IMPEL Project

Practical Application of Better Regulation Principles in Improving the Efficiency and Effectiveness of Environmental Inspection Authorities

Final Report

October 2009

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 Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

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

Information on the IMPEL Network is also available through its websites at:
http://europa.eu.int/comm/environment/impel
www.impeltfs.eu

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Project participants: Representatives of 14 IMPEL member countries and the European Commission	

Executive summary: This IMPEL project aims to provide practical solutions and share good practice among environmental inspection authorities in Europe on initiatives to improve the efficiency and effectiveness of regulatory activities such as permitting and inspection. The intended benefits of the project are to:

- Share best practice and practical solutions to common problems facing inspection authorities, which will benefit the environment, business and the public.
- Provide evidence of the outcomes and effectiveness of better regulation approaches.
- Inform European and national law makers on best practice approaches to implementing laws.

We received 50 examples of initiatives from 14 countries in response to a questionnaire. These included initiatives to improve permitting, inspection, and monitoring as well as broader initiatives that spanned the whole regulatory cycle. The wide range of approaches reported reflects the different regulatory and legal structures and contexts in the Member States, such as the different relationships between permitting and inspection bodies.

A number of trends in better regulation approaches were identified:

- Greater use of alternatives to bespoke permits, e.g. general binding conditions.
- More evidence of sector-based approaches, e.g. seeking to agree performance objectives beyond minimum regulatory standards.
- Streamlining or integrating approaches for companies which are carrying out similar activities across multiple sites.
- Bringing different types of inspection activity together in a single or harmonized process which increases coherence and reduces costs to business and authorities.
- Identifying opportunities for other inspectorates, or even commercial organisations, to undertake areas of inspection activity where it is more effective to do so.
- Relatively few of the initiatives included an assessment of the intended benefits regarding environmental outcomes, or cost savings to business and regulatory bodies.

This report summarises the findings from the questionnaires and further discussions that took place at a workshop in Berlin. It identifies learning points for IMPEL members in each chapter. Fuller details of all the initiatives submitted can be found in the annex to this report.

The project makes a number of recommendations for IMPEL including:

- Encourage the ongoing sharing of better regulation initiatives by revisiting this project to learn further lessons as initiatives are delivered and identify new initiatives every three years.
- Promote the good practice and the recommendations for others identified in this project with key stakeholders including the European Commission.
- Consider the lessons learnt in guiding the future work of the Better Regulation Cluster.
- A series of recommendations for future work are made in Section 6.

The project makes the following recommendation for IMPEL members:

- Share the good ideas from other Member States with inspection authorities in your country, and consider the learning points set out in this report.

The project makes the following recommendations for EU and national law makers:

- EU and national law makers will need to ensure sufficient flexibility is retained to enable the range of better regulation approaches to setting conditions/permits that IMPEL members want to adopt, and that these can be integrated into national delivery frameworks.
- The European Commission should consider the lessons learned from Member States and think about all the potential uses of information in its efforts to harmonise data reporting and presentation requirements across all sectors.
- EU law makers should ensure that monitoring and reporting requirements in new and revised legislation are as integrated as possible with other monitoring and reporting obligations, including what is monitored, format, reporting process, etc.
- EU law makers should ensure that sufficient flexibility is retained in new or revised legislation, including the revision of the EU Recommendation on Minimum Criteria for Environmental Inspections, to take account of the variety of approaches to inspection being developed by regulators.

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Annexes to the Project in a Separate Report

1 BACKGROUND

Better regulation principles are driving the development and implementation of environmental law at EU and Member State level. Member States have adopted a range of initiatives that contribute to achieving better regulation. These can range from broad, strategic processes to highly focused actions aimed at specific stages in the regulatory process and/or at a specific target groups. IMPEL, through its Better Regulation Cluster, has undertaken a series of projects to examine issues relating to the application of better regulation principles, such as within EU lawmaking.

Overall, key better regulation criteria can be considered to be the following:

- Regulations should be well-founded, based on facts and with knowledge of their expected impacts.
- Regulations should be prepared in a transparent way, involving all parties concerned.
- Regulations should be effective, efficient, proportional and not leading to undesirable economic, social or environmental consequences or to unnecessary administrative burdens for businesses, citizens or authorities.
- Regulations should not lead to unwanted discrimination, and can help create a level playing field and support innovation.
- Regulations should be clear, consistent, understandable and as simple as possible. They should not contradict other regulations.
- Regulations should be compliable, practicable and enforceable.

In June 2006 DG Enterprise published a report of the BEST Project Expert Group (known as the 'BEST Report') entitled '*Streamlining and Simplification of Environment Related Regulatory Requirements for Companies*'. This included around 70 examples of best practice in the Member States. A number of these initiatives were at their early stages of implementation, so further information on these was expected. Also the BEST Report provided many examples of initiatives at the early stages of the regulatory cycle (e.g. policy development), some at the early stages of implementation (e.g. permitting), but few at the later implementation stages (e.g. inspection).

2 OBJECTIVES OF THIS PROJECT

This IMPEL project sought to examine further progress in the Member States in delivering better regulation initiatives. However, it was decided that the project would **not include broad strategic initiatives** of the Member States such as the setting of government-wide targets for administrative burden reduction, but focus on initiatives linked to particular areas of the work of IMPEL members (e.g. on permitting, inspection, etc). The project also did **not consider risk-based approaches**, e.g. for permitting or inspection, as these are being addressed in other IMPEL Projects e.g. IMPEL project 'Doing the Right Things' on risk based inspections. The project also did not aim to repeat information in the BEST Report, although it does follow up some of those initiatives.

The project had the following main objectives:

- To identify how environmental authorities in Member States are applying better regulation principles at different stages in the regulatory process (e.g. permitting, supervision, enforcement, etc.).
- To share good practice amongst Member States.
- To provide practical solutions to common problems facing environmental authorities.
- To demonstrate the real benefits of applying better regulation principles to the environment, business and the public.

It was expected that the project would have the following benefits:

- Environmental authorities in Member States will be better equipped to apply better regulation principles in their work through sharing of best practice and practical solutions to common problems, which will benefit the environment, business and the public.
- There will be better evidence of the outcomes/effectiveness of better regulation approaches.
- It will provide an opportunity to inform the European Commission on best practice and incorporate this into future legislation.

3 METHODOLOGY

The project was managed by a Core Group with representatives from the Netherlands, the UK and the European Commission. The Core Group designed a questionnaire to identify what better regulation initiatives are being taken forward by Member States and to consider information on their outcomes, etc.. A copy of the questionnaire is provided in Annex I to this report.

The questionnaire was structured by focusing on key regulatory areas such as improving permitting, monitoring and reporting and supervision (inspection). Members were asked if they had better regulation initiatives in these categories and, where they do, to provide information on the nature of the initiative, its objectives, outcomes, success factors and barriers to success. Members were also asked for information regarding initiatives identified previously in the DG ENTR BEST report, in particular seeking to identify if progress on these initiatives had resulted in new information, particularly on outcomes and lessons learned.

Responses to the questionnaire were received from 16 IMPEL members from 14 IMPEL Member Countries (Bulgaria, Czech Republic, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Spain, Sweden, Turkey and the United Kingdom). Annex II provides a collation of the responses received.

In order to discuss the outcomes of the questionnaire and identify critical issues, conclusions and recommendations, a workshop was held in Berlin in June 2009. The workshop included presentations about some specific initiatives (information from which has been added to the examples in Annex II) and discussion on critical issues,

such as how to assess the outcomes of initiatives or factors contributing to their success.

This report sets out the key outcomes from the project, drawing on the questionnaire returns and the discussion at the workshop.

4 PROJECT OUTCOMES

4.1 Introduction

IMPEL members identified a wide range of better regulation initiatives. This report sets out the key conclusions and recommendations according to the following structure:

- Section 4.2 considers approaches that have been taken across the regulatory cycle. These may include specific issues concerning permitting, inspection, etc., or initiatives that establish principles and act as a governmental policy umbrella for further initiatives. Some of them deal with a limited part of environmental legislation, others cover broader issues besides the environment.

- Sections 4.3-4.5 consider initiatives related, in turn, to discrete stages in the regulatory cycle: permitting (or other objective setting), monitoring and reporting and then inspection/supervision. Some of the initiatives are highlighted in boxes. For more detailed information on these initiatives and other initiatives the reader is referred to the Annexes.

- The report then considers how far outcomes (for business, authorities and the environment) have been assessed and the challenge for authorities in undertaking such assessments. Finally, consideration is given to factors contributing to the success of initiatives and barriers to their success (sections 4.6 and 4.7).

In each section key initiatives are highlighted (though further details are to be found in Annex II) and conclusions, lessons and recommendations are made.

4.2 Approaches Across the Regulatory Cycle

It is important that better regulation initiatives deliver specific outcomes to streamline permitting or monitoring, or help make inspections more effective. Some of the initiatives identified in the project consider regulatory activities across the whole regulatory cycle. Such approaches are able to highlight the most important issues for business, authorities or other stakeholders that need to be addressed and can act as an ‘umbrella programme’ within which specific initiatives may be developed and implemented.

Such initiatives are different to the strategic initiatives undertaken by Government (and not included in this project) which tend to focus on administrative burden

reduction targets and measurements. For regulators, broader approaches are able to re-examine the principles of their regulatory approaches, such as considering where they may be alternatives to traditional regulation, integrated approaches to stakeholder engagement and broader approaches to collaborative working. Examples are given below.

Approaches Across the Regulatory Cycle

In **England and Wales** the Integrated Regulation Programme has been established to help streamline regulatory activities including permitting, reporting and inspections. Integrated regulation will gather all the regulatory systems under one consistent and nationally managed IT framework. This will ensure that data is held once and activities are not duplicated. Permitting will be easier and costs less (for authorities and operators). Integrated Regulation will also mean less time spent on administration and data entry tasks enabling staff to focus their work on areas that have greater impact to the environment. Finally, Integrated Regulation will enable the regulator to manage the environment in a more integrated way and focus resources on the greatest risk.

In the **Netherlands** the Renewing Supervision programme has taken a strategic look at regulatory activity across all areas of Government (not just environment) and has resulted in a number of specific initiatives (see chapters 4.3-4.5).

In **Scotland** the Scotland's Environmental and Rural Services initiative has brought together the regulatory activity of nine bodies working with rural land managers. This has involved an examination of the environmental obligations arising from the different authorities on land managers, ranging from permits and licenses to inspection activity. Land managers are provided with single points of contact and co-ordination of activities such as inspection and the authorities themselves are able to share work between them. This allows for a reduction in burden to business, greater cohesion and enhanced environmental outcomes.

In **Scotland** the Better Waste Regulation Action Programme is a comprehensive programme of actions to deliver improvements and changes in domestic legislation and the regulator's implementation of those regulations. The Programme consolidates legislation, provides proportionate regulation and targets inspection activity. It also allows for flexibility in regulation to take account of innovation in business.

The following learning points for IMPEL members are identified where additional benefits may be achieved by approaches across the regulatory cycle:

- Consider better regulation initiatives that take action across the whole regulatory cycle rather than focussing on a single element in isolation (such as permitting), e.g. the Environmental Permitting Programme in England and Wales.

- Consider looking at a single regulatory element (e.g. permitting or inspection) across a range of different regulations or those applying to a particular sector, e.g. the Netherlands' Renewing Supervision Programme.

- In some areas it is possible to work with other authorities to develop strategic approaches and provide joined up services to improve outcomes and reduce costs, e.g. Scotland's Environmental and Rural Services initiative.

4.3 Setting Conditions/Permitting

A critical part of much environmental regulation is to set conditions for the environmental performance of a range of industrial/business activities. These conditions can set out what level of environmental performance is required and how operators might assess this and, therefore, provide the basis for supervision activity by regulators.

A typical example of such 'condition setting' is permitting, whereby operators apply for permits (providing a range of information to support their application), followed by discussion with permitting authorities and issuing of a permit containing the necessary conditions. However, there are also simpler approaches, such as setting out requirements in legislation so that an operator notifies an authority of its operation (to which the legal conditions apply).

In some cases the focus on an individual site or facility may not deliver the environmental outcomes or business efficiencies that could arise from setting objectives at a broader scale, such as by addressing companies as a whole or entire business sectors.

Permitting activity, in particular, can raise a number of better regulation concerns. These include:

- Operators may find that they require different permits for different aspects of their business, sometimes from different authorities. Also a business having several factories across the country needs permits for the same activity but with different conditions from different authorities. Both result in duplication of activity and added administrative cost.
- The requirements for detailed and individual (bespoke) permits for some activities may be unnecessary given their low risk to the environment or standardised operation.
- The procedures for permitting may be complex and time consuming.

As a result, IMPEL member countries have adopted a number of approaches to tackling these better regulation concerns.

Streamlining and speeding-up existing permitting procedures has been an important better regulation theme in a number of countries. This does not involve the basic permitting obligations, but it has been recognised that the administrative processes can be improved. The development of on-line communication systems has been an important foundation for much of this type of approach, with the ability to submit and update information on-line. However, there has also been a focus on seeking to ensure that only the necessary information is asked for and service standards setting deadlines for authorities to process applications have been adopted.

Streamlining permitting

In **Bulgaria** systems have been put in place to streamline permitting procedures for implementing the IPPC Directive. Operators can apply for IPPC permits prior to obtaining a construction permit (thus aiding business planning) and the procedures for obtaining the permit have been reviewed, making them clearer and shorter, with improved guidance both for the applicants and the permitting authorities.

There has also been considerable emphasis on examining the need for bespoke permitting. Countries have removed some categories of business from this requirement, replacing the requirements with standard conditions. In such cases business knows what conditions will apply to them prior to receiving any permission.

For other types of activity, there is also a trend to remove permit requirements (even with standard conditions) altogether. In such cases operators only need to notify authorities that they will operate and legislation sets out the conditions to which they will comply.

Use of notification and standard rules

The **Netherlands** has adopted the instrument 'General Mandatory Rules'. There are three types of private companies/organisations under the act, distinguished based ob their risks to the environment:

- Type-A companies: with a 'light regime', which means that the companies have no obligation to report their business to the environmental authority and that they do not need a permit. Included are: offices, banks, healthcare centres, general practitioners and playgroups. These are the companies with little or no negative impact on the environment.
- Type-B companies: with a reporting obligation. The business activities of the company must be reported to the environmental authority. The possible impact on the environment is not so negative that they need an environmental permit, but they are included in a special regime of the general mandatory rules. Industries include: retail, restaurants, garages, transport and fuel/gas stations.
- Type C companies: those still are duty-bound to apply for an environmental permit, because the probability of negative consequences for the environment of their business activities is high. Sectors: including storage of dangerous substances, chemical plants, agricultural facilities.

In **Scotland** the legislative basis for regulation of activities liable to cause pollution to water was revised in 2005. This sets out three types of authorisation – licences, registrations and general binding rules. The latter are considered to represent the lowest risk and lowest level of control and do not require an application for a licence (and, therefore, avoid the costs associated with this). The adoption of such rules for many low risk activities was considered necessary to meet the objectives of the EU Water Framework Directive. However, without the need for licensing, authorities have had to implement a national campaign of awareness raising, guidance and training to ensure operators understand their obligations.

Permitting obligations can also be made simpler under certain specific conditions. For example, where companies are certified to the EU's Eco-Management and Audit Scheme (EMAS), permitting authorities might request less information or quicker processing due to the environmental oversight that already exists within EMAS.

Links to EMAS

In **Bavaria** EMAS registered companies with the full compliance approach are privileged in terms of permitting, monitoring, reporting, inspections and enforcement.

Where bespoke permitting is needed, countries have also adopted approaches to reduce the number of individual permits that a company needs to obtain. This has involved the bringing together of different permitting regimes into a single application and determining process. This not only avoids much duplication of effort (e.g. submitting basic operational information each time, sometimes in different formats), but also allows both operator and authority to take a more holistic approach to the environmental performance of the activity. The examples below include the bringing together of permitting obligations for activities that are located together and the integration of regulatory activity for farmers – a sector often subject to a wide range of environmental obligations, but often without the capacity to address complex, repeated regulatory demands.

Bringing permit regimes together

In the **Netherlands**: the Environmental Licensing (General Provisions) Bill ('Wabo') has brought together permitting and licensing requirements for a wide variety of different issues from different authorities (from national to municipal level) into a single procedure to enhance clarity and reduce costs to businesses. It is estimated that it will reduce business costs by €33.2 million per year.

In **Poland** an approach has been adopted to allow for the different permitting obligations on a single site (e.g. with more than one IPPC installation) to be brought together into a single permitting process. This reduces costs, avoids duplication and allows for a more coherent approach to environmental objective setting for the site.

In **Turkey** the Ministry of Environment and Forestry until now has granted more than 10 different types of permits and licences. A new by-law brings these together into a single process which will increase work efficiency and enhance business outcomes. Bringing permitting processes together is also leading to the creation of a new Permission Department to coordinate activity.

In **England and Wales** the Whole Farm Approach has brought together the range of environmental objectives that may apply to individual farms so that these are regulated and communicated in a coherent way.

In **England and Wales** the Environmental Permitting Regulations came into force in 2008. They have brought together different IPPC and waste licensing requirements (covering 14 Directives and 41 sets of regulation) into a single system without changing any environment or health protection standards. It has also introduced

different appropriate levels of control (exemptions, standard and bespoke permits). This is expected to save business and regulators around €87 million over ten years. The regulations have been designed so that future requirements can be easily built into the established framework. Consideration is currently being given to expanding the Programme to include discharge consenting, groundwater authorisations, water abstraction and impoundment, radioactive substances regulation and licensing of some waste carriers and brokers which is forecast to deliver a further €42 of savings.

On a broader scale countries are also adopting approaches that seek to set performance objectives for companies as a whole or from industrial sectors which go beyond what can be achieved through traditional permitting. Being outside the framework of traditional regulation, such approaches allow for greater dialogue between business and regulators which facilitates the development of greater synergies between business and environmental objectives.

Broader approaches to objective setting

In the **Netherlands** an (inter)national company often has several establishments across the country which are traditionally regulated separately. In order to coordinate and equalize the permitting-procedures and supervision, the 'company approach' has been launched. It consists of organizing a coordinated approach from both the company as well as from the side of the authorities. This involves establishing a service/coordination point dealing with permitting and supervision aspects that needs to be streamlined within and between the different establishments and/or authorities. It has also a mediation role in case of problems encountered by the authorities or concern.

In **England and Wales** sector plans have been developed which aim to build a shared understanding and approach with industry to identify priority issues and pursue environmental outcomes beyond minimum regulatory standards. They have provided a basis to set performance targets and report publicly each year on performance against targets. The process has also been a major opportunity to strengthen relationships with the sectors' principal stakeholders. Sector plans have been published for the chemicals, cement, nuclear, waste management and dairy farming sectors.

The following learning points for IMPEL members are identified where streamlining permitting requirements may offer reduced costs for regulators and for business and enable a better focus on achieving the right outcomes:

- Consider whether permitting processes can be streamlined further, e.g. Bulgaria's IPPC initiative.

- Consider if environmental outcomes can be delivered more effectively and efficiently by using alternatives to bespoke permits and conditions, e.g. Scotland's use of general binding rules.

- Consider whether it is possible to integrate permitting requirements for different regulatory regimes, e.g. Turkey's example of bringing permits and licences into a single process.

- Consider whether environmental objectives can be achieved by streamlining or integrating approaches for companies who are carrying out similar activities across multiple sites, e.g. the Netherlands' company approach.

Recommendation for IMPEL:

- Consider whether there are specific areas of permitting that would be useful for IMPEL members to share experience in more detail e.g. integrating permitting requirements or company level approaches.

Recommendations for EU and national law makers:

- EU and national law makers will need to ensure sufficient flexibility is retained to enable the range of better regulation approaches to setting conditions/permits that IMPEL members want to adopt, and that these can be integrated into national delivery frameworks.

4.4 Monitoring and Reporting

Monitoring and reporting requirements on businesses with regard to environmental performance can be extensive and impose significant costs, not least because these are usually on-going costs rather than one off events, as with permitting. Authorities also receive large amounts of information and this can be difficult to process effectively and share with other relevant authorities. It is, therefore, important that businesses are only required to monitor and report on aspects of their operation which are necessary and that authorities have systems in place to make the most effective use of the information which is received.

Overall, there was not a large range reported in the types of better regulation initiatives adopted in the IMPEL member countries with regard to monitoring and reporting. Removing unnecessary monitoring requirements is important in delivering better regulation. Initiatives otherwise tend to focus on bringing monitoring and reporting obligations together in a single process and, usually, doing this through electronic, web-based systems. While electronic reporting might be seen as usual practice at one level, it was evident at the workshop that integration of reporting obligations across different regulatory areas and authorities is a particular challenge to members.

Examples of initiatives to improve monitoring and reporting

In the **Basque Region** a major initiative has been adopted to implement an Integrated Environment Information Management System bringing together all areas of environmental reporting by business, integrated uses by authorities and reporting to the EU. Information is submitted once and is useable for different regulatory and environmental assessment processes.

In **Lombardy** a specific software package (AIDA) has been developed to streamline and improve the reporting processes by business to authorities. All IPPC installations are included, with data returns made relatively simple for authorities and allowing authorities to identify critical environmental and enforcement issues more easily.

Effective monitoring and reporting systems can be important to support initiatives in other aspects of regulation addressed in this report. Systems whereby operators can readily submit data (periodically or as real-time monitoring) in formats that regulatory authorities can use support processes to simplify, or better target, inspection, for example. For such reporting processes to be effective it is important for operators and for inspectors (the 'users'), etc., to be involved in the design of the system.

Many member countries have evolved different systems at different levels of authorities within the country. In some cases it can be difficult to get all of these authorities to agree that data sharing is needed. However, often more challenging is to agree on systems once the principle of harmonisation is reached. Authorities (e.g. at regional level) may have invested in systems that they are reluctant to abandon. Some may even be reluctant to abandon paper records.

Bringing different systems together therefore requires extensive collaboration, highlighting the benefits of system integration. However, such benefits may only arise after significant changes have been implemented and may take time to materialise, so that institutional resistance may arise during the process.

The technical challenges of integrating systems should not be underestimated. For example, in Bulgaria different institutions were found to have separate hardware and software systems. However, even with co-operation between institutions and staff, these differences were found to be fundamental barrier to the interoperability between the systems. It is, therefore, important to ensure that formats for reporting, etc., are as interoperable as possible. This has been the practice in the Basque Region and has proved successful.

The workshop noted the importance of information requirements at a European level – such as through the E-PRTR, reporting on individual Directives, etc. This presents an additional challenge to integrating information systems. It is, for example, possible to ensure that specific European level reporting is integrated into the design of systems developed at national level. However, this is difficult where different requirements are set out at European level. This can include different formats of reporting, classification of reporting elements (e.g. waste types) between, for example, DG Environment, Eurostat, the European Environment Agency, etc. The

Commission is currently working to address this, but this still presents a challenge to developing coherence as national systems are being developed today.

