
Package meeting in
Ljubljana
10 June 2010

Unit A.1 Enforcement, Infringements
coordination & Legal issues
DG Environment

STRUCTURE OF THE PRESENTATION

- DG Environment
- Legal framework:
 - 2007 Communication 'A Europe of Results'
 - 2008 Communication on implementing EC Environmental Law
- Practices and procedures
 - Working with Member States
 - CHAP
 - EU Pilot
- Statistics

DG ENVIRONMENT

- Reorganisation in October 2009
 - Two legal units
 - A.1 Enforcement, infringements coordination and legal affairs
 - A.2 Compliance promotion, governance and legal affairs
 - Language based organisation
- Splitting of the DG into DG ENV and DG CLIMA
 - Transfer of certain files to DG CLIMA and DG SANCO

GENERAL FRAMEWORK (1)

COMMISSION COMMUNICATIONS

- 2002: Communication on relations with complainants (COM(2002)141 final)
- 2002: Communication on better monitoring of the application of EU law (COM(2002)725 final)
- 2007: “A Europe of Results – Applying EU Law” (COM(2007)502 final)
- 2008: “Implementing European Community Environmental Law” (COM(2008)773 final)

GENERAL FRAMEWORK (2)

2008 COMMUNICATION

- Focus on implementation instead of law-making
- Specific challenges in the implementation:
 - 200 pieces of legal acts, mostly directives (implementation to varied natural and administrative conditions)
 - Covers many different areas
 - Uses different techniques
 - High level of public interest
 - Shortcomings in knowledge, awareness and capacities of national and regional administrations and
 - Weak enforcement policies and practices/ under-investment or delayed investment.
- How do we deal with these challenges:
 - Prevention of infringements
 - Prioritisation of infringements
 - Enforcement of environmental rights

GENERAL FRAMEWORK (3)

2008 COMMUNICATION - Prevention

- **Legislative Life-cycle Approach:** Thematic strategies, Consultations of stakeholders, Implementation Action Plans (bilateral meetings of experts (EC – MS); meetings of expert groups (EC - all MS); transposition workshops; transposition checklists, drafting of guidelines; creation of networks for the exchange of information; consultations on draft MS's implementing measures; creation of bodies to manage the legislation once operational etc...)
- **Effective information gathering:** conformity assessments, reports, inspections, correlation tables...
- **Awareness raising events** (conferences, workshops)
- **Performance scoreboards** (ex. Natura 2000 barometer)
- **Appropriate use of EU funds** (agri-env. spending, Cohesion Funds, Regional Development funds)

GENERAL FRAMEWORK (4)

2008 COMMUNICATION – Enforcement priorities

- Failure to notify national implementing legislation or serious defects in such legislation (non-communication and non-conformity cases)
- Non-respect of rulings of the Court of Justice (rulings based on Article 260(2) PFEU)
- Failure to fulfil key one-off tasks (ex. creation of Natura 2000 network; reporting, adoption of various env. programmes)
- Widespread or systemic breaches of key environmental quality standards (ex. illegal landfills, failure to clear waste water treatment, lack of IPPC permits, air quality, water quality...)
- Large infrastructure projects (with EU funding)

GENERAL FRAMEWORK (5)

2008 COMMUNICATION – Enforcement of the environmental rights legislation

- **Access to environmental information and access to justice:**
 - Focus on the correct transposition/implementation of the two public participation directives (2003/4/EC + 2003/35/EC)
 - Implementing directive on the access to justice? (blocked)
 - Review mechanisms regarding access to environmental information or public consultation exist in the EIA, IPPC procedures
- **Training in EU law** (judges, prosecutors, administrations...). DG ENV developed a Programme for cooperation with national judges (conferences on EU nature & waste law)
- **Possibilities of MS:** meaningful implementation + effective and speedy official intervention once alerted (confidential phone lines, complaint-handling procedures, enforcement oversight bodies, ombudsmen...)

PRACTICES AND PROCEDURES (1)

WORKING WITH MEMBER STATES

Cooperation in investigation before and during the infringement procedure:

- **Administrative letters** with requests for information before launching infringements (before a LFN);
- **EU Pilot**;
- **Reinforced presence** in some Members States;
- **Package meetings**

