

# **BEST PRACTICES CONCERNING TRAINING AND QUALIFICATION FOR ENVIRONMENTAL INSPECTORS**

ANNEXE I :

## **BACKGROUND OVERVIEW**

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# QUESTIONNAIRE

## System and organisation

Give a clear description of your inspection system

1. *How is inspection organised ?  
Who is in charge of the permitting process ?  
Who is in charge of enforcement (visit installations, set up control systems...) ?*
2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.*

## Training and qualification

Please answer the following questionnaire taken from the Impel Review Initiative (IRI) :

### Qualifications, skills, experience :

1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?*
2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?*
3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?*
4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?*
5. *Are inspectors warranted or accredited for their duties ? If so how ?*
6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?*

### Training :

7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?*
8. *Is training provided ? If so how and by whom ?*
9. *Is the success, or otherwise, of training subsequently assessed ?*
10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?*
11. *Are the skills of experienced inspectors refreshed ? If so how ?*
12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?*

# AUSTRIA (SALZBURG)

## 1. System and organisation

### 1.1. *How is inspection organised ?*

Depending on the requirements of the respective law concerning permitting and inspection procedures inspections are usually organised and exercised by the local district authorities or at the provincial level. There is no “overall” environmental inspection scheme.

The inspection bodies are usually located at the provincial level. For employee protection there is a central inspection body on the national level.

#### Who is in charge of the permitting process ?

The competent authority which is in charge with the enforcement of the respective law (eg, the Austrian implementation of EIA, SevesoII, IPPC, Waste Management Act etc)

#### Who is in charge of enforcement (visit installations, set up control systems...) ?

see above.

Under some circumstances site visits are delegated to the respective experts, who are reporting to the competent authority. Inspections under the Chemicals Act are done by appointed inspectors on the provincial level. Inspections under the Water Act are sometimes delegated to appointed inspectors.

### 1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.*

In principle there are none. People who are writing permits must usually be legal experts. Other experts (eg for environmental technology) giving expert opinions have the status of a proof in the legal procedure.

## 2. Training and qualification

### Qualifications, skills, experience :

#### 2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?*

The recruiting of personnel is done by the respective authorities on the provincial level (the authorities on the district level belong to the provinces in terms of organisation, personnel, finances etc).

The provinces have their own selection procedures; there are no general regulations.

In the Province of Salzburg new entrants are tested in a three-stage-procedure testing the specialised knowledge required for the position, the flexibility and the social skills.

**2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

The qualifications required are usually stated in the advertisements for the post concerned and audited in the above described procedures. The experience needed to practise is usually gathered by training on the job.

In the Section of Chemistry and Environmental Technology (this is the unit in charge with most of the environmental experts) in the provincial government of Salzburg the training of new inspectors is planned according to an internal guideline. The demands in terms of necessities of courses, trainings etc are assessed when the inspector starts working. For every newcomer a structured programme is elaborated. One experienced colleague is designated to be responsible for the training scheme.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

see above

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

Inspection teams are formed due to the requirements. Which aspects are covered by the inspectors depends on the organisation of the expert bodies in the provinces.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Usually not. Only for some specific tasks like inspections under the chemical substances act and for some subareas of the water authorities inspectors are appointed.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

There are no special precautions, it's a general duty of the authorities.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

see above

**2.8. *Is training provided ? If so how and by whom ?***

Training is provided by the respective authorities or inspection units in terms of (external) courses and/or in-service training. There are no general requirements given by law for the qualification and/or training of inspectors.

Is the success, or otherwise, of training subsequently assessed ?

This is done within the respective departments.

In the Section of Chemistry and Environmental Technology in Salzburg the success is assessed in biannual structured talks between the inspectors and the head of the unit. It is aimed that no environmental experts gives statements on topics where the last training is older than three years.

**2.9. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

see above.

In the Section of Chemistry and Environmental Technology in Salzburg there are internal measures according to ISO 9001 to assure actual supporting documents for the experts.

**2.10. *Are the skills of experienced inspectors refreshed ? If so how ?***

see above

**2.11. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

There are no general regulations.

# BELGIUM (FLANDERS)

## 1. System and organisation

### 1.1. *How is inspection organised ?*

The Environment Inspection Section (EIS) is the enforcement agency for environmental hygiene legislation in the Flemish Region and is part of the Environment, Nature, Land and Water Management Administration. This administration is responsible for ensuring the sustainable and quality development of the environment and the protection of humans, animals and plants.

The Environment Inspection Section has a conventional vertical structure with the Chief Inspectorate in Brussels and 5 local services based in the main towns of the Flemish provinces. Each service is managed by a head of service who is appointed as hierarchical superior in accordance with civil service status. The Head of Section is responsible for overall organization of each service.

The Chief Inspectorate initiates and supervises the management of the inspections and investigation activities which are undertaken through a planned and coordinated approach throughout Flanders. Furthermore, it is responsible for the preparation, formulation and evaluation of policy and for ensuring logistical support for the service.

The local services are responsible for carrying out specific inspection tasks, implementing measures, keeping company files up to date and providing policy-makers with feedback on experience gathered in the field.

In addition to the vertical structure, a horizontal structure has also been set up in the form of working groups for each environmental compartment. By the end of the year 2000, five working groups had been established: Waste, Noise, Air, Safety and Water. The Soil and Groundwater working group has been temporarily placed on non-active status due to lack of personnel.

The objectives of the working groups are as follows:

- to coordinate the know-how available in the section on a particular environmental subject, to extend this know-how and then to disseminate it within the Section;
- to give greater depth to the planned and coordinated inspections and to raise them to a higher level;
- to ensure a uniform approach to and interpretation of the environmental regulations;
- to follow up new developments and regulations and to frame proposals for an appropriate approach;
- to advise the competent Minister on the enforceability and feasibility of the regulations and to provide him with the necessary feedback for the preparation and evaluation of policy.

Each working group is composed of five members (one representative from each local service) and a representative from the Chief Inspectorate who acts as the working group moderator (project leader). The composition of the working groups takes into account as much as possible the experience and specialist areas of those involved.

In the local services, the members of a working group continue to participate in routine inspection work, albeit to a more limited extent. They also play a supportive role with regard to their colleagues as specialists in the specific environmental compartment of their working group.

The working groups play a key role in the planned and coordinated inspections. Furthermore, efforts are undertaken to coordinate the enforcement activities in the different environmental hygiene

sectors, the ultimate aim being to achieve a high standard of integrated inspection in all aspects. To this end, the service sometimes calls on the skills of external experts. Alternatively, completely new initiatives are implemented or new inspection instruments are used. In this way, the knowledge and experience built up in the working groups systematically permeates the rest of the section.

### **Who is in charge of the permitting process ?**

Within the framework of the environmental licence decree, the decree on internal environmental care by companies and the implementation decrees Vlarem I and Vlarem II, the following boards are in charge of the permitting process:

- notifications of category 3 establishments: the Board of the Burgomaster and Councillors;
- environmental licences of category 2 establishments : decisions of the Board of the Burgomaster and Councillors;
- appeal procedures for category 2 establishments: decisions of the Provincial Council;
- environmental licences of category 1 establishments: decisions of the Provincial Council;
- appeal procedures for category 1 establishments: decisions of the Flemish Minister of the Environment.

These boards are advised by the Environmental Licences Section. There is a clear separation between this section and the Environment Inspection Section (EIS).

### **Who is in charge of enforcement (visit installations, set up control systems...) ?**

The Environment Inspection Section (EIS) is in charge of the enforcement.

## **1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.***

According to the following differences between permitting and enforcement, there are many differences between people employed in enforcement and permitting:

- only the environmental inspector has the competence to make technical observations and execute technical operations (sampling, ...): very specific training and qualification is required;
- the environmental inspector has to have a very good judicial background: on the one hand to make the official report that is send to the Public Prosecutor (to start the criminal prosecution) and on the other hand to be sure that the administrative prosecution is based on the current laws and regulations (this inspector must be better than the best lawyer that the company can hire);
- the communication between these two different sections and the company (and eventually with the neighbours) is completely different: where the permitting officer can negotiate with the company and act on the 'soft' side, the environmental inspector has to communicate the 'negative' observations and act on the 'hard' side. The inspector has to deal with conflicts and must be trained to handle these in a professional way, both with a preventive and a repressive attitude;
- the environmental inspector must be trained in human relations: he has to work independent and at the same time as a team player in the greater team of all the environmental inspectors and even with other inspecting bodies.

## **2. Training and qualification**

### **Qualifications, skills, experience :**

#### **2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

New environmental inspectors are selected through an official test where the technical competence and the human skills of the candidates are tested. The candidates have to have a university degree

(engineers, masters in science, ...) or a degree after at least three years higher education (environmental science, ...).

**2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

The new environmental inspector have to follow a traineeship of one year (university degree) or 6 months (others). In that period they have the training on the field with one or more senior inspectors. They also have to follow different courses about the organisation and working of the Flemish administration.

Only after the successful completion of this traineeship, the can obtain all the competences of an environmental inspector (execute inspections on their own, draw up an official report, ...).

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

Only persons with the necessary degree (and after the successful completion of the traineeship) can execute all the regulatory duties. The hierarchical supervisors within the Environment Inspection Section are responsible for this evaluation.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

All the inspectors have the competence and are competent to cover all IPPC sectors (they are generalist).

