Web Version

- Case Law
- General
- Air
- Chemicals
- Climate Change
- Energy
- Nature & Agriculture
- Transport
- Water
- Events
- Colofon

EEL News Service

Issue 2015/15 of 22 December 2015

Dear readers,

The Paris Agreement forms a welcome step in the direction of the acceptance that we all need to act against climate change. An inside view of the agreement will follow at the start of 2016. Our third Summer Programme on International and European Environmental Law: Making it Work will take place in The Hague between 29 August and 2 September 2016.

This last News Service of the year incorporates a wealth of annotated case law, notably on various aspects of EIA (cases from the ICJ, CJEU and the Irish High Court), on dolphin-safe labelling of tuna (WTO) and on a a Peruvian farmer claiming compensation from German energy provider RWE for its 0.5% share in global greenhouse gas emissions. Furthermore, it brings you news on issues like the re-issued circular economy package, contradictory opinions on the weedkiller 'Roundup' and EP's tough stance on car emission tests.

We hope you enjoy the read and wish you a merry X-mas, happy holidays and a good 2016.

Wybe Douma

Case Law

CJEU Judgments

CJEU Judgment: Case C-137/14 European Commission v Federal Republic of Germany (15/10/2015)

This case dealt with the compatibility of provisions of German national law with Article 11 Environmental Impact Assessment Directive 2011/92 (EIA) and Article 25 Industrial Emissions Directive 2010/75 (IED).

The Court held, first of all, that Member States may allow the courts to make the annulment of an administrative act contingent upon finding that the claimants' public-law right had been infringed. Member States can impose this condition because Member States are also, by virtue of the first paragraph of the EIA and IED provisions mentioned above, permitted to make access to a court procedure contingent on a similar condition, i.e. that the claimants maintain the impairment of a right.

Secondly, a German national provision that grants access to courts only in cases where an administrative decision has been taken without an environmental impact assessment (EIA) having been carried out, and not in cases where an EIA had been carried out but it was vitiated by defects, is incompatible with Article 11 EIA Directive. Any contrary interpretation would render Article 11 EIA obsolete and would run counter to the objective of ensuring a wide access to courts.

Thirdly, a German provision requiring that the annulment of an administrative decision is subject to there being a causal link between the alleged procedural defect and the substantive outcome of the administrative decision in question, so that the defect can be shown to have affected the merits of that decision, is not allowed. It is contrary to the very nature of Article 11 EIA Directive, which emphasises the importance of the procedural rights therein in their own right, and has the effect of rendering that provision totally ineffective. Shifting the burden on the applicant to show a causal link between the procedural defect and the outcome of the decision in order to establish an impairment of a right makes the exercise of that right excessively difficult, in particular having regard to the complexity of the procedures in question and the technical nature of EIA's.

Fourthly, Article 11(4) EIA Directive and Article 25(4) IED do not allow restrictions on the pleas in law that may be raised during the administrative procedure. Member States may only lay down some restrictions, e.g. on arguments submitted abusively or in bad faith, for example.

Finally, the 'infringement of an individual public-law right' requirement cannot be applied to environmental protection organisations (Article 11(3) EIA Directive and Article 25(3) IED). They must, instead, be able to rely on the rules of national law implementing EU environmental law and the rules of EU

environmental law that have direct effect.

CJEU Judgment: Case C-198/14 Visnapuu ('Estonian bottles') (12/11/2015)

An Estonian company, controlled by Mr Visnapuu, maintained a website through which Finns could purchase alcoholic beverages and have them delivered to their homes. Finnish legislation imposes an excise duty on certain beverage packaging while exempting packaging that is part of a functioning return system. Mr. Visnapuu objected to the duty and the case ended up with the CJEU.

The court held that the excise duty amounted to internal taxation within the meaning of Article 110 TFEU. As it was neither directly nor indirectly discriminatory, it was compatible with the TFEU provision, and with Articles 1(1), 7 and 15 Directive 94/62 on packaging and packaging waste. The CJEU noted that small e-commerce traders in Finland and other Member States would encounter the same difficulties in accessing functioning return systems as Mr. Visnapuu's company.

The CJEU also held that the retail sale licence condition, which sellers must obtain in order to be able to import alcohol and which requires an authorised premise, is a measure having equivalent effect to a quantitative restriction within the meaning of Article 34 TFEU because traders established in other Member States are prevented from importing alcohol freely into Finland with a view to their retail sale. The CJEU accepted the applicability of the human health and life public policy derogation under Article 36 TFEU, but asked the Finnish court to undertake a proportionality analysis in order to assess whether any less restrictive measures could achieve the same objective, while taking into account the fact that the Finnish state monopoly was also permitted to send alcohol by mail order.

Finally, the CJEU held that the Finnish court would have to evaluate whether the exception, under Finnish law, for manufacturers that sell their own alcohol, is justifiable, taking into account the limited, traditional and artisanal nature of the national production protected by the measure.

