Strengthening the institutional/regulatory capacity in the environment sector in the Czech Republic

Final Report

Twinning project CZ 98F-01

between

Czech Ministry of the Environment

Czech Environmental Inspectorate

German Federal Ministry for the Environment

Bavarian State Ministry for Regional Development and Environmental Affairs

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Content:

1 Executive summary

1.1 Purpose and objectives

The aim of the Twinning project was to strengthen the institutional structures and the regulatory capacity of the Czech authorities, which are involved in the enforcement of environmental law, and to prepare them to implement and enforce EC legislation. In particular, it was necessary to strengthen and update the competence of the Czech Environmental Inspectorate (CEI) as the competent national enforcement and controlling body.

The following contents were to be addressed in the context of the project:

1. Assessment of the implications of implementing enforcement structures and practices for existing and emerging community law (for example, the IPPC Directive and the new pollutant release and transfer register that will contain data on emissions to air, water, and soil from the chemical industry and other sources). The following results and documents of other Phare projects were taken particularly into account:

- CR-103 'Environmental legislative gap analysis for the Czech Republic';
- CR-104 'Impacts of implementing legislation, which approximates EU environmental legislation. Sector specific study: Waste management';
- CR-105 'Impacts of implementing legislation, which approximates EU environmental legislation. Sector specific study: Nature protection';
- CR-106 'Upgrading and implementing a legislative programme for the approximation of EU environmental legislation in the Czech Republic';
- CR-107 'Implications for the IPPC Directive and the BAT concept for the Czech Republic';
- CR-108 'Assessment of permitting, monitoring and enforcement capacity of the Czech Environmental Administration';
- MC-110 'Development of a Handbook for Implementation of EU Environmental Legislation';
- MC-111 'Assessment of Environmental Enforcement Structures in the Accession Countries';
- UK bilateral project in developing a training system for the CEI.

2. Development of a national strategy of environmental law enforcement practice involving the different administrative levels to implement and enforce the environmental acquis communautaire which has already been transposed into national law or was in the process of transposition. The role of regulatory as well as non-regulatory instruments (such as voluntary agreements, compliance promotion

and advice and the role of criminal enforcement) were discussed and taken into account;

3. Specification of the future role of enforcement institutions, especially of the CEI, within the national strategy addressing the implementation and enforcement of environmental legislation strategy, and enhancement of the overall effectiveness of its inspections and enforcement actions; Improvement of co-ordination and co-operation between the involved institutions, including direct contacts with partner organisations on transboundary issues; Promotion of the role of the enforcement institutions as a feedback control in management of the environment fund.
4. Improvement of existing systems and mechanisms in order to meet future EU obligations in the field of analysis, control, monitoring and inspection. This includes the improvement of technical systems for collecting and evaluating information provided through the monitoring, notification and reporting of activities and supply of essential equipment. It was planned to further enhance the use, exchange and evaluation of information on environmental affairs while mechanisms for disseminating information to the public through the enforcement institution were to be established.
5. Provision of a long-term expert (PAA = Pre-Accession-Advisor), medium- and short-term experts. On-site visits to appropriate authorities in Germany and other Member States, language courses and training programmes in the Czech Republic, including the development of training materials, such as handbooks and manuals for seminars.
6. Workshops were organised as a means of co-operative action involving experts from Czech institutions from the very beginning with the aim to build on their experience and knowledge and to promote ownership with them as "customers" of the project.

The following single aims of the project were expected to be achieved:

- Development of a comprehensive enforcement and inspection strategy for respective enforcement authorities and specifically the CEI;
- Enabling of the CEI to adapt its licensing, enforcement and inspection duties to the changing legal environment based on an improved new organic law;
- Further enhancement of transboundary co-operation;
- Development of a training package, allowing coherent and sustainable training in the Czech Republic by national experts;
- Training on the job of a core group of personnel and supplying them with the necessary tools that will allow for a sustained improvement of the Czech Environmental Administration;
- Trainers' manuals, handbooks and guidelines for inspection and additional training and supporting material that cover the specific needs of the CEI;

- The project also comprised technical assistance and the supply of specialised software and manuals;
- At the end of the Twinning project, the CEI should be in a position to manage the implementation of the acquis communautaire more effectively on its own and to further improve and adapt its enforcement strategies in the long-run;
- The German Federal Ministry for the Environment and the Bavarian State Ministry for Regional Development and Environmental Affairs are prepared to continue the co-operation in regard to the aims of this project beyond the end of the project and to enter into a continuous co-operation with the Czech partner institutions on a bilateral basis. The Twinning project therefore had to identify additional needs and possibilities for assistance and co-operation.

1.2 Background

The Czech Environmental Inspectorate (CEI) was created in 1991 by merging two sector-specific inspectorates both having a long tradition (technical inspectorate of air protection and water protection inspectorate) with the inspectorate of forest protection. In the following year (1992) two more divisions of CEI were formed, namely the waste management division and the division of nature protection. The CEI was primarily formed as one organisation with a vertical hierarchy and a sectoral approach (5 divisions). Later, in 1993, the CEI was transformed in a first step of integration, and more concise regional inspectorates were created, being primarily responsible for the enforcement of environmental legislation in particular regions. The headquarters in Prague remained the main co-ordination and management centre of the CEI. Today, the CEI has one Head Office at the national level and 10 Regional Inspectorates at the regional level. These two levels are considered to be one legal entity i.e. if needed, any inspector of CEI may act in the whole territory of the Czech Republic.

Beyond the CEI, enforcement competence is also given to the district offices by Czech environmental legislation. These competencies are similar to those of the CEI. Nevertheless, the districts only may act within their area, and their enforcement efforts are mostly used within the permitting process. There are 76 district offices under the Ministry of Interior performing local environmental control, usually in close co-operation with the CEI. Activities designed to benefit the CEI, i.e. improvement in environmental control, were thus also expected to ultimately apply to all of the district offices. However, during the implementation of the project, the administrative reform of the Czech Republic started, and district offices were to be dissolved. Instead of districts, new, larger units were created (regions, in Czech called "kraj"). These regions are of different character, being self-governing units with regional parliaments. The competencies of districts are partly given to the regions, and partly to the lowest level of municipalities. During the final phase of the project, the administrative reform is still ongoing and final competencies are still not yet determined. Nevertheless, it is expected, that the role of CEI as a national body will be preserved, and some of the general results from the project will be used either on the regional level or on the level of municipalities. To define the share of the gained

knowledge, which may be later transferred and used outside of CEI, seems at present impossible. Due to these conditions it was hardly possible to invite the personnel to participate in some of the project activities, the project team decided to produce results in the form of booklets and handbooks, which may later serve as "handy" information.

1.3 Activities

The Twinning project consisted of six main work packages which included a number of different planned activities.

Package 0 subsumed basic items of technical equipment and technically oriented language skills which were necessary for the successful completion of the various other work packages and for the achievement of the overall aims of the Twinning project. In particular, this package included technical language courses, which were necessary for the successful implementation of the environmental acquis communautaire, and transboundary co-operation. The second activity of package 0 addressed the installation of basic technical equipment, which was necessary for fulfilling requirements of EU environmental legislation -in particular of the IPPC Directive- on monitoring, reporting and information gathering. This technical equipment has been procured under the standard Phare DIS procedure.

Package 1 provided an overview of very specific needs of the CEI and other relevant Czech authorities which were used as input into the detailed planning for the remaining work packages. The assessment, which was prepared in stages, was finished within the first two months of the Twinning project. The single components were the identification of needs to improve the inspection, the enforcement of capacities of the CEI in the context of the transposition and implementation of the acquis communautaire, the elaboration of an institutional development plan for the CEI based on a directive specific inventory and the preparation of the CEI for the implementation of an integrated pollution register.

Package 2 provided the operational backbone of the Twinning project. Starting in the first quarter of the project, from the practical challenges posed by important elements of European/Czech environmental policy, the actions provided for in this work package led to the identification of institutional and organisational bottle-necks in the second half of the Twinning project. Drawing, in particular, on the results of work packages 3 and 4, the third phase of package 2 also included the preparation of training activities as a means to put new experiences, techniques and methods into practice. In particular, the three package components were at first the development of a comprehensive strategy of national environmental law enforcement practice to allow for an effective and efficient implementation of the environmental acquis communautaire. Secondly, the clarification of the future status and organisational structure of the CEI with special regard to transboundary co-operation, division of tasks, co-ordination and information flows between relevant Czech authorities, and the use of improved feedback control mechanisms for the Czech Environmental Fund. Thirdly, the development of a personnel training scheme

for the CEI and other relevant institutions, taking the issues mentioned above (and the results of packages 3 and 4) into account.

Package 3 focused on developing an efficient and effective style of enforcement and inspection practice which are able to keep pace with a rapidly modernising economic and societal environment and, in particular, the newest developments in EU environmental legislation. The improvements of information gathering and information sharing methods and routines were discussed, and form the core of the inspection and enforcement guidelines which were presented in the year 2000. In particular, the objectives of the third project component were the identification of needs and possibilities to improve procedures and practices regulating reporting requirements, information gathering and exchange, and information to the public with a view toward implementing the environmental acquis communautaire. Furthermore, the package is aimed to improve procedures and practices for regulating inspections and enforcement in light of implementing the environmental acquis communautaire.

Package 4 focused on the development of an efficient and effective style of enforcement and inspection practice, which is able to keep pace with a rapidly modernising economic and societal environment. The package built and expanded on previous activities in the context of work package 3: On the one hand, technical aspects of information gathering and sharing were confronted, in particular the use of state-of-the-art computer based systems. On the other hand, communication processes with the "secondary environment" of the CEI were improved. This package was not as successful as expected due to the failure of the tender for the inter-communication system 0.2 (hardware). Therefore e.g. the expected transboundary flows of information could not be realised.

Package 5 included the preparation of a draft organic law which could be finished at the end of the Twinning project. The preparation of the law was influenced by the current situation of the accession process and by the time schedule of planned legislative changes. It is now clear that during the project implementation, this exercise should rather have focussed on the preparation of the draft part of expected framework law, i.e. environmental code. This part of the draft organic law, describing the role and position of the CEI, incorporates and consolidates the most important relevant institutional and organisational issues and improvements which have emerged during the previous phases of the project, among others in the context of package 2.

1.4 Achieved Results

Within **Package 0,** the language courses were very successful. About one third of the entire CEI staff took part, and the overall level of language skills increased markedly. This part of the project initiated, in many cases, further language training paid for by the CEI or the participants. The most important result of this exercise was the fact that after the courses it was possible for the experienced CEI inspectors for transboundary co-operation, to participate in workshops and be involved in international projects related to EU-enlargement. However, the language level of the

participants after the courses is at various levels. The highest level, enabling fluent and direct technical discussions, was achieved only by a limited number of inspectors. In general it can not be sufficient enough to enable all designated participants to follow technical discussions with full understanding and to effectively participate in workshops and expert panels without interpretation. Thus, even if the impact or benefit for the CEI is clear already (due to the language courses, the number of persons, who entered international co-operation during the last two years increased significantly), the success in the medium and long-term depends on the regular and sustainable training of CEI employees, in particular with respect to the implementation of the environmental acquis communautaire and transboundary co-operation (cf. component 0.1).

Basic technical equipment was successfully procured and a small reference laboratory was established, specifically with a Fourier Transform Infrared Spectroscopy (FTIR) and adequate computer technology and printers, as well as a gas chromatograph with spectrometer. Furthermore computers and an automatic emission isokinetic sampling device with a notebook and a printer were purchased. Unfortunately, the second activity, the implementation of the inter-institutional communication module, could not be realised (cf. component 0.2) because of a failed tender.

Within **package 1** a general assessment of the current state of the CEI was carried out and the conclusions of the CR-108 report, especially Annex C regarding the needs and gaps of the CEI, were stressed and confirmed in principle (cf. component 1.1).

Areas of particular importance for the effective functioning of the CEI have been identified. Furthermore recommendations were formulated, specifically about how the needs and demands identified shall be addressed within the Twinning activities or by certain institutions or administrative bodies (cf. component 1.2).

An expert panel formed of persons with relevant experience in the Member States and the German Länder resulted in the development of recommendations on improving external information policies, how to clarify competencies and responsibilities between the administrative bodies and ways to avoid overlapping registers (cf. component 1.3).

Assistance was given in preparing the CEI for its role in implementing an integrated pollution register (IPR) (component 1.4). Interviews with different institutions were carried out. There was a common agreement that the Czech Environmental Ministry should be designated as the superior responsible institution for permitting/licensing and the development of an emission register within the scope of the IPPC Directive. Possible data-input from CEI was discussed. Furthermore, different options were discussed about future co-operation and the exchange of technical information.

From the activities of **package 2,** the discussion of particularly important joint expert meeting about the future status of the CEI (cf. component 2.1) led to the essential conclusions: "key elements of a definition of the future status and organisational structure of the CEI". It was concluded that the CEI should remain an independent

administrative body and thus preserve its current status; operate on a national basis with regional Inspectorates managed by the directorate; playing a major role in the supervision and enforcement of environmental law but that the CEI is not to be involved directly in the permitting process. The creation of a further nation-wide body (e.g. environmental agency) was basically supported, but CEI should for the time being remain independent from it; a later merging was not excluded with the assumption that enforcement and supervisory tasks remain autonomous.

During the **on-site visit to Sweden,** the Swedish project counterparts (cf. component 2.2) provided information on the Swedish permitting and monitoring system and the implementation of IPPC together with other directives and pollution-oriented national law at the institutional level. Special emphasis was given to the permitting and monitoring system concerning the impact of the production technology on the different media - air, water and land. Furthermore some issues concerning the planned simulation game in the Czech Republic were addressed.

The IPPC **simulation game** was extremely successful and productive. Many different Czech authorities participated, and experience gained during the simulation game (cf. component 2.3) substantially influenced the legislative work in preparation of the Czech IPPC law. The results were shared with the expert public and discussed later at several meetings. The activity helped in designing of IPPC-permit application form. Also new types of tasks, e.g. negotiation skills were trained. A working group for the integrated permitting procedure was established, consisting of members from different ministries and bodies. The results in general formed start-lines for several other IPPC related projects.

The objectives and content of a **training programme** for the CEI staff were determined and differentiated. The assessment of pilot training programmes proved that further training should be regular, include three to four levels, consist of a practical training component and build upon best practices (cf. component 2.4). Within the scope of this activity a long-term and sustainable training system at CEI should be established.

Within the workshop on **transboundary co-operation** (component 2.5) both the Czech and the German participants of the meeting confirmed their strong interest in co-operating in various environmental fields. Information about local arrangements and problems, namely in water management, nature conservation, waste management and air quality was exchanged. Future co-operation within, but also beyond the scope of the Twinning project was discussed which led to an agreement on the on-site visits.

To avoid duplicity, the activities within the assessment of institutional overlap and potential synergetic effects (component 2.6) were limited to provide all necessary documents and requested inputs of information to the Ministry of Environment, as far as the assessment itself, it was managed as a separate activity within the Ministry. These results are provided in a separate report which was contracted by the Ministry and released to the European Delegation Prague for review.

Discussions with representatives of the State environmental fund (component 2.7) showed, that the existing system of CEI participation is sustainable and functional, and should be preserved for the future.

Eight on-site visits (component 2.8) were organised to enable the close co-operation and gain of further knowledge about the work of relevant transboundary partners. The very positive experiences from the first round of visits led to a proposal to enhance this activity and the on-site inspection/monitoring practice was included as a further aspect in the following site-visits. The subjects covered during the visits to Germany and the Czech Republic ranged from pollution control through waste management, land filling and management of contaminated sites to the implementation of nature conservation legislation and the Convention on International Trade in Endangered Species (CITES) and adequate European legislation.

Activities of **package 3** began with the workshop on information gathering and reporting (component 3.1). Within the framework of this workshop, taking into account the analysis in the Czech Republic as well as Danish and German experiences, recommendations were made concerning the identification of relevant data, the improvement of data collection and dataflow and the performance of a gap analysis.

On-site visits to Germany (component 3.2) and additional introductory presentations provided a comprehensive view to the Czech experts on the German/Bavarian practice of technical planning, inspection and enforcement in the different environmental sectors as waste management, water management, rehabilitation of contaminated sites, nature and forest protection issues, as well as the information about the system of training for the staff of Bavarian environmental authorities. Unlike the site-visits within the package 2, these visits focused on higher management levels of CEI, to support the strategic and medium-term planning of future work of CEI, as well as help in the preparation of specific methods for inspection guidelines based on the experience and best-practices of the Bavarian partners.

For the development of enforcement and inspection guidelines and a handbook, (component 3.3) a first draft of the handbook was elaborated, circulated and revised within the CEI. As agreed with the Czech partners, the handbook is limited to a selection of key issues and topics and should remain as a living document, being updated regularly reflecting the actual changes in legislation and practice in the Czech Republic. Existing material about the CEI and its responsibilities, prepared during the course of the Twinning project by CEI itself was considered to be of high quality, will be used as a part of the handbook, as well as the main outputs from CEI's yearly report. In addition, the major part of the handbook will cover information on European legislation. As a result of this activity a small editorial working group for the handbook will be established at CEI to take care of the structure, form and updating of the handbook. Inspectors guidelines, were prepared separately, but will supplement the handbook to produce coherent material, which is to form basic information for every active inspector. It was agreed during the course of the project, that all these materials will be used in the future as training

manuals/handouts for the proposed system of inspectors' training. The guidelines proper focused on basic legislative and practical topics of inspectors work in basic areas (air, water, waste, nature, forest), rather than going into the technical and technological details. Specific guidelines about the essential psychological aspects of the daily work of the inspectors were also prepared.

For the exchange of experience of the implementation of the Wild Birds Directive and the Habitats Directive a workshop was carried out (component 3.4). Based on experience already made in Germany, recommendations were formulated to be considered in the early stage of the implementation process in order to support the effort of implementing the Habitats Directive and the Wild Birds Directive in the Czech Republic. This workshop created an opportunity to discuss possible role of the CEI in this field in the future.

During on-site visits (component 3.5) to Ireland participants received comprehensive information on an alternative of the implementation of the IPPC Directive and the institutional responsibilities for licensing and regulation. From the point of view of IPPC, the Irish EPA is responsible for the licensing and regulation of large industrial and other processes with significant pollution potential, the licensing of waste disposal activities, and the licensing of persons engaged in genetically modified organisms. By being able to compare the situations in Germany, Sweden and Ireland and based on previous knowledge from exchanges with the Netherlands and England, the visit enabled the Czech experts to extend their knowledge on possible ways of implementing the IPPC Directive within the context of the Czech Republic.

Several activities within **package 4** were dependent on the delivery of information technology components, and thus were strongly influenced by the failure of the tender. Because of this development, several activities were modified or postponed with the aim to find another solution and use the experience of experts.

The first steps in assessing the existing situation in order to enhance information procedures were thus made during the preparation of the tender in order to specify CEI's needs. Some of the inputs from the Twinning short term experts were taken into account, and were discussed at a workshop within activity 4.2. After the failed tender, it was necessary to find a new solution. Finally the comparative discussion about possibilities to enhance information procedures was postponed to the final phase of the project. During the visits and communications with Czech counterparts, the basic data-flows and existing information procedures were described, and several recommendations to enhance the information procedures (component 4.1) were made. Some outputs were also relevant for improving public access to information, which is created by the CEI activities.

Based on the available information and reports on the current situation in information gathering and reporting in the Czech Republic and taking into consideration Danish and German experiences (component 4.2), recommendations were formulated, calling for the clarification of the overall legal binding framework regarding data gathering, the improvement of the contact to the broader public, single interest groups and universities and the improvement of internal policies. Basically, the

existing ideas about the formation of the meta-information system for environmental information were supported with some amendments.

During on-site visits to Denmark (component 4.5) the participants were introduced to the system and facilities of the Danish "Computer based administrative system" on pollution sources, which comprises different modules, namely GeoEnviron, GeoFlex/Journal and GeoFlex/Administration. Furthermore the register of different facilities with respect to the different administrative levels (municipalities, counties) was presented. To this end the visit confirmed the introduction of the Danish software for a pilot run in the Czech Republic to test its usefulness for the regular inspectors' work under the conditions of Czech environmental legislation.

Regarding the public access to information (component 4.6), the situation in the Czech republic was substantially changed by the implementation of the law on public access to information in 2000. Together with a law on public access to environmental information, this law created a satisfactory background for providing information to the public. Several recommendations were given by German experts to the Czech counterparts in the course of a workshop on information gathering and reporting, and during the simulation of public participation in the IPPC permitting game. Thus the Czech experts gained a clear view as how to proceed after summing up these discussions and experience. Furthermore the internal rules for public access to information were created and implemented.

The draft concept of an inspection system was based on the negotiations between the representatives of the project team and the Bavarian Ministry for Regional Development and Environment Affairs, which were held from 24 to 26, January 2001 in Munich (component 5.1). The major topics at the meeting were integrated environmental protection and discussing what relevant system of inspection should the Czech Environmental Inspectorate (CEI) be charged with.

The first version of the draft concept of the Act on CEI was worked out on the basis of materials that had been prepared by experts in administrative law and in the activities of the CEI.

Partner institutions in the Czech Republic organised a workshop to discuss and further develop the draft organic law (component 5.2). The first section covered the evaluation of the current legislative status and tasks of the CEI in comparison to the status of the workshop 2.1 "Future status of the CEI" held in April 2000. In this context, the position of the CEI was presented. Furthermore the Czech Ministry of Environment presented its position regarding the current needs and proposals for the status and tasks for the CEI. Section II of the workshop was dedicated to the integrated approach to be adopted by the CEI.

The practical delivery of personnel training courses served as an opportunity to test the proposed training scheme, and at the same time to educate a major part of newcomer inspectors acquired during the last year in the process of CEI's enlargement within the approximation process. Particularly positive aspects of the personnel training courses (component 5.3.1) were that the Czech lecturers could collect experience, improve their skills, especially their ability to communicate, and

they were able to enter into an information and experience exchange with German experts. The seminars not only helped to improve the quality of communication among the participants but also between the participants and lecturers. Furthermore, the seminars fostered an atmosphere of openness. Initial constraints and fears were eliminated. An essential foundation for the co-operation among the new inspectors was established, which is an important prerequisite for the practical implementation of the integrated approach to environmental protection required by the EU.

The Twinning project was proposed at a time when political change in the Czech Republic was under way, accompanied by problems being unresolved. Therefore, on the one hand, some of results achieved during the project could not be expected in advance and, on the other hand, some of expected outputs shifted or changed due to political developments, which were different than primarily expected. Nevertheless, apart from the intended outputs, many other unexpected results were achieved during the implementation of the project. Among others, the most important were:

- A general awareness was raised about European legislation and the needs of the Inspectorate relevant to the implementation of this legislation were identified, due to the fact that more than a half of the overall CEI staff participated at least in one of the activities which were carried out during the project. At the end of the year 2000, an independent consultancy carried out a survey on the awareness of European legislation in different Czech administrations and came to the conclusion that the CEI, together with the Czech Hygienic Service, is the best prepared from a whole range of surveyed institutions,
- Inspectors of CEI are now able to follow and participate specific discussions on the implementation of EU legislation holding specific knowledge of gaps and options. Additionally they participate in different working groups at the ministry level and participate actively in the implementation process,
- The Twinning project initialised complex, but necessary discussions on the further role, structure and internal organisation of the CEI and thus prepared a good starting position for the implementation of new EU recommendations on minimum criteria for inspections, which are now broadly accepted by the relevant institutions,
- Activities of the project supported the start-up arrangements of the new training system at the CEI, including the establishment of the core group of trainers,
- The project initialised important discussions at the ministerial level concerning the management of running changes. These discussions are still ongoing and actively involve CEI representatives, who build upon the experiences of the project,
- The management of the project including the need to inform the partners about ongoing activities and preliminary outputs resulted in the creation of an „international" part of the CEI website (www.cizp.cz/euro), which additionally informs the public about the projects and other activities of the CEI during the

transition period of the Czech Republic, and

- The language skills and awareness on European issues initiated the participation of the CEI representatives in different international activities and networks. I.e. the CEI inspectors participate more often and actively in the working groups of the IMPEL network. Furthermore, discussions are ongoing with experts from border regions (Bavaria, Saxony), as well as comprehensive local transboundary contacts were established. Areas for further co-operation were defined and the common ground for bilateral co-operation was established.

1.5 Conclusions and Recommendations

The activities described in the report, which were carried out in the scope of the Twinning project in accordance with the covenant, resulted in the following conclusions and recommendations. A main division is made between recommendations directly addressing the CEI and those addressing environmental administration in general. Nevertheless, there is a close relation between these two main groups of recommendations. The detailed descriptions of the recommendations are included in the respective chapters of this report and in the annex.

It is important to note that EU legislation itself does neither establish any particular structures for institutions, nor for inspections. In the Czech Republic these aspects are considered in the "Organic Law", which is currently being developed.

Furthermore the recommendations may vary concerning their degree of detail and their level of application.

Whereas the recommendations which are a direct output of the activities that were elaborated during the course of the project, the recommendations presented here are elaborated and adapted to the evaluation at the end of the project. Therefore the detailed recommendations drafted at the time of the activities might slightly differ.

1.5.1 Recommendations directly addressing the CEI

Role of the CEI

The CEI should remain an independent administrative body and thus preserve its current status. Since the CEI is the only national controlling and enforcement body of the Czech Republic, it is advisable that it not only directly report to the Ministry but also to the Parliament. The CEI should then be financed from the state budget, not from the (parts of) fees or fines in order to maintain its independence.

The CEI should operate on a national basis with regional Inspectorates managed by the directorate; the structure may need not necessarily follow the national administrative structure. The regional Inspectorates should also be independent and

not be integrated into the newly created regions (Kraj) - they should be designated only to the CEI headquarters.

Competencies of the CEI

The role of the CEI and its activities primarily consist of supervision and enforcing law. They are not responsible for issuing permits and deciding on fees (if data for inspection are accessible in some other way). Opposite to most of the European countries, the CEI's main areas of inspection comprise technologies as well as nature and forest– a structure which should be preserved. The power of supervision should be limited to subordinate administration. The supervision of superior administrative bodies is not recommended.

The inspection is obliged to be involved in important industrial branches and must be involved in large, but may also be involved in small and medium-sized enterprises. In principle all departments of the CEI (i.e. water, air) should have the same competencies.

Strategies

A comprehensive strategy of the CEI did not exist prior to the Twinning project and was built up gradually by different activities within the project, mainly by activities 3.3 "guidelines and handbook" and package 5. This strategy must be further discussed by the top management and other key persons of the CEI and updated yearly. Thus inspections were not always carried out systematically following certain criteria but were conducted informally. The development of a CEI-strategy comprises the issues of inspection and the capacity building of the institution. It is recommended that the task of updating the handbook and the guidelines be managed by one appointed person at CEI and the same person should also be involved in updating the CEI strategy.

1. Issues of Inspection

The different conceptions of the CEI departments should be unified as far as possible, defined by a framework law, either within the environmental code, or through a special law on inspection. The sectoral laws should be then changed in the same way (as far as the powers of the inspection are concerned).

The terms „enforcing - implementing" and „support for harmonising with the laws" must be defined carefully and precisely. They may include some „more lenient" approaches, however they should lead to better compliance with the law. Agreements are possible under the condition that the infrastructure for classical and effective enforcement is sufficient.

There is a need for a laboratory(-ies) for non-routine specialised measurements. It is not important whether they are part of the inspection or of some other state body (an agency, etc.) Routine analyses will be ordered in commercial laboratories (component 2.1).

Concerning the Czech IPPC system, the future position of the CEI is under preparation. Therefore, it is recommended that the CEI keep its major role of inspecting activities in integrated environmental protection.

There is a general need of clarifying the role of the CEI in relation to local authorities and the division of tasks concerning enforcement. As mentioned above, the CEI should mostly focus on important large installations and problems.

2. Capacity building

The CEI should recognise language skills as an important criteria for personnel planning and personnel development and should emphasise the development of a system of incentives for employees to improve their language skills.

The staff of the regulating authority and the expert body play a very important element of the whole process. Not only is it important to have comprehensive knowledge of the relevant technologies available in the market, and knowledge of their environmental impacts as well as a sound knowledge of the local environmental situation, but good communicative skills will also be necessary for the future employees of these institutions. The high expert knowledge (technological and environmental) is already covered in the Czech Republic and could be taken as a good starting point. It is recommended to integrate psychological issues, such as motivation of personnel, communication skills, etc. into the training courses. These psychological variables enhanced the acceptance of these courses by the inspectors during the project.

The CEI received many detailed recommendations and proposals for improving its daily working practices. These recommendations may also be useful for the Ministry of Environment. This requires indeed close co-operation between these institutions and the readiness to analyse, test and possibly adapt these proposals to the Czech needs.

Finally, further knowledge could be gained about environmental administrations in the Member States as well as more information about their enforcement practices.

Internal Structure: inspection approach

The CEI and other relevant institutions have to be prepared for the implementation of an integrated approach as exemplified by the IPPC Directive but also by emerging water framework legislation. Therefore, the future status and organisational structure of the CEI has to be clarified paying special regard to transboundary co-operation, division of tasks, co-ordination and information flows between relevant Czech authorities, and the use of improved feedback control mechanisms for the Czech Environmental Fund.

The **new approach – communication and flexibility in the regulating process -** is to be learned by both sides – the state institutions and regulated operators (companies).

The enforcement and inspection guidelines and a handbook will enable easier implementation of this approach. Therefore they have to be continuously improved and updated.

Training (technical details)

The most important task is to put a systematic, multi-phased training programme for all employees into place. The internal training programme of the CEI will be carried out on four levels involving external trainers with the overall goal of the training of internal trainers and shall follow, in principle, the experiences gained from previous projects as well as this Twinning project.

Specifically, this training programme should

- allow for a continued updating of the curriculum,
- be application-oriented and geared toward the needs of the participants,
- specifically address the challenges of the accession to the EU,
- consist of thematically specific and interdisciplinary measures,
- be supported by class material,
- integrate the enforcement and inspection guidelines and draft handbook (component 3.3) as a basis for the training of new staff,
- use and expand upon experience gained during the Twinning Project,
- include teaching skill programs for the internal teachers,
- continue and expand the successful bilateral co-operation of the Twinning Project, and
- function as a platform for the exchange of information and discussion (component 2.4).

Furthermore it is recommended to establish new IT-courses in order to strengthen the understanding and the skills of many employees to fulfil the demands of their daily work.

Overall it is recommended to adapt training measures to the needs of the staff, whether inspectors or management staff, and to ensure the exchange between management and inspectors concerning their IT-knowledge.

Establishing and maintaining an internal CEI working group for training measures is recommended, as it was started and recommended by the Czech - British project "train the trainers".

The trained trainers (during the courses 5.3.1) of the CEI could also be assigned for training at other environmental bodies and could provide a necessary exchange of experiences, and training skills for these other bodies.

In the medium and long term perspective it is highly recommended to assess and possibly build up a national environmental education centre or agency which could be used by all relevant environmental bodies and even other ministries for basic and special training measures. This would not only be effective from the economic point of view - enabling the concentration of know-how and avoiding multiple infrastructure of separated individual training locations – but also from the point of

view of a unified environmental training, one with high standards, e.g. for the building up of a "corporate identity" within the environmental sector, independent from which institutions/bodies the participants are recruited.

Data, Reporting and Public Information

The environmental situation, based on the results of the inspections and the findings of the inspections, should be reported to the public on a yearly basis. Public information shall be supported by the means of the internet, in particular concerning the announcement of actual developments.

In general actual data flow to the CEI from different technical institutions (among others) (See also 1.3, 1.4) has to be ensured. More specifically, the data flow has to be improved and data have to be exchanged from the Hydometeorologic Institute (HI) to the CEI. Adequate means comprise for example, new mobile technical equipment for noise analysis.

Further, it should be evaluated and decided on a regular basis which data are needed to support future environmental planning. Available data (facts) and policy (ideas) together make up the cornerstone of future environmental policy. In this context it should also be assessed which kind of information/ indicators should be available to the public.

Many stakeholders are involved in the collection of environmental data. It is therefore recommended to review regularly the way data is collected regarding relevant stakeholders and methods.

A steering group headed by the Ministry of Environment should perform a gap analysis in the whole sector. It is further recommended to establish a forum for stakeholders to discuss relevant problems and/or ideas.

Despite the large amount of existing raw data, these are not used, processed and entered into comprehensive data base or information systems. Thus a large part of these data is currently not used to elaborate environmental polices. Of particular importance in relation to monitoring is the need for the co-ordination of data management systems. This is necessary to ensure efficient regulation (e.g. on IPPC across different media) and for reporting on the state of environment.

For the successful implementation of such an information system, it is important to include all staff members in the implementation process. After the implementation of an information system, the establishment of a task force should follow, being responsible for the technical implementation, as well as for the motivation of all potential users.

The Czech Republic already planned a meta-information system, but has now to follow up on its establishment. A meta-information system, such as the Bavarian Environmental Catalogue, are particularly recommended for

- Data reporting to the EU,
- Supporting external information policy in accordance to the Aarhus Convention,

- Harmonising of data,
- Improving international communication processes, and
- Improving existing data material.

A corporate identity for the internet-based systems is highly recommended. Since it should be compatible to the meta-information catalogue, the use of XML standards is recommended.

Based on the experience made in Germany, it is recommended that data gathering and data administration should be provided by the same authority.

It is recommended to clarify the overall legal binding framework regarding data gathering. Data gathering and reporting should be standardised Czech-wide.

The current public presentation of data is not satisfying. Hence, the external communication has to be improved regarding the establishment of a closer contact to the broader public, to single interest groups and universities.

The internal policies should be improved. The use of new IT-Technologies could help to establish a CEI-wide network with access to all relevant data.

1.5.2 Recommendations addressing the environmental administration

The proposals for improving the current situation of the CEI in relation to other institutions and administrations in the Czech Republic also focus on institutions and bodies of other sectors than the Ministry of Environment's (MoE) area of responsibility. Therefore the MoE itself should negotiate these proposals.

At present, the main obstacle of the MoE seems to be the missing decisions of the government and the Ministry of Interior, established e.g., by-laws and /or decrees addressing the future competencies of the newly installed regions and the independent municipalities, as well as inter-ministerial competencies (conclusion package 1). Generally, it is recommended to maintain the advantages of previous arrangements regarding environmental inspections (unified inspection body), but eliminate non-effective duplicities and overlaps.

Interagency Competencies

In general the competencies and responsibilities of the administrative bodies need to be newly defined and clarified (e.g., concerning data gathering and statistics, it is recommended to identify and clarify the responsibilities between the Ministry of Environment, the CEI and the Hydrometereologic Institute [component 1.3]).

An important improvement which concerns the overlapping responsibilities of different environmental administrations for on-site inspections and monitoring, e.g. in the field of nature conservation, is suggested below:

The primary responsibility for achieving monitoring compliance with environmental law should, as a rule, be assigned to a single administration, i.e., to that administration which is most capable, both technically and in terms of human resources, of fulfilling this responsibility and which is in closest (geographical)

proximity to the regulated "object". For the field of areas for nature protection, for example, this would mean that the administration responsible for those areas should have primary responsibility. As the CEI does not depend on regional bodies, it seems ineffective, that compliance with the provisions of, e.g., nature conservation legislation or parts thereof should be monitored simultaneously by the environmental departments of other administrative levels, such as

- the autonomous towns/municipalities,
- the counties or regions/districts, and
- the administration of the areas subject to particular protection (component 2.8).

Regarding the implementation of the IPPC Directive, certain responsibilities should be shifted from the Ministry of Trade to the Ministry of Environment or the CEI to ensure the effective reaction to and prevent hazardous emissions.

Concerning water management in light of the Water Framework Directive all technical tasks regarding groundwater and surface water shall be shifted to the Ministry of Environment, as responsibilities are at present shared by different administrative bodies (see also component 2.1). Thus the CEI - role in the water sector (see also component 2.1) including monitoring activities has to be defined.

The co-operation between the different administrative authorities concerning the implementation of the Habitats and the Wild Birds Directives has to be defined and co-ordinated. Above all, the role of the Czech Environmental Inspection and the effective control at the local level has to be clarified. For the development of a new concept the approaching reform of the administration has to be taken into account.

The creation of a nation-wide 'national environmental agency' (NEA) is highly recommended. This agency should be the main advising body in the environmental sector and could be responsible for part of the environmental permitting, especially regarding large sources of pollution. Inspection would be allocated to the Czech Environmental Inspection. In this regard, the results of the Twinning project support, in general, the recommendations made by CR-108 project.

The principle behind creating the NEA, is to bring together all related items of environmental legislation (especially the IPPC and the proposed water framework Directive) that may be best implemented within an integrated agency to maximise environmental benefit while minimising administrative costs.

The detailed competencies of the NEA and other environmental administrative bodies are outlined in the report CR 108. In case of the establishment of the NEA the Czech Environmental Inspectorate (CEI) could act as an inspectorate checking on compliance against the permits issued by the NEA, especially in these areas:

- IPPC,
- Sectoral air quality legislation,
- Transport (fuel quality),

- Water discharges (both specific legislation and in the context of the proposed framework Directive), and
- Waste incineration and other waste permit compliance.

Legislation

As the media-oriented approach concerning environmental legislation is already common and followed by the CEI, the recommendations concerning legislation are summarised according to the European Directives, which require an integrated implementation approach. This includes Seveso, IPPC, GMOs, the water framework Directive and specific issues relating to the Habitats and Species Directive. In general, it is recommended to consider the results of the simulation game during the implementation process, i.e. to create new departments at the CEI, working in an integrated way.

The principle of EU-legislation is to ensure a sustainable development in all Member States maintaining a high standard of environmental quality. Against this background it was recommended that the following three conditions or strategies are necessary to be respected also by the CEI, e.g. due to the provisions of the new draft organic law:

- An integrated approach of legislative, political and administrative activities (e.g. IPPC, EIA),
- Participation of the public (e.g. more and better access to information), and
- Self-responsibility of the economic sector (e.g. EMAS).

The challenge of the integrated approach is, among others, addressed under the **IPPC-Directive**. As some legal basis, e.g. related to the ongoing administrative reform, is lacking and the responsibilities of the CEI have to be newly defined, discussions by the project were led on a technical level. Therefore organisational or structural proposals could not be made at this stage. The recommendations stress:

- The need for establishing a central technical administrative body for air protection, which is responsible for all technical affairs and for large polluters as well as their permitting and monitoring (for more information see component 2.1 and 2.6). This may be considered as one of the functions of the proposed national environmental agency,
- That the regional administrative body should be responsible primarily for issuing permits and supervising medium and smaller size polluters,
- The necessity of shifting certain tasks (which should be detailed at a later stage) of enforcement to the CEI (for more information please see components 2.1 and 2.6),
- The significance of building up an inventory of environmental charges due to persistent organic substances,
- The necessity of new equipment for monitoring dioxin and furan emissions, and

- The necessity of checking and measuring new spots for emission-supervision to be conducted by CEI inspectors (regarding certain emission sources).

Concerning the implementation of the **Water Framework Directive** the following recommendations can be summarised:

- Evaluating present responsibilities in the monitoring of rivers (project formulation),
- Preparing the responsible institutions for monitoring the ecological, chemical and quantity status of waters (see also components 4.2 and 4.7),
- Ensuring a regular and continuing exchange of permitting experiences (see also components 2.1, 3.2 and 5.1),
- Ensuring the involvement of the CEI in permitting process (see also component 2.1),
- Defining priorities for financing the management tasks (see also component 2.7), the modification of the strategy and sanction practices in water pollution (see also component 2.1).

Apart from the horizontal legislation mentioned above, specific recommendations were made on the implementation of the **Habitats Directive** as an opportunity to benefit from the experience of the Member States:

- In order to avoid the delay of the implementation it is recommended to the Czech government to transpose both the Directives into national law as early as possible,
- The implementation of the both of the Directives requires a concept for the broad information of the public as well as cross-sectoral co-operation,
- The proposal and the designation of sites according to technical requirements presumes an adequate data basis on the species and habitats, enabling experts and NGOs to be consulted. Apart from the concept for the designation of sites a management concept should be developed,
- In general a separate Twinning project on the implementation of the Directives and the adequate strengthening of the institutions has to be considered.

Co-operation

Concerning the recommendations on co-operation, a distinction is made between interagency co-operation and cross-border co-operation.

1. Co-operation and co-ordination between Czech institutions

The communication between the responsible authorities and plant operators should be improved. At the same time, the communication process between the administrative authorities and the public is unsatisfactory. An active and transparent dialogue between the public and the administrative bodies is highly recommended after having taken into consideration related experience made in Germany and regarding information policies within the European Union.

Overlaps within the given legal framework should be avoided, i.e. the overlapping industrial/pollution registers and the IPPC, IPS and PRTR Registers. It is therefore necessary to identify special needs for the registers and to clarify their purpose and define the responsible authority.

An improvement in the communication between CEI and the State Environment Fund of the Czech Republic is needed, and in particular, the data flow from the Fund to the CEI has to be ensured.