For different environmental themes (water, waste, air, noise, external safety, soil and groundwater) working groups are established inside the Environment Inspection Section. These working groups bring together the specialists from each local service and are moderated by a project leader (specialist) from the Chief Inspectorate. They deal with all the problems that are brought up by the environmental inspectors, they study new legislation and they prepare new projects within their specific field. In the local services, the members of a working group play a supportive role with regard to their colleagues as specialists in the specific environmental compartment of their working group.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Every environmental inspector is individually appointed by the Flemish Minister of the Environment. They all have a legitimation card, signed by the director general of the administration. The environmental inspectors have to follow many different procedures concerning the administrative and/or criminal follow up of an inspection. This quality system is not yet accredited.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

The Inspectorate uses different systems to avoid these things:

- most of the inspections are carried out with two inspectors;
- these two environmental inspectors are not always the same: the partner changes from time to time;
- the dossiers are switched between inspectors from time to time;
- inspectors from the Chief Inspectorate can execute inspections at a site where the local service is responsible;
- there is a prohibition order that implies that there can't be any relation between the environmental inspector and the inspected company.

## **Training :**

### **2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

Every year, an individual planning document with personal objectives is made after consultation between the environmental inspector and the hierarchical supervisor. This document can contain different objectives. Training can be a possible way to obtain good results in reaching these objectives. After every year, every environmental inspector undergo an evaluation. The evaluation involves testing whether and especially how the agreed results have been achieved. The evaluation report is descriptive and contains no overall grade or final assessment.

These evaluation and planning are part of the so-called PLOEG (a process which highlights the aspects of planning, leadership, follow-up and support and evaluation as well as making the participants feel valued).

### **2.8. *Is training provided ? If so how and by whom ?***

The environmental inspectors have different opportunities to follow training programmes:

- the Environment Inspection Section organised twice an extended training course for all the environmental inspectors concerning technical and judicial aspects of the inspection and enforcement work. The aim is to repeat this training for new inspectors.
- every year, the Environment Inspection Section organises technical training courses for all the environmental inspectors, specific training courses for some specialists and management training for supervisors and project leaders.
- all the environmental inspectors have the opportunity to follow different internal (organised by the Flemish ministry) and external (private organisations) training programmes (every demand is evaluated by the hierarchical supervisor);
- the sabbatical leave is a new item on the training agenda of the Flemish Community whereby an officer can acquire knowledge and experience for a certain time outside the organization. The sabbatical leave is a sort of external training internship: a combination of learning and working. The participant in the sabbatical can volunteer to go to another organization to learn through work and then to return to his own service where what he has learned can be used and transmitted to others.
- training on the job, together with one or more senior inspectors.

### **2.9. *Is the success, or otherwise, of training subsequently assessed ?***

The success of the training is assessed through the evaluation (see question 7).

### **2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

The key players in the follow up of developments are the working groups (see questions 1 and 4). One of their tasks is to initiate and to follow technical, policy and regulatory developments. After the implementation into the Flemish regulation, they will also discuss the final result and disseminate the information and the view of the Environment Inspection Section towards all the environmental inspectors. Afterwards, the working group will answer all the questions from these environmental inspectors.

### **2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

See question 8.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

The results from the participation in the training programmes are evaluated in the yearly evaluation. This evaluation involves testing whether and especially how the agreed results have been achieved. The evaluation report is descriptive and contains no overall grade or final assessment. Those who have performed exceptionally receive a financial reward. In the case of poor performance, the staff member's advancement in terms of pay scale seniority is slowed down, while if the result of the evaluation is «insufficient», there is no progress at all in this respect. If the member of staff is given the evaluation «insufficient» on two consecutive occasions, he or she is dismissed on the grounds of professional unfitness (very exceptional situation).

# DENMARK

## **1. System and organisation**

### ***1.1. How is inspection organised ?***

In Denmark the environmental inspection of industries is divided between the regional authority (County) and the local authority (Municipality). The role of the Danish EPA is to make guidelines for inspection, to control the inspection quality and to be first level of appeal. The second and last level of appeal is the environmental court.

The regional level is responsible for the greater installations and the local level is responsible for the smaller installations (with some few exceptions).

At regional level each region has an environmental department, which employs a number of inspectors.

At local level most municipalities work together in larger groups, each having an environmental centre (private company owned by the municipalities), which employs the inspectors.

### **Who is in charge of the permitting process?**

The same people who are doing the inspections (generally spoken).

### ***1.2. Who is in charge of enforcement (visit installations, set up control systems...)?***

The same people who are doing the inspections (generally spoken).

### ***1.3. What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires***

There are no differences.

## **2. Training and qualification**

### **Qualifications, skills, experience:**

### ***2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

Most inspectors have a university degree in either science or engineering, and some inspectors have a shorter (3-4 years) education in environmental issues. Some inspectors have experience from work in the industrial sector, and this type of experience is very valuable for the

inspection authority. New entrants are selected according to qualifications and experience and personal appearance like any other person applying for a job.

**2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

Formally none, but most new employees are send for in the job training at the Local Government Training Centre of Denmark, where they are trained in the legal perspectives of environmental regulation.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

See above.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

Normally a specialisation is taking place, so each inspector is responsible for one or more industrial branches.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

No.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

The inspectors are working together in small groups, where they discuss the daily work and all major decisions are carrying two signatures. Further more all decisions are on public display and both the companies, the neighbours and some NGOs has the right of appeal.

**Training:**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

Yes. Most inspectors are called for annual development interviews by their superiors and strategies for their never ending training are discussed.

**2.8. *Is training provided ? If so how and by whom ?***

Training is provided by Local Government Training Centre of Denmark and by private companies and by the Danish Associations of Environmental Workers (one association for regional employed personnel, and one for local employed personnel). The level of training is about 5 days per year per employee.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

No, not systematically.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

Yes. By electronic access to all relevant legal texts (updated), and by joining technical seminars at universities, National Engineers Association etc.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Yes, as described above.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

No.

# FINLAND

## **1. System and organisation**

### **1.1. How is inspection organised ?**

#### **Who is in charge of the permitting process ?**

*Environmental permits are given on three levels*

- a) Subnational level: three environmental permit agencies (North, West and East)*
- b) Regional level: 13 regional environment centres*
- c) municipal level: roughly 400 municipal environment (or equivalent) boards*

#### **Who is in charge of enforcement (visit installations, set up control systems...) ?**

*Authorities on levels b and c. The regional permitting staff and the supervisors work in the same office. They are however to some extent, but not always, different persons.*

### **1.2. What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.**

There is a special training and certification procedure only for samplers who monitor water discharges, water courses and groundwater. Other supervisors/inspectors «learn by doing». The permitting authorities mostly have an academic education and they often specialize «learning by doing» in some sectors. To support this learning by doing a number of national or regional seminars (1-2 days each) are held annually concerning a variety of themes, like «monitoring and control of emissions to air», «noise», «laboratory work», «enforcement procedures», «power plants», «what is BAT?» etc. Everyone, permitting staff included, is likely to participate in at least a couple of seminars annually. The whole program of seminars is annually planned by the Ministry of the Environment and the Finnish Environment Institute. Also the regional environment centres participate in the planning. The regional centres on their side arrange seminars for the municipal authorities in the region.

## **2. Training and qualification**

#### **Qualifications, skills, experience :**

### **2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?**

The first step is an advertisement e.g. at internet and in a newspaper concerning the job available. The advertisement specifies the task (like «permit writing for waste management») and the requirements on a general level (like «chemist» or «engineer»). From the applicants

(normally 10-100 persons) the 5-6 best are interviewed. Depending on the task, specific experience might be emphasised, in particular for permitting.

**2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

The new entrants are simply trained by the more experienced staff and learn by doing. Samplers have to certify.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

See the educational program planned by the environmental authorities under point 2. Most important is the mentor role of the more experienced staff.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

On the regional level inspectors are to some extent specialised. However, in most regional offices and in the municipalities each inspector must cover several sectors. Really specialised inspectors we have on pulp and paper mills, on VOC-plants and metal works in a couple of regions and on aquaculture in one region.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Samplers and laboratory personnel only.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

Regulatory capture and issue-blindness are recognised problems. One solution offers circulation of personnel, but very few are willing (or fit) to catch the opportunities given. Undeclared interest and bribing are more or less non-issues.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

For samplers and laboratory personnel only.

**2.8. *Is training provided ? If so how and by whom ?***

There are no special training courses. See above.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

Individual educational and other targets are discussed and signed annually between each boss and each member of his staff.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

By participation in the seminars and, to a smaller extent, at commercial courses.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Each inspector takes response of updating his own skills. Frequently used sources are Journals, internet, BAT-reports, a network of national and international colleagues and contacts with consultancies. Excursions and participation in international congresses are possible but mostly too expensive. The system also give support to persons who aim at further education and allow the personnel to be on leave.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

No.

# FRANCE

## 1. System and organisation

### 1.1. *How is inspection organised ?*

#### Who is in charge of the permitting process ?

#### Who is in charge of enforcement (visit installations, set up control systems...)?

The Ministry of the Environment drafts regulations. In compliance with the negotiated Community directives, it ensures that these regulations are applicable and applied. The Directorate of Risk and Pollution Prevention, DPPR, oversees inspection piloting, as well as nationwide technical, methodological, legal and statutory supervision.

Under the authority of the Ministry in charge of the environment, most individual decisions are made by the Prefect of the Department, assisted by the classified installations' inspections department. Inspection is broken down into decentralised Departments, essentially within the 24 DRIRE (Regional Industry, Research and Environment Departments), 100 veterinary services and the STIIC (Technical Department of the Police Prefecture of Paris). The inspectors – engineers, technicians, veterinary surgeons – are State agents under oath.