CJEU Judgment: Case T-521/14 Sweden v European Commission, establishing scientific criteria on endocrine- disrupting properties of active substances in biocides (*Judgment in French/Swedish*) (16/12/2015)
The Commission was under the obligation to specify scientific criteria for the determination of endocrine-disrupting properties of active substances to be used in biocides by 13 December 2013. This obligation stems from article 5(3) Biocides Regulation 528/2012. When this deadline was missed, Sweden invited the Commission to act on 3 March 2014. When the Commission failed to do so, Sweden brought a case under article 265 TFEU. The General Court agreed with Sweden that the Commission breached its obligation to act by failing to adopt delegated acts specifying scientific criteria for the determination of endocrine-disrupting properties.

The Commission had argued inter alia that is first needed to conduct an impact assessment in order to assess the implications of the different alternatives to the potential criteria and their implementation in the sectoral laws. In this respect, the Court noted in para 74 of its judgment that the Biocides Regulation does not require such an impact assessment, and that even if such an assessment should be made, the legally binding date by which criteria were to be adopted – namely by 13 December 2013 at the latest – was to be respected.

In the light of these considerations, the reaction of the Commission to the judgment is remarkable.[1] A representative of the institution said they 'took note of the judgment', and reiterated that any decision had to be based on solid scientific ground, and that endocrine disruptors are a highly complex issue. Hence, the amount and type of work needed to formulate criteria is challenging and pioneer work at a global level, has not been done before by anyone, and is taking more time than expected. At the same time it was stressed that the impact assessment was 'on track' and will be concluded in the course of 2016. The actual decision identifying criteria for endocrine disruptors will follow 'as soon as possible' afterwards. The Commission thus seems to be disregarding the judgement of the General Court, and in that way also art. 266 TFEU: 'The institution … whose failure to act has been declared contrary to the Treaties shall be required to take the necessary measures to comply with the judgment of the Court of Justice of the European Union.'

[1] EC Press briefing 16 December 2015

CJEU Initiated Proceedings November 2015

European Commission Press Release: Commission proposes a fine and refers Romania to the CJEU over failure to transpose EU rules on sulphur (19/11/2015)
17 months after the deadline for transposition, Romania has not transposed EU rules on the sulphur content of marine fuels into its national legislation (Directive 2012/33). The European Commission is asking the Court of Justice of the EU to impose a daily fine of EUR 38,042 on Romania.

European Commission Press Release: Commission proposes fines and refers Greece back to the CJEU over persistent poor waste water treatment (19/11/2015)
The European Commission is referring Greece to the CJEU for its failure to fully implement Directive 91/271 on urban waste water treatment (yet again; see also Case C-119/02 and Case C-167/14. The European Commission is proposing a lump sum (which currently amounts to EUR 15 943 620) as well as a daily fine of EUR 34 974.

European Commission Press Release: Commission refers Greece to Court for failing to comply with obligations under the Energy Performance of Buildings Directive (19/11/2015)
Greece has not set minimum energy performance requirements for its building, as it is required to do in accordance with the Energy Performance of Buildings Directive (Directive 2010/31). Greece has received a reminder and reasoned opinion but has not taken measures to comply with the Directive.

EurActiv Article: Brussels gets tough on energy efficiency (19/11/2015)
The European Commission announced seven new infringement decisions against Member States on 19 November 2015. In addition to the CJEU court summons discussed in the above articles, the European Commission issued a number of reasoned opinions. Member States have two months during which to act on these reasoned opinions; failure to do so could lead to a CJEU summons. France and the Netherlands have been requested to fully transpose the 2012 Energy Efficiency Directive (Directive 2012/27. France received a second reasoned opinion for its inadequate transposition of Directive 2011/70/Euratom on radioactive waste. Paris has two months to bring its minimum security standards for the treatment of spent nuclear fuel up to the required standard. Moreover, Poland has been asked to ensure that its water legislation is brought into line with the Water Framework Directive (Directive 2000/60).
European Commission: November Infringement Package

CJEU initiated proceedings December 2015

European Commission Press Release: Commission refers Poland to the Court of Justice of the EU over poor air quality (10/12/2015)

European Commission Press Release: Waste management: Commission refers Greece to the Court of Justice of the EU over illegal landfill (10/12/2015)
The European Commission's concerns relate to the Temploni landfill which has been operating in breach of EU waste and landfill legislation (Directive 2008/98/EC and Council Directive 1999/31/EC).

European Commission Press Release: December infringements' package: key decisions (10/12/2015)
The European Commission issued a number of reasoned opinions. In particular, it has requested:

▪ Spain to step up efforts to comply with EU law to counter the trade in illegally harvested timber, namely the EU Timber Regulation (EUTR; Regulation (EU) No 995/2010), which prohibits the placing of illegally harvested timber on the European market, and the Enforcement Governance and Trade (FLEGT) Regulation of the Forest Law (Council Regulation (EC) No 2173/2005), which establishes a licensing scheme to verify the legality of imports of timber into the EU from countries that have partnership agreements under the scheme. If Spain fails to act within two months, the Commission may refer this case to the CJEU.
▪ Belgium, Cyprus and Greece to enact EU rules on prevention of industrial accidents, in order to comply with the Seveso III Directive (2012/18/EC).
▪ Portugal to correctly transpose the Energy Performance Buildings Directive (Directive 2010/31/EU) by establishing and applying minimum energy performance requirements for new and existing buildings, certify buildings' energy performance and require regular inspections.

