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EU4Environment

Green Economy in Eastern Partner Countries

Better environmental inspections for stronger environmental resilience

A regional seminar with Eastern Partnership countries

Summary report

Monday 5 December 2022 | 9:30 – 17:00 (CET)

Tuesday 6 December 2022 | 9:30 – 16:00 (CET)

This summary report, the seminar agenda and the presentations made at the meeting are available at: <https://www.eu4environment.org/events/regional-seminar-on-better-environmental-inspections-for-stronger-environmental-resilience/>

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Introduction

The third regional seminar with the Eastern Partnership countries, focusing on “Better Inspections for Stronger Environmental Resilience”, took place on 5-6 December 2022 in Brussels, Belgium, in a hybrid format. It was organised as part of the EU4Environment Action funded by the European Union.

The meeting gathered 74 participants (35 in person), including representatives of environmental regulators and inspectorates from the Eastern Partnership, EU and OECD economies, representatives of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the European Commission and the OECD Secretariat, as well as civil society and business representatives.

The first day focused on discussing the draft OECD environmental compliance assurance system review of Georgia, and some of the existing guidance and tools for environmental inspections. The second day focused on the latest developments in environmental inspections in the Eastern Partnership, including adopted and draft laws on industrial emissions, as well as the experience of implementing the EU Industrial Emissions Directive (IED) in EU countries.

Summary of the discussion

Day 1

Agenda Item 1. Welcome and introductions

The OECD Secretariat introduced the EU4Environment Action project, including [progress on environmental compliance assurance activities](#), welcomed all the participants and introduced the agenda.

In the opening remarks, Ms. Vita Jukne and Ms. Michaela Hauf from the European Commission (EC) reiterated the importance of compliance enforcement and the need for co-operation of all actors in the enforcement chain, as well as for sufficient capacity and resources of inspection authorities. They acknowledged the usefulness of networks, such as the EU IMPEL, in sharing knowledge as well as the importance of engaging civil society and the private sector in compliance assurance. The representatives of the EC highlighted the importance of strengthening relations with the Eastern Partnership, with priority given to work on environmental and climate resilience and the green transition, centering around the governance and investment pillars.

Agenda Item 2. Environmental compliance assurance system of Georgia

The OECD Secretariat presented the main findings of the draft OECD report “The environmental compliance assurance system in Georgia: Current Situation and Recommendations” ([legislative and institutional set-up](#), [monitoring of environmental compliance](#), [enforcement and promotion of compliance](#)). The report notes that Georgia has achieved significant progress in its environmental legislation, has increased transparency in its permitting, and has clearly separated environmental policymaking and control functions. Georgia has risk-based planned environmental inspections and a 24/7 rapid response team. Enforcement action for non-compliance follows a so-called “enforcement pyramid”, and the 2021 Law on Environmental Liability is setting up an environmental liability regime in the country.

Despite the significant progress, the report notes that the number of environmental inspections is not enough to cover high-risk and medium-risk entities, that there are inconsistencies in environmental laws,

insufficient institutional co-operation, and a lack of the use of penalties other than administrative fines, which are low.

The Georgian delegation expressed their appreciation for the draft report and concurred with its findings. They described the latest developments in the system of environmental compliance assurance (legislative and institutional set-up ([part 1](#), [part 2](#)), [monitoring of environmental compliance](#), [enforcement and promotion of environmental compliance](#)). Notably, they referred to Georgia's Association Agreement with the European Union as a priority guidance for action. They also highlighted that the number of staff and the overall budget of the Department of Environmental Supervision (DES) of the Ministry of Environmental Protection and Agriculture (MEPA) have increased, and the DES has developed several electronic systems. Georgia is considering legislative amendments to make penalties for non-compliance more appropriate. Some of the other main priorities are addressing staff outflow from the DES, introducing a system of continuous improvement of staff qualifications, improving analysis for scheduling inspections, facilitating inspections through an inspection report template, improving investigation of cases, and awareness-raising. Georgia confirmed interest in co-operation with the OECD within the EU4Environment project and beyond.

