

Enforcement and compliance (ECENA) Working Group

Activity 1.2

Coordinator ECRAN KE 2

Ike van der Putte



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Approximation and ECENA

Approximation/ Enforcement	<p>The process of adopting and implementing European Union Law is called “approximation”.</p> <p>The approximation itself consists of three key elements: transposition of legislation, implementation and enforcement.</p>
Progress in Accession countries	<p>EC Progress reports 2013/2014 see also Annex I Annual report</p>
ECENA	<p>Environmental Compliance and Enforcement Network for Accession Functions as a working Group under ECRAN</p> <p>History and present development status ECENA see VHRM/INECE Conference Paper 13-14 November 2013</p>



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

ECENA - Historical Background

1992	IMPEL	Chester Meeting UK
1998		AC-IMPEL 10 accession countries
2001		BERCEN for SAP countries
2003		Merger of IMPEL and AC-IMPEL
2005	ECENA	BERCEN transformed in ECENA with SAP countries + Bulgaria, Romania and Turkey; Open to all countries starting EU approximation
2010		ECENA part of RENA as WG 4 - ECENA Include 8 countries – SE Europe + Turkey
2012		IMPEL open for candidate and potential candidates
2013		ECENA as part of ECRAN WG - ECENA
2014		5 out 8 ECENA members also member of IMPEL



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

The ECENA network can be characterized as a well-structured regional cooperation platform close to a **maturing network** (*ref. analysis VHRM/INECE paper 2013¹⁾*)

Strong elements

Membership with strong representation from the region and exchange
Governance considering EU-accession as a common goal
Support base with liaisons with other networks
Deliverables including country assessments, events and training activities

Weaknesses

Funding mechanism not fully independent yet (EU funding)
Broad divergence in numbers and levels of human resources, institutional capacity and know-how.

1). I. van der Putte, R. Glaser and M. Dimovski. 2013. Environmental Compliance and Enforcement Network for Accession – ECENA-. Its Development and Challenges. 8pp. VHRM/INECE conference, Brussels, 13-14 November 2013



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Operational challenges – ECENA (ref. analysis VHRM/INECE paper 2013¹)



Capability and capacity in line with the needs of the new legislative package to be enforced



Penetration of knowledge within the organizations;
Cooperation with other relevant authorities within the fields of interest



Cross border cooperation



Financial coverage for maintenance of systems and sufficient human resources capacity.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Approach ECENA Work Plan Development 2013 -2016

The activities for the period 2010-2013 (RENA) were based on a Multi Annual Work Plan with:

- Training and exchange,
- Institutional and methodological development,
- Cross border enforcement.

The activities planned under ECRAN will be built on the RENA results.

Since the work of **inspectors and permit writers** has to be more coordinated/ connected to other activities within the environmental protection area, it has been decided that ECENA under ECRAN should be of **cross cutting** nature.

This is particularly important as the work of ECENA is dealing with both implementation and enforcement of the EU acquis. Cooperation with policy makers and law drafters has to be strengthened in order to enable developing better implementable legislation.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Activities/Tasks to be implemented 2013 -2016

- 1.2.1 Capacity building on compliance with environmental legislation
- 1.2.2 External country assessments
- 1.2.3 Methodological development - application of IRAM/easy Tools
- 1.2.4 Compliance with REACH/CLP Regulations;
- 1.2.5 Trans frontier Shipment of Waste (TFS);
- 1.2.6 Inspection and enforcement in other policy areas;
- 1.2.7 Inspector's participation in networking activities.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.1 Capacity building on compliance with environmental legislation

The trainings (for inspectors and permit writers) are designed as a cross cutting activity, in such a manner that the training programme will allow participation of policy makers and legal drafters from other relevant WGs members such as Waste, Air, Water, etc.

No	Date	Key outputs
1	mid-January 2014	Training Needs Questionnaire and Training Needs Assessment. Proposals for pilot industries for common inspection. TNA report
2	January - February 2014	Training Methodology, Training Programme and Training Materials
3 - 10	8 Regional 3-day Training Workshops, April 1 2014 – May 2016	Training IED, selected directives, common inspection with cross-cutting elements in Inspection management and planning, IED linkages with ambient water and -air quality, waste, EIA, chemicals and nature legislation. Training Report



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.2 External country assessments

The scope and the list of acquis to be assessed should be determined in cooperation with the beneficiaries and European Commission.

Specific attention for the functioning of the environmental inspection cycle.

This task will be closely coordinated with the activities related to compliance checks (ECRAN Component 1, Activity 1.4) and screening reviews (ECRAN Component 2, Activity 2.1).

This activity will be carried out **“on request”** i.e. if there is a request from the Commission side or from the beneficiaries to check the level of implementation and enforcement for a particular piece or pieces of EU legislation.

No.	Date	Key outputs
1	January 2014- January 2016	Up to eight Assessment Reports delivered and approved.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.3 Methodological development - application of IRAM/easy Tools

For SEVESO and IED the competent authority must draw up inspection plans and programs for installations and establishments, including the frequency of site visits.

