



European Union Network for the Implementation
and Enforcement of Environmental Law

IMPEL REVIEW INITIATIVE (IRI)

“A voluntary scheme for reporting and
offering advice
to environmental authorities”

IRI Report that took place in Tallinn, Estonia
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Rapporteur: Mark Wells (UK)	Number of pages: 29
Project team: Simon Bingham (UK, Expert Team Leader), Mark Wells (UK, Rapporteur), Elisabete Dias Ramos (Portugal), Sam Curran (UK), Kari Pirkanniemi (Finland), Agnar Bragi Bragason (Iceland).	
Executive summary: The Director of the Inspectorate (Olav Avarsalu) stated in the pre-meet that “I don’t want you to just tell us where we are good, I want you to tell us where we can get better”. That attitude was identified throughout the review with very competent organisations with extremely professional staff trying to become even better. There are numerous examples in this report where the Estonian authorities are leading the way in Europe. This forms a very good basis to tackle the complicated challenges that lie ahead including climate change and embedding a circular economy within Estonia. There are always opportunities where one can strive to do more, be better and the Estonian environmental authorities have demonstrated that they are up for the challenge.	
Disclaimer: This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.	

Introduction to IMPEL

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

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

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

1. Introduction

1.1 The IRI Scheme

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

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

1.2 Purpose of the IRI

The aims of the IRI are to:

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

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

1.3 Scope of the IRI in Estonia

The IRI focused on environmental permitting and inspections (Industrial Emissions Directive, waste and water) in Estonia in the context of the roles of the Environmental Inspectorate and Environmental Board and to a lesser extent interactions with the Ministry of the Environment.

1.4 Structure

The review itself took place in Tallinn at the Estonian Inspectorate with members of the Environmental Board and Ministry of the Environment also attending. The review took the form of structured presentations from members of the authorities mentioned above, followed by open question and answer sessions with the review team. The IRI Review team consisted of representatives from the following IMPEL member countries:

Team Leader:

- Simon Bingham (UK, Scotland, The Scottish Environment Protection Agency - SEPA)

Rapporteur:

- Mark Wells (UK, Scotland, SEPA)

Reviewers:

- Agnar Bragi Bragason (Iceland, The Environment Agency of Iceland)
- Sam Curran (UK, Scotland, SEPA)
- Elisabete Dias Ramos (Portugal, Portuguese Environment Agency)
- Kari Pirkanniemi (Finland, Regional state Administrative Agency for Southern Finland)

Hosts:

- Project leader: Himot Maran (Estonia, Estonian Environmental Inspectorate)

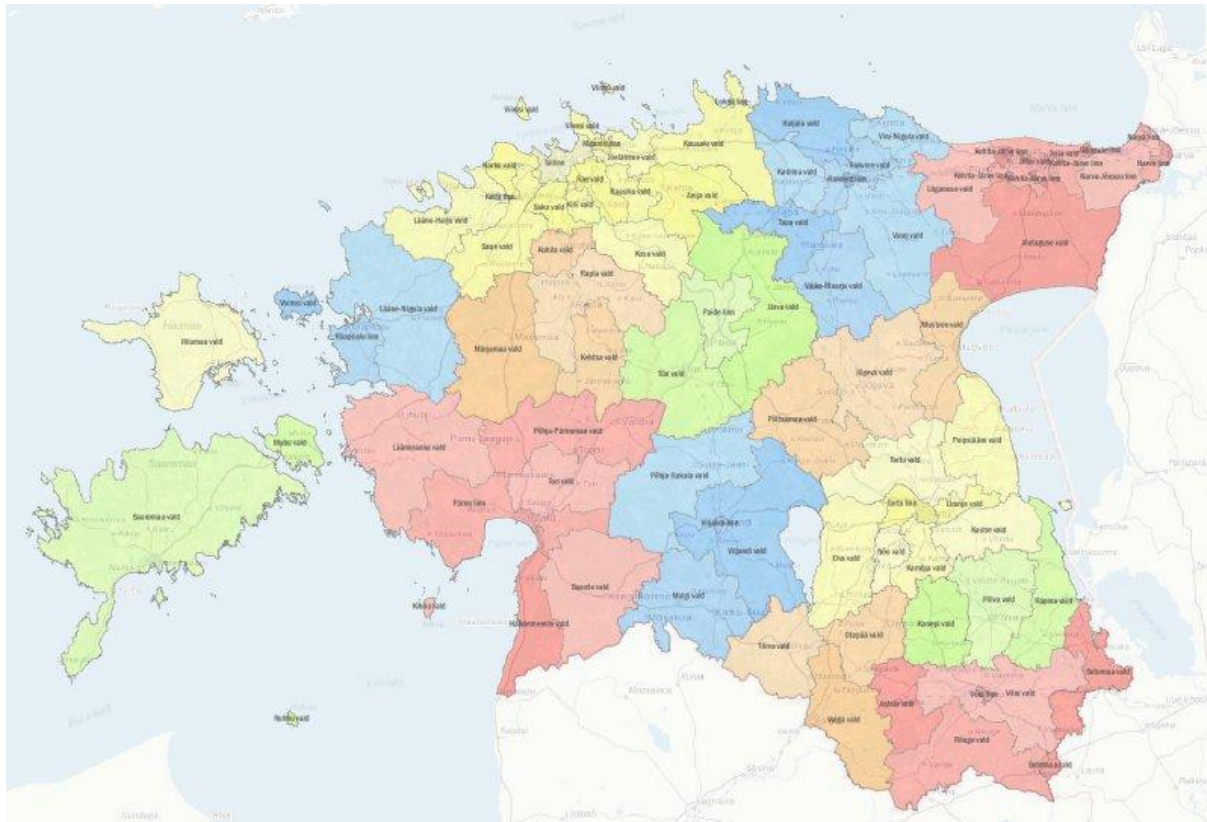
2. Background to the environmental regulation framework in Estonia

Estonia, officially the Republic of Estonia, is a country in Northern Europe. It shares a border to the east with Russia (338.6 km including Lake Peipus) and to the south by Latvia (343 km). To the north lies the Gulf of Finland with Finland on the northern side and to the west the Baltic Sea with Sweden, on the other side. The territory of Estonia consists of a mainland and 2,222 islands in the Baltic Sea covering a total area of 45,227 km² (17,462 sq mi), water 2,839 km² (1,096 sq mi), land area 42,388 km² (16,366 sq mi), and is influenced by a humid continental climate.

The official language of the country is Estonian, however, 30% of the population speak Russian as their first language. The population of Estonia is approximately 1,3 million.

Estonia is a parliamentary representative democratic republic in which the Prime Minister of Estonia is the head of government and which includes a multi-party system.

The Republic of Estonia is divided into 15 counties, 15 towns and 64 rural municipalities. Each municipality is a unit of self-government with its representative and executive bodies.

