

## Environmental implementation review Initial findings

### SUMMARY

The environmental implementation review (EIR), launched by the European Commission in 2016, aims at providing an overview of how well Member States are implementing EU environmental law, and at supporting them if necessary. The review consists of three parts: 28 country reports, a Commission summary of the most common problems, and suggestions for improvement.

The review's first edition was published in February 2017. It reveals implementation gaps, in particular, regarding waste management, nature and biodiversity protection, air and water quality, as well as tackling noise pollution. It also examines governance issues related to implementation gaps, including effectiveness of administration, compliance assurance as well as access to justice and information. The review identifies structural problems and governance weaknesses, as well as insufficient coordination and integration, as possible reasons for inadequate implementation of environmental law. Another important issue is a lack of available data.

The briefing also contains a short description of the OECD environmental review and the European quality of government index.



### In this briefing:

- Introduction to the environmental implementation review
- Status of the environment: main horizontal findings
- Enabling framework: main horizontal findings
- Commission suggestions to improve measures and governance

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## Introduction to the environmental implementation review

### Aim and functioning

In February 2017, the Commission published the first edition of the [environmental implementation review](#) (EIR). The review was launched by the Commission in 2016 as a new tool for improving the implementation of EU environmental law in Member States. The EIR is meant to provide a comprehensive picture of the implementation efforts made in Member States. It seeks to identify the main implementation gaps and to provide suggestions for improvement. The tool's overall objective is to improve the implementation of environmental law, in line with the priorities of the [seventh environment action programme](#) adopted by the Parliament and the Council in 2013. Shortcomings in the implementation of environmental law cause harm to the environment and human health, they also bring about economic [costs](#) – estimated at €50 billion a year – and generate barriers in the internal market.

The review is designed as a biennial exercise and makes use of data that is already available. As a soft-policy instrument, the EIR creates no new legal obligations.

The EIR comprises **three major parts**:

- The first is a series of [country-specific reports](#) (one per Member State), drawn up on the basis of data collected by the Commission or the European Environment Agency. These reports aim to reflect the environmental situation across relevant thematic areas, such as water quality, nature and biodiversity protection, air quality and waste management. However, in this first edition they do not cover climate change, chemicals and energy. The reports list major challenges to be addressed, taking account of the main implementation factors, such as administrative capacities, governance and the use of economic tools. The country reports serve as the basis for a structured dialogue between the Commission and each Member State, and are intended to help to find solutions to persistent problems.
- The second part is a [Commission communication](#) synthesising the main findings of the 28 reports and highlighting **significant implementation gaps common to several Member States** (horizontal findings). These are submitted to the Council for further discussion. The Commission has also presented its key horizontal findings to the European Parliament and will engage with the European Committee of the Regions (CoR) and local and regional representatives (for instance through the [CoR/EC Joint Technical Platform for Cooperation on the Environment](#)). The results of these dialogues will feed into the follow-up for each cycle.
- The third part, annexed to the Commission communication, contains [suggestions](#) for improvement at Member State level.<sup>1</sup> Due to insufficient data, the Commission has made no suggestions for policy areas such as green infrastructure, soil protection, sustainability of cities, green taxation and phasing out environmentally harmful subsidies, green public procurement and investments.

From the second cycle onwards, the Commission will also report on progress achieved towards implementation and on the follow-up to the suggestions.

### Country reports

The country reports are broadly based on the objectives of the seventh environmental action programme (EAP)<sup>2</sup> and the [Sustainable Development Goals](#) (SDGs). According to the Commission, the main challenges were selected according to their impact on EU citizens' quality of life, the distance to the target, or financial implications.

All 28 country reports follow an identical structure comprising two main parts: part I on thematic areas, and part II on the enabling framework or implementation tools. Part I covers circular economy and resource efficiency (including waste management); nature and biodiversity protection; and quality of life and health (including air and water quality and noise pollution). Part II examines the use of market-based instruments (including taxation and subsidies), and looks into the effectiveness of governance.

The 'Effective governance and knowledge' chapter in part II of the country reports refers to Sustainable Development Goals 16 and 17,<sup>3</sup> which cover the effectiveness of institutions as well as coordination and policy coherence. The chapter consists of four sections covering the following aspects: a) effective governance, comprising a short description of the allocation of competences, powers and capacities, as well as cooperation and coordination between different administrative levels in the respective country; b) compliance assurance, examining the Member States' approach and tools used for the implementation and enforcement of environmental law; c) public participation and access to justice; and d) access to information and knowledge. The latter two consider in particular the requirements of the Aarhus Convention and related EU legislation.

