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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Environmental Implementation Review (EIR)  
- Exchange of views

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1. The Environmental Implementation Review (EIR) is a two-yearly cycle of analysis, dialogue and collaboration to improve implementation of EU environmental policy and law.
2. On 20 June 2016, under "Any other business", the Commission informed the Council (Environment) about the first cycle of the EIR on the basis of a Communication of 27 May 2016 <sup>1</sup>. On 28 February 2017, the Council conducted an exchange of views on Greening the European Semester and the EIR including the findings laid down by the Commission in 28 country reports <sup>2</sup>. For this exchange of views, a background paper <sup>3</sup> was provided by the Presidency.

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<sup>1</sup> 9704/16 - COM(2016) 316 final.

<sup>2</sup> Communication on "The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results", including an Annex on "Guidance to Member States: Suggested actions on better environmental implementation", as well as 28 EIR country reports accompanying the Communication (5967/17 + ADD 1 - COM(2017) 63 final + ADD 2 to ADD 29).

<sup>3</sup> 6063/17.

During an informal lunch that day, Ministers had further opportunity to share challenges and best practices in terms of national implementation of environmental policies and legislation.

3. On 5 April 2019, the Commission submitted to the Council a package <sup>4</sup> of documents for the EIR 2019:
  - A Communication on the "Environmental Implementation Review 2019: A Europe that protects its citizens and enhances their quality of life". In this Communication, the Commission defines common trends at EU level, draws conclusions and gives recommendations for improving implementation in the Member States;
  - An Annex to the Communication with priority actions proposed in the country reports, clustered by theme;
  - A policy background document introducing the topics in the country reports; and
  - 28 country reports analysing the state of implementation as per 1 January 2019, progress since 2017, good practices and suggested priority actions.
4. Contrary to the EIR 2017, the EIR 2019 is no longer directly linked to the European Semester. The absence of such direct link leaves unaffected the important contribution proper implementation of environmental policies and legislation can bring to economic performance in the EU, *inter alia* by contributing to the circular economy.
5. On 13 May 2019, the Commission presented its EIR package to the Working Party on the Environment (WPE) followed by a discussion. The WPE also examined a draft background paper of the Presidency including three questions for guiding the exchange of views in the Council (Environment) on 26 June 2019. The background paper as adapted by the Presidency in light of the examination by the WPE is set out in the Annex to this note.

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<sup>4</sup> 8302/19 + ADD 1 - COM(2019) 149 final + ADD 2 to ADD 30.

6. The Committee of Permanent Representatives is invited to take note of the Presidency's background paper and questions and to forward them to the Council in view of an exchange of views on the Environmental Implementation Review including the country reports. This exchange of views will be structured by the three questions included in the Presidency background paper as set out in the Annex to this note.
  
  7. The Presidency invites delegations to send written contributions before the Council meeting.
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**Environmental Implementation Review (EIR)**

**- Exchange of views -**

**Presidency background paper with questions for Ministers**

1. Good implementation of EU environmental policy and legislation helps create a healthier environment, more sustainable growth, lower environmental, economic and social costs, greater innovation, more jobs and a level playing field for economic operators. The environmental, economic and social costs of not implementing the environmental acquis amounts to 55 billion Euro every year.
2. With this in mind, the Commission has set up the Environmental Implementation Review (EIR). The EIR's overarching aim is to improve the implementation of EU environmental policies and legislation. The EIR entails a 2-year cycle of analysis, dialogue and collaboration between the Commission, Member States and stakeholders. It is a voluntary tool at the disposal of Member States. It does not replace legal obligations. However, it aims to help Member States improve the implementation of environmental policies and legislation, thereby mitigating the risk of infringement procedures. As such, the EIR is an extension of the Commission's Better Regulation policy.
3. A dedicated framework has been set up with a view to improving the implementation of environmental policies and legislation. This framework consists of structured bilateral dialogues between the Commission and each Member State, logistical support for exchanges amongst Member States' environmental experts and their peers (a new tool developed after the EIR 2017) and strategic discussions in the Council on issues of common concern.

4. The EIR Commission Communication and the detailed 28 country reports identify the main challenges, successful practices and opportunities for environmental implementation for each Member State and for the EU as a whole in the policy fields of circular, resource-efficient, green and competitive low carbon economy (including, for instance, waste), climate change; protecting, conserving and enhancing natural capital (including, for instance, biodiversity) and safeguarding the health and quality of life of citizens (including, for instance, quality of air and water, chemicals). The Commission also stresses the fact that financial incentives and economic instruments, such as green taxation and public procurement as well as environmental funding, offer an effective and efficient way in which to achieve environmental policy objectives. Multilateral action means that the EU and its Member States must lead by example as regards the implementation of international agreements. Finally, the EIR 2019 highlights the need for improved implementation. This can be achieved, for instance, through more effective and efficient environmental governance performance by Member States (the Commission has launched an assessment in this regard which is currently being discussed with expert groups), the integration of environmental objectives with other policy goals (in view of the fact that insufficient policy and institutional coherence is one of the main implementation gaps), more transparent handling of environmentally relevant information and stronger links between local, regional and national authorities and other stakeholders.
5. The Presidency considers that an exchange of views within the Council will enable Member States to develop a stronger feeling of ownership of the EIR process and their country reports. Such an exchange of views also enables a dialogue at political level on key common challenges in terms of implementation gaps and priority actions as highlighted in the documents submitted by the Commission. In order to optimise the time available in Council, the Presidency invites Ministers to respond to one or more of the questions below in the light of their respective country reports and the general findings of the EIR 2019:
  1. *How can the gaps in implementation of environmental policies and legislation as identified in the Environmental Implementation Review be addressed?*

2. *What could be done at national and European level to make public administrations more effective and efficient in implementing environmental policies and legislation?*
  3. *How could environmental objectives be more integrated with policy areas that have a significant environmental footprint, such as energy, transport and agriculture?*
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