

Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

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ANNEX I

CRITERIA REFERRED TO IN ARTICLE 2(1)(A)

The significance of any damage that has adverse effects on...  
the number of individuals, their density or the area covered,...  
Damage with a proven effect on human health must be...  
The following does not have to be classified as significant...  
negative variations that are smaller than natural fluctuations  
regarded as...

ANNEX II

REMEDYING OF ENVIRONMENTAL DAMAGE

This Annex sets out a common framework to be followed...

1. Remediation of damage to water or protected species or natural...
  - 1.1. Remediation objectives
    - 1.1.1. The purpose of primary remediation is to restore the damaged...
    - 1.1.2. Where the damaged natural resources and/or services do not return...

- 1.1.3. Compensatory remediation shall be undertaken to compensate for the interim...
  - 1.2. Identification of remedial measures
    - 1.2.1. Options comprised of actions to directly restore the natural resources...
    - 1.2.2. When determining the scale of complementary and compensatory remedial measures,...
    - 1.2.3. If it is not possible to use the first choice...
  - 1.3. Choice of the remedial options
    - 1.3.1. The reasonable remedial options should be evaluated, using best available...
    - 1.3.2. When evaluating the different identified remedial options, primary remedial measures...
    - 1.3.3. Notwithstanding the rules set out in section 1.3.2. and in...
2. Remediation of land damage

### ANNEX III

#### ACTIVITIES REFERRED TO IN ARTICLE 3(1)

1. The operation of installations subject to permit in pursuance of...
2. Waste management operations, including the collection, transport, recovery and disposal...
3. All discharges into the inland surface water, which require prior...
4. All discharges of substances into groundwater which require prior authorisation...
5. The discharge or injection of pollutants into surface water or...
6. Water abstraction and impoundment of water subject to prior authorisation...
7. Manufacture, use, storage, processing, filling, release into the environment and...
8. Transport by road, rail, inland waterways, sea or air of...
9. The operation of installations subject to authorisation in pursuance of...
10. Any contained use, including transport, involving genetically modified micro-organisms as...
11. Any deliberate release into the environment, transport and placing on...
12. Transboundary shipment of waste within, into or out of the...
13. The management of extractive waste pursuant to Directive 2006/21/EC of...
14. The operation of storage sites pursuant to Directive 2009/31/EC of...

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#### ANNEX IV

##### INTERNATIONAL CONVENTIONS REFERRED TO IN ARTICLE 4(2)

the International Convention of 27 November 1992 on Civil Liability...

#### ANNEX V

##### INTERNATIONAL INSTRUMENTS REFERRED TO IN ARTICLE 4(4)

the Paris Convention of 29 July 1960 on Third Party...

#### ANNEX VI

##### INFORMATION AND DATA REFERRED TO IN ARTICLE 18(1)

The information referred to in Article 18(1) shall cover cases of...  
Type of environmental damage, date of occurrence and/or  
discovery of...  
Member States shall include any other relevant information on  
the experience...

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- (1) [OJ C 151 E, 25.6.2002, p. 132.](#)
- (2) [OJ C 241, 7.10.2002, p. 162.](#)
- (3) Opinion of the European Parliament of 14 May 2003 (not yet published in the Official Journal), Council Common Position of 18 September 2003 ([OJ C 277 E, 18.11.2003, p.10](#)) and Position of the European Parliament of 17 December 2003 (not yet published in the Official Journal). Legislative resolution of the European Parliament of 31 March 2004 and Council Decision of 30 March 2004.
- (4) [OJ L 103, 25.4.1979, p. 1.](#) Directive as last amended by Regulation (EC) No 807/2003 ([OJ L 122, 16.5.2003, p. 36](#)).
- (5) [OJ L 206, 22.7.1992, p. 7.](#) Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).
- (6) [OJ L 327, 22.12.2000, p. 1.](#) Directive as amended by Decision No 2455/2001/EC ([OJ L 331, 15.12.2001, p. 1](#)).
- (7) [OJ L 12, 16.1.2001, p. 1.](#) Regulation as amended by Commission Regulation (EC) No 1496/2002 ([OJ L 225, 22.8.2002, p. 13](#)).