



BALKAN ENVIRONMENTAL REGULATORY
COMPLIANCE AND ENFORCEMENT NETWORK (BERCEN)

Extraordinary Plenary Meeting
March 18, 2005
Ministry of Environment and Waters
67 William Gladstone Street
Sofia, Bulgaria



ECENA Draft Terms of Reference



This document is relevant to agenda item 8.

Description: This document includes the ECENA Draft Terms of Reference.
Action Required: BERCEN's National and Deputy Network Coordinators are invited to discuss the document for adoption.

Activities related to strengthening SEE environmental enforcement agencies and their inspectorates are funded by the EC CARDS Programme.

ECENA Draft Terms of Reference

Background

The idea of establishing a regional environmental enforcement and compliance network for South Eastern Europe (SEE) first came to prominence as an initiative of the European Commission in the framework of the Regional Environmental Reconstruction Programme for SEE (REReP). The Balkan Environmental Regulatory Enforcement and Compliance Network (BERCEN) was established at a meeting of high officials from environmental ministries and enforcement agencies from SEE countries in December 2001 in Tirana, Albania. Set up in the political context of the Stabilisation and Association Process (SAP), BERCEN functioned as an informal country-driven network of authorities responsible for enforcement of environmental laws. The network aims to promote cooperation in capacity building during the implementation and enforcement of environmental law and to assist member countries in their efforts to implement their obligations within the Stabilisation and Association process. The network raised significant interest and support from the donor community, which enabled sustainability of its activities.

The network's organisational structure and its scope of application and activities were developed in line with the IMPEL network, including the former AC-IMPEL network. The close cooperation established between BERCEN and IMPEL is of vital importance for improving environmental compliance and enforcement in SEE and for preparing countries to move closer to the EU.

At the 24th IMPEL Plenary Meeting, December 1-3, 2004 in Amsterdam, the European Commission presented its proposal for transforming BERCEN into a new pre-accession network for candidate, pre-candidate and acceding countries, taking over the role previously played by AC-IMPEL. To realise this proposal, BERCEN would need to extend its scope to include all candidate and acceding countries.

The same issue was presented by the European Commission at the 3rd BERCEN Plenary Meeting, December 16-17, 2004 in Brussels. BERCEN members supported the idea and it was agreed that the REC, as BERCEN Secretariat, should prepare a draft ToR for the new network and present it for discussion and adoption at the Extraordinary Plenary Meeting in Sofia, Bulgaria on March 18, 2005.

ECENA (Environmental Compliance and Enforcement Network for Accession)

ECENA is an informal network of environmental authorities from the pre-candidate, candidate and acceding countries. Members of ECENA are the following countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244.

The European Commission is also a member of ECENA.

Turkey will be invited to join ECENA after the Extraordinary Plenary Meeting in Sofia. The network is open to include other countries initiating the process for approximation to the EU.

The network provides a platform for exchange of experience, information sharing and best practices and capacity building on implementation of environmental law among practitioners in the field of implementation and enforcement of environmental law.

ECENA mission statement

The ECENA mission is to protect the environment in its member countries through effective transposition, implementation and enforcement of EU environmental legislation by increasing the effectiveness of inspectorate bodies and promoting compliance with environmental requirements.

ECENA objectives

The general objective of ECENA is to improve the ability of the pre-candidate, candidate and acceding countries to implement and enforce the environmental acquis. The network will closely cooperate with IMPEL and seek its involvement in the network's activities.

ECENA's specific objectives are the following:

- increased effectiveness of enforcement agencies and inspection bodies and compliance with environmental legislation;
- greater understanding of the steps and measures needed to improve implementation of environmental acquis;
- well trained environmental inspectors and permit writers, capable of performing their tasks of enforcing the environmental acquis;
- improved exchange of experience and knowledge with EU member states through stronger cooperation with IMPEL, as well as through training and exchange programmes; and
- taking a consistent approach among pre-candidate, candidate and acceding countries in implementing the environmental acquis.

ECENA structure

The structure and management of the network builds upon experiences with BERCEN, IMPEL and AC-IMPEL..

Network coordinators

The network coordinators are senior officials/environmental inspectors involved in implementation, compliance and enforcement of environmental legislation. They will represent the countries in the network. Network coordinators must be mandated to take decisions on behalf of the countries they represent in relation to the objectives and activities of the network. The state union of Serbia and Montenegro should nominate two network coordinators. Due to the special status of Kosovo Territory Currently under UN Administration, UNMIK-PISG will delegate a network coordinator in line with the authority

provided under UN Security Council Resolution 1244. Bosnia and Herzegovina should also nominate two network coordinators covering both entities.

