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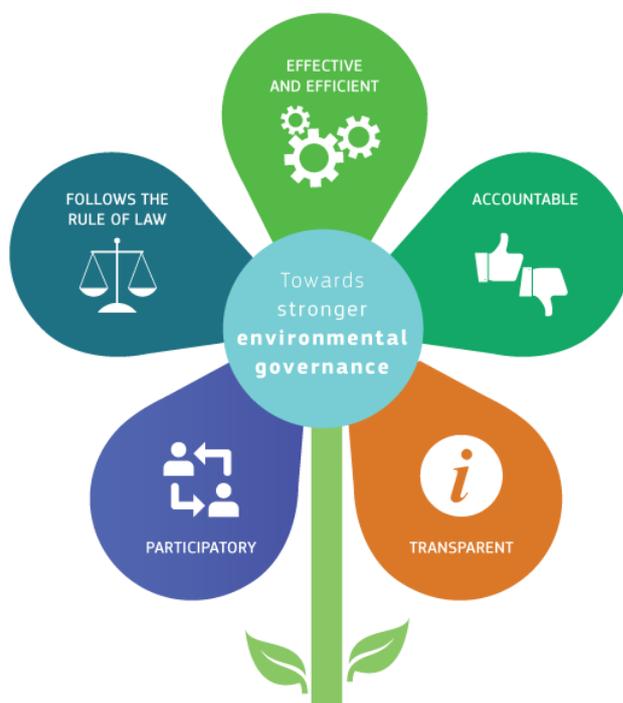


ENVIRONMENTAL LIABILITY DIRECTIVE 2004/35/EC (ELD)

MULTI-ANNUAL ELD ROLLING WORK PROGRAMME (MARWP) FOR THE PERIOD 2021-2024

"MAKING THE ENVIRONMENTAL LIABILITY DIRECTIVE MORE FIT FOR PURPOSE"

(VERSION: 18 NOVEMBER 2020)



Foreword

This Multi-Annual Rolling Work Programme has been developed by the Commission services on the basis of the of the Multi-Annual Work Programme for the period 2017-2020 and the results of its evaluation by ELD government experts and stakeholders in 2019 as well as the new suggestions, discussed with the Member States and ELD stakeholders throughout 2020. It was finalised as part of a consultative process with national experts from EU Member States.

This follows the agreed approach that the work programme will be reviewed and, if necessary, updated or adapted on a regular basis. It will be also important to critically review and evaluate the success and the effectiveness of the MARWP at the next evaluation for the ELD Directive, which is due by April 2023.

1. Introduction

The Environmental Liability Directive¹ (ELD) entered into application on 30 April 2007. Member States presented reports on its application in 2013 and the Commission has so far reported twice:

- in 2010 on the effectiveness of environmental remediation and the availability of financial security under the ELD, and
- in 2016² on the relevance, effectiveness, efficiency, coherence and the EU-added value of the ELD based on a comprehensive REFIT evaluation³.

The present Multi-Annual Rolling Work Programme (MARWP) has been developed on the basis of the last MAWP 2017-2020, a brief evaluation of it in 2019⁴, the fourth amendment of the ELD through Regulation (EU) 2019/1010⁵, amending Articles 14 and 18 and Annex VI of the Directive, and new suggestions discussed and presented in meetings with the Member State experts and ELD stakeholders. It will be updated on a regular basis so to adapt it to growing knowledge and changing needs.

The final goal is the reduction, and ultimately the prevention of environmental damage, based on the polluter pays principle. The outcome with regard to accidents, incidents and events causing environmental damage is to extend the ELD application, to support the national administrations as well as operators, and to carry out research on the relevant issues.

This MARWP has been discussed and agreed with the ELD Expert Group on 6 May 2020 and 16 September and was adopted on 18 November 2020. It has also been presented to the ELD stakeholder communities at the 7th ELD stakeholder conference on 20 November 2020. The aim of this joint effort is still to implement the proposed follow-up actions resulting from the issues identified by the Commission's evaluation of the Directive in 2016. Various actors may be interested and concerned by different parts of the MARWP in different ways. For example, some Member States may not want to or may not be able to engage actively in some parts of the activities for particular reasons. Since this work programme is non-binding and informal, it allows for such flexible, pragmatic and tailored approach to assist Member States and experts most affected and committed to implementing a particular action.

