

Environment: liability with regard to the prevention and remedying of environmental damage

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The Council held a policy debate on the proposal for a Directive concerning environmental liability with regard to the prevention and remedying of environmental damage. Key questions addressed by Ministers during the discussion concerned : - the envisaged harmonisation of financial security provisions (e.g. mandatory insurance for operators and phased implementation of the financial security system) ; - possible exemptions for operators (e.g. special permit for certain activities when carried out in a scientific and technically sound manner and mitigating factors) ; - the scope of the proposal (definition of protected species and natural habitats). Member States concentrated their interventions particularly on the nature of the financial provisions and on the definition of bio-diversity. Many delegations expressed their wish for a compulsory financial system to be considered in order to implement the "polluter should pay" principle which is at the base of Community policy in the environmental field. Some delegations were favourable to a voluntary financial system in order to take account, inter alia, the need for further analysis of the capacity of the insurance market to deliver appropriate and economically feasible products to operators. Concerning the scope of the proposal, most delegations expressed their wish to see included a broader definition of protected species and natural habitats. A few delegations wished to limit the scope of the proposal to current EU legislation in this field, i.e. Wild Birds and Habitats Directives only. The President concluded that this was a complex issue and that further analysis of the insurance market was needed. She expressed her intention to reach a political agreement on this issue by the end of the Presidency in June 2003.