

## **Environmental Liability Directive 'weeks away' from being introduced in the UK**

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**From March, UK industry will face more onerous duties to protect the environment and the cost of notifying pollution incidents and remedying them is expected to increase "significantly".**

More than 20 months after the European Union deadline passed for transposing the Environmental Liability Directive into UK law, Post learnt this week the process is finally underway with regulations set to come into force in a matter of weeks.

A spokeswoman for the Department of Environment, Food and Rural Affairs, confirmed: "The regulations will come into force at the beginning of March when they are published - and guidance on compliance will be issued about a month in advance."

Experience in member states that have already transposed the Directive suggests regulatory authorities will take a hard line, according to Simon White, environmental branch manager at XL Insurance.

"Historically, the regulating authorities took quite a subjective view as to whether enforcement was needed. Now they are under their own duty of care to enforce the law. Importantly, if the regulators do not perform as they should, NGOs can take them to court and demand a judicial review." The regulations will also introduce a duty of care on industry to report pollution incidents - whether actual or potential.

"From what we have seen in Europe, these new requirements will change how organisations view the environment and how much it costs them. There will be a lot more notifications and the cost of remedying the environment will increase significantly."

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