



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 inspection procedures”)**

**Review of the County Administrative Board of Stockholm
and the Environment and Public Health Committee of the
Municipality of Södertälje, Sweden, 7 – 11 March 2005.**

Co financed by the European Commission

FOREWORD

The European Union Network for the Implementation and Enforcement of Environmental Law is an informal network of the environmental authorities of EU Member States, acceding and candidate countries, and Norway. The European Commission is also a member of IMPEL and shares the chairmanship of its Plenary Meetings.

The network is commonly known as the IMPEL Network
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The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. It promotes the exchange of information and experience and the development of greater consistency of approach in the implementation, application and enforcement of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

Information on the IMPEL Network is also available through its web site at:
<http://europa.eu.int/comm/environment/impel>

IRI Review in Sweden 7 – 11 March 2005

Left to right

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1. EXECUTIVE SUMMARY

This review was undertaken at the request of the Swedish Environmental Protection Agency (SEPA). It is the first IRI Review since completion of a 2-year trial of the scheme and the subsequent agreement to its continuation. Continuation was agreed, at the IMPEL Plenary Meeting in Dublin, in 2004, on the basis of conclusions of a review of that trial held in Bristol in October 2003.

The IRI Review covered the environmental regulatory activities of the County Administrative Board (CAB) of Stockholm and of the Environment and Public Health Committee (EPHC) of the Municipality of Södertälje. It was carried out in March 2005 and is the first IRI Review to have covered the activities of two inspectorates at the same time. A pre-review meeting was held in the offices of SEPA in November 2004. The scope of review was discussed and agreed with the Review Team Leader, and practical arrangements made. A substantial amount of valuable information about the constitutional and legal arrangements for environmental regulation in Sweden was subsequently supplied to Review Team Members in advance of the review.

As a result of the review, the Review Team concluded that all of the objectives of EC environmental law are being delivered in Sweden, and to a high standard, if the examples of the Stockholm CAB and the Municipality of Södertälje are typical of the situation across the country. It also concluded that arrangements for environmental inspection and enforcement were broadly in line with the MCEI Recommendation. It was noted that the organisation and management of environmental regulation reflected the national culture of delegation, collaboration and consensus seeking. This makes the system somewhat difficult for outsiders to understand at first, and it was suggested that a Quality Management System, such as ISO 9000, would make it more transparent if there was felt to be such a need. Notwithstanding the almost unique nature of the arrangements, the system appears to work well, as was confirmed by the Review Team meeting with a multi-national industrial operator.

The Review Team was impressed by the comprehensive nature of the Swedish Environmental Code and by the way that the Self-Monitoring System appears to work, with most operators taking personal responsibility for complying with the law and for securing independent corroboration of their compliance. This leaves inspectors to concentrate efforts on those situations that require their presence and attention. It was noted that work is in hand, nationally, to put planning for inspection and enforcement on a systematic basis, using a risk-based approach. As regards activity planning, the Review Team noted the qualitative nature of some objectives and suggested more quantification, for the purposes of effective assessment of progress.

The regulatory arrangements are characterised by openness and generous arrangements for consultation and for appeal. These are accompanied by extensive publication of information arising from monitoring and surveillance, from the reports, guidance and newsletters of the authorities, and from operators' environmental reports. It was noted that some of this information was rather technical in nature and that it would benefit from some interpretation that is comprehensible by the public and from addition of conclusions that explain its significance.

In addition to these broad observations, the Review Team recognised and recorded specific examples of good regulatory practice and, based on their own personal

experience, they offered suggestions on opportunities for development that may wish to consider.

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

2. INTRODUCTION

This is the first IRI Review since completion of a 2-year trial of the scheme and the subsequent agreement to its continuation. Continuation was agreed, at the IMPEL Plenary Meeting in Dublin, in 2004, on the basis of conclusions of a review of the trial held in Bristol in October 2003. The review was undertaken at the request of Swedish Environmental Protection Agency (SEPA), and the Terms of Reference are attached at Appendix 1.

The concept of IRI Review was first proposed at the IMPEL Plenary in Helsinki, in November 1999, and was described as “a voluntary scheme for reporting and offering advice on inspectorates and inspection procedures” (the “scheme”). Terms of Reference for a 2-year project designed to test the scheme were agreed at the Porto Plenary meeting of IMPEL in May 2000, and referred 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 recommendation is attached at Appendix 2. The 2-year trial of the scheme started the following year.

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

To reflect the interests and activities of IMPEL it was 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, and the first, third, sixth and last items of the above list address specific issues covered by the MCEI.

The review was carried out using the Questionnaire and Guidance attached at Appendix 3, and this report describes the results.

3. PRE-REVIEW MEETING

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

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

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

- In regard to the essential pre-review meeting, it might be useful for more people from the candidate inspectorate, such as Heads of Division, to participate.
- It is important for the pre-review meeting to clarify the issues and questions in the Questionnaire, to discuss practical issues such as the use of language in the review, and to establish the right working relationship for constructive discussion.
- It is important to have summary information about main areas of the Questionnaire in advance of reviews, particularly in regard to constitutional and legal arrangements, but it is desirable to limit preparation of such information a sensible minimum.
- Allow widening of the Regulatory Scope of IRI reviews to include all aspects covered by the MCEI.
- It is recommended that IRI Reviews in Federal States (or States with regionalised inspectorates) include a participant from at least one other land, community, region or province not directly involved in the review.
- Direct contact with inspection staff during reviews is invaluable for a balanced report but numbers should not become so large as to impact on the conduct of business.
- Travel arrangements should not curtail time for the pre-review meeting.
- The IRI Review needs a fairly large meeting room, e.g. for 12 – 15 people.

The pre-meeting for the Swedish IRI Review was conducted having regard to all of the above points. Mr. van Zanten, the Review Team Leader had arranged this pre-meeting by way of Ms. Larsson of the Swedish Environmental Protection Agency

(SEPA). The meeting took place in the Stockholm office of SEPA on 9 and 10 November 2004, and the participants were:

Kerstin Cederlöf	Director, Implementation and Enforcement Department, Swedish Environmental Protection Agency.
Pieter-Jan van Zanten	Head of Environmental Enforcement, Province of Overijssel, Holland. (Review Team Leader).
Inga Birgitta Larsson	Swedish Environmental Protection Agency. (IRI Project Manager.)
Andrea Hjärne Dalhammar	Swedish Environmental Protection Agency.
Björn Pettersson	Swedish Environmental Protection Agency.
Gunnar Sedvallson	Swedish Environmental Protection Agency.
Majlis Bergqvist	County Administrative Board of Stockholm.
Lena Pettersson	County Administrative Board of Stockholm.
Lars Nyberg	County Administrative Board of Stockholm.
Fredrik Hallander	Environment and Health Administration of Södertälje.
Ronald Bergman	Environment and Health Administration of Södertälje.
Carl-Philip Jönsson	Director of Environment Protection and Nature Conservation, County Administrative Board of Kronoberg. (Observer on the Review Team).
Allan Duncan	United Kingdom, (Rapporteur for Review).

Ms. Cederlöf opened the meeting and introduced the Swedish participants. Ms. Larsson explained that the review was intended to cover the environmental regulatory activities of the County Administrative Board (CAB) of Stockholm and of the Environment and Public Health Committee (EPHC) of the Municipality of Södertälje. The reason to cover two inspectorates by the review is the organisation of permitting and inspection setting demands on co-operation and co-ordination between the authorities. Mr. van Zanten then summarised the objectives of the IRI scheme, with particular reference to Recommendation III (4) of the EC Recommendation on Minimum Criteria for Environmental Inspection (MCEI):

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

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

The constitutional position of the CABs and Municipal EPHCs was described briefly by Ms. Dalhammar and Mr. Nyberg respectively, with particular reference to the Environmental Code of January 1999, and to the arrangements for permitting, notification and inspection. For the purposes of permitting, activities that entail significant environmental impact are categorised as A- or B-activities depending on their level of environmental hazard. These include activities subject to the IPPC and Seveso II Directives. Activities with limited impact are categorised as C-activities and require only notification, but they may be subject to specified precautions.

Against this background it was agreed that the scope of the IRI Review would include all matters relevant to the MCEI in regard to environmental control of installations that require permits or notification. Thus, the review would cover permitting, notification and inspection of Category A, B and C installations, including IPPC and Seveso II (Upper Tier) installations, and would examine the activities of the Stockholm CAB and of the Södertälje Municipal EPHC.

The composition of the Review Team was confirmed. It was also agreed that a SEPA representative would be available throughout the review and that a representative of the Environmental Court would be available on request. Carl-Philip Jönsson, Director of Environment Protection and Nature Conservation at the County Administrative Board of Kronoberg will join the Review Team to inform it about the extent to which the work the Stockholm CAB represents the situation in Sweden as a whole. Further consideration was to be given to whether an analogous arrangement needed to be made in regard to the work of the Södertälje Municipal EPHC.

The main business of the meeting was concerned with reviewing the Questionnaire and Guidance in order to clarify the nature of the responses expected and the information that would be useful for the Review Team to have in advance of the actual review. Mr. van Zanten 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 from the trial of the review scheme was that freedom for such discussion was of benefit to the Candidate Inspectorate, to Review Team members and to the inspecting authorities they represented. In this context it was emphasised that the time devoted to formal presentation of prepared material should be kept to a minimum and that Review Team members should have read all material supplied in advance of the review.

The potential problem of language becoming a barrier to full participation in discussion was also discussed. English would not be the first language of most team members nor of staff in the Stockholm CAB and the Södertälje Municipal EPHC, 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 Swedish, with other review team members translating the main points and conclusions for the record of the review.

As regards practical arrangements, the venue for the review was agreed as being the offices of SEPA in Stockholm, which were seen by Mr. van Zanten and judged to be very suitable for the review, except for Wednesday when the Review Team will travel to Södertälje for discussions and a site visit. It was also agreed that Mr. van Zanten, as Team Leader, would arrange to brief Review Team members on the Sunday evening before the start of the review. The daily programme for the review would generally involve starting at 08:30 with a meeting of the Review Team to consider the previous day's work and plan for the current day. Review proceedings would start at 09:00 with an interim summary of the previous day's conclusions and would finish at 17:00 in order to allow the Review Team to discuss interim conclusions.

The following work schedule was proposed:

Monday	Questions 1 and 2.
Tuesday	Questions 3, 4 and 5.

Wednesday Questions 6, 7 and site visit (arranged by Södertälje Municipal EPHC).
Thursday Questions 8, 9 and 10.
Friday Finalise draft report and summarise essential conclusions.

As regards the preparation and availability of written material, Ms. Larsson agreed to send Review Team members information about the Constitutional and Legal arrangements in Sweden and about inspection and enforcement in Sweden, together with a list of participants in the review and an draft programme and agenda. Mr. van Zanten agreed to send Review Team members other information for background reading, such as previous IRI Review reports, the report of conclusions from the trial of the scheme, and draft minutes of the pre-review meeting. During the review an opportunity would be sought to see examples of inspection plans, permits, site-visit reports, etc. and to meet with inspectors.

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

4. REVIEW AND MAIN FINDINGS

The review was conducted from 7 to 11 March 2005, in the Stockholm offices of the Swedish Environmental Protection Agency (SEPA) and in the offices of Environment and Public Health Committee (EPHC) of the Municipality of Södertälje, using the Questionnaire and Guidance shown in Annex 3.

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

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

Lessons for the review process are also identified and noted.

A summary of the information submitted in advance of the review, together with other information supplied during the review, is attached at Appendix 4, and the list of participants in the review is at Annex 5.

4.1. Constitutional Basis for Inspecting Authority.

Objective.

- To establish how the Member State allocates responsibilities for technical policy, socio-economic policy and any related political issues associated with environmental regulation.
- To understand how the Candidate Inspectorate is constituted within the Member State.
- To understand the Candidate Inspectorate's role in the interface between technical regulatory issues and related political or socio-economic issues in the Member State.

The Swedish Constitution defines how the country shall be governed. It contains provisions for the relationship between decision making and executive powers and for the basic rights and freedoms of citizens. The Constitution consists of the following four fundamental laws:

- The Instrument of Government.
- The Act of Succession.
- The Freedom of the Press Act.
- The Fundamental Law on Freedom of Expression.

As regards legislation, the Government presents a proposal to Parliament as a bill. When a decision on a new act is taken in Parliament, the Government is given the right to institute ordinances for putting that act into effect. The scopes of the ordinances are given in the act. In the act, or the ordinance, a specific authority may be given the right to issue regulations in accordance with the provisions of the act and

the ordinance. This authority also has the possibility to issue General Guidelines to the legislation or regulation.

Within this constitutional arrangement, the Swedish environmental regulatory system is decentralised and operates at three levels:

- National (Central).
- Regional (e.g. County).
- Local (Municipal).

In the Environmental Code, the inspection and supervision function is defined under two categories, or tasks. One category is the supervision task, where the authorities have guiding, evaluating, advising and coordinating roles. SEPA and other central authorities have this task at a central level, and the County Administration Boards (CABs) have it on a regional level, for the municipal authorities. The other category is defined as 'operative inspection'. This task includes carrying out inspection and enforcement in regard to installations and other activities and is the responsibility of the CABs and of municipal authorities.

The CABs may delegate inspection and enforcement duties according to the Environmental Code to municipalities, at the municipalities' request and subject to Ordinance 1998/900, which specifies the necessary competences. This does not include inspection of Seveso II upper tier installations, which is covered by separate Seveso II regulation. This arrangement reflects the traditional Swedish preference for delegating powers and independence as far as possible to municipal level.

There are only a very few areas in which operative inspection takes place at national level. Instead, there is a high degree of devolution of decision-making and inspection/enforcement to regional and local level.

National (Central) Authorities.

Parliament enacts laws and decides on national taxation and the budget. It elects a Prime Minister, who appoints a Government, which is the planning, initiating and executive body. The responsibilities of Government are limited to the administrative activities of policy-making, rule-making and supervising. Swedish administrative procedure is characterised by relatively small Government ministries and autonomous Government bodies, which are central government authorities or boards, each responsible for a sector of society. The Ministry of Sustainable Development is responsible for environment issues, energy issues, emission trading, construction and housing, and coordination of the Government's work on sustainable development: SEPA, together with the National Chemicals Inspectorate, for example, is one of the relevant national authorities under the Environmental Code.

Public administration in Sweden is both self-governing and subordinated to political decision makers. Traditionally, there has been a sharp division between politics and administration. The Government normally gives extensive mandates to authorities to implement the decisions of Parliament and controls its authorities by means of:

- Ordinances with instructions for the individual authorities.
- Annual Government letters placing tasks and appropriations at the disposal of the authorities.
- The budget.
- Appointment of Directors-General and boards.

However, individual ministers may not interfere in the work of the authorities. The Government can give the authorities instructions concerning their policies and activities but, according to the constitution, is not allowed to steer their decisions in individual cases. In this respect the central authorities are independent of Government. If the Government is of the opinion that the authorities are applying the legislation incorrectly, it has to act by proposing amendments to the legislation.

County Administrative Boards.

In each county there is a County Administrative Board (CAB) which is an administrative entity appointed by the Government and operating under general directives issued by Parliament and the Government. The Board is completely free to take decisions within its own framework.

The main responsibility of the CAB is to coordinate the development of the county in line with goals set in national policies. Constitutionally each of the CABs is a Government Agency subordinated to the Government. However, individual ministers may not interfere in the work of the CABs and the Ministry itself cannot interfere in individual cases at the CABs. Responsibility for regional environmental issues rests with the Environmental Protection Departments and the Environmental Licensing Delegations (ELD) of the CABs.

The CABs are answerable primarily to the Ministry of Finance, which funds them by way of annual appropriations. However, the CABs also serve other ministries in regard to special issues, and the related activities are financed by means other than the Finance Ministry appropriations. In Sweden there are 21 CABs.

The CABs are responsible for guiding the operative inspectorates (who carry out inspections and enforcement) and for operative inspection and enforcement of, for example, Environmental Hazardous Activities that require a permit according to the Environmental Code. Some activities require a permit from the ELD at the CAB.

