

EU ENVIRONMENTAL INFRINGEMENT CASES AGAINST IRELAND¹

Background

Breaking EU law can have legal consequences in two stages. At the first stage (under Article 258 of the Treaty on the Functioning of the European Union (TFEU) (ex Article 226 of the EC Treaty)), the European Commission can refer the Member State to the European Court of Justice (ECJ),² which gives its judgment re whether or not a breach of EU law has occurred. While this can certainly have resource implications for the government - e.g. members of staff have to work on complying with the judgment - a judgment at this stage is not usually a major concern from the government's perspective, since the prospect of financial penalties is a long way off.

The second stage (under Article 260 TFEU (ex Article 228 of the EC Treaty)) arises only if the Member State fails to comply with the ECJ's judgment. It ends with the Commission applying to the ECJ for a second time, this time asking that a financial penalty be imposed on the Member State for failing to comply with the ECJ's earlier judgment. A second judgment from the ECJ is required for a fine to be imposed.

First stage

Proceedings at the first stage (under Article 258 TFEU), which are often triggered by complaints made to the European Commission by members of the public, are broken down into certain procedural steps:

(1) There is usually a period of informal contact between the Commission and the Member State;

¹ This document covers proceedings brought against Ireland by the European Commission under Articles 258 and 260 of the Treaty on the Functioning of the European Union (TFEU). It does not deal with references to the ECJ from Irish courts on points of interpretation under Article 267 TFEU. The first such reference from an Irish court in an environmental case was made earlier this year by the Supreme Court in *Sweetman, Ireland, the Attorney General and the Minister for the Environment, Heritage and Local Government v. An Bord Pleanála* (Appeal Nos. 59 and 60 of 2010).

² Which, post-Lisbon, is formally known as the Court of Justice of the European Union, although it is still colloquially referred to as the European Court of Justice, or ECJ.

- (2) The first formal stage is a Letter of Formal Notice (setting out the Commission's case), which the Member State is usually given 2 months to respond to;
- (3) If the Commission isn't happy with the Member State's response, it can issue a Reasoned Opinion (another formal letter), and the Member State is again normally given 2 months to respond;
- (4) If the Commission isn't satisfied with the Member State's response (by the deadline for responding to the Reasoned Opinion), it can refer the case to the ECJ.

Once a case is before the ECJ, there is first (in some cases) an oral hearing at the ECJ in Luxembourg, and then (in some cases)³ a written Opinion from one of the ECJ's Advocates General (AG). This is an independent, expert view on the position under EU law, which serves to inform the judges' final decision in the ECJ. While the AG's Opinion is an authoritative view of the position under EU law, note that it does not carry the same force as a judgment from the ECJ itself. Advocates General are freer to make progressive arguments, pushing the boundaries of EU law, so their Opinions are often a good place to look for potential arguments and the direction in which EU law might go, but the ECJ's judgments are the place to look for a definitive statement of the position under EU law. Often, though not always, the ECJ will agree with the AG's Opinion, and adopt some, if not all, of the arguments made in the Opinion. Note also that an AG's Opinion is entirely separate from a so-called Reasoned Opinion (formal letter from the European Commission addressed to the party alleged to be in breach, referred to in step (3) above), notwithstanding the confusing similarity in terminology. After the AG's Opinion (if there is one), the final step at the first stage of proceedings is the ECJ's judgment itself, which establishes whether or not there has been a breach of EU law. AG's Opinions and the ECJ's judgments are available here http://curia.europa.eu/jcms/jcms/j_6/home and here <http://eur-lex.europa.eu/> (the latter covers pre-1997 cases in addition to more recent cases).

Second stage

Cases at the second stage (i.e. following a judgment from the ECJ establishing a breach) proceed along similar procedural lines to cases at the first stage:

³ The ECJ may, if it considers that the case raises no new point of law, proceed to judgment without an Opinion from an Advocate General.

