



**REMEDE: Resource Equivalency Methods for
Assessing Environmental Damage in the EU**
FP 6; Priority 8.1 – 1.5, Project No. 022787

Transposing and Implementing the ELD

Status Report from Member States

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Contents

- **Introduction**
- **Design of the questionnaire**
- **Survey**
- **Results**



Aims of the survey

- **Current uses and approaches**
- **Available information sources and technical capacity**
- **Current activities**
- **Impediments to implementation**



Methodology

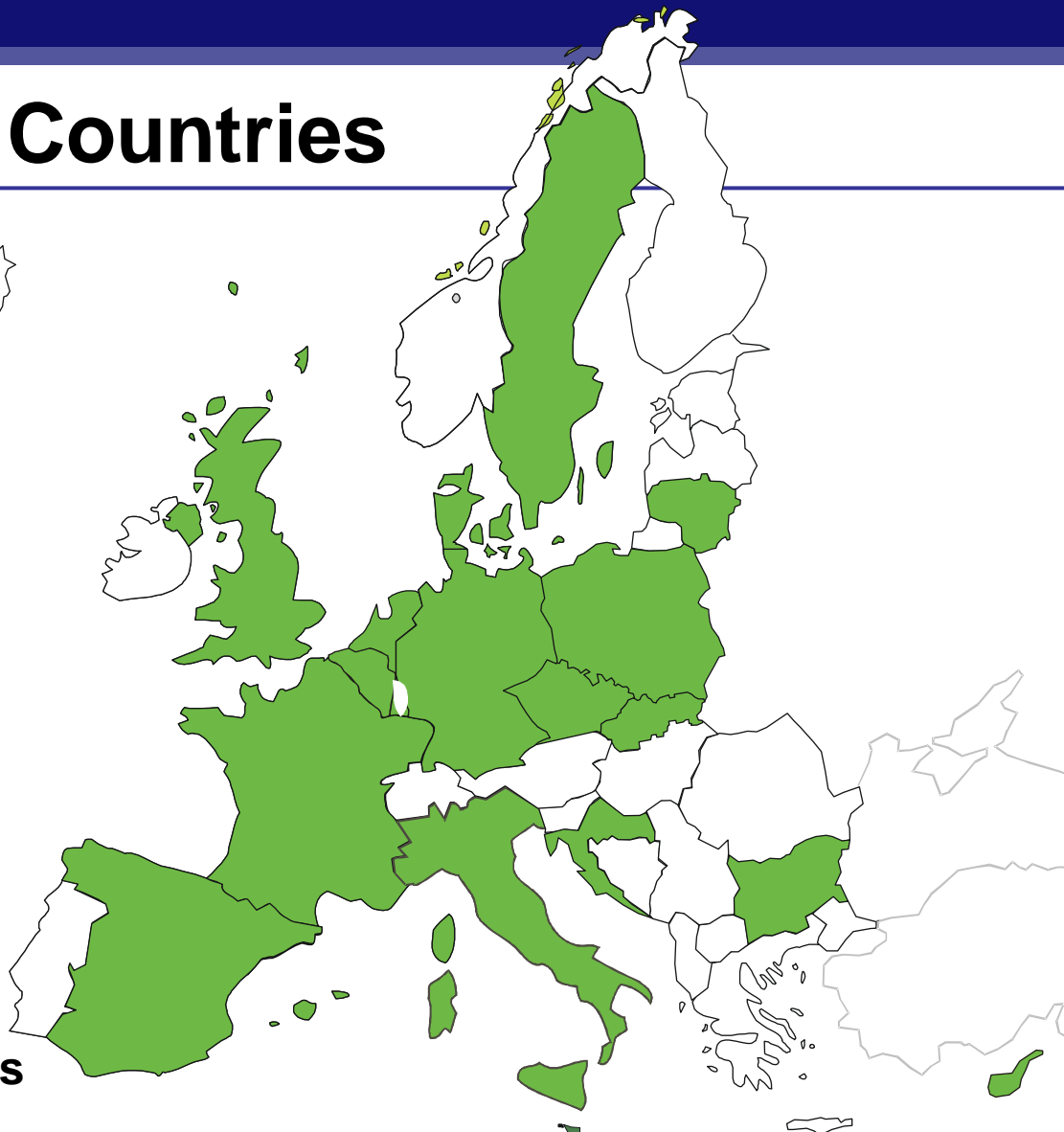
- **Design of the questionnaire**
 - **Part 1: Legal status in Member States**
 - **Part 2: Application within Member States**
 - **Part 3: Experience with existing methods / expected challenges**
- **Survey**
 - **e-mail questionnaire to over 80 experts incl. all MS**



