
Fields marked with * are mandatory.

Introduction

The Environmental Liability Directive (ELD) established a framework of environmental liability based on the ‘polluter pays’ principle, to prevent and remedy damage to land, water (surface, ground, transitional, coastal and marine waters), and biodiversity (species and natural habitats protected by the Birds and Habitats Directives).

Making operators financially liable for preventing and remedying environmental damage is intended to induce them to develop practices that minimise the risk that their activities will cause such damage.

In 2016, the European Commission published the first evaluation of the ELD. The Commission is now carrying out the second such evaluation. The evaluation will examine the effectiveness, efficiency, relevance, coherence and EU added-value of the ELD.

It will consider the extent to which the Commission’s and Member States’ actions have improved the implementation and enforcement of the ELD, particularly since the Commission’s first evaluation in April 2016.

The evaluation will also take into account recommendations to the Commission by the European Parliament in its Resolution of 20 May 2021 on the liability of companies for environmental damage, and the Court of Auditors’ special report of 5 July 2021 on the polluter pays principle.

This public consultation represents an important means of collecting stakeholders’ views and practical experience.

The evaluation will also be based on reports that Member States will submit to the Commission on implementation of the ELD (due by 30 April 2022).

The questionnaire is structured as follows:

- Introductory questions on the respondent
- Part I – General questions
- Part II – Technical questions
Part I contains questions of a more general nature, whereas Part II seeks to gather information on the experience of stakeholders with more expert knowledge of the ELD and its implementation.

You are encouraged to reply to the full questionnaire but should you so wish, after responding only to Part I you can go directly to the end of questionnaire and submit your contribution.

At the end of this questionnaire, you will have the possibility to add further comments or suggestions on the Environmental Liability Directive and to upload a document, such as a position paper, should you so wish.

About you

· Language of my contribution
  - Bulgarian
  - Croatian
  - Czech
  - Danish
  - Dutch
  - English
  - Estonian
  - Finnish
  - French
  - German
  - Greek
  - Hungarian
  - Irish
  - Italian
  - Latvian
  - Lithuanian
  - Maltese
  - Polish
  - Portuguese
  - Romanian
  - Slovak
  - Slovenian
  - Spanish
  - Swedish
I am giving my contribution as
- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name
Oliver

* Surname
LOEBEL

* Email (this won't be published)
oliver.loebel@eureau.org

Role of respondent
secretary general

* Organisation name
255 character(s) maximum
EurEau

* Organisation size
- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)
Transparency register number

255 character(s) maximum
Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

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* Number of years of experience related to issues concerning damage to land, water and biodiversity:
  - Less than 2 years
  - 2-5 years
  - More than 5 years
  - Not applicable

* Country of origin
Please add your country of origin, or that of your organisation.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bhutan
- Bolivia
- Botswana
- Brazil
- Brunei Darussalam
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Cuba
- Curaçao
- Cyprus
- Czech Republic
- Denmark
- Democratic Republic of the Congo
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern Territories
- Gabon
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Greenland
- Grenada
- Guadeloupe
- Guatemala
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island
- Holy See (Vatican City State)
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Japan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macao
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malawi
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar
- Namibia
- Nepal
- Nauru
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- Norway
- Oman
- Pakistan
- Palau
- Panama
- Peru
- People's Republic of China
- Palestinian Territories
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Romania
- Russian Federation
- Rwanda
- Saint Barthelemy
- Saint Kitts and Nevis
- Saint Lucia
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- Sao Tome and Principe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Sudan
- Spain
- Sri Lanka
- St. Vincent and the Grenadines
- Sudan
- Suriname
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turkmenistan
- Tuvalu
- Ukraine
- United Arab Emirates
- United States
- United States Minor Outlying Islands
- United Kingdom
- United Nations
- United Nations Trust Territory of Nauru
- United States Virgin Islands
- Uruguay
- Uzbekistan
- Vanuatu
- Venezuela
- Vietnam
- Virgin Islands
- Wallis and Futuna
- Yemen
- Zambia
- Zimbabwe

