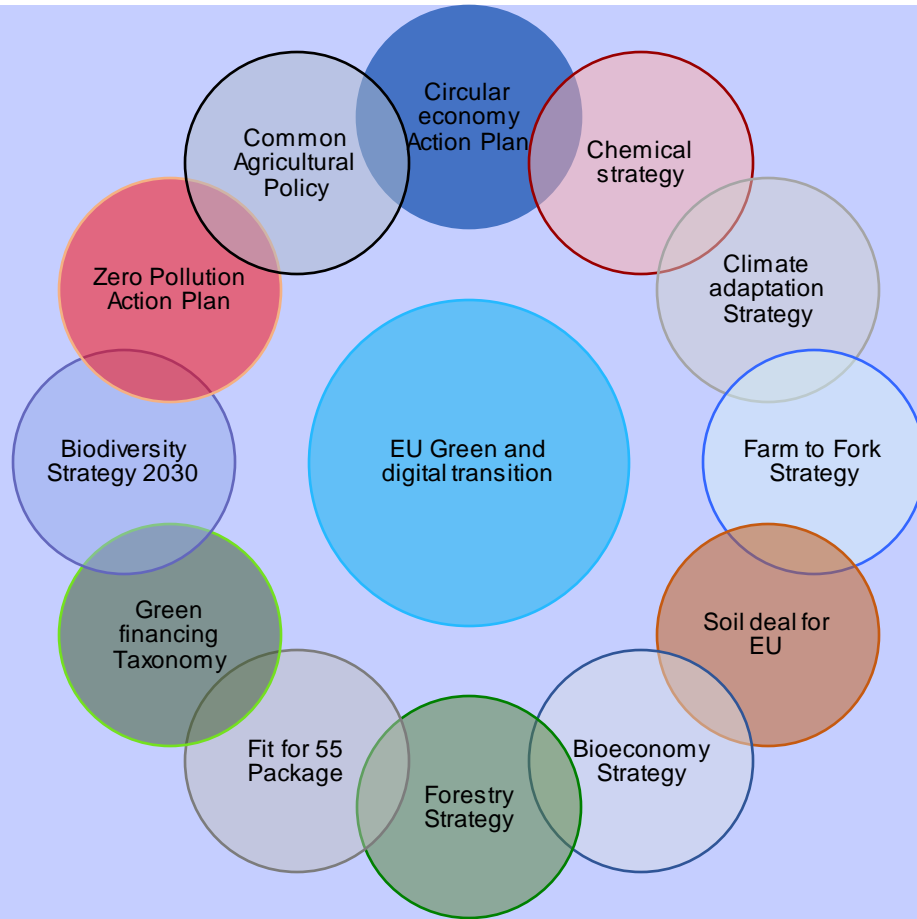


# Lessons learnt in approximating the ELD and other EU legislation – E. Stefanoni, Environmental Governance Specialist, Vienna Program Office Secretariat of the Carpathian Convention

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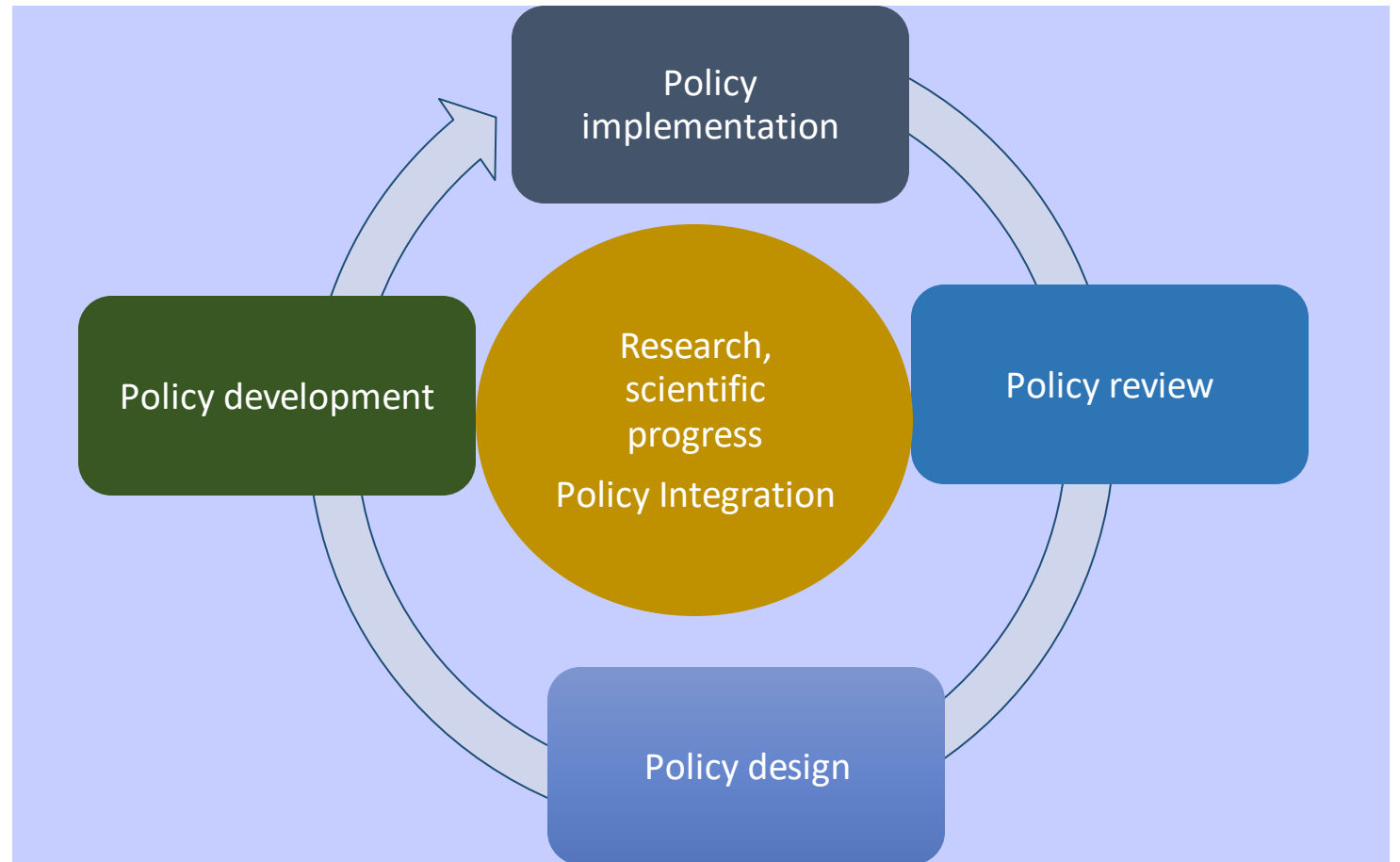
# THE EU ENVIRONMENTAL POLICIES / THE GREEN DEAL



