

EAP Task Force

**DRAFT SUMMARY RECORD
OF THE 10th ANNUAL MEETING OF THE REGULATORY ENVIRONMENTAL PROGRAMME
IMPLEMENTATION NETWORK FOR EASTERN EUROPE, CAUCASUS, AND CENTRAL ASIA**

17-19 June 2008 (Tashkent, Uzbekistan)

Since its first meeting in 1999, the *Regulatory Environmental Programme Implementation Network* (REPIN) has been helping its members to overcome environmental compliance problems in Eastern Europe, Caucasus, and Central Asia (EECCA). The Network aspires to achieve better policy implementation at least costs, and promote the rule of law and a level playing field for businesses across the whole region.

The REPIN members gathered at their tenth annual meeting to discuss (i) progress in adopting innovative instruments of environmental policy and improving environmental finance; (ii) future activities in a longer-term perspective, and (iii) reform of approaches to measure performance of environmental regulation and compliance assurance.

ACTION REQUIRED: For endorsement. Written comments should be submitted to Ms Angela BULARGA, Head of the OECD/EAP Task Force Environmental Policies Programme (angela.bularga@oecd.org), by **15 July 2008**.

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HIGHLIGHTS OF THE MEETING

The 2008 annual meeting of the Regulatory Environmental Programme Implementation Network (REPIN) was held on 17-18 June in Tashkent, Uzbekistan. Most importantly, the participants:

1. Took note of the OECD/EAP Task Force **inputs to the Belgrade Ministerial Conference** and welcomed the extension of the mandate of the Task Force until 2011.
2. Took note of the Secretariat report on **progress since the last annual meeting** and considered its work satisfactory.
3. Complemented Moldova on progress in adopting **new approaches of water quality regulation** and took note that the Secretariat's work in this area will be concluded in 2008.
4. Welcomed the activities to introduce **integrated environmental permitting** in the EECCA region, particularly in Ukraine.
5. Acknowledged **Kazakhstan's efforts to reform its regulatory and compliance assurance system** and agreed to provide the country's Committee for Environmental Regulation and Control with written comments on the reform plan by **30 June 2008**. In this connection participants made references to the relevance of the OECD/EAP Task Force recommendations on instruments of non-compliance response, budget planning, and management approaches.
6. Expressed interest in Ukraine's experience, in the Lvov *oblast*, of the pilot project on **industry performance rating** and its follow up activities. The Secretariat was urged to develop regional policy recommendations on the use of industry performance rating schemes with a view to promoting this approach more widely in the region.
7. Discussed in detail the **projects on monetary penalties, training of environmental inspectors, and medium-term expenditure frameworks**. They provided guidance to the OECD Secretariat and EECCA RECs on project implementation and agreed on **specific implementation schedules**.
8. Endorsed the **long-term programme of work**, with amendments suggested to continue the work on industry rating and develop methodological guidance on regulatory impact analysis. At the same time, participants agreed to not proceed with the proposed analytical work on incentives faced by industry to improve compliance. EECCA RECs were asked to clarify implementation arrangements. The countries agreed to communicate their priorities with respect to work programme items not later than **1 September 2008**.
9. Stressed the high priority of work on **performance indicators and cross-country benchmarking** and its value in improving the incentive framework for reform of environmental regulation and compliance assurance in the region.
10. Took note of **developments in partner networks** and forthcoming regional events and initiatives.
11. Expressed their **gratitude to the Uzbek Committee for Environmental Protection** for hosting the annual REPIN meeting.
12. Agreed that the **time and place of the next annual meeting** shall be decided when funding prospects are clearer.

**ANNUAL MEETING OF THE REGULATORY ENVIRONMENTAL PROGRAMME
IMPLEMENTATION NETWORK FOR EASTERN EUROPE, CAUCASUS, AND CENTRAL ASIA
17-19 June 2008 (Tashkent, Uzbekistan)**

Draft Summary Record

1. Since its first meeting in 1999, the *Regulatory Environmental Programme Implementation Network* (REPIN) has been helping its members to overcome environmental compliance problems in Eastern Europe, Caucasus, and Central Asia (EECCA). The Network aspires to achieve better policy implementation at least costs, and promote the rule of law and a level playing field for businesses across the whole region. While until recently its scope of work included environmental policy design and implementation, as of 2008 the network also facilitates discussions related to environmental finance.

