

The European Union's Instrument for Pre-Accession Assistance (IPA)

Working Group 4 – ECENA - Activity Scheme 4.1

Capacity building regarding compliance with environmental legislation through better understanding of issues and identification of targeted solutions (training of inspectors and permit writers)

TASK 1:

Final selection of topics for training for Batch 2

Countries:

Serbia

FYR of Macedonia

Montenegro

Croatia

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1. Introduction

As a follow-up on the activities of ECENA and based on the priorities set in the annual meetings of ECENA, together with the outcome of the questionnaire filled out by the coordinators of ECENA WG 4 in the recent meeting in and in line with the discussions in Brussels on the actual contents of the training, we came to the conclusion that the training should focus on an in depth practical training in implementation and enforcement. It should develop into the network of more dynamic implementation, the network where activities are focused on **actual change of daily practice** and on hand on support and stimulus to that extend. Enhanced implementation through strengthening the elements in the regulatory cycle with special emphasis on permitting and inspection is the obvious next step. More action, more results in daily work practice in the beneficiary countries are required with guidance of permit writers through the process of drafting an application and actually writing the permit, based on own examples. In addition assistance of inspectorate management in implementing the RMCEI with the support of inspectors assisted by experienced inspectors in planning their site visits, inspection and in writing their reports.

2. Objectives

Wider Objective: increasing the effectiveness of inspection bodies and promoting compliance with environmental requirements

Specific Objective: Capacity building regarding compliance with environmental legislation through better understanding of implementation issues and identification of targeted solutions (training of inspectors and permit writers)

3. General Approach

In the execution of the activities consideration will be given to the ongoing projects in the countries and the level of speed and status of approximation. The WG 4 programme should be considered as complementary to already ongoing programmes (IPA, TAIEX, national and bilateral) with an emphasis being placed on the practical implementation and enforcement of directives and regulations with case studies and pilot sites, exchange programmes and networking activities as central elements. The priorities indicated in the inception missions and filled in questionnaires for each country are used as a basis for composing the national trainings aiming at a tailor made approach to the trainings. The in depth training will be achieved through scrutinizing an actual permit of a facility provided by the beneficiary country, followed by discussions on the application of the permit with the representatives of the factory complemented with actual on site visits and reporting. The aspects of monitoring and enforcement will be discussed and examples of enforcement management and strategies discussed. The participants of the site visits will furthermore be accompanied by experienced inspectors from other countries in order to exchange their experience with the inspectors of the beneficiary countries. (See inception report on Site visits and common inspections)

New developments in the implementation of directives like IED, REACH, and Criminal law directive will also be covered depending on the requests and needs of the beneficiary countries.

Based on information provided by the beneficiary countries, supplemented with information from participants of the recent meeting of WG 4 referring to the questionnaire on needs assessment, and complemented by available information of previous and pending projects, an analysis for Albania, Kosovo, B&H, Turkey has been prepared.

Reference is made to recent reports of the commission on state of the development s in the beneficiary countries. A number of relevant quotes are inserted to underline the set approach.

Indicators of participating countries for permitting and Enforcement

	Alb	Kos	BiH	Tk		Mont.	Serb.	Cro.	Mac.
Inhabitants (mln)	3,5m	2m	3,8m	80m		0,67m	7,5m	4,6m	2,1m
No Central govt Inspectors	4	7	2 (FED)	300		10-15	100	86	18+35
No Regional Inspectors	76	57	4+19	1000		n/a	160 local	n/a	n/a
No permit writers	15	3	4+2	1300		15	60+200	80	12+32
% RMCEI implemented	100%	n/a	10%	60%		50%+	100%	75%	70%+
No IPPC inst.	100	30	115	5000		12	181	200	117+250

4. Selection of participants

The selection of the participants is requires careful consideration. The following preconditions have to be met by the beneficiary country participants:

1. The participants must have a working knowledge of English unless translations of all material are provided and interpreters are available. This may include the BREF and BAT to be translated in the local language for the industry of the on site visit.
2. The participants must have some knowledge of the practical side of the permitting and inspections and possess affiliation with industrial activities. Non experienced participants are not to be allowed in the training sessions. A yardstick is at least 5 years of full exposure to either permit writing and/or inspections in practice of industrial facilities.
3. At least one inspector/permit writer should know the factory by hearth and able to explain the current situation with regard to permitting and inspection as well as enforcement.

5. Training subjects

The subjects to be covered in the 3.5 day training programme will be generally composed of:

Day 1: General subjects like the elements of the regulatory cycle focused on management of inspections and inspectorates (exercise), priority setting, reporting and feedback, enforceable monitoring conditions and exercises, separation of permitting and enforcement activities, non compliance response, cooperation of authorities in compliance promotion and enforcement.

