

# Environment and Climate Regional Accession Network (ECRAN)

## Enforcement and Compliance WG(ECENA) Work Plan 2013 - 2016

February 2014



This Project is funded by the  
European Union

A project implemented by  
Human Dynamics Consortium

## TABLE OF CONTENTS

<b>ENFORCEMENT AND COMPLIANCE (ECENA) WORKING GROUP (ACTIVITY 1.2)</b> .....	<b>3</b>
INTRODUCTION.....	3
BENEFICIARIES.....	3
OBJECTIVES.....	3
<i>Overall objective</i> .....	3
<i>Specific objectives</i> .....	4
TASK 1.2.1 CAPACITY BUILDING ON COMPLIANCE WITH ENVIRONMENTAL LEGISLATION .....	4
TASK 1.2.2 EXTERNAL COUNTRY ASSESSMENTS.....	5
TASK 1.2.3 METHODOLOGICAL DEVELOPMENT - APPLICATION OF IRAM/EASY TOOLS .....	6
TASK 1.2.4 COMPLIANCE WITH REACH/CLP REGULATIONS.....	7
TASK 1.2.5 TRANS FRONTIER SHIPMENT OF WASTE (TFS).....	8
TASK 1.2.6 INSPECTION AND ENFORCEMENT IN OTHER POLICY AREAS.....	9
TASK 1.2.7 INSPECTORS PARTICIPATION IN NETWORKING ACTIVITIES AND ECENA COORDINATORS ANNUAL MEETINGS .....	10
ANNEX I: DRAFT SCHEDULE OF TASKS IN ACTIVITY 1.2 .....	12



## Enforcement and compliance (ECENA) Working Group (Activity 1.2)

### Introduction

Within the RENA programme, the objective of ECENA was to improve the ability of RENA member countries to implement and enforce the EU environmental and climate acquis by increasing the effectiveness of inspecting bodies and promoting compliance with environmental requirements.

The activities for the period 2010-2013 were based on a Multi Annual Work Plan, covering the following areas:

- Training and exchange,
- Institutional and methodological development,
- Cross border enforcement.

The activities planned under ECRAN in this area will build on the results achieved under RENA. Since the work of inspectors and permit writers has to be more coordinated and connected to other activities within the environmental protection area, it has been decided that ECENA under ECRAN should be of cross cutting nature. This is particularly important as the work of ECENA is dealing with both implementation and enforcement of the EU acquis. Cooperation with policy makers and law drafters has to be strengthened in order to enable developing better implementable legislation.

This work plan covers the full period of ECRAN (i.e. October 2013 – October 2016). Under this work plan, the following specific tasks will be implemented:

- 1.2.1 Capacity building on compliance with environmental legislation
- 1.2.2 External country assessments
- 1.2.3 Methodological development - application of IRAM/easy Tools
- 1.2.4 Compliance with REACH/CLP Regulations;
- 1.2.5 Trans frontier Shipment of Waste (TFS);
- 1.2.6 Inspection and enforcement in other policy areas;
- 1.2.7 Inspector's participation in networking activities.

### Beneficiaries

The beneficiaries are the Ministries of Environment of the beneficiary countries (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo\*<sup>1</sup>, Montenegro, Serbia and Turkey). In addition the other ministries and other bodies and institutions will need to be actively engaged in so far as their work is relevant for the scope of ECRAN.

### Objectives

#### Overall objective

The overall objective is to strengthen regional cooperation between the EU candidate countries and potential candidates in the fields of environment and climate action and to assist them on their way

<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo declaration of independence.



towards the transposition and implementation of the EU environmental and climate policies, political targets and instruments which is a key precondition for EU accession.

## Specific objectives

This Working Group's objective is to improve the ability of ECRAN member countries to implement and enforce the EU environmental and climate acquis by increasing the effectiveness of inspecting bodies and promoting compliance with environmental requirements.

### *Task 1.2.1 Capacity building on compliance with environmental legislation*

The main objective of this task is to design and implement the practical capacity building for inspectors and permit writers in relation to the implementing obligations of the community environmental and climate legislation (particularly the new ones).

The trainings are to be designed as a cross cutting activity, in such a manner that the training programme will allow participation of policy makers and legal drafters from other relevant WGs members such as Waste, Air, Water, etc.

