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## **MEDITERRANEAN ACTION PLAN**

Meeting of the Network on Compliance and Enforcement

Athens, 15-16 November 2011

### **REPORT OF THE MEETING OF THE NETWORK ON COMPLIANCE AND ENFORCEMENT OF REGULATIONS FOR THE CONTROL OF POLLUTION RESULTING FROM LAND-BASED ACTIVITIES**

In cooperation with



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## Introduction

One of the important causes of marine pollution is the high rate of population growth that the coastal zones of the Mediterranean Basin have experienced since the 1960's and 1970's. This widespread population growth has been accompanied by an increase in the standard of living leading to an equal increase in industrial development to satisfy the needs of the population.

However, in spite of the importance of pollution loads originating directly from human agglomerations in coastal areas, they appeared to be of minor importance when compared to other forms of pollution originating inland and discharged into the sea by various means. Discharges from "inland" municipal, industrial and agricultural districts, which are only partially treated or even in untreated form, are still reaching the sea through the hydro-graphic river network of the Mediterranean Basin.

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 and in particular to the article 6, 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, in order to protect human health and the environment. In addition, to comply with the MAP compliance mechanism in the field related to inspections.

To this end, a meeting of country designated experts was held in order to present the application of performance tools regarding the situation on compliance and enforcement of regulations in each of the Mediterranean countries. Particularly, the already agreed performance indicators were used to present the current situation in the participating countries and to provide significant support to strengthen the capacity of the inspection systems.

### Participation:

The meeting was held at the premises of the Mediterranean Action Plan in Athens, from 15-16 November 2011 and was attended by representatives of the following countries from the Network: Albania, Bosnia and Herzegovina, Cyprus, Egypt, Greece, Israel, Lebanon, Malta, Montenegro, Morocco, Slovenia, Syria and Tunisia. The MAP Coordinating Unit was represented by Mr Saverio F. Civili, MED POL Coordinator, Ms Tatiana Hema, Programme Officer of MAP and by Dr. George Kamizoulis, WHO/MED POL Senior Scientist, who acted as secretariat to the meeting.

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

### **Agenda item 1: Opening of the Meeting**

Dr. George Kamizoulis, 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. He went on by stating that the aim of the meeting was to make further headway in the development of the Network which held its first informal meeting in Sorrento in March 2001, with the further agreement and implementation on a set of indicators in the field of environmental inspections.

Mr Saverio Civili, MED POL Coordinator, took the floor and gave a prospective of the work to be carried out in the next biennium, outlining the need for indicators. He stressed that the direction of the Mediterranean Action Plan was shifted to the Ecosystem Approach for the management of human activities and that in parallel with the Marine Framework Directive of the EC, appropriate indicators should be developed and used. Finally, he wished this meeting to be successful hoping that fruitful conclusions would be drawn from the discussions.

### **Agenda item 2: Adoption of the Agenda**

The meeting examined and approved the provisional agenda as proposed by the Secretariat, which is attached as Annex II to this report.

### **Agenda item 3: Scope and Purpose of the Meeting**

Dr. Kamizoulis 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 convened by WHO/MED POL in joint collaboration with UNEP within the context of the Mediterranean Action Plan and the MED POL Programme Phase IV, were:

- To assess the conditions regarding compliance and enforcement within each Mediterranean country by applying the agreed performance indicators.
- To identify any problems or gaps in applying the agreed performance indicators used for reporting.
- To prepare a plan for the next biennium on the activities related to national enhancement of the inspection systems and particularly in relation to the GEF project.
- To make proposals for further action on activities related to systems of inspection.
- To test the use of compliance and enforcement performance indicators to be used for application to Compliance Mechanism of the MAP system

#### **Agenda item 4: Election of Officers and Organization of Work**

The meeting elected the following Officers:

Chairperson: Mr Boris Zbona (Slovenia)  
Vice-Chairman: Mr Samir Kaabi (Tunisia)  
Ms Etleva Canaj (Albania)  
Rapporteur: Mr Rani Amir (Israel)

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 first to the Rapporteur for the conclusions and then 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.

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 the implementation of the proposed performance indicators. The meeting then proceeded to a discussion on environmental compliance and enforcement indicators as they are related to inspection systems.

#### **Agenda item 5: Presentation of country reports on environmental inspectorates**

Experts from the following countries presented reports on the implementation of performance indicators for environmental inspectorates: Albania, Bosnia and Herzegovina, Cyprus, Egypt, Greece, Israel, Lebanon, Malta, Montenegro, Morocco, Slovenia, Syria and Tunisia. The presentations are attached as Annex III to this report. The country reports were prepared so as to provide information on performance indicators related to inspectorates and were presented following a definite structure. The countries were requested to supply a national report based on the below described indicators. Before filling in the indicators, the guidelines listed below were considered for a close and detailed description of each of the components of the indicators. For the indicators marked optional, information was supplied by few countries. Taking into consideration that the application of these provisional indicators was to apply them at the national level, information was also provided so as to result in better reporting. However, some of the countries presented more indicators than required, as they were based on the set of indicators used during the meeting of the Network in 2007. Following the presentation by each country, a discussion followed by all the participants on the issues presented.

##### **A. General Rules for the preparation of the brief national report**

The preparation of the brief national report on Compliance and Enforcement of the legislation and particularly on the country's state of inspectorates was based on the agreed indicators, followed the conclusions and recommendations made during the last meeting of the Network of Compliance and Enforcement, held in Athens, on 13-14 October 2009.

The use of indicators for reporting on compliance and enforcement was not meant to be a means of comparison among the countries.

The report was meant to be a tool for identifying gaps and problems of the inspection system of every country vis-à-vis its own performance. It is to be highlighted that one of the most important aspects of using indicators, is to avoid duplication of work, if somehow countries use their own database for reporting. In conclusion, every country reported

according to the system in force, by noting on the indicator used, that this indicator is referred to the coastal zone only or to the whole country. Also, as a preamble to the indicators listed, a brief notice on the conditions prevailing in the country was presented, regarding size and types of facilities and any other issue worth noting.

The brief national report using the below indicators was based on the 2010 data, so that the data used were available.

## **B. Preparation of the brief report**

The brief national report was based on the below described indicators, which were agreed during the meeting of the Network on compliance and enforcement in 2009.

Before filling in the indicators, the national experts were advised to strongly consider the report of the Meeting of the Network held in Athens from 13-14 October 2009, for a close and detailed description of each of the components of the indicators.

All the indicators mentioned below were filled in. For the indicators marked optional, the information was provided whenever data existed.

The indicators to be completed were the following:

$$I_2 = \frac{\text{Number of environmental inspectors}}{\text{Number of facilities}}$$

$$I_5 = \frac{\text{Number of inspected facilities}}{\text{Number of facilities}}$$

$$I_6 = \frac{\text{Number of non compliances}}{\text{Number of facilities}}$$

$$I_7 = \frac{\text{Number of judicial actions}}{\text{Number of non compliances}}$$

### **Optional indicators**

$$I_9 = \frac{\text{Number of inspectors with an operational plan}}{\text{Number of environmental inspectors}} \text{ (optional)}$$

$$I_{10} = \frac{\text{Number of facilities with self monitoring or environmental management system}}{\text{Number of facilities}} \text{ (optional)}$$

$$I_{11} = \frac{\text{Number of administrative sanctions}}{\text{Number of inspected facilities}} \text{ (optional)}$$

### C. Important data collected

- Number of environmental inspectors  
The term inspector to be used to indicate the person who is entitled and authorized to perform inspections by national law, regardless of the nature of inspections either on desk or in the field.
- Number of facilities (for those that are required to have an environmental permit)  
The definition of the size of the facility may involve only the large facilities including wastewater treatment plants, etc, (to be adapted to the size that every country uses). Therefore each country was precise on the size of inspected facilities and indicated it along with the indicator in order to provide information to which activities it was referred to.
- Number of inspected facilities (inspected at least once per year)
- Number of non compliances  
The non compliance cases were those when a written document was issued, or a severe warning was given (courts, etc.).
- Number of judicial actions
- Number of administrative sanctions
- Number of inspectors with an operational plan
- Number of facilities with self monitoring or environmental management system

### **Agenda item 6: Presentation of the Compliance Mechanism of the MAP system and application of the performance indicators**

Ms Tatiana Hema, MAP Programme Officer, took the floor and informed the participants about the necessity to report on compliance with regard to the Convention and the Protocols.

She explained that a number of indicators were adopted by the 15<sup>th</sup> Meeting of the Contracting Parties, held in Almeria and the issues referring to compliance in all the Protocols were the following: (i) number of inspections, (ii) number of non-compliance cases and (iii) number of non-compliance cases in which sanctions were applied. She continued by informing the countries present at the meeting that a new “reporting format for the implementation of the Barcelona Convention and its Protocols” was prepared and adopted by the next Meeting of the Contracting Parties to be held in Marrakesh (see Annex V).

Ms Hema ensured the participants that all efforts have been made in order to avoid any duplication of efforts, or new burdens on the Contracting parties. She also added that as these indicators were tested in order to be easily applied by the countries, the Committee would be informed to use them without any further testing.

The participants from their side, stated that since most of the indicators have been used and tested during the past years through the country reports that they prepared in the framework of the Mediterranean Network on Compliance and Enforcement, it would be disappointing not to take into consideration the results from their application. They also noted that as far as regards the MED POL indicators, these can be applied quite easily, but with regards to the rest of the indicators additional efforts have to be made to test them for their

implementation. They also advised the Secretariat to participate with a representative of the Network in the meetings of the Compliance Committee.

**Agenda item 7: Discussion on issues and future activities of the MED network on compliance and enforcement including related GEF project activities**

Dr. Kamizoulis introduced the next agenda item related to the GEF project, which even though it was presented during the last meeting, it was mentioned again as the project met some difficulties during the implementation in the current biennium. The background referred to a review based on existing data and information, of the status of permit, inspection and compliance systems in all Mediterranean countries including policy and legislative gaps. The review identified the basic subjects needing a more in depth study.

The implementation of the LBS Protocol priority actions and in particular of the SAP MED, include, *inter alia*, the introduction of new environmental tools including appropriate implementation of regulatory, economic and voluntary instruments, but it focuses on the reduction of certain pollutants from industries and various facilities. Following this, and in line with the above-mentioned strategy and taking into consideration the outcome of the above-mentioned review, the need to implement capacity building activities so as to enhance the inspectorate system will also complement the activity. Therefore, the major objective is to enhance and update the inspectorates in the following countries: Albania, Bosnia and Herzegovina, Croatia, Lebanon, Morocco, Montenegro, Syria and Turkey. However, during the present meeting, a number of countries have asked for participation in the project, namely Albania, Bosnia and Herzegovina, Egypt, Lebanon, Montenegro and Morocco. These countries will confirm their willingness by informing the Secretariat through the MED POL Focal Points.

To strengthen the existing mechanism in the Mediterranean countries regarding environmental inspection activities, there is a need to tackle the issue in an integrated manner. The set of activities would include meetings among agencies responsible for permitting, inspecting and enforcement in order to set up the procedure, as it is indicated in the regulatory cycle, as well as a training workshop.

An initial meeting will consider the existing legislation and will possibly set the objectives and policy planning, along with the improvement of the system for permitting, compliance control and compliance promotion, which will result in the preparation of a plan of actions. During the meeting, the responsible authorities will consider the issue of reporting using also indicators and they will set up agreed indicators in the plan of action to be used for reporting and feedback. Furthermore, a training workshop will be held in order to provide practical information on inspecting the most commonly polluting and industrial facilities of the country. It will also serve as guidance for the uniformity of the inspections. The training workshop will be held in the national language or in any other language proposed by the country and will be based on the training material already prepared for this specific purpose. It is expected that at least 30 inspectors will be trained to inspect several, yet common, industrial facilities.

The training workshop and the practical experience within one year time, will provide all the information for an assessment and feedback for: (a) the operation of the whole system, (b) the knowledge acquired and used by the inspectors and (c) an estimation if the targets set during the first meeting were met or not. All above will be discussed during a final meeting, and solutions will be proposed to all difficulties faced during the period under review and will be used for the formulation of amendments to the existing legislation.



The expected results are:

- Formulation of plans of action for permitting, compliance and control
- Experts in national centre capable to coordinate and implement national inspection systems
- Enhanced inspectorate systems
- Proposals for amending the legislation for compliance with LBS Protocol in relation to inspection

The full text of the terms for collaboration and details about the budget and length of the project are provided in Annex V.

**Agenda item 8: Conclusions and recommendations**

The main conclusions of the meeting on the indicators to be used and the recommendations reached for all the issues discussed are described as follows:

- To continue to report on the state of the national inspectorates based on the agreed core indicators mentioned below. Therefore, for the next meeting of the Network on Compliance and Enforcement, the countries will prepare a national report based on the indicators as above that will also include a general part to provide all the interesting data that will allow to understand in depth the inspection system in every country. In addition, the Secretariat for those countries that had already prepared the reports for 2008 and 2010 will show the trends, by calculating the percentage of the improvement or the deterioration rate, while the rest of the countries will be requested to do so with their own data.
- To bear in mind that the indicators will be used in order to reflect the situation prevailing in the country, as regards land-based pollution to the Mediterranean and this should be highlighted in the data sheet. In addition, there will be an explanation for all the data used, so as to define exactly their nature and size.
- To take into consideration, as was repeatedly mentioned in the past and during the meeting, that the use of indicators for reporting on compliance and enforcement would not have been a means of comparison among the countries. It is meant to be a tool for identifying gaps and problems of the inspection system of every country vis-à-vis its own performance. In addition, every country will report according to the system in force, by noting on the indicator used that it is referred to the coastal zone only or to the whole country.
- The core indicators to be used further on for reporting on the situation in every country with regards to the inspection systems are the following:

$$L_1 = \frac{\text{Number of environmental inspectors}}{\text{* Number of facilities}}$$

\* Facilities that are required to have an environmental permit

$$L_2 = \frac{\text{* Number of inspected facilities}}{\text{Number of facilities}}$$

\* Inspected at least once per year

$$L_3 = \frac{\text{Number of not compliances}}{\text{Number of inspected facilities}}$$

$$L_4 = \frac{\text{Number of judicial actions}}{\text{Number of not compliances}}$$

- The following OPTIONAL indicators can be used by the countries to provide a more complete reflection of the national situation:

$$L_5 = \frac{\text{Number of inspections with an operational plan}}{\text{Number of environmental inspectors}} \quad \text{(optional)}$$

$$L_6 = \frac{* \text{ Number of facilities with self monitoring or environmental management system}}{\text{Number of facilities}} \quad \text{(optional)}$$

\* The term self monitoring or environmental management system to be defined by the individual country

$$L_7 = \frac{\text{Number of administrative sanctions}}{\text{Number of inspected facilities}} \quad \text{(optional)}$$

- The MED POL Secretariat will work for the preparation of draft outcome indicators for the inspection system, so as to address the need for complete information on their operation. These draft outcome indicators will be presented for discussion in the next meeting of the Network.

- The meeting having reviewed the "Effective Indicators included in the reporting format adopted by the 15<sup>th</sup> Meeting of the Contracting Parties in Almeria", agrees in adopting the indicators referred to the LBS Protocol, as they have already been discussed and agreed by the Network, and proposed to discuss the indicators pertaining to the inspection systems of the rest of the Protocols (see Annex xxx) in the next meeting of the Network.

