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Ministartstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Regional training on Capacity Building on compliance with environmental legislation

Inspection system in Kosovo and its development considering inspection management

PRISHTINË, 14.06.2016

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Legal Base

Law on Inspectorate of Environment , Water , Nature, Spatial Planning
and Construction - Law No. 04/L-175, 03 October 2013

- Central level inspectors - Inspectors of Inspectorate of MESP
- Local Level Inspectors – 37 municipalities

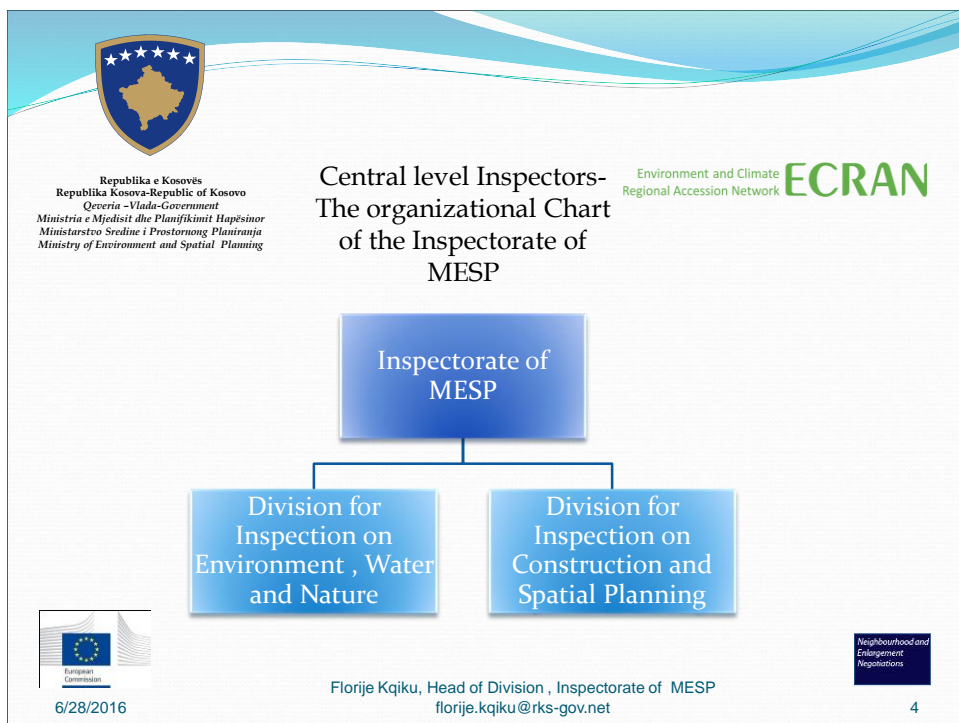
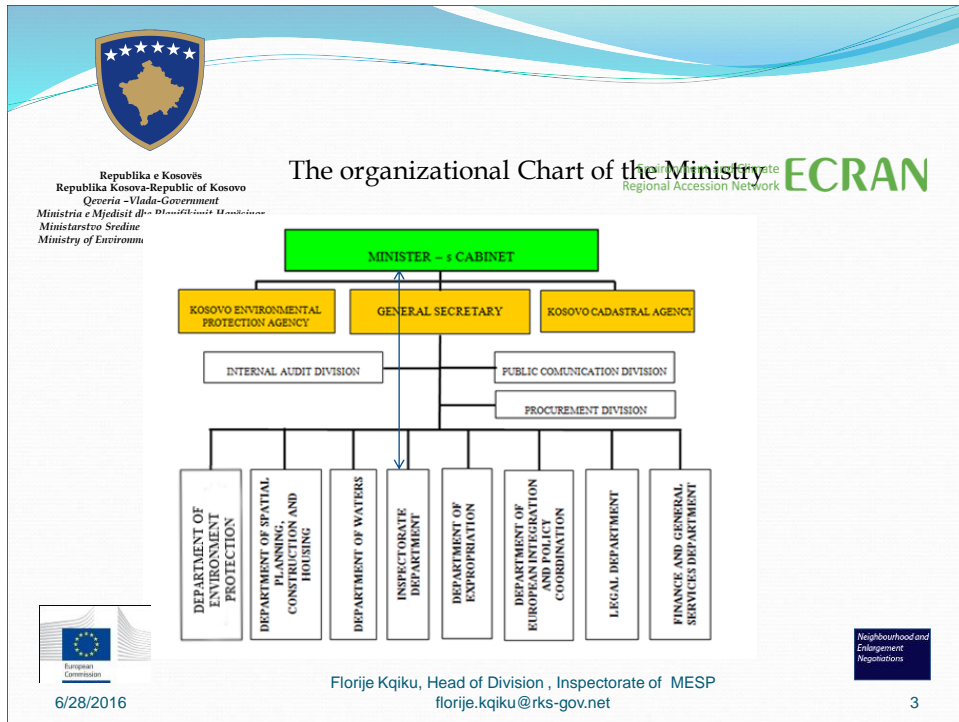