Questions and answers focused on engaging the private sector in environmental policymaking, risk-based inspection planning, strategies for retaining qualified staff, carrying out inspections during the Covid-19 pandemic, and approaches to inspecting entities that request inspections themselves. Participants also reflected on how to set appropriate penalties and fines, considering that there is no standard approach.

Agenda Item 3. Guidance and tools for conducting environmental inspections

This session focused on presenting the EU policy framework for environmental compliance assurance and support activities in this area, as well as several IMPEL flagship methodologies for environmental inspections.

The European Commission presented [the EU approach](#) which focuses on ensuring an appropriate response to different types of non-compliant behaviour, depending on the seriousness of an offence. The EC aims to co-operate with various compliance assurance networks, support Member States and further develop the EU legal framework on inspections and enforcement. The EU has developed a variety of guidance and guidelines such as the 2001 Recommendation on environmental inspections (RMCEI) and binding inspection provisions in the EU IED, the Seveso III Directive, and the Waste Shipment Regulation, as well as the proposal for a new Environmental Crime Directive.

The [“Doing the Right Things” methodology](#) promotes more proactive (planned) rather than reactive (unplanned) inspections. The approach focuses on the whole regulatory cycle, starting with policy making, going through legislation, permitting and inspection, and ending with evaluation and feedback. The concept of an inspection includes a strategic cycle (including data-gathering and setting priorities) and an operational cycle (e.g., preparation and reporting on inspections). A key consideration is that inspection and permitting must ideally have the same priorities.

The [IMPEL Landfill Project](#) resulted in the IMPEL Landfill Inspection Guidance, which covers inspection preparation, execution and reporting, in addition to other analysis and guidance documents. As part of the project, several joint inspections of landfill sites took place in European countries to check implementation of the EU Landfill Directive, and technical and practical training on the Directive was

conducted. The benefits of joint inspections were highlighted such as rotating inspectors and contributing to the uniformity of their inspection approaches and interpretation of laws.

The [Integrated Risk Assessment Method \(IRAM\)](#) attempted to combine the best features of existing risk assessment models. IRAM considers the potential environmental impacts, actual impacts and operator performance, taking into account both the impact and probability of risk. The project has developed a publicly available risk assessment web tool and a guidance book on the IRAM. IRAM II aims to develop criteria for calculating inspection duration. The IMPEL IED Inspections Guidance discusses how inspectors should approach different articles of the IED.

During the discussion, the importance of planned inspections for environmental compliance was highlighted. Planned inspections should ideally make up a large majority of inspections as compared to ad hoc inspections, although time should be set aside for those as well. In order to maximise the impact of inspections, they should be organised as effectively and efficiently as possible, with a focus on removing important non-compliance. The participants highlighted a need to communicate inspection plans and schedules to regulated entities in advance so that they prepare well for the inspections. Finally, they agreed that risk assessment methodologies should be flexible enough to respond to the priorities and resources of inspection authorities.

Day 2

Agenda Item 2. Transposition and implementation of the EU Industrial Emissions Directive (IED)

Experience of IED transposition in EaP countries

The session discussed the achievements and challenges in developing laws on industrial emissions in the Eastern Partnership with the aim of approximating the EU IED. Current initiatives include:

- [Moldova's Law on Industrial Emissions](#), which is expected to enter into force in 2024. The Environmental Agency of the Ministry of Environment will be responsible for issuing permits, integrated permits and general binding rules as well as the establishment of Best Available Techniques (BATs). Operators will need to draw up plans for aligning with the new law. [Moldova's electronic State Registry of Control](#) has information about planned and unplanned state control and inspections conducted for issuing a permit or a license.
- Georgia expects that its [draft Law on Industrial Emissions](#) will be adopted in 2023. The National Environmental Agency of the MEPA will be responsible for issuing integrated permits. The draft law aims to make a regular review of permits (currently termless) necessary in certain cases.
- Ukraine is currently considering a new set of laws: law no. 6004 on integrated prevention and control of industrial pollution, law no. 6004-1 on prevention, reduction and control of pollution occurring as a result of industrial activity and law no. 6004-2 on ensuring the constitutional rights of citizens to an environment that is safe for life and health. The timeline of implementation of this law is difficult to predict given the ongoing Russian war of aggression against Ukraine (presentation from DiXi Group Ukraine, [part 1](#), [part 2](#)).

