

## STATUTES of the IMPEL Network Association

### 1. Name, Seat, Mission and Objectives

#### **Article 1**

1. An international non-profit Association is established, called the European Union Network for the Implementation and Enforcement of Environmental Law, abbreviated to the: *IMPEL Network*.
2. The Association is the continuation of the informal network, commonly known as the IMPEL Network, which was set up in 1992 and to which several EU Environment Action Programmes, 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 and several Communications of the EU-Commission refer.

#### **Article 2**

1. The legal seat of the Association is Chemin des Deux Maisons 73, boîte 3, 1200 Woluwe-Saint-Lambert.
2. The association may have administrative offices in other Member Countries of the IMPEL Network.
3. The Association shall be governed by Title III of the Belgian Law of June 27th, 1921, concerning non-profit associations, international non-profit associations, and foundations.

#### **Article 3**

1. The mission of the Association is to contribute to the protection of the environment by promoting the effective implementation and enforcement of European Union or other autonomous national, regional or local environmental law with equivalent standards and objectives as set out in European Union Law.
2. The objective of the Association is to create the necessary impetus in Europe to make progress on ensuring a more effective application of EU and equivalent environmental law. The Association aims to comprise acceding and candidate countries, EEA and EFTA countries, potential candidates to join the European Community, as well as any other European countries applying EU or equivalent environmental law.
3. The Association seeks more particularly to:

- a. promote the exchange of information and experience between national, regional or local authorities competent for the implementation and enforcement of EU and equivalent environmental law in the broadest sense: ministries, regulatory organisation, agencies and inspectorates, hereinafter called Environmental Authorities;
- b. promote the creation, cooperation and the development of national networks of Environmental Authorities as well as the collaboration between these authorities and all other authorities in the compliance chain, at all government levels;
- c. promote mutual understanding of the common characteristics and differences of national and regional regulatory systems;
- d. promote and carry out joint enforcement projects;
- e. support, encourage and facilitate capacity building and training of inspectors, permitters and enforcers;
- f. identify and develop good and, whenever possible, best practices, produce guidance, tools and common standards and actively contribute to further improvements concerning inspection, permitting, monitoring, reporting and enforcement of EU and equivalent environmental law;
- g. develop a greater consistency of approach, as appropriate, in the interpretation, implementation and enforcement of EU and equivalent environmental law in the countries and regions applying this law;
- h. provide feedback on better regulation challenges with regard to practicability and enforceability and provide advice on the practicability and enforceability of new and existing environmental law to the European Commission and other EU Institutions, gathering information on experience of implementing and enforcing this law, from the practitioners' point of view;
- i. explore the use of innovative technologies as well as regulatory and non-regulatory instruments to facilitate compliance assurance and complement existing regulation.

4. In pursuing its objectives, the Association may liaise with institutions and organisations engaged in and dedicated to the implementation and enforcement of environmental law.

## **2. Members and observers**

### **Article 4**

1. A Member of the Association may be an Environmental Authority or association of Environmental Authorities, which:

a. is based in:

- i. a Member State of the European Union;
- ii. an acceding or candidate country of the European Union, or
- iii. an EEA or EFTA country, or
- iv. a Potential Candidate to join the European Union
- v. any other European country applying EU or equivalent environmental law

b. is, according to the national law of the country concerned, a legal entity or part of a legal entity. In this latter case, the application for membership is on behalf of the legal entity.

2. In derogation of article 4, paragraph 1b, a Member may also be a legal entity to which an Environmental Authority belongs which, after admission as member, is represented by that authority.

3. The request to become a member of the Association is done by sending a letter to the Chair of the Board of the Association who shall inform all Members and Observers.

### **Article 5**

The General Assembly may admit observers to the Association. Article 4 para 3 applies for requests to become an observer.

### **Article 6**

A Member or Observer may withdraw from the Association by sending a letter to the Chair of the Board of the Association who shall inform all Members and Observers of this decision. A Member or Observer who withdraws from the Association has no right to its assets.