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Bahamas
Bahrain
Bangladesh
Barbados
Belarus
Belgium
Belize
Benin
Bermuda
Bhutan
Bolivia
Bonaire Saint Eustatius and Saba
Bosnia and Herzegovina
Botswana
Bouvet Island
Brazil
British Indian Ocean Territory
British Virgin Islands
Brunei
Bulgaria
Burkina Faso
Burundi
Cambodia
French Guiana
French Polynesia
French Southern and Antarctic Lands
Gabon
Georgia
Germany
Ghana
Gibraltar
Greece
Greenland
Grenada
Guadeloupe
Guam
Guatemala
Guernsey
Guinea
Guinea-Bissau
Guyana
Haiti
Heard Island and McDonald Islands
Honduras
Hong Kong
Hungary
Mexico
Micronesia
Moldova
Monaco
Mongolia
Montenegro
Montserrat
Morocco
Mozambique
Myanmar/Burma
Namibia
Nauru
Nepal
Netherlands
New Caledonia
New Zealand
Nicaragua
Niger
Nigeria
Niue
Northern Mariana Islands
North Korea
Somalia
South Africa
South Georgia and the South Sandwich Islands
South Korea
South Sudan
Spain
Sri Lanka
Sudan
Suriname
Svalbard and Jan Mayen
Sweden
Switzerland
Syria
Taiwan
Tajikistan
Tanzania
Thailand
The Gambia
Timor-Leste
Togo
Tokelau
Tonga
Trinidad and Tobago
| Cameroon | Canada | Cape Verde | Cayman Islands | Central African Republic | Chad | Chile | China | Christmas Island | Clipperton | Cocos (Keeling) Islands | Colombia | Comoros | Congo | Cook Islands | Costa Rica | Côte d’Ivoire | Croatia | Cuba | Curaçao | Cyprus | Czechia | Democratic Republic of the Congo | Denmark | Iceland | India | Indonesia | Iran | Iraq | Ireland | Isle of Man | Israel | Italy | Jamaica | Japan | Jersey | Jordan | Kazakhstan | Kenya | Kiribati | Kosovo | Kuwait | Kyrgyzstan | Laos | Latvia | Lebanon | Lesotho | Liberia | North Macedonia | Norway | Oman | Pakistan | Palau | Palestine | Panama | Papua New Guinea | Paraguay | Peru | Philippines | Pitcairn Islands | Poland | Portugal | Puerto Rico | Qatar | Réunion | Romania | Russia | Rwanda | Saint Barthélemy | Saint Helena | Ascension and Tristan da Cunha | Saint Kitts and Nevis | Saint Lucia | Tunisia | Turkey | Turkmenistan | Turks and Caicos Islands | Tuvalu | Uganda | Ukraine | United Arab Emirates | United Kingdom | United States | United States Minor Outlying Islands | Uruguay | US Virgin Islands | Uzbekistan | Vanuatu | Vatican City | Venezuela | Vietnam | Wallis and Futuna | Western Sahara | Yemen | Zambia | Zimbabwe |
The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer association’, ‘EU citizen’), country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.

Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected.

**Contribution publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

- **Anonymous**
  Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

- **Public**
  Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

- [ ] I agree with the [personal data protection provisions](#)

**More information about you**

I am giving my contribution

- [ ] On behalf of an operator (company or other) subject to the ELD
- [ ] On behalf of an organisation in the re/insurance industry
- [ ] On behalf of a provider of other financial security
- [ ] On behalf of an academic/research institution
- [ ] On behalf of a trade organisation
- [ ] On behalf of a non-governmental organisation (NGO)
- [ ] On behalf of a competent authority involved in the implementation of the ELD
- [ ] On behalf of another governmental authority
- [ ] As an EU citizen
Part I General Questions

The purpose of the ELD is to establish a framework of environmental liability based on the ‘polluter-pays’ principle, to prevent and remedy environmental damage.

