European Union Network for
the Implementation and Enforcement
of Environmental Law

IMPEL REVIEW INITIATIVE (IRI)

"A voluntary scheme for reporting and offering advice to environmental authorities"

Report on the IRI that took place in Poland from 03 to 07 June 2013 at the Chief Inspectorate of Environmental Protection.

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. 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. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation. Information on the IMPEL Network is also available through its website at: www.impel.eu.

REPORT STRUCTURE

1. Executive Summary

In line with the Recommendation for Minimum Criteria for Environmental Inspections (RMCEI), this informal review of the Chief Inspectorate of Environmental Protection by a broad cross section of the IMPEL network, focuses upon the inspection and enforcement of the IPPC Directive, Seveso and where relevant any other industrial processes that fall under the RMCEI.

Throughout, the IRI team have identified several examples of 'good practice' and 'opportunities for development', when considering the implementation of the above Directive(s) during the review. Specifically, the review team have highlighted the following as particularly strong examples of this:

Good practices:

- The Polish Code of Administrative Proceedings sets out a clear appeals structure.
- There is a wide range of inspection types available to use such as comprehensive (audit), thematic and problem based.
- The IEP in Poland use both horizontal (e.g. noise protection) and branch (e.g. specific industry type) checklists which provide a consistent approach. These have been carefully developed to ensure a degree of flexibility is contained within the checklist to avoid a potential slavish following off the checklist.
- The 24/7 on-call process and annual meeting of specialist SEVESO inspectors to share good practice.

Opportunities for development:

- Consider future funding for Inspection for Environmental Protection (IEP). Specifically, consider charging for activities of the IEP to more fully recover the costs of inspection activities. There are several different examples from around Europe where this already happens and could be learnt from.
- There seemed to be a high risk of lack of consistency amongst permitting authorities partly because of the sheer number of authorities but also because it was not clear that they used the same standards or communicated with each other regularly. It also appeared that inspectors could not influence permitting in the majority of cases where there expertise and viewpoint would clearly benefit the quality of the final permit. Consider how consistency amongst permitting authorities could be improved and how key stakeholders in the process, like inspectors, could be more involved in the permitting process.
- Many countries now publish inspection reports and permits online. The IRI has highlighted that Poland should strongly consider moving forward in this area and learn from the experience of other environmental authorities in IMPEL on how to ensure good access to information on the one hand and protect, for example, commercially sensitive data of the regulated community on the other.

The review team considers that the objectives of the area of EU environmental law within the scope of the review of Chief Inspectorate of Environmental Protection are

being delivered in Poland. Furthermore the arrangements for environmental inspection and enforcement are broadly in line with the RMCEI.

2. Introduction

2.1 *The IRI Scheme*

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:

"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."

2.2 *Purpose of the IRI*

The aims of the IRI are to:

- provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL members countries for the purpose of benchmarking and continuous improvement of their organisation
- encourage capacity building in environmental authorities in IMPEL member countries
- encourage the exchange of experience and collaboration between these authorities on common issues and problems
- spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across IMPEL member countries (˝the level playing field˝).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and review team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL member countries.

2.3 *Scope of the IRI in Poland*

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The IMPEL ˝Doing the Right Things˝ Guidance Book for

planning of environmental inspections has been used to help structure the questionnaire and the review. The Guidance Book was developed to support Inspectorates in implementing the RMCEI and describes the different steps of the Environmental Inspection Cycle pursuant to the RMCEI.

The scope of the IRI in Poland focussed on the inspection work of the Chief Inspectorate of Environmental Protection (CIEP) and Voivodship Inspectorates of Environmental Protection (VIEP). Together, they form the 'Inspection for Environmental Protection' (IEP). This report will not refer to either the CIEP or VIEP individually unless there is a specific reason to do so. Instead, the report will refer to all inspection activities of the CIEP and VIEP as the IEP. This report covers a range of directives including the IPPC and Seveso Directives and where relevant any other industrial processes that fall under the RMCEI.

2.4***Structure***

A pre-review meeting was held in Warsaw on 17 April 2013 in which details for the Review were discussed. The meeting comprised the team leader, rapporteur, and the hosts.

The review itself took place at the offices of the CIEP in Warsaw from the 03-07 June 2013. The findings were presented to the higher management team of the CIEP, representatives of the Voivods and the Ministry of Environment. The Review was structured according to the revised IRI questionnaire developed by the IRI review project during 2009. The IRI Review team consisted of 5 different IMPEL member countries and the IMPEL Secretariat.

UK	Scottish Environment Protection Agency	Simon Bingham	Team Leader
IMPEL Secretariat	IMPEL	Michael Nicholson	Rapporteur
Finland	Centre for Economic Development, Transport and the Environment for North Ostrobothnia	Antti Petanen	Reviewer
Malta	Malta Environment / Planning Authority	Pauline Farrugia	Reviewer
Norway	Klif – Climate and Pollution Agency	Erik Forberg	Reviewer
Germany	District Government of Cologne	Horst Buether	Reviewer
Germany	German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety	Kristina Rabe	Reviewer

Project leader	Chief Inspectorate of Environmental Protection	Joanna Huczko-Gruszcynska	Host
Assistant project leader	Chief Inspectorate of Environmental Protection	Dominika Musialowicz	Host

Table 1: IRI Poland review team

Picture 1: Review team and hosts at the Chief Inspectorate of Environmental Protection in Warsaw

3. Main Findings

Part A – Defining the regulatory framework of environmental protection in the IMPEL member country.

Objective
To find out about the organisation of the environmental authority, the relevant legislation it complies with and relationships with the public, operators government and other countries.

Overview
The Republic of Poland is bordered by seven neighbouring countries; Germany, the Czech Republic, Slovakia, Lithuania, Ukraine, Belarus and Kaliningrad Oblast (a part of Russia). Poland covers an area of 312,679 square kilometres, (Italy in comparison is 301,318 square kilometres) and has a population of approximately 38.5 million people (the sixth most populous member of the European Union). The average population density is 122 persons per 1 km², (in comparison, the average population density in Italy is 198). In the most urbanised region, i.e. Silesian voivodship, it amounts to 377 persons per 1 km², whereas in the most sparsely populated eastern part of Poland it amounts to 59 persons per 1 km².

The Republic of Poland is a constitutional republic that uses a mixed parliamentary and presidential system with a division of authority into legislative, executive and judicial powers. Legislative power is exercised by a two-chamber parliament, composed of the Sejm (Chamber of Deputies) and the Senate (Chamber of Senators). Both Chambers of Parliament sitting in joint sessions constitute the National Assembly.

Executive power resides with the President and the Council of Ministers. The Government performs it's duties through government administration organs and units. At the national level it is through ministries, central offices and the foreign service. At the regional level it is through the voivodes (representatives of the Government in 16 voivodships), voivodship offices (subordinated to voivodes) and territorial units of combined governmental administration.

Poland has a three-tiered system of regional government; it consists of (from bottom to top): communes (gminas), counties (poviats) and provinces (voivodships). Territorial self-government units are independent and their independence is subject to judicial protection. The basic territorial self-government unit in a commune (gmina). By the end of 2007, there were 16 voivodships, 314 poviats and 65 cities with poviat status and 2478 communes.

Ministry of the Environment

The authorities that have in their competences environmental protection are among others:

1) the head of the Gmina administration, the mayor of the town or the city
2) the head of the Powiat administration (Starost)
3) the Voivode
4) the Minister responsible for the environment
5) the Inspectorates for Environmental Protection.

Figure 1: Governance structure – *CIEP as a central authority under the responsibility of the Ministry of Environment*

The responsibilities of the Ministry are:

- environmental protection & management and effective use of natural resources
- nature conservation, including national and landscape parks, nature reserves and the protection of species of plants and animals, the protected forests, wildlife and other natural objects
- geology
- natural resource management
- controlling compliance with environmental protection requirements and assessing the state of the environment
- forestry
- forests and forest lands preservation

- hunting
- genetically modified organisms, with the exception of matters relating to the issuance of permits for the placing on the market of food and pharmaceutical products and matters of GMOs for feed use and genetically modified feed for certain tasks.

The Ministry performs its tasks by empowering the following departments:

- Department of Sustainable Development *(supervises the Chief Inspectorate of Environmental Protection)*
- Department of Water Resources
- Department of Law
- Department of Air Protection
- Department of Forestry and Nature Conservation
- Department of Environmental Information
- Department of Waste Management
- Department of Geology and Geological Concessions
- Department of European Funds
- Department of Economy.

Some of competences and tasks from these areas have been transferred by environmental laws to other authorities or local and regional self government. Central public authorities supervised by the Minister of Environment are:

- Chief Inspectorate for Environmental Protection
- General Directorate for Environmental Protection
- National Water Management Authority
- National Atomic Energy Agency
- State Mining Authority

Policy

According to Article 5 of the Constitution of the Republic of Poland, it says that there should be efforts to: "…safeguard the natural environment pursuant to the principles of sustainable development," and protection of the environment is a duty of public authorities (art. 74 paragraph 2 of the Constitution).

The Ministry of Environment's Vision statement is: "The Ministry of the Environment, as a state-of-the-art, professional institution which enjoys social trust, provides for rational management of natural resources and environmental education of the general public, and is open to cooperation in the field of the environment".

The Ministry also has a Mission statement: "The Ministry of the Environment, through its input into national policies, fosters the environment both domestically and globally, and ensures the long-term, sustainable national development with respect of natural heritage and human rights to meet the needs of both the present and the future generations".

Relationship of Ministry with Inspection for Environmental Protection
The Ministry is directly responsible for the CIEP. The Chief Inspector is appointed by the Minister of Environment. The Department of Sustainable Development supervises the work of the CIEP, for example, inspection plans are verified by this department. The Chief Inspector and Heads of Units in the CIEP regularly attend Ministry meetings as technical advisors and CIEP employees often go to the Parliament with Ministry officials to provide technical advice.

According to the *Act on the Inspection of Environmental Protection*, Inspection for Environmental Protection has been established to control compliance with environmental protection regulations and examine the state of the environment. The Chief Inspector for Environmental Protection has overall responsibility for Inspection for Environmental Protection in Poland and is supervised by the Minister of Environment. The tasks of Inspection are performed by the Chief Inspector for Environmental Protection and the Voivodship Inspectors for Environmental Protection). The VIEPs, in terms of inspections and issuing decisions, are responsible to the CIEP.

Inspection for Environmental Protection
Overview and organisation
The Mission of the IEP is to inspect business entities, to monitor and assess the state of the environment and provide the public with information about the environment.

The tasks of inspection for the Ministry of Environment are performed by the Chief Inspectorate for Environmental Protection and the Voivodship Inspectorates for Environmental Protection.

In Poland, there are 16 Voivodship Inspectorates for Environmental Protection to match the 16 Voivods. Some of VIEPs have Field Offices in the biggest towns of a voivodship, totalling 34 field offices in 16 VIEPs (in total 50 IEP offices). There are also 16 Laboratories (including 16 automatic air monitoring networks).

In sum therefore: *IEP = CIEP + 16 VIEPs.*

In 2012 IEP activities were performed by 2406 employees, out of which 134 were situated in the CIEP and 2272 in the provinces (Voivods).

VIEP/CIEP	Inspection	Monitoring	Laboratory	Administration	Management	TOTAL
CIEP	**48**	**24**	**3**	**53**	**6**	**134**

16 VIEP's	**672**	**231**	**792**	**543**	**34**	**2272**
TOTAL - IEP	**720**	**255**	**795**	**596**	**40**	**2406**

Table 2: IEP employees (2012)

The major tasks of the IEP include:

- controlling compliance with environmental protection regulations
- examining the state of the environment under the programme of National Environmental Monitoring
- preventing major accidents.

Above mentioned tasks are performed by, among others:

- enforcing duties and obligations related to environmental protection, imposed on entities running business activity, in particular:
  - carrying out tasks related to managing the National Pollutant Release and Transfer Register;
  - inspecting landfill sites;
  - inspections in the area of water and waste-water management to protect water resources, in particular underground water resources, which supply communities in fresh and useful water;
- conducting measurements and collecting data about the quality of environmental elements, including among others air, waters, soils, nature, noise etc.
- working out comprehensive assessments and outlooks of the environmental state, as well as integrated analyses of environmental problems;
- administrative ruling (of the second instance);
- preventing illegal trans-boundary waste shipments;
- granting permits for import, export and transit of waste to protect Polish territory from inflow of waste from abroad;
- supervising establishments which may cause a major accident and maintaining their register;
- analyzing major accidents and supervising the removal of their consequences;
- initiating and taking actions defined by law to prevent major accidents;
- working out comprehensive assessments and outlooks of the environmental state, as well as integrated analyses of environmental problems;
- preventing products that do not meet the basic requirements or other requirements specified in the new approach directive from entering the market or being put to use;
- ensuring an environmentally sound that WEEE management is safe for the environment;
- gradual liquidation of the grey-zone in the area of waste management
- observance of the provisions pertaining to GMO handling etc.

Figure 2: Map of Voivodships

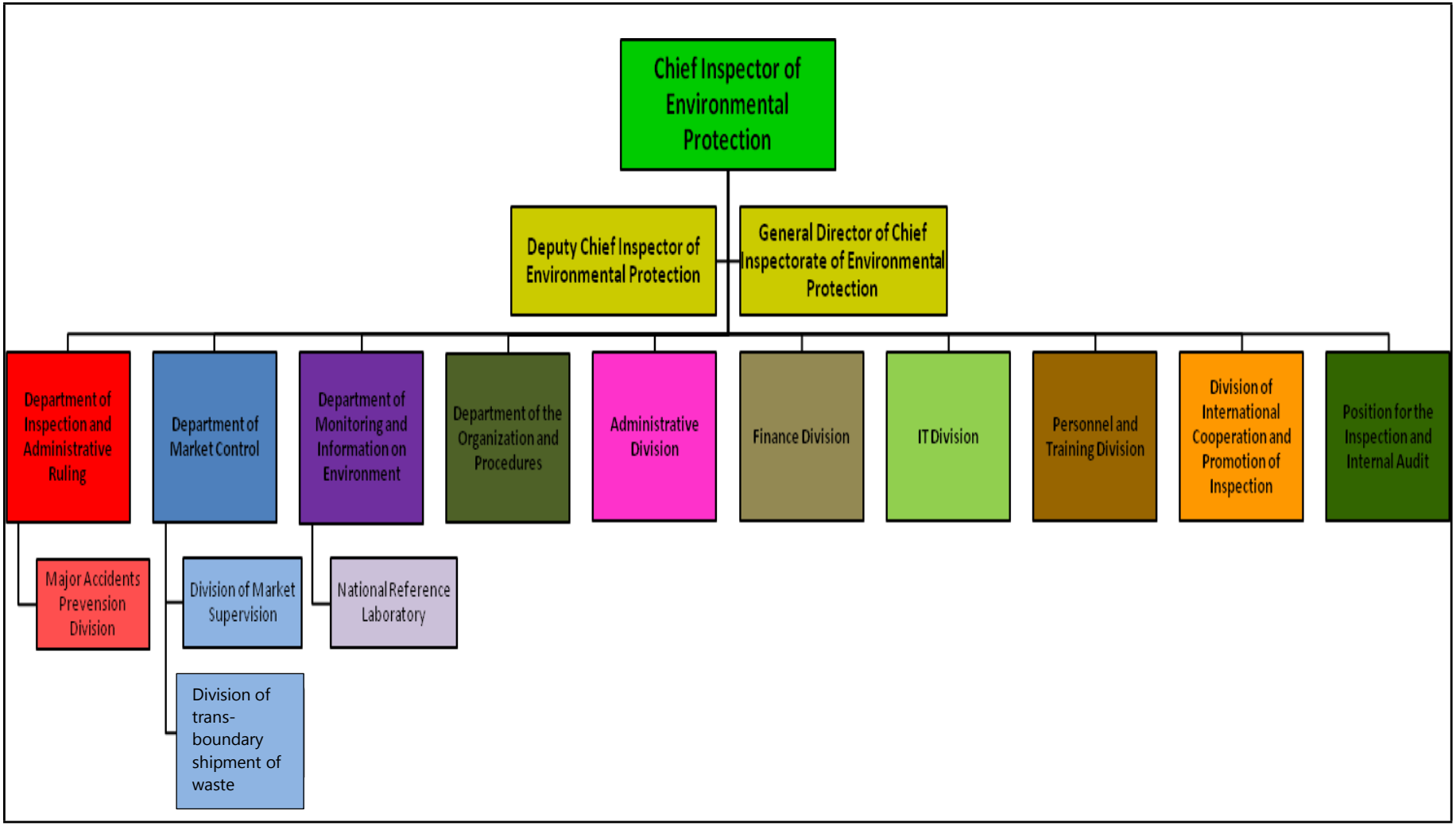

Figure 3: CIEP structure

Legislation

- The National Environmental Policy
- State Development Strategy (prepared by the Ministry of Economy)
- General Directions of Inspection Activities (prepared by the Chief Inspectorate of Environmental Protection).