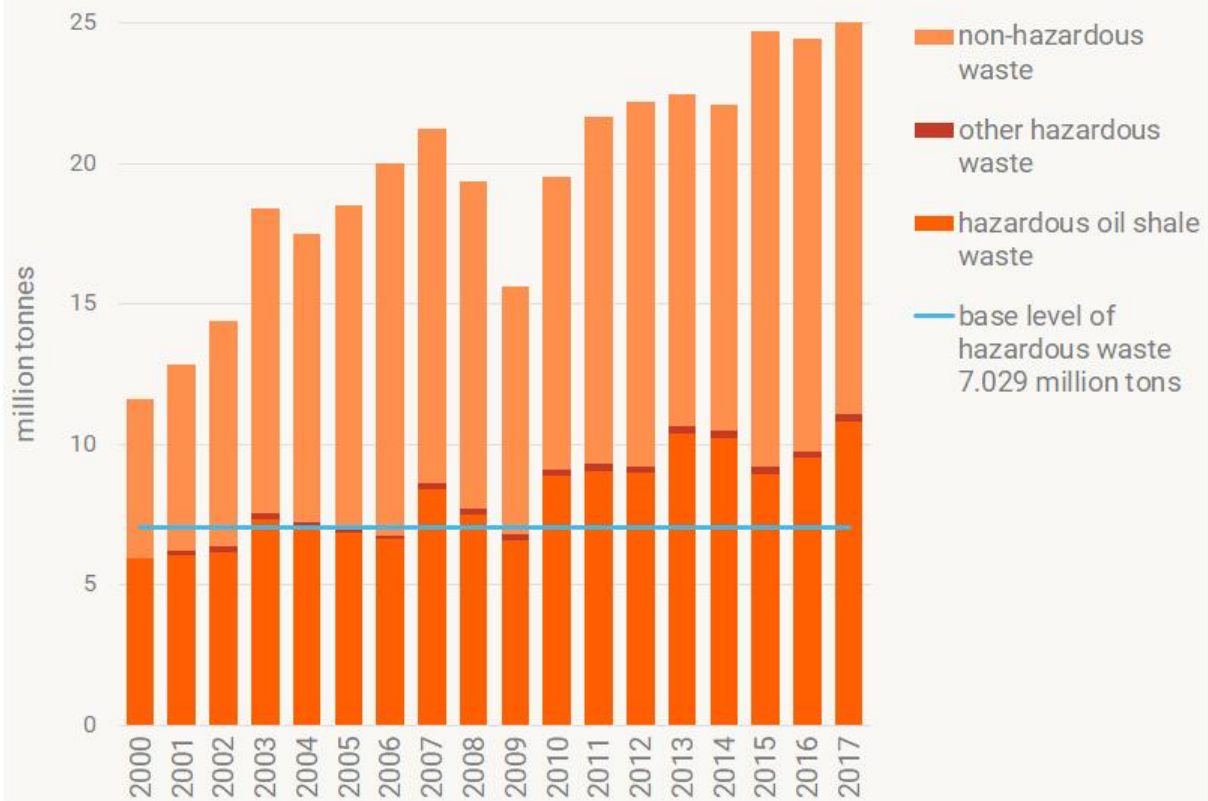


The main environmental fields of concern

Approximately 88% of all waste is generated by processing industries, energy companies and from the purification of wastewater. The majority of this waste is made up of waste related to the oil shale industry and energy. In the past five years, their proportion from the total generated waste has been 80%. A little over 8% of construction waste, 6% of timber industry waste (the majority of which is recycled), an average of 3% of municipal waste and less than 1% of agricultural and food industry waste is generated per year. The proportion of hazardous waste from the total generated waste is large – an average of 8 million tons per year, amounting to 42% of the total generated waste.

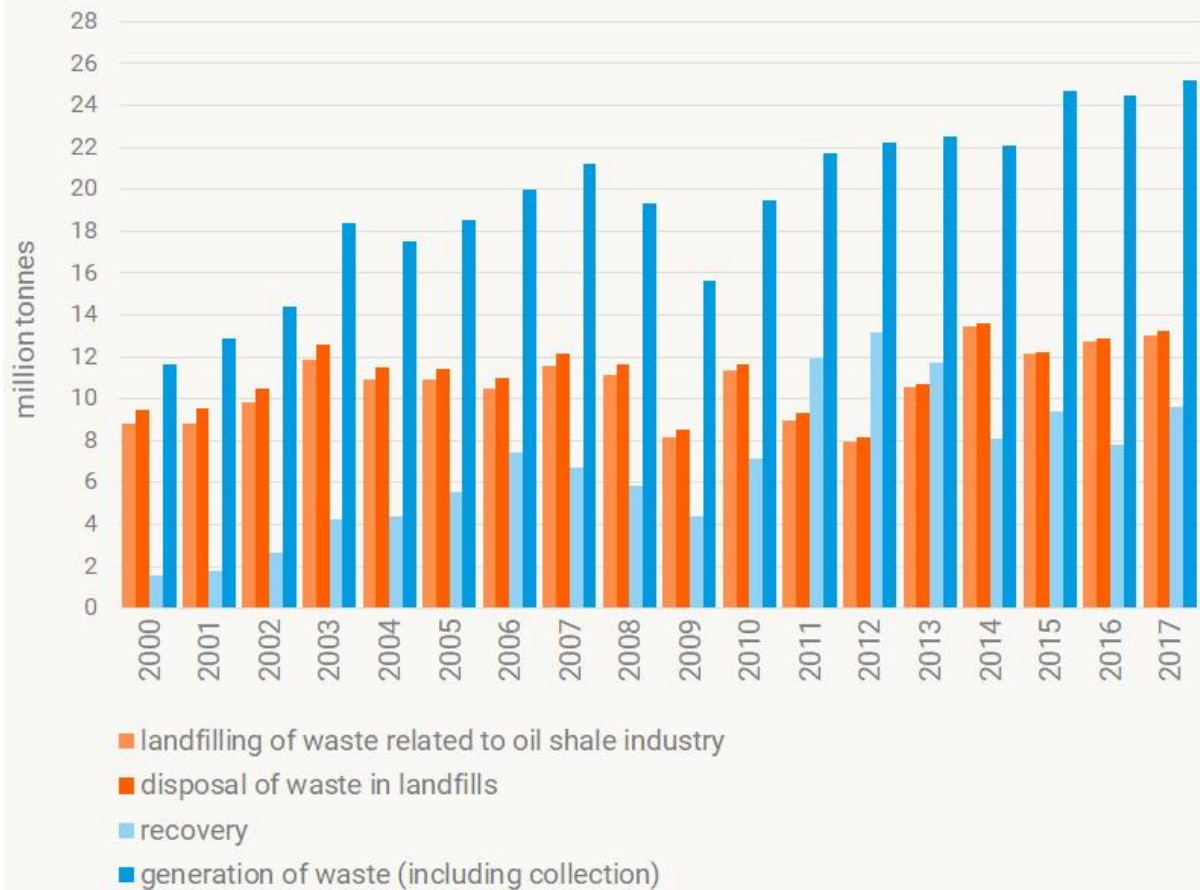
It should be noted that the goal of the Estonian Environmental Strategy is that the generation of waste shall be avoided, and quantities and hazardous nature of waste shall be reduced.

Generation of waste: non-hazardous and hazardous waste (including hazardous oil shale waste)



Recovering waste as much as possible is one of the first priorities of waste handling in Estonia. Pursuant to the goal of the Estonian Environmental Strategy, landfilling of waste generated in 2030 will have been reduced by 30% and recycling substantially increased.

