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 at the Centre for Economic Development Transport and the Environment (ELY) in Oulu, Finland, 14 to 16 May 2013

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 Brussels, 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 Centre for Economic Development (ELY) and the Regional State Administrative Agencies (AVI) was undertaken by a broad cross section of the IMPEL network. It focuses upon the inspection, permitting and enforcement of the IPPC Directive, the new requirements of the IED, 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 has highlighted the following as particularly strong examples of this:

Good practice

- The system in Finland is working well in ensuring good results as proven by the state of the environment. There are strong traditions around collaborative working between national, regional and local level. Good practice is shared, common approaches to permitting, compliance, inspections are implemented and guidance is provided on a national level supported by collaboration on a regional level to drive consistency in approaches.
- Finland values transparency and the public are provided with many opportunities to input into the regulatory processes. Public consultation is done at each stage to ensure public access to information.
- Regulators are bound by performance agreements which are available to the public as are the reports produced annually.
- Independent appeals courts, specially trained environment prosecutors and independent permitters are part of the well functioning Finnish system.
- Permit applications are published and made available on websites and operators are responsible for self monitoring, for ensuring there are no issues and they fully understand their impact on the environment. They are also required to report non compliances to the regulator within tight timescales if they do occur.
- Inspections are planned and the electronic system triggers inspections in line with legislative requirements. There are well defined processes and execution frameworks in place. Reports are made available following site inspections to inspectors across the country enabling inspectors to review company performance across Finland and a summary of the findings is also made available to the public.

Opportunities for development

- The overall management system is very complex involving a number of ministries in prioritisation, resource allocation and driving the activities of ELYs and AVIs. There are also a number of authorities working in adjacent areas; ELYs and municipalities both do insepctions, AVIs are responsible for permitting and there are separate SEVESO inspectors. They could consider strenghtening the link between the ministry for the Environment, ELYs and AVIs. At the moment requirements for delivering certain activities are not linked to the financial resources and an improved link between the two could improve the link between activities and resources. This could help improve the shortfall in resources required for inspections.
- The ministry should consider sharing peformance summaries between ELYs and with the public to improve transparancey, public participation and to create competition between ELYs and a wider range of performance targets to ensure they take account of changing BAT requirements. They could consider establishing similar peformance measures to enable commparison between different ELY's, e.g. number of inspections per sector over time.
- There is a risk a conflict of interest arising when municipalities are responsible for supervising sites that they also own. They could consider making ELY's responsible for all sites which are public-private partnerships on a municipal level.
- They could consider reducing or streamlining the number of permits required by operators and integrated or reduced number of permits could be beneficial for operators. They could also consider simplifying and standardising the permits to shorten the time taken to process them. As part of this they could consider merging the water act procedures with environment authorisations to reduce the administrative burden on operators.
- They do not currently charge sufficient fees to recover the costs of permits and could consider increasing this to be more in line with the actual cost.
- The ministry should consider how they could support permitters on interpreting BAT as having to work with them every time a permit is produced is time consuming and resource intensive. In some European countries there are general binding rules based on the BREFs that are used by the permitting auhtority. This makes them more effective and improves consistency across the regions on how permits are set.
- The municipalities are always invited to attend inspections by the ELY and they could discuss and consider other ways to keep them informed of the results of the inspections as this would contribute to better use of limited resources. Similarly involving three authorities in understanding the details of a site, the compliance and performance is

resource intensive in an environment of reducing resources. This could also include improving cooperation with other authorities on health and safety issues.

- There are only two types of offences, minor and serious, they should consider introducing more categories to enable more effective prioritisation when implementing IRAM Methodologies. They should also consider introducing a broader range of sanctions and use of enforcement tools (existing).
- Finland currently do not carry out unannounced inspections and should consider introducing some rules on levels of unannouced inspections as this could be beneficial.
- There are a large number of operator requested inspections which are greatly appreciated as the operators use these to illustrate their environmental performance. In view of shrinking resources the ELY should consider introducing charges for operator requested inspections and the production of an inspection report, charging for non essential inspections.
- The ELY could consider setting up out of hours emergency response arrangements to deal with incidents. The absence of incident response to environment incidents/accidents could mean serious accident information can be lost and environmental damages may not be contained if this is managed by the police or emergency services.
- The inspectorate could consider identifying a code of conduct regarding ethics to avoid undue influence from operators on inspectors. They should also consider rotating inspectors to avoid issue blindness and to ensure objectivity. As an alternative since inspectors are not rotated their work could be supervised by one of his/her colleagues. For example, a supervisor could for example join one inspection a year to ensure the inspectors remain objective.
- Site inspections and controls do not always include site visits in Finland – sometimes desk based controls are carried out such as checking of documents and this effort should also be captured.
- The ELY should consider the results of inspections and use these to drive prioritisation to identify whether serious non compliance is increasing or reducing.

The review team considers that the objectives of the area of EU environmental law within the scope of the review of EAI are being delivered in Finland. 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 Finland

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 Finland focussed on the work of the Ministry for the Environment, specifically the work of the Centre for Economic Development, Transport and the Environment (ELY) and Regional State Administrative Agency (AVI), in relation to permitting and inspection. This covered a range of directives but predominantly the IPPC (IED) Directive, the new requirements of the IED for large combustion plants and incinerators, and where relevant any other industrial processes that fall under the RMCEI.

2.4 Structure

A pre-review meeting was held in Helsinki 4 February 2013 in which the programme and the scope for the review were discussed. The meeting comprised the Team Leader, Rapporteur, and the hosts.

The review itself took place in Oulu, in the ELY main office, May 14-16. The ELY Centre in Oulu is based in the North Ostrobothnia Region in Central Finland. The Province reaches across the entire country from the Gulf of Bothnia in the West to the Russian Karelia in the east. The findings were presented to the higher management team of the ELY and a representative of 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 six different IMPEL member countries and a representative from the European Commission.

IMPEL Board		Terry Shears	Team Leader
UK	Environment Agency England	Elen Strahle	Rapporteur
Iceland	Environment Agency Iceland	Gunnlaug H. Einarsdóttir	Reviewer
Poland	Voivodship Inspectorate of Environmental Protection in the region of Kujawsko-Pomorskie	Adam Nadolski	Reviewer
France	DREAL Lorraine/SPR	Thomas Ailleret	Reviewer
Germany	Pollution Control Regional Government Cologne	Horst Bűther	Reviewer
Austria	Office of the Styrian Provincial Government	Ulf Steuber	Reviewer
European Commission		Gabriella Gerzsenyi	Observer
Project leader	Ministry for the Environment	Markku Hietamäki	Host
Assistant project	ELY	Juhani Kaakinen	Host

leader			

Table 1: IRI Finland review team

Picture 1: Review team and hosts at the ELY main office in Oulu

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 Ministry for the Environment is the main body that develops environmental policy and environmental legislation. A number of other ministries also govern activities which relate to the environment making the steering system slightly complex. The Ministry of Employment and the Economy for example handles policy issues concerning mining and energy. The Ministry for Agriculture and Forestry manages policy issues concerning the use of water and forestry resources. The strategic steer is provided by the Ministry of Finance which also manages the budgetary process and hold the responsibility for allocating the financial resources to the Regional authorities. The Ministry of Environment also provides a strategic steer for environmental permitting activities.

There are a number of competent authorities which are responsible for implementing and enforcing environmental legislation in Finland. The Regional Centres for Economic Development, Transport and the Environment (ELY's) and the municipalities are predominantly responsible for enforcement of environmental issues.

The Regional State Administrative Agencies (AVI) and municipalities are both competent authorities for environmental permits.

Strategic planning is a collaborative process approach which involves all ministries and a number of other agencies. Working groups are set up and it takes around a year to agree the strategic document, which ensures links to government priorities and drives ELY and AVI activities.

Each ELY Centre draws up a strategic performance target agreement which is agreed and monitored annually. The operational performance agreement provides the details of the agreement between the operating agencies and the Ministry in terms of what they will deliver. Regional centres have to publish targets and progress and these are made available to the public (http://www.netra.fi). This includes changes to be made for next year.

The Permitting Authority (AVI) and Compliance Authority (ELY) are independent from one another and independent from the Ministry for the Environment. The Compliance Authority sits under the Ministry of Economy and Employment.

Ministry for the Environment

The Ministry for the Environment was created in 1983. Since then a number of reviews have streamlined how environment legislation is implemented in Finland.

The Ministry is responsible for the following activities:

- EU Negotiations;
- Transposition of EU Legislation;
- Policy development;
- Guidance and national issues.

The ministry for the Environment currently has very limited opportunities to ensure that the permits are appropriately written as there are about 6000 permitting installations in Finland and the AVIs are independent from the Ministry. The permitting centre (AVI) sits under the Ministry of Finance. The permitting department is made up by technical experts, lawyers and experts in natural resources.

The role of the Ministry for the Environment is to provide guidance to the Regional Authorities. The Ministry predominantly provides guidance on compliance and monitoring which is binding for civil servants but not for the operator or the permit holder.

The Ministry have two main routes through which it can influence the activities of the ELY: the strategic plan and the operative plan. Both plans are high level and the strategic plan is prepared in conjunction with other ministries and covers general objectives.

The strategic performance agreement and the operational performance agreement are agreed separately. The process also includes the Ministry issuing a guidance manual in compliance monitoring. The discussions predominantly focus on big issues (exceptions) and the Ministry cannot publicly criticise the activities of the ELYs. If required the Ministry can raise any issues during the business negotiations. If the people think that the authorities are not acting within the parameters of the environmental acts people have the right to go to the Chancellor of Justice. It is the role of the Chancellor of Justice to uphold the law.

The operative plan is agreed by the Ministry for the Environment and each ELY. Before it is agreed the Ministry sends instructions to the ELYs and conducts separate negotiations with all. The operative plan does not include details around the activities planned for single facilities or individuals but is kept high level.

The operations performance agreements have dedicated sections for each Ministry/sector. The ELY's also provide guidance to the Municipalities. The role of the compliance monitoring manual is to enhance and harmonise the compliance monitoring of environmental permits for state authorities in order to ensure consistency.

Finland has included RMCEI recommendations in their guidance notes and the Industrial Emissions Directive (IED) now covers the frequency of inspections.

Policy

The Ministry for the Environment is currently focusing on the following activities:

- Developing General Binding Rules;
- Reducing administrative burden (cutting red tape);
- Simplifying permitting – notification procedure (not for IED);
- Improving electronic communication between operators and the authorities as well as the public, the authority and operators;
- Improving implementation of legislation;
- Guidance and training for supervisors and permitting authorities;
- Dealing with the problem of decreasing resources all over in environmental administration.

