IMPEL REVIEW INITIATIVE (IRI)
("A voluntary scheme for reporting and offering advice on inspectorates and inspection procedures")

Review of the Norwegian Pollution Control Authority, Oslo, Norway. 11-15 June 2007

Financed by the Norwegian Pollution Control Authority

FOREWORD

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 greater consistency of approach in the implementation, application and enforcement 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 web site at:
http://ec.europa.eu/environment/impel/

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Executive Summary

This report describes the results of the third review of Phase 4 of the IMPEL Review Initiative Project. The project is designed to develop and test "a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures" in EU and the European Economic Area Member States, which are affiliated to IMPEL. The scheme was proposed against a background of the development and implementation of a European Parliament and Council Recommendation providing Minimum Criteria for Environmental Inspections (MCEI) in Member States and within EEA.

This review was undertaken at the request of and with the kind co-operation of the Norwegian Pollution Control Authority (SFT). It is the third IRI Review following the completion of a 2-year trial of the scheme and the subsequent agreement to its continuation. Continuation was agreed, at the IMPEL Plenary Meeting in Dublin, in 2004, on the basis of conclusions of a review of that trial held in Bristol in October 2003.

The IRI Review covered the environmental regulatory activities of the SFT. It was carried out in June 2007 and is the first review to have covered the activities of an inspectorate within the European Economic Area Group of countries.

A pre-review meeting was held in the offices of SFT in Oslo on 17 April 2007. The scope of review was discussed and agreed with the Review Team Leader, and practical arrangements made. Valuable information about the constitutional and legal arrangements for environmental regulation in Norway was subsequently supplied to Review Team Members. This meeting reinforced the experience of previous reviews in confirming the value and necessity for such a pre-review meeting.

As a result of the review, the Review Team concluded that all of the objectives of EC environmental law are being delivered in Norway, and to a high standard. They also concluded that arrangements for environmental inspection and enforcement were broadly in line with the MCEI Recommendation.

The findings from the report are set out in terms of examples of good Practice for other Inspecting Authorities and in terms of opportunities for development by the host inspecting Authority. The findings of the review were reinforced by separate discussions with a major industrial site operator.

Lessons for further reviews were noted and are recorded in the report. The Review Team also acknowledged the support provided by the respective organisations of Review Team members and recorded their appreciation of the hospitality accorded them by colleagues within SFT.

Review of the Norwegian Pollution Control Authority (SFT), Oslo, Norway. 11-15 June 2007

Participants:

Review team:
Martin Murray
Terry Shears
Will Fawcett
Ioana Suteu
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Christoph Merlin
Simon Bingham
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IMPEL IRI REVIEW

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1. Introduction

1.1 Background

The Helsinki Plenary Meeting of IMPEL, in December 1999, requested that proposals be drawn up for "a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures" (the "scheme"). This was against the background of preparation of a European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in the Member States and the expectation that further recommendations would follow on Minimum Criteria for Inspector Qualifications and for Inspector Training.

In March 2001 the IRI Working Group finalised a proposal for the voluntary scheme and sought candidate Inspectorates to undertake the review process. The "IRI Review Guidance and Questionnaire" was approved at the IMPEL Meeting at Falun in June 2001.

A test review was carried out in Denmark by a team of three and the support by a consultant. Germany hosted the first full review in October 2001. After that Ireland, Belgium, France, the Netherlands, Spain, Sweden and UK (Scotland) have hosted a review.

The Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States (2001/331/EC) says in recommendation III (4).

> *"In order to promote best practice across the Community, Member States may, in co-operation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on Inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings."*

IMPEL is willing to take this forward and to foresee the eventual need for arrangements to review implementation of such recommendations and proposes a voluntary scheme for the purpose.

The potential benefits of this scheme include:

- Encouragement of capacity–building in EU Member State inspectorates**.**
- Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation.
- Provision of advice to candidate inspectorates who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and

independent counterparts for the purpose of benchmarking and continuous improvement of their organisation.
- The spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU.

1.2 Objective

To undertake an IRI review of the Norwegian Pollution Control Authority, in accordance with the principles in Section 1.1 and the revised "IRI Review Guidance and Questionnaire", taking into consideration the report from a workshop in Bristol October 2003 "IMPEL (IRI) Phase 4: Review of Trial Scheme".

The benefits of the project are four-fold;
1. The studied region will benefit from an expert review of its systems and procedures with particular focus on conformity with the Minimum Criteria for Environmental Inspections 2001/331/EC
2. The participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures
3. Other Member States will benefit through the dissemination of the findings of the review through the IMPEL network.
4. Other permitting, inspection and enforcement environmental authorities in Norway will benefit from the results by the dissemination of the outcome of the study.

In addition to the benefits listed in Section 2.1, tangible products will include,
- A written report of the review for the candidate inspectorate,
- Relevant extracts from the review report, as agreed with the candidate inspectorates, for dissemination to IMPEL members and the EC; this will include material which might be considered for incorporation in the Guidance, Education and Training Schemes of other Member States Inspectorates.

1.3 Scope

Recommendation 2001/331/EC applies to "all industrial and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation."(Section II, 1a.). This scope would include all IPPC and Seveso processes and other lesser processes which, in many Member States, are regulated by a variety of bodies at local level.

It is also proposed for the purposes of the review of candidate inspectorates and to reflect the interests and activities of IMPEL that the Organisational Scope of the scheme should include any or all of the following:

- The legal and constitutional bases of the inspectorate, including interfaces with other bodies such as regional inspectorates and Health and Safety Authorities, and its related powers and duties.
- Structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions.
- Workload, by number of IPPC processes and Annex1 category.
- Qualifications, skills and experience of regulatory staff.
- Procedures for assessment of training needs and provisions for training and maintaining current awareness.
- Procedures, criteria and guidance for drafting of permits, for scheduling inspections**,** for subsequent assessment of compliance and for enforcement action in cases of non-compliance.
- Arrangements for internal assessment of the quality of regulatory performance and for improvement if appropriate.
- Arrangements for reporting on inspectorate activities.

It is also envisaged that verification of implementation of above systems be conducted during the review. This will facilitate the identification of both "good practice" and "opportunities for development" which, in the opinion of the review team, exist in Norway. The verification may involve detailed examination of documentation related to the inspection of a number of IPPC permitted facilities.

1.4 Structure

Participants

The review team consisted of 5 participants from 5 Member States.

The review team was led by Martin Murray, from the Environment Agency of England and Wales. The project manager was Mr. Bjørn Bjørnstad, Norwegian Pollution Control Authority.

The Review Team Inspectors were as follows. Scotland, as the last host were represented by Simon Bingham. The remaining participants were Ioana Suteu - Romania, Åke Mauritzon - Sweden, Christoph Merlin – France. Erik Forberg represented the Norwegian Pollution Control Authority on the team.

The review rapporteurs were Terry Shears and Will Fawcett from the Environment Agency of England and Wales.

Pre-review meeting

The conclusions of the review of the 2-year trial of the IRI Review scheme confirmed the vital importance of appropriate preparation for an IRI Review and endorsed the previous arrangements which noted that preparation should include the following elements to ensure its smooth running and greater efficiency:

- The objectives of the IRI should be communicated directly to the host country well in advance of the review commencing.
- The review team-leader should visit the host country a few weeks in advance and brief the candidate inspectorate's senior management.
- The review team-leader would agree, with the candidate inspectorate, the scope and conduct of the review, the composition of the review team, the nature of documentation/briefing material to be supplied by the candidate body (bearing in mind the need for minimal bureaucracy) and would make arrangements with the candidate inspectorate for any necessary security clearances and/or access to sensitive sites or documentation.
- The candidate inspectorate should prepare and present the information required in an appropriate format and submit a copy to the review team-leader in advance of the IRI visit. If it is not possible to achieve this, then the information required must be presented to the IRI team directly on their arrival in the host country.
- The review team-leader would be responsible for organising the review team, managing the review process (in the nature of a lead assessor for management systems) and for managing production of the review report.

The report of the review also recorded various lessons for the overall IRI Review process that had been learnt during the trial phase. The more important points were as follows:

- In regard to the essential pre-review meeting, it might be useful for more people from the candidate inspectorate, such as Heads of Division, to participate.
- It is important for the pre-review meeting to clarify the issues and questions in the Questionnaire, to discuss practical issues such as the use of language in the review, and to establish the right working relationship for constructive discussion.
- It is important to have summary information about main areas of the Questionnaire in advance of reviews, particularly in regard to constitutional and legal arrangements, but it is desirable to limit preparation of such information a sensible minimum.
- Allow widening of the Regulatory Scope of IRI reviews to include all aspects covered by the MCEI.
- It is recommended that IRI Reviews in Federal States (or States with regionalised inspectorates) include a participant from at least one other land, community, region or province not directly involved in the review.
- Direct contact with inspection staff during reviews is invaluable for a balanced report but numbers should not become so large as to impact on the conduct of business.
- Travel arrangements should not curtail time for the pre-review meeting.

• The IRI Review needs a fairly large meeting room, e.g. for 12 – 15 people.

The pre meeting for the Norwegian IRI was conducted having regard to all the above points. Mr Murray, the review team leader, had arranged this pre meeting with Mr Bjørnstad, the project leader, of the Norwegian Pollution Control Authority. The meeting took place in the Oslo office of the SFT on 17 April 2007 and the participants were;

Member	Title	Organisation
Bjørn Bjørnstad		Norwegian Pollution Control Authority (IRI project manager)
Erik Forberg		Norwegian Pollution Control Authority (IRI project coordinator)
Martin Murray	Environment Protection Planning Manager	Environment Agency of England and Wales(Review team leader)
Terry Shears	EU Relations advisor	Environment Agency of England and Wales(Rapporteur)

Mr Murray summarised the objectives of the IRI scheme, with particular reference to Recommendation III (4) of the EC Recommendation on the Minimum Criteria for Environmental Inspections (RMCEI):

> "In order to promote best practice across the Community, Member States may, in co-operation with IMPEL, consider the establishment of a scheme, under which Member States, report and offer advice on inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate and report to the Member States concerned on their findings."

He emphasised the importance of this voluntary scheme as an effective alternative to some more formal requirement and confirmed that the candidate inspectorate owned the IRI Review report, with publication of it, or parts of it, being at the discretion of the candidate inspectorate.

It was agreed that the scope of the IRI Review would include all matters relevant to the RMCEI regarding environmental control of installations that require permits or notification. Thus, the review would cover permitting, notification and inspection of Category A, B and C installations, including IPPC and Seveso II. The review would not cover County Governors' Offices (Environmental Unit) or municipalities.

The composition of the Review Team was confirmed. It was also agreed that Erik Forberg from the SFT would be a member of the review team.

The main business of the meeting was concerned with reviewing the Questionnaire and Guidance in order to clarify the nature of the responses expected and the information that would be useful for the Review Team to have in advance of the actual review. Mr Murray

pointed out that the Questionnaire was a guide to discussion and that the real value of the review lay in having free discussion and exchange of ideas around the ten areas identified in the Questionnaire.

The following work schedule was proposed:

Monday: Questions 1 and 2.
Tuesday: Questions 3, 4 and 5
Wednesday: Site visit (Pulp and paper mill) and Questions 6, 7
Thursday Questions: 8, 9 and 10.
Friday: Finalise draft report and summarise essential conclusions.

Mr Bjørnstad agreed to make the necessary arrangements with the nominated Cluster 1 representatives and Mr Martin Murray for Quality Review of the work. This involves providing progress reports and an opportunity to comment on the draft report. It was agreed that the report of the pre-meeting should serve as a first progress report.

2. Main Findings

The review was conducted in the Oslo offices of Norwegian Pollution Control Authority using the Questionnaire and Guidance shown in Annex 2.

This report follows the structure of the Questionnaire. It records the objectives of each section and summarises the main points of discussion in terms of:

• Information about the Inspectorates.
• Examples of good practice.
• Opportunities for development.

Lessons for the review process are also identified and noted.

2.1. Constitutional Basis for Inspecting Authority.

Objective.

• To establish how Norway allocates responsibilities for technical policy, socio-economic policy and any related political issues associated with environmental regulation.