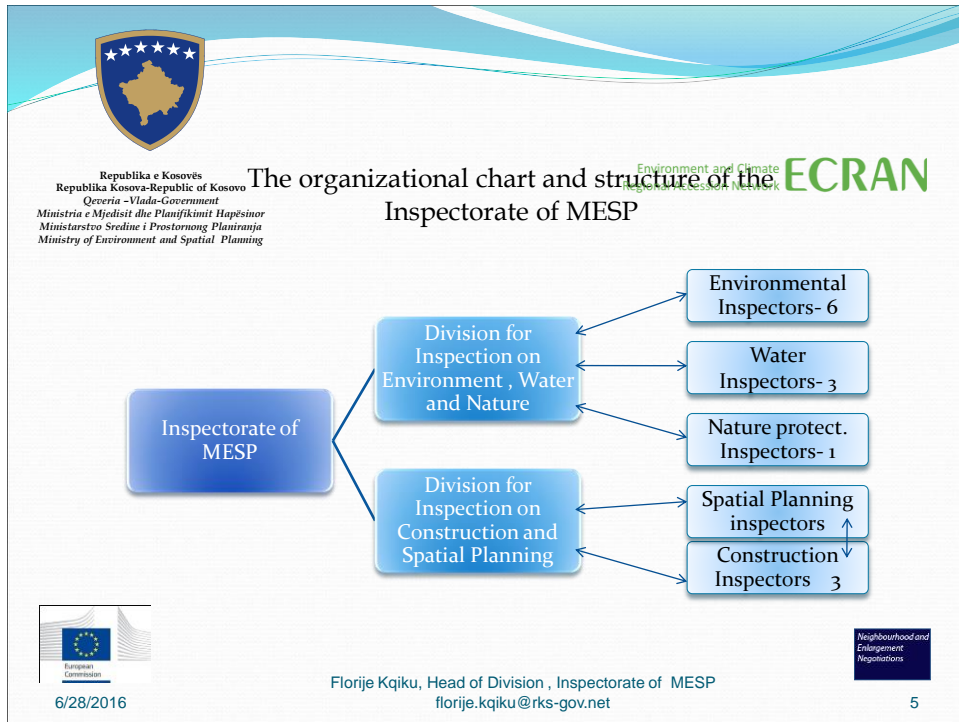
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Local level – Municipal inspectors

For exercising supervision and control duties, municipal inspectorate is organized within the municipal departments in respective fields:


- 1.1. Municipal Inspectorate of environmental Protection, and
- 1.2. Municipal Inspectorate of construction.

Determining the number of inspectors under surveillance areas at local level is regulated by the body of local government.

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Local level – Municipal inspectors


Inspection units of local government conduct the surveillance records of inspection and are required to report to the Inspectorate of the Ministry through the annual reports in relevant areas.

In special cases and based on the Inspectorate requirements of the Ministry, inspection units of local government are obliged to report



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Inspection criteria's and Plan

Inspectorate for Environment Protection performs its duties and responsibilities in protecting the environment, by harmonizing its activity with the Recommendations of the European Parliament and the Council on "Minimum Criteria for Environmental Inspections in Member States" (RMCEI 2001/331/EC).

Inspektorat of MESP performs activities based on Working Plan-Program which is broken down based on sectors for each inspector.

Beside activities according working Plan, Inspektorate of MESP performs inspections based on complains.



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Inspection Management and Planning

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graph TD
    1b[1b. Setting priorities  
• risk assessment  
• ranking and classification  
• resources] --> 3a[3a. Defining objectives and strategies  
• objectives and targets  
• inspection strategies for limited competences]
    3a --> 1c[1c. Planning and review  
• organizational forms and general conditions  
• inspection plan and inspection schedule  
• resources]
    1c --> 2[2. Execution Framework  
• work protocols and instructions  
• protocols for communication, information management and information exchange  
• equipment and other]
    2 --> 3b[3b. Execution and Reporting  
• routine and non-routine inspections  
• investigations  
• accidents and incidents  
• assurance of non-compliance  
• reporting  
• information exchange with]
    3b --> 4[4. Performance monitoring  
• monitoring  
• accounting for effort, performance results  
• comparing and auditing external reporting]
    4 --> 1b
  
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Neighbourhood and Enlargement Negotiations

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Inspection Planning

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In describing the context for planning it is necessary to identify the scope of organization and to gather information on the environment and the regulated community.

