

Article 6 EC Treaty – an introduction

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Object

1. Policies and activities

This provision obviously refers to Article 3 EC Treaty. It aims covering the activities mentioned there.

Therefore not: Euratom-related activities

2. Definition and implementation

Strategy papers, programmes, basic legislation (fisheries)

Addressees

1. EC institutions, after Lisbon: EU institutions

2. Member States?

Member States shall implement the legislation; strategy papers, green and white papers, programmes etc do not bind them.

Member States are bound by basic legislation

Criteria

1. Environment protection requirements

Article 174(1), (2) and (3)

others? Substitution principle

Minimisation principle

Producer responsibility

Rather not

2. With a view, in particular to reach sustainable development

an autonomous content is hardly visible

Must be integrated

1. **No direct effect**
2. **Obligation of EC institutions**
3. **“integration” is not defined**
4. **Certainly enabling the EC institutions to take environmental measures**
5. **Directing (obliging) them to take measures?**
Examples: Climate change
Loss of biodiversity
130.000 people dying per year from air pollution
6. **Directing to set minimum standards?**
to adopt specific procedures (participation)?

Density of Court review

1. Guidance?

“(the integration requirement which) reflects the principle whereby all Community measures must satisfy the requirements of environmental protection, implies that a Community measure cannot be part of Community action on environmental matters merely because it takes account of these requirements” ECJ 1990(C-62/88)

Difference between “satisfy” and “take account of”?

C-157/96: Would the Commission have been obliged to pronounce an export ban of British beef?

2. Hard law?

Institutions and procedures

- 1. Could the Commission organise its work in
DG Energy and Climate Change
DG Agriculture, Biodiversity and Water
DG Industry (+Products, Waste, noise, industrial installations) etc.**
- 2. Would the suppression of a Commissioner for the environment be incompatible with Article 6?**
- 3. Does Article 6 require specific environmental procedures?**
- 4. The “Consultative Forum on the environment and sustainable development”(1993) was dissolved in 2001 and replaced by a (business-oriented) sustainable round table. A breach of Article 6?**

Suggestion to make Article 6 more effective

- 1. Strategic environmental assessment to EU activities**
Commission already examines economic, social, ecological impact of measures
- 2. Environmental Assessment Board**
- 3. Bring cases to the Court (example T-37/04 – Azores)**