

# Press Release No. 72/2007

**Press Relations Officer:** Martin Ittershagen  
**PR-staff:** Anke Döpke, Dieter Leutert,  
Fotini Mavromati, Theresa Pfeifer, Martin Stallmann  
**Address:** Postfach 1406, 06813 Dessau-Roßlau  
**Telephone:** +49 340/21 03-2122, -2827, -2250, -2318, -3927, -2507  
**E-Mail:** [pressestelle@uba.de](mailto:pressestelle@uba.de)  
**Internet:** [www.umweltbundesamt.de](http://www.umweltbundesamt.de)



## Responsible party alone to pay for clean-up of damage caused to environment

### New Environmental Damage Act defines uniform requirements for remedial measures

**As of tomorrow, there are hard times ahead for anyone who pollutes the environment: whosoever causes damage to the environment through an occupational activity must also act to remedy it. This is proclaimed in the Environmental Damage Act (*USchadG*), which enters into force on 14 November 2007. Public authorities and environmental associations are the competent authorities for monitoring implementation of the law. "The new Environmental Damage Act will bolster the principles of 'polluter pays' and precaution", explained the President of the Federal Environment Agency, Prof. Dr. Andreas Troge. "This will benefit the environment by means of prevention. Since entrepreneurs will have to bear the costs of carrying out remedial measures for damages done on their own, the new law creates an incentive to now act with such caution so as to not allow damage—and later cleanup costs- to occur to the environment in the first place."**

The Environmental Damage Act defines the obligations of responsible parties in the event that protected species and natural habitats, bodies of water or soil suffer considerable damage or are at immediate risk of suffering such damage. Damage or an imminent threat must occur as a result of an occupational activity. The law does not focus on the liability of certain specific activities defined in the regulation as such. Potentially dangerous activities include operation of a power plant or a landfill site, transport of hazardous goods on roads, or discharge of substances into bodies of water. If damage to the environment is imminent on account of an occupational activity, the responsible party must resort to any and all measures to contain the damage. However, if the damage has already occurred, the responsible party must carry the costs of remediation himself.

The Environmental Damage Act reckons with affected parties and environmental associations taking the initiative, for they may initiate action with the competent authorities designated by the federal state against the alleged party responsible for an incident of environmental damage. Moreover, affected parties and environmental associations make also take legal

measures, e.g. take recourse to the courts. The Environmental Damage Act hereby accords associations an important role, for it is their competence and experience that allows them to draw attention to grievances and therefore propel necessary remedial measures. The competent authority can order remedial measures and is responsible for monitoring the responsible party's activities. The Environmental Damage Act thus prevents any potential lapses in implementation of environmental law.

The Environmental Damage Act is Germany's implementation into German law of the European Directive on environmental liability with regard to the prevention and remedying of environmental damage (2004/35/EC) of 21 April 2004. Germany is one of the first EU member states to integrate the directive into its own body of laws.

The text of the Environmental Damage Law (in German) can be downloaded from here:

[http://www.bmu.de/files/pdfs/allgemein/application/pdf/u\\_schad\\_g.pdf](http://www.bmu.de/files/pdfs/allgemein/application/pdf/u_schad_g.pdf),

An English language version of the regulation is available at:

[http://www.bmu.de/files/pdfs/allgemein/application/pdf/u\\_schad\\_g\\_eng.pdf](http://www.bmu.de/files/pdfs/allgemein/application/pdf/u_schad_g_eng.pdf).

The transposed European directive is accessible via the following link:

[http://www.bmu.de/files/pdfs/allgemein/application/pdf/richtlinie\\_umwelthaftung.pdf](http://www.bmu.de/files/pdfs/allgemein/application/pdf/richtlinie_umwelthaftung.pdf).

Dessau-Roßlau, 13 November 2007