

**Minutes from the BERCEN Extraordinary Plenary Meeting  
March 18, 2005, Sofia, Bulgaria**

**Chair: Mr. Mihail Dimovski (BERCEN Secretariat)**

**Item 1. Welcome and Opening Remarks**

Mr. Nikolay Kujumdjiev, Deputy Minister of Environment and Water (Bulgaria), welcomed participants to the meeting. In his welcoming address he described the dynamic development of the Bulgarian economy and the accompanying environmental protection efforts in the context of EU accession. As Bulgaria is signing the treaty on April 25, 2005, the country's real challenge is to implement the legislation. The Ministry of Environment and Water (MOEW) is preparing implementation strategies and enforcement mechanisms. Within the framework laws, local authorities play a crucial role in the enforcement of environmental policy. The deputy minister is convinced that BERCEN's efforts will have a positive impact on the environment.

Ms. Oreola Ivanova-Nacheva, REC deputy executive director, welcomed the participants. She thanked the Bulgarian MOEW for hosting the meeting and expressed her hopes for fruitful discussions on the new BERCEN Terms of Reference (ToR), the ToR for Peer Reviews, and other important issues.

**Item 2. Adoption of the Draft Agenda**

Mr. Dimovski suggested modifying the agenda and proceeding with the Bulgarian presentation, followed by location and scope of the next training and exchange programme, and guidance for presentations on key national achievements.

The modified agenda was adopted.

**Item 3. Presentation of the host country on implementation of the EU environmental acquis  
– Ms. Slavitz Dobрева (Bulgaria)**

Ms. Slavitz Dobрева informed participants about implementation of the EU environmental acquis in Bulgaria. She went on to describe the structure of the Bulgarian MOEW and the Executive Environment Agency (ExEA) as a specialised body of MOEW. One of the ExEA's responsibilities is drafting methodological guidelines for the Regional Inspectorates regarding measurements and analyses. Fifteen Regional Inspectorates for Environment and Water (RIEW) assist MOEW and ExEA on a sub-national level. They control the implementation of legislation in the environmental sector. Following EC recommendations, the number of staff at the MOEW, ExEA, RIEW, Basin Directorates and National Park Directorates has grown steadily over the last three years, reaching a total of 1,666 in 2004. Expenditures for environmental protection have been growing too. Ms. Dobрева described training efforts in the field of environment, in which BERCEN has played a part.

**Item 4. Presentation and discussion of the draft scope and location of the next training – Ruslan Zhechkov (BERCEN Secretariat)**

Mr. Zhechkov presented BERCEN Secretariat suggestions on the scope and location of the next training. The first day could be dedicated to the IPPC Directive, with a focus on pilot permitting and drafting of permit applications. The Secretariat suggested that the second day of the training focus on the Volatile Organic Compounds (VOC) Solvents Directive (1999/13/EC). The third day of the training could be dedicated to the Large Combustion Plants (LCP) Directive (2001/80/EC). The Secretariat made suggestions on alternative topics, including the EIA Directive, the Waste Incineration Directive and the Waste Landfill Directive. The Secretariat also proposed that the training take place in Bosnia and Herzegovina, which has not yet hosted a BERCEN event. Possible dates were suggested.

Participants agreed that the training should focus mainly on the link between IPPC and the LCP Directive, and also make a connection with the Waste Landfill Directive and Waste Incineration Directive. To this end the Secretariat should choose a suitable LCP installation – possibly with its own landfill and waste incineration facility. The EIA component will be included only if a link can be made – e.g. if there are plans for reconstruction of the plant. Per Mr. Rudes remark that Bosnia and Herzegovina is not yet ready to host the training, participants agreed on Germany, Austria or, if not possible, another “old member state” as a preferred location. The preferred date is May 18-20, 2005.

**Item 5. Presentation and discussion of the draft scope and location of the exchange programme – Ruslan Zhechkov (BERCEN Secretariat)**

Participants took note of the Mr. Zhechkov presentation on the scope and location of the next exchange programme.

