

European Union Network for
the Implementation and Enforcement
of Environmental Law

**BRAINSTORMING ON AN IMPEL PROJECT TO DEVELOP
PERFORMANCE INDICATORS**

**DRAFT FINAL REPORT
NOVEMBER 2008**

The European Union Network for the Implementation and Enforcement of Environmental Law is an international association consisting of environmental authorities of EU Member States, acceding and candidate countries, and Norway.

The association is commonly known as the IMPEL Network

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring more effective application of environmental legislation. It promotes the exchange of information and experience as well as the development of greater consistency of approach in the implementation, application and enforcement of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

Information on the IMPEL Network is also available through its website at:
<http://europa.eu.int/comm/environment/impel> .

<p>Title of the report: Brainstorming on an IMPEL Project to develop performance indicators for environmental inspectorates</p>	<p>NUMBER OF THE REPORT:</p> <p>2008/03</p>
<p>Project Manager/Authors Anna Karamat, European Commission David Pugh, Environment Agency for England and Wales</p>	<p>Report adopted at (add date and place) IMPEL General Assembly</p>
<p>Project Group Members Peter Schryvers, Flemish Environmental Inspectorate Matthias Weigand, Bavarian Ministry of Environment</p>	<p>NUMBER OF PAGES</p> <p>Report: 14 Annexes:</p>
<p>Executive Summary</p> <p>The aim of the project was to prepare an IMPEL project to develop performance indicators for the environmental inspectorates</p> <p>Concerning the scope of the project, it was agreed that it should cover indicators related to the RMCEI. The indicators should include input, output and outcome indicators. The indicators should be discussed from the perspective of reporting to the Commission.</p> <p>The group agreed on a short list of indicators that should be further analysed in the IMPEL project. Under the project volunteer countries will provide the necessary data for the selected indicators, which will then be analysed and discussed.</p> <p>As gathering data on all installations covered by the RMCEI was deemed too burdensome, it was agreed that the project should focus on IPPC installations. A further limitation to individual sectors under the IPPC Directive could be considered if this leads to more comparable and representative data. The scope should be evaluated at the end of the project.</p>	
<p>Disclaimer</p> <p>This report on (title) is the result of a project within the IMPEL Network. The content does not necessarily represent the view of the national administrations.</p>	

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INTRODUCTION

This project is a follow up project of two projects carried out in 2007:

The 'Doing the Right Things II Project' developed a step by step guidance book on how to plan inspections. The project concluded that the development of indicators was necessary for the evaluation of the implementation of inspection plans.

The project 'IMPEL Input to the further development of the RMCEI' gathered the views of IMPEL members on how the RMCEI was working and how it could be further developed in the future. This project aimed to give a coordinated input of IMPEL into the Commission's ongoing review of the Recommendation.

One of the conclusions of the project was that the reporting requirements under the RMCEI were not satisfactory and that alternative reporting systems that would provide simple and comparable data showing the performance of inspection systems should be looked at. For this purpose it was decided to assess the possibility of developing common EU wide indicators which could be used for reporting to the Commission.

The present project aims to gather expertise from IMPEL members on the different indicators used in Member States, the experiences from applying these in practice and a list of potential indicators that could be examined in more detail in a second stage. The results of this project will be the basis of the follow up project in 2009 ('Developing performance indicators for environmental inspection systems'), which will test the indicators identified in a few Member States.

The aim of the project is not to decide on a new reporting system, but only to provide expertise that will be used as background information to support the political decision making process on the review of the RMCEI.

Under the project two workshops were held, a draft report was drafted and the terms of reference for the 2009 project were drawn up.

METHOD

Following adoption of the terms of reference a project team was established to organise the work to be carried out. The members of the project team were as follows:

Anna Karamat, European Commission

David Pugh, Environment Agency for England and Wales

Peter Schryvers, Flemish Environment Agency

Matthias Weigand, Bavarian Ministry of the Environment

The project team coordinated and organised the work mainly by holding several telephone conferences. One project team meeting was held on 5 September 2008 in Brussels.

The brainstorming was conducted in two workshops.

The first workshop was held in Wexford, Ireland, on the 26th and 27th June 2008. It was attended by 30 participants from 18 countries. The logistical arrangements for the meeting were handled by the Environmental Protection Agency Ireland.

The aims of the workshop were to:

- Define the scope of the indicators that should be considered in the project
- Identify existing performance indicators being used in EU;
- Produce a list of potential performance indicators via a brainstorming session; and
- Identify relevant criteria to select performance indicators.

The outputs of the workshop were a list of some 250 potential indicators and an initial list of criteria against which to test the potential indicators.

The second workshop was held in Antwerp, Belgium on 20th and 21st October 2008. It was attended by 21 participants from 18 countries.

During that workshop participants were asked to select the most relevant indicators on the basis of the long list of potential indicators and the criteria for the selection of indicators discussed at the first workshop.

The outcome was a short list of indicators and questions to be discussed in the follow up project.

DISCUSSION ON THE SCOPE OF THE INDICATORS

During the two workshops the participants discussed the potential scope of performance indicators in general and in relation to this project in particular.

The overall conclusion on scope was that this project should look at indicators relating to inspection and enforcement in line with the RMCEI. It should not include development of environmental quality indicators.

