



Ministry of Infrastructure and the
Environment

Better rules for better results

VMR
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MiW
Make it Work



Context

- Member State initiatives to reform and modernise their environmental legislation which in turn is raising issues about the nature of the EU environmental acquis.
- Bridging the implementation gap by making the acquis simpler and more consistent and coherent.



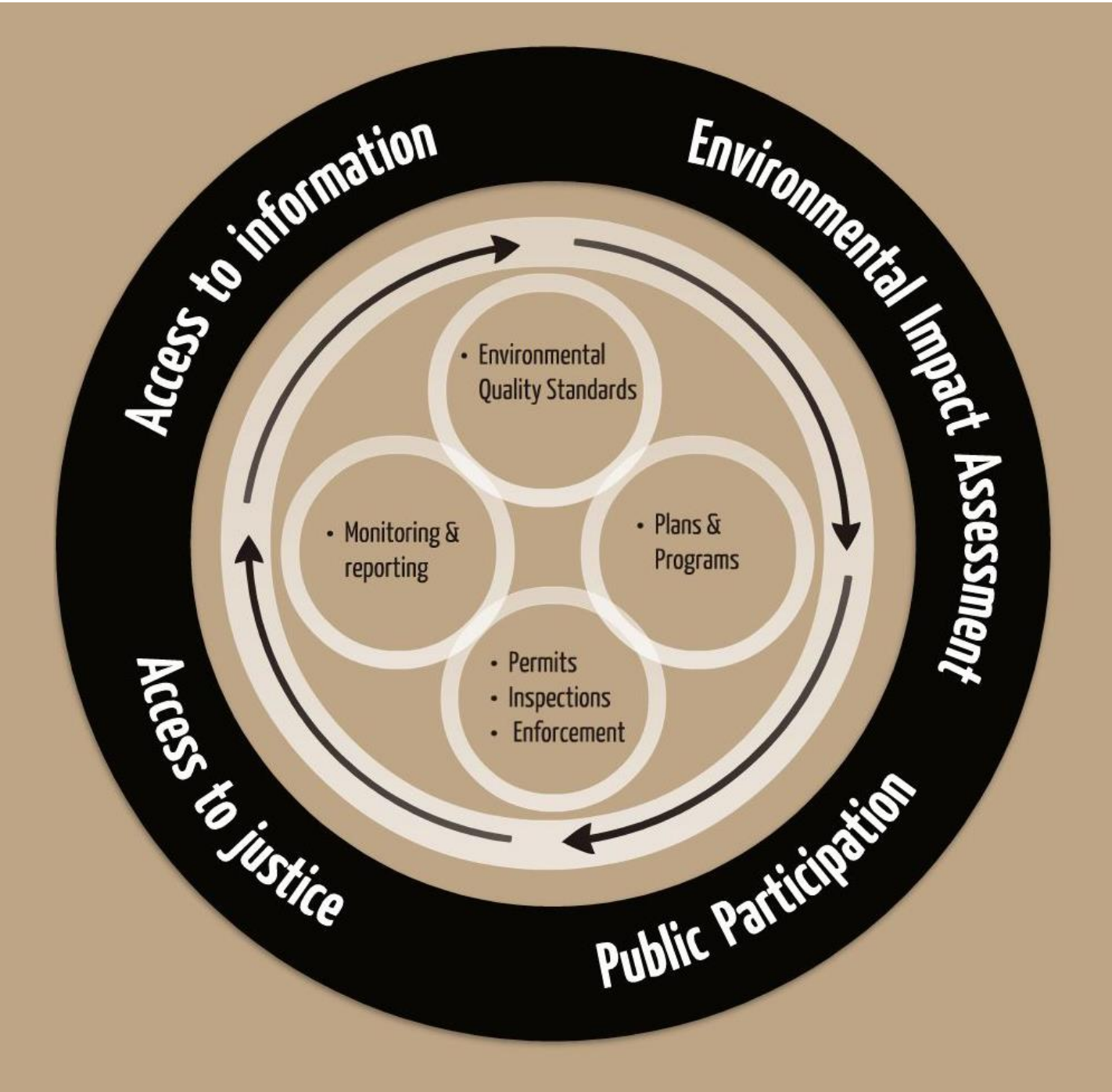
EU Environmental Acquis

- Problems in the acquis as a whole affecting implementation:
 - Complexity
 - Lack of consistency
 - Lack of coherence
 - Contradictory, overlapping, accumulating obligations
- Can lead to:
 - unnecessary costs
 - failure to deliver environmental objectives
 - complaints from business, governments
 - Decreasing support for EU legislation



Aims of Make it Work

- Make EU Environmental acquis more fit for purpose and future proof
- Create a forum to exchange views on improving the quality and coherence of the EU environmental acquis whilst maintaining protections.
- Share experiences gained with legislative reform at MS and EU level
- Establish guidance on drafting cross-cutting tools and procedures in EU environmental law





Organisation

- Project Team – Netherlands, UK, Germany.
- Analytical and other support, e.g. IEEP.
- Expert meetings and project conferences.
- Group of some 15 Member States involved.
- Involvement of stakeholders, e.g. IMPEL, academics.



Milestones

- April 2014, October 2014 and February 2015 conferences and expert meetings, attended by Member States, Commission and IMPEL.
- Guidance on drafting compliance assurance provisions in EU environmental law ready for broader consultation on internet
- Work on reporting requirements has started; planning: October expert meeting
- Third Project conference in November
- First half of 2016: NL presidency of EU
 - 5 April Make it Work High Level Meeting
 - June Environmental Council



Cooperation with Commission

- Regular meetings with Commission, DG ENV and SEC-GEN
- Commission participated in all expert meetings and project conferences
- Compliance assurance guidance reviewed and applied by Commission
- Exchange of letters State Secretary and Commissioners Vella and Timmermans
- Align MiW with DG ENV priorities, with REFIT
- Agree on further cooperation



COMMUNICATION FROM THE COMMISSION

Better regulation for better results - An EU agenda

Improving implementation...

