------- IED Inspections --------

A European Perspective

Final Report of the 2012 IMPEL Project:

Environmental inspections of industrial installations in accordance with the Industrial Emissions Directive (IED)

March 2013

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law is an informal network of the environmental authorities of EU Member States, acceding and candidate countries, and Norway. The European Commission is also a member of IMPEL and shares the chairmanship of its Plenary Meetings.

The network is commonly known as the IMPEL Network

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. It promotes the exchange of information and experience and the development of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

Information on the IMPEL Network is also available through its website at:
http://www.impel.eu

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Executive summary:

This is the final report of IED Inspections Project. The main objective of this project, executed in 2012, was to organise an exchange of information concerning best practices for the implementation of article 23 of the IED taking into account the guidance on inspection planning and risk appraisal already developed by IMPEL and the requirements described in Article 23 of the IED.

All objectives were delivered through products described in this final report. The resulting conclusions led to recommendations for future IMPEL work.

Content

Summary

This is the final report of IED Inspections Project. The main objective of this project, executed in 2012, was to organise an exchange of information concerning best practices for the implementation of article 23 of the IED taking into account the guidance on inspection planning and risk appraisal already developed by IMPEL and the requirements described in Article 23 of the IED.

Experts from 14 IMPEL Member countries formed the project team, led by Germany and the UK (Scotland). After collecting information on the inspection guidance already developed by IMPEL, the "Doing The Right Things" guidance book was adapted to the new IED inspection requirements. It can be found on the IMPEL web page under the title: "**IED Inspections**: Guidance for the implementation of the IED in planning and execution of inspections".

To achieve this, an exchange of information concerning best practices for the implementation of article 23 of the IED was organised. The findings were discussed with competent members of the EU Commission. Then the draft guidance book was adapted to the results of this discussion and again agreed upon with the IED group of the Commission by written procedure.

The main results as described in the guidance book are:

- Streamlining of guidance already developed by IMPEL with IED obligations
- Guidance on inspection plan, programme, and schedule
- Translation of the IED environmental risk appraisal into practical criteria
- Use of the IMPEL IRAM web application for risk appraisal in this context
- Inspection scope and graduation of non-compliance in relation to the IED
- Linking of routine with non-routine inspections
- Preparation and publication of inspection reports

All objectives were delivered through products described in this final report. The resulting conclusions led to recommendations for future IMPEL work.

1. Introduction

On 6 January 2011 the Industrial Emissions Directive entered into force, and its provisions listed in Article 80(1) have to be transposed into national law within two years. The IED sets new requirements on the inspection of industrial installations as described in Article 23 of the Directive:

Article 23: ***Environmental inspections***

1. Member States shall set up a system of environmental inspections of installations addressing the examination of the full range of relevant environmental effects from the installations concerned. Member States shall ensure that operators afford the competent authorities all necessary assistance to enable those authorities to carry out any site visits, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive.

2. Member States shall ensure that all installations are covered by an environmental inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.

3. Each environmental inspection plan shall include the following:
(a) a general assessment of relevant significant environmental issues;
(b) the geographical area covered by the inspection plan;
(c) a register of the installations covered by the plan;
(d) procedures for drawing up programmes for routine environmental inspections pursuant to paragraph 4;
(e) procedures for non-routine environmental inspections pursuant to paragraph 5;
(f) where necessary, provisions on the cooperation between different inspection authorities.

4. Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations
The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.
If an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.
The systematic appraisal of the environmental risks shall be based on at least the following criteria:
(a) the potential and actual impacts of the installations concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
(b) the record of compliance with permit conditions;
(c) the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009.
The Commission may adopt guidance on the criteria for the appraisal of environmental risks.

5. Non-routine environmental inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit.

6. Following each site visit, the competent authority shall prepare a report describing the relevant findings regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.
The report shall be notified to the operator concerned within 2 months of the site visit taking place.
The report shall be made publicly available by the competent authority in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information within 4 months of the site visit taking place.
Without prejudice to Article 8(2), the competent authority shall ensure that the operator takes all the necessary actions identified in the report within a reasonable period.

The obligations on routine environmental inspections constitute a new challenge for the EU member states, but IMPEL already has done some work in this field: e. g. Guidance Book on Environmental Inspections, Risk Assessment in Inspection Planning, and Inspection Targets and Performance Monitoring. These approaches to environmental inspections are adapted to the demands of the IED. At a meeting of IMPEL with the Commission, DG Environment, in July 2011 the Commission asked IMPEL to do more on the new requirements of the environmental legislation related to inspection obligations. As a consequence an exchange of information concerning best practices for the implementation of article 23 of the IED by competent authorities of EU member states and candidate countries was developed. Its essence could also be useful for the future revision of the RMCEI.

This final IED Inspections project report is mainly a compilation of the project meeting minutes because the main findings of the project are described in the IED Inspections Guidance Book: "**IED Inspections**: Guidance for the implementation of the IED in planning and execution of inspections".

2. Edinburgh project group meeting

Minutes of the meeting

Participants: Simon Bingham, Michael Schubert, Vladimir Kaiser, Tomáš Augustin, Jean-Pierre Janssens, Florin Homorean, Alvaro Barroqueiro, Erik Forberg, Tony Liebregts, Axel Pel, Rob Kramers, Romano Ruggeri, Horst Büther

Day 1 (23 April)

1. Welcome

Horst welcomes the participants. He explains the financial difficulties IMPEL is going through at the moment and thanks the participants that travelled on their own costs.
Simon also welcomes the participants to Scotland and explains the organisational issues for the next 2 days.

Horst introduces the agenda and proposes the following changes. The agenda item "comparison IPPC, RMCEI and IED" and the item on "Definitions ..." on the first day will be skipped. This is accepted.

2. Tour de table (on expectations of the project)

Simon: to come up with clarifications and a common framework implementing of the IED within EU;
Axel: it's important to come up with clarity how to implement the IED in the Member States;
Michael: to explore the differences between the recommendation and the directive, and how to report in practise;
Erik: to understand the text of the IED. The project is in that respect a bit late since most of us already started with the transposition. Erik suggests that we try to include these implementation issues into the guidance. Maybe a last chapter about the implementation can be included;
Tomáš: how to create an inspection plan and programme after the implementation of the IED.
Romano: some ideas on how to write an inspection plan and programme. This will have a big impact on our organisation. With a lack of resources we have to know how to allocate our staff in an efficient way;
Alvaro: to share ideas on the implementation of the IED directive;
Vladimir: to discuss the reporting and planning requirements of the IED;
Florin: more detailed understanding and learning of how other countries deal with the implementation of the IED. Exchange of ideas of planning issues within the new requirements of the IED;
Tony: interested in developing a practical guidance book on how to implement the IED. We should focus on how the guidance book should look like and what the gaps are between our aim and what has already been done by IMPEL.
Jean Pierre: the IED goes further than RMCEI and we need to know how to implement it. Dealing with soil pollution is an important issue in this respect.

The project team agrees that implementation and transposition of the IED in national legislation are important issue and this should be part of the guidance book.

3. Introduction to the project (Horst)

See slides annex 1
In July 2011 the IMPEL board and DG Environment met and discussed what IMPEL should do:

- IMPEL should contribute to the possible future Recommendation on environmental inspections;
- IMPEL should take into account current political priorities and contextual changes;
- IMPEL should take into consideration any binding inspection requirements negotiated in certain pieces of legislation.

Based on this discussion, this project on IED has been developed. The objectives of our project are:

- Development of a model inspection plan;
- Translation of the general environmental risk appraisal given in article 23 into practical criteria;
- Development of guidance on the criteria for the appraisal of environmental risks;
- Development of a model inspection programme;
- How to use the IMPEL IRAM web application for risk appraisal in this context;
- Linking routine with non routine inspections and with inspections related to other environmental legislation (e. g. Seveso);
- Preparation and publication of inspection reports.

The activities that are foreseen are:

- Approval at the General Assembly 11/2011 and by the Board 02/2012 but financial restrictions;
- Three project group meetings in 2012 starting on 23/24 April in Edinburgh;
- Preparation of guidance material to be discussed at the workshop;
- Workshop at the IMPEL Conference in Malta had to be postponed to 2013 (financial restrictions);
- Third project group meeting in November as workshop with desk officers of COM;
- Consideration of an upgrade of the IMPEL IRAM web application taking into account the development of an online inspection programme;
- Draft guidance book and progress report for the second Cluster 1 meeting in 2012;
- Completed guidance book and project report after the workshop;
- Second phase of the project with emphasis on workshop and inspection tool (easyTools II).

There was a big support for this project and many countries showed interest in the project.

Discussion / questions that were raised:
What is the definition of "inspections"? (the IED directive gives a detailed description of an inspection). Is the frequency only related to site visits? Should we try to describe different kind of inspections and see how this fits in the IED. How does this fit in the existing work of IMPEL.

4. Links to previous IMPEL work

See slides annex 2
The Reference book (Erik)

- More focused on individual inspections, and on planning these
- Some elements for inspectorate level, mainly concerning the installation registry
- Touching upon a risk based approach to prioritisation, but little extra guidance

Conclusion: book is not relevant enough for the project.

Report on planning and reporting 1999 (Erik)
In the report we find a definition of inspections ("checking and promoting compliance …."). The IED relates on the inspection of environmental effects. It's not clear however how inspectorates should inspect this. Further key elements on how to make an inspection plan are listed.
Conclusions: There is not enough guidance in this report (and more recent reports available) to help in our IED project.

See slides annex 3
RMCEI / IMPEL RMCEI review (Simon)
The recommendation is to strengthen a more consistent implementation and enforcement across the Member States. It sets minimum criteria for different key elements and is not prescriptive (it mentions "should" instead of "shall").
RMCEI contained 11 sections – Section 10 was about how to report. Mixed levels of implementations, fundamentally difficult to compare. Section 9 is about the review.
The Commission talked about a directive (instead of recommendation) and later specific directives (hence article 23 in the IED).
What do we need to take from the directive:

- The language is should and not shall;

- RMCEI requirement and language are in IED but only for IED sites;
- Would recommend we embrace as minimum requirement

RMCEI is fundamental for much of the work of IMPEL (directly, openly or implicitly)

Discussion: is the differentiation between IED installations and other sites necessary? Although the management of an inspectorate will be the same the focus to what and when to inspect will be different for the different types of installations (IED, SEVESO, non EU etc).

