



Bureau Européen de l'Environnement
European Environmental Bureau

YOUR RIGHTS

under

EUROPEAN
COMMUNITY
ENVIRONMENT
LEGISLATION

EUROPEAN YEAR
OF THE ENVIRONMENT



European Environmental Bureau

The European Environmental Bureau (EEB) is a coalition of over 100 leading non-governmental organizations concerned about the environment in the European Community. It is an independent, international body according to Belgian law, with scientific and educational purposes.

The EEB was established in 1974 and has a Brussels-based secretariat.

Its objectives, as defined in the by-laws, are:

- to promote an equitable and sustainable life style
- to promote the protection and the conservation of the environment, the restoration and the better use of human and natural resources, particularly within EC countries
- to make all necessary information available to members and other organizations likely to assist in the realization of these aims
- to use educational and other means to increase public awareness of these problems
- to make recommendations in pursuit of the objectives of the Bureau and to submit these to the appropriate authorities.

Executive committee 1987

President:	Michael J. Scoullios (GR)
Vice-presidents:	Robin Grove-White (UK) Gerrit Vonkeman (NL)
Treasurer:	Raymond van Ermen (B)
Members:	David Rehling (DK), Armando Montanari (I), Rui Cunha (P), Humberto da Cruz (E), Fergus O'Gorman (IRL), Jean-Marie Peiffer (LUX), Patrick Legrand (F), Helmut Röscheisen (D)
Secretary General:	Ernst R. Klatte
Honorary President:	Louis-Paul Suetens
Honorary Members:	Hubert V. David, Edgar Kesteloot, Geneviève Verbrugge, Margaret Sweeney Desideria Pasolini

European Environmental Bureau

Maison Européenne de l'Environnement

Rue du Luxembourg 20

B-1040 Brussels

Tel: 514.14.32 / 514.12.50

Tlx: 62720 bee b Fax: 514.09.37

Bank: Kredietbank, Agence Schuman, Brussels

Account No.: 426-4098771-14

This booklet was prepared for the European Environmental Bureau (EEB) by
Angelliki Kallia-Antoniou.

The nature of the European Community and its law

The European Community (EC) was originally created by the Treaty of Rome in 1957 which sets out the powers and duties of the various institutions of the Community. These institutions can propose and adopt legislation which is binding on the citizens and Member States of the Community without further national review or ratification. Further, they can monitor, co-ordinate and enforce the implementation of its laws. The Treaty of Rome has been strengthened by a series of amendments which are contained in the Single European Act of 1987 (Bulletin of the EC, Vol. 20 Supp. 2/86).

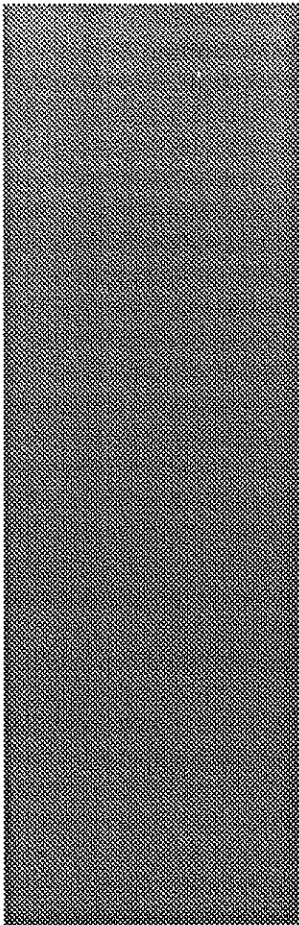
The EC at present comprises 12 Member States: Belgium, Denmark, the Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. The Community has an elected Parliament, a Council of Ministers with legislative powers, a Commission to propose and administer laws and regulations, and a Court of Justice to interpret and enforce its laws and the founding Treaties. There is also an Economic and Social Committee which advises the Council and the Commission on current issues of law and policy.

The Council of Ministers

The Council is made up of one Minister from each of the Member States. In theory this is the Foreign Minister of each state but in practice the Foreign Minister is represented by the Minister responsible for the subject under discussion. Thus it has become usual to refer to the 'Agriculture Council', or the 'Environment Council'.

The European Council composed of the Prime Ministers or Heads of State – sometimes called the European Summit – meets twice a year to discuss broad policy issues.

The Presidency of the Council passes from one Member State to the next every six months (in alphabetical order in the language of each country). The President decides the agenda for, and presides over, the Council meetings. One of the key roles of the Council is to adopt legislation but it can act only on a



proposal put to it by the Commission. It may request the Commission to make a proposal on a particular subject but the Commission is not bound to do so.

Each Member State maintains a Permanent Representation in Brussels (effectively the equivalent of an embassy) to maintain relations with the EC institutions. The Committee of Permanent Representatives (COREPER) and its working groups prepare matter for the Council Agendas. The working group is chaired by an official of the Member State that holds the Presidency of the Council. Thus, each country holds the Presidency for six months every five years and during that period sets not only the agendas of the Council but it can also set the agenda for matters under discussion in the working group, so determining what is ready to reach the agenda of the Council during the next 12-18 months.

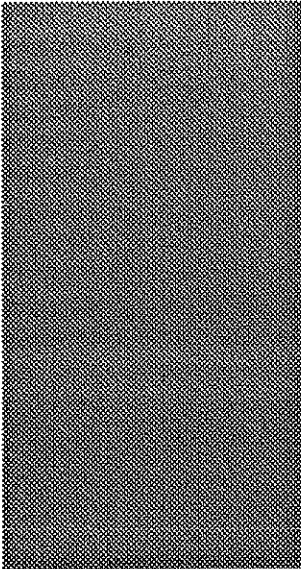
Environmental matters are usually discussed by the Environment Working Group composed of officials from the national Permanent Representations but some issues might fall under the competency of the Council that deals with the Internal market or Industrial Affairs, Agriculture, or others. Occasionally, as in the case of dangerous chemicals, a special combined Council will be convened to consider proposed legislation or issues that cut across several areas of competence.



