

# 20 Years of working for a better Environment



2013 Conference on Implementation  
& Enforcement of Environmental legislation

*“Working together to Improve & Innovate”*





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# Chapter 1 *Introduction*

The Maltese Islands hosted the 2013 Conference on Implementation and Enforcement of environmental legislation entitled “Working together to improve and innovate” which took place from 1st to 4th October 2013. The conference was jointly organised by the European Commission, IMPEL and the Malta Environment and Planning Authority, supported by a Preparatory Committee consisting of IMPEL members.

The European Commission and the European Parliament give high priority to the implementation and enforcement of European Environmental Law and IMPEL’s core objectives are closely related to these themes. IMPEL aims to create the necessary impetus in the EU in order to ensure more effective implementation and enforcement of environmental legislation. This is done mainly through the project work of its clusters, and through the practical dissemination of its work focused on the better enforcement of EU environmental legislation for practitioners working in the field and through networking activities such as informal and formal meetings including conferences.

The aim of the Conference was to bring together practitioners in the field of environmental regulation, inspection and enforcement, policy makers, prosecutors, judges, ombudsman and representatives of industry and civil society to discuss the practical barriers and solutions to better implementation and enforcement. It is recognized that improving communication and coordination between these different actors is very important in overcoming these barriers.

Apart from members of the IMPEL network itself, Malta hosted more than 200 participants from 34 countries in Europe, and Australia, the European Commission, industry, environmental NGOs and partner enforcement networks.

## Chapter 2 Keynote Speeches

### Session 1: Plenary Session

#### *Introduction by John Seager (Chair of the IMPEL Network)*

John Seager welcomed all participants on behalf of IMPEL, the colleagues in Malta and the European Commission. The IMPEL Chair stated that this conference is bringing together a unique assembly of different actors in the field of implementation: a total of 210 people from 34 different countries – policy makers, regulators, inspectors, enforcers, prosecutors, judges and ombudsmen. Therefore with this wide range of experiences, the Chair encouraged all participants to connect with each other and to learn about each other's experiences.

From the past 40 years that the European Union has been working on the implementation of EU environment legislation, we have seen that legislation can bring real benefits – the state of the environment reports show remarkable trends in improvement of air and water quality, together with a reduction in emissions. Notwithstanding this, we still have problematic areas to tackle such as resource efficiency, biodiversity and climate change challenges. We also know that there are high costs for not implementing this legislation and these costs help us understand more that we are dealing with a serious matter.

The IMPEL Chair closed his welcome note by stating that this conference is an opportunity for each participant, to discuss, in practical terms, how things are working (or not working) on the ground and what we can do to unblock the barriers. He encouraged all to focus on this throughout the relevant discussions so as to come up with useful conclusions and practical statements at the closure of this conference.





***Welcome note by Vincent Cassar  
(Chairman, Malta Environment and Planning Authority)***

MEPA's Chairman welcomed all participants, stating that it is an honour for the Authority to host this conference since Malta believes in the importance of the role of IMPEL in the regulation of environmental legislation.

The Chairman expressed his satisfaction to the way IMPEL works, explaining that Malta is benefiting from IMPEL in various fronts, especially in the waste management sector. Malta has been very active in the IMPEL Transfrontier Shipments of Waste (TFS) Cluster where extensive experience was acquired in terms of the implementation and enforcement of the Waste Shipments Regulation. Sharing information and experiences are considered to be very important aspects which the network provides. Malta chaired the TFS Steering Committee during the period September 2011 to 2012 and participated actively in the enforcement actions projects, which included exchange visits with Romania, where opportunities to share knowledge and experience were even more put into practice.

Malta is making ongoing efforts in improving the implementation of EU environmental law. There has been a rapid learning curve in the monitoring capacity with respect to air, water, noise and radiation. Moreover, the environmental permitting sector has further evolved since Malta's accession to the EU. The strategy adopted by the environmental permitting system is a risk-based approach, with the objective of identifying the environmental obligations that apply to a range of activities and presenting these in an easily understood manner, together with accompanying guidance on practical aspects of implementation. This would direct regulatory effort towards a risk-based approach, improving the transparency, proportionality and consistency of implementation measures taken.

These past months have been crucial in the development of EU environment legislation, especially in the light of discussions related to the 7<sup>th</sup> Environment Action Programme where the major priority objectives have been identified. This action programme presents new challenges and highlights the need to enhance cooperation and share good practices. It is here that the importance of IMPEL comes into play.





***Welcome note by Leo Brincat  
(Minister for Sustainable Development, the Environment and Climate Change)***

The Minister opened his speech by stating that it is indeed an opportunity to emphasise Malta's commitment to actively participate in and promote better ways of implementation and enforcement of environment legislation. Malta recognizes the importance of the protection of the environment and the social and economic implications that may result from a lack of proper environmental protection.

By hosting this conference Malta aims to share our country specific issues as encountered by peripheral island regions, particularly our small island state dimension with high population density, which in themselves require and call for us to be innovative in environmental policy making. The Minister continued to explain that the Maltese Government will be at the centre of all initiatives and decisions envisaged on greening the economy and emphasises the aspiration towards economic growth that gives due consideration to sustainable development.

The Minister highlighted a number of various bold and interesting initiatives which are underway such as the demerger of the environmental and planning authority, the work underway on the new waste management plan and strategy, as well as the drive to strengthen air quality linked structures.

Referring to the theme of the conference, Minister Brincat highlighted that improvement and innovation in the environmental field, is primarily innovation in the way environment regulation is carried out on the ground. Rather than the traditional command and control enforcement structures, we need to stress the importance and improve on effective compliance by all stakeholders. This requires a strong element of continuous and sustained efforts of awareness and communication with them all. By developing innovative ways for implementation it is an important challenge for us all to meet our environmental objectives whilst ensuring and supporting socio-economic development and growth.

Malta looks upon a truly effective and pro-active Green Economy strategy as a strategic tool that can leverage the means to help achieve implementation of environment legislation.

This conference will therefore serve to add value to a process that needs to be an on going process. It should be looked upon as a golden opportunity for us all, including practitioners in the environmental field to share information, transfer knowledge as well as to exchange experiences and best practices.



***Welcome note by Michael Farrugia  
(Parliamentary Secretary for Planning and Simplification of Administrative Processes)***

The Parliamentary Secretary welcomed all participants and started by stating that the Maltese Government is fully committed to the improvement on the various aspects of implementation of EU environment legislation and the Office of the Prime Minister is fully aware of the importance of such conferences.

One of the key measures of the Government's programme is to take the necessary steps for the demerger of the planning from environment sectors. Government's objectives for this process are to focus on long-term strategic vision and goals for the environment and planning, to ensure better regulation, simplification of administrative procedures, whilst ensuring that sustainable development is the focus of the development consent procedures. To this extent a commissioner responsible for the simplification and reduction of bureaucracy has been appointed. The commissioner has been tasked with examining existing procedures and to recommend ways on how to deal with existing problems whilst ensuring that no more burdens are added.

It is Government's intent to mainstream environment protection and sustainable development in all sectors of economic activity. The administrative structures both within central government and the new authority are prominent. This is a unique opportunity to strengthen the legislative and enabling regulatory and policy framework in the environment and planning sectors, to address deficiencies in relevant areas such as enforcement on the basis of experience that has been accrued in the last decade, and to further align Malta's legislation and policy with that of the EU, including in areas where significant developments have been witnessed and are being taken forward, such as ecosystem services and industrial permitting regimes.

The Parliamentary Secretary also pointed out the current tasks which MEPA is currently engaged in such as the Strategic Plan for Environment and Development, the revision of local plans, the review of existing policies and the creation of new ones. Malta remains committed to the environmental, economic and social aspects of major projects.



## ***Implementation in the current policy landscape***

### ***Karl Falkenberg (Director General DG Environment; European Commission)***

Although the environment is a relatively late addition to the European spectrum, it is a serious concern to all Europeans and is given due importance during relevant discussions in Brussels. Within 20 years, Europe has made great progress in this area and there are great challenges facing us especially in the light of the next action programme for the environment.