Disposal of waste in landfills and recovery of waste

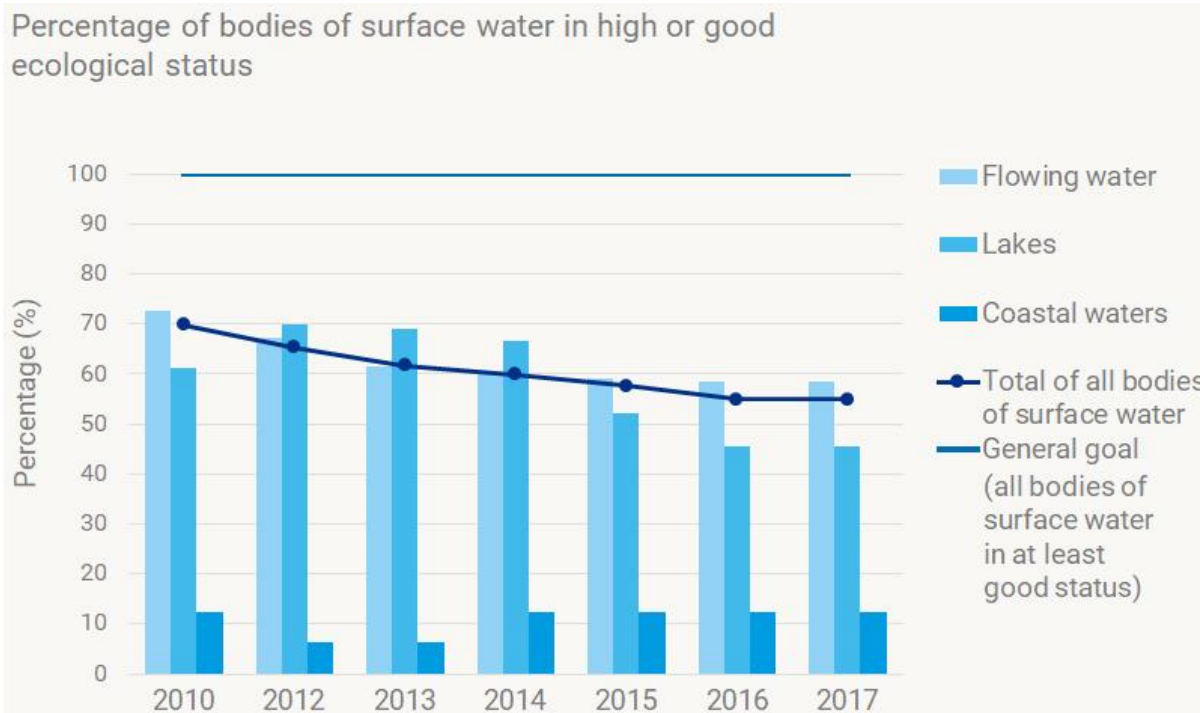


The ecological status of water bodies has been assessed since 2010. Water classification is based on monitoring data, unfortunately there was insufficient data for the first assessment period, due to which the status assessments were largely based on expert opinions. Later, when the monitoring activities expanded and the amount of data increased, it appeared that the expert opinions may have been overly optimistic and actual measurements did not confirm the initial expert assessments of the status of water bodies. Therefore, the trendline depicting changes in statuses is also in decline on the graphs. The second reason is changes in assessment scales. For example, the comparative tests of status assessments carried out on the European scale revealed that the local assessment system of coastal waters needed to be made stricter.

The status of water bodies is assessed based on monitoring data which is usually carried out with a six-year rotation cycle. This means that most of the bodies of water are sampled every six years. Only a small proportion of the bodies of water (reference water bodies) are observed every year or with a three-year rotation cycle. Outcomes of the previous observation year are used in calculating the indicator. This means that if a body of water was previously sampled, for example, in 2013 and a status assessment was given based on these data, then the 2017 consolidated assessment of water bodies includes the 2013 status assessment for that body of water. Approximately 60 water courses, 30 lakes and six coastal bodies of

water are observed annually. Observation and assessment outcomes of the previous years are used for all other bodies of water.

Mainly due to the aforementioned reasons (new monitoring outcomes do not confirm the earlier expert assessments of the status, the assessment system and environmental norms have changed), the status assessments of bodies of surface water have become more negative. Water courses are the only bodies of water where the goal has been achieved for 58%. Pursuant to the 2017 data, only 46% of lakes are in very good or good status.



