

---

**THE EUROPEAN UNION NETWORK ON THE IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAW (IMPEL)**

GOINGA, BETSKE

Coordinator of IMPEL, European Commission, BU5 4/48, 200 rue de la Loi, B-1049 Brussels, Belgium

**SUMMARY**

In 1992, an informal network for exchange of information and experience in the field of compliance and enforcement of environmental law was set up, consisting of representatives of relevant authorities within the European Union and the European Commission. Since 1993 it has been called the European Union Network on the Implementation and Enforcement of Environmental Law (IMPEL). Until recently, IMPEL focused on the regulatory cycle in connection with industrial installations. Now its scope has widened and its structure has changed.

This paper discusses the structure of IMPEL and its Committees, including the work these groups have accomplished and plans for the coming year.

IMPEL is managed by a biannual Plenary Meeting. Two Standing Committees deal with the content of IMPEL's work: Standing Committee 1 on legal policy and legal implementation issues and Standing Committee 2 on technical issues, inspection, practical application and enforcement, environmental management instruments and training/exchange programs.

Despite being an European Union network, mechanisms have been developed for cooperation with other countries.

IMPEL has adopted a work program for 1998 which includes legal and technical projects. Included in these are exchange programs for environmental inspectors, which have been going on for a number of years. IMPEL gets a financial contribution from the European Commission.

**1 THE NEED FOR AN IMPLEMENTATION AND ENFORCEMENT NETWORK**

Environmental legislation has grown considerably in recent times. The introduction of new legislation was followed by concerns within the European Union Member States about the comparability of standards of enforcement in the different countries. These concerns were confirmed by an investigation, conducted by the Netherlands Ministry of Housing, Spatial Planning and Environment, which found inconsistencies in a number of areas such as methods of permitting, application of technical standards, and public access to information. The results of this investigation were presented at an informal meeting of the Environmental Ministers of the Member States in 1991, where it was agreed that

*"...it would be desirable as a first step to establish a Network of representatives of relevant national authorities and the Commission in the field of enforcement, primarily aimed at the exchange of information and experience in the field of compliance and enforcement, and at the development of common approaches at a practical level."*

As a consequence the "Chester Network" was established, so-called because it met for the first time in Chester, England during the United Kingdom's European Union Presidency in 1992.

## **2 FROM CHESTER TO IMPEL**

During a Plenary Meeting in December 1993, it was noted that the European Commission's Fifth Environmental Action Program called for a body similar to the Chester Network. The Commission and Member States agreed to modify the terms of reference for the Network to include a wider mandate for the application and control of environmental legislation. In addition, it was agreed that the Network should look at how to ensure better implementation and enforcement of environmental laws by regional and local bodies. The modified Network was called the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL).

## **3 THE COMMUNICATION ON IMPLEMENTING COMMUNITY ENVIRONMENTAL LAW**

The Commission adopted a communication on implementing community environmental law in October 1996. In this, it is said that: "*The Commission will consider the existing position of the informal IMPEL network as a useful instrument of cooperation and capacity building, and will make proposals for improving, developing and reorganizing its tasks.*"

The Communication also recognized "*the need to ensure that minimum inspection tasks are carried out,*" because "*the wide disparity which exists until now cannot be considered as satisfactory with reference to the objective of correct and level enforcement at Community level*". Finally, the Communication indicated that, "*The IMPEL network could also assist in defining these minimum criteria for inspections*".

## **4 COUNCIL RESOLUTION ON THE DRAFTING, IMPLEMENTATION AND ENFORCEMENT OF COMMUNITY ENVIRONMENTAL LAW**

In June 1997, the Environment Council of the European Union adopted a Resolution as a follow-up to the Commission's Communication. In this Resolution, the Council "*recognizes that IMPEL is a very useful informal instrument for the improvement of implementation, inspection and enforcement, inter alia through exchange of information and experiences on different administrative levels, as well as through training of inspectors and in-depth discussions on environmental issues and enforcement aspects*". It considers that the IMPEL network "*should also play in the future an important role during the different stages of the regulatory chain and could in particular give advice - on request or on its own initiative - on general questions regarding implementation and enforcement as well as on new draft proposals for Community legislation, in particular where the input of practical experiences is necessary*". It considers also that IMPEL "*could be further developed, inter alia by asking it to consider whether it should broaden the scope of its mandate and the focus of its current work*".