### **Article 7**

1. The Members in a country designate a National IMPEL Coordinator, hereinafter called National Coordinator (NC), who is employed by an Environmental Authority. They may, at their discretion and under the same condition, also designate a representative for the National Coordinator fulfilling the same condition. If the National Coordinator or representative are unavailable on short notice, the member may also designate an ad-hoc representative. All regulation defining the rights and obligations of National Coordinators also apply to any representative without further mentioning.

2. The Members in a country are represented in the General Assembly by their National Coordinator. In cases where the NC is unable to attend a meeting of the General Assembly, the NC may designate an ad-hoc substitute. Paragraph 1 s.4 applies accordingly to the substitute.

3. The National Coordinator co-ordinates the participation of the Members in the country concerned in the activities of the Association and is their focal point for all matters concerning the Association.

## **3. Bodies of the IMPEL Network**

### **3.1 General Assembly**

### **Article 8**

1. The General Assembly is the supreme body and the highest authority of the Association. It is constituted by the National Coordinators of all IMPEL Members, who exercise the members right to vote. Other IMPEL Member representatives may take part at their discretion, depending, in the case of physical meetings, on places made available by the hosting authority.

2. The General Assembly may take all decisions necessary to achieving the objectives of the Association. It exercises all powers which are not delegated or conferred by the present statute to another body.

3. The General Assembly endeavours to take decisions on the basis of consensus. Otherwise, decisions are taken by a simple majority vote, except in particular cases provided for in the present statute.

4. The General Assembly in particular:

- a. decides on applications for membership of or observer status within the Association,
- b. elects its Board members and Committee members,
- c. receives and approves the designations for National IMPEL Coordinators,
- d. adopts the budget planning for the next planning phase, the audited accounting of the last completed financial year or longer grant period and takes note of the provisional accounting of the completed and the current year.
- e. determines upon proposal from the Board the policy and general strategy of the Association,
- f. adopts the Statutes and Internal Rules, their substantial amendments and updates.
- g. adopts upon proposal of the Board and after hearing the report of the Audit Committee the Work Programme and the Multi Annual Strategic programme,
- h. adopts, after their consideration in the Expert Teams, the Audit Committee and the Board, and according to the procedures and conditions set out in the internal rules, proposals for projects and other activities, that anticipate concrete benefits for its members and the environment,
- i. adopts the final project reports and the project results, including tools, for distribution,
- j. decides on the exclusion of Members and Observers, National Coordinators and any other Member experts in case of serious misconduct or disregard of general norms, these Statutes or IMPEL's internal rules and procedures.

5. The General Assembly takes decisions on the subjects referred to in paragraph 4 of this Article, under lit. a, b, d to g and j by a two-thirds majority of the National IMPEL Coordinators participating.

6. The General Assembly elects an independent Audit and Evaluation Committee, which assessed the technical and budgetary plans, reports of projects and other appropriate activities of the Association. The Committee shall assess the conformity of project and action plans and execution with IMPEL's internal rules and administrative principles. It assesses in advance and evaluates after closure the deliverables and the benefits of the projects and activities. It has the right to report to each General Assembly and it informs the Board regularly about its findings.

7. Furthermore, the General Assembly elects a Recruitment Committee, which facilitates the filling of functional posts in the network.

8. Membership in these Committees is open to all IMPEL member experts with professional experience in the respective fields (auditing, financial and project-management, respectively recruitment or networking). By joining the Committees, all members commit to exercise their functions in a neutral and impartial way. They will abstain from exercising their functions in all cases where a conflict of interest can be assumed and confirm these obligations in a written declaration upon commencement of their function.

### **Article 9**

1. The General Assembly shall convene twice or at least once a year. It may take place virtually or physically with the possibility of additional virtual participation of Members and Observers. A meeting of the General Assembly is usually hosted by one or more Members in the country holding the Presidency of the Council of the European Union. Non-EU-members may offer to host General Assemblies instead of and in coordination with the aforementioned EU-Member States and the Board.

