



EEL News Service

Issue 2015/02 of 17 February 2015

Dear members of the EEL Network,

In this second issue of the EEL News Service for 2015, we present the latest legal and policy developments in EU Environmental Law.

We would like to draw your attention to two upcoming events:

"Better Regulation in the EU revisited. Improving the European Union for the benefit of business and citizens" (23 April 2015)

[More information](#) / [Draft Programme](#)

The Asser Summer Programme on International & European Environmental Law, taking place from 24-28 August 2015.

For more information, see the section "Events" below.

Case Law



Opinion of Advocate General: [Case C-148/14, *Bundesrepublik Deutschland v Nordzucker AG*](#) (05/02/2015)

Directive 2003/87/EC is one of the key legal instruments for the EU and its Member States to reduce anthropogenic greenhouse gas emissions. The EU ETS Directive establishes a European market in greenhouse gas emission allowances.

In the current case, Nordzucker (running a drying facility) produced an emission report for 2005. The emissions from a steam generator, necessary to operate the drying facility, were not included therein. An expert verified the report and approved the entry of the emissions as stated in the register. By 30 April 2006, Nordzucker had surrendered allowances for the reported emissions.

Subsequently, the German competent authority asked Nordzucker to revise its report to include the emissions from the steam generator. Nordzucker fulfilled this request and surrendered the complementary allowances on 24 April 2007. Nonetheless, Nordzucker was penalised by the German authorities. An administrative appeal was rejected and Nordzucker challenged that decision.

After appeals, the German court asked for a preliminary ruling, inviting the CJEU to clarify what penalties should, be imposed upon operators that surrendered a number of allowances verified in accordance with Article 15 of the Directive as being equal to their emissions during the preceding year, but that, following subsequent checks by the competent national authority, was found to be insufficient to cover all those emissions. In essence, the referring court wishes to know whether such conduct should be subject to national penalties or to the automatic penalty provided for in Article 16(3) of the directive.

In the view of the Advocate General, the penalty provided for in Article 16(3) of Directive 2003/87/EC does not apply in cases like this. It is for the Member States to lay down the rules on penalties applicable, where appropriate, to such types of infringement. Such national penalties must be effective, proportionate and dissuasive.

General



Eurobarometer: [Attitudes of European citizens towards the environment](#)
(09/2014)

Ref. 416 - This Eurobarometer survey on the environment comes three years after the previous report on the subject, and there is no indication that Europeans' concern about environmental issues has diminished in that time.

- [Full report](#) (.PDF)
- [Summary](#) (.PDF)

BlogActiv Entry: [The Environmental-Industrial Complex Revisited](#)
(31/01/2015)

Five years ago, on the eve of the Copenhagen Climate Conference, David Zaruk wrote an article titled: [The Environmental-Industrial Complex](#). He described "an unhealthy confluence of a selection of stakeholders from industry, government, the scientific community and environmental NGOs driven to pursue their common interests outside of the domain of open, rational debate – presenting their mutual interests (opportunities) as common sense that needed no further introspection." From their interference on open debate and faux consensus-building PR, Zaruk decided to create this counter-intuitive blog character known as the Risk-Monger.

Environmental Crime Research News: [Issue No. 6 - February 2015](#)

EurActiv Entry: [Guest post: Resettlement process for Kosovo Power Project does not comply with international standards](#) (03/02/2015)

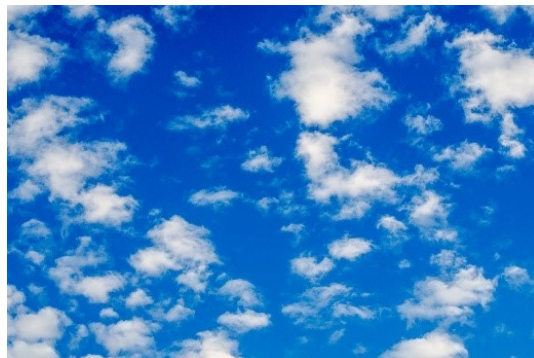
A report published today analyses the process with which 7000 persons are to be resettled for the Kosovo lignite mine and concludes that the World Bank-financed process does not comply with the bank's own standards and is plagued by a slew of other weaknesses.

