

EAP Task Force

Fifth Annual Meeting of the NIS Environmental Compliance and Enforcement Network

16-18 October, 2003, Kiev, Ukraine

NISECEN(2003)15

DRAFT SUMMARY RECORD

This document contains the highlights and a detailed summary of the discussions carried out at the fifth meeting of the EECCA Environmental Compliance and Enforcement Network which was held on 6-8th October, 2003 in Kiev, Ukraine.

ACTION REQUIRED: *Comments on the summary record should be provided to the Secretariat by the 21st November, 2003.*

FIFTH ANNUAL MEETING
OF THE ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT NETWORK OF THE
COUNTRIES OF EASTERN EUROPE, CAUCASUS AND CENTRAL ASIA (EECCA)
16-18th October 2003, Kiev, Ukraine

HIGHLIGHTS

The meeting in Kiev, Ukraine was the fifth annual gathering of the EECCA Environmental Compliance and Enforcement Network. The meeting gathered around 60 participants, including enforcement officers and environmental policy makers from environmental authorities in the region of Eastern Europe, Caucasus and Central Asia (EECCA). Experts and practitioners from the OECD countries and international institutions also participated along with the representatives of non-governmental organisations, business and industry who took part in the meeting as observers. The Ministry of Environmental Protection and the State Environmental Inspectorate of Ukraine hosted the meeting which was organised within the framework of the EAP Task Force.

The meeting objectives were three-fold:

- ❖ To discuss and agree on the main elements of the work programme on environmental policy instruments, compliance assurance, and compliance promotion following the 2003 “Environment for Europe” Ministerial Conference;
- ❖ To discuss the operational aspects of the Network and work programme implementation, especially in light of an extended scope of activities;
- ❖ To find synergies with on-going and future activities at the national and international level and establish partnerships for project implementation organisations, bilateral technical assistance programmes, NGOs and other stakeholders.

The main results of the meeting included:

- ❖ Endorsement of the draft Work Programme of the Network for the period 2003-2006 as presented in the document NISECEN(2003)2. During the discussion a number of implementation issues have been discussed on actions at the country and regional level. A number of countries expressed their readiness to take an active part in the implementation of specific projects.
- ❖ Endorsement of the Terms of Reference of the Network as presented in the document NISECEN(2003)14/REV1. The Terms of Reference provide a clear statement of the origins of the Network, its mission and goals as well as the means of operations and the decision-making and the management structure. The Terms of Reference will be the principal document for the governance of the Network activities.
- ❖ Establishment of the linkages between Network activities and projects supported by various donors in the region and identification of future co-operation steps with the European compliance and enforcement Network: Impel and Bercen.

Back to back to the Network meeting a seminar for the representatives of regional environmental inspectorates was organised jointly by the State Environmental Inspectorate and the EAP Task Force Secretariat. The meeting provided a forum for the presentation of the activities of the Network and its results and enabled to review the problems the regional authorities face in the implementation of national policies and possible support which can be provided within the EECCA Environment and Compliance Network.

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MEETING REPORT

1. OPENING ADDRESSES

Mr Sviatoslav Kurulenko, Vice-Minister of Environment, Mr Hryhory Puga, Chief Environmental Inspector, and Mr. Brendan Gillespie, Head of the EAP Task Force Secretariat welcomed the participants of the Network Meeting.

Mr Kurulenko underlined the significance of international co-operation in addressing priority environmental problems in individual countries of the EECCA region. He emphasised the important stimuli which are provided by the European integration as well as the implementation of the EECCA Environment Strategy which was adopted by the Ministers at the 5th Environment for Europe Conference in Kiev. He pointed out the changing institutional framework in which environmental policies are being implemented and referred to the development of new objectives of his Ministry after a recent reform, in which the management of natural resources was separated from environmental protection.

Mr Puga congratulated his colleagues from environmental inspectorates at the occasion of the 5th meeting of the Network and highlighted some achievements. In particular he pointed out the adoption of the Guiding Principles for Reform of Environmental Enforcement Authorities in Transition Economies of Eastern Europe, Caucasus and Central Asia (EECCA) at the Ministerial meeting in Kiev. He stressed the willingness of the Ukrainian Environmental Inspectorate to follow these principles and apply good international practice.