It is also important to stress that the workshop noted that while some initiatives are in place to bring information systems together at national level, higher level issues need not be restricted to EU institutions. Neighbouring (or other) countries may also benefit from access to the data (such as for transboundary rivers, waste shipment, etc). However, while data access may occur, system harmonisation is more limited. How far this is a significant problem and whether transboundary system integration is at all feasible (particularly where a language is not shared) should be examined in more detail.

Learning point for IMPEL members to consider:

- When developing new monitoring and reporting systems, avoid operational difficulties by involving the full range of potential users (including other authorities, stakeholders, etc.) in the whole process and considering the importance of compatibility with other information systems.

Recommendations for IMPEL:

- Consider sharing experience on the barriers and solutions in bringing together and supporting different monitoring and reporting systems within member countries.

Recommendations for EU Institutions:

- The European Commission should consider the lessons learned from Member States and think about all the potential uses of information in its efforts to harmonise data reporting and presentation requirements across all sectors.

- EU law makers should ensure that monitoring and reporting requirements in new and revised legislation are as integrated as possible with other monitoring and reporting obligations, including what is monitored, format, reporting process, etc.

4.5 Supervision/Inspection

Supervision/inspection is an important part of the regulatory process whereby authorities adopt various approaches to ensure that activities comply with their environmental performance objectives, such as those set out in permits, legislation, etc. Effective inspection should achieve a good understanding of the performance of an activity. However, authorities and those being inspected have limited resources, so targeting inspections, improving their effectiveness and seeking alternative approaches may be important to ensure supervision as a whole is improved. Inspection activity also imposes costs on businesses, so that it is important to ensure that such activity is necessary.

Members have identified a variety of approaches to taking forward better regulation principles within supervision/inspection regimes. These may be undertaken as individual initiatives or within a wider strategic approach to better regulation and/or

inspection. In this regard it is useful to highlight the Renewing Supervision programme in the Netherlands. This has taken a strategic look at inspection activity across all areas of Government (not just environment) and has resulted in a number of specific initiatives (see below). Within individual inspectorates it is also appropriate to undertake strategic reviews of supervision. For example, the Scottish Environmental Protection Agency has adopted the Compliance Assessment Scheme which has aimed to enhance consistency of supervisory activity across the authority, target inspection to higher risk activities and improve understanding by stakeholders of what the authority will undertake in relation to supervision.

It is important to note that it should not be assumed that businesses always want fewer inspections. Inspectors often provide advice to operators during inspections and this can be valued. Therefore, consideration has to be given to ensuring the necessary communication between business operators and authorities is available as procedures are changed.

It is also important to stress that inspections can only detect non-compliance with permit conditions which are clearly set out. Therefore, effective inspection requires effective permitting (see above).

One important strand of better regulation for supervision activity is to bring different types of inspection activity together in a single or harmonized process. Such approaches can achieve both a more coherent assessment of environmental performance of activities and a reduction of costs to business and authorities. Where environmental inspection activity has itself been divided between authorities, initiatives may bring these together. There are also approaches to harmonizing inspection activity beyond core environmental inspection to other areas of Governmental supervision.

It is, however, important to note that in England and Wales the Hampton review of inspection activity concluded that in some cases businesses value having different inspectors (from different inspectorates) as they each have specialist knowledge. Operators, therefore, have confidence in the professionalism and advice of the inspectors. Transferring inspection activity between inspectorates needs, therefore, to be done in a way that does not undermine business confidence. The survey did conclude that even where separate specialist inspectors are preferred, businesses do want such the inspections to be undertaken in a co-ordinated way.

Bringing Inspection Activity Together

In the **Czech Republic** inspection activity for different permit and environmental obligations has traditionally involved different inspectors and visits. These have been brought together into a single inspection, reducing costs to business.

In the **Netherlands** an important initiative within the framework of 'Renewing Supervision' is the co-ordination of inspection activity between Government authorities. For each business sector (e.g. chemicals, hospitals, etc.) one inspectorate has been identified as 'lead' inspectorate. The lead inspectorate will undertake inspection activity for the other inspectorates and acts as the point of contact for business. This has involved investment in training, etc. Specialist inspectors from each inspectorate can be involved where specific issues arise.

Scotland's Environmental and Rural Services initiative has brought together the regulatory activity of nine bodies working with rural land managers. This has included the co-ordination of inspection activity between the Government authorities, including staff in one authority undertaking inspection activity for others. This significantly reduces the burden on stakeholders, such as farmers, ensures consistency and has increased the supervisory capacity for environmental inspection.

In **Turkey** initial work has begun to bring different types of environmental inspections (e.g. traditionally focused on air, water, etc.) together into single, combined environmental inspections. The overall work load and time taken for inspection has decreased, but the number of facilities inspected has increased, thus increasing effectiveness.

It is not always appropriate to bring inspection activity together. Inspections may need to be undertaken for different reasons, at different times and by different authorities. Where this is the case, initiatives have been adopted to enhance information sharing between inspectorates. The sharing of information/data both enhances the understanding of risks posed by activities (intelligence that may help target inspections) as well as reducing the need to ask for data from activities if these have already been supplied to other authorities. Where there is transfer of information between inspection authorities it is important to ensure that there is confidence that such data are checked and verified. In some cases confidentiality may be a barrier which will need to be addressed.

Also where separate inspections are retained, further initiatives may be adopted to enhance the co-ordination of inspection activity between authorities, particularly aiming to reduce the burden of repeated inspections on business. In some cases, consideration has been given to bringing inspectorates together into a single institution. This was found to be unsuccessful in Italy, where co-ordination and planning has proved more effective.

Sharing information and co-ordination requires a collaborative attitude by authorities and their staff. However, there can be cultural resistance to this which needs to be addressed.

Sharing Information between Inspectorates and Co-ordination of Inspections

In **Greece** the Environmental Inspectorate has adopted an initiative to work closely with local and regional environmental authorities in order to enhance the monitoring of compliance of activities.

The **Netherlands** has adopted an initiative on 'e-inspections' which involves the investment of significant resources for the development of compatible ICT systems in the different Government inspectorates not only for the sharing of inspection data, but also as a platform for company self-assessment and for the analysis of risks.

In the **Netherlands** an initiative has been adopted on 'information-driven' monitoring and enforcement. This uses information gathered from various sources to help target supervision activity. The authorities involved include the VROM Inspectorate, Labour Inspection, Tax, Customs, Police authorities and others. Concerns highlighted in one area may result in inspection activity in others.

In **Sweden** there is a range of inspection authorities at national, regional and local level. Different ways have been adopted to develop co-ordination and exchange of information. Networks include the 'Network Between Supervisory Authorities', 'Environmental Co-ordination Sweden' and 'Enforcement and Regulation Council'.

Inspection authorities can adopt various approaches to enhance the role of operators in undertaking their own supervision of their activities. Such approaches reduce the burden on authorities and increases the awareness of operators to the environmental outcomes of their businesses.

Enhancing the Role of Business in Supervision

In one of the provinces of the **Netherlands** where an inspection identifies that there is a case of non-compliance with permit (or other) conditions, it has been the practice for there to be a follow-up inspection to check that improvement activity has been undertaken and compliance has been achieved. However, an initiative has been adopted whereby operators can send a simple report card to the inspectorate stating that the required improvement activity has been implemented. The inspectorate still undertakes some sample checks to ensure that the system is not abused, but overall this has reduced the inspection costs to business and authorities.

The **Netherlands** has adopted a process of 'self-management supervision'. In this case a company adopts management processes to ensure particular environmental outcomes are achieved (e.g. chemicals are managed correctly). Thus rather than inspect the specific actions and outcomes of the company, the inspectorate can inspect the quality of the self-management systems put in place and only randomly check the outcome.

Complex installations and more integrated inspection processes present practical problems for inspectors to ensure that all issues are addressed during inspections. In such cases the company may adopt a detailed environmental management system addressing its environmental objectives. In such cases the inspectorate can alter its

approach to audit the management system itself rather than undertake detailed inspection of the individual aspects of the installation. Public confidence in the effectiveness of such an approach may be a barrier and this would need to be addressed.

Wider Management Approaches

In the **Netherlands** the 'audit by topic' approach involves an audit on the management system of a company with the inspector no longer checking the individual details of compliance with permit conditions. In this way the audit assesses whether the company's management system would ensure compliance.

The adoption of new inspection requirements on authorities can pose problems. One approach to tackling this is to identify whether other bodies, including commercial organizations, are able to undertake the inspection activity in a more cost effective way. It is possible that there may be some cultural resistance to contracting out supervision activity from Government (by authorities and/or by business), but it can be an effective mechanism to improve supervision activity.

Besides this it should be recognised that introducing other ways of inspecting also means that inspectors should be educated to be able to use other methods and have other skills.

Contracting Out Inspection

In **England and Wales** the IPPC Directive introduced new regulatory obligations for a large number of pig and poultry farms. This has posed a major challenge to the Environment Agency. As a result some of the inspection activity is to be undertaken by commercial bodies which are certified. These bodies already work with farmers so have the expertise to undertake the work. This approach is used for farms assessed to be of low risk to the environment and results in lower administrative costs. It will also lower the biosecurity risk of disease spread between farms. Higher risk farms will still be inspected by the Environment Agency's inspectors.

The following learning points for IMPEL members around opportunities to improve the efficiency and effectiveness of inspection and supervision activity were identified:

- Consider the role of alternatives to traditional on-site inspection, e.g. the Netherlands' initiative on self-management supervision.

- Consider joining up with other Government inspectorates, where appropriate, to have more integrated approaches, e.g. Sweden's Network between Supervisory Bodies.

- Consider delivery of inspection by third parties, e.g. the use of authorised companies to undertake inspections for IPPC poultry farms in England and Wales.

Recommendations for EU institutions:

- EU law makers should ensure that sufficient flexibility is retained in new or revised legislation, including the revision of the EU Recommendation on Minimum Criteria for Environmental Inspections, to take account of the variety of approaches to inspection being developed by regulators.

Recommendations for IMPEL:

- Consider whether there are specific areas of inspection/supervision that would be useful for IMPEL members to share experience in more detail. In particular the following recommendations were made for future areas of work:
    - Review the different approaches, including successes and problems, to the co-ordination of activities (e.g. inspection) between environmental authorities.
    - Study the impact of new approaches to regulation, supervision, etc., on public confidence and other stakeholder perceptions (e.g. NGOs) in the levels of environmental protection.
    - Examine the use of environmental management systems or other forms of self-monitoring as a means to reduce inspection burden and what level of inspection would remain necessary.
    - Consider how far inspectors within one discipline are able to undertake inspection activity in other disciplines, so identifying opportunities for effort sharing, specialist boundaries and guidance for development of co-ordinated activities.

4.6 Assessing Benefits

The initiatives adopted by the Member States are designed to deliver a range of benefits. Overall, these tend to be around three types of outcomes:

- Reducing costs to business now and avoiding future costs.
- Reducing costs to Government administrations now and avoiding future costs.
- Increasing environmental protection.

It is important to note that initiatives need not aim to achieve all of these outcomes. For example, an initiative might aim to simplify administrative procedures for regulatory activity (thus reducing costs to business) without a net change in environmental protection. Alternatively, it may re-focus the work of a regulator to enhance environmental outcomes without an overall change in costs.

Participants at the workshop stressed that the assessment of the benefits of initiatives is important. There are various reasons for this:

- To demonstrate that objectives for business, etc., are being achieved.
- To help guide further development and implementation of individual initiatives.
- To demonstrate that environmental protection is enhanced or, at least, not undermined by an initiative.

Assessment of outcomes is an important element of communication with the stakeholders of the regulatory authority. For example:

- Businesses need to know that their concerns are being addressed and that the costs being imposed by regulations are justified by the benefits they deliver.
- The public often needs reassurance that it can trust the actions of regulators. Therefore, assessing levels of environmental protection may be important to ensure this is maintained or enhanced.
- Parent Ministries may set targets for business or administrative costs reductions and regulators may need to report on progress towards these.

Having highlighted the usefulness of the assessment of outcomes, the project has noted that relatively few of the initiatives reported and discussed within the project have a quantitative assessment of those outcomes. Indeed, even where outcomes are quantified they are often ex-ante assessments, rather than ex-post. This can be explained by the fact that many initiatives started only recently and ex-post assessments have not been performed yet. It is also important to note that outcomes in relation to impacts on stakeholders (e.g. the public) are critical, yet very difficult to assess.

While the demonstration of outcomes is important, there is a case to be made that assessment is not always required. If a permit application form is simpler (e.g. half the length of a previous form), then it can be argued that it has benefits for business and the administration even though a 'Euro' figure is not placed on it. Similarly, if inspection activity is re-directed towards facilities which are more likely to impact on the environment, this ought to improve environmental protection, even if demonstrating changed environmental outcomes is not possible.

Examples of Assessment of Outcomes

The Environmental Permitting Programme in **England and Wales** (see above) is expected to save business and regulators around €87 million over ten years.

In **England and Wales** the Waste Protocols Project helps business to make quality products from waste encouraging the re-use of waste materials. The project is reviewing a number of waste materials, to see whether end of waste criteria can be followed so that they can be re-used by business without the need for waste management controls. Early indications from the financial impact assessments, which were developed using market predictions from industry, suggest that over the next ten years the first eleven Quality Protocols could see the following possible business and environmental benefits:

- Waste diverted from landfill – 17m tonnes
- Carbon savings (CO_2) – 1.5m tonnes
- Virgin raw material savings – 15.5m tonnes
- Hazardous materials reduction – 100,000 tonnes
- Cost savings to business – about €460m
- Increased sales to business – about €320m

The methodology to calculate these savings has followed UK Treasury Guidance and has been independently reviewed. Baseline surveys are being undertaken to take account of the impact of current market conditions.

In the **Netherlands**: the Wabo initiative (see above) is estimated that it will reduce business costs by €33.2 million per year.

Learning point for IMPEL members to consider:

- Being clear about the outcomes you are setting out to achieve may help to build support for an initiative, particularly if you set out clear, quantified outcomes expected for the environment, business and public administrations, and measure whether they have been achieved.

Recommendation for IMPEL:

- Consider exchanging information on how to assess the outcomes (cost reductions, environmental benefits etc.) of initiatives.

4.7 Success Factors and Barriers

The project questionnaire sought information from members on the factors that contribute to the success of specific initiatives as well as the barriers to success. These were discussed further at the workshop. In a number of cases the success factors and barriers to success were often viewed as 'two sides of the same coin'. It was also noted that some factors are political, some professional and some technical - these are elaborated below.

Political factors

To be successful, an initiative often needs a **high level of political commitment**. This can act as important driver to ensure that relevant staff in an authority are brought together and act as a catalyst for engagement with stakeholders. High level political commitment might be to the specific initiative or to the overall goals to which the initiative contributes (e.g. Government targets to reduce administrative burdens).

To be successful there needs to be **sufficient resources** to deliver the initiative. This is also a 'professional factor' (see below), but can be a high level political factor, particularly where the initiative involves extensive interaction between institutions.

For an initiative (or key elements in an initiative) to be successful, the **legal framework** is important. In some cases the legal context (national or EU) can act as a constraint on what is possible, so that certain novel approaches cannot be attempted. Similarly, highly specific legal obligations on institutions set out in national law (e.g. responsibilities for inspection) may constrain co-operative approaches or limit discretionary action. However, in contrast 'gaps' in the traditional legal regulatory framework may provide opportunities to examine new approaches.

High level political factors can also include issues of **stakeholder interaction**. For example, initiatives that aim at outcomes for business have to be seen to deliver, so that the business community has confidence in administrative changes which may reflect well beyond the scope of the authority to wider issues of governance. The need for trust between authorities and stakeholders is a key success factor which, while 'high level', is often an outcome of specific professional factors (see below).

With regard to stakeholder interaction, it is also important to stress that initiatives must have **public confidence**. A 'lighter' regulatory touch might be viewed with suspicion by the public and, therefore, communication of the purposes of changes to regulatory activities needs to be carefully considered. In particular, it may be important that the success of an initiative may depend upon the authority being able to demonstrate that **environmental protection** is not weakened. In this regard, a barrier to success may be differences in the understanding of regulatory language between regulators and the public, such as what is expected of 'supervision'.

Professional factors

In order for an initiative to be a success it may be necessary that the authority/ies undertaking the initiative have sufficient and **clear competencies**. This is particularly the case where institutions work together or where initiatives take the work of an authority into areas that it has not traditionally engaged in.

For an initiative to be successful there needs to be **commitment by staff** to the vision and process of the initiative. Without this, on the ground delivery of the initiative is likely to fail. Some initiatives will be challenged by a reluctance of staff to change their ways of working.

A lesson from many initiatives it that success has been due to the creation of a specific **project team** within the authority (or across several organisations) to develop and drive the initiative, with a strong leader and commitment from team members. This has helped focus the development of the initiative and driven its implementation throughout the organisation.

The development and implementation of the initiative also needs to done using a **realistic approach**. The authority should determine what is achievable and when that can be achieved. A good idea can be undermined by a rushed approach.

While an initiative may originate from a high level political idea, it is important for **relevant stakeholders to be involved in the design** of the initiative (e.g. regulated businesses) and also in aspects of its implementation to ensure that it will be effective, acceptable and addresses the necessary concerns. This may require the adoption of

innovative ways to engage with stakeholders and for the authority to understand stakeholder needs.

Once an initiative has been developed, it is also important that there is **sufficient preparation** to 'roll out' the initiative to stakeholders prior to its actual implementation. After design, therefore, practical trials and communication are important.

There is a need for **sufficient expertise** in an authority to deliver an initiative, e.g. understanding the complexities of permitting requirements or business operation. To achieve this, **new skills** may be required, e.g. auditing skills rather than traditional inspection. Alongside this is the need for sufficient staff, which can be problematic where staff retention is difficult. Whenever necessary and new skills/methods are needed there should be attention and opportunity/money for the training of inspectors to achieve a high level of competence in their new inspection roles.

Where Government institutions are required to adopt new ways of working together, there may be **cultural differences** between them which inhibit a successful outcome. This can simply be an inertia bound to current systems or, where systems are being brought together, a reluctance to reject separate systems developed by individual authorities.

Within an institution, an initiative may require significant **up-front investment** (e.g. in IT) before it can begin and this may result in potential conflict for resources with other institutional priorities. Senior management of the institution will need to address this.

Technical factors

To be successful, a number of initiatives need **sufficient data, information, models**, etc., to provide an analytical basis for development of the initiative. Such information may be lacking or difficult to obtain and this can present a significant challenge to development.

Inter-operability of information and communication systems is needed, particularly where institutions need to work together. This can present a particular challenge where authorities have invested in systems, but are now asked to alter them to aid inter-operability.

Where assessment of environmental risk leads to a less intrusive regulatory approach, there may be concerns that environmental protection is reduced. Therefore, there may be a need to collect and present **information on environmental outcomes** of the initiative and comparative regulation in order to provide an evidence base for acceptable implementation.

Examples of Factors Contributing to Success

In implementing the **Environmental Permitting Programme (EPP) in England and Wales**, a joint EPP team was established with members from the Environment Agency, Defra (Department for Environment, Food & Rural Affairs), Department of Energy and Climate Change and Welsh Assembly Government. This close cooperation and joined-up working approach was and is essential to deliver EPP. Also important has been transparent and frequent stakeholder engagement and being able to quantify its benefits, which is considered to be essential to deliver a system that works for industry and the regulator. This has included a range of consultations, stakeholder events, the setting up of business reference groups, a dedicated up-to-date website and regular email updates.

The key success factors in developing **Scotland's Environmental and Rural Services (SEARS)** were identified as:

- High level political commitment to the project/process
- The project structure, management and support provided by the 'buddies' to the work streams.
- Staff involved generally had a strong 'can do' attitude.
- The drive, enthusiasm and communication skills of the project Chairman.
- Regular updates to all staff in the form of the SEARS Newsletter.

The key success factors in developing **Better Waste Regulation Action Programme in Scotland** were:

- Making an initial assessment of the issues to be addressed.
- Agreeing the scope of a consultation document with the Scottish Government.
- Committing the Scottish Government and the Scottish Environmental Protection Agency (SEPA) to a process of published consultation and actions.
- Ensuring that the consultation was not just published. A series of workshops were undertaken around the country, allowing the Scottish Government, SEPA and the affected business to engage in a direct discussion of the issues. This ensured instant feedback to those who participated in the workshops, and developed an improved common understanding of the issues that needed to be addressed, and also provided a platform to discuss possible solutions in a very dynamic way.
- The joint programme also improved the relationships and respect between the organizations involved.

Examples of Barriers to Success

In implementing the **Environmental Licensing (General Provisions) Bill ('Wabo') in the Netherlands**, it was necessary that all municipalities should invest in new (ICT) systems and procedures before the system was operational. However, because the Wabo is not the only 'new thing' that has to be addressed and because significant time and money is needed, not all municipalities have the implementation of the Wabo as a first priority.

In taking forward the initiative in the **Netherlands on e-inspections/sharing of data**, common systems are needed. However, in the past all the different inspectorates have developed and invested in their own systems. Therefore they are not always very eager to set their own system aside and replace it for a new one. Another obstacle is that sometimes data to be put in systems that are used by other inspectorates are confidential and/or protected by law.

In developing the **Environmental Information Integral Management System (IKS eeM System) in Spain** there was opposition from different actors (civil servants, operators, etc.) because of the change. The working practices of these officials had been unchanged for some years and, therefore, it was a challenge to alter the culture in the institutions.

The implementation of the **Integrated Regulation Programme in England and Wales** noted the following as barriers to success:

- Time and money.
- Policies and regulations still in force which were not developed with systems and automation in mind.
- Legacy of local working practices and paper based processes.
- Working around the limits of other parts of public sector infrastructure such as the low quality of electronic information about land use.

Learning points for IMPEL members to consider:

- In taking forward an initiative, ensure that it has sufficient high-level commitment and resources to deliver it.

- Ensure that staff are committed to any initiative, that it is realistic in its approach and that staff skills, etc., are enhanced to prepare for implementation.

- Ensure that effective and sufficient stakeholder engagement takes place during initial discussion, design and implementation of initiatives.

5 PROJECT FOLLOW-UP

5.1 Further exchange of information

The project participants concluded that it was important for IMPEL members to continue sharing experience on better regulation initiatives. It was, therefore, recommended that:

- The IMPEL website be used to share examples of initiatives.
- Ongoing sharing of better regulation initiatives was facilitated by revisiting this project to identify lessons learnt and new initiatives every three years.

It is recommended that each example provides the following:

- The official title (if any) of the initiative
- A short description of the initiative indicating the following:
    - The main focus (permitting, monitoring, inspection, etc.)
    - The changes that are envisaged by the initiative.
    - The purpose of the changes.
    - The timescale for development/implementation
- Available information on outcomes (cost reductions, environmental outcomes, etc.)
- Contact point for follow-up

It was also noted that understanding the context of initiatives in the member countries requires a basic understanding of the environmental governance structures. It would, therefore, be helpful if the IMPEL website contained further information on the environmental governance structures in each IMPEL member country. This would be beneficial beyond the particular goals of this project or the Better Regulation Cluster.