Day 2: IPPC/IED requirements

Discussion will take place on the contents of integrated permits (permit application, BREFS/BAT of selected industry). The contents of the translated permit for the selected on site visit will be discussed. The translation of the most important enforceable permit conditions will be highlighted and commented on by the invited inspectors from other countries. These inspectors are selected from ECENA and/or EU countries. A presentation is made by the invited factory specialist on the industry to be visited. Experience from other country inspectors in the frame work common inspections with also be presented. Basics of on site visits will be explained, groups and coaches will be appointed, specific subjects for detailed inspection on site will be selected, emission monitoring subjects for scrutinizing on quality and validation indicated.

Day 3: Site visit. Preliminary discussion on experience of the visit with management of the factory will be held. Return to the training for reporting in small groups and presentation of the results by the various groups. Discussion and final conclusions.

Day 4: Special subjects on request of the beneficiary countries

Under Special Subjects a selection can be made from a list including:

IED/ IPPC, LCP, RMCEI, SEVESO II, VOCs, Waste and Chemicals management (REACH/CLP)

SERBIA (Attachment 1 questionnaire)

Background information from the commission (PROGRESS REPORTS 2009 - 2011 and recent report in the framework of RENA WG4 of 2011)

Serbia has moderately advanced in the area of environmental protection, and has continued to adopt a number of important laws thereby advancing well in fulfilling the requirements of the SAA.

The MEMSP is responsible for the implementation of the environmental *acquis*. This understanding of “implementation” seems to arise from the use of the EU “Implementation Questionnaires” to assess progress. “Practical” implementation by the national system lags behind the reported “legal” implementation and progress in practical implementation is slow.

The Serbian Environmental Protection Agency has maintained a good level of cooperation with the European Environment Agency on the European environment information and observation network. However, the rules on environmental impact assessment and strategic impact assessment are not fully enforced. The environmental departments at local level still lack the necessary capacity, awareness and specialist knowledge in these fields. Progress can be reported on waste management.

On **industrial pollution control and risk management**, a number of by-laws were adopted, notably on **submission of integrated permit applications**. The first integrated permits are issued in 2009 to 2010. The list of installations which will have to comply with the Integrated Pollution Prevention and Control Directive before 2015 is being revised. However, while the majority of permits will be issued by the central and the Autonomous Province authorities, permits for some industries fall within the remit of local government, which lacks both the knowledge and the resources to implement the IPPC Law.

In summary it can be said that there seems to be reasonable coordination between IPPC and the Laws on Air, Waste and Noise but there is limited coordination between IPPC and the Law on Planning and Construction, and the Law on Water.

IPPC and in the future IED requirements will have to be absorbed in the implementation, as they address the requirement to use BAT. In the MATFWM permits and licences are issued for the discharge of wastewater. In addition EIA and building permits are issued with MEMSP. Activities are not adequately coordinated and the present arrangement in relation to water permitting.

Positive steps have been taken towards strengthening the administrative capacity. The environmental protection inspectorates continued to receive specific training.

Role and functions of environmental inspection are established by relevant national legislation. The RMCEI has been implemented through bylaws. However, it seems that essential changes are needed to report non-compliance and how any non-compliance has been corrected and the steps taken to avoid recurrence. Another important emphasis of the European legislation is promotion of compliance. The institutional capacity and technical and human resources remain insufficient, especially at local level. **Better coordination with the central level is needed and greater attention will have to be paid to enforcement.** The Water Directorate within the Ministry of Agriculture, Forestry and Water Management remains understaffed and its institutional capacity inadequate hence the capacity and capability for proper water management remains weak.

The Environmental Protection Agency remains operational and its performance is improving.

Although the significant steps have been taken to strengthen inspection services and cooperation with competent judicial institutions intensification related measures are needed. Parallel to this, systematically monitoring and upgrading of the system together with incentive measures and implementation of voluntary agreements with industry are a prerequisite for improvement. However, **it still lacks the capacity to ensure proper implementation of the integrated monitoring strategy.**



The need for additional staff in most of the institutions involved in implementing the environmental *acquis* is laid out clearly in the NPI 2008 and in other documents. The level of increase identified as necessary varied between Ministries with MEMSP (excluding SEPA and Inspection) planned to increase by 179%, SEPA by 294% and Sector for Control and Surveillance by 20%, giving an overall increase for MEMSP of 98% (168 staff).

The amended National Programme for Integration of Republic of Serbia into European Union (NPI) from 24 December 2009 once again points out the demand for strengthening and developing administrative capacities through staff education for performing the following tasks: inspection; monitoring (air, water, land and research); authorization of waste and chemicals management; assessment of the impacts and accidents; nature conservation and protection; project management, especially on local level where there are not enough environmental conservation officers.

Building and strengthening of the permits system include better cooperation between different permits units and further training of the staff. This especially related to the permits which issuing has yet to be fully applied in practice.

Inception mission

Serbia indicated to be interested in receiving info on Environmental Crime in line with its needs assessment report issues like management subjects like, planning, enforcement strategies and non compliance response.

Results Questionnaire

The results are divided according the sub headings of the questionnaires: Management issues will be emphasized on planning prioritizing, strategies and feedback reporting issues and inspection issues. The training needs have to be fully directed to permit implementation in practice with site visits and monitoring. Sample taking is considered to be of less importance in the training.

