

COMPILATION OF THE REPLIES TO THE QUESTIONNAIRE

Return of the completed questionnaire

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Denmark	Lars Hyttel	Herning Municipality
England & Wales	Richard Clarke	Environment Agency
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Latvia	Sabine Jaunbirze	State Environmental Service (SES) of Latvia
Poland	Agata Niemczyk	Voivodship Inspectorate for Environmental Protection in Bydgoszcz
Portugal	João Paulo Moreira de Carvalho	Inspecção-Geral do Ambiente e do Ordenamento do Território
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Scotland	Michael Creary	Scottish EPA
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1 LEGAL BACKGROUND

1.1 Implementation of the IPPC directive

1.1.1 Is the Article 3 a, b and e of the IPPC Directive (96/61/EC) implemented as such in your national legislation?

TABLE 1	Yes or no	Please, specify the main differences
Croatia	No	IPPC Directive has not yet been implemented but content of following national legislation is correspondent to Article 3 of the Directive: Environmental Protection Act (Official Gazette No. 82/94, 128/99) Art 11, para 1, National Water Protection Plan (OG 8/99), Environmental Protection Act (Official Gazette No. 82/94, 128/99) Art 11, para 1, Convention Art 3, para 1.
Denmark	Yes	
England & Wales	Yes	
Finland	Yes	
Germany	Yes	
Italy	Yes	
Latvia	Yes	
Poland	Yes	
Portugal	Yes	
Romania	Yes	
Scotland	Yes	
Slovakia	Yes	
Slovenia	Yes	
Spain	Yes	
Sweden	No	Requires a long answer but the essence is there, although not explicitly written as in the Directive, if that is meant by "as such".

1.1.2 Is the Article 6 of the IPPC Directive (96/61/EC) implemented as such in your national legislation?

TABLE 2	Yes or no	Please, specify the main differences
Croatia	No	IPPC Directive has not yet been implemented but content of following national legislation is correspondent to Article 6 of the directive: Ordinance on Water Management Legal Acts Issues (OJ 28/96) Art 14, 15.5, Ordinance on Limit Values of Dangerous and other Substances in Waste Water (OJ 40/99,6/01,14/01) Art 1, 2.
Denmark	Yes	
England & Wales	Yes	
Finland	Yes	
Germany	Yes	
Italy	Yes	
Latvia	Yes	
Poland	Yes	
Portugal	Yes	
Romania	Yes	
Scotland	Yes	
Slovakia	Yes	

Slovenia	Yes	
Spain	Yes	
Sweden	No	See 1.1.1.

1.1.3 Is the Article 9 of the IPPC Directive (96/61/EC) implemented as such in your national legislation?

TABLE 3	Yes or no	Please, specify the main differences
Croatia	No	IPPC Directive has not yet been implemented but content of following national legislation is correspondent to Article 9 of the Directive: Ordinance on Water Management Legal Acts Issues (OJ 28/96) Art 17, Ordinance on conditions which should be fulfilled by authorized laboratories (OJ 78/97, 65/05) Art 1.
Denmark	Yes	
England & Wales	Yes	
Finland	Yes	
Germany	Yes	
Italy	Yes	
Latvia	Yes	
Poland	Yes	
Portugal	Yes	
Romania	Yes	
Scotland	Yes	
Slovakia	Yes	
Slovenia	Yes	
Spain	Yes	
Sweden	No	See 1.1.1.

1.2 Council recommendation 2001/331 on Minimum Criteria for Environmental Inspections

1.2.1 Please, give the name and the main content of the provision in your national legislation/guidance/practice corresponding to chapter IV of MCEI

TABLE 4	
Croatia	The legal requirements for establishment and implementation of inspection plans have not been transposed yet, but inspection plans for routine inspections are developed annually, quarterly and monthly. The annual work plan is aligned with National Environmental Strategy and Action Plan and it is based on analysed problems from previous annual reports, databases of Directorate for Inspections, Emissions Cadastre and other sources (Croatian Environmental Protection Agency, Croatian Chamber of Economy, Chamber of Trades and Craft stations). Beside routine inspections, certain man working days are also provided for non-routine inspection (included response to complaints and case of accidents/incidents).
Denmark	IPPC legislation DK similar to the EU Directive.
England & Wales	Plans for environmental inspections are produced by the Environment Agency for each site. These are known as Compliance Assessment Plans (CAPs), see 1.2.4.
Finland	Guidance on compliance monitoring of environmental permits, Ministry of the Environment 24.10.2005.

