

Factsheet 3.14 - Reporting of inspection findings

This Factsheet provides guidance on the requirement in Article 23(6) of the Industrial Emissions Directive that competent authorities should make their reports on inspections publicly available. It covers the structure of the report and provides information on good practice for the reporting of inspections.

IED Article 23 (6) obliges Member States to take the following actions:

Following each site visit, the competent authority shall prepare a report describing the relevant findings regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.

The report shall be notified to the operator concerned within 2 months of the site visit taking place. The report shall be made publicly available by the competent authority in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information within 4 months of the site visit taking place.

Article 23 (6) also requires that the competent authority should ensure that the operator takes all the necessary actions identified in the report within a reasonable period (this is relevant to the provisions on action to be taken in the case of non-compliance covered in Article 8(2) of the IED).

This guidance draws on work carried out as part of the [IMPEL project on IED implementation, reported in 2015](#)¹. The report from the 2015 project also contains examples of inspection reports produced in different countries. This is a useful reference to support this guidance.

Interpretation of requirements of the IED for reporting of inspections

This guidance interprets the specific requirements of IED Art.23 (6) as follows:

The *report* is the key document in setting out the findings of an inspection.

The report should be *notified* to the operator. It should be noted that an inspection can involve more than one site visit. It is also possible that relevant inspection results (e.g. monitoring results) are not immediately available after the site visits. In these cases, the report has to be sent to the operator 2 months after the first site visit with a follow-up when the further results are available.

The report should be made *publicly available*. Reports of routine and non-routine inspections have to be made proactively available (for instance on the internet) 4 months after the site visit. If the 4 months pass and the results are not yet available then only the relevant findings should be mentioned and followed-up later when the results become available.

Recommended structure of the inspection report

The following recommended structure of inspection reports is considered to be good practice for fulfilling the reporting requirements of the IED. It is suitable for active publishing on the

¹ Report on IMPEL Project on supporting IED implementation, 2015. Project number: 2015/01.

internet. Inspectorates may also wish to include other (optional) aspects, for example: a full form report; a description of the scope of the inspection (what was and was not inspected); and other assessments, for example, data audits and the results of non-routine inspections.

(i) Description of the inspection carried out, to include:

- Inspection basis (permit, legal regulations)
- Competent inspection authority and cooperating inspection authorities
- Type of installation (e. g. power plant or chemical plant)
- Operator (Name of the company)
- Address
- Date of inspection
- Length of inspection time
- Scope of the site inspection (e. g. integrated inspection, media that were inspected, parts of the installation that were inspected)
- Expected or unexpected site inspection

(ii) Results of the inspection and compliance assessment

This should be reported according to the guidance provided on assessing the levels of non-compliance, covered in Fact Sheet 3.11:

- No or only minor non-compliances
- Significant or relevant non-compliances
- Serious or important non-compliances

(iii) Action taken

This may include a range of measures that are initiated dependent upon the degree of non-compliance, including: warning letter, (supplementary) decree, fine, closing down of (parts of) the installation, cancellation of the permit.

It should be noted that inspection reports for publication should not contain information that violates the rights of third parties, such as protected data, and confidential information on information on industrial and business activities.

Good practice for reporting of inspections

The following guidance on good practice for reporting was developed as part of IMPEL's 2015 project on IED implementation.

Procedure

- Information should be made available for the public in a proactive way (on internet).
- Although not the main reason, publication of inspection reports can be used to increase compliance promotion.
- More and more Member States publish via the internet and in the spirit of more transparency. This approach to publication is considered to be the way forward.

- It is an important principle that there should be transparency in reporting and that therefore the inspection reports should be made public for a minimum period of time (taking into account local legal obligations).
- Three years is considered as a minimum publication period as it fits with the inspection cycle (all installations have to be inspected within three years).

Content

- The level of understanding of the published report should be targeted to the general public.
- There should be only one inspection report. A summary of the report can be extracted for publication.
- The summary should contain the basic information, without too many technical details, and not more than 1 to 3 pages in length. A fixed template should be used.
- Information on the type of inspection (scope and depth) should be included in the report (full, partial (some areas), random sample check, in depth...)
- As a minimum, only cases of non-compliance need to be included in the published report.
- There should be opportunity given to the company to react in the publication: *Before*: it is a good practice to use the legal obligation to notify the inspection report to the operator (within 2 months) for seeking comments on it (for example, possible mistakes, sensitive commercial information, privacy legislation). The operator should have a minimum time to do so. Two months is considered to be reasonable.
- *After*: once the report is published on the internet, it is final and no further opportunity should be given to the operator to give comments.
- The action taken to resolve the non-compliance should be included in the next inspection report as this finding is the result of a new inspection. This will help to motivate the operator to act quickly.
- When reporting the follow-up action required by the IED, both the actions of the operator and enforcement actions of the inspector's organisation should be mentioned. As a good practice and to avoid potential problems in subsequent judicial action, it is recommended that details on future enforcement actions should be reported but kept to a minimum.
- The name of the inspector should not be included in the inspection report, only the name of the inspection organisation.
- In the case that the site visit lasts more than one day, the last day of the site visit should be taken as the starting point for the periods for notification to the operator (within 2 months) and for making available to the public (within 4 months).