



European Union Network for the Implementation  
and Enforcement of Environmental Law

# Implementation challenge

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*Embedding the results in IMPEL's work programme*

***Date of report: 11 May 2016***

***Report number: 2016/25***



## 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](http://www.impel.eu)



<p><b>Title of the report:</b> Implementation Challenge: Embedding results in IMPEL's work programme, phase II</p>	<p><b>Number report:</b> 2016/25</p>
<p><b>Project Manager/Authors:</b> Terry Shears</p>	<p><b>Report adopted at IMPEL General Assembly Meeting:</b> Written procedure, September 2016</p>
	<p><b>Total number of pages: 101</b></p> <p>Report: 9 Annexes: 92</p>
<p><b>Executive Summary</b></p> <p>Improving the implementation of environmental legislation is an important policy priority in the European Union. In 2014 IMPEL carried out a project which looked at the challenges in the practical implementation of EU environmental law and how IMPEL could help overcome them. The project included the use of a questionnaire which was circulated within IMPEL and to other relevant networks and organisations. A desktop survey of relevant documents was undertaken and discussions were held with relevant officials in the European Commission. There was also a workshop attended by representatives from IMPEL, the European Commission and the Institute for European Environmental Policy.</p> <p>The project findings 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; nature protection; and cross-cutting tools and approaches. Common underlying factors included a 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.</p> <p>The study identified ways in which IMPEL could help to improve the sharing of knowledge and good practice between countries, develop new approaches and techniques to improve the efficiency and effectiveness of environmental regulation, and to improve communication and cooperation between different actors involved in compliance and enforcement.</p> <p>IMPEL agreed that a follow-up project should be carried out which would both promote the project and seek to embed its principal findings within the work of IMPEL. The tools used in the project, in particular the questionnaire, would be looked at again to see whether they might be improved for future use both within IMPEL and by IMPEL members.</p>	



The findings of the project were discussed with the leaders of each of IMPEL's five Expert Teams who in turn have considered how the main findings can be incorporated in future work programmes. This has been brought together in a strategic work programme for IMPEL which is included in this report. The project findings were also presented to DG Environment which resulted in further proposals for work by IMPEL. The report also contains a list of networks that may be relevant to IMPEL.

**Disclaimer**

*This report is the result of a project within the IMPEL network. The project team does not accept any liability for any direct or indirect use of this report or its content. The report contains the results of research by the authors and is not perceived to be the opinion of IMPEL. Nor does the content 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.

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.

This subsequent project 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.

### 1.2. Scope and Methodology

A further analysis was undertaken of responses to the questionnaire. This analysis, together with the recommendations from the previous project, was discussed with the leaders of the expert teams. As appropriate, work identified in these discussions was included in work programmes for 2016 and subsequent years.

The findings of the earlier project were presented to the European Commission (DG Environment) and proposals for additional work by IMPEL were put forward.

The questionnaire which had been used in the earlier project was circulated within IMPEL in order to seek comments on how it might be improved, both for future use by IMPEL and within IMPEL member countries. The questionnaire was amended in the light of these comments.

As proposed in the Terms of Reference, a table has been drawn up giving information on networks relevant to IMPEL both at a global and at a European level.



## 2. Tasks undertaken in the project

### **Contribution to IMPEL Strategic Work Programme, 2016 - 2020**

One of the very important areas where the results of the projects on the Implementation Challenge have made a substantial contribution is the IMPEL Strategic Work Programme for 2016 – 2020. The IMPEL Board considered, amongst other things, the results of the two projects on the Implementation Challenge and drew up this Strategic Work Programme. The Programme was circulated to the General Assembly and has been adopted by IMPEL. This has now been agreed by IMPEL and is at [Annex 2](#).

The purpose of the programme is to give strategic direction and to set priorities for IMPEL's work over the next 5 years, reflecting the needs of its members and important implementation challenges. It will help guide decisions on how IMPEL's resources will be invested in specific projects and activities. It reflects the important changes in IMPEL's ways of working, structure and governance that have taken place over the last two years following agreement of a new strategic direction for IMPEL.

### **Further analysis of responses to the questionnaire**

The project gave an opportunity to look again at the responses to the questionnaire and to identify whether there were any additional points to be considered that had not been taken up in the previous project. The points were listed and discussed in detail with the five expert team leaders. There was agreement that some would be included in the work programmes for the expert teams while others might be taken up at a later date. Where more information was needed on particular points, these were discussed with the people who had raised them in the first place. The additional points can be found at [Annex 4](#) and the notes of discussions with expert team leaders can be found at [Annex 5](#).

### **Review and revision of questionnaire**

An important tool used in the initial project was the questionnaire. This was found to be invaluable and it was agreed that it might be used by IMPEL on a regular basis to check on progress in dealing with the challenges to implementation and also by organisations within IMPEL. There was scope for improving it and various improvements were suggested which can be found in the new version of the questionnaire at [Annex 6](#).

One of the measures of success identified for the IMPEL Work Programme is that there is evidence that compliance with the requirements of EU environmental legislation has improved and that there have been consequent benefits for the environment, people and wildlife as a direct result of engagement in IMPEL's programme. The questionnaire will be useful in helping to provide this evidence.

### **Presentation of the projects on the Implementation Challenge to the European Commission**

One of the recommendations in the first project was that it should be presented to the European Commission. This was done by members of the IMPEL Board and the notes of the discussions with the Commission are at [Annex 3](#).



### **List of networks relevant to IMPEL**

This project was carried out in recognition of the important role that IMPEL could play both in identifying where there are implementation challenges and also providing support to help overcome them. It is also the case that cooperation with other networks could provide an additional opportunity to help tackle implementation challenges and a list of such networks was compiled. This list, which gives contact details for each of the networks, is at [Annex 7](#).





### 3. General conclusions and recommendations

The previous project confirmed that significant challenges remain 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. There is a 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.

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.

There remains the challenge of improving 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.



## Annex 1: Terms of reference

TOR Reference No.:	Author: Chris Dijkens
Version: 2	Date: 07/08/2015
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

### 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 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"/>
	The project will further elaborate specific challenges in implementing EU environmental law how these should be addressed in IMPEL's work programme. It also intends to identify opportunities for further improvement of future surveys as input for a separate project on this matter.
1.3 Full name of work (enough to fully describe what the work area is)	
Embedding the results of the recent project on 'Challenges in the practical implementation of EU environmental law and how IMPEL could help overcome them' in IMPEL's work programme and the Multi-annual Strategy and provisional identification of opportunities for the improvement of the survey methodology.	
1.4 Abbreviated name of work or project	
Implementation Challenge – embedding the results in IMPEL's work programme.	



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

<p><b>2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)</b></p> <p>Improving the implementation of environmental law is a key priority for the European Union and is a major theme in the current 7<sup>th</sup> Environment Action Programme. The Commission has previously also published a communication on improving implementation of EU Environment law in 2012 and this suggested that failure to fully implement environment legislation costs 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 contribute to creating a more 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 help reduce administrative burdens and reduce the costs of implementation.</p>							
<p><b>2.2 Link to IMPEL MASP priority work areas</b></p> <table border="1"> <tr> <td>1. Assist members to implement new legislation</td> <td></td> </tr> <tr> <td>2. Build capacity in member organisations through the IMPEL Review Initiatives</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission</td> <td><input type="checkbox"/> <input checked="" type="checkbox"/></td> </tr> </table>		1. Assist members to implement new legislation		2. Build capacity in member organisations through the IMPEL Review Initiatives	<input checked="" type="checkbox"/>	3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission	<input type="checkbox"/> <input checked="" type="checkbox"/>
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3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission	<input type="checkbox"/> <input checked="" type="checkbox"/>						
<p><b>2.3 Why is this work needed? (background, motivations, aims, etc.)</b></p> <p>IMPEL recently carried out a study - 'Challenges in the practical implementation of EU environmental law and how IMPEL could help overcome them' - involving a questionnaire survey and desk-based research to identify key implementation challenges faced by environmental authorities in its member countries. This has provided very useful information to help focus IMPEL's work programmes for the future.</p> <p>Further work is now needed to elaborate on the more detailed nature of the implementation challenges that have been identified and to investigate cross-cutting issues and themes. This will provide a valuable input to help identify specific priorities for IMPEL's 5 Expert Teams and to shape IMPEL's multi-annual strategy for the future.</p> <p>This work also helps to identify provisional opportunities for improvement of the survey methodology and will serve as an important input in a specific project on this matter to be conducted at a later stage. The methodology will help countries and organizations to recognize trends and developments in barriers against implementation in Member States.</p>							
<p><b>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?)</b></p> <ol style="list-style-type: none"> <li>1. A better understanding of the linkages between the implementation challenges and cross-cutting themes and issues.</li> <li>2. Greater clarity on the underlying causes of implementation problems and where they are occurring, and how IMPEL can address them through projects and activities</li> </ol>							



in its work programme.

3. A better prioritised and targeted work programme for future years with greater benefits for IMPEL members who participate in the programme.
4. The identification of provisional opportunities for improvement of the survey methodology

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

This work links with a wide range of projects in IMPEL's previous and current programme. It builds on the initial project on Implementation challenges and is intended to provide a further level of insight and detail. It is a strategic project and therefore links closely with the work carried out previously by the Task Group to develop a new strategic direction for IMPEL. It builds on the Multi Annual Strategic Work Programme (MASP) and will support the development of the next phase of IMPEL's multi-annual strategy that will bring together the work of the 5 Expert Teams in an integrated way. The project will also deliver a provisional input for a separate project to further improve a methodology for future surveys on implementation challenges to be carried out by IMPEL and or Member States.

## **3.**

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

The work will be carried out primarily by a consultant, working closely with IMPEL's Board and the 5 Expert Teams. Key activities to be included in the project are:

1. Consultation with relevant Heads of Units and key experts in the European Commission, to gather specific feedback on the Implementation Challenge conclusions and recommendations, to understand current and planned work of the Commission in these areas, and to assess how IMPEL can work in a complimentary but independent manner with the Commission to strengthen implementation of environmental law across Europe, building on the respective strengths of the two organisations and avoiding duplication.
2. Working with the 5 Expert Team Leaders to help frame specific projects to address implementation problems for 2016 and beyond, and with the Programme Management Group to identify cross-cutting themes that can be addressed in an integrated way across IMPEL's programme as a whole.
3. Further analysis of questionnaire responses to identify the nature and causes of particular problems and gaps in different countries.
4. Supporting IMPEL's Board in developing an integrated and coherent multi-annual strategy that will guide IMPEL's work over the next 5 years and targets solutions to key implementation challenges.
5. Engaging with IMPEL's community and the General Assembly in taking the outputs from this work forward and tackling implementation challenges in member countries.
6. Mapping of external networks and organisations that are key partners and stakeholders in addressing implementation challenges for the future.
7. Provisional identification and collecting of opportunities for improvement of the



questionnaire as used in the survey, which will serve as input in a separate project on this matter.
<b>3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)</b>
<ol style="list-style-type: none"> <li>1. Synthesis of relevant information to be fed into meetings with IMPEL's Expert teams, the European Commission and other stakeholders.</li> <li>2. A project report that documents key findings and recommendations to shape IMPEL's work programme for 2016 and beyond.</li> <li>3. A provisional shortlist with opportunities for improvement of the questionnaire and the survey methodology.</li> </ol>
<b>3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)</b>
<p>An overview of planned activities is detailed below:</p> <ol style="list-style-type: none"> <li>1. Consultation on this ToR with the IMPEL Board – 23 June</li> <li>2. Engaging the Consultant – end of June</li> <li>3. Meetings with Expert Team leaders – July/ August</li> <li>4. Meetings with the European Commission – July/ August</li> <li>5. Meeting with the Programme Management Group- July (date to be confirmed)</li> <li>6. Meeting with Programme Management Group – 24 Sept</li> <li>7. Presentation to the IMPEL Board - 25 Sept</li> <li>8. Final report - End Sept</li> <li>9. Presentation to IMPEL General Assembly – 1/2 December</li> </ol>
<b>3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)</b>
<ol style="list-style-type: none"> <li>1. Scope creep – clear boundaries will be set around what areas we will review this includes focusing on practical implementation issues only and areas which are relevant to the IMPEL Network e.g. TFS/Waste, Industry Regulation, Land and Water, Nature and cross cutting (Inspections, Enforcement, compliance) and which IMPEL can influence and improve by its work.</li> <li>2. Tight timescales for delivery – this will be managed by engaging a consultant to support the work.</li> </ol>

#### 4. Organisation of the work

<b>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)</b>
Chris Dijkens (Netherlands) – IMPEL Vice-Chair
<b>4.2 Project team (who will take part: name, organisation and country)</b>
IMPEL Programme Management Group; representatives from members of the General Assembly



**4.3 Other IMPEL participants (name, organisation and country)**

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

European Commission. Other relevant European networks including Prosecutors and Judges
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**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?	12,000			
How much money is to be co-financed				
<b>Total budget</b>	12,000			

**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 day)	Total costs €
<b>Event 1</b>				

**7. Detailed other costs of the work for year 1**

<b>7.1 Are you using a consultant?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>7.2 What are the total costs for the consultant?</b>	12,000
<b>7.3 Who is paying for the consultant?</b>	IMPEL
<b>7.4. What will the consultant do?</b>	Carry out all work items specified above



<b>7.5 Are there any additional costs?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>7.6 What are the additional costs for?</b>	N/A
<b>7.7 Who is paying for the additional costs?</b>	N/A
<b>7.8. Are you seeking other funding sources?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

## 8. Communication and follow-up (checklist)

	What		By when
<b>8.1 Indicate which communication materials will be developed throughout the project and when</b>  <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR <sup>v</sup> * Project report <sup>v</sup> *	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	End of June End of September
<b>8.2 Milestones / Scheduled meetings (for the website diary)</b>			
<b>8.3 Images for the IMPEL image bank</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>8.4 Indicate which materials will be translated and into which languages</b>	None (to be reviewed if required)		



<b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b>	No
<b>8.6 Identify which groups/institutions will be targeted and how</b>	The European Commission IMPEL Members Heads of EPA Network Members
<b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b>	BRIG Meeting – Autumn 2015 Heads of EPA Plenary Meeting Autumn 2015 'Make it work' Project

✓ ) 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?*

*In case of doubts or questions please contact  
the IMPEL Secretariat.  
Draft and final versions need to be sent to the  
IMPEL Secretariat in word format, not in  
**PDF**.  
Thank you.*





## Annex 2: IMPEL's Strategic Work Programme 2016-2020

**Final 25 April 2016**

This strategic work programme builds on more than 20 years' experience within the IMPEL network in supporting countries on the practical implementation of EU environmental law. Its purpose is to give strategic direction and to set priorities for IMPEL's work over the next 5 years, reflecting the needs of our members and key implementation challenges. It will help guide decisions on how IMPEL's resources will be invested in specific projects and activities.

It reflects the priorities of the [7<sup>th</sup> EU Environment Action Programme to 2020 'Living well, within the limits of our planet'](#) which has as a key objective to improve the implementation of EU environmental law.

The strategic programme is intended to be used as an important reference document for key groups within the IMPEL Network:

- the *General Assembly*, for considering and agreeing the strategic direction and priorities for IMPEL's programme and, recognising the need for flexibility, for agreeing changes to the programme over the next 5 years, should this be necessary;
- the *Board*, for managing IMPEL's resources to reflect the priorities set out in the 5-year strategic programme;
- the *Programme Management Group*, for bringing together and proposing an integrated annual work programme that reflects the priorities of the 5-year strategic programme; and
- the *Expert Teams*, for developing and proposing priority projects each year that reflect the strategic priorities in the 5-year programme.

The detailed priorities of each of the five Expert Teams are set out in Appendix 1.

The programme is informed by the results of a recent [research project on implementation challenges](#) that has helped us to gain a better understanding of the nature and underlying causes of the practical implementation challenges faced by regulatory organisations. It also reflects important priorities put forward by our member organisations in discussion with the five Expert Teams.

It reflects the important changes in IMPEL's ways of working, structure and governance that have taken place over the last two years following agreement of a [new strategic direction for IMPEL](#). The intention is to allow these new ways of working to embed and to develop and strengthen over the next five-year period.

The programme also reflects IMPEL's core aims, including identifying and sharing good practices and helping to support more efficient, effective and consistent approaches to the interpretation, implementation and enforcement of EU environmental law.



