



European Union Network for the Implementation
and Enforcement of Environmental Law

A SURVEY ON PRACTITIONERS' VIEWS ABOUT THE IMPLEMENTATION CHALLENGES WITH EU ENVIRONMENTAL LEGISLATION, THEIR UNDERLYING REASONS AND WAYS TO IMPROVEMENT: 2017

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Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. 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. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu



<p>Title of the report:</p> <p>A SURVEY ON PRACTITIONERS' VIEWS ABOUT THE IMPLEMENTATION CHALLENGES WITH EU ENVIRONMENTAL LEGISLATION, THEIR UNDERLYING REASONS AND WAYS TO IMPROVEMENT: 2017</p>	<p>Number report:</p> <p>2017/27</p>
<p>Project Manager/Authors:</p> <p>Project Manager: Kristina Rabe</p> <p>Authors: John Seager and Terence Shears</p>	<p>Report adopted at IMPEL General Assembly Meeting:</p> <p>6-7 December 2017</p> <p>Tallinn, Estonia</p> <p>Total number of pages: 118</p> <p>Report: 65</p> <p>Annexes: 53</p>
<p>Executive Summary</p> <p>Background</p> <p>Improving the implementation of environmental law is a priority theme of the 7th (current) Environment Action Programme of the European Union. Failure to comply with environmental law has many serious consequences, not only for the state of the environment itself, but also for economic and social costs, and its impacts on the health and well-being of people and wildlife. It can create an uneven playing-field for businesses and can undermine the credibility of both national authorities and the European Union. The European Commission is carrying out an initiative, the Environmental Implementation Review, to help to achieve full implementation of environmental law across the EU.</p> <p>The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit organisation of environmental authorities in Europe that works for a more effective implementation of environmental legislation. In 2014, IMPEL carried out the first questionnaire survey involving its member organisations to investigate the challenges that authorities were facing in the practical implementation of environmental law in their countries and how IMPEL might support them in overcoming these challenges. This survey was followed up in 2015 with further analysis to help inform decisions on priorities for IMPEL's work programme across its five Expert Teams.</p> <p>This report summarises the findings of a second questionnaire survey carried out in 2017. It describes the project approach and the main findings, and provides a series of recommendations for IMPEL to consider in how it could further support its member organisations in improving the level of implementation of environmental law.</p> <p>Project approach</p> <p>The project developed an online questionnaire survey to collate and analyse the information sent by respondents. This was structured according to IMPEL's Expert Team's main areas of work with</p>	



sections on industry, noise and air quality; waste and the trans-frontier shipment of waste; water and land; nature protection and cross cutting matters. To the latter were attributed sections on challenges across the compliance chain, complementary support of stakeholders for compliance assurance, and trans-boundary and trans-sectoral problems.

The questionnaire was distributed in English and in machine translated versions of all EU national languages to the IMPEL National Coordinators (NCs), and it was left to their discretion how to eventually further distribute it to national and regional environmental administrations and how to collect and aggregate the answers. E.G. the Portuguese Inspectorate IGAMAOT opened the questionnaire to all inspectors and practitioners. In Germany, the questionnaire was integrated in a national research institute and sent out to over 2.000 German environmental authorities. In Denmark, some environmental authorities were selected for representative answers. In Iceland, the NC herself (an inspector) has answered the questionnaire.

A total of 63 responses from authorities in 28 countries were received. The majority of responses communicated by NCs had been aggregated from several responses of different environmental authorities collected at the national level. Probably the highest number of answers was aggregated in the German National Coordinator's response: it relied on 189 answers from German regional and local authorities. Besides, some answers from singular regional and local authorities were directly sent in. Confidentiality was assured and it was possible to answer the questionnaire anonymously.

A workshop was held at the premises of the European Environment Agency (EEA) in Copenhagen in September 2017 to report back on the findings of the survey and to further discuss some of the key emerging themes. The EEA was also invited to compare the findings of this survey with their EU environmental data. It stated that the survey findings were in accordance with EEA data and had no further remarks.

Main findings

As in the previous survey from 2014, the lack of overall staff resources and suitably qualified personnel in regulatory authorities continues to be the most commonly-reported barrier to achieving effective implementation of environmental law. Other areas that emerged in 2014, including - lack of skills at municipal level, insufficient data, evidence and information; and inadequate sanctions and low level of fines – continue to be problematic.

Problem areas that emerged particularly strongly in this survey are:

- Regulation of the agriculture sector
- Definition and classification of waste
- Clarity of environmental permits
- Operator self-monitoring
- Tackling environmental crimes
- Reducing nuisance, conflicts and complaints
- Unclear, incomplete or overly complex legislation
- Access to environmental information



Implications for IMPEL's work

It is clear from this survey that IMPEL's member organisations continue to face many significant challenges in implementing environmental law in their countries. Some of these are long-standing problems and IMPEL should consider whether and how it could help to find complementary and innovative solutions.

There is continued and strong support for the sharing of information, experience and good practice across the Network. The priorities in IMPEL's strategic work programme 2016-2020 continue to be very relevant. An integrated approach across IMPEL's five Expert Teams will be essential in addressing the challenges emerging from this survey.

Areas for particular further consideration in IMPEL's ways of working are:

- Helping organisations to develop more efficient and effective ways of working, for example, by using modern surveillance technologies, risk-based approaches for targeting of resources and improved vocational training.
- Improving the level of engagement with local authorities, for example, through IMPEL's connections with Regional authorities and through national and European networks that represent local authorities.
- Supporting countries and organisations in developing compliance assurance strategies that will help to guide regulatory decision-making, achieve more integrated responses and inform regulated businesses.
- Improving the dissemination and uptake of IMPEL's work and encouraging more active feedback from practitioners on their experiences in using IMPEL's outputs.

The report provides 28 recommendations for future actions for further consideration by IMPEL.

Disclaimer

This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the Commission.



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1. Introduction

1.1 The Purpose of the Project

It is widely recognised that countries sometimes face difficulties in implementing EU environmental legislation, whether as a result of a failure to adequately transpose and apply EU law or from a lack of adequate enforcement of obligations on regulated entities.

IMPEL can make an important contribution by regularly monitoring implementation gaps and its causes from the viewpoint of practitioners in environmental authorities. The network also has an important role to play in identifying possible remedies and developing as well as publicising practical approaches, which can contribute towards closing these gaps.

Improved implementation will not only protect human health and the environment but also contribute to creating a level playing field for industry across EU Member States, aid job creation and support resolution of trans-national environmental issues. Identifying practical obstacles to implementation and eliminating them can reduce administrative burdens and reduce costs of implementation. This current project is designed to help IMPEL and its members to achieve that.

The purpose of the project on the Implementation Challenge carried out in 2014 was to analyse where there were remaining practical challenges in the implementation of EU environmental law and how IMPEL could help to address these challenges in a way that would also provide the greatest benefit to its members. Furthermore, it would also make an important contribution to the evidence base for policy makers.

The subsequent project in 2015 was intended to build on the work that had already been done and to help embed relevant findings in the IMPEL work programme through discussions with the expert teams, namely Industry Regulation, Waste and Trans-frontier Shipment of Waste, Land and Water, Nature Protection and Cross-Cutting Tools and Techniques.

This project was designed to build on and develop the findings from the two previous projects. Its purpose was to obtain more detail about the perceived causes of the Implementation Challenge and to use that information to make proposals for IMPEL on how that challenge might be overcome.



1.2 Scope and Methodology

The project was intended to identify key implementation challenges, trends, developments and relation to other data identifying implementation challenges and potentially their causes and to make proposals on possible future activities for the IMPEL Network. It would also identify common ground in problems and challenges with implementation across the EU where there is potential for IMPEL to help through sharing knowledge and best practice to improve compliance.

The questionnaire was drawn up in such a way as to maximise the information it would be able to gather while at the same time ensuring its findings would be comparable with those obtained by the questionnaire used in 2014. It was circulated in English to all IMPEL National Coordinators and as a support, the Commission provided for machine translation into all other EU-languages as well as into Norwegian, in order to facilitate understanding and maximise the number of responses.

Regarding the further distribution at the national level, it was left to the discretion of the national coordinators how to eventually further it to different bodies of their environmental administrations and how to collect and aggregate the answers. While the majority of the national coordinators distributed the questionnaire to several other experts, coverage and the number of aggregated answers overall were widely varying¹. In addition to the national coordinators' answers, some survey answers were given directly from individual regional and local authorities.

In the event, 63 responses were received from 28 different IMPEL member states. An analysis was made of the replies to the questionnaire and recommendations for future action by IMPEL were drawn up.

A workshop was held at the premises of the European Environment Agency (EEA) in Copenhagen in September 2017 to report back on the findings of the survey and to further discuss some of the key emerging themes. The EEA was also invited to compare the findings of this survey with their EU environmental data. It stated that the survey findings were in accordance with EEA data and had no further remarks.

¹ E.G. the Portuguese Inspectorate IGAMAOT opened the questionnaire to all inspectors and practitioners. In Germany, the questionnaire was integrated in a national research institute and sent out to over 2.000 German environmental authorities. In Denmark, some environmental authorities were selected for representative answers. In Iceland, the NC herself (an inspector) has answered the questionnaire. Probably the highest number of answers was aggregated in the German National Coordinator's response: it relied on 189 answers from German regional and local authorities.



2. Tasks undertaken in the Project

2.1 Preparation of Questionnaire

The questionnaire was drawn up in the light of experience with the questionnaire used for the Implementation Challenge project in 2014 and the recommendations from the project in 2015. The two main requirements were that the questionnaire should obtain as much useful information as possible. The questionnaire was translated into other languages and circulated to all IMPEL National Coordinators.

2.2 Analysis of Responses to the Questionnaire and Workshop

Responses to the questionnaire were analysed and proposals for future IMPEL work resulting from the project were drawn up. The findings were discussed at the workshop in Copenhagen in September 2017 and further possible work for IMPEL was proposed.

3. Analysis of Responses to the Questionnaire

The questionnaire drew on experience with previous IMPEL project on the Implementation Challenge in 2014 and was designed to obtain more detailed information than had been the case with the previous questionnaire.

In order to maximise the number of responses machine translations into different languages of the EU and Norwegian were made available² through the technical support of the EU Commission. The questionnaire was sent to IMPEL National Coordinators and IMPEL members on 31 May 2017. A total of 63 replies were received from 28 different IMPEL member countries. Overall, it is fair to say that a lack of resources (mostly in qualified personnel, less often in technical equipment) is again the most commonly mentioned single barrier to achieving effective implementation of environmental laws. At the end of each section, the principal challenges identified in the Implementation Challenge project in 2015 are listed to provide a comparison with those identified in the current project.

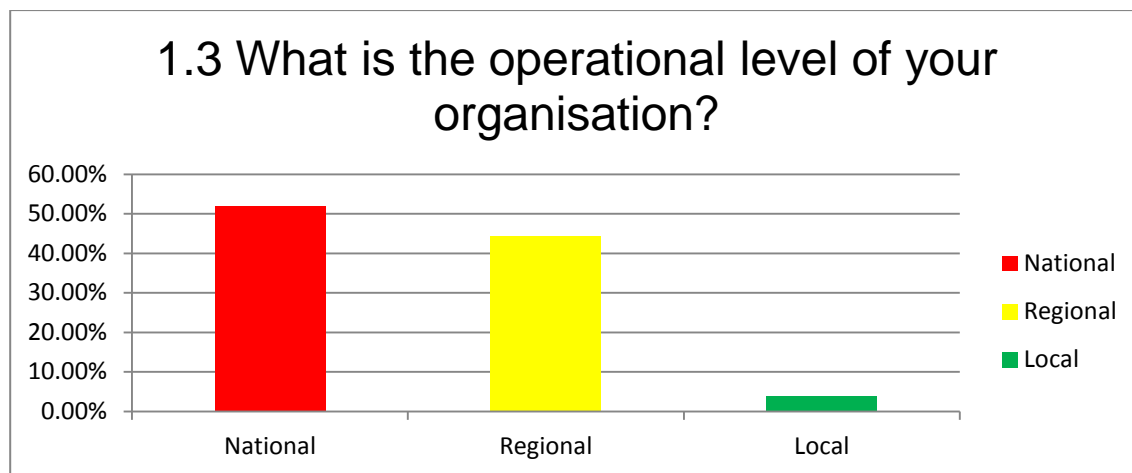
The analysis of the response to the questionnaire is below. Where there are comparable challenges identified in the IMPEL project in 2014 these are shown in *italics* at the end of the relevant section.

² However, the quality of those translations had to be improved considerably through extensive linguistic revisions in order to enhance comprehensibility. Only a minority of national coordinators was able to invest the resources necessary for this revision. Some others and those national coordinators coming from IMPEL Members with non EU-languages solely used the English version of the questionnaire.

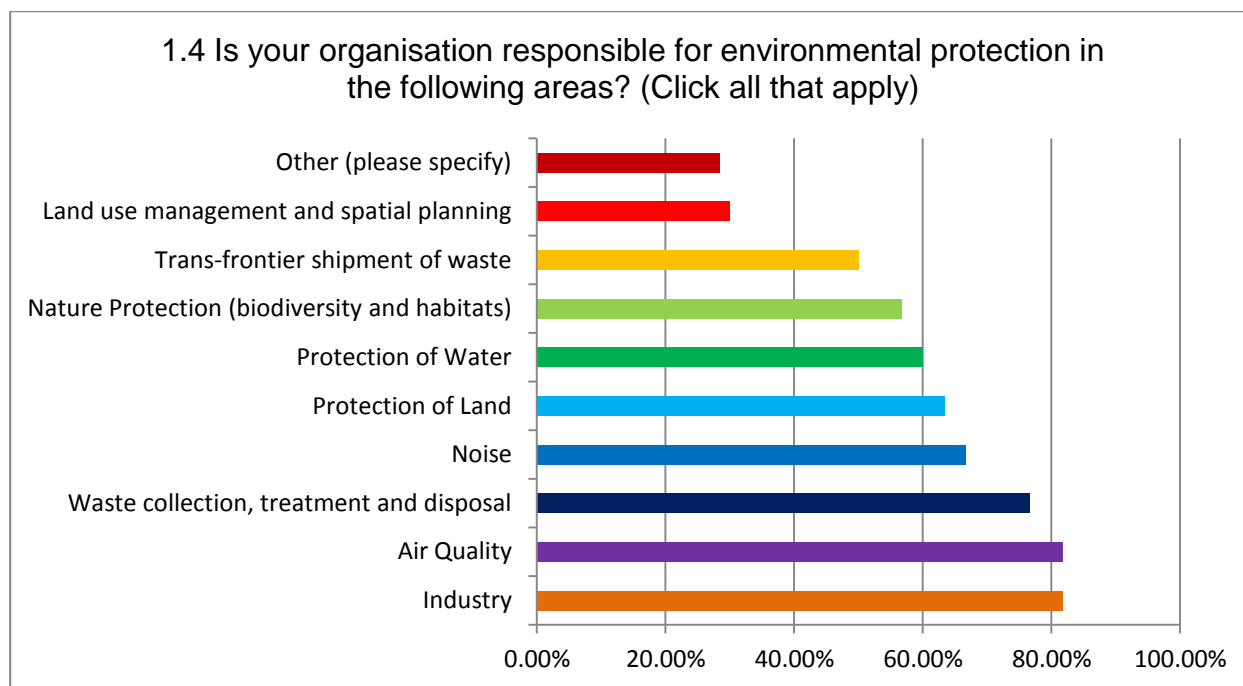


3.1 Details of Respondent and Organisation

Question 1.3 asked about the **operational level** of the respondent's organisation. There was a broadly equal balance between national (**52%**) and regional organisations (**43%**): there were far fewer replies from organisations operating at a local level (**5%** of the total number).



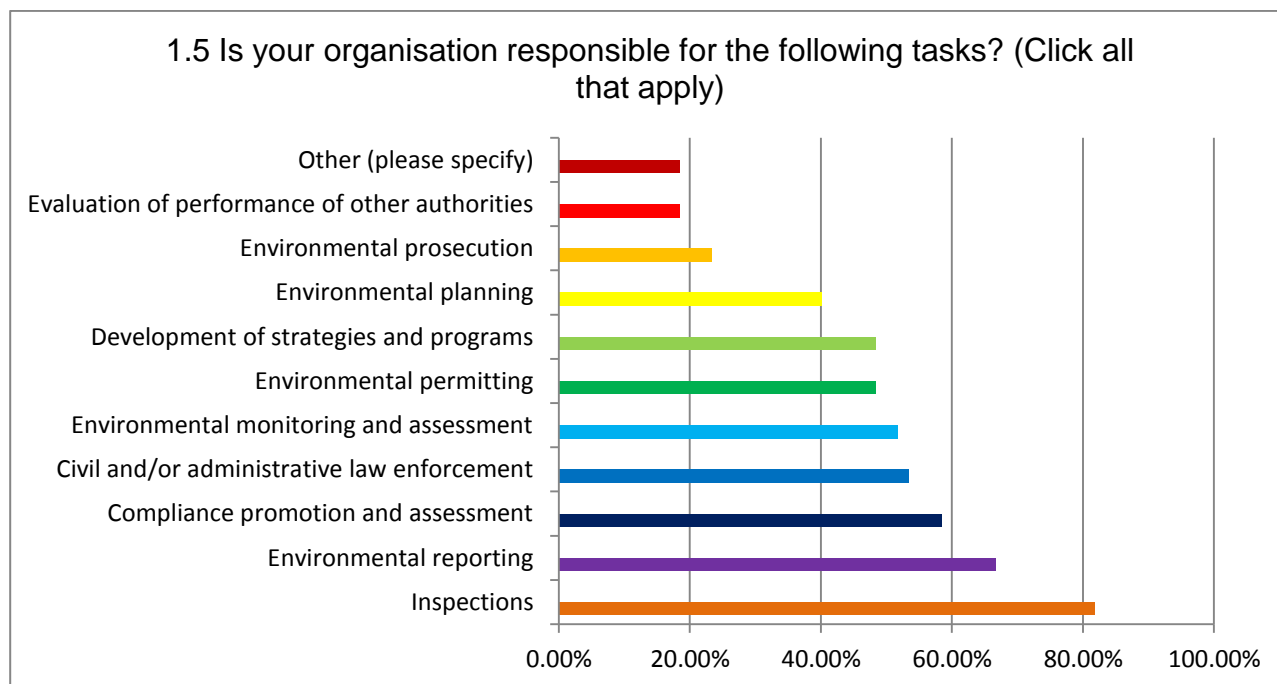
Question 1.4 was about the **areas of responsibility for environmental protection** of the respondent's organisation. There was a good broad coverage of areas of responsibility as can be seen in the table below.



'Other' areas of responsibility included REACH, Seveso and Bathing Water quality.



Question 1.5 was about the **tasks** for which the respondent's organisation was responsible.



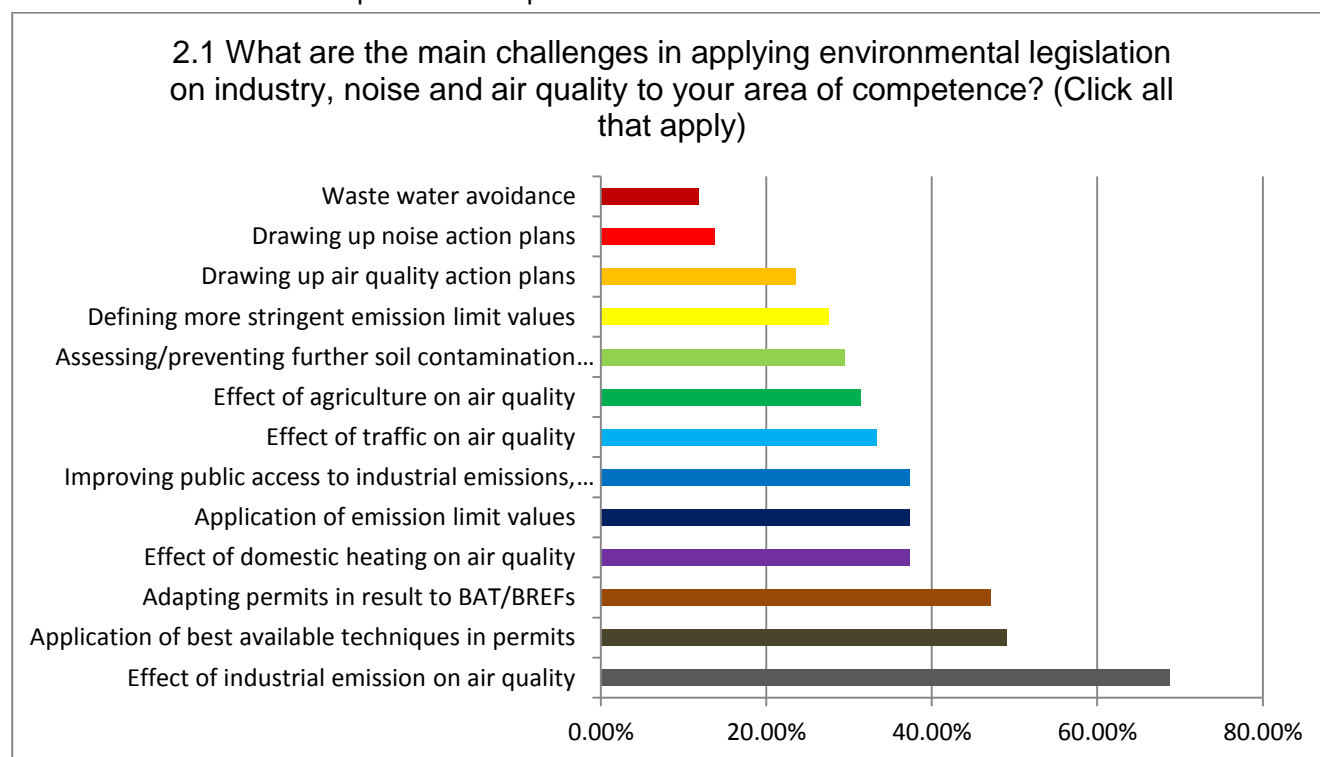
In terms of responsibility for tasks, **82%** had responsibility for inspections and **67%** for environmental reporting. **59%** had responsibility for compliance promotion and assessment, **58%** for environmental monitoring and assessment, **53%** for civil and/or administrative law enforcement and **48%** for tasks involving environmental permitting. **48%** had responsibility for development of strategies and programmes and **23%** had environmental prosecution while **18%** had evaluation of performance of other authorities. Other tasks mentioned included joint inspections with other authorities, environmental impact assessment of Natura 2000 sites, REACH, Seveso and the development of policy and legislation.



3.2 Industry, Noise and Air Quality

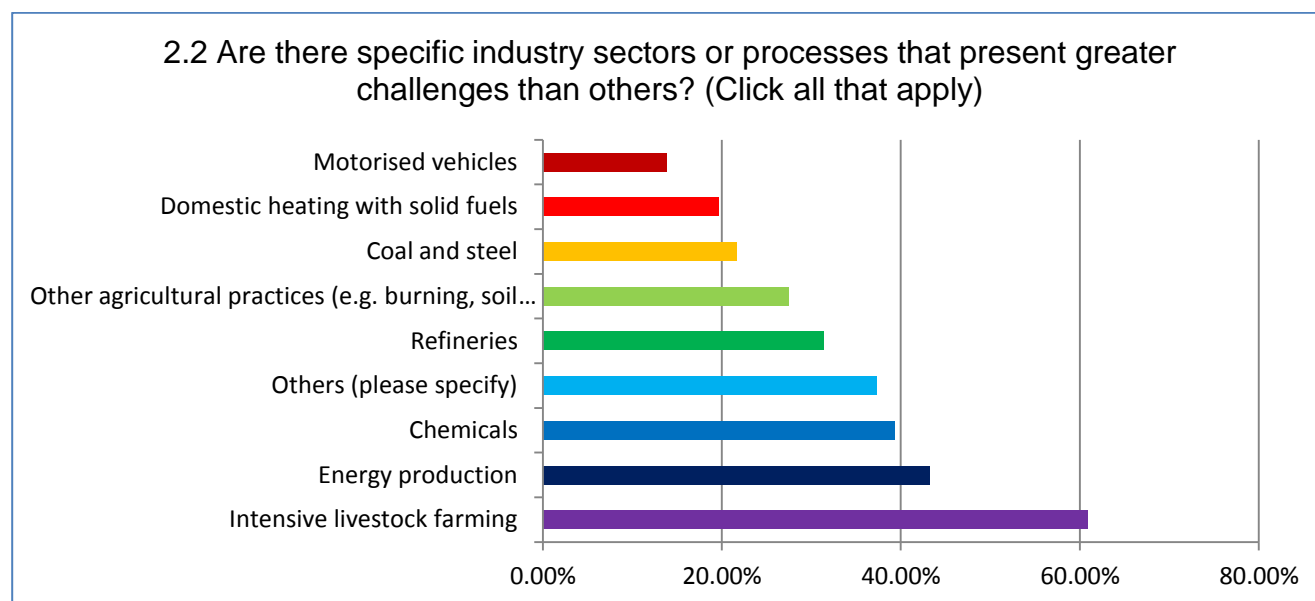
Question 2.1 asked about the main challenges **in applying environmental legislation on industry, noise and air quality** in the areas of competence of those who had completed the questionnaire. In reply to this, **69%** cited the effect of industrial emissions on air quality, **49%** the application of best available techniques in permits and **47%** adapting permits as a result of BAT and BREFs.