2. Working areas and key activities

Based on the objectives of the ELD and following the evaluation of the MAWP 2017-2020 and the discussions and agreements on the new MARWP 2021-2024, the priority areas in this MARWP are to:

¹ Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage, OJ L 143, 30.4.2004, p. 56

² The reporting deadline of end of April 2014 was for various reasons delayed until its adoption on 14 April 2016

³ COM(2016) 204 final, SWD(2016) 121 final

⁴ In the context of the 21st ELD government experts meeting on 4th of March 2019 and the 6th ELD stakeholder workshop on 5th of March 2019.

⁵ OJ L 170, 25.6.2019, p. 115

1. **Support the implementation** of the ELD so that the potential of the ELD is significantly better exploited and the ELD is used more evenly across all Member States as a standard instrument of liability in case of natural resource damage, through the development and application of accessible, user-friendly tools and other administrative support measures for the use by competent authorities, operators, loss adjusters, risk assessment experts, financial security brokers, environmental NGOs and other ELD stakeholders and practitioners
2. **Promote the availability of financial security** for ELD liabilities across the EU, so as to ensure that potentially liable operators covered by strict liability have sufficient financial capacity to meet their liabilities, through available and appropriate financial security instruments at reasonable cost, thus meeting the requirements of availability, sufficiency and security, in particular by stimulating demand through adequate ELD enforcement and through a common understanding of the ELD
3. **Provide better quantitative and qualitative information relating to the application of the Directive.** This is necessary to improve its correct application and to better identify where support or changes are needed. It will be to the benefit of all who have to apply the Directive or are potentially concerned by it, so that empirical knowledge about the functioning of the ELD yields a clearer picture (including on the interplay with national legislation and other types of liability), and contributes to better implementation in general and in particular to the next evaluation in 2023

2.1. Working area 1: Supporting tools and measures for more even and increasing implementation of the ELD

The task consists in identifying and developing the best support tools and measures at EU level, building on the past efforts, to improve the ELD's implementation, with a view to overcome shortcomings, in particular as regards knowledge, capacities and expertise in some national administrations. Based on the initial discussions with the ELD government experts, the work in this area could focus, in line with the "Recommendations and next steps" in the ELD report, on the following measures:

- a. guidance or interpretative notices on key issues,
- b. training programmes,
- c. helpdesks for practitioners, providing information, assistance and assessment support for risk and damage evaluations.

Over the past years, the Commission has developed information and training materials, organised training programmes and thematic workshops, and exchanged practical questions of application as well as more fundamental or policy-oriented themes with practitioners, experts and stakeholders.

These measures at EU level can only be successful if they are complemented by efforts at national level to:

- a. support implementation with proactive initiatives (guidance, training, electronic tools, etc.),
- b. exchange administrative experiences and best practices, and support capacity-building efforts,
- c. review the interpretation of key provisions of the ELD,

d. record data on ELD incidents and publish ELD registries.

Building on the past efforts, within the MAWP 2017 – 2020 a broad investigation has been carried out with government experts and stakeholders on eleven identified possible capacity building measures and ranking according to the consultation of experts and stakeholders.

That work resulted in the below list:

- Face to face training
- Webinars
- Training of trainers
- Joint EU/national trainings
- Peer to peer training
- ELD wiki
- Helpdesk
- Existing networks
- IT tools
- Newsletters
- Blended tool

The ranking saw face-to-face training (including resulting webinars) as well as ‘environmental damage risk and evaluation IT tools’ on the first places.

