



DANISH PRESIDENCY
OF THE COUNCIL OF THE
EUROPEAN UNION 2012



Danish Ministry of the Environment
Environmental Protection Agency

Notes of meeting

9th IMPEL General Assembly

07-08 June 2012,

Eigtveds Pakhus, Copenhagen, Denmark

Thursday 07 June 2012

Session 1: Welcome and presentations

Chair: Zofia Tucinska

Opening address by IMPEL Chair, Zofia Tucinska

Zofia welcomed participants to the 9th IMPEL General Assembly and thanked our Danish hosts for their hard work in making all of the arrangements for the meeting. She wished IMPEL a very happy 20th birthday and said she hoped the network could celebrate another 20 years to come. The network has grown significantly over the years since its formation in 1992 and now represents 45 members in 32 countries. She said that implementation of environmental law has always been our business and it is particularly important at the moment because of the review of the 7th EAP and the European Commission's focus towards implementing existing legislation.

Welcome by Deputy Director, Danish EPA, Claus Torp

Claus welcomed IMPEL to Denmark and congratulated the network on its 20th birthday. He said the Danish EPA was celebrating its 40th birthday in 2012 too! Claus said since the Danish EPA started out in the 1970s economic growth has caused some unwanted effects on the environment and that economic growth and the protection of the environment were considered to be contradictory whereas the Danish Government no longer thinks that. The new Government has launched a series of programmes to strengthen a green transition - green growth and create a green economy, not just in environmental politics but in all areas of policy and in all sectors.

Adoption of the agenda, Zofia Tucinska

The agenda was adopted with two minor additions. Zofia asked new national representatives at this meeting to introduce themselves at the end of session 1 and a new session 11 would be inserted where the Cypriot National Coordinator would make a presentation on the next General Assembly.

Welcome and introductions to new national representatives

Mr Henk Ruessink from the Netherlands and Ms Pirjo Korsen from Sweden introduced themselves as new IMPEL National Coordinators. Mr Goran Heffer from Croatia introduced himself as the new National Representative. The National Coordinators from Slovenia, Ireland, Spain and Hungary could not attend but ask their colleagues to stand in for them instead: Ms Romana Sumak, Mr Caoimhin Nolan, Daniel Martin-Montalvo Alvarez and Ms Livia Vig

respectively. Not attending the meeting and apologies sent from Turkey, FYR Macedonia, Bulgaria, and Greece.

Session 2: A view from DG Environment on the future of IMPEL

Chair: Zofia Tucinska

1. Speech by Marianne Wenning, Director of DG Environment on future cooperation with IMPEL, its Multi Annual Strategic Programme (MASP) and building links with the 7th Environment Action Programme

Marianne opened her speech by congratulating IMPEL on operating for 20 years. She said that IMPEL had developed a lot and had seen some important developments such as becoming an independent association, developing its own General Assembly and Secretariat etc. She added that the Commission have used IMPEL results to feed into their thinking on specific legislative changes and that implementation is a main priority for Commissioner Potocnik which he has made clear to the Council and Parliament. She said that protection of the environment and human health is very important and implementation of existing legislation is crucial to this. The Commission aims at improving implementation not only as a way to decrease infringements but that correct implementation creates regulatory certainty and a level playing field in the internal market. This can avoid long term remediation costs and saves money – Marianne pointed to a recent study that says that not implementing the environmental acquis costs € 50 billion (COWI, 2011). She said that this is why the 7th Environment Action Programme (7th EAP) will include the implementation agenda set out in the Communication on Implementation (COM (2012) 95). This Communication discusses the need to have more responsiveness and a better knowledge base: a better understanding of the situation on ground. There is a lack of information on implementation and a need to engage more with member states at European and national level. She said we need more confidence in information and in closing information gaps and this is where IMPEL may be able to help with information controls. Knowledge is also not enough so more responsiveness is needed too. We need a range of measures to address this challenge such as improving inspections and surveillance, improve complaint handling and access to justice, improved capacity building and working with networks e.g. ombudsman and judges.

2. Questions and answers

This part of the session was a free questions and answers session relating to Marianne's Presentation.

Session 3: Multi Annual Strategic Programme

Chair: Zofia Tucinska

1. Presentation on MASP project, Aileen Kirmond

Aileen Kirmond gave an update on the state of play with regards to the Multi Annual Strategic Programme project. She began by thanking all those that for their efforts in completing the questionnaire that has led to this current point. She said that the challenge now is to build a clear programme across all clusters and to use this time to think about what a strategic approach looks like.