It was agreed that the scope should include input, output, outcome indicators and quantitative and qualitative ones. The difficulty in identifying outcome indicators and linking these directly to the activities of inspecting authorities was highlighted. It was however noted that as inspecting authorities we need to know we are impacting positively on desired outcomes, which may be high level and long term.

Overall it was agreed that the indicators being discussed under this project should in the first instance be viewed from the perspective of reporting to the Commission. However this does not exclude that these indicators could also suit other needs of the inspecting authorities and the citizens in the various countries.

There was discussion on how the indicators might be restricted to some directives only and not to all installations controlled under national environmental regulatory regimes. Points raised included that to report back on all facilities regulated would be too large a task and that any indicators arising out of this project would have to be more focussed and explicitly defined to provide for a harmonious indicators.

The suggestion was made that the Recommendation should be used as the framework for the indicators and that indicators have to be closely tied to the Recommendation.

Some participants pointed out that we should start small and pilot a small number of indicators with a view to developing them in the coming years.

EXISTING PERFORMANCE INDICATOR SYSTEMS

A number of participants gave information on the status of indicators in their own countries.

Poland as other MS collects at present time many different data for inspection activity, including numbers of inspections, fines, penalties, level of compliance, enforcement actions. In 2008 Poland has commenced using new indicators strictly connected with EU directives and regulations. These include numbers of facilities and numbers of inspections, follow-ups and non-compliances and number of staff.

The **Czech Republic** has many indicators. These include numbers of inspections, fines, training days and inspector training.

Denmark has indicators relating to inspections, resources, compliance, management of companies and ratings (low to high).

Latvia has three categories of facility and has a wider scope that industry including natural resources, fishing and forestry within its remit. It has indicators of orders issued and complaints received.

In **Sweden** the EPA is a centralised authority and does not inspect itself. There are 21 regional bodies and 290 municipal bodies. There are some quantitative measures of performance. All bodies can decide own methodology and indicators in use include time for handling a case.

In **Romania** the National Environmental Authority for Inspection is operating independently from the Environmental Protection Agency, even though both of them are subordinated to the Ministry of Environment and Sustainable Development.

The Environmental Inspectorate, located in Romania, comprises forty three local county inspectorates. The inspection activity takes place in conformity with the national environmental strategy and in accordance with the annual inspection plan.

Usually, the efficiency of the county inspectorates is monitored by means of quantitative indicators. Monthly reports are being elaborated, emphasizing the status of achievement of the inspection plan. In annex 1 we present an example of such a report.

There is also an annual evaluation process going on regarding the performance of the county inspectorates. The main indicators which are monitored are:

- The number of penalties/inspector
- The total amount of the penalties/inspector
- The number of inspections/inspector
- No of complaints/inspector

In **Ireland**, the EPA do reports on a two yearly frequency detailing environmental enforcement. This report contains information on inputs, outputs and some limited information on the outcomes of enforcement activities. In addition to public reporting, the EPA via its role in leading implementation of RMCEI obtains significant amounts of information on the inputs and outputs of local authority enforcement via their inspection plans and reviews on implementation of prior plans. The EPA is currently looking to develop its indicators to provide more information on the outcomes of its work in line with the objectives of its statement of strategy.

In **Germany** the states (Bundesländer) are responsible for the inspection of emitting installations. The intrastate organisation of the surveillance authorities differs from state to state and reaches from central state authorities via county authorities to private inspection organisations by order of the state. All these different kinds of bodies can decide in accordance with the particular state which indicators should be used. Often outcome indicators as air quality, water quality, soil contamination and waste disposal are used to check the performance of permitting and inspecting bodies.

In **Bavaria** the annual environmental report includes 24 indicators for sustainable development. Special indicators for inspections do not exist and it is not intended to develop any. Bavaria is in the process of developing a new way of improving regulations of inspections. To handle a possible enforcement deficit of immission control Bavaria privatises the inspections. So the operator has to prove the compliance with regulations by mandating a private inspector giving report to the authorities. The company can prove the compliance with regulations without mandating a private inspector if the business company is EMAS - certified. EMAS as "system of excellence" already provides evidence of compliance with regulations.

In **Flanders**, the Environmental Inspectorate Division makes an annual report with many indicators. This report starts with the 'traditional' input indicators (number of inspectors, financial means ...) and output indicators (number of inspections, inspected companies, warning letters, official reports ...). For the different

enforcement campaigns of the annual environmental enforcement plan, also the outcome is described. Therefore compliance and enforcement indicators are used.

The Environment Agency of **England and Wales** uses a balanced scorecard (http://www.environment-agency.gov.uk/commondata/acrobat/07acorpscorecardapp1_1909580.pdf) to monitor and report its performance against key outcomes set in its Corporate Strategy 'Creating a better place'. The scorecard is made up from 4 elements:

- Outcomes
- Processes
- Partners
- Resources, learning and growth

In order to deliver the outcomes the necessary processes, partners and resources need to be in place. A simple 'traffic light' system is used to monitor progress:

- Green (on target)
- Amber (some action required)
- Red (off track – action required)

The scorecard indicators are compiled from more detailed information and indicators. As an example, performance against the emission of priority pollutants to air outcome is monitored based on the annual emission data for these priority pollutants compared to a target level.

