

# Environmental Violations in the European Union

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## Abstract

The European Union and each Member State respectively have set as main objective to protect and improve the environment by adopting environmental policies, but also through efforts to raise public awareness on the efficient use of natural resources. This assignment refers to European Environmental Law and Policy and to the Court of Justice of the European Union, which is one of the European Union's institutions that is responsible for the interpretation and application of European Union's law in all member states. The purpose of this study is to document cases of environmental violations and the imposition of financial penalties imposed by the Court of Justice of the European Union.

**Keywords:** Environmental law, environmental violations, financial penalties, European Union.

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## I. INTRODUCTION

People have by now realized that their health, the quality of their life and the future of themselves and their descendants are directly connected to the environment, with the result that in recent years environmental problems are now high on the list of issues of priority that concern the humanity. From time immemorial, mankind has tried to impose itself on and exploit the environment, extracting and exploiting from it whatever needed to survive, thus cooperating in its continuing degradation. The effects of these actions are not always immediately visible but many times they are destructive and irreparable [1]. Environmental protection is necessary for human survival [2]. The Declaration of Rio [3] mentions the need for preventive action. According to the European Commission [4], the aim of environmental protection is the prudent use of natural resources, the improvement of the quality of the environment, the protection of people and health through a coordinated environmental strategy and the promotion of measures to address global and regional environmental problems, so that future generations are not deprived of their rightful inheritance.

Subsequently, the primary purpose of this work is to present an overall review of the cases of violation of European Union's (EU) rules related to the environment and the consequent imposition of a relevant fine, with examples of such cases. In addition, the environmental policy of the EU is commented, as well as the problems of implementation and harmonization of national environmental policies with the policy of the EU.

### 1.1 BACKGROUND

In recent decades, the EU, in its effort to protect natural resources as well as the health and well-being of people, has managed to have the highest environmental standards in the world. The most important objectives of EU's environmental legislation and policy are [5]:

- sustainable development,
- habitat protection,
- maintaining clean water and air,
- proper waste disposal, and
- tackling climate change.

The Treaty of Maastricht [6], the Treaty of Amsterdam [7] and the Treaty of Lisbon [8] strengthened the EU's commitment to environmental protection and the role of the European Parliament in the development of an environmental policy. The EU's environmental policy is based on [9]:

- the *precautionary principle*, a risk management tool that can be activated if there is scientific uncertainty regarding a potential risk to human health or the environment, resulting from a specific action or policy;
  - the prevention and remediation of environmental disasters at their source;
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- the “polluter pays” principle.

## II. VIOLATIONS

The cases of all member states (MS) that have been tried at the Court of Justice of the European Union (CJEU), and there has been a conviction or they have been deleted, are posted on the official website of the CJEU. To record the referral cases of each MS, these are published on the website of CVRIA [10]. In addition, the annual number of legal enforcements per MS for the years 2007-19 has been calculated and recorded [11], while the total number of legal enforcements per year for all MS can be seen in Table 1.

**Table 1: Total number of legal enforcements per year for all MS.**

Year	Total
2007	479
2008	481
2009	451
2010	445
2011	339
2012	296
2013	353
2014	334
2015	286
2016	284
2017	325
2018	333
2019	337

Although it can be seen that the total number of legal enforcements per year for all MS is decreasing (Table 1), there is still a lot to be done. For these 13 years recorded (Table 1), Spain is the MS that steadily occupies the first or second place with the most environmental violations, while on the contrary The Netherlands is among the MS that steadily occupies the first or second place with the least environmental violations [11].

Based on the thematic sections that have been defined by the European Parliament [12], the cases of environmental violations may concern issues of:

- Environment policy: general principles and basic framework;
- Combating climate change;
- Biodiversity, land use and forestry;
- Water protection and management;
- Air and noise pollution;
- Resource efficiency and the circular economy;
- Sustainable consumption and production;
- Chemicals and pesticides.

