

ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT INDICATORS

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The *raison d'être* of the Environment Inspection Section is to prevent nuisance, damage and serious accidents; and to preserve the environmental quality and to improve it where possible.

To realise this aim, the Environment Inspection Section has drawn up strategic objectives and is implementing several processes. The key process is 'inspecting and taking measures,' or, in brief, enforcement.

In order to determine how well the objectives have been met, measurement indicators are of great importance. The statement 'measuring is knowing' certainly holds true in this case. It is rather straightforward to generate data on the output of the enforcement activities. However, measuring the outcome of the environmental inspections is a whole lot more complex and time-consuming. There is a great need for outcome indicators, which are transparent, relevant, easy to handle, feasible and measurable. Furthermore, there is a tension between effectiveness and efficiency. And, last but not least, before measurements are possible, there has to be performance!

The effectiveness of the enforcement can be partly determined by measuring the output of the process, but mainly by measuring the outcome (effects obtained). It is fairly easy to determine the output of the enforcement process correctly and completely, on the basis of quantitative data, such as the number of inspections, samples taken, inspection reports, reports of infringements, administrative measures, project reports, etc. Carefully compiling these data, e.g. in an electronic dossier management system, allows the Inspection Section to generate them afterwards without too much effort.

These quantitative data, although being very informative, do not allow a qualitative appreciation of the output itself, nor of the gravity of the infringements or their impact on the environment, of the emission reductions, of improvements of the plant management, of changes of the attitude of the companies, of the effect on the environmental quality, etc. As such, these output figures are of limited value. In order to determine the quality of the performance, one not only has to measure the output, but also the outcome, i.e. the effects obtained. However, this is complex and time-consuming work, which is strongly dependent upon the type of inspection.

The effectiveness of inspections is also directly proportional to the measures of criminal and administrative law, which follow the inspections. Both the quality of these measures and the effectiveness of their application are important. It is typical for enforcement dossiers that, at a certain stage, the enforcement authority is no longer dealing them with, as they are handed over to other actors. In case of criminal prosecution, this will be the public prosecutors; for changes of or additions to the licence or for suspending or cancelling the licence, this will be the licensing authorities and in case of appeals against coercive measures, this will be the responsible minister. The way these authorities handle the dossiers is beyond the influence of the Environment Inspection Section, but this will strongly determine the effectiveness of the environmental inspections. Insufficient or, even worse, no action at all by these authorities may lower or even neutralise the effect of the inspections. The same holds true for the feedback of the results of enforcement actions and of recommendations towards the policy makers: the enforcing authority has no, or limited impact, on the way this information is afterwards being dealt with.

Concerning the efficiency of the enforcement, it can be stated that it will increase as the organisation disposes of:

- sufficient, strongly motivated and highly qualified personnel
- clear objectives
- workable indicators

- good legal instruments
- well suited inspection instruments (checklists, codes of good practice, etc.)
- permanent training facilities

Effectiveness and efficiency do not always go together. Sometimes, raising the efficiency may even cause a lower effectiveness and vice versa. Due to the limited amount of resources, Pareto's 80/20-rule is well applicable. In many actions, 80 percent of the wanted effects can be obtained within 20 percent of the time. Time is money, also for public authorities.

To illustrate the effectiveness and efficiency of environmental inspections, the way the Flemish Environment Inspection Section has obtained its objectives for the cleanup of the municipal waste incinerators and the handling of complaints was presented at the workshop.