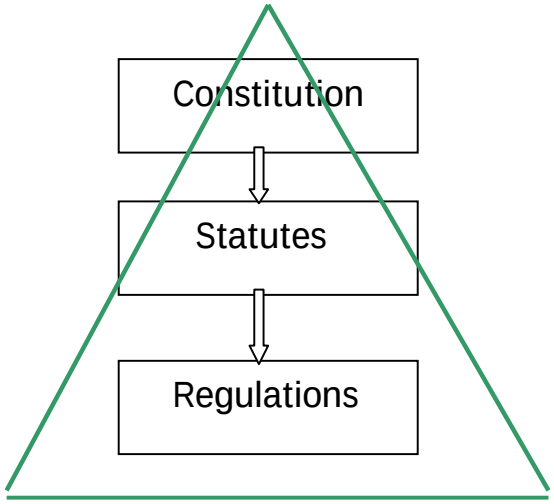
• To understand how the Candidate Inspectorate is constituted within Norway.

• To understand the Candidate Inspectorate's role in the interface between technical regulatory issues and related political or socio-economic issues in Norway

Structure of Norwegian legislation

Norway is a constitutional monarchy. Norwegian legislation has a simple hierarchical structure. Figure 1. The written constitution of 1814 (when Norway became independent from Denmark) is the legal source of highest rank. Next come statutes enacted by the Norwegian Parliament (Storting). Regulations derive their authority from the statutes. The constitution divides power into three branches, the Storting, the King (Government) and the courts.

Figure 1: Hierarchical structure of legislative instruments



The constitution regulates the procedure for adopting constitutional amendments, for passing statutes and for adopting provisional ordinances. The Public Administration Act regulates the process of adopting regulations. According to Norwegian law, all statutes are bound by the constitution and the courts are permitted to test the compliance of a statute with the constitution. Similarly, regulations are bound by the relevant statutes. The constitution is sometimes amended but usually only in very minor ways.

When a new Storting assembles following an election, it elects a quarter of the members to serve as members of the Lagting (second chamber). The remaining three quarters become members of the Odelsting (the first chamber). Around 100-150 bills are handled each year. There has been an increase in the number of legislative matters in recent years due to the EEA agreement. (4)

As Norway has a parliamentary system, the cabinet will always rely on a majority for a political basis in the Storting. This means most proposals for statutory reform are prepared by the administration. The government generally appoints a committee or Commission to study the matter. A report will be produced, known as an NOU (Norwegian Official report) which will outline the issue to be discussed. This will be studied within the ministries and relevant organisations will be invited to comment. Following on from this a bill will be put before the Storting, initially as a proposal for the first chamber, the Odelsting, to consider. The decision of the Odelsting is then considered by the Lagting and, if it is approved, it is sent to the King in Council to receive the Royal Assent. When the King has signed and the Prime Minister has counter-signed, it becomes law.

The Lagting acts as a control and can reject the recommendation from the Odelsting. If that happens the Odelsting will consider their comments and may resubmit the bill.

The constitutional basis and parliament

There are currently 3 parties in coalition government. The relevant environmental laws are:

- Pollution Control Act
- Product Control Act
- Greenhouse Gas, Emissions Trading Act

The three Principles of the Norwegian constitution are:

- Sovereignty of the people
- Separation of powers
- Human rights

The roles of the Storting are to

1) pass new laws and repeal old ones,
2) adopt the fiscal budget, ie to fix the annual revenues, taxes and charges etc. The SFT budget is decided on an annual basis by the Ministry of Finance and then put to parliament for agreement.
3) authorise plans and guidelines for the activities of the state through general discussions. Every two years a white paper is drawn up on the state of the environment setting out environmental priorities.

State Environmental Administration in Norway

The state environmental administration in Norway is divided into three levels: the Ministry, the Directorates and the regional level with County Departments of Environmental Affairs. There follows a brief description of the organisation involved at the three levels with emphasis on the Norwegian Pollution Control Authority (SFT) who are hosting this IMPEL review.

The Ministry of the Environment

Organisation

The Ministry of the Environment was established on May 8, 1972. The objective of the new Ministry was "to promote an optimal balance between the utilisation of our resources for economic growth and the protection of natural resources for the benefit of human

well-being and health." The objectives have changed over the years with less emphasis on growth. These changes are reflected in legislation on pollution control, nature management, regional planning and cultural heritage.

Areas of responsibility

The Ministry of the Environment has a particular responsibility for carrying out the environmental policies of the Government. In addition to initiating, developing and carrying out its own measures through its own instruments, the Ministry of the Environment has an important role in influencing sectoral Ministries at the national level. The Ministry is responsible for coordinating the environmental policy objectives of the Government, and ensuring follow-up and monitoring results of environmental policies.

One of the tasks of the Ministry is to prepare reports for Parliament, including the State Budget, draft legislation, white papers and action plans. The Ministry ensures that the work of its Directorates and Agencies is in line with the goals, strategies, legislation, regulations and other overall requirements.

Target Areas

Environmental policy within the Norwegian Government is divided up into eleven target areas. The individual target areas focus on the most important environmental challenges, and highlight the collective environmental efforts of the Government. Target areas 1-8 comprise the most important policy areas, with environmental challenges as a starting-point. Target areas 9 and 10 cover the environmental administration's administrative responsibility for the planning part of the Building and Planning Act, as well as mapping and geodata policy on the national level. Target area 11 describes more general tasks and environmental policy work, which covers more than one target area.

1. Sustainable use and protection of biodiversity
2. Outdoor recreation
3. Cultural heritage and cultural environments
4. Fertiliser and oil pollution
5. Hazardous substances
6. Waste and recycling
7. Climate change, air pollution and noise
8. International environmental cooperation and environmental issues in polar areas
9. Regional planning
10. Mapping and geodata
11. Cross-sectoral instruments and joint tasks (2)

The Ministry of the Environment also has overall responsibility for the environmental administration on Svalbard (Spitsbergen), with the Svalbard Governor as the regional

representative. Svalbard is subject to complex international administrative arrangements under the Svalbard Treaty and does not form part of this review.

The Directorates

There are six directorates subordinate to the Ministry of the environment:

The Directorate for Nature Management

The Directorate for Nature Management is the Ministry of the Environment's advisory and executive body in the area of nature management.

The Norwegian Polar Institute

The Norwegian Polar Research Institute is the central state institution for the mapping and scientific investigations in polar regions.

The Product Register

The Product Register is the Norwegian government's central register of chemical products that are on the market in Norway.

The Directorate for Cultural Heritage

The Directorate for Cultural Heritage is responsible for the management of cultural heritage and is the Ministry of the Environment's advisory and executive body for the management of architectural and archaeological monuments and sites and cultural environments.

The Norwegian Pollution Control Authority (SFT)

The Norwegian Pollution Control Authority is responsible for providing the professional basis for decisions for the Ministry in connection with pollution issues. The SFT's powers and duties are set out in the Norwegian Pollution Control Act (described in more detail below)

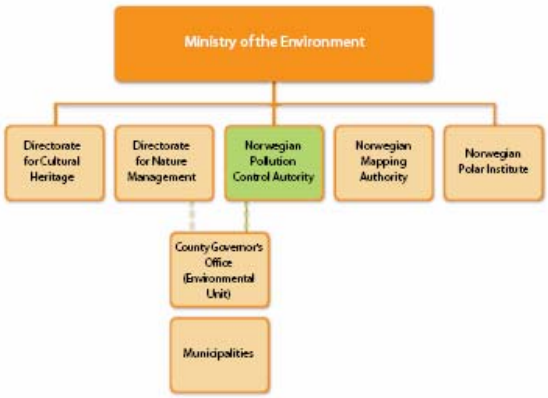
The Norwegian Mapping Authority

The Norwegian Mapping Authority is responsible for providing nationwide geographic information and services to private and public users. It also serves as the central government's professional body in the area of maps and geodata and handles the administrative tasks associated with this.

Figure 2.

The Norwegian Pollution Control Authority – SFT

As mentioned above the Norwegian Pollution Control Authority (SFT) is one of six directorates reporting to the Ministry of the Environment (see Figure 2). SFT was established in 1974 and has approximately 250 staff. SFT is headed by a Director General and divided into four departments. These are the Departments of Industry, Local



Environmental Management, Control and International Affairs, and Administration and Information. The head office is located in Oslo.

SFT's main fields of responsibility include marine and fresh water pollution, hazardous substances, regulation of onshore and offshore industry, waste management, noise, air pollution and climate change. They exercise independent regulatory authority under the Pollution Control Act, the Product Control Act and the Greenhouse Gas Emission Trading Act. In addition they have broad experience with international cooperation and environmental development programmes with partner countries. (1)

The Government has four ministries with particular relevance to the work of SFT. These are the ministries of:

1) Trade and Industry
2) Environment
3) Labour and Social Inclusion
4) Petroleum and Energy

There is also coordination between the Health, Environment and Security authorities: these include SFT, the Directorate for Civil Protection and Emergency Planning, Health Authority, Petroleum Safety Authority, Food Safety Authority and Labour Inspection Authority.

SFT has an annual meeting at the top management level and a bi-monthly meeting at the senior management level below that. The meetings are used to manage any overlap between regulatory authorities. For example, the overlap between health and environmental sectors in areas such as contaminated sediments, where there would be concerns both about the state of the sediment and the associated aquatic life. If there were disagreements between inspectorates these would be covered at the annual management level meetings.

SFT has issued permits for 500 installations. There are 250 IPPC installations of which 167 are permitted by SFT. These cover the full range of Sectors identified in the IPPC Directive. The remainder are permitted at the County level of the state government. This includes incineration and intensive agricultural installations. SFT have 30 staff (Permitters), covering permitting, not just for IPPC, but also other companies and offshore installations. The number of people dealing with IPPC varies between 15 and 20 depending on workload . The SFT has 20 inspectors in total including for regimes other than IPPC.

The Pollution Control Act enables SFT to bring activities into regulation if they are considered to have the potential to have an impact on the environment.

County Departments of Environmental Affairs

The regional environmental administration is responsible for ensuring that national environmental goals are translated into regional and local goals and measures.

There are 18 counties and 430 municipalities. These counties are similar to the Departments in France in that the county governor is appointed by the Government and is part of the State. There are also county municipalities who deal with schools, hospitals and roads but do not share environmental responsibilities with SFT. This is currently being reviewed. The Ministry of Government Administration have administrative responsibility for the counties. There has been a push to devolve more responsibilities for permitting and inspection to the county level.

Municipalities

Municipalities are not connected to central government but operate at a local level with elections every 4 years. They receive some of their income through local taxation but most of it comes from the state. Some municipalities can claim taxes on properties. They have responsibility for household waste management and disposal and they also operate

some landfill sites. Even if a site is permitted by SFT, the municipality can require the operator to carry out work if there is an impact on the local population.

Municipalities also deal with agriculture and sewerage infrastructure. They have small oil stores. They also deal with local air quality, and noise pollution through statutory nuisance provisions, but the only permits they issue are those on polluted soils under the planning regulations. The County regulates the discharges from sewers and to water. The only contact the SFT has with municipalities is providing guidelines and supporting documents, both for municipalities and counties. Municipalities do not carry out inspections.

Municipalities apply laws and regulations but cannot be instructed by ministries.

Funding

There have been changes in funding at the county level, with more direct grants available. However SFT is funded by central government. The annual operating budget for SFT is around 200 million Kroner.

The SFT is expected by government to indirectly recover parts of its budget through charging schemes. SFT are set an income target by the Ministry of Finance: the income that is received is paid directly to the Treasury. The Fees and Charges are not based on full cost recovery but as a contribution to costs.

Charges are made only for new applications, review of permits and specific activities such as site visits but there is no annual subsistence charge. Not all permits and activities are subject to charges, for example Transfrontier Shipment of Waste applications are exempt.

Environmental Planning and Goal Setting Arrangements

The Ministry of the Environment sends an annual letter of allocation specifying tasks to be carried out, to every directorate. For SFT this outlines its general obligations as well as legal obligations. SFT reports to the Ministry and Parliament on these tasks 3 times a year and both budgets and activities can be re-prioritised throughout the year. These reports relate to the 12 target areas and are based on a system of reporting by exception.

County Governors also report to the SFT 3 times a year. This can lead to refocusing the priorities and possibly a budget change. There is a running cycle of meetings between SFT and the County Governors and an annual meeting with the managers of three or four counties, with a specific meeting to look at priorities.

Delegation of Authority

The Ministry level deals with political questions and translates them into tasks for the authorities to carry out. SFT is in some areas the frontline authority but this role is declining. More and more frontline work is done at the county level. However SFT still regulates two thirds of the IPPC installations in Norway. County Governors generally monitor smaller installations with the larger more complex sites being subject to permitting and inspection by SFT. The Ministry makes the final decision on the allocation of activities but does not issue permits.

Appeals

The Environment Ministry hears appeals against permits issued by the SFT. Similarly SFT handles appeals against the County Governors. Decisions by SFT and County Governors can also be subject to Judicial Review.