The effect of domestic heating on air quality was mentioned by 37% as was improving public access to information on industrial emissions and application of emission limit values: the effect of traffic on air quality was mentioned by 33%, the effect of agriculture on air quality by 31% and assessing/preventing further soil contamination around installations was mentioned by 29%. Defining more stringent emission limit values was mentioned by 27%, drawing up air quality action plans was mentioned by 24%, noise action plans by 14% and waste water avoidance by 12%. One of the respondents stressed the importance of cooperation between environmental authorities and another said that local level authorities lacked technical equipment to measure air pollution and there was no possibility to check the accuracy of self-monitoring reports. One said that the main challenge can often be to identify the source of pollution, for example noise when a complainant is far away from the source. One pointed out that, while adapting permits to BAT/BREF, the results in terms of actual improvements in emission levels are limited. Permits tend to stick to the middle value of the range given as admissible within a BAT/BREF and the industry only follows the permit conditions without setting up a mechanism of continuous improvement of performances.

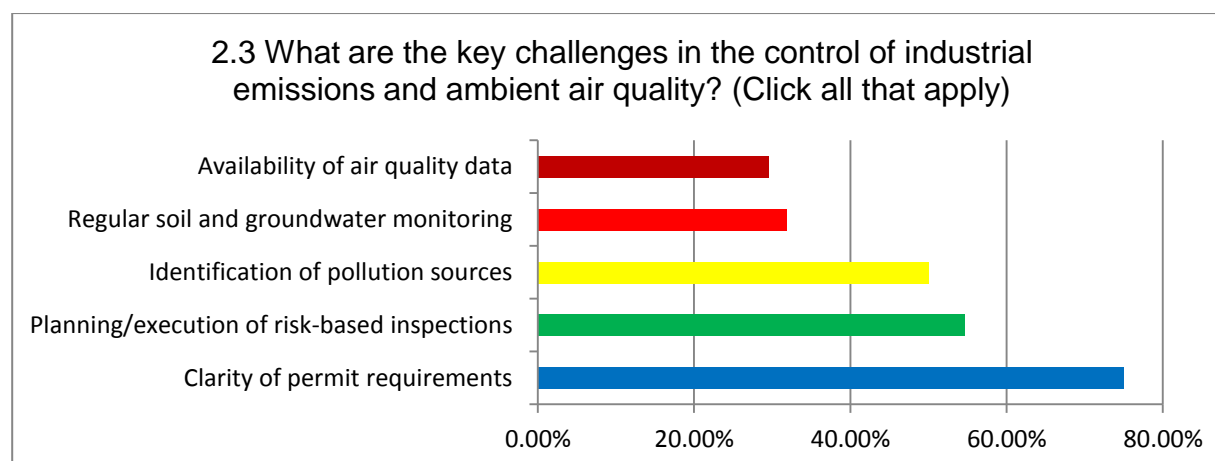




Question 2.2 sought information about **specific industry sectors or processes that present the greatest challenges**. **61%** mentioned intensive livestock farming. Energy production was next (**43%**) followed by chemicals (**39%**). This was followed by refineries (31%) and other agricultural processes (27%). Coal and steel was mentioned by 22% and domestic heating with solid fuels by 20%: motorised vehicles were mentioned by 14%. In the other categories mentioned there were no particularly numerous cases though waste treatment was mentioned in four replies and mining was mentioned in two.



Question (2.3) identified a clear factor on the **key challenges in the control of industrial emissions**, namely clarity of permit requirements mentioned by **75%**. Planning and execution of risk-based inspections were mentioned by **55%** and the identification of pollution sources was mentioned by **50%**.





Regular soil and groundwater monitoring was cited by 32% and availability of air quality data by 30%. One reply mentioned the lack of legislation on odours and standards and of measuring systems for the impact of odour. Another mentioned a lack of equipment for the measurement and analysis of air pollution. The use of solid fuel for domestic heating was seen in one case as one of the most significant contributors to national levels of pollution such as PM2.5. Two mentioned issues with self-monitoring, including reliability and quality. One mentioned problems when the operator does not come forward with the information required which can be due to ignorance of the legislation or unwillingness. Another said that only the manager of an installation knows exactly how to control self-monitoring effectively. Competent authorities tend to be over-prescriptive in order to fill the knowledge gap. One said that only rarely are challenges caused by legislation.

Question 2.4 sought to identify the **main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation**. Insufficient capacity in terms of staff was mentioned as being the primary cause.

On definitions, one said that terms and definitions are differently used in Directives from the ones used in BAT conclusions. Specific terms quoted for unclear definitions included nuisance, intensive agriculture and installation. For data and information from operators, it is sometimes difficult to get reports from smaller operators and it can be difficult to fight against diffuse air emissions and odours in part because of a lack of specific information. On collection of data by the authority, one said that this was not done. Another pointed out that this is much less of a problem than in the past because there is now an IT system for the collection of data but what is missing is an analysis of that data. One pointed out that they had limited on-line access to environmental permits. On technical equipment, there was some feeling that the equipment was too old but otherwise little in the way of strong feelings on that. On training, there was felt to be a need for guidance about implementation of IED (including permitting) and also on BAT and BREFs.

Question 2.5 was about **other main reasons for problems** in achieving the requirements of relevant EU legislation. Uniformity of application across the country was seen as a challenge as was the lack of coordination between different EU Directives. Over-regulation of reporting requirements is a burden and the initial state report according to the IED is meaningless on traditional sites. One mentioned the poor quality of translation of certain EU legislation into their own language.

Question 2.6 asked **what would help to address and overcome challenges in applying and enforcing industry, noise and air quality legislation**. Some were already using modern surveillance technologies and others saw that it could be helpful in the future with sufficient training and competent personnel to handle it and the views on access to geospatial data were similar. Sharing knowledge and skills within the authority was already happening to a great extent as was sharing knowledge and skills with other authorities through IMPEL and national IMPEL networks. Joint inspections were seen as useful though there were problems over different regional legislation, lack of time and difficulties over planning the inspections. Networks of environmental professionals were considered useful, especially in dealing with simpler questions, which arise in very similar



ways or the same way at different locations or when dealing with special industry-specific questions or when it comes to cross-border issues. Feedback to policy makers about practical experiences with implementation was useful provided it was not simply an additional burden for reporting.

Question (2.7) asked for **information on any other helpful measures** but there were fewer than 10 replies to this question. Uncertainty of measurements can be challenging and one specifically suggested standardisation of qualitative measurement methods for cost effective monitoring of emissions sources such as NO_x in incineration plants. There was a further suggestion for a central support centre with a high degree of competence to support local and regional authorities. Joint inspections by the environmental departments had proved to be effective. A serious vertical exchange between those responsible for enforcement and legislation would be helpful. Another suggestion was that practitioners (who had to apply the regulations) should be involved in the legislative process. Ministry staff is involved but are too remote from practice. A further suggestion was that environmental officers should work in many areas such as permits, reports, inspections etc.

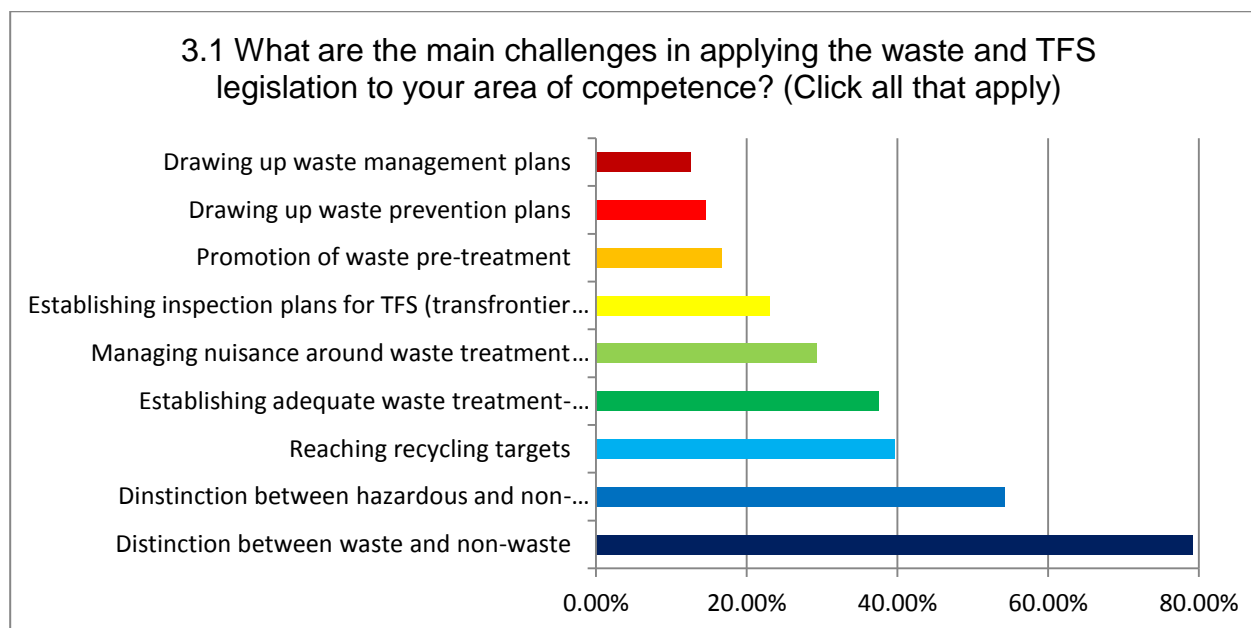
Industry and air - key implementation challenges as identified in 2014:

- *The effective implementation of the Industrial Emissions Directive (IED) and how this will overcome the legacy problems caused by historical bad application of the IPPC Directive.*
- *Conclusions on the definitions of Best Available Techniques (BAT) for different industry sectors through the IED that are practical, achievable and enforceable, and deliver a level playing field across Europe. Understanding how the ranges in emission limit values (ELVs) are applied in practice.*
- *Evaluating the impact of emissions from industries on ambient air quality and the achievement of ambient air quality standards, and the implications for setting ELVs (particularly in relation to Article 18 of the IED and the possibility of setting more stringent ELVs than defined by BAT in areas where environmental quality standards are exceeded).*
- *Soil contamination around IED installations and dealing with legacy problems caused by historical contamination.*
- *Implementing the public access to information provisions in the IED; improving information, public participation and transparency; sharing information on regulatory activities such as inspection reports with the public; improving the handling of complaints.*



3.3 Waste and Trans-Frontier Shipment of Waste (TFS)

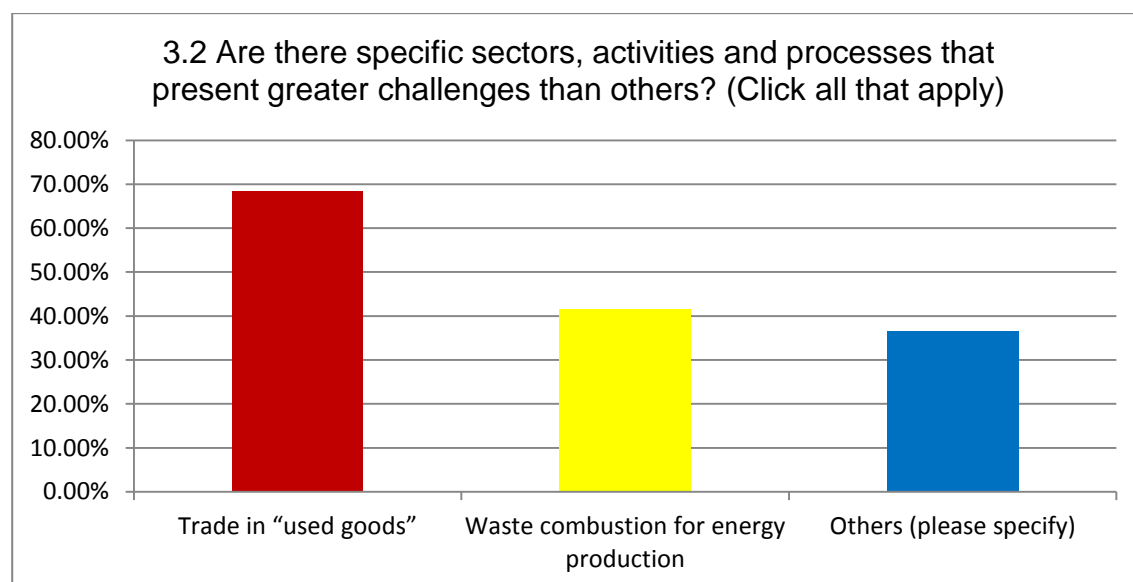
Question (3.1) was about the **main challenges in the implementation of the relevant legislation for waste and trans-frontier shipment of waste**. Only two issues were cited by more than 50%: these were the distinction between waste and non-waste (79%) and the distinction between hazardous and non-hazardous waste (54%). Reaching recycling targets was mentioned by **40%**.



The establishment of adequate waste treatment infrastructure by 38% while managing nuisance around waste treatment plants and landfills was mentioned by 29%. The establishment of inspection plans for TFS was mentioned by 23%, promotion of waste pre-treatment by 17% and drawing up waste prevention plans by 15%. The drawing up of waste management plans was mentioned by 13%. One difficulty mentioned was combating illegal disposal practices with a highly implementation-oriented legal basis (end-of-life cars, commercial waste) and establishing a reliable legal distinction between permissible and prohibited waste treatment /recycling. Also mentioned was ensuring that, before new substances are introduced, consideration is given to waste avoidance/treatment/ disposal requirements. Challenges also arise from enforcement of the legal requirements in areas that have been outsourced to 'so-called' certifiers (end-of-life vehicles, waste management companies), but which only exercise their control obligations following pressure from the authorities. There are problems (mentioned several times) with the application of waste codes from the European list and customs. One mentioned a problem with the appropriate management of the waste disposal cessation and of the old municipal waste dumps closure process.



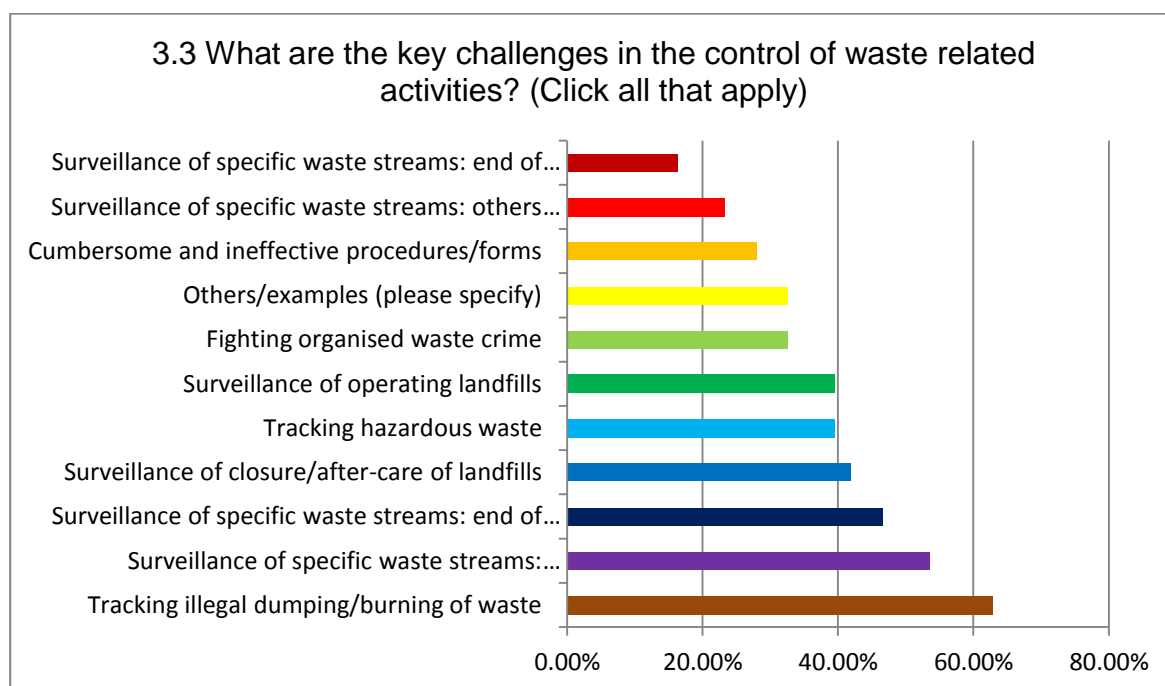
Question 3.2 was about **specific sectors, activities and processes that present greater challenges** than others. The biggest was the trade in used goods (**68%**) with waste combustion for energy production mentioned by **41%**. The 'others' category covered quite a broad spectrum including plastics and WEEE, trans-frontier shipments of inert waste, landfills, treatment of waste before landfilling, treatment of animal by-products in waste treatment plants, illegal waste collecting storage and treatment sites and selective collection of municipal waste. The topics mentioned by more than one included end of life vehicles, alternative treatment (other than landfill which is now not possible) for some organic waste fractions and enforcement of orders, especially in the case of insolvencies of operators of installations.





Question 3.3 asked about the **key challenges in the control of waste-related activities**. The main challenge was the tracking of illegal dumping and the burning of waste (63%) followed by surveillance of electric or electronic waste (53%): next was surveillance of end of life vehicles (47%).

Surveillance of closure and after care of landfills (42%) was next and after that came tracking of hazardous waste and surveillance of operating landfills (both on 40%). Fighting organised waste crime was on 33%: cumbersome and ineffective procedures and forms was on 28% and surveillance of end-of-life ships was cited by 16%. In the ‘other’ topics raised demolition waste was mentioned by three people and monitoring of construction waste was mentioned by two. Further topics mentioned included green listed waste, particularly in relation to what kind of level is acceptable, illegal collection and sale of metal waste, lead batteries, hospital waste and ships waste.



Question 3.4 was about the **main underlying reasons and causes for challenges in achieving the requirements of EU legislation on waste and trans-frontier shipment of waste**. The reason mostly mentioned was the inadequate range of professional qualifications for efficient implementation and enforcement. One mentioned that EU laws change quickly so training is needed, and another said that his organisation made use of ‘general inspectors’ who were not always sufficiently skilled for TFS inspections. A third said that competent authorities were often lost in unimportant details (because of the complexity of the legislation) and thus only tackled the surface of real waste problems. Next came insufficient evidence, data and information due to lack of collection and analysis by the authorities. One said that this was very time consuming and difficult and another said that there was a lack of skills in sampling and lab equipment. Following on from this was inadequate urban and land use management and planning. The only common thread in the comments (and



then only mentioned by two people) was that the problem was connected to illegal construction and activities. One said that the location of some treatment plants is associated with complaints and another that the problem is that the competences for this issue are divided between regional and national level. At the same level was insufficient capacity in competent authorities in technical equipment.

One suggestion was that there might be further support on EU best practices on dealing with big data through IT systems, to support data-sharing (also nominal) and intelligence-led action, but also on collection and analysis of self-monitoring and reporting with early detection - with IT alerts - of infringements as well as to take immediate action to investigate and correct situations with (potential) environmental harm. Another mentioned they were working with old and unsuitable equipment. Next was insufficient training and guidance: specific areas mentioned here included environmental/waste legislation; new waste treatment techniques and technologies; waste characterization and classification (including sampling, testing, etc.); economic issues of waste management and guidance (translated), on Waste and TFS regulation, also regarding related areas such as the compliance with financial liability and customs regulations.

After that was insufficient evidence, data and information due to a lack of reporting by the duty holder. There were few comments on this.

One said that, generally, they did not receive all the required information for processing which could be because of complex rules, insufficient knowledge or lack of prioritisation. Another considered that there is a need to improve this reporting to authorities, namely on quality of data and a system that allows data-sharing (also nominal) to follow the wastes through the waste chain and ensure the process to change quantities and quality/codes of wastes (to non-hazardous or to non-waste and with the use of different EU codes). In the comments on whether the legislation was incomplete, unclear or overly complex, there was suggestion that there need to be clearer definitions (especially of end of life vehicles). TFS regulation is seen as quite difficult and one said that the TFS regulation is often inadequate in providing clear guidance on what waste types can be shipped under certain classifications. This can lead to frustration for stakeholders in the industry and increased costs. The final topic mentioned was a lack of human resources.

Question 3.5 sought information about **other main reasons for problems in achieving the requirements of relevant EU legislation**. The complexity and diversity of the legislation was mentioned in a few cases, as was the lack of statistics about the prosecution of waste-related crime on the European level and of transboundary regulation for competencies for prosecution. Other factors mentioned were the poor separation of waste at source, the lack of clarity in permits and the need in one case for the establishment of waste management facilities. One pointed out that operators of small enterprises and sites often lack qualified personnel. These small facilities are often the responsibility of municipalities which do not have enough qualified staff.

Question 3.6 asked **what could help to address and overcome challenges in applying and enforcing legislation on waste and trans-frontier shipments of waste**. In the weighted averages, the most mentioned was standing procedures to regularly inform policy makers about practical experiences and work results. Feedback from



practitioners was seen as helping to achieve better legislation but it was emphasised several times that this should not become an additional administrative burden. One pointed out that this would only be helpful if policy makers are willing to act on it.

Question 3.7 requested a **description of any other helpful measures**. One suggested a need for new waste treatment techniques and technologies and waste characterization and classification (including sampling, testing, etc.), statistical tools and GIS software. Another suggestion was that administrative staff needed practical exercises and training on waste classification.

Waste and Trans-frontier Shipment of Waste - key implementation challenges as identified in 2014:

- *The definition of waste and achieving a common interpretation and level-playing field for end of waste, particularly where exports/ imports of materials are involved.*
- *Achievement of re-cycling targets in the Waste Framework Directive (and more stretching targets in the proposed amendment).*
- *Managing environmental impacts around closure/ after-care of landfill sites.*
- *Understanding and addressing hazardous waste that is unaccounted for.*
- *Dealing with specific problem issues, including end of life vehicles, waste electronic and electrical equipment, waste produced in hospitals, dismantling of ships, bio-waste, treatment and disposal of contaminated soils (for example from oil industries) and management of sludge produced in urban waste water treatment plants.*
- *Compliance promotion in pre-treatment of waste.*
- *Inspection and enforcement of trans-frontier shipment of waste – requirement for inspection plans by 2017. Need for improved information and move to electronic recording.*
- *Growth in illegal activities and serious organised waste crime.*
- *Nuisance problems caused by poor management at waste sites, including dust, odours and litter.*

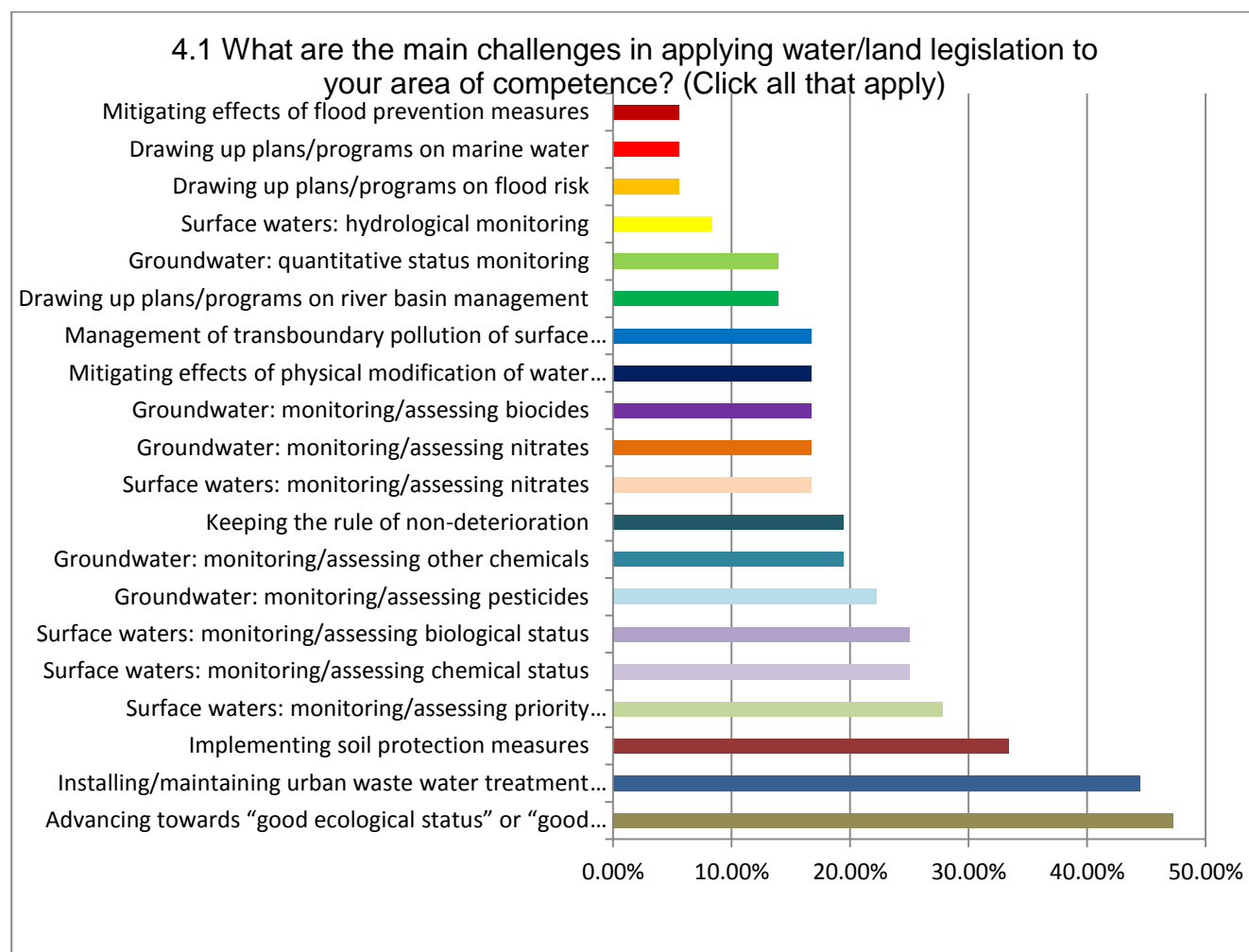
3.4 Protection of Water and Land

Question 4.1 asked about the **main challenges in applying water and land legislation in the relevant area of competence**. In the replies, **47%** said that the main challenge was advancing towards ‘good ecological status’ or good environmental status’ while **44%** mentioned installing and maintaining urban waste water treatment infrastructure. **33%** mentioned implementing soil protection measures.

