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on the implementation and enforcement  
of Community environmental law  
2005**

## FOREWORD

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 signed up to.

As Commissioner responsible for the environment, it is my duty to ensure that EU environmental legislation is implemented in full, correctly and on time. This is important because legislation which is not or incorrectly implemented will not achieve the desired effect on the environment. Although the responsibility for implementation of EU environmental law lies primarily with the Member States, it is an essential task for the Commission, as guardian of the Treaty, to check that national implementing measures meet the requirements of environmental directives.

In an enlarged Europe of 25 Member States, the Commission needs to become more strategic in its approach to implementation and enforcement. This requires, for example, putting more emphasis on transposition and conformity issues as well as on compliance with fundamental obligations under EU environmental directives (for example designations under the nature and water directives). Another way of being strategic is to tackle structural problems in Member States through the practise of grouping together cases concerning the same subject matter and launching horizontal cases to address systemic problems of bad implementation (for example horizontal cases on illegal landfills and waste water treatment plants).

Though a powerful tool to address implementation problems, infringement proceedings under Articles 226 and 228 of the Treaty are not the only way to improve Member States' compliance with EU environmental law. We also try to act preventively and to address potential problems as early as possible by improving the way we cooperate with the national authorities. The Member States, in particular the new ones, can benefit from the Commission's legal and technical assistance. We will also continue to assist Member States in the transposition and implementation of Directives through bilateral contacts and meetings, the production of interpretation and guidance documents and the exchange of best practises. In addition, the Commission scrutinises requests for co-financing from European funds thoroughly for compliance with EU law. This should give incentives to Member States for better implementation of environmental legislation.

Furthermore, we will endeavour to ensure that new or reviewed legislation is workable in practise. To this end, we have launched four thematic strategies for the environment, tackling air pollution, the marine environment, waste management and natural resources. In 2006, three more strategies on the urban environment, on soil and on pesticides will follow. These thematic strategies represent a new approach to policy-making and embody a holistic and integrated approach to environmental issues.

We have a great challenge ahead of us to ensure effective implementation of the existing body of EU environmental law in an enlarged European Union. Only when environmental legislation is properly implemented will it produce its desired effects: protecting and

improving the quality of the environment and providing European citizens with the quality of life and the pleasant surroundings they deserve.

Stavros Dimas

Member of the Commission

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## CHAPTER I: IMPLEMENTATION OF ENVIRONMENTAL LEGISLATION IN 2005

### 1. Introduction

During 2005, timely and correct implementation of EU environmental law remained an important priority for the Commission. The Commission's Environment Directorate-General (Environment DG) has continued its efforts to improve the effective handling of open infringement cases. This is reflected in a significant drop in the number of open cases, which by the end of 2005 was 798 down from the 1220 at the end of 2004. However, Environment DG still has the highest number of open cases in the Commission. In 2005, the environment sector accounted for about one fourth of the total number of open cases concerning non-compliance with Community law under investigation by the Commission<sup>1</sup>.

The reduction in the number of open cases is mainly due to a more rationalised handling of complaints and infringements. Priority is given to tackling structural problems in Member States through the practise of grouping together cases concerning the same subject matter and launching horizontal cases to address systemic problems of bad implementation. Furthermore, some open cases have been settled as a result of pro-active follow-up through package meetings and bilateral contacts with Member States. The decrease in the number of cases will allow the Commission to focus its resources on the bad transposition of directives, non-compliance with fundamental secondary obligations under Community environmental legislation and systemic problems of bad implementation.

However, a further major reduction in the number of open cases is not likely in the near future. This is due to the fact that following enlargement the number of complaints and petitions from the European Parliament concerning breaches of environmental law in the new Member States, including cases related to EU-funded infrastructure projects, is likely to grow significantly. Furthermore, the conformity checking exercise, continued in 2005, will result in the launching of new own-initiative cases.

In order to assist in the handling of complaints and infringements, implementation task forces were set up in Environment DG in 2005. The work of the implementation task forces has resulted in the identification of a comprehensive set of proactive measures to foster implementation of nature, air, waste, water and impact assessment legislation, i.e. the five sectors with the highest number of open cases. These jointly account for about 90% of the total number of complaints and infringements in the field of the environment. The task forces have been working primarily on the drafting or updating of implementation action plans, including the identification and development of proactive measures to improve implementation, and the definition of priority-setting criteria for the handling of cases and infringements. The main priorities identified by the task forces are:

- non-transposition or bad transposition of environmental directives;
- lack of compliance with fundamental secondary obligations under environmental directives (e.g. designation under the Nature and Water Directives and preparation of national allocation plans under the Emissions Trading Directive);

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<sup>1</sup> At the end of 2005, the total number of open cases was 3562 for the whole Commission. The share of the environment sector as a percentage of the total decreased from 27% in 2004 to 22.4% in 2005.

- structural or systemic problems of bad implementation and recurrent, large-scale implementation problems, addressed usually through horizontal and grouped cases (e.g. horizontal cases on illegal landfills and waste-water treatment plants);
- bad implementation cases relating to big infrastructure projects, particularly projects with EU funding.

These implementation priorities are now being pursued by, among other things, launching new own-initiative cases.

## 2. Legal mechanisms

In accordance with Article 211 of the EC Treaty, the Commission is responsible for ensuring that Member States observe and implement Community law properly. In particular, under Articles 226 and 228 of the Treaty, the Commission can initiate infringement proceedings against Member States for failure to respect their obligations under Community law.

In 2005, the Commission issued 141 reasoned opinions on the basis of Article 226 of the EC Treaty and brought 42 cases against Member States before the Court of Justice. The Commission also issued 21 letters of formal notice and 11 reasoned opinions under Article 228 of the EC Treaty to Member States for non-communication, non-conformity or bad application in the field of the environment.

More importantly, in 2005, the Commission closed 266 infringement cases, a figure which represents 54% of the total number of all open infringements (489) at the end of 2005. In 89% of these cases, closure was the result of remedial action taken by Member States following the identification of a violation of EU environmental law by the Commission. This confirms that legal enforcement action is being used as an effective tool to ensure better compliance with European environmental legislation.

With regard to **non-communication** cases, the Commission endeavours to pursue them as rapidly as possible with a view to having relevant national legislation adopted quickly. At the end of 2005, the number of open proceedings for failure to adopt and communicate national implementing measures in the environment sector was 124. This number is considerably lower than in other policy areas<sup>2</sup>.

With regard to the **non-conformity** of national legislation, the Commission has moved to an approach of strategic annual conformity checking by outside legal experts. The first major exercise was launched in 2003 involving conformity checking of between 9 and 20 Directives per Member State. The Commission has followed up this exercise and during 2005 started to assess the results of the studies already available. A number of non-conformity problems were identified, which will result in the launching of new infringement cases in the nature, waste, water, air and impact assessment sectors during 2006. A new series of studies to check the conformity of national legislation of the EU-25 with some environmental directives were outsourced in 2005 and the results are expected by the end of 2006. At the end of 2005, the total number of non-conformity cases was 98.

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<sup>2</sup> The total number of non-communication cases before the Commission is 828.

As the Commission does not have inspection powers in the field of the environment, complaints from citizens and non-governmental organisations together with questions and petitions from the European Parliament rank among the most important sources of information on which the Commission bases its infringement proceedings for the **bad application** of EU environmental legislation. In dealing with complaints, the Commission tries to be as systematic as possible by grouping together cases concerning the same subject matter and launching horizontal cases to address systemic problems of bad implementation in areas such as waste (in countries like France, Greece, Italy and Ireland), nature and water. At the end of 2005, the total number of bad application cases was 576 and the total number of “cas traité sous” (i.e. cases dealt with under another “main case”) was 673.

Further details are given in the discussion of the various sectors under Annex I.

### **3. EU-10**

At the end of 2005, the number of open cases for the 10 new Member States was 79. National transposition measures seem to be in place for most EU environmental directives. This is reflected in the number of open non-communication cases, which was 33 at the end of 2005. As for the conformity of national transposition measures, the first results of the conformity studies launched in 2004 are being assessed by the Commission. Some infringement cases relating to non-conformity of national transposition measures will be initiated in 2006 following the conclusion of the conformity checking exercise. As for bad application, several cases relating to non-compliance with secondary obligations under EU environmental legislation, in particular reporting obligations, were opened in 2005. In some sectors, the assessment of more complex secondary obligations, such as the designation of Special Protection Areas and Sites of Community Importance under the Nature Directives, is still in progress.

Throughout 2005, the Commission organised several *ad hoc* meetings with representatives of the EU-10 authorities to exchange preliminary views on those environmental sectors where the correct transposition and implementation of EU environmental directives has proven to be more problematic. Informal meetings with NGO representatives were also held in the second half of 2005. These meetings proved to be a very helpful in identifying the main problem areas and finding suitable solutions.

At the end of 2005, the Commission started its preparations for package meetings with Malta and the Czech Republic.

### **4. Non-legal instruments and initiatives to improve implementation**

Though a very powerful tool to address implementation problems, infringement proceedings under Articles 226 and 228 of the Treaty are not the only way to improve Member State compliance with EU environmental law. In order to ensure effective implementation, the Commission makes use of a wide range of non-legal instruments and initiatives to promote better implementation and to identify and address potential problems as early as possible. This is in line with the 2002 Communication of the Commission on better monitoring of the application of Community law<sup>3</sup>. The 2002 Communication focused on preventing

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<sup>3</sup> COM(2002) 725 final, 13.12.2002.

infringements (and the repetition of infringements) by improving cooperation between the Commission services and the competent authorities of the Member States.

These non-legal instruments include the production of interpretation and guidance documents for many pieces of legislation. In the waste sector, a guidance document was issued in 2005 on the End-Of-Life Vehicles Directive<sup>4</sup>, on Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (“WEEE Directive”) and on Council Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (“RoHS Directive”)<sup>5</sup>. In the air sector, the Commission adopted in December 2005 a guidance document on allocation plans for the 2008 to 2012 trading period under the EU Emission Trading Scheme<sup>6</sup>. As regards impact assessment, a working group involving Member State and Commission experts prepared a new guidance document<sup>7</sup> during 2005 on Article 2(3) of the EIA Directive<sup>8</sup>. Consultants have also prepared a report<sup>9</sup> for the Commission on the relationship between the EIA and SEA Directives<sup>10</sup>. In the nature sector, guidelines are being developed on compensatory measures required under Article 6(4) of the Habitats Directive<sup>11</sup>, species protection (Articles 12 and 16 of the Habitats Directive) and marine issues in order to clarify implementation problems. These documents are valuable tools to prevent implementation problems due to a poor understanding of what is actually required under EU environmental law.

In the water sector, the Commission worked closely with Member States during 2005 in preparing guidance on key provisions of the Urban Waste Water Treatment Directive<sup>12</sup>. This document should be finalised in 2006. The Common Implementation Strategy for the Water Framework Directive (WFD)<sup>13</sup>, an informal collaborative joint effort by the Member States and the Commission to provide guidance and exchange experiences on implementation issues, also continued in 2005. Furthermore, a guidance document on eutrophication assessment<sup>14</sup> was drafted including a cross-reading of different environmental directives, in particular the

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<sup>4</sup> Directive 2000/53 of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles. The guidance document is available at:

<sup>5</sup> [http://europa.eu.int/comm/environment/waste/guidance\\_doc.pdf](http://europa.eu.int/comm/environment/waste/guidance_doc.pdf).

<sup>6</sup> [http://europa.eu.int/comm/environment/waste/pdf/faq\\_weee.pdf](http://europa.eu.int/comm/environment/waste/pdf/faq_weee.pdf).

<sup>7</sup> Available at:

<sup>8</sup> [http://www.europa.eu.int/comm/environment/climat/pdf/nap\\_2\\_guidance\\_en.pdf](http://www.europa.eu.int/comm/environment/climat/pdf/nap_2_guidance_en.pdf).

<sup>9</sup> Available at: <http://europa.eu.int/comm/environment/eia/home.htm>.

<sup>10</sup> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directives 97/11/EC and 2003/35/EC.

<sup>11</sup> Available at: [http://europa.eu.int/comm/environment/eia/final\\_report\\_0508.pdf](http://europa.eu.int/comm/environment/eia/final_report_0508.pdf).

<sup>12</sup> Directive 2001/42/EC of the European Parliament and of the Council of 2 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

<sup>13</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

<sup>14</sup> Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.

<sup>15</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

<sup>16</sup> Website:

<sup>17</sup> [http://forum.europa.eu.int/Public/irc/env/WFD/library?l=/framework\\_directive/thematic\\_documents/13\\_eutrophication&vm=detailed&sb=Title](http://forum.europa.eu.int/Public/irc/env/WFD/library?l=/framework_directive/thematic_documents/13_eutrophication&vm=detailed&sb=Title).



Water Framework Directive, the Nitrates Directive<sup>15</sup> and the Urban Wastewater Treatment Directive.

Better implementation is also promoted through multilateral contacts with Member States in expert groups and committees to discuss implementation issues. Some Directives provide for technical committees to be established, for instance the ORNIS Committee under Article 16 of the Wild Birds Directive<sup>16</sup>, the Habitats Committee under Article 20 of the Habitats Directive and the standing Committee on Biocidal Products established by Article 28 of Directive 98/8/EC concerning the placing on the market of biocidal products<sup>17</sup>. Furthermore, package meetings between the Commission and the Member States<sup>18</sup> and ad-hoc meetings, workshops and seminars in the Member States with the participation of national, regional and local authorities are another means to improve implementation. For some Directives, the Commission gives technical advice to Member States prior to transposition in order to address implementation problems at an earlier stage. With the WEEE and RoHS Directives, for example, Environment DG has begun to discuss with Member States how they are to implement them before transposition.

Meeting twice in 2005, the Environment Policy Review Group (**EPRG**) provided an opportunity for the heads of the Member State Environment Ministries (or equivalents) to exchange views on key topics of current interest in the environmental domain. These discussions looked at innovative approaches to implementation as well as best practices to ensure the effective enforcement of legislation.

The March EPRG meeting looked at three of the seven Thematic Strategies presented under the 6th EC Environment Action Programme, i.e. the Conservation and Protection of the Marine Environment, Soil Protection and Pesticides. The July meeting looked at Aviation and Climate Change in the international context, the Mediterranean Strategy and relations with the UN Economic Commission for Europe on the multilateral environmental agreements under their auspices, and monitoring and reporting in the context of EU environment legislation.

Created in 2003, the European **Forum of Judges for the Environment** aims to promote the implementation and enforcement of national, European and international environmental law from the perspective of sustainable development. The main objectives of the Forum are to share experience on judicial training and on environmental case law and to contribute to the better implementation and enforcement of international, European and national environmental law. In 2005, the Commission co-organised a conference with the UK Presidency and the Forum of Judges on the implementation of waste legislation.

## 5. Implementation networks

Information exchange between implementing authorities through the establishment of informal implementation networks is also a tool for improving implementation.

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<sup>15</sup> Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.

<sup>16</sup> Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

<sup>17</sup> Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products.

<sup>18</sup> During 2005, package meetings were held with Austria, France, Germany (2), Greece, Italy, Portugal, Spain (2), the United Kingdom and Ireland.

Since its inception in 1992, the informal EU network for the Implementation of Environmental Law (**IMPEL**), consisting of European regulators and inspectors concerned with the implementation and enforcement of environmental law, has been a key instrument in discussing the practical application and enforcement of existing legislation.

Along with following up the 6th Environmental Action Programme, IMPEL's core activities include the exchange of information and experiences on the implementation and enforcement of existing EU environmental legislation and the development of common views on the coherence and practicality of this legislation. In 2005, the 26th IMPEL Plenary Meeting adopted the following reports:

- Implementation and use of BREF documents<sup>19</sup>;
- IMPEL Review Initiative Sweden;
- Informal resolution of environmental conflicts through dialogue;
- Consideration of health aspects in implementing the IPPC Directive;
- REMAS<sup>20</sup> — IMPEL criteria;
- Waste Permitting and Enforcement;
- Identifying Good Regulatory Practice in the EU Emissions Trading Scheme;
- Report on AC-IMPEL.

All the IMPEL reports, guidance and reference books are disseminated to the national inspectorates via the National Coordinators and are published on the Europa website<sup>21</sup>.

The 26th Plenary Meeting also adopted the work programme for 2006, including some follow-up projects on emissions trading, waste permitting and ambient air quality.

A new informal network of practitioners focusing on the implementation of EU legislation in the fields of nature and forestry, called "**GreenEnforce**" (name still to be confirmed by the members), has been established. This network is an informal organisation where experts from the EU-25 and candidate countries can share information and experiences, discuss problems and offer each other practical advice.

The first meeting of this network took place in Brussels in December 2005, on the initiative of Environment DG. The meeting determined that one of the main goals of the network would be to facilitate communication and sharing of experiences among experts in the nature and forestry fields. Another outcome of this meeting was the agreement to launch an action plan in 2006, based on a joint proposal from the Czech and Swedish authorities, on inspection methodology in the nature field. The objective of this action is to acquire a full picture of the

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<sup>19</sup> 'Best available techniques' reference document.

<sup>20</sup> Remas is a 3-year project designed to examine environmental management systems (EMAS) currently in place in business and industry across EU Member States.

<sup>21</sup> More information under: <http://europa.eu.int/comm/environment/impel/index.htm>.

different attitudes and the role of environmental inspection in protected areas in the Member States and to enable experience to be shared among the participating inspectors. The network will also contribute to identifying other relevant issues for the implementation of NATURA 2000.

## **6. Petitions and complaints**

Petitions to the European Parliament and complaints continue to represent a valuable source of information for the Commission in detecting violations of Community law. This is of particular importance since the Commission does not have any “inspection” powers to check the situation on the ground concerning the practical implementation of EU environmental law.

In many cases, however, citizens simultaneously lodge complaints with the Commission and petitions with Parliament concerning the same grievance, leading to the parallel treatment of both complaints and petitions. This parallel treatment entails a huge effort for Environment DG in terms of communications to the European Parliament and correspondence with both the national authorities and the complainants to obtain information and then assess it (from both a legal and technical point of view) in order to decide whether to open infringement proceedings or close the file.

At the end of 2005, the number of open petitions concerning the environment was 179. About one third of those petitions pointed to a potential breach of Community law in mainly the nature, impact assessment, water, waste and air sectors.

In 2005, the Commission registered 279 new complaints alleging breaches of Community environmental law. The number of complaints concerning the new Member States was 21.

Facts brought to the attention of the Commission through both petitions and complaints allow it to verify compliance “on the ground”. After examination of those facts and, in most cases, after checking with the authorities concerned, the Commission verifies whether the Member States have correctly applied EU law. The Commission sometimes intervenes to help resolve potential infringements before they occur but some of these complaints and petitions lead to the opening of infringement proceedings.

This “preventive role” of the Commission’s handling of complaints and petitions yields fruitful results and helps to ensure better implementation on the ground. However, it is particularly important that the petitioners and complainants clearly identify the potential breaches of Community law, backed with supporting data, in order to facilitate the handling of files.

## **7. Better regulation and thematic strategies**

In order to ensure a high rate of implementation of environmental legislation it is also important to improve the regulatory environment<sup>22</sup>. To this end, the Commission has launched a continuous codification and consolidation programme. As of October 2005, codification is under way in fields such as water protection and nature conservation.

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<sup>22</sup> Over the last four years, the Community has launched a broad strategy to improve the regulatory environment in order to provide a more effective, efficient and transparent regulatory system for the benefit of citizens and to reinforce competitiveness, growth and sustainable development, contributing to the objectives of the Lisbon strategy.

But, far beyond codification, the Commission has also committed itself to improving the lawmaking process by assessing the impacts of new proposals, holding public consultations and ensuring that policy options are suitable for effective implementation on the ground. This commitment is demonstrated in particular by the preparation of seven thematic strategies for the environment with the aim of modernising environmental policy and legislation. The first thematic strategy was adopted by the Commission on 21 September 2005 and concerns air quality<sup>23</sup>. It will lead, among other things, to the merging of five pieces of existing legislation into one comprehensive Ambient Air Quality Directive. The thematic strategy on waste prevention and recycling, which was adopted on 21 December 2005<sup>24</sup>, will also entail the revision and repeal of three waste directives. Similar exercises are also to be undertaken in the conservation and protection of the marine environment, natural resources and the urban environment, and in the fields of soil protection and pesticides. These initiatives are part of the rolling simplification programme adopted by the Commission on 25 October 2005<sup>25</sup>. The Thematic Strategies represent a new approach to policy-making and embody a holistic and integrated approach to environmental issues as they focus on themes rather than individual pollutants or specific economic activities.

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<sup>23</sup> Communication on a “Thematic Strategy on air pollution” [COM(2005) 446 final]. This Communication is accompanied by a proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe [COM(2005) 447 final of 21 September 2005].

<sup>24</sup> Communication on “Taking sustainable use of resources forward: A Thematic Strategy on the prevention and recycling of waste” [COM(2005) 666 final]. This Communication is accompanied by a Proposal for a Directive of the European Parliament and of the Council on waste [COM(2005) 667 final of 21 December 2005].

<sup>25</sup> Communication on “Implementing the Community Lisbon programme: A strategy for the simplification of the regulatory environment” [COM(2005) 535 final].

## ANNEX I: INFRINGEMENT PROCEEDINGS IN 2005

### 1. Environmental impact assessment

The **EIA Directive**<sup>26</sup> is an important part of EU environmental legislation. This Directive requires certain types of projects to be assessed for their impact before they are approved, in order to avoid or minimise environmental damage and nuisances. The projects covered by the Directive are identified in the Annexes to the Directive. Amendments to the EIA Directive were adopted in 1997<sup>27</sup> and 2003<sup>28</sup>.

In 2005, the Commission sent the United Kingdom a letter of formal notice under Article 228 EC for not complying with a 2004 Court judgment condemning the UK for incomplete transposition of the EIA Directive as regards Scotland and Northern Ireland (Case C-421/02).

Problems with the *conformity* of national measures with the EIA Directive have persisted. The Commission sent reasoned opinions to Italy and the United Kingdom and decided to refer Portugal to the Court of Justice because of shortcomings in their legislation transposing the EIA Directive. Examples of the Portuguese shortcomings include not fully incorporating criteria for screening whether individual projects require an assessment and failing to require developers to provide information on alternatives to the projects they propose. In a separate case, the Commission sent a supplementary reasoned opinion to Italy because of concerns about Italy's EIA legislation on "strategic works to be built in the national interest". This provides for an alternative environmental impact assessment procedure under which a project undergoes an EIA at its preliminary stage. Subsequently, before consent is given to the final project, a check is made to verify that there are no modifications to the preliminary project that require the EIA to be updated. The Italian law requires the EIA to be updated only if there has been a modification with a significant impact in its own right. This is at odds with the EIA Directive, which calls for an update of the EIA in the event of any modification that may significantly change the overall impact of the project compared with the preliminary project. In two separate cases, the Commission decided to refer Ireland to the Court of Justice due to shortcomings in the Irish legislation governing EIAs for fish farms, projects for the restructuring of rural land holdings, projects for the use of uncultivated land or semi-natural areas for intensive agriculture, and water management projects for agriculture. The Commission considers that the Irish legislation does not take sufficient account of sensitive nature sites or of cumulative effects.

Many cases relate to alleged instances of *bad application* of the EIA Directive by Member State authorities. In 2005, reasoned opinions were sent to Belgium<sup>29</sup> and Ireland<sup>30</sup> in this respect. The Commission decided to refer Italy to the Court of Justice for failing to submit an open cast mine project in the "Monte Bruzeta" area (Alessandria, Piemonte) to an EIA. Italy

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<sup>26</sup> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directives 97/11/EC and 2003/35/EC.

<sup>27</sup> Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

<sup>28</sup> Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment amends the EIA Directive with regard to public participation.