The Commission

The Commission has the sole, formal power to propose legislation. It is composed of seventeen Commissioners proposed by the Member States. They serve for a collective, four-year term of office and must take an oath that they are free from influence by their national government. The Commissioners meet for one day each week and must agree unanimously on all legislation proposed to the Council.

The Commission is supported by a number of administrative units: 'Directorates-General' and 'Services'. DG XI is responsible for Environment, Consumer Protection and Nuclear Safety, and DG III - Internal market and Industrial Affairs also has some environmental



responsibility. It deals with much product safety legislation including pharmaceuticals, veterinary medicines, foodstuffs and food additives and some dangerous chemical products. DG VI - Agriculture - is responsible for pesticide regulation.

In addition to its power to propose legislation, the Commission may adopt legislation in certain limited areas. This power, for example, is often used to adapt environmental laws to scientific or technical progress by amending requirements set out in annexes to the legislation; in such cases Member States participate in the legislative process through a special committee.

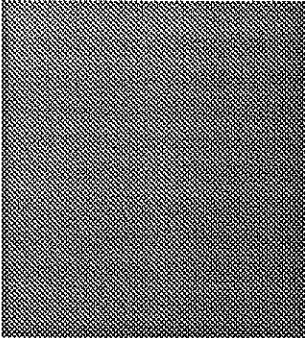
The Commission is also the 'Guardian of the Treaty' having the power to take Member States before the Court of Justice for failure to carry out obligations placed on them by the EC Treaties or legislation.

The European Parliament

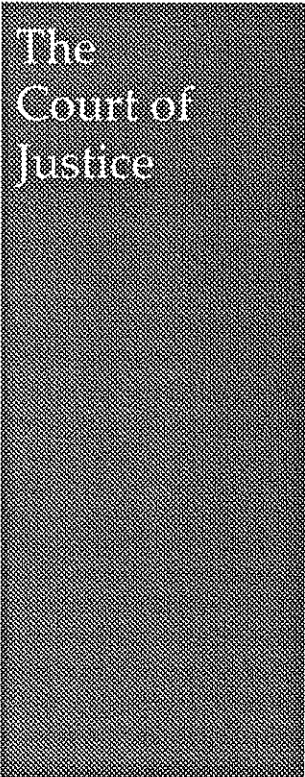
If the Council of Ministers may be said to represent the national interests of the Member States and the Commission to represent the 'Community interest' then the Parliament can be said to represent the voice of the people of Europe.

As the legislative role of government is filled by the Commission and the Council, the European Parliament is left with a largely advisory role except in the field of the budget where it has important powers. Its opinion must be obtained before certain types of legislation can be adopted by the Council and it has used this power quite frequently to delay legislation to achieve concessions from the Commission and the Council. It can raise new issues in parliamentary enquiries, debates and resolutions. The Parliament's consultative role has been strengthened by the Single European Act.

Members of the European Parliament (MEPs) are elected every four years and have divided themselves into political groupings cutting across nationalities. To conduct its business the Parliament divides itself into specialist committees including a Committee on the Environment, Public Health and Consumer



Protection. The Parliament meets once a month for about a week in Strasbourg and the plenary sessions are open to the public. The Committees meet once a month, usually in Brussels. The deliberations of the Environment Committee are open to the public but this is not the case for many of the other committees. MEPs can ask written or oral questions of either the Commission or the Council. Written questions and answers are published in the Official Journal, which is quite an effective way of obtaining information from the Commission.



The Court of Justice

The Court of Justice is composed of judges appointed by agreement with the Member States. The judges are assisted by advocates general who analyse and propose decisions on the cases brought before it. Cases may be brought by the EC institutions against one another, by the Commission against Member States and by Member States against the Commission. In certain circumstances cases can also be brought by natural or legal persons against Member States or the Commission.

National courts have retained the power to review actions taken by national institutions for the implementation and enforcement of environmental legislation. They may apply to the Court of Justice for a preliminary ruling on an issue of EC law before reaching a decision.

The Court of Justice does not normally have the power to apply sanctions, but under the Treaty Member States are required to comply with its rulings and have generally done so though they have not always been quick to remedy the deficiency. National courts do have the power to enforce the decisions of the Court of Justice including those concerning Community law.



The Economic and Social Committee

The members of the Economic and Social Committee are nominated by the Member States to represent employers, employees and other public interest organisations including local government, consumer and environmental organisations. It too must deliver its opinion before EC legislation may be adopted.

Why is the EC competent to adopt legislative measures for the protection of the environment?

Raising the standard of living of its citizens is one of the main objectives of the Community, stated in the Treaty establishing the European Economic Community (EEC), Article 2. A better quality of life, and thus a better quality of the environment, is closely linked to a high standard of living, and is a justification for a Community environmental policy and legislation.

Another justification is that a common market within the Community (Articles 2 and 3), cannot be achieved without common standards for goods and consequently common standards for the environment.

The legal basis therefore for Community environmental legislation is Articles 100 and 235 of the EEC Treaty (approximation of laws of the Member States which affect the establishment or the functioning of the common market, and creation of new powers for the achievement of Community objectives).

The Single European Act, adopted by the Council and ratified by all the Member States, provides specific articles for the protection of the environment (130R, 130S, 130T) and opens new possibilities for environment policy.

What legal forms does Community environmental legislation take?