28% cited surface waters (monitoring and assessing priority substances) and 25% cited surface waters (monitoring and assessing chemical status and biological status) and 22% groundwater (monitoring and



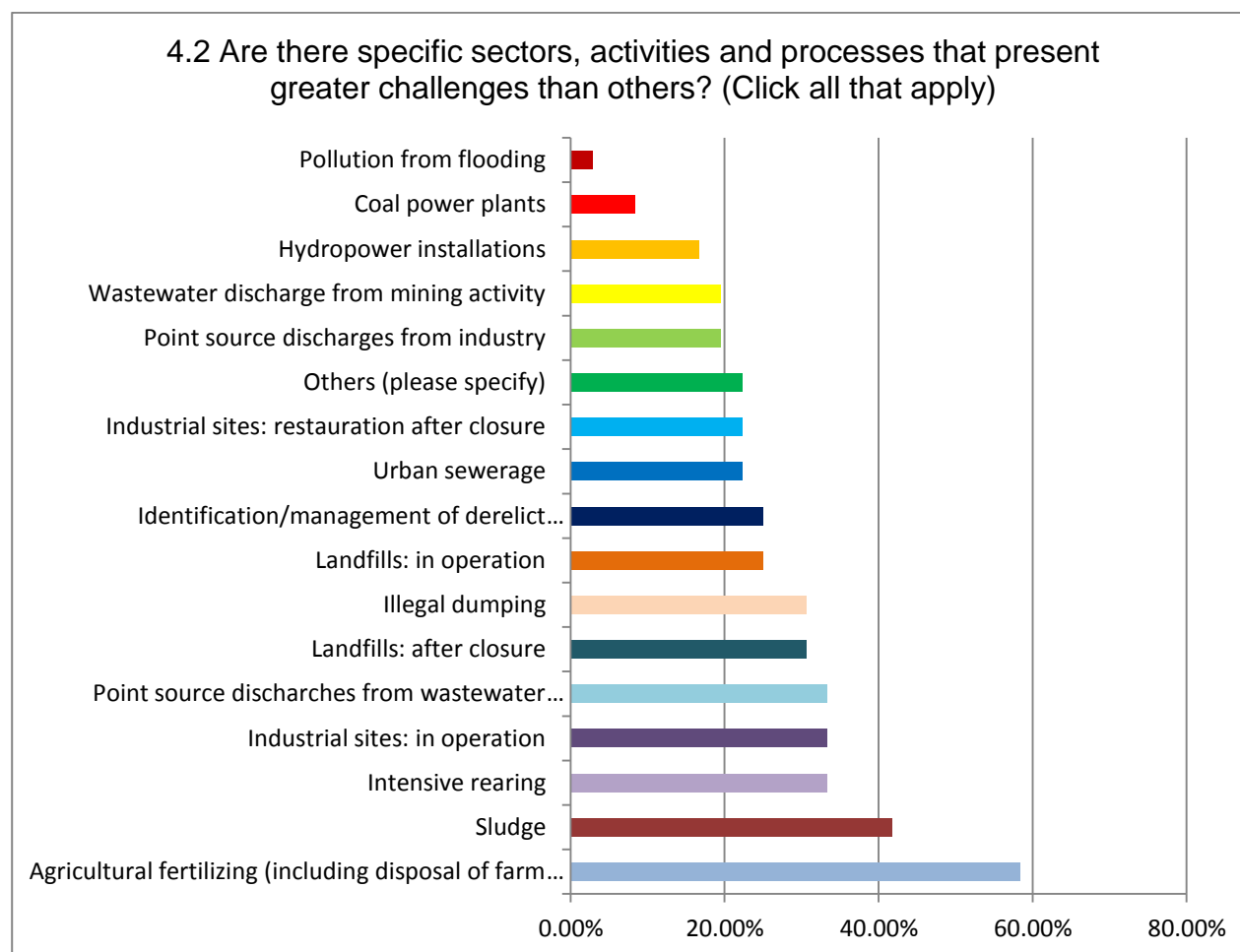
assessing pesticides). The other topics were at or below 20% and can be seen in the table below. In the comments, one referred to mitigating the effects of non-point load and another to the over-abstraction of water sources. Another said that it was more difficult to implement the Programmes of Measures than to draw them up while one mentioned inspection of point sources discharges from industry and other environmental users into urban or industrial collective waste water treatments. One cited enforcement and application of regulatory requirements in water and soil protection, emission requirement and further water-related requirements for waste water discharges (minimum public requirements). One comment was that the information flows related to water matrix are too complex, including both information on the environmental status and analysis of anthropogenic and plants posing pressures on water resources. There was an issue about the definition of drinking water protection zones and also the initial status report for IED plants.





Question 4.2 was about specific **sectors, activities and processes that present greater challenges** than others. Agriculture featured prominently here with **58%** mentioning agricultural fertilising (including disposal of farm effluents), **42%** mentioning sludge and **33%** mentioning intensive rearing, industrial sites in operation and point source discharges from wastewater treatment plants.

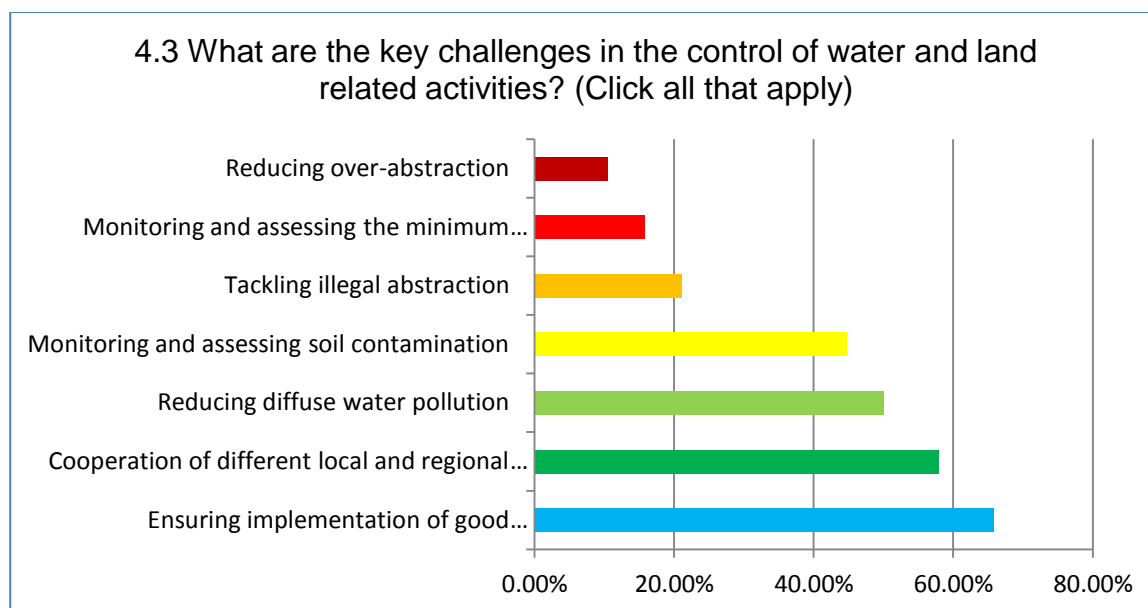
Illegal dumping was mentioned by 31% as was landfills (after closure). 25% mentioned the identification/management of derelict contaminated brownfield land and landfills in operation while 22% mentioned urban sewerage and the restoration of industrial sites after closure. The other percentages can be seen in the table below. Topics mentioned in the 'other' category included waste water from mining after closure, erosion and soil sealing and discharges from the textile industry. A further reply said that there are conflicts of interest between nature conservation, agriculture and water management and competitive land use for water development and flood protection concurring with agricultural and urban development needs.





Question 4.3 asked about the **key challenges in the control of water and land related activities**. In reply, **66%** cited ensuring implementation of good agricultural practice, **58%** cooperation of different local and regional authorities and **50%** reducing diffuse water pollution.

Monitoring and assessing soil contamination was on 45% and tackling illegal abstraction was on 21%: monitoring and assessing the minimum ecological flow was on 16% and reducing over-abstraction on 11%. In the comments, one mentioned accidents with water-endangering substances (usually through improper handling) and fighting the illegal use of water border strips. Another was concerned about ensuring emission discharges and resources consumption values in permits effectively promote the protection of groundwater and surface water resources and a good environmental status considering a long-term period for the future needs, also taking account of the impact of climate change. Another mentioned that groundwater sheds near soil surface are sometimes affected by nitrates. This cannot be changed as long as agricultural fertilizing is practised. One highlighted the guarantee of the monitoring of water pollution from point sources.



Question 4.4 was about the **main underlying causes and reasons for problems in achieving the requirements of relevant EU legislation**. Inadequate range of professional qualifications for efficient implementation and enforcement was the most mentioned. The comments referred to a general lack of training or the use of 'general inspectors' not always sufficiently skilled for the inspections they performed on complex sites. On the question of the complexity and clarity of legislation, two replies mentioned coherence between emission limit values on wastewater derived from Industrial Emissions Directive, in order to meet the need for more stringent limit values to accomplish the goals established by the Water Framework Directive. Another referred to the inadequacy of the dispositions for intensive agriculture under the Environmental Impact Assessment Directive, because there is no definition of "intensive agriculture" and projects can easily be "sliced" in smaller areas so as



not to fall under the scope of the Directive. For unclear technical specifications, there are unclear terms in water law (for example "dyke / dam", "essential" transformation). The application of sewage sludge on agricultural land is deemed politically undesirable: a prohibition, however, is lacking in the law. On training and guidance, a need was identified for training on water treatment plants and on on-site and off-site soil decontamination.

Question 4.5 was about the **main reasons for problems in achieving the requirements of relevant EU legislation**. Two people mentioned that different authorities are involved which needs good coordination and cooperation. Two others said that it was difficult to prove substantial damage and cause-effect in specific pollution cases. One mentioned that there are no practical instructions for the implementation of the Water Framework Directive: furthermore, water management issues are not perceived as sufficiently important, partly as a result of the financial problems of municipalities.

Question 4.6 was **what would help to address and overcome challenges in applying and enforcing legislation on water and land**. Standing procedures to regularly inform policy makers about practical experiences and work results were seen as useful but potentially a further burden unless it was carefully organised. Access to modern surveillance technologies was desirable but one of the comments was that surveillance techniques developed by EU investigation centres should be made available to countries and authorities. One complained about excessive demands on staff time already leaving little scope to apply such techniques. Guidelines should leave open the possibility to realise local alternative solutions which can be examined and evaluated in individual cases. Access to all available geometric data relevant to the geographical area of competence (as intended by INSPIRE) was seen as useful provided it contained the complete environmental information. The development of a common strategy was seen as useful in terms of exchanging best practice on different approaches and understanding the root causes for non-compliance. There were also suggestions for joint inspection teams and a common forum on contaminated land. There was also support for case meetings and joint inspections.

For training and guidance, on-site and off-site soil decontamination were mentioned. Other areas were state of the art in agricultural effluent plants, procedure manuals for the establishment of drinking water protection areas, better monitoring of soil management on construction sites and in construction projects and definition of good practice in farming complaint handling. Sharing information within and between authorities was seen as helpful though sufficient time and adequate staffing were needed. One mentioned that some years ago they had set up an intranet forum on which staff could put questions and share experience on implementation. Cooperation of networks across the whole compliance chain was seen as useful. Staff time and resources were seen as constraints, as was language. For participation in networks one mentioned that exchanges must be purposeful, specialised and on target topics, not inflated and time-intensive. Another mentioned that the IMPEL project on diffuse pollution from farming had helped them to design checklists for this type of inspection. The topic on coordinated action between different inspection authorities on other matters included a high proportion of 'don't knows.' Specific examples mentioned included a unified database



solution; joint execution (of inspections); and coordination of inspections to prevent there being too many from different authorities in the same places in a very short time.

Question 4.7 asked whether there **any other helpful measures**. One said that the administrative level should be integrated into legislative initiatives at an early stage (but this requires additional coordinative work and is politically difficult). The exchange between environmental and agricultural authorities could be improved by means of joint supra-regional service discussions. At the very least, an understanding of the "constraints" of the other could be facilitated. There should be easy access to all legally relevant materials: legislative texts, justifications, concrete decrees, minutes and memoranda should be available through IT in one place. Joint controls by several competent inspection authorities or by lower and upper authorities together are generally more effective than single inspections.

Water and Land - key implementation challenges as identified in 2014:

- *Diffuse-source pollution from agriculture.*
- *Over-abstraction of water (over-allocation of water resources; illegal abstractions).*
- *Continuing water pollution problems caused by inadequate investment and failing wastewater treatment and sewerage systems. High costs of installing and maintaining wastewater infrastructure.*
- *Monitoring and assessment of priority chemicals in water bodies.*
- *Physical modification of water bodies (affecting hydro-geomorphology/ good ecological status); restoration of water and wetland habitats.*
- *Regulation for soil protection.*
- *The environmental impacts of flood protection measures.*

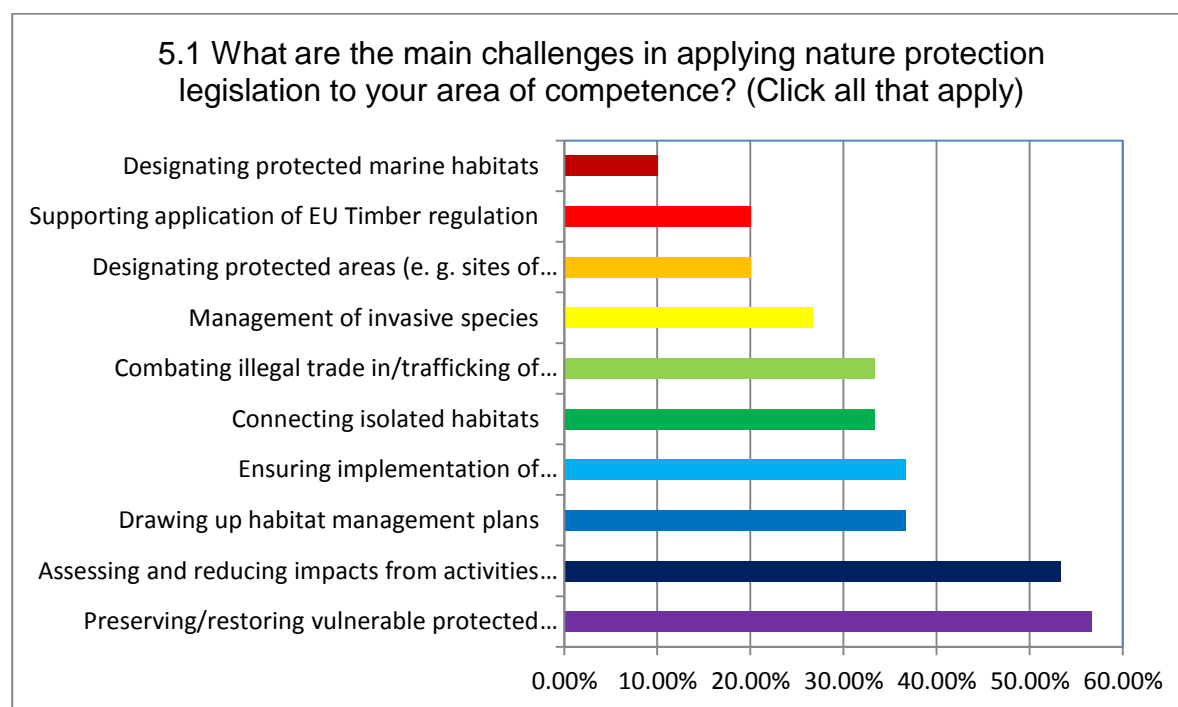
3.5 Nature Protection (Biodiversity and Habitats)

Question 5.1 was about the **main challenges in applying nature protection legislation**. The most mentioned (**57%**) was preserving and restoring vulnerable protected habitats with assessing and reducing impacts from outside protected areas on **53%** followed by drawing up habitat management plans and ensuring implementation of mitigation/compensation measures (both on **37%**).

Connecting isolated habitats was on 33% as was combating illegal trade in and trafficking of protected species. Management of invasive species was on 27%, designating protected areas (e.g. sites of community interest) and supporting application of EU Timber regulation (both on 20%) and designating protected marine habitats on 10%. In the comments, one mentioned issues with forest fires. Especially when the fires are in Natural Protected Areas, there are three potential challenges: first to avoid funds for restoring burnt areas (such as



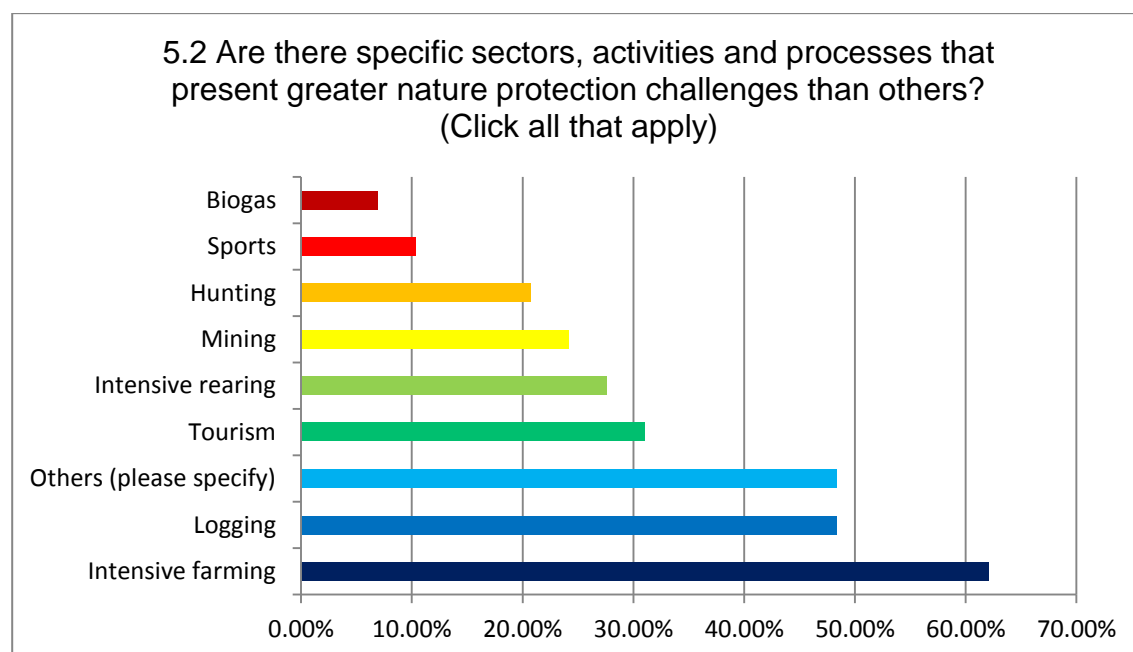
rural development measures) becoming in turn incentives to wildfires to obtain further funds, since they aren't a natural disaster; secondly to provide funds only if forests are sustainably managed; finally, to use the penal law for the enforcement of a binding environmental law. Another mentioned the need to reduce the impacts associated with tourism and the high human presence in the island territory in protected natural areas without affecting natural resources and protected habitats and species. One said that the preservation/restoration of habitats is demanding in regards of the finances and staff. Current needs for management of sites exceed available funding. Connecting of habitats is related to restoration: as the restoration of habitats in sites is already problematic, the restoration outside sites leading to connecting of the habitats is not a current priority. One country had its SAC network in place and sites are legally protected but the final formal designation process is still underway. It has still to complete surveying its marine territory to inform what marine SPAs might be required. This work is underway but is a large task.





For Question 5.2, on **specific sectors, activities and processes that present greater nature protection challenges** than others, the most mentioned was intensive farming (62%) followed by logging (48%) and tourism (31%).

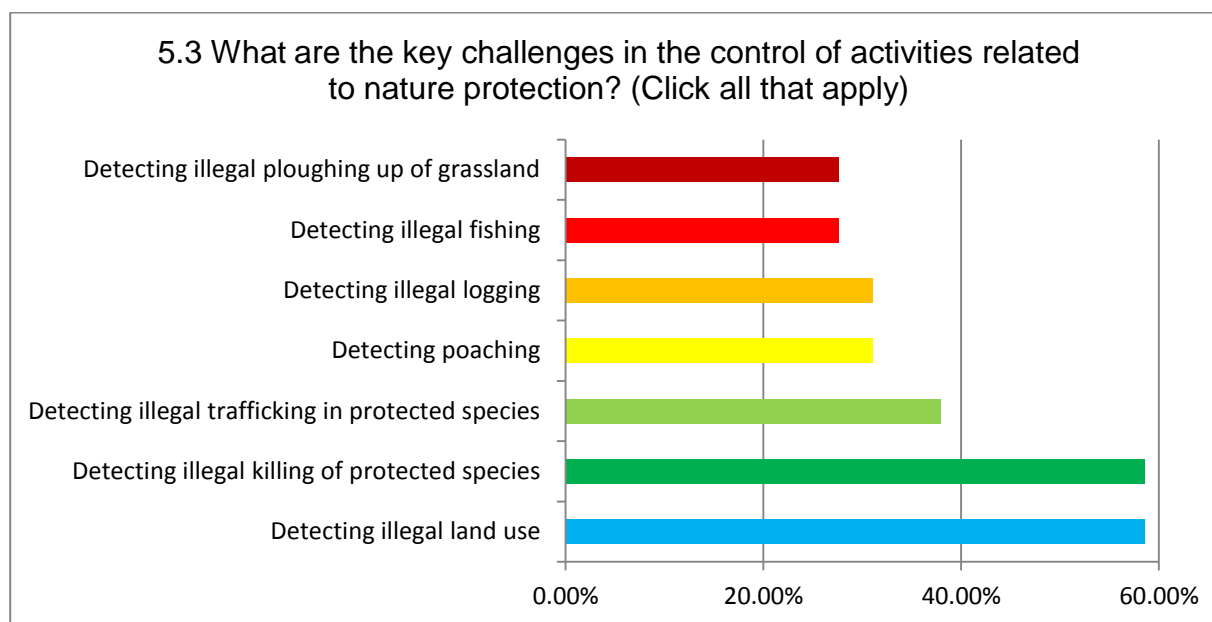
Intensive rearing was on 28% with mining on 24%, hunting on 21%, sports on 10% and biogas on 7%. In the 'others' category construction (including new roads and illegal construction) was mentioned by five people. Also mentioned were industrialisation close to nature protection areas, open cast mining, risk of forest fires, urbanisation of coastal habitats, under grazing and land abandonment and marine fish farms.





Question 5.3 was about the **key challenges in the control of activities related to nature protection**. The most significant, mentioned by **59%** in each case, were detecting illegal land use and detecting illegal killing of protected species. Next was illegal trafficking in protected species (**38%**).