The Twinning project brought forward co-operation on a regional and local level in the fields of nature conservation, waste management, water management and protection and emission control. Nevertheless, it is necessary to continue these activities also after the finalisation of the Twinning project. In particular cross-border co-operation with Bavarian and Saxon authorities should be established and intensified in these fields (component 2.8).

Finally it has to be stated, that much more effort is required if the existing situation is to be preserved when compared to the establishment of an environmental agency (see also previous recommendations).

2. Cross-border co-operation

Future responsibility for such cross-border co-operation should be clearly defined within the central CEI and the regional inspectorates. Parallel to the cross-border co-operation in specific fields, efforts should be made within the CEI to motivate and support staff members who are particularly committed to those activities (also see components 3.1 and 2.1). Support for the development of language skills, in particular, is crucial to the functioning of such cross-border co-operation.

The German experts and the political leaders of the different enforcement and technical administrations and municipalities (majors and district administrators), as well as national park and protected areas and management authorities, recommended and offered close co-operation, technical exchange as well as the exchange of data and information concerning various environmental issues (component 3.2).

All experts unanimously agreed that this form of cross-border contact and co-operation could only be the beginning of a dialogue and that these activities should definitely be continued (component 2.8).

In this context it is recommended to update the relevant booklets, including the address book periodically, e.g. every six months, and to appoint one responsible person at the CEI, ideally German speaking, for this task. Such a person could additionally be the relevant contact persons at the CEI headquarters and the Regional Inspectorates (component 2.8).

Overall cross-border co-operation should be fostered on a regular basis. In cases of hazards, direct contact on the local level should be possible along with official contacts on a higher level. Co-operation concerning the implementation of MEAs should be intensified. An exchange of experiences and current needs for enforcement of multilateral agreements and EU-Directives like CITES, Basel

Convention and others at the level of regional Inspectorates and the CEI headquarters are also recommended

Basically there should be regular meetings on the regional level between the regional Inspectorates and their counterparts ("Landratsaemter" or "Umweltfachaemter") on the German side once a year for further co-operation.

The Federal Ministry of Environment (BMU) and the Bavarian Ministry of Environment (StMLU) offer and recommend a wide range of projects and bilateral co-operation as it is mentioned under chapter 5.2 of this report.

The founding of a technical expert organisation in the Czech Republic such as the German Association for Water, Wastewater and Waste (ATV/DVWK) is recommended, but not necessarily in the water sector.

2 Background

2.1 Acquis communautaire

The whole range of the environmental acquis communautaire is to be transposed and implemented into national law as a precondition for accession to the European Union. The following provisional list contains examples of existing and emerging European Union legal acts on which the finished Twinning project was focused. The relevant legislation poses substantial legal and financial challenges for the Czech Republic. The project has covered all relevant Directives in the area of air pollution, waste disposal, water management, nature protection, genetically modified organisms and chemical substances. In particular, it has covered the following Directives:

- Directive 85/337/EC (amended by 97/11/EC) on environmental impact assessment,
- Directive 90/313/EC on public access to environmental information,
- Directive 96/62/EC on ambient air quality assessment and management,
- Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates,
- Directive 82/884/EEC on a maximum limit value for lead concentrations in air to protect human health,
- Directive 88/609/EEC on the limitation of emissions of pollutants into the air from large combustion plants,
- Directive 92/72/EEC on the establishment of an ozone monitoring network and on health and vegetation protection thresholds for ozone,
- Directive 75/442/EEC on the control of the disposal of wastes (Framework Directive on Waste),
- Directives 89/369/EEC and 89/429/EEC on permitting requirements and operating restrictions to municipal waste incineration plants,
- Directive 91/689/EEC on the management of hazardous waste,
- Directive 94/67/EEC on the incineration of hazardous waste,
- Regulation 259/93/EEC on the supervision and control of shipments of waste,
- Planned water framework legislation,
- Directive 76/464/EEC on pollution caused by dangerous substances discharged into waters,
- Directive 92/43/EC on the conservation of habitats,
- Directive 79/409/EEC on the conservation of wild birds,

- Directives 90/219 EC and 90/220 EC (including emerging revisions) on the contained use and deliberate release of genetically modified organisms,
- Directive 85/203/EEC on binding limit values for nitrogen oxide,
- Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC), and
- Directive 96/82/EC on the control of major accident hazards involving dangerous substances (Second 'Seveso'-Directive).

The environmental acquis requires Member States to designate competent authorities to perform the respective duties and tasks. This refers not only to legal acts which still need to be transposed into Czech legislation but also to those which are transposed already or those Czech acts, exiting before the beginning of the project, which were already in compliance with the acquis. This required, or still requires, the establishing or strengthening of competent administrative bodies and necessary mechanisms and instruments, or integrating already existing institutional arrangements in regard to the enforcement of the legal provisions.

2.2 General information on the present situation in the Czech Republic

The following section intends to give a short and general description of the present legal and institutional situation in the field of the environment in the Czech Republic as an indicative basis for further assessment of the progress within the project.

At the beginning of the project the state of legislation concerning the development of environmental legislation was generally criticised and considered to be inadequate by the EU. Several analyses which were carried out in the meantime, especially the report CR-108, helped to make up a clear picture on the situation and implementation of environmental legislation in the Czech Republic. The following gaps and needs were identified:

- There is no specific legislation on inspections at the European or national level;
- In the past the CEI functioned as a strict sanctioning body and thus holds good experience in inspections. In general the CEI could be considered as a functional institution, but suffers from insufficient personnel capacity, the lack of sustainable systematic training, the absence of closer inter-departmental co-operation and low awareness of inspectors on EU legislation;
- The competencies of the inspectors' work in different areas are not harmonised. In several areas they comprise permitting activities and decisions on environmental fees, in others they only include inspecting and sanctioning; in some areas even prescribing of remedial actions. The competencies are to be unified and several laws amended in order to increase the effectiveness of the inspections;
- Against the discussions and preparations of the Czech administrative reform a detailed approximation plan needs to be developed outlining the elements of a new environmental and nature protection policy in the Czech Republic;

- During the run of the project several new laws and amendments of the existing laws were released with new competencies for CEI arising there from.
- To alleviate shortage in personnel new staff was hired within the course of the project which led to the employment of about 200 employees. Such large fluctuations of staff cause organisational problems such as rooms and equipment, investments and training;
- The following technical staff was requested: legislative support (a specialist lawyer for every regional inspectorate), IT support (senior IT manager at each RI), spokesperson for the CEI (responsible also for reporting and communication with the public) and the creation of training management at the level of the personnel department;
- New environmental legislation (i.e., on GMOs or hazardous pollution) defines a completely new role of the CEI, which requires co-ordination of the CEI between many institutions of different sectors;
- The highest priority of the CEI is given to inspection activities. The number of inspections which have been carried out yearly remains very high;
- Several attempts were undertaken in order to create a unified information system, facing the situation of many different existing systems and specialised software. A similar situation can be assessed at the CEI with different software for the registration of the activities used in various departments. Thus the data outputs are not unified nor harmonised. During the run of the project it was decided to build up a meta-information system at the Ministry of Environment, in which the CEI will participate. The installation of the system turned out to be slower than expected, due to technical problems. A unified evidence system has been developed at the CEI (so-called JES), which enables module-shaped additions to the software according to the needs of different departments;
- The CEI started its regular participation in several international activities and networks such as AC-IMPEL, IMPEL, INECE, OECD and the Interpol working group for environmental/wildlife crime. Furthermore the number of foreign contacts, study visits and participation in projects increased substantially (figure – number of participating inspectors). New working groups have been established within the CEI (i.e., for international co-operation, training preparation/trainers, IT, legislation – lawyers). Separate departments of international co-operation were established at the level of the CEI directorate.
- Finally the CEI participates in legislative processes and takes active part in the approximation process. Substantial input was given to the preparation of the IPPC-law, and amendments of the existing law.

3 Activities within the Twinning project

To cover the specific objectives of the Twinning project, it was divided into six packages reflecting the specific requirements of the respective EU environmental legislation:

Package 0: Improvement of technical systems and language skills

Package 1: Assessment and identification of needs for the development of enforcement and inspection strategies

Package 2: National strategy of environmental law enforcement practice

Package 3: Enforcement and Inspection

Package 4: Information, Co-ordination and Co-operation

Package 5: Working with the results

3.1 Package 0: Improvement of technical systems and language skills

3.1.1 Overall objective of the package

This package subsumes basic items of technical equipment and technically oriented language skills which were necessary for the successful completion of the various other work packages and for the achievement of the overall aims of the Twinning project.

The **objectives and expected results** of the first project component were:

- Establishing the technical language skills which are necessary for a successful implementation of the environmental acquis communautaire and transboundary co-operation.
- Installation of the basic technical equipment which is necessary for fulfilling the monitoring, reporting and information gathering requirements of EU environmental legislation, in particular of the IPPC Directive. The technical equipment has been procured under the standard Phare DIS procedure.

3.1.2 Situation in the Czech Republic and at the CEI in connection with described activities

Before 1989 international contacts of environmental authorities were very limited and, if existing, mostly oriented towards former socialist countries. Thus a limited number of employees was participating in international processes.

Russian was the dominant foreign language and mainly taught. Even if other languages (German, English) were taught as a second foreign language, there was a general lack of practising opportunities for officers. Consequently limited international contacts resulted in very low interest and motivation in learning these

languages. In general it can be noticed that existing language skills, were limited and not comprising the specific terminology of environmental issues.

Along with the approximation process new requirements, i.e. within the co-operation with European partners, started to be necessary. Regarding the existing language skills further development of projects was considered to be limited or too expensive due to the need of interpreters for every important meeting. Against this background it was evident that the effective implementation of the Twinning also depends on language skills, both technical terminology and common communication skills. Furthermore it was recognised that language skills also may help substantially in studying of technologies and techniques.

By the end of nineties the amount of young, progressive people with a good knowledge of foreign languages increased. For the present managers it appeared to be essential to enhance their language skills, to be able to follow the development of international contacts and literature.

Concerning the technical equipment, the overall situation prior to the project was fairly satisfactory. From 1989 an intensive development took place, resulting in a high level of equipment in the inspectorates. Nevertheless, because of the lack of a continuous investment budget, the existing equipment was bought subsequently and thus the equipment stock is very heterogeneous, incorporating many different systems. Many administrative institutions could not keep up with the fast development and applications of new technologies, in particular as far as it concerns IT-technology.

As the CEI is responsible for the area of air pollution control it is necessary, that there are different measurements available which allow for the check of data provided by industrial plants. Prior to the project, the respective equipment was out of date and the measurements were limited. The need of new equipment with a higher range of possible measurements was identified, but exorbitant at that stage.

3.1.3 Situation prior to the Twinning Project

Information technologies

As far as information technologies are concerned, the CEI had basic HW and SW equipment, yet CEI web pages and electronic connections (e-mail) among particular inspectorates were needed for their internal communication, as well as to contact other entities when performing all the tasks of the Inspectorate as a nation-wide supervisory body. The number of employees in the IT area has been gradually increased in line with growing requirements in this field.

Technical equipment (Air Protection Department)

The Air Protection Department at the CEI directorate is equipped with a measuring car. The lab may be used for basic analytical methods and procedures like titration, weighing, drying, etc. The CEI has a car at its disposal with measuring technologies for measuring concentrations of gas emissions and, with some restrictions, also of emissions of solid pollutants. This equipment enables measuring of emissions of basic

gas pollutants (CO, NOx, and SO2). Measuring of solid pollutants may be carried out using an old set only; this measuring set does not enable for example automatic isokinetic sampling, which lessens the accuracy of measurement.

Language skills of the CEI inspectors

Only a minority of inspectors could speak English, the majority had a passive knowledge of English. As for German, less inspectors were able to speak and understand.

3.1.4 The development of the situation in the Czech Republic during the Twinning Project

During the Twinning Project, there was a gradual implementation of the sustainable development principle through the adaptation of individual environmental medium Acts and other laws based on the EU legislation (like the Waste Act, Accident Prevention Act, Water Act, etc. which have already been passed in the Czech Republic, and others like the IPPC Act and PRTR Act which are likely to be adopted soon).

3.1.5 Specific actions

- Component 0.1: Technical language training
- Component 0.2: Basic technical equipment

Component 0.1: Technical language training

Background and Objectives

Technical communication skills are essential for the effective transposition and implementation of EU environmental legislation which increasingly requires transboundary information, consultation and co-operation. This is particularly true for the following Directives and agreements: The Directive on environmental impact assessment, the IPPC Directive, the proposed water framework Directive, the "Seveso II" Directive, the Natura 2000 network in the framework of the habitats Directive, the International Commission on the Protection of the River Elbe, the Odra Commission or the Danube Commission, the UN/ECE conventions on Transboundary Environmental Impact Assessment and on Transboundary Effects of Industrial Accidents (Espoo), the convention on the Protection and Use of Transboundary Watercourses (Helsinki 1992), the Convention on International Trade in Endangered Species (CITES) and the Basel Convention on the Transboundary Movement of Hazardous Waste and its Disposal.

Activities and contributions

The Twinning project therefore included intensive technical language training in English and German for a selected group of CEI staff and, especially, for regional and local administrators involved in transboundary co-operation. The language courses focused on relevant technical vocabulary and expressions and were aimed primarily at staff also participating in other parts of the Twinning project, but who

were lacking adequate technical language skills. This had the additional advantage that the on-site visits in Germany and Ireland also served as opportunities to further improve practical language skills in relevant real world situations.

13 regular language courses in English and 5 in German were held throughout the duration of the project. Additionally, five intensive English intensive courses were held.

In total, 141 CEI- employees took part in these courses. The average time spent on each course was about 60 – 70 hours.

Outside the scope of the Twinning budget the German Federal Ministry of Environment financed one German intensive course in Berlin for 10 Czech participants.

Achieved Results

The most important result of this exercise was that after the courses experienced CEI inspectors were able to participate in workshops and be involved in international projects related to EU-enlargement and specifically in functions for transboundary co-operation, however, the language level of the participants after the courses remain at various levels.

Although the Twinning project contributed substantially to the improvement and training of the language skills of CEI staff, the impact or benefit for the CEI in the medium and long-term depends on the regular and continuous training of these employees. Incentives offered by CEI to persons willing to be trained should be considered.

Despite the language training courses it was necessary to hire interpreters for most of the Twinning activities because not all (senior) inspectors took part in these courses and the level of language skills was in the average not sufficient enough to follow technical discussions and to participate in workshops and expert panels.

Recommendations

For the benefit of future active participation in the enlargement process and in order to guarantee the participation in other international projects related to enlargement, CEI should recognise language skills as one of the important criteria for personnel planning and personnel development and should emphasise the development of a system of incentives for the employees to improve their language skills.

Therefore the language courses, which were carried out, represent a starting point to train a selected number of personnel. These courses should be extended to a larger group of personnel and be provided on a regular basis over a longer period.

Component 0.2 Basic technical equipment

Background and Objectives

The basic technical equipment which is necessary for fulfilling the monitoring, reporting and information gathering requirements is comprised of the pilot laboratory, inter-institutional communication and software for an integrated pollution register.

1. Pilot laboratory

Building on the experience gained as a result of the simulation game workshop, relevant on-site visits in several Member States, and the preparations for the implementation of EU Directives, a pilot laboratory will be installed towards the end of the Twinning project. The laboratory will enable the CEI to gain extensive practical experience in fulfilling the various data collection and monitoring requirements contained in particular in the IPPC Directive. The pilot laboratory will not be financed from the Twinning budget but from the Phare investment envelope as envisaged in the project fiche (98F-01).

2. Inter-institutional communication

As a central enforcement and inspection agency, the CEI is frequently dependent on regional and local authorities, in particular its regional offices, to fulfil its duties. It is therefore necessary to complete the computer-based information system which links the CEI with its regional offices. This part of the project will not be financed from the Twinning budget but from the Phare investment envelope as envisaged in the project fiche (98F-01).

3. Software for an integrated pollution register

An integrated approach to environmental protection as prescribed by the IPPC Directive requires state-of-the art information processing capacities, especially with respect to environmental planning and registering and monitoring of pollution. In the framework of the Twinning project, Denmark will provide and adapt relevant basic demonstration software. Bilateral co-operation between the Czech Republic and Denmark will expand on co-operation in this specific area. The software will be contracted by the CFCU.

Activities and Achieved Results

As described above, the component consists of three different activities. The first activity, the establishment of a pilot laboratory could be realised with financial support of the EU Phare Programme. In particular, a Fourier Transform Infrared Spectroscopy (FTIR), with adequate computer technology and printers, was established as well as a gas chromatograph with spectrometer and computers. Furthermore an automatic emission isokinetic sampling device was purchased complete with a notebook and a printer. However, the second activity, the implementation of the inter-institutional communication module, could not be realised because of a failed tender. The project leaders were informed in July 2000. This cancellation had impacts on the remaining activities such as components 2.9, 4.6 and 4.7 which depended on the success of this tender.

3.1.6 Conclusions

The work package 0 met the objectives and expected results as outlined in the Covenant with the exception of the failure of the tender regarding the inter-institutional communication system.

The language courses improved the skills of 141 employees of the CEI and contributed to a much more open and co-operative approach of many employees toward their practical work on EU- and transboundary topics.

It is recommended to continue the language training courses and to train further management staff who was not considered yet.

The pilot laboratory was purchased and is working to complete satisfaction. Presently two persons were appointed to run the laboratory, with the task of carrying out all the tests and checks. In the future the pilot laboratory shall be used as a supervisory check-out laboratory, with the overall function of checking the laboratories authorised by CEI. Furthermore it shall be used in waste management and water protection departments. The laboratory will support complicated measurements and check invalidated data from operators.

Unfortunately the tender of the communication system failed and therefore the CEI lost about 180.00 Euro for IT - hardware. This financial gap could not be closed during the Twinning period and is also not expected to be closed in the short-term. This fact caused some negative impacts on some Twinning activities. As a substitution of this activity, the CEI IT department had to establish a system on its own in order to assure the basic data flow and exchange, while facing the problem of limited funds. To hasten the process, support from external sources is required.

3.2 Package 1: Assessment and identification of needs for the development of enforcement and inspection strategies

3.2.1 Overall objective of the package

This package provided an overview of the specific needs of the CEI and other relevant Czech authorities. The results of this work package were used as input for the detailed planning of the remaining work packages. The assessment, which was to be prepared in different stages, took place within the first two months of the Twinning project.

The **objectives and expected results** of the first project component were outlined as follows:

- Identification of needs to improve the inspection and enforcement capacities of the CEI in the context of the transposition and implementation of the acquis communautaire,
- Elaboration of an institutional development plan for the CEI based on a Directive specific inventory, and
- Preparing the CEI for the implementation of an integrated pollution register.

3.2.2 Situation in the Czech Republic

The Czech Environmental Inspectorate (CEI) is a subordinate institution of the Ministry of Environment of the Czech Republic; its Director is directly appointed by the Minister of Environment. Founded in 1991 as a supervisory administration, the CEI is responsible for the enforcement of environmental law within the Czech Republic. According to the structure of environmental legislation, the main areas of activity are protection of ambient air quality, water protection, waste management, and nature and forest protection.

Whereas the headquarter is in Prague, the CEI provides Inspectorates in each of the ten Czech Regions. However, the geographical range of responsibility of the single Regional Inspectorates follows the specific needs of each division and differs therefore from the official Czech administrative structure. Thus, there is no unique regional structure of the CEI, although it is represented in the whole Czech Republic.

To carry out its supervisory function, the CEI is charged with a number of tasks. On the basis of the legislative act 282/1991, it can impose sanctions such as fines awarded to (legal) persons. A second task of the CEI is permitting and authorising installations. Within the five above mentioned divisions and main areas, the CEI is specifically responsible for the following tasks and functions.

In the field of ambient air quality in which the relevant legislation has come into effect after 1990, the CEI is mainly responsible for the enforcement of emission limits. The water divisions were initially established in 1960 as the State Water Management Inspectorate. Nowadays, as part of the CEI, it acts primarily in the area of waste water discharge to surface and ground water as well as to public sewerage systems. It is responsible for the approval and inspection of construction, operation and maintenance of wastewater treatment plants and for the protection of surface and ground water. The division for waste management, chemical substances and chemical agents is one of the most recent of the CEI and works mainly on performing controls, revisions, audits and investigations in compliance with the current valid legislation. The nature protection division, founded in 1992, is provided with a broad field of competencies from establishing plans for natural catastrophes to the enforcement of international conventions, such as CITES, and to imposing fines to (legal) persons violating duties in nature protection. A division of forest protection, was recently established. Also in this field, the CEI and its regional Inspectorates are responsible for monitoring and enforcing environmental sanctions.

The aim of the Twinning project was to strengthen the institutional structures and regulatory capacity of the Czech authorities involved in the enforcement of environmental law and to prepare them to implement and enforce EC legislation. In particular, it was necessary to strengthen and update the proficiency of the CEI as the competent national enforcement and controlling body. Hence, the project covered the implementation of a range of EU legislation. In particular, four of the five divisions of the CEI were directly involved, namely Ambient Air Quality, Water Protection, Waste Management and Nature Protection divisions. In addition, the project included a number of so called horizontal legislation which refers to general

directives and regulations concerning the work of all the divisions such as information policies.

3.2.3 Specific actions

- Component 1.1: General assessment of the current state of the CEI
- Component 1.2: Workshop to identify areas of particular importance for the effective functioning of the CEI
- Component 1.3: Expert panel on relevant experience in the Member States and the German Länder
- Component 1.4: Assistance in preparing the CEI for implementing an integrated pollution register (IPR)

Component 1.1: General assessment of the current state of the CEI

Background and Objectives

The project was to start with a general assessment of the acquis communautaire providing an overview of those legal acts that directly or indirectly affect enforcement and inspection tasks of environmental authorities. Special attention was paid to the integrated approach expressed by the IPPC Directive which will pose new challenges in the future and requires a high level of co-operation and flexibility by all involved authorities. The assessment should be carried out by the PAA in co-operation with competent Czech officials on the basis of previous work on legal gap assessment, the screening process, relevant additional national studies, and an analysis of the current state of the CEI.

The assessment and the work carried out in DISAE project CR-108 formed the basis for the formulation of an institutional development plan for the CEI which was to be based on a Directive specific inventory. The long-term expert was to assist Czech officials in the formulation of the institutional development plan.

Activities and contributions

The PAA and the project leader Mr. Miko informed the management, including the CEI director, head inspectors and department leaders during a course of three meetings in October and November 1999 about the background and the objectives of the project. Particular explanations were given on work package 1 and the participants were requested to submit proposals and comments regarding their own experience and opinions about the current state of the CEI.

Two meetings with deputy minister Mr. Hlavacek and director general Mr. Moldan followed on the 9th of December 1999 at the MoE where the project was discussed with the PAA.

The result of these discussions was that the results of the CR-108 report, especially Annex C regarding the needs and gaps of the CEI were emphasised and confirmed. Therefore the PAA only had to re-establish the importance of the content and the

relevance of this report within the context of the Twinning project. The PAA did not identify any discrepancies in the report. Detailed needs and gaps of the CEI and its connected (environmental) administrative bodies are discussed in the workshop result summary 1.2. located in the annex on the CD-ROM.

Two important points should be stressed:

1. The Ministry of Environment identified needs similar to those of the CEI regarding the existing or planned reports, assessments, working groups, bilateral and national projects, etc. in the context of the different fields of the EU-enlargement process (legislation transposition, implementation or enforcement). However, the PAA was only able to obtain discordant departmental opinions and estimations, and not an integrated overview with recommendations regarding the legal, technical and administrative interdependencies and time-schedules between the different activities. The PAA was not able to build up contacts to all the relevant departments of the MoE. Therefore, the existing information procedures did not seem to be sufficient. Moreover, a focal point or contact person was suggested for integrating departmental tasks and for the exchange of information within the MoE but could not be established during the course of the Twinning Project.

2. Many existing reports and assessments were elaborated by various private short-term consultants. The information and knowledge of the short-term consultants should be obtained with the direct assistance of a focal point integrating new expertise and the results of the reports. The service of the focal point does not necessarily have to be provided by the MoE, but could be provided by a consultant with a long-term working perspective (at least 5 years).

Achieved Results

As a result of these discussions, the conclusions of the CR-108 report, especially Annex C regarding the needs and gaps of the CEI, were stressed and confirmed. Furthermore, the needs and gaps identified in these reports were confirmed by the PAA.

Recommendations

Detailed recommendations concerning the needs and gaps of the CEI and other relevant (environmental) administrative bodies are outlined in the summary of workshop 1.2.

Component 1.2: Workshop to identify areas of particular importance for the effective functioning of the CEI

Background and Objectives

A workshop was held to identify areas of outstanding importance for the effective functioning of the CEI with respect to the transposition and implementation of the acquis communautaire. The participants will be able to draw on, and expand upon, the general assessment of the more general requirements for effectively transposing

and implementing the acquis communautaire. The objective was to learn from the experience of relevant authorities from various Member States and from the German Länder and thus to prepare the CEI's role in the transposition and implementation of European legislation.

Activities and contributions

The workshop 1.2 "To identify areas of particular importance for the effective functioning of the CEI" took place on 29 and 30 November 1999 in Prague. The participants discussed the needs and gaps concerning the administrative capacity of the CEI and the environmental sector in general based on the CR-108, CR-107 and CR106 reports, the National Programme for Adoption of the Acquis (May 1999) and the position paper of the Czech Republic on Chapter 22 (July 1999). Special emphasis was given to the environmental fields of air pollution control, water management and regulatory principles, each of which were discussed in different working groups.

The programme of the workshop addressed the following topics:

1. "Swedish experiences of integrated permitting and supervision"

   Erik Nystroem, SEPA, presentation in English

This presentation covered the following topics:

- Permitting (permitting process, courts, conditions of the permit, setting of standards);
- Supervision (inspection, self monitoring programmes, annual environmental reports, enforcement, monitoring system, results and lessons learned);
- The new environmental code;
- Selected aspects of the IPPC-Directive;
- Some reflections on a future integrated system in the Czech Republic.

2. "Regulatory principles of EC environment legislation"

   Matthias Weigand, Bavarian State Ministry for Regional Development and Environmental Affairs, presentation in English

This presentation addressed the following topics:

- The integrated approach
- Public involvement, public responsibilities
- Economic Instruments, industry's responsibility

3. "Clean air maintenance"

   Reiner Strauss, Bavarian State Ministry for Regional Development and Environmental Affairs, presentation in German

4. "Water management in Germany"

Jens Jedlitschka, Bavarian State Ministry for Regional Development and Environmental Affairs, presentation in German

This presentation covered the following problems and focal points of a water administration including Germans examples:

- Competencies in water management
- Organisation and co-ordination in the water administration
- Monitoring of emissions and immissions
- Self-control
- Permitting and enforcement
- Cost covering water prices information and awareness raising of the public
- Economic instruments
- Cupertino (Environment pact) support by technical-scientific associations

All these presentations are available in Czech.

Achieved Results

The discussions of the working groups including the results and recommendations are summarised in respective reports, which are available both in German and Czech. The recommendations formulate how the needs and demands identified shall be addressed within the Twinning activities or by certain institutions or administrative bodies.

Thus the following reports are available in the enclosed CD-ROM:

- Strauss, R.: Air pollution control;
- Jedlitschka, J.: Water management;
- Weigand, M.: European legislation.

Recommendations

The final recommendations of the working groups can be distinguished between those which can be addressed within the scope of the Twinning project and the CEI and those which have to be addressed by other bodies or institutions than the CEI. To this end the recommendations for the areas of air, water and horizontal legislation can be summarised as follows:

1. Air pollution control

In general the challenge of the integrated approach which is provided for under the IPPC-Directive was stressed. As legal foundation has not yet been established - although, for example, administrative reforms have been announced and the responsibilities of the CEI have to be newly defined, discussions had to be led on a technical level. Organisational or structural proposals could not be made at this stage.

The recommendations stress:

- The need for establishing a central technical administrative body, possibly the CEI, for air pollution control, which is already responsible for all technical affairs and for large polluters as well as permitting and sanctioning them(for more information see component 2.1 and 2.6),
- That the regional administrative body should be responsible for submitting permits and supervising medium and smaller size polluters,
- The necessity of shifting certain tasks (which should be detailed at a later stage) of enforcement to the CEI (For more information see components 2.1 and 2.6),
- The importance of improving the data flow and exchange from the Hydrometeorological Institute (HI) to the CEI (see also component 1.4). Adequate means comprise, e.g. new mobile technical equipment for noise analysis,
- The significance of building up an inventory of environmental charges due to persistent organic substances,
- The necessity of new equipment for monitoring dioxin and furan emissions,
- The necessity of checking and measuring new spots of emission-supervision made by CEI inspectors (regarding certain emission sources),
- Shifting of certain responsibilities from the Ministry of Trade to the Ministry of Environment or the CEI to ensure the effective reaction to and prevention of hazardous emissions.

2. Water management

In this work group the following requirements and recommendations were formulated:

- Shifting all competencies regarding water management in quality and quantity to one Ministry, preferably to the Ministry of Environment, as responsibilities are at present shared by different administrative bodies. This proposal is supported by the new European Water Framework Directive (see also component 2.1),
- Defining the CEI - role in the water sector (see also 2.1) including monitoring activities,
- Ensuring an actual data flow to the CEI from different technical or other institutions (see also 1.3, 1.4),
- Evaluating present responsibilities in the monitoring of rivers (project formulation could be elaborated),
- Preparing the responsible institutions for monitoring the ecological, chemical and quantitative status of waters according to the water framework directive (see also 4.2 and 4.7),
- Ensuring a regular and continual exchange of permitting experiences (see also

2.1, 3.2 and 5.1),

- Ensuring the involvement of the CEI in permitting activities (see also 2.1), and
- Defining priorities for financing the management tasks (see also 2.7), the modification of the strategy and sanction practices in water pollution (see also 2.1 and 3).
- Focusing on information, data management, co-ordination and co-operation regarding the relevant EU-Directives (Package 3);
- Preparing and organising training activities in the field of monitoring including training in relevant Bavarian institutions.

3. Horizontal Legislation - Regulatory Principles of EU-Legislation

There was a common understanding within the workgroup that the main target of the EU legislation is to ensure sustainable development with a high standard of environmental quality in all Member States.

It was recommended that the following three conditions or strategies are to be respected also by the CEI, e.g. due to the provisions of the new draft organic law:

- An integrated approach of legislative, political and administrative activities (e.g., IPPC, IVU, EIA),
- Participation of the public (e.g., an increase in and better access to information, see also work package 3 and 4), and
- Self-responsibility of the economic sector (e.g., EMAS).

The following topics could not be sufficiently solved in the workshop and thus remain open to further discussion within and outside the Twinning project:

- EC Directive on Environmental Impact Assessment (EIA),
- EC Directive on Integrated Pollution Prevention and Control (IPPC) - see components 2.3 and 3.5, and
- Free access to information (Aarhus Convention) (see discussion in component 1.4 and results of work package 4 on article 3 and 4 of the Aarhus Convention).

Component 1.3: Expert panel on relevant experience in the Member States and the German Länder

Background and Objectives

This expert panel was organised to discuss in detail specific recent experience in selected Member States and the German Länder, in particular with respect to the development and use of integrated pollution registers or similar instruments. The panel was also to discuss and identify the necessary steps needed for the CEI to introduce and use the respective administrative instruments and techniques.

Activities and contributions

The expert panel "Experiences in Member States regarding an IPR in light of the IPPC-Directive" was held on January 17-18, 2000 in Prague at the CEI headquarters. The project leaders agreed that this expert panel should focus on the Integrated Pollution Register (IPR), which is a provision under the IPPC –Directive.

The three short-term experts (STE) Ms. Christiansen (DK - Danish Environmental Protection Agency), Mr. Sedvallson (S - Swedish Environmental Protection Agency) and Mr. Strauss (D - Bavarian Ministry of Environment - department of air protection) were invited, and in addition, (by covering the costs via the Bavarian Ministry of Environment - BMoE) Mr. Stepper (D from the BMoE); also representatives from the MoE, the CEI, the Czech Hydrometeorologic Institute, the Water Management Research Institute, the Czech Ecological Institute and one person from a NGO took part.

The panel's programme addressed the following topics:

1. "Pollutant Emission Register in Denmark in relation to the IPPC- Pollutant Register"

   Anette Christiansen, DEPA, Denmark

   The presentation covered the aspects of International Pollutant Emission Register, national and international reporting requirements, data strategy for the industry, selection of substances to the PER, how to generate data in the enterprise and data quality.

2. "Information about EMIR – Emission Register"

   Gunnar Sedvallson, SEPA, Sweden

   The following aspects were discussed in the presentation: the purpose of EMIR, the database, the input and output application, classified and unclassified information, and quality assurance.

3. "German experiences with the Integrated Register"

   Reiner Strauss, Bavarian State Ministry for Regional Development and Environmental Affairs

   The aspects of the presentation covered emission land register, emission declarations, IPPC demands, responsibilities, IT –demands, system "Emidat" and information duties.

4. "Enforcement of German Federal Regulation no. 11 on Protection from ambient pollution ("Immissionen")."

   Mr. Stepper, Bavarian State Ministry for Regional Development and Environmental Affairs

   The presentation addressed the following aspects: Provision of data for the emission declaration including building up of an emission land register etc., scope and content of the emission declaration, advising and support, fulfilment of report, IT-equipment, experiences and recommendations.

A detailed description of the topics, discussions and results of the meeting can be found in the Annex of this document.

The documents of the presentations are all available in Czech.

Achieved Results and Recommendations

Based on the analysis of the current situation in the Czech Republic and taking into consideration the Danish and the German experience, the following main recommendations were suggested:

External information policies should be improved. This includes the communication between the responsible authorities and plant operators, as well as the establishment of active and transparent dialogue between the public and the administrative bodies. Related experience made in Germany and information policies within the European Union have to be taken into consideration.

Competencies and responsibilities between the administrative bodies have to be clarified. Concerning data gathering and statistics, it is particularly recommended to identify and clarify the responsibilities between the Ministry of Environment, the CEI and the Hydrometeorologic Institute.

Based on the existence of different registers such as the IPPC, IPS and PRTR Register, overlapping work should be avoided. It is therefore necessary to identify special needs of the registers and to clarify their purpose.

Component 1.4: Assistance in preparing the CEI for implementing an integrated pollution register (IPR)

Background and Objectives

Assistance was to be provided to enable the CEI to plan for the implementation of one or more of the administrative instruments, among others, identified and discussed in the preceding panel. In so far as this touches on pollution registers the assistance will be co-ordinated closely with the Danish contribution to the project (see component 1.3).

On September 24, 1996, Council Directive 96/61/EC concerning Integrated Pollution Prevention and Control (IPPC) was adopted, thereby obliging Member States to take an integrated approach to the protection of the environment. Article 19 of Council Directive 96/61/EC (IPPC Directive) set provisions for the establishment of the so-called "Article 19 Committee," who is responsible for formatting particulars for a European inventory of principal emissions and their sources. The inventory, known as the European Polluting Emissions Register (EPER), is required, according to Article 15(3) of the IPPC Directive, which delineates an inventory based on information submitted by the Member States, to be published every three years by the European Commission.

Activities and contributions

Between March 6 – 10, 2000 interviews were carried out with the following institutions:

- Czech Environmental Ministry,

- Czech Environmental Inspectorate,
- Czech Hydrometeorologic Institute (CHMI),
- Institute for Water Science,
- National Institute for Public Health, and
- Institute for Environment.

Achieved Results

During the interviews the following issues were discussed:

The Czech Environmental Ministry should be designated as the lead institution responsible for licensing and developing an emission register within the scope of the IPPC Directive. The Ministry might then delegate certain competencies to other institutions. One option discussed was the establishment of a new independent central body, that co-operates directly with the environmental administration of the new districts (Kraji) and the Environmental Ministry. Particular knowledge of technical institutes should be made available to this central body. A second option does not take a central body into account, but would require direct co-operation between the Ministry and the district authorities instead, and require the knowledge of the technical institutes. Contrary to previous plans for an intermediate solution of establishing the CEI as a central body the Czech Environmental Inspectorate will finally not be authorised with this task.

The CHMI provides information systems for both air quality (ambient pollution) and emissions. These data are being delivered from the operators of a plant to the environmental inspections or the district administrations and then to the CHMI. The CHMI prepares the data so that they are suitable for international obligations. The CHMI is currently responsible for the CORINAIR-system. A similar relay of data could be constructed for the registration and delivery of emission data, which is called for under the IPPC Directive. Here the CHMI could play a central role in data collection, comparable to the Federal Environmental Agency in Germany.

The list of pollutants is quite comprehensive but not congruent with Annex A1 of the Commission Decision on the Integrated European Emission Register. For big sources indications are made for pollutants (SO_2, CO, HN_3, VOC, NO_X) on specific forms. These data are partially calculated and to some extent the results of measurements are available.

Emission data for domestic fuel use ("Hausbrand") or small industrial sites are calculated by the CHMI. The Regional Inspectorate Usti nad Labem is the contact point for the delivery of the list of data on big sources. A common software for the handling of the data of big sources at the operators of the plant or at the administration does not currently exist. The development of such a software is planned and should be provided to the operators free of charge. Adequate contacts do not exist for the integrated handling of air and water data.

The Institute for Water Research is dedicated to communal sources, industrial sources, contaminated sites and the state water management balance. For the industrial sources, a data base was developed and data are available since 1999. Today, 15 to 20 pollutant components are monitored. Additionally, these data are combined with production data. Data for effluent discharge refer to the km of the river. The effluent discharge data originate from the respective Inspectorate and the district authorities, which are centrally collected by the Institute for Water Research.

The regulation of the river basin management by the ministry of agriculture hinders the information exchange and the data flow of water quality information because it requires additional co-operation between the Ministry for Agriculture and the Ministry for Environment. In this context the question was raised during one of the interviews whether the Institute for Water Research should provide data for public information. A foundation for such a data transfer could be built by the hydro-ecological information system with the co-operation of several institutions. An internet version of this system is planned in the near future. This system could be easily adapted to the requirements of the registration and delivery of air and water quality data to the EU.

The registration centre for chemical substances is subordinate to the National Institute for Public Health. A direct link to the European Integrated Emission Register does not exist. The responsibility for the organisation of this register and the preparation of information delivery to the EU lies with the future districts. The reporting to the EU could be carried out by the Ministry of Environment. The registration centre for chemical substances prepares lists for hazardous substances since 1999 and delivers them to the Ministry for Environment. These lists contain qualitative descriptions of the toxicity of more than 1000 substances.

In general, the Czech Republic supports the Aarhus process and the free access to environmental information for the public. The right for access to environmental information is already transposed in several national acts. The Czech translation of the Aarhus Convention is available on the internet, provided by the Czech Ministry of Environment. The access to environmental information will be supported by a meta-database which is under development (see catalogue of Data and Information Sources, Phare Project CZ 9705-05-01-01-0001). The Ministry for Environment will provide information about environmental legislation as well as objectives and trends in environmental policy. Information systems have already been developed for emission and ambient pollution data and several environmental parameters for the commune of Prague.

Recommendations

The activities for reporting according to EPER and the enforcement of the IPPC Directive including permitting and monitoring cannot be considered separately. EPER is closely linked to optimising the co-operation between the operators of the IPPC plant and the relevant administrative bodies. Also in light of the decentralised administrative structures, it is recommended to support the information flow by establishing user-friendly data processing networks between the operators and the administration, as well as between the responsible authorities.

For the collection of emission data of IPPC plants, one central body should be responsible for the verification of data concerning their plausibility and gaps and the elaboration of the summarising reports to the European Union only. Prior to the delivery of the reports the following steps are necessary, which can be assigned to the operators, the relevant local administrative bodies or the central body:

a) Assessment and registration of plants,

b) Assessment of the activities of the plants in accordance with Annex I of the IPPC Directive and their "representative activity",

c) Verification of plants concerning their reporting duties,

d) Assessment of emissions of each plant with reporting duty,

e) Assignment of NOSE-P-Codes,

f) Assessment of other data which have to be reported,

g) Compilation of Annex-2-Data of all plants in one data base,

h) Evaluation of the data base for the national report,

i) Elaboration of the national report, and

j) Delivery of the national report to the EU.

Step a) can be carried out by the local enforcement authority in co-operation with the operators of the plant. Steps b) to f) can be carried out either by the operators or by the local enforcement authority. In each case co-operation between the operator and the administration is required. Steps g) to j) should be carried out by the central body.

3.2.4 Conclusions

Within this package a wide range of needs and proposals for improving the current situation of the CEI in relation to other institutions and administrations in the Czech Republic were developed. These proposals also focus on institutions and bodies of other sectors than the Ministry of Environment's (MoE) area of responsibility. Therefore the MoE itself should negotiate these proposals.

To this end the main obstacle of the MoE seems to be the missing decisions of the government and the Ministry of Interior, e.g., established by-laws and /or decrees addressing the future competencies of the newly installed regions and the independent municipalities, as well as interministerial competencies.

