



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

## **IMPEL REVIEW INITIATIVE (IRI)**

**“A voluntary scheme for reporting and offering advice  
to environmental authorities”**

**Report on the IRI that took place in Slovenia in June 2010 at the  
Inspectorate of the Republic of Slovenia for the Environment and  
Spatial Planning (IRSOP)**

Final version: November 2010

## **Introduction to IMPEL**

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

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

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

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

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

# IMPEL IRI REVIEW

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Number report: 2010/01
Report adopted at the IMPEL Plenary Meeting in Brussels, 18-19 November 2010.

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## 1. Executive Summary

The IRI scheme is a voluntary scheme developed by the IMPEL Network providing for informal reviews of environmental authorities in IMPEL Member countries.

In line with the Recommendation for Minimum Criteria for Environmental Inspections (RMCEI), this informal review of the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP) by a range of members of the IMPEL network, focused upon the inspection and enforcement of the IPPC and SEVESO Directives and where relevant other EU Directives applicable to industrial processes covered by the RMCEI.

Throughout, the review team identified examples of good practice and opportunities for development. The review team highlighted the following as good examples: (the full list is contained within the report)

Good practices:

- There is a clear hierarchy in the range of enforcement tools available, allowing the appropriate level of enforcement to be applied to any non-conformance identified. The tools include criminal & administrative sanctions;
- Joint meetings take place between inspectorates within the inspection council. The inspection council has the potential to yield large benefits in sharing resource to tackle problems & campaigns;
- Specialised inspectors cover all Seveso sites in Slovenia, working outside their regional units. This could be rolled-out to other disciplines, for example IPPC;
- Inspector powers and code of ethics are written down in statute and therefore clearly visible.

Opportunities for development:

- The four principal Environmental Acts are enacted in approx 400 sets of Regulations; this is a very large amount. Consider how to make the requirements of these regulations more accessible to the public, operators & staff. For example through targeted campaigns, advice & guidance;
- Consider sending more than one inspector at a time to large sites to cover a wide range of specialisations and therefore prevent regulatory blindness. This would also help deliver a consistent approach when inspections are carried out at sites within the same sector across regional units;
- The inspectorate could consider development of written procedures for common key tasks and an audit sampling programme.

The review team agreed that the objectives of the area of EC environmental law within the scope of the review of IRSOP are being delivered in Slovenia. 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)<sup>1</sup>**, 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 scheme are to:

- provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member 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 the EU (“the level playing-field”).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and the 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 Slovenia

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** [http://ec.europa.eu/environment/impel/pdf/step\\_by\\_step\\_guidance%20book.pdf](http://ec.europa.eu/environment/impel/pdf/step_by_step_guidance%20book.pdf) has been used to help structure parts of the questionnaire. 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 for this IRI was to consider the IPPC and Seveso Directives.

IRSOP decided not to include a site visit as part of the review.

## 2.4 Structure

The review team consisted of 9 participants from 7 Member States.

The IRI Review team



*The review team was led by Simon Bingham, from the Scottish Environment Protection Agency, UK. The Review Team members were:*

Tiago Sameiro – Environmental & Spatial Planning Inspectorate, Portugal;

Jean-Pierre Janssens – Brussels Institute for the Management of the Environment, Belgium;

Horst Buether – Cologne District Government, Germany;

Costa Stanisav – National Environmental Guard Regional Commissariat Cluj, Romania;

Anita Pokrovac Patekar – Ministry of Environmental Protection, Physical Planning & Construction, Croatia.

Members of the host country on the review team:

Tatjana Bernik – Project Manager, IRSOP, Slovenia;

Bojan Počkar – Assistant Project Manager, IRSOP, Slovenia.

The review rapporteur was Will Fawcett from the Environment Agency, UK.

*This review only had one official rapporteur – Will Fawcett. Will was assisted during the different sections of the review by members of the review team.*

### 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

#### IRI Questionnaire – Chapter A

##### 1. Slovenia's system of government

**The Republic of Slovenia** is a democratic republic located in the southern part of Central Europe and in the extreme northern part of the Mediterranean. The capital of Slovenia is Ljubljana. The official language is Slovenian, but in the areas with concentrated populations of Italian or Hungarian national minorities, Italian or Hungarian are also official languages. The area of the country is 20,273 km<sup>2</sup>, and it has a population of slightly over two million. The average density is 99 inhabitants per km<sup>2</sup> with approximately half of the inhabitants living in urban settlements. Over half of the territory is covered by forests, i.e., 1,076,474 ha (in Europe, only Finland and Sweden have more forests). Approximately 8% of the territory has the status of protected area under nature conservation legislation. The largest such area is Triglavski narodni park (Triglav National Park, 83,807 ha), which is the only protected area with national park status. The highly varied geological structure, picturesque relief (from sea level to 2864 m above sea level) and the fact that Slovenia is spread over four biogeographical areas have enabled the richness of animal and plant species. In terms of biotic diversity, Slovenia is a “hot spot” of Europe. There is an abundance of endemic plant and animal species, with the fauna of Karst caves and the world-famous human fish (which is endemic to the Dinaric Karst and not limited to Slovenian territory) being especially attractive.

There are 210 municipalities in Slovenia, 11 of which have the status of urban municipality. An urban municipality is a densely built-up settlement or several settlements linked into a single spatial organism and the urban surroundings connected by a daily population migration. A town obtains the status of a urban municipality if it meets the conditions laid down by law (size, population, infrastructure). The competences and tasks of municipalities are determined by the Local Self-Government Act. The tasks of municipalities relate to: local public services, maintenance of local roads and other public areas, managing property intended to serve the needs of the local population, promotion of culture and other social activities. The tasks of municipalities are specified in more detail in Article 21 of the Local Self-Government Act. In the sphere of environmental protection, the tasks relate to regulation, management and care for local public services; care for protection of the air, soil and water sources, protection against noise, care for waste collection and disposal and performing other environmental protection activities.

Slovenia is headed by a president, who is elected every five years. Executive authority in Slovenia is held by the Government of the Republic of Slovenia, headed by the prime minister. In addition to the prime minister, the Government is also composed of ministers in

charge of ministries. The prime minister is proposed by the President of the Republic of Slovenia and is approved by vote of the National Assembly of the Republic of Slovenia.

The partial bicameral (twin chambered) parliament of Slovenia consists of the National Assembly and the National Council of the Republic of Slovenia. The National Assembly has 90 seats, which are partially occupied by directly elected representatives and partially by proportionally elected representatives (and one representative from each of the Italian and Hungarian minorities). The system allows that mayors of municipalities may also perform the role of a deputy in the National Assembly. The National Council has 40 seats and consists of representatives of social, economic, professional and locally important groups. The National Council does not have the function of a second (upper) house of the Parliament, since the Constitution does not vest it with these competences. Parliamentary elections take place every four years and elections to the National Council every five years.

The Republic of Slovenia is a member of the United Nation Organisation, NATO, the European Union and the Schengen Agreement.



## **2. Ministry of the Environment and Spatial Planning (MOP)**

The environment protection system in Slovenia is organised centrally and is within the competence of the Ministry of the Environment and Spatial Planning (hereinafter: MOP). The Government has by law transferred some of the tasks from this field (obligatory environmental protection public services) to local communities – municipalities. Tasks in the environmental protection field are performed within the Ministry by the following bodies:

- Environment Directorate (the Ministry in the narrow sense);
- Environment Agency of the Republic of Slovenia (body within the Ministry);
- Inspectorate for the Environment and Spatial Planning (body within the Ministry);
- Local communities.

The Ministry of the Environment and Spatial Planning is a government body with the following tasks:

- to ensure a healthy living environment for all inhabitants;
- to increase society's concern for the conservation of a natural balance and biotic diversity;
- to direct the spatial development of settlements and regional planning;



- to ensure all conditions for equal participation in the EU in the area of infrastructural integration and also in the area of environmental standards and rules;
- to cooperate with local communities on the principle of partnership and subsidiarity.

**Within the framework of these tasks, MOP aims to** provide a healthy living environment for all inhabitants of Slovenia and encourages and coordinates efforts towards sustainable development, based on efficient and economical use of natural resources, in addition to taking care of society's welfare.

MOP also strives to increase society's concern for conservation of the natural balance and biotic diversity in Slovenia, in the conviction that biotic diversity is an important heritage for future generations.

MOP directs the spatial development of cities, towns and villages towards conservation and development of the quality of the architectural and settlement heritage and cultural landscape, while at the same time ensuring economic, social and cultural development in space.

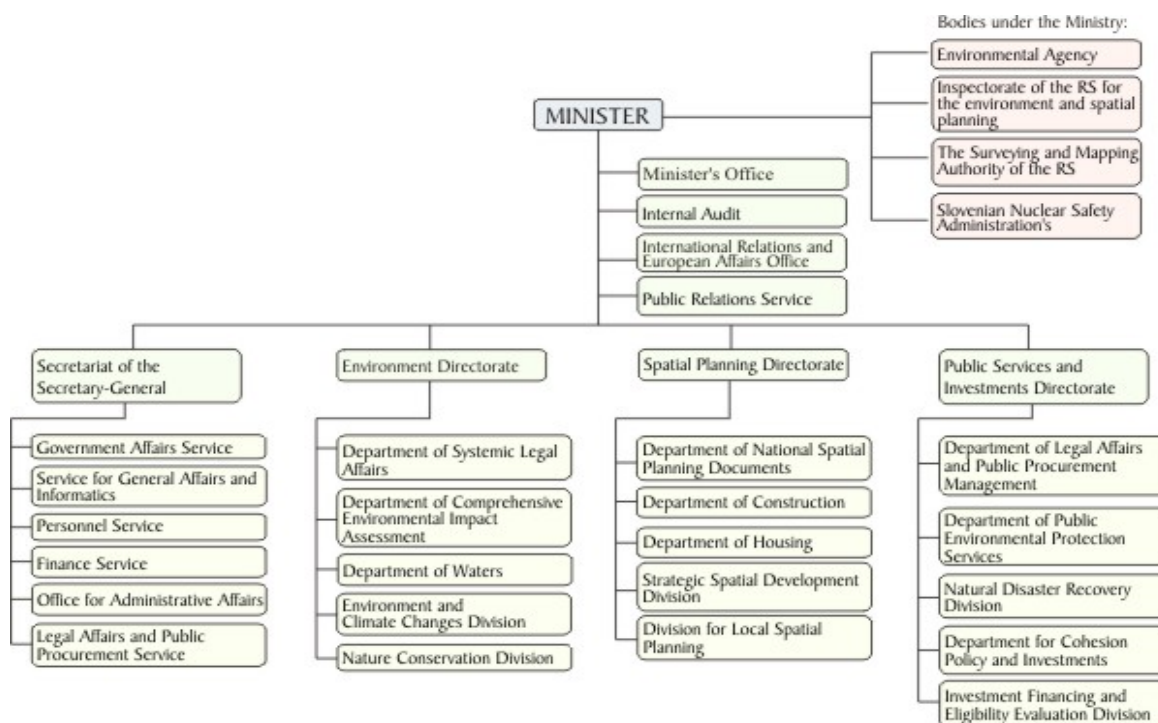
Convinced that the future of the Republic of Slovenia lies within the community of European nations, MOP ensures all the conditions required for cooperation on an equal footing in the European Union, both in the area of infrastructural integration and in the area of environmental standards and rules.

The Ministry takes care of the adequate supplies of water resources, the quality of water and sustainable regulation of surface and underground waters and the sea, as waters are considered to be one of the most important natural resources in the Republic of Slovenia. The Ministry controls spatial development with the aim of minimising the impact of natural disasters, and also establishes the mechanisms of response during natural disasters.

The Ministry sees to it that environmental costs are integrated into economic costs at the corporate and national economic levels. In attaining the aims of sustainable development, it establishes cooperation with local communities on the principles of partnership and subsidiarity. It ensures openness in formulating and implementing policies and measures of sustainable development by encouraging the participation of individuals and groups and organisations of civil society. Above all, it strives to enhance awareness of the joint responsibility for the state of the environment, nature and the living ambient of all inhabitants of Slovenia.

The Ministry of the Environment and Spatial Planning strives to enhance awareness of joint responsibility for the state of the environment, nature and living ambient of all inhabitants of Slovenia.

## Organisational chart of MOP



The field of work of **environmental protection** falls within the scope of activities of the Environment Directorate. The Directorate covers issues of the environment within the legal system, integrated environmental impact assessment, planning and management of waters in water areas and river basins, systemic and developmental tasks in the field of environmental protection, biotechnology and climate change and the policy of nature conservation. MOP performs professional tasks in the area of legal system issues of the environment, drafts regulations in the fields of activity of the Directorate, designs systemic solutions and coordinates tasks in the field of activities falling within the Ministry's competences.

In the field of environmental protection, the long-term direction and aims of the Ministry is towards preventing or reducing the consequences in areas representing a threat to sustainable development. The umbrella Environmental Protection Act is the regulatory framework for the environment in Slovenia. The Resolution on the national environment protection programme highlights the following four key areas:

- climate change;
- nature and biodiversity;
- quality of life;
- waste and industrial pollution.

The Ministry of the Environment and Spatial Planning aims to ensure openness and transparency of its decision-making processes and drafting of regulations. In compliance with the Access to Public Information Act, MOP thus publishes draft regulations, applicable regulations, international treaties and other relevant documents.

Article 34a, the Environmental Protection Act (Official Gazette of the Republic of Slovenia - Uradni list RS, no. 70/08; ZVO-1B) regulates the procedure of public participation in adopting

regulations that may have a significant impact on the environment, as required by Article 8 of the Aarhus Convention.

Ministries and the competent authorities of local communities therefore must inform the general public about draft regulations that may affect the environment in a significant manner and enable opinions and comments to be put forward concerning a particular regulation. These include regulations issued in the sphere of environmental protection, nature protection and management, use or protection of parts of the environment, including management of genetically modified organisms, and other regulations affecting the environment.

In compliance with the Instruction on public participation in adopting regulations that may have a significant impact on the environment, draft regulations and invitations to participate in their preparations are published on the website of the Ministry of the Environment and Spatial Planning. The deadline for submission of comments is also published and may not be shorter than 30 days.

Comments and opinions may be submitted in:

- electronic form to the e-mail address of the ministry employee indicated in the published draft material,
- or to the postal address: Ministry of the Environment and Spatial Planning, Dunajska c. 48, 1000 Ljubljana, with a statement of the name and number of the regulation.