5.2 Areas for future work

The workshop participants also identified the following areas for potential future work through IMPEL:

- Review of the different approaches (including successes and problems) to the co-ordination of activities between environmental authorities.
- A study of the impact of new approaches to regulation, supervision, etc., on public confidence in the levels of environmental protection.
- An examination of the use of environmental management systems or other forms of self-monitoring as a means to reduce inspection burden and what level of inspection would remain necessary.
- A study of the opportunities and constraints on data and information sharing between authorities relating to all aspects of environmental regulation.
- A consideration of how far inspectors within one discipline are able to undertake inspection activity in other disciplines, so identifying opportunities for effort sharing, specialist boundaries and guidance for development of co-ordinated activities.

6 SUMMARY OF RECOMMENDATIONS

Recommendations for IMPEL:

- Encourage the ongoing sharing of better regulation initiatives by revisiting this project to learn further lessons as initiatives are delivered and identify new initiatives every three years. To aid understanding of the context of individual initiatives, it would help if the website gave a short summary of the environmental governance structures for each member country in a single location on the website.

- Promote the good practice and the recommendations for others identified in this project with key stakeholders including the European Commission.

- Consider the lessons learnt in guiding the future work of the Better Regulation Cluster, and in particular the following recommendations for future work:
    - Consider whether there are specific areas of the regulatory cycle (e.g. permitting, inspection/supervision, monitoring & reporting) that would be useful for IMPEL members to share experience in more detail.
    - Review the different approaches, including successes and problems, to the co-ordination of activities (e.g. inspection) between environmental authorities.
    - Study the impact of new approaches to regulation, supervision, etc., on public confidence and other stakeholder perceptions (e.g. NGOs) in the levels of environmental protection.
    - Examine the use of environmental management systems or other forms of self-monitoring as a means to reduce inspection burden and what level of inspection would remain necessary.
    - Study the opportunities and constraints on data and information sharing between authorities relating to all aspects of environmental regulation.
    - Consider how far inspectors within one discipline are able to undertake inspection activity in other disciplines, so identifying opportunities for effort sharing, specialist boundaries and guidance for development of co-ordinated activities.
    - Exchange information on how to assess the outcomes (cost reductions, environmental benefits, stakeholder impacts, etc.) of initiatives.
    - Consider sharing experience on the barriers and solutions in the bringing together and supporting different monitoring and reporting systems within member countries.

Recommendations for IMPEL members:

- Share the good ideas from other Member States with inspection authorities in your country, and consider the learning points set out in this report.

Recommendations for EU Institutions:

- EU and national law makers will need to ensure sufficient flexibility is retained to enable the range of better regulation approaches to setting conditions/permits that IMPEL members want to adopt, and that these can be integrated into national delivery frameworks.

- The European Commission should consider the lessons learned from Member States and think about all the potential uses of information in its efforts to harmonise data reporting and presentation requirements across all sectors.

- EU law makers should ensure that monitoring and reporting requirements in new and revised legislation are as integrated as possible with other monitoring and reporting obligations, including what is monitored, format, reporting process, etc.

- EU law makers should ensure that sufficient flexibility is retained in new or revised legislation, including the revision of the EU Recommendation on Minimum Criteria for Environmental Inspections, to take account of the variety of approaches to inspection being developed by regulators.

IMPEL Project

Practical Application of Better Regulation Principles in Improving the Efficiency and Effectiveness of Environmental Inspection Authorities

Annexes to the Main Report

October 2009

ENVIRONMENT AGENCY

Institute for European Environmental Policy

CONTENTS OF THE ANNEXES

Annex 1

The Questionnaire Used to Survey IMPEL Members on the Better Regulation Initiatives being undertaken

Background

Better regulation principles are driving the development and implementation of environmental law at EU and Member State level. These can be defined as quality criteria with which good regulation should be in line with. Key Better Regulation criteria are the following:

- Regulations should be well-founded, based on facts and with knowledge of its expected impacts
- Regulations should be prepared in a transparent way, involving all parties concerned
- Regulations should be effective, efficient, proportional and not leading to undesirable economic, social or environmental consequences or to unnecessary administrative burdens for businesses, citizens or authorities
- Regulations should not lead to unwanted discrimination, frustrate a level playing field or hinder innovation
- Regulations should be clear, consistent, understandable and as simple as possible. They should not contradict with other regulations
- Regulations should be compliable, practicable and enforceable

Member States have adopted a range of initiatives that contribute to achieving better regulation. These can range from broad, strategic processes to highly focused actions aimed at specific stages in the regulatory process and/or at a specific target groups.

In June 2006 DG Enterprise published a report of the BEST Project Expert Group (known as the 'BEST Report') entitled '*Streamlining and Simplification of Environment Related Regulatory Requirements for Companies*'. This included around 70 examples of best practice in the Member States. A copy of this report is provided in the email with which this questionnaire was circulated.

Objectives of this project

This IMPEL project seeks to examine further progress in the Member States in delivering better regulation initiatives. However, this project will **not include broad strategic initiatives** of the Member States, but focus on initiatives linked to particular areas of the work of IMPEL members (e.g. on permitting, inspection, etc). The project will also **not consider risk-based approaches**, e.g. for permitting or inspection, as these are being addressed in other IMPEL Projects as for instance the IMPEL project 'Doing the Right Things' on risk based inspections.

Please note that this project does not aim to repeat information in the BEST Report. IMPEL members can refer to the report, although they may wish to update information in the response to this questionnaire. Indeed, some IMPEL members will be contacted separately from this questionnaire with regard to further developments on some of the initiatives described in the BEST Report.

The project has the following main objectives:

- To identify how environmental authorities in Member States are applying better regulation principles at different stages in the regulatory process (e.g. permitting, supervision, enforcement, etc.).
- To share good practice amongst Member States.
- To provide practical solutions to common problems facing environmental authorities.
- To demonstrate the real benefits of applying better regulation principles.

It is expected that successful completion of the project will have the following benefits:

- Environmental authorities in Member States will be better equipped to apply better regulation principles in their work through sharing of best practice and practical solutions to common problems, which will benefit the environment, business and the public.
- There will be better evidence of the outcomes/effectiveness of better regulation approaches.
- It will provide an opportunity to inform the European Commission on best practice and incorporate this into future legislation.

What the questionnaire seeks to achieve

The questionnaire seeks to obtain information from IMPEL members on better regulation initiatives. By better regulation we mean initiatives to improve the efficiency or effectiveness of regulatory activities such as permitting and inspection. This can include initiatives which:

- Reduce administrative costs to business and/or administrations while maintaining environmental protection levels. OR
- Increase environmental protection without increasing costs to business and/or administrations.

Importantly, the initiatives should have outcome-based objectives and this questionnaire seeks information on whether individual initiatives have demonstrated such outcomes. Do such initiatives deliver what they aim to achieve?

It is also important to understand the conditions leading to the success of an initiative, the constraints it is under or problems it has encountered. It is important, therefore, that IMPEL members provide such information on the lessons learned.

The questionnaire, therefore, asks a series of questions for each initiative – not simply a description of it, but questions on outcomes and the lessons learned.

The questionnaire is simply structured according to four regulatory themes identified by the project team – permitting, reporting, supervision (i.e. inspection) and enforcement and working with others. IMPEL members are then asked if they have initiatives in that theme and, if they do, to answer a small number of questions concerning that initiative. Only one set of questions is asked in this questionnaire.

Therefore, if you have more than one initiative, **please cut and paste the questions for each one**!

THE QUESTIONNAIRE

We are looking for examples of initiatives to improve the efficiency or effectiveness of regulatory activities such as permitting and inspection. We are particularly interested in examples where you can show improvements to the environment and/or benefits to business or inspection authorities. We have provided examples, but these are just suggestions – you may have additional examples which you are welcome to provide.

Please answer the following questions:

Contextual information

Please give your name(s) and contact details and indicate your position/expertise	
Please give the name of your organisation	

Improving Permitting

Member States have adopted a range of initiatives relating to permitting which can be described as better regulation, including simplified procedures, bringing different permitting regimes together, etc. This project does not include risk-based approaches as these are addressed in other IMPEL-projects. Examples include:

- Single permitting (e.g. combining two or more separate permits into a single permit)
- Adoption of standard conditions instead of determining permit conditions on a case by case basis
- Simplifying permits (e.g. taking account of environmental management systems)
- Streamlining permitting processes (e.g. making the application procedure simpler)
- Corporate or company level permits

Have you examples of initiatives to improve the efficiency or effectiveness of permitting?

Yes		No	

If Yes, please answer the questions for each initiative given at the end of this questionnaire.

Improving Monitoring and Reporting

Member States have adopted a range of initiatives relating to reporting which can be described as better regulation. Examples include:

- Simplifying and streamlining reporting requirements, e.g. removing obligations for reporting where there is no regulatory need.
- Combining reporting obligations across different regulatory regimes.
- Improving the processes of reporting, such as novel IT approaches to make submission and subsequent use of the data easier.

Have you examples of initiatives to improve the effectiveness or efficiency of monitoring and reporting?

Yes		No	

If Yes, please answer the questions for each initiative given at the end of this questionnaire.

Improving Supervision (i.e. Inspection) and Enforcement

Member States have adopted a range of initiatives relating to inspection which can be described as better regulation. This project does not include risk-based inspection approaches as these are addressed in other IMPEL projects like the IMPEL 'Doing the Right Things' Project. Other examples include:

- Reducing the number of inspections through alternative approaches
- Calculating, monitoring and reducing inspection burdens
- Combining different (environmental) inspection regimes.
- Identifying alternative ways of detecting and/or managing non-compliance (e.g. promoting self-disclosure).
- Linking inspection to environmental management systems of companies?

Have you examples of initiatives to improve the efficiency or effectiveness of inspection and enforcement?

Yes		No	

If Yes, please answer the questions for each initiative given at the end of this questionnaire.

Working with others

Member States have adopted a range of initiatives which concern working with others which can be described as better regulation. This can encompass different regulatory authorities, businesses and the public. Examples include:

- Streamlining regulatory activity across different government authorities (national, provincial, municipal), e.g. joining up inspections or sharing intelligence between organisations.

- Developing strategic approaches with business sectors, e.g. establishing plans for environmental objectives with a sector.
- Enhancing the role of the public.

Have you examples of initiatives to improve efficiency or effectiveness of regulatory activities in terms of working with others?

Yes		No	

If Yes, please answer the questions for each initiative given at the end of this questionnaire.

Questions for each initiative (please copy and paste for each one).

What is the name of the initiative?
Answer:
Please provide a short description of the initiative.
Answer:
If possible, please provide a link or other reference to the initiative
Answer:
What, if any, are the objectives regarding businesses?
Answer:
What, if any, are the objectives regarding government regulatory authorities?
Answer:
What, if any, are the objectives regarding environmental protection?
Answer:
Has there been any assessment of the outcomes regarding these objectives? If so, please summarise these.
Answer:
Are there any other success factors identified – if so what are these and have these been achieved?
Answer:
How successful do you consider the initiative to be?
Answer:
Were there any barriers or obstacles to its implementation/success – if so what?
Answer:
Were there any conditions which contributed to its success – if so what?
Answer:
Are there any further lessons that can be learned from this initiative?
Answer:

Annex 2

Collation and Summary of Better Regulation Initiatives in the Member States

This summary of better regulation initiatives in the Member States is a combination of information received from IMPEL members through the questionnaire survey and further information on selected initiatives presented at the Berlin project workshop.

List of Initiatives

Member State	Name of initiative	Area of operation of initiative
Bulgaria	Amendment of IPPC legislation - clearer, faster, diversified administrative service, provided to the IPPC installations	Improving Permitting
Czech Republic	Reduction of the number of inspections through integrated approaches	Improving Supervision (i.e. Inspection) and Enforcement
Czech Republic	Sharing intelligence between the Czech Environmental Inspection and regional permitting authority	Working with others
Finland	LUPA - an electronic tool for enterprises, supervisors and the public	Improving Permitting, Improving Supervision (i.e. Inspection) and Enforcement
France	Programme for modernisation and reinforcement of inspection	Improving Supervision (i.e. Inspection) and Enforcement
Germany: Bavaria	EMAS and substitution/deregulation	All areas in one initiative
Greece	Improving permitting	Improving Permitting
Greece	Codification of Inspection Procedure	Improving Supervision (i.e. Inspection) and Enforcement
Greece	Networking with other competent authorities	Working with others
Italy	Completing each permit with a comprehensive Environmental Monitoring and Reporting Plan	Improving Monitoring and Reporting, Improving Permitting, Improving

Member State	Name of initiative	Area of operation of initiative
		Supervision (i.e. Inspection) and Enforcement and Improving monitoring and reporting
Italy	Continuous Emission Monitoring System (CEMS)	Improving Monitoring and Reporting
Italy: Lombardy	Guidelines on standard operating procedures for the operators carrying out preliminary investigation	Improving Permitting
Italy: Lombardy	AIDA	Improving Monitoring and Reporting
Italy: Lombardy	Controls guideline	Improving Permitting, Improving Supervision (i.e. Inspection)
Italy: Lombardy	Streamlining regulatory and control activity across different government authorities	Working with others
Netherlands	Matching standard requirements in permitting	Improving Permitting
Netherlands	General mandatory rules instead of environmental permits	Improving Permitting
Netherlands	Preventive supervision by “audit by topic”	Improving Supervision (i.e. Inspection) and Enforcement
Netherlands	The Environmental Licensing (General Provisions) Bill (Wabo)	Improving Permitting
Netherlands	The concern approach	Improving Permitting
Netherlands	FrontOffice Chemistry - reduce monitoring burden	Improving Supervision (i.e. Inspection) and Enforcement
Netherlands	Information-driven monitoring and enforcement	Working with Others
Netherlands	e-inspections/sharing of data	Improving Supervision (i.e. Inspection) and Enforcement
Netherlands	Coordination of inspections of different inspectorates/policy fields	Improving Supervision (i.e. Inspection) and Enforcement
Netherlands	Self management supervision	Improving Supervision (i.e. Inspection) and Enforcement
Netherlands	Simplification of re-inspections	Improving Supervision (i.e. Inspection) and Enforcement
Poland	Organization of control cycle of municipalities related to	Improving Supervision (i.e. Inspection)

Member State	Name of initiative	Area of operation of initiative
	community wastes and method of realization that cycle	and Enforcement
Poland	One site – one permit initiative to consolidate permitting	Improving Permitting
Portugal	IPPC Law	All areas in one initiative
Spain: Basque Autonomous Community	Environmental Information Integral Management System, IKS eeM System	Improving Permitting, Improving Supervision (i.e. Inspection) and Enforcement and Improving monitoring and reporting
Spain	ETER project	Working with others
Spain: Basque Autonomous Community	Euskadi PRTR methodology	Improving monitoring and reporting
Sweden	Integrated permitting	Improving Permitting
Sweden	IT for monitoring and reporting	Improving monitoring and reporting
Sweden	Co-ordination of inspections	Improving Supervision (i.e. Inspection) and Enforcement
Sweden	Co-ordinating inspection and public involvement	Working with others
Turkey	Improving the environmental permitting and licensing mechanism by a new by-law	Improving Permitting
Turkey	Improving supervision	Improving Permitting, Improving Supervision (i.e. Inspection) and Enforcement
United Kingdom: England and Wales	The Environmental Permitting Programme (EPP)	Improving Permitting
United Kingdom: England and Wales	The Integrated Regulation Programme (IR)	Improving Permitting, Improving Supervision (i.e. Inspection) and Enforcement and Improving monitoring and reporting
United Kingdom: England and Wales	An alternative approach to inspection of Integrated Pollution and Prevention Control (IPPC) Pig and Poultry permits using Certified Bodies who visit farms for Assurance Schemes	Improving Supervision (i.e. Inspection) and Enforcement
United Kingdom: England and Wales	Waste Protocols Project	Improving Permitting, Working with others

Member State	Name of initiative	Area of operation of initiative
United Kingdom: England and Wales	Sector Plans	Improving Permitting
United Kingdom: England and Wales	Whole Farm Approach	Improving Permitting, Working with others
United Kingdom: Scotland	Scotland's Environmental and Rural Services (SEARS)	Working with others
United Kingdom: Scotland	Constructed Farm Wetlands initiative	Working with others
United Kingdom: Scotland	SEPA Compliance Assessment Scheme	Improving Supervision (i.e. Inspection) and Enforcement
United Kingdom: Scotland	A new authorisation structure for the activities that affect the water environment in Scotland	Improving Permitting
United Kingdom: Scotland	Better Waste Regulation Action Programme (BWRAP)	Improving Permitting, Working with others
United Kingdom: Scotland	Developing General Binding Rules (GBRs) to address diffuse pollution of the water environment in Scotland	Improving Permitting

Bulgaria
Amendment of IPPC legislation - clearer, faster, diversified administrative service, provided to the IPPC installations
Description: IPPC Permit granting for new installations – enhances the possibility to grant a permit not only before the construction phase, but before commencing operation as well; shortened granting period, reviewing, updating of IPPC permits, streamlining of the procedures – more clear responsibilities of involved authorities, guidelines for the applicants, procedural completeness – termination of a permit, split of a permit among operators, change of the operator etc.
Business objectives: Clearer, faster, diversified administrative service, provided to the IPPC installations
Regulatory authority objectives: More clear procedures
Environmental protection objectives: It was not a primary objective, but circumstantially faster response to changes is better able to adapt the operation to the requirements of the environment.
Assessment of outcomes: The amendments are based on experience
How successful is the initiative: There is a strong dependence on the administrative capacity of the competent authority. Turnover of experts would make the process inefficient. That is the crucial factor.
Barriers to success: Legislative adoption of the measures has not been completed yet. The adoption of the IPPC ordinance is still pending. So this is yet to be assessed.
Lessons to learn: What is more important – to insure there is good legislation or to insure the re is steady sufficient expertise to implement it.
Information provided by: Boyko Malinov, Ministry of environment and water, Bulgaria. malinov@moew.government.bg

Czech Republic
Reduction of the number of inspections through integrated approaches.
Description: The Czech Environmental Inspection carries out integrated inspections. All conditions of the integrated permit and other duties of environmental legislation are checked within the scope of the single inspection.
Business objectives: This objective is to reduce the amount of time businesses have to spend preparing for, and being subject to, inspections.
Environmental protection objectives: Checking compliance with the conditions of the integrated permit, compliance with other duties of environmental legislation within the scope of the single common inspection can prevent the pollution transfer from one medium into another one. Checking BAT.
Assessment of outcomes: Outcomes were not assessed yet, because it is too short implementation period.
Success factors: This has achieved a partial reduction of a large number of inspections in particular installations. This has been achieved by consolidation of a few inspections in to one. CEI carries out the inspection of installations according to an annual plan of inspections. Inspections are planned according to the 2001 Recommendation for minimum criteria for environmental inspections in the Member States.
How successful is the initiative: So far this has not achieved 100% success. Reduction of the number of inspections is for installations with the integrated permit only.

Barriers to success: There is little unwillingness inside CEI to change established procedures.
Conditions for success: CEI published new guidelines on how to carry out inspections. The guidelines are consistent with the initiative.
Lessons to learn: Optimization of inspections and improving the effectiveness of inspections.
Information provided by: Jitka Zagorová, Czech Environmental Inspection. zagorova@cizp.cz

Czech Republic
Sharing intelligence between the Czech Environmental Inspection and regional permitting authority.
Description: Information about inspections and reviews are provided mutually. Common actions are planned (for example seminars, workshops).
Business objectives: To reduce the number of duplicate inspections.
Regulatory authority objectives: To regulate inspections mutually. Improving effectiveness of regulatory activities and to improve enforcement of conditions by integrated permitting.
Environmental protection objectives: Increasing the effectiveness of enforcement of the conditions of the permit.
Assessment of outcomes: Outcomes were not assessed yet, because it is too early.
Success factors: Improving communication between regulatory authorities.
How successful is the initiative: So far this has not achieved 100% success in all regions.
Conditions for success: Common seminars, workshops, frequent regular communication between regulatory authorities.
Lessons to learn: To improve the efficiency and effectiveness of legislation.
Information provided by: Jitka Zagorová, Czech Environmental Inspection. zagorova@cizp.cz

Finland
LUPA - an electronic tool for enterprises, supervisors and the public
Description: LUPA follows the VAHTI initiative identified in the BEST report. It is an electronic tool for enterprises, supervisors and the public to make an application, to be in contact with the permitting and/or supervising authorities during the permitting procedure and during the whole lifecycle of the enterprise. It is a tool where different authorities can share their views and expertise, contact each other and negotiate over a various permit and legal questions (it is, therefore, a collective way to work). It is also a place to find best practice in different fields of operations and a tool where the public can have information concerning applications, permit procedures and supervision cases and contact authorities 24/7.
Business objectives: Better, more unanimous permits – equity of the permits and shorter time for permitting procedures.
Regulatory authority objectives: As a small country it is not possible to have expertise in every industrial sector in each of the various authorities involved in permitting. This tool allows authorities to use the expertise and know-how of permitters and supervisors throughout the whole country, without meetings. It is quick, makes the quality of the permits better and gives provides support to new staff, etc. There will also be examples of good practices made by the best experts e.g. in BAT issues etc.
Answer: The level of environmental protection will be better through unanimous level of protection throughout the country – the permits a all "good" permits
Environmental protection objectives: The tool is now in the testing phase, but it is already possible to identify a reduction in meetings, reduced time in making a permit, etc. The results of the testing shows that permits are of better quality.
Success factors: Openness, to be able to ask from the best experts if one is not so sure oneself, etc.
How successful is the initiative: The aim is that it will be the major factor in cutting the red tape by 25 % in the field of the environment as decided by a Government decision in March 2009.
Barriers to success: There have been barriers. To create a common culture to former separate units is a task that needs a good psychological instinct, luck and a new generation of decision makers. The fears are human, people are afraid of new things, especially in their working environment. In the administration it is the same as in other organizations. Operators and the public have no concerns.
Conditions for success: A Government decision in March 2009 is a major driver for the whole initiative. It has enabled the securing of funding and there are no "no"s possible anymore.
Lessons to learn: A pre-evaluation is very important. Also the commitment of a "big-enough" supporter (government) as well as courses in psychology for promoters of the initiative.
Information provided by: Elise Sahivirta, Ministry of Environment. elise.sahivirta@ymparisto.fi

France
Programme for modernisation and reinforcement of inspection
Description: In 2004 the Government instituted a programme to improve inspection of installations, in particular seeking effective implementation of the IPPC and Seveso Directives and RMCEI. This involved a significant increase in inspection capacity (e.g. with 300 new inspection staff employed) and modernisation of procedures with a revised methodology for effective use of resources to deliver key environmental outcomes. The modernisation programme had a number of objectives, including: • To enhance the transparency of inspection planning and processes. • To improve the coherence of inspection decision making across the country. • To enhance the capacity of inspection staff. • To prioritise inspection activity and optimise resource use. To achieve these objectives required consideration of the way inspection is undertaken, the methodology used, the organisations involved and the use of information to support inspection. A key element was to distinguish installations into three classes with different levels of inspection based on the risks they pose to the environment. This resulted in: • 2,000 installations requiring more intensive inspection. • 8,000 installations requiring an inspection about once every three years. • 23,000 installations where inspection would take place every ten years. Inspector training and organisation was improved and the inspectorate re-organised to focus on key issues (e.g. accident prevention) and creation of a national unit to support local efforts. Transparency is also important with procedures, inspection reports, etc., being placed on a dedicated website.
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Germany: Bavaria
EMAS and substitution/deregulation
Description: EMAS registered companies with the full compliance approach are privileged in terms of permitting, monitoring, reporting, inspections and enforcement.
Reference to initiative: Bavarian environmental pact from 1995, 2000 and 2005; "BEST"-project, Bavarian initiative as one part of the report.
Business objectives: Reducing administrative burdens and avoiding bureaucracy.
Regulatory authority objectives: Acceleration and streamlining administrative procedures, reducing bureaucracy.
Environmental protection objectives: To improve environmental protection by reducing deficits of enforcement.
Assessment of outcomes: EMAS-registered companies obviously guarantee higher standard of environmental protection and better performance.
Success factors: Not needed.