An institutional development plan for the CEI was defined by the project leaders and the experts as an output which will be elaborated in the final stages of the Twinning project by elaborating the components 5.1 and 5.2, more specifically, by defining the future competencies and tasks of the CEI. It was not feasible to develop a detailed plan in the first phase of the project, however preliminary elements toward such a plan were formulated.

The preparation of the CEI for the use of an integrated pollution register was successful and the relevant workshop 1.3 led to the exchange of practical examples from other countries about how to develop and deal with such a register.

3.3 Package 2: National strategy of environmental law enforcement practice

3.3.1 Overall objective of the package

This comprehensive package started in the first quarter of the project facing practical challenges posed by the interface of European and Czech environmental policy. The actions in this work package led to the identification of institutional and organisational requirements and focused on the second half of the Twinning project. Within the project a comprehensive strategy of national environmental law enforcement practice was developed to allow for an effective and efficient implementation of the environmental acquis communautaire. In particular, the CEI and other relevant institutions were to be prepared for the implementation of an integrated approach as exemplified by the IPPC Directive, but also by emerging water framework legislation.

Furthermore, the future status and organisational structure of the CEI were clarified with special regard to transboundary co-operation, division of tasks, co-ordination and information flows between relevant Czech authorities, and the use of improved feedback control mechanisms for the Czech Environmental Fund. On the basis of this information, proposals for institutional change and a draft organic law for the CEI were developed in package 5. Drawing on the results of work packages 3 and 4, the bulk of package 2 also included the preparation of training activities as a means to put new experiences, techniques and methods into practice.

The objectives were further specified and adapted to the present institutional and political situation of the CEI during the project. The main results of the second work package are outlined at the end of this work package.

3.3.2 Situation in the Czech Republic

Neither the CEI nor the Ministry of Environment provide a qualified training concept or training programme for CEI employees.

However, there is some technical training that is carried out within the different departments. These events are not carried out in working groups with certain objectives to be achieved, but rather tend to have the character of a departmental meeting. An evaluation or quality assessment does not take place. The first "Train the Trainer"[1] programme was carried out within the framework of the Twinning project.

The employees of the CEI are dispersed over ten Inspectorates in fourteen districts; co-operation between these institutions is rather rare. None of the new inspectors received an introductory training. The CEI management is not yet convinced by regular training measures being complementary to the daily work but only

[1] The concept of training one person or group in such a way that they are able to continue the training of other people or groups.

recognises the efficiency of training measures if they are completed with a final exam. A uniform opinion does not exist concerning the necessity of testing the introduction of training measures for the management of the CEI.

Furthermore, opinions vary concerning the importance and the value of continuing education and training among the departments.

3.3.3 Specific actions

- Component 2.1: Joint expert meeting on the future status of CEI
- Component 2.2: On-site visits Sweden
- Component 2.3: Simulation game to identify needs
- Component 2.4: Compilation of a personnel training scheme
- Component 2.5: Workshop on transboundary co-operation
- Component 2.6: Assessment of institutional overlap
- Component 2.7: Assistance in implementation of the environmental fund
- Component 2.8: Setting-up of regional transboundary implementation network
- Component 2.9: Local network building exercise

Component 2.1: Joint expert meeting on the future status of CEI

Background and Objectives

This component centres on the development of a national strategy of law enforcement practice on the basis of the findings and results of the previous general assessment of the acquis communautaire with special regard to the role of the CEI. In this context, a joint meeting of experts should develop key elements of a definition of the future status and organisational structure of the CEI. Drawing on the outcomes of Phare project CR-108 and other relevant material, the assessment would have to address the question in how far CEI capacities need to be adapted to meet the new requirements. Particular attention should also be given to the role of the CEI in integrated pollution prevention.

Activities and contributions

A joint expert meeting "Future Status and Organisational Structure of the CEI" was organised in Prague from April 10 to 11, 2000. Five experts from different Member States (Ms. Viktor (S), Mr. Glaser (NL), Mr. Kaae (Dk), Mr. Strauss (D) and Mr. Weigand (D)) joined the meeting as well as representatives of the Ministry of Environment, the CEI including the Director, the private Legal Consultancy Institute of Ecopolitics (Ms. Kruzikova) and private lawyers. In addition, representatives from the Hydrometeorologic Institute, the Masaryc Water Research Institute and the EU delegation also took part. The meeting was facilitated by the consultancy Centrum dohody (Mr. Oswald Schorm).

Three presentations were given addressing the following topics:

1. "The Framework Conception of the Structure and Activities of the CEI"

   Mr. Soukup, Director of the CEI

2. "CEI New Structure proposal"

   Mr. Sremer, CEI

3. "The Outline of a Tentative Thesis on the Change of the CEI Status in Accordance with the Implementation of EU Legislation"

   Mr. Miko, CEI, project leader

All presentations are documented in English and Czech.

The main discussion of the meeting was led by the following questions drafted by the project leader Mr. Miko:

1. Shall the CEI be established as an independent institution or as part of the larger institution (Environment protection agency)?
2. Should the role of the CEI be defined in one framework law or integrated in specific laws, each of which addressing specific problems?
3. Should the CEI's role be limited to control/enforcement/sanctions, or extended to permitting, monitoring and reporting? If the latter, to which extent?
4. Should the CEI function as a supervisory institution of other state authorities or not? If so, then only with regard to the environment, or generally (in respect of environmental compliance issues)?
5. Should the complexity of the CEI's scope (air, water, waste vs. nature, forest) with regard to the industrial and natural environment be maintained or not?
6. How to finance the CEI: from the state budget only (as today), or also part of charges from industry or other bodies?
7. Should „soft enforcement" methods such as negotiation, agreements, etc. be used or not? If yes, to which extent?
8. Should analyses been carried out in the CEI's own laboratories or ordered at the commercial base? If laboratories are going to be established, how large should they be and what should be included?
9. Should the CEI be established as an authorisation/accreditation body? For which subjects?
10. Should the regional administrative reform (14 regions) be followed or the present structure (10 regional Inspectorates) be maintained?
11. Should the CEI staff be extended (now 500 persons, planned 800)?

<u>Achieved Results and Recommendations</u>

The discussion led to the following conclusions as "key elements of a definition of the future status and organisational structure of the CEI" (see objectives above).

The different views and priorities given by the participants and experts did not lead to a commonly agreed catalogue of decisions and recommendations to questions posed above. However the experts recommended that the CEI and the Ministry of Environment should use these proposals in order to develop a detailed solution which is directly applicable to the situation in the Czech republic. Therefore the conclusions which are listed below should be revised at a later stage. The Ministry of Environment as the superior institution of the CEI should lead this process.

1) The CEI should remain an independent administrative body and thus preserve its current status. Nevertheless, reporting to the Parliament would be a suitable solution.

2) The CEI should operate on a national basis with regional Inspectorates managed by the directorate; the structure, may, but need not necessarily follow the national administrative structure.

3) The role of the CEI and its activities are: supervision and enforcing law, not giving permissions and not deciding about the fees (if data are accessible in some other way). Its main targets – technology as well as nature – should be preserved. The power of supervision over other administrative bodies is not recommended. The inspection is obliged to be involved in important industrial branches, but may also be involved at lower levels.

4) The different conceptions of the CEI should be unified by a framework law either within the environmental code or through a special law on inspection. The sectoral laws will be changed in the same way (as far as the powers of the inspection are concerned).

5) The terms „enforcing - implementing" and „support for harmonising with the laws" must be defined carefully and precisely. They may include some „more lenient" approaches, however they should always lead to better compliance with the law. Agreements are possible under the condition that the infrastructure for classical and effective enforcement is sufficient.

6) The CEI should be financed from the state budget, not from the (parts of) fees or fines.

7) There is a need for a laboratory(-ies) for non-routine, specialised measurements. It is not important whether they are part of the inspection or of some other state body (an agency, etc.) Routine analyses will be ordered in commercial laboratories.

Regarding the future organisational structure of the CEI the Directors Mr. Soukop, Mr. Sremer and Mr. Miko (see their presentation reports) presented several comprehensive approaches. The final decision about the structure has to be taken by the CEI and by the MoE as the superior body. There was no final decision or recommendation concerning the establishment of a new department or working group dealing with integrated issues such as the IPPC-Directive.

Recommendations from the experts concerning the role of the CEI in the field of „integrated pollution prevention" (see objectives) could not be elaborated at this stage because of the lack of information about the impacts of the Czech administrative reform and the future tasks of the CEI related to it.

The final discussions and reflections are summarised in the "Minutes from the meeting," which are available in Czech and English.

The MS-experts Ms. Kitty Viktor, Mr. Rob Glaser, Mr. Reiner Strauss and Mr. Ole Kaae documented their experiences and recommendations in comprehensive reports which are all available on CD-ROM and added to the Annex of the respective booklet.

Component 2.2: On-site visit Sweden

Background and Objectives

The European Directive concerning Integrated Pollution Prevention and Control (IPPC Directive)[2] as adopted in 1996 should have been transposed by the Member States by October 1999. As a precondition for accession, the Accession Countries, e.g. the Czech Republic, are obliged to transpose and implement the directive before joining the European Union.

The key requirement of the Directive is that all the appropriate preventive measures are taken against pollution, in particular through the application of the best available techniques. To support this objective Member States must have an integrated permitting system for all installations covered by Annex I of the Directive based on the following principles:

- protecting the environment as a whole,
- minimising waste production,
- efficient energy use,
- meeting environmental quality standards,
- using best available techniques (not emission limits in the Directive), and
- recording decisions, public participation and information.

The seminar was dedicated to the IPPC-Directive, its implementation in Sweden and the influence on Swedish administration and legislation. The Swedish implementation of the IPPC Directive is of particular interest because Sweden adopted an integrated approach to environmental protection as early as in 1969. The Swedish permitting system was slightly modified in 1999 to take the IPPC Directive into account e.g. by adding aspects of the conservation of resources like energy.

[2] Council Directive 96/61/EC of 24 September 1996 concerning Integrated Pollution Prevention and Control.

The main objective of the seminar was to provide an overview of Swedish enforcement practices with respect to integrated permitting. The objective of the seminar was also to provide Czech participants with in-depth information of the Swedish permitting procedures, helping them to prepare for the simulation game.

The Swedish administration comprises relatively small ministries, larger central authorities such as the EPA, the Chemicals Inspectorate, the Board of Agriculture and the Board of Forests. Moreover, there are administrative authorities such as regional state administrative authorities and over 200 municipal authorities.

Plants and technologies in Sweden are divided into 3 categories with each having different impacts on the environment. Plants in the most important category are permitted by five environmental courts. Plants falling in the middle category are permitted by the regional state authorities. The third category of plants do not need a permit but have to notify the local authority about their existence.

Monitoring represents a considerable part of the system. Each plant is, first of all, obliged to develop and suggest its own monitoring programme, which assures the monitoring of key parameters and reporting. The programme is decided and subsequently supervised by the regional or local authorities depending on the size of installations. The monitoring is mainly carried out by the plant itself (self-monitoring) but the routines are normally checked once a year by an independent consultant. The consultant is appointed by the authority but paid by the company.

The companies incur all expenses connected to the application of a permit. Furthermore the companies incur the measurements, which are carried out within the scope of the monitoring programme, and they pay an annual fee for the permitting, supervision and inspection carried out by the competent authorities.

The Swedish implementation of the IPPC Directive is of particular interest because Sweden adopted an integrated approach to environmental protection as early as in 1969.

Activities and Achieved Results

The Swedish seminar involved the Swedish counterparts, participants from the AssiDomän Skärblacka mill, the Swedish EPA, the Environmental court of appeal, regional and local environmental authorities as well as an environmental consultant. These participants provided information on the Swedish permitting and monitoring system and the implementation at the institutional level. Special emphasis was given to the permitting and monitoring system concerning the impact of the production technology on the different media air, water and land. Furthermore issues concerning the planned simulation game in the Czech Republic were addressed. Interest in future co-operation was declared by both the Swedish and Czech participants.

Recommendations

Although the future position of the CEI in the Czech IPPC system is not exactly known, it is recommended that the CEI keep its major role of monitoring activities in integrated environmental protection.

Component 2.3: Simulation game to identify needs

Activities in this component area follow up of the previous components – 2.1 and 2.2. Most of the personnel involved in the simulation game took part in the seminar (component 2.1) and in the on-site visit to Sweden (component 2.2).

Background and Objectives

In September 1996, the EU Council of Ministers adopted Council Directive 96/61/EC on Integrated Pollution Prevention and Control, commonly known as the "IPPC Directive". Its purpose is to achieve integrated prevention and control of pollution arising from the activities listed in its Annex.

As cited before (component 2.1 and 2.2) the IPPC Directive sets general principles governing the basic obligations of the operators of industrial installations. First and foremost among these is the obligation to take "all the appropriate preventive measures against pollution, in particular through the application of the best available techniques".

Other obligations of the operator involve:

- the avoidance of waste production, recovery of waste where possible, and waste disposal "avoiding or reducing any impact on the environment",
- the efficient use of energy,
- accident prevention and mitigation, and
- the return of the site of operation to a satisfactory state upon definitive cessation of activities.

The fulfilment of these obligations is ensured by means of an integrated permitting procedure. Permit applications must include information on the installation and its activities, the substances and energy used or generated, emission sources, conditions of the site, the nature and quantities of the foreseeable emissions as well as the likely environmental impact, proposed abatement techniques, measures taken for the prevention and recovery of waste, and the measures planned to monitor emissions. Likewise, the permit issued by the competent authority must contain conditions ensuring that the operator obligations are met. Permit conditions should normally take the form of emission limit values based on best available techniques (BAT).

Member States must ensure that the competent authority follows or is informed of developments in BAT. An effective integrated approach to pollution control is ensured by requiring full co-ordination between competent authorities in cases where more than one is involved. The IPPC Directive further ensures adequate protection of the environment by providing for additional measures to be taken in

cases where environmental quality standards cannot be met by BAT alone, and by providing for the reconsideration and updating of permits at regular intervals and in the event of a substantial change in the operation of a plant.

Although the IPPC Directive does not itself set uniform EC-wide emission limit values for any substances, it retains emission limit values provided for by existing Directives and provides for new emission limit values to be set in the future where a need for such action is identified.

A final mention should be made of the strong role given by the Directive to the competent authorities. The term "competent authority" means any authority made responsible by national legislation for carrying out the obligations stemming from the Directive. Depending on the country and the size of the plant concerned, these may be national, regional or local bodies. Authorities at different levels of government responsible for different types of environmental impacts may be involved in permitting the same plant.

Under the provisions of the Directive, competent authorities are responsible for:

- receiving permit applications,
- co-ordinating amongst each other in order to ensure an "effective integrated approach",
- setting permit conditions based on BAT and any existing environmental quality standards, without prescribing the use of any technique or specific technology,
- issuing permits,
- reconsidering at regular intervals and, where necessary, updating permit conditions, and
- monitoring compliance with the permit conditions.

The main objective was to help and support establishing the required integrated permitting procedure (e.g., content and form of an application, the same for an integrated permit, length of the procedure, roles of the participants in the procedure) by carrying out a practical case in the Czech Republic. "Sewing the right system" was based on the participation of the Swedish experts from the permitting authority (environmental court) and EPA. The Swedish current and previous permitting procedures are very similar to the one that has been proposed by the Czech Ministry of the Environment in the draft of the Act on IPPC and IRZ.

Situation in the Czech Republic

The Ministry of the Environment has been working on the IPPC Directive transposing piece of legislation for the whole duration of the simulation game. A draft of the Act on IPPC and IRZ was first presented to the public in the summer of 2000. In March 2001 the Act on Integrated Pollution Prevention and Control and Integrated Pollution Register was submitted to the government. Its provision should take effect on January 1st, 2003.

Specific Actions

The simulation game lasted 7 months and comprised several activities:

- preparation of the application form draft,
- first workshop in the pulp and paper company – Frantschach in Štětí (assessing the application form),
- fulfilment of the application form with the real data by the company,
- studying the application by the Swedish experts and existing environmental competent authorities (CEI, regional Hygienic authority, local authority with the competencies in water and waste management, etc.),
- writing statements on the application and suggesting integrated permit conditions by the Swedish experts, existing environmental competent authorities and NGO representing public,
- „public hearing" – discussion about the application and the permit conditions to be set. The negotiations were led by the „environmental court" and took place in the presence of the applicant, the central, regional and local authorities concerned as well as the public and environmental NGOs,
- stating the final decision by the court after 3 days discussions, and
- concluding seminar.

Achieved Results

The experiences gained during the whole period of the simulation game substantially influenced the legislative work in preparation of the Czech IPPC law. These experiences were shared with experts in a public hearing involving the central, regional and local authorities concerned, as well as the public and environmental NGOs.

The application form was designed in several stages and negotiation skills were trained.

The working group for the integrated permitting procedure was established consisting of the members of different ministries and other bodies.

Recommendations

The simulation game should be considered as a useful and effective means for the understanding of other relevant political processes including the implementation of legislation in the future. Thus, simulation games should be carried out in different industrial branches (categories of the annex 1 of the Directive 96/61/EC).

Future employees of other relevant institutions of both, the administration and the plants should to be trained in these areas in order to guarantee a comprehensive knowledge of the relevant technologies available on the market, their environmental impacts and the local environmental situation.

Since experience with practical operation of the industrial plants is limited, the experience of CEI should be considered in the permitting process. Thus the CEI should be involved in the following processes: (a) checking the data given by operators in application, and (b) comments on drafted permits, especially on limits, conditions of operation, inspection intervals and methods.

For the implementation and the enforcement of the IPPC Directive it is necessary to achieve „integrated" inspections with respect to the integrated approach of this Directive. Therefore the personnel policy (staff recruiting, training) of CEI should be developed adequately.

As the implementation of the IPPC Directive is very complex permanent contacts and exchange with other EU Member States should be maintained in order to avoid lessons already learned. This requires the participation of CEI inspectors in international activities (workshops, conferences, working groups, networks as IMPEL, etc.).

Component 2.4: Compilation of a personnel training scheme

Background and Objectives

A training scheme was to be compiled by the UK Department for International Development concerning the development of a general personnel training for the CEI. The scheme, developed in the framework of the present project, focused specifically on EU legislation and the new national strategy of law enforcement practice. It was to be designed so that it may also be useful for environmental authorities other than the CEI. The scheme was to comprise compiled background information, a training manual, briefing aides for seminars and recommendations for specialised language-courses.

Activities and Contributions

The compilation of the personnel training scheme proceeded in five steps: During the first few days in Germany two German experts prepared a first annotated outline of the training scheme based on information supplied via the PAA. During the work sessions in Prague they collected detailed information on the CEI, the Czech Ministry for Environment and other Czech enforcement institutions and gained insight into practical aspects of enforcement, monitoring, and public information. In addition to the CEI, they visited regional and local bodies. Drawing on relevant German and, as far as possible, other Member States' experience and the resources available in their home administrations, they spent the following weeks in Germany further elaborating the training scheme, the background materials, briefing aides and making recommendations. This was followed by other work sessions in Prague. The experts collected missing information and discussed the drafts with several Czech administrators, inspectors and trainers. The remaining eleven working days in Germany were used to make final corrections and edit the various products. In a preparatory workshop with several Czech administrators and trainers further details, the time schedule and the evaluation of the training were discussed.

Achieved Results

The outcome of the meetings that took place in Prague was that a training programme was necessary for approximately 500 people of the Czech Environmental Inspectorate.

According to the expectations of the CEI these training courses should encompass both mandatory basic training and continuing educational training. To put this idea into practice it was necessary to create motivational incentives. The content of the training will only be absorbed if the employees recognise the purpose of their participation. The directorate would like final examinations after the seminars while the German experts disagreed, as tests are not fitting to a continuing education environment and could hinder the active participation of the employees. Yet, the CEI management was resolute and insisted on exams which were co-operatively developed.

The objectives and content of the training programme resulted from discussions and are detailed by the following points:

- the training programme should have three to four levels,
- the training programme should cover more than just technical content,
- the training programme should have a practical training component,
- the training programme should encompass an orientation towards action and best practices, and
- the training should be a permanent institution.

The exact content of the training scheme is discussed in the annexed CD-Rom (Component 2.4).

It was of particular importance to co-ordinate the planned reform of the state bureaucracy with other components of the Twinning project, particularly with regard to the executive manual and to "train the trainer".

The proposed model is characterised by four phases:

1. Preparation of activities,

2. Basic studies,

3. Further studies, and

4. Management skills.

In order for the programme to achieve the strongest possible and most sustainable effect – given the limited capacities of the Twinning Project – the attempt was made to train one group in such a way that they themselves would in turn be able to continue the training.

The Twinning project training was only carried out with new employees (point 1) and was thematically limited to public law, the public executive and so called "soft" (psychological) issues. A five day training program, which was repeated three times,

allowed for the coverage of most of the new employees (hired in 2000). Most importantly perhaps, Czech teachers were included in the programme and will thus function as multipliers to further carry out the programme (cf. component 5.3.1).

As far as the thematic and the management skills components are concerned, this part of the Twinning Project only produced suggestions. These components will need to be carried out at a later stage or in the context of the management skills during the "senior training level".

Another important goal of the training programme was to improve the quality of communication between the CEI and the national bureaucracy, i.e. the MoE. This may, for example, be done by communicating specific practical problems to the Ministry. Also for this reason, external experts worked in teams with Czech instructors although the Czech instructors mainly lectured.

Linking training in the CEI with other sections and institutions of the Ministry of Environment is cost efficient and should also be regularly considered in the future. From the perspective of the Czech Ministry of Environment this is not a priority, but this type of co-operation should be considered in connection with future reforms or restructuring.

Recommendations

The most important task is to put a systematic, multi-phased training programme for all employees into place. This training programme should

- allow for a continued updating of the curriculum;
- be application-oriented and geared toward the needs of the participants;
- specifically address the challenges of the accession to the EU;
- consist of thematically specific and interdisciplinary measures;
- be supported by class material;
- integrate the enforcement and inspection guidelines and draft handbook (component 3.3);
- use and expand upon experience gained during the Twinning Project;
- include teaching skill programs for the teachers;
- continue and expand the successful bilateral co-operation of the Twinning Project;
- function as a platform for the exchange of information and discussion.

For additional information regarding EU issues, the Bavarian School of Administration (BVS) edited a book which is available in Czech and English and can be obtained through the Bavarian School of Administration (BVS).

As a next step the participants of the training should be interviewed to develop a needs assessment with the aim to further specify the content that have been specified in component 2.4 and to be able to continually adapt the programme to

the practical needs of the participants. This procedure should lead to a continuous quality control of the program.

The number of qualified teachers available to the CEI is limited. Through the Twinning Project more teachers can be recruited. Support for the teaching activities is essential and should be paid for. Only when teaching is made attractive can qualified and involved teachers, who make a successful training programme possible, be identified.

The planned bilateral co-operation with the BVS may be a meaningful contribution to maintaining a qualified pool of teachers. The BVS will be glad to contribute many years of experience. In addition to seminars on teaching skills it would also be possible that employees of the human resources department of the CEI sit in on seminars at the Bildungszentrum für Umweltschutz (BZU) in Lauingen.

The desire of the Czech partners to organise thematically specific further training and seminars on the issues of cross-border environmental protection were achieved. The exchange of experience and know-how is valuable for both, the Czech and the Germans; and the Bavarian teaching institutions provide a good platform for such an exchange.

In accordance with the mission of this Twinning Project, all training measures are seen as a first step, a beginning. Thus it was agreed to search for and identify possibilities to plan and carry out teacher training and training programs co-operatively. The search for possibilities to support this effort financially through the State of Bavaria has already begun.

Recommendation

At the Bildungszentrum für Umweltschutz in Lauingen (BZU) seminars should be carried out in which particularly those persons who have already worked together during the Twinning Project participate.

Component 2.5: Workshop on transboundary co-operation

Background and Objectives

Institutional implications of transboundary institutional co-ordination and co-operation for the Czech national strategy of environmental law enforcement practice have to be defined for various international political frameworks and activities such as the International Commission on the Protection of the River Elbe, the Odra Commission or the Danube Commission, the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL - the former Chester Network), the conventions on Transboundary Environmental Impact Assessment and on Transboundary Effects of Industrial Accidents (Espoo), the Convention on the Protection and Use of Transboundary Watercourses (Helsinki 1992), the Convention on International Trade in Endangered Species (CITES) and the Basel Convention on the Transboundary Movement of Hazardous Waste and its Disposal.

The objective of the meetings and events within the package was, to intensify the dialogue between the German regional administrative bodies and the Czech Regional Inspectorates on both sides of the German-Czech border. Thus particular attention is being paid to local co-operation, and additionally to already existing bilateral activities on the national level. In consideration to the differences in competencies and activities in both Czech and German administrative authorities, on-site visits have been carried out, aiming at the transfer of knowledge and better understanding of foreign problems, practices and solutions. Finally the objective was to build up personal working contacts and networks for future co-operation in environmental policy.

Activities and contributions

To meet the objectives mentioned above, a workshop on transboundary co-operation was held at the Czech Environmental Inspectorate in Prague on March 26-27, 2001.

The bilateral co-operation between the Czech Republic and Germany was stressed. A number of activities in various fields of transboundary co-operation were discussed:

- Conservation of the river pearl mussel,
- Reduction of emission rates,
- Air monitoring in the Black Triangle,
- Amelioration of the water quality of the Elbe,
- Waste water from Saxon municipalities is purified in a Czech waste water treatment plant (Wansdorf), and
- Environmental Impact Assessment.

A detailed description of the topics, discussions and results of the meeting can be found in the Annex of this document.

Achieved Results

Both the Czech and the German participants of the meeting confirmed their strong interest in co-operating in various environmental fields, namely water management, nature conservation, waste management and air quality. The importance of earlier co-operation in these fields within and outside the scope of this Twinning project was emphasised. Future co-operation within the scope of the Twinning project was discussed which led to an agreement about the on-site visits, the location of which were chosen by the Czech and German participants.

Recommendations

In order to maintain the contacts to foreign experts which were closed during the course of this activity in the fields of nature conservation, waste management, water management and protection and emission control, meetings and/or on-site visits shall be planned on a regular (i.e. yearly) basis. Furthermore bilateral transboundary

contacts should be regarded as a priority item concerning the international contacts of the CEI. (This includes, e.g. contacts with Germany, Austria, Slovakia, Poland)

In order to continue the activities of exchange and co-operation also after the finalisation of the Twinning project Czech experts have to be designated to follow up this task. This also requires the integration of these meetings in the normal work plan, setting priorities and discussing them within the respective department. In this context a contact database has to be maintained and updated.

International co-operation should include workshops and meetings on a bilateral international basis for the exchange of experiences concerning the implementation and enforcement of European legislation. It is also recommended to organise inspections with the participation of inspectors from partner transboundary institutions in areas of common interest.

Component 2.6: Assessment of institutional overlap

Background and Objectives

A study to identify areas of ineffective institutional overlap and the potential for synergetic effects in Czech environmental law enforcement practice should be produced. This assessment should provide an evaluation of current co-operation and co-ordination mechanisms, including suggestions how co-operation among different administrative levels within the Czech Republic could be enhanced. The assessment should take the outcomes of the workshop on transboundary co-ordination and co-operation into account. It should also raise awareness about environmental issues in other branches of state administration, especially those dealing with transboundary issues. One aim is to improve co-operation and the exchange of information with the customs service and the state health service, among other services.

Activities and contributions

At a meeting on the 18th of July 2000 at the CEI the MoE asked to postpone this activity, because a national assessment/report regarding the same topic already exists. The Ministry of Environment recommended to cancel the Twinning activity in case the results were available and useable for the Twinning project. These results were announced and expected for autumn 2000.

Independent from the situation described above, specific objectives including "the improvement of the co-operation and the exchange of information with the customs service" were met in the context of discussions about CITES and GMOs issues, which were handled in close co-operation between the Department of Nature Protection of the CEI and the different customs and health services.

As already mentioned above some assessment concerning the situation of environmental legislation was carried out and documented in the report CR 108

The institutional overlaps, which were identified, are currently under revision against the background of the ongoing amendment of existing legislation (e.g. nature protection law). Thus competencies of various institutions are not clearly defined. I.e. in the water management sector, the jurisdiction of the MoE is not complete yet, furthermore the competencies of the Ministry of Agriculture have to be clarified.

The legal situation is very dynamic, so the results of assessment may be overhauled in the near future. The most uncertain element is the ongoing administrative reform, which changes substantially the responsibilities of many administrative bodies.

The results of the study initiated by MoE are now available and included as an independent annex of this report.

There are several overlaps in controlling and inspection tasks between the CEI and the existing districts, which will be reorganised soon. Several competencies will be shifted to the regions.

Component 2.7: Assistance in the implementation of the environmental fund

Background and Objectives

In the context of the development of a national strategy of environmental law enforcement, special attention should be devoted to the functions of enforcement institutions in the management of the Environmental Fund[3]. Assistance to solve specific technical, legal and financial problems and to guarantee the effective and efficient operating of the Fund should be provided, in particular with a view towards the role of enforcement institutions in feedback control.

Activities and contributions

Beyond this background, two expert meetings took place. The first meeting was held at the State Environment Fund of the Czech Republic in Prague on March 3-4, 2000. Furthermore, the experts visited an incineration plant for hazardous waste close to Prague. The following short-term experts from Germany and representatives from the Fund joined the meetings:

Mr. Bretschneider, Mrs. Klanova, Mr. Ezechel and Mr. Cablk, all from the *State Environment Fund of the Czech Republic*

Mr. Theiler, *Bavarian State Ministry for State Development and Environmental Affairs, Munich, Germany; and*

[3] The legally independent State Environment Fund of the Czech Republic was founded in 1991. Its overall task is to provide the sectors of water management and environmental protection with financial support, e.g. loans. The average annual budget is ca. 110 million Euro. As the Fund is subordinate to the Ministry of Environment, it primarily supports the sectors of waste and water management whereas nature protection does not belong to the main sectors.

Mr. Luibl, *Foundation Bavarian Environment Fund, Munich, Germany.*

The second meeting took place on May 29 and 31, joined by the following short-term experts from Germany and representatives from the Fund:

Mrs. Vydrova, Mr. Pometlo, Mrs. Petrankova, Mr. Landa and Mrs. Kysela, all from the *State Environment Fund of the Czech Republic;* and Mr. Jedlitschka, *Bavarian State Ministry for State Development and Environmental Affairs, Munich, Germany.*

A detailed description of the topics, discussions and results of the meeting can be found in the Annex of this document.

Achieved Results and Recommendations

Based on the expert discussions taking into consideration both Czech and German experiences, the following main recommendations were suggested:

- Improving the communication between CEI and the State Environment Fund of the Czech Republic,
- Creation of a technical expert organisation in the Czech Republic such as the German Association for Water, Wastewater and Waste (ATV/DVWK), and
- Establishing and intensifying cross-boarder co-operation with Bavarian authorities.

Component 2.8: Setting-up of regional transboundary implementation network

Background and Objectives

Throughout the duration of the Twinning project four two-day meetings were planned focusing on air pollution, waste management, water pollution and CITES. Additionally, 'theoretical' discussions of problems and legislation with a particular emphasis on the relevant acquis communautaire were specified in the Covenant. Inspectors from the four Czech border regional offices and from Bavaria and Saxony were asked to join the meetings.

Activities and Achieved Results

In accordance with the Covenant the following activities were carried out:

2.8/1-4 Workshops and on-site visits

Within this component four small workshops in Usti nad Labem, Liberec, Plzen and Ceske Budejovice at the four Regional inspectorates of the CEI were carried out, supplemented by one-day bus-excursions to Germany. This activity, together with 3.2 on-site visits in Germany, formed the core element of the establishment of a regional transboundary implementation and co-operation network. For the first time the four relevant CEI- regional Inspectorates on the border to Germany met with German environmental administrations (Saxon and Bavarian), which enabled the personal exchange of experiences.

The objectives of this start-up phase of transboundary co-operation at the local and regional level were to exchange knowledge and experience about the different

systems and competencies of environmental administrations and administrative bodies, rather than to conduct detailed technical discussions about EU-Directives. In this context one of the main results was the formation of a pool of these institutions including their names, addresses and competencies for use in daily work. Apart from these practical and organisational matters European legislation was a point of discussion --as outlined in the Covenant with special emphasis given to responsibilities and organisational divisions in the Czech Republic and Germany. In this context the different systems of the German "Länder" Bavaria and Saxony were highlighted.

For future co-operation, the information gained and exchanged within the workshops is summarised in two booklets, one for the southern part of the common Czech border with Bavaria and one with Saxony.

The environmental sites and institutions which were visited are listed in the Twinning Bulletin no. 6 and no. 8, which can be provided upon request. They comprised the environmental sectors of water management (e.g. different waste water treatment plants), nature protection (e.g. reserves like the National Park), waste management (by-product division and utilisation plant) and industries (e.g. crystal glass production factory) and local technical and enforcement administrations ("Landratsaemter/ Kreisverwaltungsbehoerden").

All these sites were introduced by German experts and the administrative procedures for planning, permitting, supervising/inspection and sanctioning explained. These visits resulted in advice and recommendations to the Czech experts concerning their daily work. All these activities were appreciated by the Czech experts and contributed to the build-up of confidence and prepared the way for good co-operation in the future. These very short introductory visits could not ensure a detailed training about the daily responsibilities of an CEI-inspector.

Therefore the project leaders notified and proposed additional on-site visits to the Delegation on both sides with the aim of enhancing the exchange of knowledge and experiences of practical on-site inspections.

The inspections and visits are described below.

2.8/5-12 On-site visits and inspections

During the first activities of 2.8 (see 1-4 above) the project leaders and the PAA identified the need and the interest of both Czech and German inspectors for obtaining more information about German and Czech inspection practices. It was agreed to use the budget appropriations from other shortened or cancelled activities for the purpose of extended on-site visits and thus to further promote transboundary co-operation achieved within the project's time frame.

Within the framework of 8 on-site visits (4 to the Czech Republic and 4 to Germany), further knowledge and experience was acquired in the fields covered during excursions conducted earlier (2.8/1-4), and on-site inspection/monitoring practice was included as a further aspect. The party of visiting experts per visit consisted of 2 or 3 inspectors from the regional environmental inspectorates in Ceske Budejovice,

Plzen, Usti nad Labem and Liberec, or in the case of the return visits, 2 or 3 German experts from the relevant competent authorities near the border.

The subjects dealt with during the visits to Germany and the Czech Republic ranged from pollution control through waste management, land filling and contaminated sites to the implementation of nature conservation legislation and the Convention on International Trade in Endangered Species (CITES) and the adequate European legislation.

The following types of installations were visited/inspected:

- In Saxony:

  sewage treatment plants in Meissen and Nuechritz, landfills in Kunnersdorf and Groebern, a recycling centre in Groebern, a large chemical plant in Hirschfeld and a large-scale nature conservation project "Osterzgebirge".

- In Bavaria:

  waste management and recycling centres in Cham and, a landfill in Aussernzell, a private-sector waste collection and sorting plant in Regen, a loading station for waste in Wackerling, a biowaste fermentation plant in Unterprombach, a waste-fuelled combined heat and power plant in Schwandorf; CITES compliance-monitoring in "rescue centres" in Wallersdorf, in a horticultural plant for exotic plants and at a station for birds of prey in Schillingsfuerst.

- In the Czech Republic:

  a municipal landfill in Kostalov, a waste incinerator for hazardous materials in Plzen, a wood processing plant in Sobeslav - Jihoceske, a glassworks in Novy Bor, a large chemical plant in Litvinov, a municipal sewage treatment plant in Ceske Krumlow and Usti nad Labem, a paper and pulp factory in Vetrni, a writing utensils factory in Dacice, a "rescue centre" in Hluboca nad Vlatava, a biosphere reserve nearby Trebon, and protected areas in the biosphere reserve "Trebonsce ponds" and the national park Sumava.

During the on-site visits, the relevant national and EU legislation as well as the responsibilities for their implementation were explained and discussed, and comparisons were drawn between German and Czech practice.

A dialogue was initiated between the various German and Czech environmental administrations near the border, and between the experts working in these administrations, and initial contacts between the Czech and German administrations were established (component 2.9).

The following activities were most successful:

- initial contact and exchange of experience with private and public operators of installations of various sectors, such as the chemical industry, waste treatment, waste sorting, rescue stations for sick and threatened animals, and with other environmental administrations (administration of areas in the Czech

Republic that are subject to particular protection);

- establishment of transboundary networks in specific fields, aimed in particular at imparting knowledge and experience in the areas: responsibilities, implementation of legislation and on-site inspection practice;
- the responsible experts working in the various environmental administrations as well as plant operators in the Czech Republic and Germany had the opportunity to meet personally, which reduced mutual reservations and gaps in knowledge and thus increased mutual understanding and strengthened the parties' motivation to continue and intensify the contacts following completion of the project.

Recommendations

2.8/1-4 Workshops and on-site visits

Based on several very detailed discussions with German experts during these visits ongoing co-operation was offered by the German experts, in particular concerning supporting the future transposition and implementation of new environmental legislation.

In addition it is recommended to update the relevant booklets, including the address book periodically, e.g. every six months, and to appoint one responsible person at the CEI, ideally German speaking, for this task. These persons could additionally be the relevant contact persons at the CEI headquarters and the Regional Inspectorates.

2.8/5-12 On-site visits and inspections

All experts unanimously agreed that this form of cross-border contact and co-operation could only be the beginning of a dialogue and that these activities should definitely be continued.

Especially the joint on-site plant visits and inspections were productive as a source of new knowledge for the experts. They should definitely be continued for the Czech experts, because they yield practicable ideas and suggestions for improvement which the experts can use in carrying out their own CEI enforcement and control tasks.

An important improvement which concerns the overlapping responsibilities of different environmental administrations for on-site inspections and monitoring, e.g. in the field of nature conservation, is suggested below:

Primary responsibility for monitoring compliance with an environmental law should as a rule be assigned to a single administration, i.e., to that administration which is most capable, both technically and in terms of human resources, of fulfilling it and which is in closest (geographical) proximity to the regulated "object". For the field of areas for nature protection, for example, this would mean that the administration responsible for those areas should have primary responsibility. It seems ineffective, that compliance with the provisions of, e.g., nature conservation legislation or parts

thereof should be monitored simultaneously and in conformity with the law by the environment departments of

- the autonomous towns/municipalities,
- the counties or regions/districts,
- the CEI, and
- the administration of the areas subject to particular protection.

Future responsibility for such cross-border co-operation should be clearly defined within the central CEI and the regional inspectorates. Parallel to the cross-border co-operation in specific fields, efforts should be made within the CEI to motivate and support staff members who are particularly committed to those activities (also see 3.1.2). Support for the development of language skills, in particular, is crucial to the functioning of such cross-border co-operation.

Component 2.9: Local network building exercise

Since the results of this activity could be met by the overlapping activity 2.3 and the newly created activity 2.8/5-12, the activity 2.9 was cancelled. Specifically, in activity 2.3, the simulation game on IPPC Directive at the paper and pulp industry, Frantschach factory, provided a forum for the discussion and exchange of the acquis communautaire (IPPC) which will facilitate continued close co-operation and co-ordination between industry and state administrations. Furthermore, the activities 2.8/5-12, which were created late in the project, provided an ideal platform for the exchange of discussion directly related to chemical substances, hazardous waste and air quality regulations. The network and established collaboration based on the contacts made between industry representatives and municipal and government administrative employees is sustainable and expected to support future co-operative endeavours.

3.3.4 Conclusions

Regarding the development of a "strategy of national environmental law enforcement practice" the Czech project leaders decided to focus exclusively on the CEI as the responsible administrative body. Thus ongoing activities were more or less dedicated to officers from the CEI and the Ministry of Environment (MoE), the presence of whom could not always be ensured.

To this end a "national strategy" could not be built on these initiating activities. At large it would be a major challenge for the MoE as the superior body for environmental affairs to develop a comprehensive and balanced strategy involving all different enforcement bodies in the Czech Republic.

The Swedish contribution and support in this package regarding the IPPC-Directive achieved excellent results. The Swedish counterparts, participants from the AssiDomän Skärblacka mill, the Swedish EPA, the Environmental Court of Appeal regional and local authorities provided information on the Swedish permitting and monitoring system and the implementation at institutional level. The results and

outputs were very much appreciated by the MoE as they enriched ongoing discussions and contributed directly to the development of the Czech draft IPPC law.

The workshop "Future status of the CEI" led to various feasible options concerning the future organisation and structure of the CEI. The workshop did not aim at one commonly agreed proposal, but different options for consideration.

Regarding the Environmental Fund, the German experts recognised in principle a good relationship between the CEI and the Environmental Fund although communication between these institutions needs to be improved. This could be supported by the development of and access to a common information system.

Finally a training scheme was developed by a bottom-up approach, i.e. by an extensive dialogue and co-operation with many key persons at the MoE and at the CEI. This scheme was already used afterwards for carrying out basic training sessions. In the future this scheme should support the technical training of all departments of the CEI and serve as a model for other environmental institutions.