<sup>29</sup> Case concerning lack of an EIA for an urban development project in Brussels.

<sup>30</sup> Case concerning lack of an EIA for forestry projects.

considered that no EIA procedure was necessary following an incorrectly performed “screening” exercise. The Commission also decided to refer Spain to the Court of Justice for failure to carry out an EIA on a project for the construction of an airport in the province of Ciudad Real within the Autonomous Community of Castilla-La Mancha. The site for the airport is also located next to a Special Protection Area classified by the Spanish authorities under the Wild Birds Directive. Finally, the Commission decided to refer Germany to the Court of Justice because it failed to subject an installation for the incineration of hazardous waste to an EIA. In the Commission’s opinion, this installation is covered by Annex I of the EIA Directive and must be subject to an EIA procedure.

In June 2005, the Court of Justice condemned Italy (Case C-83/03) because the screening procedure for a project for the construction of a marina at Fossacesia (Chieti) — a project covered by Annex II — was not properly carried out.

The **Strategic Environmental Assessment Directive** (“SEA Directive”)<sup>31</sup> complements the EIA Directive. Whereas the EIA Directive is concerned with assessing the environmental effects of projects, the SEA Directive seeks to ensure that more strategic decisions on plans and programmes are also assessed in advance. The national transposing legislation was due by July 2004.

During 2005, the Commission sent a reasoned opinion to Portugal and referred Austria, Belgium, Greece, Spain, Finland (concerning the province of Åland only), Italy, Luxembourg, Malta, the Netherlands and Slovakia to the Court of Justice for not transposing this Directive in time.

**Directive 2003/35/EC** of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment amends the EIA Directive with regard to public participation. This Directive was to be transposed into national law by 25 June 2005 at the latest. In 2005, the Commission sent reasoned opinions to Cyprus, the Czech Republic, Germany, Spain, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta and Slovakia for not meeting this deadline.

## 2. Air

In 1996, the EU adopted a **Framework Directive for assessing and managing ambient air quality**<sup>32</sup>, which was followed in 1999 by the first “daughter” directive<sup>33</sup> setting limit values for the pollutants nitrogen dioxide/nitrogen oxides, particulate matter (PM10), sulphur dioxide and lead. The limit values are to be met by certain dates and may not be exceeded thereafter.

In July 2005, the Commission sent a reasoned opinion to Greece for not submitting pollution-reduction plans to the Commission for high levels of NO<sub>2</sub> and PM10 in Attiki, Patra and Thessaloniki. Italy was sent an additional reasoned opinion asking it to measure PM10 air pollution and inform the public of the pollution levels in Civitavecchia (Rome). In a separate case, the Commission sent a reasoned opinion to Italy for failure to measure the content of

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<sup>31</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

<sup>32</sup> Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management.

<sup>33</sup> Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air.

PM10 and lead in the air in the town of Brindisi (Puglia). Portugal has also been sent a reasoned opinion for not submitting pollution-reduction plans for the Lisbon area and Porto Litoral, areas affected by high levels of PM10.

**Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants**<sup>34</sup> was to be transposed into national law before 27 November 2002. In April 2005, the Court of Justice condemned the Netherlands for failure to transpose the Directive into its national law (Case C-171/04). In December 2005, a letter of formal notice under Article 228 EC was sent to Italy asking it to comply with a Court judgment of May 2005 (Case C-99/04) condemning Italy for not having transposed this Directive on time.

The **EU's Ozone Regulation**<sup>35</sup> aims to prevent and limit damage to the ozone layer that shields the earth from harmful solar rays.

In July 2005, the UK was sent a reasoned opinion because it did not specify the minimum qualification requirements for personnel engaged in the recovery, recycling and destruction of ozone-depleting substances. Furthermore, the necessary systems to support the recovery, recycling and destruction of substances emanating from Gibraltar were not in place. The Commission decided to refer Greece to the Court of Justice for not fixing minimum qualification requirements for the personnel concerned with fire protection systems, fire extinguishers and equipment containing solvents. In addition, Greece did not provide sufficient information on measures to recover used ozone-depleting substances and did not show that it had put in place annual checks for leakages of controlled substances from larger refrigerating equipment and had specified the minimum qualification requirements for the personnel carrying out those checks. Finally, the Commission sent Ireland a reasoned opinion for non-compliance with a judgment delivered by the Court of Justice in October 2004 (Case C-406/03). The Court of Justice ruled that Ireland had failed to report to the Commission on how it is implementing provisions of the Regulation concerning systems for promoting the recovery of used ozone-depleting substances and the establishment of minimum qualification requirements for technical personnel. In a separate case, Ireland was referred to the Court of Justice for failing to respect other reporting requirements under this Regulation, including reporting on the quarantine and pre-shipment (QPS) use of methyl bromide, a highly ozone-depleting pesticide currently being phased out.

In July 2005, the Court of Justice condemned Italy in two separate cases (Cases C-79/05 and C-214/04) for failure to fulfil some obligations under the Ozone Regulation. The first case concerned the failure to take all precautionary measures to prevent and minimise leakages of controlled substances and the second case concerned legislation allowing the use of HCFCs in fire-fighting installations beyond the limits set by the Regulation.

In 2004, the European Parliament and Council adopted a Decision on a revised EU mechanism for monitoring **EU greenhouse gas emissions and implementing the Kyoto Protocol**<sup>36</sup>. To enable the Commission to assess EU and Member State progress towards

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<sup>34</sup> Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants.

<sup>35</sup> Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer.

<sup>36</sup> Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol.

meeting their targets for reducing or limiting greenhouse gas emissions under the Protocol, the Decision requires Member States to provide certain information. This concerns their policies and measures to tackle climate change as well as their projections of future national greenhouse gas emissions. This information should have been reported to the Commission by 15 March 2005 and is required every two years thereafter. In October 2005, the Commission initiated infringement proceedings against Austria, Cyprus, Estonia, France, Hungary, Luxembourg, Malta, Poland and Spain because they had provided either none of the information required or only partial, inadequate information. The Commission also sent a reasoned opinion to Luxembourg for not submitting a report by 15 January 2005 containing the essential elements needed in order to assess the progress towards meeting the commitments under the Kyoto Protocol.

As part of its strategy to reduce the **CO<sub>2</sub> emissions of new cars**, the EU adopted in 1999 a Directive requiring carmakers to inform consumers of the fuel economy and CO<sub>2</sub> emissions of new cars sold in the EU<sup>37</sup>. In December 2005, the Commission decided to refer Luxembourg to the Court of Justice because it had failed to submit a report on the effectiveness of this Directive. This report was due on 31 December 2003.

In 2003, an amendment to this Directive was passed to update it in the light of progress in communication technologies<sup>38</sup>. This Directive had to be transposed into national law by 25 July 2004. In December 2005, the Commission referred Austria, Greece and Malta to the Court of Justice because of failure to meet this deadline.

### 3. Water

Since the 1970s, a significant body of Community legislation has been developed with the aim of protecting water quality across the EU.

The **Water Framework Directive**<sup>39</sup> represents the single most important piece of water legislation. It establishes a framework for the protection of all water bodies — i.e. rivers, lakes, coastal waters and groundwater — in the European Union. Its central objective is to achieve good quality for water resources by 2015. This objective is to be reached through integrated management based on river basins, since water systems do not stop at administrative borders. The Water Framework Directive operates with clear deadlines for the various steps required to move towards sustainable and integrated water management in Europe.

The national legislation necessary to implement the Directive was due on 22 December 2003. In December 2005, the European Court of Justice condemned Belgium and Germany for not adopting the necessary legislation in time (Cases C-33/05 and C-67/05, respectively). At the end of the 2005, cases were still pending in the Court against Luxembourg, Italy and Portugal.

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<sup>37</sup> Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars.

<sup>38</sup> Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars.

<sup>39</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.



During the year 2005, the Commission sent reasoned opinions to Greece, Italy and Spain for failing to meet the deadline of 22 June 2004 for providing information on river basin districts and the authorities responsible for managing them. It also sent warning letters to the same Member States for failing to provide the first analyses on individual river basins. These were due on 22 March 2005.

Other developments during 2005 included the sending of a reasoned opinion to Greece for incomplete transposition of this Directive.

The **Dangerous Substances Directive**<sup>40</sup> was one of the first pieces of EU environmental legislation to be introduced. It creates a framework for dealing with water pollution caused by discharges of an extensive list of dangerous substances, such as heavy metals, phosphorus, pesticides and PCBs. Under this Directive, Member States must adopt pollution-reduction programmes with binding water-quality objectives and establish a monitoring network and a system for the authorisation of discharges. The provisions of the Dangerous Substances Directive will ultimately be replaced by those of the Water Framework Directive. In June 2005, the European Court of Justice condemned Ireland for breaching the Dangerous Substances Directive, in particular by failing to have a proper system for authorising discharges from farm installations, marine fish farms, waste-water treatment plants and other infrastructure (Case C-282/02).

The **Groundwater Directive**<sup>41</sup> is closely related to the Dangerous Substances Directive. It creates a framework for controlling discharges of a similar list of dangerous substances to groundwater. Member States are required to set up an authorisation system based on prior investigation. Like the Dangerous Substances Directive, the Groundwater Directive is ultimately intended to be replaced by Directive 2000/60/EC and subsidiary legislation. To this end, 2005 saw negotiations proceed on a new Groundwater Directive to be integrated into the system of river basin management under Directive 2000/60/EC. Meanwhile, in April 2005, Greece was condemned by the European Court of Justice, among other things for breaching the existing Directive (Case C-163/03).

The **Bathing Water Directive**<sup>42</sup> is another early piece of Community environmental legislation. It aims at providing bathers with clean bathing water. It sets “imperative” water quality standards that must be complied with, as well as higher “guide values” that Member States are encouraged to meet. The Directive also details the requirements for monitoring and reporting bathing water quality. The Commission Bathing Water Report for the 2004 bathing season<sup>43</sup> (which is based on sampling returns provided by the individual Member States) indicates a slight decline in average bathing water quality. The inclusion in the report of data for six of the new Member States is part of the explanation for this trend<sup>44</sup>. In 2004, 96.7%

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<sup>40</sup> Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community.

<sup>41</sup> Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances.

<sup>42</sup> Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water.

<sup>43</sup> The Bathing Water Reports are available under <http://www.europa.eu.int/water/water-bathing/report.htm>.

<sup>44</sup> It must be remembered that the Member States that have been monitoring their bathing water quality for years did not achieve the good results reported now until several years after the entry into force of the Directive. Generally, average bathing water quality remains relatively high, even if there is still significant room for improvement, especially as regards compliance with the guide values.

(96.8% in 2003) of EU coastal bathing waters and 89.4% (92.3% in 2003) of all inland waters complied with the mandatory values laid down in the Directive.

The improvements observed led to the closure at the end of 2005 of the infringement proceedings resulting in Spain's condemnation in Case C-278/01. However, this positive picture is called into question by the extent to which many Member States are either excluding previously recognised bathing waters from the scope of the Directive or failing to provide monitoring results for bathing waters that are the subject of temporary prohibitions. Since the early 1990s, thousands of previously recognised bathing waters have ceased to be monitored and reported without any justification being provided to the Commission.

**The Surface Drinking Water Directive**<sup>45</sup> aims to protect and improve the quality of surface waters used in the abstraction of drinking water. In 2005, a supplementary reasoned opinion on the basis of Article 228 of the EC Treaty was sent to France asking it to comply with a judgment of March 2001 (Case C-266/99). In that judgment, the Court ruled against France for its failure to comply with the 50mg/l limit for nitrates in surface waters in Brittany, as required by the Directive.

The current **Drinking Water Directive** is Directive 98/83/EC on the quality of water intended for human consumption, which was due to be transposed into national law by 25 December 2000. This replaces an earlier directive on the same subject<sup>46</sup>. The old directive continues to give rise to case-law, with the European Court of Justice condemning Portugal in September 2005 for not complying with the quality parameters laid down in that directive (Case C-251/03).

The **Shellfish Waters Directive**<sup>47</sup> requires Member States to designate waters where shellfish are in need of protection and to achieve mandatory quality standards by implementing pollution-reduction programmes. In December 2005, the European Court of Justice condemned Spain for not respecting the Directive in Galicia, in particular for failing to adopt a pollution reduction programme for the shellfish waters of the Ría de Vigo (Case C-26/04). At the same time, the Commission sent Ireland a reasoned opinion under Article 228 EC for not complying with a 2003 judgment of the Court of Justice requiring it to establish pollution-reduction programmes for the 14 areas along the Irish coast designated as shellfish waters (Case C-67/02). The Commission also sent a reasoned opinion to the United Kingdom for not meeting the guideline values set in the Directive relating to faecal coliforms.

The Community has two legislative instruments aimed specifically at combating pollution from phosphates and nitrates and the eutrophication they cause.

The first, the **Urban Waste Water Treatment Directive**<sup>48</sup>, requires towns and cities to meet minimum waste-water collection and treatment standards within deadlines fixed by the Directive. The deadlines are fixed according to the sensitivity of the receiving waters and to the size of the urban population responsible for discharges. The Directive required Member States to have identified sensitive areas by 31 December 1993. Strict standards for the

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<sup>45</sup> Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States.

<sup>46</sup> Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption.

<sup>47</sup> Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters.

<sup>48</sup> Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.

discharging of waste-water directly from towns and cities with a population above 10 000 into sensitive areas, or their catchment areas, should have been achieved by 31 December 1998. The same deadline applied to the extraction of nutrients that contribute to eutrophication. Proper treatment for waste-water discharges from cities and towns with more than 15 000 inhabitants should have been in place by December 2000.

In July 2005, reasoned opinions were sent to Greece and Portugal for not meeting the December 2000 deadline. The Commission also referred Luxembourg and the United Kingdom to the Court of Justice for not meeting the December 1998 and December 2000 deadlines, respectively. In a separate case, the Commission decided to refer the United Kingdom to the Court for failure to designate sufficient sensitive areas under the Directive.

In June 2005, France was condemned by the European Court of Justice for not communicating to the Commission the information collected by competent authorities or appropriate bodies regarding the monitoring of the discharges from urban waste-water treatment plants and the amounts and composition of sludges discharged (Case C-191/04). The Commission also sent France a letter of formal notice under Article 228 EC for not complying with a 2004 judgment of the Court of Justice condemning it for not having identified sufficient sensitive areas by 31 December 1993 and for failing to subject direct discharges of waste-water from some agglomerations with a population above 10 000 into sensitive areas, or their catchment areas, to more stringent treatment by 31 December 1998 (case C-280/02).

The second anti-eutrophication measure is **the Nitrates Directive**<sup>49</sup>, which was adopted in the same period as the Urban Waste Water Treatment Directive. Whereas the latter addresses nutrient pollution from towns and cities, the former addresses nutrient pollution caused by agriculture. They are thus complementary. More specifically, the Nitrates Directive aims to prevent pollution of surface waters and groundwater caused by nitrates from agricultural sources (chemical fertilisers and livestock manure). Member States were required to carry out monitoring of surface waters and groundwater, to identify nitrate-polluted waters (surface waters and groundwater with nitrate concentrations above 50 mg/l and eutrophic waters, or waters which might contain more than 50 mg/l nitrate or become eutrophic if no action is taken) and to designate as nitrate-vulnerable zones those areas of their territory draining to polluted water by December 1993.

In September 2005, the European Court of Justice condemned Belgium for not complying with the Directive, in particular for failing to identify all the waters that suffer from or are at risk of pollution by nitrates and to correctly designate nitrate-vulnerable zones where action to reduce nitrate pollution is to be taken and also for not establishing action programmes in full compliance with the Directive (Case C-221/03). This was the latest in a series of important Court rulings on the Directive, which address both the extent of the areas identified for action by the Member States and the content of the action taken. During 2005, the Court also gave rulings against Spain for non-compliance with the Directive in relation to a number of intensive pig-farming areas (Cases C-416/02 and C-121/03). During 2005, intensive discussions took place between the Commission and the Netherlands and Ireland with a view to ensuring the correct implementation of previous Court judgments.

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<sup>49</sup> Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Finally, the Commission sent a letter of formal notice under Article 228 EC to France in December 2005 asking it to comply with a Court ruling of October 2004 (Case C-239/03) condemning France for failing to respect an international agreement in relation to the Etang de Berre, an important saline lake in the Bouches du Rhone department near Marseilles. The agreement in question is the **Protocol for the protection of the Mediterranean Sea against pollution from land-based sources**<sup>50</sup>, which was ratified by the European Community in 1983. This protocol, adopted under the Barcelona Convention for the protection of the Mediterranean Sea against pollution, commits parties to preventing or reducing pollution of the Mediterranean from rivers, coastal installations and waste discharge pipes.

#### 4. Nature

The EU's two key pieces of nature conservation law are the Wild Birds Directive<sup>51</sup> and the Habitats Directive<sup>52</sup>.

The **Wild Birds Directive** is the EU's oldest piece of nature conservation legislation. It creates a comprehensive scheme of protection for the EU's wild bird species. Under the Wild Birds Directive, Member States must designate special protection areas (SPAs) for migratory and other vulnerable wild bird species. In interpreting this provision, the Court of Justice has stated that Member States should also give the designated SPAs an appropriate legal protection regime capable of achieving the conservation objectives for the species and habitats concerned.

In October 2005, the Court condemned Greece (case C-166/04) for not establishing a coherent and specific legal protection regime capable of achieving the conservation objectives for the species and habitats in the "Messolongi lagoon" SPA. In addition, the Commission issued a reasoned opinion to Greece in December 2005 as Greece's legislation establishing a legal protection regime for its 151 SPAs has not been implemented in practice for the large majority of SPAs.

The Wild Birds Directive also establishes rules that limit the number of species that can be hunted and the periods during which they can be hunted. Rules also define certain permitted methods of hunting. Derogations (i.e. exemptions) can be granted provided that strict requirements are met and provided that no other satisfactory solution is possible.

In 2005, the Court of Justice gave two judgments concerning hunting requirements. In a judgment of June 2005 (Case C-135/04), the Court condemned Spain for allowing hunting of woodpigeons in Guipúzcoa during their return to their rearing grounds, in breach of the Wild Birds Directive. In a December 2005 judgment (Case C-344/03) against Finland, the Court found that the spring hunting of different species of ducks did not meet the conditions for the derogation. The Court's ruling makes it clear that the conditions of "no alternative solutions" and "small quantities" need to be rigorously applied by the Member States concerned. It also emphasises the importance of scientific evidence in this regard.

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<sup>50</sup> See Council Decision 83/101/EEC concluding the protocol for the protection of the Mediterranean Sea against pollution from land-based sources.

<sup>51</sup> Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

<sup>52</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

The **Habitats Directive** provides a comprehensive protection scheme for a range of animals and plants as well as for the selection of habitat types. In order to restore or maintain a favourable conservation status for natural habitats and species of Community interest, the Habitats Directive set up the Natura 2000 ecological network of protected areas, which has become the centrepiece of EU nature and biodiversity policy.

Natura 2000 covers SPAs designated under the Wild Birds Directive and sites proposed by Member States under the Habitats Directive (proposed Sites of Community Importance or “pSCIs”). For each bio-geographical region, a Commission decision then fixes the EU lists of Sites of Community Importance (SCIs). These sites are subsequently to be designated by Member States as Special Areas of Conservation (SACs), which, together with SPAs, constitute the Natura 2000 network. The sites proposed by Member States must be based on scientific criteria and scientific information. The Habitats Directive states that as soon as a site is placed on a Community list of SCIs, it is subject to the protection regime of Article 6(2), (3) and (4). This includes the prior assessment of potentially damaging plans and projects, the requirement that these plans and projects — if likely to cause significant damage — be approved only if they represent an overriding interest and only if no alternative solution exists, and measures for providing compensatory habitats.

In a preliminary ruling of 13 January 2005 (Case C-117/03, *Società Italiana Dragaggi SpA and others*), the Court ruled that the protective measures described in Article 6(2), (3) and (4) of the Habitats Directive are required only for sites on the Community lists of SCIs<sup>53</sup>. However, the Court made it clear that Member States should also protect pSCIs, as these sites are eligible for identification as SCIs: if pSCIs were not appropriately protected, the achievement of the Directive’s objectives could be jeopardised. Thus, in the case of pSCIs, in particular sites hosting priority natural habitat types or priority species, the Court ruled that *“the Member States are, by virtue of Directive 92/43, required to take protective measures that are appropriate, from the point of view of the directive’s conservation objective, for the purpose of safeguarding the relevant ecological interest which those sites have at national level”*.

Regarding the transposition of the Wild Birds and Habitats Directives, a small number of *conformity* problems remain unresolved. In October 2005, the Court of Justice ruled that parts of the United Kingdom and Gibraltar legislation are still not in conformity with the Habitats Directive (Case C-6/04). In December 2005, the Commission sent a letter of formal notice under Article 228 EC to the Netherlands for not complying with a judgment of the Court of Justice finding that the Netherlands had not correctly transposed parts of the Wild Birds and Habitats Directives (Case C-441/03).

In some countries, the classification of special protection areas (SPAs) and the selection of proposed sites of Community importance (pSCIs) for inclusion in the Natura 2000 network still remain problematic.

In July 2005, France was sent a reasoned opinion for insufficient designation and protection of sites hosting a rare wild bird species, the bearded vulture (*Gypaetus Barbatus*). The bearded vulture is one of the rarest raptors in Europe, with some 250 pairs remaining.

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<sup>53</sup> At the end of 2005, the Community lists for five bio-geographical regions (Macaronesian, Alpine, Atlantic, Continental and Boreal) were adopted. All sites on the Community lists of SCIs are subject to the protective measures in Article 6(2), (3) and (4) of the Habitats Directive.

In July 2005, the Commission decided to refer Spain to the Court of Justice because it failed to classify the habitats of certain steppe bird species as SPAs in the province of Lleida Catalonia, one of the Autonomous Communities in Spain. The Commission had already referred Spain to the Court of Justice for insufficient designation of SPAs at national level (Case C-235/04).

The Commission sent a reasoned opinion to Germany because of failure to comply with a 2001 Court judgment (Case C-71/99) finding that Germany had not submitted an exhaustive list of pSCIs. Since the Court judgment, the Commission and the German authorities have been working together to identify which further habitats and species should be designated and many of the gaps have thus been filled. However, the Commission is concerned that Germany has not proposed sufficiently large areas in some important river estuaries and considers that several fish species should have special conservation areas designated for them.

Problems remain concerning the special protection regime under Article 4(4) of the Wild Birds Directive and Article 6(2) to (4) of the Habitats Directive, e.g. wrongly applying or setting aside the special protection regime in the case of various activities significantly affecting conservation objectives, habitats or species. In 2005, the Commission sent reasoned opinions on this matter to Italy<sup>54</sup> and Portugal<sup>55</sup> and decided to refer Italy and Ireland<sup>56</sup> to the Court.

Problems with the implementation of the Habitats Directive may also arise with regard to the protection of species. Article 12 of the Directive establishes a strict protection scheme for the species listed in Annex IV(a). Strict protection involves prohibiting all forms of deliberate capture or killing of specimens of these species and the deterioration or destruction of their breeding sites and resting places. The Directive allows for exceptions — “derogations” — on a number of grounds. However, these derogations are subject to strict conditions. In particular, there must be no satisfactory alternative and a derogation must not be detrimental to the maintenance of populations of the species at a favourable conservation level.

In December 2005, the Commission sent letters of formal notice to Belgium, France, Greece, Italy, the Netherlands, Portugal, Spain and the UK for not adequately monitoring how effectively their populations of cetaceans — whales, dolphins and porpoises — are being protected. All cetaceans require strict protection under the Habitats Directive and Member State surveillance of their conservation status is an important element in this.