The environmental impact and potential risk to the environment of the installations is taken into account when discussing which sites should be inspected and by whom. Generally low risk local sites with local impacts are dealt with at the local level.

The central office of SFT is in Oslo; they have no inspectors in the counties. Distance from Oslo is not necessarily regarded as a reason for delegating authority to the local county. SFT has seminars or conferences with representatives from County Governors to ensure balanced handling. Three people work full time in SFT working on contacts with county governors. Complaints will be dealt with by a coordinated approach of SFT and County Governors. It is possible to ask the County Governor to help in investigating complaints in certain circumstances but the County Governor does not have any powers to inspect sites it is not mandated to. SFT has, on occasion, delegated inspections to private companies, for example, for inspecting minor sewage plants.

County Governors and SFT use the same data systems so they can use all the same information when inspecting sites. SFT provide background information and packages to help the County Governors. This is moving towards more of a campaign approach. However resources can be a problem and County Governors have to prioritise their own budgets.

Relations with neighbouring countries

Article 17 of the IPPC Directive calls for communicating with neighbouring Member States. Normally there is a great deal of cooperation with authorities in Sweden, throughout the Nordic group and with countries bordering the North Sea. However there may be circumstances where discussions would have to be carried out through the Foreign Office. In any event there were only a small number of IPPC installations with potential for causing cross border problems. Where this has happened SFT has

established direct contact with both the National and Regional authorities in the relevant EU Member State.

Feedback of shortcomings in legislation

SFT can contact the Ministry if small changes are required in legislation; these can be done quite quickly and can be fed into the annual planning process. More substantial changes can take much longer. There is a structured procedure for review.

SFT has a role in drafting environmental regulations.

History of EFTA (European Free Trade Association)

EFTA was established in 1960 by the Stockholm convention. The EEA (European Economic Area) agreement was signed in 1992. It is a treaty between the EU and Norway, Iceland and Lichtenstein.

The two pillar structure under the EEA agreement is shown in Appendix 3.

Norway applies most EU environmental law. However EU Regulations do not have a direct effect. Along with Directives they need to be transposed into Norwegian legislation. The joint committee of the EEA considers whether Regulations and Directives should be included in the agreement in the EEA countries. The EFTA court will determine if Norway is compliant with legislation. Nature management is not part of the EEA agreement.

Examples of Good Practice.

- The use of a single piece of legislation, the Pollution Control Act, to set the framework for Permitting and Inspection
- The power under the Pollution Control Act that enables SFT to bring activities into Regulation if they are considered to have the potential to impact on the environment
- SFT's role in the drafting of environmental regulations.

Opportunities for Development.

- SFT may wish to consider the use of third parties for some specialised technical activities, for example CO_2 emissions monitoring
- SFT may wish to consider the possibility of hypothecation of fine income for environmental activities with the Environment and Finance Ministries.

2.2 Legal Basis for Inspection Authority.

Objective

• To establish an understanding of the legal basis of the Candidate Inspectorate within Norway.

• To gain an understanding of those parts of environmental legislation for which the Candidate Inspectorate is the competent authority together with an explanation of the types of installations and operators covered.

• To establish the roles of the candidate Inspectorate in enforcement of relevant permit conditions and prosecution.

Legal basis

The legal basis for SFT authority is contained in the
- Pollution Control Act
- Product Control Act
- Greenhouse Gas Emissions Trading Act

Regulations to support these acts are:
- Pollution
- Waste
- Products and chemicals

The Ministry of the Environment has delegated to SFT the role of drafting subsidiary regulations (There used to be 90 regulations but now consolidated into three to make them easier to follow) The Ministry of Environment consults SFT on new laws by common practice and on regulations on a statutory basis.

Other Acts that are important are:
- Systematic health, Environmental and safety activities in enterprises (Internal Control Regulations)
- Regulations relating to measures to prevent major accidents
- Public administration act
- Freedom of information act

The Pollution Control Act

The Pollution Control Act was the first unified law in Norway concerning pollution control and waste issues. IPPC is implemented under this Act. Before this there was separate legislation on pollution, waste water and acute pollution. There is legislation on

inspections and information, compensation and coercive measures and legislation on penal measures. The main purpose is to protect the outdoor environment against pollution and reduce existing pollution. The scope of the Act to cover offshore, GMOs and radiation is limited. The environmental objectives of the Act are set out clearly at the beginning.

The definition of pollution is very wide and covers active discharge of solids liquids or gases, to air water or ground caused by human activity and with a risk of impact on the environment. The main rule is Section 7, "pollution is forbidden" No person may possess, do or initiate anything that may entail risk of pollution. This covers all active behaviour including passive activities. Discharge permits are in effect individual licences to pollute on a discretionary basis, taking into account the balance of interests and administrative complaints.

Exceptions

There are some exceptions; pollution can be legal, if it "does not involve significant damage". This can be from primary industries and housing, offices and construction activities (if these have been operating for less than two years, they do not need a permit). Norway, as part of the EEA, implements the majority of EU environmental legislation but does not implement the Green Directives. (Habitats, Birds and Natura 2000)

Appeals

Appeals are covered by the Public Administration Act. An original permit applies until a new one is agreed. SFT needs a reason to modify a permit unless the permit has been in force for a period of ten years. Chapter 36 in the Pollution Control Regulations implements the IPPC Directive using the process of applications hearings. Once a decision is taken there can be an appeal. There is no statutory time for SFT to complete a permit but it should be done within nine to twelve months.

Freedom of information applies to applications with the exception of Commercially Confidential information, which may be withheld from the Public Register. Once the application has been made and advertised, interested parties can make submissions (electronically) to the regulator. SFT determines the application and then grants or refuses the permit. Parties in the case, including neighbours, municipalities and organisations with an interest such as NGOs and the enterprise itself have access to all files. Other bodies not active in the case have to request specific documentation.

Municipalities set their own guidelines. Case law defines what ordinary pollution could be. Two high court decisions define what can be included within the scope of the Act.

Electronic submissions can be made by interested parties in response to applications for permits.

Administrative measures

In terms of administrative measures there is a right to information, inspection and investigation. Section 73 of the Pollution Control Act allows a pollution fine to be given. This fine is coercive, not penal, since it depends on future behaviour and is administratively imposed. Pollution fines can be charged on the basis that operators might pollute in the future. If they are not supplying information, they can be given a fine of a set sum per day, and this is cumulative. It does not apply to dangerous releases. The decision on compliance is made by SFT. If the duty is unclear they will give guidance. On areas such as chemicals there can be hundreds of fines given each year. The number of IPPC cases is relatively small. Currently the fine goes to the government but the review team thought SFT may wish to consider reviewing with the Environment and Finance Ministries the possibility of retaining the income from fines for environmental activities.

SFT does not have immunity from prosecution, for example they could be prosecuted if they made the wrong decision. The review team thought SFT could consider reporting figures on pollution fines on a regular basis. (This could be a strong tool but can be misconstrued, i.e. if you pay this you can get away with it.)

The prosecuting authority has the power to levy fines without going to court. They can refer to past behaviour and may be imposed as a corporate penalty or on individual people. If the case did go to court, it would go to the local court nearest to where the activity took place. Approximately 10 to 15 violations are reported to the police by SFT each year and there is a specialist body that will take unusual cases.

There is active involvement and instructions available to the prosecutor on how to build a case. There is a standard template for this but there can be variations in every case. There are also annual meetings between SFT and the police to draw up guidelines and meetings in the counties. SFT seeks feedback on both successful and unsuccessful prosecutions from the prosecution services.

There is guidance on whether to go for criminal or administrative penalties, together with a list of topics to consider. A time limit can be set for compliance and for passing the case to the police. If it is passed to the police then they will investigate the case and ask for help from SFT where needed.

The operator can be prosecuted if he doesn't provide information but not if he doesn't pay the fine; this would be a civil case. The highest fine was 4.5m kroner. The level of punishment has increased since the mid 1990s due to the efforts of SFT and prosecution officers.

Ordinary pollution from armed forces is exempt but SFT can still enforce the Pollution Control Act against the armed forces for breaches where permits have been issued, for example shooting ranges or where extraordinary pollution occurs.

Regulations on internal control

There were no voluntary standards in place in the 1980s when this approach was suggested. The regulations aim to ensure a systematic approach. They contain all the main elements of a quality assurance/environmental management system and are based on risk analysis.

The concept of coordination and cooperation in the management chain is part of BAT (Best Available Technique). It is clear Norway is in an advantageous position, since it requires a management system to be in place. There is a question about how to monitor whether these plans have improved compliance. No indicators have been found for this yet but the amount of non-compliance is decreasing. Norway still enforces the permit conditions but also requires a management system to be in place, though this is not included in the permit. It is risk based so the burden on small businesses will be minimal. There are no formal requirements in terms of accreditation.

Seveso II

Norwegian regulation on Seveso was introduced in 1994. Seveso II has been in force since 1 July 2005, but does not include off shore facilities. However, there are 8 land based major petroleum installations in Norway which are covered by the Seveso II. There are 5 authorities responsible for Seveso II in Norway.

- *The Directorate for Civil Protection and Emergency Planning (DSB)*
- *The Labour Inspection (Atil)*
- *The Norwegian Pollution Control Authority (SFT)*
- *The Norwegian Industrial Safety and Security Organisation (NSO)*
- *The Petroleum Directorate (Ptil)*

There are six pieces of legislation relating to the control of major hazards in Norway:

- The Act relating to the Prevention of Fire, Explosion and Accidents involving Hazardous Substances and the Fire Services' Duties connected with Rescue Operations (Fire and Explosion Prevention Act) (2002)
- The Act relating to the Working Environment (2005)
- The Act relating to Pollution Control and Waste (1981)
- The Civil Protection Act (1952)

- The Act relating to Products and Consumer Services (1976)
- The Act relating to Planning and Building (1985)

All five authorities form a coordinating committee, the KFS. The regulations say the Directorate for Civil Protection and Emergency Planning (DSB) should take the lead in coordination. They have monthly meetings and have a secretariat. Their mandate is to

- list establishments
- approve safety reports
- co-ordinate inspections
- revise the Norwegian regulations
- be up to date on the Directive

They pick themes to focus on each year. The five authorities on the Committee ensure that all sites are inspected each year by one (in rare cases two) of the authorities. In addition each authority will carry out their own inspections relating to their own regulations, thus some installations will be inspected more than once per year. The coordinating committee has started to establish a system of inspections which will replace on-site inspections (the inspection plan). A common database on inspections is accessible to all five regulatory authorities.

Some of the requirements of the Directive are not covered in the regulations. These include land use planning and establishing external contingency plans, though these are requirements on the committee. These requirements are covered in other laws and regulations.

In terms of environmental contingency planning, preparedness and response, Norway is split into 34 regions based on risk. The smaller areas are higher risk. There are currently 89 upper tier and 154 lower tier sites, totalling 243 establishments. Many of these are fuel depots. There are also explosive stores, which are used in the making of roads: some 40 of these are covered by Seveso.

The Committee receives safety reports: all the authorities make comments on these (not inspectors) and one single message is sent back to the establishment. All establishments should have a yearly visit or an inspection plan and there is a checklist with six themes to check against.

KFS have started to develop an inspection plan as Norway has a large number of Seveso sites. KFS evaluates establishments for the inspection plan and there are a number of minimum requirements. If the Committee accepts the plan then the plan can last 3-4 years rather than being inspected every year.

Seveso and IPPC

Some sites in Norway are covered both by the Seveso and IPPC Directives. There was a question about whether this lead to conflicts but the SFT was not aware of any. There could therefore be two inspectors visiting sites, and questions were raised over the priority given to workers' safety versus environmental concerns. There was a further question on how the KFS make its decisions on this matter. Some sites were happy that there were two inspectors coming to evaluate Seveso and IPPC.

In Norway, the companies are required to declare whether they are Seveso sites or not. Within the Committee there is a lot of expertise which means they can tell at an early stage if a new site will be covered by Seveso and they will write to them to ensure they are aware of their requirements. There is a Seveso chapter in the permit which will tell the company to check whether they are covered under the Seveso Directive. As SFT deals with both Seveso and IPPC they know which sites need to comply with Seveso.

Municipalities have authority under the Land Use Planning Act to prevent sites locating where there may be impacts on the local community. There are tiered planning permissions and statutory limits set out, for example in terms of safety distance, that the municipality must follow. The public can register their concerns, which can mean the Ministry would have to consider the case.

Risk approach

SFT produce all the guidelines; there are a number of research institutes which contribute to this. There is a duty for SFT to make sure the regulations are followed and one way of doing this is through the production of these guidelines.

