

Environment and Climate Regional Accession Network (ECRAN)

Workshop Report on Capacity Building on Compliance with Environmental Legislation (5th Regional Workshop)

08-10 September 2015, Tirana



ENVIRONMENTAL AND CLIMA REGIONAL NETWORK FOR ACCESSION - ECRAN

WORKSHOP REPORT

Activity 1.2.1

CAPACITY BUILDING ON COMPLIANCE WITH ENVIRONMENTAL LEGISLATION

(5th Regional Workshop)

Tiran, Albania, 8 – 10 September 2015





A project implemented by Human Dynamics Consortium



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Enviroment and Climate ECRAN Regional Accession Network

LIST OF ABREVIATIONS				
BAT	Best Available Techniques			
BOD	Biochemical Oxygen Demand			
BREF	BAT Reference Documents			
CLP	Classification, Labelling and Packaging			
EAP	Environmental Action Programme			
EC	European Commission			
EEA	European Environmental Agency			
EIA	Environmental Impact Assessment			
EPA	Environmental Protection Agency			
EPI	Environmental Protection Inspection			
EU	European Union			
GHS	Globally Harmonised System			
HID	Horizontal Inspection Directive			
IED	Industrial Emissions Directive			
IEP	Industrial Explosion Protection			
IMPEL	The European Union Network for the Implementation and Enforcement of Environmental Law			
IPPC	Integrated Pollution Prevention and Control			
IRAM	Integrated Risk Assessment Method			
ISO	International Standard Organisation			
LPG	Liquid Petroleum Gas			
MW	Mega Watts			
NEA	Dutch Emission Authority			
ODS	Ozone Depleting Gases			
PID	Photoionization Detector			
PRTR	Pollutant Release and Transfer Register			
QA	Questions and Answers			
REA	Regional Environment Agency			
REACH	Registration, Evaluation, Authorisation and Restrictions of Chemicals			
RMCEI	Recommended Minimum Criteria for Environmental Inspections			
SMS	Safety Management System			
TFS	Trans frontier Shipment of Waste			
TNA	Training Need Analysis			
VOC	Volatile Organic Compounds			
WFD	Waste Framework Directive			





I. Background/Rationale

Within the RENA programme, the objective of the ECENA Working Group on Environmental Compliance and Enforcement 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.

The work plan covers the full period of ECRAN (i.e. October 2013 – October 2016). Under this ECENA work plan, the following specific activities have been decided to 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.

The beneficiaries are the Ministries of Environment of the beneficiary countries (Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo^{1*}, 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.

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

¹ 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.





Activity1.2.1 Capacity building on compliance with environmental legislation

Beneficiary countries under this project are at different levels of transposition, implementation and enforcement of the environmental acquis. These differences are caused by different initial levels of development, national and international political decisions or complications, budgetary potential, etc.

Progress in all candidate and potential candidate countries is regularly monitored by the European Commission. The Progress monitoring reports provide the following picture.

Currently, Croatia is an EU member since 1 July 2013. Out of five candidate countries from the region (the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and Turkey) two have already started the accession negotiations: Turkey in 2005 and Montenegro in 2012, while the other three are speeding up their efforts for opening the accession negotiations. Potential candidates - Bosnia and Herzegovina and Kosovo* are also increasing their efforts in this direction.

In the field of training and exchange and methodological development it has been decided to continue the activity in organizing and implementing training courses with common inspection entitled "Capacity building on compliance with environmental legislation". The training sessions are now to be designed as regional courses with common inspections and site visits, paying attention to cross- cutting issues.

The need for information and further training have been indicated by the various countries by selecting special subjects which received some additional attention during these series of courses.

Some special subjects needed only additional presentations and explanations (for example revision RMCEI, end of waste criteria). Other subjects could only be handled in a limited way and require further elaboration in future courses (REACH, SEVESO, VOCs under IED).

Considering some of the cross cutting subjects (for example IED linkages with water, air, nature legislation and those with chemicals and hazardous waste issues), most of the inspectors lack knowledge, as traditionally such subjects are in most cases handled in other ministries than the Environment Ministry.

Specifically for ECRAN/ECENA activity 1.2.1 a Training Needs Assessment has been performed and training topics have been selected (ref. TNA report, www.ecranetwork .org). Based on the selected training topics with selected industrial sites, up to eight regional training programmes are to be developed and subsequently delivered.

The training programme in this activity within ECENA will have to be closely coordinated with the other ones designed for ECENA and ECRAN in general in order to avoid duplication and overlaps.

Planned 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.). Delivered trainings will be evaluated in order to follow the level of reaching the training objectives

Chapter 2 describes the background and objectives of activity 1.2.1 with the 5th Multi-country Workshop Capacity Building on Compliance with Environmental Legislation and the topics that have been addressed.









Chapter 3 describes the EU policy and legislation covered by the training, Chapter 4 presents the workshop proceedings and Chapter 5 presents the evaluation. Furthermore the following Annexes are attached:

- _ Annex I: Agenda;
- _ Annex II: List of participants;
- _ Annex III: Power point presentations (downloadable under separate cover):

http://www.ecranetwork.org/ECENA







II. Objectives of the training

General objectives

Increasing the effectiveness of inspection bodies and promoting compliance with environmental requirements.

Specific objectives

Capacity building regarding compliance with environmental legislation through better understanding of implementation issues and identification of targeted solutions (training of inspectors and permit writers in cooperation with law drafters and policy makers).

Target group

The target institutions and beneficiaries are the environmental inspectors and permit writers of the Ministries of Environment in Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, Serbia and Turkey.