DG Falkenberg emphasised on the gap between the quality and ambition of EU environmental legislation and the reality in the Member States. For example, our ambition was to achieve clean air by 2015, however we still have hot spots in various Member States; the same with standards related to surface waters. Notwithstanding the existing targets for waste treatment, 95% of municipal waste still goes to landfill in the case of some Member States. So the question is, why do we have this gap?

The process of adopting new legislation is already a strong challenge – it is a lengthy and complex process. Unfortunately in the transposition process, Member States have the tendency to lack simplification and transpose the relevant Directives in a piecemeal manner, integrating them into national legislation.

The Commission has been overwhelmed with complaints since 2002 and this shows that the European citizen owns EU legislation and that the principle of subsidiarity is well understood. This emphasises more the need to develop networks at national level. DG Falkenberg continued to explain how the Commission is involving more the Network of European Ombudsmen, with the attempt to understand better the complexity of EU environmental legislation, invested in the national jurisdictions, learning from implementation problems which escalated to the level of the European Court of Justice.

In this light, the IMPEL network is an additional interesting experience on the implementation front, and the work carried out so far is much appreciated. However there is more substantial work which needs to be carried out in view of the wide spectrum which EU legislation covers in this area. We need to have the capacity to understand to what extent legislation is understood and implemented on the ground.

DG Falkenberg closed by stating that an alternative is required, that of local enforcement. Two additional instruments are also required: the standing in national courts of NGOs and individuals with complaints and the need for a level playing field – common inspection approach to these issues. These matters should take Europe to a step forward in effective implementation.

It is hoped that extensive discussions during the coming days will help us to work towards the simplification of the implementation and enforcement of EU legislation.



***20 years of improving and innovating: a new phase for the IMPEL network***  
***John Seager (Chair of the IMPEL Network)***

John Seager introduced the IMPEL network, its composition, mission, functions, history, structure and main achievements. Key projects mentioned were the “IMPEL Review Initiative”, the “Doing the Right Things” inspections project, and in the enforcement sector, the transfrontier shipments of waste activities.

John provided the conference attendees with an overview of new developments in the areas of nature protection, diffuse water pollution, regulation of water abstraction and waste management. Key challenges were next presented, such as the 7th Environment Action Plan agenda on strengthening implementation of EU environmental law, the proposed new framework for inspections, attracting new members with different roles and expertise, embedding outputs into country practice and developing constructive partnerships with other Networks.

The presentation was concluded with an overview on how IMPEL can contribute to future improved implementation. Suggestions included informing policy with practical experience and expertise, helping countries achieve compliance more quickly, making more effective use of limited resources, coordinating action between countries, facilitating communication between different actors and developing innovative approaches and methods.





### ***Priorities of the EU Presidency***

#### ***Audrius Zelvy's (for the Ministry of the Environment for the Republic of Lithuania)***

Common obligations to combat climate change, the commitment to ensure the sustainable use of natural resources and taking responsibility for possible negative consequences to future generations, are the key tasks in the agenda of the Environment Council in the second semester of 2013. The Presidency will mainly focus on the improvement of the legislative Regulation of the environment based on the principles of sustainable development and its enhanced implementation to ensure the right of an individual to live in an environment favourable to his/her health and well-being.

Climate change, fluorinated greenhouse gases and the review of the Environment Impact Assessment Directive were outlined as the main dossiers which the Lithuanian Presidency is and will be tackling during its Presidency period.

Climate change remains a key EU policy. The Presidency will mostly focus on retaining EU leadership and the coordination of EU activities in international negotiations on climate change regarding global legally binding post-2020 agreement. Lithuania will seek to approve within the Council a common EU position for negotiations on the future of climate change policy at the 19th Conference of the United Nations Framework Convention on Climate Change scheduled for November 2013.

The Presidency will seek agreement with the European Parliament on the Regulation of reducing emissions of fluorinated greenhouse gas (F-gas), which have a negative impact on climate. The Regulation includes measures that will contribute to the implementation of EU climate objectives, and encourage the industry to phase down the use of F-gas in equipment by replacing F-gas with alternatives that are both energy effective and safe.

The Presidency is ready to seek an agreement on the review of the Environmental Impact Assessment Directive, seeking well-founded decisions contributing to the implementation of requirements, quality assessment, speeding up of procedures and imposing no additional administrative burdens





## **Chapter 3 Results of the round table discussions & workshops**

### ***Overcoming obstacles to full implementation of EU environmental legislation***

This round table discussion was facilitated by John Seager (IMPEL Chair). Participants Karl Falkenberg (Director General DG-Environment; European Commission), Jeremy Wates (Secretary General European Environmental Bureau), Joe Tanti (Chief Executive Officer, Malta Business Bureau), Ed Mitchell (Director of Environment and Business, Environment Agency of England) and Giuseppe Montesano (Business Europe) outlined the major obstacles which they believe have an important role to play in effective implementation of EU environment legislation.

Jeremy Wates started by stating that political will is a major factor to be addressed. This is particularly important since the economic costs of not fully implementing current environmental targets are very high. A more supportive legislative and institutional infrastructure is needed, addressing Access to information and Access to justice. These tools provide greater possibilities for the public to use administrative and judicial remedies to challenge failures of compliance and implementation. As a conclusion Mr Wates stated that greater powers of monitoring, inspection and enforcement are needed at both national and EU level.

Joe Tanti expressed his concern on the lack of awareness on EU targets and obligations and encouraged more work in the promotion of knowledge on implementation in the various levels in society including stakeholders, authorities and the government. He also outlined the importance of stakeholders providing additional support to government and authorities to ensure that critical preparatory action can be taken to implement EU legislation.

Ed Mitchell started by stating that according to their experience, acquiring the input of the regulator and build that into the legislative program is a challenge. Therefore the Commission's task in developing legislation for all Member States is a heavy task. Therefore we need to understand better and improve the link between regulators and policy makers, so as to ensure that the design and impact of legislation is effective. The continuous monitoring of progress in implementation was also highlighted as an important point, together with the role of regulators in identifying key implementation issues and support improvements.

On regulatory approaches, Ed Mitchell stated that a one size fits all approach does not deliver the best result due to the wide differences between sectors, attitudes, performance and capabilities. The system needs to be risk based and transparent, reflecting that regulation is not a bilateral relationship between the regulator and the regulated. The public and society are also important factors in regulation. Therefore, more work needs to be done in ensuring that regulatory approaches are risk-based and proportionate.

Giuseppe Montesano's first point was linked to better implementation as opposed to new legislation. He stated that it is important to ensure that environmental legislation is correctly and fully applied before modifying it. More resources and efforts should be devoted to implementation of the Acquis instead of changing the legal framework and risking a lack of implementation. On the second point dealing with the need for a level playing field, Mr Montesano stated that policy action to harmonize implementation should be coupled with efforts for simplification, reducing bureaucracy, adopting the principles of smart regulation. Finally, on collaboration between industry and enforcers it was pointed out that industry can offer knowledge and experience to legislators. We should be moving from a tradition of "policy-making stakeholder groups" to a new culture of "stakeholder networks" where a positive example of the REACH enforcement network was mentioned.

John Seager oriented the discussion towards political will in Europe towards better implementation. He stated that the willingness of Member States to come forward and develop a 7<sup>th</sup> Environment Action Programme is a good example of good political will. However it is clear that implementation problems are still there, and the number of infringement proceedings is an indicator of such. The question would be if in its role as practitioners, would IMPEL be in a position to be of help such as improving dialogue. On this point, DG Falkenberg stated that the Commission already takes its time in the development of EU legislation to involve as many practitioners possible to make the process the most transparent possible. Therefore the proposals of the Commission already include common stakeholder interest throughout Europe. Karl Falkenberg highlighted the concern put forward in his opening speech whereby he stated that the transposed text in various Member States does not reflect the compromise text but sometimes it is more similar to the national position defended in the entire negotiation process. This leads to loss of efficiency and additional burden.

## ***Session 2: Complementary networks: Getting to know each other***

In an introductory round table discussion chaired by Chris Dijkens (NL, IMPEL-Board), the participants Mr Luc Lavrysen (BE), Mrs Anne Brosnan (UK), Mr John Sayas (GR), Ms. Isabelle Santana (PT) and Mr Hiemot Maran (EST) presented network activities in their respective fields of professional activities and discussed desirable improvements as well as questions, options and limitations of cooperation within the enforcement chain for environmental regulation.