From the record of the decisions it can be concluded that the decisions of the CJEU mainly concern a delay in the incorporation of directives from the EU, and only in a few of them have financial penalties been set, while in the rest the court has decided only the amount of court costs to be paid.

A typical example of a MS at the top of environmental violations is Greece. In the years 1991-2018, it can be noticed that most environmental violations of the Greek state concern issues of [13]:

- waste (32%);
- urban sewage (11%);
- water policy and pollution (12%);
- environment (45%) that includes the subsections: genetically modified organisms, natural environment, environmental pollution, noise, air pollution, energy policy.

In this respect, the Greek Government has paid a total of € 31,966,000 from 2000 to 2018. The fines were imposed mainly because the Greek Government was slow to take the necessary measures based on the directives from the EU.

## III. CONCLUSION

Every MS, more or less, faces difficulties in implementing the European environmental policy, with a large number of environmental violations. Sometimes national authorities have been forced to comply with the EU directives, while at other times they have relied on the tolerance of the European Commission and not complied with them. Each European MS must respect the obligations it has undertaken and which derive from the EU statutory texts. The EU states have the legal tools for the correct application of environmental legislation and,

despite the delays, in the end they incorporate the EU's legislation and international agreements. In conclusion, greater and more intensive efforts are required for being possible to effectively protect the environment in the future.

#### REFERENCES

- [1]. Botetzaya I. (2010) "The Idea of Nature: Views on the environment from antiquity to the present day" Athens, Kritiki (in Greek).
- [2]. Alexopoulos A. (1993) "Geography and the environment" Proceedings of the 3rd Panhellenic Geographical Conference, Vol. A, Athens, 1-3 April 1993, pp. 7-15 (in Greek).
- [3]. United Nations (1992) "Report Of The United Nations Conference On Environment And Development; Annex I: Rio Declaration On Environment And Development" General Assembly A/CONF.151/26, Vol. I [Online]. Available from: <https://www.un.org/en/conferences/environment/rio1992>
- [4]. European Commission (2014) "A healthy and sustainable environment for today's and tomorrow's generations" Luxembourg, European Union Publications. Available from: <http://www.europarl.europa.eu/greece/resource/static/files/-----pdf>
- [5]. EUR-Lex-1 "Environment and climate change" [Online]. Available from: [http://eurlex.europa.eu/summary/chapter/environment.html?root\\_default=SUM\\_1\\_CODED=20&locale=en](http://eurlex.europa.eu/summary/chapter/environment.html?root_default=SUM_1_CODED=20&locale=en)
- [6]. EUR-Lex (1993) "Treaty of Maastricht on European Union" [Online]. Available from: <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-of-maastricht-on-european-union.html>
- [7]. EUR-Lex (1999) "Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts. Document 11997D/TXT" [Online]. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11997D%2FTXT>
- [8]. EUR-Lex (2007) "Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007. Document 12007L/TXT" [Online]. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT>
- [9]. Kurrer C. (2021) "Factsheets on the European Union, Environment policy: general principles and basic framework" [Online]. Available from: <https://www.europarl.europa.eu/factsheets/en/sheet/71/environment-policy-general-principles-and-basic-framework>
- [10]. CVRIA "The Court of Justice of the European Union" [Online]. Available from: [https://curia.europa.eu/jcms/jcms/Jo1\\_6308/fr/](https://curia.europa.eu/jcms/jcms/Jo1_6308/fr/)
- [11]. European Commission "Environment" [Online]. Available from: <https://ec.europa.eu/environment/legal/law/pdf/statistics%20MS%20from%202007%20to%202019.pdf>
- [12]. European Parliament "Environment policy" [Online]. Available from: <https://www.europarl.europa.eu/factsheets/en/section/193/environment-policy>
- [13]. Tzortzi S., Kapellakou G. (2018) "Violations of EU environmental law by Greece: CJEU decisions – imposition of fines" Patras: Hellenic Open University, School of Science & Technology, Environmental Design of Infrastructure Projects. Available from: <https://apothesis.eap.gr/handle/repo/39149> (in Greek).