



## **IMPEL NETWORK**

European Union Network for the Implementation  
and Enforcement of Environmental Law

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

**(“A voluntary scheme for reporting and offering advice  
on inspectorates and inspections procedures”)**

#### **Phase 3: Testing of the Review Scheme**

**6<sup>th</sup> Review: Autonomous Community of Galicia, Spain, 3-7 March  
2003**

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## 1. EXECUTIVE SUMMARY

This report describes the results of the sixth review of Phase 3 of the IMPEL Review Initiative (IRI) Project. The project is designed to develop and test “a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures” in EU Member States. The scheme was proposed against a background of preparation of a European Parliament and Council Recommendation for providing Minimum Criteria for Environmental Inspections (MCEI) in the Member States, and in expectation of the need for arrangements to review its implementation. Terms of reference for the project was agreed at the Porto Plenary of IMPEL in May 2000. A Questionnaire and associated Guidance, for aiding consistency of such reviews, were developed in Phase 2 of the project and adopted at the Falun Plenary of IMPEL in June 2001.

This review was carried out in March 2003 by the kind co-operation of the Ministry of the Environment of the Autonomous Community of Galicia, Spain. A pre-review meeting was held in the offices of the Galician Ministry of the Environment on 10 and 11 February. The nature of the review was discussed and practical arrangements were agreed. This meeting reinforced the experience of the first two reviews in confirming the value and necessity for such a pre-review meeting.

The report includes a brief description of the Autonomous Community of Galicia, its environmental law and the constitutional arrangements for implementing it. The Review Team noted that the legislative framework allows the inspection service to apply integrated inspection to a wide range of installations and that regulation of IPPC Annex 1 installations, specifically, will be a third part of the Inspection Services’ responsibilities.

The Review Team concluded that provisions for implementation of the MCEI relating to existing regulatory arrangements were covered, except perhaps for some aspects relating to the provision of information to operators. Together with the need for closer co-operation between the Inspection Service, Permitting Service and Legal Service within the Galician Ministry of Environment if IPPC is to be implemented effectively. The Review Team noted that internal procedures and working arrangements are in the process of being reviewed in preparation for the implementation of IPPC within Galicia.

The findings of this review were broadly reinforced by separate discussions with a major site operator.

These findings are set out in terms of examples of good practice for other Member State Inspecting Authorities and in terms of opportunities for development by the host Inspecting Authority.

Further lessons for the review process were also noted and are recorded in the report.

## 2. INTRODUCTION

The Porto Plenary meeting of IMPEL, in May 2000, agreed Terms of Reference for a 2-year project designed to test “a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures” (the “scheme”) that was first proposed at the previous Plenary in Helsinki, in November 1999. These Terms of Reference are attached at Appendix 1. They refer to a “Recommendation of the European Parliament and of the Council for Minimum Criteria for Environmental Inspections in the Member States” (MCEI). A copy of this is attached at Appendix 2.

The potential benefits foreseen from such a scheme were

- Encouragement of capacity–building in EU Member State inspectorates
- Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation
- Provision of advice to inspectorates (“candidate inspectorates”) who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation
- Spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency on application of environmental law across the EU (“the level playing-field”)

The features considered necessary to deliver these benefits were seen as being:

- Well-defined scope of application
- Practical and easily understood arrangements for scheduling, organising, funding, conducting and reporting on any review of a candidate inspectorate, and with minimal bureaucracy
- Absence of any threat of self-incrimination or infraction proceedings arising specifically from application of the scheme
- Control, by the candidate inspectorate, of dissemination of information arising from any review
- Participation, by the candidate inspectorate, in selection of personnel to carry out any review
- Effective follow-up arrangements for support of any candidate inspectorate seeking further advice or assistance on issues identified during review

- Effective arrangements for dissemination across Member States of training or educational material on lessons learnt and good practice identified during any review

The agreed Terms of Reference proposed that the Regulatory Scope of this scheme be limited initially to arrangements for implementation of the IPPC Directive. To reflect the interests and activities of IMPEL they also proposed that, by agreement with the candidate inspectorate, the Organisational Scope of the scheme should include any or all of the following:

- The legal and constitutional bases of the inspectorate, including interfaces with other bodies such as Planning Authorities, and its related powers and duties (that is, “political independence / dependence”)
- Structure and managerial organisation, including funding arrangements, staffing and lines of authority and responsibility for regulatory and policy functions
- Workload and associated resources
- Qualifications, skills and experience of regulatory staff
- Procedures for assessment of training needs and provisions for training and maintaining current awareness
- Procedures, criteria and guidance for drafting of permits, for planning inspections, for subsequent assessment of compliance (“inspection”) and for enforcement action in cases of non-compliance
- Arrangements for internal assessment of the quality of regulatory performance and for improvement if appropriate
- Arrangements for reporting on inspectorate activities

This scope addresses all aspects of inspectorate organisation, management and operation as implied by the agreed terms of reference for the project. These refer to “inspection and inspection procedures.” The first, third, sixth and last items of the above list address, specifically, the issues covered by the European Parliament and Council Recommendation on Minimum Criteria for Environmental Inspections.

The Terms of Reference proposed a three-phase development of the project, the second phase of which involved drafting of a questionnaire as a basis for reviews. First drafts of the questionnaire and associated guidance were discussed and revised at a seminar in London in October 2000. These were assessed again and tested for practicality, in a limited trial of the review process, in Nykøbing, Denmark on 22/24 February 2001. The report of that assessment and test proposed another version of the questionnaire and associated guidance, revised on the basis of experience of that trial.

The report, (“IMPEL Review Initiative (IRI) Phase 2: Assessment and Test of Questionnaire and Guidance), was adopted during the IMPEL Meeting of 18-20 June 2001 in Falun, Sweden, and the Questionnaire and Guidance are shown at Appendix 3.

The third phase of the project is designed to test the review scheme by way of six reviews, over a period of two years, using the Questionnaire and Guidance developed in Phase 2. This report describes the result of the sixth of these reviews. It was undertaken by the kind co-operation of the Autonomous Community of Galicia at their offices in Santiago de Compostela, Spain. The terms of reference for the review are attached at Appendix 4.

### 3. PRE-REVIEW MEETING

In arrangements for trial reviews, agreed at an IRI project meeting in March 2001, it was recognised that appropriate preparation for IRI is of vital importance and that preparation should include the following elements to ensure its smooth running and greater efficiency:

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

The Reports of IRI Phase 2 and of the first five IRI trial reviews, in Mannheim, Germany, in Wexford, Ireland, in Brussels, Belgium, in Douai, France and in Zwolle, the Netherlands had each confirmed the importance of such preparation. They had also emphasised the need for advance information in order to allow the review to concentrate on areas of special interest and the importance of clarifying issues or questions in the Questionnaire that may not be clear, or even relevant, to the candidate inspecting authority.

Martin Murray, IRI Project Manager and team leader for the Review of the Galician Ministry of the Environment (Autonomous Community of Galicia), Spain, arranged a pre-meeting for this sixth trial review by way of Mrs Chiqui Barrecheguren, Head of the Environmental Inspection Service in Galicia. The meeting took place in the Santiago de Compostela office of the Environmental Inspection Service on 10 and 11 February 2003. In addition to Martin Murray and Chiqui Barrecheguren, the participants were Álvaro Pérez López, Fernando Sánchez, Julio Clerins, Juan Luis Casas, Nacho Conde and Alejandra Domínguez together with Terry Shears, UK IMPEL Coordinator.

Martin Murray summarised the objectives of the IRI Project, with particular reference to Recommendation III (4) of the MCEI Recommendations:

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

He emphasised the importance of this voluntary scheme as an effective alternative to some more formal requirement. He explained that the candidate inspectorate owned the IRI Review report and that publication of it, or parts of it, was at the discretion of the candidate inspectorate. He also reviewed the lessons of the first five IRI reviews.

The Autonomous Community of Galicia requested that the review cover the full scope set out in the original project terms of reference. The final composition of the Review Team would be decided shortly. Practical arrangements for the review were also discussed and agreed. These included arrangements for a site-visit to an appropriate installation in order to see, at first hand, how the Community’s inspectors conduct their business. This was partly in response to a lesson from the first review, in Mannheim, which indicated that “There needs to be time during the review to get a closer feeling for the actual work of the inspectors and their products. (But it should not be confused with the objectives of the IMPEL PEEP project.)” It also recognised the success of such a site visit during the second, third, fourth and fifth reviews in Wexford, Brussels, Douai and Zwolle respectively.

The main business of the meeting was to review the Questionnaire and Guidance in order to clarify the nature of the responses expected and the information that would be useful for the Review Team to have in advance of the actual review. The team leader pointed out that the Questionnaire was a guide to discussion and that the real value of the review lay in having free discussion and exchange of ideas around the ten areas identified in the Questionnaire. One of the lessons of both the Phase 2 test in Denmark and of the first five reviews was that freedom for such discussion was of benefit to the Candidate Inspectorate, to review team members and to the inspecting authorities they represented.

Subsequent experience has confirmed that time is saved in the process of review by the opportunity to set a relaxed tone by way of the pre-review meeting, and to



demonstrate that there is no need for detailed preparation of answers to individual questions in the Questionnaire prior to the IRI Review.

The pre-review meeting was also a useful opportunity to discuss the potential problem of language becoming a barrier to full participation in discussion. English would not be the first language of most team members nor of staff in the Autonomous Community of Galicia, so the English language used in the discussion therefore needs to be straightforward and not too fast. Also, where necessary, discussion and clarification of particular points could be carried out in Spanish, with other review team members translating the main points and conclusions for the record of the review.

The meeting concluded by agreeing the following schedule for work was proposed:

Monday	Questions 1 and 2.
Tuesday	Questions 5, 6 and 8.
Wednesday	Questions 3, 4 and 7.
Thursday	Questions 9 and 10 and site visit.
Friday	Finalising draft report.

In conclusion, the experience of this pre-review meeting confirmed, again, the requirement foreseen in the arrangements for trial reviews and the meeting was judged to have met all its objectives.

#### **4. REVIEW AND MAIN FINDINGS**

This review was conducted in the Santiago de Compostela offices of the Environmental Inspection Service of the Galician Ministry of Environment using the revised Questionnaire and Guidance shown in Annex 3. The list of participants is at Annex 5.

This report follows the structure of the revised Questionnaire, by sections, and summarises the main points of discussion in terms of:

- Information about the Inspectorate
- Examples of good practice
- Opportunities for development

Lessons for the review process are also identified and noted.

##### **4.1. Constitutional Basis for Inspecting Authority**

The Spanish constitution dates from 31 October 1978. One of its tasks was to devolve power to the regions, which were given their own governments, regional assemblies and supreme legal authorities. The Central Government of Spain in Madrid retains exclusive responsibility for foreign affairs, external trade, defence, justice, law (criminal, commercial and labour), merchant shipping and civil aviation.

The national parliament has two chambers, the lower of which is the Congress of Deputies and the upper the Senate. The Congress consists of 350 members representing Spain's 50 provinces and the North African enclaves of Ceuta and Melilla. Each province is an electoral constituency with the number of deputies depending on its population. Members of Congress are elected by a system of proportional representation for four years. There are 254 members of the Senate who are directly elected by a first-past-the-post system. Each province provides four members plus additional members in the Balearic and Canary Islands, where extra members represent the various islands, making a total of 208 members. The 17 Autonomous Communities and two autonomous cities of Ceuta and Melilla also elect one senator each and an additional member for each one million inhabitants, totalling a further 406 members. The Senate has the power to amend or veto legislation initiated by Congress.

The Constitutional Court is responsible for ensuring that laws passed by parliament comply with the constitution and international agreements to which Spain is party. The Judiciary is independent of the government, with the highest legal body being the "General Council of Judicial Power" which has 20 independent members and is headed by the president of the Supreme Court.

Spain has 17 Autonomous Communities, of which Galicia is one, each with its own parliament, president, government, administration and Supreme Court (plus its own flag, hymn and capital city). Article 148 of the Constitution sets out the competencies of the autonomous communities. The people of Galicia, Catalonia and the Basque country have their own separate languages and have the right to use them.

Each autonomous community is divided into a number of provinces. Galicia has four: A Coruña, Lugo, Ourense and Pontevedra. Each province has its own administration that is responsible for a range of services. There is a delegate appointed by the Central Government for every Autonomous Community.

There is contact with neighbouring autonomous communities but such contact mostly takes place via the central government. Central government organises conferences for the Autonomous Communities on a regular basis, though their inspectorates met for the first time in July 2002. The meeting was useful and further meetings of this kind are planned. There is also regular direct contact between Galicia and the Northern Region of Portugal as a result of a Protocol established in 1991. A further treaty was drawn up in 2002 which is about to be ratified by the Spanish and Portuguese Parliaments. Galicia has also contact with Portugal through the Committee of the Regions and other organisations including Arco Atlántico.

Central government has no environmental inspectors of its own and relies on the Autonomous Community to carry out inspections on its behalf in its areas of competency. Reports on these inspections are sent to central government but there is little feedback about any subsequent action that might be taken. Specific feedback would be useful, not least in helping to allocate resources.

The Autonomous Community receives funding from various sources including taxation, fees, public charges (for example, for discharges to water), central

government and Objective 1 funding. There is a specific tax in Galicia for emissions of SO<sub>x</sub> and NO<sub>x</sub> by large installations, in effect a scheme for emissions' trading. For this purpose in the Galician Ministry of Finances there is a register of installations whose emissions are more than 100t (NO<sub>x</sub>+SO<sub>x</sub>)

All towns and villages form municipalities that are run by a council consisting of a number of councillors, each of whom are responsible for a different area of local services and headed by the Mayor.

### **Examples of Good Practice**

- The Spanish Constitution makes a clear designation of the responsibilities and competencies of the Central Government, the Autonomous Communities and the local authorities
- Formal and informal arrangements for trans-frontier co-operation
- The system of sending the Autonomous Community of Galicia's annual plan to the central Government
- The system of charging large operators in Galicia for emissions of SO<sub>x</sub> and NO<sub>x</sub>

### **Opportunities for Development**

- The scope for developing existing arrangements for direct liaison with neighbouring and also the other Autonomous Communities should be examined
- Additional feedback from central government on action taken on cases which fall within their competency would be helpful, not least in helping to ensure the most effective allocation of resources

## **4.2. Legal Basis for Inspection Authority**

Galicia is one of 17 autonomous communities within Spain. The body of Environmental Law in Galicia consists of a number of laws that go back to the period when environmental legislation was the responsibility of the Central Government, and which still apply. In addition, Galicia has developed its own environmental legislation, including the Decree that set up the Galician Ministry of Environment (Enactment 482/1997, substituted by Decree 14/2002). The constitution requires the Environment Ministry to protect the environment even where the competence lies with another Ministry. The Galician Law 1/1995 on environmental protection in Galicia requires the Environmental Inspectorate to maintain control and surveillance over all activities and installations, which are capable of having a negative impact on the environment.

The table below summarises the principal environmental Galician legislation

<b>Law 1/1995</b>	Environmental Protection in Galicia
<b>Decree 156/95</b>	Environmental Inspection
<b>Order 30.5.96</b>	Elaborating and specifying the terms of Decree 156/95
<b>Decree 482/1997</b>	Establishing the Organisational Structure of the Galician Ministry of Environment
<b>Orders 15.11.99 and 13.3.00</b>	Modifying the annex to the Order of 15.11.99 with new models of the inspection Acta (legal notice associated with inspection)
<b>Decree 14/2002</b>	Establishing the new Organisational Structure of the Galician Ministry of Environment

The IPPC Directive was transposed by the National Spanish Law 16/2002.