In addition a 'Spotlight on Business' (<http://publications.environment-agency.gov.uk/pdf/GEHO0708BOFX-E-E.pdf?lang=e>) report has been used to report on the environmental performance of the industry we regulate. Indicators used in this report include:

- Operator performance (how well sites are managed)
- Compliance with permit conditions
- Serious incidents
- Fines and prosecutions
- Emissions to air, water and waste

The model developed by INECE for identifying and developing compliance and enforcement indicators was briefly introduced to the participants. The **INECE report on enforcement and compliance indicators** was used as background material for the discussions during the workshop (<http://www.inece.org/indicators/guidance.pdf>) .

The report of the **IMPEL project 'Benchmarking on quality parameters for environmental inspectorates'** of 2005 was also presented (http://ec.europa.eu/environment/impel/impel_guidance_doc.htm#bench).

1. Long list of performance indicators

During the first workshop participants listed all potential performance indicators for inspectorates they could think of in a brainstorming session.

All the indicators mentioned by participants have been included in the list. No choices or ranking of indicators were made.

The long list contains around 250 potential indicators grouped under headings (with some degree of overlap), which were used as a basis for further discussion.

2. Selection criteria

The group came up with the following list of criteria for indicator selection:

- Relevance - does the indicator reflect a RMCEI requirement
- Relevance – for reporting to the Commission
- Good definition of the indicator
- Comparability between different inspecting authorities
- Compatibility with other reporting requirements, avoid duplications
- Widely available (commonality)
- Level (Community wide, National, Regional or Local)
- SMART (Specific (well defined and direct link inspection & enforcement), Measurable (Cost effective, Data easily available, Reasonable), Achievable, Realistic, Time bound)
- Based on accurate data
- Cost (use existing data where possible)
- Credible
- Simple (easy to explain or understand)
- Informative
- Timely
- Transparent
- Robust
- Long term and stable (useful for trends)
- Must not have adverse effect on behaviour

A number of points emerged that needed further discussion. Each country needs to select suitable indicators to show compliance with RMCEI. But these indicators also need to fit in with different structures in each country. The purpose of these indicators will also vary from country to country but it is important to provide in so far as possible for inter-comparison between authorities within the country in question

and internationally. It was considered that single figure indicators would not be sufficient and a mix of quantitative and qualitative is needed.

The difficulty in dealing with the issue of measuring compliance was raised. The detection of non-compliance was a key example: It can either be a measure of a good performing inspecting authority or a measure of a failure for the regulatory regime.

It was noted that funding was not easily comparable between countries.

It was also stated that for some indicators additional explanations were necessary to give an accurate picture of the situation. The participants also pointed out that there should be some indicators to describe the systems.

3. Short list of indicators

In the second workshop participants ranked the indicators mentioned in the long list in accordance with the agreed selection criteria.

Participants were also asked to choose a mix of input, output and outcome indicators.

On the basis of this ranking the following short list of indicators that should be further analysed was produced:

INPUT INDICATORS

Number of installations
Number of installations covered by the plan/year
Number of inspectors
Number of complaints received relating to installations
Staff time per installation inspected

OUTPUT INDICATORS

Number of planned inspections carried out versus total planned inspections
Number of site visits
Number of non routine inspections
Number of complaints dealt with

OUTCOME INDICATORS

Number of compliant/non compliant installations

4. Definition of the indicators

The group discussed some of the terms used in the long list of indicators.

Installations

There was agreement that whenever this term is used it must be defined whether it covers all regulated installations or, if not, which installations should be covered. In the context of this project there was agreement to limit the term to IPPC installations.

Inspections

The term inspection as defined in the RMCEI includes all activities that inspectors undertake with the aim to check compliance with legislation, not only site visits but many other activities such as checking of documentation, checking self-monitoring reports, taking samples and monitoring of emissions.

Some participants found that all activities covered by this definition should be counted separately as inspections. Others on the contrary were of the opinion that all activities necessary to check compliance with all the permit conditions of an installation should be counted as one inspection. Others again pointed out that such 'full' inspections could take years to complete and that 'partial' inspections should be counted instead. What is understood by 'partial' inspections needs to be further defined.

Non-routine inspections

The following definition was proposed:

Non routine inspections are inspections that were not planned.

It was clarified that even if non routine inspections are not planned, sufficient time for them still has to be set aside in the inspection plan, so to some extent they are covered by the inspection plan. To avoid confusion it was also proposed to speak of unscheduled inspections instead.

It was also pointed out that we need to specify whether we want to count non routine site visits or non routine inspections.

Inspectors

Some participants wanted to count only the staff that undertake inspections, while others want to count also all other staff involved in the inspection and enforcement cycle (lawyers, support and administrative staff).

Complaints

It was agreed that only serious complaints should be counted. What are serious complaints should be left to inspectors to decide. It was also proposed that serious complaints received by phone, email or letter from the public should be counted.

It needs to be defined when a complaint is deemed to be dealt with.

Compliant/non compliant installations

It was agreed that there was a need to consider only significant non compliance. What should be considered significant would need to be further defined.

There was also discussion on the question whether all installations should be considered or only those where inspections have taken place in a certain time period. The question arose whether it could be assumed that an installation is compliant unless it has been found to be non compliant.

It was stated on the other hand that if only installations that have been inspected in a certain period were compared with the number of non compliant installations in this period, this would not give information on the overall level of compliance of installations.

