



Presentation for the Europa jubilee seminar: Assessing
Better Regulation in the European Union: sectoral
assessment 2: Environment

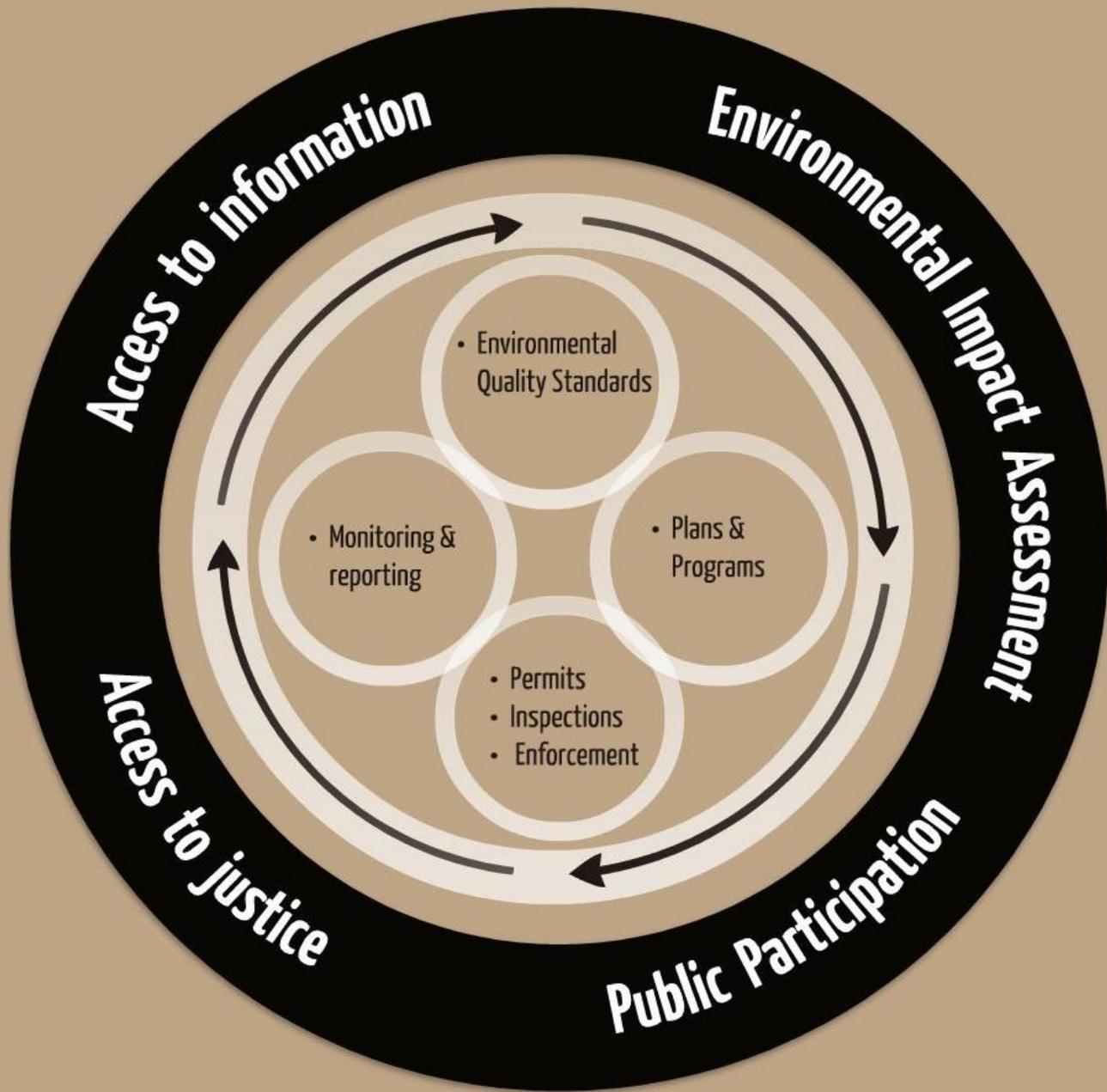
Nijmegen, 18 December 2018

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EU Better Regulation

- Why?
- By whom?
- What?
- How?
- When?



MiW

- Why?
- By whom?
- What?
- How?
- When?

Drafting principles on compliance assurance provisions in EU environmental law



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.

