



Brussels, 4.4.2019
SWD(2019) 111 final

COMMISSION STAFF WORKING DOCUMENT

Environmental Implementation Review 2019: Policy Background

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

The EU Environmental Implementation Review 2019: A Europe that protects its citizens and enhances their quality of life

{COM(2019) 149 final} - {SWD(2019) 112 final} - {SWD(2019) 113 final} -
{SWD(2019) 114 final} - {SWD(2019) 115 final} - {SWD(2019) 116 final} -
{SWD(2019) 117 final} - {SWD(2019) 118 final} - {SWD(2019) 119 final} -
{SWD(2019) 120 final} - {SWD(2019) 121 final} - {SWD(2019) 122 final} -
{SWD(2019) 123 final} - {SWD(2019) 124 final} - {SWD(2019) 125 final} -
{SWD(2019) 126 final} - {SWD(2019) 127 final} - {SWD(2019) 128 final} -
{SWD(2019) 129 final} - {SWD(2019) 130 final} - {SWD(2019) 131 final} -
{SWD(2019) 132 final} - {SWD(2019) 133 final} - {SWD(2019) 134 final} -
{SWD(2019) 135 final} - {SWD(2019) 136 final} - {SWD(2019) 137 final} -
{SWD(2019) 138 final} - {SWD(2019) 139 final}

Policy background — Environmental Implementation Review 2019

I. About the Environmental Implementation Review

The 2019 Environmental Implementation Review is the second edition of a regular cycle of analysis, dialogue and collaboration, first announced in 2016¹, to improve the implementation of existing EU environmental policy and legislation. The first EIR Communication and series of 28 country reports was published in February 2017² and the current set of reports make up the 2019 package. The reports aim to stimulate debate on shared environmental challenges in the EU and on the most effective ways to address the most pressing implementation gaps across Member States. They rely on the detailed sector-specific implementation reports collected or issued by the Commission under specific environmental legislation, in addition to the ‘State of the Environment’ reports and other reports by the European Environment Agency. These EIR reports will not replace the specific legal instruments and dialogue to ensure compliance with binding EU rules.

The reports broadly follow the structure of the 7th Environmental Action Programme³, and refer to the 2030 Agenda for Sustainable Development and related Sustainable Development Goals (SDGs)⁴ to the extent to which they reflect the obligations and policy objectives of EU environmental law.

The main challenges identified take account of factors such as the impact on citizens’ quality of life, the progress made to date in meeting the EU environmental targets and the resource implications.

The Communication entitled ‘*Environmental Implementation Review 2019: A Europe that protects its citizens and enhances their quality of life*’ accompanies the country reports. It identifies common challenges and provides preliminary conclusions on possible root causes of poor performance by Member States. On that basis, it proposes structural ways forward to deliver better results in addition to the specific priority actions included in the country reports. The Communication includes an annex with the proposed actions per Member State, for ease of reference.

A key way to improve performance is to develop the capacity of environmental authorities, in particular the skills and expertise of their staff. To support the EIR, the European Commission set up the TAIEX-EIR PEER 2 PEER (P2P) programme⁵, to facilitate peer exchange between

staff in environmental authorities so that they can benefit directly from good practices in other countries and regions.

The P2P programme is a practical tool that provides tailored support to Member State authorities that implement environmental policy and legislation. The Commission has successfully applied this TAIEX instrument for more than 20 years in enlargement and neighbourhood policy and, more recently, with assistance on cohesion policy through the TAIEX REGIO P2P programme. With twenty environmental projects implemented in its first operational year (2018), and all Member States having been involved, this tool is fulfilling the need of complementary instruments to improve expertise of implementing bodies by exchanging their experiences.

The EIR differs from the OECD’s environmental policy performance reviews in that it assesses the implementation of key requirements of EU environmental legislation and policies in each EU Member State every two years. This results in relatively concise reports ensuring an overview of the progress in implementation and comparability across the EU.

Policy background

The EIR reports address not only environmental experts but also other authorities and the larger public, and therefore explaining the policy context may be useful to understand the country specific information in the reports. Nevertheless, to keep the 2019 EIR country reports concise, some general information on each individual thematic sectors is set out in this background document rather than in each individual report.

The general EU objectives and relevant SDGs are included in the blue boxes. Each section also includes links in footnotes to websites where detailed information can be found. More detailed background information on EU environmental policies and legislation can be found at the Europa website⁶.

Each country report maps out the main challenges in implementing European environmental policy and legislation as well as good practices, including points of excellence in that country. Overall, EU environmental authorities at all levels have significant potential to improve their performance by learning from one another.

¹ [COM\(2016\) 316](#).

² [COM\(2017\) 63](#).

³ [Decision 1386/2013/EU](#).

⁴ United Nations, [The Sustainable development Goals](#), 2018.

⁵ More information about the P2P tool, including an application form

and a leaflet in all EU languages, is available on the EIR [website](#).

⁶ European Commission, [website for the environment](#).

II. Thematic areas

1. Turning the EU into a circular, resource-efficient, green and competitive low-carbon economy

Measures towards a circular economy

The Circular Economy Action Plan emphasises the need to move towards a life-cycle-driven 'circular' economy, reusing resources as much as possible and bringing residual waste close to zero. This can be facilitated by developing and providing access to innovative financial instruments and funding for eco-innovation.

Three SDGs relate to the circular economy package. SDG 8 promotes sustained, inclusive and sustainable economic growth. SDG 9 highlights the need to build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation. SDG 12 encourages countries to achieve the sustainable management and efficient use of natural resources by 2030.

Transforming our linear economy to a circular one is an opportunity to make it more sustainable and competitive. This shift will stimulate investment and bring both short- and long-term benefits to the economy, the environment and to citizens.