In each region, the director of the DRIRE, under the authority of the Departmental Prefects, is in charge of organising the inspection services. The DRIRE and its direct deputy, the SREI, Head of the Regional Department of Industrial Environment, have hierarchical authority over all of the DRIRE personnel inspecting the classified installations.

The SREI manages departmental levels divided in subdivisions. One subdivision is made of a few inspectors, one engineer and one or several technicians, and deals with one territory or one sector of activity either for inspection or permits.

For permitting, the inspector studies the demands and does proposals which are co-signed by his superior. The Inspectorate is responsible for these propositions and the Prefect takes the final decision.

### 1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.*

No differences.

## 2. Training and qualification

## Qualifications, skills, experience :

### **2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

Trough a competitive examination for engineers (5 years degree in science or environment) and technicians (usually a 2 years degree in science or environment) .

### **2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

Each new entrant has to follow first a compulsory « Initial Training » provided nationally by the Ministry. A first theoretical week gives general knowledge about the job (introduction to administration and different organisations, legal basis, great principles of the inspectorate, procedures and guidelines to perform control and permitting activities, behaviour). Then he is put to work for 3 to 6 months with a supervisor Inspector without practising autonomously. After this, he has to follow a new theoretical week beginning by lessons from previous period and then studying technical aspects (risk, water and air discharges, soil, waste, health ...).

Then he has to be sworn to secrecy by the Tribunal.

Finally, a regional comity decides to give its warrant to the inspector, through an official assignment by the Prefect.

At this stage the new inspector is a « beginner » and needs a second signature for control and permit of prior installations.

### **2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

An individual training plan is defined, related to duties required.

For the beginner inspector, an official plan is designed for the first 3 years of his job, the « basic training ». This plan is constituted of 25 training days, organised in seven courses covering all technical and general knowledge about the job (water, air, soil, waste, health, and also management, information and communication, crisis). Afterwards and after decision of the regional comity he becomes experienced inspector : then he can control or study permit demands for a lot of controlled installations (major ones still require double signature).

The individual training plan is discussed and updated during the annual evaluation between the inspector and his manager.

### **2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

Depends on difficulty or quantity of installations, some inspectors are specialised in defined sectors : Seveso, chemical plants, livestock farming etc.

Inspectors can also be polyvalent and able to inspect any Installation. In this case specialist are available at the regional level to assist them.

To be specialised, an inspector has to follow some identified training.

### **2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Yes by the regional comity for the first and second levels (planned but not effective yet).

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

The Head of the Regional Department of Industrial Environment has to stay between three and eight years in the same place. Inspectors are advised to keep the same position during about 6 years. They are free to decide to move but this is a requirement to get a promotion. The propositions of the Inspectorate have a double signature. The decisions are public and there are possibilities for neighbours, NGO's to appeal.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

An individual training plan is defined, related to duties required. Each new entrant programs some training with the local advisor for training and the the Head of the Regional Department of Industrial Environment. This is discussed every year during the annual assessment with the manager.

**2.8. *Is training provided ? If so how and by whom ?***

An initial inspector training is designed by the Ministry with participation of its staff and experienced inspectors as trainers. A lot of theoretical courses are also provided by national engineers schools, private training organisations, and sometimes by the Ministry when there are some new laws and regulations. Colloquium and seminars are also proposed for special subjects (BAT, health and safety ..).

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

An evaluation of courses is done by the participants. Every year existing courses are discussed by the Ministry and training providers. However, formal follow-up methods to assess effectiveness of training are not yet in place.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

Laws, regulation and policy are available through Internet and also mailed to inspectors. For new procedures practical guides and special training can be provided or organised by the Ministry.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

The individual training plan is discussed and updated during the annual assessment between the inspector and his manager. The inspectors are aware of the training programmes and can participate against their need.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

No obligation except from the basic and initial Training during the first 3 years of the job (see questions 2 & 3).

# GERMANY

## 1. System and organisation

### 1.1. *How is inspection organised?*

#### Who is in charge of the permitting process?

#### Who is in charge of enforcement (visit installations, set up control systems...)?

In the Federal Republic of Germany, the national government is usually in charge of legislation in the field of technical environmental protection: the federal states are responsible for enforcing these laws, i.e., for both permitting and inspection. The federal states have drawn up regulations defining the responsibilities for tasks in the field of environmental protection.

### 1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.*

A distinction between "permitting" employees and "enforcing" employees is neither necessary nor intended. This means that a combination of the fields of permitting and enforcement, which is necessary depending on the volume of work, is possible relatively easily.

## 2. Training and qualification

#### Qualifications, skills, experience:

### 2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected?*

In the Federal Republic of Germany, permitting procedures and inspection of industrial installations are always **duties of the state**.

New entrants must provide evidence of their qualifications, either an engineering/scientific qualification from a university of applied sciences or a scientific qualification from a technical university/university, in one of the following fields: civil engineering, biochemistry, biology, chemistry/chemical engineering, electrical engineering, geology, metallurgical engineering, mechanical engineering, physics, environmental protection or process engineering.

Work experience is desirable but not essential. The environmental authorities decide which newcomers to employ on the basis of a suitable selection procedure (usually, this selection procedure contains elements of the assessment-centre procedure).

**2.2. *What additional qualifications, skills and experience are required before practice of permitting, inspection or enforcement?***

For both granting of permits and enforcement of permits, an education in engineering or science, on the one hand, and legal knowledge, on the other, are necessary. The minimum qualification required for these duties is a graduate certificate from a university of applied sciences; a graduate certificate from a technical university/university is required for the management level.

Germany's universities do not provide graduates who fulfil both the technical and the legal requirements. Consequently, some of Germany's federal states themselves train staff to perform these duties during practical training (for the senior and advanced technical service). This training is aimed at preparing newcomers for their future duties in a wide range of fields. The training is intended to add specialist knowledge to the knowledge gained during the university course and to impart basic plus theoretical/practical knowledge about the structure, tasks and methods of the environmental authorities. As an example, the syllabus for the course in environmental protection, specialist subject environmental technology, for the senior technical service is included as an **appendix**.

Since new entrants usually already have the scientific and technical knowledge, they need to be given immediate further training in the necessary legal knowledge. The direct superior instructs them as to their tasks and acts as a mentor in the initial phase of work after the final end-of-training examination. The new employees undergo an induction phase, during which they are instructed and supervised. A trial period (six months for salaried employees and normally three years for civil servants) is agreed for this phase, at the end of which another decision must be made as to the person's aptitude and thus their future employment. The head of the authority concerned is responsible for ensuring that the staff possess all the knowledge (both scientific/technical and legal) necessary for their duties.

In those federal states with preparatory training, this type of training in the environmental authorities has a special status. During the practical training, the new entrants work independently using the relevant rules, decrees and directives. The training thus covers, for example, inspection of applications for permits, writing of permits, participation in approving and inspecting installations, participation in measurements, investigations, analyses and sampling in the field, familiarisation with production technologies and assessment thereof with regard to their effects on humans, water, soil, air and water as well as technologies used to prevent and reduce effects which harm the environment.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom?***

See answer to question 2.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them?***

Permitting procedures and inspection are carried out on a sector-specific or installation-specific basis, i.e. the permitting procedure can be performed by one person but also by a team. This process must take into account all aspects of relevance to the granting of permits. This also applies to approval after commissioning and to inspection. Responsibility for decisions concerning permission and for installation inspection is usually organised by sector, which means that the inspectors (individually or in groups) specialise in certain installations.

**2.5. *Are inspectors warranted or accredited for their duties? If so, how?***

The employees who grant permits for and inspect installations do so on the basis of legal regulations (Clauses 6, 15 and 52 of the Federal Immission Control Act, Regulation Concerning Responsibilities in the Field of Technical Environmental Protection). For these duties, they are appointed by their authority on the basis of federal-state regulations and given rights enabling them to act on behalf of the federal state.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue blindness »?***

The fact that the granting of permits for installations and inspection are state tasks rules out any economic dependencies between the staff of the environmental authorities and the inspected companies. Certain effects, such as issue blindness, can only be effectively and permanently prevented by changing the technology groups assigned, i.e. by swapping employees. In addition, the superiors must display responsibility for their staff (control and monitor their duties).

**Training:**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience? If so, how and by whom?***

The qualifications and skills of the employees are also taken into account when duties are assigned within the offices. The need for further training is determined with the employees' involvement and any further training is geared to the tasks they have to perform (needs-oriented further training).

**2.8. *Is training provided? If so, how and by whom?***

In order to secure a high level of qualification, the employees must undergo further training. As a rule, the federal states' environmental ministries draw up further-training concepts, which enable the staff to perform their duties in a skilled, efficient and public-oriented manner. In addition to imparting technical and legal knowledge, these concepts provide further training in methodological skills, such as business management, HR management, management of meetings, etc.

**2.9. *Is the success, or otherwise, of training subsequently assessed?***

There is only an indirect assessment of whether and how the material learnt is put into practice. The way in which the employees perform their tasks shows how successful the further training was.

Another possible form of assessment is provided by the fact that the participants on a further-training course return to the authority as "disseminators", i.e. they pass on their newly acquired knowledge and skills to other employees (e.g. in the form of a presentation or direct instruction of individual employees).

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate? If so, how?***

The Ministry informs the employees of current technical and legal developments in briefings, horizontal and vertical forums and workshops. There are also measures to ensure that new laws, regulations and current specialist literature on technical innovations and legal

developments are provided to employees immediately, sometimes using the intranet and, where appropriate, the Internet.