## Our mission

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Our mission is: ***to contribute to protecting the environment by promoting the effective implementation and enforcement of EU environmental law.***

## Our priorities

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We have 5 key priorities for the next five years:

### **Priority 1: Target our work to help overcome the challenges in implementing EU environmental law.**

Using the outcome of recent research, we have improved knowledge and understanding of the practical implementation challenges faced by regulatory organisations in our member countries.

We will:

- Use this knowledge to shape and prioritise projects that specifically address areas where implementation problems are being encountered.
- Continue to update our knowledge and understanding of implementation challenges through periodic questionnaire surveys involving our members, network partners and, where appropriate, other stakeholders.
- Organise regular dialogues with the European Commission to discuss on-going and new implementation challenges.

### **Priority 2: Engage with and respond to our members' needs.**

IMPEL is a network of member organisations. It is vitally important that we listen and respond to our members' needs. It is equally important that our members make sure that the benefits of IMPEL's projects are taken up in their organisations to help improve efficiency and effectiveness of their operations.

We will:

- Continue to carry out a programme of country visits by the IMPEL Board to help improve awareness of the benefits of IMPEL's work at a senior level and to encourage participation in projects and programmes.
- Develop a better understanding of the main challenges faced by public environmental authorities, how their needs can be met, and how the benefits of IMPEL's programme can be embedded in their organisations.



- Encourage senior-level participation in decision-making, particularly through General Assembly meetings.
- Strengthen the important role of the National Coordinators in promoting country and organisation participation in IMPEL's programme.

### **Priority 3: Further develop the 5 thematic programmes and Expert Teams.**

The new structure built around five thematic work programmes is now established. The strategic plans for how each of these programmes will develop over the next five years are described further from page 7 in this document.

We will:

- Apply and improve the agreed processes for defining and prioritising new projects and activities, taking into account the specific participation interests of our members.
- Further develop the Programme Management Group that has a key role in bringing the five themes together into a single integrated programme.
- Encourage wider participation in Expert Team meetings and involvement in decisions on prioritisation of new projects.
- Improve the agreed procedures for approval and post-project evaluation of projects and the promotion of their results.

### **Priority 4: Build the Network and seek new members to contribute to and benefit from our work.**

The IMPEL Network has grown significantly over the last 20 years and now has more than 50 member organisations in 35 countries. We need to attract new members to develop the communities that are necessary to develop new areas of work, particularly nature protection and water and land.

We will:

- Invest in research to better understand and map the responsibilities of public authorities and other public utility organisations responsible for the practical implementation of EU environmental law across IMPEL's 5 thematic areas.
- Work through the network of National Coordinators to identify key new organisations and to encourage them to join and engage with IMPEL's programme.
- Encourage membership by regional as well as national authorities.
- Use country visits as an opportunity to engage with potential new members.

### **Priority 5: Strengthen cooperation with other national, European and international organisations and networks.**

There are many organisations and networks operating at national, European and international levels in the field of environmental protection. It is vitally important that we



reach out and engage with them to encourage sharing and learning on best practices and to improve cooperation in tackling trans-frontier and global problems.

We will:

- Identify and map key national, European and international organisations relevant to IMPEL's areas of activity and target those with which cooperation would be most beneficial.
- Regularly review and update the Board's external engagement programme, including seeking opportunities to engage with country and international networks and organisations as part of Board meetings.
- Invite relevant networks to IMPEL events and use invitations to speak and participate in meetings, conferences and workshops as key opportunities to engage with other networks.
- Develop and track progress with Memorandum of Understanding with key national and international organisations and networks.

## The ways we will work

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In taking forward the above priorities and actions there are several important ways in which we will work to ensure that our members and other stakeholders benefit from their investment in IMPEL's programme.

### ***Inform policy with practical experience and expertise***

IMPEL's focus is to help to improve the implementation of EU environmental law. We are not responsible for policy-making – that is a matter for the formal EU institutions and the Member States. However, we want to ensure that, where appropriate, the practical experience and expertise within our member organisations is utilised in the development and review of policy. We will seek to provide technical advice to the European Commission and other relevant institutions through attendance at relevant workshops and meetings and through development of practical methodology and guidance.

### ***Help countries build capacity and achieve compliance more quickly***

Information on implementation across the EU suggests that the rate of progress is not evenly distributed and can differ significantly between countries. Sharing of know-how amongst practitioners can help organisations develop practical solutions to implementation problems more quickly and more efficiently than by working alone. In carrying out our work programme we will seek to, wherever possible, identify and share good practice with our member organisations. We will use a range of interventions through our work programme to facilitate the sharing of practical experience and expertise, including: peer review, through the IMPEL Review Initiative (IRI); technical workshops and seminars; staff



exchanges; joint activities, such as inspections; development of practical tools methodology and guidance; targeted training; use of 'Basecamp' for problem solving and for the exchange of data and information.

### ***Coordinate action across borders***

Many of the implementation challenges facing our member organisations are trans-boundary in nature. Tackling issues such as waste and wildlife crime requires coordinated management by authorities in different countries, both within and outside Europe. The achievement of good ecological status in Europe's rivers requires an integrated river basin management approach that often requires coordination across borders between countries. IMPEL will continue to make an important contribution to cross-border coordination, for example, by identifying and mapping the responsibilities of different authorities in countries; sharing intelligence and information between authorities; carrying out coordinated campaigns on monitoring and surveillance and to improve compliance and enforcement.

### ***Facilitate communication between different regulators through the compliance and enforcement chain***

Successful implementation of environmental law requires collaboration between the different actors involved in compliance and enforcement. These include organisations and individuals involved in: environmental permitting; monitoring; compliance promotion and assessment; enforcement action; prosecutions; and the judiciary. We will seek to improve communication and coordination between the different actors in the compliance chain by: joint actions between European Networks, including the European Network for Prosecutors on the Environment (ENPE), European Forum for Judges on the Environment (EUFJE) and ENVI CrimeNet and facilitating workshops and conferences bringing together relevant communities of practitioners.

### ***Develop innovative approaches and methods***

Many of our member organisations are facing increasing constraints in financial and staff resourcing. We aim to support our members by using our programme to develop innovative approaches and methods for environmental regulation that will help them to carry out their roles more efficiently and effectively. For example, we will continue to develop and refine risk-based tools and procedures to allow authorities to target their effort to achieve the greatest benefits for the environment and public health. We will facilitate the sharing of new developments in the application of cutting-edge technologies, for example in environmental monitoring and surveillance, and the use of the Internet for the dissemination of information and community engagement.



## Funding and resources

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At present, around one third of our income comes from membership fees and voluntary contributions from members. The remainder currently comes from EU LIFE+. Every year, the Programme Management Board will develop and propose an integrated programme of prioritised projects across the five Expert Teams, consistent with the funding available. The General Assembly will consider and approve the programme and IMPEL's overall operating budget. The Board will manage the agreed overall budget. It is important to recognise that the majority of IMPEL's resources are made up of expert staff time given freely by member organisations to managing projects and in contribution to IMPEL's management structure, including Expert Teams, the Board and the General Assembly. Other valuable in-kind contributions include free conference facilities and further support of meetings.

## Measuring our success

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It is very important that we have reliable feedback on how IMPEL's programme is benefitting our members so that we can take action to continuously improve it and ensure that it achieves the best value from the resources available. We need to improve our understanding of how the knowledge, guidance and tools created in IMPEL's projects are taken up in member organisations and applied to improve the implementation of environmental law. Each member country will therefore produce a short annual report that summarises the extent of participation in Expert Teams and projects, and provides feedback on the benefits that have been realised.

### ***Engagement and participation***

Our aim is to improve the overall level of participation in Expert Teams and project groups, moving towards a position where every country is actively engaged in each of the Expert Teams and the leadership of projects is more widely shared across member organisations. The annual report will therefore provide the means for gathering and reporting information on the level of participation by countries.

Our success is also dependent upon attracting new member organisations that can help to develop and contribute to the five thematic areas of our work programme. The annual report should provide information on progress with recruitment of new members, their roles and responsibilities, and how they can contribute to each of the Expert Teams.

### ***Evaluating the benefits received by our members***



The annual report should provide feedback on the benefits received by member organisations as a direct consequence of engagement in IMPEL's work programme. This should address key questions, such as:

- Has participation in IMPEL's programme helped your organisation to overcome specific challenges in implementing EU environmental law?
- Has compliance with the requirements of EU environmental legislation improved and have there been consequent benefits for the environment, people and wildlife as a direct result of engagement in IMPEL's programme?
- Is your organisation operating more efficiently and effectively as a result of applying the know-how, tools and techniques acquired from IMPEL's projects and activities?
- Are senior officers responsible for your organisation able to tell us that the outputs from IMPEL's programme are being taken up and embedded in their organisations and that they are receiving the benefits that they expect from their membership and investment in IMPEL?

The detailed structure of the annual report is to be developed and agreed by the group of National Coordinators.



## Appendix 1

# Strategic Plans for the Five Thematic Programmes: 2016 to 2020

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# Industry and Air

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## *Context*

The regulation of emissions from industry has a long history in Europe and has been the subject of a series of EU Directives over the last forty years. Despite this, assessments of the impact of industrial emissions show that they are still causing significant damage to human health, ecosystems and the economy.

IMPEL has identified the key implementation challenges related to industry and air regulation. The Industry and Air Expert Team (I&AET) will focus its work on addressing these challenges, as well as other priorities identified by member organisations (including noise issues and odours from farming).

## *Aims*

The main directions of I&A ET activities over the next five years are to support member organisations in addressing key challenges in the implementation of the requirements of EU legislation in the following key areas:

- Best Available Techniques (BAT); going beyond BAT; and practical implementation of BAT/BREF notes.
- Compliance with Industrial Emissions Directive (IED) provisions in order to achieve Air Quality Standards (AQs) in areas with high density of industry; application of Emission Limit Value (ELV) ranges (BAT and BREF notes) in relation to AQs; exceedances of AQs in city centres in relation to industry regulation; revised BAT setting, including new ELVs in glass and cement sectors.
- Minimum content of IED Baseline Reports focusing on soil and groundwater contamination.
- Minimum content resources for IED Inspections (topics in relation to identified high risks, covering all relevant media, covering all or only a few aspects, using check lists in relation to risk criteria, and announced/ unannounced inspections).
- Monitoring challenges: self-monitoring and operator reporting under IED; Differing sampling frequency for air emissions; lack of air quality monitoring stations; industrial soil and groundwater monitoring.
- Resource challenges: lack of expertise at decentralised levels; lack of resources and trained staff; charging regimes as a possible solution for overcoming the lack of resources.
- Regulation challenges including: industrial noise problems; agricultural and industrial odour problems; pollution caused by IED farming activities.
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## *Outcomes*

The main outcome of the work of the I&A ET is to overcome implementation challenges and provide a level playing field for industry and air regulation across Europe. This will be done by:

- Setting up an enhanced network of experts on industry and air regulation;
- Fostering cooperation and coordination between different regulatory bodies (permitting, inspection and surveillance bodies) with a view to streamlining and optimising the use of inspection and surveillance resources;
- Developing guidance and tools (e.g. electronic records of inspection and surveillance work) for achieving a more effective and efficient implementation of industry and air regulation;
- Optimising the communication and active dissemination to the interested public of the results of expert team work.

## *Delivery*

The desired outcomes will be achieved through:

- Projects: for example, Supporting IED Implementation (multi annual project), IED Baseline Report, and Lessons learnt from Accidents;
- Joint inspections and site visits;
- Conferences; for example, conference on IED Implementation;
- Peer reviews - IMPEL Review Initiative (IRI) scheme (integrating the ET outcomes into the IRI process).

## *Partnerships*

In order to perform the planned activities and deliver the proposed outcomes active engagement from IMPEL member organisations is needed. All member organisations should appoint at least one member for the I&A ET. IMPEL Board visits to member countries shall address this issue too. The European Commission is a key partner and stakeholder for the I&A ET. The proposals coming from the EC will be integrated into ET annual work programme. Other important partners are the IPPC Bureau, European Environmental Agency, European Chemical Agency, ECENA and industry sector associations.



# Waste and Trans-Frontier Shipment of Waste

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## *Context*

The objectives and targets set in European legislation have been key drivers to improve waste management, stimulate innovation in recycling, limit the use of landfills, and create incentives to change consumer behaviour. Improved waste management also helps to reduce health and environmental problems, reduce greenhouse gas emissions and avoid negative impacts at local level such as landscape deterioration due to landfills, local water and air pollution, as well as littering. Proper waste management is a key element in ensuring resource efficiency and the sustainable growth of European economies.

Waste is an area of policy where the European Union (EU) is very active. Its involvement has developed over some 35 years but there are still enormous problems in ensuring that the waste laws it adopts are transposed into national law and then properly implemented by all the Member States.

The remit of the IMPEL Waste and Trans-frontier Shipment of Waste (TFS) Expert Team has widened. The TFS Cluster was set up in 1992 as an informal network in order to harmonise the enforcement of European regulations on trans-frontier shipments of waste. This group has now broadened its remit to consider the implementation of all EU waste legislation.

A recent study by IMPEL looking into the remaining challenges in implementing EU environmental law confirmed that significant challenges still existed, with the waste management sector being the most frequently cited.

Working as a network of practitioners, IMPEL will shape its strategic priorities, networking and future work plans to address the project findings. There are several important things that the Waste and TFS Expert team can do to overcome the barriers to effective implementation. Sharing of knowledge and good practice between countries and developing new approaches and techniques can help to apply scarce resources more efficiently and effectively.

## *Aims*

It is clear that further effort needs to be put into improving communication and cooperation between organisations on all levels across various networks to combat waste crime. There is a need to share best practice on stopping organised crime and coordinating action against waste criminals. The Expert team will continue to play an important role in sharing best practice on waste regulation and enforcement and transfer of know how between countries that are making good progress and countries that are facing



implementation challenges to help improve overall level of compliance and achievement of required actions and targets thus leading to a level playing field in the waste sector.

There is a need to continue to develop an active international community of practitioners both within and outside the EU to deal with trans-frontier shipment of waste and further developing the intelligence-led systems and procedures for inspection and enforcement.

There is a need for regulators and industry to develop improved systems for the tracking of waste from its point of generation through its movement to final treatment or disposal.

The Expert team will also use the experience and practice developed on TFS to benefit other areas of waste regulation.

### *Outcomes*

- All Member States are represented in the Expert Team to cover all areas of waste legislation.
- The capacity of IMPEL members is strengthened, helping them to implement new legislation and improve existing implementation.
- There is stronger collaboration and networking on all levels including Police, Customs, prosecutors and judges, Asian and African networks.
- Waste crime is reduced and the contribution to the fight against waste crime at national, European and international level is enhanced.
- The tracking of waste nationally and internationally is improved.
- Mechanisms and platforms are in place to enable the exchange of information and best practice between inspectors.
- A successful annual conference is delivered.
- The development of waste legislation is improved through the provision of technical advice and information.

### *Delivery*

- Build up the expert team by organising workshops, joint inspections and exchange of inspectors
- Enhance collaboration with other networks by organising joint meetings, training sessions, share good practises
- Meetings and conferences with Expert team members/other network members
- Develop guidance and tools for inspectors
- Carry out studies/surveys/reviews of present practices

### *Partnerships*

The Expert Team's Steering Committee will review project proposals to ensure they meet the aims of the Expert team and steer the direction of the Expert Team. Individuals within the Expert Team will be required to act as Project leads to manage projects through their



various phases ensuring outcomes are progressed. It is hoped that IMPEL members from across all the Member States will participate in the various projects. The outcomes will not be obtained without the input of the wide range of stakeholders and networks. These include experts in regulating waste legislation, Police, Customs, Interpol, Europol, DG Environment, Basel Secretariat, ENPE network, Asian network, REN network, ENFORCE, and INECE.

## Nature Protection

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### *Context*

The EU headline target is to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020 and to restore them in so far as feasible. The main legislative instruments for ensuring conservation and sustainable use of nature are the Birds<sup>1</sup> and Habitat Directives<sup>2</sup>. The EU Timber regulation is also an important instrument. The EU State of Nature<sup>3</sup> report provides insight and knowledge to underpin further actions needed to achieve the objectives of both Directives contributing to the EU biodiversity strategy. It is clear that much stronger conservation efforts are needed.