### Status of the environment: main horizontal findings

The Commission's assessment of the state of implementation in the 28 Member States shows implementation gaps, in particular in the following areas:

- Waste management,
- Nature and biodiversity protection,
- Air quality and noise pollution,
- Water quality and management.

Regarding waste management, the first EIR country reports focus on municipal waste management, for which the [Waste Framework Directive](#) (2008/98/EC) sets targets and provides basic principles. The directive also establishes a [waste hierarchy](#), which gives priority to waste prevention, followed by reuse and preparation for reuse, recycling, (energy) recovery and finally disposal (landfilling). The directive also introduces recycling and recovery targets to be achieved by 2020. According to the Commission's findings, the prevention of waste as the top priority in the waste hierarchy remains an important challenge in all Member States, including those with high recycling rates. Concerning recycling targets, Member States' performances are mixed: some have for instance already reached the municipal waste recycling target of 50 %, while others need to make further efforts to reach this target by 2020. The same goes for the limits for landfilling of biodegradable municipal waste, as required by the [Landfill Directive](#) (1999/31/EC), which have not been achieved by all Member States.<sup>4</sup>

The protection of nature and [biodiversity](#) is based on the [Habitats Directive](#) (92/43/EEC) and the [Birds Directive](#) (2009/147/EC), which together form the legal basis for the Natura 2000 network. Under these directives, Member States are required to designate parts of their territory as protected sites. The [biodiversity strategy](#) complements the Natura 2000 directives, by also covering areas outside protected areas. The strategy aims to halt the loss of biodiversity by 2020. The review's assessment of the status of protected species and habitats in the EU draws attention to the fact that more than three quarters of the habitats assessed indicate an unfavourable conservation status, and a significant proportion continues to deteriorate. As regards species, 60 % of the assessed non-bird

species indicate an unfavourable status, and 32 % of bird species are threatened, near threatened, declining or depleted. For land ecosystems, the most frequently reported pressures to biodiversity are non-sustainable agricultural practices, the modification of natural conditions, and pollution. Marine biodiversity is mainly threatened by unsustainable fishing and harvesting of aquatic resources, the modification of natural conditions, climate change, and ocean acidification, as well as pollution by chemicals, plastics and noise. The Commission report predicts a continued loss of biodiversity, if the efforts remain at the current rate.

[Air quality](#) protection is mainly based on the [Ambient Air Directive](#) (2008/50/EC), which establishes air quality objectives and binding limit values for certain pollutants, and on the [National Emission Ceilings Directive](#) (2001/81/EC), which sets the maximum amount of pollutants which Member States may emit per year. The country reports show that in spite of improvements over the past decade, the progress made towards achieving the limit values and quality standards is unsatisfactory, in particular with regard to PM<sub>10</sub> and NO<sub>2</sub>.<sup>5</sup> In five Member States, air quality is reported to be generally good, with some exceptions. Quite a number of Member States however face legal action for exceeding the limit values of the Ambient Air Directive, as well as for lack of effective measures taken at national level: 16 Member States for exceeding PM<sub>10</sub> limit values, and 12 Member States for breaching NO<sub>2</sub> level limits.

The Commission assessment pinpoints noise pollution as a major environmental health problem in Europe, with road traffic being the most dominant source of environmental noise.<sup>6</sup> The assessment and management of noise is based on the [Environmental Noise Directive](#) (2002/49/EC). Legislation requires that, among other things, exposure to noise is assessed through mapping, and that action plans are drawn up to address the causes of noise. Due to the fact that many Member States have not complied with these reporting obligations, very limited data is available with regard to noise pollution.