How successful is the initiative: Very! It depends on the number of companies using EMAS.
Barriers to success: The relevant European legislation should give a link to EMAS and thus offer the opportunity for such initiatives on a legal basis.
Conditions for success: Several links in national and regional legislation.
Lessons to learn: Progressive use of EMAS for these purposes is only possible with legislative approaches to make environmental management systems attractive for a lot of companies and to use their compliance system.
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Greece
Improving permitting
Description: In general, environmental permitting is established through a single permit. All the separate permits have been integrated into one through Law 3010/2002 that has amended Framework Law 1650/1986 for the protection of the environment in conjunction with three relevant Joint Ministerial Decisions (JMD 15393/2332/2002 on the classification of public and private projects and activities into groups, JMD 11014/703/2002 on the procedures of preliminary environmental impact assessment and approval of environmental terms and JMD 37111/2021/2003 on the procedure for informing the public and public participation within the framework of the environmental permitting system). Environmental Impact Assessment is a two-stage process involving: • Screening and scoping (carried out as a preliminary EIA procedure, at the end of which the public is informed of the outcome). • Submission of application (including the Environmental Impact Study) to the competent environmental authority. • Quality review of the submitted documentation. • Consultation with other relevant authorities and public participation (they take place concurrently and include transboundary consultations when necessary). • Opinions sent to competent authority within specified time period. • EIA decision issued (‘decision for approval of environmental terms’). • Publication of decision – public is informed.
Reference to initiative: • Law 3010/2002 amending Framework Law 1650/1986 • JMD 15393/2332/2002 on classification of public and private projects and activities into groups • JMD 11014/703/2002 on the procedures of preliminary environmental impact assessment and approval of environmental terms • JMD 37111/2021/2003 on the procedure for informing the public and public participation within the framework of the environmental permitting system
Information provided by: Dr. George Chronopoulos, Hellenic Environmental Inspectorate. g.chronopoulos@eyep.minenv.gr

Greece
Codification of Inspection Procedure
Description: The environmental inspection (made by the inspectors of the Greek Environmental Inspectorate) is based on a detailed schedule which includes:

- Standarised procedures for in-situ inspection and post inspection activities:
  - specific time table for submission and receiving of documents;
  - specific time table for completion of required actions;
  - specific procedure for calculation of the proposed fine;
- specific procedures for the submission of inspection report and confirmation of violations to relevant juridical authorities and other related local or regional environmental authorities.
- The relevant inspection documents which are filled out during the in-situ inspection as well as in the post-inspection period:
  - in-situ report;
  - inspection report;
  - confirmation of violation of environmental law;
  - proposal for administrative sanctions. Especially for the in-situ inspection reports, the Greek Environmental Inspectorate has developed specific (per activity sector and type in-situ inspection documents) which are filled out during the inspection.

Reference to initiative: The general outline of the procedure is foreseen in the relevant Law (L. 2947/2001) for the establishment and operation of the Greek Environmental Inspectorate. This was the base for the development of, and standardization of, relevant procedures and working documents

Business objectives: Fair and objective operation of the Inspectorate, independently of the case.

Regulatory authority objectives: minimization of the discretional power of the inspectors.

Environmental protection objectives: More effective operation and during the 5-year operation period of the Greek Environmental Inspectorate its work and results are highly appreciated by public (which result in an constantly increasing number of references and complaints).

Assessment of outcomes: According to the latest available data, the compliance rate is increasing.

Success factors: Collaboration with local and regional environmental authorities in Greece in order to disseminate the procedure principles.

How successful is the initiative: Very much.

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Greece

***Networking with other competent authorities*.**

Description: There are two main axes for this initiative:

- Close cooperation after the completion of inspection by the Greek Environmental Inspectorate with local and regional environmental authorities in order to monitor and ensure the compliance of inspected installations/activities.
- Organisation of workshops and seminars with the participation of other competent authorities representatives (local and regional environmental authorities, juridical authorities).

Regulatory authority objectives: Better coordination, more effective operation of all levels of environmental authorities.

Environmental protection objectives: More effective operation of all levels of environmental authorities.

Assessment of outcomes: According to the latest available data, the compliance rate

is increasing.
How successful is the initiative: Very much.
Information provided by: Dr. George Chronopoulos, Hellenic Environmental Inspectorate. g.chronopoulos@eyep.minenv.gr

Italy
Completing each permit with a comprehensive Environmental Monitoring and Reporting Plan
Description: Each integrated environmental permit is completed with a Monitoring and Reporting Plan which includes all the activities that will be carried out by the operator and by the competent authority to assess compliance with the permit during its period of validity (5 years normally, 6 years if the operator has adopted an ISO 14001 registered EMS, 8 years if the installation is EMAS registered).
Reference to the initiative: A guide to the compilation of the Plan is available in Italian.
Business objectives: To give to the operator certainty about their monitoring and reporting obligation over a significant period of time, in a single document.
Regulatory authority objectives: To give to the authority certainty about engagement in controlling industrial activities on an ordinary basis. Acquiring environmental information about pressures from industrial activities in a structured and comprehensive system.
Environmental protection objectives: The initiative is at the initial stage.
Outcomes, success factors, etc: The initiative is at the initial stage.
Barriers to success: The limited resources available in the authorities.
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Italy
Continuous Emission Monitoring System (CEMS)
Description: ARPA Lombardy through a mixed working group (Arpa Piemonte-Department of Cuneo/Environment Department of the Regional Administration) has promoted a Continuous Emission Monitoring System (CEMS). Currently the companies are involved in filling the data base with all the environmental data. Plants where the CEMS is installed are (in Piedmont about 100 CEMS are thought to be needed): • 2 combustion installation for incinerate biomass and depuration sludge • 4 turbogas power station + 4 auxiliary boilers • 5 cement kilns • 1 glass furnace • 2 energy recovery from plastic wastes • 1 thermo oxidizer from pharmaceutical industry Particular to CEMS is that ARPA stresses that plants should develop a preventive action for the compliance with the emission thresholds. CEMS was not created to as an enforcing instrument, but it assists that role. Arpa has the possibility in its role of control Authority of accessing remotely the web server of the plants in order to check data. There are specific software for automatic queries from all CEMS every night, in order to check the compliance and investigate the causes in these sites.
Business objectives: Lower administrative costs.

Regulatory authority objectives: To achieve information about pollutant emission in real time, prescribe the remedy immediately and inform public.
Assessment of outcomes: There have been some meetings with a slide show about the initiative and results.
Barriers to success: It applies to large plants.
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Italy: Lombardy
Guidelines on standard operating procedures for the operators carrying out preliminary investigation
Description: From many years ARPA Lombardy has been working to prepare guidelines and standard operating procedures (SOP) to facilitate the working process for the release of authorised acts.
Business outcomes: Business is not a priority of the Agency.
Regulatory authority objectives: The objective is the simplification of the examination through the use of so called "Allegati Tipo" containing prescriptions dedicated to the integrated environmental authorizations.
Environmental protection objectives: Taking into the account the BREF, the objective of the guide lines and of the SOP is to find critical environmental situations and to operate to prevent them. The focus is to address attention to the working process and to raw materials.
Assessment of outcomes: In Lombardy the main result was to be on time with the deadline scheduled by the EU on Integrated Environmental Authorization.
Success factors: The main success factor was the team working and the focus orientation of the ARPA experts.
How successful is the initiative: The initiative was a success.
Barriers to success: The main problem to be solved was the definition and the standardization of the work flow. The second problem was the huge amount of authorization to be assessed.
Factors contributing to success: The experience gained in the course of years and understanding of the companies to the environmental problems.
Lessons to learn: As in all the projects the main objective to be achieved was the planning phase that involved many subjects and required a lot of time to be completed. After this period the process was conducted efficiently.
Information provided by: Franco Olivieri, ARPA, Lombardy. F.OLIVIERI@arpalombardia.it

Italy: Lombardy
AIDA
Description: ARPA Lombardy prepared a software package called AIDA with the aim to improve monitoring and to streamline the reporting process. ARPA provided the software to all the IPPC companies. Currently the companies are involved in filling the data base with all the environmental data.
Reference to the initiative: www.arpalomardia.it/aida
Business objectives: Business is not a priority of the Agency.
Regulatory authority objectives: Through AIDA it is possible to control easily a great number of activities and it will be possible to get environmental data of the most important industries in Lombardy.

Environmental protection objectives: Through environmental data acquired by AIDA it is easier to identify critical activities.
How successful is the initiative: At the moment there is a good level of satisfaction. In the future customer satisfaction will be assessed.
Barriers to success: The software utilisation was the main obstacle encountered by companies as this required a major change of collaborative approach with the inspection authority.
Success factors: The training performed by ARPA experts was the instrument to reach the goal.
Information provided by: Franco Olivieri, ARPA, Lombardy. F.OLIVIERI@arpalombardia.it

Italy: Lombardy
Controls guideline
Description: At present a team is working to prepare a controls guideline the final goal of which is to define a work flow to facilitate the environmental inspections. Operating in this way we hope to reduce the number and the time of inspections.
Business outcomes: Business is not a priority of the Agency.
Regulatory authority objectives: The objective is the simplification of the control process through the use guide lines and SOPs.
Environmental protection objectives: The objectives of the guidelines are to identify environmental critical situations assessing the industry as a whole and also taking into account historical situations to ensure such situations are prevented.
How successful is the initiative: At the moment there is a good level of involvement of technicians who are preparing the guidelines.
Factors contributing to success: The training of the operators is fundamental.
Information provided by: Franco Olivieri, ARPA, Lombardy. F.OLIVIERI@arpalombardia.it

Italy: Lombardy
Streamlining regulatory and control activity across different government authorities
Description: For many years ARPA Lombardy has worked with other government authorities in particular the region Lombardy and provinces.
Business outcomes: Business is not a priority of the Agency.
Regulatory authority outcomes: Enhancing the role of the public.
Environmental protection outcomes: The objectives of ARPA Lombardy, working in a group with other government authorities and with industrial associations, is to share solutions of environmental problems.
Assessment of outcomes: The outcomes are always positive.
Barriers to success: The main problem is to find the right balance between the public and the private actors.
Conditions for success: The collaboration culture is the way to improve the effectiveness and the efficiency of solutions to environmental problems.
Lessons to learn: It is fundamental to share the problems and the solutions.
Information provided by: Franco Olivieri, ARPA, Lombardy. F.OLIVIERI@arpalombardia.it

Netherlands

Renewing Supervision Programme

The Programme is an umbrella programme involving a number of initiatives. These are described in more detailed in the following section. However, it is important to understand the programme in order to put these initiatives in context.

The Renewing Supervision Programme involves all inspectorates in order to reduce administrative burdens/inspectorate burdens. The policy arose with the 2005 new Government Coalition which emphasised a new approach on supervision – to achieve less burden and more effect. Its principles were:

- Supervision to be based as much as possible based on trust.
- Give companies room to take up their own responsibility and make them accountable.
- Get out of compartmentalisation.

The principles of supervision underlying the programme are:

- Organisation:
    - Transparent
    - Independent
    - Professional
- Execution:
    - Selectivity
    - co-operation
    - alertness

The aims of the Renewing Supervision Programme are:

- improving effectiveness and efficiency
- less burdens for companies, with a reduction target of 25%

The processes to develop the Programme included:

- A taskforce, resulting in a kind of office for the organization
- Close involvement of companies
- Inspectorates working together in sectors (domains): catering industry; hospitals; chemical industry; nuclear power plants; waste; pipelines; road transport; food chain (meat);
- Schiphol Airport.
- Measuring burdens
- Setting a target of a maximum of two inspections per year as a rule

The aim was to establish one single front office per sector, so that a company would see the administration as if there was only one inspectorate. The measurement (done through questionnaires and interviews) of inspection burdens involved two elements:

- Quantitative: time and money spent by producing data, answering questions, receiving inspectors, etc.
- Qualitative: experienced/perceived (lack of) quality of inspections and inspectors:
    - skills, attitude, methods of inspector
    - timing, duration, focus on details, overlap
    - transparency of the goals
    - learning effect of the company
    - quality and swiftness of the report and follow up

The Inspectorates in the front offices perform the following:

1. share information on companies
2. plan, carry out and report on inspections
3. perform risk based analyses
4. develop compliance indicators
5. develop intervention strategies
6. organize training of inspectors
7. provide information in a transparent way

In 2007 there was a new Coalition Policy 2007 focused on Renewing the Civil Service, with the same principles and aims as the 2005 policy, but with extra attention given to reducing the number of civil servants. This has led to some reorganisation of the programme. The challenges for the future are:

- Improvement on the sector burden especially on assessing quantitative aspects
- Improving the involvement of the Provinces and municipalities

The latter is important as the Dutch administrative system has three democratic levels of administration, each of which have a role in supervision:

- Central government (state): legislator
- Provincial government: regional policymaking and executive (permitting and enforcement)
- Municipality: local policymaking and executive (permitting and enforcement).

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Netherlands

Matching standard requirements in permitting

Description: Rules which are included in environmental permits of large companies are discussed (and if possible agreed) between different authorities and with business interests groups of the industry. The companies which are included are: storage and transshipment terminals for liquid- and dry bulk, chemical manufacturing, refineries and power stations/plants.

This form of alignment fits in the Dutch culture of 'give-and-take' and prevents meetings between government and permit holder at a later stage in the Council of State and the administrative court.

Business objectives: Similar companies have the same requirements in the environmental permit. That means that similar companies are treated similarly.

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Netherlands

General mandatory rules instead of environmental permits

Description: In the Netherlands it is the trend that regulations must become more simple, uniform and clear for companies. Partly, the Dutch government effects this by the instrument "General mandatory rules". This means that there are fewer

environmental permits necessary and that more activities are covered in standard rules. Also the General mandatory rules will replace several Administrative Orders. IPPC and Seveso II companies are not covered by this decision.

There are three types of private companies/organisations under the act:

Type-A companies. This group has a 'light regime', which means that these companies have no obligation to report their business to the environmental authority and that they do not need a permit. Included are: offices, banks, health care centres, general practitioners and playgroups. These are the companies with little or no negative impact on the environment.
Type-B companies. Companies with a reporting obligation. The (kind of) business activities of the company must be reported to the environmental authority. The possible impact on the environment is not so negative that they need an environmental permit, but they are included in a special regime of the general mandatory rules. Industries include: retail, restaurants, garages, transport- and fuel/gas stations.
Type C companies. These are the companies that still are duty-bound to apply for an environmental permit, because the probability of negative consequences for the environment of their business activities is high. Sectors: including storage of dangerous substances, chemical plants, agricultural facilities.

In July 2010, this "General mandatory rules" is to be extended to IPPC companies. The starting point is more general standardization for trivial matters.

Reference to the initiative: http://omgevingsvergunning.vrom.nl/ (Dutch language)

Business objectives: One of the aims towards companies is to reduce the administrative burden, because a permit is not necessary for all companies.

Regulatory authority objectives: The General mandatory rules decrease the administrative burden for government. For thousands of companies the environmental permit duty no longer is required.

For starting new or changing business activities there is no permit requirement in the future, but business activities of the company must be reported to the environmental authority. This gives a reduction of administrative burdens to these authorities.

The General mandatory rules must be enforceable.

Environmental protection objectives: When preparing the General mandatory rules, one of the basic principles was that an equivalent level of environmental protection should be pursued as the level of environmental protection that would be achieved based on the environmental permits.

The starting point for the General mandatory rules is, as in the permit system, the application of best available techniques (BAT).

How successful is the initiative: This initiative may be successful, efficient and effective as a result of fewer laws and regulations.

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Netherlands

Preventive supervision by "audit by topic"

Description: The Department of Industry of the DCMR Environmental Protection Agency has agreements with its client (the Province of South-Holland) in the conduct of inspections. All subjects in the environmental permit of complex industrial companies should be checked during preventive inspections within a period of five years. An important part of these themes will be determined through the methodology "audit by topic".

This is an audit conducted on the management system of the company itself. The difference with traditional inspections is that the inspector no longer 'only' checks the permit requirements, but considers whether the company's own management system ensures compliance with its permit.

Systems that are reviewed during these audits include maintenance management systems, emission measurement and registration, incident investigation and ISO 14001 (environmental).

In many cases the inspectors work with different questionnaires inspectors, so that compliance by companies and / or branches can be compared.

Business objectives: The supervisor is acting more efficiently and professionally in checking compliance with the permit. The check shows if the rules are in a management system. If so, then the operation of the management system is reviewed. With this way of supervision of the permit it is not necessary to check all the permit requirements separately.

Assessment of outcomes: The results are difficult to measure. One of the outcomes is that more companies are thinking in terms of management systems. That makes them more professional and in some cases more proactive to the authorities.

Success factors: What the authority needs are good auditors. Auditing is another way of doing an inspection. So, good auditors contribute to the success of preventive supervision by "audit by topic".

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Netherlands

The Environmental Licensing (General Provisions) Bill (Wabo in Dutch)

Description: To protect physical impact on environment by a new project, an operator needs permits, licences or exemptions on different subjects, for instance: Building and demolition, Air and water pollution, Trees to chop, Exemption for land-use plan and planning permissions, Fire safety, Monuments and historic buildings, Wild life and biodiversity.

The different licensing systems involved are not only spread over several specified subjects, but also based on several laws, often executed by several authorities each with their own application forms and with their own legal procedures.

The Environmental Licensing (General Provisions) Bill (called Wabo in Dutch) means that someone wishing to carry out a physical project, e.g. start a business in a new building, can get the necessary permissions through an integrated procedure: **just one licence** from one procedure, one set of rules to follow, one system of remedies and one enforcement agency. The licence application will, where possible, be processed electronically.

Reference to initiative: www.vrom.nl/vergunningen and see the information leaflet (appendix 1)
Business objectives: Simplifying licensing systems and stimulating economic productivity.
Regulatory authority objectives: Simplifying licensing systems.
Environmental protection objectives: There will be no changes in levels of protection provided under the current law.
Assessment of outcomes: A regulatory impact assessment was made which showed that the introduction of the single environmental licence will reduce the administrative costs of the private sector by about €33.2 million per year and of households by €3 million per year.
Success factors: The implementation of the Wabo will also stimulate the discussion on standards/minimum criteria to ensure the quality of enforcement because often the licensing authority is also responsible for enforcement.
How successful is the initiative: At this moment municipalities are preparing for implementation and are very enthusiastic to do so. Expectations regarding the simplification are high.
Barriers to success: Before it works the way it should all municipalities have to invest in new (ICT) systems and procedures. Because the Wabo is not the only "new thing" coming up, it is realised that time and money is needed. Not all municipalities have the implementation of the Wabo as a first priority.
Conditions for success: Implementation support has started long before the law will be in force.
Lessons to learn: Creating a common ownership between all authorities which are involved is very important. Without a uniform ICT-system it will not be successful.
Information provided by: Trudie Crommentuijn, VROM. Trudie.Crommentuijn@minvrom.nl

Netherlands
The company approach
Answer: An (inter)national company often has several establishments in a country. The different authorities a company has to deal with have their own competence, which may lead to unequal permitting and supervision. In order to coordinate and equalize the permitting procedures and supervision, the concern approach has been launched. It consists of organizing a coordinated approach from both the company and by the authorities: the service/coordination point dealing with permitting and supervision aspects that need to be streamlined within and between the different establishments and/or authorities. Besides, the service/coordination point also has a mediation role in case of problems encountered by the authorities or company. Specific for this approach is that it is problem-driven and tailor-made: • Only where the problems encountered by a company cannot be solved in a regular way a service/coordination point is launched. • Depending on the type of company, the (type of) problems encountered the service/coordination point will be organized. Different roles can be given to this service point: sharing of knowledge, coordination of procedures, developing standards to be used by the different authorities involved.
Reference to initiative: http://www.concernloket.nl/, (only in Dutch)

Business objectives: Reduction of administrative burden, including supervision.
Regulatory authority objectives: Coordination and equalizing procedures, equal interpretation of laws.
Environmental protection objectives: There will be no changes in levels of protection provided under current law.
Assessment of outcomes: At this moment an assessment is being carried out. First results show that both the company as well as the authorities are satisfied with results.
Success factors: It seems that this approach promotes itself, more and more parties are involved and are willing to contribute, no extra (legal) constructions or changes in them are needed.
How successful is the initiative: At this moment the company approach is used for the Gasunie (The Dutch concern that transports natural gas through the Netherlands, see http://www.nvnederlandsegasunie.nl/en/index.htm). Other Dutch companies have shown their interest to develop this approach as well.
Barriers to success: It takes time and good communication is necessary, especially if the different authorities are not always convinced immediately.
Conditions for success: The fact that this approach develops itself on the basis of problems encountered that cannot solved in a regular way.
Lessons to learn: An important lesson is that it is necessary to develop national standards (for instance necessary forms) that should be available through ICT-applications. Whenever necessary adjustments should be possible.
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Netherlands
FrontOffice Chemistry - reduce monitoring burden
Description: After successful pilots in 2007 and 2008, from 2009 the supervision and monitoring of bulk chemical companies in the Rotterdam-Rijnmond region, "FrontOffice Chemistry" was developed. This is the preventive monitoring of environmental and labour conditions. Within FrontOffice Chemistry, the programming of supervision and monitoring is aligned centrally and arranged for contact information from business to government and vice versa. Central to this development is that the government has more mutual communication, ensures that the target group experiences less supervision burden and also more efficient surveillance. The target group should become more satisfied with the government, because of more effective joint communication. Targets are: • inspections with particular focus on cases where there are major risks associated; • inspection visits are tailored or combined; • the same information only to be delivered once; • wherever possible it will be connected to internal control systems; • the supervisor must be an expert professional conversation partner; • communication of the results of monitoring within a reasonable time to companies; • 'good behaviour' will be rewarded with less control burden. *Participants in the Rotterdam-Rijnmond area are:*

Province South Holland
Municipality of Rotterdam
Transport and Water Management Inspectorate
Port of Rotterdam
Labour Inspection directorate Industry
Dutch Emissions Authority
VROM Inspectorate Region South-West
Water quality authority South Holland (Rijkswaterstaat)
Waterboard Dutch Delta
DCMR Environmental Protective Agency
Safety region Rotterdam-Rijnmond (Veiligheidsregio)

Reference to the initiative:
http://www.inspectieloket.nl/chemie/ (Dutch language)

Business objectives:

1. A transparent operating government: companies know the whole monitoring path of what the government wants to know and how it collects information.
2. Appropriate and timely feedback: directly after the inspection, companies get feedback from the inspection team and within eight weeks, a written report follows.
3. Improving the quality of supervision, more professional and well informed inspectors.
4. The experienced supervision load by companies must decrease by 25%.