- The meeting being aware of the work performed by the Compliance Committee, invites the MED POL Secretariat to contact the Compliance Committee of MAP, so as to be represented in its meeting as an advisory body to the Committee.

- WHO/MED POL will work with MAP Secretariat as well as with all MAP components, in order to streamline the compliance and enforcement core indicators to all relevant indicators, all in order to use already done work and to refrain from unnecessary duplication of work by the countries and to be synchronized with all relevant activities of the MAP system.

- To continue the capacity building programme and with the financial support of GEF to implement part or all the relevant activities included in the GEF programme (see Annex xxx) in the following countries that have expressed in principle the willingness to implement those activities during the next three years that the GEF project will be operational: Albania, Bosnia

and Herzegovina, Egypt, Lebanon, Montenegro, Morocco. These countries are given a deadline till 15 December to reconfirm by e-mail through the MED POOL Focal Point, their willingness to implement the activities.

- To provide assistance upon request, to countries which are in need of specific support, based on the availability of funds. Efforts should be made to encourage contacts between countries and whenever possible provide direct assistance from one country to another with the support of the Secretariat.
- To work closer and strengthen collaboration and cooperation with relevant networks operating in the regions such as IMPEL, BERCEN, and the Network of the Maghreb countries and within this context to enhance collaboration with INECE.

**Agenda item 9: Closure of the meeting**

Before closing the meeting, the MAP Deputy Coordinator Mr Habib El Habr, thanked the participants for their contribution to the discussion held, and wished a safe trip back home. Mr Civili and Mr Kamizoulis also addressed the participants to continue their useful work on the inspection systems with the same enthusiasm as before and following the customary exchange of courtesies, the Chairman declared the meeting closed at 13:00 hrs, on Wednesday, 16 November 2011.

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## **ANNEX II**

### **AGENDA**

- Agenda item 1.** Opening of the meeting
- Agenda item 2.** Adoption of the Agenda
- Agenda item 3.** Scope and purpose of the Meeting
- Agenda item 4.** Election of Officers and organization of work
- Agenda item 5.** Presentation of the country reports applying the minimum set of performance indicators on compliance and enforcement
- Agenda item 6.** Presentation of the Compliance Mechanism of the MAP system and application of the performance indicators
- Agenda item 7.** Discussion on issues and future activities of the MED network on compliance and enforcement, including related GEF project activities
- Agenda item 8.** Conclusions and recommendations
- Agenda item 9.** Closure of the Meeting



## **ANNEX III**

### **PROGRAMME**

#### Tuesday, 15 November 2011

- 09:30-10:00 Registration of participants
- 10:00-10:30 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
- 11:00-12:30 Presentation of the country reports applying the minimum set of performance indicators on compliance and enforcement (Agenda item 5)
- 12:30-13:00 Discussion
- 13:00-15:00 Lunch
- 15:00-16:00 Presentation of the country reports applying the minimum set of performance indicators on compliance and enforcement (cont.)
- 16:00-16:30 Coffee break
- 16:30-17:00 Discussion

#### Wednesday, 16 November 2011

- 09:00-10:00 Presentation of the Compliance Mechanism of the MAP system and application of the performance indicators (Agenda item 6)
- 10:00-11:00 Discussion on issues and future activities of the MED network on compliance and enforcement including related GEF project activities (Agenda item 7)
- 11:00-11:30 Coffee break
- 11:30-12:30 Conclusions and recommendations (Agenda item 8)
- 12:30-13:00 Closure of the meeting (Agenda item 9)

**ANNEX IV**  
**PRESENTATION OF COUNTRY REPORTS**

**ALBANIA**  
**NATIONAL COUNTRY REPORT**

The core indicators to be used further on for reporting on the situation in every country with regards to the inspection systems are the following:

$$L_1 = \frac{\text{Number of environmental inspectors}}{\text{* Number of facilities}} = \frac{50}{7458} = 0.0067$$

\* Facilities that are required to have an environmental permit

$$L_2 = \frac{\text{* Number of inspected facilities}}{\text{Number of facilities}} = \frac{5125}{7458} = 0.687$$

\* Inspected at least once per year

$$L_3 = \frac{\text{Number of not compliances}}{\text{Number of inspected facilities}} = \frac{265}{5125} = 0.052$$

$$L_4 = \frac{\text{Number of judicial actions}}{\text{Number of not compliances}} = \frac{265}{265} = 1$$

- The following OPTIONAL indicators can be used by the countries to provide a more complete reflection of the national situation:

$$L_5 = \frac{\text{Number of inspections with an operational plan}}{\text{Number of environmental inspectors}} \quad \text{(optional)}$$

$$L_6 = \frac{\text{* Number of facilities with self monitoring or environmental management system}}{\text{Number of facilities}} = \frac{373}{7458} = 0.05$$

\* The term self monitoring or environmental management system to be defined by the individual country

$$L_7 = \frac{\text{Number of administrative sanctions}}{\text{Number of inspected facilities}} = \frac{265}{5125} = 0.052$$

**BOSNIA**  
**NATIONAL COUNTRY REPORT**

## Bosnia and Herzegovina Compliance and enforcement of legislation with focus on the state of Inspectorates

Selma Osmanagić – Klico  
B&H Representative

Meeting of the Network on Compliance and  
Enforcement of Regulations  
(WHO/UNEP Joint Project, MED POL Phase IV)  
Athens, Greece , 15-18 November 2011

## Institutional organization and legal framework of inspections in B&H

- Federal Administration for Inspection Affairs (Federation of FB&H)**
  - Law on Inspections of FB&H ("Official Gazette of FB&H" No. 69/09)
  - Law on Environmental protection of FB&H ("Official Gazette of FB&H" No. 33/03 and 39/09)
  - Article 90. defines inspection supervision of compliance and measures of enforcement
- Administrative Inspection for Republics (RS)**
  - Law on Inspections of RS ("Official Gazette of RS" No. 113/05)
  - Law on Environmental protection of RS ("Official Gazette of RS" No. 53/02 and 109/05)
  - Article 98. defines inspection supervision of compliance and measures of enforcement
- Administrative Department for Inspection Affairs of Brčko District (Brčko Government of BD)**
  - Law on Inspections of BD ("Official Gazette of BD" No. 24/06 and 25/06)
  - Law on Environmental protection (24/04, 1/05, 39/07 and 9/08)
  - Article 64. defines inspection supervision of compliance and measures of enforcement

## Capacities of the Inspections in B&H

- According to data obtained from Federal Administration for Inspection Affairs (Federation of B&H) there are 2 environmental inspectors on level of FB&H
- 1 environmental inspector in each of 10 cantons (total of 12)
- There are no reliable data available about No. of environmental inspectors in RS and BD, but presumption is that in RS is about a same number as in FB&H
- One of the measures prescribed within the Federal Environmental Protection Strategy was employment of additional number of environmental inspectors and strengthening of their capacities
- Conclusion is that there is a lack of administrative capacities of inspections in B&H, employment of qualified staff is needed in order to improve the efficiency of the inspections in B&H

## General situation in B&H regarding sustainable development indicators - Key Strategic Documents -

- "Development Strategy of B&H" (2010-2014) is in the draft phase and it is expected to be adopted soon (Council of Ministers of B&H, B&H Directorate for Economic Planning)
- Strategy contains four sets of indicators of sustainable development

## General state B&H regarding sustainable development indicators

- After adoption of "Development Strategy of B&H" it is expected that environmental institutions and other sector institutions will start with calculation of the indicators
- State and Entity Agencies for Statistics just few years ago started with issuing thematic Ecologic brochure with different environmental data

## General situation in B&H regarding sustainable development indicators - Key Strategic Documents -

- Federal Environmental Protection Strategy (2008-2018)
- Contains a list of indicators of the state of: Nature, water, soil, energy, air and waste
- Water management Strategy (period 2010-2022.)
- Drafted in the April 2008., and now is in the adoption phase (it is a part of the Federal Environmental Protection Strategy of B&H)

### Example of calculation of indicators with available data

- $I_2 = \frac{\text{No. of environmental inspectors (12)}}{\text{Number of facilities (unknown)}}$

Polluters registers are not in function yet in FB&H/Cantons in RS and BD and at the state level as well

- $I_5 = \frac{\text{Number of inspected facilities (340)}}{\text{Number of facilities (unknown)}}$

### B&H regarding sustainable development indicators

- $I_6 = \frac{\text{No. of non compliances (233)}}{\text{Number of facilities (unknown)}}$
- $I_7 = \frac{\text{No. of judicial actions (72)}}{\text{No. of non compliances (233)}} = 0,3$
- Optional Indicators – could not be calculated since lack of data
- Since above presented data relates only to FB&H and are not reliable, can not be taken as official and final
- Conclusion: Considering all above mentioned, given indicators can not be calculated at this moment

### IPPC Project – Support to Implementation of IPPC Directive in B&H – Example of Intention and Initiative for Improvement of state in environmental sector in B&H

- Project is a part of EU IPA 2007 programme whose main objective is strengthening of the administrative capacities of the institutions involved in environmental protection and ensuring of implementation of transposed EU legislation.
- Purpose of the project is:
  - Support to integrated approach and harmonization with IPPC Directive i Regulation on European polluter register as well as support to implementation of current and future international obligation of B&H especially (Kiev Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information and LBS Protocol of Barcelona Convention).

Thank you for your attention!



**CYPRUS**  
**NATIONAL COUNTRY REPORT**



## Indicator based brief report 2010 Cyprus

Athena Papanastasiou  
Department of Environment  
Ministry of Agriculture, Natural Resources and Environment  
CYPRUS

Athens 15-16 November 2011

### Inspection implementation Indicators

- ❖  $I2 = \frac{\text{number of environmental inspectors}}{\text{number of industries and facilities requiring an environmental permit}} = \frac{12}{800} = 0.015 = 1.5\%$
- ❖  $I5 = \frac{\text{number of inspected facilities}}{\text{number of facilities}} = \frac{135}{800} = 0.169$
- ❖  $I6 = \frac{\text{number of non compliances}}{\text{number of facilities requiring an environmental permit}} = \frac{78}{800} = 0.0975 = 9.75\%$
- ❖  $I7 = \frac{\text{number of judicial actions}}{\text{number of not compliances}} = \frac{13}{78} = 0.1667$

### Optional Indicators

- ❖  $I9 = \frac{\text{number of inspectors with a yearly operational action plan}}{\text{number of inspectors}} = \frac{10}{12} = 0.83$
- ❖  $I10 = \frac{\text{no of facilities with self monitoring or environ. management system}}{\text{number of facilities}} = \frac{318}{800} = 0.3975$
- ❖  $I11 = \frac{\text{number of administrative actions}}{\text{number of inspected facilities}} = \frac{0}{135} = \text{ZERO}$

### Human Resources calculation scheme

Calculation on number of inspectors				
Polluting level	High	Medium	Low	Total
Number of Facilities	87	192	521	800
Frequency of "on site inspection"	3	2	1	
Frequency of "administrative inspection"	2	1	0.5	
Days per "on site inspection"	2	1	0.3	
Days per "administrative inspection"	2	0.5	0.2	
Total men*days	1	0.5	0.2	
Effective days per inspectors	696	864	1042	2602
Number of inspectors required				13

### Additional staff requirement

Management	1 manager for 15 inspectors	1
Number of inspectors required		13
Administrative staff	Inspectors carry out their own administrative work (1)	
Judicial support	Support given by Attorney General Office (1)	
Staff turn over	On average 10% turnover	2
Total		18

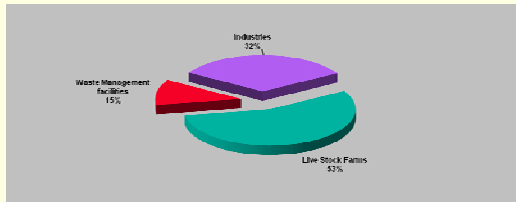
### Inspection Organization: Department of Environment, MANRE

- 2002-date of enforcement of the Water Pollution Control Law
- Priorities definition
  - Strategic action plan
  - Every 3 months operational action plan
  - Control plan
- Prosecutor carried out through the Attorney General Office of the Cyprus Government (In 2010-13 actions)
- Participation to the hearings of minor offence
- No GIS system (GPS Equipment)
- Internet site: the site of the Department of Environment [www.moa.gov.cy](http://www.moa.gov.cy)

## Active Authorizations in 2010

### 365 active authorization (4 yrs duration)

- Live stock Farms (193)
- Industries (83)
- Waste Management Facilities (50)



## Activity report 2010

### General Information

Number of training days	8
Number of inspections conducted in 2010	135
Amount of fines in 2010	52

### Inspection activity

Total number of authorizations given in 2010	59
Total number of authorizations examined in 2010	66

### Urban and industrial treatment facilities

Number of treatment facilities fulfilling their obligations	30
Treatment facilities with an environmental permit	43

## Inspection Plan 2010 (with control plan)

Inspection plan	Non scheduled inspections	scheduled inspections	Number of non compliance reports	Number of administrative or legal sanctions	Time (in men days) spent on control operation
Number of inspections of industrial facilities conducted	25	110	78	52	310

## Inspections carried out in 2010 total 135

Slaughterhouses (8)	Quarry/mining activities (2)
Piggeries (34)	Power Station (3)
Poultry farm (18)	Metal coating (1)
Food Industries (6)	Urban Waste Water Treatment (12) Plans
Rendering (4)	Oil Olive Mills (8)
Other Industries (9)	Cement Kilns (2)
Cattle farms (19)	Ceramic Industries (8)

■ Thank you

**EGYPT**  
**NATIONAL COUNTRY REPORT**



### The Environmental Inspection in Egypt

- Egyptian environmental Affairs agency (EEAA) has to ensure the enterprises compliance to the Environmental Law No.4/1994 and other related laws in order to protect the Egyptian environment.
- The inspection system operate within a legal framework based on ( the article 104 ) in the Law 4/1994

### The Environmental Inspection system in Egypt

- EEAA has taken the institutional arrangements to protect the environment from polluters through the establishment of the General Department for environmental Inspection (GDEI) in 2000
- The core responsibility of the GDEI was:
  - to inspect on enterprises (industrial, health care, tourist ..... etc. ) in order to ensure their compliance with Law4/1994 and other related laws.
  - Take juridical sentences against violating enterprises
  - Coordinate with RBOs environmental inspection units to establish the annual environmental inspection plan
  - Revision and approval of the Environmental Compliance Action Plans (CAPs) for violating enterprises

### The Environmental Inspection system in Egypt

- **Environmental Inspection Entities Outside EEAA :**
  - EMUs ( Environmental Management Units ) which belongs to the local authorities (between 5 -10 individuals per one EMUs) .
  - Laboratories of Ministry of Health which take a great part in tasks of sampling and analysis . There is a laboratory in each geographical region (about 20 individuals per every laboratory ). The is a laboratory in every administrative region in the country.
  - Ministry of Labor which participate in tasks related to workplace environment.

