

**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. The new environmental protection act and eight framework acts are the basis of the transposed environmental legislation. Some 99% of the EU environmental acquis has already been adopted. Two new environmental laws (on water management and environmental noise) are to be adopted in 2005. As Bulgaria is signing the treaty on April 25, 2005, the country's real challenge is to implement the legislation. Therefore 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. Business is another partner in these efforts. MOEW is aware that preventive measures for environmental protection cost roughly 30% less than dealing with damage after the fact. Businesses must comply with these measures, but this will also lead to new opportunities. 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. Dobрева described 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. Financial sources include the state budget, EU funds, revenues from economic instruments, funds from IFIs and private investments. Economic instruments are fed into the State Enterprise for Managing Environmental Activities (SEMEA) and include environmental fines, administrative charges, liquid fuel taxes, product charges and water use charges. Ms. Dobрева described training efforts in the field of environment, in which BERCEN has played a part. She also summarised the commitments taken by Bulgaria in the negotiation process, the harmonisation of environmental legislation, and new laws to be adopted by the date of accession.

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). Links between the VOC Directive and IPPC Directive were shown. Issues that could be covered include an introduction to the directive, elaboration of a solvent management plan, drafting of reduction schemes and monitoring and inspection. The third day of the training could be dedicated to the Large Combustion Plants (LCP) Directive (2001/80/EC). Links between the LCP Directive and IPPC Directive were clarified. Issues to be covered include an introduction to the directive, transposition of the directive in New Member States, LCP permitting and enforcement of the LCP Directive. 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.

Mr. Mladen Rudez (Bosnia and Herzegovina) noted that BiH is not yet ready to host the next BERCEN training. BiH prefers to host a plenary meeting in 2006 according to the schedule adopted during the Second Plenary Meeting in Ohrid.

Ms. Dobрева noted that, based on the Bulgarian experience, the LCP Directive is more closely linked to the IPPC Directive and more important than the VOC Directive. Very few VOC installations fall under the scope of the IPPC Directive. She suggested that the Secretariat should look for an LCP site with its own landfill and incinerator. In this way a link can be made to the Waste Landfill Directive and the Waste Incineration Directive. However, EIA is applied only for reconstruction projects, so it might not be relevant to cover the EIA Directive during this training.

Ms. Anita Patekar (Croatia) noted that it would be good to make a connection between drafting an IPPC permit and the VOC Directive. For example, it is possible to see how a pharmaceutical company deals with VOC and to establish links with IPPC. It would be a good idea to make a connection between IPPC and all suggested topics, starting with permit writing and compliance checking (including guidance for drafting). She suggested that the training take place in a developed EU country, as it will be more useful to the trainees. Ms. Patekar remarked that the scope of training should not be extended too much and that participants must have previous knowledge of the covered issues. She suggested that materials for the training be available to the participants one to two weeks in advance to allow for preparation.

Ms. Josipa Blazevic-Perusic (Croatia) suggested that it would be good to include EIA for half a day and then make a connection with landfills. Dragan Asanovic (SCG, Montenegro) objected, saying that EIA should not be dealt with on a superficial level and that half a day's worth of training is insufficient.

Mr. Luca Manunta (UNMIK) suggested a focus on the whole cycle of VOC or LCP. He would also like to see included links between IPPC and EMAS because in Kosovo Territory Currently under UN Administration they are trying to take the first steps toward EMAS and subsequently establish links to IPPC. He also suggested analysing links between permitting and inspecting authorities. He noted that there are suitable LCP installations in Eastern Germany.

Mr. Zoran Dimovski (Former Yugoslav Republic of Macedonia) emphasised the importance of the LCP Directive. Both IPPC and LCP are based on BAT, but LCP is still different and very important for BERCEN countries as there are many such installations using coal. BAT requirements will be difficult to achieve, so it is important to focus on IPPC and LCP. VOC is also important and should be a training topic. Poland was suggested as a possible training location. Ms. Patekar also supported this suggestion.

Ms. Daniela Florea (Romania) suggested that there be a presentation on BAT in a specific activity during the training.

Ms. Liljana Stanojevic (SCG, Serbia) suggested focusing on IPPC and LCP.

Mr. Ozren Laganin (Bosnia and Herzegovina) suggested that the training also cover the relationship between EIA and IPPC.