3.4 Package 3: Enforcement and Inspection

The work package focused on the development of an efficient and effective approach of enforcement and inspection practice which was able to keep pace with a rapidly modernising economic and societal environment and, in particular, the newest developments in EU environmental legislation. The improvement of information gathering and information sharing methods and routines formed the core element of the inspection and enforcement guidelines which were being presented in the year 2000.

3.4.1 Overall objective of the package

The objectives and expected results of the third work package were:

- Identification of needs and possibilities to improve procedures and practices providing information to the public with a view to implementing the environmental acquis communautaire.
- Improvement of procedures and practices regulating inspections and enforcement with a view to implementing the environmental acquis communautaire.

3.4.2 Situation in the Czech Republic

The CEI is the only national body with sufficient expertise in environmental compliance control and inspections, with particularly long tradition in some areas such as water and air. The CEI activities are mainly carried out according to the command-control approach. However some activities also have a preventive character given by the legislation, e.g. setting of emission limits or charges for discharges. At present an advisory function for a proactive approach in law enforcement is missing.

Against the background of the EU-enlargement several projects were implemented at CEI prior to the Twinning project, so that some precise knowledge exists on European legislation which , however, limited to a small circle of employees.

The quality of data for reporting is quite different, some data were (and still are) available only in paper form. Furthermore there is missing information about the frequency of inspections in particular installations, and also gaps in summarising and evaluation of inspection findings and reporting.

There were no guidelines available for inspectors apart form the ad hoc written methodological statements/recommendations. Systematically elaborated descriptions for new inspectors or guidelines are missing. Although Czech inspectors worked at a very high and specialised level, they learned individually and used usually different information material.

Some new European legislation was expected to be implemented in areas, in which the CEI already gained certain experience (Genetically modified organisms, chemicals, accidents and prevention), and where a new co-ordinating role of the CEI is envisioned. For that reason, any information about experience in EU Member States was very useful in the implementation process of European legislation. The Twinning project was in a position to support and co-operate with other projects.

3.4.3 Specific actions

- Component 3.1: Workshop on information gathering and reporting
- Component 3.2: On-site visits in Germany
- Component 3.3: Enforcement and inspection guidelines and draft handbook
- Component 3.4: Assistance in transposition of EU-Legislation
- Component 3.5: On-site visits in Ireland

Component 3.1: Workshop on information gathering and reporting

Background and Objectives

A workshop was to be held to provide an inventory of environmental reporting requirements under existing and emerging EU legislation. This should take specific duties and arrangements under existing environmental reporting procedures in the Czech Republic into account. The work should also draw on relevant experience in selected Member States and the Czech Republic regarding legal provisions and the use, exchange and evaluation of environmental information and data. Particular attention should be given to mechanisms for disseminating information to the public. As a preliminary result the workshop should identify the first elements of an improved strategy for information gathering and reporting.

Situation in the Czech Republic

The Czech Republic has a long tradition of collecting data on the state of the environment and abundant data in various fields are available. This applies e.g. for the sectors Water, Nature, Inspection- and Waste as well as meta-information. Being a member of the OECD and a country in the first row of accession countries to the EU, the Czech Republic has already made great efforts to prepare itself to meet the obligations of regular reporting on the state of the environment. The Czech Republic has furthermore signed and ratified several international conventions, that require for reporting. The relevant authorities are familiar with the formats and standards of e.g. Eurostat, OECD, and EEA questionnaires and reporting is ongoing.

Since 1995, 10 pamphlets on the state of the environment at the regional level have been issued on a yearly basis. A report on the impact on the environment from the factories was launched for the year 1997/98. In 1999 a report with statistics on the environment was issued. Data are collected at various administrative levels and a report on meta data was prepared during 1997 and 1998.

During the Twinning project CZ 98F – 01 a comprehensive report on e.g. gap analysis in relation to fulfilling obligations in several EU directives was elaborated. The report CR-108 contains comprehensive information that is not used - or not sufficiently used - by the participants of the project.

The Czech Republic is well underway in building up a system to handle the environmental data, but still some clarifications in the CEI are needed and gaps are to be bridged. The labour division in the field of data collection and reporting is still slightly diffuse. Clarifications are needed - especially between the roles and responsibilities of the Inspectorate and the Ministry in the field of data collection and reporting. There is a need to get a general overview of data which are obligatory in order to fulfil international reporting obligations. Therefore the Ministry of Environment intends to develop a common meta-information system for the environmental sector. This should include a data warehouse, which provides actually aggregated data for further analysis. Furthermore it is necessary to define which data should be collected and from the data already collected, which are useful in supporting Czech environmental policy. Clear technical responsibilities could avoid the doubling of the assessment of data. Information transfer on the state of the environment to the NGOs and the public in the form of regular reports with indicators on the state of the environment are currently not available.

<u>Activities and contributions</u>

Beyond this background, a workshop on "Information gathering and reporting" was held at the Czech Environmental Inspectorate, Prague, on February 14-15, 2000. The programme and panel experts from the Czech Republic, the Danish Environmental Protection Agency and Germany are outlined below. Participants from the EU-Delegation, the MoE, the CEI, the Environmental Institute and one NGO also participated in the workshop.

- Introduction - reasons, procedure and objectives of the workshop
  Mr. Miko, CEI

- Environmental Information Systems in the Czech republic and in Germany
  Mr. Weihs, Bavarian State Ministry for State Development and Environmental Affairs, Munich, Germany
- Legal demands of the Information-Directive (90/313/EC) and the Aarhus Convention
  Mr. Weigand, Bavarian State Ministry for State Development and Environmental Affairs, Munich, Germany
- Information Management in the Danish EPA
  Mr. Pedersen and Mr. Rasmussen, Danish Environment Protection Agency, Copenhagen, Denmark

A detailed description of the topics, discussions and results of the meeting can be found in the Annex of this document.

Achieved Results and Recommendations

Based on the analysis of the IT-situation in the CEI and taking into consideration Danish and German experiences, the following main recommendations were suggested:

- Identifying relevant data
  It should be decided which data are needed to support the future environmental inspection. Available data and policy together make up the cornerstone of future environmental policy. In this context it should also be assessed which kind of information/ indicators should be available for the public.
- Improving data collection and dataflow
  Many stakeholders are involved in the collection of environmental data. It is therefore recommended to review the way of data is collected regarding relevant stakeholders and methods.
- Performing a gap analysis
  A steering group headed by the Ministry of Environment should perform a gap analysis. It is further recommended to establish a forum for stakeholders to discuss relevant problems and/or ideas. Such a gap analysis should at least describe the following items:
  - Which data are missing to comply with reporting obligations?
  - Which data are missing in order to get a factual basis for environmental and information policy in the field of inspection?
- Establishing a task force for implementing a meta-information system
  For a successful implementation of such an information system, it is important to include all staff members in the implementation process. The task force should be therefore responsible for the technical implementation as well as for the motivation of all potential users.

- Implementation of one unified meta-information system
  Meta-information systems such as the Bavarian Environmental Catalogue are particularly suitable for
  - Data reporting to the EU,
  - Supporting external information policy in accordance with the Aarhus Convention,
  - Harmonising of data,
  - Improving international communication processes, and
  - Improving existing data material.
- Implementation of one corporate intra- and internet system
  A corporate identity for the internet-based systems is highly recommended. Since it should be compatible to the meta-information catalogue, the use of XML standards is recommended.
- Improving data administration
  Based on the experiences in Germany, it is recommended that data gathering and data administration should be provided by the same authority.

Component 3.2: On-site visits in Germany

Background and Objectives

Several on-site visits in Germany provided additional information on the practical requirements of effective inspections and enforcement. Short visits and excursions to become acquainted with German administrative procedures in different sectors at the regional and local levels will be organised. Czech national experts may also participate in expert meetings of the Länder Working Groups ('Länderarbeitsgemeinschaften') dealing with air, water and waste management. Two visits of 3 Czech civil servants each should be involved in specific parts of the project. A general overview of German enforcement practice was presented to a group of 5 civil servants.

Activities and contributions

Three on-site visits were organised covering the topics German administrative bodies and procedures in different environmental sectors like nature protection, waste management, water management, soil contamination/chemical substances - cleaning measures and hazardous waste incineration. The local, regional and state level of relevant administrations and institutions were introduced. Furthermore interviews with the local press were on the agenda.

All participants were drawn from the CEI headquarters or its Regional Offices.

During the first visit to Germany from June 24-30, 2000 a group of five Czech experts was acquainted with Bavarian environmental administrations on local (towns Nuernberg and Schwabach), district (district administration "Regierung von

Mittelfranken" in Ansbach) and state level (Bavarian State Ministry for Regional Development and Environmental Affairs in Muenchen). Furthermore a hazardous waste incineration plant in Schwabach, the water treatment plant, a research institute for water analysis in Nuernberg and special waste research institute in Schwabach were introduced. In addition a project for river revitalisation of the river Pegnitz in Nuernberg was presented.

The second on-site visit from July 9-13, 2000 included excursions to two Bavarian National parks "Bayrischer Wald" and "Berchtesgadener Hochalpen". There the topics of forest and nature protection were discussed with special emphasis given to some virulent problems like bark beetle invasion and negative impact of tourism. Furthermore the Bavarian Education Academy of Nature Protection and Landscape Management (ANL) in Laufen, a centralised education centre in Bavaria, was visited. There, a monitoring and research project for revitalisation from the ANL in a peat-bog was introduced in detail.

The last on-site visit to Bavaria in the area of Munich was carried out from March 12-16, 2001. The main purpose was to focus on water issues, waste and chemical substances.

In detail the following locations addressing water and waste water management were visited:

- Waste water treatment plants in Dietersheim (for Munich), in Grueneck (for the towns Eching, Oberschleissheim and Garching) and in Eching (small municipality 50 km in the North of Munich)
- The municipal utilities (water and energy supplier) of the town Freising (35 km north of Munich regarding water protecting under farm land by special strategies (voluntary treaties for environmental friendly land use other incentives)

Relevant locations addressing the topics of waste management and loads of chemical substances comprised two contaminated sites with rehabilitation measures in the municipality of Geretsried (35 km south of Munich) and in the city of Munich.

In addition to the on-site visit presentations on water and waste water management were held in the Bavarian MoE.

Achieved Results

The on-site visits provided a comprehensive overview for the Czech experts about the German/Bavarian practice of technical planning, inspection and enforcement in the different environmental sectors waste management, water management and rehabilitation of contaminated sites. This information was enriched by additional presentations, discussions and personal exchanges addressing these topics. Thus the basis was laid for further co-operation in these fields.

Reports from these visits are available in Czech and contain practical proposals for the application to the Czech needs.

Recommendations

The German experts and the political leaders of the different enforcement and technical administrations and municipalities (mayors and district administrators) as well as park management authorities recommended and offered close co-operation, technical exchange, as well as the exchange of data and information concerning various environmental issues.

Recommendations were also addressing very specific environmental problems such as the bark beetle invasion in protected areas, the way of informing the public about these problems, and possibilities of organisation, financing and monitoring projects in special habitats.

Component 3.3: Enforcement and inspection guidelines and draft handbook

Background and Objectives

Although there are technical manuals for each department, no over-all CEI manual or handbook exists. In addition, inspectors have profound knowledge in various fields, but there is a lack of administrative management or enforcement experience, in particular when joining the CEI. There are no "introductory courses" or similar training programmes for adjustment to a new job. Therefore this component is dedicated to the development of a handbook for enforcement and inspection, combined with an introductory programme for young inspectors. Actively involving employees in the maintenance of the handbook should further improve management and enforcement.

The exchange of information and co-operation between the local inspectorates and the CEI headquarters, and with the Ministry of the Environment, needs to be improved. In particular, regular meetings are lacking, as well as continuing education programmes.

The necessary interdisciplinary co-operation, particularly regarding monitoring, is a phenomena of the "third generation" of the development and implementation of EU law, which implies a holistic view of the environment. Media-specific regulations are only complementary. The necessity to correspond to such a legal situation and development, through the respective integrated technical enforcement, is not sufficiently recognised. As a result, interdisciplinary monitoring teams are not yet an issue of discussion at the CEI, there are no departments with interdisciplinary co-ordination or responsibility assigned for interdisciplinary environmental law. Furthermore, it was revealed that the general knowledge, the history, the institutions and environmental law of the EU has to be extended. Apart from the development of a handbook possibilities of providing financing of measures including special training programmes have to be evaluated.

Activities and Achieved Results

The content of the handbook was discussed in interviews with the CEI management and the departments. A table of contents was elaborated and circulated within CEI

for internal discussion. Concerning the results, further discussions took place with all stakeholders. Based on these results a first draft was circulated and revised within the CEI. As agreed with the Czech partners the handbook is limited to a selection of key issues and topics. It was not possible for the German lawyer, who advised the Czech experts through this process, to deliver all information necessary for the Handbook, as he is not acquainted with all the details of the Czech constitutional, administrative and environmental law. Thus, the remaining topics are to be elaborated subsequently by Czech experts.

In accordance with the CEI the existing material about the CEI and its responsibilities, which is of high quality, will be used for the elaboration of the handbook. In addition, the major part of the handbook will cover the scope of the EU and EU law, an issue which was controversially discussed within the CEI.

Recommendations

The acceptance and support for the continuous development of the handbook by the Ministry of the Environment should be ensured. Discussions about and revisions of the handbook should be continued within the CEI and the local Inspectorates. In order to achieve internal acceptance of the handbook, it is recommended to limit the support of external consultants for the continuing development of the handbook. Furthermore, the CEI staff could also gain external acceptance, being involved with the development and maintenance of the handbook. The CEI personnel capacity should be strengthened by adequate professional training programmes.

Concerning the development and maintenance of the handbook, the departmental directors, the personnel department, in particular with respect to continuing education programmes and the CEI lawyers, should be continually involved in this task.

To aid the continual updating of the handbook it was decided to publish it in the form of a lose-leaf binder. It is recommended that the handbook is additionally available as an electronic document, (CD-ROM and/or intranet).

Coherent enforcement and inspection guidelines are to be jointly developed and improved on the basis of the workshop and with special regard to the tools and methods used in the Czech Republic. The guidelines should support the definition of detailed criteria for enforcement and inspection to be included in a handbook that can serve as a standardised reference document for the formulation of practical enforcement procedures at the national, district, and municipal levels.

Nevertheless, an enforcement handbook can not replace necessary training sessions, introductory courses and continuing education, all of which are necessary for the effective work as a CEI inspector.

Component 3.4: Assistance in transposition of EU-legislation

Background and Objectives

As a precondition for accession to the European Union the whole range of the environmental acquis is to be transposed and implemented into national laws. In the field of nature conservation this requires the transposition and implementation of the Directive on Wild Birds (79/409/EEC) and the Habitats Directive (92/43/EEC).

The Directive on Wild Birds, which was adopted in 1979, provides for the establishment of Special Protection Areas (SPAs), the maintenance and management of these areas and the regeneration or construction of new biotopes. In 1992 the Habitats Directive was adopted as a main instrument for the conservation of biodiversity in the European Union. It calls for the establishment of the European network Natura 2000, which requires the designation of sites representing habitats and species of Community importance (Special Areas of Conservation). To this end the Natura 2000 Network comprises sites designated both under the Directive on Wild Birds and the Habitats Directive.

Activities and contributions

To facilitate the exchange of experience with regard to the implementation of the Wild Birds Directive and the Habitats Directive, a workshop was held on September 25-26, 2000 in Prague.

The topics of the contributions and the experts are outlined below:

- Technical demands of both directives as viewed by a technical state institution
  Mr. Bernd-Ulrich Rudolph, Technical Co-ordinator, Bavarian Environmental Agency, Augsburg
- Administrative demands of both directives as viewed by the technical department of the Bavarian State Ministry of Regional Development and Environmental Affairs
  Mr. Christoph Broda, Technical Director, Bavarian State Ministry of Regional Development and Environmental Affairs, Munich
- NGO's demands of both directives especially focused on technical needs and public information
  Ms. Ch. Margraf, Technical Co-ordinator, Bavarian Nature Protection Association, Munich

The contributions, results and recommendations of the workshop are summarised in the Annex of this document.

Achieved Results and Recommendations of the Workshop

It is recommended that the Czech government transpose both the Directives into national law as early as possible to accelerate the implementation.

The co-operation between the different administrative authorities has to be defined and co-ordinated. Above all, the role of the Czech Environmental Inspectorate and the effective control on a local level has to be clarified. For the development of a

new concept the approaching reform of the administration has to be taken into account.

The implementation of the Directives requires a concept for the broad information of the public as well as cross-sectoral co-operation.

Furthermore, staff training of the different institutions on the provisions of the Directives and their implementations is required.

The proposal and the designation of sites according to technical requirements presumes an adequate data basis on the species and habitats. Therefore experts and NGOs can be consulted. Apart from the concept for the designation of sites a management concept should be developed.

In general a separate Twinning project on the implementation of the Directives and the adequate strengthening of the institutions has to be considered.

A common convincing strategy should be developed by both the administration and the NGOs. The NGOs can play an important role in the collection of data, the development and management of information campaigns, or the facilitation of cross-sectoral workshops.

The strategy for the selection of sites has to fulfil all the technical requirements of the EU-Directives. This requires a good data base which should be made available to the NGO and the interested public, thus offering the possibility of initiating a discussion process in which all stakeholders are involved.

Accordingly, the process of the selection of sites has to follow exclusively technical and not political criteria. The technical justification has to be presented to the public.

Evaluation

Given the restrictive set time frame under which the panel had to work and the complexity of the topic, a concept for the implementation of the Directives and the establishment of the Natura 2000 network with special emphasis given to the future role of the CEI could not be developed. Nevertheless the expert contributions based on recent Bavarian experiences and the following discussions resulted in numerous essential recommendations to be considered in the conceptual phase for the implementation of the Directives in the Czech Republic.

Component 3.5: On-site visits in Ireland

Background and Objectives

The on-site visit to Ireland provided Czech experts with additional information about the practical requirements for the effective transposition and implementation of new EU environmental legislation. The main concern of the on-site visit was the implementation of the following EU Directives:

- Directive 75/442/EEC on the Control of the Disposal of Wastes (Framework Directive on Waste),
- Directives 89/369/EEC and 89/429/EEC on Permitting Requirements and Operating Restrictions to Municipal Waste Incineration Plants,
- Directive 91/689/EEC on the Management of Hazardous Waste,
- Directive 94/67/EEC on the Incineration of Hazardous Waste,
- Regulation 259/93/EEC on the supervision and control of shipments of waste,
- Directive 92/43/EC on the conservation of habitats,
- Directive 79/409/EEC on the conservation of wild birds,
- Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC), and
- Directive 96/82/EC on the control of major accident hazards involving dangerous substances (Second 'Seveso'-Directive).

The state administration in Ireland consists (among others) of the Department of the Environment and Local Government, EPA, 8 Regional Fishery Boards and 88 local authorities (County councils, Urban District Councils, Borough Corporations, County Borough Corporations).

The Irish Environmental Protection Agency (EPA) (established in 1992 under an EPA Act) is charged with the following key tasks:

- licensing and regulation of the industrial and other processes with significant polluting potential on the basis of IPC and BATNEEC,
- monitoring of environmental quality,
- setting environmental quality objectives and developing codes of practice,
- promoting and co-ordinating environmental research,
- promoting the use of environmental audits and establishing an eco-labelling scheme, and
- supervision of local authorities.

The Irish EPA consists of 4 divisions covering licensing and control, monitoring and laboratory, management and planning and corporate affairs. They are organised into 5 regional Inspectorates (Dublin, Mayo, Kilkenny, Monaghan, Cork) and the Headquarters in Wexford (due to the decentralisation policy of the Irish government). The EPA has 180 staff in total.

Activities and contributions

Based on the mutual agreement between the PAA and Irish EPA there was an on site visit to Ireland carried out on May 9-18, 2001. The originally planned visit to Great Britain was not held due to the strict British measurements connected with the prevention of foot and mouth disease, that rendered all the arrangements for the Twinning project too risky for spring 2001.

Achieved Results

The participants received comprehensive information on the implementation of the IPPC Directive and the institutional responsibilities for licensing and regulation. With regard to the IPPC, the EPA is responsible for the licensing and regulation of large industrial and processes that carry a significant pollution potential, the licensing of waste disposal activities, and the licensing of persons engaged in genetically modified organisms.

The application process is as clear and transparent as possible. The applicant has to apply for the license on the local level. Then the applicant can apply for the IPC license. The EPA encourages an open process, anyone can submit objections or other contributions related to the application to the EPA. The EPA then publishes a proposal to grant or refuse the IPC license. If there are any objections to the application, the EPA circulates them to all interested parties. A hearing could be organised (which is rare). If no hearing is organised, the EPA collects all submissions of objections, considers them and decides whether to grant without condition, or to grant with conditions, or refuse the license. Then EPA notifies about its decision all relevant parties and publishes the decision and places it on public display. There is a time limit by which the EPA has to process the application - a preliminary decision must be released within 2 months of receipt of the complete application. A final decision must be issued within 4 months of issuing the preliminary decision, and objections must be incorporated. Nevertheless, mechanisms exist for extending these periods.

Recommendations

During the implementation process of the IPPC Directive the Irish experience in this field should be considered as far as applicable. In particular the inclusion of the public in the permitting process should be taken into account.

It is furthermore recommended to incorporate the Irish experience concerning the development of effective institutions for the implementation of the IPPC Directive. However the existing situation in the Czech Republic may be too complex due to a large number of involved institutions whereas the Irish model supports the idea of a large, specialised body, which is responsible for most of the processes (environmental agency).

The CEI could build upon the practical experience with the implementation of the IPPC Directive in Ireland during the preparation phase for inspection activities in the Czech Republic. Regarding the fact that the institutional situation in Ireland prior to the implementation of the IPPC Directive was similar to the Czech situation, it is therefore recommended to maintain contacts and exchange materials (methods, training manuals, etc.). In particular the Irish practice of integrated inspections may prove to be useful in the future.

3.4.4 Conclusions

The objective of the identification of needs, possibilities and practices to improve inspection and enforcement was finally met by a various range of different tools like the development of a handbook for inspection and of guidelines for different technical departments of the CEI. Furthermore, new knowledge could be gained about other environmental administrations in the Member States and their enforcement practices. Finally, the CEI faced new challenges concerning the implementation of, i.e. the EU-Habitat and Bird Directives and the IPPC-Directive.

The CEI received many specific recommendations and proposals for improving its daily working practices. These recommendations may also be useful for the Ministry of Environment. This requires indeed close co-operation between these two institutions and the readiness to analyse, verify and possibly adapt these proposals to the Czech needs.

This package is considered to be very fruitful for the further development of the CEI particularly because of the complementary inputs of both the Czech experts and experts from the Member States.

3.5 Package 4: Information, Co-ordination and Co-operation

The work package focused on developing an efficient and effective style of enforcement and inspection practice which was able to keep pace with a rapidly modernising economic and societal environment. The package built and expanded on previous activities in the context of work package 3: On the one hand, technical aspects of information gathering and sharing was confronted, in particular the use of state-of-the-art computer based systems. On the other hand, communication processes with the "secondary environment" of the CEI were improved. This concerns both the provision of information to the general public and closer transboundary co-operation.

3.5.1 Overall objective of the package

The **objectives and expected results** of the fourth project component were:

- Building on the experiences, recommendations and outcomes of the previous work packages, improvement of procedures and practices regulating reporting requirements, information gathering and exchange and the provision of information to the public.
- Building on the experiences, recommendations and outcomes of the previous work packages, improvement of technical facilities for processing of environmental data and pollution registers.
- Building on the experiences, recommendations and outcomes of the previous work packages, improvement of transboundary flows of information.

3.5.2 Situation in the CEI

The CEI is a subordinate administration to the Ministry of Environment. Currently data are assessed by the CEI on the basis of administrative activities of the CEI and the regional inspectorates. The information of aggregated data comprise variables such as the number of inspections, fines, complaints, listing of violated laws and regulations concerning specific media.

The responsible departments for the media water, air, waste and forest, nature and species conservation are autonomous concerning the selection of their software. Reliable interfaces for the transfer of statistical data or reporting are not known. Thus additional effort is necessary for the aggregation of the required data for reporting to the Ministry of Environment and the EU. As the financial responsibility lies with the departments all tasks related to the administration of the budget have to be carried out there. Between the regional administrations and the Headquarter, data are transferred via email and fax. An inter-departmental work-flow cannot be identified but will be considered in the future. Software is currently being developed and maintained in regional offices and can be adopted by other institutions. With the development of this software it is expected that information will be exchanged between different administrations. Due to the consolidation of the CEI and recommendations of other workshops the formal and informal workflow is being assessed. Furthermore a virtual internet is currently under development that should connect the regional inspectorates.

3.5.3 Specific actions

- Component 4.1: Assessment to enhance information procedures
- Component 4.2: Workshop on methods to improve information gathering
- Component 4.3: Development of a reporting scheme
- Component 4.4: Assistance to improve software
- Component 4.5: On-site visits to Denmark
- Component 4.6: Recommendations to improve public access to information

Component 4.1: Assessment to enhance information procedures

Background and Objectives

Current information procedures as well as future information requirements including reporting requirements to the Czech Environment Inspectorate will be evaluated. Special emphasis is given to experiences with relevant information schemes and systems in other Member States of the European Union.

Activities and contributions

The activities in this work package focused on the following items in order to raise the value of reporting and meet the future challenges and requirements of the Aarhus Convention, the respective EU Directive and the EEA:

- The analysis of the information flow within the CEI and the regional offices, and
- The assessment of whether and when that information could be analysed, which goes further than the administrative inspections.

The activities were carried out on the basis of the following material and interviews:

1. Publications

- Catalogue of Data and Information Sources at the Ministry of Environment of the Czech Republic, Prague, 2000 on the basis of the Phare Project No. CZ 9705-05-01-01-0001 "Development of a Management Information System for Approximation,
- Catalogue of GIS Environmental Data, Ministry of Environment of the Czech Republic, Prague, 2000 (Hradec Kralove, Praha 1998),
- Final Report for the DISAE-Project CR – 108: Assessment of Permitting, Monitoring and Enforcement Capacity of Czech Environment Administration, Prague 1999;
- Report on the Environment in the Czech Republic in 1999, Ministry of Environment, December 2000,
- GeoEnviron – a New Environmental Information and Management System, Program description 4-05-1999, Roedovre, Denmark 1999,
- Ceska Inspekce Zivotniho Prostredi, Vyrocni zprava 1999 (Annual Report of CEI 1999) Prague 1999,
- Handouts from the EDP-Departments for the CEI about dataflow and software-usage in different departments of the CEI,
- Statistical Environmental Yearbook of the Czech Republic 2000, MoE, Statistical Office, Prague 2000,
- GeoEnviron, Brochure GeokonLtd, Roedorve, Denmark 1999,
- Various materials, contribution, etc. from the CEI, and
- Internet home pages of other environmental administrations.

2. Interviews

Interviews were carried out from July 10-14, 2000 with experts from the Ministry of Environment, the CEI and the Ecologic Institute. These open interviews were based on the publications mentioned above and the result of work package 3. Interviewees were Mr. Lizner, Mr. Sremer, Mr. Miko, Mr Jantsch Mrs. Kubacová and Rolecková (all CEI) Mr. Hradec (MoE), and Mr. Mertl (Czech Ecologic Institute).

3 Written Information

In addition to the report from November 18, 2000 the IT-department provided information which contributed to the elaboration of the recommendations. On the basis of this information the current situation of the CEI can be described as follows:

- Every regional inspectorate (RI) is dealing with and will deal with all the sectors according to the valid status of CEI. These cover the media water, air, waste, forest, nature, chemical substances,
- The individual regional inspectorates are not connected directly to each other, but every RI and the headquarter is connected to the internet via a dial-up line. The project of the VPN (Virtual private network) is in preparation, that should ensure the on-line connection of RIs with the headquarter,
- The data processing equipment of the 550 workstations comprise 12 file servers in the CEI (2 on the HQ, 10 on RIs). There is neither a database server, nor an application server used in CEI,
- There is no electronic on-line monitoring of any media on CEI,
- There is no information available on the manual assessment of the media,
- No comments were made on the summary of the Phare project cited above,
- The use of GIS within the CEI and the RIs is to be carried out and some systems are partially used, i.e. the Water Protection department shows interest in HEIS, a system, which was developed by the Czech Hydrometeorologic Institute. Some RIs are testing the system TOPOL that is used by the local authorities (districts). The forest protection department co-operates with 'Lesoprojekt', that provides the electronic basic data. The more dominant role of the Czech Environmental Institute is planned, because it is the resort guarantor for the development of information systems, which provides existing applications on its own servers for use by the CEI (**http://www.ceu.cz**),
- The Regional Inspectorates provide information for the HQ, that, upon request, can forward this to other administrations,
- Concerning the exchange of information on the local level, it is assumed that certain communication exists on the level of district administrations (former local administrations). The precise volume depends on the individual activities of the respective RI.

  A list of answers to the same questions from individual RIs, collected by the IT department is included in the annex of this report, and
- Information is given to the Headquarters mainly via electronic mail, in the form of regular exports from specialised applications (export database) – (see table of the information export on **http://www.cizp.cz/vt/harm"harm_pln.htm**. Other information is transferred in Word and Excel; the broader use of Access is planned. Large volumes of information are transferred on CD-ROM (each RI is equipped with the technology that enables recording.

Achieved Results and Recommendations

The information, which is provided by CEI based on statistics on administrative activities, is sufficient for reporting within the frame of the legally binding tasks. Nevertheless, the suitable preparation of data is time-consuming due to the incomplete IT structure and organisation. The information includes among others tables on the number of inspections, complaints, but no information on the environmental situation. Monitoring of the environmental situation is carried out by other institutions. Nevertheless, reporting, which is not limited to controlling and fining activities of the administration would be desirable. The improvement of the environmental situation cannot be achieved by restorating the initial status on the basis of controlling and fining, but requires information and precautionary measures according to the requirements of environmental protection. Therefore the CEI should check whether the data of the regional inspectorates could serve in the development of brochures or assistance, which meet the requirements of the precautionary approach (i.e. development of proposals for the prevention of accidents, the exceeding of limit values). Furthermore, it has to be scrutinised whether relevant staff is available or should be trained.

In detail the following recommendations, which are based on the assessment of the CEI as well as on experiences in Bavaria and other partners, can be made:

- Inspections should be carried out by bodies at the local, regional or national level. The authority, which carries out inspections at an installation need not necessarily be the same body which authorised the installation. Nevertheless, a single common database should be used. This should ensure, for example, that authorisations can be updated if required. In cases, where different authorities inspect an installation in respect of different regulations, they should share the same basis of information and co-ordinate their visits (see also recommendations of the Final Report for the DISAE-Project CR – 108, "Assessment of Permitting, Monitoring, and Enforcement Capacity of Czech Environment Administration"),
- The exchange of experiences of the daily work has to be fostered. Experiences in Bavaria showed that the establishment of closed chat rooms on the intranet can be valuable. Thus staff of the subordinate administration can provide solutions on similar problems informally. Furthermore the integrative approach concerning environmental protection can be promoted within the CEI,
- In co-operation with the Ministry of Environment data stocks, data bases and the work-flow of documents should be co-ordinated. Therefore the technical requirements are given by the virtual network, which should comprise the whole scope of business. The XML format is recommended for the exchange of data and documents. Concerning reporting, XML enables the division between data and formatting. Thus, different data outputs based on the same data stock are possible,
- The assessment of the work-flow and the required data within the CEI are considered to be effective and should be continued for the RIs. This

information should form the base for a co-ordinated establishment of the software and the exchange of information. Furthermore, basic information for the completion of the meta-information systems can be compiled,

- Co-ordinating activities (i.e., agreement on interfaces, software, server, webmaster, data warehouse) should be carried out by a central body, such as the Ministry of Environment, whereas technical requirements should be determined by the respective departments,
- The improvement of the IT-basics of work-flows enables a necessary improvement of the transparency of data, and thus the accelerated transfer of data for reporting duties,
- The selection of the software (i.e., JES, IsoV) has to be agreed with the Ministry of in Environment taking into account the already existing software in the Regional Inspectorates. The advantages and disadvantages of replacing existing software are to be arranged with the users,
- Special emphasis is to be given to the selection of a GIS system aiming at inspection. This system shall enable an improvement of reporting duties due to improved and simplified mapping, ideally on the municipal level,
- The CEI should consider LINUX, as far as UNIX is not preferred, and Star Office. Independently from the system, the Web-Server Apache is recommended, and
- The CEI's data could deliver a substantial contribution to the implementation of the Aarhus Convention (Articles 3-5). Special emphasis should be given to the interfaces during the process of developing the information system because the provision of the Convention concerning the duty of information might increase the work load of the administration. An active information policy might satisfy the public information demands more than an information policy reacting on minimum requirements.

Component 4.2: Workshop on methods to improve information gathering

Background and Objectives

The overall objective as defined at the beginning of the workshop was to develop a scheme for the annual report of the Czech Environment Inspectorate based on the experiences in Germany and Denmark taking into consideration specific Czech requirements and environmental information.

Working on the basis of the preliminary strategy for improving information gathering and reporting requirements, the workshop was initially intended to develop detailed criteria for implementation, in particular to improve computer-based systems and public information. Subjects should include the improvement of standards to enhance the quality of data collections, possibilities of independent evaluation of

the collected data (building of sampling and measuring units, automatic measurements and sampling, on-line connection to the main producers of pollution, telemetry, etc.). Special attention should also be given to the question of confidentiality, including the availability of information on pollution registers.

Thus, the aim of workshop 4.2 was to develop a coherent reporting scheme for the CEI that would strengthen its capacity to adopt the Acquis communautaire regarding public access to environmental data and information. The objective and expected results of this project component are:

To build on the experiences, recommendations and results of the previous work packages, procedures and practices regulating reporting requirements, information gathering and the exchange and provision of information to the public. More specifically to work toward the:

- Improvement of technical facilities for processing of environmental data and pollution registers,
- Improvement of transboundary flows of information, and
- Development of methods and procedures to improve environmental information gathering and reporting of the CEI as well as to develop an outline for a reporting scheme for public access to specific environmental information.

Activities and contributions

Beyond this background, a workshop was held at the Czech Environmental Inspectorate, Prague, on November 14-15, 2000 to outline a coherent reporting scheme for environmental protection. The programme and panel experts from the Czech Republic, the Danish Environmental Protection Agency and the German side are outlined below:

- Introduction - reasons, procedure and objectives of the workshop *Ms. Roleckova, CEI*
- Gathering and Reporting of Inspection and Enforcement Data in Denmark *Mr. Nielsen, Danish Environmental Protection Agency, Copenhagen*
- Experiences in Germany
  Mr. Weihs, Bavarian State Ministry for State Development and Environmental Affairs, Munich, Germany
- The current practice in information gathering and reporting at the CEI *Mr. Lizner, Ministry of Environment of the Czech Republic*

A detailed description of the topics, discussions and results of the meeting can be found in the Annex of this document.

Achieved Results and Recommendations of the Workshop

Based on the analysis of the current situation on information gathering and reporting in the Czech Republic and taking into consideration Danish and German experiences, the following main recommendations were suggested:

- It is recommended to clarify the overall legal binding framework regarding data gathering. In a second step, data gathering and reporting should be standardised for the entire Czech Republic,
- The public presentation is not satisfying. Hence, the external communication has to be improved regarding the establishing of a closer contact to the broader public and to single out interest groups and universities, and
- The internal policies should be improved. The use of new IT-Technologies could help to establish a CEI wide network with access to all relevant data.

Given the set time frame of the panel and the complexity of the topic, a new structure for the annual report could not be developed. Nevertheless the expert contributions based on recent Danish and Bavarian experiences and the following discussions resulted in numerous essential recommendations to be considered in the conceptual phase for implementing a coherent system of environmental information gathering and reporting in the Czech Republic.

Component 4.3: Development of a reporting scheme

The objectives of this activity were met by activity 3.3 in which detailed guidelines for enforcement and inspection procedures for CEI's different departments were produced. The overlap between these activities made activity 4.3 superfluous. In addition the outcome of workshop 4.2 - Methods to improve information gathering - sets up preliminary procedures for implementing a coherent system for environmental information gathering and reporting in the Czech Republic. The annual report will demonstrate the results of activity 4.3. The reporting scheme will prove to be beneficial in the future should funding become available from activity 0.2.2 - institutional communication system.

Component 4.4: Assistance to improve software

In accordance with the European Commission the deliverable for this activity will be submitted at the end of October as an annex to this report.

Component 4.5: On-site visits to Denmark

Background and Objectives

In Denmark a strict division of labour exists between the two administrative units inspecting polluting installations: The 275 municipalities deal with minor industrial plants and farms whereas the 15 counties deal with installations having a larger pollution potential.

Practically all environmental units from these de-central authorities use computer based environmental administration software. Several computer systems for inspectors and permitting officers have been developed, ranging from the single municipality's own system, tailored to the specific and limited needs of the municipality's environmental section and to the more comprehensive commercial systems embracing all relevant matters for inspectors in general.

In general an environmental administrative system mainly aims at the administration and the inspection of industrial firms and basically consists of a database and the software to access and manage this database. One part of the software guides the user through administrative procedures and can be supplemented with forms for administrative decision-making. Other parts of the software can produce horizontal overviews for personal time management and thus support the administrative work done by inspectors and other officers. Integrated software also allows for better co-ordination between the administrative staff, in case the work is media specific.

Activities and Achieved Results

The on-site visit to Denmark took place from 20 to 24 September, 2000. The participants were introduced to the environmental administrative system and facilities of the Danish "Computer based administrative system" on pollution sources, which is comprised of different modules, namely GeoEnviron, GeoFlex/Journal and GeoFlex/Administration. Furthermore, the register of different facilities was presented with respect to the different administrative levels (municipalities, counties).

To this end the visit confirmed the interest of installing the Danish software in the Czech Republic.

Recommendations

The data collection and evaluation in inspection processes performed by the CEI may be quite different from those in Denmark and the EU as a whole. It is therefore necessary to assess, whether the data already collected and available in the Czech Republic are sufficient to cover the needs of reporting, requested by European environmental legislation.

A well organised system of data processing could be extremely helpful concerning the inspection frequency and the results, and in planning the inspections, which is requested by the Minimum criteria of the EU for environmental inspections. It is therefore recommended to the CEI to include these aspects into its information system.

Existing Danish software proved its efficiency in the conditions of Denmark and could be adapted also to the needs of other countries. It is recommended to test the system in a pilot run in the Czech Republic, using real data of the CEI. The system should be tested both at the central and regional level in all technical departments of the CEI (air, water, waste sector).

The practical testing of the Danish software is dependent on a good understanding of its structure and functions. Therefore, modules used in the pilot run should be able to communicate in Czech (Czech screens are necessary).

According to the experts' viewpoint, sophisticated computer-based systems can be very valuable - but they should be implemented according to the needs expressed by the inspectors (or permitting officers), adapted to the local conditions, followed

up by intensive training, and simplified as much as possible. Step by step implementation should be pursued.

There is a risk that only some inspectors will use the detailed and sophisticated system while others may use their own system. If the inspectors do not acknowledge the potential benefits of the system, the use of the system may become sporadic.

After the pilot exercise, the Danish software should be discussed again and a possible follow-up could then be arranged on a bilateral basis outside the scope of the Twinning project.

Component 4.6: Recommendations to improve public access to information

This activity was linked to activity 0.2.2 - institutional communication system. The EU legislative demands (90/313/ec-Information Directive, in connection with the Aarhus Convention) were presented by the German short term expert, Mr. Weigand at the workshop 3.1 to Czech experts from various institutions.

3.5.4 Conclusions

This package was not as successful as expected due to the failure of the tender for the inter-communication system 0.2 (hardware). Therefore, e.g. the expected transboundary flows of information could not be realised.

Nevertheless most of the other objectives such as improving CEI's annual report, as well as improving technical facilities through the instalment of the Danish demonstration software, the development of recommendations regarding the improvements of IT demands and especially the analysis of the needs of the CEI in the field of information exchange with other bodies were properly ensured.

Concerning the adoption of the Danish software, the following evaluation was made:

- 3 computers were reserved for application servers for the software in the regional inspectorates in Prague and Brno as well as CEI headquarters,
- The first visit of Danish experts to the Regional Inspectorates in Prague and Brno and CEI headquarters was realised (18-22.6.2001). This visit was connected with the installation of memory components for enhancing the memory capacity of the application servers and their hardware configuration;
- In co-operation with the Danish expert, the software of the application servers and at client stations in three departments was installed (2-10.7.2001) in the three locations mentioned above;
- Initial training courses for the CEI inspectors who are involved in the pilot phase of the software were organised and taught by the Danish expert;
- A test phase of the software of localised application was started at selected inspectorates;
- Experience from the pilot run of the software will be evaluated by inspectors and technical staff of the CEI who were involved in this process.

