

Questionnaire Responses
Section A
Common regulatory frameworks - already completed

Bavaria
* What is the name of the common regulatory framework?
<i>Answer:</i> Substitution and Deregulation for EMAS-registered Organisations
* Who is the main contact for this?
<i>Answer:</i> Bavarian State Ministry of the Environment and Public Health, Division P2, Dr. Matthias Weigand
* When did it start and finish?
<i>Answer:</i> 1995/2002
If available, please provide a link to relevant information or documents.
<i>Answer:</i> http://www.stmug.bayern.de/umwelt/wirtschaft/entlastung/index.htm (please see attachment)
* Why was it put in place ¹ ?
<i>Answer:</i> “better regulation”; to avoid deficits of enforcement, to reduce administrative burdens and to streamline enforcement procedures, to support self-responsibility of business
* What European Directives does it cover?
<i>Answer:</i> Regulation (EC) No. 1221/2009
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> all national/regional legislation/regulation referring to environmental protection
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> No, it was a German/Bavarian incentive; some MS (e.g. Austria, Italy, Ireland, Spain) copied the idea.
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> business associations, NGO's, government
* What were its objectives ² ?

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

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

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<p><i>Answer:</i> shift of paradigm, I.a. question 5!</p>
<p>Please describe the common regulatory framework including:</p> <ul style="list-style-type: none">* 1. An overview2. A brief description of any stages in its development* 3. A brief description of the <i>common</i> element³4. 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)?
<p><i>Answer:</i></p> <ul style="list-style-type: none">1. Application of EMAS with its compliance approach as a tool of legislation and enforcement of relevant environmental provisions.2. first stage: use of EMAS for enforcement procedures second stage: implementation of EMAS into environmental legislation3. common element: the commitment of the EMAS-registered organisations to be compliant with each environmental legislation/regulation4. existing legislation is amended by supplementing links to EMAS as a part of preplanned legislative change.
<p>What were the costs⁴ and benefits⁵ of the common regulatory framework? Please provide any data or assessments if available.</p>
<p><i>Answer:</i> The reduction of administrative burdens lowers costs for the administration and the organisations; a decreasing deficit of enforcement is good for the environment. Additionally administrative fees are reduced for EMAS-registered organisations (see the Report from the Commission to the European Parliament and the Council on incentives for EMAS registered organisations in the period 2004 - 2006 ((SEC(2010)59)), 01.02.2010).</p>
<p>Were big investments needed to implement it and by whom?</p>
<p><i>Answer:</i> No. Only the organisation's investment for the voluntary implementation of an environmental management system is needed. But the best available management is in the organisation's own interest.</p>
<p>* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?</p>
<p><i>Answer:</i> Traditionally thinking administration has usually some problems with the shift of paradigm. The learning process has to be supported.</p>
<p>* How successful was the common regulatory framework? Please provide any data or assessments if available.</p>

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.

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<i>Answer:</i> Look at EMAS-statistics with top results for Germany/Bavaria.
Was there anything in particular that contributed to its success?
<i>Answer:</i> The German/Bavarian incentives reported from the Commission to the European Parliament and the Council (I.a. question 12)
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> The system needs links to EMAS in all relevant European environmental legislation/regulation to make national legislation and enforcement easier.
* Are there any other lessons that can be learned?
<i>Answer:</i> Environmental management systems should be a self-evident part of each organisation's management. So the high environmental standards of these new instruments could be used as one pillar of normal legislation and enforcement partly substituting poor command and control-approaches including a lot of deficits.

Cyprus
* What is the name of the common regulatory framework?
<i>Answer:</i> EIA Assessment and Opinion within the Town Planning permit procedure. (Combination of Law on EIA and the Town Planning and Housing Law).
* Who is the main contact for this?
<i>Answer:</i> The Dept of the Environment is responsible for EIA Assessment and Opinion. The Dept of Town Planning and Housing of the Ministry of the Interior is responsible for the town planning permits (permits for any development projects).
* When did it start and finish?
<i>Answer:</i> It started at 2002. It still continues.
If available, please provide a link to relevant information or documents.
<i>Answer:</i> The docs on EIA are on the website www.moa.gov.cy . The Town Planning Permits are not publicised.
* Why was it put in place ⁶ ?
<i>Answer:</i> It was put in place to ensure the terms on the EIA Opinions on projects would be included in the town planning permits.
* What European Directives does it cover?

⁶ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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<i>Answer:</i> The directives on EIA.
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> Law 140(I)/2005 which transposes the EIA dir. and the Town Planning Law.
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> No
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> There are state departments and other stakeholders involved in the Committee for the Assessment Environmental Impacts of Projects including the ministry of communication and works, the ministry of health, the department of labour, the department for town planning and housing, the federation of ecological and environmental orgs, the technical chamber, representatives from the affected communities.
* What were its objectives ⁷ ?
<i>Answer:</i> To include in the permit for development environmental parameters with the participation of the wider public.
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 <i>common</i> element ⁸ 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)?
<i>Answer:</i> Permitting process The application for development is submitted to the Town Planning and Housing Department. According to the Environment Impact Assessment on Certain Projects Law, if the project falls within the framework of the latter legislation a EIA report or a Comprehensive EIA has to be submitted to the Department of Environment. The EIA is then assessed within the department and from the EIA Committee. The Opinion from the Environmental Authority is then communicated to the Town Planning Dept where it is seriously taken into consideration at the permitting process. In general all the terms of the opinion are included in the permit.
What were the costs ⁹ and benefits ¹⁰ of the common regulatory framework? Please provide any data or assessments if available.

⁷ E.g. for environmental protection or to reduce administrative burdens etc.

⁸ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

⁹ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

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<i>Answer:</i> There are no specific data on the issue. The fact that EIA is included in the development permit ensures that environmental parameters are examined and taken into consideration at the very early stage before the detailed design of a project.
Were big investments needed to implement it and by whom?
<i>Answer:</i> No
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer:</i> There have been complaints that the need for the conduction of an EIA report or a Comprehensive EIA is seen as a time consuming process. There have been efforts to minimise the time necessary for evaluation. However it is strongly believed that the conduction of EIA before granting the permit saves time and costs from applicants since it is a good tool to avoid subsequent environmental damage otherwise not foreseen.
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer:</i> The framework is in place since 2002 and seems that is working smoothly throughout the years.
Was there anything in particular that contributed to its success?
<i>Answer:</i> Good cooperation between government departments
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> The issue was dealt at national level. Examples from other countries were studied before implementing the framework.
* Are there any other lessons that can be learned?
<i>Answer:</i> Cooperation between departments is necessary for common framework to be effective.

Denmark
* What is the name of the common regulatory framework?
<i>Answer:</i> lov om miljøgodkendelse m.v. af husdyrbrug (husdyrgodkendelsesloven) & bekendtgørelse om tilladelse og godkendelse m.v. af husdyrbrug (Husdyrgodkendelsesbekendtgørelsen) (the act and regulation)
* Who is the main contact for this?

¹⁰ 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.

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Nikolaj Marzell Krogsbøl Schulz
* When did it start and finish?
<i>Answer:</i> 01/01/2007
If available, please provide a link to relevant information or documents.
<i>Answer:</i> https://www.retsinformation.dk/Forms/R0710.aspx?id=128754 https://www.retsinformation.dk/Forms/R0710.aspx?id=124123
* Why was it put in place ¹¹ ?
<i>Answer:</i> Denmark wished to regulate animal husbandry under a common regulatory framework. The reason is the large animal husbandry sector. Permit numbers pertaining to animal husbandry approach the number of the other environmental permits. Also the environmental impact of the animal husbandry sector requires more interaction with directives pertaining to water quality and land use than most industrial activities.
* What European Directives does it cover?
<i>Answer:</i> the regulation cover parts of the EIA directive, the Habitat directive, IPPC directive, bird protection directive, nitrate directive and water framework directive.
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> the law covers all animal husbandry sites larger than 3 animal units. The unit is a standard size allowing for comparison between different animal species. (app 1 cow pr. Unit). Some sites not covered by EU directive. The law covers protection of water, natural resources, landscape assessment etc.
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> N/A
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> Landbrug og fødevarer, Danmarks naturfredningsforening and other ministries,
* What were its objectives ¹² ?
<i>Answer:</i> Denmark wished to regulate animal husbandry under a common regulatory framework. The reason is the large animal husbandry sector. Permit numbers pertaining to animal husbandry approach the number of the other environmental permits. Also the environmental impact of the animal husbandry sector requires more interaction with directives pertaining to water quality and

¹¹ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

¹² E.g. for environmental protection or to reduce administrative burdens etc.

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land use than most industrial activities:
<p>Please describe the common regulatory framework including:</p> <ul style="list-style-type: none"> * 1. An overview 2. A brief description of any stages in its development * 3. A brief description of the <i>common</i> element¹³ 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)?
<i>Answer:</i>
<p>What were the costs¹⁴ and benefits¹⁵ of the common regulatory framework? Please provide any data or assessments if available.</p>
<i>Answer: We have no exact economical data concerning the consequences of the implementation. 64 percent of all animal husbandry productions are applying or have received an environmental approval.</i>
Were big investments needed to implement it and by whom?
<i>Answer: The legal framework came simultaneously with a large reform concerning big changes in local authorities. Technically a good effort and resources have been used for developing a central web based pollution calculator. This platform is an important tool for applying and assessing. The framework have received around 300 mio. DKK in extra support.</i>
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer: Several issues arose concerning implementation. First of all many animal husbandry productions had to apply due to a tightened regulation. Second each assessment became more thorough than previously. Third the authorities and private consulting companies needed to develop new competences. Some of these hurdles were expected and planned for but some were unforeseen. Therefore the extra amount (300 mio. DKK).</i>
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer: The common regulatory framework is in many ways a big success. First of all many animal husbandries now have a common environmental approval. Secondly a large amount of environmental data can be extracted for future regulatory use. Third the standard of environmental protection has risen overall.</i>
Was there anything in particular that contributed to its success?
<i>Answer: A consistent focus on central acceptance criteria concerning the</i>

¹³ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

¹⁴ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

¹⁵ 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.

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environmental assessment of applications and the development of a central web based tool providing for critical data for the application and assessment process.
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> A serious need on European level are common pollution models since a big issue is to secure the implementation of EU directives (for instance habitate, nitrate, water framework directive).
* Are there any other lessons that can be learned?
<i>Answer:</i>

Denmark
* What is the name of the common regulatory framework?
<i>Answer:</i> <i>Bekendtgørelse om godkendelse af listevirksomhed</i> under <i>miljøbeskyttelsesloven</i> . The former is a regulation based in the latter which is the Danish environment protection act.
* Who is the main contact for this?
<i>Answer:</i>
* When did it start and finish?
<i>Answer:</i> Environmental permits has since the beginning of this type of regulation in Denmark been given under <i>Bekendtgørelse om godkendelse af listevirksomhed (godkendelsesbekendtgørelsen)</i> . The exception to this is the permitting of agricultural sites involved with animal husbandry, which is the subject of the second case study. The regulation covers the application for and granting of all environmental permits minus the exception mentioned earlier. There are various other regulations under the act detailing certain minimum conditions, which must be put into certain types of permits such as waste incineration permits and/or specific information which must be supplied with applications for certain sites. These ensure that the specific requirements of different directives are met if they go beyond what is covered by general permitting procedures. Enforcement of permit conditions is carried out under §'s in <i>Godkendelsesbekendtgørelsen</i> .
If available, please provide a link to relevant information or documents.
<i>Answer:</i> https://www.retsinformation.dk/Forms/R0710.aspx?id=13040 and https://www.retsinformation.dk/Forms/R0710.aspx?id=13072
* Why was it put in place ¹⁶ ?
<i>Answer:</i> The original “ <i>godkendelsesbekendtgørelsen</i> ” regulation predates most of the relevant directives. It has been the norm in Denmark to include the permitting

¹⁶ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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<p>requirements of different environmental regimes in this regulation. As a consequence the regulation has been amended and updated regularly to fulfil new requirements. Directive requirements not related to individual permitting are met in separate regulation.</p>
<p>* What European Directives does it cover?</p>
<p><i>Answer:</i> It covers the aspects relating to granting of permits under SED, waste incineration directive, LCPD, ELV directive, the WEE directive, IPPCD (except animal husbandry), waste framework directive, the landfill directive.</p>
<p>* What national/regional legislation/regulation does it cover?</p>
<p><i>Answer:</i> The regulation also covers several types of sites that have pollution potential, which are not specifically covered by EC directives.</p>
<p>Has it involved any joint working between Member States? If so which countries and why?</p>
<p><i>Answer:</i> There is corporation between the Nordic countries (Iceland, the Faeroe Islands, Finland, Norway, Sweden and Denmark) on determining BAT. This work has often been focussed on sectors outside EU directives, but not exclusively so.</p>
<p>Which stakeholders/organisations were involved in its implementation?</p>
<p><i>Answer:</i> Various organisations have been involved in amending the regulation over the years. Most recently <i>Dansk Industri</i> and <i>Kommunernes landsforening</i> have been close partners in regulatory reforms of the area. The former represent large parts of Danish industry and the latter represent the Danish local authorities centrally. They are stakeholders due to their role as environmental authority for many sites. <i>Dansk Industri</i> has helped nominate representatives from industry to take part in working groups etc.</p>
<p>* What were its objectives¹⁷?</p>
<p><i>Answer:</i> To ensure that the environment received sufficient protection from harm. The regulation (Godkendelses bekendtgørelsen) is the original Danish approach to environmental protection. The work in developing it has therefore initially not been driven by the need for simplification in the manner described for the environmental permitting system from England and Wales. However periodic efforts to simplify and rationalise the regulations has been made during the various amendments. This is especially true for the regulatory reforms of the last ten years, which has focussed on lessening the burden on industry.</p>
<p>Please describe the common regulatory framework including:</p> <p>* 1.Overview</p> <p>As described above all non- agricultural permitting is done under <i>Godkendelsesbekendtgørelsen</i> which find its legal basis in <i>miljøbeskyttelsesloven</i>. This is not the result of better regulation efforts. This approach has been used since the beginning in Denmark. Better regulation efforts has instead focussed on improving the permitting process by introducing general binding rules for certain sites, removing some site types from the permitting</p>

