

# EAP Task Force

## **Eighth Annual Meeting of the EECCA Regulatory Environmental Programme Implementation Network (REPIN)**

12-13 June 2006 (Tbilisi, Georgia)

REPIN(2006)15/Eng

### **Summary Record**

**Draft, 28 July 2006**

This document summarises the outcomes of discussions carried out at the Eighth Annual Meeting of the Regulatory Environmental Programme Implementation Network (REPIN). A separate report is available on the international seminar “Building the Environmental Compliance Assurance System in Georgia” that was held back-to-back with the Network meeting.

**ACTION REQUIRED:** Comments on the summary record should be provided to the Secretariat (Ms. Aliona Roshmendilo, [aliona.roshmendilo@oecd.org](mailto:aliona.roshmendilo@oecd.org)) by the 20<sup>th</sup> September, 2006.

## TABLE OF CONTENTS

Introduction .....	3
Opening Addresses.....	3
Adoption of the Agenda and the Summary Record of the 7 <sup>th</sup> Annual Meeting .....	4
Guiding Principles of Effective Environmental Permitting Systems .....	4
Progress with the Work Programme Implementation .....	4
Policy Implementation Rating.....	6
Review of trends in modernising environmental regulation and compliance assurance in EECCA.....	6
Performance indicators for environmental compliance assurance systems.....	8
Proposal for an Environmental Policy Event to be held in 2007 .....	9
Cooperation with REPIN partners.....	9
Presentation of the OECD Guidelines for Multinational Enterprises .....	9
Closing Remarks .....	10
Annex 1. Brief meeting agenda.....	11
Annex 2. List of meeting documents.....	12
Annex 3. Abridged list of participants .....	13
Annex 4. Group photo of the meeting participants .....	16

# **Eighth Annual Meeting of the EECCA Regulatory Environmental Programme Implementation Network (REPIN)**

## **Summary Record**

### **Introduction**

1. The Regulatory Environmental Programme Implementation Network (REPIN), which is part of the OECD/EAP Task Force<sup>1</sup>, was formally established in 1999 and has operated in Eastern Europe, Caucasus and Central Asia (EECCA) since late 2000. REPIN work has helped to revise policies and legislation, to reform environmental institutions and to upgrade the knowledge and skills of environmental officials and experts in EECCA countries. The Network has substantially enlarged its scope of work after the Kiev “Environment for Europe” Ministerial meeting in 2003. Its multi-annual work programme covers three main areas: (i) environmental policy instruments; (ii) environmental compliance assurance strategies; and (iii) institutional capacity building of environmental inspectorates in EECCA.

2. The Eighth Annual Meeting of REPIN was held on 12-13 June 2006 in Tbilisi, Georgia. The meeting gathered about 60 officials representing Environmental Policy, Permitting and Enforcement Departments of the Ministries of Environment from the EECCA region. Other participants included experts from the OECD countries, the European Commission and EBRD, the Regional Environmental Centres (RECs), and non-governmental organizations.

3. The key objectives of the meeting were as follows:

- Adopt the Guiding Principles of Effective Environmental Permitting Systems;
- Discuss and agree on the key messages of a region-wide review of progress in reforming environmental enforcement authorities;
- Examine the proposal to organise in 2007 a multi-stakeholder meeting on prospects for environmental policy making and implementation in EECCA.

4. Also the annual meeting of REPIN provided an opportunity to review progress with work programme implementation and share information about in-country activities carried out by the REPIN members. A side event on the reform of compliance assurance in Georgia was organized on 14 June 2006. A separate note summarises the outcomes of this event.

### **Opening Addresses**

4. Mr. Zaal Lomtadze, Vice-Minister of Environmental Protection and Natural Resources of Georgia welcomed the participants and wished them a fruitful meeting. Mr Lomtadze briefed the audience about latest developments in Georgia, including the establishment of an Inspectorate for Environmental Protection in September 2005. This event reflected a new focus on environmental compliance, in particular in the field of natural resources use, which has been triggered by political changes in Georgia and a need to stop illegal activities that undermined economic development. At the same time, Mr. Lomtadze acknowledged that networking provided the Georgian government with clear international benchmarks as concerns environmental compliance assurance.

