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

1998/0358(COD) - 30/03/2000 - Council position

The Commission accepted in substance, provided the form of the proposal remained that of a recommendation, five of the fifteen amendments adopted by the European Parliament. The common position adopted by the Council, which endorses the Commission approach for a recommendation on minimum criteria concerning environmental inspections in the Member States at this stage, incorporates in principle, fully or in part, a good number of the European Parliament's amendments accepted by the Commission in its amended proposal. The main changes introduced to the text and agreed by the Council are as follows: - the Council modified the Preamble to bring it in line with the content of the common position; - the addition of new recitals concerning the acknowledgement of the existence of different systems and practices of inspections in the Member States; the division of responsibilites between authorisation and inspection services to be taken into account when inspections take place; the requirement for Member States to report to the Commission and Council on the experience in operating the Recommendation and subsequent request to the Commission to inform regularly the Parliament; further work to be done by IMPEL and the Member States on training and qualifications of environmental inspectors. In addition, a few modifications aiming at clarifying and improving the text have been introduced by the Council, mainly concerning: - the consideration of data on and from previous inspection activities; - the consideration of statements produced by the "controlled installations" according to the EMAS regulation; - the consideration of environmental risks in the programmes for routine environmental inspections; - the provision of co-ordination between different inspections authorities. Furthermore, the main change introduced by the Council with regard to the reporting requirements concerns paragraph 2, where the common position states that full reports will be communicated to the operator of the "controlled installation" in question and be available to the public . The Council has followed a pragmatic approach with the intention of avoiding a cumbersome procedure by which in any case the full report be communicated to the operator concerned. With regard to Point VII on investigations of serious accidents, incidents and occurances of non compliance, this text has been streamlined by the Council by incorporating the concept of the appropriate follow-up actions to be taken by the operator.