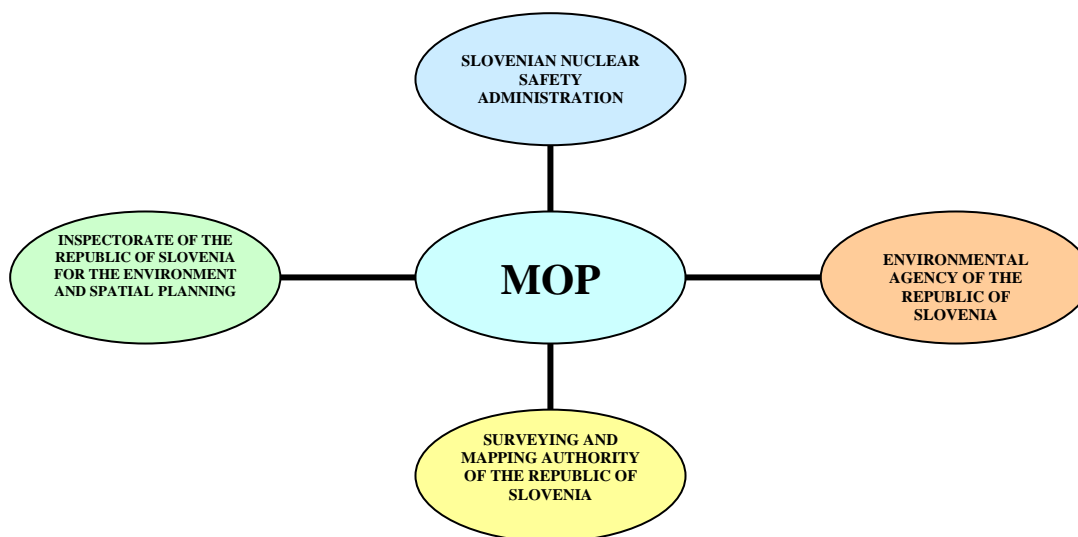
**Link between MOP and IRSOP** (Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning)

- IRSOP is a body within the Ministry\*;
- the chief inspector of IRSOP is directly responsible to the minister for his/her work and the work of the Inspectorate;
- reporting on the work of the Inspectorate (annual reports, annual inspection plans);
- drafting letters and answers to the minister's questions;
- cooperation in the regulatory cycle (submission of comments on draft regulations).

**\*A body within the Ministry** is established for performing specialised expert tasks, executive and developmental administrative tasks, tasks of inspection and other supervision and tasks in the sphere of public services, if this ensures greater efficiency and quality in implementing tasks or if the character of tasks and the field of work require an increased level of professional independence in the performance of tasks. The legislative framework for setting up bodies within ministries is the Public Administration Act.

The bodies operating within the Ministry of the Environment and Spatial Planning are the: Surveying and Mapping Authority of the Republic of Slovenia, Slovenian Nuclear Safety Administration, Environmental Agency of the Republic of Slovenia and Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning.

## Bodies operating within the Ministry of Environment (MOP)



### **3. Environmental Agency of the Republic of Slovenia (ARSO)**

The Environmental Agency of the Republic of Slovenia (ARSO) is a body within the Ministry of the Environment and Spatial Planning. It performs expert, analytical and regulatory and/or administrative tasks in the field of the environment at the national level. The Agency monitors, analyses and forecasts natural phenomena and processes in the environment and thus reduces natural threats to people and their property. These tasks are carried out through national services for meteorology, hydrology and seismology. There are approximately 500 staff in the Agency.

The Agency also monitors the pollution of the environment and ensures the quality of public environmental data. For this purpose, the Agency is equipped with the appropriate measuring network and laboratories. A very important part of the Agency's mission is to meet environmental protection requirements arising from applicable regulations, to conserve natural resources and biodiversity, and to ensure that Slovenia develops in a sustainable manner.

The Agency's task is also verification of the quality of monitoring implementation (Environmental Protection Act: ZVO-1, Article 102). Verification is provided in particular by:

- regular training of monitoring providers;
- analysis of the results of particular monitoring providers participating in programmes for testing their professional qualifications;
- promoting and organizing the implementation of programmes for testing professional qualifications;
- analysing reports on the implementation of monitoring;
- organising, commissioning or implementing adhoc measurements of monitored parameters and comparing the results with the data from monitoring reports.

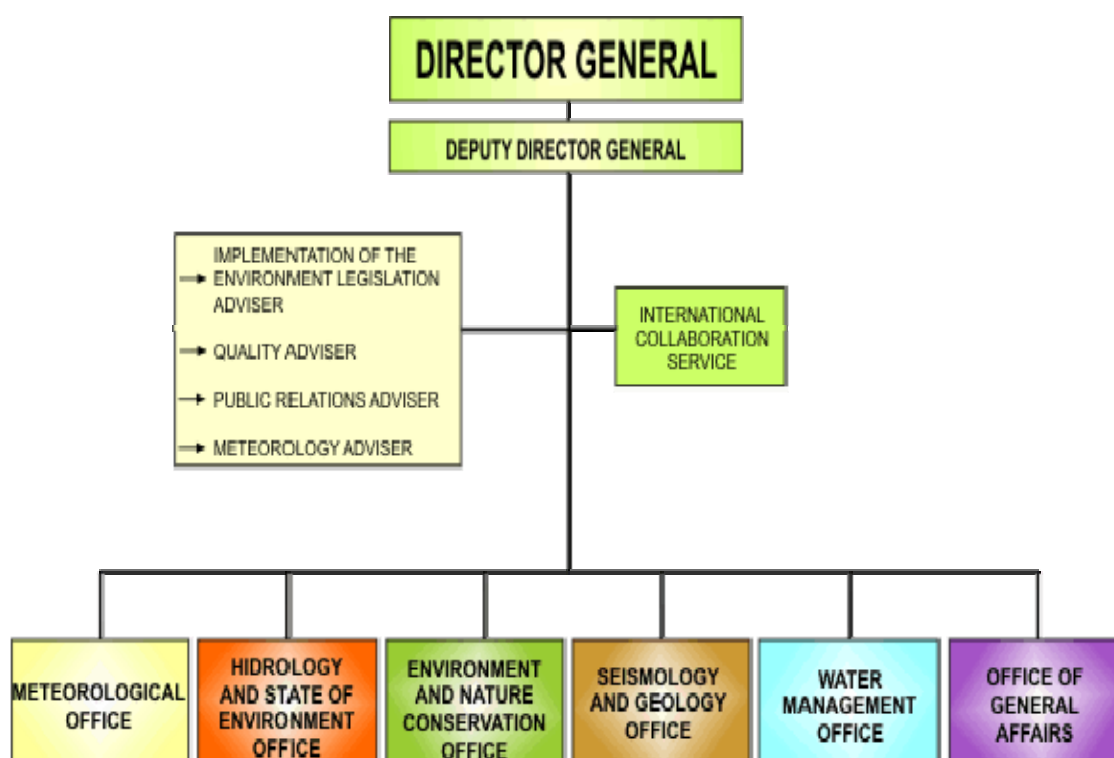
The Agency contributes to solving environmental issues mostly through the implementation of environmental legislation. The Agency conducts administrative procedures with entities liable for environmental taxes, namely: water fees, tax on water pollution, tax on air pollution through emissions of carbon dioxide and waste disposal tax.

The Agency issues various environmental permits; including environmental permits for activities and installations that could cause large-scale environmental pollution (IPPC permits). The Agency maintains a record of emissions, and directs and monitors the implementation of rehabilitation plans, etc.

The Agency considers that it takes an integrated approach to solving climate change issues. The Agency monitors excessive emissions of greenhouse gases into the atmosphere, records them and contributes to their reduction through relevant systemic measures. Because climate change in Slovenia is manifested in a changed precipitation regime, temperature changes and more frequent natural calamities, the expert services simultaneously monitor the consequences of climate change and, in cooperation with particular sectors, prepare programmes for mitigating their consequences and making appropriate adaptations. A special role in this process is played by water resources management.

The Environmental Agency of the Republic of Slovenia devotes particular attention to raising public awareness about the environment and environmental issues. For this purpose, they have acquired the certificate for quality system management in compliance with the international ISO 9001:2000 standard, following the acquisition of a certificate for the calibration laboratory and chemical-analytical laboratory. Special requirements in the area of flight meteorology have also led to setting up a quality system and the consequently acquiring a quality certificate.

## Organisational chart and data on the Environment Agency's organisation



ARSO performs regulatory and expert tasks relating to:

- observing, analysing and forecasting natural phenomena and processes in the environment;
- implementing the tasks of national service in the field of hydrology, meteorology, seismology, protection of nature and water management;
- reducing threats to people and their property;
- monitoring the state of the environment and reporting to national and foreign public institutions;
- meeting the requirements of environmental protection deriving from the applicable regulations;
- raising the awareness of people and institutions about the environment and environmental issues;
- providing public quality environmental data;
- preserving natural resources, biodiversity and ensuring the sustainable development of Slovenia;
- prompt provision of information to the public on the results of all specific areas of work of the Agency;

- managing administrative procedures required for the payment of environmental taxes;
- issuing all environmental permits, including IPPC and SEVESO permits;
- monitoring quality control.

**Link between ARSO and IRSOP:**

- dual participation in actions of supervising the cross-border shipment of waste;
- exchange of data on entities liable for inclusion in the supervision plan and exchange of data on inspection supervision actions performed;
- exchange of information before issuing environmental protection permits for IPPC facilities (a mandatory instruction issued by the Ministry on cooperation between IRSOP and ARSO during the procedure for issuing the permit);
- access to ARSO applications (water book, IPPC base, Environmental Atlas);
- access to ARSO information on findings based on Article 102 of the Environmental Protection Act (ZVO-1) (monitoring);
- exchange of information on permits issued;
- joint training and working meetings.

**4. Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP)**

The Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning is a body within the Ministry of the Environment and Spatial Planning. The Inspectorate is headed and represented by the chief inspector for the environment and spatial planning, responsible for his/her performance and the performance of the Inspectorate.

IRSOP performs tasks of inspection supervision with respect to regulations and general acts that govern:

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

- geodetic activities.

These competences and tasks of the Inspectorate are determined in the Decree on Administrative Bodies within ministries (Uradni list RS (Official Gazette of the Republic of Slovenia), no. 58/03, as amended), adopted on the basis of the Public Administration Act (Uradni list RS (Official Gazette of the Republic of Slovenia), no. 58/02 as amended). Due to such extensive competences, the Inspectorate is divided into three Inspection Services:

- Spatial Planning Inspection Service;
- Housing Inspection Service and
- Environment and Nature Inspection Service (the principal scope of the IRI).

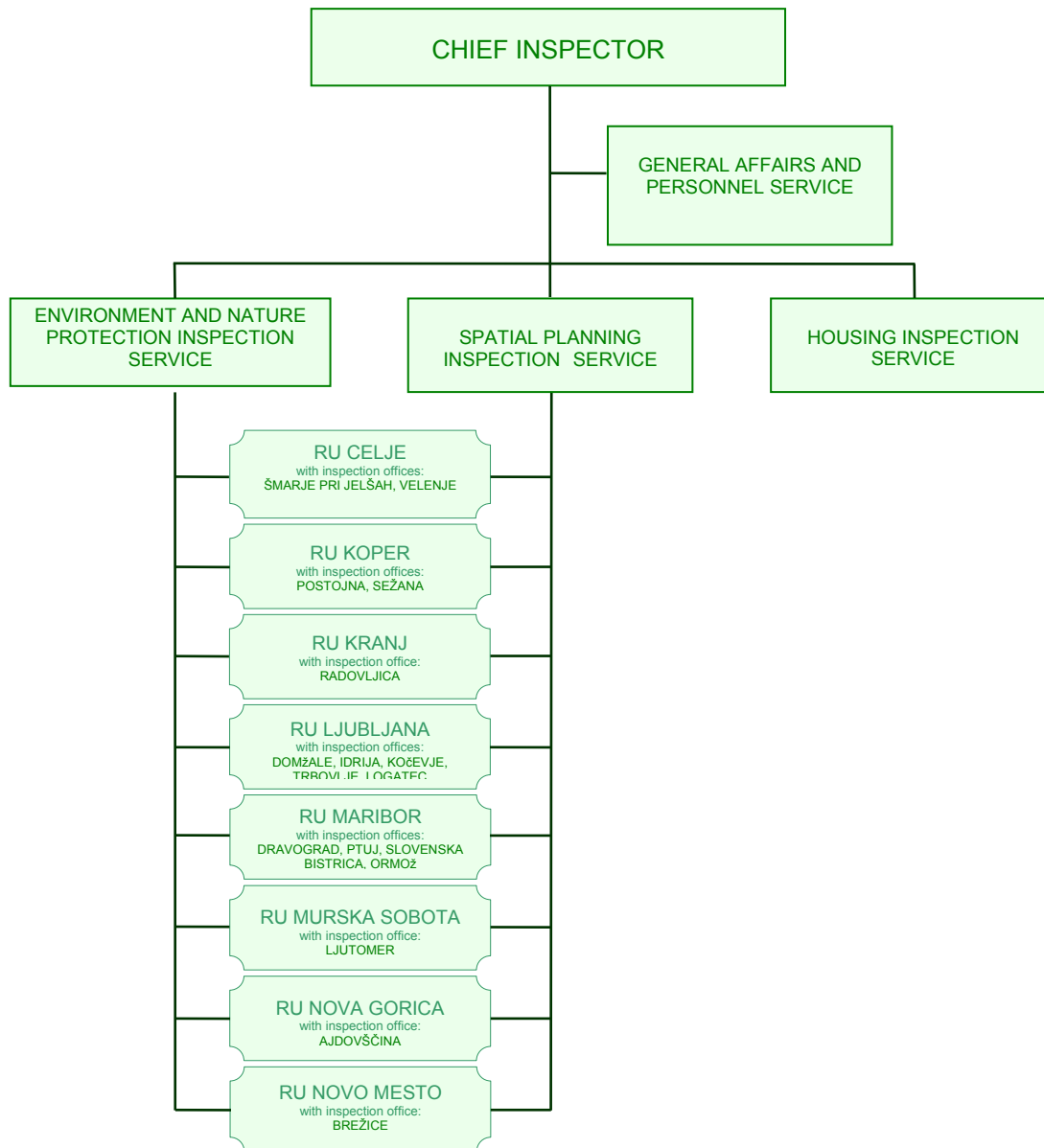
The organisation of the Inspectorate of the Republic of Slovenia for Environment and Spatial Planning is regulated by the Instrument regulating the internal organisation and classification of posts in the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning. This underwent several classification (but not organisational) changes in 2008, in particular because of amended regulations determining the conditions for filling a job vacancy (qualifications, vocational/professional exams, etc.)

In compliance with the Classification Act, the Inspectorate is internally organised into four organisational units in relation to the specific area of work.

- Spatial Planning Inspection Service,
- Environment and Nature Inspection Service,
- Housing Inspection Service, and
- General Affairs and Personnel Service.