(1) There's usually a period of informal contact between the Commission and the Member State, with the Commission asking what the Member State is doing to comply with the ECJ's earlier judgment;

(2) Crucially, post-Lisbon, there is now only one formal stage before a case can be referred back to the ECJ for a fine, unlike the separate "Letter of Formal Notice" and "Reasoned Opinion" stages at the first stage of proceedings. The formal stage at the second stage of proceedings is a written warning, typically giving the Member State two months to respond;

(3) If the Commission isn't happy with the Member State's response to its written warning, it can refer the case to the ECJ, asking for a fine to be imposed;

(4) Again, once the case is before the ECJ, there may first be a hearing, then (perhaps) an AG's Opinion, and there will always need to be a (second) judgment from the ECJ for a fine to be imposed. A fine can comprise a lump sum penalty to punish past non-compliance and a periodic penalty payment (e.g. a daily fine) to ensure speedy compliance going forward. Again, AG's Opinions and ECJ judgments at the second stage are available via the links cited above.

At present it is not possible, as a general principle, for individuals or NGOs to get hold of copies of Letters of Formal Notice, Reasoned Opinions, written warnings, or the Member State's responses in environmental cases, at least until after a case has closed – and even then it may be a struggle.

Discussion

While Ireland has lost *lots* of cases at the first stage (Art 258 TFEU), proceedings against Ireland at the second stage (Art 260 TFEU) have never run their course to the very end (i.e. to a second judgment from the ECJ), such that Ireland has never been fined for breaching EU law. Indeed, only four Member States have ever been fined, across all sectors of EU law. That said - and as you'll see from the table at the very end of this document - a number of proceedings at the second stage are ongoing against Ireland at present, and it seems only a matter of time before one of these cases results in a fine (particularly given Ireland's historic environmental record:

<http://ec.europa.eu/environment/legal/law/statistics.htm>; also see
http://www.irishenvironment.com/irishenvironment/articles/Entries/2010/6/1_Andrew_L.R._Jackson,_The_Emerald_Isle_Ireland's_environmental_compliance_record_in_cross-EU_terms.html; and see the final table below, which gives the latest position).

While fines have been very rare to date across the EU - there have been only 9 fines (Greece 4; France 3; Spain 1; Portugal 1) across all sectors of EU law - all have been imposed since 2000, six of the nine have been imposed since 2006, and four have been imposed since December 2008 alone, so the European Commission is undoubtedly making growing use of its power to request a fine.⁴ Further, the level/prospect of fines certainly concentrates minds in government: e.g. in 2005 France was fined a lump sum of €20m, plus €57.7m for each 6 months of continuing non-compliance with the ECJ's judgment (C-304/02). While Ireland would not expect to be fined at such a level given the criteria for calculating fines (which include GDP, capacity to pay, and the number of votes held in the Council),⁵ the risk of a fine nevertheless poses a powerful incentive to comply, even if it takes much too long at present to reach the point at which such pressure is felt.

Of the cases listed on the table at the end of this document, the ones the government will be most worried about will be those at the second stage (Art 260 TFEU); and the more advanced a case is at the second stage (NB. a fine is only legally possible after the deadline for responding to the written warning at the second stage has passed), the more worried the government will be. Thus, the more urgent a case is on the table below, the more the government is under pressure to act, and hence the more leverage we (citizens and NGOs) are likely to have.

That said, it is important not to miss the boat in seeking to make strategic use of ongoing cases: once a Reasoned Opinion (or written warning at the second stage) has been issued, generally speaking no additional matters can be raised by the Commission, since the Commission would need to bring fresh proceedings or issue a supplementary Reasoned Opinion to raise new issues, and it may not be keen to do that. So the Commission's case is in most cases limited to whatever is in the Reasoned Opinion or any supplementary Reasoned Opinion (at the first stage) or written warning (at the second stage). This holds true as a general principle, though in certain cases it may be possible to raise issues later; e.g. where the ECJ's judgment at the first stage

⁴ Across all sectors of EU law, in only eleven cases has the ECJ found a Member State in breach of its obligations under Article 228(2) EC: Cases C-387/97 (Greece), C-278/01 (Spain), C-304/02 (France), C-177/04 (France), C-119/04 (Italy), C-503/04 (Germany), C-70/06 (Portugal), C-121/07 (France), C-109/08 (Greece), C-568-07 (Greece), C-369/07 (Greece)), nine of which resulted in a fine (C-119/04 (Italy) and C-503/04 (Germany) did not).

