Protecting the environment through the effective implementation of European environmental law
Protecting our environment

The idea behind setting up the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) was to ensure that the relevant Directives would be systematically implemented – and enforced rigorously – by all Member States. Without the proper means to enforce European environmental legislation, the regulations governing such matters as hazardous waste, industrial pollutants and emissions from installations would, in effect, be almost worthless.

For it is only when the various states within the European Union have both the motivation and the resources to enforce appropriate laws that people can be confident that the environment in which they live and work will continue to be protected.

Sharing information and expertise

The members of IMPEL include representatives from environmental agencies and inspectorates in all EU states and Norway, and several candidate states who will shortly join the EU or are considered as applicant countries. The European Commission is also a member of IMPEL.

IMPEL has been established as an informal organisation where representatives can share information, discuss problems and offer each other practical advice. In this way important lessons can be learned and “best practice” methods for inspection, monitoring and enforcement adopted throughout the European Union.

An introduction to IMPEL

Protecting our environment

The Sixth Environmental Action Programme of the European Community entitled Europe 2010: Our Future, Our Choice takes a wide-ranging approach to the environmental challenges in the European Union and gives a strategic direction to the Commission’s environmental policy over the next decade, as the Community prepares to expand its boundaries. This Programme gives explicit recognition to IMPEL’s work.

“Article 3 Strategic approaches to meeting environmental objectives

The aims and objective set out in the Programme shall be pursued, inter alia, by the following means:

… Encouraging more effective implementation and enforcement of Community legislation on the environment and without prejudice to the Commission’s right to initiate infringement proceedings.

This requires:

- improved exchange of information on best practice on implementation including by the European Network for the Implementation and Enforcement of Environmental Law (IMPEL Network) within the framework of its competencies …”

There is also recognition for IMPEL in the Recommendation of the European Parliament and of the Council providing for Minimum Criteria for Environmental Inspections in the Member States. It foresees several tasks for the IMPEL network.

A plan for action

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The need for positive environmental change

The need for environmental protection from pollution continues to be a major issue in the modern world. To monitor and control the effects that European industry has on its surroundings is an immense task and one that calls for close co-operation between environmental authorities.

By the early 1990s, a considerable range of environmental legislation had been introduced and yet there seemed to be little matching improvement in the quality of the environment. The only realistic conclusion was that there were weak points in the regulatory chain at the level of implementation and enforcement.

Furthermore, there were often differences in the ways that Member States were applying environmental laws. Such variations in enforcement systems were likely to impose unequal burdens on industry across Europe. This could not only lead to unfair competition but also result in damaging environmental consequences.

An international communication network

IMPEL was established in 1992 and was originally called the “Chester network”, after the city in the UK where the inaugural meeting was held, having previously been conceived at a meeting of the Community Environment Ministers held in 1991. They recognised the need for a special kind of organisation: “a network of representatives of relevant national authorities primarily aimed at the exchange of information in the field of compliance and enforcement, and the development of common approaches at a practical level.” Exchange Programmes were held in each of the Member States to foster an exchange of experience and methods of working and to help develop the network and served to establish a pattern for IMPEL’s future work. The model was also adopted by the candidate countries to support in complying with the environmental acquis communautaire.

Apart from the need to belong to an environmental authority in a Member State of the European Union, a candidate country or a country that is applying EU environmental law, there are no specific entry requirements for membership of IMPEL - other than a desire to exchange information and learn from each other. The European Commission also acts as a member of IMPEL. The network is supported by a Secretariat located in the Environment Directorate-General of the Commission in Brussels.

Practical co-ordination to share expertise

In each IMPEL member country a National Co-ordinator serves as the IMPEL focal point for the people involved or interested in the work of the organisation. IMPEL member countries are also encouraged to establish national networks under IMPEL’s umbrella.

IMPEL activities are guided by plenary meetings that normally take place twice a year. They are co-chaired by the Member State holding the six months’ Presidency of the European Union and the European Commission. IMPEL also encourages the transfer of knowledge to those countries who are actively seeking membership of the European Union. Candidate countries are thereby encouraged to attain the same standards of compliance with European environmental legislation prior to their accession to the EU.