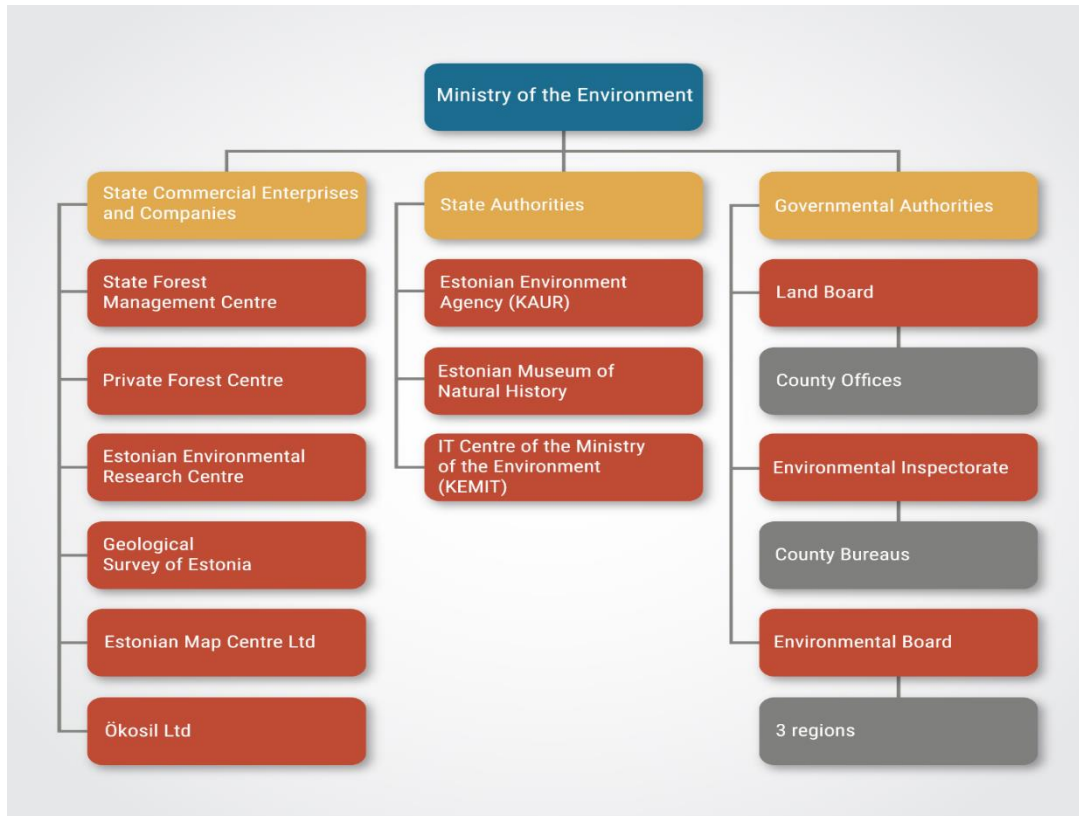
1. ORGANIZATION

1.1. Ministry of the Environment

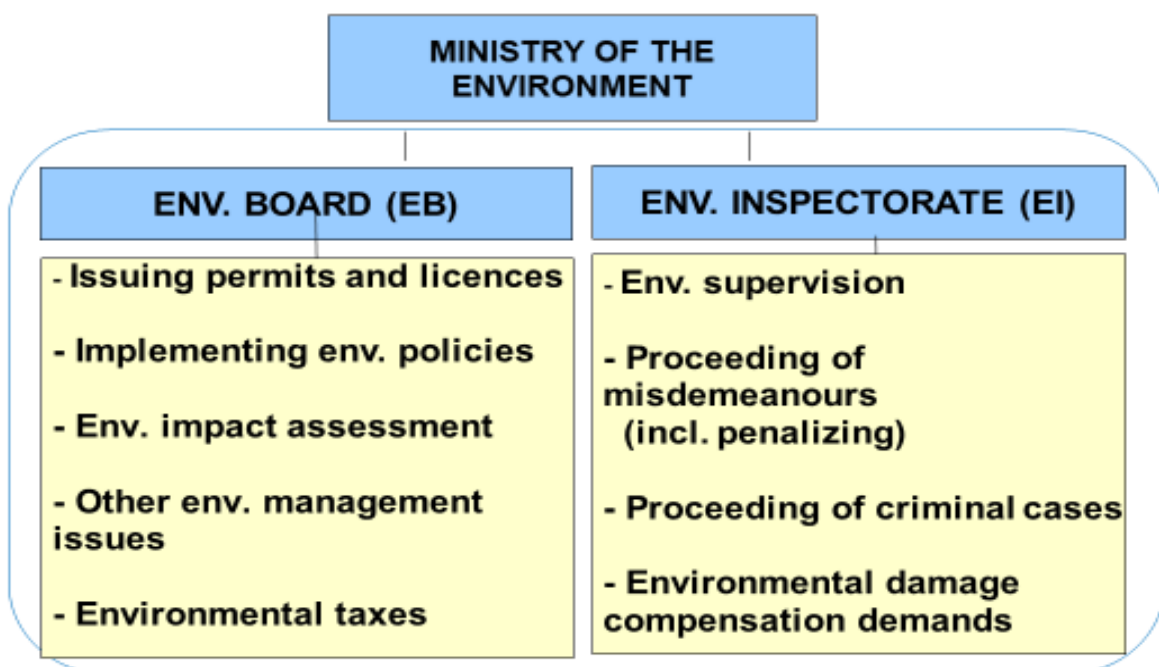
The Ministry of the Environment (MoE) is the central state administrative authority in the following fields:

- Climate.
- Mineral Resources.
- Environmental monitoring.
- Fisheries.
- Forestry.
- Hunting in Estonia.
- Management of the environment.
- Nature conservation.
- Protection of ambient air.
- Protection of marine environment.
- Radiation.
- Waste.
- Water.

The area of government of the Ministry includes The Environmental Board, The Environmental Inspectorate, Estonian Land Board, State Forest Management Centre, the Foundation Private Forest Centre, Estonian Environmental Research Centre, Geological Survey of Estonia, Estonian Map Centre, etc.



Main tasks of the Environmental Board and the Environmental Inspectorate:



Environmental supervision in Estonia is separated from environmental protection management. The organisational side is dealt with by the Ministry of the Environment and the Environmental Board (e.g. through environmental permits).

1.2. Environmental Inspectorate

The Environmental Inspectorate is an administrative unit under the Ministry of Environment which exercises supervision in all areas of environmental protection. It coordinates and executes supervision regarding the use of natural resources and the protection of the environment by applying the state's coercive measures on the basis and to the extent specified by law.

The Environmental Inspectorate is an institution dealing with environmental violations and also carries out investigations in criminal cases. The Environmental Inspectorate consists of the central office and 15 county offices employing a total of 170 staff.

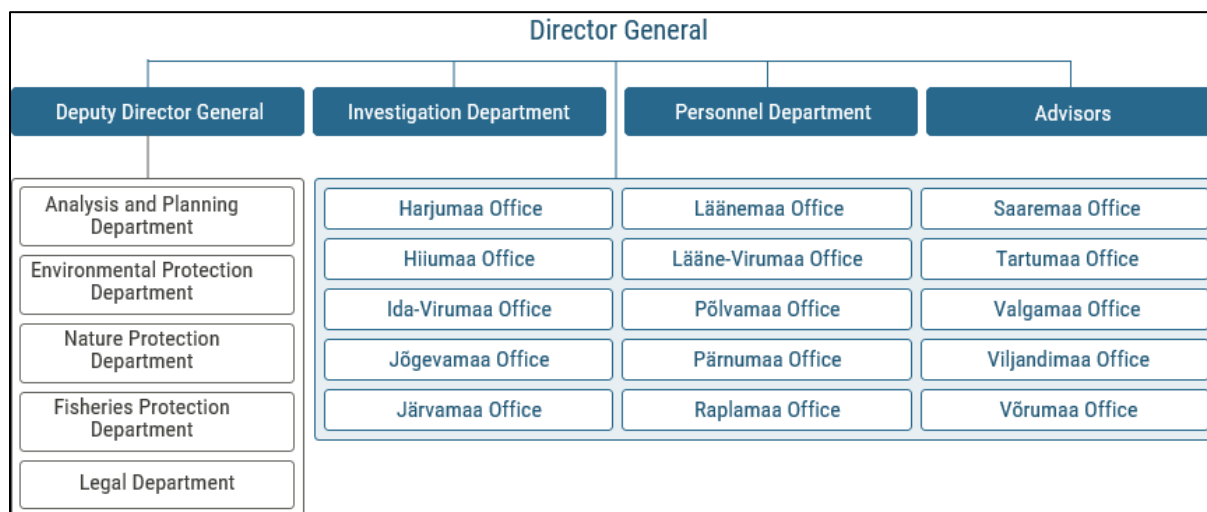
The Budget for the Environmental Inspectorate in 2018 was €6,357,837.01 including personnel costs of €4,681,456.86 & economic costs of €1,676,380.15

Day to day environmental supervision is carried out by the 15 county offices.