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<sup>1</sup> See more information about the EAP task Force on the OECD web page at [www.oecd.org/env/eap](http://www.oecd.org/env/eap)

5. Mr. Brendan Gillespie, Head of the Environment and Globalisation Division of the OECD's Environment Directorate, welcomed the participants on behalf of the EAP Task Force. Mr. Gillespie underlined the importance of know how transfer and cooperation that are being carried out within REPIN. The speaker stressed that since its establishment in 1999 the network has focused on specific products and results "on the ground". For example, in 2004-2006 a reference model was developed within REPIN in order for governments to identify key features of an effective and efficient permitting system. Numerous demonstration projects are implemented in EECCA countries, for example, a new project on water quality standards in Moldova, the permitting reform activities in Ukraine, activities to strengthen environmental inspectorates in Kazakhstan and Georgia, and follow-up initiatives to implement the recommendations of the peer reviews of environmental inspectorates in Kyrgyzstan and Armenia.

6. As Belgrade conference approaches, it is important to take stock of achievements in reforming environmental compliance assurance systems and identify remaining challenges. Hence Mr. Gillespie invited Network members to contribute to the review of progress with policy implementation in EECCA, during the Tbilisi meeting and in the period between annual meetings.

### **Adoption of the Agenda and the Summary Record of the 7<sup>th</sup> Annual Meeting**

7. Mr. Krzysztof Michalak of the EAP Task Force Secretariat introduced the agenda of the meeting [document REPIN(2006)1]. The participants agreed on the proposed agenda without amendments. They also adopted the Summary Record of the 7<sup>th</sup> Annual Meeting that was held in October 2005 in Moscow.

### **Guiding Principles of Effective Environmental Permitting Systems**

8. Mr. Eugene Mazur (EAP TF Secretariat) presented the final draft of the **Guiding Principles of Effective Environmental Permitting Systems**, noting the changes based on comments from the countries that had been made following the document's consideration at the 7<sup>th</sup> REPIN meeting in October 2005. This document constitutes the policy-level output of a five-year process of intergovernmental dialogue and institutional development. It seeks to generate high-level political support for permitting reform in individual countries and facilitate international cooperation in this field.

9. After a brief discussion, **the Guiding Principles were formally endorsed** by the REPIN members. The participants also recommended to submit the Guiding Principles, via the EAP Task Force, for approval by EECCA Environment Ministers at the "Environment for Europe" conference in Belgrade in 2007. The participants agreed to provide final editorial comments by 25 June and asked the Secretariat to forward the Guiding Principles to the Task Force members for review prior to their meeting in Berlin (21-22 September 2006).

### **Progress with the Work Programme Implementation**

10. Under this item, the participants reviewed the implementation of selected projects that are part of the REPIN Work Programme. More comprehensively progress in implementing the Work Programme since the last annual Network meeting in Moscow is presented in the document [REPIN(2006)5].

11. Mr. Mazur started the session by presenting progress in the implementation of the project "**Support for Convergence with EU Water Quality Standards in Moldova**". Outputs of the Moldova project, which was launched in April 2006, include a detailed technical proposal of a new system of surface water quality standards, two pilot projects on selected water bodies to test the regulatory, institutional and economic ramifications of the new system, and an implementation plan envisaging necessary legislative and institutional changes.

12. Mr. Mazur also reported on the results of the **case study “Transition to Integrated Environmental Permitting in Georgia”** (the case study report, discussed with Georgian stakeholders at a meeting in April 2006, was available in English, Russian, and Georgian). The case study was implemented at a time of significant regulatory reforms in Georgia, affecting in particular the permitting and licensing system. The study’s key recommendations, apart from identification of the possible scope of integrated permitting in Georgia and its legal and institutional implications, were to:

- Preserve and enhance the value of environmental permitting as an independent regulatory tool;
- Diversify permitting regimes based on the significance of environmental impact; and
- Strengthen the authority of Georgia’s Ministry of Environmental Protection and Natural Resources and its Department of Permitting and Licensing in issuing environmental permits.

