



•

•

•

What is the situation on the ground?

Extensive set of environmental laws, applying across the EU

More than 200 Directives and Regulations

Plus Multilateral Environmental Agreements

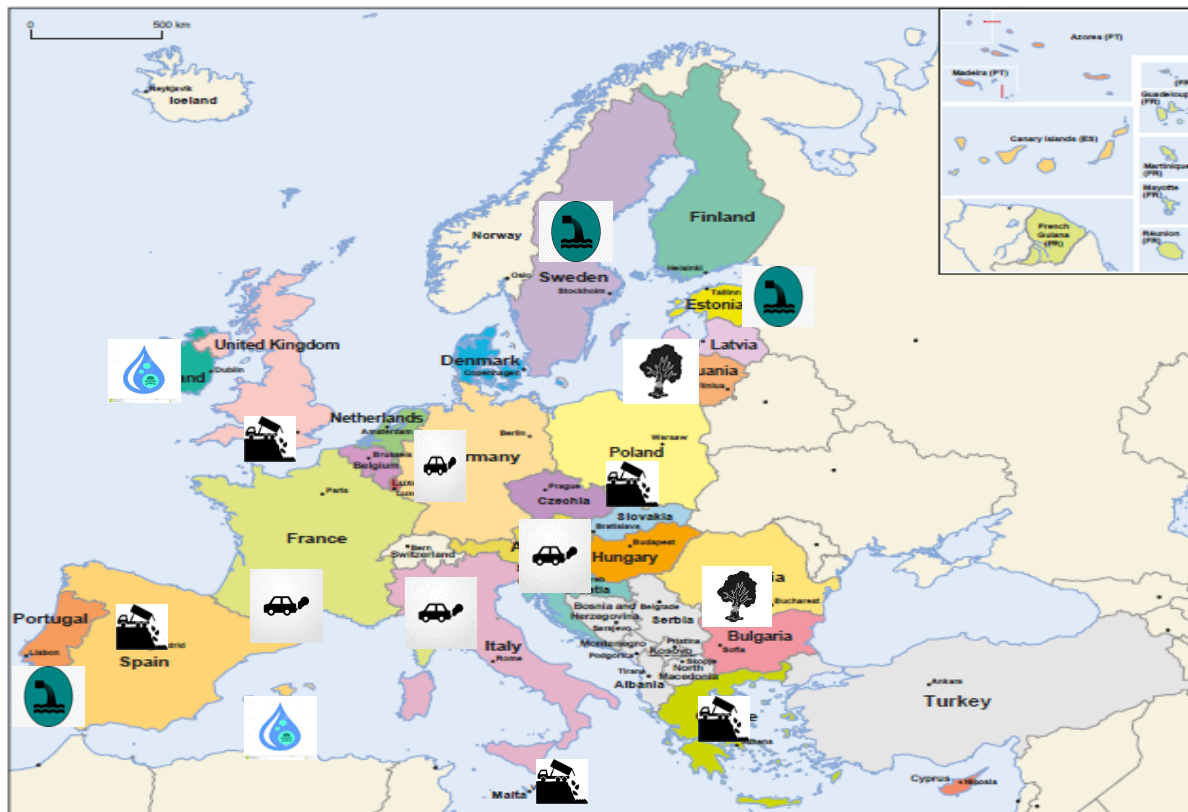
Still a need to modernise, fill gaps

But implementation is the key challenge!

