



Environmental Compliance Assurance: EU policy framework and support activities

Better environmental inspections for stronger environmental resilience – a regional seminar with Eastern Partnership countries
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Environmental Compliance Assurance



COMPLIANCE



COMPLIANCE
PROMOTION



INSPECTIONS
& CHECKS



ENFORCEMENT

TYPES OF BEHAVIOUR AND RESPONSES



Champion



Compliant



Confused



Careless



Under-resourced



Opportunistic



Contemptuous



Criminal



REWARD



ENGAGE



ENABLE/FUND



EDUCATE



INSPECT/CHECK



ENFORCE



CHALLENGES

Working together across borders

Getting a better picture of compliance work in each Member State

Training

Combating environmental crime

Improving farming-related compliance

Dealing with complaints from the public

Exploiting new technology, including satellites



1992-2012: Emergence of European environmental compliance assurance networks

- **IMPEL (inspectors)**
- **EUFJE (judges)**
- **EnviCrimeNet (police)**
- **ENPE (prosecutors)**
- **NEPA (environmental agencies)**



COMMISSION APPROACH

Ensure addressing the different types of non-compliant behaviour

Cooperate with compliance assurance networks and Member States

Actions to support Member States inspectors, police, prosecutors and judges

Further develop EU legal framework on inspections and enforcement, including sectoral legislation



Commission Action Plan on Environmental Compliance and Governance



COMMISSION ECA PACKAGE

Commission Communication (COM(2018)10)

Commission Staff Working Document (SWD(2018)10)

Commission Decision establishing a new Commission Expert Group (C(2018)10)

More information on deliverables available at:

https://environment.ec.europa.eu/law-and-governance/compliance-assurance/commission-support_en

GUIDANCE ON COMBATING ENVIRONMENTAL CRIME

- **Practical guidance** covering
 - ✓ Key obligations and principles
 - ✓ Role of criminal, administrative and liability law
 - ✓ Good practices on prevention, detection, prosecution and sanctioning
 - ✓ Good practices in cooperation and coordination
 - ✓ Recommended content of strategies



GUIDANCE ON COMPLIANCE ASSURANCE IN RURAL AREAS



- **Practical guidance** covering
 - ✓ Overview of obligations and principles
 - ✓ Risk assessment tool
 - ✓ Good practices on inspections
 - ✓ Good practices on helping duty-holders to comply
- Close collaboration with networks and Member States

COMPLAINT-HANDLING



- High number of complaints to Commission
- Commission recognition of importance of national redress mechanisms , COM(2017) 198
- **Practical guidance** covering
 - ✓ Complaint handling role of environmental authorities and national ombudsmen
 - ✓ Role of citizen science

TECHNICAL GUIDELINES FOR INSPECTIONS OF EXTRACTIVE WASTE FACILITIES



- Specific requirement in Directive 2006/22/EC
- **Practical guidelines** covering
 - ✓ Inspection planning
 - ✓ Carrying-out of routine and non-routine inspections
 - ✓ Inspection reports

TRAINING



- Strong demand from professionals
- Efforts to date not sufficient, e.g. COM training programme for judges and prosecutors and networks activities
- Objective: identifying training needs and ensure follow up with more effective training
- Close collaboration with practitioners networks



ENVIRONMENTAL COMPLIANCE AND GOVERNANCE FORUM

- New formal high-level Commission expert group to help steer compliance and governance support actions
- Strategic discussions on wider environmental governance topics
- Composition: Member States, representatives of EU-level enforcement networks, Europol and Eurojust
- Information on meetings discussions is publicly available

Effective inspections (1)

2001 Recommendation on environmental inspections (RMCEI)

- Planning of inspections
- Organising and carrying out of inspections
- Follow up on inspections: reports, measures in cases of accidents, incidents or occurrences of non-compliance
- Scope: limited to “controlled industrial installations” but RMCEI is of general importance and still a valid reference document

Effective inspections (2)

Importance of detailed provisions in sectoral EU environmental legislation:

- Article 23 Industrial Emissions Directive
- Article 20 Seveso III Directive
- Article 50 Waste Shipment Regulation

Importance of IMPEL work: practical tools and guidance, joint inspections, effectiveness evaluation, cross-network cooperation



Proposal for a new Environmental Crime Directive: main novelties

Legal basis & 'unlawful' conduct

Definition of offences

Recognising the role of the civil society

Strengthening the enforcement chain

Sanctions provisions

Definition of offences - conduct

- **Refined definition of offences existing under Directive 2008/99/EC**

Examples: illegal waste management, operation of an installation where dangerous activities are carried out or dangerous substances are stored.

- **Proposed new offences, examples:**

- Serious breaches of EU chemicals legislation
- Product related crime
- Illegal abstraction of surface or groundwater;
- Illegal ship recycling;
- Illegal timber trade.

Sanctions in the ECD proposal

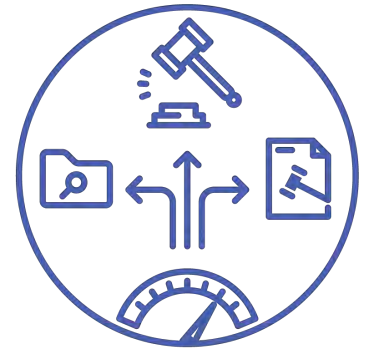
- **Effective, dissuasive and proportionate** sanctions for both natural and legal persons:
 1. Minimum maximum levels of imprisonment for natural persons;
 2. Minimum maximum level of fines for legal persons based on legal person's annual worldwide turnover.
- **Ancillary sanctions and measures** for both, natural and legal persons (Articles 5 and 7)
- **Aggravating** and **mitigating** circumstances (Articles 8 and 9)
- Confiscation of profits



Strengthening the enforcement chain

The proposal aims to strengthen the enforcement chain and facilitate a more effective investigation and prosecution of environmental crime. Proposed requirements aim at ensuring:

- sufficient human and financial resources
- efficient cooperation and coordination
- appropriate training for judges, prosecutors, police, inspectors
- availability of effective investigative tools
- adoption of a national strategy on combating environmental crime.



Role of citizens and civil society



Protection of persons
who report
environmental
criminal offences and
support investigation



Rights for the public
concerned to
participate in
proceedings in
accordance with
national law

Thank you for your attention!



For more information:

https://environment.ec.europa.eu/law-and-governance_en

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