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MEDITERRANEAN ACTION PLAN

Meeting of the Network on Compliance and Enforcement

Athens, 4-6 October 2005

**REPORT OF THE MEETING OF THE NETWORK ON COMPLIANCE
AND ENFORCEMENT OF ENVIRONMENTAL LEGISLATION
IN THE MEDITERRANEAN**

In cooperation with



WHO

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Introduction

1. The countries of the Mediterranean signed and adopted the Convention for the Protection of the Mediterranean Sea against Pollution in February 1976. In order to broaden the concerned areas, in June 1995 the title of the Convention was amended to Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean. Of particular importance is the legal component, which comprises inter alia the amended Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities. Based on the amended Protocol for the Prevention of Pollution from Land-based Sources and Activities (LBS) within the framework of the MED POL Programme, and following the decision of the Contracting Parties taken at the Extraordinary Meeting held in Montpellier in 1996, there is a need to improve compliance and enforcement of legislation for pollution control resulting from land-based sources and activities.

2. Pursuant to Article 6 of the "LBS" Protocol, which foresees the setting up of pollution inspection systems and/or the strengthening of existing ones, a workshop of experts on compliance and enforcement of legislation in force in the Mediterranean was held in Athens in March 1999, and recommended amongst others the setting up of an informal regional network on compliance and enforcement of environmental legal provisions. The Network held its first meeting in Sorrento in March 2001. A second meeting of the informal Network was convened in Athens from 35 December, 2003, one of its aims being to study the documents which had been prepared and the activities undertaken by way of follow-up to the recommendations from the Sorrento meeting. The final task was to examine once again the Guidelines for environmental inspection systems, to discuss the details of their implementation, and subsequently to examine the four parts of the Reference Handbook, which went into the detail of the various organizational, management and technical aspects of the inspection systems.

Participation:

3. The meeting was held at the premises of the Mediterranean Action Plan in Athens, from 4-6 October 2005 and was attended by representatives of the following countries from the Network: Algeria, Bosnia & Herzegovina, Cyprus, Egypt, European Union, France, Greece, Israel, Italy, Malta, Serbia & Montenegro, Slovenia, Syrian Arab Republic, Tunisia and Turkey. A representative of the United Nations Environment Programme, Global Programme for Action (UNEP/GPA) also attended the meeting. The MAP Coordinating Unit was represented by the Coordinator of MEDPOL, and by the WHO/MED POL Senior Scientist, who acted as secretariat to the meeting.

4. The full list of participants can be found as Annex I to this report.

Agenda item 1: Opening of the Meeting

5. Mr Paul Mifsud, Coordinator of the Mediterranean Action Plan, welcomed the participants and stressed the importance of compliance and enforcement in the Mediterranean and in particular the implementing tool, which is represented by the inspection systems. He also added that the issue of compliance and enforcement of legislation/regulations is becoming ever more central to MED POL and MAP activities in general. Indeed, having long limited itself to the "pollution assessment" stage, MED POL is now focusing all its efforts on the "pollution control" stage, with assessment itself becoming an instrument for operational monitoring. Moreover, since the adoption of the Strategic Actions Programme in 1997, enforcement within the framework of the "LBS" Protocol and following the GEF-backed project for reducing and eliminating pollution, represents an

additional tool to the Mediterranean countries to effectively implement the National Action Plans. Checking compliance with the antipollution measures and objectives established by legislation had become an essential element of the mechanism, which is gradually being built up.

6. Mr Francesco Saverio Civili, MED POL Coordinator, took the floor and briefed the participants on the implementation of the Strategic Action Programme (SAP) to address pollution from land-based sources and activities. In addition, he pointed out that following the provisions of SAP, activities like the Baseline Budget, which are related to emissions from land-based sources and activities were completed for all the Mediterranean countries. They will form the basis to compare the actual reductions of all the measured or calculated emissions, when the National Action Plans that are currently in their completion phase, will be implemented. He went on by stating that the aim of the meeting, organized under the technical responsibility of WHO/MED POL was to make further headway in the development of the Network which held its first informal meeting in Sorrento in March 2001, with the presentation of the work performed in the field of Inspectorates and the willingness to prepare appropriate indicators in view of performing such Inspectorates.

Agenda item 2: Adoption of the Agenda

7. The meeting examined and approved the provisional agenda as proposed by the Secretariat.

Agenda item 3: Scope and Purpose of the Meeting

8. Mr George Kamizoulis, WHO/MED POL Senior Scientist, reminded that the Meeting was being convened in the framework of the MED POL Programme and particularly within the compliance and enforcement activities. The objectives of the meeting, which was a follow up to the Workshop held in 2003 in Athens, included the following:

- To assess the conditions within each country regarding:
 - (a) determination of the legislative background within which the compliance and enforcement provisions are formulated;
 - (b) determination of the administrative structures currently used for compliance and enforcement;
 - (c) determination of the characteristics of the compliance practices and results, and enforcement organization means and results.
- To identify minimum performance indicators related to environmental compliance and enforcement.
- To make proposals for further actions which can include joint activities such as, a mechanism for exchange of information in the form of a regional network for compliance and enforcement of legislation, training courses on a mutual basis on the above subject and regular activities related to systems of inspection

Agenda item 4: Election of Officers and Organization of Work

9. The meeting elected the following Officers:

Chairperson: Mr Costas Hadjipanayiotou (Cyprus)
Vice-Chairman: Mr Boris Žbona (Slovenia)
Rapporteur: Ms Reem Abed Rabboh (Syrian Arab Republic)

10. As to how work would be organised, the Secretariat pointed out that the report of the meeting would not be adopted by the meeting at the close of its proceedings. It would be drafted by the Secretariat over the coming days and sent out to all the members of the Network for possible comment, or for them to make any corrections, which would then be included in the final version.

11. With regard to the organization of work, the Secretariat recalled that the Meeting would include brief presentations and discussion of country reports on compliance and enforcement, with emphasis being placed on the issue of inspection systems. The meeting then proceeded to a discussion on environmental compliance and enforcement indicators as they are related to inspection systems, with a view to identify possible indicators, appropriate for assessing the work carried out by the inspectorates. A discussion also followed on the issues and activities of the MED Network on Compliance and Enforcement, as well as on the attempt to identify gaps and suggest eventual assistance to form a programme of related activities. The proposals made by the Meeting would provide the Secretariat with guidance for the formulation of performance indicators and activities to strengthen further the Inspectorates. The programme of the Meeting is attached as Annex II.

Agenda item 5: Presentation of country reports on environmental inspectorates

12. Experts from the following countries presented reports on environmental inspectorates: Algeria, Bosnia & Herzegovina, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Serbia & Montenegro, Slovenia, Syrian Arab Republic, Tunisia and Turkey. The presentations are attached as Annex III to this report. The country reports were prepared so as to provide information on specific issues related to inspectorates and were presented following a definite structure. The countries were requested to supply the following:

- Information about the country situation: Brief overview of the situation regarding environmental inspections in every country, specifying the institutional arrangements and responsibilities, the legal framework and how the inspectorate system is operating.
- Information about the inspectors: Details regarding number of inspectors, scientific or technical background, training opportunities and authority and responsibility of the inspectors.
- Planning of inspections: Information on how the planning is conceived, for example, whether there are any annual inspection plans, or any national inspection plan targeting compliance or pollutants reduction or something else. Also, whether there is any geographical approach.

- Types and frequency of inspections: Information on the inspections specifying if these are on-site inspections and/or off-site, the latter ones related to data collection and review of monitoring reports. Reference to the purpose of the inspections which may be carried out to: (1) confirm that a facility is being operated in accordance with its application and approval; (2) discuss monitoring information, equipment and procedures; (3) conduct comparative monitoring; (4) review performance of the activity; (5) help develop controls for activities; (6) confirm quality assurance and quality control programs; (7) identify measures to avoid problems; or (8) confirm that standards are being met, etc. Also, reference to the focus of inspections that can be on priority regulations, or on geographic areas with sensitive, unusual, or critical environmental features, or on "chronic offenders", or on permitted activities exhibiting high environmental risk, etc. Indication on whether the inspections are made for multi media or for single media and how the frequency of inspections is determined, i.e. by the number of inspectors, by a minimum frequency per site or by risk.
- Reporting: Whether the type of reporting is relevant to compliance status report (that is related to levels or rates of compliance achieved by regulation or by company or by geographic area), or to non-compliance status report. Frequency of reporting (monthly/quarterly/annually) and what does the report include (i.e. number of inspections conducted, number of enforcement actions issued, etc.).
- Indicators: What are the types of indicators used (if any) for example: (i) indicators of success in connection with a programme of compliance promotion, may include environmental results, compliance rates and measures of technical assistance, or (ii) input indicators (no. of inspectors, no. of trained inspectors/year, no. of training days/inspector/year). Or they can be (iii) output indicators (total no. of inspections according to different environmental media, administrative decisions of remedial character, or (iv) performance indicators (to understand and improve performance by preparing monthly or six-monthly quarterly reports).
- Types of enforcement measures: Brief description of the types of enforcement measures existing – these can be: warning, directives by inspectors, ticketing/or fines, orders by the Minister, injunctions, prosecution, penalties and court orders upon conviction, civil suit by Government to recover cost, etc.
- Measuring Enforcement Performance: Whether measuring of Enforcement Performance requires consideration of the role of investigations in the process and/or how enforcement measures are developed and implemented and/or what outcomes are achieved.

14. Following the presentation of the country reports, a general discussion followed on issues to be clarified and on additional information for particular issues of interest.

Agenda item 6: Presentation related to environmental compliance and enforcement indicators

15. Mr Kamizoulis made a Power Point presentation giving an overview on Environmental Compliance and Enforcement indicators, which is attached as Annex IV to this report. He stressed the importance of the indicators and the way to identify potential ones, taking into consideration the types of indicators required for environmental compliance and enforcement programmes. He referred to the guiding principles for developing efforts and using indicators and how in practice this can be achieved, while he underlined the benefits for identifying implementing and using indicators, yet, without forgetting the barriers to the development

and use of environmental compliance and enforcement indicators. The whole presentation was based on the internationally prepared, developed and approved material on the subject.

16. Following his presentation, a number of participants took the floor and commented on several issues relevant to the situation in their respective countries.

17. The representative of Israel referred to the indicators noting that usually the number of inspections is not indicative and the most important factor to be taken into account is the outcomes. He made also clear that indicators should largely depend on the target.

18. The representative of Malta by commenting on the indicators, made quite clear the fact that even though fifty inspectors in Malta represent a high number of inspectors this is not the case for other countries (eg. France or Italy). The same opinion was expressed by the representative of Tunisia, who added that a more accurate indicator would have been the money spent for the inspections' installations.

19. In his turn, the representative of France made some positive comments on the indicators, supporting the general idea of the usefulness of the output indicators. He also referred to the short and long-term indicators, which should include a number of core indicators that would be basic and most importantly common for all countries. He then pointed out that activity indicators should be included and that a major factor to be considered is the experience of the inspectors, which should somehow be added to the number of the inspections, as it is related to the number of facilities for inspection. Another issue of interest was to examine the proposals of identifying indicators by long term reaching objectives, as for example in 2015.

20. By taking the floor, the representative of EU cited several important points that according to his experience would be useful. He stated first that while the number of inspectors was important in the past, now it is meaningless if it is not related to an item. However, he stressed that the useful the indicator is, the harder the measures; but the crucial point is that people should understand the indicators.

21. In their turn, the representatives of Algeria, Cyprus, Italy, Slovenia and Turkey took the floor and made a number of comments related to inspection objectives, splitting of the several indicators and some to other issues.

22. Accordingly, Mr Kamizoulis presented a proposal for Environmental Compliance and Enforcement indicators for the Mediterranean as they are linked to the Inspectorates. Actually the indicators put on the screen for discussion were the following:

1. number of inspectors
2. number of facilities to comply with national standards
3. number of inspections conducted
4. number of enforcement actions issued
5. monetary value of fines/penalties assessed
6. greater understanding of how to comply
7. amount of pollutants reduced through enforcement actions
8. number of entities seeking assistance from Compliance Assistance Institutions

23. Following the presentation, most of the participants asked for the floor and made several interesting comments. Particularly, the representative of Israel, stated that the number of inspections cannot be a valuable indicator, as by using remote electronic information systems, the facilities can be on line constantly and provide valuable information without any need to visit them. However, the indicators should be linked to objectives, but

most importantly the technical expertise as well as the organization expertise should be included in one inspectorate and not in several governmental bodies, if an accurate indicator is to be created. He also added that the internal operation of the inspectorates is significantly important and he stated that national meetings should be held on a quarterly basis in order to have the opportunity to discuss case studies. Potential indicators could be, the total loads of primary pollutants, if indicators by objectives are to be followed, or the target to achieve compliance by 90% of the facilities.

24. The representative of Turkey pointed out that the indicators related to "Greater understanding on how to comply" and to the "Number of entities seeking assistance from Compliance Assistance Institutions", are not applicable, at least in his country, as they lack certain institutions for collecting relevant data for these indicators. He also pointed out that these indicators could be called "Performance Data Set for Environmental Inspectorates" and could be divided into inspection, compliance and enforcement indicators. The representative of Malta remarked that the indicators should be related and referred to other activities, like for example the implementation of the National Action Plans.

25. The representative of Cyprus stated that the indicators should be country driven, since the conditions in every country may differ and he informed the meeting that no fines are imposed in Cyprus for non-compliance cases, which is not the case in other countries. The representative of Tunisia proposed that indicators could be complex as for example the ratio of inspectors divided by the number of inhabitants, while the representative of Greece suggested some more indirect indicators related to social and economic factors.

26. Finally the representative of France stressed that there is a need to apply the appropriate methodology and use the right terminology, while the representative of Italy indicated that the short-term target should be first qualitative indicators and then quantitative.

27. Following the discussion, a decision was taken to prepare a draft document on "performance data set for environment inspections", taking into account the proposals and suggestions made throughout the discussion and that these draft indicators should be tested in one or two countries, in order to determine the usefulness and the easiness in preparing them.

Agenda item 7 and 8: **Issues and activities of the MED network on compliance and enforcement and identification of gaps and possible assistance to form a programme of related activities**

28. Following a proposal by the Secretariat, the meeting unanimously agreed to combine agenda item 7 and 8 as they could be elaborated together, so as to identify and suggest the most useful and required activities.

29. During the conversations that followed, the representative of Malta expressed his interest on the indicators and since no indicators are found in Malta, he would have liked to develop them. He also informed the meeting that according to the EU Directive on the IPPC, there are 19 sites to be inspected in his country.

30. The representative of Serbia and Montenegro informed the meeting that no capacity building programmes, including training, were foreseen as it is supposed that all the inspectors have to be highly trained, before assuming their posts, which is usually not the case.

31. The representative of Slovenia gave a presentation on the environmental information system that also includes a number of indicators on the subject, and he volunteered to participate in the development of indicators. The representative of Syrian Arab Republic informed the meeting that according to the legislation that provides a transition period of two years for the installations to get their permits, the process has not yet finished and there are a number of facilities, still without permits.

32. All the participants agreed on the need to develop some indicators for the compliance and enforcement of legislation for pollution control. However, they insisted that as these indicators should be common for all the countries, which is somehow difficult to achieve for a large set of indicators, it will be advisable to prepare a "performance data set for environment inspectorates" at the beginning, so as to include simple and easily found data and to test them in some of the countries. This data set will also provide a common basis to evaluate the performance of the inspectorates and to compare with others in order to find ways for improvement.

33. A number of countries insisted on the continuation of the training courses, which were found to be helpful for the operation of the inspectorates and they also requested, in the framework of capacity building, to organize professional and technical visits in other countries, in order to supply the technical staff with the opportunity of exchanging experiences. E-courses were mentioned as well.

34. With regard to the production of material for inspection systems by the Secretariat, it was noted that it should be appropriate to prepare technical documents on: indicators, performance of the inspectorates and global evaluation of the inspection systems including the relevant legislation in the Mediterranean countries.

35. In the framework of capacity building, the representative of the Syrian Arab Republic requested assistance from a specialized foreign expert who would be able to spend some time in Damascus, to help strengthening the inspectorate in the country.

Agenda item 9: Conclusions and recommendations

36. A set of draft recommendations was submitted to the meeting, which was adopted upon thorough examination and after modifications and additions were made. These are:

- To prepare a draft "Performance data set of indicators for environment inspectorates", based on the discussions held during the meeting. In particular, it is advisable to consider the following suggestions made:
 - to include what is feasible
 - to use objectives (e.g. National Action Plans or Strategic Action Programme)
 - to base the indicators on pollution from land-based sources
- Following the preparation of the above draft document, the indicators proposed will be tested in Malta, Slovenia and Israel, that volunteered to implement the indicators, and the outcome of the test to be presented in the next meeting of the network.
- To prepare a document on the evaluation of the inspection systems in the Mediterranean, taking fully into account the country reports presented during this meeting and disseminate the results to all participating countries.

- To identify possible ways and tools that technology can use to fill in the gaps existing in some of the countries and in order to facilitate it, to collaborate closely with Slovenia and Israel, as well as with other countries that have put in place such tools in information technology.
- To continue the capacity building programmes, to perform training courses on environmental inspections, and to consider the priority of conducting national training courses in the countries that expressed interest, like Cyprus, Bosnia and Herzegovina, Serbia and Montenegro, Slovenia and Turkey.
- To organize bilateral and trilateral exchanges of individual inspectors along with technical visits with the purpose of exchanging knowledge. The exchange programme could consist of a study of the legal system related to inspection or of a thematic subject of particular interest to be dealt by the inspectors or of a site visit to a facility, considering also the specific needs of the inspectorates.
- To further continue the training courses, by encouraging the preparation and/or use of distance learning systems (e-courses) referred to environmental compliance and enforcement of legislation for control of pollution.
- To work closer and strengthen cooperation with relevant networks operating in the region, such as IMPEL and BERCEN and with this framework to enhance collaboration with INECE.
- To provide assistance upon request, to countries which are in need of specific support, according to the availability of funds. As such, the Syrian Arab Republic could be mentioned, according to the request made by her representative.

Agenda item 10: Closure of the meeting

37. Following the customary exchange of courtesies, the Chairman declared the meeting closed at 13.40 on Thursday, 6 October 2005.

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ANNEX II

PROGRAMME OF THE MEETING

Tuesday, 4 October 2005

- 09:00-09:30 Registration of participants
- 09:30-10:30 Opening of the workshop (Agenda items 1,2,3,4)
Adoption of Agenda
Scope and purpose
Election of officers
Organization of the meeting
- 10:30-11:00 Coffee break
- 11:00-13:00 Presentation of the country situation regarding environmental compliance and enforcement (Agenda item 5)
- 13:00-13:30 Discussion
- 13:30-15:00 Lunch
- 15:00-16:00 Presentation of the country situation regarding environmental compliance and enforcement (cont.)
- 16:00-16:30 Coffee break
- 16:30-17:30 Discussion

Wednesday, 5 October 2005

- 09:30-10:30 Presentation of the country situation regarding environmental compliance and enforcement (cont.)
- 10:30-11:00 Coffee break
- 11:00-12:30 Presentation of the country situation regarding environmental compliance and enforcement (cont.)
- 12:30-13:00 Discussion
- 13:00-13:30 Presentation related to environmental compliance and enforcement indicators (Agenda item 6)
- 13:30-15:00 Lunch

- 15:00-16:00 Discussion related to environmental compliance and enforcement indicators (Agenda item 6)
- 16:00-16:30 Coffee break
- 16:30-17:30 Discussion related to environmental compliance and enforcement indicators (cont.)

Thursday, 6 October 2005

- 09:30-10:30 Discussion on issues and activities of the MED Network of compliance and enforcement (Agenda item 7)
- 10:30-11:00 Coffee break
- 11:00-12:00 Identification of gaps and possible assistance to form a programme of related activities (Agenda item 8)
- 12:00-13:00 Conclusions and recommendations (Agenda item 9)
- 13:00-14:30 Lunch
- 14:30-17:30 Closure of the meeting (Agenda item 10)

ANNEX III

COUNTRY PRESENTATIONS

STRUCTURE OF THE REPORTS FOR COUNTRY SITUATION ON COMPLIANCE AND ENFORCEMENT OF ENVIRONMENTAL LEGISLATION

The country reports on environmental compliance and enforcement were prepared by taking into consideration the following structure and the explanatory contents, so that all country reports were presented in a uniform way. Also more information was added that was considered important by the experts, apart from that included in the explanatory contents.