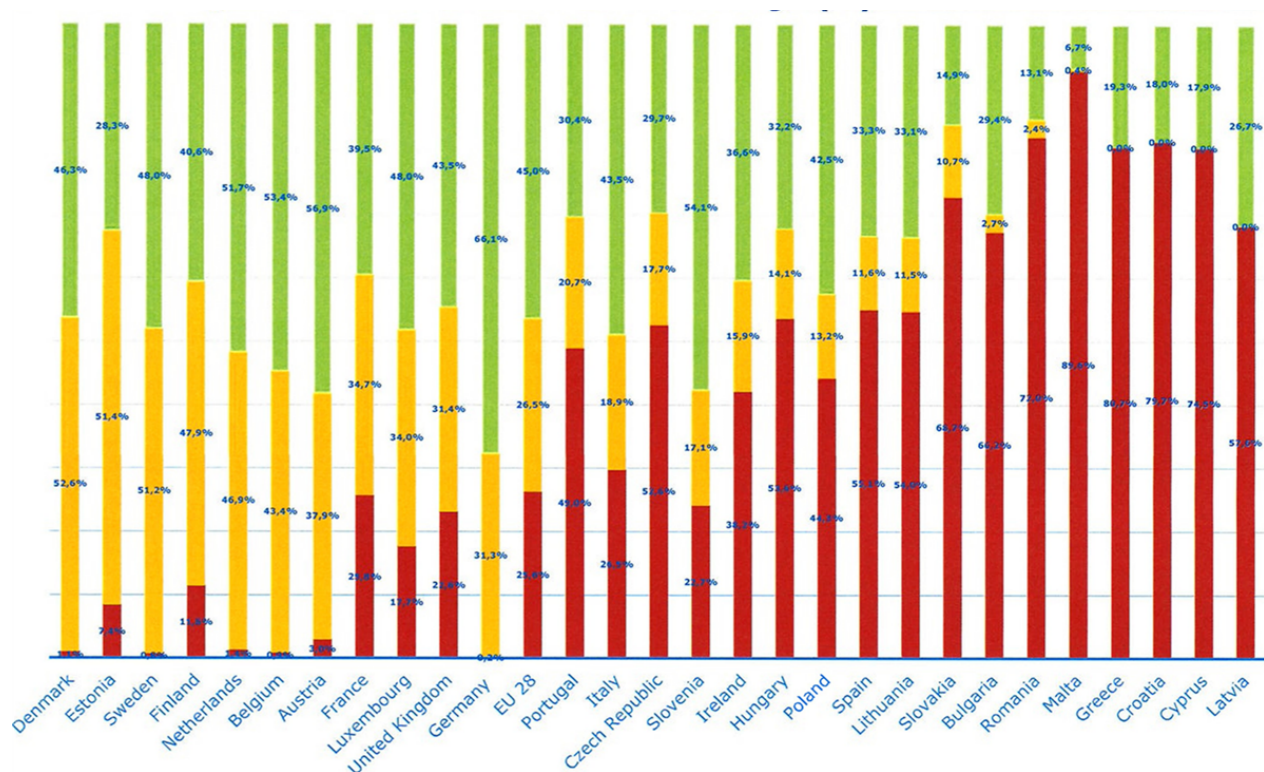


Key sectors for implementation work

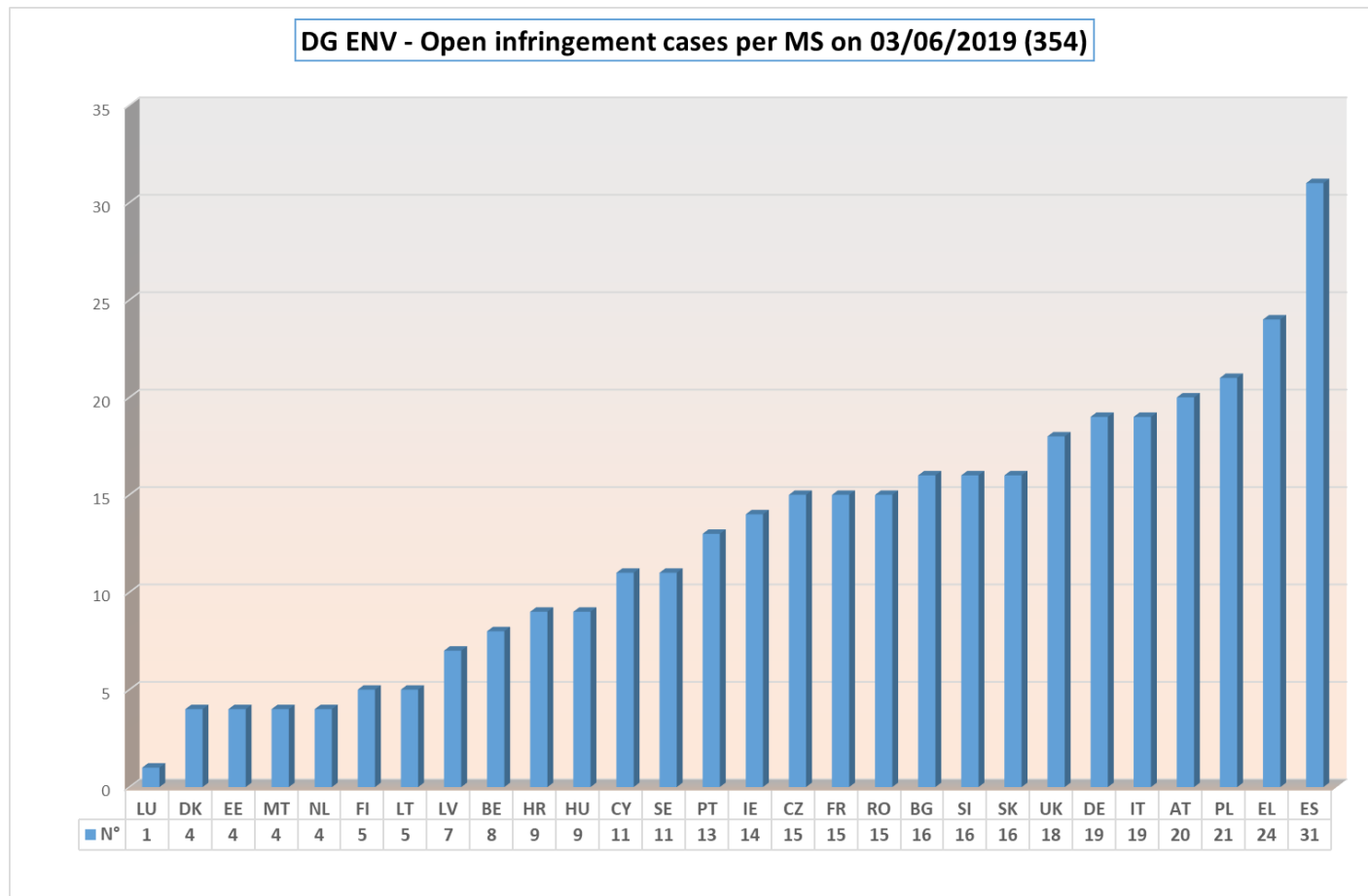
Implementation issues vary from state to state



