European Union Network for the Implementation and Enforcement of Environmental Law

IMPEL REVIEW INITIATIVE (IRI)

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

Final draft Report on the IRI that took place in Bratislava, Slovakia
25 – 28 June 2019

Date report: 16 September 2019

SLOVAK ENVIRONMENTAL INSPECTORATE

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Project team:

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Executive summary:

This IRI focused principally on the operation of the Industrial Emissions Directive (IED) Department within the Slovak Environmental Inspectorate (SEI). The IRI team noted the obvious commitment and hard work of the IED Department staff. They also noted the effects of strategies, structures and systems that could better support the inspectors in delivering positive outcomes for the environment, the economy, and the people of Slovakia. The findings of the Slovakia IRI are presented here in four broad contexts:

The legislative and institutional landscapes
The SEI operates through a complex legislative landscape, institutional structures and arrangements. The IRI team suggests that the Ministry of Environment and the SEI take the opportunity to consider the potential to simplify and clarify this landscape in relation to SEI responsibilities, and particularly IED regulation, to better support efficient and effective practices.

Strategic focus
The SEI, and the IED Department, are very clearly focused on the outputs of processes, such as producing permits, carrying out inspections and responding to complaints. Non-compliance rates, however, remain high. There could, therefore, be many potential benefits in the SEI adopting a more strategic approach, focusing more on the achievement of outcomes than the delivery of outputs. This focus on outcomes would require approaches that not only achieve, but go beyond, regulatory compliance to deliver the many environmental, economic and social benefits that arise from excellent environmental practice.

Procedural considerations
There is good practice evident in the processes and procedures adopted in many areas of the IED Department's work. The IRI team did, however, identify a number of opportunities to further improve procedures areas such as risk assessment, process alignment and training.

Roles and responsibilities
There is evidence of clearly defined, and well executed, roles and responsibilities across the landscape of environmental regulation in Slovakia. This is particularly evident in approaches to public participation and access to information. There is, however, scope to reconsider roles and responsibilities in order to make the most efficient and effective use of limited resources, for example

through separating the permitting and inspection roles, which require different approaches and different skills.

While the IRI team identified a number of good practices in the Slovakia Environmental Inspectorate, they have also set out a number of opportunities for development that could help further enhance the efficiency and effectiveness of the SEI and its IED Department.

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium. IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

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

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1. Introduction

1.1 The IRI Scheme

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

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

1.2 Purpose of the IRI

The aims of the IRI are to:

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

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

1.3 Scope of the IRI in Slovakia

The IRI focused on Industrial Emissions Directive (IED) environmental permitting and inspection in Slovakia.

1.4 Structure

The review itself took place in Bratislava at the Headquarters of the Slovak Environmental Inspectorate (SEI) between 25 and 28 June 2019. The review took the form of structured presentations from members of the SEI, followed by open question and answer sessions with the review team. The IRI also included participation by two members of the IRI team in a site inspection. The IRI Review team consisted of representatives from the following IMPEL member countries:

Team Leader:

- Tony Liebregts (NL)

Rapporteur:

- Mark Wells (UK)

Co-Rapporteur:

- Rob Kramers (NL)

Reviewers:

- Romano Ruggeri (IT)
- Bojan Pockar (Sl)
- Thor Jostein Dahlstrom (N)
- Paul Bernaert (B)

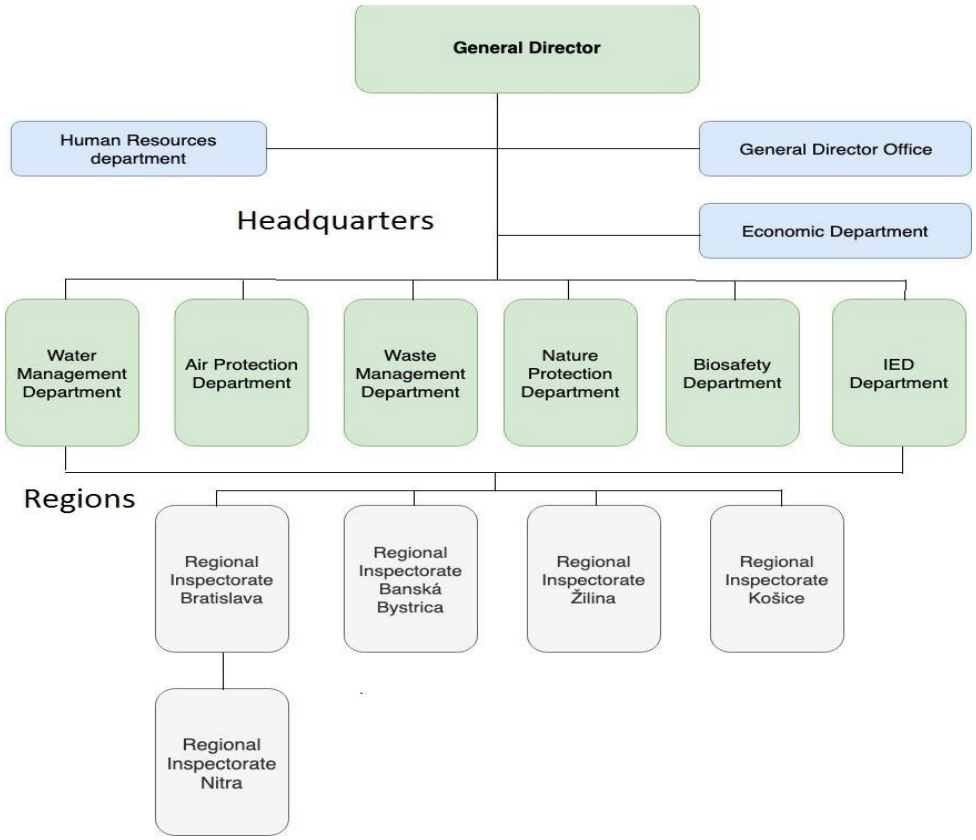
Hosts:

• Project leader, Slovakia: Miroslav Beriac

2. Summary report

Slovakia, officially the Slovak Republic, is a landlocked country in central Europe. It is bordered by Poland to the north, Ukraine to the east, Hungary to the south, Austria to the west, and the Czech Republic to the northwest. Slovakia's territory extends to around 49,000 square kilometres, and the population of over 5.4 million consists mostly of Slovaks. The capital, and largest city, is Bratislava, and the official language is Slovak. Slovakia became an independent state in 1993 following the dissolution of the former Czechoslovakia. The country joined the European Union in 2004 and joined the Eurozone in 2009.

The Slovak Environmental Inspectorate (SEI) was established in 1991 to provide state supervision on matters concerning environmental protection, and later to carry out integrated pollution prevention and control. It is both a permitting and inspection authority of the Ministry of Environment. The SEI headquarters is located in Bratislava, and there are four regional Inspectorates and an external work station. Of the 272 SEI employees, 183 are inspectors. The organisational structure of the SEI is as follows:



This IRI focused principally on the operation of the Industrial Emissions Directive (IED) Department, although inevitably the IRI team has considered the relationship between the IED Department and other SEI Departments, as well as with the wider landscape of environmental and state bodies in the Slovak Republic, where relevant.

The findings of the Slovakia IRI are presented here in four broad contexts:

- The legislative and institutional landscapes
- Strategic focus
- Procedural considerations
- Roles and responsibilities

The legislative and institutional landscapes

The SEI inherited some legislative and institutional structures from the former Czechoslovakia. Some of these remain in place, while new legal and institutional structures have been built since independence, and particularly since Slovakia joined the EU and adopted the requirement to comply with the EU *Environmental Acquis*. The result is both a complex legislative landscape and complex institutional structures and arrangements. While these are known and understood by SEI staff, who have developed working practices that take them into account, from an outside perspective the structures and arrangements appear more complex than is necessary, or supportive of efficient and effective practices.