The countries emphasised that it is a priority to align with EU legislation, taking into account Association Agreements as well as the candidate status of Moldova and Ukraine, and the possible candidate status of Georgia.

Common challenges in the development of these laws and their implementation were identified (the [presentation from the Regional Environmental Centre for the Caucasus](#) provided reflections on developments in Georgia and Moldova). Participants exchanged opinions about the ways to engage civil society during the development of legislation through granting access to information and procedures, and the involvement of businesses and overcoming business resistance. The number and qualifications of staff are a challenge for successful implementation. Moldova would specifically appreciate international experience on BAT reference documents and on the development of a methodology for estimating the permitting cost. Participants highlighted that it would be useful to ensure minimal overlap between the Environmental Impact Assessment (EIA) procedure and integrated permitting, because a case of an integrated permit including the IEA is very complicated. The role of the public in deciding on IED permits was also brought up. The European Environmental Bureau's Industrial Plant Data Viewer was provided as an example of good public engagement. An important question was that of the best approaches to regularising illegal activity, with a suggestion that business associations could be leveraged to identify legal but non-permitted entities.

Ensuring feasible implementation timelines was seen as important, as well as informing businesses about the legislative changes and supporting them with the adjustment. Georgia confirmed that it plans to provide training and information to companies. Moldova said that it has already informed over 5 000 economic entities about the new law and the need for new permits. Ukraine foresees a transition period for companies to comply and the translation of BAT reference documents (BREFs) into Ukrainian.

Experience of IED implementation in EU Member States

[Implementation of EU IED inspections in the EU Member States](#) was discussed. The 2021 EU IED implementation report identified that implementation in the waste management sector was the most difficult. It also identified the overall issues as the lack of resources for inspection, complex legislation, lack of training, and poor planning/execution of risk-based inspections. The duration of an IED inspection on site is usually 1-2 days, with most of them pre-announced. Inspection reports are usually about 5-10 pages in length.

The case studies of IED implementation in Estonia, Romania and Poland were presented. The following specificities were highlighted:

- In Estonia: IED permit issuers and inspectors are both part of the Environmental Board. They agree on inspection planning together and conduct joint inspections in order to ensure the best quality of permits and inspections, and to share knowledge. A permits database is shared by the permitting and inspection authorities.
- In [Romania](#): the National Environmental Guard has increased collaboration with civil society, and public access to information is a priority.
- In [Poland](#): regional and district authorities are responsible for issuing permits. The uniformity of inspections throughout the country is given particular attention, with every inspection order and protocol using the same template.

Many challenges highlighted in the implementation of the IED and conducting IED inspections in these countries are similar to those in the Eastern Partnership. Specifically mentioned were high workloads of inspectors, the need for specific knowledge and experience, and ensuring financial incentives for inspectors. In the case of Romania, inspectors are mobile and support understaffed districts to ensure

that a minimum of two inspectors take part in each inspection. Confidentiality of inspector information on the published inspection reports was also discussed, with different approaches mentioned.

The [OECD BAT project](#), presented at the event, could be a useful resource for those countries that are developing BATs. The project is focused on sharing experience and providing guidance on BATs, including through capacity building workshops. It also has a Working Group with about 140 members from OECD member and non-member economies. The project's BREF database welcomes BREFs developed in the Eastern Partnership region.

Agenda Item 3. Additional latest developments on environmental inspections in the Eastern Partnership

This session began with an update from the European Commission's Angela Bularga on available EU support to the Eastern Partnership on environmental inspections which includes an expected formal decision about the extension of the EU4Environment Action project's activities towards the end of 2023 following discussions. TAIEX, Twinning, bilateral portfolios and the EU Programme "LIFE", where Moldova and Ukraine now have associate status, were mentioned as examples of current support provided to build capacity of environmental inspections in the region.