Based on this evaluation, a decision will be made whether the proposed adoption of the software meets the present needs of the CEI, and whether further limited changes are necessary, or if substantial changes are required.

3.6 Package 5: Working with the results

A draft organic law was presented towards the end of the Twinning project. The law incorporated and consolidated the institutional and organisational issues and improvements which emerged during the previous phases of the project, especially, but not exclusively, in the context of package 2. Similarly, the training activities which concluded the Twinning project heavily drew on the preparations envisaged in work package 2. However, they also relied to a considerable extent on the input generated by work packages 3 and 4.

3.6.1 Overall objective of the package

The **objectives and expected results** of the fifth project component were:

- Formulation of a draft organic law for the CEI and
- Dissemination and further implementation of the recommendations, guidelines and administrative procedures and practices developed in the previous steps of the project by means of training seminars.

3.6.2 Situation in the Czech republic

The need for a comprehensive law to unify competencies in different departments, which are defined by different laws causing many overlaps, was understood prior to the development of this Twinning project was designed in order.

The significance of regular training programmes was underestimated in the past, neither training for higher management was organised, nor ad hoc training measures.

During the course of the project the activities started at the ministerial level, and CEI's experience was very helpful in this process. A new education system is being prepared and includes some ideas gained during the project at the CEI.

The new training programmes follow the "training the trainers" approach, whereas in the past external trainers were hired, led to an inconsistency of training measures.

The process of the development of the Organic Law started with the amendments of individual laws, so the Organic Law was impossible to implement. Now it is expected, that after the implementation of European legislation the environmental legislation will result in an amended framework law on the environment (the so-called environmental code). The new tasks and role of the CEI will be incorporated as an essential part of this code. For this reason the same group of experts was appointed for the elaboration of the Organic Law that prepared the Environmental Code.

3.6.3 Specific actions

- Component 5.1: Assistance to formulate a draft organic law for the CEI
- Component 5.2: Workshop on draft organic law for the CEI
- Component 5.3.1: Personal training courses
- Component 5.3.2: Special senior-level training seminar

Component 5.1: Assistance to formulate a draft organic law for the CEI

Background and Objectives

On the basis of the previous four work packages and with the help of additional experts a draft organic law for the CEI was to be formulated and circulated. This law was to meet three main objectives: First, at present, CEI competencies vary between different sectors. The new law should unify these competencies and provide a coherent system of enforcement. This was particularly relevant for the issuing of integrated permits under the IPPC Directive. Second, the need to issue integrated permits will require a change in CEI competencies. Rather than adjusting a number of specific laws, this should be done through one legal act. Third, the CEI only has command and control enforcement competencies. However, the CEI also needs to apply "soft" enforcement instruments, such as negotiations and giving advice so it is recommended that the new law should provide for the use of such instruments. This will enable the CEI to play its role in the implementation of several Directives which require the elaboration of abatement plans, for example, the Framework Directive on Waste and the Water Framework Directive.

Activities, contributions and achieved results

It should be understood that the covenant was drafted in 1998 and 1999 and thus some elements mentioned under „background and objectives", which were drawn from the covenant were no longer applicable to the Czech situation in 2000 and 2001 due to administrative reorganisation and changes of political circumstances (for example, the CEI will not be responsible for integrated permits under the IPPC Directive).

Furthermore, the MoE informed the project leaders that the original objective in the covenant to elaborate one legal act for the CEI is a political undecided point.

At a meeting on November 2, 2000 the deputy minister Ms. Rimanova, the project leader Mr. Miko and the German expert Mr. Weigand agreed that, within the frame of an environmental code (developed by the Institute of Ecocpolitics - Ms. Kruzikova), such content of a draft organic law for the CEI could be elaborated. It was decided that this activity should be contracted within the Twinning project via a private consultancy within activity 3.3 „Enforcement and inspection guidelines and draft handbook").

Furthermore, it was agreed that Mr. Weigand should draft a basic document about the integrated approach of the EU and its impacts as a basis for the draft organic

law. This paper served as a foundation for further discussions and the elaboration of the content of a draft organic law, drafted by the Institute of Ecopolitics.

There was a one-day expert mission by Mr. Weigand to Prague resulting from this decision to outsource the task of elaborating the draft organic law.

ACT ON THE CZECH ENVIRONMENTAL INSPECTORATE

(a draft concept)

The draft concept was based on the negotiations between the representatives of the project team and the Bavarian Ministry for Environment which were held on January 24-26, 2001 in Munich. The major topics at the meeting were integrated environmental protection and defining a relevant system of inspection that the Czech Environmental Inspectorate (CEI) should be charged with.

The first version of the draft concept of the Act on the CEI was developed based on of materials that had been prepared by experts in administrative law and CEI`s responsibilities.

Comparing the current legislation on Environmental Inspectorate, the draft concept came up with a new unified system of organisation and introduced a broader scope of the functions for the Inspectorate. The draft particularly defined the enforcement as the major task of the Inspectorate. The enforcement was considered not only as an instrument to limit charges and remedies but also to affect the legally bound persons to comply voluntarily with their obligations.

The draft concept introduced the concept of integrated environmental protection which must also be in compliance with the EC Directive on IPPC. The integrated approach followed by the Inspectorate is also applied to inspections .

For the first time a more broadly defined emphasis was introduced on the supreme state control and the role of the Inspectorate performed within this control.

Recommendations

It is recommended that the prepared draft organic law serve as a basic document for the following legislation process: it could be used as a separate organic law for the environmental inspectorate, or as an integral part of the environmental code.

After summarising the experience from the Twinning project and previous projects, and regarding the situation in Czech Republic, it is accepted, that permitting and inspection will remain with separate institutions in the medium-term. However, in the long-term it is recommended to evaluate the possibility of the creation of one large, specialised environmental body (environmental agency), which will cover the majority of the tasks in this region more effectively (especially regarding the use of experience and expertise of limited staff).

Independent from the definition of the CEI's role, scope and competencies in the future, it is essential, that the competencies be equal in all environmental sectors, an integrated approach be added and some aspects of "soft-enforcement" be

enabled in selected situations. The CEI should remain a specialised, independent and nation-wide inspection body.

Component 5.2: Workshop on draft organic law for the CEI

Background and Objectives

Partner institutions in the Czech Republic will organise a workshop to discuss and further develop the draft organic law. The new law will be finalised by the responsible Czech authorities and passed to the National Parliament and its respective bodies.

Activities and contributions

To meet the objectives mentioned above the last workshop within the scope of the Twinning project was carried out by the Czech Environmental Inspectorate, Prague on July 17-18, 2001.

The workshop is based mainly on previous results of activities addressing this topic or topics related to it such as:

- the existing reports e.g. CR-108,
- results of the former Twinning workshop 1.2 and 2.1,
- the internal position papers of the CEI (Mr. Soukup, Mr. Sremer, Mr. Miko),
- the MoE position (till now not known), and
- other demands/proposals e.g., of the parliament.

The topics discussed, presentations and the participating experts are outlined below:

The first section covered the evaluation of the current legislative status and tasks of the CEI in comparison to the status of the workshop 2.1 "Future status of the CEI" held in April 2000. In this context the position of the CEI was presented. Furthermore the Ministry of Environment presented its position regarding current needs and proposals for the status and tasks for the CEI.

Section II of the workshop was dedicated to the integrated approach and outputs of the Twinning contract with the Ecopolitics – Institute. Within this section the following presentations were given:

- The integrated approach - demands of the EU,

  Mr. Weigand and /or Ms. Engelhardt, Bavarian State Ministry for State Development and Environmental Affairs, Munich, Germany

- The results of the contract "guidelines for an integrated approach of environment protection for the CEI' and "determining the jurisdiction and procedures of the CEI", and

  Institute of Ecopolitics - Ms. Kruzikova

- Insecurities that impact future proposals of the administrative reform, the (new) regional administrative bodies of the MoE and the recently established body

regarding IPPC/PRTR.

The discussions during the seminar dealt with the draft concept of the Act on the CEI. The seminar was attended by representatives of the CEI management, the Bavarian Ministry of Environment, the Institute for Environmental Policy (non-profit organisation), some members of the CEI staff and also representatives of the Czech Ministry of Environment.

The German party represented by Dr. Weigand gave a paper on integrated environmental protection, which covered both organisational and methodological aspects. It assessed the draft concept that had been worked out by the Institute for Environmental Protection.

The main comments from the other participants concerned the draft of CEI`s organisation. According to the comments it is necessary to keep the current inner organisation of the Inspectorate which is comprised of regional Inspectorates as relatively independent operational units. Integrated environmental protection should be regarded as the main method of the activities of the Inspectorate, not only with respect to IPPC requirements. The participants agreed with the new approach applied to the activities of CEI, which is the law enforcing body and which stresses co-operation with persons bound by environmental legislation. Regulation of the inspection, notably that of unnoticed inspection was found to be very important.

A requirement was raised to regard inspectors as legal public bodies and to grant them appropriate legal protection within their status. The participants also pointed out a necessity to set up an emergency service within the inspection body. This service should enable operational co-operation in cases of environmental law infringements caused by other state authorities and in cases of quick response to accidents.

<u>Recommendations</u>

A draft law should be completed according the comments from the seminar. The most important is the coordination with other environmental legislation prepared within the approximation process. Especially important is the harmonisation of legislation with the administrative reform in the Czech Republic. The avoidance of duplicities and overlaps is essential, as well as a clear definition of relations between CEI and regional self-governing bodies.

A final draft of the law will be prepared by the experts, and will include all technical changes as proposed in the workshop. However, the position of the CEI management will be added separately.

Component 5.3.1: Personal training courses

Background and Objectives

Drawing on the general approach outlined in the project by the UK Department for International Development and the personnel training scheme developed within the framework of this project, extensive staff training opportunities were available in the final phases of the Twinning project. Training was based on the specific needs identified in the course of the project and a training scheme. Specifically, courses should stress key requirements for a successful transposition and implementation of the acquis communautaire with respect to the key areas of European environmental legislation mentioned in section 2 ('acquis communautaire'). In each area enforcement and inspection practice, public information, environmental data processing/pollution registers, etc. were covered. Relevant institutions in Germany provided their training capacities. Training materials and training curricula were continually improved.

Interviews with CEI directors about the continuing education needs of the CEI revealed a great need for training. The training measures were realised in the form of a 4-step-concept (see report, 2.4 "Compilation of a personnel training scheme"). Since the entire need for additional training could not be covered within the framework of the project, the CEI directors selected, as a target group, new employees hired within the last year from all the inspectorates. The content of the seminars was finalised at a workshop where German experts and CEI representatives took part. Contrary to the opinion of the German experts, CEI representatives insisted upon a pure technical component that should be built into the week long seminar program. It was also decided that the tests, desired by the CEI, would not take place within the seminar but rather after all the seminars to be held within the scope of the project took place. In order to train many of the new inspectors it made the most sense to develop one type of seminar and to carry it out three times. Unfortunately, the other recommendations from activity 2.4 could not be realised because of time restrictions. The CEI chose the participants and the instructors but for the most part, trainers that had undergone training seminars within the Twinning project were used as often as possible. In preparing for the seminars, the personnel department was provided with information about organising and planning seminars as an incentive toward the systematic construction of a continuing education program. The continuation of this co-operative work is important and is planned to be carried beyond the Twinning project.

Specific Actions and Achieved Results

The seminars held in Hradec Kralove were developed within the activity 2.4 "Compilation of a personnel training scheme". In practice they were complemented by activity 5.3.2 - psychological training, carried out by the private consultancy of Mr. Anwander.

The three 5-day seminars took place in May and June of 2001. The second and third seminar were carried out in parallel, in which the subjects covered during the week were taught alternately. This structure was not only cost effective but also allowed double so many young inspectors to get to know one another and to exchange their experience.

The exact content and schedule of the seminars are detailed in the respective activity in the annexed CD-ROM, the main subjects covered the area of government administration and law, as well as communication and the foundation of psychological aspects of inspection. The running of the seminars were assessed by the German experts. This evaluation of the training was carried out at the end of June by a meeting of Czech trainers and German experts.

A particularly positive aspect was that Czech lecturers could collect experience, improve their pedagogical skills and were able to enter into an exchange with German experts. The seminars helped improve the quality of communication among the participants as well as between participants and lecturers. This process was supported by the fact that the Czech lecturers had practical experience with the CEI.

The evaluations of the seminars showed that the content will need to be structured more rigorously, the amount of material needs to be reduced, the needs of the participants more adequately addressed (the evaluation of the commentary of the participants is currently carried out by the CEI). The planned exam proved to be disadvantageous with regard to participant discussion and the exchange of experience because teaching material was focused mainly on the exam. Thus, in the future, it would be considerable to teach seminar content through the use of case studies and group work.

In the beginning, the participants did not recognise the seminars as an opportunity to cover their own need for further training, but rather as an obligatory event. During the course of the seminar this attitude was altered to the degree that active participation increased considerably. Active participation should not be limited to the seminar itself, but should be extended to the preparation phase and to a detailed feedback.

The section, communication and psychological principals, was an example for successful use of presentation media, activation of the participants and a good selection of teaching methods. Most of all, this section contributed to an increased ability to communicate, fostered the exchange of information and experience and produced an atmosphere of openness. Initial constraints and fears were eliminated.

An essential foundation for the co-operation among the inspectors was established, which is an important prerequisite for the practical implementation of the integrative approach to environmental protection which is demanded by the EU.

Recommendations

The implementation of a systematic continuing education programme for all employees in which the content of the seminars is kept up to date and in line with EU law is highly recommended for the future. An interdisciplinary and technical training for new employees, similar to the programme that is carried out in the Bavarian School of Administration for the higher level structural and technical environmental positions was assessed by the inspectors as to be most necessary. The development of teaching material was limited due to financial constraints. Much effort should be devoted in the further seminars to addressing the Enforcement and Inspection Guidelines and draft Handbook (component 3.3).

A sense of insecurity, scepticism or sometimes even open denial of EU themes can be observed. In this respect, an information gap needs to be closed. Particularly the seminars should provide ample opportunity to exchange information and experience and to discuss issues. The insecurity in dealing with EU issues can only be counteracted by continuing the seminars and structuring and extending them into basic studies, further studies and management skills (cf. component 2.4).

The quality of the seminars should be assessed according to how actively involved the future participants can become as far as the design of the content and classroom participation are concerned.

The subjects, communication and psychological principals, should also be integrated into phases two through four. The success of these subjects is most likely due to the highly experienced German trainers. It remains to be seen whether or not comparable results can be achieved with CEI internal personnel. Regardless, these subjects should be a permanent component of the seminars as has been the case in Germany for a long time. But also in Germany, it was necessary to overcome the attitude that these "soft" subjects as being less useful for the personnel than the technical content.

As the CEI only has a small number of experienced instructors at their disposal, providing support for teaching activities is crucial. Teaching seminars must be recognised, e.g. well paid (pay as a positive aspect concerning personal evaluation and promotion). The instructors need to be released from their duties for the seminars and continuously trained through out the classes on teaching skills ("Train the Trainer"). The future of the measures which were started during the Twinning project depends upon the creation of a substantial and qualified pool of instructors and its support.

It would be useful, if the instructors would take part in a "train the trainers program", which would be supported by the BVS. Furthermore it is desirable that a continuous exchange of information and opinions be in place. To this end, seminars should be carried out at the BVS, in the Bildungszentrum für Umweltschutz, in which particularly those persons participate who have already worked together during the Twinning Project (although new participants would be welcome). The Czech colleagues were very interested in the longstanding experience of the BVS with seminars in the public

sector. The Czech colleagues were ready to accept recommendations and criticism, because they respected the BVS' experience and competence of the BVS, of which they were assured during the Twinning Project activities.

The continuation of the exchange of experiences and information among those people who are responsible for the seminars at the CEI and at the BVS can contribute to the further expansion of the training measures and may ensure the continuity of existence of the training that was developed during the Twinning Project with great effort of finances and personnel. Those at the CEI who are responsible for the organisation and the content of the training measures do need internal and external support for their work in any case.

The personnel of the CEI and the BVS can fruitfully employ their experience with the organisation and the content of the seminars which they collected in the course of the Twinning Project, not only in the Czech Republic but also in Bavaria. Of particular importance was the trust and the personal contacts that were built.

Component 5.3.2: Special senior-level training seminar

Background and Objectives

A special senior-level training seminar was held for the management of the CEI. The seminar aimed to provide the heads of the regional inspectorates with an in-depth overview of relevant EU legislation and corresponding management skills. The main issues of the training seminar included effective management skills, communication and some psychological aspects of management training for the managers. The first, more general part of the seminar addressed top-level staff at the CEI and deputy directors of the regional inspectorates. The second part specifically addressed the needs of the directors of the regional inspectorates. Within this component specific senior-level training in information techniques was arranged for the staff responsible for information technology and data processing at CEI.

Activities and contributions

The training measures addressed the top management in two separate courses. The training was conducted by an experienced company with experience in the state-administration segment. The training aimed at effective management, communication skills, psychological aspects of inspectors work. An interactive approach with a lot of practical exercises was used as a basic method.

In data processing, the training was mostly oriented towards an advanced user training in the use of the software used at the CEI. The main objective was to identify new possibilities for the effective use of existing IT, but also the building-up of personnel contacts between the regional responsible persons, which should enable the inter-regional communication and data processing.

Achieved Results

The training measures were very successful, and well accepted by all participants. Several new approaches were taught and will be directly applied to the practical management of the CEI. The overall awareness about the need for the training and specialised training measures in psychology, communication and management were raised. A broad support for the creation of a sustainable training scheme for the CEI employees was achieved as a main result.

Recommendations

It is highly recommended to continue with the regular management training at least on a yearly basis in order to enhance the level of management skills and support effective communication within the CEI.

The psychological aspects of the inspectors' work should be included in the training of the managers and in regular training programmes of inspectors working in the field.

Regular senior-level training should be organised for every specialised group of inspectors (IT-specialists, lawyers, persons responsible for solving of complaints, department leaders, etc.).

Psychological training

Objective

The aim of the psychological training of the inspectors was not only to impart knowledge on technical aspects but also to teach about effective and professional ways to communicate and to manage conflicts.

Activity - Content of seminar

Part of the seminar addressed fundamental questions of communication. More specifically, the following content was addressed:

- so-called "red-green-model" (Gerhard Anwander),
- objective and relationship levels, conflictual relations (Watzlawick), and
- four sides of a message (Schulz v. Thun).

Furthermore, the seminar included self-management techniques and theory comprising the following issues:

- relaxation technique according to Jacobson,
- mental training and de-sensitising in preparation for critical situations, and
- overview about negative and positive emotions and how best to deal with them.

During the practical exercises, participants were able to adopt relaxation and mental training techniques and a video was used to tape role playing which was later played back and commented upon.

Due to the high quality of simultaneous translation, the participants were able to enjoy a constructive seminar atmosphere which quickly formed after the initial introductions.

To prepare for these exercises the participants worked in small groups where they critically discussed and presented common work-day situations.

Recommendations

These seminars should be extended by one day and should take place in a hotel with meeting rooms to facilitate opportunities for the participants to exchange their experiences on the margin of the seminar. These seminars were particularly necessary because such training has not been carried out previously. Apart from a few participants who were able to bring in and share their own experience and knowledge about conversation and negotiation training, the majority of the participants was made of up of young professionals who wanted to extend their knowledge and were confronted with these methods for the first time. It is recommended that this kind of training, in the form of seminars and workshops, should take place once every three years to strengthen the corporate identity of the group of inspectors, as well as their ability to prevail in matters of communication as they relate to the field of environmental protection.

3.6.4 Conclusions

The principles of the draft organic law on CEI were laid down, discussed and prepared for further use in the legislative process. The draft could serve independently as a basis for a self-standing organic law about the CEI, as well as a specific part of the environmental code. It is however necessary to co-ordinate the draft organic law with other environmental legislation, especially legislation proceeding with the approximation process. The final use of the draft will be influenced also by ongoing administrative reform.

Concerning the training measures (see above) it can be generally concluded, that these activities were very fruitful within CEI. Moreover it contributed to the recognition of the participants about the importance of regular education and training. It was furthermore stated, that extensive changes regarding the preparation of the CEI for the new role in implementation and enforcement of European legislation may be managed easier and more effectively, if specific management and communication skills are available. The importance of the psychological training was also stressed.

The training seminars at the end of the project reflected strong commitment regarding the challenge of fulfilling EU-demands and the necessity of administrative reorganisation, expressed by all Czech participants on all levels of the CEI.

The integration of psychological issues, such as motivation of personnel, into the training courses led to a very enhanced acceptance of these courses.

Furthermore the establishment of new IT-courses strengthened the understanding and the skills of many employees to fulfil the demands of the daily work.

Therefore the Twinning project led to a general understanding and acceptance of many involved persons, mainly from the CEI, to face the challenge of the EU-accession, or in other words, to the future enhanced requirements of a restructured public administration in the spotlight of the politicians and the public.

4 Evaluation of the Twinning project

This chapter delivers an overall evaluation of the Twinning project, reflecting the main achievements and weaknesses.

First some deficits, weaknesses and not realised activities must be mentioned:

The personnel capacity at the Twinning office in the CEI, which were responsible for the preparation and especially the documentation and the assessment of all activities, was not sufficient. The missing support of a "Czech national civil servant" (see covenant) led to an intolerable work load. This was impaired by the fact that the Ministry of Environment adopted a rather passive position in the Twinning process against the provisions of the covenant ("The Ministry will be responsible for the administration related to the preparation, co-ordination, technical control and implementation of the Twinning project.").

The administrative work load of the Twinning office was underestimated beforehand and therefore consisted mainly of project management rather than advisory work.

Despite of these obstacles during the project, most of the activities were carried out and their objectives were met particularly with the engagement of the very above-average efforts of the PAA assistant.

The failure at the 0.2 Basic technical equipment, part inter-institutional communication "Information Technology" (Lot 01 of about 180.00 Euro – see 3.1.3 component 0.2) was a big setback in the middle of the project period and caused a lot of problems, especially for carrying out activities which are related to such a planned improved system of information and data transfer. Therefore, the planned activity 2.9 "Local network building exercise", which was created as a basic forum for a data exchange could not been organised due to the missing technical equipment. Additionally the organisational structure of regional authorities in the field of permitting and sanctioning was characterised by imprecise responsibilities, a fact which presented a further obstacle to carrying out this activity.

Furthermore, component 4.3 "Developing a reporting scheme" - was negatively influenced by the failure mentioned above. Thus the reporting scheme was only partially developed in the frame of an improved annual reporting practice but not to the comprehensive extent as initially planned. Two further activities could not be carried out due to this failure, comprising component 4.6 "Recommendations to improve public access to information" and component 4.7 "Practical exercise in co-operation of information".

Finally, positive results could be drawn from these failures, as the budget lines from the cancellations were used to cover additional costs for interpretation and translation, and the newly created activities such as 2.8/5-12 "Inspections on-site visits" and 5.3.2 "special senior level training". A recent evaluation proved that the additional administrative work for organising and carrying out these expert missions, including the technical work for preparation, organising and documenting led to a

complete work overload of the PAA and his assistant, the German Federal Environmental Agency and the Czech counterparts.

The following section shows how and to what extent the nine objectives formulated in the covenant have been met.

1. A comprehensive enforcement and inspection strategy is developed for respective enforcement authorities and specifically the CEI;

As explained above, the project focused on the CEI. The CEI´s potential competencies and enforcement tasks were elaborated within the proposals of a reorganisation of the CEI via activity 5.1/5.2 "draft organic law".

2. The CEI is enabled to adapt its licensing, enforcement and inspection duties to the changing legal environment based on an improved new organic law;

The Twinning project contributed to the preparation of performing current and future duties of the CEI, because all employees and especially the top management of the CEI are now in a position to base all decisions and daily work on a comprehensive pool of improved knowledge, experiences, supporting materials and training.

3. Further enhance transboundary co-operation;

During the Twinning project intensive and close co-operation, especially with Danish, Swedish and German experts within the different activities and the several transboundary workshops and on-site visits could be built up and resulted in an excellent enhanced contact and information flow between the employees of the CEI and foreign institutions and experts. The activities 2.8 and 3.2 formed the core elements of co-operation, but also other activities, e.g. the on-site visits to Ireland (3.5) regarding IPPC-practice was of benefit to the CEI.

4. Development of a training package, allowing coherent and sustainable training in the Czech Republic by national experts ("train the trainers" approach);

Activity 2.4 "compilation of a personnel training scheme" delivered a sustainable platform for training in the future. There is no doubt about this training scheme and the training measures already carried out will not only be a benefit for the CEI but also serve as a model for other environmental institutions.

5. A core group of personnel is trained on the job and supplied with the necessary tools that will allow for a sustained improvement of the Czech Environmental Administration;

The CEI top management was trained successfully within the scope of activities 5.3.2 and a core group of Czech CEI-trainers by activity 5.3.1. These improvements of skills may also be a challenge for other Czech environmental administrations such as the Ministry of Environment or the Department of Environment of the recently created regions ("Kraij").

6. Trainers' manuals, handbooks and guidelines for inspection and additional training and supporting material is provided that covers the specific needs of the CEI;

The results to meet these objectives were mainly achieved by activities 2.4, 3.3 and 5.3.1 and 5.3.2/1-3.

7. The project also comprises technical assistance and the supply of specialised software and manuals;

This result could be met only partially because of the often mentioned failure of the tender for inter-institutional communication equipment (0.2.2). Nevertheless, the specialised software was introduced successfully.

8. At the end of the Twinning project, the CEI is in a position to manage the implementation of the acquis communautaire more effectively, on its own and to further improve and adapt its enforcement strategies in the long-run;

The institution of the CEI was strengthened and prepared for many operations to be expected during the of the EU-Enlargement because of all the comprehensive supporting activities as described in various chapters above, the handbook and guidelines, the training scheme and different training measures for the management staff and regular inspectors and the improved language skills.

9. The German Federal Ministry for the Environment and the Bavarian State Ministry for Regional Development and Environmental Affairs are prepared to continue their co-operation in regard to the aims of this project beyond the end of the project and to enter into a continuous co-operation with the Czech partner institutions on a bilateral basis. The newly proposed Twinning projects, therefore, will identify additional needs and possibilities for assistance and co-operation;

During the whole project duration the German experts offered concrete transboundary co-operation between the different institutions at the state, regional and local level in all relevant environmental sectors.

5 Conclusion and Recommendations

5.1 Outlook for new Twinning Projects - Recommendations of the PAA, Mr. Gabriel

5.1.1 General Recommendations for Twinning Projects

1. The number of activities and expert missions should be reduced by at least 50 % in future projects aiming to strengthen the capacity of administrative bodies similar to the CEI or the MoE. Expressed in concrete figures, this would mean to carry out approximately 25 different activities (expert missions, workshops, expert panels, on-site visits) at a maximum, rather than the 47 and around 50 CC expert missions organised in this project.

   The number of PAAs and PAA assistants should be twice as many compared to this Twinning project. This means that two PAAs and two assistants are advisable. Furthermore the timeframe of the project should be extended to at least 24 months.

2. STE missions should be exceptions and limited to a small number. Moreover, MTE missions should form the core element of the activities which are carried out within the scope of a project.

3. In order to enable an appropriate organisation and preparation for advising/carrying out the activities both in quality and time it is considerable to estimate the time required by CC- administrate/technical or other key staff, i.e. the package leader, and specify this time frame precisely in the covenant (man-days per activity and/or expert).

4. Assure the involvement of the European Commission by introducing a mandatory task to respond to the main facts and proposals delivered in the Quarterly Reports by the PAA/project leaders.

5. Incentives for project leaders or other CC key staff for contributing to the project within the scope of the agreed working schedule should be provided, as well as a relief of daily work/duties. This would be the key element for enhancing the success of Twinning results and outcomes (See proposal in the 2nd Quarterly Report and request in Brussels to DG Enlargement on the 23rd March 2000 and to Mr. Telika – State Secretary of the Foreign Ministry on the 10 March 2001).

5.1.2 Special proposals for new Twinning projects

Preliminary remarks:

The PAA is fully aware that the Ministry of Environment and the government of Czech Republic issued and published, among others, some important resolutions for "State Environmental Policy", "Integration of Environmental Concerns into other Policy Areas", and "Strategic Documents" for EIA. Nevertheless, from the view point of the

PAA and based on his experience with State Environmental Policy in the MS, these framework–regulations and declarations of intent need to be supplemented by practical support of enforcement. This could be achieved by an exchange of expert knowledge and experiences from Member States through the means of Twinning Projects. Specifically, the following ideas toward projects are recommended:

1. Twinning projects with the objective of strengthening the co-operation and integration of environmental requirements (of the acquis communautaire in the environmental sector) between and into the other ministries.

   According to experiences and observations of the PAA, the importance of the integration of environmental requirements into other policy sectors is in many cases not recognised yet. In many national authorities there is a deficit in co-operation and awareness concerning environmental integrated approaches.

   Therefore, a new Twinning project targeted only to the topic of inter-institutional strengthening of the awareness, knowledge and implementation of information exchange and integration of environmental issues into other policies is highly recommended.

2. Twinning for education and training of employees in different enforcement administrations mainly in Kraij (former "Okres") and self-governed municipalities.

   This Twinning was focused only on the CEI as the national controlling and sanctioning administrative body, but it has to be pointed out that the CEI is not the only administration dedicated to these tasks.

   There a large number of environmental officers and experts who are mainly dealing with the permitting of environmental projects and interventions in nature and landscape on the local (municipalities) and mainly on the regional level (former "Okres", now Kraij"). According to the **PHARE Report CR-108** the following number of employees is working in the environmental sector and in enforcement (figure given in brackets): 2,340 (1,500) in departments of District offices (= former Okres) and 1,500 (1,000) in municipalities (160) in Sanitation Services and 300 (100) in other central departments.

   In comparison around 4,000 employees are working under the authority of the MoE in the environmental sector, another 4,000 employees are working in the environmental sector under the official control of the Ministry of Interior. For all employees working in the environmental sector the Ministry of Environment is responsible for the technical guidance, education and training.

   In many cases the Ministry of the Environment and the Ministry of Interior are much closer to environmental problems than the CEI. Furthermore it is stated in several laws that these bodies have the right and the duty to enforce the law. Therefore, there is a great need for the responsible persons to be trained and supported in order to improve their personal knowledge and skills for working with the new acquis communautaire.

3. A Twinning project for conducting an assessment and forming proposals for streamlining and reorganising the different environmental authorities and institutions under the responsibility of the MoE is recommended.

   Taking into account the CR-108 report, it is obvious that enforcement tasks and responsibilities are widely spread over many administrative bodies. Overlaps in responsibilities and the lack of efficient organisational structures should be overcome.

   In order to streamline and improve the efficiency of these bodies and to save money for investments, e.g. for technical equipment and renovating of buildings, and for better education and training for improving the expertise of employees, a new Twinning project would be very useful.

5.2 Future Co-operation with the Czech Republic - Further recommendations from the German project leaders

This project has contributed to further German-Czech co-operation in the field of environmental protection. Workshops on transboundary co-operation, in which representatives of the Bavarian and Saxon regional environmental authorities participated, have supported existing links between the two Länder and the Czech authorities and thus opened up new options for future co-operation.

The German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety has made sure that information from the Twinning Project was passed on to existing working groups operating under the joint German-Czech Environmental Commission for Nature Conservation, Clean Air and Waste Management. These working groups will benefit from the know-how provided and take account the information submitted when shaping new activities. The new German-Czech Twinning Project "Institutions for Permitting and Monitoring in the Air Quality Sector" and "Implementation Structures for IPPC and Register IRZ", which will probably be launched on in November 2001, will offer an opportunity to further increase the knowledge and experience gained in the above-mentioned Twinning Projects. In the new "Air Quality Sector" project, Reiner Strauß, the short-term-expert from the Bavarian Ministry for the Environment, will assume the role of the Pre-Accession Advisor.

The German Ministry for the Environment is willing to take up and support the wishes and ideas the Czech authorities have derived from the project.

Twinning-Follow-Up-Projects

Based on the experiences of the Twinning Project CZ 98F01 and the co-operation between the Czech Republic and Bavaria the following projects will be proposed, covering the environmental fields of water management, air pollution control and nature conservation, as well as training and education:

Water Management:

One of the most important sites of the river pearl mussel in Central Europe is located in the surface waters of the neighbouring regions Bohemia, Bavaria and Saxony. Due to transboundary co-operation the threats of the river pearl mussel could be diminished. For the future protection of the ecosystem of waters for pearl mussels further assessments and measures are necessary, such as the regular monitoring of the pearl mussel stocks, scientific support of the projects, measures for the maintenance of pearl mussels, as well as a restructuring of the catchment areas. Within the frame of INTERREG IIIA and the financial instrument of PHARE CBC further co-operation should be aimed, in particular, at transboundary measures for the protection of biodiversity.

Air pollution control

Measures for the reduction of CO2 are proposed based on a study which addressed an assessment of the plants providing energy in communes of Tachov and the need for remediation. First of all, a Czech-German working group should achieve a recommendation for financial support. Furthermore the financial support should be intended via a fund, which has to be established by the Federal German Ministry of Environment, Nature Protection and Nuclear Safety and the Czech Ministry of Environment aiming at measures for air pollution control. Alternatively a common project of the Federal German Ministry of Environment, Nature Protection and Nuclear Safety, the Bavarian State Ministry for Regional Development and Environmental Affairs and the Czech Ministry of Environment could be carried out.

Nature Conservation

As part of the long and ongoing co-operation between the Czech Republic and Bavaria, Bavaria offers the support for the planning process of a national park including adequate measures for the management of visitors and the establishment of a service point.

The technical support of the national park administration of Berchtesgarden could fairly contribute to the improvement of the organisation of the national park administration in the Czech Republic.

Training and education:

The Twinning project CZ-98-F01 demonstrated the importance of training programmes for the Czech Environmental Inspectorates in order to accelerate the implementation of the acquis communautaire. Therefore it is recommended on behalf of Bavaria, to enable further co-operation through an exchange of experts as required by the actual situation. For carrying out the training measures, the capacities and facilities of the Bavarian School of Administration are available.

6 Annex

6.1 Activity 2.6 - Assessment of institutional overlap and potential synergetic effects - Document from the Czech Ministry of the Environment entitled: "Analysis of the Requirements of Directives as Related to the Institutional System"

(VERSION II)

Executive summary

This study is based on analyzing the newly prepared legislation (Acts on IPPC, EIA, on air protection, on water and on wastes) and on implementation plans. The findings obtained are described below.

Not only the transposition of the acquis to the Czech environmental legislation but, in particular, the implementation work will be a great challenge to public administration.

The role of the Ministry of Environment must be modified to reflect the delegation of a number of competences to the regions, and should be strengthened in the area of international negotiations (with the European Commission, on the various Directives), in the co-ordination area (co-ordination of activities at the lower public administration levels), in the strategy area (planning) and in the monitoring area (data gathering and interpretation). Authorisation and regulation should be delegated to the lower levels to the maximum practicable extent.

Although the volume of legislation work is expected to shrink after accession to the EU (to about 1/3 of the previous intensity, as estimated), legislation activities will nevertheless still remain among the most important roles of the Ministry of Environment. The acquis keeps developing and numerous amendments to Czech legislation are expected to be needed after accession (to simplify the provisions, fill the gaps etc.)

Performance of the various duties arising from the European legislation will be divided more or less equally (2:2:1) between the individual levels of state administration (central, regional, local). We arrived at this conclusion through applying a set of administrative models based on the two contradictory principles: subsidiarity and integrated protection of the environment.

These principles are contradictory to each other where regional split of competences reduces the possibility to secure integrated protection of larger territories (river basins, ecosystems) or to rehabilitate territories affected by emissions and requiring implementation action plans.

In this respect it appears necessary that the Ministry of Environment needs to play a strong co-ordinating role in order to ensure that integrated protection of the environment can remain effective while subsidiarity is applied to the maximum possible extent.

Assistance in building public administration at the regional level, professional training of the officers, training in EU legislation and new Czech legislation, construction of a powerful communication and information structure – all these are tasks to be carried out by the Ministry of Environment within the horizon of the nearest future years.

We also recommend to strengthen and build directly controlled and regionally structured organisations (the Czech Environmental Inspection Board and the Protected Landscape Regional Administration Board) and consider a similar structure for integrated protection of the river basins (requirement of the Framework Water

Directive). We identify problems in the draft Water Act because integrated protection of large basins is entirely ignored in the draft and that responsibility for the administration of water courses is fully left in the hands of the Ministry of Agriculture.

6.1.1 Introduction

European Community environmental legislation imposes on the Member States a number of various duties, but in the majority of cases there is no implicit indication in what way such duties are to be ensured from the institutional point of view. This is so because national laws and state administration in the individual Member States developed in different ways and that in certain cases (especially the management of water and protection of forests) they have a long tradition and have been developing for many centuries. An important role is also played by the different public administration structures in the various Member States (particularly different levels of centralisation of decentralisation). The requirements set out in the Directives are therefore transposed in different ways into different legal contexts (national legislation) and are supported, in many cases, in very different administrative structures.

Different environmental issues have different geographical scales (local, regional, national, international) and, as a result, their analysis and solution require different degrees of co-ordination and co-operation (the cross-sectoral nature of environmental issues); they involve a number of entities acting under different actual conditions etc. The most important activities in state/public administration are those relating to decisions (authorisation, granting exceptions, withdrawing permits, bans, sanctions, determination of target values, imposing preventive and remedying measures etc.) and verification of compliance with the decisions taken. This may happen at the different levels of state administration.

Taking into account the three levels of public administration in the Czech Republic (central, regional and local), it is quite possible that, in addition to these basic decision-making and controlling activities, there will be a number of other "top-down" processes (for example, strategic planning and subsequent development of partial plans, methodical guidance and unification of the procedures) or "bottom-up" processes (for example, information and data gathering and aggregation and definition of indicators). Other situations will require decision-making processes at various levels, which must be co-ordinated.

This is why we first tried to define the main principles on the basis of which the various requirements for state administration, as deriving from EC legislation (Directives, Regulations, Decisions) could be assessed from a single point of view. Based on the specific scheme dictated by these main principles, we analyse in further detail the priority requirements in the areas of the protection of nature, air and water, the handling of wastes and the IPPC (Appendix).

Indicated below are the three basic principles which will be further described and which should, in our view, be applied to the allocation of the various decisions resulting from the requirements of EC Directives (generally from the national legislation) as well as – therefore – to the allocation of responsibilities (competences) to the three level of state administration. These three basic principles are:

1. Integrated protection of the environment
2. The subsidiarity principle
3. Functionalities of state administration

6.1.2 Basic criteria for the institutional system

The principle of integrated protection

The theoretical literature on environment protection rightly emphasises the need for a holistic approach. There are numerous and complex interactions between the different components of environment, mainly those of physical and chemical nature (for example, geo-bio-chemical cycles). Ecosystems have their natural boundaries: they cannot be split into smaller parts and should not be fragmented – not even (as far as possible) through administrative division.

From the territorial point of view, effective protection of nature and the environment must be of an integrated nature. What needs to be so integrated is the protection of the environment as a whole, in order to prevent the transfer of pollution from one environmental component to another (for example: the complexity of desulphuring vs. the utilisation of natural resources and the soil).

Since 1 January 2001, the Czech Republic is split into 14 regions ("kraje"), which were delineated, in particular, on the basis administrative, economic and political requirements and, as a result, their boundaries do not coincide with the boundaries of:

- Protected landscape ecosystems, habitats of protected species (Natura 2000);
- Basins of large rivers,
- Regions subject to a special regime (sensitive, vulnerable, polluted etc.).

Owing to the nature of the ecosystems and components of the environment, forming a continuum from the spatial point of view, the application of the subsidiarity principle (within lower-level territorial units) is always compensated by essential co-ordinating activities at the higher levels – not only national but also, for example, European. In the EU system, such co-ordination and control is the responsibility of the European Commission, for which the partner is a designated state administration body.

Similarly, for a number of activities required by the European legislation, which can be effectively secured only on the regional or local level, there must be appropriate co-ordination and unified methodical guidance at a higher level, for example, that of the Ministry of Environment.

What is also an important feature – novel to the administrative offices in the Czech Republic – is the high level of flexibility. In the traditional system of "regulation by components" the real state of the respective environmental component was

compared with a limited range of technical requirements (e.g. emission limits or indicators of accessible water pollution); the integrated approach, on the other hand, offers to find an optimum combination of individual parameters for each given actual situation (actual installations at actual sites) so as to achieve a maximum influence on the environment as a whole. It may be difficult to find such a combination of individual parameters because of the following reasons:

- Some regulated quantities may, due to their very essence, be in an antagonistic relation with others (for example, emissions of nitrogen and carbon monoxide in the combustion processes);
- It is difficult to assign weights to the individual regulated quantities according to their adverse impact on the environment;
- A greater number of combinations of parameters can be found.

As a result, the regulator's role is much more complex in all aspects.