Delivering the requirements of the Seveso Directive, for example, is the responsibility of the Department of Water Management. This reflects a historical arrangement in which this is the only department with 24/7 incident response capability, and incident response is a key requirement of the Directive. The IRI team did not consider this either an appropriate location for Slovakia's Seveso responsibilities, or a robust justification for that location. Similarly, the structure of the SEI itself appears more complicated than necessary, with more managers (around 42, although some managers do also carry out inspections and permit activities) than seems appropriate for a staff of 270, and a structure comprising a Headquarters and several regions, each with some degree of autonomy. This arrangement could make it challenging to ensure consistency of approach, effective communications, and good governance. The Ministry has recognised the need to simplify and clarify some arrangements and is, for example, considering revising the domestic IED legislation to simplify it, and to remove what appears to be an anomalous requirement for the IED Department to also issue, and inspect against, building permits. The IRI team suggests that the Ministry and the SEI take the opportunity to consider more widely the potential to simplify and clarify the legislative, institutional and structural arrangements relating to SEI responsibilities, particularly in relation to IED regulation.

Strategic focus

The SEI, and the IED Department, are very clearly focused on the outputs of processes, such as producing permits, carrying out inspections and responding to complaints. While the overall objective is to ensure operator compliance, the non-compliance rate across SEI inspections is around 35%, and in some areas is as high as 56% (the IED Department figure is 39%). This is a high rate of non-compliance, and suggests some shortcomings in the current output-focused approach. The time allocated to inspections, for example, which could be as low as 15% of the total time available, is insufficient. The high non-compliance rate also suggests there could be many potential benefits in the SEI adopting a more strategic approach, focusing more on the achievement of outcomes than the delivery of outputs.

Although the Government has published some high level environmental ambitions, and acknowledges some significant environmental challenges facing the country, these have not been translated into clear, national, strategic environmental mission statements or goals. The SEI, and its IED Department, are therefore not in a position to align effectively their strategic approach with the achievement of agreed national level environmental outcomes. As a result, performance is measured and judged largely on either activity or on the limited outcome of regulatory compliance. Achieving regulatory compliance is,

of course, an important objective, but by itself it will not address the strategic environmental issues and opportunities which the Government of Slovakia has recognised and articulated. Businesses, communities, householders, public bodies and NGOs all have roles to play in addressing 21st century environmental challenges, and in making the most of 21st century environmental opportunities. This will require a clear strategic focus on environmental outcomes, and the development of approaches that not only achieve, but go beyond, regulatory compliance to deliver the many environmental, economic and social benefits that arise from excellent environmental practice.

The IRI team therefore suggests that the SEI and its IED Department develop a strategic mission and goals through which the work of the Inspectorate can be directed to achieve meaningful environmental outcomes that also help deliver economic and social benefits. This would support the Department's strategic planning, help with prioritising and balancing workload between permitting and inspection, inform the use of different types of inspection, and enable performance reporting against real and measurable environmental outcomes. Providing compliance assurance should remain a key focus, but the range of intervention strategies could be expanded to include providing influential advice and guidance, compliance promotion, publicising non-compliance, and considering alternative sanctions for non-compliance in addition to the existing direct financial penalties. The Department could also use its positive experience of engaging constructively with regulated operators to develop an approach to supporting operator effort to go beyond compliance. This could include encouraging eco-innovation, setting objectives and targets for individual operators or industry sectors, and celebrating and sharing examples of operator good practice. This would clearly also have an impact on, and be supported by, the Department's well-developed commitment to, and experience of, public engagement and communication. It would provide positive environmental success stories, and help focus public participation more on helping achieve environmental outcomes than on challenging environmental decisions.

Such an approach may require a reassessment of the role of inspectors, and some differentiation in objectives, expectations, competencies, and consequently of salaries, and terms and conditions of service. It may be, for example, that some differentiation in the type, or level, of Inspector would be required. This could make the Inspector role not just more rewarding and satisfying, but also more attractive both to internal and external candidates.

Procedural considerations

There is good practice evident in the processes and procedures adopted in many areas of the IED Department's work. For example, the Department sets up national working groups to consider the implications of all relevant BAT conclusions, there is a very strong commitment to freedom of information and public participation, and considerable amounts of information are made freely and publicly available. The SEI also exhibits a keen focus on ensuring formal procedures are closely followed to avoid the risk of challenge or error, and decision-making is supported by extensive management information systems. The IRI team did, however, identify a number of opportunities to further improve procedures in some areas.

Although the Department has an extensive risk assessment framework in place, adopting a comprehensive and objective risk assessment system would support prioritisation at several levels, and help make the best use of the Department's limited resources. This efficiency could be further enhanced by aligning the work of the Seveso unit more closely with that of the IED Department, more closely aligning the Environmental Impact Assessment (EIA) and IED processes, and making use of technology to support inspections and evidence gathering. The consistency and completeness both of permitting and

inspection could be enhanced by developing a methodology and making use of templates, standard conditions and checklists across the Department. Efficiencies could also be realised by ensuring activities are undertaken by the most appropriate grade of staff. Training needs and delivery could be considered in an integrated approach across the SEI rather than separately in individual business units. Odour issues give rise to the majority of IED complaints, but odour is not specifically regulated in permits (although substances known to cause odour are subject to controls). Introducing specific odour regulation into IED permits could therefore help improve outcomes and reduce complaints. And including a requirement for adequate financial provisions in permit conditions could help avoid the problem of bankrupt operators failing to remediate environmental damage.

Roles and responsibilities

There is evidence of clearly defined, and well executed, roles and responsibilities across the landscape of environmental regulation in Slovakia. The Ministry of Environment, for example, plays a key role in ensuring public access to, and high levels of awareness of, environmental legislation and regulations. These are freely available through the Slov-lex portal operated by the Ministry of Justice. The Ministry of Environment also has a keen focus on international co-operation to support the development and implementation of good practice. Industry, the public and NGOs all play key roles in the development of new legislation and regulations, as well as in the permitting process.

Within the SEI and its IED Department, however, there is scope to reconsider roles and responsibilities in order to make the most efficient and effective use of limited resources. For example, there is potential to separate the permitting and inspection roles, which require different approaches and different skills. This would have a number of benefits, including developing specialist skills, avoiding the potential conflict of interest in the same person writing the permit and inspecting against it, enhancing the objectivity of the process, and eliminating resource competition between the demands of permitting and inspection tasks. Inspectors could be rotated around IED sites, which would reduce the risk of regulatory capture and regulatory blindness, as well as broadening experience and enhancing the resilience of the Inspectorate as a whole. And roles should be assigned to the most appropriate staff, for example the administrative checks for completeness of IED applications could be undertaken by administrative staff rather than by Inspectors.

In conclusion, the IRI team noted the obvious commitment and hard work of the IED Department staff. They also noted the effects of strategies, structures and systems that could better support the inspectors in delivering positive outcomes for the environment, the economy, and the people of Slovakia. While the team identified a number of good practices, they have also set out a number of opportunities for development that could help further enhance the efficiency and effectiveness of the Department. The detailed findings of the IRI can be found in Section 5 of this report.

3. An introduction to Slovakia

Slovakia, officially the Slovak Republic, is a landlocked country in central Europe. It is bordered by Poland to the north, Ukraine to the east, Hungary to the south, Austria to the west, and the Czech Republic to the northwest. Slovakia's territory covers around 49,000 square kilometres and is mostly mountainous. The population is over 5.4 million and consists mostly of Slovaks. The capital, and largest, city is Bratislava, and the second-largest city is Košice. The official language is Slovak.

The Slavs arrived in the territory of present-day Slovakia in the 5th and 6th centuries. After the dissolution of the Austro-Hungarian Empire, the Czechoslovak National Council established Czechoslovakia (1918–1939). In 1948 Czechoslovakia became a one-party socialist state under a communist administration, during which the country was part of the Soviet led Eastern Bloc. In 1989, the Velvet Revolution ended Communist rule in Czechoslovakia peacefully. Slovakia became an independent state on 1 January 1993 after the dissolution of Czechoslovakia, sometimes known as the Velvet Divorce.

Slovakia is a high-income advanced economy with a very high Human Development Index, and a very high standard of living. It performs favourably in measurements of civil liberties, press freedom, internet freedom, democratic governance and peacefulness. The country maintains a combination of a market economy with a comprehensive social security system. Citizens of Slovakia are provided with universal health care, free education and one of the longest paid parental leaves in the Organisation for Economic Co-operation and Development (OECD). The country joined the European Union on 1 May 2004 and joined the Eurozone on 1 January 2009. Slovakia is also a member of the Schengen Area, North Atlantic Treaty Organisation (NATO), the United Nations, the OECD, the World Trade Organisation (WTO), CERN, the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe and the Visegrád Group of central European states. As part of Eurozone, Slovak legal tender is the Euro. Slovakia is the world's largest per-capita car producer, manufacturing a total of 1 090 000 cars in 2018 alone, representing 43% of Slovakia's total industrial output, and is the sixth largest car producer in the EU.