Germany	12th ordinance of the federal emissions control act, article 16 and the so called working aid for the implementation of the incident enactment (Arbeitshilfe zur Umsetzung der Störfallverordnung). Every state has a provision. The state of Schleswig-Holstein: plan for environmental inspections for plants, which have to fulfil the requirements of the federal emissions control act (04.09.2002) Hamburg: plan for environmental inspections for plants (January 2004)
Italy	We only have a draft corresponding to the recommendation 2001/331. The draft contains all the information required in the MCEI and integrates the European document with national criteria.
Latvia	Manual for environmental inspectors.
Poland	Guidance for environmental inspections includes all types of inspections: routine and non-routine inspections (in response to complaints, accidents, incidents and non-compliance).
Portugal	The same as in the MCEI.
Romania	G.D.No 440/2005 on the reorganizing and functioning of National Environmental Guard, Annex 3 - Technical norms on the organization and development of inspection and control activities in the environmental protection field.
Scotland	Assessed via SEPA's OPA system can be accessed via http://www.sepa.org.uk/data/opa/index.htm
Slovakia	Act 261/2002 Col. on the prevention of major industrial accidents, article 26: The Inspectorate of the Environment prepares and discusses with specified bodies the proposed inspection plan of the establishment for the respective calendar year, and presents its final version to the Ministry for approval.
Slovenia	Plans for Inspection are prepared and renewed yearly. All industrial establishments (Seveso) have to be inspected at least once per year.
Spain	Environmental control and inspection plan 2003–2007. Annual inspection programs.
Sweden	RMCEI:s is transposed into Swedish legislation(the Environmental Code and the Ordinances on inspection/supervision and operator self monitoring). Information has been sent to the Commission in accordance with reporting requests in RMCEI.

1.2.2 Please, give the name and the main content of the provision in your national legislation/guidance/practice corresponding to chapter V of MCEI

TABLE 5	
Croatia	Environmental protection act (OG 82/94,128/99), Article 63–67. Inspectors have the legal rights of access to installations and all necessary documentations. Findings after each control are stored, pursuant to the prescribed procedure together with the pertaining documentation collected during control. Information on single findings are forwarded to other inspectorates and responsible bodies. Reports on proceedings and findings are available to the public on request.
Denmark	-
England & Wales	The Environment Act 1995 section 108 corresponds to chapter V 1 d. Environment Agency work instructions correspond to the other requirements of chapter V.
Finland	The Environment Protection Act and Decree (2000) and the Guidance on compliance monitoring of environmental permits.
Germany	Article 16th of the 12th ordinance of the federal emission control act, the major accidents ordinance, and the so called working aid for the implementation of the incident enactment (Arbeitshilfe zur Umsetzung der Störfallverordnung). Every state has a provision. Schleswig-Holstein: plan for environmental inspections for plants, which have to fulfil the requirements of the federal immission act (September 2002). Hamburg: plan for environmental inspections for plants (1998/2004).
Italy	See 1.2.1
Latvia	Manual for environmental inspectors.