Relationship with the Centres for Economic Development, Transport and the Environment (ELY) and the Regional State Administrative Agencies (AVI)

The Ministry for the Environment also steer the activities for the ELY and AVI's that relate to the environment. This is done through a strategic agreement with the regional authorities which includes what they need to deliver. This is negotiated and agreed on an annual basis and all the Ministries who are responsible for activities being delivered by the ELY or AVIs are involved in the discussions. The Regional authorities in Finland are very independent and make their own decisions in terms of how the funding allocated is spent. The main performance indicators are defined by the guiding ministries. Regional authorities can also set themselves additional indicators.

The role of the Ministry is to provide support and guidance, set general guidelines and objectives. The Ministry can also provide advice in single cases if the ELY requires it.

The Regional authorities conduct business negotiations with the ministries and the ministries review their performance which is based on a self assessment. There is subsequently a negotiation and discussion to agree funding for the coming year.

The diagram below illustrates how the Ministry of Employment and Economy drives the activities of the ELY. It also shows how the Ministry for the Environment drives the activities for the Environment and natural resources units.

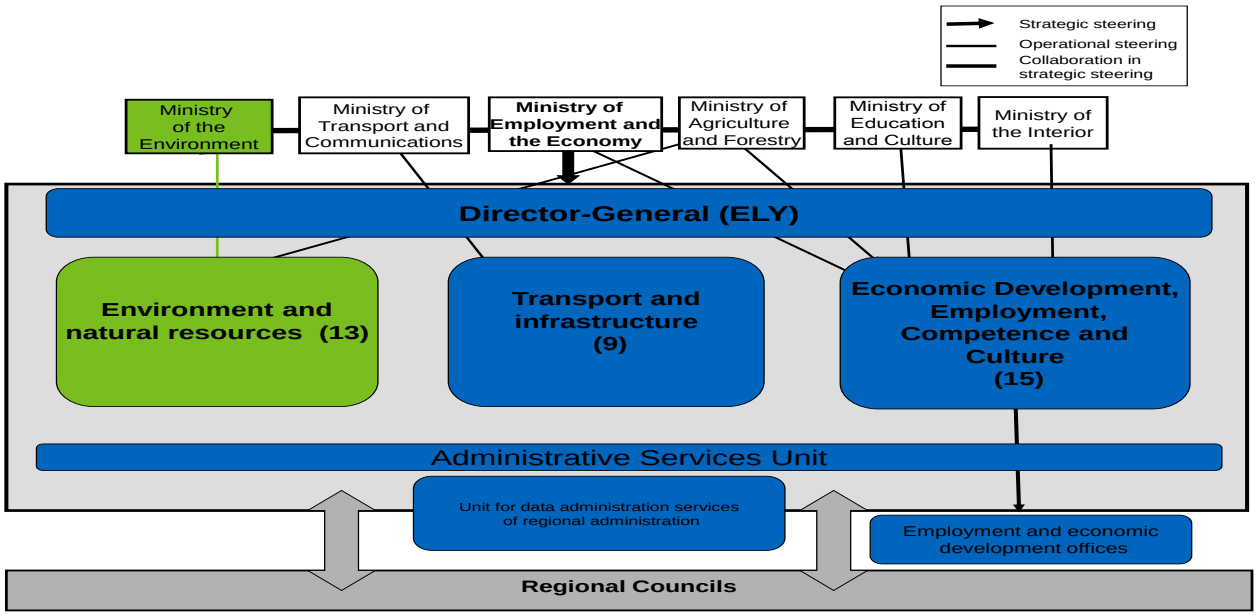

Figure 1: Governance structure for ELY's

Similarly the Ministry of Finance is responsible for the allocation of resources for the AVI and the Ministry for the Environment alongside other ministries and thus drive the activities of the Environmental Permitting Unit.

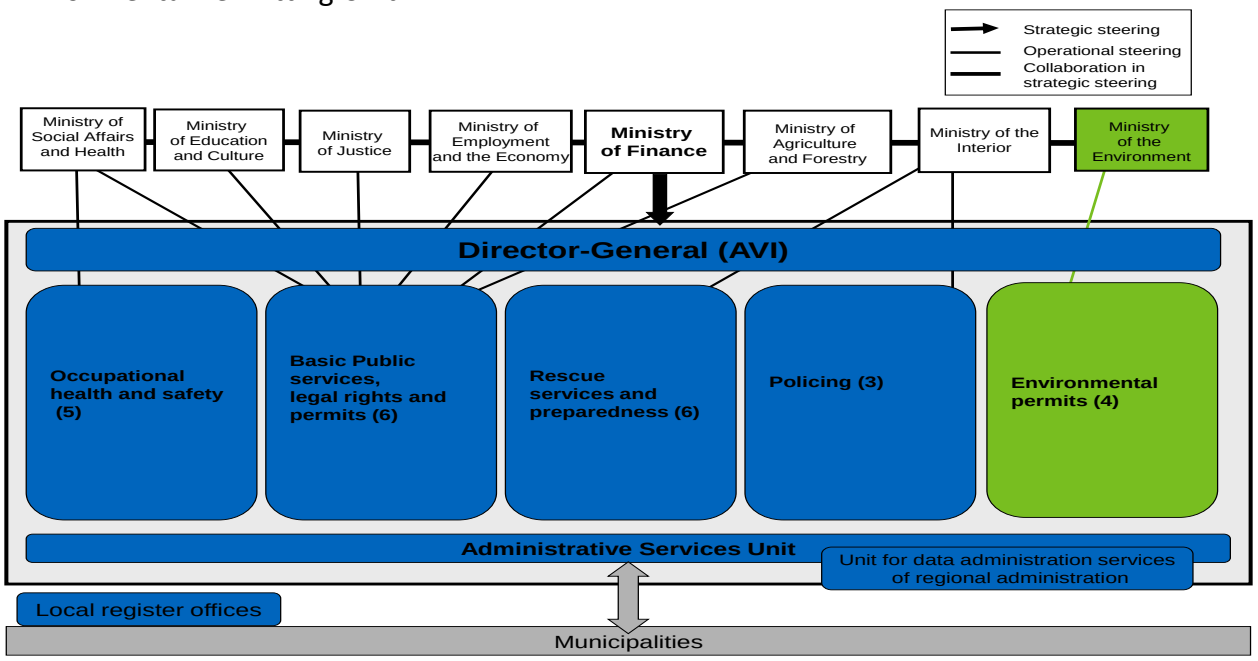

Figure 2: Governance structure for AVI's

Legislation

The legislative framework in Finland was significantly expanded and updated in 1990s (OECD Report on Finland): as a result they now have a very comprehensive regulatory framework for the environment. A large proportion of Finland's environment legislation originates in EU legislation (Environmental Law and practice Finland; http://www.practicallaw.com).

Legal instruments in Finland are either parliamentary acts or government decrees – both are prepared by the Ministry for the Environment. The choice between parliamentary act and government decree is defined in the constitution as follows.

> *'The President of the Republic, the Government and a Ministry may issue Decrees on the basis of authorisation given to them in this Constitution or another Act. However, the principles governing the rights and obligations of private individuals and the other matters that under this Constitution are of a legislative nature shall be governed by Acts.'*

This means Finland is governed by parliamentary law resulting in a wide application. The role of decrees is supplementary; the basic obligations are always included in acts.

The Ministry for the Environment have strong traditions for how laws and follow some key principles such as openness, transparency and partnership. These principles are applied to all activities. Others are encouraged to express their views and difficult decisions are made transparently and reasons provided.

Ad hoc committees and working groups are widely used when environmental law (acts or decrees) is prepared, all relevant interest groups are involved which includes NGOs, industry, authorities and research institutes. Hearings and public hearings (via internet) also take place.

There is a trans-boundary agreement in place in Nordic countries which was agreed in 1975 which means that if you have a facility on the border where it will affect citizens on both sides they have the same rights on either side of the border. It is not dependent on which country the installation is located.

There is no unified Environmental code – instead there are several legislative acts, of which the Environmental Protection Act is the main instrument. In recent years there has been a lot of activity in the field of environmental law, several reforms and amendments of acts have been done.

The key environmental legislative regimes include:

- **Environmental Protection Act**: Prevention and control of pollution, generation of waste by certain activities, soil and groundwater conservation and remediation.

- **Waste Act**: Prevention of waste, hazards and harm to human health and the environment
- ***Nature Protection Act*****:** Nature and landscape conservation
- **Act on Compensation for Environmental Damage:** Liability for environmental damage
- **Act on Remediation of Certain Environmental Damage:** Remediation of damages to biodiversity and certain water systems
- **Act on Environmental Impact Assessment Procedure:** Environmental Impact Assessment (EIA)
- **Act on Environmental Impact Assessment of Plans and Programmes of the Authorities:** EIA concerning certain plans and programmes
- **Land use and buildings Act:** Land use and planning
- **Emissions Tradig Act:** EU Emissions Trading
- **Act on the Use of Kyoto Mechanisms:** Emissions trading
- **Land Extraction act:** Use and control of certain natural resources
- **Mining Act:** Use and control of mining resources
- **Forest Act:** use and control of Forest resources
- **Chemical Act**: Hazardous substances control
- **Gene Technology Act:** Genetic engineering
- **Nuclear Energy Act:** Governs Nuclear power
- **Act on operating Aid for Power Generation from Renewable Energy Sources:** Renewable energy/feed in tariffs
- **Radiation Act:** Radiation control

This review predominantly focussed on the Environment Act since this is what governs the prevention and pollution control, IPPC/IED activities. The Environment Protection Act also governs air quality and permitting activities. IED has been partly transposed in Finland already in regards to large combustion plants and incinerators. The remainder of the required changes are being integrated into the Environment Act which is currently under review. This is expected to be become law during 2014.

The Environmental Protection Act provides the Ministry for the Environment the right to provide guidance to monitoring authorities. The first manual was issued in 2005 and was renewed in November 2012. The preparation for the next manual will begin in summer 2013 and shall also cover the Water and Waste Acts.

There are no current plans to develop a unified Environmental Act.

Implementation of Environment Legislation in Finland

In 2010 the Regional administration reform streamlined six agencies into two, the Centres for Economic Development, Transport and the Environment (ELYs) and the Regional State Administrative Agencies (AVI). The ELY centres have a very broad range of responsibilities and the AVIs are more legally focused. As a result the Regional centres have taken on increased

responsibilities for environmental matters which include prevention and pollution controls as well as permitting.

Figure 3: The Regional Administration Reform 2010

The ELY centres in Finland control 6,000 permitted facilities and the municipalities control 17,000 facilities which they also permit.

Regional State Administrative Agency (AVI)

Overview and organisation

The AVIs are responsible for implementation, steering implementation and supervising the implementation of legal provisions and legal protections. The AVIs responsibilities differ slightly in different areas, for example only four of the AVIs are responsible for environmental permitting activities. The agency predominantly focuses on the delivery of basic public services, legal protection, permits and supervision, public safety, tasks related to environmental permits and supervision of occupational safety. In summary they are responsible for the following activities:

- Basic services, legal safety and permits;
- The police;
- Rescue and precautionary services;

- Environmental permits;
- Occupational health and safety.