**2.11. *Are the skills of experienced inspectors refreshed? If so how?***

Special further-training courses for this target group, focussing on exchange of experience with other experienced colleagues, are intended to guarantee that these inspectors' knowledge is always up-to-date. In addition, briefings are regularly held at all hierarchical and technical levels, at which the Ministry also reports on new developments.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator?***

Evaluation and offering of further-training courses can help to make sure that employees can attend courses in line with their needs so that they can perform their duties efficiently. The superior must discuss with the employee how the latter can better put into practice what he or she has learnt and which further-training courses would help them perform their duties better.

# GREECE

## **1. System and organisation**

### ***1.1. How is inspection organised ?***

#### **Who is in charge of the permitting process ?**

#### **Who is in charge of enforcement (visit installations, set up control systems...) ?**

At the moment there aren't regular inspections in the several activities. There are inspections after complains and during the renewal procedure of the Environmental Permits of them. The inspections are mostly carried out by the same Authority which is responsible for granting the Environmental Permits.

Recently a new Service has been established in the Hellenic Ministry for the Environment Physical Planning and Public Works, which will be responsible exclusively for inspections.

### ***1.2. What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.***

There aren't any differences in training and qualification, because it's the same personnel.

## **2. Training and qualification**

#### **Qualifications, skills, experience :**

### ***2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

The qualifications are not specified yet.

### ***2.2. What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

There aren't specified any additional qualifications.

### ***2.3. How are qualifications, skills and experience matched to regulatory duties and by whom ?***

There aren't any data, at the moment.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

All these matters are expected to be covered by the new Service which has been mentioned before.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Not at the moment.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

No available data.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

**2.8. *Is training provided ? If so how and by whom ?***

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

**NOTE: In Greece there isn't any official training procedure of inspectors, at the moment.**

# IRELAND

## 1. System and organisation

### 1.1. *How is inspection organised ?*

#### Who is in charge of the permitting process ?

#### Who is in charge of enforcement (visit installations, set up control systems...) ?

I have attached a report by the IMPEL PEEP inspection team who visited Ireland in late 1998. This report gives a comprehensive overview of the Irish permitting and enforcement system.

In brief, the EPA is responsible for permitting and enforcing all permits under IPPC. Permits are currently issued and enforced by the same inspector, although this system is under review.

In Short the number of inspections are determined by Inspectors when determining the financial charges for the year in addition we operate an accredited ISO 9000 quality system for licensing and control of IPPC facilities As part of this quality objectives have been set that require each site to be visited by inspectors at least once /year and audited once every 3 years in general water sampling is conducted 2-4 times /year and air monitoring is done 1-2 times /year depending on priority.

The EPA inspector is responsible for licensing and enforcement of IPPC facilities non IPPC facilities are the responsibility of the Local Authority.

### 1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.*

There are no differences in training between permitting and enforcement inspectors. There is however one exception, the Licensing and Control Division is responsible for operating the Agency's Air Monitoring Unit for compliance checking of industrial emissions. This unit is staffed by Agency inspectors (4) who receive specialist training in the field of air emission sampling and monitoring.

## 2. Training and qualification

#### Qualifications, skills, experience :

### 2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?*

In terms of qualification a primary degree (or equivalent) preferably in science of engineering is required. Depending on the level of entry the level of experience required varies from 2 years to 10 years in an environmentally related the field.

All new entrants are selected by open competition. Advertisements are placed in the national press and a prescribed application form is supplied. Candidates are short listed based on qualification and experience and an interview panel is formed. The interview panel draws up a panel of candidates and positions are offered down the panel.

**2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

Staff are taken thorough an induction course with senior staff over the first few months of their employment. After that they are generally assigned duties in assisting inspectors in enforcement duties, eg. checking monitoring returns etc. New staff are also taken on inspections and audits by senior staff as observers. After several months the new inspector is generally assigned a licence application for a straight forward industry. These applications are frequently transferred form more senior inspectors to alleviate work load, and as such this inspector has background knowledge to the site and can offer advice/guidance to the inspector where required.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

Inspectors are assigned licensing and enforcement duties by the Programme Manager based on their experience and on the recommendation of the Senior Inspector whom the Inspector reports to.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

This really depends on the experience of the inspector. More experienced inspectors will cover several areas, less experienced inspectors will only cover a few related areas. We tend to form a "group" or "team" to deal with some specific sectoral areas e.g. intensive agriculture. This group will "iron out" the difficulties associated with permitting this sector, propose policy and prepare guidance. This does not mean that only inspectors in this group will permit these activities, others will also but can revert to the group where advice is needed. However where there are only a small number of companies in a sector e.g. peat extractio, the group will generally permit all these activities. The situation is similar in enforcement where a group will provide guidance on enforcing a specific sector. Where possible members within this group act as lead auditors when this sector is being audited.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Inspectors must be designated as "authorised persons" under the EPA act. This is done by the board of the Agency. There is no requirement for an inspector to have passed a specific examination etc. However there are a number of courses which every inspector is expected to complete eg. a course on environmental auditing.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

All staff of the Agency must make a formal declaration of interests each year. As such any conflict of interest is avoided.

The use of Environmental Audits where an inspector other than the inspector for the facility acts a lead auditor provides for a system where licensees are enforced in a more systematic "even handed" manner.

The Licensing and Control Division operates a Quality Management System accredited to ISO 9002. As such the Division has an open procedure for dealing with complaints/comments from licensees or other interested parties, neighbours etc. The QMS also requires the use of internal quality audits (self examination) and regular quality reviews at which the work of the division is reviewed. As the system is externally certified, the division is subject to regular external audits which provides an external opinion on the divisions performance.

Most importantly however, all of the correspondence between the Agency and any third party is open to the public for review and comment.

### **Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

Yes, each member of staff undergoes a yearly appraisal by their line manager. Training requirements are identified and reported back to the divisions training co-ordinator.

**2.8. *Is training provided ? If so how and by whom ?***

Yes, training is provided both by internal staff, e.g. experts in a particular field, or is purchased from an external trainer. The current spend on training is approximately 4% of salary (does not include loss of time or internal training costs)

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

To a limited extent. Feedback on training courses is obtained through formal questionnaires. However, formal follow-up methods to assess effectiveness of training are not yet in place

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

Yes. The division holds a quarterly meeting of all inspectors specifically for this purpose.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Selected courses are set to be repeated at set intervals e.g. at three yearly intervals for some internal courses on elements such as air, water, waste and noise. This hasn't actually happened yet as we have only got our training programme up and running over the past 2-3 years.

Training records are maintained electronically and the system will identify individuals for which repeat training events are required. When sufficient numbers have accrued and course is organised. In addition part of the quarterly meetings are aimed at training and refreshing and bringing inspectors back up to speed on topics.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

We operate to the ISO9002 quality standard which requires that:

*"The supplier shall establish and maintain documented procedures for identifying training needs and provide for the training of all personnel performing activities affecting quality. Personnel performing specific assigned tasks shall be qualified on the basis of appropriate education, training and/or experience, as required."*

It would appear that this requirement to the statement mate at 12 above.

# ITALY

## **1. System and organisation**

*Give a clear description of your inspection system*

### ***1.1. How is inspection organised ?***

In most regions the inspections are organised at the Provincial level by the Provincial Departments of the Regional Agencies for the Protection of the Environment (ARPA); in some cases the competencies for inspections are in charge by other governmental bodies such as the Carabinieri Corps for Environmental Protection (Judicial Police), the Financial Guards and the State's Forestry Corps.

For example, in Liguria the Provincial Authorities establish an annual programme for controls and the Regional Agency draws up operational plans, while in Veneto the basis of an annual plan is drawn up by the Provincial Departments of the Regional Environmental Agency. These draft plans are then agreed upon by the Provincial Authorities and approved by the Regional Environmental Agency's Central office. In addition to the inspections programmed in this plan, there are those carried out ad-hoc in response to complaints, incidents, non compliance or when requested by the Magistrates in the course of an investigation.

In Piemonte the controls are organised at Provincial Departments carried out by the Territorial Services and the Laboratories.

In general, the inspections' activity consists in:

gathering information on the activity of the plant/industry; determination of compliance with licence conditions; applicable regulations and other requirements; inspection of the plant, the processes and the emissions (water, soil, air, noise); sample taking in case of necessity; reporting; information to the company or the competent bodies.

### **Who is in charge of the permitting process ?**

The Provincial and local Authorities, and in a few cases, the Regional Authorities. The Agencies through their territorial visits supply technical support to the licensing authorities; in Liguria the Provincial Departments of the Regional Agency provide technical support for the instructorial activities (committal proceedings), but at the moment they are valuing if the same "instructorial personnel" will be in charge to make the controls.

### **Who is in charge of enforcement (visit installations, set up control systems...) ?**

Enforcement is the responsibility of the Territorial Services (Servizi Territoriali) within each Provincial Department of the Regional Environmental Agency and the personnel of the competent laboratories. In Liguria, the inspectors work within the Operational Units of the Territorial Services of the Provincial Departments. There is a responsible of each sector (ex. air, soil, waste, water, etc.) who is in charge to programme the inspection/control and to review the results. In Toscana, especially for the waste sector, the inspection activity is being held by the Provincial Authorities, Judicial Police, Financial Guards, Forest Corps (Corpo Forestale dello Stato).