After that came poaching (33%) and detecting illegal logging (both on 31%), followed by fishing and ploughing up of grassland (both on 28%). Amongst the other challenges mentioned were detecting illegal challenges of land use and controlling tourism. One said that there was an issue about the detection of human activities in protected areas, without an impact assessment report, or activities that have an impact assessment report but do not meet the requirements set out in it. Another issue was low acceptance of environmental protection requirements in conflict with personal interests.



Question 5.4 was about the **main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation**. A relatively high proportion said that insufficient capacity in human resources was either correct or mainly correct though there was little further clarification in the comments. Some referred to the complexity of the legislation though in the comments most of the references were to national or regional legislation. One referred to the need for guidance on assessment and significance criteria for plans, projects and actions that have to undergo thorough screening in Natura 2000 regulation (to evaluate if they need an Appropriate Assessment). There was also a reference to the Environmental Crime directive where it was suggested that it was difficult to prove a substantial damage to nature. For the question on unclear technical specifications, terms or definitions one person mentioned the challenge of identifying protected species coming from outside of their country. There was mention of the fact that the guidelines for SAC designation, conservation objectives and measures regarding the Nature Directives do not provide sufficient clarification in that they are too general. It would be helpful if state authorities could prepare information material for



citizens on relevant nature conservation issues so that it is not necessary for every local level nature protection authority to develop everything by themselves.

On the question of inadequate urban and land use management and spatial planning, one mentioned that large infrastructure projects supported from the EU level are sometimes in contradiction with the goal of the Nature Directive which is difficult to resolve. Another said that the competent authorities for spatial planning do not always take into consideration the vicinity of a protected area when they make a decision on a development project. On the question of insufficient evidence, data and information one said that there was insufficient level of knowledge and information flow between scientists and institutions. Several suggested that there was insufficient monitoring of and data on protected species in some habitats. One mentioned the type and extent of specific environmental impacts on the marine and terrestrial environment caused by human leisure uses and activities on species behaviour and survival and on habitat conservation. On the question of training and guidance in regulatory institutions, two mentioned CITES and there was also mention of species identification, timber regulation and guidance for nature protection inspectors related to Natura 2000.

Question 5.5 was about **other main reasons for problems in achieving the requirements of relevant EU legislation**. Insufficient funding and resources were both mentioned as was, in several cases, the lack of a co-ordinated approach between different regulatory bodies, competent authorities and other stakeholders in areas such as invasive species prevention, management and control. There should be more exchange of experience between practitioners.

Political actors have no real interest in detection and prosecution of environmental infringement and they often lack awareness of the problem. Positive engagement by the media is lacking. Natura 2000 management plans in the forest are created by the forest administration, not by nature conservation. Policy makers have a lack of acceptance for the pursuit of nature conservation objectives. Conflicts are decided at the expense of conservation goals. General requirements of agricultural production are counterproductive (e.g., density/intensity/uniform plant stock on arable land versus needs of protected bird species). The rare success in investigation reduces the motivation to pursue environmental infractions more vigorously.

Question 5.6 asked **what would help to address and overcome challenges in applying and enforcing nature protection legislation**. The most mentioned were sharing good practice, knowledge and skills particularly within the authority but also between different competent authorities. One said that sharing good practice within the authority was useful only if the related additional workload is small given that work capacities are already overstretched. Another said that this was useful to detect poachers, illegal trading of exemplars that fall under CITES regulation, illicit fishing and illegal logging. On sharing practice between authorities, this seemed to be largely happening already though was subject to constraints from time and resources. Access to modern surveillance technologies was already happening to some extent though most saw this as an aspiration for the future. There were words of caution: one said that this was useful if they also provide real time data and information and another said that this should not be used as material to serve certain interests or to save further personnel. They went on to say that satellite data should be more accessible to the public and the



resolution needed to be good enough for monitoring environmental data to implement EU law. Another said that the use of earth-observation techniques in surveillance for instance on detecting illegal land use, monitoring environmental and collection of proof is very important, but also the transfer of technologies to apply such techniques in practice, namely developed by EU investigation centres, to countries and authorities that could then use them in their day to day work would be helpful. Access to all available geospatial data was also happening to some extent and many saw this as helpful for the future.

Most people said that application-oriented guidance and training was being received and many saw this as something useful for the future. Training on CITES and timber regulation was mentioned as were ways to implement directives. Another mentioned enforcement of nature protection laws, evaluation of relevant judgements, concise overviews on valid expert standards (e.g. which species in which protection area have been relevant for designation; prioritisation), country-specific procedures for Natura 2000 EIA tests, handling of slow changes such as deterioration through agricultural uses, tourism etc. Coordinated action between different authorities was happening already and many saw it as desirable for the future.

On inspections, one suggested further common inspections and reporting of such inspections organised at EU level in a framework that could reach a large number of organisations and practitioners at national level, with the aim of identifying and understanding the major challenges and addressing them. On case meetings, one suggested that they might be held online while another suggested that such meetings might be organised at an EU level in a framework that could reach a large number of organisations and practitioners at national level, with the aim of identifying and understanding the major challenges and addressing them. On common strategies, one suggested common inspection plans while another suggested an exchange of best practices on different approaches to common strategies, understanding the root causes for non-compliance in order to tackle them with contributions from relevant actors from the compliance chain. Other matters suggested included tourism and migrant species (birds, marine species etc.). Participation in networks was largely seen to be happening already but was also considered to be useful for the future. Cooperation between networks was also seen as useful though this was considered to be more of an aspiration for the future though some was happening already.

Question 5.7 sought a **description of any other helpful measures**. One suggestion was conferences and seminars (including recorded webinars) for practitioners on common nature protection topics including relevant case studies.



Nature Protection - key implementation challenges as identified in 2014:

- *Lack of progress in enforcement of the EU Birds Directive in achieving protection for key habitats and species in Natura 2000 sites through the Habitats Directive.*
- *Regulation of environmental pressures impacts arising from industry, agriculture, new developments and land use planning in and around nature protection areas designated under the Habitats Directive (particularly sections 6.3 and 6.4).*
- *Supporting the implementation of the EU Timber Regulation.*
- *Tackling wildlife crime.*

3.6 Challenges Across the Compliance Chain

Question 6.1 asked about **specific problems or difficulties that created particular barriers to effective application and enforcement of EU environmental law across the whole compliance chain**. No particular areas stood out, but it is fair to say that a few people, but not many, mentioned as problems unclear permits, insufficient self-monitoring and lack of risk assessment. There was some concern about the lack of compliance assurance plans on the side of the duty holder and on the strategic level as there was for insufficient assessment on the effects of certain plans and programmes on the environment. Particular areas of concern were inadequate coverage/financial security for closures, inadequate level of sanctions and fines, low integration and prioritisation of environmental issues, lack of specialisation in environmental infractions in other relevant public authorities and insufficient capacity of other relevant public authorities.

In the comments, two people mentioned that it is a general problem that, even though thorough evidence in a case of non-compliance may have been collected, the police and/or the prosecutor will not further investigate/prosecute unless they consider it to be a serious case. This is because of a lack of resources and insufficient knowledge about environmental infractions since they have neither police nor prosecutors that specialise in environmental issues.

One mentioned that the possibility of sanctions was lacking in the case of non-presentation of waste management concepts or other mandatory planning. There was an issue about difficult cooperation between agricultural and water management authorities. The competent authorities are traditionally specialised and assigned to different ministries. However, for environmental inspections, the permitting and enforcement of surveillance could be concentrated in one authority. A broader issue was the lack of political prioritisation of environmental protection in policy and lacking readiness for conflict at the level of ministries and authorities to implement environmental concerns. Planning and construction law are seen to have priority over environmental and natural protection. Inter-communal cooperation is difficult to achieve since there is no willingness to do so at the political level.



Question 6.2 sought information on **the most important things that could help overcome these implementation problems**. One of the most frequently mentioned replies was network cooperation which was seen as largely already happening with IMPEL being mentioned as a good existing example of efficient cooperation. The establishment of networks was seen as helpful provided there was the necessary personal capacities to enable employees to participate. It was suggested that networks for the exchange of good practice can only be used where the questions are not too complex and dependent on the individual case. It was said that there is almost no vertical cooperation and, if it takes place, is often carried out only "pro forma" and the statements of the enforcement authorities are not taken seriously. Communication is therefore not possible at all, as standardisation and implementation are separate worlds and no mutual understanding exists. Information exchange must be practical and not formalistic. Standard procedures to regularly inform policy makers about strategic assurance compliance issues was also seen as important. Guidance on how to prepare and facilitate judicial enforcement was also seen as largely happening already and was useful. Ensuring availability and comparability of relevant reports on environmental assessments, environmental management of sites on environmental status was also widely mentioned. One said that environmental assessment reports for IED installations are already published on web which helps to make better decisions on permitting of industrial installations by early involvement of interested audience.

On the availability of relevant reports on management of sites, one said that, on rare occasions, data should be only partially disclosed to the public because of the need to protect wildlife, e.g. exact location of nesting colonies of endangered species. On reports on environmental status there were seen to be staffing implications (in terms of needing more staff) but it was suggested that this could help to assess the enforcement actions and compliance assurance initiatives planned or in place. Promoting strategic approaches to compliance assurance were seen as helpful both now and for the future, though one comment was 'too much bureaucracy.' One said that strategic approaches must consider local conditions, especially protected areas, and that strategic approaches and manuals are needed. Another suggested that there should be more elaborate support of EC during law-making process and sharing "peer to peer" experience among the member states.

A further suggestion was an exchange of best practices on different approaches to common strategies, understanding the root causes for non-compliance in order to tackle them with the contribution of relevant actors from the compliance chain. Availability and accessibility of data on spatial planning were seen as important. One said that the public should be involved in the process and another that there should be clear rules on which authorities provide which environmental data and in which structure to the public via INSPIRE and there should be free access to environmental data available to the authorities for third parties, which means that there is no additional burden for charging fees. On data on environmental status one said that this would need more human capacity for monitoring and more clear requirements for monitoring standards with financial compensation for the acting municipal level. Another said that the Environmental Protection Agencies should have better performing and more speedy monitoring systems and also the facilities to continuously transmit on-line the information on environmental status, including those elements which could



indicate potential pollution episodes, to the environmental inspection and control institution. One said that the existing environmental monitoring system should be enlarged. Data on environmental users was seen as quite important though one commented that it has to be treated with extra care due to the business secrets, goodwill and protection of personal data. Another said that environment information offices would be useful for future investors.

On data on environmental management schemes, one said that this would help only if environmental management schemes are fully reliable and integrate the analyses of compliance with environmental regulations and another that this depended on clarity, enough detail and enough relevance to compliance. On the availability of inspection reports, one said that this could be a powerful driver for compliance and another that this was valuable data with certain limitations regarding the privacy issues. On data on other matters, one said that it would be useful to improve information on regional legislation and another that there should be more time for the actual enforcement work through the reduction of the bureaucracy (clear and practicable regulations, manageable guidelines, elimination of extensive manuals). The exchange of plant data between the authorities is almost non-existent and there are no data on immission pollution. Design of the guidance must be economically, technically and legally implementable and always be updated so that the state of the art is defined.

Question 6.3 asked for a **description of any other helpful measures**. One suggested that a CITES Inspector exchange programme among member states would improve capacities. Another that more awareness on environmental law should be taken during the education of police officers, prosecutors and judges. These authorities need more background environmental knowledge in order to have an understanding of the importance of taking good care of the environment. Another mentioned clear rules of jurisdiction (for example, in actions / actions in nature protection areas, the jurisdiction should lie exclusively with an authority).



Cross-cutting tools and approaches - key implementation challenges as identified in 2014:

- *Dealing with the complexity of the acquis and potential conflicts between different areas of policy and legislation.*
- *Lack of political will and allocation of the necessary resources for environmental authorities to fully implement the acquis.*
- *Integrating and harmonising regulatory regimes across different environmental media and different sectors, for example nature protection, water and agriculture.*
- *Fragmented approach because of compartmentalisation of environmental issues through separate technical legislation.*
- *Insufficient capacity within implementing authorities (resources and technical competence) to deal with the technical complexity and administrative burden of regulatory requirements.*
- *Insufficient evidence and information for effective planning, operations and regulatory decision-making within environmental authorities.*
- *Responsibility for different parts of the regulatory chain being carried out by different authorities with different regimes and governance arrangements – planning, permitting, monitoring, inspection, enforcement and prosecution – and lack of effective coordination between them.*
- *Lack of coordination between authorities in countries on trans-boundary problems, and different approaches and standards leading to uneven playing field.*
- *Lack of awareness of the consequences of non-compliance and illegal activities and low-levels of fines and other sanctions that do not act as a deterrent.*

3.7 Complementary Support of Stakeholders for Compliance Assurance

Question 7.1 asked **which complementary approaches are or could be helpful**. Information and guidance campaigns on compliance strategies for duty holders were seen as useful, for example when there was new legislation, and an area where more could be done. Additional incentives for duty holders such as labels, awards and promotion were also seen as useful. One said that the citizens' recognition of the value of incentives is still poor because of a lack of trust in institutions and another that it could be an efficient stimulatory factor in the field of waste selective collect and recycling. Another suggestion was making awards to schools, companies or individuals acting exceptionally towards environmental protection. On informing the public on the state of the local environment, inspection results and high performers one pointed out that this would mean using more staff because, without a targeted response from the administration, the expectations are disappointed. One said that the publication of inspection reports on the web could be a powerful driver for compliance and another mentioned that theirs were already on the web. On the question of the effective



involvement of local communities in environmentally relevant planning and decision processes there was a feeling that at the local level there are often people who are opposed. One suggested that as a result planning should be done on a regional level. In one country, a Technical Assessment Collective had been set up that helps EPAs to take the correct decisions on permitting plans/projects/activities that endanger the environment and human health. One view was that such involvement would help to prevent trials and to build understanding between the different interests of the neighbourhood and plants.

On the question of integration of interested citizens or NGOs in surveillance and protection of sites or species one comment was that such procedures can be misused as promotion for political parties. Another suggested that the involvement of third parties is only beneficial if they do not generate additional work for the authority (for example, by reporting minor cases). It would require that these third parties be given enforcement rights (arrangement, fines), and become almost a publicly appointed actor. One suggested that such involvement was useful in the case of complaints. For the suggestion of a low threshold easy access complaint system one view was that complaints can have social causes rather than environmental causes. Another felt that such a system would aggravate the problem since many complaints result from neighbourhood disputes where the parties try to blame the other party and to use public authorities for their interests, thereby causing considerable but useless workloads. In one country, there was a possibility to complain through the website either anonymously or not. For the installation of an online portal where everyone may file notices about infractions or environmental problems, there was little enthusiasm in the comments. There were concerns about staffing issues and one said that it would only be helpful if there were sufficient personnel to react immediately and to respond to information immediately. It should not lead to a large number of anonymous complaints, since dealing with these cases cannot be reported and complaints may quickly accumulate. One country said that it had such a system. On support for dialogues between site management and their neighbours to reduce possible conflicts and complaints, one view that the prerequisite is a proper willingness to dialogue between all parties. One suggested the need for a procedural framework and another thought this would be useful where there are repeat complaints and incidents/accidents.

There was a mixed reaction on the integration of accredited external experts (including EMAS verifiers) into inspection or surveillance activities. One suggested that it would be more sensible to strengthen the existing structures through improved technology, advanced training and more staff. Another said that it would help only in certain circumstances, being contracted by the duty-holders and accredited by an environmental authority to verify the compliance of environmental legislation (not for surveillance and inspection), being requisites. Their performance would be regularly assessed and evaluated by environmental authorities that certify these experts. Other replies were that there was a legal restriction and the cost would probably be too high. On the use of environmental reports (under EMAS or other schemes like ISO 14001) for the compliance control of sites one said that they had already implemented such a practice, established by the Technical Norms for Inspection and Control. One said that the specific status of the EMAS privilege must be established, in terms of which information is no longer required or can be adopted from EMAS. In any event, the sites falling within their remit were generally not certified according to EMAS. There was little enthusiasm for the



suggestion that there might be general simplifications or reduction of inspections for EMAS-certified sites. One said that this would need to be tested over a period of some years and another that it was not helpful since a compliance check by third party organisations does not fulfil criteria to the same depth or quality as is necessary for the competent authority.

Question 7.2 asked for a **description of any other helpful measures**. One commented that the environment would benefit from co-operation with investigation and prosecution authorities, though priorities there lie in other areas (usually violent crimes which are often dealt with in the same Department). There should be regular country-wide exchange of experience on results and problems in execution (industry or sector-related, for example, metal industry, chemical industry, agriculture). Permits should be limited in time (for example, 12 years) ,after which a "new" licence should be applied for. A regular exchange of experience between the operators would be helpful. Instant presentation of infractions in the media as deterrence would be good.

3.8 Trans-Boundary or Trans-Sectoral Application and Enforcement Problems

Question 8.1 asked about the **main outstanding implementation problems in the respondent's area of competence that require trans-boundary or trans-sectoral approaches, technical cooperation and coordination**. In the comments, ten respondents mentioned waste and trans-frontier shipment of waste which was the largest category. Four mentioned border controls and trade in in protected and non-protected specimens of endangered species of flora and fauna. Activities in the marine environment were mentioned in two cases. One mentioned different classification of substances according to different international sectoral legislation (such as IMDG Code, IBH Code, Basel convention).

Question 8.2 asked whether there was **awareness of any discrepancies between EU and international legal instruments (e.g. Basel Convention, Hong Kong Convention, CITES, regional seas conventions, etc.) that hamper compliance**. Most of those who replied to this question did not see any such discrepancies. One said that, in general, global, regional and EU legal instruments often have different scopes and definitions which do not facilitate implementation. Applicable general principles of law are also different and may hamper implementation of certain obligations (for example, the precautionary approach or polluter pays principle in the EU Treaties and in the IMO conventions on ships' sources of pollution). Another said that the implementation of the EU directives is very different in the Member States and that more EU regulations could help. In the field of agriculture, there are too many regulations and ongoing changes, so that the staff hardly can keep pace with the implementation. The many agreements (HELCOM, RAMSAR, OSPAR, Basel and Berne Convention, etc.) are often only papers and are not taken seriously enough.

Question 8.3 asked **what could help to overcome trans-boundary or trans-sectoral challenges**. There was already a considerable amount of communication between different authorities but also a view that more could be done. Staff and time constraints were seen as an issue. One said that information exchange must be



practical and not formalistic. The replies were similar on sharing knowledge, skills and good practice. One said that the cooperation between the different authorities should be only peer to peer: the basic condition would be a serious cooperation on an equal footing. On the point about using common technical/procedural guidance there was a view that this should take into account constraints deriving from diversities between states. Another said that the guidance should be not too extensive, but practical and applicable and that coordination is not inflated, but pragmatic which was a point made by another respondent. Establishing information exchange routines was seen as difficult where information has to be shared between states without an international secretariat. Coordinating compliance action between authorities was considered to be generally happening already. One suggested that this was helpful only if there was a common view on actions and another said that some inspections performed by the State could probably be more detailed if an inspector from the local authority, with knowledge of the local area, took part once in a while. On the topic about informing policy with practical experience and expertise there was only one comment, namely that this should only be done in cases, where policy makers are open for arguments and actions.

Question 8.4 asked for a **description of any other helpful measures**. Regular exchange between affected bodies and joint task forces of authorities would help to solve priority problems. One suggestion was setting concrete targets to be met at the international level, not only at the national level. Another suggestion was to rethink the organisation of environmental monitoring and, where appropriate, re-define responsibilities. Language courses would help to improve cross-border communication. There should be a reduction of bureaucratic and statistical costs, shifting the focus from monitoring and reporting to the implementation of measures to achieve the goal.

3.9 Overall Evaluation and Strategies

Question 9.1 was about the top three most important obstacles facing the respondent's organisation as at present. By far the most common obstacle in the first tier cited by fourteen people was the lack of resources, whether in terms of finance or personnel or both. Next, mentioned in six cases, were the increasing requirements of both technical knowhow and EU legislation.

Trans-frontier shipment of waste was mentioned in two instances. Other topics mentioned were management of tourism, regional differences, waste management (tyre recycling), improvement of water quality, implementation of electronic waste tracking system, too many complaints received and need for a strong complaint management system. Yet others mentioned the distribution of responsibility in the environmental sector between too many authorities, Air Quality, BAT-C implementation, lack of environmental monitoring equipment and laundering of illegally acquired wild fauna and flora.

In the second tier, lack of human and financial resources was mentioned in four instances. Alignment and coordination of sectoral EU environmental legislation was mentioned (in slightly different ways) in five instances. The need for of regular and guided experience exchange to learn from others was mentioned in two



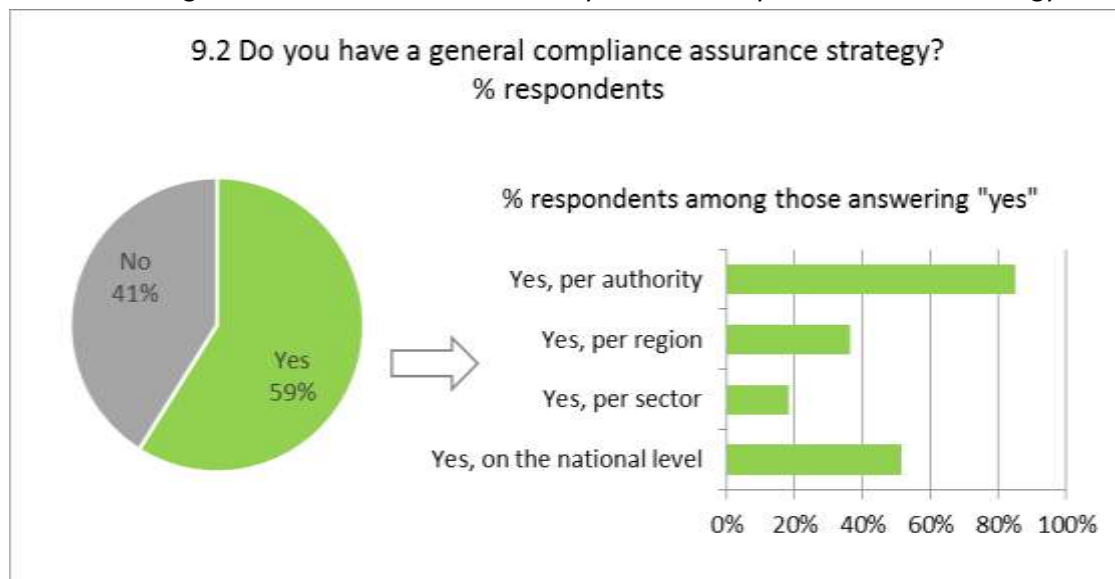
cases. Other than that, it was difficult to identify any clear trends here. Topics mentioned included targeting inspections efficiently, periods of high demand of certain types of knowhow (for example, after BAT conclusions have been published), management of fish farming, application of waste codes, incoherence between environmental and other sectoral law, avalanche of inappropriate complaints, international information exchange, improve coordination between institutions, no direct access to permits and self-monitoring and other data held by other authorities, lack of specific knowledge in particular areas.

Other topics included low guarantees in mining, promoting development of holistic response to climate change, identifying and understanding the level of pollutants (including in waste) emissions and consumption of natural resources from environmental users at a local level, and its connection with the state of environment, controlling and mitigating the environmental load from agriculture, high investment costs for installations to comply with legislation, quality of IED permits. In addition there was reference to the length of time to issue them and lack of cooperation with permit writers, lack of software to expedite issuing permits, lack of skills and knowledge in particular areas (REACH, CITES and Timber regulations), lack of specialisation, lack of regular and guided experience exchange to learn from others, guides for stakeholders and tools and protocols for environmental compliance, BAT/BREFs in practice, compliance assurance of data reported by the industries, traffic emissions and control activities of captive breeding/artificially reproduced species.

In the third tier of responses there was also considerable reference to lack of resources, at a general level (5 responses) and specifically the need for continuous training, lack of waste experts and insufficient support for prosecution. In six responses, there was reference to the need to integrate the work of different authorities. One saw a possible solution in building a network with national agencies while another referred to the lack of visibility of their Agency's operating abilities. One described a lack of political will to put the environment at the top level of priority and another that political direction is not specialised in environmental fields. Other topics mentioned were the lack of official rescue centres for seized animals, baseline reports on state of soil and groundwater, implementation of BAT, data collected from different regions, EU reporting requirements not adapted to a country's size, data quality and selecting data helpful for most relevant issues at hand, implementation and improvement of electronic information systems, risk approach of green and amber list waste not well received by most competent authorities, enhancing air protection, growth in production of bio-oils, impact of intense urbanisation on habitats, drought management and light pollution, odours from oil companies and problem with odour not covered by the Air Protection Law and management of new industries (silica plants).