In the period 2007-2012 the overall status of species and habitats in the EU did not change significantly, with many habitats and species showing an unfavourable status and a significant proportion of them deteriorating still further. On the other hand, some species and habitats covered by the legislation are showing signs of recovery. This is illustrated by success stories in different parts of Europe. Also the Natura 2000 network is playing a major role in stabilising habitats and species with an unfavourable status.

This State of Nature report provides important input to the 2015 Fitness Check of EU nature Directives, the results of which are being implemented in 2016. The Fitness Check looks at a wide range of issues related to the effectiveness, efficiency, coherence, relevance and EU added value of the legislation. The Expert team will address key challenges in this area by focusing its activities on major pressures and threats to terrestrial and marine ecosystems and helping to find solutions to help improve the implementation of EU nature protection law.

### *Aims*

Effective implementation of the Directives relating to nature conservation contributes to public confidence, legal predictability and a level playing field. This requires an effective and efficient system of inspections and surveillance, good access to justice and public access to

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<sup>1</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

<sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

<sup>3</sup> COM (2015) 219 Report on the status of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period as required under Article 17 of the Habitats Directive and Article 12 of the Birds Directive



information. The Expert Team on Nature Protection aims to contribute to the 4th priority in the 7th Environmental Action Programme in order to maximise the benefits of the EU's environment and nature legislation by improving implementation. The Expert Team will also contribute to the Roadmap towards Eliminating Illegal Killing of Birds and the Action Plan on Wildlife Trafficking.

The Expert Team will focus on the quality and quantity of inspections and surveillance, effectiveness in the enforcement chain of detection – prosecution – sanction, sharing of intelligence and information, promoting cooperation with networks of practitioners, collaboration with NGOs and public participation. The ET will facilitate knowledge sharing by the exchange of good experiences and good practises and by executing peer reviews ('green' IRIs). These peer reviews equip authorities and enforcement bodies with the knowledge, tools and capacity to improve the delivery of benefits from that legislation, and to improve the governance of the enforcement process. The ET also will organise joint inspections to share best practises and for the trans-boundary collaboration in investigating criminal (including organised crime) cases. In order to do this successfully it will be necessary to further build up and extend a European network of experts in the nature conservation area.

The Expert Team will also work to address pressures on nature arising from different sectors. This is particularly important in the regulation of agriculture where more effort is required to coordinate the two key control mechanisms: cross-compliance and inspections. Exchange of good practices and guidance on risk assessment approaches in this area will be beneficial. The Expert Team will also work closely together with the Water and Land ET on the achievement of good ecological status in water bodies and in controlling changes in hydrological conditions, which present one of the main threats to freshwater ecosystems.

### *Outcomes*

- All IMPEL member countries are represented in the ET.
- NGOs are represented as observers and partners in the ET by their umbrella organisations.
- Effective collaboration is achieved with the European networks of environmental prosecutors and judges.
- Guidelines on best practices are produced to improve the enforcement chain of detection-prosecution-sanction and are made available on the IMPEL website.
- Guidelines and tools are produced to improve governance of the enforcement process, based on the findings of the 'green' IRIs.
- A programme of yearly 'green' IRIs with follow-up workshops in the following year is executed.
- Effective trans-boundary collaboration is achieved between relevant authorities and networks on the investigation and enforcement of criminal cases.
- A digital platform is developed to exchange intelligence and information on criminal cases, including modus operandi between authorities and collection of information from NGOs.



- Good practices are shared and guidance is produced on the regulation of the agriculture sector with respect to the nature protection, particularly on the coherence between cross-compliance and inspection regimes.

### *Delivery*

- Build-up the green expert team by organising workshops and joint inspections.
- Enhance collaboration with the networks of environmental prosecutors and network of judges by organising joint meetings and training sessions, and sharing good practices.
- Carry out 'green' IRIs.
- Build up a digital platform for the exchange of exchange of intelligence and information on crime cases and modus operandi between authorities and for the collection of information from NGOs.
- Prepare a 3-yearly conference.

### *Partnerships*

The effective implementation of EU legislation on nature protection requires cooperation and collaboration with a range of organisations and networks, both in public authorities and NGOs. These include: The European Commission - DG Environment, Bern Convention, Birdlife Europe, FACE, CABS, WWF, EU TWIX, and Interpol.

## Water and Land

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### *Context*

Implementation of EU legislation on water and land is identified as one of the top challenges in recent IMPEL research on the implementation of EU environmental law. The objectives of several major Directives, including the Water Framework Directive (WFD), the Marine Strategy Framework Directive (MSFD), and Directives on Nitrates, Urban Waste Water Treatment, Ground Waters, and Flood Risk Management, as well as key EU Thematic Strategies, including the Marine and Soil Strategies, remain to be fully achieved in many Member States. For example, the European Commission's review of progress with River Basin Management Plans in meeting the requirements of the WFD showed that only just over half of freshwater bodies across the EU currently achieve the required quality level of good ecological status. Diffuse source pollution from agriculture, over-abstraction of water and physical modification of water bodies are key underlying causes of failure to achieve good status.

Implementation problems may arise at several levels: in the transposition of EU legislation into national laws; the setting of environmental objectives and plans in Member States; and the enforcement of the requirements, for example through permitting and inspection



regimes. The work programme of the Water and Land Expert Team (W&LET) will address implementation challenges in each of these levels.

### *Aims*

- Support IMPEL members in providing relevant know-how, guidance and tools on the implementation of EU Directives and Strategies relating to water and land. Priority needs include improved information gathering through monitoring and reporting, in several key areas:
  - diffuse-source pollution from agriculture, households, and failing waste water treatment and sewerage systems
  - over-allocation of water resources and over-abstraction of water
  - levels of priority chemicals in water bodies
  - physical modification of water bodies (affecting hydro-geomorphology and the achievement of good ecological status);
  - restoration of water and wetland habitats.
  - risk analysis for supporting development planning
  - land management support and soil assessments
  - flood protection issues and the related possible environmental consequences of measures to tackle flood risks.
  
- Support IMPEL members in the prevention of pollution at source, tackling infringements and supporting compliance assurance activities relating to:
  - contaminated sites
  - industrial installations and activities
  - urban waste waters
  - agriculture and, in particular, the prevention of diffuse source pollution, for example, from nitrates and pesticides
  - illegal abstraction of water and over-abstraction of waters
  - achievement of required water quality standards for bathing waters and drinking waters
  - re-use of treated waste waters
  - hydro-morphological pressures from the building of structures, for example, for energy production, flood risk management and other causes of modification of water bodies that affect the achievement of good ecological status.
  
- Develop guidance and tools, including checklists, for inspections for industry and agriculture sectors and other activities relevant to water and soil protection.
  
- Work with the Nature Protection Expert Team to support the development of an integrated approach to the regulation of the agriculture sector, including the harmonisation of cross-compliance and environmental inspection regimes.





- Work with the Industry and Air Expert Team on the permitting and enforcement of IED installations in relation to water status and land contamination.
- Increase IMPEL membership from organisations that are responsible for monitoring, assessment and reporting functions in relation to EU legislation and those that are responsible for pollution prevention and control, for example, in the agriculture sector.

### *Outcomes*

- The capacity of member organisations is enhanced, for example, in key areas such as the use of new technologies in earth observation and geo-spatial instruments.
- There is improved sharing of experience and best practice amongst member organisations, for example, through:
  - the development of pan-European guidance manuals
  - a survey of activities carried out by IMPEL members on problems and best practices in the W&L area
  - study-visits to organisations responsible for environmental regulation and enforcement, and comparison and exchange of tools and methods of risk assessment
  - development of technical networks to share common problems and solutions
  - gathering of information (e.g. from controls, inspections, monitoring) on the nature and underlying reasons of significant pressures from different activities
  - comparison and exchange on the design of risk-based monitoring programs.
- Member organisations benefit from peer reviews through the IMPEL Review Initiative (IRI), including the accomplishment of an IRI in the Water and Land area and the extension of an IRI to include development planning activities.
- New members and partners are identified to extend technical networks, for example, through: a desk survey of relevant organisations, visits and meetings, and cooperation with technical working groups under the EU WFD Common Implementation Strategy WFD.
- Effective dialogue with key stakeholders is achieved, for example, with the European Commission and other organisations responsible for policies and legislation implementation in order to steer priorities and programmes and provide technical advice and information to support the development of environmental legislation.



### *Delivery*

The ET will deliver the outcome of the activities and projects through:

- development of guidance documents and manuals
- meetings and conferences, within IMPEL and with stakeholders
- technical workshops
- exchange visits, study visits, stages
- further development of thematic networks of technical experts.

### *Partnerships*

Key partners include: INECE, NEPA, WaterCore, Common Forum (at present, there are active contacts with Common Forum, stemming from “DECO” project), voluntary organisations and NGOs operating in W&L field.

Key stakeholders include: the European Parliament and DG Environment of the European Commission, with regard to:

- Directorate-General for Environment Unit B1: Agriculture, Forests and Soil
- Directorate General for Environment Unit C1: Quality of Life, Water & Air (with particular regard to WFD Common Implementation Strategy)
- Directorate General for Environment Unit C2: Marine Environment & Water Industry
- EU Committee on the WFD Common Implementation Strategy.



# Cross-Cutting Tools & Approaches

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## Context

IMPEL's member organisations range from Ministries with a national focus to regional agencies and associations of regional associations. These organisations may have a thematic basis (e.g. Water), a cross-thematic basis, or be functionally set-up to deal with only part of the regulatory cycle (e.g. Inspectorates) or all of the regulatory cycle. These organisations may not even all be required to implement the EU environmental *acquis* yet they all face similar challenges namely how to effectively implement legislation to protect the environment whilst being efficient with tax payers' money.

The Cross-Cutting Expert Team (X-C ET) is primarily designed to support members to implement legislation in an effective and efficient manner such that learning can be shared, capacity built and new developments explored. It works by identifying and addressing the common, overarching issues of implementation and enforcement that emerge from the work and findings in the four other Expert Teams.

## Aims

- Improve understanding of key challenges in the implementation of EU environmental law and how they can be overcome through periodic surveys of member and partner organisations.
- Help to build capacity of member organisations through peer review and post review support, for example, through the IMPEL Review Initiative (IRI) and follow-up projects designed to support 'opportunities for development' identified during IRIs.
- Provide support and guidance related to a refresh of the EU Recommendation for Minimum Criteria of Environmental Inspections (RMCEI) and implementation of any potential new Commission instruments on Compliance Assurance.
- Develop tools, systems and processes to implement aspects of the regulatory cycle e.g. permitting, risk assessment, inspection, compliance assurance techniques, enforcement, and reporting that could be used horizontally across the four thematic Expert Teams.
- Develop new technology and new ways of working to support the implementation of the regulatory cycle, for example, in the use of drones, monitoring equipment, handheld and mobile technology, and back-office support systems.



- Support development of better regulation, refit and fitness checks, for example, the streamlining of monitoring and reporting.
- Support better implementation and development of cross-cutting legislation such as the EU Environmental Liability Directive, the EIA Directive, and EMAS.

### *Outcomes*

- Improved understanding of key challenges in the implementation of EU environmental law and how they can be overcome in order to support better implementation of the EU environmental *acquis*.
- Optimised spend of the public purse through capacity building, shared learning and development (i.e. not having to re-invent the wheel for everything).
- Enhanced levels of compliance through the adoption of complimentary techniques alongside traditional regulatory methods.
- Better, more fit for purpose, legislation designed to yield better environmental outcomes.

### *Delivery*

The outcomes will be delivered through traditional IMPEL methods such as projects, peer reviews and conferences. These will be enhanced, where appropriate, with the development of scientific papers for journals, e-learning, webinars and the use of new communication methodologies, such as Twitter, where required.

### *Partnerships*

The X-C ET will work with key partners to achieve its outcomes including the relevant Units within DG Environment, the other four thematic Expert Teams; other international enforcement and environmental networks and organisations.

The X-C ET will also work with other organisations exploring new compliance assurance techniques and centres of academic expertise.



## Annex 3: Note of meetings with DG ENV, 13 November 2015

### **Summary of meetings between IMPEL and DG ENV, Beaulieu, Brussels, 13 November 2015**

IMPEL met with three of the DG ENV's policy units and held a lunchtime seminar open to all staff on 13 November 2015. The main objective was to explain the outcomes of IMPEL's project on challenges in the implementation of EU environmental law and hear views from the Commission on new challenges and developments in policy and legislation.

The meetings confirmed that strengthening implementation is still a key objective of the Commission. It wants to ensure that existing Directives are properly transposed and has a range of compliance promotion programmes aimed at improving the level of compliance with EU legislation in Member States.

During the lunchtime seminar discussion, we explored the idea of exchanging information on the nature and underlying causes of infringements in Member States to see if there were any common trends that IMPEL could address in its work programme. So far, IMPEL has only received summary information on infringements and it is not easy to identify specific practical problems that underlie the infringement cases.

#### ***Waste and trans-frontier shipment of waste***

DG ENV has initiated a compliance promotion programme to address structural problems in the sector.

##### *Hazardous waste*

For hazardous waste is has developed a compliance scoreboard to assess the performance of MSs in the management and regulation of hazardous waste. A study commissioned by DG ENV shows some 26 to 29 million tonnes of hazardous waste, or around 30% of the total, is unaccounted for in the EU. The reasons are probably statistical and related to the system for reporting and the quality of data. Work is being carried out to improve understanding of the underlying reasons, such as circumvention of hazardous waste by mixing and dilution with other waste streams. A report will be published before the end of 2015.

We explored whether IMPEL's data from the TFS enforcement actions project could be used to help improve understanding of hazardous waste movements. IMPEL had previously carried out a detailed 'snapshot' of inspections and enforcement actions over a period of a few days.



DG ENV is developing a guidance document on the classification of hazardous waste and this will be published before the end of 2015.

#### *Waste electrical and electronic equipment (WEEE)*

DG ENV is looking at the implementation of Annex 6 of the Waste Shipments Regulation concerning shipments of WEEE including improving the detection of illegal shipments, risk assessment and the development of new inspection plans. Weak enforcement remains a key problem.

IMPEL has an important role in helping to improve the level of compliance and enforcement. IMPEL's Enforcement Actions project could look at WEEE as a specific case study. IMPEL will be invited to a Cross-Directorate meeting within the Commission which will be looking at this issue.

The Commission is planning to launch a compliance promotion activity in this area in 2016.

#### *Prior treatment of waste going to landfills*

A recent ruling from the European Court of Justice confirmed that waste must be treated prior to landfilling. This is a major issue in many MSs and a key implementation challenge. DG ENV is launching a study to gain a better understanding of the issues.

#### *End of life vehicles*

DG ENV has carried out an ex-post evaluation on the implementation of the End of Life Vehicles Directive. One of the major barriers to implementation is weak enforcement. Apparently, more than 6.5 million vehicles are estimated to be lost in the EU.

DG ENV is planning to launch a compliance promotion study soon and will look at: an assessment of ELVs with unknown whereabouts; progress with the implementation of the ELV Directive over the last 6 years; and an assessment of reporting on ELVs.

There is a provision in the Waste Shipment Regulation for guidance on exports of vehicles but this is not being widely used. France has developed some expertise in this area.

#### *Construction and demolition waste*

DG ENV has concerns about hazardous waste in construction and demolition waste streams. There seems to be a very low level of reporting by MSs on this.

#### *Mining waste*

DG ENV has commissioned a study to look at progress in the implementation of the Extractive Wastes Directive.



## ***Water and Land***

### *Common Implementation Strategy*

DG ENV advised that the Water Framework Directive Common Implementation Strategy (CIS) work programme was being finalized with five working groups: chemicals; groundwater; flood risk management; ecological status; and reporting.

### *Agriculture*

The Agriculture working group is to be discontinued and DG ENV suggested that IMPEL might consider taking this on as part of its Water and Land Programme.

The EU Court of Auditors report on cross compliance and the common agriculture policy calls for better regulation of the agricultural sector and a more integrated and joined-up approach between different regulators. There is a case for building more ownership with farmers for good nutrient management practices.

The Nitrates Committee could be a useful vehicle for sharing the results of projects. More needs to be done on nutrient accounting and the assessment of the effectiveness of different controls, for example, farm gate balance and soil balance systems. Further areas to be looked at are improving access to agricultural data (INSPIRE might be useful here), expanding the network of inspectors, looking at the costs of enforcement, and sharing of best practice.

### *Soils*

The proposal for a Framework Directive on Soils was withdrawn last year.