The Treaty of Rome sets out in Article 189 the different forms of legislation which the Council can adopt.

REGULATIONS are directly binding and directly applicable in all Member States. These are usually used for very specific purposes such as trade in products and financial matters. They have not often been used for environmental legislation except for controls on trade in endangered species.

DECISIONS are directly binding on the persons to whom they are addressed including Member States, individuals and legal persons. They have been primarily used in environmental legislation to authorise the Community to become a party to international conventions and for the establishment of environmental committees as well as the setting up of a system of information exchange on water quality.

DIRECTIVES must be implemented by the laws or regulations of the Member States within a designated time limit. The directive is the main tool of Community environmental policy. It empowers the Commission to define objectives, standards and procedures but allows the Member States some flexibility, in that implementation must take place through national legislation and regulation.

Each directive deals with a narrow subject e.g. bathing water or dangerous substances, and will deal with it in depth setting numerical standards and precise limits and requirements. Some directives have set environmental quality standards combined with implementation plans or monitoring systems. This system allows the Member States greater latitude in setting controls on actual emissions of individual polluters while meeting overall goals set by the Community.

The strategy for, and the principles of, the Community's Environmental Legislation have been laid down in successive Environmental Action Programmes adopted by the Commission of the European Communities (1973, 1977, 1983, 1987; OJ C 12, 20.12.1973; OJ C 139, 13.6.1977; OJ C 46, 17.2.1983; OJ C 3, 7.1.1987). Although not legislation, the Action Programmes set out the Commission's priorities for the coming five-year period.

The Fourth Environmental Action Programme of the European Communities marks an important new phase in EC environmental policy. It reflects the fundamental improvement in the status of environmental policy under the Single European Act by calling for protection of the environment to become an integral part of EC and national economic and social policies, in particular the Common Agriculture Policy and regional, social, and development policies. Four areas are given top priority:

Implementation of EC legislation: The Commission intends to step up efforts to ensure that Member States apply Directives fully, controlling both formal legal compliances and practical implementation. It is examining the possibility of appointing Community Environment Inspectors and plans to encourage individuals

and NGOs to monitor and report implementation problems and organise seminars to facilitate more exchange of information among those responsible at national levels.

'Substance-' and 'Source-' oriented pollution control: The programme reinforces the Community commitment to preventive environmental policy by adopting a 'substance oriented' approach to the regulation of existing problem chemicals such as asbestos, cadmium and lead. This approach is based on the analysis of all emissions of the substance to the environment and its movement and distribution through air, water and soil. It also seeks to revive the 'source oriented' approach (all emissions from an installation to whatever environmental medium).

Information: The Commission is looking at ways of improving public access to information held by the authorities responsible for the environment so individuals may better know and defend their rights and interests. The Fourth Programme provides for wider dissemination of information on the environment. A parallel measure is the development of 'CORINE': a Community information system on the environment intended to provide economic operators and decision-makers with a solid data base and to facilitate the publication of three yearly reports on the state of the environment in the European Community.

Job creation: The Commission has proposed a five year programme of demonstration projects in all Member States to examine the job-creation potential of environmental investment.

How much
EC legisla-
tion is there
for environ-
mental
protection
and which

*T*here are about one hundred Community legislative texts for the protection of the environment covering some areas of the following sectors:

- water
- air
- chemicals
- wastes

sectors does
it cover?

- **noise pollution**
- **nature protection**

However, Community environmental legislation is by no means complete and there are major gaps.

Where can I
find out
about EC
environ-
mental
legislation?

Community legislation is published in the Official Journal (OJ) of the Community. A full list of the legislation is given at the back of this booklet. Legislative texts can be obtained from the Information Office of the Commission of the EC in each Member State (you will find a list of the Information Offices on the back) or from the Environment Directorate of the Commission of the EC in Brussels. Further information can also be obtained from NGOs working for the protection of the environment like the EEB or from public authorities with competence for environment protection.

How does
EC environ-
mental
legislation
affect me
and what
are my
rights vis-à-
vis the
national
authorities
of my
country?

The application of Community environmental legislation can improve and protect your environment and can, in many cases, improve your quality of life. Your country is obliged to apply Community environmental legislation. If it does not, you have the right to demand its implementation by making an appeal to the national courts or by forwarding complaints or petitions to the Community institutions.

You have the right to demand the implementation by your national authorities of Community legislation in the following cases:

- a) When a Community provision relating to the environment has been incompletely or improperly incorporated into national law.
- b) When a Community provision relating to the environment has been formally incorporated into national law, or is directly applicable, but is not being applied in practice by the national authorities.
- c) When a Community provision relating to the environment has not been incorporated at all into national legislation.

In the first two cases, you can use the means provided by national administrative, civil and penal law to enforce the correct implementation of the existing legislation by national authorities.

The same channels can also be used to claim compensation for any damages incurred through the incorrect implementation.

Where a Community provision relating to the environment has not been incorporated at all into national law the above-mentioned rights can only be exercised if the Community provision has **DIRECT EFFECT**.

What is the direct effect of EC provisions relating to the environment?

Direct effect of a provision of Community law means that the provision is directly applicable in Member States without the adoption of any other national legislation thus directly conferring to citizens rights which the national courts have a duty to protect. Regulations have direct effect according to Article 189 of the EEC Treaty which states that regulations are directly applicable in all Member States. Directives which make up the main body of Community Environmental Legislation have direct effect only in some cases arising from the case law of the European Court. They have direct effect only if:

- a) The Member State's obligation is unconditionnal and sufficiently clear and precise;
- b) The provisions do not leave any substantial latitude or discretion to the national authorities;
- c) The provisions are capable of being enforced as a rule of law by the courts.