Following the adoption of the Circular Economy Action Plan in 2015 and the setting up of a related stakeholder platform in 2017, the European Commission adopted a new package of deliverables in January 2018⁷. This included additional initiatives such as: (i) an EU strategy for plastics; (ii) a Communication on how to address the interplay between chemical, product and waste legislation; (iii) a report on critical raw materials; and (iv) a framework to monitor progress towards a circular economy⁸.

Promoting the circular economy has also become a recurring priority in the European Semester Annual Growth Survey since 2016.

The monitoring framework tracks key trends and patterns to understand how the various elements of the circular economy are developing. The framework is composed of a set of ten key indicators, which cover each phase, e.g. production, consumption, waste management and secondary raw materials, etc., as well as economic aspects such as investments, jobs, gross value added and innovation.

The number of EU ecolabel products and EMAS (eco-management and audit scheme) licensed organisations in a specific country is a way to illustrate the commitment of public authorities to the circular transition and the engagement of private-sector companies and national stakeholders.

SMEs and resource efficiency

SMEs can turn environmental challenges into opportunities, for example by taking resource efficiency actions, gaining public support and offering green products and services. The SME performance review⁹ is one of the main tools the Commission uses to monitor and assess SMEs' progress on resource efficiency and other environmental indicators.

Eco-innovation

The Eco-Innovation Scoreboard (ECO-IS)¹⁰ developed for the Commission by the Eco-Innovation Observatory provides an overview of EU Member States' performance on eco-innovation in five areas: eco-innovation inputs, eco-innovation activities, eco-innovation outputs, resource efficiency outcomes and socio-economic outcomes.

Waste management

Turning waste into a resource is supported by:

- (i) fully implementing EU waste legislation, which includes the waste hierarchy, the need to ensure separate collection of waste, the landfill diversion targets, etc.;
- (ii) reducing waste generation and waste generation per capita in absolute terms; and
- (iii) limiting energy recovery to non-recyclable materials and phasing out landfilling of recyclable or recoverable waste.

SDG 12, mentioned above, supports actions on the field of waste management.

The EU's approach to waste management is based on the 'waste hierarchy', defined in the Waste Framework Directive. It sets out an order of priority when shaping waste policy. The hierarchy is as follows: prevention, (preparing for) reuse, recycling, recovery and, as the least preferred option, disposal (which includes landfilling and

⁷ European Commission, [2018 Circular Economy Package](#).

⁸ [COM\(2018\) 029](#).

⁹ European Commission, [2018 SME performance Review](#).

¹⁰ European Commission, [Eco-innovation scoreboard](#).

incineration without energy recovery). The progress towards reaching recycling and landfill reduction targets as well as adopting adequate Waste management plans/Waste prevention programmes continue to be the key means of measuring Member States' performance, along the indicators on waste generation and waste treatment types.

The adoption by the co-legislators of the amendments to waste legislation¹¹ and the recent proposal to reduce the impact of certain plastics on the environment are example of the combined efforts at European Union level to support the circular economy and improve waste management. However, in line with the EIR scope, this report focuses on the upcoming recycling targets (50 % by 2020) and on management of municipal waste in general. The implementation of the new rules and targets will be assessed in the following EIR cycles.

Climate change

The EU has committed to undertaking ambitious climate action internationally as well as in the EU, having ratified the Paris Climate Agreement on 5 October 2016. The EU targets are to reduce greenhouse gas (GHG) emissions by 20 % by 2020 and by at least 40 % by 2030, compared to 1990. As a long-term target, the EU aims to reduce its emissions by 80-95 % by 2050, as part of the efforts required by developed countries as a group. Adapting to the adverse effects of climate change is vital to alleviate its already visible effects and improve preparedness for and resilience to future impacts.

SDG 13 aims to deliver on the commitment to the United Nations Framework Convention on Climate Change and operationalise the Green Climate Fund. It aims to strengthen countries' resilience and capacity to adapt to climate-related hazards and natural disasters.

The EU has the necessary legislation in place to meet the EU climate targets for 2020 and 2030. The EU emissions trading system (EU ETS)¹² covers all large greenhouse gas (GHG) emitters in the industry, power and aviation sectors in the EU. This system is a cornerstone of the EU policy to combat climate change and a key tool for reducing GHG emissions in a cost-effective way. The EU ETS applies in all Member States and has a very high compliance rate. Each year, installations cover around 99 % of their emissions with the required number of allowances. The competent authorities carry out different compliance checks on the annual emissions reports submitted by installations. For emissions not

covered by the EU ETS, Member States have binding national targets under the effort sharing legislation¹³.

All EU countries are required to monitor their emissions under the EU's GHG monitoring mechanism, which sets the EU's own internal reporting rules based on internationally agreed obligations. While all Member States have complied with the reporting requirements, work is ongoing to improve completeness and timeliness of the reporting.

Transparent and coordinated planning will help the EU meet the targets for 2030 and beyond. Member States are currently preparing integrated national energy and climate plans (NECPs) and long-term climate and energy strategies. The first NECPs will cover the period from 2021 until 2030, and will be based on an iterative governance process between Member States and the Commission. In line with the Paris Agreement, the EU and its Member States will also prepare mid-century climate strategies by 2020.

EU sector-specific climate legislation has been adopted to incentivise emissions reductions from transport, the maritime sector and fluorinated gases used in products.