Work was then carried out on the feasibility of a risk assessment IT tool and a review of the existing ELD training material and training programme was carried out. It may be fair to say that the efforts regarding a risk assessment IT tool did not fulfil the initial expectations and no new tool or capacity building measure has materialised, with the possible exception of a Common Understanding Document on key terms and concepts under the ELD. That consultant’s document, although it resulted in neither a Commission document nor a document agreed with the Member States, has nevertheless helped to prepare the way for Commission guidelines according to the Regulation (EU) 2019/1010 on the alignment of reporting obligations in the field of legislation related to the environment. Pursuant to the new Article 18 ELD, paragraph 3, the Commission is due to develop such guidelines providing a common understanding of the term ‘environmental damage’ as defined in Article 2.

A strong focus of this MAWP should be on useful capacity building measures and tools.

Key activities from 2021 to 2024

Activity 1.1: Guidance or interpretative notices on key issues

As mentioned above, the Commission adopts by the end of 2020 ‘guidelines providing a common understanding of the term ‘environmental damage’ as defined in Article 2’ in the format of an interpretative notice.

Similar guidance documents could be developed on other topics relating to interpretation of the ELD in case of sufficient demand and agreement on such work.

Activity 1.2: Training programmes

One proposal within this topic, put forward by a Member State would consist in the organisation of workshops or trainings for competent authorities on collecting, controlling (QA/QC) and reporting data in line with below mentioned activities 3.2 and 3.3.

According to another proposal by a Member State, updated/revised training or capacity building may be useful, following the finalisation of the guidelines providing a common understanding of the term environmental damage referred to above.

Activity 1.3: Help(desks) for practitioners, providing information, assistance and assessment support for risk and damage evaluations

IMPEL is currently carrying out the CAED (Criteria for the Assessment of Environmental Damage⁶) project. The project aims to provide information to assist competent authorities in making better decisions about the ascertainment of environmental damage. It should thus contribute to improve protection of the environment and to promote compliance with the polluter pays principle. The main purpose is to promptly and effectively detecting, identifying and determining the potential, and actual, instances of environmental damage and imminent threat of damage in order to deliver effective preventive or remedial measures.

The ultimate goal from the collection of information and practical exchange on the criteria for assessment of environmental damage is to develop a practical guide for practitioners including practical tools, which may be of use to operators, stakeholders and regulators. Building on this work, the Commission proposes to cooperate with the IMPEL project, and to use the outputs of the project as part of capacity building.

2.2. Working area 2: Ensuring sufficient availability and demand for financial security to cover ELD liabilities

The activities under this working area need to take as a starting point the current baseline. This is characterised by insufficient availability of financial security products for ELD liabilities in many Member States and a demand that is significantly lagging behind in nearly all Member States. Closely related problems identified by several Member States include the following:

- large losses due to major accidents, with operators lacking sufficient financial cover to remedy the environmental damage on their own;
- losses in respect of which operators cannot be identified,
- operators which have insufficient financial capacity or manage to escape their liabilities.

It is particularly necessary to take a closer look at liability cases involving bankruptcy and unknown operators. Within the MAWP 2017-2020, work of IMPEL⁶ on a project on Financial Provisions was carried out from 2016 to 2018. This important work-stream was endorsed under the MAWP from 2017 to 2019:

⁶ European Union Network for the Implementation and Enforcement of Environmental Law <http://www.impel.eu/>

The project found in the first year of work that making financial security effective means ensuring that it is (a) available and taken up (i.e. that there is both offer and demand), (b) the amounts are sufficient to cover bigger losses, and (c) secure/fit for use (e.g. not superseded by other/priority claims). Year one of the project consisted of evidence gathering and identification of approaches to financial provision across Europe and beyond, listening the types of financial provision available and the strengths and weaknesses of each.

In year two, a practical guide was developed as a reference document for regulators. It provides information to assist regulators in making better decisions about financial provision for environmental obligations and liabilities. It identifies issues to consider in the decision-making process when assessing financial provision, and assists regulators and other users in finding successful solutions. The three main parts of the guide provide: (1) information on the calculation of the amount of financial provision including links to available tools and template; (2) a detailed breakdown of the key advantages and disadvantages of each financial provision, together with recommended checks for financial provision in general and for each financial provision; and (3) examples of usage and guidance.