Regulatory authority objectives: The added value for the government, in addition to the increase of quality, is a more integrated approach to business. This results in a better informed government about what is going on with the company. There are more opportunities for selective control and 'signal monitoring' between government bodies. This means that findings of inspections are shared with other authorities.

Success factors: Companies that come to the targeted monitoring system must be prepared to invest in it, must have an open attitude and must be prepared to provide information to the authorities.

FrontOffice Chemistry requires a different way of working and thinking about supervision. For Renewal Monitoring to be successful, there must be a cultural change within government. Cultural aspects are: cooperation between governments, trust of companies and working from a horizontal relationship of equality with companies, dealing with ICT and education and training of employees.

How successful is the initiative: It is quite successful. It is of great importance that governments work together in networks. In this way, a nationwide uniformity in supervision can occur.

Barriers to success: Monitoring of the chemical industry is quite fragmented. Several agencies monitor it. Despite the spirit of cooperation there remains a risk that no or insufficient full or tailored supervision emerges. It is therefore recommended that the organization of supervision is examined and made more effective and efficient.

Within FrontOffice Chemistry there are a number of agreements between governments and public and businesses. It is not excluded that such agreements are contrary to trends elsewhere in the public sector, either nationally or at European level. This can be a barrier to success.

An obstacle is that the government has "only" once a year the opportunity to go to a

chemical company for a preventive check/inspection. The understanding of the supervisor with companies might reduce because of this.

Success factors: The renewal of the surveillance is not an easy process. Political attention is very important and is necessary to achieve the desired renewal.

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Netherlands

Information-driven monitoring and enforcement

Description:
Information-driven monitoring and enforcement:

Information-driven inspection and enforcement is a methodology, in addition to regular inspection, to investigate environmental themes more deeply. The methodology was developed by the DCMR Environmental Protection Agency and started in the summer of 2008.

It is a way to perform inspection in an extensive network of inspection and criminal network partners. The network includes the DCMR EPA, Seaport Police, Tax Authority (including Customs), environmental and building departments of municipalities, Labour Inspection, the National Reporting point Waste (LMA), Rijkswaterstaat, Ministry of Housing, Spatial Planning and the Environment (VROM) and Transport and Water Management Inspectorate (IVW). Within the network, information is made available and shared. This may include information about waste, emissions, accidents, and soil remediation. Information-based inspection is different to a risk-based inspection. Risk-based inspection pays the most attention to the main environmental themes. By information-based inspection, this is not obvious.

Examples of projects

There are several projects. Some examples are:

- Investigate and enforce the illegal removal of asbestos. Information from all stages of asbestos remediation is investigated. From the remediation application to the remediation of waste, to the reported data in the national database of the National Reporting Point Waste (LMA). If there is no asbestos reported in the system of the LMA after a transport, while a remediation of asbestos is made, something is wrong and deeper investigation is started. It is possible that waste illegally disappears from the waste chain;
- The investigation of differences between hospitals in the removal of hospital waste. There appears to be a big difference between the waste between different hospitals. In practice, the waste collectors are not very accurate with reporting hospital waste (which they process) to the National Reporting Point Waste (LMA);
- Research on risk of safety and environmental violations at companies that clean tank containers. The risks are mapped to the chain partners (stakeholders) Transport and Water Management Inspectorate, the Water Board and the Seaport Police. One aspect of this is to run an analysis of the similarities and differences in the permits and analysis of compliance with laws and regulations by the companies in the industry of tank cleaners.

Method

The initiators of new projects start to collect information or get information offered of relevant environmental issues. During a year there can be co-operation on several fronts, based on signals from stakeholders in the network. The second step is to analyze the information by objective analysts. Before this, the initiative is presented to the team of inspection and enforcement managers. The third step is the implementation phase. Before the final implementation of inspection and enforcement begins, there is approval of the team of inspection and enforcement managers.

Business objectives: The aim towards controlled companies is that less time is spent at the company. Before visiting a company, there is already much analytical work. Unnecessary questions need not be asked at the company. The inspector also appears more professional at the company.

Regulatory authority objectives: One goal is more efficient inspection work. Before a company is visited, the inspector collects the information of the stakeholders from the network in which he is involved. With this information (about the company, industry or subject) the inspector is well prepared and he does not have to search for this information himself. Once at the company, he can address the necessary questions.

Environmental protection objectives: Information-driven inspection and enforcement is a proactive tool, based on a broad information position and targeted analysis so that bottlenecks, structural violation behaviour, criminal behaviour and undesirable developments are identified on time, so that the enforcement process can be better controlled. By using a network approach, it is possible to obtain information from various layers and inspection disciplines. In this way, there is a broad approach to dealing with environmental risks.

Outcomes of objectives:

- There is currently little filing. At the end of 2009 internally the signal 'go or no go' will sound;
- Information analysts contribute to the success of information-driven inspection and enforcement;
- One of the main success factors is the information position of the DCMR in the professional network of inspection and administration.

Barriers to success:

- When stakeholders do not cooperate by not sharing information with other participants in the network, there is an important barrier;
- In advance the outcomes are unpredictable. This may be a barrier for the management to start a project;
- The availability of sufficient capacity for executive employees, such as information analysts.

Success factors: Internal support from management is crucial for success.

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Netherlands

e-inspections/sharing of data

Description: In the context of the Dutch national programme renewing supervision a large amount of money has been reserved by the government to support the

development of ICT-systems for inspectorates. This initiative concerns the development of systems in which different inspectorates work together aiming at the reduction of administrative burdens for trade and industry. After an inventory concerning the needs of the different Dutch inspectorates, the choice has been made to focus on standard systems that contribute to more efficient supervision. Therefore standard systems are developed that can be used, for instance the sharing of data (between inspectorates), self-assessment systems (for companies), websites and a system for analysis for risks. Especially in the field of sharing of data several prototypes have been developed, which are used and tested. It is essential that different inspectorates share their data and have an insight into the inspections of the others.
Reference to initiative: http://www.e-inspecties.nl/organisatie/ For prototype traffic control: http://demo.e-inspecties.nl/digidos/digidos_wegvervoer_release2_prot1/ For prototype used in the "veterinary domain: http://demo.e-inspecties.nl/digidos/digidos_vleesketen_prot3/ For prototype used in fireworks domain: http://demo.e-inspecties.nl/digidos/vuurwerk%20prototype%20v0.5/ (all websites are in Dutch)
Business objectives: reduction of inspectorate burden.
Regulatory authority objectives: Coordination of inspections, sharing of data, more efficient planning of inspections.
Environmental protection objectives: There will be no changes in levels of protection provided under current law.
Assessment of outcomes: No overall assessment yet, the prototypes are discussed on a regular basis and adjusted when necessary.
How successful is the initiative: Different systems and prototypes are still in development.
Barriers to success: In the past all the different inspectorates have been developing their own systems and have put in money to their development. Therefore they are not always very eager to set their own system aside and replace it for a new one. Another obstacle is that sometimes data to be put in systems that are used by other inspectorates are confidential and/or protected by law.
Conditions for success: So far a major condition is that this initiative is a politically desired one in the context of developing a smaller and more efficient civil service.
Lessons to learn: Take into consideration that each of the different inspectorates are in different developmental stages considering the use of ICT-tools.
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Netherlands
Coordination of inspections of different inspectorates/policy fields.
Description: In the context of the Dutch national programme renewing supervision the different inspectorates that deal with a specified group of trade/industries or institutions are organized in domains (for instance the domains of the catering industry, chemical industry, hospitals and recreational industries are distinguished). Within each domain the leading inspectorate (in general the inspectorate having the largest amount of inspectorate burden) is responsible to stimulate and coordinate the development of more effective and efficient inspections.

A major task for each domain is to reduce the burden of inspections for trade/industry. In order to do so the visits of the different inspectorates have to be coordinated, especially when comparable information is asked for. In that case it can be decided that one of the inspectorates takes the questions for the other inspectorate with it. Only when the inspector needs specialized knowledge after questions are answered is the responsible inspectorate asked to join.

An example is the coordination of the questions/inspections of the Inspectorate of the Ministry of Housing Spatial Planning and the Environment in the context of the domain of recreational industries that deal with the use of pesticides for gardening and the use of recycling of CFK-installations. The Labour Inspectorate, having the largest interest in the recreational domain, takes these questions along with them. The Inspectorate of the Ministry of Housing, Spatial Planning and the Environment has developed a questionnaire for the Inspectorate and organized a meeting at the start of a project to instruct the inspectors taking the list with them.

Another example is the coordination in the context of REACH, the Labour Inspectorate takes along a questionnaire of the Inspectorate of the Ministry of Housing, Spatial Planning and the Environment.

Reference to initiative:
http://www.inspectieloket.nl/onderwerpen/vernieuwing_toezicht/

Business objectives: reduction of inspectorate burden.

Regulatory authority objectives: reduction of inspectors visiting companies.

Environmental protection objectives: There will be no changes in levels of protection provided under current law.

Assessment of outcomes: In 2009/2010 it will be investigated whether or not the inspectorate burden within the different domains is less compared with the situation when the programme renewing supervision started.

How successful is the initiative: No visit when not necessary.

Barriers to success: You need to trust that questions are put forward in the right way and enough knowledge at the "other inspectorate" is available to judge whether answers to questions are reliable or not.

Conditions for success: At least attraction parks are happy that visits of inspectorates are reduced.

Lessons to learn: "Other inspectorates" have to be instructed where they take questions of other inspectorates with them and have to learn how to judge when it is necessary to inform and/or contact the responsible inspectorate.

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Netherlands

Self management supervision

Description: Inspections normally are directed on the output of what is going on in a company, for instance how are the chemicals used for production stored. The system approach means that not only the output will be inspected, looking at shortcomings/violations in the storage of the chemicals, but the (quality of) systems and procedures that the company has set up to arrange that chemicals are stored in the right way and how the company itself takes care of this and then only randomly checking the outcome.

Not all companies are suited for this approach. Depending on the quality of its self-

management system, self-management supervision can be developed and stimulated in various was, including more or less "outcome"-focused supervision.
Business objectives: Companies have to be more aware and pro-active in developing and documenting procedures; self-management systems are stimulated to a higher level.
Regulatory authority objectives: Regulatory authorities will have another role in this approach; they are not simply the inspector looking at what is wrong but play more of a role coaching a company setting up its own systems and procedures to a high quality.
Environmental protection objectives: There will be no changes in levels of protection provided under current law.
Assessment of outcomes: No assessment yet.
Success factors: The procedure is developed in close cooperation with the companies involved, companies are stimulated to take their own responsibility in good house keeping.
How successful is the initiative: More and more companies are joining this approach.
Barriers to success: • When shortcomings/violations are detected the company will get a chance to correct it and is not prosecuted for it directly. This is not always the way the prosecutor wants to deal with it. • Inspectors have to change as well, their way of working has to be different to what it was and other skills are needed. • Transparency of the procedures in a company is essential. On the other hand, when shortcomings are detected companies may get the idea that being very transparent may be punished.
Conditions for success: Especially the bigger industries have already very well developed self-management systems that make it easier to start the self-management supervision.
Lessons to learn: A close cooperation of inspectorates and companies is essential.
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Netherlands
Simplification of re-inspections
Description: In the programme renewing supervision in the waste domain a procedure is developed to simplify re-inspection. Re-inspection normally takes place where the normal inspection has identified shortcomings and/or violation of the regulations. For certain shortcomings/violations appointments have been made and forms have been developed, that are used instead of a real re-inspection. All the shortcomings/violations are written down on a form and appointments are made when each shortcoming/violation will be solved. When both the inspectorate as well as the company agree on this list, it is signed and for each shortcoming/violation a reply-card is also handed over. The company has to send a reply-card when the shortcoming/violation has been solved. The inspectorate then randomly inspects whether (where reply-cards have been sent back) the shortcoming/violation has really been rectified.
Reference to initiative:

http://www.inspectieloket.nl/afval/images/Vermindering%20Toezichtlasten_Handreiking%20vereenvoudiging%20hercontroles_def_tcm262-214667.pdf
Business objectives: Reduction of inspectorate burden, in principle a second inspection is not necessary.
Regulatory authority objectives: Reduction of civil service input.
Environmental protection objectives: There will be no changes in levels of protection provided under current law.
Assessment of outcomes: No quantitative assessment.
How successful is the initiative: Companies and authorities involved agreed that there are positive outcomes.
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Poland
Organization of control cycle of municipalities related to community wastes and method of realization of that cycle. (Joint initiative of Subcarpathian Voivode and Subcarpathian Voivodeship Inspector for Environmental Protection)
Description: The Voivodeship Inspectorate in Rzeszow designed a questionnaire which was directed to municipalities and contained over a dozen questions regarding community wastes. The questionnaire has been sent to every municipality in the Subcarpathian Voivodeship. It was also webcasted at the Inspectorate website. VIEP in Rzeszow organized a training seminar to representatives of all municipalities in the Voivodeship and presented a bad situation regarding community waste. That knowledge resulted from a negative assessment of the implementation of the first National Waste Management Plan and the Report of National Control Cycle regarding such waste. Every participant of the conference was again given a questionnaire. After answers were gathered the Inspectorate prepared a report and on that basis chose municipalities and facilities for the next phase of the control cycle. After finishing the controlling phase of that cycle, a conference directed to all municipalities was organized. The outcomes of the control cycle were presented to that conference.
Business objectives: 1. Obtain information from the facility before going for inspection. 2. To force municipalities to engage in community waste management – before the situation was bad. 3. To avoid the threat of non-fulfillment of the Accession Treaty and, therefore, financial consequences. 4. To make local authorities aware about new regulations (e.g. selective waste collection, maximum level of biodegradable wastes allowed to deposit in the landfill, WEEE) and consequential financial penalties.
Regulatory authority objectives: To force municipalities to bring up to date Programmes for Environmental Protection and Programmes of Waste Management.
Environmental protection objectives: To make waste land in landfill not in forests (plus waste selective collection and eliminating hazardous wastes from municipal wastes).
Assessment of outcomes: It was successful. The situation in the Voivodeship on this issue is much better. At municipalities where there were many instances against the rules re-inspections were carried out. Municipalities were made aware they have to enforce an environmental law too (setting decisions, penalties, and so).
Success factors: Better contact between employees of municipalities and the Inspectorate.

How successful is the initiative: The initiative may be regarded as a success. Assessment of municipalities fulfilling their regulatory duties was poor. After a few years situation is much better.
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Poland
One site – one permit initiative to consolidate permitting
Description: The initiative was described in the BEST Report, has not changed and it is still in operation. It brings together different permitting obligations into a single process at the site level to reduce costs and provide a more coherent approach to environmental protection.
Outcomes of the initiative: The intended result for the environment was that bringing together separate items of regulatory legislation into a single framework would help to cover all the emissions from the plant.
Business outcomes: This initiative has a positive effect on the cost and reduces the duration of the permitting procedure.
How successful is the initiative: So far, it is considered to be very successful.
Problems of implementation: There were no problems with implementation of this initiative.
Factors contributing to success: The main condition which contributed to its success was lowering the costs connected with the fee for issuing the permit and also costs in preparing an application.
Lessons to learn: As a result of this initiative there was extension made and the law was changed to cover with one permit all the IPPC – installations in accordance with authority competence.
Information provided by: Joanna Huczko, Inspectorate. j.huczko@gios.gov.pl

Portugal
IPPC Law
Description: The operator can hire certified companies (certified by the National Accreditation Authority) to do all the preparation of the process to obtain an environmental permit which will reduce the time period to get the final approval of the competent authority (Portuguese Environmental Agency). This means that if the operator follows this procedure he will be able to reduce the time period between the request to get the environmental permit and the issuing of the permit. In order to make the process of issuing the environmental permit quicker, there is the possibility to develop at the same time several procedures related to the legal obligations of the company, such as environmental impact assessment and the approval of the safety report (higher tier SEVESO sites). In these cases the public consultation can be done simultaneously. With the aim of reducing the time period needed to issue the environmental permit it is also possibility to use information and data that are already available in the competent authority and that were previously delivered by the operator in response to other legal obligations (not directly related to IPPC). The operator can deliver the competent authority one single report which presents all

the data and information needed to show compliance with the legal requirements imposed by different legislation that is applied to the installation, which avoids the multiplicity of reports that had to be presented by the operator before the new IPPC law was adopted (published in August 2008).

When the Inspectorate wants to check the compliance with certain legal requirements for which the legal proof of compliance can be given by written documents, a postal notification is sent the operator through which a time period is given to send to the Inspectorate those documents. Using this kind of approach a larger number of installations can be checked concerning certain legal obligations.

The Environmental and Spatial Planning General Inspectorate (IGAOT) cooperates closely with the Environmental Brigade of the Police (SEPNA) and with the customs in the actions that are taken to control the transfrontier movement of waste.

In some SEVESO inspections the inspection is jointly done with an inspector from the National Authority for Civil Protection.

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Spain: Basque Autonomous Community

Environmental Information Integral Management System, IKS eeM System

Description: The Environmental Information Integral Management System (IKS eeM System) has the basic central theme of information transaction processes between entities (including any external agent to the organization, regardless of its legal status) and the Autonomous Basque Community's Environmental Administration. It is a key element within the 2006-2010 Strategic Plan's framework (Modernization, Management, Quality and the Automation of Systems).

The initiative seeks to change the approach to information management, identifying clearly what information is needed for, by whom and established a clear shared system to allow for data transfer and sharing. Critical within this is the full inter-operability of the data transfer and assessment systems, with quality checking, security and traceability.

Reference to initiative: www.eper-euskadi.net

Business objectives: The Electronic Management System includes all the information that the entities (any external agent) must provide the Administration for environmental control, so that it covers all the information transactions of both System clients (external entities) as well as the Department itself with the said entities and/or with other administrations (local, state, Ministry of the Environment) and/or from the European Community.

Regulatory authority objectives: One of the main objectives pursued by the implementation and development of IKS consists in providing the unified electronic presentation of services and/or transmission of information (Air (VOC´s, GHG´s, water, soil, waste, E-PRTR, CORINAIR, OSPARCON, etc.).

Environmental protection objectives: One of the main objectives pursued by the implementation and development of IKS consists in providing the unified electronic presentation of services and/or transmission of information (Air (VOC´s, GHG´s, water, soil, waste, E-PRTR, CORINAIR, OSPARCON, etc.).

Assessment of outcomes: The most important and tangible assessments are concerned with the reduction of administrative burdens and the elimination of paper

(about 2 million documents referred to control and tracking of hazardous and non hazardous wastes have been replaced by use of electronic documents).

Assuming a cost of 1 minute for operation and 1 paper (transporter). Benefit for operation: 9 minutes and six papers. There are a total of 2 million operators per year – so a significant saving.

Success factors: To ensure the interoperability between the different Information Systems (public and private) because transmission can be done from any Information System as long as it conforms to the format stated by the European Commission (XML file), for example to fulfil the requirements of Regulation 2150/2002 on waste statistics.

How successful is the initiative: The success of the initiative will be determined by the level of satisfaction of the clients, but one success is in providing the unified electronic presentation of services and/or transmission of information.

Barriers to success: The opposition of different actors (civil servers, operators, etc) because of the change. It is very difficult to modify routines and behaviours frozen for years.

Conditions for success: One idea, one project, working with a vision.

Information provided by: Mikel Ballesteros García, Environmental Quality Directorate, Basque Country. m-ballesteros@ej-gv.es

Spain

ETER project

Description: The ETER project is a joint project where the participating public authorities agreed on the flow of information and present it in a common language with rules that are accepted by all. This new standard will enable the interoperability of the technology platforms of the different parties, ensuring that the information reaches the public authorities at the right time and that it is of sufficient quality to meet the environmental challenges facing society.

ETER is aligned with the principles upon which the Shared Environmental Information System (SEIS) is based.

Reference to initiative: www.eterproject.org and www.e3l.es

Business objectives: The objectives are to:

- Harmonise the data and processes of public authority environmental information systems, and to provide authorities that do not have electronic information systems with a common basis on which to develop them.
- Improve the reliability and quality of statistics relating to all aspects of the environment in Spain.
- Comply with European regulations on statistical data relating to environmental issues.
- Study the possibility of disseminating the ETER philosophy and products (E3L) to the rest of Europe, thus extending its scope of application as it is an issue that has not yet been resolved by the European Commission.

Regulatory authority objectives: To enable the public authorities to provide the best possible service to their clients (the citizens) and, through the ETER project, improve the management of environmental data in their areas of competence, bringing about improvements in the management of knowledge, change and resources in particular.

Environmental protection objectives: The sole and ultimate objective of ETER, which is the introduction of technologies for the restoration of the environment.

