

Environmental Compliance and Governance Forum



Draft Summary Report

3rd Meeting of the Environmental Compliance and Governance Forum

14 May 2019, Brussels

All meeting documents and presentations are available on the CIRCABC public [library](#).

I. Welcome Session

1) Welcome and introduction

The meeting was opened and chaired by Mr. Aurel Ciobanu-Dordea, Director for Implementation & Support to Member States at DG Environment. He welcomed that again so many EU Member States, several EU-level environmental enforcement networks, other EU bodies, EFTA states and the Romanian Presidency are represented at the third Forum meeting. He stressed the strategic role of the Forum and explained that the main focus of this Forum meeting was on discussing first main outcomes and reviewing progress on the implementation of the Action Plan on Environmental Compliance Assurance, discussing possible priorities for the work in 2020 and beyond and relevant wider environmental governance issues. He also provided information on data protection issues.

2) Approval of the agenda

The Chair presented the meeting agenda (2019/F3-DOC1-rev). There was a suggestion to change the order of sessions 5b and 5c to allow participation in the session on the Vade Mecum on complaint-handling of a participant who arrived with a delay in Brussels. The proposed change was agreed, no further comments were made and the agenda was then approved unanimously.

3) Approval of the minutes of the 2nd meeting of the Forum

The Chair explained that there were no comments received on the draft minutes of the second meeting of the Forum. The minutes (2019/F3/DOC2) were approved unanimously.

4) Opening statement

In an opening statement on behalf of the Romanian Presidency, Mr Ion Cimpeanu, State Secretary in the Ministry of Environment of Romania, welcomed the work of the Forum, stressed the added value of the Action Plan, and referred to the progress made during the Romanian Presidency on several environmental dossiers.

II. Working Session

5) Action Plan on Environmental Compliance and Governance

a) Progress Report and Planning for 2019

The Chair explained briefly the progress of the work on the Action Plan implementation which was in line with the planning and referred to the detailed progress report on individual actions provided in document 2019/F3/DOC3. He stressed that the draft Vade Mecum on handling of environmental complaints and citizens engagement is presented to the Forum for discussion and endorsement as a first main deliverable in terms of preparation of guidance documents under the Action Plan. He thanked, in particular, the networks for their active support for the implementation of several actions.

The work was considered to be on track and no specific comments were made by the participants on the progress report.

b) Geospatial Intelligence for Environmental Compliance Assurance

The Chair referred to the orientation debate on this action at the second Forum meeting and the great interest shown in using geospatial intelligence for environmental compliance assurance.

The Commission services reported on a workshop which took place in April 2019 and brought together Copernicus and environmental compliance assurance experts with the aim of fostering the uptake of Copernicus as a source of geospatial intelligence for environmental compliance assurance. The workshop provided some concrete suggestions for possible follow-up actions which will be further refined as a contribution to the future work programme under the Action plan. A detailed summary of the workshop is provided by 2019/F3/DOC5. It was noted that environmental compliance assurance now features in the proposal for an EU space regulation and that there will shortly be a study undertaken by DG GROW together with DG ENV on how to improve Copernicus services for Environmental Compliance Assurance (ECA) with a view to the 2020 Copernicus work programme. The Commission services stressed the need for Forum members to encourage the national ECA community to work with the national Copernicus community.

Several Forum members again confirmed their interest in this area, stressed the great potential of geospatial intelligence and referred to relevant ongoing activities in their countries. They also pointed to some obstacles and challenges: the need for having and building specialised knowledge; the obstacles of using geospatial intelligence as evidence in courts proceedings, the need for authorities to rely on the private sector for technical services without having a clear idea of what constitute reasonable costs and therefore a fear of criticism for over-spending. Forum members also pointed out other challenges to use of information and communication technologies related to digitally connecting compliance assurance actors for working together and sharing information and data. It was indicated that Finland may offer exchange on geospatial intelligence for environmental compliance assurance during its Presidency.

It was discussed that an enhanced dialogue with the Copernicus User Forum would be useful, that now more concrete further steps on this action are necessary and that geospatial intelligence should be considered also in the work programme for 2020 and beyond. The Chair concluded that DG ENV will come back to the Forum participants with concrete suggestions for the next steps, in particular in relation to awareness raising and capacity building.

c) Vade Mecum on handling of environmental complaints and citizens engagement

Introduction

The Chair explained that the draft Vade Mecum on complaint-handling and citizen engagement presented to the Forum for its opinion in accordance with Point 5 of the Rules of Procedure delivers on Action 7 of the Commission's Action Plan on Environmental Compliance and Governance. It has been prepared through an iterative process involving experts nominated by Member States and networks represented in the Forum, including detailed discussions of the draft at three workshops with participation of Forum members nominated experts.