Mr. Brendan Gillespie presented to the audience a new mandate that was given to the EAP Task Force and the OECD Secretariat at the Kiev Ministerial meeting. He explained that the mandate includes two important elements (i) to support specific objectives of the EECCA Environment Strategy, including water supply and sanitation, public environmental finance and implementation of environmental policies, and (ii) to facilitate and monitor the overall implementation of the EECCA Strategy. He also stressed the establishment of the closer links between EAP Task Force and Project Preparation Committee (PPC) and the commitment of these two bodies to conduct joint annual meetings and have a common Bureau. Mr. Gillespie also pointed out that an important benchmark for the Strategy implementation will be provided by the 2004 meeting of EECCA Ministers to be held in October 2004 in one of the EECCA countries. The meeting will aim to establish the baseline for the Strategy implementation, review partnerships, and discuss priorities in the implementation of the Strategy. He expressed the belief that the Network will play an important role in achieving the Objective 1 of the Strategy "*Improving Environmental Legislation, Policies, and Institutional Framework*".

2. PRESENTATION OF THE OBJECTIVES AND ADOPTION OF THE AGENDA

The Secretariat introduced this item by underlining the importance of intensive co-operation within the Network over the last four years and the results which had been achieved. At the same time, the need of adjusting the mandate of the Network in order to follow the decisions of the Kiev Conference was stressed. It was pointed out that the Network would continue to be a mechanism to strengthen environmental compliance assurance strategies and instruments and improve the performance of enforcement institutions. In addition, the challenge of developing and implementing effective and efficient environmental policies, regulations and instruments will be taken into account and addressed as part of networking.

The co-operation mechanisms within the Network will continue to be: information exchange, policy analysis, gathering and dissemination of best practices, preparation of case studies and analytical documents on priority issues. More emphasis will be placed on implementing non-investment demonstration projects supporting individual governments in reforming policy and compliance assurance instruments. The Network will also serve as a forum for extending policy dialogue and cooperation to industry and the non-governmental sector and a mechanism for brokering technical cooperation between EECCA countries and donors.

The Secretariat presented the main objectives of the meeting, which included:

- providing a platform to discuss and agree on the main elements of the work programme for 2003-2006, and
- discussing the operation aspects in light of extended scope of activities of the Environmental Compliance and Enforcement Network.

The meeting also was intended to ensure synergies with on-going and future activities and the national and international level and establish partnerships for the implementation of the work programme.

The Secretariat gave an overview of the agenda of the meeting presented in a document *Draft Agenda [NISECEN(2003)1/A]*. The agenda was adopted without amendments.

3. WORK PROGRAMME DISCUSSION

The Secretariat introduced a document *Draft Work Programme of the Network for the period 2003-2006 [NISECEN(2003)2]* as a basis for the discussion during the meeting. Its various sections provided specific descriptions of future activities. The meeting had an interactive character to allow all the participants to present and exchange their opinions. Each work programme item was briefly introduced by a member of the Secretariat, in some cases supported by an invited Country Representative or an invited expert. These presentations were followed by an open discussion during which the Delegates presented their experience with the substantive topics of discussion as well as expressed their views on the objectives and the directions of the proposed activities in light of the country specific conditions and needs.

PROJECT 1: STRENGTHENING ENVIRONMENTAL POLICY INSTRUMENTS

TASK 1.1: STREAMLINING AND INTEGRATING ENVIRONMENTAL PERMITTING

The discussion of this component of the work programme, introduced by a presentation by the Secretariat, generated significant interest among the participants during the plenary session as well as in the working group. Several speakers emphasised the need to view the permitting reform in conjunction with the improvement of other policy instruments, particularly environmental standards and environmental impact assessment.

The participants raised the issue of the relationship and balance between the procedural and substantive aspects of the reform: whether it would be more appropriate to define the scope and methodology of technique-based permitting for large industry before focusing on procedural integration. With an understanding that the work over the next year would proceed on both aspects in parallel, the Network Members endorsed the general structure of the future Permitting Guidelines (procedure and application and permit forms with instructions) and the development of analytical papers on the combined (environmental quality as well as technique-based) approach to permitting for large industry. The design of a simplified approach for permitting for small and medium-sized industry later in the work programme should address the concern of some participants that the integrated permitting system would be even more administratively burdensome than the present one.