2. A meeting of the General Assembly is chaired by the Chair or a Vice Chair of the Network, or another person appointed by the Board, supported by the hosting member country and is co-chaired by a representative of the host if they so wish.

3. An extraordinary meeting of the General Assembly may be held whenever the Board shall decide or when requested by at least two thirds of the National IMPEL Coordinators of the countries. The Administrative Board shall send out convening notices within one month of receiving the request. Preferably, an extraordinary meeting should take place virtually.

4. The members and the National IMPEL Coordinators shall be informed by the Board at least one month before the appointed date of the Assembly.

5. All documents that will be the basis for decisions of the General Assembly shall be available to the Members in due time.

6. The quorum of the General Assembly requires the participation of the National IMPEL Coordinators of half of the Members for which a National IMPEL Coordinator is designated.

7. The Members in one country have one vote, exercised by their National IMPEL Coordinator.

8. Observers attending the General Assembly have an advisory voice.

## **3.2 Chair and Vice Chairs**

### **Article 10**

1. The Chair and two Vice Chairs are employed by an IMPEL member authority and elected by the General Assembly. The Network strives to find volunteers who are elected for two years. If no volunteers can be found for vacant Chair and/or Vice Chair positions, IMPEL EU Member countries are requested to present one candidate for one vacant position, for a minimum of one year, in the order of the listing for the EU Council presidency as displayed on the official EU Council website, or according to a modified list approved by the General Assembly. If a member country already provides for another Board member, it shall be exempt in that period.
2. The Chair and Vice Chairs represent the Association externally and negotiate any agreements of collaboration and partnership on behalf of the Association with other stakeholders. The Chair and Vice Chairs represent one another.
3. Every document binding the Association shall, unless there be express authority of the Board for someone else to sign, be signed by the Chair or a Vice Chair, who are not required to justify to anyone the powers granted for this purpose.
4. In preparation and before conclusion of agreements and other binding acts for the Association, Chair and Vice Chairs coordinate with the other Board members.

### **Article 11**

The Administrative Board, represented by the Chair or a Vice Chair, shall have the sole right to institute, defend and have conduct of all judicial actions concerning the Association. Only members of the Board and appointed delegates can represent the Association in external relations.

## **3.3 Board**

### **Article 12**

1. The Board is the executive body of the Association. The Board is responsible for the everyday management of the Association and the implementation of the decisions of the General Assembly. Members of the Board are currently employed in an environmental authority that fulfils the requirements of Article 4, and they should expect to keep this status for at least two thirds of their term.
2. The Board with its two sections comprises:
  - a. the Chair with overarching responsibilities for external relations and strategy,
  - b. a Vice Chair with specific responsibilities for the projects' and activities' selection, support and supervision,

- c. a Vice Chair with specific responsibilities for administrative services, legal and financial management,
- d. the National IMPEL Coordinator of the country currently holding the Council Presidency of the European Union, if this task is not attributed to an environmental authority expert representing the preceding or an incoming presidency,
- e. an additional representative of non-EU-IMPEL member states as referred to in Article 12 paragraph 3 lit. a,
- f. the Team Leader of each Expert Team.

3. The Board may take any measure required for the functioning of the Association in the interval between meetings of the General Assembly.

4. The Board may convene in two configurations to better fulfil its tasks and provide necessary checks and balances:

a. as Administrative Board for legal and financial management, strategic steering and external collaboration. The Administrative Board comprises the Chair, the two Vice Chairs, the representative of the Member holding the present EU Council Presidency, or if this member is already represented in the Administrative Board and it is agreed with these Members, a representative of the preceding or an incoming presidency. It may also comprise a representative of non-EU IMPEL Members, if they voluntarily nominate a candidate who is elected by the General Assembly. The Administrative Board supervises the Secretariat of the Association,

b. as Project Board for the tasks of developing, accompanying and coordinating projects and activities of the Network, assessing the needs of the members and ensuring that they are addressed in IMPEL activities. The Project Board comprises the Expert Team leaders and the Vice Chair for projects, who will coordinate and moderate the Project Board but will only vote in case of equal voting results amongst the participating Expert Team Leaders.