Permit requirements - Emission limit values (ELV)

In Norway the ELV is tied to the overall production levels of the site. If the permit changes they are obliged to inform SFT. Constraints are put on the permit linked to the running capacity of the plant. As well as the general BAT requirement the permits can say "even though this is a permit for release of *x* you are obliged to try and reduce the amount of *y* ". The ELV in the permit is linked to production and, as a general rule, if a company only produces half the amount the permit was for, the company must also cut its emission level by half.

Examples of Good Practice.

- The consolidation of environmental regulations from 90 sets of Regulations into three sets of Environmental Regulations
- The application of the public hearing system to permit applications

- The provision by SFT of Guidelines on Emissions for municipalities
- Electronic submissions can be made by interested parties in response to applications for permits.
- The system of administrative (including coercive) fines
- The environmental objectives of the Pollution Control Act are set out clearly at the beginning of the document.
- Electronic submissions can be made by interested parties in response to applications for permits
- The active engagement by SFT in seeking feedback on both successful and unsuccessful prosecutions from the prosecution services.
- Permit conditions linked to the operating capacity of the plant rather than the design capacity.
- As well as a general BAT requirement, SFT place a duty within the permit on those who have a permit to pollute to minimise releases.
- The Internal Control Act requiring the use of management systems by all industries is of benefit to the SFT in its activities
- The power held by SFT through the Pollution Control Act to carry out remediation and recover costs from the operator
- The County Governors and SFT use the same database for the inspection reports
- The progress the Norwegian government has made in consolidating its environmental code

Opportunities for Development.

- Consider reviewing with the Environment and Finance Ministries, the possibility of retaining pollution fine income for environmental activities
- Consider reporting figures on enforcement actions including the use of notices and coercive fines
- Review with the Seveso committee (KFS) the transparency in the resolution of environmental and other pressures within the Seveso and safety cases. SFT may wish to consider whether a Memorandum of Understanding with the Seveso committee may help to clarify this issue.
- Noting the derogation of permitting powers to the County Governors, SFT may wish to review arrangements for ensuring consistency of approach between the County Governors and SFT.

2.3 Organisational Structure and Management.

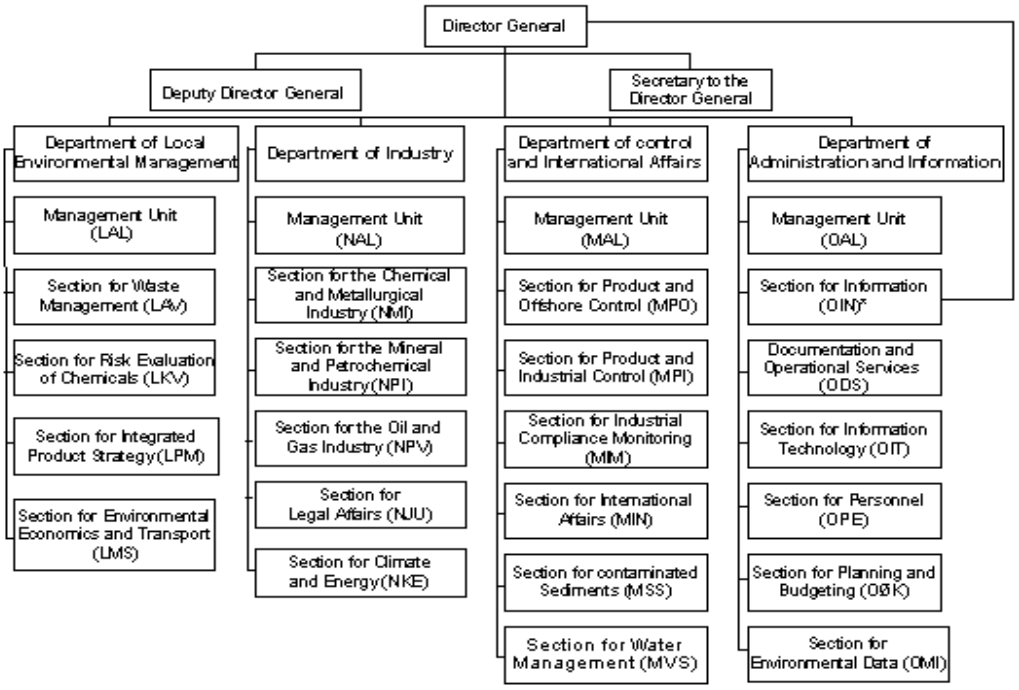
Objective

• To establish how the Candidate Inspectorate is organised, staffed and managed.

Organisation of the SFT

The Director General of the SFT is a crown appointment and he/she is supported by Directors who are in turn supported by Section leaders. There is a traditional line management structure. SFT has no ISO-certificate, but has a management system in accordance with the Internal Control Regulations. The organisation of SFT is shown in Figure 3.

Figure 3: Organisation of the SFT in Norway



Permitting and inspection

Permitting and compliance sections are separated within the SFT. Permitting sits within the Department of Industry and inspection sits within the Department of Control and International Affairs.

The permit will be written within the section and if it is an ordinary permit, that is, taking account of pollution levels and the size of the installation, signed off by the head of the section. The power is therefore delegated to the section leaders. This is set out in the Public Administration Act. It is important to have communication between the inspection and permitting departments (there is no formal feedback loop before the permit is determined). When audits take place the two departments work together. Permit writers should visit the site but this does not always happen. This emphasises the need for the feedback loop.

The formula for writing the permits so they are enforceable is reviewed every 5 years. When inspecting a site the inspector will include any problems they have encountered with a permit and this will be fed back to the permitting team. Inspectors will also talk to the permitting team before and after making the inspection.

The main advantages of separating permitting and enforcement are that the permit writer can be independent in their approach. Permits can be produced more quickly and the level of inspection can be readily maintained. SFT has a policy of changing inspectors so they only visit a site two to three times in a row. Inspections would only be carried out once a year at most.

There is a 43-page document setting out how to write a permit. It refers to other policy and guidelines, both in and outside SFT, for information about what should be in the permit.

The Ministry will provide a "corporate strategy" in the form of a letter, which focuses on the most important topics that should be considered by the Directorate (of which SFT is one). The Directorate can run specific action plans to focus on key points. It will not necessarily involve all sections but will be valid for the whole organisation.

SFT could review the balance of permitting and compliance between the SFT and County Governors. They want to use more common regulation (general binding rules) that can be applied by the County Governors, which will enable more effort from SFT to be devoted to inspections. Industry areas that could be dealt with by counties could be industries that are similar such as metal plating industries. The approach the Norwegian government is taking to developing common regulation (equivalent to general binding rules) is good practice. They should also look at ways of controlling the industries that would be regulated in this way. There is a risk that low-risk activities could fall off from being regulated but in Norway the government is currently committed to increasing the inspection resource. The SFT generally has a low frequency of inspections so this risk is further reduced. SFT has other means of oversight such as the inspection plans and action campaigns when inspections are not taking place.

The Ministry has indicated that it wants to increase inspection and control activities as part of a three point plan. In SFT there are approximately 50-60 people available for inspections.

Inspectors also can inspect sites that do not have permits if they suspect that pollution may be occurring. They would do this with powers from the Pollution Control Act. It is rare that an unregulated company would be able to operate in Norway. NGOs and public are very active and would inform SFT of these activities. Norway's regulatory framework allows them to pull sites into regulation by the decision of the Director General using the powers of the Pollution Control Act. This allows for greater flexibility.

Campaigns are not only carried out for those who are regulated but also for those who are not regulated but who should be. They are carried out jointly with the County Governors and larger campaigns are actually run by the counties but coordinated by SFT. SFT talks with the County Governors about what the priorities should be.

Charging

When assessing the costs of ensuring compliance, SFT considers the risk of the enterprise (how many man-hours would be required in inspection) and the control frequency. There is a centralised budget to fund inspection and permitting. Out of the 200m kroner budget, less than 10m kroner will be earned from inspections, and given to SFT by the Ministry. This judgement is based on experience.

Environmental standards are legally based or guidelines developed by SFT themselves with the help of research organisations. International standards would always be followed. There is also the office of weights and measures, which sets standards.

Examples of Good Practice.

- The clarity of the priority setting process by the Ministry, SFT and County Governors
- The approach the Norwegian Government is taking to developing common regulation (equivalent to general binding rules) for lower risk and common activities, for example Electro-plating.
- When doing campaigns SFT looks at both regulated and non-regulated sites
- The flexibility of Norway's regulatory framework which allows the Director General of SFT to bring activities into regulation that are considered to be detrimental to the environment.
- Noted that the Ministry, SFT and County Governors have an agreed plan to increase the available resource for inspection activity across Norway.

Opportunities for Development.

- To strengthen feedback arrangements between permit writers and inspectors and vice versa to inform the permitting and inspection processes.
- SFT could review with the Environment Ministry and County Governors the balance of permitting and compliance activities between the SFT and County Governors.
- SFT may wish to consider the best way of reviewing the environmental performance of industries that would be regulated by common regulation and therefore not subject to routine inspection or reporting.

2.4 Workload.

Objective

• To understand the workload of the Candidate Inspectorate and the arrangements for its effective delivery.

Planning of inspections and audits

The planning process is straightforward in Norway. The planning round starts in May and lasts one year. From 2007 the planning round will last 3 years to give more continuity for the County Governors. Through dialogue and reporting they develop a common understanding of the problems for industrial sites. They want to tackle key environmental issues such as priority pollutants. By October the planning process is effectively completed. Normally there will be three nation-wide campaigns and two regional campaigns. Also they may have controlled campaigns with other Agencies.

There is a risk-based approach to both inspection and audit which takes into account operator performance and environmental risk. The plan is dedicated to inspectors depending on competence. The plan shows inspectors' competence and the time they may spend on pollution control together with the costs involved. The inspectors decide when to actually perform the activity.

SFT has an audit planning spreadsheet showing the sites, inspectors, fee, risk rating and amount of time required for audit (man weeks). The rate they use for inspector time is around 70 Euros an hour which is a contribution to the costs and not cost recovery. The frequency of audit is every 3rd year for category 1, and every 6th year for category 2 sites. This year there will be approximately 40 audits and 100 inspections. In addition to this they have campaigns which also include inspections.

The spreadsheet also includes additional information such as site conditions and operation, which will have an effect on when the inspection should be made. If a major non-compliance is spotted they report it and wait for a declaration from the company that they have resolved the problem. There will then be a short inspection to check they have done what they said they would. As all sites have a management system in place it is easy to check whether they have complied with the order. There are three ways to deal with non compliance after inspection:

- Extra cross on spreadsheet for more frequent follow up than originally planned indicating that they should follow up inspection more frequently. This will increase the priority on the spreadsheet
- Give them a fine
- If serious - criminal prosecution

Inspection reports are public so anyone can see what the results were. The process is very transparent. Industry in Norway has made substantial efforts to reduce emissions.

The audits for appropriate sites also include a Seveso component. About 25-30 audits each year will have a Seveso component. Through the planning process SFT is minimising the duplication of inspections. The spreadsheet ensures all the different components are picked up within the audit. There is also a common database with Counties to co-ordinate visits.

A permit is valid for 10 years unless there are substantial changes. If they want to make changes to a permit within this time then they need a special reason. There can be public appeals.

Audits can be similar to inspections but can be much more in depth. The environmental management systems will be covered in both inspections and audits. SFT very rarely takes samples; if there is a problem they can force the company to use a consultant to take samples and report to SFT.

There are remarks in the planning process from the permitting department which indicate what should be looked at on a site. There are also the principles of the directorate, which are looked at in all inspections. The fact that the same inspector does not do more than 2-3 inspections at one site should prevent regulatory capture. There is a dialogue between the permitting team and inspectors to make sure they are looking out for the priority issues on site visits. Inspections can be postponed if there are factors at the site that might mean an inspection would not be appropriate. There is more pressure on the permitting side. The single point of contact is the permitting team.

Examples of Good Practice.

- The comprehensive and simple to use nature of the plan covering all sites for all types of inspection and audit including those for Product Register, Seveso II and IPPC.
- SFT use of the planning process to minimise the duplication of inspections.
- The risk based approach to planning takes into account operator performance and environmental risk.
- The recent move from a one-year to a three-year financial planning cycle and the ongoing review of priorities with the Ministry of the Environment and Counties.
- SFT, as well as planning routine inspections, also plan campaigns on specific issues with Ministries and County Governors. SFT also plans for unplanned expenditure such as complaint investigation.

Opportunities for Development.

