

# Enforcement of EU Environmental Law:

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## The evolving Union legal framework

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# EU legal architecture: 3 components

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**Infringement Proceedings**  
(Arts.258/260 TFEU)

**Civil Society**  
(A2J - Århus)

**Competent Authorities**



# Infringement Proceedings (Arts.258/260 TFEU)

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## Limits of European Commission legal action:

- ***Procedural limitations***
  - Duration of proceedings
  - Financial penalties relatively modest
  - Limited Commission powers (investigations, sanctions)
- ***Resource constraints***

# Civil Society Participation (A2J)

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- ***Partial EU implementation of Århus (3<sup>rd</sup> Pillar)***

## National level

- Partial coverage
- 2003 proposal (COM(2003)64) – withdrawn

## EU level

- Århus Compliance Committee (ACCC/C/2008/32 –Pt1)
- Lisbon Treaty – minimal impact (Case C-583/11P *Inuit*)
- Århus Reg. 1367/2006 – internal administrative review (Case C-401-3/12P *Stichting Stop Luchtverontreiniging Utrecht*)

- ***Resource constraints***

# Competent Authorities

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## EU action on minimum standards

- ***Sanctions for non-compliance***
  - Environmental Liability Directive 2004/35
  - Environmental Crimes Directive 2008/99
- ***Inspections***
  - Recommendation 2001/331 (RCMEI)
  - Sectoral EU environmental legislation

# Environmental Inspections (Future EU policy)

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## EAP7 – Priority Objective 4

### Para. 65(iii):

*‘extending binding criteria for effective Member State inspections and surveillance to the wider body of Union environmental law, and further developing inspection support capacity at Union level, drawing on existing structures, backed up by support for networks of professionals such as IMPEL, and by the enforcement of peer reviews and best practice sharing, with a view to increasing the efficiency and effectiveness of inspections.’*