In the third year, IMPEL carried out an investigation of approaches to determining the amount of provision for unforeseen liabilities including an evaluation of the potential for wider application of three existing calculation tools. The report summarised the evaluation methodology and the conclusions of the evaluations of the three approaches/methodologies developed in Spain, the Netherlands, and Ireland, designed for slightly different purposes and types of operators and in different policy contexts. The evaluation concluded that there is potential for wider application of the three methodologies in different jurisdictions, taking into consideration the specific purposes for which they had been developed.

The Commission and the Member States endorsed all three IMPEL projects and the Commission encouraged Member States in particular to test the three methodologies/approaches for internal use in the own Member State.

The Commission launched at the end of 2018 a more systematic investigation by an external study on the situation with regard to the availability and demand for financial security for environmental liabilities in all Member States and the EU. The focus of the study was a systematic exploration of the situation on the ground in 28 Member States and the identification of systemic shortcomings and structural obstacles to the development of effectively and efficiently functioning financial security for ELD liabilities. It included also recommendations on how the challenges should be tackled best with a particular view on the three options listed in the REFIT evaluation (financial viability of operators, obligations to carry out risk assessments, gradual phasing in of mandatory financial security for ELD liabilities).

The research into the state of financial security for liabilities under the ELD revealed that environmental insurance (the only viable form of voluntary financial security for ELD liabilities) is not available in many Member States. The research also revealed a lack of demand for such insurance in most Member States.

Three main types of insurance provide cover for ELD liabilities; stand-alone environmental insurance policies, environmental extensions to general liability policies, and environmental extensions to property policies. Most stand-alone environmental insurance policies provide cover for ELD liabilities. They are not, however, widely

available – or even available – in many Member States. Even when they are available, demand is low in many Member States, although it is good in some Member States and increasing in some others.

Environmental extensions to general liability policies are widely available but most provide cover only for remediating off-site pollution from a sudden and accidental incident on an insured's site. More crucially, most do not provide cover for liabilities under the ELD. Environmental extensions to property policies are not available in the vast majority of Member States.

The main reason for the lack of availability and demand for insurance for ELD liabilities is the low number – or absence – of recognised ELD incidents in many Member States. Insurers will not spend time and money to develop and market stand-alone environmental insurance policies if there is little or no demand for them. If there is a large demand for any type of insurance, insurers virtually always develop products to satisfy that demand. Thus, the lack of ELD incidents in many Member States is depressing the availability of, and demand for, insurance that provides cover for ELD liabilities.

Activity 2.1: Follow-up 1: Facilitate enforcement of the ELD by competent authorities

The follow-up study encourages competent authorities to enforce the ELD by making it easier for them to enforce it. The study compares and analyses similarities, differences, overlaps and gaps between pre-existing legislation and the legislation implementing the ELD in each Member State. The study describes for each individual Member State how the ELD complements pre-existing legislation and when it must be enforced in lieu of, and/or together with, pre-existing legislation. Each Member State report will include user-friendly checklists and other tools for that particular Member State.

The other deliverable will be an overall report that includes examples of best practices and similarities and differences between the ELD and pre-existing legislation on an EU level, including checklists and tools applicable across the entire EU. Both deliverables will include recommendations to the Commission and the Member States.

Activity 2.2: Follow-up 2: Consideration for the Commission of follow-up measures to ensure that sufficient and secure financial security is available to cover ELD liabilities:

- Setting up an EU wide training programme, especially for small and medium sized operators and brokers, loss adjusters and other ELD stakeholders to raise the level of awareness and knowledge about liabilities under the ELD and other environmental legislation, corporate risk management and environmental risk management.
- Examining established risk management frameworks and standards to provide operators, particularly small to medium sized operators, with the necessary tools to assist them in understanding their exposure to environmental liabilities, and establishing appropriate measures to prevent and protect them from environmental damage, and to understand how to transfer part of the residual risk to insurers.
- Reviewing insolvency issues and financial security instruments and mechanisms submitted to competent authorities under mandatory financial security systems to ensure that the instruments and mechanisms are secure, sufficient and available when required. Output would be best practices that avoids taxpayers pay to remediate environmental damage.

