

# The Directive on Environmental Liability

How does it work?

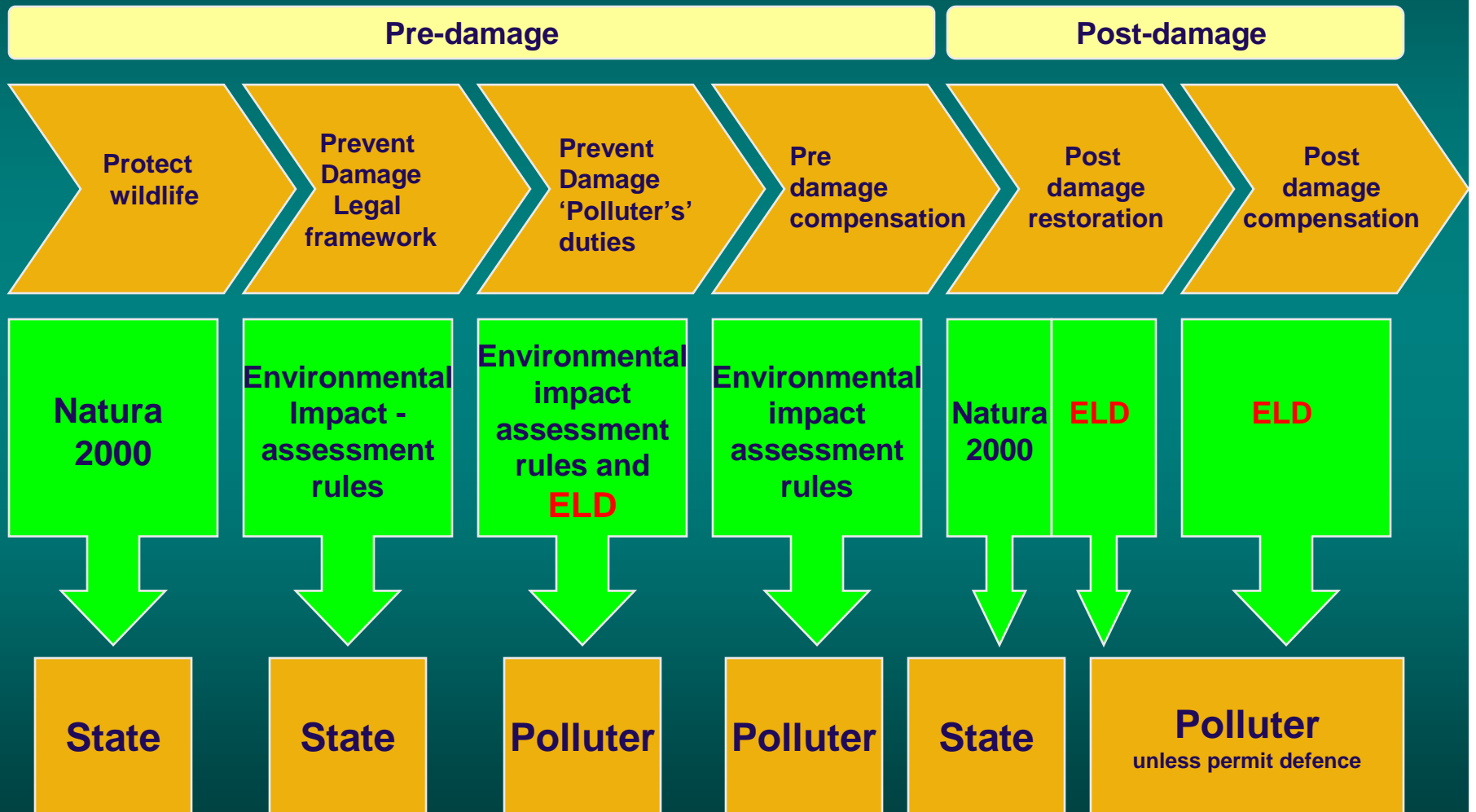


Sandy Luk

# Background

- ◆ Crucial dates
- ◆ Environmental rationale
- ◆ Political pressures

# EU Wildlife Protection – the ELD in Context



# The ELD – What is it all about?

Significant ENVIRONMENTAL DAMAGE

Protected species  
and habitats

Water

Land

Fault  
necessary

Strict  
liability

Strict  
liability

Strict  
liability

PREVENT AND RESTORE

Any  
business  
type  
activity

dangerous  
activity  
(only Annex 3)

