



Institute^{for}
European
Environmental
Policy

Data for Effective Enforcement: Harmonisation and Flexibility

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Questions to consider

- **Why do we need data for effective enforcement?**
- **What types of data?**
- **For what types of enforcement?**
- **Who needs to know what?**
- **What is harmonisation?**
- **Do we need to harmonise data relating to implementation and enforcement?**
- **What is happening at EU level?**

[I don't intend to answer all these questions!]

Conclusions of SWOT analysis

Strengths

- The importance of data and information is well understood by enforcement authorities
- There are some examples of good data for crime levels and some impacts
- There are precedents for working EU level data bases on environmental crime and its impacts

Weaknesses

- There are major data gaps in most areas of environmental crime
- Data on many aspects of impacts are often lacking
- Shared data systems at EU level are not available for many areas of environmental crime
- For most areas there is no legal obligation for transmission of data on environmental crime to the EU level

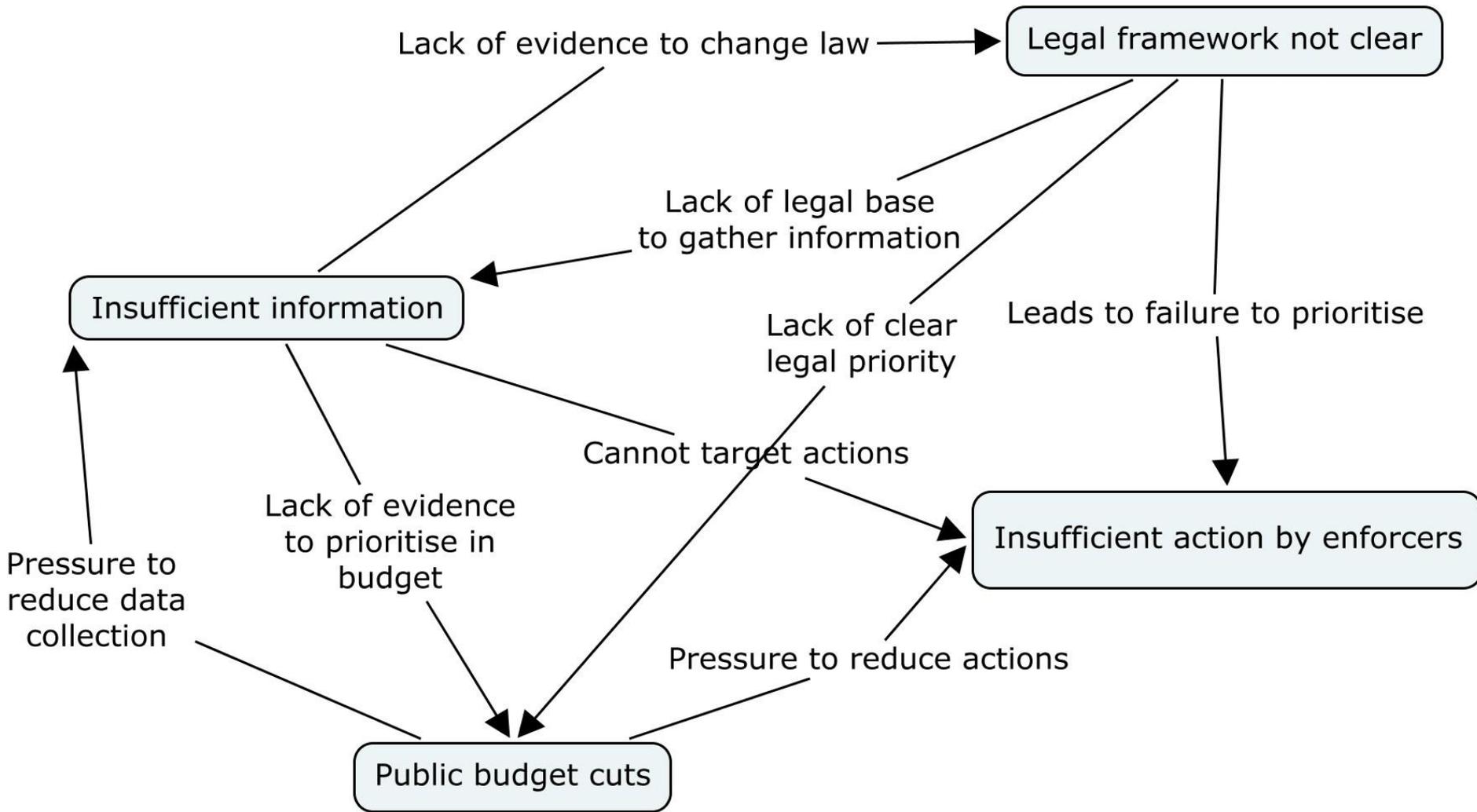
Opportunities

- Developments in IT software and hardware will improve efficiency, ability to share data, etc.
- Current review of EU information and reporting may allow for greater emphasis on data for environmental crime.

Threats

- Reductions in public budgets threaten data gathering, investment in information systems, etc.
- Occasions where analyses of events are not made publicly available

Interactions – cannot consider data in isolation



Smart enforcement relies on data

- **Smart enforcement directs resources to where they are most needed:**
 - Using risk-based approaches; intelligence-led approaches, etc.
- **Data for directing enforcement actions:**
 - What to check
 - Where to check
 - When to check
- **Data for follow-up:**
 - Sufficient evidence for enforcement response (fines, prosecutions, etc.)

Smart information – smart methods

- **IT developments:**
 - Ease of data transfer
 - Reporting by public
- **Tracking, e.g. satellites – oil, fishing**
- **DNA – wildlife crime**

- **New mechanisms:**
 - Deliver new information
 - Provide it more quickly
 - Make information cheaper

- **But do need to avoid information overload**

Purposes of information to EU level

1. To get MS acting when they don't (but ought to!) (harmonisation of action not detail of action)
2. To get a minimum level of action across MS (contributing to level playing field)
3. To provide information to public/stakeholders
4. To get a common approach across the MS (comparability of responses/data)

Specific requirements in EU law on extent/nature of data collection, type, etc., would vary depending on the purpose