Poland	Guidance for environmental inspections includes all types of inspections: routine and non-routine inspections (in response to complaints, accidents, incidents and non-compliance). Non-routine site visits are carried out immediately in the investigation of serious environmental accidents after these come to the notice of the inspecting authority. Generally the authority has one month to carry out an inspection in response to complaints (according to Administrative Code Act).
Portugal	The same as in the MCEI.
Romania	G.D.No 440/2005 on the reorganizing and functioning of National Environmental Guard, Annex 3 - Technical norms on the organization and development of inspection and control activities in the environmental protection field.
Scotland	Section 108 of the Environment Act 1995.
Slovakia	The main content of the provision is incorporated to IPPC act and to the main sectoral acts /Water protection act, Waste management act, Air protection act/
Slovenia	The Environmental Protection Act, Article 156, and Inspection Act, Article 8 and 11. Slovenia has one environmental inspection authority. By the provisions of Environmental protection law there are also other inspections which control operation of installations in the field of their responsibility as: nature protection, chemicals, agriculture, food, forestry, veterinary, natural and other disasters. Every inspection make inspection inside it's field of jurisdiction. Coordination between their work is done on national level.
Spain	Environmental Protection Act 3/1998 for the Basque Country. Air, water, waste, soil and noise legislation from the Spain and Basque Country. Internal procedures and working instructions of the Basque Environmental Inspectorate.
Sweden	See 1.2.1.

1.2.3 Please, give the name and the main content of the provision in your national legislation/guidance/practice corresponding to chapter VII (Investigations of serious accidents, incidents and occurrences of non-compliance) of MCEI

TABLE 6	
Croatia	Environmental protection act (OG 82/94,128/99), Article 51 and 67. Article 51: 1. A natural or legal person having caused environmental pollution by its activity or lack of activity shall undertake measures envisaged by Environmental Emergency Plan without delay, i.e. shall undertake all other measures necessary for reducing environmental damage or preventing the creation of any further environmental risks, threats or damage. 2. The natural or legal person having caused environmental pollution covers all the expenses related to measures for mitigating pollution threats, in accordance with the present Law and other regulations. 3. The natural or legal person as referred to in paragraph 1 of the present Article shall, without delay, inform the environmental protection inspector or another relevant inspector of an environmental risk or threat. 4. The natural or legal person as referred to in paragraph 1 of the present Article shall inform the public of the environmental pollution caused and of the protection measures to be undertaken. Environmental Protection Emergency Plan (OG No. 82/99, 86/99, 12/01).
Denmark	-
England & Wales	The Pollution Prevention and Control (England and Wales) Regulations 2000, the "PPC Regs" correspond to chapter VII (b), (d) and (e). Environment Agency work instructions correspond to the other requirements of chapter VII.
Finland	Guidance on compliance monitoring of environmental permits and the Chemicals Act and Decree.
Germany	Schleswig-Holstein: plan for environmental inspections for plants, which have to fulfil the requirements of the federal emission act (September 2002).

	Hamburg: plan for environmental inspections for plants (January 2004). Different kind of environmental inspections, Frequencies for the inspections, based on risk, environmental impact, size of the installation and complaints, Measures of inspections, Documentation of the inspections, Cooperation with other authorities.
Italy	See 1.2.1
Latvia	Manual for environmental inspectors.
Poland	Guidance for environmental inspections includes all types of inspections: routine and non-routine inspections (in response to complaints, accidents, incidents and non-compliance). Inspectorates for Environmental Protection have yearly plans for inspections: 80% of time for routine inspections and 20% of time for non-routine inspection.
Portugal	The same as in the MCEI.
Romania	G.D.No 440/2005 on the reorganizing and functioning of National Environmental Guard, Annex 3 – Technical norms on the organization and development of inspection and control activities in the environmental protection field. MO 520/2006 approving The investigation procedure of major accidents involving dangerous substances.
Scotland	A duty under Regulation 18 of the Pollution Prevention and Control (Scotland) Regulations 2000 as amended and via standard conditions in IPPC permits.
Slovakia	Act261/2002 Col., Act364/2004 Col. /Water protection act/, Act245/2003 Col. /IPPC/
Slovenia	The Environmental Protection Act, Article 157, and Inspection Act, Article 19, 20, 24, 26. If the Inspector during inspection found out that installation does not operate according provisions of legislation or environmental permit, can issue decision with time limit for correction of irregularities. She/he can order additional environmental monitoring and in special cases of non-compliance also temporary cease use of materials, dangerous substances or operating of installation. Inspector can collect information by using all necessary measures as: inspect buildings, installations, storage places, check business books and other records, take samples, to clarify the causes of the event and its impact on environment. Inspectors can also do other acts to mitigate environmental impact. Inspector can use expert knowledge or expertise provided by institutions or private companies outside public administration.
Spain	Environmental Protection Act 3/1998 of the Basque Country. Environmental Inspection and Control Plan (2003–2007). Spanish transposition of Seveso Directives.
Sweden	See 1.2.1. The Seveso D. and the ECE Convention (Espoo) has also been transposed.