---

## **5 A MODIFIED STRUCTURE, ROLE AND SCOPE FOR IMPEL**

Until recently, IMPEL focused on the regulatory cycle in connection with industrial installations and their impact on the environment. Discussions on European Community legislation also addressed the Integrated Pollution Prevention and Control and Environmental Impact Assessment Directives, and the Eco-Management and Audit Scheme Regulation. A separate Working Group was set up to cooperate on Transfrontier Shipment of Waste problems.

In line with considerations in the Commission's Communication, IMPEL has undertaken decisions on a modified structure described below and a wider role and scope, while remaining informal.

## **6 NEW STRUCTURE OF IMPEL**

IMPEL is structured to reflect its main tasks. These concern legal policy and implementation on the one hand, and inspection, practical application and enforcement issues on the other. The latter include technical issues, and environmental management (including training and exchanges of inspectors within and outside the European Union). IMPEL also has maintained an informal character.

### **6.1 Plenary Meeting**

IMPEL is managed by a biannual Plenary Meeting which brings together representatives from all the Member States and is jointly chaired by the Commission and the EU Presidency.

The Plenary Meeting is the main body for strategic discussions and final decisions as well as the forum which is formally responsible for IMPEL activities and products. It acts as an umbrella organization for IMPEL. The representatives of Member States need to have an appropriate authority, knowledge and experience and reflect national and regional application and enforcement in the environmental field. Therefore, they are high level officials (with background support during the meetings). They must be able to give the necessary feedback within their own country and also make sure they get sufficient support and feedback from the national and/or regional authorities. The idea is to set up national networks involving different levels of authority at national, regional and local levels, to be linked with IMPEL through the Member States' representatives.

The Plenary Meeting approves the work programs of the Standing Committees (see below), approves reports and decides on their dissemination. It also agrees on how the budget allocated for IMPEL should be used and can make proposals on the budgetary needs of IMPEL.

### **6.2 Standing Committees**

There are two Standing Committees, that deal with the content of IMPEL's work. The participants are competent officials (from the Member States and the Commission), who can be accompanied by other officials, if deemed necessary. The Standing Committees prepare annual programs, reports, and budget and project proposals for submission to the Plenary Meeting and monitor the work of the ad hoc Working Groups.

Standing Committee 1 on legal policy and legal implementation issues comprises policy makers and officials with a legal background and experience mainly in enforcement. In view of the Commission's role in relation to policy and Community legislation, the Commission ensures coordination with other current activities in the EC context in the field of policy and legal implementation.

Standing Committee 2 deals with technical issues, inspection, practical application and enforcement, environmental management instruments and training/exchange programs. This committee primarily comprises national and regional enforcement officers, including inspectors, together with representatives of the Commission.

Each Standing Committee is co-chaired by a Member State and the Commission.

### 6.3 Ad hoc Working Groups

The SCs can set up Ad-hoc Working Groups to consider specific issues, in which participation does not necessarily have to come from every Member State. Such Working Groups have only a limited duration and are dissolved when the task has been completed. The SCs draw up terms of reference for these Ad hoc Working Groups, containing tasks and products, participants, chairmanship and secretariat, meetings (number, duration, location, languages), and financial arrangements.

### 6.4 The IMPEL Secretariat

The Secretariat is the heart of the IMPEL Network. It maintains the contacts with the national coordinators and other members of the Network. It has a supportive role in regard to both the Chairmen of the Plenary Meeting and the Standing Committees. It provides the Network with information stemming from the Commission. For practical reasons, the Commission hosts the Secretariat in Brussels.

## 7 PARTICIPATION OF OTHER COUNTRIES

### 7.1 Central and Eastern European Countries and Cyprus

Special training programs on implementation and enforcement issues will be set up for the eleven countries which are candidates to join the European Union in the coming years. They can be invited to participate in seminars and workshops, or on an ad hoc basis in Working Groups, if deemed appropriate.

