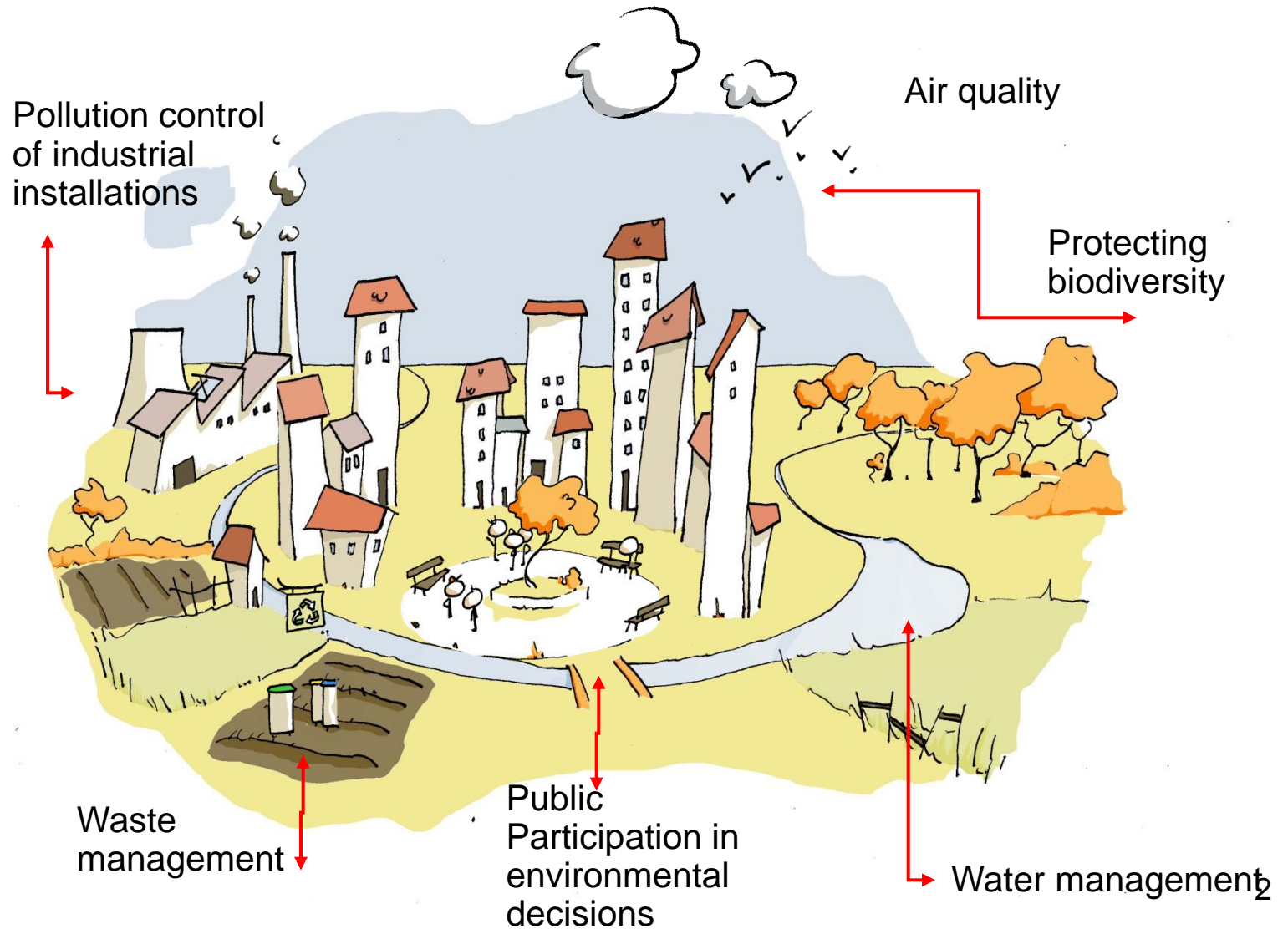




How to improve Implementation of EU ENV requirements

23 October 2018
ENV/E2

Ion Codescu



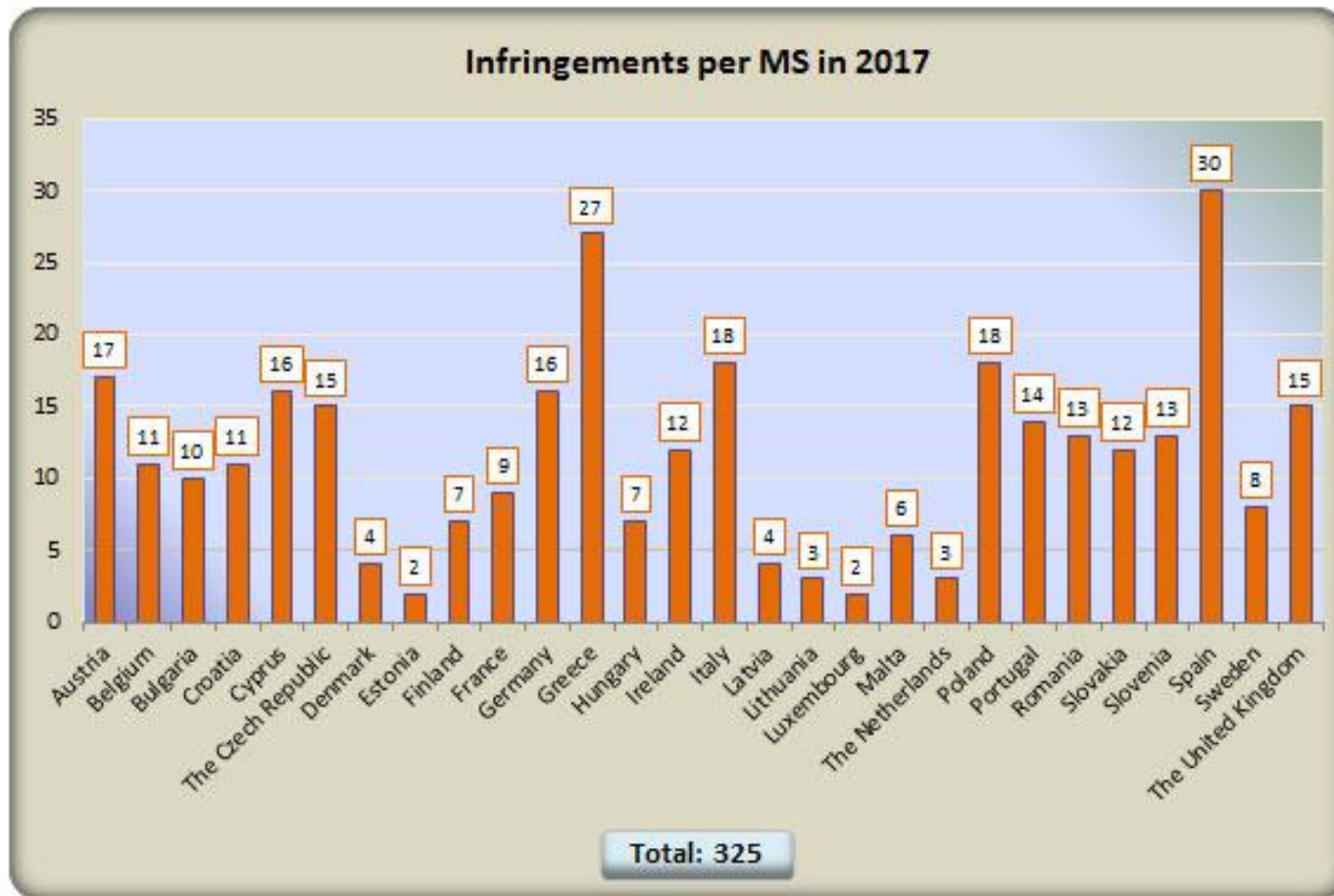
Enforcement

What is at stake?

- *over 200 pieces of EU Environmental law*
- *transposition may hide the EU origin*
- *interpretation CJEU of EU law is binding*

Implementation of EU environmental law – Roles

- The main responsibility for implementation lies with the **Member States** (administrative and judicial authorities at all levels).
 - ✓ Article 19(1) TEU: Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.
- The **Commission** is "the guardian" of the Treaties: it monitors and ensures the timely and effective implementation of EU law through dialogue and enforcement action.
 - ✓ Article 17(1) TEU: ... "It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall **oversee** the application of Union law under the control of the CJEU...".
 - ✓ Article 258 and 260 TFEU (**infringement** procedures).
- Origins of an infringement case:
 - ✓ **Complaints** or petitions/questions from EP
 - ✓ *Own initiative (non-communication cases, analysis of the conformity of the transposition, reports, media, external studies ...)*
- Commission enjoys a discretionary power in deciding whether or when to open an infringement and whether or when to refer a case to the Court.