Training delivery

Based on earlier experience, described approach and the outcomes of the TNA, the general training set-up and topics are:

<u>Day 1</u>: Mainly related to Inspection Management including general subjects with the regulatory cycle and inspection cycle, IPPC/IED implementation with inspection and permitting functions with requirements, Cross cutting issues: IED interaction with other environmental legislation also in relation to ambient environmental quality. Special subjects and specific directives have to be selected for specific attention including IED/IPPC interaction with EIA, ambient water quality, air quality and, nature legislation, LCP, PRTR, SEVESO II, VOCs, waste and chemical management

<u>Day 2</u>: Continuation day 1 programme and Preparation for the (industrial) site visit with BAT and BREF evaluation of the selected industrial site to be visited; exchange of experience from the various countries in the region considering the selected type of industry. Presentation on the selected factory site backgrounds. Preparation of checklists for the site visit.

Day 3: On site visit/common inspection of a specific industry and reporting.

The trainings are designed as a series of eight follow-up modules each to be held in one of the beneficiary countries. The trainings cover cross cutting issues and are also designed in such a manner that the training programme will also allow participation of policy makers and legal drafters from other relevant WGs such as Waste, Air, Water, etc.

The agenda of the fifth training is included in ANNEX 1







Results/outputs

The following results are expected for this activity

- improved functioning of the environmental authorities and related authorities envisaged to be responsible for implementation of the RMCEI, IED, SEVESO and Waste Framework Directive;
- streamlined working methods and implementation of best practice in the region moving towards EU standards.







III. EU policy and legislation covered by the training

The training covered mainly the RMCEI, IED Directive, SEVESO and Waste Framework Directive (Cross cutting issues IED/WFD).

RMCEI (http://ec.europa.eu/environment/legal/law/inspections.htm)

In 2001, recognising that there was a wide disparity between inspection systems in the Member States, the European Parliament and the Council adopted Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States (RMCEI).

The RMCEI contains non-binding criteria for the planning, carrying out, following up and reporting on environmental inspections. Its objective is to strengthen compliance with EU environment law and to contribute to its more consistent implementation and enforcement in all Member States.

The content of the RMCEI has strongly influenced provisions on environmental inspections in sectoral pieces of environment and climate change legislation. The European Union Network for the Implementation and Enforcement of Environment Law (IMPEL) played an important role in the preparation of the RMCEI and through its activities has also played an important role in its implementation.

IED (summary) Ref 1.²

Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control. This Directive brings together Directive 2008/1/EC (the 'IPPC Directive') and six other directives in a single directive on industrial emissions.

Sectors of activity .This Directive shall cover industrial activities with a major pollution potential, defined in Annex I to the Directive (energy industries, production and processing of metals, mineral industry, chemical industry, waste management, rearing of animals, etc.).The Directive shall contain special provisions for the following installations:

- combustion plants (≥ 50 MW);
- waste incineration or co-incineration plants;
- certain installations and activities using organic solvents;
- installations producing titanium dioxide.

Environmental requirements

Any industrial installation which carries out the activities listed in Annex I to the Directive must meet certain basic obligations:

• preventive measures are taken against pollution;







² REF 1) IED: http://europa.eu/legislation_summaries/environment/soil_protection/ev0027_en.htm

- the best available techniques (BAT) are applied;
- no significant pollution is caused;
- waste is reduced, recycled or disposed of in the manner which creates least pollution;
- energy efficiency is maximised;
- accidents are prevented and their impact limited;
- sites are remediated when the activities come to an end.

Application of best available techniques

Industrial installations must use the best available techniques to achieve a high general level of protection of the environment as a whole, which are developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions. The European Commission must adopt BAT conclusions containing the emission levels associated with the BAT. These conclusions shall serve as a reference for the drawing up of permit conditions.

Permit conditions

The permit must provide for the necessary measures to ensure compliance with the operator's basic obligations and environmental quality standards. These measures shall comprise at least:

- emission limit values for polluting substances;
- rules guaranteeing protection of soil, water and air;
- waste monitoring and management measures;
- requirements concerning emission measurement methodology, frequency and evaluation procedure;
- an obligation to inform the competent authority of the results of monitoring, at least annually;
- requirements concerning the maintenance and surveillance of soil and groundwater;
- measures relating to exceptional circumstances (leaks, malfunctions, momentary or definitive stoppages, etc.);
- provisions on the minimisation of long-distance or transboundary pollution;
- conditions for assessing compliance with the emission limit values.

Special provisions

Special provisions shall apply to combustion plants, waste incineration and co-incineration plants, installations using organic solvents and installations producing titanium dioxide. The emission limit values for large combustion plants laid down in Annex V to the Directive are generally more stringent than those in Directive 2001/80/EC. A degree of flexibility (Transitional National Plan, limited life time derogation) shall be introduced for existing installations. For other activities subject to special provisions, the provisions of the current directives have been largely maintained.

Environmental inspections

Member States shall set up a system of environmental inspections of the installations concerned. All installations shall be covered by an environmental inspection plan. The plan shall be regularly reviewed and updated.







Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations. The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned. It shall not exceed one year for installations posing the highest risks and three years for installations posing the lowest risks.

SEVESO (ref 2)³

Major accidents in chemical industry have occurred world-wide. In Europe, the Seveso accident in 1976 prompted the adoption of legislation aimed at the prevention and control of such accidents. The resulting 'Seveso' directive now applies to around 10,000 industrial establishments where dangerous substances are used or stored in large quantities, mainly in the chemicals, petrochemicals, storage, and metal refining sectors.

