

NEWS

Lawyers slam EC plan to withdraw green policies

By Isabella Kaminski

ENDS Europe, 9 January 2015



A group of leading environmental lawyers say the legality of the European Commission's decision to axe waste and air quality proposals is questionable.

In a letter sent to EU environment commissioner Karmenu Vella on Friday, the [Avosetta Group](#) strongly criticised the Commission's [plan](#) to replace waste and recycling targets tabled as part of the [circular economy package](#), as well as the proposal to tighten the [National Emissions Ceilings Directive](#).

“A definitive withdrawal of existing proposals would run counter to the general principle of [loyal cooperation](#) [between EU institutions],” the 17 law professors said.

They noted that a progressive clean air policy and an efficient circular economy package were among the main objectives set out in the EU's seventh environmental action programme, adopted by the European Parliament and Council in 2013. Commission proposals have to be in line with lawmakers' policy programmes, they added.

They note that environmental protection is enshrined in the EU treaties. The new Commission's policy of 'better regulation' must respect this aim because “an administrative practice can in no way prevail over Treaty law”.

Giving up ambitious environmental policies is “counterproductive from an internal market perspective” as the EU would benefit from a common regulatory framework.

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Follow-up:

[Avosetta Group \(http://www.avosetta.org/\)](http://www.avosetta.org/)

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Hartelijke groet,

Bart Staes,

Lid EP Groen

Van: Luc Lavrysen [Luc.Lavrysen@UGent.be]

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Aan: CAB THYSSEN (EC); BELET Ivo; DE BACKER Philippe; DEMESMAEKER Mark; IDE Louis; LOONES Sander; STAES Bart; STEVENS Helga; VAN BREMPT Kathleen; VANDENKENDELAERE Tom; VAUTMANS Hilde; VERHOFSTADT Guy; ARIMONT Pascal

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Onderwerp: De Juncker Commissie en het EU milieurecht

Geachte mevrouw de Europese Commissaris,

Geachte leden van het Europese Parlement,

Gelieve in bijlage een opinie te willen vinden van de Avosetta groep (www.avosetta.org) van milieurechtprofessoren uit de diverse EU lidstaten naar aanleiding van de in december door de Europese Commissie bekendgemaakte plannen in verband met de wetgevingsagenda.

Mag ik uw aandacht vragen voor wat daarin is uiteengezet?

Vriendelijke groeten,

Prof. Dr. L. Lavrysen

Directeur Centrum voor Milieu- en Energierecht Universiteit Gent

Lid van Avosetta