Principle of subsidiarity

This principle represents a basis of democracy, because decisions have to be made as close as possible to the level where the given issue or task occurs. The application of the subsidiarity principle strengthens respect to local interests, speeds up solutions to issues having local dimensions and makes these solutions more effective. On the other hand, it may be in contradiction with the principle of integrated protection of environment.

Excess emphasis on the application of the subsidiarity principle usually leads to conflicts between the local decisions and "higher" interests (concepts, national targets etc.), including, foe example, the NIMBY syndrome[4]. Hence, the subsidiarity principle must be set out in legal provisions everywhere a higher environmental unit exists (ecosystem, river basin) and heed must be taken to its protection against narrowly oriented local interests (conflict with environment protection inside the protected landscape regions etc.).

As distinct from the traditional bureaucratic model (centralism, "Pragocentrism", which had already existed in the era of the Austro-Hungarian Monarchy, was modernised to a certain extent in the period between the two World Wars (1917-1939) and was fully applied again in the period of 1945 – 1989, citizens are at present expected to be increasingly involved in the decision-making processes (public participation). Even the EU does lack clearly defined procedures to apply with advantage this democratic feature in the activity of state administration (national

[4] NIMBY ("not in my backyard") means local and generally logical resistance against adverse changes, for example, new construction or various restrictions, mainly where this involves discomfort, risk, restriction of ownership rights etc. Although citizens generally agree that changes must be made they themselves do not wish to bear the burden and claim that the changes should be made elsewhere. The adverse impacts of changes may be compensated by certain positive features, for example, new jobs etc.

and local referendum etc.); in the Czech Republic, in turn, this principle still remains a fairly controversial theme.

At any rate, direct involvement of the public in decision-making will slow down the decision-making processes which may in certain cases be counterproductive (where time is a major factor). It is known from literature describing discussions and collective decision-making that the time needed to achieve consensus grows exponentially with the number of people taking part in the discussion. Discussion in larger groups requires strict procedural rules, for example, to prevent obstruction or failure to reach quorum etc.

In addition, there is something what can be called indivisible responsibility. Who decides must bear responsibility for his decisions (including economic consequences), which is impossible where the broad public is directly involved in the decision-making processes. Public participation is a new feature which brings the subsidiarity principle to the level of the citizen. On the other hand, it can reduce the functionality of the whole public administration system.

The Czech Republic has another specific feature in addition to all this: we still need to complete the discussion on the very nature of democratic institutions – on how to find an equilibrium between the institutions of the representative democracy and the structures of the civil society. The protection of environment is one of the areas where this issue is particularly clearly felt.

Functionality of the administration

The last criterion we apply is the functionality of the administrative staff with respect to possible time limitations for carrying out the requirements (for example, the statutory time limits. A higher functionality is usually achieved where the procedures are simplified, and the number of state administration links involved in a given activity is reduced (reduction of the time for communication; elimination of possible duplication; prevention of appellate proceedings etc.).

We believe that democratisation of state administration cam be encouraged more effectively by public control *ex post*, not by excess interventions in the decision-making processes as such (*ex ante)* or by making the processes more complicated, for example, by involving too many parties in the proceedings etc. Not only decision-making but also a number of other activities, such as the controlling work of the state administration, information gathering and assessment, strategic planning etc., must be fully transparent and open to public control or public participation.

Another partial criterion can be defined as independence of the control function within the state administration structure (separation of executive and inspecting functions) and the indivisibility of responsibilities (competences) for the individual tasks. However, these are second-level issues (though sometimes very sensitive) which must be addressed within the state administration systems and which often have specific historical and political roots.

The most important issue, from this viewpoint, is air protection. This is an area in which, according to the current legal provisions, the inspecting authority (the Czech Environmental Inspection Board) also issues permits to locate, build and commission pollution sources. This major issue is resolved in the new draft Act: hence, we shall not discuss it here at the same significance level as the application of the subsidiarity principle and the integrated protection principle (holistic approach to environment).

What also appears to be an issue is the distribution of competences between the various state administration bodies. For example, in the water protection area there is the well-known issue of lack of clarity of competences between the Ministry of Environment and the Ministry of Agriculture. A similar problem also traditionally exists in the area of forest management, and is likely to occur in the IPPC area. The position of the Ministry of Environment is clear in the areas of nature conservation, air protection and waste, the only point being that the preparation of comprehensive legislation is still under way. Integrated pollution prevention and control (IPPC) involves many issues that need to be clarified within an inter-ministerial discussion and which must finally be subject to a political decision of the government and/or Parliament.

This analysis is based on a clearly functional aspect: hence, for example, we do not distinguish which competences should pertain to which central body of state administration[5]. On the other hand, it is obvious that the integrated approach requires the central competences to be allocated according to the functionalities. Their fragmentation for political or historical reasons is always counterproductive.

Seeking an equilibrium

It is impossible to centralise all the decision-making powers in a single central institution, for example, a national Ministry or the European Commission, to achieve the maximum practicable integration of environment protection. It is likewise unsuitable from the viewpoint of environment protection to shift these powers in an unco-ordinated way to the local level. Hence, it is obvious that when decisions are made about the level of subsidiarity, or when the application of integrated protection is considered, compromise (i.e. purpose-oriented) solutions must be sought between the two poles which are natural antagonists to each other.

The solutions lie not only in a clearly defined degree of subsidiarity (usually defined by the legal framework) but, in particular, in the co-ordinating role of the central bodies of state administration. This means that an actual decision-making process may

[5] This is addressed, for example, the study by the Roland Berger Company (1996) prepared as background material for the considerations relating to the Environment Agency (re-organisation of sectorial research institutes).

involve a higher number of institutions but must always have clearly defined procedural rules and exact allocation of partial competences[6].

The principle of the minimum necessary – irreplaceable – role (principle applicable both "top – down" and "bottom-up") is a very expedient tool for finding an equilibrium. The first step is the specification of the tasks that can be resolved at no level other than that under review. The remaining tasks that can be addressed at more than one level are then assessed from the viewpoint of the expected quality of solution at the different levels. The last step is the decision on the remaining tasks for which several comparable options exist.

6.1.3 Characteristics of the main administrative processes

In addition to the general duty set out in every EU Directive – to ensure transposition and implementation of the Directive and inform the European Commission ("Commission" hereinafter) to that effect – the activities / duties of the Member States, carried out through responsible bodies, can be generally divided into the basic administrative processes described below. The individual processes are explained on the example of the air protection area.

- **Co-ordination (carrying the requirements at the national level)**

The key requirement included in each Directive is the duty to transpose the Directive through national legal provisions, with subsequent implementation. Some Directives also impose to ensure compliance with the given requirement (e.g. nation-wide respect to an immission limit, reaching the emission ceiling, securing the quality parameters of fuels, ensuring that waste waters are collected and treated) at the national level.

Some of the Directives require that the Member States should secure in their territories co-ordination of specific activities performed by different entities. Co-ordination is also necessary in the case of responsible bodies with a wider hierarchy of competences.

- **Transposition**

The subject of the decision-making processes is selection from among the options given by the degree of flexibility of the legal provisions of the EU. Some Directives make it possible for Member States to decide that stricter requirements should be adopted than imposed by the Directive. On the other hand, there are Directives that enable the Member States to grant exceptions to the general (nation-wide)

[6] The Ministry of Environment, which arose in 1990 from the Ministry of Water and Forest Management, took over at that time a number of competences belonging at present under the Ministry of Industry and Trade, Ministry of Agriculture and Ministry of Health, among others. Thus discrepancies developed – not at the level of the Ministers, but at the level of the staffs – disputes on budgets and jobs). Many issues still persist from that time in the form of controversial relations between individual officers, and decision on these issues may be taken at the level of the government.

requirements in exactly specified cases. The procedure taken by the responsible body in such cases involves optimisation within certain limits, with respect to environmental and economic conditions[7].

- **Decision**

Some Articles of the Directives require that a competent body should make decisions which need to be reviewed on a periodic basis (link to monitoring) and these decisions may even be reflected in the national legislation, for example by proclaiming the establishment of a territory with a special protection regime, by granting exceptions or applying stricter conditions etc. These are non-standard decision-making steps which may not have a pre-defined procedure, as distinct from the authorisation process (application – permit). Nevertheless, such decisions should be publicly justified.

- **Inspection (control and enforcement)**

Control and enforcement rest in comparing an actual phenomenon (in particular, the behaviour of the operators of air pollution sources) with defined rules and requirements, with a corrective action (imposition of a remedy or sanctions) where non-compliance is identified. Control and enforcement implicitly result from the fact that the transposition of a Directive is as a rule effected through a generally binding legal provision; however, many Directives still explicitly require the Member States to control compliance with the requirements of the Directives and with the conditions contained in issued permits or in approved plans / programmes, and to impose sanctions if non-compliance is found.

- **EU (international activities within the EU)**

Many Directives require that the Member States must consult other Member States that may be affected by certain activities in the territory of the State concerned, and that they should nominate representatives on committees and commissions established in accordance with the Directives.

- **Information (making information available to the public)**

The title of the public to environmental information is based on Directive No. 90/313/EEC on free access to environmental information. In addition, many Directives require that Member States must take an active approach to making public certain information. The information concerned may, in essence, be split into two groups: first, information on the actual quality of the environment components (e.g. the air or the ozone layer) at the given time and the resulting health risks, and second, information on the actual intentions and activities that may have, or do have, an impact on the quality of the various components of the environment.

- **Monitor (monitoring and assessing activities)**

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[7] It is very important to choose an optimum degree and method of regulation with respect to implementation. As the Commission states, "overimplementation" often occurs in the candidate countries: they transpose the Directive in a complicated way, setting out stricter regulation conditions.

The object of this activity is to gain, gather, process and deliver information relating to the various aspects of the protection of environment components. The requirements for the individual steps are, as a rule, defined in smaller or greater detail (monitoring, reference methods, statistical parameters of data processing and assessment, formats for handing-over the data). Reporting, i.e. submission of reports to the Commission, is the main information flow in this area.

- **Permit (authorising and approving)**

The object of the authorising process is as a rule the commissioning of installations that may have an environmental impact, or a major change in the operation of the installation. Only one permit is required for each one installation, and is as a rule issued directly for the commissioning purposes; in some cases the object of the authorising process is the commencement of construction (the building and planning permission). The content of the permit is usually defined in detail by the Directive. The Decision must contain the technical requirements defined in the Directive – emission limits, operating parameters and requirements foe emission measurement. Details of the application for permit are also specified in the Directive.

The measuring and analytical methods use are also subject to the authorisation process. The action of the responsible body in this case lies in comparing the translation (of the application for permit, document to be approved) with the defined requirements for the "yes/no" type of decision. The IPPC Directive which introduces a high flexibility in the authorisation process pushes the decision-making from the "yes-no" area to the optimisation area (finding – within the defined limits – an optimum combination of individual requirements through which the minimum achievable environmental impact of the installation is ensured).

- **Plan (strategic planning, programmes)**

This concept-defining activity involves drawing up documents of strategic nature. Many Directives require that Member States should prepare plans/programmes to reduce discharge of pollutants or to improve the quality of the components of the environment at the national or regional level.

- **Regulation**

Regulation is based on quick response of the responsible body to any abrupt change in the condition or situation (for example, where immission limits are exceeded). Some Directives prescribe preparation and implementation of emergency action plans having the nature of regulation systems as known from Czech legislation.

It follows from the above that the activities can be split into three groups, from the viewpoint of their institutional background:

- Activities provided only at the central / national level of state / public administration. This category includes, in particular, transposition, co-ordination of activities delegated to lower levels, provision of information, international activities etc.;

- Activities provided only (or primarily) at the regional / local level of public / state administration. This category includes, for example, authorisation, inspection and regulation;
- Activities provided at more than one level of state / public administration.

Although something like that is not explicitly required in the Directives, it follows from the subsidiarity principle, which is involved in the policies of the European Communities, that the activities should be allocated to the lowest practicable levels of state / public administration everywhere possible. This applies, in particular, to the authorisation process which should take place as close as possible to the object / activity on which the decision is to be made.

In view of the fact that Council Directive 96/61/EC on IPPC introduces the integrated approach to the system of environmental protection, the environmental protection institutions should be integrated into a single administration structure, as far as possible. It also follows from the logic of the matter that activities in the authorisation area should be institutionally separated from activities in the area of control and enforcement.

The table below shows a matrix of the indicative distribution of administrative activities at the different levels of state / public administration, depending on the nature of the various duties arising from the acquis. The above-mentioned principles were used in compiling the table.

Matrix of indicative distribution of administrative activities

Process/Level	Central	Reg./Distr.	Local	Note
EU	❑			Only a central body is a partner to the Commission
Co-ordination	❑			Unified procedures must be ensured in regions and/or in other sectors
Transposition	❑			These activities usually lead to legislative changes
Decision	❑	❑		Does not necessarily need to have a legislative framework
Planning	❑	❑	❑	Co-ordination must be secured where a larger number of concerned entities are involved in the planning. The same applies to planning in special territories or on regional level.
Regulation		❑	❑	Regulation regimes should be proclaimed at lower levels (subsidiarity)
Permit		❑	❑	Local conditions should be known – at the central level there should only

				be methodical guidance and control of the whole process
Inspection		❑	❑	Must be provided at the lowest level under central control
Monitoring	❑	❑	❑	Vertical flow of information from local level to the centre, regular assessment of the information (feedback)
Information	❑	❑	❑	Information must be provided at all levels of public administration

6.1.4 Basic types of administrative structures

The above table sums up, in brief, the considerations on the optimum distribution of selected competences among the three levels of state administration. It follows from the table that there are several basic types of administrative system involving decision-making structures of different levels of complexity. The table shows the most important duties – as a rule, the decision-making steps, including authorisation, permits, definition of indicative values in plans, declaration of stricter levels of regulation after taking into account further circumstances etc.).

The so-called Product Directives are the simplest category. They define the requirements for the composition, properties etc. of a certain commodity, method of testing, (conformity assessment) etc. from the viewpoint of the protection of the single market. This protection must be set out in the legislation at the national level, or may be provided by adopting common technical standards and procedures etc. The **EU-C** decision structure results from that.

The table below shows examples of administrative structures meeting the requirements and respecting the above principles (integration, subsidiarity, functionality). The C (central), R (region, "kraj") and L (local, community, municipality) are the three levels of public administration. Their relation is expressed using the parentheses and the minus sign which denotes the advisory and/or subordinated role: thus the sequence C-R-(L) means that C is the decisive (responsible) level, with (subordinated) co-involvement of R and an advisory role of the Ls concerned. A structure denoted as (C)-R means that state administration is executed (decisions are taken) at the level of the region with a defined (e.g. methodical) role of C. The minus sign indicates the hierarchic relation (superiority/subordination).

The scheme below shows the successive growth of subsidiarity (from left to right) in the relation between the central and regional levels:

C	**C-(R)**	**C-R**	**(C)-R**	**R**
maximum	advisory role of	distribution of	methodical	no competence

centralisation	the region	competences	guidance, co-ordination	at central level

Integration by components differs from territorial integration because it can take place only at one level of state administration (e.g. Ministry of Environment). Hence, we refer to it only exceptionally here.

Selected requirements resulting from the acquis and examples of the respective administrative structures

Requirement (group of requirements)	Directive	Administrative structure	Commentary
Protection of habitats (Natura 2000), plans and the implementation thereof	79/409/EEC, Art. 3, 4, 5, 14 and 92/43/EEC Art. 3-6, 8-11	C-R-(L)	Central – delineation of the territory, register, approval of plans, methodical guidance. Regional and local – performance of the administration of protected landscape regions (particularly the "regional structure") – preparing and implementing plans
Protection of river basins (ecosystem), plans and the implementation thereof	2000/60/EC, Art. 3, 4, 6, 11, 13, 16, 17	C-R-(L)	Central – delineation of the watershed (basins) and determination of target values (links to the government's environmental policy), co-ordination of strategic planning, submission of plans and strategies to the government Region (River Basin Administration Board) – implementation, quality and emission sources monitoring, co-ordination of preparing partial implementation plans
Protection of ground waters against discharge of waste waters. Permits	80/68/EEC, Art. 3, No. 5, 6, 7, 8-12, 15	(C)-R	Central – register of discharges (permits), inspection (Czech Environmental Inspection Board) Region – granting permits, including reviews thereof Must be discussed from the viewpoint of location of the major ground water bodies. Can be integrated with river basin administration – see Framework Water Directive
Protection of raw surface water (water supply sources), responsibility	75/440/EEC, Art. 4, 5, 6, 7, 8	(C)-R-L	Central – proclaiming zones, maintaining register, granting exceptions, approving measures for

for raw water quality with respect to treatment technology			improvement for watercourses in the A3 category Region – proposing zones and implementing measures (together with municipalities) In unclear cases (beyond regional borders), a river basin model can be applied (or it is possible to issue a decree to define responsibility for certain water courses)
Substances dangerous to waters (including specific substances (filial Directives), prevention of pollution	76/464/EEC Art.3, 5, 7, 8	(C)-R	Region – granting permits (in relation to IPPC) Central – register, methodical and controlling function of the Ministry of Environment (Czech Environmental Inspection Board)
Sewage treatment plants, permits for operation and for discharge and treatment of industrial effluents	91/271/EEC, Art. 4, 5, 6, 7, 10, 11, 12	(C)-R-L	Region – granting permits; Central level register, methodical and controlling function of the Ministry of Environment (Czech Environmental Inspection Board), technical standards
Sewage treatment plants, definition of sensitive areas (eutrophication)	91/271/EEC, Art. 5	C-R	Central level – determining the regime, monitoring, reviews, methodical Directive pro regions
Handling of sludge from sewage treatment plants	91/271/EEC, Art. 14	(C)-R-L	Permits at regional level, Central – register and national rules, technical standards
Application of sludge from sewage treatment plants to farm land, regulation of use	86/278/EEC, Art. 5, 6, 8, 11	(C)-R	Region – granting permits and exceptions Central – rules, technical standards, including standard analytical methods, control of implementation
Nitrates from farming sources, plans	91/676/EEC, Art. 3 and 5	(C)-R-L	Central – delineating vulnerable areas, methodical instructions for action plans, approving the plans

			Regions – preparing plans, implementation
Framework for waste handling, plan	75/442/EEC, Art. 3 - 15	C-R-(L)	Prepared by the Ministry of Environment and the regions. Allocating quantity limits to regions
Solid household wastes, operation of dumps (including limits) and incineration plants, permits	1999/31/EC 2000/76/EC	(C)-R-L	Granted by regions, inspection provided by the Ministry of Environment, partially related to IPPC and planning
Import and export of waste, permits, registration	Order 259/93/EEC	C-(R)	Permit at central level, central register
Special types of waste (commodities), collection systems (licence)	75/439/EEC (waste oils), 78/176/EEC (TiO_2), 96/59/EEC (PCB), 2000/53/EC (car wrecks)	C-R	These systems usually go beyond regional borders. Licences are granted at the central level
Dangerous waste (dumps, incineration plants) permits	91/689/EEC Art. 1-7	(C)-R	Granted by regions, inspection and methodical guidance by the Ministry of Environment, partially related to IPPC and planning
EIA, expert opinions, negotiating	85/337/EEC	(C)-R-L	Maximum subsidiarity, local influence For structures of major size and transborder influence – a stronger role of the Ministry of Environment – information exchange and/or consultations with the neighbouring state
Product Directives (EU market), technical requirements	sulphur in fuel, noise caused by products etc.	C	The subsidiarity principle cannot be applied because of compatibility with the EU market
IPPC, granting permits	96/61/EC Art. 3 – 8, 10, 11	(C)-R-L	Region – granting permits Central – methodical guidance, maintaining the register

			of permits, maintaining the integrated pollution register, control (Czech Environmental Inspection Board)

6.1.5 Application of the basic models

The current application of the integrated protection principle and subsidiarity principle requires more complex hierarchic models (superiority/subordination) or co-ordination of activities (horizontal structures). The **(C)-R-L**, resp. **(C)-R** models can most frequently be applied, i.e. execution of state administration at the regional level, with possible involvement of the local level and with strategic guidance provided by the Ministry of Environment. Such a model is particularly suitable where the subsidiarity principle is in equilibrium with integrated protection of nature and where central decisions are not required..

In the **(C)-R** model, where the executive competences are at the regional level, the Ministry retains its methodical and controlling roles. Such models must in the majority of cases be complemented by a uniform monitoring system (regular monitoring and periodic assessment) with a central database of key data. The situation experienced in the water protection area must be avoided: the Ministry of Environment was not active enough in monitoring and assessing the various parameters in the area of water protection against dangerous substances, thus leaving these matters *de facto* entirely in the hands of District Offices.

Another option is the **C-R model**, i.e. sharing responsibility between the regional level and the central body with a direct (controlling) role. The **C-(R)** structure is possible only in the case that there are directly controlled organisations at the "regional" level as part of the sector. In such a case, the Ministry of Environment (sector) performs state administration through its own "de-localised" structure. Administration of large territories (National Parks) may be considered as such a "regional" structure. Customs administration is a similar structure, to which the Ministry of Environment delegates part of the state administration duties in the area of transborder movement of wastes. It is easier and more effective to manage these structures than to provide these activities on the regional basis: regions enjoy a considerable degree of independence and will more strongly protect regional interests.

It is regrettable that Ministry of Environment failed to create a similar structure when it was making its decision on the administration of the river basins (the Povodí, a.s. joint-stock companies). It will be very difficult at present to implement integrated protection of the river basins, because the draft Water Act puts the competence for establishing the "river basin administration companies" into the hands of the Ministry of Agriculture: this is a situation where the Ministry of Environment is in a very difficult position. It will be impossible to apply the **C-(R)** model if the Ministry of Environment does not possess the competences to establish the "river basin administration companies": to be able to carry out such administration duties, the Ministry of Environment should have an agency-type organisation based in the various parts of the territory and created, for example, through transformation of the Water Management Research Institute with branches in Brno and Ostrava. Another option is to use what has remained from the regional departments of the Ministry of Environment.

The EIA is a specific case, where the (C,R)-L might theoretically be preferred, i.e. a model with a maximum level of subsidiarity. However, considering the functionality issues, we believe that the EIA area should be managed at the regional level because the impact of structural projects usually goes beyond the boundaries of municipalities: this may also apply to transport load, to the discharge of waste waters, emissions to the air etc. For practical reasons, therefore, we recommend the (C)-R-L model.

The Ministry of Environment should see to it that the procedures are transparent and are performed in a standard way. It should also ensure that experts and administrators have a good methodical guidance and adequate skills (preparation of human resources). The question is whether transborder EIA of structures having ordinary dimensions should also respect this model: transfer of responsibility to a higher level (a central body) enhances the political weight of the transborder EIA, reflecting the ambitions of various regional politicians on both sides of the border. For IPPC an indivisible power to grant operating permits should remain at the regional level. The Ministry of environment should provide methodical guidance to the regions and should maintain the integrated register of (pollution) sources.

Air quality management is a relatively complex area. The recent legal provisions of the European Communities establish new duties at the national level (requirement to achieve compliance with immission limits throughout the territory within a specified period time and reach the national emission ceilings within a specified period of time; the same provisions also establish new alternative*) regulation mechanisms (plans of reduction of emissions at the level of individual emission source or at the national level).

As to the emission ceilings, it is probably unavoidable to determine the individual "regional emission quotas" (by the central body), the distribution of the quotas among the existing and/or future pollution sources being left under the competence of the regional bodies. Hence, the C-R type of model is involved here. The (C)-R model is suitable for ensuring nation-wide compliance with the emission limits: the only activities whose regulation is left ot the central level in this model are the activities exceeding the boundaries of the regions. In the area of application of alternative regulation tools it is possible to use either the C model (national plan of emission reduction) or the R model (plan of emission reduction at the source). All levels can be involved in smog regulation (depending on the extent of the problem).

For all models where major weight is borne by the regional and local levels, the Ministry of Environment must perform controlling activities, or act as an appellate body, either itself or through the Czech Environmental Inspection Board. Controlling activities and possibly also the gathering of information (reporting) and making the information public, must be delegated to specialised structures (information systems, Czech Environmental Inspection Board and others). They should be separated, as

*) *Alternative to nation-wide application of emission limits*

much as possible, from the execution of state administration in order to remove this burden from the officers who need to concentrate on good decision-making: the mentioned structures should serve as providers of services to these officers.

Analysis of the implementation plan[8] and the legislation being prepared[9]

The implementation plan contains interpretation of the individual articles of the Directives and the main ideas concerning the needs of public administration in respect of the implementation of the different Directives. In this respect, the quality of how the individual chapters and subchapter (Directives) were prepared varies, and certain faults and inconsistencies also exist in how the analysed draft legislation and the ideas contained in the implementation plan correspond with each other. We understand that results of discussions outside the Ministry of Environment are reflected in the drafts. However, if this is so the plans need to be updated because they also serve as a source of information to the Commission and the EU Member States.

We applied a uniform set of methods to the analysis of 48 Directives in the areas of the protection of the air and waters and the disposal of wastes (513 requirements on the whole), see Appendix. We also analysed in detail the main requirements of 15 Directives (4 air, 4 water, 7 wastes) and allocated an adequate model of administration structure to each of the requirements: in this way we wanted to estimate the distribution of the execution of state administration at the different levels (state, regional, local). The requirement for transposition occurs very frequently, which means that transposition involves a relatively large volume during the pre-accession period. Our estimate is that after accession the intensity of legislation work will shrink to 1/3. The table below shows a summary evaluation of the relative frequencies of use of the individual activity types.

[8] Implementation Plan for the Environment Area, Chapter 22, Ministry of Environment, Prague, June 2000.

[9] Discussion on the legislation being prepared is given in the Appendix.

Estimates of the various administrative activities

Types of activities	Frequency (%), before accession to EU	Frequency (%), after accession to EU
Transposition	24	9.5
Monitoring	17	20.5
Permit	16.5	20
Decision	15	18
Information	7	8.5
Inspection	6	7.5
International activities	5	6
Planning	4.5	5
Co-ordination	3	3
Regulation	2	2

The next table shows the relative frequencies of the application of the different administrative structures in activities referred to in the previous table. The estimate applies to the period after accession to the EU (reduced volume of transposition).

Estimated relative frequencies and levels of state administration

Structure[10]	Relative frequency (%)
C	28
C-R	30
C-R-L	6
R	8
R-L	25
L	3

It follows from the table that public administration at the local level will participate in measures to meet 36% of the stated EU requirements, to which state administration at the regional level will contribute 69% and at the central level 64%. The sum is in excess of 100% because two or three levels of state administration are involved in certain activities.

[10] To make things simpler, we do not draw difference between C-R a (C)-R etc..

It follows from the analysis of the 16 Directives on the protection of air and water and on waste management (which characteristically apply to the execution of state administration), that the Ministry of Environment will play, in particular, a transposing, co-ordinating, planning and monitoring roles. The practical execution of public administration should be delegated to the regional level where the authorising and regulation functions would be provided and where much of the monitoring and planning work is to be done.

The inspecting activities will be provided with advantage through the organisation structure of the Czech Environmental Inspection Board, independent of the regional level of public administration. Environmental services to the citizens should be provided at the municipal level (solid household waste disposal, separate collection of packages and certain wastes from citizens and small establishments, sewage treatment, drinking water, regulation of emissions from small and medium-size mobile sources). Municipalities (villages and towns) should take part in the planning process.

A new role for the Ministry of Environment

In all cases where the Ministry of Environment bears responsibility for the transposition and implementation of the respective requirements of EU legislation, the Ministry needs to maintain its essential co-ordinating, controlling and/or managing role, although the gravity centre of the execution of public administration is to be transferred to the Regions. It follows from the logic of the future development of the regional authorities that the Ministry of Environment should actively support the construction of those administrative structures which – based on the subsidiarity principle – will bear delegated responsibility for the implementation of specific articles of EU Directives, i.e. the R-L and C-R structures. Various problems may occur in this respect during the transient period of the diminishing importance of District Offices.

Where the integrated approach is to be applied to the maximum practicable extent, the Ministry of Environment must strengthen administrative structures such as the Protected Landscape Regions Administration Board and the Czech Environmental Inspection Board, or create a similar structure of integrated protection (administration) of river basins. It should be noted in this context that it will be a very challenging task to meet the requirements of the Framework Water Directive 2000/60/EC: not only a strong central co-ordination, but also strong regional presence will be needed.

The Framework Water Directive gives the environment sector an opportunity to strengthen integrated protection of basins as part of the protection of the landscape and nature. It is certainly possible to draw the line between water-management (technical) activities and the protection of aquatic ecosystems within the meaning of the Framework Water Directive. As the authors of this study believe, the ideal option would be to create a "small and strong" Ministry of Environment – a ministry playing its role in only those areas where the Ministry's involvement is irreplaceable

(particularly the conception-defining, co-ordinating and methodical work at the national level, legislative work, international relations) and also in areas which can be delegated to lower levels only at the cost of lower quality of the execution of the competences - i.e. a breach of the principle of integrated environmental protection. Any other activities should be delegated to lower levels of public administration.

It would also be very beneficial to strengthen the structure of professional and technical support to the execution of state/public administration in the environment sector mainly in the area of technological information with respect to the implementation of Directive 96/61/EC on IPPC (gathering, assessment and dissemination of information on the best available techniques (BAT).

6.1.6 Conclusions and Recommendations

What appears actually necessary is to complete the structure of administrative support to environment protection characterised by the following conclusions:

- co-operation between the central body, i.e. the Ministry of Environment, and the regional bodies, i.e. Regional Offices, represents the basis for the future structure;
- we further recommend to strengthen (build) to the maximum practicable extent the regional structures directly controlled by the Ministry of Environment (currently the Protected Landscape Regions Administration Board and the Czech Environmental Inspection Board); considerable shortcomings exist in the area of integrated protection of river basins (watersheds) (the Framework Water Directive), where the situation of the Ministry of Environment in respect of carrying out state administration is critical;
- the competences must be distributed so that the central body is left to exercise only the competences that cannot be supported at the local level;
- the competences of the regional bodies vis-à-vis the municipal bodies must be defined in a similar way;
- the division of competences between the individual administration levels must necessarily respect the environmental nature of the elements being regulated (the hydrological watersheds, protected nature territories, territories with increased degree of pollution/damage) which often differ from the delineation of the regions;
- the structure of state authorities must be based on the principle of integrated environment protection. The traditional "component-based" approach must be suppressed as strongly as possible (component integration within the Ministry of Environment);
- the authorisation processes according to the IPPC system and according to the individual component-based regulations must be concentrated at a

single point – particularly in the Regional Offices (this is the only way towards a maximum exploitation of the potential of the IPPC concept in securing the requirements arising from component-based regulations – the national emission ceilings, the nation-wide compliance with immission limits etc.);

- the activity of the inspecting body – the Czech Environmental Inspection Board – must be cleared of making decisions and issuing permits and must be strictly limited to controlling and inspecting work;
- the set of institutions providing technical support for the execution of state/public administration must be modified to meet the new requirements and must be complemented to comprise an institution providing support in the technological area (BAT);
- the activities of institutions providing technical support to the execution of state administration must be centrally co-ordinated from a single place (Ministry of Environment). The current practice where the individual institutions are controlled through the respective Departments is unsatisfactory for a number of reasons, and the same applies to the contents of their activities, which have not changed for decades;
- what should also be explored is the possibility of creating, on the basis of institutions currently existing under the Ministry of Environment, an integrated agency-type supporting institution;
- the information flows must be modified to meet the requirements of the legal provisions in the reporting area;
- participation of the public in preparing decisions relating to environmental matters must be exactly and clearly defined.

It follows from the comparison of the steps being proposed with the existing situation that the newly built Regional Offices (their Environmental Departments) are the highest priority. The Ministry of Environment should without any delay intervene in the process of creating and structuring these bodies and offer methodical support to the Regions, including the training of the officers in the Czech Republic and – with the assistance of international programmes – also abroad.

Taking all this into account, we recommend to strengthen the following activities relating to EU legislation:

1. **Formulation of policies, concepts, national plans and action plans** (levels: national (Czech Republic), basins of rivers, large protected landscape regions, industrial agglomerations, zones of worsened air quality); determination of target values where such values are not directly contained in EC legal provisions;
2. **Co-ordination of the decision-making processes** at the regional and local levels where a higher degree of integrated environmental protection is required; management of the implementation of the above-mentioned action plans;

3. **Integration of the EU legislation requirements in the sectoral policies** (inter-ministerial level, continuation of transposition activities within and outside the environmental legislation);
4. **Control and methodical guidance in respect of all decision-making processes** as arising from EU legislation;
5. **Standardisation activities**, implementation of quality management systems, environment management systems, standard operating procedures, data validation, support to certification and accreditation, taking-over the ISO and EN standards etc.;
6. **Management of statistical and information systems** (EU reporting),
7. **Analytical activities** (systematic assessment of the effectiveness of legislation measures and economic tools, preparation of forecasts, projections and scenarios, construction of support models of the "decision support system" type etc.).

6.1.7 Appendices

Analysis of selected Directives and new Czech legislation

Council Directive 96/61 EC on integrated pollution prevention and control (IPPC)

Incorporation of the requirements of the Directive in the legislation system of the Czech Republic is being prepared in the form of Act on integrated pollution control and prevention and on the integrated pollution register. The draft Act is at present in its full-wording stage and is to be discussed and commented on. The draft Act as formulated at present allows for certain specific comments on the proposed provisions relating to the links of the Directive's requirements to the institutional structure.

The method and adequacy of the proposed legislative solutions should best be analysed or considered, within this study, from the aspect of the three key principles (Integrated environment protection, the subsidiarity principle, and functionality of the state administration system) described in the general part of the study, and also from the aspects of the three levels of state administration (central, regional, local).

Integrated Environment Protection versus the subsidiarity principle

Centralised issuance of integrated permits by a single integrated authorisation body might be an extreme, though possible, solution that could be adopted by a State of the size of the Czech Republic. With the assumed number of about 1,700 (800?) installations and the length of the first stage of authorisation process of 4 years, it can be imagined that a well-prepared and well-equipped (in terms of the methods used and staff available) administration agency can manage that work very effectively. However, this would involve problems with communication and physical participation of the majority of the co-operating and involved administrative agencies: parties to the proceedings occur at the local and regional levels. The other extreme would be to transfer the integrated authorisation responsibilities to the lowest possible level – the municipality. The disadvantages of such a solution in terms of methodical and human resources background are obvious.

The selected option of authorisation at the level of regions is a compromise in terms of the subsidiarity principle because allocation to the level of the current Districts would certainly be more advantageous as to the effectiveness of the pertinent procedure and detailed knowledge of local conditions. However, such an option is irrelevant because the role of the current District Offices is gradually diminishing and the Offices are to be gradually removed.

Functionality of state administration

The main part of the contents of the Directive is the authorisation process, i.e. an administrative process bound with certain conditions. In compliance with the wording and meaning of the Directives as part of the environmental acquis, neither the institutional structure, nor the administrative procedures to secure the

performance of the duties of Member States in the implementation of Council Directive 96/61/EC on IPPC are prescribed by the Directive. The Directive addresses the Member State and uses the term "appropriate authority", which is "the authority or authorities or bodies responsible under the legal provisions of the Member States for carrying out the obligations arising from this Directive" (Articles 2 and 8.). The text also includes "instructions" relating to the nature of the authorisation procedure and/or administrative process. This is indicated, for example, in the text of the Preamble, where it is said in Point 14: "Whereas full co-ordination of the authorisation procedure and conditions between competent authorities will make it possible to achieve the highest practicable level of protection for the environment as a whole." Further detailed specification of this initial assumption is provided, for example, in Article 7 "Integrated approach to issuing permits" where it is written that "Member States shall take the measures necessary to ensure that the conditions of, and procedure for the grant of, the permit are fully co-ordinated where more than one competent authority is involved, in order to guarantee an effective integrated approach by all authorities competent to this procedure".

Hence, the Directive itself addresses the aspect of co-ordination in the authorisation procedure and leaves the remaining features of the functioning and functionality of the administrative procedure within the competence of each Member State.

The ideal situation may be with an institutional structure having a single point of carrying out the integrated authorisation (the Regional Office, for example) with methodical support by the Centre (the Ministry, a specialised institute) and with a corresponding level of on-going control and inspection (region, area). The central level would ensure the international functions (reporting – information and statistics, integrated pollution register, communication with the affected State when authorising an installation with a transborder impact). In such a case it might be possible to find an equilibrium between effective central decision-making with priority in respect of co-ordination and methodical support (providing a high level of integration of environmental protection) on the one hand and the requirement for a high level of subsidiarity on the other.

The functionality of such a structure depends on compatibility with the remaining structure of state administration. In our actual case, the newly formed regional level (while gradually removing the district structure) enables such a solution. Taking part of the number of entities (installations being authorised) away from the regional level may not always be a positive action because – given the size and shape of the territory of the state – the range of installations with impact on the neighbouring states may cover a number of installations which is difficult to estimate (it may range from local border-zone installations such as pig farms up to large installations located deep inside the territory (a chemical operation on a river flowing to another state, a nuclear power plant anywhere). The role of the centre in communication in respect of installations with cross-border impact is irreplaceable and special methodical support is desirable; nevertheless, arguments in favour of centralisation of this group of installations is not unequivocal.

Shown in the overview below is the current status of the proposal of the legislative and/or institutional solution in the area of integrated authorisation fromm the viewpoint of the types of administrative processes.

IPPC, issuance of integrated permit for the operation of installations, reflection of the IPPC Act

Basic administrative processes	Models of administrative structures
Authorisation, approving	(C)-R-L Permits issued by an integrated authorisation body – the Regional Office under delegated competence C-(R+L) Permits relating to installations with transborder impact issued by the Ministry of Environment
Decisions on conceptions	C – Responsibility of the Centre as appropriate body is non-transferable
Regulation	C – Preparing and proposing amendments to legislation, including implementing regulations and methodologies
Strategic planning	C – Co-operation of the Ministry of Industry and Trade. Part of the environmental, industrial and agricultural policy of the state. Continuity with partial policies and/or strategies
Co-ordination of compliance on national level	C - Uniform performance of the administrative procedure, methodical supervision (transfer of methodical support to a specialised institution)
Control and enforcement	1. (C)-R-L. Regular inspections/audits by the Regional Office and by the Czech Environmental Inspection Board – inspections 2. C – Regular inspections/audits in installations with transborder impact – inspections
Monitoring and assessment activities	C – Pollution register, statistics and reporting to public
Making information accessible to public	1. (C)-R-L – within the authorisation system (making public the application and the proposed permit/licence, and discussion/commenting thereon; oral proceedings) 2. C – within the authorisation system in the case of installations with transborder impact (making public the application and the proposed permit/licence, and discussion/commenting thereon; oral proceedings) The same in relation to another state in the case of installation with transborder impact

	3. C – integrated pollution register
International activities within the EU (EU)	C – Statistics and reporting to EU, participation in relevant EU activities and structures

Integrated authorisation should be highly transparent, clear and open to the parties concerned. From this point of view, the authorisation applicant should know from the very beginning which authorisation body is to authorise the applicant's installation and should only negotiate the matter with that body. Maximum attention will have to be paid to the preparation of state administration officers because flexibility within this Directive will be an outstanding tool in the hands of a well-informed and professionally well-prepared officer – on the other hand, if it is subject to a one-sided or dilettante approach it may have a disastrous impact on the major part of industrial and agricultural enterprises.

Another reason for preferred preparation of officers in the IPPC area is the fact that the majority of professionals in the state administration system are quite narrowly specialised, which is good for the "component-by-component" type of regulation but not for the needs of an integrated approach to the environment. The regulator, i.e. the officer who is to carry out the definitive selection and approval of the set of parameters, must be (apart from the cross-sectoral knowledge of all constituent parts of the environment) familiar with the areas of energy and of industrial and agricultural technologies, and must possess at least fundamentals of economic thinking.

The Framework Water Directive

The purpose of the Framework Water Directive (Directive 2000/60/EC establishing a framework for Community action in the field of water policy) is to ensure a high degree of surface and ground water protection in the Community on the basis of integrated protection principle. The integration principle applies to common protection of ground waters and surface waters within a territory delineated by the borders of the large natural basins (watersheds) and also to the integration of the water policy with other sectoral policies (industrial, transport, agricultural, health-care and others). The purpose of the Directive is not only to protect water sources but, in particular, to protect river basins as coherent ecosystems.

An effective and consistent water policy must take into account the vulnerability of water ecosystems, including those in the estuaries of large rivers and also including the protection of the ichthyofauna.

The Directive is focused on maintaining and improving a high water quality to ensure environmental quality and sufficient quantity of water as a basic raw material. The purpose is, in particular, to eliminate dangerous substances, particularly those which are able to accumulate in the aquatic environment (sediments, biota), or able to be spread along the food chains. Hence, quality monitoring comprises not only

monitoring of emission sources and selected substances in surface waters, but also biomonitoring.

The Directive therefore imposes on the Member States a whole range of duties that have an impact on the performance of public administration:

Article 3 imposes on the Member States the duty to co-ordinate administrative activities relating to the territories of large basins. A competent authority for these basins should be established by 22 December 2003.

