

# Revision of the EU legal framework on environmental inspections

Introductory questions	
<p>A. Please indicate the country where you reside or where your organisation is principally based:</p> <p>-single choice reply-(compulsory)</p>	Austria
<p>B. To which one from the following categories do you belong?</p> <p>-single choice reply-(compulsory)</p>	Organisation
<p>Organisation -single choice reply-(compulsory)</p>	Other
<p>C. Please indicate your name if responding as a citizen or the name of your organisation/public authority if responding as an organisation/public authority, together with the email address.</p> <p>If you are responding on behalf of an organisation or public authority, please indicate also the postal address of your organisation/authority.</p> <p>If your organisation is registered in the Interest Representative Register, please indicate also your Register ID number. (Maximum 500 characters)</p> <p>-open reply-(compulsory)</p> <p>Austrian Federal Economic Chamber (WKO) Interest Representation Register No 10405322962-08 WKO is a public body representing interests by law of 400 000 member companies in industry, trade, small manufacturing, services, transport, tourism, banking &amp; insurance</p>	
<p>D. Unless you specify otherwise, your contribution will be published on the Commission's website. Please indicate here if you wish your contribution to be anonymous for purposes of publication. For full information please see the Privacy Statement on the bottom.</p> <p>-single choice reply-(compulsory)</p>	You can publish this contribution as it is
SECTION 1	
<p><b>Question 1</b></p> <p>How necessary is it for implementation of EU environment legislation to be based on the achievement of a <b>level playing field</b>, i.e. on ensuring that similar activities attain a similar level of compliance across the EU?</p> <p>-single choice reply-(compulsory)</p>	Very necessary
<p><b>Question 2</b></p> <p>In order to achieve compliance with EU environment law in the Member State where you are based, <b>how necessary is it that the Member State authorities undertake enforcement work, including inspections?</b></p> <p>-single choice reply-(compulsory)</p>	Somewhat necessary
<p><b>Question 3</b></p> <p>In order to achieve compliance with EU environment law in the EU as a whole, <b>how necessary is it that all Member States undertake comparable enforcement work, including inspections?</b></p> <p>-single choice reply-(compulsory)</p>	Very necessary
<p><b>Question 4</b></p> <p><b>How necessary is it to have enforcement work, including</b></p>	Necessary

<p><b>inspections, in the following areas?</b></p> <p><b>a)</b> compliance of <b>environmental infrastructure</b> such as landfills and urban waste-water collecting and treatment systems with EU standards</p> <p>-single choice reply-(<b>compulsory</b>)</p>	
<p><b>b) abstraction of water</b> in areas affected by water scarcity</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Necessary
<p><b>c)</b> activities that may cause <b>diffuse water and land pollution</b>, e.g. land-spreading of animal fertilizers</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Necessary
<p><b>d)</b> activities that may result in the <b>destruction of or damage to protected natural habitats</b>, for example unauthorised destruction of wetlands or damage to forests</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Not necessary
<p><b>e)</b> activities that may result in <b>harm to protected species</b>, for example illegal poisoning of birds of prey</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Not necessary
<p><b>f)</b> unlawful <b>movements and disposal of waste</b></p> <p>-single choice reply-(<b>compulsory</b>)</p>	Very necessary
<p><b>g)</b> unlawful <b>trade in endangered species and their products</b></p> <p>-single choice reply-(<b>compulsory</b>)</p>	Very necessary
<p><b>h)</b> unlawful use of and trade in <b>chemicals</b></p> <p>-single choice reply-(<b>compulsory</b>)</p>	Very necessary
<p><b>i)</b> are there, in your view, <b>other areas of EU environment policy</b> for which it is necessary that all Member States undertake enforcement work, including inspections?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	No

## SECTION 2

<p><b>Question 5</b></p> <p>In order to achieve compliance with EU environment legislation, how important is it to <b>educate and enable the regulated community to comply</b> with EU environment legislation?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Very important
<p><b>Question 6</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the contribution that compliance promotion work can make to the <b>cost-effectiveness</b> of enforcement work of the competent authorities at national, regional and local level?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	5
<p><b>Question 7</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the contribution that compliance promotion work can make to the <b>reduction of administrative burden</b> for the regulated community?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	3