A. General Information

1. Information about the country situation. Brief overview of the situation regarding environmental inspections in the country, specifying the institutional arrangements and responsibilities, the legal framework and how the inspectorate system is operating.
2. Information about the inspectors. Details regarding number of inspectors, scientific or technical background, training opportunities and authority and responsibility of the inspectors.

B. Inspections

1. Planning of inspections. Provision of information on how the planning is conceived, for example, if there are any annual inspection plans, if there is any national inspection plan and if it is targeting compliance or pollutants reduction or something else.
2. Types and frequency of inspections. Information on the inspections specifying if these are on-site inspections and/or off-site, the latter ones related to data collection and review of monitoring reports. Also, reference to the purpose of inspections (that may be carried out to: (a) confirm that a facility is being operated in accordance with its application and approval; (b) discuss monitoring information, equipment and procedures; (c) conduct comparative monitoring; (d) review performance of the activity; (e) help develop controls for activities; (f) confirm quality assurance and quality control programs; (g) identify measures to avoid problems; or (h) confirm that standards are being met, etc.), **and focus of the inspections** (the focus of inspections can be on priority regulations, or on geographic areas with sensitive, unusual, or critical environmental features, or on "chronic offenders", or on permitted activities exhibiting high environmental risk, etc.). Information on whether the inspections are made for multi media or for single media and how the frequency of inspections is determined, i.e. by the number of inspectors, by a minimum frequency per site, or by risk.

C. Evaluation of the Compliance

1. Reporting. Type of reporting relevant to compliance status report (that is related to levels or rates of compliance achieved by regulation or by company or by geographic area), or to non-compliance status report. Frequency of reporting (monthly/quarterly/annually) and contents of the report (i.e. number of inspections conducted, number of enforcement actions issued, etc.).

2. Indicators. Types of indicators used (if any) for example:
(i) indicators of success in connection with a programme of compliance promotion, may include environmental results, compliance rates and measures of technical assistance, or (ii) input indicators (no. of inspectors, no. of trained inspectors/year, no. of training days/inspector/year). Or they can be (iii) output indicators (total no. of inspections according to different environmental media, administrative decisions of remedial character, or (iv) performance indicators (to understand and improve performance by preparing monthly or six-monthly quarterly reports).

D. Enforcement

1. Types of enforcement measures. Brief description of the types of enforcement measures existing – these can be: warning, directives by inspectors, ticketing/or fines, orders by the Minister, injunctions, prosecution, penalties and court orders upon conviction, civil suit by Government to recover cost, etc.
2. Measuring Enforcement Performance. If measuring of Enforcement Performance requires consideration of the role of investigations in the process and/or how enforcement measures are developed and implemented and/or what outcomes are achieved.

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

ALGERIA

October 2005

REPUBLIQUE ALGERIENNE DEMOCRATIQUE ET POPULAIRE

Ministère de l'Aménagement du Territoire et de l'Environnement

Réunion de travail au siège du PAM à Athènes GRECE

Situation de l'Algérie en matière de conformité et d'application de la réglementation relative à la protection de l'environnement

Du 04 au 06 octobre 2005

Présenté par M. Tebani Messaoud

Sommaire

I. Introduction

II. État actuel

III. Cadre réglementaire

IV. Institutions créées

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VI. Mesures prises

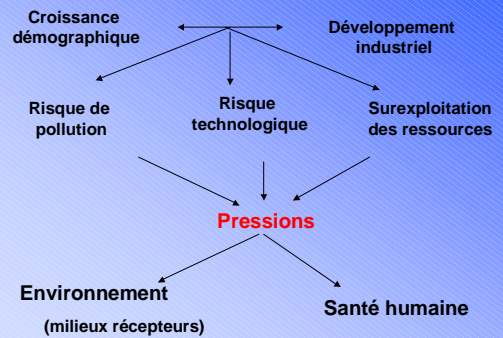
I. Introduction

L'Algérie est caractérisée par:

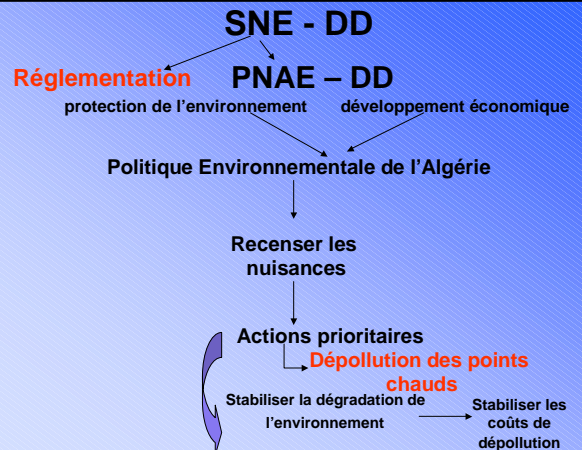
- Une importante superficie: 2 381 000 km²
- D'importantes richesses naturelles,
- Un littoral de plus de 1 200 km

43% de la population localisée sur la bande littorale et 5242 unités industrielles soit 51% du parc national

II. État actuel



L'état actuel nécessite la mise en place d'une stratégie nationale



**Durant la dernière décennie
l'Algérie a connu une
évolution de la
réglementation suivie de
création d'institutions**

III. Réglementation (1)

- Loi n°01-19 du 12/12/2001 relative à la gestion, au contrôle et à l'élimination des déchets,
- Loi n°02-02 du 05/04/2004 relative à la protection et à la valorisation du littoral,
- Loi n° 03-10 du 19/07/2003 relative à la protection de l'environnement dans le cadre du développement durable

III. Réglementation (2)

- Loi n°04-20 du 25/12/2004 relative à la prévention des risques majeurs et à la gestion des catastrophes dans le cadre du développement durable
- Décret 90-78 du 27/02/1990 relatif aux études d'impact sur l'environnement
- Décret 99-253 du 07/11/1999 portant composition, organisation et fonctionnement de la commission de contrôle des installations classées

IV. Institutions

- Ministère de l'Aménagement du Territoire et de l'Environnement
- Inspections générale au niveau centrale
- Cinq inspections régionales
- **48 directions de wilaya**
- Observatoire National de l'Environnement
- Agence Nationale des Déchets
- Commissariat National du Littoral
- Centre de développement des ressources biologiques et de la biodiversité

V. Prérogatives du directeur de l'environnement (1)

- Veiller à l'application de la réglementation relative à la protection de l'environnement (biodiversité, atmosphère, milieu marin..)
- Veiller à la conformité des installations classées,
- Veiller au respect des conditions d'utilisation, stockage et transport des substances dangereuses,

V. Prérogatives du directeur de l'environnement (2)

- Contrôler toutes les sources de nuisances,
- Réaliser des enquêtes pour détecter les sources de pollution,
- Veiller au respect de la réglementation en matière d'étude d'impact sur l'environnement.

VI. Mesures prises

Mise en place de:

- La fiscalité environnementale,
- Incitation au destockage des déchets industriels et spéciaux,
- De système de management environnementale,
- De délégués à l'environnement au niveau des installations de 1^{ère} et 2^{ème} catégorie (AM et AW),
- D'un programme de formation de courte durée pour les cadres du secteur de l'environnement et les délégués installés

VI. Mesures prises (2)

- Élaboration du cadastre national des déchets spéciaux (nomenclature des déchets),
- Élaboration du cadastre national du littoral,
Interdiction de porter atteinte au domaine littoral (article 09)
Toute implantation d'activité industrielle nouvelle est interdite sur le littoral (article 15)

VI. Mesures prises (3)

- Réalisation de centres d'enfouissement techniques classes II pour ordures ménagères et assimilés.



VI. Mesures prises (4)

- Réalisation de stations de surveillance de la qualité de l'environnement,



Station de surveillance de la qualité de l'environnement la wilaya de Skikda

VI. Mesures prises

- Information du citoyen de l'état de l'environnement et les exigences réglementaires par l'organisation de portes ouvertes et journées de sensibilisation.



Merci de votre attention

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

BOSNIA & HERZEGOVINA

October 2005

COUNTRY REPORT ON ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT IN BOSNIA AND HERZEGOVINA

Hydro-Engineering Institute of Faculty of Civil Engineering Sarajevo

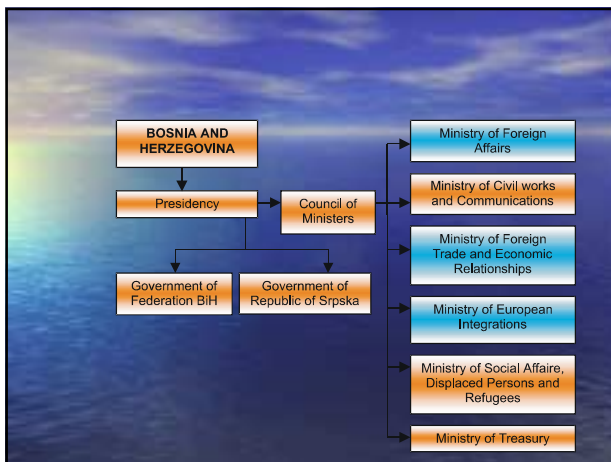
Sabina Hadžiahmetović,
B.Sc. in Civil Engineering

A/ GENERAL INFORMATION

Information about the country situation

Current organization of the work in the area on an environment

- **Organization at the state level**
- Institutional structure of Bosnia and Herzegovina is such that there are no institutions that would handle the environmental issues on the state level.
- This comes out from the Dayton Peace Accord, by which, the environmental issues are in jurisdiction of each of two entities, FBiH and RS. Therefore, institutions dealing with this problematic are at the entity level and in the FBiH also at the Cantonal level.
- There are six the ministries on the state level, Figure 1



Federation of Bosnia and Herzegovina (FBiH)

- The Federal Constitution determines the organisational structure of the Federation. Ten regional cantons are established.
- According to the Federation Constitution, the cantons have all competencies not expressly granted to the Federation Government. The cantons exercise their self-government through their own legislatures, executives and judiciaries.
- Each of the cantons has its own Constitution and government. Regarding environment, all of the cantonal Constitutions also state that both the Federation and the cantons are responsible for environment policy, in accordance with the Federal Constitution. The cantonal Constitutions provide for the possibility to establish a Council of cantons in order to coordinate and harmonize the policies and activities of common interest. The Cantons have the possibility to transfer their responsibility on environment to the municipalities and/or the Federation.
- There is one inspector for each canton, so there are only ten inspectors for all area of Federation of Bosnia and Herzegovina.
- They have an authority to observe a compliance with the provisions of Law on Environmental Protection, (Official Gazette of FBiH NO.33/03), that includes provisions concerning EIA and provides integrated framework for environmental permitting.

Federation of Bosnia and Herzegovina (FBiH)

- The Law states that installation may be built and operated only if they have environmental permit issued in accordance with the provisions of this Law. This permit is aimed to provide high level of integrated environmental protection through protection of air, water and soil. If other Laws in force require issuing other permits for that installation, these permits will be issued together, that is, they will be harmonized and in agreement with environmental permit. In that sense, all bodies authorized to issue permits will be involved in the process of environmental permit issuing.
- Environmental licencing is regulated in accordance with the most important EU Directives from this field, including:
 1. IPPC Directive on "Integrated pollution prevention and control", which is mentioned in the article 12 of each entity's LEP, while we may suppose that some other articles of the LEP (like art. 68 of FBiH'SLEP) take into account IPPC requirements, without being clear how and what an operator has to do
 2. Seveso II Directives treating prevention of larger accidents
 3. EIA Directive treating environmental impact assessment
- Environmental permit is also necessary in cases when comes to the significant changes in operation of installation that might have negative impact on the environment.
- Existing installation have obligations to undertake all necessary activities to obtain environmental permit before year 2008.

Federation of Bosnia and Herzegovina (FBiH)

- Supervision on implementation of Law on Environmental, shall be carried out by Federal Ministry. Federal and cantonal ministries shall, within the scope of their responsibilities, carry out the inspection tasks.
- The responsibilities are follow:
 - For large and medium installation above the threshold defined in "Rulebook for the industrial plants and installations which require environmental impact assessment and installations which can be built and put in operation only when the environmental license is obtained" and for installations falling under the major accidents provisions, Federal environmental inspector is the competent authority.
 - For smaller installations below the thresholds and for very small installations with emissions not exceeding the emissions typically emitted by households and for which no special environmental permit is required, cantonal environmental inspector is competent authority.

Republic of Srpska

- There is a different system in the work organization in Republic of Srpska.
- There are two levels in the field of environmental inspection:
There is one republic environmental inspector and one environmental inspector for each municipality.

The responsibilities are follow:

- For large and medium installations above the thresholds that are to be defined by a Rulebook not adopted yet and for installation falling under the major accidents the Ministry of Urbanism, Civil Engineering and Ecology of Republic of Srpska-MUCEERS and one republic environmental inspector in this institution
- For smaller installations below the threshold or not included in a Rulebook the municipal body in charge for environmental protection is the competent authority and according one environmental inspector at municipality where is installation

Republic of Srpska

- The Environmental inspectors are most often B.Sc. in Chemical Engineering, B.Sc. in Civil Engineering and B.Sc. in Technology engineering. So, there is not B.Sc. of Environmental protection, because there is not an education for this profil in the Education system in Republic of Bosnia and Herzegovina. The Reform of Education system is currently and expectation are that new education system provide this education profile. There are a few experts, B. Sc. of Environmental protection, who studied out of Bosnia and Herzegovina.
- The environmental inspectors attended on Training course for Environmental Inspections in Bosnia and Herzegovina was held in Teslic, from October 29 to October 31 2003. Course was organized with financial and expert assistance from World Health Organization (WHO).
- The federal environmental inspector and Republic environmental inspector are trained to preformed environmental inspection within the Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN) network.

Republic of Srpska

- Also, it need to say that CARDS project " Support to Environmental Field Inspection " is currently. This project will work on maximizing outouts of currently existing environmental inspection with currently available resources.
- The current Project Status and Future Objectives for 2005:

 1. Research within municipalities of MUNICIPALITIES OF RS, Cantonal ministries of F BiH and Entity Ministries to identify existing inspectors, training requirements for inspectors and other staff, existing use of laboratories to support field inspections and key areas of environmental interest in different ministries.
 2. Preparation of initial training courses for field inspectors
 3. A comprehensive training plan to enable field inspectors to develop and implement minimum inspection criteria in line with the BERCEN and IMPEL networks and wider training for all stakeholders to improve knowledge base and to develop links between different groups

INSPECTIONS **Planning of inspections**

Federation:

- Supervision on implementation of Law on Environmental Protection shall be carried out by Federal Ministry in Federation of Bosnia and Herzegovina. Federal and cantonal ministries shall, within the scope of their responsibilities, carry out the inspection tasks.
- The Competent Ministry, ex officio, or upon the request of concerned party, has to inspect compliance with requirements from the environmental permit or relevant laws or regulations/by-laws. The Competent Ministry has to draw up an annual/biannual inspection programme to set a systematic framework for inspections and monitoring, setting priorities for types of installations and areas according to pending environmental problems.

INSPECTIONS **Planning of inspections**

Federation:

- Inspectors may enter all premises, working areas and buildings of the installation for site-inspection and may inspect all documents, data, devices and materials present at the installation and may take samples and measurements.
- The operator and his staff have to enable and assist the inspection by providing all necessary information, data and documents.

INSPECTIONS **Planning of inspections**

Republic of Srpska

- The administration supervision of the application of the provisions of Law on Environmental Protection and the regulations brought thereof, shall be performed by the Ministry competent for environmental protection.
- The inspection supervision of the implementation of the provisions of this Law and other regulations brought thereof, shall be performed by the municipal or city and republic administration authorities competent for environmental protection affairs, each within its jurisdiction.
- The inspector of environmental protection shall use the provisions determined by the law on state administration and this law in performing his/her duties.
- The inspection of environmental protection in the first instance shall be performed by the municipal or city administration authority competent for environmental protection, and by the Ministry competent for environmental protection in the second instance.

INSPECTIONS Planning of inspections

Republic of Srpska

- The municipal inspector of environmental protection shall be appointed with the consent of the Ministry competent for environmental protection.
- Inspectors of environmental protection shall be entitled to unhindered access to all premises, work areas and installations for on-site control. Inspectors may control all documents, appliances and materials in the plant and installations, they may take samples and make measurements, that is, control all places where there is a possibility for endangering the environment.
- The legal person whose work is subject to supervision shall be obliged to ensure the conduct of inspection supervision, to give the required documentation for inspection and to provide all necessary data and information.

INSPECTIONS Planning of inspections

Inter-Entity Co-operation

Competent inter-entity environmental body shall deal with all issues related the environment which need harmonised approach of the Entities and which are referred by them to the Competent inter-entity environmental body in this act and other legal rules, including but not limited to:

- international treaties and programmes concerning environmental matters;
- cooperation with international organizations and foreign states;
- coordination and implementation of existing and future environmental legislation and regulation;
- **coordination and monitoring of environmental standards and procedures;**

INSPECTIONS Planning of inspections

Inter-Entity Co-operation

- setting of environmental standards which may not be regulated solely entity level;
- coordination of environmental action programmes of the entities and of other programmes and planning which are relevant for on the environment;
- coordination of environmental monitoring and information systems
- and information collection and exchange.

INSPECTIONS Planning of inspections

Inter-Entity Co-operation

- When the inter-entity cooperation is in question, there is an institutional problem.
- Plants, installations and facilities that exceed the limits from the Rulebook on Plants and Installations Subject to Environmental Permit, need to be in competence of the state.
- In that case, the state is responsible for their inspection. However, the state inspectorate has not yet been established, because of the entities' disapproval.
- Today, that presents a political problem in B&H, and such facilities, plants and installations have no inspection.

Types and frequency of inspections

- The inspections are made for multi media.
- It should be said that the Law on Environmental Protection entered into force, in B&H, in 2003. Up to date, only several environmental permits have been issued, and environmental inspectors have not yet inspected all these plants and installations, because they have not yet been constructed.
- Plants and installations operating according to this law should obtain the environmental permit until 2008.
- Until this law was enacted, they were inspected by individual inspectors, for example water management inspector, waste management inspector etc.
- After this law entered into force, the inspections have been performed by environmental inspectors, and their approach is a multimedial one. During inspections, they control whether everything prescribed by law and bylaws is followed. The problem is a very small number of inspectors, for example in Federation for one entire Canton there is only one inspector.
- He performs inspection according to his line of duty – he makes an annual plan for the existing plants and installations. In addition to regular controls, he performs on-site visits if somebody files a report.

Types and frequency of inspections

- Those reports mostly state that the operator is not performing waste management in the correct manner, or he makes noise.
- It is important to say that waters are not subject of environmental inspection, and that this field is still inspected by water management inspector. Also, there is an ongoing legal reform in B&H, the intention of which is for the environmental permit, which is inspected by the environmental inspector, to be integrated, hence, waters would also be inspected by environmental inspector.
- It should be stated that the frequency of inspection is often conditioned by technical reasons since they do not have official car, and they also have equipment problem. Namely, they have no equipment necessary for performance of measurements, thus, when sampling needs to be done, they have to engage certain authorised institutes.
- Where there are chronic polluters, as well as frequent law violations, the inspection is also more frequent.

Types and frequency of inspections

- The focus of inspectors in their regular inspection activities, in the line of their duty, is application of the Rulebook on Waste Management, Law on Noise Protection, Law on Air Pollution and several other rulebooks issued pursuant to the Law on Environmental Protection.
- If the inspector performs an on-site visit after there has been a report, then his focus is only on the thing on which people complained in that report.
- Only one inspector always performs on-site visits, and if the plant or installation from Federation is in question, it is the federal or cantonal inspector, depending on who is competent for that inspection site.

Evaluation of the Compliance

Reporting

- The type of reporting is relevant to compliance status report.
- The operator has to monitor the emissions and impacts of the installation.
- The responsible person for the installations that hold environmental permits shall regularly inform the competent authority on the emission monitoring results and shall report every accidental or unforeseen accident or accidents that significantly affect the environment without delay, and shall submit to the competent institution all data and information necessary to comply with the conditions prescribed for reporting at the entity, inter-entity and inter-state levels.
- If not otherwise specified in the permit or in relevant regulations, the operator has to have the installation checked on conformity with its legal requirements by qualified experts every three years.
- If the checking of the installation reveals deficiencies they have to be remedied immediately. A report on the check and on remedial actions in case of deficiencies has to be submitted to the Competent Ministry.