The Chair further explained that the main purpose was to help those involved in designing or operating complaint-handling systems, mechanisms, processes and procedures. It does this by describing the challenges of complaint-handling and how these can be addressed. The document is not prescriptive and is not referred to as a guidance document. Instead, it is called a "Vade Mecum" – "come with me", in Latin. The term 'Vade Mecum' emerged during workshop discussions.

The Commission services provided a presentation on the content, explained the rationale of the individual chapters and proposed, for purposes of outreach, to develop a short 10-20 page summary of the Vade Mecum, with a high level of visual content.

The Commission services explained that Vade Mecum includes also a forward and a disclaimer (presented also separately as Annex 2 to document 2019/F3/DOC 4) which would need to be agreed and will be used also for deliverables under Actions 4 (combating environmental crime) and 5 (compliance assurance in rural areas). Forum members were asked to send any initial comments in advance of the meeting. UK came back with useful suggestions on the wording to clarify addressees and status of the document, how it can be used and the different options for Forum opinion. These suggestions were taken into account in the revised version of the foreword and disclaimer presented on the screen during the presentation on this topic.

Discussion

There was a strong welcome for the document and the way it was prepared from all intervening participants (UK, FI, IT, NL, IE, SP, IMPEL, Network of European Ombudsmen). Stress was put on the need to disseminate it effectively, to complement it with infographics and to track the use made of it (IE, IMPEL). IT stressed the high quality of the document, mentioned that it is in line with some ongoing activities at national level and suggested to refine some elements in order to further highlight the role of citizens engagement. FI stressed in particular the added value of the categorisation of different types of complaints. IMPEL and UK highlighted the usefulness of having an additional summary document with more visuals. NL asked for some more time for a factual check and some technical comments which was welcomed also by SP. It was agreed that Forum members can do further factual check and send possible comments by 30 June 2019. The revised foreword and disclaimer based on the UK suggestions was agreed with no further comments.

Conclusions and actions

The Forum approved by consensus the draft Vade Mecum in principle, subject to some adaptations to the Foreword and Disclaimer, strengthening of some points on citizen engagement and possibility until 30 June for Forum members to do a final factual check before the text is prepared for publication. The proposed revised versions of the foreword and disclaimer (to be used with the necessary adaptations also for the other similar deliverables under the Action Plan) were also endorsed. Further technical comments based on factual check can be to DG ENV (env-e04@ec.europa.eu) by 30 June.

There was a strong consensus in favour of a short complementary summary document with a high visual content. ENV will produce this in second half of 2019, consulting experts as before.

d) News from the networks and ideas for the future

Representatives of IMPEL, EnviCrimeNet, ENPE, EUFJE and BRIG-NEPA presented their ongoing work relevant for several actions under Action Plan, confirmed their commitment to support further its implementation and shared ideas for the future priorities. The presentations are available on CIRCABC. The Chair thanked for the networks' support, welcomed the presented ideas for future cross-network activities and invited the Forum members to ensure active participation of their staff in networks activities and help expanding networks membership. SP also stressed the added value of network cooperation.