In Spain, a co-ordinated approach to IPPC permitting is in the process of being adopted. This system is defined by way of the national legislation on IPPC (Law 16/2002). For implementation of National Legislation the Autonomous Community of Galician currently drafts its own legislation.

IPPC Annex 1 processes are within the defined competence of the Central Spanish Legislation. The intention within Galicia is to extend the range of controlled installations to include Chipboard manufacture.

In addition to IPPC installations the 1/1995 law allows the Galician Ministry of Environment to inspect and permit those installations within its defined competence. Some installations are permitted and inspected by other competent authorities at the central level that includes those controlled by Central Government and by the Armed Forces. The installations also need a permit from the Local authorities.

BAT is to be implemented through the permitting process. For activities where an EIA agreement is not in place the operating permit cannot be issued within existing legislative constraints. The review team suggested the Inspection Service might wish to examine whether an improvement programme could be built into the permit together with a requirement for BAT to be reviewed by the operator within a prescribed timescale.

Where a regulated activity has the potential to impact on more than one autonomous community or has a transboundary impact with another Member State the activity is permitted by the Central Government. When an activity has the potential to impact on more than one province between Galicia the Inspection Service within the Galician Ministry of the Environment inspects it.

The Inspectorate of Galician Ministry of Environment inspects a wide range of permitted activities. Regulation of installations subject to the IPPC Directive represents a third of their work.

Four types of inspection are prescribed under the Decree 156/95

- Prior to Authorisation
- Post Authorisation
- Complaint Investigation
- Routine Inspection

These four types of inspection may be subject to follow up inspections if any anomalies are discovered. The inspections may be general or to verify specific requirements.

The Galician Ministry of Environment is also responsible for regulation of installations, which are owned by the Autonomous Government of Galicia.

At present and in general the majority of installations are required to hold several permissions, being the most important and common:

- Planning Permission (granted by the local authority)
- Permit for water extraction and for Liquid Effluent Disposal (granted by the Water Department of the Ministries of the Environment of the central or autonomous governments)
- Permit for the management of Waste (granted by the regional Ministry of Environment)
- Industrial Licence (granted by the regional Ministry of Industry)
- Start up and operating Licence (granted by the local authority)

Depending on the type of activity, they may require other kind of sectorial permit from Agriculture, Fishing or other Ministries.

In addition to the granting of permits the Government of Galicia also has a statutory role in providing binding guidance to the local authorities in the form of an assessment of the impact on the environment that is incorporated in the operating licence granted by the local authority. It is through this guidance that conditions on atmospheric discharges, contaminated land and other environmental controls are introduced.

For waste permitted activities the review team noted that the Galician Ministry of Environment could issue a single permit covering an activity undertaken by a single operator at more than one location.

The Galician legislation also allows the use of bank guarantees and bonds regarding to environmental improvements identified through the Environmental Impact Assessment and for hazardous and urban waste disposal activities also requires environmental liability insurance.

In regard to implementation of the Seveso II directive, competence for Seveso II does not lie with the Galician Ministry of Environment but with the Central Government Ministry that has responsibility for Civil Defence and Emergency Planning. The interface between the Galician Ministry of Environment and the Seveso II Competent authority is not clear. The review team felt that the relationship should be clarified. Consequently, joint site visits to installations covered by the Seveso II directive are not at present carried out. Nor were site visits to sites disposing of asbestos. In the absence of a formal arrangement, co-ordination on this Directive between Central Government and the Autonomous Community of Galicia largely relies on informal contacts.

Within Galicia permitting and inspection are separate. Permits may be granted at the Central, Autonomous and Local levels. The Permitting Division is the ultimate arbiter of permit conditions. Under the “Permitting” Ordinance, the Galician Ministry of Environment is responsible for deciding what is a BAT in specific cases and for setting Emission Limit Values (ELVs). The Galician Ministry of Environment sets ELVs in its permits on the basis of an assessment of BAT by the General Directorate Centre for Sustainable Development of the Galician Ministry of Environment. In setting ELVs for specific cases the Environment Ministry takes into account both ecological and economic factors. The law also specifies the terms within which a permit has to be delivered. This is 10 months from the submission of an application to the grant of a permit. This time begins only when the application file is complete. No time limits are set for the issue of minor variations to existing permits to check.

In preparing its permits, the Environment Ministry permitting directorate typically consults and receives advice from local authorities, the Urban Planning and Fire Prevention authorities and others. This follows on from consultation with the public and other interested parties through advertisement of the application at the relevant installation and direct contact with adjacent property owners. The permitting sub directorate considers consultation responses when finalising the permit. The public, the operator and inspector also has the opportunity to comment on the finalised permit prior to issue.

The review team noting existing arrangements considers that there may be scope for improving arrangements for the interface between the Autonomous Community, the provinces and the local authorities to formalise and improve on current arrangements. A Memorandum of Understanding might be a useful instrument to help bring this about.

There are three sequential levels of appeal against the permit conditions. Initially a direct appeal to the issuing authority, an appeal to the Regional Administrative Court within Galicia and finally an appeal to the national Supreme Administrative Court in Madrid.

Competence for enforcement action does not lie with the Inspectorate. The Inspectorate's role is to identify non compliance and when found to bring the non compliance to the attention of the identified permitting and enforcement authorities which can be at the regional, local or central level

The Inspection Service may wish to review it's current approach of not categorising non compliance as the Review Team's view was that action taken where non-compliance is identified should be proportionate. Other inspectorates have found it helpful to have a system of categorising breaches of permit conditions and taking action as appropriate

Two types of sanctions exist – Administrative sanctions which can result in an administrative fine and/or the closure or partial closure of the controlled installation and Prosecution through the Criminal Courts

The legislative system precludes the inspectors from issuing written warnings other than legal notices (Actas) setting out the findings of the investigation or check and requiring compliance with permit conditions.

The inspectors always write to the installations giving a warning notice about non-compliance and telling them that they could be prosecuted and /or made subject of an administrative fine.

The size of the available fine is prescribed in the central IPPC legislation. For IPPC offences the available financial penalty is between €200,000 and €2,000,000.

### **Examples of Good Practice**

- Advertisement of the application at the relevant installation and direct contact with adjacent property owners
- Use of bank guarantees for improvements required under the Environmental Impact Assessment and liability insurance for waste disposal permits
- Use of legal documents in the form of “Actas” setting out non-compliance and remedial requirements
- Ability for existing permitting regimes, to issue a single permit for the same activity at different geographical locations within the autonomous community undertaken by a single operator for waste permits

### **Opportunities for Development**

- Consider whether an improvement programme could be built into the permit together with a requirement for BAT to be reviewed

- To review existing procedures in light feedback from legal department on enforcement action arising from reports to enforcing authorities
- Improved liaison with permitting and enforcement authorities through the development of a memorandum of understanding
- Review the scope for increasing the number of tools available for enforcement by, for example, the use of enforcement powers for the inspection Service where there is a failure by an operator to comply with an Acta
- The Inspection Service may wish to clarify the interface between the Environment Ministry and the Seveso II Competent authority
- To consider categorising non compliance with permits

### **4.3. Organisational Structure and Management**

The Galician Ministry of the Environment is organised on the basis of 6 Directorates [Appendix 7]. Inspection is the responsibility of the General Directorate of Environmental Quality and Assessment headed by a Director General with two sub directorates comprising Environmental Assessment and Environmental Quality. The Sub- Directorate of Environmental Assessment is further sub divided into the Inspection Service and Assessment Service. The Inspection Service has a central inspectorate based in the Galician Ministry of Environment in Santiago de Compostela and four Provincial Inspectorates in which the responsibilities for inspection and assessment are integrated which may lead to a conflict in roles between advisor and inspector. There is in addition a central Laboratory Service (Environmental Laboratory of Galicia, LMAG) under the direct control of the Director General.

The Central Inspection Service comprising a Head of Service, Head of Section, 1 Inspector and a technical person to deal with EMAS, environmental agreements and other subjects, and one administrative staff.

The Inspection Service makes use of information technology to support its work with an Intranet based, open access database for inspections, with write access only for the appropriate inspector together with a Database of installations

The LMAG has a Head of Service and 21 other staff comprising 12 Technical Staff and 9 administrative staff. The laboratory is accredited under the National Accreditation System for both emission and ambient air measurement. (UN-EN ISO/IEC 17025 and EN 45004: 1995) Additionally the laboratory operates its own internal quality system that covers all its activities.

In addition to manual testing teams, the laboratory has a mobile capability for both emission and ambient air monitoring. It also samples and analyses waste and soils together with wastewater discharges and river water for toxicity, as well as the usual parameters of BOD, Dissolved Oxygen etc.





The laboratory also collates and analyses data from the Industrial Ambient Air networks. Abnormal readings are reported directly to the industry who take the necessary corrective action such as load reduction. In the near future it is planned to integrate the urban network into the data collection system and make the data available to the general public via the Internet.

The Laboratory Director attends the monthly Inspection Planning Meeting at which priorities are reviewed and the sampling programme can be revised as necessary.

The Assessment Service comprises a Head of Service, a Head of Section and 10 contract staff.

Advice on legal and technical issues is available from within the Galician Ministry of the Environment. Advice on BAT and Technical Guidance are available from the General Directorate of Sustainable Development and on Nature 2000, RAMSAR, Habitats etc from the General Directorate of Natural Resources. Specific advice on Legislation and Enforcement is available from the General Secretariat. Advice on Water Quality and Resources is available from the General directorate of Water Department of the Galician Ministry of Environment. This organisational approach is prescribed in Decrees contained in the Autonomous Community of Galicia legislative base.

In the Xunta de Galicia (Galician Government) there is a General Secretariat for the relations with the European Union and External Affairs which acts as a single point of contact in relation to European Union matters with the Central Government.

The inspection policy is based on objectives set centrally by the Galician Ministry of Environment and agreed by the Director General of the General Directorate of Environmental Quality and Assessment.

Following the establishment of general principles by the Galician Environment Minister and his Director Generals, the Inspection Service and the Heads of the Provincial Inspectorates meet with other head of services to discuss priority issues each year and to prepare the plan for the following year. The work programme for the following year is developed together with budget proposals and is agreed in principle before being passed for approval by the Director General. This discussion recognises politically sensitive issues as well as technical and legal issues. The finalised work programme is passed to the Galician Minister of the Environment for information.

The Head of the Inspection Service communicates the annual inspection work plan to the Heads of the Provincial Inspectorates who, together with their inspectors, have the responsibility for delivery. The Inspection Service provides an integrated one-stop service inspecting against all environmental permits held by a given operator.

The Galician Ministry of Environment Budget is structured between staff costs and administrative costs.

## Examples of Good Practice

- Use of information technology
- Responsibility for inspection lies with the Central Inspection Service when an operator has an installation in more than one Province: this helps to ensure consistency
- Integrated Inspection Service
- Close co-operation with the Laboratory Service
- The annual inspection work programme
- Collation and analysis of data from Industrial Ambient Air Networks with abnormal readings being reported directly to the industry
- Single point of contact in Galicia for matters relating to the European Union
- On line reporting of air quality around incinerators and other installations

## Opportunities for Development

- The Galician Minister of the Environment might be invited to formally approve the annual plan for inspections
- The Laboratory Service might consider recovering its costs for its service to outside companies
- The potential scope for improved co-ordination and co-operation within the Ministry including co-operation between those responsible for writing permits and those responsible for enforcing against them
- The extent to which communication between those responsible for permitting, inspection and enforcement might be improved
- The Inspection Service may wish to review the Provincial Inspectorate Structure to ensure a clear distinction between the inspection and assessment functions

### 4.4. Workload

The Galician Ministry of Environment and its Inspection Service is responsible for the full range of activities comprising “environmental inspections” defined in the MCEI.

The Inspection Service has a work plan, which sets out types of installations to be inspected in each year and assumes that each installation will be visited at least once

every two years. In setting priorities for inspections, political priorities are one of the factors taken into account. The time needed for each inspection is shown in a table classifying different types of inspections. This Document has to be approved by the General Director and it will be placed soon on the Galician Ministry of Environment web-site.

FIRST INSPECTION	PREPARE INSPECTION	VISIT	WRITE REPORT	TOTAL
VERIFICATION* GENERAL	1	1	1	3
SMALL SIZE INSTALLATION	1	1	1	3
MEDIUM SIZE INSTALLATION	1,5	2	1,5	5
LARGE SIZE INSTALLATION	2	4	2	8

FOLLOW-UP INSPECTION	PREPARE INSPECTION	VISIT	WRITE REPORT	TOTAL
VERIFICATION* GENERAL	0,5			1,5
SMALL SIZE INSTALLATION	0,5	1	0,5	2
MEDIUM SIZE INSTALLATION	1	1	1	3
LARGE SIZE INSTALLATION	1,5	2	1,5	5

Estimation of working days needed to carry out environmental inspections

- (\*) Frequently, initially programmed inspections for verification identify serious non-compliance. Then it is necessary to carry out a general inspection at the installation.

METHODOLOGY FOR THE DETERMINATION OF THE NUMBER OF INSPECTIONS TO CARRY OUT DURING THE YEAR 2003						
PROVINCE: A CORUÑA						
	dn	fs	ds	Dn + (fs ds)		
Fp = proportion of small installations to be inspected					dn = days for first inspection	
Fm = proportion of medium installations to be inspected					fs = frequency to follow-up inspection	
Fg = proportion of large installations to be inspected					ds = days for follow-up inspection	
					dn + (fs ds) = days for first + follow-up inspections	
<b>VERIFICATION INSPECTION</b>	3	0,6	1,5	dv =		3,90
<b>GENERAL INSPECTION</b>						
Small size installations	fp = 3	0,4	2	dp =		3,80
Medium size installations	fm = 5	0,4	3	dm =		6,20
Large size installations and companies	fg = 8	0,4	5	dg =		10,00
$f_v$ = verification inspections frequency						
$f_x$ = general inspections frequency						
$D_m$ = average days for inspection (follow-up included)						
$D_m = f_v \cdot d_v + f_x \cdot (dp \cdot fp + dm \cdot fm + dg \cdot fg)$						
N = inspectors number	0,0	1,0	217	NS	NI	347
D = working days in the year for inspector	0,1	0,9	202	NT	NS	320
J = N · D = working days in the year	0,2	0,8	190	NT	NS	296
NT = Total number of installations to inspect						
NT = J / dm	0,3	0,7	179			275
NS = Number of follow-up inspections	0,4	0,6	169			257
NS = (NT · $f_v$ · $f_{sv}$ ) + (NT · $f_x$ · fs (p,m,g))	0,5	0,5	160			240
NI = Total number of inspections (follow-up included)	0,6	0,4	152			225
NI = NS + NT	0,7	0,3	145			211
	0,8	0,2	138			199
	0,9	0,1	132			188
	1,0	0,0	127			178

Determination of number of inspections to be carried out in A Coruña province. The result is a variable that depends of proportion of verification inspections. Each week, a day is excluded to dedicate for training, quality, etc. (excluded 12 autonomous holidays, 2 local holidays and 9 public holidays).

Generally, for IPPC installations inspections for 2003 are anticipated to take about “eight inspector days”, but in some cases may be more or less. A list of the IPPC installations that will be subject to inspection is shown in Appendix 6.

There is a requirement in Galicia for installations to prepare a waste minimisation plan every 5 years. The Inspection Service might wish to examine the scope for extending this requirement to cover an examination of the possibility of improving general environmental performance following the introduction of IPPC. This is currently being done through environmental agreements though those are voluntary and cannot be enforced.