She gave a summary of the timetable and the process up until now:

- Outline from MASP Team and IMPEL Board (January–February)
- Questionnaire to MS (March-May)
- GA Copenhagen – discuss key issues and questions (June)
- Publish draft and consult (July/August)

- Draft Final MASP (September)
- Cluster approval (October)
- GA Cyprus (December)

Aileen said that the aim was to get the draft to the Board and then onto Basecamp as soon as possible after this General Assembly for further consultation with members and outside organisations and then go for final approval by the General Assembly in Cyprus. She summarized the key themes, environmental priorities, legislative priorities, regulatory capacity, other goals IMPEL may have, ways of working and addressed some other questions to consider.

2. Breakout discussion on MASP

The General Assembly delegates broke out into smaller groups to discuss the MASP. Aileen had provided focus questions for each group to consider during their individual meetings:

1. How will the MASP ensure IMPEL work has clear lines of sight to EU/EC goals and priorities to implementation?
2. What are the coherence issues?
3. What are the capacity issues?
4. How should the MASP help to promote better regulation principles?

3. Presentation of results from breakout group activities on MASP

Session 4: Overview of Cluster progress reports and completed projects

Chair: Terry Shears

1. Cluster i: Improving implementation of EU Environmental Law (permitting, inspection, enforcement and smarter regulation) progress report, Horst Buther & Simon Bingham

A) Progress report:

The progress reports from the following projects were delivered by Horst Buther and Simon Bingham, Chairs of Cluster i:

- IRI Italy (Lombardia)
- IRI Iceland
- Implementation of Environmental Impact Assessment on the basis of precise examples
- Environmental inspections of industrial installations in accordance with the Industrial Emissions Directive (IED)
- Industrial Emissions Directive (IED) - the transition to IED permits and how to deal with substantial change at a permitted facility
- Setting inspection targets and monitoring performance, phase 2
- Energy efficiency in permitting and inspections, phase 3
- Linking WFD and IPPC, phase 3
- Reinforcement programme on inspection skills according to landfill sites in IMPEL member countries, phase 2
- Improving permitting and inspection of IPPC pig farming installations by developing practical guidance, phase 2
- Choosing appropriate interventions alongside inspections to ensure compliance and achieve environmental outcomes

B) Completed project reports:

- The following projects were approved by the General Assembly:

- Development of an easy and flexible risk assessment tool as a part of the planning of environmental inspections linked to European environmental law and the RMCEI (easyTools), phase 2 (2011 project)
- Reinforcement programme on inspection skills according to landfill sites in IMPEL member countries, Interim report (2011 project)
- Comparison programme on the implementation and enforcement of air quality standards in relation to industrial air emissions, phase 2 (2011 project)
- Exploring qualitative and quantitative assessment tools to evaluate the performance of environmental inspectorates across the EU (2011 project)
- Lessons learnt from accidents: Conference in Aix-en-Provence 2011 (2011 project)
- Compliance assurance and company compliance management systems (2011 project)
- Exploring the use and effectiveness of complementary approaches to inspection for ensuring compliance (2011 project)

2. Cluster TFS progress report, Kevin Mercieca

A) Progress report:

The progress reports from the following projects were delivered by Nancy Isarin from the TFS Cluster Secretariat:

- Enforcement Actions III
- EU-Africa collaboration 2012
- EU-Asian collaboration 2012
- NCP Exchange Days 2012
- Waste Sites, phase 2
- DTRT-TFS, phase 2
- Public Prosecutors
- TFS Conference 2012

B) Completed project reports:

The following projects were approved by the General Assembly:

- IMPEL-TFS NCP Exchange Days 2011 (2011 project)
 - Using the IMPEL Practicability and Enforceability Checklist to assess the Waste Shipment Regulation (Joint activity by Cluster 2 and 3) (2011 project)
 - Cooperation and Awareness Raising to Prevent Illegal Traffic in Waste to non-OECD countries in Asia (2011 project)
 - IMPEL TFS-African collaboration follow up (2011 project)
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Session 5: New project proposals

Chair: Terry Shears

1. Cluster Improving implementation of EU Environmental Law (permitting, inspection, enforcement and smarter regulation) project proposals, Horst Buther / Simon Bingham

Horst gave a brief summary of the Terms of Reference related to the Lessons Learnt from accidents 2013 project idea. Much of the discussion following this presentation centred around the procedural issues over approving this project now and what this meant in terms of the IMPEL budget for 2013.