Covered Countries

- Bulgaria
- Belgium
- Croatia
- Cyprus
- Czech Republic
- Denmark
- France
- Germany
- Italy
- Lithuania
- Netherlands
- Norway
- Poland
- Slovakia
- Spain
- United Kingdom

Σ 16 Countries





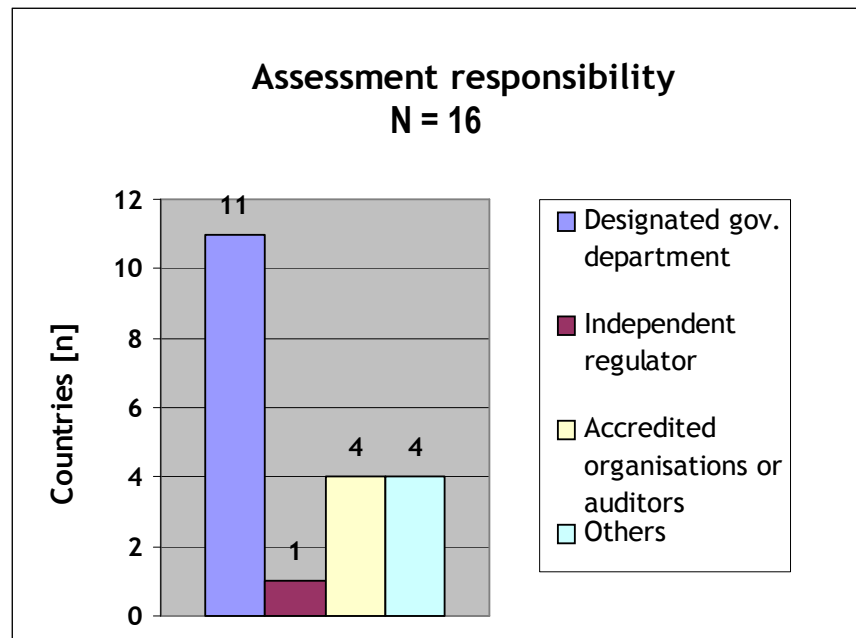
Results: Legal Status

- **Stage of ELD in MS**
 - **Implemented (according to the COM):**
 - CZ, LT, I
 - **In implementation stages:**
 - **Official draft by the responsible ministry**
BE, BG, CY, DE, SK, HR, SE
 - **Reading in the Parliament**
DK, ES, NL, PL



