



La iniciativa de la Comisión "Environmental Implementation Review" - EIR

José María Ramos Florido
Dirección General de Medio Ambiente
Comisión Europea

43^a Reunión Plenaria
Red de Autoridades Ambientales
Bilbao, 25 de noviembre de 2016

Objeto de la presentación

- La Comunicación de la Comisión, de mayo de 2016, “Hacer efectivos los beneficios de las políticas ambientales de la UE mediante la revisión periódica de su aplicación”.
- Antecedentes y razón de ser del EIR.
- Situación actual del proceso EIR.
- Próximamente: una nueva Comunicación e Informes relativos a cada Estado miembro.



a short

Introduction to the Environmental Implementation Review (EIR)

DG Environment, European Commission

¿Cuál es el problema?

European
Commission

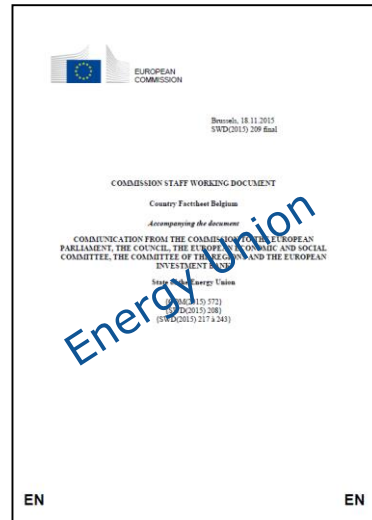
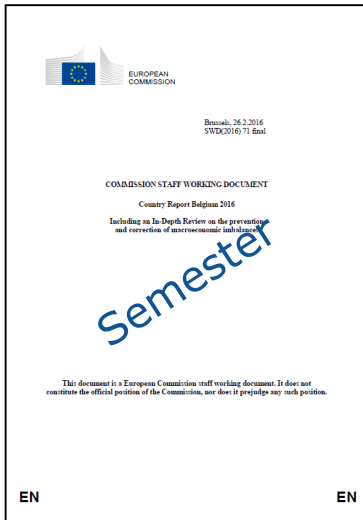
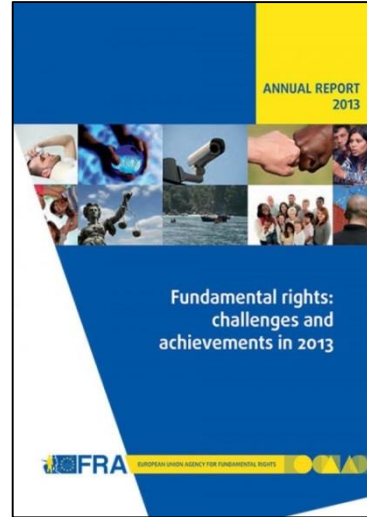
Importantes deficiencias en la aplicación de la legislación y la política ambiental de la UE

- **Costes** (medioambientales, económicos y sociales)
- **Negativo** para las **empresas** (terreno de juego desigual) y para la **credibilidad de la UE** en su conjunto
- Es necesario **voluntad política** y **afrontar las causas** fundamentales y subyacentes



Focus on implementation: following good examples

European
Commission



Es un buen momento para centrarse en la aplicación



Uno de los 9 objetivos prioritarios del **7º Programa de Acción en materia de medio ambiente**: Maximizar los beneficios de la legislación medioambiental de la Unión mediante la mejora de su aplicación.



Living well, within
the limits of our planet
7th Environment Action Programme

Nuevo enfoque "**Better Regulation**"

La **Comisión** es la "**Guardiana del Tratado**"

Pero el EIR es algo **adicional** y complementario **a los procedimientos de infracción**, que seguirán existiendo.



*"If you only have
a hammer, you
tend to see every
problem as a
nail"*

Abraham Maslow

"Fragile" by bb_matt (via Flickr). CC BY license

Objetivo del EIR

- **El objetivo del EIR:** Contribuir a la consecución de los objetivos de la legislación y las políticas medioambientales existentes en la Unión Europea.
- **Método:** Evaluar las deficiencias en la aplicación y establecer un diálogo abierto y acciones de colaboración.
- **Idea básica:** un ciclo de análisis / diálogo / conclusiones cada 2 años.
- **Los valores de referencia** son los objetivos definidos en las políticas y reglas ya existentes. **Las deficiencias** se destacan en función de la distancia a los objetivos acordados y a la media de cumplimiento en la UE.



Enfoque del EIR

- Garantizar la **igualdad de trato** de los Estados miembros.
- El proceso EIR debe ser **integrador y participativo**.
- El proceso EIR será **flexible**.
- Esta iniciativa se lleva a cabo **en sinergia** con el trabajo actual sobre la aplicación de la política medioambiental.
- No pretende ser un nuevo informe sobre el estado del medio ambiente, sino **facilitar una visión sintética y documentada** de la situación de cada Estado miembro.
- Crear la oportunidad de promover **un diálogo** estructurado con el Estado miembro y una base para **discusiones políticas y horizontales**.