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Inspection Planning

Setting priorities

- Registry of operators;
- Reports of inspections performed previous year;
- Priorities set up by the Ministry;
- Impact and risks caused by the operators;






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Inspection Planning

Setting priorities


'The with highest impact and production capacity are:

- Ferro-nickel production;
- Cement production;
- Chemical industry;
- Production industry.

Other operators that need an Env. Per.


- Planned operators for inspection on waste management
- Collecting metal waste;
- Import, export and TFS;
- Collecting and recycling of Waste.






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Inspection Plan and Programme

The Inspectorate develops the Annual Programmes set up in four yearly quarters (Q1, Q2, Q3, Q4).

The programme includes Individual schemes for each inspector






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Inspection Plan and Programme

The schemes include the following operators:

- *Operators (32) that need an IPPC permit are:
 - Energy production (5),
 - Metallurgic Industry (5)
 - Mineral Industry (12)
 - Chemical Industry (6)
 - Sanitary waste management (4)
- *Operators that need an Environmental permit from the Ministry
 - Planned operators for inspection on waste management
 - Collecting metal waste
 - Import , export and TFS
 - Collecting and recycling of Waste






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I- Inspection Plan


Based on IPPC Law , inspection plan includes:

- General Assessment of environmental issues
- Criteria's and procedures for routine inspections
- Criteria's and procedures for non-routine inspections
- A register of installations




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How do we set priorities


- Risk of installation
- Staff available





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Inspection Plan-Program

- An **inspection plan** (a framework plan based on the environmental significance of facilities) is developed for one year period
- an **inspection programme** is developed every three months
- Based on inspection results and other findings, the plan can be reviewed



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Risk assessment

- Potential and actual impacts of the installation on human health and the environment, taking into account:
 - the emission levels and types,
 - Geographical position
 - sensitivity of the local environment, and risk of accident;
- history of compliance with integrated permit requirements;






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General criteria for inspection


General criteria for an inspection frequency for an installation

1. Considering the impact :
 - with a significant impact on human health and the environment (water protection, air protection, waste management -once a year;
 - with a potential impact on human health and the environment (water protection, air protection, waste management- once a 2 years;
 - without a significant impact on human health and the environment (water protection, air protection, waste management) = inspection frequency once a 3 years.




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General criteria for inspection

2. Compliance with emission limits:
 - emissions limits or integrated permit requirements are violated repeatedly, or historically with a major environmental impact - once a year;
 - emissions limits or integrated permit requirements have been violated historically in isolated cases without a major environmental impact - once a 2 years;
 - emissions limits or integrated permit requirements are not violated- inspection frequency once a 3 years.




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General criteria for inspection


3. Emission type and level:

- A significant environmental impact also in reference to sensitivity of the local environment - inspection frequency once a year;
- may affect the environment also in reference to sensitivity of the local environment -inspection frequency once a 2 years;
- have no environmental impact also in reference to sensitivity of the local environment - inspection frequency -inspection frequency once a 3 years.




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General criteria for inspection


4. Risk of accident:

- increased risk or an accident or non-standard situations historically (5 years back) with a major environmental impact –once a year
- risk of accident or an accident or non-standard situations historically without a major environmental impact = inspection frequency once a 2 years;
- minimal risk of accident or non-standard situation, and no accident or non-standard situations historically with an environmental impact – once a 3 years




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Other criteria for inspection


Other criteria's based on deliberation and local knowledge of applicable local inspectorates can be applied .

1. Environmental impact criteria:
 - quantity of hazardous substances in the installation;
 - impacts on the environment and human health (only justified complaints!);
 - accidents, fires and other incidents in the last 5 years;
 - air emissions (type and quantity);
 - water emissions (to sewerage and watercourses);
 - waste produced;
 - local environmental quality;
 - local environmental sensitivity (protected sites, protected groundwater accumulation sites, etc.).




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Other criteria for inspection

2. Criteria describing the operator's behaviour:
 - tackling of accidents and incidents;
 - attitude to legislative compliance and measures and obligations imposed;
 - Inspectorate of MESP findings from previous inspections




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II- Execution framework

- Do not have written procedures to operate to yet.
- Based on competences specified in Law.
- Inspectors must meet specific qualification levels set out in Article 18 of (04/L 175) of the legislation.




