

Conclusions of the Avosetta Group at its meeting in Riga, 27 and 28 May 2016

Integration and Simplification of EU and National Infrastructure and Installation Procedures

The Avosetta Group at its meeting in Riga on 27/28 May 2016 discussed licensing schemes for industrial installations and infrastructure projects based on detailed expert reports that will soon be accessible at its website (www.avosetta.org). Both EU and Member State law and practice were considered with a focus on integration and simplification of permits, criteria and procedures. It took into account ongoing initiatives at the MS and EU level to improve legislation in general and environmental law in particular.

Based on its deliberations, the group endorses ongoing attempts to evaluate the performance of existing environmental law. It is however perplexed by the language in which current endeavors are framed. “Better regulation”, “smart regulation”, “REFIT”, “recast” seem to hide rather than to make transparent what should be done to improve our environmental laws. We urge that the evaluation of existing environmental legislation, at both EU and Member State levels, must be done using sound socio-legal methodology and by independent researchers. Such evaluation should not focus only on regulatory and administrative burdens but should equally scrutinize if and how environmental protection objectives have been achieved. It should also be open to identifying lacunae of environmental protection that should be filled by new EU legislation. A particular concern is that too many preliminary studies on prospective regulatory impact of new regulation are required so that regulatory tasks can end up in paralysis by analysis.

In studying integration and simplification of licensing systems, the Avosetta group found that Member States have already taken a great variety of steps in this direction at national level, reflecting differences of legal cultures, administrative frameworks and socio-economic conditions. We identified some tools and reforms that have been beneficial for certain legal cultures and others that havenot. What constitute appropriate regulatory tools in this respect should not be decided at EU level, except for singular measures that are suitable for harmonization at EU level, taking into consideration questions of subsidiarity and proportionality. The MakeItWork initiative, with its bottom-up approach, may be suited to elaborate solutions in this direction if involving all Member States. This of course does not exclude Commission initiatives to encourage and moderate the exchange of experiences across Member States.