Results: Legal Status

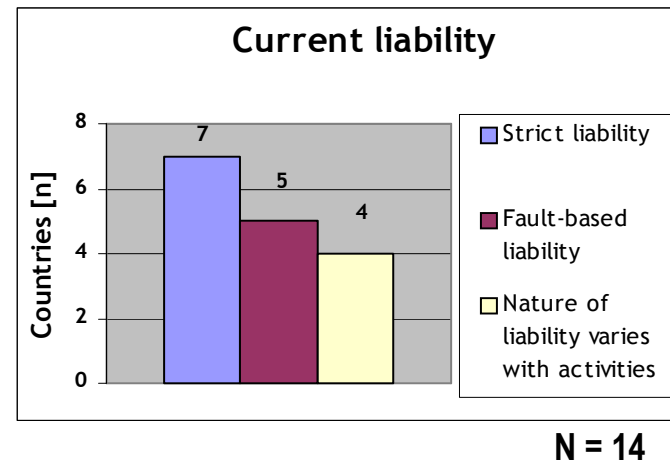
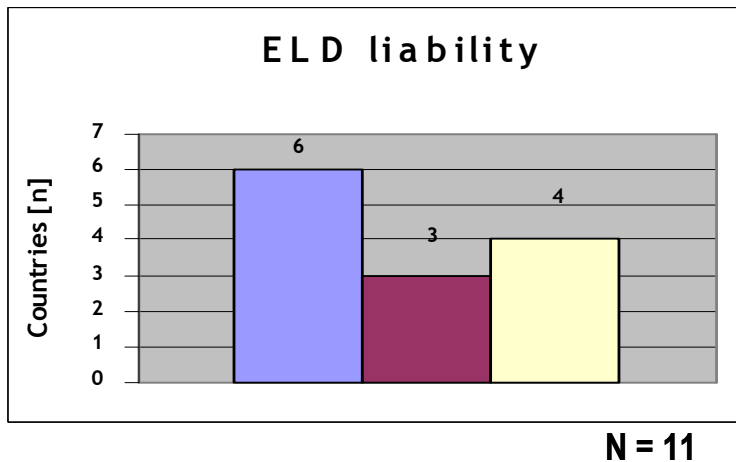
- **Liability Assessment**



- **In most countries a designated governmental department is in charge of assessing env. liability or damages.**

Results: Legal status

• Liability Assessment

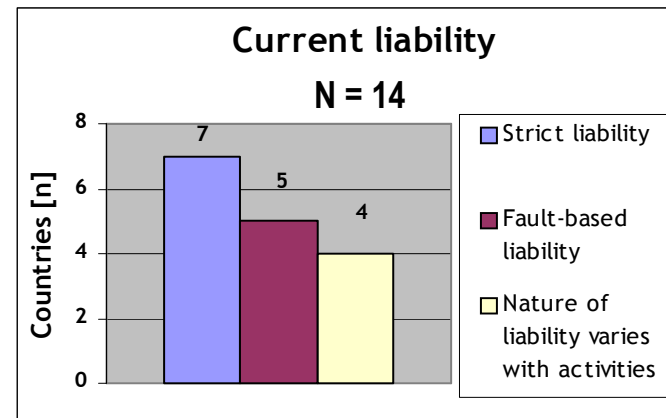
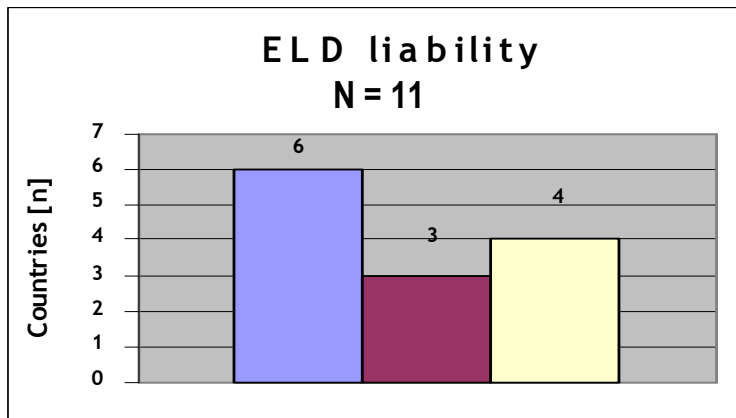


- In some countries (LT, DK, SE) there is no change of liability when implementing ELD.
- In others (BG, BE), fault liability will be replaced by strict liability.