The Permitting Authority handles a wide range of permits which includes permits for taxi drivers as well as environmental permits for installations.

There are six AVIs in total in Finland of which four are responsible for environmental permitting activities which includes the AVI based in Oulu.

Centre for Economic Development, Transport and the Environment (ELY)
Overview and organisation

The ELY is responsible for implementing and developing government activities in the regions. The centre concentrates on functions related to natural resources and the environment, transport and infrastructure, labour force, businesses, competence and activities related to culture. The ELY Centre in Northern Ostrobothnia has almost 400 employees, of which 100 are dedicated to environment and nature conservation issues.

There are a total of 16 ELY Centres in Finland but only 13 hold responsibilities for environmental issues.

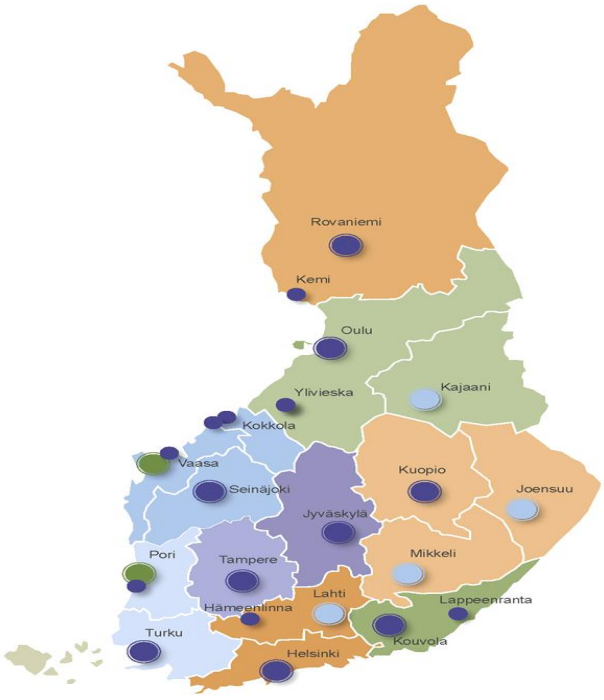

Figure 1: ELY office locations

The ELY in Oulu is responsible for the following activities:

- Economic development, employment, competence and culture;

- Transportation and infrastructure;
- Environment and natural resources

The Environment unit is responsible for compliance monitoring of environmental and water (construction) permits, land use, planning, nature conservation and water. The centres also manage economic development in the regions through the development of for example mining centres. They also work to ensure a healthy population as well as manage preparation for climate change, protecting waters and the cultural and natural environment.

The ELY's total budget is around €500 million which includes nearly €200 million in agricultural subsidies. Activities include monitoring and reporting on inspection plans as well as inspecting.

There are around 400,000 people in the region of Northern Ostrobothnia and around half reside in the capital city of Oulu.

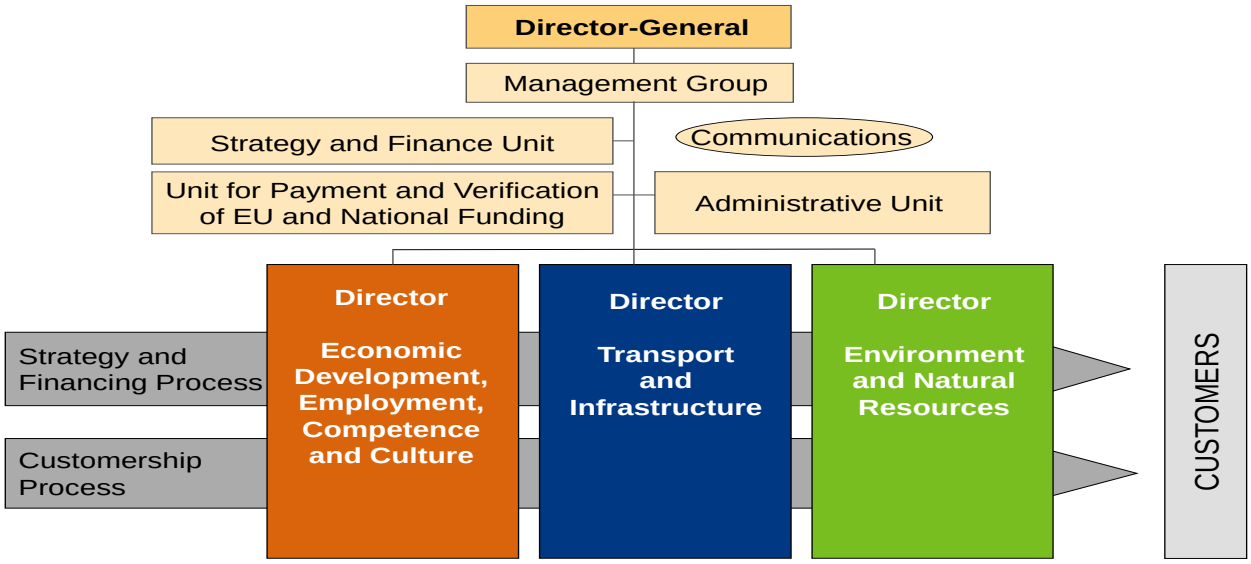

Figure 2: The ELY structure

The Natural resources and environment unit is predominantly responsible for the following activities:

- Guiding municipal land use and construction
- Maintenance of cultural environments
- Protection and sustainable use of biodiversity
- Environmental protection (land, air, water)
- Use and management of water resources
- Generating environmental information and promoting environmental awareness

The aim of the natural resources and environment unit is to mitigate climate change and promote sustainable development.
The aim of the Transportation and infrastructure unit is to ensure, in cooperation with other stakeholders, the efficiency and safety of everyday travel and transportation in a sustainable manner. It is responsible for the following activities:

- Road maintenance
- Road construction projects
- Transportation systems
- Transportation safety
- Transport services in the archipelago
- Transportation management
- Transportation customer service

The aims of the economic development, employment, competence and culture unit is to:

- Support the balanced development of regional and communal structures
- Develop policies for economic development, innovation environments, agriculture and employment;
- Promote competence, education, culture and employment and social integration of immigrants.

The unit is responsible for the following key activities:

- Counselling, financing and development services for companies
- Developing the economy and innovation environments
- Regional economic development and employment policies
- Developing the farming and agricultural industries
- Promoting the fishery industry
- Immigration, social integration and employment of immigrants
- Forecasting developments in employment and the economy; forecasting skill and educational needs
- Promoting culture and the creative economy
- Planning, sourcing and follow-up responsibilities for vocational training and vocational adult education
- Short-term supplementary training for teaching personnel
- Library, physical recreation and youth service responsibilities; assessment of these basic services
- Construction of educational institutions, libraries and physical recreation facilities
- Tasks related to structural funds (ESF/ERDF)

Finance and resources

ELY Centres play a key role in regional development and the granting of EU funding. The EU's structural funds grant supplementary funding for activities promoting Finnish know how, employment and competitiveness.

The ELY in North Ostrobothnia has almost 400 employees and a turnover of €500 million of which €200 million is agricultural subsidies. Around 100 staff are involved in environment and nature conservation activities.

The ELY in North Ostrobothnia has 40 staff that carry out inspections for industrial installations but also waste water, waste, groundwater, and contaminated soil.

Monitored installations

The ELY in Northern Ostrobothnia is responsible for supervising 750 environmental permits which are governed by Ministry instructions and inspection plans.

Types of installations

The region of North Ostrobothnia is focused on agriculture and forestry. There are some densely populated centres in the region which have more significant industrial facilities specialised in the field of pulp and paper production, wood processing, steel, chemistry and electronics of which Oulu is the main one.

Mining activities have substantially increased in northern Finland over the past few years and although it represents a small proportion of the overall industrial activities it requires intensive supervision. Oulu has a number of industrial and energy facilities but hasn't had any serious problems with non compliance to date. Waste for the newly commissioned waste incinerator is transported from a large area around Oulu and even from northern Norway.

Peat production is an important sector in Northern Ostrobothnia as this is a key energy source in northern Finland. This means high standards are set for water protection. Environmental monitoring is done on a risk basis.

Centralisation of waste water treatment into larger plants has improved water quality.

There are around 1000 IED installations in Finland and a further 20,000 installations that require environmental permits.

The ELY in the North Ostrobothnia region controls 748 facilities in total. All the facilities can be broken down into the following sectors:

- Peat production areas (192)
- Animal Shelters (241)
- Waste treatment and landfills (105)
- Industry and energy production (59)
- Wastewater treatment plants (50)
- Fish farming (50)
- Fur farming (29)
- Transport (6)
- Military operations (7)
- Other (9)

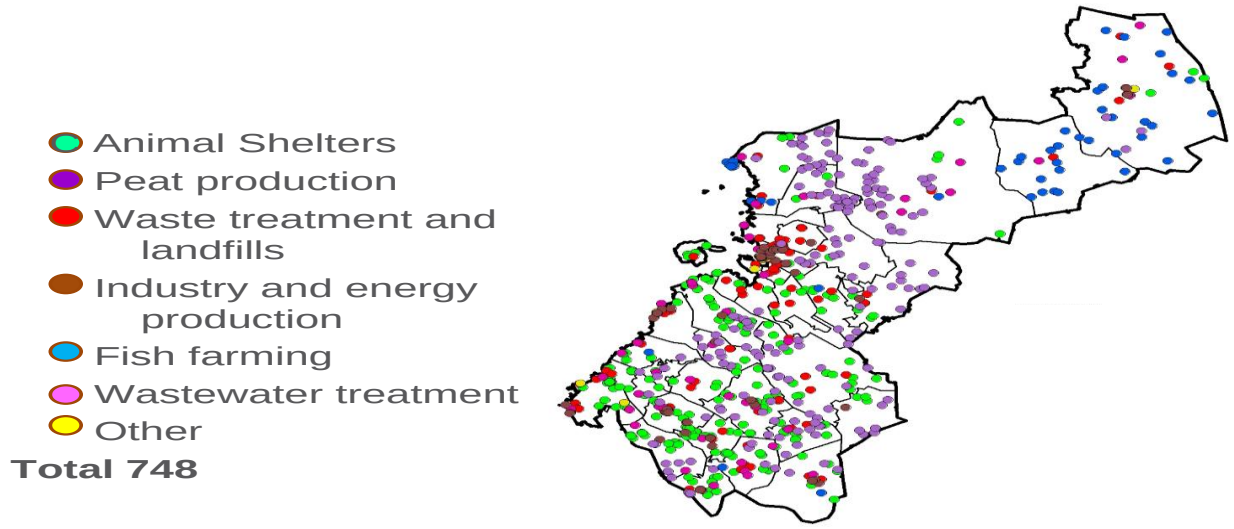

Figure 4: Controlled facilities in North Ostrobothnia

There are 49 different types of installations under IPPC and the Finnish national list contains 91 types of national installations that are smaller than IPPC/IED installations measured in capacity. Other types of installations which can cause pollution or are considered a risk nationally and are regulated include peat production which is a key sector in the area of North Ostrobothnia. The ELY Centre in Oulu has responsibility for 40 IPPC sites.

