



A Patchwork or a Uniform? Organisational Designs of Member States' Administrations in EU Environmental Law (working paper)

Enforcement of European Union Law: New Horizons
Conference of the Jean Monnet Network on EU Law Enforcement (EULEN), 19-20 September
2024, King's College London

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This project has received funding from the European Research Council (ERC) under the European Union's
Horizon 2020 research and innovation programme (grant agreement n° 948473)

ERC StG EUDAIMONIA Project

- 18 pre-selected sectors of EU regulation, incl. environmental protection
- Comprehensive mapping and comparison of ways in which EU legislation intervenes in Member States' administrative design obligations (EU work package)
- Contextual and black-letter legal analysis of EU secondary legislation:
 - MS' administration status
 - Legal form
 - The overall structure, composition, qualities...
- Are obligations spread incoherently or do undiscovered parallels exist?

Methodology

- 167 EC and EU legislative acts (directives and regulations)
- 1987-2024 (Single European Act - Lisbon Treaty)
- Subsequent environmental legal basis: Articles 130s EEC, 130s TEC, 175(1) TEC, 192(1) TFEU
- RQ: Does the EU secondary legislation impose on the Member States the obligation or not to design their public administrations in a particular way?
 - 1) all provisions referring to the MS stating that they shall, should or may undertake an action
 - 2) phrases (in)directly invoking MS' public administrations
 - 3) tabling in a dedicated file

Outcomes: Common features

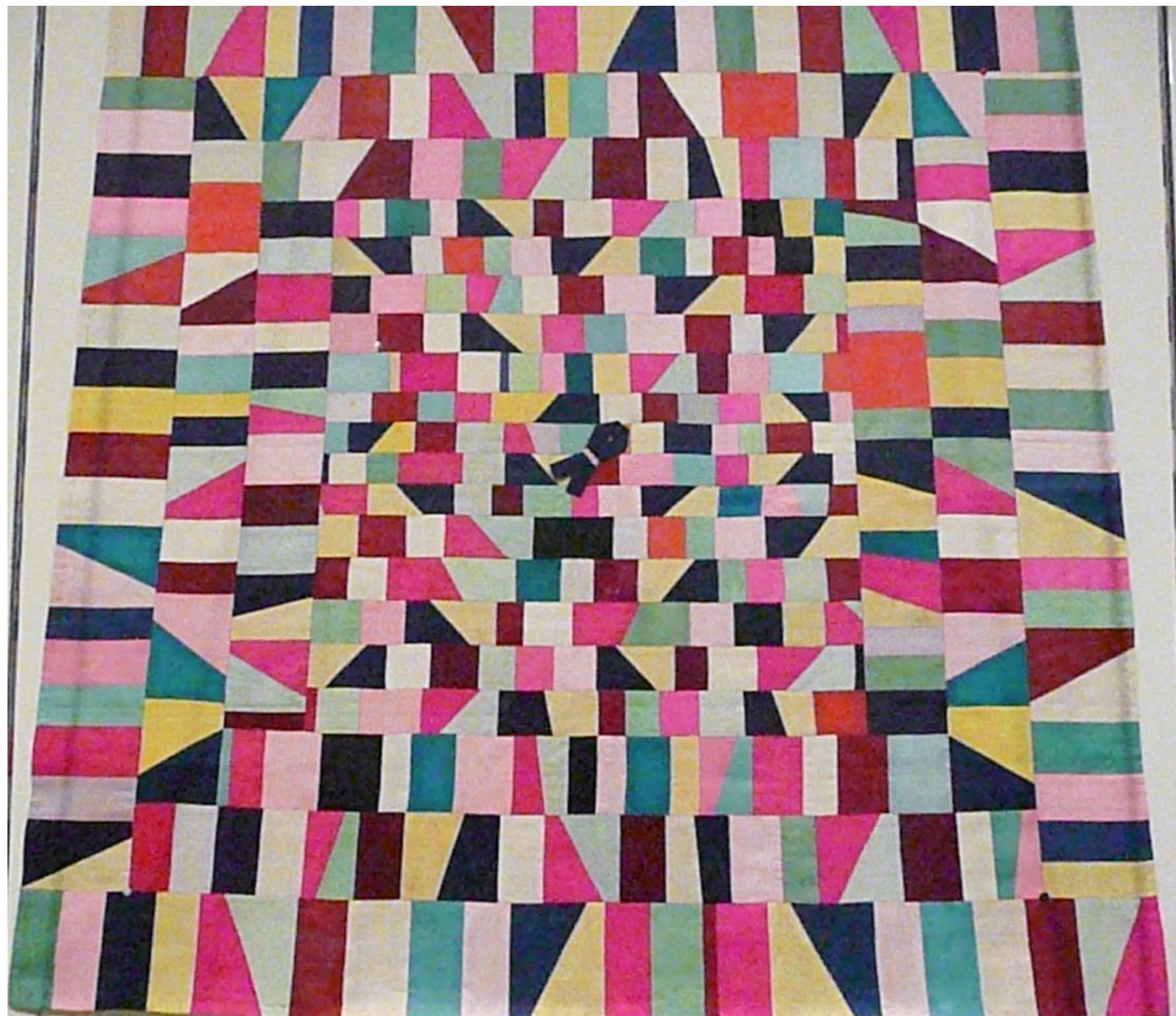
- Lack of obligation to designate at least one competent authority: 29/167, 9/90 in force
- Indirectly mentioned competent authorities: 57/167, 29/90 in force
- 2 historical cases of optional designation obligations
- Obligation to designate a competent authority or authorities: 76/167, 47/91 in force/upcoming
- Lack of cross-references to the competent authorities already in place under environmental acquis
- Inconsistently imposed duties to publish and update the lists of the designated competent authorities

