



“The voice of SMEs in Europe”

Press Release

FOR IMMEDIATE RELEASE

European SMEs call on the Environment Council to adopt a realistic environmental liability regime

Brussels, 12th June 2003. UEAPME, the European association of crafts and SMEs, calls on the upcoming Environment Council to adopt an Environmental Liability regime that is feasible. UEAPME and its members have repeatedly argued that the Directive as proposed by the European Parliament is unbalanced and overly ambitious.

It is unanimously accepted that this future Directive must respect the principles of Sustainable Development. However, the text adopted by the European Parliament only takes into account the environmental aspects of sustainable development and excludes the social and economic pillars. UEAPME therefore calls on Member States to demand that the Commission undertakes a full **business impact assessment** of the upcoming Directive as amended by the Parliament so as to establish the exact implications and costs for SMEs and micro-enterprises in particular.

UEAPME welcomes and fully supports the proposal of the Presidency to **include thresholds** for the manufacture and use of classified dangerous substances, preparations, plant protection products and biocidal products, as this will exclude very small businesses from the scope of the Directive and from the obligation of taking out insurance.

However, as continuously stressed, European SMEs will face several major problems if the proposed approach by the Parliament is endorsed by Member States regarding compulsory insurance, scope of the directive and exemptions. With regard to **insurances** there is no guarantee that they will be available and if they are at what cost. This will result in legal uncertainty for businesses and could lead to a situation whereby a business will operate without any financial coverage. Therefore, UEAPME calls on Member States to take all the necessary measures to ensure that insurances will be available at the time of entry into force of the Directive and this at a reasonable cost for SMEs.

Secondly, the **definition of biodiversity** has also been extended and now covers all species and the protected sites they live in and all habitats protected under EU law and national law. Considering the novelty of the concepts and the fact that insurances are currently not available, it seems appropriate to limit the scope of the Directive to sites identified under the Natura 2000 network for activities listed in Annex I.

On the issue of exemptions, UEAPME regrets the decision that **permits and state of the art defences** have been relegated to mitigating factors considering that good agricultural and forestry practices have been inserted as exemptions. Permits, state of the art and good agricultural and forestry practices should all be put on an equal footing and all considered as exemptions.

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