



CITIZEN'S REPORT

# IMPLEMENT FOR LIFE



**EEB**  
European  
Environmental  
Bureau



# IMPLEMENTATION OF ENVIRONMENTAL LAWS IN THE EU

Biodiversity loss, climate change, chronically polluted air, chemical exposure and waste pollution are some of the existential challenges life on Earth as we know it faces. To ensure that our environment is safe for us to live in today, as well as for tomorrow's generations, we need to make sure that the laws in place to protect it are strong and that they are applied properly.

**The European Union is a world leader when it comes to progressive laws to protect the environment.** But despite the good laws, implementation gaps remain, putting nature and people's health at risk.

The European Commission estimates that the correct implementation of our environmental laws could save the EU around €55 billion every year in health costs and direct costs to the environment.

The 'Implement for LIFE' project was designed to analyse these implementation gaps, making recommendations to policy-makers at EU and Member State level, regulators and authorities on aspects in their environmental governance that need strengthening to ensure that the environmental laws in place are fully implemented and complied with.

Given the deterioration of our environment and the climate and biodiversity crises we are already facing, it is now more important than ever that EU Member States **fully implement environmental laws to protect people and planet.**

## HOW DOES THE EU RESPOND TO POOR IMPLEMENTATION?

In 2016, the European Commission put in place a process called the Environmental Implementation Review (EIR), to help Member States improve the implementation of EU laws at national level. The EIR checks the implementation of laws but also puts forward recommendations, through reports published every two years tackling various areas of environmental protection: agriculture, air pollution, circular economy, environmental taxation, effective governance and knowledge, marine protection, nature protection, waste management, water quality and management.

The EIR is intended to help identify early signs of poor implementation before the Commission may decide to bring the Member States to Court for not applying EU laws properly.

# THE PROJECT

The aim of the Implement for LIFE project was to help highlight problems in implementation, identify barriers to progress in the Member States and showcase good practices, and to provide recommendations for policymakers, regulators and civil society.

The project began in January 2018 with the aim of highlighting the needs to increase the effectiveness of EU environmental laws in the Member States. While EU laws are in general satisfactory in their objectives, their implementation on the ground is not always sufficient to meet them.

The EEB mobilised its wide and diverse membership network to gather information on implementation gaps in the Member States, drawing from their direct experiences and using case studies to illustrate some barriers or good practices of implementation of EU law on the ground. The information collected related to environmental legislation on air, water, waste and circular economy, biodiversity, climate change, agriculture and chemicals. This was then used to inform the Commission and policy-makers, as well as environmental organisations themselves, about the experiences that civil society groups have with the implementation of environmental law, and how they are able to hold authorities accountable for not complying with EU law. In this sense, environmental organisations play a crucial role in the correct implementation of EU law as they can provide expertise in decision-making and challenge authorities on environmental issues.

Commonalities of issues in all the environmental areas explored by the project were identified early on. These related to the proper implementation of environmental governance processes that spring from the 1998 Aarhus Convention. This international treaty establishes certain procedural obligations on authorities when they make environmental decisions. The public concerned, which includes environmental groups, have three specific rights in relation to decisions on environmental matters: access to environmental information, a right to public participation, and access to justice to challenge a decision that affects the environment. These rights are reflected and contained, to varying degrees and formulations, in the different EU environmental laws. For this reason, the implementation of the Aarhus Convention and resulting EU legislation, became a central feature of the project as it is a reference to the environmental governance structures in the Member States and therefore fundamental to how well all other environmental legislation is implemented.

Four compliance reports were published under the Implement for LIFE project. All four of them focus on different key aspects in the implementation of environmental law, illustrating the important role that environmental organisations have. The first three reports addressed the three pillars of the Aarhus Convention – access to information, public participation and access to justice in environmental matters – and the fourth one examined issues with implementing environmental criminal laws as an issue relating to compliance.

## THE PROJECT

**Name**

Fostering innovative approaches to strengthen environmental policy implementation - Implement for LIFE

**Project number**

0415.814.848

**Duration**

01/01/2018 - 30/07/2020

**Total cost**

666.668 €

**EU contribution**

400.000 €

**Contact details**

Francesca Carlsson  
francesca.carlsson@eeb.org  
14 rue des deux Eglises, 1000 Brussels

## THE TEAM



**Francesca Carlsson**

Legal officer, project coordinator



**Marie-Amelie Brun**

Communications officer



**Laura Hildt**

Project Assistant for Legal Affairs



**Patrick ten Brink**

Project manager

More EEB staff also contributed to this project:

Stephane Ardit, Piotr Barczak, Alessia Biasoli, Darko Bizjak, Gemma Bowcock, Ian Carey, Isabel De Jesus, Berenice Dupeux, Emma Ernst, Jack Hunter, Laura Hildt, Roland Joebstl, Anton Lazarus, Abraham Lombrana Dominguez, Emily Macintosh, Sergiy Moroz, Margherita Tolotto, Tatiana Santos, Elise Vitali, Jeremy Wates.