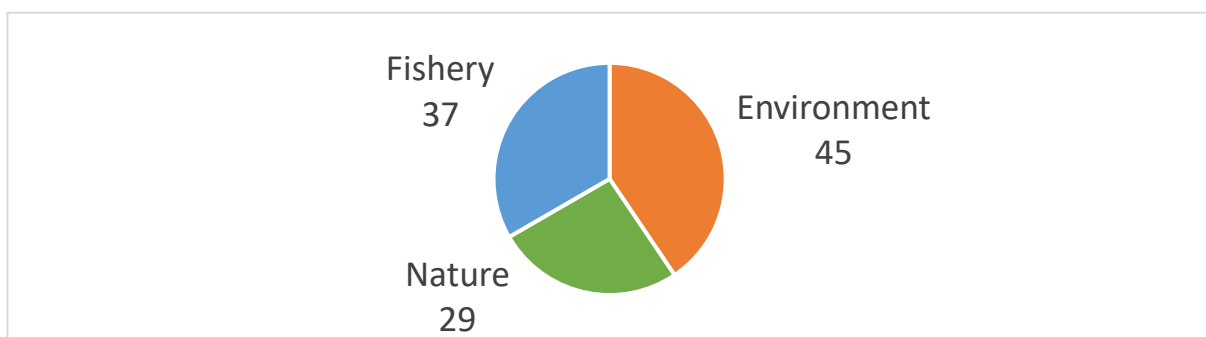
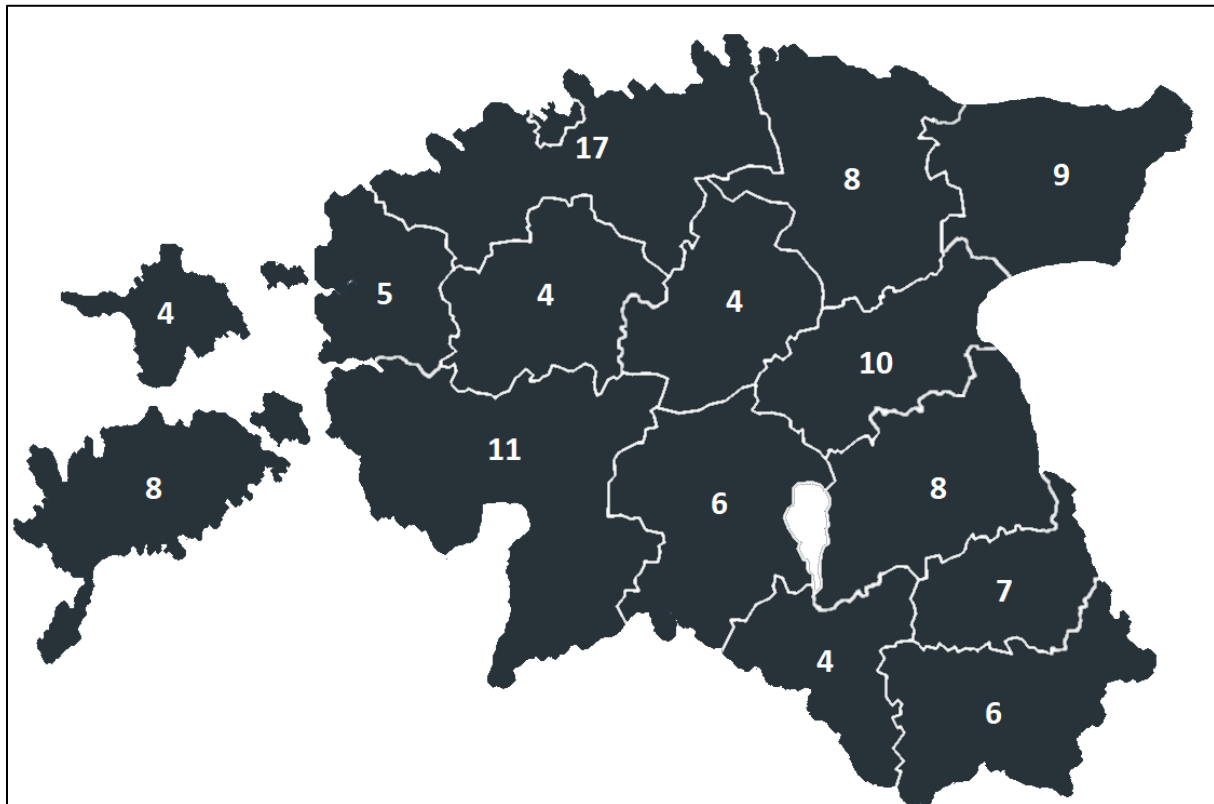
The Nature Conservation Department, the Environmental Protection Department and the Fisheries Protection Department coordinate the main activities of the Environmental Inspectorate. The Investigation Department conducts criminal procedures.

Support services are provided by legal, personnel, analysis and planning department in the centre. In addition to the Environmental Inspectorate, the Tax and Customs Board, the Consumer Protection Board and the Police and Border Guard Board have powers to investigate certain waste-related misdemeanours.

Structure of the Environmental Inspectorate:



Environmental Inspectorate's offices with number of inspectors regionally and by specialization:



1.3. Priorities for the Environmental Inspectorate 2018/2019

- Waste management.
- Producer's responsibility / products of concern.
- Hazardous waste.
- Agricultural pollution and water quality.
- Forestry.
- Professional fishing

The Environmental Inspectorate has direct close **cooperation** with the following authorities:

- Environmental Board (IPPC permitting and control).
- Police and Boarder Guard (environmental inspection in several fields).
- Tax and Customs Board (inspection mainly at the borders on case-by-case basis, as well as in Interpol operations).
- Rescue Board (environmental emergency combatting and recovery).
- Maritime administration (cases of sea pollution).

A cooperation agreement has been concluded and a separate cooperation plan is set up for each year with the Police and Boarder Guard.

3. Executive summary

The Director of the Inspectorate (Olav Avarsalu) stated in the pre-meet that "I don't want you to just tell us where we are good, I want you to tell us where we can get better". That attitude was identified throughout the review with very competent organisations with extremely professional staff trying to become even better. There are numerous examples in this report where the Estonian authorities are leading the way in Europe. This forms a very good basis to tackle the complicated challenges that lie ahead including climate change and embedding a circular economy within Estonia.

There are always opportunities where one can strive to do more, be better and the Estonian environmental authorities have demonstrated that they are up for the challenge.

4. Main Findings

4.1. Technology: eEstonia

Estonia is well known as an early adopter of new technology, and the environmental inspectorate is no exception. With a significant reduction in staffing over the past ten years, the inspectorate has increasingly looked to technology to help improve both efficiency and effectiveness. The IRI team recognised a considerable number of good practices, both in early adoption and routine use of technology, which help reduce the staff time required for routine activities, enabling them to focus on higher risk and more complex issues. Online permit applications, online data submission, digital permits, the use of GPS

tracking, and the routine use of body cameras were all good examples of effective use of technologies. The use of unmanned aerial vehicles (UAVs), however, was a particular area of good practice. The inspectorate has one UAV for every six inspectors and has made a conscious decision to purchase affordable UAVs in order to encourage their widespread and creative use. As a result, UAVs are used extensively to support inspections and gather evidence, and Estonia serves as an exemplar for other regulators exploring the potential of UAVs.

Although the use of technology is a particular strength in Estonia, the IRI team did identify three opportunities for development:

- Continue to develop, and deliver, an integrated regulatory management information system, making full use of GIS data.
- Work towards digital permit applications across all regulatory regimes.
- Develop in-house computer modelling capability, for example in the use of UAV evidence to calculate waste volumes.

4.2. Communication and access to information

The inspectorate is clearly committed to good communication and enabling effective access to information, both by operators and the public. This can be a challenging area in terms of meaningfully communicating technical information to the general public, and also when some local communities predominantly speak a different language, in this case Russian. The IRI team identified several opportunities for development which could further increase the effectiveness of the inspectorate's communication:

- Explore the potential to publish more information online, for example inspection reports and emissions data.
- Explore the potential to use technology to access industrial emissions data in real time, and for the inspectorate to publish such data online.
- Consider the potential for producing specific materials, information and permits in Russian. This will make the material more accessible to the Russian-speaking population and improve understanding and compliance by Russian-speaking operators.
- Develop permit content based expressly on the needs and abilities of the operator, rather than the needs of the regulator. This focus on the needs of customers will further improve operator understanding and ultimately lead to higher levels of compliance.

4.3. Planning and preparedness

The Estonian environmental inspectorate has a sophisticated and well-established approach both to proactive planning and to planned reactivity. Inspection, including pre-inspection activity, is well-planned in detail, and the planning documentation is readily accessible by officers. The permitting process has been comprehensively mapped, and a detailed flow chart is available to guide officers through the process. And the Inspectorate has a well-established 24/7/365, well resourced response capability. A 24-hour call centre service supports an out-of-hours on-call rota of officers able to respond to environmental incidents at any time. There are, however, two opportunities for further development:

- There are a number of permitting processes that have been mapped, and they represent a rather crowded landscape. There is potential to streamline the number of permitting processes to help make delivery simpler and more efficient.
- While the Inspectorate does operate an integrated risk assessment system, it does not include all regulated sites. Extending the scope of the risk assessment system to include all sites would further help to prioritize and optimise the deployment of resources.

4.4. Enforcement

The Inspectorate has an impressive focus on enforcement and demonstrates some very good practice in taking enforcement action against non-compliant operators.

