



2016/2251(INI)

23.6.2017

AMENDMENTS

1 - 73

Draft report

Laura Ferrara

(PE599.856v01-00)

on the application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the ‘Environmental Liability Directive’ or ‘ELD’)
(2016/2251(INI))

Amendment 1
Daniel Buda

Motion for a resolution
Recital A

Motion for a resolution

A. whereas the EU seeks to ensure its citizens have a high level of health protection and improvement of environmental quality;

Amendment

A. whereas the EU seeks to ensure its citizens have a high level of health protection and improvement of environmental quality, *as well as promoting the prudent and rational utilisation of natural resources, accompanied by measures at international level to address global or regional environmental problems;*

Or. ro

Amendment 2
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Recital A a (new)

Motion for a resolution

Aa. *whereas Article 11 TFEU stipulates that environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development;*

Or. en

Amendment 3
Daniel Buda

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas a coordinated environmental strategy across the Union is a way of encouraging cooperation and ensuring that EU policies are consistent with each other;

Or. ro

Amendment 4

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Recital A b (new)

Motion for a resolution

Amendment

Ab. whereas Article 191(1) TFEU states that Union policy on the environment shall contribute to pursuit of objectives, such as protecting and improving the quality of the environment, protecting human health, ensuring prudent and rational utilisation of natural resources, promoting measures at international level to deal with regional or worldwide environmental problems;

Or. en

Amendment 5

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Recital B

Motion for a resolution

Amendment

B. whereas Article 191(2) TFEU stipulates that Union policy on the environment shall aim at a high level of protection and *is* based on the ‘polluter

B. whereas Article 191(2) TFEU stipulates that Union policy on the environment shall aim at a high level of protection and *shall be* based on the

pays' principle;

precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay;

Or. en

Amendment 6
Daniel Buda

Motion for a resolution
Recital B

Motion for a resolution

B. whereas Article 191(2) TFEU stipulates that Union policy on the environment shall aim at a high level of protection and is based on the 'polluter pays' principle;

Amendment

B. whereas Article 191(2) TFEU stipulates that Union policy on the environment shall aim at a high level of protection and is based on the 'polluter pays' principle, *together with the precautionary principle, the principle that preventive action should be taken and the principle that environmental damage should as a priority be rectified at source;*

Or. ro

Amendment 7
Laura Ferrara

Motion for a resolution
Recital E a (new)

Motion for a resolution

Ea. whereas in order to cover liability for environmental damage, a financial security market has grown up spontaneously, but whereas this might, however, be insufficient to cover specific cases, for instance for SMEs or involving particular types of operations (offshore platforms, nuclear facilities, etc.);

Amendment

Amendment 8
Laura Ferrara

Motion for a resolution
Recital E b (new)

Motion for a resolution

Amendment

Eb. whereas the uneven implementation of the ELD is due primarily to, for example, difficulties of appreciation when the damage to a natural resource exceeds the set threshold and the fact that many Member States have no means of eliciting comments and criticism from environmentalist NGOs and other stakeholder bodies;

Or. it

Amendment 9
Laura Ferrara

Motion for a resolution
Recital E c (new)

Motion for a resolution

Amendment

Ec. whereas in many Member States large numbers of stakeholders (environmentalist NGOs, insurance companies, operators, and, above all, the authorities concerned) know little – or in some cases nothing – about the details of the ELD, a situation due not least to the fact that there are no guidance documents to help in transposing the legislation;

Or. it

Amendment 10
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Recital F

Motion for a resolution

F. whereas new scientific findings show that pollution from industrial activities can affect the **human body** in hitherto unsuspected ways and that this endangers biological and bio-evolutionary balances;

Amendment

F. whereas new scientific findings show that pollution from industrial activities can affect the **environment as well as human** in hitherto unsuspected ways and that this endangers **human health, sustainability**, biological and bio-evolutionary balances;

Or. en

Amendment 11
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Recital F a (new)

Motion for a resolution

Amendment

Fa. whereas many Member States have made progress towards effectively achieving the main objectives of preventing and remedying environmental damage, however, in a few Member States the enforcement of the ELD remains insufficient;