The experience of several countries in preparing and making the first steps toward integrated permitting was presented during the discussion. Ukraine expressed its willingness to host a demonstration project on environmental permitting reform. The example of Georgia was quoted, where the reform of the permitting process follows a similar approach as outlined in the documents prepared by the Secretariat. The delegate from the Russian Federation noted the urgent need to incorporate the key elements of the integrated approach into the new permitting regulations being prepared in Russia. Possible institutional arrangements for accommodating an integrated procedure were discussed, based on the current organisational setup in EECCA countries. The participants generally agreed that the introduction of integrated permitting should preferably be done through secondary legislation (regulations) but, depending on the country specifics, may require changes in the framework environmental laws.

In a more detailed discussion on the Draft Integrated Environmental Permitting Procedure, the participants agreed on the need to clarify several fundamental terms and concepts such as installation, permit transfer, permit validity, etc. It was suggested to include pollution charge payment obligations in the model permit conditions and provide a linkage to the pollution charge system in the permitting procedure. Many other specific comments were made to the draft procedure, and it was decided to provide such comments in writing to the Secretariat by November 3, 2003. It was further agreed that an expert meeting in April or May 2004 will consider the final draft of the procedure and the first drafts of the application form and the integrated permit form.

Mr. Wybe Douma, the senior legal expert on the EU project “Harmonisation of Environmental Standards in Russia,” made a presentation on the project’s work on environmental permitting from the perspective of Russia’s possible convergence with the EU IPPC Directive. He noted the difficulties experienced in promoting integrated permitting among Russia’s environmental policy-makers both at the federal level and in the regions. Mr. Douma’s presentation sparked many questions and a lively discussion on the directions for reforming the permitting systems in EECCA countries.

TASK 1.2. MAKING ENVIRONMENTAL STANDARDS MORE REALISTIC

The presentation of this item of the Work Programme by the Secretariat was complemented by an intervention by Mr. Norman Sheridan, a consultant on a project “Reform of the Water Sector Legislation in the Russian Federation” supported by the Danish government. Mr. Sheridan presented the EU approach to setting ambient air and water quality standards and contrasted it with the current EECCA practice, making recommendations on how to reform the system in EECCA countries. Mr. Sheridan also touched upon the place of emission/effluent standards in the overall framework of the combined approach to pollution control and cited the shortcomings of Russia’s intention to introduce mandatory effluent standards without reforming the environmental quality standards.

While the participants agreed that environmental quality standards in EECCA countries need to be reformed as a prerequisite for improving permitting and many other policy instruments, many expressed a concern that regulating a relatively short list of pollutants, as it is done in the EU, would leave out many environmentally harmful substances. The European experts participating in the meeting suggested that this issue could be resolved through technique-based permitting of large pollution sources, further illustrating the linkage between the reforms of standards and permitting. Several participants stressed the importance of strong political will and involvement of all stakeholders, particularly the Ministry of Health, in the standards reform. Also noted was the need to continuously evaluate the effectiveness of environmental standards in achieving environmental quality objectives.

Many Network Members indicated their countries’ political orientation toward convergence with EU environmental standards. The delegates from Uzbekistan proposed to conduct a demonstration project on standards in that country on the basis of earlier work on water quality regulation carried out under a EU project. The Secretariat called on the EECCA country representatives to explore available options with bilateral and multilateral donors to support demonstration projects on reforming environmental standards and vouched to facilitate these efforts as well as help disseminate the relevant experience on this issue across the EECCA region.

TASK 1.3. STRENGTHENING ECONOMIC INSTRUMENTS FOR ENVIRONMENTAL PROTECTION

The Secretariat presented the planned activities on economic instruments, including the ongoing project in Russia and the proposed one in Armenia. Mr. Ashot Haroutunyan of Armenia enthusiastically supported the idea of hosting a demonstration project to analyse and disseminate the experience accumulated since the country’s system of economic instruments for environmental protection was reformed in the late 1990s, with the drastic reduction of the number of pollutants subject to pollution charges and introduction of product charges. The project activities are expected to start in the spring of 2004.

The importance of strengthening the incentive impact of economic instruments was mentioned by several participants. Also discussed was the issue of a uniform environmental tax that already exists in Uzbekistan and is planned to be introduced in the Kyrgyz Republic. These and other experiences across the region can be evaluated and disseminated through in-country demonstration projects (funding support for which is needed) and a regional seminar on economic instruments envisioned by the Secretariat for 2005.