Transport is responsible for almost a quarter of Europe's GHG emissions and is the main cause of air pollution in cities. The transport sector has not seen the same steady decrease in GHG emissions as other sectors since 1990. EU legislation¹⁴ sets binding 2020/2021 EU fleet-wide CO₂ emission targets for new cars and vans. On this basis, a specific emissions target is calculated for each manufacturer. If manufacturers exceed their target, they have to pay an excess emissions premium. Therefore, Member States have to monitor and report CO₂ emissions data for all new vehicle registrations to the European Environment Agency every year. EU legislation also requires that Member States ensure that consumers are provided with relevant information, including a label with the car's fuel efficiency and CO₂ emissions, to encourage their use of more efficient vehicles. Fuel quality is another important element in reducing GHG emissions from transport. EU legislation requires the GHG intensity of vehicle fuels to be cut by up to 10 % by 2020.

From 2018, large ships using EU ports have to monitor and report their duly verified annual emissions and other relevant information. The first monitoring reports must be submitted to the Commission by 30 April 2019.

The EU has adopted several pieces of legislation to control emissions from fluorinated greenhouse gases

¹¹ Publications Office of the European Union, [Waste Package](#) (Official Journal of the European Union, L 150, 14 June 2018).

¹² European Commission, [EU emissions trading system](#).

¹³ European Commission: [Effort sharing: Member States' emission targets](#).

¹⁴ European Commission, Road transport: [Reducing CO₂ emissions from vehicles](#).

(F-gases), including hydrofluorocarbons (HFCs). The ‘MAC Directive’¹⁵ applies to air conditioning systems used in small motor vehicles, and the ‘F-gas Regulation’¹⁶ covers all key applications in which F-gases are used, gradually reducing the amount of hydrofluorocarbons that may be placed on the market in the EU, so as to limit their climate impact. Thanks to the new F-gas Regulation, the EU’s F-gas emissions are expected to be cut by two thirds by 2030 compared with 2014 levels. The Regulation is directly applicable in all Member States. Member States had to put in place training and certification programmes and rules for penalties and notify the Commission of them by 2017.

Another EU Decision¹⁷ sets out accounting rules for emissions and removals of GHG resulting from land use, land-use change and forestry activities, as a first step towards including those activities in the EU’s emissions reduction commitment.

The EU strategy on adaptation to climate change¹⁸, adopted in 2013, aims to make Europe more climate-resilient by promoting positive action by Member States, better-informed decision-making and encouraging adaptation in key vulnerable sectors. The strategy sets out a consistent and well-coordinated approach to improve the preparedness and capacity of all levels of government to respond to the impacts of climate change.

¹⁵ European Commission, [Mobile air-conditioning systems \(MACs\)](#).

¹⁶ European Commission, [Fluorinated greenhouse gases](#).

¹⁷ [Regulation](#) on the integration of land use, land use change and forestry.

¹⁸ European Commission, [EU strategy on adaptation to climate change](#).

2. Protecting, conserving and enhancing natural capital

Nature and biodiversity

The EU biodiversity strategy aims to halt the loss of biodiversity in the EU by 2020. It requires full implementation of the Birds and Habitats Directives to achieve favourable conservation status of protected species and habitats. It also requires that the agricultural and forest sectors help to maintain and improve biodiversity.

SDG 15 requires countries to protect, restore and promote the sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt biodiversity loss and halt and reverse land degradation.

The 1992 EU Habitats Directive¹⁹ and the 1979 Birds Directive²⁰ are the cornerstone of the European legislation aimed at conserving the EU's wildlife. Natura 2000, the largest coordinated network of protected areas in the world, is one of the key instruments to implement the directives' objectives and to ensure the long-term protection, conservation and survival of Europe's most valuable and threatened species and natural habitats and the ecosystems they underpin.

The Birds and Habitats Directives require Member States to establish a coherent national network of Natura 2000 sites. The Commission assesses compliance with this requirement individually for each species and habitat type occurring on the national territory of Member States. The latest update of this assessment was carried out by the Commission with the assistance of the European Environment Agency.

A key milestone in meeting the directives' objectives is the national designation of Natura 2000 sites as special areas of conservation under the Habitats Directive and as special protection areas under the Birds Directive²¹. Key indicators to measure Member States' performance are their progress on: (i) selecting the most suitable sites to establish a coherent Natura 2000 network; (ii) legal designation of the site at national level; and (iii) maintaining or improving the conservation status of species and habitats of EU importance.

Following a thorough evaluation of the EU's nature protection laws, in April 2017 the European Commission

adopted an action plan to improve their implementation and boost their contribution towards reaching the EU's biodiversity targets for 2020. The EU Action plan for nature, people and the economy proposed 15 concrete actions to be carried out between 2017 and 2019.

Maintaining and restoring ecosystems and their services

The EU biodiversity strategy aims to maintain and restore ecosystems and their services by including green infrastructure in spatial planning and restoring at least 15 % of degraded ecosystems by 2020. The EU green infrastructure strategy promotes the incorporation of green infrastructure into related plans and programmes.

Green infrastructure provides ecological, economic and social benefits by offering natural solutions that help overcome fragmentation of habitats and preserve or restore ecological connectivity. It improves the resilience of ecosystems, thereby ensuring the continued provision of ecosystem services. Finally, it helps people understand the benefits of nature and can also help mobilise the investments that will maximise these benefits.

Estimating natural capital

The EU biodiversity strategy calls on Member States to map and assess the state of ecosystems and their services in their national territories by 2014, assess the economic value of such services and integrate these values into accounting and reporting systems at EU and national level by 2020.

Business and biodiversity platforms, networks and communities of practice are key tools for promoting and facilitating natural capital assessments among business and financial service providers, for instance via the Natural Capital Coalition's protocol²². The assessments contribute to the EU biodiversity strategy by helping private businesses better understand and value both their impact and dependence on nature. Biodiversity platforms have been established at EU level²³ and in a number of Member States.

¹⁹ European Commission, [Habitats Directive](#).