Inspectors have access to laptop computers and all inspection protocols are available to the inspectors via the Intranet. Inspectors are also equipped with printers enabling the Actas to be prepared and issued during the inspection. The review team suggested the Inspection Service might wish to consider the possibility of issuing palmtop computers to inspectors, in addition to laptops.

The Inspection Service supports permitting authorities in the preparation of licences permits and competent bodies in the process of enforcement. It does not have direct enforcement powers.

The Inspection Service does not recover its costs from activities it regulates but is funded through general taxation. Charges are made for permits but any funds received are collected directly by the local Exchequer.

In preparation for IPPC prospective charges for IPPC permits are being reviewed to reflect the resources the Environment Ministry will need to expend across its Directorates.

Information on inspection activities is recorded in the Annual Report of the Inspection Service.

The relevant authorities with the permitting competency are responsible for the enforcement action, but inspectors appearing as expert witnesses may support them.

Enforcement actions available to the relevant permitting authority include the issue of orders and prosecution in court. Sanctions may be implemented by means of administrative action including fines but the operator has a right of appeal to the Administrative Court. Penalties range from fines through to imprisonment, and include closure of sites or part of sites dependent upon the offence.

As part of the permit determination process the Permitting Authorities involve the Inspection Service through specific planned pre-operational permitting site visits with objectives normally agreed in writing.

Planning and prioritisation of the inspectors’ workloads, in order to optimise the use of resources, is provided by the Annual Work Plan and the Heads of the Central and Provincial Inspection Services.

Monthly meetings with participation from the Inspection Service, Laboratory Service, Water Department, Autonomous Police and Permitting Authority, as well as the service involved in BAT, are held to check progress, review priorities and if required revising the work programme.

The Inspection Service does not offer an out of hours inspection service, however the Autonomous Police and Green Police provide a 24-hour service.

### **Examples of Good Practice**

- Plan review revise approach to the Inspection Service Work Programme
- The autonomous police and the green police give twenty four-hour coverage of environmental incidents
- Preparation of a document setting out types of installations to be inspected in each year which has to be approved by the General Director and which is intended to be on the Autonomous Community's web-site

### **Opportunities for Development**

- The Inspection Service might wish to consider the possibility of issuing palmtop computers to inspectors
- Consider what means could be taken to ensure Industry takes more responsibility to guarantee that it has any necessary permits and that it is operating in compliance with them
- Consider whether it may be appropriate to extend the existing requirement for installations to prepare a waste minimisation plan to include energy, water, air and contaminated soil
- In light of IPPC the inspecting authority may care to re-examine the balance between the tasks it wants to carry out and the staff and other resources it has available
- The Inspection Service may wish to consider scope to include provision for inspecting installations outside office hours

## **4.5. Qualifications, Skills and Experience**

There are three broad categories of staff in the Galician Ministry of the Environment Inspection Service, permanent civil servants, contract civil servants and administrative staff who are also permanent civil servants. Inspectors are required by statute to be permanent Civil Servants with a minimum Qualification of a Degree in specified subjects that include Engineering, Biology, Chemistry and Veterinary.

Staff are recruited as Permanent Civil Servants, by means of an Open Competition organised by the Galician Regional Government. Staff can also be recruited as contract civil servants on temporary contracts. The Open Competition involves examinations at four levels with applicants being eliminated at each stage. If the candidates pass the examination the successful candidates are placed on a list of successful candidates and are ranked according to their relative performance in the examination process. Subsequent appointments to positions in the Civil Service are then filled from this list against reserved posts without interview.

Where staff is needed to fill posts, temporary contracts can be offered but only to individuals who are in a list drawn up by the Galician Government. There are several lists depending on your university degree.

The examinations and lists of successful applicants are tailored to the specified Civil Service Careers, for example Industrial Engineer, Chemist, Biologist, Administration etc. Although an administrative competition occurs in most years, competition for specialists does not happen as often, for example for Chemists, Engineers, etc., only two competitions have been held in the last ten years.

Once appointed as an Inspector, the line manager of the successful Civil Servant is advised accordingly and arrangements made for the inspector to join the relevant inspection unit. Rotation of staff between posts other than by the above recruitment process is not normal practice.

Each inspector is given an official document on appointment as proof of identity and of his or her status as an inspector. This document also gives a legal right of access to all installations and complies with the recommendation of MCEI.

Once appointed, the new inspector's initial training is undertaken 'on the job' when, for instance, a new recruit will accompany a qualified inspector on inspection visits. The inspector will also become acquainted with the Galician legislation and the protocols, procedures and legal duties. This period of initial training normally takes around six months with ongoing oversight from the inspectors line manager. During this period the new inspector is not included within the inspection teams' complement for resource planning including the setting of inspection targets.

There is continuing assessment of new recruits at the level of the Head of Department, who is also responsible for matching qualifications, skills and experience of inspectors to their regulatory duties.

Within Galicia the inspection teams comprise multi-disciplinary groups with a mixture of technical qualifications.

Inspection files are allocated on an individual basis but inspectors may seek assistance from colleagues with specialist knowledge as necessary. Inspectors are trained to be general inspectors able to inspect all types of permitted activities.

In order to ensure propriety and ethical conduct, the relevant Head of the relevant Regional Inspection Department and the Head of Inspection Division in Santiago de Compostela assess the inspection reports.

For permitted sites that include IPPC installations, the site-file normally remains the responsibility of a nominated individual inspectors for the allocated planned inspection and any follow up inspections.

### **Examples of good practice**

- The development of and use of a protocol for inspectors to use on inspections has developed a culture where bribery is seen as completely unacceptable
- Availability of continuing education through the School of Public Administration
- Multi-disciplinary inspection teams with a range of technical skills

### **Opportunities for development**

- Consider including an interview for potential candidates for the role of inspector, to be sure of their aptitude for this post
- Possible use of staff on short term contracts to fill temporary vacancies for administrative support
- Might be useful to develop a written framework in place to show the sort of training (including on the job training) needed for new recruits
- Consider the need to develop a policy of rotating inspectors which helps to prevent issue blindness and regulatory capture

## **4.6. Training**

The Open Competition procedure includes a specification of skills and knowledge for any position to be filled by either a permanent or a temporary member of staff. Recruitment against this specification ensures that new staff has an adequate base of technical skill and knowledge for their prescribed Civil Service career as an Engineer, Chemist or Biologist etc. There is not however an open competition or career path specific to Inspectors.

Civil Service Career progression is dependent on additional skills and qualifications being amassed by the civil servant through his or her career. As stated in Section 4.5 Inspector specific skills are gained through on the job training within the individual's Inspection Division.



Both permanent and temporary Civil Servants have equal access to a range of courses relevant to their wider Civil Service career. These fall into two types, courses outside of normal working hours are provided by the School of Public Administration for development outside of the Inspection Division while courses within working hours are provided by the School of Public Administration relevant to the Inspection Division. Individual members of staff are responsible for their own wider Civil Service Training and progression.

Technical training relevant to the maintenance and development of technical expertise of inspectors is provided through a range of seminars meetings and courses including the consideration of a range of Inspection Case Studies.

The Inspection Division also makes full use of IMPEL documentation, Exchange programmes and participation in IMPEL Projects and Working Groups to address specific issues.

The Head of the Galician Inspection Division in consultation with the Regional Inspection Division Heads set high-level training priorities and, in discussion with individual inspectors, the Head of the relevant inspection division decides the training requirements for each inspector. Development of the individual CVs is seen as important for the career progression of Civil Servants.

Some training is organised internally, in the form of regular seminars and inspector meetings, and there is access to external training and encouragement for external bodies e.g. the Police to participate. The training budget is provided through EC Objective One funding. These include seminars that include consideration of case studies and training. These together with individual discussions with line management provide opportunities for refreshing the skills of experienced inspectors.

The review team noted that the low level of resources for training courses have resulted in training being paid for by industry on at least one occasion: this practice could be construed as a form of regulatory capture. The review team supported joint training for Industry and Inspectors but would suggest that independent funding arrangements should apply.

There is at present no formal assessment of the effectiveness of training. Evidence for its success or otherwise has been judged by the daily work of inspectors.

### **Examples of good practice**

- Casework Seminars to discuss particular case studies and to draw lessons from them
- Use of projects under the IMPEL network to expose inspectors to different approaches to inspection and so to broaden their horizons
- Courses in which the police are able to participate, thus enabling them to share knowledge

## Opportunities for development

- Consider whether it should be possible for individual inspectors to develop specialist's in particular areas that could become the primary source of knowledge on different topics within the Inspection Service
- Review need for the Working Groups and examine what is done with the results of their activities; possibly identify tasks and set a finish time to prevent them becoming self-perpetuating
- Consider whether the induction training offered to new inspectors and other staff could benefit from being formalised
- Consider provision of an induction Training Programme for other staff in the General Directorate
- Consider seeking additional funding to remove the need to seek direct funding from industry for training and to ensure continuity should Objective One funding be lost

### 4.7. Procedures

In general, the prescriptive nature of Galician Laws, Decrees and Circulars, etc. is such that they already provide much of the procedural guidance and instructions necessary for consistent conduct of environmental regulatory activities. Legal Decrees are sufficiently detailed to meet the role of procedures.

The Ministry of the Environment and the Directorate of General Management of Environmental Quality and Assessment recognises the importance of applying systematic procedures in its regulatory work. The Laboratory Service is accredited for the sampling and analysis of air water analysis and a Quality Manual for sampling and analysis of Air, soil, water covers its procedures. Following the creation of the Inspection Service in 1998 a contractor was employed to produce a full range of inspection protocols in support of those activities within the competence of the inspection service. These protocols address the recommendations of the MCEI for the existing legislative regimes and cover waste, water and air.

As regards existing arrangements, the following procedural points were noted. Permits can only be revoked by the organisation that issued them. The regulations on Access to Information are applied as and when a request for information is received from a member of the public. There is no written procedure as such apart from the ordinance.

Apart from the provisions of the relevant legislation there is no procedure for dealing with accidents in IPPC installations subject to the Seveso II Directive or for compliance with Article 3 of the IPPC Directive.

The protocols are available on the Inspection Service's Intranet and the Review Team was given various examples in hard copy for examination. The Inspection Service has developed an inspection data base and provision for electronic retention of and access to inspection reports and Actas to ministry staff.

As regards determining, issuing and reviewing permits, the **Decree 2414/1961 of RAMINP** sets out the requirements for submission of an application for authorisation of a classified installation. These requirements are further developed in subsequent decrees. For Local Authority issued Permits, similarly the **Royal Decree 849/1986**, modified by **Royal Decree 606/2003** provides for the issue of Water Permits and **Decree 298/2000** provides for the issue of Waste Permits at the Regional Level by the Autonomous Government of Galicia.

In regard to IPPC the Central Government Legislation on IPPC, Law 16/2002, transposes the provisions of the IPPC Directive. The Decrees required to transpose these requirements into the Galician legal framework is in draft. The primary legislation contains a requirement that all IPPC installations will be permitted by 2007 and also contains a ten month determination period. It is proposed that competence for the provision of IPPC permits will be at the level of the Autonomous Government within the General Directorate of Environmental Quality and Assessment. In practice the Quality Service of this General Directorate runs IPPC permitting. The national legislation includes a requirement for the review of IPPC permits after a maximum of 8 years; and also when there is a substantial change in the installation or when operating conditions make a change on the ELV, emissions to soil, air or water and safety conditions, and when new sectorial legislation applicable to the installations change the emission values.

For existing permitting regimes, the revocation of a permit can be construed in the Spanish law as either suspension of plant operation or complete withdrawal of the permit. The procedures are described in legislation. The relevant competent permitting authority at either Autonomous or Local implements this level: it does not fall within the competence of the Inspection Service but lies at the level of the Galician Minister of Environment.

The scheduling and planning of inspections are carried out according to the MCEI Recommendation. As already explained, high level plans and priorities are produced by the Inspection Service and are subject to Freedom of Environmental Information provisions within Legislation.

These are then implemented by means of centrally produced monthly inspection plans using an extensive database of information on sites and installations within Galicia held by the Galician Finances Ministry.

The Central Inspection Service in Santiago de Compostela is also the Autonomous Community's Competent Authority for EMAS, for the accreditation and third party for Noise measurement and environmental quality measurements (air, water and soil contaminants).

The review team found limited arrangements are in place for co-ordination of inspection activities with other relevant inspecting authorities. For Central Government regulated activities a memorandum of understanding covers the inspection activities where required. There are not normally undertaken by the Galician Inspection Service.

The Protocols include arrangements for conducting in-depth inspections and for progressing related inspection service activities linked to enforcement action by the relevant competent authorities. These include arrangements for reporting on inspections and, in particular, an excellent pro-forma for inspection reports and Actas.

The review team noted the proposal that, before inspections of IPPC installations, that the operator will be sent an advance copy of the procedure to be followed and the documentation he/she will be expected to provide. The operator will know that an inspection is about to take place but not when it is likely to happen

The Review Team examined examples of inspection reports and was able to confirm their good quality. In regard to criminal prosecution specifically, and for existing regimes the current protocols contain guidance on when to submit a prosecution report. As explained earlier Prosecution does not fall within the competence of the Inspection Service.

Although there is a system for tracking the progress of prosecution reports, as described in Section 4.4, there did not appear to be a well-developed system for reviewing the outcome of such submissions or for learning any lessons for their preparation and submission.

As regards public information, public inquiries are held in the cases of major authorisations and the proceedings are advertised in the official journal.

Permits are publicly available on request, as are inspection reports in accordance with the Environmental Information Directive.

As regards dealing with accidents, it was unclear whether the Inspection Service had a role in regard to Seveso II sites and any interaction between Seveso II regulation and Article 3 of the IPPC Directive.

### **Examples of good practice**

- The use of legal and administrative procedures for existing inspection activities includes the commitment to further preparation of protocols for IPPC
- The provision to operators of a copy of the inspection procedure and the documentation he/she will be expected to provide

## Opportunities for development

- It would be helpful to clarify the responsibilities of the Autonomous Community of Galicia under the Seveso II Directive
- The development of legal and administrative procedures of protocols for IPPC

### 4.8. Standards and Guidance

Within the Galician Inspection system the production of standards and guidance is not the responsibility of the Inspection Service but is the responsibility of the Sustainable Development Division.

To date the Division has produced a range of BAT Guidance in the Galician language developed in partnership with industry, trade associations and other interested parties. Key forthcoming documents include guidance on Ceramic Processes and Surface Treatment. Staff also have access to BREFs although the immediate relevance of these documents was questioned due to the absence of translation into Spanish and the lack of relevance to or consideration of the major industrial sectors within Galicia.

Guidance on technical matters and changes to legislation is made available to inspectors by means of Circulars issued by the Director General of the Environment Ministry from the Water, Waste Permitting, Legal and Sustainable Development Divisions with the Ministry.

Current published guidance and guidance in preparation the Brefs is listed below:

- Pollution prevention in the dairy products industry
- Pollution prevention in the seafood and shellfish canning industry
- Pollution prevention in the energy sector: oil refinery
- Pollution prevention in the energy sector: power stations
- Pollution prevention in the wood transforming sector: pulp and paper
- Pollution prevention in the wood transforming sector: fibreboard industry

And the following ones are been developed:

- Pollution prevention in the primary aluminium installations
- Pollution prevention in the alumina production installations
- Pollution prevention in the secondary aluminium installations
- Pollution prevention in the clinker and cement installations

### Examples of Good Practice

- Use of Circulars to formally communicate guidance
- Preparation of notes on BAT for industry sectors specifically tailored to the requirements of Galicia

## Opportunities for Development

- Review the balance of Local BAT Guidance as the review team felt that it might be possible that the notes on BAT are focussed too much on the requirements of local industry
- Having regard to the change in the role of inspection, once IPPC is implemented, consider reviewing the inspection protocol to enable comparison of existing techniques on permitted sites with contemporary BAT during inspections.