The Seveso Directive obliges Member States to ensure that operators have a policy in place to prevent major accidents. Operators handling dangerous substances above certain thresholds must regularly inform the public likely to be affected by an accident, providing safety reports, a safety management system and an internal emergency plan. Member States must ensure that emergency plans are in place for the surrounding areas and that mitigation actions are planned. Account must also be taken of these objectives in land-use planning.

There is a tiered approach to the level of controls: the larger the quantities of dangerous substances present within an establishment, the stricter the rules ('upper-tier' establishments have bigger quantities than 'lower-tier' establishments and are therefore subject to tighter control).

Seveso Directives I, II and III

Seveso I: Council Directive 82/501/EEC on the major-accident hazards of certain industrial activities (OJ No L 230 of 5 August 1982) – the so-called Seveso directive – was adopted in 1982. The Directive was amended twice, in 1987 by Directive 87/216/EEC of 19 March 1987 (OJ No L 85 of 28 March 1987) and in 1988 by Directive 88/610/EEC of 24 November 1988 (OJ No L 336 of 7 December 1988). Both amendments aimed at broadening the scope of the Directive, in particular to include the storage of dangerous substances. This was in response to severe accidents at the Union Carbide factory at Bhopal, India in 1984, where a leak of methyl isocyanate caused more than 2500 deaths, and at the Sandoz warehouse in Basel, Switzerland in 1986, where fire-fighting water contaminated with mercury, organophosphate pesticides and other chemicals caused massive pollution of the Rhine and the death of half a million fish.

Seveso II: On 9 December 1996, Council Directive 96/82/EC on the control of major-accident hazards – the so-called Seveso II Directive - was adopted and replaced the original Seveso Directive. Seveso II included a revision and extension of the scope; the introduction of new requirements relating to safety management systems; emergency planning and land-use planning; and a reinforcement of the provisions on inspections to be carried out by Member States.

³ REF 2): SEVESO http://ec.europa.eu/environment/seveso/





In the light of industrial accidents (Toulouse, Baia Mare and Enschede) and studies on carcinogens and substances dangerous for the environment, the Seveso II Directive was extended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC. The most important extensions were to cover risks arising from storage and processing activities in mining; from pyrotechnic and explosive substances; and from the storage of ammonium nitrate and ammonium nitrate based fertilizers.

Seveso III: Further adaptation of the provisions on major accidents occurred on 4 July 2012 with publication of a replacement directive - 2012/18/EU. The main changes in this, so-called, Seveso III Directive were:

- Technical updates to take account of changes in EU chemicals classification. In 2008, the Council and the European Parliament adopted a Regulation on the Classification, Labelling and Packaging (CLP) of substances and mixtures, adapting the EU system to the new UN international chemicals classification (Globally Harmonized System GHS). In turn, this triggered the need to adapt the Seveso Directive, since its scope is based on the former chemicals classification which will be repealed by the CLP Regulation by June 2015.
- Better access for citizens to information about risks resulting from activities of nearby companies, and about how to behave in the event of an accident.
- More effective rules on participation, by the public concerned, in land-use planning projects related to Seveso plants.
- Access to justice for citizens who have not been granted appropriate access to information or participation.
- Stricter standards for inspections of establishments to ensure more effective enforcement of safety rules.

The Seveso III Directive 2012/18/EU was adopted on 4th July 2012 and entered into force on 13th August 2012. Member States have to transpose and implement the Directive by 1st June 2015, which is also the date when the new chemicals classification legislation becomes fully applicable in Europe.

WFD – Waste Framework Directive (ref 3)⁴

With a view to breaking the link between growth and waste generation, the European Union (EU) has provided itself with a legal framework aimed at the whole waste cycle from generation to disposal, placing the emphasis on recovery and recycling: Directive <u>2008/98/EC</u> of the European Parliament and of the Council of 19 November 2008 on waste, repealing certain Directives.

This Directive establishes a legal framework for the treatment of waste within the EU. It aims at protecting the environment and human health through the prevention of the harmful effects of waste generation and waste management.

It applies to waste other than:







⁴ http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ev0010&qid=1430217684302&from=EN

- gaseous effluents;
- radioactive elements;
- decommissioned explosives;
- faecal matter;
- waste waters;
- animal by-products;
- carcasses of animals that have died other than by being slaughtered;
- elements resulting from mineral resources.

Waste hierarchy

In order to better protect the environment, the Member States should take measures for the treatment of their waste in line with the following hierarchy which is listed in order of priority:

- prevention;
- preparing for reuse;
- recycling;
- other recovery , notably energy recovery;
- disposal.

Member States can implement legislative measures with a view to reinforcing this waste treatment hierarchy. However, they should ensure that waste management does not endanger human health and is not harmful to the environment.

Waste management

Any producer or holder of waste must carry out their treatment themselves or else have treatment carried out by a broker, establishment or undertaking. Member States may cooperate, if necessary, to establish a network of waste disposal facilities. This network must allow for the independence of the European Union with regard to the treatment of waste.

Dangerous waste must be stored and treated in conditions that ensure the protection of health and the environment. They must not, in any case be mixed with other dangerous waste and must be packaged or labelled in line with international or Community regulations.

Permits and registrations

Any establishment or undertaking intending to carry out waste treatment must obtain a permit from the competent authorities who determine notably the quantity and type of treated waste, the method used as well as monitoring and control operations.