¹⁷ E.g. for environmental protection or to reduce administrative burdens etc.

regime and providing different pieces of guidance in support of environmental permitting

2. A brief description of any stages in its development

3. A brief description of the *common* element¹⁸

Waste sites, ippc sites and all other non-agricultural environmental permits relating to the carrying out industrial activities are given under *Godkendelsesbekendtgørelsen*. There are activities which are controlled outside the permitting regime but these are controlled by separate regulations rather than individual permits. I.e. a form of general binding rules. *Godkendelsesbekendtgørelsen* covers all aspects relating to applying for and issuing permits as well as enforcement of permit conditions. The administrative processes are set out in the regulations. Specific demands on which must be met for certain sites types are often set out in separate regulations but implemented via *Godkendelsesbekendtgørelsen*. I.e. conditions required to meet waste incineration directive demands are covered in separate regulations but the permit is granted under *Godkendelsesbekendtgørelsen*.

Environmental inspections in Denmark are carried out under an inspection program. The program covers permitted activities, regulated activities and certain activities which are covered by general rules pertaining to all non-permitted activities which have been identified as problematic enough to require regular inspection.

The program sets out a number of minimum inspection frequencies. These represent the basic level of environmental protection. This is backed up by risk based inspection. The frequencies are the result of a politically agreed process on environmental inspection. Enforcement activity as a result of inspection is carried out using *Godkendelsesbekendtgørelsen*

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)?

This question does not apply as the regulations have not structurally been changed, but rather just been adapted to allow for new directives

Answer:

What were the costs¹⁹ and benefits²⁰ of the common regulatory framework? Please provide any data or assessments if available.

Answer: There are no comparative figures available as the *Godkendelsesbekendtgørelsen* has never replaced a different regime. In terms of nonmonetary benefits the system has a distinct advantage that all the legal requirements of permitting are the same across all sectors – this means that environmental regulators can transfer their knowledge across many sectors. This is essential in the Danish regulatory context where the regulatory responsibility is spread across 98 local authorities and three decentralised governmental

¹⁸ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

¹⁹ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

²⁰ 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.

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environment centres.
The implementation of directives through several regulations can be difficult to maintain an overall perspective on for some people. As this adds a level of complexity compared with a set of separate regulations implementing individual directives. However this disadvantage is outweighed by the simplification of the day to day permitting activities.
Were big investments needed to implement it and by whom?
<i>Answer:</i> As the system is an upgraded version of the original permitting regime it is impossible to separate the costs. Considerable effort has been made in regulatory reform of the regime over the past 10 years in order to cut down administrative costs for the regulated industries. Amendments implement various EU directives has also required considerable efforts.
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer:</i> N/A
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer:</i> N/A
Was there anything in particular that contributed to its success?
<i>Answer:</i> N/A
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> N/A
* Are there any other lessons that can be learned?
<i>Answer:</i> N/A

England and Wales
* What is the name of the common regulatory framework?
<i>Answer:</i> Environmental Permitting
* Who is the main contact for this?
<i>Answer:</i> Environmental Permitting Programme, based at Defra, London.

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* When did it start and finish?
<i>Answer:</i> Started in April 2008 and continues.
If available, please provide a link to relevant information or documents.
<i>Answer:</i> http://www.defra.gov.uk/environment/policy/permits/index.htm
* Why was it put in place ²¹ ?
<i>Answer:</i> It is the result of a partnership between Defra, WAG and DECC, with advice from the Environment Agency on practical implementation issues. They wanted to reduce admin burden and have a common consistent framework. Driven by government policy to produce better regulation.
* What European Directives does it cover?
<i>Answer:</i> All directives applying to industrial processes, waste (including radioactive) and water management. Notably: <ul style="list-style-type: none"> • Integrated Pollution Prevention and Control (IPPC) Directive • The Waste Framework Directive • The Water Framework Directive • The Groundwater Daughter Directive (2006/118/EC) • The Basic Safety Standards Directive (96/29/Euratom) • The High-Activity Sealed Radioactive Sources and Orphan Sources Directive (2003/122/Euratom) <p>Details at http://www.environment-agency.gov.uk/static/documents/Business/RGN_4_Setting_Standards_(v2.0)_30_March_2010.pdf</p>
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> Implementation of EU legislation is the main channel. Anything more is now challenged as possible goldplating. The framework does help national strategies on air quality, waste and water management.
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> No
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> It was extensively consulted with businesses, trade associations, NGOs and the public.
* What were its objectives ²² ?
<i>Answer:</i>

²¹ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

²² E.g. for environmental protection or to reduce administrative burdens etc.

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- Cuts unnecessary red tape - bringing cost-savings to industry and allowing regulators to focus their resources on issues that matter,
- Provides continued protection of the environment and human health – maintaining current standards,
- Increases clarity and certainty for everyone on how the regulations protect the environment - a clearer, simpler and quicker system allowing a better understanding of the law and its effects.

Permitting and compliance systems have developed separately over time and have adopted different procedures and rules despite aiming for the same goal which is to protect the environment and human health. This has led to a regulatory system that is unnecessarily complex. In line with feedback from both industry and regulators we feel that the permitting systems need to be modernised to increase efficiency and flexibility.

- The [Hampton review](#) (March 2005) recommended proportionality in regulation by the application of effective risk-based approaches. Its follow-up review, the [Hampton Implementation Review](#) (2008) on the Environment Agency, lists EPP1 as a positive example of Defra and the Environment Agency working on streamlining and rationalising processes for business and therefore encouraging economic progress.
- [The Department for Business, Enterprise and Regulatory Reform \(BERR\) guide on how to implement European Directive effectively \(September 2007\)](#) gave the EPP, with subsequent expansion to other environmental permitting systems, as an example of good practice in implementing directives.
- [Environment, Food and Rural Affairs Committee report on The Environment Agency](#) (May 2006) welcomed the development of a common regulatory framework and recommended extension of this common framework to other systems.
- [Better Regulation Task Force report](#) (March 2005) highlighted that the procedures for IPPC [integrated pollution prevention and control] and waste management are different, yet their objective to protect the environment is the same.

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* element²³
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:

1. A common permitting framework. Regulators not changed (in general). That is a national regulator (EA) for high risk (industrial) and aspects which

²³ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

need a national perspective/expertise (waste and water). Local authorities continuing to regulate lower risk multi-media (IPPC) sites and those only requiring regulation of releases to air.

Framework comprising a definition of operator (who must be in control and hold the permit) and of regulated facility; application requirements; operator competence requirements (based on risk); offences and a requirement to return the site to a satisfactory state (no ongoing pollution and equivalent to when activities commenced).

See attached slides.

Regulations structured with permitting requirements in main body and then annexes implementing requirements, typically directives. This modular approach should (in theory) make it easy to implement further EU Directives by adding them as annexes.

Provided a risk-based framework by introducing standard rules permits for common lower risk activities still requiring a permit – slotting in between bespoke permits for high risk activities and exemptions (from need for a permit) for lowest risk activities which simply need to be registered.

Provides for the regulator to be switched between national (EA) and local authority by ministerial direction (subject to criteria, such as competence) and a single permit for a site or series of sites undertaking same activity.

Allowed the regulator to use a common application form, IT, guidance, operational instructions for staff and business systems, integrating with national permitting centres and common (risk-based) compliance assessment and reporting systems.

2. The Environmental Permitting (England and Wales) Regulations 2007 created one regulatory system by streamlining and integrating Waste Management Licensing and Pollution Prevention and Control. This single EP system replaced 41 statutory instruments with one set of Regulations: the Environmental Permitting (England and Wales) Regulations 2007 which are one third of the length of the previous legislation.

They were extended in April 2010 to include those regimes for

- discharge consenting,
- groundwater authorisations and
- radioactive substances regulation.

The extended Regulations provide industry, regulators and others with a single permitting and compliance system. Find out [more about the EP Regulations 2010](#).

3. The common elements are listed above. It is a permitting platform. Any environmental legislation pertaining to the activity can be met through the common single permit.
4. Enabled by the Pollution Prevention and Control Act (primary legislation passed by both Houses of Parliament). Then detail in a set of regulations

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<p>(secondary legislation) which can be extended.</p> <p>The economic benefits of bringing permitting regimes in were assessed and proposals developed for those with a significant benefit, and consulted and passed by Parliament.</p>
<p>What were the costs²⁴ and benefits²⁵ of the common regulatory framework? Please provide any data or assessments if available.</p>
<p>See Table 1 below.</p>
<p>Were big investments needed to implement it and by whom?</p>
<p>Answer: The EA and Defra (on behalf of local authorities) issued a complete set of integrated guidance, application forms and instructions. Holders of existing permits were deemed to be holders of environmental permits, ie did not have to reapply. So costs to industry were modest.</p>
<p>* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?</p>
<p>Answer:</p> <ul style="list-style-type: none"> • inevitably permitting regimes which developed for different purposes had structural differences and bringing them together required consultation on policy decisions about how to deal with the differences. This was well foreseen and some policy compromises were necessary.
<p>* How successful was the common regulatory framework? Please provide any data or assessments if available.</p>
<p>Answer:</p> <p>An implementation review is in progress and will be published in due course. It will compare predicted benefits with what was actually realised.</p> <p>About 60% of new permit applications in the waste sector are for standard rules permits. As predicted. Charges are dropping for these as EA becomes slicker/quicker in issuing them. Issue time is dropping towards a theoretical minimum of about a week.</p>
<p>Was there anything in particular that contributed to its success?</p>
<p>Answer:</p> <p>There was extensive consultation of all those involved at every stage. Customers participated in design of application forms and guidance. Absolutely crucial, otherwise cannot get the products right.</p>

²⁴ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

²⁵ 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.

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* 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:

- do not over sell the benefits (quite modest for IPPC permit holders and those not needing a new permit);
- they take time to realise because regulators cannot take unacceptable business risks when dependent on fees & charges for income;
- cannot satisfy everybody on the level of detail in guidance. The problem is that every sector wants its own very concise & tailored guidance (and application form). We chose to break them into interlinked pieces to make an integrated package devoid of almost any duplication. Now getting some pushback about that.
- Using simple high level & outcome-focussed permit conditions as part of the system has meant field staff can sometimes find it harder to enforce compliance.
- National permitting centres were a complementary system & not essential to the framework. They brought consistency but adequacy/quality has suffered a little in an effort to reduce costs/charges and determination times. Most important has been a customer feeling they have lost involvement/ownership by the local field inspector.
- Introducing at a time when a sector needs to be repermited can be a good opportunity. Otherwise, have a legacy of old permits which prove difficult to get updated (where is the driver and funding?).

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Table 1. Answer: Summary of headline cost benefits of each of the regimes and the percentage

Prog.	System	No of permits in England and Wales	No of permits in England	No of permits in Wales	Baseline for England and Wales	NPV benefit over ten years England and Wales	NPV benefit over ten years England	NPV benefit over ten years Wales
EPP1	PPC A(1)	3,556	3,200	356	----	----	----	----
EPP1	PPC A(2)	400	384	16	----	----	----	----
EPP1	PPC Part B	22,000	21,120	880	----	----	----	----
EPP1	Waste Management licensing	9,010	8,110	900	----	----	----	----
EPP1	Registered waste exemptions	70,000	64,400	5,600	----	----	----	----
EPP1	Registered waste exemptions at farms	560,000	480,300	79,700	----	----	----	----
EPP2	Water Discharge Activities	104,490	95,861	8,629	£77.7m	£11.1m	£10.2m	£0.9m
EPP2	Groundwater	8,104	6,153	1,951	£4.6m	£14.9m	£11.3m	£3.5m
EPP2	RSR – registrations authorisations (NN) and Nuclear permits(Nuc)	3,734 (800 NN) (36 Nuc)	3,516 (761 NN) (33 Nuc)	218 (39 NN) (3 Nuc)	£7.4m	£8.2m	£7.7m	£0.5m
EPP2	Mining Waste Directive	1,650	1,474	176	----	£4.4m	£3.9m	£0.5m
EPP2	Batteries Directive	<10	<10	1	----	£0.8m	£0.8m	£0.1m
EPP2	Water Abstraction and Impoundment	22,856	20,026	2,829	£27.2m	£4.5m	£3.9m	£0.6m
EPP2	Carriers and brokers	5,000 ²⁶	4,500	500	£3.1m	£0.9m	£0.9m	£0.1m
EPP2 total	-----	145,880	131,573	14,307	£118.8m	£44.8m	£40.3m	£4.6m

France

* What is the name of the common regulatory framework?

