

IMPEL – The Next Generation

Position Paper



European Union Network for
the Implementation and Enforcement
of Environmental Law

Introduction

Much of the European Commission's [DG Environment] focus for the foreseeable future will be on implementing the existing body of environmental legislation. Little, or no, new developments in environmental legislation will be coming forward. This was reflected in the 7th Environmental Action Plan and is now also reflected in the European Commission's recent Communication: 'Commission Work Programme 2017 Delivering a Europe that protects, empowers and defends'.¹

As part of this focus on implementation, the European Commission launched the Environmental Compliance Assurance (ECA) Initiative to step up its efforts on the application, implementation and enforcement of EU law. ECA's stakeholder consultation has led to DG Environment challenging IMPEL to be clear about how it will continue to contribute to improving implementation and enforcement of the environmental acquis². The European Commission recognises that IMPEL has already carried out very valuable work for environmental authorities in its member countries but now calls on IMPEL to intensify those efforts. Recent conclusions by the European Council and Committee of the Regions³ highlight the need for further reinforcement to be given to IMPEL and its work.

Specifically, IMPEL is asked to consider:

Where does IMPEL want to be in 10-15 years time?

As the main European network on implementation and enforcement, IMPEL must recognise the importance and relevance of this initiative and aim to play a significant role in its further development. It is an opportunity for IMPEL to re-position itself and ensure it is fit for purpose for the coming decades. As such, IMPEL should propose a far-reaching and bold objective and how we are going to get there. IMPEL should aim high, strive to broaden and deepen its aims and objectives, but more importantly its capabilities and capacity for the future.

¹ Priority 10, A Union of Democratic Change, COM (2016), 710 final.

² Please see meeting notes of IMPEL Board meeting with DG Environment, 13 February 2017. *Please contact IMPEL Secretariat for a copy if necessary.*

³ European Committee of the Regions, Opinion on 'EU environment law: improving reporting and compliance,' 07/04/2016, pp.09: <http://cor.europa.eu/en/activities/opinions/pages/opinion-factsheet.aspx?OpinionNumber=CDR%205660/2015>

A network of Practitioners

IMPEL is, and will continue to be, a European network of practitioners, whose member authorities are drawn from national, regional and local inspectorates, permitting authorities and Ministries.

Over the past 20 years, IMPEL has been carrying out a lot of work described in the ECA such as capacity building (including training), sharing know-how and best practices, developing innovative tools, guidance, manuals and supporting peer-to-peer development. IMPEL's members demand that this continues and grows.

IMPEL provides its member authorities with the opportunity to access a pool of practitioner expertise who carry out practical implementation and enforcement on a day-to-day basis. This is a particular strength of IMPEL and must be maintained. IMPEL's peer to peer approach enables its members to share what works and what does not work and then provide feedback to policymakers. This is a subtle nuance that carries a great deal of weight within the IMPEL community and those familiar with how implementation and enforcement on the ground really works.

(What are we doing now + what will be different) = Next Generation IMPEL

Given the changing political landscape with a sharpening focus on implementation and enforcement and IMPEL's desired aim to remain a network of practitioners, the network must use this opportunity to express a clear and articulate vision of where IMPEL want to be in 10-15 years time.

The aim will be to continue to do what we do well such as capacity building, sharing know-how and best practices, developing innovative tools, guidance and manuals, but moreover to deepen and broaden our capabilities. To build capacity for example, by offering training (both online courses and face to face seminars) to a much larger number of inspectors and permittees, carried out in a much more strategic fashion, by theme and across the acquis. We will aim to carry out an assessment of what training needs our members have, what skills and training we can offer, and then how we can execute that.

On our IMPEL Review Initiative (IRI) programme for example, the aim will be to automatically follow each peer review with a tailored training package and capacity building workshop to implement the recommendations of the peer review process.

IMPEL aims to become Europe's knowledge centre for practitioners for environment. This involves creating a centrally run bank and repository of tools, guidance and knowledge spreading across the environmental acquis. This also means using our resources to gather best practices from around the world and not just in Europe. The knowledge bank will be used to support our capacity building efforts and training programme but significantly promote IMPEL's 'brand' and reputation. What is also new is that this paper sets an aim for IMPEL to be a coordinator of inspection and enforcement actions for cross border interventions and a hub for managing and analysing inspection data that result from these actions.