Reducing administrative burden is not only about changing legislation. There are many other ways to help improve the way EU law is implemented. For example, the Commission will:

Cooperate with Member States in examining the best ways to ensure compliance with EU law at national level, including those that have initiated a review of how well EU and Member State regulation combines to help protect the environment (as in the 'Make It Work' initiative). The objective is to identify solutions to enhance the efficient application of EU law at national and local level by reducing its complexity while maintaining its level of protection.



COMMUNICATION FROM THE COMMISSION

Better regulation for better results - An EU agenda

Improving implementation...

Reducing administrative burden is not only about changing legislation. There are many other ways to help improve the way EU law is implemented. For example, the Commission will:

Launch a broad review of reporting requirements to see how burdens can be alleviated. This review will have a particularly strong focus on areas where stakeholders have recently indicated their concerns, such as agriculture, energy, environment and financial services.



Guidance on drafting compliance assurance provisions in EU environmental law





Guidance Compliance Assurance

- Types of obligations for which compliance assurance provisions could be introduced at EU level
- Reasons for introducing compliance assurance
- Definitions (compliance assurance, compliance promotion, compliance monitoring, enforcement)
- Basic requirements (e.g. on planning and carrying out inspections, etc)



Guidance on Drafting Provisions on Compliance Assurance in EU
Environmental Law

18 March 2015

CONTENTS

1 Introduction	3
1.1 Guide to the reader.....	3
1.2 The audience for and purpose of this guidance	3
1.3 The MiW Project	3
1.4 Development and scope of this guidance	4
1.5 How compliance assurance is currently addressed in EU environmental law	5
2 The Guidance	6
2.1 Overview	6
2.2 Reasons, definitions, types of obligations for which compliance assurance provisions could be established in EU environmental law	6
2.3 Specific elements of provisions on compliance assurance.....	8
2.3.1 <i>Conducting compliance assurance</i>	8
2.3.2 <i>Compliance assurance activities</i>	11
2.3.3 <i>Member State authorities responsible for compliance assurance</i>	12
2.3.4 <i>Organisation of compliance assurance</i>	13
3 Two approaches for establishing compliance assurance provisions in the environmental acquis	16
3.1 Introduction	16
3.2 Provisions only in individual sectoral directives and regulations.....	16
3.3 Use of a horizontal directive	16



7. The mix of compliance assurance activities

GUIDANCE

Provisions on compliance assurance may require competent authorities to apply a mix of compliance promotion, compliance monitoring and enforcement activities, which is appropriate to the specific type(s) of obligation(s) and the specific characteristics of the regulated community or activities they undertake.

Standard text:

Member States shall ensure that the competent authorities determine and apply an appropriate mix of compliance promotion, compliance monitoring and enforcement activities to ensure that the natural and legal persons comply with the [obligations] in this directive.

EXPLANATION

Current thinking regarding compliance assurance stresses the importance of using the full range of compliance assurance activities, meaning that authorities should determine and apply the right mix of compliance promotion, compliance monitoring and enforcement activities, including intelligence-led investigative approaches, use of targeted and random, announced and unannounced inspections, as needed. It is appropriate that EU law states this as a principle to be followed. The particular balance of compliance assurance activities required will vary between Member States, between areas of environmental law, regulated activities and between different parts of the regulated community. Further, the balance will vary over time, e.g. good compliance promotion helping to reduce non-compliance, leading to fewer enforcement activities and eventually to lower levels of compliance monitoring. Therefore, the particular mix to be applied should not be prescribed at EU level. It may be appropriate to introduce some non-exclusive specific provisions regarding compliance monitoring and enforcement, as addressed further in this guidance.



Guidance on drafting Reporting provisions in EU environmental law

- Monitoring and reporting are part of the EU policy cycle, making it possible to assess policy effectiveness and improve it.
- Reporting can be about pressures on the environment, the state of the environment and policy responses/implementation measures.
- Reporting is done by economic operators, authorities, Member State ministries.
- The audiences for reporting include a EU institutions, national parliaments, citizens, policy-makers, enforcers.



Guidance on drafting Reporting provisions in EU environmental law

There is a range of perceived or experienced problems related to current reporting obligations:

- reporting obligations are introduced without a clear purpose
- reported information does not serve the purpose for which it is asked for
- reported information is not used
- there is no transparency on/accounting for how reported information is used
- there is no mechanism for the sender and the receiver to discuss the reported information



Guidance on drafting Reporting provisions in EU environmental law

There is a range of perceived or experienced problems related to current reporting obligations:

- reported information is useless because it is outdated, too general or too detailed, of insufficient quality, not comparable...
- attaining the information proves to be very burdensome
- reporting information proves to be very burdensome
- the same information has to be reported several times to different audiences
- the same information has to be reported in different formats



Guidance on drafting Reporting provisions in EU environmental law

Develop principles for smart reporting obligations:

- Usefulness
- Proportionality
- Coherence and consistency
- Open dialogue, transparency and accountability



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MiW on the Internet:

<http://www.ieep.org.uk/work-areas/environmental-governance/better-regulation/2014/11/make-it-work-project-for-smarter-eu-environmental-law>

MiW Video:

<https://www.youtube.com/watch?v=PcvemR9pHso>