A special informal network for these countries, parallel to the IMPEL network, has been set up recently called AC-IMPEL. It is also co-chaired by the European Commission. This network will become redundant when accessions are successful.

Parallel to AC-IMPEL there is another informal non-EU European network, ECA-INECE, mainly for the Newly Independent States (NIS), the aim of which is international exchange and networking. An inaugural conference took place in Vilnius, Lithuania in May 1998, under the auspices of the INECE partnership.

## 7.2 Other European countries

Non-EU countries can be invited to participate in Working Groups, if their specific contribution is needed or would be helpful. For Norway, this is already the case in the Working Group on transfrontier shipment of waste.

## 7.3 Countries outside of Europe

At times, the network has invited experts to share experiences from outside the European context. For example, the United States has been invited to send experienced environmental inspectors to participate in some of the inspector exchange programs.

## 8 WORK ACCOMPLISHED SO FAR

The work IMPEL has carried out so far includes the following products:

- A comparison of technical standards and pollution control technology for various types of facilities in each of the Member States, resulting in technical guidelines for regulatory bodies for a number of industries, for example, power plants, incinerators, refineries, cement, glass and chip board production.
- Exchange of information and comparison of experience on the permitting of industrial installations in the Member States; examination of the application of EC legislation in Member States and the practical aspects of the regulatory process; for example, reports on the cross-media evaluation of environmental impacts from industrial installations, and on the application of EC Directives on municipal waste incinerators and large combustion plants.
- Workshops on the coherence of different legal instruments.
- Comparison of enforcement arrangements within Member States, on compliance assessment and inspection, outlining the Member States' legislation, organizations and mechanisms for inspection, monitoring and enforcement.
- Exchange programs for inspectors, providing in-depth understanding of the regulatory systems in each country and facilitating the future exchange of information between inspectorates.
- Setting up minimum criteria for inspections.
- Examination and publication of a report on the monitoring and enforcement mechanisms for the transfrontier shipment of hazardous waste within the European Union.

## 9 THE 1998 WORK PROGRAM

The following projects are included:

For Standing Committee 1:

- The interrelationship between different instruments (Integrated Pollution Prevention and Control, Environmental Impact Assessment, and Seveso Directives and the Eco-Management and Audit Scheme Regulation).
- Integrated permitting.
- Small and medium sized enterprises (environmental performances and compliance).
- Access to justice and complaints and investigations mechanisms (almost completed).
- Access to environmental information.
- Criminal enforcement.

For Standing Committee 2:

- Training and exchanges (exchange programs, reference book for inspectors, project on enforcement practices).
- Inspections (minimum criteria for inspections, planning, monitoring and reporting, frequency of inspections, guidelines for the use of operator self monitoring).
- Exchange of experience and coordination of actions on illegal transfrontier shipments of waste.
- Implementation of permitting practices (diffuse emissions, lessons learned from accidents).

The European Commission has earmarked an amount of 400.000 ECU in its 1998 budget for co-funding of IMPEL projects.

## 10 PRACTICAL ARRANGEMENTS

Only representatives of public authorities participate in IMPEL. These can be inspectorates, environment agencies, ministries, regional and local authorities.

Each Member State has appointed a National Coordinator, who is the focal point vis-à-vis the IMPEL Secretariat, and who ensures that the officials concerned within his or her Member State get all the necessary information. The ad hoc Working Groups normally organize their own meetings, while informing the Secretariat.

Plenary meetings take place in the Member State holding the six months' Presidency of the European Union, while the Standing Committees meet alternatively in a Member State and Brussels (European Commission premises). Normally travel costs and accommodation are paid for by the participating Member States, with a few exceptions; for example, financial applications for co-funding by the Commission could include travel costs and accommodation, organized on a project basis.

Plenary Meetings have simultaneous interpretation into English and French, while the meetings of Standing Committees and Working Groups are usually conducted in English. All the correspondence by the Secretariat also is in English. This can be a drawback for some Member States.

It is important that the Member States provide sufficient human and financial resources to make the Network function properly.

