

Minutes



Enforcement and Inspection Techniques regional training 3-6 June 2015 – Lisbon, Portugal

All documents are available online at:

<http://www.themisnetwork.eu/news/74/17/Enforcement-and-Inspection-Techniques.html#ae-image-0>

A1. Main outputs and outcomes:

- Experience exchange programme between participants and an EU member state regarding management strategies, enforcement and inspection techniques under limited financial conditions;
- Demonstration of the importance of the role of multiagency cooperation in order to overcome practical constraints;
- Study tour providing direct experience with a real transboundary waste shipment control campaign involving two EU member states (Portugal and Spain);
- Identification of practical toolkits for enforcers including the Portuguese implementation of risk assessment tools for inspection planning, complaints management, and geographical information systems;
- Discussions of the importance of departmental/organisational management for better law enforcement;
- Case study analyses and SWOT assessment techniques that can be applied to home organizations;
- Introduction to capacity self-assessment tools; the application of planning tools; basic management skills in change management;
- Development of collaboration and communication skills;
- Identification of strategies for conflict management and resolution;
- Development of draft hypothetical departmental management plans (with objectives, resources, target dates, etc.);
- Exchange of information on organization Strategic Plans posted on the internet;
- Knowledge of IMPEL tools for inspectors related to work flow management and prioritisation;
- Increased knowledge of integrated risk assessment method (IRAM);
- Introduction to voluntary compliance management system and voluntary conflict management system;
- Case study of multi-agency cooperation in Portugal and between Portugal and Spain's polices and inspectorates;
- Establishment of a cohesive collaborative network of government officials from the Region.

A2. Follow up actions

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- Participants should complete the Self-Assessment for Leadership (optional)
- Participants should complete the Self-Assessment of Environmental Compliance and Enforcement Programs (optional)

B. Session by session

3rd of June 2015

Opening

The Minister of Environment, Spatial Planning and Energy, Mr. Jorge Moreira da Silva, started by welcoming the participants and expressing that it is important for Portugal to be involved in this type of exchanging experience. He made note of the inspectorate's remarkable work: it has managed to address many challenges, including safeguarding the legislation and its application despite budget cuts.

Mr. Jorge Moreira da Silva talked about Portugal's new green tax code that seeks to promote better Environmental governance through tax penalties and incentives. He gave the particular example of the tax on plastic bags in shops that succeed in dramatically decreasing the use of plastic bags in the country in one single month. The rate went from around 200 plastic bags per inhabitant to around 50 bags.

Mr. Jorge Moreira da Silva, considering the needs of the countries present to meet EU's requirements, highlighted how important it is to diligently apply and promote the compliance of environmental legislation in order to create a level playing field in a competitive market economy.

Session 1 – Brief presentation of IGAMAOT - General Inspectorate for the Agriculture, Sea, Environment and Spatial Planning, Isabel Santana (IGAMAOT)

The General Inspectorate for Agriculture, Sea, Environment and Spatial Planning (IGAMAOT) is a Portuguese central service that controls, audits and supervises the areas included in the mission and tasks of the Ministry for the Environment, Spatial Planning and Energy (MAOTE) and of the Ministry for the Agriculture and Sea (MAM).

IGAMAOT is responsible for financial audits, application of regulation on food safety, and monitoring of industrial activities – namely 699 IPPC and 195 SEVESO installations. Environmental inspectors are only 23, dealing with inspections and environmental crimes, but are cooperating closely with the environmental police brigades. IGAMAOT has a new operational structure since last year to ensure the employees are organized in the most efficient way, it is now structured in 3 groups: Group SEVESO/REACH/EID and Group IED and cross-sectoral Group (environmental inspections of the installations not covered by the other 2 groups), and it has been using IMPEL tools to help do more with less. IGAMAOT is performing inspections to private and public entities whose activity has environmental impact and impose measures to prevent or eliminate situations of serious danger to health, safety, people, property and the environment.