During the updates on environmental inspections in EaP countries, Armenia ([part 1](#), [part 2](#)) highlighted a creation of the Environmental Protection and Mining Inspection Body in 2017, prioritising the separation of policymaking and inspection functions. It adopted a risk assessment methodology for planning inspections in 2019, to be supported by a database of entities' environmental impact. Armenia plans to digitise inspections as much as possible and to create an electronic system for receiving information about a regulated entity's activity. It has asked for capacity building of its IT systems and its information database for the public and the operators.

In [Azerbaijan](#), the Ministry of Ecology and Natural Resources (MENR) has a State Environmental Expertise Agency, which issues permits, and the Environmental Safety Service, which is responsible for monitoring the fulfilment of environmental requirements. MENR has established a state monitoring system of air quality, water resources and land. Environmental payments increased in August 2022.

During a presentation of the developments regarding environmental control in Ukraine, the Ukrainian representatives presented the work of Ukraine's State Environmental Inspectorate (SEI) which supervises environmental protection and the use of natural resources (presentation on [damage to the environment of Ukraine caused by armed conflict](#), presentation on the SEI ([part 1](#), [part 2](#))). At the initiative of the Ukrainian Parliament, an Operational Headquarters of the State Inspectorate was established on 1 March 2022. It maintains the Unified Register of Damages resulting from Russia's war of aggression against Ukraine and has developed seven methodologies for determining environmental damage. The challenges of this work are the lack of a single definition of environmental damage that must be compensated, the lack of a unified approach to calculating carbon dioxide gas emissions from military operations, and inaccessibility of certain areas to approximate the damage.

While the current priority of Ukraine's SEI is to record and assess war damages, and regular inspections have been halted, the event's discussions also covered other developments in environmental inspections. The main challenges discussed were: widespread non-admission of inspectors by inspected entities, low salaries and a lack of resources including laboratory equipment, poor prioritisation of large polluters, low fines for non-compliance, and high court fees for the SEI ([presentation from "Office for the Environment"](#)). Current legislative proposals, developed with the active participation of civil society, aim

to address some of the existing challenges. Notably, they will increase the frequency of inspection of high-risk entities, improve the risk appraisal methodology, and increase administrative fines and strengthen penalties for non-compliance ([presentation from Environment-People-Law](#)). The question of the threshold of administrative versus criminal penalties was of interest during the discussion, with countries pursuing different approaches in this regard, with the level of environmental damage being an important factor in Ukraine. To build capacity of Ukrainian inspectors, Germany proposed for them to take part in a joint IMPEL IED inspection in a European country.

In the final part of the session a representative of the OECD presented the [OECD 2014 Regulatory and Enforcement Toolkit](#) which provides 12 principles for effective regulation and enforcement. It promotes an approach where inspections focus on risk assessment and environmental protection instead of punishment. Co-ordination of relevant authorities is important as well as the allocation of resources to reduce overall environmental risks by leveraging tools other than inspections such as a compliance promotion strategy and self-regulation and reporting by the private sector.

Participants agreed that trust and partnership with the private sector are important for compliance assurance, and shared experiences on providing advice and guidance on compliance to the private sector. For example, in Scotland inspectors can provide advice and recommend consultants, and there is a platform with guidance for SMEs.

Agenda Item 4. Conclusions

During the concluding session, the participants highlighted the importance of having a coherent and holistic view of compliance assurance beyond inspections, including the quality of regulations, a differentiated approach to enforcement, and the focus on the quality rather than the number of inspections. The participants agreed on the need for continued exchange of data and information. Significant progress in legislative developments and inspections in the EaP was acknowledged, especially on risk-based inspections and reporting. Participants expressed an interest in learning from IMPEL and OECD best practices. Finally, the OECD Secretariat presented [upcoming project activities on compliance assurance for 2023](#), which include a report on environmental inspections in Azerbaijan, a report on environmental liability legislation in Moldova, and capacity building of Ukraine's SEI (pending confirmation).

