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## WESTERN EUROPE REGIONAL MEETING

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### 1 INTRODUCTION

Representatives of 10 countries took part in the meeting of the Western European Region plus a representative of the European Commission. As you might expect, the fact that 9 of the 10 countries belong to the European Union meant that there was a good deal of common ground - but the discussions also exposed national differences.

### 2 GOALS

Workshop Discussion focused on

- Driving forces for environmental compliance and enforcement.
- Barriers to compliance and enforcement.
- Institution building needs.
- Opportunities for Institutional Support.
- International Capacity building efforts.

### 3 PAPERS

In the paper of Slater and James describes the experiences of the United Kingdom as a Member State of the European Union. Relevant information is shared out of these experiences. Van Doorn points at the international cooperation in combatting (international) environmental crime.

De Krom provides an overview of the successes and problems in enforcing supranational legislation of the European Community on the supervision and control of shipments of waste.

Van Gent reports about the European inspection project on the notification of new substances in which 14 European countries participated by inspecting approximately 100 companies.

### 4 DISCUSSION SUMMARY

#### 4.1 Driving Forces

The main Driving Forces for environmental compliance and enforcement mentioned were:

- public concern for, and media interest in, the environment, and
- policies of the national government, these policies often reflecting legislation of the European Union.

The Commission representative noted that the driving forces for this legislation were:

- the European Community Treaty;
- the 5th Action Programme of the European Community;
- Petitions and Questions from the European Parliament and Ombudsman;

- Non Governmental Organisations; and
- the policy of the Commission to work with Member States on improving the compliance with EC legislation and its enforcement.

Others important driving forces mentioned were:

- the cost savings and market benefits to industry from good environmental procedures (“clean technology”);
- tough penalties imposed by courts; and, especially in the Netherlands and Italy:
- Police/Carabinieri involvement in environmental crime issues.

#### 4.2 Barriers

The most frequently identified barriers to compliance and enforcement were:

- differences between different levels of government within a country and poor communication among these levels.

These barriers were cited even more often than decreasing financial and political support. But these problems also were identified by most countries. Complexity of legislation and re-regulation pressures was also cited as a major problem. As mentioned, one of the driving forces was public concern but a backlash to this was also a perceived barrier:

- the public find it difficult to be environmentally active and don't want to compromise their freedoms, for example to have cars.

Perceived pan-European barriers were:

- inequitable legislation in different countries;
- uneven implementation and enforcement of legislation in different countries;
- not enough integration in the legal approach between different levels, and
- the quality of some EU legislation on the environment.

#### 4.3 Country program designs

We got bogged down a bit in discussing country program designs, but it became clear that the main problem, again, was difficulties between different levels of government within a country. All countries, or parts of countries, in the Region have some form of strategic plan, though implementation is often at different levels of government.

#### 4.4 Other topics

Other topics of mutual interest were discussed.

On enforceable requirements, many were concerned about the treatment of small and medium-sized enterprises (SMEs). In particular, should they be under the same permit requirements as larger firms. It was agreed that this subject should be pursued within the EU Network for the Implementation and Enforcement of Environmental Legislation - the IMPEL Network.

The requirement for self monitoring and EMAS was recognized as beneficial tools but governments should not rely on these alone to get compliance with legislation - they were not a substitute for regulatory inspections.

It was agreed that the effectiveness of enforcement in terms of the protection of environmental quality was more important than the number of inspections. That is, the risk posed by an industrial plant (as a result of its inherent hazard, the quality of its operator, or the sensitivity of the local environment) should influence the inspection frequency.

When the tools of enforcement were discussed, significant differences between countries were found. Some enabled regulators to impose fines directly on industries not complying with permits; others required court cases to decide upon fines. Many countries felt the fines allowed by statute were too lenient: sometimes it was cheaper for an industry to pay the fines than install abatement measures. It seemed, however, that new laws in some countries provided for higher penalties.

Again, on a Europe-wide basis, the Commission would like to see a more transparent system in all countries for the imposition of sanctions. It was agreed that a broad range of sanctions - administrative, civil and penal - were necessary for proper control.

## 5 CONCLUSIONS

In the Fifth Environmental Action Program for the European Union a strategic plan for sustainable development in Europe is presented in which enforcement is a major subject, argued by market oriented approaches, such as environmental charges, negotiated agreements, fiscal instruments and environmental liability.

The European enforcements week-long staff exchanges are a great mechanism and morale builder. Networks deliver information, consistency across programs and support for problem solving.

The conclusions of the discussions in term of the action plans for the Region are:

### 5.1 Institution Building Needs

Referring back to some of the main barriers to compliance and enforcement (ie. differences among different levels of government and complexity of legislation), it would be of great benefit if, somehow, it were possible to improve the relationship and communication between different levels of government and to simplify the legislation relating to the environment including permitting procedures.

### 5.2 Opportunities for Institutional Support and Exchange

The Western Europe Region has the IMPEL Network which provides support and exchange opportunities. It already has Working Groups looking at:

- 1 Technical Aspects of Permitting.
- 2 Procedural and Legal Aspects of Permitting.
- 3 Compliance Assessment and Inspection.
- 4 Training and Management Issues, and
5. Trans-frontier Shipments of Wastes.

In future IMPEL will be able to influence policy development in the European Union by sharing with policy makers the practical experience of implementing existing regulations. At the same time, IMPEL may also be able to provide useful information and experience to the European Economic Area (EEA) and other European countries.

### 5.3 Linkages to international capacity building efforts

More training would be desirable for all countries in the Region, and we see a proposed UNEP manual is a very useful tool in this regard.

Again regarding linkages, it seemed that *one* could benefit from the expansion of networking in two directions:

- First, to network more effectively within each country, and
- Second, to try to network beyond the Region. That is, to try to link IMPEL to Networks that have been, or will be, established in other Regions. That is, to help create an effective worldwide network of Regional networks. It was suggested that, just as each country in the EU has a national coordinator for IMPEL, one could have a single point of contact for other regions wishing to access IMPEL. An appropriate contact point may be the IMPEL Secretariat which has just been established by the Commission and Member States.

### 5.4 Specific Opportunity

A specific opportunity identified was the rapidly developing Internet. This can provide the practical means for inter-regional contact. Information exchange possible from the linking of Networks can provide real benefits to compliance and enforcement in Regions in all parts of the world.

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