Mr Lavrysen (EU Forum of Judges) emphasised that environmental cases form only a small portion of the overall work of a judge, that they are often complex and require specific knowledge. To handle them successfully, judges need sufficient initial and continuous training in environmental law and issues. Such training will only be cost-effective if special judicial functions in this field are established, and might to a certain extent be received together with prosecutors, environmental inspectors and other law enforcers. Bearing in mind the independence of the judiciary, collaboration beyond this common training might be difficult to realise.

Mrs Brosnan (European Network of Prosecutors) agreed with Mr. Lavrysen on the need of specialised enforcement personnel for environmental offences. Furthermore, she regretted the lack of available data for prosecution and penalties in environmental cases across Europe. Practitioners would profit as well as the public if transparent data were accessible. In addition to sanctions, it should generally be possible to confiscate the profits of environmental crime.



Mr Sayas (National Ombudsman in Greece) demanded better cooperation between the various national authorities taking part in the transposition and application of environmental law. He confirmed as well the need for specialised training in environmental law and argued for respective activities on EU level, to develop common approaches and identify best practice. A certain legislative “streamlining” would be required, amongst other things on minimum investigation criteria in environmental complaint cases. In general, he wished for a greater consistency in the implementation, application and enforcement of EU environmental law. Ombudsmen could become key actors in the EU environmental protection mechanism.

Mr Maran (Lithuanian Environmental Inspectorate) recommended developing reliable cooperation procedures in the Member States between the environmental supervision and enforcement authorities and the tax and customs authorities, as breaking environmental law often also means breaking tax and / or custom laws. Common strategic and short-term planning based on risk assessment and exchange of information could provide considerable synergies and help to fight environmental crime more successfully. He also argued for common and mutual training of environmental inspectors, prosecutors and judges, and for exploring possibilities to institutionalise the use of knowledge from those sectors.

Mrs Santana (Portuguese Environmental Inspectorate) identified different cultural backgrounds and different national context in the Member States as possible obstacles for effective cooperation. As different levels of systematic development in environmental protection exist in IMPEL member states, the efficiency of cooperation may be challenged and perceptions may evolve that some countries will have to “give more” than others. Language barriers are an additional obstacle to effective cooperation which we must all endeavour to overcome.

In the discussion, the parties looked for benefits of networking and commented the previous expert statements. They valued networks for giving opportunities for cooperation and joint improvement as was experienced in the Integrated Risk Assessment Method (IRAM) project of IMPEL. It was recognised that more or less, all Member States have deficits in the implementation of environmental law and may learn from each other, even if solutions working in one Member State might not be applicable without modification in another one. High importance was attributed to that national judges interpret national law as far as possible in the light of common EU law. The training of law students was seen in need of improvement, e.g. through specific training material on environmental cases given to support teaching in universities. Even if jurisdiction and access to courts was recognised as important, it was emphasised that environmental conflict resolution could - and should - be achieved outside the court by different kinds of mediation or comparable mechanisms as well.



In the ensuing three parallel workshops, Mr Lavrysen emphasised the important role of evidence in environmental enforcement cases. Frequently, insufficient evidence leads to failure of enforcement cases brought before court. In their investigations, environmental inspectors have to take into account that the burden of proof falls upon them or the prosecutors. Measurements, sampling procedures and analyses should therefore be specified and engaged laboratories accredited, so that long and costly expert disputes can be avoided.

Regarding the establishment of a more level playing field, Mr Lavrysen reported on a study which found 50 different punitive responses within the different European States for one specific offense. Consequently, he saw a great need for harmonisation of both the administrative and the criminal sanction system in Mrs Brosnan described examinations of the Buncefield accident (2005) and characterised the immense challenges for organisation and resources with a special emphasis on handling the indispensable careful collection of sufficient proof. Her Dutch colleague, Mr Rob de Rijck, described covert investigations targeted at a private enterprise in a harbour area declared to trade in second hand cars and other used goods but suspect of exporting electric and electronic waste to African countries. Both presentations illustrated the need for intense cooperation between environmental inspectorates, police and prosecutor organisations as well as the necessity for these three sectors to make each other aware of the respective needs and important issues in each sphere of responsibility.

Mme Liaska and Mr. Sayas (Greek ombudspersons) presented the Asopos case about a polluting installation in a farming area, where a lack in surveillance and enforcement motivated citizens and NGOs to complain towards the ombudsman. The ombudsman investigated the case, participated in an ad hoc committee and in consultations for a management plan of the concerned river area and motivated public administration to respond positively to the intervention. The ensuing discussion touched the role of ombudspersons, their legal and factual power, their role towards public administration and their competence to investigate cases also ex officio – given in Greece for cases where serious environmental damage has been caused. It became clear that the ombuds-system may provide for a valuable, easy accessible and cost free possibility for all citizens to articulate their concerns and issues towards administration. It offers mediatory support and may even initiate changes in administrative procedures or practices that are excessively burdensome for citizens or neglect public concerns.

Particular importance was attributed to the guarantee of independence for ombudsperson, and to the transparent communication of results of their work. Under these framework conditions, it was agreed that an ombuds-system may help citizens to solve conflicts and build trust with public administration, to lighten the burden of courts and to help improve existing regulations and administrative rules. Networking was recognised as the best way to improve coordination and ensure the necessary cooperation between all relevant environmental authorities.



## Chapter 4 Results of the parallel sessions

### Session 3 – Compliance and Enforcement

**Chair:** Jan Teekens (Netherlands)

**Rapporteur:** Joanna Huczko-Gruszczynska (Poland)

This session aimed at exploring different themes connected with compliance and enforcement, as well as disseminating information on the results of projects carried out in this field. It also aimed at presenting different approaches to enforcement, targeting inspection where it is most useful - discussing and illustrating how inspections can be carried out (planned and organized) to be as effective as possible (meaning to improve the overall respect of regulations, environmental quality and safety).

During the session the EC proposal for a new legal Framework on Environmental Inspections was presented as well as new approach on preventing accidents related to the ageing of installations. Discussions that took place provided the opportunity to learn about different perspective on compliance and enforcement from legislators, practitioners and scholars. Furthermore possible gaps in the inspection procedures, as well as tools and methods to more efficiently apply the environmental inspection cycle were identified by presenting the outcomes of academic and IMPEL projects (Do the Right Things, Risk Assessment in Inspection Planning, indicators project).

#### *Suggested developments to improve implementation*

- To further engage the Member States experts/IMPEL in the EC work on developing the new inspection instrument;
- Explore issues as risk assessment on different levels, data collection, compliance assurance and compliance promotion, cooperation and coordination mechanisms, dissemination of information.

#### *Further work for IMPEL*

- Linking compliance promotion and enforcement to the Doing-the-Right-Things methodology;
- Explore possibility of further research on the effectiveness of compliance assurance activities;
- Work on risk assessment - possibly in connection to outcome indicators;
- Develop projects facilitating implementation of the new EC instrument on inspections (e.g. data collection, definitions, broadening the scope of the IMPEL IRI).

## Session 4 – From Waste to Resources

**Chair:** Kevin Mercieca (Malta)

**Rapporteur:** Nancy Isarin (IMPEL TFS Secretariat)

In this session the audience was informed about the Roadmap on Resource Efficiency policy developed by the European Commission and the impact of this policy on the implementation and enforcement of related waste regulations. Also the developments under the IMPEL TFS Waste Sites II project were presented; a project which aims to better understand problematic waste streams (esp. WEEE, ELVs + their components, plastic waste and a few others) and the role of upstream waste sites in them. The project developed guidance to support the inspections of waste sites and facilitates the exchange of practical experiences between all involved authorities.

Practical experiences with the end-of-waste criteria were discussed as well new web based tools for assessing compliance with the criteria tools under the EQUAL programme. Final part of the session dealt with the WEEE Directive. Firstly the challenges member states face when implementing the Directive. The message was that coordination is required for a harmonised implementation of the WEEE Directive, especially in the areas of enforcement of distance sellers and the testing of equipment. Secondly the WEEELABEX system, an example of Industry initiative to promote proper operating and auditing of facilities, was presented.