Examples 2: Environmental reporting

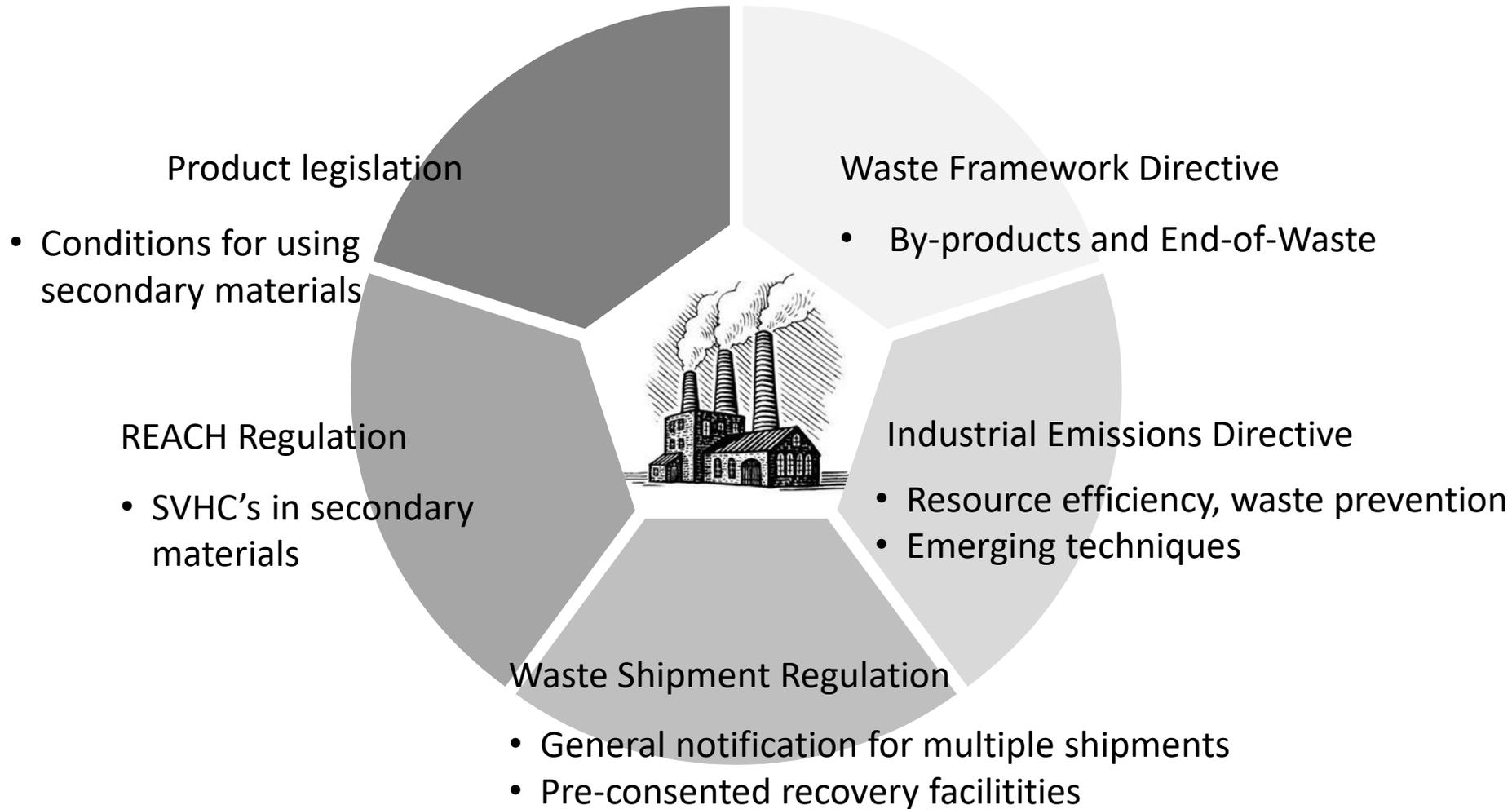
- Information is essential to the development, implementation and evaluation of environmental law.
- Member States are subject to a wide range of obligations and commitments to report to EU level bodies (e.g. the Commission, EEA).
- Current environmental monitoring and reporting by MS often requires considerable effort, but is introduced without a clear purpose, is not used, there is no transparency on how it is used and there is no sender-receiver feedback mechanism. The same info has to be reported to different audiences and in different formats.

- 1 For what purposes is information needed?
- 2 What type of information is needed?
- 3 What criteria does the information have to meet?
- 4 Is the information already available?
- 5 How can reporting be made smart?
- 6 What is the appropriate legal or non-legal setting?

