” network) on minimum criteria for qualifications for inspectors and training programmes. IMPEL will also, by way of contribution, elaborate a scheme under which Member States report and offer advice on inspectorates and inspection procedures which could be described as a peer review.

The IMPEL network continued its work. Particularly worthy of note was the Conference on Implementation and Enforcement of Environmental Law held in Villach, Austria in October 2000 where, among other things, the idea of developing national networks under the umbrella of IMPEL was thoroughly discussed.

In 2000, the Commission also took certain initiatives to develop the principles of Community environmental policy. In 9 February 2000, the Commission adopted a White Paper on Environmental Liability<sup>31</sup>. The objective of the Paper is to explore various ways in which an EC-wide environmental liability regime could be shaped. The purpose of such a regime is: (a) to improve the application of the environmental principles in the EC Treaty (i.e. the polluter pays principle, the prevention principle and the precautionary principle); (b) to improve implementation of EC environmental law; and (c) to ensure adequate restoration of the environment. The White Paper concludes that the most appropriate form of action would be an EC Framework Directive on Environmental Liability. The Commission intends to adopt a proposal in the course of 2001. In 2 February 2000, the Commission adopted a Communication on the precautionary principle<sup>32</sup>. The objective of the Communication is to inform all interested parties how the Commission intends to apply the principle and to establish guidelines for its application.

No major developments have occurred since last year's report in the *notification by Member States of measures implementing environmental legislation*. Several directives fell due for transposition in 2000. As before, the Commission was forced to start proceedings in several cases of failure to notify it of transposing measures, involving in many cases all Member States. Details of these cases are given in the sections on individual sectors and directives.

Proceedings are in hand in all areas of environmental legislation and against all the Member States in connection with the *conformity of national transposing measures*. Monitoring the action taken to ensure conformity of Member States' legislation with the requirements of the environmental directives is a priority task for the Commission. In connection with transposition of Community provisions into matching national provisions, there has been some improvement as regards the provision, along with the statutory instruments transposing the directives, of detailed explanations and concordance tables. This is done by Germany, Finland, Sweden, the Netherlands, France and sometimes Denmark and Ireland.

The Commission is also responsible for checking that *Community environmental law* (directives and regulations) *is properly applied*, and this is a major part of its work. This means checking Member States' practical steps to fulfil certain general obligations (designation of zones, production of programmes, management plans etc.) and examining specific cases in which a particular administrative practice or decision is alleged to be contrary to Community law. Complaints and petitions sent to the European Parliament by individuals and non-governmental organisations, and written and oral parliamentary questions and petitions, generally relate to incorrect application.

The number of complaints continued to rise in 2000, following the trend already apparent in previous years (1998 : 432, 1999 : 453 : 2000 : 543). Spain, France, Italy and Germany were the countries most often concerned. While complaints often raise more than one problem, a

---

<sup>31</sup> COM(2000) 66 final.

<sup>32</sup> COM(2000) 1 final.

broad classification of those registered in 2000 shows that one in every three is concerned with nature conservation and one in every four with environmental impact, whereas waste-related problems were raised in one in six cases and water pollution one in ten; the remaining sectors account for between 1-4%.

As stated in the previous report, the Commission must, when considering individual cases, assess factual and legal situations that are very tangible and are of direct concern to the public. It thus encounters certain practical difficulties. Without abandoning the pursuit of incorrect application cases (especially those which highlight questions of principle or general interest or administrative practices that contravene the directives) the Commission therefore concentrates on problems of communication and conformity.

## **1. Freedom of access to information**

Directive 90/313/EEC on the freedom of access to information on the environment is a particularly important piece of general legislation: keeping the public informed ensures that all environmental problems are taken into account, encourages enlightened and effective participation in collective decision-making and strengthens democratic control. The Commission believes that, through this instrument, ordinary citizens can make a valuable contribution to protecting the environment.

Although all Member States have notified national measures transposing the Directive, there are several cases of non-conformity where national law still has to be brought into line with the requirements of the Directive.

The Commission issued a reasoned opinion based on Article 228 of the Treaty against Germany for not having implemented the judgment in Case C-217/97 where it was found that Germany had failed to provide for access to information during administrative proceedings where the public authorities have received information in the course of those proceedings, to provide in the *Umweltinformationsgesetz* for information to be supplied in part where it is possible to separate out confidential information and to provide that a charge is to be made only where information is in fact supplied. The Commission also brought an action (Case C-29/00) before the Court against the same Member State because of non-respect of the deadline to provide a response to the request for information within two months.

Several cases of non-conformity could be closed during the year 2000. A court action brought against Belgium in 1999 (Case C-402/99) over several aspects in which transposition was incorrect, both at federal and regional levels, was dropped as Belgium has corrected the relevant national measures. The Commission decided to close also another case against Belgium before the Court, because the measures were adopted to transpose the obligation to provide a formal explanation of any refusal of access to the information mentioned in Article 3(4) of the Directive. Having received notification of new measures by Spain, the Commission was able to withdraw the court action brought earlier against that Member State (Case C-189/99) over several inconsistencies between the Spanish law and the Directive. Also proceedings for non-conformity of the Portuguese legislation transposing the Directive were closed during 2000 after examining the measures notified by Portugal.

The Commission started court proceedings against France (Case C-233/00), since the French measures did not ensure formal, explicit and correct transposition of several aspects of the

Directive, including the obligation to provide a formal explanation of refusal of access to the information.

The Commission decided to start court proceedings against Austria for not having completely transposed Directive 90/313/EEC (failure of six Austrian Länder to correctly transpose the provisions concerning free access to information and the exceptions from it as well as concerning the definitions of public authorities and bodies).

Among the most common subjects of complaint brought to the Commission's notice are refusal by national authorities to provide the information requested, slowness of response, excessively broad interpretation by national government departments of the exceptions to the principle of disclosure, and unreasonably high charges. Directive 90/313/EEC is unusual in containing a requirement for Member States to put in place national remedies for improper rejection or ignoring of requests for access to information or unsatisfactory response by the authorities to such requests. When the Commission receives complaints about such cases, it advises the aggrieved parties to use the national channels of appeal established to allow the Directive's aims to be achieved in practice. The Commission therefore does not generally follow up such individual complaints by infringement proceedings unless they reveal the existence of a general administrative practice in the Member State concerned.

In June 1998, the Community and the Member States signed the Convention of the United Nations Economic Commission for Europe on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the "Aarhus Convention"). Community practice does not allow the Community to ratify the Convention until the pertinent provisions of Community law, including those of Directive 90/313/EEC, have been duly amended to take account of these international obligations.

The Commission adopted on 29 June 2000 a proposal for a Directive of the European Parliament and of the Council on public access to environmental information<sup>33</sup>. The proposal is designed to replace Directive 90/313/EEC on the freedom of access to information on the environment, and is based on the experience gained in the application of that Directive. The proposal incorporates the obligations arising from the Aarhus Convention in relation to access to environmental information. It will therefore also pave the way for Community ratification of this Convention. Its third purpose is to adapt the 1990 Directive to the so-called electronic revolution to reflect the changes in the way information is created, collected, stored and made available to the public. A Report from the Commission to the Council and European Parliament on the experience gained in the application of Council Directive 90/313/EEC<sup>34</sup> accompanies Commission's proposal.

## **2. Environmental impact assessment**

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC, remains the prime legal instrument for general environmental matters. The Directive requires environmental issues to be taken into account in many decisions which have a general impact.

---

<sup>33</sup> COM(2000) 402 final.

<sup>34</sup> COM(2000) 400 final.

The deadline for transposition of Directive 97/11/EC amending Directive 85/337/EEC was 14 March 1999. By the end of 2000, six Member States (Belgium, France, Germany, Greece, Luxembourg and Spain) still had not notified the Commission of transposing measures and therefore the Commission decided to take these Member States to Court. Non-communication proceedings opened earlier against Austria, Finland, Denmark, Portugal and the United Kingdom could be dropped during 2000.

Following the European Parliament's opinion of 20 October 1998 on the proposal for a directive adopted by the Commission in December 1996 on the assessment of the effects of certain plans and programmes on the environment,<sup>35</sup> the Commission adopted an amended proposal in February 1999.<sup>36</sup> The aim of this proposal is to ensure that environmental considerations are taken into account when preparing and adopting plans and programmes setting out the context for future projects. On 30 March 2000 a common position on this proposal for a Directive was adopted. The European Parliament finalised its second reading on the common position on 6 September 2000 and adopted 17 amendments. The Council started its second reading based on the opinion of the European Parliament in the second half of the year 2000. The Directive is expected to be finalised in the first half of 2001.

As already mentioned in previous Reports on Monitoring of the Application of Community Law, many complaints received by the Commission and petitions presented to Parliament relate, at least incidentally, to incorrect application by national authorities of Directive 85/337/EEC as amended. These complaints about the quality of impact assessments and the lack of weight given to them are a major problem for the Commission, since it is extremely difficult to verify compliance by the national authorities and the basically formal nature of the Directive provides a limited basis for contesting the merits of a choice taken by the national authorities if they have complied with the procedure it lays down. As the Commission has already pointed out, most of the cases brought to its attention concerning incorrect application of this Directive revolve around points of fact (existence and assessment). The most effective check on any infringements is therefore very likely to be at a decentralised level, particularly through the national courts.

On 22 October 1998, the Court had found against Germany (Case C-301/95), holding that it had failed to discharge its obligations on several counts. Since Germany had not taken sufficient measures to comply with this judgment, the Commission decided to initiate court proceedings under Article 228 of the Treaty against Germany. The point at issue is an incomplete transposition of the Directive in relation to the projects listed in Annex II. The Court held that Germany had failed to discharge its obligations by excluding entire classes of projects so listed from the requirement for environmental impact assessments. Germany had transmitted several legislative drafts with time-tables during the procedure, but still failed however to adopt and notify the required laws to the Commission.

On 21 January 1999 the Court had ruled in Case C-150/97 that Portugal's failure to adopt the provisions of law, regulation or administrative action needed for full compliance with Directive 85/337/EEC constituted a failure to meet its obligations under Article 12(1) of the Directive. Following the opinion of Advocate General Mischo, the Court found not only that Portugal had failed to comply with the deadline for transposition but also that the Portuguese

---

<sup>35</sup> COM(96) 511 final.

<sup>36</sup> COM(1999) 73 final.

legislation<sup>37</sup> transposing the Directive after the due date had passed did not apply to projects for which the authorisation procedure was in progress when it entered into force, on 7 June 1990.

The Commission therefore asked the Portuguese authorities to inform it of the measures taken to comply with the judgments. Since the measures taken by Portugal were not sufficient, it continued proceedings under Article 228 of the Treaty against Portugal.