Inspection plan

Should be understood as defined in the Step by Step Guidance book on planning of environmental inspections
(http://ec.europa.eu/environment/impel/pdf/final_report_step_by_step_guidancebook.pdf)

Enforcement actions

Some participants thought that these should include only sanctions and that there should be no distinction between criminal and administrative sanctions, as the distinction was not useful due to the differences in legal systems of Member States. Other participants were of the opinion that enforcement actions should also include notices, warning letters, etc.

Make public

Pursuant to the RMCEI the inspection plans and the reports following individual inspections must be made accessible to the public. This is an obligation that already arises from Directive 2003/4/EC on public access to environmental information.

It was proposed that to make public means to publish the information on the internet.

Training days

The following definition was proposed:

'Days for improving expertise, skills, knowledge and competence of inspectors, for example through meetings, workshops, training sessions, exchange visits'.

CONCLUSIONS

There was a concern that directly comparable indicators on an EU basis would be difficult to define and it was pointed out that there is a need to understand information and differences between countries. It was stated that all the data collected would need some explanations to be meaningful.

The group identified a list of indicators that should be further analysed in the IMPEL project 'Developing performance indicators for inspectorates' which will start in 2009.

Under the project volunteer countries will provide the necessary data for the selected indicators, which will then be analysed and discussed.

There was agreement that this data collection exercise should be limited to IPPC installations. A further limitation of the data to certain sectors under the IPPC Directive could be considered in the 2009 project, if this can lead to more comparable and representative results. Whatever scope is chosen, it should be evaluated at the end of the project.

As a first step of the new project the project team will draw up a proposal for the pilot exercise, including the definition of its scope as well as additional definitions and fine tuning of the proposed indicators, which will be submitted to the Cluster 1 meeting in March 2009 and to the General Assembly in May 2009.

Annex I: PRESENTATIONS

Annex II:

**LONG LIST OF POTENTIAL PERFORMANCE INDICATORS RESULTING
FROM THE BRAINSTORMING SESSION**

Indicators grouped by topic

INSPECTORATE
Indicators relating to Inspectors
Number of inspectors (man hours)
Number of man hours per inspection
Number of installations (or IPPC installations) per inspector
Ratio of inspectors to population size
Inspector Training System in place
Inspector Training
Training days per inspector
Training course attended by inspectors
Evaluation of training
Turnover rate for inspector
Training days and inspector training level
Inspectors training to evaluate quality of self monitoring returns
Inspectors per sector
Number of appeals against inspectorate
Number of petitions against inspectorate
Number of appeals against decisions
Number of petitions against inspectorate/ Number won/ Number lost
Expertise in specific industry
% of decisions reversed by third parties, i.e. appeals body

INSPECTION PLAN, RESOURCES and INSPECTIONS
Indicators relating to Installations
Number of installations
Number of inspected installations
Number of facilities
Number of regulated installations
Number of installations per sector
Number of installations of each type
Number of installations of each type per inspector
Resources allocation per installation e.g. hours
Average amount of resource allocated to enforce per permit
Number of illegal dump sites identify
% of High risk category sites

Indicators relating to Inspections
Legal requirements in place to do inspections
Number of inspections
Number of inspections per installation
Number of follow up inspections
Number of compliance inspections
Ratio of complaint driven inspections
Number of routine and non-routine inspections
Time spent on routine vs. non-routine inspections
Quality of inspections
Number of site visits - routine and non routine
Number of site visits - by sector
Number of installations inspected per sector
Number of site visits by risk category
Number of site visits of Seveso Sites
Number of non-compliant installations
Number of self-monitoring inspections
% of inspections outside normal office hours
% of installations covered by inspections per year (by risk classification)
% of inspections which are non conforming
% Of inspections where the conclusion was that permit holder was in compliance
% of non conformances due to administrative issues
% of non conformance due to technical issues (greater impact on environment)
Number of man hours per inspection
Total time spent on facilities v no of facilities
Resources applied to inspections
Number of monitoring visits and samples
Types of site visits, partial, full, targeted inspections, audits
Number of monitoring visits by theme, i.e. air, water
Emissions monitored by external consultants - must be checked
Number of inspections
number of follow ups inspections,
number of identified non compliances from inspections
Number of monitoring visits by sector
% of inspections outside normal office hours
% of installations covered by inspections per year (by risk classification)
Number of samples & measurements
% of inspection reports available in two months
Amount of time spent on routine inspections versus non routine inspections
Response time to routine reports
% of inspection reports available within two months
Inspection time spend per inspection type, routine and non-routine
Number of Annual Environmental Reports assessed (desk top)
Number of follow ups against non-compliances found

Can also compare this figure across countries where there is a common ELV e.g. LCPs
Indicators relating to Plans
% Achievement of inspection plans
% of installations covered by the inspection plan
Presence or absence of inspection plans
Monitoring of inspection plans - frequency,
Number of installations inspected versus number of installations in plan to be inspected
Adequacy of Inspection Plans in Authorities
Inspection System and Resources
Inspection system in place
Use of risk assessment / rating (Is it implemented?)
Budget per controlled facility
Assignment of resources based on routine / non-routine
Inspection system in place- System to collect data on inspections
Inspection system in place-Review system of plans
Inspection system in place- Time available for inspection
Inspection system in place- Quality system
Database of prosecutions and other enforcement actions
Evidence that actions are taken to update plans as a result of reviews
Money spent on laboratory analysis
Time spent on monitoring visits
Money spent on monitoring visits
Manpower per facility (not just inspection)
Is it being used to assess resources required
Location of plant sensitive area?
Size of plant
Emission comparison between similar plants / operations
of complaint sites
Inspection system in place- Guidance doc
Inspection system in place-System to evaluate inspections
Resources
Instruments and equipment
Good electronic data management system
kind of operating systems in place
Amount of resource assigned to specific facilities (not just site inspections)
Number of guidance developed for the public
Number of guidance developed for the inspectors
Number of guidance developed for the industry/licensees
Resources spent on IT systems – development
Number of IT database systems
Number of research studies
Money spent on research studies
Database of facilities, list of permits