Results: Legal status

• Liability Assessment

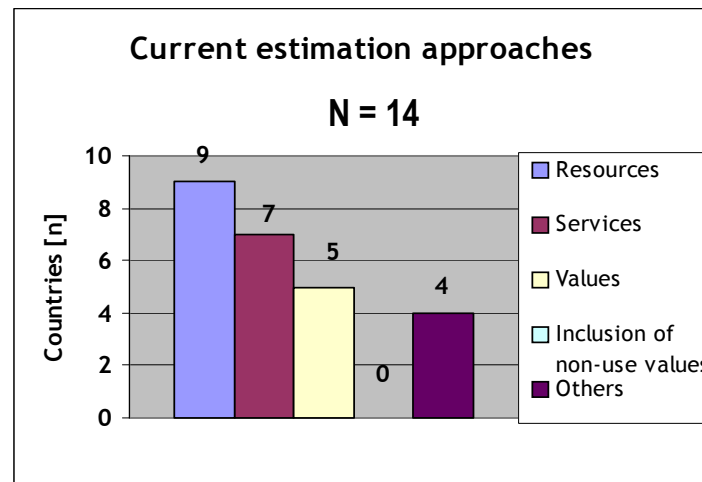
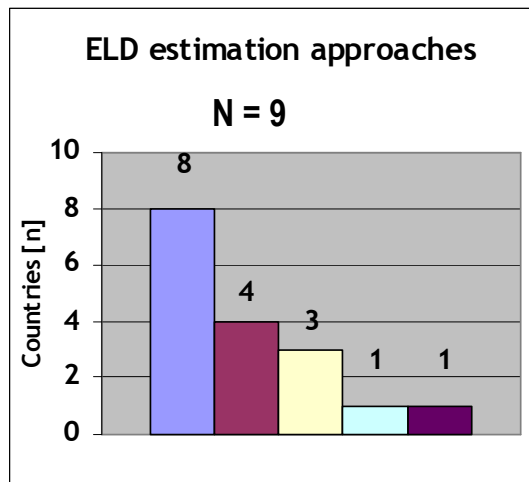


- **strict liability (actors are liable for damages caused by their action even when there is no proof of negligence or deliberate omission) is most frequently applied**
- **When implementing ELD in some countries (BG, BE), fault liability will be replaced by strict liability.**