Municipalities.

In each County there are several smaller entities for the local government and administration that constitute municipal self-government; these are independent of the County Councils. They are called "Primary Municipalities" and more plainly "Municipality". The supreme decision making body in a municipality is the directly elected Municipal Council. Sweden has 290 Municipalities.

The Municipal Council appoints a number of committees with about 15 local politicians, some of whom also have a seat on the Council. The most important committee is the Executive Board. For some of the Municipality's tasks there are compulsory boards, (e.g. the Environmental and Public Health Committee, which is responsible for environmental inspection and enforcement, including the handling of notifications.)

Swedish municipalities are independent of government, although central laws and regulations largely determine the boards' activities. Also, the central agencies exercise supervisory authority over them within the agency's area.

The municipalities are responsible for carrying out inspections and enforcement to protect the environment and public health. In addition, they deal with chemical products and waste within the municipality, except for those Environmental Hazardous Activities that require a permit according to the Environmental Code.

However, the CAB may delegate its operative inspection responsibilities for these latter activities.

All authorities responsible for operative inspection and enforcement are required, according to the Environmental Code, to:

- Allocate sufficient resources.
- Keep sufficient staffing.
- Keep registers of installations to be inspected.
- Make inspection plans.
- Regularly follow up and evaluate inspection.

Environmental Courts.

Some activities require a permit from the Environmental Court, of which there are five in Sweden. The courts are completely independent. The Environmental Code regulates the organisation of the court and sets special requirements for the qualifications of the personnel. The court consists of a legally qualified district court judge, an environmental adviser with technical or scientific training and experience of environmental issues and two expert members with experience of matters falling within certain specified areas.

It should be noted that, despite the name, these courts are not for the purpose of prosecuting environmental crime. They are for licensing Seveso II upper tier installations and A-activities, (see below), and are part of the Swedish appeals system.

The Enforcement and Regulations Council.

The Enforcement and Regulations Council is a body that ensures co-operation between Swedish public authorities concerning enforcement and regulation matters in association with the Swedish Environmental Code.

Responsibilities under the MCEI.

In regard to Sweden's responsibilities as a Member State of the EU, under the MCEI, SEPA assists the Ministry of Sustainable Development to supply information to the EC. This is based on information from the CABs and from the municipalities, as well as from other sources. In the case of the Municipalities, at least, the relevant information is supplied only on request and there is no systematic arrangement for its regular supply.

The work of SEPA on the follow-up and evaluation of inspection and enforcement under the Environmental Code is undertaken partly in collaboration with other authorities within the Enforcement and Regulations Council.

A follow-up of the inspection and enforcement carried out in 2000 was done in 2001 by way of collaboration between the Enforcement and Regulations Council, SEPA and several authorities. This was done by way of a questionnaire sent to all inspection and enforcement authorities in the country.

In addition, SEPA made a special study in 2001 to evaluate inspection and enforcement under the Environmental Code. The Agency reviewed and appraised data with the aim of gaining a deeper understanding and obtaining guidance for continued action. The basis for evaluation was provided by in-depth interviews with a number of CABs and data from the questionnaire referred to above. The aim of evaluation was to

promote environmental inspection and enforcement in the country. The evaluation is intended to deal primarily with compliance with the Ordinance on Inspection and Enforcement, which contains some fundamental elements of enforcement work.

The inspection work in Sweden for 2002 was followed up by way of another special study and was reported to the Commission in accordance with Article VIII in the MCEI. The report covers environmental inspection and enforcement concerning installations for which there is a request on permitting according to the Swedish Environmental Code and also includes Seveso II upper tier installations.

A follow-up, based on a questionnaire circulated to inspection and enforcement authorities concerning the inspection and enforcement work carried out in the country during 2003, was done by the Enforcement and Regulations Council, SEPA and other authorities in 2004.

SEPA acts for Sweden, as an EU Member State, in regard to other international obligations such as Article 17 of the IPPC Directive. This requires notifying neighbouring Member States in certain circumstances, and in regard to certain conventions and agreements between Sweden, Denmark, Norway and Finland.

Funding Arrangements.

Fees are charged for licensing, inspection and supervision in accordance with an ordinance under the Environmental Code. The fees are charged on an annual basis and cover the broad work done by the governmental authorities involved, (e.g. SEPA and CABs). These fees are paid to the Government. CABs are funded by general taxation. This is intended to reflect the Polluter Pays Principle. The schedule of charges levied for inspection and enforcement by CABs is set nationally by the way of the ordinance mentioned above.

The work of municipalities on inspection and enforcement is funded mainly by way of the charges levied directly by the municipalities, and partly by general taxation. The fees levied by the municipalities are charged on either an annual or hourly basis.

The Swedish Association of Local Authorities provides guidelines for the charging of fees for inspection and enforcement by the municipalities. These guidelines concern the time for which charging is appropriate and not the rates of charging, which is a matter for the individual municipalities.

Feedback to Government on Environmental Legislation.

The experience of implementing environmental law, and the lessons learnt from it, are fed back to Government by the CABs. In fact it is their duty to do so, and they also act on behalf of their municipalities. The lines of communication are, effectively, permanently open.

A Special Committee on the Environmental Code, appointed by the Government, is currently reviewing the Code. It is seeking views from all relevant stakeholders, including NGOs, with a view to identifying improvements. Under Swedish Law, modifications to ordinances and regulations were described as being relatively easy and quick to make.

Examples of Good Practice.

- Availability of guidelines from the Swedish Association of Local Authorities on the time associated with inspection and enforcement by the municipalities for which it is appropriate to charge fees, thus providing an element of consistency across municipalities.
- Cost recovery charges payable to municipalities are conducive to recruitment of adequate levels of staff for inspection and enforcement.
- Environmental courts have substantial technical and scientific advice and experience on environmental issues available to them.

Opportunities for Development.

- Continue the development of systematic arrangements for reporting information from municipalities and CABs to SEPA, for reporting to EC under the MCEI Recommendation.
- The possibility of making cost recovery charges for inspection and enforcement directly payable to CABs in order to fund recruitment of staff and relieve the problem of resource constraint.

4.2. Legal Basis for Inspection Authority.

Objective

- To establish an understanding of the legal basis of the Candidate Inspectorate within the Member State.
- To gain an understanding of those parts of environmental legislation for which the Candidate Inspectorate is the competent authority together with an explanation of the types of installations and operators covered.
- To establish the roles of the candidate Inspectorate in enforcement of relevant permit conditions and prosecution.

The Environmental Code is an integrated body of environmental legislation enacted in Sweden. Its provisions relate to the management of land and water, nature conservation, the protection of plant and animal species, environmental hazardous activities and health protection, water operations, genetic engineering, chemical products and waste. The Code replaced 15 previous Acts that were repealed on its entry into force on January 1st 1999. These were as follows:

- The Natural Resources Act
- The Nature Conservancy Act
- The Flora and Fauna Act
- The Environmental Protection Act
- The Health Protection Act
- The Water Act

- The Agricultural Land Management Act
- The GMO Act
- The Chemical Products Act
- The Biological Pesticides Act
- The Pesticides Act
- The Fuels (Sulphur content) Act
- The Public Cleansing Act
- The Dumping of Waste in Water Act
- The Environmental Damage Act

The aim of the Code is to promote sustainable development. The overall goal is that, within one generation, the current major environmental problems will have been solved. For this purpose the Government and Parliament have adopted 15 national long-term environmental quality objectives (EQOs) and intermediate targets for improvement of the Swedish environment. The EQOs should guide the authorities in their work and also serve as a policy instrument when applying the legislation.

The Code is applicable to all citizens and economic operators who undertake operations or measures that conflict with its aim. The rules apply to all those activities potentially detrimental to human health or the environment, damage the natural or cultural environment and the built environment and to all other places to which the public has access. The Code contains provisions relating to such diverse activities as private sewage treatment systems, compost heaps, “sick buildings” as well as heat pumps, hydropower dams, airports, heat stations and pulp and paper mills.

Application of the Code is subject to general rules of consideration, which must be complied with but which must be reasonable in relation to any resulting inconvenience or intrusion. These rules consist of the following fundamental principles:

- *The Polluter Pays Principle.* This is one basis for the Code. It states that any person who takes a measure that might have an impact on the environment or human health is responsible for complying with the rules and must pay any resulting expenses.
- *The Reverse Burden of Proof Principle.* The operator or the persons planning or running operations must demonstrate that their operations are undertaken in an environmentally acceptable manner with regard to the rules of consideration.
- *The Knowledge Requirement.* Persons who pursue an activity must acquire the knowledge that is necessary in view of the nature and scope of the activity.
- *The Precautionary Principle and the Best Available Technique (BAT) Principle.* The mere risk of damage or detriment implies an obligation to take necessary measures to mitigate or prevent adverse health and environmental effects. Precautionary actions could include a wide range of options. Examples are: limiting and reducing the risk of emissions and other damage; choosing appropriate methods; limiting the scale of the operation; choosing suitable raw materials and fuels; using control equipment; avoiding emissions in certain weather conditions; taking noise protection measures at source; only carrying out harmful operations during specified periods of time; appropriate packaging and handling of chemicals; and providing information about the proper use and handling of various substances. The Code could also be used as an instrument to promote development of new environmentally friendly techniques. Such conditions are normally linked to a probationary period for the polluter to test new ideas and innovations.
- *The Appropriate Location Principle.* The site must be appropriate with respect to the objectives of the Code and the rules concerning land and water management.

The choice of site is crucial to reduce the environmental impact caused by an operation.

- *The Resource Management and Ecocycle Principles.* An operation must be undertaken in such a way as to ensure efficient use of raw materials and energy and minimize waste. The use of renewable energy sources should be preferred and resource extraction from nature should be minimized. Waste should be recycled, reused or recovered to the greatest extent possible and disposal should be made without damaging the environment. The ultimate goal of this principle is to maintain closed material loops.
- *The Product Choice Principle.* The operator must refrain from the use or sale of chemical products that may involve hazards to human health or the environment if other less dangerous products can be used instead.

With its related ordinances and rules, the Environmental Code covers a wide area and, altogether, it's system or rules comprise thousands of provisions. Being a framework law, the provisions of the Code do not specify limit values for various operations and do not go into detail when it comes to striking a balance between various interests. More detailed provisions are laid down in ordinances issued by the Government or in regulations issued by authorities commissioned by the Government, e.g. SEPA and the National Chemicals Inspectorate. Central authorities, among them SEPA, have issued guidelines defining how different parts of the Environmental Code, the ordinances or the regulations should be applied.

For many environmentally harmful operations, permits must be obtained from Environmental Courts or from Environmental Licensing Delegations (ELD) at the CABs, and certain large structures and facilities must be approved by the Government before they are established. In the Ordinance concerning environmentally hazardous activities and protection of public health such activities that require a permit or that must be notified are listed¹. The supervisory authority in each municipality also has an important role in protecting human health and the environment from damage and detriment.

The rules concerning supervision/inspection laid down in the Environmental Code apply to all measures and operations covered by its provisions. The rules empower public authorities to intervene, even where operations and measures are not specifically covered by the Code. In order to ensure that operations comply with the provisions of the Code, an operative inspection authority may make the following measures:

- Provide information and advice in individual cases
- Issue orders and injunctions, and
- Issue a notice of prosecution and decide to impose environmental penalty charges.

In the context of supervision/inspection the Code emphasizes the importance of effective supervision/inspection, and the authorities' obligations to exercise supervision/inspection on operators. However, most of the supervision/inspection is in fact carried out by the operators themselves in connection with their self-monitoring. It is mandatory for an operator to have a self-monitoring system. The system shall make it possible to comply with all the rules in the Code, the ordinances, the

¹ The term "Environmentally Hazardous Activities" is defined in the Environmental Code as all use of land, buildings or other facilities that in one way or another causes emissions to land, air or water or involves the risk of detriment to human health or the environment.

regulations and licenses applicable to a specific activity. An application for a permit shall contain proposals for monitoring and control of the activity. The details of these self-monitoring systems are agreed with the relevant inspecting body. The operator should continuously plan and monitor the activity in order to mitigate or prevent detriment to human health or the environment. He should also keep himself informed about the activity's impact on the environment. This is done by carrying out studies and by measurements on his own initiative or by other means. The operator should also have procedures and processes in place that allow him to obtain and respond to knowledge and information, e.g. so he can take appropriate counter measures.

In addition to the Environmental Code itself, the following legal instruments are relevant to the roles of the supervising/inspecting authorities.

IPPC Directive.

Since January 1st 2005 Sweden has had specific legislation concerning the IPPC Directive. This is *Ordinance (SFS 2004:989)*, which is specifically for implementing Article 5.1 of the Directive, concerning review of some environmentally hazardous activities. Prior to this, Sweden had no specific legislation to implement the IPPC Directive because the Environmental Code, with some amendments, covers all of its requirements. Sweden has had an integrated licensing system for environmentally hazardous activities since 1969, based on a case-by-case approach under the Environmental Protection Act. This Act was subsumed within the new Environmental Code in 1999. Approximately 1,000 of the A and B activities (see below) are defined as activities under the IPPC Directive and about 130 defined as activities under the Seveso II Directive.

Seveso II Directive.

The Act (SFS 1999:381) on Measures to Prevent and Limit the Consequences of Major Accidents implements the Seveso II Directive (96/82/EC) adopted by the European Community. It applies to all operations that use hazardous substances in quantities that exceed a given limit. The quantity that should be considered is the maximum that is, or can, be present in the operation at any single moment. Operators have an obligation to prevent major accidents and to limit the effect they could have on people and the environment. Some of the provisions under the Act refer to the Environmental Code. Several acts and ordinances including the Environmental Code cover enforcement and inspection.

The Planning and Building Act.

This Act supplies a framework within which the municipality can regulate. It sets out a series of general requirements to be observed in the planning and design of building development. It establishes that the local municipality has the responsibility for planning the use of land and water areas. When issues are weighed in accordance with this Act, consideration shall be given to both public and private interests. Management of natural resources is mentioned as public interests. The Act also refers to the Environmental Code, e.g. that planning may not interfere with environmental quality standards.

The Licensing (Permitting) System.

A large number of activities and operations are subject to licensing requirements Under the Environmental Code. These activities may not begin without a permit from a competent authority. A permit sets out the conditions under which the activity may be carried out. A permit can be refused if the competent authority finds that it is not permissible according to the Code.

Currently, approximately 6 000 Environmental Hazardous Activities must have a permit under the Code. This is under review, with a view to reducing their number. Such activities result, or may result, in discharges or other disturbances to the environment, e.g. water and air pollution or noise. This number includes activities regulated in EC-directives, e.g. under the IPPC Directive (96/61/EC) and Seveso II Directive (96/82/EC), (upper tier installations).

Activities or operations for which permits are compulsory are specified directly in the Environmental Code or in related ordinances.

The competent authorities for licensing are:

- Environmental Licensing Delegations (ELD) at the CABs. The licensing body is separate from the one carrying out inspections and enforcement but, in practice, it depends to a substantial extent on professional input from inspectors.
- Environmental Courts. The five regional environmental courts try cases concerning permits, compensation and damages.

The allocation of licensing tasks between the Environmental Licensing Delegations and the Courts is regulated by the Ordinance (1998:899). This Ordinance concerns environmentally hazardous activities and the protection of public health, in accordance with Chapter 9 of the Swedish Environmental Code. The Appendix to this Ordinance provides guidelines for determining whether an activity or measure requires a permit or must be reported (i.e. 'notified'). Environmentally Hazardous Activities are listed depending on their level of environmental hazard. These include activities subject to the IPPC and Seveso II Directives.