Diversity in waste management



Progress on implementation varies massively

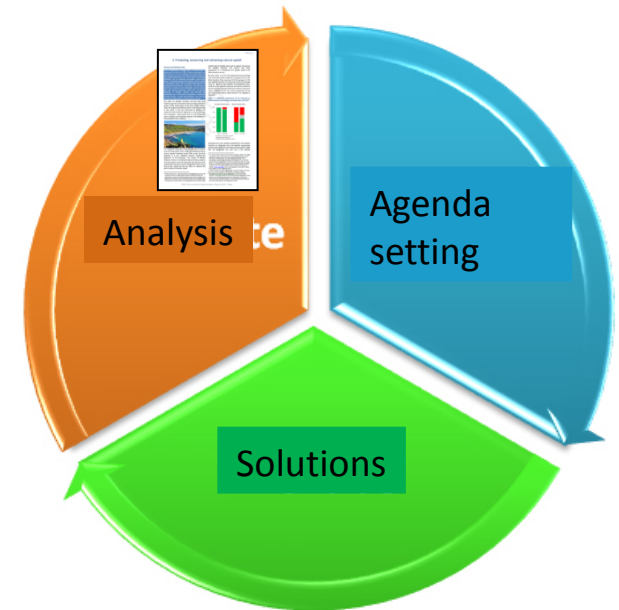


**We are running an implementation
and integration strategy, not just
enforcement**

Analysis and dialogue: Environmental Implementation Review

EIR
as tailored
agenda-setter

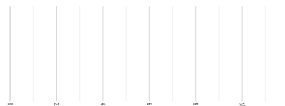
- Overview of all sectors and all Member States
- influencing national political agendas – the Commission's brief
- identifying the need for reforms and assistance
- early warning – before stronger action is taken by COM
- detecting pan-EU trends and challenges





EU financial support

Total allocations for
environment (cohesion &
regional development)



- EUR 41 billion in 2000-2006
- EUR 66 billion in 2007-2013
- EUR 82 billion in 2014-2020.