⁵ See http://ec.europa.eu/community_law/docs/docs_infringements/memo_05_482_en.pdf.

establishes a *general* breach (more below). For example, where the breach is a general failure to designate sufficient areas under a particular Directive (e.g. the Shellfish Waters Directive), it may be possible to raise specific examples of sites that should have been designated, *after* the Commission has issued its Reasoned Opinion at the first stage, and even after the ECJ has given its judgment establishing a breach. That said, it is important to communicate any points to the Commission in relation to an ongoing case before a written warning has been issued at the second stage (Art 260 TFEU) – after that, persuading the Commission to raise fresh points may prove very tricky. Thus, in certain respects, cases ranked orange (2) below may present greater strategic opportunities for individuals/NGOs than cases ranked red (1): i.e. once a written warning has been issued at the second stage, the Commission may not be keen to raise new points, since fresh proceedings or a supplementary written warning would be needed.

Those cases ranked yellow through red (3, 2, 1) are all effectively at the second stage and will hence be a priority for the government. If it can be shown that the government is not complying with the ECJ's judgments in those cases, there is a real risk of a fine, increasing according to the urgency of the case as indicated below.

Two cases listed on the table at the end of this document are of particular note. The first is case C-494/01, which concerned illegal landfills, and was the judgment that first established the concept of a 'general and persistent' breach of EU law (it is perhaps no surprise that Ireland has the dubious honour of being on the receiving end in the case).⁶ The second judgment, C-418/04, concerns the Birds Directive, though paragraphs 235 to 247 refer specifically to aquaculture licensing in Ireland and its impact on Special Protection Areas for birds (SPAs). The ECJ held in that case that Ireland has failed to ensure *systematically* that aquaculture programmes likely to have a significant effect on SPAs, either individually or in combination with other projects, are made subject to an appropriate prior assessment under Article 6 of the Habitats Directive. These systematic (or 'general and persistent') breach cases are a relatively new concept, and they are highly significant for our purposes. Previously, an issue could only be raised in second stage (Art 260 TFEU) proceedings if it formed part of the Commission's case at the first stage (i.e. before the ECJ gave its judgment establishing whether or not the government was in breach). This is not the case with systematic breach cases. To explain, because the ECJ has held that Ireland has systematically failed to control aquaculture licensing, the Commission can raise new examples of aquaculture impacts on Natura 2000 sites as part of the second stage proceedings to enforce the ECJ's judgment in C-418/04. While this may seem a technical issue, it has significant practical implications. By skipping the necessity for a new case (i.e. fresh first stage proceedings), and instead bringing issues up at the second stage of an

⁶ See Wennerås, P. (2006). A new dawn for Commission enforcement under Articles 226 and 228 EC. *Common Market Law Review* 43: 31-62

ongoing case (where the prospect of fines is a reality, and the government is under real pressure), several years can be shaved off the time at which the government is forced to comply.

This illustrates the fact that providing the Commission with information that establishes systematic problems is likely to have a greater impact than providing them with evidence of one-off breaches (indeed, these are the cases the Commission is prioritizing these days). Thus, for example, it would be better to provide evidence of a systematic failure to control peat extraction in Natura 2000 sites than to provide the Commission with evidence of problems in one site. And by providing enough examples to sustain a systematic breach case, an individual or NGO can open the floodgates, in effect, allowing others to provide examples that can be addressed as part of the same case, even after a judgment from the ECJ. This was the case with C-418/04: thanks to BirdWatch Ireland's work in 2000, aquaculture issues raised by other NGOs will now be dealt with much more rapidly than would otherwise have been the case. It points to the need for individuals/NGOs to act strategically, and to coordinate campaigns where possible. But again, even in systematic breach cases that have reached the second stage (Art 260 TFEU), it is important to remember that issues should be raised with the Commission before it issues a written warning in the second stage proceedings.

IRELAND'S CURRENT ENVIRONMENTAL RECORD

The table at the foot of this document is an amended version of the table from a written answer given by the Minister for Environment, Heritage and Local Government on 22 April 2010, available at the first link below. The table builds on similar earlier tables provided by the Minister, and takes account of press releases issued by the European Commission in March, May and June 2010 (second, third and fourth links below).

<http://debates.oireachtas.ie/DDebate.aspx?F=DAL20100422.xml&Node=H10-2#H10-2>

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/685&format=HTML&aged=0&language=EN&guiLanguage=en>

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/527&format=HTML&aged=0&language=EN&guiLanguage=en>

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/313&format=HTML&aged=0&language=EN&guiLanguage=en>

The Minister's April 2010 written answer has been reproduced below for completeness.