- For activities that entail a significant environmental impact, (i.e. **A activities**, of which there are less than 500), the applicant must apply for a permit to an Environmental Court. The authority responsible for inspections of these activities is the CAB (if not delegated to the municipality) or the Surgeon General.
- For activities with less impact on the environment (i.e. **B activities**, of which there are about 5 500), the applicant must apply for a permit to the ELD.² The authority responsible for inspection of these activities is the CAB(if not delegated to the municipality) or the Surgeon-General.
- Activities with limited impact, or causing only local disturbance, (i.e. **C activities**, of which there are about 17 500, are not subject to licensing, but the operator must first notify the local Environmental and Public Health Committee (or the Surgeon-General), who may decide on precautions and is responsible of the operative inspection of these activities.

A number of specially listed activities need permits granted by the Government. This is considered during the licensing process at the Court or County. SEPA can choose to involve itself in cases where important legislative principles are at stake or the activity

² Approximately 1,000 of the A- and B-activities are defined as activities under the IPPC-directive and about 130 as activities under the Seveso II-directive. About 2000 activities require a permit according to different EC-directives.

concerned might lead to major environmental impact. Such involvement can be by way of a written consideration or by becoming a party to the licensing process.

In addition to conventional industrial or commercial installations, any Government owned installations are subject to these arrangements, with the exception of military installations. These are subject to licensing by the relevant ELD but are subject to inspection and enforcement by the Surgeon-General, whose office has a special body for this purpose. Notwithstanding the different inspection and enforcement arrangements, such installations are required to meet the same requirements of the Environmental Code as conventional industrial installations. Conventional, non-nuclear processes being carried out on nuclear licensed sites are covered by the Environmental Code, and the environmental operative inspection is carried out according to that Code. However, the nuclear processes are subject to special regulation under *The Act on Nuclear Activities*, and the inspection tasks are undertaken by the Swedish Nuclear Inspectorate.

Where there is any possibility of a conflict of interest between an operational activity and the operative inspection, in a municipality for example, political committees oversee the relevant activities. In the final analysis, the inspection / enforcement function can be taken back by the CAB that issued the delegation.

Permits and permit conditions are generally not subject to modification unless justified by a substantial change in the plant or by requirements stated in the Code. A permit can be renewed after 10 years, or earlier if, for example, there have been developments in the Best Available Techniques (BAT). It was explained that, in this context, the inspecting authorities have a duty under the Environmental Code to identify relevant changes in the recognised BAT and to seek modifications to installation permits with a view to reducing emissions.

As regards the treatment of installations that have a certified environmental management system, or are registered under the EMAS scheme, no concessions are granted in the licensing process by CABs. The only relaxation is in the amount of the charges for inspection and enforcement levied by the municipality of Södertälje, at least. This does not reflect any less stringent inspection and is regarded, rather, as an inducement to uptake of the EMAS or ISO 14 000 environmental management systems.

There is no limit on the time allowed for issue of a permit and no formal mechanism for appeal against the failure of an authority to do so in a timely manner. An applicant can only complain to the Ombudsman who may intervene on his behalf. Such delays do appear to occur in the Swedish system and are attributed to lack of resources. Notwithstanding the separation of permitting and inspection roles, the ELDs appear to depend substantially on the technical input from inspectors in drafting permits. The Environmental Courts have technical experts of their own, who take cognisance of inspectors' contributions during consultation procedures. A potentially serious consequence of diverting staff from the inspection / enforcement function, to support licensing, is the reduced availability of staff for the former function.

Interfaces with Other Legislation.

Sweden appears to experience the same tension as elsewhere in regard to the interface between physical planning and environmental permitting. However, good working relationships between the relevant authorities ensure that conflicts are avoided and

that operators are not inconvenienced. In the case of the Stockholm CAB, at least, having these two functions in the same Department facilitates this.

In regard to implementation of the EC Birds and Habitats Directives, for example, the relevant requirements are set out in the Environmental Code and experts within the licensing authorities ensure that these are complied with.

Public Involvement and Appeal Arrangements.

Any applicant for an environmental permit is obliged to consult with and inform neighbours and other interested parties before submitting an application. When the application is received, the licensing authority carries out an initial check to see if it is complete and, if not an injunction is issued requiring any further necessary information. When it is complete, public notice of the application is given and consultation is carried out with relevant parties. SEPA is always notified and has the opportunity to comment on an application. The applicant is given an opportunity to comment on any responses to consultation and the licensing authority drafts a permit with input from a relevant environmental officer. Although it is not the norm, the ELD may offer the applicant a quick sight of the draft to ensure there are no misunderstandings. The permit is subsequently issued together with a public notice of its issue. It is then open to appeal by parties affected by the activity/operation and by Non-Government Organisations (NGO). This procedure is essentially the same for both licensing by the Environmental Courts and by the ELDs at CABs, except in regard to the consultation process. The Courts employ a public hearing process while the CABs employ a written process, with the possibility of a hearing as an adjunct.

Public involvement in subsequent stages of the regulatory process is generally by way of making complaints about odour, noise, etc., which have to be investigated by the relevant inspection / enforcement authority. Information for the public is contained in a public register of environmental matters maintained at the inspectorates or on a website.

The presumption is that all information submitted to the authorities is in the public domain. However, the Secrecy Act and the Code provide for protecting the confidentiality of certain information on commercial or security grounds. There are stringent tests of the justification for maintaining the confidentiality of such information and there is no right of appeal by applicants against rejection of a case for such confidentiality. (In practice, any issues are resolved in pre-application discussions.) Anyone may request information about the state of the environment from the relevant CAB, in addition to that published annually.

Administrative and Legal Sanctions.

Environmental sanction charges are levied at amounts between SEK 1 000 and 1 000 000 (110 – 110 000 Euro) and are payable by operators on the basis of a decision by an operative inspection authority. Such charges are imposed where operators fail to comply with certain rules under the Environmental Code, e.g. where an operation is started without an appropriate permit or where an operation has not been reported to the relevant authorities. Charges can be imposed for infringements of about 50 such rules.

A separate ordinance specifies the infringements for which inspection authorities have to impose charges, as well as the respective amounts. The charges are always imposed immediately following infringement of a rule. It makes no difference whether the infringement is intentional, due to negligence, or whether it damaged the environment

or human health or benefited the operator in any way. However, environmental charges should not be imposed when manifestly unreasonable. Before the authority concerned decides to impose a charge, an investigation must be carried out and the operator given the opportunity to make a statement. Charge decisions may be appealed.

In addition to the above environmental sanction charges, the inspection authority may combine an injunction with an administrative fine in order to strengthen the force of any injunction concerning precautionary measures. The amount of the fine should correspond approximately to the costs that the operator would have to pay to implement the measures. If the operator ignores the injunction, the authority may turn to an Environmental Court to impose the fine.

Anyone infringing certain specified regulations in the Environmental Code, or violating conditions in a permit, might pay a fine or be sentenced to a maximum of two years imprisonment by the court. Submissions for prosecution are put before a public prosecutor with specific responsibility for dealing with environmental crime. In most court decisions where the offender has been found guilty, fines have been imposed. It was reported that the effectiveness of the prosecution system has been much improved by introduction of the 'environmental prosecutor' system.

Experience shows that these administrative charges have a powerful effect in securing compliance with the rules of the Environmental Code, although it is thought in some cases that the scale of charges is somewhat high.

In addition to these sanctions, where a breach of environmental rules has resulted in environmental damage, inspection authorities may make their own arrangements, e.g. by way of a contractor, to remediate the situation, to investigate the cause, and to recover the associated costs from the offender.

Examples of Good Practice.

- Consolidation of environmental legislation into a single Environmental Code.
- System of delegation of responsibility for permitting and inspecting different types of installations according to environmental impact, as between Categories A, B and C. (Based on evidence of situation in CAB Stockholm and the EPHC Södertälje.)
- Opportunities for consultation coupled with rights of appeal.
- System of administrative environmental sanction charges, together with availability of a specifically environmental prosecutor.
- Duty placed on inspectors by the Environmental Code to seek modification of permits when appropriate. (e.g. in cases of developments in BAT.)

Opportunities for Development.

- Explore solutions to the problems arising from absence of time limit for issue of permits.
- Consider wider, active use of Internet for dissemination of information for consultations, and for environmental data, etc.

4.3 Organisational Structure and Management.

Objective

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

The County Administrative Board (CAB) of Stockholm.

The CAB is a government body responsible for overseeing that the national objectives, laid down by the Swedish parliament and government, are carried out in the County of Stockholm. There are 21 such CABs in Sweden.

The characteristics of the County of Stockholm are as follows:

- It has 26 municipalities varying in population from Stockholm with 760,000 inhabitants to Nykvarn with 8,200.
- A total of 1.8 million inhabitants.
- 21 % of the population of Sweden.
- 2 % of Sweden's area.
- 285 people per square kilometre (the national average is 22 people).
- 30 % of Sweden's economic growth.
- 200,000 places of work.
- 28 % of all Swedes with a university education.
- 44 % of the country's cultural workers.
- 450 full-time farms and 28,000 cattle.
- 102,000 ancient monuments, 164 listed buildings, 300 legally protected churches.
- 200 nature reserves, two national parks and Sweden's only national city park.

Each CAB has a County Governor appointed by the government. The tasks of the CAB consist of everything from care of the elderly, equal opportunities and integration to emergency services, cultural heritage and protection of the environment. They:

- Supervise the observance of laws and regulations.
- Review appeals against local government decisions.
- Decide about licenses and permits and economic support in many fields.
- Provide information and advice.

The CAB co-ordinates various interests in order to promote the development of the region. The goals are growth, a good environment, quality of life and equal opportunities for all. The wide scope of the responsibilities demands competence and experience from all fields of society. Among the 400 employees of the Stockholm CAB are lawyers, architects, agronomists, biologists, engineers, archaeologists, veterinarians, sociologists and economists.

The organisational structure of the Stockholm CAB, under the Governor, consists of seven departments for:

- Environment and Planning.
- Legal Affairs.
- Regional Development.
- Finance.
- Emergency and Security.
- Social Services.
- Personnel.

It has two separate units for the Governor's staff, and an Information Section for IT and GIS. It also has an independent Environmental Licensing Delegation.

Environmental Protection.

The Environmental Protection Section (EPS) is one of seven sections in the Environment and Planning Department. The main work at the EPS is environmental inspection and enforcement and permitting of Environmentally Hazardous Activities. Inspection and enforcement is aimed at checking compliance with the Environmental Code and other environmental protection regulations as well as with the environmental quality objectives. This is done by site visits, handling of notifications and environmental reports, injunctions, environmental sanction charges, reporting of violations to the public prosecutor and initiation of reviews of permits. Permitting includes the important task of engaging in the pre-permitting consultations and environmental impact statements.

The tasks of the EPS also include:

- Permits for transport and handling of hazardous waste.
- Permits for sale of hazardous chemicals.
- Permits to mine and extract gravel and rocks.
- Issues on polluted areas.
- Environmental issues affecting human health.
- Issues on water operations.
- Issues on groundwater protection.
- Issues on environmental quality objectives.
- Revision of appeals of municipal government decisions.
- Environmental issues in planning.
- Guidance in environmental matters to the municipalities within the County.
- Issues on environmental impact assessments.

Of the 30 employees in the EPS, about 15 are involved, at least partly, with inspection and enforcement and with permitting.

An important feature of the Stockholm CAB structure is the co-location of the work on environmental protection and on spatial planning. This provides for effective internal consultation in respect of these two closely related activities. Spatial planning is primarily a matter for the municipalities, but the CAB has a duty to ensure that they take account of specific national interests and effect a proper balance between them. For example, in regard to special sites of natural interest as specified national authorities such as SEPA, and in respect of sensitive development and environmental issues such as noise. There is an analogous situation concerning matters such as national road development.

Environmental Licensing Delegation (ELD).

ELD is a function of the CAB that handles applications for permits from B activities. The ELD consists of a chairman, who is a lawyer, and an adviser with environmental expertise, from the CAB.

The permitting procedure at the ELD is regulated in the Environmental Code and in an ordinance giving instructions to the CAB. This ensures court like conditions in the permitting process and eliminates the risk of interference from the politically appointed board of the CAB.

Environment and Public Health Committee (EPHC) of Södertälje.

The municipality of Södertälje is situated 35km southwest of Stockholm. It is 526km² in area, with a population of 80 049 in 2004. (i.e. 526 people per square kilometre.) The main local industries are AstraZeneca pharmaceuticals and Scania trucks and buses.

The EPHC is the local authority responsible for inspection and enforcement of laws and regulations on environmental health, food control and animal welfare. The EPHC has 11 members/politicians appointed by the Municipal Council. These are from different political parties and reflect the local majority. Meetings are held once a month. Inspections, enforcement, monitoring and provision of information are carried out by the Environment and Health Administration (EHA). The decisions made by the EPHC are based on facts and judgements provided by the civil servants/inspectors in the administration. However, the EPHC has delegated the right to make decisions in many matters to the administration. Issues of great importance, or with great economic impact are always decided directly by the EPHC at the regular meetings, (e.g. fines over 25 000 SEK, and comments on applications to the Environmental Court, or ELD at the CAB.)

Environment and Health Administration.

The work of the EHA is commissioned by the EPHC. The main task is to check compliance with laws and regulations regarding environmental health, food control and animal welfare. Other tasks are monitoring of air and water, dealing with complaints, and to increase consideration for issues related to health and environment in the municipality. The field of work is wide, entailing many different areas. In regard to environmental protection, the EHA is responsible for ensuring that the regulations of the Environmental Code are followed within several areas including:

- Environmentally detrimental activities such as industries, ports and farms.
- Contaminated grounds and buildings.
- Chemical products and goods.
- Hazardous waste.
- Oil tanks.
- In ground heat pumps.
- Litter.
- Refrigerants.

The EHA inspects a large number of activities, ranging from the largest heating and treatment plants to dental surgeries and filling stations.

The administration has 26 employees of which 6 people deal with Environmentally Hazardous Activities. Besides inspections, the EHA handles notifications according to

the environmental code, permits for small sewage facilities, complaints etc. Since 1987 inspections of facilities that require a permit from the ELD or the Environmental Court have been delegated from the Stockholm CAB to the EHA/EPHC in Södertälje. In the context of this delegation, the Municipality has to maintain the relevant competence and resources and, on request, report to the CAB.

Objectives and Priorities of the CAB and the EPHC.

The CAB answers primarily to the Finance Ministry at government level, and has interfaces with other Ministries that are somewhat diffuse and that can lead to conflicting directions to the CAB from government level. The budget allocation for the CAB is made by government every December before the beginning of the relevant Financial Year, after a budget planning cycle in Parliament that starts the previous June.

The budget allocation is accompanied by an Annual Letter of Instruction to the CAB, which indicates government priorities and guidelines. In principle, the Governor of the CAB may allocate funds within the CAB according to CAB priorities, which may include increasing staff levels. In practice the level of funds is, apparently, inadequate and does not match the duties and tasks set out by government, particularly as regards the increased level of environmental initiatives and public consultations.

The CAB's annual plan of activities is not published in advance but does include a reference to 'Communications'. The staff includes a Press Officer, and a positive effort is made to adopt a higher public profile by way of Press Notices and increased media exposure. Staff have general responsibility to communicate matters of interest to the public by way of the press and media. In this context, the reception area of the CAB office is being redeveloped to provide improved public access to relevant documentation and to computer terminals for Internet access to environmental and regulatory information, without further demands on staff time.

As regards the EPHC in Södertälje, activity plans are determined by the political committee on the basis of proposals prepared by staff and offered for adoption. These plans include performance objectives, derived from Agenda 21. For example, they include an objective to reduce the level of heavy metals in industrial liquid effluents. These objectives are not quantified, however, and it is not clear how performance against such objectives is to be assessed or described.

Detailed inspection plans are made by the EHA professional staff but are not adopted by the Committee. Reports of progress against inspection and enforcement action plans are made to the Committee, and are copied to the library and the media. There is no other formal process of reporting to the public apart from the annual report of emissions.

Decision making.