²⁰ European Commission, [Birds Directive](#).

²¹ Sites of community importance (SCIs) are designated under the Habitats Directive whereas special areas of protection (SPAs) are designated under the Birds Directive. Coverage figures do not add up as some SCIs and SPAs overlap. Special areas of conservation (SACs) are SCIs designated afterwards by the Member States.

²² Natural Capital Coalition, [Natural Capital Protocol](#).

²³ Business and Biodiversity, [The European Business and Biodiversity Campaign](#) aims to promote the business case for biodiversity in the EU Member States through workshops, seminars and a cross-media communication strategy.

Invasive alien species

Under the EU biodiversity strategy, the following are to be achieved by 2020:

- (i) invasive alien species identified;
- (ii) priority species controlled or eradicated; and
- (iii) pathways managed to prevent new invasive species from disrupting European biodiversity.

This is supported by the Invasive Alien Species (IAS) Regulation, which entered into force on 1 January 2015.

Invasive alien species²⁴ are animals and plants that are introduced accidentally or deliberately into a natural environment where they are not normally found, with potentially serious negative consequences for the new environment. They are a major threat to native plants and animals in Europe and cause damage worth billions of euro to the EU economy every year.

The IAS Regulation provides for a procedure to identify invasive alien species of EU concern²⁵ and also the appropriate measures to be taken across the EU on such species. These measures relate to prevention, early detection and rapid eradication and management. Both Member States and the European Commission may propose species to be included in the list, based on risk assessments.

Soil protection

The EU soil thematic strategy underlines the need to ensure a sustainable use of soils. This entails preventing further soil degradation and preserving its functions, as well as restoring degraded soils. The 2011 Roadmap to a Resource Efficient Europe states that by 2020, EU policies must take into account their direct and indirect impact on land use.

SDG 15 requires countries to tackle desertification, restore degraded land and soil — including land affected by desertification, drought and floods — and strive to achieve a land-degradation-neutral world by 2030.

Soil is an important resource for life and the economy. It provides food, fibre and biomass for renewable energy, carbon sequestration, water purification and flood regulation, raw material, building material and more. Soil is a fragile finite resource and it is increasingly degrading in the EU. Current land use patterns also increase fragmentation of habitats. Soil protection is indirectly addressed by EU policies in areas such as agriculture,

water, waste, chemicals, and the prevention of industrial pollution.

Soil erosion by water is a natural process, which can be aggravated by human activities such as inappropriate agricultural practices, deforestation, forest fires or construction.

The soil's organic matter plays an important role in the carbon cycle and in climate change. Soils are the second largest carbon absorbers in the world after the oceans. Soil organic compound, which provides nutrients to plants and improves water availability, is an important indicator for soil health and biodiversity. The main human-caused drivers of the decline in organic carbon content in soils are changes in land use (especially converting grassland into cropland and deforestation), drainage and loss of wetlands and harmful agricultural practices. A loss of soil organic matter can increase the risk of erosion and lead to a decline in soil structure and quality.

In February 2017, the Commission published an updated inventory and assessment of soil protection policy instruments in EU countries²⁶, in close cooperation with the soil experts appointed by the Member States.

EU financing instruments can play an important role protecting soil. The European Agricultural Fund for Rural Development can help increase soil organic matter and reduce soil erosion, while the European Regional Development Fund can support the rehabilitation of industrial sites and contaminated land.

Marine protection

EU coastal and marine policy and legislation require that by 2020 the impact of pressures on marine waters be reduced to achieve or maintain good environmental status and ensure that coastal zones are managed sustainably.

SDG 14 requires countries to conserve and sustainably use the oceans, seas and marine resources for sustainable development.

The Marine Strategy Framework Directive²⁷ aims to achieve good environmental status of the EU's marine waters by 2020. To that end, Member States must develop a marine strategy for their marine waters, and cooperate with the EU countries that share the same marine (sub)region.

The Maritime Spatial Planning Directive²⁸ and the 2002

²⁴ European Commission, [Invasive Alien Species](#).

²⁵ European Commission, [List of Invasive Alien Species of Union concern](#).

²⁶ European Commission, [Assessment of soil protection policy](#).

²⁷ [Marine Strategy Framework Directive 2008/56/EC](#).

²⁸ [Directive 2014/89/EU](#).

Environmental Implementation Review 2019 – Policy background

EU Recommendation on Integrated Coastal Zone Management²⁹ led to the Council Decision 2010/631/EU³⁰, which introduced a framework for this type of planning. Furthermore, the ongoing coastal work prompted by the Water Framework Directive³¹ sets a basis for the use of maritime space — including coastal areas — to ensure human activities at sea take place in an efficient, safe, climate-resilient and sustainable way.

²⁹ European Union, [Recommendation on the implementation of Integrated Coastal Zone Management in Europe](#).

³⁰ [Decision 2010/631/EU](#) adopts the Mediterranean Protocol on Integrated Coastal Zone Management into the EU *acquis*.

³¹ [EU Water Framework Directive](#).

3. Ensuring citizens' health and quality of life

Air quality

EU clean air policy and legislation require the significant improvement of air quality in the EU, moving the EU closer to the quality recommended by the World Health Organisation. Air pollution and its impacts on human health, ecosystems and biodiversity should be further reduced with the long-term aim of not exceeding critical loads and levels. This requires strengthening efforts to reach full compliance with EU air quality legislation and defining strategic targets and actions beyond 2020.

The EU has developed a comprehensive body of air quality legislation³² that introduces health-based standards and objectives for a number of air pollutants. As part of this, Member States must ensure that up-to-date information on ambient concentrations of different air pollutants across their area is routinely reported to the Commission and made available to the public. In addition, the National Emission Ceilings Directive provides targets for emission volume reductions for the main pollutants at national level.