EEA publication: [EEA Annual Work Programme 2015](#) (04/02/2015)

In line with its [Multiannual Work Programme 2014-2018](#) (.PDF), the EEA, according to its mission, aims to support sustainable development and to help achieve significant and measurable improvements in Europe's environment, through the provision of relevant, reliable, timely, and targeted information to policy-making agents and the public. The Annual Work Programme 2015 will continue many lines of work from previous annual work programmes along with some new emphases.

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Air



EurActiv Article: [Clean the air, prevent cancer](#) (04/02/2015)

We can do more to prevent people from getting cancer, for example by increasing efforts to reduce the amount of pollutants in the air, says Christian Friis Bach.

European Parliament Press Release: [Shipping fuels: on course for better health and environment protection](#) (11/02/2015)

Shipping fuels should be subject to stricter sulphur limits to protect public health and the environment, according to MEPs voting on draft legislation in committee this morning. Maritime emissions cause an estimated 50,000 premature deaths in the EU each year.

Also see:

- **EPRS document** - [Cutting sulphur emissions from ships](#) (.PDF)
-

EurActiv Article: [German highway traffic exceeds EU air pollution threshold](#) (13/02/2015)

Emissions from car exhausts exceeded EU thresholds for nitrogen oxide at half of Germany's monitoring stations. While 2014 is among the lowest years for particulates levels, the Federal Environment Agency sees no reason for relief.

Chemicals



Dissertation M.H.A. Kluin: [Optic Compliance: Enforcement and Compliance in the Dutch Chemical Industry](#) (11/11/2014)

This research focuses on the regulation of chemical corporations in the Netherlands, known as the Major Accident Hazard Decree (in Dutch: Besluit Risico Zware Ongevallen, BRZ, 1999). This decree amounts to the Dutch implementation of the Seveso II directive. After providing the theoretical background, an introduction of the research area (Dutch Seveso inspections) and an insight into the Dutch chemical industry, the research discusses regulatory enforcement and corporate crime.

Document available for download as PDF [here](#)

Also see:

■ **Kamerbrief** - [Reactie op het proefschrift "Handhaving en regelnaleving in de Nederlandse chemische industrie"](#) (in Dutch) (28/01/2015)

Climate Change



European Voice Article: [Early ETS reform likely after MEPs reject centre-right proposal](#) (22/01/2015)

The European Parliament's industry, research and energy committee (ITRE) narrowly rejected a position by centre-right Italian MEP Antonio Tajani to maintain a proposed start date of 2021 for reforms to the EU's carbon market. The rejection makes it more likely that the Parliament will call for an earlier reform in 2017.

Also see:

■ **EUobserver Article** - [EP committee strikes down own report on carbon fix](#) (22/01/2015)

■ **EPRS publication** - [ETS market stability reserve](#) (23/01/2015)

■ **European Voice Article** - [Industry on edge over ETS reform](#) (29/01/2015)

EurActiv Article: [Yes, we can live well and avoid climate disaster, says UK government](#) (28/01/2015)

The world can enjoy higher standards of living and more travel, while drastically cutting emissions to avoid dangerous climate change – but only with sweeping changes to our infrastructure, the natural world and agriculture, a new analysis has found.

LIFE Programme Publication: [LIFE and Climate change mitigation](#)

The LIFE and Climate change mitigation brochure gives an overview of EU climate policy and provides a host of best practice examples from more than 200 featured projects from across the European Union. (10/02/2015)

Also see:

■ **LIFE Newsletter** - [Issue No. 11: January 2015](#)

Open Democracy Article: [The decline of grand treaties? Thoughts after the Lima climate summit](#) (04/02/2015)

Civil society pressure from the bottom-up, rather than top-down treaty obligations, is the only way to get governments to act on global warming.

EUobserver Article: [Political statements cause swings in EU carbon prices](#) (04/02/2015)

Most politicians and policymakers know their public statements can have an influence on the price of markets. European Central Bank (ECB) president Mario Draghi knew it when he said in July 2012 the ECB would do “whatever it takes” to save the euro, effectively giving traders the reassurance they needed so that the eurozone crisis was tamed. The influence of political acts or statements is just as easy to see when it comes to the EU's carbon market.

