**Potential topics for follow-up projects in the field of environmental enforcement**

*Project MK-10-IPA-EN-01-14 (MK-10-IB-EN-01)*

*Activities no: 1.1 & 3.1*

*(missions 1.1.6 & 3.1.4)*

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**List of Acronyms**

|  |  |
| --- | --- |
| BATs | Best Available Techniques |
| BREFs | Best Available Techniques Reference Document |
| CARDS | EU Preaccession Programme |
| EAP | Environmental Action Plan |
| EC | European Commission |
| ECRAN | Environment and Climate Regional Accession Network |
| EIA | Environmental Impact Assessment |
| EPRTR | European Pollutant Release and Transfer Registe |
| EUROPOL | European Police |
| IED | Industrial Emissions Directive 2010/75/EU |
| IMPEL | European Union network for the implementation and enforcement of environmental law |
| INECE | International Network for Environmental Compliance and Enforcement |
| IPA-2 | Instrument for Pre-accession Assistance II |
| IPPC | Integrated Pollution Prevention and Control |
| INTERPOL | International Police |
| IRAM | Integrated Risk Assessment Method |
| LEAP | Local Environmental Action Plan |
| LoMPWP | Law on Management of Packaging Waste and Packages |
| LSGU | Local Self Gouvernment Unit |
| MoEPP | Ministry for Environment and Physical Planning |
| MS | Member State |
| NEI | Network of Environmental Inspectors |
| NER | Network of Environmental Regulators |
| PHARE | EU Preaccession Programe |
| PPWD | Packaging and packaging waste directive |
| REC | Regional Environmental Center for Central and Eastern Europe |
| RMCEI | Recommendation 2001/331/EC of the European Parliament and the Council providing for minimum criteria for environmental inspections in the Member States |
| SEA | Strategic Environmental Assessment |
| SEI | State Environmental Inspectorate |
| TA | Technical Assistance |
| TFS | Transfrontier Shipment of Waste |
| UNDP | United Nation Development Programme |
| WBAD | Waste Batteries and Accumulators Directive |
| WEEED | Waste Electrical and Electronic Equipment Directive |
| WFD | Waste Framework Directive |

Table of Contents

[1. Introduction 6](#_Toc458077939)

[2. Brief assessment of steps towards a better environmental enforcement taken during the implementation of this project 6](#_Toc458077940)

[2.1. Motivation and context of the Twinning project 6](#_Toc458077941)

[2.2. Twinning Project 7](#_Toc458077942)

[2.2.1. Implementation of the project 7](#_Toc458077943)

[2.2.2. Results achieved 8](#_Toc458077944)

[2.3. Supply contract providing equipment and software for environmental enforcement authorities 9](#_Toc458077945)

[2.4. Technical Assistance project supporting implementation of environmental legislation at local level 10](#_Toc458077946)

[3. Ongoing or coming projects having an impact on environmental enforcement 11](#_Toc458077947)

[3.1. Projects in the Republic of Macedonia 11](#_Toc458077948)

[3.1.1. Twinning on Industrial Emissions Directive (ongoing) 11](#_Toc458077949)

[3.1.2. Twinning on Waste Management (to start in September 2016) 13](#_Toc458077950)

[3.1.3. Twinning on water quality (currently being tendered) 15](#_Toc458077951)

[3.2. International networks and institutions 18](#_Toc458077952)

[3.2.1. IMPEL 18](#_Toc458077953)

[3.2.2. ECRAN 18](#_Toc458077954)

[3.2.3. INECE 19](#_Toc458077955)

[3.2.4. INTERPOL 19](#_Toc458077956)

[3.2.5. EUROPOL 20](#_Toc458077957)

[3.2.6. THEMIS 20](#_Toc458077958)

[3.2.7. REC 20](#_Toc458077959)

[3.2.8. UNDP 20](#_Toc458077960)

[4. Main remaining gaps in the field of environmental enforcement to be assessed in coming years 21](#_Toc458077961)

[4.1. Assimilation and sustainability of recommendations and outputs delivered by this Twinning 21](#_Toc458077962)

[4.2. Coordination & effectiveness of enforcement chain 22](#_Toc458077963)

[4.3. Equipment 22](#_Toc458077964)

[5. IPA-2 and other funding opportunities in the field of environmental enforcement for the next years 23](#_Toc458077965)

[5.1. Programmed IPA-2 actions related to environmental enforcement 23](#_Toc458077966)

[5.2. Other potential funding opportunities in the field of environmental enforcement 23](#_Toc458077967)

[5.2.1. TAIEX for very specific needs 23](#_Toc458077968)

[5.2.2. EU integration facility 24](#_Toc458077969)

[5.2.3. Other programmes which involve partnerships 24](#_Toc458077970)

[5.2.3.1. LIFE+ Environment 24](#_Toc458077971)

[5.2.3.2. Other Programmes (Horizon 2020, Europe for Citizens…) 25](#_Toc458077972)

[5.2.4. Bilateral funding: G2G, SIDA, Austrian EPA and ADA, USAID…. 25](#_Toc458077973)

[6. Potential topics for follow-up projects in the field of environmental enforcement 26](#_Toc458077974)

[6.1. Prior considerations 26](#_Toc458077975)

[6.2. Twinning project on environmental enforcement & climate change 26](#_Toc458077976)

[6.3. Twinning project on horizontal topics (EIA, SEA, Public Participation, Access to Information, Environmental Crime, Environmental Liability) 28](#_Toc458077977)

[6.4. Supply contracts 29](#_Toc458077978)

[6.4.1. First supply contract (implementation expected to start earliest 12/2018) 30](#_Toc458077979)

[6.4.1.1. To take into account: proper linkage with external relevant databases 30](#_Toc458077980)

[6.4.1.2. Additional hardware 30](#_Toc458077981)

[6.4.1.3. Upgrading of software 33](#_Toc458077982)

[6.4.2. Second supply contract (implementation expected to start earliest 12/2019) 33](#_Toc458077983)

[6.4.2.1. To take into account: proper linkage with external relevant databases 34](#_Toc458077984)

[6.4.2.2. Additional hardware 34](#_Toc458077985)

[6.4.2.3. Upgrading of software 34](#_Toc458077986)

[6.5. Topics to be covered through other instruments 34](#_Toc458077987)

[6.5.1. To be covered by TAIEX 34](#_Toc458077988)

[6.5.2. To be covered by international networks (e.g. IMPEL) 34](#_Toc458077989)

[6.5.3. To be covered by bilateral funding like G2G, SIDA, Austrian EPA and ADA, USAID…. 35](#_Toc458077990)

[6.5.4. To be covered by other EU programmes like LIFE+, Europe for Citizens, Horizon 2020, ….. 36](#_Toc458077991)

[Annex 1: Questionnaire distributed on the 11/07/2016 37](#_Toc458077992)

[Annex 2: Agenda of the workshops held in the period 12th – 15th of July 2016 40](#_Toc458077993)

[Annex 3: Croatian experience in capacity building of environmental enforcement authorities 47](#_Toc458077994)

# Introduction

This document includes an assessment of the current situation and progress in the field of environmental inspection during the implementation of this project, and proposals for potential contents for follow-up projects or actions in this field.

The proposals are based on the assessment made, the feedback received from different beneficiaries throughout the implementation of the project, information provided by MoEPP IPA Unit on the expected programming of IPA-2 funds in coming years, the questionnaire circulated on the 11th of July 2016, the discussions held in the workshops held on the 12th – 15th July 2016 within mission 1.3.9, and the experience of EU experts.

The document is structured as follows:

* In section 2, a brief description of the steps taken during the implementation of this project towards a better enforcement of environmental legislation is provided.
* Section 3 describes the most relevant ongoing or coming projects that have an impact on environmental enforcement.
* Section 4 identifies the main gaps in this area to be assessed and dealt with during the next years.
* Section 5 is a brief description of funding opportunities through IPA-2 funds and other mechanisms.
* Section 6 proposes potential topics for the follow-up projects to this Twinning.
* Finally, 3 annexes include the questionnaire circulated on the 11th of July 2016, the agenda of the workshops held on the 12th – 15th July 2016 and Croatian experience in capacity building of environmental enforcement authorities.

# Brief assessment of steps towards a better environmental enforcement taken during the implementation of this project

Since January 2015 this Twinning project (finishing in August 2016) has been working with the Macedonian State Environmental Inspectorate (SEI), as well as with local authorised environmental inspectors from municipalities, to improve their effectiveness and align their approaches with EU best practices.

## Motivation and context of the Twinning project

The request to the EU for support by the SEI through the Ministry of Environment and Physical Planning (MoEPP) took its first steps in 2011 as an answer to the persistent gap between the new requirements imposed by EU environmental legislation which had been transposed into national legislation, and the actual level of implementation by industry and other relevant stakeholders. This gap had been, and still is, a reason of concern both for the Macedonian environmental competent authorities as well as for the European Commission, which emphasized in the last annual progress reports the need to close such gap between theory and practice.

To improve environmental enforcement a set of **3 EU-financed actions** was designed: (i) **this Twinning project**, supporting environmental inspection at central and local levels, (ii) **a Technical Assistance** project, supporting 9 pilot municipalities and MoEPP in other duties related to implementation of environmental legislation at local level, and (iii) **a supply contract** providing different kinds of equipment and software to improve the working conditions of environmental inspectors in the country, including a set of cars, equipment for indicative measurements, and office IT equipment, plus a document and process management software.

After the procedure to prepare the fiches for such actions, get approval by the European Commission for their implementation, and tender them, the 3 actions have been implemented within the years 2015 – 2016.

## Twinning Project

This Twinning project had the following **main objectives**:

1. To improve the laws that describe how the environmental inspection system and the environmental inspectors work.
2. To suggest changes in the institutions related to environmental inspections, to optimize their resources.
3. To improve the planning made by environmental inspection authorities, prioritizing the solution of the biggest environmental problems detected.
4. To deliver or support the elaboration or improvement of numerous tools for daily work of inspectors and industrial operators.
5. To raise inspector’s capacity through the delivery of a training programme, making use of the tools prepared within the project.

The **final goals** were to work towards an inspection: (i) oriented to results (namely environmental compliance of industries), with less inspections but in more depth, (ii) with a frequency of inspections based on an environmental risk approach, (iii) more standardized throughout the country, and in line with EU best practice.

### Implementation of the project

The project started with an inception phase of 3 months, followed by 3 months devoted to the preparation of strategic proposals for legal and institutional reform. The second semester focused on the drafting of a new law on environmental inspection and of multiple guidance materials and templates, while the last semester has been devoted to the delivery of training and dissemination of project outputs. In total >500 man-days, at an average of 3 missions/month, have been implemented.