In case C-392/96 the Court had found that, by not adopting all the necessary measures for proper transposition of Article 4(2) as regards projects falling within points 1(d) and 2(a) of Annex II to Directive 85/337/EEC, and only partly transposing Article 2(3), (5) and (7), Ireland had failed to fulfil its obligations under Article 12 of the Directive. The case related particularly to Ireland's setting of thresholds for certain types of projects, i.e. initial reforestation where there was a potential negative ecological impact, land reclamation and peat extraction. The thresholds were so high that in practice a large number of projects with a considerable environmental impact were taken out of the assessment procedure provided for by the Directive. Ireland did not contest that it had failed to transpose Article 2(3), (5) and (7). Since Ireland however did not take the necessary measures to comply with the judgment, the Commission submitted a letter of formal notice to Ireland under Article 228 of the Treaty.

The Commission brought a court case (C-230/00) against Belgium over the possibility to grant tacit approvals for many types of plans and projects falling under the Directive. The Commission also sent a reasoned opinion to Italy, in some regions of which there were excluded, from the impact assessment procedures, the projects for which a request for development consent had been introduced before the entry into force of certain recent regional impact assessment acts although the Directive is applicable in Member States since 3 July 1988, which was the deadline for Member States to transpose it in their internal legal systems.

The Commission is continuing proceedings against Italy for insufficient regional legislation to transpose Annex II of the Directive and is studying the new information provided by Italy in 2000.

Proceedings are also being taken in certain cases of incorrect application. The Commission has sent a reasoned opinion to Luxembourg for not following the impact assessment procedure required by the Directive in the authorisation of a motorway project in Luxembourg, to Portugal for insufficient public consultation concerning certain expressway projects and to Spain on infringement of the Directive in the context of the expressway project Oviedo-Llanera (Asturias) as well as the modification project of the railway Valencia-Tarragona.

In a preliminary ruling of 19 September 2000 requested by a court in Luxembourg (Case C-287/98), the Court of Justice held that a national court, called on to examine the legality of a procedure for the expropriation in the public interest, in connection with the construction of a motorway, of immovable property belonging to a private individual, may review whether the national legislature kept within the limits of the discretion set by Directive 85/337/EEC, in particular where prior assessment of the environmental impact of the project has not been carried out, the information gathered has not been made available to the public and the

---

<sup>37</sup> Decree-Law 278/97, 8.10.1997.

members of the public concerned have not had an opportunity to express an opinion before the project is initiated, contrary to the requirements of Article 6(2) of the Directive.

### 3. Air

Council Directive 96/62/EC on ambient air quality was due to be transposed by 21 May 1998. This Directive forms the basis for a series of Community instruments to set new limit values for atmospheric pollutants, starting with those already covered by existing directives, lay down information and alert thresholds, harmonise air quality assessment methods and improve air quality management in order to protect human health and ecosystems. By the end of 2000, all Member States except Spain had fully complied with their obligation to notify measures transposing Article 3 of the Directive. During 2000, the Commission was able to close the non-communication proceedings against Belgium following a reasoned opinion sent in 2000 and against Greece following a court action initiated in 1999 (Case C-463/99). On the other hand, the court action against Spain (Case C-417/99) had to be continued.

Directive 97/68/EC of the European Parliament and of the Council on the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery was due to be transposed by 30 June 1998. By the end of 2000, all Member States except France had communicated the transposition measures for this Directive and therefore court actions against Italy (Case C-418/99) and Ireland (Case C-355/99) could be dropped. Court action against France (Case C-320/99) had to be continued.

Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC<sup>38</sup> was due for transposition by 1 July 1999. After receiving the notifications of transposing measures, proceedings which were started in 1999 against Luxembourg, Belgium, the Netherlands, Germany, Ireland, Denmark, Greece, Spain, Portugal, Austria, Sweden and Finland could be dropped in 2000. Italy has also adopted the transposing decree, but it has not yet been published. On the other hand, the Commission decided to continue infringement actions for non-communication against the United Kingdom (as far as Gibraltar is concerned).

Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC<sup>39</sup> was due for transposition by 1 July 2000. Sweden, Denmark, Finland and the Netherlands have communicated the transposition measures while the transposition by the United Kingdom and Austria does not cover the whole of their territory. Other Member States had not yet communicated their transposition measures by the end of the year 2000.

The following directives adopted in 1999 relevant to air quality are to be transposed during 2001, but earlier transposition is possible :

- Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations<sup>40</sup>;

---

<sup>38</sup> OJ L 350, 28.12.1998, p. 58.

<sup>39</sup> OJ L 121, 11.5.1999, p. 13.

<sup>40</sup> OJ L 85, 29.3.1999, p. 1.



- Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphurdioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air<sup>41</sup>;
- Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sup>2</sup> emissions in respect of the marketing of new passenger cars<sup>42</sup>. The Commission also took several measures because of incorrect application of Directives relevant to air quality, but as these measures essentially concern other environmental directives, they are mentioned in the context of other sectors (see section 4. *Waste* and section 9. *Environment and industry*).

#### 4. Water

Monitoring implementation of Community legislation on water quality remains an important part of the Commission's work. This is due to the quantitative and qualitative importance of the responsibilities imposed on the Member States by Community law and by growing public concern about water quality.

There are several cases under way over infringements of Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water. Some of the proceedings concern the preparation of systematic action plans (Article 4(2)) as an essential part of the effort to safeguard water quality (nitrates, pesticides, etc.) Others are concerned with the criteria for exemptions under Article 4(3).

In the judgment of 17 June 1998 (C-214/97) against Portugal, the Court held that the documents provided by the Portuguese authorities did not constitute a systematic action plan, despite their title and the projects described, because there was no timetable for water improvement, they did not cover all waterways and did not provide a framework for improving water quality. Following a reasoned opinion against Portugal for not submitting an appropriate systematic action plan even after the Court's judgment, the Commission was able to close the case after Portugal had finally in 2000 submitted a systematic action plan which fully complied with the requirements of the Directive.

The Commission brought a court action (Case C-375/00) against Italy over its lack of a systematic action programme for Lombardy.

With regard to Directive 76/160/EEC concerning the quality of bathing water, monitoring of bathing areas is becoming increasingly common and water quality is improving. Despite this progress, however, proceedings are still under way against most Member States since implementation still falls far short of the Directive's requirements.

The Commission decided to bring a court action under Article 228 against the United Kingdom over bathing waters on the Fylde Coast in North West England, where certain of the designated beaches have not met the Directive's standards. The Commission therefore considers that the UK has not fully complied with the Court judgment of 14 July 1993 (Case C-56/90).

---

<sup>41</sup> OJ L 163, 29.6.1999, p. 41.

<sup>42</sup> OJ L 12, 18.1.2000, p. 16.

The Commission continued Article 228 proceedings against Spain following the Court ruling of 12 February 1998 that Spain had failed to act to bring the quality of inland bathing waters into line with the binding values set by the Directive (Case C-92/96). The reply by Spain to Commission's reasoned opinion which was issued during 2000 is being examined.

On 8 June 1999, the Court had ruled in Case C-198/97 that Germany had failed to fulfil its obligations with respect to water quality and sampling frequency. Given the still existing non-compliance with the Court judgment, the Commission decided to open proceedings under Article 228 of the Treaty against Germany.

In a judgment of 25 May 2000 (Case C-307/98), the Court found against Belgium for excluding, without proper justification, from the scope of the Directive numerous inland bathing areas and not adopting, within 10 years of notification of the Directive the measures needed to comply with the limit values fixed by the Directive. The Commission decided to send a letter of formal notice to Belgium under Article 228 of the Treaty for non-compliance with the above judgment.

The Commission brought court proceedings against France (Case C-147/00), the Netherlands (Case C-268/00), United Kingdom (Case C-427/00) and Sweden (Case C-368/00) over water quality and/or sampling frequency. It also decided to bring Court action against Denmark and send a reasoned opinion to Finland for the same reason. Also court proceedings against Portugal are continuing. Italy's reply to the reasoned opinion issued in 1999 is being examined. The court action decided in 1999 against France over the failure to measure "total coliforms" parameter required by the Directive was combined with the above mentioned Court proceedings against France.

Proceedings have been started against most Member States over their implementation of Directive 76/464/EEC on dangerous substances discharged into the aquatic environment and of the directives setting levels for individual substances.

Court proceedings have been started in many cases and there were new rulings by the Court against the Member States in 2000 because of their failure to produce programmes incorporating quality objectives in order to reduce pollution by substances on List II in the Annex to the Directive.

Following the Court judgments of 11 June 1998 against Luxembourg (Case C-206/96), of 25 November 1998 against Spain (Case C-214/96) and of 1 October 1998 against Italy (Case C-285/96), ruling that these States had failed to establish programmes incorporating quality objectives to reduce pollution by these substances, the countries concerned have notified measures intended to ensure compliance with Article 7 of the Directive. These measures are complex and they are still being examined.

The Commission intends to facilitate the adoption by the Member States of programmes under Article 7 of Directive 76/464/EEC by drafting a guidance document on this issue. By this document the Commission aims to support Member States in the implementation of both the existing Directive and (Article 7 of Directive 76/464/EEC) and the new Water Framework Directive 2000/60/EC. The document will identify eight elements to be included in the programmes on pollution reduction.

Court judgments against Belgium on 21 January 1999 (Case C-207/97) and against the Federal Republic of Germany (Case C-184/97) on 11 November 1999 over the same issue were followed by two new judgments during 2000 : judgment of 25 May 2000 against Greece (Case C-384/98) and judgment of 13 July 2000 against Portugal (Case C-261/98). The similar case against the Netherlands is still pending (Case C-152/98). The Commission decided to bring a Court action also against France and Ireland.

Following two Court of Justice rulings in 1998 (Cases C-208/97 and C-213/97) that Portugal had not fulfilled its obligations to implement directives based on Directive 76/464/EEC on discharges of certain dangerous substances into the aquatic environment, Portugal notified the adequate measures to comply with the judgments and thus both cases could be closed.

Inadequacy of pollution reduction programmes leads to many specific cases of incorrect application of this Directive (pollution of specific waterways by agricultural or industrial effluent). These local difficulties can be solved only by an overall approach to the problem. Furthermore, there are still problems in several Member States where prior authorisation is not always required for discharges.

Thus the Article 228 proceedings against Greece following the judgment of 11 June 1998 (Joined Cases C-232/95 and C-233/95) are continuing, since Greece has not put in place programmes to reduce pollution by the substances on List II of Directive 76/464/EEC for Lake Vegoritis or the Gulf of Pagasaí. The measures notified by Greece were not considered to be sufficient, therefore a reasoned opinion under Article 228 of the Treaty was submitted.

Article 226 proceedings are also continuing against Portugal over effluent from an agri-food plant at Santo Tirso and the Commission is studying the measures taken by the Portuguese authorities. After sending a reasoned opinion to Portugal to the effect that the operating conditions for a herbicide plant which discharges untreated effluent into the Capa Rota river may constitute incorrect application of Directive 76/464/EEC, the Commission was able to close the case during 2000.

The Commission decided to bring a Court action against the United Kingdom for inadequate designation of the waters covered by Directive 79/923/EEC on shellfish waters as well as for the failure to draw up improvement programmes and adequately monitor the waters in question. The application to the Court in this case is still pending following the communication by the UK authorities of a significant number of newly designated shellfish waters and corresponding improvement programmes which are being investigated by the Commission.