The main pieces of legislation that the IEP is responsible for enforcing in Poland is listed in annex 2.

Financial resources

Financial resources for the work of the CIEP are allocated in the State Budget of Poland. The VIEPs are financed separately from CIEP. Their budgets come from the Voivods' budgets. The CIEP does not hold information about this.

The annual budget for 2013 is 16 056 000 PLN (approx. € 3,742.483).

- wages – 9 760 000 PLN
- obligations to the State – 1 809 000 PLN
- investments – 100 000 PLN
- travel (internal and external) – 242 000 PLN
- trainings – 100 000 PLN
- services – 371 000 PLN
- expertise, analysis, opinions – 27 000 PLN
- projects (EEA grants) – 6 368 000 PLN
- other project – 830 000 PLN

RESERVEs – can double the budget (services, investments, Conventions: Basil, Helcom)
It is possible to apply for the budget reserve for additional services, investments, participation in Conventions, such as Basel, Helcom.

There is some limited charging for issuing permits though this is done by local authorities (see Part B below). There is no charge for carrying out inspections.

Permits and sites

The number of IPPC installations in Poland, as at June 2012:

- Total number of IPPC installations which require integrated permits – 3269
- 3237 (99,02%) installations with integrated permits
- 18 (0,55%) not operated installations
- In 14 cases, (0,43%) there are administrative proceedings pending in administrative courts on the issuance and/or suspension of permits.

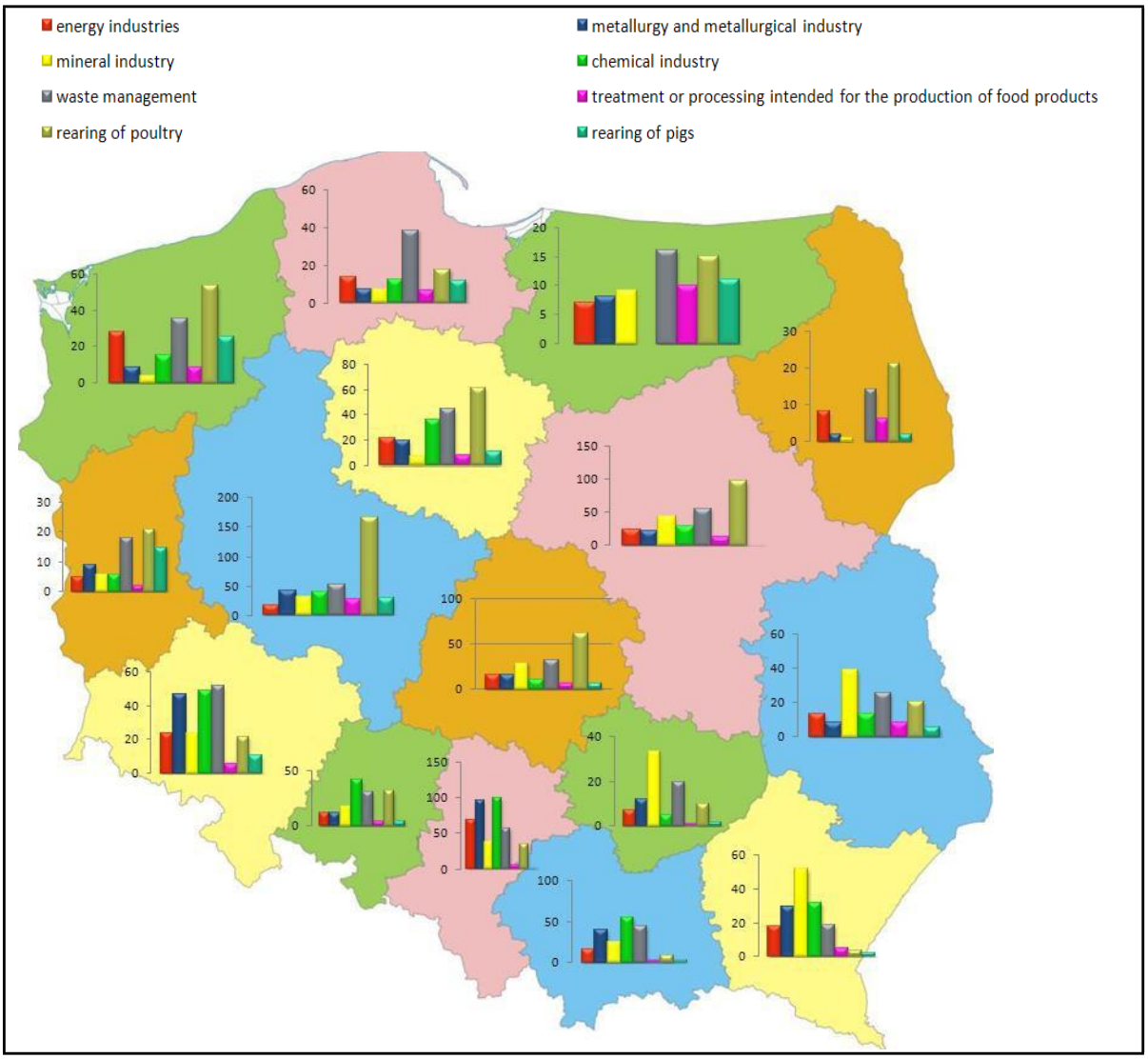

Figure 4: Distribution of IPPC installations (2012)

Regarding SEVESO, the most important tasks of IEP concerning major accidents prevention, are:

- initiating and taking actions defined by law to prevent major accidents;
- cooperation with other competent authorities;
- supervising environmental recovery;
- keeping the register of major accidents;
- conducting inspections of entities (lower- and upper -tier establishments)
- which may cause the hazard of major accidents;
- providing trainings and assistance for authorities and entities which may cause the hazard of major accidents.

The total number of SEVESO establishments in Poland (as of 2012) are: Upper-tier establishments - 177
Lower-tier establishments - 191

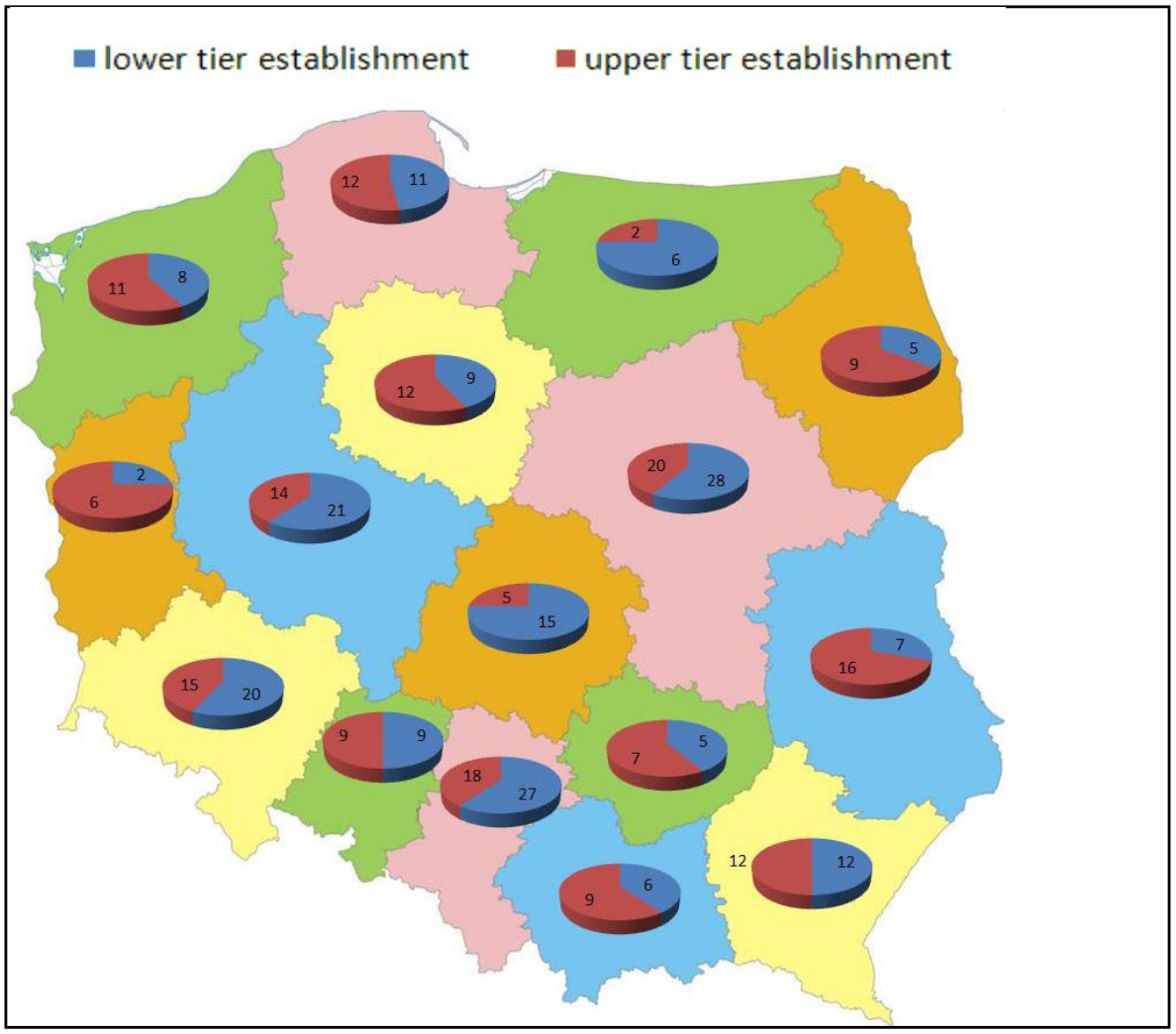

Figure 5: Distribution of upper and lower tier SEVESO establishments

External Interaction

These are the external bodies the IEP regularly interacts with:

- State Fire Brigade
- The Police and the Public prosecutor's office
- Customs Inspection
- National Labour Inspection
- Construction Surveillance Inspection
- Sanitary Inspection
- Veterinary Inspection
- Road Transport Inspection.

Management systems

- Formal: regulation, statute
- Common Assessment Framework – complex quality management system aimed at improving an organisation through self-assessment
- Supervision over VIEPs activity – formal system and documents (Control System)

Involvement of the public

Poland has signed (25 January 1998) and then ratified the Aarhus Convention (15 February 2002). The general public's involvement in decision making within the regulatory process:

- Access to information
- Public participation in decision making
- Access to justice

A national law of 2008 set out a requirement for the provision of information about the environment and its protection, public participation in environmental protection and environmental impact assessments. It was applied in the following subsequent laws:

- Environmental Law
- Water Law
- Nature Protection
- Act on Waste

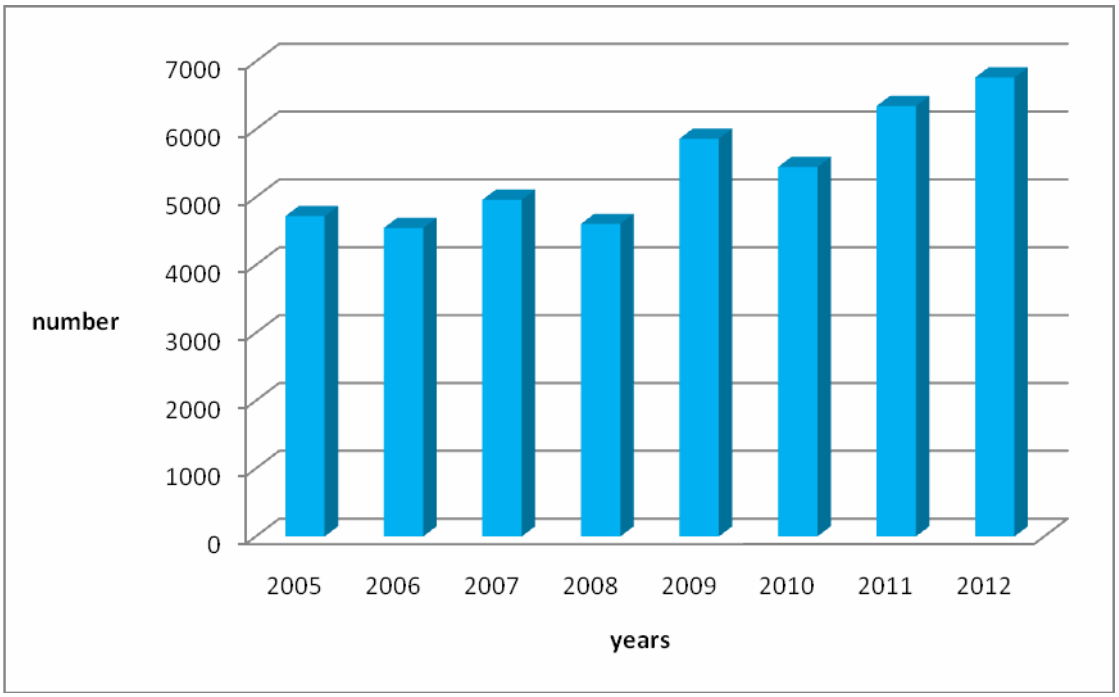

Figure 6: In 2012, 6756 information requests submitted to the CIEP and VIEPs.

On public participation, everyone has the right to submit comments and proposals on draft documents and changes to documents prepared by competent administrative bodies. On administrative proceedings (e.g. issuing decisions) and when adopting strategic document like policies, plans, programmes and strategies; the public has a right to participate. The public has a right to be informed on the initiation and completion of a procedure and how to respond to comments and proposals.

The following are examples of administrative proceedings the public can participate in:

- procedure to issue a decision on the environmental conditions for the projects for which a report on the environmental impact is required by law,

- procedure to issue a decision on the environmental conditions for the projects for which the order was issued by the need to draw up a report on the environmental impact
- proceedings on the issue and change the integrated permit
- proceedings on the issue of consent for the contained use of genetically modified organisms (GMOs).

The following are examples of legal documents the public can comment on:

- draft National Environmental Policy
- environmental programs and projects
- draft programme for air protection
- draft program for environmental noise
- State water and environmental programme
- draft National Waste Management Plan
- draft waste management programme
- draft National Allocation Plan for emission allowances.

In order to facilitate public participation in the drafting of new laws there is a Government website that enables public consultation: http://legislacja.rcl.gov.pl/

- Consultation on draft legal acts
- Public hearing
- Expert work.

In terms of Access to Justice, the following applies:

- there is an opportunity to appeal that forces the administrative body to take action in the event of a lack of response of the authority
- access to procedures:
    - appeal procedures (appeal of a the decision in the first instance) – i.e. Appeal to the Chief Inspector
    - judicial procedures (administrative court and then Supreme Court.

The IEP uses a Code of Administrative Proceedings which governs the system of decisions. This is an instruction document of when, how and who is competent to make this procedure. This applies to all public administrative bodies. The public Ombudsman also directs questions to the IEP on occasion.

In 2012, the CIEP received 816 administrative appeals. Appeals can be placed by an organisation e.g. NGO, but they are usually filed by operators of installations who wish to counter or protest a decision. These were:

- appeals from VIEP decisions
- requests for reconsideration of CIEP decisions
- application to the voivodship administrative courts to decide a case

- appeal to Chief Administrative Court - *the final form of appeal in administrative proceedings on the judgment of the court of first instance (voivodship administrative court).*

The cases concerned were in the following thematic areas:

- 307 - waste management
- 188 – water and waste water management
- 38 – noise
- 13 – air protection.