International Judgments

WTO Case: US - measures concerning the importation, marketing and sale of tuna and tuna products, WT/DS381/AB/RW (03/12/2015)

On 13 June 2012, the WTO's Dispute Settlement Body (DSB) adopted a report in which it found that the US legislation regarding voluntary labelling of tuna caught in a dolphin-safe manner was violating WTO rules. Following that decision, the USA amended its legislation, but Mexico was not convinced that the new rules accommodated the DSB findings, and requested the establishment of a compliance panel. When it was established that the US was still not complying with WTO law, the US appealed against these findings. On 3 December 2015, the DSB adopted the report als amended by the Appellate Body. It was established that the US legislation was according less favourable treatment to Mexican tuna products contrary to Article 2.1 TBT Agreement. Furthermore, the amended US measure modifies the competitive conditions to the detriment of Mexican tuna products, inconsistently with Articles I:1 and III: GATT 1994.

ICJ Judgments: Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v Nicaragua) & Construction of a Road in Costa Rica along the San Juan River (Nicaragua v Costa Rica) (16/12/2015)

The two cases concern activities aimed at deepening the San Juan river at the border between the two parties, initiated by Nicaragua in October 2010, and the subsequent construction of a road along that river in Costa Rica. The latter country claimed that Nicargua's activities were causing significant harm to its environment, including a wetland protected under the Ramsar Convention. Nicaragua claimed that the road was causing significant harm to its territory. Both parties claimed the other state had violated international environmental law by not conducting an Environmental Impact Assessment (EIA) before starting its activities. The ICJ found that the deepening of the river did not bring about a risk of serious damage to the other parties' environment, but the same was not true where the road construction was concerned because of its length and its crossing through and passing by wetland areas. Compared to the 2010 Paper Mills Case, it is remarkable that the duty to carry out an EIA – described as 'an obligation under general international law' was extended to all activities that carry the risk of significant transboundary harm, and not merely industrial activities. As for the duty to notify and consult about the planned road construction, it was merely set out that this "does not call for examination … in the present case". Nevertheless, the judgment stresses that Costa Rica has accepted the obligation to prepare an appropriate EIA for any further works on the road, should they carry a risk of significant transboundary harm. In such a case, Costa Rica will have to consult in good faith with Nicaragua to determine the appropriate measures to prevent significant transboundary harm or minimize the risk thereof.

Domestic Proceedings

Irish High Court: An Taisce v An Bord Pleanála [2015] IEHC 633 (10/09/2015)

An Taisce, an environmental NGO, challenged the approval granted by Ireland's planning board An Bord Pleanála for the continued operation of a peat- and biomass-fired power plant. The NGO claimed that the environmental effects of extracting the peat fuel source and transporting it to the thermal power plant formed environmental effects of the plant that needed to be taken into account in accordance with the Irish law that implements the EIA Directive 2011/92. The authorities only found the site of the power plant relevant to the planning permission, adding that fuel could come from a variety of other entities and locations than the designated peat bogs. Moreover, An Bord Pleanála argued that because the Environmental Protection Agency had licensed the peat extraction, refusing the planning permission 'would not and could not require the cessation of peat extraction of the bogs'.

The High Court concluded that there is functional interdependence as the power plant relies for the vast majority of its raw material on the designated bogs, which is not brought into question by the fact that the power plant could in theory operate without this peat. Moreover, it held that An Bord Pleanála had interpreted Section 171A Planning and Development Act 2000 (corresponding to art. 3 EIA Directive) too narrowly. Extracting peat from the bog may cause environmental effects, the Court found, and these indirect effects should be included in a proper EIA before granting planning permission for the power plant, because otherwise the effectiveness of the EIA Directive would not be properly ensured.

Colombia Law School Climate Law Blog: Irish High Court: Peat-Fired Power Plant's Environmental Review Must Account for Impacts of Peat Extraction (02/11/2015)

EurActiv Article: Peruvian farmer takes on German energy giant (25/11/2015)
A farmer from the Peruvian Andes is taking German energy provider RWE to task for its contribution to the melting of a glacier that has endangered his hometown. Luciano Lliuya asked Germanwatch for assistance when he went before a court in Essen. A recent study found that the company is responsible for around 0.5% of greenhouse gas emissions since the beginning of industrialisation. Accordingly, Luciano Lliuya believes that RWE should foot the bill for protection measures that will safeguard the town against the melting glacier. This would potentially mean RWE would have to pay out €20,000, using the 0.5% figure as a basis.