In common with the general preference in Sweden for delegating relevant responsibilities so far as possible, decisions on environmental regulatory matters are formally delegated progressively from Government down to unit level in the CAB and thereafter to individual officers where appropriate. Individual officers may take decisions if all concerned are in agreement; otherwise they are taken jointly by at least two people. It is recognised that situations may occur where it is agreed that one officer could take the decision but it would be better to cross check, e.g. when it concerns issues that can lead to injunctions or prosecution. However, decision making is raised to an appropriate level when required by the importance of the issue, where

the matter is controversial or where there is a disagreement between relevant parties. These matters are covered by the framework of regulations that sets out the relevant arrangements and provisions.

The same principle applies in regard to the regulatory activities of the EHPC. The Committee is responsible for regulatory decisions, in principle, but delegates to professional level wherever possible, recognising that responsibility should be passed back again if appropriate.

Examples of Good Practice.

- Co-location of spatial planning and environmental protection under same management in one organisation.
- Flexibility of budget allocation given to management in the CAB and municipality is conducive to efficient use of scarce resources.
- The framework of regulations that sets out arrangements for delegation of decision making powers, together with relevant conditions, and rights of appeal.
- Availability of computer terminals in CAB office reception area, for public access to environmental and regulatory information.

Opportunities for Development.

- Seek opportunity to influence Government Annual Letter of Instruction (to CAB) in order to better match instructions, priorities, etc. with appropriate resources, and develop arrangements for reporting on achievements.
- Make information on inspection and enforcement activity available to the public in a more coordinated and active way, e.g. through the Internet.
- The EPHC activity planning process is already good but might benefit from the quantification of objectives and the use of indicators.
- Continue to explore ways of crosschecking and supporting the making of major decisions by inspectors.
- The Review Team noted that some of their observations, at least, would be covered by introducing an ISO 9000 quality management system.

4.4 Workload.

Objective.

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

National Overview.

Environmental inspection in Sweden covers not only the types of installations referred to in the MCEI Recommendation as ‘controlled installations’, but also a broader range of installations for which permits are required under Swedish environmental regulations. In 2002, around 3 700 of Sweden’s 5 500 installations subject to the permit requirement were inspected. These inspection figures include 82 of the country’s 133 Seveso II upper tier installations.

In 2002, inspection and enforcement authorities issued around 750 injunctions and imposed 135 environmental sanction fees on installations that require permits. The authorities reported 260 cases of suspected offences against the Environmental Code, which were investigated by the police and prosecutors.

Nationally, Sweden has more than 1 250 officials working full-time on environmental inspection. They spend about 25% of their time on inspection and enforcement activities on installations for which permits are required.

A review of the categorisation system is currently being undertaken with respect to the number of installations that require a permit or notification to the authorities. It is expected that this will result in a reduction of the number of installations requiring a permit to about 4 500. Of these, about 450 are expected to be categorised as A activities and the remainder as B activities. The net effect of this would be to increase the number of C activities, currently 15 000 – 20 000, by about 1 500. The methodology for re-categorisation is reproduced at Appendix 6.

County of Stockholm.

In the County of Stockholm, there are 417 Environmentally Hazardous Activities that are subject to environmental permitting, including 43 IPPC installations. The Environmental Protection Section (EPS) of the CAB has responsibility for inspection and enforcement at about 33% of these activities and the municipalities are responsible for the other 66%. Details of the various activities, and of how the responsibilities for their inspection and enforcement are shared, are shown in the table below.

Number of activities in the County of Stockholm subject to permitting.

Inspectorate	A activities¹⁾	B activities¹⁾	IPPC-activities²⁾	Permits for gravel and rocks	Permits for transport and handling of hazardous waste	Water operations
CAB	10	112	18	~ 70	415(shared)	~1350
Municipalities	12	283	25	-	415(shared)	-

- 1) Permitting of A activities is handled by the Environmental Court and permitting of B activities are handled by the Environmental Licensing Delegation at the CAB.
- 2) The IPPC-activities are also included in the numbers of A and B activities.

In the municipality of Södertälje, there are 389 installations subject to environmental regulation. Of these, 5 are A activities, 20 are B activities, 126 are C activities and the remaining 238 are other installations that do not require a permit or prior notification. In 2004, 223 inspections were carried out, although some installations had more than

one inspection, such as the AstraZeneca pharmaceuticals plant, which had between 20 and 30 inspections.

In 2004, of about 1 557 matters registered at the EPS, about 590 related to inspection and enforcement, and 111 concerned applications for permits for A and B activities. Details are shown in the table below.

Numbers of Registered Matters in 2004

Concerning Inspection and Enforcement.	
- Notifications	276
- Environmental reports	117
- Others	197
Concerning Permitting (A-and B-activities).	
- Pre-permitting consultation	44
- Permitting at the Environmental Licensing Delegation (B-activities)	39
- Permitting at the Environmental Court (A-activities)	28
Concerning other Matters of Permitting.	
- Permitting of transports	297
- Permitting of emissions of CO ₂	74
- Others	485
Total.	1 557

Environmental Inspection.

In regard to inspection of the above activities, all aspects of environmental inspection as defined by the MCEI recommendation are covered by the EPS of the CAB, and by the municipalities. It should be noted that self-monitoring by operators is a mandatory requirement under the Swedish Environmental Code.

Sustainable development implies that everyone must take on the responsibility for doing what is possible to minimise his or her environmental impact. Operators are obliged to have a Self-Monitoring System (SMS). The SMS must comply with all the rules in the Code, the ordinances, the regulations and licenses applicable to a specific activity. What this means in effect is that responsibility rests with the operator for assuring the quality of self-monitoring results, for meeting permit conditions and for securing independent, technical accreditation of some parts of the Self Monitoring System (e.g. measurement, sampling and analysis). The environmental authorities can comment on the plans for this SMS, and require that new or revised plans be made if necessary. For the inspection element of the system, the industry, on request from the inspecting authority, employs independent consultants to inspect and report on their findings to the industry. The municipality's inspector normally takes part in the feedback meeting with the consultant and industry representatives, and receives the report. The ability to use different, external consultants for these activities provides an opportunity to have fresh views on the performance of installations under regulation.

This arrangement might be described as a minimal environmental management system, with a scope limited to compliance. The SMS is easy to integrate or

harmonize with any recognised environmental management system (e.g. ISO 14001 or EMAS) and with other types of voluntary management systems. It is also easy to combine with other duties under the Swedish Occupational Health and Safety Act.

It was noted that, as regards gathering of information on illegal releases, for example, the police forensic service is equipped to sample and monitor environmental media, and gathers evidence to support the police in prosecutions for environmental crimes. It was also noted, in this context, that CABs have a duty to cooperate with police, environmental prosecutors and the regulatory authorities, for the purpose of fighting environmental crime.

Time Allocation and Prioritisation.

In the CAB, the annual planning of activities, budget, and staffing addresses allocation of employee time to their various duties, including permitting and inspection, in a way that can be reviewed and compared with other CABs. Plans are made at both unit and individual level, and are reviewed every 4 months. It seems that resources are scarce and that there is a temptation to protect resources for permitting, for example, at the cost of the inspection programme.

The CAB is responsible for inspection of over 100 permitted installations, and work is prioritised on the basis of annual environmental reports, consideration of Environmental Quality Objectives (EQOs) and, partly, on the historical performance of the operator. This recognises the current move towards a risk-based approach to scheduling of inspections as opposed to one that is based on prescribed frequencies for the various categories of installation.

In practice, inspection frequencies range from more than once per year to only once in more than 3 years, and this was described as an issue that is under constant review. Inspections may be announced or unannounced depending on the circumstances. Inspection activity includes provision of information to operators on developments in environmental law, BAT, etc. The time taken for an inspection, together with time in the office for preparation and follow-up, can be up to 5 days for a major installation. CAB inspectors seem to spend about 1 day in 5 out of the office on inspection. In the overall allocation of time between the various duties there is no apparent recognition of the need to deal with reactive matters such as incidents or complaints, which is typically 20% of time in other inspectorates.

In the municipality, the procedure is quite similar to that of the CAB in having to balance time for inspection with other duties such as the handling of notifications and environmental reports.

As regards allocation of time for enforcement and prosecution arising from the findings of inspection, it is incumbent on the inspection authority to ensure that offenders of the Environmental Code are brought to the attention of a prosecutor. If a prosecutor decides to bring a case to court, it is handled in a general court of law. These matters are difficult to programme. In this general context, SEPA has a role as a supervisory authority giving guidance, evaluating, advising and co-ordinating environmental inspection and enforcement under the Swedish Environmental Code. Responsibility for supervision of Seveso II installations lies with the Swedish Rescue Services Agency.

Examples of Good Practice.

- Having an environmentally qualified and equipped police forensic service that investigates and gathers evidence for prosecutions of environmental crime.
- CABs have a duty to cooperate with the police, environmental prosecutor and the regulatory authorities, for the purpose of cooperation in the fighting of environmental crime.
- Responsibility is on operators for ensuring the quality of self-monitoring results, for meeting permit conditions and for securing independent, technical accreditation of some parts of the Self Monitoring System (e.g. measurement, sampling and analysis).
- Inspection activity includes provision of information to operators on developments in environmental law, BAT, etc. (i.e. Compliance promotion in the terminology of the IMPEL 'regulatory cycle'.)

Opportunities for Development.

- Explore further the arrangements for balancing resources between inspection, permitting, and other duties in order to ensure that the inspection function is adequately resourced.
- Plan inspection capacity to ensure that the inspection function is not overtaken by essential reactive work.
- Continue to consider the merits of developing a risk-based approach to inspection planning, (and of resisting invitations to inspect installations that do not constitute a significant environmental risk.)

4.5 Qualifications, Skills and Experience.

Objective

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

In the municipality, for the purposes of inspection and enforcement, new recruits are required to have a university degree. Although it is not essential, graduates of courses that are designed for environmental health professionals are preferred, as these are tailored to meet the requirements of the job. At the CAB, the requirements for recruits to the inspection and enforcement functions are similar to those in the municipality, although there is a greater preference for graduates with qualifications in engineering, chemistry and geology, reflecting the slightly different nature of installations inspected by the two bodies.

For staff at the Environmental Courts, and for ELD staff at the CAB, the required qualifications are prescribed by way of the Environmental Code and the Ordinance on Instructions to the CAB. These differ from the requirements for environmental

officers at the CAB. There is no professional bar to the exchange of roles between permitting and inspection as all officers are involved in both of these tasks. This is considered to be a sound principle for career development and effective broadening of knowledge and understanding of both functions.

Courses designed to meet the needs of environmental inspection are available at eight universities. The environmental authorities play an important role in the design and environmental content of these courses. For example, the Stockholm CAB has been in discussion with the university at Umeå about the skills, attributes and profile required for inspection and enforcement staff. In addition to matching course content to staff requirements, this is also seen as being conducive to enhancing the effectiveness of the interface between industry and the regulatory authorities. In this context, it was noted that the authorities do lose experienced staff to industry but that this is regarded, to some extent, as a means of promoting good environmental practice.

At the CAB, new staff are supervised for at least 6 months, by an experienced mentor, to ensure they have sufficient practical experience before being given the authority to sign official, regulatory documents. In the municipality, there is no specific arrangement for mentoring but it is clear that there is a high level of cooperation and exchange of knowledge and experience between colleagues, which achieves the same objective. Against this background, and because an inspector's authority stems directly from the Environmental Code, no warrants or badges of authority are issued to inspectors. In extremis, the inspector's right of entry to an installation can be enforced by the police. As regards the possibility of an inspector finding reason for immediate cessation of operation of a plant, such as imminent danger of harm to people or the environment, the system requires such decisions to be taken by the head of the Environmental Inspection Section, even if only accessible by telephone. Such access is assured by way of a 'duty officer' available at the CAB on a 24 hour basis.

In respect of the readiness of a new recruit to conduct site inspections, inspectors work in pairs, allowing for a new recruit to be paired with an experienced colleague. A further precaution against the possibility of inadequately experienced staff being allowed to inspect sites is the practice of the CAB in reviewing the relevant capabilities of the municipality before delegating inspection and enforcement responsibilities to it.

At the municipal level, at least, allocation of inspection duties to individuals involves an element of matching skills to category of installation. In general, however, the effectiveness of the inspection system seems to depend on having teams with a balanced composition of generalists and specialists. The possibility that inspectors might become 'issue-blind' or compromised in some way by over familiarity with an installation or its operators does not seem to be a concern. There is no fixed length of time that an inspector is assigned to an installation, and a period of 10 years is not unknown. Any such weakness is compensated for by the possibility of requiring expert, technical inspection of the installation by an independent consultant, and by the requirement for operators to submit annual environmental reports.

Examples of Good Practice.

- Qualifications for recruitment to environmental permitting function specified in the Environmental Code and the Ordinance on Instructions to the CAB.

- No professional bar to exchange of staff roles between inspection and permitting.
- Availability of courses at eight universities, specially designed to meet the needs of environmental inspection.
- Assignment of experienced mentors to support and develop new staff for inspection duties.

Opportunities for Development.

- Review arrangements for assigning inspectors to installations in order to avoid dangers of issue-blindness or over familiarity arising from extended periods of assignment. (e.g. more than 5 years.)
- Take the opportunity of the current review of the Environmental Code to consider either specification of the qualifications required for inspection, or the production by SEPA of equivalent guidance to CABs and municipalities.
- Continue to explore ways of insuring against loss of unique sources of expertise.

4.6 Training.

Objective

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

When recruiting personnel, the authorities have regard to the requirements of the Environmental Code. Amongst other things, they consider the actual tasks the inspector will have to undertake, and what competences the relevant team already possesses. Successful applicants are usually university graduates and have the necessary qualifications. The CAB has a training plan in place for new members of staff that includes:

- Several training courses, including an obligatory five-day course on the Administrative Code.
- Mentorship.
- Weekly staff meetings on new developments.

The municipality has developed a training programme supported by European Union Objective 3 funding. This programme is based on an inventory of available skills and competences. A plan has been developed to address the gaps, at administration, team and individual levels, on technical, legal and social subjects. Staff who attend such training courses are required to provide an evaluation of the course attended and, together with a summary of information acquired on the course, to make it available to colleagues. Similar arrangements are in place at the CAB, where the information is distributed by means of an Intranet.

In addition, it was noted that several courses and workshops are organised by SEPA for CAB and municipality inspectors, e.g. on new developments, including EU developments. The Enforcement and Regulation Council has also listed special courses for inspectors. There are courses ranging from 5 days (e.g. for further inspector training) to 4 years duration (e.g. for a Masters qualification as Environmental and Health Inspector) that are available at eight universities. Some of the courses provided by these universities can be completed by 'distance learning'.

Another mechanism for developing knowledge and skills is by way of about twelve sector-based networks. These thematic networks exchange technical information and experience on inspection related issues across the whole country.

There is a general responsibility placed upon inspectorates for being aware of relevant technical, political and regulatory developments and for refreshment of the skills of experienced inspectors. In 1999, when the new Environmental Code came into force in place of 15 sector-based laws, this meant that members of staff of all inspectorates, and staff of large operators, needed instruction on the new Code. This was done relatively quickly and cheaply by organising a 'Train the Trainer' course.

It is concluded that there are comprehensive opportunities to maintain the knowledge and skills of inspectors at an appropriate level. However, no instruction or guidance is prescribed by law, or by the central authorities, concerning assessment of the knowledge and skills required by the staff of inspectorates. In this regard, attention was drawn to the IMPEL Network report on 'Best Practices Concerning Training and Qualifications for Environmental Inspectors'.

Examples of Good Practice.

- Availability of about 12 sector-based networks for exchange of technical information and experience.
- Significant involvement of universities offering courses for the training of staff.
- In service development by way of obligatory training, 'Train the Trainer' mechanisms, and by way of the Enforcement and Regulation Council, SEPA and other bodies.
- Training programme at administration, team and individual levels, dealing with technical, legal and social subjects.
- Evaluation of training courses, and summary of information acquired, made available to colleagues.

Opportunities for Development.

- In recruiting staff and designing training programmes, have regard to the IMPEL Network report on 'Best Practices Concerning Training and Qualifications for Environmental Inspectors'.

- Consider introducing a system for personal development that records the results of performance appraisal, highlights responsibilities and identifies future needs for training. (The system mentioned in the report of IRI Review of the Irish EPA was noted as being a possible example or guide.)

