



ENVIRONMENTAL COMPLAINTS

A summary guide to their handling
for national administrations



ENVIRONMENTAL COMPLAINTS – A summary guide to their handling for national administrations

European Commission
Directorate-General for Environment

Neither the European Commission nor any person acting on behalf of the Commission is responsible for the use that might be made of the following information.

Luxembourg: Publications Office of the European Union, 2020

© European Union, 2020

Reuse is authorised provided the source is acknowledged. The reuse policy of European Commission documents is regulated by Decision 2011/833/EU (OJ L 330, 14.12.2011, p. 39).

Print	ISBN 978-92-76-17545-2	doi:10.2779/201591	KH-02-20-208-EN-C
PDF	ISBN 978-92-76-17534-6	doi:10.2779/66556	KH-02-20-208-EN-N

ENVIRONMENTAL COMPLAINTS

A summary guide to their handling
for national administrations



CONTENTS

INTRODUCTION 5

I THE IMPORTANCE OF COMPLAINTS 6

II UNDERSTANDING COMPLAINTS 8

III THE 3 PURPOSES OF COMPLAINT-HANDLING 18

IV STAGES OF COMPLAINT-HANDLING 20

V MEANS: WHAT YOU NEED FOR COMPLAINT-HANDLING 22

INTRODUCTION

This summary guide aims to help national administrations – that is, national policy-makers, complaint-handling bodies and individual complaint-handlers – to handle environmental complaints. It was prepared by the Environment Directorate-General of the European Commission and is not binding. It summarises a larger document, the *Vade Mecum on complaint-handling and citizen engagement*¹, which was prepared as an action under the European Commission’s 2018 Environmental Compliance Assurance Action Plan². Readers looking for further insights may consult the Vade Mecum.

The guide includes simple checklists for complaint-handling bodies and complaint-handlers to stimulate reflection on different aspects of environmental complaints and their handling.

There are five sections. Section 1 describes the importance of complaints. Section 2 characterises complaints according to their content, who submits them, and when, how and to whom they are submitted. Section 3 is dedicated to the purposes of complaint-handling. Section 4 sets out three main stages of complaint-handling. Finally, section 5 describes the means by which successful complaint-handling can be ensured.



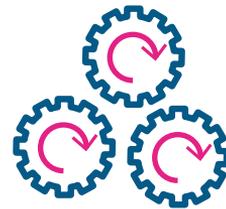
Complaint-handling process

- › All stages involved in handling a complaint. In general, these include reception, analysis & action, and finalisation.



Complaint-handling mechanism

- › A mechanism for handling environmental complaints, involving a complaint-handling body and a complaint-handling process.



Complaint-handling system

- › The complete set of mechanisms a country has for dealing with all categories of environmental complaints.

1 Environmental Compliance Assurance, Vade Mecum, Complaint-handling and citizen engagement, available at <https://op.europa.eu/en/publication-detail/-/publication/1fc175c2-8051-11ea-b94a-01aa75ed71a1>

2 European Commission Communication on action to improve environmental governance and compliance, COM(2018)10 final.



THE IMPORTANCE OF COMPLAINTS

They express grievances

Individuals, local communities, environmental associations, politicians and businesses may all be aggrieved by environmental problems – concerning poor air quality, illegal waste disposal and destruction of nature, for example. Environmental complaints are a way of expressing those grievances.

Complainants are ‘eyes and ears’ for compliance issues

At the same time, environmental complaints help authorities to implement environmental law and policy effectively. Complainants represent 'eyes and ears'. They can see and hear about compliance problems in their neighbourhoods or elsewhere and inform the authorities. In this way, they can often provide early warnings, allowing the authorities to intervene more effectively.

They are an index of (dis)satisfaction

Complainants often expect public authorities to put matters right. Complaints can become an important index of satisfaction or dissatisfaction with how public administration works and how well the environment is protected. Governments and public authorities therefore have good reason to take them seriously. Not doing so can result in follow-up complaints against the administration itself, hostile media campaigns, or even street protests. Having effective complaint-handling systems helps avoid such dissatisfaction, and enhances bonds of trust between government, authorities and citizens.