Fundamental Aim  
Apply the POLLUTER PAYS PRINCIPLE

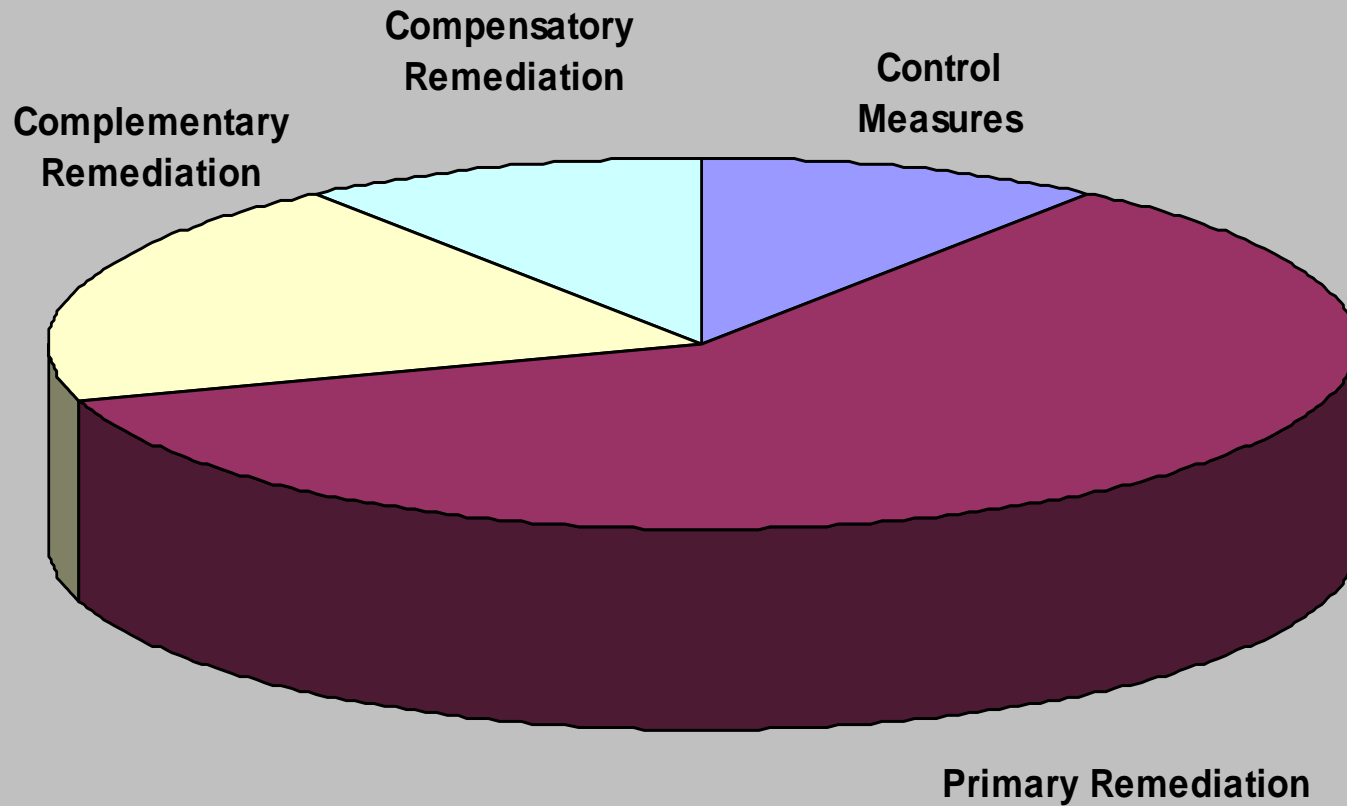
## The ELD – What is it all about?