The project ToR was supported in principle by the General Assembly though with the caveat that it is dependent on funds available.

Session 6: Membership

Chair: Zofia Tucinska

1. Membership application from Swedish Agency for Marine and Water Management, Rikard Janson

Rikard introduced the Swedish Agency for Marine and Water Management to the network. He said that this Government agency was formed one year ago and took over tasks from the Swedish EPA and County Administrations on marine and water issues. They will be coordinated through the Swedish EPA and National Coordinator. There was unanimous support for the Agency to be accepted as the 46th IMPEL member.

2. Potential Candidates and Federal Office for Environment and Nature (FOEN), Switzerland, Terry Shears

Terry introduced this agenda item and split the discussion into two parts: the proposal to change the statute to enable EFTA countries to join the network and then for Potential Candidates of the EU to join IMPEL.

On the change regarding EFTA countries, Terry presented the letter from FOEN in Switzerland and said that they are already active within Cluster TFS. Hans said that IMPEL could consider replacing 'EEA' with just 'EFTA' in the Statute because they are the same countries for both. There were no more comments on this and the change of the Statute to enable EFTA countries to join IMPEL was accepted. FOEN was unanimously supported as the 47th member of IMPEL.

On the second part of the discussion, Terry said that the Commission had strongly encouraged IMPEL to allow Potential Candidates of the EU to join our network. Following discussion at the last General Assembly in Warsaw, the Board had sought active contributions from the Commission to clarify the status of Potential Candidates as described by DG Enlargement and that the term presented in the proposal was sufficiently justified considering the European Commission's language.

The General Assembly supported the change to the Statute and rules as proposed by the Board.

Session 7: Cooperation between IMPEL and the European Commission

Chair: Zofia Tucinska

1. Presentation, Hans Lopatta, DG Environment

Please refer to the note submitted by Hans Lopatta to the General Assembly.

Session 8: OECD presentation on: Regulation & compliance promotion for SMEs

Chair: Zofia Tucinska

1. Presentation, Eugene Mazur, Organisation for Economic Cooperation and Development

Please refer to the note submitted by Eugene Mazur to the General Assembly.

Session 9: Cooperation with partner organisations

Chair: Zofia Tucinska

1. Update on INECE activities, Terry Shears

There have also been discussions to change the decision making structure of INECE – to create a working structure which will have 4-6 people on a governing body working with a council of all INECE members. There was a reference to the setting up of a prosecutor's network as well as a summary of the ongoing Seaport project taking place at the moment. The draft report is expected before the summer and a final draft in the autumn.

2. Update on RENA activities, Ike van der Putte

Ike gave a summary of the report he submitted to the General Assembly.

3. Update on NEPA activities, Will Fawcett

Will gave a brief overview of the structure of the Heads of EPAs network describing the structure (38 members represented by heads or directors of agencies) and the interest groups akin to Clusters that work on topic areas: better regulation, carbon capture storage, climate change and adaptation, genetically modified organisms for example; though 'projects' in the IMPEL sense were not developed but instead 'positions statement' and letters were produced to influence policy and inform policy makers. He said that the network had recently held its Plenary meeting (like the IMPEL General Assembly) in April in London where a decision was taken to look further into the issue of noise and fluorinated gases as well as form an interest group on international cooperation with organisations outside of Europe. The next plenary meeting is to take place in Bulgaria in September.

Friday 08 June 2012

Session 10: Organisational matters

Chair: Zofia Tucinska

1. Board report on IMPEL finances, Terry Shears

i. Review of 2011 results

Terry presented the first of three Board reports. Kristina said that, for brevity's sake, she would submit her questions via written method so that they could be inserted into the minutes and responded to by the Board.

ii. "Actions taken in 2012 by IMPEL and recommendations for further action to improve the management of the network"

Terry presented the second of the reports, this time on recommendations by the Board to improve the management of the network.

The first and second recommendations of the Board were supported. The third recommendation was not supported.

iii. "Looking forward: Options for action in 2012 and beyond to achieve short and long term financial stability". A discussion on actions needed for short and long term financial stability of the IMPEL network

Session 11: Presentation by the Cypriot National Coordinator on GA Cyprus

Chair: Zofia Tucinska

Chrystalla presented a short video on the Cyprus Presidency of the Council of the European Union.

The meeting will take place in Nicosia on the 5/6 December 2012.

Session 12: Conclusions and close of meeting

Chair: Zofia Tucinska

Zofia closed the meeting and thanked everyone for a fruitful meeting. She wished everyone a safe journey home.