In July 2005, Belgium was sent a reasoned opinion because of inadequate measures to protect the European hamster, *Cricetus cricetus*, which is threatened by extinction as a result of intensive agricultural practices.

In its judgment of November 2005 (Case C-131/05), the Court condemned the United Kingdom because its legislation did not comply with the strict protection regime laid down in

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<sup>54</sup> Concerning a project for skiing infrastructure in Selva di Progno (Verona) falling within a SCI and SPA and concerning the authorisation of motor rally events in the Province of Pordenone within the “Magredi del Cellina” SCI.

<sup>55</sup> Case concerning the construction of a golf course likely to affect the “Guadiana” pSIC.

<sup>56</sup> Italy: concerning a change to a plan for the development of about 100 industrial sites within the Murgia Alta SPAs and concerning the development of an industrial zone in the area of Manfredonia (Foggia, Puglia); Ireland: concerning a pig-rearing installation in County Kilkenny in the catchment area of the River Nore, which is a proposed SAC.

the Wild Birds and Habitats Directives. The UK legislation restricted the scope of the prohibition of trade in protected species only to those whose natural range includes Great Britain.

On 13 January 2005<sup>57</sup>, the Commission adopted the EU lists of sites of Community importance for the Boreal bio-geographical region<sup>58</sup>, which is another major step forward in establishing Natura 2000.

## 5. Waste

The **Waste Framework Directive**<sup>59</sup> lays down basic requirements for Member States regarding the handling of waste and sets out a definition of the term “waste”. Member States still have problems in fully and correctly implementing the provisions of this Directive in national law.

In 2005, infringement proceedings were continued against some Member States whose legislation is not in line with the Waste Framework Directive. In April 2005, the Court of Justice condemned Ireland (Case C-494/01) for general and persistent failure to transpose several provisions of the Waste Framework Directive concerning, amongst other things, the safe disposal of waste, the need for an adequate network of disposal installations and permits for waste disposal operations.

In December 2005, the Commission sent a letter of formal notice under Article 228 to the United Kingdom asking it to comply with a 2004 judgment (Case C-62/03) condemning the UK for several shortcomings in its national legislation transposing the Waste Framework Directive. The Commission sent Italy a letter of formal notice under Article 228 for failing to comply with a June 2005 judgment (Case C-270/03) ruling that Italy’s legislation wrongly exempted companies or organisations that collect or transport their own waste from the registration requirements in the Waste Framework Directive. In another case, the Commission sent Italy a reasoned opinion under Article 228 asking it to comply with a 2004 court judgment ruling that Italy had breached the Waste Framework Directive. The Court found that Italian law failed to determine the maximum quantities of waste that can be treated by waste installations under “simplified permit procedures”. In the EU, all waste installations must fulfil certain criteria and have a permit to operate. As a consequence of the failure in Italian law, Italian waste installations have been subject to the simplified procedure in breach of the minimum requirements set out in the Directive.

In December 2005, the Commission sent Italy a reasoned opinion because of its restricted definition of waste. The case concerns a law passed in December 2004 excluding certain types of waste, such as scrap metal and refused derived fuel, from the scope of Italian waste legislation, even though these are covered by the definition of waste under the Waste Framework Directive. In recent years, Italy has established a pattern of restricting the definition of waste and the application of the Waste Framework Directive, and four infringement cases on these issues are already pending before the Court of Justice.

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<sup>57</sup> Commission Decision of 13 January 2005 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Boreal bio-geographical region (OJ L 40, 11.2.2005, p. 1).

<sup>58</sup> The lists previously adopted are the Macaronesian list (Azores, Madeira, Canary Islands) adopted on 28 December 2001 and the Alpine list adopted on 22 December 2003.

<sup>59</sup> Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC.

In a preliminary ruling by the Court of Justice on 11 November 2004 (Case C-457/02, *Niselli*), the case-law on the definition of waste under the Waste Framework Directive was further developed. The Court clarified that the definition of ‘waste’ in the first subparagraph of Article 1(a) of the Waste Framework Directive cannot be construed as covering exclusively substances or objects intended for, or subjected to, the disposal or recovery operations mentioned in Annexes II A and II B to that Directive (or in the equivalent lists) or those to which their holder intends or is required to subject them. Furthermore, the Court stated that the meaning of ‘waste’ for the purposes of the first subparagraph of Article 1(a) of the Waste Framework Directive is not to be interpreted as excluding all production or consumption residues that can be or are reused in a cycle of production or consumption, either without prior treatment and without harm to the environment or after undergoing prior treatment without, however, requiring a recovery operation within the meaning of Annex II B to the Directive.

In 2005, the Commission continued a number of infringement actions concerning local waste dumping problems (illegal landfills and/or uncontrolled treatment of waste, non-existent or insufficient environmental impact assessments, uncontrolled dumps, etc).

The Commission sent Belgium a reasoned opinion because of some problems with a landfill situated in the Walloon Region at Flobecq.

In addition, Greece was referred to the Court of Justice over its failure to clean up two old and non-operational illegal waste dumps in Crete (situated at Kouroupitos and Messomouri). In 2000, the Court of Justice fined Greece a daily penalty of €20 000 for operation of the illegal rubbish dump at Kouroupitos. In October 2005 (Case C-502/03), the Court of Justice condemned Greece because of the existence of numerous illegal waste dumps. In the course of the written procedures, the Greek authorities acknowledged that at least 1125 illegal or uncontrolled waste dumps were still operational.

In 2005, the Commission pursued four separate infringement cases under Article 228 against Italy concerning illegal landfills (cases C-383/02: Rodano (Miliano); C-516/03: Campolungo (Ascoli Piceno); C-375/02: Granciara di Castelliri (Frosinone); C-447/03: Manfredonia (Foggia))<sup>60</sup>. In each case, the Court of Justice ruled that Italy had failed to comply with Articles 4 and 8 of the Waste Framework Directive. Article 4 requires Member States to ensure that waste is recovered or disposed of without endangering human health, and without using processes or methods that could harm the environment. They must also take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste. Article 8 requires Member States to ensure that waste is handled by a private or public waste collector or an authorised undertaking.

In April 2005, the Court of Justice condemned Spain for the existence of an illegal landfill on the island of La Gomera (Canary Islands) (Case C-157/04). In another case, the Commission sent Spain a reasoned opinion under Article 228 asking it to comply with a Court judgment from 2003 (Case C-446/01) ruling that five waste disposal sites in Spain were illegal. Two sites have been closed down since the Court ruling, but problems persist with the other three sites: Torreblanca-Fuengirola (Málaga), Santalla del Bierzo (León), and Ca na Putxa-Sa Roca (Ibiza).

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<sup>60</sup> The Commission had already decided in 2004 to refer Italy to the Court of Justice over the existence of numerous illegal landfills.



Finally, the Commission opened infringement proceedings under Article 228 against France for non-compliance with a judgment from March 2005 concerning an illegal landfill in Saint-Laurent du Maroni in French Guyana<sup>61</sup>.

Another category of *bad application* of waste legislation comprises inadequate waste planning. In December 2005, the Commission decided to refer Italy to the Court of Justice for failing to adopt and notify waste management plans for several regions and provinces. These are required under the 1975 Framework Directive on Waste and by Directive 91/689/EEC on hazardous waste.

Regarding the **Directive on the disposal of waste oils**<sup>62</sup>, the Court condemned Austria (Case C-15/03) and Portugal (Case C-92/03) for failing to give priority to the processing of waste oils by regeneration. On 21 December 2005, however, the Commission adopted a proposal (COM (2005) 667 final) for a revised Directive on waste, amending Directive 75/442/EEC on waste and repealing Directive 75/439/EEC on waste oils.

Directive **91/689/EEC on hazardous waste**<sup>63</sup> sets the framework for EU standards for the management of hazardous waste. It complements the Waste Framework Directive, which provides a legislative framework for all types of waste, whether hazardous or not. Some Member States still have problems in transposing the national legislation correctly. In December 2005, the Commission decided to send a reasoned opinion to Greece over systematic structural shortcomings in its planning and disposal of hazardous waste. This follows an analysis of reports provided by the Greek authorities on their implementation of the Hazardous Waste Directive. In July 2005, the Commission sent a letter of formal notice under Article 228 to the United Kingdom asking it to comply with a 2004 judgment (Case C-431/02) condemning the UK for incomplete transposition of the Directive.

The new **Packaging Waste Directive**<sup>64</sup> updates and strengthens the 1994 Directive<sup>65</sup>. The Directive roughly doubles the packaging recycling targets and strengthens the target for recovery. The Directive was to be transposed by 18 August 2005. In 2005, the Commission opened infringement proceedings against a substantial number of Member States for failure to communicate their transposition measures to the Commission.

**The PCB/PCT Directive**<sup>66</sup> covers hazardous chemicals whose toxicity and tendency to bioaccumulate represent a particular threat to the environment and to human health. The aim of the Directive is to ensure the controlled disposal of PCBs in the Member States. During 2005, the Commission sent letters of formal notice to Lithuania, Slovakia, Poland, Latvia, Hungary, Estonia and Cyprus and reasoned opinions to the Czech Republic and Malta for failure to draw up plans for the safe decontamination and disposal of equipment containing PCBs and outlines for the collection and disposal of equipment not subject to an inventory.

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<sup>61</sup> The Commission had already decided in 2004 to refer France to the Court of Justice over the existence and functioning of numerous illegal landfills.

<sup>62</sup> Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils.

<sup>63</sup> Council Directive 91/689/EEC of 12 December 1991 on hazardous waste.

<sup>64</sup> Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste.

<sup>65</sup> European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste.

<sup>66</sup> Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

The **Landfill Directive**<sup>67</sup> establishes a set of detailed standards and other requirements that waste dumps, or “landfills”, must meet. In December 2005, the Commission sent Italy a reasoned opinion over the *non-conformity* of its national legislation with some provisions of the Directive. The case focuses on the fact that, whereas the Directive defines existing landfills as those that were operating on or before 16 July 2001, Italy’s legislation extends this deadline to 27 March 2003. This means that Italian landfills authorised between 16 July 2001 and 27 July 2003 have not been required to meet the Directive’s standards for new landfills as they should have been. Instead, they will have until July 2009 to comply with the provisions for existing landfills. The Commission also sent France a reasoned opinion under Article 228 for non-compliance with a judgment delivered by the Court of Justice in December 2004 (Case C-172/04) concerning France’s failure to adopt and communicate national legislation to give effect to the Landfill Directive.

In a preliminary ruling of 14 April 2005 (case C-6/03, Deponiezweckverband Eiterköpfe v Land Rheinland-Pfalz), the Court clarified the requirements of Article 5 of the Landfill Directive concerning the setting up a national strategy for the implementation of the reduction of biodegradable waste going to landfills. The Court stated here that, pursuant to Article 176 of the EC Treaty, Member States may take measures of domestic law which are stricter than the requirements set in Article 5 of the Landfill Directive.

The **End-of-Life Vehicles Directive**<sup>68</sup> has a dual aim: to control the environmental impact of the treatment of end-of-life vehicles and their components and to promote car re-use, recycling and other forms of recovery. Some Member States have not yet transposed the End-of-Life Vehicles Directive. The Commission sent Ireland a letter of formal notice under Article 228 of the EC Treaty asking it to comply with a 2004 Court ruling condemning Ireland for failure to transpose the Directive into its national law (Case C-460/03). During 2005, the Commission also continued infringement proceedings, including referrals to the Court of Justice, against Spain, Germany, Greece, Italy and Portugal for *non-conformity* of their national legislation transposing the End-of-life Vehicles Directive.

The **Directive on the incineration of waste**<sup>69</sup> aims to prevent or limit as far as practicable the negative effects on the environment, and the resulting risks to human health, from the incineration and co-incineration of waste. In January 2005, the Court of Justice condemned Greece for failure to adopt measures transposing this Directive. In December 2005, the Commission decided to refer Portugal to the Court of Justice because of the continued operation of an incineration plant for hospital waste in the centre of Lisbon without a permit. This violates both the Waste Framework Directive and the Directive on the incineration of waste, which require such operations to have a permit from the authorities.

In 2002, the **Directive on Waste Electrical and Electronic Equipment (WEEE Directive)**<sup>70</sup> was adopted. This Directive requires Member States to have systems established for the collection of e-waste by August 2005 (August 2007 for the new Member States). The deadline for transposing this Directive into national law was 13 August 2004. In 2005, the Commission

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<sup>67</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

<sup>68</sup> Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles.

<sup>69</sup> Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste.

<sup>70</sup> Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), as amended by Directive 2003/108/EC.

sent a reasoned opinion to France and decided to refer the United Kingdom, Malta and Finland (as regards the province of Åland) to the Court of Justice for failure to communicate transposition measures for this Directive.

A 2003 amendment to the WEEE Directive<sup>71</sup> further clarifies certain obligations with regard to financing the disposal of professional (i.e. non-household) equipment. In 2005, the Commission sent a reasoned opinion to France and decided to refer Greece, Finland (as regards the province of Åland), Malta and the United Kingdom to the Court of Justice for failure to communicate transposition measures for this Directive.

The **Directive on the restriction of the use of hazardous substances (RoHS Directive)**<sup>72</sup> bans certain hazardous substances from electronic equipment from 1 July 2006 onward to facilitate recycling and to reduce emissions when the remaining e-waste is landfilled or incinerated. This Directive was due to be transposed by 13 August 2004. The Commission decided to refer the United Kingdom and Finland (as regards the province of Åland) to the Court of Justice for failure to communicate transposition measures for this Directive.

## 6. Other sectors

Adopted in 2003, the new **Directive on public access to environmental information**<sup>73</sup> replaces an earlier Directive dating from 1990<sup>74</sup> with effect from 14 February 2005. The new Directive gives citizens a right to environmental information held or produced by public authorities, e.g. data on emissions into the environment, their impact on public health and the results of environmental impact assessments. The Directive is in line with the requirements of the 1998 Aarhus Convention, to which the European Community has been a party since May 2005.

The Directive was to be transposed into national law by 14 February 2005. The Commission sent reasoned opinions to Austria, France, Hungary, Ireland and Portugal and decided to refer Belgium, Greece, Spain and Luxembourg to the Court of Justice for failure to meet this deadline.

The **Biocides Directive**<sup>75</sup> was due to be transposed by the Member States no later than 14 May 2000. The Directive sets environmental and safety standards for biocides and requires Member States to set up an authorisation system for marketing biocidal products. In October 2005, the Commission sent a reasoned opinion to the UK because of *non-conformity* of some aspects of its national legislation with this Directive.

The **Directive amending the Directive on the contained use of GMMs**<sup>76</sup> substantially amends the latter Directive and adapts it to take account of technological advances since its adoption in 1990. National transposing legislation was to be adopted and communicated to the

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<sup>71</sup> Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE).

<sup>72</sup> Council Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

<sup>73</sup> Directive 2003/4/EC of 28 January 2003 on public access to environmental information.

<sup>74</sup> Directive 90/313/EEC on the freedom of access to information on the environment.

<sup>75</sup> Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products.

<sup>76</sup> Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms.

Commission by 5 June 2000 at the latest. The Commission sent a reasoned opinion under Article 228 EC to France for non-compliance with a judgment delivered by the Court in November 2003 over the failure to correctly transpose into national law this Directive in relation to emergency plans and information to the public about emergency measures (Case C-429/01).

**The Directive on the deliberate release of GMOs** into the environment<sup>77</sup> covers both experimental and commercial releases of GMOs for cultivation, import and transformation into industrial products. It lays down authorisation procedures for the release of GMOs and for placing them on the market. The Directive was to be transposed into national law by 17 October 2002. In December 2005, reasoned opinions under Article 228 EC were sent to France and Germany asking them to comply with 2004 judgments condemning these countries for failure to transpose the requirements of the Directive into their national legislation (France: Case C-419/03, Germany: Case C-420/03). In October 2005, a letter of formal notice was sent to Italy over shortcomings in its national legislation.

**Directive 96/61/EC concerning integrated pollution prevention and control (IPPC)**<sup>78</sup> is one of the key pieces of EU environmental legislation on industrial emissions. It regulates the operations of large industrial and agricultural installations with a high pollution potential. These installations must have operating permits that set limits on their emissions to the air, water and land in an “integrated” way, taking account of all three media. During 2005, the Commission continued infringement proceedings against several Member States because of *non-conformity* of their national legislation with the IPPC Directive. The Commission sent reasoned opinions to Luxembourg and the Czech Republic and decided to refer France to the Court of Justice.

The **Seveso II Directive**<sup>79</sup> aims to prevent major industrial accidents involving dangerous substances and to limit their consequences through emergency preparedness. It strengthens an earlier directive passed in response to the 1976 explosion at a chemical plant in the Italian town of Seveso, which contaminated a wide area with dioxin, one of the most toxic substances known.

The Seveso II Directive is amended by Directive 2003/105/EC<sup>80</sup>. This Directive extends the scope of the Seveso II Directive, a step deemed necessary in the light of recent major industrial accidents, such as the incident at a firework plant in Enschede (the Netherlands) in May 2000 and the explosion of a fertiliser plant in Toulouse (France) in September 2001. The amending Directive was to be transposed into national law by 1 July 2005. The Commission sent reasoned opinions to Austria, Belgium, the Czech Republic, Cyprus, Denmark, Greece, Hungary, Ireland, Luxembourg, Portugal, Poland and Slovenia for failure to communicate transposition measures by the deadline.

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<sup>77</sup> Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

<sup>78</sup> Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control.

<sup>79</sup> Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances.

<sup>80</sup> Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances.

**Directive 2002/49/EC** on the assessment and management of environmental noise creates a common approach to avoiding, preventing or reducing the harmful effects of exposure to environmental noise. It was to be transposed by 18 July 2004. In 2005 the Commission sent a reasoned opinion to Germany and France and decided to refer Austria, the Czech Republic, Greece, Ireland, Luxembourg, Portugal and UK to the Court of Justice as they had not yet implemented the Directive.

## ANNEX II

### DETAILS OF MEMBER STATE TRANSPOSING MEASURES COMMUNICATED FOR COMMUNITY DIRECTIVES TO BE TRANSPOSED DURING THE PERIOD COVERED BY THIS SURVEY

(NOTIFICATIONS RECEIVED BETWEEN 1 JANUARY AND 31 DECEMBER 2005)

 **Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC**

*OJ L 41, 14.2.2003, p. 26-32*

Transposition date: 14.2.2005

**Non-communication cases were opened against 17 Member States in relation to this Directive**

Of these, 10 infringements remained open at the end of 2005 — Belgium, Germany, Greece, Spain, France, Ireland, Luxembourg, Hungary, Austria and Portugal

<b>Belgium</b>	01. Ordonnance du 18 mars 2004 sur l'accès à l'information relative à l'environnement dans la Région de Bruxelles-Capitale, <i>Moniteur belge du 30.3.2004</i>
	02. Decreet betreffende de openbaarheid van bestuur, <i>Moniteur belge du 1.7.2005, p. 53371-53378</i>
	03. Besluit van de Vlaamse Regering van 28 oktober 2005 betreffende de verspreiding van milieu-informatie, <i>Moniteur belge du 30.11.2005, p. 51484-51485</i>
<b>Czech Republic</b>	01. Zákon č. 123/1998 Sb., o právu na informace o životním prostředí, <i>Sbírka zákonů z 8.6.1998</i>
	02. Zákon č. 6/2005 Sb., kterým se mění zákon č. 123/1998 Sb., o právu na informace o životním prostředí, ve znění zákona č. 132/2000 Sb., <i>Sbírka zákonů z 6.1.2005</i>
	03. Zákon č. 150/2002 Sb., soudní řád správní, <i>Sbírka zákonů z 17.4.2002</i>
<b>Denmark</b>	01. Lov nr. 292 af 27. april 1994 om aktindsigt i miljøoplysninger
	02. Lov nr. 447 af 31. maj 2000 om ændring af visse miljølove
	03. Lov nr. 215 af 31. marts 2004 om ændring af retsplejeloven og forskellige andre love
	04. Lov nr. 310 af 2. maj 2005 om ændring af lov om aktindsigt i miljøoplysninger
	05. Lov nr. 572 af 19. december 1985 om offentlighed i forvaltningen (offentlighedsloven)
	06. Forvaltningslov, Lov nr. 571 af 19. december 1985
	07. Lov nr. 347 af 6. juni 1991 om ændring af lov om offentlighed i forvaltningen og forvaltningsloven
	08. Bekendtgørelse nr. 961 af 21. september 2004 af lov om rettens pleje
	09. Arkivlov, Lov nr. 1050 af 17. december 2002

	10.	Finanslov 2005 (§ 19.11.04), Lov af 20. december 2004
	11.	Bekendtgørelse nr. 415 af 13. maj 2005 om aktiv formidling af miljøoplysninger
	12.	Bekendtgørelse nr. 647 af 18. september 1986 om aktiv formidling af miljøoplysninger
	13.	Bekendtgørelse nr. 579 af 27. juni 1994 om betaling for aktindsigt i miljøoplysninger, der er til rådighed i andet end skriftlig form
	14.	Bekendtgørelse nr. 585 af 24. juni 1994 om betaling for aktindsigt i miljøoplysninger, der opbevares på andet end papir
	15.	Bekendtgørelse nr. 950 af 16. september 2004 om indbringelse af klager for Naturklagenævnet
	16.	Cirkulæreskrivelse om mål for hurtig sagsbehandling m.v., Cirkulære nr. 73 af 4. juni 1997
	17.	Concordance table
	18.	Bekendtgørelse nr. 914 af 28. september 2005 om betaling for aktindsigt i miljøoplysninger, der ikke udleveres på papir, inden for Miljøministeriets område
	19.	Concordance table
	20.	Bekendtgørelse nr. 939 af 10. oktober 2005 om betaling for aktindsigt i miljøoplysninger, der ikke udleveres på papir, inden for Transport-og Energiministeriets område
	21.	Concordance table
<b>Germany</b>	01.	Gesetz zur Neugestaltung des Umweltinformationsgesetzes und zur Änderung der Rechtsgrundlagen zum Emissionshandel, <i>Bundesgesetzblatt Teil 1 Nr. 73 vom 28.12.2004, S. 3704-3710</i>
<b>Estonia</b>	01.	Rahvusvahelise lepinguga määratud andmevahetuse täpsustatud kord, <i>Elektroniline Riigi Teataja, 26.7.2003</i>
	02.	Keskkonnaregistri volitatud töötaja määramine, <i>Elektroniline Riigi Teataja, 27.5.2003</i>
	03.	Keskkonnaregistri avalikult kasutatavate andmete paberandjal avalikustamise maht ja kuju, <i>Elektroniline Riigi Teataja, 27.7.2003</i>
	04.	Keskkonnaregistri seadus, <i>Elektroniline Riigi Teataja, 10.7.2002, 58, 361</i>
	05.	Riikliku keskkonnaseire allprogrammide teostamise kord, <i>Elektroniline Riigi Teataja, 1.6.2002</i>
	06.	Planeerimisseadus, <i>Elektroniline Riigi Teataja, 1.1.2004</i>
	07.	Säästva arengu seadus, <i>Elektroniline Riigi Teataja, 1995, 31, 384</i>
	08.	Keskkonnamõju hindamise ja keskkonnaauditeerimise seadus, <i>Elektroniline Riigi Teataja, 1.1.2003</i>
	09.	Keskkonnaseire seadus, <i>Elektroniline Riigi Teataja, 1.9.2002</i>