## Organisational chart of IRSOP



The inspection services are the largest part of the Inspectorate for the Environment and Spatial Planning. Each inspection service is headed by an Inspection Service Director, who manages their specific working area regardless of the regional unit in which the inspectors of the inspection service work.

In 2009, the Spatial Planning Inspection Service had 74 construction inspectors and 1 geodetic inspector, the Environment and Nature Inspection Service had 55 environment and nature inspectors (split across head office and regional units) and the Housing Inspection Service 5 housing inspectors.

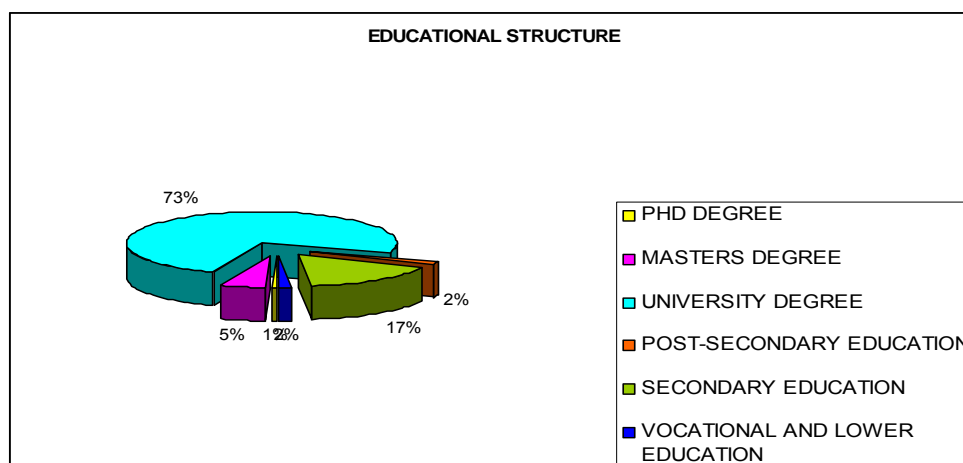
The General Affairs and Personnel Service performs activities for the entire inspectorate and is subordinate to the chief inspector. Within this service, there are Legal, Personnel, Financial and Information Technology Services. In 2009, the service employed 12 civil servants in addition to the head of the service.

In order to ensure the effective carrying out of inspection tasks and appropriate supervision of the entire territory of the Republic of Slovenia, IRSOP is organised territorially into 8

regional units (RU): RU Celje, RU Koper, RU Kranj, RU Ljubljana, RU Maribor, RU Murska Sobota, RU Nova Gorica and RU Novo mesto. These regional units vary in size in terms of staffing and local presence, there are also 17 local inspection offices. Regional units are led by heads of regional units, assisted in their work by a coordinator, who also provides expert support.

The Inspectorate for the Environment and Spatial Planning also includes assistant (support staff not doing inspections) posts. These staff are officials who can perform all official acts prior to the issuing of a decree (they conduct the procedures but do not decide on the matter) within the framework of inspection procedure, in compliance with the provisions of the Inspection Act and the General Administrative Procedure Act. In 2009, there were 23 such officials. The assistants are distributed through all regional units.

In compliance with the Joint Personnel Plan for State Administration Bodies and the personnel plan laid down by the Ministry of the Environment and Spatial Planning, the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning had 192 posts planned as the maximum number of employed civil servants as of 31 December 2009. As in preceding years, in 2009 the inspectorate warned again that such a personnel plan does not allow the employment of sufficient inspectors as are required by the inspectorate in terms of its increasing competences.



**The Financial Service**, which operates within the framework of the General Affairs and Personnel Service, performs planning, monitoring and control of the inspectorate's use of financial resources (collecting, arranging and preparing financial documentation). Within the framework of financial operation, the Financial Service prepares financial plans (budget, plan of purchases and construction) and monitors their implementation. The Service also performs other tasks important for the smooth operation of the inspectorate, such as cooperation in public procurement procedures, monitoring contract obligations and processing financial documents.

The annual budget of the IRSOP is approx. EUR 7 million. Budget assets are earmarked for staff salaries, implementation of enforcement procedures, expert opinions, investments and operating expenses. Financial assets are drawn from the integral national budget. Despite the fact that the inspectorate has one of the lowest budgets in comparison with other bodies, it manages to implement the majority of planned activities. The Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning has been drawing attention for several years to insufficient funds earmarked for the Inspectorate, so far without success.

**The Information Technology Service** takes care of installation and maintenance of information systems and computer equipment and other tasks relating to the introduction of information activities, directing the development, standardisation and efficiency of information technology in the inspectorate.

**Joint affairs:** Tasks relating to providing the conditions for the work of the inspectorate as a whole are primarily related to the acquisition and maintenance of business premises and basic fixed assets (purchase of protective equipment for inspectors, purchase of required aids and tools for work, purchase of office supplies, maintenance of service vehicles etc). They also perform other professional, organisational and coordination tasks, including the tasks of managing documents, phone connections and similar.

**4.1. Management system of the inspectorate**

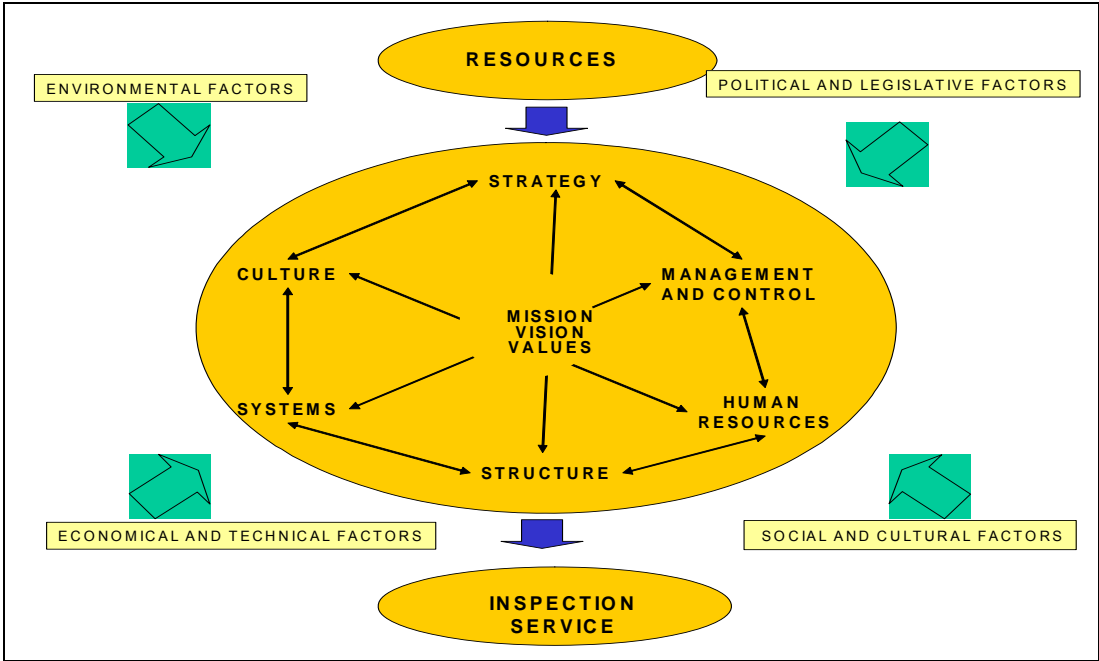
**4.1.1. Management system**

The management system of IRSOP is designed such that there are three key elements: mission, vision and values clearly expressed, generally disseminated and also understood. Only in this manner can the Inspectorate’s operation be efficient and successful.

The main purpose of IRSOP’s management and control system is to implement the tasks of the mission through continuous training and upgrading, taking into consideration the set vision and consolidation of values developed by IRSOP. The integrated organisational model used by IRSOP includes seven tightly connected and interwoven organisational elements:

- mission, vision and values;
- strategies;
- management and control;
- human resources;
- culture;
- structure;
- systems.

Integrated organisational model used by IRSOP



#### 4.1.2. Strategy and planning

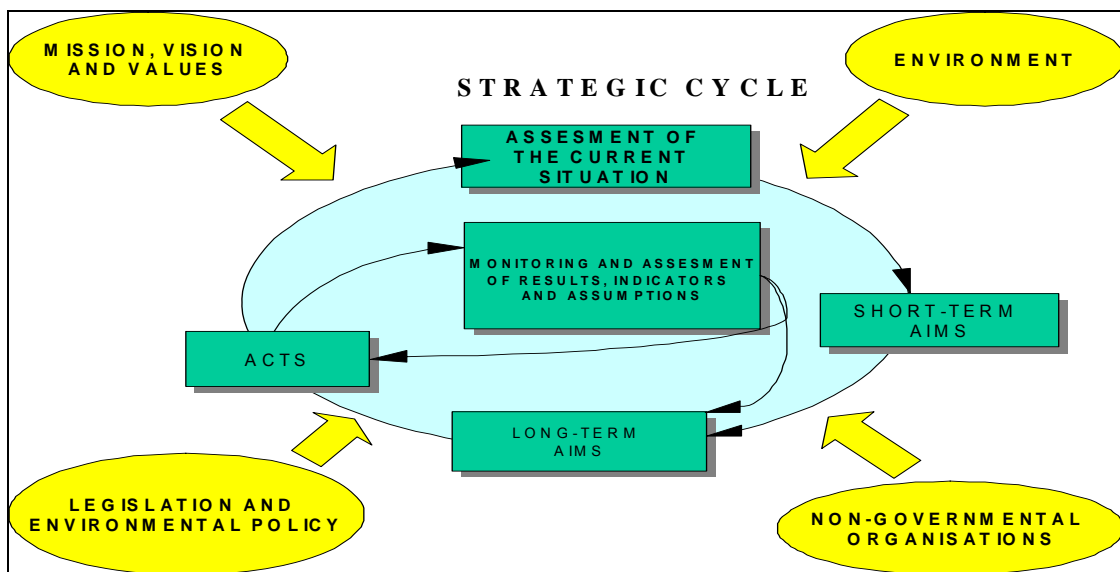
Planning is primarily a managerial function, significantly affecting the attainment of IRSOP's set objectives. It involves an analysis of future possibilities, vision of development and setting strategic and tactical objectives.

Elaborating the strategy is the main task in managing the inspectorate:

- it helps to determine the activities referred to the vision and mission of the inspectorate;
- it reflects the success in attaining the set objectives;
- it offers a possibility of comparison;
- it serves as a basis for discussion.

In order to set strategic orientations, SWOT analysis is applied (Strengths, Weaknesses, Opportunities, Threats), which has proved to be a very effective tool in seeking solutions for better performance of the inspectorate. This method involves an analysis of the state of both internal and external factors, taking into consideration the four key elements (Strengths, Weaknesses, Opportunities, Threats). By applying this method IRSOP can ascertain what needs to be improved with respect to detected deficiencies and focus on key questions of the inspectorate's operation: what is the strategy, what are the expectations and how can they improve the Service?

#### IRSOP – Strategic cycle



Planned and systematic work ensures effectiveness and transparency of work. On the one hand, this is part of the policy of the ministry, which, with the adoption of the national environmental action programme (covers 7 year period), set the objectives of the environmental policy, whereby the inspectorate has the key role of supervisory authority. On the other hand, this is a general trend on the part of the European Union, which is gravitating towards more systematic, planned and coordinated operation of bodies responsible for the implementation of legislation. This trend is clearly expressed in the Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States. The basic premises for the preparation of the inspectorate's annual operation plan are the following:

- legislation;
- National Environmental Action Programme;
- findings of inspection supervision in the past period;
- personnel structure.

The work plan, is the main strategic plan of all the inspection services within the IRSOP, it is prepared by 1 December for the following year and is adopted by the end of the year. It contains the aims for every inspection service separately and thus represents a key element for the subsequent evaluation of the achieved work results and of performance.

#### 4.1.3. Management and control

The function of the inspectorate's management and control is combined in the function of the chief inspector of the Republic of Slovenia for the Environment and Spatial Planning. Management involves the process of continuous coordination of factors of the internal and external environment for the purpose of attaining the objectives that had been set. Control, however, is understood as a process of influencing the conduct and activities of an individual or a group (inspection, service, unit) in order to attain objectives in a given situation. For the sound operation of the inspectorate, the following properties are of key importance:

- truthfulness, sincerity and consistency;
- appropriate authority for the personnel;
- own initiative;
- attitude oriented towards attaining the aims;
- communication;
- attitude directed at seeking a win-win solution.

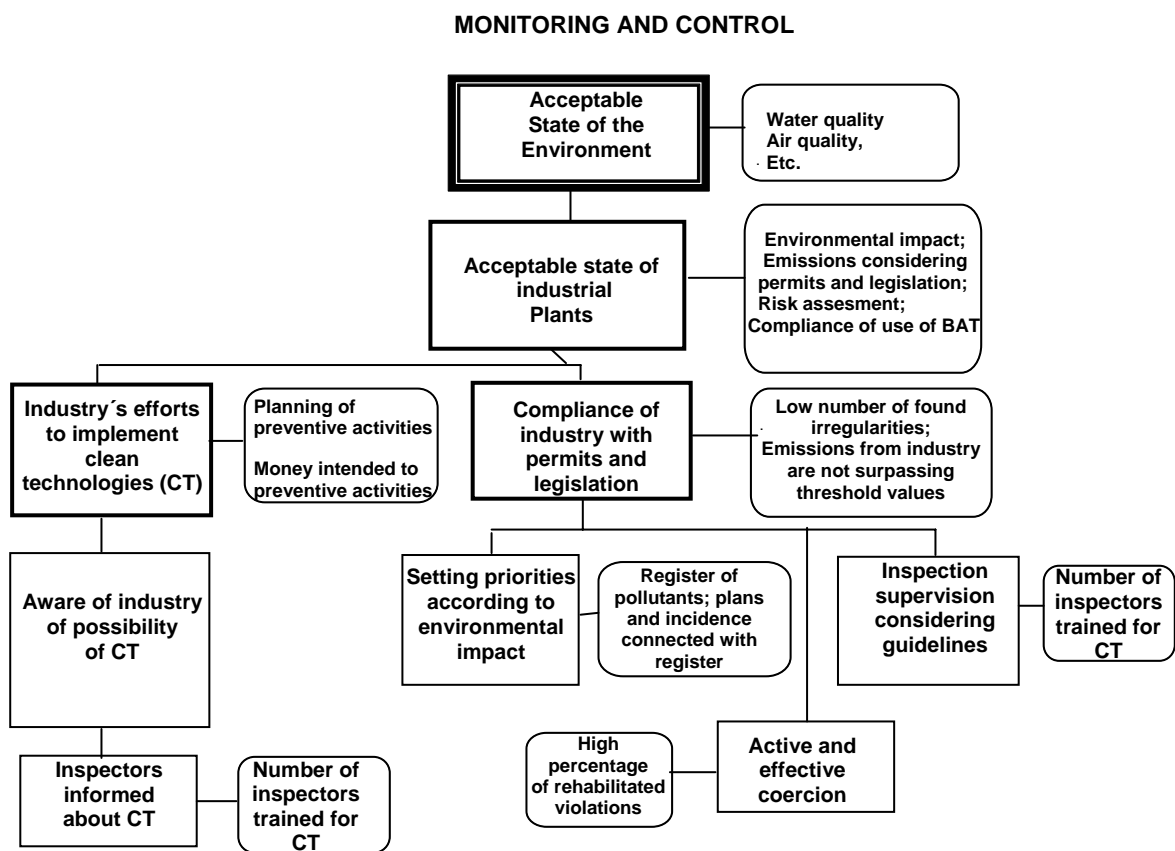
Within the inspectorate, individual business processes are carried out at different levels such as:

