

CLIL - LAW: Europe and the environment

Implementation of Community environmental legislation

In the past 30 years the **EU** has adopted a substantial and diverse range of environmental measures aimed at improving the quality of the environment for European citizens and providing them with a high quality of life. Our environment can only be well protected if **Member States** properly implement the legislation they have endorsed.



Implementation of Community environmental legislation is to be ensured in the first place by Member States. Whatever the means used, the overall objective of the **Commission** is to ensure that EU environmental legislation is implemented in full, correctly and on time. This is important because legislation which is incorrectly implemented or, not at all, will not achieve the desired effect on the environment.

ACTIVITIES

READING COMPREHENSION

1 Read the text about the role of the European Commission with regard to the environment, and give a definition of the words in bold.

EU: _____

Member States: _____

Commission: _____

2 Read the text again and write the questions for the following answers.

1 _____ ?
It has adopted several environmental measures.

2 _____ ?
Their goal is to improve the quality of the environment and the life of citizens.

3 _____ ?
Their role is to implement the legislation they have agreed to be involved in.

4 _____ ?
Its main objective is to ensure that the implementation is carried out correctly.

Environmental Liability

Directive 2004/35/EC of the European Parliament and of the Council of April 21, 2004 on environmental liability with regard to the prevention and remedying of environmental damage (ELD) establishes a framework based on the polluter pays principle, according to which the polluter pays when environmental damage occurs. This principle is already set out in the Treaty on the Functioning of the European Union. As the ELD deals with 'pure ecological damage', it is based on the powers and duties of public authorities ('administrative approach') as distinct from a civil liability system which is more appropriate for 'traditional damage' (damage to property, economic loss, personal injury).

The Environmental Liability Directive entered into force on 30 April 2004. The EU Member States had three years to transpose the Directive in domestic law. The transposition of ELD was completed by the last Member State by July 2010.



European Parliament, Brussels

READING COMPREHENSION

3 The main document on environmental policy is the ‘White paper’ on environmental liability. It establishes the basic ‘polluter pays’ principle and encourages further legislation on the matter. Read the text and answer the following questions.

- 1 Explain what the polluter pays principle is.
- 2 What documents state this principle?
- 3 What is the difference between ‘pure ecological’ and ‘traditional’ damage?
- 4 Does environmental damage concern ‘pure ecological’ or ‘traditional’ damage?
- 5 How much time was allowed for the implementation of the laws by the Member States?

VOCABULARY

4 Match the following English words and expressions with their Italian equivalents.

- | | |
|---------------------------|---|
| 1 implementation | a <input type="checkbox"/> legge nazionale |
| 2 domestic law | b <input type="checkbox"/> chi inquina paga |
| 3 prevention | c <input type="checkbox"/> responsabilità civile |
| 4 polluter pays | d <input type="checkbox"/> recepimento (di una legge) |
| 5 environmental liability | e <input type="checkbox"/> direttiva |
| 6 civil liability | f <input type="checkbox"/> decisione |
| 7 regulation | g <input type="checkbox"/> entrata in vigore |
| 8 directive | h <input type="checkbox"/> prevenzione |
| 9 decision | i <input type="checkbox"/> responsabilità ambientale |
| 10 enter into force | j <input type="checkbox"/> regolamento |

INTERNET RESEARCH

5 There are three types of European legislation: regulations, directives and decisions. Browse the site of the European commission http://ec.europa.eu/eu_law/introduction/treaty_en.htm and find out what category the following European laws fall into.

European laws that...	Regulations	Directives	Decisions
are binding			
indicate an objective			
apply on specific cases			
leave the states freedom on how to reach the results			
act as regular laws for the states			
may be addressed to a single state or a single business			



White paper on environmental liability:

http://ec.europa.eu/environment/legal/liability/pdf/el_full.pdf

Directive on waste: http://europa.eu/legislation_summaries/environment/waste_management/index_en.htm

EEA: <http://www.eea.europa.eu/about-us/what>