Article 258 TFEU (first stage)

Letter of formal notice



2 months for answer

Reasoned opinion



Technical
meetings



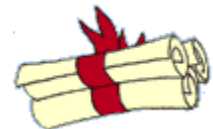
2 months for
answer



Technical meetings

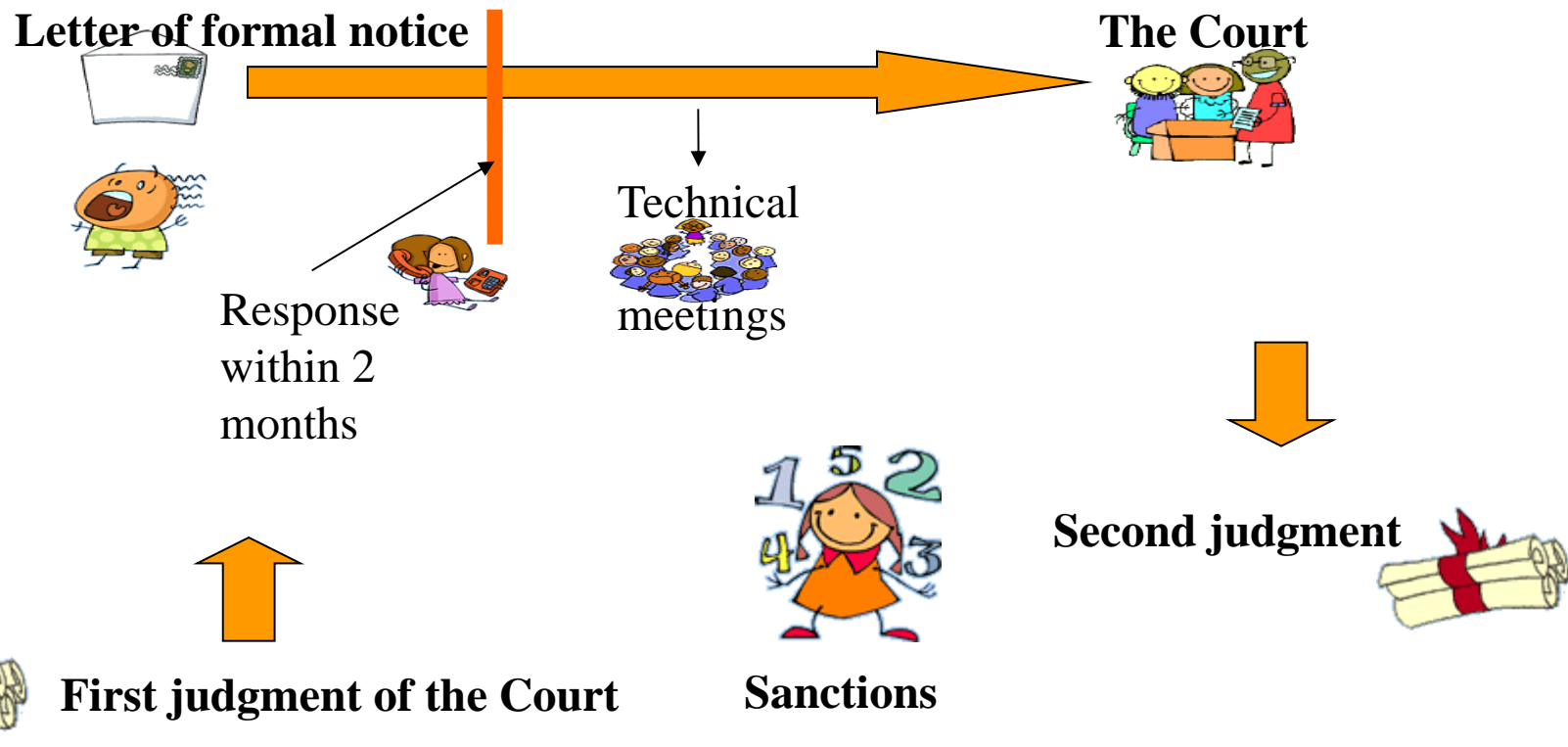


The Court