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The existence and example of the IMPEL network has encouraged the formation of other similar networks elsewhere in the world.

How European legislation comes into force

For environmental legislation, it is for the European Parliament and the Council of Ministers (representing the Member States) as the EU co-legislators to discuss and adopt the proposed pieces of EC legislation. Most environmental legislation is in the form of Directives. Member States have to fully implement and enforce these Directives which first have to be transposed into national legislation. While the form of this legislation is therefore a matter for individual Member States, the Commission can take action if it is not satisfied that a Directive has been fully or correctly implemented. Moreover, methods of enforcement can vary considerably. This is where IMPEL is able to compare what is happening and to identify good practice.

Fair competition for European industry

One of the conditions for fair competition is that environmental Directives should be enforced evenly throughout the European Union. If this were not the case, then industries in countries where environmental regulations were not applied so rigorously could benefit from unfair competitive advantage as well as posing an increased threat to the environment.

Therefore, in addition to environmental concerns, IMPEL reflects a desire on the part of Member States to operate within a balanced legislative and economic framework.
**A clear campaign of action**

**IMPEL’s Multi-Annual Work Programme**

The essence of IMPEL and how it functions is contained in the projects it carries out. Individual projects depend for their adoption at IMPEL’s Plenary Meetings on proposals from individual countries. However, project ideas have been planned and developed in cooperation between Member States in different kinds of IMPEL Working Groups, including so-called Clusters. The European Commission provides an annual budget to co-finance IMPEL projects.

At its meeting in Paris in December 2000, IMPEL recognised the value of developing longer term plans. As a direct result, IMPEL created its Multi-Annual Work Programme, which established the framework from which a series of relevant environmental projects are selected and scheduled over a period of five years. The programme draws on the 6th Environmental Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections. It is a live document that is regularly updated. Please check the IMPEL website for the latest version.

Some projects have led to the preparation of useful reference documents such as the inspector handbook, IMPEL Reference Book for Environmental Inspection. Others, such as the IMPEL project on the food production/processing industry, have resulted in the preparation of a database of best practice techniques and experiences. In addition, there are projects with a more regional relevance for example, several southern European countries are participating in a project on the enforcement of environmental law in case of hunting.

The following pages present some of the many projects that IMPEL has carried out. A number of these were presented to a large audience at the first IMPEL Conference in Villach, Austria, in 2000, one of a series of such conferences that IMPEL intends to organise. Through these practical exercises, IMPEL is making a real difference when it comes to protecting the environment.

**Minimum Criteria for Inspections**

Over recent years, one of the most important tasks facing IMPEL has been to establish minimum criteria for the inspection of installations regulated by EU environmental law. Environmental inspections are a key activity in the implementation and enforcement of environmental law and therefore essential if we are to secure a high level of environmental protection.

As the IMPEL work on Minimum Criteria for Inspections has progressed, its importance and relevance have increasingly been acknowledged. Indeed, IMPEL’s reports on this subject constituted the basis of the Commission’s proposal for a Recommendation on minimum criteria for inspections, which was adopted by the EP and Council as the “Recommendation of the European Parliament and Council of 4 April providing for minimum criteria for environmental inspections in the Member States” (2001/331/EC, OJ L 118/41).

In effect, all Member States are encouraged to give due attention to the Recommendation and make a substantial effort to comply with its content when carrying out environmental site inspections.

As far as IMPEL is concerned, the Recommendation includes several tasks which the network is specifically invited to undertake. As a result, IMPEL has developed a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures, the IMPEL Review Initiative, and has looked at the training and qualifications necessary for environmental inspectors. Furthermore, IMPEL has drawn up a management reference book for environmental inspectorates.

**How the minimum criteria are applied**

The minimum criteria established by IMPEL apply to all types of environmental inspection carried out by authorities on industrial installations, including power stations and waste treatment/disposal facilities.

The framework for IMPEL’s recommendations is based on the regulatory cycle (see figure 1).