Meeting objectives and participants

2. The REPIN members gathered at their tenth annual meeting to discuss (i) progress in adopting innovative instruments of environmental policy and improving environmental finance; (ii) future activities in a longer-term perspective, and (iii) reform of approaches to measure performance of environmental regulation and compliance assurance. A set of documents prepared by the Secretariat or the EECCA countries served as a basis for discussions (see Annex 1). The meeting was attended by government officials and experts from all EECCA countries and three OECD members (the Netherlands, Sweden, and the United Kingdom). Representatives of NGOs, the private sector, and EECCA Regional Environmental Centres (RECs) were also present. The meeting was hosted by the Uzbek State Committee for Environmental Protection (SCEP). The list of participants is attached as Annex 2.

Opening remarks

3. Mr. Sergey Samoylov, First Deputy SCEP Chairman and member of the EAP Task Force Bureau, welcomed the participants and underlined the high value of joint actions to reform environmental policies and institutions. He presented a number of initiatives that the country took to promote better environmental protection and re-iterated the need for all countries to boost implementation efforts within the “Environment for Europe” process.

Adoption of the draft agenda

4. The Network members adopted the draft annotated agenda of the meeting with no modification.

Results of the Belgrade Ministerial Conference and the “Environment for Europe” reform

5. The Network members took note of a presentation by Ms. Angela Bularga, Head of the EAP Task Force Environmental Policies Programme, about the inputs¹ of the Task Force to the Belgrade Ministerial Conference and side events organised by the Secretariat. EECCA RECs and Eco-Forum briefed the participants about their respective inputs.

6. Commenting on the conclusions of the two progress monitoring reports prepared for Belgrade, the participants mentioned that countries were trying to improve their policies and institutions but the results of such efforts needed time to materialize, particularly against the background of low institutional capacity.

¹ The Belgrade documents were grouped in two categories. The Category I reports prepared by the EAP Task Force included: (i) Policies for a Better Environment: Progress in EECCA; (ii) Guiding Principles for Effective Environmental Permitting (iii) Mobilizing Finance for Environmental Priorities. The Category II reports included: (i) Translating Environmental Law into Practice; (ii) Trends in Environmental Finance in EECCA; (iii) Achieving the Water-related MDGs; and (iv) Progress on Partnerships.

7. Under the same agenda item, the participants were briefed about the reform launched within the “Environment for Europe” (EfE) process. The purpose of this reform is to ensure that international cooperation continues to respond to real needs and environmental priorities of the region and matches the evolving political and economic landscape. To this end, in Belgrade the Ministers invited the UNECE’s Committee on Environmental Policy (CEP) to develop, in consultation with all partners, a plan for reform so that it could be endorsed at the political level by the UNECE in spring 2009. The draft plan can be consulted at www.unece.org/env/cep/extended/OutlineEfEReformPlan.pdf.

Review of progress in 2007-2008

8. The Network members reviewed progress since their last meeting in March 2007 (Brussels, Belgium). This included reports from both the Secretariat and EECCA countries.

Report from the Secretariat

9. The Secretariat reminded the participants of the particularities of its work in 2007-2008, including:

- Uncertainty about the extension of the mandate of the EAP Task Force beyond 2007;
- A financing gap in 2007 that led to postponing of some activities until 2008;
- A focus on delivering products for the Belgrade Ministerial Conference;
- A reduction in financial resources requested by the OECD Secretariat in 2008 compared to previous years, hence the need to focus activities and organise them in a more cost-effective way;
- Restructuring within the OECD/EAP Task Force Secretariat whereby four teams were merged into two – on policies and institutions, and water supply and sanitation.