Evaluation of the Compliance

Reporting

- The operator has to care for the proper maintenance of the installation and has to check the functioning of technical devices regularly.
- If incidents or accidents occur that lead to an exceeding of emission limit values the operator immediately has to take remedial actions to restore compliance.
- If the incident or accident may lead to a serious threat to human health or the environment the operator has to reduce or suspend the operation of the installation.
- The legal act prescribes to Operator an obligation an upload of emissions and impacts of the installation.
- Operator, depending on the type of plant as well as its capacity, sends the report on emission monitoring, on monthly and quarterly basis, and some also prepare the annual report.
- The Register of all operating Plants and Installations is now being prepared in the Federation and the Republic of Srpska.

Evaluation of the Compliance

Reporting

- That is the first time after the war, that a register is prepared in the newly formed state.
- All operating plants and installations, according to the Law on Environmental Protection, must obtain the environmental permit by 2008, in which the frequency of self-monitoring reports shall precisely be stated.
- Until then, they have to adjust their work according to the "RULEBOOK ON APPROXIMATION", which, based on the years long work of the plant, prescribes the frequency of self-monitoring reporting.

Enforcement

Types of enforcement measures

- The inspector has to prepare a report on the inspection including:
 - name of the installation and location;
 - date, duration of the inspection;
 - description of the inspection performed and all relevant findings, especially technical data, samples;
 - non-compliance detected and the reasons and explanations of the operator/staff.
- The report shall be sent to the operator and to the public upon the request. The Competent Ministry has to establish a systematic inspection and control system for the installations using dangerous substances, including the storage, to be able to review the safety management system and implementation of the plan for major accident prevention.

Enforcement

Types of enforcement measures

- The competent authority has to draw up a programme of inspections, which foresees at least one on-site inspection every year for installations covered by implementing regulations.
- If the installation has to undergo an EIA, inspections to be carried out by the EIA authorities shall be co-ordinate with inspections mentioned above.
- On the finding of non-compliance of an installation with its permits or relevant laws or regulations/by-laws, the inspector has to issue an order of compliance to the operator setting the following:
 - the deadline for remedial actions;
 - the necessary measures to be taken, including the shut down of the installation or parts, if the deficiencies have not been removed within the specified deadline, and
 - remedial actions.

Enforcement

Types of enforcement measures

- In cases of repeated non-compliance or in case of serious danger for human health and the environment which can not be overcome by other measures, the inspector shall request from the Competent Ministry to suspend the environmental permit.

Measuring Enforcement Performance

An administrative fine amounting from 1.000,00 KM to 10.000,00 KM (500Euro to 5000 Euro) shall be imposed to any legal entity for the following violations:

- breaches the requirements of Law on Environmental Protection;
- builds or operates installations or undertakes activities without the required permit or notification or contrary to such permit or regulation;
- does not comply with requirements or conditions set out in the permit or in relevant regulation
- does not submit to the competent authority information, data or documents required by this act or respective regulations;
- does not prepare the major accident prevention plan and does not undertake preventive measures,

Measuring Enforcement Performance

- does not adopt the internal intervention plan and does not submit it to the authority defined in Article 83 of this Law. An administrative fine in terms of such violations amounting from 500,00 KM to 2.000,00 KM (250 Euro to 1.000 Euro) shall be imposed for minor cases
- It should be stated that, in practice, the most frequent law violations are with waste management.
- In most cases the operator, after the inspectors gives him a deadline for removal of all irregularities, acts in accordance with the inspector's recommendation.
- There were also cases when the operators appeal to the court because of the penalty imposed, and in such cases there are very long procedures: the Court of first instance, Court of second instance, appeals, and it should also be mentioned that these legal proceedings are very long in B&H.

CONCLUSION

- The environmental inspectorate at the state level has not yet been established, but at the level of two entities, and the cooperation between them is at a low level.
- The need for additional training of environmental inspectors, because they are mainly experts in only one field (civil engineers, chemical engineers, architects) and the environmental permit, which environmental inspector needs to check, is integrated permit

CONCLUSION

- Insufficient equipment for inspectors (they are not in possibility to conduct, during inspection, any kind of measurement, and they have to engage authorised institutes; inspectors, although there is a small number of them, do not have their own automobile for purpose of unconditional and unlimited execution of their inspection plans, and some of them do not even have the computer and internet access)
- The register of plants and installations in FB&H and RS has not yet been finished, and the work approximation plan for these plants has not yet been adopted, which would precisely state that they should adjust their work to conditions expected in the year 2008, until which they need to obtain environmental permit.

Thank You for your attention!

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

CYPRUS

October 200

SITUATION ON ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT Cyprus



Athens Meeting 4-6
October 2005

By COSTAS HADJIPANAYIOTOU
Environment Officer A
ENVIRONMENT SERVICE,

5-Jan-06

EnvironmentalCompliance & Enforcement

1

1. GENERAL INFORMATION

- **Political Structure and Policy Development**
- The **Council of Ministers**, under the leadership of the President, has overall responsibility for the formulation of environmental policy.
- Environmental policy is co-ordinated through the Minister of Agriculture, National Resources and Environment ("**MANRE**"), although,
- other Ministries such as the **Minister of the Interior**, the Minister of **Labour and Social Insurance** and the Ministry of **Commerce, Industry and Tourism**, also play important roles.

5-Jan-06

EnvironmentalCompliance & Enforcement

2

1. GENERAL INFORMATION

- First Environmental Legislation introduced in 1991 on pollution control (air & water)
- Major Legislation 2000-2004 because of European Union Directives / Regulations
- The challenge of implementation and enforcement is now faced, *but*
- **Short of human resources is realized, and**
- Major changes are expected and Strengthening of structures and resources

5-Jan-06

EnvironmentalCompliance & Enforcement

3

2. DESCRIPTION OF THE ENVIRONMENTAL MANAGEMENT STRUCTURE

- **within Ministry MANRE:**
- **ENVIRONMENT SERVICE (ES)** is the main agency dealing with both **policy coordination** and **implementation** of environment issues, including **permitting and inspections**.
- The **ES** is also the National Focal Point for a wide range of international **Protocols, Agreements, Conventions and Organisations**.

5-Jan-06

EnvironmentalCompliance & Enforcement

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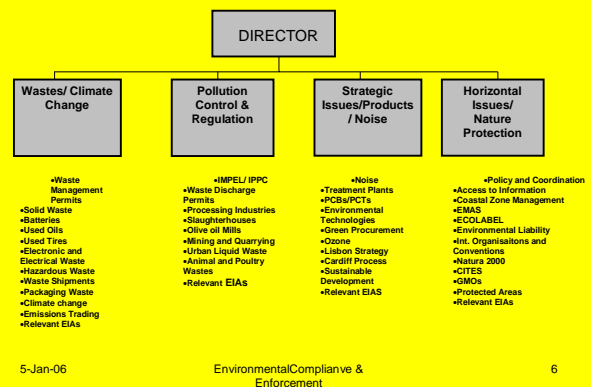
2. DESCRIPTION OF THE ENVIRONMENTAL MANAGEMENT STRUCTURE

- The **ES** has a wide range of more specific executive responsibilities in fields such as **environmental and strategic impact assessments (EIA and SEA)**, the laws on **water pollution control**, **waste management**, nature protection, **noise** and **GMOs**, environmental awareness
- The ES has a key role as of one of the two **Environmental Inspectorates for Waste, Water and Soil Pollution Control**.

5-Jan-06

EnvironmentalCompliance & Enforcement

5



5-Jan-06

EnvironmentalCompliance & Enforcement

6

2. DESCRIPTION OF THE ENVIRONMENTAL MANAGEMENT STRUCTURE

- Other departments with environmental duties within the MANRE include:
- the *Water Development Department* (management of water resources),
- *Department of Agriculture* (nitrates, use of waste water and sewage sludge),
- the *Department of Fisheries and Marine Research* (protection of marine environment),
- the *Department of Forests* (flora, nature protection in forests) and
- the *Department of Geological Survey* (groundwater monitoring).

5-Jan-06

Environmental Compliance & Enforcement

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2. DESCRIPTION OF THE ENVIRONMENTAL MANAGEMENT STRUCTURE

- OTHER COMPETENT MINISTRIES AND DEPARTMENTS
- *The Ministry of Labour and Social Insurance (MLSI)* has primary responsibility for industrial health and safety issues
- *The Department of Labour Inspection (DLI)* within the MLSI has a range of important environmental roles and covers environmental issues like **air pollution control** and quality as well as safety, health & **dangerous substances** (including asbestos) **constitutes the 2nd Environmental Inspectorate** in Cyprus, in relation to air pollution control.
- *The Ministry of the Interior (MoI)* is responsible for town and country planning and grants the Planning Permit.

5-Jan-06

Environmental Compliance & Enforcement

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3. ENVIRONMENTAL IMPLEMENTATION & ENFORCEMENT PROCESS

- **The Regulatory Cycle** include:
- Legislative Development
- Strategic Planning
- Permitting procedures
- Monitoring procedure
- Inspection and Enforcement
- Reporting procedures

5-Jan-06

Environmental Compliance & Enforcement

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3. ENVIRONMENTAL IMPLEMENTATION & ENFORCEMENT PROCESS

2 Main Inspectorates
Based on media approach
Permitting, Monitoring, Inspection / Enforcement and Reporting



- **Air Pollution Control, Chemical Substances:**
Department of Labour Inspection (DLI) : 14 (9 permitting – 6 Inspectors)

- **Water & Soil Pollution Control and Waste Mgt**
- Environment Service (ES)
- 15 (9 permitting – 6 Inspectors)

5-Jan-06

Environmental Enforcement

5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

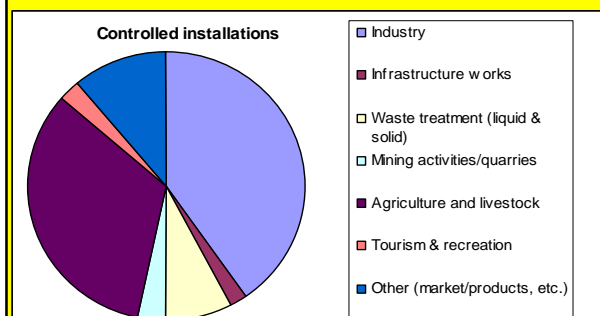
- The whole range of the controlled installations (industrial and farm facilities) account for somewhat **2800 units**, including both **small (1000)**, **medium enterprises (1200)** and **higher risk polluting facilities (600)**. A distribution of the different types of them is shown in the following figure.

5-Jan-06

Environmental Compliance & Enforcement

11

Figure : Types of controlled installations in Cyprus



5-Jan-06

Environmental Compliance & Enforcement

12

5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

- **Planning of inspections** is not being done in a long term schedule and not for the full number of 2800 installations.
- The key element by the Cypriot inspectorates is considered to prepare good quality of permits in order to minimize the risk of not compliance.
- the plans are short term and made for monthly inspections, not on an yearly basis.

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5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

- **Types and frequency of inspections**
 - There are installations that might be operating without a permit or license. These are inspected usually when there are complaints.
 - Others are inspected for preparing / or renew their permit.
 - Others are regulated with General Conditions and / or General Binding Rules.
 - Others are permitted and inspected regularly.
 - **It is clear that not all the installations requiring a permit, but not having a permit are in the register of the inspection authorities.**

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5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

- **Types and frequency of Inspections**
 - The inspections are not carried out for all installations (2800)
 - About 20% of controlled installations were inspected in 2003
 - Regarding the higher risk polluting facilities, the average number of controlled installations reaches about 75 installations per 1 inspector.
 - The estimated time to inspect all big controlled installations is about 5 years.

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5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

- **Types and frequency of Inspections**
 - Administrative sanctions did not exist up to 2004
 - Warning letters and Orders that requiring from operators to take actions, are sent.
 - In cases of continuing violations, the inspecting authority instigate a criminal prosecution
 - Administrative fines were applied during 2004.
 - Inspections are carried out on the basis of a single media (air – water).

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5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

- **Types and frequency of Inspections**
 - Usually the priorities for the frequency of inspections are: the risk of the installation, the history behind and the vulnerability of the environmental media.
 - The number of inspectors is a very limiting and restricting factor for the frequency of inspections.

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5. PLANNING – TYPES AND FREQUENCY OF ENVIRONMENTAL INSPECTIONS

- **Usually inspections are being on site, but for various purposes.**
 - There may be routine inspections comprehensive, in line with plan requirements.
 - Some times they examine conformity with requirements and promote operator understanding of these.
 - There are, also, non-routine visits carried out when required to investigate accidents, complaints etc.

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6. EVALUATION OF THE COMPLIANCE

• Reporting

- All the visits in the installations are recorded by the inspectors. After each visit a short report is written giving the main findings of the inspection. There is a standard form that is completed during the visit.

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6. EVALUATION OF THE COMPLIANCE

• All the inspection reports are characterized by the following basic key elements:

- they identify actions that needed to be taken for compliance and the rate of compliance according to the inspector opinion.
- they specify actions to be taken by operator and the time table for the actions
- all the findings are made available to the operators concerned within 10 days from the visit
- the findings are not made available to the public except on demand
- the findings are not put on an accessible database

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6. EVALUATION OF THE COMPLIANCE

• Reporting

- At the end of the year all the inspections are recorded together in order to constitute an inspection report for internal purposes and help for the new year inspections.
- This report is prepared until the end of March of the next year. This report includes, among others, the number of inspections conducted, the types of installations inspected, the number of enforcement actions issued
- Operators also submit **annual report** from their point of view, up to the end of March, next year

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6. EVALUATION OF THE COMPLIANCE

• Indicators

- Regarding the issue of **indicators** used, unfortunately **they do not used** until now.
- But they are thoughts about to develop such indicators in order to be used in the future.

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Enforcement

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7. ENFORCEMENT

• Types of enforcement measures

- After the site visit the inspector has to give **written instructions** for improvement of the facility process that is considered in the bad performance, or not compliance resulting thus at risk and /or tendency for pollution.
- The instructions are accompanying by a certain **time table** for application.

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7. ENFORCEMENT

• Types of enforcement measures

- After the instructed time period passed, another **site visit** is made, for checking if the actions have been implemented.
- If not, a **new written warning** letter is sent in a more strict way accompanying or not by an administrative **fine**.
- The fine is decided by / and based on the opinion of the inspector and could be up to **170 EURO, for each violation**.

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Enforcement

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7. ENFORCEMENT

• Types of enforcement measures

- The Chief Inspector has the right for issuing an **order / injunction to stop the functioning** of the installation, if due to the violation, there is high risk for polluting the environment by hazardous wastes affecting thus the quality of surface or ground water, or affecting the health of the nearby citizens.

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Environmental Compliance & Enforcement

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7. ENFORCEMENT

• Types of enforcement measures

- The last step, if the violation is continuing by the offender, is to follow a **prosecution procedure** where a written document is prepared describing all the steps that have been taken by the inspectorate and the reaction of the owner of the installation (offender) up to the time.
- The prosecution document is sent to the **Law Office of the Republic** that is responsible to take them in **Court** for the violation.

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7. ENFORCEMENT

• Measuring Enforcement Performance

- **Measuring Enforcement Performance is an activity that is not currently being done.**
- Since the Air & Water and Soil Pollution Control Laws passed during 2002, this activity is considered to be in a premature stage for evaluation.
- More consideration should be given in the near future, especially by introducing properly design of **criteria** and **indicators** for this purpose.

5-Jan-06

Environmental Compliance & Enforcement

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7. ENFORCEMENT

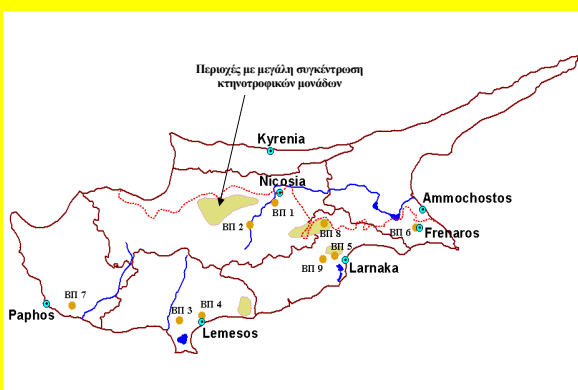
• Measuring Enforcement Performance

- Measuring the performance is of primary importance in order to improve, in the right direction, the process of enforcement measures and generally the whole regulatory cycle.

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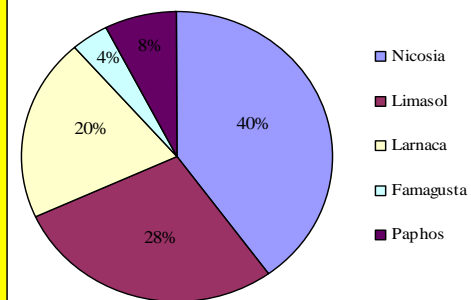


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Geographical distribution of controlled installations (1,400 i.e. 50% of total)

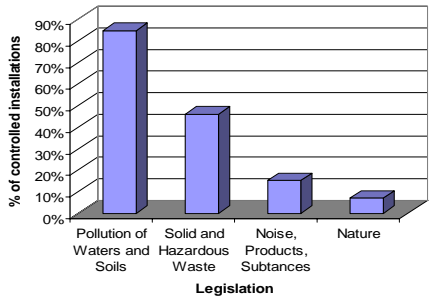


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Environmental Compliance & Enforcement

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Legal requirements for environmental inspection



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Thank you for your attention

5-Jan-06

EnvironmentalCompliance & Enforcement

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**Presentation of the country situation on compliance
and enforcement of environmental legislation**

EGYPT

October 2005

**QUESTIONNAIRE
FOR THE PREPARATION
OF COUNTRY SITUATION
ON COMPLIANCE AND ENFORCEMENT
IN EGYPT**

Prepared By

**Joseph
Edward**

Contents

- A- General Information
- B- Inspectors
- C- Inspections
- D- Evaluation of Compliance
- E- Enforcement

A- General Information

- Information about the country situation
- Legal framework
- Institutional arrangements & framework
- Responsibilities

B- Inspectors

- Partners involved in the inspection
 - Within EEAA
 - Outside EEAA
- Scientific backgrounds for inspectors
- Training opportunities
- Inspectors authorities

C- Inspections

- Planning of inspection
- Preparing the action plan
- Targets of inspection
- Types & frequency of inspections
 - General inspection
 - Specific inspection
 - Frequent

D- Evaluation of Compliance

- Reporting
 - Compliance status reports
 - Non compliance status reports
 - Frequency of reports
- Indicators
 - Types of indicators
 - Monitoring the progress

E- Enforcement

- Types of enforcements measures
 - Legal measures
 - Administrative measures
- Measuring enforcements performance
 - Indicators measuring the performance
 - Indicators measuring the enforcements performance

THANK YOU

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

FRANCE

October 2005



DIRECTION DE L'EAU

Rapport national sur l'application et la conformité environnementale en France

Plan d'action pour la Méditerranée

4-6 octobre 2005

05/01/2006 Page 1 Ministère de l'Écologie et du Développement Durable




DIRECTION DE L'EAU

**I- Informations de caractère général
Réglementation pour la lutte contre les pollutions**

- Deux polices spéciales
 - police de l'eau et des milieux aquatiques
 - police des installations classées pour la protection de l'environnement

05/01/2006 Page 2 Ministère de l'Écologie et du Développement Durable



DIRECTION DE L'EAU

II - Cadre juridique

Un système d'autorisations et de déclarations, basé sur des nomenclatures spécifiques

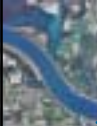
La police de l'eau :

- Code de l'environnement : articles L 214-1 à 214-11
- Décrets du 29 mars 1993

La police des installations classées :

- Code de l'environnement : Livre V Titre 1^{er}

05/01/2006 Page 3 Ministère de l'Écologie et du Développement Durable



DIRECTION DE L'EAU

Organisation institutionnelle : 1/2


Au niveau national :

Le ministère de l'écologie et du développement durable est chargé d'élaborer la réglementation et la doctrine nationale.

- Au niveau régional :

Les DIREN pour la police de l'eau et les DRIRE pour la police des ICPE ont des missions d'harmonisation et de coordination.

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DIRECTION DE L'EAU

Organisation institutionnelle : 2/2

Au niveau départemental :

La compétence de ces polices spéciales relève du préfet.