CIEP issued 693 decisions:

- 308 – upheld the decision of the VIEP
- 146 – annulment and cancellation
- 38 – annulment and reconsideration.

The review team asked whether assessments were carried out of why there were annulments or reconsiderations and whether these lessons learnt were distributed to the other VIEPs. The CIEP reported that there were examples of where mistakes had been made and that these were distribute to all voivodships. The same occurred to rulings of the administrative courts were decisions were disseminated to all voivodships. The CIEP also said that where there are difficulties with interpretation then training is organised by the CIEP.

Some of the methods of distributing information by the IEP are as follows:

- On the CIEP website, there is information about the work of the IEP, the locations of point source emissions. Emission data is published online by type and date. The site is under development.
- There is an English language portal on the CIEP website: http://www.gios.gov.pl/?language=2
- Each VIEP publishes a fixed document on its website about the list of IPPC installations in the Voivodship with basic information about each site
- *Ekofirma* – This is a guide for small and medium-sized enterprises in the field of compliance with the requirements and obligations of legislation. This is currently under development under an EEA project
- Brochure on competent authorities for complaints and interventions
- Inspection reports are not publicly available but can be obtained on demand
- Registers available on CIEP website including the PRTR register, events on major accidents, register of WEEE companies and batteries
- Report on Inspection Activity. Each year a report on the activities of the CIEP and VIEPs is published (part of which is translated to English).. There is also a section on international cooperation which outlines what was done during the year in terms of bilateral cooperation, international projects, cooperation with EEA , IMPEL etc. The Report on Inspection Activity in the given year is also delivered to the Ministry of Environment and presented at the Parliament session

Complaints
In 2012 the CIEP and VIEPs received 315 complaints:

- CIEP - 186 complaints (own competence – 118; transferred to other public authorities – 68)
- VIEPs - 129 complaints (own competence – 59).

International Cooperation

- participation in the work of EU institutions and agencies: European Environment Agency, IMPEL, committees, working groups, programs, conventions e.g. HELCOM, Basel Convention
- bilateral cooperation with neighbour countries e.g. Germany, Czech Republic (working groups in VIEPs), on issues such as:
    - monitoring of water quality of border rivers: Odra, Bug, Szeszupa
    - air quality
    - Transfrontier shipments of waste.

The review team noted one excellent example of international cooperation that has helped to significantly enhance Poland's ability to manage its inspection processes and procedures and that was a bilateral project with the Norwegian Government. Since 2010, a new Control System supported by an IT Control Support System (ITCSS) has been put in place in Poland and it is used by both the CIEP and VIEPs. Both tools have been developed under the project. The Project PL0100: "Increasing effectiveness of the Environmental Inspection based on Norwegian experiences," was implemented between 2007 and 2010 and financed by a donation from the Kingdom of Norway. The donation was made available through the Norwegian Financial Mechanism set up to assist countries develop and improve their environmental performance. The new control system is consistent with Polish regulations and the Recommendation on Minimum Criteria for Environmental Inspections.

The Control System is a set of rules and procedures that constitute the inspection process, covering: annual and quarterly planning, drawing up inspection plans, carrying out inspections, documentation, measurements, writing protocols and issuing follow-up orders. The ITCSS is a basic tool supporting inspections which allow the generation of reports, protocols, inspection plans and to view the status of follow-up orders on implementation.

Part B– Permitting activities

Objective
Explore the permitting activities of the environmental authority.

Permitting is outside the scope of this review as the main focus is on the inspection activities of the IEP. However some brief observations were made by the review team that warrant attention here.

Overview
The role of the IEP within the permitting system is limited. Permitting is carried out on at three levels depending on size, scope and environmental impact of the industry concerned. Legislation sets out the competences of each level of administrative body e.g. IED, so that if a site wants a new integrated permit then this will be carried out at the voivodship level. The IEP have a role in inspecting permitted sites that have been issued by the Marshall (regional level), Starost (county level) or municipality (local level) and in feeding back information to the permitting authorities.

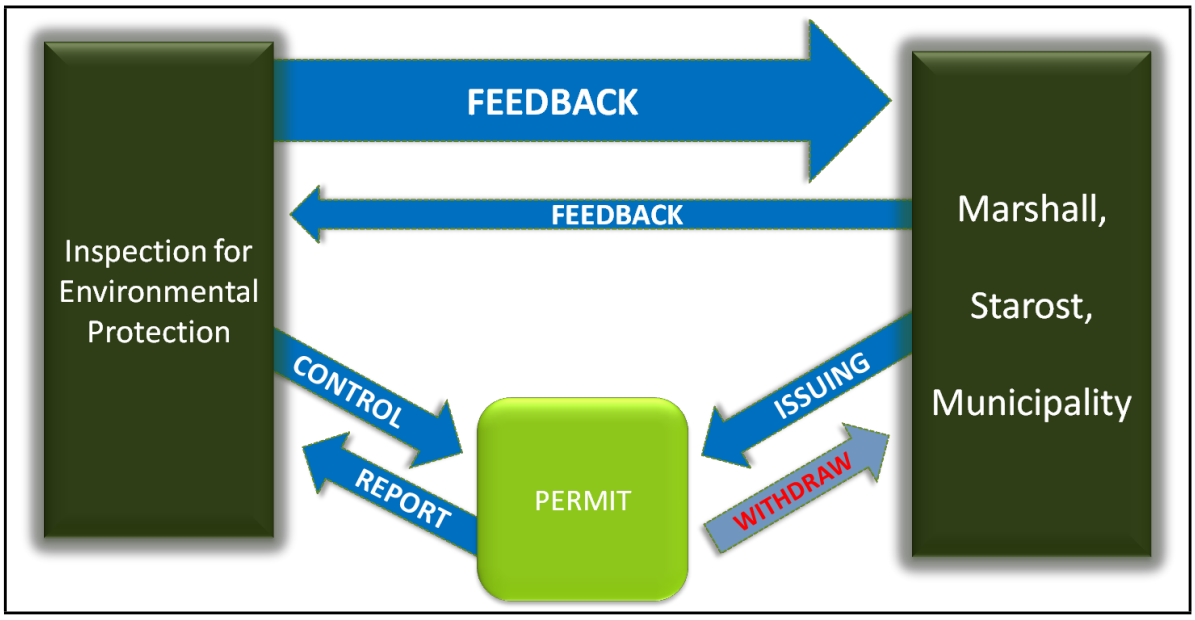

Figure 7: Relationship of permitting to inspection authorities

Process for issuing permits
Figure 7 describes how permits are issued at a Voivod (and lower) level. The review team noted that little information is sought by a permitting authority from the IEP before permits are issued. Feedback is provided by both authorities after the permit has been issued. Inspectors can sometimes feed in information but there appeared to be no established procedure for doing so. Inspectors sometimes initiate a permitting process (either a need for a new permit or an amendment) however they cannot force a change to a permit. Permits are issued on the basis of application.

There appeared to be two exceptions, one on permitting of collection, treatment and recovery of end of life vehicles and the other for permitting of noise. On collection, treatment and recovery of end of life vehicles (figure 8), the Marshall can request an 'opinion' from an inspecting authority on the practicability and enforceability of a permit. The inspector can also give feedback on post-hoc application.

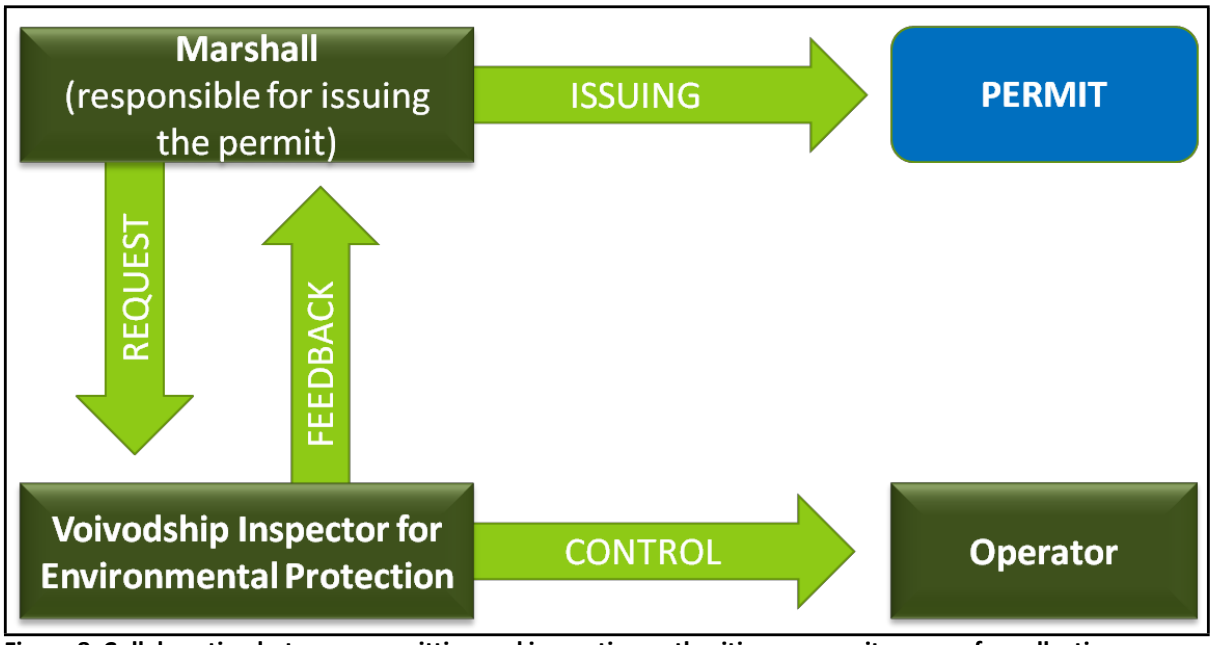

Figure 8: Collaboration between permitting and inspection authorities on permit process for collection, treatment and recovery of end of life vehicles

In the case of permitting for noise:

- Operators are not obliged to gain a permit for noise emission (except integrated permits).
- Measures of noise, made during a control by the voivodship inspectorate for environmental protection, are sent to the local authority responsible for issuing the permits.
- In case emissions of noise exceed limit values described in environmental law, the local competent authority is obliged to issue a permit.

The IPPC permitting process usually takes up to 6 months and permits typically last for 10 years. All other types of permits typically take 1 to 2 months to issue. Once the IED has been fully implemented, it is expected that IED permits would last for an unlimited period of time though review periods would be built in at each 5 year period.

The Ministry of Environment (Department of Air Protection) is responsible for holding and maintaining a register of all integrated permits. A copy of applications for new permits is sent to this Department. They also perform a role in maintaining consistency for example by providing training to the Marshall / Voivod level in permitting. In order to get standard conditions in permits, the Ministry uses standardised guidelines that have been set down in national legislation. There are guidelines on how to apply for an

integrated permit and guidelines explaining different sections and components of how a Marshall should grant such a permit.
The review team noted however that a large number of different authorities (at Marshall, Starost or municipality level) that were competent for granting new permits and making changes to permits suggest a high degree of likelihood that there is inconsistency.

Reopening, revoking of permits
The Minister of Environment has the authority to amend permits but, in practice, this is used only in rare instances. Cases where permits are revoked are also rare but the Minister can do so following inspections and prosecutions for violation of the permit.

Charging
There are some charges for issuing permits. These are set out in legislation.

A National Fund for Environmental Protection is in operation with 16 branches in each region of Poland. They direct and manage income received through charges and fees. This fund carries out environmental projects. Operators can apply for co-funding from this fund to make environmental investments. The Chief Inspectorate for Environmental Protection carries out the State Environmental Monitoring and can also use this fund to carry out certain monitoring projects. The review team noted one particularly interesting innovation in that a certain allocation of funding is linked to the amount of money earned through charges and fees and goes back to the voivodships in proportion to the amount that was charged.

The charges for issuing permits set out in legislation are unlikely for the majority of permits to reflect the true cost of permitting. Being more efficient within the permitting process such as reducing the number of authorities carrying out permitting or charging more in line with the actual cost of the activity are both potential options to seek full cost recovery.

Involvement of the public
There is a formal consultation process conducted at the voivodship level regarding the issuing of new integrated permits. It is based in the Law of Environmental Protection that the administration authority shall ensure public participation in the procedure for the granting of an integrated permit or a decision to modify the integrated permit.

Part C – Performing inspection tasks (Environmental Inspection Cycle)

1.*Planning of inspections*

Objective
To find out the criteria and procedures for planning of inspections and how this is put into practice.

1a. Describing the context
Identifying the scope
Much of the information on tasks, responsibilities, legislation and installations can be found in part A.

The main inspection goal that the IEP work to is to assess the environmental impact of an installation or establishment, the effectiveness of a safety system and compliance with environmental protection regulations. According to the IEP's control system, they carry out planned and unplanned inspections, including site and document inspections.

Authorised inspectors (with the appropriate licences) can carry out inspections on behalf of the VIEPs. In Poland, inspections are carried out in accordance with the Act on Freedom of Economic Activity of 2nd July 2004. This stipulates the number of days that an inspection from any service (e.g. environment, labour, health and safety, fire etc) is limited to and only one organisation can carry out inspections on the same day unless an operator agrees or there is a threat to the human life, health or the environment. There is a limit to the number of days of inspections an organisation can take according to the size of their organisation:

- Micro enterprise (less than 10 employees and annual turnover of € 2 million) 12 working day per inspection body per year
- Small enterprise (less than 50 employees and annual turnover do not exceed € 10 million) 18 working day per inspection body per year
- Medium enterprise 24 working day per inspection body per year
- Large enterprises 48 working days per inspection body per year.

Follow up (unannounced interventions) do not count towards these limits. The review team noted that this, in effect, increases the limit yet further. The review team also noted that the amount / quantity of inspection time was quite large in comparative terms to other countries and the likelihood of an inspection body like the IEP needing 48 working days for example per large enterprise was remote, especially if follow up activities was not covered in this amount.

VIEPs are obliged to submit twice a year, reports on the number of control activities actually carried out to the CIEP. The annual data is submitted to the Central Statistical Office and used in statistical yearbooks. Information on incomes and allocation of funds

from penal fines is submitted to the Ministry of Finance and the National Fund for Environmental Protection and Water Management.
Inspection reports are drawn up by the inspectors to record the identified nonconformities and the inspector's observations concerning the activities of the inspected entity. The document is prepared in both electronic and paper format. The report is signed by all the participants of the inspection, i.e. the operator, inspector, representatives of different authorities (if involved).

The IEP uses a formal Control System (CS) and an IT control support system (ITCSS) developed in partnership with the Norwegian EPA (previously KLIF). This is used to support the inspection activities of inspectors ensuring more efficient and effective work. The Control System is a set of rules and procedures that constitute the inspection process, covering: annual and quarterly planning, drawing up inspection plans, carrying out inspections, documentation, measurements, writing protocols and issuing follow-up orders. The ITCSS is a basic tool supporting inspections which allow the generation of reports, protocols, inspection plans and to view the status of follow-up orders on implementation.

1b. Setting priorities

Overview

The Control System and IT Control Support System have implemented changes in the following areas:

- Planning inspections
- Preparing inspections
- Carrying out inspections
- Documenting inspection activities (report)
- Preparation of controls
- Follow-up actions.

Priorities stated by the Chief Inspector for Environmental Production in 2012 concerned:

- state of implementation the project of closing landfills
- compliance with regulations regarding waste management with particular emphasis on measures for reducing the "gray zone"
- accuracy of shipments of waste to the national installations, permitted to transport waste from the "amber list".

Other issues covered by inspections, such as:

- major accidents
- sulphur content of heavy fuel oil and engine oil using in inland waterway vessels;
- substances that deplete the ozone layer
- pesticide burials liquidation
- IPPC installations.

Planned and unplanned inspections

Planned inspections covered by the inspection plan include: comprehensive (audit), within the framework of campaigns and problem-related inspections. It also includes a document inspection which refers to self-monitoring reports. Unplanned inspections not included in the plan of controls and carried out as a result of specific circumstances such as neighbourhood complaints, turnouts or requests of entities (investment inspections, document inspections) and other inspections connected with the site visit and document inspection. The list of types of inspections is included in the Control System.