EurActiv Article: [COP 21 negotiations kick off in Geneva](#) (09/02/2015)

The representatives of over 190 countries met in Geneva on Sunday (8 February) to continue talks on a UN-level agreement to tackle climate change. This marathon of international negotiations will be wrapped up at the Paris Climate Conference in December.

Also see:

■ **EurActiv Special Report** - [Climate Change: the Road to Paris](#) (26/01/2015 - 30/01/2015) [Download as PDF](#)

ICAP Press Release: [Emission trading sees rapid development worldwide](#) (.PDF) (10/02/2015)

The International Carbon Action Partnership's (ICAP) [Status Report 2015](#) (.PDF), released today, showcases the success of emissions trading systems (ETS) around the world. As of 2015, there are now 17 distinct ETS in force across four continents.

Energy



JRC Article: [China takes over lead from Europe in 2013 photovoltaic installations](#) (26/01/2015)

A booming photovoltaic market in Asia has propelled China to a global leader in photovoltaic energy installations in 2013, according to the latest edition of the JRC's [PV Status Report](#) (PDF).

EurActiv Article: [Can Europe get over its renewable energy midlife crisis?](#) (02/02/2015)

Barak Obama did not come back from his Indian state visit with an ambitious climate policy deal similar to the one he brought back from China in November last year. Many might be disappointed, writes Julian Popov.

EurActiv Article: [Germany blows UK away in offshore wind farms](#) (04/02/2015)

Germany will install more than twice the number of offshore wind farms compared to the UK in 2015, according to The European Wind Energy Association.

Emerging Europe Article: [Paul: Can Turkish Stream rise from the ashes of South Stream?](#) (04/02/2015)

On 3 December 2014, Russian President Vladimir Putin announced officially that South Stream, which aimed to bring some 63 billion cubic meters (bcm) of gas per year across the Black Sea to Bulgaria, on through South-East Europe to Italy, was dead.

Also see:

■ **EUobserver Article** - [Does Russia's Turkey pipeline make sense?](#) (26/01/2015)

■ **EUobserver Ticker Message** - [Hungary interested in Russia-Turkey gas pipe](#) (28/01/2015)

■ **Kyiv Post Article** - [Russia bets on Turkish Stream after EU refuses to cooperate](#) (30-01-2015)

■ **EurActiv Article** - [Russia sheds light on Turkish Stream project](#) (06/02/2015)

■ **EurActiv Article** - [Russian gas price seen falling by up to 35% in Europe](#) (13/02/2015)

■ **EurActiv Article** - [Šefčovič gives his blessing to Southern Gas Corridor](#) (13/02/2015)

EurActiv Article: [EU energy consumption level falls to 20-year low](#)

(10/02/2015)

Energy consumption in the European Union has fallen to levels last seen more than two decades ago.

European Voice Article - [Commission may put off big decisions on energy union](#) (11/02/2015)

The crisis in Ukraine has highlighted Europe's dangerous dependence on Russian gas and the lack of an interconnected energy market. Yet despite the increasing urgency of Europe's energy predicament, it appears that the European Commission will put off major decisions when it adopts a much-awaited strategy paper on energy union on 25 February.

Also see:

■ **European Parliament Article** - [United by energy concerns](#) (28/01/2015)

■ **European Voice Article** - [Energy policy – does Juncker have the ambition?](#) (02/02/2015)

■ **European Voice Article** - [Commission casts doubt on joint gas purchasing](#) (03/02/2015)

■ **European Voice Article** - [Does Juncker have the ambition for an energy union?](#) (05/02/2015)

■ **European Commission Press Release:** [Commission launches work on Energy Union](#) (04/02/2015)

EurActiv Article: [German government approves fracking](#) (13/02/2015)

The German government has tabled a draft law permitting fracking in the country, with environmental associations criticising the draft as fragmented and risky, calling on the government to concentrate on implementing the Energiewende, instead.

Nature & Agriculture



EurActiv Article: [Parliament divided over meat labels](#) (10/02/2015)

Most of the parties in the European Parliament want to see stricter labeling of the meat used in ready meals, but the implementation costs remain uncertain.