Outcomes: case-specific organisational requirements

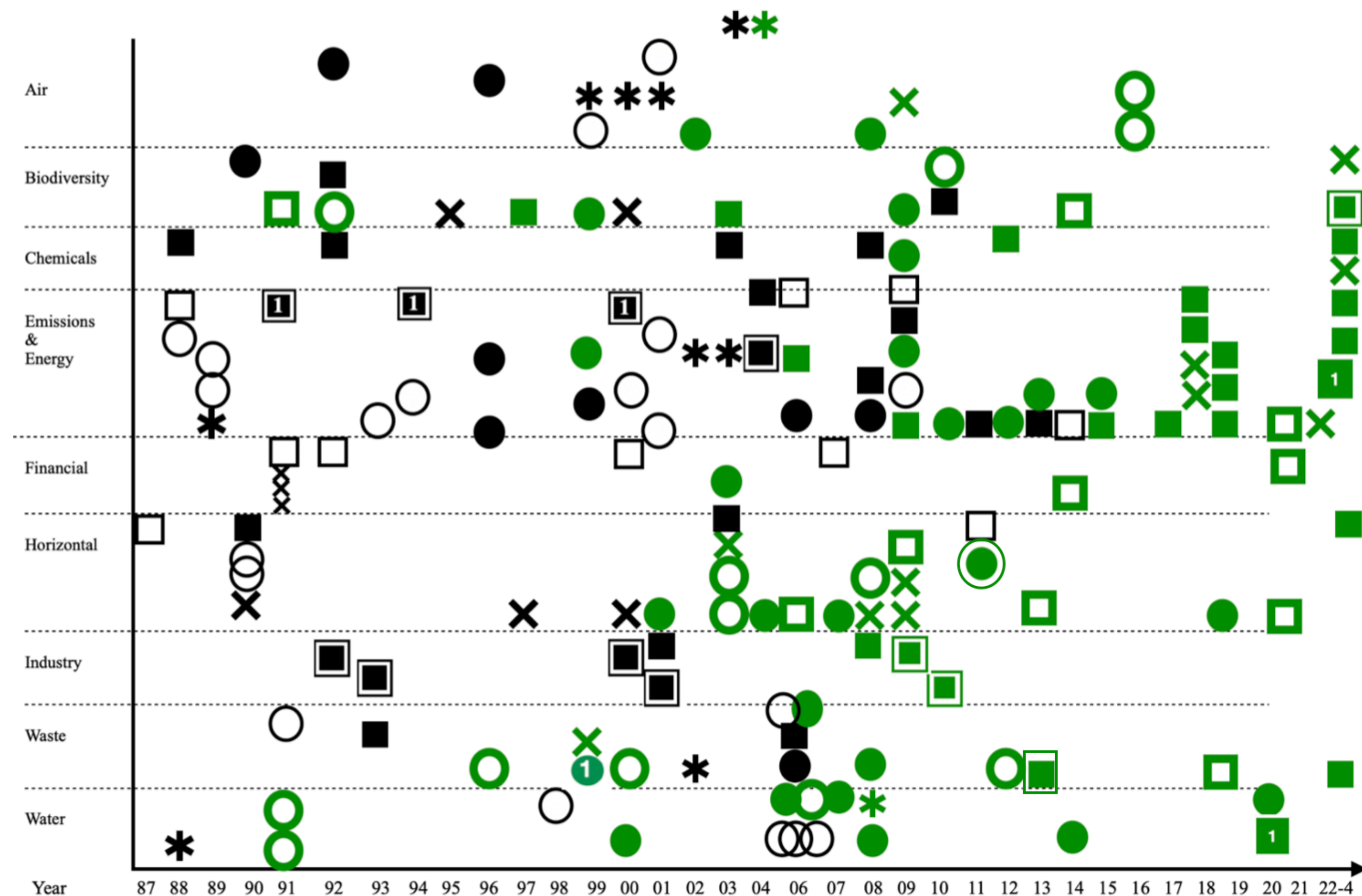
- Single competent authority
- Arrangements dedicated to exchanging information (focal/contact points and correspondents, Eionet's main component elements of national information networks)
- Territorial management units (SACs and SPAs of Natura 2000 network, air pollution-related zones and agglomerations, river basin districts, marine (sub)basins)
- Systems, laboratories and scientific authorities
- Independence, power, resources and hierarchies

Outcome: find the fundamental difference

Traditional Traditional
Korean patchwork pojagi
wrapping cloth



Organisational design
obligations EU Environmental
Law -> Member States



Discussion

- Multiple organisational design patterns followed parallelly, not subsequently
- Once the EU has exercised its competence, it tends to replicate the same concepts
- As a rule, administrative design obligations remain characteristic of a given secondary legislative act -> no division into sectors -> Reasons behind such fragmentation? High fragmentation in practice?
- Ambiguous transparency of administrative designs
- Access to environmental information: possible but uneasy
- Solution: a single website like 'EU Competent Authorities Portal'?

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List of national competent authority (authorities) and contact points

The content of the online register reflects the information provided by Member States. The online register will be regularly updated from 7th June 2022, to include the latest notifications from EU Member States, in accordance with Article 12(4) of the Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online.

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Austria

Competent Authority: Kommunikationsbehörde Austria (KommAustria) (Article 12 (1) (a)(b)(c)(d))