Environment: implementation of the Community law, minimal criteria for inspections

1998/0358(COD) - 04/04/2001 - Final act

PURPOSE : to ensure a better application and a more coherent implementation of environmental community law in all the Member States. COMMUNITY MEASURE : Recommendation of the European Parliament and of the Council 2001/331/EC providing for minimum criteria for environmental inspections in the Member States. CONTENT : the recommendation foresees environmental inspectiond for all industrials installations and other enterprises and facilities whose air emissions are subject to authorisation, permit or licensing requirements under Community law. The environmetnal inspections tasks should be carried out in the Member States, according to minimum criteria to be applied in the organising, carrying out, following up and publicising of the results of such tasks, thereby strengthening compliance with, and contributing to a more consistent implementation and enforcement of Community environmental law in all Member States. Two types of inspection are provided in particular: - routine inspections, that is, carried out as part of a planned inspection programme; or - non-routine, that is, carried out in such cases in response to complaints, in connection with the issuing, renewal or modification of an authorisation, permit or licence, or in the investigation of accidents, incidents and occurrences. Moreover, Member States should ensure that environmental inspections activities are planned in advance, by having at all times a plan or plans for environmental inspections providing coverage of all the territory of the Member States and of the controlled installations within it. Each plan for environmental inspections should as a minimum: - cover a defined time period , for example one year; - include specific provisions for its revision; - identify the specific sites or types of controlled installations covered; - prescribe the programmes for routine environmental inspections, taking into account environmental risks; these programmes should include, where appropriate, the frequency of site visits for different types of or specified controlled installations; - provide for and outline the procedures for non-routine environmental inspections, in such cases in response to complaints, accidents, incidents and occurrences of non-compliance and for purposes or granting permission; - provide for coordination between the different inspecting authorities, where relevant. Lastly, there should be adequate reports and conclusions following the site visits. These reports should be communicated to the operator of the controlled installation adn should also be publicly made available within two months of the inspections taking place. Member States should report to the Commission on their experience of the operation of this recommendation two years after its entry into force. In light of the experience gained from their application, the Commission should review the operation and effectiveness of this recommendation. To this end, it shall submit to the European Parliament and the Council a report accompanied, ifappropriate, by a proposal for a Directive. IMPLEMENTATION : the Member States should inform the Commission of the implementation of this recommendation together with details of environmental inspection mechanisms already existing or foreseen not later than 27/04/2002.