Session 2 – Resolution of environmental conflicts, Bibiana Cardoso da Silva (IGAMAOT)

Ms. Bibiana Cardoso da Silva delivered a training session on informal resolution of environmental conflicts by neighbourhood dialogue. She uses the case study of a project which involves 30 representatives from 17 member states of the IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law). This project was led and coordinated by the Department of Labour and Environmental Inspection of Hanover (Lower Saxony), given their extensive experience in the use of dialogue in conflict resolution. The aim of this project is to proceed to the identification of various informal procedures for resolving and preventing conflicts between the industry and its neighbourhood.

The participants learned about the Portuguese Inspectorate involvement in this project and about the benefits of its practical implementation in a real case in Portugal. The project was identified as an effective way of achieving consensus a solution to an environmental problem and the company voluntarily assumed the need to implement measures and the representatives of the local community understood the company's efforts to increase environmental protection, which created a climate of mutual trust and transparency that now suggests a serene continuity in the evolution of communication between both parties.

Session 3 – Planning, Studies and Monitoring of Environment and Spatial Planning Inspections (EM PEM); Mário Grácio (IGAMAOT)

At this training session Mr. Mario Gracio talked about - EM PEM – which is the Planning, Studies (“Estudos”) and Monitoring of Environment and Spatial Planning Inspections Department. EM PEM corresponds to a team of 12 people, including GIS experts, engineers, lawyers and a psychologist. Information is centralized: the team keeps the legislation database updated, tracks infringement cases, updates the list of installations, disseminates information about accidents/incidents, and provides answers/reports to the Ministries, EC, NGOs, media, etc. They support inspections through risk analysis models and geo-localization of complaints. Complaints can be received through the website, and are prioritized (IPPC/SEVESO/EIA cases have priority, as well as those with significant environmental impact). Cooperation with other authorities (health, veterinary, economy, judiciary, municipalities, etc) takes place very often. The new EM PEM information system will be operational from September 2015.

Session 4 – Risk analysis system with IRAM - (SEVESO - GLOBAL - IED – WWTP - TFS), Roberto Valadares; Maria João Rodrigues; Salomé Ribeiro; Ana Espanhol; Felipe Barros Vitorino (IGAMAOT)

Mr. Roberto Valadares and his colleagues laid a session on IMPEL methodology – IRAM and how this methodology was implemented and applied by the Portuguese Inspectorate.

The Integrated Risk Assessment Method (IRAM) is based on 4 main principles:

- The inspection frequency is determined by the value of the highest score;
- The inspection frequency is reduced by one step if the set of minimum number of highest scores is not met;
- The inspection frequency can be changed by only one step up or down based on Operator Performance Criteria (OPC);
- The higher the sum of scores, the longer the inspection time.

After the presentation of the main concepts associated with the model, it was presented the origin and source of the Impact Criteria (IC) and Operator Performance Criteria (OPC) applied to SEVESO, GLOBAL, IED, WWTP and TFS inspection planning. Implementation of risk analysis systems is part of IGAMAOT's 2015 annual activity plan and is intended to be more effective to the planning of the inspection activity in order to focus the intervention of IGAMAOT to installations that present a higher risk and account human, financial and logistical resources, trying to adopt procedures and clear objectives.

IGAMAOT plans to improve data input by establishing IT connections with the databases of other authorities (e.g., The Portuguese Environmental Agency) and by developing a single integrated platform.

Session 5 – Compliance Management Systems (CMS), Álvaro Barroqueiro (IGAMAOT)

Mr. Alvaro Barroqueiro gave a talk on Compliance Management Systems (CMS) - a developing project in Portugal as a new approach to the enforcement of environmental law.

The project is based on two fundamental premises: a) Companies develop an important daily work on monitoring and controlling their activity; b) this work can be used by Authorities in compliance control, with greater effectiveness and efficiency.

CMS is understood as all internal control elements implemented by the company, in an integrated manner, articulated in order to ensure full compliance with the applicable legal requirements, including the conditions imposed by licensing, and continuous improvement of the environmental performance.

CMS key requirements:

- top management commitment;
- identification and registration of legal requirements and other applicable;
- definition of competences and responsibilities;
- evaluation model and risk management;
- system of self-correction and learning;
- continuous improvement process(PDCA);
- communication and reporting mechanisms.