### 4.9. Performance Assessment

As a Civil Service Department the performance of the Inspection Service at the regional and provincial level is subject to external audit through an annual review against agreed performance standards. The review team also noted that the Inspection Service also reviewed its performance against the costs of its activities.

Following a review of the performance management system in 2001 the performance standards address both the quantity and quality of work carried out. Looking at both the numeric measures of environmental performance, that is efficiency targets and the numbers of identified non-compliance which had been resolved in advance of a follow up inspection visit, that is the effectiveness of inspection.

Other quality targets include the increase in the number of small Hazardous Waste Producers being subject to regulation and the increase in the quantity of Hazardous Waste being controlled within Galicia.

Performance against targets is reported in the Environment Ministry's Annual Report.

In addition to external audit the performance of the inspection service against the Annual Workplan is monitored, reviewed and revised throughout the year.

There is also frequent reporting of information and data to the Central Government throughout the year.

As regards meeting objectives, the Central Inspection Service in Santiago de Compostela undertakes continuous assessment of provincial progress against the Annual Work Plan.

Monthly meetings of the inspection service provincial Inspectorates, with sub directorates, including the Laboratory Service, Police and other key participants provide feedback for identifying local priorities and the issues are reflected in changes to the monthly work plan if necessary. With minutes sent to General Directors and Sub Directors

## Examples of Good Practice

- Good systems in place for ensuring the quality and consistency of regulatory activities
- System of monthly feedback to monitor and if required review and amend the monthly/annual work plan
- Development of performance measures to identify both the quantity and quality of regulation
- External Audit of performance
- Reports prepared for audit of inspecting authority showing, for example, number of follow-up visits where non-compliance was resolved: this encourages compliance
- The inspecting authority is able to use its reports on performance prepared by inspectors as the basis for additional resources to be made available
- Structured approach to targeting in the inspection programme

## Opportunity for Development

- The inspecting authority may wish to consider how to assess its performance in balancing the burden of inspection activities against inspection priorities
- The inspecting authority may wish consider how to assess its performance against public and operator expectation

### 4.10. Reporting

The Environment Ministry produces, an Annual Report. This includes a report on the the performance of the Inspection Service. In addition, the Inspection Service has produced the Galician contribution for reporting on the MCEI.

The annual report is produced each year and published both in hard copy and on the Environment Ministry's website <http://www.xunta.es/conselle/cma> This website gives relevant information about activities undertaken by the Inspection Service and related topics, together with details of contacts for specific matters and a list of documents available to the public on application. Documents are generally free of charge to the public except for reports of special studies for which a charge may be made. The website is currently under further development to make it more user-friendly.

The Environment Ministry also produces a range of material for the public and industry. This includes a number of booklets on particular industrial sectors giving technical information about them.

For the purpose of providing information to the EC from the Member State, including emissions information for EPER, on implementation of the MCEI, and EMAS the Inspection Service supply information, on request, to the Spanish Central Government by way of the Ministry of Environment of the Autonomous Community of Galicia.

The Inspection Service is subject to Freedom of Information Legislation, and information concerning inspections including the annual work plan is available to the public on written request. The relevant files may also be examined in person by prior appointment and the request being approved by the Environment Ministry's Legal Service. In this context, there are already systems in place for protecting confidential information, relating to national security and commercial confidentiality.

### **Examples of Good Practice**

- Legal and voluntary arrangements for public reporting of information
- Use of the Internet
- A summary of the work plan for the inspection service is to be put on the internet

### **Opportunities for Development**

- There may be scope for improving the level of communication with local authorities, initially either through their association or with the larger local authorities
- The Inspection Service might wish to consider making inspection reports available to operators as a matter of course

## **5. INDUSTRY AND LABORATORY VISIT**

As part of this review, the IMPEL Review Team visited a site incorporating an IPPC installation and the LMAG.

### **5.1. Industry Visit**

Discussions with the company, independently of the Environmental Inspection Service of the Autonomous Community of Galicia, were beneficial and helped to confirm the views of the Review Team. In general, the industrial site visited was supportive of the need for regulation. The Review Team noted that Industry:



- Supported integrated inspection
- Welcomed the move to IPPC and the development of a co-ordinated permit for IPPC
- Saw EMAS as being complementary to Inspection
- Recognised that the Central Inspection Service had concerns of the Quality of Independent EMAS Auditors
- Welcomed the Actas, the requirement for a co-signature and the transparency that it offered and stated Actas were integrated into the Company's management System
- Supported co-location of permitting and inspection in the same body
- Noted that although the Actas were provided the accompanying Visit report was not copied to the company, suggested the Inspection Service may wish to expand the protocol to include provision of Visit report
- Saw IPPC as a welcome step in simplifying the approach to regulation

## **5.2. Laboratory Visit**

The laboratory is accredited under the National Accreditation System for both emission and ambient air measurement. (UN-EN ISO/IEC 17025 and EN 45004: 1995). Additionally the laboratory operates its own internal quality system that covers all its activities.

In addition to manual testing teams, the laboratory has a mobile capability for both emission and ambient air monitoring.

It samples and analyses waste water discharges and river water for toxicity, as well as the usual parameters of BOD, Dissolved Oxygen etc.

The laboratory also collates and analyses data from the Industrial Ambient Air networks. Abnormal readings are reported directly to the industry who take the necessary corrective action such as load reduction. In the near future it is planned to integrate the urban network into the data collection system and make the data available to the general public via the Internet.

The Laboratory Director and key members of his staff attend the monthly Inspection Planning Meeting at which priorities are reviewed and the sampling programme can be revised as necessary. In addition, the laboratory also provides specialist inspectors to undertake sampling and analysis in support of the Inspection Service. The laboratory also participates in courses, working groups and IMPEL, international cross companies studies with other accredited laboratories.

## 6. SUMMARY OF FINDINGS

Examples of good practice, and opportunities for development by the Environmental Inspection Service, Autonomous Community of Galicia, are collected below. (The sub-section number, in brackets, identifies each source.)

### Examples of Good Practice

- The Spanish Constitution makes a clear designation of the responsibilities and competencies of the Central Government, the Autonomous Communities and the local authority (4.1)
- The system of sending the Autonomous Community of Galicia's annual plan to the central Government (4.1)
- Formal and informal arrangements for trans-frontier co-operation (4.1)
- The system of charging large operators in Galicia for emissions of SO<sub>x</sub> and NO<sub>x</sub> (4.1)
- Advertisement of the application at the relevant installation and direct contact with adjacent property owners (4.2)
- Use of bank guarantees for improvements required under the Environmental Impact Assessment and liability insurance for waste disposal permits (4.2)
- Use of legal documents in the form of Actas setting out non-compliance and remedial requirements (4.2)
- Ability for existing permitting regimes, to issue a single permit for the same activity at different geographical locations within the autonomous community undertaken by a single operator for waste permits (4.2)
- Use of information technology (4.3)
- Responsibility for inspection lies with the Central Inspection Service when an operator has an installation in more than one Province: this helps to ensure consistency (4.3)
- Integrated Inspection Service (4.3)
- Close co-operation with the Laboratory Service (4.3)
- The annual inspection work programme (4.3)

- Collation and analysis of data from Industrial Ambient Air Networks with abnormal readings being reported directly to the industry (4.3)
- Single point of contact in Galicia for matters relating to the European Union (4.3)
- On line reporting of air quality around incinerators and other installations (4.3)
- Plan review revise approach to the Inspection Service Work Programme (4.4)
- The autonomous police and the green police give twenty four hours coverage of environmental incidents (4.4)
- Preparation of a document setting out types of installations to be inspected in each year which has to be approved by the General Director and which is intended to be on the Autonomous Community's web-site (4.4)
- The development of and use of a protocol for inspectors to use on inspections has developed a culture where bribery is seen as completely unacceptable (4.5)
- Availability of continuing education through the School of Public Administration (4.5)
- Multi-disciplinary inspection teams with a range of technical skill (4.5)
- Casework Seminars to discuss particular case studies and to draw lessons from them (4.6)
- Use of projects under the IMPEL network to expose inspectors to different approaches to inspection and so to broaden their horizons (4.6)
- Courses in which the police are able to participate, thus enabling them to share knowledge (4.6)
- The use of legal and administrative procedures for existing inspection activities includes the commitment to further preparation of protocols for IPPC (4.7)
- The provision to operators of a copy of the inspection procedure and the documentation he/she will be expected to provide (4.7)
- Use of Circulars to formally communicate guidance (4.8)
- Preparation of notes on BAT for industry sectors specifically tailored to the requirements of Galicia (4.8)
- Good systems in place for ensuring the quality and consistency of regulatory activities (4.9)

- System of monthly feedback to monitor and if required review and amend the monthly/annual work plan (4.9)
- Development of performance measures to identify both the quantity and quality of regulation (4.9)
- External Audit of performance (4.9)
- Reports prepared for audit of inspecting authority showing, for example, number of follow-up visits where non-compliance was resolved: this encourages compliance (4.9)
- The inspecting authority is able to use its reports on performance prepared by inspectors as the basis for additional resources to be made available (4.9)
- Structured approach to targeting in the inspection programme (4.9)
- Legal and voluntary arrangements for public reporting of information (4.10)
- Use of the Internet (4.10)
- A summary of the work plan for the inspection service is to be put on the internet (4.10)

### **Opportunities for Development**

- The scope for developing existing arrangements for direct liaison with neighbouring and also the other Autonomous Communities should be examined (4.1)
- Additional feedback from central government on action taken on cases which fall within their competency would be helpful, not least in helping to ensure the most effective allocation of resources (4.1)
- Consider whether an improvement programme could be built into the permit together with a requirement for BAT to be reviewed (4.2)
- To review existing procedures in light feedback from legal department on enforcement action arising from reports to enforcing authorities (4.2)
- Improved liaison with permitting and enforcement authorities through the development of a memorandum of understanding (4.2)
- Review the scope for increasing the number of tools available for enforcement by, for example, the use of enforcement powers for the inspection Service where there is a failure by an operator to comply with an Acta (4.2)

- The Inspection Service may wish to clarify the interface between the Environment Ministry and the Seveso II Competent authority (4.2)
- To consider categorising non compliance with permits (4.2)
- The Galician Minister of the Environment might be invited to formally approve the annual plan for inspection (4.3)
- The Laboratory Service might consider recovering it's costs for its service to outside companies (4.3)
- The potential scope for improved co-ordination and co-operation within the Ministry including co-operation between those responsible for writing permits and those responsible for enforcing against them (4.3)
- The extent to which communication between those responsible for permitting, inspection and enforcement might be improved (4.3)
- The Inspection Service may wish to review the Provincial Inspectorate Structure to ensure a clear distinction between the inspection and assessment functions (4.3)
- The Inspection Service might wish to consider the possibility of issuing palmtop computers to inspectors (4.4)
- Consider what means could be taken to ensure that Industry takes more responsibility to guarantee that it has any necessary permits and that it is operating in compliance with them (4.4)
- Consider whether it may be appropriate to extend the existing requirement for installations to prepare a waste minimisation plan to include energy, water, air and contaminated soil (4.4)
- In light of IPPC the inspecting authority may care to re-examine the balance between the tasks it wants to carry out and the staff and other resources it has available (4.4)
- The Inspection Service may wish to consider scope to include provision for inspecting installations outside office hours (4.4)
- Consider including an interview for potential candidates for the role of inspector to be sure of their aptitude for this post (4.5)
- Possible use of staff on short term contracts to fill temporary vacancies for administrative support (4.5)
- Might be useful to develop a written framework in place to show the sort of training (including on the job training) needed for new recruit's (4.5)

- Consider the need to develop a policy of rotating inspectors which helps to prevent issue blindness and regulatory capture (4.5)
- Consider whether it should be possible for individual inspectors to develop specialists in particular areas which could become the primary source of knowledge on different topics within the Inspection Service (4.6)
- Review need for the Working Groups and examine what is done with the results of their activities; possibly identify tasks and set a finish time to prevent them becoming self-perpetuating (4.6)
- Consider whether the induction training offered to new inspectors and other staff could benefit from being formalised (4.6)
- Consider provision of an induction Training Programme for other staff in the General Directorate (4.6)
- Consider seeking additional funding to remove the need to seek direct funding from industry for training and to ensure continuity should Objective One funding be lost (4.6)
- It would be helpful to clarify the responsibilities of the Autonomous Community of Galicia under the Seveso II Directive (4.7)
- The development of legal and administrative procedures of protocols for IPPC (4.7)
- Review the balance of Local BAT Guidance as the review team felt that it might be possible that the notes on BAT are focussed too much on the requirements of local industry (4.8)
- Having regard to the change in the role of inspection, once IPPC is implemented, consider reviewing the inspection protocol to enable comparison of existing techniques on permitted sites with contemporary BAT during inspections (4.8)
- The inspecting Authority may wish to consider how to assess its performance in balancing the burden of inspection activities against inspection priority (4.9)
- The inspecting Authority may wish considered how to assess its performance against public and operator expectation (4.9)
- There may be scope for improving the level of communication with local authorities, initially either through their association or with the larger local authorities (4.10)
- The Inspection Service might wish to consider making inspection reports available to operators as a matter of course (4.10)

## 7. CONCLUSIONS

The Review Team noted that the IPPC directive had been transposed into Spanish Central Government legislation but was awaiting transposition into the legislative framework with Galicia. Against this background, the Review Team concluded that provisions for implementation of IPPC were progressing well although it noted that closer co-operation between the Inspection Service, Permitting Service and Legal Service within the Ministry of Environment would be of benefit if IPPC were to be implemented effectively.

It also concluded that arrangements for environmental inspections were broadly in line with the MCEI recommendation except perhaps for some aspects relating to the provision of information to operators.

The commitment to and the professional approach of the Inspection Service impressed the Review Team.

The findings of this review were broadly reinforced by separate discussions with a major site operator.

The Review Team recognised and recorded examples of good regulatory practice and, based on their own experience, have suggested opportunities for development that the Environmental Inspection Service for the Autonomous Community of Galicia may wish to consider.

## 8. ACKNOWLEDGEMENTS

The project management wishes to thank the representatives of the Environmental Inspection Service of the Autonomous Community of Galicia and the Review Team members from Portugal, Belgium (Brussels Region), The Netherlands (Overijssel Province), Northern Ireland, Germany (North Rhine Westphalia Lander) and the Autonomous Community of La Rioja (Spain) for their constructive participation in this trial. It also wishes to thank their respective organisations and the Directorate-General Environment of the European Commission for their support.