Any incineration or co-incineration method aimed at energy recovery must only be carried out if this recovery takes place with a high level of energy efficiency.

Plans and programmes

The competent authorities must establish one or more management plans to cover the whole territory of the Member State concerned. These plans contain, notably, the type, quantity and source of waste, existing collection systems and location criteria.







Prevention programmes must also be drawn up, with a view to breaking the link between economic growth and the environmental impacts associated with the generation of waste.

These programmes are to be communicated by Member States to the European Commission.

Context

The generation of waste is increasing within the European Union. It has therefore become of prime importance to specify basic notions such as recovery and disposal, so as to better organise waste management activities.

It is also essential to reinforce measures to be taken with regard to prevention as well as the reduction of the impacts of waste generation and waste management on the environment. Finally, the recovery of waste should be encouraged so as to preserve natural resources. This Directive repeals directives <u>75/439/EEC</u>, <u>91/689/EEC</u> and <u>2006/12/EC</u>.







IV. Highlights from the training workshop

Reference is made to Annex I for the agenda and Annex III for the presentations.

Day 1 – Sheraton Hotel, Tirana, 08 September

1. The workshop was chaired by Mr. Ike van der Putte (ECRAN ECENA coordinator) starting with a short welcoming and introduction on ECRAN and the ECENA Programme. The information on ECRAN and ECENA has been given including a project summary, results to be achieved, structures and planned activities. The trainers, Mr. Huib van Westen, Mr. Costa Stanisav, Mr. Henk Ruessink, and Mr. Jens Christensen (day 2) were introduced. As a guest Ms. Rubenska Sanka, environmental assistant at Bankers Petroleum Albania Ltd. was welcomed. The workshop paid special attention to the discussions around the future of environmental inspection within the EU, cross-cutting issues on IED and Waste and further developments with SEVESO. The information is of specific relevance for the site visit on day 3 of the course.

2. An introductory round was held among the participants with the question on the years of experience as inspectors, permit writers and policymakers/other fields. The results showed that most of participants have extensive knowledge and experience in inspection and some in permit writing. Some persons were designated as Policy makers.

	Years of experience		
	1 – 5 years 5 – 10 years More than 10		
			years
Inspectors	1	3	13
Permit writers	4	2	1
Policy makers/others	1		4

3. Mr. Henk Ruessink, Human Environment and Transport Inspectorate, the Netherlands, (Coordinating Special Advisor, National Coordinator IMPEL network) gave an introduction on Inspection Management, considering the Review of the framework of environmental inspections. The legal framework on environmental inspections set out in Recommendation 2001/331/EC (RMCEI) and in various pieces of sectoral environmental legislation is currently a subject of active internal Commission reflection. Legislation without implementation is meaningless – a lame duck – and implementation is an essential factor for a positive environmental outcome. This is also strongly underlined in the 7th Environment Action Programme of EU (7th EAP, November 2013). There are now some concerns and considerations ref. current set of EU inspection requirements in RMCEI and Sectoral inspection requirements (for example in IED, SEVESO, REACH/CLP, Biocides Regulation):

RMCEI requirements [see also COM (2007) 707 final, for review by European Commission (EC)]

- 'Just' a recommendation :low, non-binding status
- Substantially interpretation divergences between MS
- Rather poor implementation in many MS
- Reflecting state-of-the-art in 2001 and before
- Risk based approach not very strongly in RMCEI
- Predominantly meant for industrial (static) installations
- Not for waste shipments, REACH, Natura 2000, etc.







• Insufficient to establish EU Level Playing Field w.r.t. inspections for fair competition on the single EU market

Sectoral inspection requirements:

- Wide spectrum of inspection-related topics addressed
- Subtle, obvious and often confusing differences in sect. requirements
- Differences not all justifiable and/or unavoidable
- Implementation could gain by more coherence and consistence
- Better regulation for better implementation: Clear requirements for effective and efficient inspections across the environmental acquis

EC has stated in 7th Environmental Action Programme (EAP (Nov. 2013)): In order to maximise the benefits of Union environment legislation by improving implementation, the 7th EAP shall ensure that by 2020:

- the public has access to clear information showing how Union environment law is being implemented consistent with the Aarhus Convention;
- compliance with specific environment legislation has increased;
- Union environment law is enforced at all administrative levels and a level-playing field in the internal market is guaranteed;
- citizens' trust and confidence in Union environment law and its enforcement is enhanced;
- the principle of effective legal protection for citizens and their organisations is facilitated.

This requires, in particular :(i)(ii) (iii) extending binding criteria for effective Member State inspections and surveillance to the wider body of Union environment law, and further developing inspection support capacity at Union level, drawing on existing structures, backed up by support for networks of professionals such as IMPEL, and by the reinforcement of peer reviews and best practice sharing, with a view to increasing the efficiency and effectiveness of inspections;

Since the 7th EAP there are Technical discussions and consultations on a Horizontal Inspection Directive (HID). The Basic characteristics of an intended HID:

- HID is largely building on RMCEI and existing sectoral requirements, but improved, modernised and harmonised where feasible;
- HID Scope: industrial installations, water, waste, nature;
- Replacing sectoral inspection requirements as much as possible;

The Barosso Commission intended to table a HID proposal; with the Juncker Commission the HID proposal is currently a subject of further internal deliberation.

In the present situation Mr. Henk Ruessink gave a final recommendation to proceed:

- Continue to exchange experiences and expertise;
- Work on international good practices together;
- Act in networks to stay connected.