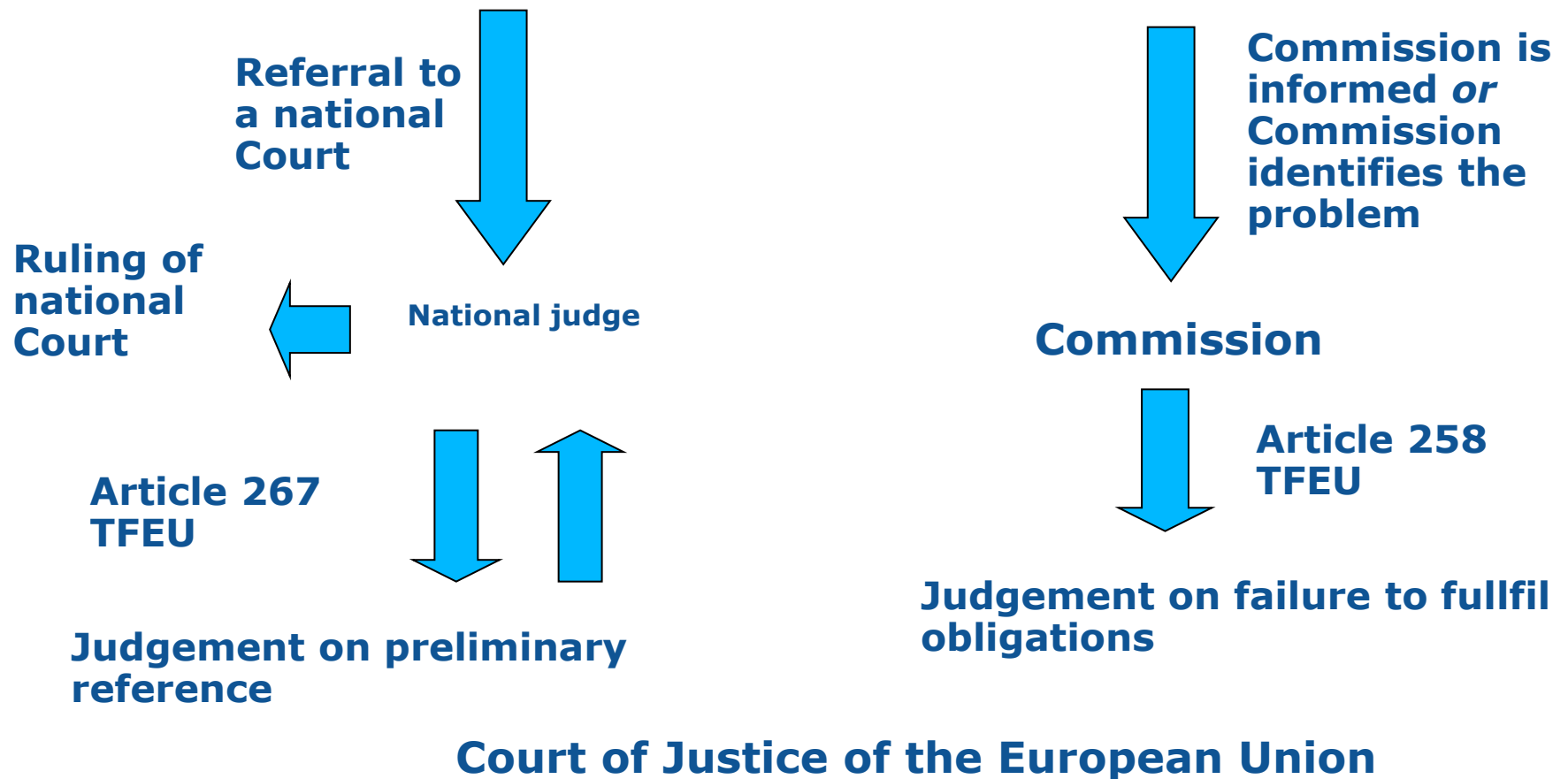
Judgement of the Court

Article 260 TFEU (second stage)



Conclusion : 2 complementary alternatives for ensuring compliance with EU law

EU law implementation problem



Cooperation with national professionals and stakeholders

What is at stake?