What are my rights vis-à-vis the EC institutions?

- a) The right to:
COMPLAIN formally to the Commission of the European Communities
- b) The right to:
PETITION the European Parliament.

How do I exercise my right to complain?

If your country or any other Member State adopts measures or practices contrary to Community environmental legislation **you can send a written complaint to the Commission**. This is an easily-exercised right involving only a simple typed or hand-written letter. The Commission prints complaint forms for the convenience of citizens who wish to exercise this right. The forms are available free from the Community Information Offices in each Member State and from the Commission's Directorate-General for Environment and Consumer Protection and Nuclear Safety, 200 Rue de la Loi, B-1049 Brussels.

A complaint form is printed on the last page of this booklet. **Cut it out or copy it and use it when you need to.** Information about any documents which must be submitted with the form (such as evidence supporting the complaint) as well as your right to be kept informed after the submission of a complaint are printed on the form.

Article 155 of the EEC Treaty charges the Commission with the responsibility for ensuring that the measures are applied. On the basis of this, the Commission follows up complaints and investigates the claims made.

Why should it be up to me to complain?

The receipt of a complaint can often provide the Commission and specifically the Directorate-General responsible for the environment (DG XI) with new information not previously gathered through the Community monitoring system which relies mainly on information from governments. It also forces the Commission to take action.

As a result, submitting a complaint may lead to 'infringement proceedings' which means that the offending Member State can be taken to the European Court of Justice.

This right gives you the power to directly influence the implementation of European environment policy.

When will the Commission begin infringement proceedings?

Infringement proceedings may be instituted in any of the following cases:

- a) If a country has not notified the Commission of the measures it has taken at national level to put Community Environmental Legislation into effect;
- b) If the national legislation of a country has been improperly harmonised with the provisions of the Community Environmental Legislation;
- c) If the national legislation of a country has been properly harmonised with the provisions of the Community Environmental Legislation but is not being properly applied.

In cases (b) and (c) mentioned above, you can provide the Commission with information by submitting a complaint.

What is the procedure leading to the European Court of Justice?

Infringement proceedings, as described in Article 169 of the EEC Treaty, are instituted in three steps.

First the Commission sends a 'letter of formal notice' requesting the country in question to submit its comments on the infringement of Community environmental legislation within a specified time limit.

If the country fails to respond and persists in the infringement, the Commission sends a second letter, called a 'reasoned opinion', setting a time limit for compliance with the Community Law.

Finally, if the second step also fails to produce results, the Commission may take the case to the European Court of Justice.

Can the EC impose sanctions?

Member States are obliged to take measures to comply with the judgements of the European Court of Justice. The European Court does not impose sanctions on the Member States but, according to Article 171 of the EEC Treaty, Member States are obliged to respect the decisions of the Court.

The adverse publicity and international pressure which result from the infringement proceedings are usually enough to force Member States to take the necessary action.

Can I complain about a country other than my own?

Yes, indeed. This is the Community character of the right to complain. We are citizens of Europe as well as citizens of our own country and this gives us new rights at Community level.

Pollution knows no frontiers and the non-implementation of Community Environmental Legislation in another country can affect your environment or even your health. Accidents such as Chernobyl have highlighted even more the significance of 'transfrontier pollution' and the interdependence of the world's ecosystems.

Do not hesitate to complain about pollution in another country.

Have there been examples of this?

Yes. Greece's failure to comply with the Directive on the protection of wild birds (79/409/EEC) by permitting hunting of turtle-doves in spring was denounced to the Commission by environmental organisations and individual citizens from other Member States.

Following the Commission's investigations and under threat of a court case before the European Court of Justice, the Greek government responded to this international pressure by banning future hunting.

How many individual complaints have led to infringement proceedings since 1982?

The statistics in the table on the next page are taken from the Third Annual Report of the Commission to the European Parliament (C 220, 1.9.1986, p. 29), on monitoring the implementation of Community law.

<i>Year</i>	<i>No of complaints leading to legal proceedings</i>	<i>Countries</i>
1982	10	Belgium 1, France 4, Germany 1, Ireland 1, Italy 2, UK 1.
1983	8	Belgium 1, Denmark 1, France 1, Germany 1, Greece 1, Italy 1, Netherlands 1, UK 1.
1984	9	Germany 1, Greece 2, Italy 4, UK 2.
1985	37	Denmark 1, France 3, Greece 14, Italy 2, Netherlands 3, Germany 3, UK 11.

And the total number of infringement proceedings over this period?

The following statistics are also taken from the Third Annual Report of the Commission to the European Parliament (OJ C 220, 1.9.1986, pp. 15 and 21), on monitoring the implementation of Community Law, classified by stage of proceedings:

Formal Notice (F.N.),

Reasoned Opinion (R.O.),

Reference to the European Court of Justice (R.C.J.).

<i>Year</i>	<i>F.N.</i>	<i>R.O.</i>	<i>R.C.J./Countries</i>	<i>Total No.</i>
1982	16	7	-	23
1983	35	1	-	36
1984	65	33	2 (Belgium, Netherlands)	100
1985	69	26	23 (Belgium 7, Denmark 1, Germany 2, Greece 2, France 3, Ireland 1, Italy 5, Luxembourg 1)	118

Can I go directly to the Court of Justice?

No. According to the provisions of the EEC Treaty (Articles 169, 170, 173, 175) natural or legal persons may only apply to the European Court in order to contest Decisions or Regulations addressed to them.

However, Community provisions relating to the environment, usually in the form of directives, are addressed to Member States rather than to natural or legal persons.

NGOs have a right to appear in the European Court to support a case that has been brought to the Court by some party empowered to do so under the Treaty (this could be the Commission, the Council, the European Parliament, or a Member State). For this to happen the Court must decide that the NGO has a legal interest to support the case.