See annex 4
Doing the right thing (Tony)
The methodology is developed by IMPEL. It's to set priorities and develop an inspection plan based on a risk assessment. Tony stresses the usefulness DTRT for this IED project. Many IMPEL work has been taken aboard in this IMPEL project. The RMCEI has been used as the basis for the DTRT methodology (Inspection cycle: Planning – execution framework – execution and reporting – performance monitoring). Within the planning step there is new cycle (the planning cycle). In this cycle there are 4 boxes or steps: describing the context, setting priorities, defining objectives and strategies, and planning and review.
DTRT relates to much of IMPEL's work. Tony shows an overview of IMPEL projects that are directly or indirectly related to methodology of DTRT.

Discussion: should we use the DTRT guidance book for the framework of this project or should it be more focussed on the implementation. Horst and Simon believe this should be both: adopt DTRT and create new guidance.

See annex 5
IMPEL review Initiative (IRI) (Simon)
The IRI is a review of an IMPEL member organisation's system, procedures and practices to help demonstrate compliance with RMCEI. It's a voluntary scheme providing for informal reviews in environmental audits in IMPEL Member Countries. A team of experts uses the template of DTRT, permitting plus template, Q&A, presentations and field visits to perform the IRI. The conclusions and recommendation of the review are presented as areas of good practice and opportunities for development.

Discussion: should the IRI also look at how inspections are performed or more on the process (this is up to the inspection authority what they would like to be reviewed).

See annex 6
EasyTools (Horst)
Horst introduces easyTools. The project was setup to develop an easy and flexible risk assessment tool for the planning of environmental inspections.
The objectives of the project was to: evaluate existing RA tools (3 different types); to develop the IRAM tool, to integrate the methodology into the inspections cycle of DTRT, and to make the tool available on the IMPEL website.
The principles of IRAM are: frequency is determined by the value of the highest impact score; the inspection frequency is reduced by one step if the set of numbers of the highest score is not met (=the rule); the inspection frequency can be changed by one step up or down based on the operator performance; the higher the sum of the impact scores the more inspection effort is needed.
IRAM works with Impact criteria and Operator Performance criteria (risk= effect x probability) and comes with many steering mechanisms (the Rule, weight terms and factors, safety net, ceiling of frequencies).
A web based tool has been developed. Programme distinguishes between coordinator and inspector. The data is not stored on a central server, data transfer is by xml.
https://brkoeln.dus.proximity.de/lip/authenticate.do

IRAM fits into IED. But we have to be aware that the criteria in easyTools are voluntary.

See annex 7
Publications of inspections (Simon)
The IMPEL report is not specific enough to be of help for this IED project. Some good practices are mentioned, but the report doesn't give recommendations that can be used.
We have to identify in this IED project what information should be provided and what is currently provided.

Discussion: what are the minimum requirements of an inspection report, what parts are voluntary and what not.

See annex 8

Targets and performance monitoring (Rob)

Rob introduces the project. The project, that is still running, is about setting inspection targets on outcome. Targets on outcome can be on environmental improvement or reduction of risk but should always be linked to compliance. A final draft of the guidance book is now ready and will be presented to a group of experts end of May in Lisbon.

Discussion: how can this help the IED project. Targets are not mentioned in the IED but with targets on outcome we could clarify issues like environmental effect (mentioned in the IED).

5. IED articles linked to inspections

In this agenda item the full text of the relevant IED articles are presented. Under the articles a summary of the discussion and the actions that need to be taken (highlighted) can be found.

Recitals (26)

In order to ensure the effective implementation and enforcement of this Directive, operators should regularly report to the competent authority on compliance with permit conditions. Member States should ensure that the operator and the competent authority each take necessary measures in the event of non-compliance with this Directive and provide for a system of environmental inspections. Member States should ensure that sufficient staff is available with the skills and qualifications needed to carry out those inspections effectively.

Discussion: The implementation will be different in the different member countries. The qualification of the inspectors will also be different. We should not get into too much detail. Stay on the process and not on what for example should be the education and skills the inspector should have. The authority should identify the needs and act accordingly. Qualification is part of the box Execution Framework within DTRT but is not covered sufficiently in the guidance book.

Article 3 (22): Definition of inspections

(22) 'Environmental inspection' means all actions (including site visits, monitoring of emissions and checks of internal reports and follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environment management of the installation) undertaken by or on behalf of the competent authority to check and promote compliance of installations with their permit conditions and, where necessary, to monitor their environmental impact.

Discussion: Online inspections or remote monitoring are also part of inspections but not mentioned in the IED. Also the different types of site visits are not mentioned. The meeting concludes that the article should have mentioned for example instead and including. we need to clarify the words promote and necessary.

Action: The words "promote" and "necessary" need to be clarified

Article 7: Incidents and accidents

Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56) in the event of any incident or accident significantly affecting the environment, Member States shall take the necessary measures to ensure that:

(a) the operator informs the competent authority immediately;

(b) the operator immediately takes the measures to limit the environmental consequences and to prevent further possible incidents or accidents;

(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

Discussion: What does significantly means here. In article 23 (5) serious is mentioned.

In some member states the competent authority that could require additional measures are not necessarily the same. In that case this should be made clear to the operator. Inspecting authority is mentioned in art 23. In case the inspection authority is not the same as the competent authority this should also be made clear to the operator.

Action: The words significantly and serious need to be defined. Further we have to clarify what is meant by competent authority, this is not always the same.

Article 8: Non-compliance
1. Member States shall take the necessary measures to ensure that the permit conditions are complied with.
2. In the event of a breach of the permit conditions, Member States shall ensure that:
(a) the operator immediately informs the competent authority;
(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;
(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.
Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with points (b) and (c) of the first subparagraph, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended.

Discussion: (1) This means that sanctions should be available, including power to close down the installation. (2) Question: should this be read as any breach or should it be only the relevant breaches. In the discussion with the Commission we will mention that we read this as relevant breach of the permit condition but this still has to be discussed. Further the wording "significant" needs to be clarified and how we deal with self incrimination.

Action: The words "significant" and "breach of permit condition" (is any breach or only the relevant ones) should be clarified.

Article 23: Environmental inspections
1. Member States shall set up a system of environmental inspections of installations addressing the examination of the full range of relevant environmental effects from the installations concerned.
Member States shall ensure that operators afford the competent authorities all necessary assistance to enable those authorities to carry out any site visits, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive.

Discussion: the MS has to make sure there is a system. This article isn't addressing the inspector but the MS. The system is the whole of EIA, permitting and inspection. This should be clarified in the chapter about implementation. Question remains: what does a full range of environmental effects mean?

Action: we have to explain that this section of article 23 addresses the MS and not the inspector.

2. Member States shall ensure that all installations are covered by an environmental inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.

Discussion: For the MS that work with regional and local Inspectorates, this section means that the sum of all plans should cover all the installations.

3. Each environmental inspection plan shall include the following:
(a) a general assessment of relevant significant environmental issues;
(b) the geographical area covered by the inspection plan;
(c) a register of the installations covered by the plan;
(d) procedures for drawing up programmes for routine environmental inspections pursuant to paragraph 4;
(e) procedures for non-routine environmental inspections pursuant to paragraph 5;
(f) where necessary, provisions on the cooperation between different inspection authorities.

Action: we have to check if all issues mentioned in this section are addressed in DTRT (content of inspection plan).

(4). Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations.
The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.
If an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.
The systematic appraisal of the environmental risks shall be based on at least the following criteria:
(a) the potential and actual impacts of the installations concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
(b) the record of compliance with permit conditions;
(c) the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009(1)
The Commission may adopt guidance on the criteria for the appraisal of environmental risks.

Discussion: is the term programme and schedule the same? The frequency could be mentioned in the inspection plan, while the full list of installations, together with inspector, type of inspection and the name of the inspector are mentioned in the programme or schedule.
What to do with the wording "important case of non-compliance". This could be clarified by the competent authority in their procedures.
What are important cases of non-compliance? This should be linked to the article that operator should report non-compliance.
What is impact? Is this the impact the operator has on the environment (like no more fish in the river) or is it the amount of emission that is released. We will use the criteria of the easyTools in the guidance and see if this is a proper implementation.
Would it be possible to link a checklist to an environmental risk criterion?

Action: Clarify the words "important case of non-compliance", and "impact".

5. Non-routine environmental inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non- compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit.

Discussion: what are serious environmental complaints? In the text we clarify that the word serious also addresses the non-compliance and not only accidents and incidents.
Why is granting of permit inspection not considered as routine inspections? This could be planned in advance.
What do we consider as a non-routine inspection?

Action: Clarify the words "serious environmental complaints".

6. Following each site visit, the competent authority shall prepare a report describing the relevant findings regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.
The report shall be notified to the operator concerned within 2 months of the site visit taking place. The report shall be made publicly available by the competent authority in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26) within 4 months of the site visit taking place.
Without prejudice to Article 8(2), the competent authority shall ensure that the operator takes all the necessary actions identified in the report within a reasonable period

Discussion: Is a site visit the same as an inspection. In other words if an inspection would take more than one site visit, when does the 2 months start for notifying the operator?
How can we make inspection reports available for public? Should all findings be available or only the official letter itself? Is this only for routine or also for non-routine inspections?

Action: the project team will prepare a format that could clarify what should be in an inspection report. Based on this we can discuss further what should and shouldn't be made public.

Day 2 (24 April)

Summary of the first day

1. We need guidance. This should be a new document based on DTRT.
2. The aim of this project is how to understand the IED, facilitate this by practical examples.
3. Develop a common understanding of the IED, discuss this with the Commission, give explanations and point out examples that have already be developed by IMPEL projects or develop new examples.

(Continue of EID articles linked to inspections)

Article 16: Monitoring requirements

1. The monitoring requirements referred to in Article 14(1c) shall, where applicable, be based on the conclusions on monitoring as described in the BAT conclusions.
2. The frequency of the periodic monitoring referred to in Article 14(1e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.

Without prejudice to the first subparagraph, periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

Discussion: (1) and (2) need to be incorporated in the permit. Last paragraph could be a direct inspection issue when this requirement is in national legislation.

6. Discussion on different issues

The use of checklists: In some cases the use of it can be positive but limits the inspector in asking other questions. Smart checklists, where the checklist should be the structure of the inspection, could work very well.

How often should you update a risk appraisal? A uniform answer couldn't be given. Maybe this can be combined with the checklist.