- *reinforcing the national level*
- *provide a support to national professionals judges, prosecutors, inspectors:*
 - ✓ Training & sharing expertise
 - ✓ Technical guidance
 - ✓ Assessments + advice
 - ✓ Use of geospatial intelligence

Cooperation with national judges- ENV domain

Framework contracts with external training institutes:

- develop training modules on DG ENV's main policies and those which generated most complaints*
- organise workshops in the MS, together with the national schools for the judiciary*
- develop training of trainers*

Cooperation with national judges- ENV domain

Deliveries:

- Workshops on Environmental Impact Assessment (EIA), Nature Protection, Waste, Water, Principles of EU Environmental Law, Protection of Environment through Criminal Law, Industrial Emissions, links between EIA and Natura, Procedural rights (Aarhus, Access to Justice).*
 - Training booklets (trainers material)*
 - Need more info?*
- <http://ec.europa.eu/environment/legal/law/judges.htm>*

The Environmental Implementation Review (EIR) package:

Communication:

- Policy conclusions from the country reports
- Common problems
- Root causes


Annex:

- Overview of all suggested actions per topic

28 Country Reports:

- Snapshot of main implementation gaps
- Success stories
- Suggested actions

Website: http://ec.europa.eu/environment/eir/index_en.htm



EUROPEAN COMMISSION

Bouška, 2022
1. 2022-2023

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results

EN

GUIDANCE TO MEMBER STATES
SUGGESTED ACTIONS ON BETTER ENVIRONMENTAL IMPLEMENTATION¹

Topic	Suggested action	Member States
2. Protect	2.1. Protect and restore nature and improve resource efficiency	BE, BG, CY, DE, DK, EE, EL, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK
	2.2. Promote a better accounting of the circular economy policies to make them effective and to guide to better results	PT, SI
	2.3. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation	BE, CY, DE, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK
	2.4. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation	BE, CY, DE, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK
2.2. Protect	2.2.1. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation	BE, CY, DE, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK
	2.2.2. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation	BE, CY, DE, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK
	2.2.3. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation	BE, CY, DE, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK
	2.2.4. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation	BE, CY, DE, ES, FR, GR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK

2. Protect

2.1. Protect and restore nature and improve resource efficiency

The present document contains the suggested actions contained in the 12 EIR country reports. It should be used as a guide for the implementation of the EIR. The suggested actions are grouped into three main categories: (i) general measures, (ii) specific measures, and (iii) cross-cutting measures. The suggested actions are grouped into three main categories: (i) general measures, (ii) specific measures, and (iii) cross-cutting measures.

2.2. Promote a better accounting of the circular economy policies to make them effective and to guide to better results

The suggested actions are grouped into three main categories: (i) general measures, (ii) specific measures, and (iii) cross-cutting measures. The suggested actions are grouped into three main categories: (i) general measures, (ii) specific measures, and (iii) cross-cutting measures.

2.3. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation

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2.4. Promote the development and exchange of good practices between all professional actors involved in nature-related circular economy and eco-innovation

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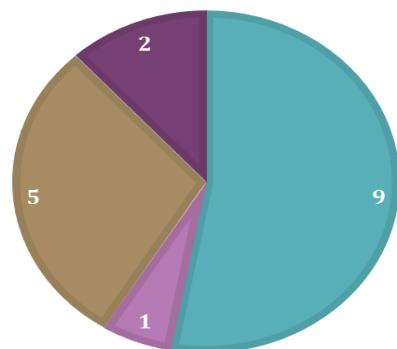
The way forward: a policy framework

1. Setting up a structured implementation dialogue within each Member State
2. Providing tailored support to Member States' experts directly by their peers from other Member States
3. Discussing common structural issues in order to improve the implementation of the EU's environmental rules



ENVIRONMENTAL POLICY AREAS

■ circular economy & waste ■ nature & biodiversity ■ air quality ■ EU Timber Regulation



MSs involved	Nr of projects	MSs involved	Nr of projects	MSs involved	Nr of projects	MSs involved	Nr of projects
AT	2	EE	2	IE	6	PL	4
BE	6	EL	3	IT	4	PT	4
BG	2	ES	6	LT	3	RO	3
CY	1	FI	2	LU	1	SI	4
CZ	9	FR	5	LV	1	SK	6
DE	5	HR	4	MT	3	SE	4
DK	6	HU	4	NL	6	UK	1



How can I help implementation?

Thank you