Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness

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PURPOSE: to improve the delivery of benefits from EU environment measures through better knowledge and responsiveness in dealing with the problems on the ground.

BACKGROUND: the 2010 European Environment State and Outlook report from the European Environment Agency (EEA), confirms that the EU appears to be locked in a number of status-quo and downward trends which are moving away from, rather than toward, sustainability.

With the exception of soil, there is already extensive EU environment legislation, much of it long established, so the main challenge is now one of effective implementation.

Two issues stand out: the extent of our knowledge about the state of the environment and how it is safeguarded; and effective ways of dealing with problems on the ground.

Knowledge and responsiveness are complementary facets of implementation at EU level. To give just one example, better knowledge can enable customs authorities to deploy better control strategies for illegal trade in waste and endangered species.

The costs of not implementing current legislation are broadly estimated at around EUR 50 billion a year. These relate not just to environmental but also to human health impacts. For example, 20 % - 50 % of the European population lives in areas where the air quality breaches European limit values and the estimated annual costs in terms of health expenditure or days of work lost run to EUR billions.

More specifically, full implementation of EU waste legislation is estimated to generate 400,000 jobs and have net costs that are EUR 72 billion per year lower than under the alternative scenario of non-implementation.

This Communication supplements the 2007 and 2008 Communications. It responds to the December 2010 Environment Council request that the Member States and Commission enhance and improve the implementation and enforcement of EU environment legislation in order to improve the state of the environment and ensure a level playing field.

CONTENT: this Communication aims to **examine the means of helping Member States achieve a fully systematic approach in knowledge collection and dissemination and greater responsiveness to problems on the ground**. Effective access to justice is necessary but not sufficient, so it is proposed to also look at inspections and surveillance, complaint mechanisms and formalising partnerships to ensure implementation.

1) Improving knowledge on implementation: knowledge about implementation covers, on the one hand, the state of the environment and, on the other, all the required administrative and other measures intended to protect and improve it. However, it is not always simple to identify quickly the provisions of national law that correspond to a given provision of a directive. Monitoring efforts are uneven across Europe and the information generated is patchy and often out-of-date. Environmental information is available through individual requests rather than systematically published.

Meeting the environmental information needs and expectations of citizens, administrations and businesses requires **information systems to be set up by Member States that generate, manage and communicate information** that shows how EU laws are implemented and complied with in practice.

The objectives described in the Communication aim at:

- examining how to engage more actively with Member States so that they put in place effective information systems;

- providing better aggregated information at EU level;

- ensuring confidence in the information generated as a whole; and

- helping Member States to address data gaps and more effectively monitor land-cover changes.

2) Improving responsiveness at national, regional and local levels: improved knowledge will contribute to better delivery but it is not enough on its own. As guardian of the Treaties, the Commission uses its enforcement powers to address an absence of required end-results. However, the high number of infringements, complaints and petitions related to EU environment legislation points to a need generally to **reinforce implementation monitoring within Member States.**

The Commission proposes to examine a series of initiatives that could address this challenge. The initiatives are complementary and will be more effective in combination:

- **improving the inspections and surveillance applying to EU legislation**, for example by upgrading the existing framework for inspections and surveillance and assessing options for complementing national inspections and surveillance in a targeted way at EU level, including an EU-level inspection and surveillance capacity;

- **better complaint-handling and mediation at national level**: there is currently no general framework on how competent authorities should respond to complaints at national level. A dual approach addressing direct and review-stage complaint handling would make it more likely that concerns and grievances will be dealt with in a consistent way and sooner rather than later. There may be situations in which mediation or other similar dispute resolution mechanisms will add a further useful dimension;

- **improving access to justice**: the Commission considers it appropriate to explore how greater certainty could be provided for national courts and economic and environmental interests. Possibilities include: (i) developing guidance to take account of a significant recent body of case-law in order to improve implementation of existing access to justice provisions; (ii) defining at EU level the conditions for efficient as well as effective access to national courts in respect of all areas of EU environment law;

- **delivering improvements in environmental outcomes through capacity-building and implementation agreements that engage Member States**: where problems emerge, there is a need for clear commitments from Member States to put in place measures, with benchmarks and timelines, to deliver the required results. These commitments need to be formalised and publicly available, so that Member States, the European Parliament, businesses and citizens can have confidence that their concerns are being addressed within a structured framework. This challenge could be addressed through partnership implementation agreements designed to help deliver improved environmental outcomes.

This Communication is addressed to the European Parliament, Member States, their citizens and all actors in the area of implementation and enforcement of environment law. The 7th Environmental Action Programme should ensure a proper follow up and specific measures will be subject to impact assessment.