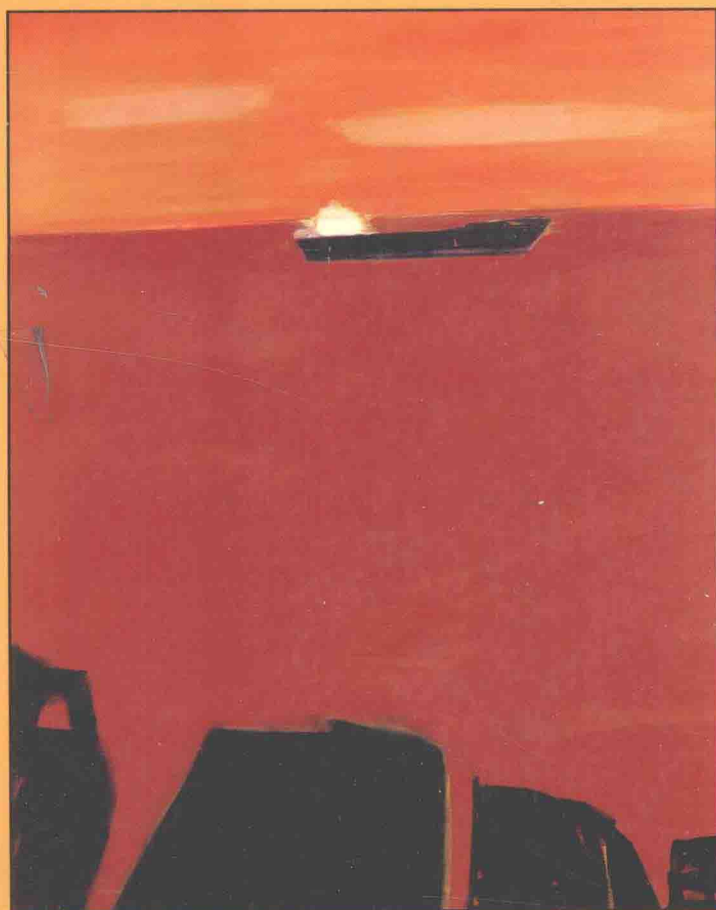


# Documents in European Community Environmental Law

SECOND EDITION



EDITED BY  
PHILIPPE SANDS  
AND  
PAOLO GALIZZI

CAMBRIDGE

DOCUMENTS IN  
EUROPEAN COMMUNITY  
ENVIRONMENTAL LAW

Second edition

Edited by  
PHILIPPE SANDS AND  
PAOLO GALIZZI



CAMBRIDGE  
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press  
The Edinburgh Building, Cambridge CB2 2RU, UK

Published in the United States of America by Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521540612](http://www.cambridge.org/9780521540612)

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First edition published by Manchester University Press 1995

This edition published by Cambridge University Press 2006

Printed in the United Kingdom at the University Press, Cambridge

*A catalogue record for this publication is available from the British Library*

ISBN-13 978-0-521-83303-5 hardback

ISBN-10 0-521-83303-5 hardback

ISBN-13 978-0-521-54061-2 paperback

ISBN-10 0-521-54061-5 paperback

## DOCUMENTS IN EUROPEAN COMMUNITY ENVIRONMENTAL LAW

This is the companion volume to the second edition of Philippe Sands' *Principles of International Environmental Law* and Sands and Galizzi's *Documents in International Environmental Law*. It comprises extracts from those EC Treaties, Regulations, Directives, Decisions and other Acts of EC institutions which are essential for anyone interested in environmental protection in the European Community and its Member States. EC environmental legislation represents one of the most complex and challenging legal regimes for the protection of the environment. The significant body of legislation which now exists has given rise to numerous disputes over its application and interpretation. This collection brings together the principal documents in an accessible form, providing practitioners, scholars and students with the essentials necessary to understand, advise upon and apply this body of law. Concise editorial notes summarise the main provisions of the instruments reproduced and place them in their wider context.

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To my students, past, present and future  
PS

To my mentors, past, present and future  
(Nerina Boschiero, Tullio Treves, Tullio Scovazzi, Philippe Sands,  
Stephen Girvin, Erika Szysczak, Zen Makuch and Roger Goebel)  
PG

## PREFACE

The protection of the environment is arguably one of the most successful policies in the European integration project. When originally conceived, the instrument establishing the European Economic Community included no specific provision on the environment. However, this did not prevent the Community's institutions from adopting environmental legislation as early as the 1970s. The original Treaty of Rome has been amended several times since its adoption and the protection of the environment is now one of the key policies of the European Community.

