
DOING THE RIGHT THINGS: A STEP-BY-STEP GUIDANCE FOR PLANNING OF ENVIRONMENTAL INSPECTIONS

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SUMMARY

The European Union's *Recommendation on Minimum Criteria for Environmental Inspections* encourages Member States to enhance their current environmental inspection activities. This includes implementing advanced planning. Practitioners in the EU expressed the need for guidance to help the implementation of the minimum criteria on planning in the Recommendation on Minimum Criteria for Environmental Inspections. A step-by-step guidance book for planning environmental inspections was produced for that purpose. The guidance book describes in detail the steps that have to be taken to successfully develop an inspection plan and the elements that the inspection plan should cover.

1 INTRODUCTION

In 2001, the European Commission adopted the Recommendation on Minimum Criteria for Environmental Inspections, which was aimed at encouraging Member States to improve the quality of their inspection activities. The purpose of the Recommendation on Minimum Criteria for Environmental Inspections is to strengthen compliance with, and to contribute to a more consistent implementation and enforcement of, environmental law in all EU Member States.

The Recommendation on Minimum Criteria for Environmental Inspections establishes criteria for environmental inspections of installations and other enterprises/facilities whose air emissions, water discharges or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law. These are also known as "controlled installations." All inspecting authorities in the EU Member States should apply these criteria.

The planning of inspection activities is a key requirement of the Recommendation on Minimum Criteria for Environmental Inspections. Planning defines and explains the work a Member State is about to implement, so that the country can perform in an effective, efficient, transparent, and accountable way. The Recommendation on Minimum Criteria for Environmental Inspections is currently being reviewed by the European Commission.

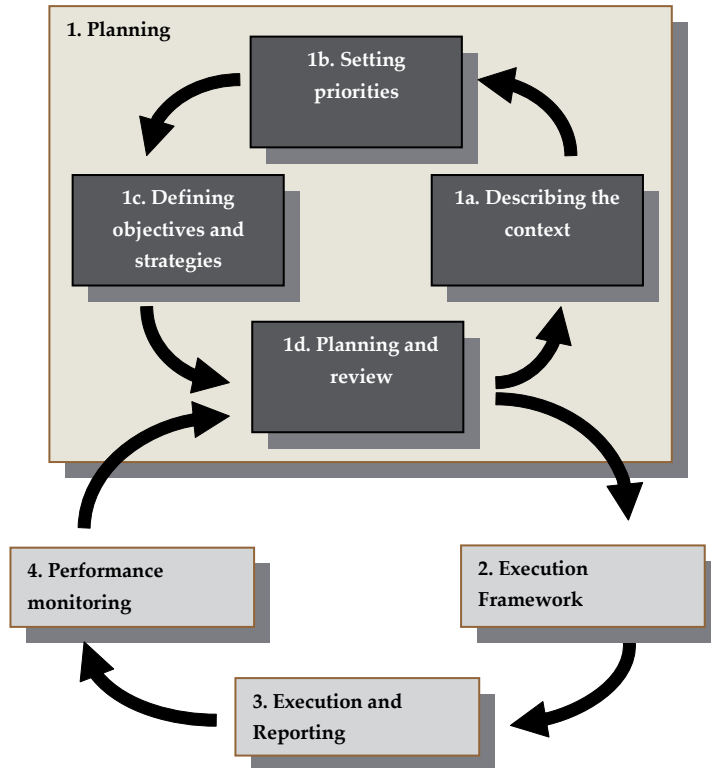
2 DOING THE RIGHT THINGS

The EU Network for the Implementation and Enforcement of Environmental Law is an informal network of the environmental authorities of the EU Member States. Under the project title “Doing the right things,” the Netherlands (Inspectorate for Housing, Spatial Planning, and Environment) developed a step-by-step guidance book for planning of environmental inspections within the Implementation and Enforcement of Environmental Law network. This guidance book was developed to support inspecting authorities in carrying out that difficult task. It helps to pose the right questions and suggests ways for finding the right answers.

The guidance book is based on the concept of the Environmental Inspection Cycle, which consists out of the following seven steps:

1. Describing the context
2. Setting priorities
3. Defining objectives and strategies
4. Planning and review
5. Execution framework
6. Execution and reporting
7. Performance monitoring

In general the Environmental Inspection Cycle (see figure 1) can be described as follow.