Following notification by Finland of measures concerning designation of the waters concerned, setting of quality objectives, establishment of pollution reduction programmes and sampling, the Commission was able to close proceedings against Finland for incorrect application of Directive 78/659/EEC on waters supporting fish life.

The Commission was also able to close Article 228 proceedings against Portugal following the judgment of 18 June 1998 (Case C-183/97) on non-conformity of the Portuguese legislation with Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances. The Court had ruled on 22 April 1999 in Case C-340/96 that the United Kingdom, by accepting non-binding undertakings from the water companies, had failed to fulfil its obligations under Directive 80/778/EEC relating to the

quality of water intended for human consumption. In 2000 the Commission was able to close proceedings under Article 228 of the Treaty, as the United Kingdom communicated the adopted necessary measures to the Commission.

The Commission brought a court action (Case C-2000/316) against Ireland for incorrect application of Directive 80/778/EEC following widespread detection by the Irish Environmental Protection Agency of microbiological contaminants in drinking water, especially rural water supplies.

The Commission decided to go to court against Portugal for not fixing, as far as Azores are concerned, limit values for the parameters listed in Annex I to Directive 80/778/EEC.

The Commission issued a reasoned opinion to Spain for the bad quality of drinking water in several towns of the Alicante Province (Javea, Denia, Teulada-Moraira, Benitachell, Muchamiel, Bussot and Aigues). The response by the Spanish authorities is under assessment.

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, which will replace Directive 80/778/EEC as from 2003<sup>43</sup> was due to be transposed into national law by 25 December 2000. Member States may have to take steps immediately to ensure compliance with the new limit values under the new directive. It must be noted with dissatisfaction that no Member State had notified complete transposition measures by 25 December 2000. The Commission has received notifications from Finland, the Netherlands and the United Kingdom, but they either do not cover the whole territory of the Member State at issue and/or do not transpose all parts of the Directive.

The European Parliament and the Council have adopted on 23 October 2000 a new Directive (2000/60/EC) establishing a framework for Community action in the field of water policy<sup>44</sup>. The Member States have three years to transpose its provisions into national law.

The Community has two legislative instruments aimed specifically at combating pollution from phosphates and nitrates and the eutrophication they cause.

The first, Directive 91/271/EEC, concerns urban waste-water treatment. Member States are required to ensure that, from 1998, 2000 or 2005, depending on population size, all cities have waste water collection and treatment systems. In addition to checking notification and conformity of the transposing measures, the Commission must therefore now follow up cases of incorrect application. Since this Directive plays a fundamental role in the campaign for clean water and against eutrophication, the Commission is particularly eager to ensure that it is implemented on time.

By a judgment of 6 June 2000 (Case C-236/99) the Court found against Belgium for failure to fulfil its obligations under Article 17 of the Directive by communicating to the Commission a programme for the implementation of the Directive which does not comply with the Directive as regards the Brussels-Capital. The Commission continued infringement proceedings against Spain over insufficient and incorrect designation of vulnerable zones under Article 5 of the Directive.

---

<sup>43</sup> OJ L 330, 5.12.1998, p. 32.

<sup>44</sup> OJ L 327, 22.12.2000, p.1.

The Commission brought a Court action against Italy (Case C-396/00) over failure to treat urban waste water in the Milan area and against Austria over non-conformity of transposition of the Directive as regards the delays for the establishment of both collection and treatment of urban waste water. The procedure concerning the failure of Germany to fulfil several requirements under the Directive was continued during 2000. The Commission also sent a reasoned opinion to Belgium for several infringements of the Directive.

The second anti-eutrophication measure is Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. The Commission has continued to lay great stress on enforcing this Directive.

Following the judgment of 1 October 1998 in Case C-71/97, by which the Court found that Spain had failed to draw up codes of practice or designate vulnerable zones, the Commission has been able to drop proceedings under Article 228 of the Treaty after notification by Spain of the necessary measures. On the other hand, the Court condemned Spain in a judgment of 13 April 2000 (C-274/98) for not establishing action programmes referred to in Article 5 of the Directive.

The Commission continued a pending court action against Italy over action programmes and reporting requirements (Case C-127/99).

The Commission also brought action before the Court (Case C-258/00) against France for failure to designate vulnerable zones adequately and against Germany (Case C-161/00) over non-conformity of the action programmes carried out. Court action decided against Greece in 1999 over lacking establishment of action programmes, non-adoption of codes of good agricultural practice and certain control measures was continued but not yet executed in view of certain measures notified to the Commission by Greece. Court action was brought against the Netherlands (Case C-322/00) for several insufficiencies of action programmes. On the other hand, the Commission was able to drop the case against Austria over non-mandatory character of action programme after changing the national law on the issue and notification of the Commission thereof. The Commission also closed proceedings against the United Kingdom after it had designated the Ythan estuary as a nitrate vulnerable zone following the reasoned opinion of the Commission.

Two cases remain open against Belgium, one for non-conformity of transposition as regards the national implementing measures, the production of codes of practice and the designation of vulnerable zones, and the other for incorrect application of the Directive. The Commission decided to refer both cases to the Court.

In its judgment of 7 December 2000 (Case C-69/99), the Court condemned the United Kingdom over failure to adopt all measures necessary to comply with the obligations laid down in Article 3(1) and (2) (designation of vulnerable zones) and Article 5 (drawing up of action programmes) of the Directive.

The Commission brought an action before the Court (Case C-266/00) against Luxembourg over codes of practice, programmes and reporting. The Commission also sent a reasoned opinion to Finland concerning insufficiencies in action programmes relating to prohibition periods, capacity of storage vessels and rules for land application of manure. New measures adopted by Finland following the reasoned opinion are being examined by the Commission.

The Commission also started proceedings against several Member States concerning Directive 91/692/EEC on the standardisation and rationalisation of reports in the water sector. Certain Member States had failed to send in the reports they were required to produce on the implementation of certain directives or had sent them in late or incomplete. As a result, the Commission in turn has not been able to draw up properly the Community reports it is required to produce. The Commission has therefore taken court action against Portugal (Case C-435/99). Proceedings against Belgium are continuing as the Commission is examining the reply received at the end of 2000. On the other hand, in the course of the year 2000 the Commission was able to drop proceedings against Spain, Italy and Ireland as they had earlier provided the Commission with reports in response to the reasoned opinions they had received. Also, proceedings against France were dropped after examining the French reply to Commission's earlier reasoned opinion.

## **5. Nature**

The two main legal instruments aimed at protecting nature are Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

Regarding the transposition of Directive 79/409/EEC several conformity problems remain unresolved, particularly concerning hunting and derogations (Article 7(4) and Article 9). Thus, in a judgment of 7 December 2000 against France in relation to the opening and closing dates of the hunting season for migratory birds (Case C-38/99), the Court found that France had failed correctly to transpose Article 7(4) of the Directive, by having omitted to communicate all the transposition measures relating to the whole of its territory and by having failed correctly to implement the aforesaid provision. The Commission also continued the action before the Court against Italy (Case C-159/99) for non-transposition of Article 9 (derogations from the protection schemes resulting from Articles 5, 6, 7 and 8). The Commission also decided to bring court action against Greece concerning the duration of the hunting period. Furthermore, the Commission decided to bring court action against Sweden for its failure to correctly transpose certain provisions of Directive 79/409/EEC, including Article 9. This case also concerns Article 4 (as replaced by Articles 6, paragraphs 2,3 and 4 of Directive 92/43/EEC) and Article 6(3) of Directive 79/409/EEC.

The Commission decided to bring an action before the Court against Finland concerning the non-conformity of the Finnish hunting legislation with the Directive (hunting of certain waterfowl species in the spring time, hunting season for certain other bird species). Following the reasoned opinion sent to Spain in the beginning of 2000 over the hunting of certain migratory bird species, the Commission is examining the reply sent by Spain. Infringement proceedings concerning hunting practices in two special protection areas (Baie de Canche and Platier d'Oye) in France are still under examination by the Commission.

Also other non-conformity issues under Directive 79/409/EEC were addressed during 2000. The Commission decided to bring a Court action against Belgium for the absence of transposition of Article 5 (c) and (e) and Article 6(1) of Directive 79/409/EEC. Another case against Belgium concerning the incorrect transposition of Article 4(1), (2), (4) and Annex I of Directive 79/409/EEC was referred to the Court.

By the end of 2000, i.e. about six and a half years after the deadline which expired in June 1994, the last Member States had finally notified the Commission of their transposition

measures for Directive 92/43/EEC. However, in many cases the transposition is insufficient, particularly concerning Article 6 on the protection of habitats in the special conservation sites which are to be set up, and Articles 12 to 16 on protection of species. Thus, in its judgment of 6 June 2000 (Case C-256/98) the Court ruled against France for failure to adopt within the prescribed period all the laws, regulations and administrative measures necessary to comply with Article 6(3) and (4) of the Directive. Since France had not adopted the necessary measures to comply with the judgment, the Commission sent a letter of formal notice and subsequently decided to send also a reasoned opinion under Article 228 of the Treaty to France. The Commission also decided to refer Luxembourg and Belgium to the Court for failure to implement a number of provisions of the Directive properly. A Court action was also brought against Sweden for its failure to correctly transpose Articles 4(5), 5(4), 6(2)-(4), 15 and 16 of Directive 92/43/EEC.

As in the past, the main problems with the implementation of Directives 79/409/EEC and 92/43/EEC relate to the nomination and protection of sites of natural interest, either in connection with the designation of sites for birds and the selection of other sites for inclusion in the Natura 2000 network, or the protection of such sites.

As mentioned in the last report, problems still arise in several Member States with Article 4 of Directive 79/409/EEC, which requires that sites shall be designated as special protection areas (SPAs) for wild birds wherever the objective ornithological criteria are met.

The Commission is pressing ahead with infringement proceedings in certain key cases.

The Court had in 1999 given two judgments against France. In the first one (Case C-166/97), the Court found against France for failing to classify a sufficiently large area of the Seine estuary as a special protection area (SPA) and for failing to adopt measures to provide the classified SPA with an adequate legal regime under Article 4(1) and (2) of the Directive. But the Court dismissed the complaint relating to the building of an industrial plant in the middle of the SPA, finding that the Commission had not furnished sufficient proof to contradict the information provided by the French authorities. In the course of the year 2000, Article 228 proceedings remained open against France to oblige the French authorities to take all necessary measures to comply with the judgment.

In the second one (Case C-96/98), the Court found against France for failing, within the prescribed period, to classify a sufficient area in the Poitevin Marsh as special protection areas, failing to adopt measures conferring a sufficient legal status on the special protection areas classified in the Poitevin Marsh, and failing to adopt appropriate measures to avoid deterioration of the sites in the Poitevin Marsh classified as special protection areas and of certain of those which should have been so classified. As France did not take the necessary measures to comply with this judgment, the Commission decided in 2000 to send a letter of formal notice under Article 228 of the Treaty to France.

