
CENTRAL AND EASTERN EUROPE REGIONAL MEETING

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Goals

The main goal of the regional meeting for Central and Eastern Europe, including states of the former Soviet Union, was to learn innovative approaches to environmental enforcement from each other. The participants decided to first establish the status of the participating countries' environmental compliance and enforcement programs and then to work together to understand challenges common to countries with economies in transition. The participants decided to then focus on institutional and programmatic needs and to discuss opportunities for regional networking and linking country needs to international capacity-building efforts.

1 Introduction

Twenty-five participants from twelve Central and Eastern European countries met to discuss environmental enforcement issues of special concern in the region. The participants represented the point of view of both local and national offices of the Ministries of Environment and Environmental Inspectorates, as well as the non-governmental community.

2 Discussion

2.1 Status of Legal Framework in the Region

The group established that although most countries have an environmental legal framework in place, including regulations and a permitting system, the compliance and enforcement programs in the region are still mainly undeveloped. Most participating countries reported having the basic elements of an enforcement program, such as inspectorates with the ability to assess fines and penalties. Some countries also reported elements of compliance promotion, such as the ability to negotiate compliance schedules in certain situations. However, no participating countries reported having a written enforcement policy or integrated enforcement and compliance program.

2.2 Driving Forces and Barriers to Environmental Enforcement

The group identified some common driving forces behind environmental compliance and enforcement programs in the region. The two most common were national legislation and the move to harmonize that legislation with the European Union directives. The requirements of international conventions and a desire to harmonize environmental protection practices with the practices of the Organization for Economic Cooperation and Development (OECD) also ranked high among common driving forces.

From the many barriers to effective enforcement, participants noted political problems, such as lack of political will and the priority of economic issues. They also focused on problems of government infrastructure, such as a low level of professional capacity, institutional problems, and uncertainty during a time of administrative reform. The group also noted problems in the private sectors, such as a lack of respect for the rule of law, out-dated industrial technology, and a low awareness of environmental problems.

2.3 Common Challenges

From a long list of common challenges, the group selected three shared issues in the region to discuss in more detail. These were the issue of decentralization, privatization, and environmental policy-making.

The group identified the issue of decentralization as being central to the debate of which level of government should have authority and resources to regulate specific aspects of environmental problems. After discussing advantages and disadvantages of centralization and decentralization in the context of environmental enforcement, the group concluded that the goal should not be decentralization in itself, but finding the appropriate level of government to regulate each environmental program. The group concluded further that the challenge for the region is to find this balance for environmental enforcement authorities.

When listing barriers, many participants had mentioned the transition to an economy with more private ownership as one of the difficulties for enforcement, especially regarding land reform privatization and restitution. The group concluded that privatization itself was not the problem, but that environmental problems were caused when such a complex change was undertaken without a legal and enforcement infrastructure to handle regulation, liability, and controls on the behavior of private firms and individuals.

As a third shared challenge, the participants discussed how environmental policy-making was approached in the context of laying a basis for effective enforcement programs. Most countries in the region have developed or are developing an integrated environmental policy and a framework environmental law. It was noted that environmental policies create the opportunity to set the stage for integrated pollution control and pollution prevention which can become central issues to enforcement programs. Some participants noted that policy functions as a set of statements, under which implementation is flexible and under which enforcement priorities and allocation of resources are determined over time to meet specific needs.

2.4 Possibilities for Effective Enforcement

The group next focused on possibilities for effective enforcement in the region. Many participants felt that the main problem in the region is a lack of effective enforcement tools and a lack of tools to measure the success of programs. Participants agreed that, in general, the enforcement process in the region is based on traditional tools, such as fees and fines, but that there are a few innovations in different countries which need to be shared within the region. However, some participants felt that the barrier went deeper than traditional enforcement tools to a lack of political will and institutional capacity to use those tools.

The group identified citizen enforcement mechanisms, such as citizen petitions, citizen complaint mechanisms, and citizen enforcement suits, as an example of an effective enforcement tool. Specific examples of innovations included a new possibility for cooperation between citizen enforcers and the prosecutors office in Russia.

Participants also raised negotiated compliance agreements, as an innovative enforcement tool in the region. Examples of these included negotiated compliance schedules which are being used in Slovakia and Romania, and compliance agreements between the government and industry which are being used in the Czech Republic and Poland. However, the group felt that a barrier to these newer approaches is a lack of discretion for government enforcers to apply the appropriate tool to the appropriate situation.

Finally, the group discussed sharing information with the regulated community as a useful method for achieving environmental compliance. For example, in Romania, inspectors are holding meetings with various sectors, such as coal mine managers, to inform them as to enforcement activities and to listen to their compliance difficulties and needs.

2.5 Regional and International Networking

The group decided that the largest challenge facing Central and Eastern Europe is to develop integrated compliance and enforcement programs to replace the current piecemeal approach. It was agreed that a regional working group should be established to continue the exchange of information in this area. As major topics for regional discussion were agreed:

- Centralization versus decentralization.
- Ownership and privatization.
- Development of enforcement programs.
- Training of enforcers, negotiation skill.
- Exchange and share data.
- New enforcement tools.
- Transboundary issues (access to information and cooperation e.g. police).

List of Participants Central and Eastern European Regional Meeting

Ivan Zavadsky	Ministry of Environment	Slovakia
Stanislaw Wajda	Ministry of Environment	Poland
Zbigniew Kamienski	State Inspectorate for Environmental Protection	Poland*
Harley Laing	U.S.E.P.A.	USA
Jan van Doorn	National Crime Intelligence Service	The Netherlands
Svitlana Kravchenko	EcoPravo-L'viv	Ukraine
Vera Mischenko	Ecojuris	Russia
Helena Cízková	Regional Office, Ministry of Environment	Czech Republic*
Nikolay Sidjimov	Municipal Association	Bulgaria
Huub Kesselaar	Inspectorate for the Environment	The Netherlands
Victoria Ter-Nikoghosyan	Ministry of Environment	Armenia
Susan Casey-Lefkowitz	Environmental Law Institute	USA
Indrikis Barkáns	Ministry of Environmental Protection	Latvia
Dumitra Popescu	Institute for Legal Research	Romania
Ileana Doina Vasilescu	Ministry of Waters, Forests, and Environmental Protection	Romania
Heiki Nurmsalu	Environmental Inspectorate	Estonia
Rein Ratas	Ministry of Environment	Estonia
Danius Lygis	Parliament	Lithuania
Arunas Kundrotas	Ministry of Environmental Protection	Lithuania*
Gyula Bándi	Environmental Management and Law Association	Hungary*
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* Organizational committee for 1997 regional meeting on environmental compliance and enforcement.