Answer: Classified Installation (Book V titre I of environment code)

* Who is the main contact for this?

Answer: minister of Ecology, Energy, Sustainable Development and Sea, DGPR/SRT

²⁶ There are 77,500 registered carriers and brokers, however it is intended that only those with other EPP permits would be including in EPP2. **WAI not implemented yet.**

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* When did it start and finish?
<i>Answer:</i> first common regulation framework in classified installation was established in 1810, the Environment Code integrated the Classified installation in 2000 (last major law in the field 1976)
If available, please provide a link to relevant information or documents.
<i>Answer:</i> http://installationsclassees.developpement-durable.gouv.fr/accueil_en.php (in english) who provide entry point , all regulation are available at http://www.ineris.fr/aida/
* Why was it put in place ²⁷ ?
<i>Answer:</i> Codification and integrated law is a long tradition (It was one of the great input of Napoleon, among others)
* What European Directives does it cover?
<i>Answer:</i> classified installation are covering : <ul style="list-style-type: none"> - IPPC - Seveso (I and II) - 85/337 for industrial plant point of view - some sectoral directive (LCP,WID, SED,.....)
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> National (there is no regional legislation/regulation)
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> no one other member state involved
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> all stakeholder are involved in several step when implementing : <ul style="list-style-type: none"> - at the first step stakeholders are involved in working groups to establish the first draft (for example we do have working group for establishing the regulation about Distillery) - at the second time a large written Consultation is made over all the stockholders (more than 100 hundred stockholders) - at the third time texts are presented in a national Council the CSPRT (high council for technologic risk prevention) in which all kind of stockholder are represented (trade union, NGO, professional representative, ...)
* What were its objectives ²⁸ ?

²⁷ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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<p><i>Answer:</i> the objective of the common regulation is to provide integrated permitting process. The permits (in fact the “autorisation”) is covering all aspect of Environnement protection (waste, risk, air and water discharge ...). The only point who are not covered is the spatial planning rule.</p>
<p>Please describe the common regulatory framework including:</p> <ul style="list-style-type: none"> * 1. An overview 2. A brief description of any stages in its development * 3. A brief description of the <i>common</i> element²⁹ 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)?
<p><i>Answer:</i> Classified installation deal with all activities (permitting , inspection ...) dealing with industrial and farm activities</p> <p>for classified installation and since the beginning all this point where included :</p> <ul style="list-style-type: none"> - permitting or declaration process - administrative process - enforcement and inspection - law and regulation
<p>What were the costs³⁰ and benefits³¹ of the common regulatory framework? Please provide any data or assessments if available.</p>
<p><i>Answer:</i></p>
<p>Were big investments needed to implement it and by whom?</p>
<p><i>Answer:</i></p>
<p>* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?</p>
<p><i>Answer:</i></p>
<p>* How successful was the common regulatory framework? Please provide any data or assessments if available.</p>
<p><i>Answer:</i></p>
<p>Was there anything in particular that contributed to its success?</p>
<p><i>Answer:</i></p>

²⁸ E.g. for environmental protection or to reduce administrative burdens etc.

²⁹ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

³⁰ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

³¹ 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.

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* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> the main change we hope at European level is to clarify and unify the fields of action for the directive. For example there is some difference between IPPC and 85/337 activities definition
* Are there any other lessons that can be learned?
<i>Answer:</i>
Germany
* What is the name of the common regulatory framework?
<i>Answer:</i> Integrated IPPC permissions / § 13 Bundes-Immissionsschutzgesetz (BImSchG) Concentrated Permission
* Who is the main contact for this?
<i>Answer:</i> Responsible for German Federal Law is the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
* When did it start and finish?
<i>Answer:</i> The inclusion of other permits and regulatory decisions have been in the act from the enacting onwards, but have been extended since then for more and more permits and regulatory decisions. Integration has not been completed yet,, e.g.up to now, the use of water resources haven't been included (a proposal for an Environmental Code failed in 2009, see also section D).
If available, please provide a link to relevant information or documents.
<i>Answer:</i>
* Why was it put in place ³² ?
<i>Answer:</i> In a permission procedure an installation is examined also for other aspects under public law. So the permission was created in § 13 BImSchG as a complete licence, covering most permits and regulatory decisions concerning the installation.
* What European Directives does it cover?
<i>Answer:</i> It covers the IPPC-Directive, especially Article 7, demanding an integrated approach to issuing permits: <i>“Member States shall take the measures necessary to ensure that the conditions of, and</i>

³² E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

procedure for the grant of, the permit are fully coordinated where more than one competent authority is involved, in order to guarantee an effective integrated approach by all authorities competent for this procedure. “

* What national/regional legislation/regulation does it cover?

Answer: In Germany the IPPC Directive is implemented into German law mainly by the “Bundes-Immissionsschutzgesetz” (BImSchG).

§ 13 BImSchG
Genehmigung und andere behördliche Entscheidungen

Die Genehmigung schließt andere die Anlage betreffende behördliche Entscheidungen ein, insbesondere öffentlich- rechtliche Genehmigungen, Zulassungen, Verleihungen, Erlaubnisse und Bewilligungen mit Ausnahme von Planfeststellungen, Zulassungen bergrechtlicher Betriebspläne, behördlichen Entscheidungen auf Grund atomrechtlicher Vorschriften und wasserrechtlichen Erlaubnissen und Bewilligungen nach den §§ 7 und 8 des Wasserhaushaltsgesetzes.

In §13 BImSchG “*Permits and other regulatory decisions*” it is stated that the environmental permit includes other permits and regulatory decisions like:

- constructing permit;
- steam boiler, gas-filling installations or storage tank permits;
- air traffic act permit;
- permits concerning water issues like sewage treatment plants, buildings in flood areas, within dyke areas or at the waterside, precautionary water protection (but: watch the exclusion in the last paragraph of this answer!);
- instructions related to nature conservation;
- instructions related to monument protection;
- instructions related to occupational health and safety;
- and the Environmental Impact Assessment.

All these permits and decisions are included in the environmental permit in a way that the applicant only gets one permit from the environmental authority and does not have to deal with other authorities.

Not included are planning approvals and permits for specific installations like landfills, mining facilities, nuclear power plants or facilities „outside“ the industrial premises (urban electrical cables).

Not included are permits, licences, authorisations and regulatory decisions, that are not connected with the installation but with the person of the person running the enterprise, like personal reliability (e. g. in case of running a crematory).

Also excluded are authorisations for the withdrawal of surface or ground water and the discharge of sewage into rivers. But concerning the last issues the “BImSchG” authority has at least to coordinate these permitting procedures. Nevertheless these permits are issued by a different administrative authority with their own internal procedures and time frames.

Has it involved any joint working between Member States? If so which countries and why?

Answer: It is very similar to Dutch law (so called WABO, see the dutch proposal), so it is watched with interest in the border regions, but has not involved joint working.

Which stakeholders/organisations were involved in its implementation?

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<p><i>Answer:</i> normal democratic legislation process</p>
<p>* What were its objectives³³?</p>
<p><i>Answer:</i> There are a lot of advantages:</p> <ul style="list-style-type: none"> • simplification of administrative procedures (e.g. one permit from one authority) • reducing administrative burdens (e.g. different permitting procedures) • avoiding contradictory decisions by involved different public authorities • making synchronized demands (resulting of differing public laws) possible • transparency and validity of the legal position for the entrepreneur/applicant
<p>Please describe the common regulatory framework including:</p> <p>* 1. An overview</p> <p>2. A brief description of any stages in its development</p> <p>* 3. A brief description of the <i>common</i> element³⁴</p> <p>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)?</p>
<p><i>Answer:</i></p> <ol style="list-style-type: none"> 1. A former regulation has been part of the first enactment of the German Immission Control Act. It was common sense, that there should be an integrated permit. 2. 3. In most member states there will be a multitude of permits, licences, authorisations and other regulatory decisions, based on several laws. to be got, before running a new or substantial changed installation (from mostly involved construction permit up to more exotic permits like air traffic act , e. g. for rotors of wind energy mills near airports, or chopping trees on the site. 4. First the complete water permits were excluded, but then parts of it were integrated. An legislation attempt to integrate all permits and other regulatory decisions according to water failed in 2009.
<p>What were the costs³⁵ and benefits³⁶ of the common regulatory framework? Please provide any data or assessments if available.</p>
<p><i>Answer:</i> It may lead to a shift of administrative personnel from one authority to another. Also there may be cost for creating more specimens of application by the applicant and sending it to the involved authorities. But this cost are supposed to be lower by far in comparison to a multitude of additional administrative permit</p>

³³ E.g. for environmental protection or to reduce administrative burdens etc.

³⁴ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

³⁵ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

³⁶ 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.

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<i>procedures-</i>
Were big investments needed to implement it and by whom?
<i>Answer:</i> No
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer:</i> The highest barrier in Germany is the missing inclusion of essential water permits. These have been excluded by purpose, because the permit in case of BImSchG is a fixed decision, while the water permits are given by latitude/estimation of the administrative authorities. That and the differing administration authorities have lead to the exclusion of most of the water decisions. That leads to the problem, that e. g. someone may have got a permit to build and run a power plant, but is waiting for a permit to withdraw cooling water from the river. This problem was expected, but is not absolutely solved yet. Coordination of the administrative procedures as requested helps, but doesn't lead to integrated permits.
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer:</i> It is general accepted and there are no relevant contradictions from the economical, political or administrative actors. The actual discussion is only about how far this could be broadened.
Was there anything in particular that contributed to its success?
<i>Answer:</i> see the advantages listed to question "objectives" further up
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> See section D last answer
* Are there any other lessons that can be learned?
<i>Answer:</i> It must be tried to involve as much permits and other regulatory decisions as possible. If essential permits or many - even seen as more insignificant - authorizations are excluded from an integrated permission, this may lead to additional administrative burdens and reduce the acceptance by the authorities and applicants.

Malta
* What is the name of the common regulatory framework?
<i>Answer:</i> Programme and Timeplan to Consolidate Environment Regulations
* Who is the main contact for this?
<i>Answer:</i> Suzanne Gauci, EU Affairs Manager, Environment Protection

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<i>Directorate, Malta Environment and Planning Authority</i>
* When did it start and finish?
<i>Answer: January to April 2009</i>
If available, please provide a link to relevant information or documents.
<i>Answer: N/A</i>
* Why was it put in place ³⁷ ?
<i>Answer: The aim was to improve compliance with the EU's Better Regulation Agenda.</i>
* What European Directives does it cover?
<p><i>Answer:</i></p> <p><i>Directive 2001/42/EC (the SEA Directive) 'on the assessment of the effects of certain plans and programmes on the environment</i></p> <p><i>Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment</i></p> <p><i>Directive 2001/18/EC on the Deliberate Release of GMOs</i></p> <p><i>Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora Trade in Species of Fauna and Flora</i></p> <p><i>Directive 2008/98 of the European Parliament and of the Council on waste</i></p> <p><i>Directive 2008/50/EC on ambient air quality and cleaner air for Europe</i></p> <p><i>Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)</i></p> <p><i>Directive 2008/116 on Environment Quality Standards Directive</i></p>
* What national/regional legislation/regulation does it cover?
<p><i>Answer:</i></p> <p><i>L.N. 327 of 2008 - Environment Protection Act (CAP. 435) Strategic Environmental Assessment (Amendment) Regulations , 2008 amending LN 418 of 2005</i></p> <p><i>L.N. 32 of 2006 - Commencement notice of the Strategic Environmental Assessment Regulations, 2005</i></p> <p><i>L.N. 418 of 2005 - Environment Protection Act (CAP. 435) Strategic Environmental Assessment Regulations, 2005</i></p> <p><i>L.N. 114 of 2007 - Development Planning Act (CAP. 356) Environment Protection Act (CAP. 435) Environmental Impact Assessment Regulations, 2007 Arrangement of Regulations</i></p> <p><i>L.N. 169 of 2004 - Environment Protection Act (CAP. 435) Rubble Walls and Rural Structures Conservation and Maintenance (Amendment) Regulations, 2004</i></p> <p><i>L.N. 160 of 1997 - Environment Protection Act (Act No.V of 1991) Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations, 1997</i></p> <p><i>L.N. 144 of 1993 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) Regulations, 1993</i></p> <p><i>L.N. 150 of 1993 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) (Amendment) Regulations, 1993</i></p> <p><i>L.N. 215 of 1997 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) (Amendment) Regulations, 1997</i></p>