### Further work for IMPEL

- Explore relevant initiatives by MSs and/or other stakeholders and link these with IMPEL activities, for example the
  - Equal Programme and the Countering WEEE Illegal Trade (CWIT) project;
  - More insight needed into the flows and destinations (il)legal waste shipments;
  - Need to continue with practical enforcement projects;
  - Facilitate the input of ground level practitioners to the policymaking process for the revision of the Waste Shipments Regulation;
  - Collect and distribute national guidance documents and tools on end-of-waste criteria;
  - Development of a common platform to coordinate the enforcement of the WEEE Directive;
- Explore how Industry auditing schemes and standards could be utilized by national competent authorities to facilitate enforcement of environmental legislation.







## ***Session 5 – Industrial Emissions Directive***

***Chair: Andreas Wasielewski (Germany)***

***Rapporteur: Judite Dipane (Latvia)***

This session was aimed to provide understanding of principles, objectives and new approaches of the Industrial Emission Directive (IED) and raising awareness about the process and meaning of the BREF-documents and new role of BAT for permit writers and inspectors. BAT conclusions are the reference for setting permit conditions. Within four years of publication of decisions on BAT conclusions the competent authority shall ensure that all the permit conditions for the installation concerned are reconsidered and, if necessary, updated the installation complies with those permit conditions.

The IED also contains new requirements on inspections, referring for example to procedures for routine site visits in accordance with IED, especially in terms of frequency of inspections to manage the risk based approach, and the publicly availability of the inspection reports.

Attention was also paid to the relevance of energy efficiency while operating an installation. Evaluation of Energy efficiency (EE) topic in the context of the IED is based on BREF documents, BAT conclusions and experts' opinion. The elaboration of general application template with sector specified annexes for EE was discussed. The results of practical application of the template could serve as a base for further development.

Final topic dealt with the interaction between IED and REACH and identifying the interactions/synergies between REACH and IED. Evaluation of information sources on substances was mentioned as well as the involvement of ECHA in the procedure of relevant BREF documents.

### *Further work for IMPEL*

- Promotion of active role of all stakeholders within BREF process;
- Development of tools and guidance on REACH & IED for both authorities/industry to get the full value from the information available;
- Further development of new approach of inspection to improve implementation of related IED requirements;
- Further development of application of Energy efficiency in permitting and inspection as well as exchange of best practice and providing training for authorities;
- Integration of energy efficiency topic in another specific IMPEL projects.





## **Session 6 – New Approaches**

**Chair:** *Terry Shears (England)*

**Rapporteur:** *Lenka Nemcova (Czech Republic)*

In this session, focus was given to sharing experiences of new approaches and of any evaluations to measure their effectiveness, as well as exploring the advantages and disadvantages of different approaches.

A country example showed that in the area of air quality, implementation of environmental legislation is not always enough to deliver good environmental results.

Key message was that inspection based regulation is only a few of the drivers which influence industry's environmental performance and that other drivers should be investigated to influence industry performance. Well implemented Environmental Management systems are useful in managing compliance but do not guarantee compliance. It was argued that regulators need to better understand the industry's they regulate and what drives their environmental performance. This is why using new approaches is critical to improving environmental compliance as it all depends on the context.

Another example of a new approach was mentioned was fines imposed for poor environmental performance, for driving environmental improvements.

### *Suggested developments to improve implementation*

- Regulators need to better understand company management systems and how accreditation works - training and education would be useful;
- More needs to be done by regulators to better understand the drivers for the businesses we regulate;
- Regulators need to better capture information around whether interventions are effective;
- Regulators and their managers can use the idepend tool to help them understand what it is that their desired outcomes depend upon ... and how to intervene to achieve them;
- Regulators should provide advice and guidance for SMEs on the application of new and existing regulations and host breakfast meetings between municipalities and operators.

## **Session 7 - Cooperation and Coordination**

**Chair: Christof Planitzer (Austria)**

**Rapporteur: Alessandra Burali (Italy)**

Implementation of environmental legislation raises a number of shared challenges for the competent authorities of Member States. These challenges require good cooperation and coordination between competent authorities both on a national and a transboundary level. The competent authorities are the authorities for permitting and inspection of different environmental sectors, authorities for enforcement, judgement and prosecution, authorities for financial and commercial issues and authorities for customs and border controls. The EU has made 'improving knowledge about implementation' a major objective in the 7<sup>th</sup> Environment Action Programme.

There are various types of cooperation and coordination mechanisms. It is important to ensure consistency with other policies and objectives and to have clear responsibility in legislation in order to avoid overlaps in competences. Cooperation between different vertical levels of governance is desirable, as is cooperation between different authorities at the same governance level. Environmental agencies have a role to play in handling disasters. There can be a conflict of interests in promoting cooperation and there are numerous success factors which can help to encourage cooperation.

### *Suggested developments to improve implementation*

As in many areas, it is important to have political will and backing from politicians and senior staff. It is necessary for training to take place on a regular basis in conjunction with the police and other authorities. Violation notices sent to Prosecutors need to contain the evidence of what has been done. The principle of the Shared Environmental Information System needs to be implemented, together with an exchange of experience of horizontal cooperation. Studies have shown that enforceability of environmental regulations seems to be uneven within EU Member States. A closer look seems to be needed at enforceability of environmental regulations. A database on criminal cases of the breach of environmental law should be developed.

### *Further work for IMPEL*

- Collect data on different types of cooperation and coordination on common inspection, training and data sharing which already exists within IMPEL
- Enhance cooperation between inspectorates, police, customs, prosecutors etc
- Establish better exchange of information between networks at an EU level (IMPEL, EUFJE, ENPE etc)

## **Session 8 – Nature and water**

**Chair: John Visbeen (The Netherlands)**

**Rapporteur: Henk Ruessink (The Netherlands)**

This session looked at the implementation of Nature and Water policies within the EU, both of which are relatively new areas for the IMPEL network. There are very concrete and often have severe implementation and enforcement issues for nature and water directives. On the other hand, dealing with the Industrial Emissions Directive and the Water Framework Directive for licensing and inspection is complex and IMPEL can offer a reservoir of expertise for learning and improvement. As with other legislation, implementation, enforcement and the sharing of information are essential to achieve good environmental outcomes. IMPEL is in a position to add value since it is particularly strong on practical issues in terms of tools and guidance. Job rotation between enforcers and permit makers would be very beneficial to both.

### *Suggested developments to improve implementation*

There needs to be a strong focus on further implementation and enforcement of existing legislation rather than bringing in new legislation. Coordination, cooperation and exchange of information will help to bring about better implementation. Inspectors need to have a better technical knowledge in the areas of nature and water. There needs to be an awareness of the different scales for implementation for different issues.

### *Further work for IMPEL*

- Develop a view and strategy in order to be instrumental in improving implementation in the domains of water and nature, and also in crosscutting areas.
- Work with relevant partners in the domains of water and nature, and identify the added value that IMPEL can bring.
- Exploit the experience and expertise that IMPEL already has in the brown area of the acquis communautaire and use it in the green and blue areas, for example through the IMPEL Review Initiative, capacity building and information exchange.



## **Session 9 – Capacity Building**

**Chair: Hans Erling Jensen (Denmark)**

**Rapporteur: Lone Kielberg (Denmark)**

This looked in particular at the use of IT systems for the practical implementation of EU legislation together with other ways of improving the overall effectiveness of the implementation process. An open data policy helps decision makers, the public and companies to take care of the environment. It enables structured, updated and uniform data to be accessible quickly and different policy areas can be coordinated in an easy and smooth way. It provides access to data which companies can use in their market analyses together with a way to compare data and identify companies that are polluting the environment. The public is able to obtain answers to the questions it has.

Data re-use at a national level can improve knowledge sharing by giving the public and companies web solutions while helping regulators to do more for less. It gives transparency in the work flow of local authorities and opportunities for them to handle sensitive information and share information with one another. More consistent data and qualified information can be generated at source and there is thus a platform for more uniform decision making and for making reporting to the EU more smooth.

The IMPEL Review Initiative (IRI) has an important role to play in improving implementation of EU Directives, though it should be seen as the starting point and not the final destination. It allows experts from other countries to look at the host's system for inspection, permitting and enforcement and identifies gaps and good practice. In particular, it shows what Member States are doing well and what can be improved. There is a focus on better planning of inspections and analysing the results of inspections, and also a better coordination between authorities.