10. The Secretariat underlined that the 2008 Work Plan was adopted at the February meeting of the EAP Task Force where countries indicated priorities with regard to various projects and agreed that, in case there was a shortfall in the funding, the priorities would provide a useful reference if decisions needed to be made about cancelling or delaying project implementation. The Work Plan is organised in three parts: (1) activities to be jointly implemented by OECD and EECCA RECs; (2) activities to be implemented by OECD alone; and (3) activities to be implemented by EECCA RECs alone. At the time of the REPIN meeting, EECCA RECs had not secured any financial resources to implement EAP Task Force activities in 2008. On the side of the OECD Secretariat, the Work Plan implementation in the first half of the year was quite intensive, including, among other things:

- Capacity building events at the regional level, such as training of trainers on (i) overall design of training programmes and compliance assurance (Lviv, 10-15 March) and (ii) integrated permitting (Prague, 20-23 April);
- Support for the reform of selected policy instruments, most notably organisation of a regional workshop on water quality regulation (Kiev, 27 May);
- Secretariat missions to Kazakhstan, Moldova, Russia, and Ukraine;
- Participation in the 2008 Conference of the International Network for Environmental Compliance and Enforcement (INECE), where delegates from Georgia, Kazakhstan, Russia, Ukraine, the OECD Secretariat, and the Russian REC were present.

11. The Secretariat signalled that many events were still to be conducted, including:

- A workshop on institutional development of environmental ministries (Astana, 23 October 2008), which will happen back-to-back with the EAP Task Force meeting;
- Expert meeting on the use of medium-term expenditure frameworks (MTEF) in the environmental sector (November-December 2008);
- Secretariat missions and national-level events in Armenia, Georgia, Kazakhstan, Moldova, Russia, and Ukraine.

12. After finalising projects from the previous work programme, in the autumn 2008 the Secretariat intends to launch several new activities, most importantly the development of regional guidelines on monetary penalties, policy dialogues in support of institutional development of environment ministries in Armenia and Moldova, and a country case study on the use of MTEF. Projects on training of inspectors and environmental compliance and enforcement indicators will continue.

13. The participants conveyed their readiness to contribute in-kind to the implementation of various projects. Their previous contribution was illustrated through reporting on a number of country-level activities.

Reform of surface water quality standards in Moldova

14. Mr. Eugene Mazur of the EAP Task Force Secretariat briefed the participants on the regional expert meeting on reforming surface water quality regulation in EECCA which took place in Kiev on 27 May 2008. The meeting focused on the discussion of the two approaches guiding the ongoing reform efforts in the region: (i) differentiation of surface water quality standards based on designated use of water bodies (exemplified by the EAP Task Force pilot project in Moldova); and (ii) regulation of total impact on water bodies (pursued, for example, in Russia). Mr. Mihai Mustea of Moldova's Ministry of Ecology and Natural Resources presented the information on the development of a new Water Law and related regulations which are based on the principles of the EU Water Framework Directive and incorporate many of the Moldova pilot project's recommendations.

Integrated permitting reforms

15. Ms. Natalia Trofimenko of the Ministry of Environmental Protection of Ukraine gave an overview of the progress to date with the reform of the country's environmental permitting system implemented with financial support from the World Bank. In particular, the Ministry is drafting a law on environmental permitting which would establish differentiated permitting regimes for three categories of industrial installations: integrated permitting for large industry, simplified permitting via general binding rules for small and medium-sized enterprises with significant environmental impact, and registration for low-impact installations. Participants from Belarus and Kazakhstan provided updates on the reform efforts in this area in their countries: a World Bank project supporting the streamlining of environmental permitting in Belarus and efforts to implement the integrated permitting provisions of the 2006 Environmental Code in Kazakhstan. Finally, the Secretariat reported on the train-the-trainer workshop on integrated permitting (Prague, April 2008) which transferred the permitting training programme to the EECCA region.