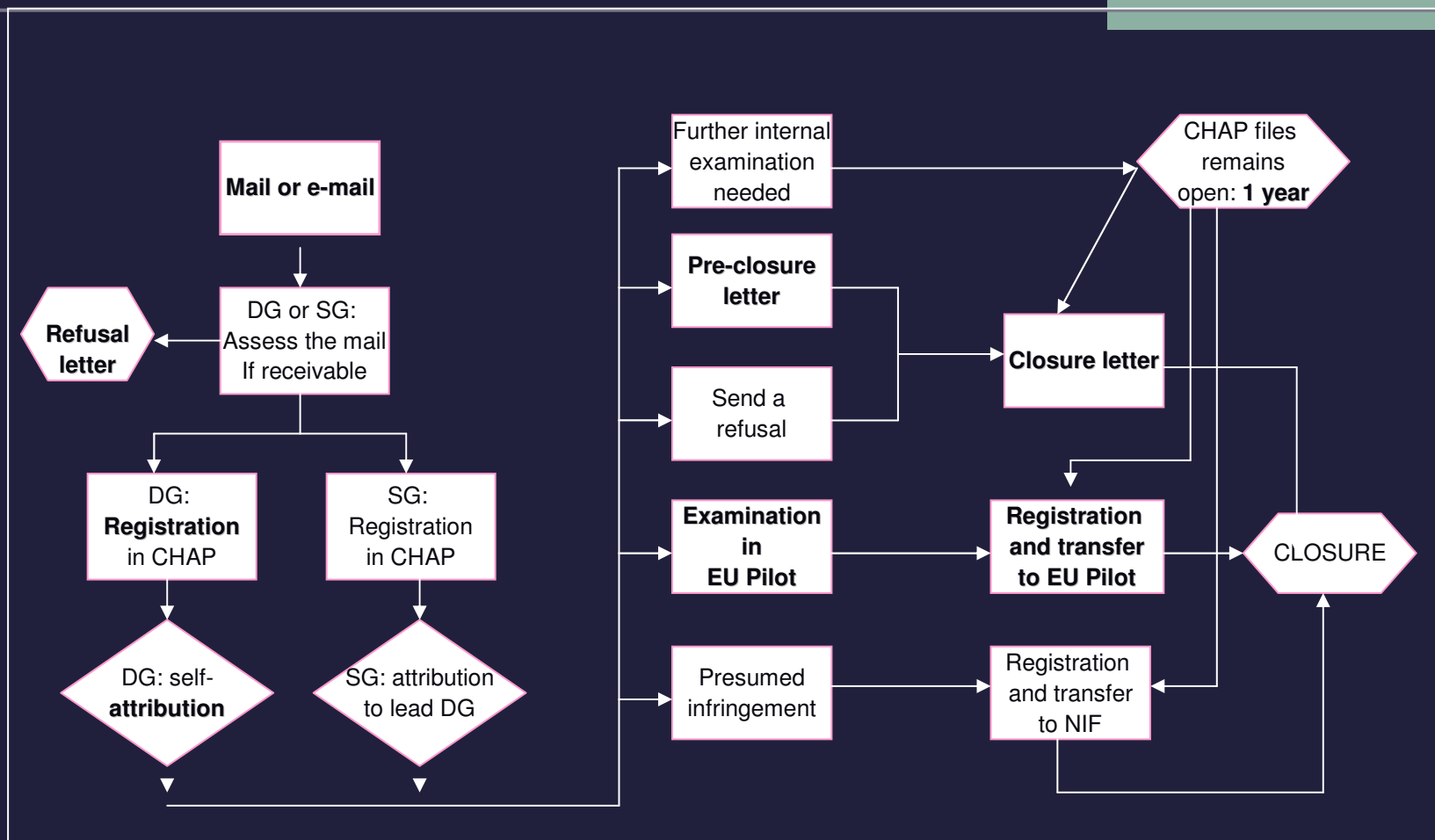
PRACTICES AND PROCEDURES (2)

CHAP (Complaint handling application)

- IT tool for registering and managing complaints and information requests about the application of EU law by a MS
- In use since 29 September 2009
- All letters/e-mails received by SG, DGs or CAB (if forwarded to DGs for answer) now registered in CHAP
- **Admissibility criteria:**
 - about the implementation of EU ENV law;
 - the complainant is identified (private citizen or NGO) / not anonymous;
 - the MS concerned is identified
 - drafted in one of the EU official languages
- If admissible: standard acknowledgment of receipt
- If not admissible: standard rejection letter

PRACTICES AND PROCEDURES (4)

