

# Make It Work

Richard Macrory

On-going Initiative of Environment Ministries in  
Netherlands, UK, and Germany

*“Aims at delivering environmental outcomes more  
efficiently and effectively, without lowering existing  
protection standards”*

## MAKE IT WORK

- Bottom up initiative of national environment ministries launched 2015
- Supported by Institute of European Environmental Policy
- EU environmental law focus
- Not (yet) taken over by Commission but liaison

## Key events

- London Workshop Feb 2015
- Brussels Workshop on Monitoring Reporting Nov 2015
- Edinburgh Conference on Regulatory Insights Dec 2015
- Amsterdam high level meeting April 2016 reflecting Dutch presidency environmental priority of ‘delivering better results.’”

(Austria, Belgium, Croatia, Cyprus, Czech, Denmark Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Lux, Malta, NL, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, UK)

# Drafting Principles

- Principles designed to be used for drafting new EU environmental legislation, and in review of existing EU legislation
- Compliance Principles
- Monitoring Principles

# Compliance Principles

- promotion (helping business understand obligations),  
inspection and monitoring,  
enforcement

Principles published for comment July 2015

[http://www.ieep.eu/assets/1791/MiW\\_drafting\\_principles\\_on\\_compliance\\_assurance\\_July\\_2015.pdf](http://www.ieep.eu/assets/1791/MiW_drafting_principles_on_compliance_assurance_July_2015.pdf)

## Current compliance issues in drafting

- No consistency in compliance assurance across EU environmental law
- Detailed provisions in Seveso III, WEEE, Waste Shipment
- Definitions of inspections, inspection planning (IED)
- Some supported by Guidance (REACH)
- Some supported by Recommendations on enforcement (CITES)
- Others little (water)

# Compliance Principles

- Law should deliver outcomes for which it was adopted and refrain from requirements that don't do so
- Degree of regulation proportionate to problem
- Simplicity and clarity
- Coherence of EU law with other EU law (environmental and non-environmental)
- Deliver benefits at least possible cost
- Monitoring and reporting limited to what is necessary to ensure compliance and judge progress
- Avoid capturing trivial activities
- Ensure implementation is achievable

# Examples of proposed principles to be incorporated into EU environmental law

- *Member States shall ensure that natural and legal persons comply with their obligations laid down in or stemming from [specific Articles in this directive or regulation] by undertaking appropriate compliance assurance activities.*
- *Member States shall ensure that the competent authorities determine and apply an appropriate mix of compliance promotion, compliance monitoring and enforcement activities to ensure that the natural and legal persons comply with the [obligations] in this directive.*
- *Member States shall ensure that competent authorities [for this directive/regulation] shall act in an impartial manner and their decisions, and any actions carried out on their behalf, are free of any conflict of interest.*



# Monitoring and Reporting

- Monitoring and Reporting
  - review reporting obligations
  - avoid duplication
  - simplify

## Amsterdam Meeting April 2016

- MiW conclusions can be used when drafting new directives, or when revising existing ones, e.g. feeding into the Commission's REFIT process. MiW also aims to provide a forum for MS, together with the Commission, to discuss the functioning of the acquis in a broader sense.
- The bottom-up, Member State-driven approach of MiW is important and complements the usual top-down approach of EU policy making  
Essential to draw on practical experiences of the MS in implementing EU law.
- Useful now to consider structural arrangements which ensure that findings and recommendations from MiW can effectively feed into the work done by the Commission on better regulation and implementation.