	10. Saastuse kompleksse vältimise ja kontrollimise seadus, <i>Elektroniline Riigi Teataja</i> , 29.11.2003
	11. Maapõueseadus, <i>Elektroniline Riigi Teataja</i> , 1.12.2003
	12. Keskkonnaregistrist andmete väljastamise taotluse vorm, <i>Elektroniline Riigi Teataja</i> , 26.7.2003
	13. Avaliku Teabe Seadus, <i>Elektroniline Riigi Teataja</i> , 1.10.2003
	14. Ehitusseadus, <i>Elektroniline Riigi Teataja</i> , 1.7.2003
	15. Riigi veekatastri põhimääruse kinnitamine, <i>Elektroniline Riigi Teataja</i> , 8.11.1999
	16. Veeseadus, <i>Elektroniline Riigi Teataja</i> , 19.2003
	17. Kemikaaliseadus, <i>Elektroniline Riigi Teataja</i> 2004, 45, 315
	18. Välisõhu Kaitse Seadus, <i>Elektroniline Riigi Teataja</i> , 8.1.2004
	19. Keskkonnamõju hindamise ja keskkonnajuhtimissüsteemi seadus, <i>Elektroniline Riigi Teataja</i> , 24.03.2005, 15, 87
	20. Keskkonnaregistri pidamise täpsustatud kord, <i>Riigi teataja</i> , 25.01.2005, 14, 129
<b>Greece</b>	No notification received by 31 December 2005
<b>Spain</b>	No notification received by 31 December 2005
<b>France</b>	01. Loi n° 2005-1319 du 26/10/2005 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de l'environnement, <i>JORF du 27.10.2005, p. 1-5</i>
<b>Ireland</b>	No notification received by 31 December 2005
<b>Italy</b>	01. Attuazione della direttiva 2003/4/CE sull'accesso del pubblico all'informazione ambientale, <i>Gazzetta Ufficiale della Repubblica Italiana, Serie Generale n. 222, 23.9.2005</i>
<b>Cyprus</b>	01. Ο περί της Πρόσβασης του Κοινού σε Πληροφορίες που είναι Σχετικές με το Περιβάλλον Νόμος του 2004, <i>Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 3850 (Παρ.Ι(Ι)) της 30.4.2004, σ. 2366</i>
<b>Latvia</b>	01. Administratīvo pārkāpumu kodekss, <i>Latvijas Vēstnesis</i> 1.7.1985
	02. Likums "Par vides aizsardzību", <i>Latvijas Vēstnesis Nr. 33, 29.8.1991</i>
	03. Likums Par ietekmes uz vidi novērtējumu, <i>Latvijas Vēstnesis Nr. 322/325, 30.10.1998</i>
	04. Par īpaši aizsargājamām dabas teritorijām, <i>Latvijas Vēstnesis Nr. 12, 1.4.1993</i>
	05. Administratīvā procesa likums, <i>Latvijas Vēstnesis Nr. 164, 14.11.2001</i>
	06. Likums Par radiācijas drošību un kodoldrošību, <i>Latvijas Vēstnesis Nr. 394/395, 7.11.2000</i>
	07. Likums Par piesārņojumu, <i>Latvijas Vēstnesis Nr. 51, 29.3.2001</i>
	08. Autortiesību likums, <i>Latvijas Vēstnesis Nr. 148/150, 27.4.2000</i>



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06. Likums Par radiācijas drošību un kodoldrošību, *Latvijas Vēstnesis Nr. 394/395, 7.11.2000*
  07. Likums Par piesārņojumu, *Latvijas Vēstnesis Nr. 51, 29.3.2001*
  08. Autortiesību likums, *Latvijas Vēstnesis Nr. 148/150, 27.4.2000*
  09. Valsts statistikas likums, *Latvijas Vēstnesis Nr. 306/307, 25.11.1997*
  10. Civilprocesa likums, *Latvijas Vēstnesis Nr. 326/330, 3.11.1998*
  11. Ministru Kabineta 2002.gada 28.maina noteikumi Nr. 201 “Vides valsts inspekcijas nolikums”, *Latvijas Vēstnesis Nr. 81, 30.5.2002*
  12. Ministru Kabineta 2003.gada 29.aprīļa noteikumi Nr. 244 “Vides ministrijas nolikums”, *Latvijas Vēstnesis Nr. 70, 13.5.2003*
  13. Ministru Kabineta 1999.gada 3.augusta noteikumi Nr. 275 “Kārtība, kādā valsts pārvaldes iestāžu un pašvaldību iestāžu rīcībā esošā informācija nododama atklātībai”, *Latvijas Vēstnesis Nr. 251/252, 10.8.1999*
  14. Fizisko personu datu aizsardzības likums, *Latvijas Vēstnesis Nr. 123/124, 6.4.2000*
  15. Likums Par valsts noslēpumu, *Latvijas Vēstnesis Nr. 181, 29.10.1996*
  16. Informācijas atklātības likums, *Latvijas Vēstnesis Nr. 334/335, 6.11.1998*
  17. Likums Iesniegumu, sūdzību un priekšlikumu izskatīšanas kārtība valsts un pašvaldību institūcijās, *Latvijas Vēstnesis Nr. 130, 5.11.1994*
  18. Ministru Kabineta 2003.gada 8.aprīļa noteikumi Nr. 162 “Noteikumi par vides monitoringu un piesārņojošo vielu reģistru”, *Latvijas Vēstnesis Nr. 58, 15.4.2003*
  19. Likums Par 1998.gada 25. jūnija Orhūsas konvenciju par pieeju informācijai, sabiedrības dalību lēmumu pieņemšanā un iespēju griezties tiesu iestādēs saistībā ar vides jautājumiem, *Latvijas Vēstnesis Nr. 64, 26.4.2002*
  20. Grozījumi likumā “Par vides aizsardzību”, *Latvijas Vēstnesis Nr. 62, 21.4.2004*

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**Lithuania**

01. Lietuvos Respublikos Vyriausybės nutarimas Nr.104 “Dėl Lietuvos Respublikos Vyriausybės 2000 m. rugsėjo 1 d. nutarimo Nr. 1039 “Dėl Dokumentų kopijų parengimo išlaidų atlyginimo tvarkos patvirtinimo” dalinio pakeitimo”, *Valstybės žinios Nr. 9, 2002 1 26*
  02. Lietuvos Respublikos Vyriausybės nutarimas Nr.1039 „Dėl dokumentų kopijų parengimo išlaidų atlyginimo tvarkos patvirtinimo”, *Valstybės žinios Nr. 75, 2000 9 7*
  03. Lietuvos Respublikos Vyriausybės nutarimas Nr.1391, „Dėl Oficialios valstybės ir savivaldybių, valdžios ir valdymo institucijų bei kitų biudžetinių organizacijų informacijos registravimo bei pateikimo žmonėms ar viešosios informacijos rengėjams tvarkos patvirtinimo”, *Valstybės žinios Nr.116, 1996 12 4*
  04. Lietuvos Respublikos visuomenės informavimo įstatymo 14 straipsnio pakeitimo įstatymas Nr. IX-1487, *Valstybės žinios Nr 38, 2003 4 24*
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05. Lietuvos Respublikos visuomenės informavimo įstatymo 34 straipsnio pakeitimo įstatymas IX-953, *Valstybės žinios* Nr 68, 2002 7 3
  06. Administracinių bylų teisenos įstatymo pakeitimo įstatymas Nr. VIII-1927, *Valstybės žinios* Nr 85, 2000 10 11
  07. Seimo kontrolierių įstatymo 25 straipsnio pakeitimo įstatymas Nr. IX-1770, *Valstybės žinios* Nr 104, 2003 11 5
  08. Seimo kontrolierių įstatymo 4, 19 ir 22 straipsnių pakeitimo įstatymas Nr. IX-1432, *Valstybės žinios* Nr 38, 2003 4 24
  09. Valstybės kontrolės įstatymo, Teismų įstatymo, Konstitucinio Teismo įstatymo, Seimo kontrolierių įstatymo, Seimo narių darbo sąlygų įstatymo, Prokuratūros įstatymo, Tarnybos Lietuvos Respublikos prokuratūroje statuto, Moterų ir vyrų lygių galimybių įstatymo, Vaiko teisių apsaugos kontrolieriaus įstatymo pakeitimo ir papildymo įstatymas Nr. IX-443, *Valstybės žinios* Nr 64, 2001 7 25
  10. Seimo kontrolierių įstatymo 30 straipsnio pakeitimo įstatymas Nr. IX-271, *Valstybės žinios* Nr 39, 2001 5 9
  11. Seimo kontrolierių įstatymo 28 ir 30 straipsnių pakeitimo įstatymas Nr. IX-123, *Valstybės žinios* Nr 111, 2000 12 29
  12. Seimo kontrolierių įstatymas Nr. VIII-950, *Valstybės žinios* Nr 110, 1998 12 16
  13. Administracinių ginčų komisijų įstatymo 8 straipsnio pakeitimo įstatymas Nr. IX-1389, *Valstybės žinios* Nr 35, 2003 4 11
  14. Administracinių ginčų komisijų įstatymo 3, 6, 8 straipsnių pakeitimo ir papildymo įstatymas Nr. IX-948, *Valstybės žinios* Nr 64, 2002 6 26
  15. Administracinių ginčų komisijų įstatymo 9 straipsnio pakeitimo įstatymas Nr. IX-664, *Valstybės žinios* Nr 112, 2001 12 30
  16. Administracinių Ginčų Komisijų Įstatymo 3, 4, 6 Straipsnių Pakeitimo Ir Papildymo Įstatymas Nr. VIII-1941, *Valstybės žinios* Nr 85, 2000 10 11
  17. Administracinių Ginčų Komisijų Įstatymo 2, 5, 9, 13, 18, 19 Straipsnių Pakeitimo Ir Papildymo Įstatymas Nr. VIII-1930, *Valstybės žinios* Nr 85, 2000 10 11
  18. Administracinių ginčų komisijų įstatymas Nr. VIII-1031, *Valstybės žinios* Nr 13, 1999 2 3
  19. Viešojo administravimo įstatymo 13 straipsnio pakeitimo įstatymas Nr. IX-1765, *Valstybės žinios* Nr 14, 2003 11 5
  20. Viešojo administravimo įstatymo 39 straipsnio pakeitimo įstatymas Nr. IX-1281, *Valstybės žinios* Nr 123, 2002 12 24
  21. Viešojo administravimo įstatymas Nr VIII-1234, *Valstybės žinios* Nr 60, 1999 7 9
  22. Vyriausybės nutarimas Nr. 1491 dėl piliečių ir kitų asmenų aptarnavimo viešojo administravimo ir kitose institucijose pavyzdinės tvarkos patvirtinimo, *Valstybės žinios* Nr 95, 2002 10 2
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23. Teisės gauti informaciją iš valstybės ir savivaldybių įstaigų įstatymo 3 straipsnio pakeitimo įstatymas Nr. VIII-1700, *Valstybės žinios* Nr 47, 2000 6 9
  24. Teisės gauti informaciją iš valstybės ir savivaldybių įstaigų įstatymas Nr. VIII-1524, *Valstybės žinios* Nr 10, 2000 2 2
  25. Visuomenės informavimo įstatymo 43 straipsnio pakeitimo įstatymas Nr. IX-972, *Valstybės žinios* Nr 68, 2002 7 3
  26. Visuomenės informavimo įstatymo 37 straipsnio pakeitimo įstatymas Nr. IX-561, *Valstybės žinios* Nr 93, 2001 11 7
  27. Visuomenės informavimo įstatymo 27, 39 straipsnių pakeitimo ir papildymo įstatymas Nr. IX-131, *Valstybės žinios* Nr 113, 2000 12 3
  28. Visuomenės informavimo įstatymo 2, 4, 18, 26, 28, 37, 38, 39, 49 straipsnių pakeitimo ir papildymo ir Visuomenės informavimo įstatymo pakeitimo įstatymo 3 straipsnio pakeitimo ir papildymo įstatymas Nr. IX-39, *Valstybės žinios* Nr 102, 2000 11 29
  29. Visuomenės informavimo įstatymo pakeitimo įstatymas Nr. VIII-1905, *Valstybės žinios* Nr 75, 2000 9 7
  30. Aplinkos apsaugos įstatymo 1, 4, 6, 7, 8, 9, 23 straipsnių, II skyriaus pavadinimo pakeitimo ir įstatymo papildymo 22-1 straipsniu įstatymas Nr. IX-677, *Valstybės žinios* Nr 2, 2001 1 9
  31. Aplinkos apsaugos įstatymas Nr. I-2223, *Valstybės žinios* Nr 5, 1992 2 20
  32. Aplinkos apsaugos įstatymo pakeitimo ir papildymo įstatymas Nr. I-1352, *Valstybės žinios* Nr 57, 1996 6 19
  33. Lietuvos Respublikos visuomenės informavimo įstatymo 1, 2, 23, 24, 29, 31, 32, 33, 35, 38, 39, 47, 48, 49, 51, 53 straipsnių pakeitimo ir papildymo, 25, 41 straipsnių pripažinimo netekusiais galios ir įstatymo papildymo 56 straipsniu bei priedu įstatymas Nr. IX-2176, *Valstybės žinios* Nr 73, 2004 4 30
  34. Lietuvos Respublikos visuomenės informavimo įstatymo 2 ir 28 straipsnių pakeitimo ir papildymo įstatymas Nr. IX-1853, *Valstybės žinios* Nr 117, 2003 12 17
  35. Lietuvos Respublikos teisės gauti informaciją iš valstybės ir savivaldybių įstaigų įstatymo 13 straipsnio pakeitimo įstatymas Nr. IX-1844, *Valstybės žinios* Nr 116, 2003 12 12
  36. Lietuvos Respublikos Vyriausybės nutarimas Nr. 1175 „Dėl Informacijos apie aplinką Lietuvos Respublikoje teikimo visuomenei tvarkos“, *Valstybės žinios* Nr 90, 1999 10 27
  37. Lietuvos Respublikos Vyriausybės 2005 m. vasario 21 d. nutarimas Nr. 198 “Dėl Lietuvos Respublikos Vyriausybės 1999 m. spalio 22 d. nutarimo Nr. 1175 “Dėl Informacijos apie aplinką Lietuvos Respublikoje teikimo visuomenei tvarkos” pakeitimo”, *Valstybės žinios* Nr 26, 2005 2 24

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**Luxembourg**


No notification received by 31 December 2005

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<b>Hungary</b>	<ol style="list-style-type: none"> <li>01. 2004. évi CXL. törvény a közigazgatási hatósági eljárás és szolgáltatás általános szabályairól , <i>Magyar Közlöny 2004/203.</i>, 16142-16190 o.</li> <li>02. A személyes adatok védelméről és nyilvánosságáról szóló 1992. évi LXIII. Törvény, <i>Magyar Közlöny 1992/116.</i>, 1992.11.17., 3962-3967 o.</li> <li>03. 1952. évi III. törvény a polgári perrendtartásról (Egységes szerkezetben.), <i>Magyar Közlöny 2003/33.</i>, 1992.11.17., 1651-1717 o.</li> <li>04. 1949. Evi XX. Törvény A Magyar Köztársaság Alkotmánya, <i>Magyar Közlöny 2002/161.</i>, 2002 2 23</li> <li>05. 2003. évi XCII. törvény az adózás rendjéről, <i>Magyar Közlöny 2003/131.</i>, 2003 11 10., 9990-10054 o.</li> <li>06. 2001. évi LXXXI. törvény a környezeti ügyekben az információhoz való hozzáférésről, a nyilvánosságnak a döntéshozatalban történő részvételéről és az igazságszolgáltatáshoz való jog biztosításáról szóló, Aarhusban, 1998. június 25-én elfogadott Egyezmény kihirdetéséről, <i>Magyar Közlöny 2001/136.</i>, 2001 12 4., 9546-9559 o.</li> <li>07. A környezet védelmének általános szabályairól szóló 1995. évi LIII. Törvény, <i>Magyar Közlöny 1995/52.</i>, 1995 6 22., 2780 o.</li> <li>08. 1959. évi IV. törvény a Magyar Köztársaság Polgári Törvénykönyvéről, <i>Magyar Közlöny 1959/40.</i>, 1959 8 11., 500 o</li> <li>09. 2005. évi XC.törvény az elektronikus információszabadságról, <i>Magyar Közlöny 2005/99.</i>, 5472-5480 o</li> <li>10. Concordance table</li> <li>11. 2005. évi CXXVII. törvény egyes környezetvédelmi, természetvédelmi és vízügyi feladat- és hatásköröket megállapító törvények európai közösségi jogi aktusnak való megfeleltetéssel összefüggő módosításáról, <i>Magyar Közlöny 2005/152.</i>, 2005 11 13., 8805-8810 o</li> </ol>
<b>Malta</b>	<ol style="list-style-type: none"> <li>01. L.N. 116 of 2005 ENVIRONMENT PROTECTION ACT (CAP. 435) Freedom of Access to Information on the Environment Regulations, 2005, <i>Suppliment tal-Gazzetta tal-Gvern ta' Malta</i>, 17,755, 19 ta' April, 2005, <i>Taqsim B</i>, 1613-1628</li> <li>02. L.N. 139 of 2005 ENVIRONMENT PROTECTION ACT (CAP. 435) Commencement Notice of the Freedom of Access to Information on the Environment Regulations, 2005, <i>Suppliment tal-Gazzetta tal-Gvern ta' Malta</i>, 17,768, 17 ta' Mejju, 2005, <i>Taqsim B</i>, 2221-2222</li> <li>03. Concordance table</li> </ol>
<b>Netherlands</b>	<ol style="list-style-type: none"> <li>01. Wet milieubeheer</li> <li>02. Wet openbaarheid van bestuur</li> <li>03. Besluit van 27/6/2005, houdende vaststelling van het tijdstip van inwerkingtreding van de Implementatiewet EG-richtlijnen eerste en tweede pijler Verdragvan Aarhus, <i>Staatscourant nr. 342 vom 7.7.2005</i></li> </ol>

	04.	Wet van 23 juni 2005, houdende wijziging van de Wet milieubeheer, de Wet openbaarheid van bestuur en de Archiefwet 1995 ten behoeve van de implementatie van richtlijn nr. 2003/4/EG van het Europees Parlement en de Raad van 28 januari 2003 inzake de toegang van het publiek tot milieu-informatie en tot intrekking van Richtlijn 90/313/EEG van de Raad (PbEU L 41) en van richtlijn nr. 2003/35/EG van het Europees Parlement en de Raad van 26 mei 2003 tot voorziening in inspraak van het publiek in de opstelling van bepaalde plannen en programma's betreffende het milieu en, met betrekking tot inspraak van het publiek en toegang tot de rechter, tot wijziging van de Richtlijnen 85/337/EEG en 96/61/EG van de Raad (PbEU L 156) (Implementatiewet EG-richtlijnen eerste en tweede pijler Verdrag van Aarhus), <i>Staatsblad nr. 341 van 7.7.2005</i>
<b>Austria</b>	01.	Umweltinformationsgesetz-Novelle 2004, <i>Bundesgesetzblatt für die Republik Österreich Teil I (BGBl.) Nr.6 vom 6.2.2005</i>
	02.	Steiermärkische Raumordnungsgesetznovelle, <i>Landesgesetzblatt Nr. 13 vom 23.3.2005</i>
	03.	Kärntner Informations- und Statistikgesetz, <i>Landesgesetzblatt Nr. 70 vom 17.10.2005</i>
	04.	Steiermärkisches Umweltinformationsgesetz, <i>Landesgesetzblatt Nr. 65 vom 8.8.2005</i>
	05.	Gesetz vom 12. Oktober 2005 über den Zugang zu Informationen über die Umwelt (Tiroler Umweltinformationsgesetz 2005 – TUIG 2005), <i>Landesgesetzblatt vom 13.10.2005</i>
<b>Poland</b>	01.	Ustawa z dnia 27 kwietnia 2001 r. Prawo ochrony środowiska, <i>Dziennik Usta z 20.6.2001</i>
	02.	Rozporządzenie Ministra Środowiska z dnia 17 czerwca 2003 r. w sprawie określenia wzoru publicznie dostępnego wykazu danych o dokumentach zawierających informacje o środowisku i jego ochronie, <i>Dziennik Usta nr 2003/110/1058 z 27.6.2003</i>
	03.	Rozporządzenie Ministra Środowiska z dnia 25 lutego 2003 r. w sprawie stawek opłat za udostępnienie informacji o środowisku i jego ochronie oraz sposobu uiszczania opłat, <i>Dziennik Usta z 25.3.2003</i>
<b>Portugal</b>		No notification received by 31 December 2005
<b>Slovenia</b>	01.	Zakon o upravnem sporu, <i>Uradni list RS št. 50 z 18.8.1997, str. 4334-4344</i>
	02.	Zakon o splošnem upravnem postopku, <i>Uradni list RS št. 80 z 1.10.1999, str. 12441-12477</i>
	03.	Zakon o spremembah in dopolnitvah zakona o upravnem sporu, <i>Uradni list RS št. 80 z 1.10.1999, str. 12441-12477</i>
	04.	Zakon o spremembi zakona o splošnem upravnem postopku, <i>Uradni list RS št. 70 z 8.8.2000, str. 8675</i>
	05.	Zakon o dopolnitvah zakona o splošnem upravnem postopku, <i>Uradni list RS št. 52 z 14.6.2002, str. 5266-5267</i>
	06.	Zakon o dostopu do informacij javnega značaja, <i>Uradni list RS št. 24 z 7.3.2003, str. 2786-2790</i>
	07.	Zakon o varstvu okolja, <i>Uradni list RS št. 41 z 22.4.2004, str.4818-4853</i>

	08.	Zakon o spremembah in dopolnitvah zakona o splošnem upravnem postopku, <i>Uradni list RS št. 73 z 5.7.2004, str. 8845-8857</i>
	09.	Zakon o ratifikaciji Konvencije o dostopu do informacij, udeležbi javnosti pri odločanju in dostopu do pravnega varstva v okoljskih zadevah, <i>Uradni list RS št. 17 z 7.6.2004, str. 4234-4253</i>
	10.	Zakon o spremembah in dopolnitvah Zakona o dostopu do informacij javnega značaja, <i>Uradni list RS št. 61 z 30.6.2005, str. 6311-6315</i>
	11.	Uredba o posredovanju in ponovni uporabi informacij javnega značaja, <i>Uradni list RS št. 76 z 12.8.2005, str. 8175-8180</i>
<b>Slovakia</b>	01.	Zákon č. 205/2004 Z. z. o zhromažďovaní, uchovávaní a šírení informácií o životnom prostredí a o zmene a doplnení niektorých zákonov, <i>Zbierka zákonov SR č. 90 z. 16.4.2004, str. 2127-2141</i>
<b>Finland</b>	01.	Vesihuoltolaki 9/02/2001/119, muutos 54/2005 Lag om vattentjänster 9/2/2001/119, ändring 54/2005 Ympäristöministeriön päätös (YM23/400/2004, 09.02.2005) ja muistio direktiivin 2003/4/EY edellyttämistä tehtävistä ympäristötiedon saatavuuden, aktiivisen ja järjestelmällisen levittämisen ja laadun varmistamiseksi, <i>Suomen Saadoskokoelma (SK) 54, 4.2.2005, s. 162</i>
<b>Sweden</b>	01.	Concordance table
<b>United Kingdom</b>	01.	The Environmental Information (Scotland) Regulations 2004, <i>Statutory Instrument No 520</i>
	02.	The Environmental Information Regulations 2004, <i>Statutory Instrument No 3391</i>

 **Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC**

*OJL 156, 25.6.2003, p. 17-24*

Transposition date: 25.6.2005

**Non-communication cases were opened against 18 Member States in relation to this Directive**

Of these, 14 infringements remained open at the end of 2005 — Belgium, Czech Republic, Germany, Spain, France, Ireland, Italy, Cyprus, Luxembourg, Hungary, Malta, Netherlands, Slovakia and Finland