Advice and technical assistance

We work with the Structural Reforms Support Service, e.g.:

- *CY: technical assistance for training Environmental inspectors PT: technical assistance for monitoring and evaluation of the water supply and sanitation*
- *SK: technical assistance for examining the drivers and health impacts of air pollution*

We facilitate the transfer of know-how between policy-makers in the Member States

**EIR Peer
2 Peer
tool**

TAIEX-EIR Peer to Peer Tool:

- Supports financially workshops, study visits, expert exchange
- All public authorities are entitled to request peer exchanges, including regional authorities
- Launch Sept. 2017 – first project Jan. 2018



Organisation and governance



Enforcement strategy
-focusing on structural issues

Infringement context for DG ENV after Dec 2016 Prioritisation Communication

EU law not in place (non-communication)

National law incorrect (non-conformity)

ECJ judgement not respected (Art 260)

EU law badly applied structurally

Individual cases of bad application with major damage to health or environment, test cases, politically significant cases, EU money involved

- *Other individual cases of bad application*



Partly no choice - Commission has limited powers in environmental law

Commission action is relatively slow

Commission only rarely uses injunctive relief/accelerated procedures (we have to demonstrate the urgency)

Commission cannot ensure remedies/damages for citizens

Commission has no inspectors on the ground (unlike fish/food safety)

All of this can frustrate complainants – often, better solution to individual problems at the national/regional level

Complaints (and petitions) decoupled from infringements

DG ENV - Trend per year

	2010	2011	2012	2013	2014	2015	2016
	703	612	600	530	516	368	352
	144	142	114	72	37	6	8
	23	17	5	10	4	3	1

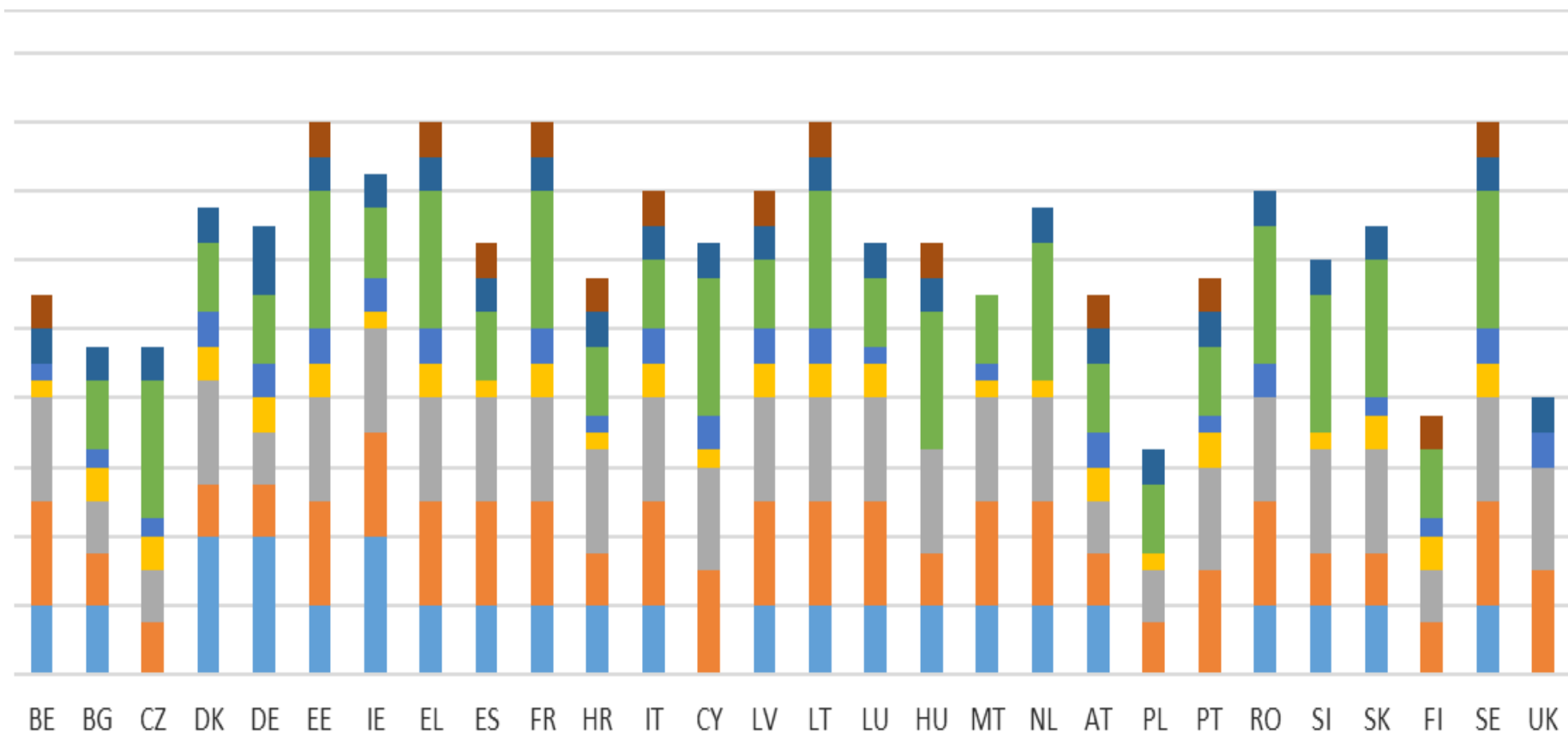
Access to justice crucial
Click icon to add ...



