

Policies and tools for successful enforcement of compliance with environmental regulations

ELD enforcement in Italy and outcomes of the IMPEL CAED project on ELD cases screening and assessment

Policies and tools for enforcement of environmental compliance

A regional seminar with Eastern Partner countries

17-18 November 2021

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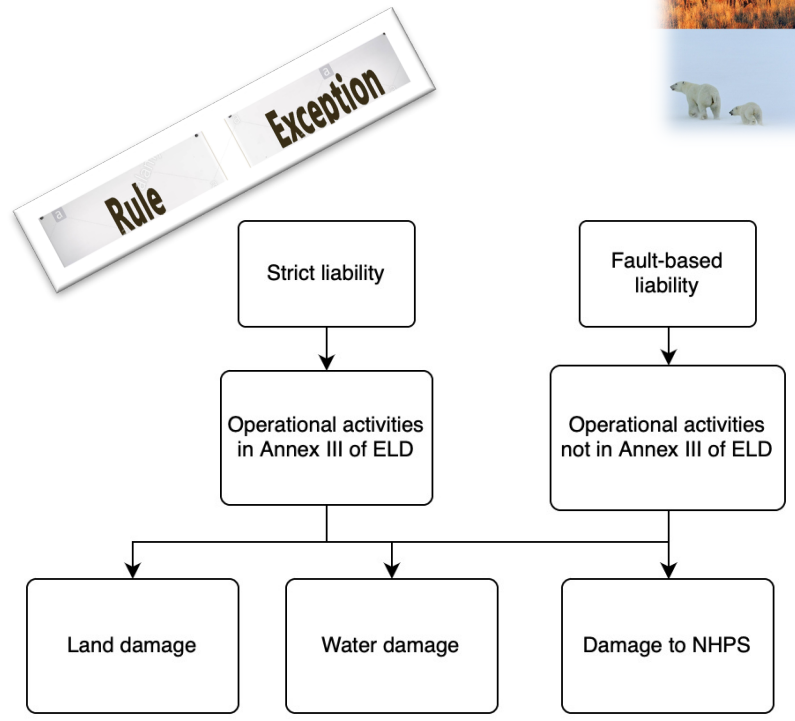
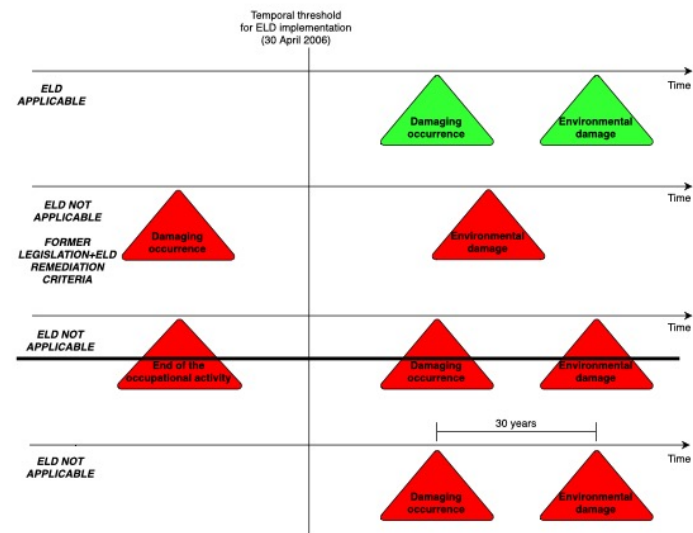
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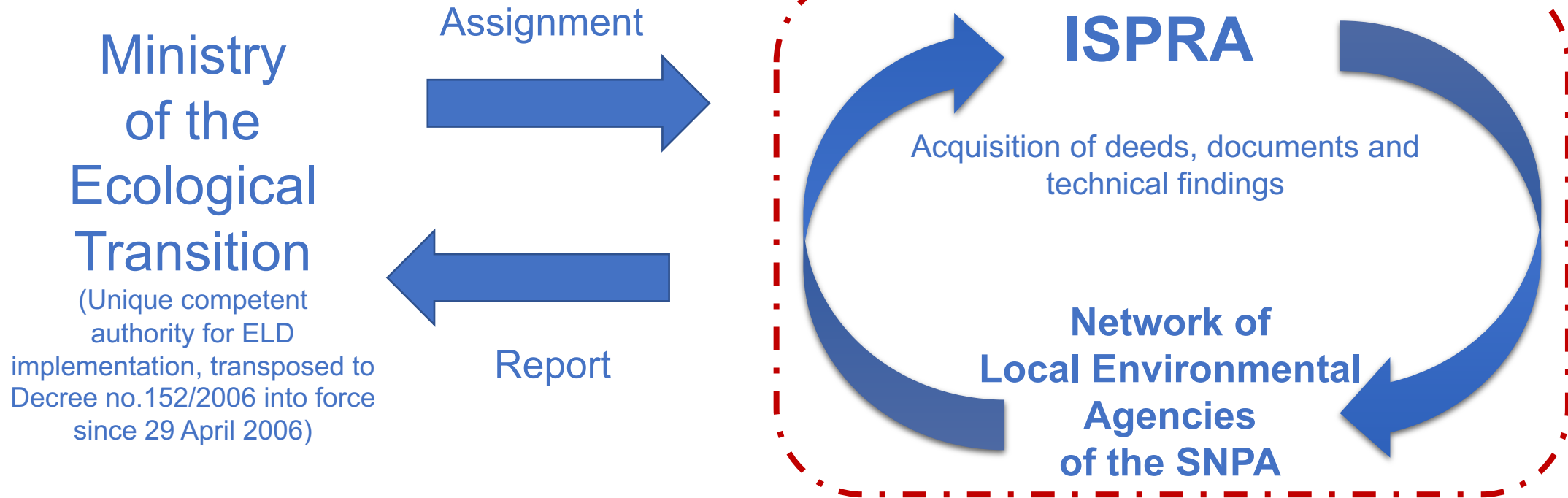
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IMPLEMENTATION OF ELD in Italy