In the discussion with the participants on their preferences in inspection management work it was clear that a minority was in favour of the present (non-binding) RMCEI (ref. BiH and SB), whereas the







majority of the participants would like to see more clear and binding inspection requirements in HID/Sectoral legislation (Montenegro, Kosovo*, FYR of Macedonia. Turkey, Croatia, Romania).

4. Mr. Huib van Westen (senior inspector) Intelligence and Investigation Service Waste, Industry and Businesses, Human Environment and Transport Inspectorate, the Netherlands presented a further elaboration of the interaction between IED and Waste legislation. In the field of waste there are Directives (for example the Waste Framework Directive) and Regulations (for example the European Waste Shipment Regulation).

A directive is a legal act of the European Union which requires member states to achieve a particular result without dictating the means of achieving that result. It can be distinguished from regulations which are self-executing and do not require any implementing measures. A regulation is a legal act of the European Union that becomes immediately enforceable as law in all member states simultaneously. Directives normally leave member states with a certain amount of leeway as to the exact rules to be adopted.

Mr. van Westen gave an explanation of the European legislative framework with:

- Overview European Waste Directive;
- European Waste List;
- Overview of the Basel Convention;
- Overview of the Waste Shipment Regulation;
- Cross cutting aspects.

A start was made with the definitions of waste and hazardous waste:

- 'waste' means any substance or object which the holder discards or intends or is required to discard;
- 'hazardous waste' means waste which displays one or more of the hazardous properties listed in Annex III (WFD);

Other definitions which are of relevance in this field were explained referring to waste oils, byproducts, end-of-waste. A question and answer session on the various types of waste with examples clarified the differences.

Cross-cutting issues were illustrated with a number of examples and QA sessions for example:

An energy power plant (IED) is 'producing' fly ash.

- Is this ash waste, a by- product or has it reached the end of waste criteria?
- This fly ash is being exported from Montenegro to Italy to be used for road construction.
- Does this fly ash still has to be considered as waste?
- Is it allowed to ship this material to Italy?
- Are there any laws, regulations, conventions in place?

5. Roundtable on IPPC/IED implementation. In the roundtable it was clear that in majority the countries was still in the process of fully transposing the legislation. The difference of Turkey in number of IPPC installations with the rest of the region was remarkable. Turkey having around 4000







IPPC installations has fully transposed IPPC in a draft bylaw, whereas Kosovo and Montenegro have only a few installations, of which a limited number have now an IPPC permit.

6. Inspection management and IED implementation in Croatia. The presentation was given by Ms. Jelena Manenica and Ms. Brigitte Mrvelj Čečatka, Directorate for Inspection, Ministry of Environmental and Nature protection, Croatia. The contents covered;

- Environmental Protection Inspection (EPI) and legal basis IED
- Outputs of TWL IPA 2011 Project "Capacity building of the environmental inspection and other relevant authorities and institutions for preventing, recognizing, investigating and prosecuting offences against environment"
- Current practice (with recommended improvements)

The Environment Protection Inspection (EPI) has 75 inspectors in total operating through the Central office in Zagreb (Coordinated inspection coordinator) and 20 Offices within 3 Branch Units. The EPI competences are control of EP conditions, EIA, air emissions and quality, waste management, environmental accidents, sea water quality, TFS, SEVESO, ODS, light protection, remediation of environmental damage.

The IED is for most of its parts transposed in the EPA and Regulation on environmental permit Annex I (Official Gazette 8/14). Coordinated inspections (with inspectors from other ministries) are being carried out with the Legal basis for coordinated inspection being Art. 224 (3) EPA (Official Gazette 80/13, 153/13, 78/15).



The TWL IPA 2011 project was especially relevant for IED coordinated inspections as one of the project activities was efficient environmental inspections in line with IED, with the stakeholders being: Sanitary Inspection, Water Protection Inspection, National Protection and Rescue Directorate.

Furthermore an explanation was given on the inspection planning, with the annual work plan and the process. The IMPEL tool (IRAM/Easy Tool) for risk based inspection planning is being used in Croatia.







An example of inspection planning (risk based) and inspection (coordinated) of a gas treatment installation was given.

Day 2 – Sheraton Hotel Tirana, 09 September

1. In opening the second day, Mr Ike van der Putte summarized the outcomes of the workshop on the first day The subjects to be handled on day 2 were introduced and covered SEVESO as a special subject, and introductions of the factory to be visited on day 3, introductions on BREF and BAT of the factory to be visited with planning and preparation for the site visit.

Mr. Van der Putte gave an Introduction on the SEVESO Directive: To Whom does SEVESO Apply. A short summary was given on what the requirements are for High Tier and Low Tier SEVESO installations. A number of videos were presented on the recent accidents with industrial chemicals in China followed by two case exercises in which the participants had to assess whether an installation had to be categorized as a low tier or high tier SEVESO installation.

In the case exercise use had to be made of SEVESO III threshold values.

After a QA session on Hazard and Risks, a presentation was given on the tasks of inspectors in SEVESO with the importance of checking the Safety report (article 20). For this purpose also the background of hazard and risk assessment (deterministic versus probalistic approaches) and the methodologies that are used are needed to be understood.

An overview of these methodologies and approaches were given with specific reference to the system that is applied in the Netherlands.