1. The polluter pays principle is enshrined in the EU Treaties and is a fundamental principle in environmental policy to protect the public from paying for pollution caused by economic activities. The ELD aims to bring the principle into practical application so that operators pay the costs of remediating and preventing further environmental damage caused by their activities. Do you agree that it is necessary to have a dedicated legislation to implement the polluter pays principle?
   - Strongly agree.
   - Agree.
   - Neutral.
   - Disagree.
   - Strongly disagree.
   - I do not know/ No opinion.

2. Prevention of environmental damage and its rectification at source are two other major principles enshrined in the EU Treaties. The ELD in its current form requires economic operators to take action to prevent environmental damage in case of an imminent threat and to remedy the damage when prevention fails. Do you agree that it is necessary to have legislation that requires companies to prevent and, when this has not succeeded, remedy the environmental damage?
   - Strongly agree.
   - Agree.
   - Neutral.
   - Disagree.
   - Strongly disagree.
   - I do not know/ No opinion.

3. Have the following expected benefits of the ELD occurred? That is, has the ELD assisted in the following?

<table>
<thead>
<tr>
<th>I do now</th>
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<tr>
<td>• Preventing and remediating damage to <strong>biodiversity</strong> in the EU.</td>
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<td>• Preventing and remediating damage to <strong>land</strong> in the EU.</td>
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<tr>
<td>• Preventing and remediating damage to <strong>surface, ground, transitional and coastal waters</strong> in the EU.</td>
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<tr>
<td>• Preventing and remediating damage to <strong>marine waters</strong> in the EU.</td>
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<tr>
<td>• Application of the ‘polluter pays’ principle, with costs of preventing and remediating environmental damage paid by liable operators instead of the public.</td>
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<td>• Ensuring that liable operators carry out preventive and remedial measures (including primary, complementary and compensatory remediation) as applicable.</td>
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<td>• Raising awareness of environmental issues.</td>
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<td>• Preventing contamination of further sites.</td>
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<td>• Encouraging the availability to operators of financial security instruments at an affordable cost.</td>
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<td>• Allowing interested persons to request competent authorities to take action in case of environmental damage occurrences.</td>
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<tr>
<td>• Allowing interested persons to request competent authorities to take action in case of imminent threat of environmental damage occurrences.</td>
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</tbody>
</table>
4. Do you consider that the absence of mandatory financial security for ELD liabilities at EU level has limited the effectiveness of the ELD?

- Yes.
- No.
- I do not know/ No opinion.

5. Are there any factors that you consider have meant that the ELD has not worked as well as intended (prevented it from fully meeting its objectives and/or led to unintended negative consequences)?

- Yes.
- No.
- I do not know/ No opinion.

If you wish, please explain your answer.

1000 character(s) maximum

The ELD is not well-known and therefore rarely applied. The polluter-pays principle is not applied in practice, in particular, with regards to substances polluting drinking water resources (pesticides, nitrate, PFAS etc.) even if these substances do not only harm human health but also the environment. In a number of cases, it is difficult to identify the polluter due to complex supply chains and responsibilities. In others, the polluter is no longer in business and cannot be held liable. Its effectiveness could be increased if the competent authorities were obliged to identify the pollution source at the earliest possible point in time. A decision of what is a 'significant environmental damage' remains difficult in practice.

6. Are you aware of the public participation mechanism of the ELD that allows interested persons to request competent authorities to take action in case of an imminent threat of, or actual, environmental damage, and to provide comments and to have access to justice?

- Yes, and I haven’t used it.
- Yes, and I have used it.
- No.

If you wish, please explain about your experience.

1000 character(s) maximum

8. Are you aware of the existence of information on the ELD and registers of ELD occurrences (i.e. occurrences of environmental damage handled under the ELD) at national level?
Yes, I am aware and I have accessed such information or registers.
- Yes, but I have never tried to access either such information or registers.
- Yes, but I have had difficulty accessing such information or registers.
- I have never heard of such information or registers.

You have reached the end of the general part of the questionnaire. The following part deals with the more technical aspects of the ELD implementation. You are encouraged to reply to the full questionnaire but should you so wish, you can go directly to the end of questionnaire and submit your contribution.

