

**Question for written answer E-001296/2023
to the Commission**

Rule 138

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Subject: The ongoing evaluation and upcoming review of the Environmental Liability Directive

Many real-life cases, e.g. the Oder disaster in the summer of 2022 (which resulted in the death of approximately 360 tonnes of fish and other serious consequences), demonstrate that European legislation is not sufficient to prevent and avoid such environmental disasters, especially diffuse pollution. One of the major legislative instruments for preventing and remedying environmental damage is Directive 2004/35/EC on environmental liability, which is currently being evaluated. However, its scope is limited by the type of damage covered and by its timeframe as it only applies to damage that occurred or to activities carried out after the entry into force of the text.

In the context of the current evaluation and necessary revision of Directive 2004/35/EC:

1. Is the Commission considering a comprehensive and ecosystemic approach to environmental damage covering both prior and future damage in the new legislation?
2. How does it intend to prevent and remedy pollution of a diffuse and/or chronic nature resulting from a combination of activities, which can cause considerable environmental damage?
3. How does it intend to emphasise prevention and precaution in order to prevent irreversible environmental damage or 'orphan pollution' from being discovered later?

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