<b>Belgium</b>	<ol style="list-style-type: none"><li>01. 7 September 2003. - Koninklijk besluit houdende de procedure tot vergunning en machtiging van bepaalde activiteiten in de zeegebieden onder de rechtsbevoegdheid van België, <i>Moniteur belge du 17.9.2003, p.46101-46111</i></li><li>02. 9 September 2003. - Koninklijk besluit houdende de regels betreffende de milieu-effectenbeoordeling in toepassing van de wet van 20 januari 1999 ter bescherming van het mariene milieu in de zeegebieden onder de rechtsbevoegdheid van België, <i>Moniteur belge du 17.9.2003, p.46111-46117</i></li><li>03. Arrêté royal du 20 juillet 2001 portant règlement général de la protection de la population, des travailleurs et de l'environnement contre le danger des rayonnements ionisants, <i>Moniteur belge du 30.8.2001</i></li></ol>
<b>Czech Republic</b>	No notification received by 31 December 2005
<b>Denmark</b>	<ol style="list-style-type: none"><li>01. Direktivet er gennemført i en række retsakter som fremgår af vedlagte fil</li><li>02. Lovbekendtgørelse nr. 753 af 25. august 2001 om miljøbeskyttelse</li><li>03. Lov nr. 309 af 2. maj 2005 om ændring af lov om miljøbeskyttelse</li><li>04. Bekendtgørelse nr. 943 af 16. september 2004 om godkendelse af listevirksomhed (godkendelsesbekendtgørelsen)</li><li>05. Bekendtgørelse nr. 477 af 15. juni 2005 om offentlighedens inddragelse ved udarbejdelse af visse planer og programmer på miljøområdet</li><li>06. Bekendtgørelse nr. 476 af 15. juni 2005 om ændring af bekendtgørelse om affald</li><li>07. Bekendtgørelse nr. 716 af 14. juli 2003 om mål- og grænseværdier for luftens indhold af visse forurenende stoffer</li><li>08. Concordance table</li><li>09. Bekendtgørelse nr. 809 om miljømæssig vurdering af visse anlæg og foranstaltninger på søterritoriet (VVM)</li><li>10. Bekendtgørelse om supplerende regler i medfør af lov om planlægning 1) (samlebekendtgørelse)</li><li>11. Concordance table</li></ol>



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12. Bekendtgørelse nr. 126 af 4. marts 1999 om miljømæssig vurdering af råstofindvinding på havbunden (VVM)
  13. Lov om ændring af visse miljølove
  14. Bekendtgørelse ommiljømæssig vurdering (VVM) af projekter til indvinding af kulbrinter og til etablering af rørledninger på dansk søterritorium og kontinentalsokkelområde
  15. Bekendtgørelse om vurdering af virkninger på miljøet af elproduktionsanlæg på havet
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**Germany**

01. Gesetz zur Einführung einer Strategischen Umweltprüfung und zur Umsetzung der Richtlinie 2001/42/EG (SUPG), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 37 vom 28.6.2005, S. 1746-1756*
  02. Gesetz zur Anpassung des Baugesetzbuchs an EU-Richtlinien (Europarechtsanpassungsgesetz Bau – EAG Bau), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 31 vom 30.6.2004, S. 1359-1382*
  03. Gesetz zur Ordnung des Wasserhaushalts (Wasserhaushaltsgesetz – WHG), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 59 vom 23.8.2002, S. 3245-3266*
  04. Verwaltungsverfahrensgesetz (VwVfG), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 4 vom 29.1.2003, S. 102-125*
  05. Verordnung zur Änderung bergrechtlicher Verordnungen, *Bundesgesetzblatt Teil 1 (BGBl) Nr. 51 vom 17.8.1998, S. 2093-2095*
  06. Verordnung über das Verfahren bei der Genehmigung von Anlagen nach § 7 des Atomgesetzes (Atomrechtliche Verfahrensverordnung - AtVfV), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 8 vom 16.2.1995, S. 180-187*
  07. Neunte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über das Genehmigungsverfahren - 9.BImSchV), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 25 vom 11.6.1992, S. 1001-1010*
  08. Verwaltungsgerichtsordnung (VwGO), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 18 vom 26.3.1991, S. 686-711*
  09. Gesetz zur Förderung der Kreislaufwirtschaft und Sicherung der umweltverträglichen Beseitigung von Abfällen (Kreislaufwirtschafts- und Abfallgesetz - KrW-/AbfG), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 66 vom 16.10.1994, S. 2705-2728*
  10. Gesetz zur Umsetzung der UVP-Änderungsrichtlinie, der IVU-Richtlinie und weiterer EG-Richtlinien zum Umweltschutz, *Bundesgesetzblatt Teil 1 (BGBl) Nr. 40 vom 2.8.2001, S. 1950-2021*
  11. Verordnung über die Umweltverträglichkeitsprüfung bergbaulicher Vorhaben (UVP-V Bergbau), *Bundesgesetzblatt Teil 1 (BGBl) Nr. 35 vom 21.7.1990, S. 1420-1421*
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	12. Gesetz zur Neuregelung des Rechts des Naturschutzes und der Landschaftspflege und zur Anpassung anderer Rechtsvorschriften (BNatSchGNeuregG), <i>Bundesgesetzblatt Teil 1 (BGBl) Nr. 22 vom 3.4.2002, S. 1193-1218</i>
	13. Gesetz zum Schutz vor schädlichen Umwelteinwirkungen durch Luftverunreinigungen, Geräusche, Erschütterungen und ähnliche Vorgänge (Bundes-Immissionsschutzgesetz – BImSchG), <i>Bundesgesetzblatt Teil 1 (BGBl) Nr. 71 vom 4.10.2002, S. 3830-3855</i>
	14. Zweite Verordnung zur Änderung bergrechtlicher Verordnungen, <i>Bundesgesetzblatt Teil 1 (BGBl) Nr. 22 vom 3.4.2002, S. 1193-1218</i>
	15. Gesetz über die Umweltverträglichkeitsprüfung (UVPG), <i>Bundesgesetzblatt Teil 1 (BGBl) Nr. 50 vom 19.8.2005, S. 2452-2456</i>
<b>Estonia</b>	01. Keskkonnamõju hindamise ja keskkonnajuhtimissüsteemi seadus, <i>Elektroniline Riigi Teataja RTI, 24.03.2005, 15, 87</i>
<b>Greece</b>	01. Υπουργική Απόφαση 37111/2021 δημοσιευμένη στην <i>Εφημερίδα της Κυβερνήσεως ΦΕΚ, Τεύχος Α, αριθ. 1391 της 29.9.2003, σ. 19377</i>
<b>Spain</b>	No notification received by 31 December 2005
<b>France</b>	No notification received by 31 December 2005
<b>Ireland</b>	01. Planning and Development Regulations 2005, <i>Statutory Instrument. No 364 of 2005</i>
<b>Italy</b>	No notification received by 31 December 2005
<b>Cyprus</b>	01. Ο περί της Εκτίμησης των Επιπτώσεων στο Περιβάλλον από Ορισμένα Έργα Νόμος του 2005, <i>Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 4055 της 2.12.2005, σ. 1090-1137</i>
<b>Latvia</b>	01. Likums “Par vides aizsardzību”, <i>Latvijas Vēstnesis Nr. 33, 29.8.1991</i>
	02. Atkritumu apsaimniekošanas likums, <i>Latvijas Vēstnesis Nr. 473/476, 29.12.2000</i>
	03. Likums Par 1998.gada 25.jūnija Orhūsas konvenciju par pieeju informācijai, sabiedrības dalību lēmumu pieņemšanā un iespēju griezties tiesu iestādēs saistībā ar vides jautājumiem, <i>Latvijas Vēstnesis Nr. 64, 26.4.2002</i>
	04. Grozījumi likumā “Par vides aizsardzību”, <i>Latvijas Vēstnesis Nr. 62, 21.4.2004</i>
<b>Lithuania</b>	01. Lietuvos Respublikos Planuojamos Ūkinės Veiklos Poveikio Aplinkai Vertinimo Įstatymo Pakeitimo Įstatymas Nr. X-258 (Nauja Redakcija), <i>Valstybės žinios Nr. 84, 2005 7 12</i>
	02. Lietuvos Respublikos Vyriausybės 2005 m. liepos 13 d. nutarimas Nr. 761 “Dėl Lietuvos Respublikos Vyriausybės 1999 m. spalio 22 d. nutarimo Nr. 1175 „Dėl Informacijos apie aplinką Lietuvos Respublikoje teikimo visuomenei tvarkos aprašo patvirtinimo” pakeitimo”, <i>Valstybės žinios Nr. 86, 2005 7 16</i>


	03.	Lietuvos Respublikos Aplinkos Ministro 2005 M. Liepos 15 D. Įsakymas Nr. D1-370 “Dėl Visuomenės Informavimo Ir Dalyvavimo Planuojamos Ūkinės Veiklos Poveikio Aplinkai Vertinimo Procese Tvarkos Aprašo Patvirtinimo”, <i>Valstybės žinios Nr. 93, 2005 8 2</i>
	04.	Lietuvos Respublikos Aplinkos Ministro 2005 M. Liepos 26 D. Įsakymas Nr. D1-381 “Dėl Visuomenės Informavimo Ir Dalyvavimo Rengiant Planus Ir Programas, Skirtas Aplinkos Oro Ir Vandens Apsaugai Bei Atliekų Tvarkymui, Tvarkos Aprašo Patvirtinimo”, <i>Valstybės žinios Nr. 102, 2005 8 23</i>
	05.	Lietuvos Respublikos Aplinkos Ministro 2005 M. Birželio 29 D. Įsakymas Nr. D1-330, <i>Valstybės žinios Nr. 103, 2005 8 25</i>
<b>Luxembourg</b>	01.	Règlement grand-ducal du 14 juillet 2005 modifiant l’article 7 du règlement grand-ducal du 17 mars 1998 portant application de la directive 96/62/CE du Conseil du 27 septembre 1996 concernant l’évaluation et la gestion de la qualité de l’air ambiant, <i>Mémorial Grand-Ducal A n° 105 du 21.7.2005, p. 1850</i>
<b>Hungary</b>	01.	2005. évi CXXVII. törvény egyes környezetvédelmi, természetvédelmi és vízügyi feladat- és hatásköröket megállapító törvények európai közösségi jogi aktusnak való megfeleltetéssel összefüggő módosításáról, <i>Magyar Közlöny 2005/152., 2005.11.13., 8805-881 o.</i>
<b>Malta</b>	01.	Integrated Pollution Prevention and Control (Amendment) Regulations, 2004, <i>Suppliment tal-Gazzetta tal-Gvern ta’ Malta, 17,574, 30 ta’ April, 2004, Taqsima B, 4123-4136</i>
<b>Netherlands</b>	01.	Wet van 23/6/2005, houdende wijziging van de Wet milieubeheer, de Wet openbaarheid van bestuur en de Archiefwet 1995 ten behoeve van de implementatie van richtlijn nr. 2003/4/EG van het EP en de Raad van 28/1/2003 inzake de toegang van het publiek tot milieu-informatie en tot intrekking van richtlijn 90/313/EEG van de Raad (PbEU L 41) en van richtlijn nr. 2003/35/EG van het EP en de Raad van 26/5/2003 tot voorziening in inspraak van het publiek in de opstelling van bepaalde plannen en programma’s betreffende het milieu en, met betrekking tot inspraak van het publiek en toegang tot de rechter, tot wijziging van de Richtlijnen 85/337/EEG en 96/61/EEG van de Raad (PbEU L 156) (Implementatiewet EG-richtlijnen eerste en tweede pijler Verdrag van Aarhus), <i>Staatsblad nr. 41 van 7.7.2005, blz. 1-5</i>
	02.	Besluit van 20/6/2005 ter vervanging van het Besluit luchtkwaliteit en tot uitvoering van richtlijn nr. 2000/69/EG van het EP en de Raad van de EU van 16/11/2000 betreffende grenswaarden voor benzeen en koolmonoxide in de lucht (PbEG L 313), (Besluit luchtkwaliteit 2005), <i>Staatsblad nr. 316 van 23.6.2005, blz. 1-41</i>
	03.	Besluit van 8 oktober 2005, houdende wijziging van het Inrichtingen- en vergunningenbesluit milieubeheer (implementatie IPPC-richtlijn en EG-inspraakrichtlijn), <i>Staatsblad nr. 527 van 27.10.2005, blz. 1-18</i>

<b>Austria</b>	<ol style="list-style-type: none"> <li>01. Gesetz vom 30. September 2004 über die Umweltprüfung und Öffentlichkeitsbeteiligung bei der Ausarbeitung bestimmter Pläne und Programme im Land Kärnten (Kärntner Umweltplanungsgesetz – K-UPG), <i>Landesgesetzblatt Nr. 52, 25. Stück vom 16.11.2004</i></li> <li>02. Bundesgesetz, mit dem das Bundesverfassungs-gesetz und das Umweltverträglichkeitsprüfungs-gesetz 2000 geändert werden (UVP-G-Novelle 2004), <i>Bundesgesetzblatt für die Republik Österreich Teil I (BGBl.) Nr. 153 vom 30.12.2004</i></li> <li>03. Änderung des Abfallwirtschaftsgesetzes 2002 (AWG-Novelle 2004), <i>Bundesgesetzblatt für die Republik Österreich Teil I (BGBl.) Nr. 155 vom 30.12.2004</i></li> <li>04. Agrarrechtsänderungsgesetz 2005, <i>Bundesgesetzblatt für die Republik Österreich Teil I (BGBl.) Nr. 87 vom 10.8.2005</i></li> <li>05. Bundesgesetz, mit dem die Gewerbeordnung 1994, das Emissionsschutzgesetz für Kesselanlagen und das Mineralrohstoffgesetz geändert werden (Gewerberechtsnovelle 2005), <i>Bundesgesetzblatt für die Republik Österreich Teil I (BGBl.) Nr. 85 vom 10.8.2005</i></li> <li>06. Gesetz, mit dem das Wiener IPPC-Anlagengesetz geändert wird, <i>Landesgesetzblatt Nr. 45 vom 5.8.2005</i></li> <li>07. Gesetz vom 25. Mai 2005 über die integrierte Vermeidung und Verringerung der Umweltverschmutzung durch bestimmte Betriebsanlagen (IPPC-Anlagengesetz), <i>Landesgesetzblatt Nr. 59 vom 29.7.2005</i></li> </ol>
<b>Poland</b>	<ol style="list-style-type: none"> <li>01. Ustawa z dnia 18 maja 2005 r. o zmianie ustawy - Prawo ochrony środowiska oraz niektórych innych ustaw, <i>Dziennik Usta nr 2005/113/954 z 27.6.2005</i></li> </ol>
<b>Portugal</b>	<ol style="list-style-type: none"> <li>01. Ministério do Ambiente, do Ordenamento do Território e do Desenvolvimento Regional-Quarta alteração ao Decreto-Lei n.º 194/2000, de 21 de Agosto, que aprova o regime jurídico do licenciamento ambiental, na parte respeitante à participação do público, transpondo para a ordem jurídica nacional a Directiva n.º 2003/35/CE, do Parlamento Europeu e do Conselho, de 26 de Maio, <i>Diário da República – I Série-A N.o 156 de 16.8.2005, p. 4752-4754</i></li> <li>02. Ministério do Ambiente, do Ordenamento do Território e do Desenvolvimento Regional-Terceira alteração ao Decreto-Lei n.º 69/2000, de 3 de Maio, transpondo parcialmente para a ordem jurídica interna a Directiva n.º 2003/35/CE, do Parlamento Europeu e do Conselho, de 26 de Maio, <i>Diário da República – I Série-A N.o 214 de 8.11.2005, p. 6411-6439</i></li> </ol>
<b>Slovenia</b>	<ol style="list-style-type: none"> <li>01. Zakon o gospodarskih družbah, <i>Uradni list RS št.30 z 10.6.1993, str. 1611-1677</i></li> <li>02. Uredba o vrstah posegov v okolje, za katere je obvezna presoja vplivov na okolje, <i>Uradni list RS št.66 z 22.11.1996, str. 5498-5507</i></li> <li>03. Zakon o upravnem sporu, <i>Uradni list RS št.50 z 18.8.1997, str. 4334-4344</i></li> </ol>

	04. Zakon o ratifikaciji Konvencije o presoji čezmejnih vplivov na okolje, <i>Uradni list RS št. 11 z 19.6.1998, str. 188-202</i>
	05. Zakon o splošnem upravnem postopku, <i>Uradni list RS št. 80 z 1.10.1999, str. 12441-12477</i>
	06. Uredba o spremembah in dopolnitvah uredbe o vrstah posegov v okolje, za katere je obvezna presoja vplivov na okolje, <i>Uradni list RS št. 12 z 11.2.2000, str. 1573-1577</i>
	07. Zakon o tajnih podatkih, <i>Uradni list RS št. 87 z 8.11.2001, str. 8697-8703</i>
	08. Uredba o spremembah in dopolnitvah uredbe o vrstah posegov v okolje, za katere je obvezna presoja vplivov na okolje, <i>Uradni list RS št. 83 z 27.9.2002, str. 9077</i>
	09. Zakon o dostopu do informacij javnega značaja, <i>Uradni list RS št. 24 z 10.7.3.2003, str. 2786-2790</i>
	11. Zakon o varstvu okolja, <i>Uradni list RS št. 41 z 22.4.2004, str. 4818-4853</i> Uredba o vrsti dejavnosti in naprav, ki lahko povzročajo onesnaževanje okolja večjega obsega, <i>Uradni list RS št. 97 z 3.9.2004, str. 11767-11772</i>
<b>Slovakia</b>	01. Zákon č. 532/2005 Z. z., ktorým sa mení a dopĺňa zákon č. 245/2003 Z. z. o integrovanej prevencii a kontrole znečist'ovania životného prostredia a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a o zmene a doplnení niektorých zákonov, <i>Zbierka zákonov SR č. 217 z 3.12.2005</i>
<b>Finland</b>	No notification received by 31 December 2005
<b>Sweden</b>	01. Naturvårdsverkets allmänna råd om miljökonsbeskrivningar (till 6 kap. miljöbalken samt förordningen (1998:905) om miljökonsesekvensbeskrivningar), <i>Naturvårdsverkets författningssamling (NFS) 2001/9, 16.5.2001, s. 1-52</i>
<b>United Kingdom</b>	01. The Air Quality Limit Values (Amendment) (England) Regulations 2004, <i>Statutory Instrument 2004 No 2888</i>
	02. The Air Quality Limit Values (Wales) (Amendment) Regulations 2005, <i>Welsh Statutory Instrument 2005 No 1157 (W74)</i>
	03. The Air Quality Limit Values (Amendment) Regulations (Northern Ireland) 2004, <i>Statutory Rules of Northern Ireland 2004, No 514</i>
	04. The Air Quality Limit Values (Scotland) Amendment Regulations 2005, <i>Scottish Statutory Instrument 2005 No 300</i>
	05. The Pollution Prevention and Control (Public Participation) (England and Wales) Regulations 2005, <i>Scottish Statutory Instrument 2005 No 1448</i>
	06. Public Health (Air Quality) (Ozone) (Amendment) Rules 2005, <i>Second Supplement to the Gibraltar Gazette No 3476 of 23.6.2005</i>
	07. Public Health (Air Quality) (Ozone) (Amendment) Rules 2005, <i>Second Supplement to the Gibraltar Gazette No 3476 of 23.6.2005</i>
	08. The Environment Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005, <i>Statutory Instrument 2005 No 1399</i>

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09. The Protection of Water Against Agricultural Nitrate Pollution (Amendment) Regulations (Northern Ireland) 2005, *Statutory Rules of Northern Ireland 2005 No 306*
  10. The Nitrate (Public Participation etc.) (Scotland) Regulations 2005, *Scottish Statutory Instrument 2005 No 305*
  11. The Environmental Assessment of Plans and Programmes Regulations 2004, *Statutory Instrument 2004 No 1633*
  12. Town and Country Planning Act 1990 (c 8), *T&C Planning Act 1990*
  13. Planning and Compensation Act 1991 (c 34), *P&C Act 1991 (c 34)*
  14. The Town and Country Planning (Development Plan) (Amendment) Regulations 1997, *Statutory Instrument 1997 No 531*
  15. The Planning (Control of Major-Accident Hazards) Regulations 1999, *Statutory Instrument 1999 No 981*
  16. The Town and Country Planning (Development Plan) Regulations 1991, *Welsh Statutory Instrument 1991 No 2794*
  17. The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, *Welsh Statutory Instrument 2004 No 1656*
  18. Integrated Pollution Control and Air Pollution Control by Local Authorities, *EP Act 1990 (c 43)*
  19. Environment Act 1995 (c 25), *Environment Act 1995 (c25)*
  20. Environment Act 1995 (c 25), *Environment Act 1995 (c25)*
  21. The Town and Country Planning (Transitional Arrangements) (England) Regulations 2004, *Statutory Instrument 2004 No 2205*
  22. The Town and Country Planning (Local Development) (England) Regulations 2004, *Statutory Instrument 2004 No 2204*
  23. The Town and Country Planning (Regional Planning) (England) Regulations 2004, *Statutory Instrument 2004 No 2203*
  24. Parts 1 and 2 of, and Schedule 8 to, the Planning and Compulsory Purchase Act 2004, *P & C Act 2004*
  25. The Environmental Protection Act 1990 (c.43), *EP Act 1990*
  26. The Environmental Assessment of Plans and Programmes Regulations (NI) 2004, *Statutory Rules of Northern Ireland 2004 No 280*
  27. The Planning (Development Plans) Regulations (NI) 1991 No 119 as amended by S.R. 2004 No.438, *Statutory Rules of Northern Ireland 2004 No 438*
  28. The Planning (Development Plans) Regulations (NI) 1991 (S.R. 1991 No.119, as amended by S.R. 1994 No. 394, *Statutory Rules of Northern Ireland 2004 No 394*
  29. The Planning (Development Plans) Regulations (NI) 1991, *Statutory Rules of Northern Ireland 1991 No 119*
  30. Part III of the Planning (NI) Order 1991, *Statutory Instrument 1991 No 1220 (N.I.11)*
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31. The Waste and Contaminated Land (Northern Ireland) Order 1997, *Statutory Rules of Northern Ireland 1997 No 2778 (N.I.19)*
  32. Part III of the Planning (NI) Order 1991, as amended by S.I. 2003/430 (N.I.8), *Statutory Rules of Northern Ireland 2003 No 430 (N.I.8)*
  33. The Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983, *Scottish Statutory Instrument 1983 No 1590*
  34. The Town and Country Planning (Scotland) Act 1997 c 8, *T & C Planning Act 1997*
  35. Environmental Protection Act 1990 (c.43), *EP Act 1990 c 43*
  36. The Environment Act 1995 (c.25), *Environment Act 1995 c25*
  37. The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, *Scottish Statutory Instrument 2004 No 258*
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 **Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances**

*OJ L 345, 31.12.2003, p. 74-105*

Transposition date: 30.6.2005

**Non-communication cases were opened against 18 Member States in relation to this Directive**

Of these, 12 infringements remained open at the end of 2005 — Austria, Belgium, Cyprus, Czech Republic, Greece, Ireland, Luxembourg, Poland, Portugal, Denmark, Hungary and Slovenia