## 9. LESSONS FOR THE REVIEW PROCESS

- The pre-meeting was confirmed as being very useful but it might be useful to have more people at the pre-meeting, such as Heads of Division. This was difficult in Galicia because the relevant people are so dispersed
- The review confirmed the desirability of limiting preparation of information in advance to a sensible minimum, though it would be useful to have a short presentation on the legal and constitutional arrangements

- The review had proved very popular with those in the Galician Environmental Inspection Service who had attended the various sessions in large numbers. Such direct contact was invaluable in helping to achieve a balance in the report but should not become so large that it had an impact on the conduct of business
- The review confirmed the need to reserve time for Review Team discussion at the close of each day
- The IRI process was successful across Europe in larger inspectorates as much as in smaller ones
- The high level of communication and exchange of views as a result of this review emphasised the relevance of the project itself and the role of IMPEL



## 10. ABBREVIATIONS

ACTA	Legal instrument for recording identified non-compliance
BAT	Best Available Technique (Under IPPC)
BREF	BAT Reference Document
EIA	Environmental Impact Assessment
ELV	Emission Limit Value
EMAS	Environmental Management and Assessment Scheme
EPER	European Polluting Emissions Register
IPPC	Integrated Pollution Prevention and Control (Under EC Directive)
IRI	IMPEL Review Initiative
LMAG	Environmental Laboratory of Galicia
MCEI	(Recommendation on) Minimum Criteria for Environmental Inspections
MoU	Memorandum of Understanding
PDP	Personal Development Plan
PEEP	(IMPEL) Project on Environmental Enforcement Practices

## Appendix 1

### TERMS OF REFERENCE FOR IRI PROJECTS

<b>No</b>	<b>Name of project</b>
	<i>IMPEL Review Group</i>
<i>Project Manager</i>	<i>Martin Murray, Environment Agency, United Kingdom.</i>

#### 1. Scope

<p><b>1.1. Background</b></p>	<p><i>The Helsinki Plenary Meeting of IMPEL, in December 1999, requested that proposals be drawn up for “a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures” (the “scheme”). This was against the background of preparation of a European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in the Member States and the expectation that further recommendations would follow on Minimum Criteria for Inspector Qualifications and for Inspector Training.</i></p> <p><i>The Council of the European Union adopted its Common Position on the proposal for a recommendation on 20 March 2000 (5684:00). III(3) of the Common Position says:</i></p> <p><i>“In order to promote best practice across the Community, Member States may, in cooperation with IMPEL, consider the establishment of a voluntary scheme, under which Member States report and offer advice on inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States on their findings.”</i></p> <p><i>IMPEL is willing to take this forward and too foresees the eventual need for arrangements to review implementation of such recommendations and proposes a voluntary scheme for the purpose.</i></p> <p><i>The potential benefits of such a scheme might include:</i></p> <ul style="list-style-type: none"> <li>• <i>Encouragement of capacity–building in EU Member State inspectorates.</i></li> <li>• <i>Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation.</i></li> </ul>
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- *Provision of advice to inspectorates (“candidate inspectorates”) who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation.*
- *The spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”).*

*Necessary features of any scheme designed to deliver these benefits would include:*

- *a well-defined scope of application.*
- *Practical and easily understood arrangements for scheduling, organising, funding, conducting and reporting on any review of a candidate inspectorate, and with minimal bureaucracy.*
- *Absence of any threat of self-incrimination or infraction proceedings arising specifically from application of the scheme.*
- *Control, by the candidate inspectorate, of dissemination of information arising from any review.*
- *Participation, by the candidate inspectorate, in selection of personnel to carry out any review.*
- *Effective follow-up arrangements for support of any candidate inspectorate seeking further advice or assistance on issues identified during review.*

*Effective arrangements for dissemination across Member States of training or educational material on lessons learnt and good practice identified during any review.*

## 1.2. Definition

*The draft recommendation in the Common Position referred to above (5684/00) would apply to “all industrial and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation.”(Section II, 1a.). This scope would include all IPPC processes and other lesser processes which, in many Member States, are regulated by a variety of bodies at local level.*

*It was to exclude the complication of having so many bodies that the initial regulatory scope of the EC Network of Enforcement Agencies (the precursor of IMPEL) was limited to regulation of “major industrial processes”. For the same reason it is proposed that the Regulatory Scope of this scheme be limited initially to regulation of IPPC processes.*

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

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

<p><b>1.3. Objective of project</b></p>	<p><i>To devise and test a voluntary scheme for reporting and offering advice on Member State inspectorates and inspection procedures that incorporates the features outlined in Section 1.1 and delivers the associated benefits.</i></p>
<p><b>1.4. Product(s)</b></p>	<p><i>In addition to the benefits listed in Section 1.1, tangible products will include,</i></p> <ul style="list-style-type: none"> <li>• <i>Written reports of reviews for candidate inspectorates,</i></li> <li>• <i>Relevant extracts from review reports, as agreed with candidate inspectorates, for dissemination to IMPEL members and the EC,</i></li> <li>• <i>Training and Educational material on “lessons learnt” and on examples of good practice for incorporation into training schemes of Member State inspectorates.</i></li> </ul>

## 2. Structure of the project

<b>2.1. Participants</b>	<i>All IMPEL Members who wish to participate.</i>
<b>2.2. Project team</b>	<i>It is proposed that the project team be composed of IMPEL Members who wish to participate, or their representatives, and that work is coordinated initially by Dr. Allan Duncan of the Environment Agency, Chairman of the original IMPEL Working Group 2.</i>
<b>2.3. Manager Executor</b>	<p><i>Mr. Martin Murray will be responsible for monitoring and supervision of the project on behalf of IMPEL.</i></p> <p><i>It is proposed to develop the project in three stages as follows,</i></p> <ul style="list-style-type: none"> <li>• <i>Design of arrangements for scheduling reviews, for selecting review teams, for managing and supporting reviews, for reporting results of reviews, lessons learnt, etc. and for allocating associated costs.</i></li> <li>• <i>Drafting of a questionnaire to be used as the basis for reviews. (It is assumed from experience of the Project on Environmental Enforcement Practices (PEEP) and of the Senior Labour Inspectors' Committee (SLIC) voluntary reviews that this will be essential for consistency between reviews.)</i></li> <li>• <i>Testing of the scheme by way of six reviews over a period of two years. (Continued operation of the scheme at the rate of three reviews per year would result in a repeat period of five years for review of any candidate inspectorate, assuming all 15 Member States participated in turn.)</i></li> </ul>
<b>2.4. Reporting arrangements</b>	<i>The results of the first two stages of the project will be reported directly to IMPEL, for approval. Arrangements for reporting on test reviews will depend on results of the first stage of the project, particularly in regard to any provision for control by the candidate inspectorate over dissemination of review details.</i>

### 3. Resources required

<p><b>3.1 Project costs</b></p>	<p><i>Each of the first two stages of the project will involve a maximum of two meetings of those IMPEL members who wish to participate, or their representatives. It is proposed that meetings are conducted in English, and no interpretation is required, the costs will be limited to travel and subsistence costs of participants.</i></p> <p><i>We estimate that the costs for the first two stages would be 60 000 Euro.</i></p> <p><i>The costs of the third, test stage would be estimated when arrangements for reviews are designed. This would include the production of a report describing the proposed system These costs would be put to IMPEL when the results of the first two stages are submitted for approval. It would be proposed to share the costs between the Commission and participants in the review scheme.</i></p>
<p><b>3.2. Fin. from Com.</b></p>	<p><i>Given that the project arises from a proposal for EU legislation. We are seeking the maximum 80% subsidy from the Commission. in the first two stages of the project, in the current financial year, plus the costs of six test reviews over a two year period.</i></p>
<p><b>3.3. Fin. from MS (and any other )</b></p>	<p><i>Costs of time plus a contribution towards the costs of travel and subsistence of personnel volunteered for the first two stages and for review teams in the third stage of the project, together with those external costs, such as consultancy, associated with any review of their own inspectorate.</i></p>
<p><b>3.4. Human from Com.</b></p>	<p><i>None</i></p>
<p><b>3.5. Human from MS</b></p>	<p><i>3 person-day per participant for each of the first two stages plus approximately 5 person-days for any review team participant in the third stage.</i></p>

#### 4. Quality review mechanisms

- *The quality and success of this project will be judged directly by IMPEL on the basis of reports to Plenary meetings by the Project Manager.*

#### 5. Legal base

##### 5.1. Directive/ Regulation/ Decision

*In the short term, The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States and, in due course, those on Inspector Qualifications and Training.*

#### 6. Project planning

##### 6.1. Approval

*For consideration at IMPEL Plenary on 23 May 2000.*

##### (6.2. Fin. Contributions)

*As incurred.*

##### 6.3. Start

*As soon as possible after approval.*



## Appendix 2

### RECOMMENDATION ON MINIMUM CRITERIA FOR ENVIRONMENTAL INSPECTION

#### RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States (2001/331/EC)

THE EUROPEAN PARLIAMENT AND THE  
COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the  
European Community and in particular Article  
175(1) thereof,

Having regard to the proposal from the  
Commission,

Having regard to the opinion of the Economic  
and Social Committee<sup>(1)</sup>,

Having regard to the opinion of the Committee  
of the Regions<sup>(2)</sup>,

Acting in accordance with the procedure laid  
down in Article 251 of the Treaty<sup>(3)</sup>, and in the  
light of the joint text approved by the  
Conciliation Committee on 8 January 2001,

Whereas:

(1) The resolution of the Council and of the  
Representatives of the Governments of the  
Member States, meeting within the Council, of  
1 February 1993 on a Community programme  
of policy and action in relation to the

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<sup>(1)</sup> OJ C 169, 16.6.1999, p. 12.

<sup>(2)</sup> OJ C 374, 23.12.1999, p. 48.

<sup>(3)</sup> Opinion of the European Parliament of  
16 September 1999 (OJ C 54,  
25.2.2000, p.92), Council Common  
Position of 30 March 2000 (OJ C 137,  
16.5.2000, p. 1) and Decision of the  
European Parliament of 6 July 2000  
(not yet published in the Official  
Journal). Decision of the European  
Parliament of 1 February 2001 and  
Council Decision of 26 February  
2001.

environment and sustainable development<sup>(4)</sup>  
and the Decision of the European Parliament  
and the Council on its review<sup>(5)</sup> emphasised  
the importance of implementation of  
Community environmental law through the  
concept of shared responsibility.

(2) The Commission Communication of 5  
November 1996 to the Council of the  
European Union and the European Parliament  
on implementing Community environmental  
law, in particular paragraph 29 thereof,  
proposed the establishment of guidelines at  
Community level in order to assist Member  
States in carrying out inspection tasks, thereby  
reducing the currently-existing wide disparity  
among Member States' inspections.

(3) The Council in its resolution of 7 October  
1997 on the drafting, implementation and  
enforcement of Community environmental  
law<sup>(6)</sup> invited the Commission to propose, for  
further consideration by the Council, in  
particular on the basis of the work of the  
European Union network for the  
implementation and enforcement of  
environmental law (IMPEL), minimum criteria  
and/or guidelines for inspection tasks carried  
out at Member State level and the possible  
ways in which their application in practice  
could be monitored by Member States, in order  
to ensure an even practical application and  
enforcement of environmental legislation, and  
the Commission's proposal has taken into  
account a paper produced by IMPEL in  
November 1997 and entitled "Minimum  
Criteria for Inspections".

(4) The European Parliament by its resolution  
of 14 May 1997 on the Commission's

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<sup>(4)</sup> OJ C 138, 17.5.1993, p. 1.

<sup>(5)</sup> OJ L 275, 10.10.1998, p. 1.

<sup>(6)</sup> OJ C 321, 22.10.1997, p. 1.

Communication called for Community legislation on environmental inspections, and the Economic and Social Committee and the Committee of the Regions gave favourable opinions on the Commission's Communication and stressed the importance of environmental inspections.

(5) Different systems and practices of inspection already exist in Member States and should not be replaced by a system of inspection at Community level, as was considered in the Council resolution of 7 October 1997, and Member States should retain responsibility for environmental inspection tasks.

(6) The European Environment Agency can advise the Member States on developing, setting up and extending their systems for monitoring environmental provisions and can assist the Commission and the Member States in monitoring environmental provisions by giving support in respect of the reporting process, so that reporting is coordinated.

(7) The existence of inspection systems and the effective carrying out of inspections is a deterrent to environmental violations since it enables authorities to identify breaches and enforce environmental laws through sanctions or other means; thus inspections are an indispensable link in the regulatory chain and an efficient instrument to contribute to a more consistent implementation and enforcement of Community environmental legislation across the Community and to avoid distortions of competition.

(8) There is currently a wide disparity in the inspection systems and mechanisms among Member States in terms not only of their capacities for carrying out inspection tasks but also of the scope and contents of the inspection tasks undertaken and even in the very existence of inspection tasks in a few Member States, and this is a situation which cannot be considered satisfactory with reference to the objective of an effective and more consistent implementation, practical application and enforcement of Community legislation on environmental protection.

(9) It is necessary, therefore, to provide, at this stage, guidelines in the form of minimum criteria to be applied as a common basis for the performance of environmental inspection tasks within the Member States.

(10) Community environmental legislation obliges Member States to apply requirements in relation to certain emissions, discharges and activities; minimum criteria on the organisation and carrying out of inspections should be met in the Member States, as a first stage, for all industrial installations and other enterprises and facilities whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law.

(11) Inspections should take place taking into account the division of responsibilities in the Member States between authorisation and inspection services.

(12) In order to make this system of inspections efficient, Member States should ensure that environmental inspections activities are planned in advance.

(13) Site visits form an important part of environmental inspection activities.

(14) The data and documentation provided by industrial operators registered under the Community eco-management and audit scheme could be a useful source of information in the context of environmental inspections.

(15) In order to draw conclusions from site visits, regular reports should be established.

(16) Reporting on inspection activities, and public access to information thereon, are important means to ensure through transparency the involvement of citizens, non-governmental organisations and other interested actors in the implementation of Community environmental legislation; access to such information should be in line with the provisions of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment<sup>(7)</sup>.

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

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<sup>(7)</sup> OJ L 158, 23.6.1990, p. 56.

(18) Member States should report to the Council and the Commission on their experience in operating this recommendation and the Commission should regularly inform the European Parliament.

(19) The Commission should keep the operation and effectiveness of this recommendation under review and report thereon to the European Parliament and the Council as soon as possible after the receipt of the Member States' reports.

(20) Further work by IMPEL and Member States, in cooperation with the Commission, should be encouraged in respect of best practices concerning the qualifications and training of environmental inspectors.

(21) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, and given the differences in inspection systems and mechanisms in the Member States, the objectives of the proposed action can best be achieved by guidance set out at Community level.

(22) In the light of the experience gained in the operation of this recommendation and taking account of IMPEL's further work, as well as of the results of any schemes provided for in this recommendation, the Commission should, upon receipt of Member States' reports, give consideration to developing the minimum criteria in terms of their scope and substance and to making further proposals which might include a proposal for a directive, if appropriate,

HEREBY RECOMMEND:

## **I Purpose**

Environmental inspection tasks should be carried out in the Member States, according to minimum criteria to be applied in the organising, carrying out, following up and publicising of the results of such tasks, thereby strengthening compliance with, and contributing to a more consistent implementation and enforcement of Community environmental law in all Member States.

## **II Scope and definitions**

1. (a) This recommendation applies to environmental inspections of all industrial installations and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation.

(b) For the purposes of this recommendation, all the installations and other enterprises and facilities referred to in point (a) are "controlled installations".

2. For the purposes of this recommendation, "environmental inspection" is an activity which entails, as appropriate:

(a) checking and promoting the compliance of controlled installations with relevant environmental requirements set out in Community legislation as transposed into national legislation or applied in the national legal order (referred to hereinafter as "EC legal requirements");

(b) monitoring the impact of controlled installations on the environment to determine whether further inspection or enforcement action (including issuing, modification or revocation of any authorisation, permit or licence) is required to secure compliance with EC legal requirements;

(c) the carrying out of activities for the above purposes including:

- site visits,
- monitoring achievement of environmental quality standards,
- consideration of environmental audit reports and statements,
- consideration and verification of any self monitoring carried out by or on behalf of operators of controlled installations,
- assessing the activities and operations carried out at the controlled installation,
- checking the premises and the relevant equipment (including the adequacy with which it is maintained) and the adequacy of the environmental management at the site,
- checking the relevant records kept by the operators of controlled installations.