Processes	Decision-making level (process-implementing entities)
PROCESSES LINKED WITH PREPARATION OF WORK	chief inspector, directors of inspection services
PROCESSES LINKED WITH INSPECTION PROCEDURES	chief inspector, directors, inspectors, assistants
PROCESSES LINKED WITH OFFENCE PROCEDURES	chief inspector, directors, inspectors, assistants
PROCESSES LINKED WITH OTHER ADMINISTRATIVE PROCEDURES	chief inspector, inspectors
PROCESSES LINKED WITH DRAFTING LEGISLATION	directors of inspection services, head of the General Affairs and Personnel Service
PROCESSES LINKED WITH HUMAN RESOURCES MANAGEMENT	chief inspector, head of the General Affairs and Personnel Service
PROCESSES LINKED WITH FINANCIAL OPERATION	chief inspector, head of the General Affairs and Personnel Service
PROCESSES LINKED WITH DOCUMENTS	head of the General Affairs and Personnel Service
PROCESSES LINKED WITH REPORTING	inspectors, directors of inspection services, head of the General Affairs and Personnel Service, chief inspector

Indicators are used for monitoring and indicating the progress and attainment of objectives. Because inspection supervision, including taking action, is long-term work, the effects of work cannot necessarily be expected immediately. Appropriate and authentic indicators are a management tool for analysing programme implementation, while simultaneously representing a response to the increasing demands of the public for demonstration of the efficiency of the Government's work.

The picture below shows the use of indicators in inspection work. It is difficult to measure the impact of inspection supervision on the state of the environment within such a short period of time. The immediate effect is linked to two factors: the efforts of industry and compliance of entities liable under the legislation.

The use of indicators in inspection work



**4.1.4. Human resources**

The mission and tasks of IRSOP derive from mandatory regulations and do not depend on decisions on each occasion by the head of the authority. They are clearly laid down in the Decree on administrative bodies within ministries. IRSOP thus performs the tasks of inspection supervision of the implementation of regulations and general acts regulating the protection of the environment and nature and ecological supervision at the state border, water regime, regulation and management of waters, efficient use of energy, regulation of space and settlements, construction of facilities and execution of building structures, meeting the essential requirements for facilities, housing matters and geodesic activities. These tasks are determined in more detail in specific regulations, the implementation of which is supervised by the inspectors.

In order to attain this objective, IRSOP prepares a plan of employment in compliance with the requirements of working processes, as appropriate. In elaborating the personnel plan, IRSOP takes into account primarily staff requirements resulting from retirement and scholarships. Promotions, further training and transfers are not included in the personnel plan but are part of the monitoring of the working process and assessment and remuneration of individual employees' performance. IRSOP has been systematically identifying staff requirements and monitoring the implementation of the personnel plan.

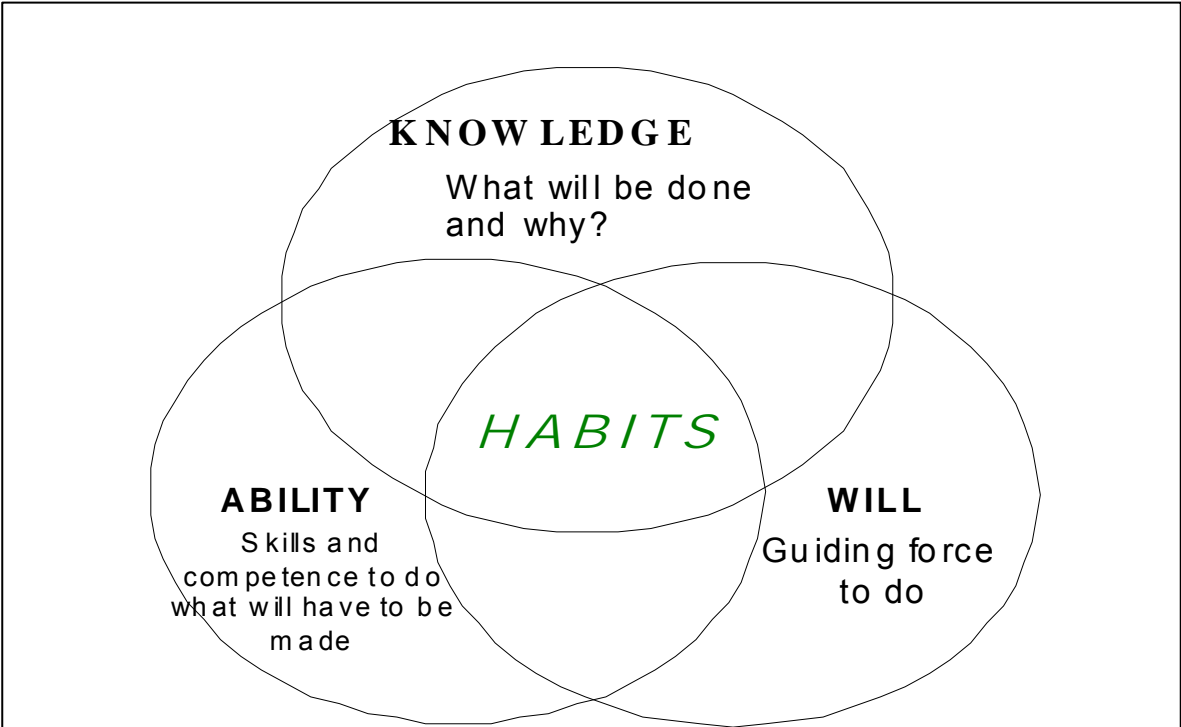
The performance of all civil servants (including inspectors) is evaluated once a year. The purpose of evaluation is to obtain an assessment of civil servants in order to check whether they meet the requirements for promotion at their post or for a title belonging to a higher salary category. Data sources for the formation of evaluation are the following:

- report of the civil servant for the past year;
- aide-memoire of the head – evaluator concerning the work of the civil servant in the preceding year;
- commendations and complaints of clients;
- personal observations of the head - evaluator;
- other verifiable data on the civil servant's performance.

**4.1.5. Culture of the Inspectorate**

The major value of the inspectorate is good team work in the spirit of good cooperation and professional work. The inspectorate aims to provide consistent decisions, based on evidence and established legal practice.

Culture of the inspectorate

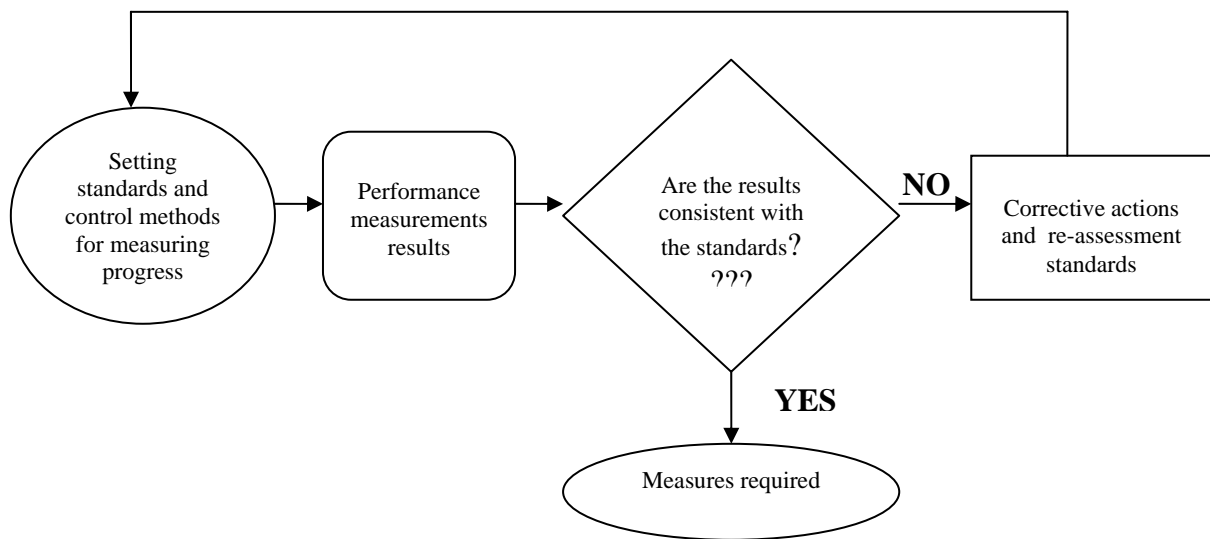


#### 4.1.6. Measurements, analyses and improvements

Both planning and control are a continuing process ensuring that the current activities of an organisation are in compliance with the planned activities. The key steps in the inspectorate's control process are:

- elaborating standards and methods to measure the achieved results;
- measuring the achieved results;
- checking whether the results are in compliance with standards;
- corrections and reassessment of standards.

##### Planning control process



#### 4.1.7. Managing documentation, information technology, the working environment and other infrastructure

IRSOP is aware that in order to ensure effective management, transparency and timeliness, a system must be established providing, on the basis of the envisaged path of documentation, that the workers for whom a particular document is intended are acquainted with it as soon as possible. It must not be neglected in this that such a system must also enable traceability of documents. One of the tools for achieving this aim is the adoption of an appropriate internal document that specifies in detail the authorities of particular staff, and the circulation of documents. The traceability of documents is only possible on the basis of an appropriate information system and information equipment allowing documents to be properly recorded.

In order to achieve consistent observation of all adopted internal documents that determine the receipt and submission of documents, staff need to be adequately informed. For this purpose, IRSOP has all its internal documents published on an electronic notice board accessible to all employees, regardless of their location. The electronic notice board consists of different sections which receive documents and other materials and notices in relation to the contents or area that they regulate. In 2010, the intranet pages for staff are being refreshed within the inspectorate's website. Staff access the intranet pages by entering a username and a password. Intranet pages are divided according to inspection services, with



each inspection service determining the contents that is (will be) published and is useful in the everyday work of a particular inspection service.

#### **4.1.8. Website content**

- Organisation and tasks of the inspectorate;
- Areas of work of particular inspection services;
- Annual reports;
- Useful links;
- Legislation and documents;
- A description of filing complaints (complaints and initiatives for action are an important part of everyday work, but complaints within inspection procedures are considered only as initiatives for inspection action, so a person submitting a complaint or initiative does not have the status of a party to the inspection procedure);
- News;
- Frequent questions;
- Web pages for staff (legal practice, legal premises, working aide-memories, IMPEL projects, links to applications).

The inspectorate provides information to the general public through a press officer.

In addition, the inspectorate answers in writing questions sent to the inspectorate via post or e-mail by clients or persons submitting a complaint. The inspectorate has scheduled office hours for clients (Mondays and Wednesdays from 9 a.m. to 11 a.m.), during which clients may communicate by phone or in person with the inspectorate's office or regional unit. Answers to questions that are most frequently asked by clients at particular inspection offices and through which the public may get acquainted with the Inspectorate's areas of work are also published on the website.

In cases of considering a complaint, inspectors are obliged to notify the person(s) who submitted the complaint on the action taken, if he/she has made such a request.

Answers to reporters' questions are provided by the press officer. The answers are usually prepared with the assistance of the inspectors who are conducting the procedures to which the questions refer.

#### **4.2. Environment and Nature Inspection Service**

**The fields of work of the Environment and Nature Inspection Service are the following:**

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

**The powers and competencies of the Environment and Nature Inspection Service are defined in the following acts and their implementing regulations:**

- Environmental Protection Act (ZVO-1);
- Waters Act (ZV-1);
- Nature Conservation Act (ZON);
- Management of Genetically Modified Organisms Act (ZRGSO);
- other acts and their implementing regulations.

The Environment and Nature Inspection Service currently supervises around 400 regulations.

The organisation of inspection services in general, the conduct of procedures and authorities of inspectors are determined by the Inspection Act. Inspection supervision is one of the administrative functions of the state, providing supervision over the implementation of adopted legislation and offering feedback information that enables the administration to know the effects of adopted regulations and design the appropriate amendments and measures. The enforceable nature of inspection work ensures that, in his/her mission, an inspector implements supervision over adopted regulations and takes appropriate action when irregularities are detected. The enforceable nature of inspection work ensures that entities liable to respect legal standards adhere to the regulations and implement the imposed inspection measures. The measures that may be used by an inspector in his/her procedure are determined by the Inspection Act and include:

- ordering measures to remedy the irregularities and deficiencies within a time limit specified by the inspector;
- carrying out procedures in accordance with the General Offences Act;
- reporting a criminal offence or filing criminal charges prosecuted *ex officio*;
- proposing measures to the competent body;
- imposing other measures and performing activities for which he/she is authorised by law.

Where an inspector establishes that a liable person has gained financial benefit by committing a criminal offence or a minor offence, the inspector shall propose to the competent court that such proceeds be forfeited.

Where, in the course of an inspection, an inspector establishes that a law or other regulation or act, the implementation of which is under the supervision of another inspection service, has been violated, the inspector shall determine the facts and prepare a report on the findings and forward it to the competent inspection service.

The umbrella act regulating the protection of the environment is the Environmental Protection Act. This regulates in general terms the protection of the environment against impact as the basic condition for sustainable development and, within this framework, sets the basic principles of environmental protection, environmental protection measures, monitoring the state of the environment and information on the environment, economic

and financial instruments of environmental protection, public environmental protection service and other issues relating to the environment.

In compliance with this act, a person/entity causing pollution must have an environmental protection permit for the installation involving an activity that may pollute the environment with emissions. In view of the above, the following categories of installations and/or permits exist:

- installations at which activities will be carried out that may cause large-scale pollution of the environment – IPPC installations;
- installations at which activities will be carried out that cause emissions into the air, water or ground, for which limit values are prescribed or at which waste management is performed (requires a permit but not an IPPC permit);
- installations for which the producer or manager guarantees compliance with the prescribed values or if the latter is established in accordance with regulations that govern the compliance of products and for which an environmental protection permit is not required;
- permit for an installation posing a risk to the environment (SEVESO).

