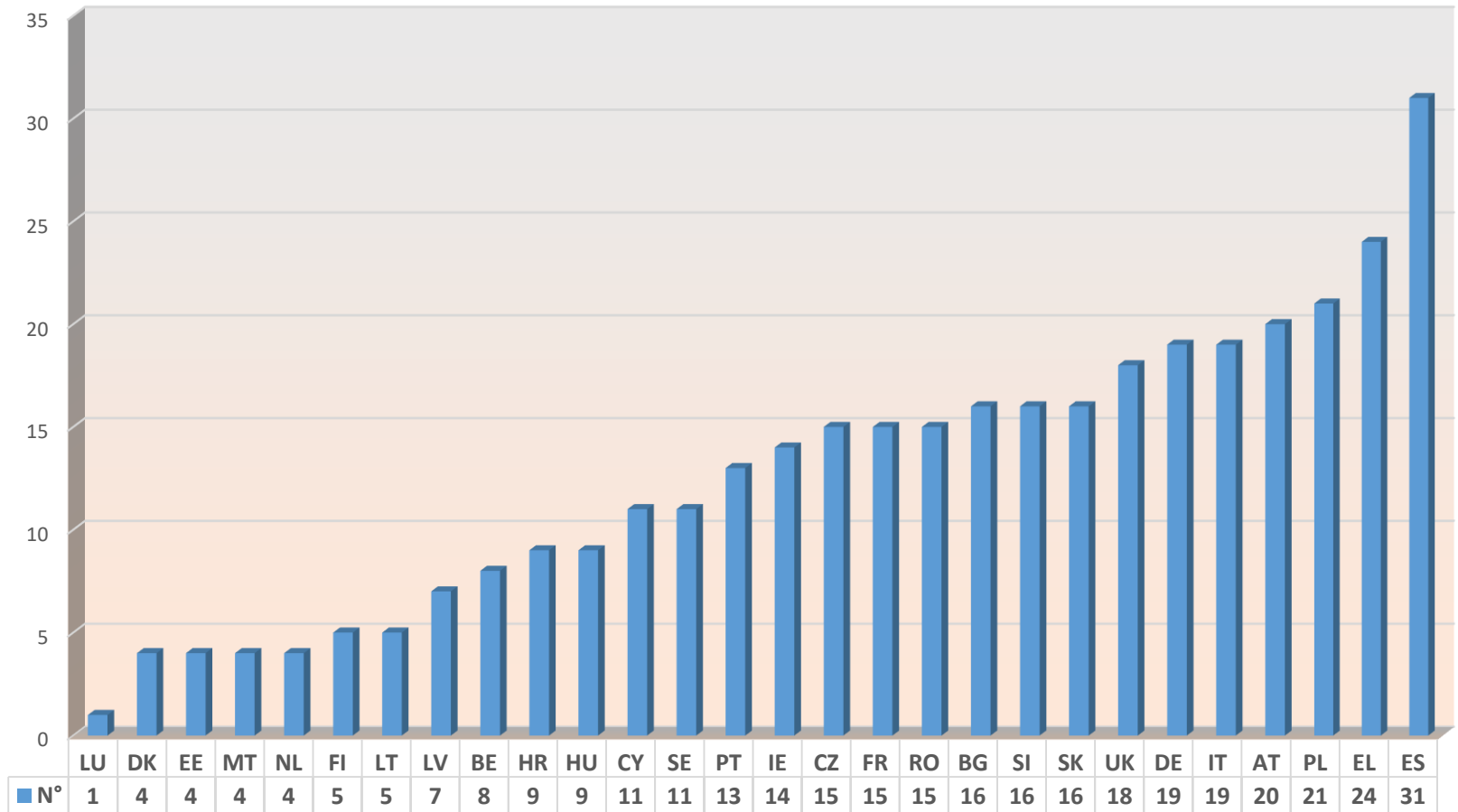




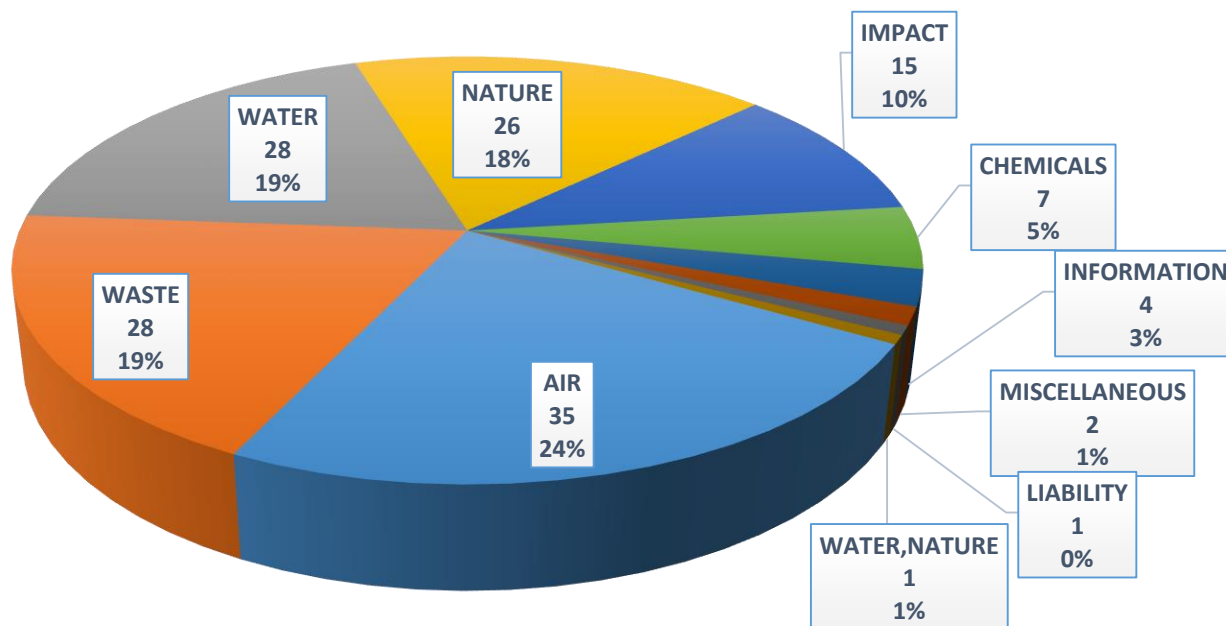
Avoiding infringements – lessons learnt from the last 13 MS