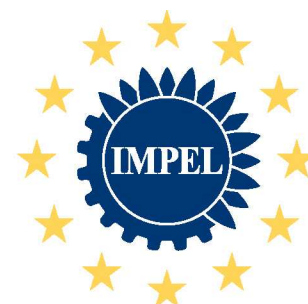
ACCIDENTS, INCIDENTS AND COMPLAINTS
Indicators relating to Accidents
Number of accidents
Number of incidents/accidents by type
Number of Seveso accidents
% of accidents resulting in enforcement
Reaction time to accidents and incidents
Number of environmental incidents from IPPC sites resulting in the public being notified
Severity of incidents - uncontrolled release of emissions
Indicators relating to Complaints
Number of complaints received
Number of complaints received in time period
Number of complaints received per thematic area - air, water, waste
Number of complaints received per sector
Numbers of complaints (total, per facility etc)
Number of complaints dealt with
% of complaints investigated
Number of complaints resolved
Average Time to close out complaints
Response time to complaints
Number of complaints closed within 12 months
Time spent dealing with complaints per inspector
Recording of complaints
Ratio of complaint driven inspections
No of complaints against inspection unit (customer service complaints)
Number of complaints per problem site
number of permit changes as results of complaints
number of policy changes as results of complaints
number of legislation changes as results of complaints
number of enforcement actions as results of complaints
% of complaints which are open > 12 months where enforcement actions have been taken
% of closed/ resolved complaints
SANCTIONS
General Enforcement Actions
Number of enforcement actions – criminal & administrative
Warning letters
Number of sanctions - warning letters
Number of enforcement actions
Number of appealed penalties
Time spend on enforcement actions per sector
Number of directions issued to other authorities

Number of directions received by inspectorate
Number of directions closed out.
Time to close out directions
Number of directions complied with
Enforcement Actions: Notices
Number of notices
Number of warning notices
Number of legal notices
Number and type of Statutory Notices
% of legal notices complied with
Time spent on legal notices
Number of improvement notices
Enforcement Actions: Prosecutions/Court Action
Number of successful cases
Number of successful prosecutions
Total number of prosecutions taken
Total number of prosecutions proposed
Number of prosecutions instigated
Number of prosecutions proposed
Number of cases resulting in prosecution being taken
Number of cases taken in district courts
Number of files to the Director of Public Prosecutions (Higher Courts - Circuit Court)
Number of cases taken in higher courts
% of cases sent to public prosecutor
Number of cases not taken by public prosecutor
Resources spent as a result of prosecutions, e.g. abatement investment.
Total costs recovered from prosecutions.
Total number of fines and costs.
Enforcement Actions: Fines
Number of fines
amount of fines received
Number of on the spot fines
Average fines paid
% of fines collected
Number of administrative fines
ratio of penalties imposed
Number of penalties imposed
Number of persons with penalties
Total amount of prosecution fines
Total amount of administrative fines
COMMUNICATION
Public feedback and complaints

Number of media articles by category by quarter
Number of representations from elected members
Degree of public participation in granting of permits
Number of meetings with residents
Number of reports published for the public
Good communication with other authorities
Number of network meetings
Communication with other networks
Communication with other interest groups
Number of schools partaking in green flag scheme
Number of drinking water boil notices
Number of compliance meetings with IPPC sites
Memos of understanding with other inspectorates
Survey of stakeholders (satisfaction)
Assigning resource such as education and awareness to improve general compliance
COMPLIANCE
Indicators relating to Compliance
Number of non-conforming sites brought into compliance
Time taken to reach compliance
Compliance with statutory standard
Level of compliance of IPPC facilities
Ratio of actual emission to IPPC permitted emission ELVs
Number of revised permits issued as a result of inspections
% Improvement / compliance
Trend of exceeding Emission Limit Values of a no. of years
Amount of methane emitted by landfills as an example of using PRTR figures
Risk rating trend over time
Reduction of emissions as a result of inspections and corrective measures
Trend of % of non-compliant installations –classification of non-compliances e.g. waste/water
Trend of exceeding ELVs over a number of years
% Improvement/ compliance
Time taken to reach compliance(already mentioned elsewhere)
Trend of % of non-compliant installations – classification e.g. waste, water
Time between expected compliance and actual compliance
% of high risk sites
% of closed/ resolved complaints
PRTR - environmental significance of facilities being controlled by plan
Average time need to come to conformity
Time taken to reach compliance
Trend of % of non-compliant installations – classification e.g. waste, water
Number of non-compliant installations
Compliance with inspections proposed

Time between expected compliance and actual compliance

Annex III:



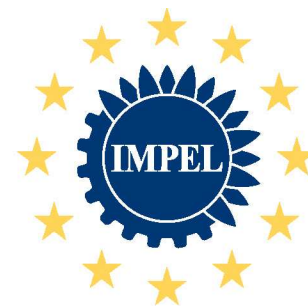
European Union Network for
the Implementation and Enforcement
of Environmental Law

