

‘Commission asks France and United Kingdom to respect water laws, or face fines’ from the Europe Daily Bulletin (5 April 2003)


Caption: On 5 April 2003, the Europe Daily Bulletin illustrates the powers of the European Commission under Article 228 of the EC Treaty in connection with infringement proceedings brought before the Court of Justice of the European Communities.

Source: Bulletin Quotidien Europe. Dir. of publ. RICCARDI, Ferdinando ; Editor GAZZO, Marina. 05.04.2003, n° 8437. Brussels: Agence Europe S.A. "Commission asks France and United Kingdom to respect water laws, or face fines", p. 11.

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URL:
http://www.cvce.eu/obj/commission_asks_france_and_united_kingdom_to_respect_water_laws_or_face_fines_from_the_europe_daily_bulletin_5_april_2003-en-4ab981e8-2320-4f8a-8079-c70cba860c1a.html

Last updated: 13/09/2016



Commission asks France and United Kingdom to respect water laws, or face fines

Brussels, 04/04/2003 (*Agence Europe*) - The European Commission has decided to pursue infringement proceedings against France and the United Kingdom, which, despite several calls to order, continue to breach Community legislation on water quality. They will both receive a reasoned opinion under article 228 of the Treaty, asking them to comply with Court of Justice rulings, or the Commission will be entitled to ask the Court to impose fines.

The ruling against France (Case C:266/99) concerns nitrate-polluted surface waters in Brittany, in areas used for the abstraction of drinking water. On 8 March 2001, the Court of Justice criticised the State for failing to comply with the 50mg/litre limit, and for having used this poor-quality water for human consumption, without providing the Commission with a plan for water resource management, or explaining why this water had been used (obligations under directive 75/440/EEC on quality of surface water destined for human consumption). The Court also found that the measures taken by the French government lacked the coherence to allow them to claim that they constituted a plan to fight pollution. Since then, the French authorities have done nothing to remedy the situation.

The Court's ruling against the United Kingdom (C-69/99) found the Member State guilty of failure to comply with the obligation to identify all its waterways polluted by farm nitrates and to designate all areas vulnerable to this source of pollution (obligations arising from Directive 91/676/EC on the protection of surface waters against pollution of nitrates from farms. Since then, the United Kingdom has confirmed identification of more areas in England, Wales, Scotland and Northern Ireland, henceforth designated as vulnerable areas. The Commission, however, considers that the United Kingdom must provide further information to prove that it has fully complied with the Court's ruling.

Commenting on this decision, Margot Wallström, Environment Commissioner, said: *"Preventing and reducing surface water pollution caused by nitrates are important goals of the European Union's environmental policy. The steps we are taking against France and the UK illustrate the Commission's strong commitment to these goals"*.