Next to main issues that are to be handled (eg. IED), a selection of specific other Directives and/or Regulations should be made by the beneficiary countries for planning of the various courses. Hence, the implementation of the task will include the following main steps:

#### *Preparation of training needs assessment*

The training (programme) is preceded by a training needs assessment. A TNA Questionnaire will be prepared and distributed among the beneficiary countries in order to identify specific Directives and/or Regulations that have to be covered by the regional trainings, including the cross-cutting elements.

#### *Compilation and elaboration of a training programme*

The prioritised training needs will be elaborated in a training programme. Training targets will be developed for the prioritised training areas. They will function as the starting point for the organisation of the programme (incl. sequencing, determination of content of modules), selecting the target audience, organising logistics, deciding on to be used training methodologies, and on development of training materials.

The training programme will include up to eight regional trainings allowing that each beneficiary country will have the opportunity to host at least one regional training.

#### *Preparation of training manual*

Based on the prepared and approved training programme, the project team will develop the training methodology that will contain of general part covering the main training topics to be used for all trainings planned under this activity and topic specific parts that will be changed depending on the topic selected for specific training.

#### *Training delivery*

Planned regional trainings will be delivered in close coordination with the TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.). ECRAN Secretariat remains responsible for preparation of the lists of participants, provision of draft and final training agendas, preparation of ToR for identification of relevant EU MS experts, contribution to the process of EU MS expert's identification, while TAIEX Unit keeps the ultimate responsibility for implementation according to its mandate and procedures. The ECRAN Secretariat remains responsible for the drafting, editing, printing and distribution of all training manuals,



handbooks, guidebooks or other required similar means of support. Delivered trainings will be evaluated in order to follow the level of reaching the training objectives.

The Task allows for design and delivery of national trainings on specific subjects made on the request of the beneficiary countries. The requested national trainings may include train the trainers element in order to increase the sustainability of the implemented activities.

Under the start-up activities the ECRAN Secretariat will develop and distribute the template for request for national trainings. National trainings will be delivered in close coordination with TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.).

In summary: **Required outputs under Task 1.2.1**

No.	Date	Key outputs
1	mid-January 2014	Training Needs Questionnaire and Training Needs Assessment. Proposals for pilot industries for common inspection. TNA report
2	January - February 2014	Training Methodology, Training Programme and Training Materials
3	Training Workshop 1, May 20-22, 2014	Training IED, selected directives, common inspection with cross-cutting IED/ambient water quality legislation (1) Training Report.(Croatia- industry to be determined)
4	Training Workshop 2, September 10-12, 2014	Training IED, selected directives, common inspection with cross-cutting IED/ambient water quality legislation (2). Training Report (Skopje, Macedonia, brewery)
5	Training Workshop 3, November 18-20, 2014	Training IED, selected directives, common inspection with cross-cutting IED/ambient water quality legislation (3). Training Report (Istanbul, Turkey, textile industry)
6	Training Workshop 4, February- March 2015	Training IED, selected directives, common inspection with cross-cutting IED/ambient air quality legislation (1). Training Report (Albania)
7	Training Workshop 5, May-June 2015	Training IED, selected directives, common inspection with cross-cutting IED/ambient air quality legislation (2)
8	Training Workshop 6, October 2015	Training IED, selected directives, common inspection with cross-cutting IED/ambient air quality legislation (3). Training Report
9	Training Workshop 7, February-March 2016	Training IED, selected directives, common inspection with cross-cutting IED/waste legislation (1). Training Report
10	Training Workshop 8, April-May 2016	Training IED, selected directives, common inspection with cross-cutting IED/nature legislation (1). Training Report

### Task 1.2.2 External country assessments

The project team will prepare assessment reports on the level of the implementation and enforcement of the community legislation in RENA countries. The scope of the exercise and the list of *acquis* to be assessed should be determined in cooperation with the beneficiaries and European Commission. Specific attention is to be paid also on the functioning of the environmental inspection cycle. This task will be closely coordinated with the activities related to compliance checks (ECRAN Component 1, Activity 1.4) and



screening reviews (ECRAN Component 2, Activity 2.1). This activity will be carried out “on request” i.e. if there is a request from the Commission side or from the beneficiaries to check the level of implementation and enforcement for a particular piece or pieces of EU legislation.

In summary: **Required outputs under Task 1.2.2**

No.	Date	Key outputs
1	January 2014- January 2016	Up to eight Assessment Reports delivered and approved.

### ***Task 1.2.3 Methodological development - application of IRAM/easy Tools***

Within IMPEL various tools have been developed for inspection purposes. Pursuant to the Recommendation providing for minimum criteria for environmental inspections (RMCEI), the Industrial Emission Directive (IED) and the Directive on the control of major-accident hazards involving dangerous substances (SEVESO) all inspections should be planned in advance. The competent authority must draw up inspection plans and programs for installations and establishments, including the frequency of site visits. These frequencies should be based on a systematic risk appraisal. This project focussed on the systematic risk appraisal.