3. Environmental inspections, including site visits, may be:

(a) routine, that is, carried out as part of a planned inspections programme; or

(b) non-routine, that is, carried out in such cases in response to complaints, in connection with the issuing, renewal or modification of an authorisation, permit or licence, or in the investigation of accidents, incidents and occurrences of non-compliance.

4. (a) Environmental inspections may be carried out by any public authority at either national, regional or local level, which is established or designated by the Member State and responsible for the matters covered by this recommendation.

(b) The bodies referred to in point (a) may, in accordance with their national legislation, delegate the tasks provided for in this recommendation to be accomplished, under their authority and supervision, to any legal person whether governed by public or private law provided such person has no personal interest in the outcome of the inspections it undertakes.

(c) The bodies referred to in points (a) and (b) are defined as "inspecting authorities".

5. For the purposes of this recommendation, an "operator of a controlled installation" is any natural or legal person who operates or controls the controlled installation or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the controlled installation has been delegated.

### III

#### Organisation and carrying out of environmental inspections

1. Member States should ensure that environmental inspections aim to achieve a high level of environmental protection and to this end should take the necessary measures to ensure that environmental inspections of controlled installations are organised and carried out in accordance with points IV to VIII of this recommendation.

2. Member States should assist each other administratively in carrying out the guidelines of this recommendation by the exchange of

relevant information and, where appropriate, inspecting officials.

3. To prevent illegal cross-border environmental practices, Member States should encourage, in cooperation with IMPEL, the coordination of inspections with regard to installations and activities which might have significant transboundary impact.

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

### IV

#### Plans for environmental inspections

1. Member States should ensure that environmental inspection activities are planned in advance, by having at all times a plan or plans for environmental inspections providing coverage of all the territory of the Member State and of the controlled installations within it. Such a plan or plans should be available to the public according to Directive 90/313/EEC.

2. Such plan or plans may be established at national, regional or local levels, but Member States should ensure that the plan or plans apply to all environmental inspections of controlled installations within their territory and that the authorities mentioned in point II(4) are designated to carry out such inspections.

3. Plans for environmental inspections should be produced on the basis of the following:

(a) the EC legal requirements to be complied with;

(b) a register of controlled installations within the plan area;

(c) a general assessment of major environmental issues within the plan area and a general appraisal of the state of compliance by the controlled installations with EC legal requirements;

(d) data on and from previous inspection activities, if any.

4. Plans for environmental inspections should:

(a) be appropriate to the inspection tasks of the relevant authorities, and should take account of the controlled installations concerned and the risks and environmental impacts of emissions and discharges from them;

(b) take into account relevant available information in relation to specific sites or types of controlled installations, such as reports by operators of controlled installations made to the authorities, self monitoring data, environmental audit information and environmental statements, in particular those produced by controlled installations registered according to the Community eco-management and audit scheme (EMAS), results of previous inspections and reports of environmental quality monitoring.

5. Each plan for environmental inspections should as a minimum:

(a) define the geographical area which it covers, which may be for all or part of the territory of a Member State;

(b) cover a defined time period, for example one year;

(c) include specific provisions for its revision;

(d) identify the specific sites or types of controlled installations covered;

(e) prescribe the programmes for routine environmental inspections, taking into account environmental risks; these programmes should include, where appropriate, the frequency of site visits for different types of or specified controlled installations;

(f) provide for and outline the procedures for non-routine environmental inspections, in such cases in response to complaints, accidents, incidents and occurrences of non-compliance and for purposes of granting permission;

(g) provide for coordination between the different inspecting authorities, where relevant.

## V Site visits

1. Member States should ensure that the following criteria are applied in respect of all site visits:

(a) that an appropriate check is made of compliance with the EC legal requirements relevant to the particular inspection;

(b) that if site visits are to be carried out by more than one environmental inspecting authority, they exchange information on each others' activities and, as far as possible, coordinate site visits and other environmental inspection work;

(c) that the findings of site visits are contained in reports made in accordance with point VI and exchanged, as necessary, between relevant inspection, enforcement and other authorities, whether national, regional or local;

(d) that inspectors or other officials entitled to carry out site visits have a legal right of access to sites and information, for the purposes of environmental inspection.

2. Member States should ensure that site visits are regularly carried out by inspecting authorities as part of their routine environmental inspections and that the following additional criteria are applied for such site visits:

(a) that the full range of relevant environmental impacts is examined, in conformity with the applicable EC legal requirements, the environmental inspection programmes and the inspecting bodies' organisational arrangements;

(b) that such site visits should aim to promote and reinforce operators' knowledge and understanding of relevant EC legal requirements and environmental sensitivities, and of the environmental impacts of their activities;

(c) that the risks to and impact on the environment of the controlled installation are considered in order to evaluate the effectiveness of existing authorisation, permit or licensing requirements and to assess whether improvements or other changes to such requirements are necessary.

3. Member States should also ensure that non-routine site visits are carried out in the following circumstances:

(a) in the investigation by the relevant inspecting authorities of serious environmental complaints, and as soon as possible after such complaints are received by the authorities;

(b) in the investigation of serious environmental accidents, incidents and occurrences of non-compliance, and as soon as possible after these come to the notice of the relevant inspecting authorities;

(c) where appropriate, as part of the determination as to whether and on what terms to issue a first authorisation, permit or licence for a process or activity at a controlled installation or the proposed site thereof or to ensure the compliance with the requirements of authorisation, permit or licence after it has been issued and before the start of activity;

(d) where appropriate, before the reissue, renewal or modification of authorisations, permits or licences.

## VI

### Reports and conclusions following site visits

1. Member States should ensure that after every site visit the inspecting authorities process or store, in identifiable form and in data files, the inspection data and their findings as to compliance with EC legal requirements, an evaluation thereof and a conclusion on whether any further action should follow, such as enforcement proceedings, including sanctions, the issuing of a new or revised authorisation, permit or licence or follow-up inspection activities, including further site visits. Reports should be finalised as soon as possible.

2. Member States should ensure that such reports are properly recorded in writing and maintained in a readily accessible database. The full reports, and wherever this is not practicable the conclusions of such reports, should be communicated to the operator of the controlled installation in question according to Directive 90/313/EEC; these reports should be publicly available within two months of the inspection taking place.

## VII

### Investigations of serious accidents, incidents and occurrences of non-compliance

Member States should ensure that the investigation of serious accidents, incidents

and occurrences of non-compliance with EC legislation, whether these come to the attention of the authorities through a complaint or otherwise, is carried out by the relevant authority in order to:

(a) clarify the causes of the event and its impact on the environment, and as appropriate, the responsibilities and possible liabilities for the event and its consequences, and to forward conclusions to the authority responsible for enforcement, if different from the inspecting authority;

(b) mitigate and, where possible, remedy the environmental impacts of the event through a determination of the appropriate actions to be taken by the operator(s) and the authorities;

(c) determine action to be taken to prevent further accidents, incidents and occurrences of non-compliance;

(d) enable enforcement action or sanctions to proceed, if appropriate; and

(e) ensure that the operator takes appropriate follow-up actions.

## VIII

### Reporting on environmental inspection activities in general

1. Member States should report to the Commission on their experience of the operation of this recommendation two years after the date of its publication in the Official Journal of the European Communities, using, to the extent possible, any data available from regional and local inspecting authorities.

2. Such reports should be available to the public and should include in particular the following information:

(a) data about the staffing and other resources of the inspecting authorities;

(b) details of the inspecting authority's role and performance in the establishment and implementation of relevant plan(s) for inspections;

(c) summary details of the environmental inspections carried out, including the number of site visits made, the proportion of controlled installations inspected (by type) and estimated



length of time before all controlled installations of that type have been inspected;

(d) brief data on the degree of compliance by controlled installations with EC legal requirements as appears from inspections carried out;

(e) a summary, including numbers, of the actions taken as a result of serious complaints, accidents, incidents and occurrences of non-compliance;

(f) an evaluation of the success or failure of the plans for inspections as applicable to the inspecting body, with any recommendations for future plans.

### **IX Review and development of the recommendation**

1. The Commission should review the operation and effectiveness of this recommendation, as soon as possible after receipt of the Member States' reports mentioned in point VIII above, with the intention of developing the minimum criteria further in terms of their scope in the light of the experience gained from their application, and taking into account any further contributions from interested parties, including IMPEL and the European Environment Agency. The Commission should then submit to the European Parliament and the Council a report accompanied, if appropriate, by a proposal for a directive. The European

Parliament and the Council will consider such a proposal without delay.

2. The Commission is invited to draw up, as quickly as possible, in cooperation with IMPEL and other interested parties, minimum criteria concerning the qualifications of environmental inspectors who are authorised to carry out inspections for or under the authority or supervision of inspecting authorities.

3. Member States should, as quickly as possible, in cooperation with IMPEL, the Commission and other interested parties, develop training programmes in order to meet the demand for qualified environmental inspectors.

### **X Implementation**

Member States should inform the Commission of the implementation of this recommendation together with details of environmental inspection mechanisms already existing or foreseen not later than twelve months after its publication in the Official Journal of the European Communities.

Done at Luxembourg, 4 April 2001.

*For the European Parliament*      *For the Council*  
*The President*                              *The President*

N. Fontaine

B. Rosengren

## Appendix 3

### IMPEL IRI REVIEW QUESTIONNAIRE AND GUIDANCE

#### 1. Introduction

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

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

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

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

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

#### 2. Purpose

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

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

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



- Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation.
- Provision of advice to inspectorates (“candidate inspectorates”) who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation.
- Spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”).

Against this background the Review Teams should be looking for evidence of a comprehensive and effective regulatory system for implementation of the relevant parts of the IPPC Directive.

### **3. How to use the Questionnaire**

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

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

#### 4. Questionnaire

Question	Related Article
<p data-bbox="236 439 970 472"><u>1. CONSTITUTIONAL BASIS FOR INSPECTORATE</u></p> <p data-bbox="236 551 373 584"><b>Objective</b></p> <ul data-bbox="236 624 1193 992" style="list-style-type: none"> <li data-bbox="236 624 1193 730">• To establish how the Member State allocates responsibilities for technical policy, socio-economic policy and any related political issues associated with IPPC.</li> <li data-bbox="236 775 1193 842">• To understand how the Candidate Inspectorate is constituted within the Member State.</li> <li data-bbox="236 887 1193 992">• To understand the Candidate Inspectorates role in the interface between technical regulatory issues and related political or socio-economic issues in the Member State.</li> </ul> <p data-bbox="236 1070 373 1104"><b>Guidance</b></p> <p data-bbox="236 1144 1193 1211">The response to the questionnaire should enable the Review Team and Candidate Inspectorate to examine:</p> <ul data-bbox="236 1256 1193 1809" style="list-style-type: none"> <li data-bbox="236 1256 1193 1402">• The Member State system for specifying the remit of the Candidate Inspectorate, for reviewing its performance, and for ensuring that the Candidate Inspectorate is funded to provide effective service delivery that is stable year-on-year.</li> <li data-bbox="236 1447 1193 1552">• Member State arrangements allowing the Candidate Inspectorate to comment upon relevant legislation and to suggest changes for improvement of the overall system for delivering the IPPC Directive.</li> <li data-bbox="236 1559 1193 1626">• The funding split between central taxation, local taxation and direct charging.</li> <li data-bbox="236 1671 1193 1809">• Arrangements for communicating with neighbouring Member States e.g. Article 17 of the IPPC Directive and notification and promoting exchange of information and staff between Inspectorates from the MCEI.</li> </ul> <p data-bbox="236 1888 373 1921"><b>Questions</b></p> <p data-bbox="236 1962 1193 2029">1.1 What is constitutional relationship between the Inspectorate and its Member State (MS)?</p>	<p data-bbox="1214 439 1289 472">III(1)</p>

Question	Related Article
<p>1.2 How does MS establish, communicate and review tasks and the delivery of the tasks to be achieved by the Inspectorate? (Including publication of the results of its work.)</p> <p>1.3 How are the Inspectorate's regulatory activities financed?</p> <p>1.4 How does Inspectorate feedback information about shortcomings or deficiencies in legislation to the MS?</p> <p>1.5 Who, between MS and the Inspectorate, is responsible for relations with other MSs in respect of transboundary issues? (e.g. Article 17 of IPPC Directive.)</p> <p>1.6 Excluding transboundary issues outline any arrangements are in place for exchange of information and/or inspectors with other competent authorities within and external to the MS?</p>	<p>IV, V, VII</p> <p>III(2)</p>

Question	Related Article
<p data-bbox="236 331 798 365"><u>2. LEGAL BASIS FOR INSPECTORATE.</u></p> <p data-bbox="236 405 375 439"><b>Objective</b></p> <ul data-bbox="236 479 1197 813" style="list-style-type: none"> <li data-bbox="236 479 1197 551">• To establish an understanding of the legal basis of the Candidate Inspectorate within its Member State.</li> <li data-bbox="236 591 1197 701">• To gain an understanding of those parts of IPPC for which the Candidate Inspectorate is the competent authority together with an explanation of the types of installations and operators covered.</li> <li data-bbox="236 741 1197 813">• To establish the roles of the candidate Inspectorate in enforcement of IPPC permit conditions and prosecution.</li> </ul> <p data-bbox="236 853 375 887"><b>Guidance</b></p> <p data-bbox="236 927 1197 1144">It is for the Member State to ensure that responsibilities for all requirements of the IPPC Directive are appropriately allocated within the Member State, e.g. as between the Candidate Inspectorate and other competent authorities. It would be helpful also to understand how those types of installations not covered by the Candidate Inspectorate are regulated and how the relevant bodies interact.</p> <p data-bbox="236 1184 1197 1402">The response to the questionnaire should enable the Review Team to establish a clear picture of where IPPC overlaps or interacts with other legislation. This should identify areas where there may be conflicting legislative requirements and how the relevant responsibilities are allocated and co-ordinated to ensure that IPPC requirements are not compromised by other considerations.</p> <p data-bbox="236 1442 632 1476">It should include a description</p> <ul data-bbox="236 1516 1197 1957" style="list-style-type: none"> <li data-bbox="236 1516 1197 1626">• of the powers, duties and sanctions available to the Inspectorate to secure compliance with all requirements of the relevant legislation, and to the necessary standards</li> <li data-bbox="236 1666 1197 1738">• of where, in the Member State, the ultimate authority for determining the content of permits lies,</li> <li data-bbox="236 1778 1197 1850">• of how the public is involved and what happens if an operator or the public appeals against a decision by the Candidate Inspectorate.</li> <li data-bbox="236 1890 1197 1957">• Systems used by the Candidate Inspectorate to resolve legislative conflict</li> </ul> <p data-bbox="236 1962 1197 2029">The Review team should be exploring transparency and clarity of arrangements.</p>	<p data-bbox="1214 371 1289 405">III(1)</p>