Have NGOs appeared before the Court of Justice?

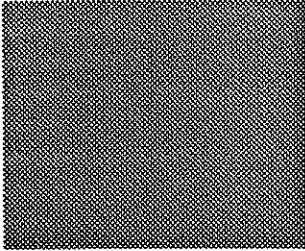
The European Office of Consumer Unions (BEUC), whose role is to support and to protect the interests of consumers, was granted the right to appear before the Court to support the Commission on a particular consumer issue.

It is reasonable to expect the Court to grant permission to environmental organisations such as the European Environmental Bureau (EEB), which is an umbrella organisation of 100 environmental organisations from the twelve Member States, to appear before the European Court should the EEB request it.

The European Parliament has declared itself in favour of the right of NGOs to bring cases before the European Court. It has tabled a draft Resolution concerning the right of environmental organisations to apply directly to the Court in order to protect their collective interests (PE 104 304/B, 20.3.1986).

How can NGOs meet legal costs?

NGOs can apply to the European Court for legal aid. According to the rules of procedures of the European Court, any party who is wholly or in part unable to meet the costs of the proceedings may apply for legal aid (OJ C 39, 15.2.1982, Court of Justice, Codified versions of the Rules of Procedure, the Supplementary Rules and



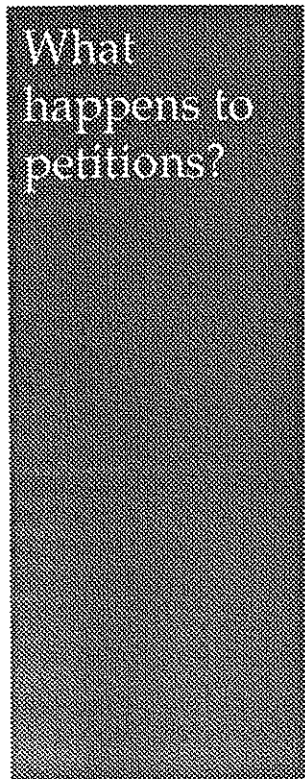
the Instructions to the Registrar, pp. 18, 19, Article 76). The application must be accompanied by evidence of the applicant's need of assistance.

The Chamber of the Court to which the Rapporteur belongs shall decide whether legal aid should be granted in full or in part, or whether it should be refused.



How do I petition the European Parliament?

The right to petition is described in the Rules of Procedure of the European Parliament, Articles 128-130. Individuals or groups can write to the European Parliament stating demands or complaints on a particular environmental issue. Petitions must include personal particulars of the petitioner and must be addressed to: European Parliament, Committee on Petitions, Kirchberg, Luxembourg.



What happens to petitions?

A petition is examined by the Committee on Petitions, made up of MEPs, in order to see first whether it is admissible or not, i.e. whether it is within the scope of the Community's activities. If it is, the Committee may decide to make a report on your petition or to take any other appropriate action (adopting a Resolution, question the Commission etc. ...).

During an investigation, the Committee may hold hearings or on-the-spot inquiries. When drafting an opinion on a petition the Committee may demand access to officials, documents and information of the Commission.

By exercising your right to petition, you have the possibility of generating publicity for an issue and applying political pressure for a solution.

**EC environmental
legislation
gives us
rights to
demand a
better
environ-
ment**

European Community environmental legislation gives us rights as citizens of Europe to demand a better environment. More importantly, the European character of these rights means that **we do not need to limit our demands for a better environment to the boundaries of our own country.**

The effects of pollution are felt across national frontiers and action should therefore be taken at international level.

By co-ordinating our efforts to exercise our European rights, we can help each other in the struggle for a better environment.

For more information contact:

**The European Environmental
Bureau (EEB)**

Maison Européenne
de l'Environnement
20, rue du Luxembourg
B-1040 Brussels

Tel.: (32-2) 514 12 50
(32-2) 514 14 32

Telex: 62 720 bee b

Fax: 514.09.37

EC environmental legislation

General

1. Agreement of the representatives of the governments of the Member States on information for the Commission and for the Member States with a view to possible harmonization throughout the Communities of urgent measures concerning the protection of the environment, C 9, 15.3.1973.
2. First Action Programme of the European Communities on the Environment (1973-1976), C 112, 20.12.1973, p. 1.
3. Decision 76/161/EEC establishing a common procedure for the setting up and constant updating of an inventory of sources of information on the environment in the EEC, L 31, 5.2.1976.
4. Second Action Programme of the European Communities on the Environment (1977-1981), C 139, 13.6.1977, p. 1.
5. Third Action Programme of the European Communities on the Environment (1982-1986), C 46, 17.2.1983, p. 1.
6. Regulation 84/1872/EEC on action by the Community relating to the environment, L 176, 3.7.1984.
7. Directive 85/337/EEC on the assessment of the effects of certain Public and Private Projects on the environment, L 175, 5.7.1985.
8. Decision 85/338/EEC on the adoption of the Commission work programme concerning an experimental project for gathering, coordinating and ensuring the consistency of information on the state of the environment and natural resources in the Community, L 176, 6.7.1985, (CORINE).
9. Decision 86/234/EEC adopting multiannual Research and Development programmes in the field of the environment (1986-1990), L 159, 14.6.1986.
10. Draft Fourth Action Programme of the European Communities on the Environment to the Council (1987-1992) presented on the 15 October 1986, C 70, 8.3.1987, p. 3.