Air quality has generally improved in the European Union (EU) over the last decades largely thanks to the EU's air quality policies, which have succeeded in curbing a number of pollutants. However, in most Member States the pollution concentration limits for one or several harmful air pollutants are still widely exceeded. The situation is especially severe in urban areas, where a majority of Europeans live. This directly affects health and the quality of life, causing serious diseases such as asthma, cardiovascular problems and lung cancer. Air pollution continues to be the number one environmental cause of premature death in the EU, with estimates of more than 400 000 premature deaths per year.³³ This also comes at a high price to society, with total external health-related cost estimates in the range of €330-940 billion per year³⁴.

The Clean Air Programme for Europe (COM (2013) 918) reconfirmed the overall strategic objective to achieve full compliance with existing air quality standards across the EU as soon as possible.

Support and guidance to compliance for the Member States have been provided through the previous Environmental Implementation Review; Clean Air Dialogues & Clean Air Forum; the Air Quality Expert

Committee / Expert Group; funding opportunities (European Regional Development Fund, Cohesion Fund, Life programmes); the programme for cooperation with judges.

Industrial emissions

The main objectives of EU policy on industrial emissions are to:

- (i) protect air, water and soil;
- (ii) prevent and manage waste;
- (iii) improve energy and resource efficiency; and
- (iv) clean up contaminated sites.

To achieve this, the EU takes an integrated approach to the prevention and control of routine and accidental industrial emissions. The cornerstone of the policy is the Industrial Emissions Directive³⁵ (IED).

While being important for economic development, industrial activities can have a significant detrimental impact on the environment.

The EU acquis, and in particular the Industrial Emissions Directive (IED) aims to prevent and reduce harmful industrial emissions at source through a permit system for large installations based on the use of best available techniques that are energy and resource efficient. It also incorporates tightened emission limit values (ELVs) for combustion plants and time-limitation of a number of flexibilities for meeting the ELVs, as well as an advanced inspection regime requiring risk based plans and programs.

The industrial sectors known to be responsible for the largest burden to the environment in terms of air emissions are: (i) energy; (ii) metals; and (iii) 'other activities' (mostly the intensive rearing of poultry or pigs and surface treatments).

Noise

The Environmental Noise Directive³⁶ provides for a common approach to avoiding, preventing and reducing the harmful effects of exposure to environmental noise.

Excessive noise, such as from aircrafts, railways and roads, is a major cause of ill health³⁷. Noise can cause cardiovascular diseases, including ischaemic heart disease and stroke, and can lead to premature death.

³² European Commission, 2016. [Air Quality Standards](#).

³³ EEA, 2018, [Air Quality in Europe – 2018 Report](#). European Environment Agency.

³⁴ See [Impact Assessment underpinning the Clean Air Programme for Europe SWD\(2013\) 532 final](#).

³⁵ [Directive 2010/75/EU](#).

³⁶ [Directive 2002/49/EC](#).

³⁷ WHO/JRC, Burden of disease from environmental noise, Fritschi, L., Brown, A.L., Kim, R., Schwela, D., Kephelopoulos, S. (eds), [World Health Organisation, Regional Office for Europe](#), Copenhagen, Denmark. 2011.

Environmental Implementation Review 2019 – Policy background

Noise can also interrupt sleep, with disruptive effects on the endocrine system, cause people discomfort and reduce children's capacity for learning.

In the EU, every one in four citizens is exposed to noise at levels that are harmful to their health. A preliminary assessment has determined the number of premature deaths to be at least 16 600 per year³⁸.

To address this, EU law requires that the exposure to environmental noise is assessed and mapped — even if it does not set limit values for noise — to ensure that information on noise and its effects is made available to the public. Member States have also had to adopt action plans to prevent or reducing environmental noise and to maintain environments where noise levels are good. A first analysis by the European Environmental Agency shows that between 2007 and 2012 road noise exposure in cities has decreased only in 60 % of cases.

Water quality and management

EU legislation and policy requires that the impact of pressures on transitional, coastal and fresh waters (including surface and ground waters) be significantly reduced. Achieving, maintaining or enhancing a good status of water bodies as defined by the Water Framework Directive will ensure that EU citizens benefit from good quality and safe drinking and bathing water. It will further ensure that the nutrient cycle (nitrogen and phosphorus) is managed in a more sustainable and resource-efficient way.

SDG 6 requires countries to ensure access to water and sanitation for everyone through integrated water resources management.

The overall objectives of EU water policy and legislation are to protect the EU's water resources, to safeguard human health and to reduce the consequences of flooding. The existing body of EU water law³⁹ puts in place a protective framework to ensure high standards for all bodies of water in the EU and addresses specific pollution sources (for example from agriculture, urban areas and industrial activities). It also requires that the projected impacts of climate change are integrated into the corresponding planning instruments (e.g. river basin management plans and flood risk management plans).

River Basin Management Plans coupled with the new Flood Risk Management Plans, which are required by the Water Framework Directive and Floods Directive

respectively, can protect and improve the water environment and ensure the sustainable use of water in the EU. This includes surface freshwaters such as lakes and rivers, groundwater, estuaries and coastal waters up to one nautical mile.

Chemicals

The EU seeks to ensure that by 2020 chemicals are produced and used in ways that minimise any significant adverse effects on human health and the environment.

SDG 3.9 aims to substantially reduce the number of deaths and illnesses from hazardous chemicals and from air, water and soil pollution and contamination by 2030.

The exposure to hazardous chemicals can seriously harm the environment and human health. The environmentally sound management and safe use of chemicals is the main objective of EU chemicals legislation. There is also a single market objective: the legislation ensures the free circulation of substances on the internal market while increasing competitiveness and innovation.