Also see:

■ **EurActiv Article** - [Paris gets behind Parliament resolution on meat labels](#) (12/02/2015)

EurActiv Article: [Commission: New CAP will be 'fairer, not simpler, but maybe greener'](#) (11/02/2015)

Eighteen months after EU institutions agreed on a reform of the Common Agricultural Policy (CAP), there is still much uncertainty about the actual changes the new policy will bring compared to previous ones.

European Commission Press Release: [New EU measures on import of hunting trophies to fight against illegal and unsustainable practices](#) (05/02/2015)

The European Commission has adopted measures to control wildlife trade that came into force on 5th February 2015.

EPRS publication: [EU biofuels policy: Dealing with indirect land use change](#) (23/01/2015)

In 2003, the European Union established a biofuels support policy, primarily with the aim of lowering CO₂ emissions in the transport sector. Critics have accused this policy of inducing indirect land use change (ILUC), which triggers an increase in global food prices and in food insecurity for the poor, promotes the creation of large land holdings and the use of available ('marginal') land in developing countries, and not least, boosts carbon emissions.

Trade & Transport



BlogActiv Entry: [Two mobility revolutions transport policy has had nothing to do with – yet](#) (02/02/2015)

What have been the two sustainable mobility revolutions of the past decade? Of course, that is an impossible question. I am sure that if you asked 10 different people you would get 10 different answers.

EurActiv Article: [Kallas: Europe must reduce subsidies to transport](#) (03/02/2015)

EU governments pour too much public money into obsolete enterprises and thereby keep low-quality transport services going when they should not be allowed to do so, said Siim Kallas in an interview reflecting on his legacy as Commission Vice-President in the Barroso II team.

EurActiv Article: [A shock to the system: Why energy union must deliver transport efficiency and electrification](#) (11/02/2015)

The global picture is clear: both demand for surface transport and resulting CO2 emissions are going to skyrocket by 2050. Even for those who analyse transport on a daily basis the figures are startling – an increase of up to 110% in carbon emissions from passenger transport and up to a whopping 600% from freight, says transport expert.

Also see:

■ **EurActiv Article** - [Greens push for e-mobility in Energy Union plans](#) (04/02/2015)

ICTSD Article: [EU Commission Tables Proposal to Revise Seal Import Ban](#)
(12/02/2014)

The European Commission adopted a proposal to amend its ban on importing and marketing seal products, as part of its effort to bring the WTO-illegal aspects of the policy in line with global trade rules.

Waste



EurActiv Article: ["Timmermans' wise decision to bin EU recycling target"](#)
(03/02/2015)

The EU's goal to collect and recycle 70% of household waste is unattainable and should be scrapped, write Elbert Dijkgraaf and Raymond Gradus.

Also see:

■ **European Voice Article** - [Timmermans to be grilled on waste withdrawal](#)
(04/02/2015)

■ **EurActiv Article** - [NGOs demand Commission justify axing of Circular Economy package](#) (04/02/2015)

■ **European Voice Article** - [Member states oppose Commission's plan to withdraw waste proposal](#) (10/02/2015)

■ **EurActiv Article** - [Ministers want Circular Economy saved but back Commission's better regulation push](#) (11/02/2015)

European Parliament Publication: [Recovery of Rare Earths from Electronic wastes: An opportunity for High-Tech SMEs](#)518777) (02/2015)

"This document was prepared on behalf of Policy Department A at the request of the Committee on Industry, Research and Energy. It reviews the current level of technology development for the recovery of rare earths from electronic waste and examines the parameters that affect its development at the industrial scale and the opportunities arising for high tech SMEs. It also reviews the existing policy framework and provides a set of recommendations for improved implementation of existing actions and new policy measures."

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Water



JRC Article: [New mobile app to support water and sanitation projects in developing countries](#) (03-02-2015)

In support of the European Union Water Initiative (EUWI), the JRC and EuropeAid have developed a new mobile app that provides guidance on best practices for implementing water and sanitation projects in the developing world. It is free of charge and can be used to steer this type of projects throughout its lifecycle.

Download the app for: [Android](#) or [iOS](#)

Events



5 March 2015

Event: The 2015 European Circular Economy Conference

Topic/Title: What next in the transition to a resource efficient Europe?