Participants then agreed on suggested topics, and some additional ideas were proposed:

- include a presentation on country experience with TAIEX;
- create a network e-mail list prior to the exchange programme;
- include outcomes, lessons learned and analysis from some IMPEL projects in presentations (concrete projects should be agreed to prior to the exchange programme);
- make an overview of some other useful non-IMPEL projects; and
- have more concrete and open discussions with operators and inspectors during site visits.

Participants agreed to involve industry representatives, taking into consideration the EC rules on not favouring specific industry sectors.

Participants accepted a proposal from Ms. Florea that the exchange programme take place in Romania. The preferred date for the exchange programme is October 5-7.

**Item 6. Presentation of a draft format and guidance for country presentations during plenary meetings – Ruslan Zhechkov (BERCEN Secretariat)**

Mr. Zhechkov presented guidelines for country presentations on national key achievements in environmental compliance and enforcement developed by the BERCEN Secretariat. The request was made during the Third BERCEN Plenary Meeting in Brussels, December 15-17, 2004. The guidelines will allow for easier comparison and exchange of best practices between countries, and will also make it easier to identify national progress. Presentations should consist of three parts: (1) country progress and key achievements since last reporting; (2) specificities of relevant legislation that has been adopted; (3) suggestions for future network activities and topics based on country progress. The first part should include: new laws, regulations, strategies or methodologies linked to IPPC, EIA, RMCEI, VOC, LCP, SEVESO II and other relevant legislation; new training programmes/projects designed and/or implemented for inspectors; news on progress in compliance and enforcement of these laws/regulations; and, changes in inspection indicators. The second part should include: legal transposition and implementation of relevant EU directives; the scope of legislative provisions; main problems in transposition/implementation; and, lessons learned. Suggestions for future network activities should be concrete, feasible, within the network ToR and based on country needs.

Participants agreed that all issues related to legislation should be moved to the second section of the proposal, and that the main problems on transposition and implementation should be explained in more detail. It was also agreed that environmental enforcement and compliance indicators should be included, and that the inclusion of information on cooperation between sectors would be very useful.

Following a discussion on ECE indicators, Mr. Dimovski informed participants that the World Bank is investigating the possibility of supporting member countries via a project that will include technical assistance in "Capacity Assessment Monitoring and Benchmarking in Environmental Enforcement and Compliance." The scheduled peer review ToR will be amended to include the current practices of monitoring progress. The project might also include assistance in "Promoting Energy Efficiency in Industry" through sharing best practices and through integrated environmental permitting. The detailed ToR are under preparation and, upon completion, will be distributed to countries.

The BERCEN Secretariat noted the suggestions, and they will be reflected in the final version of guidelines.

#### **Item 7: New Name of the Network – Mihail Dimovski (BERCEN Secretariat)**

Mr. Dimovski presented several options for a new name of the network. Options included: PANIEL, PANECE, PAECEN, ACECEN, ECEPAN, ECENAA, ECENA, CAPECEN, PANEL, PANELCI, PACC ECEN and PANDER.

Ms. Dobrova stated that the network name should indicate "acceding country" status, but agreed to accept a name without the word "acceding" only if there is a clear explanation in the ToR.

Meeting participants agreed upon the Environmental Compliance and Enforcement Network for Accession (ECENA) as a new name for the network. Henceforth the network will be referred to as ECENA and the changes will be reflected in all documents.

It was agreed that the new logo should not include maps of the member countries.