Programme
**1st WORKSHOP FOR THE BRAINSTORMING ON AN IMPEL PROJECT TO
DEVELOP PERFORMANCE INDICATORS**
26-27 June 2008 Wexford, Ireland
Whites Hotel Wexford
Abbey Street, Wexford
Ireland
www.whitesofwexford.ie

Day 1 – 26 June	
8:30 - 9:15	Registration
CHAIRPERSON: Anna Karamat, EU Commission	
9:15 - 9:30 (15 mins)	Welcome <i>Dara Lynott, Director of the Office of Environmental Enforcement of the Environmental Protection Agency, Ireland</i>
9:30-9:40 (10 mins)	General introduction to the workshop <i>David Pugh, Environment Agency of England and Wales</i>
9:40-10:00 (20 mins)	Doing the right things II <i>Jan Teekens, Ministry of Environment, the Netherlands</i>
10:00 - 10:20 (20 mins)	REMAS - feedback on indicators <i>Valerie Doyle, Office of Environmental Enforcement, Environmental Protection Agency, Ireland</i>
10:20 – 10:30 (10 mins)	Overview of the IMPEL workshop on Benchmarking on Quality Parameters for Environmental Inspectorates, September 2005 <i>Jean-Pierre Janssens, Director, Head of division Inspection & Eco</i>

	<i>management</i>
10:30 – 10:50	Coffee Break
10:50 - 12:00 (1 hour 10 mins)	Workshop (3 Groups x 10 ppl) Title: Existing Performance Indicators for Environmental Inspections <i>Short introduction to the workshop by David Pugh & Group discussions</i>
12:00 - 13:00	Feedback on workshop sessions in plenary.
13:00 - 14:30	Lunch
CHAIRPERSON: David Pugh, Environment Agency of England and Wales	
14:30 - 14:50 (20 mins)	Germany Inspections Performance Indicators <i>Matthias Weigand, Bavarian State Ministry of the Environment, Public Health and Consumer Protection</i>
14:50 - 15:10 (20 mins)	Effectiveness and efficiency of environmental inspections <i>Peter Schryvers, Flemish Environmental Inspectorate Division</i>
15:10 - 15:30	Coffee Break
15:30 - 16:30 (1 hour)	Brainstorming session on performance indicators to get as many ideas for indicators without rejecting any at this stage: 3 Groups, Chairs and rapporteurs to be confirmed
16:30 - 17:00	Feedback on brainstorming sessions in plenary and discussion
19:00	Dinner at the hotel
Day 2 – 27 June	
CHAIRPERSON: Anna Karamat, EU Commission	
9:00 - 9:20 (20 mins)	Performance Indicators in Environmental Enforcement in Ireland <i>Andy Fanning, Office of Environmental Enforcement, Environmental Protection Agency Ireland</i>
9:20-9:40 (20 mins)	Inspection indicators – current situation in the United Kingdom <i>David Pugh, Environment Agency of England and Wales</i>
9:40 – 10:40 (1 hour)	Workshop on how to select indicators
10:40-11:00 (20 mins)	Coffee Break
11:00 - 12:00 (1 hour)	Feedback from the workshop on selecting indicators Conclusions and next steps.

12:00 – 13:00	Lunch
13:00	EPA Bus leaves for Dublin Airport (Main Entrance to Hotel) <i>CLOSE (Buses to Dublin Airport leave at 13:30 or 20:00 from bus stop (www.wexfordbus.com))</i>



European Union Network for
the Implementation and Enforcement
of Environmental Law

Draft Programme

2ND WORKSHOP FOR THE BRAINSTORMING ON AN IMPEL PROJECT TO DEVELOP PERFORMANCE INDICATORS

20-21 October 2008 Antwerp, Belgium

Aktiviteitenorganisatie 't Elzenveld
Lange Gasthuisstraat 45
BE-2000 Antwerpen
www.elzenveld.be

Sunday 19 October	
19.30 Dinner hosted by the Flemish Environment Inspectorate Grand Café Horta, Hopland 2	
Monday 20 October	
8:30-9:00	Registration
CHAIRPERSON: Anna Karamat, EU Commission	
9:00 - 9:15 (15 mins)	Welcome
9:15 – 9:30 (15 mins)	Background and general objectives of the IMPEL projects on the development of indicators for environmental inspections Anna Karamat, European Commission
9:30- 9:50 (20 mins)	Feedback of the first workshop on 26-27 June in Wexford David Pugh, Environment Agency of England and Wales
9:50-10:15 (25 mins)	Introduction to the second workshop and introduction to the ranking of indicators by participants <i>Peter Schryvers, Flemish Environmental Inspectorate</i>

10:15-10:45	Coffee break
10:45 – 12:15	Ranking of indicators by participants
12:15 – 14:00	Lunch
CHAIRPERSON: David Pugh, Environment Agency of England and Wales	
14:00 - 14:20 (20 mins)	Presentation of the results of the ranking exercise
14:20-15:00 (40 mins)	Definitions and clarification of the pre-selected indicators: Group discussions
15:00 – 15:20 (20 mins)	Coffee
15:20-16:00 (40 mins)	Definitions and clarification of the pre-selected indicators: Group discussions -continuation
16:00 - 17:30 (1 hour 30 mins)	Definitions and clarification of the pre-selected indicators: Feedback in plenary and discussion
19:00 Walking Tour through the old centre of Antwerp 19:30 Dinner hosted by the Flemish Environment Inspectorate Dock's Café, Jordaenskaai 7	