Part II Technical Questions

9. In your view, have the following factors decreased the effectiveness of the ELD?

The questions concerning the significance criteria refer to the definitions of land, water and biodiversity damage in the ELD in which the ELD applies only if damage reaches or exceeds a specified level.

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<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>I do not know/No opinion</th>
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<tr>
<td>Difficulties in establishing whether an environmental damage occurrence meets the significance criteria for land, water and/or biodiversity damage?</td>
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<td>Perception of the significance criteria as being high compared to national liability legislation.</td>
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<td>Difficulties in deciding whether national ELD legislation, national non-ELD liability legislation, or both apply to an environmental damage occurrence.</td>
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<td>Limitation of liability for remediating damage to land to a significant adverse effect on human health.</td>
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<td>Insufficient access for interested persons to request action / submit comments on an imminent threat of environmental damage.</td>
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<tr>
<td>Issue</td>
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<td>Lack of awareness about the ELD.</td>
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<td>Complexity of the ELD.</td>
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<td>Insufficient reporting / lack of publicly accessible records of ELD occurrences / cases.</td>
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<td>Absence of EU legislation on environmental inspections (to detect company misconduct).</td>
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<td>Impossibility to identify liable operators in some cases.</td>
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<td>Insolvency of liable operators in some cases.</td>
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<td>Application by competent authorities of environmental permitting legislation, including the Industrial Emissions Directive, instead of the ELD.</td>
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<td>The ‘permit defence’ in the ELD that allows operators not to bear the costs of remediating environmental damage if the damage is caused by activities carried out in compliance with a relevant permit.</td>
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<tr>
<td>The ‘state-of-the-art defence’ in the ELD that allows operators not to bear the costs of remediating environmental damage if the damage is caused by activities carried out in compliance with scientific and technical knowledge at the time of the occurrence.</td>
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<td>Exempting liabilities subject to marine conventions listed in annex IV to the ELD, nuclear conventions listed in annex V to the ELD, and environmental damage caused by armed conflicts, natural disasters, activities serving national</td>
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10. Experience has shown that many occurrences of environmental damage (or an imminent threat of such damage) have been handled under national legislation that implement the ELD in some Member States whilst very few or no environmental damage occurrences have been handled under such legislation in other Member States. In such cases the environmental damage has been prevented or remediated under non-ELD legislation. Do you consider that handling environmental damage occurrences under non-ELD legislation has provided the same, a lower, or a higher level of protection for the environment?

- The same level of protection.
- A lower level of protection.
- A higher level of protection.
- I do not know / No opinion.

11. Are you aware of any environmental damage occurrences dealt with in a Member State under non-ELD legislation that should have been dealt with under the ELD?

- Yes.
- No.
- I do not know/ No opinion.

12. Is the following scope (coverage) of the ELD still appropriate?

The questions concerning annex III of the ELD refer to the list of EU legislation pursuant to which operators carry out so-called ‘dangerous activities’. Operators that carry out annex III activities (annex III operators) are subject to strict liability if their activities cause damage to land, water and biodiversity. Operators that carry out non-annex III activities (non-annex III operators) are subject to fault-based liability if their activities cause damage to biodiversity.
| No imposition of liability on non-annex III operators whose activities cause **water damage**. |   |   |   |   |   |   |
| No imposition of liability on non-annex III operators whose activities cause **land damage**. |   |   |   |   |   |   |
| Imposition of fault-based rather than strict liability on non-annex III operators whose activities cause **biodiversity damage**. |   |   |   |   |   |   |
| Limiting strict liability to annex III operators. |   |   |   |   |   |   |
| Limiting liability to operators rather than any person that causes environmental damage. |   |   |   |   |   |   |
| Including a defence in some Member States for annex III operators whose activities carried out non-negligently and in full compliance with a permit cause environmental damage. |   |   |   |   |   |   |
| Including a defence in some Member States for annex III operators whose activities are carried out non-negligently when the state of scientific and technical knowledge at the time of the occurrence could not have discovered that damage would be caused (state-of-the-art defence). |   |   |   |   |   |   |
| Exempting liabilities subject to marine conventions listed in annex IV to the ELD. |   |   |   |   |   |   |
| Exempting liabilities subject to nuclear conventions listed in annex V to the ELD. |   |   |   |   |   |   |
| Scope of activities listed in annex III is adequate. |   |   |   |   |   |   |

13. Please provide details if you have any further observations concerning the current scope of the ELD or you are aware of any environmental damage.
occurrences where you believe the ELD would have offered a suitable response in terms of prevention and/or remediation but could not be applied due to limitations in its current scope.