Complainants provide eyes and ears about compliance problems.





UNDERSTANDING COMPLAINTS

To properly handle complaints, it is necessary to understand them. Complaints can be characterised in different ways – according to their content (what), the possible classes of complainants (who), the times when complaints are filed (when), the ways in which complaints are communicated (how) and the bodies receiving complaints (to whom).



Content

What are the complaints about?



Complainants

Who are the persons filing complaints?



Time

When are complaints filed?



Transmission

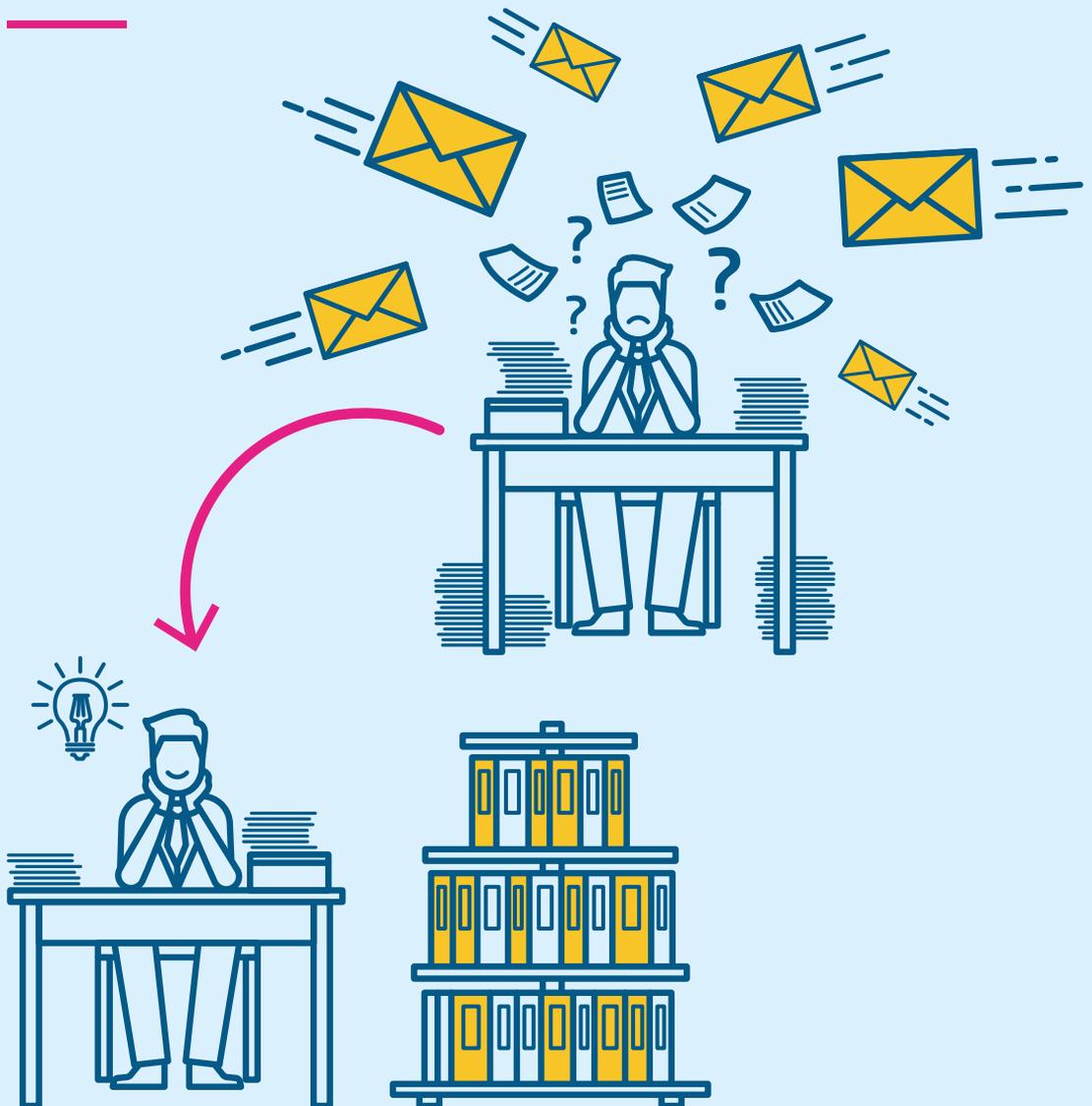
How are complaints communicated?