Police de l'eau : DDAF, DDE, DDASS essentiellement

Police des ICPE : DRIRE, DDSV essentiellement

05/01/2006 Page 5 Ministère de l'Écologie et du Développement Durable



DIRECTION DE L'EAU

III- Les inspecteurs

Ce sont : - des fonctionnaires
- des techniciens

Ils sont guidés par 4 valeurs principales :

- compétence technique
- impartialité
- équité
- transparence

05/01/2006 Page 6 Ministère de l'Écologie et du Développement Durable

Les inspecteurs

Les inspecteurs en 2004

Police de l'eau : 934 ETP dont 600 en DDAF et 250 en DDE

Police ICPE : 1 072 ETP entre DRIRE et DDSV

DIRECTION DE L'EAU

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Les inspecteurs : formation

- Formation initiale dans des écoles spécialisées (ENGREF, ENTPE, ENGEES,...)
- Des plans de formation continue dans chaque département
- Un organisme de formation continue : l'IFORE (institut de formation de l'environnement)

DIRECTION DE L'EAU

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IV- La planification des inspections

- des priorités nationales (plan d'action triennale des ICPE et circulaires d'autorisations).
- des plans d'action déclinés dans chaque département par les Missions inter service de l'eau (MISE) ayant pour objectifs de :
 - organiser les contrôles
 - définir des priorités d'action (géographiques et/ou thématiques)
 - coordonner les différentes polices spéciales

DIRECTION DE L'EAU

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V- Type et fréquence des inspections

Le cas particulier de l'auto surveillance

- contrôle permanent et continu par l'entreprise
- une démarche d'amélioration continue
- des transmissions régulières à l'inspection
- des contrôles inopinés

DIRECTION DE L'EAU

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Description des inspections

2 objectifs principaux :

- vérifier le respect des prescriptions
- résorber les points noirs de pollution environnementale

différentes missions d'inspection

- contrôles inopinés
- contrôles de conformité
- contrôles approfondis

DIRECTION DE L'EAU

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VI- Systèmes de rapports

- un rapport par inspection
- un rapport d'activité par an de chaque inspection départementale, consolidé au niveau national
- un rapportage dans le cadre de la directive cadre sur l'eau

DIRECTION DE L'EAU

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VII- Les indicateurs

DIRECTION DE L'EAU

- Evolution forte avec la mise en œuvre de la loi organique relative aux lois de finance (LOLF)
- Obligation de mise en place d'indicateurs de performance

05/01/2006 Page 13 Ministère de l'Écologie et du Développement Durable

Les indicateurs

DIRECTION DE L'EAU

Police de l'eau

$E_1 = \frac{\text{temps consacré aux contrôles}}{\text{temps de travail des inspecteurs}} \rightarrow 15 \%$

$E_2 = \frac{\text{nombre de suites administratives ou judiciaires}}{\text{nombre de contrôles non conformes}} \rightarrow 100 \%$

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Les indicateurs

DIRECTION DE L'EAU

Police des ICPE

$E_1 = \frac{\text{nombre de contrôles effectifs d'inspecteurs}}{\text{}} \rightarrow 26 \%$

$E_2 = \frac{\text{nombre de sanctions}}{\text{nombre de mises en demeure}} \rightarrow 17,6 \%$

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VIII- Types de mesures d'application

DIRECTION DE L'EAU

deux types de mesures suite à un contrôle non conforme :

- Suites administratives
- Suites judiciaires

05/01/2006 Page 16 Ministère de l'Écologie et du Développement Durable

Types de mesures d'application

DIRECTION DE L'EAU

L'exemple des ICPE

Installations classées :	contexte	au
217/22/2004		
Nombre d'établissement soumis à		61314
Contrôles		
Visites d'inspection approfondie		6557
Visites d'inspection courante		16886
Nombre de contrôles inopinés des		3648
Mises en demeure et sanctions		
Arrêtés de mise en demeure		2693
Sanctions administratives		
Arrêté de consignation de somme		279
Arrêté de travaux d'office		23
Arrêté de suspension d'activité		141
Arrêté de suppression ou fermeture (art L514-2 du code de l'environnement)		47
Apposition de scelles		8
Sanctions pénales		
Nombre de procès verbaux dressés dans l'année		1171

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Conclusion

DIRECTION DE L'EAU

- Une inspection en pleine évolution
- Un durcissement des contrôles
- Des objectifs d'atteinte du bon état écologique en 2015

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**Presentation of the country situation on compliance
and enforcement of environmental legislation**

GREECE

October 2005

Meeting of the Network on Compliance and Enforcement of Regulations for the control of pollution resulting from land-based activities

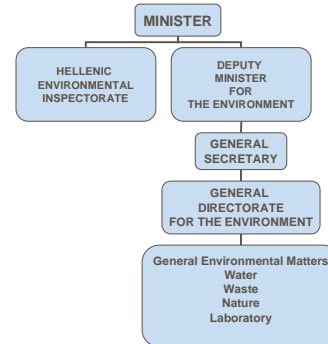
ATHENS 4-6 OCTOBER 2005



HELLENIC ENVIRONMENTAL INSPECTORATE



MINISTRY ADMINISTRATIVE STRUCTURE



The competent authorities for the compliance and enforcement of the environmental legislation in Greece, are:

- Central authorities (Ministries)
- Prefectural / Regional authorities

Overall inspection responsibility rests with the Ministry for the Environment, Physical Planning and Public Works (YPEHODE), but many other ministries are also involved as Central Authorities at national level. Bodies involved at a regional level include Special Body of Environmental Protection Controllers (SBEPC), Bodies for the Control of Environmental Quality (BCQE), YPEHODE Regional Environmental & Physical Planning Unit, regional services of YPEHODE and other ministries, regional prefecture authorities, and prefectural units for environment and for health. A new legislation has been introduced to set up the Special Environmental Inspection Service (SENVIS).

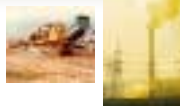
Hellenic Environmental Inspectorate



Recognising the need to enforce existing environmental inspectorate mechanisms in Greece, a well organized Competent Authority, named "Hellenic Environmental Inspectorate", has been established, in the Ministry for the Environment, aiming at monitoring the enforcement of the existing environmental legislation and of environmental conditions, by the article 9, paragraph 9, of the Law 2947/2001 for the "Olympic Hospitality Subjects, Works of Olympic Infrastructures and other Provisions".

The Hellenic Environmental Inspectorate is organised:

- on the base of the experience of existing European Inspectorates, which have already many years of functioning and present good results,
- taking into account 2001/331/EC Recommendation requirements (Minimum Criteria for Environmental Inspections).



Scope

The Hellenic Inspectorate, coming to fulfil the existing empty, aims to play a major role in the field of environmental protection, through controls and inspections of all activities and projects in the country, both during construction and normal operation, and evaluation of the compliance with the environmental permit conditions and the EU and national environmental legislation, as well as through the use of all necessary instruments to enforce environmental legislation in case of non-compliance.

Hellenic Environmental Inspectorate Competence's

- Control and monitoring of the compliance with the environmental conditions, setting for the realization of projects or activities of the public sector, the broader public sector, the local authorities (prefectures and municipalities) and the private sector.
- Protection of the environment by any sort of illegal interventions specifically located in sensitive ecologically areas.
- Proposal for sanctions in all cases of violation of the environmental conditions.
- Collection and evaluation of data concerning.
- Reporting - annually - the European Commission, following the point VIII of the 331/2001/EC Recommendation ("minimum criteria for environmental inspections").

Hellenic Environmental Inspectorate Competence's

- Proposal for new standards and measurement methods of all kinds of emissions by permanent sources, in the total of the environmental means.
- Carrying out and Assignment of carrying out of studies and assessments, relative to the objective of the Hellenic Environmental Inspectorate.
- Assumption and elaboration of programmes of the Greek public sector, the European Union or international organizations situated in Greece and abroad, relative with the objective of the Hellenic Environmental Inspectorate.
- All competences of the abolished Special Body of Environmental Protection Auditors concerning illegal interventions
- Representation of the country at European and International level on subjects of compliance and enforcement

The objective

to promote the compliance of controlled installations with relevant environmental requirements set out in Community legislation as transposed into National Legislation or applied in the national legal order and monitoring the impact of controlled installations on the environment to determine whether further inspection or enforcement action is required to secure compliance with EC legal requirements.

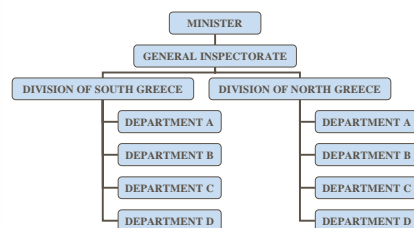
VISION

- to ensuring prevention and compliance through inspections, dialogue, awareness campaign, access to environmental information, better information, participation and environmental agreements,
- to create proper partnerships and achieve social consent in an absolutely necessary climate of trust and reliability.

Hellenic Environmental Inspectorate - Status

- The Hellenic Environmental Inspectorate is under the status of a "Specific Service" subordinated directly to the Minister for the Environment Physical Planning & Public Works.
- It performs inspections to all categories of infrastructure works and activities (public or private) aiming at monitoring the implementation of the environmental legislation (ENFORCEMENT), and the compliance to the environmental conditions (requirements) setting by the environmental permits (COMPLIANCE).
- It currently employs 32 Inspectors, instead of 78. The remaining posts are expected to be filled according to the Presidential Decree (165/2003) which determines exactly the structure of EYEP, the number of inspectors, the scientific or technical background, etc

Structure of the environmental inspectorate



Environmental Inspectorate - General Inspectorate

- The General Inspectorate annually plans the actions of EYEP, at country level, based on its Departments' recommendations, and supervises the effectiveness of their operation during the execution of their work.
- The General Inspectorate also takes cognizance of the administrative, organizational, financial and other issues that refer to the operation of EYEP at country level.
- It is responsible for the representation of the country at European and international level, on issues regarding the control for the observance of the environmental terms in projects and activities and of the submission of annual reports to the European Commission about the results of on-site visits, controls and environmental inspections.

Environmental Inspectorate - General Inspectorate

- The main concern is the immediate publication of the results from the environmental inspections, in order to ensure free access to the information of the public.
- It is also responsible for the collection and process of data that refer to the observance of environmental legislation and environmental terms that apply in compliance with the applicable environmental legislation for the execution and operation of projects and activities of the public and private sector at country level. It makes recommendations about the specification of standards and methods for the measurement of all kinds of emissions

Divisions of the environmental inspectorate

- the division of South Greece (Regions: Attica, Central Greece, Peloponnesus, Crete, South Aegean, Ionian Islands and West Greece) that has its headquarters in Athens
- the division of Northern Greece (Regions: Central Macedonia, Thessaly, East Macedonia, Thrace, West Macedonia, Epirus, North Aegean) that has its headquarters in Thessalonica

Divisions of the environmental inspectorate

- **DIVISION OF SOUTHERN GREECE**
During the period of existence of EYEP, this Division deals with the great number of issues that have been introduced to the Authority, while it has already conducted 220 Inspections in projects and activities of the public, greater public and private sector, giving priority to large industrial plants that discharge liquid waste into natural receivers, mining and tourist activities, aquacultures, sanitary solid waste landfills, big infrastructure works
- **DIVISION OF NORTHERN GREECE**
This Division, which has its headquarters in Thessalonica, despite the fact that it is not yet adequately staffed (it has ONLY 4 employees) already handles quite a lot of issues with the support of the General Inspectorate.
This Division has conducted 12 Inspections that refer mainly to tourist facilities, industries-small industries, ports, mines, physical Environment, seashore-coasts, etc

Departments that constitute each Division

- DEPARTMENT A : Public Works, Sanitary Solid Waste Landfills, Infrastructures, Tourist Facilities
- DEPARTMENT B : Industries, Mining, Aquacultures, Livestock Installations
- DEPARTMENT C : Encroachments, Forest issues, Illegal constructions, Water streams, Coasts, Seashores
- DEPARTMENT D : Administration, Financial administration, Legal support, design, Computerization, Technical support, Laboratories

Hellenic Environmental Inspectorate types and frequency of inspections

- The controls may be regular or extraordinary and they may refer to all environmental terms or to some of them and they are conducted either upon giving a notice to the person who is responsible for the project or activity, either without a prior notice.
- Controls may also be conducted following a complaint.

Hellenic Environmental Inspectorate The procedure

- The procedure that will be followed, in accordance with article 9 of L. 2947/2001, includes an inspection after the interested parties have been informed, preparation of an on-the-spot report (that will be subscribed by the Inspectors and the operating Body), preparation of the inspection report that will be forwarded to the interested party, 5 working days notice for the submission of objections, supplementary documents, etc., preparation of a certificate of violation (justified act of confirmation or not), recommendation for the imposition of sanctions.

Hellenic Environmental Inspectorate - preparation of a certificate of violation

- the Environmental Inspector prepares a justified act of confirmation or not of the violation. A copy of the violation's confirmation is forwarded to the authority that granted to the violator the construction or operation permit or the permit to begin his/her activity or, depending on the case, the renewal of the aforementioned permits, while a copy of this act is also forwarded to the competent prosecutor of the first instance judges in case of any punishable actions.

Hellenic Environmental Inspectorate - recommendation for the imposition of sanctions

- In case that pollution or deterioration of the environment or other violation from those included in article 30 of L. 1650/86 (GG 160A) is verified, as each time applied, EYEP, depending on the importance of the violation, recommends the imposition of a fine as follows:
- to the local Prefect, if the fine amounts to 58,694.06 €
- to the Secretary-General of the Region, if the fine varies between 58,694.06 € and 146,735.15 €
- to the Minister of YPEHODE if the fine exceeds the amount of 146,735.15 €

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

ISRAEL

October 2005



State of Israel
Ministry of the Environment

*Addressing pollution
to the Mediterranean Sea
from land-based activities*

**Country Situation on Compliance &
Enforcement – Athens 4-6 Oct. 2005**



January 5, 2006 Enforcement & Compliance-Israel 1

General Information

- MoE – founded 1988; 0.8% of government budget
- 240 laws, by laws and regulations
- 6 MoE districts (220 professionals) maintaining the administrative enforcement
- 2 main enforcement units – Green Police, Marine and Coastal Environment Division (counting 45 inspectors)
- “blue” police unit of six officers
- Clear set of working procedures and training courses
- Civilian volunteers – Cleanliness trustees (1000 active)
- “pollution pays principle” – 2 funds which receives fines and tolls. Their target is for environmental operations only.

January 5, 2006 Enforcement & Compliance-Israel 2

General Information

Environmental Permitting system-

- Building permit – Mol
- Business license – MoH, MoE, Police, Mol....
- Permit to discharge to marine – interministerial committee
- Permit to hold Hazmat – MoE
- Permit to discharge to water ways – Water commissioner
-

January 5, 2006 Enforcement & Compliance-Israel 3

1. Prevention of Sea Water Pollution by Oil Ordinance (New Version), 1980
2. Prevention of Sea Water Pollution by Oil Regulations (Marine Environment Protection Fee), 1983
3. Prevention of Sea Pollution (Dumping of Waste) Law, 1983 and its regulations
4. Prevention of Sea Pollution from Land-Based Sources Law, (new version), 2005 and regulations
5. Protection of the Coastal Environment Law, 2004
6. Maintenance of Cleanliness Law, 1984
7. Criminal Procedure Order (Finable Offenses - Maintenance of Cleanliness), 2000

January 5, 2006 Enforcement & Compliance-Israel 4

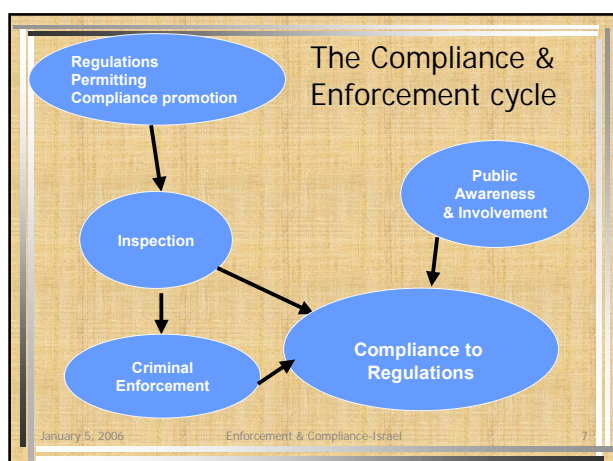
MCED Objective:
Marine pollution prevention and control

1. MV from oily wastes (accidents & operational)
2. Ports & off-shore terminals (oil, chem., coal)
3. Effluents discharge from Land-Based Sources (industrial, municipal)
4. Dumping of waste to the sea
5. Marine pollution from various human activities (mariculture, littering of coastline)

January 5, 2006 Enforcement & Compliance-Israel 5

Inspections and enforcement

January 5, 2006 Enforcement & Compliance-Israel 6



MCED activities include:

- Coastal, marine and aerial regular inspection and control system
- Coordination of LBS & Dumping permit system (issuing and control)
- Guidelines, regulation and legislation
- Law enforcement (administrative, criminal)
- Scientific research and knowledge
- Monitoring (national, compliance)
- International conventions FP (MAP 3 protocols, OPRC, MARPOL)

January 5, 2006 Enforcement & Compliance-Israel 9

- 1) Minimize discharges to sea by reviewing plausible land based alternatives
 - 2) Minimize pollutant emissions through installation and operation of BAT
 - 3) Require continuous improvement of wastewater treatment facilities including quality monitoring and marine monitoring
 - 4) Allow discharge to sea of wastes which may damage land resources but not the marine environment, such as brines
 - 5) Permit discharge of authorized wastes through regulated coastal outfalls only
 - 6) Operate according to stringent and advanced international standards
 - 7) Enhance cooperation with the Ministry and "associations of towns for the environment".
- January 5, 2006 Enforcement & Compliance-Israel 10

Exercising Enforcement

Non criminal actions (Administrative action)

- 1) A letter of warning (no. 1, no. 2)
- 2) Hearing (voluntary, compulsory within "business licensing law")
- 3) Decree (shutdown, cleaning)

Criminal enforcement tools

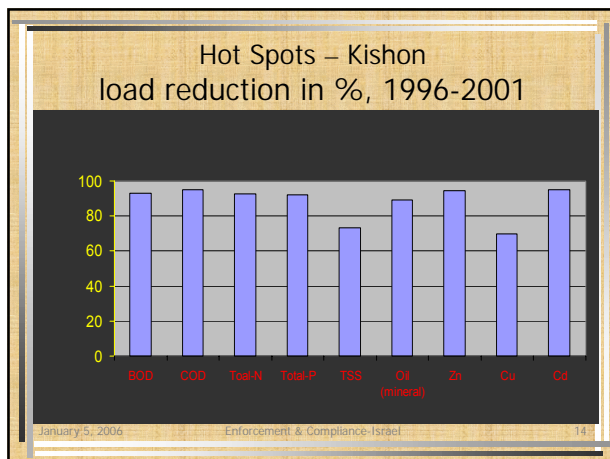
- 1) A Citation (monetary fine)
- 2) The Criminal Investigation
- 3) Law suits and litigations

January 5, 2006 Enforcement & Compliance-Israel 11



Not the right way to measure compliance

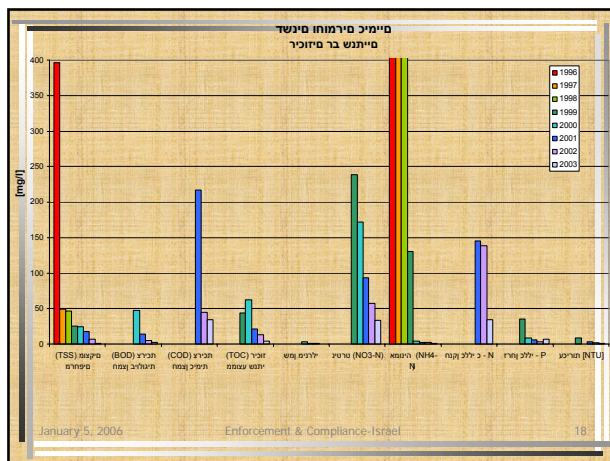
January 5, 2006 Enforcement & Compliance-Israet 13