CHAP: Procedure Flowchart



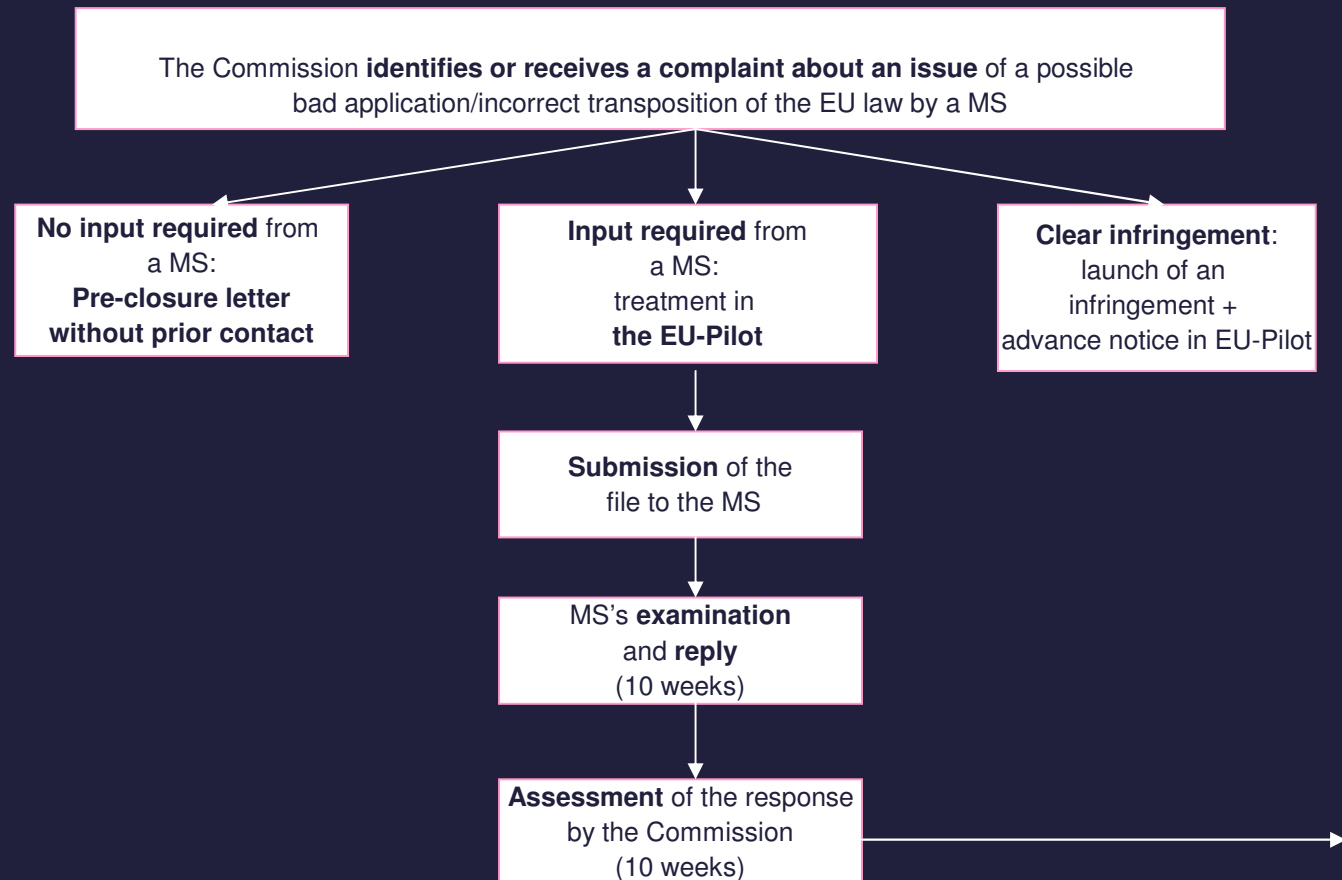
PRACTICES AND PROCEDURES (5)

EU Pilot

- Commission's tool to investigate complaints, enquiries, petitions, MEPQ that enhances informal cooperation with Member States
- When clarification is required from MS of the factual or legal nature
- Replaces administrative (pre-258) letters
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- In operation since April 2008
- 15 Member States participate in it on a voluntary basis (SI - yes)
- Objective: improved efficiency/better assistance to citizens:
 - 10 weeks deadline for MS to reply and for the Commission to assess the reply
 - the possibility for the Commission to ask additional questions through the system
 - MS have the possibility to reply directly to the complainant