ELD ENFORCEMENT in Italy (1)



Before came into force ELD in 2006, **only judicial enforcement (civil proceedings and civil actions in criminal proceedings) of environmental damage was already applied in Italy since 1986 by a former rule (Law 349/86)**

ELD ENFORCEMENT in Italy (2)

- ✓ *National legislation on environmental damage assessment and remediation since 1986*
- ✓ *National legislation for land contamination remediation since 1997*
- ✓ *National centralised unit and National Network of territorial agencies for damage assessment and remediation*
- ✓ *ISPRA issued 2 biannual reports (2017/18, 2019/20) and a national guideline (2021) on environmental damage and threat*
- ✓ *The **Ministry of the Ecological Transition** issued on 2020 a **Standard Notification Form** for notification of environmental damage and threat*
- ✓ *The UNI - Italian Standardization Body has issued a **UNI 107:2021 Reference Practice for the prevention of damage** to the environment*

ELD ENFORCEMENT in Italy (3)

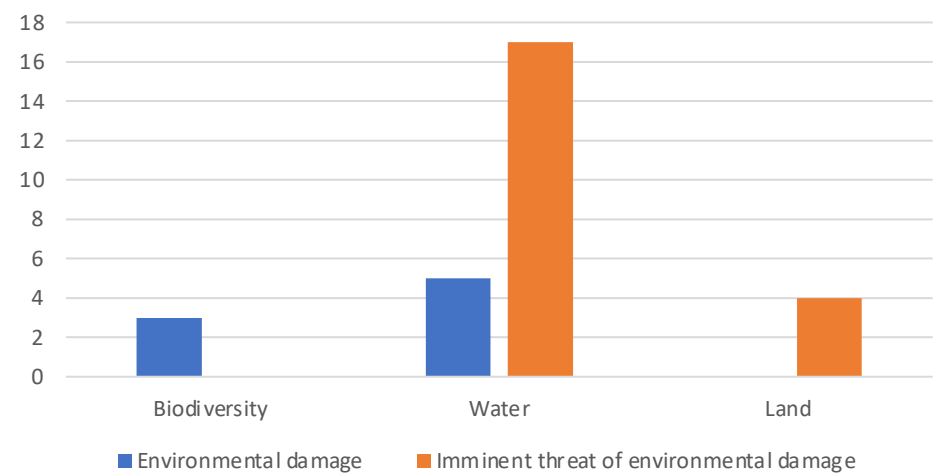
Outputs of ISPRA biannual reports

YEAR	APPRAISED CASES	THREAT OF DAMAGE (on natural resources)	DAMAGE (on natural resources)
2017-2018	240	21	7
2019-2020	136	14	4