Under the name ‘easy Tools’ a project team, led by Germany, collected information on the risk assessments that are used across Europe. Based on this information a new rule based methodology was developed and tested, called Integrated Risk Assessment Method (IRAM).

Besides the methodology the project also developed a new web based tool (IRAM tool) that can be accessed by the IMPEL website ([www.impel.eu](http://www.impel.eu)). To disseminate this useful methodology, up to 2 regional trainings will be organised for all ECRAN beneficiary countries at a general level.

Planned regional trainings will be delivered in close coordination with the TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.). ECRAN Secretariat remains responsible for preparation of the lists of participants, provision of draft and final training agendas, preparation of ToR for identification of relevant EU MS experts, contribution to the process of EU MS expert’s identification, while TAIEX Unit keeps the ultimate responsibility for implementation according to its mandate and procedures. The ECRAN Secretariat remains responsible for the drafting, editing, printing and distribution of all training manuals, handbooks, guidebooks or other required similar means of support. Delivered trainings will be evaluated in order to follow the level of reaching the training objectives.

The tasks allows for design and delivery of national trainings on a more specific level aimed to strengthening of capacities for implementation of this new web based tool. National trainings will have to be requested by the beneficiary country using the template prepared by ECRAN Secretariat.

Requested and approved national trainings will be delivered in close coordination with TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.).

In summary: **Required outputs under Task 1.2.3**

No.	Date	Key outputs
1	<del>07-08</del> - 09 October 2014	Regional Training Workshop 1, methodology, materials and report, Istanbul, Turkey
2	September 2015	Regional Training Workshop 2, methodology, materials and



No.	Date	Key outputs
		report
3	TBD	National training courses methodology, materials and reports (if requested)

#### **Task 1.2.4 Compliance with REACH/CLP Regulations**

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) sets the framework for the control of chemicals in the EU for the foreseeable future.

It entered into force on 1 June 2007. However, most of its provisions only came into force on 1 June 2008. CLP stands for Classification, Labelling and Packaging. The CLP Regulation entered into force in January 2009, and the method of classifying and labelling chemicals it introduced is based on the United Nations' Globally Harmonised System (GHS). REACH and CLP regulations are closely linked to each other. Introductory presentations for inspectors have been given on the REACH and CLP regulations in the Cluster 1 activity of RENA WG 4, including some downstream consequences and linkages of REACH/CLP with IED, SEVESO and Waste management.

It should be noted that REACH and CLP are regulations and therefore directly applicable. As they enter into force, they will automatically form part of Member States' national laws. In order to enable REACH and CLP to operate effectively in practice, Member States are obliged to establish the necessary arrangements for their implementation. The Regulations have EEA relevance, i.e. they are binding also for Norway, Iceland and Lichtenstein. As the EEA agreement is allowing for free movement of goods, it is important that EEA countries have the same approach in enforcing REACH and CLP as Member States, thus ensuring level playing field for their industry and high level of protection for both man and environment.

Enforcement of REACH and CLP means, generally, a range of actions that national authorities initiate to verify the compliance of the duty holders with REACH and CLP Regulations. For example, this includes checking whether the substance has been registered or pre-registered or verifying the presence and correctness of the Safety Data Sheets.

Enforcement of REACH and CLP is a national responsibility, therefore each EU Member State, Norway, Iceland and Liechtenstein must ensure that there is an official system of controls and lay down legislation specifying penalties for non-compliance with the provisions of REACH.

The enforcement of the requirements of the REACH and CLP Regulations involves many different enforcement authorities and other bodies. The environmental inspectorate can play a coordinating role. There is a need for a national strategy defining the needs for co-operation and coordination between these enforcement authorities to ensure effective and efficient enforcement of REACH and CLP. A key element in any strategy is to define the roles and responsibilities of the various groups involved. This would allow for an efficient enforcement process, avoiding gaps and dealing with any overlaps in the enforcement competencies and responsibilities.