³⁷ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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L.N. 106 of 1998 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) (Amendment) Regulations, 1998
Chapter 323 Filfla Nature Reserve Act, 1988
LN 22 of 1992 Fungus Rock (il-Gebli tal-General) Nature Reserve Regulations, 1992
LN 25 of 1993 Selmunett Islands (St. Paul Islands) Nature Reserve Regulations., 1993
GN 112 of 2007 Environment Protection Act, 2001 (CAP. 435) Development Planning Act, 1992 (CAP. 356) Flora, Fauna and Natural Habitats Protection Regulations, 2006
L.N. 12 of 2001 - Environment Protection Act (CAP. 348) Trees and Woodland (Protection) Regulations, 2001
L.N. 170 of 2002 - Environment Protection Act (Act No. XX of 2001) Deliberate Release into the Environment of Genetically Modified Organisms Regulations, 2002
G.N. 112 of 2007 - Environment Protection Act, 2001 (CAP. 435) Development Planning Act, 1992 (CAP. 356) Flora, Fauna and Natural Habitats Protection Regulations, 2006
G.N. 161 of 2007 - Environment Protection Act (CAP. 435) Development Planning Act (CAP.356) Flora, Fauna and Natural Habitats Protection Regulation, 2006
GN 812 of 2008 - Environment Protection Act, 2001 (CAP. 435) Development Planning Act, 1992 (CAP. 356) Flora, Fauna and Natural Habitats Protection Regulations (Declaration of Wied Moqbol to Il- Ponta ta' Benghisa Special Protection Area), 2006
GN 859 of 2008 - Environment Protection Act, 2001 (CAP. 435) Development Planning Act, 1992 (CAP. 356) Flora, Fauna and Natural Habitats Protection Regulations 2006 (Declaration of Ta' Cenc Special Protection Area and Special Area of Conservation)
L.N. 19 of 1992 - Environment Protection Act (Act No.V of 1991) Trade in species of Fauna and Flora Regulations, 1992
L.N. 96 of 1992 - Environment Protection Act (Act No.V of 1991) Trade in species of Fauna and Flora (Amendment) Regulations, 1992
L.N. 22 of 1995 - Environment Protection Act (Act No.V of 1991) Trade in Species of Fauna and Flora (Amendment) Regulations, 1995
L.N. 140 of 1997 - Environment Protection Act (Act No.V of 1991) Trade in Species of Fauna and Flora Regulations, 1997
L.N. 244 of 2000 - Environment Protection Act (Cap. 348) Trade in Species of Fauna and Flora (Amendment) Regulations, 2000
L.N. 236 of 2004 - Environment Protection Act (Cap. 435) Trade in Species of Fauna and Flora Regulations, 2004
L.N. 335 of 2001 - Environment Protection Act (Act No. XX of 2001) Importation of Skins of Certain Seal Pups and Derived Products Regulations, 2001
L.N. 311 of 2006 - Environment Protection Act (Cap. 435) - Development Planning Act (CAP. 356) - Flora, Fauna and Natural Habitats Protection Regulations, 2006
L.N. 76 of 1992 - Environment Protection Act (Act No.V of 1991) Reptiles (Protection) Regulations, 1992
L.N. 203 of 2003 - Environment Protection Act, 2001 (Act No. XX of 2001) Marine Mammals Protection Regulations of 2003
L.N. 144 of 1993 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) Regulations, 1993
L.N. 146 of 1993 - Environment Protection Act (Act No.V of 1991) The Protection of Birds and Wild Rabbit Regulations, 1993
L.N. 150 of 1993 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) (Amendment) Regulations, 1993
L.N. 45 of 1996 - Environment Protection Act (Act No.V of 1991) The Protection of Birds and Wild Rabbit (Amendment) Regulations, 1996
L.N. 23 of 1997 - Environment Protection Act (Act No.V of 1991) The Protection of Birds and Wild Rabbit (Amendment) Regulations, 1997
L.N. 215 of 1997 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) (Amendment) Regulations, 1997
L.N. 216 of 1997 - Environment Protection Act (Act No.V of 1991) The Protection of Birds and Wild Rabbit (Amendment) Regulations, 1997

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L.N. 75 of 1998 - Environment Protection Act (Act No.V of 1991) Protection of Birds and Wild Rabbit (Amendment) Regulations, 1998
 L.N. 106 of 1998 - Environment Protection Act (Act No.V of 1991) Birds and Wild Rabbit (Declaration of Protected Species and Nature Reserves) (Amendment) Regulations, 1998
 L.N. 107 of 2000 - Environment Protection Act (Cap.348) The Protection of Birds and Wild Rabbit (Amendment) Regulations, 2000
 L.N. 1 of 2002 - Environment Protection Act (Act No. XX of 2001) Protection of Birds and Wild Rabbit (Amendment) Regulations, 2002
 L.N. 41 of 2003 - Environment Protection Act (Act No. XX of 2001) Protection of Birds and Wild Rabbit (Amendment) Regulations, 2003
 L.N. 56 of 2003 - Environment Protection Act (Act No. XX of 2001) Notice of coming into force of the Protection of Birds and Wild Rabbit (Amendment) Regulations, 2002
 L.N. 158 of 2003 - Environment Protection Act, 2001 (Act No. XX of 2001) Protection of Birds and Wild Rabbit (Amendment) (No. 2) Regulations, 2003
 L.N. 222 of 2003 - Environment Protection Act, 2001 (Act No. XX of 2001) Protection of Birds and Wild Rabbit (Amendment) (No. 2) Regulations, 2001
 G.N. 938 of 2005 - Environment Protection Act (Cap. 435) The Protection of Wild Rabbit (Amendment) Regulations, 2005
 L.N. 161 of 2002 - Environment Protection Act (Act No. XX of 2001) Waste Management (Waste Oils)
 L.N. 337 of 2001 - Environment Protection Act (Act No. XX of 2001) Waste Management (Permit and Control) Regulations, 2001
 L.N. 235 of 2004 - Environment Protection Act, 2001 (Act No. XX of 2001) Ambient Air Quality Assessment and Management (Amendment) Regulations, 2004
 L.N. 292 of 2007 - Environment Protection Act (Cap. 435) Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air Regulations, 2007
 L.N. 231 of 2004 - Environment Protection Act, 2001 (Act No. XX of 2001) Limit Values for Nitrogen Dioxide, Sulphur Dioxide and Oxides of Nitrogen, Particulate Matter and Lead in Ambient Air (Amendment) Regulations, 2004
 L.N. 11 of 2003 - Environment Protection Act (Act No. XX of 2001) Ozone in Ambient Air Regulations, 2003
 L.N. 224 of 2001 - Environment Protection Act (Act No. XX of 2001) Limit Values for Nitrogen Dioxide, Sulphur Dioxide and Oxides of Nitrogen, Particulate Matter and Lead in Ambient Air Regulations, 2001
 L.N. 215 of 2001 - Environment Protection Act (Act No. XX of 2001) Air Pollution by Ozone Regulations, 2001
 L.N. 163 of 2002 - Environment Protection Act (Act No. XX of 2001) Limit Values for Benzene and Carbon Monoxide in Ambient Air Regulations, 2002
 L.N. 216 of 2001 - Environment Protection Act (Act No. XX of 2001) Ambient Air Quality Assessment and Management Regulations, 2001

The Regulations listed above are available on
<http://www.mepa.org.mt/lplegislationpolicymain>

Has it involved any joint working between Member States? If so which countries and why?

Answer: No.

Which stakeholders/organisations were involved in its implementation?

Answer: MEPA.

* What were its objectives³⁸?

Answer : The objectives of this exercise was to come up with a time plan for action to consolidate existing regulations to reduce the amount of regulations.

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* element³⁹

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:

This regulatory framework involved the identification of national Regulations which required consolidation through discussions with the relevant Unit Managers within the Environment Protection Directorate within MEPA.

As soon as the relevant Regulations were identified a timetable for action was developed and agreed to within the Environment Protection Directorate. Draft Regulations have already been prepared, some of which have been referred for approval. It should be noted that some regulations will be published this year (in line with the relevant transposition deadline of corresponding directives, namely the following:

- *Directive 2008/98 of the European Parliament and of the Council on waste*
- *Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)*
- *Directive 2008/105/EC on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council*

The consolidation of Environment Assessment Regulations will be issued as part of the wider MEPA's reform.

What were the costs⁴⁰ and benefits⁴¹ of the common regulatory framework? Please provide any data or assessments if available.

Answer: Costs: Human Resources; Benefits: Reduced administrative burden for stakeholders.

Were big investments needed to implement it and by whom?

³⁸ E.g. for environmental protection or to reduce administrative burdens etc.

³⁹ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

⁴⁰ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

⁴¹ 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.

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<i>Answer: No.</i>
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer: No.</i>
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer: The identification of the regulations and the timeplan for action was successful. However its implementation is still underway.</i>
Was there anything in particular that contributed to its success?
<i>Answer: A central focal point within Director's Office to follow up implementation by the relevant units within the Environment Protection Directorate.</i>
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer: The adoption of consolidated regulations at a European Level would help such a process.</i>
* Are there any other lessons that can be learned?
<i>Answer: No.</i>

Netherlands
* What is the name of the common regulatory framework?
<i>Answer: Dutch Environmental Management Act</i>
* Who is the main contact for this?
<i>Answer: Josien Stoop, josien.stoop@minvrom.nl</i>
* When did it start and finish?
<i>Answer: started 1st of March 1993</i>
If available, please provide a link to relevant information or documents.
<i>Answer: http://docs1.eia.nl/cms/Environmental%20Management%20Act%20%5BMay%202004%5D.pdf</i>
* Why was it put in place ⁴² ?
<i>Answer: it combines several previously individual environmental acts</i>

⁴² E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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* What European Directives does it cover?
<i>Answer:</i> It covers all European directives on the following aspects: environmental quality requirements, Environmental zoning, Environmental impact assessment, substances and products, waste substances (complete list in preparation?)
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> It covers the major part of the national regulation that deals with the protection of the environment
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> No
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> Government, (Association of) provinces, (Association of) municipalities
* What were its objectives ⁴³ ?
<i>Answer:</i> Environmental protection
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 <i>common</i> element ⁴⁴ 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)?
<i>Answer:</i> 1) The Environmental Management Act is the most important environmental act in the Netherlands. It determines the (juridical) instruments that can be used for environmental protection. It is a so-called framework act describing the general rules for environmental protection. More detailed rules are elaborated in decrees or regulations. The most important instruments are plans and programs, environmental quality objectives, permits, general rules and supervision and financial instruments like taxes, rates of contributions and compensations. 2) -Before 1993 there were separate environmental acts for instance for water, air, soil, waste and noise. The Environmental management Act combines these (but no all) different environmental acts. The idea is that by combining acts, there is more harmonization and consequently acts are easier to comply with. -Since the Environmental Management Act has come into force, new (European) legislation has been implemented by integrating it in the Environmental Management Act. -At this moment, and after many changes because of (European) developments, the question arises how to go on with it. The Act as it is now, is quite elaborated and complex. Because of its focus on the environment, new and broader European legislation is not always easy to incorporate. 3) The common element is <i>environmental regulation</i> .
What were the costs ⁴⁵ and benefits ⁴⁶ of the common regulatory framework? Please provide any data or assessments if available.

⁴³ E.g. for environmental protection or to reduce administrative burdens etc.

⁴⁴ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

⁴⁵ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

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<i>Answer:</i>
Were big investments needed to implement it and by whom?
<i>Answer:</i>
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer:</i>
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer: Successful in a sense that there is a common environmental act, including almost all environmental instruments</i>
Was there anything in particular that contributed to its success?
<i>Answer: Being a framework act has as an advantage that almost all relevant developments can be incorporated when needed/necessary.</i>
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i>
* Are there any other lessons that can be learned?
<i>Answer: It is obvious that a framework environmental act has advantages. A disadvantage is that in the long run it delivers a complex entity and broader (new) European regulation is not always easy to incorporate.</i>

Netherlands
* What is the name of the common regulatory framework?
<i>Answer: Dutch Water Act</i>
* Who is the main contact for this?
<i>Answer: Florence.Eizinga@ivw.nl</i>
* When did it start and finish?
<i>Answer: 22th of December 2009</i>
If available, please provide a link to relevant information or documents.
<i>Answer: http://www.helpdeskwater.nl/service-functies/english/legislation/</i>
* Why was it put in place ⁴⁷ ?

⁴⁶ 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.