PROJECT 2. STRENGTHENING ENVIRONMENTAL ENFORCEMENT STRATEGIES AND INSTRUMENTS

TASK 2.1. IMPLEMENTING EFFICIENT, EFFECTIVE AND FINANCIALLY VIABLE ENVIRONMENTAL COMPLIANCE ASSURANCE PROGRAMMES

The Secretariat introduced the project which aims to assist countries to adjust compliance assurance programmes and also regulatory framework, where necessary, in order to improve their efficiency and

effectiveness. The other objective of the project is to support the development of economically and financially viable compliance assurance programmes. Within the project analysis of the incentive framework that enterprises are operating in will be carried out as well as reviews of motivations and regulatory responses by government agencies. The project also envisages analysis of the financial resources needed for operations of environmental enforcement agencies and their effective use.

A number of interventions underlined the importance of this project in light of a general lack of economic analysis of enforcement programmes as well as inadequate understanding of environmental compliance incentive/disincentive framework for enterprises. During the discussion the participants indicated that attempts to carry such analysis had been undertaken, as for example in the framework of the Central Asian Regional Action Plan and in individual countries such as Kyrgyzstan and Ukraine. However, these initiatives either had not been completed or had not brought adequate critical mass to support regulatory adjustments. Only Kazakhstan reported on-going efforts to analyse barriers to compliance which are carried out by a specially established working group which brings together representatives and experts from the environmental agency and industry.

Several participants indicated that within this project important links should be established between the economic analysis of compliance assurance programmes, the reform of systems of pollution charges and taxes and the ways in which enforcement and compliance activities are financed. So far not adequate attention had been paid to the incentive aspects of economic instruments and their relations with non-compliance responses. The Delegates stressed that the project would need to take account of the fact that the revenues from economic instruments may not longer be used for financing of enforcement programmes and alternative sources of funding may need to be identified, which should include covering both the staff costs and capital, operation and maintenance costs of necessary equipment, including laboratories and inspector support instruments.

As a follow-up of the project, the Delegates from Armenia expressed an interest to be actively involved in developing a framework for analysing economic aspects compliance assurance programmes and to carry a project to apply the framework to reform their compliance assurance programme. The representatives of non-governmental organisations from Russia stressed the need to carry such analysis in their country. Kazakhstan offered to share with other Network Members information about the results of the dialogue carried out within the Industry-Government Working Group.

Task 2.2. PROMOTING INFORMATION-BASED INSTRUMENTS AND PUBLIC INVOLVEMENT IN COMPLIANCE ASSURANCE

The introduction of this project to the work programme was a response to discussions at the 2002 meeting of the Network in Almaty. At that time a special session had been devoted to the subject of compliance promotion and the use of information in compliance assurance. Following up a great interest of the Network Members, the current project aims to assist governments in developing and applying instruments which allow information disclosure, industry performance rating and better access to information by the public and co-operation between enforcement agencies, NGOs and the public.

During the discussion of the project the Delegates presented several examples of government initiatives to provide information about the state of environment and the implementation of environmental policies as well as to open access to decision-making by the citizens. These developments were stimulated by the adoption and ratification of the Aarhus Convention by a majority of countries in the EECCA region. IN the future the Aarhus Convention would remain a major incentive framework for reforming regulations and introducing innovative mechanisms for informing the public and engaging it into the policy development and implementation.

At the same time, a number of examples of information-based instruments which environmental enforcement agencies have at their disposal were presented. These include the lists of worst polluters and lists of enterprises which may pose an environmental threat in case of accidents as well as the lists of “environmental champions” among companies. These instruments, however, are not always adequately adapted to changing economic and industrial environment and may become obsolete and, in some cases, burdensome and inefficient.

Several speakers underlined the need to make these instruments more suitable for effective compliance assurance, to elaborate adequate criteria for consideration of specific installations, and that these instruments are transparent and generate interest and support from the public. Special attention was called for ensuring that these instruments provide timely, adequate and enterprise specific information and that the confidentiality of some information is ensured by following specific and transparent rules. Azerbaijan and Ukraine, in particular, expressed their interest to carry demonstration projects to apply performance rating and information disclosure schemes.

An additional topic on the role and the effectiveness of public inspectors was raised during the discussion. This approach had been operational in the region for a number of years and it originated under the Soviet Union. A number of Delegations requested to carry analyses of the effectiveness and adequacy of the public inspectors and their future. The New Regional Environmental Centres and the representatives of the NGOs present at the meeting expressed their willingness to co-operate with the Network on the development and implementation of such a project.