Integrated inspection versus the inspections on certain topics (being the outcome of easyTools): We have to clarify in the guidance how to deal with the different types of inspections. All aspects should be inspected after a certain period.

7. Next steps

Smaller work groups could be formed to work on the following articles and issues:

- Definitions: import, relevant, serious, significant, breach (Simon, Horst, Erik)
- Routine and non-routine
- (8) breach of the permit conditions
- Plan programme schedule
- (23.1) full range of environmental effects
- (23.6) reporting to public active/passive
- (16) soil and ground water monitoring

It was decided that these smaller teams will be formed when the gaps are more clear.

Time schedule

11 June	Core group meeting (with Simon, Horst, Tony, Erik, Rob) in The Hague
24-25 Sept	The project team meeting will take place in Prague
13-14 Nov	Workshop with the Commission Project team meeting will be held back to back to this workshop in the IMPEL office.

Advise to the project team to contact the experts that work in the IED expert group in Brussels.

8. What's already there

Florin: Romania – NEG
After explaining the institutional framework Florin pointed out how the RMCEI has been implemented in national legislation. DTRT was also implemented.
Florin explains how the Yearly inspection activity plan, the Action plan, and the Environmental Inspection plan looks like. Under the Inspection plan also the risk assessment is performed.

Simon: SEPA system
Dream (Dynamic Regulatory Effort Assessment Model)
Simon explains the DREAM system and how the different bands relate to the type of inspections and the frequency. First step is to assess the hazard and consequences based on information from the permit. The outcome of this assessment is an initial inspection frequency. Next step is the assessment of compliance. Based on this the risk assessment can be revised and a new (on-going) inspection frequency can be determined.

Jean-Pierre:
BIM prepares Inspection plans of 5 years with strategic and political objectives.
Yearly an inspection programme (operational) is developed. The working programme is divided by the individual departments. This is discussed with the inspector and a yearly individual plan including training needs is set up. The programme is based on a RA approach. End of the year an activity report is written and made available for public. The report of the inspection is not publicly available. An abstract of the report could be a solution for the future to comply with the IED.
In the coming months the implementation of the IED is being reviewed.

Alvaro:
IGAMOAT (the inspection authority) – is directly linked to ministry.
An annual activity plan is made for the whole inspectorate. The plan describes the political goals and the routine and non-routine inspections (identify the type of activities). On a lower level an inspection programme (schedule) is developed on a more frequent base. The inspection programme identifies the teams, samplings, installations and dates of inspections. The inspections are not announced (most of the time). Cooperation with other organisations takes place for minor non compliances. Reports are made on a central database. Inspection reports are not made publicly available. Communication towards public is now being looked at.

Horst: Achievements in North Rhine Westphalia, Germany

- Inspection plan for the Cologne region nearly in line with IED requirements
  What's missing:
  - general assessment of relevant significant environmental issues (only short introduction)
  - list of installations (to long, only reference to database and maps with spatial distribution of installations)
- Procedures for identifying bad performers
- Procedures for unannounced inspections
- Risk assessment for inspection planning with IRAM by all five regional inspection authorities
- Criteria for risk assessment in accordance with requirements of IED
- Inspection programme: use of the easyTools Excel programme as on-site inspection planning and reporting programme but not covering the whole range of routine inspections
- Range of inspection intervals between one and three years is kept
- Inspection check lists (not really) related to impact criteria
- Requirements of the IED concerning non-routine inspections are fulfilled since many years; the procedures are fixed in the inspection plan
- Form for information of the public on the internet about the inspection results
- Up to now no standard inspection report and no notification to the operator; only letter to the operator in cases of non-compliance

Annex 1: presentation Horst (agenda item 3)

IED Inspections
2012 -2013

Environmental inspections of industrial installations in accordance with the Industrial Emissions Directive

2012-04-23 First Project Group Meeting 1

Content

IED Inspections

1. Background
2. Objectives
3. Activities
4. Costs
5. Project Team

2012-04-23 First Project Group Meeting 2

1. Background

IED Inspections

1. On 6 January 2011 the Industrial Emissions Directive entered into force, and it has to be transposed into national law within two years. The IED sets new requirements on the inspection of industrial installations as described in Article 23 of the Directive
2. IMPEL already has done some important work on environmental inspection that shall be streamlined to the demands of the IED

2012-04-23 First Project Group Meeting 4

Meeting IMPEL / DG Environment, 07/2011

IED Inspections

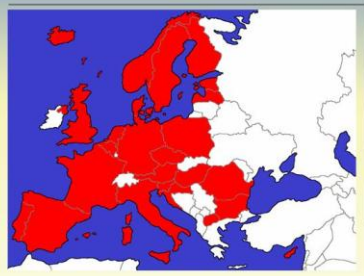
Present
IMPEL – Gerard Wolters, Zofia Tucinska, Terry Shears, Michael Nicholson
DG Environment – George Kremlis, Hans Lopatta, Liam Cashman, Ion Codescu, Anne Burrill, Madalina Ivanica, Francois Delcueillerie

DGE recommendations (a. o.)
- IMPEL should contribute to the possible future Recommendation on environmental inspections
- IMPEL should take into account current political priorities and contextual changes
- IMPEL should take into consideration any binding inspection requirements negotiated in certain pieces of legislation

2012-04-23 First Project Group Meeting 3

Interested Countries

IED Inspections



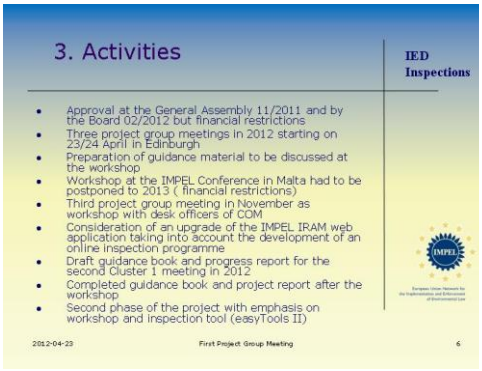
8

2. Objectives

IED Inspections

- Development of a model inspection plan
- Translation of the general environmental risk appraisal given in article 23 into practical criteria
- Development of guidance on the criteria for the appraisal of environmental risks
- Development of a model inspection programme
- How to use the IMPEL IRAM web application for risk appraisal in this context
- Linking routine with non routine inspections and with inspections related to other environmental legislation (e. g. Seveso)
- Preparation and publication of inspection reports

2012-04-23 First Project Group Meeting 5


3. Activities
IED Inspections
Approval at the General Assembly 11/2011 and by the Board 02/2012 but financial restrictions
Three project group meetings in 2012 starting on 23/24 April in Edinburgh
Preparation of guidance material to be discussed at the workshop
Workshop at the IMPEL Conference in Malta had to be postponed to 2013 (financial restrictions)
Third project group meeting in November as workshop with desk officers of COM
Consideration of an upgrade of the IMPEL IRAM web application taking into account the development of an online inspection programme
Draft guidance book and progress report for the second Cluster 1 meeting in 2012
Completed guidance book and project report after the workshop
Second phase of the project with emphasis on workshop and inspection tool (easyTools II)
2012-04-23
First Project Group Meeting
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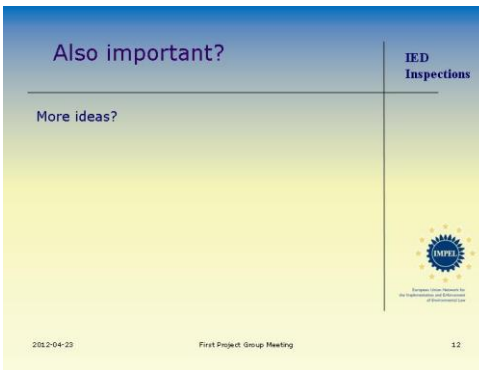
4. Costs
IED Inspections
2012
3 project group meetings: 12,500 €
Consultant: 20,000 €
Contribution from
IMPEL: 17,500 €
Germany: 15,000 €
2014
Workshop: 15,000 €
(has to be approved)
2012-04-23
First Project Group Meeting
7


Also important?
IED Inspections
More ideas?
2012-04-23
First Project Group Meeting
12


More Ideas ?
IED Inspections
Contact:
Horst Büther, Germany
horst.buether@brk.nrw.de
Simon Bingham, Scotland, UK
SBingham@SEPA.org.uk
2012-04-23
First Project Group Meeting
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Annex 2 Presentation Erik (agenda item 4)

Inspection reference book

- More focused on individual inspections, and on planning these
- Some elements for inspectorate level, mainly concerning the installation registry
- Touching upon a risk based approach to prioritisation, but little extra guidance

Forurensningsfri framtid

KLIMA- OG FORURENSNINGS-DIREKTORATET

Report: Planning and reporting, 1999

Definition of inspection: *Checking and promoting compliance..., and monitoring the general impacts of specific installations on the environment that might lead to enforcement action or further inspection...*

Possible IED relevance :

- 23.2 – Plan
- 23.3 – Content of plan
- 23.4 – Program (partly relevant)
- 23.5 – Reactive/non-routine inspections
- 23.6 - Reporting

Forurensningsfri framtid

KLIMA- OG FORURENSNINGS-DIREKTORATET

Planning inspections – Key elements

- Industries to be inspected
- Data management
- Resources available
- Time available for inspections
- Guidelines, e.g. international, national or regional commitments
- Frequency, (Note: Impel report on frequency 1998 (?))
- Estimating resources to complete inspections
- Reactive inspections
- Prioritization
- Evaluation and reporting
- Revision of the plan

Forurensningsfri framtid

KLIMA- OG FORURENSNINGS-DIREKTORATET

Planning inspections – Key elements also in IED

- ✓ Industries to be inspected -registry
- Data management
- Resources available
- Time available for inspections
- Guidelines, e.g. international, national or regional commitments
- ✓ Frequency, (Note: Impel report on frequency 1998 (?))
- Estimating resources to complete inspections
- ✓ Reactive inspections - set aside time in the plan
- ✓ Prioritization - but not based on risk
- ✓ Evaluation and reporting
- ✓ Revision of the plan

