



European Union Network for the Implementation
and Enforcement of Environmental Law

CAED Report 2020-2024

CAED Activities and Products Report

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Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 8th Environment Action Programme that guide European environmental policy until 2030, the EU Action Plan: "Towards a Zero Pollution for Air, Water and Soil" on Flagship 5 and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu



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Executive Summary <p>As part of its 2016-2020 Strategic Work Programme, the IMPEL Network set up this project in the environmental damage thematic area, concerning the criteria for the determination of the environmental damage and imminent threat of damage, called CAED - Criteria for the Assessment of the Environmental Damage.</p> <p>The CAED project takes guidance on key terms and definitions of Environmental Damage as a springboard and focuses on the technical/administrative procedures necessary to make determination of environmental damage.</p> <p>The CAED project has been included in the ELD Multi-Annual Rolling Work Programme (MARWP) 2021-2024 of the EU Commission (as activity 1.3) as one of the activities for capacity building and it has strong links with the European Commission's publication on 25 March 2021, of the Commission Notice C(2021) 1860 final titled "Guidelines providing a common understanding of the term "environmental damage" as defined in Article 2 of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage".</p> <p>The goal of the project was to develop a guide and a useful tool proving criteria, methods, decision-making flowcharts, tables and checklists to help screening, identifying and assessing environmental damage and imminent threat of damage under ELD, as well as conduct trainings on these products.</p> <p>This Practical Guide proposed a new approach for the assessment of environmental damage based on three phases of ascertainment and on reference parameters relating to "evidence" and to "clue" of</p>	



environmental damage, taking guidance on the Guidelines SNPA 33/2021 of the National System for Environmental Protection of Italy (see references) as a springboard.

Moreover, with reference to that SNPA Guideline, this Practical Guide proposed a new methodology consisting in using a DPSIR (Driver, Pressure, State, Impact and Response) model adapted to environmental damage assessment, called ISPD Model, and a new tool made of tables of indicators based on the new approach of the ascertainment and the adapted DPSIR methodology. However, this Practical Guide developed a different and broader approach to the one of the SNPA Guideline.

This Practical Guide is therefore connected with a practical tool, namely the Practical Tables, which include checklists and tables of indicators based on the new approach and methodology and referred to each natural resource protected by ELD.

These Practical Guide and Tables may be used both by ELD experts and non-ELD experts to screen, identify and assess environmental damage and imminent threat of damage under ELD.

In line with activity 1.3 of MARWP 2021-2024, the CAED Toolkit, consisting in the Practical Guide and Practical Tables, and the training activities conducted by the CAED project intended to contribute at improving capacity building of ELD experts and non-ELD experts in the determination of the environmental damage and imminent threat of damage pursuant to Environmental Liability Directive.

This report outlines the key activities and products conducted in 2020-2024 as part of the 2020-2024 CAED project cycle, focusing on the new training activities and materials developed in 2024 on the CAED products already delivered and approved in the previous year's 2020-2023.

Disclaimer

This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the Commission.

Quotation

It shall be permissible to make quotations from an IMPEL Document which has already been available to the public on the IMPEL website, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose. Where use is made of works in accordance with Berne Convention, mention should be made of related IMPEL Document Name with giving publication link of the document on IMPEL Website. IMPEL has all rights under the Berne Convention.





TABLE OF CONTENTS

1. INTRODUCTION	7
2. ACTIVITIES	9
2.1. Overview of the project period 2020-2024	9
2.2. KIP-CAED Train the Trainer programme 2024	10
2.3. Training on CAED Guidance as part of the European Commission Training Workshops Program on ELD	11
3. PRODUCTS	12
3.1. Video tutorials on CAED Practical Tables	12
3.2. Amended Practical Tables (excel file version) and Practical Guide (IMPEL CAED webpage version)	12
3.3. CAED interactive webpage on IMPEL website	12
3.4. CAED project e-learning course	12
3.5. CAED Training Material 2024	13
4. CONCLUSIONS	14
5. ACKNOWLEDGEMENTS	14
6. REFERENCES	14
7. ANNEX I. CAED TRAINING MATERIAL 2024	17



1. Introduction

As part of its 2016-2020 Strategic Work Programme, in 2019 the IMPEL Network set up a project in the environmental damage thematic area, called Criteria for the Assessment of the Environmental Damage (CAED).