**Chair: Ms. Anna Bobo Remijn, European Commission, DG Environment, E.3 (Enlargement and Neighbouring Countries)**

**Item 8. Discussion and agreement on the new ECENA draft Terms of Reference – Mihail Dimovski (ECENA Secretariat)**

Participants reviewed the draft network Terms of Reference prepared by the Secretariat. Following a remark by Mr. Muhamat Malsiu it was decided to check with the European Commission concerning the correct reference to “Kosovo Territory Currently under UN Administration.” It was agreed that Turkey will not be mentioned as a member in this version of the text, as a formal agreement has not yet been reached. A sentence was added, however: “Turkey will be invited to join ECENA after the Extraordinary Plenary Meeting in Sofia.” Following a remark by Ms. Florea the word “inspectories” was replaced with “inspection bodies” throughout the whole text. Following a suggestion by Ms. Blazevic-Perusic a modification was made in the paragraph on chairmanship. The new version states that “ECENA plenary meetings will be co-chaired by the European Commission and ECENA member countries on a yearly rotating basis.” Following a suggestion by Ms. Bobo Remijn, “final reports” was replaced with “project reports” under the Reporting Section. Following a suggestion by Mr. Manunta the guidelines section for country presentations was removed from the annex.

Ms. Bobo Remijn summarised that the ECENA ToR would be considered final when the issue of writing “Kosovo Territory Currently under UN Administration” is resolved with the support of the European Commission.

**Item 9. Discussion and agreement on the amended Terms of Reference for peer reviews – Mihail Dimovsky (ECENA Secretariat)**

Participants reviewed the draft amended Terms of Reference for peer reviews.

Participants discussed Mr. Manunta’s remark on the confidentiality clause in the ToR. Participants also noted that EU pre-accession peer reviews are neither publicly available nor published on the EC website. Ms. Dobрева and Mr. Zoran Dimovski agreed that the information should be kept confidential.

It was agreed to make a single addition to the list of potential benefits: *providing the European Commission with expert views on the situation in ECENA member countries regarding environmental permitting and enforcement.*

Participants agreed to hold discussions with the World Bank regarding the WB being a peer review team representative. The Secretariat and EC will further discuss more detailed ToR regarding WB support for network activities.

The plenary discussed the issue of assessing the success of peer reviews. Ms. Bobo Remijn reminded participants that there was a similar IMPEL exercise, and that recommendations were taken up by the ministries and were considered useful.

It was agreed that the ToR should clearly state that the country under review will provide translation and interpretation services if required.

The plenary discussed which country should be reviewed first. Serbia and Montenegro, Montenegro, will inform the Secretariat if it still intends to volunteer the first country to be reviewed.

A decision to name the first country to host a peer review will be based on the country's willingness and readiness, and this remains an open issue.

### **Closing of the meeting**

On behalf of the European Commission, Ms. Bobo Remijn thanked Bulgaria for hosting the meeting, which had been conducted and organised very efficiently. She also noted that this was the inauguration of the ECENA network, and that those in the EC were enthusiastic about its new role as pre-accession network, which would increase the chances for future support. Ms. Bobo Remijn thanked the Secretariat for its solid preparation for the meeting.

Mr. Dimovski thanked the EC for its support and co-chairmanship. The ECENA Secretariat remains confident that ECENA will continue BERCEN's success.

Ms. Patekar requested the national coordinators to promote the network in the countries and to make short reports after trainings, exchange programmes, etc. in order to improve the visibility of ECENA.

Ms. Ivanova-Nacheva expressed her hopes that ECENA will be as efficient as BERCEN.

### **List of items requiring further action**

<b>Item</b>	<b>Comments and action</b>	<b>Delegation</b>	<b>When</b>
Item 4	Select a location for the next ECENA training in May	ECENA Secretariat	By April 10, 2005
Item 4	Organise the next ECENA training	ECENA Secretariat	By May 18, 2005
Item 5	Organise the next ECENA exchange programme	ECENA Secretariat together with the host country	By October 5, 2005
Item 5	Create the ECENA mailing list	ECENA Secretariat	By June 30, 2005
Item 6	Finalise the draft guidelines for country presentations	ECENA Secretariat	By April 30, 2005
Item 7	Design a network logo	ECENA Secretariat	By May 18, 2005
Item 8	Finalise ECENA ToR	ECENA Secretariat	By April 30, 2005
Item 9	Finalise ToR for Peer Reviews	ECENA Secretariat	By April 30, 2005
Item 9	Choose the first country to host a Peer Review	ECENA Secretariat in negotiation with national coordinators	By April 30, 2005