Other inspections

This refers to the inspections that are not typical; they include document inspections without site visits.

Announced vs. unannounced

All inspections in Poland have to be announced unless there is a threat to human health, life or the environment. There is a 7-30 day notice period that is required to give to operators beforehand. However the IEP can inspect anytime within this 23 day period.

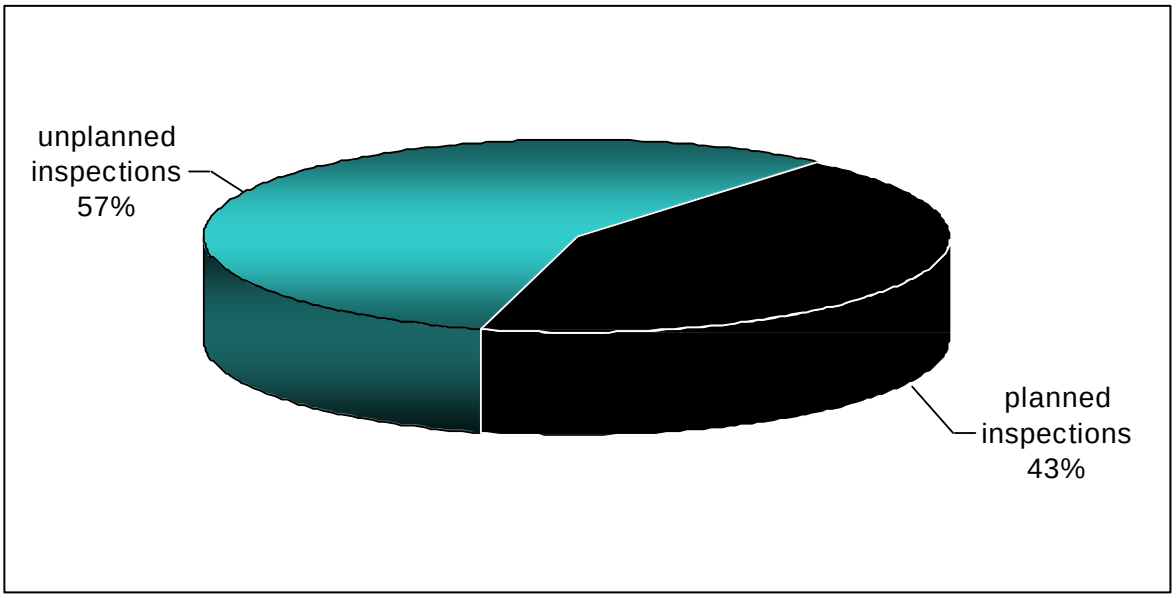

Figure 9: Ratio between planned and unplanned inspections in 2012

No	VIEP	Site inspections		Document inspections		**Interventions**
		planned	unplanned	planned	unplanned	
1	Dolnośląski	565	246	454	1036	162
2	Kujawsko-pomorski	462	373	237	370	213
3	Lubelski	650	262	373	263	196
4	Lubuski	421	194	3	93	126
5	Łódzki	475	306	402	781	186

6	Małopolski	658	472	140	820	281
7	Mazowiecki	1361	721	436	2485	470
8	Opolski	221	184	69	93	33
9	Podkarpacki	727	146	632	202	61
10	Podlaski	506	240	88	657	156
11	Pomorski	307	262	112	291	198
12	Śląski	570	462	287	729	316
13	Świętokrzyski	228	132	60	747	96
14	Warmińsko-mazurski	469	239	265	150	168
15	Wielkopolski	857	647	492	818	448
16	Zachodniopomorski	329	203	12	294	99
	TOTAL	**8806**	**5089**	**4062**	**9829**	**3209**

Table 3: Number of inspections of different types in 2012, by Voivodship

The review team noted that the ratio between planned and unplanned inspections would normally be the other way around i.e. 60% planned and 40% unplanned (see figure 9). Indeed the figure might look more like 70% planned and 30% unplanned. IEP explained that the amount of complaints was quite high meaning that unplanned inspections took quite a lot of time. The relatively high number of unplanned inspections, the review team said, gave the impression of a reactive organisation and makes it appear that IEP are not adequately planning their work. After further questioning and by examining the statistics in table 3, it became clear that many of the inspections captured as unplanned should be classed as planned. It is suggested that the methodology of how these statistics are calculated is reviewed.

Inspection planning system

The IEP uses a procedure for inspection planning that is described and set out in their Control System. It includes annual and quarterly periods. Annual planning is based on the assumption that each inspector works 1200 hours a year. This time is intended for planned inspections (routine), unplanned inspections (non-routine) and for document inspections. The inspection plan uses a list (register) of entities and is stored in the ITCSS. With the use of this tool it appears possible to monitor inspection plan implementation.

Risk assessment

The risk category of an installation or activity is divided into the following categories:

- category I – annual inspection;
- category II – biannual inspection;
- category III – an inspection every three years;
- category IV – an inspection every four years.
- category V – turnouts (are not included in the plan of controls).

Simon said that having fixed lists presents flexibility and the ability to manage emerging situations. Each VIEP classifies operators to the given category basing on legal regulations (when frequency of inspection is regulated by law) and the type of industrial activity.

Category I (signifies the highest risk, the frequency of inspection of most installations in this category is regulated by law):

1. Upper tier establishments - *The review team said that according to the SEVESO Directive, if a risk assessment is carried out, then it is not necessary to carry out an inspection every year. In practice this means that this is not necessarily within the highest category of risk)*
2. Car disassembling stations
3. Processing facilities for waste electric and electronic equipment
4. IPPC installations (falling under the Accession Treaty requiring Poland to implement by a certain time limit)
5. Facilities processing waste imported from abroad, requiring integrated permit
6. Large industrial fattening pig farms requiring integrated permit

Category II (signifies high risk):

1. Lower tier establishments
2. Facilities falling under Regulation No. 166/2006 of the European Parliament and Council on PRTR, other than category I facilities
3. Waste water treatment plants above 2000 PE
4. Facilities operating without a permit but that they should have a permit, included in the category of operations that may have a significant environmental impact, for which report on the environmental impact is mandatory;
5. Facilities that do not meet the permit requirements, included in the category of operations that may have a significant environmental impact, for which the report on the environmental impact is mandatory;
6. Facilities that fail to implement follow-up recommendations, included in the category of operations that may have a significant impact on the environment, for which it is mandatory to draw up environmental impact report.

Category III (signifies average risk):

1. The remaining potential perpetrators of serious incidents, other than the ones from category I and II;
2. Waste-water treatment plants below 2000 PE;
3. Landfills and incineration facilities other than the ones from category I and II;
4. Facilities that were provided with a new permit specifying the scope and conditions of use of the environment, included in the category of operations that can have a significant impact on the environment, for which it is mandatory to draw up an environmental impact report, or the duty to draw up the report results from a decision of a respective environmental authority;
5. Facilities that are a cause for justified interventions, included in the category of operations that may have a significant impact on the environment, for which it is mandatory to draw up an environmental impact report or the duty to draw up the report results from a decision of a respective environmental authority;
6. Waste recovery facilities included in the category of operations that may have a significant impact on the environment, for which it is mandatory to draw up an

environmental impact report or the duty to draw up the report results from a decision of a respective environmental authority.

Category IV (signifies low risk):

1. Facilities other than the ones from category I, II and III, which require the use of the environment to be formally and legally regulated in the form of an administrative decision;
2. Facilities subjected to the inspection in terms of substances depleting the ozone layer;
3. Facilities subjected to the inspection in terms of sulphur content in the fuel;
4. Facilities subjected to the inspection in terms of market supervision.

Category V (signifies risk smaller than category IV):
Category V includes facilities that do not require permits, in the form of administrative decision which were subjected to a short-term inspection as a result of application to intervene, issue a certificate or others.

The IEP uses basic and multi criteria categorisation. Basic refers to the classification of facilities according to a simplified analysis that takes account of the nature of facility's (installation's) business and the volume of released emissions: the categorization leads to the breakdown of facilities into four basic categories (I-IV) and the remaining ones classified as category V. Multi-criteria categorisation, refers to a detailed, score classification of facilities, taking account of various criteria that have an impact on the environmental risk (probability of risk and probability of impact on the environment); the criteria involve among others impact of the facility on the neighbouring recipients, background in observing the environmental provisions, environmental management systems, etc.; facilities are ranked in each category (I-IV) depending on the score. The IEP are able to use more resources to control an activity within each category if needed.

It is very useful for a regulator to be able to split up its activities according to the risk they present and the structure described above goes a large way towards being able to do this. It was noted however that the current structure prevents flexibility and also being fixed does not allow for emerging situations or new technology. For example wastewater treatment plants >2000 population equivalent (PE) are all in category II. This would mean that sewage treatment plants between 2001 PE and 1,000,000 PE would be categorised as posing the same level of risk regardless of where they discharge (i.e. to a small watercourse with a Natura designation or one discharging to the sea. In reality there are obvious differences and more flexibility would be appropriate where legally possible to implement.

With the introduction of the Industrial Emissions Directive and forthcoming changes to the recommendation on the minimum criteria for environmental inspections it would seem like a good opportunity to introduce a risk assessment system that allows more

differentiation within a permitted activity type e.g. sewage treatment works or chemical processes.

Risk criteria should also be aligned with the primary environmental outcomes that you are trying to achieve as an organisation. One of the stated outcomes of CIEP is to improve water quality yet there are no risk criteria to help achieve this. An example of such a risk criteria would be to classify those activities that contribute to the downgrading of water quality higher than those that don't therefore targeting inspections to help you achieve your organisational priorities.

The review team noted that the introduction of the IED would be a good opportunity for IEP to review their categorisation in light of the requirements of this new Directive.

When categorising installations, a numeric value, in terms of its risk level, is given to that installation. It is based on:

- Likelihood of industrial incident as a result of the conducted activity
- Nuisance for the environment, involving:
    - Sensitivity of neighbourhood (location of the installation, state of the environment, frequency of requests for intervention as a result of environmental pollution)
    - Scale of facility's impact on the environment (type of installation, emissions to air, water or soil, waste generation, recovery or disposal, noise emissions)
    - Safety measures applied (installed equipment at the facility, assessment of environmental management at the facility).

A Risk Table is generated by the ITCSS, taking account of the risk analysis database concerning facilities and other parameters which are critical for allocating facilities to the respective risk categories (I-IV). The control system also uses Inspection efficiency indicators, numeric data and their relations, that characterise environmental inspections:

- Number of inspections per inspector (the account is only taken of the inspectors who are authorised to carry out inspections, excluding the head of inspection department and the heads of inspection sections in the branch offices)
- Number of inspections per all employees of the inspection departments and sections

Instructions and sanctions

IEP inspectors can apply penal fines, 'Instructions' and administrative sanctions.

Instructions are warnings to change something / a practice. This is short of issuing a penal sanction but it gives notice that a change must have been implemented by the

time of the next inspection. Instructions, in the Polish experience, given during inspections can help operators to prevent violations of environmental law. An ordinance sets out a list of what offences are included as penal sanctions. The ITCSS system is used to record instructions and changes that have occurred as a result.

Penal sanctions are imposed upon individuals. For minor offences, the maximum fine is 500 Zloty (approximately € 120). Administrative fine imposed upon an entity can be limited or unlimited. Unlimited are calculated in different ways e.g. hourly fines, daily fines and cumulative fines. Limited administrative fines are in fixed amounts regulated by law (e.g. for collecting waste without permit).

Procedure for issuing penal fines
Follow-up actions (sanctions) IEP may undertake if violations are identified:

- a decision suspending operation
- an administrative fine
- other administrative decisions such as: permitting operation after suspending the activity of the entity
- follow-up order (similar to an enforcement notice)
- penal fine or instruction (sanction imposed during inspection)
- initiating enforcement if the obligation results from an administrative decision or legal regulations
- apply (request) to other authorities, courts or law enforcement.

Guidelines on inspection and enforcement
In Poland, the control system uses a procedure for monitoring the implementation of follow-up orders. The ITCSS system is used to check the status of follow-up order (whether it is already implemented etc.). If any significant violations are identified, the inspection is repeated to check the status of follow-up orders and their execution. Enforcement of administrative decisions issued by the IEP are in accordance with the provisions of their Code of Administrative Proceedings. The follow-up order contains if possible a timescale for completion of the requirements of the order, the length of which depends upon the scope and scale of what is required.

Enforcement per year

- The number of companies included in register: 64,961
- The number of document inspections: 13,892
- The number of site inspections : 30,176, including approx. 18,800 document inspections
- Number of inspectors [in full-time positions]: 672
- The number of controls revealing non-conformities: 8,928 including 447 that could cause danger or pollution to the environment
- The number of controls of IPPC installations: 1,643

Post control actions in 2012 -

In 2012 the IEP issued 2,211 different kinds of administrative decisions imposing financial penalties including:

- 104 decisions concerning the emission of noise
- 58 decisions concerning emissions to air
- 27 decisions concerning waste water discharges
- 21 decisions concerning storage of waste material
- 30 decisions concerning trans-boundary waste shipments
- 39 decisions concerning violations of PRTR
- 38 decisions concerning waste electrical and electronic equipment

There were also 36 decisions to stop the operation or use of an installation.

- The number of fixed-penalty tickets: 2,353
- The number of motions made to the police: 85
- The number of motions made to the court: 44
- The number of motions to government administration: 903
- The number of motions to local administration: 3,497
- The number of post-control orders: 7,035

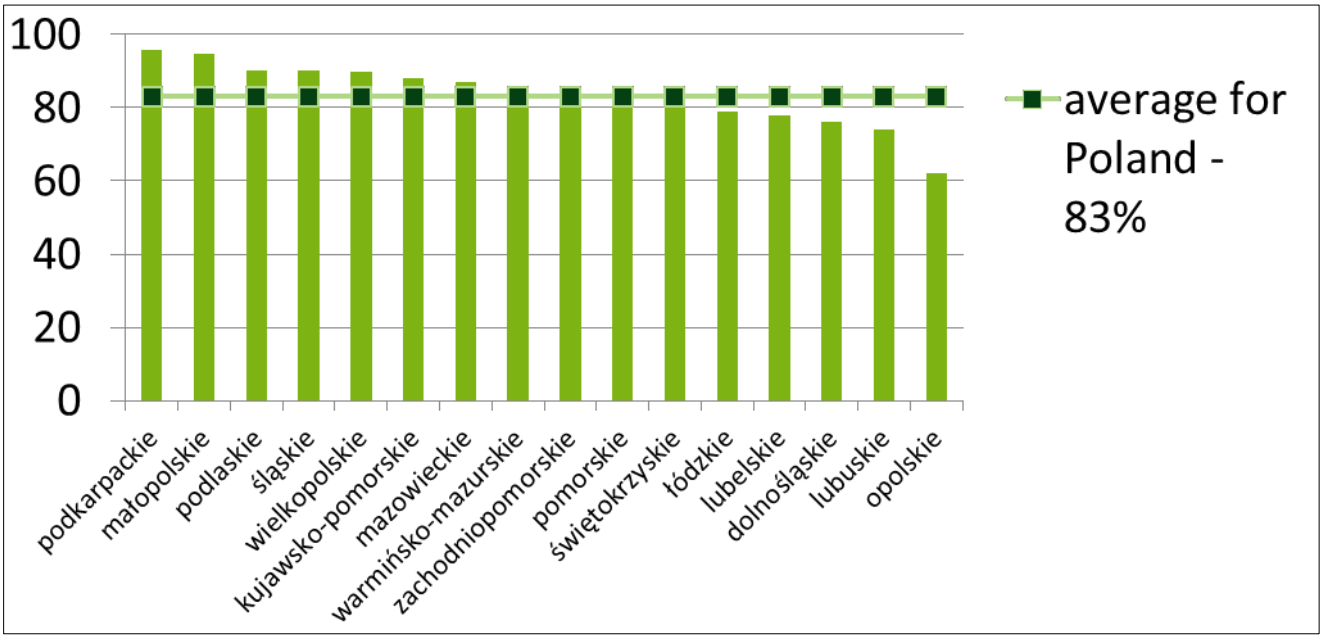

Figure 10: Level of fulfilling post-control orders by companies in 16 regions in 2012

1c. Defining objectives and strategies

Overview

The Chief Inspector of Environmental Protection, on the basis of National Environmental Policy, uses a guidance document: "'General directions of operating of Inspection for Environmental Protection from 2007 to 2013," to set out the main tasks for the IEP. The Chief Inspector also prepares guidelines for planning the activities of the IEP. These guidelines then form the basis for each Voivodship Inspectorate to prepare its own plan of controls. These plans also incorporate their own voivodship targets.