CAED project has taken guidance on key terms and definitions of Environmental Damage pursuant to the Environmental Liability Directive (ELD, 2004/35/CE) as a springboard and focuses on the administrative procedures for the determination of environmental damage and imminent threat of damage under ELD.

CAED project has been included in the ELD Multi-Annual Rolling Work Programme (MARWP) 2021-2024 of the EU Commission (as activity 1.3) as one of the activities for capacity building, and it has strong links with the European Commission's publication on March 25, 2021, of Commission Notice C(2021) 1860 final titled 'Guidelines providing a common understanding of the term 'environmental damage' as defined in Article 2 of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage'.

CAED project aimed to define criteria for the assessment of the environmental damage and imminent threat of damage and build technical and procedural capacity in screening cases and determining clues and evidence of environmental damage and threat of damage under the Environmental Liability Directive (ELD), caused by environmental incidents, violations, eco-criminal acts.

The IMPEL project Criteria for the Assessment of Environmental Damage (CAED) project is an IMPEL initiative under the Environmental Liability Directive (ELD) that developed a procedure, a methodology, criteria and tools to assist practitioners, authorities, and operators in determining environmental damage and imminent threats to natural resources based on reference parameters relating to 'evidence' and 'clues' of environmental damage and imminent threat of damage.

As known, CAED project aimed to and achieved the following:

- Providing a new procedure, methodology and standardized tools for assessing environmental damage under the ELD.
- Enhancing the identification and evaluation environmental damage through the introduction of new concepts like clues and evidence.



- Promoting a structured and consistent approach to environmental damage assessments across European countries by proposing a new DPSIR model based on environmental damage assessment called ISPD model.
- Ensuring the screening of potential ELD cases, the implementation of ELD and the application of the Polluter Pays Principle by the development of useful tools.

This report outlines the key activities conducted in 2020-2024 as part of the 2020-2024 CAED project cycle, focusing on the new training activities and materials developed in 2024 on the CAED products already delivered and approved in the previous year's 2020-2023.

The project in 2024 placed a strong emphasis on training environmental authorities and practitioners to apply the CAED tools effectively.



2. Activities

2.1. Overview of the project period 2020-2024

Following the first project year 2019-2020 of the CAED project that produced the first CAED report n. 2019/18, in the **project year 2020-2021**, the CAED project developed two supportive products for the determination of the environmental damage assessment: a Practical Guide including decision-making flowcharts and Practical Tables including indicators. Moreover, a new methodological approach based on a DPSIR (Driver, Pressure, State, Impact, and Response) model adapted to environmental damage assessment was proposed (ISPD model). **The Practical Guide and the Practical Tables as Annex were adopted at the IMPEL GA in Lisbon (Portugal) in June 2021 as Report n. 2020/24.**

In the **project year 2021-2022** the CAED project conducted two trainings online of half-a-day on the CAED products (Practical Guide and Practical Tables), called the CAED Toolkit. Moreover, in 2022 a CAED Workshop was organised and conducted by the Project Manager with the participation of DG ENV.4, members of the ELD Government Expert Group of the EU COM, and other ELD experts. **The CAED Report on the training activities and the workshop, as well as all the “Training Package” material were adopted at the IMPEL GA on 28-29 June 2022, Paris (France) as Report n. 2021/15 and Annexes.**

In the **project year 2023-2024**, the CAED project updated/upgraded the existing Practical Guide and Tables, already developed in 2021, with new checklists for the screening of non-ELD cases and the identification of imminent threat of damage cases, as well as with new indicators for the identification of environmental damage cases. Moreover, the Practical tables were provided with drop-down lists and an excel macro to make their compilation more user-friendly. **The Practical Guide and the Practical Tables updated and upgraded version (of the version of June 2021) was adopted at the IMPEL GA on 8 June 2023 in Stockholm (Sweden) as Report n. 2022(VIII)WG3 (update and upgrade of version 2020/24) with ISBN code 978-2-931225-32-5.**

In the **project year 2023-2024**, training activities have been conducted and new training material has been produced in the framework of training programme on ELD of the EU COM DG ENV.E.4.