Or. en

Amendment 12
Daniel Buda

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Acknowledges the importance of

1. Acknowledges the importance of

the Commission's studies and reports *on* the implementation of the ELD;

the Commission's studies and reports *regarding the assessment of* the implementation of the ELD *and its effects on the Member States*;

Or. ro

Amendment 13
Laura Ferrara

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Observes with concern that the findings of those reports give an alarming picture of the actual implementation of the ELD;

Amendment

2. Observes with concern that the findings of those reports give an alarming picture of the actual implementation of the ELD *and notes that the directive has been transposed in a patchy and uninterested way in many Member States*;

Or. it

Amendment 14
Daniel Buda

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Welcomes the Commission's recommendations set out in its report to the Council and European Parliament under Article 18(2) of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage, in particular the priority given by it to promoting the harmonisation of national solutions and practices within the framework of the Directive and establishing how it can be implemented effectively and coherently in a wider legal

Amendment 15
Heidi Hautala

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers that, ***according to the Commission report, the transposition of the ELD*** is currently totally disparate in both legal and practical terms and that further measures are required to enable regulatory standardisation to take place across the EU;

Amendment

4. Considers that ***the transposition of the ELD into national liability systems has not resulted in a level playing field and that as confirmed in the Commission report***, it is currently totally disparate in both legal and practical terms and that further measures are required to enable regulatory standardisation to take place across the EU;

Amendment 16
Emil Radev

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers that, according to the Commission report, the transposition of the ELD is currently totally disparate in both legal and practical terms and that ***further measures*** are required to enable regulatory standardisation to take place across the EU;

Amendment

4. Considers that, according to the Commission report, the transposition of the ELD is currently totally disparate in both legal and practical terms and that ***additional efforts*** are required to enable regulatory standardisation to take place across the EU;

Amendment 17
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Stresses that the ability of the ELD in achieving a high level of environmental protection and in preventing and remedying environmental damage in the EU is hampered by significant lack of clarity and uniform application of key concepts, and underdeveloped capacities and expertise;

Or. en

Amendment 18
Daniel Buda

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Points out that, in spite of the ELD's extreme flexibility, seven Member States have yet to resolve a number of non-compliance issues;

6. Regrets that, in spite of the action taken by the Commission concerning late transposition and issues relating to non-conformity and that, in spite of the ELD's extreme flexibility, seven Member States have yet to resolve a number of non-compliance issues;

Or. ro

Amendment 19
Daniel Buda

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Notes the abnormal inconsistency in the reporting of cases of environmental damage by the Member States, which is probably due to the habit of applying national legislation instead of the ELD;

Amendment

7. Notes the abnormal inconsistency in the reporting **by Member States** of cases of environmental damage **that triggered the application of the ELD^{1a}, something that can be attributed to implementation of their** national legislation instead of the ELD;

^{1a} According to the Report from the Commission to the Council and the European Parliament under Article 18(2) of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage, between April 2007 and April 2013, Member States reported around 1 245 confirmed cases of environmental damage which triggered the application of the ELD. Moreover, according to the same report, the number of cases varies considerably from one Member State to another. Two Member States account for over 86 % of all reported cases (Hungary: 563, Poland: 506 cases), most of the remaining cases having been reported by six Member States (60 by Germany, 40 by Greece, 17 by Italy and 8 by Latvia, Spain and the United Kingdom). 11 Member States reported no such incidents in 2007, possibly because they deal with them exclusively under their national system.

Or. ro

Amendment 20
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Points out that the different interpretations and application of the ‘significance threshold’ for environmental damage are one of the main barriers to an effective and uniform application of the ELD;

Amendment

9. Points out that the different interpretations and application of the ‘significance threshold’ for environmental damage are one of the main barriers to an effective and uniform application of the ELD, *while precise data on administrative costs for public authorities, including data on the application of complementary and compensatory remediation, are limited, quite divergent, and for business not available at all;*