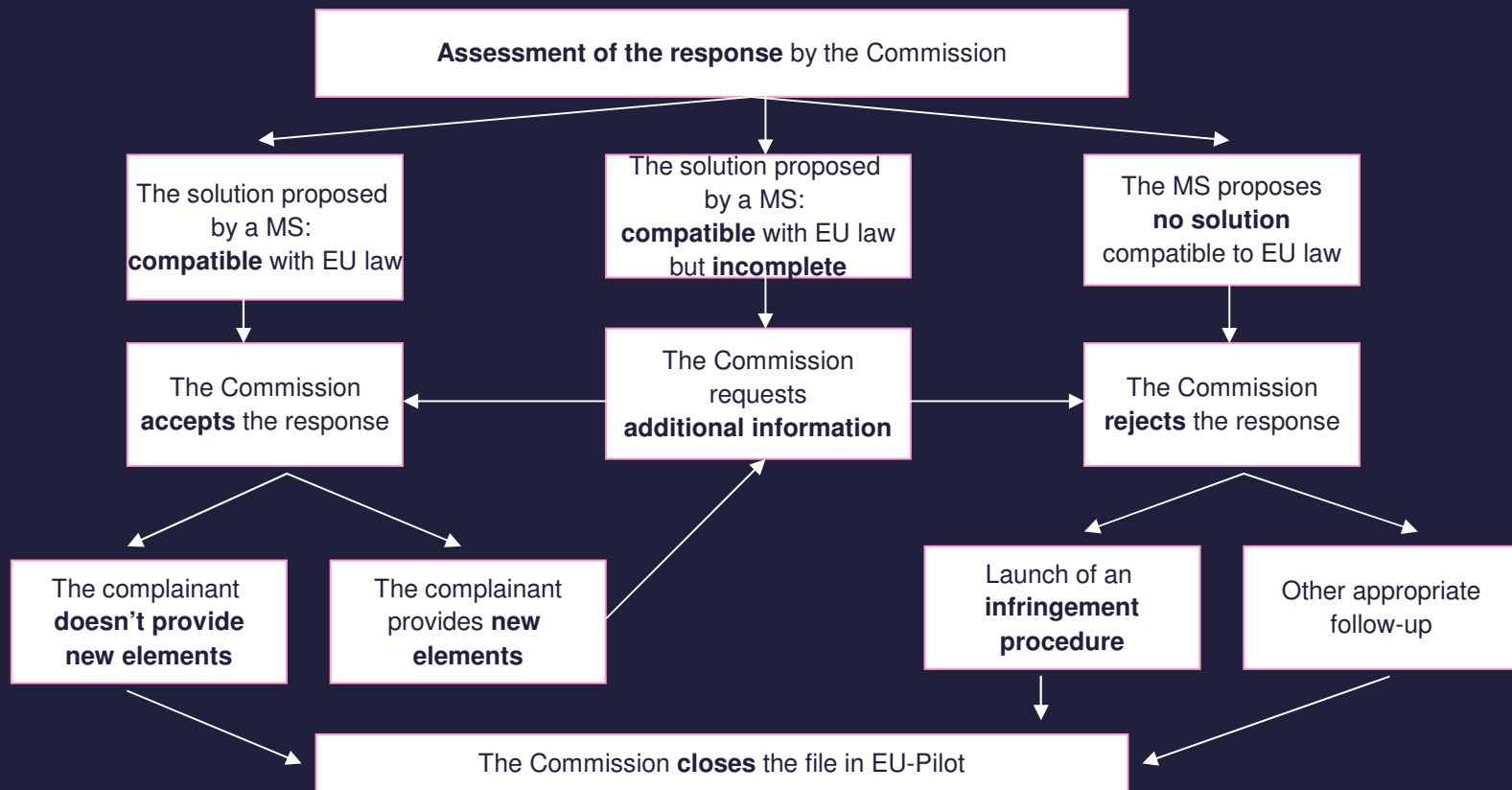
PRACTICES AND PROCEDURES (...)

EU-Pilot: Flowchart (1)