The overall [water protection](#) goal of reaching 'good' status for all EU water bodies by 2015, as stipulated in the [Water Framework Directive](#), has not been achieved. The most common pressures with regard to water quality are pollution from agricultural activities and industry, poor flow regulation and morphological alterations, weak river management, and illegal or excessive water abstraction. In particular, nitrates concentration and eutrophication (excessive presence of nutrients) levels remain a serious issue in nearly all Member States. Eutrophication of the Baltic Sea, mainly due to intensive agriculture practices, has been found to be particularly problematic. Very high compliance rates have nevertheless been achieved in virtually all Member States regarding the requirements of the [Drinking Water](#) and the [Bathing Water Directives](#). Most Member States struggle, however, to fully reach the compliance rates on collection and treatment of urban wastewater, as required by the [Urban Wastewater Treatment Directive](#). In many cases the country reports point in particular to a lack of infrastructure and insufficient use of cohesion policy funds for investments in waste water plants. Currently, 13 Member States face legal action for not complying with the requirements of the Urban Wastewater Treatment Directive.

### Information gaps

A lack of information and data has been identified as one of the root problems underlying insufficient implementation of environmental legislation. The Commission review reveals incomplete or unavailable data as a recurring problem in all environmental policy areas, which occurs to a varying extent in all Member States.

Due to a lack of information in certain policy areas, the Commission has refrained from suggesting actions, although these areas are reviewed in the reports. These areas are green infrastructure, soil protection, sustainability of cities, green taxation and phasing out of environmentally harmful subsidies, green public procurement and investments.

Concerning nature and biodiversity protection, a lack of knowledge and data on species and habitats is, according to the Commission, one of the major obstacles to effective implementation in most Member States. Another issue is the lack of management plans for protected areas, as well as missing information on specific measures meant to protect habitats or species. Nearly all Member States are lagging behind regarding the mapping and assessing of ecosystems and their services, as required by the biodiversity strategy.

Regarding protection of freshwater and marine waters, deficiencies have been identified, in particular regarding monitoring and status assessment of water bodies. Another recurring issue is the lack of information on measures to address identified problems, such as diffuse pollution and pressures arising from changes to the natural water flow.

Unreliable data, or insufficient control and monitoring, have also been found underlying implementation gaps in waste management. Information is also missing on measures to address identified problems, such as inadequate waste-water treatment plants.

Concerning noise, many Member States have not presented noise maps as required, and a large majority of Member States have no action plan specifying measures to address the problem of environmental noise.

With regard to compliance assurance, a lack of information was identified in almost all Member States regarding the methods used, as well as the extent to which risk-based methods are applied (see below).

Another general problem detected in all Member States is the insufficient availability and sharing of spatial data between Member States, as required by the Inspire Directive (see below).

## Enabling framework: main horizontal findings

### Implementing tools

Alongside identifying recurrent issues regarding the implementation of environmental law, the EIR seeks to discover the underlying reasons for implementation problems. For this purpose it examines the enabling framework, which comprises the use of market-based instruments as well as administration issues, compliance assurance, and access to justice and to information. **Market-based instruments** are tools to encourage a change in technology, behaviour or the use of products through financial incentives, such as subsidies or taxes. The use of market-based instruments is promoted, for instance, by specifications in legislation, such as the Water Framework Directive<sup>7</sup> and the Urban Wastewater Directive. According to the Commission, effective governance requires sufficient **administrative capacities and skills** at central, regional and local level, and coordination between public authorities of these levels within a multi-level-governance system.<sup>8</sup> Effective governance also comprises policy coherence and integration, which implies, for instance, the existence of strategies as a common framework and the integration of environmental issues into other policy areas. Policy coherence can be measured by the efforts to streamline environmental impact assessments for the

authorisation of projects, for example.<sup>9</sup> **Compliance assurance** aims at ensuring that legal rules are observed by means of monitoring (e.g. inspection, surveillance, investigation), promotion (e.g. awareness-raising campaigns and guidance documents) and follow-up (administrative sanctions and the application of criminal law or liability law). Follow-up is ensured by the [Environmental Crime Directive](#) (2008/99/EC) and the [Environmental Liability Directive](#) (2004/35/EC). The Environmental Crime Directive aims at ensuring adequate legal prosecution for offences that are detrimental to the environment. Effective enforcement under this legislation also involves horizontal cooperation and coordination between authorities, which can for instance be ensured by participating in the implementation and enforcement network [IMPEL](#). The purpose of the Environmental Liability Directive is to ensure that the financial consequences of harm done to the environment will be borne by the economic operator who caused it, based on the 'polluter-pays' principle. **Access to environmental information, public participation and access to justice** are based on EU legislation that implements the UN Economic Commission for Europe's [Aarhus Convention](#). The convention aims at providing transparency for citizens and organisations on environmental information held by public authorities, allowing participation in decision-making, and keeping an eye on the implementation of decisions in environmental matters. In the context of the first edition of the EIR, access to information and access to justice were examined.<sup>10</sup> The right of any person to receive environmental information is provided for in the [Access to Environmental Information Directive](#) (2003/4/EC). Information-sharing at horizontal level between authorities is ensured by the [Inspire Directive](#) (2007/2/EC), for instance, which provides the infrastructure for the exchange of spatial data, such as air quality monitoring data related to specific locations.