These frequencies should be based on a systematic risk appraisal.

To disseminate the useful IMPEL IRAM easy tools methodology, up to 2 regional trainings will be organised for all ECRAN beneficiary countries at a general level.

No.	Date	Key outputs
1	7,8 October 2014	2-day Regional Training Workshop 1, methodology, materials and report
2	September 2015	2-day Regional Training Workshop 2, methodology, materials and report
3	TBD	National training courses methodology, materials and reports (if requested)



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.4 Compliance with REACH/CLP Regulations

REACH and CLP are regulations and are therefore directly applicable. As they enter into force, they will automatically form part of Member States' national laws. In order to enable REACH and CLP to operate effectively in practice, Member States are obliged to establish the necessary arrangements for their implementation

The enforcement of the requirements of the REACH and CLP Regulations involves different enforcement authorities and other bodies. The environmental inspectorate can play a coordinating role.

No.	Date	Key outputs
1	January-February 2015	2-day Regional Training Workshop 1, methodology, materials and report
2	October - November 2015	2-day Regional Training Workshop 2, methodology, materials and report
3	TBD	National training courses methodology, materials and reports (if requested)



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.5 Trans frontier Shipment of Waste (TFS)

To continue the work on what has been accomplished within RENA together with IMPEL, it is proposed to organise up to 2 regional trainings combined with a site visit to consolidate and increase the know-how and improve the required institutional structures. Cooperation with IMPEL is again envisaged

No.	Date	Key outputs
1	2,3 July 2014	2-day Regional Training Workshop 1 (Croatia), methodology, materials and report
2	May 2015	2-day Regional Training Workshop 2, methodology, materials and report
3	March 2016	Report on study visit (1) to the selected EU MS Institution



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.6 Inspection and enforcement in other policy areas

The project team will aim to create links with other sector specific Working Groups defined under Component 2 Environment in order to enhance the capacities of inspections in sector specific areas

A clear connection can be made to **the Nature WG**, building on the activities delivered under ECENA in this area in the previous period

No.	Date	Key outputs
1	September – October 2014	Regional Training Workshop 1 (Croatia), methodology, materials and report
2	February – April 2015	Regional Training Workshop 2, methodology, materials and report
3	September – October 2015	Regional Training Workshop 3, methodology, materials and report
4	January – February 2016	Regional Training Workshop 4, methodology, materials and report



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Task 1.2.7 Inspectors participation in networking activities and ECENA Coordinators Annual Meetings

IMPEL and **IMPEL/GREENFORCE** are the main networks that should be considered and recommended. Membership of IMPEL is now open for all beneficiary countries within the ECRAN programme. With IMPEL membership a more broad participation of inspectors in the various clusters of IMPEL can be supported.

A new activity is proposed which considers the participation in the European Forum of Judges for Environment (**EUFJE**)

Along the same lines, the newly established European Network of Prosecutors for the Environment (**ENPE**) can be mentioned as a network that helps practitioners to connect

Considering enforcement in the European Union also **EUROPOL/ENVICRIMENET** has to be mentioned as an important organisation

Other networks which are of secondary relevance are INTERPOL and INECE because of their international perspective

The practice established **under RENA will continue under ECRAN** when it comes to this task. ECRAN will finance participation of up to one representative from the beneficiary country to the relevant meetings of related networks. The request for financing will be addressed to ECRAN Secretariat who will arrange the logistics upon approval of EC.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

No.	Date	Key outputs
1	January 2014	ECENA WG Annual Meetings materials
2	December 2014/January 2015	ECENA WG Annual Meetings materials
3	December 2015/January 2016	ECENA WG Annual Meetings materials
4	December 2013–September 2016	Reports from the beneficiaries participating to the relevant meetings of the related networks.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

OBSERVATIONS AND CHALLENGES

Compared with earlier activities under RENA, important elements now are the new developments and ***approaches in inspection management*** as required with the adaptations in EU legislation (ref. IED and SEVESO III) and the shift towards more ***cross cutting issues*** in enforcement.

We have paid attention to the linkages between the so called ***brown*** areas (industry), ***green*** areas (nature) and ***blue*** areas (water). The latter trend can also be seen in the work programme of IMPEL

IMPEL has been one of the most important networks we have cooperated with. By inviting IMPEL experts in our trainings it was possible to share, explain and train in the various ***new tools*** and ***guidance products*** provided by this network

Increased involvement and ***membership of ECRAN beneficiary countries in IMPEL***, which only can be seen as a positive development in increasing more ***harmonized*** approaches in enforcement and sharing of experiences.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

To keep the link with ***practices in the field*** we have continued with the approach to combine our activities with site visits.

In this the ***role of the national ECENA coordinators*** is very important.

The combination of ECRAN with the TAIEX facility opened up additional opportunities, i.e. to organize trainings/assistance in specific areas on a ***national scale***. Although use has already been made of this possibility, more initiatives might be taken in this respect.

It is now time to evaluate progress made since the first ECRAN ECENA Working group meeting, to discuss possible improvements and to plan ahead for the activities in 2015.



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

Thank you for your attention



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium