IMPEL Project

Comparison of Common Regulatory Frameworks

Final Report

October 2010

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in 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 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

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

Information on the IMPEL Network is also available through its websites at:

http://impel.eu/.

Title report: Comparison of Common Regulatory Frameworks	**Number report:** 2010/16
Project manager: Cath Preston **Core team:** Cath Preston, Horst Büther, Trudie Crommentuijn, Mikel Ballesteros García, Duncan Mitchell, Hans Lopatta, Christof Planitzer	**Report adopted at IMPEL Plenary Meeting:** 2010/November
Authors: Cath Preston, Horst Büther, Trudie Crommentuijn, Mikel Ballesteros García, Duncan Mitchell, Christof Planitzer	**Number of pages:** Report: 32 Annexes: 5 annexes
Project participants: Representatives of 17 IMPEL member countries and the European Commission	

Executive summary:

Better regulation actions/activities to improve efficiency and effectiveness whilst maintaining or improving levels of environment protection are increasingly being put in place by environmental inspectorates in member countries. This is often done in response to challenges such as relieving unnecessary burden on industry, increasing pressures on the environment and limited resources. The creation of a *common regulatory framework* is an example of a better regulation action/activity that some member countries have initiated to address these challenges.

The IMPEL Common Regulatory Framework Comparison Project has identified a breadth of *common regulatory frameworks* across Europe. Case studies identified through questionnaires, a practitioner workshop and a literature review were assessed and compared to identify perceived advantages and disadvantages; the costs, benefits and barriers; and to identify good practice.

In terms of common regulatory and enforcement frameworks there is a spectrum of approaches in member countries and wider, ranging from alignment (laws remain separate but requirements are harmonised) to integration and full codification. A degree of codification was found to be desirable and facilitated the establishment of common regulatory processes and language providing a wide range of benefits. These benefits include improved environmental protection, reduced burdens and costs for operators, clarity of legal

requirements, better targeting of resources and increased clarity for operators and stakeholders.

In addition, integration or full codification facilitated integrated permitting whether single site permitting or setting general rules for lower risk activities/sites. Single site permitting was also considered desirable allowing everything to be authorised at the one time so the process is simpler leading to a reduction in administrative and supervision burden. Single site permits also provide a holistic balanced view of the regulated activity or site.

However, there are some issues to overcome with regard to single site permits including: how to incorporate variable and non variable elements; identifying the competent authority if multiple organisations are involved; and how to deal with very large and complex sites under one permit. It was concluded that the way to overcome some of these issues is to ensure flexibility in regulations to allow permits to be tailored to the issue or situation and to simplify regulatory processes before they are integrated or codified.

General rules were also considered desirable for simple sites or operations as they provide clarity for the industry, consistency across regions and inspectorates and an easier way for government to speak with industry. Further, there is the potential to create a set of rules for a particular sector covering a range of different regulations.

Whilst common regulatory and enforcement frameworks were found to deliver significant benefits it was recognised that costs can be significant to enforcers bringing in new integrated regulatory systems. There can also be disruption to processes for number of years with requirements for transitional arrangements whilst regulators and the regulated adjust to a new system. Consultation and active participation of stakeholders with clear communication of benefits is essential to minimise disruption and to get "buy in" from business and industry.

The project also identified many examples of integrated inspection processes within IMPEL member countries and wider. It was concluded that integrated inspections have many benefits including improved environmental protection and compliance, more streamlined and effective enforcement, better balanced inspections and transparent, flexible, consistent approaches. Customer satisfaction can also be improved. Integrated inspections can be delivered without changes to regulation at minimal or even reduced cost to the regulator and operator. However, careful organisation is required particularly when many different organisations are involved and consideration is needed on the balance between super inspectors (inspectors with knowledge across media) or specialists to maintain the quality and effectiveness of inspections.

Integrated information systems were also identified in a number of member countries and it was felt that these can offer a way forward in the management of the vast array of environmental data available for use by experts, policy makers and the public. Whilst investment is required to design and implement integrated information systems and this may be a barrier in the current economic climate, it was considered that such systems deliver significant benefits. These include improved environmental management due to better data quality, provision of coherent environmental information to facilitate environment policy making and the ease of fulfilling EU reporting requirements.

Overall the project considers *common regulatory frameworks* to be desirable with significant benefits for the environment, economy and society. However, careful assessment of the costs, risks and benefits are required particularly where creation of a *common regulatory framework* involves significant regulatory change.

A number of recommendations are made by the project:

1. This report should be promoted and used within IMPEL to support future projects and IMPEL members should disseminate and promote the report within their individual countries to assist in decision making and the implementation and refinement of *common regulatory*

frameworks as required.

2. As a next step it is recommended to IMPEL that more detailed case studies of the *common regulatory frameworks* identified are compiled to provide in-depth information on costs, risks and benefits and useful models which could be applied in the context of member countries. The detailed case studies could highlight the spectrum of different organisations involved and identify where and why political issues may arise.

3. Consideration should be given to the promotion of *common regulatory frameworks* at a European level and how this might be achieved. It is felt that greater consultation and policy decision making is required across Europe on how to deal with differences across environmental directives. Further it is recommended that a process is established to identify the potential to merge environmental directives to facilitate the establishment of common regulatory frameworks.

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 or the Commission.

Contents

Annexes

Annex 1 - Questionnaire for the IMPEL Common Regulatory Framework Comparison Project

Annex 2 – Regulation and enforcement questionnaire responses

Annex 3 – Integrated inspections questionnaire responses

Annex 4 – Integrated information systems questionnaire responses

Annex 5 – Literature review of non IMPEL member countries

Abbreviations

EIA	Environmental Impact Assessment
ELV	End of Life Vehicles
EMAS	Eco-Management and Audit Scheme
EU	European Union
ICT	Information and Communication Technologies
IMPEL	European Union Network for the Implementation and Enforcement of Environmental Law
IPPC	Integrated Pollution Prevention and Control
IPPCD	Integrated Pollution Prevention and Control Directive
LCPD	Large Combustion Plant Directive
SED	Solvent Emissions Directive
Seveso	Council Directive 82/501/EEC on the major-accident hazards of certain industrial activities (OJ No L 230 of 5 August 1982)
SME	Small and Medium Enterprises
WEE	Waste Electrical and Electronic Equipment

1   Background

Better regulation actions/activities to improve efficiency and effectiveness whilst maintaining or improving levels of environment protection are increasingly being put in place by environmental inspectorates in member countries. This is often done in response to challenges such as relieving unnecessary burden on industry, increasing pressures on the environment and limited resources.

Policy drivers for better regulation at the European level (e.g. the Lisbon Strategy and the new Europe 2020 Strategy) and within member countries (e.g. the Hampton Review 2005, UK) and heightened interest in the actual or perceived impacts of regulation are also powerful influences, particularly with respect to enterprise and industry. In addition, the prevailing economic conditions sharpen the need for efficiencies. Simplified and streamlined approaches and focusing on improvements in regulatory outcomes are therefore key objectives for many regulators and Governments in the European Union (EU).

In addition, targets have been set by the European Commission to reduce the administrative burden and amount of time businesses spend filling in forms and reporting on a wide range of issues by 25% by 2012.

The creation of a *common regulatory framework* is an example of a better regulation action/activity that some member countries have initiated to address these challenges.

**Common Regulatory Framework
Definition**

The simplification and streamlining of regulatory activities and processes through the development of common legislative, regulatory and/or administrative systems (including information systems), procedures, guidance and/or language.

The word **common** can mean, for example, integrated, aligned, shared, combined or joint.

Permitting and compliance systems for different regulations have often developed separately over time and may have different procedures and rules creating a complex and overly-burdensome regulatory system. Creating a *common regulatory framework* can provide a consistent way to implement both existing and new legislation, recognising the common goal of protecting the environment and human health. It has the potential to help simplify and streamline regulatory activities and processes through the development of common systems, procedures, guidance and language. It also has the potential to ensure that processes and activities are more workable, transparent and flexible and to reduce administrative burden to business.

Many EU countries have recent examples of legislation they have modernised and this has provided an opportunity to review how legal requirements are packaged and delivered. Member countries are at different stages in the process and will be devising systems to suit their own circumstances. This provides an opportunity to learn from the various choices that have been made, including understanding the reasons why some options were not taken further.

The aim of the project is therefore to identify *common regulatory frameworks* that have been (or will be) implemented in member countries and elsewhere countries, to evaluate the experience gained and lessons learnt and to provide IMPEL recommendations and statement on *common regulatory frameworks*.

2   Objectives

The objectives of the Common Regulatory Framework Comparison Project are to look at environmental regulatory frameworks (legislative, regulatory and/or administrative) within and between member countries and wider, and specifically:

- To identify examples of *common regulatory frameworks* developed by different member countries and elsewhere and describe their history, the reasons why they were developed and why they took the form they did.

- To identify options for *common regulatory frameworks* that were considered but rejected and the reasons for this.

- To compare the examples and identify the perceived advantages and disadvantages of *common regulatory frameworks* for regulators and business/industry including administrative burdens.

- To identify barriers to integration/combining of environmental regulatory frameworks.

- To identify the benefits of *common regulatory frameworks* for member countries considering adopting such frameworks.

- To provide recommendations for IMPEL and member countries on the creation of *common regulatory frameworks* and good practice.

- To identify best means of dissemination to a wider audience including relevant conferences and business/industry associations.

It was expected the project will have the following benefits:

- Member countries (Government and environmental authorities) will be better equipped to implement and refine *common regulatory frameworks* as required through the availability of good practice information and data and contact with relevant practitioners in member countries.

- There will be better evidence of the outcomes/effectiveness of *common regulatory framework* approaches and their benefits for the environment and business.

- There will be more knowledge and understanding of the circumstances under which specific examples of *common regulatory frameworks* will or will not work.

- The project will inform the European Commission on good practice, how *common regulatory frameworks* are being put in place in member countries and help identify where there may be a need for integration and/or review of legislation at a European level to enable further implementation of *common regulatory frameworks* within and/or between member countries.

3   Methodology

The project was managed by a core team with representatives from Austria, Germany, the Netherlands, Spain, the UK and the European Commission.

It has built on the findings and recommendations of IMPEL report "Practical Application of Better Regulation Principles in Improving the Efficiency and Effectiveness of Environmental Inspection Authorities" (December 2009). Specifically the recommendation to "consider whether there are specific areas of permitting that would be useful for IMPEL members to share experience in more detail e.g. integrating permitting requirements or company level approaches" forms the basis for this project. A number of the case studies in the better regulation principles report of 2009 are examples of *common regulatory frameworks*; these have been considered in this report.

The core team designed a questionnaire with input from IMPEL Clusters 1 and 3 to identify what better regulation initiatives are being taken forward by member countries and to

consider information on their outcomes, etc. A copy of the questionnaire is provided in Annex I to this report.

The questionnaire focuses on *common regulatory frameworks* that have been put in place; are currently being considered, planned or implemented within or between member countries; and ideas for *common regulatory frameworks* that were considered and then rejected. It looks at their history, reasons why they were developed, outcomes, success factors and barriers to success.

Responses to the questionnaire were received from 15 IMPEL member countries as shown in Box 1. Almost forty examples of *common regulatory frameworks* were provided. Of note, Italy responded to say that it did not have any *common regulatory frameworks*.

> **Box 1. Countries responding to questionnaire**
>
> Austria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Malta, Netherlands, Poland, Romania, Spain, Sweden, Turkey and the United Kingdom (England and Wales, and Scotland).

The responses were grouped based on three classifications. Annex II provides a collation of the responses received on common regulation and enforcement frameworks. Annex III collates responses on integrated inspections and Annex IV includes responses on information systems. This classification is also used to structure the report.

A literature review of *common regulatory frameworks* in non-IMPEL member countries was also conducted by Strathclyde University, Glasgow, Scotland and is included in Annex V.

In order to discuss the outcomes of the questionnaire and identify critical issues, conclusions and recommendations, a workshop was held in Vienna in June/July 2010. The workshop included presentations about specific initiatives and discussion on critical issues related to integrated and alignment of regulation and enforcement, integrated inspections and information systems.

Section 4 of this report sets out the findings from the project, drawing on questionnaire responses, the literature review and the outputs from the workshop. It looks at common regulatory and enforcement frameworks, integrated inspections and integrated information systems. For each subsection there is a comparison of different frameworks and discussion on costs and benefits, barriers and hurdles, success factors, other lessons learnt and changes required at a European level.

4 Outcomes and Discussion

4.1 Overview

Examples of *common regulatory frameworks* provided by IMPEL members for regulation and enforcement, integrated inspections and information systems are presented in Tables 1 to 3 respectively.

Discussions of findings is provided in Section 4.2 (regulation and enforcement), Section 4.3 (integrated inspections) and Section 4.4 (information systems)

Table 1. Examples of common regulation and enforcement frameworks

Common regulation and enforcement frameworks (in place)	
Bavaria	Substitution and Deregulation for Eco-Management and Audit Scheme (EMAS) registered Organisations
Cyprus	Environmental Impact Assessment (EIA) and Opinion within the Town Planning permit procedure. (Combination of Law on EIA and the Town

	Planning and Housing Law).
Denmark	lov om miljøgodkendelse m.v. af husdyrbrug (husdyrgodkendelsesloven) & bekendgørelse om tilladelse og godkendelse m.v. af husdyrbrug (Husdyrgodkendelsesbekendtgørelsen) (the act and regulation)
Denmark	Bekendtgørelse om godkendelse af listevirksomhed under miljøbeskyttelsesloven. The former is a regulation based in the latter which is the Danish Environment Protection Act.
England and Wales	Environmental Permitting
France	Classified Installation (Book V titre I of environment code)
Germany	Integrated Pollution Prevention and Control (IPPC) permissions / § 13 Bundes-Immissionsschutzgesetz (BImSchG) Concentrated Permission
Malta	Programme and Timeplan to Consolidate Environment Regulations
Netherlands	Dutch Environmental Management Act
	Dutch Water Act
	4th Tranche of the General Administrative Law Act
Sweden	The Environmental Code
	The Enforcement and Regulations Council (Tillsyns- och föreskriftsrådet)
Common regulation and enforcement frameworks (in progress or planned)	
England and Wales	Bringing water abstraction and impoundment (WAI) into environmental permitting and transposition of permitting aspects of upcoming EU Directives
France	Making a convergence between Mining permitting process and environmental permitting process
Malta	General Binding Rules for selected small and medium sized enterprises (SMEs) and micro-enterprises
	Environmental Permitting
Netherlands	Activities Decree
Turkey	Improving the environmental permitting and licensing mechanism through a new by-law
Common regulation and enforcement frameworks (future plans)	
Cyprus	Permitting for waste management and IPPC
England and Wales	Combine water abstraction, impoundment, flood defence and fish pass approval into single hydropower permission. Possibly linked to land use planning permission.
Greece	A new regime for environmental impact assessment
	Integrated waste permits

Malta	Improvements to regulatory and environmental governance system
Common regulation and enforcement frameworks (rejected)	
Cyprus	Common framework for the Water Pollution Control Law (Department of the Environment) and the Law on Emissions from Industrial Units (Department of the Labour).
Germany	Creation of a German Environmental Code

Table 2. Examples of integrated inspections

Integrated inspections (in place)	
Czech Republic	System of integrated inspections
Germany – North Rhine Westphalia	Integrated Seveso inspections
Turkey	Combined environmental inspections
Poland	Integrated inspections
Romania	Integrated IPPC inspections
Scotland	Scotland's Environment and Rural Services (SEARS) integrated inspections
Integrated inspections (in progress or planned)	
Czech Republic	System of integrated inspections
Greece	Joint inspections by environmental inspectors and health inspectors
Scotland	Common risk assessment methodology to identify inspection requirements across regulatory regimes

Table 3. Examples of integrated information systems

Integrated information systems (in place)	
Austria	Monitoring Verfahren (IT Tool)
Spain	IKS eeM System
Austria	Electronic Data Management (EDM) in the environmental field

4.2   Common regulation and enforcement frameworks

4.2.1 Objectives of common regulation and enforcement frameworks

The project found that the objectives of common regulation and enforcement frameworks put in place by IMPEL member countries and wider included the following:

- Improved environmental protection and compliance;

- Simplifying and rationalising systems to increase efficiency and flexibility;

- Cutting unnecessary red tape to lessen burden on operators;

- Simplifying processes for a particular sector of significance where they interact with many directives (e.g. animal husbandry in Denmark);

- Ensuring that agencies focus resource on issues that matter;

- Providing clearer, simpler and quicker systems

- Increasing clarity and certainty for everyone on how regulations protect the environment;

- Avoiding contradictory decisions when many different public authorities are involved;

- Modernising and updating legislation;

- Encouraging cooperation between public authorities; and

- More effective enforcement.

In France and Denmark there has been a long tradition of integration of environmental regulation and this is the historical norm.

4.2.2 What do common regulation and enforcement frameworks cover?

Table 4 shows the kinds of regulations that have been or will be combined into common regulation and enforcement frameworks in different countries. The examples show that there are many combinations of environmental and non environmental (but related) regulation that can be brought under a *common regulatory framework*.

Table 4. Examples of regulation that have been or will be combined into common regulation and enforcement frameworks in different countries.

| Country	Regulation combined
Cyprus	EIA, town planning and housing law. In future will combine permitting for waste management and IPPC.
Denmark	For animal husbandry – EIA, habitats, IPPC, bird protection, nitrates and water framework directives. For all else – solvent emissions directive (SED), waste incineration directive, large combustion plant directive (LCPD), end of life vehicles (ELV) directive, waste electrical and electronic equipment (WEE) directive, IPPC directive, waste framework directive and landfill directive.
England/Wales	IPPC and related sectoral directives (e.g. LCPD, WID, SED), waste, water, groundwater, basic safety standards, radioactive substances and the permitting aspects of mining waste and batteries. Currently working on bringing in water abstraction and impoundment. In the future aim to combine water abstraction, impoundment, flood

	defence and fish pass approval into one single hydropower permission possibly linked to land use planning permission.
Germany	IPPC directive.
Scotland	In the future would like to align or integrate regulation for water, air, land, waste and radioactive substances.
Sweden	Nature Conservancy Act, Environmental Protection Act, Law of Prohibition against Dumping of Waste into Water, Water Act, Law of Chemical Products, Law of Environmental Damage, Law of Economizing on Natural Resources.
Turkey	Turkey is working towards combining media based environmental permits into one in support of IPPC implementation.

### 4.2.3 Codification and alignment of regulation - discussion

Codification of environmental law can be included in the broad definition of a *common regulatory framework*. However the term *codification* is open to different interpretations. For the European Commission codification is the simple act of producing a new, otherwise unchanged version of a Directive which has been subject to amendment: for example the "codified" IPPC Directive 2008/1/EC. (In the UK, it would normally be referred to as *consolidation*.) Whilst acknowledging the Commission's specific definition, this is not the definition used for the purposes of this project.

By *codification* we mean bringing previously separate environmental laws together into one single law, or code. Nonetheless, there remains the possibility of significant differences between member countries as to what is codified, and how. For example, in some systems IPPCD and Seveso may be brought together with spatial planning and water law, while in others some or all of these may remain separate, even though a degree of codification has nevertheless taken place.

It is important to distinguish codification from *alignment*, by which laws remain separate, but means are found at least to harmonise their requirements (typically procedural) in some way, and possibly to deliver their requirements through a *common regulatory framework*.

> **Codification**
> Bringing previously separate environmental laws together
> into one single law, or code.
>
> **Alignment**
> Laws remain separate, but means are found to harmonise
> their requirements.
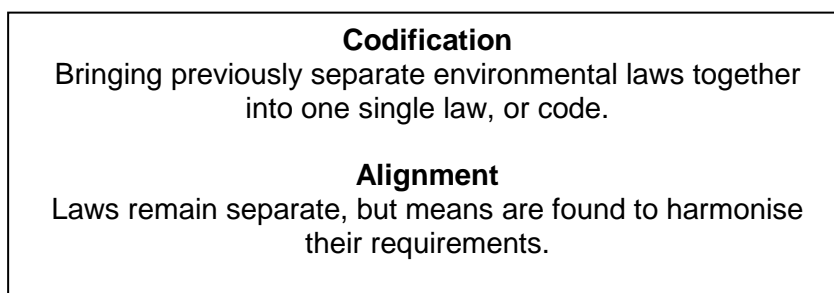
The different ways in which alignment could take place, and what it might lead to suggest there is a spectrum of approaches to deliver a *common regulatory framework*. Legal *integration* can therefore be considered as a continuum, with zero integration at one end and full codification (across a wide range of laws) at the other. Looser types of alignment would be closer to the zero end of the scale than more harmonised systems:

> Zero   Loose alignment   harmonised alignment   Codification
>
> ──►
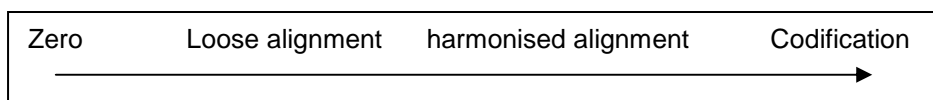
In reaching this conclusion, however, it is very clear national systems are inevitably predicated upon diverse historical, cultural and political traditions. Even allocating national examples to a particular place along the continuum is not easy (and the two-dimensional continuum may be too simplistic a representation of a complex situation).

An equally fundamental issue is that the act of alignment or codification of laws does not of itself produce a *common regulatory framework*. Indeed, there is no automatic connection at all between integration and establishment of a *common regulatory framework*. As discussed below, there are examples of codification and alignment both with and without establishing a *common regulatory framework*; and *common regulatory frameworks* have been established without any legal integration.

Selected national examples are discussed below, and conclusions and recommendations are presented at the end.