### **Governance issues related to environmental problems**

Concerning the management of municipal waste, the Commission review raises several issues related to the enabling framework and governance. It underlines that a large majority of Member States makes insufficient use of economic instruments, and that a majority maintains environmentally harmful subsidies and taxation. This is for instance reflected in inappropriate pricing of residual waste treatment, which does not provide sufficient incentives to push waste towards the higher levels of the waste hierarchy. In five Member States the paper identifies fragmented governance and a lack of coordination between the different administrative levels as a cause of insufficient municipal waste management. Insufficient enforcement and a lack of capacity add to the problem.

Only seven Member States have (almost) completed the designation of sites as required by the Nature Directives. Insufficiencies exist in particular regarding the designation of marine sites. As a reason for poor implementation of the Nature Directives, the Commission points to inadequate management of Natura 2000 sites, for instance due to the absence of management plans. Further issues include a lack of adequate funding, and a lack of human resources, as well as poor involvement of local communities and stakeholders.

With regard to air quality, the Commission found that many Member States have not achieved full compliance with both the national emission ceilings and the air limit quality values. The review does not in this context point to particular governance issues. It criticises, however, the existence of environmental harmful subsidies in some countries, such as for private car use. Concerning noise pollution, the Commission points to major information gaps (see above).

With regard to implementation gaps in **water** policy, the Commission identifies ineffective control measures, a lack of coordination between water management authorities at different regional or local levels, and a lack of cooperation between water and nature governance bodies, but also insufficient policy coherence and lack of access to data, as underlying governance issues. The paper also draws attention to inadequate water pricing policies in some Member States. More specifically the Commission criticises the situation that all first generation river basin management plans<sup>11</sup> show deficiencies regarding monitoring, assessment methods and status classification. All Member States rely on exemptions allowing extensions of deadlines for achieving 'good' water status, in many cases Member States' authorities also allow new projects to go ahead that are detrimental to achieving 'good' status for these bodies of water. All Member States with marine waters continue to have gaps in implementing the Marine Strategy Framework Directive, for instance regarding the definition of 'good' environmental status and the monitoring of progress. About one third of Member States have not yet adopted programmes of measures on how to ensure 'good' environmental status for their marine waters.

#### OECD environmental performance reviews

Since 1992, the Organisation for Economic Co-operation and Development (OECD) has published environment-related [reviews](#) for its member states and partner countries. The OECD reviews provide assessments of a country's progress in achieving environmental policy goals, and presents targeted policy recommendations. The reports consist of two parts: a first part describing the country's general progress towards sustainable development, with chapters on key environmental trends, environmental governance, and green growth; and a second part examining two themes that are particularly relevant to the respective country in more detail. The reviews also examine the relationship between economic and social policy and the environment, and they describe the country's international cooperation in areas such as climate change, marine pollution and development cooperation.

The OECD has developed several types of environmental [indicators](#), which are used in, among other things, the environmental performance reviews. The use of the different sets of indicators depends on purpose, sector and audience. Indicators in OECD environmental performance reviews comprise, among others, SO<sub>x</sub> and NO<sub>x</sub> emission intensities, municipal waste generation intensities, waste-water treatment connection rates, intensity of water resources use, and threatened species.

#### General governance issues

In its assessment of the Member States' implementation efforts, the review examines implementation factors, such as the quality of administration, compliance assurance, access to justice and access to information, including independently of environmental issues; the report points to the importance of high-quality government (see also box below).

In this context, the country reports reveal issues for some Member States regarding the **effectiveness of governance**, in particular a fragmentation of responsibilities for the environment at regional level without sufficient coordination mechanisms. Furthermore, in some countries a lack of financial resources, as well as human capacities and skills, have been identified as an obstacle to implementation, in particular at local level. Another important issue is the insufficient integration of environmental concerns into other policy areas (such as agriculture, transport and energy). Effective governance issues detected in the reviews tend, however, to be specific to the country covered, and do not concern a majority of Member States.