Summarising:

The training programme has to focus on life inspections on an existing facility and its permit. This can be executed during an on site visit, coached by experienced inspectors (see common inspections from inception report). In the preparation of these practical training the subject of permit writing in the context of the IPPC and IED is practiced and shown how they work. Exercise in Human resources calculation required for permit writing and inspection is clarified.

The HIP-Elektroliza Petrohemija at Pancevo will be visited with emphasis on Chlorine production and mercury emissions.

The special subject requested in the training is IED/IPPC and SOVESO II

Suggested composition of the group (max 25) to be trained is as follows:

- about 16 participants from the regions involved in industrial inspection and permitting activities as a balanced group.
- 4 participants from the ministry of which 2 with knowledge of existing laws and regulations in force and 2 with knowledge on managerial level in the policy directorate of the ministry.
- 2 participants of the ministry that check permits of major industries prior to the issuance of the permit in the regions.
- 2 so called “common inspectors” from other countries with specific knowledge on this type factory to be attending.

Training schedule for 6-9 March 2012

Training programme

Day 1: INTRO; INTERACTIONS REGULATORY CYCLE, MANAGEMENT OF INSPECTIONS and LATEST SOFTWARE; PRIORITY SETTING; REPORTING AND FEEDBACK; BASICS OF



PERMITTING; EXERCISE IN HUMANRESOURCE MANAGEMENT for permitting and inspection; SPECIAL SUBJECTS (IED and IPPC)

Day 2: IED(recent developments); DISCUSSION ON CONTENTS OF PERMIT APPLICATIONS; INTEGRATED PERMITTING (example petro-chemical industry); STUDY ON THE BREF AND/OR BAT (applied at Chlorine production industry at HIP-Elektroliza Petrohemija Pancevo; RESENTATION ON FACILITY TO BE INSPECTED BY REPRESENTATIVE OF THE FACTORY; Exercise on mercury emission mass balance and validation of data); BASICS ON APPROACH TO SITE VISITS; PLANNING OF THE VISIT IN GROUPS; PRESENTATION OF EXPERIENCE OF THE INVITED INSPECTORS.

Day 3: EXECUTION PLANNED VISIT; PREPARATION OF REPORT ON RETURN; PRESENTATION OF RESULTS OF THE VISIT; FINAL CONCLUSION; ADVISE FOR FOLLOW-UP

Day 4: SPECIAL SUBJECT OF THE BENEFICIARY COUNTRY IPPC and IED; SEVESO II. OPEN DISCUSSION ON COOPERATION BETWEEN AUTHORITIES

Attachment 1 Serbia questionnaire

Needs questionnaire

Training Area	Topics	Priority Ranking 1 = urgent; 2 = very useful; 3 = helpful; 4 = low interest	Comments
<i>Management</i>	Planning	1	
	human resource management	2	
	Budgeting	1	
	Prioritizing inspections	1	
	permitting priorities	3	
	non compliance response	2	
	enforcement strategies	1	
	cooperation strategies	2	
	feedback/reporting	1	
<i>Permit issuing</i>	permit structures		
	integrated permitting		
	enforceable conditions		
	monitoring requirements		
	negotiating skills		
	monitoring conditions		
<i>Inspection</i>	site visits	1	
	inspection planning	1	
	reporting	1	
	non compliance response	1	
	investigating skills	1	
	sample taking	4	
	follow-up strategies	1	
	feedback	1	
<i>Your Suggestions</i> (for specific trainings, and for regional trainings, including 2 Directives/Regulations of main concern)	IED		Petro chemical industry
	SEVESO II		

MACEDONIA (Attachment 2 questionnaire)**Background information from the commission** (PROGRESS REPORTS 2009 - 2011 and recent report in the framework of RENA WG4 of 2011)

Progress has been made towards further transposing the EU *acquis* in the field of the environment, in particular for horizontal legislation and waste management. Some sectors, like water quality or IPPC, are still lagging behind. The pace of institutional strengthening has dropped off somewhat, usually blamed on the current global economic crisis and a lack of available resources. The weakness of cooperation mechanisms between authorities responsible for related policy areas (and the tradition of vertical integration in administrations) creates problems of inconsistency, overlap and confusion between management procedures. This remains true for the central-local cooperation, as well as cooperation between MoEPP and other ministries such as the Ministry of Health. Implementation of the legislation remains a considerable challenge. Administrative capacity is weak at both national and local levels. Significant further efforts are still needed to further align with the EU *acquis* in this sector and, moreover, to ensure the required investments. Overall, preparations in the field of environment lacks clear progress.

Some progress was made in the area of **air quality**. Transposition in this area is moderately advanced. The list of ambient air quality zones and agglomerations was adopted. The inventory of air pollutant emissions is being compiled, in accordance with the CORINAIR methodology. The administrative capacity is still weak particularly at local level. Cooperation between the ministries and institutions involved in air quality is still not sufficient, in particular on collection and analysis of data. Amendments to the Waste Management Law were enacted, including provisions on sanctions and the level of fines for misdemeanours. The national waste management plan was adopted. Administrative capacity at central and local levels is still largely insufficient. Municipal waste management systems have not been set up yet. Investment in this area needs to be increased. A system to deal with data collection, registration and reporting is still not in place. Little progress can be reported in the case of **water quality**. The transposition process needs to be stepped up.

