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# EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## Policies and tools for enforcement of environmental compliance – a regional seminar with Eastern Partner countries

### Summary report

Wednesday 17 November 2021 | 12:00 – 15:00 (CET)

Thursday 18 November 2021 | 12:00 – 15:30 (CET)

This summary report, the seminar agenda and the presentations made at the meeting are available at:  
<https://www.eu4environment.org/events/regional-seminar-on-policies-and-tools-for-enforcement-of-environmental-compliance/>.

The “European Union for Environment” (EU4Environment) aims to help the six partner countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine preserve their natural capital and increase people's environmental well-being, by supporting environment-related action, demonstrating and unlocking opportunities for greener growth, and setting mechanisms to better manage environmental risks and impacts. The Action is funded by the European Union and implemented by five Partner organisations: OECD, UNECE, UNEP, UNIDO and the World Bank based on a budget of some EUR 20 million. The Action implementation period is 2019-2022. For further information contact: [EU4Environment@oecd.org](mailto:EU4Environment@oecd.org).

Action implemented by:



## Meeting highlights

The second regional seminar with Eastern Partner countries, focusing on “Policies and tools for enforcement of environmental compliance”, took place on 17-18 November 2021 virtually via the Zoom teleconferencing platform. It was organised as part of the EU4Environment Action funded by the European Union.

The meeting was attended by 77 participants, including representatives from the Eastern Partner countries, the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the European Network of Prosecutors for the Environment (ENPE), the European Commission, and OECD member countries. Representatives of non-governmental organisations also participated in the event.

The first day of the seminar was devoted to a discussion of two draft reviews of environmental compliance assurance systems in Armenia and the Republic of Moldova. The reports took stock of the many recent achievements of the two countries, including regulatory and institutional updates as well as the use of a risk-based approach to compliance assurance. The reviews also identified gaps and provided recommendations to further enhance the compliance assurance systems in the short, medium and long-term. In particular, the reports highlighted the need for both countries to continue reviewing their environmental legislation to check if it is still fit-for-purpose, modernise the equipment of their inspection bodies and laboratories, reinforce inspectors’ training, and strengthen raising awareness and understanding of environmental regulations.

Representatives of Armenia and Moldova welcomed the analysis and expressed their readiness to apply the recommendations of the reports. In presenting their priorities they underlined the importance of legislative reform, training of their inspectors and modernisation of laboratory equipment.

On the second day of the event, speakers from OECD and EU countries discussed good practices with regards to enforcement policies and tools, focusing on detection and investigation of non-compliance, including damage assessment, and responses to non-compliance. During the discussions about most effective responses to non-compliance, importance of understanding of the reasons for non-compliance was highlighted. Speakers also presented the best ways to detect non-compliance, such as targeted intelligence-led inspections and the use of innovative technologies as well as investigation and evidence collection, with emphasis on court-proof evidence.

The speakers highlighted also that a combination of criminal and administrative responses should be used to respond to non-compliance and the need to use remedial action in addition to punitive responses, the role of NGOs in enforcement and the importance of training, in addition to other findings. The necessity of effective co-ordination of various enforcement actors, a common understanding of terminology and the necessity of environmental specialisation across the enforcement chain were seen as important for successful enforcement action.

During the discussion, representatives of Azerbaijan, Georgia and Ukraine presented the latest developments as regards their enforcement policies and tools.

The participants took note of plans for further work on compliance promotion under EU4Environment and agreed to review progress at the third regional seminar in November 2022.

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## Summary of the discussion

### Day 1

#### Agenda Item 1. Welcome and introductions

The meeting was opened by **Mr. Krzysztof Michalak, Senior Programme Manager, Green Growth and Global Relations Division, OECD Environment Directorate**, who moderated the seminar. He welcomed the participants, provided technical information, presented the agenda, and introduced the EU4Environment Programme. He mentioned that more information is available on the official website of EU4Environment and encouraged participants to sign up to the EU4Environment newsletter.

**Ms. Angela Bularga, Programme Manager, European Commission, Directorate-General for European Neighbourhood Policy and Enlargement Negotiations (DG NEAR)**, highlighted ambitious EU environmental policies and laws such as the European Green Deal and that implementation is key for achieving the EU environmental goals. She mentioned that there is a wide array of tools in place to assist implementation, including Environmental Implementation Reviews. She expressed her appreciation that the EU can also support peer exchange in the Eastern Partner countries through the EU4Environment Programme. Ms. Bularga mentioned that the EU agenda for the Eastern Partnership that was put forward in July 2021 supports two equal pillars of investment and governance, for both of which the European Commission aims at scaling up environmental and climate resilience, and ensuring the green transition of Eastern Partner countries.

