



Funded by
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EU4Environment
Green Economy in Eastern Partner Countries

Capacity-building event

Liability for environmental damage: From policy design to application

AGENDA

14 September 2022, 12h-16h00 CET

15 September 2022, 12h-15h20 CET

Virtually through ZOOM

Registration link:

<https://meetoecd1.zoom.us/meeting/register/tJcudumoqDlpHte-wwdQ7Di4VI6dHqz1KMDN>

Event web page:

<https://www.eu4environment.org/events/liability-for-environmental-damage-from-policy-design-to-application/>

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Action implemented by:



Liability for environmental damage: From policy design to application

14-15 September 2022

Background

Polluters' liability for environmental damage they cause is a crucial component of the polluter pays principle. The European Union's 2004 Environmental Liability Directive (ELD) establishes financial responsibility of operators for environmental damage to biodiversity, land and water. An important component of the Directive is the obligation of operators to restore the damaged environment to its baseline condition and to bear the costs of remediation. In addition, the ELD requires Member States to encourage the development of financial security instruments and markets.

The focus of environmental liability legislation in the Eastern Partner countries has traditionally been on collecting monetary payments rather than prevention and remediation of environmental damage. The region moreover lacks a legal framework for financial security mechanisms. Association Agreements with the European Union have been promoting the transposition of the ELD in many countries of the region. For example, Georgia adopted an Environmental Liability Law in 2021.

Meeting objectives, expected outputs and outcomes

The purpose of the meeting is to build capacity of regulators in Eastern Partner economies to develop and apply environmental liability legislation. It will focus on presenting the main components of the ELD, challenges and lessons learnt with its design and application in the EU Member States and in the Eastern Partner countries, and the development of financial security instruments.

Participants

Participants will include representatives from environmental regulatory authorities and inspectorates of Eastern Partner and OECD countries, including IMPEL Members, and representatives of the OECD Secretariat.

The meeting is organised under the EU4Environment Programme. It falls under component 3.2 on Environmental Compliance Assurance and Liability Regimes, which seeks to strengthen environmental compliance assurance and enforcement systems and instruments in Eastern Partner countries at national and regional levels.

About EU4Environment

The "European Union for Environment" (**EU4Environment**) aims to help the six partner countries: Armenia, Azerbaijan, Belarus¹, 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

¹ There is currently no co-operation with Belarus.

 Agenda: Day 1

Time	Item
Day 1 (14 September)	
12h00-12h10	Item 1. Welcome and introductions <ul style="list-style-type: none"> • Mr. Krzysztof Michalak, Senior Programme Manager, Green Growth and Global Relations Division, OECD Environment Directorate • Ms. Angela Bularga, Programme Manager, DG NEAR, European Commission
12h10-13h25	Item 2. Designing environmental liability legislation <ul style="list-style-type: none"> • Mrs. Olga Kurpisz, Legal and Policy Officer, Environmental Liability Directive, DG ENV.E4. Compliance and Better Regulation, European Commission: The main features of the Environmental Liability Directive and insights from the ongoing evaluation of its application • Ms. Elena Stefanoni, Environmental Governance Specialist, Vienna Program Office Secretariat of the Carpathian Convention: Lessons learnt in approximating the ELD and other EU legislation <p><i>Open discussion</i></p>
13h25-13h40	Coffee break
13h40-14h35	Item 3. Designing environmental liability legislation in the Eastern Partner countries <ul style="list-style-type: none"> • Mr. Giorgi Mchedlishvili, Head of the Water Division, Department of Environmental Damage Remedial Measures, LEPL National Environmental Agency: Georgia's 2021 Law on Environmental Liability • Ms. Ilona Panurco, Business Regulation Consultant, Economic Council to the Prime Minister of the Republic of Moldova; Legal Consultant at the NGO EcoContact: Updating environmental liability and damage assessment provisions in Moldova <p><i>Open discussion</i></p>
14h35-14h50	Coffee break
14h50-15h50	Item 4. Application and enforcement of environmental liability legislation <ul style="list-style-type: none"> • Mrs. Valerie Fogleman, Consultant, Stevens & Bolton LLP; Professor of Law, Cardiff University School of Law and Politics: Overcoming challenges in applying and enforcing the ELD in EU countries • Ms. Miljenka Kliček, Head of the Regional Environmental and Water Inspection Service, Regional Office Varaždin, State Inspectorate of the Republic of Croatia: Role of inspectors and overcoming challenges in applying liability legislation, case study of Croatia • Mr. Dietmar Müller-Grabherr, General Secretary, Common Forum on Contaminated Land in Europe and of the International Committee on Contaminated Land (ICCL): Considerations when applying environmental liability legislation to prevention and remediation of damage to land <p><i>Open discussion</i></p>
15h50-16h00	Item 5. Summary of the first day <ul style="list-style-type: none"> • Ms. Angela Bularga, Programme Manager, DG NEAR, European Commission • Mr. Krzysztof Michalak, Senior Programme Manager, Green Growth and Global Relations Division, OECD Environment Directorate

Agenda: Day 2

Day 2 (15 September)

12h00-12h05 **Item 1. Welcome and introductions**

- **Ms. Olga Olson**, Project Manager, Green Growth and Global Relations Division, OECD Environment Directorate

12h05-13h40 **Item 2. Approaches and tools for environmental damage assessment**

- **Ms. Kim Bradley**, Specialist, Scottish Environment Protection Agency (SEPA): **Financial Provision Tools for Protection of the Environment and the Public Purse**
- **Mr. Marco Falconi**, Contaminated Sites Expert Researcher, ISPRA (Italian Institute for Environmental Protection and Research), Italy: **Assessment of environmental damage to land**
- **Ms. Farah Bouquelle**, Co-ordinator EU Forum of Judges for the Environment, teaching assistant Ghent University: **Enforcement of ELD in Belgium: the river Sûre and Scheldt cases**
- **Mr. Francesco Andreotti**, Senior Environmental Technologist for Environmental Damage Assessment, Italian Institute for Environmental Protection and Research (ISPRA); Project manager of the EU IMPEL network project “Criteria for the Assessment of Environmental Damage (CAED)”: **The IMPEL CAED project on ELD cases screening and assessment**

Open discussion

13h40-13h55 **Coffee break**

13h55-15h00 **Item 3. Practical exercise on assessment of environmental damage**

The practical exercise is moderated by **Mr. Francesco Andreotti**, Senior Environmental Technologist for Environmental Damage Assessment, Italian Institute for Environmental Protection and Research (ISPRA); Project manager of the EU IMPEL network project “Criteria for the Assessment of Environmental Damage (CAED)”.

15h00-15h20 **Item 4. Conclusions and way forward**

- **Ms. Olga Olson**, Project Manager, Green Growth and Global Relations Division, OECD Environment Directorate
 - **Mr. Krzysztof Michalak**, Senior Programme Manager, Green Growth and Global Relations Division, OECD Environment Directorate
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