### European quality of government index at subnational level

The European quality of government index (EQI) describes the 'quality of government' at national and subnational levels. Quality of government (QoG) is understood as the quality of the services allocated and administered by the public sector. It is based on governance parameters, such as rule of law, effectiveness in administering public goods and services, and corruption, as well as participation rights and accountability.

Good quality of government has been found to lead to positive outcomes such as better economic performance, higher environmental sustainability, lower income inequality and poverty, better education and health, higher levels of subjective happiness, and lower probabilities of civil armed conflict. Moreover, a region with a low QoG in the EU is, for example, much less likely to use cohesion policy funds in an efficient and effective manner, or is less likely to have higher levels of SMEs.

A [2010](#) study combines these indicators with data arising from surveys conducted at regional level, to form the European quality of government index (EQI). The study shows significant QoG variations between and within European countries, revealing high-performing regions in lower performing countries and vice versa. As top performers at national level, the study identifies mainly the Nordic, Germanic and English-speaking countries; a second group can largely be described as Mediterranean countries, together with Estonia and Slovenia; the third group consists of most new Member States, plus Italy and Greece; and a fourth group is made up of the then two newest Member States, Romania and Bulgaria. In some countries, significant regional variations have been identified: for example between northern and southern Italy, as well as between Flanders and Wallonia in Belgium.

According to a second study in [2013](#), the majority of regions remain unchanged in their position concerning governance quality. Exceptions include, for instance, the region of London (United Kingdom) and the Brussels Capital Region (Belgium), which have increased their ranking compared to 2010.

Regarding **compliance assurance** – measures to ensure correct observation of the rules – the Commission paper considers a risk-based approach as best practice, and analyses the extent to which this approach is used in Member States. The risk-based approach to compliance assurance implies that monitoring, promotion and enforcement is directed at issues which are most likely to cause serious problems, instead of assessing possible risks in total. Further aspects examined by the Commission in the context of compliance assurance include coordination and cooperation between authorities, participation in European networks, and implementation of the Environmental Liability Directive. Insufficiencies identified in this respect concern a large majority of, or all, Member States. The review reveals a lack of information on the functioning and the effectiveness of compliance assurance, for example, in all Member States. Moreover, the review shows an insufficient level of participation of authorities in environmental compliance networks, such as IMPEL, in many countries. Incomplete implementation of the Environmental Liability Directive is also criticised, for instance regarding financial security systems for environmental liabilities (such as the availability of insurance for operators), which are not yet in place in many Member States.

Regarding **access to justice**, the paper looks at two aspects: the legal standing of the public and NGOs (a key question concerning who has the right to initiate legal action), and the affordability of legal action. In over a third of Member States, the assessment identifies obstacles to access to justice in environmental matters. Impediments are either related to excessive litigation costs, or to the fact that environmental NGOs are not granted legal standing in all sectors of EU environmental law.



Concerning **access to information**, the review focuses on the implementation of the Inspire Directive, for which the Commission identifies substantial implementation gaps: in most Member States data-sharing policies allowing access to spatial data without obstacles are not sufficient or not available. In all Member States, shortcomings are identified regarding the availability of sufficient spatial data.

### Commission suggestions to improve measures and governance

The Commission's suggestions for improvement are related to specific environmental issues and to the framework that enables or hampers the application of measures. **Waste** suggestions, addressed to a majority of Member States, focus on measures to increase the implementation of the waste hierarchy by promoting waste prevention and prioritising reuse and recycling. Possible measures include the introduction of economic instruments, such as extended producer responsibility or 'pay-as-you-throw' schemes, the introduction or increase of regionally harmonised landfill taxes, and increased efforts concerning separate collection. Almost half of the Member States are advised to shift reusable and recyclable waste away from incineration, for instance by introducing an incineration tax. The recommendations also include the establishment of sites for the collection of specific wastes in each municipality.