Activity 2.3: Follow-up 3: Consideration for the Member States of follow-up measures to ensure that sufficient and secure financial security is available to cover ELD liabilities:

- Member States that have not introduced mandatory financial security for ELD liabilities are encouraged to consider extending existing mandatory financial security requirements for waste activities, pollution prevention and control permits and Seveso III facilities to include requirements for liabilities under the ELD. Requirements could be phased in gradually and/or at the discretion of competent authorities based on risk assessment of individual activities.
- Member States that have not done so are encouraged to consider imposition of secondary liability on other persons such as directors and officers and parent companies if the operator becomes insolvent or otherwise cannot pay to remediate or prevent further environmental damage caused by it.

2.3. Working area 3: Provide better information relating to the application of the Directive

This working area aims at providing better quantitative and qualitative information about the application of the Directive. This information is needed to answer questions about the effectiveness and efficiency of the ELD. It should allow a better and more comparable assessment of whether the ELD implementation achieves its objectives and how Member States implement the provisions as well as identifying existing implementation gaps, e.g. as contribution to the EIR. This will not only require information about the application of the ELD across the whole EU but also information about application of the relevant national legislative frameworks to environmental damage incidents.

Data gathering is required pursuant to Article 18(1) ELD by 30 April 2022, covering the data set out in Annex VI ELD including, as far as available, information on the experience gained in the application of the ELD.

The questions that arise, concern whether the ELD is fit-for-purpose to deliver its main objectives, i.e. prevention, remediation, application of the polluter-pays principle, and financial security. To what extent is it effective and how efficient is it?

The main data needed to monitor application of the ELD (besides the relationship with other national liability law, civil liability law, criminal liability law and other relevant instruments) relate to the following: the type of environmental damage that give rise to liability (classified as damage to protected species and natural habitats, water and land); the category of activity causing the damage in accordance with Annex III ELD; the date of occurrence and/or discovery of the damage.

Within the MAWP 2017-2020 an assessment framework including indicators has been developed, followed by extensive work on what was to become the ELD Information System (EIS), an information and knowledge database providing an overview of the situation as regards the ELD implementation in all Member States. The EIS consists of several components: country fiches, dashboard, map viewer, data upload mechanism. Not all of the components are readily available yet. Their completion depends mainly on the collection of the relevant data.

Member States are encouraged to make use of the ELD information system including the data forms developed jointly within the MAWP 2017-2020. Alternatively, Member States may also use existing national registers to collect such or similar information. The

aim is to set up national registers – if possible in coherence with the ELD information system.

The basis for the collection of the relevant data is close cooperation between Member States and the Commission to improve the level of information on the functioning of the Directive to the benefit of all involved with the Directive.

Key activities from 2021 to 2022

Activity 3.1: Re-assessment of the data in the country fiches

The Commission will look together with the Member State experts into country fiches of those Member States where data is obviously missing or where the information in the country fiche is either in itself inconsistent or is incoherent with the common understanding or the data in the other country fiches. The purpose of this exercise is to explain and to correct and complete wrong or missing data. This will serve the purpose of making data across the EU comparable, and thus better understandable. A harmonised basis for continuous data collection should thus be developed.

The information in the country fiches should correspond with the one officially provided by the Member States according to the requirements established in Article 18 and Annex VI of Directive 2004/35/CE.

Any other information integrated by the European Commission into a country fiche will be agreed with the corresponding Member State before its final inclusion in the country fiche. If such agreement cannot be achieved, such information will be marked as draft stage.

Activity 3.2: Implementing the ELD Information System

An ELD Information System (EIS) has been developed within the MAWP 2017 – 2020. It has been agreed that the EIS will be hosted by the European Commission, DG Environment. It is however not yet operational due to some necessary data input still lacking. Therefore, it needs to be discussed and decided how data collection and introduction into EIS could be best organised. In parallel, Member States are encouraged to continuously update their ELD-relevant data via linking their own registries to EIS or via sending the filled in data forms to EIS, or in any other appropriate and equivalent format. Once a critical mass of ELD data across all Member States is reached, the EIS will become operational.