Or. en

Amendment 21

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Deplores the fact that under ELD, incidents are defined as “serious” only if they give rise to deaths or serious injuries, with no reference to the consequences for the environment; highlights therefore that even if it does not give rise to deaths or serious injuries, an incident may have a serious impact on the environment, by virtue of its scale or because it affects, for example, protected areas, protected species or particularly vulnerable habitats;

Or. en

Amendment 22

Daniel Buda

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments, ***but also that*** demand is low due to the insufficient number of cases detected in many Member States, in addition to the lack of clarity regarding certain concepts set out in the directive;

Amendment

11. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments (***covering insurance and alternative instruments, such as bank guarantees, bonds or funds***); ***notes that, despite this,*** demand is low due to the insufficient number of cases detected in many Member States, in addition to the lack of clarity regarding certain concepts set out in the directive ***and the slower emergence of a number of insurance markets***;

Or. ro

Amendment 23

Laura Ferrara

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments, ***but also that demand is low due to the insufficient number of cases detected in many Member States, in addition to the lack of clarity regarding certain concepts set out in the directive***;

Amendment

11. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments (***insurance and alternative instruments such as bank guarantees, funds, or securities***);

Or. it

Amendment 24

Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments, but also that demand *is low due to the insufficient number of cases detected in many* Member States, in addition to the lack of clarity regarding certain concepts set out in the directive;

Amendment

11. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments, but also that demand *may vary significantly according to the level of maturity of the market for such instruments among* Member States, in addition to the lack of clarity regarding certain concepts set out in the directive;

Or. en

Amendment 25

Laura Ferrara

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Believes that within the ELD financial security market, demand is still low due to the insufficient number of cases detected in many Member States, the lack of clarity regarding certain concepts set out in the directive, and the fact that, in many Member States, insurance models are generally proving slow to emerge;

Or. it

Amendment 26

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

13. Stresses that problems persist

13. Stresses that problems persist

regarding the application of the directive to large-scale accidents *and the insolvency of economic operators responsible for damage*;

regarding the application of the directive to large-scale accidents, *especially when it is not possible to identify the liable polluter and/or the polluter becomes insolvent or bankrupt*;

Or. en

Amendment 27
Laura Ferrara

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Welcomes the fact that, as regards the application of the ELD in relation to protected species and natural habitats, half the Member States apply a broader scope;

Amendment

14. Welcomes the fact that, as regards the application of the ELD in relation to protected species and natural habitats, half the Member States apply a broader scope *(Belgium, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovenia, Spain, Sweden, and the United Kingdom)*;

Or. it

Amendment 28
Jytte Guteland

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

15a. Reiterates that there is a lack of data available on ELD cases and comparable incidents treated under national legislation; notes that the ELD provides an obligation for notifying the competent authority of imminent threat of, or actual environmental damage; regrets however that there is no obligation to publish such notifications or

Amendment

information about how the cases were dealt with; Notes that some Member States have identified this limitation in their national legislation and thus set up databases about the notifications/incidents/cases. However, the practice varies broadly from Member State to Member State and is rather limited;

Or. en

Amendment 29

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Emphasises that compensatory regimes must be able to address transboundary claims effectively, rapidly, within a reasonable timeframe and without discrimination between claimants from different European Economic Area countries; recommends that they should cover both primary and secondary damage caused in all the affected areas, given that such incidents affect wider areas and may have a long-term impact; stresses the need especially for neighbouring countries, which are not members of the European Economic Area, to respect international law regarding the environmental protection and liability;

Or. en

Amendment 30

Jytte Guteland

Motion for a resolution

Paragraph 15 b (new)

Motion for a resolution

Amendment

15b. *Points out that there is still lack of awareness and information about the ELD, insufficient resources and expertise to implement the Directive and uncertainties concerning definitions such as ‘significant’ threshold and under-use of complementary and compensatory remediation. Calls on the Commission to support Member States in the development of tools to support a better implementation of the ELD regime, such as guidance documents for operators, competent authorities, civil society organisations and insurers;*

Or. en

Amendment 31
Jytte Guteland

Motion for a resolution
Paragraph 15 c (new)