Each respective country may designate a deputy network coordinator.

In each ECENA member country the network coordinator and the deputy network coordinator serve as ECENA focal points for all national-level stakeholders interested in the network's activities and outcomes. Network coordinators and deputy network coordinators are encouraged to share the experience and information from ECENA activities with all interested stakeholders in the country. They are also requested to provide information and other relevant support to the ECENA Secretariat for the benefit of the network.

Plenary meetings

The Plenary Meeting is a forum for strategic discussions and decision making that is subject to the objectives and activities of the network. The Plenary Meeting will also review, amend and adopt the multi-annual work programme. Network activities will also serve as a forum for presenting national achievements of the ECENA member countries in implementing and enforcing the environmental acquis.

Chairmanship

Plenary meetings will be co-chaired by the European Commission and one of the ECENA member countries on a yearly rotating basis.

Duration and location

The ECENA network coordinators, together with the European Commission and ECENA Secretariat, will determine the number of plenary meetings, dependent on the progress of the work plan, the available budget and topics to be discussed. Plenary meetings should take place at least once a year. Network coordinators may decide to have an ad hoc preparatory meeting prior to the Plenary Meeting.

The Plenary Meeting decides upon the location and date of the next meeting. Every second plenary will be held on European Commission premises in Brussels.

Language

Meetings will be held in English, and meeting materials will be prepared in English.

Secretariat

The network is supported by the Secretariat, which is located at the Regional Environmental Center for Central and Eastern Europe. The Secretariat performs the following tasks:

- provides secretariat support for ECENA plenary meetings;
- prepares draft documents and reports for consideration at plenary meetings;
- manages and implements projects that are part of the work programme, including training, study and exchange programmes;

- reviews implementation of the multi-annual work programme and presents a report during the Plenary Meeting;
- liaises with IMPEL and presents network activities at IMPEL plenary meetings together with the European Commission;
- disseminates ECENA products and coordinates general requests for information;
- maintains the ECENA web page; and
- liaises with other networks, e.g. INECE, REPIN, AECEN and MED-POL.

The Secretariat will work closely with network coordinators, the European Commission and the IMPEL secretariat.

ECENA multi-annual work programme

The multi-annual work programme provides a framework for future ECENA activities. It presents the structure of the projects that will be implemented in the given period. The aim of the work programme is to provide structured and effective activities that will match network objectives. It will be based on the priorities of ECENA member countries to implement and enforce the environmental acquis during the EU accession and approximation process. The Plenary Meeting may modify the multi-annual work programme as new priorities arise or existing priorities change.

The draft multi-annual work programme will be prepared by the Secretariat, taking into consideration any input from network coordinators and the European Commission.

Reporting

Project Reports

In order to assess whether ECENA activities contribute toward implementation of the network objectives, as well as justify the provided assistance, reports will be provided for all network activities.

Reports will be prepared by the Secretariat in cooperation with beneficiaries. Draft reports will be circulated for comments to the project target audience prior to adoption of the reports at the plenary meetings. The reporting format is part of Annex 1 to the ToR.

The Secretariat will ensure dissemination of evaluation reports to interested stakeholders and other networks. Evaluation reports will be available for downloading from the ECENA web page.

Country Reports

ECENA network coordinators are encouraged to prepare and present reports on achievements and progress in environmental enforcement and compliance made between plenary meetings. The country presentations aim to provide information on the current situation, improvements, progress made and obstacles encountered in implementation and enforcement of the environmental acquis. This will enable network members to exchange valuable information and learn from each others' experience. Country reports will also

provide useful information to the European Commission on the country efforts to implement European legislation. The reporting format is subject to agreement by network members.

ECENA resources

The ECENA Secretariat will be managed full time by a Project Manager and Project Coordinator, both supported by the administrative structure of the Regional Environmental Center for Central and Eastern Europe.

The ECENA multi-annual work programme will draw funding from the EC CARDS Regional Programme until September 2006.

A proposal is in preparation under the EC PHARE Multi-country Programme for funding the participation of Bulgaria, Croatia, Romania and Turkey in ECENA for the period 2006-2007.

Funding for the network operational costs and multi-annual work programme for subsequent years will be proposed under the available EC funding programmes as well as to other donors, upon expiry of the current programme.

ECENA member and donor countries are encouraged to provide financial and logistical support for network activities.

ECENA logo

The network will have its own logo to be used in all official documents.

Annex 1

Standard format for evaluation reports.

Justification	
Funding	
Time	
Objectives	
Scope	
Beneficiaries	
Results	
Outcomes	
Evaluation	