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## **Environmental Implementation Review (EIR)**

**European Parliament resolution of 16 November 2017 on the EU Environmental Implementation Review (EIR) (2017/2705(RSP))**

(2018/C 356/14)

*The European Parliament,*

- having regard to the Commission communication of 3 February 2017 entitled ‘The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results’ (COM(2017)0063), and the accompanying 28 Country reports,
  - having regard to the Commission communication of 27 May 2016 entitled ‘Delivering the benefits of EU environmental policies through a regular Environmental Implementation Review’ (COM(2016)0316),
  - having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020, ‘Living well, within the limits of our planet’<sup>(1)</sup> (‘7th EAP’),
  - having regard to the resolution adopted by the UN General Assembly on 25 September 2015 entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (A/RES/70/1),
  - having regard to the Commission communication of 22 November 2016 entitled ‘Next steps for a sustainable European future — European action for sustainability’ (COM(2016)0739),
  - having regard to the Commission communication of 22 May 2017 entitled ‘2017 European Semester: Country-specific recommendations’ (COM(2017)0500),
  - having regard to the Commission report of 2 December 2015 entitled ‘Closing the loop — An EU action plan for the Circular Economy’ (COM(2015)0614),
  - having regard to the Commission report of 26 January 2017 on the implementation of the Circular Economy Action Plan (COM(2017)0033),
  - having regard to the questions to the Council (O-000065/2017 — B8-0606/2017) and to the Commission (O-000066/2017 — B8-0607/2017) on the EU Environmental Implementation Review (EIR),
  - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
  - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the EU has strong environmental legislation, but the weak and defective implementation thereof is a long-standing problem; whereas these implementation gaps threaten sustainable development, have adverse trans-boundary impacts on the environment and human health and entail important socio-economic costs; whereas, moreover, the implementation gaps undermine the EU’s credibility;
- B. whereas 70 % of EU environmental law is implemented by regional and local authorities;

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<sup>(1)</sup> OJ L 354, 28.12.2013, p. 171.

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- C. whereas the EU Environmental Implementation Review (EIR) and the 28 Country reports have shown once again that implementation of environmental law in the EU is not homogeneous, but varies dramatically between Member States as well as between the different environmental areas; notes, however, that there are common problem areas in which implementation is poor throughout the EU and that these often concern the greatest environmental health threats;
- D. whereas the biennial reporting exercise is very important in showing the real situation as regards implementation in the Member States, but regular monitoring would also be important;
- E. whereas the EIR addresses important components of EU environmental legislation, but needs to be further expanded to enable the provision of more systematic solutions to the challenges posed by sustainable environmental development;
- F. whereas the EIR should be a cross-sectoral instrument, able to evaluate environmental impacts in other areas such as agriculture, fisheries, industry, transport, forestry, and regional policies in general;
- G. whereas the Commission should aim to achieve better comparability of the data used in assessing Member States' performances; whereas the differences between the data collected in different Member States represent an important obstacle to their comparability and, ultimately, to the assessment itself;
- H. whereas it is important to involve all competent authorities in the EIR, in a manner consistent with the institutional reality of the Member States; whereas, in particular, it is important to emphasise that in some Member States regions have full competence in the field of environmental legislation;
- I. whereas the EIR is a tool fully complementary to other instruments focusing on better implementation such as IMPEL (the European Network for the Implementation and Enforcement of Environmental Law) and the 'Make it Work' project;
- J. whereas the EIR should be seen as an instrument for political discussion, particularly at ministerial level, and not only as a technical tool;

### ***Importance and context of EIR***

1. Welcomes the Commission's initiative to introduce an EIR and recognises its enormous potential, if the correct political importance is given to it and it is fully transparent; points out that the EIR has the potential to put implementation problems high on the political agenda, to serve as an early warning mechanism for decision-makers and, ultimately, to improve the implementation of EU environmental legislation and policy;
2. Recalls that Parliament has, on several occasions, called for a more proactive role to be played by the Commission in monitoring, guiding and supporting the implementation of environmental legislation and policy, e.g. with reference to the Nature Directives; considers that the Commission should act decisively in cases of breach, actively making use of all legislative measures at its disposal;
3. Supports the cross-sectoral, multi-stakeholder, holistic approach taken by the Commission, which is key to making changes on the ground; welcomes the fact that the EIR identifies the root causes of poor implementation and suggests measures to tackle these challenges in a constructive manner;
4. Considers that the EIR should be one of the tools used to create greater coherence with the Sustainable Development Goals (SDGs) and to evaluate the progress made by Member States and the Union towards the achievement of the environmentally relevant SDGs; calls, in this regard, on the Commission to further identify how the implementation of EU environmental legislation also furthers that of the relevant SDGs and the meeting of specific SDG indicators and targets by Member States;

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5. Recognises that the EIR can also serve as a prevention tool and could thus lower the number of infringement procedures; stresses, however, that the EIR should not replace or delay necessary action on infringement by the Commission;

***How to improve the EIR and deliver better results***

6. Welcomes the fact that the EIR covers the majority of the thematic objectives of the 7th Environmental Action Programme (7th EAP); regrets, however, that important areas such as climate change, energy efficiency measures and energy savings and chemicals and industrial emissions, as well as certain systemic and environmental challenges linked to energy, transport, product and regional policies have not been covered, and calls on the Commission to ensure that they are included in future versions; points out that existing data already published by the European Environment Agency could have allowed at least a preliminary analysis of the implementation of climate change legislation, energy efficiency measures and energy savings at both EU and Member State level;