- ◆ Operators
- ◆ Defences
  - general
  - ‘permit’/’state of the art’
- ◆ Competent Authority

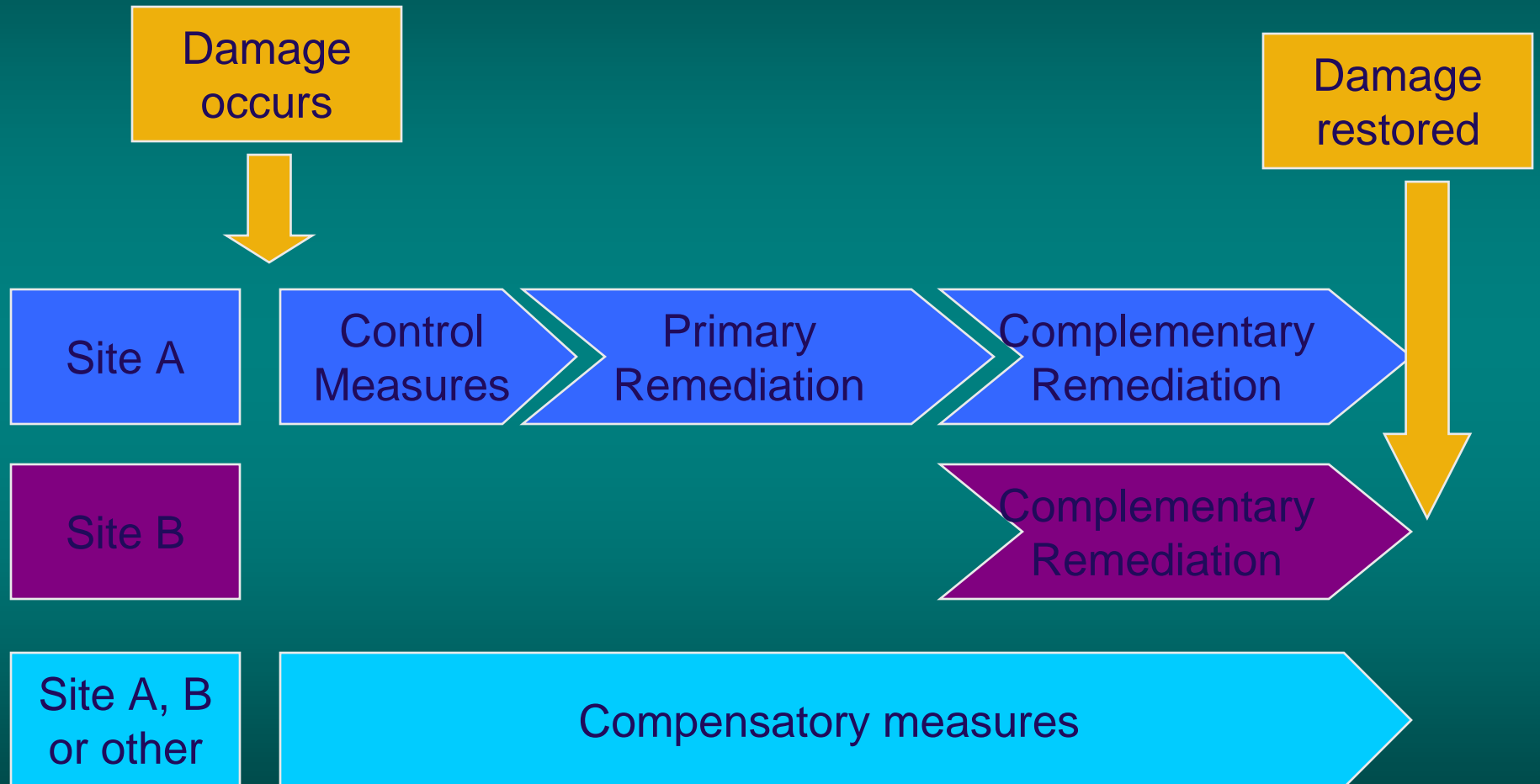
# The ELD – What is it all about?