e) Preparation of future work programme 2020 and beyond

Introduction

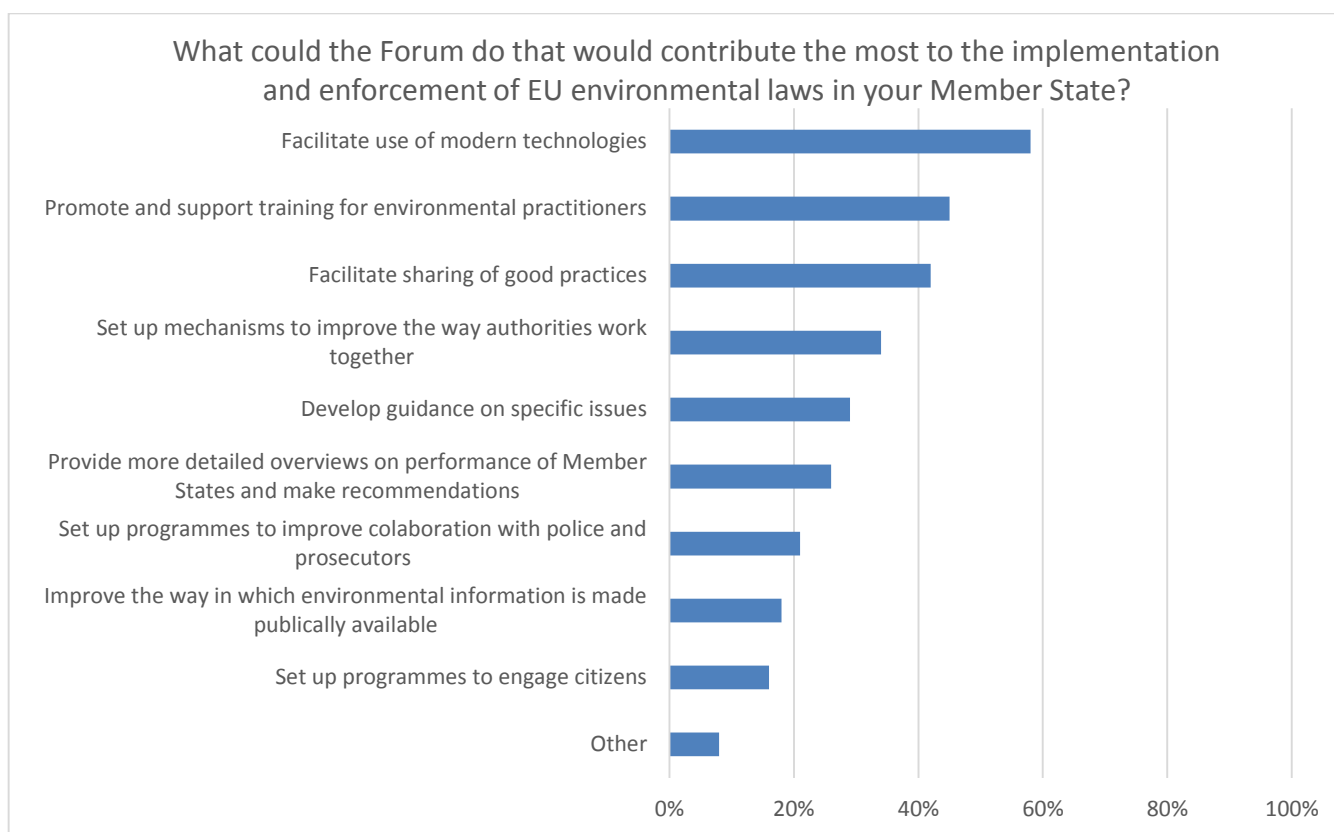
The Commission services referred to the commitment to review the Action Plan in 2019 and define priorities and new actions as appropriate after consultation with the Forum. Based on the paper shared in advance of the meeting (2019/F3/DOC7), the Commission services presented initial ideas for future priorities and referred to 5 possible work areas: (1) preparation of further guidance documents, practice sharing and communication; (2) training; (3) joint actions and capacity building; (4) innovative tools and (5) assessment and progress monitoring. It was explained that the Commission launched also a public survey to collect views on the needs to be addressed by future work. More than 300 responses were received so far and replied some interesting insights on what priorities the future work of the Forum should focus on. The survey is open until October 2019 and Forum members are encouraged to complete it and disseminate amongst their implementation and enforcement administrations.

Discussion

There was good support for all the envisaged work areas but some key points emerged:

- Innovative tools should cover digitalisation (including Artificial Intelligence) in the broadest sense (UK);
- Forum work should focus on EU added value as very detailed requirements are typically for the national level (DE);
- Training related activities are of crucial importance (AT, FI) but language issues are to be considered when preparing and disseminating training materials (AT)
- Need to consider in any future work on environmental inspections the links to permitting and validation of self-monitoring;
- Need to ensure coherence in activities on combating different types of environmental crime (NO);
- Further actions can be linked more to network activities and products, such as peer reviews, joint enforcement actions (IMPEL) as well as to other relevant initiatives at EU level (e.g. the Genva evaluations and implementation of the Environmental Crime Directive).
- Products and outputs need to reach practitioners on the ground – importance of translation and good communication (AT, NL);
- The need to ensure coherence with work taking place at a thematic level (IE, NL).

During the discussion round, an electronic survey tool was used to get participants feedback on possible future priority actions. A key result are shown below and the report of all results is available on [CIRCABC](#).



Conclusions and next steps

There was a broad agreement on the usefulness of the proposed areas for future work. Forum members are invited to prepare and send written comments to DG ENV (env-e04@ec.europa.eu) by 15 September. DG ENV will then prepare a document on future priorities and actions to be shared in autumn 2019, with a view to approval in the 4th Forum meeting in February 2020.