The macro-scale planning system is based also on categorisation of entities recorded in the databases of VIEPs on the basis of the risk categories of a company. Macro-scale planning is carried out using the following principles:

- Principle 1

The breakdown of all installations included in the records according to the risk criteria results in the establishment of four basic categories I-IV, covered by planned inspections, as well as category five, covering the remaining installations that are not included in the plans. These entities are inspected on a temporary basis, within the framework of time allocated to unplanned inspections. Time reserve covers the inspections carried out upon requests of other authorities, turnouts, document inspections and others. In the plan of controls about 30% of site controls are supposed to be unexpected ones.

- Principle 2

In each of the four risk categories the frequency of inspections depends on the risk level, whereby a lower risk means less frequent inspections – see *1b Setting Priorities* above.

- Principle 3

It is assumed that inspection frequency for a given entity allocated to a specific risk category, except for category I (mandatory annual inspections) is flexible, which means that it can vary (it can be higher or lower than it is assumed in a given risk category) depending on the following factors: the scale of environmental impact, the sensitivity of the recipient, the assessment of inspectors concerning the operator in terms of its pro-environmental measures and meeting the environmental requirements, the results of previous inspections (the history of the inspections) and environmental management systems applied by the operator.

- Principle 4

The entities in the individual risk categories are subjected to the categorisation based on the multi-criteria analysis. The installations will be examined taking into account the following:

- Volume of pollution emissions
- Capacity of recipient located in the vicinity of the installation
- Environmental problems in place
- Assessment of additional environmental measures taken by the operator.

- Principle 5

The next step involves selecting the entities from the list shown by the system in the category II, III, IV which will be inspected in the given year. The choice is based on: the

recommendations of the Chief Environmental Inspector, planned campaigns (inspection cycles), preferences of the voivodship and other recommendations. After the entities have been selected in each category for the inspection in the given year, they are allocated to a specific type of inspection (problematic, campaign, audit). Next, the inspectors are allocated to the inspections at the facilities, depending on their experience and skills.

- Principle 6

Annual plan of inspections takes account of the time available for other unplanned inspections. The amount of time available is calculated on data from the previous year and may amount to 20 to 40 % of time earmarked for all inspections within a year.
The account is also taken of the available human resources and technical and organisational possibilities of carrying out inspections. It is assumed that an inspector carries out on average 30 inspections per year, however, this number should systematically be raised as the control system is used and improved.

Inspection strategies

The following are carried out:

- Comprehensive inspection (audit)

Inspections that cover more than two problematic issues, ranges from 3 to 7 weeks, including preparation and carrying out the inspection (and drawing up the inspection report) and follow up actions – planned inspections.

- Campaign inspection (thematic)

Inspection campaigns are carried out on a national or voivodship scale. These are planned inspections. The assumptions for the campaign are: campaign topic, the number of entities to be inspected and approximate implementation deadline. Details on planned campaign inspections are to be submitted to the Voivodship Environmental inspectorates by CIEP not later than by the end of the third quarter of the year preceding the year when the campaign inspections are to take place. The subject of the campaigns is for example, the assessment of the effectiveness of the system of removing and disposing the installation and equipment containing PCBs, the assessment of the requirements that are to be met by the companies engaged in processing of the refrigeration equipment.

- Problem-related inspection

Inspections focusing on one or two selected topics – monothematic, lasting for one or two days; inspection period from 3 to 5 person days – planned inspections.

- Turnout

Inspections carried out upon a request, e.g. made by a member of the public or legal person, public administration bodies, counsellors, Polish MP's etc. – unplanned inspections. The first turnout control should be of a comprehensive type.

- Investment related inspection

Inspections carried out upon a request made by the entity (investor) who intends to operate a facility that may have a significant impact on the environment – unplanned inspections.

1d. Planning and review

Quarterly planning

The IEP use a system of quarterly planning to measure and check their planning against set targets. The basic objective of a quarterly plan is to allocate concrete entities (facilities, installations) to individual inspectors, specifying the type of inspection to be carried out (problem-related, audit etc), to make sure that the annual plan is implemented. At each quarter stage, the plan is assessed and amended accordingly. The IEP said they usually achieved 90% of their planning though turnout inspections usually cause some difficulties in achieving targets.

Each voivodship has both a monitoring and inspection programme, the results of which, feed into the inspection objectives and targets for the coming inspection period.

2.***Execution framework***

Objective
To find out what provisions, instructions, arrangements, procedures, equipment etc, are in place to enable inspectors and other staff to carry out inspection activities on the ground.

Protocols – Guidance
An inspector can carry out site inspections only when assisted by an authorised representative of the entity being inspected. The inspector uses the ITCSS tool to assist in filling out the inspection report and any other forms needed to fully carry out the document inspection. These are printed and then submitted to be signed by an authorised representative of the entity. All notes and documents (protocols, documents in electronic form etc.) are stored in ITCSS. Control system documents stored in the ITCSS include procedures and operating instructions for carrying out inspections, depending on the type of establishments and the industry concerned.

The IEP uses a system of checklists as an auxiliary tool to support the inspection process. These are stored in the ITCSS. The checklists also appear to help IEP in developing the inspection program, as well as in the course of carrying out the inspections. The control system differentiates between three types of checklists:

- Industry checklist - lists containing a set of questions or issues to be inspected in the facility (installation) in a specific industrial branch; checklists can be used by inspectors to create their own, individual checklists.
- Horizontal checklist - a monothematic list that contains a set of questions or issues to be inspected in the facility (installation), covering specific issues (e.g. waste management, water and waste-water management, noise protection).
- Verification checklist - lists containing sets of questions to check the credibility of answers provided by the facility (e.g. the answers to the questions from the branch or horizontal list) or other information (e.g. about self-monitoring) to what is actually occurring on the ground.

Ten industrial branch checklists are in use for the following industrial branches (each list forms a separate document):

1. Municipal waste-water treatment plants
2. Poultry farming and breeding
3. Installations for the production or processing of foodstuffs from raw plant materials (breweries, distilleries)
4. Installations for the production of ceramic products by way of burning

5. Installations for disposal or recovery of dead or slaughtered animals or waste animal tissues
6. Installations for surface treatment of substances, objects or products with the use of organic solvents
7. Power industry – installation for fuel incineration
8. Installations for the production of milk or dairy products
9. Steel and metallurgical industry – installations for surface treatment of metals or plastics using electrolytic or chemical processes
10. Waste management – installations for hazardous waste recovery or disposal, excluding storage

Horizontal checklists are not allocated to any single industry, but to a cross cutting activity e.g. water and waste-water management, air protection, operation of selected environmental protection devices:

1. Water and waste-water management
2. Air protection
3. Protection of the environment from waste
4. Protection from noise
5. Emissions monitoring carried out by the installation operator
6. Industrial facilities (general)

Note, the sample list of inspection questions is not a closed list. It should assist the inspector in preparing the inspection questions referring to the aim and duration of the inspection.

Equipment

Many inspectors are equipped with mobile phones, laptops, cameras, printers, scanners. The IEP uses a car pool system for transporting inspectors to and from sites that are to be inspected and now there are only few dedicated drivers for each inspection; many inspectors are authorised to drive the company car. Little or no sampling is carried out by inspectors though the review team noted that some of the dedicated pool car drivers are equipped and trained to carry out some sampling. The installation's operator is obliged by law (permit conditions) to be responsible for making the required measurements, to be done either in-house or by using qualified external laboratories. Inspectors in the VIEP: Rzeszów and Warsaw, are equipped with basic technical equipment to take water samples and a GPS device[1] (supplied via the PL0100 Project). Heavy metals and inorganic compounds sampling is carried out by IEP laboratories and not by the operators themselves.

Qualifications

[1] Measuring equipment used for tests of water and wastewater (pH, oxygen, conductivity)

The recruitment process is governed by general conditions used in the employment of civil servants. When recruiting inspectors, IEP requires a degree in science, engineering or equivalent. Open advertisement is carried out on the state employment website when recruiting.

Ethics

IEP inspectors are required to sign and comply with the rules of civil servants ethics. In some voivodships there are additional training sessions on this code of ethics.

Training

New inspectors take part in introductory training sessions and for some time work under the supervision of experienced staff to learn how to carry out inspections. In some voivodships, new inspectors do not carry out inspections for the first 12 months but instead 'buddy' with a more experienced inspector. They are gradually given responsibility for less complex sites and move on from there however the review team noted that this practice is not carried out in all voivodships. Existing IEP staff, for example learn about new legislation via training organised by experts from the Ministry of Environment and the CIEP. This covers training of inspection staff, new developments in policy, legislation and technology as well as the refreshing of skills.

In 2010, there was a 30% of staff turnover within a period of one year. The percentage has decreased since then: in 2011, it was 8.8%; and it was 6.5% in 2012. This, however, varies depending on the role of staff and between different voivodships.

Salaries for inspectors vary between the different voivodships. There is no general fixed level of salary depending on education. The level of grades are the same for different voivodships but the actual salary level depends upon a multiplier, based on regional disparities which determine the level of money an inspector will receive.

The review team suggested that to improve the effectiveness of training, that keeping a training list where they can map the competences of staff would improve, on a strategic, level various competences like enforcement, administrative, management competences. Each year this kind of competences framework could be updated and analysed to effectively understand where the greatest need for organisational improvement lies. This was also true when monitoring the difference between *need* and *actual* competence because legislation changes meaning that responsibilities and competency will also change.

The IEP currently utilises a system of training records for each staff member. They are marked and assessed on a grading system to understand their competence. Every two

years each staff member's performance is reviewed and an evaluation and a personal development plan discussed.
The CIEP currently makes an assessment of training needs by analysing proposals for training submitted by each Voivodship. Within the CIEP, staff are asked what training they would like to do as there is a separate budget for this.

Evaluation is carried out using anonymous questionnaires filled out by inspectors after the training.

The IEP informed the review team that there is no exchange of personnel between different government authorities though in some special cases, the VIEP perform joint inspections with other authorities, such as the Health Inspectorate, Veterinary Inspection, local government organs etc. (public interventions, Supreme Audit Office recommendations). There are also some opportunities for experts to attend training and environmental conferences organised by other authorities e.g. medical and veterinary waste management.

The IEP regularly participate in IMPEL projects. There are presentations made by staff participating in IMPEL projects at regular meetings between the Voivodship Heads and the Chief Inspector and information about the experiences are disseminated to relevant staff afterwards. Annual meetings are organised by the CIEP with the VIEPs, Heads of Inspection Divisions and Sections regarding new developments and legislation.

The IEP utilise information from the following websites to assist in raising awareness of relevant technical, policy and regulatory developments:

- Ministry of Environment
- Ministry of Economy
- Ministry of Agriculture and Rural Development
- Ministry of Health and Social Welfare
- The European Commission (IPPC Bureau in Seville on BAT issues).

3.***Execution and reporting***

Objective
Find out how routine and non-routine inspection activities are carried out and reported and how data on inspections carried out, their outcomes and follow-up is stored, used and communicated.

Overview
The IEP have a set of principles they use in setting out how to prepare for inspections:

- Principle 1

Preparation for the inspection is based on the environmental risk assessment of the installation with particular focus on the environmental problems in place. The basic objective of the inspection is to identify the way of solving the problems.

- Principle 2

The choice of topic for the inspection is based on the priorities resulting from the assumed objective of the inspection.

- Principle 3

The choice of the most important environmental topics is made on the basis of the 20/80 principle, i.e. 20% of the environmental topics concerning the inspected entity, should account for 80% of its environmental impact.

- Principle 4

In the case of category I facilities (annual inspections), all environmental requirements are inspected in a four-year cycle, whereas the elements having the greatest impact on the environment should be inspected first.

- Principle 5

The inspection reports are short, they contain mostly the description of nonconformities. The list of the inspected issues is attached to the report.

Carrying out inspections
In carrying out inspections, the Control System, in accordance with the Polish Act on Freedom of Business Activity, says that all controls should be announced in advance. In cases of serious environmental accidents, incidents and occurrences of non-compliance though, unannounced inspections may take place. The Act says that the start of an inspection can take place no sooner than 7 days, but no later than 30 days from the date of the delivery of the notification about the intention to start the inspection. The notification must be confirmed with a signature and stamp of an authorised employee of the facility or with the confirmation of the receipt.

The following are steps taken by the IEP in carrying out inspections:

- Step 1

Upon entering the premises of a facility and presenting ID, the inspector contacts the facility management or a person authorised to represent management.

- Step 2

If the inspectors access to the site is hindered, they inform the management responsible for the site about their legal right of access under Art. 225 of the Penal code. Inspectors can apply for assistance from the local police if necessary.

- Step 3

The inspector explains to the operator the scope of the inspection and informs them of its liability, rights and duties. The operator signs a personal authorisation for the inspection, the copy of which forms an attachment to the basic report.

- Step 4

The inspector makes sure the inspection is in compliance with the Act on freedom of business activity.

- Step 5

If the inspection is carried out by an inspection team, the team leader introduces the participating inspectors and informs the controlled party of the tasks allocated to each inspector.

- Step 6

The team leader or inspector asks the operator to point out to the employees who is responsible for the issues covered by the inspection activities at the facility. The selected employees are obliged to prepare and submit the necessary documentation related to the individual controlled areas so as to make the explanations, participate in the visual inspection of the facility, object or installation (independently of the person selected to represent the controlled party).

- Step 7

Each planned inspection should start with checking whether the facility meets obligations imposed on it as a result of previous inspections.

- Step 8

The next step involves checking whether the facility meets its obligations:

    - In case of a comprehensive inspection (audit), the control should cover all the issues related to the operations of the facility in the area of

environmental protection. The comprehensive inspection should also focus on the purposes specified in the plan of inspections.

- When carrying out problem-related inspections the scope of which may cover one or two issues, one should focus on purposes specified in the plan of the inspection.

In the course of the control, the inspectors determine whether the controlled facility has implemented a certified (registered) environmental management system such as ISO 14001 or EMAS (EMAS is quite rare in Poland). If it does, the inspector records this fact in the template report.

The review team noted that EMAS appears less popular in Poland amongst site operators. The IEP informed the review team that current drafts of laws to implement the new Industrial Emissions directive are increasingly taking into account the role of management systems meaning that EMAS participation could increase as a result. The review team noted that many more companies have ISO14001 in Poland. The review team noted that this would not change though unless there was more proactive *selling* of management systems.

- Step 9

The inspector carries out a visual inspection of the objects, installations or equipment, analysis related documents and if necessary determines sample-taking locations (measurement points) in the presence of the operator.

In case of non-conformities in the inspected areas, the inspector draws up a report on their visual inspection, describing the actual state without assessing it. Using a camera, the inspector makes photo documentation which forms an attachment to the report on visual inspection. A portable printer allows the inspector to print and sign the report on site by the inspector and the operator that participated in the visual inspection.

In relation to (Art. 79a par. 8) the Act on freedom of business activity, the scope of inspection cannot exceed the scope referred to in the authorisation made at the beginning of the inspection. If the inspector identifies serious non-conformities outside the scope of inspection, they can record this fact in the basic report and stop the inspection. Having determined a new scope of control, the inspector is obliged to provide the controlled party with a new authorisation for inspection with a changed scope. The review team thought it may be worth reviewing the inspector's authorisation for entry onto a site to enable flexibility so that any relevant environmental issues could be addressed without the need to change the scope of the inspection.

- Step 10

The inspector carries out the inspection by collecting information to include in the report for example verbal evidence with the authorised employees (using the prepared checklists). The data is collected for the report in three stages:

- Stage I of collecting data - review

The inspector asks the questions to determine how the facility or installation is functioning.