The Commission set up a Soil Expert Group in October 2015 as a forum for discussing and sharing new initiatives in MSs on soil protection and management. A consultant has been contracted to develop an inventory of policy instruments relevant to soil at EU level. The IED requirement for baseline reporting is an important instrument.

DG ENV suggested exploring how information on the state of soils could be improved, for example, from data gathered in inspections.

## ***Cross-cutting tools and approaches***

### *Monitoring and reporting*

The Commission is carrying out a 'Fitness Check' on the monitoring and reporting requirements in EU environmental legislation. Areas that are being explored are: calendar of reporting; INSPIRE; overlaps and duplications; horizontal reporting issues.



DG ENV suggested that IMPEL could look at active dissemination of environmental information to the public.

The Commission plans to issue a communication during the Dutch Presidency of the EU next year.

*Inspections and compliance assurance*

The Commission now plans to propose a Recommendation on inspections and compliance assurance instead of the Directive that had been previously discussed. This will update the previous Recommendation issued in 2001. A road map for producing the Recommendation will be produced in December 2015 with a view to publication during the Slovakian Presidency in 2016.

IMPEL could be mentioned in the Recommendation, for example, in highlighting areas for future technical guidance and peer reviews. The Commission is keen to know whether and how the number of IRIs carried out each year could be increased.





## Annex 4: Additional information from responses to the questionnaire

### 1. Cross-cutting implementation challenges through the regulatory cycle

#### Specific sectors problems or difficulties in the processes within the regulatory cycle

The **differing minimum criteria for inspections within different regimes** (IED, REACH, SEVESO, TFS Regulation) restrict the ability for a regulator to implement a risk-based approach and to make use of cross compliance regimes. There is **no clear relation between environmental outcomes and implementation of EU directives and regulations**, for example, how should implementation of a directive such as the Industrial Emissions Directive by a member state contribute towards the objectives of improved air, land, water quality objectives? How can EU-wide outcomes be related to the environmental and economic circumstances of each member state?

There is **no coherent approach across individual directives within the environmental acquis**. There should be a coherent and systematic approach to the design and selection of interventions to deliver environmental outcomes such as those set out in the 7th EAP. There is a **lack of flexibility of implementation across and within member states**: for example, one element of the regulatory cycle (frequency of inspections) is prescribed, rather than allowing the member state implementing the legislation to choose the most appropriate interventions according to circumstances. **Member States should be able to make choices to enable them to help achieve EU (and their own) environmental objectives with optimum use of their capacity and resources**. At the same time there should be consistent risk methodologies for determining national priorities and the use of scarce resources.

There are **too many reporting requirements and differing reporting cycles**, for example within water legislation (WFD, UWWT, Nitrates Directive). The plans and programmes required in many different directives are defined and done differently. Monitoring regimes for pollutants differ across Europe, as do standards.

The **Environmental Impact Assessments carried out in connection with new projects and installations are complicated and time consuming**. It is also difficult to explain the result of EIAs to the public. With respect to environmental assessment of plans and projects, there are **difficulties in making environmental considerations (including those related to EU environmental directives) part of the mainstream for sectoral and land use policies**. Conversely, the achievement of certain environmental objectives, standards and targets is limited or prejudiced by sectoral and land-use decisions on plans and projects which are not prepared by environmental authorities.

The **compartmentalisation of environmental issues and objectives through separate technical legislation results in a fragmented approach to environmental protection and**



limits the possibility to adopt a holistic and integrated approach to environmental assessment. The integration of environmental assessment functions in planning or other sectoral authorities limits its effectiveness and public interface.

There is a lack of knowledge, skills and assistance on the legal and technical aspects of environmental assessment processes, particularly in view of their increasing level of complexity in dealing with very technical and specialist environmental requirements and standards. There is insufficient capacity in terms of specialist advisors within environmental authorities to contribute in a timely and effective manner to the review of environmental assessments of plans and projects and ineffective cooperation from sectoral authorities on environmental assessments of plans and projects, mainly resulting from silo approaches.

Where inspectorates are not the permitting authority there is a need to improve the cooperation with the permitting authorities, particularly the exchange of information using IT tools, in order to share the data in a more effective way.

There should be more cooperation between those responsible for enforcement and prosecution and also a strengthening of knowledge on the part of the police regarding environmental rules and objectives.

#### Actual examples

There is often not widespread enough acceptance of environmental objectives and of environmental regulation, resulting in other (conflicting) interests being given priority

It is desirable to have compatibility between the IT systems of the Inspectorate and the permitting authorities in order to exchange information in a more effective way.

#### *Ways in which IMPEL could potentially work to address these challenges:*

- Continuing to improve information and awareness on the state of implementation of EU environmental law.
- Proactively providing feedback from practitioners in the development of new/ revised EU policy and legislation, for example, by seeking opportunities to make an input to the Commission's 'REFIT' programme to provide a perspective from practitioners on what has worked/not worked on the ground and how the regulatory framework could be streamlined for the future.
- Mobilising information on which countries/organisations are performing well in what areas of the *acquis* and how interventions that have worked well in some countries could be shared more widely to benefit others. This could include a possible 'dating service' for peer-to-peer assistance based on informal dialogue and identification of problems/ solutions.
- Developing self-assessment tools and indicators to allow countries member organisations to measure progress with implementation and use this information to better target IMPEL's interventions.



- Extending and diversifying IMPEL's programme of peer reviews (IRIs) to include areas where specific implementation challenges are being encountered.
- Identifying gaps in technical competencies in environmental authorities to focus IMPEL's work on country support through technical exchanges, country visits, joint inspections, peer reviews and targeted training.
- Identifying critical gaps in knowledge, evidence and information needed for effective implementation and developing links with others, for example European Commission DG Research and Innovation and other EU Commission DGs, European Environment Agency, Eurostat to look at how these could be addressed.
- Helping to improve and/or integrate systems and tools for monitoring, data collection and reporting and dissemination of information, for example through the EU 'INSPIRE' Directive.
- Helping to improve awareness and cooperation between different authorities involved in the implementation chain, for example by workshops on specific problem areas involving environmental regulators, the police, customs, prosecutors and judges.
- Facilitating better cooperation between authorities in different countries on trans-boundary issues, building on experience with IMPEL's work on trans-frontier shipment of waste.
- Further developing links with the European Network of Prosecutors for the Environment and EU Forum of Judges for the Environment to promote awareness and improved coordination in strengthening implementation.
- Further developing links with other networks both within and outside the EU to explore innovative compliance and enforcement approaches and methodologies.
- Helping to identify follow-up surveys to assess progress in improving implementation.

## 2. Industry and Air

### Main outstanding challenges

**Application of BREFs is seen as a challenge.** They are in English and not always translated which can cause problems. According to the definition of the BAT conclusion, consumption levels are mandatory and should be included in the conclusions. But there are no specific consumption levels for the use of energy, raw materials, auxiliary materials and fuels in BAT conclusions adopted after the coming into force of the IED. There are many variations for applying BAT in BREF documents and it is difficult for operators to provide evidence for compliance with each of them.

If an operator would like to apply for derogation under article 15 (4) of IED the competent authority may assess the disproportionately higher costs compared to the environmental benefits due to: (a) the geographical location or the local environmental conditions of the installation concerned; or (b) the technical characteristics of the installation concerned: how should this be done?



There are **some industrial sectors for which Emission Limit Values (ELVs) are not established by legislation and there is not a direct and transparent relationship between ELV's and ambient air quality indicators for certain areas.**

There are **issues concerning interpretation of certain requirements of the IED around groundwater and soil protection** and the associated monitoring requirements or systematic appraisal of risk.

#### Specific sectors presenting a greater challenge

Specific sectors mentioned included **incineration, onshore oil and gas regulation, waste sites (management), food and drink, metallurgical sector and energy sector.** The waste management sector can be challenging in terms of permitting and compliance in view of its dynamic nature. Companies and sites in the hazardous waste sector seem to cause recurrent challenges.

**SMEs cumulatively had an impact on local environment parameters** though due to their small size they were sometimes exempt from certain permitting regimes.

#### Key challenges in the control of emissions to air and their impact on ambient air quality

**Traffic emissions, aircraft emissions and diffuse emissions** were mentioned; traffic causes most air quality problems but industry is required to fit more abatement.

There was a trade-off between abatement and CO<sub>2</sub> emissions (increased abatement uses more energy and generating that energy creates more CO<sub>2</sub>).

**New national targets under the Gothenburg Protocol and draft National Emissions Ceilings Directive will be challenging.** These tighter ceilings will lead to lower levels of ambient ozone, nitrogen oxides and PM<sub>2.5</sub> as well as reducing levels of nitrogen deposition on to sensitive ecosystems

There were **issues with odour**, especially from waste, wastewater, and industrial facilities.

Some sectors not covered by the IED and ambient air quality regulations require site specific controls depending on location, scale and nature of the installation. The ELVs for such installations are not set in legislation and the establishment of benchmarks for emissions and provisions for emission abatement can prove to be difficult

The **use of coal with high sulphur content causes problems with SO<sub>2</sub> emissions**, especially where the construction of desulphurisation installations has been delayed. On the other hand, **particulate emissions to air have had less focus than SO<sub>x</sub> (and NO<sub>x</sub>) where there has been relatively greater focus.**

The **rules for establishing the monitoring for air emissions are very general** (there are no specific rules for different sectors) and because of that the frequency for sampling is different from one region to another.



It is a challenge to achieve good ambient air quality in locations with high concentration of industries that have relevant emissions to air.

There is a **lack of technical guidance on nano-particles**.

#### Actual example of implementation challenges encountered

In view of the highly technical nature of operations and the lack of local experience, auditing of the permits issued to the local hazardous waste incinerator and the National Engineered Landfill had to be done by independent foreign consultants, which the Authority had to commission at the operators' expense

Several BREFs require interpretation of what is to be considered normal operation conditions (NOC) and other than normal operating conditions (OTNOC): how is this to be done? There are overlaps between the Waste treatment BREF and BREFs for other sectors. BREFs and other parts of the IED-regulation limit the use of new innovations and technical developments, rather than encouraging them. There is often a lack of transparency in the background data of BREFs which impairs their interpretation and implementation as well as making it difficult for operators to have trust for the BATs. **Ambitions or targets in BREFs can be difficult to translate into technical requirements. For example, what treatment is needed to fulfil an irreversible destruction of POPs in waste incineration?**

In one area there are many IED installations and SMEs in the metallurgical sector. The ELV's set by environmental permits are the same for both type of installations (IED and non-IED) and therefore the air quality indicators are not met. There are many complaints regarding poor air quality especially during nights and periods with high temperatures. Because of the fact that only one single air quality monitoring station is located far away from the industrial area, there are not many breaches of air quality standards during a year. Until now, the national air quality legislation does not set limit values for ELV's for this kind of installations but only for combustion processes. This lack of legislation led to the situation described.

*Ways in which IMPEL could potentially work to address these challenges:*

- Continuing IMPEL's work on risk-based approaches and tools for the environmental regulation of industry - including licensing, inspection and enforcement – to enable more effective targeting of interventions and helping to ensure a level playing field across Europe.
- Further developing programmes to support capacity building in regulatory authorities, including through country visits and peer reviews (IRIs), carrying out joint inspections, and technical training.
- Sharing information and best practice on specific problem issues, and establishing task teams for developing solutions, for example, on improving industrial safety in relation to the requirements of the Seveso III Directive.



- Supporting the development of BAT definitions under the IED to ensure that they are practical and enforceable.
- Sharing information on the practical application of the IED provisions in different countries, including how the ranges in ELVs are applied in practice and how ELVs are set with respect to ambient air quality standards.
- Sharing information and best practices in addressing of soil contamination and dealing with historic contamination problems.
- Sharing of best practices and approaches for implementing public access to information requirements.

### 3. Nature Protection

#### Main outstanding challenges

One country has a Better Regulation Initiative at a national level which aims at strengthening the existing legal framework and finding more efficient ways of delivering policy objectives on the basis of experiences gained over past years. This may include the consolidation of various pieces of legislation into a simplified and more streamlined instrument. They are also looking at evaluating the legal clarity of domestic legislation and assessing whether any legal texts would warrant such refinement. They may revise the Schedules comprising the lists of species afforded different levels of protection and assess requirements of alignment of existing domestic legislative instruments with new EU and multilateral regulations.

**The Natura 2000 network should be made fully operational** through the mobilisation of resources from all sources, including financing for conservation measures and management of protected areas.

In one country the main challenges are related to the management of some **Natura 2000 sites, mainly those in mountain regions where the local population wants to develop activities like tourism whereas NGOs argue that no activities should be developed there.** Wind turbines also cause problems in that they can be an obstacle for birds.

There are difficulties over the interpretation of national regulations implementing international agreements and regulations, mostly due to overlaps, unclear terminology and grey areas.

There are **links between nature and water regulation but desk officers do not have detailed knowledge of both regulations.** There is a **conflict between physical/spatial planning regulation and land use.** One country said that there is a lack of cooperation at a national level between authorities – especially regarding species protection cases.

One country argued for the improvement of implementation and enforcement, including **improving the quality of the appropriate assessment under the Habitats Directive Article**



**6 (3)** – definition of the previous information that those applying for projects on Natura 2000 sites should submit to public authorities. There is also the **question of the definition of “significant effect” under Article 6 (3).**

There is a conflict of interests between protecting nature and economic, social and cultural requirements. It is important to **put biodiversity into the mainstream across the different sectoral policies.**

**Public awareness is often lacking**, including on what species are protected and which restrictions apply, especially with regard to undertaking leisure activities in Special Areas of Conservation (SACs).

#### Specific sectors presenting greater challenges

One country mentioned **intensive hunting and poaching; destruction of natural habitats through uncontrolled exploitation of natural resources; and a lack of or improper management plans for protected areas.**

Another mentioned the **relation with other European Directives (EIA, environment liability) and the need to improve the Nature Conservation Regulations approach during the permitting process concerning the most hazardous industrial activities (SEVESO, IED, IPPC) in order to establish the operator’s obligations concerning Nature Conservation interests whenever there is a protected site near the installation.** The lack of norms and standards (unlike the Industry sector) means that it is difficult to assess where an operation is causing too negative an impact on species or habitats.

Intensive agriculture projects are installed using salami slicing. **There is a lack of criteria to define projects likely to have a significant impact. There is a lack of staff and expertise, a lack of specific permit conditions for nature consent and a lack of systematic risk evaluation.**

There may be **bias in the decisions of the regulatory authorities in the EIA process; they favour the interests of investors over those of nature conservation.** Information is lacking about the stated natural phenomena and there is a lack of funding and political support for inspection authorities.

#### Actual Examples

There is an unwillingness to take up State compensatory compensation and continued harvesting of peat in Special Areas of Conservation (SACs).

#### What IMPEL can do

Facilitate an EU network of green enforcement agencies, networks and organisations.



Offer information exchange and enable networking. It would be helpful to have common manuals on procedures and conferences on specific topics.

Produce guidance on assessing the impact on species and habitats.

Measure the loss of habitat area and its impact and how to use that information; assess favourable status and the conservation of habitats and species assessed; produce guidance for all member states and improve cooperation between them; produce a database on nature conservation in member states.

*Ways in which IMPEL could potentially work to address these challenges:*

- Mapping key organisations in countries responsible for nature protection and regulation of sectors and activities affecting nature protection and building a 'green' community and programme within IMPEL.
- Developing integrated and risk-based tools and approaches for licensing, inspection and enforcement of installations and activities in and around Natura 2000 sites.
- Supporting capacity-building in implementing organisations through peer reviews, sharing of experiences and best practices, technical exchanges and training.
- Joining-up of inspection/
- enforcement between countries to address wildlife crime (also drawing on experience from coordination between countries in TFS), developing information and intelligence-led approaches and improving coordination between with environmental authorities, police, and customs.
- Seeking opportunities to make an input into the current 'Fitness Check' on nature legislation being carried out by the European Commission to ensure that it reflects the views and experience of practitioners in implementing organisations on progress with the implementation of EU wildlife law.





#### 4. Waste and transfrontier shipment of waste regulation

##### Main outstanding challenges

One challenge is to detect and prevent 'sham recovery' and mis-description of wastes. There are particular pressures on waste that is used for construction or spread to land for supposed 'beneficial' use.