### Actions to strengthening the Environmental Inspection and Compliance

- **In 2007:** a Decree of the Minister of Justice establishes the institution of Environmental Benches in each Governorate of the Arab Republic of Egypt.
- **Training Programs and Capacity Building** Activities in the field of Environmental Legislation attended by more than 500 judges, public prosecutors and other officers;
- **In 2008,** as part of EEAA Organization Structure reform, the General Department for Environmental Inspection was upgraded to be a Central Department for Environmental Inspection and Compliance with two General Directorates:
  - The General Directorate for Environmental Inspection
  - The General Directorate for Environmental Compliance

### Actions to strengthening the Environmental Inspection and Compliance

- **In 2009: Environmental Law No. 4/1994 Is Amended By Law No. 9/2009. Egyptian Environmental Legislation Is Strengthened And Updated With The Following Measures:**
  - increase of prohibited acts in Protected areas (art. 28), such as trading and offering to sell all endangered living organisms of fauna and flora species;
  - strengthening of protection measures and penalties against any kind of violation in the territories of protected areas (Part Four).
- **The new law strengthening the Marine Environment Sector with the following:**
  - **new definitions of Dumping** (art. 1, para. 27) and **Compensation** (art. 1, para. 28);
  - **introduction of the Integrated Environmental Management of Coastal Zones (ICZM)** (art. 1, para. 40) and of a related strategy that the EEAA should draft and implement (art. 48);
  - **strengthening of penalties** (Part Four) **for any violations related to pollution of ME**, such as dumping (art. 94 bis).

### Actions to strengthening the Environmental Inspection and Compliance

#### ➤ The new law Adopted a mechanism to implement the "Polluters Pay Principal" through:

- Establish high committee to calculate the environmental impacts of the environmental violation
- Develop economical model to transfer the environmental impacts into economic cost
- This model take into consideration the releases Type and volume, the sensitivity of the receiving media, the violation period, geographical dispersion of the pollutant
- The polluters is obliged to pay these costs for the Environmental Protection Fund.
- These costs are different from the fines stated in the law.



### Inspections Indicators

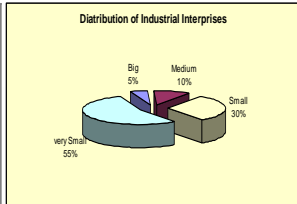
### The frequency of the inspection:

- The highly polluting enterprises are usually visited three to four times per year, such as fertilizer industries and metal foundries.
- The moderately polluting enterprises are visited twice per year, such as food industries.
- The slightly polluting enterprises are visited once per year ( or per more than a year ) , such as plastic reforming industries.

The number of inspectors , who perform an inspection visit to any enterprise , is usually between 2-5 members ( including inspectors and Laboratory members ) depending on the enterprise's size and its inherited risk on the environment and public health .

### Number and Distribution of Industrial Enterprises

Size of the facility	Number of Employee	Number of Facilities
Big	>200	1523
Medium	50-199	3222
Small	10-49	9596
very Small	<10	17183
<b>Total</b>		<b>31524</b>



- The big and Medium enterprises are considered the major polluters due to the volume of their releases to the environment
- EEAA established a national Industrial Monitoring Network for the Cement and Fertilizers factories

### Distribution of Environmental Inspectors and the Supporting staff

Region	Number of Inspectors	Supporting Staff		
		Lab. Analysis	Legal Staff	Environmental Management Auditors
Greater Cairo	23	19	7	9
West Delta	9	22	7	9
Central Delta	18	37	5	12
West Delta	28	42	9	19
Sewiz Canal	3	9	1	2
Red Sea	4	8	2	3
Lower Egypt	13	22	5	9
Upper Egypt	8	12	1	7
Central Office	15	17	8	
<b>Total</b>	<b>121</b>	<b>188</b>	<b>45</b>	<b>70</b>

### Distribution of Environmental Complaints and Actions Taken

Region	Total	Type of Complain					Actions	
		Noise	Air	Sewage	S.W.	Others	Cleared	Under Invest.
Greater Cairo	3455	746	1301	162	476	770	2508	947
West Delta	1602	163	585	278	100	485	1027	575
Central Delta	2077	271	484	454	593	275	1710	366
West Delta	878	181	107	101	208	280	433	442
Sewiz Canal	693	56	99	206	243	86	583	110
Red Sea	37	5	4	6	7	15	36	1
Lower Egypt	661	68	365	86	67	75	472	189
Upper Egypt	213	32	27	52	51	51	61	152
<b>Total</b>	<b>20400</b>	<b>3182</b>	<b>6524</b>	<b>2956</b>	<b>3644</b>	<b>4110</b>	<b>14380</b>	<b>6012</b>

## Distribution of Environmental Inspected facilities

Region	Total Facilities	Inspection Results		
		Compliance	None Compliance	Out of Business
Greater Cairo	262	61	201	0
West Delta	291	54	232	5
Central Delta	179	98	81	0
West Delta	476	150	326	0
Sewiz Canal	31	1	19	0
Red Sea	122	69	53	0
Lower Egypt	264	19	243	0
Upper Egypt	128	35	92	1
<b>Total</b>	<b>1753</b>	<b>487</b>	<b>1247</b>	<b>6</b>

- It can be noted that 28% of the total inspected facilities were complying with the Environmental Law
- While 71% of the inspected facilities were having environmental violations

## Inspection Main indicators

$$I_1 = \frac{\text{Number of environmental inspectors}}{\text{Number of facilities}} = \frac{121}{4745} = 0.0255$$

$$I_5 = \frac{\text{Number of inspected facilities}}{\text{Number of facilities}} = \frac{1753}{4745} = 0.37$$

$$I_6 = \frac{\text{Number of non compliances}}{\text{Number of facilities}} = \frac{1247}{4745} = 0.263$$

$$I_7 = \frac{\text{Number of judicial actions}}{\text{Number of non compliances}} = \frac{1247}{1247} = 100\%$$

$$I_{10} = \frac{\text{Number of facilities with self monitoring or environmental management system}}{\text{Number of facilities}} = \frac{21}{4745} = 0.0044$$



**GREECE**  
**NATIONAL COUNTRY REPORT**

# Draft informative note on Hellenic Environmental Inspectorate (HEI)

## Competency, role, procedure, work done, results

### Preface

This is a draft informative note regarding the inspection activity of Hellenic Environmental Inspectorate (Hellenic Ministry for Environment, Energy and Climate Change) and it does not present the entire inspection work being made from all inspected authorities in Greece (regional and decentralised administration environmental departments are also involved into environmental enforcement). Draft information on their efforts is included.

### Introduction

- The total number of permitted or subject to environmental permit, activities, installations, projects and works in Greece, is estimated at about 10.000
- Hellenic Environmental Inspectorate (HEI) was founded by Law 2947/2001 art. 9, (OJ 228/A/2001) and it belongs to the former Ministry for Environment, Physical Planning and Public Works, currently Ministry for the Environment, Energy and Climate Change amenable to the Special Secretariat for Environment and Energy Inspectorate. By the P.D. 165/2003 (OJ 137/A/2003), the administrative organization, the structure and the staffing conditions and terms were determined.

### HEI structure

- HEI consists of the General Inspectorate, the Division for Southern Greece (located in Athens), and the Division for Northern Greece, (located in Thessaloniki)
- Each Division consists of 4 departments, with the following subject:
  - Department A: Public works, landfills, infrastructure, tourist installations.
  - Department B: Industrial and mining installations, poultry and rearing activities, aquaculture installations
  - Department C: Natural environment, designated and protected areas
  - Department D: Administration, logistical and legal support, IT infrastructure

### HEI role, competency and responsibility

HEI operation started in late 2003 (so up-to-now an 8-year period of operation has been completed), having as major responsibilities, among others:

- Control and monitoring of compliance with the environmental legislation and with the terms of the environmental permits in: works, installations and activities of the public and private sector and in parallel the introduction / proposal of administrative sanctions in case of non-compliance
- Collection and evaluation of environmental enforcement data
- National representation at European and international level

In parallel, the competency of controlling the compliance of installations and activities within the limits of their spatial responsibility belongs to also the regional and local environmental authorities: at regional and local (prefecture) level. Since 01/01/2011 the new administrative structure of the Greek territory is in force and as a result, new environmental authorities have been established in the new 7 decentralized administrations and 13 regions.



## Inspection planning

HEI's work is based on its annual plan of operation which sets the goals and principles for the next year period.

Inspections are being made according to the monthly work schedule (routine inspections - based on the annual plan) or as a result of references / complaints / accidents or incidents (non-routine inspections). The inspection activity is in line with the provisions of Recommendation 2001/331/EC for the minimum criteria for environmental inspections.

With the new Law 4014/2011 (regarding the new procedure for environmental permitting), a new classification of works, activities and installations is introduced. According to this, HEI is the competent authority for the elaboration of the national inspection plan which includes the enforcement activity of all inspection authorities (at central and regional level). This national inspection plan will be revised at a 5-year time basis.

## HEI's Inspection procedure

The inspection procedure is defined in article 9 of Law 2947/2001 (OJ 228/A/2001). The main steps (phases) of an inspection are the following (see also attached diagram 2):

- In situ visit and examination of all relevant factors / effluents – compilation of the inspection report
- Post inspection examination of all relevant elements: In case that violation of environmental legislation is certified, the relevant inspection report is dispatched to the operator, giving him a reasonable response time period (not less than 5 working days).
- Taking into account the operator's response and arguments, in case that violations remain, then the certification of environmental law violation is issued.
- This official certification of non-conformity is the basis for the juridical procedure that follows (the attorney office will examine possible penal punishable actions) and
  - The proposal of the administrative sanction (mainly in terms of a fine). This proposal is addressed to the Minister for the Environment, Energy and Climate Change who impose the sanction.

## Post-fining appeal

After the imposition of the fine (by the competent authority) the operator has the right to access to justice (to the Administrative Court of Law) by providing an appeal which will have the decisive role in the final determination of the fine. The juridical procedures (both the criminal for the penal actions as well as the administrative one for the appeal procedure) lasts for a time period longer than two years

## Presentation of HEI's activity for the period 2004-2010

Table 1: Number of inspections per year performed by HEI

2004	2005	2006	2007	2008	2009	2010	2011
142	145	159	212	313	248	234	188 <sup>1</sup>

Table 2: Total amount of proposed fines by HEI per year (in Euros)

2004	2005	2006	2007	2008	2009	2010
2.230.300	2.107.369	3.345.480	5.185.355	6.788.700	3.195.085	5.521.035

<sup>1</sup> Data up to end of October 2011

**Table 3 : Percentage of inspected activities / installations per category**

CATEGORY OF INSTALLATION / ACTIVITY	PERCENTAGE TO THE TOTAL (%)
INDUSTRY	42,5
ENERGY PRODUCTION	3
SEWAGE WATER TREATMENT INSTALLATIONS	5
UNCONTROLLED LANDFILLS	5
LANDFILLS	2,5
TOURISTIC INSTALLATIONS	7,5
CELLULAR PHONE BASE STATIONS	2
HOSPITALS	0,5
PORTS AND HARBOURS	4,5
HYDRAULIC	1
ROAD WORKS	6,5
SOLID WASTE TRANSHIPMENT	3,5
STOCKYARD	2
POULTRY AND PIG REARING INSTALLATIONS	4,5
INTERVENTIONS IN NATURAL ENVIRONMENT / DESIGNATED AREAS	3
AQUACULTURE	0,5
OTHER	6,5
<b>TOTAL</b>	<b>100</b>

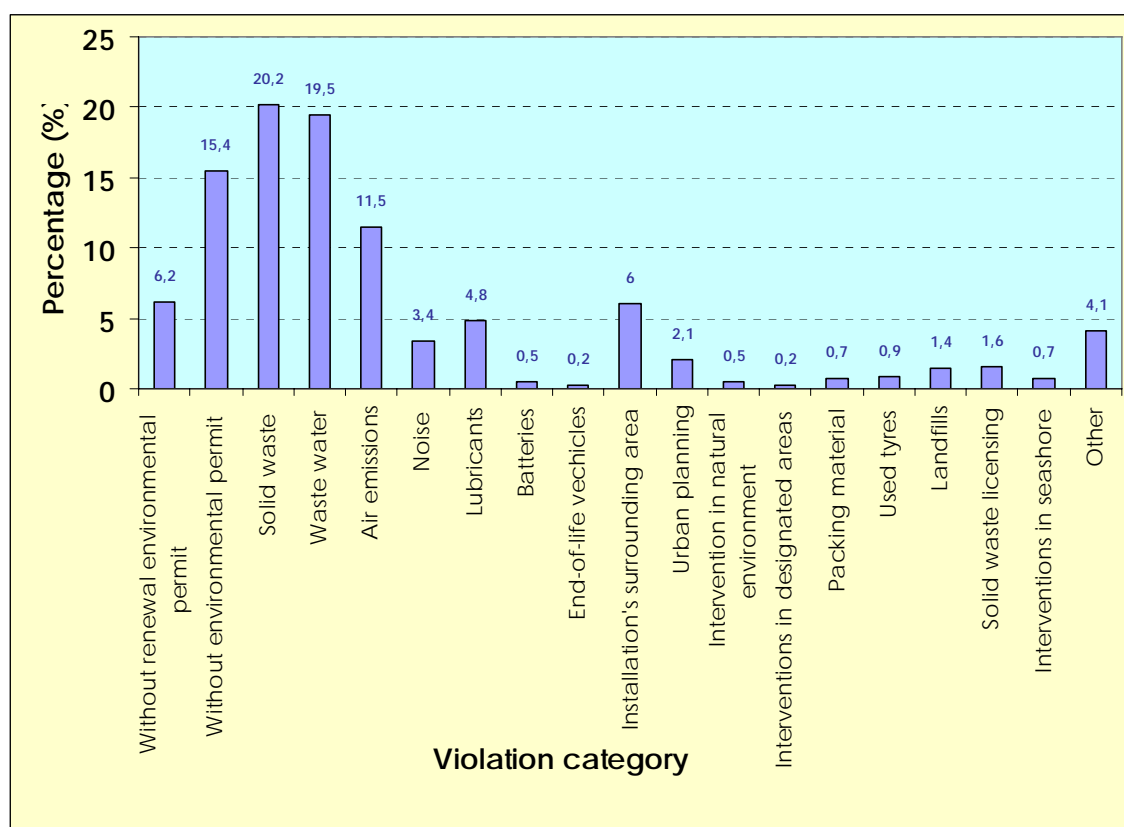
### Main non-compliance instances and rationale

It is worth noticing that in almost 85% of the facilities/activities inspected, one –at least – violation of environmental law is certified (percentage 15% of inspected facilities in full compliance). An average of **2-3 violations (non-conformities) per examined case** is calculated based on the latest available data.