Inspection activities include:

- checking and promoting the compliance of relevant installations within requirements stated in laws, regulations, ordinances, directives, prohibitions and/or permits, etc;
- monitoring the general impacts of specific relevant installations on the environment that might lead to enforcement action or further inspection.

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Training and qualifications of inspectors

As part of the Recommendation on the minimum criteria for environmental inspections, IMPEL was also invited to draw up minimum requirements concerning the qualifications of environmental inspectors.

Experts participating in this project were asked to describe practices for inspector training and education adopted in their respective Member States. IMPEL identified which items represented core topics, or minimum criteria, necessary for an inspector’s background knowledge.

A study on standard entry qualifications for environmental inspectors was also carried out, with a review of the range of activities an inspector needs to undertake during the course of his or her work.

The project also considered how inspectors, once they have completed their training and gained some experience, can subsequently be assessed in core competences.

In these ways, IMPEL is helping to improve the training of environmental inspectors, raise professional standards and provide individuals with the knowledge they need to counter the dangers of environmental pollution.

Comparison programmes

International opportunities to compare methods

One of the most useful aspects of the work of IMPEL is the opportunity for enforcement officers in different European Union countries to compare working practices and thereby learn from one another.

Involving industry in environmental protection

In 2001 a Comparison Programme showed how the Dutch environmental authorities are increasing the responsibility of companies themselves when it comes to protecting the environment in which they operate.

However, for an industrial installation to be successful at self-monitoring and control, it should have an effective Environmental Management System (EMS) in place. Delegates were therefore given an opportunity to see an EMS in place when they visited a local steel plant.

While data gathering and electronic reporting can certainly streamline the monitoring process, it remains the case that official on-site inspections are still required to ensure continuing compliance with environmental regulations.

Distance learning, a new element in training

In 2002 IMPEL carried out a Comparison Programme with the objective of giving an in-depth view on self-monitoring and electronic reporting based on practical working methods and information gained from workshops.

An additional objective was to produce a distance training package for environmental inspectors. To test the practical benefits of this educational tool, the package was used by a group of inspectors from different Member States.

Feedback from this project has been analysed as the first step towards developing a truly effective and comprehensive training programme for the European Union’s environmental inspectors.

“One of the most important aspects of being involved in a Comparison Programme is the way it makes you take a much closer look at the system in your own country – and then encourages you to make improvements based on the exchange of ideas.”

Erkki Kontola, Northern Finland Environmental Permit Authority
Energy efficiency

Saving energy and reducing emissions

Emissions from industrial installations and power plants due to the burning of fossil fuels, and the consequent release of carbon monoxide and carbon dioxide into the air, can have a major impact on the earth’s atmosphere. European environmental legislation recognises the need to increase energy efficiency and reduce emissions. The overall aim is to conserve resources and minimise the potential damage to the ozone layer, as well as other damaging side-effects from pollution such as acid rain.

The general principles of using energy efficiently are detailed in a European Council Directive on Integrated Pollution Prevention and Control (IPPC). This Directive applies primarily to larger industrial sites where the use of energy is a significant factor in the production process. Several IMPEL projects have been developed within its framework.

Controlling energy across Europe

The idea for an Energy Efficiency project came from an IMPEL meeting held in Portugal in May 2000, during which a workshop covered the question of implementing European energy regulations.

At the outset, one of the main concerns was that, while Member States had some voluntary agreements in place, the legal obligations were still new or being planned. As a result, the approaches adopted by the various Member States to implement and enforce the new energy regulations were often inconsistent.

Applying for a permit to operate

Under new legislation, operators must apply for a permit that sets out various conditions, including emission limit values. While such permits existed before IPPC, this Directive requires a more integrated approach to be taken as regards pollution control, including emissions to land, air and water.

One of the new features of the Directive is that permits must also include a reference to energy efficiency. Naturally, it is important to make sure that any such energy-efficiency requirements can be enforced by environmental inspectors.