Forurensningsfri framtid

KLIMA- OG FORURENSNINGS-DIREKTORATET

Reporting

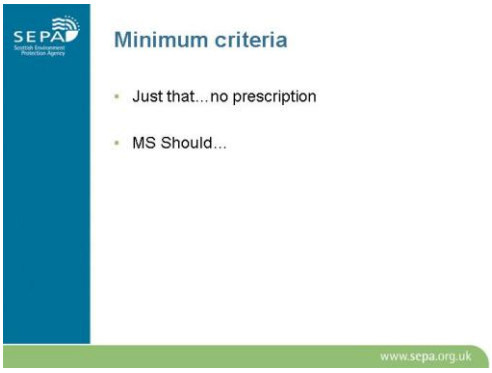
- Main focus on reporting inspectorate activities, goals, resources
  - Number of inspections
  - Level of compliance
  - Etc

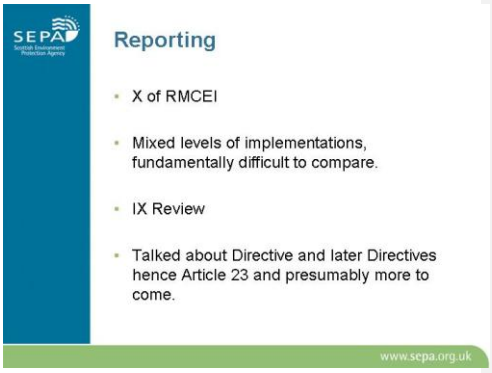
Not describing reporting from individual site visits

Forurensningsfri framtid

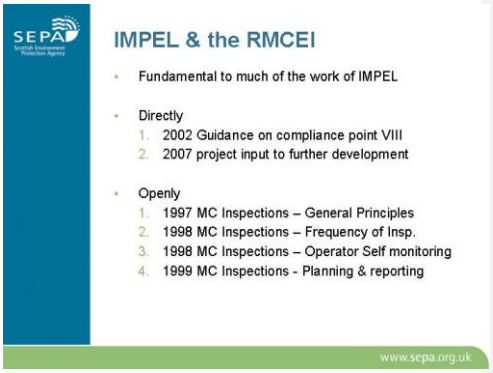
KLIMA- OG FORURENSNINGS-DIREKTORATET

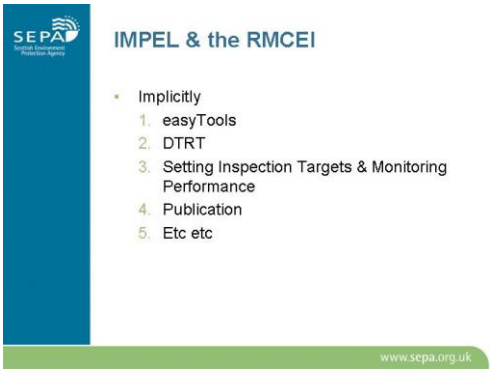
Annex 3 Presentation Simon (agenda item 4)



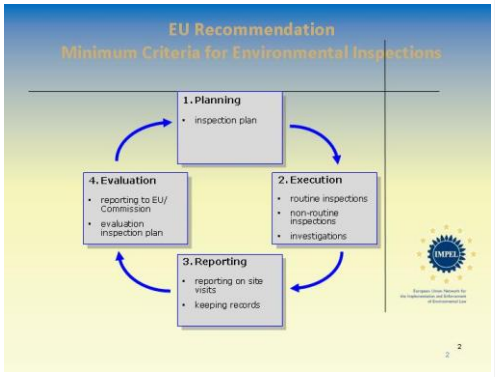


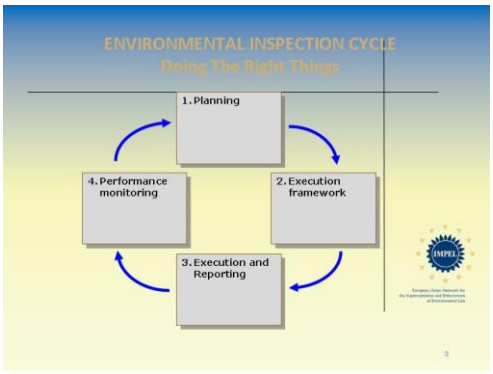

SEPA
What do we need to take from RMCEI?
Language of the Recommendation is "Should"…not "Shall".
The majority of RMCEI requirements & language are in IED but only for RMCEI sites.
Would recommend we embrace as minimum requirement.
www.sepa.org.uk

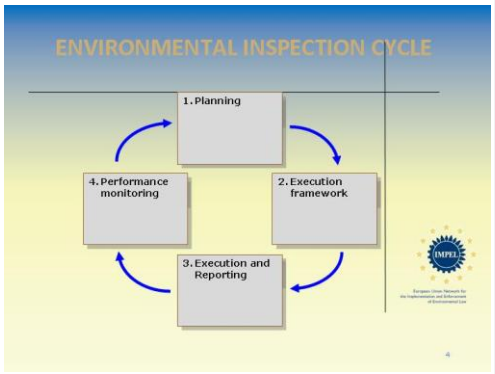

SEPA
IMPEL & the RMCEI
Fundamental to much of the work of IMPEL
Directly
1. 2002 Guidance on compliance point VIII
2. 2007 project input to further development
Openly
1. 1997 MC Inspections – General Principles
2. 1998 MC Inspections – Frequency of Insp.
3. 1998 MC Inspections – Operator Self monitoring
4. 1999 MC Inspections - Planning & reporting
www.sepa.org.uk

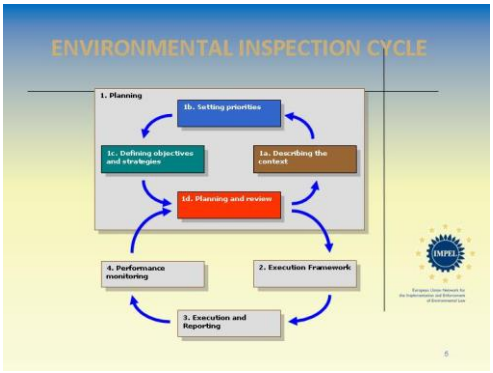

SEPA
IMPEL & the RMCEI
Implicitly
1. easyTools
2. DTRT
3. Setting Inspection Targets & Monitoring Performance
4. Publication
5. Etc etc
www.sepa.org.uk

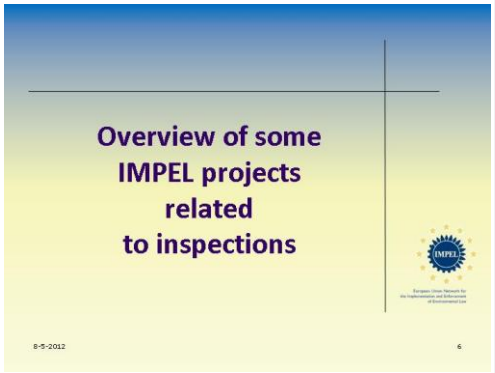
Annex 4 Presentation Tony (agenda item 4)

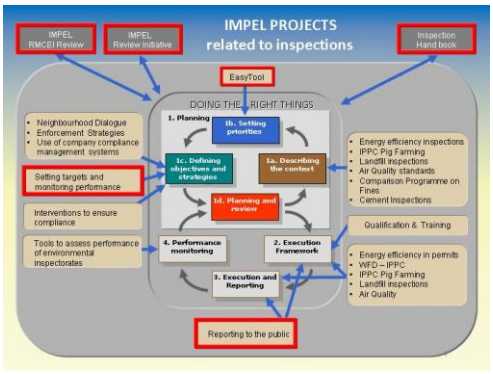











IMPEL PROJECTS
related to inspections
IMPEL RMCEI Review
IMPEL Review Initiative
Inspection Hand book
EasyTool
DOING THE RIGHT THINGS
1. Planning
1b. Setting priorities
1c. Defining objectives and strategies
1a. Describing the context
1d. Planning and review
4. Performance monitoring
2. Execution Framework
3. Execution and Reporting
Neighbourhood Dialogue
Enforcement Strategies
Use of company compliance management systems
Setting targets and monitoring performance
Interventions to ensure compliance
Tools to assess performance of environmental inspectorates
Energy efficiency inspections
IPPC Pig Farming
Landfill inspections
Air Quality standards
Comparison Programme on Fines
Cement Inspections
Qualification & Training
Energy efficiency in permits
WFD – IPPC
IPPC Pig Farming
Landfill inspections
Air Quality
Reporting to the public


Thank you for your attention!
IMPEL

Annex 5 Presentation Simon (agenda item 4)

Annex 6 Presentation Horst (agenda item 4)

easyTools
How fits to IED

Development of an easy and flexible risk assessment tool for the planning of environmental inspections 2010 - 2011

2012-04-23 IMPEL IED Inspections 1

Content

1. Background
2. Evaluation of existing Methods
3. Integrated Risk Assessment Method
4. Web Tool
5. Guidance Book
6. How IRAM fits into the IED

2012-04-23 IMPEL IED Inspections 2

Background: Objectives

- Evaluation of existing inspection tools and risk criteria
- Development of a risk assessment tool for environmental inspections that could easily be used by every IMPEL member
- Integration into the inspection cycle of the Step by step guidance book (DTRT)
- Availability from the IMPEL website as an advanced interactive IT tool
- Linking to the requirements of the IED

2012-04-23 IMPEL IED Inspections 3

2012-04-23 IMPEL IED Inspections 4

Evaluation of existing Methods

Risk Assessment Methods

- **3** general types were identified
- **Linear Mean Value:** mean values of all criteria scores are assigned to inspection frequencies (ES, NRW)
- **Mean Value of Risk:** mean values of impact criteria multiplied by probability criteria are assigned to risk categories (OPRA, NL, PO, PT)
- **Maximum Value:** inspection task with highest frequency determine inspection frequency (France)

2012-04-23 IMPEL IED Inspections 5

Risk assessment in Inspection Planning

- How is risk defined?