#### Agenda Item 2. Environmental compliance assurance systems in EaP economies: Case study of Armenia

At the beginning of this agenda item, **Mr. Krzysztof Michalak** described the process that was used to prepare the environmental compliance assurance reviews of Armenia and Moldova.

After that, **Ms. Olga Olson, Policy Analyst, Green Growth and Global Relations Division, OECD Environment Directorate**, who manages the implementation of EU4Environment's component 3.2 on environmental compliance assurance and liability regimes, presented the results of the draft environmental compliance assurance system review of Armenia, including the description of positive characteristics, challenges and recommendations for the way forward. For example, Armenia has a comprehensive legal framework for environmental protection, but a review of environmental legislation would be advisable to check if it is fit-for purpose for compliance assurance. Armenia has a unique institutional set-up where the Environmental Protection and Mining Inspection Body (EPMIB) reports to the Prime Minister's Office. Armenia has many tools to monitor compliance with environmental regulations such as a recently adopted risk methodology for planned inspections, and many stakeholders take part in independent monitoring. Ms. Olson presented the main tools used as responses to non-compliance. Notably, Armenia is planning to increase fine rates for environmental non-compliance in the view of removing the economic benefit of non-compliance, but would still benefit from a review of the current system of environmental payments. The country uses online information, awareness-raising measures, and assistance to promote environmental compliance. Yet, awareness of environmental regulations and compliance assurance instruments and institutional responsibilities is rather low in Armenia, therefore further action is required to increase it.

**Mr. Vrezh Galoyan, Deputy Head of the Environmental Protection and Mining Inspection Body (EPMIB) of Armenia**, started his intervention by thanking the organisers from the EU4Environment and underscoring the importance of addressing environmental management challenges. He then presented the mission of the EPMIB, which was created as a result of reforms beginning in 2009 with the goal of

establishing a separate environmental protection and inspection process. The EPMIB is engaged in supervision and applies liability in the area of environmental protection. The mission of the EPMIB is to ensure environmental safety and environmental compliance in areas identified by legislation. Mr. Galoyan presented the organisational chart of the EPMIB and its directions of control, as well as governmental resolutions governing the EPMIB's functions. The EPMIB has 195 staff, including 116 inspectors. He presented the inspection system based on risk assessment used in Armenia, and provided details on the Methodology and General Description of Criteria Determining Risks-based Decree on the Risk Assessment Conducted by the EPMIB. He highlighted four principal challenges that the EPMIB is facing: i) implementation of legislative reforms together with the policy-making authorities; ii) creation of an electronic environmental control system; iii) carrying out continuous training of specialists by exchanging best practices; and iv) implementation of capacity building and purchase of modern equipment for existing laboratories. Finally, he presented priorities for the way forward and stated that Armenia stands ready to address environmental challenges in the country together with the OECD.

**Mr. Henk Ruessink, Co-ordinating Special Adviser, Environment and Housing Network, External Relations and Services, Human Environment and Transport Inspectorate of the Netherlands**, who was one of the external experts contributing to the reports, shared analytical insights on EU approaches to the legislative and institutional set-up for environmental compliance assurance. He emphasised that effective implementation and compliance can only be achieved when regulation is of good quality, meaning that it is clear, up-to-date, addresses current and future environmental issues, is non-redundant and has a multi-media approach. For effective compliance assurance, regulation should be practical, realistic, enforceable and fraud-proof. When drafting regulation, it is important to have procedures for ensuring dialogue among the compliance assurance authorities, civil society, and regulated entities. Regulation needs to be tailored to the regulated entities. For example, high-risk industries require detailed applications and tailored permits, while smaller polluters can have less burdening regimes. Mr. Ruessink presented the interlinked chain of actors in the compliance assurance chain. He highlighted that the institutional framework is as strong as the weakest link in the chain, and listed the prerequisites for the good functioning of the institutional framework. These are clear responsibilities of authorities, professional expertise and gear, limited reporting, and maintenance at all levels. He stressed that shared priorities are needed along the chain, as well as a good flow of information and data, clear structures and processes, persistence, and willingness to co-operate. Direction from the governing authorities is necessary, together with bottom-up collaboration.

