



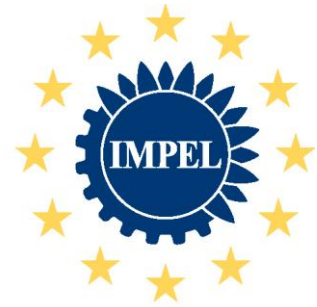
European Union Network for
the Implementation and Enforcement
of Environmental Law

Dear Reader,

Since this Multi Annual Work Programme (MAWP) was developed and agreed at the IMPEL Plenary meeting in Espoo in 2006, the network has undergone a substantive change in its structure and organisation. In 2009 IMPEL became an independent Association registered under Belgian law. As a result IMPEL developed a Statute and internal rules and consequently some of the language to describe IMPEL's structure is no longer used. For example, the *Plenary* is now called a *General Assembly* though it is still the highest decision making body within the network. Much of the aims and objectives of the network remain though the foreword and introduction sections to this document have changed markedly since 2009.

The IMPEL Board agreed to extend the life of this MAWP in December 2010 to cover the period of 2011. In September 2011, the IMPEL Board once again agreed to extend this version of the MAWP until the end of 2012 with a view to updating the whole document in 2012 and to be agreed by the General Assembly in Denmark in June 2012.

IMPEL Board
September 2011



European Union Network for
the Implementation and Enforcement
of Environmental Law

Multi-Annual Work Programme

2007-2010

Adopted in Espoo, 6-8 Dec 2006

FOREWORD

The European Union Network for the Implementation and Enforcement of Environmental Law is an informal network of the environmental authorities of EU Member States, acceding and candidate countries, and Norway. The European Commission is also a member of IMPEL and shares the chairmanship of its Plenary Meetings.

The network is commonly known as the IMPEL Network

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. It promotes the exchange of information and experience and the development of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

Information on the IMPEL Network is also available through its website at:

<http://europa.eu.int/comm/environment/impel>

1 AIM OF THIS DOCUMENT

This document presents background information and the key priorities of IMPEL's work programme for the period 2007 – 2010. The Multi Annual Work Programme sets the framework for future IMPEL activities. It draws on the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections (2001/331/EC). However, it should be seen as a living document, subject to change as new priorities arise or existing priorities change. Therefore IMPEL will regularly review its activities and the work programme in order to ensure that they are in line with IMPEL and the European Community priorities and with future developments.

2 INTRODUCTION OF THE NETWORK

2.1 BACKGROUND INFORMATION ON IMPEL

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law, and, as such, it is a unique network. The description of the structure and management of the Network and key partners is in **ANNEX 1**.

During the previous 14 years IMPEL has developed into a considerable, widely known informal organisation, which is driving the development of the best practice on the ground. This work has resulted in IMPEL and its activities being mentioned in a number of legislative tools.^{1, 2, 3}

In accordance with the 6th Environment Action Programme, the core of the IMPEL activities concerns the capacity building, minimum criteria for environmental inspections, exchange of information and experiences on implementation, enforcement and international enforcement collaboration on existing European environmental legislation, development of common views of MS Inspectorates on the coherence and practicality of current EU legislation and on commenting issues of practicality and enforceability at an early stage in the development of new EU legislation, before a proposal is formally tabled.

High priority is given to the implementation and enforcement of environmental law by the Commission^{4,5} and the European Parliament, IMPEL is one of the principal mechanisms that can assist in this process.

IMPEL work focuses on projects in the fields of:

- training and exchange programmes for inspectors,

¹ 6th Environment Action Programme

² Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections (RMCEI)

³ Council Regulation of 29 April 1999 amending Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European environment information and observation Network

⁴ Commission's Communication 2004 on Environmental Policy Review 2004

⁵ Stavros Dimas: Foreword of Sixth Annual Survey 2004

- developing good/best practice for various aspects of inspections,
- application of industrial pollution control legislation,
- transfrontier shipments of waste,
- implementation of the EU emission trading scheme,
- recently IMPEL also has also began to engage in “Better Legislation” issues and would like to play an advisory role for the design of new Community legislation, focussing on aspects of implementation-friendliness.

