



European Union Network for the Implementation
and Enforcement of Environmental Law

Good Practices in Environmental Compliance Assurance in rural areas

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The EU ECA initiative

EU actions to improve environmental
compliance and governance

COM(2018) 10 final

Environmental Compliance Assurance –
Scope, concept and need for EU actions

SWD(2018) 10 final



How to improve support on compliance assurance?

In the light of consultations and analysis, nine actions were chosen.

Action 5:

***Prepare guidance document(s)
on good practices in environmental
compliance assurance in rural areas
(in relation to land and water)***

Why Action 5 ?

- No provisions on environmental inspections, such as those found in the IED, in EU water and nature legislation
- Serious concerns about diffuse water pollution and overabstraction, and the poor condition of many habitats and species highlighted by EIR
- A combined approach to rules affecting rural areas will enable greater coherence of compliance assurance efforts.
- Methodological guidance on how to carry out ECA in rural areas could be strengthened.

IMPEL now has expert teams on water and nature but established relatively recently. While these are of growing value, they have had less time to match the work done on industrial inspections

Why does environmental compliance in rural areas matter?

For the benefits of:

- improved water quality and quantity,
- habitats and wildlife in a healthy state;
- reduced air pollution,
- protecting aspects of the countryside that are important for cultural heritage, recreation and tourism.

OBJECTIVES

- Improve ECA as regards rural areas by assisting national authorities to monitor, promote and enforce compliance with EU water, nature and related legislation
- contribute to the Common Agricultural Policy (CAP) by underpinning legislation covered by cross-compliance
- strengthen compliance with EU nature legislation, creating a synergy with the Commission's Action Plan for nature, people and the economy
- help improve national compliance assurance systems for water legislation

BACKGROUND

- EU environmental legislation lays down **obligations related to activities in rural areas** that affect **land and water**.
- This **does not contain detailed provisions on inspections** and other forms of compliance monitoring.
- There is an **absence of guidance to help Member States** ensure that these requirements are effective on the ground.
- **Some** of these requirements are **subject to cross-compliance** – which comes with inspection and audit provisions under the CAP



Why does compliance assurance in rural areas need to be effective?

Taking into account the particular complexity of agricultural activity that includes:

- The interaction between the environmental issues addressed, such as pesticides, nutrients, waste and chemicals management.
- The interaction between the different economic interests and stakeholders in the rural environment, which may together place collective pressures on the environment or be antagonistic.
- The complexity of the institutional arrangements for managing these environmental pressures and working with the range of stakeholders.

EXPECTED OUTPUTS (1)

- An easy-to-understand **overview and summary of the relevant EU environmental obligations** that govern or influence these environmental requirements
- To maximise synergy with the CAP, **particular attention** will be paid to requirements that are also subject to **cross-compliance**
- A summary of the **principles** and **strategies** that should **govern compliance assurance** in respect of them, and links to funding instruments
- A **tool for developing strategies**, in particular for **assessing the risks** of non-compliance with these requirements, to help Member State prioritise and target their compliance assurance

EXPECTED OUTPUTS (2)

- **Guidance on good practices in inspections** and other forms of compliance monitoring, as well as follow-up, covering in particular
 1. **site-based** inspections
 2. monitoring at the level of **river catchments** or **protected sites**
 3. **earth observation** and means of monitoring land-use changes
 4. environmental **audits**
 5. role of **citizen science**
 6. **compliance monitoring** that covers different requirements and takes account of cross-compliance
 7. **data collection and data-sharing** and other forms of cooperation between authorities
 8. **relationship** of compliance monitoring to state-of-the-environment and pressure monitoring.

EXPECTED OUTPUTS (3)

- **Guidance on good practices to help duty-holders** comply and raise general public awareness, covering in particular
 1. advice and **awareness-raising on the importance of compliance** and the consequences of non-compliance
 2. practical advice on **how to fulfill requirements**
 3. practical advice on **where to get financial support**;
 4. **co-design** with duty-holders of **detailed requirements and prescriptions**, in particular those that have a voluntary character, to optimise results



REQUIREMENTS TO BE CONCERNED (1)

The outputs will take account of requirements concerning:

- **storage** of manures and other polluting substances and organic and chemical **fertilizer application**;
- **pesticide** use;
- **abstraction of** surface and ground water **and** **protection of groundwater**;
- protection of **habitats and species**.



REQUIREMENTS TO BE CONCERNED (2)

The outputs will take account related environmental requirements concerning:

- **waste-water discharges** in rural areas;
- **protection of drinking water sources**, protection of other environmentally sensitive areas and protection of groundwater;
- **erosion** of soil and **flood management**;
- assessment of impacts on and/or **protection of valuable features** such as wetlands and cultural heritage;
- **emissions of air pollutants** from agricultural sources

Types of obligations relevant for farming

- Binding procedural **requirements to be fulfilled before an activity can take place**, e.g. environmental impact assessment of certain projects;
- binding **requirements under the terms of permits, authorisation** governing how an activity takes place, e.g. abstraction permit;
- **prohibitions on activities taking place**, e.g. destruction of habitats, use of certain pesticides, application of fertilisers, timing of ploughing, etc.;
- general binding **statutory rules regulating activities**, e.g. rules on land-spreading of fertilizers in nitrate vulnerable zones;
- binding **conditions that should be fulfilled as part of contracts**, e.g. for receipt of funding in a Natura 2000 site;
- binding **requirements to be fulfilled as part of official enforcement action** or requirement (e.g. with regard to environmental liability).

The legislation to be covered



- *The Water Framework & the Groundwater Directives*
- *The Nitrates Directive*
- *The Floods Directive*
- *Bathing Water & Drinking Water Directives*
- *The Framework Waste Directive*
- *The Sustainable Use of Pesticides Directive*
- *The Wild Birds & the Habitats Directives*
- *The National Emissions Ceiling (NEC) Directive*
- *GAEC in CAP cross-compliance that address soil protection*
- *The Sewage Sludge (use in agriculture) Directive*
- *The Fertilizer & the Pesticide trading Regulations*
- *Renewable Energy obligations (es. Biogas production)*



The road map to the guidance

- First draft May 2018
- First WG meeting June 2018
- Second WG meeting November 2018
- Third WG meeting February 2019
- Submission for approval May 2019

Guidance 1st draft track

1. The legal **obligations**
2. Relating obligations to farming, forestry and other
3. **Characterising** non-compliance
4. Who is **responsible** for compliance assurance?
5. **Strategies** for Compliance Assurance
6. Compliance
7. **Follow-up actions** in response to non-compliance
8. Compliance **Promotion**
9. **Actions to support** compliance assurance interventions



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Thank you!

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