Handlers

To whom are the complaints directed?

To handle complaints, it is necessary to make sense of them.



What are complaints about?

The significance of a complaint's content will depend on three aspects and how these relate to each other. First, environmental complaints will express concerns about the environment – typically relating to its state and the pressures on it. At the same time, the complaint will raise issues of whether obligations are met and rights safeguarded. These will need to be assessed according to how well the complaint is supported by facts.



Claims on environmental aspects

- > state of the environment
- > location and duration of the problem
- > scale of the problem
- > causes and effects of the problem.



Claims on legal and governance aspects

- > infringement of legal obligations by businesses or others
- > disrespect of the complainants' rights
- > grievances about how public authorities have interacted with complainants in light of standards of good administration
- > gaps in existing obligations or policy.



Substantiation

- > factual elements to support the claims made.



CHECKLIST

- ✓ Are there complaint-handling bodies organised to receive complaints on all aspects of the **environment**, i.e. state, location, duration, scale, causes and effects?
- ✓ Is your complaint-handling body aware of all of the **obligations** and **rights** that are relevant to handling the environmental complaints it receives?
- ✓ Does your complaint-handling body ensure that complaint-handlers can identify relevant **obligations** and **rights** from the environmental aspects that the complainant presents?
- ✓ Has your complaint-handling body a defined approach to addressing the varying factual elements found in complaints, i.e. **substantiation**?

Who complains?

Complaints about the environment can come from various categories of complainants: private individuals, private organisations, and public representatives and bodies. Some classes of complainants, such as anonymous complainants, whistle-blowers and crime victims, present specific challenges.

Individuals



Citizens



Neighbours



Citizens from abroad

Private organisations



Environmental associations



Businesses



Journalists and the media

Public bodies



Politicians



Authorities

Special classes



Whistle-blowers



Anonymous persons



Crime victims



CHECKLIST

- ✓ Has your complaint-handling body prepared itself for dealing with different **categories of complainants**? In particular, does it have procedures, protocols or other arrangements that take account of **challenging classes** of complainants, such as crime victims, whistle-blowers, those with mental health issues and those who are anonymous?
- ✓ As regards complainants representing or acting **via the media**, does your complaint-handling body have a defined policy on communicating with the media?
- ✓ Has your complaint-handling body or Member State a defined approach to dealing with complainants **from outside** the Member State?

When are complaints filed?

Time may be an important factor when it comes to the filing of complaints – in particular when there are emergencies, such as a fire at a waste facility.

**Week-day
office hours**



**Out-of-office
hours**



CHECKLIST

- ✓ Has your complaint-handling body or Member State made arrangements for handling **urgent situations** and **out-of-hours complaints**?

How are complaints communicated?

Complaints may be filed in a variety of different ways – each presenting their own specific challenges.



Oral complaints

Face-to-face contact or phone call



Written complaints

Through letter, email, apps, or internet contact form



Complaints on social media



Indirect complaints

Via media outlets, discussions, debates, or questions in city councils or parliaments

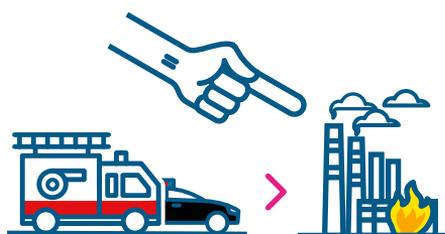


CHECKLIST

- ✓ To what extent does your complaint-handling body recognise different **categories of communication** such as by personal contact and use of electronic means?
- ✓ Does your complaint-handling body provide **technical assistance** for submitting complaints, such as electronic tools?
- ✓ Does your complaint-handling body ensure the **recording** of oral and indirect complaints?