The most common observed certified violations are related to:

- Lack of environmental permit
- Lack or malfunction of monitoring equipment
- Lack of specific licenses, Waste Water and Solid Waste Discharge licences
- Failure in observance of specific terms of the permit
- Lack of foreseen pollution abatement equipment
- Failure in operation of pollution abatement equipment
- Unauthorised interventions into designated areas

Diagram 1: Frequency of occurrence of main non-conformities (violation category)



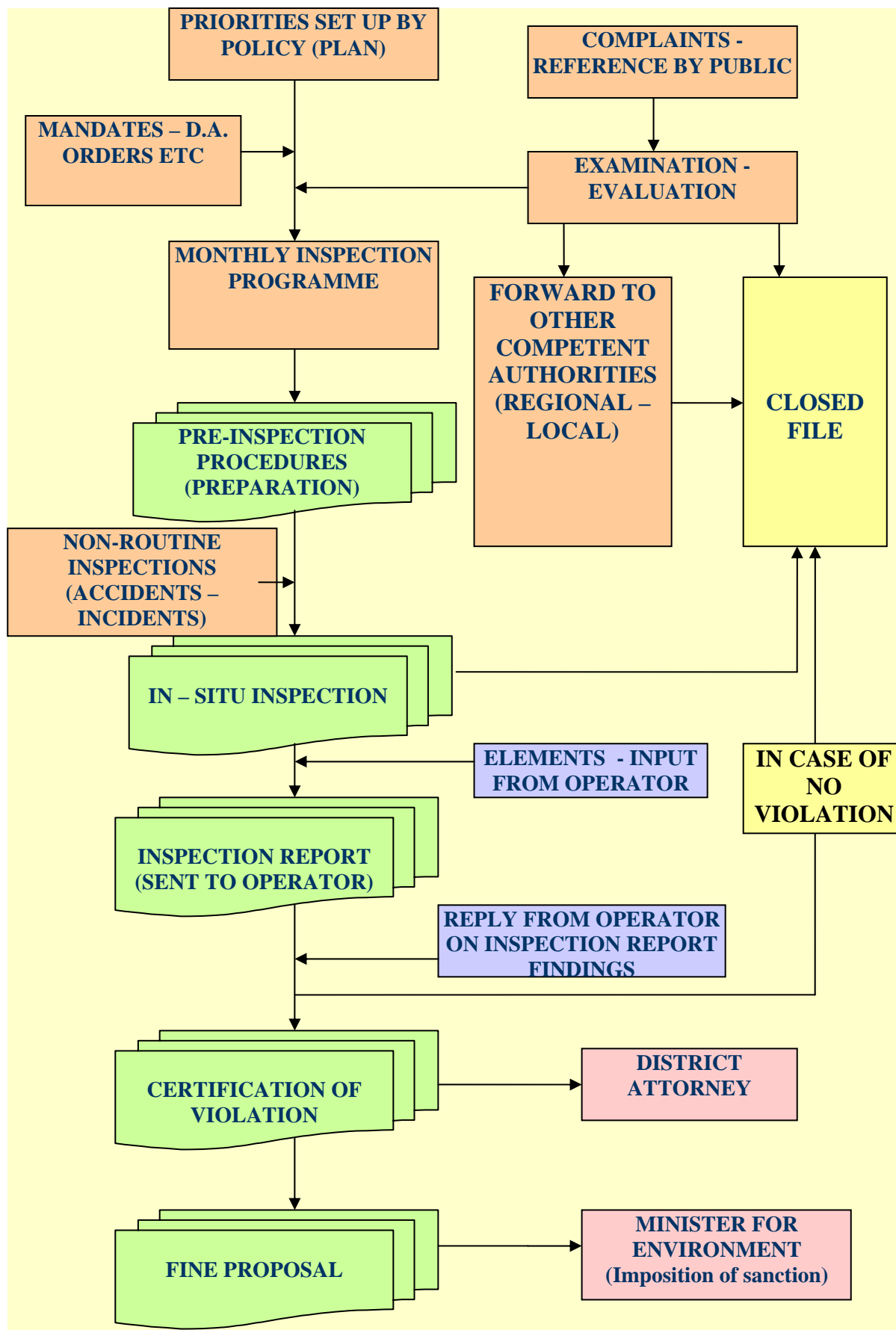
### Significant cases

For the period 2004-2011, the following activities were considered as the most important:

- Protection of Kifisos river environment (based on the enforcement of the relevant Presidential Decree)
- Pollution of Asopos river
- Pollution of lake Koronia
- Air emissions from IPPC installations
- Pollution of Kalamas river
- Pollution of Pinios river
- Environmental degradation of Thrasio area
- Ground water contamination of Koropi area
- Quarries in Markopoulo area
- Coastal and marine environment degradation from mining activities on Milos island
- Hazardous Waste Management and Hospital Waste management
- Illegal transportation and management of hazardous waste

**ANNEX I**

**Diagram 2: operational chart of HELLENIC environmental inspectorate**



**ANNEX II**  
**Application of indicators proposed into UNEP/MED WG.346/1/17-11-2009 Report.**

**Country report on environmental inspectorate - GREECE**

**1. Introduction**

The following report represents the application of indices proposed into UNEP/MED WG.346/1/17-11-2009 Report for the Greek Environmental Inspectorate. It should be mentioned that environmental inspections are performed also by the local and regional environmental authorities (in the new 7 decentralized administrations and 13 regions). It should be mentioned that the personnel of environmental departments of decentralised administrations and regions who perform inspections into their spatial responsibility is estimated to about 200 people.

**2. Data needed**

Into the following table the data needed for the completion of the national report is presented.

Number of inspectors	Number of facilities	Number of inspected facilities (at least once per year)	Number of non compliances
34 (or 234 if the personnel of regions is included)	10.000 <sup>2</sup> 1.000 or large and almost large magnitude	234 <sup>3</sup>	202
Number of juridical actions	Number of administrative sanctions	Number of inspectors with an operational plan	Number of facilities with self monitoring or EMS
202	202	34	135
Population		34 inspectors of Hellenic Environmental Inspectorate are considered to act under the HEI's operational plan.	<ul style="list-style-type: none"> <li>• ISO 14001</li> <li>• EMAS</li> <li>or</li> <li>• Self monitoring of effluents</li> </ul>
<b>11.000.000</b> 10.787.690 preliminary data reported from Hellenic Statistical Authority at May 2011 (census 2011). 11.329.600 population reported from EUROSTAT at July 2011			

<sup>2</sup> According to the Law 2947/2001, Hellenic Environmental Inspectorate has competency to inspect all facilities, installations and works of the private and public sector in Greece that fall under environmental permitting regime. The number of facilities / installations in Greece that fall under the definition of "large facilities", according to the Guidelines para. 3., is estimated to 1.000.

<sup>3</sup> This is the number of inspected activities / facilities per year (data 2010) and not the number of activities inspected at least once per year

### 3. Application of indicators - Calculation of indicators values

$$I_2 = \frac{\text{Number of environmental inspectors}}{\text{Number of facilities}} = 34/10000 = 0,0034$$

alternatively (large facilities):  $I_2 = 34/1000 = 0,034$

Considering the number of all inspectors (ministerial and regional level):  $234/1000 = 0,234$

$$I_5 = \frac{\text{Number of inspected facilities}}{\text{Number of facilities}} = 234/10000 = 0,00234 \text{ or on the basis of large installations} = \frac{135}{1000} = 0,135$$

$$I_6 = \frac{\text{Number of non compliances}}{\text{Number of facilities}} = 202/10000 = 0,00202$$

$$I_7 = \frac{\text{Number of judicial actions}}{\text{Number of non compliances}} = 202/202 = 1$$

$$I_9 = \frac{\text{Number of inspectors with an operational plan}}{\text{Number of environmental inspectors}} = 34/34 = 1$$

$$I_{10} = \frac{\text{Number of facilities with self monitoring or environmental management system}}{\text{Number of facilities}} = \frac{135}{10000} = 0,00135$$

$$I_{11} = \frac{\text{Number of administrative sanctions}}{\text{Number of inspected facilities}} = 202/234 = 0,86$$

**ISRAEL**  
**NATIONAL COUNTRY REPORT**



November 12, 2011

**Performance Indicators Dataset for Inspectorate Systems–Israel, 2011**  
**Meeting of the Network on Compliance and Enforcement of Regulations for the**  
**Control of Pollution Resulting from LBA, Athens, 15-16/11/2011**

Following the last meeting of the Network for Compliance and Enforcement in the framework of WHO\MEDPOL, held in Athens in 2009, and following the guidelines document supplied to the countries, a provisional dataset of performance indicators for the assessment of compliance and enforcement of regulations aimed to protect the marine environment in Israel, is presented herewith.

In general, Indicators are divided into four families:

- **Input indicators** - allow for assessment of the contributing resources;
- **Output indicators** - allow the measurement of inspection-related activities;
- **Intermediate performance indicators** - measures changes in the behavior of inspected entities or their emissions;
- **Outcome performance indicators** - measures the actual impact in the environment

It has been decided by the meeting in 2009 that for the time being, countries will focus on a certain set of performance indicators of the INPUT/OUTPUT family, which are generally more basic and fundamental to compute.

To this end the declared goals of the present document submitted to the meeting are to:

1. Assess the conditions regarding compliance and enforcement in Israel, by applying the agreed set of performance indicators.
2. Identify problems or gaps in applying the agreed set of performance indicators.
3. Suggest any other measures or tools

These performance indicators are valid for the coastal area of Israel alone, unless stated clearly otherwise. The coastal area although defined by law as 1 mile at sea to 300m on-land, is not a clear representation of geographical zone of the tasks, as many facilities discharging to the marine environment are located way up the watershed.

The regulatory agency, which the power to enforce most of the anti marine-pollution activities is delegated to, is the MCED of the Ministry of Environmental Protection.





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## Israel – Marine and Coastal Pollution Prevention, Enforcement and Compliance System - General Background

### Major Issues

Israel's Mediterranean and Red Sea coastlines, stretching about 185 kilometers and 14 kilometers respectively, are among the country's most valuable natural assets. They are characterized by a rich diversity of natural, environmental, cultural and economic values. Their protection – both from the adverse impacts of pollution and from unwise development – is a national priority. The prevention of land-based pollution is one of the major items on Israel's environmental agenda.

Nearly 70% of the population and much of the country's economic and commercial activity are concentrated along the Mediterranean coastal strip. The primary coastal issues on Israel's agenda include: balancing development and conservation, protecting the sand balance and preventing damage to the shoreline and coastal cliff, conserving the diversity of species and their ecosystems, preserving the archaeological, historic and cultural heritage, and protecting the coastline as an open space for the enjoyment of present and future generations.

### Current State

Israel deals with all aspects of marine pollution: accidental and operational oil and chemical spills from ships or terminals; effluents from industrial or municipal land-based sources; marine protection from various activities including mariculture, construction and marine littering; and administrative and criminal law enforcement. Marine pollution prevention activities are based on comprehensive legislation and international conventions and protocols.

Professional inspectors carry out marine pollution prevention and enforcement on the Mediterranean coast, Gulf of Eilat/Aqaba, Lake Kinneret and Dead Sea. In addition to serving a deterrent function, these inspectors investigate violations of the law by vessels or coastal facilities and file legal charges, where warranted. Increased awareness coupled by strict enforcement has led to a notable decrease in the number of oil spills over the past decade.

Israeli ports have reception facilities for oily bilge and ballast waters. Stockpiles of equipment, including open sea booms and heavy-duty skimmers, exist in Ashkelon and Haifa, the country's oil pollution combat centers on the Mediterranean shoreline. Cleanup costs are imposed on polluters in accordance with the "polluter pays" principle. A National Contingency Plan for Preparedness and Response to Combating Marine Oil Pollution, based on a three-tier response system, was approved by the government in 2008. It provides an organizational structure, authority and framework of command for the various entities involved in oil spill response and allows for the efficient use of measures in emergency situations involving up to 4,000 tons of spill.

Major progress has been made in preventing pollution from land-based sources, including domestic and industrial waste, agricultural runoff and river discharges. Israel supervises and enforces all land-based sources of marine pollution within the framework of an inter-ministerial permitting committee. Permits are not granted if there are waste treatment and disposal alternatives on land, or reuse methods, or appropriate low-waste technology alternatives—provided that these alternatives are usable, economically achievable and less harmful to the environment. Permits are also rejected if the waste or sewage contains substances listed in the Second Annex to the Land-Based Protocol of the Barcelona Convention and best available technologies have not been utilized to prevent pollution.

Israel was among the first Mediterranean countries to sign a Memorandum of Understanding to implement a National Monitoring Program according to criteria established by MEDPOL. Its monitoring program is



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based on environmental indicators including heavy metals in sediments, heavy metals in benthic organisms, organic pollutants in sediments, nutrients in coastal streams and coastal waters and microalgae in coastal waters. The findings of the national monitoring program, which is carried out by Israel Oceanographic and Limnological Research, are complemented by the findings of local monitoring programs which are routinely carried out by facilities discharging pollutants to sea in accordance with the conditions stipulated in their discharge permits or within the framework of environmental impact assessments or environmental documents.

In 2005, the Ministry of the Environment launched a long-term project entitled "Clean Coast" with the aim of addressing the litter problem on Israel's beaches, a third of which is washed ashore from the sea and the rest left by vacationers and bathers. The project includes several complementary components: routine cleanup activities by local authorities; enforcement against polluters of the coasts; educational activities in the country's schools and youth movements; and information and publicity.

Recognition that marine pollution knows no boundaries has also catalyzed the advancement of regional cooperation on marine and coastal protection, within the framework of the Barcelona Convention and in the Gulf of Aqaba. Furthermore, regional cooperation has been advanced to prevent and minimize the environmental and economic damage that may be caused by large-scale marine pollution.

#### Future Challenges and Targets

The main challenges confronting Israel in the area of marine and coastal area protection relate to the continued reduction of pollution from all sources, implementation of Israel's National Action Plan for Addressing Pollution from Land Based Sources, which was completed in 2006, pollution reduction in the Gulf of Aqaba and preservation of its unique ecosystem, protection of the coastal sand, management of the coastal cliff and continued monitoring and research in both the Mediterranean and Red Seas.

The Ministry of Environmental Protection is the national authority responsible for preventing coastal and marine pollution. Its action plan is based on the following: guidance and supervision on the installation of best available techniques and methods for the reduction of pollution loads from land-based sources, inspection (both aerial and maritime surveillance) and enforcement, a permitting system for discharge or dumping to sea based on stringent criteria, enforcement of marine pollution legislation and environmental quality standards, oil pollution abatement and cleanups, monitoring and international cooperation.

Major focus is placed on the prevention of land-based sources of pollution. In line with international and regional commitments and national policy, Israel's marine protection policy is based on the following objectives:

- Minimize discharges to sea by reviewing plausible land based alternatives.
- Minimize pollutant emissions through the introduction and operation of best available techniques (BAT).
- Require continuous improvement of wastewater treatment facilities, as verified by wastewater quality monitoring and marine monitoring
- Permit wastewater discharge to sea in cases where damage would be caused to land but not to the marine environment, such as brines following pretreatment.
- Permit discharge of authorized wastes through regulated coastal outfalls only.
- Operate according to stringent and advanced international standards.

Integrated coastal zone management (ICZM) is another priority on Israel's environmental agenda, with the primary coastal issues including: balancing development and conservation, protecting the sand balance and preventing damage to the shoreline and coastal cliff, conserving the diversity of species and their ecosystems, preserving the archaeological, historic and cultural heritage, and protecting the coastline as an open space for the enjoyment of present and future generations. Land use master plans and policy



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documents on ICZM were prepared by the Ministry of the Interior, the Ministry of Environmental Protection and environmental organizations in response to growing development pressures and conflicts along the coastline, which stress the importance of management of the coast and coastal waters as a primary national and public asset according to principles of sustainability.