- *Achieve non-deterioration of all protected habitats and species*
- *Ensuring that at least 30% of habitats and species not currently in favorable status reach that category or at least show a strong positive trend by 2030*
- *At least 25,000 km of rivers will be restored into free-flowing rivers by 2030*
- *By 2050 soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems.*

# THE EU GREEN DEAL: THE SCIENCE-POLICY INTERFACE

- Environmental policies need to be underpinned by robust scientific evidence
- The science-policy interface in political decision-making needs to be strengthened



# THE EU ENVIRONMENTAL ACQUIS

The HL/ ELD as a cross cutting tool, to ensure the achievement of EU environmental policy objectives, it complements other Union instruments that aim to protect the environment



# Approximation to the EU acquis

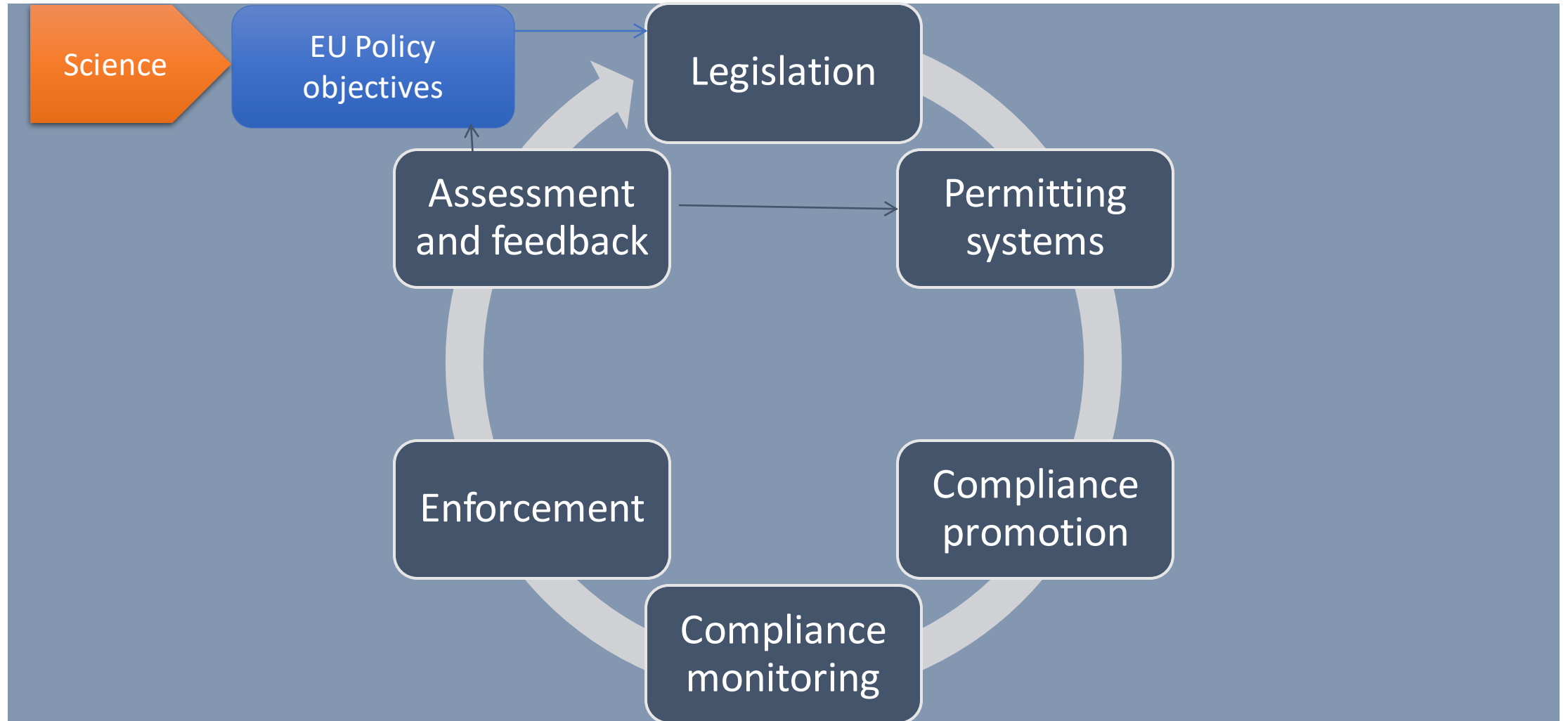
Countries must align their national laws, rules and procedures in order to give effect to the entire body of EU law contained in the *acquis communautaire* and shall ensure that existing and future legislation will be properly implemented and enforced:

Transposition: To transfer EU legislation into the national legal context

Implementation: To allocate sufficient budget and resources to implement laws (within the set/negotiated deadlines)

Enforcement: to ensure controls and penalties

# The Environmental Regulatory Cycle



# Approximation process: RE the transposition of EU acquis

- Transposition of EU acquis aims at improving environment and health, through the alignment of national laws to EU standards
  - EU acquis to be transposed are mainly directives, which set objectives to be adapted to the national contexts
  - Clear provisions harmonized with the national legal framework ensure implementation and enforcement
- 
- Transposition percentages are often high (especially for horizontal legislation); however a proper regulatory impact assessment is necessary, to allocate adequate resources and budget
  - Literal transposition is not sufficient, legal provisions need to be adapted to national context
  - Effective involvement of the stakeholders in the law making process (since the very beginning) ensure better implementation
  - Deadlines for the entry into force of the legislation should be sustainable and realistic taking into account the national context and implementation requirements

## Approximation process: RE implementation & Enforcement...

- Clear definition of the institutional set up and identification of specific skills and expertise
  - Establishment of:
    - ✓ Environmental monitoring and reporting system to acquire knowledge of the state of environment
    - ✓ A permitting system to regulate the use of the resources
- 
- The insufficient knowledge of the state of environment undermine the effectiveness of environmental policy:
    - ✓ Environmental data availability is still an issue
    - ✓ Environmental monitoring networks and harmonized information systems with relevant data in a comparable format are not always available, this affects the definition of
    - ✓ clear permitting conditions and the enforcement



# RE ELD Approximation

- The definition of 'environmental damage' expressly refers to protected species and natural habitats, water, land and related natural resource services
  - To assesses 'adverse and measurable change' to a natural resource and, secondly, to 'impairment' of a natural resource service (baseline conditions / to compare ex ante and ex post situation)
  - Financial mechanisms (Compulsory Y/N), Permit defense / state-of-the-art defense,
- 
- Cross-references to protected species and natural habitats, water, land legislation are necessary, as well as the definition of the scope of the damage
  - Information about the receiving environment is necessary
  - Definition of assessment procedures and identification of competent authority(ies) to carry out the assessment and decide applicable (preventive, remedial) measures
  - Scope of liability/ to raise awareness of operators about risks and liability, Environmental permitting system should be in place
  - To define the financial mechanisms which are realistically implementable in the country, avoiding duplication with other measure

# LESSON LEARNT IN APPROXIMATING EU ACQUIS(1)

- Gradual transposition: directives provide sufficient flexibility, defining objectives and a minimum level of compliance to be achieved
- Horizontal legislation implementation requirements have to be considered thoroughly, as it is essential for the achievement of Environmental Objectives
- Science-policy interface to strengthen cooperation between policy makers and academia
- Establishment of environmental monitoring and reporting systems to build up knowledge of the state of environment (definition of a baseline scenario)
- Definition of environmental objectives through policy/plans and strategies defining targets to be achieved
- A permitting system regulating the use of environmental resources should be in place
- Involvement of the stakeholders, especially operators, privileging prevention
- Financial mechanisms (compulsory or not) to define the financial mechanisms which are realistically implementable in the country, avoiding duplication with other measures

# Thank you

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Elena Stefanoni  
Programme Office - Vienna  
[elena.stefanoni@un.org](mailto:elena.stefanoni@un.org)

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Vienna International Centre  
PO Box 500  
A 1400 Austria

[www.unep.org](http://www.unep.org)