The key achievements of the Network see in **ANNEX 2**.

2.2 THE LEGISLATIVE BASIS FOR IMPEL ACTIVITIES

IMPEL’s work is explicitly recognised in the **6th EU Environment Action Programme (6th EAP)**:

“Article 3 Strategic approaches to meeting environmental objectives

The aims and objective set out in the Programme shall be pursued, inter alia, by the following means:

...

(2) Encouraging more effective implementation and enforcement of Community legislation on the environment and without prejudice to the Commission’s right to initiate infringement proceedings. This requires:

...

- improved exchange of information on best practice on implementation including by the European Network for the Implementation and Enforcement of Environmental Law (IMPEL Network) within the framework of its competencies;

...”

In the **Recommendation 2001/331 of the European Parliament and of the Council** of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States (**RMCEI**), IMPEL is invited to carry out several tasks including,

“...

(17) ...The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.

In the new Waste Shipment Regulation 2006/1013 which will come into force in July 2007 article 50.2 states that Member States shall, by way of enforcement measures, provide inter alia for inspections of establishments and undertakings in accordance with the Waste Framework Directive 2006/12/EC, and spot checks of shipments of waste or of the related recovery or disposal. Article 50.5 introduces a new obligation for the Member to cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments. The Cluster TFS is encouraged by this new provision to continue and intensify the cooperation of European environmental authorities in combating illegal shipments.

3 MISSION STATEMENT, OBJECTIVE AND STRATEGIC GOALS FOR 2007-2010

3.1 MISSION STATEMENT

Protect the environment by the effective implementation of European Environmental law

3.2 OBJECTIVES

The objectives of IMPEL are to create the necessary impetus in the European Community (including the acceding and candidate countries and other countries applying EU environmental law) to make progress on ensuring more effective implementation and enforcement of environmental legislation. The network promotes the exchange of information and experience and the development of a greater consistency of approach in the implementation and enforcement of environmental legislation, with a special emphasis on Community legislation.

The core objectives of IMPEL are:

- to ensure a more effective implementation and enforcement of environmental legislation in the European Community,
- to share information and experiences, discuss problems and offer practical advice on implementation and enforcement of EC environmental legislation,
- to contribute to a greater consistency of approach in the implementation and enforcement of EC environmental legislation,
- to promote mutual understanding of the common characteristics and differences of national regulatory systems,
- to develop good and whenever possible best practices as regards inspection, permitting, monitoring, reporting and enforcement of EC environmental legislation.

The fact that the participants in IMPEL projects are experts in the field of permitting, monitoring and inspection, with a thorough knowledge of the subject through their daily work, guarantees a high level of expertise.

3.3 STRATEGIC GOALS AND KEY PRIORITIES FOR 2007-2010

3.3.1 STRATEGIC GOALS

The overall strategic goals are to contribute to a more consistent implementation and enforcement of Community environmental legislation across the Community and to avoid distortions of competition, to develop a common basis for the better performance of environmental inspection tasks within the Member States, through exchange of information and experiences on different administrative levels, as well as through training and in-depth discussions on environmental issues and enforcement aspects, including monitoring and permitting processes. A further goal is to improve the quality of the environmental inspection mechanism through networking system at both the Community and MS level.

The IMPEL network should also play in the future an important role during the different stages of the regulatory chain and could in particular give advice - on request or on its own

initiative - on general questions regarding implementation and enforcement as well as on new draft proposals for Community legislation, in particular where the input of practical experiences is necessary.

The strategic goals set for 2007-2010 are in line with the previous IMPEL Multi Annual Working Programme for 2004-2008, which are the following:

- I Capacity building
- II Improving methodologies
- III Development of good practices
- IV New instruments in environmental protection
- V Providing feedback to policy makers
- VI Promotion of IMPEL and dissemination of its products
- VII International enforcement collaboration

IMPEL will consider how best to use its resources. As necessary, it will be for the Plenary to determine the priority list of projects.

3.3.2 KEY PRIORITIES AND LEGISLATIVE AREAS OF IMPEL ACTIVITIES

IMPEL's key priorities for the period 2007 – 2010 are to continue the work on the tasks given to IMPEL by the Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) and to fulfil its mandate under the 6th Environment Action Programme (6th EAP). It will also have a role in the review of the RMCEI.