Motion for a resolution

Amendment

15c. *Reiterates that according to the ELD, persons adversely affected by environmental damage should be entitled to ask the competent authorities to take action; believes in this regard that a compensatory collective redress mechanism should be available to any individual or organisation that has suffered due to environmental damage or impairment of right within the scope of the ELD.*

Or. en

Amendment 32
Jytte Guteland

Motion for a resolution
Paragraph 15 d (new)

Motion for a resolution

Amendment

15d. Taking into account that the European law stipulates that European citizens should be guaranteed effective and timely access to justice (Article 9(3) of the Aarhus Regulation, Article 6 TEU and relevant provisions of the European Convention for the Protection of Human Rights) and that the costs of the environmental harm should be borne by the polluter (Article 191 TFEU), calls on the Commission to come up with a legislative proposal on compensatory collective redress mechanisms in the Member States based on breaches of provisions of Union environmental law;

Or. en

Amendment 33
Jytte Guteland

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. Calls for the ELD to be reviewed as soon as possible and the definition of ‘environmental damage’ laid down in Article 2 of the directive to be revised;

16. Calls for the ELD to be reviewed as soon as possible and the definition of ‘environmental damage’ laid down in Article 2 of the directive to be revised ***and to broaden the definition in order to extend the scope of application to damages caused to human health and the environment caused by air pollution generated by the car industry; reminds that if car manufacturers would be held financial liable for remedying the environmental damage they cause, it would increase the level of prevention and precaution;***

Or. en

Amendment 34
Daniel Buda

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Calls for the ELD to be reviewed as soon as possible and the definition of ‘environmental damage’ laid down in Article 2 of the directive to be revised;

Amendment

16. Calls for the ELD to be reviewed as soon as possible and the definition of ‘environmental damage’ laid down in Article 2 of the directive to be revised ***with a view to making it sufficiently effective, consistent and coherent to keep pace with the rapid evolution of pollutants from industrial activities;***

Or. ro

Amendment 35
Heidi Hautala

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. In the context of a review reinstates its preference for mandatory financial security, e.g. a mandatory environmental liability insurance for operators;

Or. en

Amendment 36
Heidi Hautala

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Calls for the Commission to clarify and specify the concept of ‘significance threshold’, in order to standardise the application of the ELD, making it uniform in all Member States;

Amendment

17. Calls for the Commission to clarify and specify the concept of ‘significance threshold’, in order to standardise the application of the ELD, making it uniform in all Member States; ***and in particular to assess differentiated maximum liability thresholds for activities;***

Or. en

Amendment 37
Daniel Buda

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Calls for the Commission to clarify and ***specify*** the concept of ‘significance threshold’, in order to standardise the application of the ELD, making it uniform in all Member States;

Amendment

17. Calls for the Commission to clarify, ***define*** and ***set out in detail*** the concept of ‘significance threshold’, in order to standardise the application of the ELD, making it uniform in all Member States;

Or. ro

Amendment 38
Daniel Buda

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution

17a. Calls on the Commission to provide a clear and coherent interpretation of the geographical scope of ELD ‘favourable conservation status’ (EU territory, national territory, natural landscape area); in this respect, a site-specific approach is necessary to ensure correct and effective implementation;

Amendment

Amendment 39

Laura Ferrara

Motion for a resolution

Paragraph 17 a (new)

Motion for a resolution

Amendment

17a. Calls on the Commission to determine what rules are necessary in order to establish a clear and irrefutable distinction between those cases in which the ELD is applicable and those in which the national standard should apply, where this is more stringent;

Or. it

Amendment 40

Daniel Buda

Motion for a resolution

Paragraph 18

Motion for a resolution

Amendment

18. Calls on the Commission to check whether it is possible to extend the scope of the ELD also to damage to the air¹⁵, which can have significant health risks, and to damage caused by electromagnetic pollution¹⁶;

deleted

¹⁵This option was considered in the Commission document of 19 February 2014 'Study on ELD Effectiveness: Scope and Exceptions' p. 84.

¹⁶The effects of continuous exposure to electromagnetic fields were considered in a study by STOA, 'The Physiological and Environmental Effects of Non-Ionising Electromagnetic Radiation - 03-2001';

furthermore, there are still no data available on the effects of long-term exposure to intense electromagnetic fields.