To whom are complaints directed?

Complaints may go to a single authority or multiple authorities at the same time or successively. The roles and responsibilities of these different complaint-handling bodies differ. Overall, we can distinguish three broad categories. First, there are front-line bodies who deal with complaints against other actors. These bodies include local and regional authorities, environmental agencies, and the police. Second, some front-line bodies may receive complaints against themselves – for example, public water utilities. Third, there are oversight bodies, such as appellate bodies, higher inspectorates, ombuds-institutions and supreme audit bodies, which focus on how lower-level bodies handle environmental complaints or how they fulfil their responsibilities more generally. Some oversight bodies, such as ministries and parliamentary petition committees, may examine complaints about gaps in environmental policy. Each body will operate its own mechanism and processes. Collectively, these will function as the complaint-handling system mentioned in the introduction.



Front-line bodies

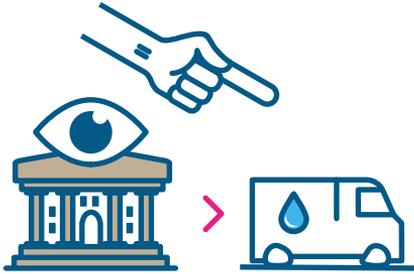
Bodies dealing with **complaints against others**

- > local and regional authorities
- > specialist agencies (environmental and others)
- > police and other first responders.



Bodies dealing with **complaints against themselves**

- > local authorities
- > public utilities.



Oversight bodies

Oversight bodies dealing with complaints over complaint-handling, the role of environmental authorities or gaps in environmental law/policy

- > appellate bodies and higher inspectorates
- > ombuds-institutions
- > supreme audit bodies
- > anti-corruption commissioners
- > ministries
- > petition committees in parliament.



CHECKLIST

- ✓ Do you – or does someone else - have the full picture for your Member State of all complaint-handling bodies?
- ✓ Are there separate complaint-handling bodies for:
 - > front-line situations
 - > appeals against or oversight of complaint-handling
 - > the performance of complaint-handling bodies
 - > weaknesses and gaps in environmental policy?



THE 3 PURPOSES OF COMPLAINT-HANDLING



**CITIZEN-
CENTRED**

1 To protect citizens' rights

Environmental laws and codes of good administration give rise to individual and collective rights. Handling environmental complaints helps to safeguard the rights that complainants have.



**STATE-
CENTRED**

2 To improve compliance, laws and public administration

Environmental complaints can warn authorities about where and when the law might have been broken and by whom. Handling them effectively contributes to ensuring compliance with environmental obligations. Complaints can also help the state take note of popular and expert environmental concerns, preparing the way for improved environmental laws. Complaints can help improve the quality of public administration by drawing attention to how government can work more effectively.



**SOCIETY-
CENTRED**

3 To safeguard the long-term interests of society

Complaint-handling can also serve the interests of society as a whole. This means protecting the environment for its own sake and making sure that the interests of future generations are considered.



CHECKLIST

- ✓ Are you clear about the purposes of handling the complaints under your responsibility?
- ✓ To what extent are those purposes citizen-centred, state-centred and/or society-centred?
- ✓ **Citizen-centred purpose:** do you focus on safeguarding citizen rights, ensuring good governance or promoting good public relations – or combinations of these?
- ✓ **State-centred purpose:** do you focus on ensuring compliance, policymaking or improving public administration – or combinations of these?
- ✓ **Society-centred purpose:** do you focus on ensuring that general environmental interests and the interests of future generations are taken into account?