IMPEL will continue the work on the better implementation and enforcement of different EU directives, in line with the priorities of the European Community. These activities will relate mainly to the monitoring and control of the industrial emissions and harmonised permit conditions. The thematic areas and examples of related directives concerned by IMPEL are the followings:

Waste

- Waste Shipment Regulation (259/93 EEC)
- Waste Framework Directive (2006/12/EEC) and waste stream based directives
- Landfill Directive (99/31/EC)
- Waste Incineration Directive (2000/76/EC)

Industrial emission:

- IPPC Directive (96/61/EC)
- Directive on SEVESO II (96/82/EC)
- Waste Water Treatment Directive (91/272 EEC)
- Air Quality Framework Directive (96/62/EC) and Daughter Directives
- EU Emissions Trading Scheme (2003/87/EC)
- Large Combustion Plants Directive (2001/80/EC)

Permitting:

- Public participation in environmental procedures (2003/35/EC)
- Environmental Impact Assessment Directive (85/337/EC)
- Water Framework Directive (2000/60/EC)

In 2007-2010 IMPEL will continue the activity of providing feedback to the Commission or EU Institutions on better legislation issues, gathering information on experience of implementing EU legislation, from the practitioners' point of view. IMPEL will monitor the Better Regulation initiatives external to the Network and contribute where appropriate, and add value to the regulatory cycle by providing advice on the practicability and enforceability of new and existing legislation at the early stages in its development.

At MS level IMPEL will facilitate the development of the national networking system on environmental permitting and inspection, paying particular regard to cooperation with the authorities at the local government level.

3.3.3 ACTIVITIES

| STRATEGIC GOAL I | CAPACITY BUILDING |
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| TARGET | Strengthening organizations by, for example, change of experience and benchmarking between environmental authorities, including reviews of their structure, operation and performance, promotion of "twinning", cross-border co-operation and training activities. |
| POSSIBLE AREAS OF ACTIVITIES | <ul style="list-style-type: none"> I/1 Organise training programmes for inspectors, providing better information exchange. I/2 Encourage capacity building in Member State inspectorates by "a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures" I/3 Participate in ECENA training programmes and review-related projects providing experience of the IMPEL Members with particular emphasis on RMCEI. I/4 Establish and develop the cooperation between National Contact Points of TFS. I/5 Integrate Waste Shipment Regulation enforcement into daily practice by improved national planning, exchange of best practices, and development of inspection manuals. I/6 Collect and make training manuals of Member States available I/7 Provide tools and strengthen cross-border co-operation and collaboration among different authorities and organisations involved in waste shipment e.g. police and customs, non-OECD countries, Basel Convention, other regional networks. I/8 Provide MSs with tools in order to facilitate the setting of risk based priorities. |

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| STRATEGIC GOAL II | IMPROVING METHODOLOGIES |
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| TARGET | Efficient and more effective work with an emphasis on the prioritising, programming and planning of inspections, permitting, environmental reporting and the development of enforcement indicators with special regards to the key legislative area of IMPEL. |
| POSSIBLE AREAS OF ACTIVITIES | <p>II/1 Activities on RMCEI:</p> <p>a. Give input to the Commission to the further development of RMCEI</p> <p>b. Revise IMPEL Guidance on reporting RMCEI, following the Commission review</p> <p>II/2 Prepare further recommendation and/or guidance on the permitting, monitoring and reporting in relation to environmental inspection.</p> <p>II/3 Provide tools for communication strategy strengthening co-operation between different authorities involved in environmental issues (e.g. permit writers, inspectors, local government).</p> <p>II/4 Develop a simplified method for competent authorities in Member States to carry out their own threat assessment on waste shipment.</p> <p>II/5 Determine European wide enforcement priorities regarding waste shipment based on e.g. the outcome of the evaluation of national threat assessment (risk based enforcement).</p> <p>II/6 Provide tools for national communications strategies on waste shipment in order to raise the political profile, and improve enforcement and compliance by target groups-such as shippers and brokers.</p> <p>II/7 Improve better collaboration with countries of final destination of European waste, e.g. non OECD-countries in order to verify waste processing.</p> <p>II/8 Collect best practices on national collaboration and to improve collaboration at national level between competent administrative authorities with enforcement bodies as police, customs, Inspectorate for road and water, etc.</p> <p>II/9 Collect official interpretations of new WSR and make it available for all involved parties so as to facilitate more consistent enforcement.</p> |