Up to 2 regional trainings will be delivered at a general level, followed (at request through TAIEX) by national training courses at a more specific level for selected subjects. The national training courses can have a train the trainer element included to open up the possibility for further dissemination of knowhow at a later stage. To handle the various requirements under REACH and CLP the subjects might cover:

- Background and basics REACH and CLP;
- Roles and responsibilities under REACH;





- Enforcement strategies;
- Cooperation and coordination between enforcement authorities;
- Minimum Criteria for REACH and CLP inspections;
- Linkage of REACH and IED;
- Downstream consequences of REACH/CLP on other legislation (including SEVESO and Waste).

The Forum for Exchange of Information on Enforcement of ECHA is a valuable body for exchange of information on, and coordination of, the activities related to the enforcement of chemicals legislation. The Forum is coordinating a network of Member States' authorities responsible for the enforcement of both the REACH and CLP Regulations. One of its principal tasks is to identify enforcement strategies, as well as best practice in enforcement. The implementation of this task will comprise close cooperation with this Forum.

Planned regional trainings will be delivered in close coordination with the TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.). ECRAN Secretariat remains responsible for preparation of the lists of participants, provision of draft and final training agendas, preparation of ToR for identification of relevant EU MS experts, contribution to the process of EU MS expert's identification, while TAIEX Unit keeps the ultimate responsibility for implementation according to its mandate and procedures. The ECRAN Secretariat remains responsible for the drafting, editing, printing and distribution of all training manuals, handbooks, guidebooks or other required similar means of support. Delivered trainings will be evaluated in order to follow the level of reaching the training objectives.

The tasks allows for design and delivery of national trainings focused on more specific topics from this area. National trainings will have to be requested by the beneficiary country using the template prepared by ECRAN Secretariat.

Requested and approved national trainings will be delivered in close coordination with TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants)

In summary: **Required outputs under Task 1.2.4**

No.	Date	Key outputs
1	January-February 2015	Regional Training Workshop 1, methodology, materials and report
2	October - November 2015	Regional Training Workshop 2, methodology, materials and report
3	TBD	National training courses methodology, materials and reports (if requested)

### ***Task 1.2.5 Trans frontier Shipment of Waste (TFS)***

To continue the work on what has been accomplished within RENA together with IMPEL, it is proposed to organise up to 2 regional trainings combined with a site visit to consolidate and increase the know-how and improve the required institutional structures. Cooperation with IMPEL is again envisaged.





Based on the experience gained under the same exercise implemented under RENA, the attention should be paid to elements such as:

- The notification procedures;
- Possibilities for upstream enforcement;
- The step-by-step-guidance for waste shipment inspections (IMPEL Manual);
- Managing illegal shipment of wastes (IMPEL Manual);
- Inspection plan and protocol;
- Required skills of inspectors;
- Sampling plan.

The regional trainings delivered on the same subject under RENA has used the regional road and harbour as selected sites. During identification of follow up activities, it has been suggested by one of the beneficiary (Croatia) to organise an inspection for cross border rail transport (one of the borders of Croatia with neighbouring countries). Another proposal is to focus on inspection of shipment of waste in ports (maritime area).

In addition to the activities organised within the beneficiary countries, a 1-day workshop and study visit might be organised in one of the EU member states for a limited number of participants. The organisation of study visit will be closely coordinated with IMPEL Cluster 2 TFS.

Planned regional trainings will be delivered in close coordination with the TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.). ECRAN Secretariat remains responsible for preparation of the lists of participants, provision of draft and final training agendas, preparation of ToR for identification of relevant EU MS experts, contribution to the process of EU MS expert's identification, while TAIEX Unit keeps the ultimate responsibility for implementation according to its mandate and procedures. The ECRAN Secretariat remains responsible for the drafting, editing, printing and distribution of all training manuals, handbooks, guidebooks or other required similar means of support. Delivered trainings will be evaluated in order to follow the level of reaching the training objectives.

In summary: **Required outputs under Task 1.2.5**

No.	Date	Key outputs
1	02-03 July 2014	Regional Training Workshop 1 (Vukovar, Croatia), methodology, materials and report
2	May 2015	Regional Training Workshop 2, methodology, materials and report
3	March 2016	Report on study visit (1) to the selected EU MS Institution

### **Task 1.2.6 Inspection and enforcement in other policy areas**

The project team will aim to create links with other sector specific Working Groups defined under Component 2 Environment in order to enhance the capacities of inspections in sector specific areas A clear connection can be made to the Nature WG, building on the activities delivered under ECENA in this area in the previous period. In the area of nature protection, the target institutions and beneficiaries are the Ministries responsible for legislation in the environmental *acquis* with a special focus on the enforcement aspects in nature protection (e.g., Habitats (92/43/EEC, in particular related to Annex V of the Directive)



and Wild birds (2009/147/EC) Directives and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the EU timber Regulation (EU) No 995/2010. It should be noted that Nature inspection in some cases is not handled with the Ministry of Environment. In the latter case other Ministries representatives might be involved. Further cooperation with relevant networks is also encouraged, including close cooperation with GREENFORCE experts.