4.7. Procedures.

Objective

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

Environmental inspection and enforcement on installations and other activities in Sweden are planned and carried out at regional and local level by the 21 CABs and the 290 municipal EPHCs. Implementation of most EC Directives is the responsibility of the CABs but it may be delegated to the EPHCs according to a special procedure.

All environmentally Hazardous Activities, and other operations under the Code, are subject to inspection by an operative inspection and enforcement authority (OIA). These inspection and enforcement authorities have a duty to plan and carry out such inspections. In addition to planned inspections, there is a further requirement to carry out inspections in response to complaints from individuals or the public.

The authorities in charge of inspection and enforcement must keep records of all activities and operations for whose inspection they are responsible. They prepare an annual plan setting out the inspection priorities and estimated inspection requirements for the coming year. This plan is based on regional and local environmental objectives that reflect national objectives. It was recognised that this is a robust arrangement for planning work activities but that it might be improved by early implementation of the proposed, systematic, risk-based approach to inspection planning. Consideration might also be given, in work planning, to identifying particular topics on specific installations that site inspectors recognise as being related to environmental objectives and risks.

The inspection and enforcement authorities regularly follow up and evaluate their activity planning, and subsequent implementation, in order to improve inspection efficiency. The results of this follow-up and evaluation are used as input for new inspection plans. In this context, SEPA has issued general guidelines for inspection planning.

Inspection is concentrated primarily on activities, operations and installations that may have a significant influence on the meeting of environmental quality objectives and targets. It is also focused on situations where there are known internal control system deficiencies and where inspection may be expected to improve the situation. The annual environmental reports provided by the operators of A and B activities are used as a basis for assessing the priority of such inspections.

As noted in Section 4.2, the presence of an EMAS or ISO 14 000 environmental management system does not automatically result in any less stringent or frequent inspection. The only relaxation is in the amount of the charges for inspection and enforcement levied by the municipality of Södertälje, at least. This is regarded, rather, as an inducement to uptake of a formal environmental management system.

A separate ordinance specifies the infringements for which inspection authorities can impose environmental penalty charges, as well as the respective levels of charge. The charges are always imposed immediately following infringement of a rule. It makes no difference whether the infringement is intentional, or due to negligence, or whether it has caused damage to the environment or human health or benefited the operator in any way. However, environmental charges are not imposed when manifestly unreasonable. There is also a list of infringements specified in law as being criminal offences. It is mandatory that these infringements be notified to the environmental prosecutor, who decides on whether to bring the matter to court.

In regard to Seveso II Directive installations, the CAB is responsible for inspection and enforcement on 'upper tier' installations. Operators have an obligation to prevent the occurrence of major accidents and to limit the effect they could have on people and the environment and to have an emergency plan in place. Where an accident or incident occurs on such an installation, the responsibility for action lies with the operator according to the *Act on Measures to Prevent and Limit the Consequences of Major Accidents*, and with the Municipality Rescue Service according to the *Rescue Services Act*. After the accident or incident, it is for the operator in consultation with the CAB or municipality to deal with the procedures and actions for remediation of any environmental damage within the framework of the environmental code. It was noted that several authorities might be involved with procedures concerned with Seveso II installations, but that the resulting potential for complication is removed by arrangements for cooperation and collaboration.

In the event of an accident or incident, or when there are complaints about noise or nuisance, neighbours and other involved parties are actively informed. In addition, reports on subjects of interest to the public are available. However, it was noted that consideration might be given to further improving the system for informing the public by making permits and inspection reports available on the Internet, for example.

Some examples of written procedures were shown to the Review Team as recorded in Appendix 4.

Examples of Good Practice.

- An annual inspection plan that is publicly available.
- SEPA provides guidelines for inspection planning for general use in Sweden as a whole.
- Infringements that constitute a criminal offence have to be notified to the environmental prosecutor on a mandatory basis.
- Recognition, in the inspection cost recovery arrangements, of the presence of an EMAS registration or ISO 14 001 certificate.

Opportunities for development.

- Seek early implementation of the SEPA guidelines on inspection planning by way of a systematic, risk-based approach.
- Give consideration, in work planning, to identifying particular topics on specific installations that site inspectors recognise as being related to environmental objectives and risks.
- Consider further improvement of the system for informing the public by making permits and inspection reports available on the Internet, for example.

4.8 Standards and Guidance.

Objective

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

SEPA issues guidance on both regulatory and technical matters. Regulatory guidance addresses matters such as inspection procedures, environmental regulatory duties, environmental reports, cost-recovery charges, etc. Much of this is contained in what might be described, elsewhere, as an inspectors' handbook. Technical guidance provides sector-specific information about types of installation subject to inspection and enforcement. These include installations such as combustion plants, airports, sewage treatment plants, etc. In addition, inspectors can consult specialist staff in SEPA, or industry sector advisors supported by SEPA, or staff in other authorities such as the National Chemicals Inspectorate.

Specific guidance is issued on how to interpret categorisation guidelines, in order to distinguish clearly between A and B activities, which require permits, and C activities, which require only to be notified to the relevant municipality. Also on legal matters, advice may be obtained by way of a telephone 'help-desk' operated by SEPA and available for 2 hours per day.

Guidance and advice is available by way of various collaborative networks. One such network includes the heads of Environmental Protection Sections in the various CABs. This discusses issues of common environmental interest across the CABs, and attempts to reach consensus solutions that can be applied consistently across the country. As regards permitting, there is also a national association of chairmen and advisors of the ELDs of all the CABs in Sweden. They have meetings and an e-mail network to discuss issues concerned with legislation and recent rulings of the ELDs and of the Environmental Courts. (Other such networks exist and are concerned with matters that overlap with environmental issues, but arrangements for cross-representation on these networks avoid duplication of effort as well as ensuring effective sharing of information.) There are also about 12 thematic, or sector-based,

networks that operate by e-mail and perform the same function in respect of thematic issues.

In addition, SEPA organises seminars and issues newsletters for staff of the CABs and municipalities, and sometimes of the operators, in order to address specific subjects and disseminate related information. CAB newsletters are issued in hard copy, and on the Internet, and are also a source of relevant information for the operators of installations. At a local level, staff have internal meetings to discuss matters of interest and, where appropriate, internal guidance is issued. The inspectorates have access to information about precedent decisions of the Environmental Courts, by way of a service that they can buy.

The overall impression is that, with the Environmental Code being a framework law, it is open to differences in interpretation and implementation and that SEPA guidance is too general. There seems to be a need for more examples of model documents and template forms and letters, etc. notwithstanding the fact that the CAB and the municipality have such guidance for internal use, as shown in Appendix 4.

In this last regard, the Swedish Enforcement and Regulation Council maintains a database with template forms, reports, etc. The database is accessible on the Internet but does not seem to be well supported or organised in an easily useable way. As described, it sounded as if it would benefit from better coordination of data collection, some form of data evaluation with a view to identifying best practice, particularly for smaller installations that have no permit, and a searchable index of contents. It might also include a searchable list of references to other source material.

It was noted that SEPA has a key role in securing consistency of implementation of environmental law across Sweden, but that its guidance is not mandatory and that CABs and municipalities may issue and use their own guidance. The national culture of cooperation and consensus seeking compensates for this, and is conducive to consistency of decisions and functions. A final observation on guidance was that there does not appear to be a requirement for systematic review of existing guidance documents in order to identify any need for revision in light of developments since their original publication.

Examples of Good Practice.

- Legal ‘help-desk’, operated by SEPA and available for 2 hours per day, for CABs, municipalities and others.
- Swedish Enforcement and Regulation Council maintains a database of inspection-related information, including template forms, reports, etc that is accessible on the Internet.
- Networks of heads of Environmental Protection Sections in the various CABs, of the chairmen and advisors of ELDs in the CABs, and other such networks, that have cross-representation to avoid duplication and to share information.

Opportunities for Development.

- Enforcement and Regulation Council database could benefit from better coordination of data collection, some form of data evaluation, a searchable index of contents, and a searchable list of references to other source material.
- Consider clarifying responsibilities for producing guidance, between SEPA and CABs. This will become more important if the review of installation categorisation results in significant transfer of A and B activities into the C category, which does not require permitting and even removes the guidance that inspectors are afforded by permit conditions.
- Consider a more efficient and systematic review of guidance to see if it is up-to-date, and revise if necessary.

4.9 Performance Assessment.

Objective

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

The Södertälje EHPC assesses its own performance partly by reviewing progress against its annual Inspection Plan and Activity Plan. Comparison with the Inspection Plan concerns number of inspections, etc. It is quantitative but does not indicate the quality of the work undertaken. Comparison with the Activity Plan is necessarily qualitative because of the qualitative nature of its objectives. It is also informed by the County State of the Environment Report from the previous year. This is the County's contribution to the national report prepared by the Environmental Objectives Council on progress against the 15 national EQOs. A short presentation of this work was made to the Review Team.

In addition, it evaluates its own professional performance by way of surveys of those organisations and people with whom it interfaces in the course of its duties. A questionnaire is sent to operators every 3 years seeking views on how well inspectors conducted site inspections, on how effective they were in providing relevant information and on their general opinion of the inspectorate. Every 3 years or so, a questionnaire is sent to members of the public seeking views on how well the Södertälje municipal administration deals with general issues, including environmental issues, how well they responded to complaints and how effectively they provided information. Members of EHPC are canvassed every year for views on how satisfied they are with the service provided by inspectors.

Management uses the results of these surveys in evaluating and revising work plans and internal working systems. In addition, there is a register of complaints about any aspect of performance, including the level of cost recovery charges. This is reviewed by the central administration and any necessary improvement actions taken. It was noted in discussion that some CABs actually review the performance of their municipalities but this is not universal, and it seemed sensible for CABs to review performance of those activities that it delegates to municipalities. In this context, it was suggested that local authorities, between themselves, might arrange peer reviews on the lines of the IMPEL IRI scheme, and that this would be consistent with the Swedish approach to collaboration.

In the specific context of complaints about lack of consistency in regulatory activities, it was noted that corrective action could be taken internally if they concerned one authority. It was noted that the Committee concerned with revision of the Environmental Code would consider matters of inconsistency at national level. In the meantime, any such inconsistencies seem to be handled effectively by way of exchange of information through one or other of the various collaborative networks. In the final analysis, there are arrangements for audit by the National Audit Office (NAO) of the activities of the CABs.

Any inconsistency in the drafting of permits, e.g. for lack of appropriate template or model documents, is more of an issue for small installations than for the larger ones. Any tendency in this direction is counteracted by the provisions for consultation and appeal and by the possibility of reference to the ombudsman, as well as audit by the NAO in the case of permitting by CABs.

Examples of Good Practice.

- Use of questionnaires for evaluation and continuous improvement of work plans and external and internal working systems.
- Effective handling of inconsistencies at national level by way of exchange of information through one or other of the various collaborative networks.
- Use of the State of the Environment report as input to assessment of performance against Activity Plans.

Opportunity for Development.

- Explore the possibility for CABs to review or audit the performance of inspection and enforcement activities that they delegate to municipalities.

4.10 Reporting.

Objective

To understand how the Candidate Inspectorate:

- Reports its activities to the public
- Provides information to the Member State,
- Supplies information to the European Commission e.g. for the Member State's obligations to report progress on the implementation of the Recommendation on Minimum Criteria for Environmental Inspections.

The municipality publishes an annual State of the Environment Report, in the context of its Agenda 21 activities. The information is essentially qualitative and is more

focused on outcomes rather than activities. Detailed statistics on its inspection and enforcement activities are maintained but are only made available on request.

The CAB issues Public Notices advertising the submission of application for permits and the publication of consultation documents. It produces a County State of the Environment Report every 4 years. This is similar in nature to the municipality report in being qualitative and focusing on outcomes. It also publishes an annual report of statistics of its regulatory activities, including data on inspections, fees, and injunctions, etc, which is submitted to Government for collation of national statistics.

In support of the work of the Environmental Objectives Council, in connection with the 15 national EQOs, it submits annual state of the environment reports to the Council. It also collates and publishes emission data returned from operators' SMSs and submits it to SEPA for transmission to the EC and inclusion in the pollutant emissions register.

Every 3 years, SEPA publishes a National Overview of statistics in connection with its role in follow-up and evaluation of inspection and enforcement under the Environmental Code, in collaboration with other authorities within the Enforcement and Regulations Council.

In addition, a large number of reports, containing technical information from monitoring and surveillance systems, are produced. They fulfil their scientific purpose but here is no system in place for making them available in a digestible form or for using them in the systematic, risk-based approach to inspection planning.

Example of Good Practice.

- Publication of State of the Environment Reports for information of the general public.

Opportunity for Development.

- The overall impression was that some of the reports were rather technical and that further attention might be given to ensuring that they are comprehensible by the public and that they include clear conclusions.
- Explore the opportunities for using the reports of monitoring and surveillance in the systematic, risk-based approach to inspection planning.
- The CAB might consider making a standing request to the municipality for annual reporting of inspection and enforcement statistics.

5. INDUSTRY VISIT.

As part of this review, the Impel Review Team visited an industrial site. The company had both IPPC and Seveso II installations. The environmental operative inspection authority for this site was delegated to the municipality. Discussions with the company, independent of the municipality, were beneficial and helped to crystallise the views of the Review Team.

In general the industry was complimentary about the skills and knowledge of the environmental authority in the municipality. In particular they pointed out the good communications between the industry and the municipality.

In particular, the Review Team noted:

- The roles of the different environmental authorities (central, regional and local) were well understood by the industry.
- In the event of an accident or spillage, the municipality would be informed, but the responsibility for remedial actions lie with the industry. The municipal authority would initiate an investigation, but not normally take an active part in it.
- The industry recognised the self-monitoring program as a positive way of concentrating information that would otherwise be presented in several pieces, and described in several different systems.
- The inspections are an important tool to help the industry to comply with the conditions in the permit.
- The conditions set out in the permit are one of the major drivers for internal standards that are even more stringent than those demanded by legislation.
- The industry recognises the value of a flexible permit that allows for minor changes in production processes without requiring a revision of the permit.
- The industry recognises the value of monthly meetings with the authority.
- The permitting process is open and there is a good exchange of information from the start of the process as well as when new legislation comes into force.
- The industry would like to have the chance for minor changes to be made to the permit, without having to revise the whole document.
- To give more relevant information to the municipal authority, the industry found it more satisfactory to use another format than SEPA required for the annual report.

6. SUMMARY OF FINDINGS.

Examples of good practice and opportunities for development are collated below. (The sub-section number, in brackets, identifies each source.)

Examples of Good Practice.