- Stage II of collecting data - check

The inspector checks and verifies the description of the functioning of the facility or installation. At this stage the inspector might use a portable measuring equipment to carry out approximate measurements of some parameters related to the state and composition of water and waste-water. This applies only to the inspectors of two pilot VIEP equipped in the Project PL0100.The fact of using the equipment is recorded in the *basic report in point 4 Other issues*, taking account of the following:

- The location of taking samples determined by the way of geographical coordinates (GPS)
- The kind of samples taken (waste-water, water)
- The scope of measurements (pH, temperature, electrolytic conductivity, dissolved oxygen)
- The results of approximate measurements

If the results raise doubts or reservations as to the observance of the water permit or the provisions of law, it is recommended that the inspector commissions the tests in the laboratory of the IEP. In this case the inspector should apply for a new authorisation for inspection, concerning the persons who will carry out the measurements/ will take the samples.

The inspector analyses the documentation provided by the operator, checks whether it is complete, coherent and maintained pursuant to legal requirements. The inspector compares the requirements specified in the decisions related to the use of the environment with the actual state (conversations, document analysis, measurement results).

The inspector uses the IT Control Support System (ITCSS) (installed on their laptop), which contains the detailed data about the inspected facility, e.g.:

- the decisions specifying the method of using the environment
- the results of self-monitoring measurements
- the decisions imposing administrative fines
- the decisions stopping the activities of the facility or installation, or other decisions unrelated to fines
- the non-conformities identified in the course of the previous inspections

- the progress in implementation of the previous follow-up orders

The inspector checks whether the decisions of other authorities, contained in the ITCSS and concerning the use of the environment, are still valid (whether they have been changed, revoked, what their expiry dates are). If the collected information is not valid, the inspector enters the correct data into the ITCSS.

- Stage III of collecting data - conclusions

The final determination of the actual state. During the first inspection of a facility, the inspector creates a record of the main characteristics of the facility, including legal and environmental data, permits granted, technology applied in the facility etc. Later controls enable the inspector to verify the data contained in the record and introduce changes.

- Step 11

The inspector presents the operator with the evidence indicating non-conformities, and explains who perpetrated the individual non-conformities in order to determine who should be punished with the fine or instruction. These findings are included in the basic report. The inspector then asks for a presentation of measures which the management intends to implement in order to eliminate the non-conformities, as well as for a proposed implementation deadline. If the controlled party or its authorized person removes the non-conformities in the course of the inspection, this fact should be confirmed by carrying out a visual inspection or analysing the corrected or completed documentation attached to the report and by recording it as observations in the basic report. Non-conformities removed in the course of the inspection are not included in the table of violations and non-conformities. The aforementioned findings should be presented as observations in the basic report.

The inspecting team or inspector sums up the inspection, in particular taking the account of the repair measures and their implementation deadlines declared by the management, pointing out that the ultimate objective of every inspection is to improve the state of the environment.

- Step 12

The inspector draws up the electronic inspection report in two identical copies. The inspection report may be worked out in the facility or back at the IEP office.
Each inspection report should contain the following information:

- Inspection findings

The information resulting from the analysis of documents related to the scope of using the environment by the controlled facility/installation. The information should be exhaustive in terms of the planned objective and the scope of inspection.

- Violations and non-conformities

The inspectors use the table of violations and non-conformities to present the scope and type of the discovered violations, to determine evidence (documents provided by the facility, visual inspection, photo documentation, measurement results), and to refer to the provisions of law or the conditions of the decision (permit) which were violated. A thorough description of the violation should be made.
If the inspection does not reveal any non-conformities, the table should contain the information "not applicable" and under the table there should be a note saying "No non-conformities were identified in the scope covered by the inspection".

At this stage, the inspector should analyse what the category of violations (1-4) are:

1. no implementation or violation of duties unrelated to the direct environmental impact under the law in force or administrative decisions (e.g. no registers, measurement results not submitted, no measurements),
2. violations of conditions contained in permits, permissions or declarations that specify the use of the environment
3. no formal and legal regulations related to the use of the environment, failure to observe the provisions related to preventing, removing or limiting the effects of major industrial accidents
4. environmental pollution caused by negligence in using the installations that protect the environment or by other measures taken by the user of the environment and how he or she can classify the non-conformities identified in the course of inspection, referred to in the table of violations and non-conformities. The results of the analysis should not be included in the inspection report, but registered in the ITCSS once the inspection has finished.

The review team noted that during IMPEL's IED project they developed 3 levels of categorizing non compliances each of with requiring a different regulatory response. In the most serious case of non-compliance there should be a follow up inspection and in the lowest case a follow up inspection was not necessary. The review team noted that the 4 levels (given above) look more like *why* a breach happened and not the *level* of the breach. In Scotland for example, a serious non-compliance would impact upon their risk and likelihood that they will be inspected in the following year.

- Imposed sanctions (instruction, fine in the form of a penal ticket)

When imposing sanctions for a failure to meet the environmental requirements, the inspectors follow the principles under the Code of conduct for petty offences, Code of violations and schedule of ticket tariffs approved by the Chief Inspector for Environmental Protection. The types of violations subjected to the fines imposed by the inspectors were determined in the regulation of the President of the Council of Ministers on granting the inspectors of the Environmental Inspection the rights to impose the fines

in the form of a penal ticket. The principles related to the application of the instruction are specified in Art. 41 of the Code of petty offences.

When recording a sanction in the report, the inspector specifies the type of the offence and refers to the legal act it pertains to. Moreover, the inspector should enter the following information in the report: the type of sanction (instruction, ticket), name and surname, as well as the position of the perpetrator, and the number and the cost of the imposed penal ticket.

- Other issues

This part should contain other important points and findings made in the course of the inspection, concerning for example, non-conformities related to maintaining the registers and making payments for the use of the environment.

- Final information

The inspector should specify all attachments drawn up and obtained for the purpose of the inspection, including among others, the notification about the inspection with the date of its delivery, the authorisation for the inspection, the authorisation of the controlled party to provide the information, the documents confirming individual non-conformities, the table of the inspection activities. The full report is generated by the ITCSS system.

The review team noted that each Voivodship Inspector for Environmental Protection cannot access reports from the ITCSS system from another voivodship unless they specifically request the information from the CIEP. The team noted that this was cumbersome and could be speeded up by giving read-only access to all inspectors.

Submitting any classified data (commercial sensitivity or security related information) to the inspector must be recorded in the report; the data must be protected from the access of unauthorised people and placed in a marked and sealed envelope with the note: *classified by the controlled party*. The inspection report is uploaded to the ITCSS without the classified data.

Closing the inspection

The inspector provides the facility manager with one copy of the inspection report to review its contents; the facility manager agrees on the date by signing the report. In some cases, the inspector informs the manager of the planned follow-up session.

The operator has the right to decline to sign the report. The inspector makes a note that the operator does not want to sign. The lack of a signature does not stop proceedings. The operator has 7 days to submit their comments on the report.

After the inspector and operator has signed the report, the inspector records the end of the inspection and all the required information pursuant to Art. 81.2 of the Act on freedom of business activity, in the inspection book maintained by the operator. One copy of the report is submitted to the operator, and another copy (with pages signed with initials) remains in the files of the IEP.

Inspection database

Since 2011 inspections have been carried out in a uniform way, based on a new Control System (CS) supported by IT Control Support System (ITCSS). Both tools have been developed under the Project PL0100 „Increasing effectiveness of the Environmental Inspection based on Norwegian experiences" (project implementation: 2007 – 2010, financed out of the Kingdom of Norway's donation made available through the Norwegian Financial Mechanism).

- Control System (CS) consists of following elements:
  - Principles of inspections
  - Procedures and guidelines for carrying out inspections that cover i.e. annual and quarterly planning;
  - Determining the scope of inspection (drawing up inspection program);
  - Carrying out site inspections (inspections on site) and document inspections;
  - Documenting inspection activities (identifying actual state, outcomes of control measurement, inspection reports)
  - Follow-up actions (post-control).

- ITCSS consists of the following elements:
  - Register of entities
  - Copies of permits
  - Register of annual and quarterly inspection plans
  - Register of inspections (planned and unplanned inspections on site and document inspections)
  - Register of follow-up actions (follow-up orders, requests to other authorities, penal administrative decisions)
  - Register of CS documents (procedures, instructions, templates of documents supporting inspections and follow-up actions, reports).

- ITCSS users are:
  - national administrators (experts, IT specialists) – CIEP
  - voivodship administrators –VIEP
  - planners – CIEP/VIEP
  - inspectors – VIEP.

Communication with the public

Inspection reports are not published on the Internet though if a member of the public requests a copy then this will be granted.

The review team said that the expectation in the EU now is that a summarised version of the inspection report along with the permit is to be published on the Internet. The IEP explained that they had a plan to change their current system and make certain parts of the inspection report publicly available on the Internet though there was some concern about how to manage confidential pieces of information.

Horst asked about confidentiality of information in inspection reports. Horst noted that under the IED there is a provision that requests operators state their objection within 2 months to some of the information within the report being published on the internet. Question from CIEP about what info is published. Horst replied that only business secrets or commercial advantage is given priority in terms of confidentiality. All other information about non compliances are published. Horst also reminded CIEP that it is only a summary of a report that is published.

SEVESO

Overview

In Poland, the State Fire Service and the IEP are the two main entities responsible for implementing Seveso. The review team about the role of the Health and Safety Authority because they are also play a key role in Seveso. The IEP informed the review team that the State Fire Service and the IEP deal with health and safety issues as well and only require assistance from the Health and Safety Authority in case of major issues. In Poland, they are not an official Seveso authority. When conducting work in this area, the IEP cooperates with other competent authorities (including response actions when a major accident occurs). E.g. State Fire Service and Labour Inspectorate.

In Poland, it is unusual for there to be joint inspections of Seveso sites except in the oil sector. However, a working group has been established on safety in the oil sector. An annual meeting takes place that has developed good practice documentation and is designed to share good practice amongst industry representatives as well as representatives of relevant public authorities. The working group has developed checklists focused on self-monitoring and control that covers health and safety, fire safety and environmental protection. IEP informed the review team that there are current plans to enlarge this process / model to include the chemical sector.

The main tasks of the IEP in relation to Seveso and the prevention of major accidents are:

- identification of sources and potential sources of major accidents
- inspection of establishments that may be a source of a major accidents (inspection frequency: once per year for upper tier establishments and once every two years in lower tier establishments), fire service checks once per year
- providing training, advice and assistance for other authorities and operators of the sites which may cause major accidents
- analysis of the causes and consequences of major accidents to the environment
- supervising environmental recovery
- keeping and maintaining a register of major accidents
- keeping the register of lower (LTE) and upper (UPE) tier establishments and other establishments that may cause a major accident.

The major accidents prevention tasks of the IEP are governed by the Act on the Inspectorate for Environmental Protection of 20 July 1991, Chapter 5.

There is no separate permit needed by an operator to carry out SEVESO activities.

All Voivodships carry out Seveso inspections. All inspectors are trained to a certain level to be able to react to a Seveso accident however there are some specific specialism's that the IEP promote and there is usually one inspector per Voivod that is more experienced and will take the lead in Seveso issues.

There is a 24/7 availability when it comes to Seveso issues and this is available in all voivodships. At any one time there are 16 people (the number of Voivods) on call plus the field office inspectors, so potentially 50 people on call.

The review team asked about the inspections of a Seveso site; if for example both the Fire Service and the IEP carry out an inspection of a site on annual basis if it is within the upper tier then this could potentially take a lot of time. The IEP said that in some cases, and if the operator agrees, then this can be a joint inspection to save time. The review team pointed out a specific experience from Norway where they use a coordinating group who use a checklist from the other organisation e.g. if it is the Fire brigades inspection, they can use a labour inspection and/or environment checklist to inspect a site. In the following year if it is the environment departments turn, they use the labour and fire service checklist to inspect all areas at once to reduce time and effort of all organisations involved.

International cooperation - Seveso
The following are bodies/organisations the IEP consult and cooperate with on an international basis:

- European Commission - The Major Accident Hazards Bureau (MAHB)
- UNECE – Convention on the Trans-boundary Effects of Industrial Accidents
- Regional cooperation - International Commission for the Protection of the Odra River against Pollution (consisting of Germany, Czech Republic and Poland)
- Bilateral level with several countries.

Committee of Competent Authorities for the implementation of Seveso II directive Q&A[2] translated into Polish and posted on the website. Safety data sheets on 500+ substances put on website[3] . Emergency Response guidebook[4] from the US EPA has also been translated into Polish and put on their website[5].

Seveso database
The CIEP maintains a database that holds information on major accidents and establishments that can be a source of a major accident. The database is updated 4 times per year and helps inspectors check which sites have been inspected and make reports on what dangerous substances are held at each site.

[2] http://www.gios.gov.pl//zalaczniki/artykuly/pytiodp.rtf
[3] http://www.gios.gov.pl/artykuly/1063/Baza-danych-kart-charakterystyk-program
[4] http://www.gios.gov.pl/artykuly/1064/Zasady-postepowania-ratowniczego-program
[5] http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Hazmat/ERG2012.pdf

The database can categorise accidents by the level of seriousness. The register records about 8o to 100 accidents per year at, primarily but not exclusively, SEVESO sites but most are minor. There is approximately one major accident per year at a SEVESO site and 10 other similar level accidents at other non SEVESO sites.

The database collects general information about SEVESO sites and accidents e.g. location, when accidents took place, report details, type and source of accident, if it falls within definition of a major accident within the SEVESO Directive, information on the weather at the time, substances and amounts involved, consequences and results of accident, fatalities and injuries, threats to the local environment e.g. water courses, actions taken and follow up.

The review team noted that at present the database was not online but there are plans to do so, so that inspectors can input data directly into the system whilst on site.

Seveso inspection procedures
The IEP have detailed procedures in the event of a major accident and rules of cooperation with other authorities. They use a guideline to help IEP inspectors.

The table of contents of the guideline are:

- Legal basis
- Preparedness in the event of a major accident
- Notification of a major accident
- Procedures for IEP inspectors
- Cooperation with other authorities
- Supervising environmental recovery.

The procedure, in case of a major accident, is:

1. Decision on the participation of inspectors in a rescue action is made by the Voivodship Inspector
2. Inspectors on duty go onsite (with the sampler) after they receive permission and determine the environmental state
3. Depending on the information gathered, further activities are carried out
4. Sharing of information gathered during inspection with other authorities
5. Cooperation with the rescue service units of the State Fire Service
6. Taking part in the work of the crisis management centres
7. Cooperation with the Police and Prosecutor.

This is the procedure for a major accident when a rescue action is NOT required (e.g. water contamination with hydrophilic substances)

- identification of the causes and type of contamination
- identification of the source contamination and taking action aimed at elimination of the causes of contamination
- in duly justified cases, issuing decisions on suspension/stopping the operation of an installation
- notification of the other authorities and cooperation with them.

This is the procedure for a major accident when a rescue action is required (e.g. water contamination with hydrophobic substances, soil contamination)

- cooperation with the commander of the rescue action and proposing necessary actions
- cooperation with the local authorities
- Reception of the information
- Verification of the information
- Action taken.