<u>National examples</u>

1   New Zealand and South Africa

The literature review indicated that both New Zealand (NZ) and South Africa (SA) had codified their environmental laws to a degree. However, while NZ's Resource Management Act was fairly wide-ranging codification, and a single resource consent may be granted in some cases, there appears to be a *common regulatory framework* only in a very limited sense with, in some cases, multiple consents still being required even from one regulatory authority. Here, then, is what appears to be one example of codification largely without a *common regulatory framework* (there may be similarities with Britain's 1990 Environmental Protection Act). SA's National Environmental Management Act (NEMA) on the other hand is probably best described as a means of facilitating alignment, and is even less a *common regulatory framework*. The NEMA sets out a set of core principles and procedures, with separate legislation for each different environmental regime. Whilst not underestimating the benefits of having such a core set of principles underpinning environmental regulation, this system appears to be more one of very loose alignment, with no real *common regulatory framework* to speak of.

2   Netherlands, Germany and Austria

In the questionnaires sent out to member countries, the Netherlands' (NL) Environmental Licensing (General Provisions) Bill (Wabo) was cited as an example of a *common regulatory framework*. Interestingly, however, while the Wabo covers a range of different legal requirements, including air and water pollution and spatial planning, it is in fact a mechanism for delivering entirely separate legal requirements through one permit, which would otherwise be executed by several authorities with their own forms and procedures. It is undoubtedly a *common regulatory framework*, but involves no codification and, arguably, minimal alignment. It provides for a "one-stop-shop". Moreover, and very importantly, it applies only to relatively small-scale activities which are regulated exclusively by municipalities. For larger-scale activities more than one permit from more than one authority is likely to be required, so although the Wabo's horizontal scope is relatively broad, it is vertically limited.

Germany's Bundesimmissionsschutzgesetz (BImSchG) is also broad in scope, covering aspects of construction, nature conservation, pollution and even monument protection and air traffic issues. It does not, however, deliver water protection measures, which remain subject to a separate legal regime. In fact, and as with the Wabo, the BImSchG is a mechanism for delivering the requirements of diverse laws through one permit for the activities which it governs. It is, once again, a form of alignment. Recent attempts to codify German law, including bringing IPPCD and water requirements together, ran into significant political opposition and were abandoned.

In Austria the 2002 Waste Management Act gives authorities powers to issue a single permit, covering a wide range of legislation which would normally be the purview of other authorities

(federal and Land), for waste facilities. This constitutes a type of *common regulatory framework*, but again is by alignment, and only for certain types of facility.

These national examples indicate perhaps both some of the difficulties inherent in attempting to codify laws, and also the significant advantages perceived in delivering *common regulatory frameworks*. One of the matters we considered in the breakout session was the ease of transposition of new EU legislation in aligned systems. In Germany, depending on the nature of the EU law, a range of separate, existing laws may have to be amended as appropriate (for IPPCD the number was very considerable), and there appeared to be a degree of consensus that a more codified system might offer greater ease when transposing new EU law. Against that, however, the point was made that this would depend on how laws had been codified. Adding increasingly heterogeneous requirements to a "monolithic" legal framework could make the law increasingly "dense" and difficult to understand (but see also discussion of Environmental Permitting in England and Wales below).

3   France and Sweden

France provided a very interesting example of codification, but one which in fact followed establishment of a *common regulatory framework*. The concept of a *classified installation* (CI) dates back to the mid-1970s, but codification into laws and subsidiarity decrees took place only in 2000. Codification explicitly did not amend existing laws. Again, this demonstrates that more extreme integration is not a prerequisite for a *common regulatory framework*. The French Environmental Code is divided into seven "books", the CI being found in Title I of Book V. This *common regulatory framework* addresses most environmental issues, including emissions to air and water, and Seveso; only spatial planning remains separate. Common permitting provisions apply, and the system sets out for each activity what kind of permit is required and the geographical extent for public consultation. As in England and Wales, a hierarchy of permits includes registration for lower-risk activities, a full authorisation being required for IPPCD activities. The French system appears to be a fully codified *common regulatory framework*, albeit where codification post-dates the establishment of the *common regulatory framework*.

Swedish environmental law has also been codified in its Environmental Code, which replaced and, unlike France, amended 15 separate laws. However, the Code is a framework law and operates at a fairly high level, detailed substantive legal requirements being set out in subsidiarity, sector-specific legislation (including laws setting Environmental Quality Standards). While a single permit may be granted for matters subject to the Code, planning and Energy Act requirements are dealt with separately. As in France, there is a hierarchy of permitting, with low-risk activities being required only to notify municipal authorities, while higher-risk activities require a permit from either a County Administrative Board (CAB) or the Environmental Court. The high-level nature of the Code means that, although Sweden frequently claims to have transposed new EU legislation through pre-existing requirements, it is far from unknown for the Commission to require at least further information before being satisfied as to the adequacy of transposition.

As with France, it was possible to issue a single permit delivering most legal requirements before the adoption of the Environmental Code. So, once again, there appears to be a codified *common regulatory framework*, but the *common regulatory framework* pre-dated codification. Sweden does, however, believe that codification improved transparency, clarity and consistency of the law, and that amending existing laws at the point of codification was an important element in this.

4   Romania

Romania provides a very interesting counter-example, in that its environmental laws remain entirely separate. There was a suggestion in the workshop that this made it – at least superficially – easier to transpose EU legislation in the first instance, although whether this resulted in overall fragmentation and inconsistency is possibly an issue. Romania seeks to

deliver relevant legal requirements through a single permit and therefore has a *common regulatory framework*, but difficulty has been experienced in doing so, given the non-integrated legal system, and there appeared to be a consensus that there were more disadvantages than advantages in trying to develop a *common regulatory framework* in this way.

5   England and Wales

Environmental law was to a degree codified in the 1990 Environmental Protection Act, which brought together a number of laws, including those on waste management, integrated pollution control, nuisance and contaminated land. However, each regime remained procedurally and substantively separate and different, so codification did not produce a *common regulatory framework*. Indeed, the IPPCD was transposed by means of a separate Pollution Prevention and Control Act and Pollution Prevention and Control Regulations. Desire for a *common regulatory framework*, at least for the clearly-overlapping areas of IPPC and waste management, led England and Wales to develop the 2007 Environmental Permitting Regulations (EPR). These set out common procedural provisions for permitting and enforcement, with the substantive requirements of a number of Directives, including IPPCD, the Waste Framework Directive and a number of sectoral Directives (e.g. waste incineration, landfill, large combustion plant, solvent emissions etc.) being delivered through a series of Schedules to the Regulations. In 2010 new EPR replaced the 2007 version, and brought radioactive substances regulation, water discharge consenting and groundwater regulation into the framework. In the meantime, the Batteries and Mining Waste Directives had already been transposed through the EPR.

Although the EPR do not cover spatial planning, water abstraction and other environmental issues, they do constitute an essentially codified *common regulatory framework*, and one which is designed to be risk-based (using a hierarchy of exemptions, standard rules and bespoke permits) and flexible. This flexibility allows for transposition of future Directives by addition of further Schedules, with minimal amendment of the procedural provisions in the main body of the EPR. The framework therefore arguably retains a certain simplicity, even while the list of substantive requirements it can deliver grows.

Summary

In summary, the project promotes the concept of a continuum of integration, with full codification being at one end of that spectrum and it is considered that greater codification, subject to the limits of national political systems, is essentially desirable, not least because of the potential for developing a common language and understanding of environmental issues, and for improving public participation through transparency of the legal system. This is particularly the case given the occasionally patchy evolution of environmental law in recent decades.