There is a **question over the timeliness of information concerning TFS movements.**

Most TFS work is completed using paper or emailed copies of notifications. A European wide solution would help to ensure the timeliness and correctness of information between regulator, the organisation notifying the waste and other competent authorities. For example, **a live tracked system would be beneficial to both industry and regulators.**

There are challenges in the description of waste. **Some countries may have a different interpretation of what they call waste.** Also, there are **differing standards** in that some countries will require a lower or a higher quality standard. These can change on a regular basis making it difficult for both the competent authority and industry to know what standards are required in any given country.

Countries outside the EU have different (and changing) policies but there is **no specific mechanism for countries outside the EU to notify the European Commission of specific requirements in that country:** for example, plastic waste which is minimally contaminated may no longer be accepted. There is also a **problem of verification in non-OECD countries** in terms of whether the company exists and whether it is allowed to receive the waste. **A mechanism for countries outside of the EU to inform the Commission of their current requirements and any changes would be helpful.**

**A move away from landfill for disposal and towards more treatment and recovery would be good** (while ensuring that operators have the right technical and financial competency to manage the change in risk profile).

Small size and remoteness of some member states can present a challenge. There may be a lack of shipping lines operating from isolated countries and also a problem in finding the right shipping line to export the waste from one country to another for further treatment which could result in higher costs to transport the waste to an authorized facility abroad.

Some companies do not give priority to environmental issues. Sometimes, there are too many participants (companies) involved from when the waste is generated to the end of the waste cycle. Also, there may be different prices and rates for different waste categories. One respondent said that the different parties involved in the waste cycle had differing agendas, both good and bad. There was too much money involved in the process and the EU TFS regulation is too complex.



### Specific sectors presenting a greater challenge

In one case the **main causes of poor performance, in terms of pollution incidents or non-compliance with regulations, related to amenity; dust, odour and noise.**

Particularly in relatively densely populated countries, many waste management sites are in urban areas with greater potential for impacts on communities. **The growth in bio waste treatment (AD and composting) presents challenges to ensure that operators have the right infrastructure and technical competency** to operate processes satisfactorily. Another mentioned issues around regulating small scale low tech operations such as transfer stations of combustible waste, composting sites which cause local environmental problems.

The challenges posed by those dealing with inert and non-hazardous wastes tend to be higher than those for hazardous waste as the latter is thoroughly regulated on a European level. As a result, **sectors, activities and processes dealing with inert and non-hazardous wastes tend to pose greater waste regulation challenges** in ensuring traceability especially when such waste streams are exported outside the Community. Therefore, there are challenges in regards to the implementation of the landfill directive as landfills accept non-hazardous wastes, extended producer responsibility directives and the waste framework directive particularly determination of targets when non-hazardous waste is exported outside the Community. Although the end-of-waste concept has long been acknowledged, **the legal framework to determine the status of waste is still in its early stages. Determination of when a waste ceases to be a waste is a highly challenging sector which needs to be addressed.** The absence of EU wide criteria for certain waste streams means that while a waste may cease to be a waste in one Member State it might not necessarily be a secondary raw material by another Member State.

**Further work is needed to address challenges faced by those sectors, activities and processes dealing with inert and non-hazardous waste with a particular focus on the implementation of the landfill directive, extended producer responsibility directive and waste framework directive.**

Management of the **sludge produced in urban wastewater treatment plants were a problem** as was controlling and enforcing the whole management cycle of waste produced in hospitals.

One country saw various challenges including a **lack of proper disposal facilities for radioactive waste and spent fuel; import of end life vehicles as second hand cars or waste electronic equipment as second hand electronics; bad management of dangerous waste (contaminated soil) from oil industry, in particular in the field of oil exploitation.** Another mentioned used tyres that are transported as "a goods" to non EU countries (the most frequent destination is Africa).



For one there was a problem in identifying offenders given limited resources and the large scale of shipments. It was difficult to prevent illegal activity, which was linked to organised crime.

### Actual examples

100,000 tonnes of contaminated soil from historical sites of oil exploitation (hazardous waste) were treated by chemical and bioremediation processes. The treated outputs were disposed of into an industrial landfill, which does not comply, with the requirements of the Landfill Directive. Samples taken from the landfill showed high concentrations of TPH (total petroleum hydrocarbons) which were above the established limit. The investigation carried out showed that the permit for treatment installation did not set limits for TPH for treated waste. There are no limits established by national legislation for this type of treatment of waste.

*Ways in which IMPEL could potentially work to address these challenges:*

- Sharing best practice on waste regulation and enforcement and transfer of know how between countries that are making good progress and countries that are facing implementation challenges to help to improve overall level of compliance and achievement of required actions and targets.
- Working with others (EEA, European Commission, Eurostat) to contribute to improving understanding of the underlying reasons for unaccounted hazardous waste and how the problems can be tackled.
- Sharing information and best practice on specific problem issues, and establishing task teams for developing solutions.
- Continuing to develop an active international community of practitioners both within and outside the EU to deal with trans-frontier shipment of waste and further developing the intelligence-led systems and procedures for inspection and enforcement.
- Working with regulators and industry to develop improved electronic data systems for the tracking of waste generation, movement, treatment and disposal.
- Sharing best practice on stopping organised waste crime and coordinating action against waste criminals.
- Looking at how experience and practice already developed on TFS could benefit other areas of waste regulation and could be extended to other areas such as wildlife crime.



## 5. Water and Land

### Main outstanding challenges

The most significant impacts on water come from the water supply industry and from agriculture. While the water industry is well regulated, some of the **issues relating to diffuse pollution of water from agriculture are more of a problem**, and regulatory controls are being reviewed as a result. Groundwater quality can be affected by nitrate and phosphate pollution. In addition, there is over-abstraction of water and there is a need for a flexible regulatory system to make most effective use of water resources in the face of pressures from population growth and from climate change. Contaminated storm water run-off affects the quality of both inland and coastal waters.

For the regulators, the **roles and responsibilities of the different regulatory authorities are sometimes unclear**. There is a lack of historical monitoring data and scientific research and the **structure for data management is incomplete and fragmented**. Specialist skills and know-how in the water sector are also needed.

The **cost of waste water solutions can be a difficulty for municipalities**, together with the costs in general regarding monitoring, reporting and general administration. **Some authorities have challenges with leakages to and from old pipes**.

### Specific sectors presenting greater challenges

The approach taken by some municipalities to **flood protection** is to increase the capacity of the channels and accelerate water runoff which can merely push the problem further downstream. An alternative is to promote politically and legislatively to **improve the retention capacity of the land**. This might include management of agricultural and forest land in order to minimize accelerated water runoff and limit irreversible soil erosion, ensure optimal infiltration of rainwater, allowing relatively harmless overflowing streams outside populated areas, construction of polders and improving the use of existing water reservoirs, restrictions on the use of land in flood areas for construction. Plans for the flood risk management and for the updating of the River basin management plans related to the implementation of the WFD and Flood Directive.

**Hydromorphological changes of the river structures and dams for hydropower are an issue as well as diffuse pollution from agricultural sources and diffuse discharges of pharmaceutical products caused by human excrements in wastewater.**

**There should be better engagement with the farming community** to implement the Nitrates Directive, and improving river basin management of rivers, lakes, estuaries and coastal waters.

**Some sites of old municipal landfills do not meet environmental requirements.**



### Actual examples

**The programme of measures to achieve Water Framework Directive objectives gave strong evidence on the efficiency of buffer strips.** During the negotiations on the Common Agriculture Policy the buffer strips were foreseen as part of the greening, though this was not included in the CAP obligatory measures.

**For inland surface waters implementation challenges include difficulty in classifying the status of small water bodies and in quantifying the objectives for water dependent habitats and species.** It is difficult to quantify the link, where the link is established, between groundwater and surface water environments. The physio-chemical, hydromorphological and biological interactions within these waters can be difficult to understand.

**For coastal waters** there is a need to address risk management and emergency response in a holistic manner. **Knowledge is insufficient on transboundary sources and hydrographical influences and the fate of contaminants.** There is a need to understand the link between concentrations of chemicals and their effect on biota and also the link between hydromorphological characteristics and impacts and their relationship with marine biota.

*Ways in which IMPEL could potentially work to address these challenges:*

- Mapping key organisations in countries responsible for water and land regulation and encouraging them to join the developing Water/ Land community within IMPEL.
- Developing close links with the Water Framework Directive Common Implementation Strategy (WFD CIS) framework and its technical groups. For example, linking the peer review process set up for river basin management plans by the WFD CIS and IMPEL's IRIs.
- Sharing best practice and development of best practice guidance on diffuse pollution plans and better cooperation between different authorities responsible for environment and agriculture regulation. Exchanging information on different approaches that have been tried and tested in some countries and could be extended to others, for example, catchment walking.
- Developing and applying licensing, inspection and enforcement approaches that better integrate environmental regulation with regulation of the agriculture sector (cross-compliance with the Common Agricultural Policy).
- Seeking opportunities for carrying out IRIs in the area of water, land and agriculture regulation.
- Sharing know-how on regulation of discharges from waste water treatment processes and urban drainage systems and re-use of treated wastewater.



## Annex 5: Summary notes of discussions with IMPEL expert team leaders on the findings of this project

### 1. Cross cutting tools and approaches (Simon Bingham – 18 November 2015)

The Commission were proposing a fitness check on Monitoring and Reporting that would clearly be relevant to the findings of this project and would provide an opportunity for input from IMPEL. The fitness check would look at Monitoring and Reporting at both the national and local levels. Simon was due to give a presentation to the Committee of the Regions on this subject shortly together with a senior official from DG Environment.

It was now looking likely that a recommendation on compliance assurance would be brought forward. IMPEL would be able to play a role in the preparation of any such recommendation as well as giving advice on how it might be implemented. This would be a different way of working for many organisations and should help focus effort and resources where they are most needed and will have the biggest impact.

Some people had raised points about Environmental Impact Assessments and Simon pointed out that this varied between countries, as was often the case. For instance, in some countries the environment was taken into account at all stages of the planning cycle but in others only at certain stages. Some countries had a centralised system which usually had the advantage that staff were knowledgeable but often remote from the issues they were dealing with: a more localised system had the benefit of local knowledge but sometimes little opportunity to build up a body of expertise. This would be an opportunity to put those organisations having difficulties in touch with those with greater expertise in this area.

There was a plan to have a project on permitting in 2016 which would be similar to Doing the Right Things on Inspections. Initially there would be a comparison study to identify current practice and then in the following year a further project which would seek to identify good practice.

Better cooperation with environmental judges, prosecutors and the police had been proposed. There would be a conference in 2016 involving these organisations and IMPEL which should help identify examples of good cooperation and propose ways in which these might be carried forward in the future.

The development and use of self-assessment tools would depend on achieving buy-in from senior managers.



## **2. Industry and Air (Horst Buether – 2 October 2015)**

Horst had incorporated many of the findings from the Implementation Challenge in the work programme for Industry and Air. This can be found below as an example of good practice.

In terms of the additional findings from the results of the questionnaire, Horst suggested that we seek information from the respondent on the specific area of incineration, which had been mentioned as presenting a great challenge.

The issue with incineration was not so much with the process itself as with the difficulty in persuading those living near potential sites for incinerators that the emissions would not be harmful. Those countries which were already making considerable use of incineration seemed largely to have overcome problems of this sort and it could be useful for them to share their experience with those have difficulties over the attitude of members of the public to incinerators.



## Work programme (2016) of the Industry and Air Expert Team

Challenges for the level playing field implementation of industry related European environmental law were identified during the following meetings and activities:

- First project meeting of the IED Implementation project in Bremen, Germany, March 2015
- Workshop of the IED Implementation project in Mons, Belgium, April 2015
- First Industry and Air Expert Team meeting in Mons, April 2015
- Project on Implementation Challenges, Report March 2015
- Meeting of IMPEL with DG Environment in Brussels, Belgium, October 2014

Identified Challenges	Status	Related Activities
<b>Bremen project meeting:</b>		
Application of BREFs	In preparation for October 2015 project meeting (Pieter)	BAT derogations project, 2014; IED permitting project 2012
Application of emission ranges	Open	BAT derogations project, 2014; IED permitting project 2012
Application of Article 18 (ELVs and Air Quality limits)	Open	Air Quality standards in relation to industrial air emissions project, 2010
Baseline report – soil contamination	In preparation for October 2015 project meeting (Chrystalla)	Participation in the planned Water and Land Baseline report project 2015
Levels of non-compliance	Preparation of final results until October 2015 project meeting (Hartmut, Pieter)	IED Inspection project, 2012
Charging regimes	Open	
Self-monitoring and operator reporting	In preparation for October 2015 project meeting (Martine)	IED Inspection project, 2012
Reporting to the public	Preparation of final results until October 2015 project meeting (Marinus)	IED Inspection project, 2012
Definitions	Open	
Dealing with installations closing down/bankruptcy	Preparation of final results until October 2015 project meeting (Florin, Sigridur)	
<b>Mons project workshop</b>		
Guidance for inspections: topics in relation to identified high risks, covering all relevant media, covering	Open	IMPEL inspection manual (1996); DTRT (2009)





all or only a few aspects, using check lists in relation to risk criteria, announced – unannounced, ...		
Minimum extent and recourses for IED inspections	Open	easyTools project, 2011
Real joint inspections, site visits instead of site seeing	Joint inspection of DCMR, Flanders and Cologne inspection authorities in preparation for Rotterdam harbour	Landfill inspection project
<b>Identified Challenges</b>	<b>Status</b>	<b>Related Activities</b>
<b>Mons Expert Team</b>		
Towards implementation of BREFs (TIMBRE)	Open: originally planned project shall be integrated into the IED Implementation project	
Violated air quality standards in city centres in relation to industry regulation	Open: Formation of a project team is encouraged	Air Quality standards in relation to industrial air emissions project, 2010; Application of Article 18 of the IED Implementation project
Regulating industrial noise problems	Open: Formation of a project team is encouraged	
Regulating agricultural and industrial odour problems	Open: Formation of a project team is encouraged	
Pollution caused by IED farming activities	Open: Formation of a project team is encouraged	Pig farming project, 2012; Diffuse pollution and nitrate loss from farms project, 2015
<b>Implementation Challenge</b>		
Issues about BAT and BREF notes	Open	Covered by the IED Implementation project
Emission limit values (ELVs) – ambient air quality	Already mentioned above	
Lack of expertise at decentralised levels	Open	
Lack of resources and trained staff	Open	Partly covered by the IED Implementation project
Interpretation of IED (protection of groundwater and soils and associated monitoring requirements)	Part of the activities on IED baseline report	Covered by the IED Implementation project



Differing sampling frequency for air emissions	Open	
Lack of air quality monitoring stations	Open	
Compliance under IED/IPPC to achieve good air quality in areas with high concentration of industries	Already mentioned above	
Revised BAT setting challenging Emission Limit Values in glass/cement sectors	Open	
Energy supply and improving energy efficiency	Open	Energy efficiency project, 2012
Particulate emissions	Open	
Odour assessment	Already mentioned above	
Environmental effects of SMEs	Open	
Air quality problems in Cities	Open, traffic issues	
How to deal with other than normal operating conditions	Open, often not covered by BRefs	
Public access to information	Partly open, maybe covered the IED Implementation project	
<b>DGE/IMPEL meeting</b>		
Application of BAT / general binding rules	Open	Can be covered by the IED Implementation project
Derogations from BAT (IED Article 15.4, 15.5)	IMPEL project in 2014	
<b>Identified Challenges</b>	<b>Status</b>	<b>Related Activities</b>
Going beyond BAT (IED Article 18)	Already mentioned above	
Integrated permits (one stop shop)	Open	Can be covered by the IED Implementation project
IED Baseline report of soil and ground water pollution	Already mentioned above	
Industrial soil and groundwater monitoring	Already mentioned above	
IED inspections	Already mentioned above	
Public participation / complaints management	Open: shall be covered by the IED Implementation project	Neighbourhood complaints project, 2010
Air quality (PM <sub>10</sub> , NO <sub>2</sub> )	Already mentioned above	



Industry (large combustion plants) and air quality		
--	--	--

**Conclusions:**

Most of the identified challenges are already covered or can be covered by the IED Implementation project. It shall be the main activity of the Industry and Air Expert Team in the following years. In addition, the development of project ToRs on further activities mentioned in this compilation is recommended. Project ToRs not related to this compilation will be treated with less priority. An exception from this will be a new ToR on “Lessons learnt from Accidents”.