Risk = **Impact** * **Probability**

- In inspection planning:
  Impact ► Assessment with impact criteria
  Probability ► Assessment with operator performance

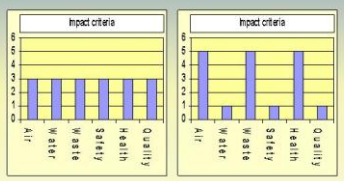
2012-04-23 IMPEL IED Inspections 6

Integrated Risk Assessment Method

IRAM principles

I. The inspection frequency is determined by the value of the highest impact scores
II. The inspection frequency is reduced by one step, if the set number of highest scores is not met (the Rule)
III. The inspection frequency can be changed by one step up or down based on operator performance
IV. The higher the sum of impact scores, the more inspection effort is needed

Principle 1: Highest Score



Integrated Risk Assessment Method

Impact steered inspection frequency

The (potential) impact of the activity on environment or human health is:

- negligible ▶ no routine inspection
- minor ▶ every 5 years
- moderate ▶ every 4 years
- relevant ▶ every 3 years
- important ▶ every 2 years
- serious ▶ every year

Integrated Risk Assessment Method

Impact scoring

The (potential) impact of the activity on environment or human health is:

- negligible ▶ 0 points
- minor ▶ 1 point
- moderate ▶ 2 points
- relevant ▶ 3 points
- important ▶ 4 points
- serious ▶ 5 points

Note: Link between scoring points and inspection frequency!

Integrated Risk Assessment Method

Graduation of industrial activities

The (potential) impact of the activity on environment or human health is:

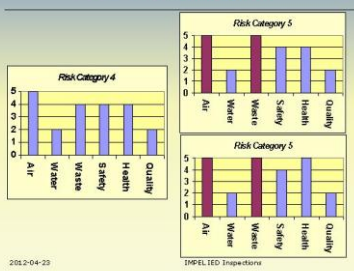
- Negligible (0) ▶ building permit
- Minor (1) ▶ environ. binding rules
- Moderate (2) ▶ national env. permit
- Relevant (3) ▶ IPPC V Seveso V EIA
- Important (4) ▶ IPPC Λ (Seveso V EIA)
- Serious (5) ▶ IPPC Λ Seveso Λ EIA

Integrated Risk Assessment Method

More (industrial) impact criteria

- Emissions to air
- Emissions to water
- Input and output of waste
- Emissions to soil
- Dangerous substances
- Sensitivity of the local environment
- Quality of the local environment
- Incidents and accidents
- Noise

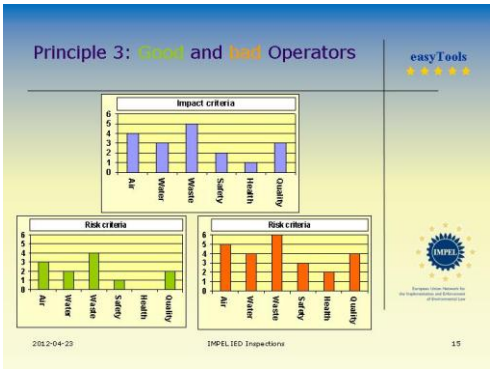
Principle 2: Number of Highest Scores (2), the Rule

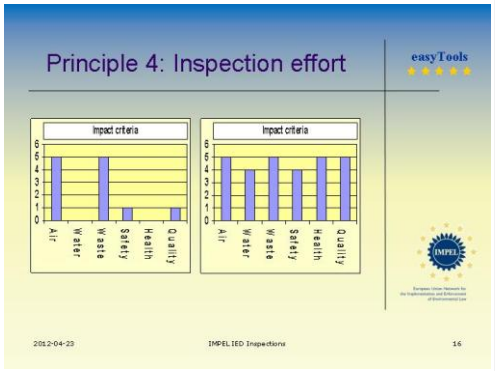


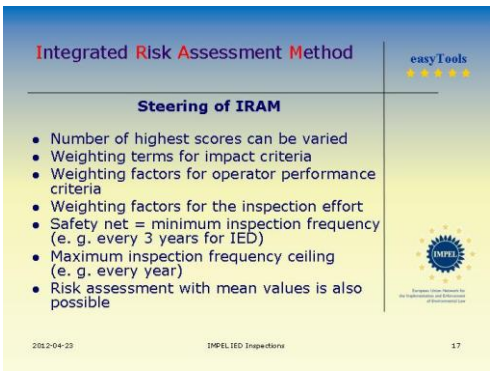
Integrated Risk Assessment Method

Influence of Operator Performance

- Operator performance criteria:
  - ▶ Compliance
  - ▶ Attitude of the operator
  - ▶ Environmental management system
- Scoring of operator performance criteria:
  - ▶ good: -1
  - ▶ moderate: 0
  - ▶ bad: +1
- The average (integer) of the operator performance scoring is added to each impact criteria score ▶ risk score


Principle 3: Good and bad Operators
easyTools
Impact criteria
Air
Water
Waste
Safety
Health
Quality
Risk criteria
Risk criteria
2012-04-23
IMPEL IED Inspections
15


Principle 4: Inspection effort
easyTools
Impact criteria
Impact criteria
Air
Water
Waste
Safety
Health
Quality
2012-04-23
IMPEL IED Inspections
16


Integrated Risk Assessment Method
easyTools
Steering of IRAM
Number of highest scores can be varied
Weighting terms for impact criteria
Weighting factors for operator performance criteria
Weighting factors for the inspection effort
Safety net = minimum inspection frequency (e. g. every 3 years for IED)
Maximum inspection frequency ceiling (e. g. every year)
Risk assessment with mean values is also possible
2012-04-23
IMPEL IED Inspections
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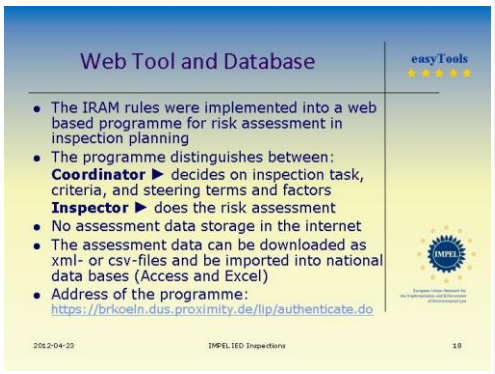
Web Tool and Database
easyTools
The IRAM rules were implemented into a web based programme for risk assessment in inspection planning
The programme distinguishes between:
Coordinator ▶ decides on inspection task, criteria, and steering terms and factors
Inspector ▶ does the risk assessment
No assessment data storage in the internet
The assessment data can be downloaded as xml- or csv-files and be imported into national data bases (Access and Excel)
Address of the programme:
https://brkoeln.dus.proximity.de/lip/authenticate.do
2012-04-23
IMPEL IED Inspections
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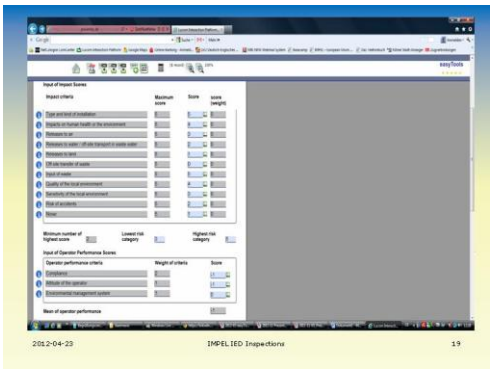
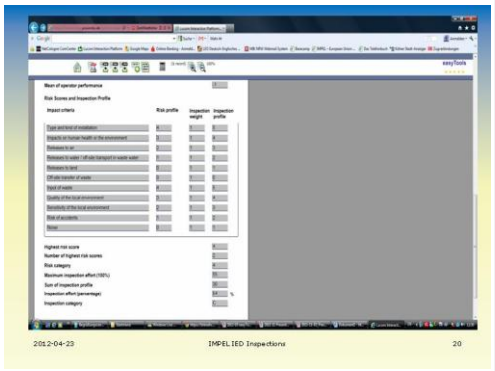
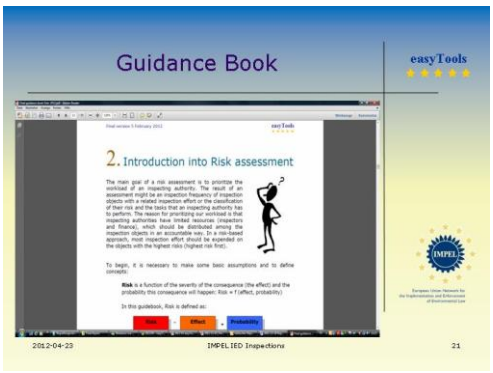
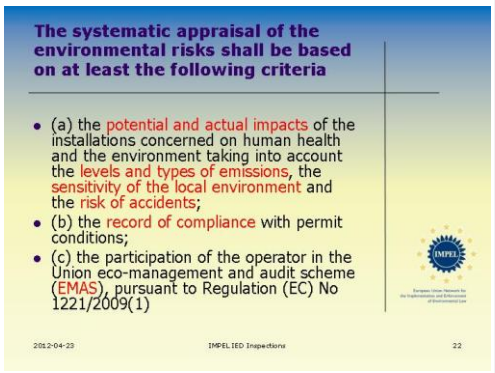
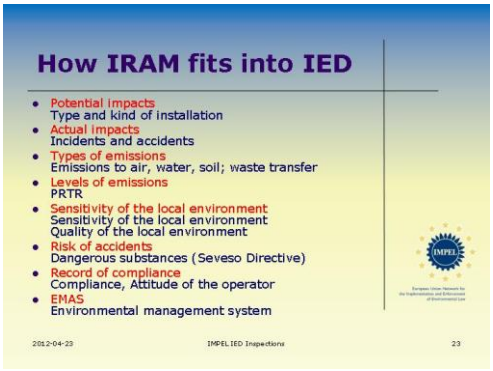

2012-04-23
IMPEL IED Inspections
19


2012-04-23
IMPEL IED Inspections
20


Guidance Book
easyTools
2. Introduction into Risk assessment
2012-04-23
IMPEL IED Inspections
21


The systematic appraisal of the environmental risks shall be based on at least the following criteria
(a) the potential and actual impacts of the installations concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
(b) the record of compliance with permit conditions;
(c) the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009(1)
2012-04-23
IMPEL IED Inspections
22


How IRAM fits into IED
Potential impacts
Type and kind of installation
Actual impacts
Incidents and accidents
Types of emissions
Emissions to air, water, soil; waste transfer
Levels of emissions
PRTR
Sensitivity of the local environment
Sensitivity of the local environment
Quality of the local environment
Risk of accidents
Dangerous substances (Seveso Directive)
Record of compliance
Compliance, Attitude of the operator
EMAS
Environmental management system
2012-04-23
IMPEL IED Inspections
23


easyTools
Questions ?
Registering:
horst.buether@brk.nrw.de
info@impel.eu
IRAM address:
https://brkoeln.dus.proximity.de/lip/authenticate.do
2012-04-23
IMPEL IED Inspections
24

