



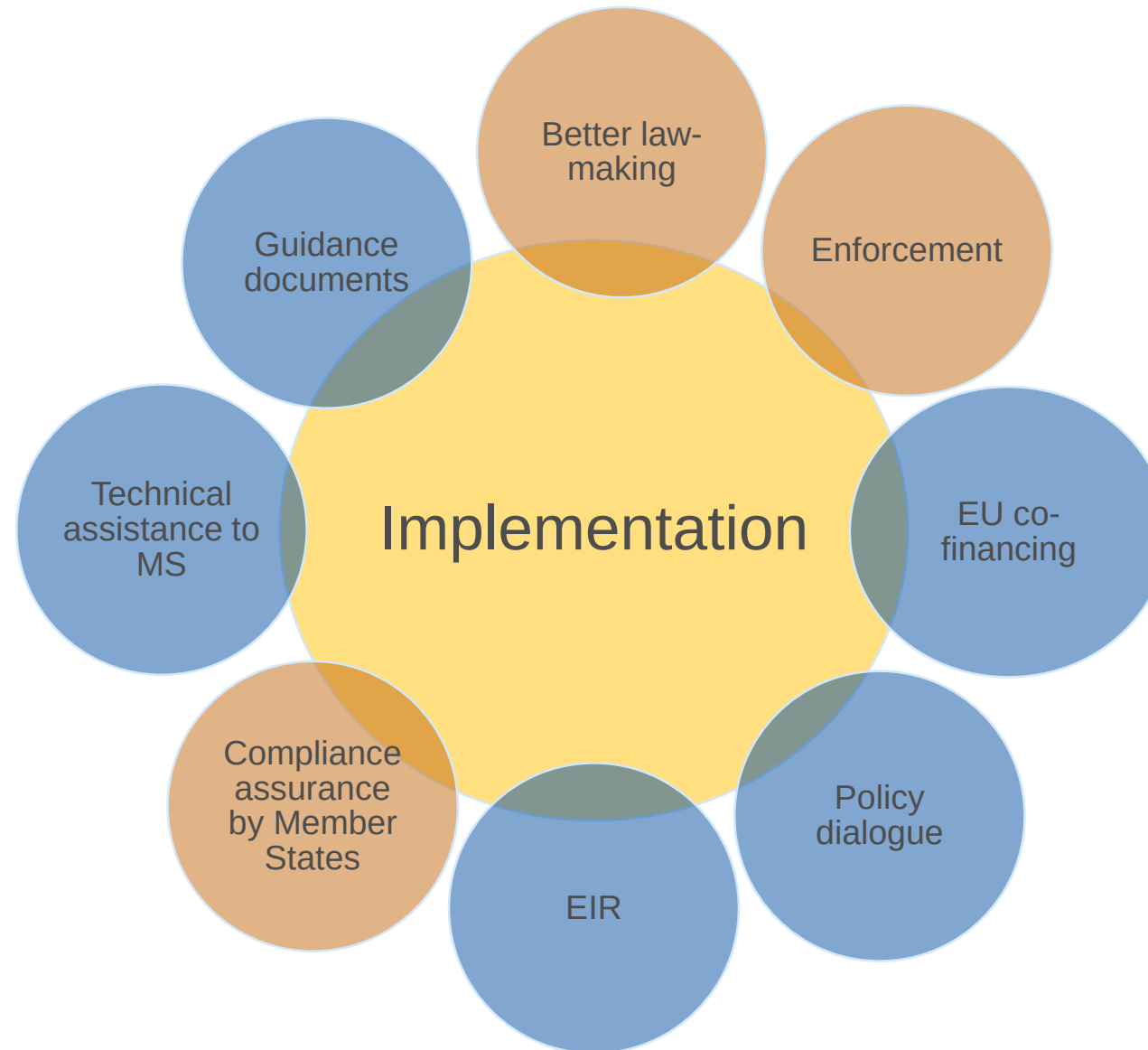
Copernicus Thematic Workshop on Compliance Assurance

Global and EU Policy landscape

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Environmental compliance - Enforcement

Relevance of compliance assurance for the Commission



Enforcement: a timeless priority for the Commission

- Several Communications in 2002, 2007, 2012, 2016 and 2022.
- The [2016 Communication](#) on *“EU law: Better results through better application”*
 - *“Bigger and more ambitious on big things, and smaller and more modest on small things”.*
 - The Commission has used its “discretionary power in a **strategic** way to focus and **prioritise** its enforcement efforts on the most important breaches of EU law affecting the interests of its citizens and business.”
- [2022 Communication](#) on *“Enforcing EU law for a Europe that delivers”* recalls that Applying EU law is a combined effort: COM, MS, national courts, other bodies, professionals (training & assistance needed).
- **EGD Communication** (and sectoral ones on Circular Economy, Biodiversity, Zero Pollution): new laws are not enough. EU laws should be effectively complied with and deliver the intended environmental and health benefits.