The **open discussion** that followed brought up training for inspection authorities, where a mentorship programme for new inspectors was mentioned, and the best way to involve stakeholders in policy-making, where the need to maintain a good overall relationship with stakeholders was highlighted.

### **Agenda Item 3. Environmental compliance assurance systems in EaP economies: Case study of the Republic of Moldova**

**Ms. Olson** presented the main findings of the draft review of Moldova, including positive characteristics, gaps and recommendations. For example, the country is making progress towards an integrated approach in environmental regulation, permitting and control. The permitting procedure in Moldova is transparent and fully digitised. Nevertheless, there is a lack of incentives for compliance, and the report recommends to review environmental regulations that are in place. It also advises to continue to move to a multi-media and a differentiated permitting approach. Ms. Olson highlighted the positive characteristics of the institutional set-up such as the State Registry of Control and the ability of the Inspectorate to comment on laws and permits. One of the key recommendations from the report is to reduce the number of territorial divisions of the Inspectorate. Ms. Olson listed the main tools used for

monitoring environmental compliance, including planned inspections based on risk. She highlighted that Moldova is establishing a Pollutant Release and Transfer Registry (PRTR) and that it has recently introduced an “EcoAlert” application for making alerts. Yet, many stakeholders believe that monitoring is the biggest priority for reform in Moldova’s compliance assurance system. Moldova uses a variety of penalties for non-compliance and has ongoing amendments to its enforcement regime, however, enforcement decisions are considered to be non-transparent. Moldova’s activities aimed at promotion of compliance are numerous, including an ambitious programme to promote the understanding of the green economy, but the quality of online information could be enhanced, and there is a need for more awareness-raising and training activity.

**Ms. Iordanca-Rodica Iordanov, State Secretary, Ministry of Environment of Moldova**, thanked the OECD for the work conducted and provided feedback on the report. She highlighted achievements as regards the institutional framework for compliance assurance in Moldova, including the establishment of the Ministry of the Environment, the Environmental Agency and the Inspectorate for Environmental Protection, with fruitful dialogue being re-established among them. The State Registry of Control ensures transparency of all inspections. She summarised the main challenges and capacity building needs of the institutions such as ensuring better co-operation, increasing the amount of staff at the Environmental Agency and the Inspectorate, clarifying the division of responsibilities in the area of permitting, training of environmental inspectors, and reducing corruption risks. Ms. Iordanov also drew the participants’ attention to the environmental legislation in place and progress towards an integrated approach to environmental regulation, permitting and control. Among the challenges, Ms. Iordanov mentioned the need to review the environmental legislation, streamline the permitting procedure, promote a differentiated permitting regime, and develop and strengthen an integrated approach to permitting. She then shared progress on the monitoring system including an accredited Reference Laboratory, and publication of environmental information, among others. Certain challenges need to be addressed to strengthen it further, such as technological deficiencies of the Reference Laboratory, and insufficient official online information on the quality of the environment. Ms. Iordanov listed positive developments in the enforcement system, such as action to increase penalties for non-compliance and damage assessment methodologies. She went through the challenges to be addressed, among them a need for a clear enforcement policy guidance document and for an increase in transparency. Finally, she highlighted that an analysis of environmental institutional functions in Moldova is being finalised, and that reforms of the Environmental Agency and the Inspectorate will take into account the OECD recommendations. She expressed a desire to come back and assess progress on these recommendations.

**Mr. Simon Bingham, International Development Manager at the Scottish Environment Protection Agency (SEPA) and former Cross-Cutting Expert Team Leader and Board Member of IMPEL**, who was another external expert contributing to the reviews, spoke about EU approaches to monitoring of environmental compliance. He presented the compliance spectrum developed by the SEPA, which feeds into EU compliance work. It has six elements depending on regulatees: criminal, chancer, careless, confused, compliant and champion. Most of the monitoring tools that are used are aimed at the careless and confused regulatees. The compliance spectrum is about choice, as some regulatees cannot comply due to a lack of capability. He stated that there are four principle pillars of monitoring compliance: physical on-site inspections, desk-based inspections, sampling and remote systems. However, they are all very expensive and resource-intensive, and regulators need to be efficient with public money and tackle non-compliance as quickly as possible. There is also non-site-based intelligence that helps to understand what is affecting the sites before visiting them, for example, market conditions. He elaborated on good practices of physical on-site inspections and desk-based inspections, and advised that the ratio between routine planned inspections and reactive ones should be in the order of 60: 40. He

highlighted the importance of inter-institutional public sector collaboration on inspections. Mr. Bingham also enumerated various other types of monitoring such as sampling and remote systems, and highlighted that monitoring information should be made public and used for policy and risk assessment.