13. Ms. Valentina Shevtsova of Ukraine’s Ministry of Environmental Protection reported on the first steps in the implementation of her Ministry’s **programme to reform the environmental permitting system in Ukraine**, supported by the World Bank and the Swedish Environmental Protection Agency. In particular, an interagency working group on permitting reform was established in February 2006. The adoption of an implementation plan for the new system, based on the EU approach, and the elaboration of a first draft of a new law on environmental permitting are scheduled for the second half of 2006.

14. In addition, Mr. Mazur informed the meeting participants of the last in a series of sub-regional **training courses on integrated permitting** that took place in Tbilisi on 26-28 April 2006 for representatives of Georgia, Armenia and Azerbaijan. He also reported on the ongoing training activities for permitting officials at the sub-national (oblast) level in Ukraine, where the first training course was conducted in Donetsk in February 2006 (for eastern Ukraine). Further course deliveries are planned in Odessa for central and southern Ukraine in September 2006 and in Lvov for western Ukraine in February 2007. Mr. Mazur presented a **draft CD ROM with training materials on integrated permitting** targeted at environment ministries and NGOs that would like to replicate the training in their countries. The bilingual Russian/English CD ROM will be produced before the next REPIN meeting.

15. Ms. Taisia Neronova (Kyrgyz Republic) provided an update on the **Kyrgyz Peer Review follow up**. In 2005, an autonomous Agency for Environment Protection and Forestry was created, including a department on environmental compliance assurance that covers all media. Although the compliance assurance unit clearly elevated its status, the main environmental authority still has to re-gain its ministerial level. The country is improving its legal basis for environmental management, as part of an ambitious plan to develop the Environmental Code of Kyrgyzstan. Capacity building remains an issue since resources continue to be scarce.

16. Ms. Julietta Glicyan (Armenia) mentioned that **the results of the Peer Review in Armenia** were quite encouraging. The State Environmental Inspectorate has seen a strong support from the Ministry of Nature Protection, including an increased budget to upgrade facilities, and remunerate and train staff. Donor aid was provided to procure office equipment. As a result, the Inspectorate has increased its capacity to reveal and communicate environmental violations.

17. Mrs. Svetlana Idrisova reported on **institutional capacity building efforts of the Committee for Environmental Control (CEC) of Kazakhstan**. These include a clear division of functions between the national and sub-national levels, procurement of office and laboratory equipment, reform of performance measurement, and implementation of an extensive training programme for regions. In April 2006, a five day seminar was conducted with input from the EAP Task Force Secretariat. This seminar aimed to introduce modern instruments of compliance assurance and discuss their application in Kazakhstan,

including the necessary amendments in the legal basis, as part of the Environmental Code development. An on-site visit was carried out on 12-13 April as part of training on communication with the regulated community. The training will be replicated in late 2006 or early 2007 and workshop materials will be used within regular training programmes of the Ministry of Environment.

18. Furthermore, Ms Idrisova informed that since 2005 the EAP Task Force Secretariat has been facilitating **bilateral cooperation between Kazakhstan and Norway** in the field of environmental regulation of oil extraction. Within the framework of this cooperation, a study visit to Norway was conducted in May 2006. Six representatives of the CEC visited the Norwegian Pollution Control Authority (SFT) in Oslo and had numerous meetings with other regulators and representatives of petroleum industry. Specific topics of discussion included legal frameworks, permitting, self-monitoring, inspection, and non-compliance responses. Also institutional frameworks and challenges of improving cooperation between governmental authorities were discussed. A Norwegian delegation will visit Kazakhstan in October 2006 to discuss further details of bilateral cooperation.

19. Other capacity building efforts under the Network umbrella included a **Workshop on modern practices of environmental compliance assurance for North West Russia**, co-organised with the Russian Regional Environmental Centre and the Federal Service for Environmental, Industrial, and Nuclear Safety (*Rostehnadzor*) in Novgorod on 16 March 2006. Mr. Andrei Terentiev informed the audience that this meeting served to kick off a project of the Russian REC in North West Russia that aims to train staff and encourage in-country networking among environmental enforcers that work in *Rostehnadzor*, the Ministry of Natural Resources, and *oblast* public administration.

