



**Excerpt from the Ad-Hoc Industry Natural Resource Management Group's
Response to the European DG Environment "Fitness check of the Polluter Pays Principle
application to the environment" Public Consultation Questionnaire**

Submitted 3 August 2023

The Ad-Hoc Industry Natural Resource Management Group has done its best to consider and respond to the various questions in this questionnaire. In some instances, the wording in the English version is difficult to follow (double negatives for example), causing one to have to re-read the question several times to make sure that the reply fits the question and vice versa.

Moreover, as the Commission's purpose is to gather views and evidence on the polluter pays principle (PPP), this survey instrument may fall short in providing the kind of hard data (versus opinion or conjecture) needed to evaluate the sufficiency of the PPP to prevent, control and remedy pollution. As such, we will be very interested in knowing of parallel efforts to evaluate the PPP. The concept of polluters (or responsible parties) "being held accountable" is not in step with more modern approaches involving incentivization, voluntary behaviours, and partnerships between government and private businesses.


The survey gives the impression that all pollution should be subjected to the PPP, which may not be appropriate given the current state of environmental law and policy in the EU.

As mentioned above, it is not clear that the polluter pays principle (PPP) has not been implemented and/or not met its intended objectives. This important policy deserves a careful and rigorous examination in the context of current law, science and economics and we would be pleased to work with the Commission as it further examines the PPP fit for purpose – now and into the future. For example, the Environmental Liability Directive (ELD) is an example of a legal mechanism used to implement the PPP in practice by requiring restoration of damages to the environment (versus pure financial compensation for the damage). Moreover, one intent of the ELD is to prevent environmental damage. As such, the PPP should not be considered as an absolute rule but a balance between those instances where a polluter "pays" and where the polluter should be protected from bearing costs (i.e., in those instances where prevention of pollution is achieved). Any proposal to amend or modify the PPP should be carefully considered in terms of actual needs and ability to maintain a reasonable, balanced and predictable practice arena.

We have special expertise on the ELD and stand ready to contribute input and data as appropriate. We have found that so long as basic objectives are able to be met, the specifics of the implementing laws in the different member states is less important and differences do not equate to lax enforcement.

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