Thanks to this IMPEL project, the participating countries have been able to compare the various approaches on energy efficiency in relation to environmental permits. Moreover, the project’s co-ordinators have developed a series of recommendations to harmonise the methods adopted within the European Union.

Transfrontier Shipment of Waste

Monitoring the movement of waste

Waste is an inevitable by-product of modern society and industrial production methods. While every measure must be taken to minimise waste and promote re-use and recycling, monitoring the disposal of waste – and particularly the suitable disposal of potentially hazardous waste – remains a top priority for Europe’s environmental enforcement officers.

The Basel Convention created a worldwide legal framework relating to the import and export of hazardous waste. However, the regulation and enforcement of sound waste management procedures within the European Union is very dependent on the resources available in each Member State.

When it comes to transfrontier waste shipments, the levels of communication and co-operation between the relevant authorities are equally important. Indeed, the origins of one IMPEL project stemmed from practical problems in identifying the various enforcement organisations that were responsible for monitoring waste shipments.

Close co-operation leads to strong action

In 1992, there was a general lack of contact information. Thanks to a Dutch initiative, the first working party was set up to try and solve this problem. The group not only looked at harmonising enforcement procedures, but also established a directory of relevant authorities in each European country.

Rapid access to this network of enforcement authorities now provides the basis for close co-operation when it comes to enforcing the European regulations for the transit of waste throughout the European Union.

IMPEL’s Transfrontier Shipment of Waste project has helped enhance the enforcement of regulations, including the creation of a detailed manual for the return of illegal waste shipments to their place of origin.

“I find the project a very challenging one. It is highly rewarding to work with people from other European environmental authorities and to discuss such important issues, many of which relate directly to current climate-change policy.”

Marianne Lindström, Finnish Environmental Institute

Vasco de Gama, Lisbon, Portugal
Catching Europe’s environmental law-breakers

Unfortunately, where there are commercial opportunities to make money through waste disposal, there are also opportunities for fraud. Indeed, it has been shown that other criminal activities can be linked with illegal waste disposal.

For example, shipments of illegal drugs have been found together with cargoes containing illegal waste and this has necessitated close co-operation between environmental enforcement officers and Interpol to apprehend the criminals.

To counter the illegal shipment of waste, environmental agencies must remain vigilant. The IMPEL project promotes the spread of information throughout the European Union and thereby encourages successful joint enforcement activities.

Accident prevention

Learning lessons from industrial accidents

No matter what precautions are put in place, it is inevitable that industrial accidents will occasionally occur. However, whether the fault is due to a system failure or human error, lessons can always be learnt.

With careful analysis and well-publicised recommendations, it is possible to prevent accidents of the same kind occurring elsewhere or to minimise their impacts on the environment and on human health. In this way, the environment — and people’s lives — can be given greater protection.

IMPEL participates in an annual review of industrial accidents where the host country provides an in-depth report on significant accidents that have occurred within, or near, their borders. Such participation benefits both the host country, by enabling a broader participation, and the IMPEL network itself.

Practical examples to prevent future errors

For example, in 2002, a meeting took place in Bordeaux that investigated a series of recent industrial accidents and presented their findings to an international gathering of environmental inspectors and other interested parties.

The accidents under review covered a full range of incidents. The effects they had, both in terms of health and safety and the impact on the environment, varied greatly. However, these were all serious incidents from which valuable lessons could be drawn.

The international delegates at the meeting in Bordeaux were able to study the causes of the major industrial explosion at a fertiliser factory in Toulouse, and the consequences of the catastrophic accident in the fireworks’ warehouse in the Dutch town of Enschede.

A systematic approach to aid safety awareness

When it comes to co-ordinating a systematic approach to implementing health and safety legislation, every operator and inspector must rely in part on past experience. After all, past incidents comprise one of the richest sources of information.

For example, the thorough analysis of the causes of an accident can promote more effective preventive measures for the site itself — and prove relevant to the industrial sector as a whole. Furthermore, an accident initially considered as the result of human error may, after further investigation, prove to have been caused by a flaw in the system.

Once the findings have been established it is critical that the information is shared among all relevant personnel. Only then can suitable preventative measures be adopted and future accidents averted.