Tuesday 21 October	
CHAIRPERSON: Anna Karamat, EU Commission	
9:00 - 9:15 (15 mins)	Recap of Day 1
9:15-10:15 (1 hour)	Selection of indicators for pilot phase and definition of the scope of the pilot exercise – Group discussions
10:15-10:30 (15 mins)	Coffee
10:30 - 11:15 (45 mins)	Selection of indicators for pilot phase and definition of the scope of the pilot exercise – Group discussions - Continuation
11:15 - 12:30 (1 hour 15 mins)	Selection of indicators for pilot phase and definition of the scope of the pilot exercise - Feedback in plenary and discussion
12:30 – 13:00 (30 min)	Conclusions of the workshop
13:00-14:00	Lunch
End of workshop	

Annex IV:**List of Participants at the First Workshop
26-27 June 2008, Wexford, Ireland**

	Name	Country	Organisation
1	Palle Jean Jørgensen	Denmark	Danish Ministry of the Environment
2	Thaleia Kiapoka	Greece	Greek Ministry of the Environment
3	David Pugh	United Kingdom	Environment Agency – England and Wales
4	Jean-Pierre Janssens	Belgium	Brussels Institute for the Management of the Environment
5	Peter Schryvers	Belgium	Flemish Environmental Inspectorate Division
6	Anna Karamat	EC	European Commission
7	Flori Corobea	Romania	National Environmental Guard, Romania
8	Dr. Horst Büther	Germany	
9	Markku Hietamäki	Finland	Ministry of the Environment, Finland
10	Carol McCarthy	Ireland	Kilkenny County Council
11	Flan Real	Ireland	South Tipperary County Council
12	Elaine Hickey	Ireland	Waterford County Council
13	Anne Bonner	Ireland	Westmeath County Council
14	Philippos Vassiliou	Cyprus	Department of Labour Inspection Nicosia
15	Paula Cristina Duarte Matias	Portugal	Environmental and Spatial General Inspectorate
16	Dr. Matthias Weigand	Germany	Bavarian State Ministry of the Environment
17	Lenka Nemcová	Czech Republic	Czech Environmental Inspectorate
18	Imants Krumins	Latvia	State Environmental Services Latvia
19	Nikolay Savov	Bulgaria	Ministry of Environment, Bulgaria
20	Inga Birgitta Larsson	Sweden	Swedish Environmental Protection Agency
21	Jan Teekens	The Netherlands	Inspectorate of the Netherlands Ministry of Housing, Spatial Planning and the Environment
22	Christof Planitzer	Austria	Lower Austrian Government
23	Tomas Kasperovicus	Lithuania	Environmental Protection Department of Vilnius
24	Joanna Piekutowska	Poland	Poland Department of Inspection and Administrative Ruling
25	Dara Lynott	Ireland	Environmental Protection Agency, Ireland
26	Gerard O'Leary	Ireland	Environmental Protection Agency, Ireland
27	Valerie Doyle	Ireland	Environmental Protection Agency,

			Ireland
28	Andy Fanning	Ireland	Environmental Protection Agency, Ireland
29	Cormac MacGearailt	Ireland	Environmental Protection Agency, Ireland
30	Ann Marie Egan	Ireland	Environmental Protection Agency, Ireland

**List of participants at the Second Workshop,
20-21 October 2008, Antwerp, Belgium**

	Name	Country	Organisation
1	Thaleia Kiapoka	Greece	Greek Ministry of the Environment
2	David Pugh	United Kingdom	Environment Agency – England and Wales
3	Peter Schryvers	Belgium	Flemish Environmental Inspectorate Division
4	Anna Karamat	EC	European Commission
5	Florin Guran	Romania	National Environmental Guard, Romania
6	Dr. Horst Büther	Germany	Bezirksregierung Köln
7	Markku Hietamäki	Finland	Ministry of the Environment, Finland
8	Simon Bingham	United Kingdom	Scottish Environment Protection Agency
9	Benjamin Huteau	France	DRIRE Midi-Pyrénées
10	Alessandra Burali	Italy	ISPRA
11	John Russon	United Kingdom	Environment Agency England and Wales
12	Louis Vella	Malta	MEPA
13	Paula Cristina Duarte Matias	Portugal	Environmental and Spatial General Inspectorate
14	Baran Bozoglu	Turkey	Ministry of Environment
15	Lenka Nemcová	Czech Republic	Czech Environmental Inspectorate
16	Imants Krumins	Latvia	State Environmental Services Latvia
17	Inga Birgitta Larsson	Sweden	Swedish Environmental Protection Agency
18	Jan Teekens	The Netherlands	Inspectorate of the Netherlands Ministry of Housing, Spatial Planning and the Environment
19	Christof Planitzer	Austria	Lower Austrian Government
20	Tomas Kasperovicus	Lithuania	Environmental Protection Department of Vilnius
21	Joanna Piekutowska	Poland	Poland Department of Inspection and Administrative Ruling

Annex V:

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
	Development of performance indicators for inspecting authorities