Municipal Environmental Authorities

Permitting and supervision are also done on a municipal level. The Local authorities' main tasks are to:

- Promote environmental protection and pollution prevention;
- Permit, issue notification and decisions;
- Supervise and monitor;
- Monitor and control the state of the environment.

Responsibilities are statutory and encased in the Act on Municipal Environmental Administration (64/1986) and the Environmental Protection Act (86/2000).

The city of Oulu holds responsibilities and duties for the six neighbouring municipalities including:

- Environmental and soil permitting, water protection, nature conservation, air quality monitoring and waste management;
- The office also has statutory duties to work on sustainable and climate issues. It coordinates and implements the climate strategy and environmental policy of the entire city.

There is an environmental protection board which is re-elected every four years where everyone holds a MSc in different environmental disciplines. The environmental protection board makes the decisions and processes around 10-15 permits a year. The permits take 10-12 months to process including public consultation and all permits span 10 years. What permits are handled on a local level are defined by legislation, predominantly in the Environmental Protection Act, Water Act, Waste Act and Soil Extraction Act. The duties defined in the legislation are dependent on the size of the installations. Municipal authorities are responsible for smaller operators and state authorities such as the ELY are responsible for larger operators.

The municipal authority in Oulu is responsible for 393 permits. The most common types of activities permitted include:

- Animal Shelters (107)
- Gas Station (90)
- Waste and water management (79)
- Excavation of ores or minerals, or extraction of geological materials (37)
- Shooting ranges (17)
- Energy production (14)

The management systems in the environmental office differ from the state system.

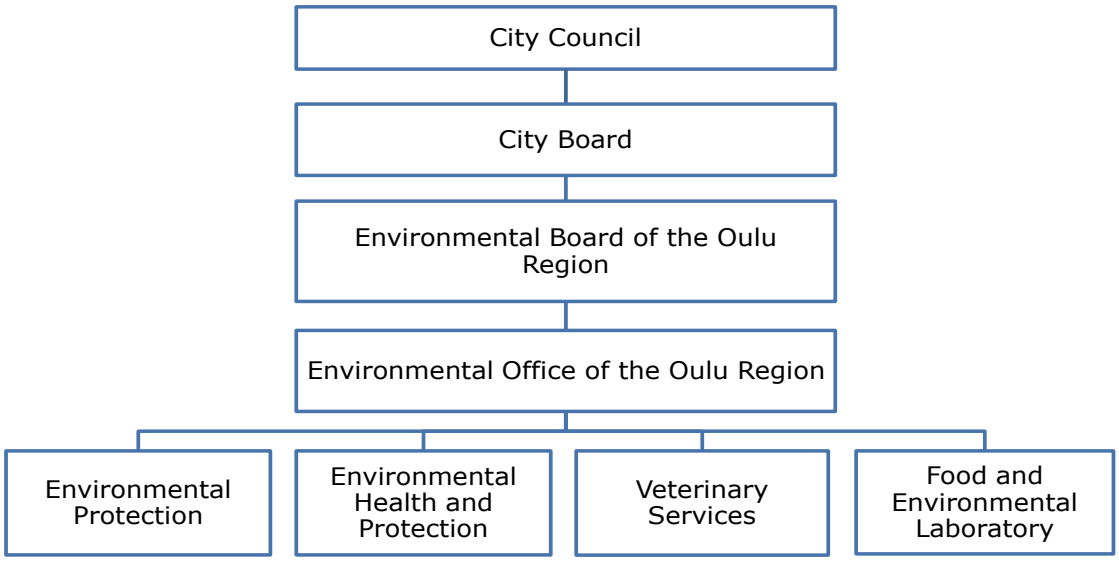

Figure 5 Municipality structure

The Environmental Protection part of the municipality is organised as follows:

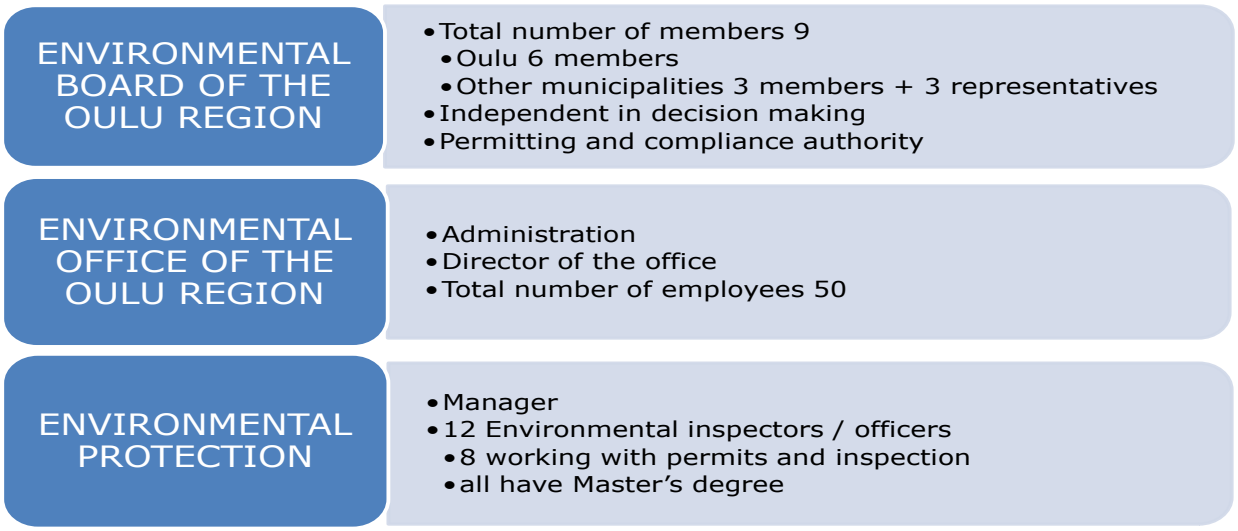

Figure 6: Municipality organisation

The City of Oulu gets involved in the following types of activities:

- environmental permitting,
- water protection,
- air quality management,
- waste management soil protection permits,
- nature and water protection

The municipality also have supervisory duties which include;

- Compliance monitoring (environmental permits and soil extraction permits);
- Appeals and other rights to take legal action (littering complaints, ditch dispute issues);
- Other supervision (Common legal supervision, municipal waste management regulations, emergencies);
- Supervision surveys (industry specific surveys e.g. oil containers and tanks)

This includes inspecting facilities which are partly owned by the municipality such as the Oulun Energia Laanila EcoPower Plant.

External Interaction

Inspection reports are not published if corrective action is not taken. The case can go to the Environmental Board who can enforce but this is very rare.

Part B– Permitting activities

Objective

Explore the permitting activities of the environmental authority.

The Ministry of Finance governs the resources of AVIs but permit giving is independent and there is a lot of information exchange between the AVIs to ensure permits are consistent. Only large installations are permitted by AVI and minor sites are permitted by the municipalities. They receive around 340 permit applications per year of which 240 are for environmental protection and 100 for the water construction (act). Permits are also issued by municipalities.

The ELY's are responsible for enforcement and compliance of the permits once these are in place and are as part of the permitting process consulted for their opinion on the permit application.

The Regional Administration Agency (AVI) deals with WFD permits. Water resources management plans (WRMP) and marine environment management plans (MEMP) and action plans related to these are important considerations for permits. The environmental objectives of the plans are for water bodies to not deteriorate. The permit must indicate how the water management plan has been taken into account by the applicant considering WRMP: if it is not included in the application the applicant will be asked to add this before it is published.

When a permit is granted there are also regulations about monitoring and reasoning on how the plans have been taken into account and the operator may be required to provide additional information. If applications are rejected the reasons are clearly stated.

In the North Ostrobothnia region 50% of the permit applications are on peat production, predominantly for extraction but also for incineration.

Process for issuing permits

State and municipality processes and procedures are identical and permit application forms can be completed electronically.

The permit process can be broken down into the following steps:

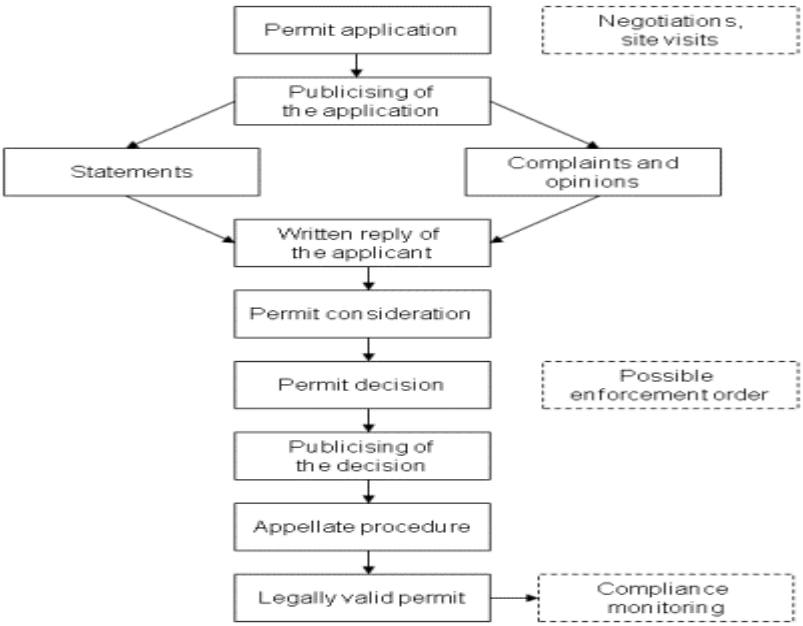

Figure 7: Permitting process for AVIs and Municipalities

Permits are written and tailored to each installation who applies. The permitting times can take up to 12 months and vary widely. The standard permitting period is 10 years and the operators can continue operating in line with the old permit during the renewal period but cannot start operations until the permit has been approved.

Permit handlers typically handle 20-30 applications. Decisions are made by a single or multi member panel based on a proposal which is down to stipulations in the Environmental Act. To ensure consistency in the permitting process sector groups have been set up across the regions where good practices and permit conditions are discussed. However, the same operators, who have sites in different parts of Finland, tend to challenge the consistency of permits and can use this as a reason to appeal.

There are not so many IED/IPPC permits being issued at the moment as many were issued in 2005. This will change as they come up for review. Permits are issued for the following sectors:

- Pulp
- Paper
- Iron
- Steel
- Energy production
- Mining
- Peat production
- Animal shelters

- Construction
- Water

The ELY centres can appeal the permits issued by municipalities and AVIs if they do not agree with the permit conditions.