1000 character(s) maximum

Urban waste water treatment plants (WWTP) are the final barrier between human activities and nature. They analyse treatment efficiency for many substances, according to their permit, but cannot test for all of the thousands of possible pollutants. Furthermore, even the best treatment will not remove all pollutants and impacts on the environment cannot be excluded. WWTP operators must not held responsible for damage to water or land caused by illegal/unauthorised discharges into the sewer system. Producers (polluters) must take control-at-source measures (pre-treating industrial waste water, substance substitution). In conclusion, WWTP may be a pathway of pollutants, but they are not the polluter. This must be considered in the ELD. Instead of listing activities in annex III, the ELD could apply to operators handling harmful substances (for ex. based on art. 16 of directive 2000/60/EC (WFD)). Better alignment with other EU legislation (directive 2010/75/EU (IED)) is necessary.

14. In their recent recommendations the European Parliament and the European Court of Auditors pointed to a number of issues related to the ELD (such as considerable variability between Member States with regard to ELD enforcement, lack of a secondary civil liability regime including parent company and chain liability, corporate board liability, and a financial compensation scheme). In your view have these issues hindered the effectiveness of the ELD?

- Yes.
- No.
- I do not know/ No opinion.

If you wish, please give concrete examples to illustrate your answer.

1000 character(s) maximum

A Swedish municipal water supplier was found guilty of supplying PFAS-contaminated drinking water to citizens (violating product safety rules). The problem was caused by polluted groundwater due to fire drill exercises of the Swedish army. The PFAS-containing fire-fighting foam was supplied by a manufacturer who in turn bought the PFAS from a chemical company. While court proceedings are still ongoing, the PFAS producer is not held liable so far.

15. Has the ELD improved the availability of insurance for ELD liabilities for large and/or multinational companies?

- Yes.
- No.
- In part.
16. Has the ELD improved the availability of insurance for ELD liabilities for small to medium sized enterprises?
- Yes.
- No.
- In part.
- I do not know/ No opinion.

17. There are significant differences between Member States in the implementation and enforcement of the ELD. In your view, has the efficiency of the ELD framework been improved by the introduction in some Member States of the following? You may select more than one.
- Mandatory financial security.
- Fund to provide money to remediate and prevent further environmental damage when the liable operator has insufficient funds to do so.
- National guidance on the ELD.
- Awareness-raising programmes about the ELD.
- Consultation procedures between ELD and non-ELD competent authorities to determine if an environmental damage occurrence is an ELD occurrence.
- Registers of ELD occurrences.
- Other.

18. To what extent have the following actions undertaken by the Commission since 2016 improved the efficiency of the ELD?

<table>
<thead>
<tr>
<th>Action</th>
<th>To a substantial extent</th>
<th>To a limited extent</th>
<th>Not at all</th>
<th>I do not know/ No opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuing <a href="#">guidelines</a> on a common understanding of the term 'environmental damage'.</td>
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<tr>
<td>Continuing to develop and encourage training programmes on the ELD.</td>
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<td>Encouraging compilation and publication of national registers of an imminent threat of, and actual, environmental damage occurrences.</td>
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<td>Promoting the availability and demand for insurance for ELD liabilities.</td>
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</tbody>
</table>
19. Have the guidelines on a common understanding of the term ‘environmental damage’ provided sufficient clarity as regards the concept in the ELD?
- Yes.
- No.
- In part.
- I do not know/ No opinion.

20. Are the main costs of the ELD justified, overall and for different stakeholder groups, given the benefits achieved by the ELD?

