

Conformity checking of measures by Member States to transpose Directives in the sector of the environment

Commissioned by:

European Commission, DG Environment

Carried out by:

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Duration:

December 2003 - December 2004

Background

According to Article 211 of the EC Treaty, the Commission shall ensure that provisions of this Treaty and the measures taken by the institutions pursuant thereto are fully and correctly applied. According to Article 226 of the Treaty, if the commission considers that a Member State has failed to fulfil an obligation under the Treaty, it shall deliver a reasoned opinion on the matter after giving the State concerned an opportunity to submit its observations. If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice.

Although the Commission receives an increasing number of complaints regarding breaches of this legislation by Member States (about 700 in 2001), it has no systematic means to control the day-to-day application of this legislation by the national authorities. To ensure the legal certainty and the enforcement of the rights and obligations of those concerned, it is therefore very important that the national legislative measures to implement Community environmental legislation are systematically, analytically and promptly checked to detect at an early stage any potential conformity problem that may arise subsequently.

Objectives

The objective of the contract is to produce studies, which analyse the conformity of national legislation with certain key Directives in the sector of environment. The Commission will use these studies as background information in its function to ensure, in accordance with Article 226 of the EC Treaty, that the Community environmental Directives are fully and correctly transposed in the Member States.



Tasks

Analysis of the conformity of laws, regulations and administrative provisions adopted by Germany with the 12 Directives listed below.
Assessment of the National laws, regulations and administrative provisions adopted by the German Federal State and in addition those of Länder, when specified, transposing the Directives indicated below.

- **General**
Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. The affected states are: Baden-Württemberg, Bayern, Bremen, Brandenburg and Lower Saxonian)
- **Air**
Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

Directive 1998/70/EC relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC

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

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

- **Noise**
Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors
- **Water**
Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (Articles 7, 8 and 9 only). Affected are 16 states
- **Chemistry and biotechnology**
Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

Directive 98/81/EC amending Directive 90/219/EEC on the contained use of genetically modified microorganisms

- **Waste**
Directive 75/442/EEC on waste

Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances

Directive 1999/31/EC on the landfill of waste

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