All emissions are covered by the same permit and the Environment Protection Act stipulates what has to be included in the permit. Short term emission limit vales are frequently used and continuous monitoring (by the installations) is required.

The permits generally include monitoring requirements (plans) and supplements can be requested to take into account the ELY's opinion. The ELY Centre will provide an opinion on each permit application in regards to emission limits and environmental issues based on their experience.

Water Framework Directive

The AVI deals with WFD. But water resources management plans and marine environment management plans and related actions plans are considered in detail in water permits. The permit must indicate how the water management plan has been taken into account and the permitting authority needs to consider how this is taken into account. When the permit is granted there are also regulations about monitoring and reasoning on how the WRmP and MEMPs have been taken into account and the operator may be ordered to provide additional information.

Review

If industry activities change they are required to send a notification to the ELY Centre which does a review and makes recommendations as to whether the permit will need to be amended. There is zero tolerance on health issues which also links through to air quality standards. Certain issues may require expert advice.

Water permits processing times are:

- Renewals, 9 months
- New activities, 12 months
- Changes, 10 months

Reopening, revoking of permits

A small fee of €90 applies to every appeal: this is to ensure everyone can afford to appeal if necessary. The Permitting authority is then required to provide a statement to the court on the

appeals. The first stage is to lodge an appeal with the Vasa Court appeal and the second stage is the Supreme Administrative Court.

Charging

The permit fees are determined by a government Act and the levels are set for different permits. The fees are dependent on the emissions and the complication of activities. Fees are linked to the resources required to administrate the permits and not the environmental risk – although they are linked to size by default.

The permit authorities charge for (renewal and recover) environmental permits around 40% of the true cost with a view to increase to 50%.

The municipalities have low permitting fees and charge no inspection fees.

Involvement of the public

Permit applications are displayed in the municipality and on the internet. They do this to ensure the relevant authorities and anyone affected by the plans are made aware. For example if ground water areas are affected it is important for the ELY to be aware. The public and interested parties are given 30 days to comment and the decisions are then published on the internet and shared with relevant authorities and other interested parties.

There is strong public consultation and this entails an obligation to make permit applications publicly available and to provide additional information and the main application. There is also an opportunity to provide feedback to the permit handlers through an electronic system.

The public do, if they are concerned, have good access and many opportunities to engage and participate in the permitting process if they would like to.

They have an electronic application system that can also share the applications on the internet. The information is going straight into the permit. Complex drawings will also be available on the system with no restrictions on the size of the files. There is also a possibility for the public to provide comments into the system.

Electronic Permitting System

They are currently developing an electronic permitting system to which all permitters will be granted access. This is currently being tested and applications will be available in Swedish and Finnish. The system will by the end of the year automatically transfer information straight into the permit decision. The system won't restrict the size of the applications.

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

Steering and planning in the regional state administrative agencies and the ELY Centres is done in collaboration with the ministries in charge of steering the agencies and centres. Both are provided with a strategy document covering the entire government term. The Strategy covers government programme, policy programmes, spending limits, other inter administrative policy programmes and various agreements.

A strategic performance target agreement is drawn up for each regional state administrative agency and ELY for the duration of the government term and it is assessed annually. The strategic performance agreements build on the strategy document.

A more detailed operations performance agreement is also drawn up between the agencies/centres and the steering Ministry.

The ELY's performance indicators include the following types of measures;

- Total number of inspections
- Number of routine and non-routine inspections
- Time dealing with reports (annual and monthly)
- Time dealing with some notices
- Outcomes of inspections

According to the Government Decree on Environmental Protection all IPPC (and IED) facilities are permitted and inspected by state authorities (AVIs and ELYs). There used to be a Government Decree which stated that all power plants with less than 50MW output owned by a municipality would have to be permitted and inspected by state authorities. This exemption was deleted in 2000 when the new Environment Protection Act came into force.

1b. Setting priorities

Overview

The inspectors divide facilities into four classes based on risk. During 2014 IMPEL EASYTOOL will be integrated to electronic system supporting compliance monitoring. Criteria are applied to priorities inspection sites, a risk based approach.

Facilities are divided into four classes and inspection frequency depends on which class they belong to as follows:

- Class 1, site visit every year (35)
- Class 2, site visit once in two years (79)
- Class 3, site visit once in three years (276)
- Class 4, site visit once during permit period (358)
  (when the visit is made may depend on sampling)

Due to an increase in the number of monitoring sites and a decrease in the available resources for monitoring it is not possible to ensure that all planned inspections are done in time. This is why it has become a necessity to prioritise sites, so that inspections are planned and done as defined by the monitoring class. Priority sites are then selected by monitoring class. The following selection criteria are used to prioritise:

- the operation in question has been issued a new/renewed permit, and has not been inspected since receiving it (first inspection)
- the operation has experienced disturbances or other exceptional situations
- several/repeated general notifications have been made regarding the operation
- it has been 4-5 years since the previous inspection was conducted or the previous scheduled inspection was not conducted
- no inspections have been conducted during the permit period of validity
- notes were issued in previous inspections
- Another, specific operational reason that requires a monitoring inspection.

IPPC/IED sites are inspected every year, something which has been done for the past 15 years but will now be put into a lower class to comply with the IED directive.

Yearly inspection cycle

In order to organise inspection activities a yearly inspection cycle is defined. Before Christmas every inspector plans inspections for the coming year and enters her/his proposal into compliance monitoring system (VAHTI). At the beginning of the year negotiations are carried out separately between the inspector and the director responsible for compliance monitoring. After these negotiations the director summarises the results and assesses the overall situation and makes her/his proposal to the head of the department. After negotiations final adjustments are made to the inspection programmes for the individual inspector. An inspection plan containing the inspectorates' priorities are set up and published on the internet. In August a mid-term assessment is carried out by the director with each inspector. An inspection programme can change if considered necessary.

Routine and non-routine inspections

The inspection programme usually reserves 20 to 30% of the capacity for non routine inspections. The procedure for non-routine and routine are the same. Inspections are announced to operators in advance in order to ensure that all the appropriate persons from the facility are present. This is important to guarantee that inspections are carried out according to the planned time table.

There are no combined inspections with other authorities who perform SEVESO inspections. Seveso inspections are done without the involvement of environmental authorities.

Enforcement

Offences are divided into two groups:

- Medium offences, which most probably don't cause any danger to human health or the environment
- Serious offences, which may cause danger to human health and the environment.

The first group includes offences which don't increase emissions, such as failure to inform or send reports to the regulator, and the second group include those instances where limit values have been exceeded.

Under Act (1113/1990) authorities are required to take the following into consideration when defining the value of an administrative fine:

- The seriousness of the offence;
- The operators' ability to pay.

There is no upper limit set for an administrative fine but the Act provides further guidance on the amounts to be charged. It should be big enough to guarantee that the operator subsequently complies.

Investigations are carried out by the police and they often ask for help from the inspectors. Most cases of non compliance are solved by ELY and penalties are set by the authority. If the ELY makes the decision to suspend operations the operator can appeal to an administrational court. Illegal operations normally don't happen but the inspectorate has the ability to shut down illegal sites.

The company has to provide a response or opinion to the inspector and if they continue operations the inspector can issue a warning and the fine will increase every day they are out of compliance and the fine can't be appealed. However, this power has rarely been used.

Prosecutions

The police are responsible for investigations and these are done by specially trained police officers specialised on dealing with environment law and fraud. The police can stop the investigation if it is not necessary and make a proposal to the prosecutor. There are also specially trained prosecutors for environmental crime and in Helsinki there is a head prosecutor who organises training and takes on special cases.

Incidents and accidents

The ELY does not provide 24hrs emergency cover but emergency services know who to contact should they require their experience or instructions. If necessary the inspectors will conduct an impact assessment once the immediate threat has been dealt with which will be paid for by the operator. There are emergency plans in ELYs and inspectors ensure their installations have their numbers in case anything happens but this is done partly on a voluntary basis (if an inspector works overtime he/she can get additional leave). If a spillage occurs the fire department will call the environmental institute and the inspector who is responsible for monitoring the corresponding facility for advice. They will also contact the producer of the chemicals to check what can be done – an environmental person will come out to clarify the event.

1c. Defining objectives and strategies

Routine inspections are a key part of systematic compliance and monitoring in Finland. The periodic inspections are defined in the inspection programme and can consist of several part

inspections if they fulfil the objectives set for the periodic inspection. For example waste management and air protection can be carried out separately.

The evaluation of the scope, adequacy and need for change of the existing permit demands a comparison between the conditions set in the permit and the actual operation of the site. This includes examination of short and long term environmental effects and risks by the site. This is verified according to monitoring systems of the emissions and processes of the institution. If necessary the monitoring results are verified. Therefore the large operators have to submit a report about the fulfilment of the permit every month. These reports are checked monthly by the inspectors.

The inspector is also required to verify the self-monitoring of the state of the environment which has been determined in the permit.

General compliance and monitoring is checked and improvement of the operator's information supply and knowledge of the legislation is also done.

1d. Planning and review

There is a compliance monitoring plan which is published on the internet and contains the results from the previous year from the Director of Environmental Unit. The programme is the internal tool used only by the inspection unit.

Inspectors have to report about their work, the number of checked reports, inspections carried out, and reports created and time transgressions. This is all captured on a central system where the team leader is able to see what the individual inspectors have done over the course of a month.

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
There is a guide concerning site visit activities and reporting for inspectors (Manual) and there is also guidance on cooperation between authorities in the case of an accident. The manual also contains guidance for inspectors on how to collect information for REACH monitoring during site visits.

Planned inspections are guided by the EASYTOOL and IMPEL guidance. Generally speaking these steps are followed:

- Preparation and planning of the site visit (Previous performance, annual reports, issues, evidence)
- Activities carried out during the site visit;
- Reporting on the site visit – the written report is entered into the compliance monitoring data system within a month of the site visit.

The RMCEI guidance does also include information around how to prepare visits, activities to undertake and the reporting which is required after the site visit.

Equipment
The tools used by the inspector during the site inspection include:

- Note books
- Laptop
- Camera
- Safety footwear
- Protection waistcoat
- Safety Helmet

Qualifications
Generally speaking all inspectors have at least a Master's Degree.

Ethics
Inspectors are not rotated – they tend to remain managing the same sites. This means they can develop long standing relationships with the sites they manage but the inspector risks the relationship becoming too cosy and issue blindness as a result. However, the presence of two departments may act to ensure that these risks are managed. Routines are strictly followed and reports are made available to all in all of the ELYs. The permits and the legislation are very detailed which is why this approach is used.

There are very few known examples where inspectors have been unduly influenced by the operators. The business negotiations can be used to discuss these types of issues and the inspectors are encouraged to raise any issues with their managers at all times in order to create and uphold an ethical code.