⁴⁷ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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<i>Answer:</i> political pressure, reduction of permitting systems, integration of different environmental Dutch laws, to implement the Water Framework Directive
* What European Directives does it cover?
<i>Answer:</i> It covers (water management) parts of the Water Framework Directive (2000/60/EC), the Flood Risk Directive (2007/60/EG), the waste water directive, daughter directive on priority substances and IPPC directive.
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> It covers 8 previously separate Dutch acts concerning aspects of (surface-and ground)water management and parts of regulation for soil and activities in water bodies.
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> Not directly. But indirectly, yes: to prepare the River Basement Management plans
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> Government, (Association of) provinces, (Association of) municipalities, (Association) of regional water authorities.
* What were its objectives ⁴⁸ ?
<i>Answer:</i> Firstly, the objective is to improve the link between individual water management acts and the link between water policy and spatial planning policy. Secondly it contributes to the reduction of rules, permitting and administrative burden. Thirdly: it was set up for the implementation of the Water Framework Directive.
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 <i>common</i> element ⁴⁹ 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)?
<i>Answer:</i> 1) The Dutch Water Management Act is the combination of 8 previously separate acts on surface- and groundwater management (plus some parts of regulations for soil and activities in water bodies). And it allowed to implement the WFD obligations, such as plan cycles, setting water bodies objectives. It offers the possibilities for local authorities to prevent water logging, water scarcity and contamination of water. Some aspects are elaborated in decrees or regulations. 2) -Before the Dutch Water Act inhabitants, companies or municipalities needed to apply for 6 different permits to prevent there were separate environmental acts for instance for water, air, soil, waste and noise. The Environmental management Act combines these (but no all) different environmental acts. The idea is that by combining acts, there is more harmonization and consequently acts are easier to comply with. -Since the Environmental Management Act has come into force, new (European) legislation has been implemented by integrating it in the Environmental Management Act. -At this moment, and after many changes because of (European) developments, the question arises how to go on with it. The Act as it is now, is quite elaborated and complex. Because of its focus on the environment, new and broader European legislation is not always easy to incorporate.

⁴⁸ E.g. for environmental protection or to reduce administrative burdens etc.

⁴⁹ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

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3) The common element is <i>water management regulation</i> .
What were the costs ⁵⁰ and benefits ⁵¹ of the common regulatory framework? Please provide any data or assessments if available.
<i>Answer: There are benefits for companies: less permits are needed. No data is found, but an indication for this can be found in the explanation of this new act (in Dutch: Water Act: kamerstuk 30818, nr 3, page 71-91).</i>
Were big investments needed to implement it and by whom?
<i>Answer: The costs to make this act (and put different regulations together) are not high. But to implement and carry out the obligations of the Water act and thus the WFD is about 7 mld.</i>
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer: it needed a recast of environmental and spatial laws and caused problems for several authorities (needed to be joined together)</i>
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer: Successful in a sense that there is a common environmental act, including almost all environmental instruments.</i>
Was there anything in particular that contributed to its success?
<i>Answer: Being a framework act has as an advantage that almost all relevant developments can be incorporated when needed/necessary.</i>
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer: Possibly by merging environmental and water directives in one directive.</i>
* Are there any other lessons that can be learned?
<i>Answer: It is obvious that a framework environmental act has advantages. A disadvantage is that in the long run it delivers a complex entity and broader (new) European regulation is not always easy to incorporate.</i>

Netherlands
* What is the name of the common regulatory framework?
<i>Answer: 4th trench of the General Administrative Law Act</i>
* Who is the main contact for this?
<i>Answer: Atze.Dijkstra@minvrom.nl</i>

⁵⁰ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

⁵¹ 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.

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* When did it start and finish?
<i>Answer:</i> started 1 st of January 2009
If available, please provide a link to relevant information or documents.
<i>Answer:</i> http://www.justitie.nl/onderwerpen/wetgeving/awb/Wettekst_awb/#paragraph2
* Why was it put in place ⁵² ?
<i>Answer:</i> political pressure
* What European Directives does it cover?
<i>Answer:</i> none?
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> is the body of law that governs the activities of administrative agencies of government
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> No
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> Government, (Association of) provinces, (Association of) municipalities
* What were its objectives ⁵³ ?
<i>Answer:</i> to stimulate more uniformity and simplifying the administrative law
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 <i>common</i> element ⁵⁴ 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)?
<i>Answer:</i> 1) The Administrative Law Act applies to the making of administrative decisions and the juridical review of these decisions in courts. On the basis of the Administrative Law Act, citizens can oppose a decision made by a public body within the administration and apply for juridical review in courts if unsuccessful. 2) –In the past the administrative aspects were arranged for each individual act. –In 1983 it was stated in the Constitutional Law that these aspects should be arranged in a Administrative Law Act. Because of the great amount of acts to be streamlined, implementation in trenches was foreseen. – Since January 2009 the forth trench was implemented containing rules in the field of enforcement 3) The common element is <i>administrative decisions</i> .
What were the costs ⁵⁵ and benefits ⁵⁶ of the common regulatory framework? Please provide any data

⁵² E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

⁵³ E.g. for environmental protection or to reduce administrative burdens etc.

⁵⁴ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

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or assessments if available.
<i>Answer:</i> less administrative burden, uniformity
Were big investments needed to implement it and by whom?
<i>Answer:</i>
* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?
<i>Answer:</i>
* How successful was the common regulatory framework? Please provide any data or assessments if available.
<i>Answer:</i> Successful in a sense that in the long run all administrative procedures are uniform.
Was there anything in particular that contributed to its success?
<i>Answer:</i>
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i>
* Are there any other lessons that can be learned?
<i>Answer:</i>

Sweden
* What is the name of the common regulatory framework?
<i>Answer:</i> The Environmental Code
* Who is the main contact for this?
<i>Answer:</i> The Ministry of Environment and the Swedish EPA
* When did it start and finish?
<i>Answer:</i> The work with an Environmental Code started in 1989. The Environmental Code came into force on 1 January 1999.
If available, please provide a link to relevant information or documents.
<i>Answer:</i> http://www.naturvardsverket.se/en/In-English/Menu/Legislation-and-other-policy-instruments/The-Environmental-Code/

⁵⁵ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

⁵⁶ 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.

<p>* Why was it put in place⁵⁷?</p>
<p><i>Answer:</i> It replaced fifteen previous environmental acts which were amalgamated into the Code. The replaced environmental acts where, e.g.</p> <ul style="list-style-type: none"> - the Nature Conservancy Act (naturvårdslagen) - the Environmental Protection Act (miljöskyddslagen) - the Law of Prohibition against Dumping of Waste into Water (dumpningslagen) - the Water Act (vattenlagen) - the Law of chemical products (lagen om kemiska produkter) - the Law of Environmental Damage (miljöskadelagen) - the Law of Economizing on Natural Resources (lagen om hushållning av naturresurser) <p>The Environmental Code constitutes a modernised, broadened and more stringent environmental legislation aimed at promoting sustainable development. One of the main ideas behind the Environmental Code reform was to modernise and update Swedish environmental legislation. Gathering the central environmental laws into a code and effecting substantial systematic and juridical changes to them are just part of the reform. The fact that working with the Code has encouraged a well-needed broadening and tightening up of central legislation is probably of greater significance.</p>
<p>* What European Directives does it cover?</p>
<p><i>Answer:</i> A broad variety of directives connected to the environment field such as the waste directive, the IPPC-directive, the Biocide directive, the directive on Environmental Impact Assessments, the GMO-directive, the directive on Strategic Environmental Assessments, the directive on Environmental Liabilities, the directive on Large Combustion Plants and the Birds and Habitats directives.</p>
<p>* What national/regional legislation/regulation does it cover?</p>
<p><i>Answer:</i> The national legislation The Environmental Code.</p>
<p>Has it involved any joint working between Member States? If so which countries and why?</p>
<p><i>Answer:</i> No</p>
<p>Which stakeholders/organisations were involved in its implementation?</p>
<p><i>Answer:</i> In the work experts participated from the Ministry of Environment, the EPA, County Administrative Boards, municipalities, the Swedish Association of</p>

⁵⁷ E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

Local Authorities and Regions, NGOs like Greenpeace, World Wildlife Fund, the Swedish Association for Animal Protection and The Swedish Society for Nature Conservation. Also the trade and industry sector, like representatives for the forest industry (The Swedish Forest Industries Federation and Swedish Forest Owners Association) and waste and recycling industry, participated.

(Näringsliv och NGO: WMI Sellbergs AB, Svenska Åkeriförbundet, SKAFAB, Svenska Kommunförbundet, Naturskyddsföreningen, Globträdet, Världsnaturfonden, Svenska Djurskyddsföreningen, Metsä-Serla AB, Vattenvärnet, Greenpeace, Skogsindustrierna och Skogsägarna, Sveriges Energiföreningars Riksorganisation, Svenska Renhållningsverks-Föreningen, Norrköpings Fettåtervinning, Näringslivets Förpackningsråd, Husvagnsbranschens Riksförbund och Skogsägarnas Riksförbund (se SOU 1996:103, Miljöbalken – En skärpt och samordnad miljölagstiftning för en hållbar utveckling, s. 5))

* What were its objectives⁵⁸?

Answer: The purpose of the Environmental Code is to promote sustainable development which will assure a healthy and sound environment for present and future generations.

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* element⁵⁹

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:

The purpose of the Environmental Code is to promote sustainable development which will assure a healthy and sound environment for present and future generations. To achieve this, the code shall be applied so that:

- human health and the environment are protected against damage and detriment, whether caused by pollutants or other impacts
- valuable natural and cultural environments are protected and preserved
- biological diversity is preserved
- the use of land, water and the physical environment in general is such as to secure long term good management in ecological, social, cultural and economic terms
- reuse and recycling, as well as other management of materials, raw materials and energy are encouraged so that natural cycles are established and maintained.

The area of application of the Environmental Code is directly linked to the promotion of sustainable development. The Code is applicable to all activities or measures that are of significance for this purpose to be achieved. It therefore concerns all types of measures and operations that can be of importance to those interests the Code is intended to protect, regardless of whether they are part of a

⁵⁸ E.g. for environmental protection or to reduce administrative burdens etc.

⁵⁹ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

private individual's daily life or are some form of business activity.

The area of application of the Code is not just important for the situations in which the Code can be used. Primarily, it decides what types of environmental issues that can be examined in a court of law, for example, a pre-condition that may be set for the start of an environmentally hazardous activity might be anything that promotes sustainable development.

All in all, this means in many cases that the regulations that were part of previous environmental legislation now have a new and broader application.

General rules of consideration

Chapter 2 of the Environmental Code contains a number of general rules of consideration that express, for instance, the precautionary principle, polluter pays principle, product choice principle and principles regarding resource management, recycling and suitable localisation of activities and measures.

The rules have a preventive effect since they place binding demands on anyone running a business or an operation or is taking action to gain knowledge on the environmental effects of such activities and express the principle that the risks of environmental impact should be borne by the polluter and not by the environment.

Supervisory and licensing authorities have the power to base their decisions on these general rules of consideration concerning injunctions, bans, permit conditions etc. As a result, the content of these rules becomes much more concrete through regulations or decisions in each individual case.

Objectives and goals for environmental quality

The Environmental Code places more emphasis on goal and result management than previous environmental legislation. Government ordinances and regulations from authorities will therefore not only be governed by the purpose of the Code and the general rules of consideration, but also by other environmental goals not included in the Code.

Licensing and supervision work is to be steered by the *National Environmental Quality Objectives*, specified in the form of regional and sector goals. This means that the licensing and supervision of activities and measures must take the goals of environmental policy into consideration.

Environmental quality standards

The Environmental Code contains environmental quality standards (EQS), which is a new feature in Swedish environmental legislation. EQS are regulations concerning the quality of land, water, air and the environment in general. Whereas the previous environmental legislation was only aimed at minimising and alleviating environmental disturbances, as far as was reasonable, the Environmental Code with EQS places direct demands on the final result.

Area and species protection

Regulations concerning different types of area protection, such as national parks, nature reserves, biotope protection and shoreline protection, have been brought together in the Environmental Code. Together with regulations regarding protection of species, the purpose is to preserve biological diversity.

Environmental sanction charges

One reason why compliance with the previous environmental legislation was poor was that the risk of being punished for an environmental crime was rather small. Consequently there has been a need for a rapid and effective way of responding

to infringements of the environmental rules. Therefore penalties in the form of environmental sanction charges were introduced with the Environmental Code. These charges are levied directly by the supervisory authorities when an infringement has been established.

The permitting system

In order to ensure that the rules of consideration are genuinely complied with, a large number of activities and operations are subject to licensing. These activities or operations may not be launched without a permit from a competent authority or an environmental court. The permit states the conditions under which the activity may be carried out. The authority in charge may also refuse a permit if they find that the activity is not permissible according to the Environmental Code.

Licensing authorities are Environmental Licensing Delegations (ELD) at the County Administrative Boards (CAB) or Environmental Courts. ELD is a special function at the CAB. There are 21 ELDs, one in each county, and five Environmental Courts. The CABs also perform various other government functions.

The allocation of licensing tasks between the ELDs and the Courts is regulated in an ordinance where environmentally hazardous activities are listed based on severity from an environmental point of view. For activities that entail a significant environmental impact (A-activities), the applicant must apply for a permit at a Environmental Court. For activities with less impact on the environment (B-activities), the applicant must apply for a permit to a CAB. Activities with limited impact or causing only local disturbances (C-activities) are not subject to licensing, but the operator must notify the local Environment and Public Health Committee (EPHC) who may decide on precautions.

The EPA is active in some licensing cases. The EPA could involve itself in cases where important legislative principles are at stake or the activity concerned might lead to major environmental impact.

Inspection and enforcement authorities

Inspection and enforcement responsibilities rest on three levels, national, regional and local. The Swedish EPA is the major environmental authority responsible for supervision of most environmental directives. The Swedish Rescue Services Agency is the authority on supervision concerning the Seveso II directive. Both these authorities have guiding, evaluating, advising and co-ordinating roles. There are also ten other national authorities with some limited inspection and enforcement responsibilities, as the Surgeon General is responsible for military installations. An Enforcement and Regulation Council is a body for co-operation among Swedish public authorities concerning enforcement and regulations in accordance with the Environmental Code.