The **open discussion** that followed evoked the extent to which Moldova has implemented risk-based inspections proposed in a 2010 OECD report “Improving the Effectiveness and Efficiency of Environmental Inspections: Risk-based Prioritisation and Planning in Moldova”. **Ms. Iordanca-Rodica Iordanov** mentioned that Moldova has made progress on risk-based inspections, but could further improve them, including the risk criteria and their application.

#### **Agenda Item 4. Summary of the day**

**Mr. Krzysztof Michalak** summed up the discussions of the day. He thanked the participants and all the speakers, and introduced the agenda for the second day of the seminar.

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## Day 2

### Agenda Item 1. Welcome and introductions

**Mr. Krzysztof Michalak** welcomed the participants, provided technical instructions, and presented the agenda. He summarised the discussion of the preceding day and presented the focus of the second day of the regional seminar - environmental enforcement and responses to non-compliance, which had been previously signalled as a topic of interest by Eastern Partner countries.

### Agenda Item 2. Policies and tools for successful enforcement of compliance with environmental regulations: International perspectives

This session focused on certain aspects of enforcement policies and tools used internationally, especially within the EU, with the aim of identifying good practices.

**Mr. Eugene Mazur, Policy Analyst, OECD Environment Directorate, Division for Environmental Performance and Information**, presented the OECD Compendium of good practices in promoting, monitoring and enforcing environmental compliance under development by the OECD. He provided background on OECD work on compliance assurance by underlining previous projects and publications on this subject. The work on environmental compliance has been mainstreamed into Environmental Performance Reviews. He explained the content of the compendium, which focuses on an overview of good practices across OECD member countries, with the goal of feeding into an OECD legal instrument on compliance assurance. He shared the draft list of good practices featured in the compendium, which is now being completed by OECD member countries. He provided several examples, highlighting in particular the public disclosure of compliance records, thematic inspection campaigns, conditional administrative fines, enforcement undertakings, decriminalisation of lower impact non-compliance, and the recovery of economic benefit of non-compliance, which are rare in the Eastern Europe, the Caucasus and Central Asia (EECCA) countries, as well as certain institutional aspects such as networks of peer learning. Mr. Mazur stated that the goal is to finalise the compendium by March 2022 and to develop the OECD Council Recommendation on environmental compliance assurance during 2022-24. Mr. Mazur highlighted the expected role of the compendium as a tool of peer review and pressure for OECD members, as a benchmark for non-members, and as a mechanism for reviewing candidate countries for OECD accession.

**Ms. Nancy Isarin, Environmental Expert and International Project Manager, Ambiendura environmental consultancy, Portugal**, spoke about how to deal with environmental non-compliance in terms of detection and investigation. She stated that it is important to understand the cause of non-compliance when defining a strategy for dealing with it, and listed some of the main reasons, such as unclear legislation. When discussing detection of possible cases of non-compliance, she emphasised the usefulness of targeted inspections that are intelligence-led as well as the use of innovative technologies. Ms. Isarin highlighted that national legislation should provide sufficient legal powers for inspections and enforcement. She proceeded to share insights about investigation and evidence collection following a discovery of non-compliance, for example, assessment and calculation of costs of environmental damage. She stressed that the gathered evidence should be court-proof. She provided an example in regards to illegal waste trafficking, where it is important to have a shared understanding of the terminology, and listed the main investigation techniques. Ms. Isarin set out three pillars for dealing with non-compliance: administrative, criminal and civil. She spoke about the importance of co-ordination and information-sharing among the different authorities and listed some of the ways to enhance it, for example, through a national-level platform or a memorandum of understanding. Specialised police and prosecutors, and involvement of other experts with diversified backgrounds should be promoted. Key

considerations for disrupting environmental offences, according to Ms. Isarin, are: having clear provisions and definitions, a clear list of offences, availability of criminal and administrative responses, effective sanctions, sufficient legal powers for law enforcement, preparedness to deal with non-compliance after its discovery, and co-operation at national, regional and international levels.