Assessment of outcomes: Harmonise the data and processes of public authority environmental information systems, and to provide authorities that do not have electronic information systems with a common basis on which to develop them.
Success factors: The concept of integrating all environmental information is becoming an increasingly common way of enhancing cooperation between the public and private sectors. This is becoming increasingly evident with the preparation of proposals for Directives and Regulations that encompass all aspects of the environment, and not just specific areas such as, for example, hazardous waste. Therefore, the creation of a common language to support the exchange of environmental information between all stakeholders in society will become a necessary tool in the area of information technology.
How successful is the initiative: On a score of 1-10 it is a 9.
Barriers to success: The opposition of different actors (civil servers, operators) because the change. Is very difficult to modify routines and behaviours frozen for years.
Conditions for success: One idea, one project, working to a vision.
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Spain
Euskadi PRTR methodology
Description: The Basque Government's Department of the Environment and Regional Planning has been supporting its IPPC centres in carrying out the report on the E-PRTR data since 2002. By intervening it ensures the reliability and consistency of the information reported so that it can be published with sufficient guarantees to assure its quality and comparability and, in addition, it complies with the requirements of Law 27 /2006 of 18 July by which the rights to access information and public participation are regulated and access to justice in the field the environment in accordance with the Aarhus Agreement.
Reference to initiative: www.eper-euskadi.net
Business objectives: Each entity will add its information by either the IKS eeM System completing the e-DMA (environmental electronic declaration) corresponding to 2007 or through its management platform if it has its own Management System (ERP) and it can transfer the s-DMA in the electronic format published by the European Commission in reference to the PRTR data (XML file). Prior to this, the air and water emission data will be entered into the spreadsheets established to this effect and published on the Euskadi PRTR webpage which will have the current URL for 2008: "www.eper-euskadi.net ".
Regulatory authority objectives: The reliability, credibility and accurateness of all the data and information included in the e-DMA and that have been implemented in accordance with the E-PRTR Euskadi methodology, E-PRTR Guide and Monitoring BREF.
Environmental protection objectives: The introduction of the Monitoring Plan towards to operators.
How successful is the initiative: On a score of 1-10 it is a 9.
Barriers to success: The opposition of different actors (civil servers, operators) because of change. Is very difficult to modify routines and behaviours frozen for years.
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Sweden
Integrated permitting
Description: Single permitting is the general practice in Sweden. This is the general model used since the introduction of integrated permit giving in 1969. (This served as an example for developing of the IPPC Directive). When implementing IPPC Sweden already had the system in place. What then was included was safety issues were included in the permit, i.e. the Seveso Directive. A safety report is thus part of the application for the permit. From the introduction of single integrated permits some actions have been done to develop the process and make it more and more efficient. Some of these have also resulted in legal text.
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Sweden
IT for monitoring and reporting
Description: The reporting obligations have been reviewed and experiences are used as well as new internet technology to make reporting more efficient and make the workload less. This has also included coordination of different reporting requirements.
Information provided by: Inga Birgitta Larsson, Swedish Environmental Protection Agency, IngaBirgitta.Larsson@naturvardsverket.se

Sweden
Co-ordination inspections
Description: In Sweden the supervisory authorities have responsibilities of their own under the regulation within the environmental legislation and there are the instructions to the authority in question. This means, for example, other authorities, such as central ones, can not "give orders" concerning how the inspection is planned and carried out. However different ways have been developed to coordinate and exchange experiences to give guidance and assist the work. For example there is the "network between supervisory authorities", "Environmental Coordination Sweden" and the "Enforcement and Regulation Council".
Information provided by: Inga Birgitta Larsson, Swedish Environmental Protection Agency, IngaBirgitta.Larsson@naturvardsverket.se

Sweden
Co-ordinating inspection and public involvement
Description: One example is the "Seveso" inspection which in Sweden is a task for several inspecting authorities. There is successful work done with coordinated inspection with participation of inspectors from the different inspecting authorities. There is also coordination on "general issues" concerning Seveso inspection by "networking" and coordinative initiatives such as conferences and joint training. For other environmental inspections cooperation between authorities is not needed as there is only one responsible authority for each operator. The public is involved in the permit giving process by special regulation in the Environmental Code as well as the legislation concerning the general binding

general obligations on public access to information. Concerning inspection and enforcement the public is involved mostly by the binding general obligations on access to information.
Information provided by: Inga Birgitta Larsson, Swedish Environmental Protection Agency, IngaBirgitta.Larsson@naturvardsverket.se

Turkey
Improving the environmental permitting and licensing mechanism by a new by-law
Description: By this initiative different types of environmental permits and licences will be combined into one single permit. The application for the permit will be performed electronically.
Business objectives: The main objective is to simplifying complex permit mechanisms for industry. Any type of environmental permit will be combined in one permit so industry can fulfil its environmental responsibilities efficiently.
Regulatory authority objectives: Coordinating different types of environmental permits can sometimes be difficult. The Ministry of Environment and Forestry (MoEF) has granted more than 10 different types of permits and licences to now. To control each permit and licence in different units is not very easy. Therefore by the new by-law gathering all the information in one certificate will be beneficial for increasing work efficiency and removing official procedures e.g. paper work. With the adoption of the new by-law, a new permission department which coordinates all the permit mechanisms will be founded.
Environmental protection objectives: Environmental permits are required for industrial and waste activities which could harm human health or the environment unless they are controlled. So, it can be said that, enhancing the permission mechanism will improve the environment by means of better regulation. Also when a permit is given to a company it includes the environmental effects that the company causes. Another copy with the MoEF can help the inspection authorities before going on a site visit. All of the information about the company including compliance history and the permits can give important information to the inspector.
Assessment of outcomes: The new by-law came into force on 29 April 2009. The conditions of the by-law will be valid by 1 January 2010. So there is a time limit for business to modify itself and prepare for the new law. Therefore the assessment of the outcomes regarding the objectives can be seen after this.
Success factors: One of the main outcomes from this initiative is that the application for the permit will be via electronic systems. This will be a side project of this initiative and has to be completed by January 2010. The project involves a software design which provides the online permit application.
How successful is the initiative: Businesses will find it simpler and less costly to be environmentally responsible under the new environmental permit regulations. The new system is expected to bring a number of benefits, including: a simpler permit application process with less paperwork; much clearer guidance; and more flexibility for businesses to make changes.
Barriers to success: The by-law has been not completely implemented yet, therefore there are no barriers or obstacles identified at present.
Conditions for success: The new Environmental Permitting Regulations have been complex to establish as they combine many separate legal instruments into a single set of regulations Therefore different institutions apart from MoEF contributed to the preparation of the new by-law. It also increased the inter-relationships between the

different units of the Moef due to the meetings to brainstorm and prepare a strong regulation.
Lessons to learn: Implementation of this by-law will be a pre-preparation for implementing the IPPC Directive. As IPPC favours the integrated approach for permitting, the new by-law will be a good chance to test an integrated approach for industry.
Information provided by: Erdem Özer. eozer@cevreorman.gov.tr

Turkey
Reducing the number of inspections by combining different inspection regimes and increasing the number of combined environmental inspections
Description: There are single media based inspections (such as only air and only water) and combined environmental inspections according to a By-Law on Environmental Inspection. In the ministry, a start has been made to combine inspections in order to decrease the number of inspections. In Turkey, there are 81 provinces and MoEF has Provincial Directorates at each of the provinces. 41 provinces and 650 inspectors have been trained on "combined environmental inspections and EU Minimum Criteria for Environmental Inspections" by the MoEF. In 2010 all Provincial Directorates of MoEF will be doing these combined inspections.
Reference to initiative: The new By-Law on Environmental Inspection was published on 21 November 2008 and came into force on 01 January 2009.
Business objectives: The new Environmental By-Law defines the obligations of the installations and facilities to employ environmental officials, establish an environmental unit or get a consultancy service.
Regulatory authority objectives: All the Provincial Directorates of MoEF perform combined environmental inspections. They regulate the elements of the environmental inspection which cover the whole life of a facility or activity and regulate amenability and character of environmental inspectors, environmental management unit or responsible person for environmental issues and authorized environmental consultancy firms. In the long term by compliance and implementation of the IPPC Directive, which is a key aspect in the EU environmental acquis, MoEF will begin to make integrated environmental inspections.
Environmental protection objectives: By taking the local conditions into account it will be efficient and effective to protect the environment as a whole.
Assessment of outcomes: By combining the environmental inspections, the work load and loss of time is decreased. The number of facilities which are inspected are increased as they are approaching environmental issues more sensitively. The number of the combined inspections which are performed by Provincial Directorates and by the Ministry and also the amount of the fines can be indicators.
Success factors: "The By-Law on Environmental Permits and licences which have to be taken under Environmental Law" came into force on 29 April 2009 and will be valid by 01 January 2010. This by-law helps to implement the IPPC Directive in Turkey.
How successful is the initiative: Combined environmental inspections have been undertaken for 4 years. With all the provincial inspections, this initiative will be more successful.
Barriers to success: There is not any separate department of environmental inspection in the provinces. Training is compulsory for the inspectors who are working in the Provincial Directorates. That is why a draft legislative text on

establishment of the Environmental Protection Agency has been prepared, which will have functions of environmental permitting, environmental inspections, monitoring, measuring and reporting. There will be three levels in the Agency's structure: central level, regional level and local level. The study on this legislative text is still going on.

Conditions for success:

- Establishing the Environmental Protection Agencies.
- Compliance and implementation of the IPPC Directive.

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United Kingdom: England and Wales

The Environmental Permitting Programme (EPP)

Description: As planned, the first phase of the programme (EPP1) came into force on 6 April 2008. EPP1 streamlined and simplified the permitting and compliance systems for Waste Management Licensing and Pollution & Prevention Control without changing environmental and human health protection standards.

EPP is now in its second phase (EPP2) which aims to widen the scope of the single Environmental Permitting system (that was created under EPP1) by incorporating a range of other broadly similar permitting systems and EU Directives, thereby bringing further administrative burden savings to operators and the regulator. These new systems are discharge consenting, groundwater authorisations, water abstraction and impoundment, radioactive substances regulation and licensing of some waste carriers and brokers. EPP2 will also transpose the permitting parts of the Batteries and Mining Waste Directive.

The current permitting systems have grown separately over time and the past decade has been characterised by increasing complexity as each time a new EU obligation has been agreed it has been delivered by a separate system. The EPP initiative has been driven by the better regulation agenda:

- The Hampton review (March 2005) recommended proportionality in regulation by the application of effective risk-based approaches. Its follow-up review, the Hampton Implementation Review (2008) on the Environment Agency (EA), lists EPP1 as a positive example of Defra and the EA working on streamlining and rationalising processes for business and therefore encouraging economic progress.
- The Better Regulation Task Force report (March 2005) highlighted that the procedures for IPPC and waste management are different, yet their objective to protect the environment is the same.
- Environment, Food and Rural Affairs Committee report on The Environment Agency (May 2006) welcomed the development of a common regulatory framework and recommended extension of this common framework to other systems.

Key elements of EPP:

Common Risk-Based EP System

It is based on risk-based regulation - regulation which takes into account both the hazards and the risks involved in the regulated activities.

Common procedures, guidance, training etc for a range of permitting regimes

There is a common language: e.g. authorisations = environmental permits, e.g. The EP Regulations calls all permits "environmental permits" whereas the previous regimes used a variety of terms such as "authorisations", "registrations" and "consents".

Three Tiers of control: Exemptions, Standard Permits and Bespoke Permits and Exclusions

This allows for risk-based and proportionate permitting. The tiers are:

- Exclusions: very low-risk activities: no need for permit, no need for registration = excluded from permitting
- Exemptions: low risk-activities: need to register once, no need for permit
- Standard Permit: available for some low-risk & medium-risk activities, only one condition: compliance with specific set of rules for that activity and only consulted on once nationally, cheaper & quicker to issue
- Bespoke permit: medium to high-risk and non-standard activities, permit that is specific to that facility

Single site permits / multiple site standard permits

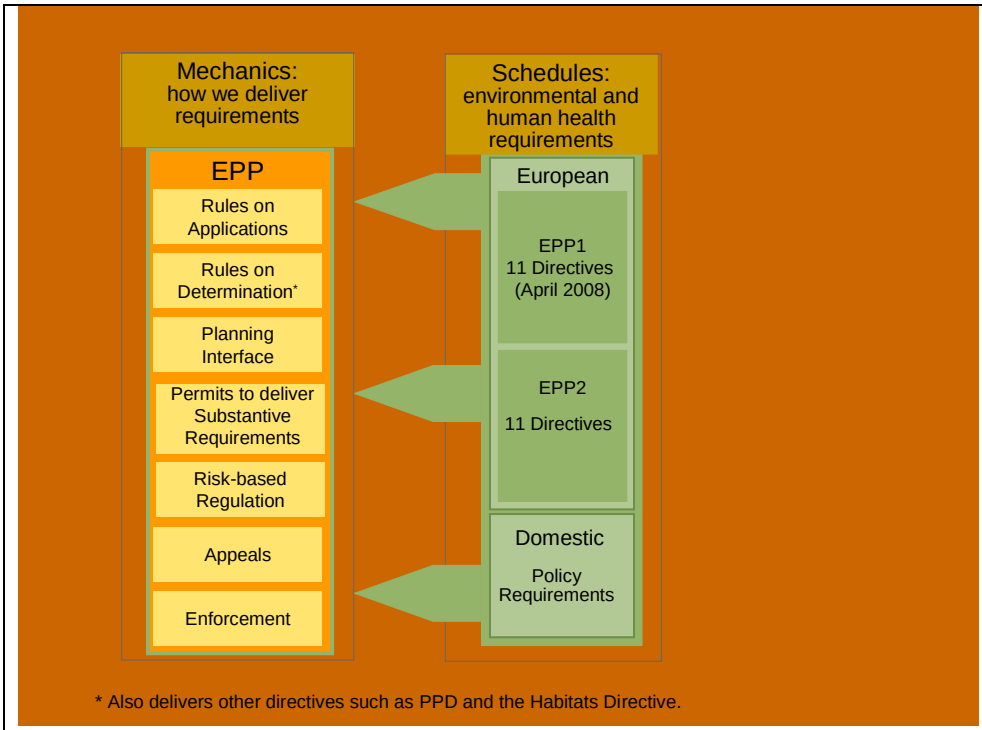
EPP aims to make a single site permit possible so that an operator can hold one permit that covers all regimes on that site. EPP aims to make a multiple site permit possible. This would mean that an operator that runs several similar sites can consolidate his/her permits into one single permit for all sites.

Common approach to applications, compliance & guidance

EPP introduces the same procedures, same application form, same guidance format and structure etc for all EP regimes

Also there is coherence on public participation and no change of regulator for the candidate regimes.

EPP was developed by separating the mechanical (procedural) parts of environmental permitting and compliance systems (which are now made into a common process) from the environmental requirements which differ between legislation. Thus the requirements of each Directive are put in individual schedules to the procedural regulations. This approaches allows the EA to add new requirements without having to design a new procedural system to deliver those requirements. This is illustrated in the following figure.



Reference to initiative: www.environment-agency.gov.uk/epr
www.defra.gov.uk/environment/epp
eppadministrator@defra.gsi.gov.uk
Current consultation: www.defra.gov.uk/corporate/consult/env-permitting-guidance

Business outcomes: The EPP1 savings over 10 years to business and regulators are estimated to be around £76 million. Full benefits realisation from the first phase is not expected to begin until 2009/10. Savings throughout the regimes are generated by a number of means. These include:

- Common inspections;
- Multiple site applications;
- Simplified guidance;
- Standard rules permits;
- Exemption from the requirement for a permit;
- Time savings for consultees;
- Environment Agency support and administration savings;
- Halved the existing guidance; and
- Removed more than 2,000 pages of out of date Government technical guidance.

The forecast EPP2 savings over 10 years to business and regulators are around £40 million of which 67% are savings to industry. Details are in the following table.

	Net saving (10 yrs NPV)	**Industry saving**
Discharge Consenting	£22.4m	84%
Groundwater Directive	£0.3m	-
RSR	£7.1m	45%

Mining Waste Directive	£4.4m	-
Batteries Directive	£0.8m	-
Water Abstraction and Impoundment	£3.9m	71%
Carriers and brokers	£1.0m	64%
Total EPP2	**£39.8m**	**67%**
Total EPP1 + EPP2	£116m	--------

EPP1 deliverables in detail:

- harmonisation and integration of 14 Directives and 41 sets of regulation.
- streamlined and simplified guidance, instructions, processes, letters and forms.
- introduction of Standard Rules Permits.
- introduction of partial surrender and partial transfer of licences.
- the opportunity to consolidate waste and IPPC activities into a single permit.
- introduction of a public participation statement and working together agreements for key consultees.

Further, EPP offers the opportunity of common inspections, i.e. where there is more than one EP regime at a site, inspections can be carried out at the same time by one inspector, saving time and money for both regulator and operator.

The larger proportion of the total savings (67 per cent) are expected to be generated from reduced burdens to industry, with the Environment Agency and consultees (involved in the permitting process) expected to achieve the remaining savings (30 per cent and 2 per cent respectively).

Environmental outcomes: The initiative will maintain the same levels of protection for the environmental and human health that the separate systems had delivered in the past. If there was any change for the environment at all, it would be a slightly higher level of protection of the environment and human health since the new single system is more risk-based and proportionate. This means that the regulator can focus more time and resources on badly performing businesses.

In Autumn 2009 a post implementation review of EPP1 will take place which focuses on the benefits that have been delivered to industry.

Similarly, EPP2 aims to simplify regulations without changing the levels of protection of the environment and human health.

Success factors: The new streamlined system brings increased clarity and certainty for everyone on how the regulations protect the environment. It is a clearer, simpler and quicker system allowing a better understanding of the law and its effects. Generally stakeholders agree that this objective has been achieved for EPP1.

How successful is the initiative: The initiative is considered to be very successful: EPP1 has simplified a significant part of environmental regulation. It has delivered the harmonisation and integration of 14 Directives and 41 sets of regulation without changing the levels of protection which brings a range of benefits to industry and regulator (see above).

The Department for Business, Enterprise and Regulatory Reform (BERR) guide on how to implement European Directive effectively (September 2007) gave the EPP,

with subsequent expansion to other environmental permitting systems, as an example of good practice in implementing Directives.

Barriers to success: There is still some confusion about which activities qualify for a standard permit and which do not. This is due to the challenges involved in communicating changes effectively. Business reference groups set up by the Environment Agency will help define standard permits further over the next months.

Success factors: The EPP team is a joint Environment Agency, Defra (Department for Environment, Food & Rural Affairs), Department of Energy and Climate Change and Welsh Assembly Government team working across four national government organizations. This close cooperation and joined-up working approach was, and is, essential to deliver EPP. Key to the success of these relationships was the high level of commitment and the quantification of the benefits expected.

Further, transparent and frequent stakeholder engagement has been, and is, essential to deliver a system that works for industry and the regulator. This included a range of consultations, stakeholder events, the setting up of business reference groups, a dedicated up-to-date website and regular email updates.

Learning from lessons: No aspects of the plans have been changed in any significant way between EPP1 and 2. However, implementation provisions are being set up earlier for EPP2 to allow sufficient time to implement the EPP2 extended system accommodating a higher number of new systems and Directives involved.

Plans to change the initiative: There are currently no plans to change the initiative. However, the flexibility of the new system allows further permitting and compliance systems to be incorporated at a later stage. The new system is also a useful administrative burden saving tool to transpose new EU Directives into domestic law.

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United Kingdom: England and Wales

The Integrated Regulation Programme (IR)

Description: Integrated Regulation is a programme of work to help streamline regulatory activities in terms of the way the Environment Agency (EA) offers permits to our customers, receive operator returns and carry out inspections. Its objectives are:

- Integrated regulation will improve the way the EA regulates by gathering all its regulatory systems under one consistent and nationally managed IT framework. This will ensure that data is held once and activities are not duplicated.
- Permitting will be easier and costs less (for the EA and its customers).
- Integrated Regulation will mean less time spent on administration and data entry tasks enabling staff to focus their work on areas that have greater impact to the environment.
- Integrated Regulation will enable the EA to manage the environment in a more integrated way and focus resources on the greatest risk.

An example of a project in the IR programme is the Farm Assessment and Regulatory Management System (FARMS). This brings together all the permits,

registrations, historical inspection reports and environmental data that apply to a particular farm and creates an individual risk-score. The score will determine how often a farm needs to be inspected and allows for different regulations to be assessed simultaneously - reducing the burden on farmers. For each farm, the FARMS system automatically collates the data and key information into a single inspection-form, with minimal repetition of data collected. The inspection form is on a hand-held, rugged mobile computer so the environment officer can sit down with a farmer and input information on the spot. This is then transferred to a central database.

Reference to initiative:
http://www.environment-agency.gov.uk/business/regulation/38837.aspx

Recent news about the Farm Assessment and Regulatory Management System (FARMS).

Business objectives: The customer experience will be clear to follow, backed up by faster processes. Benefits include:

- Shift in customer engagement to self-serve.
- Customer self service for permits and data returns.
- Based on fewer, common processes.
- Based on sharing of data.
- One-stop page for data into the EA.
- Single view of customer, site, regime, contact, case.
- Solutions to support charging.

IR will reduce the burden of regulation on businesses by:

- employing modern electronic means of working with the Environment Agency such as simple on-line renewals.
- supporting a risk-based approach to decision making and intervention.
- providing businesses and the Environment Agency with a consolidated view of all of their interactions.
- improving efficiency and reducing cost of regulation to both the Environment Agency and business.

Regulatory authority objectives: To improve the service provided to Government, customers and the environment by:

- using risk-based techniques to direct effort where it will have the greatest impact.
- use modern, streamlined and automated processes to reduce costs throughout the regulatory life-cycle including the introduction of new regulations.
- provide comprehensive and reliable information for decisions about policy and intervention.
- Integrated processes for site inspections.
- Easier to share data, and implement better regulation.
- risk based licensing and compliance assessment.

Environmental protection objectives: Better and more targeted regulation, concentrating on the environmental outcomes that are important to improving the environment. Staff are released from administrative tasks and spend more time on these objectives. IR will improve environmental outcomes by:

- using risk-based techniques to direct effort where it will have the greatest impact.
- provide comprehensive and reliable information for decisions about policy and intervention.

Assessment of outcomes: The initiative is in the implementation stage. There are some early positive indications from initial phases but a full assessment will not be carried out until later in 2009/10.

Success factors:

- Reduce staff time spent on administrative tasks.
- Be readily useable and intuitive for staff.
- Minimise data entry and reduce duplication.
- Enable good auditing, and reporting to support intelligence led regulation.
- Allow for Geographical Information System (GIS) functionality for all data.
- Increase EA credibility with Government and customers enabling customers to interface directly with us through on-line provision.
- Be accessible throughout the internet and by hand-held devices.
- Add value to the way projects deliver within the programme.
- Provide increased levels of system reliability.
- Have clear funded support and enhancement processes before the Programme closes.

How successful is the initiative: The programme is part-way through the delivery phase, and success is being measured based on these outcomes at each phase. Initial indications are that the initiative will be a great success and transform the service which the Environment Agency provides to government and business.

Barriers to success:

- Time and Money.
- Policies and regulations are still in force which were not developed with systems and automation in mind.
- Legacy of local working practices and paper based processes.
- Working around the limits of other parts of public sector infrastructure such as low quality of electronic information about land use.

Conditions for success:

- Extensive engagement with stakeholders within Government and with businesses impacted by the changes.
- Defining and focusing on business outcomes rather than keeping to the originally designed solution.
- Aligning business change with IT – Often the best approach is not to automate current practices but to use IT as the basis for radically new ways of working.
- Deliver in small manageable chunks rather than trying to do everything in one go.

Lessons to learn:

- Some national or regional infrastructure is available for re-use (such as UK Government Gateway, UK companies register) but further investment would be a benefit to similar initiatives (for example - better electronic information on land use, better integration between different sources such as postal addresses and company information).
- Give greater consideration to operational systems (organization, processes and IT) when formulating policy.