### ***1.2. What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some,***

*please specify them very clearly in your reply to each question or answer two separate questionnaires.*

Generally the different regions have specialised training for each environmental sector. Actually in Liguria and Toscana the personnel in charge of controls are qualified chemists, technicians, qualified engineers, graduates in chemistry, biology, etc. and judicial police. The responsible is generally holding a university degree (chemistry, biology, engineer, etc.). In Toscana and other regions the Regional Agencies aim towards a multidisciplinary and integrated approach of the environmental sectors. The personnel in charge of the inspections also carry out other duties such as monitoring of the different environmental sectors, laboratorists.

## **2. Training and qualification**

### **2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

The Regional Agencies for the Protection of the Environment:

For example, in Veneto Environmental Vigilance Officers usually possess high school diplomas and occasionally, a university degree in chemistry or chemical or environmental engineering, while in Liguria, according to the “health contract”, they want to implement that the new inspectors have a university degree in “technician of the prevention of the environment and the work environment” (duration of 2 years). Generally the new assumptions are made through competitive examinations.

In Veneto and in Piemonte, selection of new entrants takes place firstly by assigning points according to qualifications as seen in the Curriculum Vitae added to points based on the results of an examination. Skills and experience are thus considered in as far as they are reflected in the Curriculum Vitae of the candidate or expressed in the examination.

It should, however, be noted that new entrants to the ARPAV (Regional Agency for the Protection of the Environment - Veneto) Inspectorate were, in the first instance, Inspectors taken on from other local bodies and it is only more recently that public “competitions” are used to select personnel.

For the Carabinieri Corps of Environmental Protection the basis consists in judicial police formation, then they have to undergo a special training of environmental, technical and juridical administrative laws (duration at least 2 months).

The selection takes place by the National Center of Selection and Recruitment of the Carabinieri Corps which makes psychological and motivational examination after the above mentioned formation.

### **2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

The Regional Agencies for the Protection of the Environment:

In Veneto and Toscana new entrants are initially put to work with experienced Inspectors before practising autonomously. In some cases the Environmental Vigilance Officers, who have Public Official status.

Emilia Romagna and Liguria organised some training on the job and integral courses on specific subjects held by internal officers of the Regional Agencies. Besides internal courses and training on the job, Piemonte deems it very important that the new inspectors know the quality system and the organisation of the Agency, and for the Agency in Toscana it is

important that the inspectors know the productive process, the capacity to analyse the processes in relation of the objective of the inspection (ex. Industrial risks, impacts on the environment, etc.)

Other important requirements (for all Agencies) are the communication skills, the knowledge of environmental impacts by emissions (on air, soil, water etc...) and the valuation capacity of the inspection and report writing.

The Carabinieri Corps of Environmental Protection organise special courses and updates on specific environmental subjects, specially for contamination by radioactive substances, high risk industries and sampling techniques.

### **2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

The Regional Agencies for the Protection of the Environment:

In Emilia Romagna, for example, the qualifications, skills and experience are matched to regulatory duties by the General Direction for Human Resources of the Agency in accordance with the Provincial Operational Units, while in the other regions the personnel is chosen on behalf of the professional skills required.

The Carabinieri Corps of Environmental Protection:

The qualifications, skills and experience are supervised by the Commander of the Unit upon indications of the Minister of the Environment.

### **2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

The Regional Agencies for the Protection of the Environment:In Veneto, for example, at present, Inspectors are not expected to specialise in certain IPPC sectors. They tend, in fact, to specialise in relation to environmental media-e.g. water, soil, air and not in relation to IPPC sector codes (as in the other regions, in Liguria they tend to head for an integrated approach, while in Piemonte the answer is not defined). In Toscana the inspection team must be trained and specialised for the IPPC sectors.

It should be noted that some specialisation in relation to installation type does exist as a natural consequence of the fact that Inspectors, with their activities concentrated in a certain Provincial area, will tend to become familiar with those types of installations located in that geographical area. Typical of many Regions (ex. Veneto, Toscana, Emilia Romagna) is the presence of industrial districts, thus an Inspector's experience tends to develop in the district specific sector.

### **2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

The Regional Agencies for the Protection of the Environment:

There are no accredited mechanisms in Piemonte and in Veneto, while in Emilia Romagna most of the inspectors have the qualification of "Judicial Police".

The Carabinieri Corps of Environmental Protection:

Article 20 of the D.Lvo 22/97 gives the Carabinieri Corps of Environmental Protection the "inspection power" to complete the duties of vigilance, prevention and repression by violations performed on the environment (art. 8 of L. 349/86), giving "full power" also in the administrative sector.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

Judicial Police are limited to relating their findings, thus leaving the faculty of discretion regarding a specific case to the Magistrate. In Liguria personnel from the Regional Agency is not allowed to inspect privately, unless authorised.

In the different Regional Agencies, under normal inspection conditions, a system of internal co-ordination (in order to standardise through the whole region) and checking exists in that the Senior Officer reviews the Inspector's reports. In Emilia Romagna the national "work contract" foresees the exclusiveness of the employer-employee relationship.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

**2.8. *Is training provided ? If so how and by whom ?***

**The Regional Agencies for the Protection of the Environment:**

The General Affairs for Human Resources department in ARPAV's (Veneto) central office, as well as in Piemonte, Liguria and Toscana, plans a training programme for Inspectors as well as for other agency personnel, while in

Emilia Romagna not only the General Affairs for Human Resources department of the Agency plans the training, but also the responsible of the Provincial Sectors and the Provincial Territorial Services. In Liguria the obligatory training is programmed from one to three years, depending on the subject and the actual needs. In the other regions training avails of internal experts from the Agencies as well as relies on external experts. The latter are more generally aimed at responding to the needs of individual Inspectors.

**The Carabinieri Corps of Environmental Protection:**

The training for specialization is generally held by University Professors, Magistrates, Official of the Ministry of Environment, Researchers, Geologists, external and internal Professionals of the different environmental sectors. The principal subjects regard environmental contamination and sectional legislations.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

At the end of a course, participants are evaluated. In some regions, for example in Liguria, the participants evaluate the course and in Piemonte there is no standardised system to evaluate the success of the training.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

**The Regional Agencies for the Protection of the Environment:**

In Veneto the awareness of relevant technical, policy, and regulatory developments is not maintained systematically. This is the responsibility of the Senior Officer (Dirigente) and thus varies. However, the central office has an Environmental Law and Policy Unit, which can be consulted at any time. In Emilia Romagna, Toscana and Liguria, it is through internal communication in the Agency, by the introduction of new techniques and the updating from regional and national laws and of european standards in the different sectors. The Agencies also supply technical support for the elaboration of new laws at regional and/or national level.

**The Carabinieri Corps of Environmental Protection:**

The relevant technical, policy and regulatory developments is maintained through direct dialogue and collaboration with the principal Environmental Authorities, in particular with the Ministry of Environment.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

The Regional Agencies for the Protection of the Environment:

In almost all Regional Agencies the skills are refreshed by internal obligatory courses. In Veneto the Senior Officer also gives an annual performance evaluation of the Inspector, which is then discussed with the Inspector, thus highlighting their strengths and weaknesses.

The Carabinieri Corps of Environmental Protection:

The skills are refreshed by periodic courses on specific environmental subjects, seminars, conventions, debates, meetings and workshops

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

The Regional Agencies for the Protection of the Environment:

The Regional Agencies organise updating training regarding inspection techniques, innovation etc,. In some regions the Agencies evaluate the personnel through an evaluation system. In Piemonte the Agency doesn't have a standardised evaluation system.

The Carabinieri Corps of Environmental Protection:

Yes, through the verifications of the competencies and professionalism of the personnel.

# LUXEMBOURG

## **1. System and organisation**

*Give a clear description of your inspection system*

### ***1.1. How is inspection organised ?***

All inspections are organized by the Administration of Environment. They may be carried out by officials of the administration or by external experts, agreed by the Ministry of Environment.

### **Who is in charge of the permitting process ?**

The permitting process is regulated by the Act of 10 June 1999 on classified establishments. Class 1 establishments shall be authorized, within their respective competence, by the minister responsible for employment and the minister responsible for the environment.

Class 2 establishments shall be authorized by the burgomaster.

Class 3, 3A and 3B establishments shall be authorized by the ministers without needing to hold the public inquiry specified in Articles 10 and 12 of this Act. However, class 3A establishments shall be authorized only by the minister responsible for employment and class 3B establishments shall be authorized only by the minister responsible for the environment.

Class 4 establishments shall be subject to the requirements established by grand-ducal regulation in order to protect the interests referred to in Article 1 of this Act, with the exception of those requirements regarding the health of workers. This regulation shall also determine the competent authority in this respect and shall specify the content of the documents to be submitted to the said authority.

All permits delivered by the Ministry of Environment are worked out by the Administration.

### **Who is in charge of enforcement (visit installations, set up control systems...) ?**

Concerning the enforcement, officials from the Administration are in charge of investigating and recording offences punished by the Act and its implementing regulations.

What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.

In principle there are none !

## **2. Training and qualification**

### **Qualifications, skills, experience :**

### ***2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?

All new entrants in the career of technical engineer have to go through an official test organized by the government and based on technical competence and general education. The candidates must have a diploma delivered by a university of applied sciences (3-4 years studies after high school).

The entrants in the career of academic engineer are selected by the Administration of Environment on the basis of their technical competencies and human skills. The candidates must have completed at least a five year university-study in engineering or sciences.

