



ERASMUS+ STRATEGIC PARTNERSHIPS IN
RESPONSE OF THE COVID-19 SITUATION
„EDULAW“



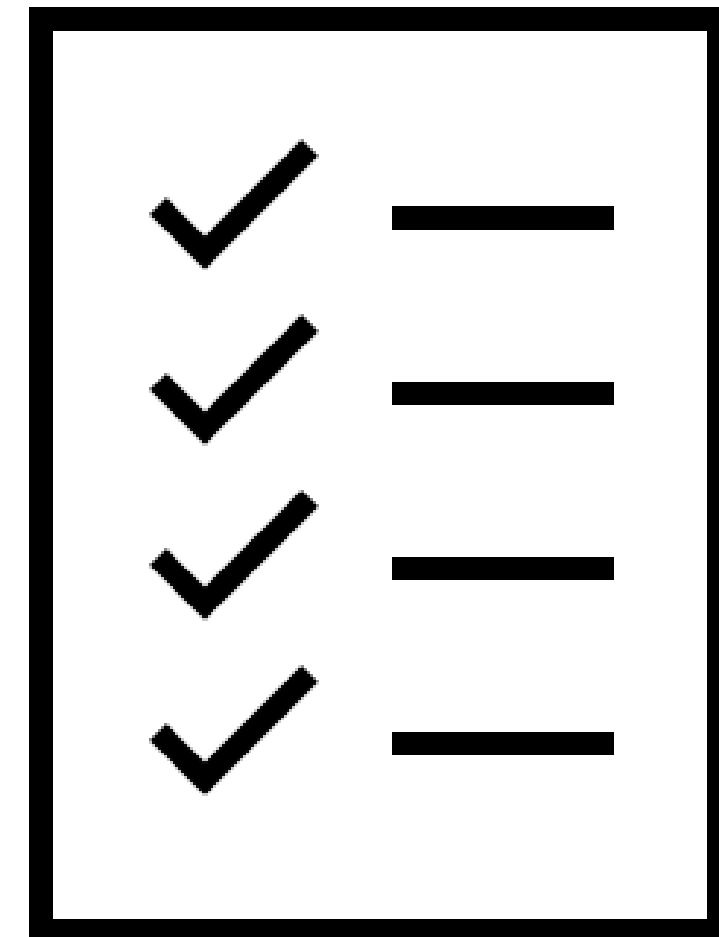
Implementation of the Environmental law

Lucia Pašová

Professor/Slovak university of Agriculture in Nitra

Program

1. Implementation/Aproximation
2. Implementation process
 - 2.1. Transposition
 - 2.2. Practical application
 - 2.3. Enforcement of a legal norm
3. Implementation of EU law
4. EU environmental actors
5. Interpretation rules - PRINCIPLES



Implementation/Aproximation

- a summary of activities aimed at adapting national legal norms to the requirements of EU law and their practical application
- Article 3 TEU – stipulates the obligation of the state to take all measures necessary to fulfill the obligations arising from the treaties or the decision-making activities of the EU institutions
- Article 192, Section 4 TFEU – requires member states to ***"finance and implement environmental policy"***.



- ***"Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive."***

Implementation process

1. Transposition
2. Practical application (implementation in the narrower sense)
3. Enforcement of a legal norm



1. Transposition

- **the adoption of new legislation or the amendment of existing legislation to fully comply with the requirements of the relevant legal norms**
- Legal act of the EU (directive) becomes part of the legal order of Member states (candidate country)
- necessary action by the legislative or executive body
- transposition does not have to be carried out by a state in whose territory there is no object of legal protection (eg protection of the marine environment), but they have to transpose those directives which concern the source of the threat to the environment

Adaptation of the Regulation

- **concretization of the regulation within the framework of national legal norms**
- e.g.
- Regulation No. Regulation (EC) No 689/2008 concerning the export and import of dangerous chemicals, obliges Member States to provide for appropriate sanctions under national law for breaches of the obligations under Regulation
- Regulation no. Regulation (EC) No 1013/2006 on shipments of waste obliges Member States to designate the competent national authorities responsible for monitoring the application of this Regulation

2. Practical application

- application of transposed legal norms itself (use in specific cases)
- ensuring the institutional and financial framework by Member State
- **Monitoring of the transposition and application** = Commission, Member State (environmental inspection, etc.)
- Issue of green inspectors
- EU environmental law lacks lobbying groups overseeing the application of legal acts



3. Enforcement of a legal norm

- it includes, in particular, control and possible sanctions for breaches of EU standards
- problematic in the field of environment

Tools for breach of EU law:

1. Infringement proceedings (Articles 258, 260 TFEU)

- formal notice
- issuing a reasoned opinion by the Commission
- referral to the Court of Justice of the EU

2. Action of a Member State against another MS

- proceedings before the Court of Justice of the EU

Implementation of the EU law

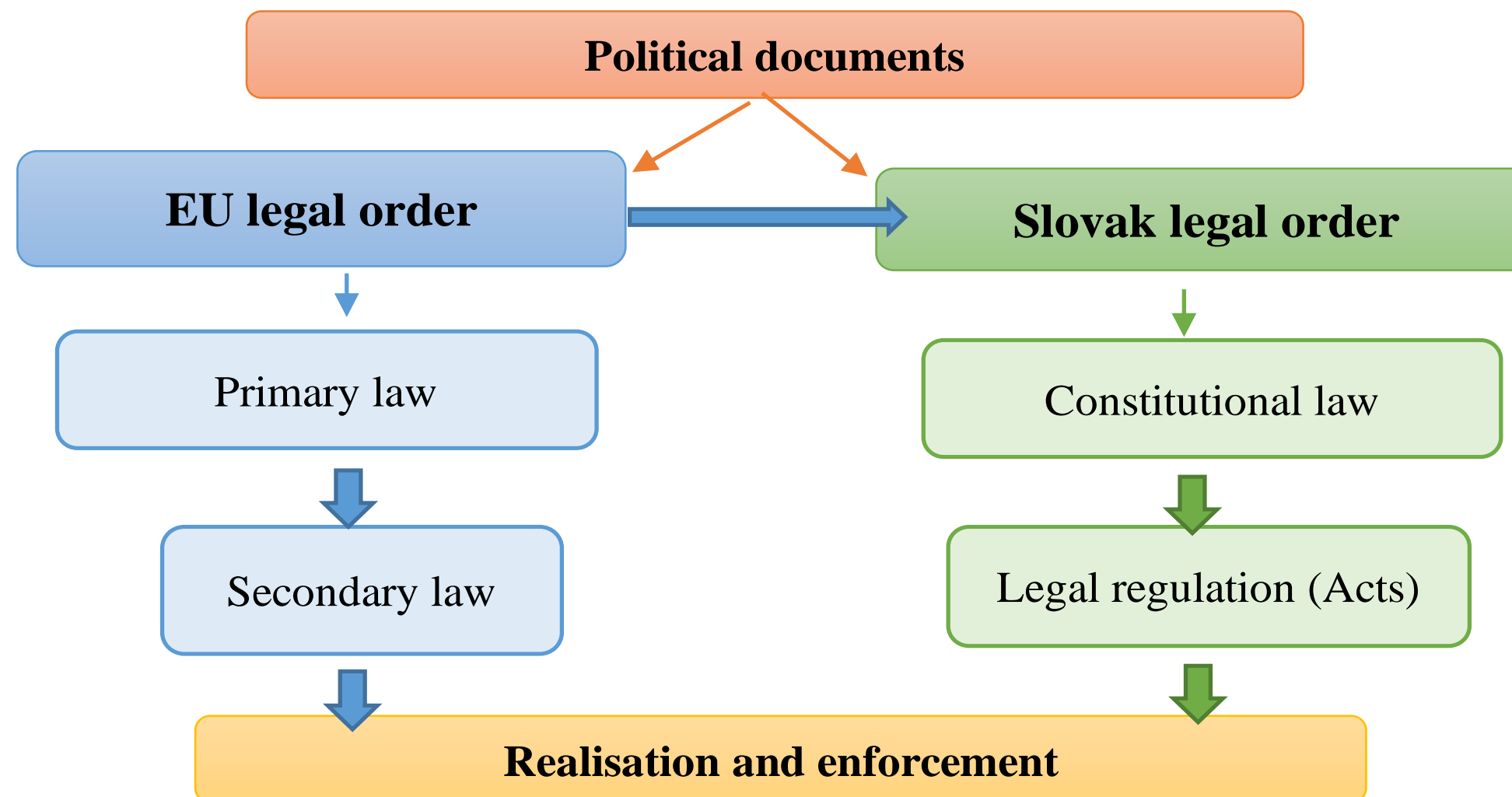


Figure Political and legal framework in the EU and Slovakia.

Source: Own processing, 2020.