Concerning **nature and biodiversity** protection, the Commission advises all Member States to complete their site designation, to define clear conservation objectives, together with the necessary measures for the sites and adequate resources to implement the measures. For almost all Member States the Commission suggests information gaps are closed (see above). Regarding permit procedures, the Commission advises nearly half the Member States to develop streamlined implementation approaches, as well as improved communication with stakeholders. In view of better implementation of **air** legislation, the Commission report advises a large majority of Member States to introduce measures aimed at a further reduction of PM<sub>10</sub>, such as controlling burning of solid fuel and agricultural waste, or stricter industrial permits. NO and NO<sub>2</sub> emissions could, for instance, be controlled by the introduction of low emission zones in inner city areas, and generally by the implementation of urban mobility plans. The existence of environmentally harmful subsidies for private car use in some countries is also criticised. Concerning **noise pollution**, the Commission advises Member States to establish noise maps and action plans.

The Commission advises all Member States to provide a more detailed overview of the identified pressures on **water** bodies; to improve monitoring of the status of water bodies; and to design specific measures to address the identified pressures (see section on information gaps). The majority of Member States must take additional measures to address agricultural pollution. These may include monitoring measures in view of the designation of nitrate vulnerable zones (areas of land that drain into already polluted or threatened waters).<sup>12</sup> Almost half of the Member States should review their permit and licensing policy and ensure proper assessments for projects which may cause deterioration in the status of a given water body. With regard to the Urban Waste Water Treatment Directive, many Member States have not yet built the necessary infrastructure. They are advised to prioritise investment on treatment plants and to make use of available cohesion funding. For some Member States the review recommends a water-pricing policy based on metering, and tariffs which reflect the actual costs, thus providing incentives for efficient use of water. Concerning **market-based instruments** and **administrative capacities**, the review provides individual countries with specific

answers, but gives no general suggestions. Advice concerning compliance assurance is addressed to a large majority of Member States, and implies improved information on the organisation and functioning of compliance assurance. Equally, a large majority of Member States is asked to improve implementation of the Environmental Liability Directive, for instance by ensuring financial security systems. Recommendations concerning greater participation in environmental compliance concern more than half of the EU Member States.

## Endnotes

- <sup>1</sup> Country specific recommendations are expected to be published in May 2017 and will be discussed in the Council.
- <sup>2</sup> The seventh EAP identifies three main objectives: the conservation of natural capital; the promotion of a resource-efficient, green, and competitive low-carbon economy; and the protection of citizens from environment related pressures and risks to health and wellbeing. Better implementation of legislation is one of the parameters meant to enable the achievement of these goals.
- <sup>3</sup> SDG 16 underlines the need for peace, justice and strong institutions, including through effective, accountable and transparent institutions, access to information and equal access to justice. SDG 17 aims at revitalising the global partnership for sustainable development, including through policy coordination and policy coherence.
- <sup>4</sup> In December 2015 the Commission submitted a [package](#) of four legislative proposals intended to improve waste management in the EU.
- <sup>5</sup> The particulate matter PM<sub>10</sub> is produced in particular by fuel combustion for vehicles, waste incineration and domestic heating. Traffic is a major source of NO<sub>x</sub> (NO<sub>2</sub> and of NO). Of the emitted NO<sub>x</sub> from vehicles, around 80 % comes from diesel-powered vehicles. For more details, see the 2016 [EEA report](#) on air quality in Europe.
- <sup>6</sup> The World Health Organization considers excessive noise the second-worst environmental cause of ill health after ultra-fine particulate matter air pollution.
- <sup>7</sup> On the implementation of the Water Framework Directive's water pricing requirements, see for instance the [Cost-of-Non-Europe report](#).
- <sup>8</sup> The [expert group](#) 'Greening the European Semester & Environmental Implementation Review' points out that the reform of public administration is often mentioned in the semester country reports. Work on the quality of public administration is an ongoing process. The Commission has for instance launched a project on 'Support for developing better country knowledge on public administration and institutional capacity building'. Quality of administration is also covered in the Commission's 2016 thematic [factsheet](#) on quality of public administration and the [toolbox](#) for practitioners.
- <sup>9</sup> As required by the Environmental Impact Assessment Directive and the Habitats Directive.
- <sup>10</sup> Regarding access to justice, the Commission is expected to publish an interpretative communication in the first half of 2017. A 2003 EU legislative proposal on access to justice was withdrawn in 2014.
- <sup>11</sup> The Member States' plans for the protection of their river basins, as required by the Water Framework Directive. The first plans were to be adopted by the end of 2009, the assessment for the second cycle of river basin management plans (RBMP) is ongoing.
- <sup>12</sup> As required by the [Nitrates Directive](#) (91/676/EEC).

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