

RULE OF LAW: WHICH OBLIGATIONS?

Transposition, directives, governments, regions

**Big tasks, air, water quality, status of nature,
central, regional and local government**

**Rules on the ground, prohibitions, use-
restrictions, procedures, agreements, industry,
utilities, agriculture, everybody**

WHAT ARE THE PROBLEMS?

Transposition, late, incomplete, incorrect,
inertia, inefficiency

Big tasks, poor air and water quality, unfavourable
conservation status, inertia, inefficiency, lack of will,
rules on ground

Rules on the ground, illegal activities, breaches
in legal activities, spectrum of non-compliant behaviours,
criminal, opportunist, careless, confused

ENSURING ACCOUNTABILITY

Transposition, Commission, national courts
(direct and useful effect)

Big tasks, Commission, civil society (e.g.
Commission and *Client Earth* cases on air quality)

Rules on the ground, Commission (e.g. illegal
waste cases before Court of Justice), public enforcement
(e.g. fines for poisoning Spanish Imperial eagle), civil
society (e.g. *Slovak Brown Bears*)

IMPROVING ACCOUNTABILITY PART 1: ACCESS TO JUSTICE

Context: Aarhus Convention, effective judicial protection, Court of Justice case-law, *Janecek, Slovak Brown Bears*

Question 1: Can access to justice "guarantees" be delivered? (1) standing (2) scope of review (3) remedies (4) protection from prohibitive costs

Question 2: Will/can civil society focus on big tasks and/or rules on the ground? *Client Earth and Slovak Brown Bears*

IMPROVING ACCOUNTABILITY PART 2: PUBLIC ENFORCEMENT

Question 1: Are inspections the answer? Only partly: changing non-compliant behaviour involves (1) monitoring (inspections are only one type), (2) compliance promotion and (3) criminal, administrative and civil enforcement ("compliance assurance")

Question 2: How to link these? Compliance assurance means (1) risk-assessing problems, (2) deploying the right mix of monitoring, promotion and enforcement and (3) ensuring good co-operation and co-ordination between authorities (e.g. inspectors and prosecutors)

WHAT IS THE COMMISSION DOING?

Possible initiatives on

Access to Justice

Compliance Assurance