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Press release

Stalemate on 'polluter pays' law

- Député européen (Verts, France) - Grandes batailles - Responsabilité environnementale -



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Environmental groups' disappointment as the European Parliament fails to reach agreement to improve new Environmental Liability Directive

After years of wrangling at EU level on a new law aiming to make polluting companies responsible for cleaning up environmental damage, the European Parliament has today failed to strengthen a weak Directive on Environmental Liability.

This Directive seeks to ensure that polluters, rather than public authorities and broader society, pay for environmental repair after catastrophes such as chemical leaks, mine spills and wildlife damage caused by GMOs.

The European Parliament adopted a strong First Reading position on the Directive in May. However, tough Parliamentary amendments removing wide exceptions from liability for companies operating in 'compliance with a permit' or according to 'state-of-the-art' knowledge were watered down by the Council of EU Environment Ministers when negotiating their 'Common Position' in June. The Ministerial agreement allows Member States to exempt polluters from all environmental clean-up costs in these circumstances, and consequently fails to shift the financial burden of environmental repair from the public purse to the companies responsible.

Disagreement between the political groups on the 'permit' and 'state-of-the-art' exceptions, and other issues such as a proposal for an additional exception for 'good agriculture and forestry practice' and provisions on compensation for wildlife damage, meant that MEPs were unable to adopt amendments to improve the Council's weak Common Position at today's vote and bring forward a more robust 'polluter pays' regime.

"We regret that, despite the fact that the 'polluter-pays' principle has been enshrined in the EC Treaty since 1987, European taxpayers will continue to foot the bill for environmental damage in most cases" said Rosanna Micciché of Greenpeace. "In a recent Eurobarometer survey, 45% of Europeans said that industrial disasters were their key environmental concern. It is disappointing that the Parliament as a whole failed to respond to these concerns by bringing forward a strong environmental liability regime."

"Despite the best efforts of a number of committed MEPs across the political spectrum, today's stalemate rewards the attempts of those who have been trying to weaken the proposal throughout the legislative process and ensure the proposed liability regime, first conceived after the Seveso disaster in 1976, makes as little difference as possible to the status quo." commented Victoria Phillips from BirdLife International.

"It is a sad day for the Environment and a real shame that the European Parliament failed to uphold its position to support the adoption of a regime that would create real incentives for operators to avoid environmental damage" said Sandra Jen of WWF. "We now look to Member States to take the flexibility offered to them by the Directive and bring forward robust national laws to make the polluter pay."

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