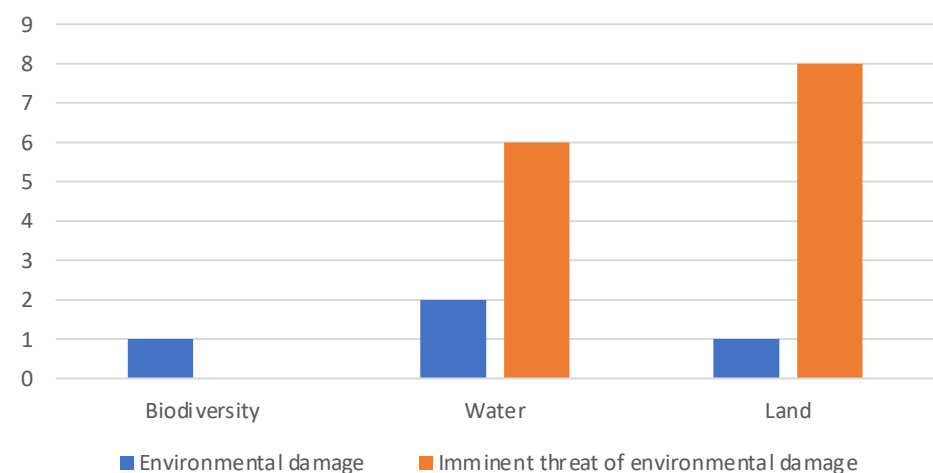
Main occupational activities that caused env damage and threat

- 1. Industrial plants
- 2. Landfills
- 3. Waste treatment plants
- 4. Wastewater treatment plants
- 5. Quarries/Mines

Natural resources adversely affected 2017-2018



Natural resources adversely affected 2019-2020



Italian ELD Country Fiche contains part of information and data of the ISPRA Reports

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IMPEL CAED Project – Foreword and Disclaimer

Foreword:

This presentation summarises the **contents of the final Report of the 1st year (CAED 2019/18) and the Practical Guide and Practical Tables of the 2nd year (CAED 2020/24)** of the CAED Project, which have been approved by IMPEL and the EU Commission

Disclaimer:

The CAED project products are intended as **reference documents for competent authorities and practitioners**. They do not prescribe what a competent authority should do. Instead, **they aim to provide information to assist competent authorities in making better decisions about the determination of the environmental damage**

CAED PROJECT SCOPE ⁽¹⁾

- ✓ *Environmental Liability Directive 2004/35/CE (ELD)*
- ✓ *Environmental **damage** and the **imminent threat** of damage to the natural resources protected by the ELD*
- ✓ *Environmental damage and the imminent threat of damage caused by environmental incidents, non-compliances, offences and criminal actions*

CAED PROJECT SCOPE (2)

- ✓ *Administrative procedure*
- ✓ *Early stages of environmental damage assessment*
- ✓ *Not Included: Quantification of the damage for the equivalency analysis and design of preventive and remedial measures*

CAED PROJECT OBJECTIVES

- ✓ *Identifying best practices for conducting proper investigations*
- ✓ *Providing a practical guide and useful tools to enhance competent authorities and practitioner's capability*
- ✓ *Identifying criteria for the assessment under ELD*

The CAED project was included in the Multi-Annual ELD Rolling Work Programme (MARWP) 2021-2024 of the EU Commission, in the area of capacity building activities, in particular as activity 1.3: Help(desks) for practitioners, providing information, Assistance and assessment support for risk and damage evaluations.

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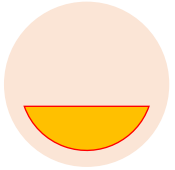
CAED 1st REPORT CONTENT (2019-2020)

- ✓ *Analysis of a collection of **32 case studies** of ELD and non-ELD cases in **22 jurisdictions***
- ✓ *Identification of **common and different approaches, strengths, and weaknesses** of the administrative procedure*
- ✓ *Evaluation of the guidance provided by some jurisdiction*

CASE STUDIES included in the CAED Report (2019-2020)