General

EurActiv Special Report: Commission seeks solutions to 'confusing' Green labelled products (19/11/2015)
Adopting common methodologies to measure products' environmental footprint is part of the EU's efforts to move toward a green single market. But communicating this environmental information is a huge challenge.

Education

2016/7 Master of Laws (LL.M.) in Energy, Environmental and Climate Change Law

Years of work in the energy, environmental and climate change law area have given researchers at the University of Malta and the Institute for Environmental and Energy Law (IEEL) of the University of Leuven an insight into the synergies between energy law, environmental law and climate change law. A close collaboration resulted in joint research, publications, initiatives and this distinctive master of laws programme. The programme has a unique four pillar structure, consisting of teaching, special seminars, an internship and a dissertation. Each session of the master programme is open to individual participation - thus giving practitioners the opportunity to attend a given topic of their choice. If you would like to explore the opportunity to specialize in these significant fields of law, find more information about this opportunity, its unique approach and a truly international experience in Malta in a short online folder or on the website.

Air

European Environment Agency Press Release: Many Europeans still exposed to harmful air pollution (30/11/2015)

Air pollution is the single largest environmental health risk in Europe. It shortens people's lifespan and contributes to serious illnesses such as heart disease, respiratory problems and cancer. A new report published by the European Environment Agency (EEA) estimates that air pollution continues to be responsible for more than 430 000 premature deaths in Europe.

Chemicals

EurActiv Article: EU says cancer risk from popular weedkiller 'unlikely' (12/11/2015)
The European Food Safety Authority (EFSA) has concluded "that glyphosate is unlikely to pose a carcinogenic hazard to humans and the evidence does not support classification with regard to its carcinogenic potential according to (EU regulation)".
Nevertheless, the agency is proposing a limit on the maximum safe daily dose, of 0.5 milligrams per kilogram of body weight. That means an 80 KG person could eat food containing 40 milligrams of glyphosate per day for the rest of their life.
The findings counter those of the UN's International Agency for Research on Cancer (IARC), which said in March 2015 that Roundup was "probably" carcinogenic.
Find a summary and the full text of the findings here.

EurActiv Article: EU scientists advise higher safety limits on glyphosate weedkiller (13/11/2015)

European Parliament Press Release: Don’t allow recycling of plastics that contain toxic phthalate DEHP, warn MEPs (25/11/2015)
The EU Commission should not authorise the recycling of plastics that contain the banned softener diethylhexyl phthalate (DHEP), to make soft PVC items such as footwear and floor coverings, because it poses a reproductive toxicity threat to exposed workers and could render their male foetuses sterile, says a non-binding resolution adopted by the European Parliament.

EurActiv Article: MEPs block Commission proposal to recycle hormone disrupting plastics (30/11/2015)

EurActiv Opinion: EU chemicals law needs tightening to protect people and nature (08/12/2015)
Despite advances made since the adoption of the REACH regulation, much more effort is needed to move towards a safer production and use of chemicals, writes Tatiana Santos, Senior Policy Officer for Chemicals at the European Environmental Bureau (EEB).

Climate Change

UN Climate Conference COP21

European Commission Factsheet: What does the EU do for Climate?

European Commission Climate Action: Historic climate deal in Paris: EU leads global efforts (12/12/2015)

EurActiv Infographic: The COP21 decisions at a glance (17/12/2015)

EurActiv Article: Civil society could force governments to stick to their climate commitments (24/11/2015)

EurActiv Article: Regions push for 'bottom-up' approach to climate change mitigation (26/11/2015)

EurActiv Article: EIB boss: Cities and regions have crucial role in ensuring climate investment (27/11/2015)

EurActiv Article: The '4 per 1,000' initiative brings climate action and agriculture together (30/11/2015)
France is promoting an initiative to capture CO_2 in agricultural soils, a concept popular among the EU's big agricultural countries, which see it as a chance to make farming part of the solution to climate change.

EurActiv Article: Early hopes for carbon markets dashed as COP21 opens (30/11/2015)

EurActiv Article: Dependence on coal jeopardises climate targets (03/12/2015)

EurActiv Article: COP21: Indian officials accuse OECD of exaggerating climate aid (04/11/2015)

EurActiv Article: Paris pushes other cities to bolster Green Climate Fund (07/12/2015)

EurActiv Special Report: Future carbon market: The Far East (08/12/2015) The European carbon market may be the biggest, but others exist in the United States, Canada, South Korea and China. These markets are expanding rapidly. China plans to extend its experimental markets across the whole country in 2017, which will take it to the global top spot overnight with a carbon market double the size of Europe's.

EurActiv Article: Energy utilities push carbon pricing, lobby against renewable targets at COP21 (09/12/2015)

EurActiv Article: How the emerging economies are stealing the show at COP21 (10/12/2015)

EurActiv Article: The good and bad surprises of the INDCs (11/12/2015)

EurActiv Article: COP21 celebrations, but governments must mind the emissions gap (12/12/2015)

Other Climate News

European Commission Climate Action: Commission welcomes strong EU commitment to boost climate assistance for developing countries (10/11/2015) The European Commission welcomes the commitment of the European Union to scaling up public funding for climate financing in the years ahead, as confirmed by the Ministers of the EU Member States meeting in the Economic and Financial Affairs Council (ECOFIN).