Or. ro

Amendment 41

Angel Dzhambazki, Kosma Zlotowski

Motion for a resolution

Paragraph 18

Motion for a resolution

Amendment

18. *Calls on the Commission to check whether it is possible to extend the scope of the ELD also to damage to the air¹⁵, which can have significant health risks, and to damage caused by electromagnetic pollution¹⁶;* *deleted*

¹⁵ *This option was considered in the Commission document of 19 February 2014 ‘Study on ELD Effectiveness: Scope and Exceptions’ p. 84.*

¹⁶ *The effects of continuous exposure to electromagnetic fields were considered in a study by STOA, ‘The Physiological and Environmental Effects of Non-Ionising Electromagnetic Radiation - 03-2001’; furthermore, there are still no data available on the effects of long-term exposure to intense electromagnetic fields.*

Or. en

Amendment 42

Jytte Guteland

Motion for a resolution

Paragraph 18

Motion for a resolution

18. ***Calls on the Commission to check whether it is possible*** to extend the scope of the ELD also to damage to the air¹⁵, which can have significant health risks, and to damage caused by electromagnetic pollution¹⁶;

¹⁵ This option was considered in the Commission document of 19 February 2014 ‘Study on ELD Effectiveness: Scope and Exceptions’ p. 84.

¹⁶ The effects of continuous exposure to electromagnetic fields were considered in a study by STOA, ‘The Physiological and Environmental Effects of Non-Ionising Electromagnetic Radiation - 03-2001’; furthermore, there are still no data available on the effects of long-term exposure to intense electromagnetic fields.

Amendment

18. ***Reiterates that air pollution harms human health and the environment and according to Eurostat, Nitrogen dioxide and particulate matter pollution pose serious health risks while Europe’s sensitive ecosystem areas are affected by acid deposition of excess sulphur and nitrogen compounds (SOx, NOx, NH3); Calls on the Commission*** to extend the scope of the ELD also to damage to the air¹⁵, which can have significant health risks, and to damage caused by electromagnetic pollution¹⁶;

¹⁵ This option was considered in the Commission document of 19 February 2014 ‘Study on ELD Effectiveness: Scope and Exceptions’ p. 84.

¹⁶ The effects of continuous exposure to electromagnetic fields were considered in a study by STOA, ‘The Physiological and Environmental Effects of Non-Ionising Electromagnetic Radiation - 03-2001’; furthermore, there are still no data available on the effects of long-term exposure to intense electromagnetic fields.

Or. en

Amendment 43
Heidi Hautala

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Calls on the Commission to check whether it is possible to extend the scope of the ELD also to damage to the air¹⁵, which can have significant health risks, and to damage caused by electromagnetic

Amendment

18. Calls on the Commission to check whether it is possible to extend the scope of the ELD ***and impose liability for damage to human health and the environment, including*** also to damage to the air¹⁵, which can have significant health

pollution¹⁶;

¹⁵ This option was considered in the Commission document of 19 February 2014 ‘Study on ELD Effectiveness: Scope and Exceptions’ p. 84.

¹⁶ The effects of continuous exposure to electromagnetic fields were considered in a study by STOA, ‘The Physiological and Environmental Effects of Non-Ionising Electromagnetic Radiation - 03-2001’; furthermore, there are still no data available on the effects of long-term exposure to intense electromagnetic fields.

risks, and to ***check whether it is possible as regards*** damage caused by electromagnetic pollution¹⁶;

¹⁵ This option was considered in the Commission document of 19 February 2014 ‘Study on ELD Effectiveness: Scope and Exceptions’ p. 84.

¹⁶ The effects of continuous exposure to electromagnetic fields were considered in a study by STOA, ‘The Physiological and Environmental Effects of Non-Ionising Electromagnetic Radiation - 03-2001’; furthermore, there are still no data available on the effects of long-term exposure to intense electromagnetic fields.