Industry rating in Ukraine

16. Mr. Stefan Tatukh, First Deputy Head of the Lvov Oblast Environmental Agency and Ms. Zoryana Kozak, board member of the Analytical Centre "Society and Environment", introduced the design and results of local pilot industry rating scheme [document REPIN (2008)CM2]. The participants expressed support for the continuation of this work under the new work programme. In particular, the EECCA countries requested the Secretariat to publish the country report in due time for dissemination at the Task Force meeting and seek Task Force's approval to produce a guidance document to further promote the performance rating scheme in the EECCA region. The Ukrainian environmental authorities were praised for hosting this pilot project and incorporating it in their work plans. They were encouraged to extend the initiative to the rest of the country and inform the Network about progress.

Financing of environmental regulation and compliance assurance

17. Ms. Nelly Petkova of the EAP Task Force Secretariat presented the main findings and recommendations from a study on securing resources for environmental regulation and enforcement activities in Kazakhstan. The main conclusion of this work is that while expenditure for environmental enforcement has been increasing over the past years, these resources are insufficient to effectively enforce the growing body of environmental legislation, control the large number of (particularly small and medium-sized) enterprises and

ensure adequate investments in monitoring and laboratory equipment. There is thus a need for Kazakh authorities to explore new sources of revenue (*e.g.* fee-based services) and seek to reduce costs through further rationalising the compliance assurance system in the country. In addition, new approaches are needed to programme design and costing, particularly as part of the medium-term budgeting process. Well-justified programmes are the best argument in requesting additional budget resources. The report from the study will be published in autumn 2008.

Non-compliance response instruments in Kazakhstan: results of review

18. Mr. Andrew Farmer from the Institute for European Environmental Policy presented the key findings and recommendations from a study of non-compliance response mechanisms used in Kazakhstan (to be published in autumn 2008), conducted on behalf of the Secretariat. The key message arising from the study is the need to enhance the environmental effectiveness of administrative and criminal enforcement. In addition, sound approaches to determine the severity of sanctions and full transparency in their use are necessary in order to ensure the proportionality of response to non-compliance. The participants took note of this presentation and agreed to use the results of the study while developing the regional guidance on monetary sanctions.

Reforming environmental inspectorates

19. The Kazakh delegation (Mr. Zhomart Aliev and Ms. Kazken Orazalina) presented the draft plan for institutional reform in 2008-2012, developed by the Committee for Environmental Regulation and Control (CERC). The plan aims to transpose international recommendations and good practice. In particular, it is based on the “Guiding Principles for Reform of Environmental Enforcement Authorities in EECCA” and other policy recommendations provided by the OECD/EAP Task Force. The participants congratulated Kazakhstan for making important reform efforts and commented on the draft plan. The delegates agreed to provide written comments by **30 June 2008** directly to the CERC staff.

20. The Georgian delegation (Ms. Ellen Iacobidze and Mr. Dimitri Glonti) presented progress in the implementation of the Strategic Plan of the Environmental Inspectorate of Georgia [REPIN(2008)CM3]. They underlined its high value for medium-term planning, for ensuring a shared vision among Inspectorate staff, and for projecting the Inspectorate’s image as a modern organisation. As of 2008, the Strategic Plan will be used for budget planning. So far, the Inspectorate has improved its administrative procedures, made them public through a newly created web site, instituted a public hotline, started to use an information system to manage permit and inspection information, and enacted a Code of Ethical Conduct. The participants congratulated the Inspectorate for its efforts to modernise the environmental enforcement system in Georgia. They requested that the Code of Conduct is circulated to the rest of EECCA countries for its eventual adaptation and enactment by other inspectorates.

Discussion of selected region-wide projects to be implemented in 2008

21. The delegates formed three small working groups to discuss selected projects in more detail.

Monetary penalties

22. The Secretariat presented the project to assist EECCA countries to streamline the design and implementation of administrative monetary penalties for environmental violations. The project would design guidance on how to enhance the deterrent effect of administrative fines while ensuring proportionality and fairness of their application. The EECCA participants shared information about their countries’ diverse systems of administrative enforcement, underlining the need to conduct an overview of the existing practices prior to the development of a guidance document. Linkages with the project on liability for environmental damage (planned under the work programme for 2009-2010) were also emphasised, while the OECD experts pointed out the conceptual differences (often blurred in EECCA) between administrative fines and damage compensation.