The Environmental Inspection Cycle (EIC) could be used to give a new structure to information which was already available. People should be made aware of the EIC, which could be a stepping stone to organise existing and future information. The IMPEL website should be reorganised in line with the EIC and IMPEL's work should be checked for gaps, overlaps and guidance which had not been updated.

### *Suggested developments to improve implementation*

Greater use of the open data policy should be encouraged, in line with the spirit of the INSPIRE Directive, with guidelines drawn up on how to handle increased access to sensitive information (for example, personal data and competitive data) and a programme developed for statistical analyses. There should be emphasis on implementing the IRI report and on doing the follow up and countries should be stimulated to read other countries' IRI reports: senior management and even Ministers should be involved when a country was hosting an IRI. The IMPEL website should be reorganised and gaps and overlaps identified on it.

### *Further work for IMPEL*

- Focus on the use of open data policy and integrate this policy in all IMPEL's data projects
- Transform some of the technical data into a form the public can understand
- Make reporting to the EU easier and seek to enable Member States to provide data on common standards
- Check new areas which IRI may cover, for example nature protection, management plans, shipment of waste
- Re-organise the web-site and use the environmental inspection cycle as a stepping stone for organising existing information
- Use IMPEL to fill in the gaps, for example IT-solutions
- Develop a strong network of experts that are able to give support on different fields of the IRI questionnaire



## ***Session 10 – Challenges in implementation; case studies in air quality and soil protection***

***Chair: Alessandra Negrioli (Italy)/Florin Homorean (Romania)***

***Rapporteur: Florin Homorean (Romania)/Alessandra Negrioli (Italy)***

Here practitioners and policy makers from different Member States exchanged experiences on the implementation of air quality and soil policies and legislation, with particular emphasis on finding solutions for the different problems that may arise.

### **Part I – Air Quality**

In both Italy and Romania the Air Quality Directive has been implemented but there are still areas where air quality standards are not being met for certain pollutants, notably PM<sub>10</sub>, BaP, NO<sub>x</sub>. A significant contribution to exceeding AQ standards was from sources such as transport, industrial activities, agriculture and residential heating. This was being tackled by developing public transport; progressively banning the use of pre-euro and diesel euro I, II and III; reconfiguration of roads (by-passes, for example); the insulation of residential buildings; and by relocating some industrial activities.

#### *Suggested developments to improve implementation*

It was seen as necessary for plans and programmes to be developed which would take account of all different factors. There was a coherence between policies on climate change and Air Quality (for instance in the fields of residential biomass and renewables). There might be emission standards for different sectors (euro VI standards vehicles and biomass combustion, as well as regulation on residential biomass combustion).

#### *Further work for IMPEL*

- A project for identifying, analysing and comparing national requirements and legislation on the use of biomass for residential heating.
- The EU should be encouraged to finance specific projects on air quality.





## Part II- Soil Protection

The degradation and irretrievable loss of soils was happening across Europe. A comprehensive approach was needed but no specific policy had been developed at the EU level. IMPEL had a project (Deco) whose objective was to identify good practice for soil and groundwater decontamination. The rehabilitation of the Deva Valley Pond was a good example of this where there had been close cooperation between the different authorities involved in the rehabilitation process. It had been a crucial part of the process to carry out inspections both during and after the rehabilitation period in order to meet quality standards.

There were already platforms for communication and exchange on this topic such as the International Committee on Contaminated Land (ICCL) and Common Forum Networks which had an important role to play.

### *Suggested developments to improve implementation*

It would be useful if more countries were involved in the Deco project. Public prosecutors should be involved in prosecutions and it would be desirable to have EU standards on soil pollution.

### *Further work for IMPEL*

- The Deco project could be developed further in order to make a clear picture of the status of the process of managing contaminated sites and being able to compare the situation in more Member States.
- The objectives of the IRI could be expanded to cover soil protection.
- A data bank could be created to include the best practices and procedures of Member States on the management of contaminated sites.



## **Chapter 5 Final Session**

### **Session 11 – Innovation in perspective**

#### ***Key issues of measuring the effectiveness of compliance assurance***

***Eugene Mazur (OECD)***

The opening to this presentation outlined that the main reasons to measure the effectiveness of compliance is to ensure compliance with policy obligations, meeting internal management needs, having the necessary justifications for budgetary requirements and the demand for enhanced external accountability. Intermediate outcomes are measured to monitor changes in compliance knowledge and behaviour of the regulated community while final outcomes are measured to monitor improvements in environmental conditions as a result of compliance assurance. An assessment of different types of indicators used to measure compliance were presented also in the context of Phase 1 of an OECD project (2009-2010) where practices were analysed in 10 countries. It was concluded that it is impossible to identify a “best practice” approach or to develop a set of “flawless” indicators.

Next, some examples and recommendations for specific categories of indicators were presented; these could be adapted to the specific needs of the relevant environment agencies for key implementation principles. Phase 2 of the OECD project covering the period 2013-2014 will be addressing future issues such as making compliance rates more meaningful, using composite indices to characterise compliance outcomes, identify how many compliance indicators are necessary to measure costs and benefits and study the feasibility to develop a core set of indicators comparable nationally (decentralised systems) and internationally. The pros and cons of these issues were also discussed in a practical manner.

***Greening the economy; a vision on sustainability and innovation from the Automobile Industry***  
***Peter Kunze (Director Environmental Policy European Automobile Manufacturers Association, ACEA)***

The Director of Environmental Policy of ACEA provided a background on ACEA which represents the European automobile industry, with 15 global companies and 29 associated national organizations, continued by presenting statistics on registrations, sales, motor vehicle production, trade and research priorities for cleaner transport in the EU. The following challenges were then presented:

- Integrated safety: striking a balance between meeting customer demands, respecting EU policy targets and satisfying stakeholder objectives
- Materials and manufacturing: striking a balance between making affordable products, reducing consumption and emissions while meeting customer and regulatory demands. Here it was explained that Europe leads the way in clean and efficient manufacturing through resource efficient production for water consumption, reducing emissions and waste, less energy production
- Mobility and transport: the pressures in this case are urbanization and population growth, increasing economic and societal demands, sustaining mobility for all and transport of goods, reducing energy consumption and emissions and policy expectations.

The research priorities for each were also presented. The presentation continued with ACEA's experience on implementation (mainly the transposition of EU Directives) and enforcement and concluded that enforcement is the key.

Finally the presentation ended with examples of best practices such as deregistration of vehicles and environmental certification.

***The Strategy for greening the economy from the perspective of the United Nations Economic Commission for Europe***  
***Aphrodite Smagadi (UNECE; Switzerland)***

The presentation provided information about the role of UNECE in setting environmental standards. Following provision of background information of the Economic Commission for Europe (ECE), the presentation moved to details on how the various Multilateral Environment Agreements (MEAs) aim to protect the environment and human health in line with the environment policy of the ECE through the 'Environment for Europe (EfE)' process. A total of 17 environmental legal instruments consisting of 5 Conventions and 12 Protocols are in place.

Brief information on the multilateral instruments in place on the Air, EIA, SEA, water, industrial accidents, environmental democracy, access to information, public participation and access to justice was presented. Implementation is ensured through reporting mechanisms, compliance and implementation procedures.

The presentation ended with an outline of the challenges of implementation of the MEAs which have to do with the keeping up with high standards in difficult times such as economic crises, obsolete technologies, insufficient funding and global environmental problems.



### ***Law-Innovation in the Netherlands Jan Teekens (The Netherlands)***

Jan Teekens presented the plans of the Ministry of Infrastructure and the Environment for the reform of regulation pertaining to activities affecting the physical environment. It was explained that today's societal challenges call for the need for quicker, better and lasting decisions. Such societal challenges include depopulated areas, revitalising inner-city neighbourhoods, improving geographical access and reliability, adaptation to climate change and improving on flood defences and investment in renewables. However there are a number of obstacles to dynamic, integrated and sustainable solutions such as unsatisfactory legislation and regulatory practice, complex decision making and underperforming government which lead to a high degree of uncertainty, delays, increased costs, sub-optimal compromises, high regulatory burden and failure in compliance.