20. Ms Angela Bularga (EAP Task Force Secretariat) informed REPIN members that the Secretariat intended to develop a **training CD-ROM on environmental inspection**. Furthermore, in 2007, a train-the-trainer workshop will be organised in order to ensure a wider outreach and transfer of core training activities from the Secretariat to Network members. She also stressed that the 2007 agenda will be mostly dedicated to development of products for the Belgrade Ministerial Meeting.

### **Policy Implementation Rating**

21. Within the framework of the EECCA Environment Strategy, the EAP Task Force Secretariat has developed a rating scheme to meet demands for an integrated assessment of progress made by individual countries in strengthening environmental policy implementation and meeting targets established under Objective 1 of the EECCA Environmental Strategy. Back in 2004, the rating framework and results have been preliminarily discussed with some members of the EECCA Regulatory Environmental Programme Implementation Network (REPIN) and it was decided that the assessment scheme will be further developed within REPIN prior to the Belgrade Ministerial Conference. In Tbilisi, the meeting participants agreed to refine the **Environmental Policy Implementation Rating** and provide comments on individual criteria by mid July 2006. Based on these criteria, the REPIN members will conduct self-assessments by the end of October 2006.

### **Review of trends in modernising environmental regulation and compliance assurance in EECCA**

22. At the “Environment for Europe” conference in Kiev in 2003, Ministers welcomed the “Guiding Principles for Reform of Environmental Enforcement Authorities” and invited the countries with transition economies to implement the recommendations of the Guiding Principles and donor countries to help them to do so. In 2006, REPIN members agreed that by the Belgrade Ministerial in 2007 achievements and remaining challenges need to be identified. In this context, Ms. Angela Bularga proposed the draft outline and schedule of development for the **report on trends in modernising environmental regulation and compliance assurance in EECCA** that is intended as Category II document for the Belgrade Ministerial

Conference (document [REPIN(2006)8]). The participants endorsed the Secretariat's proposal and identified a number of key messages to be spelled out in this report.

**Box 1. Outcomes of brainstorming during small group sessions:  
Some of the key trends in reforming environmental enforcement authorities in EECCA**

Fundamentals of Enforcement

- Continued priority of revenue-raising by the inspectorate (amounts of pollution charges and fines collected);
- Improved legal framework that covers all priority issues, and a second cycle of law making to make the environmental legislation more coherent and adopt key concepts of EU environmental directives;
- Acceptance of the need for feasible requirements and reforms of environmental quality standards and permitting systems – but still a poor understanding of economic benefits of environmental protection;
- Use of regulatory impact assessment to a limited extent and mostly to define administrative burden;
- Higher deterrent effect of environmental enforcement due to a more adequate level of fines and proactive mass media communication;
- Increased transparency due to the use of information technologies;
- Gaps in decision-making policies that hinder the proportionality and consistency of enforcement and accountability of environmental enforcement authorities.

Responsibilities, Powers, and Organisation

- Increased importance and visibility of inspectorates' activities, higher institutional status and independence while making inspection-related decisions;
- Clear, legally defined responsibilities of inspectorates;
- More adequate powers to respond to non-compliance, although persisting limitations on the frequency (once a year), duration, and timing (before 6 pm) of inspections;
- Administrative burden on inspectorates as a result of required approvals/registration of every site visit with third parties (such as Prosecutors Offices or Statistical Departments);
- Transition to integrated rather than medium-based inspectorate structures;
- Improved vertical organisation and increased methodological support to sub-national units;
- Mostly eradicated duplication of functions and sound working relations with other government authorities.

Role of the General Public and Regulated Community

- Pressure from local public to increase the level of environmental protection;
- Adoption of industry rating schemes and a more active use of mass media to publicise enforcement cases;
- More open dialogue with the regulated community, but still poor compliance assistance;
- Widening of voluntary initiatives, such as certification according to ISO 14 000 series and corporate reporting, in particular within export-oriented branches of industry;
- Improved legal basis for self-monitoring and self-reporting.