**2.2. *What additional qualifications, skills, and experience are required before practice of permitting, inspection or enforcement ?***

All new entrants have to pass a two years training in the administration, before they become an official inspector. During this period they are trained by the members of the administration of Environment concerning practical aspects of permitting and inspecting and by the National Institute of Public Administration concerning national legislation.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

See above

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialize in some of them ?***

All the inspectors are competent to cover all IPPC sectors.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

The inspectors are appointed by the Court of Justice. They have the rights of a Police Officer in the field of environment.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

All inspections are normally carried out by at least two inspectors. All inspectors are put under oath.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

The qualifications and skills of the inspectors are taken into account when duties are assigned within the offices. Any further training is determined by the needs of the administration and by the interest of the inspectors.

**2.8. *Is training provided ? If so how and by whom ?***

Training is provided by the National Institute of Public Administration for juridical and management matters. The inspectors may participate to any special technical course abroad.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

A minimum of training is necessary to progress in the career.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

The administration is informed by the Ministry about any developments in policy and regulatory.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Briefings are regularly held at all technical levels.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

A minimum of training is necessary to progress in the career.

# THE NETHERLANDS

## 1. System and organisation

*Give a clear description of your inspection system*

### 1.1. *How is inspection organised ?*

#### Who is in charge of the permitting process ?

#### Who is in charge of enforcement (visit installations, set up control systems...) ?

Environmental regulation in the Netherlands is highly fragmented. At the policy level, the Ministry of Housing, Spatial Planning and the Environment (VROM) develops and coordinates general environmental policy and the Ministry of Transport, Public Works and Watermanagement ( V en W) develops this relating to water management. At an operational level central organisations ( the Inspectorate for the environment and the Water Management Inspectorate / Rijkswaterstaat ) the Provinces (12) the Waterboards ( 68 and 25 waterquality managers) and the municipalities (572) all have an important role in environmental inspection and enforcement. There are three distinct approaches to non-compliance situations. Non-compliance to hazardous waste regulations generally directly results in court action. Major installations are first given a period to make modifications. If responses are inadequate, court action is initiated. For minor installations, initial action focuses on education and persuasion. This may then be followed by definite periods being set for improvement and finally by court action. Local authorities may close down facilities. To initiate legal action, inspectors reports are forwarded to the police/public prosecutor who then takes over the enforcement- process. Inspectors give advise to the police and the public Prosecutor. Training programmes have been established for police and public prosecution staff.

Civil and administrative sanctions are applied more frequently than criminal sanctions. Authorities may impose administrative fines and courts may impose fines and imprisonment. An appeal system is in force in all cases.

All operational organisations are in charge of the permitting process and the enforcement. In most organisations there is a permitting department and an enforcement department .Also both ministries do have their own Inspectorate. .

### 1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.*

The training is focussed on the different characteristics of the regulation process and the enforcement process, amongst general training programmes. For example, enforcement requires the capability of taking unpopular measures more than is the case with the regulatory process. On the other hand, regulatory work needs more strategic thinking and needs to have a wider view on the impact of policy then the enforcement process.

Permitting , for example:

Environmental law, Technical environmental knowledge, International directives, Environmental care systems, Planning and control, Quality systems, Communication. Knowledge about target groups, negotiating.

Enforcement, for example:

Inspection and sanctioning, environmental law, negotiating administrative law, criminal law, technical aspects, civil law, sampling, statistic, ICT, data collection and validation, Auditing, risk assessment, reporting, financial aspects.

## **2. Training and qualification**

### **Qualifications, skills, experience :**

#### **2.1. *What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

Permitting : MSC

Enforcement : MSC or/and BSC sometimes lower level than permitting)

- Knowledge about relevant legislation, the policy, relevant procedures

-Knowledge about the target groups

-Technical knowledge about the company process

-Capable to be project leader

See also under “training”

-By comparing the offered qualifications with the required qualifications

- Interviews

#### **2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

enough experience,” learning on the job process”

Practising a number of company visits, guided by experienced inspectors;

Carrying out transport inspections and other physical controls, also guided by experienced colleagues;

Discussions and presentations within the organisations and other relevant organisations.

#### **2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

A quality review mechanism (an ( annual) discussion between management and employee)

Within the Inspectorate of the ministry of the environment a study is going on with regard to “competence management” This will result in clarifying functions and their needs in terms of qualification, training, skills and education.

#### **2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

IPPC sectors are mostly covered by different inspectors in different groups or parts of the inspectorate/ organisations.

#### **2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Yes, the environment Act regulates who is licensed to control this Act.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

In general, communication within and with other Inspectorates/ inspectors, dealing with other fields of interest will cover this item.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

“Competence management” will cover this item. A role for the management.

**2.8. *Is training provided ? If so how and by whom ?***

There are many courses and other training programmes, in general organised by the Ministry of the Environment, some are organised by the Ministry of Transport and Water management, especially for water aspects . Annually an education plan is produced.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

Not always.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

Yes, close cooperation with policy departments and other relevant bodies like EU-Commission will provide the necessary information. This information will be embedded in the organisation (network)

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Frequently, so called “come back”days are organised to exchange experiences between enforcers, working in a particular field of interest. There is always a possibility to have a new course.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

Yes, it is.

# PORTUGAL

## INSPECTORATE GENERAL FOR THE ENVIRONMENT

### ***1. System and organisation***

#### ***1.1. How is Inspection Organised ?***

Inspection and permitting functions are separate in different bodies of Portuguese administration

#### ***Who is in charge of the permitting process ?***

In 1990 the Ministry of the Environment and Natural Resources was created, being responsible for the implementation of national environmental policy for mainland Portugal. In late 1999, after general elections, from the new cabinet's arrangements emerged the Ministry of the Environment and Land-Use Planning, and in 2002 the Ministry for Towns, Territorial Planning and Environment.

At central level there are several ministries playing a role in environmental matters, in mainland Portugal:

- the Ministry for Internal Administration promotes regional development and in addition plays an important role at local authority for the co-ordination and financing;
- the Ministry for the Economy and, for certain activities, the Ministry for Agriculture, Rural Development and Fisheries issues industrial licences;
- the Ministry for Towns, Territorial Planning and Environment issues discharge permits in the regional Directorates; environmental licences under IPPC Directive and authorisations for Seveso II Directive are under the Environment Institute, as the competent authority;
- the Ministry of Agriculture, Rural Development and Fisheries is also responsible for the management of land that is neither cultivated nor built upon;
- the Ministry for Health controls water quality from the public health standpoint.

The regional governments of the two autonomous regions of Madeira and the Azores are responsible for their environmental policies and legislation.

Below the central level, the most important level of government in mainland Portugal is that of local government, being the Civil Governments an intermediate stage.

The 305 municipalities have a regulatory and management role for urban planning and development, land use and local infrastructure management and public health. The municipalities may form "technical support groups" to develop important projects, for example in water supply and treatment, solid waste disposal or protected zones.

In addition, mainland Portugal is divided into 5 administrative regions - North, Centre, Lisbon and Tagus Valley, Alentejo and Algarve - and 18 districts.

National environmental policy is implemented regionally by the 5 Regional Directorates for Environment and Territorial Planning.

The 5 Commission of Regional Coordination, have an important role in planning and co-ordinating regional development, particularly for the regional development plans.

#### ***Who is in charge of enforcement (visit installations, set up control systems...) ?***

The Inspectorate General for the Environment (IGA) is a central body, created in 1997, as the Ministry of the Environment and Natural Resources's competent authority to carry out environmental inspections at national level, with exception of the autonomous regions of Madeira and Azores Islands; located in Lisbon, it retains technical and administrative autonomy and reports directly to the Ministry for Towns, Territorial Planning and

Environment; part of its responsibilities were transferred from the Directorate General for the Environment (nowadays Environment Institute), where inspection activities started in the later eighty's:

The Inspectorate was created in order to improve the effectiveness for the implementation as well as the enforcement of environmental law, and is having also the custody for the IMPEL Network.

The Inspectorate's organic law was approved in December 1999, conferring the essential institutional framework for the implementation of environmental requirements set out by European Union legislation and by National Law, defining its role in the regulatory chain, in particular, on the enforcement of environmental law.

The Inspectorate's competencies are:

-to check the compliance of environmental requirements and legislation and to inspect those installations to which they apply;

-to institute, instruct and decide illicit proceedings;

-besides competencies of other bodies, to act as criminal police in case of illicit environmental acts in accordance with the Penal Code;

-to promote compliance of regulations, enforcement of environmental law in inspected installations and to check compliance of administrative procedures inside the Ministry.

## **2. Training and qualification**

### **Qualifications, skills, experience :**

#### ***2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

At the Inspectorate there are technical and juridical inspectors, the last ones dealing mainly with administrative inspections. These senior inspectors are graded, with an University degree, specially chemical and environmental engineers and lawyers, among other e.g. biologists and civil engineers. By law there are four categories of inspectors, being the lower level the junior inspectors ( without University degree ), and the other 3 the so-called senior inspectors.

The Inspectorate has an integrated approach for inspections dealing with different types of pollution (air, noise, water, solid waste) and also other aspects related to environmental legislation, for example industrial safety and critical risk areas.

The junior technical inspectors, with high school background , followed by technical professional education, are responsible for drive by visits, some complaints and sampling.

Work done by inspectors is programmed monthly by team coordinators; these teams are changing according to planning priorities, and reporting to the Inspector General.

The activity of the Inspectorate is covered by two types of inspections: routine inspections, as part of the annual work plan – approved by the Minister, and non-routine inspection in response to complaints, investigation of accidents, incidents and occurrences of non-compliance. In all cases it is a common procedure that inspections are carried out by unannounced on site visits.

The main steps for a new entrant, may be advertising in the official newspaper or a non official, setting out the general requirements for the inspector role and asking for detailed CV for the applicant, followed by an interview in the Inspectorate .