1. Decision 75/437/EEC concluding the Convention for the prevention of marine pollution from land-based sources, L 194, 25.7.1975.
Amendment: 87/57/EEC, L 24, 27.1.1987.
2. Decision 75/438/EEC concerning Community participation in the Interim Commission established on the basis of Resolution No. III of the Convention for the prevention of marine pollution from land-based sources, L 194, 25.7.1975.
3. Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water in the Member States, L 194, 25.7.1975.
4. Directive 76/160/EEC concerning the quality of bathing water, L 31, 5.2.1976.
5. Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, L 129, 18.5.1976.
6. Decision 77/585/EEC concluding the Convention for the protection of the Mediterranean Sea against pollution and the Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircrafts, L 240, 19.9.1977.
7. Decision 77/586/EEC concluding the Convention for the protection of the Rhine against chemical pollution and an additional Agreement to the Agreement signed in Berne on 29 April 1963, concerning the International Commission for the protection of the Rhine against pollution, L 240, 19.9.1977.
8. Decision 77/795/EEC establishing a common procedure for the exchange of information on the quality of surface fresh water in the Community, L 334, 24.12.1977.
Adaptation: 81/856/EEC, L 319, 7.11.1981.
Amendments: 84/422/EEC, L 237, 5.9.1984; 86/574/EEC, L 335, 28.11.1986.
9. Directive 78/176/EEC on waste from the titanium dioxide industry, L 54, 25.2.1978.
Amendment: 83/29/EEC, L 32, 3.2.1984.

10. Directive 78/659/EEC on the quality of fresh waters needing protection or improvement in order to support fish life, L 222, 14.8.1978.
11. Directive 79/869/EEC concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States, L 271, 29.10.1979. Adaptation: 81/855/EEC, L 319, 7.11.1981.
12. Directive 79/923/EEC on the quality required of shellfish water, L 281, 10.11.1979.
13. Directive 80/68/EEC on the protection of ground water against pollution caused by certain dangerous substances, L 20, 26.1.1980.
14. Decision 80/686/EEC setting up an advisory Committee on the control and reduction of pollution caused by hydrocarbons discharged at sea, L188, 22.7.1980. Amendment: 87/144/EEC, L 57, 27.2.1987.
15. Decision 81/420/EEC on the conclusion of the Protocol concerning cooperation in combatting pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency, L 162, 19.6.1981.
16. Directive 80/778/EEC relating to the quality of water intended for human consumption, L 229, 30.8.1980. Adaptation: 81/858/EEC, L 319, 7.11.1981.
17. Directive 82/176/EEC on limit values and quality objectives for mercury discharges by chlor-alkali electrolysis industry, L 81, 27.3.1982.
18. Decision 82/460/EEC on a supplement to Annex IV to the Convention on the protection of the Rhine against chemical pollution, L 210, 19.7.1982.
19. Directive 82/883/EEC on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry, L 378, 31.12.1982.
20. Decision 83/101/EEC concluding the Protocol for the protection of the Mediterranean Sea against pollution from land-based sources, L 67, 12.3.1983.
21. Directive 83/513/EEC on limit values and quality objectives for cadmium discharges, L 291, 24.10.1983.
22. Decision 84/132/EEC on the conclusion of the Protocol concerning Mediterranean specially protected areas, L 68, 10.3.1984.

23. Directive 84/156/EEC on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry, L 74, 17.3.1984.
24. Decision 84/358/EEC concerning the conclusion of the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, L 188, 16.7.1984.
25. Directive 84/491/EEC on limit values and quality objectives for discharges of hexachlorocyclohexane, L 274, 17.10.1984.
26. Decision 85/336/EEC concerning a supplement in respect of cadmium to Annex IV to the Convention for the protection of the Rhine against chemical pollution, L 175, 5.7.1985.
27. Decision 85/613/EEC on the approval of programmes and measures concerning mercury and cadmium discharges within the framework of the Convention for the prevention of marine pollution from land-based sources, L 375, 31.12.1985.
28. Decision 86/85/EEC establishing a Community information system for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea, L 77, 22.3.1986.
29. Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances in list I of the Annex to the Directive 76/464/EEC, L 181, 4.7.1986.

Air

1. Directive 70/220/EEC relating to measures to be taken against air pollution by gases from positive ignition engines of motor vehicles, L 76, 6.4.1970.
Amendments: 74/290/EEC, L 159, 15.6.1974; 77/102/EEC, L 32, 3.2.1977; 78/665/EEC, L 223, 14.8.1978; 83/351/EEC, L 197, 20.7.1983.
2. Directive 72/306/EEC on measures to be taken against emissions of pollutants from diesel engines for use in motor vehicles, L 190, 20.8.1972.
3. Directive 75/716/EEC relating to the sulphur content of certain liquid fuels, L 307, 27.11.1975.
Amendment: 87/219/EEC, L 91, 3.4.1987.

4. Directive 77/537/EEC relating to measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors, L 220, 29.8.1977.
5. Decision 80/372/EEC concerning chlorofluorocarbons in the environment, L 90, 3.4.1980.
6. Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates, L 229, 30.8.1980.
Adaptation: 81/857/EEC, L 319, 7.11.1981.
7. Decision 81/462/EEC on the conclusion of the Convention on long-range transboundary air pollution, L 171, 27.6.1981.
8. Decision 82/459/EEC establishing a reciprocal exchange of information and data from networks and individual stations measuring air pollution within the Member States, L 210, 19.7.1982.
9. Decision 82/795/EEC on the consolidation of precautionary measures concerning chlorofluorocarbons in the environment, L 329, 25.11.1982.
10. Directive 82/884/EEC on a limit value for lead in the air, L 378, 31.12.1982.
11. Directive 84/360/EEC on the combating of air pollution from industrial plants, L 188, 16.7.1984.
12. Directive 85/203/EEC on air quality standards for nitrogen dioxide, L 87, 27.3.1985.
Adaptation: 85/580/EEC, L 372, 31.12.1985.
13. Directive 85/210/EEC on the approximation of the laws of the Member States concerning the lead content of petrol, L 96, 3.4.1985.
Adaptation: 85/581/EEC, L 372, 31.12.1985.
14. Decision 86/277/EEC on the conclusion of the Protocol to the 1979 Geneva Convention on long-range transboundary air pollution, on long-term financing of the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP), L 181, 4.7.1986.