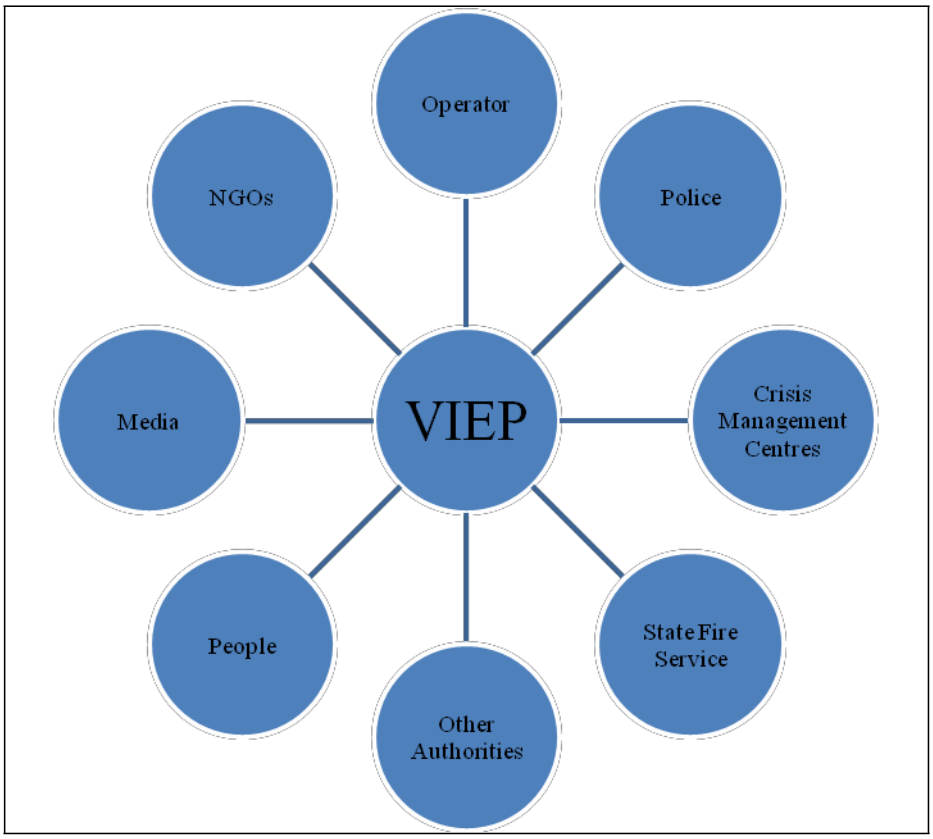

Figure 11: VIEP's sources of information regarding contamination of the environment

Accident notification

When an accidents is reported, the IEP use 3 steps for notification:

1. Receiving the information
2. Verifying the information
3. Reaction (Taking actions).

The following actions are taken:

- Onsite inspection
- Examination of the environmental state
- Inspections of the perpetrator or the potential perpetrator (also in cooperation with other authorities including prosecutor)
- Issuing recommendations
- Verifying if the recommendations have been fulfilled
- Issuing a decision imposing bans or restrictions on the use of the environment

- Recommending the necessary actions to be taken concerning the environmental protection
- If necessary, informing the other competent authorities
- Issuing a penalty of a fine (if the person disagrees then application to the court)
- Application to prosecution – in case of violation of Penal Code Act.

Cooperation with other entities

- State Fire Service*
- Labour Inspection*
- Sanitary Inspection*
- Office of Technical Inspection*
- Railway Transport Office*
- Transport Technical Inspection
- Office of Building Control
- Water Management bodies
- Other relevant authorities e.g. Direction for Environmental Protection, local authorities.

* Bilateral agreements have been signed

Joint inspections at selected facilities in the oil sector

In Poland, there are now joint inspections at some oil sector facilities. The main task of the group is to exchange experiences that enable participants to solve legal and technical issues connected with safety in the oil industry. The work of the group includes cooperation of petroleum industry employers with national supervisory and control bodies (including National Labour Inspection and State Fire Service). In September 2010, the group created a checklist for petroleum products storage facilities, along with some guidelines on inspection.

The checklists offer the opportunity for individual companies of the oil sector to carry out 'self-control'. The inspection of a selected group of oil sector companies carried out by the State Fire Service (SFS) and the National Labour Inspectorate (NLI) and Inspection for Environmental Protection (IEP) is carried out on the basis of the checklists.

The checklists include three separate blocks of questions regarding:

- Health and safety
- Fire safety
- Environmental protection.

The primary goal of the checklists was preventative action and to induce the participating companies to systematically improve their safety record.

The IEP informed the review team that this was a useful tool for both employers and inspection bodies and that the main benefits were:

- By using a form of self monitoring and control, companies have the opportunity to identify and eliminate problems before inspection bodies arrive
- 2 or 3 inspections carried out simultaneously allow employers to save time

- Joint inspections improve practical knowledge of workers at those companies
- Inspection carried out by authorities confirmed that employers conducted self-controls correctly and filled in the checklist accurately.

4.***Performance monitoring***

Objective
Find out how the environmental authority assesses its performance and the environmental and other outcomes of its activities.

Overview
Examples of performance measures produced by IEP:

- Number of inspectors carrying out inspection activities
- Average time spent on various inspection activities
- Number of inspections on site – measures (depending on type of inspections)
- Measures concerning the results of inspections (number of inspections with violations, by categories of violations)
- Measures concerning follow-up actions (such as: issued and executed follow-up orders, instructions, penal fines – average value etc.)
- Measures concerning examining complaints against the VIEP activities (number of complaints, number of justified complaints)
- Measures relating to the enforcement of penalties of a fine (such as: number of decisions imposing fines).

Examples of indicators used to evaluate VIEPs operation:

- Implementation of inspection plans - Number of inspections carried out vs. inspections planned (by types of inspection)
- Number of inspected entities vs. number of entities in VIEP's registers (by types of inspection)
- Taking control measurements, e.g. Number of site inspections with measurements vs. total number of site inspections
- Compliance with environmental regulations, such as: Number of site inspections with violations (regardless of the type of violations) vs. total number of site inspections
- Number of site inspections with violations by categories (1,2,3 and 4) vs. total number of site inspections
- Enforcing the elimination of violations of environmental requirements, such as: number of inspections with issued follow-up orders vs. total number of site inspections
- Human resources: Number of site inspections per one inspector.

The review team stated that the IEP seem to be very proficient at collecting output indicators but outcome indicators appeared to be lacking. For example: "by carrying out inspections we have improved the level of compliance in pig farms," and to achieve

something like this it is necessary to establish a baseline and then by using thematic inspections (as an example though there are other methods to do this) you can review results over a 3 year period to understand an *outcome*. Following on from this, the team identified from the information given throughout the course of the review for example, that water quality seemed to be an issue (according to CIEP publications) and outcome indicators could be tested on this theme. The IEP said that they had recently begun a National Plan on Treatment of Municipal Sewage and that outcome indicators could be used on this.

Part D – Site visit

A site visit can be a useful way to confirm the Review team's understanding of the regulatory system and work of the environmental authority. It is not compulsory and will add an extra ½ day to the review but previous reviews have shown it to be a useful addition.

Objective

To gain an understanding of the relationship between the environmental authority and industry and how this works in practice.

During the IRI no site visits were performed.

Summary of findings

Part A:
Defining the regulatory framework of environmental protection

Good Practice

There are 16 Voivodeships in Poland each of which contains a Voivodeship Inspectorate of Environmental Protection (VIEP) which carries out environmental inspection at a regional level. The Chief Inspector of Environmental Protection (CIEP) is a central government administration organisation which oversees the work of the 16 VIEPs to ensure the work is undertaken in a consistent manner. It is the degree of coordination and consistency that is seen as good practice.

A system has been established in Poland in which fees for the economic use of the environment are charged. In addition to these fees, fines from violations of environmental regulations and penal fees are also routed centrally into this system. A percentage of these fees and charges are placed into a central environmental fund. Interestingly the fund is divided between the Voivodeships based on the original location of the money (e.g. location of the establishment that was fined) such that more money goes to where the 'damage' occurred. This is a good example of environmental justice in practice.

A common quality management system is used by CIEP and the 16 VIEPs. This formal system contains a document management system (covering the issues of planning, the implementation of inspections and follow-up activities) with a useful IT feedback system used by CIEP to identify whether the VIEPs are using it properly.

The IEP enforcement procedures include a two tier system of escalation that is available before any enforcement sanction is escalated to the administrative court i.e. review of VIEP by the CIEP.

The code of administrative proceedings which applies to all public administration bodies sets out when, how and who is competent to make decisions. Who is a competent authority is determined by within law such as the Environmental Protection Law. This makes it clear to the operators, public and inspectors who can make decisions and in which circumstances.

The CIEP informs and gives feedback to all VIEPs on decisions of administrative courts with respect to where VIEP decisions have been annulled or cancelled by the court or where the court has asked the VIEP to reconsider its decision. This helps deliver a consistent enforcement approach. Where difficulties with interpretation are identified training is organized by the CIEP. CIEP also send out legal interpretations on paper to all VIEPs.

The review team noted some examples of good bilateral communications and agreements with neighbouring countries including meetings of inspectors on a technical level.

The IEP uses a workload planning system to match available resource to required tasks. It was identified that adequate allocation of time and resource is given to addressing complaints (environmental events) which is often a weakness of many such systems.

All VIEPs have their own accredited laboratories. The VIEPs apply the same quality standards across all laboratories. The accreditation is given and checked by the Polish Centre for Accreditation (which is the national accreditation authority).

Reports of the regulatory activities of IEP are submitted to Parliament. These are subsequently made publicly available on the CIEP website.

Historically the public had to notify IEP of environmental events and problems at regulated sites by a formal signed letter. IEP have introduced a new service where the public can notify the IEP by telephone or using the internet.

Data from the Register of Pollutant Release and Transfer (PRTR) is publicly available via the website. In order to ensure reliability of the data, it is verified by inspectors at the level of the Voivodship and then by CIEP.

Opportunities for Development

The IEP records notifications of environmental events (complaint/intervention) in the format of one file submission per notification. It is thought that it would be preferable to record each environmental event (complaint/intervention) separately and link all notifications about that event to it. For example where you receive 10 odour complaints for the same site on the same day this would be considered as 1 event with 10 notifications. This will help with more accurate workload planning and incident reporting including in the Parliamentary activity report. It is noted that the CIEP consider that this would require a change of law because in accordance with the current legislation, IEP is required to deal with each application individually.

The IEP has issues with turnover of staff due to the ability of external employers to offer trained staff more money than IEP. The IEP have a very good training process which sees new recruits undergo approximately a year of training and then further training under the supervision of experienced inspector prior to carrying out inspections by themselves. It was noted that once trained inspectors are free to leave without 'paying' for their training. IEP should consider how they can get new inspectors to become operational in a shorter time by for instance carrying out unsupervised inspections at simple sites sooner. IEP should also consider using mechanisms to retain staff such as changing their designation to trainee for their two year training period to show to external employers that they do not have much experience.

Each VIEP has different resources in terms of staff per number of installation and physical resources such as computers and cameras. This is because each VIEP is funded directly from the budget of the Voivod. Although this may be difficult to achieve due to the current funding model consider how to ensure adequate resourcing across all VIEPs. It is noted that in an attempt to compensate for the degree of VIEP equipment CIEP carries out central equipment purchases through a number of projects for which funding has been provided by CIEP.

Part B:

Permitting activities

Good Practices

The Polish permitting system has introduced two interesting methods to ensure only sites that require it are permitted. For End-of-Life vehicle sites the Marshall (permitter) identifies whether a permit would be applicable for that site. For sites not regulated as an integrated permit they may be permitted for noise emissions where it is identified that the sites exceed noise limit values above the published threshold. Both are practical applications of only applying regulations where they are needed.

Emission limit values are written into national law. This makes them known to all parties (e.g. operators, public & NGOs) which helps ensure a consistent approach is taken with the outcome of a more level playing field.

Opportunities for Development

It was noted that there are many different permitting authorities in Poland. It was identified that there is a high risk of lack of consistency across permitted sectors/activity types especially as many of the permitting authorities are very small and may have only one of a particular activity to permit. Consider how this issue may be addressed.

IEP have the formal ability to feed into the permitting process in a few instances which is good practice. Consider how the IEP could be included in the permitting process as a matter of routine. The inclusion of inspector comments into the permitting of new sites will lead to better quality of the issued permit and more applicable permits. Related to the above, the inspection of sites by a member of the inspectorate prior to permitting could bring benefits to the permitting process.

Consider how the methodologies of permitting for ELV sites and those sites emitting noise above limit value (as described above) can be expanded to other areas.

It was noted in the good practices that emission limit values are in national law, consider how these can be kept up-to-date. It is noted that this is within the competences of the Ministry of Environment.

There appears to be some difficulty and gaps in the communication between inspection and permitting authorities. Consider how these gaps could be overcome and cooperation strengthened.

Part C:
Performing inspection tasks (Environmental Inspection Cycle)

Good Practices

The IEP has well documented standard procedures and guidelines. These are very useful for maintaining consistency.

It was noted that training is available on a wide breadth of subjects from technical to soft skills. The staff at CIEP are able to request training in new subject areas.

The IEP has a good work load planning system. Each inspectors available days (after deduction of the time spent on holiday leave, sick leave, training etc.) are used to identify the number of inspections that may be carried out. In their planning they also plan a reserve for unplanned work such as response to environmental events.

The IEP had a good range of enforcement tools at their disposal. This means that tool deployment can be appropriate to the level of offence rather than one size fits all. This ensures resource input by IEP is also appropriate to the seriousness of the non-compliance found.

To help ensure consistency between the inspectors of the 16 Voivodeships online forms and an intranet forum have been initiated.

Following recruitment new inspectors join a comprehensive supervising and buddying system within IEP. This forms a cornerstone of the two year training process.

Different levels of fines apply to different infringements. A catalogue of fines for each infringement is available on each laptop used by the inspector in the field. This is useful to ensure the list is up-to-date and accessible at the time an inspection is carried out.

In every VIEP there are specialist samplers. Inspectors of two VIEP are also trained to carry out some basic sampling such as temperature and dissolved oxygen when required.

The IEP has a centralized IT system called ITCSS that all VIOS use that promotes consistency and allows changes to be made across the board in all VIOS. The system contains standard procedures, inspection rules, inspection forms etc, which the inspector may use in the field work. Changes in individual documents are marked in red and published two weeks before the change is applicable. This allows consistency and communication of changes send out to all VIEPs at the same time.

The IEP have come to a good balance between using prescriptive checklists that may miss things and unplanned free-flow inspections. They have developed verification, horizontal and branch checklists with flexibility built in.

Meetings of Voivodship Inspectors of Environmental Protection with the Management of CIEP (i.e. the top-level management of VIEP and CIEP) are held to improve communication and to resolve high level issues.

The IEP have a very good competency system. IEP is subject to the requirements of the civil service law, according to which the inspectors' work is assessed every two years on the basis of established criteria, the career path for each evaluated is then established with it the possibility of applying for promotion (job position and / or financial).

IEP have developed a risk categorization system for enterprises. The system could be further developed and expanded. It is noted that changes are proposed to do this.

IEP use risk categorization of enterprises to establish inspection frequency. They also carryout risk based inspections on site which enables them to focus and prioritise on the principal issues a site has.

IEP have developed different types of site based inspection e.g. comprehensive to problem related and thematic inspections. This allows resource to be focused in the correct areas.

The results of the monitoring department (sampling) are taken into account in planning of inspections.

The IEP publish the list of sites inspected on a website.

Report on inspection activity is reported annually. Information is submitted at regional and national levels.

Execution and reporting and performance monitoring

All facilities were categorized using the risk based system. Category 1 facilities have annual inspections on a four year cycle.

The IEP regulatory database appeared very powerful with a good range of information stored and importantly a useful reporting system to get information out. All required data generated within the VIEPs' activity is now uploaded into the system. There is still some data missing which needs to be supplied by external authorities such as some permits. Impressively the system links to goals at Voivodeship and national level.

It is noted that considerable work has been carried out on inspection reporting in the last few years. Inspection reports are now short and focused on non-conformities. This saves resource (Inspector time) and importantly targets the message towards the operator in terms of what they are required to do to comply.

All non-conformities found were categorized in terms of sensitivity to the environment. This allows focus both at a site and organizational level on the priority issues.

Types of violation were also categorized. This was identified as a very useful link to the problem-related inspections allowing targeting of resources and focusing of inspection.

Inspection planning was very systematic following a defined process of preparation prior to an inspection. At the beginning of each inspection the inspector shows their authorization to the operator letting them know they are permitted to be on site.

SEVESO

IEP had a very impressive out-of-hours emergency service with 50 inspectors on call 24/7, 365 days a year in the event of an accident.

CIEP hold training sessions for operators of lower and upper-tier establishments, as well as for authorities. At the time of the review IEP had already begun to discuss & fulfil requirements for Seveso 3.

Agreements with other emergency authorities were in place. They clearly define the roles of each party.