Organisation: [Forum Europe](#)

Venue: Stanhope Hotel, Rue du Commerce 9, B-1000 Brussels, Belgium

[More information](#)

17 March 2015

Event: Semimar by Prof. Eiji Ogawa & Prof. Yumiko Nakanishi

Topic/Title: EU Environmental Law

Organisation: [Leuven Centre for Global Governance Studies](#)

Venue: Leuven, Belgium

[More information](#)

17 March 2015

Event: Workshop

Topic/Title: A European Roadmap for Climate Services

Organisation: [European Commission Directorate-General for Research and Innovation](#)

Venue: Management Centre Europe (MCE), Rue de l'Aqueduc 118, 1050 Brussels, Belgium

[More information](#)

25 - 27 March 2015

Event: The 15th International Wildlife Law Conference

Topic/Title: Environmental law and policy in the EU

Organisation: [University of Granada Faculty of Law](#), [EFFACE](#) and [Stetson University College of Law's Institute for Biodiversity Law](#)

Venue: Granada, Spain

[More information](#)

23 April 2015

Event: Unique symposium (Part of the Asser 50th anniversary celebrations)

Topic/Title: Better Regulation in the EU revisited. Improving the European Union for the benefit of business and citizens.

Organisation: [T.M.C. Asser Instituut](#)

Venue: T.M.C. Asser Instituut, R.J. Schimmelpennincklaan 20-22, 2517 JN - The Hague, The Netherlands

[More information](#) / [Draft Programme \(.PDF\)](#) / [Other Asser 50 Years Events](#)

1 May - 31 October 2015

Event: EXPO 2015

Topic/Title: Feeding the planet: energy for life

Organisation: Bureau International des Expositions ([BIE](#))

Venue: Milan, Italy

[More information](#) / [EU at EXPO Milano website](#)

18 – 19 May 2015

Event: Workshop

Topic/Title: Novel Approaches to Climate Governance and the Role of Entrepreneurship

Organisation: COST - Innovations in Climate Governance ([INOGOV](#))

Venue: Amsterdam, The Netherlands

[More information](#)

25 – 29 May 2015

Event: 2015 INSPIRE – Geospatial World Forum Conference

Topic/Title: Convergence: Policies + Practices + Processes via PPP

Organisation: [European Commission](#) and [Geospatial Media and Communications](#)

Venue: Lisbon Congress Center, Lisbon, Portugal

[More Information](#)

29 – 30 May 2015

Event: 2015 EU-Arctic Conference

Topic/Title: European Union and the Arctic

Organisation: [Dundee University School of Law](#) & K.G. Jensen Centre for the Law of the Sea ([JCLOS](#))

Venue: University of Dundee, Dundee, Scotland, UK

[More Information](#)

2 – 5 June 2015

Event: Workshop

Topic/Title: The External Dimension of European Union Environmental Policy (EEEP): Pursuing environmental norms, rules and policies beyond borders

Organisation: Centre for the Study of Governance Innovation ([GovInn](#)), University of Pretoria

Venue: Pretoria, South Africa

[More information](#)

25 - 26 June 2015

Event: Inaugural workshop of the UACES CRN

Topic/Title: European Energy Policy

Organisation: [UACES CRN on the European Energy Policy](#)

Venue: Norwich Business School, University of East Anglia, United Kingdom

[More information](#)

28 June - 3 July 2015

Event: World Congress and Exhibition 2015

Topic/Title: Ozone and Advanced Oxidation

Organisation: International Ozone Association ([IOA](#))

Venue: World Trade Center, Moll de Barcelona, 08039 Barcelona, Spain

[More information](#)

24 - 28 August 2015

Event: Summer Programme on International & European Environmental Law

Topic/Title: International & European Environmental Law: The Future We Choose

Organisation: [T.M.C. Asser Instituut](#)

Details to be announced.

[More information](#)

2 - 4 September 2015

Event: Conference

Topic/Title: Effectiveness of Environmental Law

Organisation: European Environmental Law Forum ([EELF](#))

Venue: Centre d'Etudes et de Recherches Internationales et Communautaires ([CERIC](#)), University of Aix/Marseille, Aix en Provence, France

[More information](#)

Colofon

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