

EN3B: Manage non-compliance cases as a knowledge practice for future recalls

REGULATORY FUNCTION: ENVIRONMENT		EN3B
OBJECTIVE EN3 Water abstractors and polluters are sanctioned when committing environmental infringements	ACTION CARD EN3B	
<h1>MANAGE NON-COMPLIANCE CASES AS A KNOWLEDGE PRACTICE FOR FUTURE RECALLS</h1>		
COST: Low FREQUENCY: Regular TARGET GROUPS: Regulators, consumers, environmental authorities, civil society		
DESCRIPTION Regulators manage databases of all non-compliance cases, open to public access on websites or through regular reports. This activity is important as it allows regulators to illustrate trends and anticipate future environmental misconducts. Regulators analyse recorded cases and adjust their policies based on information collected, monitoring, and conclusions drawn. Citizens use this information, to understand environmental threats and become more vigilant when engaged in protecting the environment.		
EXPECTED OUTCOMES <ul style="list-style-type: none"> • All information related to environmental infringements is open to public access at all times. • Service operators are assessed through their environmental performance. • Regulators have an overview of different trends in environmental non-compliance. 		
EXAMPLE 1: CANADA In Canada , following the legislative framework, environmental enforcement officers enforce federal legislation that deals with different risks to the environment and biodiversity. Laws regulate, for example, the use of toxic substances, their release to air, water or land, as well as the import and export of substances that present a risk to the environment and/or human life or health, such as hazardous wastes and hazardous recyclable materials. Environmental enforcement officers work throughout Canada in collaboration with provincial and territorial governments, and with national and international agencies and organizations. The Canadian government established a web space where interested parties can consult a database of various environmental and wildlife non-compliance cases.		
EXAMPLE 2: COLOMBIA In Colombia, Law No. 1333 of 2009 (Article 59) created the General Environmental Offenders Registry based on the following principles: the principle of veracity of information, the principle of timeliness of information, the principle of comprehensive interpretation of constitutional rights, and the principle of security. The authorities empowered to impose the administrative environmental sanctions set forth in the Law must register and/or update the information pertaining to environmental offenders in the General Environmental Offenders Registry (RUIA).		
EXAMPLE 3: PERU In Peru, the Environmental Assessment and Auditing Body (OEFA) manages the Environmental Audits Interactive Portal (PIFA), which makes it possible to identify sanctioned offenders and previously sanctioned repeat offenders. The system provides information that makes it possible to identify the offender, the name and place of the unit subject to auditing, the sector it belongs to, the charges raised, the breached regulation, etc. The offender remains in the RUIA for five years, and in the case of repeat offenders, one year with the possibility of an additional year if the fine is not paid or the corrective measure is not complied with.		

LINKS

Canada: <https://www.canada.ca/en/environment-climate-change/services/environmental-enforcement/notifications.html>

Colombia: RUIA

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=36879>

Peru: PIFA

<https://www.gob.pe/17355-consultar-el-registro-unico-de-infractores-ambientales-sancionados-por-el-oefa>

INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS

Internal capacity for knowledge management of historical enforcement cases is required for the documentation, capture, organization, and storage of information that is made publicly available. Development partners can provide support to classify different types of environmental breaches, and facilitate peer to peer exchanges. Environmental authorities can support regulators by sharing good practices used in other sectors.