## SECTION 3

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<p><b>Question 8</b> How important is it for a Member State to <b>co-ordinate and streamline</b> enforcement and compliance promotion work, including inspections, amongst all the different national, regional and local bodies responsible for ensuring compliance with EU environment legislation? -single choice reply-(<b>compulsory</b>)</p>	Important
<p><b>Question 9</b> For the Member State where you are based, are you aware of <b>arrangements for co-ordinating and streamlining enforcement and compliance promotion work</b>, including inspections, amongst all the different national, regional and local bodies responsible for ensuring compliance with EU environment legislation? -single choice reply-(<b>compulsory</b>)</p>	Yes
<p>If yes, can you provide a reference, including, where available, a URL, and/or information on the design of these arrangements? -open reply-(<b>compulsory</b>)</p>	
<p>REACH-Platform: F.e. in Austria yearly meetings of chemical inspectors Meetings of provincial waste policy officers ("Landesabfallreferententage"), water policy officers ("Wasserrechtsreferententage"), industrial and small manufacturing installations officers ("Gewerbereferententage") Ad-hoc Committee on implementation of Seveso Directive consisting of federal and provincial authorities ("Bundesländerarbeitskreis Seveso")</p>	
<p><b>Question 10</b> On a scale of 1-5 (1=least, 5=most), how much can co-ordination and streamlining of enforcement and compliance promotion work contribute to the <b>cost-effectiveness of such work</b>? -single choice reply-(<b>compulsory</b>)</p>	2
<p><b>Question 11</b> On a scale of 1-5 (1=least, 5=most), how much can co-ordination and streamlining of enforcement and compliance promotion work contribute to the <b>reduction of administrative burden for the regulated community</b>? -single choice reply-(<b>compulsory</b>)</p>	2
<p><b>Question 12</b> How useful would it be for all stakeholders if each Member State periodically published <b>an overall strategy</b> for enforcement and compliance promotion in relation to EU environment legislation? -single choice reply-(<b>compulsory</b>)</p>	Somewhat useful
<p><b>Question 13</b> For the Member State where you are based, are you aware of a <b>published overall strategy for enforcement and compliance promotion</b> in relation to EU environment legislation? -single choice reply-(<b>compulsory</b>)</p>	Yes
<p>If yes, can you provide a reference, including, where available, a URL? -open reply-(<b>compulsory</b>)</p>	
<p>There are informal strategies for parts of env. legislation enforcement and compliance but no overall strategy, such as: REACH-EN-FORCE projects: <a href="http://echa.europa.eu/en/about-us/who-we-are/enforcement-forum">http://echa.europa.eu/en/about-us/who-we-are/enforcement-forum</a> Austrian Waste Management Plan ("Bundesabfallwirtschaftsplan") <a href="http://www.bundesabfallwirtschaftsplan.at/">http://www.bundesabfallwirtschaftsplan.at/</a> Currently revision of the national biodiversity strategy based on EU biodiversity strategy 2020 <a href="http://www.umweltbundesamt.at/umweltsituation/naturschutz/biolat/biodivstrat_2020/">http://www.umweltbundesamt.at/umweltsituation/naturschutz/biolat/biodivstrat_2020/</a></p>	
<p><b>SECTION 4</b></p>	

<p><b>Question 14</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the usefulness of organising inspection work on the basis of clear <b>risk criteria</b>?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	3
<p><b>Question 15</b></p> <p>If you agree that inspections should be based on risk criteria, how important is it to use <b>inspection methodologies</b> that are appropriate to the identified risks?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Somewhat important
<p><b>Question 16</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the contribution that a risk-based approach can make to the <b>cost-effectiveness</b> of enforcement work by the competent authorities?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	3
<p><b>Question 17</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the contribution that a risk-based approach can make to the <b>reduction of administrative burden</b> for the regulated community?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	3
<p><b>Question 18</b></p> <p>How important is it that inspection bodies identify and analyse <b>systemic breaches</b> of environment law, preferably at an early stage?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Important
<p><b>Question 19</b></p> <p>Do you think that a system of environmental inspections should provide in a structured way possibilities for <b>members of the public and their associations</b> to alert the competent authorities to environmental problems on the ground, such as illegal waste sites or illegal water discharges?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	No
<p><b>Question 20</b></p> <p>How important is it to ensure that, where inspection work shows non-compliance with EU legislation, effective and proportionate <b>follow-up action</b> is taken by the responsible national, regional and local authorities to achieve compliance</p> <p>-single choice reply-(<b>compulsory</b>)</p>	Very important
<p><b>SECTION 5</b></p>	
<p><b>Question 21</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the usefulness of having in place <b>mechanisms for identifying cross-border issues</b> of common concern to enforcement bodies in more than one Member State?</p> <p>-single choice reply-(<b>compulsory</b>)</p>	2
<p><b>Question 22</b></p> <p>On a scale of 1-5 (1=least, 5=most), how would you rate the</p>	3

usefulness of having **mechanisms for operationalizing cooperation and coordination** between different Member State enforcement bodies in relation to cross-border issues of common concern?

-single choice reply-(**compulsory**)

If you wish to add comments regarding questions 21 and 22, please do so in the comment box below.

-open reply-(**optional**)

REACH Forum is an appropriate tool to harmonise enforcement and could be used as a model for other legislation.

## SECTION 6

### Question 23

On a scale of 1-5 (1=least, 5=most), how would you rate the usefulness of **establishing explicit power** for the Commission to request Member States to undertake concrete inspection activities on a case-by-case basis in specific situations and to report to the Commission on their outcome?

-single choice reply-(**compulsory**)

1

### Question 24

On a scale of 1-5 (1=least, 5=most), how would you rate the usefulness of having a **limited co-ordination role** for the Commission, for example when Member States are unable to agree on appropriate action to address non-compliance problems with a significant and already manifest cross-border dimension?

-single choice reply-(**compulsory**)

4

### Question 25

On a scale of 1-5 (1=least, 5=most), how would you rate the usefulness of **establishing a role** for the Commission to carry-out assessments of national inspection systems where there is evidence of serious failures to comply with EU environment legislation?

-single choice reply-(**compulsory**)

4

## SECTION 7

### Question 26

How important is it for Member States to **collect data on enforcement and compliance promotion work**, including inspections, and its outcomes and impacts?

-single choice reply-(**compulsory**)

Somewhat important

### Question 27

How important is to have at Member State level a duty to periodically **review and evaluate the performance** of their enforcement and compliance promotion system, including the performance of individual enforcement bodies?

-single choice reply-(**compulsory**)

Important

### Question 28

How important is to **actively disseminate information** on enforcement and compliance promotion work to the wider public,

Not important

such as number of inspections in individual areas/sectors, findings of inspection reports, non-compliance rate detected and follow-up measures, for instance through online publication?

-single choice reply-(**compulsory**)