Or. en

Amendment 44 **Jytte Guteland**

Motion for a resolution **Paragraph 18 a (new)**

Motion for a resolution

Amendment

18a. Reiterates that article 4.5 of the ELD stipulates that Directive shall only apply to environmental damage or to an imminent threat of such damage caused by pollution of a diffuse character, where it is possible to establish a causal link between the damage and the activities of individual operators; Reiterates that the Intergovernmental Panel on Climate Change (IPCC) already in its 2013 Report established a rigorous causal relationship between gas emissions and damage related to climate change and the environment.^{1b}

^{1b} IPCC, 2013: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment

Report of the Intergovernmental Panel on Climate Change [Stocker, T.F. et al. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 1535 pp, doi:10.1017/CBO9781107415324.

Or. en

Amendment 45
Jytte Guteland

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

18b. *Takes seriously the research published by Environmental Research Letters, which estimates that 1,200 people in Europe will die early, each losing as much as a decade of their life, as a result of excess emissions generated between 2008 and 2015 by affected cars sold in Germany^{1a}; Calls on the Commission, to include, in the next review of the ELD, damage to human health and the environment caused by air pollution emitted by cars violating the EU car emissions legislation;*

^{1a} *Chossière, Guillaume P et al. Public health impacts of excess NOx emissions from Volkswagen diesel passenger vehicles in Germany. 3 March 2017. Environmental Research Letters, Volume 12, Number 3*

Or. en

Amendment 46
Emil Radev

Motion for a resolution
Paragraph 19

Motion for a resolution

Amendment

19. Calls for the establishment of a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD¹⁷, for insolvency risks and only in cases where financial security markets fail; *deleted*

¹⁷As regards this option please refer to the document published by the Commission on 17 April 2013 entitled ‘Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents’.

Or. bg

Amendment 47
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Paragraph 19

Motion for a resolution

Amendment

19. Calls for the establishment of a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD¹⁷, for insolvency risks and only in cases where financial security markets fail; *deleted*

¹⁷ As regards this option please refer to the document published by the Commission on 17 April 2013 entitled ‘Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents’.

Or. en

Amendment 48

Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Calls for the establishment of a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD¹⁷, for insolvency risks and only in cases where financial security markets fail;

¹⁷ As regards this option please refer to the document published by the Commission on 17 April 2013 entitled ‘Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents’.

Amendment

19. Calls for the establishment of a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD¹⁷, for insolvency risks and only in cases where financial security markets fail; ***the same should apply in cases of large scale accidents, when it is impossible to trace the operator responsible for the damage;***

¹⁷ As regards this option please refer to the document published by the Commission on 17 April 2013 entitled ‘Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents’.

Or. en

Amendment 49

Daniel Buda

Motion for a resolution

Paragraph 19

Motion for a resolution

19. ***Calls for the establishment of*** a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD¹⁷, for insolvency risks and only in cases where financial security markets fail;

Amendment

19. ***Calls on the Commission to consider the possibility of establishing*** a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD¹⁷, for insolvency risks and only in cases where financial security markets fail;

¹⁷As regards this option please refer to the document published by the Commission on 17 April 2013 entitled ‘Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents’.

¹⁷As regards this option please refer to the document published by the Commission on 17 April 2013 entitled ‘Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents’.

Or. ro

Amendment 50
Emil Radev

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Calls on the Commission to encourage the Member States to develop financial collateral instruments for compensating traditional damage claims for environmental incidents, including in cases of insolvency;

Or. bg

Amendment 51
Daniel Buda

Motion for a resolution
Paragraph 20

Motion for a resolution

Amendment

20. Calls for consideration to be given to the option of including in the ELD a third-party liability regime for damage caused to human health and the environment¹⁸;

deleted

¹⁸As already provided for in Portugal and as assessed in the Commission study of 16 May 2013 entitled ‘Implementation challenges and obstacles of the

Amendment 52
Emil Radev

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls for ***consideration to be given to the option of including*** in the ELD a third-party liability regime for damage caused to human health and the environment¹⁸;

¹⁸As already provided for in Portugal and as assessed in the Commission study of 16 May 2013 entitled ‘Implementation challenges and obstacles of the Environmental Liability Directive (ELD)’ p. 75.