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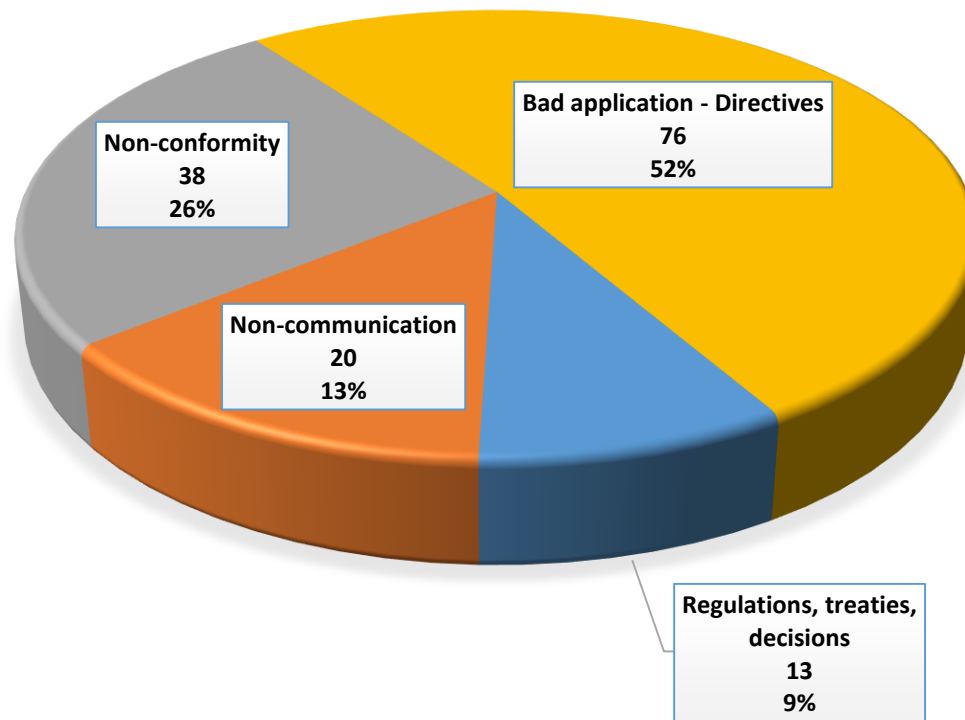
DG ENV - Open infringement cases per MS on 03/06/2019 (354)