- Availability of guidelines from the Swedish Association of Local Authorities on the time associated with inspection and enforcement by the municipalities for which it is appropriate to charge fees, thus providing an element of consistency across municipalities. (4.1)
- Cost recovery charges payable to municipalities are conducive to recruitment of adequate levels of staff for inspection and enforcement. (4.1)
- Environmental courts have substantial technical and scientific advice and experience on environmental issues available to them. (4.1)
- Consolidation of environmental legislation into a single Environmental Code. (4.2)
- System of delegation of responsibility for permitting and inspecting different types of installations according to environmental impact, as between Categories A, B and C. (Based on evidence of situation in CAB Stockholm and the EPHC Södertälje.) (4.2)
- Opportunities for consultation coupled with rights of appeal. (4.2)
- System of administrative environmental sanction charges, together with availability of a specifically environmental prosecutor. (4.2)
- Duty placed on inspectors by the Environmental Code to seek modification of permits when appropriate. (e.g. in cases of developments in BAT.) (4.2)
- Co-location of spatial planning and environmental protection under the same management in one organisation. (4.3)
- Flexibility of budget allocation given to management in the CAB and municipality is conducive to efficient use of scarce resources. (4.3)
- The framework of regulations that sets out arrangements for delegation of decision making powers, together with relevant conditions, and rights of appeal. (4.3)
- Availability of computer terminals in CAB office reception area, for public access to environmental and regulatory information. (4.3)
- Having an environmentally qualified and equipped police forensic service that investigates and gathers evidence for prosecutions of environmental crime. (4.4)

- CABs have a duty to cooperate with the police, environmental prosecutor and the regulatory authorities, for the purpose of cooperation in the fighting of environmental crime. (4.4)
- Responsibility is on operators for ensuring the quality of self-monitoring results, for meeting permit conditions and for securing independent, technical accreditation of some parts of the Self Monitoring System (e.g. measurement, sampling and analysis). (4.4)
- Inspection activity includes provision of information to operators on developments in environmental law, BAT, etc. (i.e. Compliance promotion in the terminology of the IMPEL 'regulatory cycle'.) (4.4)
- Qualifications for recruitment to environmental permitting function specified in the Environmental Code and the Ordinance on Instructions to the CAB. (4.5)
- No professional bar to exchange of staff roles between inspection and permitting. (4.5)
- Availability of courses at eight universities, specially designed to meet the needs of environmental inspection. (4.5)
- Assignment of experienced mentors to support and develop new staff for inspection duties. (4.5)
- Availability of about 12 sector-based networks for exchange of technical information and experience. (4.6)
- Significant involvement of universities offering courses for the training of staff. (4.6)
- In service development by way of obligatory training, 'Train the Trainer' mechanisms, and by way of the Enforcement and Regulation Council, SEPA and other bodies. (4.6)
- Training programme at administration, team and individual levels, dealing with technical, legal and social subjects. (4.6)
- Evaluation of training courses, and summary of information acquired, made available to colleagues. (4.6)
- An annual inspection plan that is publicly available. (4.7)
- SEPA provides guidelines for inspection planning for general use in Sweden as a whole. (4.7)
- Infringements that constitute a criminal offence have to be notified to the environmental prosecutor on a mandatory basis. (4.7)
- Recognition, in the inspection cost recovery arrangements, of the presence of an EMAS registration or ISO 14 001 certificate. (4.7)

- Legal ‘help-desk’, operated by SEPA and available for 2 hours per day, for CABs, municipalities and others. (4.8)
- Swedish Enforcement and Regulation Council maintains a database of inspection related information, including template forms, reports, etc that is accessible on the Internet. (4.8)
- Networks of heads of Environmental Protection Sections in the various CABs, of the chairmen and advisors of ELDs in the CABs, and other such networks, that have cross representation to avoid duplication and to share information. (4.8)
- Use of questionnaires for evaluation and continuous improvement of work plans and external and internal working systems. (4.9)
- Effective handling of inconsistencies at national level by way of exchange of information through one or other of the various collaborative networks. (4.9)
- Use of the State of the Environment report as input to assessment of performance against Activity Plans. (4.9)
- Publication of State of the Environment Reports for information of the general public. (4.10)

Opportunities for Development.

- Continue the development of systematic arrangements for reporting information from municipalities and CABs to SEPA, for reporting to EC under the MCEI Recommendation. (4.1)
- The possibility of making cost recovery charges for inspection and enforcement directly payable to CABs in order to fund recruitment of staff and relieve the problem of resource constraint. (4.1)
- Explore solutions to the problems arising from absence of time limit for issue of permits. (4.2)
- Consider wider, active use of Internet for dissemination of information for consultations, and for environmental data, etc. (4.2)
- Seek opportunity to influence Government Annual Letter of Instruction (to CAB) in order to better match instructions, priorities, etc. with appropriate resources, and develop arrangements for reporting on achievements. (4.3)
- Make information on inspection and enforcement activity available to the public in a more coordinated and active way, e.g. through the Internet. (4.3)
- The EPHC activity planning process is already good but might benefit from the quantification of objectives and use of indicators. (4.3)
- Continue to explore ways of cross checking and supporting the making of major decisions by inspectors. (4.3)

- The Review team noted that some of their observations, at least, would be covered by introducing an ISO 9000 quality management system.
- Explore further the arrangements for balancing resources between inspection, permitting, and other duties in order to ensure that the inspection function is adequately resourced. (4.4)
- Plan inspection capacity to ensure that the inspection function is not overtaken by essential reactive work. (4.4)
- Continue to consider the merits of developing a risk-based approach to inspection planning, (and of resisting invitations to inspect installations that do not constitute a significant environmental risk.) (4.4)
- Review arrangements for assigning inspectors to installations in order to avoid dangers of issue blindness or over familiarity arising from extended periods of assignment (e.g. more than 5 years.) (4.5)
- Take the opportunity of the current review of the Environmental Code to consider either specification of the qualifications required for inspection, or the production by SEPA of equivalent guidance to CABs and municipalities. (4.5)
- Continue to explore ways of insuring against loss of unique sources of expertise. (4.5)
- In recruiting staff and designing training programmes, have regard to the IMPEL Network report on 'Best Practices Concerning Training and Qualifications for Environmental Inspectors'. (4.6)
- Consider introducing a system for personal development that records the results of performance appraisal, highlights responsibilities and identifies future needs for training. (The system mentioned in the report of IRI Review of the Irish EPA was noted as being a possible example or guide.) (4.6)
- Seek early implementation of the SEPA guidelines on inspection planning by way of a systematic, risk-based approach. (4.7)
- Give consideration, in work planning, to identifying particular topics on specific installations that site inspectors recognise as being related to environmental objectives and risks. (4.7)
- Consider further improvement of the system for informing the public by making permits and inspection reports available on the Internet, for example. (4.7)
- Enforcement and Regulation Council database could benefit from better coordination of data collection, some form of data evaluation, a searchable index of contents, and a searchable list of references to other source material. (4.8)
- Consider clarifying responsibilities for producing guidance, between SEPA and CABs. This will become more important if the review of installation categorisation results in significant transfer of A and B activities into the C

category, which does not require permitting and even removes the guidance that inspectors are afforded by permit conditions. (4.8)

- Consider a more efficient and systematic review of guidance to see if it is up-to-date, and revise if necessary. (4.8)
- Explore the possibility for CABs to review or audit the performance of inspection and enforcement activities that they delegate to municipalities. (4.9)
- The overall impression was that some of the reports were rather technical and that further attention might be given to ensuring that they are comprehensible by the public and that they include clear conclusions. (4.10)
- Explore the opportunities for using the reports of monitoring and surveillance in the systematic, risk based approach to inspection planning. (4.10)
- The CAB might consider making a standing request to the municipality for annual reporting of inspection and enforcement statistics. (4.10)

7. CONCLUSIONS.

The Review Team concluded that all of the objectives of EC environmental law are being delivered in Sweden, and to a high standard, if the examples of the Stockholm CAB and the Municipality of Södertälje are typical of the situation across the country. The Team further concluded that arrangements for environmental inspection and enforcement were broadly in line with the MCEI Recommendation. It was noted that the organisation and management of environmental regulation reflected the national culture of delegation, collaboration and consensus seeking. This makes the system somewhat difficult for outsiders to understand at first, and it was suggested that a Quality Management System, such as ISO 9000, would make it more transparent if there was felt to be such a need. Notwithstanding the almost unique nature of the arrangements, the system appears to work well, as was confirmed by the Review Team meeting with a multi-national industrial operator.

The Review Team was impressed by the comprehensive nature of the Swedish Environmental Code and by the way that the Self-Monitoring System appears to work, with most operators taking personal responsibility for complying with the law and for securing independent corroboration of their compliance. This leaves inspectors to concentrate efforts on those situations that require their presence and attention. It was noted that work is in hand, nationally, to put planning for inspection and enforcement on a systematic basis, using a risk-based approach. As regards activity planning, the Review Team noted the qualitative nature of some of the objectives and suggested more quantification, for the purposes of effective assessment of progress.

The regulatory arrangements are characterised by openness and generous arrangements for consultation and for appeal. These are accompanied by extensive publication of information arising from monitoring and surveillance, from the reports, guidance and newsletters of the authorities, and from operators' environmental reports. It was noted that some of this information was rather technical in nature and that it would benefit from some interpretation that is comprehensible by the public and from the addition of conclusions that explain its significance.

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

8. ACKNOWLEDGEMENTS.

The Review Team wishes to thank the staff of SEPA, the Stockholm CAB and the Municipality of Södertälje for their extensive preparations for this review, for their cooperation during its conduct and for their generous hospitality throughout. It also wishes to thank the respective organisations of Review Team members for their support.

9. LESSONS FOR THE REVIEW PROCESS.

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

- The value of the pre-review meeting, and of having information about constitutional and legal matters in advance of the review, was confirmed.
- The assignment of specific blocks of time at the beginning and end of each day for Review Team discussion was invaluable.
- The review of two inspectorates at the same time, in one week, is a substantial strain on the Review Team and on the review arrangements, and should not to be encouraged.
- Delegation to Team members of some responsibility for leading questioning would relieve the load on the Team Leader and would help develop Team Leaders for the future.
- The value of having native language (Swedish) speakers on the Review Team was confirmed. Their presence enabled the Review Team to see, understand and confirm the availability of a wide range of documents, guidance, procedures, permits, etc., that were only available in Swedish.
- Having the Review Team members staying in a hotel within walking distance of the review location, and having meals provided at the review location, was most effective and economic of time.

10. ABBREVIATIONS.

BAT	Best Available Technique. (Under the IPPC Directive.)
BREF	BAT Reference Document.
CAB	County Administrative Board.
EHA	Environmental and Health Administration.
ELD	Environmental Licensing Delegation.
EMAS	Environmental Management and Assessment Scheme.
EPHC	Environmental and Public Health Committee.
EPS	Environmental Protection Section.
EQO	Environmental Quality Objective.
IPPC	Integrated Pollution Prevention and Control.
IRI	IMPEL Review Initiative.
MCEI	Minimum Criteria for Environmental Inspection.
NAO	National Audit Office.
NGO	Non – Governmental Organisation.
SEK	Swedish Crowns.
SEPA	Swedish Environmental Protection Agency.
SMS	Self – Monitoring System.

Appendix 1.

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
	Swedish IRI Review
<i>Project Manager</i>	Ms Anne Wynne, (<i>subsequently Ms Inga Birgitta Larsson</i>), Swedish Environmental Protection Agency

1. Scope

1.1. Background	<p>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.</p> <p>In March 2001 the IRI Working Group finalised a proposal for the voluntary scheme and sought candidate Inspectorates to undertake the review process. The “IRI Review Guidance and Questionnaire” was approved at the IMPEL Meeting at Falun in June 2001.</p> <p>A test review was carried out in Denmark by a team of three and the support by a consultant. Germany hosted the first full review in October 2001. After that Ireland, Belgium, France, the Netherlands and Spain have hosted a review.</p> <p>A workshop on the review of the IRI was held in Bristol on 16-18 October 2003 and the outcome from that will be reported to the IMPEL plenary meeting in Ireland June 2004.</p> <p>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).</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> <p>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.</p> <p>The potential benefits of this scheme include:</p>
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	<ul style="list-style-type: none"> • Encouragement of capacity–building in EU Member State inspectorates. • Encouragement of further collaboration between EU Member State inspectorates on common issues or problems, on exchange of experience and on development and dissemination of good practice in environmental regulation. • Provision of advice to candidate inspectorates who may be seeking an external view of their structure, operation or performance by trusted, knowledgeable and independent counterparts for the purpose of benchmarking and continuous improvement of their organisation. • The spread of good practice leading to improved quality of inspectorates and inspections, and contributing to continuous improvement of quality and consistency of application of environmental law across the EU.
<p>1.2. Definition</p>	<p>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.</p> <p>It is also proposed for the purposes of the Swedish 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:</p> <ul style="list-style-type: none"> • 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. • Structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions. • Workload, by number of IPPC processes and Annex1 category. • Qualifications, skills and experience of regulatory staff. • Procedures for assessment of training needs and provisions for training and maintaining current awareness. • Procedures, criteria and guidance for drafting of permits, for scheduling inspections, for subsequent assessment of compliance and for enforcement action in cases of non-compliance. • Arrangements for internal assessment of the quality of regulatory performance and for improvement if appropriate. • Arrangements for reporting on inspectorate activities. <p>It is also envisaged that verification of implementation of above systems be conducted during the review. This will facilitate the identification of both “good practice” and “opportunities for development” which, in the opinion of the review team, exist in Sweden. The verification may involve detailed examination of documentation related to the inspection of a number of IPPC permitted facilities.</p>

<p>1.3. Objective of project</p>	<p>To undertake an IRI review of the County Administrative Board of Stockholm and the Environment and Public Health Committee of the municipal Södertälje, Sweden 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 taking into consideration the report from a workshop in Bristol October 2003 “IMPEL (IRI) Phase 4: Review of Trial Scheme”.</p> <p>The benefits of the project are four-fold;</p> <ol style="list-style-type: none"> 1. The studied region will benefit from an expert review of its systems and procedures with particular focus on conformity with the Minimum Criteria for Environmental Inspections 2001/331/EC 2. The participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures 3. Other Member States will benefit through the dissemination of the findings of the review through the IMPEL network. 4. Other permitting, inspection and enforcement environmental authorities in Sweden will benefit from the results by the participation during the study of a representative from another county authority and by the dissemination of the outcome of the study.
<p>1.4. Product(s)</p>	<p>In addition to the benefits listed in Section 1.1, tangible products will include,</p> <ul style="list-style-type: none"> • A written report of the review for the candidate inspectorate, • Relevant extracts from the review report, as agreed with the candidate inspectorates, for dissemination to IMPEL members and the EC; this will include material which might be considered for incorporation in the Guidance, Education and Training Schemes of other Member States Inspectorates.

2. Structure of the project

<p>2.1. Participants</p>	<p>The review team will consist of 5 participants from 5 Member States and 1 participant from Norway.</p> <p>Review Team Leader. The team will be led by Mr Pieter-Jan van Zanten from the province of Overijssel, the Netherlands.</p> <p>Review Team Inspectors. Galicia, Spain, as the last host country, the Member States Denmark, France and United Kingdom and in addition Norway are each asked to supply an experienced inspector to the review team. From Sweden Ms Anne Wynne, (<i>subsequently Mr Björn Pettersson</i>), from the Swedish Environmental Protection Agency will be part of the team. An experienced inspector from another one of the 21 County Administrative Boards in Sweden will participate as an observer in the team.</p>
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	Review Rapporteur. Dr Allan Duncan previously involved in the IRI studies will act as an expert rapporteur to the review team.
2.2. Project team	See 2.1
2.3. Manager Executor	<p>Ms Anne Wynne, (<i>subsequently Ms Inga Birgitta Larsson</i>), from the Swedish Environmental Protection Agency will be responsible for monitoring and supervision of the Swedish IRI project on behalf of IMPEL.</p> <p>It is proposed the project in Sweden will take place in Södertälje in March 2005 (7th – 11th or 14th – 18th) and that a report will be submitted to the November/December 2005 IMPEL Plenary. A pre-meeting is planned to take place in Stockholm 9th – 10th November 2004.</p> <p>The report will be quality assured prior to the IMPEL meeting (see 4)</p>
2.4. Reporting arrangements	<p>The results of the Review will be reported by the project manager and a report will be submitted to the IMPEL Plenary November / December 2005 for approval.</p> <p>The Report will follow the Template Structure shown in Appendix 1 attached taking into consideration the amendments proposed in the Bristol report and will include:</p> <ul style="list-style-type: none"> • A written report of the review background, participants and expenditure. • Relevant extracts from review reports, as agreed with candidate inspectorates, for dissemination to IMPEL members and the EC. • Training and Educational material on “lessons learnt” and on areas of good practice for dissemination to IMPEL Members.
2.5 Dissemination	<p>Target audience</p> <ul style="list-style-type: none"> - IMPEL Countries - The County Administrative Board of Stockholm - The Environment and Health Committee of Södertälje - Inspecting and Permitting Authorities in Sweden as a whole <p>Dissemination of the result of the project</p> <p>IMPEL:</p> <ul style="list-style-type: none"> - The dissemination of the Swedish IRI report will be decided at the IMPEL plenary meeting in November / December 2005 <p>Sweden:</p> <ul style="list-style-type: none"> - A seminar in cooperation with the Swedish Enforcement and Regulations Council is planned to be arranged for inspecting, enforcement and permitting authorities in Sweden as well as Swedish Environmental inspection and enforcement authorities at central level - The report will be available at the Swedish EPA’s website

3. Resources required

3.1 Project costs	
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	<p>The project will involve the following;</p> <ul style="list-style-type: none"> • Pre-meeting of the Review Team Leader and the Review Rapporteur with the Swedish project manager and the Candidate Inspectorates to finalise the Scope and Timing of the Review to take place in Stockholm November 9th – 10th 2004. • Preparation of summary information and circulation to Review Team members. • Review to take place in Stockholm and Södertälje in March 2005, 7th – 11th or 14th – 18th, (<i>subsequently 7th – 11th</i>) over a period of 5 days (and in addition to this travelling days) comprising <ul style="list-style-type: none"> - 2.5 days for review and assessment - 0.5 days for comparison and collation of team views - 1 day for writing draft report, in a standard format - 1 day for feedback, discussion and finalisation of report.. • Report to be submitted to the IMPEL Plenary November / December 2005 <p>It is proposed that meetings and report are conducted in English, and no interpretation is required.</p> <p>Travel and Subsistence (T&S) costs for the meetings to be covered by the commission in accordance to the new funding arrangements of IMPEL and to the conclusions of the IMPEL Plenary in Rome November 2003.</p> <p>The costs for Norway are not included in the assessment.</p> <p>Personnel costs from the candidate inspectorates are not included in the assessment.</p> <p>Other projects costs covered by Sweden are not included in the assessment.</p> <p>Personnel costs from participating inspectors are not included in the assessment.</p> <p>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 Inspectorates and the IMPEL Countries supplying participating inspectors.</p>
3.2. Fin. from Com.	See 3.1
3.3. Fin. from MS (and any other)	See 3.1
3.4. Human from Com.	None required.
3.5. Human from MS	See 3.1. The breadth of issues dealt with in the questionnaire requires that significant personnel resources from the candidate inspectorates are necessary.

