



ROADMAP	
Roadmaps aim to inform citizens and stakeholders about the Commission's work to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.	
TITLE OF THE INITIATIVE	Environmental Implementation Review 2022
LEAD DG – RESPONSIBLE UNIT	ENV.E2 - Environmental Implementation
LIKELY TYPE OF INITIATIVE	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions
INDICATIVE PLANNING	Q3 2022
ADDITIONAL INFORMATION	<p><i>Website supporting the EIR and its Peer 2 Peer tool:</i> http://ec.europa.eu/environment/eir/index_en.htm.</p> <p><i>Website supporting the combined Expert group Greening the Semester & EIR:</i> http://ec.europa.eu/environment/integration/green_semester/expert_group_en.htm</p>
This Roadmap is provided for information purposes only and its content might change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Roadmap, including its timing, are subject to change.	

A. Context, Problem definition and Subsidiarity Check
Context
<p>The Environmental Implementation Review (EIR) is a tool to improve implementation of EU environmental law and policy. It aims to address the causes of implementation gaps and try to find solutions before problems become urgent. The Commission adopted the first and second EIR cycles in 2017 and in 2019, respectively.</p> <p>The third EIR package, to be adopted in 2022, will consist of 27 country reports (Staff Working Documents) and a Communication presenting the policy proposals and guidance to the Member States through priority actions. Each individual country report will set out the main challenges in the implementation of European environmental policy and legislation, good practices and points of excellence. This would allow for tracking progress and making comparisons with regard to Member States implementation performance. Periodicity is an essential characteristic of the EIR process that allows to measure progress and to review the recommendations made to the Member States in the previous cycle.</p> <p>The COVID-19 pandemic and the ensuing measures to combat the pandemic have in certain cases affected the capacity of the Member States' administrations to ensure the implementation of EU law. This reality will be reflected in this EIR 3rd reporting cycle.</p>
Problem the initiative aims to tackle
<p>Weak implementation generates high societal, economic and environmental costs and an uneven playing field for businesses. The economic costs associated with failure to implement the environmental acquis were estimated at around EUR 55 billion a year in 2018¹, including costs related to legal procedures against Member States (infringement cases). Implementation is primarily the task of the Member States, but the serious implementation gaps, common challenges and their consequences call for a more active and coherent support at EU level. This is widely acknowledged by the Member States, notably by regional and local authorities, as well as the EU institutions.</p> <p>The previous two EIR cycles showed that there are still substantial gaps in implementation in areas such as air pollution, urban wastewater treatment and waste management. Attention at decision-making level is urgently required to ensure the issues are addressed through decisive, meaningful and integrated measures.</p>
Basis for EU intervention (legal basis and subsidiarity check)

¹ COWI and Eunomia, 'Costs of not implementing EU environmental law', 2019

The European Commission has a key responsibility to oversee the application of Union law according to Article 17 TFEU. This initiative is in an area of shared competence, but it does not imply proposing any new legislation. The recommendations made to the Member States stay within the current EU *acquis*, focusing instead on a more effective implementation and sharing of best practices.

B. What does the initiative aim to achieve and how

The European Green Deal (COM(2019) 640 final), while emphasizing that both the Commission and the Member States must ensure that policies and legislation are complied with on the ground, underlines that *“the Environmental Implementation Review will play a critical role in mapping the situation in each Member State”*. This is reinforced by the European Green Deal Investment Plan (also known as the Sustainable Europe Investment Plan) which underlines that the EIR – on par with other instruments like the European Semester or the National Energy and Climate Plans under the Energy Union – shall also allow identifying the investment needs of each Member State in the key sectors of environmental policy.

The EIR represents an opportunity to address EU environmental implementation in an integrated manner, by improving knowledge, synergies and interlinkages among the relevant policies. This should help deliver a better environment to EU citizens and create a level playing field for economic actors operating in the internal market. The present initiative continues the process started in 2017 that builds on a voluntary engagement of Member States. It provides tailor-made support to each Member State and facilitates peer-to-peer exchanges directly between Member States allowing local or national authorities to learn from each other.

The EIR adds value in raising awareness on key implementation gaps and costs, and the way to address them coherently. Many Member States have organised exchanges and dialogues between environmental and other authorities, such as on transport, agriculture, economic affairs and finance, following challenges identified in EIR past reports.

Furthermore, the EIR builds on the specific situation in each Member State. Based on this specific knowledge, the Commission is ready to support national authorities to fulfil their tasks to implement EU agreed policies and legislation. It supports multi-level collaboration, which is needed because most implementation takes place at regional and local level and any weak link in the decision-making chain can hinder effective implementation. The initiative also identifies common challenges regarding implementation and tackling root causes across Member States.

Lastly, the EIR also supports the attainment of environmentally-related Sustainable Development Goals at EU and national/sub-national level by promoting effective and timely implementation of existing EU policies and legislation.

The EIR-TAIEX Peer-to-Peer tool, which provides mutual learning between national authorities, is at the disposal of Member States' authorities. So far, almost all Member States have benefited from this tool to exchange best practices in sectors such as circular economy and waste management, nature protection, biodiversity, green infrastructure and soil protection, improvement of air quality, water quality and management, sustainable urban development. They have also dealt with common root causes of implementation gaps, such as administrative capacity, skills, coordination mechanisms, access to justice, environmental liability, compliance assurance as well as reporting and sharing of environmental information or other aspects of environmental governance.

The 2022 EIR package will consist of 27 country reports on the up-to-date challenges and successes per Member State. The new reports will also look towards the future, proposing adjusted priority actions. The experience and the additional information gathered following the previous cycles will also allow the Commission to assess more in detail the key common challenges and their causes.

C. Better regulation

Consultation of citizens and stakeholders

In line with Better Regulation requirements, and similar to the two previous cycles, this 3rd EIR cycle does not require an Impact Assessment as it will assist in the implementation of existing EU environmental obligations, with neither new requirements, nor new data/reporting requirements from Member States and other stakeholders. It is designed to trigger positive economic, environmental and/or social impacts.

As with the previous packages, a public consultation is not foreseen, as the EIR is essentially a dialogue process based on the assessments, recommendations and the political conclusions made by the Commission. The interested public is involved through various types of (national and regional) dialogue meetings, at various levels, co-organised by the Commission and are invited to react to this roadmap. The adoption and publication of this 3rd EIR package will be accompanied by a range of communication activities.

Evidence base and data collection

Results of ongoing reporting requirements and studies will be used. It is not foreseen to ask Member States to send new data, but they will be consulted on the draft country reports. The deliverables will be mainly based on information and data which is already collected by the Commission or by the European Environment Agency. The findings of various environmental Fitness Checks, and Impact Assessments will be used in the EIR, as well as feedback and lessons learned from EIR country dialogues and EIR Peer to Peer exchange projects.

The added value of this initiative is to distil all this information to map the key implementation gaps, possible common causes across sectors and to suggest appropriate solutions, while encouraging the national authorities by showing the progress made since the last EIR package of April 2019.