TASK 2.3. IMPROVEMENT OF INDUSTRIAL SELF-MONITORING

A short introduction by the Secretariat focused on the key objectives of the project which are to optimise the environmental self-monitoring by enterprises. Work will consist in developing guidelines for setting up effective and efficient self-monitoring systems based on international experience (especially gathered within the INECE and EU Impel networks) and concrete experience gained through demonstration projects in selected EECCA countries.

In a supporting presentation Mr Bek-Bulat Eleushov introduced the major elements of the demonstration project recently launched in Kazakhstan and outlined expected results. He underlined a strong support to implement such a project in Kazakhstan, in particular due to a very intensive dialogue between the Ministry of Environment Protection and the major industry, in the framework of a Memorandum of Understanding signed by these parties.

The following discussion confirmed that there is a need to improve self-monitoring systems in EECCA countries as a constituent part of compliance assurance programme. The main challenge would be a re-design of self-monitoring to ensure its cost-effectiveness and provision of incentives for industry to conduct self-monitoring as part of their overall company management systems. The Network Members proposed to focus on such aspects of common interest, and as scope of self-monitoring, applied methods and organisational arrangements. The synthesis of international experience and case studies were also considered important.

The participants shared the view that the ultimate outcome of this project should include the increase in the number of facilities conducting self-monitoring (now only 5-10% of operators have put in place these systems) and the meaningful use of self-monitoring data in the decision-making in EECCA countries.

PROJECT 3. IMPROVING THE PERFORMANCE OF ENVIRONMENTAL ENFORCEMENT AGENCIES

TASK 3.1: PEER REVIEWS OF ENVIRONMENTAL ENFORCEMENT AGENCIES

The Secretariat introduced the main objectives of the project which are to establish a mechanism that would promote sharing of experience and identify practical ways to strengthen Environmental Enforcement Agencies, as well as create an international peer pressure to catalyse the reform of compliance assurance systems.

During the discussion the Delegates recognised such a mechanism as a useful instrument to objectively assess the effectiveness and efficiency of environment compliance assurance systems in the EECCA region. The reviews are expected to give an impetus to the reform of the regulatory and institutional framework and promote good practices.

The Delegates agreed that the Guiding Principles for Reform of Environmental Enforcement Authorities in Transition Economies of EECCA should be the key reference document. The review team would need to compare current systems with the recommendations of the Guiding Principles, and reveal both good practice and opportunities for development.

During the plenary and working group discussion, the Delegates provided feedback on a methodology paper developed by the Secretariat for clarifying the substantive and procedural aspects of the peer reviews. Several suggestions were voiced in regard to the content of the reviews, e.g.:

- Participants proposed that *root causes of non-compliance* be also analysed during the peer reviews, including through interaction with non-government stakeholders;
- *Institutional capacity* will need to be carefully assessed, for instance, staff numbers, qualifications, training arrangements, and material basis;
- Particular attention should be paid to *the role of compliance assurance in the regulatory cycle*, in particular, its links to environmental permitting and monitoring systems;
- It would be useful to study the opportunities for better interaction with the general public and to provide guidance on *public participation in compliance assurance*.

The procedure of peer reviews was considered sufficiently developed and only very few additions and/or changes would be necessary. The Delegates stressed the need to specify the competencies of the review team and proposed that a Lead Expert be identified for each review and share the responsibility with the Secretariat as concerns the quality of the final report. Participants also underlined the need to ensure the professionalism and credibility of the expert team, and independence of conclusions and recommendations from any vested interest. For each review, a detailed plan for disseminating its results will need to be developed. The Review Reports will have to be circulated among national authorities, in particular within the Government, to the Parliament, and network NGOs, as well as sent to international organisations.

The Kyrgyz Republic expressed officially the intention to host the first pilot peer review project. Ms Taisia Neronova, who was nominated by the Ministry of Environmental Protection and Emergency Situations of the Kyrgyz Republic as a National Co-ordinator for this project, explained the rationale for her country willingness to be reviewed, and presented the main expectations from the review process. The

meeting participants agreed that the first review would be conducted in early spring 2004. The first review team will be formed by early December 2003; the Secretariat will select the experts in close consultation with the reviewed country and Network Members. Other countries indicated their preliminary interest in the review process, but their official positions needed to be discussed internally.

A few other comments, which were provided, will be incorporated into the methodology paper. It was agreed that comments in a written form should be submitted by 15 November 2003.