23. The working group recommended that the project work should start in September 2008 with an information request from the Secretariat to EECCA countries with respect to their legal provisions on administrative fines. Draft guidelines for EECCA environmental enforcement authorities on how to assess and apply administrative fines would be developed between December 2008 and April 2009 and would include:

- A methodology to evaluate economic benefits from non-compliance;
- A methodology to account for the seriousness of the violation of environmental requirements;
- A methodology to account for the compliance record, ability to pay and other operator-specific factors; and
- Guidance on the use of discretionary administrative powers in applying fines.

24. A regional expert meeting to discuss the draft Guidelines will be convened in April-May 2009, and the final draft guidelines will be presented at the next annual REPIN meeting.

Training for environmental inspectors

25. The working group on training recommended that the Secretariat proceed with the finalisation of the proposed guidance document on individual capacity development, the training CD-ROM, and assist the EECCA RECs to establish a web portal. The participants underlined that a systemic approach to training must be adopted by EECCA countries and common qualification requirements developed. Specific guidance was provided on the content of products to be delivered in 2008.

26. The following deadlines were agreed:

- Comments on the first version of the guidance document shall be sent to the Secretariat by 30 June;
- Comments on the second version and examples from the current practice shall be sent by 15 September 2008. This version shall contain draft qualification requirements;
- By early October 2008, Georgia and Kazakhstan shall produce pilot training programmes based on the methodology developed by the Secretariat;
- The final round of comments on the regional guidance will start on 15 October with a view of finalising the document by 30 November 2008;
- The CD-ROM incorporating materials for both trainers and trainees shall be produced by the end of 2008;
- Comments on the structure and content of the web portal (www.inspections.ru) will be sent by 15 September 2008. The portal will be made fully operational by 30 October 2008.

27. All countries present at the meeting volunteered to take part in the training project.

Medium-term budget planning

28. The Secretariat introduced the project on integrating environment into medium-term budget planning. The project will consist of two distinct phases:

- An in-depth review of the experience of a selected EECCA country with the design and implementation of an MTEF with a focus on the environment sector; and
- A survey on the experience with MTEF design and implementation in the environmental sector in EECCA countries.

29. Since medium-term budgeting is a new area of work within REPIN, the participants discussed the conceptual differences between multi-year budgeting and traditional budgeting methods. In addition, potential benefits for environment ministries from planning their budgets within a medium-term perspective were also evoked. Representatives from Armenia, one of the most advanced EECCA countries in this context, presented their experience with developing medium-term (3-year) budgets. Other countries shared information on their experiences with MTEF as well.

30. Most EECCA countries have already introduced certain elements of medium-term budget planning into their public expenditure management systems but only a few have implemented them properly and in accordance with international good practices. On this basis, participants in the working group agreed that:

- It is important to conduct a survey and identify opportunities for, and limits to, securing additional resources for environmental management through medium-term budget planning. The survey will be supported by an in-depth review of the experience of a selected EECCA country.
- The survey does not need to cover all EECCA countries but only those which have already introduced medium-term budget planning and where environment ministries have been included in this process.
- It is absolutely necessary to involve in this work experts from ministries of finance responsible for assessing budget requests of environment ministries. The Secretariat will seek participants' support in identifying such experts.
- The in-depth country review will be launched in autumn 2008 and the survey will start by the end of 2008. An expert meeting on the use of MTEF in the environment sector will be organised by the end of 2008.

Discussion of the long-term work programme

31. The participants discussed the long-term work programme and provided support for its objectives, the overall structure, and the content of specific projects. In light of the need to increase the cost effectiveness of the programme, it was suggested to replace the analytical work on quantification of incentives faced by businesses with the provision of policy recommendations on the industry rating scheme and methodological support to use the Regulatory Impact Analysis. The latter is linked to OECD's extensive work and experience in industrially developed countries. The Secretariat will amend the programme and circulate it no later than **31 July 2008**.

