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Achieving our objectives by effective implementation

Stakeholder Conference on the Communication on Implementation

Brussels, 15 June 2011
It is an honour to close today's Conference. But before I go any further I want to extend a warm thanks to all of today’s speakers and moderators – and also to the interpreters and other support staff.

It is also gratifying to have seen and met so many representatives from the European Institutions, from Member State governments and from many of the other relevant agencies, organisations and bodies whose work is defined and shaped by our environmental law.

The list of people would be far too long to read out, but the size of the roll-call shows just how broad this issue is.

I made it clear from the beginning of my mandate that implementation would be one of my priorities. However, I am not for better implementation just for the sake of it. I want to use the acquis to achieve our environmental objectives like greater resource efficiency, like restoring and saving biodiversity and fighting climate change. Better implementation is a tool – a means to an end. Non-implementation has its costs: economic, environmental, personal and social.

Imagine you had to deal with thousands of tonnes of toxic waste stored for years, causing cancer; poisoning water. How would you deal with it? Would it have been better to deal with the problem long ago and solve it over a longer period of time, or would you try and solve it today, a choice which would cost you more, both in terms of money and also reputation. This isn't just a hypothetical problem; these are choices we face on a daily basis.

When I started in this job, I quickly understood that new Commission proposals are not the only reasons Ministers call and ask to meet. The challenge of complying with existing legislation is often on the agenda! I have tried to be at least consistent.

My approach is to be 'strictly helpful' - offering a hand to a Member State where they need it; but also to be 'helpfully strict' where enforcement is necessary. What we want in the end is to find a solution and increase trust in the effective implementation of our rules on the ground.

I think our ambition for environmental legislation has paid off. We have obtained impressive results – but not always quite as we had hoped. Implementation has become essentially about closing the gap between the ambition of the legislation and the end-results.

Closing this gap means dealing with a wide range of individual tasks and commitments across a diverse set of environment laws: controls of industrial plants; commitments to put waste infrastructure in place; management of agriculture and other land-uses to safeguard water quality and biodiversity; finding ways to reduce the amount of small particulate matter in urban air; and so on.

My ambition for our work on implementation is to go even further and develop a risk-based, systemic approach to enforcement, as opposed to an ad hoc complaint-based approach.

I would like to make a comprehensive and honest assessment of the strengths and weaknesses of our current system and ways for implementing the acquis, in order to identify where we succeed and fail most as EU collectively. It is not a Brussels power game. It is about helping Member States in complying with agreed goals. It is about empowering citizens to protect their rights.
As Commissioner for Research, my previous job, my currency was knowledge. My current job isn’t so different. And I am often struck by the extent to which environment legislation depends on sound knowledge and evidence:

- continuous, extensive monitoring of the state of the environment and constant input and verification from scientists and experts;
- Knowledge that informs decisions down to the local level. For example, on how to control many thousands of potentially polluting installations and activities;
- Knowledge that has the confidence of the scientific and expert community and that is widely understandable.

For me this means that any effort to be systematic in relation to implementation must start with a good knowledge base. And we must make environmental knowledge as reliable and accessible as possible. We need, in fact, to treat environmental knowledge as the new currency of implementation. It must give value to it; it must be widely available to whoever needs it.

Knowledge however is not enough on its own. Because what is also evident is the extent to which implementation depends on many levels of responsibility. This has come across in numerous meetings with regions, mayors, local authorities, NGOs, industry and economic representatives, MEPs and my fellow Commissioners, including those with funding portfolios.

For me, the overall structure within which implementation takes place – governance – represents the second major challenge.

We have to mobilise all parts of the structure of governance so that each plays a full and effective role, while also making sure that the whole delivers the results we want.

I think we need to work on a couple of fronts.

First, we need to place renewed emphasis on partnership - the process of cooperation with all parts of the governance structure – the experts and officials working on individual directives, environment agencies, government lawyers, judges, prosecutors, ombudsmen, NGOs, businesses and so on. Many networks have grown up spontaneously at European level over the last two decades. A fact that speaks for itself in terms of recognising the need for this kind of exchange. But to be effective, partnership also needs to operate at the level of individual Member States. I would, therefore, like to work on improving implementation, for example through exploring an option of partnership memorandums of understanding.

Second, we need to respond to concerns that not all parts of the governance structure are working as well as they might. A central concern has to do with verifying, and ensuring that there is accountability for, delivery of the results that Council and Parliament have foreseen. This has to be done in a way that gives individuals confidence in the system as a whole.

I am often asked what the Commission thinks of environmental inspections and if they truly support our environmental legislation.

I am making sure this is happening. New Commission legislative proposals already have binding inspection provisions built in – the revision of the Seveso Directive is one example. We should not wait for accidents to be reminded of the crucial preventive role inspection has.

And inspections are ultimately also a form of verification. They respond to a more general need for confidence and trust in how implementation is achieved in practice.
At European level, the European Environment Agency plays a valuable role in taking stock of the environment and, using Member State data, which gives us a spatial overview of key implementation achievements, such as the Natura 2000 network. Here, the old saying "you can't manage what you don't monitor", applies.

The Agency is best placed to verify that European-level analysis of specific state-of-the-environment legislative goals result from consistent and reliable national monitoring and surveillance networks and efforts.

As for 'classic' inspection work, the physical checks on installations and activities, apart from the specific binding inspection provisions, we need to find ways of improving cooperation between Member States. By this I mean improving the way countries work together on environment inspections and controls during cross-border movements, waste being a prime example. The IMPEL review mechanism – which we saw today – is one possible model. I would also like to explore the possibility of a partnership approach with national inspectorates or even combinations of inspectorates.

We must recall that in many areas of legislation where oversight over national inspections is already existing, such as food safety, implementation is improved by one form of oversight or another. At his recent presentation during Green Week, the European Ombudsman recognised that European citizens with complaints about the environment did not really have a place to take their complaint in their own country. He suggested that a 'national ombudsmen' could play a valuable role here. I agree and will give some thought to how this might happen.

The idea of finding solutions also features in the evolving environment case-law of the European Court of Justice. In a wider context that includes the Charter of Fundamental Rights, and the Court has signalled its expectation that national courts will find the means to hear serious environment cases. I am aware that a Commission proposal on access to justice has stalled but I believe that now is the time to reconsider how to assist national courts in meeting this expectation.

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Ladies and Gentlemen

I am very grateful to all of you who have taken the time and trouble to present the ideas, insights and suggestions which are now reflected in our ongoing work, and which I hope will form the basis for a new Communication from the Commission.

I look forward to continuing in this spirit of the cooperation, a spirit we will need in large quantities if we want to improve the implementation.

We always adopt legislation with some good reasons. And while doing that we should never forget the basic fact that the legislation is only as useful as it is the level of its implementation.

Thank you for your attention!