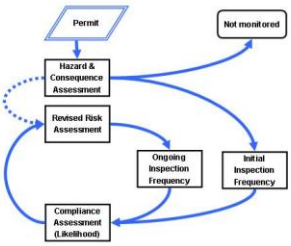
Annex 7 Presentation Simon (agenda item 4)

SEPA Systems

Simon Bingham
24th April, Edinburgh

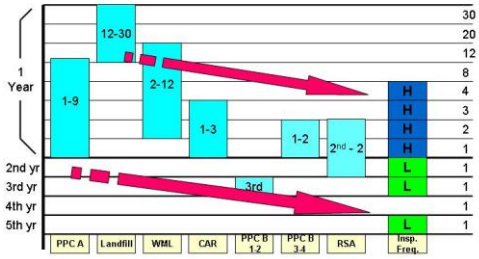
www.sepa.org.uk

Dynamic Regulatory Effort Assessment Model (DREAM)



www.sepa.org.uk

The baseline output of the model (Hazard & consequence only)

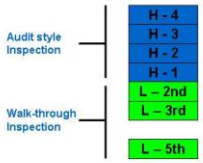


Compliance Assessment Scheme

ELC / EMC	No Breaches	Minor Breach(es)/ 1 Gross Breach	Significant Breach/ >1 Gross Breach or repeated minor breach
High Performance	Excellent	Good	Poor
Medium Performance	Good	Broadly Compliant	Poor
Low Performance	At Risk	Poor	Very Poor

www.sepa.org.uk

Routine Output – inspection type & frequency (hazard & consequence only)



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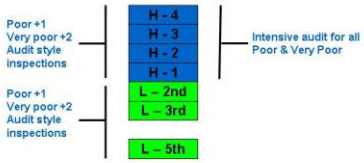
Minimum Output – inspection type & frequency (response to non-compliance)



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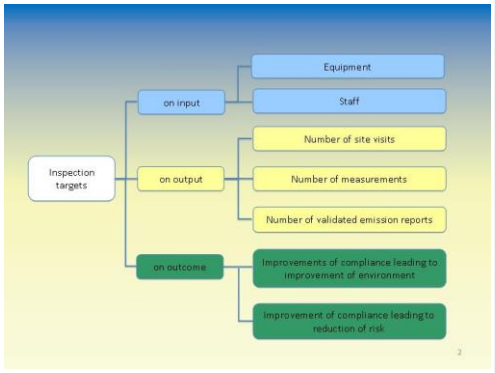
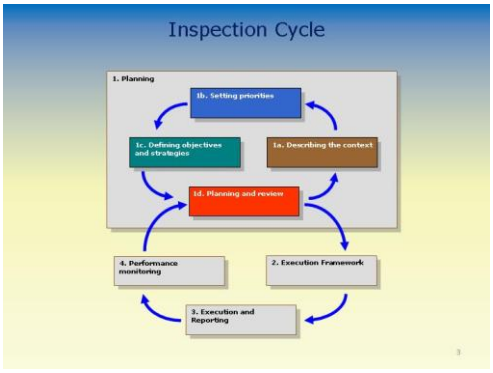
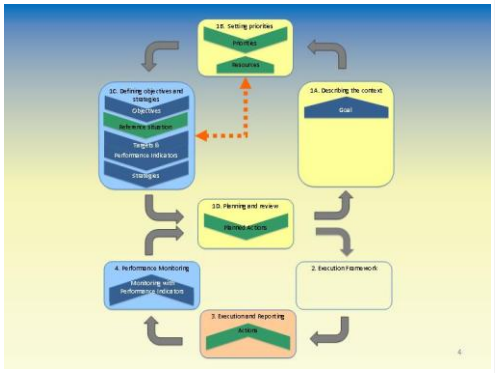
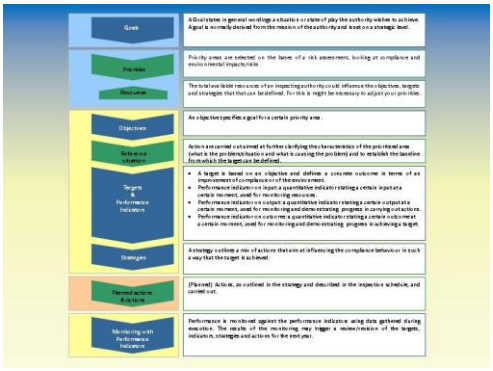
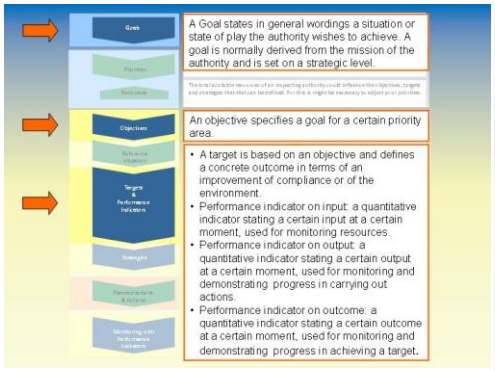
Annex 8 Presentation Rob (agenda item 4)











3. The Hague core group meeting

Minutes of the meeting

Participants: Erik Forberg, Simon Bingham, Horst Büther, Rob Kramers and Achim Halmschlag (Achim is working 20 years for the government, is a legal advisor and works in the unit of Horst)

Agenda:

1. Minutes Edinburgh
2. Guidance
3. Definitions
4. Allocation of work
5. Preparation Prague meeting
6. Preparation Brussels meeting / COM meeting
7. Public participation within this project

1. Minutes of Edinburgh
The draft minutes of Edinburgh have been discussed. There are some textual errors in chapter 3 and 4 that will be corrected.

2. Guidance
Rob produced a very first draft of the guidance. The core group agreed that the guidance should be structured in a way that it will be easy to replace the IED for a new subject like SEVESO.
The first 4 chapters will be generic on inspection (environmental inspection cycle).
In chapter 5 implementation issues will be addressed. Specific IED issues on inspection will be mentioned in a separate chapter or in dedicated boxes in the text (still to be decided).

3. Definitions
In this section we discussed how we should read and understand the different articles. For every article the core group made suggestions what to do with the different wordings. Either we take a position on how to understand the article or we decide to ask the COM what the text means (only in one case).

Recitals 26
Training and skills: in the guidance we will mention that a training plan should be in place and not what the skills of inspectors should be. The text of the DTRT-TFS guidance will be used for this.

Article 3 (22)
The word “including”: including could mean here as a minimum or as an example.
In the guidance it will be explained as “could include” because the list is not complete. Other examples of inspections and actions (that we will mention in the guidance) are: online monitoring, verification inspection (after issuing a permit), theme inspections, surveillance and remote sensing.
The word “promote”: in the guidance the text of the IMPEL work Complementary approaches of inspections will be used to explain the word promote.
The word “necessary”: in the guidance “necessary” will be explained as “it’s not always the case that we need to monitor the impact”.

Art 7
The words “serious and significant”: in the guidance we will mention that both words have the same meaning.

Art 8

The wording “breach of permit conditions”: should all breaches be reported or just the relevant breaches. As a practical solution the authority could make some kind of agreement on how the breaches will be reported. In all situations the authority should decide if the breach is serious or not.

Art 23: (1)
The wording “system to address the full range of relevant environmental effects”: in the guidance (chapter 5) we will emphasize that it’s the MS that is addressed here in this article. This is especially relevant when there are more than one organisation involved in inspecting an installation. MS should allocate responsibilities, duties and competences to make sure all environmental effects are covered.

Art 23: (2)
The wording “... all installations are covered by an environmental inspection plan at national, regional and local level”: in the guidance (chapter 5) we will mention that this article addresses the MS that work with regional and local Inspectorates. This section means that the sum of all plans should cover all the installations in the MS.

Art 23: (3)
The word “relevant”: in the guidance (chapter 5) we will mention that “relevant” here means that it could be an issue but not for the organisation itself.
Content of inspection plan: the list in the guidance will be completed with the items mentioned in this article.
Cooperation: an example of cooperation will be added in one of the annexes (see example below)

Example cooperation:

Internally:
Departments for permission and enforcement
Departments for waste, water, soil and building responsibilities
Departments for nature conservation and species protection
Departments for health, safety and the prevention of hazards
Externally:
Authorities for permission and enforcement
Authorities for waste, water, soil and building responsibilities
Authorities for nature conservation and species protection
Authorities for health, safety and the prevention of hazards
Police, prosecution
Superior and technical authorities

Art 23: (4)
The word “Programme”: In the guidance (chapter 5) we will explain that programme here is the same as schedule. We will not introduce a third level.
The wordings “including the frequency of site visits”: In the guidance we will mention that the frequency of a group of installations (industrial category) could be mentioned in the inspection plan itself, but the frequency for individual installations (date, period) will only be mentioned in the schedule (or programme).
The wording “Important case of non-compliance”: There are different levels of non-compliance. A working group should try to classify these levels of non-compliances. Examples of non-compliances are: actions leading to an increased risk; actions that make inspectors work impossible etc.
The wording “potential and actual impact”: in the guidance we will mention that this is included in the impact and operator performance criteria.
Checklists itself will not be included in the guidance book.

Art 23 (5)
The word “serious”: this word should be linked to all the issues (complaint, accident, incidents, occurrence of non-compliance) and not only to complaints and accidents. See RMCEI (copy-paste action of COM).
The wording “Non-routine inspections”: we will mention in the guidance (chapter 5) that non-routine inspections are more then only site visits. Difference between routine and non-routine is planned and non-planned. This can be taken from the RMCEI as well (definitions of H.3.a and b RMCEI).
The word “serious”: we will mention in the guidance that this is up to the authority to define this.

Art 23 (6)
The wording “within 2 months”: we will mention in the guidance that the 2 months will start after closing the inspection. This is necessary when the findings or results from monitoring actions will not be directly available. The wording “describing the relevant finding” gives an opening for this. You only report when the relevant data is available.
A working group should work on a format of an inspection plan
The wording “publicly available”: it’s not clear if this is active or passive. The article refers to 2003/4/EC in which both are mentioned. The COM will be asked for explanation.

4. Allocation of work

- Simon will run a working group on the format of an inspection report.
- Horst will run a working group on the classification of the non-compliances.
- Rob will prepare an overall document (draft guidance) for the next project team meeting in Prague. Chapter 5 in the guidance will be finished with the definitions and the interpretations. Links to the guidance book will be made from chapter 5 to chapter 3 and 4.