32. Programme priorities were then debated. The Secretariat was requested to keep the focus on the implementation of environmental policies. Specific country priorities will be communicated to the Secretariat after receiving the amended work programme, but no later than **1 September 2008**.

33. Support was provided to the continued use of both regional work and in-country pilot projects. The REPIN members requested the Secretariat to focus the pilot projects on low-income countries.

34. EECCA RECs were invited to clarify who exactly will implement the proposed projects and how implementation will be carried out.

Other business

35. Mr. Henk Ruessink, international relations officer at the VROM Inspectorate, told the participants about the latest events within IMPEL and INECE networks. He invited EECCA countries to adhere to the INECE Seaport Initiative, which aims to (i) identify common compliance issues and approaches, (ii) develop a manual for inspection in seaports, and (iii) facilitate staff exchange between participating countries. The REPIN members were also called upon to join the INECE's training cluster. Mr. Ruessink also communicated that the European Union's IMPEL Network acquired independent legal status as of May 2008 and became a professional association.

36. The Secretariat briefed the participants about other relevant developments:

- Recent launch by the OECD of a global portal on Pollutant Release and Transfer Registers (www.prttr.net), parts of which can be browsed in Russian;
- Functioning, under the aegis of the European Commission, of the GreenEnforce Network;

- Plans of the European Commission to organise, in cooperation with governments in Central Asia, a sub-regional conference on integration of environmental and sectoral policies (indicatively, on 5-6 November 2008 in Almaty, Kazakhstan).

Workshop on performance measurement

37. The workshop was attended by all EECCA participants. Its aim was to discuss general recommendations on the reform of performance measurement systems used by environmental regulation and compliance assurance authorities and a draft set of indicators in this field. Intermediary outcome indicators and input indicators were discussed in a plenary; small groups discussed output indicators for lawmaking, environmental assessments, compliance promotion and monitoring, enforcement, and integrity of decision-making and staff. Armenia, Belarus, Moldova and Kazakhstan provided examples from their country experience. In particular, Belarus and Kazakhstan presented rating schemes used to measure performance of territorial units. Based on the outcomes of discussions, the Secretariat will amend the documents REPIN(2008)5 and REPIN(2008)6.

38. The following implementation schedule was defined:

- Finalisation of policy recommendations by the end of 2008;
- Reaching an agreement on a regional set of indicators by the end of 2009;
- Work with statistical agencies to amend national sets of indicators in 2009-2011;
- Production of annual statistical compendiums in 2009;
- Using a regional set of indicators for benchmarking and regional reviews in 2010.

39. All countries present at the meeting volunteered to take part in this project and stressed its high priority to improve the incentive framework for a higher institutional performance.

Next meeting

40. The participants agreed that the time and place of the next annual meeting shall be decided when funding prospects are clearer. The Secretariat signalled a possible need to conduct the Network meeting back-to-back with the EAP Task Force meeting.

Annex 1. List of documents for the 2008 REPIN Meeting

Title	Document no.	Availability	
		Eng.	Rus.
Draft annotated agenda	REPIN/A(2008)1	X	X
Draft programme of work for 2008-2011	REPIN(2008)1	X	X
Work plan in 2008	REPIN(2008)2	X	X
Surface Water Quality Regulation in EECCA Countries: Directions for Reform	REPIN(2008)3	X	X
Good Practice Guide for Professional Development of Civil Servants Involved in Environmental Compliance Assurance	REPIN(2008)4	X	X
Recommendations on Performance Measurement for Environmental Enforcement Authorities of Eastern Europe, Caucasus, and Central Asia	REPIN(2008)5	X	X
Possible Environmental Compliance and Enforcement Indicators	REPIN(2008)6	-	X
Strategy for Institutional Development of the Kazakh Committee for Environmental Regulation and Control	REPIN(2008)CM1	-	X
Boosting Industry's Environmental Performance: Pilot Implementation of a Performance Rating Scheme in Ukraine	REPIN(2008)CM2	X	X
Strategy of the Georgian Inspectorate for Environmental Protection (2007-2010)	REPIN(2008)CM3	X	X

Annex 2. List of participants

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