Israel's ICZM policy is largely integrated in its Protection of the Coastal Environment Law. Israel is among the first countries to have a national law aimed at the preservation of the coastal environment, including a geographically well-defined setback zone.

### *Regulative Tools*

- Israeli legislation sets permit requirements for discharge and dumping to sea, based on strict criteria.
- Israel has enacted and implements a series of marine pollution prevention laws, relating to the prevention of marine pollution by oil, dumping and land-based sources, which are in line with international and regional conventions and protocols.
- Several statutory master plans relate to development and land-use along the coast including national outline plans for the Mediterranean Coast, 1983 and for the Red Sea coastline, 2005.
- In 2004, Israel's parliament enacted the Law for the Protection of the Coastal Environment Law aimed at protecting the coastal environment and its natural treasures, reducing and preventing coastal damage, preserving the coastal environment and the coastal sand for the benefit and enjoyment of present and future generations and establishing principles for the sustainable management, development and use of the coastline.

### *Economic Tools*

- The Marine Pollution Prevention Fund, which was first created by law in 1979, generates funds for preventing and combating marine and coastal pollution, cleanup operations, purchasing equipment for preventing marine pollution, operating contingency plans for large-scale pollution events, filing indictments against polluters and conducting practical research and surveys. Income is largely derived from fees imposed on all oil terminals and ships calling at Israeli ports and from fines collected from violators of marine pollution prevention laws and regulations.
- A 2005 amendment to the Prevention of Sea Pollution from Land-Based Sources Law incorporates substantially higher fine levels; increased fines for continuing offences; additional fines which reflect the benefit which accrues to the polluter from non-compliance with the law; decrees to prevent, minimize or stop the pollution, clean up the area and restore previous conditions; and potential fees for marine pollution prevention to be imposed on permit holders and paid to the Prevention of Sea Pollution Fund. The proposed levy will relate to the level and type of pollution involved and will act as an incentive to minimize the pollution discharged.

### *Informative Tools*

- The "Clean Coast" project addresses the litter problem on the country's coasts and includes an educational and information component.
- Information about the state of cleanliness on Israel's coasts is published bimonthly as a "Clean Coast Index" on the Environmental Protection Ministry's website.

The set of indicators for working year 2010, are as follows:

Population (x1000): 2004-6,869; 2005-6,990; 2006-7,116; 2007-7,241; 2008-7,373; 2010- 7,473  
GDP (2010): 219 Billion USD; Industrial GDP: 71 Billion USD.



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**I1= Number of environmental inspectors/Country population**

= number of MCED inspectors/ population of the Israel (along coast 65%)

=  $22/7,473,000 * 0.65$

= 0.0019 insp/1000 inhab.

= 1 inspector per 220,793 people

**I1bis** = number of national inspection force/population of the Israel

=  $196^1/7,473,000$

= 0.025 insp/1000 inhab.

= 1 inspector per 38,127 people

**I1ter** = number of inspection force\*/number of total workers in the MoEP

=  $196/507 = 39\%$

**I2 = Number of environmental inspectors/Number of facilities**

= number of MCED inspectors/ number of facilities affecting marine environment<sup>2</sup>

=  $22/128$

= 1 MCED inspector per 5.82 facilities

**I2bis<sup>3</sup>** = number of total inspection force/ number of facilities affecting the environment

=  $196/16,840$

= 1 inspector per 86 facilities

**I3 = Number of environmental inspectors/Number of inspectors according to Human Resources Calculation Scheme**

= number of MCED inspection force /number of inspection force according to hracs

=  $22/34^4$

= 65%

**I4 = Number of training days/Number of environmental inspectors**

= number of training days per year/number of MCED inspection force

=  $195/22$

= 8.8 days annually/MCED inspector

**I5 = Number of inspected facilities/Number of facilities**

= number of inspected facilities/number of facilities

=  $120/128$

= 94%

<sup>1</sup> 135 professionals in the MoEP districts, 45 "Green Police" enforcement personnel, 22 MCED.

<sup>2</sup> Facilities with discharge permit (102), ports and marinas (10), oil and coal terminals (11)

<sup>3</sup> For all country, not just coastline area

<sup>4</sup> HRCS under 18 effective workdays/month which makes 26 inspectors, 8 support/admin force



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**I6 = Number of non-compliances/Number of inspected facilities**

= number of non-compliance<sup>5</sup> cases/number of facilities  
= 38 /128  
= 30%

**I7 = Number of judicial actions/Number of non-compliances**

= number of criminal investigation and lawsuits/number of non-compliance cases  
= 13/38  
= 34%

Optional indicators calculated for 2010:

**I10 = Number of facilities with self monitoring or environmental management system/Number of facilities**

= number of facilities with online monitoring systems/number of facilities with marine discharge permit  
= 15/102  
=14.7%

**I11 = Number of administrative sanctions/Number of inspected facilities**

= number of sanctions Vs.facilities/number of inspected facilities with discharge permit  
= 5/128  
=4%

Measuring compliance outcome: An indicator for coastal litter problem

I18 = (CCI of 2005-average annual clean coast index)<sup>6</sup>/CCI of June 2005  
For 2007=6.88-4.66/6.88 = 32% improvement rate  
For 2008=6.88-5.75/6.88 =16% improvement rate<sup>7</sup>  
For 2009=6.88-4.37/6.88=36.5% improvement rate  
For 2010=6.88-5.95/6.88=13.5% improvement rate

I18bis =number of local authorities found "clean" or above, for 70% of the time, annually/number of local authorities that participate in the "Clean Coast" program<sup>8</sup>  
For 2008=11/21= 52%  
For 2009=15/21=71%  
For 2010=6/21= 29%

<sup>5</sup> Non-compliance is referred to as any activity of the entity that results, at least, with a written warning

<sup>6</sup> "clean coast index" measurements were carried out biweekly, in 66 coastal stretches, representing the country's beaches. The average index was in comparison to 2005 is dropping, meaning deterioration of coastal cleanliness.

<sup>7</sup> On a consecutive year, this would mean a degradation of the situation

<sup>8</sup> For June 2005, the beginning of the program the indicator was 28%.



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### Conclusions and recommendations

1. The proposed set of indicators is still primary and represents only the "organizational" input indicators family. Regarded as such one should remember, it only gives a rough idea as to the order of magnitude of the problems and the people who deal with it.
2. If it to become a useful working tool for the regulatory agency and the countries using it, it must reflect and sharpen the problems and the places in which a country must intervene in, in order to match the acceptable criteria. To do that, it must be incorporated into the work plan of the country's environmental agency.
3. The socio economic situation of a country should be represented well into the indicators. A combination of population and GDP-industrial should be offsetting some of the parameters in an effort to establish reason and common reference, in these indicators by an international comparison.
4. Steps of legal nature are calling for the next indicator which must be the outcome of such actions. For example, how many convictions out of these legal actions were actually won? How many facilities had actually had changed their manners after our intervention?
5. Unfortunately, the recommendation of the meeting in 2009, to streamline the set of indicators into the formal action plans of the countries was not executed in full. As a matter of fact, synchronizing the work with all MAP components as regards performance and effectiveness indicators was not done. As a consequence it was not an obligatory tool to be used, for example in Israel.

**LEBANON**  
**NATIONAL COUNTRY REPORT**




## Lebanon's Brief National Report on Compliance & Enforcement

*Meeting of the Network on Compliance & Enforcement of Regulations for the Control of Pollution Resulting from Land-based Activities*

Republic of Lebanon  
 Ministry of Environment  
 Directorate General of Environment  
 Service of Urban Environment  
 Department of Protection of Urban Environment  
 Mr. Youssef Naddaf, M.Sc.  
[www.moe.gov.lb](http://www.moe.gov.lb)


Athens, 15<sup>th</sup> - 16<sup>th</sup> of November 2011

# Legal Framework


 Department of Protection of Urban Environment  
 Service of Urban Environment  
 Directorate General of Environment


### Law 690/2005 – Mandate of Ministry of Environment

- Art. 2 para. 3 stipulates the preparation of legislation, standards, norms and the determination of indicators that are necessary for environmental health and sustainability of natural resources
- Art. 2 para. 7 stipulates the preparation of a penal code for environmental crimes and degradation of natural resources
- Art. 6 para. 7 & Art. 8 enacted the Service of Regional Departments & Environmental Police


 Department of Protection of Urban Environment  
 Service of Urban Environment  
 Directorate General of Environment


### Law 690/2005 – Mandate of Ministry of Environment

- Art. 2 para. 15 stipulates the setting of environmental regulations for the licensing & permitting process of classified industries & development projects that have an impact on the environment
- Art. 2 para. 16 stipulates the setting of environmental regulations for the classifications & zoning of areas in collaboration with Ministry of Public Works & Transport


 Department of Protection of Urban Environment  
 Service of Urban Environment  
 Directorate General of Environment

### EIA & SEA


- Art. 21-23 of Law 444/2002 (Code of Environment) enacted the EIA process
- Draft decrees for EIA & SEA have been prepared
- MoE has been enforcing & mainstreaming the EIA process in many sectors & permitting procedures of several line ministries & agencies



 Department of Protection of Urban Environment  
 Service of Urban Environment  
 Directorate General of Environment

### National Standards for Environmental Quality – Decision 8/1

The standards cover:

- Wastewater discharges in the Sea, Surface water and Sewerage systems
- Air pollution: Generic and specific standards for the energy sector, power generators, cement industry, glass industry, battery manufacturing, electroplating, aluminum industry, food industry

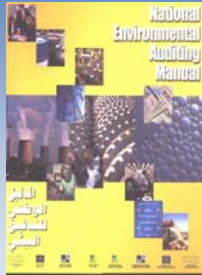



 Department of Protection of Urban Environment  
 Service of Urban Environment  
 Directorate General of Environment



## Environmental Audits

- The main objective of the audit manual is to facilitate the environmental auditing procedures in industrial facilities
- The audit findings will provide an exact description & analysis of the environmental performance & overall situation of the plants visited, thus enabling the environmental experts to adopt the necessary measures for achieving compliance
- Art. 42 of Law 444/2002 stipulates that each establishment should conduct a self environmental audit



## Institutional Structure

## Decree 2275/2009 – Organization of Ministry of Environment



## Decree 2275/2009 – Organization of Ministry of Environment

- The decree establishes the roles and responsibilities of each department & division in each Service at DGoE - MoE
- It also states the qualifications & quantities of human resources required for each administrative unit

## Art. 17 of Decree 2275/2009 – Mandate of Department of Protection of Urban Environment

- Preparation of strategies, plans, programs, activities & studies in order that the urban environment is in harmony with natural resources through the prevention of pollution from sources in the urban environment
- Setting environmental regulations for industrial zones in collaboration with MoPWT via the enactment of ministerial decisions
- Setting environmental regulations for the licensing & permitting of industrial & non-industrial establishments via the enactment of ministerial decisions

## Art. 28 of Decree 2275/2009 – Mandate of Department of Observatory & Environmental Statistics

- Collect data on environment & development indicators and analyse it in collaboration with information and statistic centres
- Calculate environment and development indicators and analyse the state of the environment & its pollution sources
- Collaborate with all departments at DGoE to collect and analyse relevant data & extract conclusions from it

## Overview of Human Resources

- DPUE has 10 employees in its organigram, currently there are 3 active members
- DOES has 4 employees in its organigram, currently there are none
- DRDEP has 15 employees in its organigram, currently there is 1
- Decree 2275/2009 requires that the number of personnel at MoE should be 182. Currently, there are 56 (technical & administrative)
- There are 23 new technical employees joining the team

## Indicators

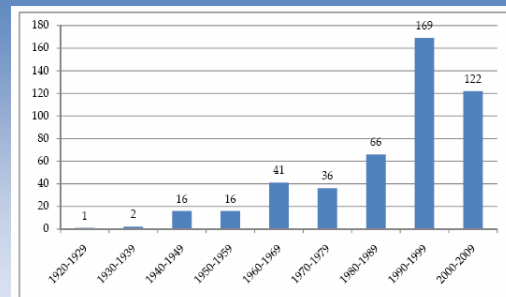
## Indicators related to industries (2010)

$$I_2 = \frac{\text{Number of environmental inspectors}}{\text{Number of facilities}} = \frac{3}{592}$$

$$I_3 = \frac{\text{Number of inspected facilities}}{\text{Number of facilities}} = \frac{415}{592}$$

$$I_6 = \frac{\text{Number of non compliances}}{\text{Number of facilities}} = \frac{94}{592}$$

## Indicator I<sub>7</sub> - Judicial Actions



Source: Ministry of Justice; United nations Development Programme, 2010

## Addressing the Challenges

- Increase coordination with the Ministry of Justice
- Fill the vacant positions at MoE
- Activate the Regional Departments and Environmental Police

## Thank you for your attention...

*“Modern  
 Technology  
 Owes Ecology  
 an Apology”*

Alan M. Eddison

**MALTA**  
**NATIONAL COUNTRY REPORT**

# National Report on Compliance and Enforcement - Malta

Meeting of the Network on Compliance and Enforcement of Regulations for the Control of Pollution resulting from Land-Based Activities.  
Athens, Greece, 15-16 November 2011

Nathalie Ellul  
Environmental Protection Officer  
Malta Environmental & Planning Authority



## Environmental Permitting

- Regulations in the process of being issued;
- Currently requirement for environmental permit is on a voluntary basis except for new installations requiring a development consent, IPPC sites and Waste Management Sites.
- Legislative framework: IPPC regulations, VOC Solvents, Waste Management, WFD, UWWTD and Seveso.
- An environmental permitting system has been set up to improve standards of environmental performance

## Benefits of an environmental permitting system

- Risk-based approach
- One permit for most regulations under MEPA's competence
- Operator is made aware of obligations under legislation and any changes
- Process enables operators to identify areas of priority environmental concern & issues for risk management
- Permit is renewable and variable
- Defines extent of liability for operators
- Potential for funding compliance achieved prior to regulatory obligation deadlines



## Operational aspects to be covered by environmental permitting

### Contingency

- Fires & explosions
- Spillages (fuels, raw materials, solvents, solid wastes, effluent)
- Failure of abatement equipment

### Emissions to Air

- Dust, solvents from process
- Boilers & generators
- Diffuse emissions (e.g. quarries, batching plants)

### Storage

- Raw materials, chemicals, fuels, waste (possibly hazardous)

### INSTALLATION

### Waste

- Hazardous materials (e.g. spent solvents, reject products, microbiological, lab waste, waste oils)
- Non-hazardous waste
- Waste transfers
- Waste destination

### Noise & vibration

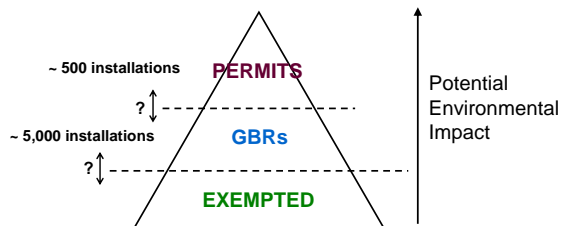
- Crushing/blasting operations (e.g. quarries)
- Air handling systems, alarms

### Discharges of Effluent

- Process wastes, washings
- Grease from kitchens
- Water purification: brine
- Discharges to sewer/sea/groundwater?