To this effect, a 'simpler and better' programme is currently being devised to provide room for development and at the same time safeguard a high quality physical environment. The program, led by the Ministry of Infrastructure and the Environment will create one new comprehensive Act, streamline and cut back secondary legislation, support and facilitate implementation on the ground, promote good regulatory practices and feed back findings into EU legislation. The main elements of the new Act were presented followed by the actions which will be taken to revise secondary legislation.

The presentation was concluded by asking whether the above presents hidden opportunities for EU environmental Directives, in the sense that the EU could explore opportunities for a simpler and smarter legislative design through the harmonisation, streamlining, integration and simplification of EU Directives.



## Chapter 6 Conclusions of the Conference

### *Chair's conference conclusions*

#### *John Seager (IMPEL Chair)*

The IMPEL Chair presented the conclusions of the conference. Improving communication and coordination between these different actors was recognised as very important in overcoming barriers to improved implementation and enforcement. Conference delegates recognised the significant progress that has been made in many areas in improving the state of the environment in Europe over the last 40 years, but agreed that much remains to be done.

The conference re-affirmed that cooperation and sharing of experience and knowledge in Networks (like IMPEL and those for prosecutors, judges and ombudsmen), can make a vital contribution to more effective implementation. They can play a key role in promoting and developing best practice and encouraging shared learning and capacity building.

As a result of the various workshops and panel sessions, the following have been identified as key conclusions and priorities for forthcoming efforts to help us to 'improve and innovate':

#### Recognising the implementation gap

The current implementation gap in Europe is undermining the creation of a level playing-field. Difficult situations in European national economies has led to cuts in resources and overburdened persons working in environmental administrations and therefore the quality of the environmental permitting and inspections is comprised. This will (eventually) lead up to inadequate/insufficient implementation of Community environmental legislation and causing risks for human health and environment.

- Therefore more needs to be done to strengthen implementation and to secure the necessary resources to achieve a better environment in Europe and to avoid the increasing social and economic costs of non-implementation.
- There needs to be more systematic assessment of the real implementation problems that are being experienced on the ground and practitioners should be involved in identifying and implementing practical approaches and solutions to the problems that are encountered.



## Simpler and more enforceable policy and legislation

- Practitioners can play a key role in developing legislation to ensure that it is practically applicable and enforceable. More systematic approaches and tools should be used to involve practitioners and make better use of their practical expertise.
- More effort needs to be put into streamlining and simplifying regulatory requirements to reduce bureaucracy and make it easier for businesses to do the right thing.
- There is room for more transparency of environmental governance in order to improve participation of stakeholders, civil society and citizens.
- There is a need to simplify, streamline and make more accessible the information needed to support better compliance with environmental law.

## Greater support for implementing organisations

- Improving coordination between different actors is a clear priority. We should seek opportunities for closer and more effective collaboration between networks across Europe, between individual countries, and also between the relevant authorities within countries.
- Peer review has proven to be a very effective mechanism for identifying and finding solutions to implementation problems. We encourage the greater and wider use of peer review approaches at both national, European and international levels.
- There is a clear need for more and better training of practitioners. We need to identify priority areas for training of regulators, inspectors, prosecutors, judges and ombudsmen, including joint training programmes, where appropriate.
- There is a continuing need to develop and embed methods and tools to help implementing organisations to prioritise and target their effort to deliver the best outcomes for people and the environment with their limited resources.
- We encourage the development of fora to promote innovative thinking and approaches on how the whole implementation cycle could be made more efficient and effective, delivering greater environmental benefits, improving competitiveness and supporting a greener economy in Europe.

As a conclusion John stated that IMPEL urges decision-makers at European level and in individual countries to consider these recommendations and take action to deliver the greater benefits that will flow from better implementation. Networks have an important role in taking forward these actions and IMPEL encourages countries to participate actively in them.





### ***Closure of the conference***

#### ***Leo Brincat, Minister for Sustainable Development, the Environment and Climate Change***

The Minister opened his speech by stating that the bottom line of the various intensive and highly stimulating exchanges that have taken place during the conference is that the various proposals discussed and agreed upon in principle can only yield the desired results if they are actually put into practice. The onus rests with all regulators in whichever European jurisdiction we might be referring to.

Regulators must prove through their actions that they are “watch dogs” and not “lap dogs”, whether they are dealing with a network of government entities, with the various stakeholders as well as with the general public, whose actions and concerns might happen to fall within their area of competence and domain. Policy formulation is in itself an effective tool but if it stops short of policy implementation it will have still failed to serve its purpose.

It is only through effective, continuous and consistent regulation that one can ensure that through such policy implementation all the IMPEL participant countries are actually falling in line with all that is expected of them. The Minister praised the idea of complementary networks discussed during the conference and added that in the absence of such networking it might prove to be genuinely harder for the entities involved to know where one’s responsibilities begin and end.

The Minister praised the section of the discussion which focused on the waste sector being such an important resource which presents a complex set of challenges, even by way of the implementation of producer responsibility.

Whilst making an emphasis on the importance to rely on best practices while ensuring that the highest standards are retained, the Minister closed his speech by thanking all participants for an excellent opportunity to learn from one another, to improve Malta’s specific performances while at the same time learning from the challenges met by others.





# Annex 1

## Conference Programme





*20 Years of working for a better environment*

## Conference on Implementation and Enforcement of Environmental legislation

*“Working together to Improve and Innovate”*

**01 - 04 October 2013**  
**Grand Hotel Excelsior**  
**Great Siege Road,**  
**Floriana, Malta**

### **1<sup>st</sup> October**

Afternoon / Evening: Arrivals

16.00 - 18.30 Registration of participants in Hotel Excelsior

19.15 Welcome Reception at Magazzino Hall, Valletta Waterfront

### **2<sup>nd</sup> October**

08.15 Registration of participants.

#### **Session 1: Plenary session**

Chair: John Seager (Chair of the IMPEL network)

Rapporteur: Suzanne Gauci (Malta)

Meeting Room : Ballroom

09.00 Welcome by John Seager (Chair of the IMPEL network) and Vincent Cassar (Chairman, Malta Environment and Planning Authority)

09.15 Introduction - Leo Brincat (Minister for Sustainable Development, the

- Environment and Climate Change), Michael Farrugia (Parliamentary Secretary for Planning and Simplification of Administrative Processes)
- 09.35 Implementation in the current policy landscape - Karl Falkenberg (Director General DG-Environment; European Commission)
- 10.00 20 years of Improving and Innovating: a new phase for the IMPEL Network – John Seager (Chair of the IMPEL Network)
- 10.25 Priorities of the EU Presidency – Audrius Zelvy (for the Minister of Environment of the Republic of Lithuania).
- 10.45 Coffee/Tea break
- 11.15 Round table discussion: *“Overcoming obstacles to full implementation of EU environmental legislation”*,  
Led by John Seager.

Participants:

Karl Falkenberg (Director General DG-Environment; European Commission)  
 Jeremy Wates (Secretary General European Environmental Bureau)  
 Joe Tanti (Chief Executive Officer, Malta Business Bureau)  
 Ed Mitchell (Director of Environment and Business, Environment Agency of England)  
 Giuseppe Montesano (Business Europe)

- 12.30 Lunch

**Session 2: Complementary networks: Getting to know each other**

Chair: Chris Dijkens (The Netherlands; Vice-Chair of IMPEL)  
 Rapporteur: Kristina Rabe (Germany)  
 Meeting Room : Ballroom

- 14.00 Roundtable discussion: *“Cooperation for better enforcement”*  
 Led by Chris Dijkens (The Netherlands; Vice-Chair of IMPEL)

Participants:

Luc Lavrysen (EU Forum of Judges for the Environment)  
 Anne Brosnan (European Network of Prosecutors for the Environment – ENPE)  
 John Sayas (Greece; National Ombudsmen)  
 Himot Maran (Estonia)  
 Isabel Santana (Portugal)

- 15:15 Coffee Break

- 15:45 3 parallel workshops:

Practical case studies from the Judges – Led by Luc Lavrijsen (Belgium)  
 Rapporteur: Chrystalla Stylianou (Cyprus)

Meeting Room : Castille

Practical case studies from prosecutors – Led by Anne Brosnan (England)

Rapporteur: Larry Kavanagh (Ireland)

Meeting Room : Ballroom

Practical case studies from Ombudsman – Led by Aimilia Liaska (Greece).