- SFT may wish to consider the possible role for third parties for unannounced emissions and waste checks. This would offer an independent checking mechanism.
- SFT may wish to consider reviewing its quality assurance processes to further reduce the risk that environment critical aspects of the permits are not kept up to date.

2.5 Qualifications, Skills and Experience.

Objective

• To understand the qualifications, skills and experience required by inspectors undertaking environmental regulation within the Candidate Inspectorate, both on appointment and during their career.

Qualification and skills

There is a clear set of basic competencies for an SFT inspector post, these are:

- Masters degree or equivalent postgraduate study
- Scientific background (recently there have been fewer recruits from engineering backgrounds)
- Communications skills – clear and precise, both written and oral
- Cooperation/ teamworking
- Flexibility to change between tasks

The process for recruitment of inspectors is based on standard interviews. Management positions also have personality testing. New permit writers and inspectors must sign a confidentiality agreement when joining the civil service. New recruits at SFT are given an inspectors' pass which gives them access to any sites that have the potential to cause pollution.

There is a system of modules to train inspectors. New starters will accompany more senior inspectors on site visits as early as possible to gain knowledge of inspection practices. They also undergo audit training on a one-week course. There is a practical review of the capability before the inspector is allowed to inspect sites.

There are basic modules all inspectors must complete as well as specialist modules, such as working offshore. There are no time limits for completing these modules which are self study modules.

There is a minimum of one annual appraisal with the line manager which in practice would usually take place every quarter. The line manager will ask about the modules covered and make an assessment of the capability of the trainee. They will work on a development plan which can be focussed or quite loose depending on what aspects of the business the trainee is interested in. They will agree what courses could be useful and what is most needed for continuous development.

There is no equivalent training programme for permit writers. A new starter will get a coach/ mentor from a senior member of the team and follow a checklist programme to gain the skills required for the job. This is done with the head of sector.

SFT uses a skills matrix to ensure SFT has the necessary capabilities to cover the IPPC sectors. There is some rotation of inspectors and permit writers to reduce the possibility of regulatory capture and the risk of compromising staff. An inspector will normally only visit an installation a maximum of 2-3 times in a row. There is also some exchange of staff between SFT and industry. Both inspectors and permit writers are involved in the audit process.

There are also skills courses for the whole department such as media training and communications work.

Examples of Good Practice.

- Clarity in the qualifications, skills and experience of new entrants, to have the "right person in the right place"
- The modular training course for inspectors which needs to be completed before the inspectors are considered competent
- Use of the progression checklist by the permitting team to identify and track the development of permitting staff.
- The use of the skills matrix to ensure SFT has the necessary capabilities to cover the IPPC sectors.
- Rotation of inspectors and permit writers to reduce the scope for regulatory capture.
- The formal approach to require permit writers and inspectors to sign a confidentiality agreement upon joining the civil service.
- The use of combined permit writer and inspector teams to undertake audits.
- Proactive approach to internal and external secondment in SFT to maintain and extend its knowledge base.

Opportunities for Development.

- SFT may wish to build on the existing arrangements for permit writers' progression framework and the modular training programme for inspectors.
- SFT might consider the rotation of staff between the permit and inspection teams.

2.6 Training.

Objective

• To understand any systems the Candidate Inspectorate may use for identifying training requirements against the skills necessary for environmental regulatory service delivery, for providing training, and for checking that training has been successful.

Training

SFT encourages job applications from industry and people outside government and can also arrange industrial placements for staff. SFT is developing a workforce plan to map the current skill levels and competencies. This will give an indication of those areas which do not have enough skilled staff.

SFT also receives secondees from industry to work with them. There are frequent secondments from SFT to ministries and also within SFT itself which is strongly encouraged. Workers from industry seconded to SFT have to sign the pledge of confidentiality before they join. They will not be allowed to work in the area of industrial regulation that they have come from. There are no restrictions on moving from SFT to industry. There are some subjects that do not have many inspectors: those areas with shortfalls have been identified and solutions are being sought.

In the initial year of employment a trainee inspector has time built in to enable them to pick up their core skills away from the core business.

SFT see the performance as the crucial thing. Training records may show that staff have been on a course, but won't show that the staff member has the actual required skills. The size of SFT means that the capabilities of the staff are very transparent. Courses are available for all staff and there is a budget set aside for this: 2.5 man weeks are set aside each year for employees for training.

There is a requirement for staff to keep professional skills up to date. SFT do not employ people for specific positions but employ them to work for SFT so they can transfer once they are within the organisation. Traditionally turnover of staff has been low but this is changing.

It was necessary to be very careful about accepting gifts and lunches from industry. This rigour ensures there are no undeclared issues.

Examples of Good Practice.

- Training requirements are included as part of SFT's quality management system.

- Use of the annual performance management process and skills mapping database to match skills of inspectors to roles and to identify training needs.
- Training for new inspectors and experienced inspectors.
- Use of self learning tools for inspectors.
- Industry invites SFT staff to discuss and exchange ideas on technical issues.
- Use of mentors to guide new staff and availability of a career coach.
- Open learning environment and use of academic and industry led seminars.

Opportunities for Development.

- SFT may wish to consider reviewing arrangements for the recording and maintenance of training records, for example through the introduction of a system of continuous professional development.
- SFT could consider extending the existing skills mapping arrangements for inspectors into a strategic workforce plan for SFT.
- SFT may wish to consider the exchange of personnel with County Governors to aid consistency of permitting and inspection at the county and SFT level.

2.7. Procedures.

Objective

• To understand the system of procedures, including work instructions, covering activities associated with implementation of the relevant environmental legislation.

The SFT's quality assurance system was reviewed one year ago and is divided into 11 areas:

- goals strategy
- case handling (includes permitting)
- document handling
- access to the public
- inspection
- media and environmental information
- health, environment and security
- personal affairs
- planning and financial management
- international affairs
- information technology

SFT uses this quality management system to perform their internal management. There are 160 procedures but this includes templates for letters: before this system was introduced there were over 300.

Case handling includes guidance on permitting process, appeal handling, criminal procedures. Review of permits is covered in legislation.

Permits are reviewed every 10 years as set out in the Pollution Control Act but can be reviewed at other times.

Enforcement procedure

The process of enforcement is set out in procedures. These are comprehensive and make specific mention on how to deal with cases of non compliance. The procedure covers preparation for an inspection, the legal basis for the inspection, how to act when meeting companies, rights of SFT to investigate different parts of the business, security in fieldwork and summarising in the final meeting before the inspector leaves the site. It also covers what to do after the site visit such as how to report the non-compliance and feedback from the inspection.

There seems to be nothing in the procedures which tells the inspector how to operate without destroying evidence or what are the boundaries between the SFT and police;

however there is another procedure for asking for a prosecution from the police. This has an appendix, which outlines the major aspects to think about during the case.

There is a procedure for emergency and unplanned inspections. These very often include police work and so the procedure outlines who may need to be involved and who to contact. The procedures seem to all be in place but could benefit from interlinking.

In serious cases of non compliance the inspector would always call the office before taking action. However it is not within the inspector's remit to start a prosecution. If it is a serious breach the inspector can close down the site.

The system of accessing the procedures is simple and the procedures themselves are comprehensive. Inspectors have access to the SFT intranet via a virtual personal network which allows them to access the appropriate procedures when operating in the field. A flow diagram for the enforcement process with the key documents with hyperlinks could be useful.

Inspectors complete a form setting out the issues to be found on the site. This will be followed by a letter, which is more comprehensive. The form can be finalised at the site and can be passed to the company before the inspector leaves the site. The form states clearly what parts of the company were inspected and what aspects of the operation were looked at. This will then be followed up with a letter. On more complex sites, before the inspector leaves the site they inform the manager what the issues were and that they will be receiving a letter in due course.

Complaints

There is no formal procedure for following up complaints received by email or phone, though SFT has a legal requirement to deal with these complaints. There is a complaints unit at SFT who can provide details on how complaints are handled. There is an MOU between SFT and the Coastal Administration, which sets out how to deal with complaints received out of office hours. Calls to SFT after working hours will get a message giving the caller details of the Coastal Administration who will handle the complaint.

Public access to information

There is a public register, which is electronic, and reports from it will be sent electronically but can be printed for free if required. It includes information on environmental status at national, regional and local level, company specific environment information and analyses and compilation reports. Inspection reports, letters and exceptions are available on request. However high-level inspection plans for the public are not available. This information may be included in the letters from the Ministries to the SFT or counties. If there is a public hearing the application is usually available on the

website and this will be advertised in newspapers local to the site. Other documents may be available in larger cases but all can be requested.

Procedures would not be made available to the public unless specifically requested.

There is a service level agreement, which is strictly enforced by the Ombudsman. There is a service statement on what SFT will provide to the public and what the public can expect from them. It also says what the public should do if they are not happy with this procedure and is available on the website.

SFT has an internal statement of values which staff should exhibit. There are 4 values, namely:

- clear and visible
- proactive/forward looking
- trustworthy, reliable, credible
- show respect and openness

There is a list of 15 points in the Pollution Control Act which need to be included in an application for a permit for it to be accepted. A permit can be granted without the planning permission being available but then it will just sit on the shelf. SFT make the final decision on the granting of a permit. Health Authorities may object but they will be considered along with other objections and they must give reasons. The municipality, county governor, NGOs and sometimes the Harbour master will be consulted.

Examples of Good Practice.

- SFT has reviewed its quality management system; this has reduced the amount of procedures by almost half.
- The quality procedures for inspection are linked to the modular training programme for inspectors.
- There are hyperlinks from procedures to files of documents such as templates for letters.
- Inspectors have access to SFT intranet via the web which allows them to access the appropriate procedures and guidance when operating in the field.
- SFT public register is electronic and is available on the web.
- SFT has a public service statement on what it is committed to provide to the public and what the public can expect from them. It also identifies the internal complaints procedure.
- SFT has an internal value statement. This sets out the range of behavioural values which staff should exhibit.
- There is an independent Ombudsman to whom complaints can be taken.
- SFT operates an out of hours emergency contact service.

Opportunities for Development.

- In the review of procedures there appeared to be gaps between inspection procedures, actions on non-compliance and those involving the police in prosecution cases. SFT might wish to review this aspect of its quality management system.
- SFT may wish to review the interlinkage of the existing procedures and guidance by the use of hyperlinks.
- SFT may wish to undertake a gap analysis of the existing procedures against business and environmental risks to SFT.
- The review team noted that there were a number of different documents such as processes, guidance and templates but the hierarchy was not always clear. SFT may wish to review this.
- SFT may wish to consider the use of flow diagrams as a quick reference within procedures, for example within the enforcement process.
- A complaint procedure could be useful for dealing with and tracking environmental complaints to provide intelligence on external issues.
- SFT may wish to consider consolidating its existing publicly available plans with reference to the RMCEI.

2.8 Standards and Guidance.

Objective

• To understand the criteria the candidate Inspectorate applies in making regulatory decisions and how these are communicated internally (to staff) and externally (to the public and industry and central government).

Standards are not a key component of SFT's permitting practices. SFT makes use of emissions standards set out by other authorities such as the water authority and food standards authority. For priority pollutants, EU standards are used where available. These are Norwegian standards but they also compare to other countries such as Sweden and Denmark. SFT also uses BREF documents.

The key pollution parameters are set out by the Ministry in a white paper; SFT develops standards to reflect these requirements. In Norway there are institutes established by government that may have additional income streams. They are expert on air, soil, water, health and nature and can provide advice to SFT. Where no expert advice was available, Norway has created additional expert groups, for example the Norwegian National Advisory Group on sediments. These standards are put into the appendix of the procedure for giving permits and are made available on the internet.

There is a national monitoring service, and local monitoring can also be carried out by the company. This data feeds into the background information on the quality standards of the environment. Standards are set for waste, both fresh and seawater.

SFT focuses on the desired outcomes and the quality of the receiving environment. Guidance for inspectors sets out how to evaluate the quality of the receiving environment. The use of standard models is problematic due to the unique geography of Norway (high mountains and deep fjords).

SFT has to rely on individual assessment for impact of the emissions. This can be carried out by consultants funded by SFT although this is very rare and will normally be carried out by SFT itself. There is no restriction on consultants working for both SFT and industry.

Applications for new sites are rare so assessments of environmental standards are not carried out often. Most evaluation of standards and quality are carried out by the SFT. There is guidance on how to evaluate standards which will also be available to the company.

Information sheets give guidance on SFT campaigns.