Building blocks of the EIR



✓	March 2016	Publication of EIR Roadmap
✓	27 May 2016	Adoption of EIR Communication : EIR as a 2-yearly cycle
✓	Mar-July 2016	Production draft country reports (in-house ENV)
✓	Sep-Oct 2016	Drafting 28 country reports
	Nov-Dec 2016	Inter-service consultation on a synthesis report & 28 annexes; Translation
	Jan 2017	Publication of synthesis report & 28 country reports (common structure for all countries)
	Feb 2017	1 st ENV Council horizontal topics discussion
	2017	Bilateral country dialogues
	2018	Evaluation 1 st EIR cycle and start 2 nd cycle

Nueva Comunicación EIR

- *The EU Environmental Implementation Review 2016: Common challenges and how to join efforts to deliver better results*
- Se trata de un Informe de síntesis del proceso EIR, destacando los retos comunes, así como las oportunidades y los puntos de excelencia.
- Un Anexo que resume las acciones sugeridas al conjunto de los Estados miembros.
- 28 Informes específicos para cada Estado miembro, como documento de los servicios de la Comisión (SWD).
- Un esquema de los siguientes pasos a seguir.

The EIR country reports

European
Commission

Common structure, reflecting the 7th EAP topics

Executive summary:

- About EIR
- General profile
- Main challenges
- Main opportunities
- Points of excellence

List of suggested actions as annex

Malta | 0

Executive summary

About the Environmental Implementation Review

As explained in its Communication of 27th May 2016¹, every two years the European Commission will publish on each Member State a report highlighting the main challenges and opportunities regarding the implementation of European environmental legislation and policies. These cross-sectoral Environmental Implementation Review (EIR) Reports are meant to stimulate debate on innovative and effective ways to improve the environment and to address the key implementation gaps. The reports will not replace but rely on existing and more detailed sectoral implementation reports, and on the 2015 State of the Environment Report by the European Environment Agency. Finally, the reports will not replace other specific (legal) means to ensure environmental compliance.

The content of this report reflects the topics in the 7th Environmental Action Program, which was adopted by the European Parliament and the Council², and also refers to the 2015 Sustainable Development Goals (SDGs) where relevant³. Part I of this report describes the challenges per environmental theme. In this first EIR Report climate change adaptation and mitigation are not yet covered. Also topics where the Commission does not have country specific data (like chemicals), are not addressed. Part II analyses the enabling framework of policy implementation instruments, including the use of market-based instruments and effective governance.

General profile

The Maltese islands constitute the most urbanised, most populated (as inhabitants/km²) and the smallest Member State. These conditions pose specific challenges to Malta in its efforts to provide a high level of environmental protection. Poor waste management, over-extraction of groundwater and air quality problems caused by traffic congestion are key areas where Malta is struggling with the implementation of EU environmental law and policies. Striking the right balance between nature conservation and development or recreational activities, in particular as regards the protection of migratory birds, has been the subject of extensive debates both at national and European level.

¹ http://ec.europa.eu/environment/eir/index_en.htm

² Decision No. 1386/2013/EU of 20 November 2013 on a General Union Environmental Action Programme to 2020 "Living well, within the limits of our planet".

³ <http://www.undp.org/content/undp/en/home/sdoverview/post-2015-development-agenda.html>.

Nevertheless a strong public support for environmental protection should be noted rooted in the need to protect Malta's natural values for the future generations, and also as due to its economic importance for the tourism sector. The main challenges have been selected by taking into account factors such as the importance or the gravity of the environmental implementation problem in the light of the impact on the quality of life of the citizens, the distance to target and the financial implications of the problem.

Main Challenges

The main challenges with regard to implementation of EU environmental policy and law in Malta derived from this review are:

- Speeding up the implementation of the EU waste management requirements, as landfill rates are extremely high and recycling rates very low, as well as improving the water management ensuring adequate protection of water bodies, including ground water and of prevention of flash floods.
- Improving the air quality in the most urbanised areas by introducing systemic solutions for transport congestion.
- Improving the protection of habitats and species of EU interest by fully implementing the Natura 2000 instruments and strengthening the enforcement of the Birds Directive.

Main Opportunities

With relatively modest efforts Malta could perform better on topics where there is already a good knowledge base and good practices. This applies in particular to:

- Supporting Small and Medium Enterprises (SMEs) to move towards a more circular economy.
- Improving compliance assurance by stepping up inspections and enforcement action.
- Investing in making the tourism sector more sustainable which is a double win: less environmental pressure and a more attractive tourist destination.