“These annual meetings dedicated to accidents and the feedback of information are attended by a large number of European environmental enforcement officers. This increased participation can only contribute to enriching our exchanges and discussions.”

Marie-Claude Dupuis, Head of the French Department for Industrial Pollution Control

“By sharing information, the transfrontier shipment of waste can be monitored and regulated increasingly effectively, thereby making our environment safer for all its inhabitants.”

Ruud de Krom, Inspectorate of the Ministry of Housing, Spatial Planning and the Environment, The Netherlands
What the future holds for IMPEL

Creating the IMPEL network has been a major achievement. As a result, a European Union-wide forum now exists that allows environmental regulators and policy makers to meet and exchange information and experience about environmental law and its implementation and enforcement. “IMPEL is a unique cooperative experience, a frontrunner in Environmental Governance, promoting and developing knowledge, experience and best practice which have made it the pioneer network worldwide.”

Georges Kremlis, IMPEL Co-chair, European Commission

The reason for developing such an informal and yet productive forum has been the apparent variation in the implementation and enforcement of European legislation. Since it is up to each individual EU country to transpose European Directives into their own national legislation, and then establish appropriate means of enforcing those laws, different approaches are likely to occur.

The challenge ahead for environmental protection

Not all Member States have Environment Agencies in place to monitor and enforce legislation. In fact, administrative structures vary widely from one Member State to another. For example, France remains highly centralised whereas there are sixteen separate Länder in Germany that are responsible for implementing environmental legislation. In the light of such national differences, it is essential that there are regular opportunities to compare procedures and then promote the best practices from the participating countries.

In the years ahead IMPEL will continue to play an important role by promoting environmental protection and helping to ensure that legislation is both enforceable and enforced consistently throughout the European Union. IMPEL is now a network of 29 countries and will eventually develop further as the European Union enlarges.

For more information please contact the IMPEL Secretariat or consult the IMPEL Website. The website is updated regularly and, for example, features the addresses of all national coordinators and the latest version of the multi annual work programme.

The way forward

IMPEL projects/reports

- IMPEL Review Initiative Ireland (Dec 2002)
- IMPEL Review Initiative Belgium (Dec 2002)
- Report on Lessons Learnt from Accidents, Seminar held in Reims, 2001 (Dec 2002)
- IMPEL Review Initiative, Germany (Dec 2001)
- General Binding Rules (June 2001)
- Dutch Comparison Programme (June 2001)
- Integrated Pollution Control Compliance and Enforcement of EU Environmental legislation to Industries (PPC and non PPC) of the Food Production/Processing Sector (June 2001)
- Best Practice in Compliance Monitoring (June 2001)
- IMPEL Review Initiative (PI) Phase 3 - Assessment and Test of Questionnaires and Guidance (June 2001)
- Criminal Enforcement of Environmental Law in the European Union (Dec 2000)
- Report on Lessons Learnt from Accidents (Dec 2000)
- The Changes in Industrial Operations (Dec 2000)
- IMPEL Workshop on Integrated Permitting (Dec 2000)
- Finnish Comparison Programme (Dec 2000)
- Diffuse VOC Emissions (Dec 2000)
- IMPEL Workshop on the use of Chlorinated Hydrocarbons (CHC) in Industrial Plants (Dec 2000)
- IMPEL Workshop on Compliance and Enforcement of the Waste Water Treatment Act (Dec 2000)
- Report on Lessons Learnt from Accidents (Dec 1999)
- Compliance Procedures and Access to Justice for Citizens and NGOs in the Field of the Environment within the European Union (May 2000)
- Fact Sheet for Printers (May 2000)
- IMPEL Reference Book for Environmental Inspection (Jun 1999)
- Report on Lessons Learnt from Accidents (Dec 1999)
- Minimum Criteria for Inspections:
  - General Principles (Jun 1998)
  - Operator Self-Monitoring (Dec 1998)
  - Frequency of Inspections (Dec 1998)
  - Planning and Reporting of Inspections (Jun 1999)
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