Within the context of this Act, an environmental inspector has the right and obligation to order the following measures (ZVO-1, Article 157) when performing the activities of inspection supervision:

1. To order that irregularities detected in relation to the source of environmental pollution or during the period of carrying out an activity affecting the environment, are remedied within the time limit set by the inspector;
2. To order implementation of measures for remedying the sources of excessive environmental impact within the time limit specified by the inspector;
3. To impose restriction or adaptation of the installation's operation to the prescribed limit values or rules of operation;
4. To order implementation of control monitoring;
5. To propose to the competent ministry the withdrawal of an environmental protection permit;
6. To ban the operation of the installation or plant if it is operating without an environmental protection permit or permit for the emission of greenhouse gases when this is required.

If the entity causing an excessive environmental burden refuses to act in compliance with the measures listed under the first three points above, the competent inspector may prohibit temporarily or permanently:

1. Operation of the facility or plant;
2. Performance of the activity;
3. Use of dangerous substance;
4. Implementation of technological procedure or
5. Use of a facility/plant, transport means or product or its release on the market.

An inspector may order implementation of control monitoring within an area, time, time limit and place, without prior notice to the person who is obliged to provide the operation monitoring. In the event of detecting irregularities, the operator of the installation at which these regularities have been established shall bear the costs of control monitoring.

The enforceable nature of inspection work guarantees that imposed inspection measures are indeed implemented. During the inspection procedure, legal protection of the controlled installation is ensured. The appellate body is the Ministry of the Environment and Spatial Planning.

In addition to authority for taking measures in an inspection procedure, an inspector also has authority to conduct and decide in a violations procedure. This is a fully independent and separate procedure, in which the inspector imposes a fine on the offender against the regulation. The second instance body in the legal protection procedure is a court.

#### **4.3. List of directives in the field of environment supervised by the Environment and Nature Inspection Service:**

- Agriculture use of Sludge (from wastewater plant) Directive;
- Air Quality Framework Directive;
- Birds Directive;
- Cells and Accumulators Directive;
- EIA Directive;
- ELV Directive,
- EU ETS Directive;
- GMO Directive;
- Habitats Directive;
- IPPC Directive;
- Incineration and Co-incineration Waste Directive;
- Landfill Directive;
- LCP Directive;
- Ozone Depleting Substance Regulation;
- Paint and Refurnishing Vehicle Directive;
- POP Regulation;
- PCB's Directive;
- SEVESO Directive;
- TFS Regulation;
- Urban Waste Water Directive;
- VOC's Directive;
- Waste Framework Directive;
- Water Protection from Nitrate Pollution Directive;
- WEEE Directive, etc.

#### **4.4. Number of controlled installations supervised by the Environment and Nature Inspection Service and the method of their supervision**

The environment and nature inspection service supervises around 5500 controlled installations within the framework of their fields of work. Controlled installations are classified into three categories. The aim of this categorisation is to ensure regular inspection of polluters who, in view of their size and type of activity, pose the greatest risk to the

environment. These polluters include IPPC plants (there are currently 170), SEVESO plants 55 (25 lower-tier plants and 30 upper-tier plants).

Supervision is carried out through routine inspections and non-routine inspections. In addition to IRSOP, indirect supervision over a controlled installation is also performed by ARSO, to which controlled installations must submit various types of reports (different monitoring, annual reports on waste management, etc.).

There are also a large number of other activities that the inspectorate has responsibility for, for example 33,436 permits relating to use of water.

#### **4.5. Organisation of work**

The duties and tasks of inspection are carried out in line with the annual operation plan, which also includes the annual work programme. The need for planned and organised work in the field of supervision is expressed in the Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States and in the Inspection Act. In this way, IRSOP wish to ensure effective and transparent work, undertaken in a responsible manner.

The annual operation plan identifies the priorities of work within the three categories introduced in the area of inspections and in controlled installations. IRSOP have developed criteria for classifying controlled installations into three categories on the basis of the size of the pollution source and risk to the environment posed by the activity of the source. Focusing on the principle of *doing the right things*, IRSOP have categorised controlled installations into three categories; each year a work programme is prepared by means of a software application, which includes an actual list of controlled installations classified into three categories to be inspected in the relevant year. The implementation of the work programme is monitored weekly, and an analysis is carried out monthly.

Routine inspections form the foundation of site inspections of controlled installations; they are planned in advance and do not result from complaints or inspection campaigns. Companies are classified into three priority categories-classes, which provide the basis for an inspection obligation (category 1: once a year; category 2: once every two years, category 3: once every three years or more). Regular work also includes inspection campaigns, which aim at simultaneous inspections of the implementation of particular legal requirements in Slovenian territory.

#### **4.6. Cooperation with other authorities**

Cooperation with other inspection authorities (health, marketing, inspectorate responsible for the protection against natural and other disasters, etc.) is carried *ex officio* within the framework determined by the Inspection Act. Cooperation between the customs service and police in the area of cross-border shipment of waste is established, providing for the exchange of information and agreements on joint supervision actions. In the area of chemical security, a group for preparing joint inspections has been established, in which the Environment and Nature Inspection also participates.

A case of cooperation between the authorities is participation in the Inspection Council and operation of regional coordination groups.

## 5. Inspection Council

**The Inspection Council** is a permanent inter-ministerial working body for the coordination of work and for attaining enhanced efficiency of various inspection services. It was established on the basis of the provisions of the Inspection Act.

The Inspection Council is headed by the minister responsible for public administration or a person authorised by the minister. Members of the Inspection Council are chief inspectors, heads of official bodies, management bodies governed by public law in which an inspection service operates, or persons authorised by the head or the management body.

Issues relating to the work of the Inspection Council are addressed in the rules of procedure adopted by the Inspection Council in agreement with the Government.

### 5.1. Working area of the Inspection Council

For the purpose of increased efficiency of operation, the Inspection Council:

- plans joint implementation of inspection supervision tasks by various inspection services and ensures prompt transfer of information;
- deals with common professional and organisational issues linked to the operation of particular inspections;
- determines and monitors indicators of performance, efficiency and quality of the inspection services' work;
- plans and proposes the training of civil servants in inspection services according to needs;
- plans standardisation of equipment, files and access to databases required for more efficient implementation of inspection supervision and conduct of violations procedures;
- provides a common information system for all inspection services that exchange their data;
- ensures uniform interpretation of regulations relating to the work of inspection services;
- provides legal aid in demanding operative cases;
- considers proposals for amendments to regulations;
- participates in resolving questions in the sphere of competence;
- considers the reports of working bodies.

The Inspection Council operates through sessions and through its working bodies. Sessions are led by the Council's president or a person authorised by the president. Members of the Council and their colleagues participate in sessions of the Inspection Council. The president of the Inspection Council may independently or on the proposal of the Council's members invite other participants to the meeting who may contribute in a relevant way to successful resolution of particular issues on the agenda.

## **5.2. Regional coordination of inspectors**

Based on the Inspection Act, regional coordination groups of inspectors have been established for coordination of the work of inspection services at the regional level. Members of regional inspectors' coordination groups are heads of regional inspection units and the president of a particular regional coordination group is the head of a regional unit of one of the inspection services.

### **Link between the Inspection Council and IRSOP**

- participation in the Inspection Council (chief inspector);
- cooperation and heading particular regional coordination groups;
- cooperation in coordinated supervision actions.

## **6. Inter-municipal inspectorate**

The legal basis for establishing inter-municipal inspectorates is the Local Self-Government Act and Local Traffic Warden Act. Rules of operation, organisation, authorities and everything else related to inspection are laid down by the Inspection Act.

The Inter-municipal Inspectorate performs inspection supervision over adopted municipal regulations and conducts inspection and violations procedures in municipalities.

It supervises the implementation of the following decrees:

- Decrees on municipal roads;
- Decrees on safety in road traffic on municipal roads;
- Decrees on waste management;
- Decrees on advertising and campaigns;
- Decrees on municipal taxes;
- Decrees on taxi services;
- Decrees on natural and cultural monuments;
- Decrees on burial services;
- Decrees on regulation and maintenance of public and green areas;
- Decrees on waste water discharge and treatment;
- and other regulations authorising the municipal inspection service for inspection supervision.

The competences of municipalities in the environmental protection area are specified by the Environmental Protection Act (Article 149), which imposes the establishment of mandatory public environmental protection services that must be provided by a municipality.

(1) Mandatory municipal public environmental protection services are the following:

1. Drinking water supply;
2. Discharge and treatment of municipal waste water and meteoric water;
3. Collection of municipal waste;
4. Transport of municipal waste;
5. Treatment of municipal waste;
6. Depositing the residues of processing or removal of municipal waste and

7. Landscaping and cleaning of public areas.

(2) The facilities and plants required for the implementation of public services referred to in the preceding paragraph are infrastructure of local relevance.

(3) The Government prescribes in more detail:

1. Types of tasks that are implemented within the framework of public services as stated in the first paragraph of Article 149;

2. Methodology of price formation, maintenance standards and technical, maintenance, organisational and other measures and norms for the implementation of public services as stated in the first paragraph of this Article.

(4) The municipality provides the implementation of public services as referred to in the first paragraph of this Article in compliance with the regulations governing public services.

(5) If the municipality fails to provide the implementation of public service obligations as referred to in the first paragraph of this Article, the state undertakes to fulfil them in the territory of the municipality and at the expense of the municipality. The method of provision is determined by the state.

The rules of conduct referring to the above mentioned services are determined by municipalities through municipal decrees that fall within the competence of municipal inspection supervision. Municipal inspection supervision is performed directly by inspectors acting as officials with special powers and responsibilities in compliance with the law governing inspection supervision. The second instance body in the appellate proceedings is the mayor.

No connection exists between the inspectorates of local communities and IRSOP except cooperation in the case of considering a matter outside their jurisdiction. There is no connection between the national and local supervision bodies with respect to the organisation of work or supervision of the quality of work because there are no legal grounds for such a connection.

### ***Examples of Good Practice***

- Ministry - National Environmental Action Programme (7 years) covers multi-operational facets;
- Environment Agency laboratories are ISO9000 accredited;
- Joint meetings between Inspectorates within the Inspection Council. The Inspection Council has the potential to yield large benefits in sharing resource to tackle problems & campaigns;
- Additional assistants to help the inspectors in their less complicated tasks (known locally as “task supervisors”);
- Site based multi-annual improvement plans;
- Integrated inspection against multi-permitted sites;



- Web content is very good. The FAQs section is very useful. The online information available for inspectors is also very comprehensive;
- The Inspectorate has a strong willingness to improve and learn from others. This is a major benefit to their development.

### ***Opportunities for Development***

- Obligations and responsibilities of the inspectorate are very wide, it could be beneficial to increase the numbers of specialised staff;
- Consider developing a multi-year inspection plan;
- Develop mechanisms to allow the wider sharing of resource (staff) between different Regional Units;
- Develop ways to make sure the vision and values are embedded and understood at all levels of IRSOP;
- The four principal Environmental Acts are enacted in approx 400 sets of Regulations, this is a very large amount. Consider how to make the requirements of these regulations more accessible to the public, operators & staff. For example through targeted campaigns, advice & guidance;
- Centralised management of inspectorate is small. Added benefit would come from the ability to analyse data to produce intelligence led regulation;
- Establish a link between national & local level to drive compliance with EU legislation. For example advice and guidance targeted at municipalities;
- Identify and clarify responsibilities under the Environmental Liability Directive;
- Find ways to influence the Ministry so that inspectorate requirements are understood;
- The inspectorate does not currently take samples. It would benefit from establishing an audit sampling programme;
- Consider having contact details on same page as FAQs to minimise frequently asked questions being asked of staff.

### Objective

Explore the permitting activities of the environmental authority.

### Overview

The permitting authority is the Environmental Agency (ARSO). IRSOP do not issue permits. As well as installations where any activity that might cause large-scale environmental pollution will be carried out (IPPC installation), any other installation must have an environmental permit, if an activity causes emissions into air, water or soil for which limit values are prescribed in accordance with the provisions of Article 17 of Environmental Protection Act, or if it treats or disposes of waste under the waste management regulations in accordance with the provisions of Article 20 of Environmental Protection Act. There are integrated permits for IPPC and single media permits. Seveso installations also get permits that cover security aspects. There is a special procedure for new IPPC installations; they must have a permit before construction. ARSO will have finished all permitting for installations in the next months (except landfills). A group of 8 people including a lawyer deals with granting & drafting the permits. IRSOP is involved in providing advice on these procedures where necessary. There is a mandatory instruction, issued by Ministry on cooperation between ARSO and IRSOP and there is also cooperation with other relevant authorities.

Feedback on permits and conditions by inspectors is done prior to issue through cooperation between ARSO and IRSOP. Inspectors were asked in advance about sectorial compliance issues as part of research carried out by the agency. There are General Binding Rules in place in Slovenia so the basics of each permit for similar activities are similar. There are some standard templates but they are not as easy to produce as they would like. It is easier to inspect against a known structure.

There were tough discussions at the beginning of the IPPC permitting procedure on how to involve inspectors in producing the permits. The rules of cooperation are written down in the mandatory instruction, issued by the Ministry.

IPPC permits can be as much as 70-80 pages, they have to include background and legal text. There were some appeal procedures relating to the permits, around 2/3 in favour of the decision of the Agency. If Agency refuses a permit then IRSOP will have to close down the installation.

Operators had to sign a legal statement for agriculture sites under IPPC saying the figures on numbers of animals were correct as it was not possible to physically check this. They should be able to provide information to back up the claimed numbers. If these figures were found to be incorrect then they could face a large fine.

There is currently an informal commitment to update the law when BAT Reference documents are updated.

### Examples of Good Practice

- There is only one organisation for all permitting (ARSO), this provides a one stop shop for all regimes;

- Routine exchange of information between permitting and inspection authorities;
- Obligation on sites just below the IPPC threshold to certify they won't exceed the agreed thresholds or there will be a large fine.

### ***Opportunities for Development***

- Development of integrated permits for non IPPC sites would facilitate easier integrated inspections;
- Consider ways to reduce regulatory burden on the Ministry bodies and those regulated, by integrating or withdrawing the requirement to have a permit for Seveso;
- Explore ways of developing a unique identifier number for companies, sites and permits. This should be used across ministry units (ARSO, IRSOP etc);
- Develop a compliance system to collect & measure all components of compliance monitoring audit, sampling, inspection and self monitoring. Suggest that ARSO leads on the development & management of the scheme in conjunction with IRSOP.

## 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

##### Overview

##### Scope

The Environment act, Water act, etc. define the working tasks of the inspectorate. In 2010 they will concentrate on air quality and waste management along with other targets.