Points of Excellence

Where Malta is a leader on environmental implementation, innovative approaches could be shared more widely with other countries. A good example is:

- The traditional stone walls throughout Malta as integrated design of Green Infrastructure delivering multiple benefits for agriculture and environment.

The EIR country reports



Part 1: Thematic areas

1. Circular & resource efficient economy
2. Natural capital
3. Health & quality of life

Part 2: Enabling framework

4. Market based instruments and investments
5. Effective governance, knowledge, evidence

Table of Content

EXECUTIVE SUMMARY	0
About the Environmental Implementation Review	0
General profile.....	0
Main Challenges	0
Main Opportunities	0
Points of Excellence.....	0
PART I: THEMATIC AREAS.....	1
1. TURNING THE EU INTO A CIRCULAR, RESOURCE-EFFICIENT, GREEN AND COMPETITIVE LOW-CARBON ECONOMY.....	1
Developing a circular economy and improving resource efficiency.....	1
Waste management.....	4
2. PROTECTING, CONSERVING AND ENHANCING THE EU'S NATURAL CAPITAL.....	6
Nature and Biodiversity.....	6
Estimating Natural Capital.....	7
Green Infrastructure.....	8
Soil protection	8
Marine protection	9
3. ENSURING CITIZENS' HEALTH AND QUALITY OF LIFE.....	11
Air quality.....	11
Noise pollution	12
Water quality and management.....	12
Enhancing the sustainability of cities.....	14
International agreements.....	15
PART II: ENABLING FRAMEWORK: IMPLEMENTATION TOOLS.....	16
4. MARKET BASED INSTRUMENTS AND INVESTMENT.....	16
Increasing green taxation and phasing out harmful subsidies.....	16
Green Public Procurement.....	17
Investments: use of EU financial instruments and opportunities	17
5. EFFECTIVE GOVERNANCE, KNOWLEDGE AND EVIDENCE.....	19
Quality of public administration.....	19
Compliance assurance.....	20
Public participation and access to justice	22
Access to Information, knowledge and evidence	22
OVERVIEW OF ACTIONS SUGGESTED FOR MALTA.....	24

The EIR bilateral country dialogues (2017)



- The reports set the framework for **bilateral country dialogues** between the Commission and the Member State concerned
- **Stakeholders, regions and local authorities** to be involved
- Involve **existing networks** (e.g. IMPEL)
- Fostering mechanisms such as **peer to peer** learning & assistance



✓ Successful example!



TAIEX-REGIO PEER 2 PEER

A new tool bringing together cohesion policy experts

What are the expected benefits?



1. Bringing up **critical issues** and possibly **structural solutions** in a **preventive** and transparent manner
2. Increased **public awareness** of Member State's systemic action and effectiveness
3. Enhanced **citizens' confidence** in EU environment policy & law
4. Increased the **mutual trust** between Member States and the EU
5. Creating a **level playing field** for economic actors operating in the internal market
6. Improved implementation **reduces the need for new regulatory intervention**

What are the expected benefits? (2)



7. Opportunity to **exchange good practices** and to **learn** from each other (peer to peer)
8. More **targeted use of EU funds**, stimulate higher absorption rates
9. Increased **visibility of costs or benefits** of the necessary measures to the public and to stakeholders
10. Opportunity to **identify potential systemic solutions**
11. Better insight into the **challenges** the **national authorities** are confronted with when applying the Union law
12. Improved **use of data** already available to the Commission as the initiative necessitates compiling and assessing available information in a more targeted, country specific manner

Relation with other processes



Better Regulation	In line with the Better Regulation agenda, the EIR stresses the importance of implementing existing legal and policy commitments.
European Semester	(1) EIR covers a broad range of environmental topics, some of which generate country-specific knowledge that could be relevant for the European Semester process. (2) The EIR will also contribute to better knowledge on public administration quality as one of the causes of environmental implementation gaps, which is coherent with the broader analysis of administrative quality in the Semester
Growth and Jobs Agenda	The EIR will promote a more detailed dialogue and exchange of practices on specific environmental topics relevant for the Growth and Jobs Agenda

Conclusiones

- El EIR es una iniciativa novedosa de la Comisión dentro del control de la aplicación de la legislación y política medioambiental de la UE.
- Se trata de un análisis preliminar, susceptible de ser mejorado en futuros ejercicios.
- Mecanismo complementario que busca sinergias.
- Esperamos la colaboración de los Estados miembros y otros agentes implicados.



EIR website:

http://ec.europa.eu/environment/eir/index_en.htm

Thank you for your attention!

¡Muchas gracias por su atención!

José María Ramos Florido

Responsable para España y Portugal

Unidad ENV.E.2 “Aplicación de la política medioambiental”

Dirección General de Medio Ambiente

Comisión Europea

