

Significant new developments in EC law in 2008

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1. Nature protection

The Commission published updated lists of protected habitats for the different biogeographical areas and adopted a list for the steppic regions (Dec.2008/967). Question pending in court (on appeal), whether a landowner may take legal action against the inclusion of his land into the lists of habitats of Community interest. The Advocate General concluded that he could, differing from the Court of First Instance (C-362/07).

2. Products

Adoption of Regulation 689/2008 on export and import of dangerous chemicals (133 + 175)

Adoption of Regulation 1272/2008 on the labelling of chemicals

Adoption of Regulation 1523/2007 banning trade in cat and dog furs

Adoption of Regulation 1102/2008 banning export of metallic mercury compounds

Proposal for a Regulation to ban trade in seals and seal products

France fined 10 mio € for not transposing GMO-directive 2001/18 (C-121/07)

3. Water

Adoption of Directive 2008/56 on the protection of the marine environment

Adoption of Directive 2008/105 on concentrations of priority substances in surface waters

4. Air pollution

Adoption of framework Directive 2008/50 on air pollution

Individuals have a legal right to request the elaboration of clean-up plans (C-237/07)

5. Climate change

Adoption of Directive 2008/101 to include aviation in the emission trading scheme

Proposal to include petrochemical, ammonia and aluminium plants in emission trading scheme (COM [2008] 16)

Proposal for a directive on the geological storage of CO₂ (COM[2008]18)

Proposal to tax passenger cars according to their CO₂-emissions (COM[2007]856)

Proposal for burden sharing till 2020 (COM[2008]17)

6. Waste

Adoption of framework Directive 2008/98 on waste

The accidental spillage of oil at sea comes under waste law (Erika-case C-188/07)

7. Horizontal issues

- Adoption of Directive 2008/99 on the protection of the environment through criminal law
- Proposal to review IPPC directive 96/61 (COM[2007]844)
- Communication to further reduce monitoring of application of environmental law (COM[2008] 773)
- Action against the fixing of quotas for fish catches inadmissible (T-91/97)
- Opinions of the European Food Safety Authority cannot be attacked in Court (T-397/06)
- Court of Justice confirms that ex post environment impact assessment - after a permit was granted - is not allowed (C-215/06)