#### Working Methods, Strategies, and Tools

- Use of integrated approaches in inspection;
- A trend to make administrative sanctions more stringent and not use warnings or other preventive measures;
- Classification of the regulated industry based on the extent of environmental impact;
- Poor profiling of the regulated community;
- Continued lack of compliance targets;
- Better planning of individual on-site visits;
- Introduction of performance rating of inspectorates' activities;
- Limited demand for feedback from policy and law makers.

#### Resources, Budget, and Financial Management

- Increased budget and resources, better facilities and equipment;
- Lack of incentive framework to attract/retain highly educated staff;
- Underdeveloped staff selection and appraisal procedures;
- Outdated information systems;
- Budget planning based on historical figures rather than assessment of needs due to a lack of sound methodologies;
- Adequate budget control.

#### International Cooperation

- More opportunities to train staff as concerns implementation of Multilateral Environmental Agreements;
- On-going technical assistance programmes.

### **Performance indicators for environmental compliance assurance systems**

23. Environmental Compliance and Enforcement (ECE) indicators have been recently gaining attention in the international context as important measures of public authorities' efforts to promote compliance with environmental legislation. Following earlier discussions within REPIN and analysis of the use of ECE indicators in Russia and Armenia, the Secretariat drafted a guidance document on design and use of improved performance measurement frameworks by EECCA environmental inspectorates [REPIN(2006)9] that was introduced by Ms. Bularga.

24. The REPIN members re-iterated their support for the development of the **Guidelines on Performance Measurement for Environmental Enforcement Authorities of EECCA**. The participants proposed to identify a core set of indicators and brainstormed on possible input, output, and intermediary outcome indicators. Comments on the draft Guidelines will be provided by 15 August 2006.

## **Proposal for an Environmental Policy Event to be held in 2007**

25. Eugene Mazur presented the objectives and key topics of a **high-level environmental policy event** proposed by the EAP TF Secretariat to review progress in achieving Objective 1 of the EECCA Environmental Partnership Strategy and identify priorities for actions to further reform environmental policy design and implementation in EECCA after the Belgrade “Environment for Europe” Ministerial Conference. This special event is envisaged as part of the next annual REPIN meeting (March 2007), back-to-back with a meeting of the EAP Task Force.

26. Delegates of all EECCA countries represented at the meeting strongly supported the idea and the preliminary list of issues for this event. Two main areas of possible future actions were emphasised by the participants:

- Integration of environmental priorities into economic and social development strategies and programmes (across the EECCA region, the current economic growth further aggravates the state of the environment); and
- Continued development of effective environmental policy instruments (including such “new” ones as environmental insurance and strategic environmental assessment) in the context of systematisation of environmental legislation and its convergence with EU directives.

27. The scope and organisation of this high-level environmental policy event will be further discussed at the EAP Task Force meeting in September 2007.

## **Cooperation with REPIN partners**

28. This session was dedicated to activities of some of the REPIN partners, including:

- Presentation of the Interpol Eco-messages database [REPIN(2006)11];
- Presentation of the Tacis Water Governance Project [REPIN(2006)12];
- EuropeAid projects in the Caucasus;
- Recent developments within IMPEL and ECENA Networks;
- Development of Guidelines for Enterprise Environmental Monitoring and reporting in EECCA by the Secretariat of the United Nations Economic Commission for Europe.

29. The participants took note of these presentations.

## **Presentation of the OECD Guidelines for Multinational Enterprises**

30. Under this item, the Secretariat presented the Environment Chapter of the OECD Guidelines for Multinational Enterprises which encourages those enterprises to raise their environmental performance by continuous improvement of their internal environmental management practices. These can be achieved through a range of tools and approaches relating to environmental management and described in a document available to participants. The Guidelines were adopted by all OECD member countries and 9 non-member countries as part of the OECD Declaration on International Investment. Environmental enforcement agencies can use the Guidelines as a compliance promotion tool in their work with the regulated community. Participants took note of the presentation.

## **Closing Remarks**

31. Mr. Gillespie summed up the key decisions of the 2006 Annual REPIN Meeting [document REPIN(2006)14] and expressed a view that the meeting objectives were achieved. He thanked participants for their high-quality input and the substantive discussions during the meeting.