Training
All inspectors have an academic Master of Science Degree in a related technical subject and experience in environmental issues. There are sector working groups who discuss key issues and BAT. National guidance on the BREFs is produced to support inspectors who look at the reports. In the future BREF notes and national conclusions and the reports will be made available to the public.

In areas where key challenges are identified these are discussed in sector meetings and seminar which are conducted to develop practices and the results are share with all ELY inspectors. Developed practices can also be taken into training programmes.

Communication with public and operators
The inspection report is always sent to the operator and the environmental authority of the municipality. This is done via email or as a paper copy. The operator's signature is required if the report contains agreed measures or the inspector and operator disagree findings made during inspection and then the report is filed in the electronic archives (VAHTI).

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 are stored, used and communicated.

The first site visit is generally done to check that the facility is truthfully represented, particularly when it comes to emissions and the limits stipulated in the permit. If the site is not in compliance then the ELY can make a proposal to cancel the permit to the AVI. The visit is also done to ensure the operator understands the permit, the requirements and their obligations. The inspector will also check the emissions monitoring systems.

The manual provides the ELY with the maximum time they have to respond to (electronic) reports sent by the operator. To check the annual report they have 90 days and to check the monthly reports 30 days.

If limit values are exceeded the operator must inform the inspectorate within 30 days, where monthly limit values apply. Any reports on disturbances must be dealt with in one to three working days. Any complaints submitted by the public need to be dealt within 30 days. The compliance unit is required to hit these targets in 90% of the cases on yearly basis.

Following each inspection the inspector drafts a report which is entered into a central data system (VAHTI). The report describes matters of current concern concerning changes to operations, the permit and compliance. It will also include agreed measures and deadlines.

The municipalities are always invited to the on-site inspections and the date is agreed with the operator only by the inspector from the ELY. It is important that the operator representative is able answer questions, take any required decisions and action them on behalf of the facility. Each site inspection follows a set process:

1. Appointment of the inspection
2. Preparation for the site inspection
3. Site inspection carried out
4. Draft the inspection report (VAHTI – data system)
5. Send and file the inspection report

The site is always informed prior to the site inspection that the site inspection is to take place – either by phone or email. The operator is usually represented by individuals who are familiar with the operation of the site and have enough influence to move things forward. An invitation is also provided by the environmental authority (ELY) to the municipality which usually participates.

In the preparation stage the inspector identifies the issues to check and this involves reviewing the following;

1. Review email correspondence and matters over the past year
2. Disturbances[1]
3. Monthly and annual reports
4. Previous inspection reports (past performance)
5. Previous monitoring data (past performance)

The agenda for the inspection is shared via email allowing the operator time to prepare. The scope of the inspection is determined by the impact of operator activities and the environmental problems which have previously arisen. The meeting covers inspection and schedule and the agenda. Discussions are held about key matters before inspecting the facility.

A typical agenda for an inspection would include:

- Issues experienced at the plant
- Emissions limit values
- odour monitoring
- monitoring of operations (start up and shut down)
- Measurements and reports
- Annual report (data checked via electronic system)
- Development of monthly reporting (emission limit values and operating times)
- Disturbances and exceptional information
- Complaints from the public
- Other matters like function of the combustion gas condenser
- water balance analysis of water conducted in the sewer

[1] A disturbance is a technical term in the Finnish system which refers to unexpected irregularities occurring in the operational processes of a site which may indicate future non compliances. This could include small leakages of emissions or irregularities in emission data which do not currently exceed limit values.

- Promoting compliance and sharing upcoming legal developments.

The site inspection includes checking the functionality and reliability of monitoring, monitoring of emission and the impact identified. Possible development needs and necessary improvements are also agreed. The inspector examines discharge values, waste volumes and energy efficiency. The functionality of the devices and of the maintenance systems is also reviewed.

Diaries are kept by the operator to identify disturbances. Generally a process control system monitors emission information and the information is used to record disturbances of raw materials, fuels and chemicals, the amount of waste, quality, dump competency, waste edge progress, landscaping of the dump and environmental load and the rejection of drawbacks and the handling of exceptional situations.

Material effectiveness, how much waste is produced, and environmental risks are also examined. Comparisons of the emissions, the environmental effects of the institution with other institutions of the same type or with the discharge numbers which are reached by using the best available technique.

The inspector also examines the auditing reports of environmental systems before agreeing on the necessary further actions.

The information held by the Competent Authority must correlate with the operator's and reports are shared with the operator and the municipality after the inspection. The operator is required to sign the inspection report if the inspection report contains on-site agreed actions or if an inspector and an operator have different views concerning compliance.

Enforcement process

Depending on the category of the offence inspectors have several routes by which they can restore compliance.

- Negotiations are usually the first step if the offence is not a serious one as if it is this step will be bypassed if there is danger to human health or the environment.
- Request the plant to be shut down.

If either of these do not restore compliance inspectors must use administrative fines. Especially if the inspector has reasons to believe limit values have been intentionally exceeded as a result

of carelessness or negligent operations (intentional non-compliance) they can engage with the police to initiate investigations with the inspectors.

The Compliance Monitoring Authority can interrupt the operations of a site in accordance with paragraph 86 of the Environment act if the activity causes harm to human health or other significant pollution. If possible the operator should be given an opportunity to be heard. A report will need to be written and the inspector's decision will need to be backed up by an administrative decision if operations are suspended in accordance with paragraph 86.

There are only two types of offences (not serious and serious) and according to IED they have to make additional inspections after six months in the case of a serious offence. They might consider dividing them into three groups; minor, relevant and serious to avoid too many inspections.

Inspection database

All ELY's have access to the same system (VAHTI) where all inspection reports are kept. Municipalities do not have direct access to this. The system includes information on inspection results, matters to be clarified, notices, and agreed measures which are completed by the inspectors after the inspection. It also includes annual operator reports and monthly reports.

The current system has existed since 2003 and the companies' deed information can also be checked by the inspectors (www.ymparisto.fi).

The inspection reports include the following type of information:

- What was examined;
- Changes to operations – whether there are changes to the operations which affect the permit;
- Does the operator follow permit conditions/compliance;
- Agreed measures and deadlines – any conditions for offences;

The system also holds previous inspection reports and information regarding customers, reports, permits, announcements and history. This includes information around who attended the inspection and the reason behind it.

The system triggers inspections based on the legal requirements.

Communication with the public

The Director reports on how the objectives for the previous year have been fulfilled and the reports are available on the website (mainly in Finnish). Summary reports on inspections are also made available to the public. There is a list of installations on the website which can be

searched by the municipality. This provides a summary of information of results but the entire inspection report is not made available as it may contain trade secrets or detailed information about the operator. However, if the public would like a full report they can request this. The rights to freedom for information are defined in 'the Act on the Openness of Government Activities' and the 'Administrative Procedure Act'. An authority must answer the question(s) made by the public, but it cannot reveal any trade secrets which might be in the inspection report. The Competent Authority also publishes information every time they decide to initiate sanctions. If there are issues operators tend to issue press releases to tell the public about the situation.

Complaints

If complaints are received the inspector will check whether the operator already has plans to remediate the situation in the first instance in which case legal steps are not necessary. Complaints are usually verified and checked before action is taken.

In this system there is no involvement of a third party. The municipality is the first port of call for complaints but often complaints are submitted to the ELY. The operator tends to issue a press release to inform the public about the situation. Waste incineration plants are working on adding complaint routes on their websites so that the public are able to contact the operators directly.

Once a complaint has been resolved the complainant is contacted and informed.

4. Performance monitoring

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

The performance management system's main purpose is to balance resources and targets. The ministers are responsible for the performance of their respective administrative fields. They also ensure proper performance targets are set and that the agencies present true and fair information in their annual accounts on the results which are published and made available to the public. Performance agreements and targets are set for two years and the fulfilment of targets is scored by the Ministry on a scale of 1-5 (5 is very good). The results are published as are fulfilled inspection targets.

The negotiations generally take place in autumn and are followed by an agreement – the documents can be considered a binding document of mutual understanding. Annual performance reports are issued in spring and the targets along with results are published in a publicly available database (http://www.netra.fi).

The purpose of monitoring is to enhance and harmonise the compliance monitoring of environmental permits. If a facility changes their operations (expand) and requires a new permit the compliance monitoring will move from the municipality to the ELY when it reaches a certain threshold.

Operators are largely responsible for monitoring compliance through self monitoring mechanisms which they are required to report to the ELY. The only exception is water pollution where the ELY will control pollution levels by taking their own samples in parallel. Detailed emission monitoring programmes are proven by authorities; periodical and case based monitoring does take place. The operator must know the impact of the facility on the environment and if the facility exceeds the limit values stipulated in their permit action must be taken.

Compliance monitoring is carried out to ensure that the permit contains appropriate limit values and the monitoring programme results are also used by the inspectors.

Operations requiring an environmental permit are monitored in accordance with Ministry for the Environment guidelines (Environment Guide issued 7.11.2012) as well as in accordance with the ELY Centre's own monitoring guidelines (monitoring manual and annual monitoring plan). The annual monitoring plan contains monitoring performance targets and a list of the sites to be monitored.

The permit provides the maximum time the operators have to report periodically and how to inform authorities about any breach of limit values. As a general rule the operator has a duty to report annually and the report must be checked by the Competent Authority within 90 days. The competent authority must check the monthly reports within 30 days.

If limit values are exceeded the operator must notify the Competent Authority without delay. The same requirement is also extended for (meaningful) disturbances: inspectors are required to respond within 1 to 3 working days.

The inspector must write and store reports of on-site-inspection, negotiations and phone calls in the VAHTI system within 30 day. Summary information is moved every night from stored reports from the VAHTI system to the internet service. For instance, information about inspections made by the North Ostro Bothnia Centre for Economic Development, Transport and the Environment (ELY) can be found in http://www.ymparisto.fi/fi-FI/Asiointi_ja_luvat/Luvat_ilmoitukset_ja_rekisterointi/Ymparistolupa/Valvonta?f=PohjoisPohjanmaan_ELYkeskus) and by selecting item "Tarkastukset Pohjois-Pohjanmaan ELY-keskuksessa".

Compliance monitoring units should in 90% of the cases respond within these set timescales.

Usually the operators have real time data available and where issues have occurred the inspector can check the operator's electronic system for the cause and effect.

Site visits are also monitored in accordance with IMPEL documentation and a written report is filed on the compliance monitoring data system no later than one month after a site visit.

The manual includes guidance concerning site visit activities, reporting, and cooperation between authorities in the case of accidents.

The electronic system also contains, in addition to the inspection reports, information about the number of inspections each inspector has carried out but this is only available to the chief of the inspection group. Annual and monthly reports are produced on inspections and shared on the internet. This allows the comparison between ELY's across the country.

The case management system (AHJO) collects data on complaints, environmental accidents, emergencies and disturbances which allows for the analysis of the most common complaints. The outcomes are also recorded on the system and action recommended.