Joint inspections with other competent authorities had been established for the oil sector and IEP is expanding this to the chemical sector. This is good practice as it reduces the regulatory burden on the operator (time spent by inspectors of different authorities on site) and leads to a more comprehensive and efficient inspection.

A useful tool is the register of Seveso establishments, which is updated four times per year.

CIEP arranges translation of foreign publications relating to good practice into Polish and makes them available on the website in order to disseminate the information.

Organised meetings for all Seveso inspectors from the Voivodships are held in order to exchange experiences.

Public information

There is a lot of information provided on the CIEP website with links to all Voivod web pages. Some pages are in English (be aware of the burden of translating into English).

The formal complaint procedure is available on the website which is very transparent and clear to all concerned.

Public registers of all sites (from each VIEP) are available electronically on the website.

IEP have a stated aim of responding to all queries within 30 days.

A demonstration of real time ambient air quality information was shown by the IRI hosts in the Voivod of Kujawsko-Pamorskie from the website. This was in a very useable format and covered a range of pollutants indicators.

Performance monitoring

The inspection of category 1 sites was prioritised with an achievement rate against plan of 97%. Given things like sites being mothballed etc, this is very impressive.

Importantly the data collected is being used to deliver input and output statistics. Some IRI's have identified that although data is collected it is not often used to such a positive effect.

Opportunities for Development

The number of available days for workload planning is very high. Consider analysing actual average work days available and consider changing this to a lower number. Although reducing resource available it will lead to a more realistic plan.

It was thought that the length of the buddying system is possibly too long in relation to the average turnover of staff. Consider options to reduce turn-over or get staff operational more quickly. Consider fast tracking in terms of training and/or more front end training with the aim of getting them up and running sooner.

Work is required to make the permit available for each site. It is seen as important to gain the necessary information from the permitting authorities and to make it electronically available. This is a job not for the inspector but for an office worker to allow inspectors to focus on inspection.

Some inspectors (from two Voivods) have the ability to carry out simple sampling activities (such as dissolved oxygen measurement). Consider how this could be expanded to other VIEPs.

The ITCSS period whereby changes that are to be introduced are highlighted in red, could be expanded beyond 2 weeks in case anyone has missed the changed information or changed to yet another colour for an extended period (say 6 weeks).

Almost all inspections are announced; although often necessary to ensure appropriate staff are on site consider making unannounced inspections as part of planned inspections. It is noted however, that under the current law, it is not possible to do this.

It was noted that IEP struggle to retain experienced staff. High turnover of young inspectors and an ageing demographic could mean a severe loss of the remaining experienced staff in a short period of time in the future. This risk should be planned for and mitigated against.

The IED uses different definitions of inspection plan and programme than that currently in use by IEP. Consider this when dealing on an EU or international level to be in line with IED.

It was noted that the list of risk categories for companies does not match what the strategic documents highlight as environmental problems. Priorities do not match with grouping of installations. e.g. problems with water quality were highlighted but this is not reflected within the risk categories. Consider linking regulatory effort more clearly to priorities. Note that the risk criteria methodology should be kept in line with the IED. There is a need to capture IED requirements but also consider how you can build in other environmental priority issues into planning e.g. water quality.

Individual competency checks were very well organized. Consider how to map competency across the organization (IEP) to identify gaps in key skill sets.

Consider proactively publishing the inspection report summaries rather than have a system by which citizens are required to request the data. Note that this is also a requirement of IED for IED sites.

It was considered that some of the work categorized as unplanned activity could be reclassified into other non-inspection categories.

Although probably difficult to achieve in the current economic climate consider how inspection costs could be recovered through the charging of inspection fees. This would have the benefit of helping to fund VIEPs consistently across Voivodeships.

Consider linking violation categories to harm and severity and tying it to future planning by changing the inspection frequency of the plant.

Consider giving inspectors in different regions access to ITCSS in other VIEPs without having to ask the CIEP for it. This will save the time of CIEP and may lead VIEPs to race to the top of the performance charts!

It was identified that there were restrictions on unannounced inspections with companies but not with municipalities.

Resources in VIEPs are not proportional to workload, but down to the size of Voivod.

Differences between regions were noted e.g. there appears to be significant variation in the number of post control actions identified thus suggesting more support needs to be directed toward these regions. Additional support could come in the form of central, CIEP assistance or peer to peer support from other Voivods that have had success in tackling such issues.

It was noted that current risk based systems do not differentiate between those sites that have company management systems (e.g. EMAS) and those that do not. There is also no active promotion of any CMS by IEP. Consider whether CMS does give benefit to

you, the operator and/or the environment and identify whether it would be valuable to reconsider this.

SEVESO

Small numbers of specialists means potential loss of experience and knowledge if someone leaves the organization (identified as the bus-effect in the Iceland IRI).

There appeared to be a seemingly low number of Seveso sites on the public register compared to other regimes/states. Although all sites are obliged to tell the authority if they are a SEVESO establishment consider how IEP could identify other sites.

The database (SEVESO register) is very useful, consider making it available online with protected access to allow inspectors to use it in the field or for the use by other authorities.

Information to the public

Consider putting parts of inspection forms online. There is no central website for permits. Consider hosting the permits of all permitting authorities on GIOS website.

Consider building on the good system of air quality monitoring by publishing the data and associated information hourly rather than daily – see Iceland as an example.

Performance monitoring

Consider the development of outcome indicators as well as further development of input and output indicators. There is the opportunity to do this for strategic priorities such as water quality to show how you are tackling the issues.

Consider changing the target of 90% implementation rate of inspection plans to a more tiered approach with highest for the highest priority.

Conclusions

The review team felt that the CIEP and VIEP's in Poland have been performing very well in difficult circumstances. There are many areas that the IEP have a strong basis from which to progress in. For example, the partnership with the Norwegian government to develop a control system and an IT Control Support System that sets out a set of rules and procedures covering a broad range of the inspection process. It now needs to be implemented in full and used to its full potential.

There appears to be a good use of different types of inspections such as audits, thematic and problem based, as well as good use of checklists (branch and horizontal) built within a systematic process for planning and execution and reporting of inspections. Going forward, the review team felt that improvements could be made to improve the state of the environment and save resource within the IEP by using risk to link environmental harm to effort and workload and also using outcome indicators.

On Seveso, again, the review team felt that there was a solid basis from which to progress upon. The use of annual meetings of specialist Seveso inspectors and seminars held for operators to discuss different topics were particularly good. However going forward, expanding multi agency inspections between fire service, labour, environment etc should be considered a priority; as well as giving access to other agencies and allowing IEP officers 'in the field' access to the powerful online database of Seveso sites (with protected access).

The Review team's broad conclusions are that the objectives of the area of EU environmental law within the scope of the review of IEP are being delivered in Poland, and that arrangements for environmental inspection and enforcement are broadly in line with the RMCEI.

Lessons learnt from IRI process

Lessons learnt from this IRI review are:

- There was a discussion among review team members about examples of good practice and opportunities for development at the conclusion of each day.
- Presentations were not available in advance of the review. Possessing copies of documents and presentations in advance helps the review team to prepare and consider questions before arriving in the host country. It also greatly assists the rapporteur to prepare and become familiar with material to be discussed that will likely appear in the end report.
- Some presentations were too long. Greater emphasis is required on reducing the length of presentations and giving more time for discussion.

Annex 1

TERMS OF REFERENCE FOR IMPEL PROJECT

Name of project
IMPEL Review Initiative (IRI) on the Chief Inspectorate of Environmental Protection (CIEP) in Poland

1. Scope

1.1. Background	The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states: "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." The potential benefits of the IRI include: • providing advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member Countries • encouraging capacity building in environmental authorities in IMPEL Member Countries • encouraging the exchange of experience and collaboration between these authorities on common issues and problems • spreading good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU ("the level playing-field") The IRI scheme has recently been revised to make it easier to follow and more appealing to member countries. The questionnaire was updated and the inspection part aligned to the Doing the right things project. The new scheme was first used in Portugal in October 2009. The IRI in Poland will be carried out using the 2009 IRI scheme questionnaire.
1.2. Directive / Regulation / Decision	The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC)
1.3. Article and	Recommendation 2001/331/EC – Scope and definition. Article 4: "In

description	order to promote best practice across the Community, Member States may, in cooperation 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."
1.4 Link to the 6th EAP	Article 3 of the "Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme" states: "improved exchange of information on best practice on implementation including by the European Network for the Implementation and Enforcement of Environmental Law (IMPEL network) within the framework of its competencies"
1.5. Link to MAWP	ART. 3.3.2. of MAWP 2007-2010, among the key priorities and legislative areas of IMPEL activities mentions that: "IMPEL's key priorities for the period 2007-2010 are to continue the work on the tasks given to IMPEL by the Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) and to fulfil its mandate under the 6th Environment Action Program (6th EAP)."
1.6. Objective (s)	To undertake an IRI of the Polish Inspection of Environmental Protection as described under point 2.5 The benefits of the project are: • the Chief Inspectorate of Environmental Protection will benefit from an expert review of its systems and procedures with particular focus on conformity with the RMCEI, • the participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures • other Member States will benefit through the dissemination of the findings of the review through the IMPEL network. The inspectorate will in particular benefit from an expert review of the risk based planning of the future permitted IED installations which is currently developed taking into account the criteria in the RMCEI and the IMPEL Guidance book on inspection planning "Doing the right things".
1.7. Definition	The IRI will focus on RMCEI, IPPC, SEVESO and all other relevant processes. This particular IRI would include the following aspects: • give an overview of the main national and regional environmental policies applicable to the agency. • legal and constitutional setting of the inspectorate • structure and managerial organisation, including funding, staffing and lines of authority and responsibility for

	regulatory and policy functions, • procedures, criteria and guidance for the development and revision of inspection plans and inspection schedules, • procedures for the execution and reporting of routine and non-routine inspections, • procedures for assessment of training needs and provisions for training and maintaining current awareness, • workload, in terms of numbers of IPPC processes and Annex 1 category, • qualifications, skills and experience of inspection staff, • setting the priorities for IPPC installations: the evaluation aspects, the risk assessment and classifications of risk, • performance monitoring: evaluation of the output and where feasible environmental outcome of inspection activities. The arrangements for internal assessment of the quality of inspection performance and for improvement if appropriate, • arrangements for reporting on inspectorate activities, • relationships between public environmental authorities in charge of controls and self-check / self-monitoring systems • dealing with accidents on installations • systems used to collect and store data on the Inspectorate's activities. Use of these data. Target audiences A review team will be set up to consider the topics above. This will facilitate the identification of both good practice and opportunities for development. The assessment may involve examination of documentation related to the inspection of a number of future IPPC permitted facilities.
1.8. Product(s)	In addition to the benefits listed in Section 2.1, tangible products will include: • A written report of the review for Environmental Protection Inspection, • Relevant extracts from the review report, as agreed with Polish Chief Inspectorate of Environmental Protection, for dissemination to IMPEL members and the EC, Training and Educational material on "lessons learnt" and on examples of good practice for incorporation into training schemes of Member State inspectorates

2. Structure of the project

2.1. Participants The	review team will consist of a review team leader, rapporteur(s) and approximately five experts from different Member States. The nomination of the team members will be decided upon in agreement with the Chief Inspectorate of Environmental Protection and an IRI Ambassador. The review

	team will work closely together with the project manager, Joanna Huczko-Gruszczyńska.
2.2. Project team	See 2.1.
2.3. Manager Executor	The Project manager will be Joanna Huczko-Gruszczyńska.
2.4. Reporting arrangements	The results of the Review will be reported by the Team leader and a report will be submitted to the General IMPEL Assembly for approval.
2.5 Dissemination of results/main target groups	**Target audience:** - IMPEL members, - Chief Inspectorate of Environmental Protection. **Dissemination of the result of the project:** IMPEL: The report will contain review background, participants and expenditure and recommendations on its dissemination and follow up. For dissemination the communication strategy of IMPEL will be used as well. Poland: The Report will be available at the website of the Chief Inspectorate of Environmental Protection.

3. Resources required

3.1 Project costs	The project will involve the steps: • Pre-meeting of the Review Team Leader & Rapporteur with the Candidate Inspectorate to finalise the Scope and Timing of the Review, • Preparation of information on the Polish Environmental Protection Inspection and its activities by the Polish contact persons (after a previous contact with the Review Team Leader in order to establish the relevant and needed information) and circulation to Review Team members. • Review over a period of 3 days comprising • 1.5 days for review and assessment • 0.5 days for comparison and collation of team views • 1 day for feedback, discussion and finalisation of report. It is proposed that meetings and report are conducted in English no interpretation is required. **<u>Preparatory meeting:</u>**

	covered by IMPEL: - travel for team leader and rapporteur - 2x360= €720 - accommodation for team leader and rapporteur (2 evenings) – 90x2x2 =€360 - total = €1080 **Project:** covered by IMPEL: - travel for 7 participants -7x360 = €2520 - accommodation for participants x 4 evenings – 90x7x4 =€2520 - Meeting venue costs and travel to meeting =€1000 - total = €6040 We estimate that the total costs for the IRI review would be €7120. Personnel costs from the candidate inspectorate are not included in this assessment.
3.2. Fin. from IMPEL budget	€ 7120
3.3. Fin. from MS (and any other)	Host country will cover: • meeting facilities for the project • costs for the hard copies • coffee breaks • lunches • 1 official welcome dinner in Pre-meeting and 1 in Review. Cost to be confirmed depending on approval but will not exceed €2000.
3.4. Human from MS	Two people to participate in preparatory meeting and project plus other preparatory work = 15 days

4. Quality review mechanisms

Progress monitoring and quality assessment will be carried out by IMPEL Cluster I. Cluster I will appoint a contact person for this project.

5. Legal base

5.1. Directive/ Regulation/ Decision	The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (300/331/EC)
5.2. Article and description	Recommendation 2001/331/EC is a substantial element of IMPEL' MAWP.
5.3 Link to the 6th EAP	ART. 3.3.2. of MAWP 2007-2010, among the key priorities and legislative areas of IMPEL activities mentions that IMPEL's key priorities for the period 2007-2010 are to continue the work on the tasks given to IMPEL by the Recommendation on Minimum

	Criteria for Environmental Inspections (RMCEI) and to fulfil its mandate under the 6th Environment Action Programme (6th EAP).

6. Project planning

6.1. Approval	By IMPEL 12th General Assembly, December, 2013.
(6.2.Fin. Contributions)	
6.3. Start	Work on composing the Review team can commence after approval. The review itself is planned for June 2013 with a pre-review meeting to be held in April 2013.

Annex 2

List of directives in the field of environment transposed to the Polish legislation and controlled by IEP (compliance with these directives is verified during inspections):

- DIRECTIVE 2008/1/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 January 2008 concerning integrated pollution prevention and control (IPPC Directive),
- DIRECTIVE 2003/87/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC'
- DIRECTIVE 2005/33/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2005 amending Directive 1999/32/EC as regards the sulphur content of marine fuels,
- European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations,
- DIRECTIVE 2001/80/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (LCP Directive),
- COUNCIL DIRECTIVE 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations,
- DIRECTIVE 2000/76/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 December 2000 on the incineration of waste,
- European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (further amended),
- Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste,
- Directive 2002/96/EC OF THE EUROPEAN PARLIAMENTAND OF THE COUNCIL of 27 January 2003 on waste electrical and electronic equipment (WEEE Directive),
- DIRECTIVE 2000/53/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 September 2000 on end-of life vehicles (ELV Directive),
- DIRECTIVE 2006/11/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community,
- Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment,
- DIRECTIVE 2000/14/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors,
- Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (further amended),
- DIRECTIVE 2006/66/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC,
- Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Waste Framework Directive),

- Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso Directive),
- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer,
- REGULATION (EC) No 166/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (PRTR Regulation),
- Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (Liability Directive),
- DIRECTIVE 2006/21/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC
- DIRECTIVE 2000/53/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 September 2000 on end-of life vehicles (further amended),
- DIRECTIVE 2009/30/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC
- Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB's Directive),
- REGULATION (EC) No 842/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2006 on certain fluorinated greenhouse gases,
- REGULATION (EC) No 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (REACH Regulation),
- Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (GMO Directive),
- Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise
- Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (Air Quality Framework Directive).