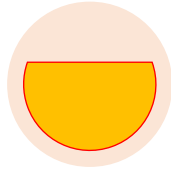
- ✓ **Austria** - Groundwater contamination by pesticides impacting public drinking water supplies
- ✓ **Bulgaria** - Leakage of a hazardous waste stored in a tank as a result of rupture in the tank wall
- ✓ **Czech Republic** - Contamination of ground water, soil and building constructions by pharmaceuticals production plant
- ✓ **Denmark** - Cultivation of protected grassland habitat within designated Natura 2000 area, Waste of fertilizer in marine waters and to soil and groundwater, Pollution of waterways due to spill of fluid fertilizer
- ✓ **England (UK)** – Discharge of sewage from sewage pumping station to surface water
- ✓ **Estonia** - Solvent leak on railway
- ✓ **Finland** - Surface water contamination by the release of hydraulic oil through cooling water canalisation
- ✓ **Greece** - Destructive fire in a waste treatment recycling facility
- ✓ **Ireland** - Destruction of dry and wet heath protected habitats within a protected area
- ✓ **Italy** - Water over-abstraction from a lake operated by an occupational activity, Surface water contamination by wastewater treatment plant spill, Groundwater contamination by halogenated hydrocarbons, Permanence in the soil of buried waste in disused industrial site, near a water body, [...]
- ✓ **Latvia** - Chemical warehouse fire, chemical spills during fire extinction
- ✓ **Malta** - Laying of alien material in a Special Area of Conservation (SAC)
- ✓ **Portugal** – Gasoline leak at a filling station
- ✓ **Republic of Croatia** - Land contamination by illegal dumping of waste by occupational activity on unregulated site
- ✓ **Scotland (UK)** – Major fish kill from release of chemical into waterbody
- ✓ **Slovakia** - Operation of water works small hydroelectric power plant
- ✓ **Slovenia** - Protected nature, land and water pollution due to a massive fire of mostly hazardous waste
- ✓ **Spain** - Slope detachment from a mine waste dump, Soil and groundwater pollution by a fuel station in an urban environment
- ✓ **Sweden** - Groundwater contamination of drinking water supply by fire-fighting foam
- ✓ **Switzerland** - Cargo train accident with run-off of hazardous chemicals

DETERMINATION OF DAMAGE/THREAT



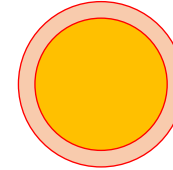
SCREENING PROCESS

The **screening of potential environmental damage** and imminent threat of damage cases



DETERMINATION OF CLUES

The **determination of clues** for the **identification of candidate environmental damage** and imminent threat of damage cases



DETERMINATION OF EVIDENCE

The **determination of evidence** for the **confirmation of environmental damage** and imminent threat of damage cases

The three steps may or may not be conducted in a sequential manner.

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CONCLUSIONS *Screening process*

- ✓ *Using general and/or specific check-lists to evaluate the potential damage or threat of damage of an event*
- ✓ *Using decision-making flowcharts for evaluating the ELD applicability and for screening of ELD case and not-ELD cases*
- ✓ *Considering that the potential damage of events is **better evaluated by field observation***

CONCLUSIONS *Determination of clues*

- ✓ *Magnitude (or intensity) of the event, spatial extent and duration of the impact, sensitivity of the natural resources*
- ✓ *Any suspicion of long-term contamination/pollution of a natural resource*
- ✓ *Use of national or international pre-defined thresholds and guidelines considered as best practice*

CONCLUSIONS *Determination of evidence*

- ✓ *There is **not always** a common interpretation of evidence of damage among MSs*
- ✓ *In jurisdictions **where pre-defined ‘thresholds’ of significance do not exist** the **determination of damage may rely completely on expert judgement***
- ✓ *Use of national or international pre-defined thresholds of significance and **guidelines for the determination of evidence of damage***

CONCLUSIONS - Other topics of relevance

- ✓ *Authorities that conduct the ascertainment*
- ✓ *Legal & Technical Requirements*
- ✓ *Tools, Equipments And Methods*
- ✓ *Training needs**
- ✓ *Key findings and lessons learned from the analysis of case studies*

**All inspectors involved in site visits should be trained on screening for potential or suspect ELD cases to ensure that any such cases are investigated adequately upon discovery.*

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CAED 2020-2021 OBJECTIVES

- ✓ *Screen potential ELD cases/non-ELD cases*
- ✓ *Decide if further investigations are required to determine evidence of damage*
- ✓ *Determination of the clues of environmental damage*

In fact...