Cost of non-implementation of the EU environmental legislation

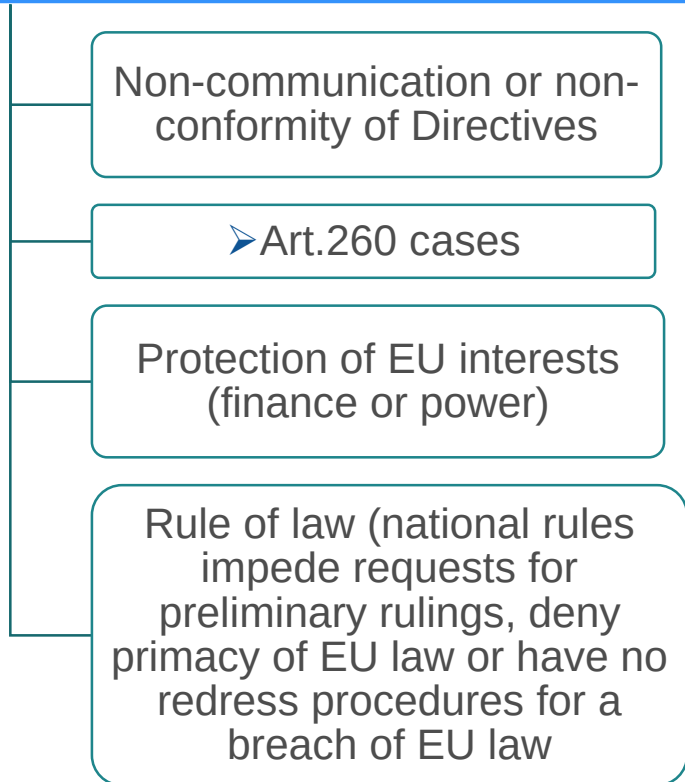
- ✓ It ultimately harms the **environment and human health**.
- ✓ It raises **regulatory uncertainty** for stakeholders (e.g. industry)
- ✓ It puts in question the **level playing field** of the Single Market.
- ✓ It taxes our economy (**EUR 55 billion/y**)
- ✓ The administrations' **credibility** (and citizens trust) is at stake

Enforcement: the priorities set by the Commission

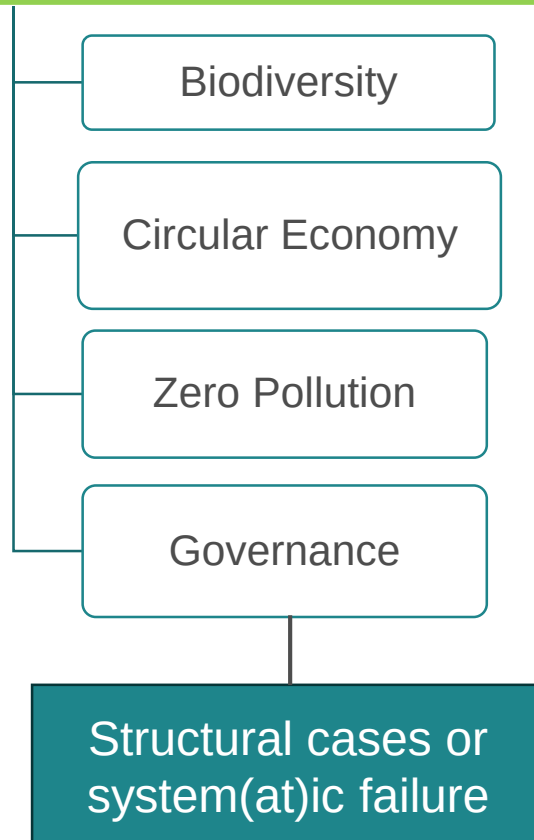
- Prevention, early detection and resolution of breaches: several soft tools before enforcement.
- **At COM level**, priority is given to **specific categories** of cases:
 - Failure of Member States to transpose or to correctly transpose EU directives.
 - Failure of Member States to comply with a judgment of the CJEU (“Article 260 cases”).
 - Capacity of national judicial systems to contribute to the effective enforcement of EU law.
 - Serious damage caused to EU financial interests or violation of EU exclusive powers.
- **For each policy area**: priority is also given to cases where there is a **systematic** failure to comply with EU law or evidence of a general practice.
- **Individual cases of incorrect application** of EU law: directed to national redress mechanisms (provided that there is effective legal protection available).