www.shutterstock.com · 199922399

*And this adds to existing
inequalities of implementation,
and around strength of NGOs
and other local actors*

Findings from recent study in relation to access to justice



What have we analysed? (only for background)

Questions	Indicators	Weight %
3.3.1 Q1	Availability of transparent and user-friendly communication to the public on access to justice	20
3.3.2 Q1(i)	Legal standing for individuals:	15
3.3.2 Q1(ii)	Legal standing for NGOs:	15
3.3.2 Q2	Legal standing for NGOs and individuals in practice; case law	5
3.3.2 Q4	Interpretation of legal standing for NGOs and individuals for the 2 scenarios on Natura 2000 decision and air quality plan	5
3.3.2 Q5	Presence of barriers to access to justice associated with costs	20
3.3.3 Q1	Presence of legal remedies and their effectiveness;	10
3.3.4 Q2	Level of prioritisation of capacity building on environmental law	10

Good practices identified

[illegible]

What is the Cion doing to improve the situation?

Commission Notice and Citizens Guide on access to justice in environmental matters

Training for judges, working through networks

Clearer wording in EU legislation, following IED and EIA model

Action to remove obstacles – costs, delay, standing – soft measures and infringements

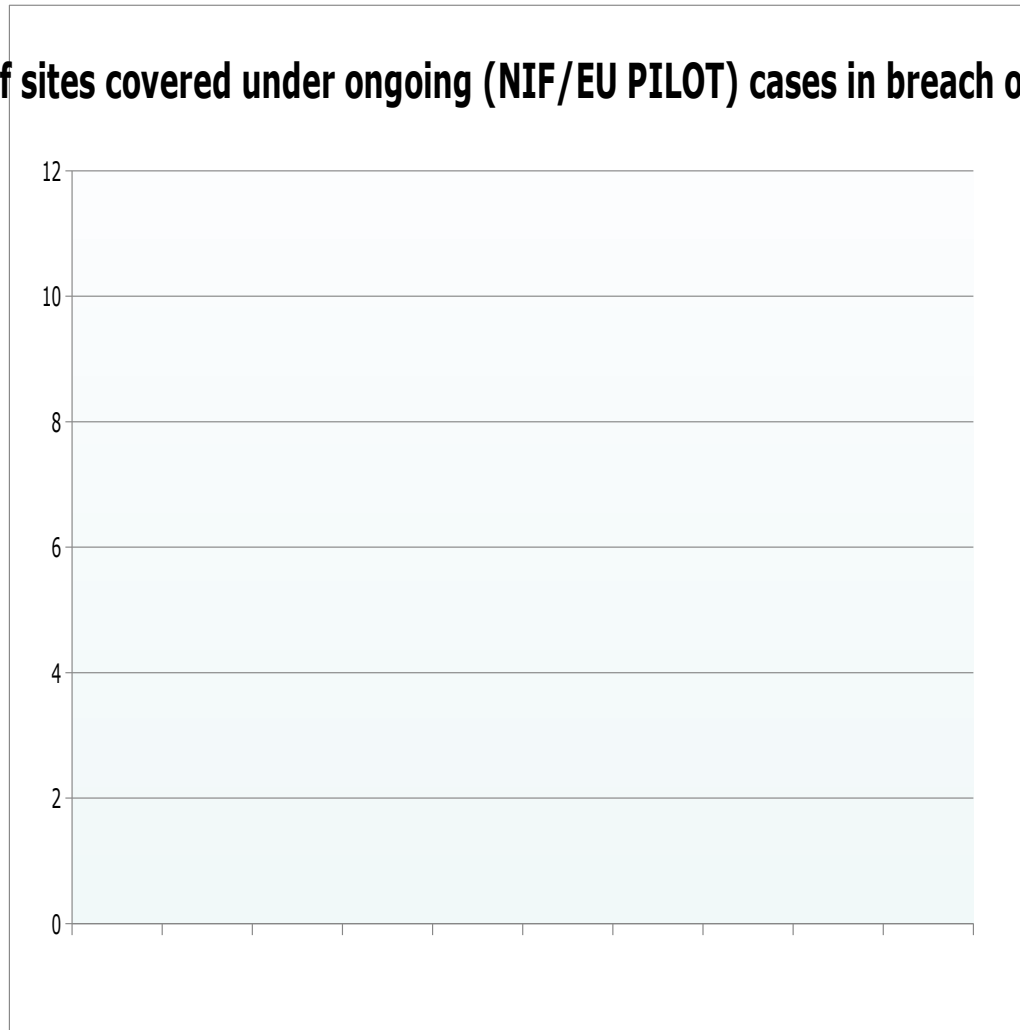
What does the Commission want from local actors?