Challenges in yellow areas coming from an in-depth investigation of the results of the Implementation Challenges project done later and put on board on October 2015



### **3. Nature Protection (John Visbeen - 2 December 2015)**

Several respondents had mentioned the Natura 2000 network which John said was not really a focus for IMPEL at present. However, Article 6(3) of the Habitats Directive was relevant to IMPEL's work. This required an 'Appropriate Assessment' for any plan or project (including industrial activities) likely to have a significant impact on a Natura 2000 site. A project relevant to this would be in the work programme.

John said that he was seeking to bring together relevant stakeholders to collaborate on this including inspectors, prosecutors, judges and NGOs. The proposed IMPEL conference in 2016 would be very helpful in this regard. The Green Impel Review Initiatives (IRIs) would also be invaluable.

On biodiversity, IMPEL was seeking to tackle the issue of the illegal killing of birds. Joint inspections were being carried out and NGOs were involved in raising awareness through education. Joint inspections should also help with the issue of hunting tourism.

Some of the issues raised were political, such as a suggestion of bias in the Environmental Impact Assessment process in favour of investors over nature conservation, and not really areas where IMPEL could be involved. However, IMPEL was seeking to focus on good practice in the execution of permit procedures.

IMPEL could help start the discussion on the loss of habitat area and its impact which was very important: this would also rely on cooperation between NGOs, universities and regulatory authorities.

IMPEL was working on information exchange leading towards developing manuals and procedures. IMPEL was looking at the possibility of recommendations on guidance and wanted pigs and poultry, windmills and quarries to be included in significant effects.

The 'fitness check' by the European Commission on nature legislation had already been completed but it should be possible for IMPEL to play a role in any future 'fitness checks.'



#### **4. Transfrontier shipment of waste (Allison Townley – 7 September 2015)**

Allison pointed out that a challenge for her expert team was to move away from Transfrontier shipment of waste (TFS) and to bring in more waste issues. Some waste issues were interrelated with TFS anyway.

It was important to avoid any duplication with the Correspondents' Group which was a formal group established under the TFS Regulation. They were looking at the movement of waste to non-OECD countries so it would not be useful for IMPEL to work on that as well.

Allison was surprised at the Commission's suggestion that 17% of hazardous waste went missing. This figure had come from work by the European Environment Agency using data from Eurostat: the Commission were going to investigate this further. Allison thought that the figure might in part be a reflection of the way the data had been collected and that there may have been some double counting.

Concerns had been raised about mercury being moved and re-sold illegally and IMPEL might look at the information on the incidence of this happening. Allison said that she was trying to obtain information from Sweden about what was going on.

Allison said that organised waste crime would be the theme of the IMPEL TFS conference. There was a clear link with enforcement and there was a possibility of offering to help countries that were not as far forward as others. It would be useful to have a workshop at the conference on priorities which would be helpful as it would mean that prioritisation would come from the conference.

Some members of the expert team covered the full spectrum of responsibilities on waste whereas others only covered TFS. It would be difficult to change if we wanted TFS to carry on as before. One possibility was to have two parallel groups though that would reduce the scope for integration. A better way might be to carry out projects and to invite new participants as appropriate. People usually participated as individuals and did not always communicate with others back in their own organisations. Allison said that at the General Assembly she had asked for members for the expert team but only a few new people had come forward.



## **5. Water and Land (Giuseppe Sgorbati, 8 September, 2015)**

Giuseppe pointed out that, till now, IMPEL's expertise was in inspections: planning was also very important in the water and land area and it was a priority for your expert team to build up expertise in that area. This would mean identifying who was responsible for planning in the various organisations and perhaps in different organisations from those already in IMPEL. An Italian organisation responsible for CAP payments had indicated that it would like to join IMPEL and agriculture was also an important area for land and water. So it would be necessary to try to integrate several different authorities.

The meeting of IMPEL National Coordinators was due to take place later in the year and they might be able to help with identifying the relevant authorities in their respective countries. Giuseppe considered that the Coordinators would certainly be able to advise about organisations already within IMPEL, especially those dealing with inspections, but that it would be necessary to look at organisations outside IMPEL as well. Coordinators might be able to identify a lead person on water and land and also identify which organisations should be invited to participate. It would be helpful to check whether the replies to the questionnaire helped to identify organisations responsible for water and land, bearing in mind that some respondents had insisted on anonymity.

There had been a meeting of the Heads of EPAs in Malta a few years ago for which a survey of organisations with responsibility for water and land had been carried out. Giuseppe would discuss this with Suzanne Gauci.

Giuseppe mentioned the work on the Water Quality Regulation Manual that would be carried forward into next year. He acknowledged the importance of diffuse source pollution and buffer strips but the immediate priority would be to involve more countries in the work of the group. He preferred not to go into too much detail at this stage and advised against seeking more information from those who had replied to the questionnaire on water and land. He wanted to build up a proper structural framework first.

On the classification of the status of water under the Water Framework Directive, he said that the Common Implementation Strategy (CIS) was already looking at this and he wanted to avoid an overlap. Nonetheless, he would want to build a better relationship with the CIS. The European Environment Agency had done some work on hydromorphology. He pointed out that this was linked to planning and was often driven by political and economic issues so it would be necessary to identify how IMPEL members worked with planners and decision-makers. On the marine environment he had asked for details of which experts were involved in marine strategy.



## Annex 6: Revised questionnaire

### **Comments on possible use of the questionnaire**

It is important in surveys of this kind to allow sufficient time (say, four weeks) for the circulation of the questionnaire, the replies to be prepared, collecting the responses and eventually (if this process is channelled through national or regional coordinators) the aggregation of the collected data.

The use of the Survey Monkey meant that the questionnaire was very clear for those completing it and also made it much easier to analyse the responses to it. The Survey Monkey is currently open to members of IMPEL to use if they want. It is equally important to make available a Word version in which the English text may be replaced by a translated version of the questionnaire in the national language. The ability to save, copy and print the completed questionnaire for the files and for national or regional distribution – without any laborious manipulation – is very important.

The matter of which EU legislation should be mentioned in each section is one that will need to be decided at the time the questionnaire is circulated. In the original version it was intended as a guide rather than an exhaustive list.

It could be useful to include an estimate of the time likely to be needed to complete the questionnaire. Where there are open questions, examples of the types of replies expected might be suggested which should result in a more coherent collection of answers.



## *Questionnaire – understanding the challenges in implementing European environmental law (and where IMPEL can help in overcoming them)*

### **Introduction**

#### **Who is seeking this information?**

*[This explanation could be included if IMPEL is using the questionnaire. Otherwise, it might not be necessary to include an explanatory note]* You are receiving a questionnaire from IMPEL, the European Union Network for the Implementation and the Enforcement of Environmental law. This organisation is an international non-profit association of environmental authorities of the EU Member States, EEA countries, acceding countries and candidates. The association is legally independent, registered in Belgium and its legal seat is located in Brussels, Belgium.

The Network's objective is to ensure a more effective application of environmental legislation. The core of IMPEL's 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.

IMPEL has an important role to play in identifying implementation challenges, its causes and possible remedies and is uniquely placed to do this from the view of practitioners.

There are several important ways in which IMPEL can help to strengthen the implementation of environmental law in Europe, including:

- helping countries to reach compliance more quickly, for example, by sharing knowledge, skills and good practices, and carrying out peer reviews (IMPEL Review Initiatives - IRIs);
- helping implementing organisations to use their limited resources more effectively, for example, by producing technical guidance and promoting the use of risk-based approaches to target effort;
- coordinating action between countries, for example, in the enforcement of regulations to tackle illegal trans-frontier movements of waste;
- facilitating communication between different actors and networks, for example, prosecutors, judges and ombudsmen; and
- informing policy-makers with practical experience and expertise.

Information on the IMPEL Network is also available through its website at: [www.impel.eu](http://www.impel.eu)]

#### ***What is this questionnaire for?***





The questionnaire is aimed at improving understanding of the **practical challenges** that are faced by authorities and other organisations responsible for applying EU environmental legislation on the ground and seeks the views of practitioners on what could help to address them.

When we refer to ‘challenges’ in implementation we mean both process issues, such as promoting compliance and enforcement of regulatory requirements, and environmental problems, such as environmental pollution and the loss of natural habitats and species.

This questionnaire is an **informal** exercise. It is ***not*** intended to be an audit or comparison of relative performance of different countries in implementing EU environmental law. Nor is it aimed at identifying political issues concerned with the transposition of EU legislation and reporting to the European Commission.

### ***Target audience for the questionnaire***

The questionnaire is aimed at gathering the views of **practitioners** on implementation challenges in organisations that are directly responsible for the practical application of environmental regulation. These may be environmental protection agencies and regional and local authorities. As organisational arrangements differ widely from country to country, distribution of the questionnaire should be handled in a way to gather a representative sample of views from practitioners.

### ***Confidentiality***

The value of this questionnaire depends upon respondents being open and honest in their responses. We want to provide an opportunity for practitioners to share the challenges that they face in a non-threatening environment.

We will therefore fully respect the confidentiality of respondents where they tell us that they do not wish their responses to be made public. We would, of course, welcome information and examples that can be shared and from which we can all learn, but we will not identify specific countries or organisations where they ask us not to.

### ***Structure of the questionnaire***

The questionnaire is structured to look at implementation challenges through several different ‘lenses’:

- the *four thematic areas*

- Industry regulation
- Waste and Trans-frontier Shipment of Waste (TFS)
- Water and Land
- Nature protection



- *cross-cutting* implementation issues, including: permitting, compliance promotion, inspections, enforcement, prosecutions.
- *trans-boundary issues* and cooperation on improving implementation across borders.
- the *coherence between environmental legislation and other sectors* and opportunities for *streamlining and smarter regulatory approaches*.

### ***The importance of real-life case examples***

The value of the information from this questionnaire will be greatly enhanced if respondents can give specific real-world examples of areas where implementation challenges are being encountered in their countries. So, respondents are asked to be specific in their answers and, wherever possible, to provide clear examples from which others can learn. Case material can either be included in the answers to the questionnaire, or attached as an annex. You may request confidentiality for the given examples, in which case they would not be cited in reports on the result of this questionnaire.



## **Questionnaire**

Please answer questions as concisely as possible, giving specific examples and making reference to relevant EU legislation wherever possible. If you wish to submit more detailed technical information on case examples that you think would contribute to the objectives of this project, please append it to the questionnaire or provide it in a separate file.

### **1. Details of respondent and organisation**

***Question 1.1: Name, job title and role, and contact details of respondent  
[Possibility to assure/ require confidentiality here]***

***Question 1.2: Brief details of the role of your organisation?***

***Question 1.3: Is your organisation responsible for environmental regulation for the following areas (please mark check box if yes)?***

- |   |                          |
|---|--------------------------|
| Industry and Air Quality                        | <input type="checkbox"/> |
| Waste and transfrontier shipment of waste (TFS) | <input type="checkbox"/> |
| Water/ Land                                     | <input type="checkbox"/> |
| Nature Protection (biodiversity and habitats)   | <input type="checkbox"/> |

***Question 1.4: Where your organisation is not responsible for any of the four areas above can you please indicate which organisations are responsible in your country?***

***Question 1.5: Is your organisation responsible for the following roles (please mark check box if yes)?***

- |  |                          |
|--|--------------------------|
| Environmental planning                 | <input type="checkbox"/> |
| Environmental permitting               | <input type="checkbox"/> |
| Compliance promotion and assessment    | <input type="checkbox"/> |
| Environmental monitoring               | <input type="checkbox"/> |
| Environmental assessment and reporting | <input type="checkbox"/> |
| Inspections                            | <input type="checkbox"/> |
| Civil and Administrative Enforcement   | <input type="checkbox"/> |
| Environmental prosecutions             | <input type="checkbox"/> |
| Judging of environmental court cases   | <input type="checkbox"/> |

***Question 1.6: Is your organisation happy to be named in the list of organisations to have taken part in this questionnaire that will be included in the report (please mark check box if yes)?***



**Question 1.7: Is your organisation happy for us to cite any specific information or examples that you have given in the report (please mark check box if yes), either:**

- **Anonymously:**

or

**Named:**

## **2. Industry regulation**

Significant challenges remain in implementing major pieces of legislation, such as the Industrial Emissions Directive. Emissions to air and air quality are also recognised as key areas.

Existing legislation relating to industry 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 (and subsequent amendment Directives) – the ‘EU Emissions Trading Scheme’ (EU ETS);
- Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from Large Combustion Plants;
- Directive 2001/81/EC on national emissions ceilings for certain atmospheric pollutants;
- Directive 2008/50/EC on ambient air quality and cleaner air for Europe.
- Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances (the ‘Seveso III Directive’).

A new ‘Clean Air Policy Package’ with proposals for new measures and Directives on national emission ceilings, emissions from medium-sized combustion plants and on long-range trans-boundary air pollution was also adopted in December 2013.

Please note: Where EU and national legislation are closely interlinked, it is not necessary to differentiate between the two.

**Question 2.1: What are the main outstanding challenges concerning the environmental regulation of industry in your country/ region?**

**Question 2.2: Are there specific industry sectors and processes that present greater challenges than others?**

**Question 2.3: What are the key challenges in the control of emissions to air and their impact on ambient air quality?**



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

- |   |                          |
|---|--------------------------|
| Unclear, incomplete or overly complex regulation          | <input type="checkbox"/> |
| Unclear technical specifications and terms or definitions | <input type="checkbox"/> |
| Insufficient evidence, data and information               | <input type="checkbox"/> |
| Inadequate technical understanding and knowledge          | <input type="checkbox"/> |
| Insufficient capacity in regulatory institutions          | <input type="checkbox"/> |

**Please state any other major reasons that do not appear in the list above:**

**Question 2.5: What could help regulatory organisations and professionals address and overcome implementation challenges in industry and air quality regulation?**

- |  |                          |
|--|--------------------------|
| Sharing knowledge, skills and good practice              | <input type="checkbox"/> |
| Providing technical guidance                             | <input type="checkbox"/> |
| Coordinating action between countries                    | <input type="checkbox"/> |
| Facilitating communication between different networks    | <input type="checkbox"/> |
| Informing policy with practical experience and expertise | <input type="checkbox"/> |

**Please state any other major reasons that do not appear in the list above:**

### **3. Waste and trans-frontier shipment of waste regulation**

Existing EU legislation relating to the regulation of 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 2011/70/Euratom establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste.



- Regulation (Euratom) No 1493/93 on shipments of radioactive substances between Member States.
- Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel.
- Directive 2006/21/EC on the management of waste from extractive industries.

Please note: Where EU and national legislation are closely interlinked, it is not necessary to differentiate between the two.

**Question 3.1: What are the main outstanding challenges concerning the regulation of waste and TFS in your country/ region?**

**Question 3.2: Are there specific sectors, activities and processes that present greater waste regulation challenges than others?**

**Question 3.3: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check box)?**

- |   |                          |
|---|--------------------------|
| Unclear, incomplete or overly complex regulation          | <input type="checkbox"/> |
| Unclear technical specifications and terms or definitions | <input type="checkbox"/> |
| Insufficient evidence, data and information               | <input type="checkbox"/> |
| Inadequate technical understanding and knowledge          | <input type="checkbox"/> |
| Insufficient capacity in regulatory institutions          | <input type="checkbox"/> |

**Please state any other major reasons that do not appear in the list above:**

**Question 3.4: What are the most important things that could help regulatory organisations and professionals to address and overcome the implementation challenges in the regulation of waste and trans-frontier shipments of waste?**

- |  |                          |
|--|--------------------------|
| Sharing knowledge, skills and good practice              | <input type="checkbox"/> |
| Providing technical guidance                             | <input type="checkbox"/> |
| Coordinating action between countries                    | <input type="checkbox"/> |
| Facilitating communication between different networks    | <input type="checkbox"/> |
| Informing policy with practical experience and expertise | <input type="checkbox"/> |

**Please state any other major reasons that do not appear in the list above.**

#### **4. Water and land regulation**



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 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Please note: Where EU and national legislation are closely interlinked, it is not necessary to differentiate between the two.