IMPEL's ambition therefore are to:

- Carry out **strategic engagement**, with the aim of creating synergies, and coordination of our work at European, national and local level but also between different countries and authorities. Strategic engagement should also include working with partners across the compliance chain such as EUFJE⁴, ENPE⁵, ENVICrimeNet⁶, Eurosaï⁷, organisations like Interpol and Europol, and importantly, the EU Institutions, - the European Commission, Committee of the Regions and European Parliament;
- Ensure we understand the **implementation challenges** posed by environmental legislation, obtaining a detailed – crosscutting - insight; including regular reviews and surveys of implementation gaps and challenges, and how IMPEL, in close cooperation with key partners, can facilitate actions to close those gaps;
- Develop, host and coordinate an accessible platform of training material and an integrated needs-based programme to **build capacity**, including training with competent trainers (both on-line and face to face), also the development, promotion and use of guidance, manuals, tools and toolkits, mutual integrated inspections, development of skills and experiences, peer exchange and reviews;
- **Share know-how**, including conferences and seminars, technical workshops and best practice meetings, peer reviews, inspector exchanges, facilitating information exchanges and develop approaches that support tailored assistance in implementation to our members;
- Become a '**Knowledge & Innovation centre**', including to develop, host and coordinate an accessible platform of materials and references, the development and use of new or complimentary tools, approaches and methods and showcase the use of new and emerging techniques and technology;
- Carry out **Inspection & coordination of enforcement actions** by initiating, coordinating and facilitating EU-wide actions performed by member countries. As a follow up to this, collect, where appropriate, **inspection data** so that we can provide a system for inspection reporting, analyse capacity and spot, understand and elaborate on trends, target work, set priorities and organise cross border interventions;
- Formalise the **feedback loop**, by providing feedback to policy makers planners and implementers in relation to the practical implementation, application and enforcement of EU environmental law using the wide breadth of practical experience and knowledge of our members.

⁴ EU Network of Judges for the Environment: <http://www.eufje.org/index.php/en/>

⁵ European Network of Prosecutors for the Environment: <https://www.environmentalprosecutors.eu/>

⁶ ENVI CrimeNet: <http://www.envicrimenet.eu/EN/>

⁷ Working Group on Environmental Auditing: <http://www.environmental-auditing.org/>

More background and detailed content of the proposal Next Generation IMPEL is described in Annex I.

Impact and next steps

Bringing IMPEL into a next generation will have an impact on our network, its organisation, capabilities and capacity. Achieving the objectives will further enhance the robustness and sustainability of our network of which our members will benefit in their implementation of environmental legislation.

The development of a next generation IMPEL is a challenging process and will be facilitated by a plan with a realistic time-schedule. It will require a significant level of commitment from IMPEL member authorities combined with our partners such as the European Commission, Committee of the Regions and European Parliament.

Business cases (including considerations regarding roles, responsibilities; kind of services, staffing, skills, finances etc.) will be developed and will facilitate and guide the transition from the current IMPEL into a design of the Next Generation IMPEL. Annex III to this paper contains – as example – a business case on ‘Capacity Building’.

IMPEL cannot achieve its objectives without a significant uplift to our resources. It will require a step change in our input capabilities in order to build and sustain the outputs, outcomes and level of ambition that we are seeking. Annex II outlines plans for this but resourcing of € 6 million+ is not out of the question given the scale of tasks outlined.

IMPEL’s strength comes from the expertise and experience of practitioners whose time and availability is currently provided in-kind by authorities. It is expected that a much wider number of professionals will be involved in IMPEL’s future activities. This requires sufficient staff to support their work by the secretariat and other experts with a variety of skills. Importantly, it requires sustainable funding, ideally through a multi-year funding arrangement rather than a single, year-to-year Direct grant. Information from an initial comparison (Annex IV) of IMPEL with organisations at the EU level, such as several EU agencies⁸ that have been established and are dedicated to and focussed upon specific areas of the environmental acquis, gives context and will help IMPEL in its design.

⁸ EU Agencies such as the European Maritime Safety Agency (EMSA), the European Chemicals and Health Agency (ECHA), and the European Environment Agency (EEA).