Environmental inspections and enforcement concerning installations and other activities on the ground is mostly planned and carried out at regional and local level by the 21 County Administrative Boards (CABs) or the 290 Environmental and Public Health Committees (EPHCs) at the municipalities. Most EU-directives is a responsibility for the CABs but could according to a special procedure, with the exception of the Seveso II-directive, be delegated to the EPHCs.

Fees, fines and offences

Anyone carrying out an activity is obliged to pay for work done by the authorities under the Code, e.g. licensing, inspection and enforcement.

To strengthen the force of an injunction concerning for example precautionary

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<p>measures, the inspection authority may combine it with an administrative fine. The amount of the fine should approximately correspond to the operator's costs to implement the measures. If the operator ignores the injunction, the authority may turn to the environmental court to impose the fine.</p> <p>Anyone infringing some specified regulations in the Environmental Code, regulations issued pursuant the Code or violating conditions in a permit might pay a fine or be sentenced to a maximum of two years imprisonment by a court decision. In most court decisions where the offender has been found guilty the offenders have been sentenced to pay fines.</p>
<p>What were the costs⁶⁰ and benefits⁶¹ of the common regulatory framework? Please provide any data or assessments if available.</p>
<p>Answer: Costs: The Environmental Code implies a greater responsibility for the one running a business, an operation or is taking action, compared to the old environmental legislation. A higher environmental ambition leads naturally to increased costs. Chapter 2 of the Environmental Code contains a number of general rules of consideration for stakeholders that express, for instance, the precautionary principle, polluter pays principle, product choice principle and principles regarding resource management, recycling and suitable localisation of activities and measures.</p> <p>The rules have a preventive effect since they place binding demands on anyone running a business or an operation or is taking action to gain knowledge on the environmental effects of such activities and express the principle that the risks of environmental impact should be borne by the polluter and not by the environment.</p> <p>There has been costs for example for the new permitting organisation with 21 ELDs and five Environmental Courts.</p> <p>Benefits: Improved environmental protection. Improved consistency between regulated areas.</p>
<p>Were big investments needed to implement it and by whom?</p>
<p>Answer: Stakeholders have had costs for investments in environmental knowledge and other demands according to the Environmental Code.</p>
<p>* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?</p>
<p>Answer: The application of the Environmental Code is to some extent left to the legal practice. The practice has taken time to settle and it has taken various time for different areas. There was opponents of the Environmental Courts saying that the courts only should have the judiciary task and not the permit licensing task.</p>
<p>* How successful was the common regulatory framework? Please provide any data or assessments if available.</p>
<p>Answer: The Swedish environmental legislation is modernised and updated.</p>

⁶⁰ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

⁶¹ 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.

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The Code has encouraged a well-needed broadening and tightening up of central legislation.
Was there anything in particular that contributed to its success?
<i>Answer:</i>
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> Less detailed directives could facilitate to edify a common regulatory system as the Environmental Code.
* Are there any other lessons that can be learned?
<i>Answer:</i> It is not always easy to see how the directives are implemented into the Swedish legislation system and we therefore often get questions from the Commission. The reason to this is e.g. that we consider directives are implemented through Chapter two in the Environmental Code as the rules there are of general character.

Sweden
* What is the name of the common regulatory framework?
<i>Answer:</i> The Enforcement and Regulations Council (Tillsyns- och föreskriftsrådet)
* Who is the main contact for this?
<i>Answer:</i> The Council is chaired by Martin Eriksson, Director of the Climate Change Department at the Environmental Protection Agency.
* When did it start and finish?
<i>Answer:</i> The Council was founded in 1999, when the Environmental Code entered into force.
If available, please provide a link to relevant information or documents.
<i>Answer:</i> www.tofr.info
* Why was it put in place ⁶² ?
<i>Answer:</i> To encourage co-operation between Swedish public authorities concerning enforcement and regulation matters in association with the Swedish Environmental Code.

⁶² E.g. compliance with Lisbon agenda, pressure group lobbying, political or economic pressures etc.

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* What European Directives does it cover?
<i>Answer:</i> A broad variety of directives connected to the environment field such as the waste directive, the IPPC-directive, the Biocide directive, the directive on Environmental Impact Assessments, the GMO-directive, the directive on Strategic Environmental Assessments, the directive on Environmental Liabilities, the directive on Large Combustion Plants and the Birds and Habitats directives.
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> The Environmental Code and the regulations and ordinances belonging to it.
Has it involved any joint working between Member States? If so which countries and why?
<i>Answer:</i> No
Which stakeholders/organisations were involved in its implementation?
<i>Answer:</i> None.
* What were its objectives ⁶³ ?
<i>Answer:</i> To encourage co-operation between Swedish public authorities concerning enforcement and regulation matters in association with the Swedish Environmental Code.
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 <i>common</i> element ⁶⁴ 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)?
<i>Answer:</i> The Enforcement and Regulations Council is a body for co-operation between Swedish public authorities concerning enforcement and regulations matters in association with the Swedish Environmental Code. The Council has established this website, www.tofr.info , where you can find (in Swedish) the outcome of the Council's activities, enforcement information from the various authorities that are members of the Council etc. Members The members of the Enforcement and Regulations Council are appointed by the Government, representing the following authorities:
<ul style="list-style-type: none"> • Surgeon General • Swedish Board of Agriculture

⁶³ E.g. for environmental protection or to reduce administrative burdens etc.

⁶⁴ E.g. permitting, inspections, enforcement or a legislative, regulatory or administrative process etc.

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- Swedish Chemicals Agency
- Swedish Environmental Protection Agency
- National Board of Health and Welfare
- County Administrative Board of Jönköping County
- County Administrative Board of Kalmar County
- Swedish Association of Local Authorities and regions
- The Municipal Environmental Committee of Karlstad

The activities of the Council are mainly organised into time-limited projects with participation from various member authorities.

Seminars on topics of common interest for the member authorities are organised regularly by the Council. They focus on key issues and act as fora for discussing common viewpoints and promoting sector and level integration.

Up till now, seminars have been held on, inter alia, "Inspection for better self monitoring", "Inspection planning based on the environmental quality objectives", "Environmental crime and enforcement", "The quality of enforcement", "IMPEL and its relation to Swedish environmental inspection", "Environmental penalty charge and coordinating the work against environmental crime", "Enforcement methods and the role of the enforcement officer" and "Environmental management systems and enforcement".

What were the costs⁶⁵ and benefits⁶⁶ of the common regulatory framework? Please provide any data or assessments if available.

Answer: Costs: The Council has a budget for two fulltime employees, which is about 100 000 Euro per year. The costs for an updated website during 2010 are 60 000 Euro. The members of the Council have costs for travel expenses and for attending the meetings (usually six per year).

Benefits: The inspection authorities have great use especially of the website, according to feedback to the Council.

Were big investments needed to implement it and by whom?

Answer: The EPA have had investments for the employees and the webpage.

* Were there any barriers or hurdles to implementation? Were these expected or unforeseen?

Answer: No

* How successful was the common regulatory framework? Please provide any data or assessments if available.

Answer: The webpage is useful especially for the inspection authorities. The

⁶⁵ E.g. investment and resources for implementation, impacts of change, perception of a reduction in environmental protection etc.

⁶⁶ 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.

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webpage contains all directives, EU-regulations, and all laws, regulations and ordinances belonging to the environmental field. The webpage also contains all court decisions. It is daily updated.
Was there anything in particular that contributed to its success?
<i>Answer:</i> The webpage.
* Could changes at a European level have helped its implementation? If so what and by whom?
<i>Answer:</i> No
* Are there any other lessons that can be learned?
<i>Answer:</i> The council is a useful tool to encourage co-operation between authorities in the environmental field.

Section B
Common regulatory frameworks - in progress or planned

England and Wales
* What is the name of the common regulatory framework?
<i>Answer:</i> Bringing water abstraction and impoundment (WAI) into environmental permitting.
* Who is the main contact for this?
<i>Answer:</i> as above
* When did (or will) it start and when is it planned to finish?
<i>Answer:</i> Implement in April 2012
If available, please provide a link to relevant information or documents.
<i>Answer:</i> See above.
* Why is the common regulatory framework being put in place ¹ ?
<i>Answer:</i> As above.
* What European Directives does it cover?
<i>Answer:</i> Principally the Water Framework and Habitats Directives.
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> Water abstraction and impoundment
Does it involve any joint working between Member States? If so which countries and why?
<i>Answer:</i> No.
Which stakeholders/organisations are involved in its implementation?
<i>Answer:</i> Water industry, farming and other major users.
* What are its objectives ² ?
<i>Answer:</i> as above Single permits for complete use of water, ie abstraction, use & discharge.
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 <i>common</i> element ³

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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)?
<i>Answer: As above.</i>
What do you think the costs ⁴ and benefits ⁵ of the common regulatory framework will be?
<i>Answer: See WAI in table above.</i>
Are big investments needed to implement it and by whom?
<i>Answer:</i>
* Are there any potential barriers or hurdles to implementation?
<i>Answer: Needs primary legislation.</i>
* Could changes at a European level help implementation? If so what and by whom?
<i>Answer: No.</i>
* Are there any other lessons that can be learned so far?
<i>Answer: Decouple installing a framework from other policy changes.</i>

France
* What is the name of the common regulatory framework?
<i>Answer: Making a convergence between Mining permitting process and environmental permitting process</i>
* Who is the main contact for this?
<i>Answer: H.Kaltembacher DGPR/SRT</i>
* When did (or will) it start and when is it planned to finish?
<i>Answer: Process still begin with two directive transposition (CSC and Waste from extractive operations)</i>
If available, please provide a link to relevant information or documents.
<i>Answer: none at this point</i>
* Why is the common regulatory framework being put in place ¹ ?
<i>Answer: Mining permitting process are including two main parts (royalties/properties aspects and environmental aspect. For the second aspect nowadays we are obliged to treat in a separate way mining procedure to protect</i>

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Environnement (for example underground water discharge) and classified installation
* What European Directives does it cover?
<i>Answer:</i> CSC and Waste from extractive operations
* What national/regional legislation/regulation does it cover?
<i>Answer:</i> National
Does it involve any joint working between Member States? If so which countries and why?
<i>Answer:</i> no at this point
Which stakeholders/organisations are involved in its implementation?
<i>Answer:</i> all stakeholder are involved
* What are its objectives ² ?
<i>Answer:</i> <i>simplify permit processing</i>
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 <i>common</i> 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)?
<i>Answer:</i> <i>problem solving in progress</i>
What do you think the costs ⁴ and benefits ⁵ of the common regulatory framework will be?
<i>Answer:</i> <i>better coherence of treatment for the same problem.</i>
Are big investments needed to implement it and by whom?
<i>Answer:</i>
* Are there any potential barriers or hurdles to implementation?
<i>Answer:</i>
* Could changes at a European level help implementation? If so what and by whom?
<i>Answer:</i>

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* Are there any other lessons that can be learned so far?
<i>Answer:</i>

Malta
* What is the name of the common regulatory framework?
<i>Answer: General Binding Rules for selected SMEs and micro-enterprises</i>
* Who is the main contact for this?
<i>Answer: Michael J. Sant, Unit Manager – Environmental Permitting & Industry</i>
* When did (or will) it start and when is it planned to finish?
<i>Answer: 2007 – review and updating is envisaged as a constant process</i>
If available, please provide a link to relevant information or documents.
<i>Answer: http://www.mepa.org.mt/gbrs</i>
* Why is the common regulatory framework being put in place ¹ ?
<i>Answer: Currently, environmental obligations affecting various SMEs and micro-enterprises are dispersed through various legal instruments, and are implemented through various measures. The intention is to provide a single point of reference to such enterprises through a registration system, by which the operator is committed to abide to sets of environmental conditions that are specific to different sectors. This system is intended to clarify legal uncertainties and lack of awareness, improve compliance with environmental regulations, and reduce administrative burden for both the enterprise and the regulator.</i>
* What European Directives does it cover?
<i>Answer: The initiative is cross-cutting with numerous Directives, since the registration is intended as a single point of reference which is to be updated as new legislation comes into force. Consequently, the Directives involved are those concerning waste management (except for specific directives such as those concerning packaging and WEEE), air quality, water quality and the proper use of chemicals. Measures in the various directives are those which are applicable to individual enterprises, and not those referring to national targets (unless these are applied through the formulation of national strategies which may apply to the sectors).</i>
* What national/regional legislation/regulation does it cover?
<i>Answer: The initiative is cross-cutting with various national legal instruments, since the registration is intended as a single point of reference which is to be updated as new legislation comes into force. Consequently, the legislation involved are those concerning waste management (except for specific Directives such as those concerning packaging and WEEE), air quality, water quality and the</i>