This presentation was followed by giving an example of Hazard identification and Consequence Analysis in a Liquid Petroleum Gas (LPG) Storage Facility

2. Mr. Costa Stanisav, Senior environmental commissioner, Regional Commissariat Cluj-Cluj County Commissariat, Romania presented the subject of Emergency Plans as important elements in the SEVESO Directive. The Data and information to be included in the Industrial Explosion Protection (IEP), referred to in Article 12 are:

- a) Names or positions of persons authorized to set emergency procedures in motion and the person in charge of and coordinating the on-site mitigatory action;
- b) (Name or position of the person with responsibility for liaising with the authority responsible for the external emergency plan;
- c) For foreseeable conditions or events which could be significant in bringing about a major accident, a description of the action which should be taken to control the conditions or events and to limit their consequences, including a description of the safety equipment and the resources available;
- d) Arrangements for limiting the risks to persons on site including how warnings are to be given and the actions persons are expected to take on receipt of a warning;
- e) Arrangements for providing early warning of the incident to the authority responsible for setting the external emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
- f) where necessary, arrangements for training staff in the duties they will be expected to perform and, as appropriate, coordinating this with off-site emergency services
- g) Arrangements for providing assistance with off-site mitigatory action.







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A project implemented by Human Dynamics Consortium The Framework Structure for of the internal emergency plan according to the Romanian OMAI-no-647/2005- approving the Methodological Norms on emergency plans in case of accidents involving hazardous substances is as follows:

- 1. Plan distribution list;
- 2. Update and review evidence;
- 3. Contents;
- 4. General issues;
- 5. Information about the site;
- 6. Identification and classification of events;
- 7. Emergencies classification;
- 8. Notification, informing and alarming;
- 9. The organization and management of intervention actions;
- 10. Communications;
- 11. Logistics;
- 12. Environmental monitoring;
- 13. Communication with the media and public information;
- 14. Plan verification/tested.

Information to be supplied to competent authorities, in case a major accident occurs are:

- Circumstances of the accident;
- Dangerous substances involved;
- Data available for assessing the effects of the accident;
- Emergency actions undertaken by company.

Examples were given on aspects from an approved IEP (hazards risk calculation, causes. consequences, prevention measures in Romania with required actions to update an IEP.

3. An introduction on the installations to be visit on day 3 was given briefly by Ms. Rubenska Sanka as the Invited Representative of the Factory - Bankers Petroleum Company Fier city (<u>http://www.bankerspetroleum.com/</u>).

A more elaborated presentation was announced to be given at the start of the site visit at the companies 'premises in Fier on day 3.







4. Mr. Jens Christensen (ECRAN ECENA SSTE) gave an introduction to BREF and BAT of the selected industry in relation to IED/IPPC permitting and inspection and in preparing the site visit. His presentation covered the following elements:

- Oil exploration;
- Environmental concerns;
- EU regulations BAT storage;
- Inspection strategies;
- Group work for questions.







This Project is funded by the European Union



A project implemented by Human Dynamics Consortium Potential environmental impacts on water, air and soil are described with an emphasis on potential emergencies not only referring to spills but also to the storage of chemicals.

In the latter case especially the BREF on emissions from storage received attention.

For the group work it was decided to divide the participants in three groups, each of which had to define up to 5 questions in each of the groups in order to get an idea of the specific issues.

- 1. Input materials and possible impact (including chemicals and Seveso risks);
- 2. Process and environmental impacts;
- 3. Waste and Waste treatment.

Formulated questions were respectively for the various groups:

<u>Group no 1</u>

- Does the company have the latest data sheets for chemicals (2010)?
- Are classifications up to date?
- Does the company have permission for import of chemicals?
- Are materials handled according to the datasheets
- Are all storage of chemicals established and handled according to BAT?
- Does the company fulfil the Seveso obligations?

<u>Group no 2</u>

- Is the company an IPPC or SEVESO installations?
- Does the company have an IPPC-permit or a SEVESO notification?
- What are the reporting for SEVESO?
- Does the company have an SMS system for hazard identification?
- Does the company have a management plan for waste?
- Any company accidents?

Group no. 3

- Is the company environmental ISO certified?
- What are the waste generated hazardous and non-hazardous waste?
- What are they doing according to remediation?
- Do they have a waste water treatment plan? And does it handle urban waste water and others?
- Hazardous waste! Is being handled on site or being delivered to others exported? Is handled on site how? And does it comply with requirements? If handled to others – show where and how?
- Incineration According to BAT or not? Any permit? Does the installation comply and what reporting?
- Non-hazardous waste. What is the treatment?
- Health and safety? How is this handled?







Day 3 – Bankers Petroleum Company Fier city, 10 September





The site visit started with a presentation by the environmental manager of Bankers Petroleum, Mr. Patrick Kirkby covering the subjects of permitting, monitoring and management, and waste management programmes.

Permits

There are 21 active environmental permits for facilities, programs and activities.

- Regulatory requirements to monitor and report (REA);
- The company has built an internal permit data base to track requirements and report;
- An annual monitoring plan completed, issued and approved by the Environmental Regulator (REA Fier);
- Several permits have been surrendered as Bankers petroleum consolidates its permitting and compliance activities.

Monitoring Program

- Based on combination of NEA requirements established in EPs and by Albanian Regulations
- Institutional requirements expected by our Investors and BOD
- Baseline assessment for new development Sites
- The program is completed, reviewed and reported every 3 months.

Typically it comprises:

Air

- Passive monitoring uses diffusion tubes located at strategic positions around the site.
- Real time monitoring using range of equipment inc PID, gravimetric analysis.