“EU Directives.

7. Deputy Brian O’Shea asked the **Minister for the Environment, Heritage and Local Government** the cases being taken by the European Union against Ireland in regard to Ireland’s failure to transpose or implement European Union directives in environmental law in tabular form; the stages of these cases; if fines are pending in regard to judgments against Ireland for breaches of environmental law; and if he will make a statement on the matter. [\[15960/10\]](#)

Deputy John Gormley: Since coming into office, I have given the highest priority to the transposition and implementation of EU environmental legislation and have secured the closure of 25 cases during the past two and a half years. In areas for which my Department has responsibility, the European Commission is currently in correspondence in respect of 25 cases relating to transposition and implementation of EU environmental legislation.

Under Article 258 of the EU Treaty, nine cases are at letter of formal notice stage, which is the initial stage of the formal proceedings. These cases generally relate to greenhouse gas emissions trading, waste, GMOs, environmental impact assessment and the water framework directive. Three cases are at reasoned opinion stage, under Article 258, and these concern issues relating to electrical and electronic waste equipment, spatial policy and strategic environmental assessment.

The European Commission has decided to refer one case in regard to the transposition and implementation of the habitats directive to the European Court of Justice and the Commission application to the court is awaited. Two cases concerning environmental impact assessment and urban waste water treatment are before the court awaiting hearing. In ten cases relating to waste, habitats, water, public participation, wild birds and environmental impact issues, my Department is working to meet the requirements of judgments of the court.

I propose to circulate with the Official Report a tabular statement listing the directives involved and setting out the various stages of proceedings in respect of these cases. This should make it easier for Deputies to see at what stage we are in each of those cases.

The Commission made a decision on 29 October 2009 to refer Ireland to the European Court of Justice for an imposition of fines in regard to the directive on the quality required of shellfish waters, while deferring such referral for three months. Following comprehensive work by my Department to address the outstanding issues involved, the Commission closed the case in March 2010.

Ireland has never been fined by the EU for an environmental infringement. I have met Environment Commissioner Potocnik since his appointment to reassure him of my commitment to resolving issues and to ensuring that Ireland is fully compliant with EU environmental law.

EU Instrument Number and General Reference	Article 226/258 Letter of Formal Notice	Article 226/258 Reasoned Opinion	Being Referred to the European Court of Justice	Before the European Court of Justice for a hearing or awaiting judgement	European Court of Justice Decision to be Implemented	Article 228/260 Letter of Formal Notice	Reasoned Opinion 228/260 Second Letter of Formal Notice		Fines Incurred by Ireland
75/442/EEC the waste directive	2	0	0	0	1	1	0	4	0
79/409/EEC on wild birds	0	0	0	0	0	0	1	1	0
80/68/EEC on groundwater	0	0	0	0	0	1	0	1	0
85/337/EEC on the assessment of the effects of certain public and private projects on the environment	1	0	0	1	0	1	1	4	0
91/271/EEC on urban waste water treatment	0	0	0	1	1	0	0	2	0
92/43/EEC on habitats	0	0	1	0	0	0	2	3	0
96/61/EC concerning integrated pollution prevention and control	1	0	0	0	0	0	0	1	0
98/81/EC on the contained use of	1	0	0	0	0	0	0	1	0

genetically modified micro-organisms										
2000/53/EC on end of life vehicles	1	0	0	0	0	0	0	0	1	0
2000/60/EC the water framework directive	1	0	0	0	0	0	0	0	1	0
2002/96/EC on waste electrical and electronic equipment	0	1	0	0	0	0	0	0	1	0
2001/42/EC on the assessment of the effects of certain plans and programmes on the environment	0	1	0	0	0	0	0	0	1	0
2003/35/EC on public participation in certain plans and programmes relating to the environment	0	0	0	0	0	0	1	0	1	0
2007/2/EC establishing an infrastructure for spatial information in the EU – INSPIRE	0	1	0	0	0	0	0	0	1	0
2008/101/EC ETS and Aviation	1	0	0	0	0	0	0	0	1	0
2009/29/EC so as to improve and extend the greenhouse gas emission allowance	1	0	0	0	0	0	0	0	1	0

trading scheme									
TOTAL NUMBER AT EACH STAGE	9	3	1	2	2	4	4	25	0

A later written answer by the same Minister, provided on 8 July 2010, refers to the total number of ongoing cases as 21, but no tabular breakdown of cases is given. The table below will be updated when this information becomes available. The Minister’s July 2010 written answer has also been reproduced below for completeness.