Question 9.2 asked whether the respondent’s authority had a **general compliance assurance strategy**. 59% of the respondents have a general strategy, 41% do not. Of those having a compliance assurance strategy, 85% have one at the level of their authority, about half have a national strategy and 36% have a regional one. Sectoral strategies seem to be less common: only 18% said they have a sectoral strategy.



Question 9.3 asked for **specific areas to be identified where EU legislation had been particularly effective** in helping to improve environmental protection in the respondent’s area of competence. The Industrial Emissions Directive was mentioned in thirteen instances. Several mentioned the Habitats Directive, Natura 2000, waste incineration, waste management, Seveso Directives, Water Framework Directive, Air Quality, Waste Electronics and Electrical Equipment and Trans-frontier shipment of waste. One said that the EU had been effective in environmental protection in a large scale, specifically in waste management and water protection. One mentioned the introduction of the risk-based approach and another the Recommendation on Minimum Criteria for Environmental Inspections.

IMPEL Member Countries which replied to the questionnaire

- | | | |
|----------------|-----------------|-----------------|
| Albania | Germany | Serbia |
| Austria | Iceland | Slovak Republic |
| Belgium | Ireland | Slovenia |
| Croatia | Italy | Spain |
| Czech Republic | Latvia | Sweden |
| Denmark | Luxembourg | Switzerland |
| Estonia | The Netherlands | Turkey |
| Finland | Poland | United Kingdom |
| France | Portugal | |
| FYR Macedonia | Romania | |



4. Implications of Survey Findings for IMPEL and Recommendations for Future Actions

This section looks at the implications of the survey findings for IMPEL, its member organisations and its ways of working. It identifies the strongest signals coming from the responses to the questionnaire survey and makes a number of recommendations that IMPEL may wish to consider in developing its future programme.

4.1 IMPEL's Role and Response to Implementation Challenges

Overall, the survey shows that organisations are still facing many challenges in implementing environmental legislation in their countries. Their comments suggest that many are continuing to have difficulties in coping with the sheer number and complexity of laws with the resources they have available. A lack of resources (mostly in suitably qualified personnel, and to a lesser extent in technical equipment) is consistently cited as the greatest single barrier to achieving the effective implementation of environmental laws. IMPEL can help to apply available resources in the most efficient and effective way. Accordingly, member organisations recognise that IMPEL has a very important role to play in supporting organisations and practitioners by sharing knowledge, expertise and good practice across Europe. The survey also suggests that IMPEL needs to continuously improve its own ways of working to better respond to these challenges.

Recommendation 1

The IMPEL General Assembly and Board should consider the main signals arising from this survey in the context of [IMPEL's 5 year Strategic Work Programme 2016-2020](#)³. Many of the challenges reported in this survey are similar to those emerging from the last survey and the five main priorities of the Strategic Work Programme continue to be very relevant. Additional efforts to propagate and spread IMPEL's freely accessible web-based information, tools and guidance, should be considered. IMPEL's Programme Management Group should encourage more efforts on the greatest identified challenge, the effects of intensive agriculture, in supporting projects and initiatives that address the integrated nature of this challenge, making the appropriate connections between the work of the five Expert Teams as well as between IMPEL and other networks and actors of the compliance chain.

³ [IMPEL's Strategic Work Programme 2016-2020. April 2016](#)



4.2 Engagement of Local Authorities

It is notable that most of the responses to the survey were from national and regional organisations. Only 6 percent were from local organisations. This is probably not surprising, considering the membership profile of IMPEL. However, it does reflect a lack of engagement with local authorities who have a critical role in environmental compliance assurance in many (but not all) countries, for example, in local air quality management plans, river basin management plans, environmental impact assessment, environmental permitting, monitoring and many other functions.

The survey results also reflect the importance that respondents attach to effective cooperation between environmental regulators and the local authorities responsible for land use planning and control, for example, in tackling the problems of water pollution and in addressing land uses that can adversely affect the status of nature protection sites.

Recommendation 2

IMPEL should consider how it can extend its outreach to the environmental protection and land-use planning functions of local authorities. It should look at how its connections with Regional organisations could be used to greater effect to help make the links and improve communication with local authorities.

Recommendation 3

IMPEL should look at whether countries have umbrella organisations that represent municipalities and how to engage with such organisations. This aspect is included in the current IMPEL project on 'Mapping European Agencies'. It should examine who the umbrella authorities are so that it can ask them about the issues and challenges that they face. The umbrella authorities often have environment groups that can be engaged with. National Coordinators have an important role in supporting engagement and cooperation with local government associations and umbrella organisations.

Recommendation 4

IMPEL should also look at how it could develop cooperation with other European networks that represent and bring together local authorities. For example, the Council of European Municipalities and Regions (CEMR) and EURO CITIES Networks both have working groups that are actively working on environmental themes relevant to IMPEL's programme. It could also look at how to further strengthen its links with the EU Committee of the Regions which also addresses local environmental management and planning issues.

Recommendation 5

IMPEL should consider how it can address the barriers caused by language. This is often a particular challenge at local levels. The use of videos and short snapshots of projects and project outputs could be helpful here. Communication technologies and use of online tools could be very helpful in reaching out and engaging with the wider audience of practitioners working in local authorities.



4.3 Addressing the Environmental Impacts of Agriculture

The survey results indicate that the agriculture sector is consistently the greatest area of concern, in particular for industry and air, land and water and nature protection. Key issues are the impacts of intensive animal rearing installations and reducing the inputs of fertilisers and other agrichemicals.

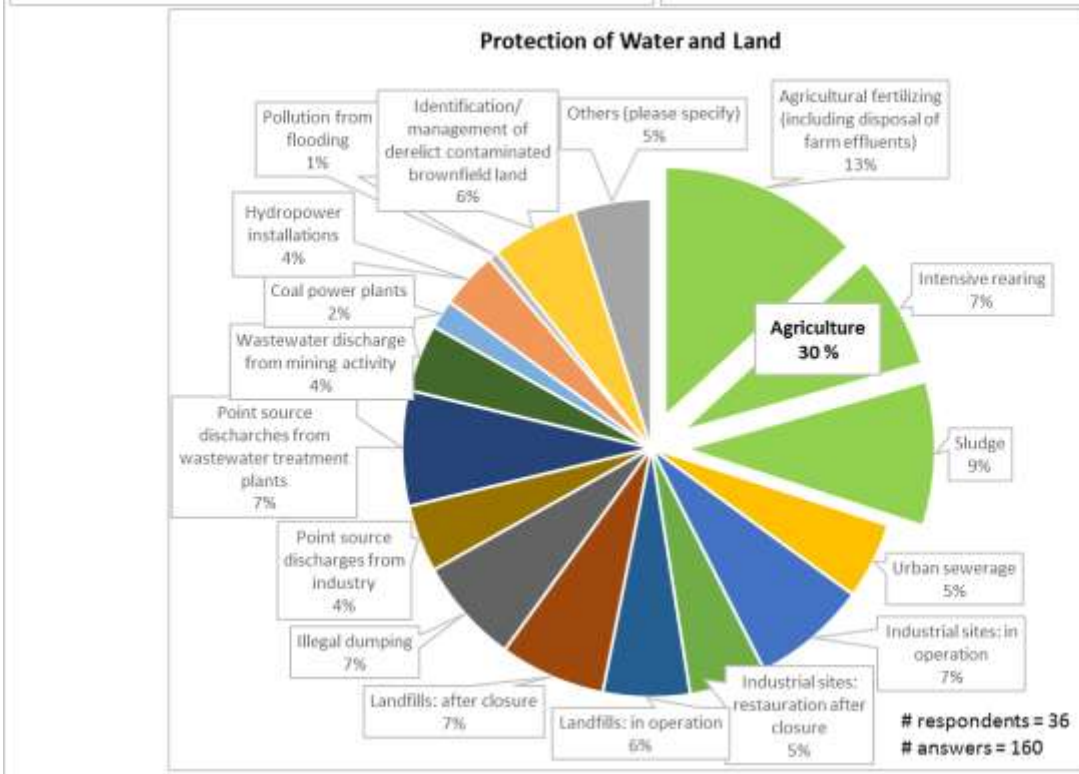
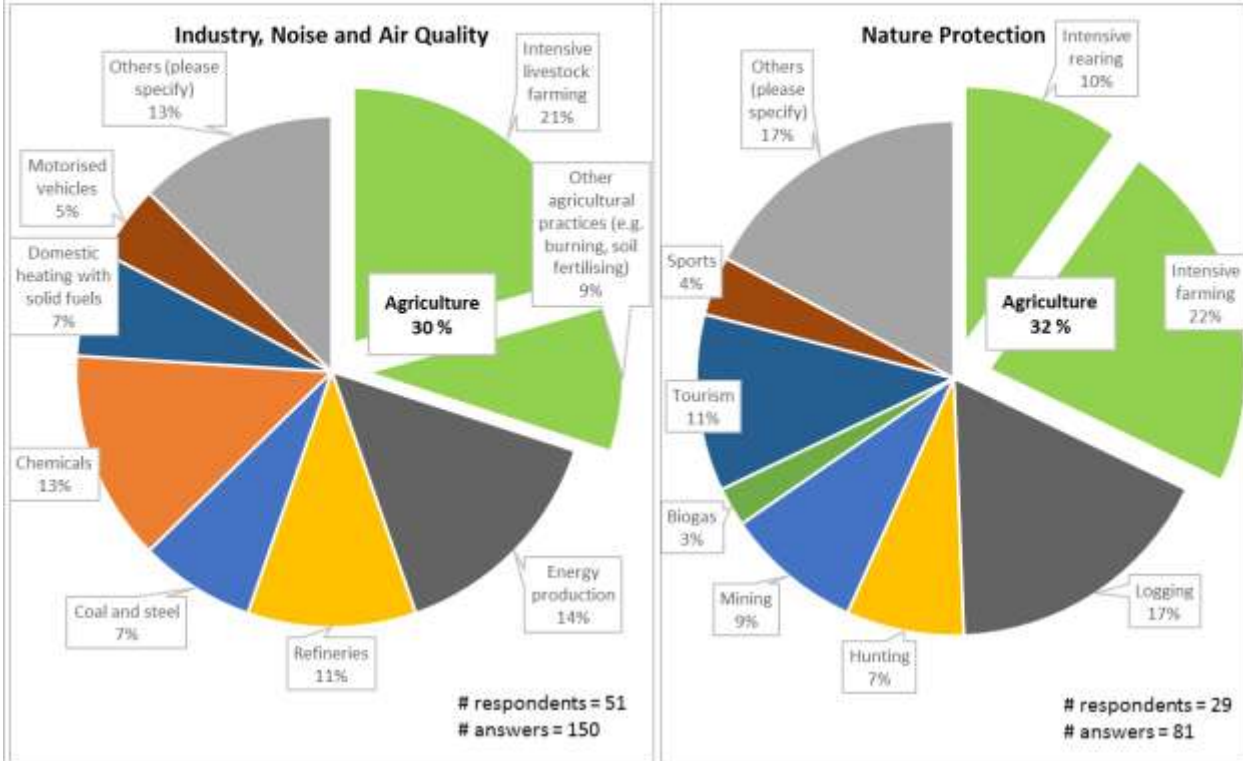
IMPEL has recognised the significance of the agriculture sector in its work programme through several projects that have addressed the environmental impacts of farming, for example, on the regulation of intensive piggeries; reducing diffuse source pollution from nitrates and pesticides; and achieving better compliance in the agricultural sector through networking and partnership working of environmental and agricultural inspectorates.

Intensive livestock rearing was by far the industry sector causing the greatest concern. Nearly two thirds of respondents said this sector presented a significant challenge. There is relatively little detail on the reasons why this sector is particularly problematic, although one respondent cited odours from pig farms as a particular issue.

Agriculture continues to be seen as the sector causing the greatest challenges in the regulation of the water and land environment and one of the main reasons for failure to achieve good status in waterbodies across Europe. Nearly sixty percent of respondents said that use of fertilisers (including the disposal of farm effluents) presented a significant challenge. Two thirds of respondents said that ensuring implementation of good agricultural practice was a key challenge in the control of water and land activities.

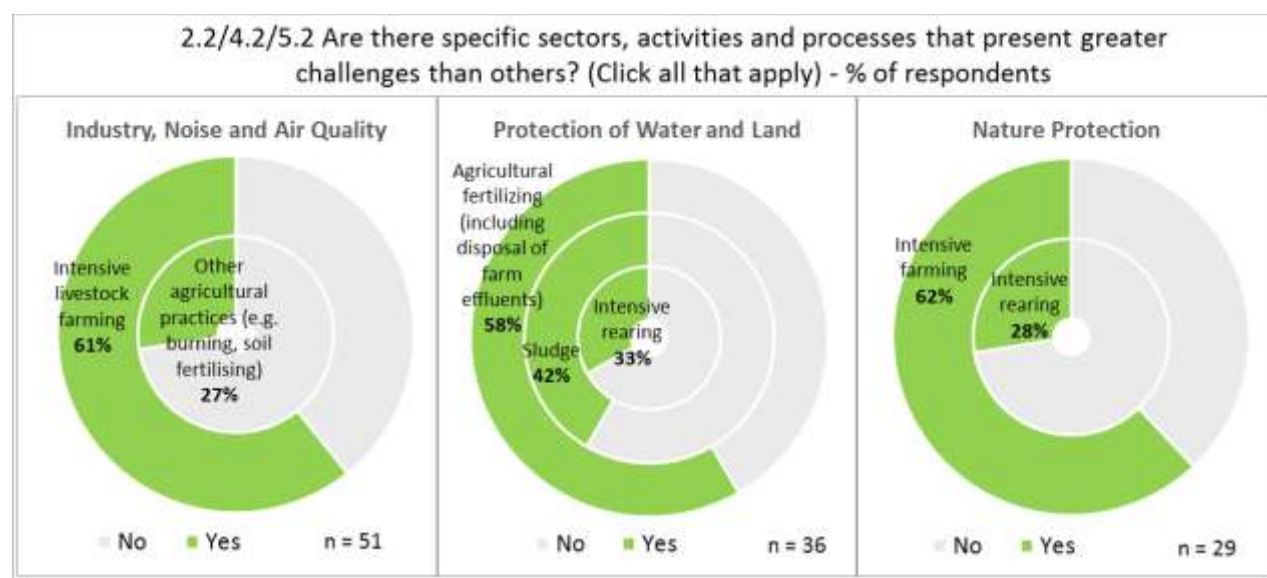
Asked about specific sectors, activities and processes that present the greatest challenges in their field of work, respondents' answers revealed that across different environmental areas, the agricultural sector presents particular challenges. For each of the four fields of work considered in the survey, respondents were asked to choose challenging sectors, activities and processes from a pre-defined set. They were allowed to choose as many as they wanted. The graph below shows the results for the three fields of work where agriculture is a relevant sector (industry, noise and air quality, protection of water and land and nature protection). Each pie chart represents the share of answers (i.e. individual clicks) each response category received. In all three fields of work, roughly 30% of answers stated that agricultural activities present greater challenges than other sectors and activities for implementing environmental legislation.

2.2/4.2/5.2 Are there specific sectors, activities and processes that present greater challenges than others? (Click all that apply) - % of total answers





The graph below takes a closer look at the response categories related to agriculture. It shows the share of respondents who selected that particular answer compared to those who did not. 61% of respondents stated that intensive livestock farming presented a great challenge for the implementation of industry, noise and air quality legislation; 27% of respondents stated the same for other agricultural practices. In the field of the protection of water and land 58% found agricultural fertilizing to be a great challenge, 42% said so about sludge and 33% found intensive rearing to be a great challenge. 62% of respondents selected intensive farming as presenting a great challenge in nature protection and 28% said the same for intensive rearing.



By far the largest number of respondents, two thirds of those that answered, were concerned about the effects of intensive farming on nature protection.

Recommendation 6

IMPEL should consider what more it can do to respond to the particular concerns raised about the environmental impacts of agriculture. It should look at how its Expert Teams could work together to tackle the priority concerns across the agriculture sector. IMPEL might consider setting up a dedicated Expert Team to work on agriculture, but as experiences show that new Expert Teams might be hard to fill, an extension of the competences of existing Expert Teams may be more promising. Further work should involve looking at what IMPEL has done in the past, how it can build on this work, and what are the specific priorities for future work in this area. It should also consider how other kinds of organisations involved in the regulation of the agriculture sector, and networks that represent them, could contribute. This should build on previous work carried out by



IMPEL, for example, the project on [achieving better compliance in the agricultural sector through networking and partnership working of environmental and agricultural inspectorates](#)⁴.

Recommendation 7

The continuing problems in the regulation of intensive livestock rearing require further investigation and IMPEL should consider carrying out further work to improve understanding of the specific challenges that regulatory authorities are facing. This should build on the work IMPEL has previously carried out on [the permitting and inspection of intensive piggeries](#)⁵ and the [guidance](#)⁶ that has already been produced. IMPEL should therefore seek feedback on how this guidance has been used, how helpful it has been in overcoming implementation challenges and whether it should be updated or improved.

Recommendation 8

IMPEL should continue with its efforts to build its network of practitioners involved in resolving the problems caused by intensive agriculture. This might include consideration of: how codes of good agricultural practice and programmes of measures are being used to prevent diffuse source pollution; the use of farm audits and catchment walk-over surveys; the use of technologies for surveillance of land-use and farming activities; and help for the agriculture sector to target effort to achieve the best environmental outcomes. This should build on previous work carried out by IMPEL, for example, on the guidance that was produced in the project: [Good Practice for Tackling Nitrate Pollution from Farms and Farmsteads](#)⁷.

⁴ [Achieving better compliance in the agricultural sector through networking and partnership working of environmental and agricultural inspectorates. IMPEL Report 2013/16.](#)

⁵ [Improving permitting and inspection of IPPC pig farming installations by developing practical guidance. IMPEL project 2009/02-2011/09-2012/07.](#)

⁶ [Inspection guidance book for inspection of intensive piggeries. IMPEL report 13 March 2013.](#)

⁷ [Good practice for tackling diffuse nitrate pollution from farms & farmsteads](#)

[A guidance document with examples of good practice. IMPEL Project 2014/13.](#)



4.4 Clarity of Permits

Three quarters of respondents said that clarity of permits was a significant challenge in the control of industrial emissions and ambient air quality. Problems with permitting were also cited in the context of both waste and water regulation. There seem to be several underlying reasons for this. Unclear definitions in policy and legislation; the interpretation of BAT and translation of BAT conclusions; incomplete coverage of BAT guidance and BREFs; uncertainties on the use of derogations; and lack of relevant standards for aesthetic problems such as litter and odour were cited as some of the main problem areas.

Recommendation 9

The reasons for lack of clarity in permitting should be investigated more fully. This could be done as part of the ongoing IMPEL project on [‘doing the right things for environmental permitting’](#)⁸ which is currently developing combined guidance that links together the different parts of the regulatory cycle from permitting to inspection to compliance assessment and enforcement. The project should look at the findings of this survey and, if necessary, carry out further work to identify the precise causes of lack of clarity in permitting. It should continue to further involve those organisations that are responsible for granting permits and the inspectorates that are responsible for assessing compliance with them. This provides the basis for a targeted guidance to help implementing organisations overcome the challenges they are facing. This is especially important where permitting and inspection are done by different organisations, where it is essential to have clarity of approach and procedures and effective communication between them.

Recommendation 10

It is important that the experiences of regulatory practitioners in applying BAT prescriptions in permitting of industrial installations are fed back to those that are developing them so that they can be improved on the basis of practical experience when opportunities arise to update them. IMPEL should consider how it can develop closer cooperation with the European IPPC Bureau in Seville.

4.5 Operator Self-monitoring

Problems with operator monitoring regimes were mentioned by a number of respondents and were particularly cited in relation to the regulation of industrial emissions and of waste. Some commented on difficulties in acquiring monitoring data from operators, making it difficult to assess compliance with permit conditions. Lack of adequate monitoring equipment and technical expertise also seem to be a problem in some countries.

⁸ [Doing the right things for environmental permitting. IMPEL Project 2016/23 – 2017/21.](#)



Recommendation 11

The specific problems related to operator monitoring warrant further investigation. IMPEL could consider taking forward an initiative to identify how and when operators fail to submit the required monitoring reports; where they are produced; in what form the reports are made available; how quality assurance is carried out; and the adequacy of monitoring reports for proper compliance assessment. This would provide the basis for sharing experience and identifying good practices to help authorities make the necessary improvements. This should build on work already carried out by IMPEL on [guidance for operator monitoring](#)⁹ and the [reporting of operator self-monitoring results under the Industrial Emissions Directive](#)¹⁰. It would be useful to have feedback from practitioners on how this existing guidance has been used, how useful it has been, and whether it needs to be changed or updated to make it more relevant.

4.6 Definition and Classification of Waste

A large number of respondents cited problems concerning the definition of waste as a significant implementation challenge. 78 percent of respondents had difficulties in the distinction between waste and non-waste and 58 percent found the distinction between hazardous and non-hazardous waste to be problematic. Other problems include: lack of clarity in the definition of End of Life Vehicles; inadequate guidance on the application waste classifications in waste shipments; definitions related to re-use and preparation for re-use; lack of precision in end-of-waste criteria; application of legislation and definitions in hazardous substances and chemicals regulations, such as REACH, in the context of waste regulation; problems stemming from the translation of definitions in EU legislation into languages of the Member States; and the overall large volume and complexity of legislation that touches on waste.

The definition of waste in EU legislation has been the subject of debate for many years. There is a catalogue of previous case law. Individual countries have issued guidance for regulators and businesses to help them in interpreting legal definitions. For example, the [UK government has published detailed advice for organisations](#)¹¹ such as businesses and local authorities to help them to decide if a material is waste; to identify when waste rules apply; to find out when waste ceases to be waste; and to find out when waste rules do not apply. IMPEL has also produced extensive guidance on this subject, an example being project Wastewatch

⁹ [IMPEL report on Operator Self-Monitoring. February 1999.](#)

¹⁰ [IMPEL report on Supporting Implementation of the Industrial Emissions Directive. Project 2016/1. October 2016.](#)

¹¹ [Guidance on the legal definition of waste and its application. Department for Environment, Food and Rural Affairs. August 2012.](#)



Recommendation 12

IMPEL should consider carrying out a project to identify: the source, nature and consequences of these problems; what kinds of advice and guidance exist in countries and how it is used; whether there are areas of good practice that can be shared among practitioners; and whether IMPEL should develop additional guidance to help its member organisations where particular difficulties are being encountered. This work should address the full spectrum of waste streams and activities and both domestic and transboundary waste management. IMPEL should also consider carrying out a country review to look at specific issues and problems related to the definition of waste. This could take the form of an IRI (a peer review known as the IMPEL Review Initiative).

4.7 Tackling Environmental Crimes

Problems concerning illegal activities were cited by respondents in different areas covered by the survey. Two thirds said that the tracking of illegal dumping and burning of waste is a key challenge. In the context of nature protection, more than half said that both the protection of illegal land use and the illegal killing of protected species are key challenges for their organisations.

IMPEL is already involved in some aspects of environmental crime, for example, the ongoing projects on [the elimination of illegal killing of birds](#)¹² and the ongoing project on [Enforcement Actions](#)¹³ which is looking at inspection and enforcement in the regulation of trans-frontier shipments of waste.

IMPEL has also initiated closer collaboration with other networks involved in environmental compliance and enforcement notably with the joint conferences signing a Memorandum of Understanding (MOU) between of regulators (IMPEL), police (EnviCrimeNet), prosecutors (ENPE), but also judges (EUFJE).

Recommendation 13

Building on the developing cooperation between the 4 Networks (IMPEL, EnviCrimeNet, ENPE and EUFJE), the results of this survey could be used to help focus further effort to improve coordination across the compliance chain in areas where particular implementation challenges and problems with illegal activities are being experienced. This might involve: specific activities (for example, the illegal dumping of waste and the illegal taking or killing of protected species); tools and techniques required to support better communication and cooperation through the compliance chain (for example, in the sharing of data, intelligence, evidence and case

¹² [Contributing to the illegal killing of wild birds. IMPEL Project: 2013/08 - 2014/15 - 2015/17 - 2016/17 - 2017/17.](#)

¹³ [IMPEL Enforcement Actions Project. Number: 2015/05 - 2016/04 - 2017/05.](#)



law), or areas where there are particular professional development needs (for example, specialisation in dealing with environmental infractions). It will be useful to develop more integrated programmes of work across the 4 Networks, as agreed upon in the MOU, through joint projects and initiatives that address the specific challenges and areas of concern raised in this survey.

4.8 Insufficient Resources in Implementing Organisations

As with the previous Implementation Challenge survey, insufficient capacity in human resources continues to be seen as the biggest single barrier in achieving effective implementation of environmental laws. This is probably not a surprising finding considering the continuing trend of budget cuts in the funding of environmental authorities in many countries. This is obviously a matter of political choice on funding priorities in individual countries and there is little that IMPEL can do in itself apart from continuing to raise awareness on the importance of adequate funding for sound environmental regulation. However, IMPEL does have an important role in the sharing of information, experience and good practice across countries and organisations on how the limited resources in environmental authorities could be used with greater effect.