Reducing the harmful effects of chemicals is also integral to EU policy and law on water management, air quality and waste management.

Horizontal chemicals legislation (REACH⁴⁰, the Classification, Labelling and Packaging (CLP) Regulation⁴¹, and legislation on biocidal products and plant protection products⁴²), provides across the whole EU baseline protection for human health and the environment and ensures stability and predictability for economic operators.

The REACH and CLP Regulations are applied directly by Member States, who must report on implementation every 5 years. In 2016, the European Chemicals Agency (ECHA) published a report on REACH and the CLP Regulation⁴³, but there is no comprehensive and representative overview to date on how these laws have been implemented in each Member State.

As part of their enforcement activities, still being developed, most Member States carry out awareness-raising activities and promote the use of alternative test methods (instead of testing on animals). Member States exchange experiences within ECHA's Enforcement Forum⁴⁴.

³⁸ European Environmental Agency, [Environmental noise](#).

³⁹ This includes the [Bathing Waters Directive \(2006/7/EC\)](#); the [Urban Waste Water Treatment Directive \(91/271/EEC\)](#); the [Drinking Water Directive \(98/83/EC\)](#); the [Water Framework Directive \(2000/60/EC\)](#); the [Nitrates Directive \(91/676/EEC\)](#) and the [Floods Directive \(2007/60/EC\)](#).

⁴⁰ OJ L 396, 30.12.2006, p. 1.

⁴¹ OJ L 252, 31.12.2006, p. 1.

⁴² [Plant Protection Products Regulation \(EC\) 1107/2009](#), [Biocidal Products Regulation \(EU\) 528/2012](#)

⁴³ European Chemicals Agency, [Report on the Operation of REACH and CLP 2016](#).

⁴⁴ ECHA, [Enforcement Forum](#).

Environmental Implementation Review 2019 – Policy background

The Forum coordinates various enforcement initiatives, such as the REACH-EN-FORCE (REF) projects, which aim to harmonise enforcement in each Member State and check the current level of industry compliance on particular obligations.

Legislative provisions covering endocrine disrupting chemicals have been introduced into REACH, as well as the biocidal products (BP) and plant protection products (PPP) regulations. Criteria for identifying endocrine disruptors have been included in both PPP and BP regulations and came into force in 2017.

Under the Rotterdam Convention, chemicals subject to the Prior Informed Consent (PIC) Regulation⁴⁵ are also included in the ECHA Enforcement Forum's activities.

Restriction of production, export-import, safe handling and environmentally safe disposal of the persistent organic pollutants (POPs) are governed by the POPs Regulation⁴⁶.

Making cities more sustainable

EU policy on the urban environment encourages cities to put policies in place for sustainable urban planning and design. These should include innovative approaches to urban public transport and mobility, climate adaptation and resilience, sustainable buildings, energy efficiency, social inclusion, health and well-being of citizens and urban biodiversity conservation.

SDG11 aims to make cities and human settlements inclusive, safe, resilient and sustainable.

Around 75 % of the EU population live in urban areas. Urban areas present particular challenges to the environment and human health, but they also provide opportunities and efficiency gains in the use of resources.

The Member States, European institutions, cities and stakeholders have prepared an 'Urban Agenda for the EU' (incorporating the smart cities initiative) to tackle these issues comprehensively, including their connections with social and economic challenges. Under this Urban Agenda, 12 partnerships will be formed for the urban challenges identified, which include air quality and housing, urban mobility, energy transition, climate adaptation, and sustainable use of land and Nature-Based Solutions.

In this context, during the 2018 Green Week, the European Commission launched a new voluntary tool for cities to assess and benchmark their environmental performance for the indicators covered by the European

Green Capital Award (see below). The 'Green City Tool' also offers advice and examples of good practice for 'greening up' cities.

The EU encourages cities to become greener and spread a positive example through awards and funding. Examples include the EU Green Capital Award for cities with more than 100 000 inhabitants and the EU Green Leaf initiative for cities and towns with between 20 000 and 100 000 inhabitants.

Through the Covenant of Mayors for Climate and Energy, the EU encourages local action on climate mitigation, adaptation and energy efficiency. Since its launch in 2008, more than 7 300 local authorities in the EU have announced their intention to reduce their GHG emissions. A total of 891 signatories in the EU have declared their intention to develop strategies to adapt to climate change.

Through its research framework programme, Horizon 2020, the EU invests more than EUR 200 million up to 2020 into developing and demonstrating nature-based solutions in urban areas. Complementarily, the ERDF supports Urban Innovative Actions (UIA) conducted in the period 2014-2020 to test new and unproven solutions for urban challenges. The UIA initiative has a total ERDF budget of EUR 372 million for that period.

⁴⁵ ECHA, [Chemicals subject to PIC](#).

⁴⁶ OJ L 158, 30.4.2004.

III. Enabling framework: Implementation tools

4. Green taxation, green public procurement, environmental funding and investments

Green taxation and environmentally harmful subsidies

Financial incentives, taxation and other economic instruments are effective and efficient ways to meet environmental policy objectives. The circular economy action plan encourages their use. Environmentally harmful subsidies are monitored in the context of the European Semester and the energy union governance process.

Taxing pollution and resource use encourages consumers to make socially and environmentally beneficial choices. It also generates budget revenues. Tax systems biased towards more polluting technologies generate lower tax revenues and higher healthcare and clean-up costs.

Green public procurement

The EU green public procurement policies encourage Member States to take further steps to apply green procurement criteria to at least 50 % of public tenders. The European Commission is helping to increase the use of public procurement as a strategic tool to support environmental protection.