Damage assessment - status quo

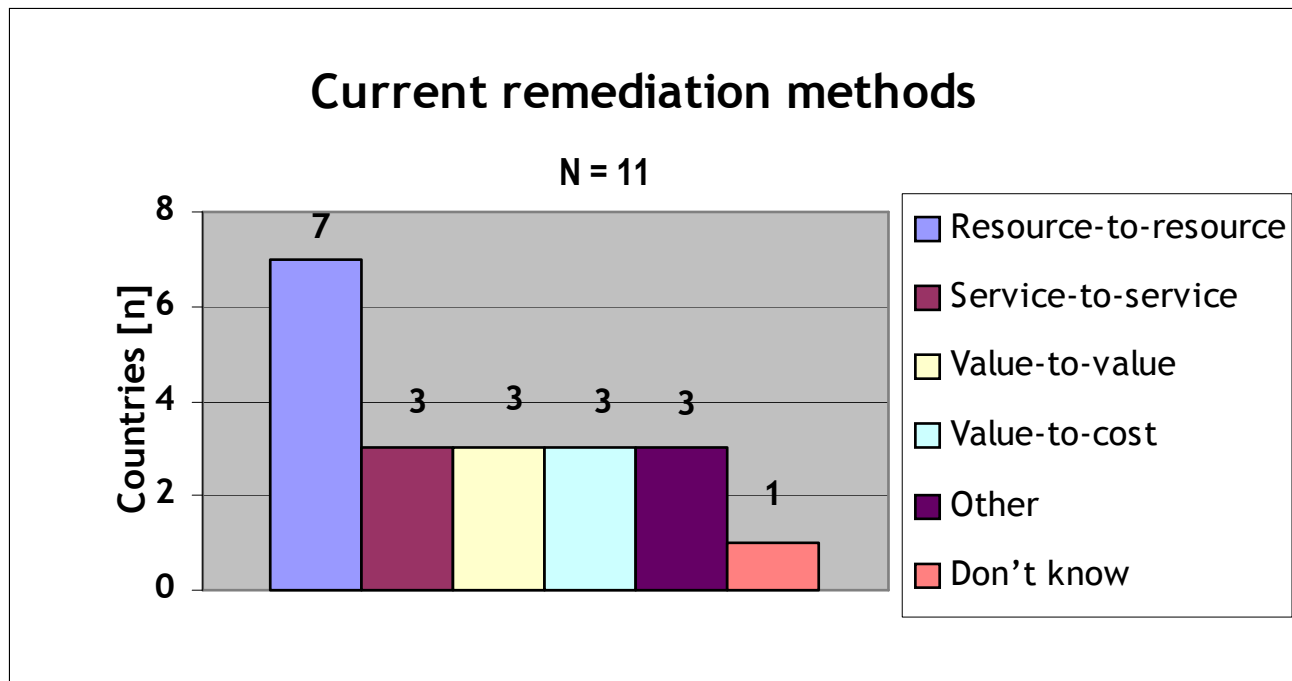
- Methodological approaches in use



- Questions were not answered in great detail
- Focus on measurement of resources
- Non-use values seem to be not explicitly mentioned in resource damage assessments. Exception: DE and Spain (ELD)



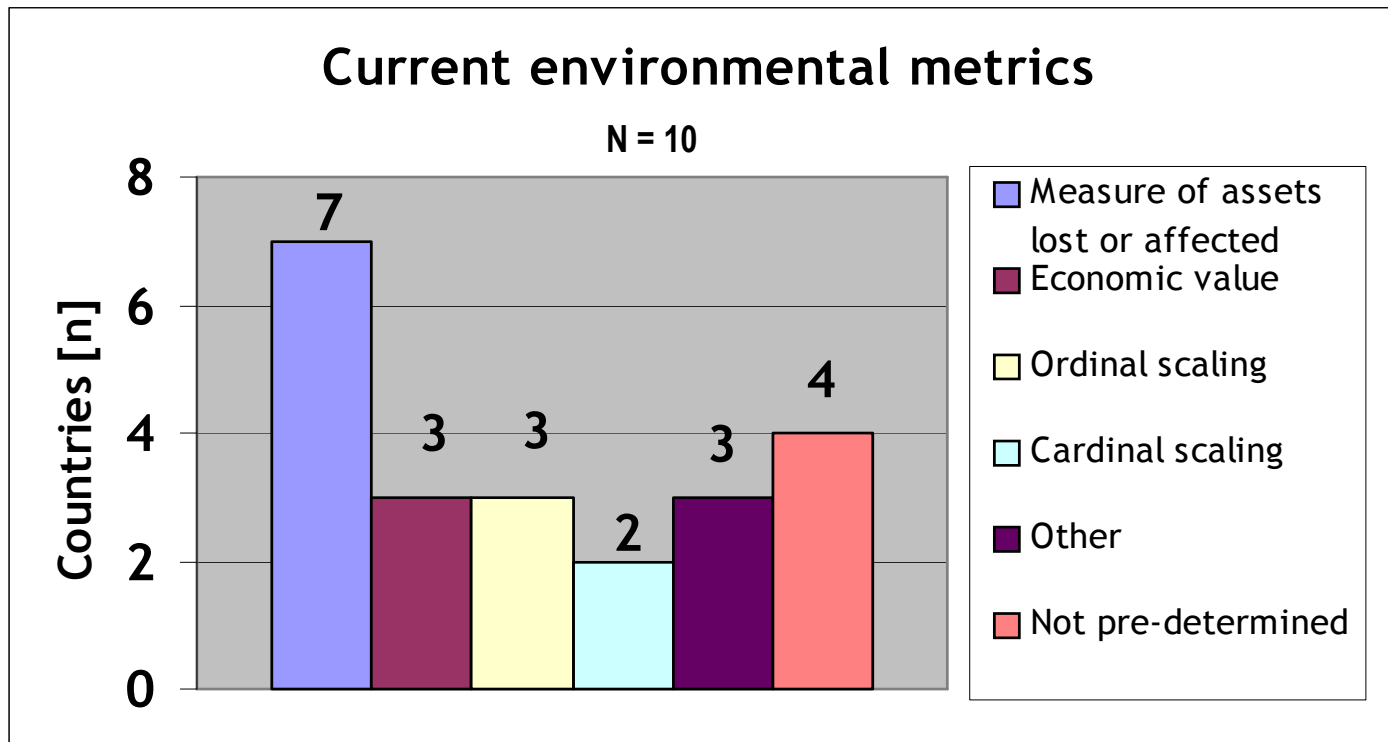
Damage assessment - status quo



- All of four approaches are used for determining the nature and extent of remediation measures, but resource-to-resource methods are the most popular.