## Sectors to be regulated

- Twinning Light projects (2007 & 2008): National Statistics Office data analysed by category
- 165 NACE classes (out of 521) of environmental significance (5,100 enterprises; 43,110 employees)



## Classes of activities (thresholds may apply)

### Priority 1\* (highest risk)

- COMAH (Seveso) establishments
- Fuel terminals
- Container terminals
- Shipyards
- Batching and asphalt plants

### Priority 1 (legal obligations)

- Waste management activities, e.g. scrapyards, inert landfills, waste transfer stations, waste oil producers, abattoirs
- Quarries
- Petrol stations
- VOC solvents activities, e.g. printing, surface coating, drycleaners
- Activities with a discharge to sea
- Sewage treatment plants

### Priority 2 (medium risk)

- Manufacturing plants with >250 employees
- Chemical & pharmaceutical plants
- Marinas, airports
- Hospitals
- Fish farms

### Priority 3 (lowest risk)

- Manufacturing, e.g. wood, machinery, plastic, rubber, electronic products
- Food & beverage manufacturing
- Seaports
- Hotels with more than 400 bed spaces

## Permit conditions (1)

### Storage

- Proper storage & containment (Waste Framework Directive)

### Contingency

- Emergency plan
- Training of staff
- Notification to MEPA

### Waste

- Appropriate disposal/recovery
- Consignment note procedure (LN 337/01 – LN 184/11)
- TFS permit for export
- Registered waste carriers: LN 106/07
- Record keeping

### Air

- Abatement systems (e.g. filters, scrubbers)
- Height of stacks
- Substitution of certain VOC solvents: LN 225/01
- Maintenance of boilers & generators, correct fuels: LN 159/02
- Monitoring from boilers & scrubbers

## INSTALLATION

### Noise & vibration

- Attenuation (if necessary)
- Testing of alarms at reasonable hours

### Effluent

- Treatment
- Recovery/minimisation encouraged
- Discharges to sewer need sewer discharge permit: LN 139/02

## Compliance Strategy adopted

- Schedule of inspections is carried out based on the risk of the activity
- Organised schedule of inspections
- Other inspections carried out as required (in case of complaints received)
- Site visits are unannounced with the exception of audits
- Resources calculated in staff hours in the field – this does not include inspection preparation, report writing, etc.

Facility	Risk Category	Inspections	Hours	Q1	Q2	Q3	Q4	Discretionary
A	High	11	56	Routine 8	Routine 12	Routine 12	Routine 8, Audit 16	
B	High	5	36	Routine 4	Routine 4	Routine 8	Audit 16	
C	High	5	32	Routine 4	Routine 4	Routine 4	Routine 4	
D	High	1	30			Audit 24	Routine 8 as needed	
E	High	1	30			Audit 24	Routine 8 as needed	
F	High	1	20				Audit 16	Routine 4 as needed
G	Medium	1	20		Audit 16			Routine 4 as needed
H	Medium	1	20			Audit 16		Routine 4 as needed
I	Medium	1	4	Routine 4				
J	Medium	1	4	Routine 4				
K	Medium	1	4			Routine 4		
L	Medium			LW MRF	LW MRF	LW MRF	LW MRF	
M	Medium	4	20	Audit 8	Routine 4	Routine 4	Routine 4	
N	Medium	2	8	Routine 4		Routine 4		
O	Medium	2	8	Routine 4		Routine 4		
P	Medium	3	16		Routine 8	Routine 4	Routine 4	Routine 4 as needed
Q	Medium	2	8			Routine 4	Routine 4	

## Compliance Strategy 2010

- A total of 318 inspections carried out during 2010 at installations which require an environmental permit.
- Permits issued till 2010
  - : 115 waste management permits
  - : 28 environmental permits
  - : 10 IPPC permit

## Presentation of Indicators\*

$$I_2 = \frac{\text{Number of environmental inspectors}}{\text{Number of facilities}} = \frac{9}{500} = 0.018$$

Remarks: The number of facilities is estimated based on 2007-2008 data.

$$I_5 = \frac{\text{Number of inspected facilities}}{\text{Number of facilities}} = \frac{186}{500} = 0.372$$

\* Data is based on inspections carried out for installation in the whole country not only those discharging to marine environment.

## Presentation of Indicators cont.

$$I_6 = \frac{\text{Number of non compliances}}{\text{Number of facilities}} = \frac{126}{500} = 0.252$$

Remarks: Non compliances refers to any breach or lack of action by the operator with regard to specific permit conditions which were found during the site visit. Such non-compliances were brought to the attention of the operator in the official inspection report or letters sent after inspections. Any corrective action requested by the Authority is verified during follow-up inspections. The number of non compliances does not include those identified at sites falling under the Seveso Regulations since these are followed up by a Committee which follow specific procedures.

$$I_7 = \frac{\text{Number of judicial action}}{\text{Number of non compliances}} = \frac{0}{126} = 0$$

## Optional indicators

- $I_9 = \frac{\text{Number of inspectors with an operational plan}}{\text{Number of environmental inspectors}}$   
= 9/9

Remark: Definition of operational plan means that inspectors are included in the official inspection schedule.

- $I_{10} = \frac{\text{Number of facilities with self monitoring or EMS}}{\text{Number of facilities}}$

Remark: Data not available. In new permits which are being issued, operators are required to implement an EMS (certified or in-house). Data on the EMS will be eventually submitted through the Annual Environmental Report which is required as part of the permit condition.

## Optional indicators cont.

- $I_{11} = \frac{\text{Number of administrative sanctions}}{\text{Number of inspected facilities}}$   
= 2/ 186 = 0.01

Remark: Administrative sanctions were taken as being out of court settlements.

Thank you

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**MONTENEGRO**  
**NATIONAL COUNTRY REPORT**

## NATIONAL REPORT

# MONTENEGRO

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

by Pavle Đurašković / E-mail [pavle.djuraskovic@meteo.co.me](mailto:pavle.djuraskovic@meteo.co.me)

Athens, 15-16 November 2011

Compliance and Enforcement Meeting, Athens, 15-16 November 2011

#### **Structure of Inspection in Environment**

*Competence under some segments of environment is divided among few Ministries and belonging inspectorates.*

- **Ecological inspectorate**  
MINISTRY OF SUSTAINABLE DEVELOPMENT AND TOURISM
- **Water inspectorate** (*water protection, water management*)  
MINISTRY OF RURAL DEVELOPMENT
- **Sanitary inspectorate** (*human health related activity control*)  
MINISTRY OF PUBLIC HEALTH
- **Inspectorate for forestry** (*use the forest*)  
MINISTRY OF RURAL DEVELOPMENT
- **Fito-sanitary inspectorate** (*plant protection, use of pesticides, fertilizers etc.*)  
MINISTRY OF RURAL DEVELOPMENT
- **Inspectorate for urbanization and space protection** (*building, protection of the space*)  
MINISTRY OF SUSTAINABLE DEVELOPMENT AND TOURISM

Compliance and Enforcement Meeting, Athens, 15-16 November 2011

#### Legislative framework

- **Law on Inspectorate Control** (Official Gazette of Montenegro, No. 39/03)
- **Regulation on the Joint Inspectorate Control** (Official Gazette of Montenegro, No. 48/03)
- **Law on Environment** (Official Gazette of Montenegro, No. 48/08)
- **Law on Water** (Official Gazette of Montenegro, No. 27/07)
- **Law on IPPC** (Official Gazette of Montenegro, No. 80/05 from 28.12.2005)

Compliance and Enforcement Meeting, Athens, 15-16 November 2011

#### *Main problems of Inspection in Environment*

- Insufficient technical support (equipment for sampling, transportation, electronic devices),
- Inadequate (bad) public awareness (background) about inspections
- Inadequate surrounding for inspections (regulations, objects),
- Insufficient training and education.

#### *Consequences*

- Inadequate realization of the brought decisions (bad feed back information),
- Compromise between regulations and possible objects (transition problems),

#### *Superseding of problems*

- Compliance with EU legislative
- Better efficiency of inspection activity
- Capacity building
- Improvement of realization of inspector's measures
- Independence of work of the inspectors

Compliance and Enforcement Meeting, Athens, 15-16 November 2011

#### **Ecological inspectorate (1)**

- The major part of inspection of the Environment sector is under responsibility of Ecological inspectorate
- **EI** works under EPA
- Responsibility of **EI** is on air, soil, biodiversity, noise, ionized radiation
- **EI** has jurisdiction on water quality protection, together with Water inspectorate

Compliance and Enforcement Meeting, Athens, 15-16 November 2011

#### **Ecological inspectorate (2)**

##### Internal organization of EI

- Main ecological inspector (Chief Inspector)
- Other inspectors who carry out the inspection at the entire area



Compliance and Enforcement Meeting, Athens, 15-16 November 2011

### **Ecological inspectorate (3)**

#### Some of actions of EI in 2010 y

- 2 bans of work (sealing)
- 26 Solutions of prohibition the activities
- 24 infringement procedure
- 4 judicial actions (criminal charges)

Compliance and Enforcement Meeting, Athens, 15-16 November 2011

#### Large facilities

- Port of Bar,
- Jugopetrol installations of petrol storage (Port of Bar, Airport Tivat, Airport Podgorica),
- Shipyard Bijela,
- Porto Montenegro marina Tivat,
- Aluminum Plant of Podgorica,
- Iron plant of Niksic,
- Thermo-power plant of Pljevlja,
- Coal mine of Pljevlja,
- Sanitary landfill of Podgorica,
- WWTP of Podgorica,
- Brewery Niksic,
- Vine Plantag and distillery Podgorica

#### Calculation of the index values (1)

Parameters	2010 y	2011 y
Number of Environmental inspectors	12	13
Number of all facilities / Number of large facilities (requested the IPPC permit)	1817 / 13	2601 / 13
Number of inspected facilities	1398	2003
Number of non-compliances	838	814
Number of judicial actions	4	5
Number of inspectors with an operational plan	12	13
Number of facilities with self monitoring or environmental management system	2	2
Number of administrative sanctions	52	79

#### Calculation of the index values – all facilities (2)

Index	2010 y	2011 y
$I_2$	0,007	0,005
$I_5$	0,76	0,77
$I_6$	0,46	0,31
$I_7$	0,005	0,006
	<i>Optional</i>	
$I_9$	1	1
$I_{10}$	0,001	$8 \times 10^{-4}$
$I_{11}$	0,04	0,04

#### Human resources calculation scheme (2010 y.)

Calculation of number of inspectors				
Polluting level	High	Medium	Low	Total
Number of facilities	13	530	1274	1817
Frequency of „on site inspection“	2	0.5	0.2	
Frequency of „administration inspection“	3	1	0.2	
Days per „on site inspection“	2	1	0.5	
Days per „administration inspection“	1	0.5	0.2	
Total man days	91	530	178	799
Effective days per inspectors				160
Number of inspectors required				5
Additional staff requirement				
Management	A ratio of one management level to 10 to 15 inspectors on average			1
Number of inspectors required				5
Administrative staff	On average 4 to 5 inspectors to one administrative support			2
Judicial support	On average one judicial e person to 30 inspectors			0.1
Staff turn over	On average 10% turn over			1
Total				8.1
<b>Total of inspectors and additional staff</b>				<b>13,1</b>

Thank you for attention

**MOROCCO**  
**NATIONAL COUNTRY REPORT**

ROYAUME DU MAROC



Secrétariat d'Etat auprès du Ministère de l'Energie, des Mines,  
de l'Eau et de l'Environnement  
Département de l'Environnement

Réunion du Réseau sur la conformité et l'application des  
règlements pour le contrôle de la pollution  
d'origine terrestre

Rapport du Maroc

15-16 novembre 2011

# **Sommaire**

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## Introduction

Au Maroc, la mission de contrôle de l'environnement au sens strict du terme a été définie au niveau du décret du 13 Janvier 2000 relatif aux attributions et à l'organisation du Département de l'Environnement. Ce texte prévoit que ledit Département est chargé de veiller au respect de la loi par le renforcement du cadre institutionnel et juridique relatif à la protection de l'environnement et la mise en place d'instruments appropriés de surveillance et de contrôle.

Cette mission est renforcée et précisée dans les lois environnementales adoptées récemment, notamment :

- Loi 11-03 relative à la protection et la mise en valeur de l'environnement, qui a pour but principal de fixer les règles et les principes directeurs de la politique nationale en matière de protection et de mise en valeur de l'environnement;
- La loi 12-03 sur les études d'impact sur l'environnement et qui prévoit un système de contrôle préalable basé sur la subordination de tous les projets soumis à la procédure de l'Acceptabilité Environnementale qui est délivré par l'autorité gouvernementale chargée de l'environnement.
- Loi 13-03 sur la lutte contre la pollution atmosphérique (sources fixes et mobiles);
- Loi 28-00 sur la gestion des déchets et leur élimination, qui comprend des dispositions de contrôle, de définition des infractions et des sanctions qui sont rapportées à la gestion des déchets (collecte, transport, élimination ....);
- Loi 10-95 sur l'eau qui comprend des principes importants tels que le principe du pollueur-payeur.

Donc, la base juridique existe, cependant l'application des articles relatifs au contrôle requiert la mise en place des textes d'application, de ces lois, qui prennent un temps très important pour être adoptés.

## Les principaux organes responsables de l'inspection et du contrôle de l'environnement

### ✓ Les inspecteurs de l'environnement du Département de l'Environnement:

5 inspecteurs relevant du Département de l'Environnement sont assermentés et disposent de carte professionnelle signée par le Ministère de la Justice.

Par ailleurs, dans le cadre du renforcement du corps des inspecteurs de l'environnement, 23 inspecteurs formés auront leur approbation vers la fin de cette année et 16 autres inspecteurs au cours de l'année prochaine.

Les cinq inspecteurs assermentés assurent le contrôle d'entreprises qui ont obtenu l'acceptabilité environnementale. Toutefois, à ce jour, le Maroc ne dispose pas statut des inspecteurs de l'environnement, ce qui fait que leurs interventions sont limitées à vérifier la conformité au non à la réglementation et la transmission des rapports à la hiérarchie.

En général, le système d'inspection actuel au Maroc est en cours de renforcement, notamment à travers l'augmentation de nombre d'inspecteurs assermentés et à travers les programmes de formations diversifiés dans le domaine de la sécurité environnementale.

#### ✓ **Brigade de l'environnement de la Gendarmerie Royale**

Cet organisme est chargé de la prévention, la conservation et la lutte contre toutes sortes de pollution affectant l'équilibre écologique. Ainsi, le champ d'intervention est très large (par exemple, ils interviennent dans le cas de l'extraction illégale de sable au niveau des plages).

#### ✓ **la police de protection des ressources en eau**

La police de l'eau est chargée de constater les infractions aux dispositions de Loi sur l'eau. Ces agents relèvent des agences de bassin hydraulique et assurent la surveillance des rejets illicites de polluants dans les bassins hydrauliques.

D'autres organismes de contrôle existent au Maroc, mais ils sont spécifiques à des domaines bien précis notamment la santé, les carrières, la forêt et autres.