SFT has a database of discharge values so they can compare companies of a similar type. BAT is the main consideration in setting discharge limits. There is an upper limit based

on the receiving environment which cannot be exceeded. SFT has a reference list of large and small emission releases, which they may wish to consider making available to the public. The effect of cumulative discharges will be considered when granting a permit to an installation. Other sources in the area will also be considered.

The Norwegian electricity generation authority are responsible for rivers. Health and food authorities are responsible for the water quality itself. The controls in an area of poor environmental standards are given higher priority than in an area where the environmental quality is good. SFT has identified the high risk rivers where a change in water quality could have a large effect. There is consultation with county governors on granting permits.

For Seveso II establishments a risk analysis will be made in accordance with the Directive but there are no special requirements. There is a guidance document based on the regulation which sets out the requirements for the risk assessment. When the regulation is revised the guidance will also be revised. The KSF produces a single set of guidance for all 5 authorities responsible for Seveso across Norway: this draws on ISPA guidance for the European Joint Research Council.

The quality system is reviewed once a year but there is no formal quality assurance method for checking that guidance to the public is up to date. SFT may wish to include the systematic review of procedures within its quality management system. SFT may wish to consider including in the quality management system a procedure for setting criteria for the third party assurance of quality of data in applications.

SFT meets with industry sectors as a whole, and individual companies, to discuss BAT guidance. If an industry applies for an IPPC permit, part of the procedure is to inform them where to get information on BAT but not to give specific advice on what BAT is. The emphasis is on guidance for industry before the application stage so the final application will be of a high quality. In the procedure it sets out that the risk analysis should follow the application. KSF are used as the coordinators for the five establishments.

As Norway is a small country with few enterprises there is no specific permit for industry sectors, such as paper mills. There is one standard template for all IPPC permits, to ensure consistency across all permits. There are however, different permitting formats to cover all other areas of SFT's work. Counties use the same template. The areas of variability are set out clearly within the template structure.

SFT is looking to concentrate on the priority areas to improve their performance. SFT, along with other regulators, contribute to a web based help (Regelhjelp.no) system to inform small and medium enterprises (SMEs) of the main pieces of legislation they need to comply with. This also assists inspectors within SFT when inspecting SMEs on what areas to focus on.

Users can also search for companies using the company number and see which regulations apply and those standards that are enforced. Email updates are available.

Examples of Good Practice.

- SFT focus on environmental outcomes.
- The active use of the ISPA guidance from the European Joint Research Council and its incorporation in Norwegian guidance.
- The KSF production of a single set of guidance for all 5 authorities responsible for Seveso II across Norway.
- Both the SFT and counties use a single permit template to improve consistency.
- SFT has a system in place to obtain advice from research institutes, with expertise in air, soil, water, health and nature.
- The existence of a national advisory board on soil sediments, which was established as a consequence of a shortfall being identified with Norway.
- The existence of a web based help (Regelhjelp.no) system to assist SMEs with compliance.

Opportunities for Development.

- SFT may wish to include the systematic review of procedures within its quality management system.
- SFT may wish to consider including in the quality management system a procedure for setting criteria for the use of third party assurance of quality of data in applications.
- SFT may wish to review its pre application contact strategy, to maximise the effective use of its resources.

2.9 Performance Assessment.

Objective

• To understand how the Candidate Inspectorate assesses the quality, and consistency of its performance as a regulator and the environmental impact of its activities.

Tools for handling environmental data

There are three tools for handling environmental data
1. Pollution release and transfer register (PRTR)
2. Publicly available database on pollution
3. State of the environment Norway

1. Pollution release and transfer register (PRTR)

SFT has developed an internal software tool for their use and for county governors. The database contains information on permits issued by both the county governors and the SFT, inspections and the results from inspections (the reports are stored in another system) and emission data from the industry from their annual reports to SFT and county governors.

This system of reporting was developed in 1992. Companies not only report on regulated discharges but also other discharges listed by SFT. Around 95% of companies report the data on time. Frequency of inspections and planning is based on the information in this database. There is a procedure covering the input of information and a facility for automatic risk categorisation. The system has been developed and is being updated in house: development has cost around 20 million Norwegian kroner.

Executive officers update the database after inspections and administrators put on the reports from industry after they have been checked.

2. Publicly available database on pollution

Around 2000 SFT established an internet-based database available for the public on pollution. The database contains information on about 600 permits issued by SFT and county governors. The system is being upgraded to enable comparisons to be made between the data for two different companies. Information is provided on total releases to air and water, use of energy and production rate, total waste, together with the full text of permits and reports from inspection and audits. GIS information is available as well as graphs showing details of emissions.

SFT has developed a database showing the location of all contaminated land in Norway and the degree of contamination.

SFT might consider the introduction of a simple performance indicator to show how well companies are performing as part of the pollution release and transfer register; this could also include information on whether any enforcement action has been taken. Operators use this system to compare their performance with others in the same field.

The PRTR is subject to development and one area of improvement could be the ability to have a global view of a company's performance across its subsidiaries and also to be able to compare similar installations.

3. State of the environment Norway

This online service seeks to present the latest information about the current state of the environment in Norway. SFT has the overall editorial responsibility for this. The reporting shows long term trends in pollutant releases.

These three tools bring the information together and assist SFT in its planning processes. There seems to be scope for SFT to use its information on emissions and inspections to influence future priorities and policy discussions.

SFT has won awards for this webiste for the best public site in Norway.

Examples of Good Practice.

- The development of the Norwegian PRTR database (BMI) to provide information to the public on permits, inspections and emissions.
- The use of the PRTR allows operators to benchmark their environmental performance.
- The public availability of a contaminated land database.
- The availability of the internal integrated pollution control tool to track and control inspection and permitting data to inform the planning arrangements for SFT and County Governors.
- Integration of GIS data within the integrated pollution control system.

Opportunities for Development.

- SFT could consider the introduction of a simple performance indicator, as part of the PRTR.
- SFT could consider including reference in the PRTR to enforcement information associated with the installations.

- SFT may wish to use the information within its State of the Environment reporting tool, to inform prioritisation and planning discussions in SFT.
- SFT may wish to review the use of historical data sets from both industry and SFT's monitoring programmes within its State of the Environment reporting tool.
- SFT may wish to review its quality management system to include the systematic review of permits.
- SFT may wish to consider reviewing the resource commitment of populating and maintaining these IT systems.

2.10 Reporting.

Objective

To understand how the Candidate Inspectorate:
• Reports its activities to the public
• Provides information to the Norwegian government
• Supplies information to the European Commission

Planning and reporting

SFT reports three times a year on the goals which are based on the target areas set out by the Ministry. These reports focus primarily on issues where there have been changes or problems in the quality of the environment. Sometimes, at the request of the Ministry they will include information on specific topics. The Ministry has given contaminated sites a higher priority recently: they increased funding for SFT in this area from 2005 and the reporting is now more frequent.

SFT also provides information for the white paper which is a government document on the State of the Norwegian Environment. In addition to this, SFT publishes documents on the website relating to surveillance and monitoring.

SFT produces a yearly report on inspections, which is designed to show trends across different industrial sectors. They report the purpose of the inspection and the most common incidences of non compliance. Reasons for this may include lack of respect for environmental regulations that may also be hard to understand and a different perception of what may be dangerous or important.

There are five action points on the web from the inspection report:
- Focus on most serious findings
- Increased use of administrative fines
- Media
- Expectations of industry
- Possible misunderstanding of the regulations

The increased amount of work on campaigns has led to more focus on trends on inspections and environment

SFT has a coordinator in house who advises on reporting requirements (to the European Environment Agency) and co-ordinates the provision of information. Having one point of contact provides clarity for SFT staff on how to report correctly. There is a different contact for reporting on European Economic Area requirements.

SFT plays a reactive role in EFTA's surveillance requirements. Norway has a working arrangement with EFTA but it is the Ministry which has a direct relationship with them. There is no routine reporting. Reporting for the European Pollutant Register is derived from the PRTR mentioned above. Every three years they report to EFTA on Seveso.

Examples of Good Practice.

- The integration of reporting and performance management at the Ministry, SFT and county level.
- The content and structure of SFT Annual Report on inspection activity
- The integration of the SFT's reporting requirements to EFTA and EEA within the quality management system and the use of focal point officers.
- SFT's web based publishing approach to its documentation.
- The external review of the SFT website by the Norwegian Government information services (norge.no).

Opportunities for Development.

- SFT may wish to seek customer feedback on the content and usability of its website and its publications.

3. Industry Visit

As part of this review, The IMPEL review Team visited an industrial site . The Company had both IPPC and Seveso II Installations. The Competent Authority for the site was SFT. Discussions with the site were beneficial and helped to crystallise the Review Team's views and understanding of the Regulatory System in Norway and the role of SFT

In general the industry was complimentary about their relationship with SFT and the professionalism of its staff. In particular they highlighted the need for the site to take responsibility for its environmental issues and to work in partnership with SFT.

In particular the review team noted:

- The role of the different regulatory bodies in Norway was well understood by Industry.
- The first point of contact with SFT was via the Permitting Team: ongoing contact was seen as being important for continuity.
- The split in responsibility between Inspection and Permitting roles in SFT was understood.
- The rotation policy for inspectors/auditors, both one day (Inspections) and longer (full scale audits), meant that Industry did not expect to see the same inspector at the site for multiple visits and valued this arm's length approach.
- The process for identifying non compliance with permit conditions and the need for Industry to own their resolution was understood.
- Industry took a proactive approach to advising SFT of changes in plant condition which could result in non compliance with permit conditions outside of inspections or audits
- BAT rather than the achievement of emission limit values was seen as being central to compliance.
- The Industry identified a need to have continuity with the SFT Permitting Unit and sought 6 Monthly meetings with the Unit to keep them up to date on site developments. This approach was seen as being complimentary with independent assessment of compliance by SFT Inspectors.
- External Quality System Auditors were seen as complementary to SFT and Industry valued the reduction in planned inspections.

- Third Party auditors had an association with the site over a longer time period and thus were able to identify a wider range of non-compliance than SFT Inspections and audits. This was attributed to the fact that third party auditors were able to take a whole systems approach over a number of visits, whilst the SFT inspectors took a more targeted approach.

4. Summary of Findings

The findings of the review are set out in terms of examples of good practice for other Inspecting Authorities and in terms of opportunities for development by the host inspecting Authority. Based on this SFT would like to focus on some important results of the review.

Good practice:

- Norway has a single integrated piece of legislation, the Pollution Control Act. This sets the framework for permitting and inspection and is a powerful and flexible tool for the regulation of IPPC (and other) facilities in Norway.
- The Norwegian Government has developed common regulations (equivalent to general binding rules) under the Pollution Control Act for lower risk activities.
- Transparency and public access to information is based in law and given high priority through public hearings, web based information systems, and access to databases and regulatory decisions upon request at any time.
- Enterprises have a clear awareness of their duty to protect the environment and the Internal Control Act requires that they take a systematic approach to compliance.
- SFT has reviewed its quality management system and reduced the amount of procedures by half.

Opportunities for development:

- Review arrangements for environmental performance, quality assessments, training, interlinkage of procedures, and resources for IT systems.
- Better interlinkage of procedures, templates and training modules and clear structure/hierarchy of templates, guidance and procedures might improve accessibility and use of quality management system
- SFT needs to have a greater awareness of the responsibility of enterprises for compliance and protection of the environment/ alternatively: SFT needs to exercise constant vigilance in supervising the internal control work and compliance of enterprises.
- Greater rotation of staff between the permit and inspection teams would be beneficial
- Exchange of personnel between SFT and the county governors would lead to greater consistency and professional understanding and expertise.
- Better tracking procedures for environmental complaints and cases of non-compliance could/would be advantageous
- Better and more accessible information on goal/target achievements
- Periodic third party checks and verification work should be considered

Follow up of the results of the review will be discussed in SFT, in particular between the departments working with permits and inspections, and with the counties in dedicated seminars and meetings in 2008.

5. Conclusions.

The Review Team concluded that the objectives of EC Environmental Law were being delivered by SFT and that the arrangements for Environmental Inspection and Enforcement were broadly in line with the MCEI Recommendation.

It was noted that the organisation management of environmental regulation reflected the national culture of openness and the ownership by enterprises of their duty to protect the environment. The requirement under Norwegian law for enterprises to take a systematic approach to compliance reinforced this culture and approach. This enables SFT to take an audit-based approach to assess compliance with permits. The approach appeared to work well and the Review Team's meeting with a multi–national industrial operator confirmed this.

The Review Team was impressed by the comprehensive approach to regulation, with most operators taking personal responsibility for compliance with the permits.