Damage assessment - status quo



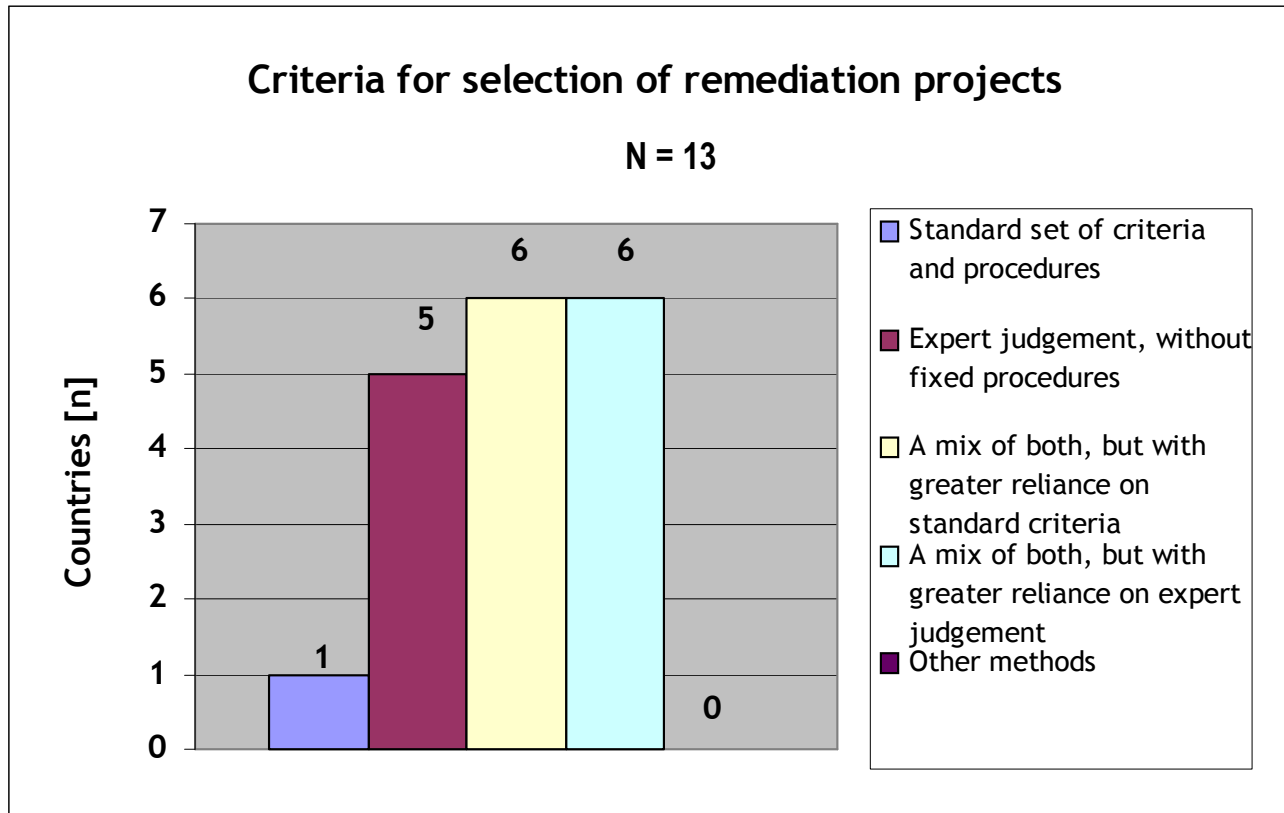
- Out of the sub-sample of countries where information is available, the majority of countries measure environmental assets or stocks lost or affected.