Green public procurement (GPP) encourages public authorities to procure goods and services that have a reduced environmental impact throughout their life cycle when compared to comparable goods and services that would otherwise be procured.

The purchasing power of public procurement amounts to around EUR 1.8 trillion in the EU (approximately 14 % of GDP). A substantial proportion of this money goes to sectors with a high environmental impact such as construction or transport. Therefore, GPP can help to significantly lower the negative impact of public spending on the environment and can help support sustainable innovative businesses. The Commission has proposed EU GPP criteria⁴⁷.

⁴⁷ In the Communication [COM\(2008\) 400](#) the Commission recommended the creation of a process for setting common GPP criteria. The basic concept of GPP relies on having clear, verifiable, justifiable and ambitious environmental criteria for products and services, based on a life-cycle approach and scientific evidence base.

Environmental funding and investments

European Structural and Investment Fund (ESIF) rules oblige Member States to promote environment and climate in their funding strategies and programmes for economic, social and territorial cohesion, rural development and maritime policy.

Achieving sustainability goals requires the mobilisation of public and private sources of financing. For its part, the Commission adopted an action plan in March 2018 on financing sustainable growth⁴⁸. Making good use of the European Structural and Investment Funds⁴⁹, not only by adequate planning but also when spending, is essential for meeting the environmental goals and integrating them into other policy areas. The Juncker Investment Plan for Europe, the "Juncker Plan", also supports projects in the environment and resource efficiency sector, namely through the European Fund for Strategic Investments (EFSI) providing a first loss guarantee allowing the EIB to invest in more, often riskier, projects. LIFE+ can provide financial support to prepare developing innovative projects in the environmental domain and collecting the necessary private and public funding.

⁴⁸ European Commission, 2018, [Action Plan on Financing Sustainable Growth](#).

⁴⁹ ESIF comprises five funds — the European Regional Development Fund (ERDF), the Cohesion Fund (CF), the European Social Fund (ESF), the European Agricultural Fund for Rural Development (EAFRD), and the European Maritime and Fisheries Fund (EMFF). The ERDF, CF and ESF together form the Cohesion Policy funds (N.B. Belgium does not receive funds from the Cohesion Fund).

5. Strengthening environmental governance

SDG 16 aims to provide access to justice and building effective, accountable and inclusive institutions at all levels. SDG 17 aims to improve implementation, policy coordination and policy coherence, stimulate science, technology and innovation, establish partnerships and develop measurements of progress.

In its Communication that accompanied the 2017 EIR country reports, the Commission identified five root causes of implementation challenges across the EU Member States:

1. ineffective coordination among local, regional and national authorities;
2. lack of administrative capacity and insufficient financing;
3. lack of knowledge and data;
4. insufficient compliance assurance mechanisms; and
5. lack of integration and policy coherence.

These are addressed in each country report alongside the legal requirements in place for environmental governance.

The Commission adopted a Communication⁵⁰ on ‘EU actions to improve environmental compliance and governance’ and established a collaborative platform (*the Environmental Compliance and Governance Forum*) for Member States to work together to address these cross-cutting challenges. The Commission also launched a project⁵¹ on the ‘development of an assessment framework on environmental governance’. Evidence collected by this project has been used, among other sources, to underpin this section of the policy background.

Information, public participation and access to justice

Citizens can more effectively protect the environment if they can rely on the three ‘pillars’ of the Aarhus Convention:

- (i) access to information;
- (ii) public participation in decision making; and
- (iii) access to justice in environmental matters.

It is of crucial importance to public authorities, the public and business that environmental information is shared efficiently and effectively⁵². Public participation allows

authorities to make decisions that take public concerns into account. Access to justice is a set of guarantees that allows citizens and NGOs to use national courts to protect the environment. It includes the right to bring legal challenges (‘legal standing’).

Citizens can have a more effective role in protecting the environment if they can rely on the three pillars of the Aarhus Convention described above. Equally, greater public involvement will help improve the acceptance and coherence of various development projects, and thus to improve the business and social environment.

Environmental information

It is useful to public authorities, the general public and businesses that environmental information is shared efficiently and effectively. Businesses and public authorities should therefore prepare reports on their environment-related activities and actively disseminate the information to the public, increasingly through electronic means.

Public participation

The public’s participation in the decision making process is important for ensuring that the relevant authority takes its decision on the best possible basis.

Access to justice

Access to justice in environmental matters involves a set of guarantees that allows citizens and their associations to challenge, before a court, acts or omissions of the relevant public administration. It is a tool for decentralised implementation of EU environmental law.

In the first EIR round, the assessment focused on legal standing (i.e. the ability of a party to demonstrate sufficient connection to and harm from the law or action challenged), which is crucial for access to justice and the related costs. In addition, the assessment systematically analysed the availability of practical information to the public for the first time. This EIR looks at how well Member States explain access to justice rights to the public, and at legal standing and other major barriers to bringing cases on nature and air pollution for a court.

⁵⁰ [COM\(2018\) 10](#).

⁵¹ Institute for European Environmental Policy, [Development of an assessment framework on environmental governance in EU Member States](#).

⁵² The [Aarhus Convention](#), the [Access to Environmental Information Directive, 2003/4/EC](#) and the [INSPIRE Directive, 2007/2](#) together create

a legal foundation for the sharing of environmental information between public authorities and with the public. This EIR focuses on INSPIRE.

Compliance assurance

Environmental compliance assurance covers all the work undertaken by public authorities to ensure that industries, farmers and others fulfil their obligations to protect water, air and nature, and manage waste. It includes support measures provided by the authorities, such as:

- (i) compliance promotion ;
- (ii) inspections and other checks that they carry out, i.e. compliance monitoring ; and
- (iii) the steps that they take to stop breaches, impose sanctions and require damage to be remedied, i.e. enforcement .