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United Kingdom: England and Wales
An alternative approach to inspection of Integrated Pollution and Prevention Control (IPPC) Pig and Poultry permits using Certified Bodies who visit farms for Assurance Schemes
Description: A new approach to environmental inspection using commercial bodies to provide a cost effective assessment of the risk of non compliance. This is a voluntary scheme for farmers with IPPC pig and poultry permits that is being rolled out in 2009. The Environment Agency worked with the Certification Bodies, that do assessments on pig and poultry farms for assurance schemes for food safety and animal welfare, to develop the scheme. Farmers will be eligible to join the scheme when they have been assessed as low risk by the Environment Agency. If a farmer joins the scheme, a Certification Body assessor will do a pig and poultry inspection every year and give the results to the Environment Agency to assess compliance with the permit. As long as the farm stays in the scheme, the Environment Agency will visit every third year and the subsistence fee for the permit will be reduced.
Business objectives: Lower costs to business, less inspectors visiting farms with reduced risk of spreading diseases. As long as member farms are assessed as low risk they will be eligible to receive one visit every three years from the Environment Agency. As a result, the subsistence fee for the permit will be lowered and there will be fewer people visiting the farm, lowering the biosecurity risk.
Regulatory authority objectives: The Environment Agency will be able to focus its resources on higher-risk farms by making fewer visits to lower-risk farms.
Environmental protection objectives: Environment protection is maintained as the Certification Body assessors receive the training necessary to carry out the inspection for the Environment Agency and they are accredited by the United Kingdom Accreditation Service (UKAS) to carry out farm visits for pig and/or poultry farms.
Assessment of outcomes: Not yet, the Scheme is being rolled out in 2009. So there is also no indication yet of successes, success factors or lessons from the initiative.
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United Kingdom: England and Wales
Waste Protocols Project
Description: The Waste Protocols Project helps business to make quality products from waste encouraging the re-use of waste materials. The project is reviewing a number of waste materials, to see whether end of waste criteria can be followed so that they can be re-used by business without the need for waste management controls. For example a Quality Protocol has been published for producing processed cullet from waste flat glass. The quality protocol sets end of waste criteria, clarifying the point at which waste-derived flat glass has been fully recovered and can be used without having to comply with waste management controls.
Reference to the initiative: http://www.environment-agency.gov.uk/business/topics/waste/32154.aspx http://www.wrap.org.uk/manufacturing/projects/waste_protocols_projects/
Business objectives:

- To clarify regulations and enable an increase in the re-use of waste materials.
- To reduce costs by removing waste management controls where they are not required.
- To build confidence in the quality of waste derived materials
- To develop new and support existing markets for waste-derived products.

Regulatory authority objectives:

- To apply a risk-based approach to regulation and establish end of waste criteria to clarify when waste management controls apply.
- To reduce regulator intervention where business have in place adequate controls.

Environmental protection objectives: By removing barriers to recycling waste materials into quality products, the project will:

- divert waste from landfill;
- reduce carbon emissions; and
- help preserve virgin materials.

Assessment of outcomes: Early indications from the financial impact assessments, which were developed using market predictions from industry, suggest that over the next ten years the first eleven Quality Protocols could see the following possible business and environmental benefits –

Waste diverted from landfill – 17m tonnes
Carbon savings (CO2) – 1.5m tonnes
Virgin raw material savings – 15.5m tonnes
Hazardous materials reduction – 100,000 tonnes
Cost savings to business – £407m
Increased sales to business - £280m

The methodology to calculate these savings has followed Treasury Guidance and has been independently reviewed. Baseline surveys are being undertaken to take account of the impact of current market conditions.

How successful is the initiative: Its difficult to measure the overall success of the initiative, as it will take a number of years to really see its impact. However, it has been successful in that major industrial sectors such as electricity production; steel production and paper manufacturers have become actively involved in the process – and obviously recognize the potential benefits through doing so.

The UK Government has also recognized the importance of this initiative and the project has been discussed in the House of Commons, and in the recent Landfill Tax consultation, industry was encouraged to participate in the process in order to recover waste and avoid landfill tax.

Barriers to success: Quality Protocols are voluntary, and are only valuable if industry uses them. It has to make use of existing activities as much as possible in order to avoid adding financial burden.

Success factors: Effective partnership working between Environment Agency, WRAP and industry.

Lessons to learn: Industry must have data (in the right format) on the chemical characteristics and composition of the waste-derived products they produce. If it does not, it is almost impossible to evaluate the potential risk they pose, and therefore impossible to set end of waste criteria. Whilst this is less of a problem for larger industries, smaller, less consolidated industries are unlikely to do this – and so will be disadvantaged. Alternative sources of funding must be made available to

enable companies to recover waste.

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United Kingdom: England and Wales

Sector Plans

Description: Sector Plans are described in the BEST Report. There have been changes, set out below.

Environmental outcomes: Sector plans have aimed to build a shared understanding and approach with industry to identify priority issues and pursue environmental outcomes beyond minimum regulatory standards. They have provided a basis to set performance targets and report publicly each year on performance against targets. The plan-making process has been a major opportunity to strengthen relationships with the sectors' principal stakeholders. Sector plans have been published for the chemicals, cement, nuclear, waste management and dairy farming sectors. These plans have succeeded in identifying shared approaches and improving public reporting.

Success factors: Sector Plans are intended to develop sectoral environmental goals and approaches which will help to:

- define the sector's contribution towards sustainable development.
- set objectives for improving environmental performance, thereby increasing certainty for business and regulators.
- prioritise our regulatory workload.
- evaluate and report environmental performance.
- engage and communicate with our stakeholders.

Sector Plans have been successful in developing such goals and approaches. Sector plans are useful if they can achieve better, broader or faster results than by regulation alone or by industry-owned initiatives The preparation of sector plans to date has been dependent on the support of the industry.

Barriers to implementation: The preparation of sector plans to date has been dependent on the support of the industry. An option for the future is for the EA to review the sector and set objectives which stretch the industry rather than depend on achieving consensus.

Sector plans are resource intensive and only useful if they can achieve better, broader or faster results than by regulation alone or by industry-owned initiatives. The EA has recently curtailed our work on several sector plans where industries have decided to take the initiative by publishing their own environmental strategies, e.g. the retail sector and the food and drink manufacturing sector.

It has also been decided not to publish sector plans in some instances where programmes are already in place to shape the key environmental outcomes – e.g. the electricity supply industry (under a regulatory framework associated with the Large Combustion Plant Directive) and the water industry (through Periodic Review 09). The EA is also pursuing wider engagement to deliver a joined-up approach and good-quality advice to key industries are not intensively regulated, e.g. the construction sector.

Lessons learned: In order to achieve the desired environmental outcomes there is a need to tailor approaches to the particular sectors that the EA seeks to influence and

change. Setting measurable objectives which stretch the industry is key for highly regulated activities where significant changes are sought. For sectors where there is a limited regulatory locus, encouraging the development of an industry driven plan can be effective.

Plans to change the initiative: The EA has recently completed a review of sector plans. Drawing from the review and the approaches above, the major elements of a proposed future approach to sector engagement are summarised below.

Programme Specification

For each sector the EA will define the objectives and the most appropriate delivery mechanism. The EA will look at what other initiatives the sector is already involved with, to understand what those might deliver. For example, many sectors are working with Government to reduce their environmental impact, and in many cases it makes sense to work with these initiatives rather than start our own.

Process and Reporting

For wholly regulated sectors it may be possible to achieve goals through the permit review process or, if the objectives are very tightly defined and limited to well-defined regulated activities, they may just require inclusion in company wide or sector agreements. The EA will only consider the production and implementation of a new formal sector plan if none of these other routes are likely to deliver objectives.

For major sectors regulated directly (including those covered by formal sector plans), the EA proposes to move towards a small set of well defined objectives, together with an implementation plan to identify how the objectives can be measured / monitored and how and when they will be publicly reported upon.

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United Kingdom: England and Wales

Whole Farm Approach

Description: The Whole Farm Approach was described in the BEST Report and has not significantly changed.

Business outcomes: To reduce regulatory burden on producers. Producer information gathered through the Whole Farm Approach is also shared with delivery partners which saves them time and money as they do not each have to gather the information themselves.

Environmental outcomes: Through information provided by producers via the online questionnaires/assessments, environmental bodies such as the Environment Agency can assess whether farming practices are compliant and environmentally friendly.

Success factors: As well as transactional services on the WFA, the assessments and advice and guidance sections also act as educational tools for the producer.

How successful is the initiative: Take up by producers is one indication of success and numbers will continue to increase as new transactional services are placed upon the WFA. With the Cattle Tracing System (CTS) and Single Payment System (SPS) coming on line through the WFA over the next year, numbers of users will increase many fold. Recent user feedback regarding some of the self assessment tools and the SPS pilot have been very positive.

Barriers to success: Initial take up was slow (this was always envisaged) but

overall, implementation problems with new releases are few and insignificant.
Success factors: A professional team who run it and believe in its philosophy. An absolute requirement for the new releases to be functionally of the highest quality before implementation.
Has the initiative changed: Yes – although not at a strategic level – changes to user interface and customer journey have been made resulting from direct feedback from users.
Lessons learned: Delivery of online services will always encounter new challenges which in turn will offer lessons to be learned.
Plans to change the initiative: The initiative will become part of the cross government transformational agenda and as such will converge with Business Link - which aims to provide the single point of access for businesses (from all sectors) to transact with government.
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United Kingdom: Scotland
Scotland's Environmental and Rural Services (SEARS).
Description: SEARS brings together nine delivery-focused bodies within the Rural Affairs and Environment portfolio of the Scottish Government in a partnership programme instigated in the summer of 2007 to provide more joined up services for **rural land managers**. It forms part of the Scottish Government's simplification programme aimed at realigning public services to achieve more effective service delivery. The three principles of public service delivery are central to SEARS, namely: • User focus – putting the person and not the institution first; • Effectiveness – focusing on real improvements in services delivered to the people of Scotland; • Value for money – making sure that each and every public pound is spent wisely. In particular, SEARS aim is to improve customer experience by: • Co-ordinating inspections and visits; • Removing duplication; • Providing flexible access to service through any door; • Facilitating customer access to multiple and co-ordinated services; • Sharing and using information more effectively, reducing multiple data requests. As a first step to sharing customer details Scottish Government Rural Payments and Inspectorate Department customer data was shared amongst the SEARS partner organisations before the end of 2008. All new customers detail changes are automatically sent to each SEARS partner that the customer identifies. All SEARS data sharing is in accordance with the terms of the Data Protection Act. • Empowering individual staff to provide a wider range of services. The detailed design of Phase 1 of SEARS was formally initiated in September 2007 and delivery to rural land managers started in the summer of 2008. Phase 2 is currently being designed. This response relates to the outcome from SEPA

involvement in year one of Phase 1. The aim is to potentially widen SEARS to include appropriate areas of operation of local authority and Food Standards Agency.

Phase 1 is delivered by five work streams made up of staff from across nine organisations within the Rural Affairs and Environment portfolio of the Scottish Government reporting through a Delivery Design (DD) team to a Project Board on a monthly basis. Each work stream is "buddied" by a member of the DD team, which provides support, and a key link with the work stream membership. The project is informed by customer research, focus groups and stakeholder engagement. Phase 2 development is currently underway. The project was supported by a Project Office with a Project Manager and Project Planner, both funded by the Scottish Government.

This report focuses mainly on SEPA's involvement in SEARS.

Reference to initiative: www.sears.scotland.gov.uk

Business objectives: Users should see SEARS's partners delivering better joined-up services reflecting the current priorities of Scottish Government, to reduce duplication, bureaucracy and overlap across the public sector in pursuit of greater efficiency, effectiveness and speed of delivery.

Through training and empowering across the SEARS partners business should notice an improved customer experience by staff providing efficient, effective and coordinated services, primarily aimed at reducing the number of separate planned inspections and visits to rural land mangers.

To have access to single point of contact through the provision of a 24/7 contact centre and web portal for access to information/forms/advice and guidance. The **One door any door** means that farmers have easy access to information and advice from SEARS partners by phoning the SEARS customer service number; or visiting the SEARS web site; or contacting any of the partners' offices. Provided the topic is covered by one of the SEARS partner organisations, the farmer can speak to someone in any of the organisations and will receive a reply; or be put in touch with the appropriate person working for one of the SEARS partners; or be contacted by the appropriate person within 2 days.

To engage business customers in the project through research, focus groups and stakeholder engagement events aimed at gaining a better understanding of customer needs and issues.

As a general rule the customer set is represented by the following stakeholder groups:

- The National Farmers Union of Scotland (NFUS);
- Confederation of Forest Industries (Confor);
- Scottish Crofting Foundation (SCF);
- Scottish Countryside Alliance (SCA);
- Scottish Tenant Farmers Association (STFA);
- Scottish Rural Property and Business Association (SRPBA).

Regulatory authority objectives:

- By training and awareness raising to change the culture of staff across the family to remove complexity from the customer and provide a more responsive service;

- To improve the customer experience by providing more efficient, effective and coordinated delivery of services;
- To train staff in partner organisations to deliver a range of advice and services during visits and wherever possible to resolve any issues during the visits;
- To save and make more efficient use of staff resources;
- To drive environmental improvement;
- To resolve data sharing issues.

The Government partners in SEARS are:

- Scottish Environment Protection Agency (SEPA);
- Scottish Government Rural Payments and Inspections Directorate (RPID);
- Forestry Commission Scotland (FCS);
- Scottish Natural Heritage (SNH);
- Animal Health Agency (AH);
- Deer Commission Scotland (DCS);
- Crofters Commission (CC);
- Cairngorm National Park Authority (CNPA);
- Loch Lomond and the Trossachs National Park Authority (LLTNPA).

A broad memorandum of agreement (MoA), setting out the framework for the partnership, was agreed by the SEARS Programme Board in March 2008. The MoA is intended to minimise the risk that complex cross-charging arrangements create expenditure that undermine the benefits of joint working. To counter this, each SEARS organisation absorbs expenses for initiatives and/or additional running costs below a threshold (£100,000 per annum for the larger partners) to avoid the necessity of cross-charging.

Environmental protection objectives: To achieve an equivalent or improved level of compliance with a range of existing and new regulatory regimes through assessment by trained officers in partner organisations during planned visits or inspections for other purposes. SEPA staff have trained field staff in partner organizations, mainly RPID but also SNH and in future FCS, to carry out inspections on its behalf and provide a record of the findings to SEPA. These inspections relate to the Controlled Activities Regulations (CAR) Groundwater Licences, the Diffuse Pollution General Binding Rules and CAR Engineering regime and to carry out a checklist inspection of facilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 and provide the findings relating to these inspections to SEPA.

Assessment of outcomes: A full assessment of all the outcomes will be published in the first SEARS Annual Review due in Summer 2009. For SEPA the main savings have been 1620 inspections saved. These have been carried out for SEPA mainly by RPID staff during planned visits for other purposes. This has saved time for the customer and SEPA in a streamlined process for applications for the aerial spraying of bracken.

During the spring of 2008, interviews were conducted with more than 1500 rural land managers to explore their experiences of dealing with the multiple environmental and rural agencies. The survey looked at overlap between the organisations; presented scenarios for the organisation of visits and inspections to their businesses; preferences for access to the services, both by topic and for location; volume of paperwork and sharing their personal data; integration or further

integration of the services we provide to them; and how satisfied they were with the services. Research showed that the volume of paperwork was identified as the single biggest problem faced by land managers and there remains a strong demand for both simplification and a reduction in the administrative burden.

Success factors:

- Savings of £144,000 in annual subsistence charges levied by SEPA mainly for sheep farmers in relation to the more efficient process for groundwater license inspections and reduced scientific support;
- Much improved relationship and engagement with stakeholders and rural land managers in general;
- Significantly improved relationship with Scottish Government Ministers;
- Significantly improved press coverage;
- Heightened awareness of the wider environmental issues across the family and within this customer set.

How successful is the initiative: SEARS has been recognized a great success as reflected in the above comments. Phase 1 will now be embedded as 'business as usual' and the development of Phase 2 is well underway.

Barriers to success: There were very few barriers to success. Inevitably when cultures from nine different organizations are brought together there are differences that need to be overcome, but there was a refreshing willingness to make SEARS a success. The political will was certainly there but also the benefits became clearer as the project advanced. Many staff involved had to fit SEARS work within already full workloads which was a huge challenge.

Conditions for success: Success was driven in a number of ways. The key drivers were:

- The project structure, management and support provided by the 'buddies' to the work streams;
- Staff involved generally had a strong "can do" attitude;
- The drive, enthusiasm and communication skills of the project Chairman;
- Regular updates to all staff in the form of the SEARS Newsletter.

Ensuring staff in the SEARS bodies could implement the initiative was important. This has been facilitated and reinforced in several ways:

- Staff awareness-raising events were held throughout all SEARS organisations in late spring 2008, using a PowerPoint presentation agreed by the Communications and Delivery Design groups (in total - 78 events, 1400 staff).
- Staff within the SEARS Programme attended four workshop events which allowed and encouraged 'bottom-up' input to the design and delivery process.
- Staff working in the Frontline Delivery Project were encouraged to take ownership of the opportunities and this bottom–up approach was facilitated by the 'buddying' system.
- But by far the most important evidence of staff commitment has been input 'on the ground'. Without the enthusiasm and dedication of locally based operational staff making it all happen, there would be many fewer improvements in customer experience to record in this review .

Lessons to learn: A lessons learned exercise was carried out at the end of Phase 1 to inform the way it was structured and supported Phase 2. One of the key findings to help reduce staff input is the use of task and finish groups rather than full blown membership of work streams. This arrangement is working well for Phase 2.

Surveys of the customers have also been undertaken to measure progress and

explore benefits and future needs.

Information provided by: Allan Virtue, Scottish Environment Protection Agency (SEPA). Allan.Virtue@sepa.org.uk

United Kingdom: Scotland

Constructed Farm Wetlands initiative

Description: This covers the uptake, adoption and operation of constructed farm wetlands (CFWs) so as to protect and improve the environment and meet legislative requirements (especially the Water Framework Directive).

A constructed farm wetland (CFW) consists of a series of shallow, interlinked, free surface flow constructed ponds or cells containing emergent vegetation, which is designed to receive and treat lightly contaminated surface water run-off from farms, in such a manner that any discharge will not pollute the water environment.

The management of lightly contaminated surface water run-off can present significant challenges on many Scottish farms. This challenge arises predominantly due to the wet weather which generates high volumes to be collected in slurry storage systems but also saturate ground conditions unsuitable for landspreading.

Where contaminated run-off is not managed and is allowed to enter watercourses directly, significant diffuse pollution problems can arise. The collection, storage and land application of such run-off can be costly for the business, increase the risk of slurry storage tanks overflowing and can lead to the application of slurries to land during inappropriate conditions. The energy and labour costs, as well as damage to soils, are reasons to think of alternatives but so are the potential landscape and biodiversity gains of CFWs.

On some farms and situations, CFWs can provide farmers with a cost effective method of handling such run-off that may otherwise be left to discharge direct to watercourses via drains or run-off from yard areas, potentially resulting in pollution.

The CFW initiative included four main actions:

- An initial discussion with farming organisations, government policy leads, other regulators and the research community to establish the need and scope for new ways of handling lightly contaminated run-off. A SEPA hosted workshop in the Scottish Borders helped to raise awareness and appreciation of the potential of CFWs. Immediate challenges were identified as lack of guidance, need for scientific evidence and consideration of changes to the legislative framework.
- Amendment of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (SSAFO). These amendments defined certain areas of the farms where lightly contaminated run-off could be conveyed to a CFW for treatment prior to discharge to the water environment providing pollution does not occur.
- The production of a CFW design manual which illustrates the design standards required to construct a robust CFW that can offer multiple benefits including improving the quality of surface water run-off entering watercourses.
- The provision of funding via the Scottish Rural Development Programme to help fund the design and construction of CFWs in line with the design manual.

Reference to initiative: CFW Design manual and CFW leaflet:

http://www.sepa.org.uk/land/land_publications.aspx Diffuse Pollution Regulations which amended the SSAFO regulations: http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080054_en_1.htm
Business objectives: To offer a cost effective option to businesses for the appropriate management of lightly contaminated run-off from the farms (e.g. concrete yards and access routes for livestock and farm machinery etc). Farming representatives had raised concerns with SEPA about the severe difficulties their members were having in managing high volumes of rainwater in slurry systems and the difficulties of accessing land for spreading purposes. As such, there were practical challenges, cost issues, environmental risks and regulatory hurdles to overcome. These were of concern to livestock farmers.
Regulatory authority objectives: SEPA sees the CFW concept as an opportunity to work with farmers to find a solution to the management of lightly contaminated surface water run-off and help reduce pollution risk. SEPA wanted to ensure that the water environment is protected, as part of implementing the Water Framework Directive, whilst allowing for innovative, simple, low cost and sustainable techniques to be used on livestock farms. The need to maintain high standards of management of slurry were also of paramount importance (e.g. meeting the requirements of the published Code of Good Agricultural Practice).
Environmental protection objectives: Primarily to reduce the risk of diffuse water pollution arising from the farms. Also to offer other multiple benefits including enhancements to habitats, biodiversity and landscape.
Assessment of outcomes: Previous research provides evidence in regard to the potential benefits CFWs can be provided. It is a little too early to identify the benefits delivered as a result of the actions outlined above. To date, the outcomes have largely been about providing the right conditions for the uptake of CFWs (i.e. in terms of piloting and studies, delivering regulatory change, exploring the possibility of targeted farm support payments and producing design guidance). Research has also been undertaken in Scotland and collaboration undertaken with academics in the UK and practitioners in the Republic of Ireland. This has led to positive dialogue and exchange of experience including site visits and positive engagement with farmers. The National Farmers Union of Scotland (NFUS) published an article on these systems in 2007 following a visit to County Waterford in Ireland with SEPA and the Scottish Government.
Success factors: It is too early to say whether a substantial number of farmers will wish to put in a CFW. Clearly, an industry and environmental case exists to pursue CFWs as an alternative to collecting and managing high volumes of lightly contaminated run-off on livestock farms. They will need to be run in parallel with existing slurry storage systems and farmers adhering to good practice guidelines. Working closely with farming representatives and the Scottish Government, as well as Irish counterparts, has been a huge factor in getting to this point. Achieving links to the Scotland Rural Development Plan and delivering regulatory change has been facilitated by this partnership approach.
How successful is the initiative: The initiative has been very successful in getting to

this point. It is too early to say what the practical uptake will be but the regulatory design and formulation of guidance has been a great achievement. The whole process has taken 3-4 years.
Barriers to success: CFWs are new and unfamiliar in Scottish circumstances. A lot of work has had to be undertaken to raise awareness, hold discussions with researchers, farmers and other regulators. Viewpoints as to the potential application of the CFW concept differs widely from treating livestock slurry and high strength organic farm effluents to only using them to treat lightly contaminated run-off. In Scotland, the latter option is being followed as this allows for the valuable nutrients in livestock excreta to be collected and managed for agricultural benefit on land whilst taking out the high volume of rainwater and lightly contaminated run-off to a CFW.
Conditions for success: A clear industry need and a regulator that is receptive to new ideas and approaches. In addition, an engaged and interested government and research community willing to explore the practicalities of legal change and gaps in scientific knowledge.
Lessons to learn: It takes time to get regulators, farmers, government and researchers to the same point of acceptance of a new system to treat contaminated run-off.
Information provided by: Darrell Crothers, Scottish Environment Protection Agency (SEPA). Darrell.Crothers@sepa.org.uk