- 1) Commission wants to preserve our contacts with citizens and NGOs – they are the eyes and ears of the Commission in the MS
- 2) Commission will retain + build complaint information into structural cases
- 3) Commission wants to work with MS + citizens to strengthen national access to justice
- 4) Crucial that local actors hold Member States to account on individual cases of bad application

How much progress are we making on our key structural issues?

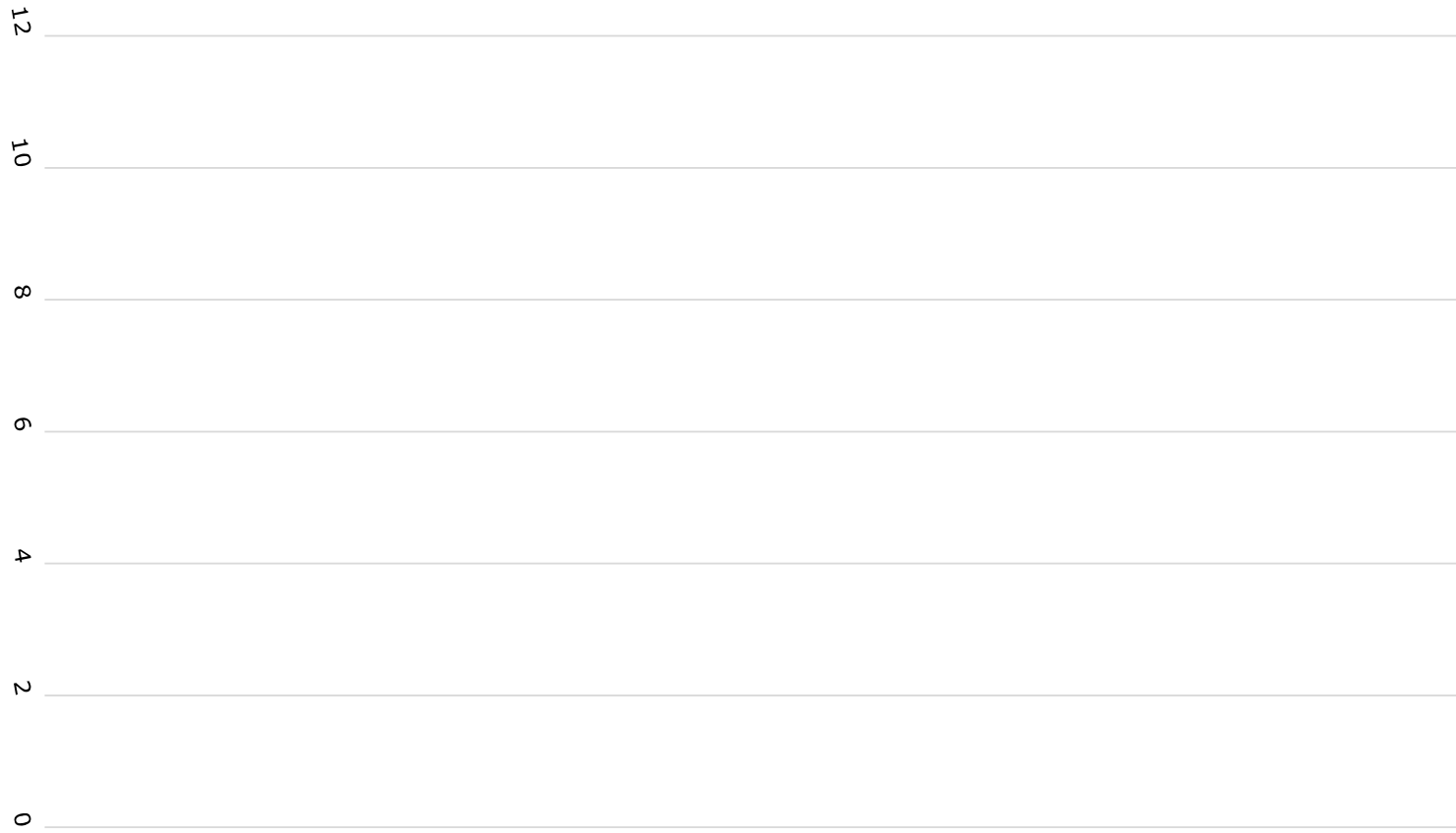
Nature sites that are not properly protected