Question	Related Article
<p><b>Questions</b></p> <p>2.1 What legislation does your Inspectorate apply to IPPC-related activities?</p> <p>2.2 What is the scope of this legislation? (In terms of Installations/Sectors covered.)</p> <p>2.3 To whom does the legislation apply/not apply? (Industry, Government, Armed Forces, etc)</p> <p>2.4 With what other main pieces of legislation does IPPC interact? (Planning, Health and Safety, Seveso II Directive, Freedom of Information etc)</p> <p>2.5 How are responsibilities divided between bodies responsible for interacting legislation and how are differences resolved if they occur?</p> <p>2.6 What powers and duties are given to the Inspectorate to set and apply permit conditions in relation to Emission Limit Values, EQS, BAT, etc.</p> <p>2.7 Summarise appeal provisions within the Inspectorate</p> <p>2.8 Are there provisions for appeal to higher authority, by operators or the public, against Inspectorate decisions?</p> <p>2.9 How is the public involved in the regulatory process? (From application to grant of permit, through inspection to enforcement)</p> <p>2.10 What administrative and legal sanctions are available to Inspectorate in cases of non-compliance with the IPPC permit?</p>	<p>III(2)</p>

Question	Related Article
<p><b><u>3. ORGANISATION STRUCTURE AND MANAGEMENT OF INSPECTORATE</u></b></p> <p><b>Objective</b></p> <p>To establish how the Candidate Inspectorate is organised, staffed and managed.</p> <p><b>Guidance</b></p> <p>The response to the questionnaire should enable the Review Team and Candidate Inspectorate to explore how the Candidate Inspectorate secures the:</p> <ul style="list-style-type: none"> <li>• Effective and consistent setting of high-level objectives, strategies and priorities and their internal and external communication</li> <li>• Effective and consistent delivery of all activities associated with implementation of the IPPC Directive</li> </ul> <p>And to allow the Review Team and Candidate Inspectorate to gain an understanding how and where, within the Inspectorate or Member State, final regulatory decisions are taken i.e. across the full spectrum of complexity of regulatory issues and installation, for example from individual permit conditions to the issue of complex permits.</p> <p>The information submitted should include information on and a description of any systems, if relevant, for calculating the costs of Candidate Inspectorate activities. This should take into account the “polluter pays principle”.</p>	

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

Question	Related Article
<p data-bbox="233 367 456 398"><u>4. WORKLOAD</u></p> <p data-bbox="233 479 368 510"><b>Objective</b></p> <p data-bbox="233 551 1197 622">To understand the workload of the Candidate Inspectorate and the arrangements for its effective delivery.</p> <p data-bbox="233 698 368 730"><b>Guidance</b></p> <p data-bbox="233 770 1197 878">The response to the questionnaire should enable the Review Team and Candidate Inspectorate to explore how the Candidate Inspectorate secures the:</p> <ul data-bbox="233 918 1197 1066" style="list-style-type: none"> <li>• Effective and consistent setting of high-level objectives, strategies and priorities and their internal and external communication</li> <li>• Effective and consistent delivery of all activities associated with implementation of the IPPC Directive</li> </ul> <p data-bbox="233 1106 1197 1285">The response should allow the Review Team and Candidate Inspectorate to gain an understanding of how and where, within the Inspectorate or Member State, final regulatory decisions are taken i.e. across the full spectrum of complexity of regulatory issues and installations, for example from individual permit conditions to the issue of complex permits.</p> <p data-bbox="233 1326 1197 1473">The information submitted should include information on and a description of any systems, if relevant, for calculating the costs of Candidate Inspectorate activities. This should take into account the “polluter pays principle”.</p>	<p data-bbox="1222 367 1299 398">IV, V</p>



Question	Related Article
<p><b>Questions</b></p> <p>4.1 How many IPPC installations in each Annex 1 category are, or will be, regulated by the Inspectorate?</p> <p>4.2 Which of the elements of “environmental inspection”, as defined in Article II, Section 2 of the European Parliament and Council Recommendation (2001/331/EC) on providing for minimum criteria for environmental inspections in the Member States (MCEI), are carried out by the Inspectorate?</p> <p>4.3 How frequently are/will installations be inspected, by IPPC Annex 1 category?</p> <p>4.4 What time is allocated for each such inspection?</p> <p>4.5 How does the Inspectorate forecast the time required for:</p> <ul style="list-style-type: none"> <li>• Producing a permit</li> <li>• Maintaining a permit</li> <li>• Undertaking enforcement action</li> </ul> <p>4.6 Outline any charges levied by the Member State or Inspectorate:</p> <ul style="list-style-type: none"> <li>• for a permit?</li> <li>• to maintain a permit?</li> <li>• For monitoring/sampling?</li> </ul> <p>4.7 What determines the ratio of time spent on installations to time in the office on IPPC Regulation?</p> <p>4.8 What determines the ratio of time spent on planned (routine) inspection to non-routine (unplanned) inspection? Unplanned inspections include reactive work e.g. complaints, incident investigation inspection.</p> <p>4.9 How many enforcement actions and prosecutions are taken per year, by Annex 1 category, and what penalties (fines, imprisonment) are available and made?</p> <p>4.10 What pre-application contact is made with operators to ensure they are informed and prepared to comply with IPPC and how is this reflected in the work required for issuing and granting permits?</p> <p>4.11 How does the Inspectorate plan and prioritise its workload to make best use of the available resources?</p>	

Question	Related Article
<p data-bbox="236 369 874 403"><u>5. QUALIFICATIONS, SKILLS, EXPERIENCE</u></p> <p data-bbox="236 481 367 515"><b>Objective</b></p> <p data-bbox="236 555 1197 660">To understand the qualifications, skills and experience required by inspectors undertaking IPPC regulation within the Candidate Inspectorate; both on appointment and during their career.</p> <p data-bbox="236 734 367 768"><b>Guidance</b></p> <p data-bbox="236 808 1197 880">The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore and understand:</p> <ul data-bbox="236 920 1197 1294" style="list-style-type: none"> <li>• How Inspectors qualifications, skills and experience are reviewed and recorded e.g. in personal development plans</li> <li>• How senior management is assured that individual members of staff are appropriately qualified for the tasks to which they are assigned</li> <li>• The Candidate Inspectorate’s approach to regulatory ethics e.g. “the declaration of interests”, the problems of regulatory blindness through over-familiarity with installations and their operators, and possibility of corruption on the part of inspectors or those who issue permits.</li> </ul> <p data-bbox="236 1368 367 1402"><b>Questions</b></p> <p data-bbox="236 1442 1197 1514">5.1 What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected?</p> <p data-bbox="236 1554 1197 1626">5.2 What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement?</p> <p data-bbox="236 1666 1197 1738">5.3 How are qualifications, skills and experience matched to regulatory duties and by whom?</p> <p data-bbox="236 1778 1197 1850">5.4 Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them?</p> <p data-bbox="236 1890 1197 1924">5.5 Are inspectors warranted or accredited for their duties? If so how?</p> <p data-bbox="236 1964 1197 2036">5.6 How does the Inspectorate avoid “regulatory capture”, “undeclared interests” or “issue-blindness”?</p>	

Question	Related Article
<p><u>6. TRAINING FOR IPPC</u></p> <p><b>Objective</b></p> <p>To understand any systems the Candidate Inspectorate may use for identifying training requirements against the skills necessary for IPPC service delivery, for providing training and for checking that training has been successful.</p> <p><b>Guidance</b></p> <p>The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore and understand:</p> <ul style="list-style-type: none"> <li>• Systems used within the Candidate Inspectorate for maintaining awareness of technical, policy and regulatory developments and for ensuring that skills of experienced staff are kept up-to-date e.g. continuous professional development (CPD)</li> <li>• Systems used for the continued accreditation/warranting of inspectors and any linkages to participation in skill's assessment and any relevant training requirements e.g. continuous professional development.</li> <li>• Any use of internal or external secondment or exchange programmes to other inspectorates, industry, or accreditation bodies</li> <li>• The quality of the training arrangements</li> </ul> <p><b>Questions</b></p> <p>6.1 Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience, If so how and by whom?</p> <p>6.2 Is training provided? If so how and by whom?</p> <p>6.3 Is the success, or otherwise, of training subsequently assessed?</p> <p>6.4 Is awareness of relevant technical, policy and regulatory developments maintained within the Inspectorate? If so how?</p> <p>6.5 Are the skills of experienced inspectors refreshed If so how?</p> <p>6.6 Is acceptance of regular assessment of qualifications, skills and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator?</p>	

Question	Related Article
<p><u>7. PROCEDURES.</u></p> <p><b>Objective</b></p> <p>To understand the system of procedures including work instructions covering activities associated with implementation of the IPPC Directive.</p> <p><b>Guidance</b></p> <p>The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the:</p> <ul style="list-style-type: none"> <li>• system of procedures are used by the Candidate Inspectorate</li> <li>• the coverage of the procedures linked to implementation of IPPC</li> <li>• extent to which procedures are used for tasks identified by the MCEI Recommendation</li> <li>• how the procedures recognise links to other legislative regimes e.g. Seveso II</li> </ul> <p><b>Questions</b></p> <p>7.1 Are procedures, systems or instructions are in place for:</p> <ul style="list-style-type: none"> <li>• Determining, issuing, reviewing and revoking permits?</li> <li>• Scheduling and planning inspections according to the MCEI?</li> <li>• Conducting routine inspections according to the MCEI?</li> <li>• Conducting non-routine inspections according to the MCEI? (Including those associated with accidents and emergencies.)</li> <li>• Taking enforcement action?</li> <li>• Making information available to the public?</li> <li>• Dealing with accidents on IPPC installations subject to the Seveso II Directive?</li> </ul>	<p>IV</p> <p>V(1,2)</p> <p>V(1,3), VII</p> <p>(VII)</p> <p>VI(1,2)</p>

Question	Related Article
<p><u>8. STANDARDS AND GUIDANCE.</u></p> <p><b>Objective</b></p> <p>To understand the criteria the candidate Inspectorate applies in making regulatory decisions and how these are communicated internally (to staff) and externally (to the public and industry and central government).</p> <p><b>Guidance</b></p> <p>The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the Inspectorate's:</p> <ul style="list-style-type: none"> <li>• guidance to staff on criteria against which regulatory judgements are to be made</li> <li>• provision of technical guidance and how this is produced/agreed/reviewed/revise</li> <li>• provision of advice on BAT for IPPC installations</li> <li>• system for communicating both criteria and guidance to industry and the public</li> <li>• use and access to independent sources of advice e.g. Scientific Committees</li> </ul> <p><b>Questions</b></p> <p>8.1 How are standards and guidance for regulatory judgements in permitting, inspecting and enforcement established and communicated? (Both internally and externally.)</p> <p>8.2 What technical guidance, e.g. on BAT for IPPC processes, is available? (internally and externally)</p> <p>8.3 How is such guidance produced and how often is it reviewed/revise?</p> <p>8.4 Does the Inspectorate have access to any Advisory Body or any other external, independent source of advice?</p>	

Question	Related Article
<p><u>9. PERFORMANCE ASSESSMENT.</u></p> <p><b>Objective</b></p> <p>To understand how the Candidate Inspectorate assesses the quality, consistency of its performance as a regulator and the environmental impact of its activities.</p> <p><b>Guidance</b></p> <p>The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the Inspectorate's:</p> <ul style="list-style-type: none"> <li>• system for assessment of the of the Candidate Inspectorate's performance,</li> <li>• arrangements for review of results by senior management</li> <li>• feed-back mechanisms for incorporating relevant lessons or actions into programmes for improved performance.</li> <li>• Approach to the review of permits</li> </ul> <p><b>Questions</b></p> <p>9.1 Does the Inspectorate have systems to assess the quality and consistency of its regulatory activities? If so how is it done and how often?</p> <p>9.2 How and by who are the results of any such assessments reviewed?</p> <p>9.3 How is the environmental impact of the regulatory process assessed?</p> <p>9.4 How are the results of any assessment incorporated into management action on procedures, training programs, guidance, work planning etc?</p>	

Question	Related Article
<p><u>10. REPORTING.</u></p> <p><b>Objective</b></p> <p>To understand how the Candidate Inspectorate:</p> <ul style="list-style-type: none"> <li>• Reports its activities to the public</li> <li>• Provides information to the Member State,</li> <li>• Supplies information to the European Commission e.g. for the Member State’s obligations to report progress on the implementation of the Recommendation on Minimum Criteria for Environmental Inspections.</li> </ul> <p><b>Guidance</b></p> <p>The response to the questionnaire should enable the candidate Inspectorate and Review Team to explore:</p> <p>The Inspectorate’s systems for, and relationship to the Member State and European Community’s systems and requirements for the provision of environmental information.</p> <p>The types of information made available, e.g. annual report, inspection reports, sampling data, enforcement and prosecution data</p> <p><b>Questions</b></p> <p>10.1 What systems are used to report the Inspectorate’s regulatory activities, to whom and how often?</p> <p>10.2 What information does the Inspectorate make available to the MS for the purpose of their “reporting on environmental inspection activities in general”?</p> <p>10.3 What information does the Inspectorate make available directly to the public and how is it organised, funded and managed? (e.g. Pollution Emissions Register.)</p>	<p>VI(1,2)</p> <p>VIII(1,2)</p>

## Appendix 4

### TERMS OF REFERENCE FOR THE REVIEW OF THE ENVIRONMENTAL INSPECTION OF THE AUTONOMOUS COMMUNITY OF GALICIA

#### THE SPANISH IRI REVIEW

No	Name of project
	<i>Autonomous Community of Galicia. The Spanish IRI REVIEW</i>
<i>Project Manager</i>	<i>Chiqui Barrecheguren. Environmental Inspection. Xunta de Galicia. Santiago de Compostela. Spain</i>

### 1. Scope

<b>1.1. Background</b>	<p><i>The Helsinki Plenary Meeting of IMPEL, in December 1999, requested that proposals be drawn up for “a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures” (the “scheme”). This was against the background of a European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in the Member States and the expectation that further recommendations would follow on Minimum Criteria for Inspector Qualifications and for Inspector Training.</i></p> <p><i>In March 2001 the IRI Working Group finalised a proposal for the voluntary scheme and sought candidate Inspectorates to undertake the review process. The “IRI Review Guidance and Questionnaire” was approved at the IMPEL Meeting at Falun in June 2001.</i></p> <p><i>Germany hosted the first full review in October 2001. After that Ireland, Belgium, France and The Netherlands also hosted a review. Galicia, representing Spain, also volunteered to act as a candidate inspectorate and proposes to hold a full review at the beginning of 2003.</i></p> <p><i>The Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States (2001/331/EC) says in recommendation III (4).</i></p> <p><i>“In order to promote best practice across the Community, Member States may, in co-operation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on Inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings.”</i></p>
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	<p><i>IMPEL is willing to take this forward and foresees the eventual need for arrangements to review implementation of such recommendations and proposes a voluntary scheme for the purpose.</i></p> <p><i>The potential benefits of this scheme include:</i></p> <ul style="list-style-type: none"> <li>• <i>Encouragement of capacity–building in EU Member State inspectorates.</i></li> <li>• <i>Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation.</i></li> <li>• <i>provision of advice to candidate inspectorates who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation.</i></li> <li>• <i>the spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU.</i></li> </ul>
<p><b>1.2. Definition</b></p>	<p><i>Recommendation 2001/331/EC applies to “all industrial and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation.”(Section II, 1a.). This scope would include all IPPC processes and other lesser processes which, in many Member States, are regulated by a variety of bodies at local level.</i></p> <p><i>It is also proposed for the purposes of the Spanish review and to reflect the interests and activities of IMPEL that the organisational scope of the scheme should include any or all of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>the legal and constitutional bases of the inspectorate, including interfaces with other bodies such as Local Authorities, the Health and Safety Authority, and its related powers and duties.</i></li> <li>• <i>structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions.</i></li> <li>• <i>workload, by number of IPPC processes and Annex I category.</i></li> <li>• <i>Qualifications, skills and experience of regulatory staff.</i></li> <li>• <i>Procedures for assessment of training needs and provisions for training and maintaining current awareness.</i></li> <li>• <i>Procedures, criteria and guidance for drafting of permits, for scheduling inspections, for subsequent assessment of compliance and for enforcement action in cases of non-compliance.</i></li> <li>• <i>Arrangements for internal assessment of the quality of regulatory performance and for improvement if appropriate.</i></li> <li>• <i>arrangements for reporting on inspectorate activities.</i></li> </ul>