However, the obstacles to codification are also recognised and along with the fact that codification in itself does not guarantee a *common regulatory framework*. The project has identified a wide range of existing *common regulatory framework*s of diverse scope, and these can be found at almost every point along the continuum.

4.2.4 Integrated permitting - discussion

Integrated permitting (with or without codification) also falls under the definition of a *common regulatory framework*. Two approaches to integrating permitting can be seen from the examples provided:

1.   One single permit: combining different permits from different regulations into one, sometimes even beyond the environmental regulations. This will end in a combined permit for an installation / organisation instead of having separate permits for the different regulations.

2. Setting general rules instead of having (separate) permits. The company/installation itself is responsible for ensuring that the general rules are met. In many member countries no permitting procedure has to be followed. However, in England and Wales operators have to apply for a "general rules" permit.

Single site permitting has the benefit of doing everything at one time. It provides a one stop shop rather than having to go through several procedures and/or delivering the same data several times. So it is simpler, not only in the result, the permit, but also in the procedures potentially leading to a reduction of administrative and supervision burden.

Single site permitting provides a holistic balanced approach ensuring equilibrium and balance of interest for example between air treatment and waste generation. It helps avoid instances where fulfilling the requirements of one permit may lead to non-compliance with another permit. This means that discrepancies between the different regulations may become apparent and result in more aligned regulation.

There are issues to overcome however. Firstly, how do you incorporate variable elements into a permit that may be issued for life (e.g. IPPC permits in Germany and France)? This can be overcome by having a different section in a permit and a bespoke site permit could be reviewed at any time.

Secondly, how do you tackle issues of competence if different parts of the permit are the responsibility of different organisations? Does a single site permit drive you down the route of a big Environment Agency with many competencies? Possible solutions can be drawn from Germany where the organisation responsible for the permit coordinates input from other responsible organisations and from France where there are specialists who are contacted during the permitting process. These issues suggest that whilst single site permits reduce the administrative burden for business they may significantly increase the burden on the regulators in terms of coordinating input from other organisations.

Thirdly, where do you draw the line for single site permits? Where does an issue cease to be environmental? For example in some countries environmental impact and planning issues are included in the permit. There may be different reasons within each country for why certain aspects are or are not included depending on the organisation and structure of the governmental system.

Fourthly, for complex or large size projects (e.g. an extension to an airport) single site permits can result in huge permit applications (and corresponding huge objection documents) which are difficult or time consuming to process, review and manage. Objections on one aspect of the application can add significant delay to other non related aspects. It is therefore essential to ensure that the permit has the minimum required information with perhaps standard aspects being held separately on an information system (standardisation). For complex or large size projects it may be easier to structure the single site permit or split it into separate permits.

This last point emphasises the importance of being able to tailor the type of permit issued to the situation/activity. This requires flexibility in regulations governing permitting processes. It also raises the importance of simplifying regulatory processes before bringing them under one permit.

Finally, initiating regulatory reform to put in place single site permits requires a clear understanding of the benefits, as reform can cause years of disruption.

Another option for integrating permitting is to establish general rules. However these are only applicable to simple sites or operations. Using general rules for more complex sites can result in a set of standard rules with long lists of exceptions; this may not contribute to the aim of simplification and streamlining of processes.

There are benefits for general rules. They help industry prepare for what it will need to comply with and what to expect from inspections and as a result there is the potential for

industry to become more aware and responsible. General rules give consistency across areas and inspectorates and provide an easier way for government to speak with industry. They also have the advantage that you can draw in more expertise. Further there is the potential to create a set of rules for a particular sector covering a range of different regulations.

4.2.5 Economic costs of common regulatory and enforcement frameworks

Economic costs can be significant to enforcers bringing in new common regulatory and enforcement frameworks but may be modest to operators. Indeed, in some instances costs for operators can be reduced. However, when new systems are brought in the operator will require investments in environmental knowledge and understanding the demands of the Code or regulation. Further if there is tightening of regulations some operators may be brought into the system for the first time and there is then the cost of making applications for permits and adjustments to business processes (including installation of technical equipment) in order to comply.

4.2.6 Benefits of common regulatory and enforcement frameworks

Many benefits of common regulatory and enforcement frameworks have been identified including:

- Improved environmental protection;
- Monetary savings;
- Reduced administrative burdens;
- Ease of compliance;
- More effective and targeted use of resources;
- Maintains an overall and holistic perspective;
- Fewer permits needed;
- Environmental Codes (e.g. Sweden) broaden the responsibility for the environment to the operator;
- Tightening of legislation;
- Can provide single points of contact;
- Clarity on legal requirements;
- Quicker implementation of mitigations;
- Easier to meet domestic and strategic targets and objectives;
- Improved governance; and
- Development of knowledge and awareness raising for all stakeholders.

Further, where legal requirements are the same across all sectors there is the benefit that environmental regulators can transfer their knowledge across sectors. This is particularly helpful when you have regulatory responsibilities spread across many authorities and decentralised governmental environment centres (as in Denmark and Germany).

4.2.7 Barriers/Hurdles

Some of the barriers and hurdles to common regulatory and enforcement frameworks include the following:

- More sites/operators can be within scope of the new integrated system;
- Assessment of permits can suddenly become more thorough;
- There are potential business risks when regulators are depending on fees and charges which may change with implementation of a new integrated system;

- Having simple high level permit conditions means that field staff can find it harder to enforce compliance;

- There can be difficulty in updating existing permits into new system (possibly resulting in double systems). Drive and funding is needed for this with consideration of appropriate transitional arrangements so that operators have time to adjust.

- Some aspects are hard to combine in an integrated system for some countries (e.g. Germany) due to differences between fixed decision making for some elements and decisions that have latitude or estimation.

- New systems, e.g. Environmental Codes, can take time to settle in.

Further, the attempt to bring in an Environmental Code in Germany demonstrates the resistance that can be generated from industry and agriculture to the concept of integrated permits. In Germany's case it was because they were considered to be an unknown entity that would possibly engender legal uncertainty. There was also the concern that the intended standardisation would mean certain sectors would lose specific regulatory privileges (particularly in agricultural matters).

4.2.8 What made them successful?

Some of the factors that made common regulatory and enforcement frameworks successful were centralised acceptance criteria, data systems and information provision. Consultation and participation processes associated with integrating regulatory systems also led to buy in from operators and stakeholders.

4.2.9 Other lessons learnt

Other lessons learnt from the establishment of common regulatory and enforcement frameworks included:

- Do not over sell the benefits ahead of time. England/Wales found that initial benefits were quite modest for IPPC permit holders and those not needing new permits.

- It is not possible to satisfy everyone in terms of level of detail in guidance.

- National permitting centres have the potential for loss of contact with customer; however this can be overcome by having local points of contact during and following determination. The relationship between national permitting centres and regulated organisations needs to be carefully managed to ensure information flows between regulators and their stakeholders are maintained.

- Acts can get more elaborate and complex over time as they add in new and broader European legislation (e.g. the Netherlands).

- Consultation and proactive stakeholder engagement is a critical part of the process when changing legal systems.

4.2.10 European level changes

It was considered that changes could be made at a European level to encourage and facilitate the development of *common regulatory frameworks*. Consultation and policy decisions about how to deal with the differences across environmental Directives could be a useful exercise at the European level (for example addressing tensions between definitions in different Directives). It was also suggested that merging water and environmental directives into one would be of assistance.

The issue of subsidiarity needs consideration during the drafting of EU legislation to ensure that this does not hamper implementation of *common regulatory frameworks* at the national level. Promotion by the European Commission of the concept of single permitting would also be of benefit.