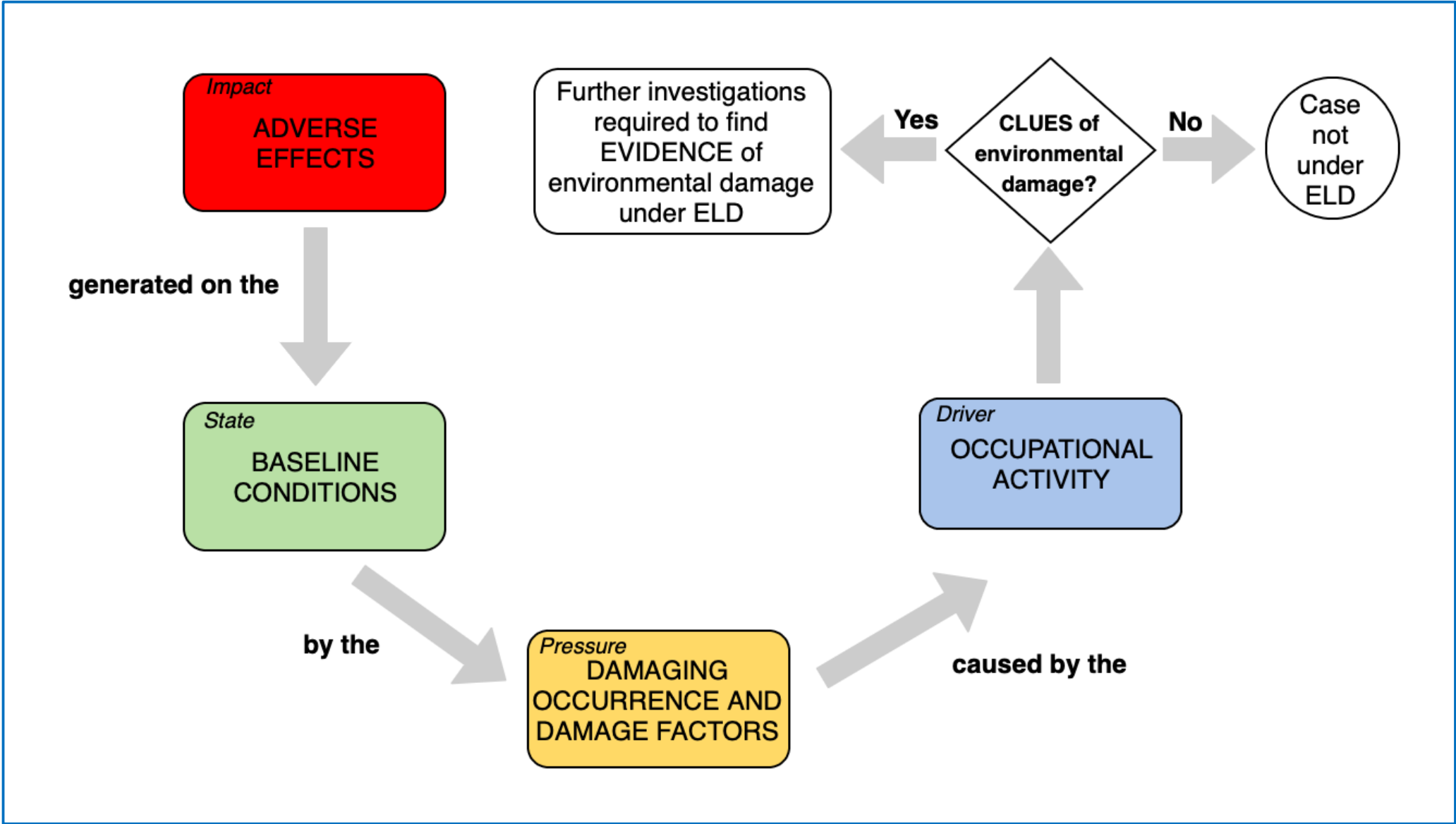
The screening and the identification of the potential cases of environmental damage under ELD can **save effort, time and money** on unsuccessful assessments, because the collection of **sound evidence** can be an expensive and time-consuming process