Water

- Surface and groundwater sampling at various locations across site
- Discharge samples from STW and other facilities as required







Soil

- Limited to sampling of drilling arising for potential use in construction of new leases

Noise

- Based on combination of NEA requirements established in EPs and by Albanian Regulations
- Additional monitoring is typically undertaken for HS Assessment purposes



Initiatives taken by Bankers Petroleum in waste management include the following:

- Sludge Treatment diverts previously untreatable materials they become waste;
- Transition from OBDM to WBDM Reducing hazardous materials;
- Segregation at source prevent cross contamination / pre-treatment;
- Bankers has built its own solid waste management facility;
- Ecopit Waste Management reduced volumes disposed of into ecopits. Volume reduction in Pit 3 due to sludge treatment plant;
- Sewage plant permitted and installed, operational in Q3. 99% reduction in relevant parameters. One of 4 plants in country.

For the site visit the participants were guided by bus through the various parts of the installations,

Including the waste water treatment facilities, ecopits, incineration facility and chemicals storage.

Answers to questions of the three groups were received during the guided tour.

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Some findings were:

Group 1 – Datasheets are available for the various chemicals. These should however be translated into the Albanian language. The Company is working on it. The company has permission for import of chemicals. The storage facilities are constructed according to BAT considering leakage and emergency situations. There is a trained firefighter group. No further answers were received considering the SEVESO status of the company. The calculations made during the course should give more information on this aspect (high tier-low tier calculations).

Group 2 - The Company is falls under the IPPC requirements. The various environmental permits have been described. An application for an integrated permit has been submitted a year ago.

A management plan for waste is available, but the position regarding SEVESO stays unclear.

The company works according to the Canadian health standards.

Group 3 - The Company is not officially certified for ISO 14001. It seems to work according to its requirements. The company has explained that it is operating one of the four sewage treatment plants that are operating in the whole country. Bankers has built its own solid waste management facility. There is no disposal facility in Albania.

There are two incineration units. Dioxin measurements are however not carried out. Health and safety measures are carried out according to Canadian standards.

The company has invested considerably in remediation of the area (see overview below).







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The site visit was finalized with a lunch at the new company premises in Fier.

Mr. Ike van der Putte thanked the management of the Company for their hospitality and openness in answering the questions and their contributions in the presentations and the site visit.







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V. Evaluation

Statistical information

1.1	Workshop Session	Multi country Capacity Building workshop on compliance with environmental legislation, 08-10 September 2015, Tirana, Albania
1.2	Facilitators name	As per agenda
1.3	Name and Surname of Participants (evaluators) optional	As per participants' list

Your Expectations

Please indicate to what extent specific expectations were met, or not met:

My Expectations	My expectations were met		
	Fully	Partially	Not at all
 Understand the ways of to improve functioning of environmental inspection and enforcement organisations 	 (75%)	 (21%)	l (4%)
2. Gained knowledge about streamlined working methods and implementation of best practice in the region moving towards EU standards	 (71%)	 (23%)	









Workshop and Presentation

Please rate the following statements in respect of this training module:

Aspe	ct of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptab le
1.	The workshop achieved the objectives set	 (58%)	 (42%)				
2.	The quality of the workshop was of a high standard	 (54%)	 (42%)	l (4%)			
3.	The content of the workshop was well suited to my level of understanding and experience	 (50%)	 (42%)	II (8%)			
4.	The practical work was relevant and informative	 (50%)	 (42%)	ll (8%)			
5.	The workshop was interactive	 (63%)	 (37%)				
6.	Facilitators were well prepared and knowledgeable on the subject matter	 (63%)	 (37%)				
7.	The duration of this workshop was neither too long nor too short	 (63%)	 (25%)	l (4%)	II (8%		
8.	The logistical arrangements (venue, refreshments, equipment) were satisfactory	 (46%)	 (42%)	ll (8%)	l (4%)		
9.	Attending this workshop was time well spent	 (63%)	 (37%)				





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Comments and suggestions

I have the following comment and/or suggestions in addition to questions already answered:

Workshop Sessions:

- Not too bad;
- Others;
- Others;
- Perhaps include prepared practical inspection cases/ examples from participants more as basis for group work;
- Others.

Facilitators:

- OK.

Workshop level and content:

- Mainly ok: content is not be in accordance to aquire IED change with waste;
- In general excellent!







ANNEX I – Agenda

Day 1: 8 September 2015

Day I : Tuesday 8 September 2015

Topic: Inspection Management; IPPC/IED implementation and IED cross cutting issues (waste legislation linkage). SEVESO introductions.

Co-Chairs: Mr. Ike van der Putte, Mr. Enis Tela

Start	Finish	Торіс	Speaker	Sub topic/Content
08.30	08.45	Registration		
08.45	09.00	Opening	Enis Tela (ECRAN ECENA National Coordinator) Ike van der Putte (ECRAN –ECENA Coordinator)	Welcome, introduction of trainers, introduction of participants
09.00	09.15	Introduction	Ike van der Putte (ECRAN –ECENA Coördinator)	Explanation of the training programme, information on ECRAN and defined ECENA activities
09.15	10.15	Inspection Management Review of the framework of environmental inspections	Henk Ruessink (Coordinating Special Advisor, National Coordinator IMPEL network) Human Environment and Transport Inspectorate, the Netherlands	The legal framework on environmental inspections set out in Recommendation 2001/331/EC (RMCEI) and in various pieces of sectoral environmental legislation is currently a subject of active internal Commission reflection. A description of the initiatives and developments are given.
10.15	10.30	Experience of Host country in Inspection Management	Enis Tela (ECRAN ECENA National Coordinator)	Brief description of the inspection system in host country and its development.
10.30	10.45	Coffee Break		
10.45	11.45	Implementation	Huib van Westen (senior	A series of IED cross cutting