4.3 Integrated Inspections

4.3.1 Objectives of integrated inspections

From a review of the case studies provided it was found that the objectives of integrated inspection processes put in place by IMPEL member countries and wider included the following:

- Increased environmental protection;
- Improving compliance;
- Increasing the effectiveness of inspections by integrating and streamlining;
- Reducing administration burden;
- Minimising duplicity of inspections;
- Achieving economic benefits for inspectorates and operators;
- Ensuring consistent quality of inspections;
- Providing joined up services; and
- Improving customer experience.

4.3.2 What do integrated inspections cover?

Table 5 provides examples of the types of regulation that are covered by integrated inspections in different member countries.

Table 5. Examples of regulation covered by integrated inspections in different member countries.

Country	Regulations covered by integrated inspections
Czech Republic	IPPC
Germany – North Rhine Westphalia	Seveso
Turkey	Across media
Poland	IPPC
Romania	IPPC, LCP, waste disposal and others
Scotland	Water framework directive and ground water directives

4.3.3 Integrated inspections - discussion

The project identified many examples of integrated inspection processes within IMPEL member countries and wider.

Denmark has joint inspections between different organisations for Seveso sites. At such sites there can be conflicts between health and environmental inspectors if for example there is an accident and there is the issue of impact of fire water on water quality. Joint inspections can give a more balanced view of each aspect. However there are big differences in approach and method of inspections between different organisations (e.g. health, environment and fire brigade/ civil defence) which can make joint inspections harder to coordinate.

In the Netherlands, all authorities involved in Seveso know when inspections are planned throughout the year. There is the flexibility to prioritise the focus of inspections. It was found that integrated inspections helped shift priorities in the right direction and get a balance in terms of conflicting priorities between Ministries.

The question was raised about integrated inspections relating to a single site permit and who is lead authority if one aspect of the single site permit is non-compliant? It was considered that the organisation that is defined in law is responsible and that they enforce the permit. Another way of tackling this is for integrated permits to set out who is responsible for different aspects. The question still remains, however, whether the authority who signs off the permit is ultimately responsible for compliance. In Germany if you have written the permit it is your responsibility to enforce it together with the responsible authority. In France if you are a civil servant and you find a problem then you are obliged to go to the prosecutor and make a report.

Where there are many different organisations involved in integrated inspections it was felt that integrated IT tools should be considered in order to share information between organisations.

The project considered whether it is best to have one "super" inspector or specialists for different statutory tasks. In France you have some inspectors who are specialised in a particular area and they help local inspectors to do more complex inspections. A cross match is made with a field inspector at a departmental level. As the regulatory system is integrated inspections are automatically integrated. In the Netherlands you have to pay for specialists performing Seveso inspections. In France they do not have to do this as inspectors are civil servants and it is considered important to have a chain from field officers all the way to the Minister. Romania and the Czech Republic also have specialised inspectors who support local inspectors. In Poland there are universal inspectors doing all kinds of inspections, 34 environmental regulations and directives are inspected by one organisation (with 16 subdivisions). In South Africa the inspection process is managed by an Environmental Management Inspectorate. This Inspectorate provides the structure for a national network of environmental enforcement officials who record activities online. This is intended to break through a traditional separation of enforcement activities.

It was concluded that for many inspection tasks specialists are needed. On the other hand there are inspection tasks that are not too complicated where integrated inspections can be performed by one authority or even one inspector.

It was considered that a balance is needed between having more inspectors per site and going to more sites with fewer inspectors. In Romania, every inspection is done by two inspectors. One looks at emissions related topics and one looks at water or waste. Each inspector can do everything but they are rotated round aspects and also around plants. In Austria, it is considered necessary to have more than one person at complex installations like refineries to focus on different aspects of possible environmental impacts; so one inspection a year by one inspector is not enough for Seveso sites. In France they make point inspections focusing on particular aspects. Inspection plans decide who goes where and what help is needed to inspect.

In conclusion, the more complex your inspection objective is, the more inspections or inspection time and specialised inspectors are needed. The inspection of sites, facilities and installations is organised differently in the countries. If the inspection is organized on an installation level yearly or less frequent inspections with one or two inspectors are sufficient. This may be varied when a lot of different installations or facilities have to be inspected on one site. In the end the inspection frequency or the inspection time has to be multiplied by the number of different installations within the inspection objective and careful consideration is needed on the type of installations specialists needed and when "super" inspectors are sufficient.

4.3.4 Economic costs of integrated inspections

Investments are generally minimal to regulators when establishing an integrated inspection system. Changes can generally made by adjusting rules, procedures or competencies. However there may be increased workload for regulators in coordinating integrated inspections if they involve more than one organisation.

4.3.5 Benefits of integrated inspections

The benefits of integrated inspections were found to be the following:

- o Improved environmental protection;
- o Improved compliance and ease of compliance;
- o More streamlined and effective enforcement;
- o Effective targeted use of resources;
- o The sharing of information across sectors leading to better advice provision through combined visits and knowledge transfer;
- o Better balanced inspections;
- o Provides a holistic approach – helps adjust and balance priorities;
- o Inspectors have better information about particular operations;
- o Can broaden the horizon of inspectors;
- o Transparent, flexible, consistent and aligned approaches;
- o Reduction in inspection numbers and less time spent on site overall;
- o Customers feel they are getting a better service and are not being pulled in different directions;
- o Makes life easier for companies;
- o Can drive improvements to information systems and lead to more resilient data and traceable results; and
- o Reduced carbon emissions through fewer separate visits.

4.3.6 Barriers and hurdles to integrated inspections

The main barriers to integrated inspections include in some instances unwillingness to change established procedures particularly when it's necessary to coordinate a whole inspection group which may cross organisations. Structural issues within inspectorates can also be a barrier to joining up inspection processes.

Some disadvantages to integrated inspections were also highlighted including:

- o Conflicting responsibilities and organisational cultures;
- o It can be difficult for one or two inspectors to know all the different aspects of a complex site;
- o Organisation and coordination between different organisations can be difficult and there may be different lengths of inspections for different elements;
- o It can give a reason to reduce staff;
- o Can lead to a gradual drawing down of competence and potential for reducing standard of inspections; and
- o There is a risk of losing specialists and expertise.

4.3.7 What made them successful?

A number of factors were identified as being key to the success of integrated inspection processes including:

- o The consolidation of the whole inspection system;

- o Acceptance of the system by both inspectorates and industry;

- o Memorandum of agreements;

- o Sense of common purpose;

- o Stakeholder engagement;

- o Drive, enthusiasm and communication skills of leaders; and

- o Culture change and committed, enthusiastic staff.

4.3.8 Other Lessons learnt

Other lessons learnt when implementing integrated inspection processes included the following:

- o Training is essential for integrated inspections and is an opportunity to exchange information and experience;

- o Sometimes it is better to adapt the structure of the responsible authorities to the structure of regulation rather than the other way around; and

- o By in by both inspectorates and industry is essential to success.

4.3.9 European level changes

It was considered that consolidation of inspections could be facilitated by the amendment of the IPPC Directive with regard to enforcements of inspections and environmental protection and that exchange of experience between competent authorities across the EU is important for effective implementation of integrated inspections and associated enforcement.