SFT's Regulatory activities are characterised by openness and transparency. This was reflected by SFT's extensive use of web based systems to plan and track its activities, communicate its performance internally and externally and deliver consistent regulation.

The permitting and inspection arrangements are characterised by openness and transparent arrangements for consultation with interested parties through "hearings" and the use of a risk based approach to regulation to target environmental outcomes.

In addition to these broad observations the Review recognised and recorded specific examples of good regulatory practice and, based on their own personal experience they offered suggestions on opportunities for development that SFT may wish to consider.

6. Lessons learned from the Review Process

The following observations may be helpful for the organisation and conduct of future IRI Reviews:

- the need for a pre meeting
- a large room is beneficial
- hotel should be within an easily commutable distance
- have participant names on the tables
- important that the team leader acts as chair and doesn't dominate the meeting
- reinforced the need for the review team to meet at the end of sessions and go through the best practice and areas for development
- the host should be aware of the time commitment required during the review week
- consideration should be given to when the background information should be circulated before the review. General information on the country would also be useful
- guidance on the structure of the IRI procedure during the week would be useful for new participants
- a balance in the mix of presentations and discussion is useful

7. Appendices

Appendix 1. Terms of Reference for Norwegian IRI Project.

IMPEL IRI REVIEW GROUP

TERMS OF REFERENCE FOR IMPEL PROJECT

No	**Name of project**
	Norwegian IRI Review
Project Manager	Mr. Bjorn Bjornstad, Norwegian Pollution Control Authority

1. Scope

1.1. Background	The Helsinki Plenary Meeting of IMPEL, in December 1999, requested that proposals be drawn up for "a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures" (the "scheme"). This was against the background of preparation of a European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in the Member States and the expectation that further recommendations would follow on Minimum Criteria for Inspector Qualifications and for Inspector Training. In March 2001 the IRI Working Group finalised a proposal for the voluntary scheme and sought candidate Inspectorates to undertake the review process. The "IRI Review Guidance and Questionnaire" was approved at the IMPEL Meeting at Falun in June 2001. A test review was carried out in Denmark by a team of three and the support by a consultant. Germany hosted the first full review in October 2001. After that Ireland, Belgium, France, the Netherlands, Spain, Sweden and Scotland have hosted a review. The Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental

	inspections in the Member States (2001/331/EC) says in recommendation III (4). *"In order to promote best practice across the Community, Member States may, in co-operation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on Inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings."* IMPEL is willing to take this forward and to foresee the eventual need for arrangements to review implementation of such recommendations and proposes a voluntary scheme for the purpose. The potential benefits of this scheme include: Encouragement of capacity–building in EU Member State inspectorates**.** Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation. Provision of advice to candidate inspectorates who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation. The spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU.
1.2. Definition	Recommendation 2001/331/EC applies to "all industrial and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation."(Section II, 1a.). This scope would include all IPPC and Seveso processes and other lesser processes which, in many Member States, are regulated by a variety of bodies at local level. It is also proposed for the purposes of the review of candidate

	inspectorates and to reflect the interests and activities of IMPEL that the Organisational Scope of the scheme should include any or all of the following: he legal and constitutional bases of the inspectorate, including interfaces with other bodies such as regional inspectorates and Health and Safety Authorities, and its related powers and duties. Structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions. Workload, by number of IPPC processes and Annex1 category. Qualifications, skills and experience of regulatory staff. Procedures for assessment of training needs and provisions for training and maintaining current awareness. Procedures, criteria and guidance for drafting of permits, for scheduling inspections**,** for subsequent assessment of compliance and for enforcement action in cases of non-compliance. Arrangements for internal assessment of the quality of regulatory performance and for improvement if appropriate. Arrangements for reporting on inspectorate activities. It is also envisaged that verification of implementation of above systems be conducted during the review. This will facilitate the identification of both "good practice" and "opportunities for development" which, in the opinion of the review team, exist in Norway. The verification may involve detailed examination of documentation related to the inspection of a number of IPPC permitted facilities.
1.3. Objective of project	To undertake an IRI review of the Norwegian Pollution Control Authority, in accordance with the principles in Section 1.1 and the revised "IRI Review Guidance and Questionnaire", taking into consideration the report from a workshop in Bristol October 2003 "IMPEL (IRI) Phase 4: Review of Trial Scheme". The benefits of the project are four-fold; 1. The studied region will benefit from an expert review of its systems and procedures with particular focus on conformity with the Minimum Criteria for Environmental Inspections 2001/331/EC 2. The participants in the review team will broaden and deepen their knowledge and understanding of

	environmental inspection procedures 5. Other Member States will benefit through the dissemination of the findings of the review through the IMPEL network. 6. Other permitting, inspection and enforcement environmental authorities in Norway will benefit from the results by the dissemination of the outcome of the study.
1.4. Product(s)	In addition to the benefits listed in Section 1.1, tangible products will include, A written report of the review for the candidate inspectorate, Relevant extracts from the review report, as agreed with the candidate inspectorates, for dissemination to IMPEL members and the EC; this will include material which might be considered for incorporation in the Guidance, Education and Training Schemes of other Member States Inspectorates.

2. Structure of the project

2.1. Participants	The review team will consist of 5 participants from 5 Member States. Review Team Leader. The team will be led by Mr Pieter-Jan van Zanten from the provincie of Overijssel, the Netherlands. Review Team Inspectors: Scotland, as the last host country will be asked to participate in the review team. The remaining participants are to be confirmed. From Norway Erik Forberg from the Norwegian Pollution Control Authority will be part of the team. Review Rapporteur. Rapporteur will be decided upon at a later stage.
2.2. Project team	See 2.1
2.3. Manager Executor	Mr Bjorn Bjornstad from the Norwegian Pollution Control Authority will be responsible for monitoring and supervision of the Norwegian IRI project on behalf of IMPEL. It is proposed that the project in Norway will take place in Oslo in May 2007 and that a report will be submitted to the November/December 2007 IMPEL Plenary. A pre-meeting is planned to take place in Oslo early spring 2007.

	The report will be quality assured prior to the IMPEL meeting (see 4)
2.4. Reporting arrangements	The results of the Review will be reported by the project manager and a report will be submitted to the IMPEL Plenary for approval. The Report will follow the Template Structure shown in Appendix 1 attached taking into consideration the amendments proposed in the Bristol report and will include: A written report of the review background and participants. Relevant extracts from review reports, as agreed with candidate inspectorates, for dissemination to IMPEL members and the EC. Training and Educational material on "lessons learnt" and on areas of good practice for dissemination to IMPEL Members.
2.5 Dissemination	***Target audience*** - IMPEL members - The Norwegian Pollution Control Authority - Inspecting and Permitting Authorities in Norway as a whole ***Dissemination of the result of the project*** *IMPEL:* - The dissemination of the Norwegian IRI report will be decided at the IMPEL plenary meeting. *Norway:* - A seminar will be held at central level, with permitting and inspecting authorities. Depending on the outcome of this meeting, there will also be a workshop with regional environmental authorities. - The report will be available at the Norwegian Pollution Control Authority's website

3. Resources required

3.1 Project costs	The project will not ask for funding from IMPEL The project will involve the following; Pre-meeting of the Review Team Leader and the Review Rapporteur with the Norwegian project manager and the Candidate Inspectorate to finalise the Scope and Timing of the Review to take place in Oslo early spring 2007. Preparation of summary information and circulation to Review Team members. Review to take place in Oslo in May 2007 over a period of 5

	Days (and in addition to this travelling days) comprising - 2.5 days for review and assessment - 0.5 days for comparison and collation of team views - 1 day for writing draft report, in a standard format - 1 day for feedback, discussion and finalisation of report. • Report to be submitted to the IMPEL Plenary It is proposed that meetings and report are conducted in English, and no interpretation is required. Travel and Subsistence(T&S) costs for the meetings to be covered by Norway. Personnel costs from the candidate inspectorate is not included in the assessment. . It should be noted that the project arises from EU Legislation and that the preparation for the IRI Review will require a substantial commitment from the Candidate Inspectorate and the IMPEL Countries supplying participating inspectors.
3.2. Fin. from Com.	No, see 3.1
3.3. Fin. from MS (and any other)	See 3.1
3.4. Human from Com.	None required.
3.5. Human from MS	*See 3.1 The breadth of issues dealt with in the questionnaire means that significant personnel resources from the candidate inspectorates are necessary.*

4. Quality review mechanisms

The quality and success of this project will be judged by the Candidate Inspectorates, by a quality review group in Cluster 1 and directly by IMPEL on the basis of reports to Plenary meetings by the Project Manager.

5. Legal base

5.1. Directive/Regulation/Decision	The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC) and, in due course, those on Inspector Qualifications and Training.

6. Project planning

6.1. Approval	For consideration at Plenary in Finland (Espoo) in December 2006.
6.3. Start	Work on finalising the Review Team can commence immediately after approval. The review itself is planned for spring 2007 with a pre-review meeting to be held early spring 2007.

Appendix 2: Questionnaire and guidance

IMPEL IRI REVIEW QUESTIONNAIRE AND GUIDANCE

1. Introduction.

This questionnaire and its integral guidance is designed to help the volunteer inspecting authority (Candidate Inspectorate) to describe, in its own words, the systems and procedures in place for delivery of its regulatory responsibilities. This is not an audit process but is intended to meet recital 17 European Parliament and Council Recommendation (2001/331/EC):

(17) Member States should assist each other administratively in operating this recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community

This questionnaire must be read in conjunction with the guidance. The completed questionnaire is intended to aid the Candidate Inspectorate and Review Team by the supply of core information in preparation for IRI Review. The response to the questionnaire will inform the review and should be seen in this light.

The guidance and questionnaire is also intended only as an aid for Review Teams in eliciting essential information and to provide an element of consistency between different reviews.

The questionnaire is structured in sections with open questions. The guidance assists by expanding on the goals the sections are intended to achieve.

2. Purpose.

The output from the questionnaire together with the Review process are intended to enable the Candidate Inspectorate and Review Team to explore the regulatory system. The review process is intended to identify areas of good practice for dissemination together with opportunities to develop existing practice within the Candidate Inspectorate and Member States.

The purpose of this voluntary scheme is to examine the arrangements within which the Candidate Inspectorate operates. The arrangements are explored using this guidance and the questionnaire, with the objective of delivering the following benefits foreseen in the original Terms of Reference for the project, with particular relevance to the Recommendation (2001/331/EC).

- Encouragement of capacity–building in EU Member State inspectorates**.**

- Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation.

- Provision of advice to inspectorates ("candidate inspectorates") who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation.

- Spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU ("the level playing-field").

Against this background the Review Teams should be looking for evidence of a comprehensive and effective regulatory system for implementation of the relevant parts of the legislation covered by the agreed scope of the review.

3. How to use the Questionnaire.

This questionnaire should be read in conjunction with the guidance. The guidance supports the questionnaire by describing the objective of each section and includes some supporting information. The output from the questions together with the IRI Review process are intended to enable the Candidate Inspectorate and Review Team to explore the idealised regulatory system. The IRI Review Process is intended to identify areas of good practice for dissemination together with opportunities for improvement to existing practice within the Candidate Inspectorate and Member State.

The questionnaire is structured in sections with open questions. The guidance is intended to assist by expanding on the goals the sections are intended to achieve. The Reference to Article in the Related Article column refers to the Minimum Inspection Criteria Recommendation.