The Administration of Environment is the responsible body for permitting, while SEI is the responsible body for supervision/inspection. It is important to remember that inspection information is a valuable tool in permit writing and condition setting; appropriate information exchange and participation procedures will need to be implemented.

Little progress was made on **industrial pollution control and risk management**. Transposition of the Seveso II Directive on control of major accident hazards involving dangerous substances has progressed. The lack of administrative capacity in this area is a major issue, especially at local level. It results in substantial delays in issuing IPPC (integrated pollution prevention and control) permits. Training for IPPC inspectors is still not provided. The stakeholders are not sufficiently involved in this process. The operators of industrial sites have not yet prepared contingency plans. Significant efforts need to be made in this area. Little progress was made in the area of **chemicals (REACH)**. The EU *acquis* in this sector has still not been transposed. The staff of the national information centre was increased. Some training and awareness-raising activities for the institutions and companies concerned have started. Preparations in this area are at an early stage. Some progress was made in the area of **noise**. Implementing legislation was adopted. The administrative capacity is still not sufficient. The units responsible for dealing with noise issues at central and local levels have not been established yet. Preparations in this area are at an early stage. The administrative capacity for implementing and enforcing environmental legislation is still far from sufficient at both central and local levels. This is particularly true of the inspectorates. The inspection system is understaffed and individual inspectors are required to inspect with respect to all matters and all media.

Inspectors should be trained to become specialized in areas including IPPC, air, nature, waste, water, SEVESO and chemicals, and hydro-installations, water use and supply. The use of RMCEI is not generally introduced and must be speeded together with the new IED. The last one will also have

considerable impact on inspection and enforcement planning. The country has to implement the new IED at the same time.

Improvement in the quality of the inspection can only be achieved when the quality of the permit and its conditions are improved at the same time. The latter can only efficiently be improved when the permit application is improved. The latter is the sole responsibility of the enterprises.

Reforms to permit procedures will allow more effective inspection, reducing the risks of inconsistent approaches, conflict of responsibilities and duplication of effort.

It will be necessary to ensure that a high level of cooperation is achieved between inspectorates to ensure this.

It should also improve the willingness of operators to collaborate with inspections as their number and the time spent on them reduces.

Combined inspections will also facilitate the introduction of IPPC permit verification; extensive training is likely to be needed to ensure procedures are effective. Existing environmental legislation does not establish principles for negotiation to complement command and control processes.

The coordination between administrative bodies responsible for environment-related issues is not yet effective. Enforcement of legislation has improved in terms of fines and sanctions, but the system is not yet efficient and no credible record has been established. A command and control approach is used to enforce compliance, with administrative fines specified by law and inspectorates empowered to issue stop orders.

More flexibility in tools available to the SEI including compliance orders and the use of economic incentives should be instituted.

The environmental monitoring and information system is still not adequate. No funds are foreseen in the 2009 budget for new environmental projects., The amount provided is still far from sufficient to meet the needs. The national environmental investment strategy was adopted. Environmental protection requirements are still not well integrated into policy making and implementation in other areas. The precautionary principle, the principle of preventive action and the polluter-pays principle are only partially applied.

Inception mission

About 113 applications of IPPC permits are in more or less advanced state of permitting. In total 130 installations are in A (bigger installations), and 150 installations are classified in category B for smaller installations.

Pilot training in IPPC permitting is in demand. Step by step training is very much needed and all the steps of the regulatory cycle must be trained. (from Application to permit drafting, compliance monitoring enforcement and feedback).

It was agreed that in the IPPC permits not enough attention is paid in the quality of monitoring requirements. It was mentioned that according to Macedonian IPPC legislation, industry needs to fully comply with the BREFs as from 2016, and at that time the limit values will have to be upgraded

Results Questionnaire

The results are divided according the sub headings of the questionnaires:



Management issues

The selection made by the representative of Macedonia shows a clear need for management (ranking 1 as urgent) showing that the overall organization requires additional skills. The emphasis must be put on planning, budgeting and priority setting on permitting and inspections.

The thinking on strategies require a lot of attention indicating an organization in development, while in view of its development minor interest yet in non compliance response and feedback in the management field is shown.

Permit issuing

Enforceable permit conditions and monitoring requirements are high on the list (rating 1) in line with the results in the inception meeting. So the quality of the permits including monitoring conditions is rightly chosen in the preparation of the future quality of the organization. A solid base for the future is chosen above sophistication in structures and conditions.

Inspection issues

In line with the request in the permitting quality (ranking 1) the request for investigating skills also fits with planning, reporting and sample taking.

It looks like that the Macedonia organization is building up a very practical directly applicable way of working coping with very limited in capacity and quality.

The time of non compliance response and follow-up strategies still has not arrived.