- The enforcement toolbox available to the Inspectorate is limited. Expanding the toolbox enhances the range of options available and enables different tools to be employed for different circumstances to help ensure positive outcomes. There are some good examples available from other EU environmental regulators. These include the use of voluntary enforcement undertakings, whereby an operator undertakes to carry out positive environmental improvement works and provide compensatory measures to affected communities rather than be subjected to criminal prosecution. Such undertakings can be simpler and cheaper to impose, but can also involve a far greater financial commitment from the operator than the cost of the fine they have avoided. There is also a possibility to index link fine limits in legislation so they keep pace with inflation, and to impose additional penalties for late payment. IMPEL can provide information and examples on the wide range of enforcement tools available to environmental regulators.
- The Inspectorate already exhibits a sophisticated approach to the gathering of evidence to provide compliance assurance or identify non-compliance. However, in the context of more serious criminality, as is often the case in the waste management sector, broader and still more sophisticated intelligence and surveillance capability is required. This could involve further partnership working with the Police and other law enforcement bodies to share intelligence and approaches, and undertake joint and specialist training and joint operations. It could also involve covert surveillance and access to police databases. It does require enhanced levels of security and officer vetting. Information on successful approaches to enhanced evidence and intelligence gathering and its use is again available through IMPEL.
- Criminal cases submitted to the court judicial system often suffer from a lack of specialist knowledge and understanding on the part of prosecutors and judges. There is real benefit in working collaboratively with the criminal judicial system, particularly judges and prosecutors, to increase awareness and understanding of relevant officials through a programme of training on the impacts and implications of environmental criminality. Such an approach will enhance the capability and capacity of the judicial system to deal with environmental criminals, and should increase the likelihood of successful court outcomes.

4.5. People

The IRI team noted that the staff of the Estonian Inspectorate are clearly very dedicated, hard-working, and extremely professional. The education and qualification levels of officers is maintained by high requirements for entry into the service. There is also a very strong commitment to ongoing training and development, ensuring the maintenance of high levels of expertise. The IRI has identified two opportunities for development in this area.

- Develop a framework through which Inspectors can develop and maintain competency in more difficult and challenging technical areas such as the Industrial Emissions Directive (IED) and Best Available Techniques (BAT). These are often associated with the highest risk sites, so it is important the Inspectorate is able to demonstrate technical competency when inspecting these activities.
- Review salary structures across the regulatory chain and normalize salaries in relation to professional specialisms of permitting and inspection, which can demand very different skills, expertise and approaches. It is noted that there is currently a review as to whether the Board and Inspectorate should be merged. The outcome of this review may help in this area.

4.6. Focus on the Future

The 21st century presents environmental regulators with very particular challenges and opportunities. Ensuring operators achieve regulatory compliance is vital, but will not be sufficient to achieve the changes necessary to address our most pressing environmental issues. This will require operators to go beyond compliance to help deliver the environmental, economic and social benefits which can arise from excellent environmental practice. This is a challenge to which environmental regulators are particularly suited, but it will require working in very different ways, with very different tools, and developing very different skills and approaches. There is an opportunity in Estonia for the Inspectorate to broaden its strategic horizon and tie its work in with achievement of these wider environmental, economic and social goals. In particular, strategies could be developed to address the issue of climate change and make progress towards a circular economy by building constructive and influential relationships with operators to go beyond compliance.

4.7. Business resilience

There were two opportunities the IRI identified to help enhance resilience of the Estonian environmental inspectorate.

- The financial resilience of the Inspectorate is dependent on a mixture of government grant and income from fees and charges for regulatory services. The IRI team considered that the level of fees and charges in Estonia does not reflect the costs of regulation, and some services are effectively delivered free of charge. In order to implement the Polluter Pays Principle, and to provide the financial resilience and flexibility the Inspectorate needs to develop new services and skills, we recommend that the policy for fees and charges, and the levels of those fees and charges, are reviewed, with a

view to increasing the financial resources of the Inspectorate and the financial contribution of regulated operators.

- Specialist technical staff are vital assets for an environmental regulator. However, an over-reliance on specialists, at the expense of developing multi-skilled officers, presents potential risks should specialist officers be unavailable for any reason. The Estonian Inspectorate should consider a programme of skills development through formal training, peer-to-peer training, and practical opportunities, to help establish a robust, multi-skilled, and therefore flexible and resilient workforce.

5. The full IRI findings

Opportunities

- Explore opportunities to rationalise and multi-skill officers for on-call to make better use of resources;
 - Consider developing enhanced guidelines on minor/major non-compliance as there is currently a degree of subjectivity in the system which could change between individual inspectors e.g. administrative and criminal costs/damages, investigator/evidence/prosecutor;
 - Opposite to the previous bullet – consider how to allow inspectors to have a degree of flexibility to think for themselves;
 - Consider translating more information into Russian (or any other major languages);
 - Consider how to further develop and enhance a better strategic approach to dealing with environmental crime;
 - Include outcomes from resource reduction in resource table. Plan in advance what activities will be cut when resources are unavailable and list risks associated, share this with senior managers and the Ministry. Think in advance so you are prepared for potential cuts or a redirection of in-year priorities – staff can use prioritisation to stop things when under high resource pressure;
 - Consider other enforcement approaches as alternative to criminal to achieve a similar outcome yet potentially save resources and remediate the environment;
 - Consider how to improve environmental awareness of prosecutors. It is possible to work with IMPEL's partner network ENPE (European Network of Environmental prosecutors) to achieve this; and
 - Attempt to enhance your surveillance powers (e.g. powers to carryout covert surveillance, tap phones etc as other agencies including SEPA are able to do). It is recognised that this may well need legislative changes to achieve this.
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- Explore how to ensure how to ensure balance between costs and charges;
 - Consider financial provisions for shale oil companies (as for landfills);
 - Plan in advance for implications of closing sites as industry shuts down;
 - Guidelines are needed for when joint inspections should be carried out. These should be available to inspectors;
 - Consider how to clearly make the link between environment, regulation and economy to help educate operators environmental knowledge.

- Take the opportunity to optimise permitting procedures – expect to do so over the next couple of years for instance to make them more customer-friendly;
 - Review whether there is a need to simplify water permits;
 - Think about whether review points in indefinite permits would be appropriate;
 - Opportunity to increase skills and capacity especially with Minerals Board
 - Link enforcement to permit conditions for regulated sites;
 - Consider how to engage communities in the permitting process;
 - Assess whether EIA is required ahead of application – pre-assessment; and
 - Consider whether permitting is best done at local/regional level. Understanding what knowledge is required to draft a permit and where that knowledge exists or best sits may help.
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- Although there are lots of benefits for having two inspectors attending an inspection, consider if they are always necessary. The answer maybe yes (evidence collaboration, staff safety), however, using one member of staff in some cases has the potential to use resource more efficiently;
 - Avoid relying predominantly on the Ministry for ensuring skills are kept up to date. Consider what is needed and prioritise training for your own staff;
 - Consider flexibility in qualifications/background of Inspectors – what does the organisation need? For example knowledge of behavioural or social science could help both agencies;
 - Consider how to speed up the annual resource planning cycle;
 - Consider putting all permits and reports on line;
 - Put IRAM and other risk assessment on same footing to compare/prioritise. Consider how holistic risk assessment (including likelihood) of everything you regulate could be used;
 - Consider publishing compliance results;
 - There is an opportunity to gain potentially gain more from key stakeholder meetings and engagement. There may be an option of broadening engagement.