- ◆ NGO rights
- ◆ Limitation periods
- ◆ Financial security

# Remediation Requirements

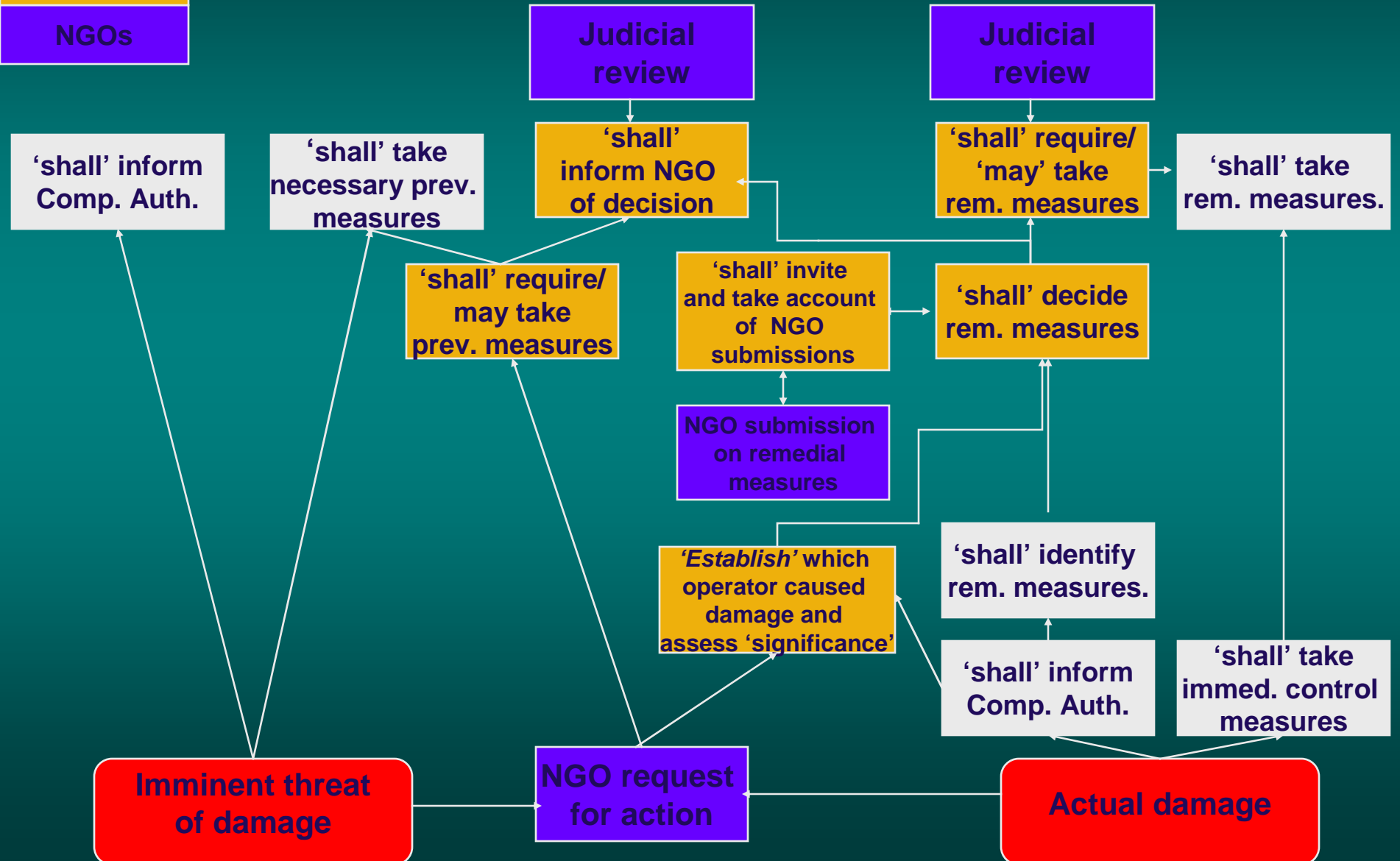


# Remediation Requirements



Operator
Comp. Auth.
NGOs

# From Damage to Restoration



# Conclusion

- ◆ ELD Objectives: prevent and restore
- ◆ Fundamental principles
  - ‘polluter pays’
  - Strict liability
- ◆ ELD provisions