EU Commission issued a tender (Call for tenders ENV/2023/OP/0023) on “Trainings on the Environmental Liability Directive supporting its implementation in Member States” (Ref.: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=14997>).



CAED project is mentioned many times in the Tender Specifications. For instance, they say “*The Contractor should develop new written ELD training modules [...] the new written materials for the training modules on the ELD can be developed as completely new training materials or they can build on the existing Commission and IMPEL CAED training materials [...] the Contractor should take into account the following inputs which will be provided by the Commission: [...] IMPEL CAED training materials and methodologies [...] the content corresponding to the tools developed by IMPEL CAED project should be developed in cooperation with the IMPEL CAED team [...] the IMPEL CAED team members may be also included as additional speakers/panellists [...] should IMPEL CAED team members not be available to participate in the workshops, the Contractor should ensure that speakers from the Contractor team covering this part of the workshop have participated beforehand in the IMPEL CAED ‘Training for trainers’ program [...]*”.

Hence, the EU Commission involved CAED project manager and members to the Pilots supervised by EU DG Environment and scheduled for 2024 as face-to-face training courses in 2 EU Countries. The IMPEL CAED Project trainers were involved for a half-a-day training session only on CAED products. Moreover, the Commission wants to mention the CAED training material as reference material in the ELD Handbook that will be published in 2025.

Moreover, in 2024 CAED developed a fruitful collaboration with KIP project on the following:

- 1) KIP project manager and members provided support for the development of the CAED interactive website;
- 2) KIP provided support for the preparation of a CAED e-learning course;
- 3) KIP provided a “Train the Trainer” course (3+2 full days) to CAED members.

Finally, CAED further improved Practical Tables (excel file version) and Practical Guide (IMPEL CAED webpage version) to enhance the support to users in identifying clues and evidence of environmental damage. **The amendments of the Practical Guide as well as the amended Practical Tables were already approved the General Assembly in Budapest on 28-29 November 2024 as Report n. CC 2022(VIII) WG3 CAED_Practical Guide (updated PT) Annex_amended version_sept_2024.**

2.2. KIP-CAED Train the Trainer programme 2024

CAED is one of the first projects supported by KIP project. KIP is designed to be the knowledge and training hub for all IMPEL projects and KIP assists in the development of training programs and materials as well as guidance and tools.



The CAED (Criteria for the Assessment of the Environmental Damage) Project members completed successfully the KIP (Knowledge and Information Program) Train the Trainer course of which the first session took place in Brussel on 09-11 April 2024 and the second session took place in Dublin on 11-12 June 2024.

This was the first KIP Train the trainer course and it helped the CAED project team members to develop their skills and practice on training methodologies by using STEA model and by appointing them assignments of developing training lessons to groups of 2/3 people.

At the end of the training, trainees were awarded with the first IMPEL "Certificate of Training".

2.3. Training on CAED Guidance as part of the European Commission Training Workshops Program on ELD

The project team conducted a training on CAED Guidance as part of the European Commission Pilot Training Workshops Program on Environmental Liability Directive (ELD).

The CAED training was conducted within the Workshops in Athens and Bucharest on an entire half-a-day of the third and last day of the Training Workshops.

Locations and dates of the Workshops were:

- the Ministry of the Environment and Energy, Athens (Greece), 14-16 October 2024; and
- the Ministry of Environment, Waters and Forests in Bucharest (Romania) on 19-21 November 2024

The Workshops have been conducted hybrid mode involving both local and international participants.

The CAED training included theoretical and practical presentations about adapted real-world case studies including exercises using SLIDO app provided by IMPEL Network.