Summarising

In the preparation of these practical training the subject of permit writing in the context of the IPPC and IED is practiced and shown how they work. For the future the contents of BREFs and BAT have to be stressed especially in the field of enforceable permit conditions in which monitoring and reporting need to be amply placed.

The training programme has to focus on life inspections on an existing facility and its permit. This can be executed during a on site a visit, coached by experienced inspectors. The installation to be visited is an Electrical Arc Steel factory.

The special subject requested in the training is on IPPC or LCP's.

An Electrical Arc steel furnace factory will be visited in the area of Skopje.

A suggestion of the composition of the group to be trained is as follows:

Central government inspectors and inspectors of the regions not exceeding 25 should be invited. A balanced number of permit writers included.

- 2 so called "common inspectors" from other countries with specific knowledge on the factory to be visited;

- Training schedule is planned for 24-27 of April 2012

Training programme

Day 1: INTRO; INTERACTIONS REGULATORY CYCLE, MANAGEMENT OF INSPECTIONS; PRIORITY SETTING; REPORTING AND FEEDBACK, BASICS OF PERMITTING, EXERCISE IN HUMANRESOURCE MANAGEMEN and LATEST SOFTWARE T; PLANNING OF INSPECTIONS; NEGOTIATING SKILLS

Day 2: IED(recent developments); DISCUSSION ON CONTENTS OF PERMIT APPLICATIONS; INTEGRATED PERMITTING (example Electrical Arc steel factory); STUDY ON THE BREF AND/OR BAT (applied at the Electr Arc Furnace industry); PRESENTATION ON FACILITY TO BE INSPECTED BY REPRESENTATIVE OF THE FACTORY; BASICS ON APPROACH TO SITE VISITS; PLANNING OF THE VISIT IN GROUPS; PRESENTATION OF EXPERIENCE OF THE INVITED INSPECTORS



Day 3: EXECUTION PLANNED VISIT; PREPARATION OF REPORT ON RETURN; PRESENTATION OF RESULTS OF THE VISIT; FINAL CONCLUSION; ADVISE FOR FOLLOW-UP ;PRESENTATION DF RESULTS OF THE VISIT

Day 4: OPEN DISCUSSION ON COOEPREATION BETWEEN AUTHORITIES. Special subject REACH

Attachment 2 Macedonia

Needs Questionnaire

Training Area	Topics	Priority Ranking 1 = urgent; 2 = very useful; 3 = helpful; 4 = low interest	Comments
<i>Management</i>	Planning	1	
	human resource management	1	
	Budgeting	1	
	prioritizing inspections	1	
	permitting priorities	1	
	non compliance response	2	
	enforcement strategies	1	
	cooperation strategies	2	
	feedback/reporting	2	
<i>Permit issuing</i>	permit structures	3	
	integrated permitting	2	
	enforceable conditions	1	
	monitoring requirements	1	
	negotiating skills	1	
	monitoring conditions	1	
<i>Inspection</i>	site visits	1	
	inspection planning	1	
	reporting	2	
	non compliance response	2	
	investigating skills	1	
	sample taking	1	
	follow-up strategies	2	
	feedback	1	
<i>Your Suggestions</i> (for specific trainings, and for regional trainings, including 2 Directives/Regulations of main concern)			REACH Visit to EAF factory



MONTENEGRO (Attachment 3 questionnaire)

Background information from the commission (PROGRESS REPORTS 2009 - 2011 and recent report in the framework of RENA WG4 of 2011)

Montenegro has made some progress on legislative alignment with European standards. Deadlines for transposition contained in the NPI and the Progress Monitoring reports are subject to slippage. Several pieces of legislation were scheduled for transposition by the end of 2009, and although these deadlines have not been met, the schedule to extend these deadlines has not been revised. Moreover implementation and enforcement need to be strengthened considerably.

Some progress has been made as regards **horizontal legislation**. The government adopted a national environmental policy setting out national priorities and addressing cross-cutting issues, such as the need to bring gradually all environmental protection issues together under a single ministry. Further alignment of the relevant environmental legislation with the *acquis* is has not really advanced since 2009. Particular attention needs to be paid to strengthen administrative capacity and to establish effective inspection services.

Serious efforts are required to further improve on permitting and enforcement of legislation. As EIA is a part of the decentralization process, an important focus should be on building the capacities of the LSGUs, bearing in mind that the closer the authority is to the population, the more likely its procedures and decisions are to be understood and therefore effective.

Its use as a basis for or tool in **integrated permitting and accident prevention** and control processes has to be increased, in line with IMPEL proposals on the subject.

Emissions are traditionally covered through a media-based system of fees and charges. These are gradually being replaced by a system of integrated permitting based on self-reporting and self-monitoring. Steady progress should be made in extending integrated permitting to more industries and more facilities, through a comprehensive review of environmental permitting with a view to simplifying processes. Other authorities issuing related permits need to participate in order to overcome discrepancies between regimes but also to see whether further rationalisation could be achieved.

It is important to ensure sufficient separation between the units within EPA that deal with permitting and inspections. When doing so, it will be important to remember that inspection information is a valuable tool in permit writing and condition setting.