***Question 4.1: What are the main outstanding challenges concerning water/ land regulation in your country/ region?***

***Question 4.2: Are there specific sectors, activities and processes that present greater water/land regulation challenges than others (examples might include: diffuse pollution from agricultural or urban sources; point source discharges from industry and wastewater treatment plants; physical modification of the natural water environment; over-abstraction of water; and flooding – but there are many other kinds of pressures that may give rise to problems)?***

***Question 4.3: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check box)?***

- |   |                          |
|---|--------------------------|
| Unclear, incomplete or overly complex regulations         | <input type="checkbox"/> |
| Unclear technical specifications and terms or definitions | <input type="checkbox"/> |
| Insufficient evidence, data and information               | <input type="checkbox"/> |
| Inadequate technical understanding and knowledge          | <input type="checkbox"/> |
| Insufficient capacity in regulatory institutions          | <input type="checkbox"/> |

***Please state any other major reasons that do not appear in the list above:***



**Question 4.4: What are the most important things that could help regulatory organisations and professionals address and overcome the implementation challenges in the regulation of water/ land?**

- |  |                          |
|--|--------------------------|
| Sharing knowledge, skills and good practice              | <input type="checkbox"/> |
| Providing technical guidance                             | <input type="checkbox"/> |
| Coordinating action between countries                    | <input type="checkbox"/> |
| Facilitating communication between different networks    | <input type="checkbox"/> |
| Informing policy with practical experience and expertise | <input type="checkbox"/> |

Please state any other major reasons that do not appear in the list above:

### **5. Nature Protection (biodiversity and habitats)**

Halting and reversing the loss of biodiversity by 2020 is a key policy objective within the EU. The implementation of EU nature legislation (the Birds and Habitat Directives) is essential to achieve this target, but it is widely recognised that implementation and enforcement need to be improved. Only 17% of both species and habitats of importance are currently in favourable condition. 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.
- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora – the 'Habitats Directive'.

Please note: Where EU and national legislation are closely interlinked, it is not necessary to differentiate between the two.

**Question 5.1: What are the main outstanding challenges concerning nature protection regulation in your country/ region?**

**Question 5.2: Are there specific sectors, activities and processes that present greater nature protection regulation challenges than others?**

**Question 5.3: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check box)?**

- |  |                          |
|--|--------------------------|
| Unclear, incomplete or overly complex regulation       | <input type="checkbox"/> |
| Unclear technical specifications, terms or definitions | <input type="checkbox"/> |





- Insufficient evidence, data and information
- Inadequate technical understanding and knowledge
- Insufficient capacity in regulatory institutions

*Please state other major reasons that do not appear in the list above:*

**Question 5.4: What are the most important things that could help regulatory organisations and professionals address and overcome the implementation challenges in nature protection regulation?**

- Sharing knowledge, skills and good practice
- Providing technical guidance
- Coordinating action between countries
- Facilitating communication between different networks
- Informing policy with practical experience and expertise

*Please state other major reasons that do not appear in the list above:*

## 6. Cross-cutting implementation challenges

**Question 6.1: Are there specific problems or difficulties that create particular barriers to effective implementation of EU environmental law in your country/ region- including: permitting, compliance promotion, inspections, environmental monitoring, compliance assessment, enforcement, and prosecution?**

**Question 6.2: What are the main underlying reasons and causes of problems in achieving the requirements of relevant EU legislation (please mark check box)?**

- Unclear, incomplete or overly complex regulation
- Unclear technical specifications, terms or definitions
- Insufficient evidence, data and information
- Inadequate technical understanding and knowledge
- Insufficient capacity in regulatory institutions

*Please state any other major reasons that do not appear in the list above:*



**Question 6.3: What are the most important things that could help regulatory organisations and professionals address and overcome the implementation challenges in nature protection regulation?**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| Sharing knowledge, skills and good practice              | <input type="checkbox"/> | <input type="checkbox"/> |
| Providing technical guidance                             | <input type="checkbox"/> | <input type="checkbox"/> |
| Coordinating action between countries                    | <input type="checkbox"/> | <input type="checkbox"/> |
| Facilitating communication between different networks    | <input type="checkbox"/> | <input type="checkbox"/> |
| Informing policy with practical experience and expertise | <input type="checkbox"/> | <input type="checkbox"/> |

Please state any other major reasons that do not appear in the list above.

## 7. Trans-boundary implementation challenges

Many environmental processes and issues are trans-boundary in nature and effective environmental regulation depends upon technical cooperation between countries, for example the transfrontier shipment of waste.

But there are other major areas of environmental legislation that also require trans-boundary approaches, for example, the management of river basins that may cross several countries, long-range transport of air pollution, chemicals, and wildlife crime.

**Question 7.1: What are the main outstanding implementation challenges in your country that require trans-boundary approaches and technical cooperation with other countries?**

**Question 7.2: Are there specific implementation problems in your country that are caused by differences in approach or standards across borders with other countries?**

**Question 7.3: What are the most important things IMPEL could do to help regulatory organisations and professionals address and overcome trans-boundary implementation challenges?**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| Sharing knowledge, skills and good practice              | <input type="checkbox"/> | <input type="checkbox"/> |
| Providing technical guidance                             | <input type="checkbox"/> | <input type="checkbox"/> |
| Coordinating action between countries                    | <input type="checkbox"/> | <input type="checkbox"/> |
| Facilitating communication between different networks    | <input type="checkbox"/> | <input type="checkbox"/> |
| Informing policy with practical experience and expertise | <input type="checkbox"/> | <input type="checkbox"/> |

Please state any other major reasons that do not appear in the list above.

## 8. Coherence within environment and between environment and other sectors



Lack of coherence between legislation on different aspects of environmental regulation and between the environment and other socio-economic sectors is often cited as a source of implementation problems. For example, actions taken to mitigate or adapt to a changing climate can create other kinds of environmental impacts. A recent review by the European Court of Auditors on regulation in the agriculture sector pointed to a lack of join-up between regulation connected to the Common Agricultural Policy (cross-compliance) and other areas of environmental regulation (water, nature protection). The European Commission has recently encouraged IMPEL to look at the possibility of developing guidance that delivers more integrated and streamlined regulatory approaches across sectors.

***Question 8.1: Are there specific implementation challenges in your country that are caused by lack of coherence or conflicts between different areas of environmental regulation?***

***Question 8.2: Are there specific implementation challenges in your country that are caused by lack of coherence or conflicts between environmental regulation and regulation that applies in other sectors?***

***Question 8.3: Do you see opportunities for improved efficiency and better regulation by adopting more integrated approaches to regulation across different sectors?***

***Question 8.4: What are the most important things that could help regulatory organisations and professionals to address and overcome implementation challenges caused by lack of coherence between different sectors?***

- |  |                          |
|--|--------------------------|
| Sharing knowledge, skills and good practice              | <input type="checkbox"/> |
| Providing technical guidance                             | <input type="checkbox"/> |
| Coordinating action between countries                    | <input type="checkbox"/> |
| Facilitating communication between different networks    | <input type="checkbox"/> |
| Informing policy with practical experience and expertise | <input type="checkbox"/> |

Please state any other major reasons that do not appear in the list above.

## 9. Concluding questions

***Question 9.1: Overall, what are the top 3 most important implementation challenges facing your organisation right now?***

***Question 9.2: Are there any other implementation issues in your country that you think are important but have not been covered in previous questions in this questionnaire?***



***Question 9.3: Could you identify areas where EU legislation has been particularly effective in helping to bring about improvements?***

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



## Annex 7: Global and European networks relevant to IMPEL

GLOBAL

### **ENFORCE – Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic.**

***Nature***

FORMAL- Based on decision BC-11/8 of the Conference of the Parties to the Basel Convention.

***Description***

The Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE) is a new network, established by the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The first meeting was held in November 2013. The members will meet at least once a year and the objective of these meetings is for members to exchange information on activities of relevance to ENFORCE, and also to identify activities that would benefit from being coordinated or jointly planned and implemented by two or more members.

***Mission***

The mission of ENFORCE is: ‘to promote parties’ compliance with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal pertaining to preventing and combating illegal traffic in hazardous wastes and other wastes through the better implementation and enforcement of national law’.

***Activities***

Activities of ENFORCE will focus on capacity building and include:

- Sharing and developing training tools and materials
- Hosting and organizing workshops or electronic training and information sessions, in particular for developing countries
- Facilitating information exchange on success stories, techniques and expertise, and dissemination of good practices



- Periodic monitoring of and reporting on the progress and effectiveness of the training activities and modules
- Developing means to ensure sustainability in the efforts under ENFORCE

### ***Members***

Members of ENFORCE are: Parties to the Basel Convention (through their regional representatives, as elected by the Conference of the Parties), designated Basel Convention Regional and Coordinating Centres. In addition, membership is also open to entities with a specific mandate to deliver implementation and enforcement capacity-building activities such as WCO, INTERPOL, UNEP, Asian Network, IMPEL-TFS, INECE, MEA-REN, UNODC and BAN.

### ***Contact details***

Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

15, Chemin des Anémones, 1219 Châtelaine (Geneva), Switzerland

Phone: [41 22] 917 8218/ Fax: [41 22] 797 3454

E-mail: [brsmeas@meas.org](mailto:brsmeas@meas.org)

[www.basel.int](http://www.basel.int)



## **INECE- International Network for Environmental Compliance and Enforcement**

### ***Nature***

INFORMAL - Network of government and non-government enforcement and compliance practitioners

### ***Description***

INECE works on the implementation of environmental laws and on improving effectiveness of environmental agreements. They consist of environmental regulators, investigators, prosecutors, judges, and employees of international environmental and development organizations. Other participants are officials from customs, the police, non-governmental organizations, academia, the media, and business. The INECE message is that environmental compliance and enforcement play a fundamental role in building the foundation for the rule of law, good governance, and sustainable development.

### ***Activities***

Some of the activities of INECE are:

- Developing and implementing practical and innovative activities that strengthen environmental compliance and enforcement
- Building capacity of compliance and enforcement stakeholders
- Strengthen capacity throughout the regulatory cycle to implement and secure compliance
- Raising awareness of the importance of environmental compliance and enforcement to sustainable development

### ***Members***

Government and non-government enforcement and compliance practitioners from more than 150 countries.



## **INTERPOL ECEC – Environmental Compliance and Enforcement Committee**

***Nature*** FORMAL - Committee, acts as a forum

***Description*** Since its formation in 1992, the Environmental Crime Committee has assisted INTERPOL in identifying emerging patterns and trends in the field of environmental crime enforcement. The committee acted as a forum in which law enforcement officials could meet face to face in order to discuss new strategies and practices, share experience and expertise, and build the bridges of international cooperation that are vital in the fight against international environmental crime. During the INTERPOL International Chiefs of Environmental Compliance and Enforcement Summit in March 2012, the decision was made to restructure the Environmental Crime Committee. This initiative, known as the Environmental Compliance and Enforcement Committee (ECEC), brings together executive leaders and decision makers from all 190 INTERPOL member countries to provide strategic advice on relevant issues and to give global support.

To support the Environmental Compliance and Enforcement Committee, three working groups lead projects in specific areas:

- The INTERPOL Fisheries Crime Working Group initiates and leads a number of projects to detect and combat fisheries crime
- The INTERPOL Pollution Crime Working Group initiates and leads a number of projects to combat the transport, trade and disposal of hazardous wastes or resources in contravention of national and international laws
- The INTERPOL Wildlife Crime Working Group initiates and leads a number of projects to combat the poaching, trafficking or possession of legally protected flora and fauna





### ***Activities***

The Environmental Compliance and Enforcement Committee has three main functions:

- 1) Exchange of information and best practice with a view to enhance INTERPOL's prevention and suppression of environmental crime
- 2) Enhance international and regional cooperation among INTERPOL's 190 member countries with a view to tackle all types of transboundary environmental crime
- 3) Serve as an advisory body to the INTERPOL General Secretariat in projects relating to the prevention and suppression of environmental crime

### ***Members***

Members of the ECEC are Executive Level government delegates working in the field of environmental compliance and enforcement.

### ***Contact details***

INTERPOL General Secrétariat  
200, quai Charles de Gaulle  
69006 Lyon, France  
Email: [environmentalcrime@interpol.int](mailto:environmentalcrime@interpol.int)  
Website: [www.interpol.int/public/environmentalcrime](http://www.interpol.int/public/environmentalcrime)



## **WCO – World Customs Organization**

### ***Nature***

FORMAL - Intergovernmental organisation

### ***Mission***

The World Customs Organisation is an intergovernmental organisation that was established in 1952. The mission of the WCO is: ‘to provide leadership, guidance and support to Customs administrations to secure and facilitate legitimate trade, realize revenues, protect society and build capacity’. To accomplish its mission, the WCO’s Council (the governing body) relies on the competence and skills of the Secretariat and a range of technical and advisory committees. The Secretariat, comprises over 100 international officials, technical experts and support staff. Goals of WCO are:

- To promote the emergence of an honest, transparent and predictable customs environment
- To enhance the protection of society and national territory
- To secure and facilitate international trade

### ***Activities***

The activities of WCO:

- Serves as a forum for dialogue and the exchange of experiences between national Customs delegates
- Offers its members a range of conventions and other international instruments
- Offers its members technical assistance and training services, which are provided either directly by the Secretariat, or with its participation
- Supports its members with modernization and capacity building within their national customs administrations

### ***Members***

WCO has 179 members, three-quarters of which are developing countries, are responsible for managing more than 98% of world trade.

### ***Contact details***

World Customs Organization  
Rue du Marché, 30 B-1210 Brussels Belgium Telephone: +32 (0)2 209 92 11 Fax: +32 (0)2 209 92 62  
Website : [www.wcoomd.org](http://www.wcoomd.org)



## International Union for Conservation of Nature (IUCN)

<b><i>Nature</i></b>	IUCN, International Union for Conservation of Nature, helps find pragmatic solutions for the world's most pressing environment and development challenges.
<b><i>Mission</i></b>	To influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.
<b><i>Description</i></b>	<p>IUCN's work is framed by a Global Programme developed with and approved by their member organisations every four years. The current programme runs from 2012 to 2016. IUCN's Global Programme is coordinated by IUCN's Secretariat and delivered in conjunction with IUCN member organisations, Commissions and IUCN's theme-based programmes.</p> <p>The <b>World Conservation Congress</b> (Members' Assembly) is IUCN's highest decision-making body. The Congress convenes every four years. It elects the Council, including the President, and approves IUCN's work programme and budget.</p> <p>The IUCN <b>Council</b> is the principal governing body of IUCN. The Council provides strategic direction for the activities of the Union, discusses specific policy issues and provides guidance on finance and the membership development of the Union. The Council is composed of the President, four Vice Presidents (elected by the Council from among its members), the Treasurer, the Chairs of IUCN's six Commissions, three Regional Councillors from each of IUCN's eight Statutory Regions and a Councillor from the State in which IUCN has its seat (Switzerland).</p> <p>The Secretariat has over 1,000 full-time staff in more than 60 countries. Seventy percent of staff members are from developing countries.</p>



Accountable to the IUCN Council, the Secretariat is led by a Director General. The Secretariat has a decentralised structure with regional, outpost, country and project offices around the world. It is funded by governments, bilateral and multilateral agencies, foundations, member organisations and corporations and has Official Observer Status at the United Nations General Assembly.

### ***Activities***

IUCN's work focuses on valuing and conserving nature, ensuring effective and equitable governance of its use, and deploying nature-based solutions to global challenges in climate, food and development. IUCN supports scientific research, manages field projects all over the world, and brings governments, NGOs, the UN and companies together to develop policy, laws and best practice.

**Valuing and conserving nature** enhances IUCN's heartland work on biodiversity conservation, emphasizing both tangible and intangible values of nature.

**Effective and equitable governance of nature's use** consolidates IUCN's work on people-nature relations, rights and responsibilities, and the political economy of nature.

**Deploying nature-based solutions to global challenges in climate, food and development** expands IUCN's work on nature's contribution to tackling problems of sustainable development, particularly in climate change, food security and social and economic development

### ***Members***

IUCN is composed of over 1,200 Members, 11,000 scientific experts in their thematic Commissions and 1,000 staff, who work together in more than 160 countries.

### ***Contact Details***

#### **IUCN Headquarters**

IUCN Conservation Centre  
Rue Mauverney 28  
1196, Gland, Switzerland



Phone: +41 (22) 999-0000  
Fax: +41 (22) 999-0002



EUROPE

## **AQUAPOL**

### ***Nature***

FORMAL - Association

### ***Crime Area***

Water Pollution Crime - maritime pollution, illegal import/export of waste

### ***Description***

AQUAPOL is a European network for cross-border law enforcement cooperation in the waterborne transport domain. They assist inland waterways, ports and maritime police agencies and institutions. AQUAPOL was established in 2003 and they currently have 21 member organisations from all over Europe.

