



OECD COMPENDIUM OF GOOD PRACTICES

in promoting, monitoring and enforcing environmental compliance

Eugene Mazur, OECD Environment Directorate
18 November 2021



A bit of history: OECD work on compliance assurance

- Projects and publications on compliance assurance in OECD member countries in 2007-14
 - “Ensuring Environmental Compliance: Trends and Good Practices”
 - Performance measurement of compliance assurance
 - Strategies and instruments for promoting consistency in implementation of national environmental law in decentralised governance systems
 - Setting, and promoting compliance with, environmental requirements for SMEs with low environmental risk
- Extensive guidance to non-members under Green Action Task Force
 - inspection planning, setting non-compliance penalties, environmental liability, and funding aspects of compliance assurance
- Compliance assurance is a prominent element of 3rd-cycle Environmental Performance Reviews (2010-21)



What the compendium is and is not?

- An overview of good practices in compliance assurance across OECD member countries
- Not an analysis of gaps and weaknesses in countries' compliance assurance systems
- Not a benchmarking exercise
- Background for the development of an OECD legal instrument on compliance assurance



Compliance promotion

Sectoral approach to compliance promotion

UK

Compliance assistance collaboration with non-government partners

USA

Compliance assistance through direct contact with businesses

Australia, Finland, UK

Outreach to the regulated community

Canada, Estonia, France

Web-based tools to disseminate information on good compliance practices

United Kingdom, USA

Public disclosure of compliance records

Canada, Finland, France, Japan, Netherlands, UK, USA



Compliance monitoring

Risk-based inspection planning by facility category

Canada, France, USA

Risk-based inspection planning by scoring individual facilities

Denmark, Latvia, Spain, UK

Adequate procedures to respond to citizens' complaints

Ireland, Korea, Latvia, Slovenia

In-depth compliance assessments

Netherlands, Norway, UK

Thematic inspection campaigns

Belgium, Iceland, Latvia, Portugal, Slovenia, Sweden



Enforcement

Non-coercive enforcement instruments

Belgium, Finland, Netherlands

Conditional administrative fines

France, Poland, Sweden

Legally set minimum fines

Austria, Portugal, Sweden

Enforcement undertakings

Australia, UK, USA

Decriminalising lesser offences in favour of administrative enforcement

Canada, Ireland, UK

Providing alternatives to prosecution

Canada, Israel, Netherlands, UK

Civil judicial enforcement (beyond remediation/corrective action)

USA

Formal non-compliance response policies

Canada, France, Netherlands, New Zealand, UK, USA

Recovery of economic benefit of non-compliance

Australia, Israel, UK, USA

Formal guidance on accounting for gravity of the offence

United Kingdom, USA

Working with fiscal authorities to enforce payment of fines

Belgium, Greece, Slovenia



Institutional aspects of compliance assurance

Co-ordination bodies between national and subnational enforcement agencies

Canada, Spain, Sweden, Switzerland, USA

Performance oversight of subnational authorities by national ones

Ireland, Norway, USA

Co-ordination of compliance monitoring across national regulatory agencies

Canada, Denmark, Finland, Switzerland

Collaboration with the police, customs and prosecutors

Belgium, France, Greece, Luxembourg, Netherlands, UK

Specialised environmental police and prosecutors

Colombia, Italy, Norway, Spain

Dedicated environmental courts

Canada, Australia, New Zealand, Sweden

Guidance and training for lower-level enforcement authorities

France, Netherlands, Sweden, Turkey, USA

Networks for peer learning

Australia, Belgium, Chile, Ireland, New Zealand, Spain, Sweden, USA

Outcome performance measurement

Canada, Denmark, Ireland, United Kingdom, USA



Next steps

- Contributions from member countries to enrich the compendium (December 2021)
- Finalisation of the compendium (March 2022)
- Preparation and adoption of an OECD Council Recommendation on environmental compliance assurance (2022-24)