

# Summary: Challenges in the practical Implementation of EU Environmental Law

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## Background

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit organisation of environmental authorities in Europe that works for a more effective implementation of environmental legislation. In its project “Implementation Challenges” it sought to identify remaining challenges in the implementation of EU Environmental Law as well as barriers to its enforcement. In 2012, the European Commission published a [Communication](#) on improving implementation and suggested that failure to fully implement environmental legislation costs the EU around €50 billion every year in health costs and direct costs to the environment. Improving the implementation of environmental law is a priority theme of the [7<sup>th</sup> \(current\) Environment Action Programme](#) of the European Union.

## Project structure

IMPEL used a *questionnaire* to ask its members and other relevant networks and organisations to submit information on implementation challenges and how they might be overcome. It carried out a *survey* of relevant documents and held discussions with key officials in the European Commission on current problems and potential solutions. Finally, an *expert-workshop* further explored priorities and actions for more effective implementation. Findings were categorised into sectoral groups (water and land; waste and trans-frontier shipment of waste; industry and air; nature protection) and a cross-sectoral category.

## Main findings

The project confirms that significant challenges remain in the implementation of EU environmental law. There is a considerable risk that key commitments, standards and targets in existing legislation will not be met unless progress is accelerated. The study highlighted a number of challenges relating to the implementation of EU environmental law such as:

- Waste Framework Directive - achievement of waste targets
- Hazardous waste enforcement
- An integrated regulatory approach for the agriculture sector
- Permitting of installations to reflect Industrial Emissions Directive requirements (BAT Conclusions) and air quality standards
- Inspection and enforcement related to the Birds and Habitats Directives
- Water Framework Directive – achievement of ‘good ecological status’ (physical modification; over-abstraction; and pollution from diffuse sources).

The nature of the implementation challenges varies across different sectors and involves different problems and actors. Of the sectors that present the greatest challenges in implementation Waste Management was the most frequently cited, followed by Chemicals and Agriculture.

The results of the questionnaire show that there are some common underlying factors which are significant causes of poor progress with implementation. Approximately 60% of those who replied to the questionnaire expressed concern about a lack of resources in administrative bodies responsible for enforcing the legislation, including a lack of skills at the municipal level and insufficient capacity in the organisations responsible for environmental regulation and enforcement. Half of those who replied considered that there was insufficient data, evidence and information to support effective implementation. In addition there was frequent mention of inadequate sanctions and a low level of fines for those that breach the law.

These problems are often a consequence of factors related to political decision-making on resource allocation, the effectiveness of environmental governance systems in countries, and lack of awareness of the importance of environmental law in the judiciary.

### **Role of the IMPEL network**

Working as a network of practitioners, IMPEL will shape its strategic priorities, networking and future work plans to address the project findings. There are several important things that IMPEL can do to overcome the barriers to effective implementation. Sharing of knowledge and good practice between countries and developing new approaches and techniques can help to apply scarce resources more efficiently and effectively.

It is clear that further effort needs to be put into improving communication and cooperation between organisations responsible for different parts of the implementation chain, including those responsible for environmental planning, permitting, monitoring, compliance promotion and assessment, enforcement, prosecution, and the judiciary. IMPEL will continue to play an important role in bringing together different actors and building relationships with other networks.

### **Future work: assessing progress in improving implementation**

IMPEL will continue to identify challenges and raise awareness of the importance of effective implementation in Europe. The questionnaire survey should be repeated periodically in the future to assess progress in improving implementation. It could also be developed further to serve as a strategic risk assessment for particular areas and sectors.