

Enforcement and compliance (ECENA) Working Group

Activity 1.2

Coordinator ECRAN KE 2

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Achievements and lessons learnt of implemented
activities

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Environmental Compliance and Enforcement Network for Accession (ECENA)

The ECENA working group objective was to improve the ability of ECRAN beneficiaries to implement and enforce the EU environmental and climate acquis by increasing the effectiveness of inspecting bodies and promoting compliance with environmental requirements.



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(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



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



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Approach ECENA Work Plan 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 (2013 -2016) are 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 a ***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.



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Activities implemented 2013 -2016

:

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



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Training and exchange activities:

- A series of regional training courses have been carried out aimed at capacity building and compliance with exchange of experience in the field of enforcement of legislation in IED, SEVESO, REACH/CLP, ETS, Waste, Water, Nature, Trans frontier shipment of waste (TFS) and PRTR. The programmes have been based on TNAs.
- Depending on the legislation covered, representatives of a variety of authorities and other stakeholders participated in the programme including inspectors, policy makers, permit writers, customs, police and civil society representatives.
- Each of these courses was combined with a site visit to illustrate the practical consequences and to exchange the information and the state of play on practices followed in the various beneficiary countries.
- The outcomes, evaluations and findings have been included in the reports published on the ECRAN website.



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Impacts of training and exchange activities:

- *Consolidation and improvement of know-how on enforcement aspects of the legislation;*
- *understanding of the cross-links in the legislation and know-how on how to handle these aspects;*
- *better understanding of the practical consequences of legislation by field exercises and visits;*
- *know-how on the state of play and approaches in other countries in the region and EU member state;*
- *understanding of the processes and required adaptations in implementation and enforcement actions after accession and during the transition from non-EU to EU member.*



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Institutional and methodological development:

To increase the capabilities in ***inspection management*** and at the same time better ***harmonise*** these systems with those in EU a specific programme has been carried out to implement and improve the ***risk based IRAM*** system in the various countries (regional courses followed by national assistance).

Functioning IRAM systems are available in Turkey, Croatia, Former Yugoslav Republic of Macedonia. National training courses aimed at implementation have been given in Kosovo*, Serbia and Bosnia and Herzegovina.

Inspection management and systems were explained in regional courses, which were linked to enforcement of specific legislation (REACH/CLP, IED, SEVESO).

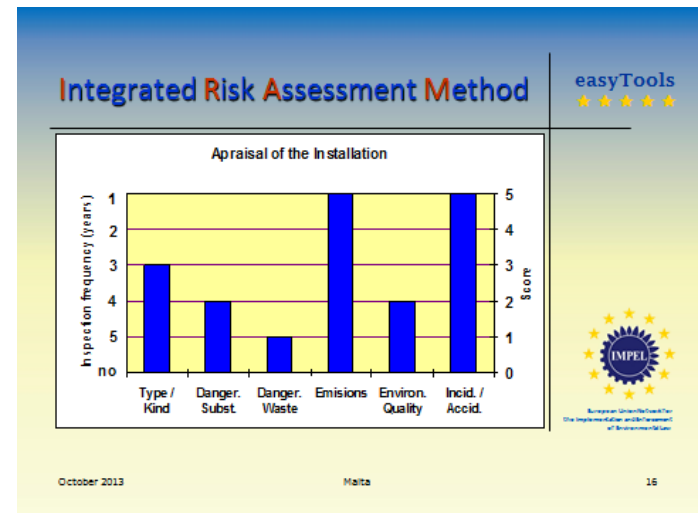
Cross-cutting issues were handled in a variety of ways. Firstly apart from involving of inspectors also by involvement of more stakeholders and representatives of authorities in the training programmes. Secondly by inclusion of the subject in regional training programmes with the cross-cutting issues that most recently have been analysed: IED with legislation on Water, Waste, REACH/CLP, ETS and Nature respectively and those on SEVESO with REACH/CLP and those on Waste with REACH/CLP.