EurActiv Article: French Senate highlights the role of local authorities in fighting climate change (12/11/2015)
A report by the French Senate (French language) on climate change and the devolution of power to France's local authorities found that "local authorities have been exemplary in launching all kinds of initiatives that benefit the climate since at least the 1990s". Action on a local level will be indispensable if the agreement from the COP 21 is to be implemented successfully. A Republican senator, one of the report's co-authors, believes these good practices "will not spread without a stable regulatory framework and the necessary financial resources".

EurActiv Article: German 2020 climate targets in danger (20/11/2015)
The 40% target of German climate policy teeters on the edge. A new report has concluded that if the government continues on its current course, the goal will not be reached.

EurActiv Article: 700 cities promise renewable energy transition by 2050 (07/12/2015)
700 city mayors from around the world met in the margins of the COP21 to pursue a more ambitious agenda than that supported by their national governments. Their message was clear: cities, which are responsible for around 70% of the world's greenhouse gas emissions, want to reach beyond the commitments of their national governments and lead the fight against climate change.

European Parliament Press Release: Parliament is first EU institution to become 100 % carbon neutral (13/11/2015)
As of 2016, the European Parliament's irreducible carbon emissions can be fully offset, making it the first EU institution to become 100% carbon-neutral. Offsetting applies only in cases where carbon emissions are unavoidable or cannot be further reduced. CO2 offsetting entails buying carbon offsets to compensate for the buyer's own CO2 emissions. Such offsets are typically achieved by providing financial support for renewable energy or efficient energy projects, which aim to reduce greenhouse gas emissions in a global context. EP could do even better if they would meet only in one city rather than two, it can be added.

EurActiv Article: Food giants shoot for 100% renewable energy target (18/11/2015)
Unilever and Mars were among the first household names in the food and drink industry to announce plans for a 100% shift to renewable energy. But few of them have a specific deadline, while some still heavily rely on biomass, which is controverisal, because of potential competition with food crops.

EurActiv Article: Bristol pledge to become carbon neutral by 2050 (16/12/2015)

European Commission Climate Action: EU meets Kyoto targets under first commitment period (2008-2012) (18/11/2015)
The European Union and its Member States have met their greenhouse gas emissions reduction commitments under the Kyoto Protocol's first commitment period (2008-2012). For the whole period, the EU's total emissions, without Cyprus and Malta which have no targets, were 23.5 gigatonnes of CO_2 equivalent. This is equivalent to a reduction of around 19% below the base year in the commitment period 2008-2012. Almost all Member States committed to a reduction of 8% during this period, either jointly under the EU-15 “burden-sharing” or individually.

European Commission Climate Action: European Commission launches online course on Emissions Trading Systems (24/11/2015)
A new course on Emissions Trading Systems (ETS) is available for free online. It covers theory, design, and operational considerations behind an ETS while also providing instruction on best practices. Find the online course here.

European Commission Press Release: Commission co-finances under LIFE programme projects supporting the environment, nature and a more sustainable economy (20/11/2015)
The Commission has approved an investment package of €264.8 million to support Europe's environment, nature and green growth. The investment covers 96 new projects spanning to 21 Member States, funded under the LIFE programme for the Environment.
Find a description of the 96 projects here.

European Commission Climate Action: Commission awards 26 action grants in first year of LIFE Climate Action projects (25/11/2015)
The European Commission has awarded 26 action grants worth €36.75 million to support climate change mitigation, adaptation and climate governance and information projects covering 22 Member States. The projects demonstrate practical ways of contributing towards the EU climate objectives.
The LIFE programme is the EU's funding instrument for the environment and climate action. The budget for the LIFE Climate Action sub-programme for 2014-2020 is set at €864 million in current prices.

Energy

European Parliament Press Release: MEPs want integrated energy market with clear targets & secure supplies (10/11/2015)
The industry committee set out its demands for a European energy union in a resolution. Among them: compliance with the Commission's recommendation concerning hydraulic fracturing, a voluntary system to collectively purchase energy, and support for the development of Europe's own energy resources.

European Commission Climate Action: The Energy Union on track to deliver (18/11/2015)
The State of the Energy Union Report, published for the first time on the 18 November 2015, shows that much progress has already been made since the adoption of the Energy Union Framework Strategy nine months ago. Still much remains to be done, and 2016 will be an important year of delivery.
State of the Energy Union Factsheet/Member State Factsheets 2015

EurActiv Article: Commission outlines Energy Union legislative path (18/11/2015)
Commission Vice-President unveiled the executive's plans for laying the foundations of the Energy Union, until the end of its term in 2019.

EurActiv Article: Commission 'pre-emptive strike' puts cap on EU energy efficiency targets (18/11/2015)
The European Commission's decision to effectively cap any increase to the EU's energy efficiency targets was branded a "pre-emptive strike" on the 18 November 2015 against the European Parliament, which would curb any effort by MEPs to boost the 2030 goals. EurActiv has learnt the Commission will analyse no greater increase in efficiency than 33%. The European Parliament backed a 40% 2030 target in an October 2015 resolution about the UN Climate Change Conference (COP21) in Paris.
Friends of the Earth's Riley said the European Commission's analysis last year had predicted major increases in jobs, GDP, energy security and greenhouse gas cuts with a 40% efficiency target. "It's incomprehensible to now artificially cap efficiency by refusing to consider anything more than 33%," he said.

EurActiv Article: Fossil fuel subsidies reach $452bn a year, study says (12/11/2015)
The G20 group of major economies spend $452 billion per year supporting fossil fuel industries, despite their primary role in causing climate change, according to a study by British think tank the Overseas Development Institute and Oil Change International.

EurActiv Article: Rich powers cut export aid for coal plants (18/11/2015)
Advanced economies - including the United States, Japan and European Union - have agreed for the first time to restrict state aid for exports of large, inefficient coal-fired power stations, the OECD announced. The deal was immediately denounced by environmental group Friends of the Earth, however, for failing to be tougher against all coal-fired power plants.

EurActiv Article: OECD agrees deal to restrict financing for coal technology (18/11/2015)
Representatives of the world's richest countries agreed a deal to end export credits for inefficient coal plant technology to take effect in January 2017, with a review in 2019 that could allow the deal to be strengthened.

EurActiv Article: Developed countries agree to cut coal subsidies in 2017 (19/11/2015)
The European Union and eight OECD countries have agreed to reduce state aid for coal-fired power stations in developing countries. But many stations will be exempt from the cuts.

EurActiv Article: Coal-fired power plants: EU endorses new OECD rules on export credits (26/11/2015)
New rules on export credits to coal-fired power plants, developed within an OECD framework, have been endorsed by the EU.

European Commission Press Release: Closing the loop: Commission adopts new Circular Economy Package (02/12/2015)

Key actions adopted today or to be carried out under the current Commission's mandate include (Commission Communication/Fact Sheet):
- Funding of over €650 million under Horizon 2020 and €5.5 billion under the structural funds;
- Actions to reduce food waste including a common measurement methodology, improved date marking, and tools to meet the global Sustainable Development Goal to halve food waste by 2030;
- Development of quality standards for secondary raw materials to increase the confidence of operators in the single market;
- Measures in the Ecodesign working plan for 2015-2017 to promote reparability, durability and recyclability of products, in addition to energy efficiency;
- A revised Regulation on fertilisers, to facilitate the recognition of organic and waste-based fertilisers in the single market and support the role of bio-nutrients;
- A strategy on plastics in the circular economy, addressing issues of recyclability, biodegradability, the presence of hazardous substances in plastics, and the Sustainable Development Goals target for significantly reducing marine litter;
- A series of actions on water reuse including a legislative proposal on minimum requirements for the reuse of wastewater.

European Commission Press Release: Circular Economy Package: Questions & Answers (02/12/2015)

EurActiv Article: The Circular Economy Package: A waste of job opportunities? (04/12/2015)

Foxgloves- towards a sustainable Europe blog entry: Circular economy package out – is it what we were hoping for? (09/12/2015)
Ilia Neudecker: "Last week, the European Commission published its long-awaited package on Circular Economy. Appraisals across the internet differ. For some the glass is quite empty, whereas others see it at least half full".

EurActiv Article: Two thirds of European oil refineries ready for tar sands imports (25/11/2015)

EurActiv Article: UK cancels pioneering carbon capture and storage competition (26/11/2015)
The UK government has cancelled its £1 billion (about €1.4 billion) competition for carbon capture and storage (CCS) technology just six months before it was due to be awarded, breaking a key pledge in the Conservative party manifesto.

EurActiv Article: French and German companies pledge massive coal divestment (26/11/2015)
German insurer Allianz, French investor Caisse des Dépôts, and French insurance corporation CNP Assurances have all made big commitments, reducing the coal exposure of more than €865 billion of assets and potentially mobilising more than €20 billion into green sectors.

European Commission Climate Action: F-gas Report 2014: Gearing up for the new F-gas Regulation (09/12/2015)
The European Environment Agency (EEA) has published the annual report on fluorinated gases ('Fluorinated greenhouse gases 2014') for 2014. F-gases are powerful greenhouse gases; reducing emissions from these gases is key to avoiding climate change. F-gases are used in sectors such as refrigeration and air-conditioning to replace ozone-depleting substances. They have been regulated in Regulation 517/2014 since 2006.

Nature & Agriculture

European Commission Fact Sheet: Questions and Answers: New Regulation on Novel Food (16/11/2015)
A new Regulation on Novel Foods has been adopted on the 16 November 2015. The new Regulation is intended to increase the efficiency of the authorisation procedure, enables a quicker delivery of safe, innovative food to market and removes unnecessary barriers to trade, whilst ensuring a high level of food safety.