In 7 December 2000 the Court gave one more judgment (Case C-374/98) against France concerning similar complaints, finding that France has failed to fulfil its obligations under Article 4(1) of the Directive by not classifying any part of the Basses Corbières site as a special protection area and by not adopting special conservation measures for that site sufficient in their geographical extent. The Commission was able to close proceedings against Austria, as that Member State had notified the Commission of the measures concerning designation of Lech valley in the Tyrol as a SPA.

Although areas should have been designated SPAs when the Directive entered into force in 1981, existing sites in a number of Member States are still too few in number or cover too small an area. The Commission's present strategy revolves around initiating general infringement proceedings, rather than infringement proceedings on a site by site basis.

Thus, the Commission decided to bring an action before the Court against France for insufficient designation of special protection areas under Article 4(1) and 4(2) of the Directive. Proceedings opened earlier in relation to two individual areas (the Plaine des Maures and the Basses Vallées de l'Aude) were combined with this case.

The Commission is also pursuing proceedings against other Member States on the same grounds. It continued proceedings against Germany, Italy, Luxembourg, Portugal and Finland. Of these, the Commission brought a court action against Finland (Case C-240/00), but is at present still examining measures communicated by Germany and Portugal before deciding to what extent to press ahead against these two Member States. The Commission also brought Spain to the Court for failure to designate a sufficient number of SPAs in the Murcia region (Case C-354/00). The Commission has also decided to send a reasoned opinion to Spain for insufficient designation of SPAs in the whole country.

The Commission is examining a significant number of new special protection areas designated by the Netherlands after Commission's reasoned opinion under Article 228 to oblige that Member State to comply with the Court's judgment of 19 May 1998 (Case C-3/96).

Member States continued to propose conservation sites within the meaning of Directive 92/43/EEC. The United Kingdom has undertaken to identify additional sites under the Directive and has started sending in newly designated sites to the Commission. These new sites are now under evaluation and the Commission has decided to suspend the execution of the Court action decided in 1999 against the United Kingdom until the assessment of the newly notified sites is complete. In 2000 the Commission also decided to prolong the suspension of infringement proceedings against the Netherlands, having received a substantial list from that Member State. That list will be assessed in the framework of the Atlantic biogeographical region, together with the lists of sites that are provided by other Member States in that region. The situation with the list submitted by Austria is still not completely satisfactory, but further proceedings will depend on the biogeographical seminars planned for 2001. Also the complementary list submitted by Portugal during 2000 following the infringement proceedings opened by the Commission is under examination. With regard to the substantial list submitted by Finland in 1998, the Commission decided to suspend the Court action opened in 1998 against Finland to examine the measures taken by Finland in the course of the year 2000.

The Commission continued Court actions against Ireland (Case C-67/99), Germany (Case C-71/99) and France (Case C-220/99).

Having decided to prolong the execution of the Court action against Sweden in order to assess the 'indicative list' submitted by Sweden, the Commission decided by the end of 2000 to press ahead with this case because of the insufficiencies in the 'indicative list'. Finally, the Commission decided to send Belgium a reasoned opinion since the national list transmitted did not contain any sites representative of numerous types of habitat present on Belgian



territory, including priority habitats. Having examined the new list of sites submitted by Belgium during 2000, the Commission decided to continue the procedure against Belgium.

On 7 November 2000, the Court of Justice gave an important preliminary ruling requested by a British court under Article 234 in the Bristol Port case (Case C-371/98). The Court held that a Member State may not take into account economic, social and cultural requirements or regional and local characteristics, when selecting and defining the boundaries of the sites to be proposed to the Commission as eligible for identification as sites of Community importance.

As mentioned in the last report, in many cases the details provided by Member States on sites and the species they support are neither complete nor appropriate. This makes it more difficult to proceed to the subsequent stages of the plan laid down in Directive 92/43/EEC and to the setting up of the Natura 2000 network.

The Commission has maintained its strict policy with regard to the granting of Community funding for conservation of sites under the LIFE Regulation on sites being integrated or already integrated into the Natura 2000 network. Furthermore, it scrutinises requests for cofinancing from the Cohesion Fund very thoroughly for compliance with environmental regulations. In June 1999, the competent Commissioners for environment and regional policy sent the Member States a letter reminding them of their obligations under Directives 79/409/EEC and 92/43/EEC. Those Member States that had not submitted adequate lists for the setting up of the Natura 2000 network were warned that the Commission might not be able to evaluate the plans and cofinancing programmes submitted. During 2000, conditions were inserted in Structural Funds plans and programmes and rural development programmes requiring Member States to submit outstanding Natura 2000 site lists.

Problems remain concerning unsatisfactory application of the special protection regime under Article 4(4) of Directive 79/409/EEC and Article 6(2) to (4) of Directive 92/43/EEC, i.e. failure to designate areas fulfilling the objective ornithological criteria as special protection areas and/or by setting aside the special protection regime in relation to projects affecting sites. In April 2000 the Commission published an interpretation guide in order to provide guidelines for the Member States on the interpretation of certain key concepts used in Article 6 of Directive 92/43/EEC.

The Commission sent a reasoned opinion to Austria for infringing Article 6(3) and (4) of Directive 92/43/EEC in the context of an extension of a golf course in the Enns valley and decided to bring a Court action against Belgium for its failure to protect the SPA in the Zwarte Beek valley. The Commission referred Ireland to the Court of Justice for failure to adopt measures to protect against overgrazing of habitats populated by species of wild birds covered by the Directive 79/409/EEC in the West of Ireland (Case C-117/00).

Finally, the Commission decided to refer Portugal to the Court concerning the “Abrilongo” dam project affecting the Campo Maior SPA and species required to be protected under Directive 79/409/EEC and sent a reasoned opinion to the same Member State for authorisation of an expressway project without appropriate impact assessments.

Problems with the implementation of Directive 92/43/EEC may also arise with regard to the protection, not of designated or nominated sites, but of species. For example, the Commission has brought a court action against Greece for threats to a species of turtle (*Caretta caretta*) on

the island of Zakynthos (Case C-103/00). It also decided to send a reasoned opinion to Germany for failure to properly protect the habitats of an endangered hamster (*Cricetus cricetus*) population at Horbacher Börde near Aachen close on the frontier with the Netherlands, one of the most important sites for this species in the North West Germany. Another reasoned opinion was decided against the United Kingdom for its failure to ensure the proper protection of the Great Crested Newt (*Triturus cristatus*).

Regarding the implementation of Regulation (EEC) No 338/97 on the implementation in the Community of the 1973 Washington Convention on international trade in endangered species of wild fauna and flora (the Cites convention), the infringement procedures against Greece resulted in Greece notifying the Commission in 1999 of various measures and Ministerial decisions supplementing Act 2637 of 27 August 1998. The decision to refer the matter to the Court has been deferred pending verification of the Greek legislation's conformity with the Community requirements.

## **6. Noise**

As in the past, implementation of Directives on noise poses few problems, since these Directives set standards for new products. However, the complaints received by the Commission in fact relate to ambient noise and consequently cannot be addressed at Community level.

On 8 May 2000, the European Parliament and the Council adopted Directive 2000/14/EC on the approximation of laws of the Member States relating to noise emission in the environment by equipment for use outdoors<sup>45</sup>.

## **7. Chemicals and biotechnology**

Community legislation on chemicals and biotechnology covers various groups of directives relating to products or activities which have certain characteristics in common: they are technically complex, require frequent changes to adapt them to new knowledge, apply both to the scientific and industrial spheres and deal with specific environmental risks.

One of the features of Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances is the frequency with which it has to be amended, to keep up with scientific and technical developments. Thus, Directive 98/98/EC of 15 December 1998<sup>46</sup> adapting Directive 67/548/EEC to technical progress for the 25<sup>th</sup> time, fell due in July 2000. In addition, the European Parliament and the Council Directive 99/33/EC of 10 May 1999 amending Directive 67/548/EEC as regards the labelling of certain dangerous substances in Austria and Sweden fell due on 30 July 2000 for those two Member States.

In this context, Member States are still frequently late in communicating their transposition measures, but the Commission automatically commences proceedings in order to make Member States meet their obligations.

---

<sup>45</sup> OJ L 162, 3.7.2000, p. 1.

<sup>46</sup> OJ L 355, 30.12.1998, p.1.

In 2000 the Commission decided to send a reasoned opinion to Germany concerning the definition and handling of man-made vitreous (silicate) fibres (MMMMF) in contravention of Directive 67/548/EEC. The Commission also decided to send a reasoned opinion to the United Kingdom, and subsequently to bring a court action against that Member State, for excluding the territory of Gibraltar from the scope of application of the transposition measures for Directive 67/548/EEC and subsequent amending Directives.

Directive 96/56/EC provides for the abbreviation “EEC” to be replaced by “EC”, for the purpose of labelling dangerous substances, by 1 June 1998. The Commission sent reasoned opinions to Belgium, Germany, Portugal and Greece in 1998 for failure to transpose the Directive. All Member States have now transposed it, as the only remaining action against Germany (Case C-406/99) could be withdrawn and closed in 2000.

With regard to Directive 97/69/EC (23<sup>rd</sup> adaptation to the Directive) on dangerous substances, measures have recently been notified to the Commission by Austria and the Netherlands against whom the proceedings have therefore been set aside.

Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products<sup>47</sup> was due to be transposed by the Member States by no later than 14 May 2000. Proceedings for non-communication of transposition measures had to be opened against twelve Member States: Austria, Belgium, Finland (as far as the Province of Åland is concerned), France, Germany, Greece, Ireland, Luxembourg, Portugal, the Netherlands, Spain and the United Kingdom, of which proceedings against Austria could be dropped during 2000.

As regards Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes, the Commission was able to close proceedings against Belgium under Article 228 of the Treaty, after Belgium had implemented the Court of Justice judgment against Belgium of 15 October 1998 for failure to transpose the Directive (Case C-268/97). However, the Commission decided to send a reasoned opinion to Belgium for having too many exemptions for using non-purpose bred cats and dogs in experiments.

The Commission also continued a court action against Ireland (Case C-354/99), brought a court action against France (Case C-152/00) and decided to refer the Netherlands to the Court for incorrect transposition of the Directive. The court action against Austria was withdrawn after Austria had notified the Commission of the required measures.

The use of genetically modified micro-organisms (GMMs) is governed by Directive 90/219/EEC (relating to their contained use). The use of genetically modified organisms (GMOs) is governed by Directive 90/220/EEC (relating to their release). The existing legislative framework (Directive 90/220/EEC of 23 April 1990) is under revision. The European Parliament and the Council achieved an agreement on a joint text on 20 December 2000. Final adoption of the new system is expected in February 2001. The revised Directive seeks to introduce a more transparent and efficient framework for the approval procedure for the marketing of GMOs, to set out common principles for risk assessment and a mandatory monitoring plan and to adapt administrative procedures to the risks involved, including indirect ones.

---

<sup>47</sup> OJ L 123, 24.4.1998 p.1.

The Commission sent a reasoned opinion to France concerning incorrect transposition of several provisions of Directive 90/219/EEC into its national law.