MiW last topic

- Prevention and recycling of waste –
Development of MiW-IMPEL Guidance

Prevention and recycling of waste – EU Rules



Prevention and recycling of waste – Governance

Encourage businesses

Facilitate businesses

Assess risks

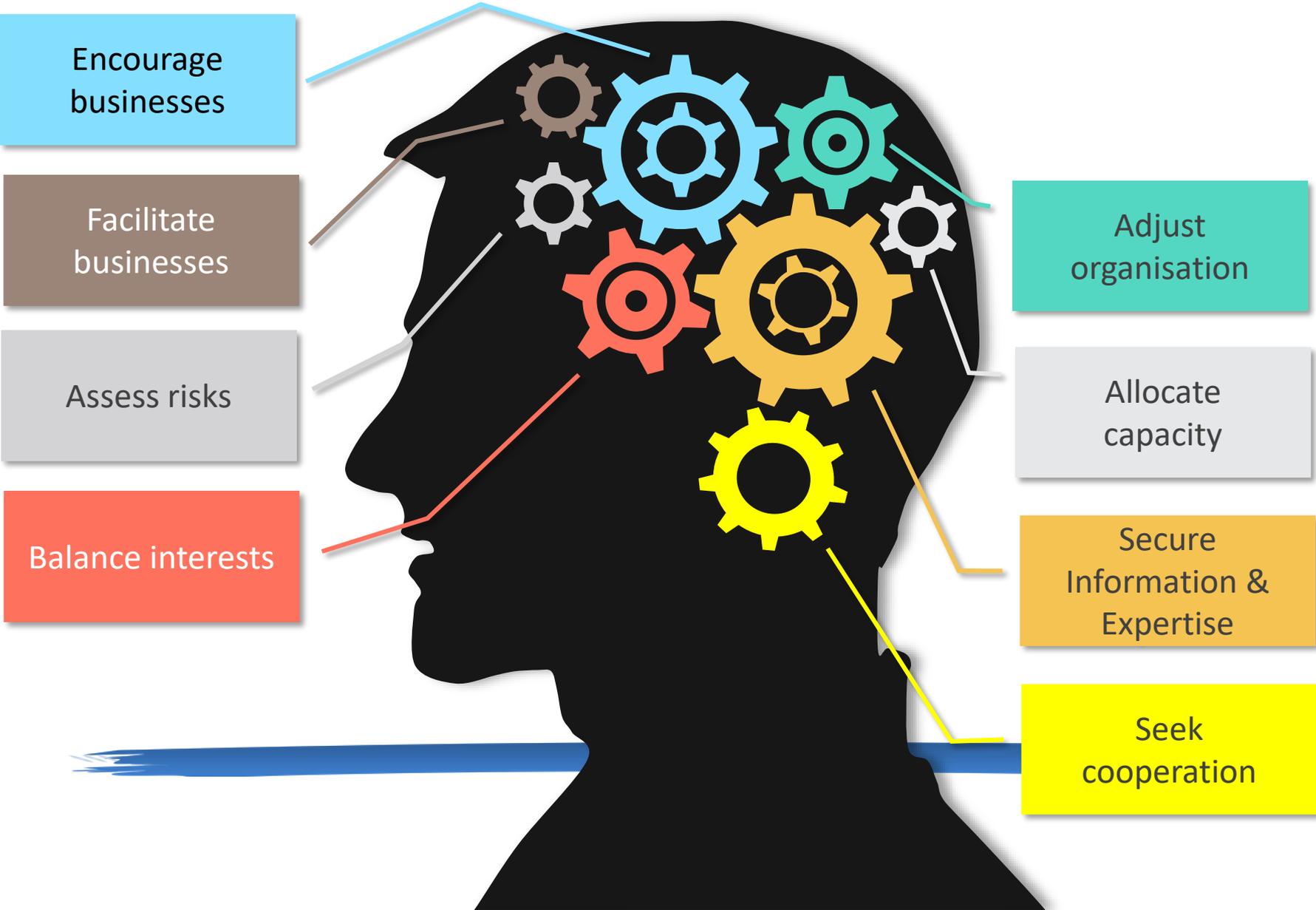
Balance interests

Adjust organisation

Allocate capacity

Secure Information & Expertise

Seek cooperation



Directions for re-development of the BR agenda

- Why? Not evaluate just because.
- How? Not by just ticking boxes, but by actually talking. Not by organising stakeholder meetings to present results, but by working together also in order to get commitment and to close the feedback loop.
- What? Co evaluation, more holistic approach.
- By whom? MSs are not stakeholders. They have to pay for application and enforcement.
- When? Co evaluation will take more time.

Info on MiW

- MiW webpages:

<http://www.ieep.eu/work-areas/environmental-governance/better-regulation/make-it-work>

- MiW video:

<https://www.youtube.com/watch?v=rERluU34MS0>

Thank you for your attention!

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