Activity 3.3: Organisation of the collection of information according to Article 18(1) ELD

For the future, the principle aim is the use of the EIS as basis for the collection of information, as referred to in activity 3.2 above. For the time being, as long as the EIS is not operational, the data input could be provided by the Member States through the country fiches, as mentioned in activity 3.1 above, second paragraph, or by alternative ways of data collection.

Data pursuant to Annex VI ELD must be comparable. Therefore, the information provided by Member States and included in the country fiches shall be accurate, correct and contain appropriate information in comparable format and content to allow comparison and analysis.

Moreover, the information should not be limited to the data mentioned in Annex VI ELD, but cover, as far as available, also the experience gained in the application of the Directive (Article 18(1) ELD).

3. Stakeholder engagement

Following the first Commission report on the ELD of October 2010⁷, the Commission services decided that it was necessary to step up the implementation of the ELD and to investigate further its strengths and weaknesses. In this context, the Commission launched measures to improve exchanges and communication with and between the ELD-relevant stakeholder groups. This was in addition to awareness-raising measures and measures to promote information and knowledge about the ELD and the development of training material and support for training measures,⁸ mainly targeting competent authorities, operators, financial security providers and NGOs.

An important milestone was the 1st ELD Stakeholder and Practitioner Workshop of 8 November 2011 which developed into the main vehicle for stakeholder engagement over the past years. Other ELD Stakeholder conferences and workshops followed at regular intervals in Brussels (around every one and a half years). Between 60 and 160 participants took part in each of these events, which had different themes. They have encompassed a general appreciation and evaluation of the ELD, examining its benefits and challenges, as well as a practical exchange on individual ELD cases and related experience. Common to all events was an objective of bringing the various groups together at regular intervals, in order to enable an exchange across the divergent interests, discuss problems, strengthen the common understanding of the ELD and foster a sense of ownership.

The 6th Stakeholder Workshop on 5 March 2019 was dedicated to review the progress on the implementation of the ELD Multi-Annual Work Program 2017-2020 (“mid-term review”) and to look into the future of the ELD work programme and developments. Following presentations on the three working areas of the MAWP, participatory discussions took place with all stakeholders. Further discussions deepened capacity building issues and the possible future of the ELD.⁹

The 7th ELD Stakeholder Conference, organised as remote event in the week of 16 to 20 November 2020, dedicated the main session on 20 November to the presentation and discussion of the adopted ELD Multi-Annual Work Programme 2021-2024.

The Commission will continue and further strengthen its stakeholder engagement to ensure that those stakeholder groups (in particular industry, authorities, insurance, loss adjusters and risk assessors, NGOs, academia) interested and experienced in the ELD implementation can contribute to the implementation to this MARWP. For all the above-mentioned activities, it will be important to have full and continuous stakeholder engagement from the outset and to collect their relevant and available information and data as part of the implementation efforts.

⁷ COM(2010) 581 final

⁸ ELD information sheet, brochure and training material is available on the Liability website: <http://ec.europa.eu/environment/legal/liability/index.htm>

⁹ https://ec.europa.eu/environment/legal/liability/pdf/eld-workshop-2019/6th_ELD_Stakeholders_Workshop_Summary_Report.pdf

In addition, bilateral and specific contacts can be arranged with interest groups which express a particular request or which have a particular contribution to make to a specific activity. Moreover, stakeholders will have the possibility to attend ELD government expert groups meetings as in the past for specific agenda items where exchange between government experts, the Commission and stakeholders is key, or organising meetings back to back to allow stakeholder input to all documents discussed at the ELD government expert group. National ELD experts will also have the possibility to participate at dedicated stakeholder events to promote dialogue and cooperation.

4. Working arrangements and practicalities

The ELD governments expert group is, to date, an informal Commission expert group of national authorities with rules of procedures¹⁰.