Rapporteur: Anita Pokrovac Patekar (Croatia)

Meeting Room : Aragon

17.15 End of the programme.

19.00 Guided visit to Valletta followed by a Reception at Auberge d'Italie, Valletta

## **3<sup>rd</sup> October**

### **4 parallel sessions in the morning and 4 parallel sessions in the afternoon**

#### **Morning: Sessions 3 - 6 09.00 - 12.30**

##### **Session 3: Compliance and Enforcement**

Chair: Jan Teekens (Netherlands)

Rapporteur: Joanna Huczko-Gruszczynska (Poland)

Meeting Room : Ballroom

09.00 Introduction and aim of the session – Jan Teekens

09.10 Future of the European Union legal Framework on Environmental Inspections –  
Hans Lopatta (European Commission; Brussels)

09.30 The Environmental Inspection Cycle: weak points and possible solutions - Simon  
Bingham (Scotland)

09.50 Effective Environmental Inspections - Adam Jacobsson (Sweden)

10.10 Discussion

10.30 Coffee break

11.00 IMPEL Easytool Project - Horst Buether (Germany)

11.20 Exploring qualitative and quantitative assessment tools to evaluate the  
performance of environmental inspectorates across the EU – Gillian Pratt  
(United Kingdom)

11.40 Programme for the prevention of accidents related to the ageing of installations  
- Florian Veyssillier (France)

12.00 Discussion

12.20 Summary and conclusions

12.30 Lunch

#### **Session 4: From Waste to Resource**

Chair: Kevin Mercieca (Malta)

Rapporteur: Nancy Isarin (IMPEL TFS Secretariat)

Meeting Room : Aragon

Part 1: Introduction

09.00 Introduction – Kevin Mercieca (Malta)

09.05 The Waste to resource Policy of the European Commission - Mr Jose Jorge Diaz del Castillo (European Commission)

Part 2: Waste Sites

09.15 Introduction to the Waste Sites Project, including a simulation exercise - Thomas Ormond (Germany)

10.00 Feedback and discussion

10.15 Coffee break

Part 3: End-of-waste Criteria

10.30 End-of-Waste criteria - Mr Jose Jorge Diaz del Castillo (European Commission)

10.45 Experiences from Member States – Roger Hoare (United Kingdom)

11.15 Discussion

Part 4: Producer Responsibility

11.30 Challenges posed by implementation of Producer Responsibility – Lis Vedel (Denmark)

11.45 "WEEELABEX", the WEEE Forum's multi-annual project about European standards for collection, treatment, recovery and recycling of waste of electrical and electronic equipment (WEEE) and the monitoring of the processing companies. – Pascal Leroy (WEEE Forum, a not-for-profit association of 39 WEEE producer responsibility organisations in Europe)

12.10 Discussion

Part 5: Closing

12.25 Summary and Conclusions – Kevin Mercieca (Malta)

12.30 Lunch



## **Session 5: Industrial Emissions Directive**

Chair: Andreas Wasielewski (Germany)

Rapporteur: Judite Dipane (Latvia)

Meeting Room : Castille

- 09:00 Introduction - Andreas Wasielewski (Germany)
- 09:10 The role of BAT conclusions and BREFs with the new Industrial Emissions Directive (IED) - Serge Roudier (European IPPC Bureau Sevilla)
- 09:40 New requirements on inspection – Horst Buether (Germany)
- 10:10 Discussion
- 10:30 Coffee break
- 10:50 Energy efficiency as part of the integrated approach - Gisela Holzgraefe (Germany)
- 11:20 Discussion
- 11:35 Interaction between IED and REACH - Geert Dancet (ECHA Secretariat; Finland)
- 12:05 Discussion
- 12:20 Conclusions - Andreas Wasielewski (Germany)
- 12.30 Lunch

## **Session 6: New Approaches**

Chair: Terry Shears (England)

Rapporteur: Lenka Nemcova (Czech Republic)

Meeting Room : Provence

- 09.00 Introduction and aim of the session - Elen Strahle (England)
- Part 1: Experiences of new approaches and their effectiveness
- 09.10 Effectiveness of non-traditional approaches; results of an IMPEL project – Chris Booth and Duncan Giddens (United Kingdom)
- 09.40 Discussion
- Part 2: Working with businesses to improve environmental performance.
- 09.50 Voluntary agreements with industry in the Czech Republic – Jakub Achrer (Czech Republic)
- 10.15 Exploration and evaluation of Compliance Assurance through Company Compliance management Systems – Han de Haas and Paul Meerman (The Netherlands)
- 10.40 Discussion
- 10.50 Coffee break
- Part 3: Communication and engagement.
- 11.15 Sustainability is high on the agenda in industry – Torbjörn Brorson (Sweden)

- 11.40 A Polish system for suspension of environmental penalties as a mechanism promoting environmental investments” - Krzysztof Wójcik (Poland)
- 12.05 Discussion
- 12.20 Summary and Conclusions – Elen Strahle (England)
- 12.30 Lunch

<b>Afternoon: Sessions 7 - 10</b> <b>14.00 - 17.30</b>
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### **Session 7: Cooperation and coordination**

Chair : Christoph Planitzer (Austria)

Rapporteur: Alessandra Burali (Italy)

Meeting Room : Ballroom

- 14.00 Introduction and aim of session – Christoph Planitzer (Austria)
- 14.10 Improving coordination and coherence between environmental Authorities – Robert Konrad (European Commission; Brussels)
- 14.30 Cooperation and Coordination in times of crises - case of Eyjafjallajökull eruption - Víðir Reynisson (Iceland)
- 14.55 Environmental Inspection coordination in the Rotterdam harbour area – Pia Eckstein (The Netherlands)
- 15.20 Discussion
- 15.35 Coffee break
- 15.55 Formation of Regional Environmental Protection Agencies (REPA) in The Netherlands to improve permitting and inspections – Pieter-Jan van Zanten (The Netherlands)
- 16.20 Environmental Inspections coordinated by Belgian Environmental Prosecutors – Carole Billiet (Belgium)
- 16.45 Cooperation between environmental authorities in Portugal for a more efficient enforcement – Isabel Santana (Portugal)
- 17.00 Discussion
- 17.20 Conclusions
- 17.30 Closure
- 18.15 Guided visit to Mdina followed by Dinner at Villa Overhills, Birzebbugia

### **Session 8: Nature and water**

Chair: John Visbeen (The Netherlands)

Rapporteur: Henk Ruessink (The Netherlands)

Meeting Room : Aragon

14.00 Introduction and aim of the session - John Visbeen

Part 1: Nature

14.10 The level of implementation and enforcement of the Habitats and Birds and identification of key challenges – Joseph van der Stegen (European Commission; Brussels)

14.30 Mapping/overview of existing EU networks related to the promotion of implementation (e.g. EU Habitats and Ornis committees, ENCA-European Network of Nature conservation Agencies, Europol, Birdlife FACE, ...) - Martin Baranyai (Czech Republic)

14.50 EU-TWIX as good example of existing and active network of enforcement authorities – Jaap Reijngoud- EU TWIX

15.10 Discussions

15.30 Coffee break

Part 2: Water

16.0 Recent and ongoing policy developments and implementation issues in the field of

Water management - Nicola Notaro (European Commission; Brussels)

16.20 How the Danish local authorities carry out inspections and enforcement of legislation that implements the Nitrates Directive– Anette Dodensig (Denmark)

16.40 Linking the Water Framework Directive and the Industrial Emissions Directive – Filipe Vitorino (Portugal)

17.00 Discussion

17.20 Conclusion

17.30 Closure

18.15 Guided visit to Mdina followed by Dinner at Villa Overhills, Birzebbugia

## **Session 9: Capacity Building**

Chair: Hans Erling Jensen (Denmark)

Rapporteur: Lone Keilberg (Denmark)