Harmonisation of information – common approaches across EU

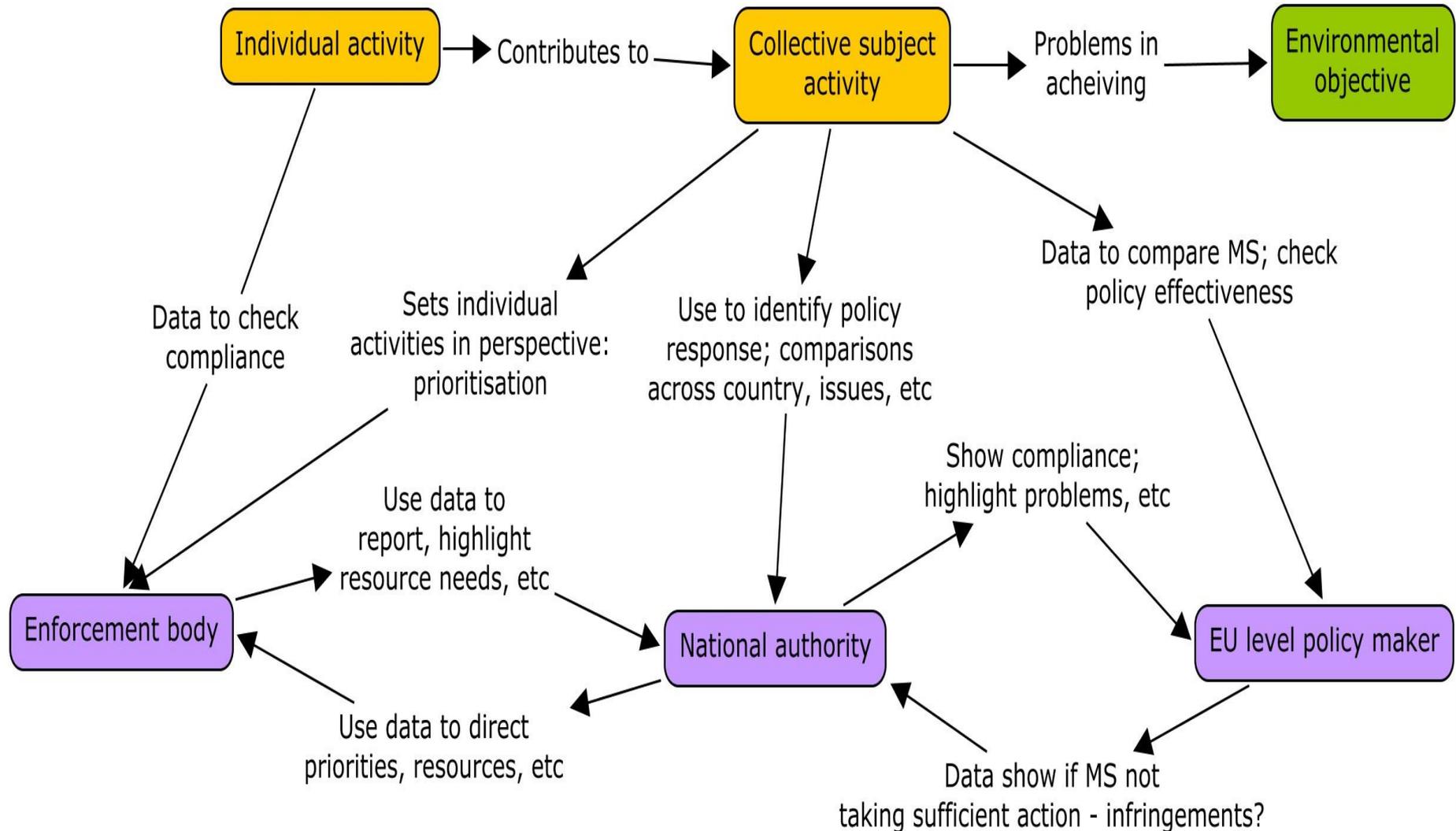
- **But what does this mean?**

- To be required to measure/monitor an issue
- To collect information in a particular way
- To collect information at a particular frequency
- To analyse information in a common way
- To present information in a common/compatible system, e.g. for sharing between MS

- **Why might MS do things differently?**

- Different priorities (environmental, social, crime levels)
- Flexibility to collect data for smart enforcement
- Different ways of communicating with public
- History (continuity?)

Similar data, different governance levels, different purposes



Setting requirements at EU level

- **Techniques for data collection, storage and movement?**
- **Ensure quality, comparability, trust between MS**
- **Become out of date, suboptimal**
- **Law could require basic information requirements to be collected by MS, e.g. levels of non-compliances, risks, etc.**
- **If there is a problem, MS could be asked to investigate (as is done under the WFD)**
- **Is it OK to amend individual directives or is a more cross-cutting approach better?**

Commission developments

- **1992 – Standardised Reporting Directive**
- **2007 – INSPIRE**
- **2008 – Shared Environmental Information System**

- **2012 Implementation Communication**
- **2013 7th Environmental Action Programme**

2012 Implementation Communication

- **On improving knowledge on implementation, included objectives to:**
 - Engage with Member States to put in place more effective information systems on implementation
 - Improve EU-level information
 - Help ensure confidence in the information generated at national, regional and local levels