**2.2. *What additional qualifications, skills, and experience are required before practise of inspection or enforcement ?***

Training on the job on a given subject with a final report and about 3 months of learning by doing with the inspectors, including on site visits.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

By the Inspector General

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

IPPC sectors are covered by teams of inspectors, according to priorities and annual planning

**2.5. *Are inspectors warranted or accredited for their duties ? If so how***

In Portugal, the environmental law system depends on the administrative law, being the penal law a complement of that legal system.

The Inspector General, his deputies and the inspectors are public authorities for all legal purposes, are empowered as criminal police and have a legal right of powers of entry and access to all sites for the purposes of environmental inspections.

In those cases of a serious situation, dangerous to health, safety and the environment, the Inspector General can determine when or were to take action, in order to prevent or remedy such an occurrence. Among all the possible sanctions to be applied by the Inspectorate, the temporary shut down of an installation is one of the potential measures to be determined as well as the sealing of the process equipment or part of it.

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

Not in a formal way

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

Not in a formal way

**2.8. *Is training provided ? If so how and by whom ?***

Training is provided generally not by a specific training programme, but attending seminars and similar events

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

Not in a formal way, but statistical data and other information is required as part of the Inspectorate's Annual Report.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

As usual, by Internet , official newspaper, technical and juridical documents and so on.

The Inspectorate's Annual Report together with the Plan of Activities for the next year, are a Ministry's policy requirement.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Attending seminars and similar events

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

Not in a formal way

# SPAIN (GALICIA)

## 1. System and organisation

### 1.1. *How is inspection organised?*

In Spain, the Central Government is in charge of enacting the basic national environmental laws (transposition of the EU Directives : water, air, wastes...) and the implementation of the national environmental policy. There is an Environmental Ministry in the Central Government but there isn't an overall state environmental inspection; the Spanish Autonomous Regional Governments (17 Autonomous Communities) develop their own political-administrative structures and for this reason in some regions there exists an EPA (Andalusia) while in others there is an Environmental Ministry (Galicia, Catalonia). The Regional Governments are also responsible for enacting, implementing and enforcing environmental legislation (including permitting and inspection) they can draw up their own regulations (additional environmental legislation) -of their political competencies- which must be always more, and never less, restrictive than the basic ones.

In Galicia the environmental inspection has a vertical structure with an Inspectorate Service, located in Santiago de Compostela (capital city of the Autonomous Region) at the DG of Environmental Assessment and Quality of the Ministry of the Environment ; and 4 Provincial Departments of Environmental Assessment and Quality, one in each province of the Autonomous Community. Each Provincial Department is managed by a Head of Service appointed as hierarchical superior in accordance with civil service status, and a Head of the Inspection Area responsible for overall organization.

The DG of Environmental Assessment and Quality draws up an annual programme and the operational plans. Work is programmed monthly, in consultation with the opinion of the provincial services. The monthly plans includes routine inspections (part of the annual work plan) and non routine inspections (complaints, incidents...). All the visits are unannounced.

#### Who is in charge of the permitting process?

Permitting and Enforcement are undertaken by the same authority the Environmental Ministry. Environmental permits are basically given on three levels: at the ministry the General Direction of Environmental Assessment and Quality issues permits on IPPC and waste management while the Water Agency issues permits on water management, at provincial level the Provincial Environment Departments issue Classified Installations permits (in coordination with local authorities) and Local Authorities issue minor level installations. Permitting is separated from Inspection although Inspection may write statements for the permit writers.

#### Who is in charge of enforcement (visit installations, set up control systems...)?

The environmental inspection is carried out by inspectors who are civil servants of the General Direction of Environmental Assessment and Quality within the Ministry of the Environment.

As we said some permitting (IPPC, wastes and water) are issued by two bodies within the above mentioned ministry. Enforcement is also a function of these bodies and Inspection may write statements for the permiters.

### 1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process? If there are some, please*

*specify them very clearly in your reply to each question or answer two separate questionnaires.*

In Galicia all inspectors are Civil Servants and University Graduates in Sciences. They are required to pass a specific Civil Service exam consisting of theoretical and practical sections on General and Environmental laws as well as their specific area of study. (Engineering, Chemistry, Biology, etc).

At the moment there are no differences regarding enforcement and implementation/permitting process, but the creation of a body of inspectors is under review.

## **2. Training and qualification.**

### **Qualifications, skills, experience:**

#### ***2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected?***

As above i.e. An appropriate degree and Internal Civil Service examinations.

Recruiting is done to cover the vacancies of the Provincial Services. There are teams of inspectors and each inspector contributes with competences of different kind in different scientific and technical fields.

#### ***2.2. What additional qualifications, skills, and, experience are required before practise of permitting, inspection or enforcement?***

As above i.e. An appropriate degree and Internal Civil Service examinations.

New environmental inspector follows a period of traineeship of few months with training in the field with one or more experienced inspectors. Before practicing autonomously they learn by doing.

#### ***2.3. How are qualifications, skills and experience matched to regulatory duties and by whom?***

The Autonomous Regional Government is the regulating body.

Hierarchical supervisors within the Provincial Services and the Inspectorate Service at the DG are responsible for the evaluations.

#### ***2.4. Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them?***

Inspectors are required to cover all IPPC sectors.

Sometimes, at provincial level, inspection teams can be formed due to requirements.

Certain activities are concentrated in certain provincial areas thus as a natural consequence of the inspection work they will become familiar to some inspectors.

#### ***2.5. Are inspectors warranted or accredited for their duties ? If so how?***

Yes, by a decree of inspection of the autonomous Regional Government

They all have a legitimation card signed by the DG of Environmental Assessment and Quality.

Inspectors are public authorities for all legal purposes and they have the legal right of entry and acces to all sites for environmental inspection (constitutional limitation of the inviolability of the residence).

#### ***2.6. How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue blindness »?***

There is a general responsibility of every civil servant in accordance with public administration and penal laws.

The hierarchical superiors are responsible for their staff (they control and monitor their duties) There is an internal checking and reviewing of reports and procedures concerning the administrative and/or criminal follow up of an inspection.

**Training:**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom?***

The Autonomous Regional Government organises training courses and seminars.

**2.8. *Is training provided ? If so how and by whom?***

Yes, specific training is addressed by the Ministry of the Environment and general training by the School of Public Administration of the Regional Government

*Is the success, or otherwise, of training subsequently assessed?*

No formal assessment is done.

**2.9. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how?***

Monthly meetings are held by the DG of Environmental Assessment and Quality within the Ministry of the Environment.

**2.10. *Are the skills of experienced inspectors refreshed ? If so how?***

Yes, by internal means. The inspectors are informed of their results at two monthly intervals, but also immediate feedback is given by phone.

**2.11. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator?***

Yes.

# SWEDEN

## 1. System and organisation

### 1.1. *How is inspection organised ?*

#### Who is in charge of the permitting process ?

#### Who is in charge of enforcement (visit installations, set up control systems...) ?

The legislation concerned in Sweden is the Environmental Code. The Code is regulating the “controlled installations” defined in the Recommendation 2001/331/EC but in addition many other activities, installations and measures. For example protection of areas and fauna and flora, health protection, polluted areas, water undertakings, mining, agriculture, forestry, chemical products and bio-technical organisms, waste and producer responsibilities are included in the Code as well. The consequence is that the inspection system is designed for many different types of inspection and different inspection tasks and thus not only for environmentally classified activities as industrial installations of IPPC type.

Inspection/supervision is exercised by the Environment Protection Agency, Surgeon General, the county administrative boards, other government authorities and municipals according to requirements decided by the Government and expressed in the Code and in Ordinances to the Code. The “operational inspection task” concerning an industrial installation of the actual types is thus the responsibility of the county administrative board (altogether 21) or the municipal (altogether 289), the latter after a special delegation procedure. This delegation possibility does not include “seveso inspection” which always is the task of the county administrative board.

A special Inspection Ordinance under the Environmental Code regulates the environmental inspection task. According to the ordinance the “operational inspection authority” is obliged to allocate sufficient resources and keep sufficient staffing for the inspection tasks. Moreover it is stated that the authority has the responsibility that the personnel has necessary competence to fulfil their inspection tasks. Requests are laid down on each operational inspecting authority concerning investigations of the inspection need. The authority is requested to keep a register of installations to be inspected, to make inspection plans for each actual installation and regularly to follow up and evaluate the inspection activities. The inspecting authority is obliged to report to the environmental prosecutor when there is non-compliance. Furthermore when non-compliance is at hand, the inspecting authority is obliged to take decisions concerning an administrative fine in accordance with the Code a so called Environmental Sanction Charge which must be paid by the operator.

In addition to the demands laid down on the inspecting authorities there are regulations within the Environmental Code and the ordinances to the Code which lay down special requirements on the operator. According to a special Operator Self Monitoring Ordinance the operator continually has to plan and monitor the performance of the activity and the processes, the emissions from the installation and the impact on the environment the activity causes. The operator has not only to comply with requirements in permits and legislation but also himself to demonstrate his compliance and himself to establish and justify his monitoring programme. Furthermore, the Code states that the operator is obliged to submit an Annual Environmental Report to the authority.

The Code lays down requirements for permits concerning environmentally classified activities and the permit procedures. Industrial installations under the IPPC directive belong to the list of activities (“A-type and B-type”) subject to the permit obligation. The Code regulates that a permit decisions either are taken by an Environmental Court (altogether 4) or by the County

Administrative authority (altogether 21). In addition a number of specially listed activities (including activities under IPPC) are considered concerning permissibility by the Government when a new activity is being planned.