Evolution in the % of sites covered under ongoing (NIF/EU PILOT) cases in breach of Art 4(4) in the EU 28



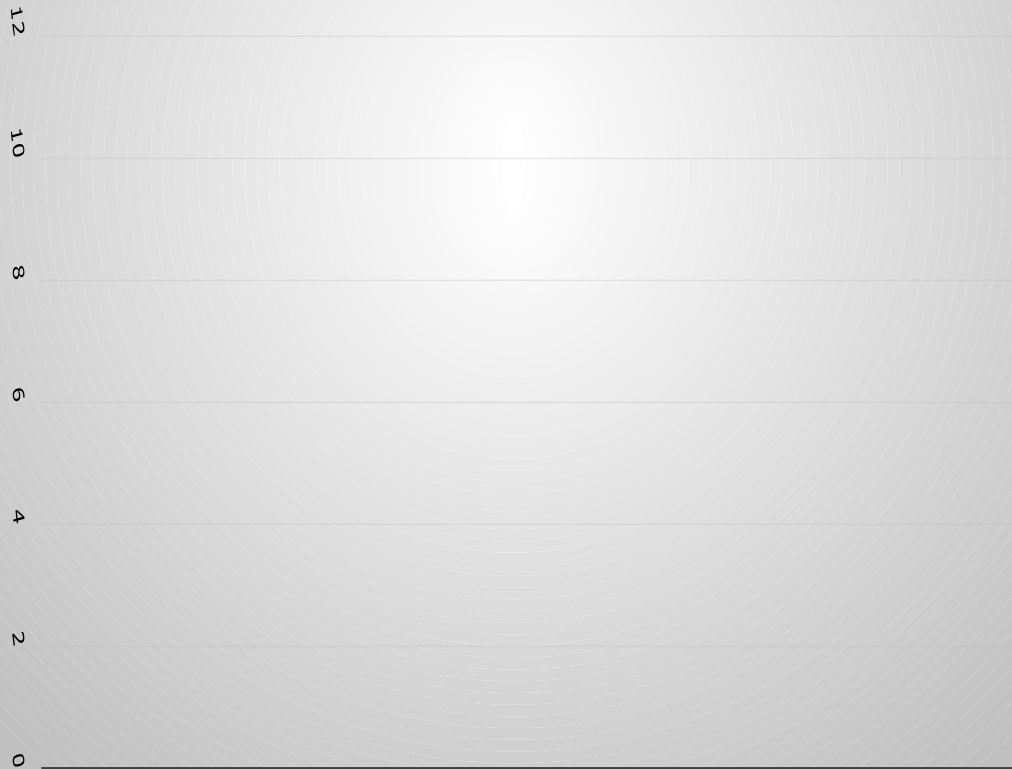
Waste (I) Illegal landfills improving, but still needs work

Number of illegal landfills (to be closed or rehabilitated) covered by an infringement



Air – steady progress being made, but more to do

AIR - PM10 : number of zones addressed via infringement still in exceedance (combined figures- EU28)



Conclusion

Implementation and enforcement of EU environmental law has made a lot of progress, at EU and national level

But still a lot to do! Incoming Commissioner and Vice-President have stressed that they want to speed up this process

Every level has to play its part – from citizen to the Commission