Good practice

- There is flexibility in where inspectors work i.e. they are not necessarily tied to their geographical area;
- There are internal guidelines for inspectors on what the difference are between minor/major non-compliances. This is really helpful especially when considering what enforcement (or otherwise) response to make;
- There is a clear emergency escalation process that highlights major incidents etc first to the manager, all senior leaders including in the Ministry;
- It was noted that there was environmental training delivered for prosecutors as some of them specialise (1 prosecutor in each of their 4 districts are environmentally trained - there is an opportunity to broaden this);
- The inspectorate has good formal powers of entry and inspection;
- All staff have to pass an in-house exam before they are able to exercise their formal powers;
- Environmental laws are codified to make them easier to understand and implement;
- Staff are given Russian language courses at work to help with engagement with a substantial first language Russian speaking population;
- There is a 24/7/365 contact line (with operators also responding to police and ambulance emergencies but trained to prioritise and respond to environmental events) and inspectors available in every county, and procedures for them to follow; and

- All heads of departments are texted in the event of a serious incident so they hear it first from the relevant authorities.
- The Board are considering a strategy for co-location of energy intensive industry with energy producers (lessons could potentially be learned from the Kalunborg Symbiosis, Denmark in this area – contacts available through IMPEL);
- It was good to see that environmental taxes are in part ploughed back into impacted communities rather than purely a centralised treasury;
- All permitting processes are mapped in detail, and some optimisation such as using IT to simplify them has occurred to reduce handling times;
- There is a single application platform being developed to streamline process/general permits; and
- There is a comprehensive, integrated database available for IED that includes photographs, data etc. It was noted that this will eventually be for all permit regimes.
- Competencies for Inspectors have been determined and listed;
- Annual competence assessment for Inspectors – identify strengths and development needs;
- Guidelines are shared between regulators so that they can learn from each other;
- Effective co-operation with other authorities was noted e.g. shared radio system with emergency button;
- There is an Annual Advisory Board with NGOs which allows discussion with target groups and facilitates feedback;
- The inspectorate retains 90% of its fines allowing the monies raised to be fed directly into environmental protection;
- Day & week fines can also be levied;
- Inspectors spend a substantial amount of time preparing before carrying-out the site inspection (up to 2-3 days);
- The inspectorate use cheap drones to encourage their use for enforcement and investigation. They have a positive policy to facilitate and encourage the use of these efficient and effective tools. It was noted that they also have night vision capability;
- Every pair of inspectors has at least one body cam which is useful for health and safety of the officers and to gather evidence; and
- Health insurance given to all staff.

Opportunities

- Currently about half of all permits issued are done so without a site visit although it should be noted that IED sites are always visited by the permitter. Consider developing criteria when sites would not routinely receive a visit during the permitting process;
- IED application fees were noted as being extremely low and in no way recovered the cost of drafting the permit. Consider increasing charges. This would also have a side benefit of curtailing needless applications by operators for permit changes when they are not really needed;
- Consider reviewing all current charging schemes in an attempt to recover the cost of the activity. Be clear about what environmental taxes pay for and move more towards a polluter pays/subsistence charging mechanism. This is thought to bring multiple benefits including not having to rely on the public purse, having a larger part of the income of the Board/Inspectorate paid for by operators allow shortfalls in government budgets to be weathered more easily and also prevents the “race to the bottom” by international operators trying to avoid costs;

- Consider the potential benefits of more inspectors being involved in developmental approaches;
 - Consider using a weighting factor in IRAM to help achieve priority environmental outcomes. Make sure IRAM does not prevent you from supporting national schemes and priorities by deselecting key sectors;
 - Currently there are only one permitter and one inspector with chemicals competence. Consider increasing the number of individuals with this skill set. This may apply to other key skill sets;
 - Inspector rotation could be helpful as there may be an more of an issue if very specialised due to regulatory blindness and regulatory capture – find the right balance. It is important to note that the team realise relationships with operators are also important to develop and nature;
 - It was noted that there is a potential for better guidelines on derogations to be developed as currently only the Directive is used;
 - It was identified that often many of the EU document translations are not of usable quality in Estonian. This should be fed back to the COM;
 - Consider charging for EIA, and reviewing its place in the permitting process as it sits right at the end, which extends the timescale;
 - Consider developing standard permit conditions either within or ideally across regulatory regimes;
 - Clarify which BREF(s) apply to which activities. There may be multiple; and
 - Consider actively publishing all IED permits and inspection reports. These should of course be redacted for national security, commercial sensitivity and GDPR related issues.
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- Consider alternative approaches to rural off-grid sewerage systems;
 - Consider using catchment officers to work with farmers over diffuse pollution;
 - Consider fees for water discharge permits;
 - Consider index-linking charges and penalties so that they increase in-line with inflation;
 - Only pre-notify inspections when it is necessary not as a matter of routine;
 - Work towards digitising applications for all regimes;
 - Consider potential of collective monitoring where more than one operator at a location – more efficient, but still hard to determine non-compliance – Iceland model;
 - Consider development of balance of load/concentration emission limit values for rivers and water basins;
 - Consider unique numbering of all permit changes to avoid confusion and help codification so all players involved are aware of what is the current version of the permit being inspected; and
 - Consider balance between using laws, regulations or guidance when making changes from Government.

Good practice

- Include cows in IED as impact nearly as great as pigs-integrated permits less onerous than water permit, but take care that cow farms not regulated more onerously than elsewhere in EU;
- Inspections are often carried out with permitters present. It was noted that the Board and Inspectorate on the whole have a good working relationship. This is to be commended and importantly not taken for granted;
- The type and number of environmental complaints are recorded and used to help generate targeted actions (e.g. 4998 complaints in 2018 of which 2254 concerned odour);
- The inspectorate have used both eNoses and nose calibration in an effort to tackle odour issues;

- A risk-based IED inspection schedule has been developed. IED inspections are prioritised over other regimes and 99% of the scheduled inspections are completed;
- Guidelines have been developed and are in place for issuing administrative penalties;
- Free Will contracts with Ministry commit companies to going beyond compliance;
- Consider how other tools could be used to support operators to go beyond compliance;
- Use of drones. The inspectorate currently has the best operational program for the use of drones in environmental incidents, inspections and enforcement anywhere in Europe;
- Aware of potential diffuse water pollution sources and seeking partnership approaches to addressing, with local municipalities; and
- Poor applications are rejected at an early stage reducing workload and ensuring permits are of a higher quality and more likely to cover the needs of the site.

Opportunities

- Waste data records of movements and transactions can yield a lot of useful intelligence. Improvements in this area could lead to multiple benefits being realised;
- Consider narrowing the focus on to depollution of ELVs rather than trying to crack whole problem at once as to do this you probably require legal change over car tax etc;
- Look into the possibilities of developing a cross-departmental/Ministerial working group to address the ELV issue and any necessary legislative changes;
- Looking at trends in compliance rate (including sectoral, regional) can also yield considerable intelligence. The information would allow the regulatory approach to be adapted accordingly;
- Charging schemes would have potential to encourage data returns etc through penalties for late returns;
- Include reporting deadlines in permits, rather than relying on inclusion in the law or Regulations. If email reminders are not already automated this would also be a labour-saving opportunity;
- Electronic waste notes would help with cross-checking although some branches of industry will likely oppose it. Data analytical tools like Spotfire can help identify issues and trends;
- Publicly announcing project plan areas may help drive compliance;
- A waste strategy at Ministerial level might help with planning development of waste facilities and overview of future needs. The operator we visited seemed to have a good long-term plan and vision;
- Write permits for operators, not for regulators – consider how to use their language whilst keeping them enforceable;
- For some areas (ie landfill)) it was noted that there were only one waste permitter and specialist inspector – maybe need to increase resilience;
- Review Personal Protective Equipment needs to make sure it covers all activities and sites (inspectors and permitters). Once identified it is required, put in place a procedure to ensure it is used;
- Consider the need to require some form of competence certification for all waste managers/handlers in permits;
- Consider how to use media better to raise awareness – eg documentaries especially for wildlife/nature/fisheries issues;
- Consider the potential development of further campaigns on difficult waste management issues (it was noted this mechanism has been used for scrapyards);

- There appears to be a need to develop end of waste criteria – waste oil specifically, but also more widely;
- Use spray paint marking during inspections to see whether waste has moved or been added to.
- Consider how to introduce financial guarantees for waste management facilities. IMPEL's financial provisions work may help;
- Review the permitting cycle to make sure they keep up to date with new BAT etc;
- Reconsider process for identifying free-riders (those operating without a necessary permit);
- Assess success of follow-up inspections as if actions completed they may have much higher compliance;
- Only one person does Trans Frontier Shipment of waste in the Environmental Board – consider resilience implications of this; and
- Air quality monitoring system does not currently include industry emissions – they could all be live and accessible on the internet, ambient and point source.

