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20.2.2017

DRAFT OPINION

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

for the Committee on Legal Affairs

on the application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the 'ELD')
(2016/2251(INI))

Rapporteur: Benedek Jávor

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. Calls for the Environmental Liability Directive (ELD) to be revised as soon as possible;
2. Notes that activities which have the potential to cause significant damage to biodiversity and the environment are currently not covered by the requirement of strict liability;
3. In the context of a review of the ELD, considers it paramount to extend strict liability to non-Annex III activities for all environmental damage in order to render the legislation more effective;
4. In the context of a review of the ELD, calls on the Commission to also impose liability for damage caused to human health and the environment; considers that doing so would bring the ELD into line with other EU legislation based on the protection of human health and the environment;
5. Calls furthermore for the removal of the options for granting permit defence and state-of-the-art defences in order to create a level playing field and promote the polluter pays principle;
6. Recommends that the option of requiring subsidiary state liability is made mandatory in order to ensure effective and proactive implementation of the legislation;
7. In the context of a review of the ELD, restates its preference for mandatory financial security for operators; calls on the Commission to assess differentiated maximum liability thresholds for activities and to come forward with proposals to supplement this with an EU-wide fund designed to address remediation costs beyond the mandatory financial security;
8. Calls on the Commission and the Member States to ensure that the ELD adequately supports efforts to attain the objectives of the EU Birds and Habitats Directives; insists that the authorities responsible for environmental inspections are involved in the implementation and enforcement of environmental liability law.