Part D – Site visit

Objective

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

The review team visited two sites, the Oulun Energia Laanila EcoPower Plant, a waste incineration plant, and the Rusko Waste Centre LARE, a station for waste sorting.

The regulator provides industry with guidance which can include examples of good practices on compliance monitoring and activities for both small and medium sized businesses. The industries have a duty to report any infringements of their permit conditions to the inspectorate and are responsible for self monitoring. Much cooperation takes place between the between operator and inspectorate: for instance, during the start up of Oulun Energia Laanila EcoPower Plant monthly contact between the operator and the inspectorate took place. Generally the operators are compliant and have the resources to keep up the standards.

The permit defines what sort of studies the operator has to conduct to ensure they track the environmental impact of their activities and the status of the environment. The operators have a duty to report and share summary reports with the ELY so they are confident the conditions in the permits are being followed and the impact of the activities are being monitored and managed properly.

The operator may request ad-hoc inspections from the authorities and foreign owned companies in particular like to use the inspection reports in their annual reports and highlight what was found to the public.

Oulun Energia Laanila EcoPower Plant

The plant began operating in April 2012 and became fully operational following test runs in August 2012. The plant was delayed by a number of years due to controversy with the local population in Oulu related to concerns about emissions and the impact on the local community. The incinerator is part owned by Oulu Energy, a company owned by the city of Oulu, and part owned by Viamoo, a private company.

The environmental impact assessment was done in 2003 and the permit application was originally submitted in 2004. Several appeals to the Administrative Court in Vaasa and then to

the Supreme Administrative Court then followed before a permit was granted for the operations in 2009. The permit conditions ensure compliance with the waste incineration directive.

The plant has the capacity to process 130 000 tonnes of municipal and industrial waste which mainly includes the following types of waste:

- Household waste (not including metals, glass, or hazardous waste)
- Main part of waste from the Oulu Region

The plant provides steam to Chemical Industries, electricity and energy to the district for heating. The thermal output is around 47 MW. The plan is required to submit monthly reports to the regulator (ELY) and deliver their annual report by the end of February each year. The Annual emission data is submitted via the internet. The operator is also required to issue notices of environmental disturbances, start ups and shut downs. There have also been several consultations on permit conditions.

The regulator has done a number of routine inspections in the past year – one in June 2012 and another in March 2013.

Rusko Waste Centre

The Rusko Waste Centre is the biggest waste centre in North Ostrobothnia and the centre carries out a number of waste treatments. These include:

- Landfill for a mixed (non-hazardous) Waste and construction waste;
- Hazardous waste storage;
- Reuse stations;
- Composting of biowaste;
- Composting of oily soil;
- Oiva – a station for free recycling of reusable domestic waste
- LARE – a station for waste sorting.

The city of Oulu prepares an annual report on the performance of the site and in spring they have a meeting to discuss what has been done and what measurements have been taken.

The waste sorting plant was built in 2012 to recover re-usable waste out of mixed and construction waste. The waste station has three waste sections which produce the following products:

- Materials recycled for use;
- Material delivered to EcoPower plant for energy production;
- Material deposited in landfill.

The site sorts industrial and household waste which is then recycled, land filled or incinerated. The plant will begin producing biogas next year which will be sold to companies or burned to produce electricity and heat.

The waste sorting facility did not require a special permit as it was not regarded as a substantial change to the activities of the waste centre. Compliance monitoring is carried out as part of the wider permit conditions for the waste centre. The reporting is included in the environmental reports of the waste centre and they have a duty to report all non compliance to the regulator.

Summary of findings

Good practice

Part A

- The system is working well and ensuring good results as proven by the state of the environment in Finland.
- The collaborative working on a national, regional and local level is very good. Ensuring good practice is shared, common approaches to permitting and feedback between regulators and policy makers is captured.
- The system in Finland is transparent and the public are provided many opportunities to input into the regulatory processes. Public consultation is always done at each stage which ensures the public access to information and transparency.
- Finland also has appeal courts in the first instance which are independent
- For larger installations the Independence of the permitters allows independence from local politics.
- The performance agreements are used and both theses and the reports are made available to the public
- Guidance manual provided by the Ministry
- The use of especially trained prosecutors on the environment
- The ELY has sectoral guidance which is very useful for inspectors

Part B

- Applications are published and publicly available on the website and the operators have to check there are no security issues
- Central electronic permitting system
- Good cooperation between permitters and inspectors
- Standard permitting procedure used by AVIs and municipalities

Part C

- The inspection planning is done well and in line with doing the right things:
    - Inspection schedule
    - Thematic inspections
    - Execution framework
    - Execution and reporting
    - Performance monitoring
- Complaints can be electronically submitted

- The VAHTI system which all ELY's have access to is very good and provides transparency, useful information for inspectors, and enables inspectors to review company performance across Finland.

Opportunities for development

Part A

- The overall management system is very complex with a number of ministries driving their activities of ELYs and AVIs.
- Seems fragmented - many people working in adjacent areas(ELYs, AVIs, Municipalities and Seveso Inspectors)
- The Ministry should consider sharing the performance summaries between ELYs and share this with the public to improve transparency, public participation and create competition between the ELY's.
- Should consider improving collaboration between ELYs, AVIs, municipalities
- Risk of conflict of interest to arise when municipalities are responsible for supervising sites that they also own.
- Should consider using a wider range of performance targets for example to ensure they take account of changing BAT requirements.
- Consider establishing similar performance measures to enable comparison between different ELYs e.g. number of inspections per sector/ time.
- Could consider using the money paid to land owners as compensation for water pollution to improve the cleaning of waste water by the operators to make long-term environmental improvements. There could be requirements detailed in the permit for compensation measures in order to minimise pollution.
- Finland could consider strengthening the link between the Ministry for the Environment, ELYs and AVIs. At the moment the requirements for delivering certain activities are not linked to the financial resources an improved link between the two could improve the link between activities and resources. This could help improve the shortfall in resources required for inspections.

Part B

- Consider simplifying permits to shorten the time it takes to process them.
- Consider improving cooperation between Municipalities and the AVIs
- Could consider reducing or streamlining the number of permits required by operators – an integrated or reduced number of permits could be beneficial for the operators.
- Could consider merging the Water Act procedures with environment authorisations to reduce the administrative burden on operators.
- Could consider charging higher fees to recover costs

- The Ministry should consider how they could support permitters on interpreting BAT as having to work with them every time a permit is produces is very time consuming and resource intensive. In some European countries there are general binding rules based on the BREFs that shall be used by the permitting authority. This makes them more effective and improves consistency across the regions on how permits are set.

Part C

- Discuss and consider other ways for the municipalities to be kept informed of the results of the inspections other than attending the inspections.
- Involving three authorities in understanding the details of a site and their compliance history is very resource intensive in an environment of reducing resources
- There are only two types of offences, minor and serious offences, and consideration could be given to having more categories to enable more effective prioritisation when implementing IRAM methodologies.
- Consider the use of a broader range of sanctions and use of enforcement tools (use existing tools)
- Some rules on levels of unannounced inspections could be beneficial
- Consider introducing charges for operator requested inspections and the production of a report. In particular considering that the operator can ask for an inspection from the authorities and the number of requests which are higher than the resources available. It is good the operators use the reports in their annual reports and highlight what was found to the public. However, they should consider charging for non-essential inspections.
- Consider rotating inspectors to avoid issue blindness and to ensure objectivity
- Should consider the results of the inspections and use these to drive prioritisation to identify whether serious non compliance is increasing or reducing
- Consider improving cooperation with other authorities on health and safety issues
- ELYs could consider setting up out of hours emergency response arrangements to deal with incidents. The absence of incident response to environment/incidents/accidents could mean serious accident information can be lost and environmental damages may not be contained if this is managed by the police or emergency services.
- Inspections and controls do not always include a site visit and sometimes checking documents is a desk based control and this should also be captured.
- The inspectorate may consider identifying a code of conduct regarding ethics to as to avoid undue influence from operators since inspectors are not rotated and tend to regulate the same sites.
- Since inspectors are not rotated the work of an inspector should be supervised by one of his colleagues. For example the supervisor could join one inspection a year to ensure the inspectors remain objective.

Conclusions

It is a testament to the hard work of the review team and the hosting country that the review went very well. The Commission participated in an IRI Review for the first time and it represented a great opportunity for IMPEL to share the well developed methodology for the IRI. The review was characterised by the very open and generous atmosphere in which discussions with the review team took place. The excellent presentations and notes produced in advance as well as the site visits considerably enhanced the understanding of the review team.

The review team's broad conclusions are that the objectives of the area of EC environmental law within the scope of the review of the ELY and AVI are being delivered in the Region of Ostrobothnia, 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:

- The Finish system is complex but less complex than other systems (one level of legislation and three levels of adminsitration) in Austria for example there are at least two levels of legislation and four levels of administration for IPPC installations. The resources available is generally higher than in some larger European countries and there are comparative levels of inspections.
- Low fees and not recovering the all cost of the permits or setting fees in accordance with the time it takes to process permits. This is something which is done in many EU Countries.
- The separation between permitting and inspections is interesting and seem fragmented. In other European countries this sits with the same authority and in some instances as national centres or the permitting sits with the inspectors who are rotated every three years and there are always three signatures required by senior management to ensure objectivity.
- There are a relatively high number of permits required for the operators which in some countries in Europe much work has been done to streamline these.
- The central electronic permitting and inspection system (VAHTI) are both very good and it is excellent that all inspectors have access to all information.

Considerations to be made for future IRIs:

- The time available for this IRI was considered very short by the project team. We would have appreciated more time to allow for more discussions. Three days for a review was not long enough to allow for thorough discussions.
- The presentations were very lengthy and we would recommend that future IRIs consider limiting presentations to 15-20 minutes max an hour and then allow 40-45 minutes for subsequent discussions.
- IMPEL should consider drafting a code of conduct for inspectors including guidelines on ethics.
- It would be useful to ensure that the documents are named in keeping with the IRI methodology and then shared on Basecamp.
- The review team also felt that it is important to have at least 4 experienced IRI reviewers on the team of 7. The review team in Finland was predominantly made up by reviewers

who had not participated in an IRI previously and the team felt that it would have been useful to have at least one other experienced IRI reviewer on the team.

- ***Annex 1***

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
2013/03	IMPEL Review Initiative (IRI) on the Finnish State Environmental Protection Inspection (environmental unit in North Ostrobothnia, Oulu)

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 was revised in 2008 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.
1.2. Link to MAWP and	ART. 3.3.2. of IMPEL's MAWP 2007-2012, among the key priorities and

IMPEL's role and scope	legislative areas of IMPEL activities mentions that: »IMPEL's key priorities for the period 2007-2012 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).«
1.3. Objective (s)	To undertake an IRI review of Finnish State Environmental Protection Inspection as described under point 1.2. The benefits of the project are: - The Finnish Regional Environmental Protection Inspectorates will benefit from an expert review of its systems and procedures with particular focus on conformity with the RMCEI, - the Finnish 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 Finnish Ministry for the Environment will in particular benefit from an expert review of the risk based planning of the IED installations which is currently being implemented taking into account the criteria in the RMCEI and the IMPEL Guidance book on inspection planning »Doing the right things«.

