



## PRESS RELEASE

### Green law group's great expectations regarding upcoming environmental liability reports

*[Brussels, 30 April 2013]* As the effectiveness of the Environmental Liability Directive (ELD) [1] in the prevention and remediation of environmental damages could not be demonstrated so far, the European Network of Environmental Law Organizations – Justice and Environment is eagerly awaiting Member States' reports on the experience gained in the application of the Environmental Liability Directive on national level which have to be filed with the European Commission by 30<sup>th</sup> April 2013 at the latest.

The Environmental Liability Directive establishes a legal framework for environmental liability based on the "polluter pays" principle, aiming at the prevention and remediation of environmental damage. Natural and legal persons operating or controlling activities listed in the Directive are strictly liable for the damage they cause to the environment through their activity. Such damage includes damage to water bodies, protected species or natural habitats, or soil. [2]

ELD transposition was considerably delayed and infringement procedures had to be started in 23 member states. National provisions transposing the Directive vary considerably, and no European wide level-playing field on the prevention and remediation of environmental damages has been created so far. The narrow scope of the Directive, delays and supposedly weak transposition on national level state only some reasons for the lack of information on cases and subsequently on the effectiveness of this system in a broad range of member states. [3]

In order to finally start an improvement and adequate revision process Justice and Environment calls for the member states to provide the European Commission with all necessary facts and information on ELD implementation in timely manner. Amongst others it is up to the states to put all necessary efforts in the establishment of an effective and operational environmental liability system aiming at a sustainable protection of our environmental goods.

*“Member States are invited to take this important tool for the sustainable preservation of our natural environment seriously, and should therefore take the appropriate steps necessary to develop an effective environmental liability regime in Europe”* states **Thomas Alge**, Chair of the association Justice and Environment.

ENDS

[1] Environmental Liability Directive (2004/35/CE):

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:143:0056:0075:EN:PDF>

[2] European Commission – Environmental Liability:

<http://ec.europa.eu/environment/legal/liability/index.htm>

Justice and Environment - Environmental Liability

<http://www.justiceandenvironment.org/topics/environmental-liability>

[3] Report from the European Commission on ELD transposition and implementation (2010)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0581:FIN:EN:PDF>

## **Notes to editors**

*Justice and Environment (J&E) is an association of public interest environmental law organizations. The objective of J&E is to contribute to a better status of environment and human health in Europe where J&E is active through the use of law (European and national environmental laws) and the improvement of access to information, public participation and access to justice in environmental matters by legal means. To learn more visit <http://justiceandenvironment.org/>*

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