### **Données utilisées pour le calcul des indicateurs :**

- Nombre d'inspecteurs de l'environnement ( $N_{INSP}$ ) : **5** disposants d'une carte signée par le Ministère de l'Environnement et la Court du Premier Instance.
- Population du Maroc en 2010 (CP) : **30 Millions d'habitants.**

- Nombre d'installation, Grand Secteur y compris les usines de traitement des eaux usées ( $N_{FAC}$ ) : **8098** (8027 + 71 stations de traitement des eaux usées).
- Nombre d'inspecteurs selon le schéma de calcul des Ressources humaines ( $N_{HRCS}$ ) : donnée non disponible.
- Nombre de jours de formation (NTD) : **10 jours** au cours de l'année 2010.
- Nombre d'installations inspectées (NINF) : **21 installations.**
- Nombre d'installations non conforme (NNC) : **0** installation.
- Nombre d'actions légales ( $N_{LA}$ ) : **Aucune.**
- Nombre de permis suspendus ( $N_{SP}$ ) : **Aucun.**
- Nombre d'inspecteurs avec un plan opérationnel ( $N_{IOP}$ ) : **Aucun.**
- Nombre d'installations avec des auto-surveillances ou d'un système de gestion environnementale ( $N_{SM}$ ) : **non disponible.**

### Calcul des Indicateurs

$$I_1 = \frac{\text{Nombre d'inspecteurs de l'environnement}}{\text{La Population du Maroc}} = \frac{5}{30\,000\,000} = 1,66 \cdot 10^{-7}$$

$$I_2 = \frac{\text{Nombre d'inspecteurs de l'environnement}}{\text{Nombre d'installation}} = \frac{5}{8098} = 6,17 \cdot 10^{-4}$$

$$I_3 = \frac{\text{Nombre d'inspecteurs de l'environnement}}{\text{Nombre d'inspecteur selon HRCS}} = \frac{5}{????} = \text{?????}.$$

$$I_4 = \frac{\text{Nombre de jours de formation (2010)}}{\text{Nombre d'inspecteurs de l'Environnement}} = \frac{10}{5} = 2.$$

$$I_5 = \frac{\text{Nombre d'installations inspectées}}{\text{Nombre d'Installations}} = \frac{21}{8098} = 2,59 \cdot 10^{-3}$$

$$I_6 = \frac{\text{Nombre de non conformité}}{\text{Nombre d'Installations}} = \frac{0}{8098} = 0,00$$

$$I_7 = \frac{\text{Nombre d'actions légales}}{\text{Nombre de non conformité}} = \frac{0}{0} = 0,00$$

# Annexe I

## Statistiques des Entreprises Marocaines par Grand Secteur et par Région Economique

Région économique : <i>CHAOUIA-OUARDIGHA</i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	153
IND. CHIMIQUES & PARCHIMIQUES	126
IND. ELECTRIQUES & ELECTRONIQUES	19
IND. METALLIQUES & MECANIQUES	75
IND. TEXTILES & DU CUIR	29
Total	<b>402</b>

Région économique : <i>DOUKALA-ABDA</i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	103
IND. CHIMIQUES & PARCHIMIQUES	71
IND. ELECTRIQUES & ELECTRONIQUES	4
IND. METALLIQUES & MECANIQUES	69
IND. TEXTILES & DU CUIR	25
Total	<b>272</b>

Région économique : <i>FES-BOULMANE</i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	165
IND. CHIMIQUES & PARCHIMIQUES	133
IND. ELECTRIQUES & ELECTRONIQUES	10
IND. METALLIQUES & MECANIQUES	87
IND. TEXTILES & DU CUIR	262
Total	<b>657</b>

Région économique : <i>GHARB-CHRARDA-BENI HSEN</i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	85
IND. CHIMIQUES & PARCHIMIQUES	81
IND. ELECTRIQUES & ELECTRONIQUES	3
IND. METALLIQUES & MECANIQUES	45
IND. TEXTILES & DU CUIR	14
Total	<b>228</b>

Région économique : <i>GHA GRAND CASABLANCA RB-CHRARDA-BENI HSEN</i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	336
IND. CHIMIQUES & PARCHIMIQUES	775
IND. ELECTRIQUES & ELECTRONIQUES	121
IND. METALLIQUES & MECANIQUES	621
IND. TEXTILES & DU CUIR	967
Total	<b>2820</b>



Région économique : <b><i>GUELMIM ES SEMARA</i></b>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	30
IND. CHIMIQUES & PARCHIMIQUES	10
IND. METALLIQUES & MECANIQUES	2
Total	<b>42</b>

Région économique : <b><i>LAAYOUNE-BOUJDOUR-SAKIA HAMRA</i></b>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	80
IND. CHIMIQUES & PARCHIMIQUES	72
IND. ELECTRIQUES & ELECTRONIQUES	7
IND. METALLIQUES & MECANIQUES	21
Total	<b>180</b>

Région économique : <b><i>MARRAKECH-TENSIFT-AL HAOUZ</i></b>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	175
IND. CHIMIQUES & PARCHIMIQUES	152
IND. ELECTRIQUES & ELECTRONIQUES	11
IND. METALLIQUES & MECANIQUES	67
IND. TEXTILES & DU CUIR	71
Total	<b>476</b>

Région économique : <b><i>MEKNES-TAFILALET</i></b>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	66
IND. CHIMIQUES & PARCHIMIQUES	83
IND. ELECTRIQUES & ELECTRONIQUES	3
IND. METALLIQUES & MECANIQUES	58
IND. TEXTILES & DU CUIR	32
Total	<b>242</b>

Région économique : <b><i>OUED ED-DAHAB-LAGUIRA</i></b>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	20
IND. CHIMIQUES & PARCHIMIQUES	1
IND. METALLIQUES & MECANIQUES	1
Total	<b>22</b>

Région économique : <b><i>RABAT-SALE-ZEMMOUR-ZAER</i></b>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	134
IND. CHIMIQUES & PARCHIMIQUES	231
IND. ELECTRIQUES & ELECTRONIQUES	11
IND. METALLIQUES & MECANIQUES	123
IND. TEXTILES & DU CUIR	101
Total	<b>600</b>

Région économique : <i><b>REGION DE L'ORIENTAL</b></i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	114
IND. CHIMIQUES & PARCHIMIQUES	115
IND. ELECTRIQUES & ELECTRONIQUES	5
IND. METALLIQUES & MECANIQUES	89
IND. TEXTILES & DU CUIR	14
<b>Total</b>	<b>337</b>

Région économique : <i><b>SOUSS MASSA DRAA</b></i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	200
IND. CHIMIQUES & PARCHIMIQUES	215
IND. ELECTRIQUES & ELECTRONIQUES	5
IND. METALLIQUES & MECANIQUES	96
IND. TEXTILES & DU CUIR	10
<b>Total</b>	<b>526</b>

Région économique : <i><b>TADLA-AZILAL</b></i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	90
IND. CHIMIQUES & PARCHIMIQUES	73
IND. ELECTRIQUES & ELECTRONIQUES	1
IND. METALLIQUES & MECANIQUES	38
IND. TEXTILES & DU CUIR	2
<b>Total</b>	<b>204</b>

Région économique : <i><b>TANGER-TETOUAN</b></i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	178
IND. CHIMIQUES & PARCHIMIQUES	194
IND. ELECTRIQUES & ELECTRONIQUES	23
IND. METALLIQUES & MECANIQUES	129
IND. TEXTILES & DU CUIR	241
<b>Total</b>	<b>765</b>

Région économique : <i><b>TAZA-AL HOCEIMA-TAOUNATE</b></i>	Nombre d'Entreprises
IND. AGRO-ALIMENTAIRES	117
IND. CHIMIQUES & PARCHIMIQUES	59
IND. ELECTRIQUES & ELECTRONIQUES	1
IND. METALLIQUES & MECANIQUES	51
IND. TEXTILES & DU CUIR	26
<b>Total</b>	<b>254</b>

Région Economique	Nombre d'entreprise (Grand Secteur)
CHAOUIA-OUARDIGHA	402
DOUKALA-ABDA	272
FES-BOULMANE	657
GHARB-CHRARDA-BENI HSEN	228
GRAND CASABLANCA	2820
GUELMIM ES SEMARA	42
LAAYOUNE-BOUJDOUR-SAKIA HAMRA	180
MARRAKECH-TENSIFT-AL HAOUZ	476
MEKNES-TAFILALET	242
OUED ED-DAHAB-LAGOUIRA	22
RABAT-SALE-ZEMMOUR-ZAER	600
REGION DE L'ORIENTAL	337
SOUSS MASSA DRAA	526
TADLA-AZILAL	204
TANGER-TETOUAN	765
TAZA-AL HOCEIMA-TAOUNATE	254
<b>Total</b>	<b>8027</b>

**SLOVENIA**  
**NATIONAL COUNTRY REPORT**

REPUBLIKA SLOVENIJA  
 MINISTRSTVO ZA OKOLJE IN PROSTOR  
 INŠPEKTORAT REPUBLIKE SLOVENIJE  
 ZA OKOLJE IN PROSTOR

# INDICATOR BASED COUNTRY REPORT SLOVENIA

**BORIS ŽBONA**  
 Inspector for Environment  
 Counciller

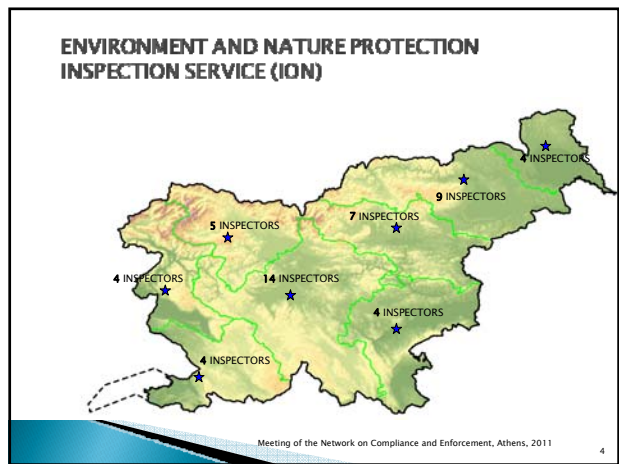
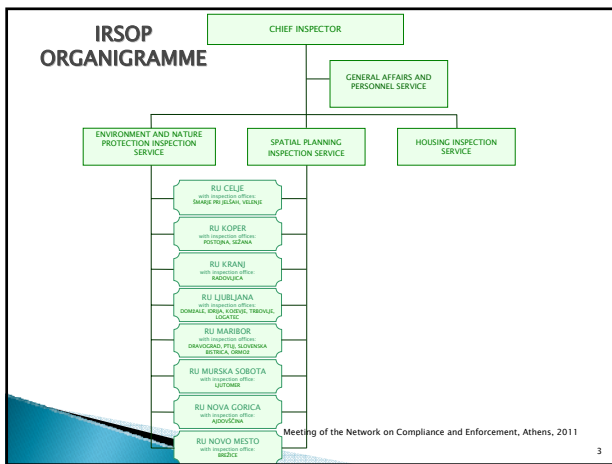
Meeting of the Network of Compliance and Enforcement  
 Athens, 15. – 16. 11. 2011

## INSPECTORATE OF THE REPUBLIC OF SLOVENIA FOR ENVIRONMENT AND SPATIAL PLANING (IRSOP)

General jurisdiction:

- protection of the environment and nature and ecological supervision at the national border;
- water regime, water regulation and management;
- treatment of genetically modified organisms;
- construction of buildings and built structures;
- meeting essential requirements for buildings;
- housing affairs;
- geodetic activities.

Meeting of the Network on Compliance and Enforcement, Athens, 2011



### IRSOP – HUMAN RESOURCES

- Mission and tasks of IRSOP laid down in Decree on administrative bodies within ministries;
- Plan of employment;
- Performance of civil servants.

Education Level	Percentage
PRO DEGREE	73%
MASTERS DEGREE	17%
UNIVERSITY DEGREE	5%
POSTSECONDARY EDUCATION	2%
SECONDARY EDUCATION	1%
VOCATIONAL AND LOWER EDUCATION	1%

Meeting of the Network on Compliance and Enforcement, Athens, 2011

### HUMAN RESOURCES CALCULATION SCHEME

Calculation of number of inspectors				
Polluting level	High	Medium	Low	Total
Number of facilities	601	2.104	95.437	98.142
Frequency of "on site inspection"	1	0.5	0.2	
Frequency of "administrative inspection"	1	1	0.2	
Days per "on site inspection"	2	1	0.5	
Days per "administrative inspection"	1	0.5	0.2	
Total men*days	601	2.104	13.361	16.066
Effective days per inspectors				200
Number of inspectors required				80

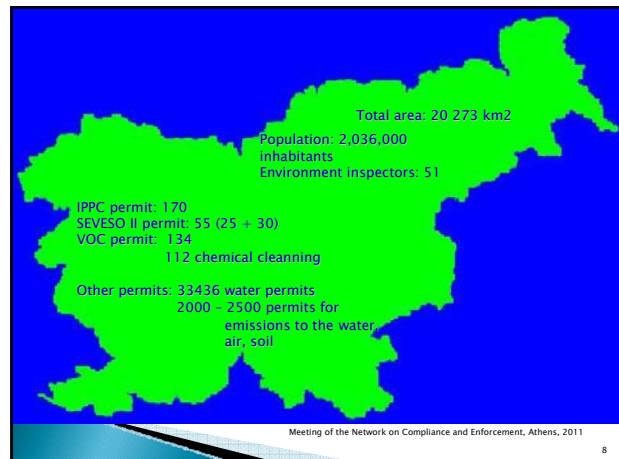
Meeting of the Network on Compliance and Enforcement, Athens, 2011

Additional staff requirement		
Management	1 manager / 15 inspectors	5
Number of inspectors required		80
Administrative staff	1 administrator / 5 inspectors	16
Judicial support	1 judician / 30 inspectors	3
Staff turn over	10 % turn over	8
Total		

<b>Total of inspectors and additional staff</b>	<b>112</b>
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Meeting of the Network on Compliance and Enforcement, Athens, 2011

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Meeting of the Network on Compliance and Enforcement, Athens, 2011

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## ENVIRONMENT AND NATURE PROTECTION INSPECTION SERVICE (ION)

### Description of procedural legislation:

- ▶ Inspection Act;
- ▶ General Administrative Procedure Act;
- ▶ General offences Act.

Meeting of the Network on Compliance and Enforcement, Athens, 2011

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## ENVIRONMENT AND NATURE PROTECTION INSPECTION SERVICE (ION)

### Description of substantive legislation:

- ▶ [The Environment Protection Act](#)
- ▶ [Waters Act](#)
- ▶ [Nature Conservation Act](#)
- ▶ [Management of Genetically modified organisms Act](#)
- ▶ Regulations issued under above mentioned laws (cca. 400)

Meeting of the Network on Compliance and Enforcement, Athens, 2011

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## ENVIRONMENT AND NATURE PROTECTION INSPECTION SERVICE (ION)

### Working areas:

- ▶ air quality;
- ▶ waste management;
- ▶ water quality, emissions of substances in water;
- ▶ water regulation and management;
- ▶ protection of the environment and nature and ecological supervision at the national border;
- ▶ chemicals and genetically modified organisms;
- ▶ industrial pollution and risk;
- ▶ noise;
- ▶ electromagnetic radiation.