TASK 3.2 DEVELOPING ENFORCEMENT AND COMPLIANCE INDICATORS

The Secretariat introduced this project which aims to assist enforcement agencies in evaluating and better managing their performance as well as demonstrating the results of government enforcement activities by developing indicators of compliance programmes and their impacts.

The follow-up discussions revealed a significant interest among the participants in this project. Several speakers recalled examples of measuring the performance of enforcement programmes carried out in EECCA in which various parameters had been used. Most countries measure activity levels, such as numbers of inspections and enforcement actions. Some countries present qualitative assessment of programme performance and directions. During the discussion some examples of reporting were presented, including a new National Report on Environmental Enforcement and Compliance in Russia which is now available on the Ministry's web site.

In spite of some achievements, several speakers pointed out the shortcomings of current approaches and expressed the need to extend the range of indicators to include those which can measure and show the results of enforcement actions. Examples of such indicators include rates of compliance and actual impact of compliance assurance on the improvement in environmental quality.

During the discussion on the project design a number of methodological issues were raised. These included:

- availability of data necessary to develop specific indicators, the need to adjust the forms for statistical reporting which are used to gather necessary data, and the process of data analysis,
- the need to develop specific criteria for selecting adequate indicators (with a clear and detailed description of the indicators typology) and the need for consideration of performance at different level, starting from the performance of national compliance assurance programmes and including the performance of individual inspectors;
- differentiated approaches to performance assessment by various institutions and the coverage for which enforcement and compliance indicators should be used in the compliance assurance framework which may involve a number of institutions;
- Challenges with the use of indicators for inspectorates' performance assessment, policy making, and to inform the public;

Speakers called for introduction of necessary changes though ensuring the comparability between different time series. The Delegates called for maintaining the relevance of indicators to country specific circumstances but supported the idea of exchanging experience on their development and applications among the Network Members and beyond.

Finally, a number of countries expressed their interest to be actively involved in the project. These included Armenia, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Ukraine and Uzbekistan.

TASK 3.3: BUILDING CAPACITIES OF ENFORCEMENT MANAGERS AND OFFICERS

The Secretariat introduced the project which aims to build the capacity of managers and staff of environmental inspectorates in developing and implementing effective enforcement strategies, professional management systems and enforcement and compliance instruments. The basis for this activity was put by previous activities, including the development of a Toolkit for Environmental Inspectorate, a week-long study tour of EECCA inspectors to Poland and a five day regional training in the Caucasus.

The Delegates confirmed the high relevance of this element of the work programme and its positive impact. It was stressed that in the future, sustainable in-country mechanisms for inspectorates' capacity building need to be identified or established. This would include, for instance, establishing such programme at centres or institutes that deliver environmental enforcement training on a permanent basis. In some countries such institutions already exist, many of them are based on NGOs. Participants agreed that the activities within the Network can contribute to the creation of such mechanisms by developing training curricula and materials as well as training the trainers, at regional and national level. Such initial training programmes would need to become operational on a sustainable basis once the external assistance is terminated.

The participants also discussed a number of issues related to the preparation of individual training programmes. The national authorities who nominate participants for such trainings need to be accountable for a correct selection to achieve the desired capacity development effect. Selection criteria for training participants would need to be developed and strictly followed. These programmes would need to be adapted to the requirements of specific groups, such as inspectorate managers and inspectors. Cross-training of different groups, however, can also bring benefits and should not be disregarded. Thematic workshops, dedicated to compliance assurance to address a concrete environmental problem, will be useful as well.

National enforcement authorities will need to take a proactive approach in replicating the training, although there is a general understanding that donor support might be needed to make this possible. On-the-job training has to be introduced, especially for new staff.

The Network Members took note of the forthcoming training seminars in the Caucasus, Kazakhstan and the Russian Federation and re-confirmed the interest to conduct these seminars.

6. TERMS OF REFERENCE OF THE EECCA ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT NETWORK

The Secretariat introduced this agenda item by reiterating the new mandates received by the EAP Task Force from the Kiev Ministerial Conference, the enlarged scope of the Network activities and the changes in the terms used for the region (EECCA instead of NIS)

The Secretariat presented a new *Terms of Reference of the Network [NISECEN(2003)14]* for discussion and endorsement by the Network. The Terms of Reference included the origins and the background of the Network activities, its mission as well as the organisation and management aspects. The Secretariat informed the Network about the budget for the Work Programme, current funding and a fundraising strategy.