During the **first digital poll**, 53% of respondents stated that their country has an enforcement policy guidance document that is available online, while 47% responded that they did not have one in place.

**Professor Dr. Carole M. Billiet, Head of the Environmental Law Research Unit, Law Faculty, UHasselt & Partner Equal Partners (Brussels Bar)**, presented the findings and recommendations of the EU LIFE+ project's Working Group on Sanctioning, Prosecution and Judicial Practice. The group consisted of prosecutors and judges and operated during 2015-2020 with the aim of contributing to the revision of the EU Environmental Crime Directive. She put forward eight recommendations from the final report of the group issued in June 2020:

1. Environmental law enforcement policy has to build on a public law enforcement vision that encompasses the criminal and administrative sanctioning tracks.
2. Comprehensive guidelines on good practices regarding the design of environmental law enforcement legislation in the EU Member States should be developed, covering the full enforcement chain and the sanctioning toolkits.
3. Both remedial and punitive sanctioning tools should be available for both the criminal sanctioning and the administrative sanctioning track, with a well-equipped remedial toolkit allowing for proportional remedial sanctioning.
4. There is a need for environmental specialisation throughout the enforcement chain.
5. There is a need to acknowledge the contribution of environmental NGOs and to strengthen their access to criminal courts.
6. Further training of prosecutors and judges remains crucial.
7. There is a need to establish the fund for emergency clean-ups.
8. Judicial co-operation must be strengthened beyond the EU countries, including through a global network of prosecutors and a network of environmental judges.

Ms. Billiet answered questions about whether reparative sanctions should be monetary or depolluting actions, to which she answered that the focus should be on remedial actions, with monetary payments being the last resort. She also answered a question about the effectiveness of sanctions imposed with some data from Belgium.

**Ms. Kateřina Weissová, Public Prosecutor, Deputy Department Director at the High Prosecutor's Office, Prague, Czech Republic**, shared her insights about the experience of the Czech Republic with environmental enforcement measures. She mentioned that authorities dealing with administrative sanctions and those dealing with criminal sanctions do not have the same perception of what is serious non-compliance. Good co-operation is necessary for strong enforcement, and it needs formalisation and trust. In the Czech Republic, co-operation began through sharing knowledge and intelligence, experience and training, and case law. She explained the territorial division of the Czech Republic in regards to inspection, police, customs and the Prosecutor's Office. She presented the objectives of the Strategy to Prevent and Combat Waste-Related Crime for the Years 2021 – 2023 pertaining to mutual co-operation, specialisation and qualification, the regulatory environment and public awareness. She detailed the best practices identified while preparing the strategy such as access to information systems and specialisation



of the police and prosecutors. She spoke in support of early media coverage of environmental non-compliance. Ms. Weissová presented the implementation progress and the way forward for the Strategy. She concluded by displaying the goals of the Action Plan to Combat Illegal Trade in Endangered Species for the Years 2020 – 2023 and a SWOT Analysis of the current state of play prepared for the Action Plan. Finally, she highlighted that it is also important to analyse and improve the structures of law enforcement agencies and to analyse the state of play of wildlife crime forensics to increase the effectiveness of law enforcement.

Ms. Weissová answered a question about the frequency of environmental non-compliance in the Czech Republic and the effectiveness of the imposed sanctions. She mentioned that around 10 criminal waste crimes occur every year, with 2-3 adjudicated on a yearly basis.

During the **second digital poll** about the views on the biggest priority for reform of the participant countries' environmental enforcement approaches, most participants picked explanatory activity and warnings (33%), followed by environmental remediation (27%), and criminal penalties as well as environmental charges and fines (20% each). None of the participants selected cross-border co-operation as the largest priority for reform.