### Results achieved

The project has fulfilled its objectives, achieving the following main results:

1. Outputs aimed at the improvement of the environmental inspection and enforcement system, including:
   * Assessment of the environmental inspection system in the Republic of Macedonia
   * Training Needs Assessment of environmental inspectors at central and local level
   * Draft of Law for Inspection on Environment, aligning certain provisions in EU legislation.
   * Macedonian version of the EU IMPEL[[1]](#footnote-2) risk assessment IRAM software adapted to Macedonia, for the planning of environmental inspections in line with RMCEI & IED.
   * Strategy Report with proposals for the further improvement of the environmental inspection system in the Republic of Macedonia.
   * Proposals on how to establish a good system of performance indicators to evaluate the SEI and the inspectors.
   * Proposals to improve and upgrade the current software used by SEI.
   * Macedonian translation of template for multiannual inspection plan and annual inspection program that is applicable in Spain.
   * Recommendations for soil pollution prevention, control and management of contaminated sites, and tips for sites polluted with lindane and HCHs.
   * Report about SEI input for good reporting on IED-Seveso-III-EPRTR
   * Report about implications of TFS Regulation on inspections
2. Outputs and missions related to training and capacity building:
   * Strategy Report defining training curricula & long-term capacity building proposals for SEI (to deliver after the project).
   * Training Programme for Inspection (to deliver within the project)
   * Delivery of 12 training missions covering the environmental inspection cycle, knowledge of industrial sectors & abatement pollution techniques, inspections to pilot installations, sampling & monitoring, capacity building on communication and team building and use of IRAM software.
   * Implementation of 3 study tours with Macedonian inspectors, to Spain, Portugal and The Netherlands.
   * Translation into Macedonian of Best Available Techniques (BAT) for the management of tailings and waste-rock in mining activities (chapter 5 of corresponding BREF)
   * Translation into Macedonian of Chapter 5 (BAT Conclusions) of final draft of BREF for intensive rearing for poultry and pigs
3. Guidance documents and templates to support inspectors, including:
   * Environmental Inspection Manual.
   * Generic environmental inspection check list.
   * Horizontal Best Available Techniques inspection check list.
   * 12 sectorial environmental inspection check lists (ELV’s processing facilities, landfills, waste oil processing, activities preparing plaster, large combustion plants, electric arc furnace iron & steel installations, meat processing facilities, wineries, breweries, pig & poultry farms, quarries & mines, and stationary asphalt production facilities).
   * 12 sectorial factsheets (to know the sector & techniques to minimize its pollution, in the sectors mentioned above).
   * Inspection report template for inspections to installations subject to Directive 2010/75/EU (largest polluters).
   * Report with suggested template for publicly available inspection report, and classification of non compliances
   * Guidance for cases of small incidents or accidents.
   * Waste Watch IMPEL guidance booklet for the inspection of waste
   * Small guidance for proper sampling and control of self-monitoring reports from industrial operators
4. Delivery of materials related to communication with stakeholders:
   * **SEI website**, including info for operators, Frequently Asked Questions, legislation, **all documents mentioned**…see [www.sei.gov.mk](http://www.sei.gov.mk) .
   * Informative leaflet for industrial operators about environmental inspection.

For more detailed information and access to project outputs please visit [www.sei.gov.mk](http://www.sei.gov.mk).

## Supply contract providing equipment and software for environmental enforcement authorities

The supply contract “Supply of equipment for data collection and management information and reporting system for inspections and selected municipalities”, EuropeAid/135892/IH/SUP/MK , has been implemented in 2015-2016.

SEI has been able to incorporate in 2015-2016 through this supply contract the following:

* 10 new cars.
* Special equipment for indicative measurements for noise, PM10, water, GPSs.
* Business process management system (BPMS) for data processing on inspection supervision (still on testing period)
* Video conference call system.
* The following IT equipment (providing equipment both for SEI and for municipalities), part of it required to implement the abovementioned BPMS and video conference call system:

|  |  |  |  |
| --- | --- | --- | --- |
| Item | | Beneficiary | |
| SEI | Municipalities |
| 1. | 2U Rack Mountable Server Type 1 | 1 | 0 |
| 2. | 2U Rack Mountable Server Type 2 | 1 | 0 |
| 3. | Personal Desktop computers | 35 | 75 |
| 4. | Notebook computers | 12 | 2 |
| 5. | Colour Laser Printer | 1 | 1 |
| 6. | Printer - Copier – Network Scanner Type 1 | 11 | 14 |
| 7. | Printer - Copier - Network Scanner Type 2 | 1 | 1 |
| 8. | LCD Projector | 1 | 0 |
| 9. | Rack Cabinet | 1 | 0 |
| 10. | Solution for instant messaging, Audio/Video Conferencing, ad-hoc meetings and VoIP communication | 1 | 0 |
| 11. | Uninterruptible Power Supply | 1 | 0 |
| 12. | Network Switch | 1 | 0 |

## Technical Assistance project supporting implementation of environmental legislation at local level

The TA project “Strengthening Capacities for Implementation of Environmental Legislation at Local Level”, EuropeAid/134079/D/SER/MK, implemented in the period 20/01/2015 – 20/07/2016, left the capacity building in the field of inspection to the Twinning project, but nevertheless produced a series of strategic and guidance documents relevant for the improvement of enforcement of environmental legislation at local level.

The main outputs/results of the project were the following:

* Legal Analysis of environmental competences of municipalities: it identified almost 160 competences that have been placed on LSGUs in relation to environmental protection
* Institutional Analysis of 9 municipalities.
* Programme of Reform (identifying priority measures for strengthening implementation of environmental legislation at municipal level).
* Analysis and Assessment of Existing Information System
* Guidelines for establishment of Cadastre of Environment
* Stakeholder Involvement Plan
* Communication and Coordination Plan (of competent authorities at central and local level in the field of environment).
* Guidelines for Supervision of Municipalities in implementation of environmental requirements
* Guidelines for improved communication and coordination when developing environmental policy
* Network Mechanism for Exchanging Experience and Knowledge
* Programme for Raising Public Awareness
* Training Needs Assessment report
* Short-term Training Programme
* Long Term Training Programme
* Review of air quality in Tetovo
* Review of existing LEAPs
* Updated methodology for LEAPs
* Guidelines of Preparation of Reports concerning LEAPs
* Guideline on waste reporting
* Guidelines for preparation of local level waste management programmes
* Guidelines on Preparation of Air Quality Plans
* Procedural Manual for Municipalities under air quality legislation
* Guidelines for Strategic Noise Map Development
* Guidelines for Noise Action Plan development
* Internal procedures for implementation of environmental legislation in municipalities
* Guidelines on budgeting
* Guidelines for Implementation of Bathing Water Legislation
* Guidelines for Implementation of Competences under Water Legislation
* Guideline on assessment of Elaborates
* Manual on control of air emissions in B permitting
* Manual on Control of Noise Emissions in B Permits
* Guidelines for preparation of emission limit values for discharges to sewers
* Site visits to several installations and drafting of several B permits

# Ongoing or coming projects having an impact on environmental enforcement

## Projects in the Republic of Macedonia

### Twinning on Industrial Emissions Directive (ongoing)

The Twinning Project MK 11 IB EN 01 R “Strengthening the administrative capacities on central and local level for transposition and implementing new Industrial Emissions Directive 2010/75/EU in Macedonia” started implementation in October 2015 and will run until December 2016 (with possible extension of a few months).

The following results and activities are expected to be achieved / implemented:

**RESULT 1: Economic impact assessment of implementation of IED to the industrial sector**

*Intermediate Result 1.1: Assessment of the economic impact of the implementation of the IED to the industrial sectors which have to comply with the new IED*

1.1. Assessment of the economic impact of the implementation of the IED to the industrial sectors which have to comply with the new IED

**RESULT 2: Development of primary and secondary legislation in accordance with the IED**

*Intermediate Result 2.1:* *Development of new Law on Control on Emissions from Industry transposing IED*

2.1. Gap assessment of the degree of compliance of existing legislation with IED

2.2. Elaboration of Law on Control on Emissions from Industry

2.3. Amendment/abolishment of primary legislation related to IED

*Intermediate Result 2.2:* *Development of secondary legislation in accordance*

2.4. Amendment/abolishment of secondary legislation related to IED

**RESULT 3: Strengthening of central and local administrative capacity for implementation of IED**

*Intermediate Result 3.1: Analysis and proposed plans for strengthening the central and local administrative capacity for transposition and implementation of IED*

3.1. Analysis of the administrative capacities required for implementation and enforcement of the new IED.

3.2. Training needs assessment (short and long-term)

3.3 Elaboration of programme for strengthening the central and local administrative capacity for transposition and implementation of IED, including structure and training plans in the short and long term

*Intermediate Result 3.2:* *Support in implementation of IED*

3.4. Assessment of at least 2 issued IPPC permits per sector

3.5. Elaboration of procedural manuals for IED implementation, and of guidance on determination of ELVs in A and B-IPPC permits

3.6. Drafting of at least 6 permits in accordance with IED

3.7. IED seminars and workshops

3.8. Preparation of implementation questionnaire for IED

3.9 Study visit to Spain

**RESULT 4: Preparation of priority list of equipment necessary for implementation of IED**

*Intermediate Result 4.1: Prepared priority list of equipment necessary for implementation of IED*

4.1. Preparation of priority list of equipment necessary for implementation of IED

Regarding environmental inspections, this project will complete the transposition (among others) of art. 23 of the IED (prescribing conditions for inspections to installations falling under the scope of the IED).

It is expected to contribute as well to an improved environmental permitting system in the country.