A number of interventions were made on the specific items of the Terms of Reference. After the debate the Delegates agreed to approve in principle the Terms of Reference, subject to introduction of the comments made during the session. It was agreed that the Secretariat will send the final draft of the Terms of Reference to the Delegates before the end of October and the final comments on the document *NISECEN(2003)14/REV1*] would be expected by the 21st November, 2003.

Finally, the Secretariat presented an issue of a place and a date of the next Network meeting in 2004. Under this agenda item the Delegation of Armenia presented an offer from Mr. Vardan Ayvazyan, the Minister of Nature Protection of Armenia to organise the next meeting in Erevan. The participants welcomed the invitation and agreed that the meeting should be organised in the third week of September 2004.

5. PARTNERSHIPS WITH OTHER NETWORKS

Under the agenda item which aimed to ensure synergies with on-going and future activities and the national and international level and establish partnerships for the implementation of the work programme the two presentations were made:

- on the recently concluded conference on enforcement and compliance which was organised within the Impel¹ Network on the 6-7 October in Maastricht.
- on the activities of the Balkan environmental compliance and enforcement network

5.1 IMPEL 2003 Conference

Ms. Marina Yanush from Belarus reported on the results of IMPEL Conference 2003 "IMPEL At Work" in which she participated along with two other representatives of the EECCA Network. The conference brought together over 200 participants from 30 different countries and the European Commission. The meeting discussed a variety of practical aspects of environmental compliance and enforcement, including permit-making, inspections and enforcement as well as the development of innovative ways to improve the quality of the work. In addition, such issues as the development of new policy instruments, the improvement of inspections, the strengthening of networks and the capacity building of relevant organisations were debated.

The Conference reached the following key conclusions:

- Networking is a valuable tool, in particular in times of resource constraints, as it allows to rely on experience gained abroad, thereby avoiding the waste of resources by “re-inventing the wheel”;

¹ The European Union Network for the **Implementation and Enforcement of Environmental Law (IMPEL)** is an informal Network of the environmental authorities of the Member States, future Member States and candidate countries of the European Union and Norway. (the IMPEL and AC-IMPEL networks merged on 1 January 2003). The European Commission is also a member of IMPEL and shares the chairmanship of meetings.

- New IMPEL activities should be articulated in the context of consolidation and improvement of environmental legislation, new approaches to regulation and use of voluntary compliance instruments.

Future IMPEL projects will focus on training programmes, integrated inspections, evaluation of new instruments, health impacts, compliance and enforcement indicators including indicators for the efficiency of inspections. Specific assistance will be necessary for further integration of the acceding and candidate countries.

More information about the IMPEL Network is available at the following Internet address: www.europa.eu.int/comm/environment/impel

5.2. Co-operation with the BERCEN Network

Ms. Kristina Soone-Springer made a brief introduction to the Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN). The presentation included its scope, objectives, members, and organization. Ms. Soone-Springer provided detailed information on BERCEN activities in 2002-2003, such as regional training programmes, exchange programmes, study tours, procurement, publications and plenary meetings. The BERCEN work programme for 2003-2006, financed by the European Union assistance programme CARDS, was also presented. It includes the following clusters

Cluster 1: Capacity Building through Training and Exchange;

Cluster 2: Peer Review Assessments;

Cluster 3: Preparation of the 1st Reports on IPPC Directive implementation using the Questionnaire on the Implementation of the IPPC Directive adopted by European Commission Decision; and

Cluster 4: Preparation of the 1st Report on the implementation of the Recommendation of the European Parliament and of the Council of 4 April 2001 Providing for Minimum Criteria for Environmental Inspections, using the IMPEL guidance.

In the discussion special emphasis was placed on possible areas of cooperation between BERCEN and the EECCA Network. BERCEN identified the following possible areas for cooperation: training programmes, study tours, exchange programmes, other meetings and conferences, regular meetings of the secretariats, exchange of publications, and joint projects of mutual interest. BERCEN expressed interest in contributing to EECCA Network peer reviews using the expertise of a qualified inspector/expert from a BERCEN member country, if financially supported by the EECCA Network. She also stressed that the cooperation should expand to the level of networks' member countries in addition to the secretariats' level. The Delegates agreed to consider BERCEN's participation in the peer reviews and to use all other possible ways to cooperate with BERCEN.

More information on BERCEN is available at <http://www.rec.org/REC/Programs/REReP/BERCEN>.