### **Article 13**

1. The Board members are employed by an environmental authority as defined in Article 4. They are elected by the General Assembly for a single renewable period of 2 years, or in the case of Article 10 para 1 phrase 3, for a minimum of one year. The Chair and the Vice Chairs must not work for the same member state. The Chair and Vice Chairs support and represent each other in the fulfilment of their tasks.

2. If a Chair or Vice Chair resigns or does not meet the prerequisite to be part of the Board anymore, and the General Assembly of that year has already taken place, other Board members may provisionally distribute its tasks amongst them to fill the role of the post until the next General Assembly or until a new Chair or Vice Chair has been elected in a written procedure.

3. Members of the Board can be dismissed by the General Assembly at the request of a two-thirds majority of the National IMPEL Coordinators present. A dismissal is then also effective with regard to leading positions in an Expert Team.

4. Members of the Board are not personally liable for the acts of the association but only for their own shortcomings in their capacity as a Board Member.

#### **Article 14**

1. The Board meets whenever convened by its Chair. The majority of meetings shall be virtual.

2. The quorum of the Board sections requires the attendance of more than half of its members.

3. The Board endeavours to take decisions on the basis of consensus.

4. Otherwise, decisions are taken by a simple majority of the Board members present. In the case of equal votes, the Chair's vote or, in case of Article 12 para. 3b, the Vice Chair's vote, shall prevail.

5. In a scenario where an urgent or immediate response is required, the Chair and Vice Chairs may coordinate as adequate and act in the best interests of the network without agreement of the other Board members.

6. In cases of minor importance or if a necessary decision cannot be postponed to the next General Assembly, the Chair may ask the Board for written agreement, giving due time for response.

#### **3.4 Expert teams**

#### **Article 15**

1. The Association may structure its activities within Expert Teams, which are fora for discussing and coordinating interlinked activities and projects and exploring and analysing developments and trends relevant to their field of activity.

2. Expert Teams are established and discontinued by the General Assembly. Their fields of activity may be sector-specific or cross-sectoral.

3. Expert Teams endeavour to take decisions on the basis of consensus. Otherwise, decisions are taken by a simple majority vote as elaborated in the internal rules.

4. An Expert Team in particular:



- a. explores, develops and discusses proposals for new projects and their sufficient support and collaboration in the network;
- b. ensures, in collaboration with the Audit and Evaluation Committee, the quality of new projects and their Terms of Reference (ToR), including their practical member relevance, their sound and compliant planning and their evaluation and propagation of results;
- c. contributes to the preparation of the annual or multi-annual budget, the Working Programme and the Multi Annual Strategic Programme in its area of activity,
- d. reviews ongoing projects and monitors the implementation of the Working Programme and the Multi Annual Strategic Programme;
- e. provides advice on draft reports and the follow-up of completed projects.

5. Participation in the Expert Team is open to experts currently employed by Environmental Authorities who are Members of the Association. Other experts may participate upon invitation of the Expert Team and in agreement with the competent National IMPEL Coordinator, in accordance with the internal rules.

6. An Expert Team is chaired by a National IMPEL Coordinator or an expert employed in an environmental authority of a Member according to Article 4.

7. Each Expert Team may establish a management framework under the direction of the Expert Team Leader of the Expert Team, including one or several deputies. Paragraph 6 applies for Deputies. The management framework must correspond to the needs of the specific Expert Team and is submitted for the approval of the General Assembly.

8. The Team Leader of an Expert Team and its Deputies are appointed by the General Assembly for a single renewable period of 2 years, upon the proposal of the Expert Team concerned.