### Twinning on Waste Management (to start in September 2016)

The Twinning project MK 12 IB EN 02 “Strengthening the administrative capacities for implementation of Waste Framework Directive (WFD) and Special Waste Streams Directives (WEEED, WBAD and PPWD)” is expected to start its implementation in September 2016 and last for 21 months, having as purpose to strengthen the administrative capacity and undertake measures for implementation of Waste Framework Directive (WFD) and Special Waste Streams Directives (WEEED, WBAD and PPWD) through further development of implementation of the legislation and provision of trainings. The project includes the following components and expected outputs:

**Component 1** (The administrative capacity for implementation of Waste Framework Directive strengthened):

* Report of existing primary and secondary legislation including procedures for issuing waste related permits (holders of waste, waste generation, waste collection and transport, waste storage, etc) taking into account the available compliance check against EU Waste Framework Directive and any additional related assessment;
* Draft new Law on Waste Management developed;
* Draft at least 8 new or amending existing secondary legislation related to WFD and issuing of each of the waste related permits developed;
* Developed manual for implementation of the Waste Framework Directive 2008/98;
* Draft Waste Prevention Plan prepared.
* Performed assessment of the administrative capacities on central and local level for implementation of waste legislation (staff, structure, trained experts in specific areas, equipment, documentation, coordination and competences), including exploration of regional approach in implementation of the draft new Law on Waste Management (such as establishing a joint administration of several municipalities);
* Prepared report on institutional review including key elements of different administrations (central and local) involved in implementation of waste related national legislation with recommendations for improvement;
* Prepared and approved a training programme for strengthening the administrative capacities at central and local level for implementation of the waste related legislation (Long-term and short-term);
* Training curricula and materials for implementation of the WEEE legislation prepared in Macedonian and English version;
* Trainings provided for approximately 100 participants for implementation of Law on Waste Management and relevant secondary legislation

**Component 2** (The administrative capacity strengthened and measures for implementation of Waste Electrical and Electronic Equipment Directive (WEEED) undertaken)

* Report of existing primary and secondary legislation taking into account the available compliance checks against EU WEEED and any additional related assessment;
* Report on legal and administrative measures required for improvement in implementation of LoWEEE proposed;
* Assessment prepared for implementation of the WEEED, in particular procedures for issuing permits and calculation of WEE generation, with recommendations to improve the implementation (both administrative and legal);
* Prepared amendments of the LoWEEE and at least 8 new or amending existing relevant secondary legislation on WEEE developed;
* Performed assessment of the administrative capacities on central and local level for implementation of LoWEEE (staff, structure, trained experts in specific areas, equipment, documentation, coordination and competences) with performed review of relevant stakeholders roles and responsibilities in implementation for LoWEEE;
* Prepared and approved a training programme for strengthening the administrative capacities at central and local level for implementation of the LoWEEE (Long-term and short-term);
* Training curricula and materials for implementation of the WEEE legislation prepared in Macedonian and English version;
* Trainings delivered for approximately 30 participants for implementation of the LoWEEE and relevant secondary legislation.

**Component 3** (The administrative capacity strengthened and measures for implementation of Packaging and packaging waste directive (PPWD) and Waste Batteries and Accumulators Directive (WBAD) undertaken)

* Report of existing primary and secondary legislation taking into account the available compliance checks against EU PPWD and WBAD and any additional related assessment;
* Report on legal and administrative measures required for improvement in implementation of LoMPWP and LoMBAWBA proposed;
* Assessment prepared for implementation of the PPWD and WBAD, in particular procedures for issuing permits and calculation of packaging waste and waste from batteries and accumulators generation with recommendation to improve the implementation (both administrative and legal);
* Prepared amendments of the Laws (LoPWP and LoBAWBA) and at least 10 new or amending existing relevant secondary legislation on PPWD and WBAD are developed;
* Performed assessment of the administrative capacities on central and local level for implementation of PPWD and WBAD (staff, structure, trained experts in specific areas, equipment, documentation, coordination and competences) with performed review of relevant stakeholders roles and responsibilities in implementation for PPWD and WBAD;
* Prepared and approved a training programme for strengthening the administrative capacities at central and local level for implementation of the LoPWP and LoBAWBA (Long-term and short-term);
* Training curricula and materials for implementation of the PPWD and WBAD legislation prepared in Macedonian and English version;
* Trainings delivered for approximately 60 participants for implementation of Law on Packaging and Waste Packaging and Law on Batteries and Accumulators and Waste Batteries and Accumulators and relevant secondary legislation.
* Assessment of the implementation of the National Programme for Management of the Packaging Waste;
* National Programme for Management of the Packaging Waste revised;
* Assessment of the quantities of Waste Batteries and Accumulators generated in the country;
* National Programme for Management of the Waste Batteries and Accumulators prepared.

Of special relevance for inspection and environmental enforcement will be the following contents of this project:

* Review of the primary and secondary legislation in this area focusing on the implementation and enforceability.
* Giving the view of the enforcement when defining criteria to write the permits associated to this legislation.
* Contributing to the compliance assurance of this legislation by the different actors.

### Twinning on water quality (currently being tendered)

The Twinning project MK 13 IPA EN 01 16 “Strengthening the capacities for effective implementation of the acquis in the field of water quality” is currently being tendered and will start its implementation in 2017, last for 21 months, having as purpose to strengthen the administrative capacities in the area of water management by implementing the appropriate EU *acquis.* In particular the project will assist the national authorities in drafting the Vardar River basin management plan and in harmonising and implementing secondary legislation in the area of water monitoring and water permitting. The project includes the following components and expected outputs:

**Component 1: Strengthened water permitting system**

**Intermediary result 1:** Upgraded and updated Water Information System (WIS) operated by the Water Department of MoEPP with new data related to permit’s information and other abstraction/discharge and the database is operational;

* Water Information System (WIS) database is upgraded and updated with new abstraction and discharge data and other data related to water permits; and
* National database of water discharge points (Permitted/non-Permitted) (incorporating water quality parameters) is updated and operationalized.

**Intermediary result 2:** Prepared at least 20 water permits (10 abstraction, 10 discharge);

* Minimum 10 water permits (List of priority Water Discharge Permits to be drafted with the support of the twinning team) are finalized;
* Minimum 10 water permits (List of priority Water abstraction Permits to be drafted with the support of the twinning team) are finalized.

**Component 2: Drafted relevant secondary legislation to ensure the implementation of EU water acquis**

**Intermediary result 1:** Developed secondary legislation and technical guidance in accordance with EU water *acquis.*

* Secondary legislation developed in accordance with the EU water *acquis* with Statement and Table of Concordance; List of existing secondary legislation related to water sector that should be abolished or amended is developed and agreed with MoEPP accompanied with table indicating articles which should be abolished or amended;
* Stakeholder consultation requirements for legislation fulfilled;
* National technical guidance according to Common Implementation Strategy (CIS) for the Water Framework Directive related to Economics issues, Surface water chemical monitoring under WFD, planning process, public participation, exemption to the environmental objectives and reporting is developed.

**Component 3: Strengthened national water monitoring system**

**Intermediary result 1:** Assessment of the existing Water Monitoring system (quantity and quality) for surface and ground waters

* Prepared gap assessment report of the existing monitoring networks for surface and ground waters in relation to EU water acquis and EU monitoring legislation;
* Prepared assessment of the existing administrative and technical capacity for water monitoring;
* Prepared assessment report of available monitoring data, reporting practices and identification of the needs for additional data collecting according to EU reporting requirements.

**Intermediary result 2:** Upgrading of the Water Monitoring system (quantity and quality) for surface and ground waters

* Prepared recommendation for improvement of the water monitoring system (monitoring schemes, sampling locations and sampling frequencies for quantity and quality) fully in compliance with relevant EU legislation;
* Prepared plan (road map) for upgrading of the Water Monitoring networks for surface and ground waters with assessment of financial need;
* Prepared recommendation for improvement of the reporting mechanisms and prepared unified Water Reporting system (quantity and quality);
* Prepared guide for communication and data flow between the National Hydro-meteorological Service (Ministry of Agriculture, Forestry and Water Economy), the Water Department (MoEPP) and the MEIC;
* Prepared one (1) draft report for quantity and quality of water to EC according to the relevant requirements.
* Prepared procedures on Quality Assurance/Quality Control on monitoring data.

**Component 4: Finalizing the Vardar River Basin Management Plan (VRBMP) and related Program of measures**

**Intermediary result 1:** Draft VRBMP is finalized.

* Developed and finalized characterization process and environmental objectives of the Vardar River Basin are defined in accordance with the WFD for surface waters, groundwater and protected areas;
* Developed and finalized summary on economic and financial analysis in Vardar River Basin District;
* Drafted Program of Measures and financial implications of their implementation taking into account the report on environmental objectives and the cases in which exemptions are allowed;
* Stakeholder consultation requirements for VRBMP fulfilled;
* Promoted RBMP of Vardar River.

**Component 5: Strengthened administrative capacity for water management**

**Intermediary result 1:** Analysis of the existing administrative capacity and proposed plans for strengthening the central and local administrative capacity for preparation and implementation of RBMP and for implementation of the water permitting and monitoring.

* Analysis of the central and local administrative capacities for implementation of RBMP and implementation of the water permitting (staff, structure, trained experts in specific areas, equipment, documentation, coordination and competences) prepared;
* Training need assessment developed for water permitting and water monitoring and short term training plan prepared.
* Programme and Plan for strengthening of the central and local administrative structure for implementation of the water permitting and monitoring systems as well as for implementation of VRBMP (Water Department within MoEPP, River Basin Council, MAFWE, MH, MTC, Municipalities, HMI) prepared.

**Intermediary result 2:** Support in implementation of VRBMP

* Approximately 20 participants from the MoEPP and HMI trained on water permitting with an emphasis on hands-on application and actual examples from EU MS;
* Approximately 20 people of the MoEPP and HMI trained on the developed secondary legislation and technical guidance;
* Approximately 15 people trained on European standardized methods for monitoring and analysis (Article 8.3 WFD) and preparation of surveillance and operational monitoring programmes;
* Approximately 10 people trained on assessments of biological status, intercalibration, quality control etc.

Of special relevance for inspection and environmental enforcement will be the following contents of this project:

* Review of the primary and secondary legislation in this area focusing on the implementation and enforceability.
* Giving the view of the enforcement when defining criteria to write the permits associated to this legislation.
* Contributing to the compliance assurance of this legislation by the different actors.
* The development of the Water Information System with the purpose to assist water protection inspectors in the enforcement process.

## International networks and institutions

SEI is an active member of several international networks which support the knowledge exchange and capacity building of this institution. Relevant networks and institutions (besides EC) for SEI are the following:

### IMPEL

The **European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)** is an international non-profit association of the environmental authorities of the European Union Member States, acceding and candidate countries of the EU, EEA and EFTA countries. The Republic of Macedonia is a member.

IMPEL’s objective is to create the necessary impetus in the European Union to make progress on ensuring a more effective application of environmental legislation. The core of IMPEL activities concerns awareness raising, capacity building, peer review, exchange of information and experiences on implementation, international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation. IMPEL undertakes its activities primarily within a project structure.

Participation in IMPEL projects gives a unique opportunity to each inspection body to improve the knowledge and skills and share experience with IMPEL practitioners. It is strongly recommended to continue with an active participation of environmental protection inspectors in IMPEL work through a new application of SEI as IMPEL member with all relevant duties and rights in line with IMPEL rules.