EC environmental legislation has grown over the years and now represents one of the most complex and challenging legal regimes for the protection of the environment. The significant body of legislation which now exists has given rise to numerous disputes over its application and interpretation.

This collection of documents in EC environmental law comprises extracts from those EC Treaties, Regulations, Directives, Decisions and other acts of EC institutions which are essential for anyone interested in environmental protection in the law of the Member States and at the EC and international levels. This collection aims to provide practitioners, scholars and students with the essentials necessary to understand, advise upon and apply this body of law. The main objective of the volume is to bring together the principal documents in an accessible form that provides the reader with the key information on the relevant areas of law. This book also serves as a companion to the second edition of Philippe Sands' textbook *Principles of International Environmental Law* (2nd edition, 2003, Cambridge University Press) and to Sands and Galizzi's *Documents in International Environmental Law* (2nd edition, 2004, Cambridge University Press).

This volume builds on a previous edition published in 1995 by Manchester University Press and edited by Philippe Sands and Richard Tarasofsky. Since then, the EC Treaty has been fundamentally amended on several occasions and numerous pieces of new legislation have been adopted. This volume represents an up-to-date collection of the most important documents in EC environmental law and, like its predecessor, aims to make easily accessible the text and key information on the documents reproduced. The documents reproduced in this volume are available on the web, but we nevertheless consider that advantages may be obtained in reproducing them in a single volume. Books can follow us around. Over time we can highlight key provisions, insert notes, and compare texts wherever we are and as much as we like.

The success and demand for similar volumes in other fields testifies that books still have a fundamental role to play in the internet era.

This volume does not purport to be comprehensive and the documents selected are those that we felt are of more general interest and that we use more frequently in our courses on EC environmental law and in our professional life. Making a selection of the documents to be included did require some difficult choices, but this was necessary to produce a volume that we hope will be easily manageable, suitable and accessible to a wide audience.<sup>1</sup> The documents that have been included reflect a wide spectrum of approaches taken in the development of EC environmental law. They address each of the main environmental media and sectors (air, water, flora and fauna) and particular sources of pollution (hazardous substances and wastes), some of the rules governing the economic aspects of the Community legal order and some of the emerging techniques for applying environmental standards (for example, environmental impact assessment, access to environmental information). Each document is presented according to the same format and is introduced with a short Editorial Note, which summarises the main provisions of the instrument and places it in its wider context. The legal status of the legislative acts, including amendments, is generally current to December 2004. If available, consolidated versions of documents have been provided.<sup>2</sup> In other cases, the original text of a document and the text of amendments have been reproduced. For most of the documents, the entirety of the text is provided. In some cases, however, we have provided only those extracts of instruments which relate specifically to environmental matters (e.g. the EC Treaty as amended) or we have omitted annexes or appendices which include detailed technical arrangements of less interest to the general reader or which do not relate expressly to environmental issues.

### Acknowledgements

Many people deserve recognition for the successful conclusion of this project. We would like to recognize the assistance provided by Angela Williams, and also Zen Makuch and Karen McDonald. Our colleagues in the Department of Environmental Science and Technology at Imperial College (and particularly the then Head of Department, Professor John Beddington) and at the Faculty of Law at University College London (in particular Professors Jeffrey Jowell and Richard Macrory and Dr Jane Holder) have provided strong support and encouragement, for which we are enormously grateful. We extend our thanks also to Fordham University School of Law in New York City, and in particular to Professors Sheila Foster and Roger Goebel, to Associate Dean Matthew Diller and to Dean William Treanor, to Peter Davies at

<sup>1</sup> A complete list of EC environmental legislation in force and the full text of such legislation can be found at [http://www.europa.eu.int/eur-lex/en/lif/ind/en\\_analytical\\_index\\_15.html](http://www.europa.eu.int/eur-lex/en/lif/ind/en_analytical_index_15.html).

<sup>2</sup> Consolidated versions of the various documents are provided by the Community's institutions purely as a documentation tool and the institutions do not assume any liability for their contents.

the University of Nottingham, and to all the students who have taken our courses on EC and international environmental law for their forbearance and insights. Thanks also for the generous support and assistance received from the EU Sixth European Framework Research Programme and its Marie Curie Fellowship.

A special thanks is owed to Cambridge University Press and more specifically to Finola O'Sullivan and Jane O'Regan for their support, help and patience (particularly for this volume) throughout this project.

Last but not least, this collection could not have been published without the assistance of Edem Kuenyehia and Natalia Schiffrin, unique friends and sources of constant inspiration and joy in our lives.

Needless to say, such errors and omissions as might have crept in remain the full responsibility of the co-editors.

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February 2005

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## PART I

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### General principles of EC environmental law