# OBJECTIVES OF THE PROJECT

- Collect examples and case studies from NGOs to understand their perspective about the issues and successes of the implementation of EU environmental laws at the national and local level.
- Through twice-yearly compliance review reports, bring cases and/or areas of implementation challenges to the attention of the national authorities or European Commission, with appropriate recommendations.
- Inform the EIR process about effective ways to improve implementation and enforcement of EU policies in the Member States, including through better environmental policy integration at both EU and national level.
- Raise awareness of the EIR process among environmental NGOs at EU and national level.
- Raise awareness among the public about gaps and good practice in the implementation of EU environmental laws in the Member States, by developing and disseminating communication materials on the value of EU environmental protection and enforcement in support of national level media and communication work, online content and other channels.
- Empower NGOs by enabling an exchange of information; supporting and calling for participation in implementation processes at national level.
- Develop and maintain a network among EEB's members and partners that will engage to exchange information on best practices and to develop methods to influence good implementation

***More than 75% of European citizens consider that EU environmental legislation is necessary to protect the environment in their country, and nearly 80% agree that the EU institutions should be able to check that environmental laws are being applied correctly in their country.<sup>1</sup>***

## THE PROJECT AT THE EEB

Given the horizontal importance of implementation, Implement for LIFE was a cross-cutting project that has served all areas of work at the EEB, strengthened the cooperation across thematic areas and enhanced the collective understanding of the synergies that exist in different environmental processes. The wide scope of the project, which looked at a variety of environmental themes from air to biodiversity, also boosted the EEB's advocacy efforts. These include advocating for increased policy coherence and environmental integration, better regulation and better implementation of a future 8th Environmental Action Programme (EAP) and calling for an ambitious European Green Deal. Moreover, because good implementation in all environmental fields depends on the proper adherence to the Aarhus Convention on environmental governance, the Implement for LIFE project was also of relevance to the Commission's work on Environmental Governance and Compliance Assurance as well as on Greening the European Semester, both of which look to the EIR process too.

# CIVIL SOCIETY AND IMPLEMENTATION

By monitoring the environment, gathering information and through their activities as watchdogs, environmental NGOs contribute to improving the state of nature and help raise public awareness. NGOs, therefore, are key players in indicating where improvements of legislation are needed and when laws are not working as they should, by reporting cases of non-compliance or instances where laws are not properly implemented by authorities.

Ensuring that civil society can campaign and advocate for public-interest causes is important for people's involvement in decision-making. It therefore also strengthens democratic engagement in political processes. The need to counter any clamping down or interference with civil society space is fundamental to the proper application and improvement of laws, as civil society organisations can check the actions

and powers of authorities and regulators. Safeguarding their public space, and respect for the rule of law, is of underlying importance for them to have a basic freedom to operate or even exist.

## EEB NETWORK

The EEB and its members have a long history of monitoring the implementation of EU and national laws and of bringing cases of non-compliance, as well as best practices, to the attention of the Commission. We continuously engage in constructive dialogue by providing recommendations on how to ensure compliance through a combination of letters, formal complaints, reports and meetings.

## AN INTERNATIONAL CONVENTION TO PROTECT NGOS' ROLE AND SPACE

The Aarhus Convention is an international multilateral environmental agreement that sets out some basic rules for good environmental governance and guarantees certain rights to the public. These rights are known as the "three pillars" of the Convention and grant the public a right to access information, public participation and access justice in environmental matters. The Convention recognises environmental NGOs as members of the public who are therefore also given these rights. The EU and all the Member States have signed the Aarhus Convention and therefore each individual country as well as the EU itself has to follow it. However, these three rights are sometimes implemented differently and are not always guaranteed in an equal way in all EU countries and regions .

# ACTIVITIES

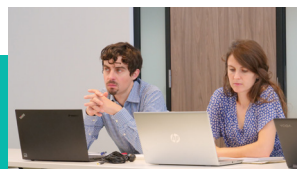
## LAW WORKING GROUP AND BEYOND

Implement for LIFE enabled regular meetings within the EEB's network of environmental legal experts. The EEB's Law Working Group was able to meet in person and remotely five times over the two years. Thanks to this project the Working Group revived and allowed members of the EEB to come together to share their experiences and inform the network about their legal actions and advocacy to strengthen implementation in their Member States and regions.