	<p><i>It is also envisaged that verification of implementation of the above systems be conducted during the review. This will facilitate the identification of both “good practice” and “opportunities for development” which, in the opinion of the review team, exist in Spain. The verification may involve detailed examination of documentation related to the inspection of a number of IPC permitted facilities.</i></p>
<p><b>1.3. Objective of project</b></p>	<p><i>To under take an “IRI” review of the Autonomous Community of Galicia in Spain in accordance with the principles in Section 1.1 and the “IRI Review Guidance and Questionnaire” approved at the IMPEL Meeting at Falun in June 2001.</i></p> <p><i>The benefits of the project are four-fold;</i></p> <ol style="list-style-type: none"> <li><i>1. The Autonomous Community of Galicia will benefit from an expert review of its systems and procedures with particular focus on conformity with the Minimum Criteria for Environmental Inspections 2001/331/EC</i></li> <li><i>2. The participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures</i></li> <li><i>3. Other Member States will benefit through the dissemination of the findings of the review through the IMPEL network.</i></li> <li><i>4. Because of participation of a representative of other Autonomous Community of Spain, this Autonomous Community and other Autonomous Communities of Spain can also benefit from the results.</i></li> </ol>
<p><b>1.4. Product(s)</b></p>	<p><i>In addition to the benefits listed in Section 1.1, tangible products will include,</i></p> <ul style="list-style-type: none"> <li><i>• A written report of the review for the candidate inspectorate,</i></li> <li><i>• Relevant extracts from the review report, as agreed with the candidate inspectorate, for dissemination to IMPEL members and the EC; this will include material which might be considered for incorporation in the Guidance, Education and Training Schemes of other Member States Inspectorates.</i></li> </ul>

## **2. Structure of the project**

<p><b>2.1. Participants</b></p>	<p><i>The review team will consist of 5 participants from 5 Member States. The team will be led by Mr. Martin Murray from the Environment Agency. The Netherlands, as the last host country, will be asked to supply experienced Inspectors to the review team. The remaining three participants are to be confirmed, but we would like to request Portugal, for its affinity and proximity with Galicia, and Germany and the region of Brussels for the similarity of their administrative structure with that of Spain.</i></p>
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	<p><i>Because of the Spanish administrative organisation a representative of the environmental inspectorate of another Autonomous Community will be invited to take part in the review as an observer, as well as a representative of the Spanish Ministry of Environment in Madrid if they so wish.</i></p> <p><i>In addition, it is proposed that Mr. Terry Shears, previously involved in the development of the process, will act as an expert rapporteur to the review team. Mr. Ken Ledgerwood has also offered to take part in the process.</i></p>
<p><b>2.2. Project team</b></p>	<p><i>It is proposed that the project team will be composed of IMPEL Members who wish to participate, or their representatives, and that this work will be co-ordinated by Mr. Terry Shears, who assisted in the development of the process, through the IRI Review Working Group. Mr. Martin Murray will be responsible for overall monitoring and supervision of the project on behalf of IMPEL.</i></p>
<p><b>2.3. Manager Executor</b></p>	<p><i>Ms Chiqui Barrecheguren of the Autonomous Community of Galicia will be responsible for monitoring and supervision of the Spanish IRI project on behalf of IMPEL.</i></p> <p><i>It is proposed that the project in Spain will take place in Santiago de Compostela (Galicia) in February/March 2003 and that a report will be submitted to the May 2003 IMPEL Plenary in Greece. The report will be quality assured prior to the Impel Plenary by the IRI Review Working Group.</i></p>
<p><b>2.4. Reporting arrangements</b></p>	<p><i>The results of the Review will be reported by the project manager via the IRI working group to the IMPEL Plenary for approval.</i></p> <p><i>The Report will follow the Template Structure shown in Appendix 1 attached and will include:</i></p> <ul style="list-style-type: none"> <li><i>• A written report of the review background, participants and expenditure.</i></li> <li><i>• Relevant extracts from review reports, as agreed with candidate inspectorates, for dissemination to IMPEL members and the EC,</i></li> <li><i>• Training and Educational material on “lessons learnt” and on areas of good practice for dissemination to IMPEL Members</i></li> </ul>

### 3. Resources required

<p><b>3.1. Project costs</b></p>	<p><i>The project will involve the following;</i></p> <ul style="list-style-type: none"> <li>• <i>Pre-meeting of the Review Team Leader and the rapporteur with the Candidate Inspectorate to finalise the Scope and Timing of the Review.</i></li> <li>• <i>Preparation of summary information by the Environmental Inspectorate of Galicia and circulation to Review Team members.</i></li> <li>• <i>Review over a period of 5 days comprising</i> <ul style="list-style-type: none"> <li>- <i>3.5 days for review and assessment</i></li> <li>- <i>0.5 days for comparison and collation of team views</i></li> <li>- <i>1 day for feedback, discussion and finalisation of report.</i></li> </ul> </li> </ul> <p><i>i.e. a total of five persons over a period of one week.</i></p> <p><i>It is proposed that meetings and report are conducted in English, and no interpretation is required. The costs will be limited to;</i></p> <ul style="list-style-type: none"> <li>• <i>Travel and Subsistence(T&amp;S) costs of 6 participants</i> <ul style="list-style-type: none"> <li>• <i>Apex Flight: 515 € for 6 people</i></li> <li>• <i>Hotel accommodation: 100 € for 6 people for 8 days</i></li> <li>• <i>2 meals/day: 100 € for 6 people for 8 days</i></li> </ul> </li> <li>• <i>Total cost for T&amp;S is 12700 €</i></li> <li>• <i>The costs of the pre-review meeting (2 flights, overnight accommodation &amp; meals) is estimated at 1800 €</i></li> <li>• <i>The production of the report in text suitable for publication on the IMPEL web-site at 1000 €.</i></li> <li>• <i>Justifiable indirect costs 400 €.</i></li> </ul> <p><i>We estimate that <b>the total costs for the IRI review at 15900 €.</b> Personnel costs from the candidate inspectorate are not included in this assessment.</i></p> <p><i>The cost of observers from other countries and Autonomous Communities will be covered by their respective Inspectorates.</i></p> <p><i>It is proposed that the costs of the review scheme be shared between the Commission and the organising country.</i></p>
<p><b>3.2. Fin. From Com.</b></p>	<p><i>It should be noted that the project arises from EU Legislation and that the preparation for the IRI Review will require a substantial commitment from the Candidate Inspectorate. Accordingly, an 80% subsidy is sought from the Commission. This is consistent with the earlier phases of the Project.</i></p>
<p><b>3.3. Fin. from MS (and any other )</b></p>	<p><i>Costs of time plus a contribution towards the costs of travel and subsistence of personnel volunteered for the first two stages and for review teams in the third stage of the project, together with those external costs, such as consultancy, associated with the review of the candidate inspectorate.</i></p>

<b>3.4. Human from Com.</b>	<i>None required.</i>
<b>3.5. Human from MS</b>	<i>The breadth of issues dealt with in the questionnaire requires that significant personnel resources from the candidate inspectorate are necessary. This was borne out by the German review held in Mannheim.</i>

#### **4. Quality review mechanisms**

- The quality and success of this project will be judged by the Candidate Inspectorate, the IRI Working Group and directly by IMPEL on the basis of reports to Plenary meetings by the Project Manager and the Chairman of the IRI Review Working Group*

#### **5. Legal base**

<b>5.1. Directive/ Regulation/Decision</b>	<i>The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC) and, in due course, those on Inspector Qualifications and Training.</i>
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#### **6. Project planning**

<b>6.1. Approval</b>	<i>It will be presented at the IMPEL Plenary Meeting in Copenhagen in December 2002 to be adopted.</i>
<b>6.3. Start</b>	<i>Work on finalising the review team can commence immediately after approval. The review itself is planned for February/March 2003 with a pre-review meeting to be held in February.</i>

## **Attachment I**

### **IMPEL IRI REVIEW**

#### **DRAFT REPORT STRUCTURE**

#### **1.0 Executive Summary**

#### **2.0 Introduction**

2.1 Background – From the TOR for the Review

2.2 Objective – From the TOR

2.3 Scope – From the TOR

2.4 Structure – Dates of: Pre-meeting with Review Team Leader, Dates of Review

#### **3.0 Regulatory Arrangements**

Summary description of Regulatory Structure in Member State and Role of Candidate Inspectorate

#### **4.0 Main Findings**

4.1 Legal and Constitutional Arrangements

4.2 Structure and Management of Inspectorate

4.3 Workload

4.4 Qualification and Training

4.5 Procedures and Regulatory Decision Making

4.6 Performance Assessment and Reporting

#### **5.0 Summary of Findings**

#### **6.0 Conclusions**

#### **7.0 Appendices**

Appendix 1 - TOR

Appendix 2 - Summary of information submitted in advance of the Review

#### **8.0 Participants**

#### **9.0 References**



## Appendix 5

### LIST OF PARTICIPANTS IN THE REVIEW

Martin Murray	Environment Agency, England and Wales. (Project Manager)
Terence Shears	Environment Agency, England and Wales. (Project Rapporteur)
Ken Ledgerwood	Environment and Heritage Service, Northern Ireland
Ana Magro e Silva	Inspectorate General for the Environment, Portugal
Jean-Pierre Janssens	BIME, Brussels, Belgium
Patricia Weenink	Province of Overijssel, The Netherlands
Olaf Vetter	North Rhine Westphalia, Germany
Javier Lamata	La Rioja, Spain
Angel García Arias	Sub Director General for Environmental Evaluation, Galician Ministry of the Environment
María José Echevarría	Sub Director General for Environmental Quality, Galician Ministry of the Environment
Chiqui Barrecheguren	Head of Environmental Inspection and Control Service, Galician Ministry of the Environment
Miguel Costoya	Director of the Environmental Laboratory, A Coruña, Galician Ministry of the Environment
Natacha Crespo	Head of Environmental Quality and Assessment Service, A Coruña, Galician Ministry of the Environment
Manuel González	Head of Environmental Quality and Assessment Service, Ourense, Galician Ministry of the Environment
Carlos Vila	Area Head of Inspection, Lugo, Galician Ministry of the Environment
Nana Pérez	Area Head of Inspection, A Coruña, Galician Ministry of the Environment



Mima García	Area Head of Inspection, Pontevedra, Galician Ministry of the Environment
Manuel Rodríguez	Area Head of Inspection, Ourense, Galician Ministry of the Environment
Juan Luis Casas	Head of Contaminated Soils Section, Galician Ministry of the Environment
Juan J. F. Rilo	Head of Technical Section, Environmental Laboratory, Galician Ministry of the Environment
M <sup>a</sup> José Blanco	Head of Environmental Impact and Control Section, Galician Ministry of the Environment
Fernando Sánchez	Inspector, Santiago de Compostela, Galician Ministry of the Environment
Luis Prada	Inspector, Ourense, Galician Ministry of the Environment
Angela Rodríguez-Arboli	Inspector, Pontevedra, Galician Ministry of the Environment
Eva García	Inspector, Pontevedra, Galician Ministry of the Environment
José Gil de Bernabé	Inspector, A Coruña, Galician Ministry of the Environment
Javier Gómez	Inspector, A Coruña, Galician Ministry of the Environment
Ana Rial	Waste Technician, Santiago de Compostela, Galician Ministry of the Environment
Miriam García	Waste Technician, Santiago de Compostela, Galician Ministry of the Environment
Aurora Sáez	Technician, Environmental Laboratory, A Coruña, Galician Ministry of the Environment
Manuel Vellon	Technician, Environmental Laboratory, A Coruña, Galician Ministry of the Environment
Juan García	Technician, Environmental Inspection and Control Service, Santiago de Compostela, Galician Ministry of the Environment



## Appendix 6

### NUMBERS OF IPPC INSTALLATIONS REGULATED BY THE GALICIAN MINISTRY OF THE ENVIRONMENT

Category			Number
Spanish Law	Directive		
1.1	1.1	<b>Large Combustion Plants.</b>	7
1.2	1.2	<b>Mineral oil and gas refineries.</b>	1
2.1	2.1	<b>Metal ore roasting or sintering installations.</b>	2
2.2	2.2	<b>Production of pig iron or steel.</b>	4
2.3	2.3	<b>Processing of ferrous metals.</b>	6
	2.3.a		3
	2.3.b		1
	2.3.c		2
2.5	2.5	<b>Production and/or smelting of non-ferrous metals.</b>	4
	2.5.a		3
	2.5.b		1
2.6	2.6	<b>Surface treatment of metals and plastic materials</b>	16
3.1	3.1	<b>Production of cement clinker in rotary kilns.</b>	4
3.5	3.5	<b>Manufacture of ceramic products.</b>	22
4.1	4.1	<b>Production of basic organic chemicals.</b>	18
	4.1.a		2
	4.1.b		6
	4.1.c		3
	4.1.d		2
	4.1.e		2
	4.1.f		1
	4.1.k		2
4.2	4.2	<b>Production of basic organic chemicals</b>	7
	4.2.a		2
	4.2.b		1
	4.2.c		1
	4.2.d		1
	4.2.e		2
4.4	4.4	<b>Production of basic plant health products and of biocides</b>	2

<b>4.5</b>	<b>4.5</b>	<b>Production of basic pharmaceutical products</b>	<b>3</b>
<b>5.1</b>	<b>5.1</b>	<b>Disposal or recovery of hazardous waste</b>	<b>15</b>
<b>5.2</b>	<b>5.2</b>	<b>Incineration of municipal waste</b>	<b>1</b>
<b>5.3</b>	<b>5.3</b>	<b>Disposal of non-hazardous waste</b>	<b>1</b>
<b>5.4</b>	<b>5.4</b>	<b>Landfills</b>	<b>13</b>
<b>6.1</b>	<b>6.1</b>	<b>Production of pulp, paper and board</b>	<b>2</b>
	6.1.a		1
	6.1.b		1
<b>8.1</b>	<b>6.3</b>	<b>Tanning of hides and skins</b>	<b>1</b>
<b>9.1</b>	<b>6.4</b>	<b>Slaughterhouses</b>	<b>44</b>
	6.4.a		15
	6.4.b1		11
	6.4.b2		6
	6.4.c		12
<b>9.2</b>	<b>6.5</b>	<b>Disposal or recycling of animal carcasses and animal waste</b>	<b>6</b>
<b>9.3</b>	<b>6.6</b>	<b>Intensive rearing of poultry or pigs</b>	<b>131</b>
	6.6.a		67
	6.6.b		36
	6.6.c		28
<b>10.1</b>	<b>6.7</b>	<b>Surface treatment of substances, objects or products using organic solvents</b>	<b>2</b>
<b>11.1</b>	<b>6.8</b>	<b>Production of carbon (hard-brunt coal) or electrographite</b>	<b>1</b>
		<b>Total</b>	<b>313</b>

**Number of IPPC Installations = 278**

## Appendix 7

### ORGANISATIONAL STRUCTURE OF THE MINISTRY OF ENVIRONMENT OF THE AUTONOMOUS COMMUNITY OF GALICIA