The problems related to lack of resources seem to be different across countries and organisations and there is a range of underlying causes. While several administrations report that they suffer from an overall lack of staff, others have problems with a lack of relevant expertise and do not have personnel with the required competences to carry out specific projects. Advanced vocational and in-house training is either not available or cannot be used in practice, because inspecting and permitting personnel are so overburdened that there is insufficient time available to be allocated to their training and development or because their professional background is not appropriate. A lack of reliable and up-to-date environmental and emissions data hampers analysis and assessment. Inadequate administrative and technical support results in insufficient time being devoted to core tasks because time is wasted on organisational matters. Also, slow progress in the modernisation in administrative structures leads to inefficiency in the use of staff resources.

Recommendation 14

IMPEL should consider how it can help to facilitate more efficient and effective use of the limited resources in environmental authorities by sharing of experiences and practices and by developing appropriate tools and guidance. Topics that could be looked at might cover: further development of risk-based approaches to environmental regulation for more effective targeting of effort; reducing and removing unnecessary bureaucracy and 'red tape'; moving away from resource-intensive paper-based systems and replacing them with more flexible electronic ones, taking advantage of opportunities for increasing use of automated approaches; improving organisation design and structure to maximize efficiency of resource use; deploying new technologies for monitoring and electronic data capture reporting and analysis; greater use of the internet and social media for communication and public engagement.



Recommendation 15

Following IMPEL Position Paper on Environmental Compliance Assurance Initiative, IMPEL should consider what more it could do to address the need for improved professional training in the field of environmental regulation. This should start with a mapping of needs and then go on to the development of curricula for advanced vocational training. The establishment of a ‘compliance assurance academy’ at national or EU-level could also help to address compliance assurance in a more systemic and cross-sectoral manner.

4.9 Sharing of Knowledge, Skills and Good Practice

The importance of sharing knowledge, skills and good practice was reflected in the survey results as one of the highest priorities in helping to overcome the challenges of implementing EU environmental law. Sharing both within and between organisations involved in the compliance chain was seen to be very important. This lies very much at the heart of IMPEL’s mission and ways of working and is a key priority in IMPEL’s Strategic Work Programme.

Recommendation 16

IMPEL should continue to develop and strengthen its role in facilitating the sharing of knowledge, skills and good practice across its membership. It should focus on improving the engagement of its members in the Network’s activities and decision-making and in participation in Expert Teams and Projects. It should continue to seek feedback on how organisations benefit from participation in its activities and promote further sharing of experience and expertise across the Network. , e.g. by supporting the establishment or strengthening of national IMPEL networks within its Member States and by intensifying the propagation of its web-based information.

Recommendation 17

Following IMPEL Position Paper on Environmental Compliance Assurance Initiative, IMPEL should consider how it can further develop its important role in supporting the professional development of practitioners in its member organisations. This could involve placing increasing emphasis on the development and delivery of supporting materials, aimed at nurturing specific technical skills, applying new tools and methods, and using technical guidance. It should look at extending its work on sharing professional expertise, for example, through activities such as joint inspections and in facilitating staff exchanges. It should also consider how it can further foster peer to peer learning through the IMPEL Review Initiative (IRI) programme. It should use the information from this survey to focus IRIs on issues and organisations where there are clear implementation challenges and look at how peer to peer support can help in overcoming them.



Recommendation 18

IMPEL members should consider how they could become more actively engaged to reap the benefits of IMPEL's programme. They should look at how to encourage senior-level involvement in decision-making to ensure that the work programme is focused on the real priorities of its members and the outputs from its work are taken up and embedded into the member organisations. IMPEL's National Coordinators have an important role in increasing senior-level engagement in their countries and in the promotion and embedding of outputs from projects and programmes, while preserving IMPEL's unique focus on practitioners on the ground and their needs.

4.10 Participation in Networks

The survey results reflect a high level of support for participation in professional Networks as an important part of overcoming implementation challenges. Many respondents commented on the need to improve coordination between different organisations involved in the compliance chain. There are good examples of Networks operating in some countries that bring together organisations operating at national, regional and local levels. IMPEL has already done a great deal to extend and diversify its membership to reflect its new areas of work and the further development of its Network remains a key priority in its 5-year Strategy. The feedback from this survey suggests that there is strong support for the further development of all these initiatives.

Recommendation 19

The IMPEL National Coordinators should look at how they could do more to share information and experiences of Networks for environmental protection authorities operating in their countries. This would help to identify and promote areas of good practice in networking. It would also help those countries that don't yet have such Networks think about how they could be set up most effectively.

4.11 Unclear, Incomplete or Overly Complex Legislation

Many respondents commented on problems caused by unclear, incomplete or overly complex legislation as a barrier to effective implementation of EU environmental law. The interpretation of some definitions, for example, the definition of waste, seems to be a common problem. In many cases, problems seem to be associated with national legislation or institutional structure. For example, some respondents commented on unclear and sometimes overlapping responsibilities between national and regional authorities. There were several comments on the overall number and complexity of laws and the size of the task to implement them with few resources.



Recommendation 20

It would be helpful to have more specific examples of exactly where and how practical implementation problems are being experienced because of unclear, incomplete or overly complex legislation. It is important to differentiate between problems that arise from national laws and those that originate from EU legislation. IMPEL should continue to invite its member organisations – as a part of all exchanges of experience and best practice, to come forward with specific examples on where EU legislation is deficient, and to make suggestions on how improvements could be made.

4.12 Access to Environmental Information

Many respondents said that better access to environmental information was important in overcoming implementation challenges. This includes information on the state of the environment to help with the integration and prioritisation of environmental issues, and to support compliance strategies and regulatory decision-making.

Many felt that making the results of inspections and compliance assessment available to the public was an important complementary measure in promoting better compliance.

Recommendation 21

IMPEL should consider carrying out a project to identify and share good practices on making environmental information available to the public in a way that is interesting and useful to the needs of different users. This could involve seeking the advice and expertise of the European Environment Agency and its networks that have a great deal of experience in this area.

4.13 Reducing Nuisance, Conflicts and Complaints

Many respondents thought that support for dialogues between site managers and neighbouring communities aimed at reducing conflicts and complaints would be helpful as a complementary approach to regulation.

Potential public health risks and incidents/ accidents are key areas of concern. The problems of aesthetic pollution - such as noise, odours and littering - were raised by several respondents in different parts of the survey questionnaire. These are often contentious issues and the source of conflicts and complaints with local communities. They are not amenable to regulation in the same way as other kinds of pollution. Some commented on the lack of standards and criteria to support the regulation of aesthetic pollution.



Recommendation 22

IMPEL could consider carrying out further work to investigate the sources of conflicts and complaints experienced by its member organisations and how different approaches are used to address and resolve them. This might involve looking at good practices in the use of local interest groups; the management of neighbourhood dialogues; the facilitation of public meetings; and the provision of local environmental information. This should build on the work IMPEL has previously carried out on the [resolution of environmental conflicts by neighbourhood dialogue](#)¹⁴ and the development of a [toolkit](#)¹⁵ to support organisations in this area of work.

4.14 Compliance Assurance Strategies

Many respondents said that they have a general compliance assurance strategy. These may relate to individual authorities, regions, sectors or countries. However, 40 percent said they did not have one. There is very little information from the survey on the nature of compliance assurance strategies and how they are used in practice.

It seems that part of the problem is that there is no common understanding of the term 'compliance assurance strategy'. Different kinds of strategy exist at different levels - organisational, regional, country – and they relate to different things. Respondents to the questionnaire survey may have elements of a compliance assurance strategy in place in their strategies, programmes and plans but this may not have been fully captured in their responses to the survey.

Recommendation 23

IMPEL should consider carrying out further work to identify the different kinds of compliance assurance strategies that are in place in its member countries and organisations and how they are being used to guide regulatory decision-making and to inform those that are regulated. This might involve looking at how compliance assurance strategies help to integrate environmental policy, legislation and management priorities; how they work across sectors and across the whole compliance chain; how they help to bring together different actors and organisations; how they are used at different levels of governance – national, regional and local; and how they make use of complementary approaches to promote and assure compliance. This work would help to identify good practices and to develop guidance where needed.

¹⁴ [IMPEL Project on resolution of environmental conflicts by neighbourhood dialogue. Project Nos: 2005/05 - 2006/18 - 2007/01 - 2009/01 - 2010/04.](#)

¹⁵ [Establishing neighbourhood dialogue: Toolkit. IMPEL report, November 2007.](#)



Recommendation 24

Following Recommendation n° 16, IMPEL should consider what it could do to support the training of professionals who are involved in developing strategy in their administrations. This is a key element in improving overall awareness of the importance of compliance assurance strategies, raising the quality of their content, and improving the communication and coordination between relevant administrations across the compliance chain.

Recommendation 25

Following IMPEL Position Paper on Environmental Compliance Assurance Initiative, IMPEL's peer review approach through IRIs could be adapted and extended to look at compliance assurance strategies across organisations, regions, sectors and at national level. It would also be helpful to engage senior managers who are experienced in organisational leadership in this process. This might be done in cooperation with the EU Heads of EPAs and the EU ENCA Networks whose membership consists of the most senior leaders of environmental and nature protection authorities across Europe.

4.15 Dissemination and Uptake of IMPEL's Work and Outputs

Many of the areas that respondents cited as the source of continuing implementation challenges have been the subject of previous work by IMPEL. Some of these projects have produced practical tools and guidance to help member organisations overcome these challenges. Despite this, problems are still being reported. There is little information on how IMPEL's work programme outputs are being used and by whom. There is little feedback from users on their experiences in applying IMPEL's products, how effective they are and whether they need to be reviewed and revised in the light of practical experience.

Recommendation 26

IMPEL should step up its efforts to understand how its work programme outputs and guidance are being used and by whom. It should do more to promote its work and improve communication with practitioners to improve feedback on the usefulness and effectiveness of its tools and guidance. It would be very worthwhile for IMPEL to take some time to refresh and evaluate the back catalogue of its work and to re-promote key outputs where necessary. The Expert Teams would be the appropriate groups to do this. The IMPEL website could be used for inviting and recording feedback, both qualitative and quantitative, perhaps with some sort of rating or scoring system. Basecamp could be used as a forum for recording of experiences of implementing project outputs. The Annual Report from member countries also provides a useful opportunity to gain feedback on what is beneficial. The Communications Group could look at the development of short videos and case studies on how countries have used tools and guidance. This would help to disseminate practical experiences on how countries have benefitted from IMPEL's work. The weekly newsletter could also be used as a channel for promoting case examples and it could be considered to carry out projects which primarily focus on dissemination.



5. Conclusion

The previous projects, carried out in 2014 and 2015, confirmed that there were significant challenges in the implementation of EU environmental law in the thematic areas in which IMPEL is working: water and land; waste and trans-frontier shipment of waste; industry and air; and nature protection. This project reaffirms that such challenges remain, though not always in the same areas, and that there is a continuing risk that key commitments, standards and targets in existing legislation will not be met unless progress is accelerated.

The nature of the specific implementation challenges varies in different sectors and involves different problems and actors. However, there are some common underlying factors which are significant causes of poor progress with implementation, including: lack of resources, insufficient capacity in the organisations responsible for environmental regulation and enforcement, and inadequate sanctions and low level of fines for those that breach the law.

In some cases, challenges have been identified in areas where IMPEL has already carried out projects which should be beneficial in helping to overcome those challenges. This suggests that there may in the past have been issues around the way in which the results of those projects were communicated or indeed that the projects might need to be looked at again to see whether they might benefit from being updated. This project has looked again at the findings and analysed them in greater depth. As a result, it has enabled some of the major challenges identified in it to be taken forward through IMPEL's work programme. It has also improved some of the tools used so that they can be used more effectively in the future both in the network and by member organisations within the network. It would clearly be beneficial to repeat this exercise on a regular basis both to see whether existing challenges identified are being tackled and whether new ones are arising.

A challenge already identified on several occasions is the need to improve communication and cooperation between organisations responsible for different parts of the implementation chain, including those responsible for environmental planning, permitting, monitoring, compliance promotion and assessment, enforcement, prosecution, and the judiciary. IMPEL has already done much in this field and should continue to play an important role in bringing together different actors in projects and building relationships with other networks within and outside the EU. The most recent example was the very successful joint conference held in Oxford, UK, in September 2017.



Annexes



Annex I Terms of Reference

TOR Reference No.: 2017/27

Author(s): Kristina Rabe

Version: 2

Date: 18/11/2016

TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration

- | | |
|--|-------------------------------------|
| Industry | <input type="checkbox"/> |
| Waste and TFS | <input type="checkbox"/> |
| Water and land | <input type="checkbox"/> |
| Nature protection | <input type="checkbox"/> |
| Cross-cutting – tools and approaches - | <input checked="" type="checkbox"/> |

1.2 Type of work you need funding for

- | | |
|-----------------------------------|-------------------------------------|
| Exchange visits | <input type="checkbox"/> |
| Peer reviews (e.g. IRI) | <input type="checkbox"/> |
| Conference | <input type="checkbox"/> |
| Development of tools/guidance | <input type="checkbox"/> |
| Comparison studies | <input type="checkbox"/> |
| Assessing legislation (checklist) | <input checked="" type="checkbox"/> |
| Other (please describe): | <input checked="" type="checkbox"/> |
| | <input checked="" type="checkbox"/> |

A 2014 survey on causes for implementation challenges will be repeated, its improved questionnaire providing a structure for systematic recording. The data collected should show trends/ developments in the past 3 years

1.3 Full name of work (enough to fully describe what the work area is)

A survey on practitioner's views about the implementation challenges with EU Environment legislation, their underlying reasons and ways to improvement.



1.4 Abbreviated name of work or project

Implementation Challenge 2017

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

Improving implementation has been a key priority for the European Commission for some time. Compliance promotion and a reduction in infringements of EU Environmental Law are key to achieve improved implementation. The importance of better implementation has been highlighted again recently by the Commission's Communication of May 2016 on regular Environmental Implementation Reports, as well as in the 7th EAP which sets the framework for EU Environment Policy until 2020 and in several other communications on improving implementation of EU Environment law in the past years. Commission's communication of 2012 suggested that failure to fully implement environment legislation cost the EU around €50 billion every year in health costs and direct costs to the environment. Improved implementation will not only protect human health and the environment but also contribute to creating a level playing field for industry across EU Member States, aid job creation and support resolution of trans-national environmental issues. Identifying practical obstacles to implementation and eliminating them can reduce administrative burdens and reduce costs of implementation.

IMPEL can make an important contribution by regularly monitoring implementation gaps and its causes from the viewpoint of practitioners in environmental authorities. The network also has an important role to play in identifying possible remedies and developing as well as publicizing practical approaches, which can contribute towards closing these gaps.

2.2 Link to IMPEL MASP priority work areas

1. Assist members to implement new legislation
2. Build capacity in member organisations through the IMPEL Review Initiatives
3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission

2.3 Why is this work needed? (Background, motivations, aims, etc.)

Many discussions have been held about the implementation challenges relating to EU Environment Legislation on a European and MS level. The 7th EAP has highlighted this as one of the key issues to improve across Europe. The European Commission has now worked out individual "Environmental Implementation reviews" for each Member State, in which strengths and weaknesses in environmental implementation on the national and regional level are mapped out. The survey planned as core instrument for this project may also be used by interested Member States to check for facts, reasons and possible remedies for gaps identified in its EIR and may provide additional



useful information for national or regional dialogues in this context.

IMPEL will gain additional insight on where and how to best focus its efforts to help improving implementation.

By repeating the survey on implementation gaps and possible remedies of 2014, this project may also gather information on trends and developments, contributing as such to the evidence base for policy makers.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

Identify implementation challenges faced by IMPEL Members in 2017 and compare them to information gathered in 2014 as well as more recent data. Administrations and Member States that apply the questionnaire should gain an overview on their individual implementation challenges and collect ideas and views on possible remedies.

IMPEL should use the data and its comparison to data from 2014 and later to adjust the focus of its work programme on key issues, identify trends and developments and support proliferation of the best remedies against those challenges the network can influence.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

This work directly links to the Implementation Challenge project in 2014/2015, as well as to previous work done by the IMPEL Task Group and previous work done for the Multi Annual Strategic Work Programme (MASP).

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

- 1. Desk Top Exercise** – review key documents with information on implementation challenges, like the Environmental Implementation Reports (to be published beginning of 2017) and any related synthesis reports of the Commission (expected for 3/17). **To be conducted by the project team.**
- 2. Questionnaire/Interviews** – The questionnaire has been improved after a first round. Its basic features will not be changed in order to conserve comparability of 2014 – data and data collected under this project. This time it will be translated into as many languages as possible to facilitate participation on the regional/local level. It will be communicated to the IMPEL national coordinators, asking them to spread it nationally to practitioners of environmental authorities working in the field. If necessary, supplementary interviews will be carried out.
- 3.** The documents mentioned above – and any other pertinent documents brought to the attention of the project team - will be checked on whether they suggest additional reasons for implementation challenges.
- 4. The Analysis** of questionnaire responses and their comparison with the abovementioned



documents and interviews will identify key implementation challenges and their developments/trends as well as possible remedies. It should also help focus further activities of the IMPEL Network and identify key issues of collaboration between the IMPEL and other key European Networks such as the Heads of EPA network/ENCA/Prosecutors Network. **To be developed by the consultant in dialogue with the project team.**

5. **Mini-Workshop** - to share results of poll and analysis and to further discuss interpretation on trends, remedies and appropriate focus for IMPEL activities. **To be integrated in the Autumn Cross Cutting ET/Mini conference meeting.**
6. **IMPEL Engagement** – Discussions of preliminary results to be held at the Cross-Cutting Expert Team and proposed also for the other ET meetings in autumn 2017.
7. **Report writing** – The report will be prepared by the consultants along the lines determined by the project team. The project team will act as a sounding board to ensure the report is fit for purpose.
8. **IMPEL approval** – at the General Assembly 2017

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

A report highlighting key implementation challenges, trends, developments and relation to other data identifying implementation challenges and potentially their causes; e.g. as reported in the EIRs and related synthesis; as well as consequences for future activities of the IMPEL Network.

Identify common grounds in problems and challenges with implementation across the EU and identify groups of countries with similar problems to identify where there is potential for IMPEL to help sharing knowledge and best practise to improve compliance.

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

Overview of planned activities (preparation of the project, project phase and reporting to IMPEL):

1. Translation of the questionnaire in as many members' languages as possible (a.s.a.p.)
2. Engaging Consultants – until February
3. Analysis of EIRs, synthesis report and other pertinent docs, - until end of April
4. Circulate and recollect questionnaire & carry out interviews - in dependence of available translation until > first half of June
5. Response analysis – second half of June/July
6. Draft Information/discussion paper for IMPEL Expert Teams – >first half of September
7. Discussion in all Expert Teams – comments, critiques, amendments – mid October
8. Final Analysis, comparison with 2014, draft report - >first week of November
9. Report to GA – December

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)



1. Tight timescales for delivery – this will be managed by recruiting additional team members to the project team and by engaging a consultant to support the team.
2. Reluctance of national experts to uncover existing difficulties/implementation issues in their national administration for fear of ‘blame and shame’ or infringement procedures. Clear assurances will be given to all national coordinators and in the questionnaire that questionnaire responses will be anonymous, that responses will be treated confidentially and that findings reported will not be linked to individual authorities or Member States. Furthermore, possible synergies will be pointed out with national and regional survey and/or dialogue activities (e.g. in the context of national EIRs).
3. Low return rate in several member states because of limited readiness/capability to work with questionnaire in English. Efforts will be undertaken to find “in kind translation” support to provide for translated questionnaire versions for as many member’s languages as possible.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Simon Bingham

4.2 Project team (who will take part: name, organisation and country)

1. Kristina Rabe (Germany)
2. To be identified [4. To be identified]
3. To be identified 5. To be identified]

4.3 Other IMPEL participants (name, organisation and country)

IMPEL Members participating in the mini-workshop at ET Crosscutting 2017/II

4.4. Other non-IMPEL participants (name, organisation and country)



5. High-level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	2.300 €			
How much money is to be co-financed	10.000 €			
Total budget				

6. Detailed event costs of the work for year 1

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per workshop-day)	Total costs €
Event 1		1.800,-€	500,-€	
<i>Mini-Workshop b2b2 ET XC</i>				
<i>Autumn</i>				
<i>20 participants</i>				
Total costs for all events		1.800,-€	500,-€	2.300,-

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7.2 What are the total costs for the consultant?	{Estimated at €10,000}
7.3 Who is paying for the consultant?	Germany
7.4. What will the consultant do?	Prepare the poll with the reviewed questionnaire and recollect the answers through suitable electronic providers (like e.g. lime



7.5 Are there any additional costs?	survey). Analyse and compare responses. Prepare documentation of results and draft report for the mini-workshop and the information of all IMPEL Expert teams to support discussion of the draft outcome of the research and the project report.
7.6 What are the additional costs for?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
7.7 Who is paying for the additional costs?	N/A
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explanation: to ensure a broad distribution and a good return quota, the questionnaire should be translated in as many member's languages as possible. The project team will seek in kind support for translation.

8. Communication and follow-up (checklist)

- | | |
|--|-----------------|
| Article in IMPEL Newsletter | First half 2018 |
| Translation of executive summary in as many member's languages as possible | |
| Proactive dissemination of results to other networks | |
| Ev. Press release | |



8.1 Indicate which communication materials will be developed throughout the project and when

(all to be sent to the communications officer at the IMPEL secretariat)

- TOR[✓] * Nov. 2016
- Interim report Spring 2017
- Project report[✓] * Nov. 2017
- Press releases Dec. 2017
- News items for the website[✓] * Spring 2018
- News items for the e-newsletter Spring 2018
- IMPEL at a Glance[✓] Spring 2018
- Other, (give details): Spring 2018
-
-
-

8.2 Milestones / Scheduled meetings (for the website diary)

PT meeting at the Cross-cutting ET Meeting in Spring
Workshop at the Cross-cutting ET Mini conference in Autumn

8.3 Images for the IMPEL image bank

Yes No

8.4 Indicate which materials will be translated and into which languages

Questionnaire (DE, FR?, ESP?, IT? POL? DAN? Others as available)
Executive Summary of the project report (all participants' languages)

8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required

A temporary use of the IMPEL server for LimeSurvey (or a comparable tool) may be necessary to execute the poll

8.6 Identify which groups/institutions will be targeted and how

The Commission
IMPEL Members
Heads of EPA Members
Policy makers in European Member States

8.7 Identify parallel developments / events by other organisations, where the project can be promoted

National dialogues and research projects (eventually triggered by EU Environmental Implementation Reports)
BRIG Meeting 2018
Heads of EPA Plenary meeting in 2018

*✓) Templates are available and should be used. *) Obligatory*



9. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

National experts interested in the projects are cordially invited to send their critics, suggestions and especially any interests in participation to: Kristina.Rabe@bmub.bund.de

A German version of the Questionnaire and the executive summary of the first round of poll will be available soon on basecamp



Implementation Challenge Workshop, Copenhagen, 15 September 2017

As part of the Implementation Challenge Project 2017 a workshop was held to provide an opportunity for IMPEL's member organisations to hear about the analysis of the results of the questionnaire survey and to discuss the main findings. The discussion was structured around a series of key questions. This report provides a summary of the outcome of the discussion.

Question 1: General question – reality check

Do the results of the Survey reflect your understanding of the key remaining challenges in implementing environmental law in Europe and how IMPEL can help organisations in overcoming them? Are there any surprises? Are there any obvious gaps or issues that you would have expected to come out more prominently?

There was some discussion on the format of the questionnaire. Some felt that it was too long and too complicated and this may have discouraged some organisations from completing it. There were some suggestions about improving the survey for next time including: re-structuring and shortening the questionnaire and using more optional sub-sections; carrying out interviews with practitioners; and using Basecamp for ongoing dialogue between organisations to help them support each other in overcoming implementation challenges.

Overall, the group felt that the survey results reflected the main issues and challenges that are being encountered by implementing organisations. Many of these are long-standing issues and were raised in the previous survey in 2014. There were no major surprises. Lack of resources was commented on by many respondents as being a major barrier in achieving effective implementation of environmental law.

Although the nature of the challenges is clear, IMPEL's work programme is not yet fully focused on the priority problems. IMPEL has carried out work on a range of these problems in the past, but they still persist. This raises questions about the uptake of existing tools and guidance, whether it is being used and, if so, how effective it is. If current tools and approaches do not suffice, IMPEL should help to develop and apply complementary solutions. There should be more effort going into developing more innovative and proactive



ways of working, for example, in the application of social sciences, improving communications and promoting compliance.