32. Mr. Gillespie informed REPIN members that as of June 2006 Krzysztof Michalak will take new responsibilities and that the overall management of REPIN work within the EAP task Force Secretariat would be take over by Angela Bularga. The participants cordially thanked Mr. Michalak for his dedication, professionalism, and efforts to promote the Network regionally and globally, and wished him every success with his new job.

33. Finally, the Secretariat and all participants thanked the Ministry of Environmental Protection and Natural Resources of Georgia for hosting the 2006 Network meeting. It was agreed that the next meeting will take place back-to-back with the Task Force meeting in early 2007.

## Annex 1. Brief meeting agenda

- 12 June,  
Monday**
- 1. Welcoming remarks by the Host Authorities and the Secretariat**
  - 2. Adoption of the Summary Record of the 7<sup>th</sup> Meeting and the Agenda of the 8<sup>th</sup> Meeting**
  - 3. Guiding Principles of Effective Environmental Permitting Systems**
    - Presentation of the final version
    - Discussion and endorsement of the Guiding Principles
  - 4. Review of progress with the Work Programme implementation**
  - 5. Trends in modernising environmental regulation and compliance assurance in EECCA – A Progress Report for the Belgrade Conference**
    - Introduction by the Secretariat
    - Plenary discussion and adoption of the outline for the Progress Report
    - Policy Implementation Rating
    - Small-group discussions on key messages of the report
    - Reporting back from small groups

- 13 June,  
Tuesday**
- 6. Performance indicators for environmental compliance assurance systems**
    - Introduction by the Secretariat
    - Discussion of the Guidance on Performance Measurement
    - Identification of a core set of indicators for EECCA
    - Plenary discussion
  - 7. Proposal for an Environmental Policy Conference to be held in 2007**
    - Introduction by the Secretariat
    - Plenary discussion of the proposal
  - 8. Cooperation with REPIN partners**
  - 9. Presentation of an Environment Chapter of the OECD Guidelines for Multinational Enterprises**
  - 10. Other business and adjourn**

**14 June,  
Wednesday**

**INTERNATIONAL SEMINAR:  
Building the Environmental Compliance Assurance System in Georgia**

## Annex 2. List of meeting documents

No.	Title
REPIN(2006)1	Annotated agenda of the 8 <sup>th</sup> Annual REPIN Meeting
REPIN(2006)2	Summary record of the 7 <sup>th</sup> Annual meeting of the EECCA Regulatory Environmental Programme Implementation Network (REPIN)
REPIN(2006)3	List of Participants of the 8 <sup>th</sup> REPIN meeting
REPIN(2006)4	Guiding Principles for Effective Environmental Permitting Systems
REPIN(2006)5	Report on Progress with REPIN Work Programme implementation (November 2005-May 2006)
REPIN(2006)6	Annotated Agenda of the seminar “Building the Environmental Compliance Assurance System in Georgia” (14 June 2006)
REPIN(2006)7	Environmental Policy Implementation: a Rating Methodology
REPIN(2006)8	Review of Environmental Compliance Assurance Systems and Their Outcomes in Eastern Europe, Caucasus, and Central Asia
REPIN(2006)9	Recommendations on Performance Measurement for Environmental Enforcement Authorities of Eastern Europe, Caucasus, and Central Asia
REPIN(2006)10	Environmental Policies, Instruments, and Institutions in EECCA: the Emerging Agenda
REPIN(2006)11	Interpol Eco-message: A Reporting System for Environmental Crime
REPIN(2006)12	Information Note on Tacis Water Governance Project
REPIN(2006)13	Information Note on IMPEL Conference in Riga (September 2006)
REPIN(2006)14	Key Decisions of the 8 <sup>th</sup> Annual meeting of the EECCA Regulatory Environmental Programme Implementation Network (REPIN)
REPIN(2006)15	Summary Record of the 8 <sup>th</sup> Annual meeting of the EECCA Regulatory Environmental Programme Implementation Network (REPIN)

### Annex 3. Abridged list of participants

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**Annex 4. Group photo of the meeting participants**

