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

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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

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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**

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