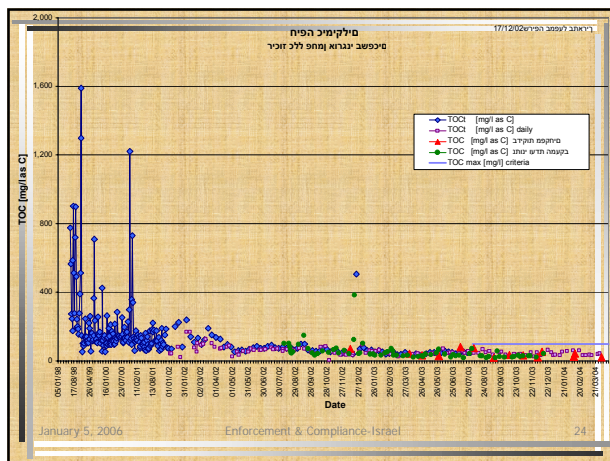
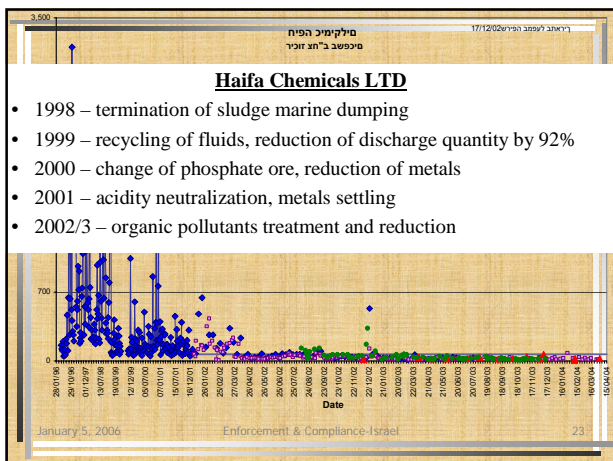
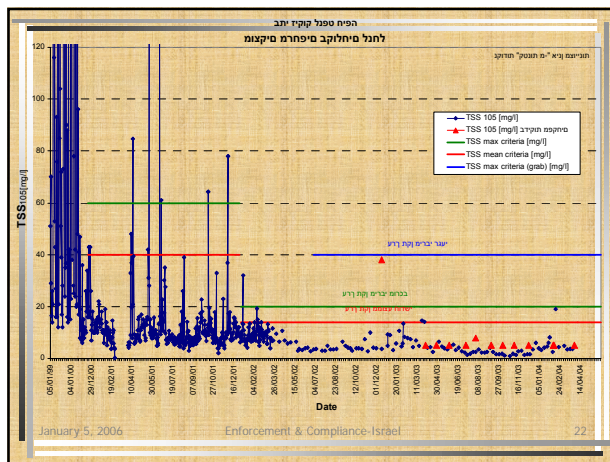
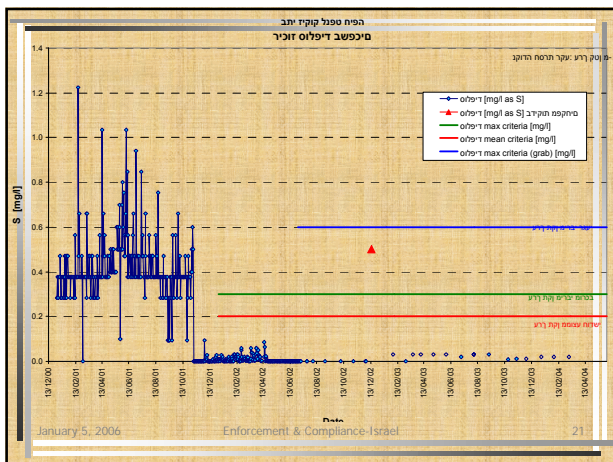
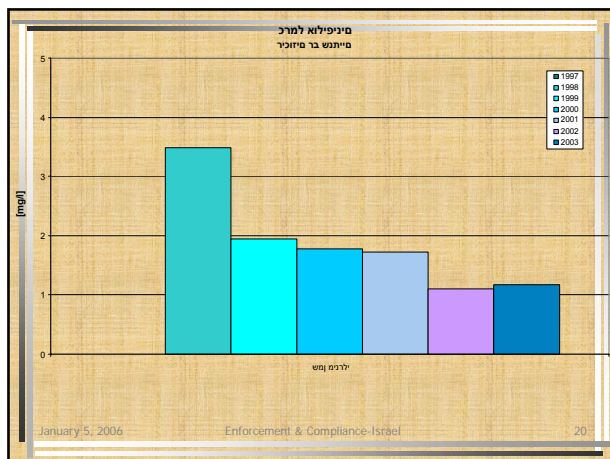
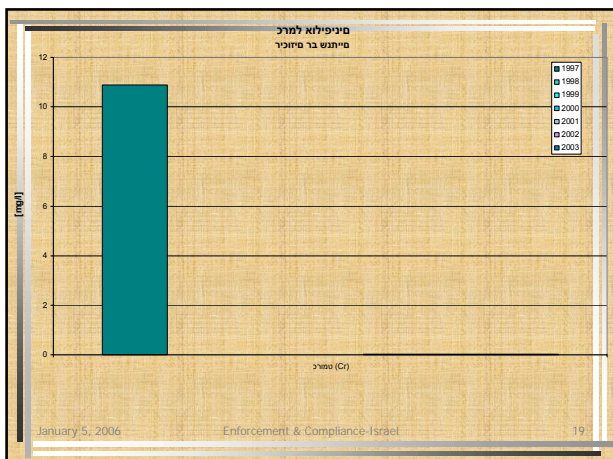


**הימכוּב תודג
פיינתש בר סיוזכר**

**Kishon – “Gadot Biochemistry”
discharge outfall**

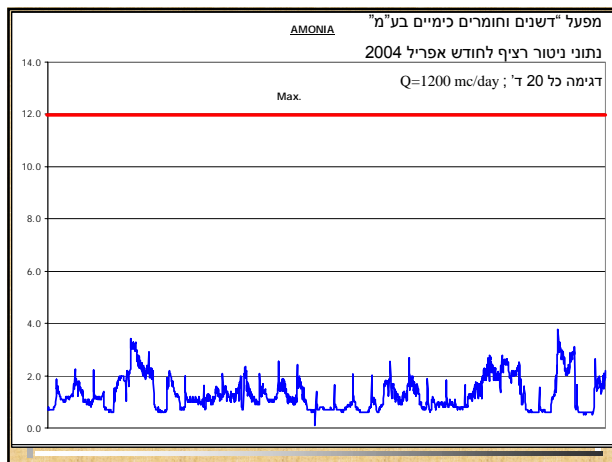
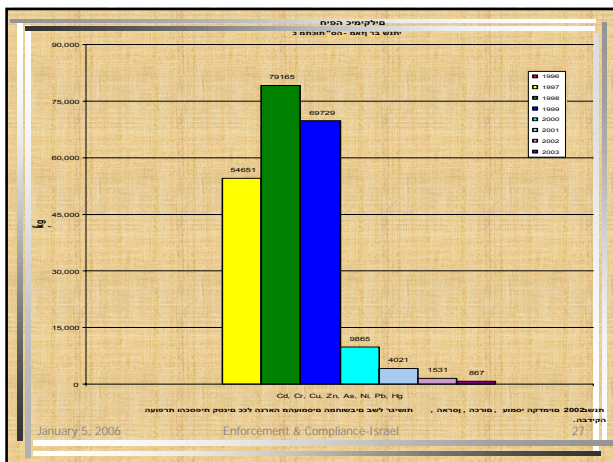
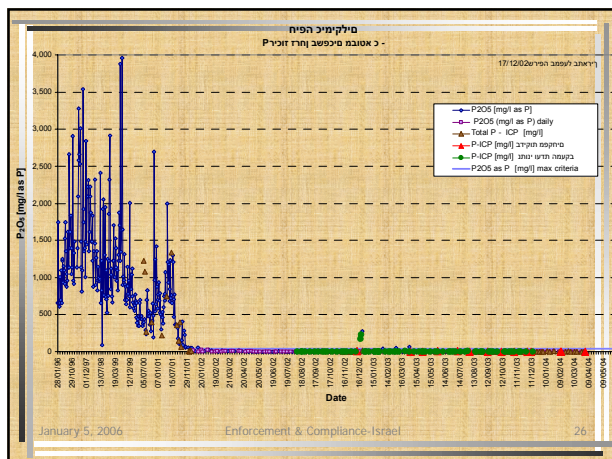
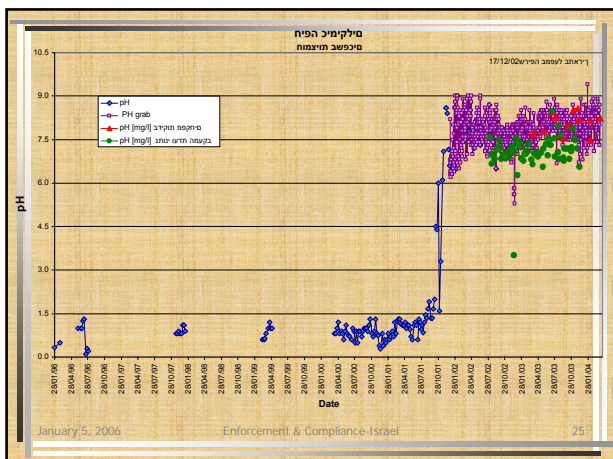
January 5, 2006 Enforcement & Compliance-Israet 17





Haifa Chemicals LTD

- 1998 – termination of sludge marine dumping
- 1999 – recycling of fluids, reduction of discharge quantity by 92%
- 2000 – change of phosphate ore, reduction of metals
- 2001 – acidity neutralization, metals settling
- 2002/3 – organic pollutants treatment and reduction



**Presentation of the country situation on compliance
and enforcement of environmental legislation**

ITALY

October 2005

COUNTRY SITUATION ON COMPLIANCE AND ENFORCEMENT

ITALY

Meeting of the Network on Compliance and Enforcement of Regulations for the control of pollution resulting from land-based activities
(WHO/UNEP Joint Project, MED POL Phase III)
Athens, Greece 4-6 October 2005

Dr. Alessandra Burali
APAT (Italian Agency for Environmental Protection and Technical Services)
on behalf of the Italian Ministry of the Environment

Inspecting Authorities and Technical Units

- National, Regional and Provincial Environmental Protection Agencies (APAT and ARPA/APPAT)
- Carabinieri Corp for Environmental Protection (CCTA former - NOE)
- National Forestry Corp (CFS)
- Revenue Guard Corp (GdF)
- Customs Agency
- Provincial Police

APAT and ARPA/APPA Main tasks

- carry out technical-scientific activities to protect the environment
- carry out technical activities for environmental control
- to prevent, supervise and monitor the sources of environmental stress

ARPA/APPA

- Have a technical-judicial, administrative, book-keeping autonomy, but supervised by regional authorities;
- Define environmental control targets for the areas of their competence;
- Divided into provincial or sub provincial departments and into local services.

ARPA/APPA technical resources, qualifications and training

- Inspecting personnel
- Support or auxiliary personnel
- Qualifications
- Training and frequencies

CARABINIERI CORP FOR ENVIRONMENTAL PROTECTION (CCTA)

- Ex NOE (Environmental Operational Unit of the Carabinieri Corp) was established together with the Ministry of Environment in 1986; in 2001 it was renamed CCTA.
- The supervision, the prevention and the repression of violations causing damages to the environment.
- Article 20 of Legislative Decree 22/97 gives specific inspection rights to the personnel

CCTA
technical resources, qualifications and training

- Inspecting personnel
- Qualifications
- Training

NATIONAL FORESTRY CORP (CFS)

- During the 80s the CFS was included in the operative bodies used by the Ministry for the Environment to surveil, prevent and repress violations causing damages to the environment.
- For the protection of the national natural heritage,
- To survey the areas included in the protected sites of national and international importance.

CFS
Main tasks

- The National Forestry Corp acts as environmental and forestry police who controls and monitors the national territory, referring in particular to:
 - the battle against illicit traffic and illegal waste disposal;
 - the battle against national water pollution

CFS
technical resources

The Forestry Corp personnel forms part of the staff of the Judicial Police Officers. It consists of:

- Inspection personnel
- Auxiliary Support/Personnel

Revenue Guard CORP (GdF)

The Revenue Guard Corp are a special Police Unit directly depending on the Minister for Economy and Finance.

Prior tasks

The activity for environmental protection carried out by the Revenue Guard Corp consists in:

GdF
environmental tasks & technical resources

- fighting illicit traffic related to toxic waste disposal,
- protecting areas with special landscape or environmental bonds and
- checking the observance of the law regarding polluting emissions.

The inspectors and the supervisors are in every respect Judicial Police and Excise, Revenue Police Officers and Public Security Officials.

PROVINCIAL POLICE

It carries out, among other activities,

- the enforcement of law,
- the implementation of inspection plans related to:
 - installations,
 - productive activities and
 - waste transports and verifying the compliance of its permits, especially regarding to waste disposal and emissions into the atmosphere.

CUSTOM AGENCY

- The Testing and Control Department of the Custom Agency performs inspections and controls mainly concerning the fiscal aspects related to the usage and distribution of fuel and mineral oils
- Concerning environmental controls, the Custom Agency has competent authority on NO_x and SO_x emissions produced by combustion plants exceeding 50 MW

INSPECTION PLANNING

- Regional and Provincial Authorities
- ARPA/APPA
- The CCTA, the CFS, the GdF, the Customs Agency and the Provincial Police

TYPES AND FREQUENCIES OF INSPECTIONS

- Routine Inspections/ARPA and Provincial Police
 - Site visits
 - Administrative control
 - Technical control
 - Operational control
 - Analytical control
- Off site monitoring

TYPES AND FREQUENCIES OF INSPECTIONS

- Non routine inspections/CCTA, CFS, GdF
 - if requested by the Judicial Authority/Magistrate
 - The Minister of Environment
 - Relevant authorities or simply as a result of citizens complaints
 - in the circumstance of a potential dangerous situation or where occurrences of non-compliance are revealed

NON COMPLIANCE

- Non compliance detected the ARPA's or APPA's
- Judicial Authorities send CCTA, GdF, CFS

THANK YOU

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

MALTA

October 2005

Meeting of the Network of Environmental
Inspectorates for the Mediterranean

Compliance and Enforcement
in
MALTA

Outline

- Historical Context
- Description of present allocation of environmentally related responsibilities
- Inspectorate
- Inspections

- Malta has a long history of environmentally relevant inspectorates
 - Police department
 - Health department
 - Environment Department
 - Malta Environment and Planning Authority

Protection of the environment is a shared responsibility

- Departments
 - Public Health
 - Police
 - Agriculture
 - Fisheries
 - Civil Protection
 - Drainage
 - Customs

- Malta Resources Authority
- Malta Standards Authority
- Malta Maritime Authority
- Maritime Squadron
- WasteServ Ltd.
- Cleaner Technology Centre
- Public Transport Authority
- Local Councils

MEPA Inspectorate

- Pollution Prevention and Control
 - NINE INSPECTORS
 - Nature Protection

Pollution Prevention and Control

- Background
 - Diploma in Environmental Sciences
 - Science background
 - 18 month in-service course
 - Degree in Geography
 - do not necessarily have a scientific background

Powers

- LN1 of 1994
 - Enforcement powers provide regulators with the means to enter any premises *other than a dwelling* in order to enforce environmental laws and permits, board any vehicle or vessel, take pictures, take samples, and any other evidence necessary in the compilation of an inspection or investigation and issue stop, enforcement and remedial orders to maintain environmental compliance.

- Additional in-service training
 - Twinning agreements
 - Participation in workshops locally and overseas

Planning of inspections

- Routine
- Surprise / Un-announced
- Complaints
 - Inspectors generally operate in pairs
 - Inspections are distributed over the whole country

Workplan for this week

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Team D	Team A	COURT	Team B	Team B
Bathing water Zone A	Bathing water Zone B		Sant'Antnin	Zwejra & Maghtab
AB + JM	MV + JM		Tlata	Package1
Robba	Zwejra & Maghtab			CDC +KS
HM35	Package1			Gozo

- frequency and methodology of inspections is broadly based on the recommendations made in the OPRA system or by IMPEL.
- Inspections usually take an average of between 1 to 4 hours to carry out

- Cover all media
 - air pollution,
 - discharges which can contaminate ground and surface waters as well as the marine environment,
 - contamination of the terrestrial environment.
 - Physical and esthetical aspects such as noise and odors are also covered

- presently mainly of a subjective nature
- can asked to secure the services of specialists to report on, or rectify non-compliance's, or to certify compliance
- Specific training on specialised inspections (e.g. IPPC) sites is still required, although the authority may in the short term engage on contract expert inspectors for specific sites.

- Joint inspections where several agencies cooperate to inspect an operation have proven to be very effective.

Evaluation of compliance

- Operation according to permits
- Cessation of complaints

Quality Indicators

- Not yet established
 - Currently assessed on:
 - Individual site or activity reports
 - Monthly reports
 - Cases taken to court and relevant outcome

Enforcement

- Wide range of options
 - Administrative provisions include warnings, and stop orders.
 - “name and shame”
 - cashing of bank guarantees and ‘direct action’
 - Court procedures
 - Fines and penalties
 - Imprisonment

Inspection of lining installation



Identification of illegal discharges



Illegal discharges to sewer





**Presentation of the country situation on compliance
and enforcement of environmental legislation**

SERBIA & MONTENEGRO

October 2005

**COMPLIANCE AND
ENFORCEMENT OF
REGULATIONS OF CONTROL
POLLUTION
FROM LAND-BASED ACTIVITIES
IN MONTENEGRO**

**Pavle Djurasković
Ivana Pavičević**

Athens 4.-6. October 2005.

◇ Government of the Montenegro Republic promote and implement the state relation toward environment. In 1991 the Parliament of the Republic of Montenegro adopted the "Declaration on the Ecological State of Montenegro"

◇ The major competence regarding environmental policy in the Republic of Montenegro is vested with the Ministry of Environment and Physical Planning.

I. Administration

The forms of compliance monitoring in Montenegro:

- ☐• **Inspections**
- ☐• **Self-monitoring, self-record keeping and self-reporting**
- ☐• **Environmental auditing**
- ☐• **Citizen complaints**
- ☐• **Ambient monitoring**

➤ **Inspections**

- **Supervision** over implementation of the Environment Law and regulations that have thereof been passed is entrusted to the Ministry of Environment Protection and Physical Planning through operation of its **ecological inspection** unit.

- EI control enforcement of the environmental regulation defined by the Articles 43–45 of the Environment Law ("Official Paper of the Republic of Montenegro, No 12/1996").

➤ **Environmental auditing**

Annual reports on the effectuation of the environmental protection programs are to be submitted to the local authority competent for the territory where facilities are located.

➤ **Citizen complaints**

- are estimated to be a significant source of detecting violation (inspections resulting from citizen complaints are estimated about 20 for a year).
- numerous NGOs and a newly founded "eco-rangers."

➤ **Ambient monitoring**

• **well-established monitoring system consisting of:**

- **air pollution monitoring (from stationary and mobile sources),**
- **surface and underground water monitoring,**
- **radioactivity,**
- **biodiversity and**
- **soil pollution monitoring.**

2. Environmental Legislation

- Ministry of Environment 2001.
- Competences of the inspectors 1996.
- Specific Air pollution regulation (emission standards) 2001.
- Water pollution laws 1997.
- Waste regulation 2000.
- Noise and vibration 1995 (2000).
- Urban planning law 2000.
- Soil pollution 1997.

➤ Institutions

- Institutions, which cooperate with ecological inspection:
- Center for Eco-toxicological Researches of Montenegro
- Hydro-meteorological Institute
- Institute for Nature Protection
- Institute for Health Protection
- Institute for Marine Biology

Needs

Needs for the cooperation with other institutes in the field of the Inspectorates can be defined as need:

- for establishing integral inspection which would cover all aspects of environmental, health and protection issues, as independent body.
- for national and regional co-ordination bodies for enforcement.
- for national and regional co-ordination bodies for investigation of environmental crime.
- for **Environmental Protection Agency**.

3. Permitting system

» most powerful tool in environment protection is issuing ecological permit in accordance with the Environment Impact Assessment Act ("Official Paper of the Republic of Montenegro, No 14/1997").

» responsibility of ecological inspectors concerning this EIA regulation is to control the existence of ecological permit and the implementation of the protection measures as prescribed by ecological permit issued on the basis of EIA statement.

4. Enforcement procedures

The inspection controls in the field of environmental

- 1) regular planned controls,
- 2) control upon order (Deputy minister or Minister)
- 3) control upon complaint,
- 4) control upon accident,
- 5) control during construction of facilities requiring EAI statement.

Inspectors plan inspections, on month and yearly base.

- Inspectors may notify the facility prior to inspection or arrive unannounced
- routine or ad hoc "for cause" (planned on the monthly based or as a result of citizen' complaints, police report or ecological accidents).
- complex ones or single-media oriented.

- the right to enter facilities,
- posses execution power to close factory or factory parts immediately,
- have the power to impose non-compliance fines, to halt activity endangering the environment and to ban the sale and import of raw materials, fuels, machinery and other technical appliances and goods.
- cooperates with other inspectorate.

5. Environmental inspectorate organization, human resources, management, training

- **Material resources**
- cover only basic needs of inspections and inspectors.
- **Financial Resources**
Ministry of Environment, cover only basic financial needs of inspectors: salaries, traveling expenses, mobile phone expenses, but only partial.