Directive 90/219/EEC was amended by Council Directive 98/81/EC of 26 October 1998 (contained use of genetically-modified micro-organisms)<sup>48</sup>, which had to be transposed by 5 June 2000. By the end of 2000, proceedings for non-communication of transposition measures for this Directive were open against all Member States excluding Sweden, Finland and Denmark.

Finally, two cases of incorrect application of Directive 90/220/EEC remain open against France.

The first failing concerns the subsequent stages of the authorisation procedure for the placing on the market of products consisting of or containing GMOs. The Directive stipulates that when a decision has been taken approving the placing on the market of such a product, the competent authority of the Member State which received the initial notification must give its consent in writing so as to permit the product to be placed on the market. France has not given its consent in respect of two favourable decisions adopted in 1997. However, in a similar case regarding maize, the French *Conseil d'Etat* (supreme administrative court) asked the Court of Justice for a preliminary ruling (Case C-6/99) as to whether the national authorities had any power of discretion following the adoption of a favourable decision by the Commission pursuant to Article 13(4) of Directive 90/220/EEC. In its judgment of 21 March 2000, the Court held that after an application for placing a GMO on the market has been forwarded to the Commission and no Member State has raised an objection, or if the Commission has taken a 'favourable decision', the competent authority which forwarded the application must issue the consent in writing, allowing the product to be placed on the market. However, if in the meantime the Member State concerned has new information that the product may constitute a risk to human health and the environment, it will not be obliged to give its consent, provided that it immediately informs the Commission and the other Member States about the new information. In a recent judgment of 4 November 2000, the French *Conseil d'Etat* has followed the decision of the Court of Justice, and has considered that without new information regarding the risks, the French Ministry could not call into question the decision taken by the Commission and based on the opinion of the three scientific committees. The procedure against France is still open (reasoned opinion stage), while the Commission is considering the possible application of the safeguard clause in Article 16 of Directive 90/220/EEC.

The Commission also decided to bring a court action against France for non-transposition and incorrect transposition of several provisions of the Directive 90/220/EEC.

## **8. Waste**

Infringement proceedings in relation to waste continue to abound, concerning both formal transposition and practical application. As mentioned in the last report, the most likely explanations for the difficulties in enforcing Community law in these matters are as much the need for changes in the conduct of private individuals, public services and business firms as the costs of such changes. Regarding the framework directive on waste (Directive

---

<sup>48</sup> OJ L 330, 5.12.1998, p. 13.

75/442/EEC, as amended by Directive 91/156/EEC), most of the implementation difficulties concern its application to specific installations. This is at the root of the large number of complaints primarily concerned with waste dumping (uncontrolled dumps, controversial siting of planned controlled tips, mismanagement of lawful tips, water pollution caused by directly discharged waste). The Directive requires that prior authorisation be obtained for waste-disposal and waste-reprocessing sites; in the case of waste-disposal, the authorisation must lay down conditions to contain the environmental impact.

The adoption by the Council on 26 April 1999 of Directive 1999/31/EC on the landfill of waste<sup>49</sup> should help to clarify the legal framework in which sites employing this method of disposal are authorised in the Member States.

As mentioned previously, the Commission uses individual cases of this type to detect more general problems concerning incorrect application of Community law, such as the absence or inadequacy of waste management plans, based on the assumption that an illegal dump may provide evidence of an unsatisfied need for waste management.

This was the spirit behind the Commission's second referral of Greece to the Court of Justice in 1998 (C-387/97), asking the Court to impose a daily fine of € 24 600 on Greece, on the basis of Article 228 of the Treaty, for failure to give effect to the Court's judgment in Case C-45/91 (7 April 1992). This case concerns the existence and the functioning of an illegal solid waste dump in Kouroupitos in the region of Chania where domestic waste, limited quantities of dangerous waste (for example, waste oils and batteries) and of different kind of commercial and industrial waste were illegally dumped. In line with the Advocate-General's conclusions of 28 September 1999, the Court declared in its judgment of 4 July 2000 that by failing to take the necessary measures to ensure that in the area of Chania waste is disposed of without endangering human health and without harming the environment in conformity with Articles 4 and 6 of Directive 75/442/EEC on waste and Article 12 of Directive 78/319/EEC on toxic and dangerous waste, Greece has not taken measures to comply with the judgment of 7 April 1992 and has failed to fulfil its obligations under Article 171 (now 228) of the Treaty. The Court decided to impose a financial penalty of € 20.000 per day on Greece for non-compliance. In December 2000 the Greek Government has paid the sum of 1.760.000 € covering the daily penalty from July to September 2000. The Commission has requested Greece to carry out payments on a monthly basis.

As previously stated, this is the first time that the European Court of Justice has taken a decision to fine a Member State under Article 228 of the Treaty. This constitutes a significant milestone for the European Union in terms of enforcement of Community environmental law *vis-à-vis* the Member States.

In a judgment of 9 November 1999 (Case C-365/97), the Court had found against Italy for failing to take measures necessary to dispose of the waste discharged into the watercourse running through the San Rocco valley without endangering human health or the environment, and for failing to take measures to ensure that the waste collected in an illegal tip is handed over to a private or public waste collector or a waste disposal company. The Commission is examining the measures to comply with the judgment that Italy communicated to the Commission during 2000.

---

<sup>49</sup> OJ L 182, 16.7.1999, p.1.

The Commission decided to refer Austria to the Court for the failure to transpose correctly the Community definition waste into Austrian law (for providing for exceptions which are not covered by the Community definition, and for failure to transpose certain Annexes under Directives 75/442/EEC and 91/689/EEC). A reasoned opinion was issued to Belgium because of the Walloon Region's failure to provide a correct definition of waste in its implementation legislation. The Commission also sent a reasoned opinion to Luxembourg, and subsequently decided to refer this Member State to the Court, for incorrect transposition of the waste catalogue under Commission Decision 94/3/EC based on Directive 75/442/EEC.

Problems with the actual application of Directive 75/442/EEC were also identified during 2000. Thus, the Commission referred Greece to the Court concerning uncontrolled waste dumping in the Peloponnese and decided to bring a court action against Spain for several illegal landfills. A court action was brought against Italy for lack of communication of the report under Directive 75/439/EEC (waste oils) and Directive 75/442/EEC (Case C-376/00).

In 2000 the Commission brought a court action against Italy (Case C-65/00) for Italian legislation on hazardous waste not being in conformity with EC legislation as for the exemption from the permit requirement imposed by Directives 91/156/EEC and 91/689/EEC to undertakings carrying out hazardous waste recovery.

Given that planning is such an important part of waste management - a point illustrated by the examples above - the Commission decided in October 1997 to start infringement proceedings against all Member States except Austria, the only State to have established a planning system for waste management. These proceedings cover a range of failings, relating variously to plans as required by Article 7 of the framework Directive, plans for management of dangerous waste as required by Article 6 of Directive 91/689/EEC, and special plans for packaging waste, as required by Article 14 of Directive 94/62/EC.

In 2000 the Commission continued court actions against France (Case C-292/99), Ireland (Case C-461/99) and Italy (Case C-466/99) in respect of all three categories of plans, and brought court actions also against Greece (Case C-132/00), Luxembourg (C-401/00) and the United Kingdom (Case C-35/00). The Commission decided to press ahead with the court action against Spain.

On the other hand, proceedings opened earlier against Sweden and Portugal were dropped in 2000. Having received a notification of a plan for non-dangerous waste and waste packaging from Niedersachsen (Lower Saxony), the only *Land* not previously to have had such a plan, the Commission was able to close also this procedure.

As regards Directive 91/689/EEC on hazardous waste, the Commission had commenced infringement proceedings in 1998 against a number of Member States which had failed to provide the Commission with particular information required in relation to establishments or undertakings carrying out disposal and/or recovery of hazardous waste. In 2000 Greece was referred to the Court on this point. The Commission was able to drop proceedings against Portugal and the United Kingdom, having received the required information after sending a reasoned opinion to these Member States. The Commission continued to proceed against France for still incomplete information submitted under the Directive.

Regarding the implementation of the Directives on batteries and accumulators containing certain dangerous substances (91/157/EEC and 93/86/EEC), the Commission is pursuing

infringement proceedings against those Member States which have not yet established the programmes called for by Article 6 of the Directive. The year 2000 has seen some progress in this respect. Following a reasoned opinion under Article 228 to Spain in order to implement the Court's judgment against Spain of 28 May 1998 (Case C-298/97) the Commission decided to drop the proceedings having received notification of compliance measures from Spain. For similar reasons the Commission decided to close Article 228 proceedings against Greece for failure to give effect to the Court's judgment of 8 July 1999 (Case C-215/98) and draw up a battery waste plan, an obligation it has been required to fulfil since September 1992. Court action against Portugal was also dropped after examining the measures implemented by that Member State. The Commission is examining the sufficiency of the measures taken by Austria after the reasoned opinion.

Commission Directive 98/101/EC of 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances<sup>50</sup> was due for transposition by 1 January 2000. During 2000 the Commission was able to close the proceedings for non-communication of transposition measures for this directive against Belgium, Denmark and Spain. By the end of the year 2000, non-communication proceedings had been opened against seven Member States : Germany, Ireland, Italy, Portugal, the United Kingdom, Greece and the Netherlands.

In its judgment of 13 April 2000 (Case C-123/99), the Court held that Greece has failed to adopt the laws, regulations and administrative provisions necessary to comply with Directive 94/62 on packaging and packaging waste. The Commission sent a reasoned opinion to the Netherlands for several issues where the Dutch law is not in conformity with the Directive. On the other hand, proceedings against the United Kingdom (Case C-455/99) for their failure to provide notification of measures transposing the Directive were dropped after the latter provided notification of its measures<sup>51</sup>. Proceedings were continuing against Germany concerning its packaging Regulation (commonly referred to as the 'Töpfer' regulation), which promote the re-use of packaging materials. The Commission decided to issue a reasoned opinion to Germany since the reuse quota as set up by the German Regulation leads to a barrier to trade and indirect discrimination of imported natural mineral waters to be filled at source.

Not only must transposition measures be notified to the Commission, they must also conform with the relevant Community legislation. The Commission considers that this is not the case in Denmark, and thus the Commission is continuing proceedings before the Court of Justice (Case C-246/99) in relation to Denmark's ban on metal cans for drinks and other types of non-reusable packaging.

The Commission brought a court action against Germany (Case C-228/00) for setting up different criteria to distinguish waste for recovery from waste for disposal and to raise accordingly objections against shipment of waste which contravene Regulation 259/93/EEC on the supervision and control of shipments of waste within, into and out of the European Community. Proceedings were also brought against Luxembourg as a consequence of its

---

<sup>50</sup> OJ L 1, 5.1.1999, p. 1.

<sup>51</sup> The Producer Responsibility Obligations (Packaging Waste)(Amendment) Regulations (Northern Ireland) 1999 S.R.N.I. No. 496.

failure to comply with Regulation 259/93/EEC in refusing to allow waste to be transported to French incinerators equipped for energy purposes.