Information to inform the work of the inspectorate is gathered from a range of sources:

- data about installations (ARSO);
- information on non compliance from annual reports;
- permits, notifications;
- monitoring reports;
- environmental policy of ministry;
- complaints, accidents and incidents;
- information from other authorities.

Environmental atlas – this provides information on location and status of sites. This is a web based tool enabling a search for specific sites and to check local factors such as groundwater quality. The database is the responsibility of the Agency. The inspectorate informs the Agency of data relevant to their work but there is no obligation to report.

Water book – This database has information on all types of water permits. It allows you to search through type of permit, water use, location, owner of permit etc. It is available to the public. There is also a link to the environmental atlas to show location of the sites. For direct use of water, a water permit is prescribed. On this basis a water right can be granted and the owner of water right has an obligation to pay water fees. If payment is not made then the inspectorate are responsible to enforce.

The Water Act controls whether a person has a permit, the amount of water taken, percentage of flow, any change in buildings or waste disposal in the area. The agency monitors groundwater levels and any relation to the permitted activity. Some permit holders have to monitor their own groundwater levels, this data is sent directly to the Agency. The Agency sets protected areas. The majority of water extraction is from groundwater. The Agency is also responsible for bathing water quality, if there is a breach then the health inspectorate will take action.

IPPC base – This database is used by the Agency and the inspectorate but it needs further updating. There is some less detailed information on IPPC permits on the Agency website

that is available to the public. The permit can be accessed if requested but is not currently available online. National air emissions data are available online. There is currently work being done to increase measurement of air emissions, for example PM10 by another ministry department.

The Environment Act states conditions for installations to get permits. The General Administrative Act and the Environment Act are not aligned which sometimes creates an additional regulatory burden.

Environmental Information system (EIS) – This database was developed by the inspectorate themselves on MS Access in 2002. It provides information on 9 fields of work. This covers all the inspection subjects from electromagnetic radiation to water. The database shows each installation with inspection history and measures taken and required actions. Data on control can be provided and the system will remind inspectors when action is needed. The database was developed with limited funds and it was programmed and developed by the inspectorate. A lot of work was done in showing why the system was needed and what benefits it could bring. As it was developed by the inspectorate it can be easily modified and updated. However there is limited IT support and finance available for the system.

The EIS system was demonstrated by adding a new installation. The database works on a sectoral approach, this is due to the way data is collected and also to help provide data on specific sectors. For each site there will be an entry for water, noise etc. and a separate letter will be sent for each related issue. The database also tracks court action. Reports can be run on inspections carried out by individual inspectors and by groups. There are no minimum numbers of inspections to be carried out by each inspector. There is no field for capturing time spent on each inspection. Reports are also made on inspections on specific sectors, for example, waste, which shows how many inspections have been carried out and numbers of offences. Reports can show inspections against the priority levels. Reminders are sent to inspectors when follow up actions are needed.

In terms of how complaints are dealt with, inspectors are supported by the inspectorate but the onus is on the complainant to prove that what the inspector has written is not correct. The levels of action taken by inspectors are clearly set out in the Environment Act. If a site closure is necessary there will be discussion between the inspector and the head office to make sure all the criteria are correct.

There is a chemical inspectorate in the Ministry for health which deals with chemical storage and handling. If chemicals are waste then the inspectorate will be involved. There is an issue, for example on large IPPC sites where there is storage of chemicals. The inspectorate is the competent authority for the site but not for the storage. Therefore there needs to be cooperation between the authorities. If it is a new site these issues should be sorted out under the EIA procedure.

The database can show relevant legislation for specific sectors. This list is updated each month. If there are changes then the amendments are included along with the original. There is an external website available that provides a consolidated text but this costs money per page accessed. One person at each regional unit has access to this and can share the knowledge. The legislation changes all the time so access to the updated consolidated legislation is very important. It takes too long to wait for the officially consolidated text. The inspectorate is normally consulted when new legislation is proposed but not always in

advance, in which case they can find it on the Ministry website. It would be helpful if the ministry provided consolidated versions rather than pages of amendments.

Each inspector can see their own data on the system. The coordinator can see the data from the regional unit and the head office sees the whole set. Head office sends the full set of information to the regional coordinators once a month. The inspector is the only person that can change data they have entered apart from the administrator. Entering data into these systems causes an additional burden for inspectors; the number of databases means the burden is high.

Court of audit – This is the highest body for supervising state accounts, the state budget and all public spending in Slovenia. The Constitution further provides that the Court of Audit is independent in the performance of its duties and bound by the Constitution and law. They assess the procedures for different sectors and make recommendations for improvement, so has a function similar to a review of implementation.

### ***Examples of Good Practice***

- Draft regulations are shown by the Ministry to the Agency, inspectorate and public before finalising. These are placed on the ministries website;
- IPPC permits are publicly available;
- Any illegal operators, once identified are legally required to close down or apply for a permit (the majority apply for a permit);
- The Environmental Information System (EIS) has very good reporting outputs. Reminders for inspectors for follow up work under EIS is useful;
- The independence of inspectors to make decisions is very good, in combination with a clarity of responsibility in the law;
- The Inspector has the ability to close an installation or partially suspend part of the activities;
- Collection of data to inform the work plan is comprehensive;
- The environmental atlas and other tools were demonstrated and seen to be working well but the inspectorate could benefit from a more integrated and modernised IT system.

### ***Opportunities for Development***

- Encourage the Environment Agency to complete the IPPC database to improve the inspection work – an up to date source of data is essential for planning and reporting;

- The inspectorate does not have the responsibility to inspect chemical storage facilities, even when part of a larger installation. Consider joint inspections with chemical inspectorate (especially on IPPC and Seveso sites);
- Need expanded centralised IT expertise. Common IT system across related ministry departments would be more efficient & effective & allow transfer of data & information.

## 1b. Setting priorities

### *Overview*

#### Criteria to prioritise sites

The following are some of the factors considered when prioritising sites for inspection:

- IPPC;
- Seveso;
- Installations covered by VOC;
- Installations never inspected before;
- TFS;
- Impact on the environment;
- Obligation of reporting to the EU;
- Number of complaints.

The inspectorate have developed a methodology to assess risk of sites based on environmental impacts, splitting them into three categories of risk. This was developed using the IMPEL handbook for planning inspections. These categories are:

Category 1 (Big impact)– routine inspection done at least once a year. Including IPPC, Upper Tier Seveso, VOC installations and landfills. Also central water treatment plants, public utility services (collection of ELV for example), packaging waste and WEEE and companies with hazardous waste;

Category 2 (Medium impact) – routine inspection done within 2 years. Installations with permit issued under article 82 of the environment act (not integrated permits);

Category 3 (Low impact) – No permit require but routine inspection done within 3-5 year period. Includes sites such as filling stations, mechanics workshops etc.

Priorities are set in annual working plans. Regional unit coordinators contribute to the plans following discussion with site inspectors. Information from the EIS is also included along with information from the Environment Agency (there are links to the EA databases, for example on waste management). The inspectorate also runs campaigns to bring new sectors into compliance. Working groups are set up for specialisations such as Seveso, Waters Act etc. that provide information on topics to be considered for the following years. An application “work programme” has been set up to make a list of installations to be inspected. This includes the risk parameters including the frequency of inspections. This process was started two years ago and now the database is fully populated.

The inspectorate has 60% planned work - routine inspections. They have achieved good results on unannounced (but planned) campaigns, for example a recent campaign on landfills. Non-routine inspections are considered on the basis of previous years. The success of campaigns has been assessed by working groups. They are useful to provide an overview and focus on a specific area. Other inspection activities include office based data assessment.

Ratio between routine/non-routine inspection in years 2008 and 2009

KIND OF INSPECTION	NUMBER OF INSPECTION 2008	NUMBER OF INSPECTION 2009
ROUTINE	3736	3795
NON-ROUTINE	2530	3048
TOTAL	6266	6843

PLAN – Planning inspections

After a few years of using the EIS system the inspectorate had information on installations and inspections but each inspector took his own decisions on what to inspect and when. An application called “PLAN” was developed to plan the inspections. It was first used in 2008. As mentioned previously there are around 5500 larger regulated sites in Slovenia and 56 inspectors. They found that using the simple risk assessment procedure was the best option. The inspector makes an evaluation of the risk level (1-3), IPPC sites are always shown on the system in the first category even if the inspector evaluation is a level 2 or 3. A separate plan is made for every regional unit and a schedule for each inspector. This shows the number of installations to be inspected at the different priority levels. Therefore the inspector has a minimum number of installations to inspect per year. Campaigns are separate from this.

Example of schedule for regional unit:

- 4 inspectors → 50 inspections/person = **200 inspections**
- I. → 50 installations
- II. → 120 inst. → 60 not inspected in the last 2 years
- III. → 230 inst → 110 not inspected in the last 3 years

$$50(I.)/50 + 60(II.)/60 + 90(III.)/110 =$$

**200 inspections**

The average is 35-40 installations per year per inspector. The inspectorate analysed the situation and it seems that these are accurate figures. There is currently no information on the time needed for the different levels of inspection. This is the first year where the inspectorate is getting information on inspection effort needed for IPPC.



When an inspector completes an inspection report on the EIS system the information is linked to PLAN so it shows what has actually taken place and can highlight what remains to be done. Inspectors carry out both routine and non-routine inspections, so there is always a part of the inspectors work that is unknown mainly due to responding to complaints. The inspectorate must respond to complaints within 14 days.

The inspectorate is not responsible for reacting to accidents. The working hours are 8 hours per day during the working week. The police are equipped to respond to accidents and take samples. Accidents should be reported by phoning 112. If there is an incident at an installation the operator is obliged to put into place the appropriate remedial measures and inform the inspectorate who will check that the measures are in place were appropriate.

The inspectorate does not currently take samples. The operator must arrange monitoring. Sampling, measurements and analysis are done by accredited laboratories or institutions, which must have authorisation, issued by the Environment Agency. The frequency and continuous measurements are laid down in the legislation and results have to be sent in within 4 weeks.

### ***Examples of Good Practice***

- Clear inspection plans are generated for every regional unit and then for inspectors. They can be easily compared;
- Development of targeted inspection campaigns to directly target environmental harms and illegal operators. Working groups develop information to help with these specific campaigns.

### ***Opportunities for Development***

- Consider using the risk assessment system without an override for IPPC facilities, Seveso, VOC and landfill sites. The risk assessment system can be further refined to improve the outputs;
- Risk assessment should also be used for all activities not currently included, for example water and nature protection;
- The number of regulated activities per inspector seems very high. Identify strategies other than routine inspections for category 3 sites. Consider ways of prioritisation such that low risk sites are only dealt with reactively, these could become risk category 4 in ~~your~~ risk assessment system;
- It is suggested that there is rotation of inspectors on sites to prevent regulatory capture. (5 years is suggested in the IMPEL reference book);
- Consider sending more than one inspector at a time to large sites to cover a wide range of specialisations and therefore prevent regulatory blindness. This would also help deliver a consistent approach;

- The use and availability of consolidated regulations for inspectors, operators and the general public would be very helpful. Consider how this could be facilitated;
- Consider new procedures so it would be possible to make more unannounced inspections;
- Clearly demonstrate on the website the way accidents and incidents are dealt with and the role of the inspectorate. Think about involvement of the inspectorate in Seveso accidents;
- Understand the resource impact of responding to questions and complaints and develop solutions to minimise the impact on the Inspectorate.

## 1c. Defining objectives and strategies

### **Overview**

#### Defining objectives

Objectives for the inspectorate are:

- In line with the RMCEI;
- According to the Guidance book “Doing the right things”;
- In line with the National Environmental Action Programme;
- According to the annual working plan from chief inspector and minister;

The inspectorate gives all inspectors annual working plans and they will prepare a multi annual working plan in the near future.

They have moved from numbers of inspections to numbers of installations to be inspected. The objectives for 2010 are:

- Realisation of IRI project;
- 100% implementation of annual working plan;
- Detection of new installations to inspect (from information from Agency on applications);
- Improvement of quality of work on field of supervision.

240 new controlled installations were found last year. They were all category 2 and 3 sites. They have used targeted campaigns for identifying those installations, for example comparing the list of permitted sites with those listed in the Yellow pages. The Chamber of commerce website and the Chamber of handcrafts are also used for information to inform inspection work.

Environment inspections are carried out on the basis of the work programme identified by PLAN (IT inspection planning system). Within this framework they will focus on those activities which have deadlines for implementation in the current year.

Objectives on the Waters act are focussed on water use in the field. The inspectorate made a list of all the permits issued and compiled the list of topics below for study:

- use of water for technological purposes;
- use of water for energy purposes;
- use of water for growing water organisms;
- use of water for irrigation of agricultural lands and other areas.

They ran a targeted campaign on artificial snow production which was successful. This was the first planned work on the Waters Act.

Work on the Nature Conservation Act has included the realisation of two inspection campaigns:

- treatment with CITES entities (includes animals and plants and checking exhibitions);
- supervision on areas with special nature conservation status (NATURA 2000 + valuable natural features of national importance).

These activities are shown in the working plan but this is not currently published for the public, but the Inspectorate intends to do this in near future.

Inspection strategies:

- Permanent education of inspectors (ongoing training based on changes in legislation);
- Working groups (used to provide input to topics and campaigns);
- Tools (list of legislation, court practice, instructions, legal opinions issued by Ministry);
- Integrity of inspectors;
- Control monitoring (not in function yet but is planned to be);
- Regulatory cycle (need to find a way to get inspectorate input taken into account).

IMPEL projects are also used as training opportunities. The inspectorate has also met bilaterally with colleagues in Croatia to share good practice.

Communication strategies

- Communication with stakeholders;
- Communication with public;
- IRSOP Web-site.

There is one person working in general affairs and personnel office who is responsible for PR consultation, so media requests go through them.

### ***Examples of Good Practice***

- Installations apply to the Agency for permits. Information on those sites that are refused is passed on to the inspectorate and they may use this to target inspections against illegal operators;

- Information from the Chamber of commerce and handcraft chamber ( for SMEs) is used to help with list of inspection activities and they are informed of new legislation;
- Training on IMPEL projects is useful as is the bilateral cooperation with Croatia.

### ***Opportunities for Development***

- The annual inspection plan should be publicly available and include information on future targeted campaigns.

## **1d. Planning and review**

### ***Overview***

The activity plan is made on a one year basis but the inspectorate is hoping to develop a multi annual plan. The Director of the inspection service is responsible for preparing the plan. Regional coordinators develop inspection schedules for inspectors including routine and non- routine sites. This takes the results from the list of installations in PLAN and plans when the inspections will occur with the aim of realising 100% of the planned activities. The head office and coordinators will give advice on progress of inspections and advise where efforts need to be refocused. The statistics can be broken down into planned inspections under each category for regions and also inspectors. There is high visibility of performance, an indicator of quality of inspections would also be useful to compliment this data.