Amendment

20. Calls for ***an assessment of whether it is necessary to include*** in the ELD a third-party liability regime for damage caused to human health and the environment¹⁸;

¹⁸As already provided for in Portugal and as assessed in the Commission study of 16 May 2013 entitled ‘Implementation challenges and obstacles of the Environmental Liability Directive (ELD)’ p. 75.

Amendment 53
Heidi Hautala

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Calls for the adoption of a regime for the secondary liability of successors of liable parties;

Amendment

21. Calls for the adoption of a regime for the secondary liability of successors of liable parties ***and for the option of requiring subsidiary state liability to be made mandatory in order to ensure effective and proactive implementation of the legislation;***

Amendment 54

Heidi Hautala

Motion for a resolution

Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. *Calls furthermore for the removal of the options for granting permit defence and state-of-the art defences in order to create a level playing field and promote the polluter pays principle as well as improve the effectiveness of the legislation;*

Or. en

Amendment 55

Heidi Hautala

Motion for a resolution

Paragraph 21 b (new)

Motion for a resolution

Amendment

21b. *Stresses the urgency of establishing European legislation on minimum standards for implementing the Aarhus Convention's access to justice pillar;*

Or. en

Amendment 56

Heidi Hautala

Motion for a resolution

Paragraph 21 c (new)

Motion for a resolution

Amendment

21c. Calls on the Commission to come forward with a proposal for environmental inspections at the European level without further delay;

Or. en

Amendment 57

Daniel Buda

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to establish a mandatory register for operators who engage in the dangerous activities listed in Annex III **and a financial monitoring scheme to ensure the operators are solvent;**

Amendment

22. Calls on the Commission to establish a mandatory register for operators who engage in the dangerous activities listed in Annex III;

Or. ro

Amendment 58

Angel Dzhambazki, Kosma Złotowski

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to establish a **mandatory** register for operators who engage in the dangerous activities listed in Annex III and a financial monitoring scheme to ensure the operators are solvent;

Amendment

22. Calls on the Commission to establish a register for operators who engage in the dangerous activities listed in Annex III and a financial monitoring scheme to ensure the operators are solvent;

Or. en

Amendment 59
Heidi Hautala

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to establish a mandatory register for operators who engage in the dangerous activities **listed in Annex III** and a financial monitoring scheme to ensure the operators are solvent;

Amendment

22. Calls on the Commission to establish a mandatory register for operators who engage in the dangerous activities and a financial monitoring scheme to ensure the operators are solvent;

Or. en

Amendment 60
Gilles Lebreton

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to establish a **mandatory** register for operators who engage in the dangerous activities listed in Annex III and a financial monitoring scheme to ensure the operators are solvent;

Amendment

22. Calls on the Commission to establish a register for operators who engage in the dangerous activities listed in Annex III and a financial monitoring scheme to ensure the operators are solvent;

Or. fr

Amendment 61
Angel Dzhambazki, Kosma Złotowski

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Calls for the establishment of a European register of cases of environmental damage governed by the ELD;

Amendment

23. Calls for the establishment of a European register of cases of environmental damage governed by the ELD; ***For the purpose of not causing***

unnecessary administrative burdens on public authorities and operators and keeping in line with the purpose and provisions as set forth by this Directive, a structured dialogue is required;

A register should also be consistent with the latest mandatory disclosures for environmental risks imposed by the Non-Financial Reporting Directive 2014/95/EU adopted in 2014 and applicable from January 2018 for the financial year 2017;

Or. en

Amendment 62
Jytte Guteland

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Calls for the establishment of a European register of cases of environmental damage governed by the ELD;

Amendment

23. Calls for the establishment of a European register of cases of environmental damage governed by the ELD; ***Calls on the Commission and all the Member States to develop public available databases for reporting on ELD cases in order to create better trust in the ELD system and better implementation; Publication of public databases would enable stakeholders, operators and the public to become more aware of the existence of the ELD regime and its enforcement and thus contribute to better prevention and remediation of environmental damages;***

Or. en

Amendment 63
Laura Ferrara

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Calls for the establishment of a European register of cases of environmental damage governed by the ELD;