Infringement proceedings were commenced in 1999 against various Member States for failure to submit the annual reports required by Article 41 of Regulation 259/93/EEC. The proceedings against Greece, Italy and Ireland were dropped in view of the satisfactory responses received from these countries. The Commission sent a reasoned opinion to the Netherlands concerning shipments of waste from the Netherlands to other countries.

Regarding Directive 75/439/EEC on the disposal of waste oils, the Commission started proceedings under Article 228 against Germany for not complying with the ruling of the Court of Justice of 9 September 1999 (Case C-102/97), concerning Germany's failure to take the measures necessary to give priority to the processing of waste oils by regeneration, notwithstanding that technical, economic and organisational constraints so allowed. The Commission also continued the Court action against Portugal for incorrect transposition of the Directive (Case C-392/99).

With regard to the disposal of PCBs and PCTs, two particularly dangerous products, Directive 96/59/EC, which supersedes Directive 76/403/EEC, was due to be transposed by the Member States by 16 March 1998. During the year 2000, the Commission was able to close proceedings against all Member States who had not notified their transposition measures by the above deadline, including proceedings in the Court of Justice against Greece (Case C-464/99) and the United Kingdom (Case C-468/99). The Directive stipulates that Member States shall draw up, within three years of its adoption, namely by 16 September 1999, plans for the decontamination and/or disposal of inventoried equipment and PCBs contained therein and outlines for the collection and subsequent disposal of certain equipment under Article 11 of the Directive, as well as inventories under Article 4(1) of the Directive. However, many Member States have still not communicated to the Commission the necessary measures. Thus, in the course of the year 2000 the Commission sent a reasoned opinion to the United Kingdom, Denmark, Germany, Sweden, Portugal, Greece, France, Spain, Italy, Ireland and Luxembourg. It also decided subsequently to bring court action against the six last mentioned Member States.

Finally, in relation to the sewage sludge Directive 86/278/EEC, the Commission decided to send letters of formal notice to Sweden, Belgium, Ireland, Italy and Portugal for non-compliance with the information and monitoring obligations established under the Directive. According to Article 10 of the Directive, Member States have to ensure that up to date records are kept which register the quantities of sludge produced and the quantities supplied for the use in agriculture, the composition and properties of sludge and the type of treatment carried out. This is necessary to verify that the use of sewage sludge in agriculture does not compromise food production and long term soil quality.

## **9. Environment and industry**

It should be mentioned first that the procedure against Italy for non-compliance with the Court's judgment of 17 June 1999 (Case C-336/97) was dropped by the end of the year 2000 after Italy had corrected its failure to organise emergency plans, inspections, and control measures as required by the Directive 82/501/EEC – "the Seveso Directive".



Directive 96/82/EC (« Seveso II »), replacing Directive 82501/EEC from 3 February 2001 («Seveso I»), was due to be transposed by no later than 3 February 1999. In the absence of notifications of their transposition measures, the Commission decided to refer the following five Member States to the Court : Austria, Belgium, Germany, Ireland and Portugal. On the other hand, non-communication proceedings opened earlier against Luxembourg, the United Kingdom and Greece could be dropped.

The Commission decided to refer Ireland to the Court for non-conformity of their measures implementing Directive 87/217/EEC (prevention and reduction of environmental pollution by asbestos). New legislation later made it possible to withdraw this case. Also similar proceedings opened earlier against Belgium could be closed during 2000.

Regarding the two Directives on the prevention of air pollution from municipal waste incineration plants, namely 89/369/EEC (new plants) and 89/429/EEC (existing plants), the Commission was able to withdraw the court action against Belgium for non-conformity of its transposing legislation (Case C-287/99). On the other hand, the Commission brought court action (Case C-2000/139) against Spain for permitting the Canary Islands to operate incinerators not complying with Directive 89/369/EEC, and decided to bring court action against France for allowing numerous incinerators to operate in contravention of Community legislation, with substantial dioxin emissions.

Directive 94/67/EC on the incineration of hazardous waste fell due for transposition on 31 December 1996. Court proceedings against Belgium (Case C-338/99) and Italy (Case C-421/99) for failure to notify transposition measures could be dropped in the course of the year 2000, as the Member States at issue had adopted the necessary measures and notified the Commission thereof. The Commission decided to send a reasoned opinion to Austria for incorrect transposition of the Directive.

Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), adopted on 24 September 1996, was due to be implemented by 30 October 1999. Proceedings for non-communication of the transposition measures to the Commission were continued against Spain, Greece, the United Kingdom (as far as Northern Ireland and Gibraltar are concerned), Luxembourg, Germany, Finland (as far as the Province of Åland is concerned) and Belgium. Non-communication proceedings opened earlier against Austria and Portugal were closed during 2000, as the necessary transposition measures were notified to the Commission by those Member States.

The Commission continued the court action against Belgium with regard to the use of the tacit authorisation scheme mentioned in last year's report, since Belgium's responses to the reasoned opinion offered no evidence that the national legislation had been brought into line with the Directive.

## **10. Radiation protection**

The Community legislation on radiation protection is based on Chapter 3 "Health and Safety" of the Euratom Treaty. It covers all aspects of the protection of the health of workers and the general public against the dangers arising from ionising radiation, not only those related to nuclear energy. In fact, people are mostly exposed to radiation by its medical use. Furthermore, it protects indirectly the air, water and soil of the Community from the impacts of radiation. The Commission controls the implementation of the radiation protection

legislation on the basis of Article 124 and according to the procedure of Articles 141 and 143 of the Euratom Treaty, which correspond to Article 211 and respectively to Articles 226 and 228 of the EC Treaty.

The primary legislation, the Euratom Treaty itself sets in Articles 33-37 certain obligations to the Member States, for example relating to the training and education, environmental monitoring and disposal of radioactive waste. In addition, there are five main directives and three regulations currently in force concerning radiation protection.

The speciality of the Euratom based legislation is that the Commission examines the conformity of the national transposing measures before those measures are adopted in a final way. According to Article 33 of the Euratom Treaty, the Member States shall communicate to the Commission any draft provisions, which it has made to ensure compliance with the basic standards in the area of radiation protection. The Commission shall make appropriate recommendations for harmonising these measures. These recommendations are similar to conformity checks in the other areas of Community environmental law which may lead to a letter of formal notice. In 2000, the number of submissions of national draft legislation under Article 33 of the Euratom Treaty increased highly, because the deadline for transposition of two main radiation protection directives 96/29/Euratom and 97/43/Euratom was in May 2000. The Commission received 20 submissions (compared to 11 in 1999) under Article 33 of the Euratom Treaty, which have been examined and commented on, although no formal recommendation was issued during 2000. Even if the recommendations issued under Article 33 are not binding, the Member States follow them usually very well. Therefore, there is less need for infringement cases concerning non-conformity in the area of radiation protection.

Article 35 of the Euratom Treaty provides that each Member State shall establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with basic standards. The Commission can verify the operation and efficiency of such facilities. During 2000, the Commission carried out two verifications under Article 35.

Under Article 36 of the Treaty, Member States provide information on the measured levels of radioactivity in the environment. This allows the Commission to judge whether the basic standards are complied with. The Commission adopted in 2000 Recommendation 2000/476/Euratom on the application of Article 36 of the Euratom Treaty concerning the monitoring of the levels of radioactivity in the environment for the purpose of assessing the exposure of the population as a whole (OJ L 191, 27.7.2000, p. 37).

According to Article 37 of the Euratom Treaty, Member States must provide the Commission with general data relating to any plan for the disposal of radioactive waste. The Commission assesses the data in order to determine whether the implementation of the plan could cause radioactive contamination of the environment of another Member State. The Commission issues an opinion on the subject, which the Member State has to take into account when granting an authorisation for the project. Article 37 aims to forestall any possibility of radioactive contamination of the environment in another Member State, thereby protecting the general public against the dangers arising from ionising radiation. The Commission issued 12 opinions under Article 37 of the Euratom Treaty in 2000. There was one infringement case pending relating to Article 37 in 2000: the Commission considered that the United Kingdom had failed to fulfil its obligations under Article 37, because it had not submitted the general data related to dismantling of Windscale Pile I nuclear reactor. Thus the Commission decided

to refer the UK to the Court. The Windscale Number 1 Pile reactor was built and operated within the current Sellafield site as an experimental and production facility for the UK weapon programme. According to the information available to the Commission, its dismantling was being prepared. Because dismantling operations are considered as ‘a plan for disposal of radioactive waste’, the UK authorities should have submitted the general data related to dismantling plans to the Commission. However, the United Kingdom argued in principle that the Euratom Treaty does not apply to the use of nuclear energy for military purposes. Therefore, the UK considered first that Article 37 was not applicable to the plans concerning Windscale Pile 1. The Commission does not share this opinion but is of the view that the provisions (including Article 37) of Chapter 3 “Health and Safety” of the Euratom Treaty apply to activities in both civil and military spheres. The protection of the health and the safety of general public in the field of radiation protection is an indivisible objective and extends to all dangers arising from ionising radiation, irrespective of their source. The UK authorities then accepted that the proposed operations to dispose of the waste from within the reactor were not related to the national defence programme and indicated their willingness to submit the data, once a plan for disposal is ready. The case was closed.

As mentioned above, the deadline for transposition of two main directives in the area of radiation protection, Council Directive 96/29/Euratom laying down basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation (OJ L 159, 29.6.1996, p. 1) and Council Directive 97/43/Euratom on health protection of individuals against dangers of ionising radiation in relation to medical exposure (OJ L 180, 9.7.1997, p. 22), expired on 13 May 2000. By the same date, all the old basic safety standards directives (adopted since 1959) were repealed.

Directive 96/29/Euratom on the Basic Safety Standards introduced a new dosimetric concept in order to protect the health of workers and general public soundly and comprehensively. For this purpose, the Directive reduced the dose limits, set new requirements for the justification for all practices involving ionising radiation and introduced an extended ALARA-principle, according to which doses must be kept As Low As Reasonable Achievable. The Directive covers practices, work activities and intervention situations. It also introduces the new concept of clearance and exemption for materials containing radioactivity. Besides man-made radiation, it also regulates natural radiation in the work place. Finally, the Directive includes new requirements for the assessment of population dose.

Only two Member States had notified a complete set of national transposing measures as regards Directive 96/29/Euratom on the Basic Safety Standards to the Commission within the deadline set by the Directive. Therefore, the Commission opened infringement cases against Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom in summer 2000 because of failure to communicate the final transposing measures. However, Austria later communicated the national measures, and the Commission was able to close this infringement case before the end of 2000.

Directive 96/29/Euratom on the Basic Safety Standards repealed the previous Directive 80/836/Euratom on the Basic Safety Standards as from 13 May 2000. The only pending infringement case in relation to Directive 80/836/Euratom was against the Netherlands for failure to comply with basic standards concerning e.g. nursing mothers, internal exposure and received doses. This was closed in 2000 because the definitive correction of these

infringements can be ensured in the framework of the case opened against the Netherlands under Directive 96/29/Euratom (see above).