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| STRATEGIC GOAL III | DEVELOPMENT OF GOOD PRACTICES |
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| TARGET | Learning from each other and showing results of our work, in particular for the inspection and permitting processes and procedures, e.g. through seminars, comparison programmes and workshops and development of recommendations. |
| POSSIBLE AREAS OF ACTIVITIES | <p>III/1 Exchange of experience and methods of working.</p> <p>III/2 Organise seminars and workshops in relation of specific implementation problems e.g. permitting or inspection procedure in special conditions, to increase industry's awareness in environmental protection and prevention of incidental releases, accidents etc.</p> <p>III/3 Contribute to the development of good practice and exchange of experience in National IMPEL networks.</p> <p>III/4 Extend the activity on the air quality related legislation with special concern of Thematic Strategy on Air Pollution.</p> <p>III/5 Improve cooperation with other Networks.</p> <p>III/6 Evaluate periodically the effectiveness of the training programmes and utilisation of IMPEL results (including guidelines) providing feed-back to the Clusters and Plenary on necessary changes.</p> <p>III/7 Develop and exchange manuals on inspections of spot checks or shipments at all transport modalities.</p> <p>III/8 Revise and maintain the existing manual for managing illegal shipments of waste in order to improve the execution of the take-back obligation.</p> <p>III/9 Promote common interpretation of the waste shipment regulation.</p> |

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| STRATEGIC GOAL IV | NEW INSTRUMENTS IN ENVIRONMENTAL PROTECTION |
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| TARGET | Use new instruments as alternatives or complementary to regulation. |
| POSSIBLE AREAS OF ACTIVITIES | <p>IV/1 Continue activities dealing with resolution of existing environmental conflicts by neighbourhood dialogue, including the role of inspectorates.</p> <p>IV/2 Continue the programme on the good practice of the EU emission trading scheme.</p> <p>IV/3 Improve collaboration and partnership with enterprises with a view to improving the environmental performance of enterprises encouraging wider uptake of EMAS.</p> |

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| STRATEGIC GOAL V | PROVIDING FEEDBACK TO POLICY MAKERS |
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| TARGET | Contributing to the better lawmaking process by providing feedback to policy makers on the practicality and enforceability of environmental legislation. |
| POSSIBLE AREAS OF ACTIVITIES | <p>V/1 Contribute in the process of drafting new or in reviewing of existing legislation.</p> <p>V/2 Ensure activities and fulfil projects necessary for the contribution in reviewing of existing legislation. On the basis of the project results identify recommendations, suggestion for changes and provide feed-back to the Commission services.</p> <p>V/3 Communicate the projects and other result to decision makers both at European and national level.</p> <p>V/4 Provide Member States tools to assess the practicability and enforceability of EU legislation and their national legislation.</p> |

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| STRATEGIC GOAL VI PROMOTION OF IMPEL AND DISSEMINATION OF ITS PRODUCTS |
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| TARGET | Strengthening dissemination of results of IMPEL activities and look back by ex-post verification to ensure that the good practices are effectively spread. |
| POSSIBLE AREAS OF ACTIVITIES | <p>VI/1 Develop an information strategy (publication of results, press releases, newsletters).</p> <p>VI/2 Maintain IMPEL Website, to develop links to and from other networks' websites.</p> <p>VI/3 Disseminate IMPEL products in EC services.</p> <p>VI/4 Ensure translation of reports, guidelines and manuals in different European languages.</p> <p>VI/5 Help national IMPEL networks' events and meetings and disseminate IMPEL projects' reports via National Coordinators.</p> <p>VI/6 Communicate the projects and another result to the key partners, to disseminate IMPEL products in ECENA and REPIN Networks as well as in other networks.</p> <p>VI/7 Communication to the press.</p> <p>VI/8 Check effectiveness by ex-post verification.</p> <p>VI/9 To organise the next Conference in 2009.</p> <p>VI/10 To organise annual events for TFS-targets groups</p> |

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| VII | INTERNATIONAL ENFORCEMENT COLLABORATION |
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TARGET To achieve finally a level playing field on enforcement and a more consistent level of enforcement

POSSIBLE AREAS OF ACTIVITIES VII/1 Carry out programmes aiming at international enforcement collaboration e.g. transboundary movements of waste in general or specifically focussed on certain destinations or waste streams.