➤ Training programs

- no planed or performed special training programs for inspections and inspectors.
- the main reason is lack of funds and also fact that all of ecological inspectors are supposed to be highly experienced in the field of environmental protection prior to become ecological inspectors.

Key problems related to the inspectorate activity include:

- unsynchronised action of inspection services of certain ministries (for health, waters, environmental protection and physical planning),
- insufficient number of environmental inspectors,
- lack of environmental inspection on municipality level,
- lack of inspectors specialised for protection of individual segment of environment ,
- lack of modern quick-reaction technical equipment and support of information technology,
- lack of organized permanent education in the field of environmental protection.

Total number of inspectors in Republics Environmental inspectorate is 4.
Total number of inspection visits per year is 231.
Percentage biologists in Environmental inspection is 0.
Percentage technical personel in inspectorate is 75 % (3 of 4).
Percentage in Chemistry in inspectorate is 0.
Percentage personel in Low in inspectorate is 0.
Percentage personel in Economy is 25 %.
Average number of years experience is 20.
Regular training of managment weeks per year is 0.
Avarage training of staff weeks per year is 0.
Budget managment of Environmental Inspectorate is 0.

6. Environmental inspection in practice

Main of major activities of Environmental inspectorate

- Percentage of court cases per visits is 0.87 %.
- Percentage of reports per visits is 100 %.
- Percentage complaint visits per total number of visits is 16.45 %.
- Average number of days on inspection per year is 250.

- All documentation is kept as paper archives and documentation. -
- Due to the lack of computerized system, informations are distributed to the public through media announcements (newspapers, television or radio).
- Special telephone number for informations about environment pollution.

8. Compliance assessment

Compliance assessment in Montenegro is measured by:

- Permit authorities.
- Own investigation.
- Self monitoring
- Complaints evaluation.
- Investigation by themes.

In accordance with positive facts in process of Compliance Assessment there is a need for measuring and evaluating tools of this process: \cup

- Strategy on Compliance Assessment.
- Compliance indicators

9. Enforcement performance and actions and reporting capabilities

Some of these actions are:

- Regular inspection work – control of existing facilities:
- Regular controls
- Extraordinary controls
- Controls in case of violations

Obstacles in the inspectorate process:

- Human behaviour and lack of respect to environmental laws.
 - Behaviour of regulated community – high expenses to correct problems.
 - Behaviour of enforcement community – lack of support.
 - Lack of financing resources.
 - Clean technologies are too expensive.
- There is no compliance with international Conventions.**

THANK YOU



**Presentation of the country situation on compliance
and enforcement of environmental legislation**

SLOVENIA

October 2005

COMPLIANCE AND ENFORCEMENT IN SLOVENIA

BORIS ŽBONA

Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning

COMPLIANCE AND ENFORCEMENT INTRODUCTION

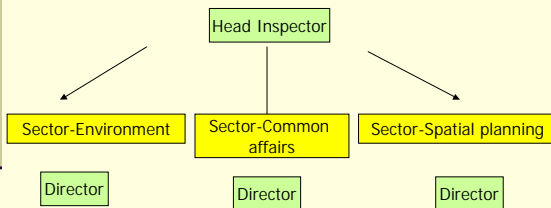
- INSPECTORATE OF THE **RS**, FOR THE ENVIRONMENT AND SPATIAL PLANNING (IRSEP) CONSISTS OF TWO DIFFERENT INSPECTIONS SERVICES ON THE STATE LEVEL, ONE OF THEM IS ENVIRONMENTAL INSPECTION SERVICE.
- ALL **EC** LEGISLATION TRANSPOSED INTO SLOVENIAN NATIONAL LEGISLATION IMPOSE THE COMPETENCE OF SUPERVISION ON THE NATIONAL LEVEL ON THE INSPECTORATE OF THE **RS** FOR THE ENVIRONMENTAL AND SPATIAL PLANNING AND ON SPECIFIC OTHER INSPECTORATES.
- STATE ENVIRONMENTAL INSPECTORATE UNDERTAKES INSPECTION AND ENFORCEMENT ACTIVITIES ON THE BASIS OF STATE LEGISLATION.
- INSPECTION ON THE LOCAL LEVEL IS EXERCISED BY LOCAL INSPECTION SERVICES PURSUANT TO LOCAL REGULATIONS. THEY HAVE LIMITED COMPETENCE TO UNDERTAKE INSPECTION.

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COMPLIANCE AND ENFORCEMENT STRUCTURE OF IRSEP

Inspectorate of the RS for the Environment and Spatial Planning



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COMPLIANCE AND ENFORCEMENT REGIONAL UNITS



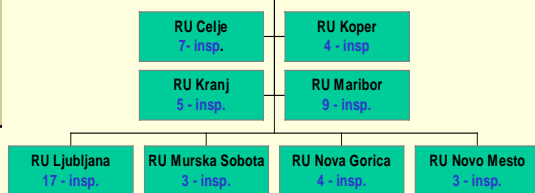
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COMPLIANCE AND ENFORCEMENT STRUCTURE OF IRSEP

Organisation of the IRSEP - regional units

Inspectorate of the RS for the Environment and Spatial Planning



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COMPLIANCE AND ENFORCEMENT

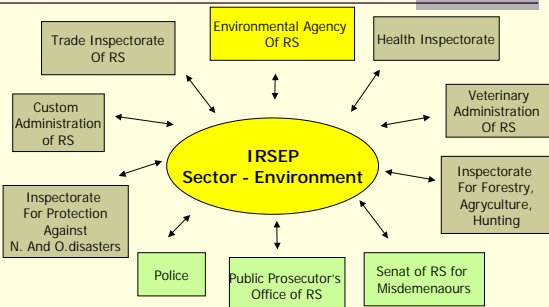
RELATIONSHIP WITH OTHER INSTITUTIONS AND AUTHORITIES

- MANY OTHER INSTITUTIONS ARE ALSO RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT OF THE ENVIRONMENTAL LEGISLATION.
- TO IMPROVE IMPLEMENTATION AND ENFORCEMENT THE INFORMAL ENFORCEMENT NETWORK HAS BEEN ESTABLISHED.
- MEMBERS OF NETWORK ARE:
 - MINISTRY OF THE ENVIRONMENT AND SPATIAL PLANNING
 - MINISTRY OF HEALTH
 - MINISTRY OF AGRICULTURE, FORESTRY AND FOOD
 - MINISTRY OF FINANCE
 - MINISTRY OF DEFENCE
 - MINISTRY OF ECONOMIC AFFAIRS
 - MINISTRY OF INTERIOR
 - LOCAL AUTHORITIES AND OTHERS

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COMPLIANCE AND ENFORCEMENT IRSEP AND OTHER INSTITUTIONS



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COMPLIANCE AND ENFORCEMENT COMPETENCE OF ENVIRONMENT INSPECTOR

- LEGAL FRAMEWORK:
 - ENVIRONMENTAL PROTECTION ACT AND ALL LEGISLATION RELATED TO EPA, WATER LAW AND NATURE CONSERVATION ACT
 - ADMINISTRATION LAW
 - LAW OF INSPECTION
- INSPECTOR HAS COMPETENCE TO INSPECT THE FACILITY TO COMPLIANCE STATUS WITH LEGISLATION, MONITORING REPORTS AND PERMITS.

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COMPLIANCE AND ENFORCEMENT MONITORING

- AUTHORISED INSTITUTIONS HAVE A DUTY TO PERFORM EMISSION MONITORING INTO ENVIRONMENT:
 - WASTE 19 INSTITUTIONS
 - WATER 40 INSTITUTIONS
 - AIR 14 INSTITUTIONS
 - NON-IONIC RADIATION 6 INSTITUTIONS
 - NOISE 25 INSTITUTIONS
- SOME COMPANIES ARE ALSO AUTHORISED TO PERFORM SELF-MONITORING ON SITE.
- DUE TO POLLUTERS PAY PRINCIPLE, ALL EXPENCES RELATED TO MONITORING ARE PAID BY POLLUTERS

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COMPLIANCE AND ENFORCEMENT HUMAN RESOURCES

- TOTAL NUMBER OF ENVIRONMENTAL INSPECTORS AT THE MOMENT IS 54.
- DIRECT INSPECTION IS PERFORMED BY 52 INSPECTORS.
- ALL INSPECTORS EXCEPT TWO OF THEM HAVE 2 ND OR 3 RD DEGREE OF UNIVERSITY EDUCATION.
- ALL INSPECTORS HAVE COMPLETED THE PRESCRIBED TRAINING PROGRAMMES AND PASSED THE NATIONAL PROFESSIONAL EXAMINATION.
- INSPECTORS TAKE VARIOUS TYPES OF SPECIALISATION WITHIN THE FRAMEWORK OF EXPERT GROUPS AND FOR SPECIFIC AREAS OF INSPECTION.

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COMPLIANCE AND ENFORCEMENT EDUCATION OF INSPECTORS

- MASTER OF SCIENCE (CHEMISTRY) 7 INSPECTORS
- CHEMICAL ENGINEER 28 INSPECTORS
- GRADUATED BIOLOGIST 7 INSPECTORS
- AGRICULTURAL ENGINEER 5 INSPECTORS
- GEOLOGIST 2 INSPECTORS
- CONSTRUCTION ENGINEER 1 INSPECTOR
- SAFETY ENGINEER 1 INSPECTOR
- GRADUATED LANDSCAPER 1 INSPECTOR
- ENGINEER FOR LABOUR ORGANIZATION 1 INSPECTOR
- GRADUATED METALURGICAL MATHEMATICIAN 1 INSPECTOR

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COMPLIANCE AND ENFORCEMENT HUMAN RESOURCES

- THEY ARE ALSO INCLUDED IN SOME SPECIFIC TRAINING PROGRAMMES IN SLOVENIA AND ABROAD, PARTICULARLY WITHIN THE **EU-IMPEL, AC-IMPEL, TAIEX AID, ...** FOR EACH INSPECTOR IT IS PLANNED ONE WEEK PER YEAR FOR EDUCATION.
- 13 INSPECTORS ATTENDED 3-DAY TRAINING PROGRAMME FOR THE TRAINERS FOR ENVIRONMENTAL INSPECTORS (WHO/UNEP-MAP).
- BESIDE THIS, EACH EXPERT GROUP WILL ORGANISE TRAINING OF INSPECTORS RESPONSIBLE FOR EXERCISING INSPECTION IN ACCORDANCE WITH INSTRUCTIONS.
- AT THE ENDE OF THE YEAR 2004 ALL INSPECTORS HAVE PASSED THE EXAME FOR THE OFFENCE BODY ON FIRST DEGREE.

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COMPLIANCE AND ENFORCEMENT WORKING PLAN FOR INSPECTORATE

THE WORKING PLAN FOR INSPECTORATE IS PREPARED ON THE BASIS OF THREE ESSENTIAL INDICATORS:

- TOTAL NUMBER OF INSPECTORS
- TOTAL NUMBER OF EXTRAORDINARY INSPECTIONS CARRIED OUT
- TOTAL NUMBER OF REGULAR AND CONTROL INSPECTIONS

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COMPLIANCE AND ENFORCEMENT INSPECTION PLAN 2005

	INSPECTORS	EFFECTIV INSPECTORS	INSPECTIONS
MAIN OFFICE LJUBLJANA	2	0	0
REGIONAL UNIT			
1. CELJE (CE)	7	6.3	1095
2. KOPER (KP)	4	2.9	500
3. KRANJ (KR)	5	3.9	675
4. LJUBLJANA (LJ)	17	15.4	2670
5. MARIBOR (MB)	9	8.8	1525
6. MURSKA SOBOTA (MS)	3	2.8	480
7. NOVA GORICA (GO)	4	3.2	555
8. NOVO MESTO (NM)	3	2.9	500
TOTAL	54	46.2	8000

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COMPLIANCE AND ENFORCEMENT INSPECTION PLAN 2005

A	AIR QUALITY	280
B	WASTE MANEGEMENT	3590
C1	WATER PROTECTION	1560
C2	WATER MANAGEMENT	580
D	NATURE PROTECTION	175
E	CHEMICALS AND GEN.MOD.ORGANISEMS	60
F	INDUSTRIAL POLLUTION CONTROL	880
G	NOISE	785
H	ELECTROMAGNETIC RADIATION	90
	TOTAL	8000

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COMPLIANCE AND ENFORCEMENT INSPECTION PLAN 2005

AREA	RU (CE)	RU (KP)	RU (KR)	RU (LJ)	RU (MB)	RU (MS)	RU (NG)	RU (NM)	TOTAL
A	39	18	26	90	53	17	19	18	280
B	489	224	300	1200	687	216	250	224	3590
C1	213	98	132	520	297	94	108	98	1560
C2	80	36	49	193	110	35	41	36	580
D	25	11	15	58	33	10	12	11	175
E	9	4	5	20	11	3	4	4	60
F	120	55	74	295	167	53	61	55	880
G	107	49	66	262	150	48	54	49	785
H	12	5	8	32	17	5	6	5	90
TOTAL	1095	500	675	2670	1525	480	555	500	8000

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COMPLIANCE AND ENFORCEMENT ENFORCEMENT PROCEDURES

THE TYPICAL ROUTINE INVOLVED IN INSPECTION OF FACILITIES FOR ENVIRONMENTAL COMPLIANCE PURPOSES IS AS FOLLOWS:

- SITE VISIT (PLANNED OR FOLLOWED FROM REPORT OF THIRD PARTY)
- IN CASE OF NON-COMPLIANCE:
 - INSPECTOR ISSUES A WRITTEN ORDER STATING WHAT THE FACILITY MUST DO TO REVERT TO A COMPLIANCE STATUS
 - INSPECTOR CAN PROPOSED THAT MESP ISSUE LEGAL ORDER UNDER THE ENVIRONMENTAL REMEDIATION PROGRAM REQUIRING THE FACILITY TO PREPARE AND UNDERTAKE NECESSARY REMEDIAL ACTION.

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COMPLIANCE AND ENFORCEMENT ENFORCEMENT PROCEDURES

- DEPENDING OF THE DEGREE OF NON-COMPLIANCE INSPECTOR CAN
 - IMPOSE PENALTY DIRECTLY OR
 - INDICT THE FACILITY AND RESPONSIBLE PERSON BEFORE THE OFFENCE JUDGE.
- FOR MAJOR VIOLATIONS THE COMPANY AND RESPONSIBLE PERSON ARE INDICTED IN ACCORDANCE WITH THE PROVISION OF THE CRIMINAL LAW.
- IN CASE OF AN ACTIVITY NON COMPLYING WITH REQUIREMENTS STIPULATED BY THE INSPECTOR THE FOLLOWING ACTIONS SHALL BE IMPLEMENTED:
 - PROHIBITION OF THE FACILITY OR EQUIPMENT
 - CESSATION OF USE OF SUBSTANCES, TECHNOLOGICAL PROCESSES, MACHINE, MEANS OF TRANSPORTE OR PRODUCT AND CARRYING OUT OF A CERTAIN ACTIVITY.

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COMPLIANCE AND ENFORCEMENT ENFORCEMENT PROCEDURES

THE FINES DIFFER TO THE ACTS:

- **NATURE CONSERVATION ACT**
 - CORPORATION: 4.000 EUR - 40.000 EUR
 - RESPONSIBLE PERSON: 150 EUR - 1.500 EUR
 - SELF EMPLOY: 1.000 EUR - 20.000 EUR
 - PHYSICAL PERSON: 150 EUR - 1.500 EUR
- **WATER LAW**
 - CORPORATION: 4.000 EUR - 40.000 EUR
 - RESPONSIBLE PERSON: 150 EUR - 1.500 EUR
 - SELF EMPLOY: 1.000 EUR - 20.000 EUR
 - PHYSICAL PERSON: 150 EUR - 1.500 EUR
- **ENVIRONMENTAL PROTECTION ACT**
 - CORPORATION: 1.500 EUR - 360.000 EUR
 - RESPONSIBLE PERSON: 1.000 EUR - 6.000 EUR
 - SELF EMPLOY: 1.500 EUR - 180.000 EUR
 - PHYSICAL PERSON: 200 EUR - 650 EUR

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COMPLIANCE AND ENFORCEMENT INSPECTIONS

TYPES AND FREQUENCY OF INSPECTIONS

- | | |
|--------------------|-------------------|
| ■ ANNOUNCED | NON ANNOUNCED |
| ■ MULTIMEDIA | SINGLE |
| ■ PLANED | AD HOC |
| ■ BIG POLLUTERS: | 1 VISIT / YEAR |
| ■ SMALL POLLUTERS: | 1 VISIT / 2 YEARS |
| ■ COMPLAINS | |

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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM

- CURRENTLY FOLLOW UP ABOUT PROVIDING INSPECTING PROCEDURE COULD BE:
 - VERY GOOD INDICATOR FOR EFFICIENCY OF INSPECTORS WORK.
 - INFORMATION ABOUT SIMULTANEOUSLY ENVIRONMENT CONDITIONS EACH TIME.
- WITH REGARD ON THIS WE HAVE DEVELOPED ENVIRONMENTAL INFORMATION SYSTEM (EIS) WHICH MAKES FEASIBLE FOLLOW UP OF INSPECTORS WORK AND EFFICIENCY OF ENFORCING ACTIONS.

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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM

- INSPECTION IN THE **RS** IN THIS MOMENT IS MAINLY BASED ON CHECKING CONTROLLED INSTALLATIONS IF THEY COMPLY WITH THE COMPETENT LEGISLATION.
- FOR EACH SCOPE OF SUPERVISION WE HAVE THERE FORE DETERMINED CRUCIAL OBLIGATIONS.
- THESE CRUCIAL OBLIGATIONS ARE IMPLEMENTATION INDICATORS WE FOLLOW UP BY **EIS**.

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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM

GENERAL APPLICATION OF THE SYSTEM

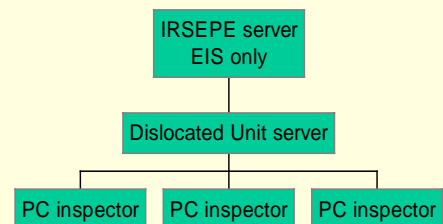
- DATA BASE FOR REPORTING.
- GUIDANCE FOR WORKING PLAN
- DATA BASE ON CONTROLLED INSTALLATIONS
- UPDATE DATA BASE ON LEGISLATION

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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM

DATA TRANSFER



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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM

DATA ACCESS IS LIMITED BY HIERARCHIC STAGE AS FOLLOWS FROM ORGANISING STRUCTURE:

INSPECTOR – ONLY FOR HIS OWN USE

REGIONAL UNIT MANAGER - ALL INSPECTORS WITHIN UNIT

HEAD OF ENVIRONMENT INSPECTORATE – ALL INSPECTORS AND PROCESSING OF DATA

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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM



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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM



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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM



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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM



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COMPLIANCE AND ENFORCEMENT ENVIRONMENT INFORMATION SYSTEM

WHAT ABOUT FUTURE ?

- IMPROVE THE SYSTEM
- ACCESS TO DATA BASES OF THE ENVIRONMENTAL AGENCY
- UPGRADE NEW POSSIBILITIES OF DATA PROCESSING

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**Presentation of the country situation on compliance
and enforcement of environmental legislation**

SYRIAN ARAB REPUBLIC

October 2005

Meeting of the Network on Compliance and Enforcement
WHO/UNEP

Compliance & Enforcement in Syria

Presentation by

Reem Abed Rabboh

MAP N.F.P
Director of Water Safety
GCEA

Greece 4- 6 / 10 / 2005

General Information

Country Situation

- The Ministry of State for Environmental Affairs in SYRIA had been established in the year 1991 by the Legislative Decree No11, it was the first ministry for environment in the Arab World
- Due to the government recognition of environmental issues, the Law for " **Environmental Protection** " had issued as Law No/50/ for the year 2002.

This law is consider as complemented for other laws, it is the mold or container that could involve , interact and integrate with other legal instruments concerning environmental protection

- The last formation of the cabinet incorporate between Ministry of Local Administration and Ministry of State for Environmental Affairs , it became **Ministry of Local Administration and Environment**, which include in it its structure the General Commission for Environmental Affairs (The environmental body in the ministry)

The Law 50 identify the tasks and authority of GCEA, some of the tasks are :

- 1-to reckon the outstanding environmental problems , set up the public policy for environment protection, prepare the national strategy and set the plans and programs to carry it out within the framework of the state public policy
- 2- Gauge environmental elements and follow up on them through the laboratories accredited by the Higher Council for Environment Protection, and prepare the specification and standard criteria for environment elements.
- 3- Monitor activities of environmental effect at the public and private bodies to verify the extent of abiding by the standard environmental specifications
- 4- Set the instructions, provisions, necessary for the agriculture , commercial, industrial, housing, developmental and other projects, to abide thereby and accredit them as a part of the prior terms for licensing of any of them.
- 5- Work on establishing environmental observatory networks, and operating them.