### ECRAN

**ECRAN (Environment and Climate Regional Accession Network),** financed by EU and managed by the European Commission, assists the beneficiaries in exchange of information and experience related to preparation for accession.

ECRAN is strengthening regional cooperation between the EU candidate countries and potential candidates in the fields of environment and climate action and assists their progress in the transposition, implementation, compliance and enforcement of the EU environmental and climate *acquis.*

In each ECRAN environment component a cross-cutting importance and relevance of environmental inspectorates is ensured. In particular there is a Cross-cutting Working Group for both environment and climate components - Enforcement and Compliance (ECENA), which ensures participation of enforcement practitioners in all ECRAN activities and promotes a compliance checking and enforcement.

Since the work of inspectors has to be more coordinated and connected to other activities within the environmental protection area, ECENA within ECRAN is designed to be cross cutting. This is particularly important as the work of ECENA is dealing with both implementation and enforcement of the EU *acquis.* Cooperation with policy makers and law drafters has to be strengthened in order to enable developing better implementable legislation.

The ECENA activities are focused on the following topics:

* Capacity building on compliance with environmental legislation;
* External country assessments;
* Methodological development - application of IRAM/easy Tools;
* Compliance with REACH/CLP Regulations;
* Trans frontier Shipment of Waste (TFS);
* Inspection and enforcement in other policy areas;
* Inspector’s participation in networking activities.

### INECE

**INECE (International Network for Environmental Compliance and Enforcement)** develops and implements practical and innovative activities that strengthen environmental compliance and enforcement at all levels of governance – local, national, regional, and international. INECE builds the capacity of compliance and enforcement stakeholders to contribute to the rule of law and good governance in areas that advance sustainable development. INECE communicates that environmental compliance and enforcement play a fundamental role in building the foundation for the rule of law, good governance, and sustainable development. INECE raises awareness of the importance of environmental compliance and enforcement and supports environmental protection inspector’s work.

### INTERPOL

**INTERPOL** as the world’s largest international police organization, with 190 member countries, enables police officers around the world to work together to make the world a safer place and to cooperate with other practitioners in order to combat among other crimes also environmental crime. Its high-tech infrastructure of technical and operational support helps meet the growing challenges of fighting all types of crime in the 21st century. Environmental crime is a serious and growing international problem, and one which takes many different forms, like pollution crime, the trade and disposal of waste and hazardous substances in contravention of national and international laws.

In addition to these clear and present crimes, new types of environmental crime are emerging, such as carbon trade and water management crime.

### EUROPOL

**EUROPOL** is the European Union’s law enforcement agency whose main goal is to help achieve a safer Europe for the benefit of all EU citizens. EUROPOL assists the European Union’s Member States in their fight against serious international crime and terrorism including environmental crime. The **EnviCrimeNet,** network within Europol providing the secretariat for informal network of practitioners combating environmental and wildlife crime, is a very useful tool.

### THEMIS

**THEMIS** is an informal regional network of national authorities responsible for natural resources management and protection, and for the development, implementation and enforcement of environmental laws, in EU candidate countries, potential candidates and countries with EU Association Agreements: Albania, Bosnia and Herzegovina, Kosovo\*, the Republic of Macedonia, Moldova, Montenegro and Serbia. Croatia is a member of the network as an observer and provides expertise and experience in relation to the EU accession process.

The THEMIS mission is to protect the environment by improving the capacities of its members to implement and enforce legislation and to combat environmental crimes

It is expected that, within the activities of THEMIS, an Impel Review Initiative in the Republic of Macedonia will take place in October 2016, focussed both on green / nature protection issues and environmental protection issues.

### REC

The Regional Environmental Center for Central and Eastern Europe **(REC)** is an international organization with a mission to assist in addressing environmental issues through promoting cooperation among governments, non-governmental organizations, businesses and other environmental stakeholders and enforcement authorities, and by supporting the free exchange of information and public participation in environmental decision making.

REC supports the increasing the effectiveness of enforcement agencies, inspectorates, the judiciary, police and other relevant bodies in relation to compliance with environmental legislation in the region, improves the exchange of experience and knowledge with EU member states through stronger cooperation with enforcement networks (former BERCEN, ECENA, IMPEL, THEMIS, ...) and strengthens regional and international networking among environmental inspectors.

### UNDP

United Nations Development Programme **(UNDP)** promotes and supports the long-term social and economic Macedonian development which requires responsible management of natural resources, the reduction of environmental hazards, low carbon development and efficient enforcement of environmental *aquis*. UNDP helps decision-makers integrate environmental considerations and measures in policies and supports the national capacity to prevent pollution, maintain biodiversity, decrease the negative effects of climate change, implement energy efficiency measures and reduce the risks of natural disasters.

UNDP is providing expert assistance to policy-makers in transposing UN conventions on environmental issues and EU environmental directives into the national legal framework. UNDP is involved helping the Macedonian Government to implement the three major UN conventions on Climate Change, Biodiversity, and Desertification together with the provisions of the EU Water Framework and the EU Energy Efficiency Directive.

# Main remaining gaps in the field of environmental enforcement to be assessed in coming years

## Assimilation and sustainability of recommendations and outputs delivered by this Twinning

This Twinning project has provided a good platform to improve the performance of the SEI on environmental enforcement (manuals, guidelines, checklists, factsheets, templates, reports, trainings, work on the spots, study tours…) in addition to the recently purchased equipment (IT equipment, BPMS software, cars, sampling and onsite monitoring equipment,…).

The SEI is using the equipment, documents and IT tools but further assistance is needed for full implementation in order to achieve EU standards in the performance of the enforcement bodies. The final results on compliance and environmental outcomes are so dependent on these final steps that the benefit of the effort of the follow-up are fully justified.

Therefore we **strongly recommend the preparation of an implementation plan** **for the outputs of the Twinning**. The time constraints of the Twinning project prevented the full implementation of the outputs. Therefore the implementation plan should be based on the principle that the work should be done mainly by the beneficiary and the time for full implementation should be realistic and clearly longer than the one for this Twinning. On top of that the participation of external assistance/advice for the implementation could be an additional guarantee for the success of the main aim of Twinning projects on compliance assurance with the European legislation.

Building enforcement capacity has been the main objective of the project and a lot has been done to improve the qualification of the inspectors. On the other side, steps have been taken on the human and technical resources of the SEI. In that sense, the above mentioned Law can help with the lack of human resources but final adjustment between working loads and human resources is needed. In the case of technical resources as IT equipment, software, interoperability and e-administration further work would help to a more efficient and effective SEI.

## Coordination & effectiveness of enforcement chain

The Twinning team, included the beneficiary, already identified one of the main gaps of the enforcement system: the present structure of the competent bodies on environmental enforcement with the state level and the local level, and the specific case of the City of Skopje, without a strong mechanism of coordination or networking. A quick and clear proposal was developed to overcome this gap, the proposal for a new Law on Environmental Inspection. Endorsing this proposal is seen as a critical step forward to strengthen the environmental enforcement capacity in Macedonia.

In addition the establishment of a Network of Environmental Inspectors (topic discussed in July 2016 in a series of workshops with SEI and local inspectors and permit writers) is considered as an important step towards the improvement of coordination, communication and capacity building of inspectors. It is expected that in autumn of 2016 steps will be taken to create such network and start its activities.

Up to now inspectors are involved in the legal procedure derived from inspection findings, and there is no systematic support from legal advisors. Moreover there is need for more coordination with judges and prosecutors. This leads to a reduced effectiveness of the enforcement chain. A review of the steps and actors involved in the legal procedure derived from inspection findings should take place, to improve the effectiveness of the enforcement system.

## Equipment

A common characteristic in the environmental enforcement systems of the EU is the limitation of resources. In this context, e-administration provides a unique opportunity to increase the capacity. The basis for effective e-administration is an advanced IT equipment and software. Most of the Member States share a common experience of difficulties and sometimes failures in this area, learning lessons from it. It is still difficult to find a clear way through, as discussed at the IMPEL workshop of the X-cutting team on enforcement and technology. Past experiences of MS recommend to choose one of the following possibilities: (i) to go for commercial packages or (ii) free software development.

The MoEPP is working on an environmental information system and SEI is in the phase of implementing the BPMS developed through the supply contract described in section 2.3. As discussed in more detail in the output from this Twinning “3.1.3.b\_Assessment-and-recommendations\_SEIs-BPMS\_EN\_160529”, further checking by IT technicians and users must be done on the functionalities and IT gaps, to make sure that the BPMS can meet the needs of the SEI. Besides, the system must be compatible with a full and effective interoperability with other systems, in particular the environmental information platform the MoEPP is working on.

The acceptance of the system is largely dependent on how friendly it is for the users. In this sense, checking the system with users before is passed to full production is desirable to adjust it.

# IPA-2 and other funding opportunities in the field of environmental enforcement for the next years

## Programmed IPA-2 actions related to environmental enforcement

According to the information provided to the RTA & RTA Counterpart by MoEPP’s SPO in a meeting held on the 3rd of June about possibilities in next years within MoEPP programming of IPA-2 funds, these are the programmed actions related to the field of environmental enforcement:

* For SEI it is planned 1 Twinning (strengthening cooperation for enforcement of environment and climate change legislation) within IPA-2. 24+3 months, about 1 million €. Procedure should start 05/2017 (so implementation earliest 05/2018). Topics not identified, just inspection on environment. In any case part of the project should include climate change issues[[2]](#footnote-3).
* Another Twinning project is envisaged to cover horizontal issues (strengthening cooperation for implementation of horizontal legislation), 0.9 million €, 21+3 months. It will cover EIA, SEA, Public Participation, Access to Information, Environmental Crime and Environmental Liability. It will ensure a complete transposition of the Environmental Crime Directive into national legislation and provide some trainings. Procedure should start 10/2017, so implementation should start 10/2018.
* 2 Supply Contracts are envisaged within IPA 2, which may include items for staff from SEI and municipalities (so far the items to be included have not yet been identified):
  + 1 million euro, start of procedure 12/17 (so implementation earliest 12/18)
  + 0.8 million euro, start of procedure 12/18 (so implementation earliest 12/19)

## Other potential funding opportunities in the field of environmental enforcement

Other possibilities can be, according to conversations held with representatives from EU Delegation and the Secretariat from European Affairs:

### 5.2.1. TAIEX for very specific needs

TAIEX is the Technical Assistance and Information Exchange instrument of the European Commission. TAIEX supports public administrations with regard to the approximation, application and enforcement of EU legislation as well as facilitating the sharing of EU best practices. It is largely needs-driven and delivers appropriate tailor-made expertise to address issues at short notice in three ways:

* Workshops: EU Member State experts present specific areas of EU legislation in workshops to a large number of beneficiary officials
* Expert missions: EU Member States expert(s) are sent to the beneficiary administration to provide in-depth advice on the transposition, implementation or enforcement of a specific part of EU legislation
* Study visits: A group of three practitioners from a beneficiary administration take part in a study visit to an EU Member State’s administration.

