



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 Esch-sur-Alzette, Luxembourg  
14 - 17 May 2024

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Executive summary:	
<p>This is the first IRI in Luxembourg. The review took place in Esch-sur-Alzette at the Environment Agency Luxembourg 14-17 May 2024. It took the form of structured presentations from members of the Environment Agency Luxembourg followed by open question and answer sessions with the review team. The presentations are available in the annex.</p> <p>The report focusses on the opportunities for development. There were many good practices identified and discussions had during the review that may not be included here.</p> <p>The scope of the IRI focussed on the implementation of the IED on the following areas:</p> <ul style="list-style-type: none"> <li>• Strategic alignment</li> <li>• Permitting</li> <li>• Inspections</li> </ul> <p>The IRI team made the following general observations about the Environment Agency:</p> <ul style="list-style-type: none"> <li>• Technical staff is able to handle a variety of situations who are highly adaptable</li> <li>• Good internal cooperation between units/teams, regularly working together</li> <li>• Highly educated and well organised staff who are efficient at their work, despite/thanks to</li> </ul>	

constraints such as size and systems (e.g. spreadsheets, paper-based system)

- Good involvement of management in everyday running of the organisation
- Permitting & Inspections are well structured
- Focused on compliance (promotion) of establishments/installations and not punishment
- High level of transparency to the public (e.g. publication of inspection reports)
- Very open to discuss opportunities for improving their operations with concrete actions/plans already in-place

The IRI team made opportunities for development on the following areas:

- Organisational setting
- Strategic alignment
- Outcome driven targets
- Learning and flexible organisation
- State of the environment report
- Data driven organisation
- Delegation and mandate of powers
- Use of General Binding Rules
- Division of Tasks between permitting and inspection department
- Enforceability
- Risk Assessments
- Digitalisation and IT systems
- Emission Limit Values
- Use of Approved bodies
- Administrative sanctions
- Criminal investigators
- Inspection plan
- Handbooks and guidance and Standard Operating Procedures

The IRI team would like to thank the Environmental Agency of Luxembourg for their excellent cooperation, involvement in the review process and hospitality. The results of the review were presented at the end of the week, to the first advisors of the minister.

Disclaimer:

This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.

Quotation:

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## 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 8<sup>th</sup> Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

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

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# 1. Introduction

## Introduction to the IRI Scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement **the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI)**<sup>1</sup>, where it states:

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

In the past the IRI was primarily focused on Inspections, nowadays the IRI covers the whole regulatory cycle.

## Purpose of the IRI

The aims of the IRI scheme are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member Countries for the purpose of benchmarking and continuous improvement of their organisation;
- Encourage capacity building in environmental authorities in IMPEL Member Countries;
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems.
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”)

The IRI is an informal review, carried out by colleagues from IMPEL. It is not an audit. The IRI is intended to enable the environmental authority and the Review Team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL Member Countries.

## Scope of the IRI

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The **IMPEL “Doing the right things for permitting and Inspections”** Guidance Book has been used to help structure the questionnaire and the review. The Guidance Book was initially developed to support authorities in implementing the Industrial Emissions Directive and describes the different steps of the **Environmental Permitting and Inspection Cycle**.

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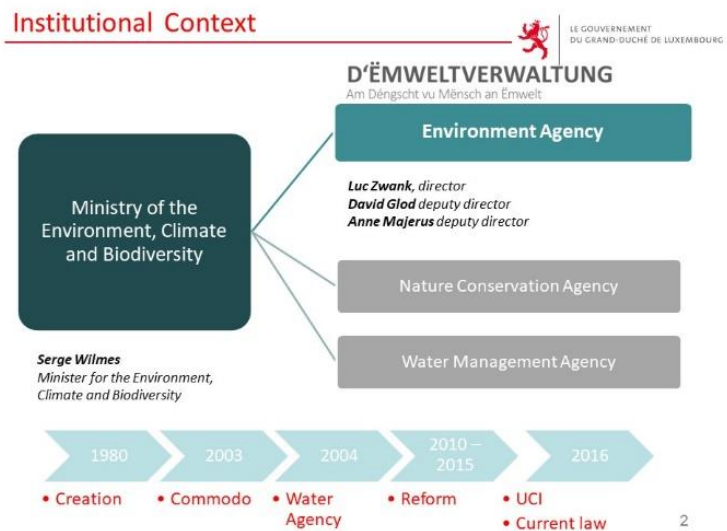
<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:118:0041:0046:EN:PDF>

## 2. Review findings

### Part A. The institutional and legal framework of environmental protection.

#### A1. Institutional and legal framework

Environment Agency falls under the ministry of Environment, Climate and Biodiversity. Environment Agency was created in 1980. In 1999 the newest Commodo law (permitting) was voted and in 2016 the unit for controls and inspection was created, as well as the current law setting the legal framework of the Environment Agency.



#### Tasks

Environment Agency has the following tasks: policy advice, strategy and concepts, monitoring and assessment, information and awareness raising, inspection and research, permitting, and certificates and grants.

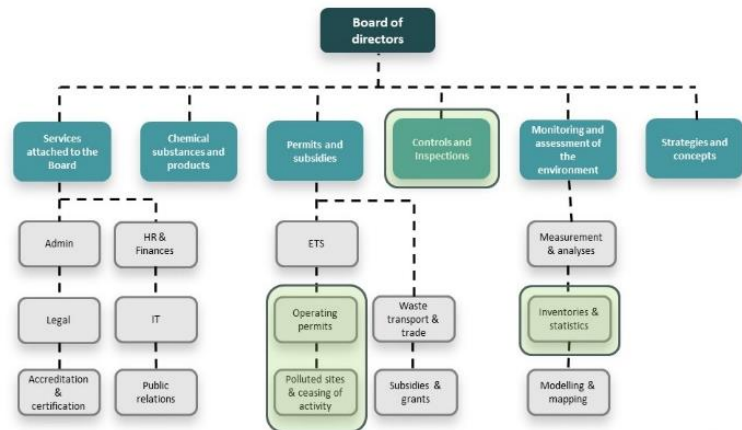
Area of competences: The competences of Environment Agency are on waste and resources, noise, soil (protection) and management of contaminated sites, air quality and industrial emissions, chemical substances and product (registration), administrative procedures, environmental permitting, national emission inventories, ETS and CBAM. Odour is under air quality and light pollution falls under the Nature Conservation Agency and municipalities. Water management is done by the agency of Water management. This agency hands out separate permit in case of IED installations. In the climate field, the Environment Agency handles ETS CBAM, registries and projections, as well as national funding schemes in the energy transition.

Staff: total number of staff at this moment is 181 (167 FTE). Average age is 41 years.

- Permitting (UPS) = 30p
- Inspection (UCI) = 12p
- Monitoring and assessment = 26p
- Cessation = 5p
- Waste transport = 3p

## Organisation

Environment Agency has 6 departments. This IRI focusses on the department Permit and Subsidies (unit Operating permits and Polluted sites and ceasing of activities) and the department of Controls and Inspections. Reporting is done by the monitoring and assessment unit.



## Budget:

100% state funded. 85% of the budget is for salaries and investments. Remaining 15% is for cooperation with external experts and operating costs. There is no income from permitting or inspection activities.

## Training

Capacity building, (in-house) training and education take place on ad hoc basis. Training is not based on a training needs assessment and the results of trainings are not reviewed. At the moment there is 1 colleague in HR responsible for training within Environment Agency.

Staff of Environment Agency has to follow trainings in the governmental Institute for Public Service for their career. To get in the Authority you first need to pass an exam to get the post and then you require a second in-house exam to be confirmed. New staff will have a mentor in the first two years of employment. Procedures for the development of individual training plans is in progress. There is a vision to become a learning organisation and to develop a culture to learn, particular for the more senior staff. Staff needs to look for training courses themselves.

## Knowledge sharing

Environment Agency has different (horizontal) expert groups in place to share knowledge. Thematic areas (e.g. waste, air) are transversal with experts across the board. The permit writers handle thematic areas themselves and built expertise in certain areas and consult internally.

## Access to information for public

A GIS system is available for public, it presents for example: IED and SEVESO installations, soil pollution. All governmental organisations work jointly in this system.

## Delegation and mandate

For all permits and all administrative sanctions the signature of the minister is needed. For both cases this means a certain delay. In case of permits this is 7 to 10 days (at the moment).

## **A2. Policy, Goals, objectives and strategic alignment**

Vision and mission of Environment Agency are:

1. Work: protecting the environment and the quality of life. Orientate and apply environmental policy and legislative process. Support public to promote environmental innovations;
2. Values: responsibility, integrity, team spirit, include our external and internal partners, knowing how to use our individual competences, engagement in our work, service provider,



respect;

3. Vision: competent partner for citizens, public sector and companies, actively protect environment and quality of life, be a national reference, manage efficiently, provide high quality service, follow a targeted, scientific, collaborative and honest approach.

Environmental goals (on national or organisational level) are not defined. As a consequence there are no specific goals or objectives for the permitting and inspection department to aim for while setting priorities or defining targets on environmental outcome. A report on the "State of the Environment" is missing at the moment.

### A3. External Relations

Stakeholders consultation in the legislative process is mandatory (consultations of professional chambers and consultation of other organisations). Geoportal is a good example of external relations / portal open data (noise map).

### A4. Accidents and Environmental Incidents

Because of social media there are more complaints and it's necessary for the Environment Agency to act on it. Environmental permits may contain obligations for emergency plans, insurance, guarantee site restoration. In case of an incident, the operator must inform the Environment Agency and take immediate measures to limit the impact.

Environment Agency cooperates with other agencies in case of an accident or incident: CGDIS (national fire department), police, national protection agency (for national crisis).

## Part B– Permitting activities

### B1. Strategic cycle

#### B1.1. Describing the context

##### Legal basis

For IED permitting the following 3 laws are of importance: the law on the classification establishments (from 1999); and the law waste (from 2012) and the law on industrial emissions (from 2014). Based on these 3 laws, permits can be issued for activities or equipment that poses risks to the environment and/or danger to employees, the public or the general neighbourhood. A permit sets conditions for the development (construction) and the operation. The competent authority is defined depending on the classification of the establishment.

Activities/installations listed under the IED installations are classified establishments (class 1) and need a permit and public consultation. Luxembourg counts 59 IED installations (25 different types). Class 2 activities fall under the competence of the municipality. In some cases, this can lead to a higher administrative burden for the operator when he has to introduce a separate permit application for class 2 establishments.

General Binding Rules (GBR) are only developed for the class 4 activities. To lower the administrative burden GBR's could also be developed for class 1 and 3 activities.

##### Procedures and tasks

Permits are in principle required in the following cases: for new establishments; in case the establishment transfers to another class; significant changes of installation/activities, cessation of the establishment; extension of validity of the permit; and expiration of the permit. The EIA procedure runs ahead/parallel to the permitting procedures. The content, the procedures and timeline of permit applications are clearly described.

The Permitting department (UPS-AE) controls or monitors if the reports and plans are submitted in time by the operator. In case this is not done the inspection and control department takes over. After a permit is issued a non-IED installation is inspected by an approved body, not by the inspection unit.

Ceasing of activity needs a separate permit and is apart from operational permit. In case of cessation, a declaration of cessation is submitted to the Environment Agency. In case of pollution other permits based on the waste law can also be issued for treatment of found pollutants. A risk assessment tool has been developed for cessation of activities. Criteria are based on the possible substances in the soil.

Water and nature and water permits are handled by the Water Management Agency and the Nature Conservation Agency, respectively. If they are required for a classified establishment both agencies communicate case by case with the Environment Agency to prescribe requirements such as emission limit values.

Although there is good communication between the permitting department and the inspection and control department, there is no formal consultation on the enforceability of permit conditions by inspectors.

### Staffing and communication

Permitting is divided in 3 sectors: 1. Industrial and artisanal sector (7,55 FTE); 2. Agriculture, waste, water and alimentary industry (4,84 FTE); and 3. Infrastructure and energy (7,23 FTE). Informal communication is possible because of size of the Permitting unit. Communication between inspectors and permit officers is easy and good. Overarching problems will be dealt with by expert working groups.

### Goals and objectives

The goals and objectives that influence permitting, but also for the whole organisation, could come from interdisciplinary working groups on the subject: air; soil; waste; noise; water; general technical discussion and general administration discussion.

#### **B1.2. Setting priorities**

Priorities are not based on a specific tool but set in discussion with the team. Important requirements that are used are compliance with legal requirements and compliance with EU reporting requirement. The ranking of new permit applications is done in the weekly meeting of UPS-AE heads and senior permitting agents.

#### **B1.3. Defining strategies**

The targets are all process driven. Environmental outcome targets are not defined and should be provided by the department of Strategies and Concepts. Most of the strategies that are in place are related to the process driven targets.

There are no clear criteria for refusing a permit or a strategy on how to choose the most appropriate ELV within a permit. In practice such situations are avoided so as not to have to re-process the same application and by providing as much guidance as needed to the applicant so that they can comply prior to the issue of a permit.

#### **B1.4. Planning**

About 60% of the annual work time of UPS-AE permitting agents is spent on permitting activities for classified establishments, waste and IED laws as well as checking reports prescribed by the permits. 40% of the worktime is allocated to other work (Training, developing guidelines, participating in meetings, etc.).

## **B2. Operational Cycle**

### **B2.1. Permitting framework**

#### Qualification for permit agents

Qualifications are clearly set and contain education, languages, skills and experience requirements.

#### Equipment

All necessary equipment to issue permits is in place.

IT equipment consist of BECKS (Better Etablissements Classés Knowledge System) and electronic archiving system SIDOC. BECKS gives access to e.g. all the permits and keeps track of permitting procedure workflow but is not designed to run queries on environmental content. Permit applications are at the moment paper based and not stored in BECKS.

### Knowledge and training

Permitters have access to technical literature. Training for specific expertise or soft skills is done by INAP or other bodies. Knowledge that is gained is shared informally between experts.

### Guidance

Permitters use a document with standard conditions for permits. This ensures a consistent approach and quality. A standard Operating Procedure for the whole permitting procedure is missing. Environment agency works together with approved bodies on different guidance or changing the nomenclature.

## **B2.2. Permitting procedure**

### Application phase

Pre-application discussions are possible on request and are done in case of new installations or modifications on existing installations. Environment Agency ensures this discussion will not end up in a consultant role and will take place at the office or at the installation. There are 6 main types of procedures: new installations; transfer of an installation; modification of an installation; cessation of activity; extension of validity of permit; and expiration of a permit. The initiative for an application can be from an operator or from the Environment Agency (in case of changing legislation, new standards or BAT conclusions, ...). Changing of permits after BAT conclusions are adopted (within 4 years) is not monitored by an IT system.

A modification of installations could also lead to a consolidated version of the permit in which all the conditions will be modernised. The operator can make use of a consultant when submitting the application. An electronic application form is accessible online (all types of procedures).

Application is first checked in the back office of Environment Agency (e.g. number of copies, location, signature). After the application is discussed in the weekly meetings and appointed to a permitter, the operator receives a notification letter when the application gets in procedure. In case information is missing the operator is requested to send additional information. The permitter considers all the information from the applicant. In case the information is sufficient the permit writer declares the application as complete.

Public consultation: the back office sends the application to the municipalities (within 8 days) and publishes information in 4 newspapers. They are published as well on an online platform. Municipalities handle all the administrative process for the public consultation. Observations are collected and discussed in public consultation sessions.

### Decision making

The permit will contain conditions for the impacts, like odour, air, noise, vibrations, radiation, water (only handling of wastewater within the establishment), soil, energy and waste, and internal control and assessment of operations. The operator is asked to take position on all the BAT in BATC. ELV's are usually set to the less strict value. A draft decision is notified to the operator in case conditions have become stricter than stipulated in older permits or in case Environment Agency has changed the permit conditions due to new standards. The minister signs the permit.

### Objection and appeal

Operators can object against every decision within 40 days. The same is for appeal.

## Part C – Inspection activities

### C1. Strategic cycle

#### C1.1. Describing the context

During the reorganisation of the Environment Agency in 2016 the Inspection and Control Unit (UCI) was created. Before that time the Permit Unit performed the inspections. UCI now has 9 inspectors with an average experience of 2,5 years (in 2016 only 2 inspectors).

2 inspectors and 1 secretary are allocated to IED inspections. Legal support for IED inspections is there when needed (1 legal expert for the Environment Agency). Appropriate legal training to the inspector is not provided.

#### Roles and tasks

Primary tasks of UCI: handling complaints of citizens, waste transfer controls, waste from Electrical and Electronic Equipment WEEE, EPR and IED inspections and controls of non IED installations. IED inspections are performed under the lead of the inspection unit. The permitter accompanies the inspector during an IED inspection for their knowledge on the installation. A detailed report from the inspection is sent to the permit writer for consistency and for certain non-compliance to be followed up by permit writer. In weekly meetings the inspectors and permit writers discuss the issues of the IED inspections.

The SEVESO inspections are carried out by the permitter in cooperation with the labour inspectorate, which is responsible for the follow-up of the inspections.

The UCI inspectors can also be criminal investigators next to their normal inspection tasks.

#### Budget

Performing inspections every year on IED installation is an EU obligation. The budget of the Environment Agency is set accordingly.

#### Complaints and non-routine inspections

There is a procedure to classify the complaint and then follow up with investigation accordingly. Although there are annual reporting and possibility of non-routine inspections in relation to complaints, the fact that operators of IED installation know when the next inspection is due means they can relax until the time of the inspection arrives. In principle complaints have always to be accompanied by a written form by the complainant and no anonymous complaints are handled, unless the complaint is indicating a serious offence or incidents. Of the 170 complaints per year received by Environment Agency 47 are related to IED installations.

The Environment Agency doesn't have a 24/7 call duty in case of complaints or accidents.

#### C1.2. Setting priorities

The priorities and inspection frequencies of the IED installations are determined through a risk assessment tool (IRAM). The risk assessment includes environmental impact of the installation and performance of the operator. The tool has been developed in 2015. The settings of the tool haven't been changed since. The outcome of the risk assessment hasn't been changed with exception of 4 cases due to changes in the operator performance. It's advised to change weighing factors and the Rule based on the environmental goals and the number of criteria that are used.

### **C1.3. Defining objectives and strategies**

No specific objectives or strategies have been defined for IED installations. Overall goal of the Environmental Agency is not to punish the operator for every violation detected, but to offer them guidance in order to eliminate the violation.

#### Communication with public

Inspection results are published on the website. A yearly booklet is published with an overview of the carried-out inspections by the public relations team.

### **C1.4. Inspection plan**

There is a national inspection plan that hasn't been changed since 2015. Specific objectives or strategies are not included in the plan.

Inspection programme for routine inspections is updated each year.

Time needed for carrying out different types of routine inspections is not recorded but is estimated. Average time spent for an inspection is 18 hours (preparation, site visit and reporting) for the inspector and 14 hours from the permit officer. Average time spent on non-routine inspections is 4 hours.

## **C2. Operational Cycle**

### **C2.1. Inspection framework**

#### Protocols and working instructions

There are no formalised protocols or working instructions for inspectors. Knowledge is passed on from senior inspector to inspector. Letters to operator are as far as possible standardised. Letters are saved in a library and serve as future reference.

#### IT tools

Special tool for planning of inspections is not in place. There is not a notification system in place that will notify when imposed dead limits run out on actions that need to be taken by operators. However, there is an excel table with inspector's activities and important information kept by secretary.

#### Equipment

All necessary equipment to perform inspection tasks is in place.

#### Training

Procedures for trainings needs or the evaluation of the results of trainings are not in place: some training needs are on noise measurements, specify types of waste.

### **C2.2. Compliance assurance, inspection and enforcement**

#### Non-routine inspections IED installations (associated to complaints)

Complaints are submitted through a special form that needs to be filled in. Inspector informs the permitter about the complaint. Based on the gravity of the complaint a message is being sent to the operator or a site visit takes place by the inspector and the permitter. In case enforcement actions need to take place, the minister can take measures after the operator has been given the chance to give a statement with regard to the non-compliance, or the inspector writes a report for the public prosecutor. The person submitting the complaint will be informed on actions taken.

### Routine inspections IED installations

IED inspections are always integrated, all possible environmental areas impacted by the installation are covered. EMS are checked every second year, also when it's a high-risk installation.

In 2023, 124 non-compliances were detected. The number of non-compliances shows a downward trend over the last 7 years.

### Approved bodies

Paid by the Environment Agency and work for the inspector. Approved bodies also audits controls that are prescribed in the permit which are paid by the permit holder.

IED inspections are conducted by the inspector, approved body and the permit writer.

Approved bodies are paid by the Environment Agency and work for the inspector (see section preparations). Approved bodies cost €2.000 for an agriculture inspection and €5.000 for an industrial inspection.

### Preparations

The approved body will contact the operator to find a suitable date for the inspection. The approved body will compile the relevant documents, fills in his part of the inspection and sends the documents to the inspector. The inspector gives feedback after discussion with the permitter.

### Inspection

There is a clear structure on how inspections are being carried out. It contains 9 modules with topics that needs to be discussed during an inspection.

Non-compliances are divided in 3 groups: minor non-compliances; significant non-compliances; and important non-compliances. Decision on severity of non-compliances is based on the environmental impact and the evaluation by the inspector. Significant and important non-compliances differ only in the behaviour of the operator.

### Enforcement / sanctions

In case of an important non-compliance the operator is informed by formal notice from the Agency and a re-inspection is planned 6 months later. A copy of the notice is sent to the public prosecutor. So far 1 re-inspection within 6 months was necessary.

Criminal sanctions: Imprisonment from 8 days to 6 months; fines (€251 to €125.000 and closure).

Administrative sanctions are limited to (partly) closure of the activity or construction after a warning.

Deadlines can't exceed 2 years. There are no possibilities for administrative fines, bonds or force.

In art 63, in case of a non-imminent danger the operator is giving the chance to be heard within 8 days. This is very time consuming. The possible sanctions are mentioned in different environmental laws. To date, there was no need to take enforcement actions against IED installations.

In case an installation is found without permit, the Permitting Unit is informed in order to take appropriate measures. One of those measures is to issue quickly, on special request, a temporary permit (e.g. for one year without preliminary public consultation) to allow for the operations to continue in a permitted manner.

Conditions are based on similar installations, information obtained from inspectors, and applicable BAT-C.

#### Reporting

3 to 4 weeks after the inspection the approved body sends his report to the inspector. Based on this report the Agency sends her provisional report to the operator. The operator will have 6 weeks to come back with a statement. After the statement of the operator, the inspector compiles the final report and sends this to the operator and publishes it online.

Report after each site visit, within 2 months after the inspection and published for public within 4 months.



### 3. Opportunities for Development

#### Part A - The institutional and Legal framework

- **Organisational setting:** Currently Environment Agency is organised based on legal and technical requirements. Consider hiring staff with additional competences (e.g. policy support, leadership, vision) and managerial diversity.
- **Strategic alignment:** This mechanism is not yet in place. Defining the environmental objectives and smart targets that are based on the goals of EU and national policy. A learning and flexible organisation is a key condition for this.  
Organise the work / organisation to assure these smart targets will be reached.
- **Learning and flexible organisation:** Environment Agency is not yet a learning and flexible organisation. Training plans are prepared but this not standard and they are not reviewed. Environment Agency could benefit from a full training programme for the whole organisation based on training needs assessment. Having internal trainers is a key factor for this. More general task descriptions and a wide range of competences (skills and knowledge) could help Environment Agency to become more flexible.  
Environment Agency could benefit of a junior programme together with other authorities.
- **Reporting:** State of the environment report is missing at the moment, this is key to define the environmental goals.
- **Data:** Environment Agency deals with a lot of data. Environment Agency could be more effective if they are more data driven. Make use of modern IT tools for bench mark studies and make use of data scientist(s).
- **Delegate or mandate:** Minister signs environmental permits and enforcement actions. A mandate or delegation to Environment Agency could improve the efficiency.

#### Part B – Permitting activities

- **General Binding Rules:** Develop GBR for some of the class 1 and 3 activities and for the standard obligations currently in permits, to reduce administrative burden.
- **Class 2:** Consider changing the competences of class 2 establishments.
- **Cessation:** To avoid extra permits for cessation, these activities can be incorporated into the operating permit or GBR on cessation can be developed.
- **Tasks:** Submission of reports and plans that are prescribed in the permit could be automated. After this, controlling the submission could be handed over to the inspection department.
- **Enforceability:** Consult the inspection department in the permitting process to ensure the permit conditions will be enforceable.
- **Risk Assessment:** Develop a risk assessment tool with clear criteria to set priorities within permitting.
- **Outcome driven targets:** develop targets on environmental outcome for permitting to help prioritise the work. Discuss this with the department of strategy and concepts.
- **Refusal of permits:** There are no clear criteria for refusing a permit when it's known the operator can't comply to a permit. Develop clear criteria (in law or SOP)
- **Digitalisation:** digitalise all documents within permitting process (including the application). Change legislation if necessary to make this possible.
- **Permitting software (BECKS):** This software stores applications and permits and includes all important steps within the permitting procedure. Include a checklist for validation of the application.

At this moment BECKS is not designed to be used as a data driven tool. E.g. running queries on environmental content is not possible and for automatic import of data from the electronic application.

- Emission Limit Values: ELV's in permits always have the less strict value from the BAT conclusion. Discuss if this should be a standard procedure and Environment Agency always has to follow the position of the operator. There are no solid arguments at the moment to get stricter.
- Standard Operating Procedures: Develop SOPs for the whole permitting procedure, including:
  - how to deal with new BAT conclusions in order that all permit writers are handling the same way.
  - when a permit should be completely revised and a consolidated version is needed.

## Part C – Inspection activities

- Outcome driven targets: develop targets on environmental outcome for inspection to help prioritise the work. Discuss this with the department of strategy and concepts.
- Tasks: Reallocate the tasks between UCI and UPS. UPS is still very involved in inspection work, e.g. UPS is currently taking part in joint SEVESO inspections with the Labour inspection, UPS joins all IED inspections and UPS controls plans and reports from operators.
- Approved bodies: Consider the benefit of just hiring a consultant to support IED inspections and use their expertise to build more knowledge within the Environment Agency.
- Administrative sanctions: At this moment it's only possible to close or partially stop an establishment. Develop more administrative sanctions for different types of non-compliance, e.g.: administrative fines, bonds or force and bank guarantees.
- One law on sanctions: Sanctions are mentioned in different environmental laws. One general law on sanctions could facilitate the enforcement process.
- Criminal investigators: Consider the number of staff needed with these powers when more administrative sanctions are in place.
- Risk assessment: fine tune your system and update it as often as possible. Use the tool to identify what the focus of an inspection should be (linked to the desired environmental outcome).
- Inspection plan: review and revise your national inspection plan on a periodic basis the moment environmental objectives and smart targets are set by the agency.
- Handbooks and guidance, SOP: These documents are partly missing. Development is important to have a common working process and be less vulnerable in case of absence. Documents can be used as training material.
- Inspection and Enforcement software: Develop IT tools for planning, storing monitoring and inspection results, to monitor actions to be taken by operators, to give input to more data driven inspections.
- Integrate the inspections: consider the possibility of cooperation with other competent authorities