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<p><i>proper use of chemicals. Measures in the various legal instruments are those which are applicable to individual enterprises, and not those referring to national targets (unless these are applied through the formulation of national strategies which may apply to the sectors).</i></p>
<p>Does it involve any joint working between Member States? If so which countries and why?</p>
<p><i>Answer: This project was facilitated through a Twinning Project carried out with the Umweltbundesamt GmbH (Austrian Federal Environment Agency): 2004/16762.07.01 Institution Building Facility: Improving regulatory effort and compliance with EU environmental Directives (UE)</i></p>
<p>Which stakeholders/organisations are involved in its implementation?</p>
<p><i>Answer: This project involves substantial stakeholder consultation with other regulatory agencies and trade representatives.</i></p>
<p>* What are its objectives²?</p>
<p><i>Answer: The intention is to provide a single point of reference to such enterprises through a registration system, by which the operator is committed to abide to sets of environmental conditions that are specific to different sectors. This system is intended to clarify legal uncertainties and lack of awareness, improve compliance with environmental regulations, and reduce administrative burden for both the enterprise and the regulator.</i></p>
<p>Please describe the common regulatory framework including:</p> <p>* 1. An overview</p> <p>2. A brief description of any stages in its implementation</p> <p>* 3. A brief description of the <i>common</i> element³</p> <p>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)?</p>
<p><i>Answer:</i></p> <ol style="list-style-type: none"> <i>1. The project consists of a series of General Binding Rules that are applicable to SMEs and micro-enterprises.</i> <i>2. The system is partially implemented, in that various sectors are already being regulated by Regulations, and have been put into practice. The GBRs on other sectors are still in various stages of public consultation.</i> <i>3. The 'common' element is the effective integration of implementation of different obligations in a single registration type permit.</i> <i>4. Legislation already exists applying the General Binding Rules Concept (LN106/07); however, additional legislation is being drafted to implement the additional GBRs which are not clearly regulated via sectoral oriented legislation (as opposed to general thematic based legislation. The GBRs have been drafted prior to the legislation to ensure that the latter is optimised to suit the contents of the GBRs, and to optimise the consultation process, allowing for a more participative approach.</i>

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What do you think the costs ⁴ and benefits ⁵ of the common regulatory framework will be?
<i>Answer: This system is intended to clarify legal uncertainties and lack of awareness, improve compliance with environmental regulations, and reduce administrative burden for both the enterprise and the regulator.</i>
Are big investments needed to implement it and by whom?
<i>Answer: Investment is likely to be required by both the regulator and the individual enterprises.</i>
* Are there any potential barriers or hurdles to implementation?
<i>Answer: Costs that may be incurred for individual sectors</i>
* Could changes at a European level help implementation? If so what and by whom?
<i>Answer: The issue of subsidiarity needs consideration during the drafting of EU legislation, to ensure that this does not hamper implementation of such systems at the national level.</i>
* Are there any other lessons that can be learned so far?
<i>Answer: There is a demand for legal certainty from industry that facilitates the introduction of such measures. Consultation is a critical part in this process as regards whether such measures are supported or opposed by operators and their trade representatives.</i>

Malta
* What is the name of the common regulatory framework?
<i>Answer: Environmental Permitting</i>
* Who is the main contact for this?
<i>Answer: Michael J. Sant, Unit Manager – Environmental Permitting & Industry</i>
* When did (or will) it start and when is it planned to finish?
<i>Answer: 2007 – review and updating is envisaged as a constant process</i>
If available, please provide a link to relevant information or documents.
<i>Answer: http://www.mepa.org.mt/environmentalpermitting</i>
* Why is the common regulatory framework being put in place ¹ ?
<i>Answer: At the present moment, environmental obligations affecting various SMEs and large-enterprises are dispersed through various legal instruments, and are implemented through various measures. The intention is to provide a single</i>

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<p><i>point of reference to such enterprises through a permit system, by which the operations of enterprises are evaluated in a holistic manner, and provided with binding site-specific sets of environmental conditions.</i></p>
<p>* What European Directives does it cover?</p>
<p><i>Answer: The initiative is cross-cutting with numerous Directives, since the registration is intended as a single point of reference which is to be updated as new legislation comes into force. Consequently, the Directives involved are those concerning waste management (except for specific directives such as those concerning packaging and WEEE), air quality, water quality and the proper use of chemicals. Measures in the various directives are those which are applicable to individual enterprises, and not those referring to national targets (unless these are applied through the formulation of national strategies which may apply to the sectors).</i></p>
<p>* What national/regional legislation/regulation does it cover?</p>
<p><i>Answer: The initiative is cross-cutting with various national legal instruments, since the permit is intended as a single point of reference which is to be updated as new legislation comes into force. Consequently, the legislation involved are those concerning waste management (except for specific directives such as those concerning packaging and WEEE), air quality, water quality and the proper use of chemicals. Measures in the various legal instruments are those which are applicable to individual enterprises, and not those referring to national targets (unless these are applied through the formulation of national strategies which may apply to the sectors).</i></p>
<p>Does it involve any joint working between Member States? If so which countries and why?</p>
<p><i>Answer: This project was facilitated through a Twinning Project carried out with the Umweltbundesamt GmbH (Austrian Federal Environment Agency): 2005/017-511.05.01 Further development of the environmental permitting system and capacity building for its practical implementation in Malta</i></p>
<p>Which stakeholders/organisations are involved in its implementation?</p>
<p><i>Answer: This project involves substantial stakeholder consultation with other regulatory agencies and trade representatives.</i></p>
<p>* What are its objectives²?</p>
<p><i>Answer: The intention is to provide a single point of reference to such enterprises through a permit system, by which the operations of enterprises are evaluated in a holistic manner, and provided with binding site-specific sets of environmental conditions.</i></p>
<p>Please describe the common regulatory framework including:</p> <ul style="list-style-type: none"> * 1. An overview 2. A brief description of any stages in its implementation * 3. A brief description of the <i>common</i> element³ 4. A brief description of whether existing legislation is or has been amended or

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replaced and how is or was this done (e.g. part of pre-planned legislative change or as a free standing action/activity)?
<ol style="list-style-type: none"> 1. <i>The project consists of the design and implementation of a permit system for selected enterprises that are of significant environmental risk, involving an integrated evaluation of the environmental impacts and performance of the individual enterprises.</i> 2. <i>The system is partially implemented, in that various sectors are already being regulated by legal notices, and have been put into practice. The full system will shortly be the subject of a public consultation exercise.</i> 3. <i>The ‘common’ element is the effective integration of implementation of different obligations in a single permit.</i> 4. <i>Legislation already defines certain environmental obligations; however, a legal notice providing a legal framework for the system is required.</i>
What do you think the costs ⁴ and benefits ⁵ of the common regulatory framework will be?
<i>Answer: This system is intended to clarify legal uncertainties and lack of awareness, improve compliance with environmental regulations, and reduce administrative burden for both the enterprise and the regulator.</i>
Are big investments needed to implement it and by whom?
<i>Answer: Investment is likely to be required by both the regulator and the individual enterprises.</i>
* Are there any potential barriers or hurdles to implementation?
<i>Answer: Costs that may be incurred for individual enterprises.</i>
* Could changes at a European level help implementation? If so what and by whom?
<i>Answer: The issue of subsidiarity needs consideration during the drafting of EU legislation, to ensure that this does not hamper implementation of such systems at the national level.</i>
* Are there any other lessons that can be learned so far?
<i>Answer: There is a demand for legal certainty from industry that facilitates the introduction of such measures. Consultation is a critical part in this process as regards whether such measures are supported or opposed by operators and their trade representatives.</i>

Netherlands
* What is the name of the common regulatory framework?
<i>Answer: Activities Decree</i>

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* Who is the main contact for this?
<i>Answer:</i>
* When did (or will) it start and when is it planned to finish?
<i>Answer: in progress</i>
If available, please provide a link to relevant information or documents.
<i>Answer: www.vrom.nl/pagina.html?id=2706&sp=2&dn=8049</i>
* Why is the common regulatory framework being put in place?
<i>Answer: policy pressure</i>
* What European Directives does it cover?
<i>Answer: same as incorporated in the Environmental Management Act</i>
* What national/regional legislation/regulation does it cover?
<i>Answer: It is the permission part of the Environmental Management Act</i>
Does it involve any joint working between Member States? If so which countries and why?
<i>Answer: no</i>
Which stakeholders/organisations are involved in its implementation?
<i>Answer: Government, (Association of) provinces, (Association of) municipalities</i>
* What are its objectives
<i>Answer:</i> The main purpose of Activities decree is to streamline the general rules for companies. Companies don't, need permits any more. All demands are describes in a general way.
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 <i>common</i> element.
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)?
<p>1) Companies have to apply with environmental regulation. These are based on the environmental Management Act and are outlined in such general environmental regulation as the general rules in the Activities Decree. Statutory rules apply to, for instance: noise and vibrations, energy, wate materials, odour, air emissions, discharching liquids, transport management, soil protection, hazardous substances.</p> <p>2) -Before the start of the Activities decree, companies needed to apply for separate permits as demand out of several Acts/decrees. In this decree branches are described an general rule are described for the branch were to comply with.</p>

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3) The common element is setting general rules instead of permitting per company..
What do you think the costs and benefits of the common regulatory framework will be?
<i>Answer: It will reduce administrative burden for companies.</i>
Are big investments needed to implement it and by whom?
<i>Answer:</i>
* Are there any potential barriers or hurdles to implementation?
<i>Answer:</i>
* Could changes at a European level help implementation? If so what and by whom?
<i>Answer:</i>
* Are there any other lessons that can be learned so far?
<i>Answer:</i>

Turkey
* What is the name of the common regulatory framework?
<i>Answer: Improving the environmental permitting and licensing mechanism by a new by-law</i>
* Who is the main contact for this?
<i>Answer: Ministry of Environment and Forestry</i>
* When did (or will) it start and when is it planned to finish?
<i>Answer: The project was started at 2008, will finish at 2011</i>
If available, please provide a link to relevant information or documents.
<i>Answer: Not available at the moment.</i>
* Why is the common regulatory framework being put in place ¹ ?
<i>Answer: By this initiative media based environmental permits and licences will be combined into one single permit. The application for the permit will be performed electronically. Hence, the environmental permitting procedure for the industry will be simplified (reduction of bureaucracy) and preparation step for IPPC implementation will be established.</i>
* What European Directives does it cover?

<i>Answer: There are not any EU directives that it covers.</i>
* What national/regional legislation/regulation does it cover?
<i>Answer: National Environmental Law and By-Law on Environmental Permitting.</i>
Does it involve any joint working between Member States? If so which countries and why?
<i>Answer: This project does not involve any joint working. It is a part of a national project named “Information Society Strategy Action Plan” by the Secretary of State Planning Organization.</i>
Which stakeholders/organisations are involved in its implementation?
<i>Answer: Ministry of Environment and Forestry and its 81 Provincial Directorates.</i>
* What are its objectives ² ?
<i>Answer: To combine separate media based permits under one permit, simplify the environmental permitting procedure for the industry (reduction of bureaucracy), establish a preparation step for IPPC implementation, decrease the amount of time and budget spent during permitting.</i>
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 <i>common</i> 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)?
<i>Answer:</i> In TURKEY, existing environmental permitting system is media based (air, water, waste etc.), which is quite complicated at the moment for Industry. By-Law on “combined environmental permitting” is prepared and come into force by April of 2010. It aims to combine separate media based permits under one permit, and permitting system is going to be online. This actually simplify the environmental permitting procedure for the industry (reduction of bureaucracy).
What do you think the costs ⁴ and benefits ⁵ of the common regulatory framework will be?
<i>Answer: cost → investment and resources for implementation (high, in terms of development of technical equipments), impacts of change, perception of a reduction in environmental protection (industry respond positively)</i> <i>benefit → improved environmental protection, monetary savings, reduced administrative burdens, improved compliance, ease of compliance, more effective</i>

<i>and targeted use of resources.</i>
Are big investments needed to implement it and by whom?
<i>Answer: It is needed especially to develop its IT base both at the Provincial Directorates and the Ministry (with contributions by the Prime Ministry).</i>
* Are there any potential barriers or hurdles to implementation?
<i>Answer: Not actually. Developing such a system (both legislative and IT) will take time.</i>
* Could changes at a European level help implementation? If so what and by whom?
<i>Answer: Not really.</i>
* Are there any other lessons that can be learned so far?
<i>Answer: Not really.</i>

Section C

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

Cyprus
* Please describe any examples of regulatory systems in your country that you would like to integrate/combine in the future?
<i>Answer:</i> Permitting for waste management and IPPC
* Who is the main contact for these ideas?
<i>Answer:</i> The Department of the Environment.
* What national legislation/regulation would be incorporated into the action/activity?
<i>Answer:</i> Law on Waste Management and Law on Pollution Control
* Why do you want to integrate/combine these regulatory systems ¹ ?
<i>Answer:</i> It is seen that there is an overlap in the permitting process IPPC organisations and large waste management companies
What would be the overall benefits of doing this ⁵ ?
<i>Answer:</i> a) More effective application process-less time and effort for the applicant if he/she could apply through one process for a single license incorporating