Directive 97/43/Euratom on Medical Exposures improves the level of radiological protection for patients and medical staff. It takes into account the new developments in medical procedures and equipment. It is built onto the experience gained from the operational implementation of former directives and supplements Directive 96/29/Euratom on the Basic Safety Standards. The new Directive lays down a more precise description for the justification principle, regulates the distribution of responsibilities and sets requirements for qualified experts in the medical area.

As regards this Directive, three Member States had notified a complete set of national transposing measures to the Commission within the deadline set by the Directive. Therefore, the Commission opened infringement cases against Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom in summer 2000 because of failure to communicate the final transposing measures. However, Sweden later communicated the national measures, and the Commission was able to close this infringement case before the end of 2000.

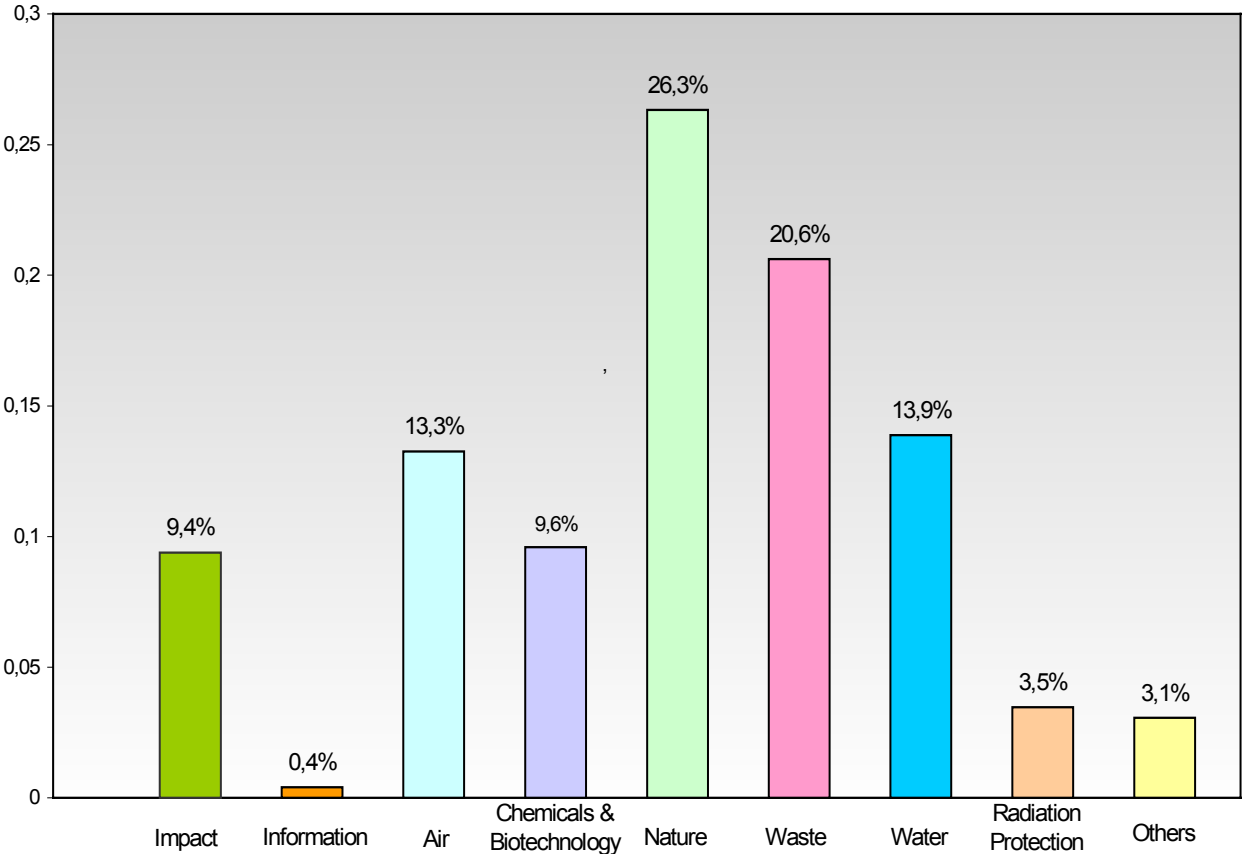
The previous Directive 84/466/Euratom on Medical Exposures was repealed by the new Directive 97/43/Euratom. The infringement case C-96/21 against Spain related to Directive 84/466/Euratom was closed, when Spain communicated to the Commission new, published transposing measures. Another case pending was that against Belgium. The Belgian legislation as notified did not fully meet the requirements of Directive 84/466/Euratom concerning e.g. training, qualified experts and acceptability and surveillance of radiological installations. This was closed because the definitive correction of these infringements can be ensured in the framework of the new case opened against Belgium under Directive 97/43/Euratom (see above).

Directive 89/618/Euratom on Informing the Public includes requirements on informing the general public about health protection measures to be applied and steps to be taken in the event of radiological emergency. Sweden had failed to communicate transposing measures for several provisions of Directive 89/618/Euratom, such as on informing the public in emergency and on procedures for circulation of information. In 2000, the Commission received notification concerning the new Swedish transposing measures and the case was closed. The conformity check of the French legislation had revealed that it fails to fully comply with the Directive as regards definitions, prior information to the public and information to the public in the event of emergency and as regards information to the emergency staff. On this basis, the Commission sent a reasoned opinion to France in 2000. Proceedings against Germany are going on, because the German legislation does not ensure that if a radiological emergency occurs, the population affected is informed without delay on the facts of the emergency and of the steps to be taken. Furthermore, the German legislation does not fully transpose the requirements concerning information for rescue workers. Lastly, the procedures for circulating necessary information are not arranged as required by the Directive. It appears that Germany is preparing new legislation, which would solve these problems. However, the Commission has not received notification concerning new adopted legislation and the infringement subsists. Therefore, the Commission has decided to refer Germany to the Court.

The infringement case against France for failure to comply with Directive 90/641/Euratom on the operation protection of outside workers exposed to the risk of ionising radiation during their activities in controlled areas was closed in 2000, because the assessment of the new measures received in 1999 proved them satisfactory. This Directive provides outside workers with operational radiation protection equivalent to that offered to the operator's established workers. Outside workers are workers employed by undertaking other than the operator of a facility licensed under the radiation protection legislation, who are exposed to the risk of radiation. Outside workers can work in several facilities in succession in one or more Member States. They are thus liable to be exposed to radiation in several controlled areas (where exposures are significant). These specific working conditions require a specific radiological monitoring system, important to their health protection. According to the analysis of the Commission, Belgium has failed to establish a uniform system, which fully complies with the Directive. Therefore it decided to refer Belgium to the Court in 2000.

**ANNEX II: SCOREBOARD PER MEMBER STATE AND SECTOR SHOWING THE NUMBER OF NON-COMMUNICATION, NON-CONFORMITY AND HORIZONTAL BAD APPLICATION CASES**

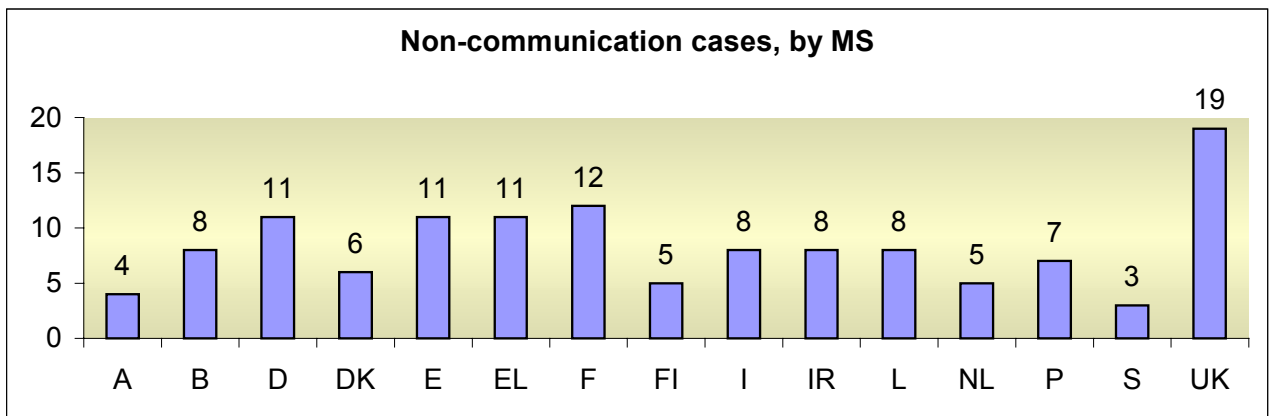
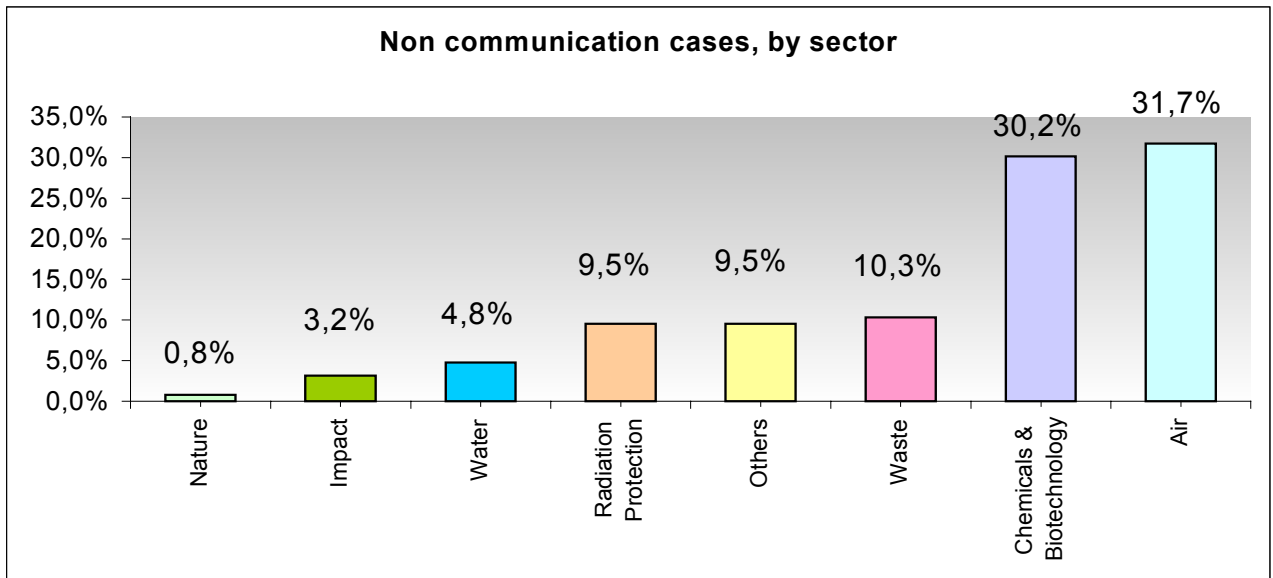
**All Open Infringements by sector**