VII/2 Facilitate enforcement follow up and sanctions strategies.

VII/3 Initiate quick alert system for illegal waste activities.

VII/4 Programmes on better collaboration with customs, police and other involved enforcement bodies.

4 COORDINATION AND IMPLEMENTATION OF THE MULTI ANNUAL PROGRAMME

The IMPEL Plenary Meeting has responsibility for the coordination and the implementation of the Multi Annual Working Programme. This task can be divided into two parts:

- To determine the IMPEL Annual Working Programme for the following year.
- To evaluate the work done during the previous year.

IMPEL ANNUAL WORKING PROGRAMME

Most of the IMPEL activities take place within a project structure. In accordance with the IMPEL Rules all projects have a Terms of Reference (ToR) which is the bases for adoption by the Plenary Meeting. Project lead countries can seek advice from clusters for drafting ToRs. For each projects a working group of experts from IMPEL member countries, and occasionally the European Commission, is set up.

In each year of the period of 2007-2010 the MAWP, the appropriate IMPEL Annual Working Programme (AWP) will be attached as an annex. This programme should be in line with the strategic objectives listed in this document. The AWP contains the projects which were adopted by the Plenary Meeting in the previous year. The AWP should give information at least on the following details of the projects:

- Project name
- Cluster responsible and lead country
- Link to the MAWP
- Objectives and outcomes,
- Date of the end of the project
- Cost of the project and cost share between MSs and COM

This information should also be given in the project Terms of Reference (ToRs). The AWP should be discussed and adopted by the second Plenary Meeting at the end of the previous year.

EVALUATION OF THE WORK DONE

When IMPEL projects are completed, a report is produced. Reports are submitted to the IMPEL Plenary Meeting for adoption before they are published.

Interrelated IMPEL projects and activities are grouped under the umbrella of “clusters” of which IMPEL currently has three:

- Cluster 1 on Improving permitting, inspection and enforcement,
- Cluster on Transfrontier Shipment of Waste (TFS),
- Cluster 3 on Better legislation.

These Clusters have a review function concerning progress and final reports of projects grouped under it. The Clusters should submit a progress report to the Plenary Meeting on the results achieved at the recent period, including the assessment of the utilisation of the IMPEL projects' results and effectiveness of training and exchange programmes.

Based on the Clusters' report the Plenary Meeting will evaluate the implementation of the AWP fulfilled at the previous year, and advancement of the MAWP. The proposal for this evaluation will be drafted by the IMPEL Secretariat.

For practical reasons, the following work flow and timing is necessary for the adoption and evaluation of the AWP in year (t):

| <i>What</i> | <i>Who</i> | <i>When</i> |
|---|--|--|
| Proposal on new ToRs for year (t) | Lead (after consultation with Clusters) | 1,5 month before the first Plenary meeting in year (t-1) |
| Adoption of new ToRs for year (t) | Plenary | At the first Plenary Meeting in year (t-1) |
| Adoption of AWP (t) | Plenary | At the second Plenary Meeting in year (t-1)* |
| Report on fulfilled projects for year (t) | Lead (after consultation with Clusters) | 1,5 month before the Second Plenary Meeting in year (t) |
| Adoption of the finalised projects for year (t) | Plenary | At the second Plenary Meeting in year (t) |
| Overall evaluation on the AWP (t) and advancement of the MAWP | Secretariat and Plenary | At the first Plenary Meeting in year (t+1)* |

* Considering that the AWP should be ready at the proper time required by LIFE+, further more assuming that the overall self evaluation report also should be presented within the LIFE+ system, the date of the plenary meeting should be fit to these requirements.