Chemicals

1. Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances, L 196, 16.8.1967.
 Amendments: 69/81/EEC, L 68, 19.3.1969; 70/189/EEC, L 59, 14.3.1970; 71/144/EEC, L 74, 29.3.1971; 73/146/EEC, L 167, 25.6.1973; 75/409/EEC, L 183, 14.7.1975; 79/831/EEC, L 259, 15.10.1979; 85/71/EEC, L 30, 2.2.1985.
 Adaptations: 76/907/EEC, L 360, 30.12.1976; 79/307/EEC, L 88, 7.4.1979; 80/1189/EEC, L 366, 31.12.1980; 81/957/EEC, L 351, 7.12.1981; 82/232/EEC, L 106, 21.4.1982; 83/467/EEC, L 257, 16.9.1983; 84/449/EEC, L 251, 19.9.1984; 86/431/EEC, L 247, 1.9.1986.
2. Directive 73/404/EEC on the approximation of the laws of the Member States relating to detergents, L 347, 17.12.1973.
 Amendments: 82/242/EEC, L 109, 22.4.1982; 86/94/EEC, L 80, 25.3.1986.
3. Directive 73/405/EEC on the approximation of the laws of the Member States relating to methods of testing the biodegradability of anionic surfactants, L 347, 17.12.1973.
 Amendment: 82/243/EEC, L 109, 22.4.1982.
4. Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, L 262, 27.9.1976.
 Amendments: 79/663/EEC, L 197, 3.8.1979; 82/806/EEC, L 339, 1.12.1982; 82/828/EEC, L 350, 10.12.1982; 83/264/EEC, L 147, 6.6.1983; 83/478/EEC, L 263, 24.9.1983; 85/467/EEC, L 296, 11.10.1985; 85/610/EEC, L 375, 31.12.1985.
5. Directive 77/728/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of paints, varnishes, printing inks, adhesives and similar products, L 303, 28.11.1977.
 Amendments: 79/831/EEC, L 259, 15.10.1979; 81/916/EEC, L 342, 28.11.1981; 83/265/EEC, L 147, 6.6.1983.
 Adaptation: 86/508/EEC, L 295, 18.10.1986.
6. Directive 78/631/EEC on the approximation of the laws of the Member

States relating to the classification, packaging and labelling of dangerous preparations (pesticides), L 206, 29.7.1978.

Amendment: 81/187/EEC, L 77, 2.4.1981

Adaptation: 84/291/EEC, L 144, 30.5.1984.

7. Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances, L 33, 8.2.1979.

Amendment: 83/131/EEC, L 91, 9.4.1983.

8. Directive 82/501/EEC on the major accident hazards of certain industrial activities, L 230, 5.8.1982 (Seveso Directive).

Amendment: 87/216/EEC, L 85, 28.3.1987.

9. Directive 87/18/EEC on the application of the principles of good laboratory practice and the verification of their application for tests on chemical substances, L 15, 17.1.1987.

- 10 Directive 87/217/EEC on the prevention of environmental pollution by asbestos, L 85, 28.3.1987.

Waste

1. Directive 75/439/EEC on the disposal of waste oils, L 194, 25.7.1975.

Amendment: 87/101/EEC, L 42, 12.2.1986.

2. Directive 75/442/EEC on waste, L 194, 25.7.1975.

3. Directive 76/403/EEC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls, L 108, 26.4.1976.

4. Decision 76/431/EEC setting up a Committee on waste management, L 115, 1.5.1976.

5. Directive 78/319/EEC on toxic and dangerous wastes, L 84, 31.3.1978.

6. Directive 84/631/EEC on the supervision and control within the European Community of the transfrontier shipment of hazardous waste, L 326, 13.12.1984.

Adaptations: 85/469/EEC, L 272, 12.10.1985; 86/121/EEC, L 100, 16.4.1986; 87/112/EEC, L 48, 17.12.1987.

Amendment: 86/279/EEC, L 181, 4.7.1986.

7. Directive 86/278/EEC on the protection of the environment and in particular of the soil, when sewage sludge is used in agriculture, L 181, 4.7.1986.

Noise

1. Directive 70/157/EEC on the approximation of laws in the Member States relating to the permissible sound level and the exhaust system of motor vehicles, L 42, 23.2.1970.
Amendment: 77/212/EEC, L 66, 12.3.1977.
Adaptations: 73/350/EEC, L 321, 22.11.1973; 81/334/EEC, L 131, 18.5.1981; 84/372/EEC, L 196, 26.7.1984; 84/424/EEC, L 238, 6.9.1984.
2. Directive 74/151/EEC relating to certain parts and characteristics of wheeled agricultural or forestry tractors, L 84, 28.3.1974.
3. Directive 77/311/EEC relating to the driver-perceived noise level of wheeled agricultural or forestry tractors L 105, 28.4.1977.
4. Directive 78/1015/EEC relating to the permissible sound level and exhaust system of motorcycles, L 349, 13.12.1978.
Amendment: 87/56/EEC, L 24, 27.1.1987.
5. Directive 79/113/EEC relating to the determination of the noise emission of construction plant and equipment, L 33, 8.2.1979.
Amendment: 81/1051/EEC, L 376, 30.12.1981
Adaptation: 85/405/EEC, L 233, 30.8.1985.
6. Directive 80/51/EEC relating to the limitation of noise emissions from subsonic aircraft, L 18, 24.1.1980.
Amendment: 83/206/EEC, L 117, 4.5.1983.
7. Directive 84/532/EEC concerning common provisions for construction plant and equipment, L 300, 19.11.1984.
8. Directive 84/533/EEC concerning permissible sound power level of compressors, L 300, 19.11.1984.
Adaptation: 85/406/EEC, L 233, 3.8.1985.
9. Directive 84/534/EEC concerning permissible sound power level of tower cranes, L 300, 19.11.1984.