1.4. Definition	The IRI will focus on RMCEI, IPPC/IED and all other relevant processes. This particular IRI will include the following aspects: - the legal and constitutional setting of the organization of the Environmental Permitting and compliance monitoring in Finland, - structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions, - workload, in terms of numbers of IPPC/IED processes and Annex 1 category, - qualifications, skills and experience of inspection staff, - 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, - procedures, criteria and guidance for the development and revision of inspection plans and inspection schedules, - setting the priorities for IPPC installations: the evaluation aspects, the risk assessment and classifications of risk, - Arrangements for reporting on inspectorate activities. 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 t review may involve examination of documentation related to the inspection of a number of future IPPC/IED permitted facilities.
1.5. Product(s)	In addition to the benefits listed in Section 1.1, tangible products will include: - A written report of the review of the Finnish Environmental Protection Inspection, - Relevant extracts from the review report, as agreed with The Finnish Ministry for the Environment, for dissemination to IMPEL members and the European Commission , - 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 IMPEL member countries. The nomination of the team members will be decided upon in agreement with Centre for Economic Development, Transportation and the Environment for North Ostrobothnia (or the Finnish Ministry for the Environment) and an IRI Ambassador. The review team will work closely together with the project manager, Juhani Kaakinen
2.2. Project team	See 2.1.
2.3. Manager Executor	The Project manager will be Juhani Kaakinen, Centre for Economic Development, Transportation and the Environment for North Ostrobothnia
2.4. Reporting arrangements	The results of the Review will be reported by the team leader and a report will be submitted to the IMPEL General Assembly for approval.
2.5 Dissemination of results/main target groups	**Target audience:** - IMPEL members, - Inspectors in Finnish State Environmental protection Authority. **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 new communication strategy of IMPEL will be used as well. Finland: The Report will be available at www.ymparisto.fi. The suggestions shall be taken into account when new inspection guidelines are drafted. The new guidelines will be written during 2013. More profound suggestions may be discussed when the environmental protection act is been rewritten.

3. Resources required

3.1 Project costs	The project will involve the steps: • Pre-meeting of the Review Team Leader with the Ostro Inspectorate to finalise the Scope and Timing of the Review, • Preparation of information of the Finnish Environmental Protection Inspection (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. **Preparatory meeting: (preliminary; subject to be changed!)** covered by IMPEL: - travel for team leader and Rapporteur 2x500*= € 1000 - accommodation for team leader and Rapporteur (2 evenings) 100** x2x2 = € 400 **Review:** covered by IMPEL: - travel for 7 participants 7x500* = € 3500 - accommodation for participants (4 evenings) 4 x 7 x 100** € 2800 - catering for the participants- 25x7x4 € 700 - **Total = € 8400** *we recognise IMPEL's current limit of 360 per flight. But because of the distance to central Finland we have added in a small contingency to the budget ** As well as the limit for hotels of € 90 per night. It is expected that a € 100 per night will be necessary to pay for the costs of hotels in Oulu.
3.2. Fin. from IMPEL budget	€ 8400
3.3. Fin. from MS (and	Host country will cover..- meeting facilities for the project

any other)	- costs for the hard copies - coffee breaks - 1 official welcome dinner Personnel costs from the host country are not included in this review
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 1. Cluster 1 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 2007-2012, among the key priorities and legislative areas of IMPEL activities mentions that: »IMPEL's key priorities for the period 2007-2012 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	IMPEL General Assembly, 05/06 December 2012 in Cyprus.
(6.2.Fin. Contributions)	
6.3. Start	Work on composing the Review team can commence after approval. The review itself is planned for May 2013 with a pre-review meeting to be held in February 2013.

Annex 2

PRE-MEETING FINLAND IRI
HELSINKI, FINLAND, 4 FEBRUARY 2013

Participants: Markku Hietamaki, Terry Shears, Juhani Kaakinen, Elen Strahle

Objectives for discussion

- Practical arrangements – dates/site visit/programme
- Invitees – project team
- Scope of the review – discuss the checklist and questionnaire in detail
- Useful background information around the Finnish system to set the context for the review

Notes of the discussion

- The dates for the IRI were agreed as 13-17 May. Participants will need to travel to Oulu on the Monday for an early start Tuesday and the recommendation is to travel back on Thursday evening or Friday morning.
- The project team will be made up from representatives from Austria, Germany, Iceland, France, and Poland.
- The Commission focus on improving implementation of EU Legislation means that it would be useful to invite them to the IRI to share the methodology with them.
- The group will visit a recycling site and a waste incineration site. Statistics about the site can be made available in advance. They will walk us through the process and we will get a chance to discuss with the operator about their experience for inspections and permitting.
- The review will cover IPPC and IED implementation but not Seveso. The IRI will also cover all main aspects of the questionnaire including inviting representatives from the permitting authority as well as the municipality.
- There will be a presentation on the guidance, strategy agreements with the regional centre.
- The draft programme for the IRI was discussed in detail and some changes proposed which will allow the project team more time to write up the report.

Background

- The Environment Ministry in Finland focuses on EU negotiations, transposition, policy, guidance and national issues. There are 13 national centres and 6000 permitting installations in Finland. The permitting centre sits under the Ministry of Finance.
- The Environment Ministry writes annual strategic agreements with the regional authorities regarding what they will need to deliver. In other words the authority in Oulu is under a different Ministry and makes an annual agreement with the Ministry for the Environment. However, the Regional authorities are very independent and make their own decisions. The role of the Ministry is to provide guidance to the Regional Authorities and they are not allowed to publicly criticize the regions. It is the role of the minister of justice to uphold the law.
- Finland does not have constitutional courts but has a committee in the parliament that has indicated that the Ministry cannot appeal regional decisions. However, a company, an operator or a private individual can appeal through a two step appeal process.
- The regional authorities come in once a year to conduct business negotiations. The ministries review how well they have done which is based on a self assessment made by the Regional Authorities. There is subsequently a negotiation and discussion to agree resources.
- The Ministry of Environment provides guidance predominantly on compliance and monitoring. This guidance is binding for civil servants but not for the operator or the permit holder. Attempts have been made to create outcome focused performance indicators, but as the regional centres do everything and the people can go to the chancellor of justice this has not been practical.
- Regional centres have to publish in Internet their strategies and their annual report assessment which has to include the changes to be made for next year.
- The Permitting Authority and the Compliance Authority are rather independent from one another and independent of the Ministry for Environment. Compliance Authority sit under the Ministry of Economy and Employment.
- The permitting authority handles a wide range of permits which includes permits for taxi drivers as well as environmental permits for installations. There may be around 150 requirements which have to be checked. Finland would like to put more responsibility on the operator to prove compliance and increase the use of self monitoring (both are binding but haven't yet been tested in the Supreme Court).
- Finland has a national website where the operator can write an electronic permit application and submit this to the authority. Operator can delegate right to write permit application to third party (consultant), but operator is still responsible for the application (They are working on allowing for experts and installations to co- write permits which can involve the public as well (See previous additions). It takes on the average about 12 months to get a permit for a new installations and about 6 months to change an existing permit. This system also allows for the public to get involved and provide opinions. The introduction of electronic public consultation system has led to increased participation by the public. The permit application is made available for public consultation for one month.
- There is a trans-boundary agreement in place in Nordic countries which was agreed in 1975 which means that if you have a facility on the border where it will affect

citizens on both sides they have the same rights on the other side of the border as those in the country where the installation is located.

- Finland has included RMCEI recommendations in their guidance notes and IED now covers the frequency of inspections.
- There are current plans to cut the permitting phases into different stages in order to review processing times and speed up the permitting process.
- Legislation is available on www.finlex.fi
- The inspectors can start the review process and there is a legal basis for them to withdraw permits but this has been used only once-.
- Compliance monitoring is done in accordance with provisions set out in an annual plan and planned resources include time to react to complaints. The permit determines who does the compliance monitoring (state or municipal authorities). The inspector makes an inspection plan which is discussed with the person responsible for compliance monitoring. The inspection plans are approved on 1 April every year and there is a mid-term assessment carried out in the late summer. Inspection activities run alongside dealing with complaints and are largely seasonal (generally done in the summer).
- Facilities are classified into four classes and the weighting is one factor to determine how much resources are provided to regional centre from the Ministry Economy and Employment. Finland will be using the IRAM approach developed by IMPEL in the future.
- The Permit system is currently under development and based on the electronic permit applications which came into existence in September last year. The Inspection plans have to allocate time for enforcement and complaints but how much time to allow can be a challenge. Usually between 20-30% are allowed for enforcement issues.
- In the Finnish system very few cases go to criminal investigations and prosecutors. Around a quarter of all inspections note something which can be discussed with the operator which results in a requirement to take action. However, this is not necessarily infringements but may be ways the operator can develop their activities.
- Setting priorities – this is based on a risk assessment and balanced with the resources available. The business negotiations check these and ensure the use of similar criteria and risk . In future the IRAM system will be used. The challenge is resources (There is only proposal to collect inspection fee). Proposal comes to parliament next autumn.
- In terms of criminal offences – there are special environment prosecutors who jointly work with the police to investigate this issue and the take this to the prosecutors. However this is not very common as usually there is a negotiation directly with the operator and agreement to mediate issues are agreed.
- The inspectors do not generally take samples as they predominantly use the self monitoring approach. The only sampling that is done is water sampling.
- There is not much cross fertilisation across regional boundaries but this is combated to ensuring the all have open access to all interaction with operators and reports. Awareness and technical development exist but balancing training and work is a challenge. There is also a yearly training programme for inspectors which can be accessed online. At times when there are critical issues inspector exchanges do take place and the Ministry organises special days where they inform inspectors on policy developments (usually sector based).

- In terms of requesting data on many sites the inspectors are able to check the terminal directly and information disclosure agreements are signed with operators. The companies would like to get inspection reports in English so as to prove they are actively complying to their central administration. The operator can also ask for an inspection which they do in order to prove they are actively complying – in particular the uses of EMS System requirements have lead to the sites wanting annual inspections.
- The inspection reports are not always published since they sometimes include business sensitive data. There is also a requirement for operators to inform the Competent Authority of any breaches of limit values and if they do not this is a serious crime and detection rates are very high.

Actions

- Elen to write up a short note for the meeting
- Markku to invite the Commission to attend the IRI
- Markku will send through the environment protection law and ordinance to the team in English. He will also send through the statute as well.
- Markku to talk to Michael about whether able to coordinate the flight bookings