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<p>needs for permitting for both laws.</p> <p>b) Less administrative burden for both permitting and inspections.</p> <p>c) More effective enforcement concerning control and monitoring of organisations.</p>
<p>* Are there particular reasons (barriers/obstacles) why these actions/activities have not yet been put in place?</p>
<p><i>Answer:</i> No there are not any significant obstacles. There is a need for further communication between the various sectors of the department.</p>
<p>What ideas do you have for overcoming barriers/obstacles?</p>
<p><i>Answer:</i> Enhance communication between sectors through regular meetings to exchange experience.</p>
<p>* Could anything be done at a European level to help overcome barriers/obstacles?</p>
<p><i>Answer:</i> The issue at this time could be solved locally.</p>

England and Wales
<p>* Please describe any examples of regulatory systems in your country that you would like to integrate/combine in the future?</p>
<p><i>Answer:</i> Combine water abstraction, impoundment, flood defence and fish pass approval into single hydropower permission. Possibly linked to land use planning permission.</p>
<p>* Who is the main contact for these ideas?</p>
<p><i>Answer:</i> as above</p>
<p>* What national legislation/regulation would be incorporated into the action/activity?</p>
<p><i>Answer:</i> WAI as an environmental permit would be the core/basis. Then add in flood and fish protections. Principally concerns Water Framework and Habitats Directives, Environment Act 1995, Water Resources Act 1991, Salmon and Freshwater Fisheries Act 1975, Eel (England and Wales) Regulations 2009</p>
<p>* Why do you want to integrate/combine these regulatory systems¹?</p>
<p><i>Answer:</i> Reduce barriers to hydropower</p>
<p>What would be the overall benefits of doing this⁵?</p>
<p><i>Answer:</i> Quicker implementation of climate change mitigation and meet domestic renewable targets..</p>

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* Are there particular reasons (barriers/obstacles) why these actions/activities have not yet been put in place?
<i>Answer:</i> Wide range of EU and domestic legislation involved.
What ideas do you have for overcoming barriers/obstacles?
<i>Answer:</i>
* Could anything be done at a European level to help overcome barriers/obstacles?
<i>Answer:</i>

Greece
<p>In relation to the IMPEL Common Regulatory Framework Comparison Project Questionnaire and especially as regards environmental permitting in Greece, we intend to establish a new regime for the environmental impact assessment, taking under consideration all of the important recent developments in the field and incorporating all aspects of environmental permitting.</p> <p>Considering the Framework Waste Directive 2008/98/EC, there has been a proposal to repeal the existing procedure of granting industrial installations and other infrastructure a special permit for managing waste. The main idea under consideration is to replace this special permit by an analytical description of terms and conditions for managing waste integrated in the Decision for Approval of Environmental Terms.</p>

Malta
* Please describe any examples of regulatory systems in your country that you would like to integrate/combine in the future?
<p><i>Answer:</i> MEPA is in the process of developing a project proposal for funding under the Environmental Governance strand of EU's LIFE+ programme, aiming to improve a range of regulatory processes in the environmental field.</p> <p><i>The overall objective is to improve the regulatory and environmental governance system in its various aspects. In reaching this aim, the project will result in the development and transfer of European good practice in the area of better regulation, and in establishing, pilot-testing and demonstrating a blueprint for improving environmental regulation and governance in the environmental field that may be replicated in other European countries and regions. The project aims to deliver the following:</i></p> <ol style="list-style-type: none"> <i>1. An assessment, carried out in collaboration with stakeholders, completed by Month 5 of the project. The assessment will consist of (a) an analysis of European best practices in environmental regulation & recommendations for Malta; and (b) an assessment of the current and projected environmental regulatory burdens & benefits of environmental</i>

<p><i>regulation, carried out from the standpoint of the main regulator (MEPA), and of the subjects of regulation.</i></p> <p>2. Strategic options and targets for the reduction of regulatory burdens, and the associated implementation strategy drawn up by the end of Month 8 of the project, in collaboration with stakeholders. <i>The strategy may take the form of a “Consensus Pact” concluded between the regulator (MEPA), and stakeholders in the regulatory process (industry, govt. entities, public, etc)</i></p> <p>3. A pilot project <i>is implemented in collaboration with local stakeholders, and in partnership with the Environment Agency for England & Wales. A law firm may be contracted to deliver the legal review. The project focuses on priority areas of environmental regulation (as identified in the strategy) and delivers:</i></p> <p style="padding-left: 20px;">a) <i>Key areas of legislation identified in the strategy are subjected to screening using IMPEL - NEPA P&E checklist or similar tools. Proposals for codification and simplification (concrete amendments to text) are presented to the Government by the end of Month 12 of the project</i></p> <p style="padding-left: 20px;">b) <i>An integrated regulatory resource is developed by the end of Month 14 of the project – based on “Consensus Pact” between regulators & stakeholders in the regulatory process (see result 2)</i></p> <p style="padding-left: 20px;">c) <i>Stakeholders are trained in the operation of the system by the end of Month 18 of the project</i></p> <p style="padding-left: 20px;">d) <i>A marketing campaign is implemented to promote the new resource by the end of Month 22 of the project</i></p> <p>4. The results of the project are disseminated through IMPEL and other networks</p>
<ul style="list-style-type: none"> • Who is the main contact for these ideas?
<p><i>Answer: Suzanne Gauci, EU Affairs Manager (Suzanne.gauci@mepa.org.mt) and Sergei Golovkin, Manager of International Projects Team (sergei.golovkin@mepa.org.mt)</i></p>
<p>* What national legislation/regulation would be incorporated into the action/activity?</p>
<p><i>Answer: All national legislation concerning the environment will be considered as part of this project at the assessment stage. However a pilot action which will implement a series of regulatory improvement measures would focus only on priority areas of legislation, which will be identified at the assessment stage (see further description below).</i></p>
<p>* Why do you want to integrate/combine these regulatory systems¹?</p>
<p><i>Answer: Primarily to improve the effectiveness of regulation, while reducing unnecessary administrative and associated costs both for the regulator, and for the subjects of regulation.</i></p>
<p>What would be the overall benefits of doing this⁵?</p>
<p><i>Answer: Locally, the benefits will include a measurable reduction of the costs of regulation, both for the regulator, and for the regulated sectors of the economy. At</i></p>

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the same time, the project is expected to improve overall compliance with environmental regulation, and increase awareness of the regulatory benefits for the economy and society. Finally, the project will translate the national strategy and action plan for better regulation and the associated targets into practical measures specifically tailored for the environmental sector.

On a European scale, Malta, being the smallest EU Member state in terms of the relative size of the regulated sectors, as well as due to its particular regulatory set-up which combines the functions of a land use planning authority with those of an environmental agency in a single institution (MEPA), is well placed to serve as a potentially useful case study for the improvement of environmental regulation, the process and outcomes of which may subsequently be applied elsewhere, possibly on a larger scale.

* Are there particular reasons (barriers/obstacles) why these actions/activities have not yet been put in place?

Answer: Lack of funding to tackle the proposed measures through a single consolidated project.

What ideas do you have for overcoming barriers/obstacles?

Answer: MEPA is applying for LIFE+ funding to facilitate the process. Bi-lateral collaboration with other environmental agencies is also very important.

* Could anything be done at a European level to help overcome barriers/obstacles?

Answer: Yes. Better regulation agenda should be better mainstreamed within the framework of diverse funding instruments, including Structural Funds, FP7, LLP, Interreg, LIFE+ and other programmes. Although the so-called BR Agenda has long been part of European policy discourse, it has not quite filtered down to the level of concrete mechanisms (such as funding programmes) that have the potential to stimulate development of BR initiatives on the ground. This issue is particularly acute within the context of the current economic slowdown, where cash strapped public administrations often straggle to secure the minimum upfront investment that may be necessary to streamline a variety of regulatory processes; but as a result of underfunding, other priorities often take precedence, which quite often, and rather ironically result in high cost and inefficient regulatory procedures and poor compliance. Better regulation and the development of common regulatory frameworks is clearly an area where some upfront strategic planning effort can go a long way to save considerable costs to the economy in the long run.

Scotland

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

Answer:

[SEPA is working with the Scottish Government to consider how best to align administrative arrangements across environmental regimes and to explore an integrated environmental permitting system which would operate across regimes. This work is being progressed as part of SEPA's Better Regulation change](#)

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programme.
* Who is the main contact for these ideas?
<p><i>Answer:</i></p> <p>Jo Green, Business Support Manager, SEPA</p>
* What national legislation/regulation would be incorporated into the action/activity?
<p><i>Answer:</i></p> <p>Alignment would be sought across Scottish environmental legislation relevant to water, air, waste and radioactive substances.</p>
* Why do you want to integrate/combine these regulatory systems ¹ ?
<p><i>Answer:</i></p> <p>We wish to improve the services we provide and in doing so deliver efficiencies and cost savings given the current economic climate.</p> <p>As the regulatory regimes have been developed at different times and in different ways environmental legislation in Scotland is more complex and burdensome than it otherwise could be both for SEPA and those it regulates. Permitting levels, administrative processes, guidance, definitions and language vary considerably between regimes.</p>
What would be the overall benefits of doing this ⁵ ?
<p><i>Answer:</i></p> <p>Aligning legislation would reduce complexity and burdens; make the environmental regulatory process more streamlined, easier and quicker to use and allow future consideration of the potential for single permitting.</p>
* Are there particular reasons (barriers/obstacles) why these actions/activities have not yet been put in place?
<p><i>Answer:</i></p> <p>The main barrier has been identifying legislative means to make these changes.</p> <p>There are also cultural barriers across individual policy areas that have maintained an individual regime focus as opposed to integrated forward delivery.</p> <p>A potential hurdle in developing an integrated environmental permitting system is ensuring line of sight to demonstrate delivery of individual European Directive requirements.</p>
What ideas do you have for overcoming barriers/obstacles?
<p><i>Answer:</i></p> <p>Opportunities have and are being sought and taken to update existing legislation when it goes through review. For example a consultation is currently active in Scotland on the consolidation of Waste Management Licensing and could be considered the first step along the way towards regulatory alignment.</p>

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The Public Services Reform (Scotland) Act 2010 may also provide an opportunity to simplify and streamline regulatory requirements. Realising the full potential for integration may require further primary legislation requiring both Government and external stakeholder support.

* Could anything be done at a European level to help overcome barriers/obstacles?

Answer:

This change aligns with thoughts shared with the European Commission on the contribution of good environmental regulation to the economy but also the future direction envisaged within the “Improving the Effectiveness of EU Environmental Regulation – A Future Vision” published in April 2008 by the Network of Heads of European Environment Protection Agencies (NEPA).

The changes that will come about from the progressing of a SMART regulation initiative across European Commission policy and legislative proposals will also help overcome challenges.

Section D
Examples of common regulatory frameworks that were considered but rejected

Cyprus
* Please describe any examples of common regulatory frameworks which your country considered but rejected.
<i>Answer:</i> Common framework for the Water Pollution Control Law (Department of the Environment) and the Law on Emissions from Industrial Units (Department of the Labour).
* Who is the main contact in your organisation for this?
<i>Answer:</i> Mr. C. Hadjipanayiotou.
* Why did you consider it ¹ ?
<i>Answer:</i> There are industries which fall under the provisions of both laws.
What would have been the overall benefits of doing this ⁵ ?
<i>Answer:</i> Decrease of time and procedures for the applicant. Less administrative burden for the department of Environment and Labour.
* Why did your country decide not to pursue it? What were the barriers or obstacles?
<i>Answer:</i> Lack of communication between departments.
* Could anything be done at a European level to help overcome these barriers/obstacles in the future?
<i>Answer:</i> The problem could be solved at national level. It is directly connected to the fact that the responsibilities for environmental issues are delegated to several departments.

Germany
* Please describe any examples of common regulatory frameworks which your country considered but rejected.
<i>Answer:</i> Creation of a German Environmental Code, in which important specific (sectoral) environmental regulations would have been integrated into a code; the „heart“ of which would have been an integrated permit (“integrierte Vorhabengenehmigung >iVG) in which permits which are issued separately up to now would have been brought together
* Who is the main contact in your organisation for this?

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<p><i>Answer:</i> Responsibility lies within the Federal Ministry for Environment, Nature Conservation and Nuclear Safety in Unit ZG III 4; head of this unit is Dr. Christof Sangerstedt</p>
<p>* Why did you consider it¹?</p>
<p><i>Answer:</i> The aim of the Environmental Code was to simplify the German environmental law and especially the different sectoral permit procedures in which differences are more historically motivated than by practical reasons.</p>
<p>What would have been the overall benefits of doing this⁵?</p>
<p><i>Answer:</i> Environmental law in Germany would have been more transparent and consistent; an integrated permit would have simplified permit procedures further both for applicants and for the administration, as projects in principle would have only need for one permit</p>
<p>* Why did your country decide not to pursue it? What were the barriers or obstacles?</p>
<p><i>Answer:</i> The proposal met with serious resistance from parts of industry and agriculture, the integrated permit was rejected as an unknown new instrument which would possibly engender legal uncertainty, the intended standardisation met with intense resistance from some lobby groups which feared losing their specific regulative privileges (especially in agricultural matters)</p>
<p>* Could anything be done at a European level to help overcome these barriers/obstacles in the future?</p>
<p><i>Answer:</i> promotion of the concept of single permitting</p>