



2020/2027(INI)

19.10.2020

DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Legal Affairs

on liability of companies for environmental damage
(2020/2027(INI))

Rapporteur for opinion: Pascal Canfin

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SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Considers that companies should be exposed to the full social costs of the environmental harm they are causing in order to provide them with incentives to internalise environmental externalities;
2. Calls on all companies to pursue the objective of sustainable value creation and a triple bottom line with equal attention paid to people, profit and the planet; calls on the Commission to incorporate this objective in relevant legislation as a matter of urgency;
3. Regrets the low prosecution rate for environmental cases;
4. Calls for the scope of the Environmental Crime Directive (ECD) to be reviewed to ensure that it covers all applicable environmental legislation;
5. Calls on the Commission to enforce that the criminal sanctions established under the ECD are dissuasive, while emphasising that to ensure this, low detection and enforcement rates will dictate higher sanctions; calls on the Commission to issue guidance in that respect;
6. Calls on the Commission to enforce the application of sanctions established under the ECD;
7. Calls on the Commission to facilitate, and on Member States to use, administrative fines as a complementary tool alongside criminal sanctions;
8. Calls for the scope of the Environmental Liability Directive (ELD) to be expanded to cover all damage to the environment;
9. Calls for the removal of the options to invoke a ‘permit defence’ and a ‘state of the art defence’ under the ELD, in order to promote the ‘polluter pays’ principle while improving the effectiveness of the directive.