**Ms. Katey Olley, Waste Shipment Specialist, Scottish Environment Protection Agency (SEPA); Project Leader, IMPEL's Shipments of Waste Enforcement Actions Project (SWEAP) and current Chair of the Basel Convention's ENFORCE Network**, presented the results of SWEAP and SEPA's international co-operation on inspections and enforcement. Her presentation about SWEAP covered its structure, the types of inspections and cases, waste shipments in times of Covid-19, recent results, plastic waste, novel technologies and upcoming work. SWEAP is an EU LIFE-funded project lasting during 2018-23 with contributions from 34 IMPEL member countries. The five work packages of SWEAP cover capacity building and training, co-ordinated inspections through the waste management chain, international collaboration, intelligence-gathering and sharing, and innovative enforcement tools. SWEAP conducts officer exchanges, including multi-country exchanges. SWEAP has conducted 52 000 co-ordinated inspections by now, surpassing its target. Ms. Olley mentioned that special efforts were made to dispel fake news as quickly as possible during Covid-19. She also spoke about waste types that are commonly shipped illegally and provided related statistics. She noted that following China's 2018 import restrictions on plastic shipments, Eastern Europe and Turkey are becoming targets for plastic waste. SWEAP developed a "two in one" application, which allows officers to check the control of specific waste streams and to upload their inspection finding from the field. In addition, SWEAP put up a portal for environmental enforcers and is developing a data visualisation tool that shows live inspection data and links it to commodity prices. Ms. Olley went over plans for 2021-22, which include industry guidance. She mentioned that Eastern European countries take part in SWEAP webinars.

**Mr. Ben Ryder, Illegal Waste Exports and Operational Intelligence Manager, the Environmental Agency of England**, introduced to the participants the concept of intelligence, which allows decisions to be made about priorities and tactical options. He stated that the intelligence cycle contains the direction, collection, analysis, and dissemination of intelligence. For intelligence to be effective, it is important that a regulator is aware of the highest risks and of available and missing information, for which purpose an intelligence collection plan is useful. In the Environmental Agency of England, there is an illegal waste exports team with its own intelligence resources, which receives information from various sources. It then analyses this data and develops an intelligence plan. Within SWEAP, intelligence plans are created across the IMPEL network.

**Mr. Richard Stainton, Environmental Crime Officer, Environmental Agency of England**, detailed the elements of the evidencing process whereby evidence is collected and the case passed to a court.

Company representatives are invited for transparency, bales are selected for breaking and all material removed, contaminants are removed and placed in a quarantined area, all evidence is secured, and an evidence file is put together to be passed to the court for a final decision. He also presented two case studies. The first case concerned a UK company Biffa, which exported large amounts of paper and cardboard to an Indonesian paper mill for reprocessing. This waste contained numerous contaminants. Eventually, Biffa was fined GBP 1.5 million plus costs. The second case concerned Op Garden, a water company that was doing illegal discharges in the south-east of England. After a complex investigation, the court fined the company GBP 90 million plus costs. Other investigation capacity that the Environmental Agency of England uses includes mobile surveillance and rural observation.

Mr. Ryder and Mr. Stainton answered questions about the staffing of the illegal waste export team, its co-operation with the police to protect staff, and difficulties with collecting evidence. The illegal waste export team has about 20 individuals, with 8-10 field staff, out of the Agency's overall staff of about 10 000 people. There is a Government Agency Intelligence Network for sharing intelligence, and the Environmental Agency itself has a joint unit for waste crime that involves partner agencies such as the police and customs. The officers have powers that allow them to visit facilities without police support. Usually, the Environmental Agency of England collects large evidence bags, and asks legal representatives to have a look at them at a specialised warehouse prior to going to court.

**Mr. Francesco Andreotti, Senior Environmental Technologist of the Italian Institute for Environmental Protection and Research (ISPRA) for Environmental Damage Assessment and Project manager of the EU IMPEL project "Criteria for the Assessment of Environmental Damage (CAED)",** talked about the ELD enforcement in Italy and the outcomes of the IMPEL CAED project. He stated that in Italy, the ELD was transposed into the Environmental Code that came into force in 2006, and highlighted some of its peculiarities. The Ministry of Environment receives evidence, and then requests the expertise of the ISPRA and the Network of Local Environmental Agencies for assessment of damage. Some important elements that contribute to the enforcement of the ELD in Italy are: existence of previous national legislation on environmental damage assessment and remediation; existence of national legislation for land contamination, prevention and remediation; a national centralised unit for the assessment of environmental damage; and a national network of territorial agencies that support remediation. He highlighted that ISPRA issued two bi-annual reports and a national guideline on environmental damage assessment that boosted both the public and the operators' awareness about this topic. The Ministry of the Ecological Transition issued a national Standard Notification Form for notification about environmental damage or a threat of damage. Finally, the Italian Standardisation Body issued a Reference for the prevention of damage to the environment. He provided a summary of findings as regards appraised cases provided by ISPRA in its reports.