2.1 Describing the Context

The first step in this cyclic process is “describing the context” (box 1a in figure 1). During this stage, the inspecting authority evaluates its statutory tasks. This part sets the scope of the inspection plan; in addition, it is necessary to gather information for performing the risk assessment as part of the next step.

2.2 Setting Priorities

The second step is “setting priorities” (box 1b in figure 1). This step starts with a risk assessment that will result in a list of installations or activities that are ranked and classified. Priorities are also established in this set. In other words, items that will get the necessary attention (and how much) are determined.

2.3 Defining Objectives and Strategies

The third step is “defining objectives and strategies” (box 1c in figure 1). Within this step, the inspecting authority identifies inspection objectives and targets. These objectives and targets can be presented quantitatively and/or qualitatively. When it is clear what is to be achieved, one can define or modify the inspection strategies in order to meet these objectives and targets.

2.4 Planning and Review

The fourth step is “planning and review” (box 1d in figure 1). The inspection plan is developed at this stage. The inspection plan covers a defined time period and describes and explains the steps taken in boxes 1a, 1b, and 1c. Part of the inspection plan is an inspection schedule, which may stand as a working annex to the inspection plan, or as a separate document referenced within the inspection plan.

2.5 Execution Framework

The fifth step is “execution framework” (box 2 in figure 1). Before inspections can be executed, one has to make sure that all necessary conditions are met. The appropriate working procedures and instructions, powers and competences, and equipment should be in place.

2.6 Execution and Reporting

The sixth step is “execution and reporting” (box 3 in figure 1). In this step the inspection work is done. The routine and non-routine inspections are executed and reports of findings are written. Data on the inspections that are carried out, and the outcomes and follow-up should be stored in a good accessible database.

2.7 Performance Monitoring

The seventh step of the process is “performance monitoring” (box 4 in figure 1). To ensure that the objectives and targets have been reached, the *output* (were the planned activities carried out?) and the *outcome* (what were the effects of our activities?) must be monitored. This information will then be used for reviewing the plans and for reporting to different stakeholders, for instance the minister responsible, parliament, the general public, the European Commission, and more.

2.8 Following Completion of All Seven Steps

After completion of the seventh step (Performance monitoring), inspectors should return to step four (Planning and review). Based upon the monitoring results, along with possible changes in step one (describing the context), the inspection plan (and schedule) will be reviewed and possibly be revised.

The first four steps of the Environmental Inspection Cycle form the “Planning Cycle” (see figure1). The output of the Planning Cycle is the “Inspection Plan.” As a result, in order to develop the inspection plan, the inspecting authority has to first identify the relevant activities that should be covered by the inspection plan and gather information on these activities. With this information, the inspecting authority can perform an assessment of the risks of the identified activities and assign priorities to these activities. Typical criteria that are taken into account when setting priorities are environmental impact, compliance record, legal obligations

to inspect, national policies, and objectives and available resources. The priorities indicate what activities should get the highest attention. A following step is to define measurable inspection objectives and targets for the activities to be inspected, and to choose the best inspection strategy to accomplish these targets.

All steps contribute to the inspection plan. The inspection plan clearly indicates the time period and area it covers. An inspection plan outlines the context in which the inspecting authority performs its inspections. It describes the mission and objectives of the inspecting authority, its statutory tasks and inspection obligations and (national) policies to be implemented. Further, the inspection plan gives an overview of the priorities that have been assigned and explains why and how these priorities were set. The plan also gives general information on inspection targets, strategies, procedures, and the planned inspection activities themselves. The inspection schedule describes what, where, when and by whom the different types of inspection activities will be executed. The inspection plan and the inspection schedule need to be reviewed and - when appropriate - revised periodically.

3 IMPLEMENTATION OF THE GUIDANCE BOOK

The outcome so far of the project “Doing the right things” was not only the step-by-step guidance book, but the recommendations from the EU Member States that emphasised that the use of the guidance book should be further promoted and supported. During the biannual plenary meeting of Implementation and Enforcement of Environmental Law in Lisbon, November 2007, the network decided that (under the same project name, “Doing the right things”) the implementation of the guidance book in the EU Member States will also be facilitated. This succeeding project will aim at supporting the Member States in 2008 with providing training sessions and an electronic tool. Further, in 2009 the execution of an enhanced support programme will occur.

The guidance book can be downloaded from the Implementation and Enforcement of Environmental Law website <http://ec.europa.eu/environment/impel/index.htm>.

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