The EEB has twenty different Working Groups, within which our members organise actions and update each other depending on their theme of interest. The Implement for LIFE project, although led through the Law Working Group, was relevant to many other Working Groups too. Sessions to discuss specific implementation problems regarding for example waste, air and biodiversity issues were also organised in

other EEB Working Groups to enhance coordination and share technical knowledge between different groups of experts and activists.

On the side of the EEB's Law Working Group gatherings, other meetings and events were held in connection with broader implementation issues. Such events included a roundtable event to discuss with a wider civil society network on the deregulatory risks of the Commission's Better Regulation agenda, where the focus should rather be on proper implementation of the laws before cutting down those laws that are designed to protect us from harm. Another event was held before the new Commission took office to explore the possible relationship between an 8th EAP and a European Green Deal, considering that the ambitions in the 7th EAP were not all met due to poor implementation of laws and commitments.





## GREEN WEEK 2019

The theme of the Green Week in 2019 was implementation. During this week, the EEB presented the Implement for LIFE project and organised a session on implementation barriers. This was an opportunity to network with other LIFE projects and to exchange views with officials from EU institutions and national regulators on their perspectives of the barriers that exist in their countries hindering regions for the proper implementation of environmental laws.

A session organised by our Legal Officer, Francesca Carlsson, featured some experts among the EEB membership, as well as EU Commission officials from DG Environment. This was the opportunity for them to present their work and recommendations to improve the implementation of environmental laws in the Member States. The EEB also participated in a number of other Green Week events, including a session dedicated to implementation and enforcement of chemical legislation, one organised

by the European Economic and Social Committee on the importance of civil society engagement, and one on wider implementation considerations organised by the European Movement International.

At the opening of the Green Week in 2019, Daniel Calleja, Director-General for Environment at the European Commission recalled the importance of the role of NGOs in implementation and praised [EU citizens for being Europe's superheroes](#).

***“Communities play a key role in environmental protection. The proper implementation of the Aarhus Convention in the EU and the Member States is crucial to protect people's rights that enable their involvement in environmental governance.”***

**Francesca Carlsson**  
Legal officer, project coordinator

## STRATEGIZING

### Long-term strategy

At the same time that the Implement for LIFE project began in 2018, the EEB started its ten-year long-term strategy process. After a long consultation period with the membership, including with direct contributions from the different Working Groups, the EEB's strategy was approved in November 2019. As a guide for the EEB's work for the next decade, the Law Working Group participants tailored the direction that the EEB will take in relation to environmental law and justice issues. Thanks to the Implement for LIFE project EEB staff and the members carefully assessed the interlinkages and connected efforts that are necessary for us to reach the EEB's vision. It therefore became evident that a focus on proper implementation should be a recurring feature in our strategy, also beyond the work that directly concerns the EEB's Law Working Group.



# COMMUNICATION

Implement for LIFE enabled us to launch a series of podcasts on a wide range of environmental topics, all linked to implementation and the role of civil society. The project used the EEB's META environmental news website and social media channels to spread news and raise awareness about implementation gaps and success stories among the EEB's members, EU decision-makers and the wider public.

## EIR



### EU ACTION NEEDED TO TACKLE ENVIRONMENTAL CRIME SPREE

MARIE-AMÉLIE BRUN × MARCH 2, 2020

From the illegal wildlife trade to toxic chemical dumping and the logging of protected forests, Europe is a hotbed for environmental crime. A new report is cal...

EIR FUTURE OF EUROPE NATURE REPROTECTION RULE OF LAW WASTE  
 4 MIN READ



### ILLEGAL LOGGING IN ROMANIA MUST STOP, SAYS THE EUROPEAN COMMISSION

MARIE-AMÉLIE BRUN × FEBRUARY 13, 2020

The European Commission sent an official warning to the Romanian government urging the country to put a halt to illegal activities carried out in ancient fores...

EIR NATURE 3 MIN READ

← META articles  
[meta.eeb.org](http://meta.eeb.org)

**META PODCAST**  
 GOOD NEWS FOR A GREENER EUROPE

PODCAST  
**META Podcast**  
 By META

PLAY FOLLOW

**ABOUT**  
 Find shelter from the storm of climate breakdown and join Marie-Amélie Brun on a journey through opportunities and solutions to the environmental challenges we are facing. META Podcast is the podcast of the European Environmental Bureau, Europe's largest network of environmental citizen's organisation. Stay tuned for episodes on air pollution, waste, nature, water, fashion and much more!