<b>Belgium</b>	No notification received by 31 December 2005
<b>Czech Republic</b>	No notification received by 31 December 2005
<b>Denmark</b>	01. Bekendtgørelse nr. 1156 af 18. november om kontrol med risikoen for større uheld med farlige stoffer
<b>Germany</b>	01. Verordnung zur Umsetzung der Richtlinie 2003/105/EG des Europäischen Parlaments und des Rates vom 16. Dezember 2003 zur Änderung der Richtlinie 96/82/EG des Rates zur Beherrschung der Gefahren bei schweren Unfällen mit gefährlichen Stoffen, <i>Bundesgesetzblatt Teil I (BGBl) Nr. 33 vom 16.6.2005, S. 1591-1597</i> 02. Gesetz zur Umsetzung der Richtlinie 2003/105/EG des Europäischen Parlaments und des Rates vom 16. Dezember 2003 zur Änderung der Richtlinie 96/82/EG des Rates zur Beherrschung der Gefahren bei schweren Unfällen mit gefährlichen Stoffen, <i>Bundesgesetzblatt Teil I (BGBl) Nr. 39 vom 30.6.2005, S. 1865-1866</i> 03. Gesetz über den Katastrophenschutz (Landeskatastrophenschutzgesetz – LKatSG), <i>Landesgesetzblatt (Länder) vom 11.3.2004</i> 04. Bayerisches Katastrophenschutzgesetz (BayKSG), <i>Landesgesetzblatt (Länder) vom 24.4.2001</i> 05. Gesetz über die Gefahrenabwehr bei Katastrophen (Katastrophenschutzgesetz – KatSG), <i>Landesgesetzblatt (Länder) vom 26.1.2004</i> 06. Gesetz über den Brandschutz, die Hilfeleistung und den Katastrophenschutz des Landes Brandenburg (Brandenburgisches Brand- und Katastrophenschutzgesetz - BbgBKG), <i>Landesgesetzblatt (Länder) vom 24.5.2004</i> 07. Bremisches Hilfeleistungsgesetz (BremHilfeG), <i>Landesgesetzblatt (Länder) vom 17.12.2002</i> 08. Hamburgisches Katastrophenschutzgesetz (HmbKatSG), <i>Landesgesetzblatt (Länder) vom 18.7.2001</i> 09. Hessisches Gesetz über den Brandschutz, die Allgemeine Hilfe und den Katastrophenschutz (HBKG), <i>Landesgesetzblatt (Länder)</i>



<b>Germany</b>	10.	Gesetz über den Katastrophenschutz in Mecklenburg-Vorpommern (Landeskatastrophenschutzgesetz - LKatSG M-V), <i>Landesgesetzblatt (Länder) vom 24.10.2001</i>	
	11.	Niedersächsisches Katastrophenschutzgesetz (NKatSG), <i>Landesgesetzblatt (Länder) vom 16.9.2004</i>	
	12.	Gesetz über den Feuerschutz und die Hilfeleistung (FSHG), <i>Landesgesetzblatt (Länder) vom 3.2.2005</i>	
	13.	Landesgesetz über den Brandschutz, die allgemeine Hilfe und den Katastrophenschutz (Brand- und Katastrophenschutzgesetz - LBKG -), <i>Landesgesetzblatt (Länder) vom 5.4.2005</i>	
	14.	Gesetz Nr. 1095 über den Katastrophenschutz im Saarland (Landeskatastrophenschutzgesetz - LKatSG - Saarland) vom 31. Januar 1979 (Amtsbl. S. 141) zuletzt geändert durch Gesetz Nr. 1484 vom 7. November 2001 (Amtsbl. S. 2158), <i>Landesgesetzblatt (Länder) vom 7.11.2001</i>	
	15.	Gesetz zur Neuordnung des Brandschutzes, Rettungsdienstes und Katastrophenschutzes im Freistaat Sachsen, <i>Landesgesetzblatt (Länder) vom 24.6.2004</i>	
	16.	AlGefPl - VO -Verordnung zur Aufstellung externer Alarm- und Gefahrenabwehrpläne - Sachsen-Anhalt -, <i>Gesetz und Verordnungsblatt (Länder) vom 4.10.2001</i>	
	17.	Gesetz über den Katastrophenschutz in Schleswig-Holstein (Landeskatastrophenschutzgesetz-LKatSG-), <i>Gesetz und Verordnungsblatt (Länder) vom 10.12.2000</i>	
	18.	Thüringer Gesetz über den Brandschutz, die Allgemeine Hilfe und den Katastrophenschutz (Thüringer Brand- und Katastrophenschutzgesetz - ThBKG), <i>Gesetz und Verordnungsblatt (Länder) vom 24.10.2001</i>	
	<b>Estonia</b>	01.	Ohtliku ja suurõnnetuse ohuga ettevõtte teabelehe, ohutusaruande ja hädaolukorra lahendamise plaanide koostamise ja esitamise kord ning suurõnnetuse ohuga ettevõtete loetelu pidamine, <i>Elektroniline Riigi Teataja, 24.5.2003</i>
		02.	Kemikaali ohtlikkuse alammäär ja ohtliku kemikaali künniskogus ning suurõnnetuse ohuga ettevõtte ohtlikkuse kategooria ja ohtliku ettevõtte määratlemise kord, <i>Elektroniline Riigi Teataja, 30.6.2005, 72, 994</i>
		03.	Ohtliku ja suurõnnetuse ohuga ettevõtte teabelehe, ohutusaruande ja hädaolukorra lahendamise plaanide koostamise ja esitamise kord ning suurõnnetuse ohuga ettevõtete loetelu pidamine, <i>Elektroniline Riigi Teataja, 2005, 79, 1107</i>
	<b>Greece</b>	No notification received by 31 December 2005	
	<b>Spain</b>	01.	Real Decreto 948/2005, de 29 de julio, por el que se modifica el Real Decreto 1254/1999, de 16 de julio, por el que se aprueban medidas de control de los riesgos inherentes a los accidentes graves en los que intervengan sustancias peligrosas, <i>Boletín Oficial del Estado número 181 de 30.7.2005, p. 27034-27043</i>



<b>France</b>	<p>01. Décret n° 2005-989 du 10/8/2005 modifiant la nomenclature des installations classées, <i>JORF du 13.8.2005, p. 1-6</i></p> <p>02. Arrêté du 29/9/2005 modifiant l'arrêté du 10/5/2000 modifié relatif à la prévention des accidents majeurs impliquant des substances ou des préparations dangereuses présentes dans certaines catégories d'installations classées pour la protection de l'environnement soumises à autorisation, <i>JORF du 7.10.2005, p. 1-7</i></p> <p>03. Décret n° 2005-1158 du 13/9/2005 relatif aux plans particuliers d'intervention concernant certains ouvrages ou installations fixes et pris en application de l'article 15 de la loi 2004-811 du 13/8/2004 relative à la modernisation de la sécurité civile, <i>JORF du 15.9.2005, p. 1-6</i></p> <p>04. Décret 1990-918 du 11/10/1990 relatif à l'exercice du droit à l'information sur les risques majeurs pris en application de l'article 21 de la loi n° 1987-565 du 22/7/1987 relative à l'organisation de la sécurité civile, à la protection de la forêt contre l'incendie et à la prévention des risques majeurs, <i>JORF du 13.10.1990, p. 1-6</i></p>
<b>Ireland</b>	No notification received by 31 December 2005
<b>Italy</b>	01. Attuazione della direttiva 2003/105/CE, che modifica la direttiva 96/82/CE, sul controllo dei pericoli di incidenti rilevanti connessi con determinate sostanze pericolose, <i>Gazzetta Ufficiale della Repubblica Italiana, Serie Generale n. 271, 21.11.2005</i>
<b>Cyprus</b>	No notification received by 31 December 2005
<b>Latvia</b>	<p>01. Ministru Kabineta 2001.gada 19.jūnija noteikumi Nr.259 "Rūpniecisko avāriju riska novērtēšanas kārtība un riska samazināšanas pasākumi", <i>Latvijas Vēstnesis Nr. 97, 22.6.2001</i></p> <p>02. Ķīmisko vielu un ķīmisko produktu likums, <i>Latvijas Vēstnesis Nr. 106, 21.4.1998</i></p> <p>03. Ministru Kabineta 2005.gada 19.jūlija noteikumi Nr. 532 "Noteikumi par rūpniecisko avāriju riska novērtēšanas kārtību un riska samazināšanas pasākumiem", <i>Latvijas Vēstnesis Nr. 121, 3.8.2005</i></p>
<b>Lithuania</b>	01. Lietuvos Respublikos Vyriausybės 2004 m. rugpjūčio 17 d. nutarimas Nr. 966 "Dėl pramoninių avarių prevencijos, likvidavimo ir tyrimo nuostatų patvirtinimo", <i>Valstybės žinios Nr. 130, 2004 8 21</i>
<b>Luxembourg</b>	No notification received by 31 December 2005
<b>Hungary</b>	<p>01. 1999. évi LXXIV. Törvény IV fejezete a katasztrófák elleni védekezés irányításáról, szervezetéről és a veszélyes anyagokkal kapcsolatos súlyos balesetek elleni védekezésről, <i>Magyar Közlöny 1999/60., 1999.6.30., 3956 o.</i></p> <p>02. 2000. évi XXV. törvény a kémiai biztonságról, <i>Magyar Közlöny 2000/38., 2000.4.26., 2058-2071 o.</i></p>

	03.	2/2001. (I. 17.) Korm. rendelet a veszélyes anyagokkal kapcsolatos súlyos balesetek elleni védekezésről, <i>Magyar Közlöny 2001/6., 2001.1.17., 210 o.</i>
	04.	A Kormány 211/2002. (X. 1.) Korm. Rendelete a veszélyes anyagokkal kapcsolatos súlyos balesetek elleni védekezésről szóló 2/2001. (I. 17.) Korm. rendelet és az ENSZ EGB keretében létrejött, az Ipari Balesetek Országhatáron Túli Hatásairól, Helsinkiben, 1992. március 17-én kelt Egyezmény kihirdetéséről szóló 128/2001. (VII. 13.) Korm. rendelet módosításáról, <i>Magyar Közlöny 2002/126., 2002.10.1., 6745 o.</i>
<b>Malta</b>	01.	L.N. 6 of 2005 OCCUPATIONAL HEALTH AND SAFETY AUTHORITY ACT (CAP. 424) Control of Major Accident Hazards (Amendment) Regulations, 2005, <i>Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17705, 7 ta' Jannar, 2005 Taqsima B</i>
<b>Netherlands</b>	01.	Besluit van 24 juni 2005 tot wijziging van het Besluit risico's zware ongevallen 1999, het Besluit informatie inzake rampen en zware ongevallen en het Besluit rampbestrijdingsplannen inrichtingen in verband met de uitvoering van richtlijn nr. 2003/105/EG van het Europees Parlement en de Raad van de Europese Unie van 16 december 2003 tot wijziging van richtlijn nr. 96/82/EG van de Raad van de Europese Unie betreffende de beheersing van de gevaren van zware ongevallen waarbij gevaarlijke stoffen zijn betrokken (PbEU L 345), <i>Staatsblad nr. 429 van 6.9.2005</i>
<b>Austria</b>	01.	Verordnung des Bundesministers für Verkehr, Innovation und Technologie, mit der die Schifffahrtsanlagenverordnung geändert wird, <i>Bundesgesetzblatt für die Republik Österreich Teil II (BGBl.) Nr.124 vom 11.3.2004</i>
	02.	Steiermärkische Raumordnungsgesetznovelle, <i>Landesgesetzblatt Nr. 13/2005 vom 23.3.2005</i>
	03.	Verordnung der Steiermärkischen Landesregierung vom 15. November 2004, mit der nähere Bestimmungen betreffend die Beherrschung der Gefahren bei schweren Unfällen in Betrieben erlassen werden (Steiermärkische Seveso-II-Betriebe-unfallVO–StSBUV), <i>andesgesetzblatt Nr. 77/2004 vom 22.12.2004</i>
	04.	Gesetz vom 9. März 2005, mit dem das Tiroler Raumordnungsgesetz 2001 und die Tiroler Bauordnung 2001 geändert werden, <i>Landesgesetzblatt Nr. 35/2005 vom 9.3.2005</i>
	05.	Katastrophenhilfegesetz [Kärnten], <i>Landesgesetzblatt Nr. 54/2005 vom 30.6.2005</i>
	06.	Bundesgesetz, mit dem die Gewerbeordnung 1994, das Emissionsschutzgesetz für Kesselanlagen und das Mineralrohstoffgesetz geändert werden (Gewerberechtsnovelle 2005), <i>Bundesgesetzblatt für die Republik Österreich Teil I (BGBl.) Nr.85 vom 10.8.2005</i>
	07.	Novelle zum Burgenländischen Katastrophenhilfegesetz, <i>Landesgesetzblatt Nr. 61/2005 vom 27.7.2005</i>

	08. Gesetz über eine Änderung des Raumplanungsgesetzes (Vorarlberg), <i>Landesgesetzblatt Nr. 33/2005 vom 18.8.2005</i>
	09. (Wien) Gesetz über die Neuregelung der Elektrizitätswirtschaft (Wiener Elektrizitäts-wirtschaftsgesetz 2005 - WEIWG 2005), <i>Landesgesetzblatt Nr. 46/2005 vom 26.8.2005</i>
	10. Oö. Verordnung betreffend Grundsätze über den Inhalt und Form der externen Notfallpläne, <i>Landesgesetzblatt Nr. 88/2005 vom 19.8.2005</i>
	11. Oö. Raumordnungsgesetz-Novelle 2005, <i>Landesgesetzblatt Nr. 115/2005 vom 31.10.2005</i>
	12. Gesetz über Maßnahmen zur Bewältigung von Katastrophen, Großschadens-ereignissen und komplexen Schadensereignissen sowie die Einrichtung eines Krisenmanagements (Wiener Katastrophenhilfe- und Krisenmanagementgesetz - W-KKG), <i>Landesgesetzblatt Nr. 60/2003 vom 22.12.2003</i>
<b>Poland</b>	01. Rozporządzenie Ministra Gospodarki i Pracy z dnia 12 września 2005 r. zmieniające rozporządzenie w sprawie wymagań, jakim powinien odpowiadać raport o bezpieczeństwie zakładu o dużym ryzyku, <i>Dziennik Usta nr 2005/197/1632</i>
<b>Portugal</b>	No notification received by 31 December 2005
<b>Slovenia</b>	No notification received by 31 December 2005
<b>Slovakia</b>	01. Zákon č. 277/2005 Z. z., ktorým sa mení a dopĺňa zákon č. 261/2002 Z. z. o prevencii závažných priemyselných havárií a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a o zmene a doplnení zákona č. 587/2004 Z. z. o Environmentálnom fonde a o zmene a doplnení niektorých zákonov, <i>Zbierka zákonov SR č. 121 z. 29.6.2005</i>
<b>Slovakia</b>	02. Vyhláška Ministerstva životného prostredia Slovenskej republiky č. 451/2005 Z. z., ktorou sa mení a dopĺňa vyhláška Ministerstva životného prostredia Slovenskej republiky č. 489/2002 Z. z., ktorou sa vykonávajú niektoré ustanovenia zákona o prevencii závažných priemyselných havárií a o zmene a doplnení niektorých zákonov, <i>Zbierka zákonov SR č. 183 z. 12.10.2005</i>
	03. Vyhláška Ministerstva životného prostredia Slovenskej republiky č. 452/2005 Z. z., ktorou sa mení a dopĺňa vyhláška Ministerstva životného prostredia Slovenskej republiky č. 490/2002 Z. z. o bezpečnostnej správe a o havarijnom pláne, <i>Zbierka zákonov SR č. 183 z. 12.10.2005</i>
<b>Finland</b>	01. Självstyrelselag för Åland (71/1991), <i>Ålands Författningssamling (ÅFS) Nr 71, 16.8.1991</i>
	02. Landskapsförordning om tillämpning i landskapet Åland av riksförfattningar om explosionsfarliga ämnen och kemikalier (14/2004), <i>Ålands Författningssamling (ÅFS) Nr 14, 19.4.2004, s. 66-68</i>
	03. Landskapslag om ändring av landskapslagen om tillämpning i landskapet Åland av vissa riksförfattningar rörande explosionsfarliga ämnen (61/1995), <i>Ålands Författningssamling (ÅFS) Nr 61, 19.8.1995, s. 169-170</i>

	04. Valtioneuvoston asetus vaarallisten kemikaalien teollisesta käsittelystä ja varastoinnista annetun asetuksen muuttamisesta (484/2005) / Statsrådets förordning om ändring av förordningen om industriell hantering och upplagring av farliga kemikalier (484/2005), <i>Suomen Saadoskokoelma (SK) 484</i> , 30.6.2005, s. 2599-2626
	05. Valtioneuvoston asetus räjähdeasetuksen muuttamisesta (485/2005)/ Statsrådets förordning om ändring av förordningen om explosiva varor (485/2005), <i>Suomen Saadoskokoelma (SK) 485</i> , 30.6.2005, s. 2627
<b>Sweden</b>	01. Lag om ändring i lagen (1999:381) om åtgärder för att förebygga och begränsa följderna av allvarliga kemikalienolyckor, <i>Svensk författningssamling (SFS) 2005/349</i> , 31.5.2005
	02. Förordning om ändring i förordningen (1999:382) om åtgärder för att förebygga och begränsa följderna av allvarliga kemikalienolyckor, <i>Svensk författningssamling (SFS) 2005/352</i> , 31.5.2005
	03. Statens räddningsverks föreskrifter om åtgärder för att förebygga och begränsa följderna av allvarliga kemikalienolyckor, <i>Statens räddningsverks författningssamling 2005/2</i> , 22.6.2005
<b>United Kingdom</b>	01. The Control of Major Accident Hazards (Amendment) Regulations (Northern Ireland) 2005, <i>Statutory Rules of Northern Ireland 2005 No 305</i>

 **Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste**

*OJ L 47, 18.2.2004, p. 26-31*

Transposition date: 18.8.2005

**Non-communication cases were opened against 19 Member States in relation to this Directive**

Of these, 10 infringements remained open at the end of 2005 — Austria, Belgium, Cyprus, Denmark, Estonia, Greece, Spain, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta, Poland, Portugal, Slovenia, Germany and Czech Republic

<b>Belgium</b>	01. 21 oktober 2005. - Koninklijk Besluit tot wijziging van het Koninklijk besluit van 25 maart 1999 houdende bepaling van productnormen voor verpakkingen, <i>Staatsblad van 27.10.2005, blz. 46779-46786</i>
<b>Czech Republic</b>	No notification received by 31 December 2005
<b>Denmark</b>	01. Bekendtgørelse nr 790 af 14. august 2005 om ændring af bekendtgørelse om affald
<b>Germany</b>	No notification received by 31 December 2005
<b>Estonia</b>	No notification received by 31 December 2005
<b>Greece</b>	No notification received by 31 December 2005
<b>Spain</b>	No notification received by 31 December 2005
<b>France</b>	01. Décret n° 2005-1472 du 29/11/2005 modifiant le décret n° 1996-1008 du 18/11/1996 relatif aux plans d'élimination des déchets ménagers et assimilés, <i>JORF du 30.11.2005</i>
<b>Ireland</b>	No notification received by 31 December 2005
<b>Italy</b>	No notification received by 31 December 2005
<b>Cyprus</b>	No notification received by 31 December 2005
<b>Latvia</b>	01. Grozījumi Iepakojuma likumā, <i>Latvijas Vēstnesis Nr. 74, 11.5.2005</i> 02. 2005. gada 25. oktobra MK noteikumi nr. 805 „Grozījumi Ministru kabineta 2002.gada 2.aprīļa noteikumos Nr.140 “Iepakojuma klasifikācijas un marķēšanas noteikumi””, <i>Latvijas Vēstnesis Nr. 172, 28.10.2005</i> 03. Iepakojuma klasifikācijas un marķēšanas noteikumi Ķīmisko vielu un ķīmisko produktu likums, <i>Latvijas Vēstnesis Nr. 52, 5.4.2002</i>
<b>Lithuania</b>	01. Lietuvos Respublikos Pakuočių Ir Pakuočių Atliekų Tvarkymo Įstatymo 1, 2, 5, 7, 10 Straipsnių Pakeitimo Ir Įstatymo Papildymo Priedu Įstatymas Nr. X-286, <i>Valstybės žinios Nr. 86, 2005 7 16</i>
<b>Luxembourg</b>	No notification received by 31 December 2005
<b>Hungary</b>	No notification received by 31 December 2005
<b>Malta</b>	No notification received by 31 December 2005
<b>Netherlands</b>	01. Besluit van 24 maart 2005, houdende regels voor verpakkingen, verpakkingsafval, papier en karton (Besluit beheer verpakkingen en papier en karton), <i>Staatsblad nr. 183 van 7.4.2005</i>

<b>Austria</b>	No notification received by 31 December 2005
<b>Poland</b>	01. Ustawa z dnia 29 lipca 2005 r. o zmianie ustawy o odpadach oraz o zmianie niektórych innych ustaw, <i>Dziennik Usta nr 2005/175/1458</i> 02. Ustawa z dnia 11 maja 2001 r. o opakowaniach i odpadach opakowaniowych, <i>Dziennik Usta nr 2001/63/638</i>
<b>Portugal</b>	No notification received by 31 December 2005
<b>Slovenia</b>	No notification received by 31 December 2005
<b>Slovakia</b>	01. Vyhláška Ministerstva životného prostredia Slovenskej republiky č. 210/2005 Z. z. o vykonaní niektorých ustanovení zákona o obaloch, <i>Zbierka zákonov SR č. 92 z. 21.5.2005</i> 02. Nariadenie vlády Slovenskej republiky č. 220/2005 Z. z., ktorým sa ustanovujú záväzné limity pre rozsah zhodnocovania odpadov z obalov a pre rozsah ich recyklácie vo vzťahu k celkovej hmotnosti odpadov z obalov, <i>Zbierka zákonov SR č. 96 z. 31.5.2005</i>
<b>Finland</b>	01. Valtioneuvoston asetus pakkauksista ja pakkausjätteestä annetun valtioneuvoston päätöksen muuttamisesta. Statsrådets förordning om ändring av statsrådets beslut om förpackningar och förpackningsavfall, <i>Suomen Saadoskokoelma (SK) 817, 20.10.2005, s. 04046-04047</i>
<b>Sweden</b>	01. Förordning om ändring i förordningen (1997:185) om producentansvar för förpackningar, <i>Svensk författningssamling (SFS) 2005/221, 26.4.2005</i>
<b>United Kingdom</b>	01. The Producer Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2003, <i>Welsh Statutory Instrument 2003 No 3238</i> 02. The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2003, <i>Statutory Instrument 2003 No.3294</i> 03. The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2003, <i>Scottish Statutory Instrument 2003 No 613</i> 04. The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2004, <i>Statutory Rules of Northern Ireland 2004, No 106</i> 05. The Packaging (Essential Requirements) (Amendment) Regulations 2004, <i>Statutory Instrument 2004 No 1188</i> 06. The Producer Responsibility Obligations (Packaging Waste) Regulations 2005, <i>Statutory Instrument 2005 No 3468</i>

 **Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC**

*OJ L 143, 30.4.2004, p. 87-96*

Transposition date: 30.10.2005

**Non-communication cases were opened against 16 Member States in relation to this Directive**

Of these, all 16 infringements remained open at the end of 2005 — Cyprus, Greece, Spain, France, Ireland, Italy, Luxembourg, Malta, Portugal, Slovenia, Slovakia, Czech Republic, Denmark, Hungary, Netherlands and Sweden