1. Scope

1.1. Background	<p>There are several reasons for wanting to carry out a project on performance indicators for environmental inspections.</p> <p>One reason is that performance indicators are a key element in the whole planning and evaluation process of inspecting authorities. The guidance book on planning, developed within the framework of the Doing the right things II project, highlights the need for measurable targets and connected performance indicators to steer inspection activities. However many inspecting authorities have little experience in defining indicators and experts acknowledge that further work in this field is very much needed. Similar conclusions resulted from the IMPEL workshop in 2003 in Maastricht and from the project on 'Benchmarking on quality parameters for environmental inspectorates', carried out in 2005.</p> <p>The need for indicators was also raised during the IMPEL project 'Input to the further development of the RMCEI'. One of the issues discussed was the reporting to the Commission. The conclusion of the project was that the current reporting requirements in the RMCEI are unsatisfactory. The data are costly to produce without meeting the purpose of reporting to the Commission, which is to inform the Commission on how the RMCEI is complied with. It was concluded that a simpler system should be developed. In order to make the reporting useful and comparable, it would be desirable to have common performance indicators for inspection authorities. These could in turn form the basis for standardized reporting requirements leading to consistent and meaningful data.</p> <p>This project follows the first phase – the project on brainstorming on performance indicators. It will build on the this work to develop a range of potential performance indicators.</p> <p>A further third phase of the project may be needed to carryout more extensive testing of any indicators developed in Member States. We will assess the need for this third phase as work on the project progresses.</p>
1.2. Link to MAWP and	Strategic Goal II Improving Methodologies II/1.a. Accomplishing projects giving input to DG ENV for

IMPEL's role and scope	the further development of the RMCEI
1.3. Objective (s)	To develop and pilot a range of performance indicators for inspection authorities. Pilot work will be limited to a small number of member states. The pilot work and range of indicators will be dependent on the outcome of the first phase – the project on brainstorming on performance indicators and members from the workshop can volunteer to take part.
1.4. Definition	This project is to take forward the proposals from the Brainstorming on Performance Indicators project, which has been set up to produce a more detailed TOR for this project by autumn 2008. The project consists of organising a workshop with IMPEL members and other experts to build on the work done during the brainstorming workshop with a view to identifying indicators that have been successful in member states that could be used to produce harmonious community wide indicators relating to RMCEI. The project will put forward proposals on the use of performance indicators relating to environmental inspections and detail a provisional range of performance indicators.
1.5. Product(s)	A provisional range of performance indicators. A report A workshop

2. Structure of the project

2.1. Participants	<ul style="list-style-type: none"> • One representative per IMPEL Member is invited to participate in the workshop – maximum of 30 for attending workshop • External experts with expertise in the area of indicators will be invited
2.2. Project team	<ul style="list-style-type: none"> • To be confirmed
2.3. Manager Executor	
2.4. Reporting arrangements	The report will be submitted for adoption to the General Assembly Meeting in December 2009.
2.5 Dissemination of results/main target groups	The report will be put on the IMPEL website and disseminated to the authorities in the Member States. The report will also be submitted to the EU institutions.

3. Resources required

3.1 Project costs and budget plan		2009	
	<u>1. Overhead (organisation) cost (€) :</u>		
	<u>2 Project meeting costs (€)</u>		
	<u>Meeting 1¹ Project team meeting</u>		
	No of Participants: 4		
	Travel ² :	3000	
	Accommodation ³ :		
	Catering:		
	Meeting venue:		
	<u>Meeting 2 Project team meeting</u>		
	No of Participants: 4		
	Travel:	3000	
	Accommodation:		
	Catering:		
	Meeting venue:		
	<u>Meeting 3 Project team meeting</u>		
	No of Participants: 4		
	Travel:	3000	
	Accommodation:		
	Catering:		
	<u>Meeting 4</u>		
	No of Participants: 30		
	Travel:	22,500	
	Accommodation:	4,500	
	Catering:		
	Meeting venue:	3,000	
	<u>3. Other costs:</u>		
	Consultant:		
	Translation:		
	Dissemination:		
	Other (specify):		
	TOTAL cost per year	39,000	
	TOTAL project cost	39,000	
3.2. Fin. from IMPEL budget	<u>2. Project meeting costs</u>	39,000	
3.3. Co-financing by MS (and any other)	<u>1. Overhead costs</u> as co-financing contribution, committed by...(name of institution).....		

¹ specify, like Review Group Meetings, Workshop etc.

² normative: €750/person

³ normative: €150/person/night

	<i>3. Other costs</i> as co-financing contribution, committed by...(name of institution).....		
3.4. Human from MS			

4. Quality review mechanisms

The quality of the report will be reviewed by the project participants and IMPEL. In addition, the draft report will be submitted to Cluster 1 for its opinion.

5. Legal base

5.1. Directive/Regulation/Decision	Recommendation 2001/331/EC establishing minimum criteria for environmental inspections in the Member States
5.2. Article and description	VIII Reporting to the Commission
5.3 Link to the 6th EAP	Improving inspection systems in the MS contributes to a more effective implementation and enforcement of environmental legislation, which is one of the priorities of the 6 th EAP.

6. Project planning

6.1. Approval	IMPEL plenary May 2008
(6.2. Fin. Contributions)	
6.3. Start	The project should start beginning of 2009
6.4 Milestones	To be confirmed
6.5 Product	Final report November 2009
6.6 Adoption	IMPEL general assembly meeting December 2009