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III-Execution and reporting


Type of inspection supervision are:

- Routine - Regular supervision and inspection is performed according to a plan for the inspection work. These inspections are usually announced about a day before but the details about a purpose of the inspection are not always given;
- Non-routine - Extraordinary inspections (reactive) are unannounced conducted on the basis of reports from government bodies, natural or legal persons, and in case of suspicion of the inspector;
- A control Inspection is performed after the deadline set by the inspector for specific compliance




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III-Execution and reporting


Inspection process:

- The usual amount of inspectors during an inspection at a site is 2-3, minimum number is 2;
- During routine inspections a broader part of permission is assessed and involves a longer period of time.
- The inspection may be carried out by an environmental and a water inspector (or even a nature protection inspector);
- Non-routine inspection is usually focused on particular problems;
- On arrival at the installation the officer will produce a standard Public Service ID card but the government has recommended that Inspectors of all types should identify themselves with documents that outline their powers and duties and the ID is being modified to accommodate this change;
- Later they ask for relevant documents and records which are necessary for conducting the inspection;
- Visit the plant, inspect discharges to water, air, etc;
- In cases there is a permit, the compliance with the conditions set by the permit is assessed.




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III-Execution and reporting


Inspection process:

- In case there is no permit the premises are inspected and it is explained what is believed their legal obligations are based on what was seen;
- The report written after the inspection signed by both parties will be the final end point for the inspections process;
- There are 3 copies of the inspection report (one for the operator and 2 for the Inspectorate);
- The reports are not generally available for the public. The public has the right to ask for the report under normal access to data arrangements for the government;
- The inspector would make a decision whether or not to stop the activity based on:
 - Impact of the activity;
 - Attitude of the operator;
 - When there is a high environmental risk that would usually require the operator to stop until the defect is dealt with.
- At that stage a formal notification notice is issued declaring what the permit requirement is to the operator.
- In case the inspector decides to stop the activity, there is an appeal mechanism for an operator (the operator has 15 days to appeal to the Minister).



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III-Execution and reporting

There are 22 Seveso installations in Kosovo.

They are normally inspected with Kosovo Security Forces and ministry of internal affairs.

Inspections are done jointly with all relevant parts of the government. KFOR has, until now, held the lead for such civil emergencies.

The inspectorate writes a report on the results of the inspections for its own purposes.



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IV-Execution and reporting Performance monitoring

The Inspectorate gathers information on a weekly, monthly quarterly and annually basis showing performance against the number of inspections they deliver. The reports summering all the important data like number of inspection, number of decisions, cases passed to the court, etc.

Annual reports contain the following information:

- No. of inspection;
- No. of court initiation ;
- No of inspection based on complaints;
- No. of Decisions;
- No. of Orders;
- No. of Recommendation;
- No. of remarks;
- Representing the case on Court;
- No. of cases that have been proceeded by the court;
- No. of cases that have not been proceeded by the court;
- Participation in other activities;
- Participation on trainings;



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IV-Execution and reporting Performance monitoring

Number of the operators that are in process inspecting and the once have to be inspected;
Other activities such as joint inspections with other institutions;
Also on the final report are included all operators that will have priorities to be completed in the coming years.
Narrative reports: these are made for specific cases to explain our work. For example the air quality issues related to an installation. They are produced only for some cases and we would normally write them in response to media or public enquiries. Our normal response to a complaint would be quite brief. Reports that are available to the public include information as follows:
Summaries of environmental inspection, including numbers of site visits performed on site;
Reports on activities which have been conducted based on action Plan and based on legal requirements;
Summaries of figures and measurements as a result of complaints, accidents.



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Networking and Collaboration

Inspectorate of MESP is part of Different Regional and European Organizations
-ECRAN - Environment and Climate Regional Accession Network
-IMPEL - The European Union Network for the Implementation and Enforcement of Environmental Law
-THEMIS - Regional Network within the EU
-EUROPOL- EnviCrimeNet
-INTERPOL




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Problems encountered, solutions developed

- Is not on priorities on Strategic Country papers
- Further transposition of legislation is needed
- Enforcement of legislation
- Monitoring
- No news for follow up project from European Commission , ECRAN running the end
- SIDA four year project- Multi component project on Environment and Climate , expected to commence on July.
- IMPEL projects
- Themis Project


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Challenges

- Personnel (sufficient number & needs for trainings)
700-750 inspections per year
63 individual (120-130)
- Budgeted-172 300 Euro
- Logistic and Lack of equipments

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Thank you very much



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