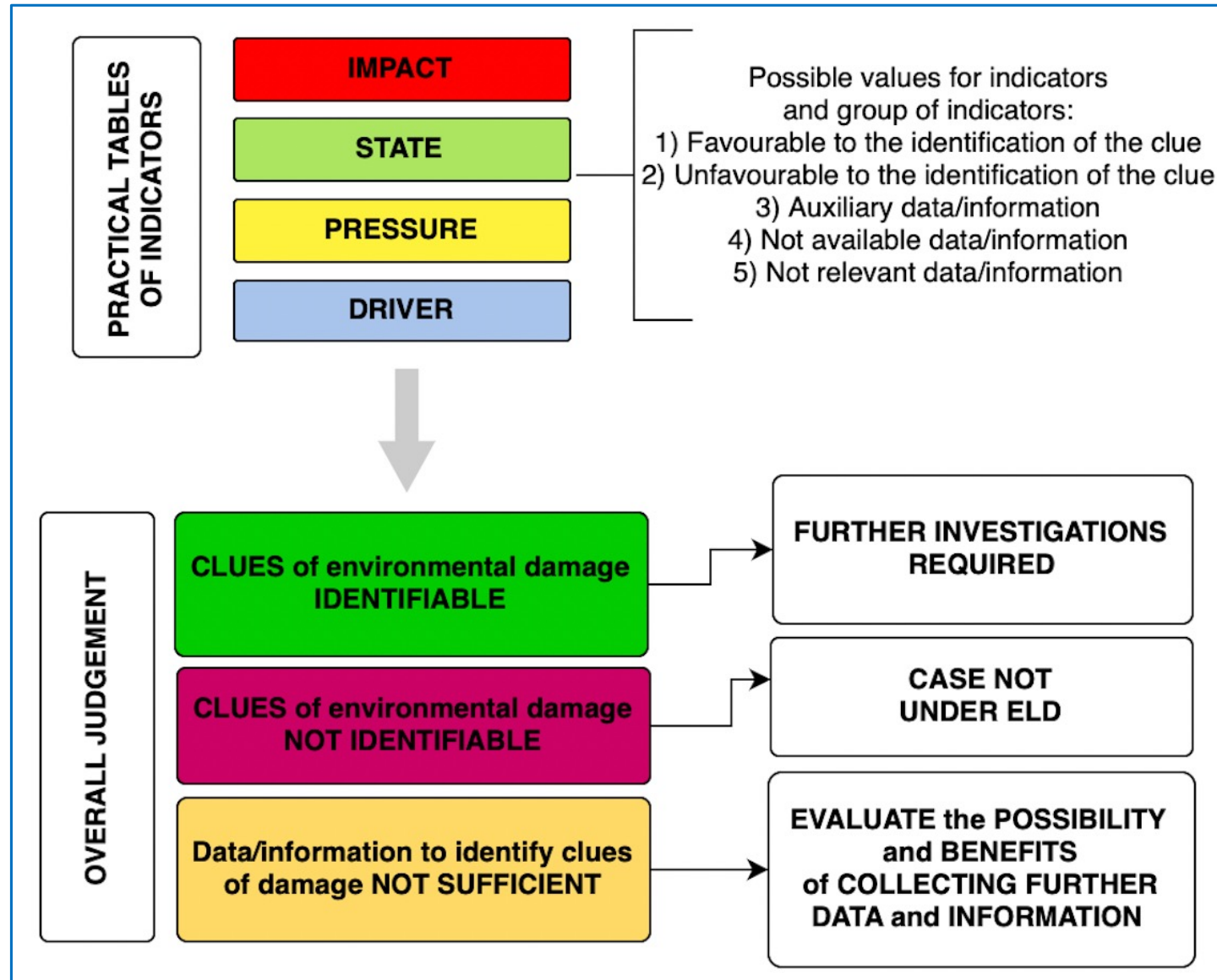
PRODUCTS of CAED 2nd year (2020- 2021)

- ✓ ***Practical Guide** (DPSIR model adapted, Decision-making flowcharts)*
- ✓ ***Practical tables** (including selected and pre-defined indicators)*
- ✓ ***Examples of the use of the Practical tables** (case studies)*