Amendment

23. Calls for the establishment of a European register of cases of environmental damage governed by the ELD *modelled on, for example, the Irish reporting system whereby cases of environmental damage can be notified online*;

Or. it

Amendment 64
Jytte Guteland

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. In order to be effectively accessible, public databases of ELD cases could be established according to the following criteria:

- **they should be available online. Furthermore information should be granted also upon request;**
- **the database should be central for every country, not separate register for every region;**
- **notifications about new incidents should be immediately published online;**
- **the database should include information about the name of polluter, nature and extent of the caused damage, prevention/remediation action measures taken, proceedings carried out by/and or with authorities;**

Or. en

Amendment 65
Heidi Hautala

Motion for a resolution
Paragraph 24

Motion for a resolution

24. ***Calls for the extension** of the categories of dangerous activities set out in Annex III in order to include all activities that are potentially harmful to the environment and human health;*

Amendment

24. ***In the context of a review** of the ELD, considers it a priority to extend strict liability to non-Annex III activities for all environmental damage to improve the effectiveness of the legislation; recommends to the Commission, in the interest of clarity of the law, to delete Annex III;*

Or. en

Amendment 66
Daniel Buda

Motion for a resolution
Paragraph 24

Motion for a resolution

24. ***Calls for the extension of** the categories of dangerous activities set out in Annex III in order to include all activities that are potentially harmful to the environment and human health;*

Amendment

24. ***Calls on the Commission to examine the possibility of extending** the categories of dangerous activities set out in Annex III in order to include all activities that are potentially harmful to the environment and human health;*

Or. ro

Amendment 67
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Paragraph 25

Motion for a resolution

25. ***Stresses the importance** of a culture of environmental damage prevention,*

Amendment

25. ***Stresses the importance** of a culture of environmental damage prevention,*

through a systematic information campaign in which Member States should ensure that potential polluters and potential victims are informed of the risks to which they are exposed, of the availability of insurance or other financial means that could protect them from those risks and of the benefits they could gain from them;

through a systematic information campaign in which Member States should ensure that potential polluters and potential victims are informed of the risks to which they are exposed, of the availability of insurance or other financial ***and legal*** means that could protect them from those risks and of the benefits they could gain from them;

Or. en

Amendment 68
Kostas Chrysogonos, Jiří Maštálka

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Considers that all cases of proven liability, as well as the details of penalties applied, should be made public in order to make the true cost of environmental damage transparent to all;

Or. en

Amendment 69
Laura Ferrara

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Proposes that a channel be set up to encourage environmentalist NGOs and other stakeholder bodies to put forward their comments and criticisms;

Or. it

Amendment 70
Jytte Guteland

Motion for a resolution
Paragraph 26

Motion for a resolution

26. *Suggests that tax relief or other favourable arrangements be introduced for companies which successfully endeavour to prevent environmental damage;*

Amendment

26. *Calls on the Commission to introduce subsidies or other instruments for operators who pursue an occupational activity, as defined in Article 2(6) of the ELD, and who successfully try to prevent environmental damage;*

Or. en

Amendment 71
Emil Radev

Motion for a resolution
Paragraph 27

Motion for a resolution

27. *Recommends the establishment of specific independent authorities to be vested with the powers of management and control, including powers to impose penalties, laid down in the ELD, including the possibility of requiring financial guarantees of potentially liable parties, taking into account the specific situation of the individual potential polluter, for example with regard to environmental permits;*

Amendment

deleted

Or. bg

Amendment 72
Jytte Guteland

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Calls on the Commission to step up its training programme for the application of the ELD *for the Member States*;

Amendment

28. Calls on the Commission to step up its training programme for the application of the ELD *in the Member States and to set up helpdesks for practitioners providing information, assistance and assessment support for risk and damage evaluations*;

Or. en

Amendment 73
Laura Ferrara

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Calls on the Commission to step up its training programme for the application of the ELD for the Member States;

Amendment

28. Calls on the Commission to step up its training programme for the application of the ELD for the Member States *and recommends that guidance documents be adopted to help Member States transpose the legislation correctly*;

Or. it