The Code regulates the organisation and states special requests on the qualifications of the personnel of the Environmental Courts. In equivalence the organisation and procedure is regulated concerning the permit-giving at the County Administrative Boards where special governmental instructions keep the licensing task separated from the inspection tasks.

Within the permit procedure the permit-writer refers / submits the permit application to central, regional and local authorities for consideration.

The environmental authorities on the regional (altogether 21) and local (altogether 289) level have several different responsibilities such as being a permit-writer authority (some environmentally classified activities), being an inspectorate, being a body to which a proposed application for a permit (other environmentally classified activities) is referred / submitted from the Environmental Court for consideration and being a body taking decisions on notifications -- not to mention other responsibilities than those connected to industrial activities à la IPPC.

The organisation and procedures concerning matters of appeal are regulated in the Code.

The answer to the question "Who is in charge of enforcement?" is that these tasks are shared between the "operational inspecting authority", the operator (by for example the operator self monitoring obligation) and the environmental prosecutor.

**1.2. *What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.***

There are detailed instructions on qualifications and experiences concerning the permit writers i.e. the personnel at the Environmental Court or at the county administrative authority. The chairman of an Environmental Court must be a legally qualified and experienced judge in the district court and he/she is assisted by an environmental adviser and two legal expert lay judges. An additional legally qualified judge and an environmental adviser may form part of the court. There are requirements laid down concerning their experiences.

Concerning qualifications and experiences of the personnel employed as inspectors at the regional and local levels the Code states that the authority has to fulfil necessary competence of the personnel working with operational inspections and also has to make training-plans / competence plans for developing the competence of each inspector.

Concerning the personnel at an environmental authority being consulted by the permit-writer-authority and considering an application for a permit within a "referred for consideration"-procedure, there are no special requirements stated in the Environmental Code about detailed competence.

Personnel employed in enforcement are civil servants (including inspectors) at the environmental authorities and prosecutors assisted by the police. The qualifications of the civil servants include a university education mostly in technical science or natural science. The prosecutors have juridical qualification including law degree. Personnel employed in the implementation / permitting process are civil servants with university education in for example technical or natural science or they are judges or have other juridical studies as a background.

There are several programmes on university education levels available according to which the recruited inspector may have been studying. Many different study programmes focus on environmental subjects in different ways. One of these study programmes is specialised on subjects for environmental and health inspectors. The study programme is four-years studies and in the syllabus / curriculum there are items as for example political and administrative science, law and legal systems and environmental laws, methods of environmental and health management, environmental planning, environmental inspection methodologies including inspection planning / reporting / monitoring and other relevant issues, environmental auditing,

environmental impact statements, information technology in environmental work and practical training.

## **2. Training and qualification**

### **Qualifications, skills, experience :**

The decision in a recruiting situation is taken by the actual authority. The authority has to fulfil the requirements stated by the Environmental Code about necessary competence of the personnel.

When recruiting personnel the authority takes decisions of its own, bearing in mind and fulfilling the requirements stated in the Environmental Code. When doing this the authority among other things considers what actual tasks the inspector will have as a working field and also what competence the existing team has. As explained above the working field of the inspecting authority is very broad and much broader than just IPPC-activities. The size of the authority varies between authorities and there are many very small ones where just a few persons are employed and there are some quite big ones. The working conditions for the inspecting authorities vary due to for example which industries and other activities there are in the region. These facts give consequences in the recruiting situation. However, usually the recruiting is done to create a team where the inspectors each contribute with competence of different kind in the field of scientific, ecological, engineering, juridical education on a university education level where the competence fulfil in a relevant way the actual inspection need and the tasks the actual authority has responsibility for.

#### **2.1. *1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

See above.

#### **2.2. *What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

See above.

#### **2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

See above.

#### **2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

See above.

#### **2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

There are no accreditation procedure concerning environmental inspectors.

#### **2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

This is a general responsibility Swedish authorities have.

## **Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

This is handled within the graduation of the university exam, within the recruiting process of each authority and within the staff management.

**2.8. *Is training provided ? If so how and by whom ?***

The authority provides training to its personnel by in-service training. Furthermore it is possible to offer short or longer courses provided by universities and other organisations and it is a decision in each case if courses are offered by the authority in question as being part of the assignment of the employment. A person may also attend additional courses by his own choice and initiative. (Employees have possibilities to take study leave for some time and after that come back to the authority.) No specialised instruction is provided by law or from central authorities on training concerning inspection qualifications. (However, a special project concerning “continuation training” is an on-going project involving central authorities concerning the broad area covered by the Environmental Code.)

Exchange of practices and experiences are provided by special Inspector Networks for example held by the Swedish Protection Agency. Within this network workshops and information meetings are arranged regularly. The network also uses InterNet contacting.

There are also inspection networks in practice organising environmental and health inspectors.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

This is handled within the graduation of the university exam and within the employment and training policy of each authority; a policy which has to bear in mind what is stated in the Environmental Code about requirements on necessary competence of the personnel, see above. No specialised instruction or guidance is provided by law or from central authorities concerning such assessments at the environmental authority.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

This is a general responsibility for the authority in question.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

This is a general responsibility for each authority handled within the employment and training policy of the authority. No specialised instruction or guidance is provided by law or from central authorities concerning such in-service training nor concerning requirement on other continuation courses. See also above concerning question 8 and 9.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

There are no specialised instructions or guidance provided by law or from central authorities concerning such assessments or conditions of continuing to practice as an inspector or a permit-writer.

# UNITED KINGDOM

## **1. System and organisation**

### ***1.1. How is inspection organised ?***

Teams of inspectors are deployed in 26 Areas covering England and Wales. Each team covers part of an Area. Currently, different teams regulate Process Industries (IPC/IPPC) and Waste/Water. Team Leaders decide how inspectors are used. The frequency of inspection is determined using an Agency- developed risk assessment method called Operator Process Risk Assessment (OPRA). Officers make announced and unannounced visits.

#### **Who is in charge of the permitting process ?**

For routine processes, the account manager within the Area team is in charge. For novel processes, approval is needed at a higher level.

#### **Who is in charge of enforcement (visit installations, set up control systems...) ?**

On permitted sites, the local inspector. The officer will use information supplied by the operator and Agency managed sampling and laboratory staff.

### ***1.2. What are the differences in training and qualification between people employed in enforcement and those in the implementation/permitting process ? If there are some, please specify them very clearly in your reply to each question or answer two separate questionnaires.***

For IPC/IPPC there are none: we would expect trained officers to be competent to carry out permitting and enforcement. In the case of Waste, we currently employ specialist permitting staff to write complex permit. Simple permits are written by the same officers who would enforce the permit.

## **2. Training and qualification**

### **Qualifications, skills, experience :**

### ***2.1. What qualifications, skills and experience are required of new entrants to the Inspectorate and how are new entrants selected ?***

Generally entrants have a first degree, which is often in a scientific discipline. Candidates with relevant industrial experience are often preferred. Selection, which includes the use of assessment centres, is intended to test motivation and personal skills (persuasion, communication, judgement) as well as technical aptitude.

### ***2.2. What additional qualifications, skills, and experience are required before practise of permitting, inspection or enforcement ?***

Mandatory in-house training is provided for all warrant holders, covering the legislative regime which give them their legal powers, legislation concerning the nature, collection and use of criminal evidence, personal skills (eg dealing with hostile situations) and the presentation of evidence in court. Additional training is given in specific inspection and

permitting processes. The competence of officers is assessed by tests, questioning and on the job observation before officers are allowed to work unsupervised.

**2.3. *How are qualifications, skills and experience matched to regulatory duties and by whom ?***

By the local Team Leader and account manager.

**2.4. *Are teams of inspectors or individual inspectors expected to cover all IPPC sectors or to specialise in some of them ?***

An account manager will be selected to cover a specific site. This choice will reflect previous sector experience. Account managers will select team members for permitting and inspection depending on the skills needed. Within the IPC regime, officers acquire specialist knowledge of specific industries eg textiles, power generation.

**2.5. *Are inspectors warranted or accredited for their duties ? If so how ?***

Yes – see (2) above

**2.6. *How does the Inspectorate avoid « regulatory capture », « undeclared interests » or « issue-blindness » ?***

Ad hoc rotation of officers over time reduces this risk. We intend to introduce a formal policy soon.

**Training :**

**2.7. *Are training requirements of individual inspectors assessed against necessary qualifications, skills and experience ? If so how and by whom ?***

There is no comprehensive description of all the knowledge, skills etc which might be needed. Team Leaders make assessments as part of the performance appraisal process.

**2.8. *Is training provided ? If so how and by whom ?***

Yes, by internal and external providers.

**2.9. *Is the success, or otherwise, of training subsequently assessed ?***

New courses are assessed internally and by assessment of post course competence. Most external courses are not formally assessed.

**2.10. *Is awareness of relevant technical, policy, and regulatory developments maintained within the Inspectorate ? If so how ?***

Yes, by various methods. Changes in policy/ processes are supported by in house training and communications. Additional material is provided via our intranet. Officers are encouraged to take part in the activities of professional bodies eg Institution of Chemical Engineers, Institute of Wastes Management.

**2.11. *Are the skills of experienced inspectors refreshed ? If so how ?***

Not formally other than the skills/ knowledge needed by warrant holders – this is renewed on a three year cycle.

**2.12. *Is acceptance of regular assessment of qualifications, skill and experience and successful participation in any necessary training programme a condition of continuing to practice as a regulator ?***

There is no formal process for doing so.