<b>Belgium</b>	01. 7 oktober 2005. - Koninklijk besluit inzake de reductie van het gehalte aan vluchtige organische stoffen in bepaalde verven en vernissen en in producten voor het overspuiten van voertuigen, <i>Staatsblad van 19.10.2005, blz.44679-44680</i>
	02. 10 novembre 2005. - Arrêté du Gouvernement wallon du 10 novembre 2005 modifiant l'arrêté du Gouvernement wallon du 18 juillet 2002 portant conditions sectorielles relatives aux installations et/ou activités consommant des solvants, <i>Moniteur belge du 21.11.2005, p. 49958-49959</i>
<b>Czech Republic</b>	No notification received by 31 December 2005
<b>Denmark</b>	01. Bekendtgørelse nr. 1049 af 27. oktober 2005 om begrænsning af import, salg og anvendelse samt mærkning af flygtige organiske forbindelser fra anvendelse af organiske opløsningsmidler i visse malinger og lakker samt produkter til autoreparationslakering
	02. Paralleloptilling
<b>Germany</b>	01. Chemikalienrechtliche Verordnung zur Begrenzung der Emissionen flüchtiger organischer Verbindungen (VOC) durch Beschränkung des Inverkehrbringens lösemittelhaltiger Farben und Lacke (Lösemittelhaltige Farben- und Lack-Verordnung – ChemVOCFarbV), <i>Bundesgesetzblatt Teil I (BGBl) Nr. 70 vom 22.12.2004, S. 3508-3514</i>
<b>Estonia</b>	01. Välisõhu kaitse seadus, <i>Elektroniline Riigi Teataja, 19.5.2004</i>
<b>Greece</b>	No notification received by 31 December 2005
<b>Spain</b>	No notification received by 31 December 2005
<b>France</b>	No notification received by 31 December 2005
<b>Ireland</b>	No notification received by 31 December 2005
<b>Italy</b>	No notification received by 31 December 2005
<b>Cyprus</b>	No notification received by 31 December 2005
<b>Latvia</b>	01. Noteikumi par gaistošo organisko savienojumu emisijas ierobežošanu no noteiktiem produktiem, <i>Latvijas Vēstnesis Nr. 181, 11.11.2005</i>



<b>Lithuania</b>	<p>01. Lietuvos Respublikos Aplinkos Ministro Ir Lietuvos Respublikos Ūkio Ministro 2005 M. Liepos 25 D. Įsakymas Nr. D1-379/4-273 “Dėl Lakiųjų Organinių Junginių Kiekių, Susidarančių Naudojant Organinius Tirpiklius Tam Tikrų Dažų, Lakų Ir Transporto Priemonių Pakartotinės Apdailos Produktų Sudėtyje, Ribojimo Taisyklių Patvirtinimo”, <i>Valstybės žinios Nr. 143, 2005 2 8</i></p> <p>02. Aplinkos ministro 2002 m. gruodžio 5 d. įsakymas Nr. 620 “Dėl lakiųjų organinių junginių, susidarančių naudojant tirpiklius tam tikrų veiklos rūšių įrenginiuose, emisijos ribojimo tvarkos patvirtinimo”, <i>Valstybės žinios Nr. 15, 2003 2 12</i></p> <p>03. Lietuvos Respublikos Administracinių Teisės Pažeidimų Kodekso 41(3), 43, 87, 87(2), 87(3), 87(4), 87(5), 87(6), 189, 189(6), 239, 241(1), 259(1) Straipsnių Papildymo Ir Pakeitimo Įstatymas, <i>Valstybės žinios Nr. 64, 2000 7 31</i></p> <p>04. Administracinių teisės pažeidimų kodekso pakeitimo ir papildymo įstatymas Nr. IX-1702, <i>Valstybės žinios Nr. 74, 2003 7 25</i></p> <p>05. Lietuvos Respublikos Administracinių Teisės Pažeidimų Kodekso 189, 224, 235(1), 259(1) Straipsnių Pakeitimo Ir Papildymo Bei Kodekso Papildymo 99(8), 171(5) Straipsniais Įstatymas Nr. Ix-1824, <i>Valstybės žinios Nr. 111, 2003 11 28</i></p> <p>06. Concordance table</p>
<b>Luxembourg</b>	No notification received by 31 December 2005
<b>Hungary</b>	No notification received by 31 December 2005
<b>Malta</b>	No notification received by 31 December 2005
<b>Netherlands</b>	01. Besluit van 28 november 2005, houdende regels met betrekking tot het gebruik van organische oplosmiddelen in verven en vernissen en producten voor het overspuiten van voertuigen en tot wijziging van het Oplosmiddelenbesluit omzetting EG-VOS-richtlijn milieubeheer (Besluit organische oplosmiddelen in verven en vernissen Wms), <i>Staatsblad nr. 632 van 13.12.2005, blz. 1-13</i>
<b>Austria</b>	01. VOC-Anlagen-Verordnung, <i>Bundesgesetzblatt für die Republik Österreich Teil II (BGBl.), Nr. 42 vom 18.2.2005</i>
<b>Poland</b>	01. Rozporządzenie Ministra Gospodarki i Pracy z dnia 20 października 2005 r. w sprawie szczegółowych wymagań dotyczących ograniczenia emisji lotnych związków organicznych powstających w wyniku wykorzystywania rozpuszczalników organicznych w niektórych farbách, lakierach, preparatach do odnawiania pojazdów, <i>Dziennik Usta nr 2005/216/1826 z 31.10.2005</i>
<b>Portugal</b>	No notification received by 31 December 2005
<b>Slovenia</b>	No notification received by 31 December 2005
<b>Slovakia</b>	<p>01. Zákon č. 478/2002 Z. z. o ochrane ovzdušia a ktorým sa dopĺňa zákon č. 401/1998 Z. z. o poplatkoch za znečisťovanie ovzdušia v znení neskorších predpisov (zákon o ovzduší), <i>Zbierka zákonov SR č. 183 z. 20.8.2002</i></p> <p>02. Zákon č. 525/2003 Z. z. o štátnej správe starostlivosti o životné prostredie a o zmene a doplnení niektorých zákonov, <i>Zbierka zákonov SR č. 217 z. 12.12.2003</i></p>



	03.	Zákon č. 571/2005 Z. z., ktorým sa mení a doplňa zákon č. 478/2002 Z. z. o ochrane ovzdušia a ktorým sa doplňa zákon č. 401/1998 Z. z. o poplatkoch za znečisťovanie ovzdušia v znení neskorších predpisov (zákon o ovzduší) v znení neskorších predpisov a o zmene a doplnení niektorých zákonov, <i>Zbierka zákonov SR č. 230 z. 14.12.2005</i>
	04.	Tabuľka Zhody
<b>Finland</b>	01.	Valtioneuvoston asetus orgaanisten liuottimien käytöstä eräissä maaleissa ja lakoissa sekä ajoneuvojen korjausmaalaustuotteissa aiheutuvien haihtuvien orgaanisten yhdisteiden päästöjen rajoittamisesta. Statsrådet förordning om begränsning av utsläpp av flyktiga organiska föreningar förorsakade av användning av organiska lösningsmedel i vissa målarfärger ock lacker samt produkter för fordonsreparationslackering, <i>Suomen Saadoskokoelma (SK) 837, 27.10.2005, s. 4119-4128</i>
	02.	Valtioneuvoston asetus orgaanisten liuottimien käytöstä eräissä toiminnoissa ja laitoksissa aiheutuvien haihtuvien orgaanisten yhdisteiden päästöjen rajoittamisesta annetun valtioneuvoston asetuksen muuttamisesta. Statsrådets förordning om ändring av statsrådets förordning om begränsning av utsläpp av flyktiga organiska föreningar förorsakade av användning av organiska lösningsmedel i vissa verksamheter och anläggningar, <i>Suomen Saadoskokoelma (SK) 838, 27.10.2005, s.4129-4132</i>
<b>Sweden</b>	01.	Concordance table
	02.	Föreskrifter om ändring i förordningen (1998:941) om kemiska produkter och biotekniska organismer, <i>Svensk författningssamling (SFS) 2005/709, 4.10.2005</i>
	03.	Föreskrifter om ändring i Kemikalieinspektionens föreskrifter (KIFS 1998:8) om kemiska produkter och biotekniska organismer, <i>Kemikalieinspektionens författningssamling (KIFS) Konsumentverkets författningssamling (KOVFS) 2005/9</i>
	04.	Naturvårdsverkets föreskrifter om ändring i föreskrifterna (NFS 2001:11) om begränsning av utsläpp av flyktiga organiska föreningar förorsakade av användning av organiska lösningsmedel i vissa verksamheter och anläggningar, <i>Naturvårdsverkets författningssamling (NFS) 2005/14, 31.10.2005</i>
<b>United Kingdom</b>	01.	Environmental Protection - The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005, <i>Statutory Instrument 2005 No 2773</i>

 **Commission Directive 2004/73/EC of 29 April 2004 adapting to technical progress for the twenty-ninth time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)**

*OJL 152, 30.4.2004, p. 1-316*

Transposition date: 31.10.2005

**Non-communication cases were opened against 7 Member States for this Directive.**


Of these, all 7 infringements remained open at the end of 2005 — Czech Republic, Spain, Hungary, Ireland, Italy, Lithuania and Portugal

- |                       |  |
|-----------------------|--|
| <b>Belgium</b>        | <ol style="list-style-type: none"><li>01. 11 maart 2005. - Koninklijk besluit tot wijziging van het koninklijk besluit van 11 januari 1993 tot regeling van de indeling, de verpakking en het kenmerken van gevaarlijke preparaten met het oog op het op de markt brengen of het gebruik ervan, <i>Moniteur belge du 5.7.2005, p. 30680-30872</i></li><li>02. 17 maart 2005. - Koninklijk besluit tot wijziging van het koninklijk besluit van 24 mei 1982 houdende reglementering van het in de handel brengen van stoffen die gevaarlijk kunnen zijn voor de mens of voor zijn leefmilieu, <i>Moniteur belge du 5.7.2005, p. 30873-31068</i></li></ol>   |
| <b>Czech Republic</b> | <ol style="list-style-type: none"><li>01. Vyhláška č. 164/2004 Sb., kterou se stanoví základní metody pro zkoušení nebezpečných vlastností chemických látek a chemických přípravků z hlediska hořlavosti a oxidační schopnosti, <i>Sbírka zákonů z 14.04.2004, s. 2314-2337</i></li><li>02. Vyhláška č. 222/2004 Sb., kterou se u chemických látek a chemických přípravků stanoví základní metody pro zkoušení fyzikálně-chemických vlastností, výbušných vlastností a vlastností nebezpečných pro životní prostředí, <i>Sbírka zákonů z 29.04.2004, s. 3503-3504</i></li><li>03. Vyhláška č. 232/2004 Sb, kterou se provádějí některá ustanovení zákona o chemických látkách a chemických přípravcích a o změně některých zákonů, týkající se klasifikace, balení a označování nebezpečných chemických látek a chemických přípravků, <i>Sbírka zákonů z 30.04.2004, s. 4218-4916</i></li><li>04. Vyhláška č. 443/2004 Sb., kterou se stanoví základní metody pro zkoušení toxicity chemických látek a chemických přípravků, <i>Sbírka zákonů z 30.07.2004, s. 8550-8785</i></li><li>05. Vyhláška č. 369/2005 Sb., kterou se mění vyhláška č. 232/2004 Sb., kterou se provádějí některá ustanovení zákona o chemických látkách a chemických přípravcích a o změně některých zákonů, týkající se klasifikace, balení a označování nebezpečných chemických látek a chemických přípravků, <i>Sbírka zákonů z 26.09.2005, s. 6254-6918</i></li><li>06. Vyhláška č. 389/2005 Sb., kterou se mění vyhláška č. 222/2004 Sb., kterou se u chemických látek a chemických přípravků stanoví základní metody pro zkoušení fyzikálně-chemických vlastností, výbušných vlastností a vlastností nebezpečných pro životní prostředí, <i>Sbírka zákonů z 1.10.2005, s. 7142-7199</i></li></ol> |

	07. Vyhláška č. 449/2005 Sb., kterou se mění vyhláška č. 443/2004 Sb., kterou se stanoví základní metody pro zkoušení toxicity chemických látek a chemických přípravků, <i>Sbírka zákonů z 15.11.2005, s. 8178-8290</i>
	08. Srovnávací tabulka
<b>Denmark</b>	01. Bekendtgørelse nr. 923 af 28. september 2005 om listen over farlige stoffer (bind 1)
	02. Bekendtgørelse nr. 970 af 16. oktober 2005 om ændring af bekendtgørelse om klassificering, emballering, mærkning, salg og opbevaring af kemiske stoffer og produkter
	03. Bekendtgørelse nr. 969 af 16. oktober 2005 om ændring af bekendtgørelse om anmeldelse af nye kemiske stoffer
	04. Parallelopstilling
<b>Germany</b>	01. Verordnung zur Anpassung der Gefahrstoffverordnung an die EG-Richtlinie 98/24/EG und andere EG-Richtlinien, <i>Bundesgesetzblatt Teil 1 (BGBl) Nr. 74 vom 29.12.2004, S. 3758-3816</i>
<b>Estonia</b>	01. Liikurmasinate mootoritest eralduvate saasteainete heitkoguste piirväärtused, <i>Elektrooniline Riigi Teataja, 9.11.2004</i>
<b>Greece</b>	01. Υπουργική Απόφαση 558/2004 δημοσιευμένη στην <i>Εφημερίδα της Κυβερνήσεως ΦΕΚ, Τεύχος Β, αριθ. 605 της 6.5.2005, σ. 8367-8646</i>
<b>Spain</b>	No notification received by 31 December 2005
<b>France</b>	01. Arrêté du 4/8/2005 modifiant l'arrêté du 20/4/1994 relatif à la déclaration, la classification, l'emballage et l'étiquetage des substances et transposant la directive 2004/73/CE de la Commission du 29/4/2004 portant 29ème adaptation au progrès technique de la directive 67/548/CEE modifiée, <i>JORF du 11.8.2005, p. 1-2</i>
<b>Ireland</b>	No notification received by 31 December 2005
<b>Italy</b>	No notification received by 31 December 2005
<b>Cyprus</b>	01. Οι περί Επικίνδυνων Ουσιών (Ταξινόμηση, Συσκευασία και Σήμανση Επικίνδυνων Ουσιών και Παρασκευασμάτων) (Τροποποιητικοί) Κανονισμοί του 2005, <i>Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας αριθ. 4009 (Παράρτημα ΙΙΙ(Ι)) της 1.7.2005, σ. 5275</i>
<b>Latvia</b>	No notification received by 31 December 2005
<b>Lithuania</b>	01. Lietuvos respublikos aplinkos ministro ir lietuvos respublikos sveikatos apsaugos ministro 2005 m. Rugsėjo 19 d. Įsakymas nr. D1-453/v-714 “dėl lietuvos respublikos aplinkos ministro ir lietuvos respublikos sveikatos apsaugos ministro 2000 m. Gruodžio 19 d. Įsakymo nr. 532/742 „dėl pavojingų cheminių medžiagų ir preparatų klasifikavimo ir ženklavimo tvarkos” pakeitimo”, <i>Valstybės žinios Nr. 115, 2005 9 27</i>
	02. Lietuvos Respublikos aplinkos ministro 2005 m. spalio 3 d. įsakymas Nr. D1-478 “Dėl Lietuvos aplinkos apsaugos normatyvinių dokumentų LAND 74-2005, LAND 75-2005, LAND 76-2005 ir LAND 77-2005 patvirtinimo”, <i>Valstybės žinios Nr. 119, 2005 10 8</i>

<b>Luxembourg</b>	01. Règlement grand-ducal du 13 janvier 2005 modifiant et complétant les annexes I et V de la loi modifiée du 15 juin 1994 - relative à la classification, l'emballage et l'étiquetage des substances dangereuses - modifiant la loi du 11 mars 1981 portant réglementation de la mise sur le marché et de l'emploi de certaines substances et préparations dangereuses, <i>Mémorial Grand-Ducal A n° 15 du 31.1.2005, p. 251-253</i>
<b>Hungary</b>	No notification received by 31 December 2005
<b>Malta</b>	01. L.N. 499 of 2004 PRODUCT SAFETY ACT, 2001 (ACT NO. V OF 2001) The Dangerous Substances (Notification) (Amendment) (No. 2) Regulations, 2004, <i>Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17688, 7 ta' Diċembru, 2004 Taqsim B</i>
<b>Netherlands</b>	01. Richtlijn nr. 2004/73/EG van 29 april 2004 tot negenentwintigste aanpassing aan de vooruitgang van de techniek van richtlijn 67/548/EEG van de Raad betreffende de aanpassing van de wettelijke en bestuursrechtelijke bepalingen inzake de indeling, de verpakking en het kenmerken van gevaarlijke stoffen, <i>Staatscourant 26 oktober 2005, nr. 208, pag. 18</i> 02. Regeling van de Minister van Volksgezondheid, Welzijn en Sport van 10 oktober 2005, nr. VGP/P&L 2610351, houdende wijziging van de Nadere regels verpakking en aanduiding milieugevaarlijke stoffen en preparaten ter implementatie van richtlijn nr. 2004/73/EG (PbEU L 216), <i>Staatscourant 13 oktober 2005, nr. 199, pag. 12</i> 03. Regeling van de Staatssecretaris van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer en de Staatssecretaris van Sociale Zaken en Werkgelegenheid van 26 oktober 2005, nr. DGM/SAS/2005183872, ex artikel 4, eerste lid, van het Kennisgevingsbesluit Wet milieugevaarlijke stoffen, <i>Staatscourant 28 oktober 2005, nr. 210, pag. 20</i>
<b>Austria</b>	01. Bekanntmachung des Bundesministers für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft über die Veröffentlichung der Richtlinie 2004/73/EG der Kommission im Amtsblatt der Europäischen Gemeinschaft, mit der eine Änderung von Anhang I und Anhang V der Richtlinie 67/548/EWG des Rates über die Einstufung, Verpackung und Kennzeichnung gefährlicher Stoffe erfolgt ist sowie dem gemeinschaftsrechtlichen und innerstaatlichen In-Kraft-Treten der Änderungen, <i>Bundesgesetzblatt für die Republik Österreich Teil II (BGBl.), Nr. 418 vom 4.11.2004</i>
<b>Poland</b>	01. Rozporządzenie Ministra Zdrowia z dnia 28 września 2005 r. w sprawie wykazu substancji niebezpiecznych wraz z ich klasyfikacją i oznakowaniem, <i>Dziennik Ustaw nr 2005/201/1674 z 14.10.2005</i>
<b>Portugal</b>	No notification received by 31 December 2005
<b>Slovenia</b>	01. Pravilnik o postopku prijave in načinu ocenjevanja novih snovi, <i>Uradni list RS št.73 z 13.8.2002, str. 8156-8173</i> 02. Rozporządzenie Ministra Zdrowia z dnia 21 listopada 2005 r. zmieniające rozporządzenie w sprawie metod przeprowadzania badań właściwości fizykochemicznych, toksyczności i ekotoksyczności substancji i preparatów chemicznych, <i>Uradni list RS št. 36 z 14.5.1999, str. 4165-4176</i> 03. Pravilnik o razvrščanju, pakiranju in označevanju nevarnih snovi, <i>Uradni list RS št. 35 z 5.4.2005, str.03229-3237</i>

<b>Slovakia</b>	01. Výnos č. 2 Ministerstva hospodárstva Slovenskej republiky zo 4. mája 2005, ktorým sa mení a dopĺňa Výnos Ministerstva hospodárstva Slovenskej republiky č. 2/2002 na vykonanie zákona č. 163/2001 Z. z. o chemických látkach a chemických prípravkoch, <i>Vestník Ministerstva hospodárstva SR č.2 z 11.6.2005</i>
	02. Tabuľka Zhody
<b>Finland</b>	01. Sosiaali- ja terveystieteisteriön asetus vaarallisten aineiden luettelosta (509/2005) / Social- och hälsöförärdsmisteriets förordning om en förteckning över farliga ämnen (509/2005), <i>Suomen Saadoskokoelma (SK) 509, 6.7.2005, s. 2695-3185</i>
	02. Sosiaali- ja terveystieteisteriön asetus kemikaalien luokitusperusteista ja merkintöjen tekemisestä annetun sosiaali- ja terveystieteisteriön asetuksen muuttamisesta (687/2005) / Social- och hälsöförärdsmisteriets förordning om ändring av social- och hälsöförärdsmisteriets förordning om grunderna för klassificering samt märkning av kemikalier (687/2005), <i>Suomen Saadoskokoelma (SK) 687, 6.9.2005, s. 3704-3706</i>
<b>Sweden</b>	01. Concordance table
<b>United Kingdom</b>	01. The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 2005, <i>Statutory Rules of Northern Ireland No. 463</i>
	02. The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005, <i>Statutory Instrument No. 2571</i>

 **Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms (Text with EEA relevance)**

*OJL 338, 13.11.2004, p.18-23*

Transposition date: 13.11.2005

**No non-communication cases were opened in relation to this Directive during 2005**

<b>Belgium</b>	01. Décret du 10 Novembre 2004 instaurant un système d'échange de quotas d'émission de gaz à effet de serre, créant un Fonds wallon Kyoto et relatif aux mécanismes de flexibilité du Protocole de Kyoto, <i>Moniteur belge du 2.12.2004, p. 80700-80711</i>
<b>Czech Republic</b>	No notification received by 31 December 2005
<b>Denmark</b>	01. Lov nr. 410 af 1. juni 2005 om ændring af lov om CO <sub>2</sub> -kvoter (Anvendelse af kreditter i kvoteordningen)
<b>Germany</b>	01. Gesetz zur Einführung der projektbezogenen Mechanismen nach dem Protokoll von Kyoto zum Rahmenübereinkommen der Vereinten Nationen über Klimaänderungen vom 11. Dezember 1997, zur Umsetzung der Richtlinie 2004/101/EG und zur Änderung des Kraft-Wärme-Kopplungsgesetzes, <i>Bundesgesetzblatt Teil 1 Nr. 61 vom 29.09.2005, S. 2826-2884</i>
<b>Estonia</b>	No notification received by 31 December 2005
<b>Greece</b>	No notification received by 31 December 2005
<b>Spain</b>	01. Ley 1/2005, de 9 de marzo, por la que se regula el régimen del comercio de derechos de emisión de gases de efecto invernadero, <i>Boletín Oficial del Estado número 59 de 10.3.2005, p. 8405-8420</i> 02. Real DECRETO LEY 5 /2005, de 11 de marzo, de reformas urgentes para el impulso a la productividad y para la mejora de la contratación pública, <i>Boletín Oficial del Estado número 62 de 14.3.2005, p. 8832-8853</i>
<b>France</b>	01. Loi n° 2005-1319 du 26 octobre 2005 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de l'environnement, <i>JORF du 27.10.2005, p. 1-5</i>
<b>Ireland</b>	01. European Communities (Greenhouse Gas Emissions Trading) (Amendment) Regulations 2005, <i>Statutory Instrument No 706 of 11.11.2005</i>
<b>Italy</b>	No notification received by 31 December 2005
<b>Cyprus</b>	No notification received by 31 December 2005
<b>Latvia</b>	01. Grozījumi likumā "Par Apvienoto Nāciju Organizācijas Vispārējās konvencijas par klimata pārmaiņām Kioto protokolu", <i>Latvijas Vēstnesis Nr. 158, 2005.10.05.</i> 02. Grozījumi likumā "Par piesārņojumu", <i>Latvijas Vēstnesis Nr. 25, 2005.02.15.</i>

<b>Lithuania</b>	01. Lietuvos Respublikos Aplinkos Ministro 2005 M. Lapkričio 11 D. Įsakymas Nr. D1-542 “Dėl Aplinkos Ministro 2004 M. Balandžio 29 D. Įsakymo Nr. D1-231 „Dėl Šiltnamio Dujų Apyvartinių Taršos Leidimų Išdavimo Ir Prekybos Jais Tvarkos Aprašo Patvirtinimo” Pakeitimo” (nauja redakcija), <i>Valstybės žinios Nr. 137, 2005 3 7</i>
<b>Luxembourg</b>	No notification received by 31 December 2005
<b>Hungary</b>	No notification received by 31 December 2005
<b>Malta</b>	No notification received by 31 December 2005
<b>Netherlands</b>	No notification received by 31 December 2005
<b>Austria</b>	No notification received by 31 December 2005
<b>Poland</b>	01. Ustawa z dnia 22 grudnia 2004 r. o handlu uprawnieniami do emisji do powietrza gazów cieplarnianych i innych substancji, <i>Dziennik Ustaw nr 281 z 29.12.2004</i>
<b>Portugal</b>	No notification received by 31 December 2005
<b>Slovenia</b>	No notification received by 31 December 2005
<b>Slovakia</b>	No notification received by 31 December 2005
<b>Finland</b>	No notification received by 31 December 2005
<b>Sweden</b>	No notification received by 31 December 2005
<b>United Kingdom</b>	01. The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005, <i>Statutory Instrument 2005 No 2903</i>