The CAED project is mostly concerned with environmental damage and an imminent threat of damage caused by environmental incidents, non-compliance, offences and criminal actions, and looks at the administrative procedure and the early stage of the assessment process (ascertainment), not quantification of equivalency analysis or the design of preventive or remedial measures. It aims to identify best practices, provide a practical guide and useful tools, and identify criteria for assessment under ELD. Mr. Andreotti presented the first report of the project covering 2019-20, described the new approach to ascertainment presented in the report, and discussed the conclusions. He presented the goals and the results of the second year of the project, which included a practical guide including a Driver-Pressure-State-Impact-Response (DPSIR) model, practical tables and case studies. For the third year, CAED plans training sessions on CAED products, to which Mr. Andreotti invited public agency representatives from Eastern Partner countries.

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#### Agenda Item 4. Open discussion

During this session, several Eastern Partner countries provided updates on enforcement measures and priorities of their countries.

**Mr. Nazim Mammadov, Lead Advisor-Inspector of the Regional Ecology and Natural Resources Department no. 11, Azerbaijan**, highlighted the main tools for ensuring environmental compliance in Azerbaijan. The key enforcement authority for environmental regulation and supervision in the country is the Ministry of Ecology and Natural Resources, and the key division in charge of environmental enforcement is the Environmental Security Service. It has a network of regional subdivisions that conduct inspections based on the 2013 regulation of the inspections, which are carried out in the field of entrepreneurship and protection of the rights of entrepreneurs. There are planned and ad hoc inspections, as well as raids. Industry representatives need to submit air, water and hazardous waste information to the statistical agency on a yearly basis, which contributes to successful environmental enforcement and prevention. Inspectors prepare reports, including reports of violations, following inspections. In the event of a serious and systemic violation, a statement of claim is prepared, leading to cessation of activity. Materials for court are prepared for criminal cases. Supervision of inspection activities is based on information available in monthly reports. As regards the areas for improvement, Mr. Mammadov singled out the resources of regional agencies, strengthening of the methodological basis, qualifications of inspectors, and partnerships with other agencies. He highlighted that Azerbaijan has been improving and harmonising its legislative and regulatory framework over the last few years and bringing it in line with the EU acquis. The authorities paid special attention to improving collaboration with international organisations.

**Mr. Tarel Iremadze, International Relations and VMS (Vessel Monitoring System) Co-ordinator, the state Sub-Agency Department of Environmental Supervision, the Ministry of Environmental Protection and Agriculture of Georgia**, stated that Georgia's environmental liability law has been recently adopted. He then provided an update on enforcement policy and measures in Georgia. The main environmental surveillance state entity in Georgia is the Department of Environmental Supervision, which is using an environmental enforcement policy to promote transparency and consistency of penalties for environmental non-compliance. He provided statistics of non-compliance in the country for 2021 as of 15 November, which comprised 6 480 incidents of non-compliance, among them 6 067 administrative and 351 criminal violations. The latter will be sent to official investigative agencies for further action. Data on environmental violations show a downward trend in comparison to last year. Mr. Iremadze stated that the mechanism of fine execution is the main enforcement challenge. Georgia is actively using warnings, permit revocations, environmental fines for non-compliance, remediation and criminal prosecution. However, despite this variety of responses, court rulings remain the main mechanism for effective enforcement in Georgia, according to Mr. Iremadze.

**Mr. Dmitro Zaruba, Acting Head, State Environmental Inspection of Ukraine**, provided an overview of the institution. The State Environmental Inspection is a dedicated authorised public authority, which supervises compliance with environmental legislation. The key areas of activity include: control over the state of ambient air, water resources, waste, subsoil, land-related issues, bio-resources, and flora and fauna. The State Environmental Inspection has 1 500 inspectors and inspects an average of 9 000 businesses through about 30 000 planned and unplanned inspections yearly. It does not have the status of an enforcement body, although it has some law-enforcement responsibilities such as the imposition of fines through the court and damage assessment. It engages with the national police, the state security service and with the prosecutor's office as much as possible.