DG ENV - Open infringement cases per sector on 03/06/2019 (147)
EU-13



**DG ENV - Open infringement cases per stage on 03/06/2019 (147)
EU-13**



To avoid infringements, three key priorities for new Member States

- *Building critical environmental infrastructure*
- *Putting in place the systems and procedures for legal and green development*
- *Building strong organisational and governance structures to implement EU law and deal with any problems that arise*

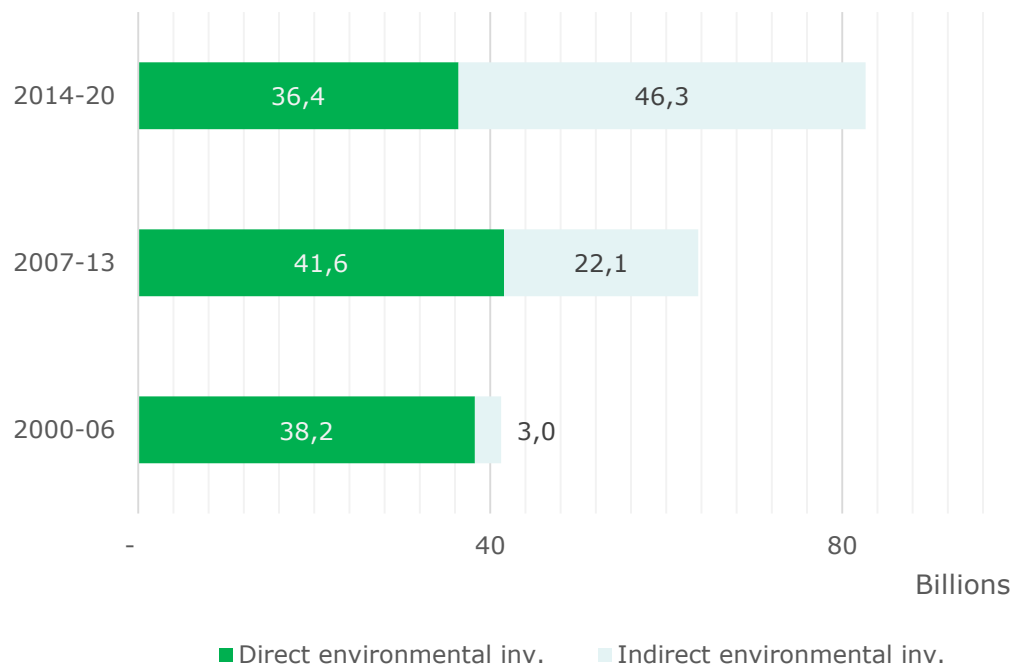


Critical environmental infrastructure (I)

Critical environmental infrastructure (II)

- *Early start essential – takes time to plan and build/put in place*
- *Good basic processes on strategy, site selection, EIA, procurement, management of facilities*
- *Integrated approach crucial – regions/local authorities, other Ministries need to be on board with the strategy to avoid wasted time*

Allocations to direct and indirect environmental investments from all EU Member States across the three financing periods (EUR billions)



Total allocations for environment:

- EUR 41 billion in 2000-2006
- EUR 66 billion in 2007-2013
- EUR **82 billion** in 2014-2020.

Legal and green development

Crucial for EU and EIB financing of transport and energy infrastructure:

- **Designate and manage Natura 2000 sites**
- **Ensure EIA Directive, Habitats Directive Art 6, and Water FD 4(7) in conformity and being applied correctly**

Organisation and governance



Managing non-conformity and non-communication

- *Good systems in place to make transposition quick and efficient*
- *States with devolved environmental legislative powers need to be especially well organised*
- *Watch out for drafting technique (transposition by reference, for example...)*

Processes to handle problems

- *Access to justice, engagement with NGOs to solve local problems locally (before they come to Brussels)*
- *Clear co-ordination of infringements – someone able to organise package meetings, and pull together Departments, Regions*

How does Commission handle implementation issues?

- *When a problem is identified, soft tools are used first, MS given time to identify a credible plan*
- *Funding and technical assistance available to address implementation issues*
- *Infringements only as a last resort!*

What cases do we take? (Since Dec 2016 Prioritisation Communication)

- *EU law not in place (non-communication)*
- *National law incorrect (non-conformity)*
- *ECJ judgement not respected (Art 260)*
- *EU law structurally badly applied*
- *Individual cases of bad application with major damage to health or environment, test cases, politically significant cases, EU money involved*
- *Other individual cases of bad application*

Conclusion

- *Infringements of environmental law need not be a major issue for a new Member State*
- *Every opportunity is given to resolve problems before formal procedures, ECJ, fines*
- *Three key challenges, that if not addressed can lead to difficult situations*