 - Close important information gaps on compliance promotion and enforcement, and land-cover monitoring

7th Environment Action Programme

- **Priority objectives included:**

- (4) to maximise the benefits of Union environment legislation by improving implementation
- (5) to improve the knowledge and evidence base for Union environment policy

"73. In order to improve the knowledge and evidence base for Union environment policy, the 7th EAP shall ensure that by 2020:

- policy-makers and stakeholders have a more informed basis for developing and implementing environment and climate policies [...]
- (iii) simplifying, streamlining and modernising environmental and climate change data and information collection, management, sharing and re-use, including the development and implementation of a Shared Environmental Information System [...]"

New Review of Reporting

- **Extract from Better Regulation Communication: 19 May 2015**
 - Launch a broad review of reporting requirements to see how burdens can be alleviated. This review will have a particularly strong focus on areas where stakeholders have recently indicated their concerns, such as agriculture, energy, environment and financial services.
- **Environment – will look structure around information needs for better implementation and how to streamline this**

Conclusions

- **The forthcoming review of reporting requirements at EU level is an opportunity to examine what data are needed for what purpose and the role of requirements set at EU level**
- **There is a need to encourage greater collection of information to deliver smarter enforcement**
- **Care needs to be taken to ensure any provisions at EU level deliver ‘harmonisation’ where needed and flexibility where needed – this tension/balance might vary across different areas of law**