According to Article 4, water-management plans must be ready for individual basins, comprising:

1. surface waters,
2. ground waters,
3. protected territories.

Member States must achieve compliance with the standards within 15 years. According to Article 13, the water management plans must cover the whole territory of the state. In cases of basins shared by two or more states, the plans must be prepared in co-operation with the other states concerned.

According to Article 5, Member States must ensure documentation for each basin. The documentation must characterise the state of the environment, people's activities and the economic aspects of the use of the water; in addition, according to Article 6 , the Member States must establish a register of protected territories of importance for water protection.

According to Article 7, the Member States must monitor the sources of water intended for the production of drinking water. A protective regime must be prepared for each source. According to Article 8, Member States must ensure the monitoring of surface waters and ground waters and the monitoring of protected territories.

According to Article 10, Member States must ensure that discharges of dangerous substances defined according to Article 2 should be subject to regulation based on BAT application, on emission limits and best practice, as defined in other Directives.

Article 11 requires that a plan of measures must be prepared for the individual large basins, comprising both basic and additional measures. The basic measures are defined in Article 11.3. The plans must be prepared within 9 years of the entry of the Directive in force, and must be reviewed on a regular basis.

Article 12 establishes international co-operation in solving transborder issues and, as required by Article 15, Member States must send copies of the water management plans and their updates (reviewed versions) to the Commission and to the other Member States three months after making them public. Further, they should prepare implementation reports and make them available to others.

Article 24 imposes on the Member States the duty to transpose the Framework Directive by 22 December 2003.

The integrated protection principle versus the subsidiarity principle

It is evident that this Directive, which integrates almost twenty other Directives in force in the area of surface and ground water protection, provides a high level of integrated protection. In addition, it introduces the BAT principle in the water-related legislation.

The Czech Republic includes three major watersheds (basins) (the Elbe, Oder and Morava) whose waters flow to neighbouring states. As a result, accession to the EU will probably lead to a considerable restriction of state sovereignty in this area. The most problematic situations may develop in the Oder Valley whose major part is located in Poland. The surface waters in this area are highly polluted by waste waters from the Ostrava agglomeration. It is quite possible that there will be a single plan for the whole basin and that the Czech Republic will have played only a marginal role in its preparation. Similar situations may arise in the Elbe Valley where strong political pressures from Germany may be involved (Bílina).

Taking all this into consideration, we think that the subsidiarity principle is the least applicable in the area of surface water protection. It follows from this that the authorities responsible for the management of basins in the Czech territory must have a strong co-ordinating role not only at the national level. Preparation of and discussion on the plans will be an international, rather than national activity, where interests of persons and entities "on both sides of the border" will be mutually confronted.

Principle of administration functionality

The framework water Directive strengthens the role of the Ministry of Environment in the area of surface and ground waters through strong application of the principle integrated protection. It removes the traditional "water management" approach which was very inconsiderately used until the end of the 1980s. The idea that competences in the water protection area can be maintained by economically strong interest groups which dominated this area in the past decades is not very realistic. It can be seen from the Directive that the integrated protection of river ecosystems stands above any particular interests (transport, energy, agriculture, waste disposal etc.).

In the draft water Act, the management and planning function in water management is mainly the responsibility of the Ministry of Agriculture[11]. This draft will

[11] According to Act No. 305/2000 on river basins, the function of the founder of River Valley Administration Boards pertains, on behalf of the state, to the Ministry of Agriculture. Section 2 defines who should be the members of the Supervisory Board. The Supervisory Board of each River Valley Administration Board has 6 members, including 4 who represent the Ministry of Agriculture, Ministry of Environment, Ministry of Transport and Communications and the Ministry for Regional Development and who are appointed and removed by the founder; the

lead to further conflicts and to breaches of the principle of integrated protection of the basin as a whole. It is characteristic that the draft entirely ignores the Framework Water Directive and even fails to refer to it in the explanatory memorandum. We recommend that the Ministry of Agriculture should apply its competence in the area of integrated protection of the environment, as the hydrosphere is an integral part of the environment. Management of the basin as the practical execution of state administration in the landscape cannot be separated from the protection of the environment without affecting the basic principle of the integrated approach.

We recommend, in the foreseeable future, to establish river valley administration boards directly reporting to the Ministry of Environment, following the model of the administration of protected landscape regions. Delegation of a number of competences to regions (water management decision, operating IPPC permits, permits to use ground waters) must be complemented by strengthened inspection work (the Czech Environmental Inspection Board) and by the co-ordinating role of the Ministry of Environment in compiling water management plans. Further, we recommend to transform the Water Management Research Institute, step by step, into a modern agency-type institution which will maintain the relevant databases (Articles 5 and 6). The operation of these databases, whose contents are specified by the Annexes to the Framework Directive, will be very challenging, including the need for maintaining a high quality of monitoring (QA/QC).

We recommend, therefore, that a medium-term (2001 – 2015) strategy of water protection in the Czech Republic should be prepared, based on the Framework Directive and that it should be subject to public discussion. The draft Act on Waters needs to be prepared in a similar way (the various versions of the draft reflected the Framework Water Directive only marginally).

Council Directive No. 85/337/EEC for assessing the environmental impact of public and private projects (EIA), complemented by Directive No. 97/11/EC.

Act No. 244/92 in force, on the assessment of environmental impacts, does not meet all the requirements stipulated in Council Directive No. 85/337/EEC on the assessment of the environmental impacts of certain public and private projects, as amended in Directive No. 97/11/EC. This is mainly due to the absence of the basic phases of the EIA process and to the position assigned to certain parties (especially the public) involved in the assessment process.

The above Act also fails to meet the conditions arising from the ECE Convention on assessment of transborder environmental impacts (the Espoo Convention) and the requirements of the Convention on access to information, public participation in decision making and access to legal protection in environmental matters (the Aarhus Convention). Both these conventions which were signed by the Czech

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remaining two members are elected and removed by employees of the River Valley Administration Board.

Republic (but not yet ratified) regulate selected parts of the EIA procedure (transborder effects, participation of the public in decision making, respectively).

Only the draft Directive COM(99)73 has as yet been adopted in the area of assessing the environmental impact of certain plans and programmes (the so-called strategic EIA, SEA).

Inclusion of the requirements of the above regulations in the legislation of the Czech Republic is being prepared through a new Act on assessment of environmental impacts which has already been passed by the Chamber of Deputies of the Parliament of the Czech Republic. However, the Senate returned it with comments to the Chamber of Deputies to make a new decision. Considering this situation, it is impossible at present to clearly comment on the provisions concerning, for example, the links of the requirements of the Directives to the institutional structure (the points that rise doubt include, among others, the issue of the degree of competence of the government of the Czech Republic with exclusion of objectives from the procedure of assessment of environmental impacts).

The method and adequacy of the proposed legislative solutions can be assessed from the viewpoint of the three principles (Integrated environment protection. Subsidiarity principle, Functionality of state administration) described in the general part of the study.

Integrated environment protection

The EIA procedure is based on the principle of integrated environment protection. The two versions of the new Act do not differ in respecting this principle. It is possible in this context to consider strengthening the degree of integration through the inclusion of plans and programmes in the assessment process (See draft Directive COM(99)73).

The subsidiarity principle

According to the new draft Act, the competent authority is the Ministry or the regional authority (with delegated competence). From the viewpoint of the subsidiarity principle, the chosen procedure is a compromise, as it allows to bring the "decision making activities" closer to the point of action of environmental impacts; on the other hand, it involves the possibility to guide the assessment of the objectives so that the central level can exert a greater influence.

Functionality of state administration

The output from the process of environmental impact assessment is the opinion issued by the competent authority. Such an opinion provides a technical basis for issuing a decision or for taking measures according to special regulations. Assessment of the functionality of state administration is thus delegated to the level of the use of the opinion in preparing decisions under administrative or other proceedings. The table below shows the requirements of the Directive and the respective administrative structures.

Analysis of EIA Requirements

Requirement	Activity/ Instrument	Administrative structure
Issue opinion of competent authorities as to the information provided by the designer and the application for approval of construction project	Stance	R-L
Publish data and information concerning the application for approval of construction project and decision of the competent authority to grant or deny the planning and building permit	Information	R-L
In the case of transborder impacts: duty to inform neighbouring states	Information	C-R
Take into account the results of assessment in the building permit procedure	Permit	R-L

Directives in the air protection area

Directives relating to air protection can be divided into three areas:

- the immission area (framework Directive on air and filial & related Directives)
- the emission area (waste incineration plants, large incineration installations, volatile organic substances involved in the use of solvents, national emission ceilings)
- the product properties regulation area (sulphur in liquid fuels, emission from motor vehicles, petrol documentation and distribution)

An enumeration of these Directives is given in the Appendix hereto.

The framework Directive on air and filial & related Directives

Air quality management is currently regulated by framework Directive 96/62/EC on air protection and its filial Directives.

The previous generation of Directives regulating air quality management (80/779/EEC, 82/884/EEC, 85/203/EEC) was practically removed and replaced by the new Directives, except for several provisions left in effect for a limited period in order to ensure transition to the new system of treatment.

The mentioned package of regulations specifies the following duties of the administration office:

- assess air quality in the whole territory of the state with respect to the immission limits
- ensure nation-wide monitoring of the changes in air quality, using the defined procedures gradated according to the actual current pollution levels
- delineate the zones with worsened air quality and areas with a high population concentrations (agglomerations)
- prepare and implement plans to improve air quality in the zones and agglomerations with a view to achieve nation-wide compliance with the limits within the defined periods of time
- implement measures to maintain a good air quality where it has already been achieved
- prepare a package of measures to be applied in cases where the specially defined immission limits are exceeded (similar to the smog warning and regulation systems)
- inform the public on actual current air quality and measures taken to improve it
- provide information to the European Commission.

As follows from the duties mentioned above, the Ministry of Environment as the central body and the Czech Weather Institute as its supporting institution have a relatively strong role. The only areas where lower-level administrative bodies may also have a say in (as far as these duties are concerned) are the preparation and implementation of plans to improve air quality in cases where the zones and agglomerations remain within the territory of one region, and also the preparation and implementation of packages of measures to be taken if special immission limits are exceeded.

This group of Directives imposes on the Member States to achieve within the prescribed periods of time the specified levels of immission limits; the Directives do not specify any actual tools to achieve this objective (plans to improve water quality are formulated just in general terms). It is clear, therefore, that implementation – including institutional background – can only be judged within the context of the emission Directives, including Directive 96/61/EC k IPPC.

Emission Directives

Regulation of emissions from selected air pollution sources is set out in the basic Directives shown in the Appendix. Directive 96/61/EC on IPPC can also be considered as an emission Directive. The situation will be much simplified in the coming period, as Directives 89/369/EEC, 89/429/EEC and 94/67/EC will be removed and fully replaced by Directive 76/2000/EC (2005), and Directive 84/360/EEC will be supplanted by Directive 96/61/EC (2007). Draft Directive on the national emission ceilings and draft Directive on reduction of the emissions of certain pollutants to the air from large incineration installations are in an advanced stage of preparations.

The authorisation procedure in respect of the individual sets of equipment – air pollution sources – provides a basis for regulation according to the Directives. The procedure comprises compliance with the defined emission limits and the meeting

of other technical requirements (operating conditions, emission measurement). Performance of this regulation should be secured on the regional or local level. Ancillary requirements in the areas of reporting, measuring methods standardisation, and international discussion should be addressed at the central level.

Regulations relating to reduction of emissions from large incineration installations are an exception: they determine the national emission ceilings for defined categories of equipment (equipment for which an original planning and building permit was issued before 1 July 1987) which still lack emission limits; these regulations also require preparation and implementation of national plans of reduction of emissions from equipment in this category. Preparation and implementation of the national programme of reduction of emissions of volatile organic substances from the use of organic solvents are also provided for by Directive 1999/13/EC as alternative to nation-wide application of emission limits.

The national emission ceilings, related to all the existing or future sources, are the subject of the new Directive on national emission ceilings (Common Position 51/2000), which, in addition, requires preparation of national emission reduction programmes, national emission stock-taking and national emission projections. The national plans, emission stock-taking exercises and emission projections must of course be provided on the central level.

It can be seen from the above characteristics of the two main groups of Directives in the air protection area that the basis for institutional background is provided along the axis of the central authority – Regional Offices, possibly complemented by a supporting institution specialising in information gathering, assessment and processing.

A certain institutional structure was already built in the Czech Republic in the 1990s but it is affected by certain shortcomings (mainly relating to competence in the authorisation area) and of course cannot respond to the new administration system (introduction of the regional level of public administration). The newly proposed draft act on the protection of the air, the ozone layer and the climatic system of the Earth removes these shortcomings and provides a functioning structure of institutional background, based on the following four main elements:

- Ministry of Environment (central level)
- Regional Offices (regional level)
- Municipalities (Local level)
- Czech Environmental Inspection Board (independent inspection body)

Execution of state/public administration in the air protection area is necessarily related with the execution of state/public administration in the area of integrated pollution prevention and control (IPPC). It clearly follows from the analysis of the requirements of the new EC legal provisions that the possibility to establish – within the integrated permit – specific individual limits and/or propose other technical

requirements will in practice be the main, if not the sole, instrument for achieving national emission ceilings or for securing nation-wide compliance with immission limits (it is easy to imagine a situation where, although all pollution sources meet the emission limits set out in the component-Directives, the immission limits or the emission sum exceed the level of the emission ceiling).

For the above reason it is highly desirable that responsibility for decision-making in the IPPC area should be entrusted to same authority which is responsible for the above-mentioned requirements in the air-protection area.

Basic Directive on Waste Handling

Directive 75/442/EEC on wastes (framework Directive)

Directive 75/442/EEC on wastes imposes a number of duties and obligations on the Member States, relating to the execution of state/public administration at all the three levels (central, regional, local). The framework Directive on wastes (Council Directive 75/442/EEC) does not speak in specific terms in this respect – and the same is true of the acquis in general. In this context, it addresses the Member states as follows:

- Article 3: The Member States shall take measures to support reduction of the production of wastes and to support recycling and use for energy generation. For the central level, this Article defines the duty to issue laws and do the planning.
- Article 4: The Member States shall take measures to prevent threat to human health and threat of damage to environment during the handling and disposal of wastes. Illegal dumps must be eliminated. This implies the duty to prepare the legislation on the central level and duties imposed – transferred – to the citizens, municipalities and enterprises.
- Article No. 5 of the framework Directive includes the requirement for c**o-operation** between the Member States in the area of waste handling technologies and equipment.
- Article 6: A competent authority will be established to be responsible for implementation.
- Article 7: This authority should prepare a national plan for waste handling and disposal.
- Article 8: The Member States should ensure that any waste holder should have access to services (removal, safe disposal). Any holder that provides the disposal by itself must do so in compliance with this Directive. This duty is transferred to the lower levels of regions, municipalities and industrial waste originators.
- Article 9: Any persons handling waste in accordance with Annex IIA must have an operating permit. The content of the permit is laid down.
- Article 12: Those who provide services (collection, disposal) must be registered (regional registers and one central register; for registration of permits – see Article 9), Article 13, duty to perform periodic inspection of entities referred to in Article 9-12,

- Article 15: Duty to introduce fees so as to implement the "polluter pays" principle. This requirement can be met at all the three levels of state administration.
- Article 16: Duty to send reports to the Commission in 3-year intervals. This must be provided on the central level. However, it involves data flow from the originators of the wastes, the local level (municipalities) through regions up to the central database.

The government's draft Act on wastes applies to wastes in general and dangerous wastes in particular. It also includes legislative requirements for handling selected wastes such as, for example, polychlorinated biphenyls and terphenyls, waste oils etc. The draft Act contains the basic requirements concerning the handling of wastes in general and also the handling of selected wastes; technical requirements and further details will be determined through related decrees.

The new Act on wastes gives a general answer to the question on how to meet the requirements relating to the execution of state/public administration in the area of waste handling and disposal. These activities, requiring co-ordination (legislation and planning activities, reporting) are fully defined. Performance of the duty to maintain and deliver data and information is secured.

Issuance of operating permits and the inspecting activities are delegated to the regional level. It is assumed that these activities will be methodically guided from the central level. Of course, these duties of the state administration need not be set out in legislation.

The Act lacks linkage to the IPPC, although part of the dumps and incineration plants is to belong in this category, thus implying the need for integrated protection, which is especially necessary for installations whose capacity and character are indicated in Directive No. 96/61/EC. The subsidiarity principle is applied in an appropriate way: the Ministry of Environment (the central level) will focus in this context on activities relating to conceptions and to co-ordination efforts. Authorisation and control are decentralised. Subsidiarity is also involved in the use of local fees which will become part of the income of municipalities. As mentioned, the draft Act also covers a whole range of Directives relating to the handling of specific categories of wastes (oils, PCBs, batteries etc.).

The EU requirement in respect of the identification and recording of any dump is met at the central level – by the Ministry of Environment which prepares and maintains summarising records of the types, quantities and handling of wastes. Information for preparing and maintaining these records is provided by District Offices which also maintain and process records on wastes and the methods of the handling thereof. Regions, in turn, maintain records of selected permits for operation of waste handling installations.

The EU requirement in respect of the measures to prevent mixing dangerous wastes and separation of dangerous components is met through the requirement in the draft Act on separated storage of wastes. Wastes that have dangerous properties are on the list of the Ministry of Environment. However, if an authorised person finds that a specific type of waste does not posses any dangerous property, then it is

possible to apply for exclusion of dangerous properties. Information on the exclusion of the dangerous properties of waste is submitted to the Czech Environmental Inspection Board and the appropriate District Office.

These authorities may also suspend the validity of the authorisation. In addition, it is within the powers of the district office to submit proposals for waste classification where it is impossible to establish a clear classification on the basis of the Wastes Catalogue. Again, the decision-making power pertains to the Ministry. The District Office and the Czech Environmental Inspection Board therefore have a controlling function in respect of dangerous wastes – they check whether the authorised persons respect the appropriate method of evaluation of the dangerous properties of wastes. The Czech Environmental Inspection Board and the District Offices have the power to withdraw the authorisation for assessment of dangerous properties of wastes. The Ministry of Environment also has such a power; however, the draft Act does not say clearly if such a withdrawal is to be effected on the basis of an inducement by controlling/inspecting authorities.

Determination of Optimum Administrative Structures

Framework Council Directive 96/62/ EC on air quality assessment and management and the related Directives 99/30/EC and 92/72/EEC

Requirement	Activity/ instrument	Administrative structure
Assess air quality from the viewpoint of air pollution, as compared with the defined immission limits	Monitor	C,R,L
Develop measuring installations and other methods of evaluation (methods, instruments, network of measurement points, laboratories)	Co-ordination	C
Secure and maintain measurement quality and the control thereof, including internal quality assurance in compliance with and support by European quality standards (among other regulations)	Co-ordination	C
Analyse the methods of assessment	Monitor	C
Co-ordinate the control of how air quality is secured and maintained on the basis of EU rules and expand the Commission-organised programmes in the Czech Republic	Co-ordination	C
Keep the public informed	Information	C,R,L
Adopt limit values for sulphur dioxide, nitrogen dioxide and NOx, SPM, PM10, ozone, lead and (according to the proposed Directive) also benzene and carbon monoxide.	Transposition	C
Lay down the methods of air quality assessment – adopt immission limits, warning (special) immission limits, target limits for ozone – define the measurement criteria and techniques, as used to implement the Directive, including the sampling sites	Transposition	C
Provide preliminary air quality assessment for specifying the zones	Monitor	R,L
Define the worsened-air-quality regions	Decision	C-R

Prepare action plans (smog and regulation systems)	Plan, Regulation	R-L,R
Prepare programmes for air quality improvement at the national, regional and local levels	Plan	C-R-(L)

Council Directive 1999/13/EC on restriction of emissions of volatile organic compounds (VOC) produced where organic solvents are used in certain activities and in certain installations

Requirement	Activity/ instrument	Administrative structure
Obligations in respect of new and existing equipment and installations and processes to which this Directive applies, relating to the permit or registration or gaining permit for operation, and the dates of meeting these obligations (Articles No. 3 and 4, Annex IIB)	Transposition	C
Requirements for determination of immission limits or for preparing plans for reduction of VOC emissions (Article No. 5, Annexes IIA, IIB)	Transposition	C
Requirements for installations and activities in the specified sectors of the economy in respect of the technical and organisation measures to reduce VOC emissions, and the dates of application (Article No. 5 and Annex I)	Transposition	C
Requirements for compliance with emission limits and preparation of balance plans of solvents management (Articles 5, 8 and 9, Annexes IIA, IIB, III)	Transposition	C
Compliance with the requirements of Directive and the respective sanctions (Articles 10 and 14)	Inspection	R-L

Council Directive 89/369/EEC on prevention of air pollution by pollutants from new municipal waste incineration plants and Council Directive 89/429/EEC on the reduction of air pollution by emissions from existing municipal waste incineration plants

Requirement	Activity/ instrument	Administrative structure

Implement a system for issuing licences. The system should, among other things, include determination of emission limits, operating conditions and requirements for emission measurement.	Transposition	C
Implement controls on incineration plants in respect of ensuring compliance with the licence conditions. Oblige the operators to report any extraordinary conditions of operation to the appropriate authority and specify the situation where the authority should be informed and the requirements to be met by the operator before resumption of operation.	Transposition, Regulation	C, C-R
Ensure registration of incineration plants in respect of their rated capacity and determine – as far as necessary – emission limits for pollutants other than those indicated in the Directive.	Transposition, Decision	C, C-R
Prepare a plan of modernisation of removal of existing incineration plants. Ensure that adequate incineration plant capacity is in place as at the date of implementation of the Directive. Decide whether any concessions are to be granted to support the burning of fuels produced from waste.	Plan, Decision	C-R, R
Establish data reporting and recording systems securing data gathering.	Co-ordination, Monitor	C-R, C-R

Council Directive 94/67/EC on incineration of dangerous waste, Commission Decision 97/283/EC on harmonisation of methods for measurement of the weight concentrations of dioxins and furans in emissions according to Art. 7 (2) of Directive 94/67/EC

Requirement	**Activity/ instrument**	**Administrative structure**
Issue permits and inspect dangerous waste incineration plants, including prevention of acceptance of dangerous waste in inadequate installations.	Permit, Inspection	(C)-R-L, R-L
Determine requirements for technical and operating conditions and the values of emission limits for dangerous waste incineration plants.	Transposition	C
Introduce supervision (including permits) over the co-incineration of dangerous wastes in	Permit, Inspection	(C)-R-L, R-L

installations not primarily intended for dangerous waste incineration		
Controls on the discharge of effluents, handling of wastes and recovery of heat.	Inspection, Monitor	R-L, C-R
Establish a system to monitor and inspect dangerous waste incineration and ensure that they comply with the permits issued.	Inspection, Monitor	R-L, C-R
Determine the rules for action in the cases of non-compliance, including periods to the necessary decommissioning during which the emission limits need not be met in cases of accidents and defects in the equipment serving for treatment or in the measuring instruments.	Transposition, Regulation	C, C-R
Prepare a plan of modernisation of the existing incineration plants and construction of new ones. Ensure that adequate incineration capacity is in place as at the date of implementation of the Directive.	Plan	C-R
Establish a public register of information on dangerous waste incineration.	Monitor, Information	C-R, C

Council Directive 75/442/EEC on wastes and Council Directive 91/156/EEC complementing Council Directive 75/442/EEC

Requirement	**Activity/ instrument**	**Administrative structure**
Prepare waste management plans	Plan	C-R-L
Support prevention or restriction of waste production and the reduction of the hazard they involve. Support the use of waste through recycling, reuse, or use as a source of energy	Transposition	C
Take measures to dispose of or use waste without hazards to human health and environment	Transposition	C
Take measures to build a unified and adequate network of installations for waste disposal	Plan	C-R-L
Apply the "polluter pays" principle so that the cost of the disposal of wastes should be paid by those who hold the waste or the owners of the product from which the waste originates	Transposition	C
Ensure that the waste owner disposes of the waste by itself or through enterprises performing activities according to Annexes II. A or B, which hold the required permits issued by the	Permit, Inspection	R-L, R-L

appropriate authority (Art.8, 9, 10).		
Ensure regular inspections in enterprises performing the mentioned activities (Art.13).	Inspection	R-L
Ensure registration of the enterprises and installations involved in waste collection, transport and recycling on a commercial basis, unless a permit (licence) is required for such activities (Art.11).	Monitor	(C)-R-L
Duty to maintain records of the quantities, character and origin of wastes and the treatment and conditioning thereof, and to provide such information to the appropriate authorities.	Transposition, Monitor	C, C-R

Council Directive 75/442/EEC on dangerous waste

Requirement	**Activity/ instrument**	**Administrative structure**
Identify and register the places where dangerous wastes are handled. Ban mixing dangerous waste with other wastes.	Monitor, Inspection	C-R, (C)-R
Duty to maintain and archive documentation on dangerous waste handling	Inspection	(C)-R
Duty to properly mark and pack dangerous waste during transport and to comply with international standards	Inspection	(C)-R
Duty to prepare plans for dangerous waste handling and to make them public	Plan, Information	C-R, C
Submit report to the Commission	Information	C

Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and terphenyls (PCB/PCT)

Requirement	Activity/ instrument	Administrative structure
Ensure that equipment items containing more than 5 dm^3 PCB each are counted and recorded. Send the over-all summary of the stock-taking to the Commission (Art.4).	Transposition, Plan	C, C-R
Take measures to ensure that used PCB and the equipment subject to the stock-taking are brought, as soon as possible, to enterprises bearing a licence for decontamination or disposal (Art.6).	Transposition, Permit	C, R
Take measures needed for used PCBs to be disposed of and for PCB-containing equipment to be decontaminated or disposed of by the end of 2010 (Art. 3).	Transposition, Inspection	C, R
Take measures for decontamination of transformers containing more than 0.05% PCB (by weight) and transformers whose dielectric liquids contain 0.05 to 0.005% PCB by weight) (Art.9).	Transposition, Inspection	C, R
Ensure that PCB separation from other substances for PCB re-use is banned. Ban PCB replenishment in transformers (Art.5).	Inspection	R-L
Ensure that the companies involved in the decontamination or safe disposal of PCB or PCB-containing equipment are given the appropriate permits (Art.8).	Permit	C-R
Determine reference methods for PCB determination (Art.10)	Co-ordination	C
Label PCB-containing equipment, including the doors to the premises where such equipment is located	Transposition, Inspection	C, R-L
Maintain records of such equipment.	Monitor	C-R
Prepare plans for the decontamination and/or disposal of the equipment on record and of the PCB contained therein, and	Transposition	C

Prepare instructions for the collection and subsequent disposal of the equipment outside the records.	Co-ordination	C-R

Council Directive 86/278/EEC on the protection of environment, particularly the soil, where sludge from sewage treatment plants are used in farming

Requirement	**Activity/ instrument**	**Administrative structure**
Determine heavy metal concentrations in the soil to which sludge is applied, heavy metal concentration in the sludge and the maximum quantity of such heavy metals that may be applied with sludge to the soil – according to Annexes IA, IIB, IC to the Directive (Art. 4 of the Directive)	Transposition, Monitor	C, C-R
Ban the use of sludge in certain conditions and circumstances	Transposition	C
Record and gather data for the competent authorities of public administration (Art. 10 of the Directive)	Monitor, Information	C-R,R,L
Provide sludge recipients with information on the composition of the sludge (Art. 6 and 11 and Annex IIA of the Directive)	Transposition	C
Perform analyses of the sludge, the soil to which the sludge is applied (Annexes IIA and IIB), unification of sampling procedures, adjustment and analyses of sludge and soils in accordance with Annex IIC to the Directive (Art. 9 of the Directive)	Co-ordination, Transposition	C, C
Reduce the contents of pathogenic micro-organisms	Transposition, Monitor	C, C-R

European Parliament and Council Directive 91/157/EEC on batteries and accumulators containing specific dangerous materials – complemented by Directives 93/86/EEC a 98/101/EEC, implementing the achieved technical progress

Requirement	Activity/ instrument	Administrative structure
Prepare programmes focused on reducing heavy metal levels in batteries and accumulators and on investigation of the methods of recycling and separated disposal. (Art. 6)	Plan	C-R
Ensure the organisation of separated collection and/or, where appropriate, consider the use of deposits on returnable packages or any other economic tools to support recycling (Art. 7)	Transposition, Co-ordination	C, C
Ban the sale of alkaline-manganese batteries containing an above-limit amount of mercury (Art.3)	Transposition, Inspection	C, R-L
Develop a system of separate collection of batteries and accumulators to use them or dispose of them (Art. 4 and 7)	Transposition, Co-ordination	C, C
Ensure that batteries and accumulators are labelled in compliance with the 93/86/EEC Directive (Art. 4 and Art. 2,3,4,5 of Directive 93/86/EEC)	Transposition	C
Ensure that used batteries are easy to remove from certain instruments (Art. 5 and Annex II)	Transposition, Monitor	C, C-R
Consult on proposals to ensure collection or a deposit system or other economic tools to support the use or disposal of batteries (Art.7)	Consultation	C-R-L
Inform consumers about batteries and accumulators	Information	C

European Parliament and Council Directive 94/62/EC on packages and package wastes

Requirement	Activity/ instrument	Administrative structure
Develop systems for the retrieval of used packages and collection of package waste. Ensure that these systems are available to businesses	Co-ordination	C-R
Support the use of materials obtained through package waste recycling (Art. 6)	Transposition	C
Apply economic tools in the implementation efforts (Art. 15)	Transposition	C
Create databases of information on packages and package wastes	Monitor, Information	C-R-L, C
Insert a chapter on package management in the waste management conceptions and/or plans	Plan	C-R-L
Ensure that no packages that fail to meet the basic requirements are allowed to enter the market	Transposition	C
Ensure the marking (labelling) of packages	Transposition	C
Restrict the contents of heavy metals in packages	Transposition	C
Ensure non-existence of any obstacles to the launching to the market of packages meeting the requirements of Directive (Art. 18).	Transposition	C
Require information from any and all business entities involved in package handling	Transposition, Monitor	C, C-R
Launch an information campaign for the public and for enterprises	Information	C

Implementation Plan for Council Directive 99/31/EC on waste dumps

Requirement	Activity/ instrument	Administrative structure
Develop and implement a national strategy for reduction of the quantity of bio-degradable municipal waste deposited on dumps	Plan	C-R-L
Classify dumps by category of waste dumped	Transposition, Monitor	C, C-R
Prepare a plan of adjustment of existing dumps. Decide whether to continue their operation and define the closing procedures	Plan	C-R-L
Ensure that dumps are located, build and operated in compliance with standards	Permit	R-L
Ensure that specific types of waste are not accepted for dumping and that the accepted wastes comply with the defined criteria	Transposition, Inspection	C, R-L
Define the minimum range of details to be contained in the permit for operation of dumps and ensure that the permit is issued only against compliance with the required conditions	Transposition, Permit	R-L
Require that the dump operator at least once a year reports the types and quantities of the dumped waste. Make such information available to the appropriate authorities	Transposition, Monitor	C, C-R
Ensure that the minimum price for disposal of waste on the dump comprises the costs relating to the operation and future closing of the dump	Transposition	C
Ensure that the dump operator is responsible for the care of the dump for a defined period of time after termination of the dump's operation	Transposition	C

Implementation plan for Council Directive 91/271/EEC on municipal sewage treatment

Requirement	Activity/ instrument	Administrative structure
Decide whether to delineate actual sensitive areas or whether the whole Czech Republic is to be considered as a sensitive area (Art. 5.8)	Decision	C
Ensure that all agglomerations with a population equivalent above 2,000 inhabitants are equipped with a sewage water collecting system (Art. 3).	Transposition	C
Ensure that municipal sewage waters from agglomerations with a population equivalent above 2,000 inhabitants collected in the sewage systems are subjected to secondary treatment (or equivalent treatment) before discharge (Art. 4).	Transposition	C
Define sensitive areas according to criteria in Annex II (Art. 5).	Decision	C-R
Ensure that waters discharged to sensitive areas meet the nitrogen and phosphorus limits (Annex I, tab. 2) for sewage treatment plants above 10.000 EO.	Transposition, Monitor	C, C-R
Ensure that municipal sewage waters from agglomerations with a population equivalent below 2,000 inhabitants collected in the sewage systems are subjected to adequate treatment before discharge (Art. 7).	Transposition, Monitor	C, C-R
Ensure that municipal sewage treatment plants are designed, built, operated and maintained in a manner guaranteeing sufficient performance under normal local climatic conditions (Art. 10).	Transposition, Permit	C, R
Ensure that the discharge of industrial effluents to sewage collection systems and municipal sewage treatment plants (Art. 11), discharge of waste waters from municipal sewage treatment plants (Art. 12) and dumping of sludge from the municipal sewage treatment plants are subjected to a prior regulation or permit issued by a competent body.	Permit	R-L

Ensure that the effluents from specified industrial production processes, when discharged to a recipient water body, comply with conditions defined beforehand (Art. 13).	Permit	R-L
Ensure the monitoring of the discharged waste waters, the respective recipient water bodies, and method of disposal of sludge from such treatment systems (č. 14 a 15).	Monitor, Permit	C-R, R

Council Directive 91/676/EEC on water pollution by nitrates from agricultural sources

Requirement	**Activity/ instrument**	**Administrative structure**
Identify waters polluted by or exposed to nitrates from agricultural sources, developing a regular monitoring programme (Art.3 a 5)	Monitor	C-R
Decide whether to delineate actual vulnerable areas and whether to apply the mandatory measures, contained in the action programmes, throughout the territory of the Czech Republic ČR (Art.3)	Decision	C-R
Delineate vulnerable areas (Art. 3 a 6, Annex I I)	Decision	C
Develop and publish the principles of good farming practice (Art. 4, Annex II)	Information	C
Develop, implement and enforce action programmes (Art. 5, Annex III)	Plan	C-R

Council Directive 76/464/EEC on pollution by dangerous substances discharged to the water environment in the Community and directives derived therefrom

Requirement	Activity/ instrument	Administrative structure
Identify and record pollution sources, polluted water bodies and monitoring of certain substances on List I and List II:	Monitor	R-L
Identify pollution sources, discharges a polluted water bodies (Art. 11 of Council Dir. 76/464),	Monitor	R-L
Introduce comprehensive monitoring, including transborder co-operation (Art. 6(3) and annexes to filial directives),	Co-ordination, Monitor	C-R, C-R
Introduce central recording of sources, discharges (Art. 11 of Council Dir. 76/464), permits, creating data bases and maintenance of registers, submission of information required by EC through regular reports (Art. 13 of Council Dir. 76/464).	Co-ordination, Information	C-R, C
Take legislation and administration measures to eliminate surface water pollution with substances on List I an reduce pollution with substances on List II (Art. 2 and Annex to Council Dir. 76/464):	Transposition	C
Determine at the national level the emission standards and identify quality targets for the discharge of substances on List I to surface waters and sewage systems (Art. 3 of Council Dir. 76/464 and annexes to filial directives),	Transposition	C
Subject the discharge into surface waters (substances on Lists I and II) and sewage systems (substances on List I) to time-limited restrictions, including prescribed requirements (admissible values, duty to measure and submit data etc.) (Art. 3, 5, 6 and 7 of Council Dir. 76/464 and annexes to filial directives),	Permit	(C)-R
Introduce effective mechanisms to control compliance with the conditions of discharge permit, including sanctions (Art. 5 of Council Dir. 76/464).	Inspection	R-L

Adopt programmes and measures for gradual elimination of the discharge of substances on List I and reduction of the discharge of substances on List II (Article 5 of Council Dir. 86/280, Art. 4 of Council Dir. 84/156, Art. 7 of Council Dir. 76/464):	Plan	C-R-L

Council Directive 80/68/EEC on ground water protection against pollution by certain dangerous substances

Requirement	**Activity/ instrument**	**Administrative structure**
Ban direct discharge and prevention of indirect discharge of substances on List I (Art. 4, Point 1) and restriction of direct and indirect discharge of substances on List II (Art. 5) to ground waters	Transposition	C
Regulate artificial infiltration to ground waters (Art. 6) and of the returning of water used for geothermal purposes or for construction work (Art. 4, Point 3)	Transposition	C
Monitor the occurrence of substances on Lists I and II in ground waters	Monitor	C
Decide to define ground waters permanently unsuitable for use (Art. 4, Point 2), or to apply bans and restrictions to all ground waters	Decision	(C)-R

Requirements frequency analysis

Air protection activities

EC Regulation / Activity	PER	DEC	REG	PLAN	TRA	INS	MON	INF	COO	INT
Directive 96/62/EC			1	1	3		13	3	1	2
Directive 80/779/EEC					2					
Directive 82/884/EEC					2					
Directive 85/203/EEC		1			2					
Directive 92/72/EEC					2		1	1		
Directive 1999/30/EC		2		1	7	1	6	1		
Decision 82/459/EEC					1		4			
Decision 97/101/EC					2		2			
Directive 2000/69/EC					2	1	1	1		
Proposal COM(99) 125 ozone			1	1	1	3	5	1		1
Directive 84/360/EEC	3	3		1	1		2	1		
Directive 88/609/EEC	3	5		1	2		4			
Directive 89/369/EEC	5	4				1	2	1		
Directive 89/429/EEC	5	2		1	1	1	1	1		
Directive 94/67/EC	7	3					2	1		1
Directive 1999/13/EC	3	1			7	2	3	1		1
Directive 96/61/EC	8	1			3	1	2	1	1	2
Directive 74/439/EEC	2	1						1		
Directive 82/883/EEC	1	1								
Directive 92/112/EEC	2									
Directive 87/217/EEC	4	2					1			
Proposal COM(99) 125 ceilings				2	1	2	2	1		1
Decision COM (98) 611	2									

Directive 2000/76/EC	7	4			1	2	2	1		
Directive 94/63/EC		6			2	1	5			1
Directive 1999/32/EC		4			2	2	3	2		1
Regulation 2037/2000		3			2	2	4			
Requirements, total	62	43	2	8	46	19	52	18	2	10

Water conservation

EC Regulation / Activity	POV	PER	DEC	REG	PLA	TRA	INS	MO	INF	COO
Directive 91/271/EEC, municipal waste water	5	4		1	5	1	3		1	1
Directive 91/676/EEC, nitrates		2		1	2	1	2	1	1	1
Directive 76/464/EEC, dangerous materials	5	5		1	8	1	4	1		1
Directive76/160/EEC, bathing		2		1	2	1	2	2		1
Directive 98/160/EEC, drinking water	1	2	1	1	4	1	2	1		1
Directive 75/440/EEC, surf. w. for drinking	1	2	1	1	2	1	1	1		1
Decision 77/795/EEC, information exchange		2						1	1	1
Directive 79/868/EEC, measurem. methods		3						1	1	1
Directive 80/68/EEC, ground waters	2	2	1		4	1	2			1
Directive 78/659/EEC, fish		2		2	1		2	1		1
Requirements, total	14	26	3	8	28	7	18	9	4	10

Waste disposal

EC Regulation / Activity	PER	DEC	REG	PLAN	TRA	INS	MON	INF	COO	INT
Directive 75/439/EEC (oils)	2	2			5	1	1	1	1	
Directive 75/442/EEC (framew.)	1	4		1	6	1	2	1	1	
Directive 78/176/EEC (TiO_2)	2		1	1	3		3			1
Directive 86/278/EEC (sludge)	1	1	1		6	1	2	1	2	1
Directive 91/157/EEC (battery)			1	1	5		1	3	2	
Directive 91/689/EEC (hazard.)	1	1	1	1	5		3	1		
Directive 94/62/EC (packaging)		2		1	8		3	3	2	
Directive 96/59/EEC (PCB)	1			1	8		3	1		
Directive 1999/31/EC (dumps)	5			2	5		1			
Regulation 259/93/EEC (export)		2	1		2	2	2		1	3
Requirements, total	13	12	5	8	53	5	21	11	9	5

Summary – air protection, water conservation, waste management

EC Regulation / Activity	PER	DEC	REG	PLAN	TRA	INS	MON	INF	COO	INT
Air protection	62	43	2	8	46	19	52	18	2	10
Water conservation	14	26	3	8	28	7	18	9	4	10
Waste management	13	12	5	8	53	5	21	11	9	5
Requirements, total	89	81	10	24	127	31	91	38	15	25

6.2 Activity 5.1 – Assistance to formulate a draft organic law for the CEI - Document from the Bavarian State Ministry for Regional Development and Environmental Affairs entitled: "Integrated Approach in EC Environmental Legislation and its Impact on the Administrative Organization"

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Integrated Approach in EC Environmental Legislation

and its Impact on the Administrative Organization

6.2.1 Integrated Approach in EC Environmental Legislation

Integrated pollution control is mentioned in the Community' Fifth Environmental Action Plan as a priority field of action.[12] As a result, EC environment legislation has been characterised increasingly by a an integrated, or cross-media, approach.