EurActiv Article: EU unblocks novel foods entry into European market (18/11/2015)

EurActiv Article: Food sector looks beyond factory gates for deep CO2 cuts (16/11/2015)
The European food and drink industry can boast a healthy track record in reducing its carbon footprint ahead of the COP21 conference in Paris. But climate campaigners – and industry sources alike — say a much bigger challenge will be to reduce emissions along the entire food supply chain, from farm to fork.

EurActiv Special Report: Food industry focuses on sustainable sourcing to mitigate climate change (20/11/2015)
Faced with a raw materials scarcity due to climate change, food and drink giants have turned to a sustainable management in order to protect the environment and ensure their future viability.

EurActiv Article: Commission hopes new CAP grants will boost number of young farmers (30/11/2015)

European Parliament Press Release: Environment MEPs oppose new GM maize authorization (01/12/2015)
The European Commission should not authorise the use of glyphosate-tolerant GM maize in food and feed, says a resolution adopted by the environment committee on the 15 December 2015. The Commission should suspend any authorisations for GM food and feed as long as the procedure, currently under review, has not been improved, say MEPs.

EurActiv Article: Animal diseases on the rise due to climate change, warns industry (08/12/2015)

EurActiv Article: EU opens investigation into biofuel benchmark fixing (07/12/2015)

EurActiv Article: EU aims to crack down on unsustainable palm oil and illegal logging (09/12/2015)

European Parliament Press Release: Plant health: deal on new measures to tackle influx of new pests into the EU (17/12/2015)

European Parliament Press Release: Safeguard farmers' traditional plant breeding rights, say MEPs (17/12/2015)
The European Parliament voted in favour of a non-legislative resolution which underscores that a ban on the patenting of products obtained by conventional breeding techniques, such as crossing, is essential to sustain innovation, food security and small businesses. MEPs call on the EU Commission to clarify existing EU rules as a matter of urgency and protect plant breeders' access to biological material.

EurActiv Article: EU moves step closer to ban on deep-sea trawler fishing (12/11/2015)
After years of setbacks, trawler fishing at depths of over 800 metres may finally be banned by the EU. On 6 November 2015, the Council of the EU voted to ban bottom trawling in depths of over 800 metres, in order to protect particularly fragile seabed ecosystems. Negotiations can now begin with the Commission and the Parliament.

European Commission Fisheries: EU fishing fleet annual report: better balance between fishing capacity and fishing opportunities (16/11/2015)
The Common Fisheries Policy obliges Member States to adjust their fleets' capacity to the fishing opportunities available to them. Member States continue to make progress to this aim, the Report shows.

European Commission Press Release: Commission proposes new rules to improve transparency and monitoring of EU fleet fishing internationally (10/12/2015)
The European Commission has proposed a new system to grant and manage fishing authorisations, allowing authorities to better monitor both EU vessels fishing outside Union waters and international vessels fishing in our own waters.
The proposal forms part of the implementation of the new Common Fisheries Policy, which states clearly: whether they are fishing inside or outside the EU, our fishers must be subject to the same rules and standards. Monitoring the activities of the EU fishing fleet, wherever they are, is crucial to promote sustainable fishing and combat illegal operations.
Explanatory Memorandum/Questions and Answers.

European Commission Fisheries: EU and Mauritania sign a new 4-year Sustainable Fisheries Protocol (17/11/2015)

The renewal of the Protocol means that EU vessels may resume their fishing activities in Mauritanian waters. The new Protocol will enter fully into force only after the necessary procedures have been completed, including the consent of the European Parliament.

With the new Protocol, the EU fleet will be allowed to fish up to a total of 281 500 tonnes per year, under improved operational conditions. In addition to the catches paid for by the European fleet, the EU will pay a financial contribution of € 59.125 million per year to Mauritania, out of which € 4.125 million has been earmarked to enhance fisheries governance and to support sustainable fisheries.

European Commission Fisheries: Important decisions by ICCAT for better fisheries management of tunas (18/11/2015)

The annual meeting of the International Commission for the Conservation of Atlantic Tunas adopted a number of important proposals suggested by the EU toward more sustainable tuna fisheries.

A decision was taken to go with the EU proposals for a general framework for the development of harvest control rules and management strategy evaluation and for a specific harvest control rule for Northern Albacore. The EU also managed to get a comprehensive package of conservation and management measures adopted for bigeye tuna, which includes a reduction of the Total Allowable Catch. Another important proposal adopted, and the welcome result of four years of efforts on the part of the EU, concerns the electronic catch documentation system for blue-fin tuna, which will have to be used as from 1 May 2016.

Unfortunately, the ICCAT was not ready to move towards measures for the conservation of blue sharks, which risk remaining unmanaged until the next assessment takes place in 2018.