## ANNEX III

### SCOREBOARD PER MEMBER STATE AND SECTOR SHOWING THE NUMBER OF NON-COMMUNICATION, NON-CONFORMITY AND BAD APPLICATION CASES

The Scoreboard uses the following typology for infringement cases<sup>81</sup>:

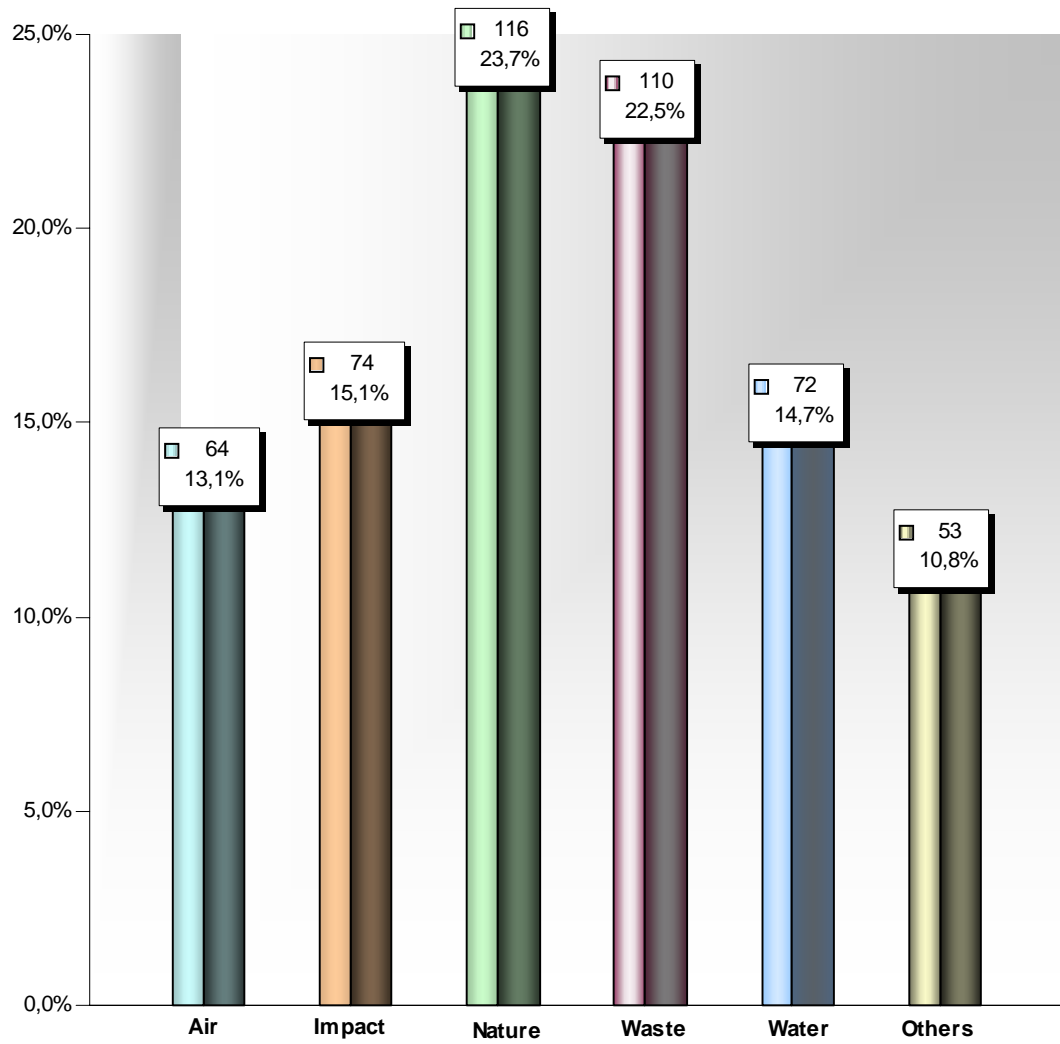
- **Non-communication (Table 1)** = Member State fails to adopt measures (national laws, regulations and administrative provisions) to transpose Directives and to communicate them to the Commission within the prescribed time limit.
- **Non-conformity (Table 2)** = Member State transposition measures do not conform to the requirements of the Directive.
- **Bad application (Table 3)** = through action or inaction, a Member State fails to comply with EU environmental law requirements other than the requirements to adopt and communicate correct implementing legislation.

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<sup>81</sup> Proceedings under Articles 226 and 228 of the EC Treaty.

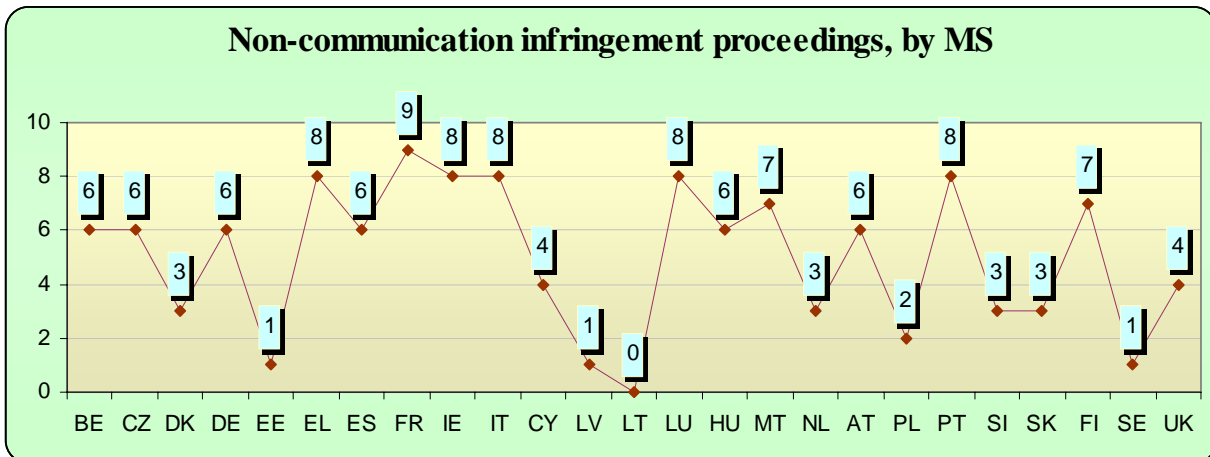
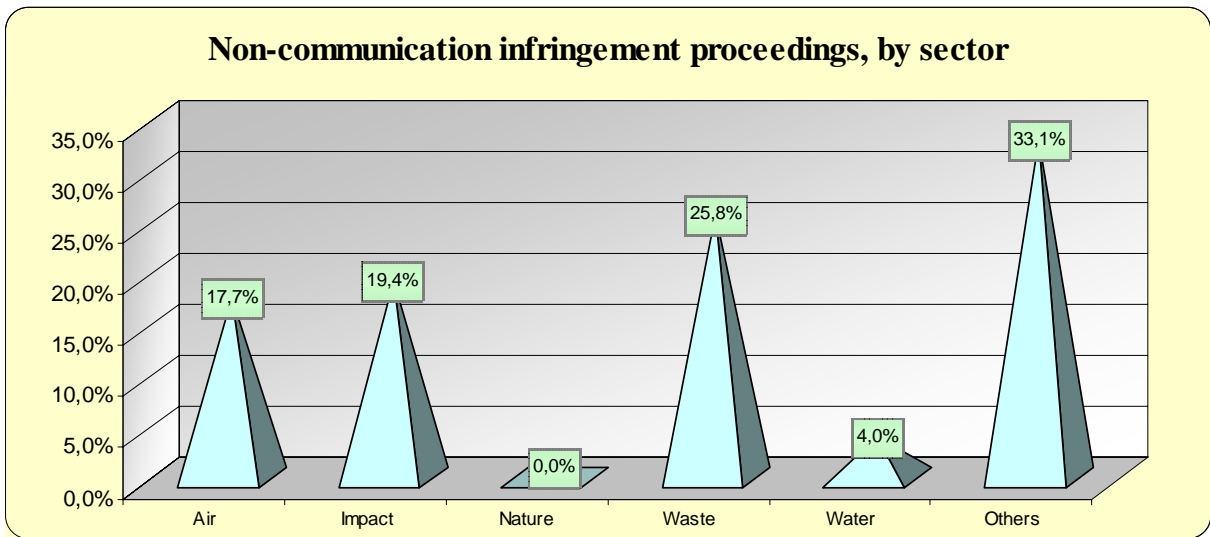


### Open Infringements by sector (31/12/2005)



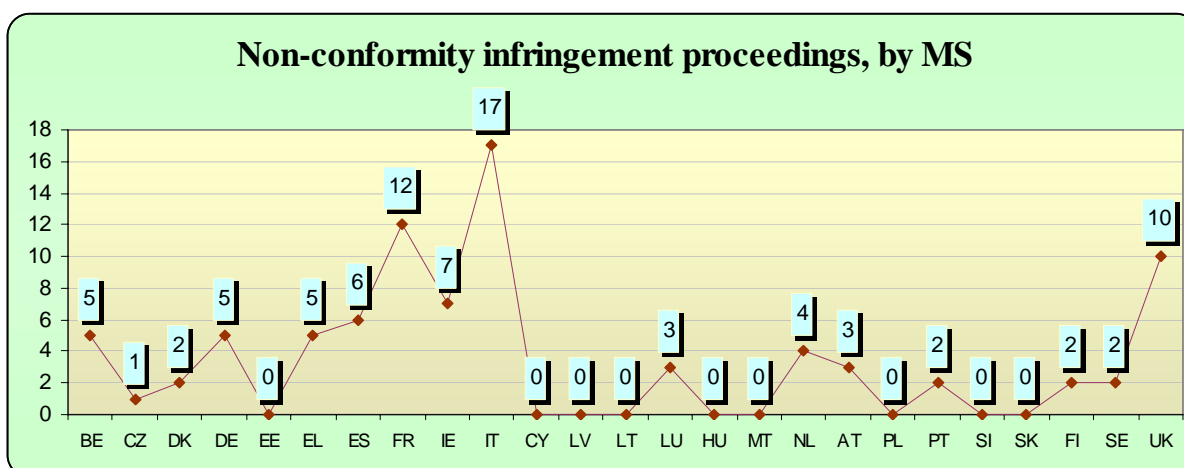
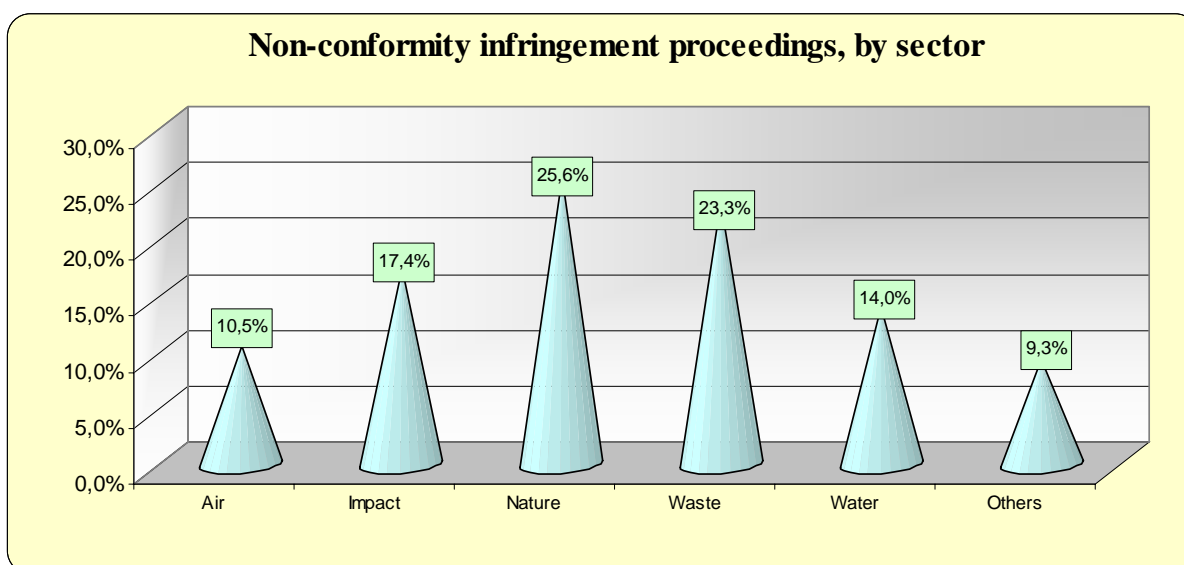
**Table 1: Non-communication infringement proceedings (31/12/2005)**

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK			
Air	0	1	1	0	0	2	1	1	1	3	1	0	0	1	1	2	1	1	0	1	1	1	1	1	1	0	22	17,7%
Impact	1	1	0	1	0	1	2	1	1	2	1	0	0	2	1	2	2	1	0	1	0	2	2	0	0	24	19,4%	
Nature	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0,0%
Waste	1	1	1	1	1	2	1	4	2	1	1	0	0	1	1	3	0	1	1	1	1	0	4	0	3	32	25,8%	
Water	1	0	0	1	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	5	4,0%	
Others	3	3	1	3	0	3	2	3	4	1	1	1	0	3	3	0	0	3	1	4	1	0	0	0	1	41	33,1%	
Total:	6	6	3	6	1	8	6	9	8	8	4	1	0	8	6	7	3	6	2	8	3	3	7	1	4	124	100,0%	



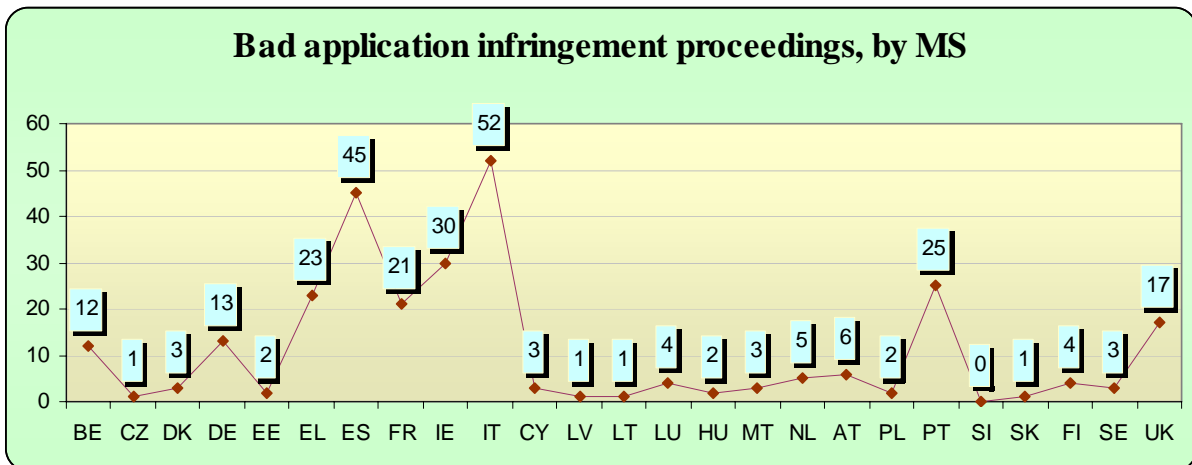
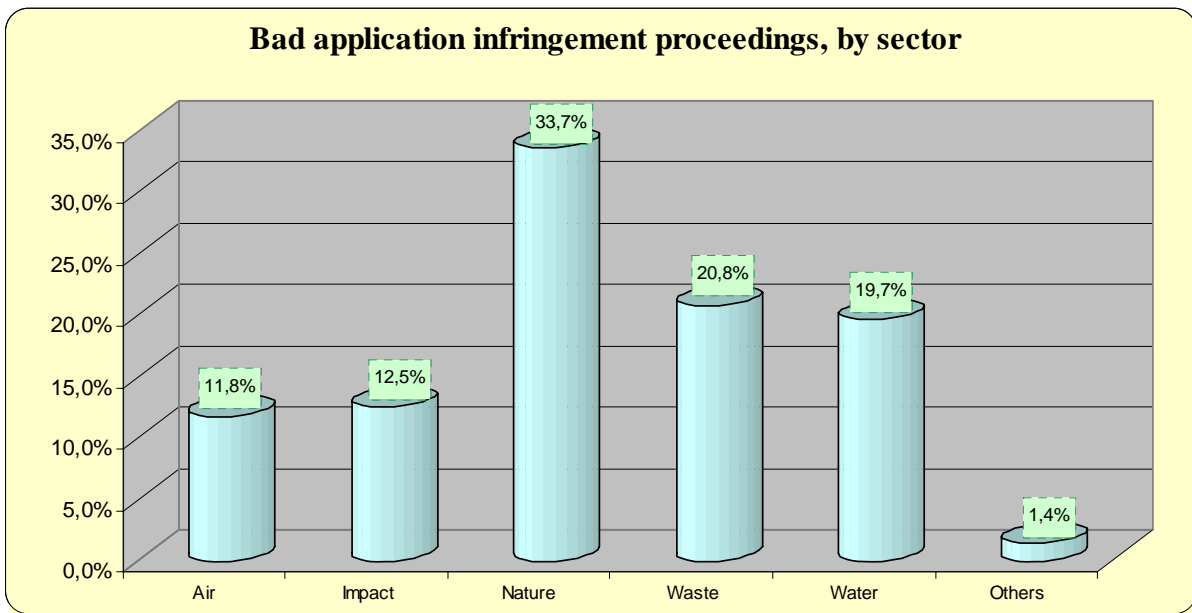
**Table 2: Non-conformity infringement proceedings (31/12/2005)**

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK			
Air	1	1	1	1	0	1	1	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	9	10,5%
Impact	1	0	0	0	0	0	2	1	1	2	0	0	0	0	0	0	0	0	0	1	0	0	1	1	5	15	17,4%	
Nature	0	0	1	2	0	2	1	5	2	2	0	0	0	0	0	0	1	2	0	1	0	0	1	0	2	22	25,6%	
Waste	1	0	0	1	0	1	1	1	0	10	0	0	0	1	0	0	1	0	0	0	0	0	0	0	1	2	20	23,3%
Water	2	0	0	1	0	1	1	2	3	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	12	14,0%	
Others	0	0	0	0	0	0	0	1	1	2	0	0	0	1	0	0	1	1	0	0	0	0	0	0	1	8	9,3%	
Total:	5	1	2	5	0	5	6	12	7	17	0	0	0	3	0	0	4	3	0	2	0	0	2	2	10	86	100,0%	

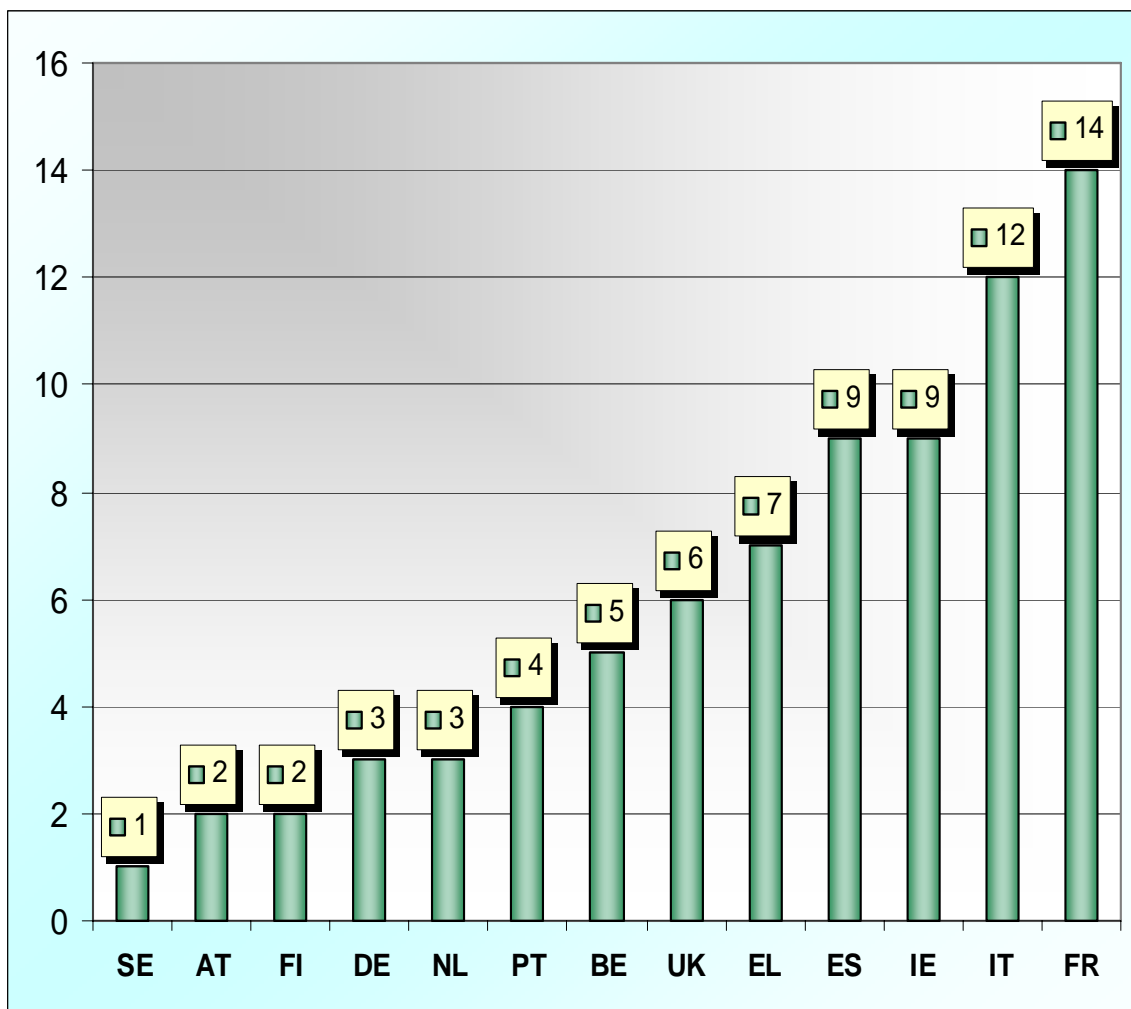


**Table 3: Bad application infringement proceedings (31/12/2005)**

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK		
Air	1	0	0	1	1	4	3	2	2	7	2	0	0	3	1	2	0	1	1	1	1	0	0	0	1	33	11,8%
Impact	1	0	1	3	0	0	8	0	7	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	35	12,5%
Nature	6	0	1	8	0	7	16	7	9	18	0	0	0	0	0	1	4	0	9	0	0	2	1	5	94	33,7%	
Waste	2	1	1	0	1	6	7	5	6	7	1	1	1	0	1	1	1	1	1	8	0	1	1	0	4	58	20,8%
Water	2	0	0	0	0	6	11	6	6	7	0	0	0	1	0	0	2	0	0	7	0	0	1	1	5	55	19,7%
Others	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	4	1,4%
Total:	12	1	3	13	2	23	45	21	30	52	3	1	1	4	2	3	5	6	2	25	0	1	4	3	17	279	100,0%



**Table 4: Article 228 cases**



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