- Environmental crimes cost us the Earth  
TheEEBchannel 0:33
- Is coal endangering our access to water?  
TheEEBchannel 2:19
- 5 measures to build a better future - TURNING FEAR INTO HOPE  
TheEEBchannel 1:38
- METAmeets 4 young activists  
TheEEBchannel 21:58

← Videos  
 On YouTube: TheEEBchannel

← META podcasts  
 On iTunes and Spotify

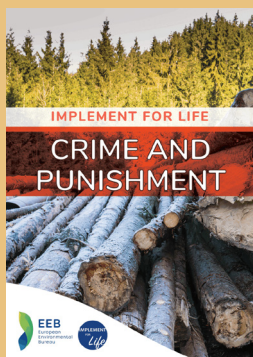
# COMPLIANCE REPORTS

Four compliance reports were published under the Implement for LIFE project. The reports gave examples of good practices and barriers of implementation of EU environmental laws in the Member States. Given that the three Aarhus pillar rights – access to information, public participation and access to justice – are commonly also contained within different pieces of specific environmental legislation, the first three reports each focused on one of these rights. The fourth report explored the problem of environmental crime in light of the Commission's assessment of the Environmental Crimes Directive.

While drafting the reports, we gathered experiences and case studies from our members and other NGOs working in the field.

Some of the cases were discussed and shared in the Law Working Group or featured in the META channel or EEB podcasts.

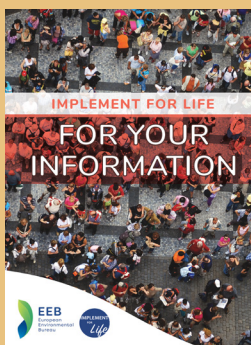
By the second half of 2018, there was a lot of work that had been carried out by NGOs on access to justice problems in the Member States, especially in relation to air quality issues. There were also on-going discussions about the EU's non-compliance with the Aarhus Convention for not giving environmental groups sufficient access to the European Court of Justice. Therefore, the first Implement for LIFE compliance report naturally focused on the third Aarhus pillar.



## ENVIRONMENTAL CRIMES

FEBRUARY 2020

The report 'Crime and punishment' is a collection of cases that focuses on three dimensions that need to be improved if those who criminally harm the environment are to be held accountable. These are that enforcement bodies need more capacity, resources and knowledge on detecting and prosecuting environmental crimes; that economic and corporate crimes are often linked to environmental crimes; and that sanctions need to be commensurate to the crime and able to act as deterrents. We are now at a stage where a revision of the Environmental Crime Directive could address these problems. The report stresses that poor investigation and low sanctions for committing environmental crimes result in \$258 billion of yearly illegal profits, according to the UNEP and Interpol.



## ACCESS TO INFORMATION

DECEMBER 2019

The report 'For your Information' explored different ways and needs of collecting and distributing environmental information. NGOs play a crucial role in both gathering information and monitoring, as well as in interpreting and using environmental information to be able to advise and provide expertise during consultations. Without proper access to information, NGOs and the public have no knowledge of the environmental conditions around them. Accurate, complete and accessible information is a cornerstone of environmental governance.