Handling infringements: typology of priorities

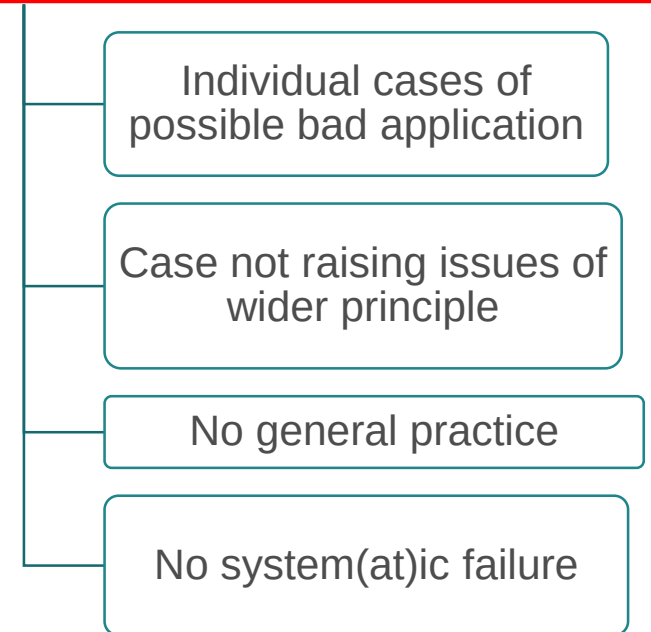
Priority cases (COM level)



Standard cases (DG level)



Non-priority cases (COM level)



Enforcement: priorities set on environment

1. Horizontal/cross-cutting priorities (in line with the COM priorities)

- ongoing infringement cases, in particular the execution of CJEU judgements;
- cases where Member States did not or did not correctly transpose EU environmental rules.

2. Circular economy

- structural breaches related to illegal and sub-standard landfills including the absence of pre-treatment or of effective waste management networks;
- absence of conform Waste Management Plans and Waste Prevention Programmes.

3. Biodiversity

- insufficiency of the Natura 2000 network;
- lack of designation of Special Areas of Conservation (SAC) and absence of conservation objectives and measures;
- insufficient protection of species and habitats in decline.

Geospatial Intelligence Bialowieza forest: 27/6, 19/8 and 31/8





This is how this place looks after cutting



Enforcement: priorities set on environment

4. Zero pollution

i. Air quality

- lack of adequate measures to meet air quality standards for key pollutants (PM10/2.5, NO2, SO2, B(a)P);
- inadequate monitoring of air quality;
- restrictions on access to justice and ineffective penalties.

ii. Water

- lack of compliance with obligations on the collection and treatment of urban wastewater;
- non-designation of nitrate vulnerable zones and insufficient action plans;
- systemic breaches or serious health risks due to non-compliance with the rules on drinking water;
- systemic breaches of the Water Framework Directive.

iii. Industrial emissions

- lack of authorisations of all major installations across the EU;
- breaches by individual installations with serious environmental or health impacts.

iv. Noise: lack of noise maps and/or action plans

5. Governance

- unjustified restrictions to the access to justice of citizens and NGOs in any environmental matter.
- unjustified restrictions to the use of environmental impact assessments.

Main take aways

- Geospatial intelligence can be used to serve the task of the Commission (new legislation, monitoring of existing legislation, enforcement).
- Implementation/enforcement: timeless political priority.
- Clear potential of using geospatial intelligence in the context of enforcement by the Commission
 - ✓ Enforcement priorities set by the Commission but discretion of DG to identify additional enforcement priorities.
 - ✓ Some policy areas are more relevant than others as regards use of geospatial intelligence.
- Role of national authorities
 - ✓ Which cases? Not pursued at Commission level
 - ✓ Needs are clear but capacity is key

References

[C\(2016\) 8600](#) Commission Communication – EU law: Better results through better application

[C\(2016\) 8600](#) Annex to the Communication: Administrative procedures for the handling of relations with the complainant regarding the application of European Union law

[C\(2016\) 8428](#) Internal guidelines – Follow-up to the Communication "Better results through better application"

[COM\(2022\)518](#) Commission Communication – Enforcing EU law for a Europe that delivers (13 October 2022)

[Stocktaking](#) report on the Commission working methods for monitoring the application of EU law (14 July 2023)