Damage assessment - status quo

- **Methodology cont.**
 - **Only five countries (CZ, BG, LT, UK, DE) have a lower threshold for “significant damages.”**
 - **Mandatory methodology to assess environmental damage not common. Only DE, LT, F, and I have mandatory methodology in place.**

Damage assessment - status quo



- No significant preference for a specific approach.



Remediation process

- **Ranking of “highly relevant” criteria for the selection of remediation projects**

| Rank (N° of votes) | Key criteria | Member States |
|--------------------|--|------------------------------------|
| 9 | Effect on public health and safety | PL, CZ, CY, HR, BE, SE, IT, DK, UK |
| 8 | Likelihood of success | CZ, CY, HR, BE, SE, IT, DK, UK |
| 7 | Cost | PL, CZ, CY, HR, BE, LT, DK |
| 3 | Geographical linkage to the damaged site | SE, IT, DK |
| 2 | Restoration time | PL, CZ |
| 1 | Hierarchy of criteria available | SE |
| 0 | Combination or others | - |

- **Key criteria are effects, success and costs, but to a lesser extent geographical linkage or restoration time.**



Remediation process

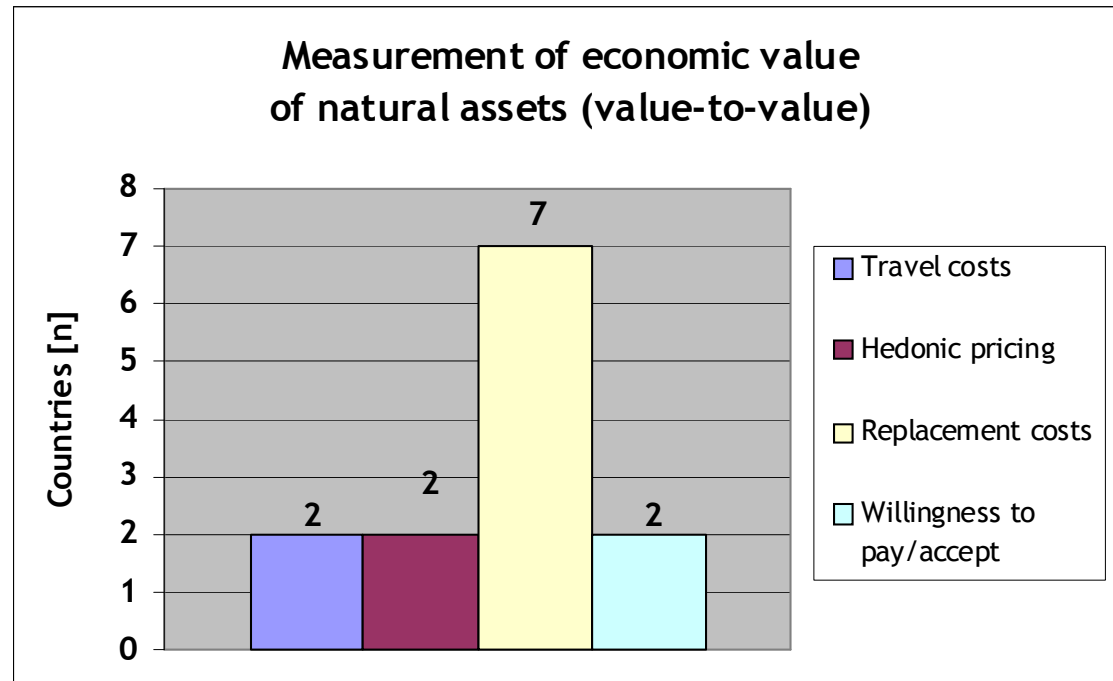
- **Ex-post evaluation of remediation measures**
 - In most Member States the evaluation the remediation is carried out by the designated government department.
 - The UK is an example of an independent regulator



Remediation process

- **Implementation of remediation measures**
 - **Use of baseline scenarios is largely not specified, except for DK's flatline scenario.**
 - **Consideration of interim losses was not reported by the interviewed countries, except for DK (DE).**
 - **Mechanisms such as habitat banking in use are only mentioned for DE, LI, NL**

Remediation process



- Replacement cost methods is the prevailing methods.
- Only Belgium and Croatia report the use of WTP approaches.