4. Quality review mechanisms

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

5. Legal base

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

6.1. Approval	As preliminary agreed at the IMPEL Meeting in Rome November 2003 and finally agreed at the IMPEL Meeting in Ireland June 2004.
6.3. Start	Work on finalising the Review Team can commence immediately after approval. The review itself is planned for early 2005 with a pre-review meeting to be held November 2004.

Appendix 1

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 Inspectorates

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 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⁽³⁾,

Having regard to the opinion of the Committee of the Regions⁽⁴⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽⁵⁾, 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 environment and sustainable development⁽⁶⁾ and the Decision of the European Parliament and the Council on its review⁽⁷⁾ emphasised

⁽³⁾ OJ C 169, 16.6.1999, p. 12.

⁽⁴⁾ OJ C 374, 23.12.1999, p. 48.

⁽⁵⁾ 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.

⁽⁶⁾ OJ C 138, 17.5.1993, p. 1.

⁽⁷⁾ OJ L 275, 10.10.1998, p. 1.

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⁽⁸⁾ 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 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

⁽⁸⁾ OJ C 321, 22.10.1997, p. 1.

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⁽⁹⁾.

(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.

(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.

⁽⁹⁾ OJ L 158, 23.6.1990, p. 56.

(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
The President

For the Council
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 its regulatory responsibilities. This is not an audit process but is intended to meet recital 17 European Parliament and Council Recommendation (2001/331/EC):

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

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

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

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

2. Purpose.

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

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

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

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

3. How to use the Questionnaire.

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

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

4. Questionnaire.

Question	Related Article
<p data-bbox="235 348 959 384"><u>1. CONSTITUTIONAL BASIS FOR INSPECTORATE</u></p> <p data-bbox="235 422 378 457">Objective.</p> <ul data-bbox="235 499 1149 863" style="list-style-type: none"> <li data-bbox="235 499 1149 604">• To establish how the Member State allocates responsibilities for technical policy, socio-economic policy and any related political issues associated with environmental regulation. <li data-bbox="235 646 1149 716">• To understand how the Candidate Inspectorate is constituted within the Member State. <li data-bbox="235 758 1149 863">• To understand the Candidate Inspectorate’s role in the interface between technical regulatory issues and related political or socio-economic issues in the Member State. <p data-bbox="235 905 378 940">Guidance.</p> <p data-bbox="235 978 1138 1047">The response to the questionnaire should enable the Review Team and Candidate Inspectorate to examine:</p> <ul data-bbox="235 1089 1175 1677" style="list-style-type: none"> <li data-bbox="235 1089 1175 1236">• 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 data-bbox="235 1278 1149 1383">• Member State arrangements allowing the Candidate Inspectorate to comment upon relevant legislation and to suggest changes for improvement of the overall system for delivering it. <li data-bbox="235 1425 1149 1495">• The funding split between central taxation, local taxation and direct charging. <li data-bbox="235 1537 1175 1677">• Arrangements for communicating with neighbouring Member States, e.g. Article 17 of the IPPC Directive, and notification and promoting exchange of information and staff between Inspectorates as recommended in the MCEI. <p data-bbox="235 1719 378 1755">Questions.</p> <p data-bbox="235 1793 1143 1862">1.1 What is constitutional relationship between the Inspectorate and its Member State (MS)?</p>	<p data-bbox="1203 348 1279 384">III(1)</p>

Question	Related Article
<p data-bbox="235 275 792 306"><u>2. LEGAL BASIS FOR INSPECTORATE.</u></p> <p data-bbox="235 348 370 380">Objective</p> <ul data-bbox="235 390 1170 751" style="list-style-type: none"> <li data-bbox="235 390 1109 457">• To establish an understanding of the legal basis of the Candidate Inspectorate within its Member State. <li data-bbox="235 499 1159 642">• To gain an understanding of those parts of environmental legislation for which the Candidate Inspectorate is the competent authority together with an explanation of the types of installations and operators covered. <li data-bbox="235 684 1170 751">• To establish the roles of the candidate Inspectorate in enforcement of relevant permit conditions and prosecution. <p data-bbox="235 793 370 825">Guidance</p> <p data-bbox="235 867 1170 1083">It is for the Member State to ensure that responsibilities for all requirements of environmental legislation are appropriately allocated within the Member State, e.g. as between the Candidate 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="235 1125 1136 1373">The response to the questionnaire should enable the Review Team to establish a clear picture of where the candidate Inspectorate’s responsibilities overlap or interact with other legislation. This should identify areas where there may be conflicting legislative requirements and how the relevant responsibilities are allocated and co-ordinated to ensure that environmental requirements are not compromised by other considerations.</p> <p data-bbox="235 1415 626 1446">It should include a description</p> <ul data-bbox="235 1457 1179 1787" style="list-style-type: none"> <li data-bbox="235 1457 1141 1560">• 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 data-bbox="235 1570 1179 1635">• Of where, in the Member State, the ultimate authority for determining the content of permits lies, <li data-bbox="235 1646 1162 1711">• Of how the public is involved and what happens if an operator or the public appeals against a decision by the Candidate Inspectorate. <li data-bbox="235 1722 1117 1787">• Systems used by the Candidate Inspectorate to resolve legislative conflict. <p data-bbox="235 1829 1011 1892">The Review team should explore transparency and clarity of arrangements.</p>	<p data-bbox="1203 275 1279 306">III(1)</p>

Question	Related Article
<p>Questions</p> <p>2.1 What legislation does your Inspectorate apply to environmental regulatory 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 Candidate Inspectorate’s legislation 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 an environmental permit?</p>	<p>III(2)</p>

Question	Related Article
<p data-bbox="233 310 1068 380"><u>3. ORGANISATION STRUCTURE AND MANAGEMENT OF INSPECTORATE</u></p> <p data-bbox="233 422 370 453">Objective</p> <p data-bbox="233 495 1122 564">To establish how the Candidate Inspectorate is organised, staffed and managed.</p> <p data-bbox="233 606 370 638">Guidance</p> <p data-bbox="233 680 1179 779">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="285 827 1179 1010" style="list-style-type: none"> <li data-bbox="285 827 1179 896">• Effective and consistent setting of high-level objectives, strategies and priorities and their internal and external communication <li data-bbox="285 938 1179 1010">• Effective and consistent delivery of all activities associated with implementation of the relevant environmental legislation. <p data-bbox="233 1052 1162 1226">It should allow the Review Team and Candidate Inspectorate to gain an understanding of how and where, within the Inspectorate or Member State, final regulatory decisions are taken i.e. across the full spectrum of complexity of regulatory issues and installation, for example from individual permit conditions to the issue of complex permits.</p> <p data-bbox="233 1268 1179 1409">The information submitted should include information on, and a description of, any systems relevant for calculating the costs of Candidate Inspectorate activities. This should take into account the “polluter pays principle”.</p>	

Question	Related Article
<p>Questions</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 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="232 310 451 342"><u>4. WORKLOAD</u></p> <p data-bbox="232 384 375 415">Objective.</p> <p data-bbox="232 457 1076 531">To understand the workload of the Candidate Inspectorate and the arrangements for its effective delivery.</p> <p data-bbox="232 573 375 604">Guidance.</p> <p data-bbox="232 646 1174 741">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="232 793 1157 1045" style="list-style-type: none"> <li data-bbox="232 793 1084 898">• Effective and consistent planning of inspections and associated activities, in relation to the number and characteristics of the installations for which it is responsible. <li data-bbox="232 940 1157 1045">• Effective and consistent allocation of available resources as between permitting, inspection, enforcement and other activities such as pre-application contact with operators, dealing with complaints etc. <p data-bbox="232 1087 1182 1266">The response should allow the Review Team to gain an understanding of how the regulatory process is managed at an operational level. It should address the workload in terms of number and type of installations, and indicate how the relevant tasks are measured in terms of time required and how the available resources are assigned.</p>	<p data-bbox="1206 310 1287 342">IV, V</p>

Questions

4.1 How many, and what type of installations are, or will be, regulated by the Inspectorate?

4.2 Which of the elements of “environmental inspection”, as defined in Article II, Section 2 of the European Parliament and Council Recommendation (2001/331/EC) on providing for minimum criteria for environmental inspections in the Member States (MCEI), are carried out by the Inspectorate?

4.3 How frequently are/will installations be inspected, by type or category?

4.4 What time is allocated for each such inspection?

4.5 How does the Inspectorate forecast the time required for:

- Producing a permit
- Maintaining a permit
- Undertaking enforcement action

4.6 Outline any charges levied by the Member State or Inspectorate:

- For a permit?
- To maintain a permit?
- For monitoring/sampling?

4.7 What determines the ratio of time spent on installations to time in the office on environmental regulation?

4.8 What determines the ratio of time spent on planned (routine) inspection to non-routine (unplanned) inspection? Unplanned inspections include reactive work e.g. complaints, incident investigation inspection.

4.9 How many enforcement actions and prosecutions are taken per year, by type or category, and what penalties (fines, imprisonment) are available and made?

4.10 What pre-application contact is made with operators to ensure they are informed and prepared to comply with environmental legislation, and how is this reflected in the work required for issuing and granting permits?

4.11 How does the Inspectorate plan and prioritise its workload to make best use of the available resources?

Question	Related Article
<p data-bbox="232 310 865 342"><u>5. QUALIFICATIONS, SKILLS, EXPERIENCE</u></p> <p data-bbox="232 384 367 415">Objective</p> <p data-bbox="232 457 1125 562">To understand the qualifications, skills and experience required by inspectors undertaking environmental regulation within the Candidate Inspectorate, both on appointment and during their career.</p> <p data-bbox="232 604 367 636">Guidance</p> <p data-bbox="232 678 1027 741">The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore and understand:</p> <ul data-bbox="232 783 1179 1161" style="list-style-type: none"> <li data-bbox="232 783 1179 856">• How Inspectors qualifications, skills and experience are reviewed and recorded e.g. in personal development plans <li data-bbox="232 898 1179 972">• How senior management is assured that individual members of staff are appropriately qualified for the tasks to which they are assigned <li data-bbox="232 1014 1179 1161">• 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. <p data-bbox="232 1203 367 1234">Questions</p> <p data-bbox="232 1276 1179 1339">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="232 1381 1125 1444">5.2 What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement?</p> <p data-bbox="232 1486 1141 1549">5.3 How are qualifications, skills and experience matched to regulatory duties and by whom?</p> <p data-bbox="232 1591 1162 1654">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="232 1696 1125 1738">5.5 Are inspectors warranted or accredited for their duties? If so how?</p> <p data-bbox="232 1780 1141 1843">5.6 How does the Inspectorate avoid “regulatory capture”, “undeclared interests” or “issue-blindness”?</p>	

Question	Related Article
<p data-bbox="235 310 425 342"><u>6. TRAINING</u></p> <p data-bbox="235 384 370 415">Objective</p> <p data-bbox="235 457 1166 594">To understand any systems the Candidate Inspectorate may use for identifying training requirements against the skills necessary for environmental regulatory service delivery, for providing training and for checking that training has been successful.</p> <p data-bbox="235 636 370 667">Guidance</p> <p data-bbox="235 709 1036 783">The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore and understand:</p> <ul data-bbox="284 825 1182 1381" style="list-style-type: none"> <li data-bbox="284 825 1182 972">• 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 data-bbox="284 1014 1157 1150">• 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 data-bbox="284 1192 1109 1297">• Any use of internal or external secondment or exchange programmes to other inspectorates, industry, or accreditation bodies <li data-bbox="284 1339 849 1381">• The quality of the training arrangements <p data-bbox="235 1413 375 1444">Questions</p> <p data-bbox="235 1486 1157 1560">6.1 Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience, If so how and by whom?</p> <p data-bbox="235 1602 873 1633">6.2 Is training provided? If so how and by whom?</p> <p data-bbox="235 1675 1089 1707">6.3 Is the success, or otherwise, of training subsequently assessed?</p> <p data-bbox="235 1749 1068 1822">6.4 Is awareness of relevant technical, policy and regulatory developments maintained within the Inspectorate? If so how?</p> <p data-bbox="235 1854 1060 1885">6.5 Are the skills of experienced inspectors refreshed If so how?</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?	
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Question	Related Article
<p><u>7. PROCEDURES.</u></p> <p>Objective</p> <p>To understand the system of procedures including work instructions covering activities associated with implementation of the relevant environmental legislation.</p> <p>Guidance</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"> • System of procedures are used by the Candidate Inspectorate • The coverage of the procedures linked to implementation of the relevant legislation. • Extent to which procedures are used for tasks identified by the MCEI Recommendation • How the procedures recognise links to other legislative regimes e.g. Seveso II <p>Questions</p> <p>7.1 Are procedures, systems or instructions are in place for:</p> <ul style="list-style-type: none"> • Determining, issuing, reviewing and revoking permits? • Scheduling and planning inspections according to the MCEI? • Conducting routine inspections according to the MCEI? • Conducting non-routine inspections according to the MCEI? (Including those associated with accidents and emergencies.) • Taking enforcement action? • Making information available to the public? <p>Dealing with accidents on (e.g. IPPC) installations subject to the Seveso II Directive?</p>	<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 data-bbox="235 275 719 306"><u>8. STANDARDS AND GUIDANCE.</u></p> <p data-bbox="235 348 370 380">Objective</p> <p data-bbox="235 422 1177 527">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 data-bbox="235 569 370 600">Guidance</p> <p data-bbox="235 642 1032 709">The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the Inspectorate's:</p> <ul data-bbox="285 751 1169 1230" style="list-style-type: none"> • Guidance to staff on criteria against which regulatory judgements are to be made • Provision of technical guidance and how this is produced/agreed/reviewed/revised • Provision of advice on BAT for IPPC installations • System for communicating both criteria and guidance to industry and the public • Use and access to independent sources of advice e.g. Scientific Committees <p data-bbox="235 1272 375 1304">Questions</p> <p data-bbox="235 1346 1154 1451">8.1 How are standards and guidance for regulatory judgements in permitting, inspecting and enforcement established and communicated? (Both internally and externally.)</p> <p data-bbox="235 1493 1062 1560">8.2 What technical guidance, e.g. on BAT for IPPC processes, is available? (Internally and externally)</p> <p data-bbox="235 1602 1179 1633">8.3 How is such guidance produced and how often is it reviewed/revised?</p> <p data-bbox="235 1675 1174 1743">8.4 Does the Inspectorate have access to any Advisory Body or any other external, independent source of advice?</p>	

