



The EU and the ENVIRONMENT

This leaflet is a brief guide to the role of the EU in relation to the environment. It is one of a series of leaflets which are designed to provide information about the EU to people living in Ireland.





THE ROLE OF THE EU AND NATIONAL GOVERNMENTS

There is a very wide range of EU policies and laws dealing with the environment. These policies and laws are implemented by the governments of the Member States. Much of the legislation is quite technical in that it sets out detailed technical and scientific standards. It is also usual for the legislation to require Member States to provide information to the European Commission about how they are implementing the rules and about how effective they have been.

The Department of the Environment, Community and Local Government, the local authorities and the Environmental Protection Agency (EPA) are the main bodies responsible for the implementation of environmental legislation in Ireland.

EU environmental legislation is enforced in the same way as other EU legislation. The European Commission monitors its implementation and may bring individual Member States to the European Court of Justice (ECJ) for failure to properly implement it.

EU POLICY

The EU is considered to have the most extensive environmental laws of any international organisation. Its environmental policy is significantly intertwined with other international and national environmental policies. The environmental legislation of the EU has significant effects on those of its Member States, including Ireland. The EU's environmental legislation addresses issues such as acid rain, the thinning of the ozone layer, air quality, noise pollution and water pollution.

The main benefits of the policy are:

- The limitation of landfilling to non-recyclable and non-recoverable waste by 2020, an important step towards a more fully-fledged resource management approach to waste.

- On climate and energy policy, recognition of the need for a legally binding framework beyond 2020 to enable Member States and industry to make the necessary investments in emissions reduction, energy efficiency and renewable energy, taking into account the indicative milestones set out in the Low Carbon Economy Roadmap to 2050.
- Agreement on the need to address EU soil quality issues including consideration of a binding legal framework.
- Agreement on the establishment of a more coherent policy and legislative framework for sustainable consumption and production.
- Agreement on the need to establish an EU-wide quantitative reduction headline target for marine litter.
- Agreement that the combination effects of chemicals and safety concerns related to endocrine disruptors and nanomaterials must be effectively addressed across all relevant EU legislation.
- Agreement on the need to further develop inspection support capacity at EU level, in order to increase the efficiency and effectiveness of inspections. This will also contribute to a more level playing field within the EU.
- Agreement on the need to phase out environmentally harmful subsidies at Member State and EU level.
- The integration of environmental considerations including water protection and biodiversity conservation into land use planning decisions, with a view to making progress towards the objective of no net land take by 2050.

EU LAWS

The following are the main areas covered by EU environmental laws:

Nature and Biodiversity

The EU aims to ensure biodiversity by conserving natural habitats and wild fauna and flora. Legislation in this area includes specific laws on the conservation of wild birds and the designation of certain areas as Special Areas of Conservation.

Integrated Pollution Prevention and Control

The EU integrated pollution prevention and control (IPPC) Directive provides for a permit system for various activities including waste management. Various activities must have a licence to operate. They include energy production, intensive agriculture, cattle slaughtering, food production, activities involving chemicals and the production of paper.

Licence holders are required to use “**Best Available Technology**” to avoid pollution.



In Ireland, the decision on whether or not to grant a licence is made by the **EPA**. There are provisions for objecting to the award of a licence. The **EPA** may attach specific conditions to the licence. The **EPA** is responsible for ensuring that the licences are enforced and all the conditions attached are met. It maintains a register of licences and this is publicly available.

Waste Management

There is a range of EU Directives dealing with waste management. These include a general Directive setting out the basic requirements for handling waste and specific Directives on hazardous waste, waste oil, sewage sludge, packaging waste, end of life vehicles, waste electrical and electronic equipment, landfills and incineration of waste.

In Ireland, the Department of the Environment, Community and Local Government has overall responsibility for waste management policy. That policy and the legislation are implemented largely by the Environmental Protection Agency (**EPA**) and the local authorities.

Certain facilities which deal with the generation, recovery and disposal of waste require a licence from the **EPA**. The **EPA** keeps a public register of waste licences. The local authorities operate a permit system for certain waste disposal and recovery activities which do not require a licence from the **EPA**. The local authority must keep a register of these permits.