## Open Infringements (31/12/2001)

### Non-communication cases

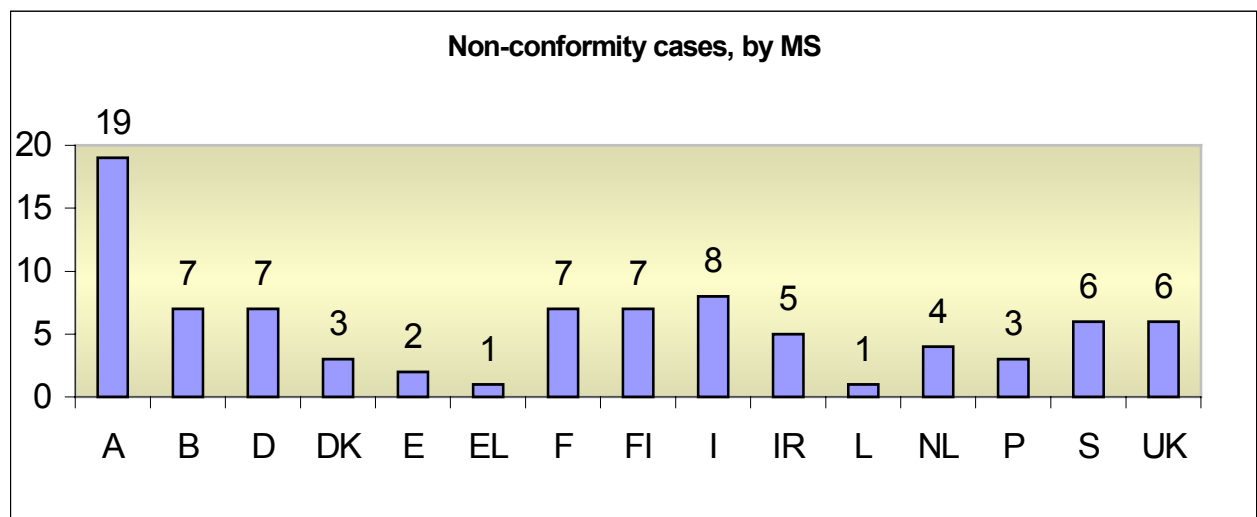
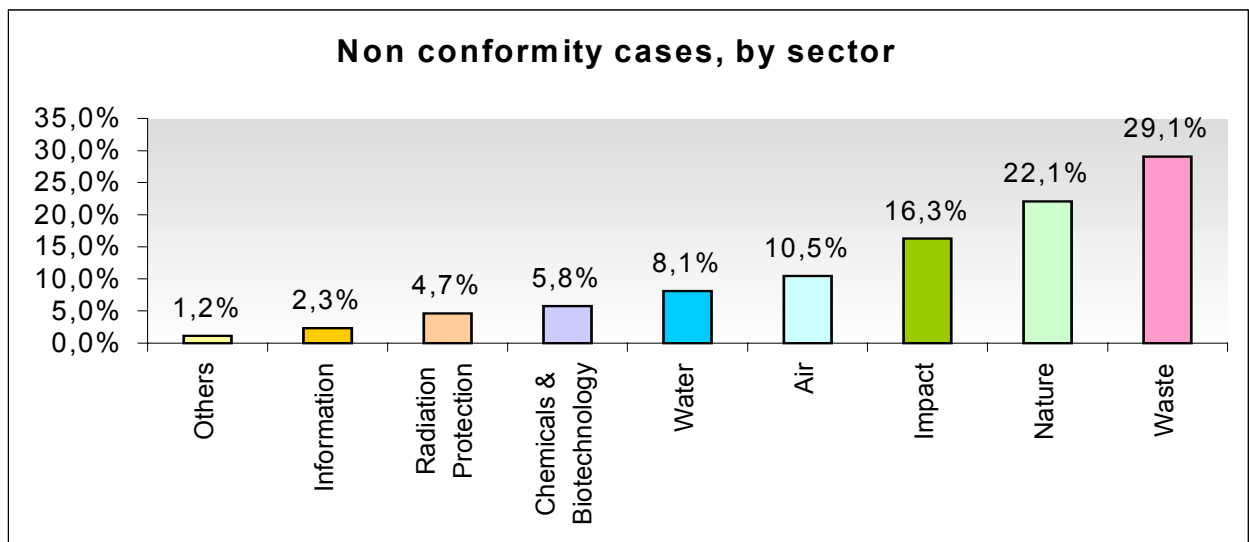
	A	B	D	DK	E	EL	F	FI	I	IR	L	NL	P	S	UK		
Nature	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0,8%
Impact	0	1	0	0	0	1	1	0	0	0	1	0	0	0	0	4	3,2%
Water	0	1	0	1	1	0	1	0	0	0	1	0	0	1	0	6	4,8%
Radiation Protection	0	0	2	1	0	0	2	0	0	1	0	2	2	0	2	12	9,5%
Others	0	1	1	1	1	1	0	1	1	1	1	1	1	1	0	12	9,5%
Waste	0	1	1	0	1	1	0	1	2	1	1	1	1	0	2	13	10,3%
Chemicals & Biotechnology	2	2	4	1	3	4	4	2	0	3	3	0	1	1	8	38	30,2%
Air	2	2	3	2	5	4	3	1	5	2	1	1	2	0	7	40	31,7%
Total	4	8	11	6	11	11	12	5	8	8	8	5	7	3	19	126	100,0%



## Open Infringements (31/12/2001)

### Non-conformity cases

	A	B	D	DK	E	EL	F	FI	I	IR	L	NL	P	S	UK		
Others	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1,2%
Information	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	2,3%
Radiation Protection	2	1	0	0	0	0	1	0	0	0	0	0	0	0	0	4	4,7%
Chemicals & Biotechnology	0	0	0	0	0	0	3	0	0	1	0	1	0	0	0	5	5,8%
Water	1	1	1	0	0	0	0	0	1	2	0	0	0	0	1	7	8,1%
Air	5	0	0	0	0	0	0	1	0	0	0	0	1	2	0	9	10,5%
Impact	1	2	0	0	2	1	0	1	1	2	0	1	0	1	2	14	16,3%
Nature	2	1	2	0	0	0	1	5	2	0	1	1	1	2	1	19	22,1%
Waste	7	1	4	3	0	0	1	0	4	0	0	1	1	1	2	25	29,1%
Total	19	7	7	3	2	1	7	7	8	5	1	4	3	6	6	86	100%

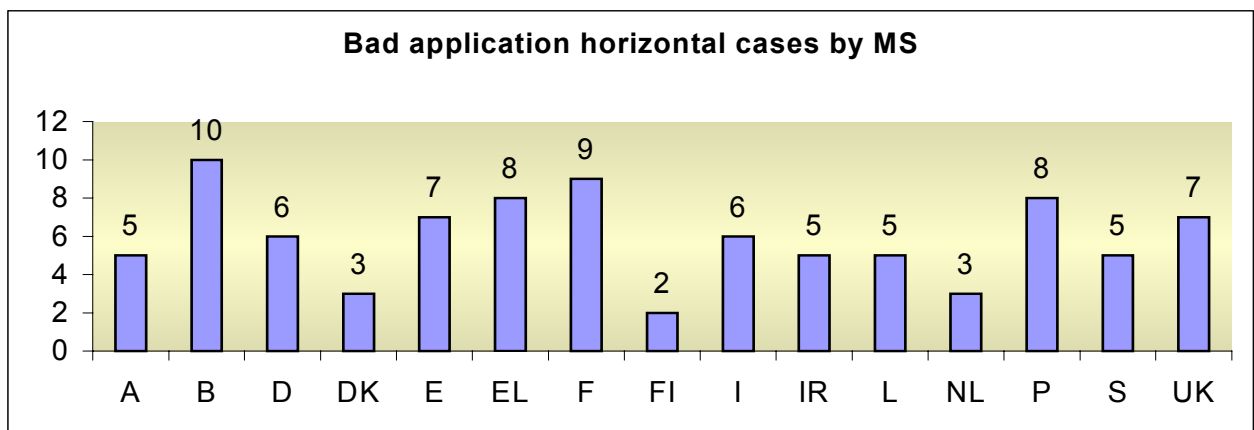
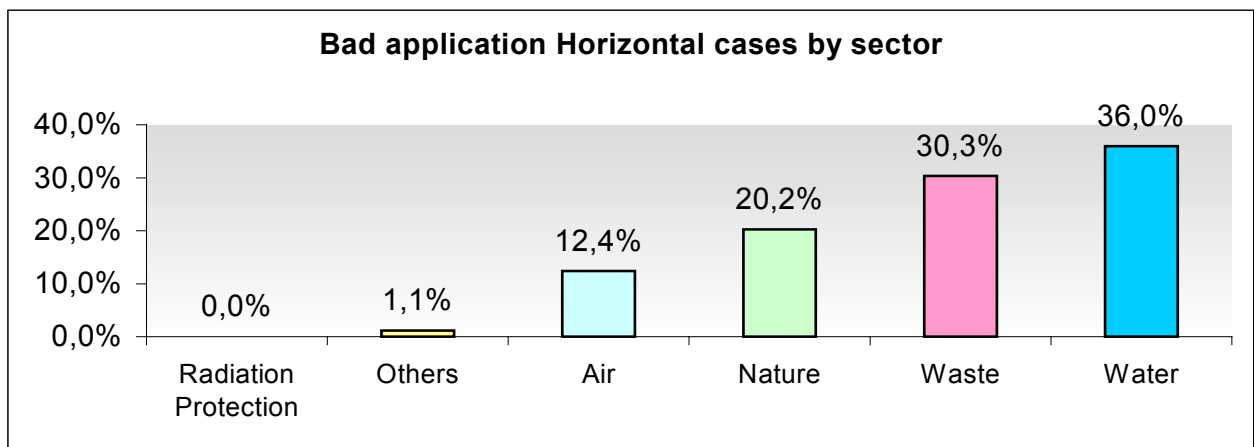




**Open Infringements (31/12/2001)**

**Bad application: "Horizontal" cases\***

	A	B	D	DK	E	EL	F	FI	I	IR	L	NL	P	S	UK			
Impact	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0,0%
Chemicals & Biotechnology	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0,0%
Radiation Protection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0,0%
Others	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1,1%
Air	1	1	0	1	1	1	0	1	1	1	1	0	1	1	0		11	12,4%
Nature	2	2	2	0	1	1	2	1	1	2	1	0	1	1	1		18	20,2%
Waste	1	2	2	1	2	4	2	0	3	2	1	1	2	1	3		27	30,3%
Water	1	4	2	1	3	2	5	0	1	0	2	2	4	2	3		32	36,0%
<b>Total</b>	<b>5</b>	<b>10</b>	<b>6</b>	<b>3</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>2</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>5</b>	<b>7</b>	<b>89</b>	<b>100%</b>	



\* Failure to implement certain derived or secondary obligations contained in the directives, such as setting out plans, programmes, classification of sites and designation of areas, reports, etc.