EU environmental actors

Commission

- DG Environment
- DG Agri

IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law)

- Since 1992
- Promotion and exchange of relevant information and experience with the implementation of environmental standards
- Conferences, workshops,

EU Forum of Judges for the Environment



Interpretation rules - PRINCIPLES

- Principles of the EU have significantly interpretative character.
- Stipulated in **Articles 191-193 TFEU**
- are not directly applicable.
- unlike other provisions that are directly applicable, there is no fixed direct ban of pollution or to have polluters pay for pollution. It is therefore essential to precise provisions of Article 191-193 TFEU and give them specific content for secondary legislation to be applied by state authorities, courts, individuals and legal entities

Principles (Art. 191 -193 TEU)

The Prevention Principle

- is the fundamental political principle of EU policy on the environment. This principle is inherent to the prevention of environmental damage, which should exclude the emergence of non-renewable changes in the environment.

The Precautionary Principle

- it is an extension of the prevention principle. The basis of this principle is the obligation of decision-making bodies, in cases when it is not in the decision-making process, a sufficient amount of precise and unambiguous information about the possible consequences of decisions on the environment, to always decide in favour of the environment.

The "Polluter Pays" Principle

- it lies in the fact that environmental damage should be covered by the one who cause them. This principle includes economic instruments (fees, taxes, fines ...) to the environmental protection.

The High Level of Environmental Protection Principle

- it means that environmental protection must always be secured with regard to the latest scientific and technical knowledge and solutions that are available to Member States.

The Proximity Principle

- also called the principle of compensation at source is based on requirement that the pollution is necessary to remove immediately at the source of the pollution.

The Integration Principle

- it means that the principles and requirements of environmental protection must be included in all other EU policies and EU Member States.

The Subsidiarity Principle

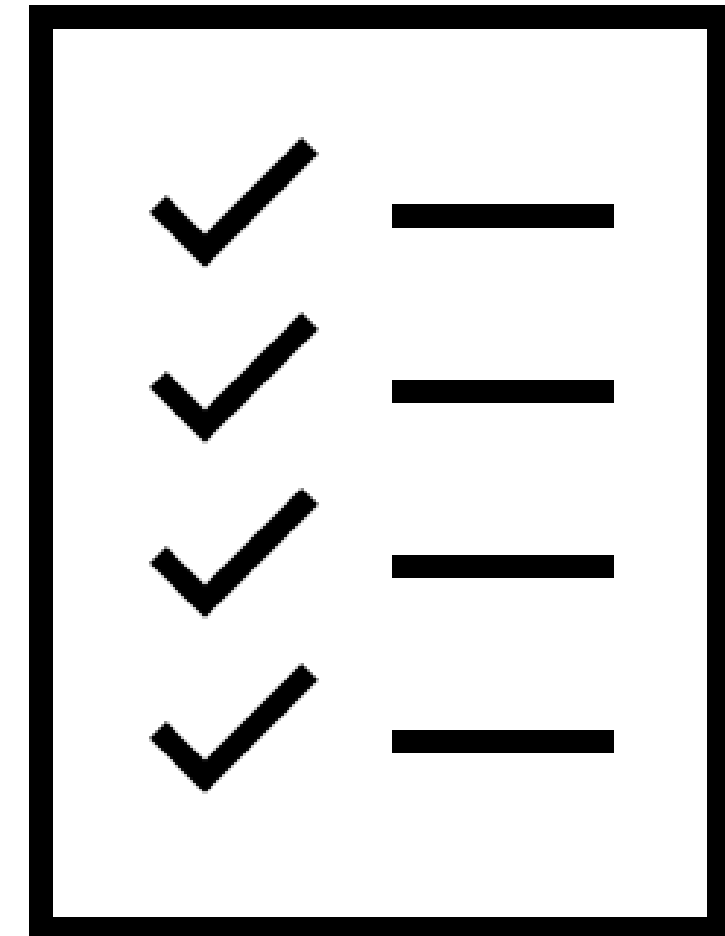
- it is included in all sectoral policies of the EU and also in environmental policy. Based on the principle of subsidiarity, the competences in the field of environment should be placed at the lowest possible level of management, i.e. level bodies have to address the issue closest and therefore have the opportunity to obtain first-hand information on the specific case. It is believed that the following cases are addressed efficiently.

The Sustainability Principle

- is the fundamental principle contained in the sectoral policies of the EU. EU adopts the definition of sustainable development formulated at a conference of the UN Commission on Environment and Development in Rio de Janeiro in 1992; “sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs“(document “Our Common Future”).

Short Summary / key messages of the lecture

1. What are the steps of the implementation process of the environmental law (3)?
2. Does DG AGRI act as a part of EU Commission, especially as an environmental actor?
3. Name at least 3 principles of EU as an interpretation rules.
4. Explain The "Polluter Pays" Principle



Thank you for your attention

Any question? Doubts?
Feel free to reach me at:
lucia.palsova@uniag.sk