6) Assessment of Environmental Governance – outcomes of the 2019 EIR and study project – endorsement of way forward

Introduction

The Commission services presented the outcome of this action under the Action Plan, i.e. final study which will be published soon. It includes country reports, including a scoring system and compilation of good practices. It highlighted how the environmental governance assessment contributed to and dovetails with the EIR. Envisaged steps for putting this on a more permanent footing, including the idea of a workshop in autumn 2019, were set out.

Discussion

Several Forum members welcomed the work done and the presented ideas for carrying it forward. There is clearly an interest in an EU wide feedback on governance performance, as this provides MS authorities with several benefits: ability to benchmark, have progress recognised, and learn from practices elsewhere. There were a number of specific comments: need to take better account of sub-national contexts, which can be varied (UK); need to reflect on methodology (question of possible role of survey approach to evidence-gathering - FR).

Conclusion and next steps

Member States were invited to provide further comments by 15 July 2019 per e-mail to DG ENV (env-e04@ec.europa.eu) on the final study (which will be published soon) and the EIR2019 work on

governance with the view to help design the future work. Provided there is sufficient support, DG ENV will organise a workshop in autumn 2019 to define more concrete further steps based on the discussions at the Forum meeting and develop a mandate for future work which can be proposed for inclusion of the future work programme. Forum members are invited to nominate an expert for the workshop.

7) Access to Justice – Aarhus Convention

The Commission explained the state-of-play on the relevant roadmap to follow up case ACCC/C/2008/32 of the Compliance Committee of the Aarhus Convention, indicating that everything was on track. It also presented the progress of the relevant ongoing study on access to justice on environmental matters. It also explained the approach to defining and assessing the options and reported about a meeting of the Aarhus expert group (which is a sub-group of the Forum) convened in April 2019 to discuss the approach to options. Forum members took note of the information, and there were no specific comments.

Next steps: It is expected that the study will be completed in June 2019. The Commission service will prepare a Staff Working Document focussing on presentation of the options.

8) Information on relevant Commission activities

8a) Evaluation of the Environmental Crime Directive

The Commission (DG JUST) presented the ongoing evaluation of the Environmental Crime Directive, seeking support from networks and Member States. It also explained that a public consultation and a supporting study will be launched and that there will be a parallel supporting work undertaken by the EESC whose results would also feed into the envisaged Commission evaluation report. FI signalled that it is considering having the topic on combating environmental crime on the agenda of the FI Presidency. It was noted that it would be useful if relevant documents are shared at national level between justice and environmental ministries (NL, COM). DE referred to a relevant national project on environmental crime, and FR suggested that the interaction between criminal and administrative law enforcement would need to be considered during the evaluation. PT referred to the link to the Environmental Liability Directive, in particular as regards assessment of environmental damage, and suggested some focus on practical challenges, such as difficulties to detect and prove environmental crimes.

The Commission noted the high interest of the Justice and Home Affairs Council in environmental crime, including the Genva evaluation process, stressed the importance of working together, and invited Forum members to encourage their authorities to provide input to the public consultation on the evaluation of the Environmental Crime Directive.

8b) Citizen science – relevance for compliance and implementation (reporting)

The Commission presented its relevant work undertaken as part of the action plan on Monitoring and Reporting. In particular, there has been significant evidence-gathering to help prepare a guidance document which is due to appear later this year. The Forum members strongly supported citizen science, noting the value for awareness-raising, participation and compliance assurance (IE, IT), while stressing the challenge of data validation (SP) and importance of easily accessible tools (EUFJE).

8c) Funding opportunities under the current LIFE Programme

EASME explained that LIFE Programme has a priority for governance and information, with project topics now closely aligned with the areas of activity of the Forum and its members and summarised the funding possibilities. It referred to a just-published fact-sheet which provides statistics and examples.

8d) Outcome of the project "Promotion of good practices for national environmental information systems and tools for data harvesting at EU level"

The Commission presented a study aimed at promoting good practices in national environmental information systems and tools for data-harvesting at EU level. This is related to actions under the Commission action plan on reporting. Amongst the outputs will be a guidance or reference tool to help Member States evaluate their web portals. One idea is to translate the outcome of this work into a guidance document under the future Forum work programme to help MS modernise their environmental information systems.

9) Any other business

No additional topics discussed.

10) Conclusion of meeting

The Chair informed participants that the next meeting of the Forum was tentatively scheduled for 13 February 2019 and concluded the meeting.