See: <http://debates.oireachtas.ie/DDebate.aspx?F=DAL20100708.xml&Node=H20-2#H20-2>

“EU Fines

9. Deputy Charles Flanagan asked the **Minister for the Environment; Heritage and Local Government** the position he has taken in response to threatened EU fines for failure properly introduce planning and environmental legislation; if will make a statement on matter. [\[30553/10\]](#)

Deputy John Gormley: Since entering office, I have attached the highest priority to the transposition and implementation of EU planning and environmental legislation. I have secured the closure of 30 infringement cases during the past three years and my Department is in discussions with the Commission with a view to further closures later this year.

In areas for which my Department has responsibility, the European Commission is currently in correspondence in respect of 21 cases covering the transposition and implementation of EU planning and environmental legislation, two of which relate to the late transposition of EU directives. These are the directive providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and the directive establishing an infrastructure for spatial information in the European Community.

I expect that the proceedings on the public participation directive should be addressed to the satisfaction of the Commission very shortly following completion of a number of steps including the commencement of a relevant provision in the Planning and

Development (Amendment) Bill 2009 and the making of further regulations to address issues. As regards the directive establishing an infrastructure for spatial information, I expect to sign regulations into law shortly that will transpose it.

The transposition date for one further European Union directive, on ambient air quality and cleaner air for Europe, was 11 June 2010. My Department is working to ensure that the transposition of this directive will be completed as soon as possible, thus avoiding the initiation of infringement proceedings.”

The Commission made a decision on 29 October 2009 to refer Ireland to the European Court of Justice for an imposition of fines in relation to the directive on the quality required of shellfish waters, while deferring such referral for three months. Following comprehensive work by my Department to address the outstanding issues involved, the Commission closed the case in March 2010.

Ireland has never been fined by the EU for an environmental infringement. I have met Environment Commissioner Potocnik since his appointment to reassure him of my commitment to resolving outstanding cases and to ensuring that Ireland is fully compliant with EU environmental law.”

As noted above, the table below is based mainly on the information provided by Minister Gormley in his written answer of April 2010, which referred to 25 ongoing cases. The table below shows only 23 cases, since: (1) the Minister’s table above divided the proceedings in respect of the judgment in C-418/04 into separate Habitats and Birds Directive cases, while the judgment was a single case that dealt with both Directives; and (2) on 1 July 2010, the ECJ made an Order striking out case C-95/09 (proceedings in respect of Directive 91/271/EEC on urban waste water treatment) and ordered Ireland to bear the costs of the proceedings (the Commission dropped the proceedings because Ireland had complied). Again, please note that the table below remains slightly out of date, since, according to the Minister’s July 2010 written answer, there are now only 21 ongoing cases. However, since no further detail was provided with the Minister’s July 2010 answer, it is unclear which two cases (in addition to C-95/09) have been closed since the Minister’s answer of April 2010. The closures that have been officially announced by the European Commission or the ECJ since the Minister’s April 2010 answer have been reflected in the table below.

Case number	Urgency from Govt's perspective (red (1) most urgent)	Main Directive(s) in case	Article 258: Letter of Formal Notice (LFN)	Article 258: Reasoned Opinion (RO)	Article 258: Being Referred to the ECJ	Article 258: AG's Opinion issued?	Article 258: ECJ judgment to be implemented? Date of judgment	Art. 260: Written warning	Article 260: Being Referred to the ECJ	Article 260: AG's Opinion issued?	Article 260: ECJ judgment and fine?
C-215/06	1	85/337/EEC on the assessment of the effects of certain public and private projects on the environment	→	→	→	No Opinion	→ 3 July 2008	✓			
C-66/06	1	85/337/EEC on the assessment of the effects of certain public and private projects on the environment	→	→	→	No Opinion	→ 20 Nov 2008	✓			