5. Prague meeting

For the Prague more participants will be invited.
This could be possible when the third project team meeting will either be cancelled or run directly after the meeting with the COM.

6. COM meeting

A preparation form will be made how the meeting with the COM will look like.
The meeting with the COM will be mentioned to the board.

4. Prague project group meeting

Minutes of the meeting

Participants: Simon Bingham, Fabio Carella, Michael Schubert, Vladimir Kaiser, Tomáš Augustin, Lenka Nemcová, Jean-Pierre Janssens, Florin Homorean, Alvaro Barroqueiro, Erik Forberg, Tony Liebregts, Marianne Ripka, Kevan Davies, Horst Büther, Marinus Jordaan, Rob Kramers

1. Welcome by Horst
Horst welcomed the participants and thanked the persons travelling on their own account. The budget within IMPEL only allows to pay for 7 persons.

Horst gave a short summary of the steps already taken by the project so far.
The agenda was adopted.

2. Tour de table
During the tour of the table the participants introduced themselves and explained their interest in the subject of the project.

3. Results of the meetings in Edinburgh and The Hague.
Horst presented the work done so far by the project (project team meetings in Edinburgh and the core group meeting in The Hague). See annex I for the slides.
Minutes of both meetings were adopted.

Simon mentioned that the IMPEL board had a meeting with the EU Commission on 14th of September. They discussed priorities of IMPEL work. The COM pointed out that work on Seveso and IED was now less of a priority. Further they mentioned that the RMCEI might become a directive. New priorities are now: waste, diffuse pollution and nature conservation.

4. Structure of the guidance book
The structure of the guidance book was accepted.
It should be made clear in the guidance book that chapter 3 and 4 go further than what IED is asking for.
Chapter 5 presents the bare bones of IED.

Marianne suggested to make a web based guidance (like Wikipedia).

5. Working group
The project team split in 4 working groups and worked on the following issues:
I . Graduation of deficiencies (Horst)
II. Inspection reports (Simon)
III. Criteria for risk appraisal and inspection scope of site visit (Florin)
IV. Inspection plan vs. inspection programme / inspection schedule (Tony)

Working group I: Graduation of deficiencies (Horst)
The working group prepared a table with the graduation of the different types of non-compliances. The project team replied with the following feedback:

- The examples need to be either more generic or specific.
- Refer back to the text about the categories of non-compliance.
- The categories do not take into account the impact of the non-compliance;
- How do we deal with inspections that have to be closed within 6 months when there are investments to be made that take longer;
- More flexibility in the table is necessary. For example in the case ELV's are exceeded.

The work of this group was continued after the meeting. Below is the final result.

Indicative list of graduation of non-compliance

Graduation of non-compliance		Compliance with permit conditions	Emission limit values kept	Environmental quality standards kept	Aim of permit achieved
A	Compliance or minor cases of non-compliance				
B	Relevant or significant cases of non-compliance				
C	Important or serious cases of non-compliance				

 No (or negligible) offences - additional site visit not required, no enforcement steps

 To be assessed from case to case, maybe warning/note and additional site visit

 Additional site visit required + enforcement required

A - Compliance or minor cases of non-compliance

- No or only minor violations of permit conditions /legal obligations/operator duties with no consequences on the protection and precaution against pollution.
- Emission limit values, environmental quality standards and other limitations are still met.
- The aim of the permit (to protect the human health and the environment against pollution and to take precautionary measures against pollution) is still achieved.
- The competent authority gives a note to the operator.

B - Relevant or significant cases of non-compliance

- Significant violations of permit conditions/violations of legal obligations/operator duties which can have consequences on the precaution against pollution.
- The emission limit values are exceeded.
- The aim of the permit (to protect the human health and the environment against pollution and to take precautionary measures against pollution) is in question.
- The competent authority ensures that the operator takes all the necessary actions identified to restore compliance within a reasonable period of time.
- According to Articles 8 (2a) and 20 (1) (IED) the operator has to notify the competent authority of the non-compliance.

C - Important or serious cases of non-compliance

- Serious violations of permit conditions/violations of legal obligations/operator duties which derogate the precaution or the protection against pollution.
- Emission limit values, environmental quality standards or other limitations are not met.
- The aim of the permit (to protect the human health and the environment against pollution and to take precautionary measures against pollution) is not met.
- According to Article 23 (5) a non-routine environmental inspection will be carried out as soon as possible in cases mentioned in Article 23 (5).
- According to Article 23 (4) an additional site visit will be carried out within 6 months after the important case of non-compliance has been detected.

- According to Article 8 (2) the competent authority considers to suspend the operation of the installation until compliance is restored.
- According to Article 20 (2) no substantial change planned by the operator shall be made without a permit granted in accordance with the IED.

Working group II: Inspection reports (Simon)
Levels: The working group defined two different levels:
1. The report that will be in your own system (when public asks for it, it will be sent);
2. The report that will be pushed out (reactive and active publicity).

Target group: Audience of inspection report are: the inspectorate, the operator and public, other competent authorities, the ministry and the EU Commission.

Language and confidentiality: The type of language will differ depending on the audience. For public, plain and non-technical language should be used. Commercial confidentiality and National security are issues to take into consideration.

Active or passive: It is not clear if the information Directive says anything about this. We could mention that the competent authority decides this for themselves and that if they choose one or the other there are different ways to do this. In case you choose for active then we have a list of min requirements

Minimum requirements for publishing a report actively on the internet:
- Permit number or identification;
- Site or installation name (not full address)
- Date of visit
- Location
- Summary of the outcome (level of compliance, follow up requirements)
- Hi-level summary

Optional requirements for reports:
- full form report
- Scope (what and what not inspected)
- Other assessment types (e.g. data audit, non-routine)

Time restrains: How to deal with the **4 months** (for making the report publically available) if there is a court case: we will suggest in the guidance that the report will be generic until there is an outcome. The report could say that there are non-compliances found and that the public prosecutor is now in the lead.
When do the 2 months start (time within the report has to be sent to the operator): this is the after last day of the site visit !

Question: Is there another article that explains that you can give a summary ?

Note: Published information that is too general could lead to more questions.

Working group III. Criteria for risk appraisal and Inspection scope of site visit (Florin)
Recommendation of the group in case of a complex installation is to divide the installation in smaller segments. The inspection could be executed during more than 1 site visit.
It's also possible for example to inspect in the first year the waste management issues and in the second year air issues.

The scope of the inspection should be in line with the risk assessment and focus on the environmental aspects.

The risk criteria developed by the easyTools project were accepted. The extra risk criteria for ground water that was developed by the group will not be taken aboard.

Working group IV: Inspection plan vs. inspection programme / inspection schedule
The paper sent in by Vladimir (system to plan inspections) is good and can be used for developing inspection schedules.

The working group discussed if there are three levels: plan, programme, schedule. Since only plan and programme are mentioned in the IED the working group believed that we have to stay connected to the Directive and only use the terms plan and programme.

The guidance is focussing on IED. We have to make clear what are the real requirements and what is optional.
In an inspection plan the following issues should be taken aboard (but not too detailed):

- state of the environment;
- geographic area;
- register;
- procedures
    - programme routine inspection
    - programme non routine inspection
    - provisions on cooperation
        - different authorities
        - different levels (national, regional, local)

In an inspection programme the following issues should be taken aboard:

- Frequency
- (Type of) installations
- optional: planning inspection workload

In the inspection plan we mention the register of installations and in the programme we mention the (selected) installations itself.
See guidance on what is optional and what is an obligation. We should not say it's optional but just link the obligated parts out of IED into the table of content.

What is missing:
Model inspection plan / programme; we will not present an example to the EU Commission in the workshop. Kevan will make an example, showing the obligated and optional requirements, using there formats.

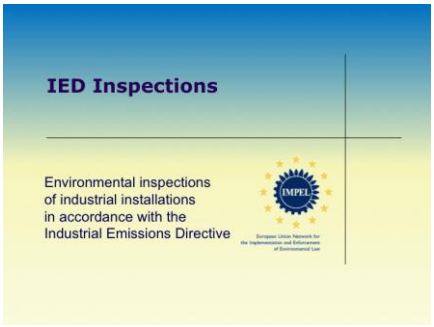
Linking different kind of inspection (approval and routine and non-routine) will be discussed in the step where we discuss the procedures.

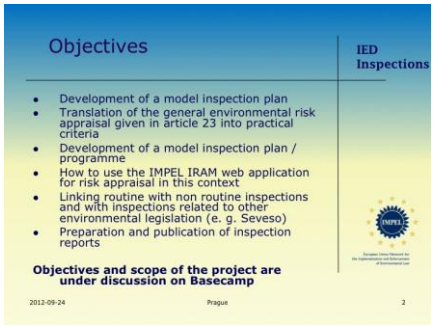
6. Next steps:
Meeting with the EU Commission on 8 Nov at 10:00 in Brussels
Participants from IMPEL are: Simon, Horst, Erik, Rob, and maybe Terry.
Preparation of the meeting: Rob makes a presentation on the methodology, Horst will do the presentation on the questions and discussion points.

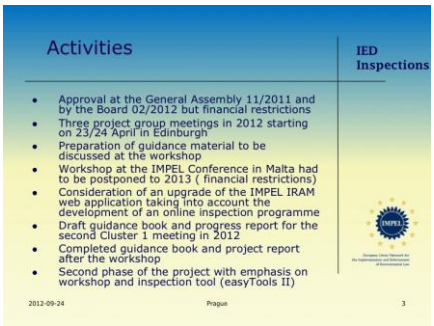
Ideas for ToR new IED project in 2013
- 2 project team meeting (15 persons): to produce procedures and example inspection plans and programmes.
- Dissemination will be done during a parallel session in the conference.

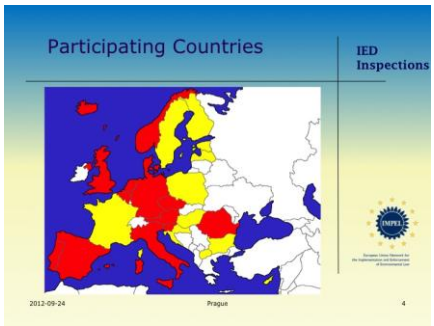
Communication: There will not be enough time to finish the report and send this in time to the GA (of December) for adoption. We will place a news article that the project report will be available on the internet.