List of participants

Country/ Organisation	Name	Job title	In-person/ online
Eastern Partnership representatives			
Armenia	Vrezh Galoyan	Deputy Head, Environmental Protection and Mining Inspection Body	Online
	Nune Harutunyan	Executive Director, Regional Environmental Centre (REC) for the Caucasus, Armenia National Office	In-person
	Tigran Sekoyan	EU4Environment National Action Co-ordinator for Armenia	Online
Azerbaijan	Nazim Makhmudov	Head of the Department of the Caspian Integrated Environmental Monitoring, Ministry of Ecology and Natural Resources	In-person
	Sanan Rasulov	Lead Specialist of the State Ecology Expertise Department, Ministry of Ecology and Natural Resources	In-person
Georgia	Malkhaz Adeishvili	EU4Environment National Action Co-ordinator for Georgia	Online
	Marine Arabidze	Head of the Environmental Pollution Monitoring Department, National Environmental Agency, Ministry of Environmental Protection and Agriculture	Online

	Elina Bakradze	Deputy Head of the Environmental Pollution Monitoring Department, National Environmental Agency, Ministry of Environmental Protection and Agriculture	Online
	Nato Beridze	National Legal Expert, Environmental Information and Education Centre, Ministry of Environmental Protection and Agriculture	Online
	Aleqsandre Devidze	Environmental Director, RMG Copper	Online
	Giorgi Dvali	Deputy Head of Remediation Department, National Environmental Agency, Ministry of Environmental Protection and Agriculture	Online
	Kety Gujaraidze	Policy Analyst, Green Alternative	Online
	Tariel Iremadze	International Relations Coordinator, Department of Environmental Supervision, Ministry of Environmental Protection and Agriculture	In-person
	Nazi Khizaneishvili	Chief Specialist of the Analytical Service, Department of Environmental Supervision, Ministry of Environmental	Online

		Protection and Agriculture	
	Ekaterine Kiskeidze	Head of the Industrial Emissions and Waste Control Service, Department of Environmental Supervision, Ministry of Environmental Protection and Agriculture	In-person
	Neli Korkotadze	Deputy Head of Department, Chief State Inspector, Department of Environmental Supervision, Ministry of Environmental Protection and Agriculture	In-person
	Irine Kutateladze	Chief Specialist of the Soil Division, Department of Environmental Damage Remedial Measures, National Environmental Agency, Ministry of Environmental Protection and Agriculture	Online
	Nino Latsabidze	Deputy Head of the International Relations and European Integration Department, Ministry of Environmental Protection and Agriculture	In-person
	Tinatin Maghedani	Director, Eco Centre	Online
	Geno Mdinaradze	Head of the Soil Division, Department of Environmental Damage Remedial Measures, National Environmental Agency, Ministry of Environmental Protection and Agriculture	Online

		Environmental Agency, Ministry of Environmental Protection and Agriculture	
	Natia Metreveli	N/A	Online
	Venera Metreveli	Acting Head of the Environmental Assessment Department, National Environmental Agency, Ministry of Environmental Protection and Agriculture	In-person
	Dshkhuhi Sahakyan	Environmental Expert, Regional Environmental Center for Caucasus	In-person
	Gela Sandodze	Environmental Pollution Monitoring Department, National Environmental Agency, Ministry of Environmental Protection and Agriculture	Online
	Khatuna Tsiklauri	Head of the Biodiversity Division, National Environment Agency, Ministry of Environmental Protection and Agriculture	Online
	Anano Tsintsabadze	Project Coordinator, Open Society Georgia Foundation	Online
Republic of Moldova	Cristina Gheorghita	Senior Inspector, Control and Management of Water Resources and Air Division, Environmental Protection Inspectorate, Ministry of Environment	In-person