The inspection system is understaffed and individual inspectors are required to inspect with respect to all matters and all media, with the exception of the special regime of water inspection.

Inspectors should be trained to become specialized in areas including IPPC, air, nature, waste, water, SEVESO and chemicals, and hydro-installations.

Reforms to permit procedures will allow more effective inspection, reducing the risks of inconsistent approaches, conflict of responsibilities and duplication of effort.

It will be necessary to ensure that a high level of cooperation is achieved between inspectorates to ensure this. **This is already provided by the Law on Inspection Control but attention must be paid to practical implementation.**

Combined inspections will also facilitate the introduction of IPPC permit verification; extensive training is likely to be needed to ensure procedures are effective.

In the area of **air quality**, considerable work is under way, but little tangible progress has been achieved in making data available to the public. Limited progress can be reported on **water quality**. A Law on Water Management and Financing was adopted. Some progress can be reported on **industrial pollution control**

and risk management, especially in aligning with the Waste Incineration and Solvents Emissions directives. The Convention on Transboundary Effects of Industrial Accidents was ratified. There was no progress in the areas of **chemicals**. Preparations in these relevant legislation, but implementation and enforcement remain challenges are at an early stage. There was no progress on **noise** abatement. Following establishment of the new government, responsibility for the environment and spatial planning was assigned to the new Ministry of the Environment and Spatial Planning. An Environmental Protection Agency (EPA), with a wide range of responsibilities was established by government decree. So far the EPA has employed 56 permanent staff out of the 80 or so planned. The limited resources of the EPA raise serious concerns about the ability of the new agency to perform its functions. Coordination between the bodies involved in environmental protection issues, particularly in inspection activities, needs to be improved. There has been a considerable increase in the number of inspections conducted by the ecological inspectorate. **However, the lack of implementation capacity at local level and poor coordination between central and local government are continuing to limit enforcement capacity.** The RMCEI 2001/331/EC recommendation applies to environmental inspections of all industrial installations and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery has to be implemented and even be adjusted to the new IED regulating which among others stipulates the frequency of inspection and reporting.

Whilst it does not explicitly state it, the RMCEI assumes that “environmental inspections” cover all principal media in a coherent way. This can best be achieved through an integrated approach to compliance control, supporting the integrated approach to permitting.

The effect of the current fragmentation of permit requirements across media and processes make it difficult to ensure a coherent approach to compliance standards and fails to provide the correct incentives and signals to operators.

Inception mission

Being a new organisation EPA require and requested training of the new staff. The emphasis must be put on permitting and inspection.

The proposed programme under WG 4 is fully accepted with the training on practical issues and not in classrooms.

For preparing a pilot IPPC permit Montenegro suggest three possible pilot visits for the training viz.:

1. Pljevlja thermal power plant. 250 MWe.
2. Landfills
3. Cement industry

Results Questionnaire

Management

The emphasis is put on priority setting on permitting and non compliance response, which is in line with the development of the new ministry.

The thinking on strategies requires a lot of attention for an organization in development, however in view of the lack of personnel practical hands on experience is more understandable. Once the practical experience is gained the need for more structures and strategies will be footed on experience of available capacities and capabilities of the personnel. The financial possibilities will then determine the progress potential.

Permit issuing

Enforceable permit conditions, monitoring requirements and monitoring conditions rightly have a ranking 1 in balance with the limited possibilities in the country to enforce. So the quality of the permits including monitoring conditions is chosen in the preparation for the future. Permit structures apparently are yet of a lesser importance, although one could introduce in an early stage risk based management in prioritising permits issuing.



Inspection

The suggestions made in the questionnaire show a high rating (1) on non compliance response and investigating skills. They are in bid in conflict with the ratings on sample taking follow-up and feedback and reporting.

In agreement with the need for practical hands on training is the interest expressed in the site visit

Summarising

In the preparation of these practical training the subject of permit writing and enforceable permit conditions in the context of the IPPC and IED will be practiced and is shown how they work. The negotiating part will be focused on the contents of BREFs and BAT for example on the power industry (LCP's).

The training programme has to focus on life inspections on an existing facility and its permit. This visit will be executed and coached by experienced inspectors. The installation to be visited is thermal power plant.

The special subject requested in the training is IPPC for the power plant.

The large combustion plant industry at Pljevlja will be visited.

Suggested composition of the group (max 25) to be trained is as follows:

- max of 12 participants from the regions involved in industrial inspection and permitting activities
- 4 participants from the ministry of which 2 with knowledge of existing laws and regulations in force and 2 with knowledge on managerial level in the policy directorate of the ministry.
- 2 participants of the ministry that check permits of major industries prior to the issuance of the permit in the regions.
- 2 so called “common inspectors” from other countries with specific knowledge on this type factory to be attending.

The suggestion is to have planning and budgeting specialists from the ministry of Environment and/or entities while furthermore participants in the field of actual permit writing either from the **entities** or major **cantons** involved with and submitting permits and controls. Institution representatives involved with monitoring might be considered as well. The emphasis should be placed upon active field participants rather than administrative participants.