Historical Overview of Existing Laws

- Legislative Decree No /154/ in (1961) concerning the establishment of General Directorate of Harbor, which identify provisions for fishery, detection about shipwreck, flotsam and jetsam, checkup the violations, supervision the safety and security of territorial waters.
- Legislative Decree No /95/ in (1962), concerning marine disasters and marine debris (shipwreck) , which identify the procedures that should be taken in each cases of problem, and responsibilities, penalties.

- Legislative Decree No /30/ in (1964), for the protection of Marine Ecosystem, which arrange and determine the allowable tools and procedures for fishery, forbidden practices.

As well as this law authorized the Ministry of Agriculture to monitor the discharge of industrial wastewater into general water, and to checkup the compliance of industrial establishments to the obligatory provisions

- The Law No /152/ in (1970) for the regulation of Wild Hunting , which arrange allowable practices for hunting

- Legislative Decree No /2145/ in (1971), concerning the establishment of Directorate for Combating Pollution in General Water, which authorize the Ministry of Irrigation to monitor the general water and make necessary detection in sources of pollution as industries to checkup the compliance with provisions and standards
- Law No /10/ in (1972), for the protection of territorial water and adjacent international water from pollution by oil and its derivatives , whether it was belong to land-based source or marine-based source.
The law identify the responsibilities, penalties, procedures for the management of problems

- Two other laws are under the process of issuance , those are:

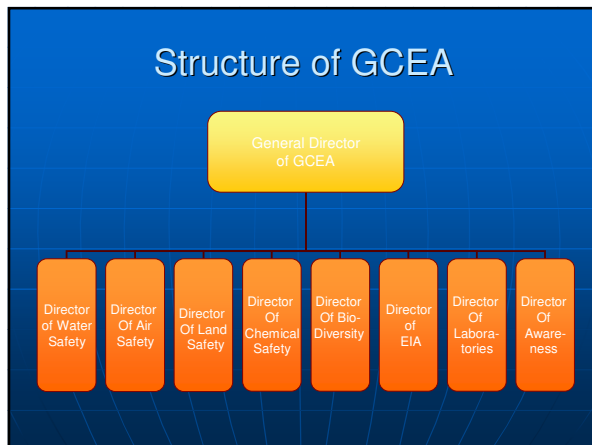
- The Law of the Protection of Marine Water from Ship Wastes and Litter
- The Law for Water Statute

The executive rules of the above mentioned laws illustrates the institutional coordination and arrangements between Ministry of Transportation and Ministry of Irrigation from one side with the Ministry of Environment in other side, as follows:

- 1- **The Ministry of Irrigation will accomplish the periodical analysis in the determined frequency for all general water (rivers, lakes, springs, groundwater, marine water...)**
- 2- **If the results illustrate deviancy from the standards, they have to inform Ministry of Local Administration and Environment, and they will together make necessary detection for the reasons of water pollution**

3- Pursuant to the rules of the law No/50/ in (2002), The Ministry of Local Administration and Environment will tackle the problem with causative activities

4- Ministry of Irrigation will continue monitoring to observe the trend , whether there is any enhancing or deterioration of environmental situation and they will inform MLAE of conclusions



Information about Inspection

- Moderately , more than 500 inspection process carried out per year at national level
 - A list of inspectors arrive at 50 person are accredited officially after doing the swear, they have scientific background with certificate of Bachelor at least.
 - Since the issuance of environmental law to date, inspection process depends on cases of receiving complaint from peoples or message from concerned authorities as ministry of irrigation, housing, health,...
 - A group of environmental inspectors dispatched to the location to make detection about the cause of problem, and to examine and audit the environmental situation , take samples for analysis, checkup the compliance with the provisions of the previous license if it is exist.
- In conclusion, a message from Ministry of Local Administration and environment should be send to the industrial institution through the concerned mayor to abide them by environmental provisions at the risk of responsibility

➤ In order to put the law No/50/ into effect, a warning message had been disseminated into the crafts of industrial, commercial, services, development, agricultural projects at the national level, to adapt their situation with environmental provisions during one year from the date of warning.

➤ An order from Minister of Local Administration and Environment to all mayor had disseminated to make a comprehensive survey for all industrial activities, in particular, workshops which refine mineral oils in an elemental technique, and warn them to have formal license from MLAE, in order to set up a data base , and to classify all dominated industries , to kick-off with a real inspection at the next stage.

Planning for Inspections

- In the framework of developing the list of inspectors , A committee from the GCEA consist of General Director as a head, and directors as members, to select the appropriate, qualified persons who meet the conditions specified by the Minister may be sought to give help in the entry of sites defined by GCEA by virtue of task order issued by the minister authorizing them of the inspection right and request the support of police, upon need, to testify the violations related to the law, criteria, specifications, terms and other environmental regulations approved by the council, Their reports shall have the capacity of minutes organized by the justice authorities after being attested by the minister

Planning for Inspections

- According to the law, the minister has delegated some of his prerogatives stipulated in the law to the governors.
- The installations and activities had been given one year to adapt their situations with the provisions of the law, the council may extend this period for two additional years as a maximum for any of these installations and activities upon their request and for justifying reasons
- The conclusions of surveying the industrial installations are now already exist in each governorate

Planning for Inspections

- Due to the agreement between Syria and JICA, they have equipped 14 laboratories for environmental inspection process, which could cover all basic analysis in 14 labs, as well as analysis of heavy metals in 4 laboratories, and two other mobile labs for air pollution analysis.
JICA had conducted training courses for chemists to train them how to operate all instruments and equipments, as well as some field training for sampling.

Planning for Inspections

- A list of accredited laboratories in Syria had been approved to depend on for the implementation of environment law, these labs should meet the provisions which illustrated in the executive rules of the law, in particular, the provision which concerning quality assurance, and participating in international program for quality assurance

Types and Frequency of Inspection

- It has not determined yet, but the format of inspection report has been adopted, as well as there is a proposal for the frequency of inspection, which illustrate the required number of inspectors as follows:
 - 1- after surveying the industrial activities, 60000 installations with workshops had recorded, classified into (High – medium, low) level of pollution
 - 2- the frequency of inspections should be 3 years
($60000/3=20000$ per year)
 - 3- The moderate time required for each installations is estimated by 3 days (100 installation per year by one inspector)
 - 4- The required inspectors will be 200 at national level, but since there is no more 100, so, we may change our mind for the frequency of inspections

Evaluation of the Compliance

- Since the inspection process has not started yet officially, so, the microfiche of reports is empty, there is no statistics till now reflecting the number of inspections conducted and number of enforcement actions issued
- A format for inspection report has been prepared, it will be adopted soon, this format had been prepared in cooperation with Mr. Glaser the expert in environmental inspection

Inspection Report

- General information (industry, operation, process)
- Description of industry (production capacity, average daily production rate, list of raw material, chemical use, number of shifts, shift time, strength of work force,
- Details of process machinery
- List of available permits from local concerned authorities of state
- Sketch of site and surroundings
- Zonal classification
- Pollution potential
- Liquid effluent (source of wastewater, mode of release, final discharge point, details of recycling, sampling details, details of available treatment)
- Solid waste (type, quantity, location of disposal, treatment, recycling, information of emissions)
- Safety measures

Indicators

- Although inspection process has not started yet, but a technical committee in GCEA has put a list of direct and indirect indicators that could be use in the near future, as:
 - direct indicators:
 - ✓ No of inspectors in each directorate
 - ✓ No of trainees for lab operation
 - ✓ No of inspection process / inspector/year
 - ✓ No of compliance situation (if it is increase)
 - ✓ No of enforcement situation (if it is decrease)

Indicators

- Indirect indicators:
 - ✓ improvement of wastewater quality discharge into recipient bodies
 - ✓ improvement of the quality of recipient bodies
 - ✓ improvement of type of gaseous release into atmosphere
 - ✓ improvement of air quality
- Taking into consideration that GCEA will start the establishment of Environment Observatory Network for water and air media within two years

Enforcement

- By the law of Environment Protection no /50/ in 2002, the Minister of Local Administration and Environment is authorized to control the implementation of the law and regulations relevant to environment
- By the law of Environment Protection no /50/ in 2002, the Higher Council for Environment Protection will take decisions prohibiting, suspending or imposing restrictions on operating of installation or activity deemed to be causing harm to the environment or disorder in its balance

■ Article 24:

The punishment of one hundred thousand to two million s.p. penalty shall be imposed on the owner of the installation of industrial, economic, development, tourist, or service activity or the person in charge of its management if he gets rid of the waste of any type inside the Syrian Arab Republic whether it is solid, liquid or gaseous contrary to the provisions of this law.

The punishment shall be inflicted whether the disposal of these wastes has taken place through discharge, throwing, dumping, burning or any other form.

In case of repetition, the punishment shall be the imprisonment of one month at least in addition to the penalty specified in this article

■ Article 25:

The court may order the closing of the shop, installation or establishment violating the provisions , obligate the violator to remove the remnants within the period defined thereto and fine him an amount not less than 5000 s.p for each day he fails to remove them after the period defined thereto

■ Article 27:

Owners of factories, installations, workshops and activities that release environment polluting emissions shall have to fix apparatuses to prevent spread of these emissions and control solid particles prior to their release from the factory in the air to the extent allowed under the instructions issued by the council

He who commits any of the violations and does not remove it within the defined period, the minister shall have the right to refer the violation to the court that has the right to issue a verdict to close sites and imprison the violator for a period not in excess of one month and a penalty from 10 000 to 50 000 s.p, and obligate him to eliminate the violation within the period defined , and fine him 5 – 10 thousand s.p for each day delay in the removal

■ Article 34:

The installations and activities existing on the date of the issuance of the law shall be given one year as of the date of their notification to adapt their situation with the provisions of this law, the council may extend this period for two additional years as a maximum upon their request and for justifying reasons

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

TUNISIA

October 2005

Rapport sur les systèmes d'inspections environnementales en Tunisie



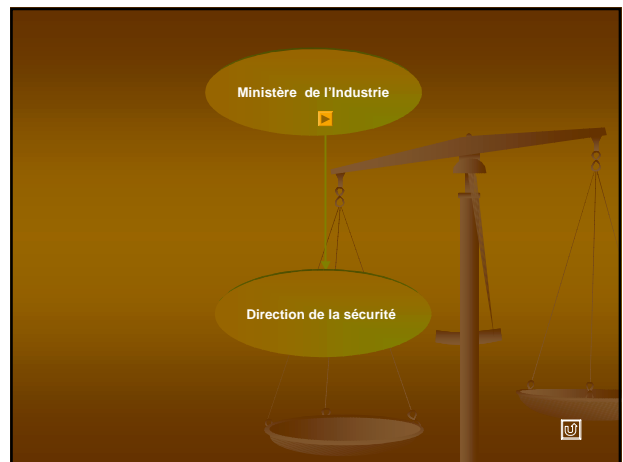
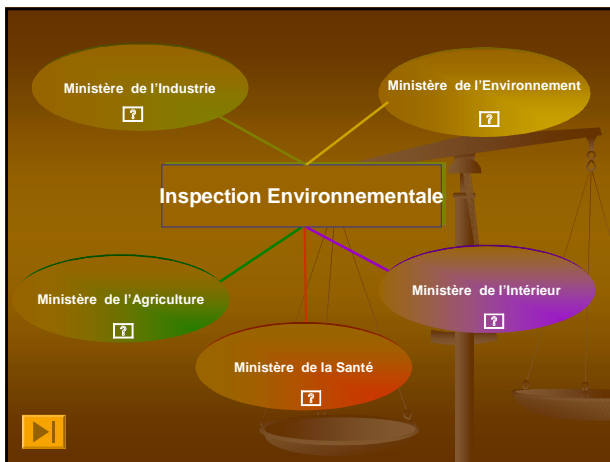
Élaboré par KAABI Samir

Athènes-Grèce 4-6 Octobre 2005

Cadre institutionnel et juridique

- Multiplicité de textes traitant la pollution
- Multiplicité des intervenants

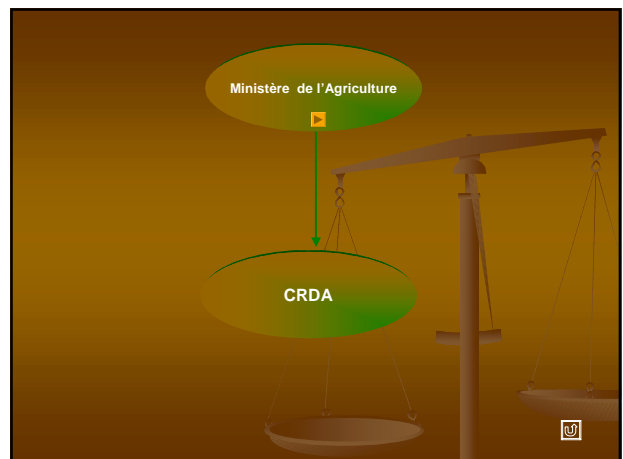
Caractère répressif sans vision préventive globale



Ministère de l'industrie

- Contrôle des établissements classés: dangereux, insalubres ou incommodes par les inspecteurs assermentés du ministère de l'industrie

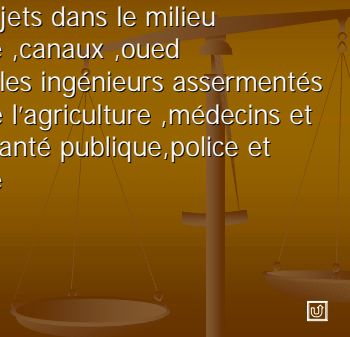
Code du travail



Ministère de l'agriculture

- Contrôle des rejets dans le milieu hydrique: fleuve ,canaux ,oued ,sebkhas,...par les ingénieurs assermentés du ministère de l'agriculture ,médecins et ingénieurs de santé publique, police et garde nationale

Code des eaux



Ministère de la Santé

Direction d'Hygiène du milieu
Et de Protection
de l'Environnement
DHMPE

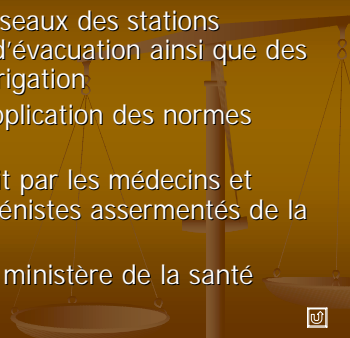


Ministère de la Santé

- Contrôle des réseaux des stations d'épuration et d'évacuation ainsi que des eaux usées d'irrigation
- Contrôle de l'application des normes sanitaires

Ce contrôle se fait par les médecins et ingénieurs hygiénistes assermentés de la DHMPE

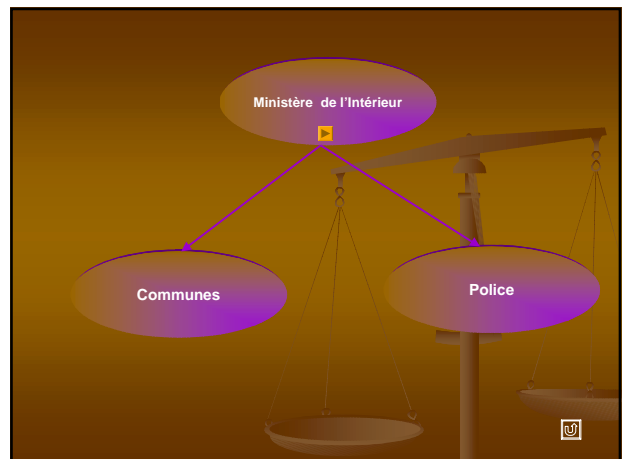
Loi organique du ministère de la santé



Ministère de l'Intérieur

Communes

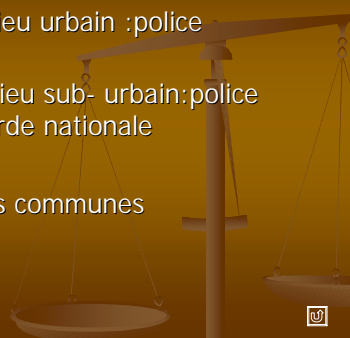
Police



Ministère de l'intérieur

- contrôle du milieu urbain :police municipale
- Contrôle du milieu sub- urbain:police nationale et garde nationale

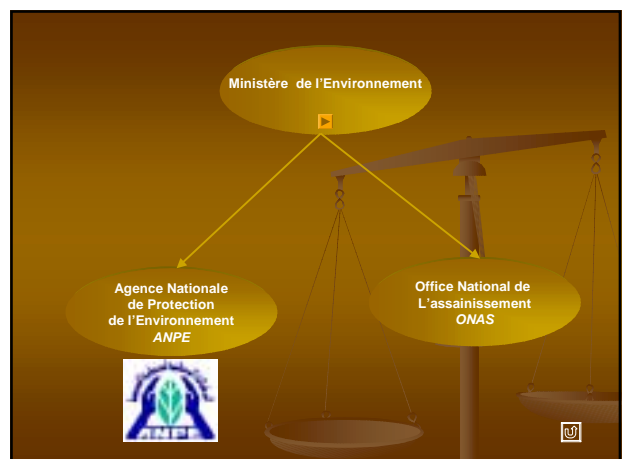
Loi organique des communes



Ministère de l'Environnement

Agence Nationale
de Protection
de l'Environnement
ANPE

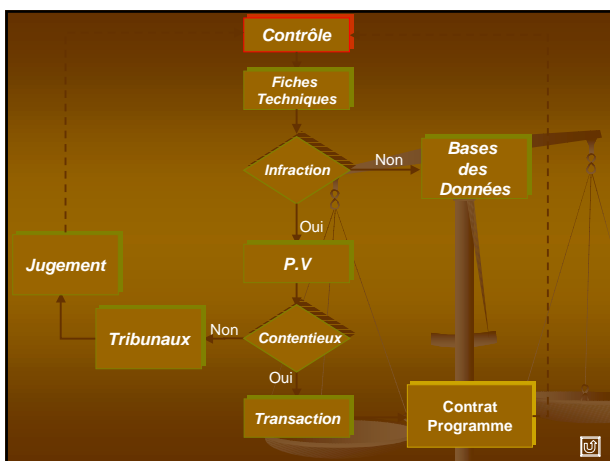
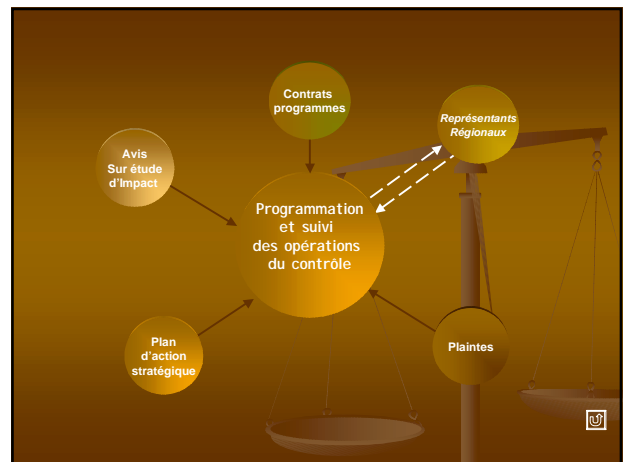
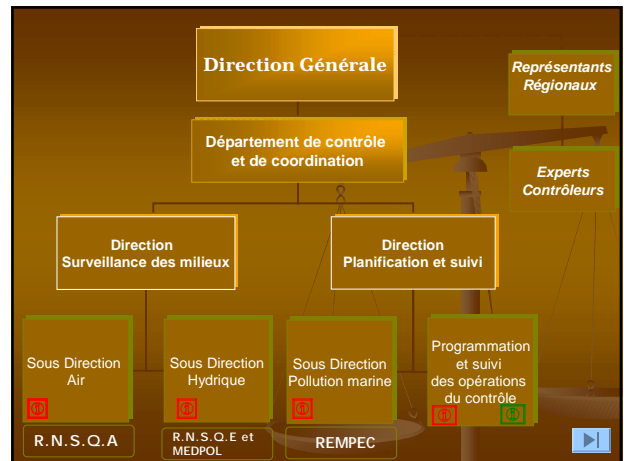
Office National de
L'assainissement
ONAS