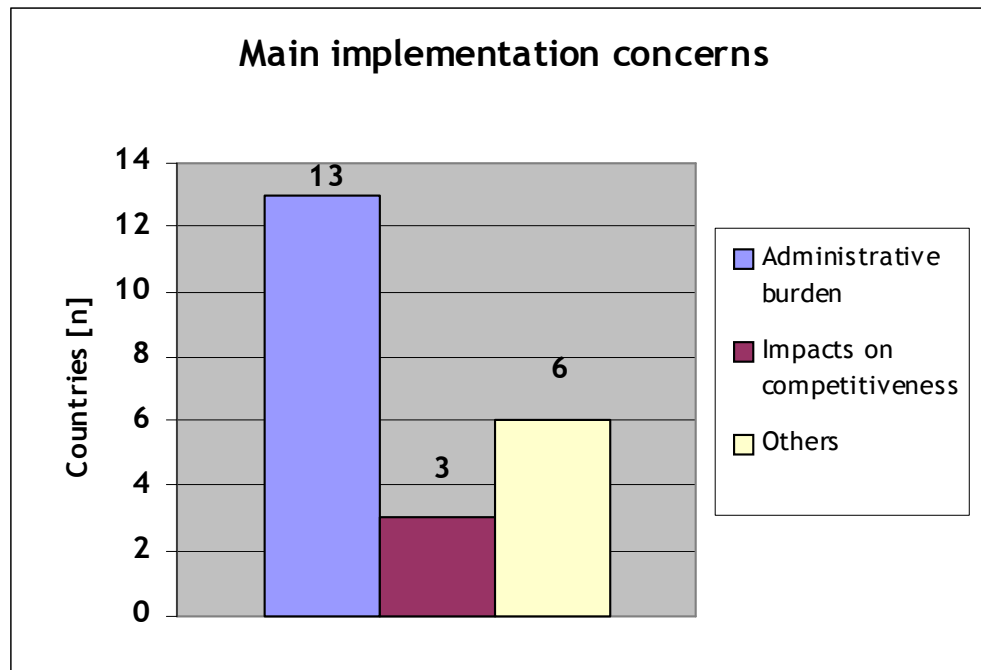
Main challenges for the ELD implementation

Table: Ranking of the most important problems in implementing the regulations (n = 15, multiple answers)

| Rank (N° of mentions) | Key problem | Member States |
|-----------------------|--|----------------------------|
| 7 | Enforcement of existing regulations | CY, SK, HR, LT, SE, DK, BE |
| 6 | Difficulty of identifying responsible polluter | ES, FR, CZ, CY, LT, IT |
| 6 | Size of liability | ES, CZ, SK, SE, DK, UK |
| 5 | High costs | ES, SK, IT, DK |
| 4 | Selection of remediation options | CZ, SK, LT, DK |
| 5 | Others | PL, BE, DK, NL, UK |



Main challenges for the ELD implementation



- **Most MS experts foresee additional administrative burdens. Especially conflicts with existing legislation and the coordination between different authorities.**



Conclusions

- **Only 16 countries but these are covering new/old, north/south MS**
- **Natural damage assessment is common in theory (legislation in all countries) but application varies significantly among MS**
- **Damage assessment is scattered between different regulations**
- **High degree of “expert-knowledge” rather than fixed procedure**



Conclusions

- **Recourse-to-resource remediation most common**
- **Value assessment mainly on basis of restoration costs**
- **Social/economic values are not sufficiently incorporated in the damage assessment (esp. non-use values). Focus is rather on ecological criteria.**
- **Limited experience in MS with many of the new methodological requirements of the ELD such as baseline, interim losses, lower threshold**



Thank you for listening.

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