There were a few comments on specific topics that didn't emerge from the survey, for example, the circular economy and unconventional oil and gas extraction. Participants highlighted some issues that were particularly relevant to their own countries, including: problems associated with the definition of intensive agriculture leading to operators avoiding regulation; flood protection; the use of earth observation techniques; self-monitoring and the quality and reliability of data; illegal dumping of waste; and the application of BAT definitions in permitting.

Question 2: Lack of resources

As with the previous Implementation Challenge Survey, insufficient capacity in human resources continues to be seen as the biggest single barrier in achieving effective implementation of environmental laws. What more could IMPEL do to help facilitate more efficient and effective use of resources in environmental authorities by sharing of experiences and practices and by developing appropriate tools and guidance?

The group thought that the problems related to lack of resources were different in different countries and organisations and had a range of underlying reasons. While several administrations report that they suffer from an overall lack of staff, others have problems with a lack of relevant expertise and do not have personnel with the required competences to carry out specific projects. Advanced vocational and in-house training is either not available or cannot be used in practice, because inspecting and permitting personnel are so overburdened that there is insufficient time available to be allocated to their training and development or because their professional background is not appropriate. A lack of reliable and up-to-date environmental and emissions data hampers analysis and assessment. Inadequate administrative and technical support results in insufficient time being devoted to core tasks because time is wasted on organisational matters. Also, a lack of modernisation in administrative structures leads to inefficiency in the use of staff resources.

These different situations reflect the wide range of circumstances regarding resource availability, governance models and institutional structures for environmental regulation across Europe. There was a feeling that many organisations were trying to cope with lack of resources but had no explicit strategy for dealing with it, for example, by adopting risk-based approaches for more effective targeting of resources where they are likely to have the greatest impact.

The temporary hiring of external experts was discussed as a possible solution. However, a potential problem was raised in that many consultants work more with industrial businesses rather than regulatory authorities and their advice and opinion may reflect their perspective of working within industry sectors. The setting-up of flexible technical support units for big projects to be managed at the local or sometimes even the regional level



was seen as a potential solution for understaffed permitting authorities (although less so for understaffed inspectorates), but their organisation and financing can be problematic. A mapping of needs and the development of curricula for advanced vocational training were seen as potentially useful tools. The establishment of a 'compliance assurance academy' at national or EU-level was also proposed to help to address compliance assurance in a more systemic and cross-sectoral manner.

Question 3: Compliance assurance strategies

Around 40 percent of respondents to the Survey said they did not have a compliance assurance strategy. Should IMPEL devote more of its work programme to this area? What support can IMPEL give to member organisations in developing compliance assurance strategies and in their practical implementation?

It was recognised that part of the problem is that there is no common understanding of the term 'compliance assurance strategy' (CAS). Different kinds of strategy exist at different levels - organisational, regional, country – and they relate to different things. Respondents to the questionnaire survey may have elements of a CAS in place in their strategies, programmes and plans but this may not have been fully captured in their responses to the survey. Further analysis would be needed to develop a clearer understanding of the different kinds of compliance strategy that have been developed in different countries and how they are used in practice.

The group felt that advanced vocational training on developing strategic approaches and the coordinated contribution of practitioners in each administration were key elements in the successful development and implementation of any compliance assurance strategy. Experiences with the implementation of externally developed strategies had been negative, concerning both their suitability and the level of staff commitment.

Question 4: Engagement at the local level

Local authorities have a critical role in environmental compliance assurance in many countries. There are many thousands of these organisations across Europe with different governance, structures and functions. How can IMPEL extend its outreach to these important organisations in working to overcome remaining implementation challenges?

Communication will be key to engagement at the local level. IMPEL should seek opportunities for visits and presentations to local government organisations and politicians to explain who we are and what we do.

It was recognised that it would be very difficult and unrealistic to engage with 10,000s of individual municipalities. Engagement with Regional authorities is important here because they have well-established working relationships with local authorities and are able to exert an influence at the local level. needs to



consider how it can assist Regional authorities to facilitate engagement at the local level. National Coordinators could and should be encouraged to lead on engagement and sharing of information in their countries.

A question was raised on how relevant IMPEL's work is to local authorities. Some areas of IMPEL's work have been concerned with local issues, for example, the use of neighbourhood dialogues in dealing with nuisance issues such as fly-tipping and littering. However, other areas of work, for example, implementation of the Industrial Emissions Directive, have tended to involve practitioners working at a more regional and national level. It was recognised that in some countries local authorities do not deal with environmental regulation.

IMPEL should look at whether countries have umbrella organisations that represent municipalities and how to engage with such organisations. This aspect should be included in the current IMPEL project on 'Mapping European Agencies'. It should examine who the umbrella authorities are so that we can ask them about the issues and challenges that they face. The umbrella authorities often have environment groups that can be engaged with. National Coordinators have an important role in supporting engagement and cooperation with local government associations and umbrella organisations.

Eurocities, the Council of European Municipalities and Regions (CEMR), and the Committee of the Regions (CoR) are key networks to engage with. These Networks could be invited to IMPEL's General Assembly meetings. IMPEL's Secretariat should distribute IMPEL reports through their website and online tools. Routine contact should be continued with the Secretariat of the CoR, particularly on environment dossiers.

It was recognised that language is often a particular challenge at local levels. The use of videos and short snapshots of projects and project outputs could be helpful here. Communication technologies and use of online tools could be very helpful in reaching out and engaging with the wider audience of practitioners working in local authorities.

Question 5: Agriculture

The survey results indicate that the agriculture sector is consistently the greatest area of concern, in particular for industry and air, land and water and nature protection. Should IMPEL take a more proactive role in supporting organisations in the regulation of agriculture and focus more of its resources in this area?

The group agreed that IMPEL should take a more proactive stance in tackling implementation challenges arising in the agricultural sector.

IMPEL should consider setting up a new Agriculture Expert Team or a collaborative structure supported by several of the Expert Teams to bring focus to this area of work.



It was recognised that there are different kinds of professionals and organisations working in the regulation of the agriculture sector and IMPEL should reach out to them in contributing to this area of work.

Question 6: Definition of waste

A large majority of respondents cited problems concerning the definition of waste as a significant and continuing implementation challenge. How could IMPEL support member organisations on this issue?

The group recognised that there was already guidance being used in different countries but it was very dispersed and may be difficult to access.

IMPEL should consider carrying out a country review to look at specific issues and problems related to the definition of waste. This could take the form of an IRI (a peer review known as the IMPEL Review Initiative).

Other ideas were carrying out an examination of specific processes, for example, the screening out of unwanted materials in the processing of recycled glass. The group also considered whether IMPEL might support a materials market place on the internet.

Question 7: Dissemination and uptake of IMPEL's work and outputs

Many of the areas that respondents cited as the source of continuing implementation challenges have been the subject of previous work by IMPEL. This has often resulted in the provision of guidance to help member organisations overcome implementation challenges. Nevertheless, problems are still being reported. Should IMPEL step up its efforts to understand how its work programme outputs and guidance are being used and by whom? Should it do more to promote its work and, if so, how? How can it improve communication with practitioners to improve feedback on the usefulness and effectiveness of its tools and guidance?

The group thought that it would be very worthwhile for IMPEL to take some time to refresh and evaluate the back catalogue of its work and to re-promote key outputs where necessary. The Expert Teams would be the appropriate groups to do this.

IMPEL should do more to actively seek feedback on how existing tools and guidance have been used. The IMPEL website could be used for inviting and recording feedback, both qualitative and quantitative, perhaps with some sort of rating or scoring system. Basecamp could be used as a forum for recording of experiences of implementing project outputs.



The Annual Report from member countries also provides a useful opportunity to gain feedback on what is beneficial. This should be continued.

The Communications Group could look at the development of short videos and case studies on how countries have used tools and guidance. This would help to disseminate practical experiences on how countries have benefitted from IMPEL's work. The weekly newsletter could be used as a channel for promoting case examples.

There should be an evaluation stage built into project plans, after 1 year or 2 years, to review the effectiveness and uptake of the projects. This should be managed via the Expert Teams. It should involve looking at the recommendations from projects and whether they have been taken forward or if more needs to be done. There should be an explicit agreement by Project Managers to this post-project review as part of the planning cycle and budget should be allocated to carry this out.

IMPEL members have already agreed that summaries from project reports should be translated into the language of member countries by project participants. This should also help in the dissemination and uptake of project output and should continue to be promoted.



Annex III The Questionnaire

Implementation Challenge Survey 2017

Survey on obstacles and challenges to compliance with European Environmental Law – Version as implemented in Survey Monkey

Who is seeking this information?

You are receiving a questionnaire from IMPEL, the **European Union Network for the Implementation and the Enforcement of Environmental Law, to which your country or environmental authority is a member**. IMPEL is an international non-profit association of environmental authorities of the EU Member States, EEA countries, acceding countries and candidates. The Network's objective is to promote a more effective application of EU environmental legislation and policies and support the work of environmental authorities all over Europe. For more information see www.impel.eu

What is this questionnaire for?

This questionnaire seeks information on the **obstacles and challenges** that competent authorities face when applyingⁱ or enforcingⁱⁱ EU environmental legislation, as well as on innovative practices and solutions developed to overcome them. It collects the views of practitionersⁱⁱⁱ for environmental compliance assurance^{iv} on what could help them in doing their work. The information gathered will be analysed and summarized, and relevant conclusions will be used by IMPEL to identify or develop strategies, projects and tools for better environmental compliance assurance. A project report will summarize its findings and will be published. The questionnaire may also be used by national authorities to collect relevant information on compliance assurance at local, regional or national levels.

The questionnaire is **not** intended as an audit or a benchmarking exercise. IMPEL will **not** use it for case-specific reporting but would appreciate very much any quotable best-practice examples.

Target audience for the questionnaire

This questionnaire is addressed to public authorities directly responsible for any part of the **application or enforcement** of environmental legislation or the surveillance of the environment^v.

Confidentiality

The usefulness of this survey depends on respondents being open and honest in their responses. We will therefore fully respect the confidentiality of respondents. We seek information, illustrative cases and examples that can be shared, but will not identify specific countries or organisations in our report unless we are explicitly allowed to do so.



Structure of the questionnaire

The questionnaire is structured to look at obstacles and challenges from several angles:

- Thematic areas: industry, noise and air quality, waste and trans-frontier shipment of waste, protection of water and land, nature protection and cross-cutting legislation.
- Cross-cutting issues: planning, permitting, compliance promotion^{vi}, application, environmental monitoring and assessment^{vii}, risk assessment^{viii}, inspections and other forms of compliance monitoring^{ix}, enforcement^x, investigation and prosecutions^{xi} and views on Prioritisation and Support.
- Trans-boundary and trans-sectoral issues, solutions and cooperation to improve application and enforcement across administrative and jurisdictional boundaries.

For several terms, additional explanation is available in footnotes.

The importance of real-life case examples

You are kindly asked to give specific examples (preferably in English) and make clear reference to relevant EU legislation and its specific requirements, if necessary as transposed into your national legal system. Where EU and national legislation are too closely interlinked for you to differentiate, just cite the relevant national norm and term.

Please complete this survey until dd/mm/2017.

Each organisation only needs to answer the part of the questionnaire covering its field of work, plus the cross-cutting questions under 1 and 6 to 9.

If possible, please answer in English when asked for descriptions or specific examples.

1. Details of Respondent and Organisation

Question 1.1: Please indicate your name, job title, responsibilities, authority and contact details. If you prefer to stay anonymous, just skip this question.

Question 1.2: Please indicate your country. (dropdown)

Question 1.3: What is the operational level of your organisation?

national

regional

local



Question 1.4: Is your organisation responsible for environmental protection in the following areas (please mark relevant check boxes)?

- Industry
- Noise
- Air Quality
- Waste collection, treatment and disposal
- Trans-frontier shipment of waste
- Protection of Water
- Protection of Land
- Land use management and spatial planning
- Nature Protection (biodiversity and habitats)
- Other (please specify): ...

Question 1.5: Is your organisation responsible for the following tasks (please mark all relevant check boxes)?

- Environmental planning
- Environmental permitting
- Compliance promotion and assessment^{xii}
- Inspections
- Environmental monitoring and assessment^{xiii}
- Environmental reporting^{xiv}
- Civil and/or administrative law enforcement
- Environmental prosecution
- Development of strategies and programs
- Evaluation of performance of other authorities
- Other (please specify): ...

Question 1.6: Does your organisation agree to be named in the list of organisations to have taken part in this questionnaire that will be included in the report? yes no

Question 1.7: Does your organisation agree that any specific information or examples that you have given is cited in the report (please mark checkbox)?

- Yes, named
- Yes, anonymously
- No



2. Industry, Noise and Air Quality Regulation

Existing legislation relating to industry and air quality regulation includes:

- Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) – the ‘Industrial Emissions Directive’;
- Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community (as amended) – the ‘EU Emissions Trading Scheme’ (EU ETS);
- Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC;
- Directive 2008/50/EC on ambient air quality and cleaner air for Europe;
- Directive 2002/49/EC relating to the assessment and management of environmental noise;
- Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances (the ‘Seveso III Directive’);
- The ‘Clean Air Policy Package’ of 18. December 2013 with Directives on national emission ceilings, emissions from medium-sized combustion plants and on long-range trans-boundary air pollution.

Please answer the questions on this page if your organisation is responsible for industry, noise and air quality regulation. Otherwise please continue to the next page.

Question 2.1: What are the main challenges in applying environmental legislation^{xv} on industry, noise and air quality to your area of competence?

Effect of industrial emission on air quality	<input type="checkbox"/>
Effect of traffic on air quality	<input type="checkbox"/>
Effect of domestic heating on air quality	<input type="checkbox"/>
Effect of agriculture on air quality	<input type="checkbox"/>
Drawing up air quality action plans	<input type="checkbox"/>
Drawing up noise action plans	<input type="checkbox"/>
Application of best available techniques in permits	<input type="checkbox"/>
Permit–updating in consequence of changed BATs	<input type="checkbox"/>
Application of emission limit values	<input type="checkbox"/>
Defining more stringent emission limit values	<input type="checkbox"/>
Waste water avoidance <input type="checkbox"/>	<input type="checkbox"/>
Assessing/preventing further soil contamination around installations	<input type="checkbox"/>
Improving public access to industrial emissions, noise and air quality information	<input type="checkbox"/>
Other/examples (please specify):...	<input type="checkbox"/>



Question 2.2: Are there specific industry sectors or processes^{xvi} that present greater challenges than others?

- | | |
|--|--------------------------|
| Energy production | <input type="checkbox"/> |
| Refineries | <input type="checkbox"/> |
| Coal and steel | <input type="checkbox"/> |
| Chemicals | <input type="checkbox"/> |
| Intensive livestock farming | <input type="checkbox"/> |
| Other agricultural practices (e.g. burning, soil fertilising ^{xvii}) | <input type="checkbox"/> |
| Domestic heating ^{xviii} with solid fuels | <input type="checkbox"/> |
| Motorised vehicles | <input type="checkbox"/> |
| Others (please specify): ... | <input type="checkbox"/> |

Question 2.3: What are the key challenges in the control^{xix} of industrial emissions and ambient air quality?

- | | |
|---|--------------------------|
| Planning/execution of risk-based inspection | <input type="checkbox"/> |
| Clarity of permit requirements | <input type="checkbox"/> |
| Regular soil and groundwater monitoring | <input type="checkbox"/> |
| Availability of air quality data | <input type="checkbox"/> |
| Identification of pollution sources | <input type="checkbox"/> |
| Others/examples: (please specify)... | <input type="checkbox"/> |

Question 2.4: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check boxes¹⁶)

- Unclear, incomplete or overly complex legislation^{xx}
 - Unclear technical^{xxi} specifications and/or terms or definitions^{xxii}
 - Inadequate urban and land use management and spatial planning
 - Insufficient evidence, data and information due to lack of:
 - reporting by duty holder
 - collection/analysis by authority
 - Inadequate technical understanding and knowledge^{xxiii}
-

¹⁶ Please answer with: “1) correct/ 2) mainly correct/ 3) partly correct/ 4) rarely correct/ 5) incorrect/ 6) don’t know.



Insufficient capacity in your institution^{xxiv} in:

human resources

technical equipment

training/guidance^{xxv}

Examples (please specify):...

Question 2.5: Are there other main reasons for problems in achieving the requirements of relevant EU legislation?

Question 2.6: What could help you to address and overcome challenges in applying and enforcing industry, noise and air quality legislation? (Please fill in check boxes¹⁷)

Access to modern surveillance technologies and earth observation technique.

Access to all available geospatial data relevant for your geographical area of competence (according to INSPIRE^{xxvi}).

Sharing knowledge, skills and good practice

inside your authority

between your and other competent authorities

Receiving application-oriented guidance and training^{xxvii}

Coordinated action between different inspection authorities on:

common inspections

case-meetings

common strategies

land use planning

other/examples¹⁸

Establishment of and active participation in networks of environmental professionals to facilitate communication and best practice exchange.

Network cooperation (between the regional, national and European level and across the whole compliance chain)

¹⁷ Please answer with: "1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions" (please specify)/4) Would not be helpful/5) is done but not helpful/ 6) don't know.

¹⁸ Please specify and give illustrative examples of best practice, if possible in English.



Standing procedures to regularly inform policy makers about practical experiences and work results.

Best practice example(s) or conditions for the measure to be helpful:...

Question 2.7: Please describe any other helpful measures.

3. Waste and Trans-Frontier Shipment of Waste (TFS) Legislation

Existing EU legislation regulating waste and trans-frontier shipment of waste includes:

- Directive 2008/98/EC on waste and repealing certain Directives - the 'Waste Framework Directive';
- Directive 1999/31/EC on the landfill of waste;
- Directive 2000/76/EC on the incineration of waste;
- A range of Directives on waste originating from consumer goods, including: packaging and packaging waste (94/62/EC); batteries and accumulators (2006/66/EC); end of life vehicles (2000/53/EC); waste electrical and electronic equipment (2002/96/EC);
- Regulation (EC) No 1013/2006 on shipments of waste and Regulation (EU) No 660/2014 amending Regulation (EC) No 1013/2006 on shipments of waste;
- Directive 2006/21/EC on the management of waste from extractive industries;
- Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling;
- Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.

Please answer the questions on this page if your organisation is responsible for waste and trans-frontier shipment of waste (TFS) legislation.

Otherwise please continue to the next page.

Question 3.1: What are the main challenges in applying the waste and TFS legislation^{xxviii} to your area of competence?

- | | |
|--|--------------------------|
| Distinction between: waste and non-waste | <input type="checkbox"/> |
| Distinction between: hazardous and non-hazardous waste | <input type="checkbox"/> |
| Establishing adequate waste treatment-infrastructure ^{xxix} | <input type="checkbox"/> |
| Reaching recycling targets | <input type="checkbox"/> |
| Establishing inspection plans for TFS (transfrontier shipment of waste) ^{xxx} | <input type="checkbox"/> |
| Drawing up waste prevention plans | <input type="checkbox"/> |
| Drawing up waste management plans | <input type="checkbox"/> |



- Managing nuisance^{xxxI} around waste treatment plants /landfills
- Promotion of waste pre-treatment
- Other/examples (please specify)...

Question 3.2: Are there specific sectors, activities and processes^{xxxii} that present greater challenges than others?

- Waste combustion for energy production
- Trade in “used goods”^{xxxiii}
- Others (please specify):...

Question 3.3: What are the key challenges in the control of waste related activities?

- Cumbersome and ineffective procedures/forms^{xxxiv}
- Surveillance of specific waste streams:
- electric or electronic waste^{xxxv}
 - end of life-vehicles^{xxxvi}
 - end of life-ships^{xxxvii}
 - others (please specify in comment below)^{xxxviii} :...
- Tracking hazardous waste
- Fighting organised waste crime
- Surveillance of:
- operating landfills
 - closure/after-care of landfills
 - illegal dumping/burning of waste
- Others/examples (please specify):....

Question 3.4: What are the main underlying reasons and causes for challenges in achieving the requirements of relevant EU legislation (please mark check boxes)¹⁹?

- Unclear, incomplete or overly complex legislation^{xxxix}
- Unclear technical^{xl} specifications and terms or definitions^{xli}

¹⁹ Please answer with: “1)correct/ 2)mainly correct/ 3)partly correct/ 4) rarely/ 5)incorrect/ 6)don’t know.



Insufficient evidence, data and information

due to lack of: reporting by duty holder

collection/analysis by authority

Inadequate technical understanding and knowledge

Insufficient capacity in competent authorities in:

human resources

technical equipment

training/guidance^{xlii}

Examples (please specify):...

Question 3.5: Are there other main reasons for problems in achieving the requirements of relevant EU legislation?

Question 3.6: What could help you to address and overcome challenges in applying and enforcing legislation on waste and trans-frontier shipments of waste? (please fill in check boxes²⁰)

Access to modern surveillance technologies and earth observation technique

Access to all available geospatial data relevant for your geographical area of competence (as intended by INSPIRE^{xliii})

Sharing knowledge, skills and good practice:

inside your authority

between your and other competent authorities

Receiving application-oriented guidance and training^{xliv}

Coordinated action between different inspection authorities.on:

common inspections

case-meetings

common strategies

other/examples

Establishment of and active participation in networks of environmental professionals to facilitate communication and best practice exchange

²⁰ Please answer with: "1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions" (please specify)/4) Would not be helpful/5) is done but not helpful/ 6)don't know.



Network cooperation (between the regional, national and European level and across the whole compliance chain)

Standing procedures to regularly inform policy makers about practical experiences and work results..

Best practice example(s) or conditions for the measure to be helpful:

Question 3.7: Please describe any other helpful measures.

4. Protection of Water and Land Legislation

Existing EU legislation relating to the regulation of water and land includes:

- Directive 2000/60/EC establishing a framework for Community action in the field of water policy – the ‘Water Framework Directive’;
- Directive 2007/60/EC on the assessment and management of flood risks;
- Directive 91/271/EEC concerning urban waste water treatment;
- Directive 98/83/EC on the quality of water intended for human consumption;
- Directive 2006/7/EC concerning the management of bathing water quality;
- Directive 2008/56/EC establishing a framework for Community action in the field of marine environmental policy – the ‘Marine Strategy Framework Directive’;
- Directive 2008/105/EC on environmental quality standards in the field of water policy;
- Directive 2006/118/EC on the protection of groundwater against pollution and deterioration;
- Directive (2009/128/EC) of 21. October 2009 on sustainable use of pesticides;
- Directive 76/464/EEC on pollution caused by discharges of certain dangerous substances, codified as 2006/11/EC, Directive 2006/11/EC of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the community;
- Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Please answer the questions on this page if your organisation is responsible for protection of water and land legislation.

Otherwise please continue to the next page.



Question 4.1: What are the main challenges in applying water/land legislation^{xlv} to your area of competence?

Installing/maintaining urban waste water treatment infrastructure

Drawing up plans/programs on:

river basin management

flood risk

marine water

Surface waters: monitoring/assessing:

chemical status

biological status

priority substances

nitrates

hydrological monitoring

Groundwater- monitoring/assessing:

nitrates

pesticides

biocides

other chemicals

quantitative status monitoring

Mitigating effects of::

physical modification of water bodies

flood prevention measures

Implementing soil protection measures

Keeping the rule of non-deterioration

Advancing towards “good ecological status” or “good environmental status”

Management of transboundary pollution of surface waters

Others/examples (please specify)...

Question 4.2: Are there specific sectors, activities and processes^{xlvi} that present greater challenges than others?

Agricultural fertilizing

Intensive rearing



Urban sewerage	<input type="checkbox"/>
Industrial sites:	
in operation	<input type="checkbox"/>
restoration after closure	<input type="checkbox"/>
Landfills:	
in operation	<input type="checkbox"/>
after closure	<input type="checkbox"/>
Illegal dumping	<input type="checkbox"/>
Sludge	<input type="checkbox"/>
Point source discharges from:	
industry	<input type="checkbox"/>
wastewater treatment plants	<input type="checkbox"/>
Pollution from flooding	<input type="checkbox"/>
Coal power plants	<input type="checkbox"/>
Hydropower installations	<input type="checkbox"/>
Wastewater discharge from mining activity	<input type="checkbox"/>
Identification/management of derelict contaminated brownfield land	<input type="checkbox"/>
Others (please specify)	<input type="checkbox"/>

Question 4.3: What are the key challenges in the control of water and land related activities?

Ensuring implementation of good agricultural practice	<input type="checkbox"/>
monitoring and assessing soil contamination	<input type="checkbox"/>
cooperation of different local and regional authorities	<input type="checkbox"/>
reducing over-abstraction	<input type="checkbox"/>
tackling illegal abstraction	<input type="checkbox"/>
reducing diffuse water pollution	<input type="checkbox"/>
monitoring and assessing the minimum ecological flow	<input type="checkbox"/>
Others/examples (please specify):...	



Question 4.4: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check boxes²¹)?