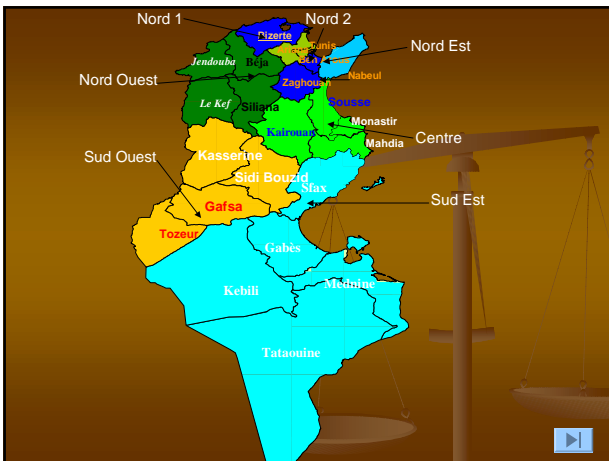
Ministère de l'environnement

- Contrôle des prescriptions fixées par les autorisations de rejets liquides, solides, gazeux ...dans le milieu récepteur : Experts contrôleurs de l'ANPE
- Contrôle des rejets dans la canalisation publique: agent assermentés de l'ONAS

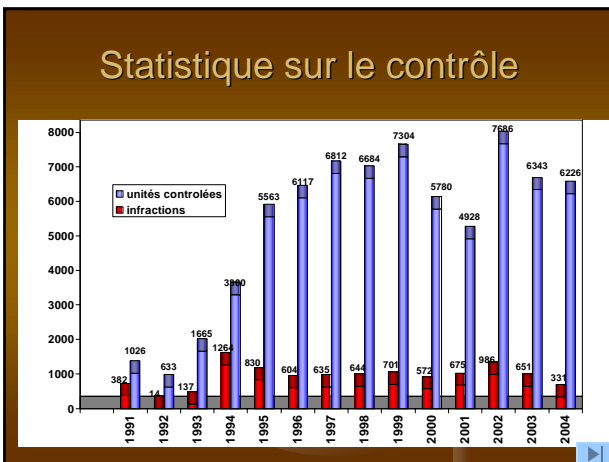
Loi de création de l'ANPE
Loi relative à l'ONAS
Loi relative aux déchets







Direction Régionale de l'ANPE	Adresse	Nombre d'experts
Nord I	Tunis	2
Nord II	Tunis Belvédère	2
Nord Est	Rades	3
Nord Ouest	Béja	1
Centre	Sousse	5
Sud Est	Sfax	2
Sud Ouest	Gafsa	1



- ### Planification du contrôle
- Sur directive ministérielle
 - Suite aux données de surveillance des milieux à l'échelle centrale
 - Suite aux plaintes et requêtes à l'échelle régionale

- ### Types et fréquences des inspections
- Contrôle instantané: plaintes, accident...
 - Contrôle sectoriel :saisonnier
 - Contrôle systématique: suivi des contrats programmes et étude d'impact,...
- Le but est de contrôler au moins une fois par an les industries à risque de pollution





Opération Blanche Route Tunis-La Goulette



Opération Blanche Route Tunis-La Goulette



Opération Blanche Route Tunis-La Goulette



Opération Blanche Route Tunis-La Goulette

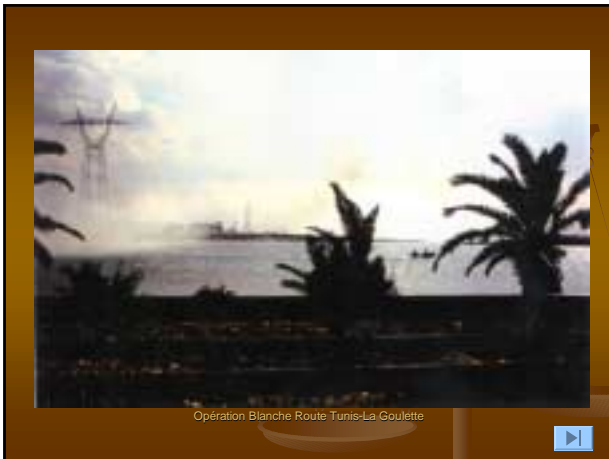


Opération Blanche Route Tunis-La Goulette



Opération Blanche Route Tunis-La Goulette





Quelques accidents de circulation

- 26 Mai 1999 Lieu: Babbouch
Produit: Xylène
- 20 Août 2001 Lieu: à Skhira
Produit: Fuel
- 7 Novembre 2001 Lieu : Mareth
Produit: Acide sulfurique
- 22 Janvier 2001 Lieu: Zaghouan
Produit: Ammoniaque

- 19 Juin 2001 Lieu: Menzel Habib
Produit: Pétrole et Diesel
- 16 Mai 2003 Lieu: Sahline
Produit: hydrocarbures Divers

Accident du 3/10/2003

- Lieu: Tunis Route X2
- Produit: Gas Oil





Tunis Route X2



Tunis Route X2



Tunis Route X2



Tunis Route X2



Lac de Tunis



Lac de Tunis



Accident du 1/11/2003

- Lieu: Autoroute niveau Sousse
- Produit: Oxygène Liquide



Autoroute niveau Sousse



Autoroute niveau Sousse



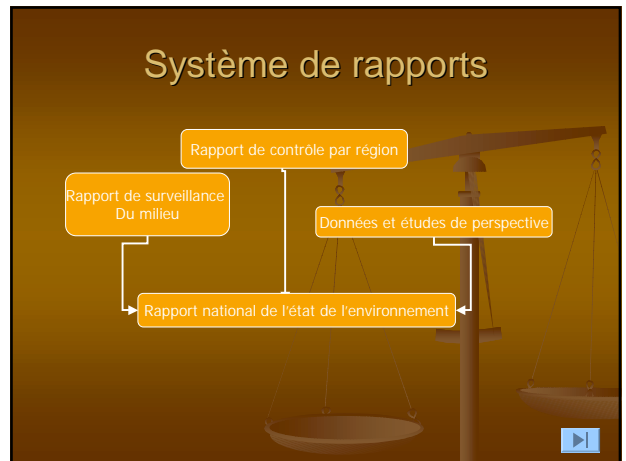
Autoroute niveau Sousse



Autoroute niveau Sousse



Autoroute niveau Sousse



Rapport de contrôle

- Au niveau du contrôleur: Rapport sur l'opération de contrôle: identité de l'entreprise, activité, types de rejets, conformité, mesures
- Au niveau du responsable régional: Rapports
 - sur l'état de l'environnement dans sa région
 - sur l'activité de contrôle (nombre de visites, mesures, ...)
- Au niveau central: rapport
 - sur l'état de l'environnement dans tout le pays (par région et par secteur d'activité)
 - sur l'activité de contrôle



Indicateurs

- L'inexistence d'indicateur car plusieurs facteurs prévisibles et imprévisibles (conjoncture économique, changement de stratégies, ...) influent sur les résultats obtenus
- Quelques performances réalisées: fermeture de carrières, augmentation de collecte des huiles usagées, un rythme de dotation du Fonds de dépollution stationnaire...

Lien entre le contrôle et les mesures d'encouragement

Année	Nombre d'entreprise ayant bénéficié du FODEP
1994	8
1995	18
1996	35
1997	29
1998	51
1999	39
2000	22
2001	23
2002	16
2003	13
2004	11

Sanctions

- Pénales
- Civiles
- Administratives

Types de mesures d'application

- Sanctions pénales:
 - Amende
 - emprisonnement
 - peines complémentaires
- Sanctions civiles
- Sanctions administratives:
 - Fermeture provisoire
 - fermeture définitive
 - Annulation de l'autorisation octroyée
 - Démolition

Conclusion

- Cadre institutionnel et juridique riche mais disparate et non accessible
- Manque de moyens d'exécution
- Sous utilisation de moyens d'information
- Discontinuité dans la politique visant à réduire la pollution
- Absence des normes

**Presentation of the country situation on compliance
and enforcement of environmental legislation**

TURKEY

October 2005

*REPORT ON ENVIRONMENTAL
COMPLIANCE AND ENFORCEMENT STATUS
IN TURKEY*

Ahmet Rifat ILHAN
Expert

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CONTENTS

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2. Information about the inspectors

B. Inspections

1. Planning of Inspections
2. Types and Frequency of Inspections

C. Evaluation and Compliance

1. Reporting
2. Indicators

D. Enforcement

1. Types of Enforcement Measures
2. Measuring Enforcement Performance

INFORMATION ABOUT THE COUNTRY SITUATION

Turkey has mainly two major levels of government:

- The central, and
- The local administration.

The central environmental structure can be considered as:

- The Ministry of Environment and Forestry (MoEF) including its subordinate institutions, and
- Other Ministries. Besides the Council of Ministers has the authority on special areas, and uses this authority through the Special Environmental Protection Institution.

INFORMATION ABOUT THE COUNTRY SITUATION

The current situation regarding environmental inspections in Turkey could be handled in two parts:

- Central Inspections performed by the Ministries which are routine, carried out as part of a planned inspections programme in the national basis, and
- Local Inspections performed by the Provincial Directorates (PDs) of the Ministries and Municipalities which are non-routine, carried out in such cases in response to complaints, in connection with the issuing, renewal or modification of an authorisation, permit or licence, or in the investigation of accidents, incidents and occurrences of non-compliance in the provincial basis.

INFORMATION ABOUT THE COUNTRY SITUATION

Central Inspection (Routine) System could be handled in five parts:

- Environmental Pollution Inspections performed by the MoEF,
- Public Health Inspections performed by the Ministry of Health (MoH),
- Food Safety Inspections performed by the Ministry of Agriculture and Rural Affairs (MARA),
- Workers Health and Work Safet Statute perfomed by the Ministry of Work and Social Safety (MWSS),
- Other inspections performed by the Military, Turkish Atomic Energy Authority (TAEA), the Administrative Chiefs, Metropolitan Municipalities and the Municipalities of other cities, and the Presidencies of the Harbours in their authorisation fields.

INFORMATION ABOUT THE COUNTRY SITUATION

The environmental pollution inspections performed by MoEF could be handled in five parts:

- Environmental Laboratory Inspections performed by the Environmental Reference Laboratory (ERL) of the General Directorate of Environmental Management (GDEM) in MoEF,
- Environmental Inspections of Industrial Installations performed by the Department of Measurement and Inspection (DMI) of GDEM in MoEF,
- Environmental Impact Assessment (EIA) Inspections performed by the General Directorate of EIA and Planning (GDEIAP) in MoEF,
- Inspections performed by the Chairmanship of Inspection Board (CIB) of MoEF,
- Inspections performed by other departments of GDEM and PDs of MoEF (PDEFs) focused on air, water, soil, waste and also nature and Chairmanship of Special Environmental Protection Organisation (CSEPO) of MoEF present in special environmental protection provinces according to the Article 25 of the Decree Law concerning the Establishment of the Special Environmental Protection Organisation No. 383.

INFORMATION ABOUT THE COUNTRY SITUATION

Inspection Legislation

- Inspection in Line with the Inspection Regulation*
- Inspection in Line with the Regulation on Water Pollution Control*
- Inspection in Line with the Soil Pollution Control Regulation, dated December 10, 2001, Official Gazette No. 24609*
- Inspection in Line with the EIA Regulation, dated December 16, 2003, Official Gazette No. 25318*
- Inspection in Line with the Regulation on Air Quality Control dated November 1, 1986, Official Gazette No. 19269*
- Inspection in Line with the Non-Hygienic Establishment Regulation dated September 26, 1995, Official Gazette No. 22416*
- Inspection in Line with the Dangerous Chemicals Regulation dated July 11, 1993, Official Gazette No. 21634*

INFORMATION ABOUT THE INSPECTORS

There are about 500 inspectors of which 20 are in the ERL, 150 are in the six Departments of the GDEM, 20 are in the General Directorate of EIA and 300 are in the PDEFs belonging to MoEF. They have been trained by four different methods in a year:

- Inside training
- Turkish Standards Institutes (TSI) training on ISO 14001
- Other institutions' training such as Turkish Scientific and Technical Research Institute (TSTRI)
- Site training

Although inspectors could propose punishment as financial and closure and give time to complete the compliance, the enforcement is in the among of the governors' responsibilities.

PLANNING OF INSPECTIONS

Environmental inspections, which are targeted to the compliance of laboratories and industrial installations with the national environmental legislation, reduction in wastes and environmental pollution prevention and control are routine inspections carried out as part of a planned inspections programme in the national basis with a non-geographic approach.

TYPES AND FREQUENCY OF INSPECTIONS

Both on-site and off-site environmental inspections related to data collection and review of monitoring reports are performed by MoEF in which DMI performs environmental inspections and the other departments in MoEF perform audits. Although there is no systematic and/or organised activity for data inspection co-ordinated with data obtained from monitoring, PDEFs perform inspections regularly at least once a year in line with the checklists; more or less both MoEF and PDEFs use the same checklist which is used especially for EIA inspections as well as by making analysis and inform MoEF by means of the yearly report concerning the inspections. These analysis either could be made by themselves or by owners of the industrial installations. In each case, results of the analysis made are collected and stored in PDEFs and MoEF. There are also unannounced as well as pre-notified inspections especially in large cities where greater city municipalities exist.

TYPES AND FREQUENCY OF INSPECTIONS

The focus of the inspections is the national environmental legislation. Single media type inspections have been performed until the year 2001. After the Regulation on Environmental Inspection entered into force by being published in the Official Gazette in 2001, integrated multi-media type inspections have been started. After this year, 50 routine inspections in total have been performed besides huge number of non-routine inspections. The frequency of inspections are determined by the environmental risk and number of inspectors available.

REPORTING

Inspection reports include the following:

- The determined failed points, the inspection extended term for meeting such points, whether the failed points are completed or not in this term, the precautions to be taken according to the work schedule plan if issued in accordance with the provisions explained above and other precautions,
- In cases where imposing penalties is required, the proposed penalties and their legal grounds and suggestions of the person in charge of inspection on the in-facility inspection are included.

REPORTING

Section 1: Introduction

- General Information the Company
- Permits taken by the Company
- Other documents

Section 2: Representatives of the inspected company who are participated to the inspection meeting

Section 3: Inspection team and their responsibilities

Section 4: Inspection plan

- Inspection period
- Inspection objectives
- Inspection measures
- Inspection performed

Section 5: Inspection findings and conclusion

INDICATORS

Although neither indicators of success nor performance indicators are used and the actual number of non-routine inspections performed by PDEFs is recorded individually, some input indicators are used such as number of inspectors and number of trained inspectors/year as given above. Since MoEF would also be in the way of restructuring process according to the new public reform, the training plan would be rewived and revised if necessary.

TYPES OF ENFORCEMENT MEASURES AND MEASURING ENFORCEMENT PERFORMANCE

- Administrative Fines
- Closure of the Activity
- Imprisonment

Although enforcement performance is not measured, developed and implemented in the process, some research and development projects related to measurement of enforcement performance have been proposed to TSTRI especially by the GDEIAP in 2005.

ANNEX IV

PRESENTATION OF PERFORMANCE INDICATORS

Environmental Compliance and Enforcement Performance Indicators

Meeting of the Network on Compliance and Enforcement in the Mediterranean

Athens, 4-6 October 2005

George Kamizoulis, PhD, MPH
Senior Scientist, WHO/MED POL

WHY ARE ECE INDICATORS IMPORTANT

The indicators serve three purposes:

- Monitor and control operations of compliance and enforcement programmes
- Ensure accountability to legislative bodies, budget authorities, constituent groups and the public
- Evaluate and improve effectiveness in achieving programme mission

IDENTIFYING POTENTIAL INDICATORS

Determine the scope of the Indicators

- Comprehensive (to cover all laws and programmes under their responsibility), OR Focused (to cover only a specific law or requirement, industry sector, geographic area, or non compliance)
- National (to cover national compliance and enforcement programmes), OR Sub-national (to cover a programme at the regional/district, state/municipal level)

Identifying potential indicators

Sample Logic Model for ECE Programs

Inputs	Outputs	Intermediate Outcome	Final Outcome
resources	activities	behaviour change	environmental impact
Personnel	Inspections conducted	Greater understanding of how to comply	Reduced pollution emissions
Funds for salaries, contracts, IT, etc	Enforcement actions taken	Improved facility management practices	Improved ambient water quality
	Fines assessed	Increased compliance	Reduced contaminant burden in wildlife species

Identifying potential indicators

What types of indicators are needed for environmental compliance and enforcement programmes?

- Input: personnel, funds and other resources that contribute to an activity
- Output: quantitative or qualitative measures of activities, work products, or actions (example: enforcement cases completed)
- Intermediate Outcome: changes in knowledge, behaviour, or conditions that result from programme activities and are needed to achieve the end outcome (example: tonnes of pollution reduced)
- End Outcome: the ultimate outcomes of programme activities (example: improvement in water quality)

Identifying potential indicators

Sample Output and Outcome Indicators for ECE Programmes

Indicator Type	Indicator
Outputs	Number of inspections and investigations conducted
	Number of civil and criminal enforcement actions
	Number of facilities/entities reached through compliance assistance efforts
	Number of training courses and other capacity building efforts provided to ECE programmes at sub-national levels
Outcomes	Amount of pollutants reduced through enforcement actions
	Amount of soil removed, gallons of groundwater treated via enforcement actions
	Monetary value of pollution control projects required by enforcement actions
	Number of entities seeking compliance assistance from ECE programme
	Actions taken as a result of assistance from ECE programme
	Rate of recidivism among significant violators and average time to return to compliance
	Statistically valid compliance rates for key regulated populations

GUIDING PRINCIPLES FOR EFFORTS TO DEVELOP AND USE INDICATORS

- A combination of indicators – outputs and outcomes, quantitative and qualitative, statistical and narrative, aggregated and disaggregated, national and local – is necessary to measure performance, inform management, and serve the full range of audiences and purposes
- Performance indicators are most effective when they reflect management priorities and are linked to a limited number of program goals and objectives

GUIDING PRINCIPLES FOR EFFORTS TO DEVELOP AND USE INDICATORS

- Increased use of outcome indicators presents many challenges, because agencies or programmes may influence – but not necessarily control – outcomes
- Problem-specific, tailor-made performance indicators are effective for evaluating performance in solving specific environmental and non-compliance problems
- Performance measures should be used principally to improve effectiveness and manage more strategically, rather than simply to report accomplishments to the public in a more interesting way

DEVELOPING INDICATORS

- Use internal teams to determine how to design and test
- Conduct pilot projects
- Develop in phases
- Consult with experts
- Monitor the design and testing
- Create and distribute a development plan
- Ensure timely and accurate reporting

USING PERFORMANCE INDICATORS

- Report to external audiences
 - Annual performance reports to legislative bodies, central budget authority, public
- Understand and improve performance
 - Monthly/quarterly reports to programme managers about progress on key outputs and outcomes
 - Quarterly discussions with regional and district managers
 - In-depth performance analyses of selected programme components
- Evaluate use of individual indicators and identify measurement gaps

Using Performance Indicators

Examples of Data for Monthly/Quarterly Reports

- Number of inspections conducted
 - Number of enforcement actions issued
 - Monetary value of fines/penalties assessed
 - Monetary value of investments in pollution control/beneficial projects
 - Enforcement actions resulting in improved facility practices
 - Enforcement actions resulting in pollution reductions
 - Regulated entities reached through compliance assistance
 - Increased awareness, improved practices, pollution reduction through compliance assistance
- These data should be organized by type of activity, regional/provincial office, statute or programme area

BENEFITS TO IDENTIFYING, IMPLEMENTING AND USING INDICATORS

- Improved control of programme operations
- Improved ability to set goals and adjust strategies
 - Improved decision-making for resource allocation
 - Improved ability to identify and correct performance issues
 - Improved ability to motivate employees
 - Improved ability to communicate with the public

BARRIERS TO DEVELOPMENT AND USE
OF ECE INDICATORS

- Compliance culture in formative stages
- Environmental laws not implemented fully
- Environmental agencies not mature
- Systematic data collection lacking
- Duration of implementation
- Lack of interpretive skills
- Misuse by external audiences
- Inherent limitations of indicators

PROPOSED ECE INDICATORS FOR THE
MEDITERRANEAN

1. Number of inspectors
2. Number of facilities to comply with national standards
3. Number of inspections conducted
4. Number of enforcement actions issued
5. Monetary value of fines/penalties assessed
6. Greater understanding of how to comply
7. Amount of pollutants reduced through enforcement actions
8. Number of entities seeking assistance from Compliance Assistance Institutions