4. Questionnaire.

Question	Related Article
1. CONSTITUTIONAL BASIS FOR INSPECTORATE **Objective.** • To establish how the Member State allocates responsibilities for technical policy, socio-economic policy and any related political issues associated with environmental regulation. • To understand how the Candidate Inspectorate is constituted within the Member State. • To understand the Candidate Inspectorate's role in the interface between technical regulatory issues and related political or socio-economic issues in the Member State. **Guidance.** The response to the questionnaire should enable the Review Team and Candidate Inspectorate to examine: • The Member State system for specifying the remit of the Candidate Inspectorate, for reviewing its performance, and for ensuring that the Candidate Inspectorate is funded to provide effective service delivery that is stable year-on-year. • Member State arrangements allowing the Candidate Inspectorate to comment upon relevant legislation and to suggest changes for improvement of the overall system for delivering it. • The funding split between central taxation, local taxation and direct charging. • Arrangements for communicating with neighbouring Member States, e.g. Article 17 of the IPPC Directive, and notification and promoting exchange of information and staff between Inspectorates as recommended in the MCEI. **Questions.** 1.1 What is constitutional relationship between the Inspectorate	III(1)

Question	Related Article
and its Member State (MS)? 1.2 How does MS establish, communicate and review tasks and the delivery of the tasks to be achieved by the Inspectorate? (Including publication of the results of its work.) 1.3 How are the Inspectorate's regulatory activities financed? 1.4 How does Inspectorate feedback information about shortcomings or deficiencies in legislation to the MS? 1.5 Who, between MS and the Inspectorate, is responsible for relations with other MSs in respect of transboundary issues? (e.g. Article 17 of IPPC Directive.) 1.6 Excluding transboundary issues outline any arrangements are in place for exchange of information and/or inspectors with other competent authorities within and external to the MS?	IV, V, VII III(2)
2. LEGAL BASIS FOR INSPECTORATE. **Objective** • To establish an understanding of the legal basis of the Candidate Inspectorate within its Member State. • To gain an understanding of those parts of environmental legislation for which the Candidate Inspectorate is the competent authority together with an explanation of the types of installations and operators covered. • To establish the roles of the candidate Inspectorate in enforcement of relevant permit conditions and prosecution. **Guidance** It is for the Member State to ensure that responsibilities for all requirements of environmental legislation are appropriately allocated within the Member State, e.g. as between the Candidate	III(1)

Question	Related Article
Inspectorate and other competent authorities. It would be helpful also to understand how those types of installations not covered by the Candidate Inspectorate are regulated and how the relevant bodies interact. The response to the questionnaire should enable the Review Team to establish a clear picture of where the candidate Inspectorate's responsibilities overlap or interact with other legislation. This should identify areas where there may be conflicting legislative requirements and how the relevant responsibilities are allocated and co-ordinated to ensure that environmental requirements are not compromised by other considerations. It should include a description • Of the powers, duties and sanctions available to the Inspectorate to secure compliance with all requirements of the relevant legislation, and to the necessary standards • Of where, in the Member State, the ultimate authority for determining the content of permits lies, • Of how the public is involved and what happens if an operator or the public appeals against a decision by the Candidate Inspectorate. • Systems used by the Candidate Inspectorate to resolve legislative conflict. The Review team should explore transparency and clarity of arrangements.	

Question	Related Article
Questions 2.1 What legislation does your Inspectorate apply to environmental regulatory activities? 2.2 What is the scope of this legislation? (In terms of Installations/Sectors covered.) 2.3 To whom does the legislation apply/not apply? (Industry, Government, Armed Forces, etc) 2.4 With what other main pieces of legislation does Candidate Inspectorate's legislation interact? (Planning, Health and Safety, Seveso II Directive, Freedom of Information etc)	III(2)

2.5 How are responsibilities divided between bodies responsible for interacting legislation and how are differences resolved if they occur? 2.6 What powers and duties are given to the Inspectorate to set and apply permit conditions in relation to Emission Limit Values, EQS, BAT, etc. 2.7 Summarise appeal provisions within the Inspectorate 2.8 Are there provisions for appeal to higher authority, by operators or the public, against Inspectorate decisions? 2.9 How is the public involved in the regulatory process? (From application to grant of permit, through inspection to enforcement) 2.10 What administrative and legal sanctions are available to Inspectorate in cases of non-compliance with an environmental permit?	

Question	**Related Article**
<u>3. ORGANISATION STRUCTURE AND MANAGEMENT OF INSPECTORATE</u> **Objective** To establish how the Candidate Inspectorate is organised, staffed and managed. **Guidance** The response to the questionnaire should enable the Review Team and Candidate Inspectorate to explore how the Candidate Inspectorate secures the: • Effective and consistent setting of high-level objectives, strategies and priorities and their internal and external communication • Effective and consistent delivery of all activities associated with implementation of the relevant environmental legislation. It should allow the Review Team and Candidate Inspectorate to	

gain an understanding of how and where, within the Inspectorate or Member State, final regulatory decisions are taken i.e. across the full spectrum of complexity of regulatory issues and installation, for example from individual permit conditions to the issue of complex permits. The information submitted should include information on, and a description of, any systems relevant for calculating the costs of Candidate Inspectorate activities. This should take into account the "polluter pays principle".	

Question	Related Article
Questions 3.1 Outline the Management System used by the Inspectorate and identify any use of formal and informal systems (e.g. ISO9001/2) 3.2 Using a chart/diagram describe the organisational structure of the Inspectorate, with associated staff numbers. Identify the resource e.g. person equivalent or the number of staff involved by highlighting relevant parts of the chart/diagram 3.3 How are Inspectorate regulatory policies, objectives, strategies and priorities set and communicated (internally and externally)? 3.4 How are Inspectorate regulatory activities (policy-making, standard setting, research, permitting, inspection, enforcement, reporting and public consultation and guidance) organised and managed and how are resources allocated? 3.5 Where are regulatory decisions taken within the organisation? Is this responsibility delegated? 3.6 How are the costs of Inspectorate activities calculated, allocated reviewed and revised?	

Question	Related Article
4. WORKLOAD **Objective.** To understand the workload of the Candidate Inspectorate and the arrangements for its effective delivery. **Guidance.** The response to the questionnaire should enable the Review Team and Candidate Inspectorate to explore how the Candidate Inspectorate secures the: • Effective and consistent planning of inspections and associated activities, in relation to the number and characteristics of the installations for which it is responsible. • Effective and consistent allocation of available resources as between permitting, inspection, enforcement and other activities such as pre-application contact with operators, dealing with complaints etc. The response should allow the Review Team to gain an understanding of how the regulatory process is managed at an operational level. It should address the workload in terms of number and type of installations, and indicate how the relevant tasks are measured in terms of time required and how the available resources are assigned.	IV, V

Questions	
4.1 How many, and what type of installations are, or will be, regulated by the Inspectorate? 4.2 Which of the elements of “environmental inspection”, as defined in Article II, Section 2 of the European Parliament and Council Recommendation (2001/331/EC) on providing for minimum criteria for environmental inspections in the Member States (MCEI), are carried out by the Inspectorate? 4.3 How frequently are/will installations be inspected, by type or category? 4.4 What time is allocated for each such inspection? 4.5 How does the Inspectorate forecast the time required for: • Producing a permit • Maintaining a permit • Undertaking enforcement action 4.6 Outline any charges levied by the Member State or Inspectorate: • For a permit? • To maintain a permit? • For monitoring/sampling? 4.7 What determines the ratio of time spent on installations to time in the office on environmental regulation? 4.8 What determines the ratio of time spent on planned (routine) inspection to non-routine (unplanned) inspection? Unplanned inspections include reactive work e.g. complaints, incident investigation inspection. 4.9 How many enforcement actions and prosecutions are taken per year, by type or category, and what penalties (fines, imprisonment) are available and made? 4.10 What pre-application contact is made with operators to ensure they are informed and prepared to comply with environmental legislation, and how is this reflected in the work required for issuing and granting permits? 4.11 How does the Inspectorate plan and prioritise its workload to make best use of the available resources?	

Question	Related Article
5. QUALIFICATIONS, SKILLS, EXPERIENCE **Objective** To understand the qualifications, skills and experience required by inspectors undertaking environmental regulation within the Candidate Inspectorate, both on appointment and during their career. **Guidance** The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore and understand: • How Inspectors qualifications, skills and experience are reviewed and recorded e.g. in personal development plans • How senior management is assured that individual members of staff are appropriately qualified for the tasks to which they are assigned • The Candidate Inspectorate's approach to regulatory ethics e.g. "the declaration of interests", the problems of regulatory blindness through over-familiarity with installations and their operators, and possibility of corruption on the part of inspectors or those who issue permits. **Questions** 5.1 What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected? 5.2 What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement? 5.3 How are qualifications, skills and experience matched to regulatory duties and by whom? 5.4 Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them? 5.5 Are inspectors warranted or accredited for their duties? If so how?	

Question	Related Article
5.6 How does the Inspectorate avoid “regulatory capture”, “undeclared interests” or “issue-blindness”?	

Question	Related Article
6. TRAINING **Objective** To understand any systems the Candidate Inspectorate may use for identifying training requirements against the skills necessary for environmental regulatory service delivery, for providing training and for checking that training has been successful. **Guidance** The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore and understand: • Systems used within the Candidate Inspectorate for maintaining awareness of technical, policy and regulatory developments and for ensuring that skills of experienced staff are kept up-to-date e.g. continuous professional development (CPD) • Systems used for the continued accreditation/warranting of inspectors and any linkages to participation in skill’s assessment and any relevant training requirements e.g. continuous professional development. • Any use of internal or external secondment or exchange programmes to other inspectorates, industry, or accreditation bodies • The quality of the training arrangements **Questions** 6.1 Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience, If so how and by whom? 6.2 Is training provided? If so how and by whom?	

6.3 Is the success, or otherwise, of training subsequently assessed? 6.4 Is awareness of relevant technical, policy and regulatory developments maintained within the Inspectorate? If so how? 6.5 Are the skills of experienced inspectors refreshed If so how? 6.6 Is acceptance of regular assessment of qualifications, skills and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator?	

Question	Related Article
7. PROCEDURES. **Objective** To understand the system of procedures including work instructions covering activities associated with implementation of the relevant environmental legislation. **Guidance** The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the: • System of procedures are used by the Candidate Inspectorate • The coverage of the procedures linked to implementation of the relevant legislation. • Extent to which procedures are used for tasks identified by the MCEI Recommendation • How the procedures recognise links to other legislative regimes e.g. Seveso II **Questions** 7.1 Are procedures, systems or instructions are in place for: • Determining, issuing, reviewing and revoking permits? • Scheduling and planning inspections according to the MCEI?	IV

Question	Related Article
• Conducting routine inspections according to the MCEI? • Conducting non-routine inspections according to the MCEI? (Including those associated with accidents and emergencies.) • Taking enforcement action? • Making information available to the public? Dealing with accidents on (e.g. IPPC) installations subject to the Seveso II Directive?	V(1,2) V(1,3), VII (VII) VI(1,2)
8. STANDARDS AND GUIDANCE. **Objective** To understand the criteria the candidate Inspectorate applies in making regulatory decisions and how these are communicated internally (to staff) and externally (to the public and industry and central government). **Guidance** The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the Inspectorate's: • Guidance to staff on criteria against which regulatory judgements are to be made • Provision of technical guidance and how this is produced/agreed/reviewed/revised • Provision of advice on BAT for IPPC installations • System for communicating both criteria and guidance to industry and the public • Use and access to independent sources of advice e.g. Scientific Committees **Questions** 8.1 How are standards and guidance for regulatory judgements in	

Question	Related Article
permitting, inspecting and enforcement established and communicated? (Both internally and externally.) 8.2 What technical guidance, e.g. on BAT for IPPC processes, is available? (Internally and externally) 8.3 How is such guidance produced and how often is it reviewed/revised? 8.4 Does the Inspectorate have access to any Advisory Body or any other external, independent source of advice?	
9. PERFORMANCE ASSESSMENT. **Objective** To understand how the Candidate Inspectorate assesses the quality and consistency of its performance as a regulator and the environmental impact of its activities. **Guidance** The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the Inspectorate's: • System for assessment of the of the Candidate Inspectorate's performance, • Arrangements for review of results by senior management • Feedback mechanisms for incorporating relevant lessons or actions into programmes for improved performance. • Approach to the review of permits **Questions** 9.1 Does the Inspectorate have systems to assess the quality and consistency of its regulatory activities? If so how is it done and how often? 9.2 How and by whom are the results of any such assessments reviewed? 9.3 How is the environmental impact of the regulatory process	

Question	Related Article
assessed? 9.4 How are the results of any assessment incorporated into management action on procedures, training programs, guidance, work planning etc?	

Question	Related Article
Question	Related Article
10. REPORTING. **Objective** To understand how the Candidate Inspectorate: • Reports its activities to the public • Provides information to the Member State, • Supplies information to the European Commission e.g. for the Member State's obligations to report progress on the implementation of the Recommendation on Minimum Criteria for Environmental Inspections. **Guidance** The response to the questionnaire should enable the candidate Inspectorate and Review Team to explore: • The Inspectorate's systems for, and relationship to the Member State and European Community's systems and requirements for the provision of environmental information. • The types of information made available, e.g. annual report, inspection reports, sampling data, enforcement and prosecution data **Questions** 10.1 What systems are used to report the Inspectorate's regulatory activities, to whom and how often?	VI(1,2)
10.2 What information does the Inspectorate make available to the MS for the purpose of their "reporting on environmental inspection activities in general"?	VIII(1,2)
10.3 What information does the Inspectorate make available directly to the public and how is it organised, funded and managed? (e.g. Pollution Emissions Register.)	

Appendix 3. Diagram of the structure of the EEA agreement.