TAIEX assistance is open to Macedonian civil servants working in central public administrations. Requested TAIEX assistance is to be planned enough in advance (at least 3-4 months) and well justified through detected weakness and problems.

Additionally, there is TAIEX assistance or support via the Environment and Climate Regional Accession Network (ECRAN) the beneficiaries including the Republic of Macedonia in all fields covered by the environmental legislation (air quality, waste management, nature protection, chemicals, industrial pollution, climate change and cross cutting issues in inspection services).

The experience by some candidate countries and former candidate countries like Croatia shows that TAIEX assistance is one of the most efficient EU assistance instruments to solve particular weaknesses or problems in the implementation of European environmental legislation. Some considerations to be effective in the applications to obtain of this kind of support are:

* the projects should be specific media-oriented (air, waste, water,…) and
* very focused on solving the existing problem or weakness in a relatively short time by exchange of knowledge and experience between experts from Member States and beneficiary.

### 5.2.2. EU integration facility

It is still under discussion. It would be a 12 million fund (8 from 2014 allocation, and 4 from 2015 allocation), where many Ministries may apply to different kinds of projects and supply contracts. The EU Delegation would be the Contracting Authority.

* 1. Environment and Climate Change is expected to be eligible.
  2. Supply is expected to be also available

### 5.2.3. Other programmes which involve partnerships

#### 5.2.3.1. LIFE+ Environment

The LIFE programme is the EU’s financial instrument supporting environmental, nature conservation and climate action projects. The general objective of LIFE is to contribute to the implementation, updating and development of EU environmental and climate policy and legislation by co-financing projects with European added value.

Main areas to be covered through LIFE+ programme assistance are environment policies, climate changes and public access to all environmental matters and decisions, with specific emphasis on:

* Improvement, implementation and integration all environmental and climate change policies in other sectorial policies like common policy in agriculture, forestry management, industry, transport, ….
* Efficient use of natural resources
* Prevention of losing the biodiversity
* Reduction and mitigation of consequences of climate changes
* Participation of public in all environmental national and international policies

The 2016 call cover proposals for both LIFE sub-programmes: Environment and Climate Action. In both of them will cover action grants for “traditional” projects and integrated projects and technical assistance projects. The indicative total budget for project action grants for this call is EUR 337,536,184. Of this, EUR 273,936,184 is foreseen for the sub-programme for Environment and EUR 63,600,000 for the sub-programme for Climate Action.

The experience of former candidate countries in the region shows that the assistance of LIFE+ programme is very useful in spite of pretty demanding procedures which are also time consuming for applicants not only in the application stage but also during the implementation phase.

#### 5.2.3.2. Other Programmes (Horizon 2020, Europe for Citizens…)

The SEI should explore possible assistance through other EU programmes that are to be available in future period to the Republic of Macedonia and to environmental enforcement sector particularly, e.g. in the form of research and development projects within Horizon 2020.

### 5.2.4. Bilateral funding: G2G, SIDA, Austrian EPA and ADA, USAID….

There have been several successful bilateral projects between European Member States and the Republic of Macedonia, and continuation of this cooperation and future bilateral projects should be promoted.

The SEI should use the experience of potential donor Member States to deal with detected concrete problems related to enforcement of environmental *acquis* for which they are responsible.

In addition, USAID has provided support to the Macedonian Inspection Council and to the Macedonian judiciary system in general. It is a potential donor which should be as well considered.

# Potential topics for follow-up projects in the field of environmental enforcement

## Prior considerations

In line with what has been commented in section 4.1 about the need to plan by SEI next steps towards the assimilation of the recommendations and outputs delivered by the Twinning Project MK 10 IPA EN 01 14 (MK 10 IB EN 01), it is **recommended** that within this “**multiannual action plan**” SEI also **takes into account the expected starting date of the Twinnings** described below (end of 2018, possibly 2019), **to see if some of the proposed contents** made in sections 6.2 and 6.3 below **should be implemented** (or would be preferable to implement) **before 2019**, within the framework of e.g. the Network of Environmental Inspectors mentioned in section 4.2, and **with the support of other instruments** like TAIEX or bilateral assistance.

It is considered as well **essential** to keep a frequent communication between SEI and MoEPP’s EU IPA Unit, in order to have a **clear common idea of what deadlines must be fulfilled** to finalise the different steps **that will lead to** the tendering and implementation of the **projects and supply contracts** discussed below **as currently scheduled**.

## Twinning project on environmental enforcement & climate change

This 2-year, 1-million € project should focus in the full implementation of the previous work done in Twinning MK 10 IPA EN 01 14 and others to improve the enforcement, in order to assure compliance with European and national environmental legislation, with special emphasis on the climate change, taking into account that Macedonian authorities are working on the legislation and the action plan that are foreseen to be developed fully within an EU-funded project that will be tendered in the following months-year.

In line with the above, potential topics for this project can be the following:

* Review of all aspects related to inspection and enforcement in horizontal (including climate change) and sectorial legislation (waste, water, nature protection…)[[3]](#footnote-4)
  + Review and improve the enforceability of legislation when required.
    - Related to this a review should be made of the reporting system
  + Review of the steps in the procedure after on-site visit-follow up (role of inspector, misdemeanor commission, criminal cases,…) to improve its effectiveness.
* Support to the enforcement of the climate change strategy through[[4]](#footnote-5):

Providing a platform for effective implementation and enforcement of the requirements for environmental protection, including all aspects for effective implementation of Macedonian National climate change strategy in all related sectors by strengthening the capacity for efficient enforcement at all levels, and also by providing close cooperation between the competent authorities of the horizontal and vertical levels. This may include activities such as:

* + The establishment of dialogue and definition of Memoranda of Understanding with other inspection bodies relevant for climate change mitigation and prevention (agriculture, forestry, transport, energy,…) and other relevant stakeholders (Economic Chamber, scientific institutions, NGOs, general public, …).
  + Setting (or improvement in case it is in place) of an enforcement strategy for the CO2 trading scheme.
* Support to the planning based on the national strategies and priorities in the field of environment:
  + Support to review or development of multiannual inspection programme.
  + Support to review or development of annual inspection plan (based on an environmental risk based approach).
* Assessment of use of tools for the execution and reporting of the inspection developed in the Twinning MK 10 IPA EN 01 14 (check lists, template for final inspection report…), and subsequent update if required.
  + Development through a set of workshops of a strategy to maximize their use, followed by work in the field using the updated tools.
  + Part of the strategy may involve the delivery of a series of training sessions to inspectors at central and local level for the use of the tools, and this training may be part as well of the project.
* Review of the performance monitoring system of SEI (in terms of the environmental outcomes, degree of compliance and other factors, as described in more detail in the output “2.1.7\_Inspection-performance-indicators\_160203\_EN” of Twinning MK 10 IPA EN 01 14) and SMART indicators, and update when required.
* Review and improvement of the business process management system (BPMS) used by SEI, in line with the recommendations of output 3.1.3.b of the Twinning MK 10 IPA EN 01 14.
  + This component may include as well the delivery of training to inspectors.
  + Warning: as the development or upgrade of the BPMS depends on the availability of corresponding upgrades in the hardware, the timing of this component of the Twinning should be adjusted, in order to make sure that the required hardware is in place before its start. Otherwise the activities that may be carried out within this component will be strongly limited.

## Twinning project on horizontal topics (EIA, SEA, Public Participation, Access to Information, Environmental Crime, Environmental Liability)

Within this expected 21-month, 0.9 million € project, the following topics can be included in order to improve environmental enforcement:

* EIA and SEA

The European legislation on EIA and SEA has been almost fully transposed in national legislation and in order to improve their implementation, the SEI should take part in the review of the enforceability of the provisions of this legislation.

* + Assessment of involvement and role of SEI in EIA and SEA in accordance with current national legislation
  + Explore the future duties of SEI in enforcement of EIA and SEA
* Public participation and access to information

Review the compliance of SEI with the EU legislation on public participation and access to information, including:

* + The publication of the multiannual inspection programme, annual inspection plan (including TFS annual planning) and annual inspection report (including as part of it the TFS annual report).
  + Publication, for the case of IED installations, of summarized inspection reports (review of use of template prepared in Twinning MK 10 IPA EN 01 14)
* Environmental Crime

Enforcement of criminal environmental policy needs establishment of clear rules and procedures for effective coordination and cooperation among competent authorities in the Republic of Macedonia in order to ensure that criminal offences are punishable by effective, proportionate and dissuasive criminal penalties in line with European Directive on Environmental Crime 2008/99/EC.

For the achievement of the above purpose, the enforcement of environmental legislation needs effective supervision which can be achieved through continuing capacity building of the Macedonian SEI, the local authorized environmental inspectors of local self-governments and other relevant bodies and continuous involvement in the activities on European and international level in order to combat environmental crime.

In addition, strengthening the Macedonian judiciary sector by providing an effective system of punishment is required in the next period, including the following potential topics in the project:

* + Review of existing transposition of Environmental Crime Directive into national Criminal Code.
  + Review if required of the additional transposition of some provisions of the Environmental Crime Directive into the new Environment Protection Act.
  + Increasing awareness about the consequences of criminal offenses against the environment, through awareness raising of general public, NGOs and media on their role in detection and reporting of environmental damage.
  + Improvement of coordination and cooperation of stakeholders involved (inspection bodies, police officers, public prosecutors, investigators, court experts, representatives of the judiciary sector), including:
    - Development of Standard Operating Procedures to facilitate cooperation.
    - Drafting of a manual for public prosecutors, police officers, court experts and witnesses and judges, as a practical tool to deal with cases in the field of environmental crime and offenses.
    - Development of proposals for improvement the cooperation and coordination SEI with public prosecutors, police officers, court experts and witnesses, judges, Judges Academy and Judges Association.
* Environmental Liability

Introduction and development of measures to encourage development and promotion of financial security instruments or market based instruments for proper implementation of the Environmental Liability Directive in all environmental sectors in the Republic of Macedonia is needed. Moreover, it is important to strengthen the capacity of the Administration of Environment (AE) and SEI and local authorized environmental inspectors of local self-governments regarding assessment of significance of environmental damage and preventive and remediation measures that need to be developed in line with EU Environmental Liability Directive 2004/35/EC.