United Kingdom: Scotland
SEPA Compliance Assessment Scheme
Description: The Compliance Assessment Scheme looks to apply a consistent approach to how SEPA assesses compliance with the conditions set out in environmental licences. SEPA has issued over 11,000 environmental licences across the different regulatory regimes covering a wide range of industries.
Reference to initiative: http://www.sepa.org.uk/about_us/what_we_do/compliance_assesment.aspx
Business objectives: SEPA believes it is important that industry and businesses should find it as easy as possible to understand their responsibilities with regard to compliance with the regulations. The scheme aims to give a simple and transparent method of assessment so that industry will know exactly how they will be assessed. Further benefits are: • Proportionate: by highlighting good and bad operators it will reduce the regulatory burden on those operators that are performing well while targeting those that are currently performing poorly thereby giving them an incentive to improve. • Consistency: by streamlining and standardizing the assessment across industry and regulatory regimes it creates a 'level playing field' therefore creating a competitive environment for industry and business to operate. • Transparent and accountable: operators can request a copy of their assessment record at anytime. • Targeted, efficient and effective: SEPA will continually provide feedback on compliance issues to licence holders so that they are aware of any potential issues before they happen and they can direct resources where they are required most.
Regulatory authority objectives: The scheme will contribute to SEPA's Better Regulation Agenda by allowing SEPA to target its resources to licence holders that

are performing poorly while reducing the regulatory effort for those who are currently performing very well. The scheme will also help drive regulatory best practice, measure performance across and within industry sectors, ensuring licences are fit for purpose, staff are applying a consistent approach regardless of regime or business.
Environmental protection objectives: As well as highlighting major breaches of licences it is also effective in detecting and highlighting regular minor breaches. Furthermore, by publishing the results it is hopeful that publicising poor operators will help drive environmental improvement.
Assessment of outcomes: The scheme is being phased and is being applied to IPPC activities from 1 January 2009. Although it is too early to assess the success of the scheme already some industries have issued the guidance to their managers ahead of the scheme being implemented for their sector and informed them they must perform to the scheme. Other sectors are reviewing existing management practices and licence conditions.
Success factors: The scheme should help drive the professional standard within the organisation and improve customer focus. By focusing on licence conditions it will highlight where conditions are no longer fit for purpose thereby focusing resources where they are most required. The scheme should also improve regulator/licence holder performance.
How successful is the initiative: It is too early to say.
Barriers to success: The major obstacles have been: • The number and range of industries that the scheme applies to, therefore it was challenging devising a scheme where operator performance for a small business could be assessed the same way as that for a large industrial process. • Ensuring external buy-in. The scheme has major implications for industry that may be currently performing poorly or would be under the new scheme. • Ensuring internal buy-in. Staff have to deal with almost continual change. The benefits to the organisation may be overlooked by those who wish to continue regulating as they always have done.
Conditions for success: Wherever possible the development of the scheme has been open and transparent and have tried to engage with both external and internal stakeholders to improve the scheme and get buy-in. SEPA has good existing systems in place – regular meetings with external stakeholders, internal communication systems – which could be utilized to engage licence holders and internal staff alike. Having a stakeholder workshop, running a trial of the scheme with sites volunteered by licence holders and using local staff, a Public Consultation and responding to all the issues raised in the consultation have all been extremely useful and worthwhile exercises and while licence holders may still have concerns about the application of the scheme they may feel re-assured that the process ways open and transparent and wherever possible addressed their concerns. The development of an IT system for SEPA staff to support the scheme and provide regular reports have also been critical to its ease of use.
Lessons to learn: Using experts with the organisation representing different regulatory regimes, a good communication plan, being open and transparent and engaging stakeholders are the key lessons.
Information provided by: Scott Crawford, Scottish Environment Protection Agency (SEPA). scott.crawford@sepa.org.uk

United Kingdom: Scotland

A new authorisation structure for the activities that affect the water environment in Scotland.

Description: The implementation of the Water Framework Directive (WFD) in Scotland provided an opportunity to provide a new proportionate risk-based regulatory structure for authorising of water use activities (discharges, abstractions, impoundments and river engineering). It involved introducing regulation for the first time in Scotland for abstractions, impoundments and river engineering activities as well as introducing new controls to discharges which were already subject to prior authorisation.

Three levels of regulatory control were introduced:

- **General Binding Rules** involving predefined statutory rules which must be adhered to for the lowest risk activities. No prior authorisation is required;
- **Registrations** for small 'low risk' activities (~5000/yr) which may lead to cumulative impacts. These are subject to a quick prior authorisation process resulting in the issue of a very simple form of authorisation; and,
- **Licenses** for the bigger and highest risk activities (~600/yr). These involve a prior authorisation process with a longer determination time involving consultation with the public and interest parties, site-specific risk assessment and in many cases site-specific conditions.

This summary focuses on the delivery of the registration level of authorisation and the development of an on-line application system for registrations as these have delivered considerable benefits to the regulator, SEPA, and stakeholders.

Reference to initiative: Controlled Activities Regulations : A Practical Guide

http://www.sepa.org.uk/water/water_publications.aspx
http://www.sepa.org.uk/wfdreg/pages/welcome.aspx

Business objectives:

- Introduce proportionate risk based regulation;
- Minimise regulatory and financial burden;
- Introduce a degree of de-regulation for 'low risk' activities already subject to prior authorization; and,
- Introduce a simpler, quicker, and more efficient and cost effective authorisation process for 'low risk' activities.

Regulatory authority objectives:

- Introduce proportionate risk-based regulation;
- Minimise regulatory and financial burden on business;
- Introduce a degree de-regulation for low risk activities already subject to prior authorization;
- Introduce a more efficient and lower cost authorisation process for the 'low risk' activities – for registrations there is a simple screening process which ensures that technical risk assessment is carried out only when required. There is a simple authorisation issue process for those registrations which do not require detailed risk assessment which is carried out by non-technical staff;
- Business efficiencies (see above bullet); and,
- Targeting of resources to 'higher risk' activities.

Environmental protection objectives:

- Deliver equivalent or improved levels of environmental protection;

- Capture the location of 'low risk' activities for use in assessing cumulative impacts on the water environment;
- Focus resources to those activities likely to cause damage to the water environment.

Assessment of outcomes: Significant de-regulation and improved streamlining of business processes was delivered for thousands (5000/yr) of new small 'low risk' discharges, which previously would have required licensing by moving them to the registration level of control.

The cost to the applicant for 'low risk' activities has been reduced by providing a much lower application fee, reduced by 63% (£253 to £94) for registration compared to what was paid for under the previous regulatory system.

An on-line application system for registrations was developed. This delivered further internal business efficiencies and additional cost savings for the applicant (72% less than pre CAR). 60% of all registrations are now made online.

The statutory determination time for a 'low risk' activity has been cut from 4 months to 30 days.

The percentage of all authorisations that SEPA determines within statutory timescales has significantly increased.

For the on-line system information is captured electronically and this is used to populate the core authorisation database. This minimises handling and processing times.

An on-line GIS based tool to enable an applicant to locate a national grid reference to identify the exact location of the activity has been developed for use in any paper based or online application for authorisation.

An on-line charge calculator was produced to assist applicants and internal staff in working out and checking the application for authorisation fees. This reduces the time spent resolving application charging queries and helps deliver better customer services.

Success factors:

- The proportionate risk-based regulatory structure helps resources to be directed to the higher risk activities.
- Reducing time spent on authorisation of 'low risk' activities has helped SEPA to minimise the requirement for new resources in implementing the WFD.
- Overall cost recovery for the processing, determination and management of the registration authorisation system is good.
- Registrations are two page authorisations that are simple and clear to understand.
- In built audit trail has reduced processing times and removed the need for senior management sign off.
- The system is scaleable and flexible. The boundaries between licenses and registrations can be moved based on experience (i.e. as the system develops and experience with respect to environmental risk increases, activities can be moved from licensing and registrations).

How successful is the initiative: There has been a very positive response to the registration process from regulated customers and regulatory staff.

Barriers to success:

- Some perceived reduction in environmental protection by some staff. Initial distrust in a new system.
- Upfront resource requirement for development of on-line system.
- Business processes need to be well defined and fixed before implementation. An on-line system is less flexible and adjustments can be costly and time-consuming.
- Resources need to be clearly dedicated to the management and maintenance of an on-line system.

Conditions for success:

- General drive to deliver better regulation in SEPA;
- Belief from key development staff that a simpler quicker system could be developed and implemented without risk to environmental protection;
- Availability of resources to complete the initiative.

Lessons to learn: Commitment from management to the initiative needs to be clearly stated and medium-to-long term plans put in place to ensure it is delivered. Resource gaps can cause significant delays.

Such a project should be delivered under high level objectives to ensure proportionate and risk-based regulation at minimum cost burden to stakeholders and businesses but with a clear focus on effective environmental protection.

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United Kingdom: Scotland

Better Waste Regulation Action Programme (BWRAP)

Description: The BWRAP is a comprehensive programme of actions to deliver improvements and changes in domestic legislation and the regulator's implementation of those regulations. This is a joint programme managed by the Scottish Government (responsible for the legislation) and SEPA (the regulator charged with implementing the regulations and evaluating/ensuring compliance). It involved significant consultation and direct discussion with a cross section of businesses and professional bodies affected by the legislation.

Reference to initiative:
http://www.sepa.org.uk/waste/waste_regulation/better_waste_regulation.aspx

Business objectives: The objectives of the initiative with respect to businesses are to:

- Reflect the significant changes in waste management culture to a culture of resource recovery and efficiency by:
  - eliminating outdated legislation; and,
  - building greater flexibility into the regulatory system to support innovation during a period of transition and change.
- Consolidate more than 20 pieces of legislation (including amendments) into a single consolidated regulation, making it more accessible and understandable to business.
- Engage with businesses in agreeing where the focus of regulatory effort should be made.
- Free up regulatory resources to be focused on businesses engaged in anti-competitive, environmentally damaging illegal activities.
- Improve guidance and communications for/to businesses.

- Maintain and improve the regulator's competence to provide advice on best practice, ensure compliance and take effective enforcement where appropriate.
- Ensure that improvement objectives clearly address the concerns of business in an accountable and transparent manner.

Regulatory authority objectives:

- Have a common, agreed programme of improvement that is shared by Government and the independent regulatory authority (SEPA);
- Manage and deliver improvement in the competence and focus of the regulator and improve confidence within and outwith the regulatory authority in waste regulation;
- Ensure there is a written plan of actions for improvement, establishing better links to corporate objectives and the transparency and accountability of the waste function. It is anticipated that the 13 actions in the current BWRAP will lay the foundation for further improvements.

Environmental protection objectives: The objectives regarding environmental protection are for Scottish Government and SEPA to ensure that:

- The administrative systems support a proportionate approach to regulation;
- Resources can be focused on environmental protection and real environmental issues rather than in dealing with bureaucracy or spent in discussing disproportionate aspects of the regulations or the implementation of the regulations;
- Environmental improvement is facilitated by ensuring that unnecessary barriers to innovation and culture changes in waste management are supported by the regulatory system and its implementation.

Assessment of outcomes: Some of the outcomes of this initiative are described below:

Exemptions from waste management licensing
An on-line system of registration for exemptions has been completed by SEPA.

Discussions are on-going about regulatory change in light of implementation issues, business concerns and ensuring appropriate environmental outcomes and human health protection. Interim enforcement arrangements are discussed with government and regulated businesses, where appropriate and necessary.

End of waste
Guidance on end of waste is currently being reviewed.

Working with businesses to consider end-of-waste cases for the reuse of high carbon material extracted from power station ash. Also initiated discussions to consider whether pulverised fuel ash from power stations can be used as a non-waste in various market applications. The solutions to these issues may be de-regulatory (i.e. SEPA can agree the material is not waste in certain circumstances) or regulatory (i.e. new exemptions or licences to find more administratively efficient ways of dealing with the end uses with potential benefits to business and SEPA).

Working with the drinks industry to agree a framework on how the various production residues from the distillery sector will be regulated. These discussions are supporting significant investment by the industry in environmental improvements.

Looking at the reprocessing of waste oils to consider whether the oil products can cease to be regulated as waste when used, specifically, in road stone coating plants. SEPA has agreed to trials in two road stone coating plants to allow the business concerned to gather more data and provide suitable reassurance. This is linked to the desire to use waste oils as a fuel in road stone coating plants with the claim being that the process has an ameliorating effect on emissions (i.e. the use of waste oil causes no greater harm to the environment than the virgin fuels currently used). The use of recovered waste oils could save the industry substantial sums of money. Essentially, prospective waste oil suppliers are to make an end of waste case.

SEPA is working with a company to determine an end-of-waste position for 'skin grease' produced through the tanning process that may be re-used in their own boilers. This would allow this company to generate a significant proportion of their energy demands for the process.

Guidance is being developed for when excavated greenfield soils cease to be waste for the purposes of the Waste Framework Directive. Working with business and industry to simplify the way forward on end-of-waste, the main aim of the project is to encourage the sustainable re-use of soils in Scotland while minimising bureaucracy. The project will deliver guidance to simplify the recovery and reuse of top-soils and sub-soils from Greenfield sites, and it is hoped, may lead to activities that are currently regulated as waste operations no longer being regulated as such.

Discussions have begun with metal recyclers on an end-of-waste position for scrap metal off-cuts. This dialogue is now likely to be carried forward as part of an EC Technical Advisory Group, set up under the recently revised EU Waste Framework Directive.

Mobile Plant

New guidance on waste and land remediation has been drafted and will be subject to consultation. This aims to streamline part of the development process whilst enabling the relevant regulators, local authorities and SEPA to work effectively together to achieve the same outcomes. This will be delivered by aligning the relevant requirements of the waste regulations to those of development control and contaminated land provisions. This should allow a greater focus on risk-based remediation plans and will result in significant savings for industry. Establishing the same level of evidence for the regulators will help achieve this. Providing clarity and consistency, the document will also provide a sound basis for regulators to work more closely together to ensure compliance with agreed remediation plans.

Economic downturn

At the request of the waste management industry, SEPA has arranged for the Scottish Waste Management Liaison Group to meet monthly to look at the impact of the current economic downturn and identify early opportunities to support compliance whilst considering their operations.

SEPA has issued an enforcement position that is intended to assist the waste management industry through the economic downturn and, in particular, address the catastrophic effects on recycling markets. In brief, this has allowed an extension to storage arrangements for these materials until such times as markets and reprocessing facilities are identified. This has been warmly welcomed by the waste

management industry in Scotland.

Investing in Staff
Comprehensive guidance prepared for staff on waste management through the SEPA intranet pages.

An Internal SEPA Waste Conference was held in April 2009 to provide updates on developments in waste policy and strategy, deliver up to date training on the definition of waste, and include workshops to help drive forward key aspects of the BWRAP. Specifically, a review of the exemptions system, a review of the special waste regulations, and a review of the Waste Management Licensing Regulations. The workshop outputs are to be used to support the Scottish Government plans to consult on a consolidation of the Waste Management Licensing Regulations and Special Waste Regulations (both commitments of the BWRAP).

Regional waste network groups have been established in the South West and the South East of Scotland to encourage inspectors to share their experiences, intelligence and to offer a structure for raising customer issues requiring attention. A group is also due to be established in the North of Scotland. These waste network groups will help with compliance, advice and training. A range of waste management training courses aimed at improving officer competency and providing essential support to regulatory staff have also been devised.

Conditions for success:

- Making an initial assessment of the issues to be addressed.
- Agreeing the scope of a consultation document with the Scottish Government.
- Committing the Scottish Government and SEPA to a process of published consultation and actions.
- Ensuring that the consultation was not just published. A series of workshops were undertaken around the country, allowing Scottish Government, SEPA and the affected business to engage in a direct discussion of the issues. This ensured instant feedback to those who participated in the workshops, and developed an improved common understanding of the issues that needed to be addressed, and also provided a platform to discuss possible solutions in a very dynamic way. Perhaps less tangible was the way that this joint programme improved the relationships and respect between the organizations involved.

Lessons to learn:

- Identify what is achievable at the start (i.e. this programme could not realistically hope to influence European legislation in the short term so it focused on domestic regulation and implementation).
- Employ a realistic and modular approach (i.e. lay the foundations for success and build confidence by ensuring success is deliverable and that it delivers something tangible). It is not possible to achieve everything at once. Success and the lessons learned in getting there can be replicated.
- In circumstances where the Government (legislator) and regulator are separate, the benefits of a joint programme are much more powerful than each acting independently.
- Senior management support and an understanding of the objectives are critical to success. These programmes require resources to be allocated across different departments and, as such, senior management buy-in is essential. A programme management and project management approach is also essential.

Information provided by: Gary Walker, Scottish Environment Protection Agency (SEPA). gary.walker@sepa.org.uk

United Kingdom: Scotland

Developing General Binding Rules (GBRs) to address diffuse pollution of the water environment in Scotland.

Description: The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (known as the "CAR" regulations) require any activity that is liable to cause water pollution to be authorised. In order to allow for proportionate and risk-based regulation, there are three types of CAR authorisation: licences, registrations and General Binding Rules (GBRs).

GBRs represent the lowest level of control and cover specific 'low risk' activities. Activities complying with the rules do not require an application to be made to SEPA, as compliance with a GBR is considered to be authorisation. As there is no licence or registration there is no associated charging scheme to recover costs.

Diffuse pollution is the largest pollution pressure on the water environment in Scotland. Sources are typically individually small, but at the catchment scale, significant. GBRs are therefore an appropriate way to control and influence land management activities at a national level.

The Water Environment (Diffuse Pollution) (Scotland) Regulations 2008 introduced a number of GBRs to control specified activities that are liable to cause diffuse pollution. These regulations were developed by the Scottish Government after extensive consultation with agricultural and forestry industry representatives, regulators and non-governmental organisations (NGOs).

The rules are based on widely accepted standards of good practice, such as the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) Code, the 4 Point Plan and the Forests and Water Guidelines. These Codes of Good Practice and guidance publications were well-known to the sectors, their advisors and regulatory bodies. In essence, parts of these Codes and guidance documents were selected to become part of a statutory baseline designed to contribute significantly to improvements in water quality.

Where the national GBRs are judged insufficient to meet the environmental objectives of the Water Framework Directive (WFD), targeted risk-based rules, applied on a catchment scale, may be developed and implemented in the future.

In addition, to the regulations described above the Scotland Rural Development Programme (SRDP) provides support for the provision of economic, social and environmental improvements across Scotland and includes a number of measures to benefit water quality.

Implementation of the GBRs, and the other measures, is based on a national campaign of awareness raising, guidance and training. There is a strong emphasis on linking and implementing measures so that a clear and consistent message can be delivered to land managers and multiple benefits can be realised. Scotland's Environmental and Rural Services (SEARS) project between nine rural and environment focused public bodies provides a network through which compliance and outcomes can be assessed. In catchments where this national approach is not expected to meet WFD objectives a catchment management type approach will be

taken.

Reference to initiative: http://www.sepa.org.uk/water/regulations.aspx

Business objectives: The objectives regarding business are to ensure a cost-effective and workable system of controls, and to:

- provide a proportionate and risk-based approach to the mitigation of diffuse pollution based on existing good practice guidance.
- ensure industry buy-in to the approach to diffuse pollution mitigation.
- raise awareness of the impacts of diffuse pollution and encourage the use of targeted measures to address impacts.
- promote the efficient use of resources and contribute to sustainable development.

Regulatory authority objectives: The objectives regarding government regulatory authorities are to:

- design a risk-based and proportionate regulatory regime with the input (and support) of a wide range of stakeholders and which implements the Water Framework Directive.
- develop a partnership approach with rural land managers so as to raise awareness of the new regulatory controls, impact of diffuse pollution associated solutions to it.
- assess progress on adherence to the GBRs through the Scotland's Environment and Rural Services (SEARS) project.

Environmental protection objectives:

- To mitigate diffuse pollution and contribute to the achievement of Water Framework Directive objectives in Scotland's water environment.
- To see diffuse pollution mitigation as part of the achievement of multiple benefits for biodiversity, climate change and flooding.

Assessment of outcomes: The GBRS have been made into Scottish law by the Scottish Parliament as the Water Environment (Diffuse Pollution) (Scotland) Regulations 2008. It is too early to say how successful they have been.

Success factors: National compliance assessment delivered by the SEARS partnership.

How successful is the initiative Very successful. A risk-based, proportionate system of regulating diffuse pollution is being pioneered and implemented under the WFD in Scotland.

Barriers to success: Success will be determined by resource being targeted at awareness raising, guidance and training by both government and associated agencies and importantly, by industry.

Conditions for success: A risk-based model coupled with consultation with industry, stakeholders and agencies with an interest in environmental protection.

Lessons to learn: More emphasis on the end-user to explore on the ground implementation would have been beneficial.

Information provided by: Jannette MacDonald, Scottish Environment Protection Agency (SEPA). Jannette.MacDonald@sepa.org.uk

Annex 3

Workshop Agenda

Applying better regulation principles to improve the efficiency & effectiveness of environmental inspection authorities

13.30 Thursday 18 June to 13.30 Friday 19 June 09
NH Berlin Mitte, Leipziger Strasse 106-111, D-10117 Berlin

Objectives

- Identify good practice and understand why it worked
- Assess the benefits of initiatives
- Identify further examples and/or more detail for existing examples
- Agree how IMPEL should take this work forward

Thursday 18 June – Chair: Jan Teekens

13.00	Lunch	
13.30	Welcome	Chair
13.40	Overview of project	Louise Wolfenden
13.50	Summary of findings from questionnaires	Andrew Farmer
14.15	Case study 1 *Data handling, monitoring & reporting – experience from Spain*	Mikel Ballesteros Garcia
14.45	Case study 2 *Renewing Supervision – experience from The Netherlands*	Trudie Crommentuijn
15.15	Coffee break	
15.30	Break out group discussions What can we learn from these case studies and our own experience in terms of: • Data and information management and reporting • Inspection	All
16.45	Plenary discussion • Do we have a common understanding of the sort of examples we are looking for? • Are there examples we've missed? • What level of information is needed to ensure the examples are useful to others?	All
17.30	Close	
19.30	Dinner	

Friday 19 June – Chair: Neil Davies

9.00	Brief recap from yesterday	Chair
9.10	Case study 3 *Scotland's Environment and Rural Delivery Service (SEARS)*	Cath Preston
9.40	Case study 4 *Italy's experience of improving the effectiveness and efficiency of inspection authorities*	Alfredo Pini & Massimo Boasso
10.10	Case study 5 *Environmental Permitting Programme in England and Wales*	Dominic Hutchings
10.40	Coffee break	
11.10	Break out group discussion What can we learn from these case studies and our own experience in terms of: • Assessing the benefits of initiatives • Reasons why things work/obstacles	All
12.30	Plenary discussion Project recommendations and next steps	All
13.00	Plenary discussion Preparing for future regulatory challenges	All
13.30	Close with lunch	

Annex 4

Participants at the Project Workshop in Berlin

Participant	Country	Organisation	Position	Email address
Andrew Farmer	UK	Institute of European Environmental Policy	Head of Pollution and Climate Team	afarmer@ieep.eu
Jitka Zagorova	Czech Republic	Czech Inspection of Environment		zagorova@cizp.cz
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Boiko Malinov	Bulgaria	Ministry of Environment and Water	Head of Unit, Integrated Pollution Prevention	malinov@moew.government.bg
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