<table>
<thead>
<tr>
<th>Costs justified</th>
<th>Costs partially justified</th>
<th>Costs not justified</th>
<th>I do not know/ No opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall costs for operators and competent authorities</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Costs for preventing environmental damage by liable operators</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Costs for remediating environmental damage by liable operators</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Costs for preventing environmental damage by competent authorities</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Costs for remediating environmental damage by competent authorities</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Costs of insurance for ELD liabilities for operators</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Administrative costs of competent authorities</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Costs for environmental NGOs and others in case of presenting comments, requests for action and participating in court cases</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

21. To what extent is the ELD internally consistent and coherent?
- Fully.
- To a substantial extent.
- To a limited extent.
- The ELD is not internally consistent and coherent.
- I do not know/ No opinion.
If you consider that the ELD is not fully internally consistent and coherent, please briefly describe the aspects that are not consistent and/or coherent.

1000 character(s) maximum


- Fully.
- To a substantial extent.
- To a limited extent.
- The ELD is not coherent with them.
- I do not know/ No opinion.

If you consider that the ELD is not fully coherent with other EU legislation and policies, or with relevant international conventions please briefly describe which legislation/policy/convention it is not consistent with and the reason(s) why it is not coherent.

1000 character(s) maximum

There is no clear link between the ELD and environmental damage caused by substances covered by other Union acts: for example the priority substances under the Water Framework Directive or the list of substances included in the Industrial Emissions Directive (including those emitted by large farms). All operators handling/emitting these substances should be subject to environmental liability.

23. What is the added value of the ELD compared to what is likely to have been achieved by Member States in its absence?

<table>
<thead>
<tr>
<th>Major added value</th>
<th>Some added value</th>
<th>Little added value</th>
<th>No added value</th>
<th>I do not know/ No opinion</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>


| Creation of a level playing field for all Member States to prevent and remediate environmental damage. |  |  |  |  |  |
|---|---|---|---|---|
| Introduction of a minimum standard for preventing and remediating environmental damage. |  |  |  |  |  |
| Reinforcing the polluter pays principle. |  |  |  |  |  |
| Allowing public participation for interested persons, i.e., to request action in case of an imminent threat of, or actual, environmental damage, provide observations and have access to justice. |  |  |  |  |  |
| Growth of an environmental insurance market. |  |  |  |  |  |
| Introduction of complementary and compensatory remediation for water and biodiversity damage. |  |  |  |  |  |

24. To what extent have stakeholders been engaged in the process of improving the implementation of the ELD at a Member State level?

<table>
<thead>
<tr>
<th></th>
<th>Substantial extent</th>
<th>Limited extent</th>
<th>No extent</th>
<th>I do not know/No opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental authorities</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Operators</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Re/insurers and re/insurance brokers</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Environmental NGOs</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Trade organisations</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Others</td>
<td></td>
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</table>

FINAL (ADDITIONAL) FEEDBACK

In case you would like to share anything else in addition to the above questions related to the evaluation of the ELD, please provide details here (optional).

1000 character(s) maximum

Definitions need improvement. The ‘polluter’ must be defined in line with the principles of precaution and control at source (TFEU, 191.2). Pathways such as WWTP cannot be held liable for (unknown) pollution caused upstream, in particular in the case of illegal/unauthorised discharges into sewers. The new ELD should put more focus on the principles of precaution and control at source. Links with other Union acts must be reinforced to include all substances covered by acts such as the Industrial Emissions Directive, the Water Framework Directive (incl. Groundwater Directive) and the Sustainable Use of Pesticides Directive. Stronger provisions are needed regarding diffuse pollution, as these are a major source of hazardous substances in the aquatic environment.
The new ELD must apply the polluter-pays principle to substances contaminating drinking water resources, incl. pesticides, nitrate and PMT substances such as PFAS. Today, the water consumer pays the cost of extra-treatment.

You can also upload a contribution file. [Please note the maximum file size is 1 MB, however, multiple files may be uploaded.]

Only files of the type pdf, txt, doc, docx, odt, rtf are allowed

Contact

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