This project is being implemented with a group of IPPC and SEVESO companies located in the industrial areas of Sines and Estarreja, as a pilot project and it has been very well received by the companies involved at this stage.

Session 6 – Geographic Information and Environmental Law Enforcement within IGAMAOT, Luís Marques, Susana Silva, Claudia Morgado (IGAMAOT)

Ms. Susana Silva, Ms. Cláudia Morgado and Mr. Luis Marques in this training session demonstrated the system that supports the continuous monitoring and evaluation of law compliance in the areas of environment and spatial planning by public and private entities.

Permanent environmental monitoring can be ensured by the use of accurate geographical information. The development of geographic information technologies and tools can be a valuable contribute for the support of spatial risk analysis. IGAMAOT Geographical Information System is in constant evolution for the support of inspection activity.

IGAMAOT is in a transition period concerning the system(s) and data dissemination (Data Base, Spatial Data Infrastructure; GIS and Data Visualization through: Web Services / Viewers / Geobrowsers). GIS will publish (internal) and integrate (external) geographical information (national and abroad) directly from the producer at real time (WMS/WFS).

Improved cooperation between entities at national and international level through spatial data integration and interoperability. The development of a Spatial Data Infrastructure is essential to spatial analysis and conflict detection, regarding IGAMAOT activity, especially concerning: Planning, Reporting and monitoring.

Session 7 – IMPEL-TFS Enforcement Actions in Portugal, Marco Candeias (IGAMAOT)

On this training session the context for the field visits was provided by Mr. Marco Candeias, as well as the information on Regulation 1013/2006. Mr. Marco Condeias explained the types of waste crossing the Portuguese – Spanish border, their origin,

destination and the efforts made by the authorities on the both sides of the border to control the waste flow.

Session 8 – IMPEL tools, Nancy Isarin (IMPEL Secretariat)

Within this module Ms. Isarin presented briefly the IMPEL network. Following with the highlights of some tools: firstly the Environmental Inspection Cycle, as developed by IMPEL, followed by some tools that related to steps and phases of the Environmental Inspection Cycle. The EIC is developed to support the inspectorates to plan, perform, report and evaluate their inspection activities.

Secondly some area specific tools were presented, namely:

- The iDepend tool, which supports the regulatory community in choosing different / alternative approaches to support compliance and improve the environmental behaviour of companies:
- Specific guidance related to Landfills, pig farming and waste sites.
- IRAM helps classifying installations so as to focus the limited resources to the installations that present the most risks.
- Checklist for landfill inspections that can be used as a support and is based on best practices from the IMPEL countries
- Waste IST tool is helping identifying problematic sites, and provides checklists.

Session 9 – INECE – voluntary compliance systems, Henk Ruessink (INECE)

Mr Henk Ruessink started by giving an overview of INECE, particularly presenting its strategic goals, namely

to raise awareness of the importance of environmental compliance and enforcement, to Strengthen capacity throughout the regulatory cycle to implement and secure compliance with environmental requirements, to develop networks for enforcement and compliance cooperation.

He then proceeded to talk about compliance assurance program steps and components, which are:

1. Identifying the regulated community
2. Evaluating the current level of compliance
3. Setting the program priorities
4. Promoting compliance in the regulated community
5. Monitoring compliance
6. Responding to violations

The ultimate goal of compliance assurance is to protect people and environment, to influence the behaviour of individuals, groups and organisations, to create a level playing field for economic operators and to maintain the rule of law and good governance.

4th and 5th of June 2015

Sessions 10 & 11

Field visit – IMPEL TSF enforcement campaign in the Portuguese-Spanish border IGAMAOT, Portuguese police, Spanish authorities

The aim of these field visits was to involve the participants in the real enforcement actions, specifically in the control of transboundary waste shipments, in 4 different border crossings: Valença and Vilar Formoso in the North, Mourão and Elvas in the South.

The participants were divided in 3 groups for the 2 days of inspection at the borders a part of a wider TFS enforcement campaign in the Portuguese – Spanish border. Group

A was in Valença, Group B was in Vilar Formoso and Group C was in Mourão in the first day and Elvas in the second.