In 2010 the inspectorate is planning 60% routine inspections and 40% non-routine inspections. Routine inspections also include inspection campaigns. Total inspections in 2010 will be circa. 7000. There is permanent monitoring of inspectorate activities and reporting, this is done by regional coordinators and the ~~main~~ head office.

There is an opportunity to recategorise sites if necessary but they try to avoid too many changes to the system.

### ***Examples of Good Practice***

- Transparency of data on inspectors work as produced in reports from PLAN can help drive performance.

### ***Opportunities for Development***

- Consider how to deploy resources to adequately manage planned and reactive workloads.

## 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.

### Overview

#### Education and training for inspectors

Inspectors in Slovenia need a university degree and 5 years work experience. There is a probationary period of 6 – 12 months (working together with a senior inspector) and they must take and pass 3 state exams for inspectors (about administrative work, inspection procedure and offence procedure) to complete the probationary period. There is also permanent training and education throughout their career. The training plan is developed by the General affairs and personnel service with input from the inspection services. They are trained on general topics and specific work areas. Most training is on technical areas but also includes “soft skills” such as communications/ influencing etc. Inspectors may also participate in IMPEL projects and the national training programme. Ministry carries out training on legislation. All human resources data is captured online.

Inspectors may be involved in a number of work areas:

- Working groups (monitor legislation, participation in regulatory cycle, proposals for the preparation of work plan, help/cooperation with other inspectors);
- Handbooks/Internal instructions about special activities;
- Inspection campaigns (preparing draft of: topics, instructions, analysis and report).

There is a small PR service (1 person) and legal staff (11 people for the whole inspectorate based in Ljubljana, 1 lawyer now specifically for the Environment and Nature Inspection Service) supporting the inspectors. There are also the assistant posts who can assist the inspectors in providing technical information. As they are not responsible for accidents and don't take samples they don't need much equipment. Inspectors use a car with GPS, computers (linked to databases when in the office) and mobile phones. A duty roster sets the time when all inspectors must be in the office for responding to issues, this is two days a week for two hours.

Daily inspection activities are reported in the applications, SPIS4 and EIS. There is also a monthly report to the director of inspection service and an annual report of IRSOP.

There is regular exchange of information:

- Regular meetings (director – coordinators) – 4 to 5 times a year;
- Regular meetings (coordinators – inspectors) – monthly;
- Occasionally meetings of members of working groups;
- Exchange of information between inspectors from different regional units;
- Annual IRSOP all staff meeting: exchange of information/education.

There is a yearly evaluation of an inspectors' work, taking into account qualifications, skills and experience. The evaluation of performance takes into account the following factors:

- Planning and organization;
- Quality and innovation;
- Knowledge and experience;
- Responsibility;
- Relationship with other employees;
- Communication and willingness to cooperate;
- Ability to work in stress situations

Career progression goes through the following levels: Inspector 3, inspector 2, inspector 1 to Inspector adviser. Progression to the top level would take around nine - twelve years. There is an appeals procedure if an inspector is unhappy with the evaluation. Heads of units do the evaluation for inspectors and assistants and the director of the inspection service does it for regional coordinators. There is a discussion at the start of the year with the inspector to set priorities for the year.

The code of ethics is prescribed for all civil servants and also mentions integrity of staff. This makes it clear what kind of behaviour is expected from civil servants.

There are some written guidelines for specific areas such as landfills but generally these procedures are not written down as the Environment Act makes clear the requirements.

### ***Examples of Good Practice***

- The minimum experience and qualifications for a new inspector are high ensuring experienced and knowledgeable staff are employed from the outset;
- Inspector powers and code of ethics are written down in statute and therefore clearly visible;
- The continuous education & development of staff is very positive;
- Continuous training and development is based on inspector and inspectorate needs. Including "soft skills" such as communications as well as technical, judicial and administrative skills.

### ***Opportunities for Development***

- Consider if it is possible to give inspectors specific tasks according to their career grade, for example different tasks for inspector level 3 and the inspector advisor;
- Consider the distribution of staff across regions. This is based on historical needs.

### 3. Execution and reporting

#### Objective

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

#### Overview

##### Inspection procedure

The Inspection procedure includes:

- Routine inspections : planned inspections, follow-up inspections, inspection campaigns (announced and non-announced);
- Non-routine inspections : complaints, assigned cases by other inspecting authorities, extraordinary incidents, institutional requests,..(non-announced).

The procedure includes preparation, site visit, measures and enforcement, as follows;

Preparation for inspection – this includes preparation for inspection by studying the Environmental Permit if granted and studying obligations determined in legislation. Inspectors may request data from operators in advance and they will study former inspection procedures.

Site visit - All inspections (routine and non-routine) are site inspections, with the exception of some follow-up controls. They require the presence of all responsible persons and documents. There can be an integrated approach or partial inspections. The inspection checks compliance with the environmental permit conditions and other legal requirements. An official record of findings is kept of proceedings. This must be written during site visit inspection control and is signed (and stamped with RU stamp) by the inspector and the operator (one copy goes to the controlled facility). This contains findings about non compliances but is not the inspection report. An inspection can be done without the operator present or without them signing the document but they still get a copy.

Inspectors have the independence to make the decision on the procedure required. This can be checked by the head office but cannot be changed. Therefore having well trained/ quality inspectors to make the right decisions in the field is essential.

Measures – This can be a warning note in the case of minor irregularities. Next is an administrative decision which has the purpose:

- To order that irregularities are remedied;
- To order implementation of measures for remedying the sources of excessive environment;
- To impose restriction of the installation's operations to the prescribed limit values;
- To order implementation of control monitoring;

- To propose the withdrawal of an environmental permit;
- To ban the operation on the installation;
- To order that illegal disposed waste are removed.

Much dumping of household waste is reported to the inspectorate but this is not their responsibility but is that of the local authority. If non household waste is dumped on land and the offender cannot be found then the landowner is responsible.

Enforcement – If the recommendations of the inspector are not operated upon then the inspector may prohibit temporarily or permanently:

- *operation of the facility or plant;*
- *performance of the activity;*
- *use of dangerous substance;*
- *implementation of technological procedure use of facility/plant;*
- *transport means or products or its release on the market.*

The inspector has the right to enter a site at any time, this is laid down in statute. Each inspector carries identification. The role of Police is outlined in the Environmental Act.

Appeals – The appeal body is the Ministry of environment and spatial planning. Extraordinary appeals will go to the supreme court.

Reporting – There is no legal obligation for a complete report (as defined in the RMCEI). According to the Access to Public Information Act, the:

- a) Annual work report – published on internet;
- b) All inspection documents are publicly available on demand;
- c) Important findings in particular inspection procedure and inspection actions are published on IRSOP website.

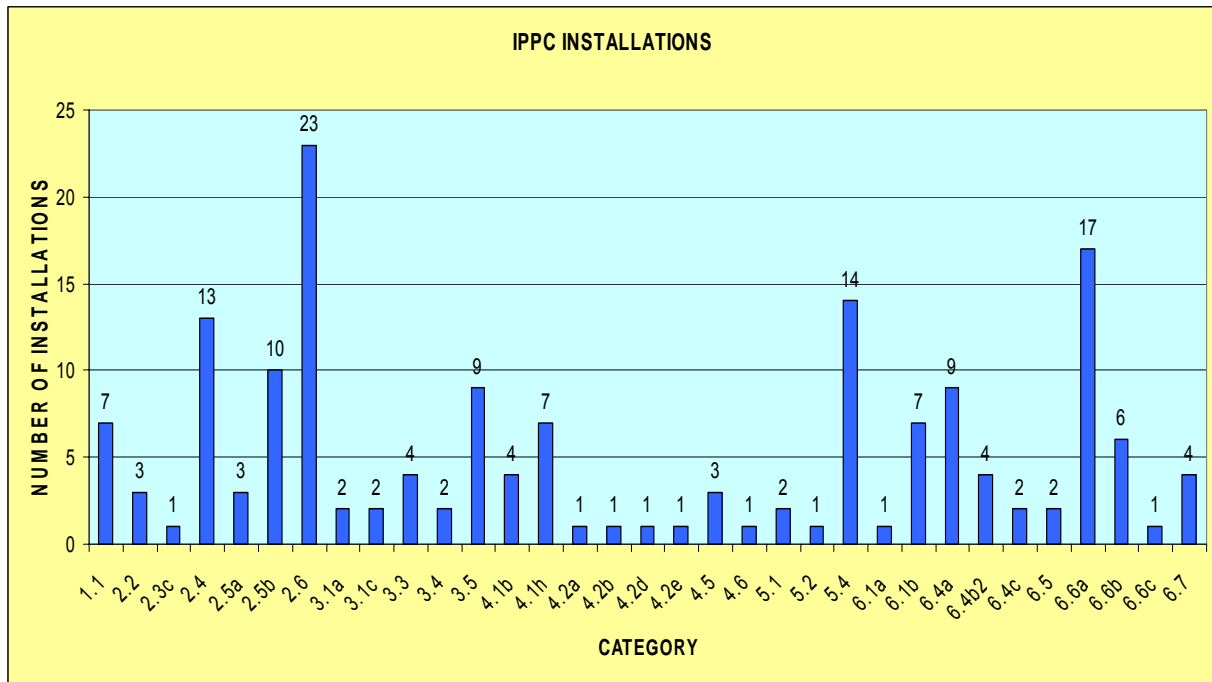
Outcomes of inspection activity are shared with other relevant inspectorates.

### Procedure for IPPC installations

Some IPPC environmental permits have still not been granted – the inspectorate are checking permit conditions/legislation requirements. The same inspection procedure is used for all installations. The sites are all Priority 1 on the annual work plan, this means there will be at least one control per year. An integrated approach is used, so all media are inspected at the same time.



## IPPC installations in Slovenia



Information is stored on a database of IPPC sites. Information on IPPC sites are available on the website.

### Offence procedure

Before 2005 there was an offence court. When the inspector detected an offence they wrote to the court asking for them to impose sanctions. After 2005 they were given the powers themselves. The relevant acts are:

- Inspection Act (Procedures of Inspection and Inspector's Duties);
- General Offences Act (Offences Procedures and competences);
- Criminal Act (Criminal Law Procedures and competences);
- Environmental Act and Decrees (Offence Responsibilities and fines).

Fines for general offences are described in different acts and decrees, for example the waste management decree. Criminal offences are also set out in the Criminal Act.

The inspector must both encourage compliance and start an offence procedure if necessary. They don't have to wait for compliance to be checked before issuing a fine. If a non compliance is found they can issue an administrative procedure to rectify the problem before issuing a fine.

The steps in the offence procedure are:

- Warning;
- Reminder;
- Order to pay;
- Written decision;
- Proposal to Court of Justice;
- Confiscation.

In some cases (for example, when offender underage) the inspector needs to apply to the Court of Justice for an offence procedure. In cases of criminal action, the inspector liaises with the police.

Fines - The fines are described in the environment acts and are as follows:

- Companies
  - Max 125.000 EUR
- Responsible Operator
  - Max 4.100 EUR
  - Environmental Damage . . . X3
- Citizens
  - Max 1.200 EUR

Generally the inspector applies the lowest level of fine available. In some cases, for example if there are repeated offences, then a higher level of fine could be applied.

When an operator knows the inspectorate can issue a fine as well as ask for compliance, it encourages them to comply. Fines go into the general budget so the inspectorate does not get the money. Last year the inspectorate imposed €2 million of fines. The average fine is €5000. As the procedures are relatively new there was a need for a lot of training and there is a high administrative burden. Information on fines are highlighted in the report for the whole inspectorate. Only the inspectorate can impose fines under the Environmental Act.

### Seveso installations

SEVESO Installations in Slovenia:

- 30 upper-tier installations and
- 25 lower-tier installations.

Issued Permits (until middle of March 2010):

- 3 Permits for upper-tier installations and
- 2 Permits for lower-tier installations.

The legal base is the Environmental Protection Act and the Decree on the Prevention of Major Accidents and Mitigation of the Consequences.

There are 5 specialised Seveso Inspectors in Slovenia but they also inspect other types of sites. Generally the Seveso inspections are separate to other types of inspection. The five inspectors are responsible for more than one region.

A report is produced about every Inspection. An annual report is made by the Head of the Seveso Inspectors' Working Group and sent to the Chief Inspector. A questionnaire is prepared by the Head of the Seveso Inspectors' Working Group, separately for upper-tier and lower-tier installations.

Seveso inspections are as a rule, routine inspections. Non-routine Inspections are carried out in case of accident/incident. In the case of accident the Administration for Civil Protection and Disaster Relief is the competent authority and if there is water involved it is mandatory to inform the National Public Utility Service to prevent sudden water pollution. There is

some cooperation between the inspectorate and these organisations but there is no protocol for this.

Inspectors impose sanctions. The fines available are between 10.000 and 20.000 € for the company and between 1.000 and 1.500 € for the responsible person of the company.

If there is an accident the operator must call 112. In other cases they need to notify the inspector. Seveso inspections started in 2004. Only a few permits have been issued but supervision is carried out according to the law/decreed. If an operator stops an activity they have to inform ARSO three months before they stop.

If an inspector visits a site for multiple days they have to write down the findings at the end of each day. There are currently no joint inspections for these sites.

### Complaints

Each complaint may be submitted in writing, by phone, in person or by e-mail to the regional unit of the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP) that covers the territory of the complaint. The complaint must be furnished with as much data as possible. The complaint should indicate the location – identification of the facility/construction or disputed works, if possible their investor (contractor), description of works and other data in connection with the circumstances of the subject of the complaint. In compliance with the provision of paragraph 2 of Article 16 of the Inspection Act, inspectors are obliged to protect the confidentiality of the sources of a complaint and sources of other information on the basis of which an inspection is carried out. A complaint may also be submitted through the e-Government website portal (via the pre-prepared form for the submission of a complaint).

It is hard to predict numbers of complaints but they are increasing each year. Based on past experiences they account for around 40-60% of inspection work.

Complaints come from individuals, companies, different institutions, local communities, non-governmental organisations, the Human rights Ombudsman, Ministers and the National Assembly. Many complaints relate to waste management but also air, water and noise. All complaints are registered. Inspection act and decree on administrative operations provide the basis for dealing with complaints. There is no obligation to deal with anonymous or non-serious offences. Submitting a false complaint is considered an offence.

The complaint procedure is:

- Find out competence;
- Determination criteria and priority for procedure;
- Acquiring information about supposed lawbreakers from existing inspection data and from data of the Environmental agency;
- Non-announced inspection procedure;
- Measures, if needed or case closed;
- Response to complainant.

In cases posing a threat to human health the response time must be 1-7 days. The expected time for an inspector to respond to the complainant is between 15 and 30 days. Each

inspector provides the answer themselves, sometimes the person responsible for PR may prepare the final answer.