Around 49% of Slovakia’s land is agricultural, 41% forest, 5% urban, and 2% is water. Some 98% of surface water and 86% of groundwater are of good chemical quality, and 56% of surface waters are of good or high ecological status. In 2014 there were 902 probable and 281 contaminated land sites in the country. There is pressure on biodiversity, with more than 11% of lower plants under threat, more than 6% of invertebrates, and 24% of vertebrates. Around 12% of the territory is National Park, 10% Protected Landscape Area, and more than 2% other protected area. Natura 2000 sites cover 38% of Slovak Republic Territory.

Slovakia is poor in primary energy resources, and imports nearly 90% of them. The energy intensity of the Slovak economy is declining, although it is still high in comparison with the EU average, and the share of renewables is increasing. Organic agriculture increased threefold between 2000 and 2014. Greenhouse gas emissions have been steadily declining since 1990, and there has been a long-term decline in emissions of air pollutants, although the rate of decline has slowed significantly since 2000. There has also been a long-term decline in the production of waste water, and in water pollution, as well as in solid waste arisings.

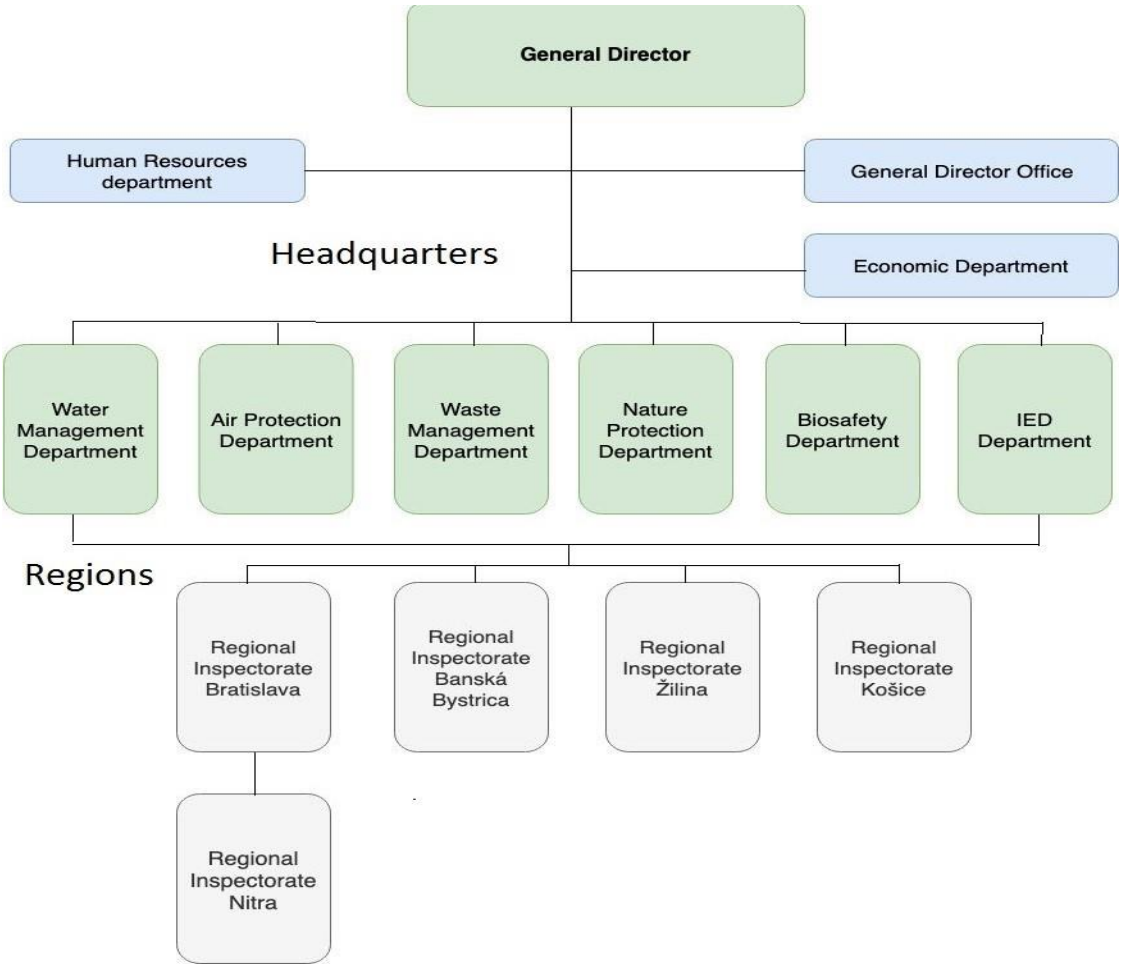
The Slovak Republic (Slovakia)

4. Organisation of environmental permitting and inspection in Slovakia

The Slovak Environmental Inspectorate (SEI) is a specialised supervisory authority providing the state supervision, and imposing fines, on matters concerning environmental protection and carrying out the State administration in the field of integrated pollution prevention and control (IPPC). The SEI is a professional control body of the Ministry of Environment of the Slovak Republic. Financial resources for the work of the SEI are allocated in the State Budget. The SEI has also decision-making competences in addition to its supervisory functions, which means the SEI is a permitting authority over the bodies subjected to this IPPC Act.

The SEI was founded in 1991 by merging two autonomous bodies, the State Water Management Inspectorate and the State Technical Air Protection Inspectorate. Since 1990, a long-lasting legislative gap in environmental protection has been gradually closed. Intensive preparation of legislative standards stimulated gradual formation of the SEI departments: Department of Waste Management Inspection in 1992, and Department of Nature Protection Inspection in 1995. Further institutional strengthening of the SEI, and broadening of its activities, are associated with the integration of Slovakia into the EU. The competences of the SEI increased substantially in relation to the transposition of EU legislation into the Slovak legal framework. This resulted in the establishment of two new departments in 2003, for the area of biosafety, where the SEI acts as an authority of state administration supervision in the field of the use of genetic technologies and genetically modified organisms, and for the area of IPPC, set out in the IPPC Act.

The organisational structure comprises a Headquarters located in Bratislava (66 employees) providing methodological support to the first-level decision-making regional Inspectorates that are located in Bratislava (44 employees), Banská Bystrica (46 employees), Žilina (44 employees), Košice(45 employees) and an external work station in Nitra (27 employees). Of the 272 employees, 183 are Inspectors. The SEI Headquarters co-ordinates SEI work nationwide and internationally, provides methodological and professional support to regional Inspectorates, and represents the appellate authority to first-level decisions of regional Inspectorates that are appealed.



SEI policy areas

- IED - Integrated pollution prevention and control
- Waste management
- Water protection
- Air protection
- Nature and landscape protection
- Biosafety

The principal aim of the SEI is to ensure the compliance of operators with legal provisions in these areas, and to increase the environmental responsibility of those operators. Fines are imposed in support of this aim, intended to help secure compliance and reduce negative environmental impacts.

Main responsibilities of the SEI

- Environmental inspections to ensure full implementation of environmental legislation
- Compliance of legal persons, natural persons, entrepreneurs and municipalities with environmental legal provisions
- Fines and corrective measures in relation to non-compliance
- Control of imposed corrective measures
- Issuing integrated permits

- Responding to complaints, notices and inputs from the public, organisations, other institutions of the state and municipal administrations
- Co-operating with other institutions of the state administration, and with other organisations undertaking environmental activities.

The SEI Management and Planning System

Annual Plan:
- Drawn up by the SEI
- Consists of the Annual Plans of relevant departments
- Sets out the annual priorities
- Submitted to the Ministry of the Environment

Quarterly Inspectorate Plans:
- Drawn up by Regional Environmental Inspectorates
- Reflect planned permitting and inspection activities
- Allocate time for inspection and permitting activities
- Approved by the Head Inspector

Half-yearly Plan evaluation:
- Prepared by the SEI
- Consists of the evaluations of relevant departments
- Reports on whether the Annual Plan was fulfilled
  For evaluation of SEI only

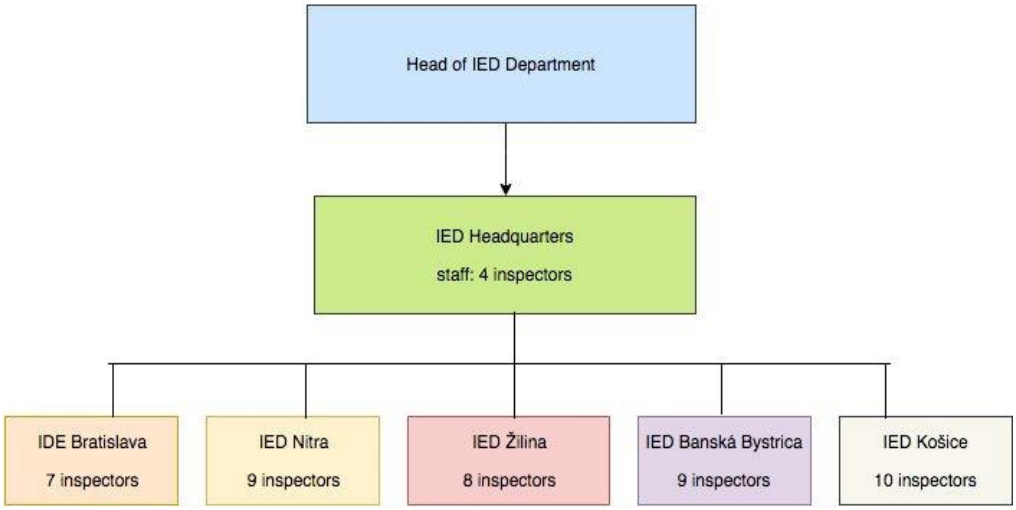
Inspection activity evaluation:
- Prepared by the SEI
- Consists of the Annual Evaluations of relevant departments
- Reports on whether the Annual Plan was fulfilled
- Submitted to the Ministry of the Environment

The IED Department

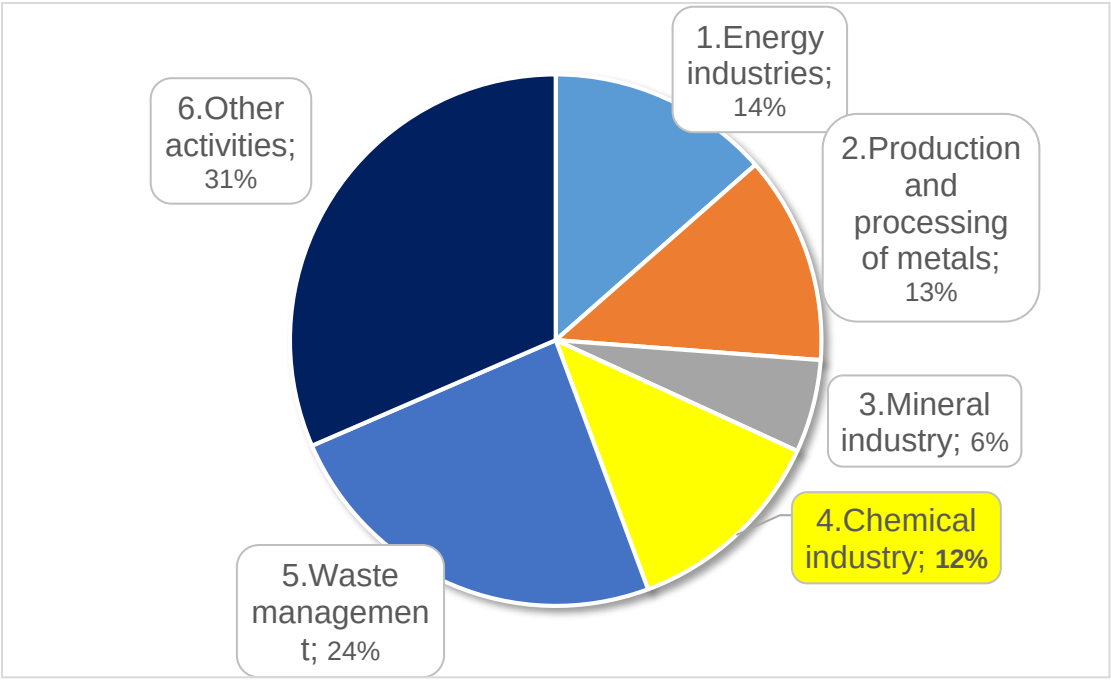
The main IED Directives for which the Department is responsible are:
- At EU level, Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control)
- At national level, Act on integrated pollution prevention and control and on the amendment to certain acts.

The IED Department has a total of 48 Inspectors, and has the following responsibilities:
- IED permitting authority
- Building permitting and state building supervision for IED installations
- Inspection of 584 IED Installations
- Environmental Inspections:
  - routine environmental inspections
  - non-routine environmental inspections
  - additional site visits within 6 months of an inspection identifying a non-compliance.

The IED Department structure



Of the 584 IED Installations for which the Department is currently responsible, 20% are high risk and 80% low risk. The break-down of IED installations by industrial sector is as follows:



Public participation in decision-making

Public participation in the preparation of environmental policies is based on the same principle as public participation in Environmental Impact Assessment (EIA) of proposed activities. Proposals are also subject to strategic environmental assessment (SEA). The outputs of the individual SEA and EIA processes are published at www.enviroportal.sk/eia.

The rights of the public to participate in the preparation of legal regulations are guaranteed by the Aarhus Convention and national law, including guaranteed rights of the public to participate in the preparation of legal regulations, whose draft versions are approved by the Government. Draft legal regulations are made available for commenting to the public through the Slov-lex portal, which is an information system of general government administered and operated by the Ministry of Justice of the Slovak Republic. The Slov-lex information system, which is directly accessible by central government bodies as well as by the public, allows entering comments on draft acts. Through Slov-lex, all draft legal regulations are published, including information on the commenting process and its evaluation.

IED Provisions and Procedures for operators or the general public

The EU IED Directive was transposed into Slovakian law through Act No. 24/2006 Coll., and also to Act No. 245/2003 Coll., later replaced by Act No. 39/2013 Coll. on integrated prevention and control of environmental pollution as amended.

Act No. 24/2006 Coll. regulates:

- the process of expert and public assessment of the expected impact on the environment
- strategic documents prior to their approval
- the proposed activities prior to the decision on their placement or before their authorization according to special regulations
- the competence of the state administration bodies and the competence of the municipalities in impact assessments
- the rights and obligations of participants in the impact assessment process.

The Slovak Republic ensures that the public is informed at the very beginning of the decision-making process in compliance with this Act in an adequate, timely, and efficient way. The commencement of the EIA process is published on the website of the Ministry of Environment and the websites of district offices and municipalities.

The Act ensures the legal standing of individuals as well as NGOs in administrative and court proceedings affecting nature and landscape protection. However, different sectoral acts cover administrative procedures such as the Building Act, Nature Conservation Act, EIA Act, and Integrated Pollution Prevention and Control Act. General rules of participation in administrative procedure are enshrined in the Administrative Procedure Code (Act No. 71/1967 Coll.).

Act No. 24/2006 Coll. defines the public concerned as "the public affected or likely to be affected by, or having an interest in, the procedure concerning the environment; non-governmental organisations promoting environmental protection, and meeting any requirements under this Act, shall be deemed to have an interest in such procedure". The Act also sets out rules for the participation of the public and of the public concerned in assessment of impacts of strategic documents.

Public opinion must be considered and evaluated in the expert review and final record, as well as in the Competent Authority´s decision of the screening procedure. The public concerned are informed about the decision directly or through a public decree. Once the decision has been issued, each party to the procedure can file a legal remedy against the first-stage decision.

Complaints and appeals related to Inspectorate activities

Individuals and NGOs have a right to file a court petition if they claim their right has been denied by a decision of public authority. In environmental matters, in general, a participant in the administrative proceedings is a person whose right is being decided on, a person whose rights or legally protected interests may by directly affected by the decision, or a person who claims s/he may be affected until the contrary is proven. If the decision has been issued in administrative procedure, all participants have a right to file a court petition should they feel that the decision infringed their rights. A person who was not a participant although s/he should have been can also file a court petition.

The Administrative Court Code regulates public access to administrative and court procedures in several ways, as:

- a party to the procedure
- a participating person
- the public interested.

Parties to the procedure include:

- The municipality, in which the permitted installation is situated or is to be situated
- The public concerned shall become a party to the procedure following written registration with the Inspectorate after the application is published
- The person to whom this position results from the proceedings.

The public concerned includes: a person or several persons, their associations or groups affected or likely to be affected by, or having or likely to have an interest in, the permit; a person claiming that they can be directly affected by the decision; a legal entity supporting environmental protection and established pursuant to special regulations.

Relations with other states in respect of trans-boundary issues:

The Authority responsible for relations with other states is the Ministry of the Environment, Department of Environmental Impact Assessment. Where a project subject to the EIA procedure is likely to have transboundary effects, the country of origin shall inform the most likely affected country about relevant project information and its projected transboundary effects. If the affected country is interested in the EIA procedure, the project is assessed also in a transboundary context.

Organisation and resourcing of permitting activities

IED permitting responsibilities in the SEI have been allocated as follows:

IED Department*:*

- Permitting authority for IED installations
- IED inspection authority
- Best Available Technique (BAT) representatives

IED Headquarters:

- Second level body
- Issues methodology for inspection activity
- BAT representatives
- Issues professional statements

IED Regional Inspectorate:

- Permitting authority for IED installations
- IED inspection authority
- First level body - issuing first instance decision on fines and corrective measures

The IED Regional Departments carry out permitting and also inspection activity in IED installations, guaranteeing feedback between permitting and inspection authorities. All decisions are signed by the director of the Regional Environmental Inspectorate.

The procedures for issuing, reviewing and revoking permits

The procedure commences on delivery of the operator's application, or on the Inspectorate's own initiative on the date of the Inspectorate's call to the operator to submit an application. The Inspectorate commences the procedure on its own initiative if:

- it is necessary to change permit conditions as legal regulations or BAT have changed
- pollution exceeds environment quality standards or the operation can cause an exceedance, and the exceeding cannot be eliminated, or other conditions are not met
- an activity is found in the installation for which a permit was not issued but is required.

If the application is complete, the Inspectorate shall immediately:

- notify in writing the parties to the procedure and the authorities concerned of the commencement of the procedure
- deliver to the parties to the procedure and to the authorities concerned a brief summary of data and information on the content of the application
- publish the application on its website and in the information system of integrated pollution prevention and control
- publish a call to the public concerned for written registration as a party to the procedure, a call to the public concerned and a call to the public with the possibility to comment on the commencement of the procedure
- ask the municipality which is a party to the procedure to publish the application on its website or in other way usual at the location
- notify in writing any foreign authority concerned of the procedure commencement.

The procedure described above must be applied to issuing permits for new installations or for substantial changes to an existing permit.

Integrated permits

An integrated permit covers conditions for performing activities in existing and new installations to guarantee efficient integrated protection of environmental components and to maintain the pollution level within environmental quality standards. An integrated permit is issued instead of separate decisions and consents for the environment, public health protection, agriculture, and granting of building permits. An integrated permit includes conditions to protect air quality, surface and groundwaters, human health, geology, and nature, and for waste management.

Building and planning permits

If an integrated permit requires a permit under the Building Act, the SEI has special powers to issue such a permit, but these powers do not extend to land use permitting.

Permit issued for a change of activities at an installation

The operator must notify the SEI of a proposed substantial change and submit an application for the granting of a permit for a change of activities in the installation. If during the process the Inspectorate finds that the change of activity is already being carried out and has significant adverse impacts on

human health or the environment, the Inspectorate may temporarily suspend the activity in the installation.

Permit cancellation

The Inspectorate shall decide on permit cancellation at its own initiation or at the operator's request if:

- the operator has ceased the operation after fulfilling the permit conditions connected with the cessation of activity in the installation
- the operator does not operate the installation concerned for more than four consecutive years despite a permit being issued
- the operator proves a decrease in capacity to below the IPPC threshold value.

Reconsidering and updating permit conditions

The Inspectorate shall reconsider and, if necessary, update the permit conditions if:

- the permit conditions have been seriously violated
- a change of the materials, substances or energy used, the production procedure and technology, or a change of waste management method is under preparation
- the pollution caused by the installation has exceeded an environmental quality standard and it is necessary to reconsider the emission limit values set in the permit
- it is necessary to set new emission limit values as a consequence of a change of an environmental quality standard or legal regulations
- the operating safety of the production process, or activity of technical equipment in the installation, requires the use of other technique
- a legally binding act of the EU on BAT conclusions has been published.

The operator shall be obliged to:

- allow the Inspectorate to enter the installation, to take samples and perform control measurements, to inspect records and other documents on the installation, and to provide true and complete information and explanations
- report to the Inspectorate all the planned changes of the character or activity of the installation
- immediately inform the Inspectorate on violating the permit conditions
- immediately inform the Inspectorate of any accident or incident or on an excessive momentary leak of emissions or substances in the installation
- if permit conditions are violated, immediately take measures necessary to ensure that the conditions are met again
- eliminate any defects found during the inspection of the installation and perform corrective measures imposed by the Inspectorate
- monitor the installation for compliance with the permit conditions
- keep transparent records of data on the essential installation indicators
- notify the Inspectorate with:
    - information based on the results of emission monitoring, and other requested data
    - the summary of emission monitoring results in a form allowing comparison with the levels of pollution associated with BAT.

The Inspectorate shall be entitled to suspend the activity in the installation if it detects a violation of permit conditions that poses an immediate danger to human health or the environment, until compliance is restored and defects are eliminated.

Setting and applying permit conditions in relation to Emission Limit Values

Emission limit values can be determined for individual substances or groups, types or categories of related substances. The basic polluting substances for which the emission limit values are determined are is listed in the IPPC Act. The Inspectorate shall determine the emission limit values for these substances, if released from the installation, and other emission limit values based on special regulations. The Inspectorate may also determine emission limit values for other groups or categories of polluting substances, vibrations, noise, heat or other forms of non-ionising radiation. The possibilities of the shifting of a substance from one environmental medium to another are taken into account in determining the emission limit values. If suitable with regard to local conditions, emission limit values shall be supplemented or replaced by other equivalent parameters or technical measures in order to achieve an overall high level of environmental protection. The emission limit values, equivalent parameters, and technical measures must be based on BAT, without prescribing a particular technology, taking into account the technical characteristics of the installation, its geographical location, and environmental conditions at the site of the installation. A derogation from emission limit values represents a substantial change and may apply only where the procedure shows that the achievement of pollution levels associated with BAT would lead to disproportionately higher costs compared to the environmental benefits due to:

- the geographical location or the local environmental conditions of the installation concerned or
- the technical characteristics of the installation concerned.

Involvement of the public in permit determination, inspection and enforcement
The parties to the procedure and the authorities concerned are:

1. In addition to the parties to the procedure according to a general regulation on administrative proceedings, the parties to the procedure shall also include:
    a. the municipality in which the permitted installation is situated or is to be situated
    b. the public concerned
    c. the person to whom this position results from the proceedings that are part of the granting of an integrated permit.

2. The authorities concerned shall include:
    a. the general government authorities performing the scope of powers pursuant to special regulations
    b. the building office
    c. the owner of networks and technical equipment of the territory and other legal entities
    d. the foreign authorities concerned
    e. the Central Mining Office (Hlavný banský úrad) in the section of issuance of permits for the production of explosives, explosive objects, and ammunition
    f. the municipality if it is not a building office according to (b)
    g. the Ministry in the matter of determination of deviating from emission limit values

3. In the granting of an integrated permit, the authorities concerned shall take into account the available information on the state of the environment in the relevant territory.

4. If the Inspectorate in the granting of an integrated permit has the scope of powers, the building office as an authority shall comment on land-use decision-making and expropriation.

The public concerned

The public concerned means:

- a person or several persons, their associations or groups affected or likely to be affected by, or having or likely to have an interest in, the procedure in issuing a permit
- a person claiming that they can be directly affected by the decision as regards their rights, legally protected interests or duties
- a legal entity supporting environmental protection

Notice of the permit

The decision is published at the website of the Inspectorate and Ministry and on the official board of the Inspectorate for at least 60 days from the date when the decision comes into legal effect. After that, it is published in the information system of integrated pollution prevention and control. The municipality that is a party to the procedure is also obliged, at the request of the Inspectorate, to publish the decision on its official board or in other way usual at the location.

Pre-application contact made with operators to help ensure future compliance

The operator may ask the Inspectorate for consultation, during which the Inspectorate comments on whether the installation requires a permit or a change of permit and within which period. The consultation results in a written binding opinion of the Inspectorate. Before the opinion is issued, the operator shall allow the Inspectorate to inspect the operation site. The site inspection findings shall represent the basis of a written binding opinion of the Inspectorate.

Administrative and legal sanctions available to the environmental authority

If the Inspectorate finds any defects, it shall:

- order the operator to carry out corrective measures within the specified period
- impose a fine of between €100 and €1 000 000
- ask the operator to submit an application for a change of the permit, or
- decide on the limitation or stopping of activities in the installation.

Charges imposed for permits and changes to permits and also monitoring and sampling

Charges for permitting are as follows:

- new permit €1400
- change of permit €500
- the authority may reduce fees by up to 50%
- there are no fees for inspection.

5. The site visit

Site visit to the cement manufacturing company CEMMAC

General information

The public limited company CEMMAC a.s. Horné Srnie has around 198 employees and is a medium-sized business in building material production. The company's main business activity cement manufacture. The current technological level of the production facility enables to produce cement conforming to the STN EN 197-1 standard in the following classes:

- Portland cement CEM I 42,5 R;
- Portland slag cement CEM II/A-S 42,5 R;
- Portland slag cement CEM II/B-S 42,5 N;
- Portland slag cement CEM II/B-S 32,5 R;
- blast furnace cement CEM III/A 32,5 R;
- blast furnace cement CEM III/A 42,5 N;
- sulphate resisting cement CEM III/B 32,5 N-SR.

The company's business include:

- cement production
- production of other non-metallic mineral products (ground limestones)
- production of mortar (dry binders, plaster mixtures, fining (special) coats
- blasting operations
- accounting
- activities of organisational and economic advisors
- automated data processing
- production of cements, ground slag and cement-based productions
- retail

- wholesale
- brokerage
- advisory activities
- technical testing, measurement and analyses
- operation of rail transport.

The operation is a higher risk site and subject to routine inspection once per year.

Preparation of the inspection:

SEI inspectors provided the necessary information to the IRI team members on the execution of the inspection.

Execution of the inspection:

Activities:

- Safety instructions by the operator
- Presentation of the installation by the operator (powerpoint)
- Check of air emission monitoring documents:
  - AMS measuring system
  - Discontinuous analysis
  - SEI monitoring performed by the regional inspectorate
- Site inspection. Inspectors performed a visit in the following areas:
  - RDF storage areas
  - Waste tyres storage area
  - Waste foam storage areas
  - Waste foam furnace uploading area
  - Laboratory: monitoring equipment (XRF, XRD, calorimeter, Hg analyser ecc)
  - Remote control area: daily register data have been checked as well as the air emission data from AMS.
- Administrative inspection. Inspectors checkt the following insformation:
  - Data about waste entrance:
  - Analysis of waste by supplier and operator to check compliance with the limit of the permit
  - TFS documentation
  - Correctness of ECW codes
  - Quantities of waste accepted.

Observations from IRI team:

Inspection planning:

Inspectors receive a quarterly plan with the number of routine inspections that needs to be executed and the number of permits that needs to be drafted/submitted. This workload fills up the available time of the inspector. However the quarterly plan does not include the following activities for which the inspectors are also responsible:

- Non routine inspections
- Evaluating the self-monitoring report of the operator
- Auditing self-monitoring activities of the external lab.

Furthermore, the plan indicates that the length of an inspection (preparation – execution – reporting) can't be longer than 4 days. The inspectors indicated that they need more time to finalise the inspection.

Inspection preparation-execution-reporting

An inspection is in most cases not integrated but it focusses on one single environmental aspect: e.g. water, air emission, waste, specific BATc.

A checklist is not prepared because of lack of time. The inspector uses the permit as a guide to perform the inspection

In case of waste and waste water SEI is not equipped with internal laboratory and inspectors are not skilled in sampling according to EU methods. They rely on accredited external laboratory. In case of doubts they can ask a third laboratory to perform evaluate the results but this doesn't happen often. Specialised and accredited air emission inspectors are located in each of the regional inspectorates. They are authorised to take air emission measurements at the chimneys and to check the proper functioning of the automatic measurement system.

It's not mandatory for the inspector to check self-monitoring reports of the years when no inspection is planned. Nevertheless, inspectors do usually check the reports for any non-compliances. Operator has the obligation to inform SEI in case of non-compliances and of the date of the measurements. The external lab performing sampling and analysis on behalf of the operator is obliged to inform SEI in case of values exceeding the limits.

Sometimes inspectors performed an audit, however this seems to be more a personal initiative rather than a structured activity.

A database is available with information on each installation. It also contains different documents (e.g. permit, reports, communication of incidents).

Inspectors collect photos, written observations and documents which are the basis for drafting the inspection report. During or directly after the inspection there are no official minutes signed by operator and inspectors. The report is drafted in the days after the inspection. In case of non-compliances the inspector does not issue a decision but the non-compliance will be included in the final inspection report. The operator is asked to come to the SEI office to sign the final report. In case of a non-compliance an inspection is planned for the following quarterly plan.

6. Main Findings

6.1. The Regulatory Framework

Observations

- The implementation of the Seveso Directive in Slovakia is co-ordinated by the Department of Water Management. This is a historical legacy of arrangements in the former Czechoslovakia, and has remained in place partly because Water Management is the only SEI Department that maintains a 24/7 incident response capability.
- The work of the SEI is focused principally on outputs: the processing of permits, the execution of inspections, and responding to environmental complaints. The overall objective is to ensure

operator compliance with regulations, and the aim of enforcement measures such as administrative fines is expressly to drive operator compliance.

- The SEI has expressed its commitment to supporting capacity building, and this approach is supported by the Ministry of Environment's efforts to ensure public and operator awareness of legislation and regulations, principally through the public Slov-Lex information portal.
- The structure of the SEI and the IED Department appear more complicated than either necessary or supportive of clear roles and responsibilities and efficient use of human resources. In an organisation of 270 people there are around 42 manager posts (although some managers do also undertake permitting and inspection duties). This presents a risk to effective communications and to maintaining a consistent and co-ordinated approach to delivery.
- Each SEI Department operates its own approach to training, which presents a risk both to the efficient use of resources and to building an integrated and co-ordinated approach that makes the best use of skills and experience across the Inspectorate.
- There are no broad mission statements or strategic goals in place. Although the Government has published high level environmental information and identified priority environmental challenges and opportunities, these are not reflected in a strategic focus on the achievement of positive environmental outcomes by the SEI or the IED Department.
- Although the IED Department is focused on achieving regulatory compliance, there are non-compliances identified in at least 39% of IED inspections, and that figure is higher in some other areas of SEI responsibility. This is a high non-compliance rate when compared with the performance measures of other environmental regulators.

Opportunities for Development

- It is right that environmental regulators should consider operator compliance to be non-negotiable. However, although regulatory compliance is an essential step towards achieving broader environmental objectives, by itself it is insufficient to fully address the environmental challenges and opportunities with which all countries are faced in the 21st century. There is, therefore, a role for environmental regulators to work collaboratively with operators to improve their environmental performance beyond compliance. This will help deliver not just environmental benefits, but also economic and social benefits. This objective is, however, firmly in the territory of voluntary commitments, and therefore requires different skills and approaches on the part of the regulator. These include promoting eco-innovation, more creative permitting and inspection, and recognising and celebrating good practice. The well-developed operator engagement skills exhibited by the Slovakia IED Department would be a good starting point from which this approach could be developed.
- IED Department staff are highly skilled and very experienced. They are also very focused on areas of particular specialism, which could result in reduced flexibility and resilience. The Department could consider broadening the scope of its inspectors' work, learning new skills and approaches from peers, which would help make the team more effective, more flexible, and more resilient
- There are real potential benefits in reviewing, and simplifying, the structure of the SEI in general, and the IED Department in particular. This could also be informed and supported by a review and simplification of the legislative and regulatory landscapes. Such a simplification could greatly increase clarity of purpose, roles, responsibilities and processes, improve efficiency, and help ensure a co-ordinated and consistent approach is adopted across the SEI and within the IED Department.
- It would be helpful for the SEI to undertake a full training needs analysis across its responsibilities and staff. This could inform a more consistent and co-ordinated approach to training that is currently developed and delivered separately within different business units. This would help make

the most efficient use of training resources, build capacity and resilience across all SEI staff, and support a co-ordinated and consistent approach to service delivery throughout the Inspectorate.
- New strategies and approaches are needed to reduce the rate of non-compliance identified in IED inspections. These could include compliance promotion, enhanced advice and guidance, recognising and celebrating good practice, and employing a wider range of enforcement tools. Examples of all these approaches are available through IMPEL.
- The co-ordination of Seveso Directive requirements through the Water Management Department is a historical arrangement that is not consistent with the approach taken in other Member States and would benefit from review. Such a review could also consider the role of the SEI in incident response, and whether the 24/7 response arrangements in the Water Management Department could be extended to provide response capability in relation to other types of environmental incident.
- Perform a risk assessment at a more strategic level to inform allocation of SEI staff to the most important or highest risk areas or departments.

Good Practices
- The IRI team noted the high-level support for the SEI and the IRI demonstrated by the Environment Ministry. This will help ensure the findings of the IRI receive appropriate consideration, and are acted upon if possible.
- There is a strong focus in the SEI on international co-operation and the potential to learn and adopt good practices exhibited in other jurisdictions. This also suggests that the findings of the IRI will be considered positively, and implemented where possible.
- The SEI exhibits a particularly positive approach to engaging and involving industry, the public and NGOs in the development of new legislation and regulations. This has resulted in a good relationship with operators, and a keen focus on supporting operators to achieve compliance.
- The Slovakian Government's commitment to public participation and freedom of information is reflected in the development of the Slov-lex web portal, which enables public access to legislation and regulations, and supports and informs public participation in the consultation phase of the development of legislation, regulations and permits.
- The Environment Ministry is very supportive of capacity building and training for SEI staff.
- The Ministry establishes a national working group to consider the implications of every relevant BAT/BREF, which helps ensure a co-ordinated and consistent approach to implementation.

6.2. Permitting

Observations
- IED permits include conditions for self-monitoring by the operator. There are, however, no templates for these conditions, so there is a risk of an inconsistent approach between industry sectors and operators.
- The IED Department's workload planning system tends to result in a commitment of staff time greater than the available staff resource.
- All Inspectors in the SEI are based on the same salary scale. However, the skills, knowledge and experience required to regulate IED sites effectively are not the same as those required to regulate under other environmental regimes. Similarly, the Department does not differentiate between the IED permitting and inspecting roles, and these are combined in each Inspector post.

- Including permit writing and inspection in the one Inspector job description means the same Inspector both writes the permit and conducts inspections against that permit. This could result in a potential conflict of interest, and the risk of regulatory blindness or regulatory capture. These risks are, however, limited by the practice of always conducting inspections with two officers.
- Permitting strategy is based on the review/revision of permits on a four year period, or following changes of relevant BAT conclusions. The Inspectorate shall reconsider, and if necessary, update the conditions set in the permit if: the permit conditions have been seriously violated, there is a change in the raw materials or other substances or production procedure and technology, pollution caused by the installation has exceeded an environmental quality standard, environmental quality standards or regulations change, or the installation requires the use of other technique,
- The IED Department makes limited use of permit templates or standard permit conditions.
- The standard permit application template is out of date and due for review.
- There is not always a consistent approach to issuing integrated permits by the different IED offices. There is insufficient time available for the peer review process that could help address this inconsistency.
- The initial administrative check of an IED application to ensure that it is complete is carried out by an Inspector rather than an administrative officer.
- The enforceability check of permit conditions is carried out by a Head of Department rather than independently by another frontline Inspector.
- The Environment Ministry recognises that there could be benefit in reviewing and simplifying the integrated permitting Act. This could specifically include removing the requirement for building permits to be included in integrated permits.
- The evaluation of a permit is carried out by the permit writer. Inspections are always carried out with two inspectors. These helps reduce the risk of conflicts of interest or regulatory blindness.
- The procedures of EIA and IED are not combined, and therefore are not co-ordinated.
- The leading BAT for an installation is not defined. This means that the permit is changed as soon as any of the BAT conclusions related to the installation are published, rather than focusing on the principal BAT associated with the activity.
- Odour is not specifically regulated in IED permits, although odour is in part controlled through the regulation of known odorous materials and chemicals.
- Other than for landfills, no financial provisions are included in IED permits to ensure environmental remediation in the event of an operator becoming bankrupt.
- The IED Department Headquarters is the second level body for the appeal of permits issued by regional offices, and around 10% of decisions are appealed. The Headquarters is very strict in its evaluation, and decisions are often returned to regional offices for review.
- There is a legal requirement for public participation parties to be assigned to one of three groups. This process is intended to help ensure public interventions are based on legitimate interests or concerns. This approach does, however, appear to require significant extra effort in the SEI to determine who is an appropriate person to participate in decision-making.
- The implementation of the REACH Regulation (prohibitions and restrictions of hazardous substances) into the environmental permits, does not always happen in a thoughtful and reasoned way.

Opportunities for Development

- The Department's workload planning would benefit from incorporating more accurate 'real world' data on the time taken to issue permits and conduct inspections and the time available from staff.

- The IRI team believes that there is a benefit in establishing different levels of Inspectors and permit writers within the SEI to take account of the different requirements and demands associated with IED regulation.
- The Department's strategic approach could be expanded, to include encouragement of eco innovation, and setting beyond-compliance objectives and targets for certain companies or industrial sectors.
- The SEI should invite the Environment Ministry to define its vision, mission and national goals. The SEI could then establish its own vision, mission and outcome goals within that wider framework, to help demonstrate its contribution to achieving national outcomes. The specific outcomes and goals of individual SEI Departments could be incorporated into this approach.
- The roles of permit writer and inspector are very different, and require different approaches, skills and competencies. The IRI team believes that there is benefit in the Department separating these roles, establishing a dedicated permit-writing service (possibly within Headquarters), and a dedicated inspection service in the regions. This would help provide benefits from a specialist focus, efficiency savings and consistency, as well as avoiding the potential competition for resources between the permitting and inspection roles.
- There is no overall compliance rating awarded to operators or sites, so it is not possible easily to determine the compliance record of an installation. There is, however, a determination of compliance made as a result of each inspection. It might be helpful to develop an overall compliance performance score for operators and sites, and publish these on the web site.
- There is scope for the IED Department to make more use of standard permit conditions for similar sites or activities. This could provide both an efficiency saving and enhance consistency.
- Templates help ensure information is presented in a consistent format, and help ensure completeness. The IED Department could benefit from the use of templates for the permit application process, for permits, and for inspection reports. Once set up, templates should be regularly reviewed, and updated as necessary.
- A methodological approach for permitting, adopted across the IED Department regions, would help ensure a consistent approach throughout the organisation.
- The first formal check of an application for completeness could be carried out by an administrative officer, saving Inspector time for those tasks more suited to their skills.
- It can be difficult for a permit writer to assess the enforceability of that permit as an inspector. It would therefore be beneficial for the Department to develop a method to ensure an objective enforceability check process, based on real-world experience, is in place.
- There would be benefits in combining the procedures of the EIA and IED processes to ensure compatibility and consistency.
- While the Department clearly takes the appeal procedure very seriously, there would be advantages in exploring options to reduce the number of decisions which are appealed. This may be through improving consistency, clarity and governance, or enhanced engagement with operators. It might be possible to make use of dedicated legal services within the SEI to consider appeals.
- Each IED permit should identify the leading BAT for that activity, and a methodology put in place to deliver this. This would help streamline the process of making permit changes in the event of changes to BAT conclusions.
- The Department should consider expanding the inclusion of financial provisions in permits beyond those for landfill. This will help ensure environmental remediation in the event of an operator becoming bankrupt, and avoids the risk of clean-up becoming a liability for the State.
- During the permitting procedure more attention is needed for the implementation of the REACH-regulation.

Good Practices

- The IPPC information system operated by the IED Department is used for permitting and inspection and includes all the information that is needed.
- The public can readily find and access information on permitting, and can participate in the permitting process through a dedicated web site. The public can also access full inspection reports on the internet. These inspection reports are not summarised and contain all the information on the inspection.
- There is a work plan in place for permitting, based on expected applications, BAT conclusions, new legislation and infringement risks.
- The SEI inspectors engage positively with operators and provide them with extensive informal assistance to help improve the quality of permit applications. Similarly, pre-consultation is available at the request of the operator.
- IED applications can be submitted by the operator or by a third party. Third parties must be registered with the Ministry, which helps ensure competence and quality.
- The BAT Centre organises a forum for operators on the different new BAT conclusions.
- IED Headquarters is very professional in undertaking its role as the second level body for appeals.

6.3. Inspection

Observations

- The SEI uses a Risk Assessment process with the following characteristics:
    - For setting priorities the SEI uses a risk assessment with a full set of criteria on actual impact and potential impact. The criteria are added and not corrected with each other (risk = impact x chance).
    - All criteria have the same weight. It is not possible to differentiate between the different criteria. For example, noise is assigned the same weight as air emissions.
    - A scoring system (when to fill in what score) is in place, but it is not exact enough, so Inspectors have scope for their own interpretation. Instead, the Inspectors discuss together the outcome of the risk assessment to help ensure consistency.
    - Information in the risk assessment is derived from applications, baseline reports, monitoring reports, state of the environment, and previous inspection data.
    - Soil pollution is not included in the assessment.
    - It is possible to shift resources between regions as an outcome of the risk assessment.
- It is a requirement under an SEI internal directive that every complaint has to be responded to.
- Executing inspections seems to have a low priority, compared with permitting, with only 15% of available resource allocated to inspections.
- There is no follow-up of the fines imposed by the SEI for non-compliance, although follow-up inspections of corrective measures are undertaken.
- Seveso and IED inspections are not combined. The Water Management Department co-ordinates Seveso inspections.
- There are no strategic objectives set out for the inspection process.
- The IED Department defined a number of objectives for 2019 (for example, to issue permits on time and of adequate quality, execute the plan for inspections, improve the quality of decisions, improve inspection reports, and upgrade the IPPC information system.
- The objective of inspection is to ensure operators observe permit conditions.

- Permit conditions are evaluated during the inspection to further optimise the permit.
- The Department has in place 3-year, 1-year, and quarterly inspection plans. However, these plans are effectively a programme of activities, rather than incorporating strategic objectives to be achieved. The inspection plans do not fulfil the requirements under art 24 of the IED.
- Inspection reports are published in full on the internet. This enables public access to the complete report, not simply a summary or performance score.
- IED Inspectors tend to inspect sites according to the Inspectors' own specific competencies.
- An inspection is in most cases not integrated but it focusses on one single environmental aspect: e.g. water, air emission, waste, specific BATc.
- Checklists are not prepared for the IED inspections because of lack of time

Opportunities for development

- The Department could give more priority to inspections. Without inspection, issuing permits will be of limited benefit to achieving environmental outcomes.
- The SEI should work towards a more sophisticated and objective system of Risk Assessment. This will help prioritise effort within the SEI, prioritise the balance between permitting and inspection in the IED Department, and prioritise effort allocated to specific sites and operators, making the most efficient use of limited resources.
- The Inspectorate should start collecting key data on the time spent on the different tasks the SEI has to undertake. These include the time spent on routine inspections at different industrial sectors, time spent on non-routine inspections, time spent preparing for inspections, time spent on writing up reports, and the real-life time available from each member of staff. This more sophisticated and objective workload planning will help ensure an appropriate balance between workload demands and the available staff resource. It will also show that a standard 4-day allocation for inspections for all industrial sectors (to include preparation, execution and write-up) appears unrealistic.
- The objectives of the different SEI departments could be used to define the strategic mission, vision and objectives of the SEI. These could then be used as objectives for inspections, and to provide a more meaningful framework for performance reporting, particularly in terms of public engagement.
- Different types of inspection could be used to reach strategic goals, and a strategy should be developed to inform the use of these different approaches, such as promoting eco-innovation, recognising and celebrating good practice, and enhanced operator engagement. Similarly, a range of intervention strategies could be employed to increase the compliance rate.
- Consider the use of checklists during the IED inspection to insure all important issues are inspected. By exchanging sets of checklists between the IED inspectors a more common inspection approach is reached.
- The current inspection plan is essentially a programme of work. It should incorporate more strategic objectives and outcomes through which to direct inspection work in order to become an effective inspection plan. Examples of such a plan are available through IMPEL.
- IED permits are frequently amended, and each amendment is a separate decision, and there can be 90 changes to a permit in existence. It is therefore difficult for an inspector to maintain an effective overview of the relevant conditions. The Department should explore alternative options for amendments, and examples and good practices from other countries are readily available.
- The IED Department is clearly subject to resource pressures, and many of the opportunities for development presented here are intended to help reduce those pressures and make more efficient, but effective, use of available human resources. In addition, there is scope for the Department to consider the use of technology, and particularly information technology, to help make its available time more effective. This could include the use of hand-held devices to support inspections and

inspection reporting, as well as the use of Unmanned Aerial Vehicles (UAVs, or drones) and satellite imagery to support inspections and evidence gathering. There are good examples of these approaches available through IMPEL, an IMPEL project specifically focusing on satellite imagery, and satellite imagery available free of charge through the Copernicus programme.

- The Department's commitment to public engagement and participation is obvious, but it comes at the risk of using staff time which might be used more productively. For example, the requirement to attend all sites which have been the subject of a public complaint is potentially a considerable time commitment. Consideration should therefore be given to how the Department can continue to comply with its legal requirements, and retain its positive spirit of public engagement, while rationalising its processes to ensure that public input is used efficiently and to best effect. This in itself will require public engagement to provide reassurance of the Department's commitment and an understanding of its desire to derive the greatest environmental value from public input.
- Create a new inspection department, separate from the permitting function, to help avoid conflicts of interest and competition for resources.
- Introduce a rotation system of staff between different departments to broaden their skills and experience, and enhance service resilience.

Good practice

- The online environmental information system provided by the Environment Ministry, and the online availability of IED Department information such as permits and inspection reports, and other relevant environmental information, are very good examples of a high degree of commitment to transparency and public engagement.
- The IED Department sets out programmes of inspection over 3 years, one year and quarterly. As an internal planning tool, this provides clarity for staff in managing their workload to deliver planned outputs.
- There is an obvious commitment to public engagement and participation, including responding quickly and transparently to complaints regarding IED sites, and considerable effort is allocated to this approach.
- The SEI publishes a substantial and comprehensive Annual Report, both providing additional public information and assurance of transparency. This Annual Report would be a good opportunity to report achievements in relation to a more outcome-focused mission should one be developed.

7. Conclusions

The IRI team appreciated the opportunity to carry out this review of the Slovak Environmental Inspectorate and its IED Department, and the open and honest engagement we received form our Slovak colleagues. There is clearly a high degree of dedication and commitment in the Slovakian team, which is populated by experienced and qualified professionals and delivers some readily-identifiable good practices from which others could learn. It is, however, struggling under a mis-match between output expectations and the available human resources, and there is a risk of this impacting on morale, well-being and the attraction and retention of high quality staff.

The IRI team has identified a number of opportunities for development that, if adopted, will help to streamline procedures and make more efficient use of resources. This, we believe, can be achieved while also enhancing quality and consistency, and the measurable achievement of positive environmental, economic and social outcomes for the people of Slovakia. Our discussions lead us to

believe that our recommendations will receive serious consideration, and we look forward to reports of implementation at an appropriate time. Finally, we would like to reiterate the support available through IMPEL for the development and adoption of good practices, and hope the SEI makes full use of these options.

8. A vote of thanks

As Team Leader for this IRI, I would like to extend my thanks personally, and on behalf of the IRI Team, for the open and engaging approach of colleagues in the SEI, and for the warm welcome and excellent hospitality they afforded to the whole IRI team. This helped to make the IRI an enjoyable process and, I hope, a rewarding and productive one both for the IRI team and the SEI.

Tony Liebregts
IMPEL IRI Slovakia Team Leader
28 June 2019