	Justina Grigaraviciene	EU High-Level Adviser on Green Transition, Ministry of Environment	Online
	Raisa Leon	Head of Department, Environment Agency, Ministry of Environment	Online
	Maria Nagornii	Head of Division, Ministry of Environment	Online
	Angela Panciuc	Main Adviser, Pollution Prevention Policy Division, Ministry of Environment	In-person
Ukraine	Yelyzaveta Aleksyeyeva	Senior Lawyer, EnvironmentPeople-Law	In-person
	Denis Gorokhovsky	Political Expert	Online
	Olena Kryvoruchkina	Deputy Head of the Environmental Committee, Member of the Ukrainian Parliament	In-person
	Vasyl Martyshko	Engineer	Online
	Olena Maslyukivska	EU4Environment National Action Co-ordinator for Ukraine	Online
	Andrii Moroz	Secretary, Scientific-Research Council of the State Environmental Inspectorate of Ukraine	In-person
	Olga Polunina	Sustainable Development Manager, DiXi Group	In-person
	Daria Rosokhata	PhD researcher, Ivan Franko National University of Lviv	Online
	Oleksandr Stavniichuk	Deputy Head of the Department of Environmental Control and Methodologies and	Online

		Head of the Environmental Control Unit, Ministry of Environment and Natural Resources	
	Liudmyla Tsyganok	President, Professional Associations of Environmentalists of Ukraine	In-person
	Anastasiia Zagoruichyk	Board Member, NGO "Office for the Environment"	In-person
	Igor Zhdaniuk	State Enterprise "Biological Resources of Ukraine"	In-person
	Ihor Zubovych	Acting Head, State Environmental Inspectorate of Ukraine	Online
EU Member States/United Kingdom			
Belgium	Alex Radway	Freelance	Online
Estonia	Kristi Leemet	Chief Inspector, Supervision/Enforcement Development Department, Environmental Board	Online
	Maigi Päären	Head Specialist from the IED Permitting Sector, Environmental Board	Online
Germany	Horst Büther	Head of the Department for Environment, and Health and Safety, Regional Government Cologne	In-person
	Holger Stürmer	Department Head, Ministry for the Environment, Nature Conservation and	Online

		Transport of the State of North Rhine-Westphalia	
Italy	Paola Coletti	Professor, Unimercatorum	Online
	Romano Ruggeri	Environmental Officer, Sardinian Environmental Protection Agency	In-person
Netherlands	Rob Kramers	Expert, Directorate-General for Public Works and Water Management of the Netherlands; Knowledge Centre InfoMil	In-person
Poland	Joanna Huczko-Gruszczyńska	Chief Specialist, Legal Department, Inspectorate for Environmental Protection	Online
	Małgorzata Budzyńska	Senior Specialist, Chief of Inspectorate of Environmental Protection	In-person
Romania	Maria Mija	Commissioner, National Environmental Guard	In-person
United Kingdom	Simon Bingham	International Development Manager, Scottish Environment Protection Agency	In-person
	Ben Ryder	Operational Intelligence Manager, Environment Agency of England	Online
International Organisations			
European Commission	Vita Jukne	Head of Unit ENV.E4 - Environmental Rule of Law and Governance	In-person
	Miroslav Angelov	Legal and Policy Officer, ENV.E4 - Environmental	In-person

		Rule of Law and Governance	
	Michaela Hauf	Team Leader for Environmental and Climate Resilience and Connectivity, DG NEAR	In-person
	Angela Bularga	Programme Officer, DG NEAR	Online
	Guillemette Vachey	Environment and Climate Expert, DG NEAR	Online
	Giorgio Arduino	Administrator, DG Environment	Online
	Alberto Lippini	N/A	In-person
	Anita Matic	Policy Officer	Online
	Ines Pina	Blue Book Trainee	Online
	Camille Siefriidt	Policy Officer, European Commission	In-person
	Martije Weydemann	N/A	In-person
OECD	Krzysztof Michalak	Acting Head of Division, Green Growth and Global Relations Division, OECD Environment Directorate	In-person
	Olga Olson	Project Manager, Green Growth and Global Relations Division, Environment Directorate	In-person
	Giuseppa Ottimofiore	Policy Analyst, Regulatory Policy Division, OECD Governance Directorate	In-person
	Berrak Eryasa	Junior Policy Analyst, Environment Directorate	In-person
	Mari Laikre	Assistant, Green Growth and Global Relations	In-person

		Division, OECD Environment Directorate	
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