Good practice

- Working on data submission system so companies can import direct to database, should go live next year, and more automated cross-checks will be included;
- Information quality control available on intranet to help everyone improve and inform annual appraisal and training programmes;
- Good examples of co-operation and co-ordination with other Authorities were noted throughout the review;
- It was noted that the Board have worked with waste industry on permit conditions and guidance;
- There are specific electronic hazardous waste consignment notes;
- Good data available on how long each type of waste inspection takes;
- All cars have tracking devices, and officers have radios which can also be mapped. This is good for the health and safety of staff and also gives the ability to rapidly deploy staff to nearby emergency incidents if required;
- It was noted that the inspectorate can get Police to support inspections if required. Officers have uniforms, high-vis protective vests and can carry firearms if required;
- There has been a recent exercise to carry out a risk analysis for range of inspector operations.
- Tyre recovery already paid for, so free to users under Producer Responsibility;
- Good checking of final destination for PR waste. This work has led to contracts being withdrawn from sites in Latvia;
- Good use of standard drones to combine photo and video (takes 10 mins) get view of waste sites and measure waste volumes – co-operation project with universities to get procedure right for 3d modelling, takes a day, can also use on landfill and quarries – very helpful for inspectors;
- Currently they take journalists on some inspections, this gets stories out quickly. This helps manage public relations and control over output;
- It is a specific offence to obstruct inspectors, they can use force if necessary; and
- Detailed process for dealing with illegal waste oil shipments

6. Site Visit

The team visited the Iru power plant in Iru village, Maardu. It is a co-generation power plant owned by Enefit Green a subsidiary of Eesti Energia. The site visit was primarily focused on the IED permitted waste incineration unit which processes up to 250,000 te of mixed municipal waste (both domestic and imported) per year. The outputs are 50 MW of heat exported to nearby Maardu, Lasnamäe and central Tallinn and 17 MW of electricity.

The operators were quite open about the relationship with both the Board and Inspectorate which was generally very good. The site was tidy and appeared well managed.



7. Conclusions

The Estonian Environmental Inspectorate & Environmental Board are highly disciplined, dedicated and offer a professional service. They are committed not just to good practice, but to delivering excellence. There are as always opportunities to go further internally but also to take more of a leadership role outside of Estonia to share good practice. Please consider taking part in or leading more IMPEL projects to help share your experience.

It is noted that there are plans to merge the Board and Inspectorate. If this is the case there should not just be a focus on merger and embracing new opportunities but also ensuring existing good staff and practices are not lost in the process.

8. A vote of thanks

As Team Leader for this IRI, I would like to extend my thanks personally, and on behalf of the IRI Team, for the warmth and hospitality afforded by the staff of the Estonian Authorities, and for the extensive preparation work carried out and information provided, both before and during the review. This helped to make the IRI both a rewarding and enjoyable process, and, I hope, a successful one.

Simon Bingham
IMPEL IRI Estonia Team Leader
June 2019

Estonian Environmental Inspectorate

Estonia, Tallinn, Kopli 76, 10412

Agenda for IMPEL IRI

26 February - 1 March 2019

Day 1: Tuesday February 26th		
Location: Kopli 76, Tallinn 10412		
Time	Title	Presentations by
9:00 – 9:45	Welcome and introduction of the Environmental Inspectorate <ul style="list-style-type: none">• General discussion with the Director of Environmental Inspectorate.• Responsibilities of Environmental Inspectorate	Mr Olav Avarsalu
9:45 – 10:30	<ul style="list-style-type: none">• General discussion with the Director of Environmental Board• Responsibilities of Environmental Board• General discussion around Implementation and Enforcement of Environmental Law / Constraints	Mr Riho Kuppert Mr Erik Kosenkranius
10:30 – 10:45	Coffee/tea break	

10:45 – 12:30	<ul style="list-style-type: none"> • Permitting System • Competencies • Multiple number of Permits (Defers on the Laws) • Human Resources / Other duties • Problems that arise during procedure 	Mr Erik Kosenkranius
12:30 – 13:15	Lunch break	
13:15 – 15:00	Planning of inspections and inspection cycle <ul style="list-style-type: none"> • IMPEL manual “Doing the right things” • Planning and setting priorities • Project plans 	Mr Allar Leppind
<p align="center"><i>Day 2: Wednesday February 27th</i></p> <p align="center">Location: Kopli 76, Tallinn 10412</p>		
Time	Title	Presentations by
9:00 – 11:00	IED Directive – Permitting and inspection Inspections and enforcement <ul style="list-style-type: none"> • Number & type of installations • Current processes • Current administrative permitting procedures • Time, cost, charging • Conditions & complexity • Human resources • Scope (IED) • Risk assessment & IRAM • Problems 	Mrs Reeli Sildnik
11:00 – 11:15	Coffee/tea break	
11:15-12:45	Inspections and enforcement on water sector I <ul style="list-style-type: none"> • Current planning 	Mrs Kai Korkmann Mr Allar Leppind

	<ul style="list-style-type: none"> • Number & type of installations • Current processes, • Current administrative permitting procedures • Time, cost, charging • Conditions & complexity • Human resources • Problems 	
12:45 -13:30	Lunch break	
13:30 – 15:00	Inspections and enforcement on water sector II <ul style="list-style-type: none"> • Water management plan • Inspections in agriculture • Groundwater and surface water • Wastewater treatment plants 	Mrs Kai Korkmann Mr Allar Leppind

<i>Day 3: Thursday February 28th</i> Location: Narva maantee 7a, Tallinn 15172		
Time	Title	Presentations by

9:00 – 10:45	Inspections and enforcement on waste management I <ul style="list-style-type: none"> • Waste Law –Permitting • Number & Type of processes • Current processes and working methods • Time, cost, charging • Conditions & complexity • Human resources – Scope • Problems 	Mrs Kertu Sapelkov
10:45 – 11:00	Coffee/tea break	
11:00 – 12:30	Inspections and enforcement on waste management II <ul style="list-style-type: none"> • Construction and demolition waste recycling • Producers responsibility • Controlling transboundary movements of hazardous wastes • Scrap metal recycling • Hazardous Waste management license • Site Visit preparation 	Mrs Kertu Sapelkov + Harju County office
12:30 -13:15	Lunch break	
13:15 – 15:00	Site visit – to be clarified	Harju County office

<p style="text-align: center;">Day 4: Friday March 1th</p> <p style="text-align: center;">Location: Narva mnt 7a, Tallinn 15172</p> <p style="text-align: center;">Ministry of the Environment</p>		
Time	Title	Presentation to
11:00 – 12:30	Reporting back to top management including Secretary General of the Ministry of the Environment	Mr Meelis Münt Mr Olav Avarsalu Mr Riho Kuppert