Practical Perspectives on Smarter Enforcement

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Practical pre-requisites

- To understand the extent of non-compliance – what is the problem and how big is it?
- All compliance assurance needed – compliance monitoring, compliance assurance, enforcement – need right mix of tools
- To have the flexibility to design compliance assurance responses that target:
  - Where non-compliance is most likely and/or
  - Where non-compliance poses the greatest risk to health/environment
- To have flexibility to tailor support actions (e.g. compliance promotion) as is most suitable to reduce non-compliance
- To have sufficient enforcement powers, support of judiciary, etc., to back-up compliance monitoring findings
- To have the resources/expertise to perform these functions
Examples

• **Better information, different approaches, etc**
  – Better sharing between enforcement authorities (env, tax, customs, labour, police, etc.)
  – Improved data sharing with other actors
  – Introducing intelligence-based assessments

• **Better targeting:**
  – Developing improved risk-assessment criteria
  – Use of environmental management procedures
  – Flexibility to focus on intelligence results

• **Better efficiency/use of resources:**
  – Benefits of self-reporting by businesses
  – Use of NGOs, commercial organisations
Does EU environmental law help?

• EU law should require, encourage, facilitate smarter enforcement by MS authorities. Need to support good practices and push MS with poor enforcement
• Want strategic, risk-based, intelligence-based approaches – not prescription in detail.
• Clarity – obligations, actions, etc.
• Should recognise range of different, diverse and changing institutional relationships
• Should not introduce provisions which might divert resources, activities, etc., to lower priority enforcement actions
• Be smart with regard to trends in MS on cutting red tape, budget cuts, etc.
• Support tools – from supporting cross-border compliance monitoring to earth observation tools