Meeting Room : Castille

14.00 Introduction, aim of the session – Hans Erling Jensen

14.10 Exploiting Europe's Open Data Strategy to contribute to decision-making in environmental

- governance. Applicability of Open Data PRTR and hazardous wastes information for establishing the different levels of risk in environmental inspections. – J. Félix Ontañón  
Carmona (Spain)
- 14.30 A new model of management in environmental administrations; the importance of availability of qualitative information (IKS eeM System) – Mikel Ballesteros (Spain)
- 14.50 Data reuse and knowledge sharing: From application and permitting to inspection and control - Camilla Trolle (Denmark)
- 15.10 Discussion
- 15.40 Coffee break
- 16.05 IMPEL's Review Initiative ; Results and Developments– Patricia Weenink (The Netherlands)
- 16.25 Connecting recent IMPEL work in Cross-cutting the Environmental Inspection Cycle. How to make project results easier accessible for practitioners - Tony Liebrechts and Rob Kramers (The Netherlands)
- 16.45 Discussion
- 17.05 Conclusions - Hans Erling Jensen/Mikel Ballesteros.
- 17.30 Closure
- 18.15 Guided visit to Mdina followed by Dinner at Villa Overhills, Birzebbugia

## **Session 10: Challenges in implementation; case studies in air quality and soil Protection**

Chair : Alessandra Negriolli (Italy) /Florin Homorean (Romania)

Rapporteur: Florin Homorean (Romania) /Alessandra Negriolli (Italy)

Meeting Room : Provence

- 14.00 Introduction; aim of the first part of the session - Florin Homorean
- 14.10 Inspections and control in the implementation of the Air Quality Directive in Romania – Adrian Aldea (Romania)
- 14.30 Discussion
- 14.45 Actions and policies in the implementation of the Air Quality Directive in Italy - Guido Lanzani (Italy)
- 15.05 Discussion
- 15.20 Conclusions – Florin Homorean
- 15.30 Coffee break
- 16.00 Introduction and aim of the second part of the session – Alessandra Negriolli
- 16.10 Soil protection: Inspections and control on polluted sites – Manuela Florean (Romania)
- 16.30 Discussion



- 16.45 Management and decontamination of polluted sites – Fabio Carella (Italy) and Dominique Darmendrail (France)
- 17.15 Discussion
- 17.25 Conclusions of the session – Alessandra Negriolli and Florin Homorean
- 17.35 Closure
  
- 18.15 Guided visit to Mdina followed by Dinner at Villa Overhills, Birzebbugia

### Session 11: Innovation in perspective

Chair: John Seager (Chair of the IMPEL network)

Rapporteur: Nadine Mercieca (Malta)

Meeting Room : Ballroom

- 09.0 Key issues of measuring the effectiveness of compliance assurance - Eugene Mazur (OECD)
- 09.20 Greening the economy; a vision on sustainability and innovation from the Automobile Industry - Peter Kunze (Director Environmental Policy European Automobile Manufacturers Association ACEA; Brussels)
- 09.40 The Strategy for greening the economy from the perspective of the United Nations Economic Commission for Europe - Aphrodite Smagadi (UNECE; Switzerland)
- 10.00 Law-Innovation in the Netherlands - Jan Teekens (The Netherlands)
- 10.20 Discussion
- 10.45 Coffee/Tea break

### Session 12: Conclusions

- 11.15 Results from the parallel sessions and suggestions for further work – Nancy Isarin / Terry Shears
- 11.30 Chair's conference conclusions - John Seager
- 12.00 Closure of the conference - Leo Brincat, Minister for Sustainable Development, the Environment and Climate Change
- 12.30 Lunch
- 13.30 Departures

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This programme has been prepared by a Preparatory Committee consisting of:

Suzanna Gauci (co-chair; Malta); Ed Eggink (co-chair; The Netherlands); Alessandra Burali (Italy); Judite Dipane (Latvia); Nadia Faure (France); Joanna Huczko-Gruszczynska (Poland); Nancy Isarin (TFS secretariat); Lenka Nemcova (Czech Republic); Elen Strahle (England); Francesco Bafundi/Alessandra Negriolli (Italy); Mikel Ballesteros (Spain); Arno van Breemen/Henk Ruessink (The Netherlands); Hans Erling Jensen (Denmark); Silviu Megan/Florin Homorean (Romania); Kevin Mercieca (Malta; TFS cluster); Michael Nicholson (IMPEL Secretariat); Christoph Planitzer (Austria); John Visbeen (The Netherlands); Andreas Wasielewski (Germany)

# Annex 2

## Final Conference Statement



*20 Years of working for a better environment*

## **Conference on Implementation and Enforcement of Environmental legislation**

*Working together to Improve and Innovate*

### **Conference Statement**

With more than 200 participants from 34 countries in Europe, and Australia, the European Commission, industry, environmental NGOs, partner enforcement networks, and IMPEL met at the Conference on Implementation and Enforcement of Environmental legislation in Malta on 1- 4 October 2013.

Organised jointly by IMPEL, the European Commission and the Malta Environment and Planning Authority, the conference examined and explored a broad range of challenges relating to the implementation of environmental law and how these could be overcome.

The Conference was convened with the aim of bringing together practitioners in the field of environmental regulation, inspection and enforcement, policy makers, prosecutors, judges, ombudsman and representatives of industry and civil society to discuss the practical barriers and solutions to better implementation and enforcement. Improving communication and coordination between these different actors was recognised as very important in overcoming these barriers.

Conference delegates recognised the significant progress that has been made in many areas in improving the state of the environment in Europe over the last 40 years, but much remains to be done. There are continuing disparities and persistent challenges in implementation and enforcement in many areas of environment legislation.

The conference re-affirmed that cooperation and sharing of experience and knowledge in Networks (like IMPEL and those for prosecutors, judges and ombudsmen), can make a vital contribution to more effective implementation. They can play a key role in promoting and developing best practice and encouraging shared learning and capacity building.





As a result of the various workshops and panel sessions at this conference, the following have been identified as key conclusions and priorities for forthcoming efforts to help us to ‘improve and innovate’:

### ***Recognising the implementation gap***

- We recognise that there is a significant implementation gap in Europe. This gap is currently undermining the creation of a level playing-field. More needs to be done to strengthen implementation and to secure the necessary resources to achieve a better environment in Europe and to avoid the increasing social and economic costs of non-implementation.
- There needs to be more systematic assessment of the real implementation problems that are being experienced on the ground and practitioners should be involved in identifying and implementing practical approaches and solutions to the problems that are encountered.

### ***Simpler and more enforceable policy and legislation***

- Practitioners can play a key role in developing legislation to ensure that it is practically applicable and enforceable. More systematic approaches and tools should be used to involve practitioners and make better use of their practical expertise.
- More effort needs to be put into streamlining and simplifying regulatory requirements to reduce bureaucracy and make it easier for businesses to do the right thing.
- There is room for more transparency of environmental governance in order to improve participation of stakeholders, civil society and citizens.
- There is a need to simplify, streamline and make more accessible the information needed to support better compliance with environmental law.

### ***Greater support for implementing organisations***

- Improving coordination between different actors is a clear priority. We should seek opportunities for closer and more effective collaboration between networks across Europe, between individual countries, and also between the relevant authorities within countries.
- Peer review has proven to be a very effective mechanism for identifying and finding solutions to implementation problems. We encourage the greater and wider use of peer review approaches at both national, European and international levels.



- There is a clear need for more and better training of practitioners. We need to identify priority areas for training of regulators, inspectors, prosecutors, judges and ombudsmen, including joint training programmes, where appropriate.
- There is a continuing need to develop and embed methods and tools to help implementing organisations to prioritise and target their effort to deliver the best outcomes for people and the environment with their limited resources.
- We encourage the development of fora to promote innovative thinking and approaches on how the whole implementation cycle could be made more efficient and effective, delivering greater environmental benefits, improving competitiveness and supporting a greener economy in Europe.

The Conference urges decision-makers at European level and in individual countries to consider these recommendations and take action to deliver the greater benefits that will flow from better implementation. Networks have an important role in taking forward these actions and we encourage countries to participate actively in them.

The conference wishes to thank the European Commission for its generous contribution and for playing such an active role in supporting this event, to the Malta Environment & Planning Authority for hosting the conference on its beautiful island and finally to all delegates for working so hard to collaborate, share and learn from one another.

# Annex 3

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