The training is scheduled for 4- 7 September- 2012

Training programme

Day 1: INTRO; INERATIONS REGULATORY CYCLE, MANAGEMENT OF INSPECTIONS; PRIORITY SETTING; REPORTING AND FEEDBACK, BASICS OF PERMITTING, EXERCISE IN HUMANRESOURCE MANAGEMENT and LATEST SOFTWARE; PLANNING OF INSPECTIONS; SPECIAL SUBJECTS -Waste management landfills

Day 2: IED(recent developments); DISCUSSION ON CONTENTS OF PERMIT APPLICATIONS; INTEGRATED PERMITTING (example LCP Pljevlja industry); STUDY ON THE BREF AND/OR BAT (applied at Pljevlja power plant) PRESENTATION ON FACILITY TO BE INSPECTED BY REPRESENTATIVE OF THE FACTORY; BASICS ON APPROACH TO SITE VISITS; PLANNING OF THE VISIT IN GROUPS; PRESENTATION OF EXPERIENCE OF THE INVITED INSPECTORS

Day 3: EXECUTION PLANNED VISIT; PREPARATION OF REPORT ON RETURN; PRESENTATION OF RESULTS OF THE VISIT; FINAL CONCLUSION; ADVISE FOR FOLLOW-UP

Day 4: SPECIAL SUBJECT OF THE BENEFICIARY COUNTRY IPPC; OPEN DISCUSSION ON COOPERATION BETWEEN AUTHORITIES

Attachment 3 Montenegro
Needs Questionnaire

Training Area	Topics	Priority Ranking 1 = urgent; 2 = very useful; 3 = helpful; 4 = low interest	Comments
<i>Management</i>	Planning	2	
	human resource management	3	
	Budgeting	3	
	Prioritizing inspections	2	
	permitting priorities	1	
	non compliance response	1	
	enforcement strategies	2	
	cooperation strategies	3	
	feedback/reporting	3	
<i>Permit issuing</i>	permit structures	3	
	integrated permitting	1	
	enforceable conditions	1	
	monitoring requirements	1	
	negotiating skills	1	
	monitoring conditions	1	
<i>Inspection</i>	site visits	2	
	inspection planning	3	
	reporting	3	
	non compliance response	1	
	Investigating skills	1	
	sample taking	3	
	follow-up strategies	3	
	feedback	3	
<i>Your Suggestions</i> (for specific trainings, and for regional trainings, including 2 Directives/Regulations of main concern)	Waste directives incineration, landfill		Visist to LCP Pljevlja

CROATIA (Attachment 4 questionnaire)

Background information from the commission (PROGRESS REPORTS 2009 - 2011 and recent report in the framework of RENA WG4 of 2011)

The transposition process is well advanced. A Sustainable Development Strategy has been adopted. The Protocol on Strategic Environmental Assessment (SEA) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) was ratified. Efforts to implement the SEA need to be stepped up. Implementation of provisions relating to public participation and access to justice in environmental matters remains weak. In this respect, cooperation with the judiciary should be strengthened. Preparations for connection to the EU Emissions Trading Scheme (EU ETS) are well advanced. The national GHG emission registry remains outstanding. Preparations in this area are proceeding well. The Directive on national emission ceilings for certain atmospheric pollutants is now fully transposed. Legislation on designation of zones and agglomerations according to categories of air quality was adopted. Establishment of the air quality monitoring and management system is entering its operational phase. The Plan for the Reduction of SO₂, NO_x and Dust Emissions from Large Combustion Plants and Gas Turbines has been adopted. Further, the National Plan for the Implementation of the Stockholm Convention on Persistent Organic Pollutants has been adopted. Although implementing legislation on limit values for emissions of pollutants into the air from stationary sources and on the quality of liquid fuels has been amended, an annual quantity of fuel that does not conform to prescribed quality standards is still placed on the market. The adjustment of petrol stations and terminals and modernisation of refineries is ongoing. Some progress has been made in the area of **waste management**. The waste management plan for the period 2007-2015 has been amended to improve financing and implementation. Implementation of activities aimed at remediation of existing landfills and the construction of new waste management centres are ongoing. Sustained efforts are needed for the management of hazardous waste. Implementing legislation relating to the management of waste from extractive industries and the management of polychlorinated biphenyls (PCB) and polychlorinated terphenyls (PCI) was adopted. Amending legislation on the classification of waste and on supervision of the transboundary movement of waste was also adopted. **Sustained efforts in remediation of existing landfills and hot-spots and further establishment of systems for collection and management of different categories of waste are needed.** The new Water Act and Act on Water Management Financing have not been enacted yet. This hampers the expected restructuring of the sector and continuation of the transposition process, which is slow at the moment. Boundaries of river basins have been determined and implementing legislation relating to hazardous substances in waters and waste water has been enacted. **Monitoring and reporting activities need to be improved.** Significant efforts are still needed in this area. There has been significant progress in the area of **industrial pollution control and risk management**. Implementing legislation relating to the integrated pollution prevention and control (IPPC) and the Seveso II Directives has been enacted. Registries of installations falling under the IPPC and the Seveso II Directives have been established. Efforts have been made in further developing the European Release and Transfer Register (EPRTR). Significant efforts will be required to ensure sufficient administrative capacity in this sector. Preparations in this area are proceeding well. Good progress can be reported on **chemicals**. Areas of concern include the nature protection and IPPC sectors. There is a clear need for institutional strengthening and capacity building at the local level. Given the high level of fragmentation of the environment sector across ministries and public bodies, improved coordination mechanisms and decision-making procedures are required