Most complaints come into the office of the regional inspectorate and then they are distributed to inspectors to deal with.

### ***Examples of Good Practice***

- Inspection findings are publicly available and important findings are put on the website;
- Inspectors are legally obliged to inform other inspectorates and authorities when issues within their competencies are identified;
- Fine levels are described in the Acts and decrees, operators are aware what the penalties will be;
- Fines are always imposed on the company and responsible person;
- There are both criminal sanctions and administrative fine systems;
- Inspectors have to pass an external exam to be able to issue fines;
- Specialised inspectors cover all Seveso sites in Slovenia, working outside their regional units;
- Specialised inspectors on Seveso also deal with inspections from other regimes. This is a good example of flexibility;
- There are a number of specialised companies helping sites with their Seveso requirements;
- Following closure of the complaint they provide feedback to the complainant;
- Clear hierarchy in the range of enforcement tools, allowing the appropriate level of enforcement to be applied to the non-conformance.

### ***Opportunities for Development***

- The inspectorate could consider development of written procedures for common key tasks;
- Consider the benefits of access to the internet/ intranet when on site doing inspections;
- Develop a more coordinated approach with municipal inspectors, for instance when trying to reduce illegal dumping;

- Consider the development of an inspection report as recommended in the RMCEI. If the necessity to leave a copy of the findings after each inspection was removed this would facilitate this;
- There is a need for a national register for environmental accidents and incidents and the inspectorate should have access to this. This would provide intelligence to stop future accidents and provide analysis to allow focussed inspections. Consider the development of a centralised system to handle complaints, collecting data on type of complaint and effects of pollution. Develop a checklist for those responding to these complaints to capture the correct information;
- Develop a formal procedure for instances where higher levels of fines need to be issued;
- Consider the use of the full range of enforcement tools (for example criminal sanctions);
- Consider the development of combined strategic meetings between the various groups involved in Seveso and combined inspections with authorities for chemical safety and labour protection when performing Seveso inspections;
- Improve exchange of information between the Agency and the inspectorate by making exchange proactive rather than reactive.

#### 4. Performance monitoring

##### Objective

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

##### Overview

The numbers of inspections are reported and broken down to regional units. Performance is compared to what was planned.

Weekly reports are sent to the chief inspector for the purpose of representing activities on inspections to the minister. Monthly reports about activities of regional units are sent to the Director of inspection. The public are also notified about activities through the website, press releases and press conferences. The inspectorate also produce an annual report which is publicly available.

The statistics are not collected to check up on inspectors but to find out what has been done. Monthly reports show more detailed information about the quality of inspections. There is currently no assessment of time required for different types of activities.

Statistical indicators are used by the inspectorate, these include number of inspections by inspector, regional unit and number of imposed sanctions. The inspectorate is hoping to do further work on developing indicators that give an idea of the quality of inspections.

Inspectors meet informally to exchange ideas on difficult installations.

***Examples of Good Practice***

- The use of weekly and monthly reports makes performance visible;
- Regular meetings of coordinators to discuss performance.

***Opportunities for Development***

- Numbers of inspections as an indicator are only useful if the type or length of an inspection can be provided alongside them;
- The use of qualitative indicators would help provide information on quality of work;
- Calculate the amount of time spent on inspectorate activities to help with planning the work of the inspectorate;
- Consider the development of an internal auditing programme to help develop consistency of approach.

## 4. Conclusions

The Inspectorates willingness to improve and learn from others is a major benefit to the organisation and a credit to Slovenia. The Inspectorate demonstrated their maturity and threw the challenge down to other EU countries by being the first of the newer EU member states to volunteer for an IRI.

The discussion was very open and highlighted the advances made in recent years by the inspectorate despite having limited funds. The Inspectorate is making use of current best practice in many areas and it is hoped that this is to be continued and further developed through the work of collaborative projects such as those run through IMPEL and joint working with other Inspectorates and neighbouring countries.

The management of the Inspectorate should be congratulated on their obvious hard work and commitment that they have put into the development of the Inspectorate.

The team concluded that the objectives of the area of EC environmental law within the scope of the review of IRSOP are being delivered in Slovenia.

The team thought that arrangements for environmental inspection and enforcement are broadly in line with the MCEI Recommendation.

The report suggests a number of areas of good practice that could be embraced by other organisations and suggests some areas for possible development in the future.

## 5. Lessons learned from the Review Process

- Section A of the questionnaire was very well prepared and circulated in advance of the review which helped familiarise the participants with the work of the inspectorate and reduced the time needed to set the scene for the review. This should be considered the norm for future IRIs as it reduced the impact on the rapporteur and shortened the review considerably.
- A restaurant close to the inspectorate was chosen for lunch so only one hour was needed. This allowed the review team to conclude the work of the day in good time.
- Points of good practice and development opportunities were discussed between the review team at the end of each day.
- The benefit of the host participating in a previous review was underlined as the preparatory materials and presentations covered almost all the points that needed to be discussed.
- There was a discussion of the points of good practice and development opportunities with all participants in the morning so ensure nothing was missed.
- All the presentations were given in advance to the rapporteur which helped with getting the correct information in the report.



## 6. Appendices

### Appendix 1. Terms of Reference for the Slovenia IRI

#### TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
	IMPEL Review Initiative (IRI) on the Inspectorate of the Republic of Slovenia for the Environment and Spatial planning (IRSOP)

#### 1. Scope

<p><b>1.1. Background</b></p>	<p>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:</p> <p><i>“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.”</i></p> <p>In March 2001 the IRI Working Group finalised a proposal for the voluntary scheme and sought candidate Inspectorates to undertake the review process. The “IRI Review Guidance and Questionnaire” was approved at the IMPEL Meeting at Falun, Sweden in June 2001.</p> <p>Since then IRI's have been executed in Denmark, Germany, Ireland, Belgium, France, The Netherlands, Spain, Sweden, Scotland and Norway.</p> <p>The potential benefits of this scheme include:</p> <ul style="list-style-type: none"> <li>• providing advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member Countries for the purpose of benchmarking and continuous improvement of their organisation</li> <li>• encouraging capacity building in environmental authorities in IMPEL Member Countries</li> <li>• encouraging the exchange of experience and collaboration between these authorities on common issues and problems</li> <li>• 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”)</li> </ul> <p>Based on the experience of these IRI's, two evaluations of the IRI scheme were carried out. The first was the Bristol report carried out in 2004 and the second took place in Zwolle, Netherlands May 2008. This evaluation led to the conclusion that IRI can be a very valuable instrument but needed to be updated and organised to appeal to a wider audience. It was also suggested that the IRI Scheme should provide for possibilities for tailor made reviews to suit the specific needs of the host with regard to the scope of the review (focus on specific topics) and translation arrangements</p> <p>The project »Developing a new IRI scheme« took place in 2009 to take forward the recommendations from the review in Zwolle. The main objective of the project (which final report will be presented in the Cluster 1 meeting in September 2009 with final approval in the General Assembly in Sweden in December 2009) is to learn from experiences of the participating MS until now and to improve the IRI and to find ways to encourage greater participation. Through this project a new questionnaire was developed as well as advice on organisational issues and promotion of the scheme. The IRI in Portugal in October 2009 will act as a test of the new scheme.</p> <p>The IRI in Slovenia will be done under new scheme and using the new questionnaire.. Also the outcomes from the IRI in Portugal will be included in the new project. The key element of the project is to improve organisational scheme for providing inspection of IPPC and other installations covered by RMCEI including with the new model of planning inspections, taking into account the IMPEL Guidance book on inspection planning »Doing the right things«.</p>
<p><b>1.2. Link to MAWP and IMPEL's role and scope</b></p>	<p>ART. 3.3.2. of MAWP 2007-2010, among the key priorities and legislative areas of IMPEL activities mentions that:</p> <p>»IMPEL's key priorities for the period 2007-2010 are to continue the work on the tasks given to IMPEL by the Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) and to fulfil its mandate under the 6th Environment Action Programme (6th EAP).«</p>
<p><b>1.3. Objective (s)</b></p>	<p>To undertake an IRI review of IRSOP in Slovenia as described under point 1.2.</p> <p>The benefits of the project are:</p> <ul style="list-style-type: none"> <li>- the inspectorate will benefit from an expert review of its systems and procedures with particular focus on conformity with the RMCEI,</li> <li>- the participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures</li> <li>- other Member States will benefit through the dissemination of the findings of the review through the IMPEL network.</li> </ul> <p>The inspectorate will in particular benefit from an expert review of the risk based planning of the IPPC installations which is currently developed taking into account the criteria in the RMCEI and the IMPEL Guidance book on inspection planning »Doing the right things«.</p>

<b>1.4. Definition</b>	<p>The IRI would focus on The RMCEI IPPC and Seveso processes and where relevant other industrial process falling under the RMCEI.</p> <p>This particular IRI would include the following aspects:</p> <ul style="list-style-type: none"> <li>- the legal and constitutional setting of the inspectorate, including interfaces with other bodies such as Environmental Agency of The Republic of Slovenia, police, custom and other services,</li> <li>- structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions,</li> <li>- workload, in terms of numbers of IPPC processes and Annex 1 category,</li> <li>- qualifications, skills and experience of inspection staff,</li> <li>- procedures for the execution and reporting of routine and non-routine inspections,</li> <li>- procedures for assessment of training needs and provisions for training and maintaining current awareness,</li> <li>- procedures, criteria and guidance for the development and revision of inspection plans and inspection schedules,</li> <li>- setting the priorities for IPPC installations: the evaluation aspects, the risk assessment and classifications of risk,</li> <li>- performance monitoring: evaluation of the output and where feasible environmental outcome of inspection activities. The arrangements for internal assessment of the quality of inspection performance and for improvement if appropriate,</li> <li>- arrangements for reporting on inspectorate activities.</li> </ul> <p>It is also envisaged that assessment of implementation of above systems be conducted during the review. This will facilitate the identification of both »good practice« and »opportunities for development« by the review team. The assessment may involve examination of documentation related to the inspection of a number of IPPC permitted facilities.</p> <p>Through IRI Review Project new questionnaire will be developed which will be used in this project.</p>
<b>1.5. Product(s)</b>	<p>In addition to the benefits listed in Section 1.1, tangible products will include:</p> <ul style="list-style-type: none"> <li>- A written report of the review for Slovenian inspectorate,</li> <li>- Relevant extracts from the review report, as agreed with the Slovenian inspectorate, for dissemination to IMPEL members and the EC,</li> <li>- Training and Educational material on "lessons learnt" and on examples of good practice for incorporation into training schemes of Member State inspectorates.</li> </ul>

## 2. Structure of the project

<b>2.1. Participants</b>	<p>The review team will consist of a review teamleader, rapporteur and 5 other experts from different Member States. The nomination of the team members will be decided upon in agreement with the Slovenian Inspectorate. The review team will work closely together with the project manager and assistant project manager of the Slovenian Inspectorate, Tatjana Bernik and Bojan Počkar.</p>
<b>2.2. Project team</b>	<p>See 2.1.</p>
<b>2.3. Manager Executor</b>	<p>Tatjana Bernik (project manager) and Bojan Počkar (assistant project manager)</p> <p>It is proposed that the review takes place in Ljubljana in spring (jun) 2010 and that the final report will be submitted for approval to the autumn 2010 IMPEL General Assembly meeting. A pre-meeting is planned to take place in Ljubljana in the spring (march) 2010.</p>
<b>2.4. Reporting arrangements</b>	<p>The results of the Review will be reported by the Teamleader and a report will be submitted to the General IMPEL Assembly for approval.</p>
<b>2.5 Dissemination of results/main target groups</b>	<p><b>Target audience:</b></p> <ul style="list-style-type: none"> <li>- IMPEL members</li> <li>- Inspectorate of the Republic of Slovenia of the environmental and spatial planning (IRSOP)</li> </ul> <p><b>Dissemination of the result of the project:</b></p> <p>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.</p> <p>Slovenia: The report will be available at IRSOP website</p>

### 3. Resources required

<b>3.1 Project costs</b>	<p>The project will involve the steps:</p> <ul style="list-style-type: none"> <li>- Pre-meeting of the Review Team Leader with the Candidate Inspectorate to finalise the Scope and Timing of the Review,</li> <li>- Preparation of information on the Inspectorate of the Republic of Slovenia for the Environmental and Spatial planning (IRSOP) and its activities by the Slovene contact persons (after a previous contact with the Review Team Leader in order to establish the relevant and needed information) and circulation to Review Team members.</li> <li>- Review over a period of 3 days comprising             <ul style="list-style-type: none"> <li>- 1.5 days for review and assessment</li> <li>- 0.5 days for comparison and collation of team views</li> <li>- 1 day for feedback, discussion and finalisation of report.</li> </ul> </li> </ul> <p>It is proposed that meetings and report are conducted in English no interpretation is required.</p> <p>The costs will be limited to:</p> <p><b>Preparatory meeting:</b></p> <ul style="list-style-type: none"> <li>covered by IMPEL: - travel for teamleader and rapporteur             <ul style="list-style-type: none"> <li>- accommodation for teamleader and rapporteur (2 evenings)</li> <li>- total costs 1600 €</li> </ul> </li> <li>covered by Slovenia: - daily transport from hotel to meeting place             <ul style="list-style-type: none"> <li>- lunch for participants</li> <li>- dinner for participants</li> <li>- total costs 500 €</li> </ul> </li> </ul> <p><b>Project:</b></p> <ul style="list-style-type: none"> <li>covered by IMPEL: - travel for 7 participants             <ul style="list-style-type: none"> <li>- accommodation for 7 participants (3 evenings)</li> <li>- meeting facilities for the project</li> <li>- lunch for the participants (3 days)</li> <li>- total costs 9800 €</li> </ul> </li> <li>Covered by Slovenia: - daily transport from hotel to meeting place             <ul style="list-style-type: none"> <li>- dinner for participants (3 evenings)</li> <li>- total costs 1100 €</li> </ul> </li> </ul> <p>We estimate that the total costs for the IRI review would be 13000 €. Personnel costs from the candidate inspectorate are not included in this assessment.</p>
<b>3.2. Fin. from IMPEL budget</b>	11400 €
<b>3.3. Fin. from MS (and any other)</b>	Costs of time plus a contribution towards the costs of subsistence of Participant in the review team.
<b>3.4. Human from MS</b>	None required.

### 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.
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### 5. Legal base

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

## 6. Project planning

<b>6.1. Approval</b>	By IMPEL Extra General Assembly, October 2009.
<b>(6.2.Fin. Contributions)</b>	
<b>6.3. Start</b>	Work on composing the Review team can commence after approval. The review itself is planned for jun 2010 with a pre-review meeting to be held in march 2010.