IV

STAGES OF COMPLAINT-HANDLING

Complaint-handlers will need to subject individual complaints to processes that involve distinct stages. Each stage requires specific tasks to be fulfilled, following procedures that are usually predefined.

1. Reception

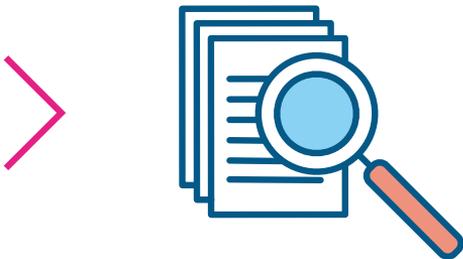


Tasks

- > **do active outreach** to facilitate the filing of complaints
- > **record** communications
- > **filter** complaints from enquiries
- > **direct** the complaint to the right body
- > **assign** the complaint to a complaint-handler
- > **register** the complaint with a reference number
- > **acknowledge receipt** of the complaint.

2. Analysis & action

3. Finalisation



Tasks

- > **analyse** and **categorise** the content and other characteristics
- > **determine** the course of action
- > **act**: investigate further; take measures to ensure compliance
- > deal with the complainant's **expectations** and safeguard the complainant's rights
- > deal with the **media**.

Tasks

- > **communicate** the outcome and notify the proposed closure to the complainant
- > allow the complainant to **comment** within a period of time
- > **keep records** for future statistical and analytical analyses
- > **follow up** the subject-matter
- > use complaints for general **reports** and **evaluations** on complaint-handling.



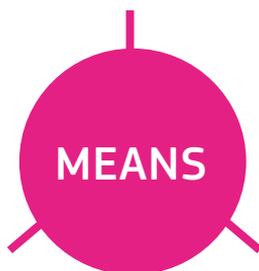
MEANS: WHAT YOU NEED FOR COMPLAINT-HANDLING

To undertake complaint-handling requires means. First, it is necessary to have public bodies charged with handling complaints or aspects of them. Second, such bodies need to adhere to principles of good governance to ensure the quality of complaint-handling. Third, they need to have adequate resources.



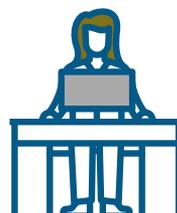
Structures

Complaint-handling bodies



Principles

Of good governance



Resources

Capabilities, capacities and tools



Structures

Complaint-handling bodies

Complaint-handling is likely to involve a wide range of different bodies. As previously mentioned, these can be clustered into front-line and oversight entities.

Legal roles, powers and duties

Complaint-handling bodies operate within pre-defined frameworks. These frameworks determine which types of complaint the body can handle, what authority it has to rectify the situation, and which legal duties it has to fulfil. It is important that complaint-handlers are aware of the legal frameworks that define these limits.

Coordination and cooperation

It is important to consider cooperation and coordination within and across different complaint-handling bodies. For instance, different bodies may need to handle different aspects of the same complaint. Similarly, the sharing of knowledge and experience between bodies handling similar complaints can be valuable. Ensuring coordination and cooperation can be done through networks, memoranda of understanding, or general recommendations from oversight bodies to lower-tier bodies.



CHECKLIST

- ✓ Are you satisfied that your complaint-handling body has the right **roles, powers** and **obligations**?
- ✓ Are you satisfied that your complaint-handling body has the right arrangements when it comes to **coordination** and **cooperation** with other complaint-handling bodies?



Principles

The work of complaint-handling bodies is not only defined by legal frameworks, but also by principles of good governance. Principles can underpin the purposes of complaint-handling and help ensure trust and confidence. A number of commonly cited principles are presented below.



Process

- > fairness, flexibility and responsiveness
- > effectiveness and consistency
- > independence and impartiality.



Organisation

- > independence and cooperation
- > comprehensiveness and accountability
- > problem-solving and making a difference.



Information

- > transparency
- > confidentiality.