Inception mission

It is suggested that attention and training should be directed towards IPPC, Basel Convention, and Environmental crime in connection with enforcement activities.

Capacity building through training on inspection and permitting: through on site pilot training is supported. Case training can be organised in national workshops. Training is requested on RMCEI and IPPC in particular. Training in the anticipated IED is needed. A selection of an industry in the process of application for a permit is favoured.



Results Questionnaire

Management

The selection made by the representative of Croatia clearly marked planning, prioritizing inspections, non compliance response, enforcement strategies cooperation, feedback and reporting as rank 1 in the management section of the questionnaire. This means that from the ministerial level guidance and structures still has to be developed.

Permit issuing

Enforceable permit conditions require maximum attention as rating 1 and combined with monitoring will in order to preserve the quality for the future realizing as rating 2. Monitoring requirements and monitoring conditions rate a bit lower which is in conflict with the higher rating of enforceable permit conditions.

Inspection

All emphasis is to be placed upon the inspection site and the inspectorate functions; like site visits, planning reporting investigating skills follow-up strategies and feedback. Sample taking is rated low in view of the current way of out sourcing these activities.

Summarising

The training programme has to focus on life inspections on an existing facility and its permit. This visit will be executed and coached by experienced inspectors. The installation to be visited is a cement industry. The special subject requested in the training is IED, or LCP's.

Suggestions of the composition of the group to be trained is as follows:

The participants for the implementation of prevailing regulation should mainly be selected from the regions as well as from some municipalities. In the field of actual permitting a number of permit writers from the regions should join together with representatives of the ministry involved either in approval procedures for permits and/or actual writing the permits. Max number of participants 25.

- 2 so called "common inspectors" from other countries with specific knowledge on the factory to be visited

The training schedule is planned for 2-5 of October 2012

The industry to be visited is cement industry of Industry Calucem Pula Hrvatska....

Training programme

Day 1: INTRO; INTERACTIONS REGULATORY CYCLE, MANAGEMENT OF INSPECTIONS; PRIORITY SETTING; REPORTING AND FEEDBACK, BASICS OF PERMITTING, EXERCISE IN HUMANRESOURCE MANAGEMENT and LATEST SOFTWARE; PLANNING OF INSPECTIONS;ENFORCEMENT STRATEGIES SPECIAL SUBJECTS Waste recovery and/or Cleaner Production

Day 2: DISCUSSION ON CONTENTS OF APPLICATION AND PERMIT; STUDY ON THE BREF AND/OR BAT ON SELECTED INDUSTRY (cement industry in Pula.); PRESENTATION ON FACILITY TO BE INSPECTED BY REPRESENTATIVE OF THE FACTORY; PLANNING OF THE VISIT IN GROUPS; EXPERIENCE OF THE INVITED INSPECTORS ON THE SELECTED FACILITY

Day 3: EXECUTION PLANNED VISIT; PREPARATION OF REPORTS RETURN; PRESENTATION OF RESULTS OF THE VISIT; FINAL CONCLUSION; ADVISE FOR FOLLOW-UP PRESENTATION OF RESULTS OF THE VISIT

Day 4: SPECIAL SUBJECT OF THE BENEFICIARY COUNTRY IED (Waste recovery and or cleaner production); OPEN DISCUSSION ON COOPERATION BETWEEN AUTHORITIES

Attachment 4 **Croatia**
Needs Questionnaire

Training Area	Topics	Priority Ranking 1 = urgent; 2 = very useful; 3 = helpful; 4 = low interest	Comments
<i>Management</i>	Planning	2	
	human resource management	2	
	Budgeting	2	
	Prioritizing inspections	1	
	permitting priorities	2	
	non compliance response	1	
	enforcement strategies	1	
	cooperation strategies	1	
	feedback/reporting	1	
<i>Permit issuing</i>	permit structures	2	
	integrated permitting	2	
	enforceable conditions	1	
	monitoring requirements	2	
	negotiating skills	2	
	monitoring conditions	2	
<i>Inspection</i>	site visits	1	
	inspection planning	1	
	reporting	1	
	non compliance response	1	
	investigating skills	1	
	sample taking	3	
	follow-up strategies	1	
	feedback	1	
<i>Your Suggestions</i> (for specific trainings, and for regional trainings, including 2 Directives/Regulations of main concern)	IED WSR inspections Planning inspection reporting systems revision of RMCEI		Cement factory Industry Calucem Pula