Apart from nature, the project team will investigate the possibility for creation of links and joint capacity building activities with other sector specific Working Groups such as water, waste and/or air. The series of up to 4 regional trainings is envisaged under this task.

Planned regional trainings will be delivered in close coordination with the TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.). ECRAN Secretariat remains responsible for preparation of the lists of participants, provision of draft and final training agendas, preparation of ToR for identification of relevant EU MS experts, contribution to the process of EU MS expert's identification, while TAIEX Unit keeps the ultimate responsibility for implementation according to its mandate and procedures. The ECRAN Secretariat remains responsible for the drafting, editing, printing and distribution of all training manuals, handbooks, guidebooks or other required similar means of support. Delivered trainings will be evaluated in order to follow the level of reaching the training objectives.

In summary: **Required outputs under Task 1.2.6**

No.	Date	Key outputs
1	21-23 October 2014	Regional Training Workshop 1 (Kopacki Rit, Croatia), methodology, materials and report
2	February – April 2015	Regional Training Workshop 2, methodology, materials and report
3	September 2015	Regional Training Workshop 3, (Pelister, Macedonia) methodology, materials and report
4	January – February 2016	Regional Training Workshop 4, methodology, materials and report

### **Task 1.2.7 Inspectors participation in networking activities and ECENA Coordinators Annual Meetings**

The networks that are of primary interest for enforcement in the beneficiary countries are those networks that actively work on the enforcement of the EU environment and climate *acquis*.

IMPEL and GREENFORCE (see earlier remark) are the main networks that should be considered and recommended. Membership of IMPEL is now open for all beneficiary countries within the RENA programme. With IMPEL membership a more broad participation of inspectors in the various clusters of IMPEL can be supported.

A new activity is proposed which considers the participation in the European Forum of Judges for Environment (EUFJE). This association is open to all EU and European Free Trade Association judges. The objective of the Forum is to promote the enforcement of national, European and international environmental law by contributing to a better knowledge by judges of environmental law, by exchanging judicial decisions and by sharing experience in the area of training in environmental law. Along the same lines, the newly established European Network of Prosecutors for the Environment (ENPE) can be mentioned as a network that helps practitioners to connect; to share experiences and data on environmental crime and to look at crucial issues linked to the environment.



Considering enforcement in the European Union also EUROPOL has to be mentioned as an important organisation. In this respect especially the informal network to fight organized environmental crime which is facilitated by EUROPOL should be noted, i.e. ENVICRIMENET.

Other networks which are of secondary relevance are INTERPOL and INECE because of their international perspective.

The practice established under RENA will continue under ECRAN when it comes to this task. ECRAN will finance participation of up to one representative from the beneficiary country to the relevant meetings of related networks. The request for financing will be addressed to ECRAN Secretariat who will arrange the logistics upon approval of EC.

Organisation of up to three annual meetings of nominated ECENA WG Coordinators is included in this task. ECRAN Secretariat will be responsible for preparation of agendas, discussion papers and background materials for annual meetings. The annual meetings will be used to discuss the implemented and planned activities, evaluate the progress made and provide inputs for necessary changes and adjustments to the work plan for this specific Working Group.

In summary: **Required outputs under Task 1.2.7**

No.	Date	Key outputs
1	January 2014	ECENA WG Annual Meetings materials
2	December 2014/January 2015	ECENA WG Annual Meetings materials
3	December 2015/January 2016	ECENA WG Annual Meetings materials
4	December 2013–September 2016	Reports from the beneficiaries participating to the relevant meetings of the related networks.



**ANNEX I: DRAFT Schedule of Tasks in ACTIVITY 1.2**

	2014												2015												2016											
Tasks	j	f	m	a	m	j	j	a	s	o	n	d	j	f	m	a	m	j	j	a	s	o	n	d	j	f	m	a	m	j	j	a				
1. 8x3-day training & common inspection																																				
2. external assessments																																				
3. 2x 2-day training IRAM/easy tools																																				
4. 2x 2-day training REACH/CLP compliance																																				
5. 2x 2-day training + 1 WS on TFS																																				
6. 4x 2-day training Inspection nature + other																																				
7. Networks																																				
Annual meeting																																				