CAED PM and members were actively involved as trainers in each Workshop, 6 trainers in total for each Workshop: in Athens - Nick Bond, Aisling Ryan, Claudio Toscano, Daniele Montanaro, Luciana Carotenuto, Francesco Andreotti – and in Bucharest - Miguel Santos, David Mendes, Anselmo Falcao, Stavroula Pouli, Claudio Toscano, Francesco Andreotti.

The Agenda of the Workshops has been included in the Annexes.



3. Products

3.1. Video tutorials on CAED Practical Tables

The Project Manager conducted two virtual tutorials using Microsoft Teams on published on YouTube.

These tutorials focused on the application of the CAED Practical Tables, in particular:

- The CAED Screening Checklist (<https://youtu.be/DL56S-zfsA4>)
- The CAED Practical Tables for identifying clues and evidence of environmental damage (<https://youtu.be/6JvVgCF8DDI>)

The video tutorials were designed to complement in-person training and e-learning, ensuring accessibility to the methodology. Hence, video tutorials are part of the CAED e-learning course, and the training material provided for the EU COM Training Pilot Workshops on ELD.

3.2. Amended Practical Tables (excel file version) and Practical Guide (IMPEL CAED webpage version)

Amended Practical Tables (excel file version) and Practical Guide (IMPEL CAED webpage version) were developed to enhance the support to users in identifying clues and evidence of environmental damage.

The amendments were approved the General Assembly in Budapest on 28-29 November 2024.

3.3. CAED interactive webpage on IMPEL website

Interactive CAED website was created and published to allow interactive consultation of the CAED project Practical Guide.

Link to the CAED webpage:

<https://www.impel.eu/en/guidance/caed--practical-guide/the-caed-project-657>

3.4. CAED project e-learning course



CAED project e-learning course was created and published on Easy generator platform to allow interested IMPEL members and other stakeholders to access to IMPEL CAED training even after the training programme will end by the end of 2025.

Link to the CAED course:

<https://elearning.easygenerator.com/68191c8f-a0b5-4dfc-a3cf-d7a95fdb3b17/>

3.5. CAED Training Material 2024

Training material 2024 used at the Pilot Training Workshops on ELD are provided in the Annexes.

The training material has also been included in the e-learning course.



4. Conclusions

The CAED project has developed a Practical Guide and Tables which provide a procedure, a methodology, criteria and tools for the assessment of environmental damage and imminent threat of damage under Environmental Liability Directive. The IMPEL CAED project has provided a robust framework for addressing environmental damage under the ELD. By developing innovative concepts like clues of damage and tools such as the ISPD model and tables, the project aimed to enhance the capacity of authorities, operators, and practitioners to conduct structured and more efficient assessments.

Dissemination of CAED training material is foreseen in 2025 through the participation to additional EU COM Training Workshops.

5. Acknowledgements

The IMPEL CAED project manager express its gratitude to all CAED members and authors that participated with dedication to the project's success, in particular in the final year of the project cycle 2020-2024: Daniele Montanaro (deputy project manager), Nicholas Bond, Aisling Ryan, Luciana Carotenuto, Claudio Toscano, Anselmo F. Falcão, Miguel Ângelo Correia Ferreira Soares dos Santos, Stavroula Pouli, David Daniel da Silva Fonte Santa Mendes, Kristīne Cinate, Monica Crisan, Tanja Šurbat.

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6. References

- Practical Guide and Practical Tables downloadable on IMPEL website.
- CAED project Practical Guide interactive webpage
<https://www.impel.eu/en/guidance/caed--practical-guide/the-caed-project-657>



- CAED project e-learning course on Easy generator platform
<https://elearning.easygenerator.com/68191c8f-a0b5-4dfc-a3cf-d7a95fdb3b17/>



Annexes



7. Annex I. CAED Training material 2024

The “IMPEL CAED Training material 2024” zip file will include:

- Agenda of the Workshops in Athens and Bucharest.
- Training material 2024 (ppt and pdf presentations) uploaded to the e-learning platform based on the presentations used for the ELD Pilot Training Workshops in Athens and Bucharest.

