



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Implementation of EU environment law – how we can do better
– Information from the Commission

Delegations will find attached a note from the Commission on the above question, which will be examined under "Other business" at the meeting of the Environment Council on 21 June 2011.

Implementation of EU environment law – how we can do better
- Information from the Commission -

This conference was organised by DG Environment as part of a targeted stakeholder process linked to a proposed Commission Communication on implementation of EU environment law.

Four broad themes were discussed:

- *Towards an Improved and Transparent Knowledge Base*
- *Resources*
- *The Value of Cooperation through Networks*
- *Legal Framework for Complaint-handling and Environmental Inspections,*

This provided different perspectives on how to improve implementation by using a range of complementary techniques. These include improved approaches to managing environmental monitoring data and statistics, deployment of EU financial resources, the scope for capacity-building through network cooperation between expert bodies and institutions at both EU and national level, the possibilities for enhancing the handling of complaints and access to justice at national level and the scope for improving the consistency and effectiveness of environmental inspections.

Speakers and moderators came from several Commission services, European Parliament Petitions Committee, the European Environment Agency, the European Ombudsman, the European Economic and Social Committee, the Committee of the Regions, the IMPEL network, the EU Forum of Judges, Interpol, the academic community, Business Europe and the European Environment Bureau. The HU and upcoming PL Presidencies also addressed the Conference.

The conference programme, papers and presentation, including Commissioner Potočník's closing address, are available at:

http://www.acceptance.ec.europa.eu/environment/legal/implementation_en.htm

Further details of the opening and closing addresses as well as each session are set out in the Annex.

The Conference can be accessed as a webstream at:

<http://scic.ec.europa.eu/str/index.php?sessionno=dbab2adc8f9d078009ee3fa810bea142>

Summary of Sessions of Implementation Conference, 15 June 2011

The Director General of DG Environment opened the Conference, guiding the participants through its structure and objectives. An observation at the outset from the Chair of the Petitions Committee that "the environment does not protect itself" set the tone of the day. Although representing different perspectives, the opening addresses of Business Europe and the European Environmental Bureau both underlined the importance of good implementation in ensuring confidence in the value-added of EU environment legislation.

The first session, **Towards an Improved and Transparent Knowledge Base**, highlighted the close link between environmental knowledge and implementation. Presentations covered the work on a Shared Environmental Information System (SEIS) being undertaken by the "Group of Four", i.e. DG Environment, EUROSTAT, the European Environment Agency and the Joint Research Centre and related work by DG Information Society. Aspects addressed included:

- the aims of and state-of-play on implementation of SEIS and the strategy for addressing the four main challenges, i.e. need for coherent legal framework for information and data-sharing, need to streamline demands for information and data-sharing, especially reporting-led demands, need for improved information and data-sharing infrastructure, and need to improve availability of fit-for-purpose monitoring data;
- the problem of environmental information being out-of-date and the desirability of achieving more rapid feedback on the state of the environment and the measures to safeguard it;
- the possibilities opened up by new technology, including cheap sensors, and the scope for citizens to be more involved;
- the importance of standardised approaches to ensuring the consistency, comparability and usability of environmental information;
- the growing importance of modelling to identify future risks and how best to address them;
- the demand for more precise environmental statistics and the strategies being followed to respond to this;
- and the stimulus that can be provided through a right to re-use already accessible public information.

The second session, **Resources**, stressed:

- the continued importance of Cohesion policy for supporting key environmental infrastructure;
- the difficulties encountered in terms of absorption and the strategies being developed to address these; the potential for provisions on technical assistance to be used for training and capacity building;
- the leverage role of the LIFE instrument, particularly in relation to initiatives on governance, information and communication;
- the desirability of a holistic approach to use of financial resources to support implementation, with account taken of the role of market-based instruments, the need to remove harmful subsidies and the Common Agricultural Policy as well as the need to fully engage regional and local authorities.

The third session, **The Value of Cooperation through Networks**, included:

- an overview of the work of the IMPEL network of environmental inspectors under its different clusters of activity, with reference being made to several important projects;
- details of the evolution the European Forum of Judges for the Environment and its rolling programme of activities, including annual conferences and an ongoing training initiative supported by DG ENV;
- an account of the Flemish High Council for Environmental Enforcement since its inception in 2008 and the positive experience gained from a regional enforcement structure that assists practitioners from different arms of the administration, in particular through techniques such as networking, regular meetings, adoption of protocols and production of annual enforcement reports;
- the role of the European Ombudsman the European network of Ombudsman which he coordinates, the provision of legal advice to national ombudsmen and the complementary role that ombudsmen can play to that of national courts, and
- the work of Interpol in tackling environmental crime through networking, production of strategic guidance documents and capacity building manuals.

The fourth session, **the Legal Framework for Complaint-handling and Environmental Inspections:**

- explored possibilities for improving complaint-handling at national level, drawing on insights from and experience of the European Ombudsman;
- considered the case for renewed focus on access to justice in light of recent case-law of the European Court of Justice;
- presented the background to inspections in respect of EU environment law, including experience gained under the Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) and sectoral provisions on inspections;
- the experience of DG SANCO in operating an EU-level audit-type inspection provision, including reference to the link between food scandals and management of waste streams;
- the challenges of complying with key waste management objectives between now and 2020 and the issue of enhanced EU level assurance of correct implementation, including possible options for this such as reinforcement of Commission's role, creation of a new agency or enhancement of role of EEA;
- the experience of IMPEL in network cooperation on inspections, including with regard to a review initiative under which inspectors from other Member States carry out reviews within a Member State.

In the closing session, Hungary *inter alia* emphasised the importance of a knowledge-based approach to implementation, the ongoing work on a Shared Environmental Information System (SEIS) – drawing attention to the link to INSPIRE and GMES - and the Aarhus Convention, and the usefulness of Hungary's own concept of an Ombudsman for Future Generations as a mechanism to address the long-term context of sustainable development. Poland stressed the importance of close collaboration between the Commission and Member States in order to improve implementation, mentioning the positive role that EU funding had played in raising awareness of compliance issues.

In his closing address, Commissioner Potočnik stated his main objective as being to use the implementation of the acquis to achieve shared environmental objectives. He set out the main challenges to achieving this as being:

- Applying upstream solutions-oriented approaches in preference to ex post sanctions once damage to environment and reputations is already done.
- Developing a risk-based, systemic approach to enforcement, as opposed to an ad hoc complaint-based approach.
- Accurately assessing the strengths and weaknesses of the current system for implementing the acquis.
- Developing a reliable knowledge and evidence base, through monitoring, and verification from scientists and experts; and using that knowledge to effectively inform decisions at all levels.
- Developing effective governance structures with clearly delineated responsibilities and systems for verification and accountability within Member States and across borders.