Question	Related Article
<p data-bbox="235 275 727 310"><u>9. PERFORMANCE ASSESSMENT.</u></p> <p data-bbox="235 348 370 384">Objective</p> <p data-bbox="235 422 1143 531">To understand how the Candidate Inspectorate assesses the quality and consistency of its performance as a regulator and the environmental impact of its activities.</p> <p data-bbox="235 569 370 604">Guidance</p> <p data-bbox="235 642 1036 711">The response to the questionnaire should enable the Candidate Inspectorate and Review Team to explore the Inspectorate's:</p> <ul data-bbox="285 749 1110 1087" style="list-style-type: none"> <li data-bbox="285 749 1110 825">• System for assessment of the of the Candidate Inspectorate's performance, <li data-bbox="285 863 1078 898">• Arrangements for review of results by senior management <li data-bbox="285 936 1094 1012">• Feedback mechanisms for incorporating relevant lessons or actions into programmes for improved performance. <li data-bbox="285 1050 773 1087">• Approach to the review of permits <p data-bbox="235 1125 375 1161">Questions</p> <p data-bbox="235 1199 1114 1308">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 data-bbox="235 1346 1170 1381">9.2 How and by whom are the results of any such assessments reviewed?</p> <p data-bbox="235 1419 1166 1455">9.3 How is the environmental impact of the regulatory process assessed?</p> <p data-bbox="235 1493 1170 1562">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>Objective</p> <p>To understand how the Candidate Inspectorate:</p> <ul style="list-style-type: none"> • Reports its activities to the public • Provides information to the Member State, • Supplies information to the European Commission e.g. for the Member State’s obligations to report progress on the implementation of the Recommendation on Minimum Criteria for Environmental Inspections. <p>Guidance</p> <p>The response to the questionnaire should enable the candidate Inspectorate and Review Team to explore:</p> <ul style="list-style-type: none"> • The Inspectorate’s systems for, and relationship to the Member State and European Community’s systems and requirements for the provision of environmental information. • The types of information made available, e.g. annual report, inspection reports, sampling data, enforcement and prosecution data <p>Questions</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.

SUMMARY OF INFORMATION SUBMITTED TO REVIEW TEAM.

Information provided in advance by Ms. Inga Birgitta Larsson, (Project Manager):

- 1) 'Constitutional and Legal Basis for Inspecting and Permitting Authorities'.
- 2) 'Environmental Inspection and Enforcement in Sweden'.
- 3) Contact list of persons involved in the project.
- 4) Draft programme and agenda for Review, together with practical information.

Information provided in advance by Mr. P-J. van Zanten, (Review Team Leader):

- 5) Minutes of Pre-Review Meeting of November 2004.
- 6) The Questionnaire and Guidance for use in the Review.
- 7) The Spanish IRI Review report.
- 8) The website reference to the IMPEL IRI Phase IV Report. (Report of trial reviews.)

Information in Swedish provided by the County Administrative Board of Stockholm during course of Review:

9) *The Ordinance with instructions to the CABs:*

This is the legal basis for the government of CABs. It contains the necessary provisions for the operative tasks of the CAB's and how decision-making and management is to be carried out. It also contains the actual paragraphs on the requirements and skills of the appointed members of the Environmental Licensing Delegation.

10) *The Regulation of handling of particular cases and issues (Internal-mandatory):*

In these three documents the responsibility and powers of different name given departments, units, and officers within the CAB are specified. It contains the order of delegation and the responsibilities to 1) give back the responsibility to a higher level in certain cases and 2) to let other experts within the CAB comment on the case.

11) *Guidance to the administrative procedure on particular cases (Internal-voluntary):*

The document contains practical guidelines to fulfill the demands of the Administrative Procedures Act.

12) *The Annual Government Letter with instructions to CABs:*

In this annual document released in December each year the Government give tasks and set objectives for the CAB within all areas of policy. It also contains individual tasks and

missions and how and when to report back (if not in the annual report). Attached are the funding limits for the CAB's budget.

13) *Working Plan for the CAB of Stockholm:*

Contains state, priorities, objectives and actions in certain policy areas from an overall point of view.

14) *Working Plan for the Environmental and planning department:*

As above but with budget for costs, time and staffing on department level.

15) *Working Plan for the Environmental Protection Unit:*

As above combined with quantity and quality objectives and detailed actions.

16) *Inspection Plan for 2004-2005:*

Contains allocation of resources, staffing and priorities regarding all inspection and enforcement activities within the CAB's responsibility given by the Environmental Code. Seem to lack detailed lists of industrial sites with prioritised inspection intervals.

17) *Internal policies for Training and Development, Environmental Management, Recruiting and Staffing and for Representation.*

18) *Annual report to the Government for 2004:*

From the report the cost and workload of the recent year can be extracted for all relevant issues for the CAB. Statistics on the number of inspection objects, inspected objects, number of particular cases handled on initiative and in response to complaints, whether an inspection plan is made and complied with or not, use of accepted methods for inspections, number of sites with significant lack of compliance and the number of such sites that were not rectified on follow-up. Statistics on costs and the input on time are to be read out. A vast amount of text is describing the results of the efforts.

19) *Practical checklists:*

E.g. for dealing with reminders for the early consultation process prior to EIA, and the administrative procedures of handling an application within the ELD, and for the review of the annual environmental reports submitted by the operators.

20) *Annual Environmental Report 2002 and Self-monitoring Program:*

For a Landfill, i.e. an A-activity whose permit was issued by the Environmental Court.

21) *Various reports of monitoring and surveillance of the environment:*

(i.e. air, water quality, biological topics etc.)

22) *Example of a permit from the ELD at the CAB of Stockholm:*

This permit concerned an industrial site for production of grease and other car chemicals. The classification is B. The decision now concerns the final terms or conditions that were postponed for a period of time following an earlier decision. The permit is structured as follows:

- New conditions concerning:

- The demand for restoration of land and buildings if residual pollution is detected. This is to be carried out by consent of the Inspection Authority.
- Every oil tank or other tank with chemicals must have an operating leak alarm in order to prevent leakage or overload.
- Demand for regular control and leakage detection. A monitoring program is to be submitted to the local authority.
- Sewers for rainwater within the fence of the company must be equipped with a closing valve within a year.
- A plan for risk assessment and precautions must be submitted to the local authority within a year.
- The amount of oil (oil index) in rainwater outlets from the area must not exceed 5 mg/l and the total amount must not exceed 10 kg/yr.
- Chemicals that might disturb the sewage treatment must not be emitted to the sewage. Storage precautions must be taken.
- The self-monitoring program must be revised and completed after the precautions have carried out.
- An inspection is to be made after the precautions has been carried out.

- Issues delegated to the Local Authority:

If necessary decide on certain conditions regarding soil remediation.

- Information about:

- Violation of conditions may lead to prosecution. Reference to Code.
- Other legislation that must be complied with.
- The responsibility of the operator to conduct self-monitoring and the submission of annual environmental reports. Reference to Code
- The responsibility to accept charges for licensing and inspections. Reference to Code.

- Administrative Proceedings:

A brief summary of the application or investigation and the operator's statements.

- Summary of comment from the Local Authority (EHPC of the City of Stockholm):

(Comments from others could be at hand)

The Motivated assessment of the ELD

- Information on how to appeal:

(To Environmental Court within 3 weeks)

- Decision on how to communicate the permit:

- Information on decision makers:

- Signing and name clarifications:

- List of submissions.

Information in Swedish provided by the Municipality of Södertälje during course of Review:

23) *Delegation of the right to make decisions.*

24) *List of annual charges, or charges by hour, for inspection and enforcement in regard to Environmental Hazardous Activities.*

25) *Work Plan for 2005.*

26) *Inspection plan for 2005.*

27) *A routine (or procedure):*

How to handle notifications according to chapter 9, 6 § of the Environmental Code, (notification of Environmental Hazardous Activities).

28) *An Information sheet:*

How to use the form “notifications according to chapter 9, 6 § the Environmental Code”, (notification of Environmental Hazardous Activities)

29) *A Form:*

For notifications according to chapter 9, 6 § the Environmental Code (notification of Environmental Hazardous Activities)

30) *Checklists:*

- Oil spill or chemical accidents
- Engineering industry
- Self-monitoring systems

31) *A standard letter:*

How to notify the prosecutor in case of infringement.

32) *Self-monitoring programmes:*

- Galvanizing Industry, (B-activity).
- Pharmaceutical Industry, (A-activity).

33) *A decision in response to a notification of an airfield.*

34) *A decision on an injunction, with an administrative fine of 300 000 SEK*

35) *Inspection report:*

- Sheet-metal shop.

36) *A notification to the prosecutor:*

- Leakage of diesel oil from a small power plant.

37) *A decision to impose an environmental sanction charge.*

38) *A decision with an injunction, as a response to notification of installation of abatement facility at a garage with a carwash:*

The document commences with the background containing the EPHC judgement of the context of the notification. The decision, “According to chapter 26 § 9 of the Environmental Code, the EPHC hereby demands the company to comply with the following conditions:”

1. The activity is to be carried out according to the submitted notification. Changes must be notified immediately.
2. Sampling and analysis of water discharge from the facility must be done within a year. If results comply with the guidelines referred to under 3. Sampling interval can be extended to 3 years.
3. Reference to guidelines from SEPA and the local wastewater treatment company
4. Car chemicals must comply with certain recommendations.
5. During the construction process rainwater is to be handled under control according to Municipal policy for rainwater treatment.
6. A revised self-monitoring program must be submitted to the EPHC within 2 months.

Signature

Information on how to appeal

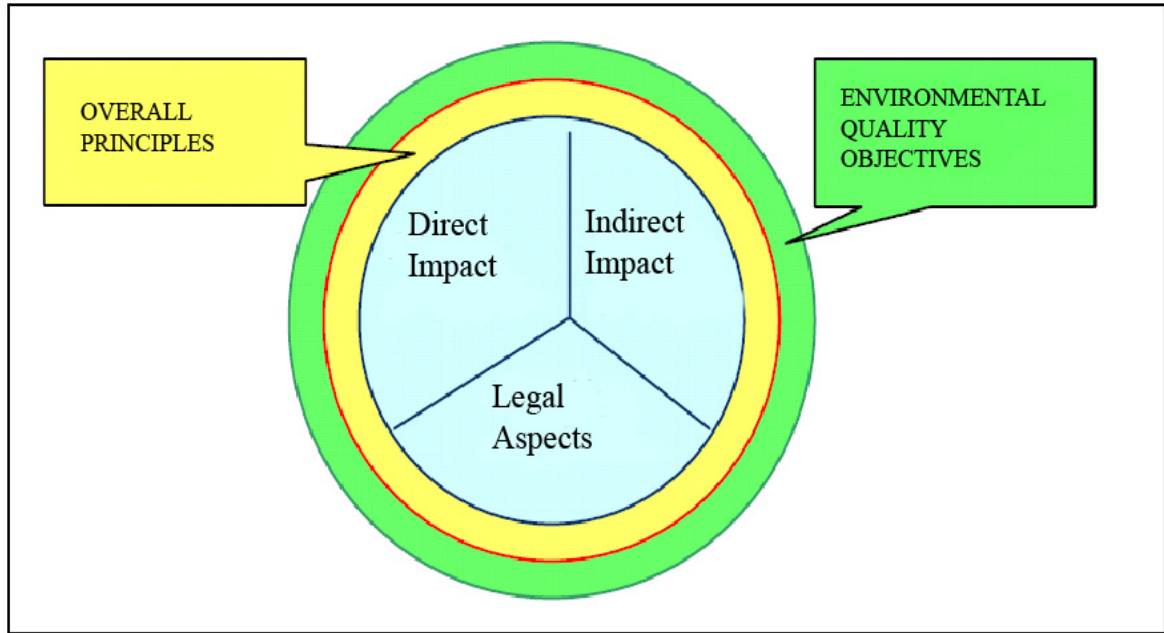
Appendix 5.

LIST OF PARTICIPANTS IN THE REVIEW

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Appendix 6.

METHODOLOGY FOR RE-CATEGORISATION OF ACTIVITIES REQUIRING A PERMIT, OR NOTIFICATION TO THE AUTHORITIES.



Introduction.

All criteria must be applied at the same time, together with knowledge of what is necessary to achieve the environmental quality objectives, because some criteria may call for licensing while others do not.

Overall Principles.

Activities where many types of environmental impacts, both direct and indirect, are important at the same time (multidimensional) are especially suited for integrated licensing. Activities with few or less important impacts are more suited for a notification or absence from licensing or notification.

The regulation that demands licensing and notification should as far as possible promote use of effective production techniques.

Sometimes economic tariffs or taxes or special regulations already take sufficient care of an environmental issue. If the society can take control of an environmental issue or impacts from a type of activity better or more effectively by other means than integrated licensing or notification, it should result in absence from regulatory demand of licensing or notification.

When an impact is of national or international interest or in most cases has strong regional interests, licensing could be more suitable. Is it normally of a local interest, notification or absence from regulation is more suitable.

Demands on licensing or notification in EC-directives shall always result in national regulatory demands on licensing or notification, also in those cases where there are no national need for it.

Legal Aspects.

The activity must be executed on real estate.

If there are uncertainties about how the precautionary rules shall be applied, due to lack of precedent, and these uncertainties concern the most important environmental aspects that can be connected to a type of activity, there shall, for the time being, be made an exemption for that type of activity from demands on licensing or notification.

Direct Impact.

Licensing or notification may be suitable for those types of activities with very large emissions or large emissions of toxic, persistent or bio-accumulative substances.

If a type of activity emits substances that can be sufficiently recycled it may be notified instead of licensed. Activities that mainly emit nutritional or oxygen demanding substances to a licensed sewage plant may be considered less problematic.

A type of activity that produces products that normally results in a waste troublesome to the environment, or the activity itself produces such a waste or that type of material, it may result in a demand for licensing or notification. If the type of activity itself takes care of such waste, or material that cannot or normally should not be reused, e.g. hazardous waste, it should normally result in a demand for license or notification.

A type of activity that mainly emits dust/noise/odours affects mainly local interests and should normally result in a demand for notification or absence from notification.

A type of activity with impact by way of chemicals may result in a demand for licensing or notification if it normally uses or produces large amounts of chemicals or uses or produces very dangerous chemicals.

Indirect Impact.

A type of activity that consumes a large amount of energy and uses energy sources with large impact to the environment, e.g. coal or oil, or which contain large energy saving potentials, may result in demands on licensing or notification.

The same may be the result if a type of activity normally causes, uses or purchases much transports due to conversion of large quantities of raw material, products or waste, and to activities producing infrastructure.

Large impact on biological diversity by use of a renewable natural resource that is already overused nationally may result in a demand for licensing or notification.

Demands for licensing or notification may result for those types of activities that produce large amounts of consumer products that have severe impact on the environment when being used. Take special account of the legal aspects.

IRI Review in Sweden 7 – 11 March 2005

Participants - from left

FRONT ROW: Annika Israelsson, Gunnar Sedvallson , Arnaud Le Fol

SECOND ROW: Klaus Hougard, Lena Pettersson , Fredrik Hallander and behind him
Camilla Frisch and Inga Birgitta Larsson, Pieter-Jan van Zanten

THIRD ROW: Carlos Vila, Nils Strehlenert

BACK ROWS: Erik Forberg, Allan Duncan, Åke Mauritzson, Alastair McNeill slightly
hidden, Ronald Bergman, Carl-Philip Jönsson, Björn Pettersson slightly hidden by Jutta
Zeilon

MISSING: Eva Bivall