The EU and ICCAT Infographic

European Commission Fisheries: Latest EFF report shows Member States spending more on sustainable fisheries (17/12/2015)

The European Commission has published the 8th Annual Report on the Implementation of the European Fisheries Fund (EFF), covering EFF implementation in 2014 and up to May 2015.

Transport

Council of the EU Press Release: Real driving emissions: Council gives green light to first package (10/11/2015)
On 10 November 2015, the Council gave its green light to the adoption of the first package of rules on real driving emission (RDE) tests to measure pollutants emissions of light vehicles. This first package introduces the concept of RDE procedures with a portable emissions measurement system that will be connected to the vehicles tested. It will apply from 1 January 2016. At this initial stage the system will be used for monitoring purposes. It will therefore not yet have any implications on the approval of new models. After this Council decision, the Commission may adopt the regulation, unless the European Parliament objects.

Council of the EU Press Release: Emission reductions from road vehicles: negotiations continue on a review of the legislation (19/11/2015)
On 19 November 2015, the presidency of the Council and the European Parliament held a second negotiating meeting on a review of current legislation for the reduction of emissions from road vehicles. One of the few outstanding issues is the procedure for future decisions on real driving emission tests. The new piece of legislation would amend both the regulation for light-duty vehicles (Euro 5/6- Regulation 715/2007) and the one for heavy-duty vehicles (Euro VI- Regulation 595/2009).

European Parliament Press Release: Environment MEPs oppose relaxing diesel car emission test limits (14/12/2015)
A draft decision to raise diesel car emission limits for nitrogen oxides (NOx) by up to 110%, along with the introduction of the long-awaited Real Driving Emissions (RDE) test procedure, is neither explained nor justified, and would undermine the enforcement of existing EU standards, said Environment Committee MEPs, in a resolution, voted on 14 December 2015, which objects to the draft. The resolution will be put to a vote by the full Parliament at the 18-21 January 2016 plenary session in Strasbourg.

EurActiv Article: Environment MEPs rebuff member states on diesel emissions (15/12/2015)

European Parliament Press Release: "Dieselgate": Parliament sets up inquiry committee (17/12/2015)
The European Parliament decided to set up a 45 member inquiry committee to investigate breaches of EU rules on car emission tests and alleged failures by EU member states and the European Commission to enforce EU standards. The committee will present an interim report within 6 months, and a final report within 12 months, of starting its work.

EurActiv Article: MEPs demand Commission propose tolls on trucks to curb CO2 emissions (20/11/2015)
Fourteen MEPs have signed a letter to the EU Transport Commissioner, demanding that the European Commission propose legislation to impose new tolls on trucks. The Commission's Energy Union plans announced earlier this year dropped truck tolls laid out in earlier versions. There is currently no CO2 standard for trucks in Europe, although cars and vans' CO2 emissions are limited. European Commission data shows trucks contributing one quarter of CO2 emissions from road transport in the EU, although campaigners estimate the figure to be higher.

European Commission Climate Action: CO2 emissions from new cars and vans continue to decrease (26/11/2015)
New cars and vans registered in the European Union in 2014 were on average 2.5% more efficient compared to 2013 according to data published by the European Environment Agency.

European Commission Mobility and Transport: Public Consultation: Ex-post evaluation of EU financial support to sustainable urban mobility and to the use of alternative fuels in EU urban areas (27/11/2015)
Sustainable urban mobility and the use of alternative fuels have become increasingly important in the context of transport policy. Important financial contributions have been allocated to actions in these sectors over the two previous budgetary periods. This public consultation seeks to appraise the effectiveness of these contributions to ensure the proper use of funds to be allowed to these sectors in the future.
Report: Review of the Action Plan on Urban Mobility
Find the online questionnaire here.

EurActiv Article: Germany pioneers development of cleantech (09/12/2015)

EurActiv Article: Commission takes Germany to court over Daimler refrigerant (10/12/2015)
The European Commission found that the German government has infringed Directive 2006/40 on mobile air conditioning systems by allowing the company to place automobile vehicles on the EU market with a refrigerant 1000 times more potent than carbon dioxide.

EurActiv Article: Alpine region vexed by traffic sees light at end of tunnel (15/12/2015)

EurActiv Article: 'Significant behaviour shifts' needed to cut transport emissions (17/12/2015)
Reaching the European emissions reduction targets will require citizens to change their driving habits and embrace alternative modes of transport, according to a new report by the EAA (Evaluating 15 years of transport and environmental policy integration).

Water

EurActiv Article: Damage to oceans could be irreparable and deadly (07/12/2015)
The planet's oceans protect us from solar radiation and are home to an estimated 70% of all life on earth – but global warming is threatening to destroy entire ecosystems and cause irreparable damage.

Events

29 August- 2 September 2016

Event: Summer Programme on International and European Environmental Law
Topic/Title: Making it Work
Organisation: T.M.C. Asser Instituut
Venue: T.M.C. Asser Instituut, R.J. Schimmelpennincklaan 20-22, The Hague

More Information to follow

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