Meeting of the Network on Compliance and Enforcement, Athens, 2011

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## ENVIRONMENT AND NATURE PROTECTION INSPECTION SERVICE (ION)

- ▶ EI inspectors do not take samples for analysis. These are done by authorised laboratories or environmental experts.
- ▶ The operator is obliged to self-monitor the relevant parameters due to permit or legislation.
- ▶ The operators report the outcomes to the environmental agency (ARSO) annually.

Meeting of the Network on Compliance and Enforcement, Athens, 2011

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## ENVIRONMENT AND NATURE PROTECTION INSPECTION SERVICE (ION)

With the General Offences Act IRSOP in 2005 became an offense body.

EIS inspectors issue payment orders and decisions on offense to infringers (in case of minor offence inspector impose a fine).

Meeting of the Network on Compliance and Enforcement, Athens, 2011

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## ENVIRONMENT AND NATURE PROTECTION INSPECTION SERVICE (ION)

Number of instalations:

- ▶ overall: cca. 6500;
- ▶ IPPC instalations: 170;
- ▶ SEVESO instalations: 55 (30 of lower risk, 25 of higher risk)

Meeting of the Network on Compliance and Enforcement, Athens, 2011

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### INDICATORS

I1	=	number of environmental inspectors	51	0,00025
		population of the country	2.036.000	

I2	=	number of environmental inspectors	51	0,227
		number of facilities *	225	

\*facilities that are required to have an environmental permit

I3	=	number of environmental inspectors	51	0,638
		number of environmental inspectors according to HRCS	80	

I4	=	number of training days	12	0,235
		number of environmental inspectors	51	

I5	=	number of inspected facilities *	1830	0,283
		number of facilities	6500	

\*inspected at least once per year

I6	=	number of not compliances	822	0,449
		number of inspected facilities	1830	

Meeting of the Network on Compliance and Enforcement, Athens, 2011

### INDICATORS

I7	=	number of judicial actions	47	0,057
		number of not compliances	822	

#### Optional indicators

I9	=	number of inspections with an operational plan	2040	40
		number of environmental inspectors	51	

I10	=	number of facilities with self monitoring or environmental management system	225	0,035
		number of facilities	6500	

The term self monitoring or environmental management system to be defined by the individual country

I11	=	Number of administrative sanctions	2281	0,438
		number of inspected facilities	5196	

Meeting of the Network on Compliance and Enforcement, Athens, 2011

### CONCLUSIONS

- ▶ wide range of legislation
- ▶ lack of human resources
- ▶ the work area is overly broad
  - inspection
  - enforcement

Meeting of the Network of Compliance and Enforcement, Athens, 2011

**TUNISIA**  
**NATIONAL COUNTRY REPORT**



## Meeting of the Network on Compliance and Enforcement of Regulations

15-16 November 2011

Prepared by :Samir Kaabi  
(Tunisia)

## THE INDICATORS

**I1** = number of environmental inspectors/ country population = 23/11000 000

**I2** = number of environmental inspectors/number of facilities = 23/6500

**I3** = number of environmental inspectors/ number of inspectors according HRCS= 23/58

## THE INDICATORS

**I4** = number of training days / number of environmental inspectors =120/23

**I5** = number of inspected facilities /number of facilities = 6416/6500

**I6** = number of not compliances/ number of facilities = 523/6500

**I7** = number of legal actions/number of not compliances = 489/523

## OPTIONAL INDICATORS

**I8** = number of suspended permits / number of legal actions = 3/ 525

**I9** = number of inspectors with an operational plan/ number of environmental inspectors = 23/23

**I10** = number of facilities with self monitoring or environmental management system /number of facilities = 110/6500

**I11** = number of suspended permits / number of inspected facilities = 3/6500

## Human Resources Calculation Scheme

Calculation of number of inspectors Polluting level	High	Medium	Low	Total
Number of facilities	300	2500	3200	6500
Frequency of « on site inspection »	2	1	0.2	
Frequency of « administrative inspection »	3	1	0.2	
Days per « on site inspection »	2	1	0.5	
Days per « administrative inspection »	1	0.5	0.2	
Total men*days	2100	3750	448	6298
Effective days perinspectors				160
Number of inspectors required				40

## Additional staff requirement

	Required	To add
Management	4	1
Number of inspectors required	40	17
Administrative staff	8	5
Judicial support	2	0
Staff turn over	4	0
Total	58	23

The total of inspectors required is 58 and the additional staff is 23.

The indicator was developed on the basis of work carried out by the network for compliance and enforcement regulations for the fight against pollution from land-based activities under the aegis of the WHO / MEDPOL.

This indicator has been accepted by the experts commissioned by the European Union and therefore the number of inspectors will be increased as follows:

Indicator	Weighting baseline year 2010	First tranche variable reference year 2012	Second tranche variable reference year 2013	Third tranche variable reference year 2014
Number of inspectors assigned	23	30	35	40

**European Neighbourhood Policy and Partnership - Financial cooperation with Mediterranean countries**

**The Support Program Management Public Policy of water resources for rural and agricultural development (PAPS)**

The PAPS supports, through a budget of € 57 million, the Tunisian Government in a better account issues of resource conservation and demand management in water.

**OBJECTIVE**

The overall objective is to support the Government of Tunisia in a better consideration of issues of resource conservation and demand management water in an integrated approach .

## SPECIFIC OBJECTIVES

The program's specific objectives are:

- \* To improve management of conventional water resources
- \* To improve water management on agricultural land
- \* To improve the performance of Agriculture development groups(GDA)
- \* To strengthen the fight against water pollution

The objectives of environmental sustainability, good governance and human rights under the right to water promoted by the European Union are transversal to the program.

## EXPECTED RESULTS

Specific Objectives	Excepted results
1	A better management of conventional water
2	Improvement of the efficiency in the management of water on agricultural land
3	Improvement of the performance of the GDA
4	Strengthening the fight against water pollution

## MAIN ACTIVITIES RELATED TO SPECIFIC OBJECTIVE (4)

- Institutional decision making for defining a program of action sanitation in rural areas;
- Definition of an action program for the treatment of solid waste in rural areas;
- Definition of a policy and a strategy for the use of sludge treatment plant;
- Conducting a study to identify the problem of the diffuse pollution.

## INDICATORS RELATED TO SPECIFIC OBJECTIVE (4)

Indicator (E) : Total number of wastewater treatment plants commissioned by ONAS in urban and rural medium.

This indicator measures progress in the development of tools to reduce pollutants flows discharged into water environments.

This data is provided by ONAS from the elements from ONAS and ANPE : location of STEP, the minutes of setting STEP in service, annual report of operating service of ONAS, the minutes of monitoring provided by ANPE

Indicator (F) : Total number of expert controllers involved in providing inspection polluting facilities.

This indicator measures the progress made in developing of the institutional capacity of ANPE in order to fulfill its oversight of facilities polluting water resources

This data is provided by ANPE from nominations published by ministerial orders and annual reports of activities of the ANPE

## THE ENERGY ENVIRONMENT PROGRAM (EEP)

The EEP a program funded (gift of 33M euro) by the European Neighbourhood and Partnership Instrument (ENPI) as part of bilateral cooperation between EU-Tunisia.

The execution period is :  
6 years including 4 years of implementation ending on 31/12/2014.

The main objective is :  
Support depollution actions through strengthening ANPE capabilities in the fight against air pollution.

Expected Results  
Reduction of pollution caused by industrial activities, agriculture and tourism;

### ACTIONS FINANCED BY THE EEP

- Capabilities strengthening of the environment regional directorates and contribution to the acquisition of pollution control and environments monitoring equipment: €1,400,000
- Development and implementation of a training program for regional environmental agents in the control of pollution and degradation of natural resources and environments: €200,000
- Design, editing and dissemination of manuals of procedures in the field of pollution control and monitoring of the condition of natural resources and environment: €100,000

### ACTIONS FINANCED BY THE EEP

- Equipment of the regional environment by the material and equipment necessary for operations control and monitoring environments : acquisition of mobile laboratories for pollution control and measurement and monitoring of the environment : €1,000,000
- Identification of new approaches for integrating environment into development projects and their implementation through pilot projects: Education, training, seminars and technical assistance: €100,000

### ACTIONS FINANCED BY THE EEP

- Training of the regional directorates of the ANPE in the field of impact studies and particularly in the monitoring procedure of the recommendations and actions are recorded: €80,000
- Design, implementation and development of a computerized tracking system specifications: €40,000

## ANNEX V

### EFFECTIVE INDICATORS INCLUDED IN THE REPORTING FORMAT ADOPTED BY THE 15<sup>TH</sup> MEETING OF THE CONTRACTING PARTIES IN ALMERIA

#### Dumping Protocol:

1. Total number of permits
2. Total waste quantity dumped for each category
3. Number of inspection
4. Number of non-compliance cases
5. Number of non-compliance cases in which sanctions were applied

#### Prevention and Emergency Protocol:

Number of operational national contingency plans and other plans

#### LBS Protocol:

1. Total number of authorizations
2. Total load of pollution discharged for all sectors
3. Total load of pollution discharged for all substances
4. Number of NAPs projects completed
5. Number of inspections per point source
6. Number of non-compliance cases
7. Number of non-compliance cases in which sanctions were applied

#### Protocol for Specially Protected Areas and Biodiversity:

1. Number of SPAs established
2. Total of surface of SPAs
3. Number of SPAs with management plan adopted
4. Number of SPAMIs
5. Number of species as per the annex II of the Protocol covered by protection measures
6. Number of known endangered and threatened species in the country
7. Number of inspections
8. Number of non-compliance cases
9. Number of non-compliance cases in which sanctions were applied

#### Offshore Protocol:

1. Number of authorizations
2. Surface of the Mediterranean Sea covered by off-shore activities
3. Total quantity of materials disposed into the Protocol area in case of exceptions
4. Number of inspections
5. Number of non-compliance cases
6. Number of non-compliance cases in which sanctions were applied
7. Number of dumped/buried installations

**Hazardous Wastes Protocol:**

1. Total amount of hazardous waste generated
2. Total amount of hazardous waste imported
3. Total amount of hazardous waste exported
4. Number of inspections
5. Number of contraventions of the Protocol
6. Number of contraventions of the Protocol in which sanctions were applied

## ANNEX VI

### COLLABORATION WITH GEF AND PROPOSED WORKPLAN

#### **Sub-component 2.1: Facilitation of policy and legislation reforms for pollution control 2.1 b Permit, Inspections and Compliance Systems**

##### **Background/Context/Rationale**

The activities related to the preparation of the NAPs have shown a number of gaps in the Mediterranean. One of these gaps is strictly linked with the compliance and enforcement of control measures and, more precisely, the system, which will control measures for pollution reduction, and compliance, i.e. the inspectorates.

Taking into account all the above, a review was made, based on existing data and information, of the status of permit, inspection and compliance systems in all Mediterranean countries including policy and legislative gaps. The review identified the basic subjects needing a more in depth study.

The implementation of the LBS Protocol priority actions and in particular of the SAP MED, include, *inter alia*, the introduction of new environmental tools including appropriate implementation of regulatory, economic and voluntary instruments, but it focuses on the reduction of certain pollutants from industries and various facilities. Following this, and in line with the above-mentioned strategy and taking into consideration the outcome of the above-mentioned review, the need to implement capacity building activities so as to enhance the inspectorate system will also complement the activity. Therefore, the major objective is to enhance and update the inspectorates in the following countries: Albania, Bosnia and Herzegovina, Croatia, Lebanon, Morocco, Montenegro, Syria and Turkey.

All concerned countries for the control of facilities including also industrial, have regular or non-regular activities regarding inspections, which are usually based on complaints reported and on specific needs. In addition, there is a considerable number of inspectors who although they possess the scientific background, they are not trained to inspect several facilities and they operate based on personal judgments. If action is to be taken, this could include the training of the inspectors and the planning of inspection based on needs and in an organized manner. As a result, all the countries will operate following the regulatory cycle that is well established, widely accepted and followed by a considerable number of countries including those of the EU.

##### **Description of activities**

To strengthen the existing mechanism in the Mediterranean countries regarding environmental inspection activities, there is a need to tackle the issue in an integrated manner. The set of activities would include meetings among agencies responsible for permitting, inspecting and enforcement in order to set up the procedure, as it is indicated in the regulatory cycle, as well as a training workshop.

An initial meeting will consider the existing legislation and will possibly set the objectives and policy planning, along with the improvement of the system for permitting, compliance control and compliance promotion, which will result in the preparation of a plan of actions. During the meeting, the responsible authorities will consider the issue of reporting using also indicators and they will set up agreed indicators in the plan of action to be used for reporting and feedback. Furthermore, a training workshop will be held in order to provide

practical information on inspecting the most commonly polluting and industrial facilities of the country. It will also serve as guidance for the uniformity of the inspections. The training workshop will be held in the national language or in any other language proposed by the country and will be based on the training material already prepared for this specific purpose. It is expected that at least 30 inspectors will be trained to inspect several, yet common, industrial facilities.

The training workshop and the practical experience within one year time, will provide all the information for an assessment and feedback for: (a) the operation of the whole system, (b) the knowledge acquired and used by the inspectors and (c) an estimation if the targets set during the first meeting were met or not. All above will be discussed during a final meeting, and solutions will be proposed to all difficulties faced during the period under review and will be used for the formulation of amendments to the existing legislation.

The expected results are:

- Formulation of plans of action for permitting, compliance and control
- Experts in national centre capable to coordinate and implement national inspection systems
- Enhanced inspectorate systems
- Proposals for amending the legislation for compliance with LBS Protocol in relation to inspection



**Budget for country expenses in US Dollars**

**2.1: Facilitation of policy and legislation reforms for pollution control**

**2.1 b Permit, Inspections and Compliance Systems**

<b>Activity:</b>	<b>GEF</b>	<b>Co-finance</b>	<b>UNEP/MAP</b>
2.1.7 Meetings among agencies responsible for permit, inspection, compliance	3,500 (cash)	3,500 (kind)	-
2.1.8 Training workshop to provide practical guidance	15,000 (cash)	10,000 (kind)	5,000 (cash)
2.1.9 National final meeting for the assessment and feedback	3,500 (cash)	3,500 (kind)	-
<b>TOTAL</b>	22,000 (cash)	17,000 (kind)	5,000 (cash)

**Explanatory notes:**

GEF contribution in cash for activities 2.1.7 and 2.1.9 includes:

- Travel and hotel accommodation (for participants outside the conference venue)
- Food expenses covering the participants outside the conference venue
- Coffee breaks and incidentals

Co-financing by ..... in kind for activities 2.1.7 and 2.1.9 includes:

- Meeting premises
- Secretarial assistance
- Support expenses, (i.e. telephone costs, mail, presentation equipment, photocopies, etc.)

GEF contribution in cash for activity 2.1.8 includes:

- Travel expenses for 30 participants outside the conference venue
- Accommodation and food expense for 30 participants
- Coffee breaks and refreshments
- Translation of the training material

Co-financing by ..... in kind for activity 2.1.8 includes:

- Provision of conference room facilities
- Preparation of training material
- Secretarial assistance
- Support expenses (i.e. telephone costs, mail, presentation equipment, photocopies, etc.)

UNEP/MAP contribution in cash for activity 2.1.8 includes:

- Travel expenses and lodging for lecturers
- Lecturers' fees