#### **4. Projects, activities and Work Programme**

##### **Article 16**

1. The Association undertakes its activities primarily within a project structure according to the procedures and conditions set out in the internal rules.

#### **5. Secretariat**

##### **Article 17**

1. The Secretariat provides support to the Chair, the Vice Chairs and other Board members, the Committees, the Expert Teams, the Project Managers and the National IMPEL Coordinators.

In particular, it:

- a. provides the necessary administrative support to the Association, including agenda organisation, document administration, contact data and membership management including a register of members, experts and National IMPEL Coordinators, conference

organisation and documentation, administrative member information and internal management and communication system,

b. assists the Chair, Vice-Chairs other Board members and Committee members to fulfil their administrative, financial, legal and statutory duties towards the Association, documents and communicates Board decisions, supports strategic planning and updating of internal rules, monitors their implementation, facilitates cooperation with other networks,

c. supports Project and Expert Team Leads in effective and efficient project and activity planning and management compliant with statutory and procedural rules of the Association and reporting requirements of the donors, assists the Audit and Evaluation Committee,

d. supports editing and processing project and activity results of the Association as well as their internal and external dissemination, contributes to reporting, informs members and external stakeholders through newsletters and other adequate means of communication on all relevant activities of the Association, updates the IMPEL Website,

e. drafts, manages and monitors the operating and the action budget of the Association as well as eventual external project budgets, controls compliance with V.A.T.-, GDPR- and financial management regulation, administers service contracts, invoices and expenses, membership fees, donations and grants, settles accounts, prepares and accompanies audits and drafts all necessary financial reports.

## **6. Working languages**

### **Article 18**

1. The working language of the Association is English. At meetings of the General Assembly any other official EU language may be used as a working language in addition to English, if Members have requested it beforehand and pay the associated costs of translation by themselves.

2. All documents must be produced in English. Where appropriate, they may also be produced in other languages as well.

## **7. Finances and accounting**

### **Article 19**

1. The assets of the Association comprise:

- a. annual membership fees from its Members;
- b. such donations and grants as may be made by Members, Observers, authorities, or public or private institutions, including European institutions, as are accepted by the Administrative Board;
- c. cost compensation resulting from the activities of the Association.

2. The General Assembly shall determine the amounts of the Membership subscriptions by a two-thirds majority of the National IMPEL Coordinators present.

3. The Association establishes a liquidity reserve and considers allocating contributions from membership fees and donations to it on an annual basis.

#### **Article 20**

1. The financial year of the Association runs from 1<sup>st</sup> January to 31<sup>st</sup> December.

2. With the assistance of the Secretariat, the Administrative Board shall provisionally settle the accounts for each elapsed financial year. The Administrative Board shall inform each General Assembly on provisionally settled accounts, reduced membership fees, the current financial situation and shall submit the audited accounts for the previous financial year, and eventual for longer grant cycles, for approval by the General Assembly.

### **8. Amendments to the articles - dissolution of the Association**

#### **Article 21**

1. Amendments to the Articles and the dissolution of the Association require a two-thirds majority of the National IMPEL Coordinators present.

2. In case of dissolution, the General Assembly shall decide on the transfer of the Association's disposable assets to a similar institution or, failing that, for them to be divided amongst the members who have a similar disinterested purpose.

### **9. Interpretation of the statutes**

#### **Article 22**

1. These articles of association shall exist in both the English and French languages. In the event of any differences in interpretation, the English text shall prevail.

### **10. Proxy**

The Board has decided to nominate Brussels Accountants BVBA, TVA 0831 802 120, whose offices are at 96 Gulledelle – 1200 Woluwe – Saint-Lambert, to publish the Statutes of the Association in the Moniteur Belge.

These Statutes as drafted is certified as being in conformity with the original documents by the Vice Chair of the Association, Mrs Kristina Rabe. They were adopted by the General Assembly in the written procedure of 19<sup>th</sup> January 2022.