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	12.20	IPPC/IED Cross cutting issues: IED interaction with other environmental legislation	inspector) Intelligence and Investigation Service Waste, Industry and Businesses Human Environment and Transport Inspectorate, the Netherlands	subjects with other environmental legislation will be given, including those amongst other with ambient water quality, air quality, nature, waste, chemicals and EIA. In this 5th training session further guidance is given on IED and Waste legislation interaction (part 2).
11.45	12.30	Experience of ECENA beneficiary countries in implementation IPPC/IED	ECENA country representatives	Brief description of developments in beneficiary countries
12.30	13.30	Lunch Break		-
13.30	14.45	Inspection management and IED implementation in Croatia.	Jelena Manenica Brigitte Mrvelj Čečatka Directorate for Inspection, Ministry of Environmental and Nature protection	Developments regarding inspection management and the implementation of IED requirements in Croatia with specific reference to permitting and monitoring.
14.45	15.30	Special subject SEVESO	Ike van der Putte (ECRAN ECENA Coördinator)	Introduction on the subject against the background of the recent industrial disasters and the site visit on day 2.
15.30	15.45	Coffee break	_	-
15.45	16.15	Special subject SEVESO	Ike van der Putte (ECRAN ECENA Coördinator)	Case SEVESO –site analysis
16.15	16.45	Experience of ECENA beneficiary countries in implementation SEVESO	ECENA country representatives	Brief description of developments in beneficiary countries
16.45	17.15	Questions and	Participants	







	discussion		
17.00	Closure	Ike van der Putte (ECRAN ECENA Coordinator) Mr. Enis Tela (ECRAN ECENA National Coordinator)	

Day 2:9 September 2015

Day 2: \	Day 2: Wednesday 9 September 2015								
Special	Special subjects (SEVESO) and preparation for common inspection/site visit								
Start	Finish	Торіс	Speaker	Sub topic/Content					
08.45	09.30	Special subject SEVESO	Costa Stanisav, Senior environmental commissioner, Regional Commissariat Cluj-Cluj County Commissariat, Romania Ike van der Putte (ECRAN ECENA Coordinator)	A strong relationship exists between the IPPC/IED installations and SEVESO installations. In a series of presentations introductions are given on the major elements of the SEVESO Directive with developments from SEVESO I to SEVESO III, Safety Report, Safety Management System, Hazard Identification, Consequence Analysis, Internal and External Emergency Plans and Land-use planning. In this 5th training session further attention is paid to the Site safety report with Hazard Identification/ Scenario selection/Consequence analysis and emergency plans					
09.30	10.30	Special subject SEVESO		Part 2. (follow up with case description Consequence analysis)					
10.30	10.45	Coffee Break							







10.45	12.30	Introductions on the factory to be visited	Invited Representative of the Factory - Bankers Petroleum Company Fier city (http://www.bankerspetr oleum.com/) Host country representative	Presentation of the factory with permit (and conditions) Exchange of experience from other ECENA countries
12.30	13.30	Lunch Break		
14.15	15.00	Introduction to BREF and BAT of the selected industry in relation to IED/IPPC permitting and inspection and in preparing the site visit	Jens Christensen (ECRAN ECENA SSTE) Ike van der Putte (ECRAN ECENA Coordinator)	Comparison of prevailing emission and monitoring data with the information from the BREF/BAT;BAT decision documents. Practical steps for inspection
15.00	15.15	Coffee Break		
15.15	16.15	Planning of visits in groups with specific assignment/ Preparation for next day visit	Participants	Study in groups on the specific assignments setting up a questionnaire with questions and attention points during the site visit.
16.15	16.45	Summary of questionnaires	Participants	Brief Presentation of questionnaires/checklists
16.45		Closing Session	Ike van der Putte (ECRAN ECENA Coordinator)	







Day 3:10 September 2015

Day 3: Thursday 10 September 2015

Visit to PILOT FACTORY - Bankers Petroleum Company Fier city (http://www.bankerspetroleum.com/)

Fier Office

Bankers Petroleum Albania Ltd.

Rruga "Leonardo Murialdo", Lagja "Sheq i Madh",

Godina 37, Fier, Albania

8.00	9.30	Transport from the hotel to pilot site installation
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Visit to PILOT FACTORY

All participants

9.30	10.00	Preliminary discussion in the factory office	Review documentation (monitoring data, quality checks, site plans and permits. Is necessary documentation in place. Comments and questions		
10.00	10.30	Divide into groups with chairman and reporter each. Chairman has allocated specific responsibilities to each member of the group			
10.30	13.30	Site visit	Request site staff to provide guides: groups to see the entire site, but focus on areas: like handling storage, dust abatement, waste handling and filling stations, cleanliness of factory, evaluate surrounding area. Each member of the group will make their own inspection and make notes and compare results later in the group		
13.30	14.30	Lunch break			
14.30	15.00	General comments on site visit and any further questions			











15.00	16.30	Return to the hotel	
16.30	17.00	Visit report preparation in groups	
17.00	17.30	Presentation of reports by members of the group	 Conclusions of site visit Suggested follow-up actions
17.30		Closure	







ANNEX II – Participants

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Enviroment and Climate ECRAN Regional Accession Network

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Enviroment and Climate ECRAN Regional Accession Network

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ANNEX III – Presentations (under separate cover)

Presentations can be downloaded from:

http://www.ecranetwork.org/Files/Workshop_Materials, Common_Inspection, September 2015, Albania.zip