10. Directive 84/535/EEC concerning permissible sound power level of welding generators, L 300, 19.11.1984.
Adaptation: 85/407/EEC, L 233, 3.8.1985.
11. Directive 84/536/EEC concerning permissible sound power level of power generators, L 300, 19.11.1984.
Adaptation: 85/408/EEC, L 233, 3.8.1985.
12. Directive 84/537/EEC relating to permissible sound power level of powered hand-held concrete breakers and picks, L 300, 19.11.1984.
Adaptation: 85/409/EEC, L 233, 3.8.1985.
13. Directive 84/538/EEC concerning permissible sound level of lawnmowers, L 300, 19.11.1984.
14. Directive 86/594/EEC concerning airborne noise emitted by household appliances, L 344, 1.12.1986.
15. Directive 86/662/EEC on the noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator dozers, L 384, 31.12.1986.

Flora-Fauna

1. Directive 79/409/EEC on the conservation of wild birds, L 103, 25.4.1979.
Amendments: 81/754/EEC, L 319, 7.11.1981; 85/411/EEC, L 233, 30.8.1985; 86/122/EEC, L 106, 8.4.1986.
2. Regulation 81/348/EEC on the common rules for imports of whales or other cetacean products, L 39, 12.2.1981.
3. Decision 81/691/EEC on the conclusion of the Convention on the conservation of Antarctic marine living resources, L 252, 5.9.1981.
4. Regulation 81/3786/EEC laying down provisions for the implementation of the common rules for imports of whales or other cetacean products, L 377, 31.12.1981.
5. Decision 82/72/EEC concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats, L 38, 10.2.1982.

6. Decision 82/461/EEC on the conclusion of the Convention on the conservation of migratory species of wild animals, L 210, 19.7.1982.
7. Regulation 82/3626/EEC on the implementation in the Community of the Convention on the international trade in endangered species of wild fauna and flora, L 384, 31.12.1982.
Amendments: 83/3645/EEC, L 367, 28.12.1983; 83/3646/EEC, L 367, 28.12.1983; 84/1451/EEC, L 140, 26.5.1984; 84/1452/EEC, L 140, 26.5.1984; 84/577/EEC, L 64, 6.3.1984; 85/1831/EEC, L 173, 3.7.1985; 85/2384/EEC, L 231, 29.8.1985; 86/2295/EEC, L 201, 14.7.1986; 87/1422/EEC, L 136, 26.5.1987.
8. Directive 83/129/EEC concerning the importation of skins of certain seal pups and products derived therefrom, L 91, 9.4.1983.
Amendment: 85/444/EEC, L 259, 1.10.1985.
9. Regulation 83/3418/EEC laying down provisions for the uniform issue and use of the documents required for the implementation in the Community of the Convention on international trade of wild fauna and flora, L 344, 7.12.1983.
10. Regulation 86/3528/EEC on the protection of the Community's forests against atmospheric pollution, L 326, 21.11.1986.
11. Regulation 86/3529/EEC on the protection of the Community's forests against fire, L 326, 21.11.1986.
12. Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes, L 358, 18.12.1986.
13. Regulation 87/525/EEC laying down certain detailed rules for the application of Council Regulation 86/3529/EEC on the protection of the Community's forests against fire, L 53, 21.2.1987.
14. Regulation 87/526/EEC laying down certain detailed rules for the application of Council Regulation 86/3528/EEC, on the protection of the Community's forests against atmospheric pollution, L 53, 21.2.1987.

Complaint form

COMPLAINT TO THE COMMISSION OF THE EUROPEAN COMMUNITIES against failure to comply with Community law

Name of complainant:*

Nationality:

Address or registered office:

Field of activity:

Member State, organization or firm which has not complied with
Community law:

Alleged infringement and loss incurred (if any):

Approaches or representations made to national or Community authorities:

– Administrative action:

– Legal action (if any):

Documents and evidence substantiating the complaint:

* The complainant may, if he wishes, remain anonymous. But the author of an anonymous complaint will not enjoy the procedural advantages or follow-up described overleaf.



Notes

Under the Treaties the Commission of the European Communities is responsible for ensuring that the provisions of the Treaties themselves and other measures taken by the Community institutions are correctly applied.

Any person may file a complaint with the Commission in respect of a practice or measure which he or she considers to be in breach of a provision of Community law.

The complaint may be filed by means of this form. It may be addressed direct to Brussels (Commission of the European Communities, rue de la Loi 200, B-1049 Bruxelles), or be lodged with one of the Commission's Information Offices.

The complainant enjoys the following procedural advantages:

- an acknowledgement of receipt will be sent immediately upon receipt of the complaint;
- the complainant will be kept informed of action taken, and particularly of representations made to the national authorities and business firms-concerned;
- the complainant will be informed of any infringement proceedings commenced by the Commission against a Member State and of any proceedings against a business firm. The complainant will also be informed of any proceedings that may already have been commenced if they have a bearing on the subject of the complaint.