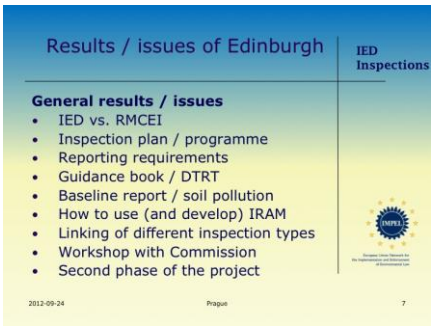
Annex 1: presentation Horst

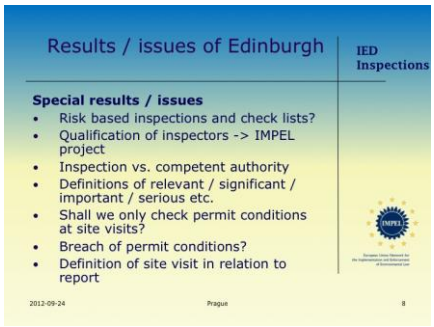


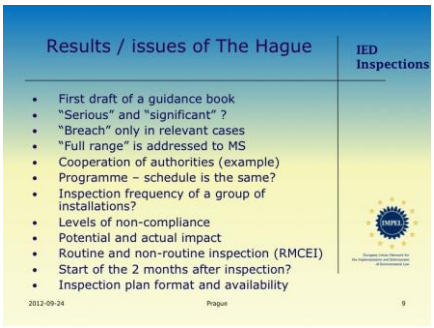


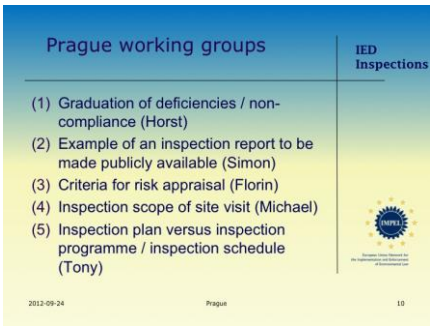


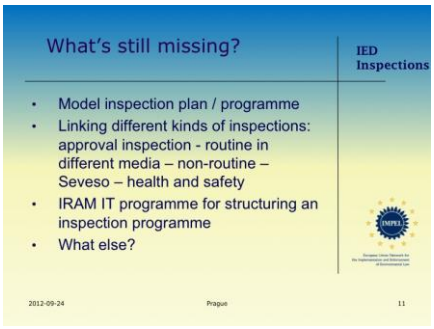







Results / issues of The Hague
IED Inspections
First draft of a guidance book
"Serious" and "significant" ?
"Breach" only in relevant cases
"Full range" is addressed to MS
Cooperation of authorities (example)
Programme – schedule is the same?
Inspection frequency of a group of installations?
Levels of non-compliance
Potential and actual impact
Routine and non-routine inspection (RMCEI)
Start of the 2 months after inspection?
Inspection plan format and availability
2012-09-24 Prague 9


Prague working groups
IED Inspections
(1) Graduation of deficiencies / non-compliance (Horst)
(2) Example of an inspection report to be made publicly available (Simon)
(3) Criteria for risk appraisal (Florin)
(4) Inspection scope of site visit (Michael)
(5) Inspection plan versus inspection programme / inspection schedule (Tony)
2012-09-24 Prague 10


What's still missing?
IED Inspections
Model inspection plan / programme
Linking different kinds of inspections: approval inspection - routine in different media – non-routine – Seveso – health and safety
IRAM IT programme for structuring an inspection programme
What else?
2012-09-24 Prague 11


easyTools II
Questions ?
Contact:
Horst Büther, Germany
horst.buether@brk.nrw.de
Simon Bingham, Scotland, UK
SBingham@SEPA.org.uk

5. Brussels meeting with members of the EU Commission

Minutes of the workshop

Participants: Miroslav Angelov, Hans Lopatta, Filip Francois, Peter Koller, Gabriella Gerzsenyi, Simon Bingham, Erik Forberg, Horst Büther, Terry Shears, Rob Kramers,

This short report only reflect the discussions that took place.

1. EU Commission is working on the implementation of the Communication 7 EAP. It complements the previous communications and is not about infringements like in 2008.
   In the chapters "Improve inspections and surveillance" and "capacity building" the COM looks for cooperation with IMPEL.
   IMPEL has invited the COM to participate in IRI's

2. IMPEL will contact EnviCrimNet (network of police that is dealing with environment). One of the issues to discuss is the illegal killing of birds.

3. The COM hasn't decided yet if the RCMEI will be a Directive or stay as a Recommendation. However it's very likely the scope will be broadened.

4. Inspection reports: Should the reports be actively or passively available for public?
   COM: according to the spirit of the IED it should be actively. Of course confidentiality should be taken in to account. A reference to the report with a specific link would also be a solution.
   In practice this could mean; make a list of inspections on internet and make a reference where the report is available.

5. Inspection reports: How to deal with the 2 and 4 months period when inspection results (sampling analyses) are not yet available.
   COM: If the 2 or 4 months (for sending the report to the operator respectively to make it available for public) pass and results are not yet available then only mention the relevant findings and the follow-up. The 2 or 4 months start direct after the first site visit (also when the inspection takes more than 1 day. It refers to all site visits (routine and non-routine). It's not an obligation to publish reports from non-site visits, but this could be seen as a good practice.

6. Inspection plan: How should we understand the register that is mentioned in the IED and should this be made part of the inspection plan.
   COM: Register of installations with names and location. This could also be a reference in the inspection plan but there should be public access. An inspection plan isn't necessarily a paper version.

7. Inspection programme: What is exactly meant with inspection programme?
   COM: The IED only mentions that frequencies should be addressed in the programme. It doesn't mention that time, inspectors etc. should be in it as well.
   A programme could also be software.

8. Graduation of compliance: Does the graduation in the guidance book reflect the different types of non-compliances in IED.
   COM: Yes but it seems too complicated. A simpler version is recommended.

9. Guidance book: general comments made by the COM

- The title should be, RMCEI inspection with the focus on IED
- Definition of Risk makes it confusing
- Use as much as possible the same terms as in the IED
  Appraisal --> Assessment
  Environmental effect --> impact
- Make clear in chapter 3 and 4 when it's an obligation from the IED.
- Mention that the methodology (Environmental Inspection Cycle) and the Risk Appraisals are not only for IED
- Mention that the safety net should be put on 3 and 5 for IED installations
- Include BAT as an operator performance criteria
- Link the text in section 4.7 to the example of how an inspection plan could look like. Now it seems like two different lists.
- Chapter 5, article 8: Include in the explanation not only that the operator should immediately inform the competent authority but also has to take immediate actions.
- Annex III en IV: Examples of criteria should be changed in good practice

6. Conclusions and recommendations

The main results as described in the guidance book:

- Streamlining of guidance already developed by IMPEL with IED obligations
- Guidance on inspection plan, programme, and schedule
- Translation of the IED environmental risk appraisal into practical criteria
- Use of the IMPEL IRAM web application for risk appraisal in this context
- Inspection scope and graduation of non-compliance in relation to the IED
- Linking of routine with non-routine inspections
- Preparation and publication of inspection reports

were delivered through products described in this final report. The resulting conclusions lead to recommendations for future IMPEL work.

Comment [MN1]: Horst, can you please look at this. It does not make sense...

It was planned within this project to communicate the results and the guidance book on a workshop at the IMPEL conference in Malta in September 2012. Unfortunately the conference was postponed, and the budget of the project was not sufficient to organise a workshop. The results of the project are very important for all IMPEL member states because the inspection obligations of the IED have to be fulfilled by every IMPEL member country beginning with the year 2013. Because of this there was a very big interest in and support for the IED Inspections project. For the dissemination of the project result to a broader audience it is now planned to prepare a workshop back to back with the IMPEL Conference to be held in autumn 2013 in Malta. Should that not be possible a separate workshop with interested inspection authorities from IMPEL member states shall be organized in 2013 or 2104 depending on the available budget.

After the obligations of the IED have been clarified and a guidance book has been written there is a further need to develop guidance on the drawing up of inspection programmes and develop advice on a possible IT tool for inspection programmes. The further aim of the project to make a proposal for the storage and processing of risk assessment data to build up inspection programmes (schedules) shall be a follow up of the easyTools project. The main objective of the latter, executed in 2010 and 2011, was to develop an easy and flexible risk assessment tool as part of the planning of environmental inspections linked to European environmental law (IED and SEVESO) and the RMCEI. Experts from 11 IMPEL Member countries formed the project team, led by Germany. After collecting information on the risk assessments that are used across Europe, a new rule based methodology was developed and tested, called Integrated Risk Assessment Method (IRAM).

The risk assessment method IRAM is based on results of an evaluation of risk assessment tools currently used in IMPEL member countries. The risk score of each impact criterion is directly related to the final risk category and therefore to the inspection frequency. This guarantees that all environmental aspects with a high score get the necessary attention. The risk itself is defined by impact criteria and operator performance criteria. They represent the effect and the probability of the risk. Besides the methodology the project also developed a new web based tool (IRAM tool) that is accessible from the IMPEL website (www.impel.eu) or directly under: www.fms.nrw.de/lip/authenticate.do In annex 1 of the guidance book the manual of this tool can be found. IRAM risk assessment data are not stored on the IMPEL (or foreign) server but only on the server (or hard drive) of the inspecting authority. The tool itself is only used to make new entries for risk assessments or to

change existing data of risk assessments by uploading and downloading xml-files. By exporting the data of the risk assessment with xml-files the inspecting authority can store the data on its own server (or hard drive).

For inspection planning it's necessary to compare and analyse the results of all xml-files. Therefore xml-files have to be merged together. This is not done by the IRAM tool. For this reason the project team developed two small tools, as examples of how this can be done. To accommodate all risk assessment data one tool is developed in Excel and one in Access. The Excel tool is a "ready to use" tool while the Access tool is a conversion tool for the 2003 version of Access. The easyTools project team recommended to start a new project by IMPEL that could develop a tool (using for example an SQL data base) that will help the inspecting authorities in this inspection planning phase (merging and analysing risk assessment data and set up an inspection programme). With such a tool it will be also easier for inspection authorities to decide on the setting of IRAM steering parameters because the delivered effects can be seen directly on all assessed installations.