The integrated approach is based on the realisation that the environmental media air, water and soil cannot be considered separately. Environmental protection measures that are focused solely on one environmental medium or sector can result in pollution being transferred from one medium to another. Therefore, the

[12] Fifth Community Programme of Policy and Action in Relation to the Environment and Sustainable Development, of 1/2/1993. OJ C 138, 17/05/1993, p. 1 (14)

environment is to be considered not only with regard to individual media but, rather, in its entirety, taking into account the interlinkages that exist between the various media.

I. Integrated Approach to the Authorisation of Projects

1. Integrated Approach under the EIA Directive

Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC) (**EIA Directive**)[13] is the first Community environmental rule that reflects the integrated approach. The environmental impact assessment aims to evaluate the effects of projects on human beings, fauna, flora, soil, water, air, climate, the landscape, material assets and the cultural heritage, including the interaction between these factors, at an early stage and as comprehensively as possible (cf. Article 3 EIA Directive).

The EIA Directive itself mainly contains procedural provisions. However, Article 8 of the Directive requires that the result of the environmental impact assessment be taken into consideration in the development consent procedure. How effectively the EIA Directive's integrated approach is put into practice depends largely on the way in which the instrument of environmental impact assessment is linked with the development consent procedure (see also c) below).

If the EIA Directive's integrated approach is taken seriously, it will have effects not only on the structure of environmental law, but also on the administrative organization. An assessment of the effects on interactions as required by Article 3 of the Directive is possible only in a unified presentation. An arrangement which gives the air pollution control authority sole competence for the assessment of the effects on air or the water authority sole competence for assessment of the effects on water is inconsistent with the integrated approach. There must be, at least, a lead authority which combines the opinions of the relevant authorities into a cross-cutting overall

[13] EC OJ L 175, p. 40

assessment that takes interactions into account. The most effective way to guarantee the required cross-media approach is to assign overall responsibility to a unitary environmental authority which is not divided into media-specific divisions.

2. Integrated Approach under the IPPC Directive[14]

As evident from its title, the purpose of the IPPC Directive is to achieve integrated prevention and control of pollution (cf. Article 1 IPPC Directive). To this end, Article 4 of the Directive requires authorization for the types of installations listed in Annex I. In addition, the Directive provides for measures to be taken to ensure that permit conditions are reconsidered and updated (cf. in particular Article 13 IPPC Directive).

a. Objective of the IPPC Directive's integrated approach

The main objective of the integrated approach required by the IPPC Directive is to prevent emissions into air, water or soil wherever this is practicable, taking into account waste management, and, where it is not, to minimize them in order to achieve a high level of protection for the environment as a whole (recital 8 of the Directive). A permit for the operation of the industrial and waste treatment plants listed in Annex I may be granted only when integrated environmental protection measures for air, water and land have been laid down (recital 15 of the Directive).

The cross-media approach required by the IPPC Directive is reflected in its diverse provisions. Thus, the Directive's key terms, "pollution" (Art. 2 no. 2), "emission" (Art. 2 no. 5) and "best available techniques" (Art. 2 no. 11), are defined so as to address, not a single environmental medium, but the pollution pathways air, water and soil.

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[14] Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control. EC OJ L 257, p. 26. Member States had to implement the Directive by 31 October 1999.

The obligation to take preventive measures laid down in Art. 3 sentence 1 a) and the protection obligation in Art. 3 sentence 1 b) follow on from these terms and must therefore be understood as referring to all relevant media. The basic obligations in Art. 3, sentence 1 c) (avoidance, recovery and disposal of waste) and Art. 3 sentence 1 d) (efficient energy use) mean that resource management aspects must be taken into account.

Since "best available techniques" is defined in cross-media terms, the emission limit values to be established on the basis of these techniques must likewise reflect a cross-media approach. Art. 9 (3) of the IPPC Directive therefore provides for the permit to include emission limit values for pollutants likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another (water, air, land).

b. Integrated approach to issuing permits

Art. 7 IPPC Directive requires Member States to take the measures necessary to ensure that the conditions of, and procedure for the grant of, the permit are fully coordinated where more than one competent authority is involved, in order to guarantee an effective integrated approach by all authorities competent for this procedure. As this "coordination requirement" is not defined any further in the Directive itself, the meaning of Article 7 must be inferred from the Directive's overall context.

When elaborating the IPPC Directive, the Commission presumed that only one authority would be responsible for granting all permits required for installations under environmental legislation ("one-stop shopping"). Accordingly, Article 6 of the Commission's original proposal required Member States to designate a lead authority.[15] The model in this regard was the British Environment Agency (EA), which was assigned the functions previously discharged separately by the local offices of Her Majesty's Inspectorate of Pollution (HMIP), the National Rivers Authority (NRA)

[15] COM (1993) 423, OJ C 311, p. 6

and the regional waste regulation authorities. As such an arrangement was expected to pose problems in Member States with a federal administrative structure, the Council in its Common Position on the IPPC Directive called merely for coordination among the authorities involved.

The "coordination requirement" in Art. 7 IPPC Directive aims to guarantee an effective integrated approach by all authorities competent for the authorization procedure. As stated in recital 14 of the IPPC Directive, full coordination of the procedure is to make it possible to achieve the highest practicable level of protection for the environment as a whole. This requires not only coordination of the procedure but, in particular, coordination of the contents of the permit. Decision-making must take place jointly, involving all competent authorities, with the aim of finding the best solution for the environment as a whole. Separate, uncoordinated action by the various authorities is inconsistent with Article 7 of the IPPC Directive.

Joint decision-making by all competent authorities as demanded by Article 7 IPPC Directive requires best possible coordination of the various procedural stages - submission of the application documents, involvement of other authorities, and public participation. Care must be taken to ensure an integrated approach as required by the IPPC Directive. The application documents should therefore include information on all possible effects of a project, including in particular cross-media effects. It would also be expedient to provide for a uniform public-participation procedure for all authorization procedures.

The IPPC Directive leaves it to the Member States to decide how they will ensure full coordination. A look at the IPPC's Directives overall concept shows that the integrated approach can best be realised by transferring all individual responsibilities to a single competent authority.

3. Relationship between the two Directives

The IPPC Directive and the EIA Directive have similar objectives: Environmentally relevant projects are to undergo an integrated assessment before they are authorized. However, the two directives are insufficiently harmonized as regards both the scope of application and the specific requirements for the authorization procedure.

When the environmental impact assessment is carried out alongside the actual authorization procedure, it is debatable whether the results of the environmental impact assessment can be duly taken into consideration for the granting of authorization. Problems arise in particular when the authorization authority has no scope in decision-making on whether to authorize the operation of an installation, i.e. when the plant operator is entitled to the issue of a permit under certain conditions (bound decision).

The best option would be to lay down a uniform procedure for those installations that fall under the scopes of both Directives. Art. 2 paragraph 2a of the EIA Directive expressly affords Member States this possibility. The advantage of such an "integration" of the environmental impact assessment into the authorization procedure is, firstly, that duplicative assessments are avoided and the authorization procedure is thus speeded up. Secondly, such linkage of the EIA and IPPC Directives guarantees an optimal implementation of the integrated approach.

4. Integrated Approach in Other EC Environmental Legislation

The integrated approach is evident not only in the legislation governing the authorization of projects, but also in other areas of EC environmental legislation.

a. Environmental Information Directive

An integrated approach is also inherent in Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment[16]. This is evident from the broad definition of the term "information relating to the environment", which covers all information "on the state of water, air, soil, fauna, flora, land and natural sites".

b. Economic Instruments

The integrated approach is also reflected in economic instruments, notably the EMAS Regulation[17]. A site (in the near future, an organisation) that participates in EMAS must have an environmental management system that is designed so as to allow all environmental effects to be examined and evaluated (cf. Annex I, section B, no 3 of the EMAS Regulation).

c. Other Environmental Directives

The existing sector- or media-specific EC environmental legislation, as well, increasingly aims to protect the environment as a whole, as shown by the following examples:

- The aim of Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste is to provide for measures and procedures to prevent or to reduce as far as possible "negative effects on the environment, in particular the pollution of air, soil, surface and groundwater, and the resulting risks to human health".[18]

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[16] EC OJ L 158, p. 56

[17] Council Regulation (EEC) No 1836/93 of 29 June 1993 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme; OJ L 168, p.1. In the near future: Council Regulation allowing voluntary participation by organisations in a Community eco-management and audit scheme. Published in the EC Official Journal on 24 April 2001.

[18] EC OJ L 365, p. 34

- Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management[19] requires *inter alia* that the measures taken by Member States to **improve ambient air quality** take into account an integrated approach to the protection of air, water and soil (Art. 7 (2) a) of the Directive).

- Council Directive 1999/31/EC on the **landfill of waste**[20] aims to prevent or reduce as far as "possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill" (Art. 1 of the Directive).

- In Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (**Water Framework Directive**)[21], the term "pollution" relates not only to the pollution of water but – similarly to Art. 2 no 2 of the EIA Directive – is defined in cross-media terms (cf. Art. 2 no. 33 Water Framework Directive).

II. Integrated Approach to Monitoring Installations

1. Monitoring of Installations

a. Monitoring of Installations under the IPPC Directive

[19] EC OJ L 296, p. 55

[20] EC OJ L 182 of 16/7/1999, p. 1

[21] OJ L 327 of 22/12/2000, p. 1

Art. 13 (1) of the IPPC Directive requires Member States to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions.

As permit conditions have to be coordinated in order to guarantee an effective integrated approach, it is necessary to ensure that a cross-media approach, focused on protecting the environment as a whole, is applied also when the permit conditions are reviewed and updated.

This requirement has to be taken into account not only when structuring the environmental legislation, but also through an appropriate organisation of the environmental administration. The authority most capable of evaluating whether a plant is operated in compliance with the requirements of the IPPC Directive and the permit conditions imposed pursuant to Art. 9 IPPC Directive is the one which has issued the permit, because it has already examined the plant's specific technology in depth and is familiar with the circumstances of the case. It is, therefore, not expedient to separate responsibilities for issue of the permit and compliance monitoring.

b. Proposal for a Recommendation providing for minimum criteria for environmental inspections in the Member States[22]

The objective of this Recommendation is an effective and more consistent implementation, practical application and enforcement of Community environmental legislation. In particular, it aims to reduce the disparities between the inspection systems of the Member States.

The Recommendation applies to "controlled installations" within the meaning of II (1) a) of the proposal. This covers all industrial installations and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or

recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation.

For the purposes of the proposed Recommendation, inspection is an activity entailing mainly checking the compliance with environmental requirements resulting from Community legislation and monitoring the impact of certain installations on the environment. The integrated approach is reflected here, firstly, by the requirement that the impact **on the environment as a whole** is to be monitored and, secondly, by the stated purpose of inspections, namely, to ensure that installations are operated in compliance with the cross-media requirements of the IPPC Directive.

2. Reporting obligations

The reporting obligations laid down in various EC Directives are increasingly important for the establishment and organisation of the administration.

The European Pollutant Emission Register (EPER) deserves particular mention in this regard. This register is published on the Internet every three years by the Commission, in cooperation with the European Environment Agency, and is to enable a comparison of polluting activities in the Community (cf. Art. 15 (3), first sentence, IPPC Directive).[23]

The data needed for the EPER are made available to the Commission by the Member States. These are required to report to the Commission every three years on the principal emissions and sources responsible. The Member States in turn receive these data from the authorities responsible for monitoring the operation of

[22] Amended Proposal for a Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States. COM (1999) 652 (original proposal: COM (1998) 772).

installations. Permits must contain an obligation for the plant operator to supply the competent authority with data required for checking compliance with the permit (cf. Art. 9 (5) IPPC Directive).

As the preparation of a report on the principal emissions requires sound knowledge of the individual installations and of the measures laid down in the permits – particularly emission limit values -, it is useful to assign this task to the authority responsible for issuing permits.

6.2.2 Summary: Impact of the Integrated Approach on the Administrative Organization

As already mentioned, the integrated approach embodied in EC environmental legislation must not only be transposed into national law, but must also be guaranteed through an appropriate reorganization of the environmental administration.

As the exclusive competence of individual authorities for specific environmental media considerably impedes the integrated, cross-media assessment of effects on the environment, parallel authorization procedures should, wherever possible, be avoided and a unitary environmental authority be established. In so doing, a division into media- or sector-oriented departments should be avoided. Preference should be given to a project-oriented structure, for example.

Ideally, the unitary environmental authority should incorporate all relevant functions (performance of a unified authorization procedure, issuing of a unified permit, monitoring of installations, updating of permit conditions, preparation of reports to the European Commission).

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[23] See also Commission Decision of 17 July 2000 on the implementation of a European

A separation of responsibilities for the performance of the authorization procedure (including issuing of the permit) on the one hand and compliance monitoring on the other is also inappropriate. Compliance with permit conditions can best be ensured by the authority that has incorporated them into the permit.

pollutant emission register. EC OJ L 192 of 28/7/2000, p. 36

6.3 Activity 5.1 – Assistance to formulate a draft organic law for the CEI - Draft concept for the Czech Environmental Inspectorate Act

The proposed original text of the draft concept is the result of discussions at a Czech Environmental Inspectorate seminar which took place on 17 and 18 July 2001.

On the basis of negotiations with the director of the Inspectorate, Mr. Soukup, text amendments are placed under the original wording (and indicated by the word "amendment"); these are recommended by Mr. Soukup in view of the current legal and actual circumstances

6.3.1 Preliminary provisions

This Act regulates:

- the setting up, organization and competencies of the Czech Environmental Inspectorate,
- the performance of the Czech Environmental Inspectorate's inspection activities, including decision-making on the use of means for the enforcement of legislation, in particular with regards to measures and penalties,
- collaboration between the Czech Environmental Inspectorate and other public administration bodies.

Amendment:

The word "organization" is omitted from the first point.

Reasons

The Act regulates the setting up, organization and competencies of the Czech Environmental Inspectorate, as well as the performance of inspection activities *and collaboration with other public administration bodies. Particulars are detailed in further provisions of this Act.*

The purpose of this Act is, within the framework of the competencies of the Ministry of the Environment, to set up an inspection body whose activities would secure observance of environmental protection regulations by means of enforcing

legislation. This includes the imposition of measures and penalties, as well as other forms of impacts on persons under inspection, as detailed below.

6.3.2 Setting up of the Inspectorate

The Czech Environmental Inspectorate (hereinafter "Inspectorate") shall be set up as a uniform body for the enforcement of environmental legislation with nationwide functions.

Reasons

Environmental protection represents a relatively new area of State activity. Legal environmental protection covers the entire biosphere - a uniform unit that has the character of a public estate whose appropriate maintenance is in the public interest.

Hence, various forms of breaches of environmental protection regulations require that the procedures securing an enforcement of legislation should be implemented in a co-ordinated and uniform way throughout the whole territory of the State. This can be secured only by a centrally managed institution such as the Inspectorate.

2.1 The scope of the Inspectorate's activities

The Inspectorate shall

(a) oversee compliance with environmental legislation, other legal regulations on environmental protection, decisions and measures issued on their basis, including integrated permits, public law agreements and commitments ensuing from international agreements;

(b) carry out other activities that lead to an observance of obligations ensuing from environmental protection regulations and, in particular, of obligations ensuing from involvement in the Environmental Management and Auditing System;

(c) contribute to the securing of supreme state inspection carried out by the Ministry of the Environment;

(d) participate in international collaboration, including cross-border co-operation focused on meeting obligations ensuing from international agreements in the environmental sector.

Unless otherwise stipulated by this Act, the performance of inspection activities are governed by the State Inspectorate Act.

Amendment:

The second part of the sentence ("and, in particular, of obligations ensuing from involvement in the Environmental Management and Auditing System") is omitted from paragraph (b).

Reasons

The basic task of the Inspectorate is to oversee compliance with obligations of entities involved in public law relations ensuing primarily from legislation and subsidiary legal regulations. Inspection activities also include checks on the observance of conditions contained in permits issued on the basis of legal regulations, with particular focus on integrated permits. Inspection activities also include checks on compliance with measures imposed by other environmental public administration bodies as well as actual inspection within the framework of their competencies. Inspection also covers the observance of obligations of non-state entities of public law agreements that have been arranged for the voluntary protection of the environment beyond the framework of legal regulations

The Inspectorate also checks compliance with obligations ensuing from international commitments and agreements.

The discharge of other activities is deemed to include various measures aimed at influencing the conduct of entities subject to obligations imposed by environmental protection legislation. This also includes checks on voluntary obligations that apply, above all, to manufacturing enterprises involved in the Environmental Management and Auditing System in accordance with Ruling EEC/93/1836, Ruling EC/761/2001, or ISO 14000.

Competencies pertaining to the discharge of state inspection activities ensues from the competencies of the Ministry of the Environment. However, the Inspectorate can

carry them out only in relation to lower level public law bodies. Hence, supreme state inspection shall have no bearing on central administrative authorities.

In general the discharge of state inspection activities must be governed by the State Inspectorate Act, unless this Act stipulates another procedure. Other legislation that would exclude linkages with the State Inspectorate Act 552/1991 Coll. is ruled out from the point of view of harmonizing the legal system. For clarity of arrangement, this proposal adopts, modifies or supplements the corresponding provisions of the State Inspection Act. It concerns primarily the rights and duties of inspectors (see articles 4,2 and 4.3).

The Inspectorate is entitled to participate directly in international collaboration in the course of fulfilling international agreements in the environmental sector. After EU accession, this collaboration shall also include participation in activities within the framework of the EU.

2.2 Areas covered by the Inspectorate

The Inspectorate shall carry out its functions ensuing from specific legal regulations on environmental protection, particularly in the following spheres:

- protection of air quality
- protection of the ozone layer
- water protection
- waste management
- handling of chemical substances and preparations
- protection from accidents
- protection of nature and the landscape
- protection of forests and forest management
- genetically modified organisms
- soil protection
- environmental supervision of mining
- integrated protection of the environment /integrated permits
- protection from noise

(as in other areas) according to, and within the scope of, specific legal regulations.

Amendment:

The word "particularly" is omitted from the first sentence. "Protection from noise" is also omitted.

Reasons

The areas in which the Inspectorate currently operates ensues from individual component laws on the protection of the environment and natural resources. The competencies of the Inspectorate are also stated therein according to individual components. In contrast to existing legislation, inspection functions pertaining to soil protection are also proposed. Nevertheless, in view of the changes that are occurring in the system of environmental legislation, it is not as yet necessary to set out these concrete regulations. Moreover, the proposed law is based on the fact that it will become part of a comprehensive legislation package regarding environmental protection which will include all the above regulations.

6.3.3 Organizational arrangement

3.1 The Inspectorate shall be headed by a director who is appointed and recalled by the Minister of the Environment.

The advisory body to the head of the authority (director) shall be a group of independent experts appointed by the head of the authority (director). The members of this group shall include, primarily, representatives of specialist organizations active in the environmental protection sector, universities, Czech academies of science and non-governmental organizations.

A records and analysis (assessment) department shall operate within the framework of the central office. Regional inspectorates shall also have their own analysts.

3.2 Geographically, the Inspectorate shall be divided into a Prague-based central office and regional inspectorates. The organizational arrangement of the Inspectorate shall be governed by organizational regulations approved by the Ministry of the Environment.

3.3 The central office shall decide on appeals against decisions that are issued by regional inspectorates in the first stage under this Act.

3.4 The Inspectorate shall have the disposition of its own laboratory to an extent arising from requirements for the operative securing of its activities. It shall commission accredited laboratories to carry out more extensive analyses and monitoring.

Amendment:

The second and third paragraphs from 3.1 are omitted. The words "Prague-based" in the first sentence and the words "approved by the Ministry of the Environment" in the second sentence are omitted from 3.2. "Approved by the Ministry of the Environment" is replaced by "which must be in accord with the statute of the Czech Environmental Inspectorate apporved by the Ministry of the Environment".

Reasons

As a public inspection body, the Inspectorate must stand outside the framework of public administration in the sphere of environmental protection and be directly under the politically responsible holder of state authority in this field, i.e. the Minister of the Environment. It is therefore managed by a director/authority head who is appointed by the Minister of the Environment.

The advisory body to the director is a group of independent experts, whose members are primarily representatives of the academic community and non-governmental organizations. The mission of the advisory body is to provide assistance in the creation of activity strategies - with regards inspection in general and drafting key goals and emphasizing inspection activities in particular.

Analytic activities have considerable significance in the work of the Inspectorate. It is therefore necessary to provide by law for the setting up of an organization of analytic departments at the head of its structure.

The Inspectorate must be able to carry out its activities on a uniform basis throughout the territory of the state. Such a requirement can be met only by setting up an adequate number of regional workplaces - regional inspectorates with

approximately the same territories within which authorities carry out their competencies, a similar amount of pollution sources, analogous transport possibilities and comparable staff numbers. Organization regulations suffice for the organizational arrangement of the Inspectorate.

In the interest of maintaining the independence of the Inspectorate from other bodies of the environment department, it is appropriate that the organizational regulations should be approved directly by the Minister of the Environment.

In the interest of securing effective and thorough enforcement by the Inspectorate, it is necessary that it should be conceived as a two-tier body. This Act entrust the Inspectorate with certain decision-making powers (notably the imposition of measures in administrative proceddings and the imposition of fines and other penalties). In this case, the regional inspectorates are authorities of first instance. The central office is charged with decision-making in relation to appeals against such decisions.

The Inspectorate arranges for laboratory analyses and certain monitoring with accredited laboratories. It has its own laboratory only for the operative securing of its activities.

6.3.4 Inspection activities

4.1 Inspection tasks shall be carried out by inspectors.

When performing inspection activities they shall identify themselves by means of an Inspectorate ID-card, which is proof of their authority to perform inspection activities. The inspector is a public servant during the discharge of inspection activities.

In the performance of official work duties, inspectors are authorized to wear a uniform with a state symbol and an official badge.

Amendment:

The second paragraph is omitted.

Reasons

Inspectors are executive inspection employees who carry out practical inspection activities.

Under paragraph 9 of Act No. 552/1991 Coll., on State Inspection, the inspector must have written authorization for the performance of inspection activities. For inspectors this authorization is in the form of an Inspectorate ID-card with which every inspector is equipped.

Inspectors are public officials, for, as employees of a state body, they contribute to the fulfilment of tasks pertaining to society and the state and, at the same time, use powers that have been entrusted to them as part of their responsibility for fulfilling these tasks (see Article 8, Subsection 9 of the Criminal Code)

Official uniforms are worn by inspectors when carrying out fieldwork.

4.2 Inspectors are authorized

(a) where necessary, to enter premises and buildings used for business operations or for other economic activities, unless a permit is required for this under specific regulations. The state is liable for any consequent damage which may arise and may not be exempted from this liability;

(b) to require persons under inspection to furnish original documents and other papers, data records on electronic media, and written or verbal clarification concerning the object of inspection and to provide essential organizational and material assistance during the inspection;

(c) to become acquainted with official secrets, if they provide certification for the relevant level of secret information that has been issued under specific regulations[24]:

(d) for the purposes of other proceedings and in the interest of verifying evidence, to obtain original documents stated in paragraph (b) and to take illegally held samples of endangered animals and plants species; their seizure must be confirmed in writing to the person under inspection and copies of documents taken must be left;

(e) to require that persons under inspection produce within a specified period a written report on the removal of defects ascertained;

(f) in cases stipulated by this Act and the State Inspection Act, to impose disciplinary penalties;

[24] Act No. 148/1998 Coll., on the protection of classified information and on an amendment to certain laws.

(g) to use the telecommunications facilities of persons under inspection in cases where their use is essential for carrying out inspection and measures adopted in connection with the inspection;

(h) to carry out their own inquiry, e.g. in the form of monitoring, taking of samples, audio-visual records etc.

Amendment:

The words "used for business operations or for other economic activities" are omitted from paragraph (a).

The words "and to take illegally held samples of endangered species of animals and plants" are omitted from paragraph (d).

Reasons

The basic objective of inspection is to check that the conduct of the persons under inspection is in accord with the obligations set out by regulations on environmental protection and permits issued on their basis. This requires that provision should be made for inspectors to be able to enter premises and buildings used for business operations or for other economic activities.

Inspection involves verifying written materials, monitoring records and on-site checks. The person under inspection is obliged not only to comply but also to provide adequate assistance. He must therefore not only furnish all the required documents concerning the object of inspection, but also respond to the inspector's questions and to supply relevant explanations.

As it cannot be ruled out that an inspector, even with great caution, may cause damage during an inspection, the state is liable for such damage.

The discharge of inspection activities includes the necessity to become acquainted with official secrets, particularly information which is the object of protection under specific regulations.

During inspection the Inspectorate usually imposes measures aimed at rectifying the unlawful state of affairs. In its decision regarding such a measure it generally states a term by which the imposed duty should be fulfilled. Therefore, it can require that the person under inspection should present a report on whether the imposed measure was fulfilled and whether this occurred within the set time.

It is necessary to secure by law that the person under inspection has an obligation to allow Inspectorate staff to use their telecommunications facilities. This is of particular importance in the event of an accident, when it is necessary to arrange for measures to reduce any negative effects, but also in other cases.

Both for the purposes of materializing the results of inspection and, in particular, for the event of a procedure involving an administrative tort or criminal act, the Inspectorate must have the possibility to obtain documents as proof and to carry out monitoring, take samples and to make audio-visual records etc. In view of the specific significance of protecting endangered animal and plants species which are an object of illegal trade, the Inspectorate must also have the power to take samples of these species from a person who is keeping them, unless he can prove that he is authorized to keep them. In both cases, this involves a necessity to obtain evidence for further proceedings and the protection of endangered species. Inspectors are obliged to confirm in writing the seizure of documents or specimens of endangered animal and plants species and, in the event of obtaining original documents, to leave copies thereof.

4.3 Obligations of inspectors

Inspectors are obliged to:

a) ascertain the true state of affairs during inspection;

b) prove the findings of the inspection by documents and an analysis of monitoring results and of samples taken etc.;

c) in the event of planned inspections, inform the person whose installation is to be inspected of when the inspection is to take place;

d) inform the operator of an installation prior to entering his premises and produce the Inspectorate ID-card, unless it is necessary under the given circumstances to carry out an unannounced inspection;

e) in the event of an unannounced inspection, inform, at the moment of entry onto the premises under inspection, the person who is responsible for the installation and its running at the time of the inspection. The operator of the installation must be notified forthwith of an unannounced inspection;

f) respect the rights and legally protected interests of persons under inspection;

g) submit forthwith any seized documents to the person under inspection, if the reasons for their seizure no longer hold;

h) arrange for the due protection of seized documents from loss, destruction, damage or misuse;

i) arrange for the due protection of seized samples of endangered animal and plant species from damage or destruction;

j) take records of the results of the inspection;

k) maintain the confidentiality of information ascertained in connection with the exercise of their activities, unless a specific law stipulates otherwise;[25]

Amendment:

In paragraph (b), "e.g." is added between "findings of the inspection" and " by documents". The amended sentence reads as follows, "prove the findings of the inspection, e.g. by documents".

In paragraph (c), the word "planned" is replace by "announced".

The text in paragraph (i) is omitted. Hence, the other paragraphs are brought forward alphabetically.

Reasons

The powers of inspectors are balanced by a set of obligations. The main obligation follows from the basic aspect of the inspection activity, which is the necessity to ascertain the true state of affairs. This must be materialized by inspectors and evidenced by seized documents, monitoring results, and analyses of samples taken, etc.

As the person under inspection is obliged to inform the inspector of all information that may be connected with the object of inspection, it is the obligation of the inspector not to misuse this information, i.e. he must maintain its confidentiality. This concerns, for example, written information on technologies or other materials that could be misused by a competing enterprise.

The obligation to inform the operator of an installation under inspection prior to entering the premises is due primarily to the need for safety which the person under inspection could not otherwise provide.

Another case involves the necessity to carry out an unannounced inspection where there is the danger that the person under inspection, after being notified,

[25] Act No. 123/1998 Coll., on the right to environmental information.

discontinues the breach of regulations only temporarily or attempts to wipe out all traces of a breach of unlawful conduct. In such an event it is necessary, at the moment of entry, to inform the person who is responsible for the installation at the given time. This does not have to be the operator himself, who may be outside the premises at the time when it is necessary to carry out an unannounced inspection. However, operators must be informed of unannounced inspections immediately after they have taken placed

Inspection activity is, on the one hand, a demonstration of the sovereignty of state powers, and, on the other, an intervention into civil rights which are protected by the Constitution. It is therefore necessary to clearly determine that the rights and interests of persons under inspection are to be protected during inspections. As a result, any documents that are seized, provided that they will not be used as material for criminal or administrative proceedings, must be returned to the person under inspection, if the grounds for their seizure no longer holds. Similarly, it is necessary to ensure that these documents are protected. Endangered animal and plant species that are taken should be protected on similar grounds as it is not always apparent whether property relationships have been encroached

It is always necessary to take records of the results of inspections. This is especially the case when measures are imposed or when there are grounds for mounting administrative or criminal proceedings against the person under inspection.

Inspectors are obliged to maintain the confidentiality of information that is ascertained in the course of inspection activities. This is the case not only with confidential information in the interest of the state in accordance with Act No. 148/1998 Coll., on the protection of confidential information but also with information concerning the rights and interests of persons under inspection in accordance with the Commercial Code, with the exception of provisions concerning the provision of environmental information under Act No. 123/1998 Coll., on the right to environmental information, under which the relevant provisions of the Commercial Code are suspended in specific cases..

4.4 Implementation of inspection activities

The Inspectorate shall carry out announced or unannounced inspections.

Inspections are based on:

a) inspection plans of the Inspectorate;

b) applications and suggestions from other public administration bodies;

c) suggestions from legal and natural persons;

d) results of previous inspection activities of the Inspectorate.

Inspection programmes shall be carried out either by individual inspectors or groups of inspectors, within the framework of a single inspectorate of groups of inspectorates.

The basic form of inspection is an integrated inspection which is focused on the protection of the environment in its entirety.

Amendment:

In the first sentence, "planned" is replaced by "announced, and "operative" by "unannounced". Hence: "The Inspectorate shall carry out announced or unannounced inspections".

Reasons

The Inspectorate carries out planned or operative inspections. The instigation to carry out an inspection is primarily the Inspectorate's own findings which are gathered on an ongoing basis. From this it is possible to identify trends of breaches with respect to individual regulations on environmental protection or in specific localities, as well as groups of entities which concurrently breach the same regulations or the same provisions concerning regulations on environmental protection.

Operative inspections are carried out by the Inspectorate either on the basis of its own findings, or, primarily, on the instigation of entities outside the framework of public administration with respect to the environment, i.e. on the instigation of other public administration bodies and non-state entities, including various types of civic associations, public benefit corporations, interest groups and individuals. In such cases, this may involve unannounced inspections if there is a danger that, upon prior notification, the person under inspection discontinues the breach of regulations only temporarily or attempts to wipe out all traces of unlawful conduct. In general, inspection activities are planned long in advance and take the form of either thematic checks or installation inspections, i.e. inspections focused, for example, on individual groups of polluters.

Programmes and operative inspections are carried out by individual inspectors or groups of inspectors. This may occur within the framework of a single inspectorate or of several regional inspectorates or it may be co-ordinated throughout the territory of

the state. Prospectively, this will be considered for example in relation to checks on integrated permits that have been issued.

It is necessary to reiterate that the protection of the environment which represents a uniform whole is possible only via integrated protection; in conformity with this is the same form of inspection with respect to compliance with environmental regulations.

4.5 Analytic activities of the Inspectorate

In the course of its activities the Inspectorate shall gather, assess and generalize the information garnered during inspection activities.

Data and information thereby garnered shall be used:

a) for preparing inspection programmes;
b) for submitting proposals to the Ministry of the Environment for legislative changes;
c) for submitting reports to the Ministry of the Environment;
d) for submitting reports to the authorities which issued the permits under inspection;
e) for submitting reports to the public;
f) for preparing the Statistics yearbook of the environment of the Czech Republic and regular reports on the state of the environment drawn up by the Ministry of the Environment;
g) for submitting reports to European Union bodies;
h) as a basis for preparing methodical instructions for the work of the Inspectorate.

Amendment:

The word "particularly" is added to the second sentence.

Reasons

The Inspectorate has other obligations in addition to its key inspection activities. Through daily contact with current actualities, inspectors gain objective information on the current state of the environment, which is why it is necessary that the Inspectorate should submit such information to authorities that are responsible for running affairs concerning environmental protection, primarily the Ministry of the Environment.

This involves, primarily, gathering, recording, assessing, generalising and presenting information garnered during inspection activities. The activities are of such importance that an independent department has been set up within the framework of the central office to deal with them.

Relevant findings concerning legislative shortcomings, as highlighted by the results of inspections that have been carried out, are used by the Inspectorate primarily for preparing inspection plans. They are then submitted to the Ministry of the Environment for a decision on an amendment to the inappropriate legislation. This information is also a basis for the Statistics yearbook of the environment of the Czech Republic and regular reports on the state of the environment drawn up by the Ministry of the Environment.

The Inspectorate is also obliged to provide information concerning the results of inspections to the entities which instigated such inspections, notably civic associations, other public organizations and individuals. The framework for providing information is Act No. 123/1998 Coll., on the right to environmental information.

After the Czech Republic's accession to the EU, the Inspectorate will be one of the bodies responsible for submitting reports on the implementation of European Community regulations to EU.

On the basis of the information acquired, the Inspectorate prepares methodical instructions for the implementation of inspection activities. This concerns instructions for the requirements of the Inspectorate, which, however, are also important in relation to the persons under inspection; it is on the basis of such instructions that these persons become acquainted with the content, scope and focus of inspections and are given a clear idea as to the requirements of the Inspectorate. It may be regarded as one of the forms of environmental law enforcement (so-called " soft enforcement").

4.6 Forms of implementation

1. The Inspectorate shall contribute to the observance of obligations set out by environmental law:

a) by providing information concerning legal regulations on the environment, both new and under preparation, to persons upon whom new obligations are imposed by such regulations;

b) by providing specialist assistance as part of inspection activities;

c) by imposing measures in administrative procedures or in the form of an order;

d) by imposing fines and other penalties.

Amendment:

The words "both new and under preparation" are omitted from paragraph (a).

Reasons

The basic function of the Inspectorate is, by implementing legal means, to ensure that the conduct of persons upon whom obligations arising from regulations on environmental protection are in actual accord with these obligations. The imposition of penalties serves as the final and most radical means of environmental law enforcement. In the course of the Inspectorate's activities the imposition of penalties must be preceded by other forms of enforcement (so-called "soft enforcement"), in particular educational activities and, alternatively, consultations.

Educational activities involve, for example, informing persons upon whom obligations may be imposed about legal regulations under preparation, in particular amendments thereto and technical and financial requirements arising therefrom, as well as the reasons that led to their adoption. This area also involves technical consultations and educational activities whose purpose is to inform persons upon whom obligations are imposed about new legal regulations and about the content of the obligations imposed, etc. Such activities may be carried out by inspectors as part of routine inspection activities.

2. In the event of imminent or existing environmental damage, the inspector is authorized, either in administrative proceedings or in the form of a written order in accordance with the provisions of regulations on administrative proceedings,

a) to issue a binding instruction to remedy the defect, even in the event that imminent or existing environmental harm is other than serious,

b) to prohibit activities which endanger or harm the environment,

c) to order the withdrawal from use of the thing that is causing the danger of a threat to the environment,

d) to order a restriction or stoppage of operations which endanger the environment, either temporarily to permanently.

An order shall be issued on the basis of inspection records.

Amendment:

The word "serious" is added to point 2. The sentence now reads: "In the event of imminent or existing serious environmental damage"

It is proposed that the following reasons should be added:

Serious imminent or existing damage to the environment is involved primarily

a) if the health or lives of people are endangered,

b) if irreparable environmental damage occurs,

c) if the consequences of a breach of regulations on environmental protection are exceptionally costly or difficult to remove.

Reasons

If there is a risk of environmental damage or if this has already occurred, the inspector is authorized to impose measures which impose upon the person under inspection a certain obligation which involves, in particular, remedying the resulting defective state. Such an obligation may be imposed either in administrative proceedings or, in accordance with a proposal for new administrative regulations, in the form of an order.

A specification of imposed obligations is possible only in a demonstrative way in view of the varied nature of the object of environmental protection. The most radical measures are a stoppage or restriction of operations, either on a temporary or permanent basis. They are imposed usually when there is imminent danger from delay and when considerable damage occurs, etc. Obligations are imposed by an order as a rule prior to the imposition of a penalty. The possibility of imposing an obligation by an order is based on new administrative regulations.[26]

3. An appeal may be made against a decision to impose a measure under point 2 at the Inspectorate central office in accordance with regulations on administrative proceedings.

[26] In accordance with a proposal for new administrative regulations, § 103

4. A written appeal against an Inspectorate order may be made at the Inspectorate central office within 8 days of notification.

5. If a representative of a person under inspection is present, and if the latter fully acknowledges the grounds on which an order was issued, the state of affairs shall be considered proven and the order may be issued on the spot, provided that it imposes an obligation which the person under inspection can fulfil immediately. The stating of reasons for an order can be substituted by a signed statement by the person under inspection or his representative stating that he agrees with the imposition of the obligation. The order shall become a valid and enforceable administrative act when the statement is signed.

Reasons

Orders issued by an inspector generally involve a serious intervention in the property rights of a person under inspection. It is therefore necessary to ensure that the inspector's formal approach ensures a protection of these rights when they are issued.

There may be two approaches. Either the inspector informs a person under inspection of an order, in which case an appeal may be lodged at the Inspectorate head office within 8 days of notification. Or, under given circumstances, an order immediately becomes a valid and enforceable administrative act.

The person under inspection must be informed of these eventualities in advance, evidence for which should be available. This concerns cases where the person under inspection is present during the inspection and is fully informed of the issuance of an order and the imposed obligation, which he confirms by signing a statement.

It will be necessary to adapt these provisions to the approved wording of new administrative regulations to ensure that they are in compliance.

4.7 Imposition of fines

a) disciplinary fines

For hampering the discharge of an inspection, it is possible to impose a disciplinary fine of up to CZK 100,000 upon an entrepreneur if the inspection concerns his business activities, a fine of up to CZK 50,000 upon persons who represent a statutory body or are members of a statutory body or persons who are obliged to secure the due operating of business activities in accordance with a specific law, or a fine of up to CZK 10,000 upon other persons on the premises under inspection.

A disciplinary fine may be imposed repeatedly if co-operation was not provided even within a reasonable time frame that was subsequently set.

Reasons

The securing of due inspection activities requires collaboration between persons under inspection as ensues from point 4.2. Hampering the discharge of inspection activities by rejecting such collaboration puts in serious jeopardy the public interest which the Inspectorate seeks to protect with its activities. This must be prevented by the threat and actual imposition of penalties. The level of fines is graded according to the status of the persons under inspection as entities involved in business activities.

b) other fines

Fines in accordance with specific legal regulations shall be imposed by the Inspectorate for breaches of regulations on environmental protection.

Reasons

The imposition of penalties is an extreme means of law enforcement. The specific conditions and scope of penalties /fines are regulated in specific component regulations on environmental protection. General provisions will be possible in the future within the framework of the Environment Act.

6.3.5 Links between the Inspectorate and other bodies

The Inspectorate shall collaborate with other administrative authorities which, in accordance with specific regulations, carry out activities that are materially connected with the inspection activities of the Inspectorate.[27] It shall be authorized to require these authorities to provide information and data which they have ascertained in the course of their activities, and these authorities shall be obliged to provide the Inspectorate with the required information.

[27] For example, Act No. 166/1999 Coll., on veterinary care and on amendments to certain related laws, Act No. 283/°1991 Coll., on the Police of the Czech Republic, and the Customs Act No. 13/1993 Coll., in the wording of later amendments.

Reasons

Current legal regulations do not provide sufficient support for collaboration between the Inspectorate and other administrative authorities. Such co-operation is essential because, in terms of competencies, these authorities often deal with cases which in part or completely overlap with cases being examined by the Inspectorate. These authorities have at their disposal information that may be of assistance to the Inspectorate when trying to ascertain the true state of affairs. There are also cases where the Inspectorate cannot ascertain the true state of affairs without such information. This possibility and obligation of administrative authorities to submit mutually relevant information must accordingly be in compliance with powers that are stipulated by new administrative regulations.

6.3.6 Emergency service of the Inspectorate

The Inspectorate shall set up and provide a special 24-hour service in order to meet its obligations arising from specific legal regulations and from international agreements in the environmental sphere.

Amendment:

The whole of this paragraph is omitted.

Reasons

In the event of an accident or in other cases where it is necessary to prevent the emergence of further environmental damage or evidence necessary for further proceedings, it is essential to act operatively and without delay. This can be secured via a special 24-hour service of the Inspectorate which may be have the form of an accessible emergency or breakdown service.

6.3.7 Temporary and final provisions

Administrative proceedings launched from the day on which this Act came into force shall end in accordance with hitherto legal regulations.

Part I of Act 282/1991 Coll., on the Czech Environmental Inspectorate and its activities in forest protection shall be annulled.