

## Annex B: Proposed civil sanctions

### What is a civil sanction?

A civil sanction is a penalty for non-compliance with the requirements of legislation. It is an intermediate sanction that sits between a warning letter and a criminal action. It will allow, in this instance, local authorities the discretion to choose the most appropriate enforcement action. Serious offenders can still be prosecuted, if and only when it is necessary to do so.

### What civil sanctions might be available?

Regulation 2015/262 requires Member States to lay down the rules on penalties where the provisions of the Regulation have been breached, and take all measure necessary to ensure that the provisions are implemented. The penalties provided are required to be effective, proportionate and dissuasive. Below are some options which may be available, and which may be considered appropriate, depending on the circumstances:

**Fixed Monetary Penalties (FMP):** A fine which may be imposed for low level instances of non-compliance.

**Variable Monetary Penalties (VMP):** A monetary penalty which can be imposed for more serious offences where it has been decided that prosecution is not in the public interest.

**Restoration Notices:** A written notice which requires a person to take steps to restore harm caused by the non-compliance, so that the position is restored as far as possible to what it would have been if no offence has been committed.

**Stop Notices:** A written notice requiring a person to stop an activity which is causing harm or presents a significant risk of causing serious harm and has given rise, or is likely to give rise to regulatory non-compliance.

**Compliance Notices:** A written notice issued by a regulator which requires a person to take specific steps within a specific period of time to ensure that an offence does not continue or happen again.

**Enforcement Undertakings:** An agreement by a person to take steps to make amends for non-compliance and its effects. The regulator decides whether or not to accept the undertaking in each individual case.