4.4   Integrated Information Systems

4.4.1 Objectives of integrated information systems

The project found that the objectives of integrated information systems put in place by IMPEL member countries included:

- o Promotion of the positive effects of information and communication technologies (ICTs) to the economy, society and personal quality of life;

- o Implementation of an integrated system replacing conventional paper based records and reports (including applications submitted to the authorities);

- o Reduction of administrative burden on authorities and companies;

- o Shortening of procedure times; and

- o Transparency, clarity, traceability.

4.4.2 What do integrated information systems cover?

The integrated information systems in identified by the project cover a number of EU directives that require issuing of permits.

4.4.3 Integrated information systems - discussion

A major challenge in Europe and globally is to organise the vast array of already collected environmental data and information and to integrate these, where desirable, with existing social and economic data. Data and tools are needed to allow experts to do their own analyses and to communicate their results in ways which policy makers and the public can

readily understand and use as a basis for their own actions. At the same time, member countries and EU institutions need efficient and modern reporting systems to fulfil their legal obligations under European Union and international environmental policies and legislation, to avoid double, overlapping, and redundant reporting efforts. Citizens may also wish to know if the quality of air and water in their neighbourhood is good enough or if floods, droughts or pollution are risking their property and livelihood.

There are a number of examples that illustrate the environmental problems that can arise where information systems are not integrated. For example, the "Manual for the implementation of Regulation (EC) Nº 2150/2002 on waste statistics" (July 2006. Eurostat) warns that waste information is deficient and poorly harmonised, based on different definitions and methodologies, and it is characterised by overlaps in the reporting process and data errors. This suggests that waste related statistics at the European level may be based on poor quality information. Further, the "Waste without borders in the EU" Report (European Environment Agency, January 2009) refers to the waste control across sea borders and emphasises that the LER code for waste statistics is not effective potentially leading to deficiencies in the control of waste. These examples illustrate how data issues can reduce the effectiveness of environmental management processes such as waste transfer.

Integrated information systems can offer a way forward to the management and provision of the vast array of environmental data for experts, policy makers and the public. The Shared Environmental Information System (SEIS) for Europe aims to address these challenges. In addition the EU ISA programme a new programme to support electronic cooperation among Public Administrations should ensure the availability of common frameworks, common services and generic tools in support of cross-border and cross-sectoral interaction between European public administrations and support sectors in assessing the information and communication technology (ICT) implications of Community legislation and in planning the implementation of relevant solutions. The INSPIRE directive establishing an infrastructure for spatial information in Europe to support Community environmental policies, and policies or activities which may have an impact on the environment, will also be of help.

4.4.4 Economic costs of integrated information systems

Significant investments are needed to develop integrated information systems and to cover the resources required to run the system.

4.4.5 Benefits of integrated information systems

Integrated information systems can bring many benefits at the EU and member countries level. European citizens can be empowered by providing them with useful environmental information in their language and thus enable them to make informed decisions on their environment and influence public policy. This will enable real-time data to be made available to decision-makers and allow them to make immediate decisions where required. In return integrated information systems can provide member countries and EU institutions with more coherent environmental information to facilitate the drafting, implementation, and effectiveness of environmental policies.

Furthermore, the quality of the provided information will be increased. The significance of processed information is directly linked to its timeliness, both for reasons of precision and for comparability purposes.

In terms of cost it is estimated that great savings can be made by improving the efficiency of data-gathering conducted by member countries. Greater harmonisation and prioritisation of monitoring activities organised at national and regional level is likely to be particularly effective in improving the cost-efficiency of current investments.

Environmental data and information can be used by many players for a number of purposes. Improving the mechanisms for collecting, exchanging and using the data can significantly

increase the use of environmentally-relevant data at least cost to users as demonstrated by the IKS eeM case study below.

A Basque Country Case Study – eEnvironmental System

IKS eeM System

The IKS eeM System, Integral Management System of Environmental Information, is a management instrument orientated at the new technologies which the Department of the Environment, Territorial Planning, Agriculture and Fishery of the Basque Country provides entities and the public in general of the Basque Autonomous Community to facilitate the exchange of information exclusively by electronic means through the INTERNET.

The Electronic Management System includes all the information that external entities must provide the Administration for environmental control. It serves to cover all the information transactions of both the System clients (external entities), the Department, other administrators (local, state, Ministry of the Environment), and/or the European Community. At the same time it supports the electronic transmission of administrative files.

On the one hand, external entities are also able to obtain the necessary indicators that define their environmental behaviour from the information contained in the Management System. On the other, the administration will have the necessary information to define and implement environmental policies.

For private entities a modern and efficient electronic system allows them to fulfil their reporting obligations related to EU environmental policies. By doing away with paper reporting, the process through which environmental information is made available will be simpler, more flexible and more efficient as demonstrated by the Austrian case study in the box below.

An Austrian Case Study - Environmental Reporting

EDM-Environment - Electronic Data Management in the Environmental Field

This eGovernment application replaces paper-based records and reports through efficient electronic data management in line with international standards in the environment field. From the environmental sector the whole waste sector, PRTR, ETS, certain air emission pollutants and emissions to surface water registry.

EDM is part of EU policy framework (i2010) promoting the positive effects of information and communication technologies (ICTs) to the economy, society and personal quality of life

It has benefit in terms of cost reduction for public and private sector, for information on environmental data and for environment.

Today, the emerging challenge is to use ICT technologies to improve collaboration between organisations and to facilitate interaction with civil society at large. It is considered that without improved collaboration between European public sector organisations, growth and security, jobs and freedom or health and a safe environment will be more difficult to achieve.

4.4.6 Barriers/hurdles

Interoperability, the ability to exchange information from different sources, becomes a real problem when a vast number of data formats and information representation schemata are employed. When providing an e-Environment service, this information should be integrated and provided in the form that best suits its users.

In addition, the current economic climate and reduction in available resources can act as a barrier to the development of integration information systems.

4.4.7 Other lessons learnt

Monitoring and reporting requirements on businesses with regard to environmental performance can be extensive and impose significant costs, not least because these are usually on-going costs rather than one off events. It is, therefore, important that businesses are only required to monitor necessary aspects of their operation and report the data once. This should link with the systems of relevant authorities to reduce regulatory burdens and enable effective us of received information.

5   Conclusion

The IMPEL Common Regulatory Framework Comparison Project has identified a breadth of *common regulatory frameworks* across Europe. Case studies identified through questionnaires, a practitioner workshop and a literature review were assessed and compared to identify perceived advantages and disadvantages; the costs, benefits and barriers; and to identify good practice.

In terms of common regulatory and enforcement frameworks there is a spectrum of approaches in member countries and wider, ranging from alignment (laws remain separate but requirements are harmonised) to integration and full codification. A degree of codification was found to be desirable and facilitated the establishment of common regulatory processes and language providing a wide range of benefits. These benefits include improved environmental protection, reduced burdens and costs for operators, clarity of legal requirements, better targeting of resources and increased clarity for operators and stakeholders.

In addition, integration or full codification facilitated integrated permitting whether single site permitting or setting general rules for lower risk activities/sites. Single site permitting was also considered desirable allowing everything to be authorised at the one time so the process is simpler leading to a reduction in administrative and supervision burden. Single site permits also provide a holistic balanced view of the regulated activity or site.

However, there are some issues to overcome with regard to single site permits including: how to incorporate variable and non variable elements; identifying the competent authority if multiple organisations are involved; and how to deal with very large and complex sites under one permit. It was concluded that the way to overcome some of these issues is to ensure flexibility in regulations to allow permits to be tailored to the issue or situation and to simplify regulatory processes before they are integrated or codified.