* A Training Needs Assessment and the implementation of a training programme in some of these topics (as a function of the needs detected) may be as well included. For example, training may be delivered to relevant stakeholders if some procedures are changed or new.

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## Supply contracts

Some of the components related to software development proposed below might be developed within the Twinning contract described in section 6.2 (see end of that section) or through subcontracting of Technical Assistance, but as there is no such TA service contract foreseen in the programming for IPA-2, and in the 2015-2016 supply contract that supported SEI there was a software development component, they have been included here as part of the supply contracts.

It should be considered if/which parts of the software development described below may be better transferred to the Twinning described in section 6.2.

Besides, it must be mentioned that, depending on future decisions on the organisation of environmental inspection services in the country (e.g. centralisation or close cooperation between central and local inspectors), the hardware and software needs may change, and thus the following recommendations should be reviewed when the time comes to draft more detailed specifications, to ensure that they are adjusted to the reality of the situation in the Republic of Macedonia.

The same applies to the timing and contents of the supply contracts (depending on the final schedule for the tendering of the supply contracts, and on the supply priorities, the contents proposed below may have to be shifted to one supply contract or to the other).

The **following recommendations** are **based** on the **assessment** of the current Business Process Management System made **within missions 3.1.1 – 3.1.4** of Twinning MK 10 IPA EN 01 14, where detailed discussion and justification of the upgrade in hardware and software is included (**see output 3.1.4\_Assessment-and-recommendations\_SEIs-BPMS\_160729\_EN**). In the following sections is shown just a summary, with the proposed list of contents which comes as a result of the assessment and recommendations in “3.1.4\_Assessment-and-recommendations\_SEIs-BPMS\_160729\_EN”.

### First supply contract (implementation expected to start earliest 12/2018)

Within this 1-million € contract the following items are strongly recommended to be included in order to support SEI:

#### To take into account: proper linkage with external relevant databases

An important upgrade of the BPMS implies the capturing of data from external databases, and sharing some data with them, in particular those that may be in place in the MoEPP of relevance for the inspectors (E-PRTR, cadaster of installations, GIS, IPPC-A permits, waste permits, water-related permits…). It is considered essential to establish a connecting element for the different environmental information systems that will be developed by the SEI and the MoEPP, and to ensure proper linkage.

This must be taken into account when defining the ToR and related specifications.

For more info see sections 4.1, 4.2.1 & 4.2.3 in output from mission 3.1.4.

#### Additional hardware

When preparing technical specifications for the upgrading of the BPMS, it is suggested that they should include information about:

* The types of external databases that could/should be linked at that time (in operational or testing usage in that time)
* Number of expected inspectors from SEI, local entities and other institutions expected to be connected to the BPMS.

Another possible obstacle that should be considered and tried to be minimized is internet connections (broadband as services may be planned at least on main locations and in any case they will be needed for linkage with external databases).

Other aspects that should be considered when drafting the ToR are the following:

***I Upgrading hardware and software on site of SEI is an urgent need that should eliminate security problems and provide storage capacity for inspectors. It is suggested to cover storage and security issues with at least the following hardware***:

* Ram memory upgrade up to 256gb per server.
* Storage Disk upgrade with SAS disks 15k up to 4TB.
* SEIA OS version upgrade to Server 2012 R2 Datacentre.
* Upgrade all WMs to 2012R2 standard and raise functional level of domain/forest.
* Upgrade to SQL Server Standard 2014R2 for DB1 server.
* SharePoint upgrade to 2016 version and full application migration of BPMS.
* Implementation of Exchange Server 2016 and migration from current (lotus notes) version.
* Migration of SEI portal on additional VM in SEI organization.
* Implementation of advanced firewall for all published rules for sites and protocols.
* Configuring Hyper-V servers in Failover cluster with upgraded shared storage.
* Deploying Backup software solution for all servers with offsite copy backup.
* Configuring Disaster Recovery solution in Cloud.
* Implementing Antivirus/Antispam solution for all computers and users
* Upgrading server room functionality with adequate cooling unit, UPS and entrance control

***II Upgrading hardware and software on users’ locations***

In the future it should be assessed the needs for equipment for new inspectors or new organizational units, also planning to cover inadequate or old equipment that may be unable to run the upgraded BPMS.

It is necessary as well to plan additional licenses for covering connections to servers including BPMS and for office usage for inspectors .

***III Upgrading software functionality of BPMS vs maintenance***

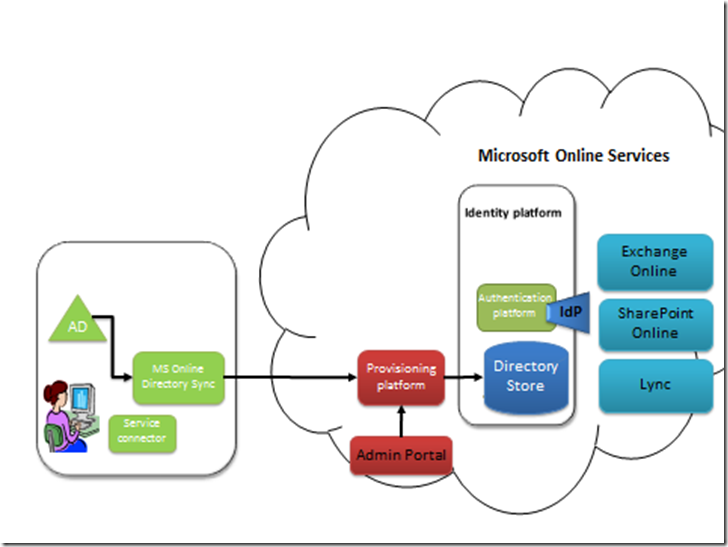
Upgrading software must take in consideration that is necessary to have a corresponding upgrade of the maintenance, security and disaster recovery aspects. Part of these issues can be solved by using “cloud” possibilities (see point IV). It must be kept in mind that at least for the time being SEI does not have an IT unit or expert in its staff that can cover their needs for maintenance (from the solution of less complicated errors to the administration for servers or to ensure security for data stored in the BPMS).

***IV Ensuring data security, protection and adequate storage capacity through the cloud***

A preliminary suggestion is to use cloud possibilities (only applicable if it is possible to ensure broadband internet connectivity for main SEI location and also to connection to other databases and SEI branch offices).

According to EU legislation on security and data storage in the cloud, SEI may contract Microsoft for ensuring storage, disaster recovery and backup for its needs, paying as a result less for maintenance and avoiding most maintenance problems and the need every 2-3-year to buy additional hardware for storing data.

This option should be as shown on the figure below:



In any case, when the time comes to draft the ToR, the hardware should be defined in the ToR with **adequate technical specifications, having as reference the newest devices on the market**.

#### Upgrading of software

It should be considered when defining the ToR:

* Additional law enforcement needs
* Covering linkage with cadastre for GIS localization for preparation future inspections
* Linkage to external databases that can be in that time frame operational, testing phase or preparing through web services using adequate schemas for exchanging data.

The upgrading of the software should include the following aspects:

1. Inclusion of more templates and possibility of generating more reports to support inspectors and managers. Definition of reports required to be generated (due to EU & national legal obligations)
   * It is recommended to use templates prepared within this Twinning project for final inspection report and publicly available inspection report (among others).

For more info see sections 4.2.2, 4.2.9 & 4.2.10 in output from mission 3.1.4.

1. Ensure more access to info about inspections to all users (following recommendations in section 4.2.5 in output from mission 3.1.4).
2. Develop additional IT tools in BPMS to help users (short explanatory movie, pop-up windows...)

For more info see section 4.2.5 in output from mission 3.1.4.

1. Expand the BPMS module for assisting in the preparation of the annual inspection programme, taking into account (i) the risk score of each installation subject to inspection (obtained through IRAM), (ii) the last time that each installation has been inspected, (iii) any priorities derived from MoEPP’s policies or due to changes in legislation.

For more info see section 4.2.11 in output from mission 3.1.4.

1. Give possibility to BPMS to send reminders to inspectors about pending tasks related to inspections that they have been assigned (for more info see section 4.2.11 in output from mission 3.1.4).
2. Adaptations to ensure proper implementation of IED inspections (part of the adaptation can be delayed and included as part of the second supply contract)

For more info see section 4.3 in output from mission 3.1.4.

### Second supply contract (implementation expected to start earliest 12/2019)

Within this 0.8-million € contract the following items are strongly recommended to be included in order to support SEI:

#### To take into account: proper linkage with external relevant databases

See the same comment made for the first supply contract.

Proper linkage with external relevant databases must be taken into account when defining the ToR and related specifications.

For more info see sections 4.1, 4.2.1 & 4.2.3 in output from mission 3.1.4.

#### Additional hardware

Depending on the hardware already acquired through the first supply contract, and the pending software functionalities to be included, the needs for further hardware should be defined. In any case it is recommended to include a few devices such as:

1. storage with enough space for a few years of activity
2. upgraded system hardware with adequate hard disk, RAM and networking connection
3. additional power supply unit and cooling unit
4. devices for monitoring and security
5. software for monitoring and maintenance
6. adequate devices for antivirus and antispam with networking and web part

In any case, when the time comes to draft the ToR, the hardware should be defined in the ToR with **adequate technical specifications, having as reference the newest devices on the market**.

#### Upgrading of software

1. Adaptations to ensure proper implementation of IED inspections (part of the adaptation can be delayed and included as part of the second supply contract)

For more info see section 4.3 in output from mission 3.1.4.

## Topics to be covered through other instruments

### To be covered by TAIEX

* Sampling & control of self-monitoring reports.
* Water sampling.
* Assistance on using BAT documents.
* Joint inspections on waste, including TFS.
* Inspection site visits.
* Use of smart technology like drones, hand held equipment (tablets, etc.),….

### To be covered by international networks (e.g. IMPEL)

* Implementation of a cross cutting approach based on 7th European Environmental Action Programme (7th EAP) in the Republic of Macedonia.
* Participation in the projects related IED implementation, like using the risk based approach in planning.
* Taking part in the IMPEL Review Initiative (IRI) as a mean to identify improvements opportunities and to share good enforcement practices in nature protection and industry
* TFS networking in order to improve the control of transboundary waste movements between non EU and EU countries.
* Participation in projects related to water protection and land use, like the one related to nitrate pollution.

### To be covered by bilateral funding like G2G, SIDA, Austrian EPA and ADA, USAID….

The SEI should explore the possible bilateral assistance available in future period to the Republic of Macedonia and to the environmental sector in particular. Assistance from EU Delegation to Macedonia, the Ministry of Foreign Affairs, respective embassy offices in the country or neighborhood region, foreign representatives of chambers of economy as well as notifications from agencies and organizations should continue to be checked regularly by SEI and MoEPP officers responsible for international projects and cooperation.