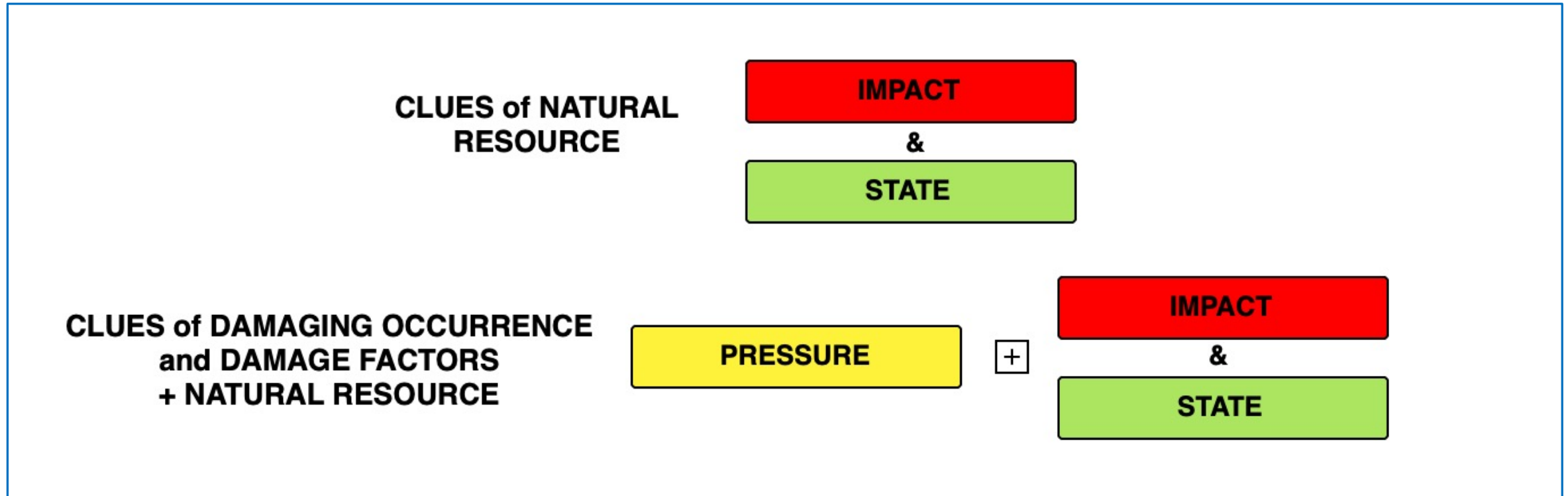
DPSIR Model adapted



USE of Practical Tables of INDICATORS



Types of CLUES of DAMAGE



Decision-making flowcharts

General

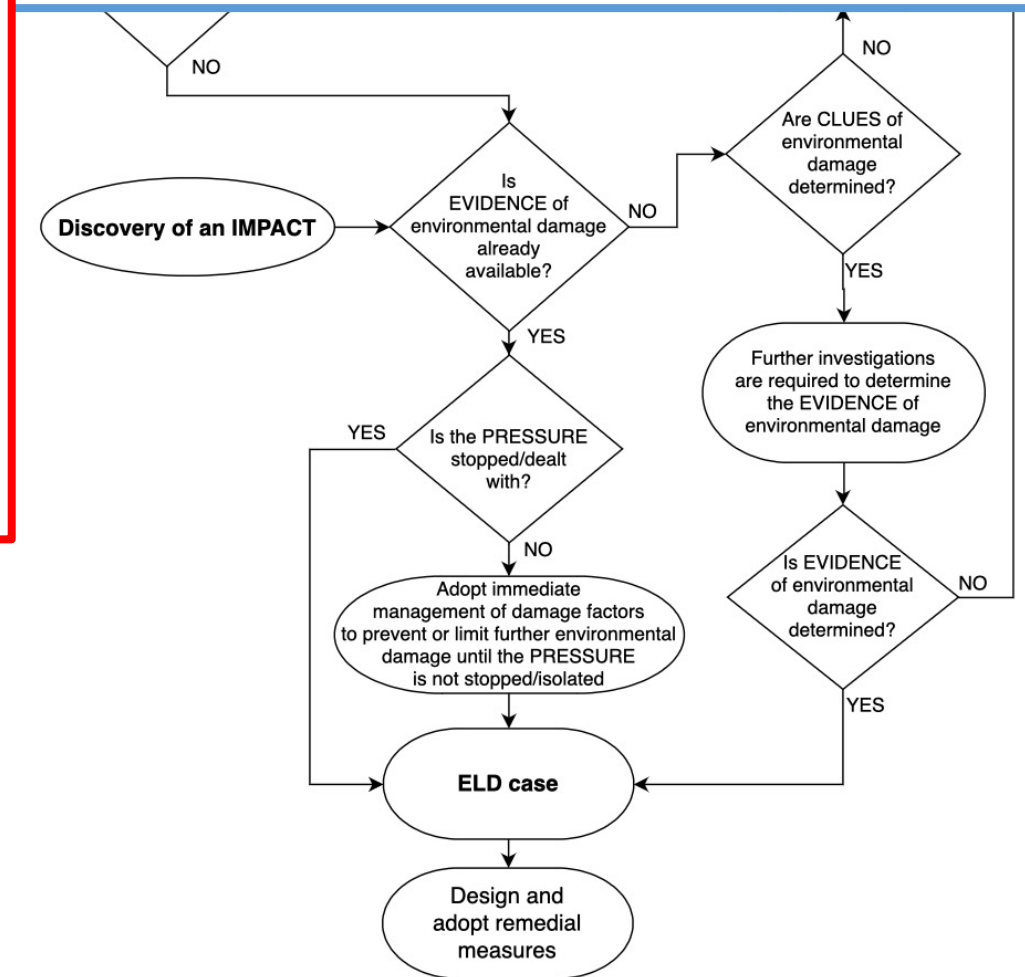
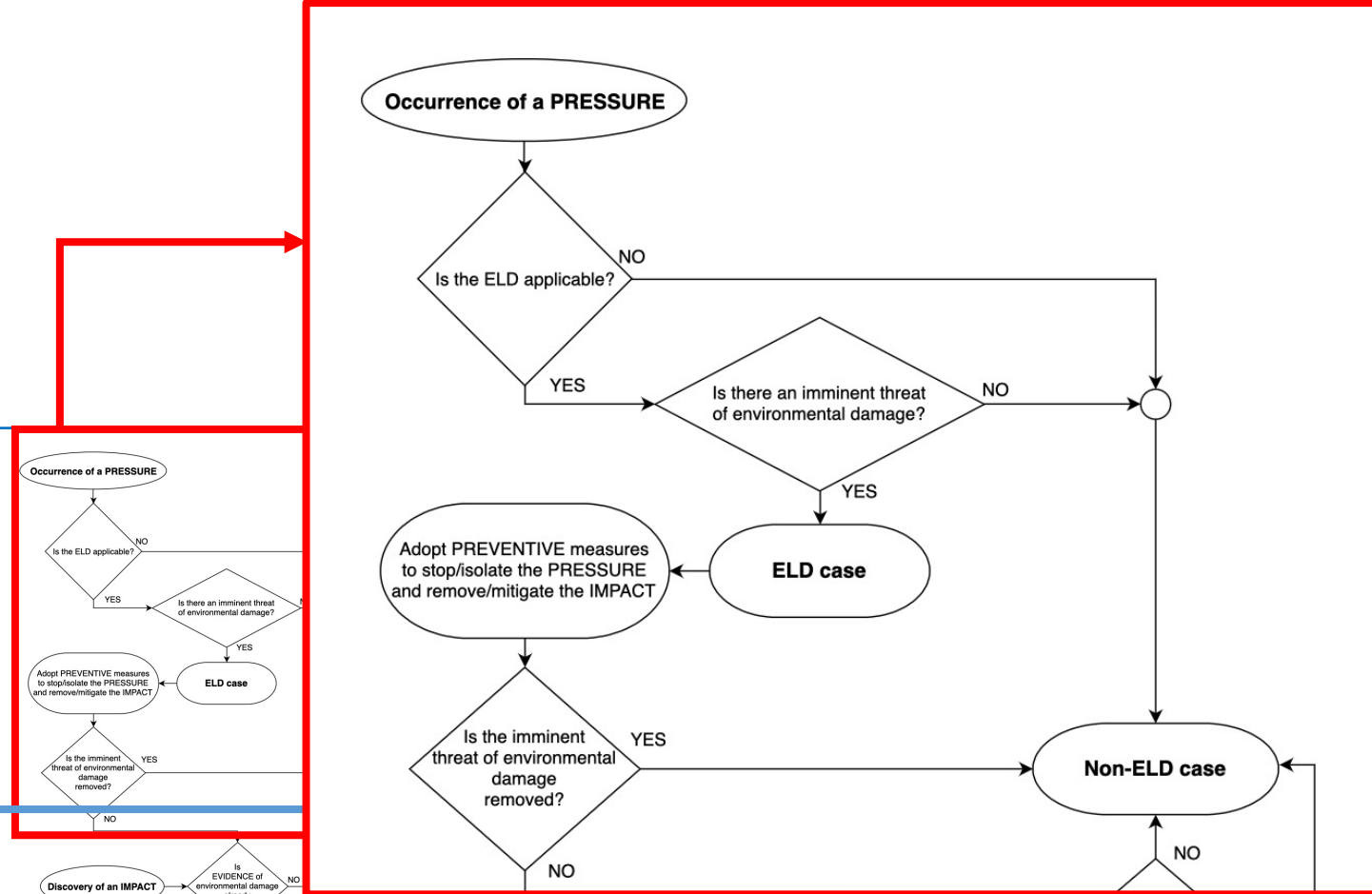


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WHAT'S UP IN 3rd year (2021-2022)

Date/Period	Who	Tasks/Events
27th Oct	PT	Trial training session of CAED 2021/15 products only to CAED project team
23rd Nov	PT	1 st Training session of CAED 2021/15 products to a wider group
Feb	PT	2nd Training session of CAED 2021/15 products to a wider group
Apr	PT	Final Webinar

Are you interested to attend? (ONLY for public bodies at the moment)

***THE MORE ELD IS ENFORCED
THE MORE IS COMPLIED WITH!***



THANKS FOR YOUR KIND ATTENTION!

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Link to all CAED Project deliverables and abstracts:

<https://www.impel.eu/projects/criteria-for-the-assessment-of-the-environmental-damage-caed/>