Citizen science and complaints enable authorities to focus their efforts better. Environmental liability ensures that the polluter pays to remedy any damage.

Compliance obligations may take the form of prohibitions, general binding rules, permits and other measures put in place to protect the environment, public health and society's long-term resource needs. This is explained in the Communication on 'EU actions to improve environmental compliance and governance'⁵³.

Compliance promotion and monitoring

Environmental compliance assurance describes all the ways in which public authorities promote, monitor and enforce compliance with the following definitions:

- promote means helping businesses and others to comply;
- monitor means using inspections and other checks to collect information on levels of compliance and provide solid evidence for enforcement; and
- enforce means to stop those who disregard the rules, penalise them and oblige them to rectify the damage.

Promotion covers awareness raising, guidance and advice. Monitoring covers routine environmental inspections, police investigations and environmental audits by public audit bodies. It also includes the examination of complaints submitted by the public. Enforcement covers audit recommendations, official warnings, cease-and-desist orders, administrative fines, criminal prosecutions and demands for remedial action. Action may vary according to what works best.

Citizen science and complaint handling

There are two types of complaint handling: (i) complaints to public authorities on environmental problems that the authorities are asked to deal with; and (ii) complaints about public authorities' alleged failure to fulfil

environmental tasks, often made to the office of the national ombudsperson.

Transparency, citizen engagement, accessibility and simplicity, confidentiality, independence and accountability are the main issues treated under this section.

Enforcement

Environmental crime covers acts that breach environmental legislation and cause significant harm or risk to the environment and human health. The most well known examples of environmental crime are: (i) the illegal emission or discharge of substances into air, water or soil; (ii) illegal trade in wildlife; (iii) illegal trade in ozone-depleting substances; and (iv) the illegal shipment or dumping of waste. Directive 2008/99/EC on the protection of the environment through criminal law lays down a list of environmental offences that all Member States must consider to be criminal offences if they are committed intentionally or with serious negligence.

In addition, the integrity of enforcement bodies is key to ensuring proper environmental governance and avoiding environment-related crime. Screening and supervising staff and rewarding exemplary behaviour are only some of the possible measures to tackle these issues.

Environmental liability

The Environmental Liability Directive (ELD) (2004/35/EC) of the European Parliament and of the Council establishes a framework based on the 'polluter pays' principle to prevent and remedy environmental damage.

No new reports on the ELD were available for the second EIR cycle available but an evidence gathering exercise is taking place as part of the multi-annual work programme with the Member States.

Effectiveness of environmental administrations

Those involved in implementing environmental legislation at EU, national, regional and local levels need to have the knowledge, tools and capacity to ensure that the legislation and the governance of the enforcement process bring about the intended benefits.

Administrative capacity and quality

It is crucial that all levels of staff in the relevant public administration have the necessary abilities, skills, training and resources to carry out their tasks and cooperate and coordinate effectively with each other, within a system of multi-level governance.

Coordination and integration

Environmental integration means making sure that environmental concerns are fully considered in the

⁵³ [COM\(2018\)10](#).

decisions and activities of other sectors. Sustainable development requires a renewed emphasis on policy coordination and integration.

Adaptability, reform dynamics and innovation (eGovernment)

eGovernment can spur innovation and growth throughout the economy by offering a lead market and a platform for private services while reducing the environmental footprint for all people living in Europe.

Enabling financing and effective use of funds

The Commission provides funding to projects and initiatives that promote its policy priorities throughout the EU and further afield. Public authorities should encourage the use of available funds for environmental investment and be able to plan and spend adequately.

International agreements

The EU Treaties require the EU environmental policy to promote measures at international level to deal with regional or worldwide environmental problems.

Most environmental problems have a transboundary nature and a global scope, meaning they can only be addressed effectively through international cooperation. International environmental agreements concluded by the EU are binding for both EU institutions and Member States. All parties must sign, ratify and effectively implement all the relevant multilateral environmental agreements within the set deadlines. This will also greatly contribute to achieving the SDGs to which Member States committed in 2015, which include a number of legally binding agreements.

The fact that some Member States have not signed and/or ratified a number of these agreements compromises environmental implementation— including within the EU — as well as the EU’s credibility in related negotiations and international meetings where supporting the accession of third countries to such agreements is an established EU policy practice. In agreements that involve voting, the absence of individual Member States often has a direct negative impact on the number of votes cast by the EU.

Forests: EU Timber Regulation (EUTR) / Forest Law Enforcement, Governance and Trade (FLEGT) Regulation

In accordance with the EUTR, which prohibits the placing on the EU market of illegally harvested timber, competent authorities in EU Member States must conduct regular checks on operators and traders, and apply penalties in case of non-compliance.

Genetic resources: Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising (ABS)⁵⁴

The EU Access and Benefit Sharing Regulation transposes into EU law the compliance measures required under the Nagoya Protocol. This provides a general framework for the conservation and sustainable use of biological diversity and the fair and equitable sharing of the benefits arising from the utilisation of genetic resources. A first step that the EIR looked into is the designation of the competent authorities in the EU Member States responsible for implementing the EU ABS Regulation.

International wildlife trade: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The Basic Regulation⁵⁵ transposes the major obligations stemming from the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) into EU law. Member States must establish relevant national authorities for processing (requests for) import, (re-) export and intra-EU trade documents on a regular basis. They must also report on seizures of illegal shipments to the Commission every 6 months and exchange this information through the [EU-TWIX](#) platform.

⁵⁴ [Regulation \(EU\) No 511/2014](#).

⁵⁵ [Council Regulation \(EC\) No 338/97](#).