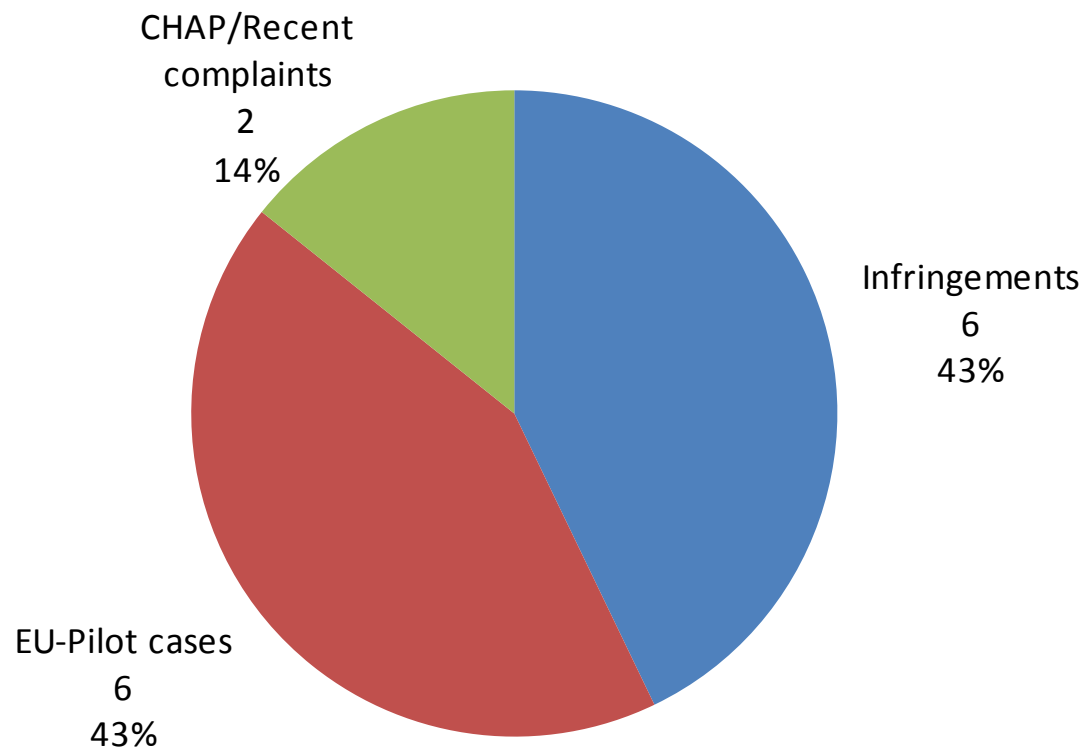
PRACTICES AND PROCEDURES (...)

EU-Pilot: Flowchart (2)



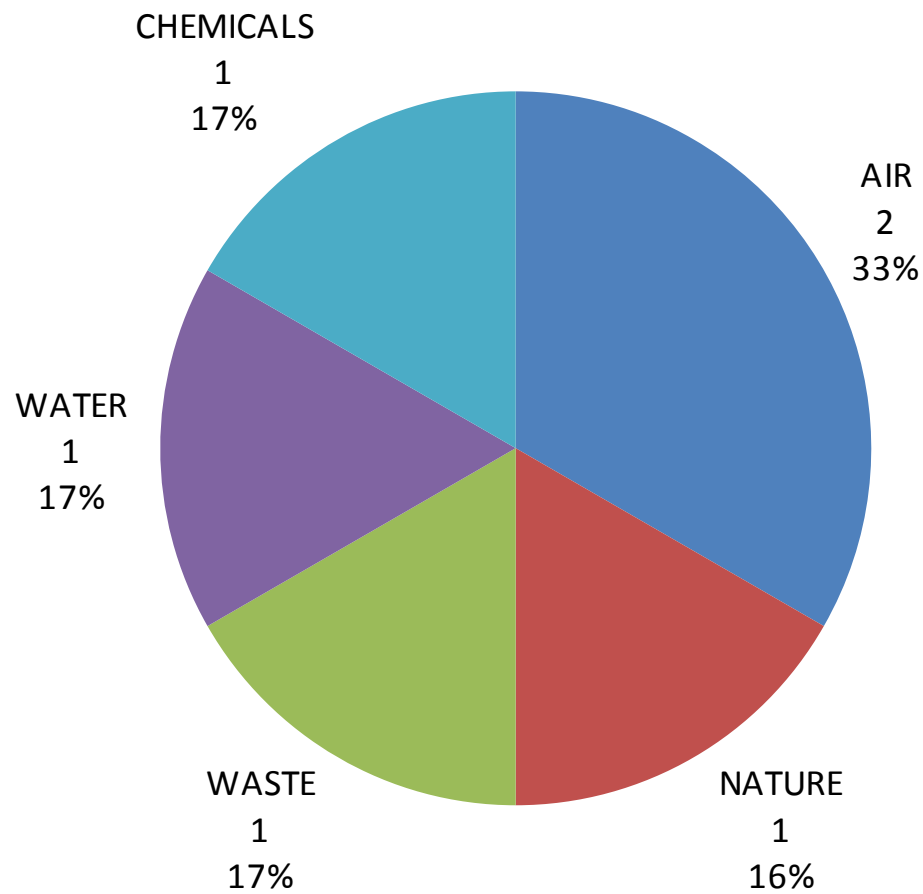
STATISTICS (1)

OVERALL PICTURE: SLOVENIA



STATISTICS (2)

OPEN CASES PER SECTOR: SLOVENIA



STATISTICS (3)

OPEN CASES PER TYPE: SLOVENIA