Thirdly by combined training courses of ECENA with the IED/Chemicals and Waste WGs specifically in the field of TFS.



Impacts institutional-methodological development activities:

- *More harmonised systems and methodologies in inspection management with a risk based approach in the region; understanding of the requirements and experience with integrated inspection (Croatia);*
- *understanding of requirements of cooperation with other inspection bodies/authorities in enforcing legislation on chemicals;*
- *increased attention for cross-cutting and cross linking issues in the legislation with increased know-how on how to handle these in practice.*



Cross border enforcement:

Although cross border enforcement as a subject received attention in a number of courses, for example on ***nature inspection***, specific training with practical applications in the field took place on **TFS** covering courses and practical applications at the border of Croatia and Serbia, harbour sites in Montenegro and Turkey and study visits on TFS to the harbour of Antwerp, Belgium and Rotterdam, the Netherlands. A number of 4 reports on TFS with outcomes and findings has been published on the ECRAN website.

The increasing number of beneficiary countries that became a ***member of IMPEL*** and increasing participation of these countries in IMPEL activities, supported by ECRAN, may further improve the situation regarding training and exchange of experience, institutional development and cross border enforcement in the region. Member of IMPEL in an earlier stage were Turkey, Croatia and Former Yugoslav Republic of Macedonia. During the ECRAN programme period Albania and Kosovo*, became a member, whereas Serbia is negotiating on its membership. The participation in IMPEL activities of beneficiary country representatives supported by ECRAN has been included in the interim reports of ECRAN.



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Impacts Cross border enforcement activities:

- *Consolidation and improvement of know-how on cross border enforcement with reference to waste shipments and nature inspection;*
- *improvement of insight in institutional requirements for appropriate enforcement (inspectors, police, customs);*
- *understanding of rules and regulations leading to better coordination, cooperation, control and enforcement in the region and on a national scale;*
- *better exchange of know-how, inspection approaches and methodologies through active participation in networks.*



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Lessons learnt (1):

- Strong involvement and active participation of national coordinators in formulating and organizing the activities is a strong basis for success (ownership!)
- Learning from each other and exchanging experience are essential for a better understanding of implementation and enforcement requirements (priority setting and avoiding pitfalls during and after accession!)
- Combining theoretical explanations with site visits provides insight in consequences of implementation of legislation in practice
- The importance of cross-cutting issues as an element in the training, leads also to the understanding of cooperation needs between the authorities in implementation and enforcement of environmental legislation.
- the TAIEX facility coupled to the ECRAN programme has given a boost to the various initiatives to actively implement the environmental, chemicals and climate legislation. This not only refers to implementation in the region but especially to implementation at a national scale



Lessons learnt (2):

Membership and active participation in European networks for implementation and enforcement of environmental legislation is crucial as it may contribute to amongst others (a.o. with reference to IMPEL and ECHA and also ECENA):

- 1) More harmonized approaches in implementation and enforcement environmental legislation
- 2) Effective use of resources as tools developed by these networks can be shared
- 3) Specific information on the status of implementation in various countries and benchmarks that can be used
- 4) Better understanding of specific bottlenecks in implementation of legislation
- 5) Increased capacity building
- 6) Understanding of specific needs that are not only immediately required, but also those in the near future, with consequences for the strategies that are to be chosen



ECENA - Future

It is clear that a regional approach in EU assistance programme as used in RENA and ECRAN is also needed for the future considering the needs of the beneficiary countries.

Regional exchange of information provides essential information for important strategic decisions to be made on a national scale. Also in benchmarking and use of more harmonized systems a regional approach in exchange of information and training has proven its value.

ECENA as a network for inspectors in the region has continued to exist under the umbrella of RENA and ECRAN.

Without a continuation of this network, the consolidation of the know-how which is being shared between the inspectors and their organisations in the region will be endangered.



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Thank you for your attention



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