General rules were also considered desirable for simple sites or operations as they provide clarity for the industry, consistency across regions and inspectorates and an easier way for government to speak with industry. Further, there is the potential to create a set of rules for a particular sector covering a range of different regulations.

Whilst common regulatory and enforcement frameworks were found to deliver significant benefits it was recognised that costs can be significant to enforcers bringing in new integrated regulatory systems. There can also be disruption to processes for number of years with requirements for transitional arrangements whilst regulators and the regulated adjust to a new system. Consultation and active participation of stakeholders with clear communication of benefits is essential to minimise disruption and to get "buy in" from business and industry.

The project also identified many examples of integrated inspection processes within IMPEL member countries and wider. It was concluded that integrated inspections have many benefits including improved environmental protection and compliance, more streamlined and effective enforcement, better balanced inspections and transparent, flexible, consistent approaches. Customer satisfaction can also be improved. Integrated inspections can be

delivered without changes to regulation at minimal or even reduced cost to the regulator and operator. However, careful organisation is required particularly when many different organisations are involved and consideration is needed on the balance between super inspectors (inspectors with knowledge across media) or specialists to maintain the quality and effectiveness of inspections.

Integrated information systems were also identified in a number of member countries and it was felt that these can offer a way forward in the management of the vast array of environmental data available for use by experts, policy makers and the public. Whilst investment is required to design and implement integrated information systems and this may be a barrier in the current economic climate, it was considered that such systems deliver significant benefits. These include improved environmental management due to better data quality, provision of coherent environmental information to facilitate environment policy making and the ease of fulfilling EU reporting requirements.

Overall the project considers *common regulatory frameworks* to be desirable with significant benefits for the environment, economy and society. However, careful assessment of the costs, risks and benefits are required particularly where creation of a *common regulatory framework* involves significant regulatory change.

6   Recommendations

A number of recommendations are made by the project:

1. This report should be promoted and used within IMPEL to support future projects and IMPEL members should disseminate and promote the report within their individual countries to assist in decision making and the implementation and refinement of *common regulatory frameworks* as required.

2. As a next step it is recommended to IMPEL that more detailed case studies of the *common regulatory frameworks* identified are compiled to provide in-depth information on costs, risks and benefits and useful models which could be applied in the context of member countries. The detailed case studies could highlight the spectrum of different organisations involved and identify where and why political issues may arise.

3. Consideration should be given to the promotion of *common regulatory frameworks* at a European level and how this might be achieved. It is felt that greater consultation and policy decision making is required across Europe on how to deal with differences across environmental directives. Further it is recommended that a process is established to identify the potential to merge environmental directives to facilitate the establishment of common regulatory frameworks.

Annex 1 - A copy of the questionnaire for the IMPEL Common Regulatory Framework Comparison Project

COMMON REGULATORY FRAMEWORK COMPARISON PROJECT QUESTIONNAIRE

Information about your organisation and contact details

Contact name(s), details and position/expertise	
Name of your organisation	
Is your organisation national, regional or other?	
If regional (or other), please name your country's national environmental organisation(s)?	
What is the regulatory context within which your organisation and your country's national environmental organisation operate?	

Please complete the relevant section of the questionnaire below for each common regulatory framework you are describing (**a minimum of two examples per country in total** is requested if available).

Please answer all questions in the relevant section for your two best examples (where possible). For any other examples you provide you can either answer all the questions or just the essential questions marked with a star.

Section A

Common regulatory frameworks - already completed

* What is the name of the common regulatory framework?
Answer:
* Who is the main contact for this?
Answer:
* When did it start and finish?
Answer:
If available, please provide a link to relevant information or documents.
Answer:
* Why was it put in place[1]?
Answer:
* What European Directives does it cover?
Answer:
* What national/regional legislation/regulation does it cover?

---

[1] E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

Answer:
Has it involved any joint working between Member States? If so which countries and why?
Answer:
Which stakeholders/organisations were involved in its implementation?
Answer:
* What were its objectives[2]?
Answer:
Please describe the common regulatory framework including: * 1. An overview 2. A brief description of any stages in its development * 3. A brief description of the *common* element[3] 4. A brief description of whether existing legislation was amended or replaced and how was this done (e.g. part of pre-planned legislative change or a free standing action/activity)?
Answer:
What were the costs[4] and benefits[5] of the common regulatory framework? Please provide any data or assessments if available.
Answer:
Were big investments needed to implement it and by whom?
Answer:
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
Answer:
* How successful was the common regulatory framework? Please provide any data or assessments if available.
Answer:
Was there anything in particular that contributed to its success?
Answer:

---

[2] E.g. for environmental protection or to reduce administrative burdens etc.

[3] E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

[4] E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

[5] E.g. improved environmental protection, monetary savings, reduced administrative burdens, improved compliance, ease of compliance, more effective and targeted use of resources, change of focus from legislation to guidance etc.

* Could changes at a European level have helped its implementation? If so what and by whom?
Answer:
* Are there any other lessons that can be learned?
Answer:

* Essential information

Section B

Common regulatory frameworks - in progress or planned

* What is the name of the common regulatory framework?
Answer:
* Who is the main contact for this?
Answer:
* When did (or will) it start and when is it planned to finish?
Answer:
If available, please provide a link to relevant information or documents.
Answer:
* Why is the common regulatory framework being put in place[1]?
Answer:
* What European Directives does it cover?
Answer:
* What national/regional legislation/regulation does it cover?
Answer:
Does it involve any joint working between Member States? If so which countries and why?
Answer:
Which stakeholders/organisations are involved in its implementation?
Answer:
* What are its objectives[2]?
Answer:
Please describe the common regulatory framework including:

* 1. An overview
2. A brief description of any stages in its implementation
* 3. A brief description of the *common* element[3]
4. A brief description of whether existing legislation is or has been amended or replaced and how is or was this done (e.g. part of pre-planned legislative change or as a free standing action/activity)?

Answer:

What do you think the costs[4] and benefits[5] of the common regulatory framework will be?

Answer:

Are big investments needed to implement it and by whom?

Answer:

* Are there any potential barriers or hurdles to implementation?

Answer:

* Could changes at a European level help implementation? If so what and by whom?

Answer:

* Are there any other lessons that can be learned so far?

Answer:

* Essential information

Section C

Examples of environmental regulatory systems that your country would like to integrate/combine in the future

* Please describe any examples of regulatory systems in your country that you would like to integrate/combine in the future?

Answer:

* Who is the main contact for these ideas?

Answer:

* What national legislation/regulation would be incorporated into the action/activity?

Answer:

* Why do you want to integrate/combine these regulatory systems[1]?

Answer:

What would be the overall benefits of doing this[5]?

Answer:

* Are there particular reasons (barriers/obstacles) why these actions/activities have not yet been put in place?
Answer:
What ideas do you have for overcoming barriers/obstacles?
Answer:
* Could anything be done at a European level to help overcome barriers/obstacles?
Answer:

* Essential information

Section D

Examples of common regulatory frameworks that were considered but rejected

* Please describe any examples of common regulatory frameworks which your country considered but rejected.
Answer:
* Who is the main contact in your organisation for this?
Answer:
* Why did you consider it[1]?
Answer:
What would have been the overall benefits of doing this[5]?
Answer:
* Why did your country decide not to pursue it? What were the barriers or obstacles?
Answer:
* Could anything be done at a European level to help overcome these barriers/obstacles in the future?
Answer:

* Essential information