In practical terms, the ELD government experts group will meet on a regular basis as necessary (currently proposed: bi-annually). The main task will be the agreement and implementation of the MARWP. In addition, it provides a platform to discuss any other issue of relevance for the implementation of the ELD. Meeting documents will be discussed and, if appropriate, an opinion will be requested at the meeting. If necessary, written consultations will take place between meetings. Moreover, the ELD government experts group can consider setting up dedicated (smaller) sub-groups or organising specific workshops. Further details on the operation of the group are laid down in the rules of procedures¹¹.

5. Conclusions and outlook

The ELD Multi-Annual Rolling Work Programme (MARWP) is designed to establish a thematically structured working basis with clear priority setting and practical arrangements between the Commission and the Member States (DG Environment and the ELD government experts group), including appropriate involvement of ELD stakeholder groups. The current MARWP covers the period 2021 to 2024, clearly identifying the working areas and main activities at least for 2021 and 2022. Activities for 2023 to 2024 will be laid down partly at a later stage, building on the previous results. It is a rolling work programme, which is open for adaptations according to the needs and interim results of the work, including from studies or other deliverables from external contractors. The Commission will support the activities as necessary and feasible through contracts. The MARWP will be reviewed in 2024 by the Commission together with the Member States and stakeholders, in particular by monitoring the progress and delivery of the agreed actions and by identifying new activities to be included in the following year(s).

The MARWP aims at improving implementation and at ensuring that legal commitments deliver the intended results on the ground. Moreover, the MARWP will help setting the frame for the next evaluation of the ELD in 2023 and the Commission assessment on whether it needs revision at some point.

¹⁰ https://ec.europa.eu/environment/legal/liability/pdf/eld-2018/Rules_of_Procedure.pdf

¹¹ https://ec.europa.eu/environment/legal/liability/pdf/eld-2018/Rules_of_Procedure.pdf

Annex: The intervention logic for the Environmental Liability Directive

Objectives

- To establish a framework of environmental liability based on the 'polluter-pays' principle, to prevent and remedy environmental damage
- Ensure effectiveness in terms of actual remediation of environmental damages including for interim losses
- Ensure the availability at reasonable costs of insurance and other types of financial security



Actions

- Member States to transpose the Directive into national legislation
- Member States to enforce and implement the Directive
- Member States to take measures to encourage the development of financial security instruments including, as appropriate, to establish mandatory financial security
- Member States to report on the application of the Directive to the Commission in 2013
- Commission to assess timely and conform transposition by all Member States
- Commission to monitor the implementation of the Directive and react as appropriate
- Commission to support implementation, and to engage with stakeholders, practitioners and experts
- Commission to report to Council and European Parliament in 2010 and to evaluate and report in 2014



Consequences

- All MS applying the Directive meaning effectively preventing and remedying environmental damage
- Harmonised remediation methods and standards developed as necessary
- Functioning information and notification system / inventory of ELD instances system established as appropriate
- Functioning financial security system established as necessary
- Developing and putting in motion awareness, information, exchange of experience and training of operators, competent authorities, financial security providers and ENGOs at national and at EU levels
- Evaluating and reviewing the implementation (effectiveness, etc.) and taking action as necessary



Expected results / Impact

- Prevention and remediation of environmental damage works effectively in the EU, thus contributing to the halting of biodiversity loss, to safeguarding the European waters and to protecting the soil quality
- Liability in environmental damage cases is clearly and rapidly attributed to the actual polluters
- Compliance with international obligations
- Appropriate financial security instruments and markets for ELD liabilities are available at reasonable costs
- Awareness of risks and liabilities is improving gradually with operators and financial security providers
- Communication, and cooperation as appropriate, between the relevant stakeholders is growing



External factors

- Transposition, compliance and willingness to enforce by Member States
- (Pre-)existing national legislation in this and neighbouring fields, the relevant national legal framework
- Resources, supporting tools and expertise within competent authorities
- Level of cooperation at all levels and between stakeholders
- Economic and financial environment
- Expertise and available funds within insurance and financial security industry
- Climate change (warmer climate = more biodiversity loss etc.)