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. It seems that the preferred location is Germany, Austria or, if not possible, another “old member state.” 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)

Mr. Zhechkov presented BERCEN Secretariat suggestions on the scope and location of the next exchange programme. Proposed agenda items include: presentations on national achievements by national coordinators; optional presentation of draft results of the first two peer reviews by the Network Secretariat; presentations of IMPEL projects in 2005; presentation on IPPC transposition and implementation by the host country; and, site visits.

Participants agreed on the 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.

Mr. Manunta proposed that all issues related to legislation be moved to the second section, that main problems on transposition and implementation should be explained in more detail, and that it would be useful if the BERCEN Secretariat includes some indicators for inspection. Ms. Blazevic-Perusic noted that comparison would be impossible without 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 World Bank-funded project might also include assistance in other areas, such as 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.

Mr. Rudez suggested including one slide on cooperation with other sectors.

Ms. Ivanova-Nacheva noted that changes in any other inspection-related indicators are important because the network can coordinate and design capacity building.

Mr. Zoran Dimovski remarked that the development of indicators is a very difficult process. Even IMPEL inspectors are experiencing real problems with establishing common indicators in an

ongoing IMPEL project. One of first steps is to implement minimum criteria for inspection. Mr. Manunta added that minimum criteria could be introduced in the presentations.

Ms. Ivanova-Nacheva emphasised that detailed information on inspectors was not available previously, and that more information on inspectorates is required if more funding is to be secured.

The BERCEN Secretariat noted the suggestions, and they will be reflected in the final version of the 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. Mr. Dimovski noted the advisability of “pre-accession” being included in the name.

Ms. Dobрева stated that the network name also reflect Bulgaria’s “acceding country” status, noting also that Bulgaria and Romania which will become acceding countries after April 25, 2005. However, she would accept a name without the word “acceding” only if there is a clear explanation in the ToR.

Mr. Manunta suggested the name PAN IMPEL as the network would be a successor of AC IMPEL. Ms. Anna Bobo Remijn (EC) said it was possible to have IMPEL in the name but it has to be approved by the IMPEL Network..

Mr. Rudez suggested the name ECENA, meaning “Environmental Compliance and Enforcement Network for Accession.” Ms. Dobрева approved of this suggestion.

All participants approved of ECENA. From now on, the network will be referred to as ECENA and the changes will be reflected in all documents.

Ms. Patekar noted that the logo should not include a map, but something natural (e.g. the sun, etc.).

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 ToR – Mihail Dimovski (ECENA Secretariat)

Ms. Bobo Remijn read out the draft ToR for ECENA paragraph by paragraph. Changes to the text were made directly. 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.” Turkey will not be mentioned as a member in this version of the text, as a formal agreement has not yet been received. 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 “inspectorates” 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)

Ms. Bobo Remijn read out the draft ToR for ECENA Peer Reviews paragraph by paragraph. Changes to the text were made directly.

Mr. Manunta made a remark on the confidentiality clause in the ToR on the basis that it infringes on the Aarhus Convention. Ms. Bobo Remijn noted that the EU pre-accession Peer Reviews are not publicly available. This exception to the public right of access to information exists to guarantee sound and effective (pre)accession negotiations. Peer Reviews are also not published on the EC website. Ms. Dobreva and Mr. Zoran Dimovski agreed that the information should be kept confidential.

One potential item was added to the list of benefits: providing the European Commission with expert views on the situation in ECENA member countries regarding environmental permitting and enforcement.

Mr. Manunta suggested that a World Bank representative be included in the team. The ECENA Secretariat noted the issue will be discussed during a possible meeting in Brussels. Mr. Manunta also raised 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.

Ms. Dobreva voiced some language-related concerns, especially regarding reviewers in direct contact with installations. Following her remark, it was added in the ToR that the country under review will provide translation and interpretation services if required.

Mr. Mihail Dimovski suggested that the first peer review take place in the Former Yugoslav Republic of Macedonia.

Mr. Dragan Asanovic (SCG, Montenegro) volunteered to host the first peer review, as Montenegro was the country to initiate the idea.

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

Ms. Bobo Remijn announced the end of the meeting. She noted that this was the inauguration of the ECENA network and that those in the EC were enthusiastic about this new role of pre-accession network, which would increase the chances for future support. Ms. Bobo Remijn thanked the ECENA Secretariat for its solid preparation for the meeting.

Mr. Dimovski thanked the EC and reminded participants that its presence is important when important decisions are to be taken. He remains confident that ECENA will continue BERCEN's success. He also commented on the importance of Bulgaria and Romania in the network.

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

Item	Comments and action	Delegation	When
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