Water Pollution

EU Directives on water pollution include one which sets out an overall framework for the protection of water sources and a range of others which set specific standards for drinking water, surface

water, urban waste water treatment, bathing water, shellfish water and ground water. There is also a Directive to protect water against pollution caused by nitrates from agricultural sources.

In Ireland, the local authorities are responsible for the provision of water services and for ensuring that they meet quality standards. The **EPA** is required to publish an annual drinking water report.

Air Pollution

Again, there are a number of EU Directives including an overall Directive for assessing and managing air quality. There are specific Directives dealing with various emissions.

In Ireland, the **EPA** is responsible for assessing air quality. The occupiers of any premises (other than a private dwelling) are required to use the best practicable means to limit and, if possible, to prevent an emission of a pollutant from the premises. The local authority may serve a notice on the occupier specifying the measures necessary to prevent or limit air pollution.



Environmental Noise

There is an EU Directive dealing with the assessment and management of environmental noise. This Directive applies to noise from industrial activity and from road, rail and air traffic. It does not apply to domestic noise.

In Ireland, the **EPA** has overall responsibility for implementation. Local authorities also have a role as do the Dublin Airport Authority, the National Roads Authority, Iarnród Éireann and the Railway Procurement Agency.

Anyone may look for an order of the District Court to have noise ended or abated. You must give the person making the noise seven days notice of your intention to complain to the Court. The Court, having heard both sides, may order that the noise be ended or reduced or confined to specific times.



Environmental Impact Assessment

The Environmental Impact Assessment (EIA) Directive requires that assessments of the environmental impact of certain public and private projects be made before they are allowed to go ahead. The aim of the EIA process is to ensure that projects which are likely to have a significant effect on the environment are assessed in advance so that people are aware of what those effects are likely to be. The assessment must be carried out in certain cases, for example, motorways. Large scale developments in agriculture, the food industry, chemical industry, infrastructure and urban developments all require an EIA.

The EIA is drawn up by the developer and must contain an analysis of the likely effects, good and bad, of a proposed development on the environment, including on people, flora, fauna, soil, water, air, landscape and cultural heritage. It sets out how the developer proposes to deal with the bad effects. The EIA must include a non technical summary. The EPA has published Guidelines on the information to be included.

The EU Directive on Strategic Environmental Assessment (SEA) applies to a number of sectors including agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and land use planning. SEA means that plans and programmes must be assessed for their environmental effect before they are adopted.



Liability for Environmental Damage

The EU Directive on liability for damage to the environment aims to ensure that environmental damage is prevented or remedied. It is based on the "polluter pays" principle. Public authorities are required to ensure that responsible operators undertake themselves, or finance, the necessary preventive or remedial measures. Public interest groups, such as non-governmental organisations, may require public authorities to act, if this is necessary, and to challenge their decisions before the courts, if they consider that those decisions are illegal.

Genetically Modified Organisms (GMOs)

The EU legislation on GMOs provides that there must be an assessment of the risks to human health and the environment before any GMO or product consisting of or containing GMOs can be released into the environment or placed on the market.

Public information about the process in each case is available at:

<http://gmoinfo.jrc.ec.europa.eu/>

ACCESS TO ENVIRONMENTAL INFORMATION

The EU Directive on access to environmental information provides that individuals have the right to access environmental information held by public authorities. This information must be provided within one month of a request.

Among other things, the publicly available information must include:

- Environment policies, programmes and plans;
- Reports on the state of the environment (to be published at least every four years);
- Data on activities affecting the environment;
- Environmental authorisations and agreements;
- Environmental impact studies and risk assessments.

There is also a Directive on public participation in decision-making. It provides that Member States must ensure that mechanisms exist to facilitate public participation in decisions about the environment.

If you are not satisfied with your request for environmental information you may complain to the Commissioner for Environmental Information (who is also the Ombudsman and the Information Commissioner) at:

18 Lower Leeson Street, Dublin 2.

Tel: LoCall: **1890 253238**

www.oic.gov.ie



FURTHER INFORMATION

Detailed information on the various EU laws and policies is available at:
http://ec.europa.eu/environment/index_en.htm

Information on laws and policies in Ireland is available at:
www.environ.ie

The Office of Environmental Enforcement (OEE) is a section of the EPA which is specifically dedicated to the enforcement of environmental legislation. The OEE is based in Wexford. There are enforcement teams in Dublin, Cork and Mayo.

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