Case number	Urgency from Govt's perspective (red (1) most urgent)	Main Directive(s) in case	Article 258: Letter of Formal Notice (LFN)	Article 258: Reasoned Opinion (RO)	Article 258: Being Referred to the ECJ	Article 258: AG's Opinion issued?	Article 258: ECJ judgment to be implemented? Date of judgment	Art. 260: Written warning	Article 260: Being Referred to the ECJ	Article 260: AG's Opinion issued?	Article 260: ECJ judgment and fine?
C-427/07	1	2003/35/EC on public participation in certain plans and programmes relating to the environment	→	→	→	→ 15 Jan 2009	→ 16 July 2009	✓			
C-494/01	2	75/442/EEC the waste directive	→	→	→	→ 23 Sept 2004	→ 26 April 2005	LFN issued under old Art. 228 EC procedure, but no Art. 260 TFEU warning to date			

Case number	Urgency from Govt's perspective (red (1) most urgent)	Main Directive(s) in case	Article 258: Letter of Formal Notice (LFN)	Article 258: Reasoned Opinion (RO)	Article 258: Being Referred to the ECJ	Article 258: AG's Opinion issued?	Article 258: ECJ judgment to be implemented? Date of judgment	Art. 260: Written warning	Article 260: Being Referred to the ECJ	Article 260: AG's Opinion issued?	Article 260: ECJ judgment and fine?
C-248/05	2	80/68/EEC on groundwater	→	→	→	No Opinion	→ 25 Oct 2007	LFN issued under old Art. 228 EC procedure, but no Art. 260 TFEU warning to date			
C-316/06	3	91/271/EEC on urban waste water treatment	→	→	→	No Opinion	✓ 11 Sept 2008				
C-188/08	3	75/442/EEC the waste directive	→	→	→	No Opinion	✓ 29 Oct 2009				
C-50/09	4	85/337/EEC on the assessment of the effects of certain public and private projects on the environment	→	→	✓						

Case number	Urgency from Govt's perspective (red (1) most urgent)	Main Directive(s) in case	Article 258: Letter of Formal Notice (LFN)	Article 258: Reasoned Opinion (RO)	Article 258: Being Referred to the ECJ	Article 258: AG's Opinion issued?	Article 258: ECJ judgment to be implemented? Date of judgment	Art. 260: Written warning	Article 260: Being Referred to the ECJ	Article 260: AG's Opinion issued?	Article 260: ECJ judgment and fine?
???	4	92/43/EEC on habitats	→	→	✓						
???	4	2002/96/EC on waste electrical and electronic equipment	→	✓							
???	4	2001/42/EC on the assessment of the effects of certain plans and programmes on the environment	→	✓							
???	4	2007/2/EC establishing an infrastructure for spatial information in the EU – INSPIRE	→	✓							
???	4	75/442/EEC the waste directive	✓								

Case number	Urgency from Govt's perspective (red (1) most urgent)	Main Directive(s) in case	Article 258: Letter of Formal Notice (LFN)	Article 258: Reasoned Opinion (RO)	Article 258: Being Referred to the ECJ	Article 258: AG's Opinion issued?	Article 258: ECJ judgment to be implemented? Date of judgment	Art. 260: Written warning	Article 260: Being Referred to the ECJ	Article 260: AG's Opinion issued?	Article 260: ECJ judgment and fine?
???	4	75/442/EEC the waste directive	✓								
???	4	85/337/EEC on the assessment of the effects of certain public and private projects on the environment	✓								
???	4	98/81/EC on the contained use of genetically modified micro-organisms	✓								
???	4	2000/60/EC the water framework directive	✓								

Case number	Urgency from Govt's perspective (red (1) most urgent)	Main Directive(s) in case	Article 258: Letter of Formal Notice (LFN)	Article 258: Reasoned Opinion (RO)	Article 258: Being Referred to the ECJ	Article 258: AG's Opinion issued?	Article 258: ECJ judgment to be implemented? Date of judgment	Art. 260: Written warning	Article 260: Being Referred to the ECJ	Article 260: AG's Opinion issued?	Article 260: ECJ judgment and fine?
???	4	2008/01/EC concerning integrated pollution prevention and control (codified version of 1996/61/EC)	✓								
???	4	2000/53/EC on end of life vehicles	✓								
???	4	2008/101/EC ETS and aviation	✓								
???	4	2009/29/EC so as to improve and extend the GHG emission allowance trading scheme	✓								