Unclear, incomplete or overly complex legislations^{xlvii}

Unclear technical^{xlviii} specifications and terms or definitions^{xlix}

Insufficient evidence, data and information due to lack of:

reporting by duty holder

collection/analysis by authority

Inadequate technical understanding and knowledge

Insufficient control of contaminants

Inadequate water pricing^l

Inadequate spacial and land use planning

Insufficient capacity in competent authorities in:

human resources

technical equipment

training/guidance^{li}.

Examples(please specify) :...

Question 4.5: Are there other main reasons for problems in achieving the requirements of relevant EU legislation?

Question 4.6: What could help you to address and overcome challenges in applying and enforcing of water/land legislation? (please fill in check boxes²²)

Access to modern surveillance technologies and earth observation technique

Access to all available geospatial data relevant for your geographical area of competence (as intended by INSPIRE^{lii})

Sharing knowledge, skills and good practice

inside your authority

between your and other competent authorities

²¹ Please answer with: “1)correct/ 2)mainly correct/ 3)partly correct/ 4) rarely/ 5)incorrect/ 6)don’t know.

²² Please answer with: “1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions” (please specify)/4) Would not be helpful/5) is done but not helpful/ 6)don’t know.



transboundary

Receiving application-oriented guidance and training^{liii}

Coordinated action between different inspection authorities on:

common inspections

case-meetings

common strategies

Other/examples

Establishment of and active participation in networks of environmental professionals to facilitate communication and best practice exchange

Network cooperation (between the regional, national and European level and across the whole compliance chain)

Standing procedures to regularly inform policy makers about practical experiences and work results

Best practice example(s) or conditions for the measure to be helpful:

Question 4.7: Please describe any other helpful measures.

5. Nature Protection (Biodiversity and Habitats)

Halting and reversing the loss of biodiversity by 2020 is a key policy objective within the EU. The compliance with EU nature legislation (e.g. the Birds and Habitat Directives) is essential to achieve this target, and it is widely recognised that application and enforcement need to be improved. Less than one quarter of habitats assessed is currently in favourable conservation conditions. Nature legislation is the source of a relatively high number of complaints and infringement procedures.

Existing EU legislation relating to nature protection includes:

- Directive 2009/147/EC on the conservation of wild birds;
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora – the ‘Habitats Directive’;
- Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (and related implementing regulation) – the “CITES Regulation”;
- Regulation No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species;
- Regulation No 995/2010 laying down the obligations of operators who place timber and timber products on the market (as far as falling in the remit of environmental authorities).

Please answer the questions on this page if your organisation is responsible for nature protection (biodiversity and habitats).

Otherwise please continue to the next page.



Question 5.1: What are the main challenges in applying nature protection legislation^{liv} to your area of competence?

- Designating sites of community interest^{lv} i.e. key land
- Designating marine habitats
- Drawing up habitat management plans
- Preserving/restoring key habitats
- Connecting isolated habitats
- Assessing and reducing impacts from activities outside habitats^{lvi}
- Ensuring implementation of mitigation/compensation measures^{lvii}
- Supporting application of EU Timber regulation
- Combating illegal trade in/trafficking of protected species^{lviii}
- Management of invasive species
- Others/examples (please specify):...

Question 5.2: Are there specific sectors, activities and processes^{lix} that present greater nature protection challenges than others?

- Intensive rearing
- intensive farming
- Logging
- Hunting
- Mining
- Biogas
- Tourism
- Sports
- Others(please specify):...

Question 5.3: What are the key challenges in the control of activities related to nature protection?

Detecting:

- illegal change of land use
- poaching
- illegal fishing



- illegal logging
- illegal killing^{lx} of protected species
- illegal ploughing up of grassland
- illegal trafficking in protected species
- Others/examples (please specify^{lxi}):...

Question 5.4: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check boxes²³)?

- Unclear, incomplete or overly complex legislation^{lxii}
- Unclear technical^{lxiii} specifications, terms or definitions^{lxiv}
- Insufficient evidence, data and information
- Inadequate taxonomical^{lxv}/ecological/technical understanding and knowledge
- Insufficient access to laboratory^{lxvi} expertise
- Insufficient capacity in regulatory institutions in:
 - human resources
 - technical equipment
 - training/guidance^{lxvii}

Examples (please specify):....:

Question 5.5: Are there other main reasons for problems in achieving the requirements of relevant EU legislation?

Question 5.6: What could help you to address and overcome challenges in applying and enforcing nature protection legislation? (please fill in check boxes²⁴)

- Access to modern surveillance technologies and earth observation technique
- Access to all available geospatial data relevant for your geographical area of competence (according to INSPIRE^{lxviii})
- Sharing knowledge, skills and good practice:

²³ Please answer with: “1) correct/ 2) mainly correct/ 3) partly correct/ 4) rarely/ 5) incorrect/ 6) don’t know.

²⁴ Please answer with: “1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions” (please specify)/4) Would not be helpful/5) is done but not helpful/ 6)don’t know.



inside your authority

between your and other competent authorities

Receiving application-oriented guidance and training^{lxix}

Coordinated action between different inspection authorities on:

common inspections

case-meetings

common strategies

other/examples

Establishment of and active participation in networks of environmental professionals to facilitate communication and best practice exchange

Network cooperation (between the regional, national and European level and across the whole compliance chain)

Standing procedures to regularly inform policy makers about practical experiences and work results.

Best practice example(s) or conditions for the measure to be helpful:

Question 5.7: Please describe any other helpful measures.

6. Challenges Across the Compliance Chain

To ensure compliance with environmental (and any other) legislation, usually a whole sequence of activities is necessary. This may include planning, permitting, compliance promotion and the informed fulfilment of legal obligations by the duty holder. To control compliance, inspections, environmental monitoring and assessment and compliance assessments can be carried out. If non-compliance is discovered, measures for enforcement have to be taken, which may include prosecution and jurisdiction. For this, the informed collaboration of different public authorities and stakeholders is necessary, and obstacles and challenges interfering in one sequence may well affect the whole compliance chain.

- Directive 2014/52/EU of 16 April 2014 and amended Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;
- Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment;
- Directive 2007/2/EC of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE);
- Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS);
- Directive 2003/4/EC of 28 January 2003 on public access to environmental information;



- DIRECTIVE 2003/35/EC of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC (now 2011/92/EU) and 96/61/EC (now 2010/75/EU);
- Directive 2004/35/CE of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage;
DIRECTIVE 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law.

Question 6.1: Which specific problems or difficulties create particular barriers to effective application and enforcement of EU environmental law in your area of competence - across the whole compliance chain (please mark all relevant checkboxes²⁵)?

Lacking compliance assurance plans^{lxx} on the side of:

- public authority
- duty holders
- strategic level

Insufficient assessment of the effects of certain plans and programs^{lxxi} on the environment

Insufficient rules or practices on collaboration between authorities

Unclear, deficient or lacking spatial planning or permits

Insufficient assessment of the effects of certain projects^{lxxii} on the environment

Lacking, unclear or insufficiently analysed self-monitoring or reporting of operator

Lacking or insufficient risk assessments^{lxxiii}

Lacking environmental use or status data^{lxxiv} (e.g. INSPIRE data^{lxxv})

Lacking compliance assessment data

Lacking administrative enforcement instruments^{lxxvi}

Insufficient capacity of other relevant public authorities in the compliance chain in:

- human resources
- technical equipment
- training/guidance
- units specialised on environmental topics

Lacking integration and prioritisation of environmental issues

Lacking possibilities for authorities' differentiated responses towards different causes of non-compliance^{lxxvii}

²⁵ Please answer with: "1)correct/ 2)mainly correct/ 3)partly correct/ 4) rarely/ 5)incorrect/ 6)don't know.



Inadequate level of sanctions and fines

Inadequate coverage/financial security for closure, sanitisation and aftercare of contaminated sites

Others/examples (please specify):

Question 6.2: What are the most important things that could help overcome these implementation problems? (please mark check boxes²⁶)

Promoting strategic approaches to compliance assurance

Improving availability and accessibility of data on:

spatial planning

environmental status

environmental users

environmental management schemes

inspection reports

environmental enforcement issues

others

Ensuring availability and comparability of relevant reports on:

environmental assessments

environmental management of sites

environmental status

Revolving evaluations of the work of authorities with compliance assurance functions

Guidance on how to prepare and facilitate judicial enforcement (e.g. evidence gathering^{lxviii})

Establishment of and active participation in networks of environmental professionals to facilitate communication and best practice exchange

Network cooperation (between the regional, national and European level and across the whole compliance chain)

Standing procedures to regularly inform policy makers about strategic compliance assurance issues

Best practice example(s) or conditions for the measure to be helpful:

Question 6.3: Please describe any other helpful measures.

²⁶ Please answer with: "1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions" (please specify)/4) Would not be helpful/5) is done but not helpful/ 6)don't know.



7. Complementary Support of Stakeholders for Compliance Assurance

While inspections, surveillance and enforcement by competent authorities are indispensable for the implementation of environmental law, complementary approaches seek to use additional incentives and to integrate possible contributions from the civil society i.e. citizens, NGOs, economic stakeholders, scientific institutions etc. to improve compliance. In addition, necessary or helpful information about the state of the environment and the environmental performance of sites are made publicly available. Finally, alternative tools and differentiated enforcement responses might help to address different reasons for non-compliance more effectively.

Question 7.1: Which complementary approaches are or could be helpful? (please mark check boxes²⁷)

Information/guidance/campaigns on compliance strategies^{lxxxix} for duty-holders

Additional incentives (e.g. label/awards/promotion) for duty-holders

Information of the public e.g. about the state of the (local) environment, inspection results^{lxxx} and high performers^{lxxxix}

Effective involvement of local communities and stakeholders in environmentally relevant planning and decision processes^{lxxxii}

Integration of interested citizens or NGOs in surveillance and protection of sites or species (through sponsorship/guardianship of areas etc.)

Low threshold- easy access complaint system (with a follow up including procedural rights)^{lxxxiii}

Installation of an online portal where everyone may file notices about infractions or environmental problems (without resulting procedural rights)^{lxxxiv}

Support for dialogues between site management and their neighbours to reduce possible conflicts and complaints^{lxxxv}

Integration of accredited external experts (including EMAS^{lxxxvi} verifiers) into inspection or surveillance activities

Use of environmental reports (under EMAS or other schemes^{lxxxvii}) for the compliance control of sites^{lxxxviii}

General simplifications or reduction of inspections for EMAS-certified sites

Best practice example(s) or conditions for the measure to be helpful:

Question 7.2: Please describe any other helpful measures.

²⁷ Please answer with: "1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions" (please specify)/4) Would not be helpful/5) is done but not helpful/ 6) don't know.



8. Trans-Boundary or Trans-Sectoral Application and Enforcement Problems

Many environmental processes and issues cross administrative or national borders or different areas of competence and sectors of legislation. In many sectors - i.e. trans-frontier shipment of waste, management of river basins, long-range air pollution, trade and use of chemicals, ground water protection, fight against wildlife crime, protection of marine environment, strategic environmental assessments, etc. - effectiveness of environmental legislation depends upon good cooperation between different authorities with different competences, different districts or other sub-national entities and/or different countries and jurisdictions.

Question 8.1: What are the main outstanding implementation problems in your area of competence that require trans-boundary or trans-sectoral approaches, technical cooperation and coordination?

Question 8.2: Are there discrepancies between EU and international legal instruments (i.e. Basel Convention^{lxxxix}, Hong Kong Convention^{xc}, CITES^{xcii}, regional seas conventions, etc.) that hamper compliance?

...

Question 8.3: What could help you to overcome trans-boundary or trans-sectoral challenges? (please mark check boxes²⁸)

Facilitating communication between different authorities

Sharing knowledge, skills and good practice

Using common technical/procedural guidance^{xcii}.

Establishing information exchange routines.

Coordinating compliance action between authorities.

Informing policy with practical experience and expertise.

Best practice example(s) or conditions for the measure to be helpful:

Question 8.4: Please describe any other helpful measures.

²⁸ 1)helps to do our work / 2)could help in the future/ 3)could help under certain conditions" (please specify)/4) i Would not be helpful/5) is done but not helpful/ 6)don't know.



9. Concluding Questions

Question 9.1: Overall, what are the top 3 most important obstacles or challenges your organisation is facing right now?

Question 9.2: Do you have a general compliance assurance strategy?^{xciii}

Yes, per authority² per region² per sector² on the national level² No²

Question 9.3: Could you identify specific areas where EU legislation has been particularly effective in helping to improve environmental protection in your area of competence?

THANK YOU VERY MUCH FOR YOUR PARTICIPATION IN THIS SURVEY – IT IS GREATLY VALUED!

Advice and Explanations

ⁱ Legislation is applied by duty holders fulfilling their binding requirements and by public authorities controlling the duty holders and fulfilling their own binding requirements (like drawing up plans or inspection installations).

ⁱⁱ Legislation is enforced by using means of substitute performance, administrative execution, administrative or penal sanction or liability claims.

ⁱⁱⁱ In the context of this questionnaire, “practitioners” are public servants or other professionals entrusted with the performance of public service in the field of environmental compliance assurance.

^{iv} Environmental compliance assurance is a term to cover the range of interventions used by public authorities to ensure compliance by duty-holders with environmental rules. It applies to economic and other activities that directly affect the environment through emissions, discharges or land-related impacts. It has three main components: compliance promotion by or with the support of public authorities; compliance monitoring (i.e. inspections and other checks) by public authorities; and enforcement by public authorities.

^v Environmental competences and responsibilities are often divided per sector, e.g. between industrial installations, air quality, waste, water, soil, nature protection and some cross-cutting topics.

^{vi} Compliance promotion covers activities aimed at supporting natural and legal persons to comply with obligations under law by enhancing their awareness, knowledge and understanding of these obligations.



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- ^{vii} Environmental Monitoring and Assessment establishes the state of the environment, collecting and interpreting e.g. physical, chemical and biological data in a certain area.
- ^{viii} Risk assessments take into account actual compliance levels and their impact to environment, health, safety and fair competition. Where no information on compliance levels is available, the likelihood of non-compliance shall be estimated. Other criteria may be included by competent authorities as appropriate.
- ^{ix} Compliance monitoring covers activities to determine whether natural and legal persons comply with their obligations under law. Such activities may include [surveillance, inspections, investigations and verifying self-monitoring].
- ^x Enforcement covers actions by a competent authority under civil, administrative or criminal law in response to detected or notified non-compliances with obligations under law.
- ^{xi} Investigation and Prosecution are initiated if there is sufficient suspicion for penal law (or in some cases administrative) offences and involve police forces and public prosecutors concerned with environmental infractions, either in specialised or in general law enforcement units.
- ^{xii} Compliance assessment covers collecting information on compliance (levels) and the causes of non-compliance as well as predictions on further developments.
- ^{xiii} Environmental Monitoring and Assessment establishes the state of the environment, collecting and interpreting e.g. physical, chemical and biological data in a certain area.
- ^{xiv} Environmental reporting can be defined as the predetermined transfer of information of environmental or environment related data on a regular basis.
- ^{xv} In other words: which binding requirements of the law are the most difficult to fulfil?
- ^{xvi} This term denotes legal activities.
- ^{xvii} This includes practices that focus more on discarding organic waste than on improving fertility of the soil.
- ^{xviii} This includes occasionally used stoves and open fireplaces.
- ^{xix} Control encompasses inspections, surveillance, analysis of data streams, reports, complaints and other external information and other activities undertaken with the intent to verify compliance of the duty holder with legal obligations (including permit requirements and binding agreements) but also with voluntary commitments.
- ^{xx} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).
- ^{xxi} Technical is used here as opposed to (directly) legally binding specifications terms or definitions.
- ^{xxii} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).



^{xxiii} This addresses a lack in technical or scientific expertise which hampers proper analysis of technical data within the competent public authority.

^{xxiv} This addresses a lack of personnel, a lack of technical tools like e.g. measuring instruments, handhelds, helpful IT-applications for carrying out inspections, surveillance or data-analysis or a lack of advanced vocational training which should enable staff to keep up with technical, regulative or legal developments.

^{xxv} Please specify the topics for which you would need guidance or training (if possible, in English).

^{xxvi} The INSPIRE Directive aims to create a European Union spatial data infrastructure for the purposes of EU environmental policies and policies or activities which may have an impact on the environment. The Directive came into force on 15 May 2007 and will be implemented in various stages, with full implementation required by 2021.

^{xxvii} Please specify the topics for which you would need guidance or training (if possible, in English).

^{xxviii} In other words: which binding requirements of the law are the most difficult to fulfil?

^{xxix} The infrastructure required to ensure that waste has the least practicable impact on the environment.

^{xxx} Trans-frontier shipment of waste: import and export as well as transit of waste within, into and outside the EU.

^{xxxi} E.g. odours, dust, pest, litter, gas, noise.

^{xxxii} This term denotes legal activities.

^{xxxiii} E.g. because of difficulties to distinguish them from waste.

^{xxxiv} E.g. transfer certificates and procedures.

^{xxxv} Meaning discarded electrical or electronic devices, including used electronics which are destined for salvage, recycling or disposal.

^{xxxvi} Motor vehicles which have reached the end of their useful lives, primarily defined by the owner's will, but in certain cases a vehicle is considered end-of-life simply due to the condition it is in.

^{xxxvii} Ships which have reached the end of their useful lives due to the decision of their owners or due to the condition they are in.

^{xxxviii} If possible in English, please.

^{xxxix} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).

^{xl} Technical is used here as opposed to (directly) legally binding specifications terms or definitions.

^{xli} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).



^{xlii} Please specify the topics for which you would need guidance or training.

^{xliii} The INSPIRE Directive aims to create a European Union spatial data infrastructure for the purposes of EU environmental policies and policies or activities which may have an impact on the environment. The Directive came into force on 15 May 2007 and will be implemented in various stages, with full implementation required by 2021.

^{xliv} Please specify the topics for which you would need guidance or training.

^{xlv} In other words: which binding requirements of the law are the most difficult to fulfil?

^{xlvi} This term denotes legal activities.

^{xlviii} Technical is used here as opposed to (directly) legally binding specifications terms or definitions.

^{xlix} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).

^l Including prices for: drinking water, water for irrigation and other agricultural purposes, water for industrial purposes, waste water disposal.

^{li} Please specify the topics for which you would need guidance or training.

^{lii} The INSPIRE Directive aims to create a European Union spatial data infrastructure for the purposes of EU environmental policies and policies or activities which may have an impact on the environment. The Directive came into force on 15 May 2007 and will be implemented in various stages, with full implementation required by 2021.

^{liii} Please specify the topics for which you would need guidance or training.

^{liv} In other words: which binding requirements of the law are the most difficult to fulfil?

^{lv} This means habitats with importance to biodiversity conservation within the EU.

^{lvi} E.g. mining, water extraction, air pollution, fertilising, intensive farming, intensive rearing.

^{lvii} Measures to reduce the negative impact on habitats or measures to compensate negative effects of land use outside protected habitats (e.g. planting new trees to compensate cutting down trees elsewhere, restoring a habitat to compensate for soil sealing elsewhere).

^{lviii} This includes trading and trafficking of parts and products derived from protected species.

^{lix} This term denotes legal activities.

^{lx} This is often done to eliminate the potential damage to human activities caused by these species (perceived as “pest”), e.g. poisoning of birds of prey by hunters, fish- or poultry-farmers.



^{lxi} Please cite relevant norms, targets or procedures and share concise illustrative examples (if possible in English).

^{lxii} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).

^{lxiii} These are not legally binding but part of common standards, guidelines or recommendations.

^{lxiv} If this is problematic, please name the relevant deficient norm and requirement or legal terms where these problems are most relevant, limited to a maximum of 4. If this is possible for you, please state the origin (EU/national/regional).

^{lxv} Knowledge necessary for the identification of (protected) species.

^{lxvi} Necessary for the identification of protected species e.g. through DNA-analysis, especially if products/parts derived from species are used.

^{lxvii} Please specify the topics for which you would need guidance or training.

^{lxviii} The INSPIRE Directive aims to create a European Union spatial data infrastructure for the purposes of EU environmental policies and policies or activities which may have an impact on the environment. The Directive came into force on 15 May 2007 and will be implemented in various stages, with full implementation required by 2021.

^{lxix} Please specify the topics for which you would need guidance or training.

^{lxx} Compliance assurance plans set out the activities to be undertaken in the planning period to achieve defined duties and goals. The plan should include information about the priorities, the underlying risk assessment and the resources required to implement the plan. Integrated plans also cover other areas of environmental and related law as appropriate. The plans should be evaluated and revised regularly.

^{lxxi} According to the SEA-directive, the probable effect of certain plans and programs has to be assessed beforehand to promote informed political decisions.

^{lxxii} According to the EIA-directive, the probable effect of certain projects on the environment has to be assessed beforehand to promote informed land use decisions.

^{lxxiii} Risk assessments take into account actual compliance levels and their impact to environment, health, safety and fair competition. Where no information on compliance levels is available, the likelihood of non-compliance shall be estimated. Other criteria may be included by competent authorities as appropriate.

^{lxxiv} Environmental status data covers data e.g. on biodiversity (possibly including non-indigenous species), eutrophication, soil integrity, geo- and hydrographical conditions, concentrations of contaminants, litter, introduction of energy and the functioning and reproductive capacity of the ecosystem.

^{lxxv} The INSPIRE Directive aims to create a European Union spatial data infrastructure for the purposes of EU environmental policies and policies or activities which may have an impact on the environment. The Directive came into force on 15 May 2007 and will be implemented in various stages, with full implementation required by 2021.



^{lxxvi} Many but not all national administrations have administrative means of enforcement at their disposal like administrative orders, administrative fines, administrative execution and administrative substitute performance. Where these means are lacking, the use of penal law often is the only way to enforce binding environmental law, which might hamper enforcement.

^{lxxvii} Reasons for breaching environmental law are diverse and may relate to

- organised crime (e.g. illegal waste trafficking),
- opportunism (e.g. fly-tipping of waste),
- ignorance and carelessness (e.g. unwitting importation of items prohibited under CITES),
- lack of social acceptance (e.g. some illegal hunting, trapping and other traditional land use)
- or lack of investment (as where a municipality with legal responsibility for treating urban waste water fails to make the necessary investment)

Given the diversity of reasons, the success of possible interventions by competent authorities to ensure compliance may depend from the availability of a whole range of instruments, reaching from incentives, cooperation, campaigns and counselling for funding possibilities through inspections and additional permit requirements to police investigations and penal sanctions. Fewer instruments may result in less successful interventions.

^{lxxviii} As requirements for probative value in court are much stricter than for evidence in inspections, court enforcement actions may fail because of lacking quality of evidence.

^{lxxix} Through publicity, targeted information towards sector associations or easily accessible sector specific information on the web, duty holders can be informed about their legal obligations and best strategies to fulfil them.

^{lxxx} Some inspection authorities publish a summarised report on inspection results (after hearing the management of the inspected site and eliminating data covered by trade and business secrecy provisions). In some areas, this has considerably improved compliance.

^{lxxxii} Some administrations or NGOs create awards for the best environmental performances per sector and use official award ceremonies or other means of publicity.

^{lxxxiii} E.g. early involvement in planning processes, planning conferences.

^{lxxxiv} Such systems would guarantee certain procedural rights to the complainant; e.g. would confirm reception and dealing with the complaint, would offer the complainant a possibility to react to contrary statements of other stakeholders and would communicate an administrative decision regarding the subject of the complaint.

^{lxxxv} Such systems would offer a possibility for anybody to transfer information about irregularities to the competent administration, without creation of a legal position.



^{lxxxv} This may cover mediation as well as neighbourhood dialogues (see: <http://www.impel.eu/tools/neighbourhood-dialogue-toolkit/>).

^{lxxxvi} EMAS (Eco-Management and Audit Scheme) is a voluntary environmental management scheme based on EU-Regulation 1221/2009.

^{lxxxvii} ISO 14001 is a worldwide standard on environmental management but has less extensive requirements than EMAS, as it does not require legal compliance as a precondition for certification and has no external accreditation body.

^{lxxxviii} As EMAS does require legal compliance as a precondition for certification and the EMAS – certifier needs the registration of an external accreditation body, an EMAS certification could be accepted as a partial or occasional substitute for inspections of the competent authority.

^{lxxxix} The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted on 22 March 1989 and entered into force on 5 May 1992.

^{xc} The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention), was agreed in Hong Kong, China, on the 15 of May 2009.

^{xcⁱ} CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement and aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. It was agreed in Washington, USA, on 3 March 1973, and entered in force on 1 July 1975.

^{xcⁱⁱ} Please specify topics (if possible, in English)

^{xcⁱⁱⁱ} A high level plan to achieve compliance in your area of competence/remit, taking into account past experiences of your organisation and predictions based on them. A strategy should identify goals, determine actions to achieve the goals, and commit resources to execute the actions. It should describe in a comprehensive way how (an improvement of) compliance will be achieved by which actions and resources.