The experience of former candidate countries in the region shows that the potential bilateral donors from EU Member States or non-EU members prefer to assist to detected concrete problems related to enforcement of environmental *acquis* for which they are responsible.

The experience from the Republic of Croatia shows that a holistic approach to a detected problem is always welcome. Some potential topics which can be subject of bilateral assistance related to SEI needs currently detected are the following:

* Developing **Standard Operating Procedures** (SOPs) to facilitate cooperation between environmental protection inspectors in the SEI and other relevant stakeholders to ensure coordinated enforcement.
* Developing a **Manual for Coordinated Enforcement of the Environmental *Acquis***. The Manual will be based on SOPs. In addition it is expected that it will particularly facilitate dealing with cases of illegal transboundary shipments of waste and hazardous waste, illegal disposal of waste and hazardous waste, use of ozone depleting substances (ODS), …
* Sharing practical experience of EU MS with environmental protection inspectors and all involved stakeholders in the field of implementation of the **procedures for air quality monitoring and operators self-monitoring**.
* Sharing practical experience of EU MS with Macedonian environmental protection inspectors and involved stakeholders regarding **implementation of procedures in the field of greenhouse gas emission allowance trading scheme**.

In this context, further approach to USAID, who already provided support to the Macedonian Inspection Council and to the Macedonian judiciary system, is expected to be further explored.

### To be covered by other EU programmes like LIFE+, Europe for Citizens, Horizon 2020, …..

The SEI should explore the possible assistance available to the Republic of Macedonia and to the environmental sector in particular through the programme LIFE+. MoEPP is the responsible national institution in the country for LIFE+ programme implementation.

More specifically, SEI should explore together with MoEPP officers the possibility to apply to LIFE+ available opportunities related to **improvement of public participation** in the environmental policies and strategies. Access to information related to SEI planning, execution and reporting, specially in case of serious non compliances and accidents and incidents is an issue that should be improved, and could be through assistance of LIFE+ programme. SEI should ensure equal participation of partners – public, NGOs and other stakeholders whose participation in the project should be considered as crucial.

# Annex 1: Questionnaire distributed on the 11/07/2016

**Improvements in supporting materials for inspectors, and topics for follow-up projects in the field of environmental inspection & enforcement**

This Twinning project will finish in August, and before it finishes we want to know your opinion about the following topics:

* What improvements or changes you think that would be good to make to the materials produced within the project (inspection manual, factsheets, check lists, etc).
* What additional materials to support the work of environmental inspectors would be good to prepare in the future (e.g. as part of a new project supporting environmental inspectors).
* What further support to improve the capacity and work of environmental inspectors (at central and local level) can be topics for future EU projects in the field of environmental enforcement.

Please answer the questions and feel free to add any information that you believe can be useful to achieve this goal of improving the environmental inspection and enforcement system.

This information will be used to define contents for future EU projects, and to correct any possible gaps in the materials produced so far.

1. **Improvement of materials produced within this Twinning project**

In the table below are listed the materials produced within the Twinning project to support the work of environmental inspectors, all available at [www.sei.gov.mk](http://www.sei.gov.mk) (section “Документи и линкови”). If you have some suggestions to improve one or several of these documents, please explain after the table which improvements you suggest for which documents.

|  |  |
| --- | --- |
|  | Document |
| General inspection manual and its annexes | |
| 1 | General Environmental Inspection Manual |
| 2 | Annex 2 of manual: Template for the announcement of the inspection visit |
| 3 | Annex 3 of manual: Template for an inspection agenda |
| 4 | Annex 4 of manual: Template for general inspection check list |
| 5 | Annex 5 of manual: Template for horizontal BATs check list |
| 6 | Annex 7 of manual: Template for Final Inspection Report of inspections to IED-IPPC-A |
| 7 | Annex 8 of manual: Template of an inspection report that can be made publicly available, and related guidance on classification of non-compliances |
| 8 | Annex 9 of manual: Informative leaflet for industrial operators about environmental inspection |
| 9 | Annex 10 of manual: IRAM risk criteria for Macedonian installations |
| Sector informative factsheets and inspection check lists | |
| 10 | End-of-Life Vehicles’ processing facilities  Informative factsheet  Inspection check list |
| 11 | Landfills  Informative factsheet  Inspection check list |
| 12 | Waste oils  Informative factsheet  Inspection check list |
| 13 | Activities preparing plaster  Informative factsheet  Inspection check list |
| 14 | Large Combustion Plants  Informative factsheet  Inspection check list |
| 15 | Electric arc furnace iron & steel installations  Informative factsheet  Inspection check list |
| 16 | Meat processing facilities  Informative factsheet  Inspection check list |
| 17 | Wineries  Informative factsheet  Inspection check list |
| 18 | Breweries  Informative factsheet  Inspection check list |
| 19 | Pig & poultry farms  Informative factsheet  Inspection check list |
| 20 | Quarries & mines  Informative factsheet  Inspection check list |
| 21 | Stationary asphalt production facilities  Informative factsheet  Inspection check list |
| Other supporting documents / templates / tools | |
| 22 | Waste Watch IMPEL guidance booklet for the inspection of waste shipments |
| 23 | Template of inspection minutes for small incident/accident |
| 24 | Guidance on how the environmental inspector should proceed in case of minor incident or accident affecting the environment |
| 25 | Web: Frequently Asked Questions, <http://www.sei.gov.mk/page_en.asp?ID=8> |
| 26 | Web: Info for industries, <http://www.sei.gov.mk/page_en.asp?ID=9> |

Improvements suggested (and for which of the documents listed above):

1. **Additional materials that should be prepared in the future to support the work of environmental inspectors (e.g. as part of a new project supporting environmental inspectors)**

If you think that there is need to produce some additional supporting documents / tools for environmental inspectors (e.g. more check lists, or other practical tools), please explain below which ones.

1. **Other potential areas to improve the capacity and work of environmental inspectors (at central and local level), which can be topics for future EU projects in the field of environmental enforcement**

Some steps have been taken in the Twinning project to try to improve legislation, guidance materials, training and communication between environmental inspectors. But there are probably several topics that you may think were not addressed, or insufficiently addressed.

Please explain below which topics (e.g. transfrontier shipments of waste) and kind of further support (e.g. specific guidance, practical trainings…) to improve the capacity and work of environmental inspectors (at central and local level) you think that can be included in future EU projects in the field of environmental enforcement.

1. **Additional comments**

Please feel free to add any additional comments, recommendations or information that you believe can be useful for the analysis of the improvement of documents produced by the project, and for improving the capacity and working conditions of environmental inspectors.

# Annex 2: Agenda of the workshops held in the period 12th – 15th of July 2016

**AGENDA**

**Tuesday 12th of July – Training session for group in Northeastern & Eastern regions**

* 09:30 – 10:30
  + Welcome; introduction of trainers and participants, and of agenda of the day.
  + Presentation of ideas for the creation of a Network of Environmental Inspectors (NEI), and its potential relation with the Network of Environmental Regulators proposed within the related project „Strengthening Capacities for Implementation of Environmental Legislation at Local Level”.
  + Brainstorming in groups: (i) what is your opinion about the different key ideas presented, and (ii) further ideas about objectives, features and activities of NEI, and about its relation with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
* 10:30 – 11:15
  + Brief presentation of the Network of Environmental Regulators and its current status.
  + Brainstorming in groups: (i) in which ways can we improve the communication and coordination between inspectors and permit writers, (ii) which role can the Network of Environmental Regulators play.
  + Presentation of the conclusions reached by the groups.
* 11:15 – 11:30 Coffee break
* 11:30 – 13:00
  + Brainstorming in groups: next steps to take to establish NEI and make it operative.
  + Presentation of the conclusions reached by the groups.
  + Brainstorming in groups: next steps to take with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
  + Final overview of the conclusions and appointments made by the participants to further develop the 2 networks.
* 13:00 – 13:30
  + Presentation and explanations about the latest supporting materials produced within the project.
  + Overview of the set of materials delivered within the project, and delivery of a set of them to the participants.
* 13:30 – 14: 30 Lunch break
* 14:30 – 15:00
  + Summary of answers received to questionnaire sent beforehand about improvements that can be made to existing materials, in particular check lists, and about potential additional materials.
  + Brainstorming in groups: further feedback about potential improvements and developments of supporting materials for inspectors.
  + Presentation of the conclusions reached by the groups.
* 15:00 – 16:00
  + Summary of answers received to questionnaire sent beforehand about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement (including training, areas of development for the inspection, legislation...).
  + Brainstorming in groups: (i) what have been the most useful contributions of the Twinning project in your opinion (materials, trainings, opportunity to meet other colleagues and discuss...), (ii) further feedback about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement.
  + Presentation of the conclusions reached by the groups.
  + Training session evaluation.
* 16:00 Travel to training location for Group 3 (Southeastern & Vardar regions)

**Wednesday 13th of July – Training session for group in Southeastern + Vardar regions**

* 09:30 – 10:30
  + Welcome; introduction of trainers and participants, and of agenda of the day.
  + Presentation of ideas for the creation of a Network of Environmental Inspectors (NEI), and its potential relation with the Network of Environmental Regulators proposed within the related project „Strengthening Capacities for Implementation of Environmental Legislation at Local Level”.
  + Brainstorming in groups: (i) what is your opinion about the different key ideas presented, and (ii) further ideas about objectives, features and activities of NEI, and about its relation with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
* 10:30 – 11:15
  + Brief presentation of the Network of Environmental Regulators and its current status.
  + Brainstorming in groups: (i) in which ways can we improve the communication and coordination between inspectors and permit writers, (ii) which role can the Network of Environmental Regulators play.
  + Presentation of the conclusions reached by the groups.
* 11:15 – 11:30 Coffee break
* 11:30 – 13:00
  + Brainstorming in groups: next steps to take to establish NEI and make it operative.
  + Presentation of the conclusions reached by the groups.
  + Brainstorming in groups: next steps to take with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
  + Final overview of the conclusions and appointments made by the participants to further develop the 2 networks.
* 13:00 – 13:30
  + Presentation and explanations about the latest supporting materials produced within the project.
  + Overview of the set of materials delivered within the project, and delivery of a set of them to the participants.
* 13:30 – 14: 30 Lunch break
* 14:30 – 15:00
  + Summary of answers received to questionnaire sent beforehand about improvements that can be made to existing materials, in particular check lists, and about potential additional materials.
  + Brainstorming in groups: further feedback about potential improvements and developments of supporting materials for inspectors.
  + Presentation of the conclusions reached by the groups.
* 15:00 – 16:00
  + Summary of answers received to questionnaire sent beforehand about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement (including training, areas of development for the inspection, legislation...).
  + Brainstorming in groups: (i) what have been the most useful contributions of the Twinning project in your opinion (materials, trainings, opportunity to meet other colleagues and discuss...), (ii) further feedback about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement.
  + Presentation of the conclusions reached by the groups.
  + Training session evaluation.
* 16:00 Travel to training location for Group 4 (Pelagonia & Southwestern regions)