7. Regrets, furthermore, the failure to address key issues such as hormone and medicine residues in waste water, surface water and groundwater and their effects on drinking water, human health, biodiversity and the (aquatic) environment, and calls on the Commission to ensure that they are included in future versions;

8. Highlights the fact that the 2030 Agenda for Sustainable Development, at global level, and the 7th EAP, at EU level, create a framework for progressive environmental policies;

9. Considers that a stronger link between the EIR and the European Semester would be beneficial to the coherence of the Union action;

10. Underlines that the limited availability of data can result in implementation gaps and difficulties for the review of implementation;

11. Stresses the importance of harmonising data and reporting cycles in order to streamline future review processes; calls on the Commission to increase data comparability and to include in future EIRs a specific section assessing the quality of reporting and the data provided by Member States under the different directives; underlines the importance of safe electronic data sharing in order to facilitate reporting by the Member States;

12. Stresses the importance of supporting qualitative assessment with quantitative targets; considers, in this context, that better cooperation with the European Environment Agency would help to develop appropriate indicators;

13. Stresses that the EIR should take into account and assess any serious problems and possible conflicting goals between environmental policies and other sectoral policies, highlighting any misalignments where they are found, and drawing up proposals to correct them;

14. Believes that there should be less margin for discretion on the part of Member States in order to find solutions for better implementation;

***How to improve implementation of environmental legislation***

15. Underlines that the lack of integration of environmental concerns into other policy areas is one of the root causes of implementation gaps in environmental legislation and policy;

16. Underlines that the implementation of environmental law could be improved by better integration of environmental legislation into other policy areas and by the full application of the precautionary principle;

17. Believes that lack of administrative capacity and lack of governance, which are two of the main causes of defective implementation, derive partly from a lack of adequate funding and partly from an inefficient use of the available funds by Member States, and calls on the Member States to make improvements in these areas;

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18. Believes that, for the sake of good and robust governance and improved effectiveness, partnership between and transparency of public authorities at all levels, a clear division of responsibilities, the provision of adequate resources, capacity building and better coordination mechanisms are imperative;

19. Takes the view that the use of market instruments by Member States, such as a fiscal policy based on the 'polluter pays' principle, represents an effective and efficient tool for achieving the goal of full implementation of environmental policy;

20. Strongly supports the emphasis given in the EIR to the exchange of best practices and peer-to-peer review, and considers that this could help Member States facing difficulties in implementing environmental legislation to find innovative solutions; is convinced, in this context, that guidelines from the Commission would be helpful;

21. Considers that the EIR should include clear and strict timeframes set by the Commission to ensure implementation of environmental law in the Member States;

22. Believes that the EIR can also be used as a tool for providing information to the public, raising awareness, increasing the involvement of civil society and enhancing public engagement and education on environment policy, with benefits for Member States and citizens; calls on the Commission, in this context, to develop a toolbox of measures to assess the progress made in terms of environmental performance by Member States, including best practice benchmarking and scoreboard reports, which should be regularly updated and published to ensure that they are publicly available;

23. Calls on the Commission and the Member States to bolster compliance assurance, including by means of improving and stepping up efforts in implementing the Environmental Liability Directive;

24. Stresses that NGOs and the wider public can also play an important role in promoting better implementation, thereby upholding the rule of law if effective access to justice is available;

25. Calls on the Commission to put forward a legislative proposal on environmental inspections in order to accelerate the implementation of environmental laws and standards;

26. Calls on the Commission, in the context of good governance and compliance assurance, to put forward a new legislative proposal on minimum standards for access to judicial review, and to propose the revision of the Aarhus Regulation implementing the Convention in relation to Union action in order to take account of the recent recommendation by the Aarhus Convention Compliance Committee;

#### ***Role of the Member States and EU institutions in EIR follow-up***

27. Calls on the Commission, the competent authorities in the Member States and relevant stakeholders to fully engage in the EIR without delay; stresses the important role of regional and local authorities; calls on the Member States to fully involve local and regional authorities and to encourage them to further engage in the IMPEL network and promote involvement of local and regional experts in order to improve the sharing of data, knowledge and best practices as a matter of urgency;

28. Calls on the Commission and the Member States to improve data collection and the availability of information, the dissemination of good practices and the involvement of citizens, and to consider involving local authorities to a greater extent in the process of defining environmental policy;

29. Calls on the competent authorities at the relevant level in the Member States to ensure the organisation of open and inclusive dialogues on implementation, with adequate provision of information to and the engagement of the public and civil society actors, and calls on the Commission to engage in these dialogues and to keep Parliament informed;

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30. Welcomes the Commission's policy proposals on the dedicated framework for the structured implementation dialogue, but considers it imperative to ensure that this process is transparent and involves relevant NGOs and key stakeholders;

31. Welcomes the discussion between the Commission, the Member States and stakeholders in the Expert Group 'Greening the European Semester', but considers that the involvement of a specific environmental implementation Expert Group could facilitate a structured dialogue on implementation in addition to the bilateral country dialogues;

32. Urges that the issue of implementation should feature as a recurring item in trio-presidency priorities and programmes, that it be discussed at the Environment Council at least once a year, perhaps through a dedicated Implementation Council, and that this be complemented by another forum in which Parliament and the Committee of the Regions would also be involved; calls for joint Council meetings to address the implementation of cross-sectoral, horizontal issues and common challenges, as well as emerging issues with possible cross-border impacts;

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33. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

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