## PUBLIC PARTICIPATION

MAY 2019

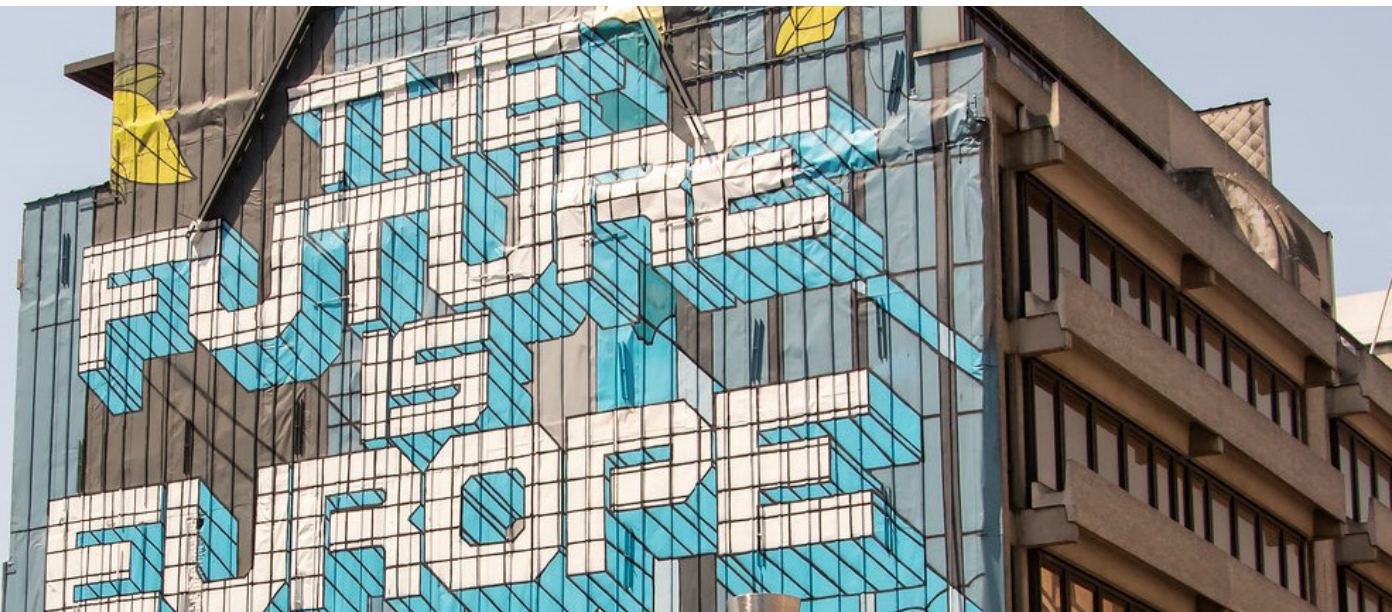
The report 'Power to the people' was published in the wake of the European Parliament elections and collected examples where participation in decision-making is not granted in the same way to all stakeholders and showed that NGOs are not always able to engage in public debates to influence decisions. Often environmental groups are invited to take part in consultations but without their contributions being properly taken into account, just to give the appearance that they are involved. Moreover, some policies in Member States limit NGO engagement and threaten their existence through laws that restrict their activities and formation, thereby squeezing civil society space.



## ACCESS TO JUSTICE DECEMBER 2018

The report 'Challenge Accepted' highlights five main barriers to access to justice in the Member States. The first one is that NGOs often lack standing to go to court and therefore are not allowed to challenge a decision that harms the environment. The second one is that trials sometimes take a very long time, during which harm to the environment continues. The third barrier is that there is a lack of expert knowledge of environmental issues and environmental law in the legal profession and in the judiciary, where environmental law is sometimes only an optional training. Fourthly, in some Member States legal proceedings can cost a lot of money meaning that NGOs cannot afford to defend the environment in court. Lastly, NGOs have faced repercussions for challenging the decisions of local authorities. When NGOs are not given the possibility, or find it very difficult, to challenge authorities, it is very hard to check that Member States are implementing EU environmental laws properly.

Image credit: Jeremy Segrott



# A BETTER FUTURE WHERE PEOPLE AND NATURE THRIVE TOGETHER

The Implement for LIFE project has highlighted numerous gaps in environmental law implementation but has also proposed some recommendations and identified opportunities for change to build a better future.

EU environmental laws are some of the most powerful in the world and the crises that we are facing need to be a wake-

- The EU as the world leader in environmental democracy with environmental laws that are fully respected, reflecting the current and future needs of people and our planet.
- The environment is fully integrated in all other policy fields so that there is more coherence and consistency in the laws that should protect us.
- The EU and national governments reversing deregulation, recognizing the danger it poses to the environment and people's health.
- Civil society having a greater role in public debates and is able to influence governments and industry by speaking up for nature.
- The Commission proposing ambitious new climate and environment laws and existing laws are applied more effectively.
- A proposal for an 'Access to Justice Directive' and the Aarhus Convention is properly applied and enhanced.
- No 'fitness checks' that lead to weakening laws that protect the environment and our health.
- The EU being able to defend civil society from attacks by authorities and companies that seek to silence them.

**All these points are possible and desirable. Let's all work together to reach them!**

up call for Member States and the EU institutions to take the appropriate measures to implement these laws. Environmental NGOs have a special role to play and we must ensure that they are given the space to exist and influence policy for the better.

The EEB's hope for a better future envisages:



**EEB**  
European  
Environmental  
Bureau

**European Environmental  
Bureau**  
Rue des Deux Eglises 14-16  
1000 Brussels, Belgium  
Tel +32 2 289 1090  
eeb@eeb.org

eeb.org  
meta.eeb.org



With the support of the LIFE project of the European Union. This communication reflects the authors' views and does not commit the donors