**Thursday 14th of July – Training session for group in Pelagonia & Southwestern regions**

* 09:30 – 10:30
  + Welcome; introduction of trainers and participants, and of agenda of the day.
  + Presentation of ideas for the creation of a Network of Environmental Inspectors (NEI), and its potential relation with the Network of Environmental Regulators proposed within the related project „Strengthening Capacities for Implementation of Environmental Legislation at Local Level”.
  + Brainstorming in groups: (i) what is your opinion about the different key ideas presented, and (ii) further ideas about objectives, features and activities of NEI, and about its relation with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
* 10:30 – 11:15
  + Brief presentation of the Network of Environmental Regulators and its current status.
  + Brainstorming in groups: (i) in which ways can we improve the communication and coordination between inspectors and permit writers, (ii) which role can the Network of Environmental Regulators play.
  + Presentation of the conclusions reached by the groups.
* 11:15 – 11:30 Coffee break
* 11:30 – 13:00
  + Brainstorming in groups: next steps to take to establish NEI and make it operative.
  + Presentation of the conclusions reached by the groups.
  + Brainstorming in groups: next steps to take with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
  + Final overview of the conclusions and appointments made by the participants to further develop the 2 networks.
* 13:00 – 13:30
  + Presentation and explanations about the latest supporting materials produced within the project.
  + Overview of the set of materials delivered within the project, and delivery of a set of them to the participants.
* 13:30 – 14: 30 Lunch break
* 14:30 – 15:00
  + Summary of answers received to questionnaire sent beforehand about improvements that can be made to existing materials, in particular check lists, and about potential additional materials.
  + Brainstorming in groups: further feedback about potential improvements and developments of supporting materials for inspectors.
  + Presentation of the conclusions reached by the groups.
* 15:00 – 16:00
  + Summary of answers received to questionnaire sent beforehand about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement (including training, areas of development for the inspection, legislation...).
  + Brainstorming in groups: (i) what have been the most useful contributions of the Twinning project in your opinion (materials, trainings, opportunity to meet other colleagues and discuss...), (ii) further feedback about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement.
  + Presentation of the conclusions reached by the groups.
  + Training session evaluation.
* 16:00 Travel to training location for Group 1 (Skopje & Polog regions)

**Friday 15th of July – Training session in Skopje for group in Skopje + Polog regions**

* 09:30 – 10:30
  + Welcome; introduction of trainers and participants, and of agenda of the day.
  + Presentation of ideas for the creation of a Network of Environmental Inspectors (NEI), and its potential relation with the Network of Environmental Regulators proposed within the related project „Strengthening Capacities for Implementation of Environmental Legislation at Local Level”.
  + Brainstorming in groups: (i) what is your opinion about the different key ideas presented, and (ii) further ideas about objectives, features and activities of NEI, and about its relation with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
* 10:30 – 11:15
  + Brief presentation of the Network of Environmental Regulators and its current status.
  + Brainstorming in groups: (i) in which ways can we improve the communication and coordination between inspectors and permit writers, (ii) which role can the Network of Environmental Regulators play.
  + Presentation of the conclusions reached by the groups.
* 11:15 – 11:30 Coffee break
* 11:30 – 13:00
  + Brainstorming in groups: next steps to take to establish NEI and make it operative.
  + Presentation of the conclusions reached by the groups.
  + Brainstorming in groups: next steps to take with the Network of Environmental Regulators.
  + Presentation of the conclusions reached by the groups.
  + Final overview of the conclusions and appointments made by the participants to further develop the 2 networks.
* 13:00 – 13:30
  + Presentation and explanations about the latest supporting materials produced within the project.
  + Overview of the set of materials delivered within the project, and delivery of a set of them to the participants.
* 13:30 – 14: 30 Lunch break
* 14:30 – 15:00
  + Summary of answers received to questionnaire sent beforehand about improvements that can be made to existing materials, in particular check lists, and about potential additional materials.
  + Brainstorming in groups: further feedback about potential improvements and developments of supporting materials for inspectors.
  + Presentation of the conclusions reached by the groups.
* 15:00 – 16:00
  + Summary of answers received to questionnaire sent beforehand about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement (including training, areas of development for the inspection, legislation...).
  + Brainstorming in groups: (i) what have been the most useful contributions of the Twinning project in your opinion (materials, trainings, opportunity to meet other colleagues and discuss...), (ii) further feedback about further support for capacity building that could be part of future Twinning projects in the field of environmental enforcement.
  + Presentation of the conclusions reached by the groups.
  + Training session evaluation.
* 16:00 – 17:30
  + Assessment of the training sessions.
  + Discussion with RTA & RTA Counterpart on training evaluation.
  + Preparation of mission’s report of experts.

# Annex 3: Croatian experience in capacity building of environmental enforcement authorities

The Republic of Croatia was granted by the status of EU Candidate Country in June, 2004.

The Croatian Ministry of Environmental and Nature Protection as central state body for transposition, implementation and enforcement of environmental *acquis* started using EU pre accession funds even before Croatian Candidate Country status. Republic of Croatia was eligible in the period of signing the Agreement on Stabilization and Association with EU for CARDS and PHARE Programme.

In the period 2008-2016 Directorate for Inspection Affairs implemented 5 EU funded projects - one Technical Assistance (TA) project, one Supply Project and three Twinning projects. Currently, Directorate for Inspection Affairs is to sign two additional contracts for Technical Assistance (TA) projects that are to be implemented in period 2017-2018.

PHARE 2005 Technical Assistance (TA) project “*Enhanced Environmental Inspection for Enforcement of the New Environmental Legislation”* was implemented in period 2008-2009 with the main purpose to assist Republic of Croatia and inspection services in environmental sector to enhance knowledge, improve technical capacities, introduce a new internal structure and implement a new Environmental Inspection Information System (ISIZO) in order to be able to fulfill EU pre-accession requirements.

This PHARE TA Project was accompanied in parallel by a supply project that provided the Ministry of Environmental and Nature Protection with advanced IT equipment (personal computers, scan and copy machines, external disks, …) as well as with a modern videoconferencing system that connected the central office in the capital of Republic of Croatia with Ministry’s 20 branch 7 detached offices in regions around Croatia.

In total, the project value was 2.4 mil. EURO.

After successfully implemented this PHARE project, which was *Phase I* or *Initial Phase Project,* the Directorate for Inspection Affairs was able to be more focussed on the further development of its capacities in line with new EU requirements and following the new internal structure as the output of PHARE project. An Independent Sector for EU projects, international cooperation, networking and support in development was introduced. The main gap in inspections performance was identified and solved through recognition of necessity of in country cooperation with different line state bodies responsible for enforcement in some other environmental sectors. The cooperation was formalized through signed Memorandum of Cooperation in 2007 and parties of Memorandum were:

• Ministry of Agriculture, Water Protection Inspectorate

• Ministry of Health, Sanitary Inspection

• Ministry of Agriculture, Service for Veterinary Inspection

• Ministry of Economy, Service for Supervision in Field of Mining, Service for Supervision in Field of Energy, Service for Supervision of Pressure Equipment

• National Protection and Rescue Directorate

• Ministry of Interior, Inspectorate for fire and explosive protection

• Ministry for Labour Affairs, Labour Inspectorate

Beside the established cooperation in the environmental sector, the Directorate for Inspection Affairs established a policy of “Open Doors” for partners from:

* + - * Industry sector
* Small and Medium Enterprises
  + - * Governmental Organizations and Organizations of Civil Society
      * Academic Society

*Phase II* or Second Phase started in 2009 with several follow up Twinning projects that were focussed in further development, improvement and adjustment of the Directorate for Inspection Affairs with more attention to sectorial legislation. In that period the Directorate for Inspection Affairs implemented three Twinning projects:

* IPA 2008 Twinning HR 08 IB EN 01 *“Enforcement of the New Environmental Protection Act harmonized with EU Legislation in cases of Criminal Offences against the environment”*
* IPA 2009 Twinning HR 09 IB EN 01 “*Strengthening the capacities for control of transboundary movement of waste”*
* IPA 2011 twinning light project “*Capacity building of the environmental inspection and other relevant authorities and institutions for preventing, recognizing, investigating and prosecuting offences against the environment”*

The Republic of Croatia joined EU as on 1 July, 2013 and is still eligible for different EU funds like transitional facility. A MS status is a new challenge for the Republic of Croatia to continue with the permanent efforts to achieve standards of performance of other EU MS in the demanding environmental sector. In order to achieve these already recognized enforcement and prosecution standards the Directorate for Inspection Affairs is to sign two additional contracts for Technical Assistance (TA) projects that are to be implemented in period 2017-2018 with main focus on following topics:

* To enhance environmental inspection for efficient control of air quality monitoring and of all entities under obligation within system of greenhouse gas emission allowance trading, in order to achieve better quality of air in Republic of Croatia as stated in the National Climate Change Strategy and in Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 “*Living well, within the limits of our planet”* (7th EAP).
* To strengthen the system of environmental inspections in the area of supervision of industrial installations with significant environmental impact and industrial emissions in line with Art. 23 of Industrial Emission Directive.

1. IMPEL: EU Network for the Implementation and Enforcement of Environmental Law [↑](#footnote-ref-2)
2. It is expected that a new project focussed on climate change starting next year which will develop a Law on Climate Action, and this work would be the basis for the component dealing with climate issues of the follow-up Twinning. [↑](#footnote-ref-3)
3. Feedback received to the questionnaire in Annex 1 included as suggestions the following topics:

   * Police control of illegal storage of waste (the inspectors are working only with legal entities)
   * Change the system so that attorneys lead the legal procedures derived from inspections
   * Introduce commitment from each legal entity to report annually to SEI (template) for environmental management (experience from Sweden), and control where there are suspicions, additional information, etc.

   [↑](#footnote-ref-4)
4. The following proposals related to climate change may need review as a function of the degree of progress of the country in this field at the moment of defining the project fiche. [↑](#footnote-ref-5)