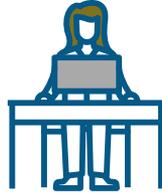
Engagement

- > clarity of role, purpose and simplicity
- > accessibility.



CHECKLIST

- ✓ To what extent does your complaint-handling body recognise **principles of good governance** as relevant to engagement with complainants, your organisational set-up, the ways in which you deal with information, and the complaint-handling process?



Resources

To follow the different stages of complaint-handling, in line with principles of good governance, complaint-handling bodies need to have the right capabilities, capacities and tools.



Capabilities

Ability to undertake relevant actions

- > administrative, legal and technical
- > scientific
- > organisation-wide.



Capacities

Assets to make capabilities effective in practice

- > financial resources
- > human resources
- > technical support (ICT).



CHECKLIST

- ✓ Has your complaint-handling body identified all of the **capabilities** necessary for carrying out its complaint-handling work?
- ✓ Who determines and allocates the **financial** and **human resources** and **technical support** on which your complaint-handling body depends to do its work, and how is this done?



Tools

Efficiency tools

- › *Guidance for complainants* can help complainants understand what to realistically expect from a complaint-handling mechanism, and can help them to formulate complaints that are easier to handle.
- › *Forms and complaint-making templates* can be used to obtain key information from a complainant and assign the complaint.
- › *Benchmarks* can be established to provide indicative time-frames for the completion of the different stages of complaint-handling.

Evaluation and reporting tools

- › *Evaluation tools* represent a means for periodically looking back at the performance of a complaint-handling mechanism or body.
- › *Reporting tools* help ensure transparency. Reporting may be important in convincing policymakers that the resources used by handlers are justified, or in securing public trust and confidence.

Proactive tools

- › Guidance on the *design of complaint-handling mechanisms* should reduce the likelihood of citizens complaining about the shortcomings of those mechanisms.
- › Other forms of *citizen engagement* – such as good public consultation – may reduce the incidence of complaints.



CHECKLIST

- ✓ Does your complaint-handling body use **efficiency tools** such as guidance for complainants, complaint forms and complaint-making templates or benchmarks?
- ✓ Does your complaint-handling body use **evaluation tools** for examining its own work?
- ✓ Does your complaint-handling body use **evaluation tools** for examining the work of other complaint-handling bodies?
- ✓ Does your complaint-handling body use **reporting tools** for its own work and with what frequency? Does it produce activity reports and/or subject-specific reports?
- ✓ Does your complaint-handling body use **reporting tools** for examining the work of other complaint-handling bodies?
- ✓ To what extent, if any, does your complaint-handling body use the following **proactive tools**: guidance on the design of complaint-handling systems; other forms of citizen engagement?

Getting in touch with the EU

IN PERSON

All over the European Union there are hundreds of Europe Direct Information Centres. You can find the address of the centre nearest you at: <http://europa.eu/contact>

ON THE PHONE OR BY E-MAIL

Europe Direct is a service that answers your questions about the European Union.

You can contact this service

- by freephone: **00 800 6 7 8 9 10 11** (certain operators may charge for these calls),
- at the following standard number: **+32 22999696** or
- by electronic mail via: <http://europa.eu/contact>

Finding information about the EU

ONLINE

Information about the European Union in all the official languages of the EU is available on the Europa website at: <http://europa.eu>

EU PUBLICATIONS

You can download or order free and priced EU publications from EU Bookshop at: <http://bookshop.europa.eu>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see <http://europa.eu/contact>)

EU LAW AND RELATED DOCUMENTS

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

OPEN DATA FROM THE EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en/data>) provides access to datasets from the EU. Data can be downloaded and reused for free, both for commercial and non-commercial purposes.

Environmental complaints help national administrations to identify where and how to better protect the environment. They also indicate levels of public satisfaction with national administrations. There are therefore good reasons to take them seriously. This summary guide looks at the submission of complaints, the different stages of complaint-handling, and means of ensuring that complaint-handling is efficient and effective. It includes checklists to stimulate national administrations to reflect on their complaint-handling systems.