On the Portuguese side the inspections were carried out by IGAMAOT and the SEPNA (environmental brigade of the GNR police); on the Spanish side, the relevant regional inspectorates and police participated.

The European Union (EU) has set up a system for the supervision and control of shipments of waste within its borders and with third countries, based on the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. This Regulation aims at strengthening, simplifying and specifying the procedures for controlling waste shipments to improve environmental protection.

Whatever the procedure, all persons involved in shipment must ensure that they take all necessary measures in order that waste is managed in an environmentally sound manner throughout the shipment process and when it is recovered or disposed of. The notification procedure requires that the competent authorities of the countries concerned by the shipment (country of dispatch, country of transit and country of destination) give their prior consent. Waste shipments must be the subject of a contract between the person responsible for the shipment and the consignee of the waste. Where the waste in question is subject to a notification requirement, the contract must include financial guarantees.

If a shipment cannot be completed (including the recovery or disposal of waste), the notifier must take the waste back, normally at his own expense. The Regulation concerns almost all types of waste. Only radioactive waste and a few other types of waste do not fall within its application, insofar as they are subject to separate control regimes. Different regimes apply to shipments of wastes for disposal and for recovery, as well as to hazardous and "green-listed" non-hazardous wastes. The shipment of hazardous wastes and of wastes destined for disposal is generally subject to notification procedures with the prior written consent of all relevant authorities of dispatch, transit and destination. However, as a rule, the shipment of "green-listed" wastes for recovery within the EU and OECD does not require the consent of the authorities.

The physical route and procedure that the shipped containers go through consists in general of the steps described below:

- Cooperation with police authority to stop the trucks to check all the paperwork;
- If the documents of the load provide certain indications that the shipment contains waste, or goods, will be proper treatment according the legislation.
- Check the contents of the container;
- If the shipment is legal, the truck is released or hit a risk profile, the inspection take all document for further investigation;
- In the case of the illegal traffic, the Truck is blocked and the take back procedure is initiated and followed;

The Group A – Border Portugal and Spain (Valença do Minho) 4 and 5 June – 90 trucks stop and 6 with waste.

The Group B - Border Portugal and Spain (Vilar Fromoso) 4 and 5 June – 95 trucks stop and 2 with waste.

The Group C - Border Portugal and Spain, 4 june 16 trucks stop in Mourão and 0 with waste. 5 June, 20 trucks stop in Elvas and 0 with waste.

Normally the tucks are stopped by the police authorities (Portuguese or Spanish) and they check cargo.

In the case of waste transports, the inspectors and the environment authorities check again the cargo and the documents of the cargo, to see if the documents are according the Regulation 1013/2006.

In case of infraction, we can open a prosecution process to the company and in the end normally can be applied a fine. In more serious cases, we can send the truck back to the place where it came from.

Each group had a rapporteur that summarized to the others the work done in the 2 previous days of waste shipments controls at the border points. The reporting was done at the beginning of training day 4 (6th of June).

6th of June 2015

Session 12 to 17 – Organizational Planning and Management, Elaine Wright

This training provided tools, lectures, discussions, case studies and exercises to help managers maximize the effectiveness of their organization. Topics included the importance of organizational management, addressing four core management issues – change, communication, conflict resolution and knowledge management, and organizational planning and goal setting. In small group exercises, participants conducted a SWOT analysis and drafted a strategic plan for a hypothetical organization. The outcome of the training was to provide the participants with information, tools, and techniques to apply to their own organizations. Another outcome from this session is the sharing of lessons learned from each of the participants as well as the contact information for future discussions. As a result of this program, when a new organizational issue arises in one country, the participants are encouraged to reach out to their colleagues in the region for assistance.

Participants were given two Self-Assessment Tools that can be used when they return to their home organization. The first tool is the *Self-Assessment for Leadership* focused on planning and alignment, recruitment, development, performance, and communication. Another tool, the *Self-Assessment of Environmental Compliance and Enforcement Programs*, was distributed to each participant to complete for their organization and to compare with the INECE 1998 country findings. Completion of both tools is voluntary.