**Ms. Anastasiia Zagoruichyk, Member of the Board of a Ukrainian NGO “Office for the Environment”,** talked about the participation of the public sector in solving environmental problems in Ukraine, particularly with regards to environmental control. She stated that despite reforms of the environmental control system in Ukraine, it remains focused on punishment rather than prevention. In her view, the state of the system of environmental control in Ukraine is ineffective, with the main reasons being imperfection of environmental legislation, outdated logistics and laboratory facilities, low salaries of environmental inspectors and high risks of corruption. The NGO “Office of the Environment” is advocating for a draft law on environmental control and for a draft law that obliges all enterprises to switch to the use of best available techniques. The NGO is also promoting the adoption of automatic risk indicators for better inspection management and a digital process for planning inspectors. She found the discussion of the compliance assurance system in Moldova useful in this regard, and is interested in learning about other international experience on risk assessment of enterprises and further co-operation with Moldova on the subject. Within its work, the NGO wishes to raise transparency of Ukraine’s pollutant release levels in order to help Ukraine fulfil international obligations within the Kyiv Protocol on Pollutant Release and Transfer Registers. The NGO’s other projects include investigations of environmental abuse and highlighting cases of community action to promote environmental rights. The NGO will release a detailed analysis of air pollution in Ukraine next year.

#### **Agenda Item 5. Conclusions and update on environmental compliance assurance activities in the region**

**Ms. Olga Olson** provided an overview of implementation progress and the next steps for the EU4Environment Programme’s component 3.2 on environmental compliance assurance and liability regimes. She reminded participants of the work plan for this component, which has been slightly revised as a result of Covid-19, for example, with the possibility of extending virtual events to all Eastern Partner countries. It will be further adjusted following country consultations in view of an upcoming one-year extension of the project’s timeline.

In her concluding remarks, **Ms. Angela Bularga** confirmed the extension of the duration of the EU4Environment Programme, and thanked all the speakers and the organisers. She thanked those countries that hosted the environmental compliance assurance reviews and said that they are a very good step for improving the environmental compliance assurance systems. She welcomed other countries in this process. She also emphasised the importance of learning by doing and strengthening the Eastern Partnership, which is a partnership for enabling positive change and bringing benefits to people.

**Mr. Krzysztof Michalak** reminded the participants that the event materials will be made available on the EU4Environment website. He also highlighted a few key points from the discussions: a need for a comprehensive approach to enforcement, moving away from criminal sanctions towards administrative, preventive and remedial actions, the need for specialisation within relevant authorities, inter-institutional co-operation and co-operation with civil society, training and technology. Finally, he highlighted the importance of prioritisation and deterrence.

## List of participants

First name	Last name
Malkhaz	Adeishvili
Lasha	Akhalaia
Elisaveta	Alexandrov
Francesco	Andreotti
Miranda	Apakidze
Marine	Arabidze
Eline	Avetisyan
Emma	Barkalaia
Carole	Billiet
Simon	Bingham
Elena	Boguş
Nona	Budoyan
Angela	Bularga
Ala	Camerzan
Gabriela	Capcelea
Marius	Caţ
Natalia	Chumachenko
Gheorghita	Cristina
Nagrineac	Cristina
Rodica	Crudu
Zurab	Dekanoidze
Maria	Dubois
Vrezh	Galoyan
Heghine	Gevorgyan
Justina	Grigaraviciene
Aghavni	Harutyunyan
Gulsum	Huseynli
Iordanca-Rodica	Iordanov
Tato	Iremadze
Andrei	Isac
Nancy	Isarin
Oksana	Kamianetska
Dainius	Kazlauskas
Natia	Khazaradze
Nataliia	Korzhunova
Mirza	Lachinov
Mari	Laikre
Raisa	Leon
Lusine	Lusine
Nazim	Mammadov
Jahangir	Mammadzada
Lorena	Martinez
Gohar	Martirosyan
Olena	Maslyukivska
Eugene	Mazur
Krzysztof	Michalak
Gohar	Mkhitarian
Giorgi	Muradovi
Diana	Muradyan
Maria	Nagornii
Rafiga	Najaf

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Sivia	Nelipovski
Silvia	Nicolaescu
Ilyas	Nuriyev
Katie	Olley
Olga	Olson
Angela	Panciuc
Angela	Piatova
Cristian	Pirosca
Daniela Plîngău	Plîngău
Nicolae	Popovici
Miriam	Privarova
Henk	Ruessink
Ben	Ryder
Kamran	Rzayev
Astghik	Saghatelyan
Gela	Sandodze
Alik	Sargsyan
Marina	Saribekyan
Tigran	Sekoyan
Dumitru	Sobolev
Tatevik M.	Tatevik M.
Lupu	Veronica
Kateřina	Weissová
Anastasiia	Zagoruichyk
Lilia	Zamăneagră
Dmitro	Zaruba

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