### ***Mission***

AQUAPOL acts as a platform for learning and the exchange of good practice for law-enforcement in the domain of waterborne transport in Europe. Its activities are guided by research, intelligence, information and experience directed to produce measurable and auditable results.

### ***Activities***

Activities with a focus on pollution are designed to enhance the detection of deliberate pollution at sea by waste oil. AQUAPOL provides training seminars, organizes working group meetings and carries out operations. For example, in 2012 AQUAPOL carried out cross-border inland shipping control operations, the maritime MARPOL operation concerned pollution at sea and inland shipping/maritime operation on illegal import/export of waste.

### ***Members***

The members of AQUAPOL are law enforcement authorities of the following countries: United Kingdom, Belgium, France, Spain, Italy, Portugal, Romania, Bulgaria, Hungary, Slovakia, Czech Republic, Germany and Switzerland.



### ***International Cooperation***

AQUAPOL aims for close cooperation with a number of strategic partners, such as FRONTEX, EUROPOL, EMSA, the Rhine- and the Danube Commission.

*Members of AQUAPOL as listed on AQUAPOL's website 10.2013*

### ***Contact Details***

AQUAPOL Headquarters Schneedörfelstraße 23, A-2651 Reichenau/Rax Phone: 0043 2666- 538 72-0/  
Fax: 0043 2666- 538 72-20 E-mail: [office@aquapol.at](mailto:office@aquapol.at) Website: <http://www.aquapol-police.com/>



## **EAP – Environmental Action Programme Task Force**

### **REPIN – Regulatory Environmental Programme Implementation Network**

#### ***Nature EAP***

FORMAL - Task Force and Implementation Network

#### ***Nature REPIN***

FORMAL - Regulatory Implementation Network

#### ***About EAP***

The Environmental Action Programme (EAP) was adopted in 1993 by Environment Ministers in Lucerne. EAP emphasizes the need to set clear priorities, develop the best mix of policy, institutional and investment actions to solve environmental problems. They use cost effectiveness as a criterion in allocating resources and they develop policies and strategies that build on and reinforce the market economy and democratic reforms. The EAP is supported by the Organisation for Economic Co-operation and Development (OECD).

#### ***About REPIN***

The Regulatory Implementation Network (REPIN) was established in 1999 under the EAP Task Force umbrella. REPIN is the main mechanism for dialogue on issues of environmental compliance assurance in Eastern Europe, Caucasus, and Central Asia (EECCA). The dialogue involves senior policy makers from environmental ministries, managers/practitioners from environmental enforcement agencies in the EECCA region and representatives of the non-governmental sector.

#### ***Mission***

The mission of the EAP Task Force is: ‘to guide reforms of environmental policies in transition economies of Eastern Europe, Caucasus, and Central Asia (EECCA) by promoting the integration of environmental considerations into the processes of economic, social and political reform and by upgrading institutional and human capacities for environmental management.’

#### ***Activities***

Analytical work, policy advice/ reform and regional knowledge sharing.

#### ***Members***

The members of the Task Force comprise the governments of Western, Central and Eastern Europe, North America, the Caucasus and Central Asia. International organizations and financial institutions, business and civil society representatives actively participate in the work of the Task Force.





The member countries of REPIN are the EECCA countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. *The EECCA countries as listed on the EAP's website 10.2013.*

## **ECENA – Environmental Compliance and Enforcement Network for Accession**

### ***Nature***

INFORMAL - Network of environmental authorities

### ***Description***

The Environmental Compliance and Enforcement Network for Accession (ECENA) is an informal network of environmental authorities from the European Union countries (EU) candidate and potential EU countries. ECENA aims to improve the ability of its members to implement and enforce the EU environmental laws.

### ***Mission***

The mission of ECENA is: 'to protect the environment in its member countries through effective transposition, implementation and enforcement of EU environmental legislation by increasing the effectiveness of inspectorate bodies and promoting compliance with environmental requirements.'

### ***Activities***

Some of ECENA's activities are:

- Annual meetings of all ECENA members
- Participation of ECENA members in the events of sister networks
- Training in the beneficiary countries and training for key personnel
- Collection of useful documents

### ***Members***

The member countries of ECENA are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo (as defined under UNSCR 1244), the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey. The European Commission is also a member of ECENA.

*Members of ECENA as listed on ECENA's website 10.2013*



### ***International Cooperation***

ECENA is part of RENA (Regional Environmental Network for Accession). The Secretariat of ECENA actively disseminates information from other similar compliance and enforcement networks, such as the IMPEL, INECE and REPIN.

### ***Contact Details***

The Regional Environmental Center for Central and Eastern Europe  
Ady Endre ut 9-11, 2000 Szentendre  
Hungary  
Tel: (36-26) 504-000/ Fax: (36-26) 311-294  
Website: <http://ecena.rec.org/index.php>

### **EEA – European Environment Agency**

### **EIONET- European Environment Information and Observation Network**

#### ***Nature EEA***

FORMAL - European Agency

#### ***Nature EIONET***

FORMAL - Information and Observation Network

### ***About EEA and EIONET***

The European Environment Agency (EEA) is an agency under the European Union. Currently, the EEA has 33 member countries. The regulation establishing the EEA was adopted by the European Union in 1990. The regulation also established the European Environment Information and Observation Network (EIONET). EEA helps the member countries make informed decisions about improving the environment, integrating environmental considerations into economic policies and moving towards sustainability. The aim of the European Environment Information and Observation Network is to provide data, information and expertise for assessing the state of the environment in Europe and to pressure acting upon it.

### ***Activities***

The activities of the EEA and EIONET include providing information and expertise to its members.

### ***Members EEA and EIONET***

The 33 member countries include the 28 European Union Member States together with Iceland,



Liechtenstein, Norway, Switzerland and Turkey. The six West Balkan countries are cooperating countries: Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia as well as Kosovo under the UN Security Council Resolution 1244/99. EIONET consists of the EEA itself, six European Topic Centres (ETCs) and a network of around 1000 experts from 39 countries in over 350 national environment agencies and other bodies dealing with environmental information. These are the National Focal Points (NFPs) and the National Reference Centres (NRCs).

The members of the European Environment Agency are listed on its website 10.2013.

***Contact details***

European Environment Agency (EEA) Kongens Nytorv 6, 1050 Copenhagen K, Denmark Phone: +45 3336 7100

Website: <http://www.eionet.europa.eu/> <http://www.eea.europa.eu/>



## **ENPE – European Network of Prosecutors for the Environment**

<b><i>Nature</i></b>	INFORMAL
<b><i>Description</i></b>	The objective is to help practitioners connect; to share experiences and data on environmental crime; and to look at crucial issues linked to the environment and human health.
<b><i>Activities</i></b>	Sharing of information and experiences, looking at issues related to the environment and public health.
<b><i>Members</i></b>	Prosecutors from Belgium, Finland, Germany, Italy, Spain, the Netherlands, Sweden and the UK. The members of the ENPE as listed on its website 11.2013
<b><i>International Cooperation</i></b>	ENPE will support the work of the Secretariat of the Basel, Rotterdam and Stockholm Conventions, INTERPOL, Europol, UNEP and INECE.
<b><i>Contact Details</i></b>	Mr. Jean Philippe Rivaud, Deputy General Prosecutor / Former judge, Senior Prosecutor, head of the environmental crimes department, Court of appeal, Amiens, France Jean-Philippe.Rivaud@justice.fr Website: <a href="http://www.basel.int/Implementation/LegalMatters/CountryLedInitiative/OutcomeofCOP10/CombatIllegalTrafficMoreEffectively/EnforcementNetworks/ENPE/tabid/2940/Default.aspx">http://www.basel.int/Implementation/LegalMatters/CountryLedInitiative/OutcomeofCOP10/CombatIllegalTrafficMoreEffectively/EnforcementNetworks/ENPE/tabid/2940/Default.aspx</a>



## **EnviCrimeNet – European Network for Environmental Crime**

**Nature** INFORMAL - Network

**Description** EnviCrimeNet is an informal network connecting police officers and law enforcement agencies in the field of environmental crime. The goal is to learn from each other about the extent and nature of environmental crime and the best practices to address it. The network is facilitated by Europol.

**Mission** The objectives of EnviCrimeNet are to:

- Enhance the effectiveness of the fight against organized environmental crime
- Investigate, disrupt and prosecute environmental crimes
- Exchange information and experiences relating to best practices in dealing with environmental crimes
- Non-operational information exchange about legal frameworks

**Activities** Activities of EnviCrimeNet include:

- Sharing of expertise
- Establishing relevant risk assessments, tactical analyses and joint investigation
- Creating the right training and schooling possibilities in cooperation with Cefpol

**Members** The members of EnviCrimeNet are the European Union member states.  
*European Member countries since 01.07.2013 as listed on the website of the European Union, 10.2013*

**International Cooperation** EnviCrimeNet is facilitated by EUROPOL.

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Weldaad 5, Cuijk, 5431 SM, the Netherlands  
Phone: +310485351352



E-mail: [Roel.willekens@brabant-noord.politie.nl](mailto:Roel.willekens@brabant-noord.politie.nl)

Website: <http://www.envicrimenet.eu>

## **SELEC- Southeast European Law Enforcement Centre**

### **Environmental and Nature Crimes Task Force.**

#### ***Nature***

FORMAL - Task Force

#### ***Themes***

Wildlife Crime - illegal trade of endangered species

Pollution Crime - pollution of water and unlawful disposal of waste

#### ***Description***

The Environmental and Nature Crimes Task Force was established by the Southeast European Law Enforcement Centre in 2009. The goal of the Task Force is to coordinate the regional efforts for combating environmental crime.

#### ***Activities***

SELEC's activities include:

- The coordination of regional operations
- Support of investigations and crime prevention activities
- Providing the member states with the opportunity to exchange information and criminal intelligence
- Offer of operational assistance
- Collecting, collating, analysing, processing and disseminating information and criminal intelligence

The Environmental and Nature Crimes Task Force has organized three meetings on environmental crime. In these meetings presentations are focused on environment and nature related crimes topics and evaluation reports of operations are presented.



### **Members**

Members of SELEC are the Republic of Albania, Bosnia and Herzegovina, Republic of Bulgaria, Republic of Croatia, the Former Yugoslav Republic of Macedonia, Hellenic Republic, Hungary, Republic of Moldova, Montenegro, Romania, Republic of Serbia and Republic of Turkey.

*The members of SELEC as listed on its website 10.2013.*

### **Contact Details**

Headquarters of SELEC

050711 Buchares, Calea 13 Setpembrie Blvd., no. 1-5, Sector 5

Romania

Phone: (+4021) 303.60.09

Fax: (+4021) 303.60.77

Email: [Secretariat@selec.org](mailto:Secretariat@selec.org)

Website: <http://www.secicenter.org/p474/Environment%20+Crimes+Task+Force>



## **European Union Forum of Judges for the Environment**

<b><i>Nature</i></b>	FORMAL – Association established under the law of Belgium
<b><i>Themes</i></b>	Promote the enforcement of national, European and international environmental law by contributing to a better knowledge by judges of environmental law, by exchanging judicial decisions and by sharing experience in the area of training in environmental law.
<b><i>Description</i></b>	The Forum was created in 2004 with a view to raising the awareness of judges of the key role of the judicial function in the effectiveness of sustainable development. The June 21, 1993 Lugano Convention on civil liability for damage resulting from activities dangerous to the environment, the November 4, 1998 Strasbourg Convention on the protection of the environment through criminal law and the June 23 and 25, 1998 Aarhus Convention on access to information, public participation in decision making and access to justice in environmental matters underline this requirement and give the judiciary a central role in the enforcement of environmental law.
<b><i>Activities</i></b>	<p>The Forum is involved in the activities of the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters), especially those of the Task Force on Access to Justice. Members of the Forum attended the different meetings of the Task Force and were also involved in the preparation of its capacity building activities for judges in Kiev, Tirana and Almaty.</p> <p>The Forum also gives input to DG Environment of the European Commission while developing proposals for EU legislation with a particular relevance for judges, as that is the case with the access to justice proposal, the legal instrument on environmental inspections or when it is evaluating existing legislation such as the environmental liability directive.</p>





### ***Members***

The Board (as at October 2014) is composed as follows: Luc Lavrysen (Belgium), President; Lord Justice Keith Lindblom (United Kingdom), Vice-President; Carlo Maria Grillo (Italy), Vice-President; Anna-Lena Rosengardten (Sweden), Vice-President; Françoise Nési (France), Secretary-General; Fruzsina Bögös (Hungary ) Treasurer and Jerzy Stelmasiak (Poland).  
The Association is open to all EU and European Free Trade Association judges.

### ***Contact Details***

The Forum can be contacted via the Website:  
<http://www.eufje.org/index.php/en/contact>



## European Network of the Heads of Environment Protection Agencies

<b>Nature</b>	The EPA Network is an <b>informal</b> grouping bringing together the heads of environment protection agencies and similar bodies across Europe.
<b>Themes</b>	To share experiences at a strategic level on the implementation of policy and the state of the environment in Europe
<b>Description</b>	<p>The Network has a steering committee (Troika), made up of the host organisations of each of the preceding, present and future biannual plenary meetings and the European Environment Agency (EEA). The Troika prepares the agendas for the plenary meetings, acts on behalf of the Network, and gives the Network strategic direction.</p> <p>The Network has a Secretariat with one full-time secretary whose job it is to coordinate the Network, arrange the plenary meetings, support the Interest Groups and maintain the website and communications. The secretary also identifies issues for discussion and liaises with other networks and relevant organisations.</p> <p>Currently the secretary is seconded from one of the member organisations and is based at the European Environment Agency in Copenhagen.</p>
<b>Activities</b>	<p>The detailed, technical work of the Network is done through interest groups that are set up and dissolved on a needs basis. There are currently eight active interest groups:</p> <ul style="list-style-type: none"><li>Better Regulation</li><li>Carbon Capture and Storage</li><li>Climate Change and Adaptation</li><li>Sustainable use of Natural Resources</li><li>Genetically Modified Organisms (GMO)</li><li>International Cooperation</li><li>Green Economy</li></ul>



Noise abatement

### **Members**

All European countries can have membership and should decide themselves which relevant agencies should participate.

*There are 33 European countries represented comprising 39 organisations in total.*

### **Contact Details**

**Diana Nissler**

**EPA Network Secretary**

Tel.no: +45 3336 7250

email: [Diana.Nissler@eea.europa.eu](mailto:Diana.Nissler@eea.europa.eu)

European Environment Agency

Kongens Nytorv 6

DK 1050

Copenhagen

Website: <http://epanet.pbe.eea.europa.eu/>



## **EUROPARC Federation**

### ***Nature***

An independent non-governmental organisation founded in 1973. It is financed primarily through membership fees and income from different projects and programmes.

### ***Mission***

The EUROPARC Federation is the network for Europe's natural and cultural heritage. The Federation works to improve the management of Protected Areas in Europe through international cooperation, exchange of ideas and experience, and by influencing policy.

### ***Description***

The Directorate is the central "hub" of EUROPARC. It operates with an international team from the headquarters in Regensburg and in Brussels. The staff of the Federation are responsible for all membership services, projects and programme management, lobby and advocacy, event organisation and the everyday management of the Federation.

Members create national and regional sections, within the EUROPARC Federation, to address European policy and regional issues relevant to protected areas.

To develop policy and practice, EUROPARC often establishes working groups. Working groups and other member platforms are made up of expertise from within the membership. They work with the Directorate to take forward the EUROPARC strategy on behalf of the whole Network.

### ***Activities***

The Federation has developed a number of programmes, projects and events. Events also take place in Brussels in cooperation with other environmental NGOs and bodies to advocate the values and benefits of protected areas and lobby for their better recognition and support.



## ***Members***

The Federation currently has over 378 members in 36 countries. The biggest majority of members are Protected Areas. Other members include: governmental agencies, regional administrations and other NGO who are responsible for the management of Protected Areas. The members form the General Assembly who meet annually during the EUROPARC Conference. They elect the council members and president and vote on other EUROPARC business.

The council is made up of 10 members, 6 elected and 3 co-opted. The President chairs the council and represents the EUROPARC Federation. They also elect an internal auditor.

## ***Contact Details***

### **Headquarters**

The EUROPARC Federation  
Waffnergasse 6,  
93047 Regensburg – Germany  
Tel.: **+49 (0) 941 599 35 98-0**, Fax: +49 (0) 941 599 35 98-9

### **Brussels office**

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