

Ongoing Environmental infractions

Directive Title	Purpose	Type and Scope of Infraction	Commission's Case	Current Infraction Position
Water Framework Directive 2000/60/EC	To establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater that prevents further deterioration, promotes sustainable water use and aims at enhancing the protection and improvement of the aquatic environment.	UK-wide	Commission alleges various transposition issues	Article 258 Case opened in 2007. Long standing dispute at Reasoned Opinion stage.
Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016	Reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC	UK-wide	'Jumbo' infraction letter dated 31 March 2017 concerning UK-wide implementation in relation to the development of an emission reduction action plan and or implementing regulations	Article 258 – Jumbo infraction
Directive 92/43 on the conservation of natural habitats and of wild fauna and flora	To protect EU wide habitats and species of conservation concern	UK wide	Commission alleges that UK has failed to establish conserved objectives for designated sites (terrestrial) and also to adopt appropriate conservation measures for each site	Article 258
Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	Protection of habitats and species	UK-wide	Failure to correctly apply the requirements of Directive in relation to the designation of Special Areas of Conservation for Harbour porpoise and therefore had not adequately contributed to the creation of the Natura 2000 network.	The ECJ ruled on 18 October 2018 that the UK had failed to designate sufficient sites for harbour porpoise and therefore had not adequately contributed to the establishment of the Natura 2000 network.

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<p>Directive 2008/56/EC Marine Strategy Framework Directive</p>	<p>Establishing a framework for community action in the field of marine environmental policy</p>	<p>UK-wide</p>	<p>Late reporting of updates on Articles 8, 9 and 10 Marine Strategy Part One: UK Updated Assessment and Good Environmental Status (GES). The UK Updated Assessment was due for completion by 15 July 2018 and due to be submitted to the Commission by 15 October 2018.</p>	<p>The UK received a Letter of Formal Notice on 7 March 2019 in relation to the non-reporting of MSFD.</p>

Risk of future infraction proceedings

EU Requirement	Risk of future infraction proceedings
<p>Bathing Water Directive 2006/7/EC</p>	<p>Member States shall ensure that, by the end of 2015 bathing season, all bathing waters are at least 'sufficient'.</p> <p>However, bathing waters may be classified as 'poor' and still remain in compliance with this Directive. If certain criteria are satisfied. If a bathing water is classified as 'poor' for five consecutive years, a permanent bathing prohibition or permanent advice against bathing shall be introduced.</p> <p>In 2016 and 2017 Ballyholme Bathing water was classified as 'Poor' bathing water quality leaving it at risk of permanent advice against bathing. Ballyholme has improved to "sufficient" in the 2018 Bathing Water results. This brings all bathing waters into compliance with the Bathing Water Directive.</p>
<p>Water Framework Directive 2000/60/EC – Microbial Shellfish flesh standards – Belfast Lough and Dundrum Bay</p>	<p>In shellfish waters protected areas, the Department's stated policy is that shellfish waters must meet at least Class B of the EU Food Hygiene Regulations as part of the WFD objective.</p> <p>In addition, there has been a statistically significant deterioration in shellfish flesh at some sites in Belfast Lough, in Dundrum Bay South mussels and Dundrum Bay North Oysters. Currently, inner Belfast Lough and Dundrum do not meet this standard and there is evidence of deterioration. The issues in Belfast Lough are being addressed through the DfI Living with Water Programme.</p>
<p>Environmental enforcement in Northern Ireland EU Pilot 7640/15/ENVI</p>	<p>This pilot letter related to multiple areas but was primarily concerned with environmental impact assessments and regulation of development. Responses have been provided to the queries raised.</p>
<p>Directive 2008/50/EC on Cleaner Air for Europe</p>	<p>The Greater Belfast urban area is among a number of zones reported to the Commission by the UK as having exceeded the Directive's air quality objective for nitrogen dioxide.</p> <p>The UK is among six Member States referred by the Commission to the European Court of Justice for breaches of Air Quality Directive standards. Currently, proceedings against the UK are in respect of 16 UK reporting zones - 15 of which are in England, one in Scotland, and none in Northern Ireland.</p>

EU Requirement	Risk of future infraction proceedings
<p>Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air</p>	<p>An exceedance of the Target Value for the 2016 annual mean level of Benzo[a]pyrene in ambient air has been reported to the Commission. An exceedance report was sent to the Commission in December 2018.</p> <p>The exceedance was in the Derry City and Strabane District Council area.</p> <p>When Target Values are exceeded, Member States must prepare an exceedance report for each zone, outlining details of exceedance and measures being taken. The Directive requirement is to achieve compliance with Target Values using all reasonable efforts that do not entail disproportionate costs.</p> <p>Exceedance reports for all affected UK reporting zones, including for NI, were sent to the Commission for consideration, in December 2018. The source of the air pollution was attributed to household burning of solid fuel, in particular, coal. There was subsequently no exceedance recorded for NI in the 2017 monitoring year.</p>
<p>Water Framework Directive Under Article 15 reporting, MSs are required to submit an interim report describing progress in the implementation of the planned programme of measures</p>	<p>Under WFD Member States are required to implement River Basin Management plans to meet objectives of 'Good Status'. Current plans cover the period 2015-2021, and have a target to achieve up to 70% of water bodies at good status by 2021. An interim progress report and assessment of status has been reported to EC by 22 December 2018. The EC is also due to publish their final assessment of second cycle RBMPs</p> <p>Statistics on 2018 WFD status were published on 26 Sept 18. These are interim statistics, but indicate no progress towards 2021 targets, and a deterioration in rivers of 1.4% since 2015. This presents a significant risk that the 2021 targets will not be met, and the minimum WFD requirement of no deterioration may also be breached.</p>