1.2.4 How are the risks and environmental impacts of emissions taken into account in plans of inspection according to Chapter IV 4 a) of MCEI in your country?

TABLE 7	
Croatia	Databases of Directorate for Inspections within MEPPPC, and other sources like Croatian EPA and National Emissions Cadastre contain the data of Risk Installations. These data as well as previous accidents/incidents in this installations are taken into account in annual inspection planning.
Denmark	-
England & Wales	The operator has to complete an assessment of his releases and submit this with his application for a permit. This is known as an OPRA assessment (Operator Performance and Risk Appraisal). The Environment Agency Officer who assesses the application and writes the permit also writes a decision document that describes why certain conditions have been included in the permit. The OPRA assessment and the decision document are used to produce a compliance assessment plan (CAP) that includes inspection and major audit frequencies etc.
Finland	Risk assessments are already required in the applications for permits and are taken into consideration in the permit procedure. Also in the compliance monitoring of the permits they are considered.
Germany	Frequencies for these inspections are based on risk, environmental impact, size of the installation, and complaints. The scale of the inspection depends on the constructed installation and

	the risk assessment of the special installation.
Italy	See 1.2.1
Latvia	Manual for environmental inspectors.
Poland	It is taken into account whilst doing yearly plans of inspections.
Portugal	One of the criteria used in our annual inspection plan is the dimension of the industrial installations. In a general way, bigger industrial installations are responsible for a greater amount of emissions. Our inspection plan also focus on industrial installations which are traditionally polluters and which repeatedly infringe the environmental law.
Romania	G.D.No 440/2005 on the reorganizing and functioning of National Environmental Guard, Annex 3 - Technical norms on the organization and development of inspection and control activities in the environmental protection field.
Scotland	Using the OPA system, see 1.2.1 above.
Slovakia	-
Slovenia	Plans of environmental inspections are prepared by taking into account priorities. One of those priorities are environmental impacts of emissions.
Spain	Routine inspections are planned taking into account a risk-based approach. Sites are classified according to the environmental risk associated and this classification is related to the inspection frequency and intensity. Annual inspection programs are elaborated considering the incident and complaint database of the inspection service.
Sweden	See 1.2.1

1.3 Definition of incidental releases

1.3.1 Is there a definition of incidental releases in your country?

TABLE 8	Yes, in the legislation	Yes, in an other written document	Please, give the wordings	Yes, other information	Please, describe what kind	No
Croatia						x
Denmark						x
England & Wales	PPC Regulation 2 "emission means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in an installation into the air, water or land". This is a definition of a release, not an incidental release. We have no specific definition of an incidental release in legislation.	x	In the permit issued to each IPPC installation the routine releases are described in two conditions: 3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 4 tables S4.1, S4.2 and S4.3. 3.1.2 The limits given in schedule 4 shall not be exceeded. All other releases are considered to be "fugitive" releases and are described in the condition: 3.3.1 Fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including those specified in schedule 1 table S1.5, have been taken to prevent or where that is not practicable, to minimise, those emissions. The interpretation section states "fugitive emission" means an emission to air, water or land from the activities which is not controlled by an emission or background concentration limit.			
Finland	There is no general definition of incidental releases in the national legislation.					x
Germany	1. Article 2 No 3 of the major accidents ordinance. Wording: hazardous incident 2. § 28 a water act of Hamburg:	x	Disturbance of normal operation (Nicht bestimmungsgemäßer Betrieb).	x		

	Wording: the escape of chemicals which are hazardous to water in a waste water treatment plant, into a river/water or into the soil.					
Italy		x	National draft of MCEI.			
Latvia	Unexpected incident.					
Poland						x
Portugal						x
Romania			In the permit issued to each IPPC installation, all other releases are considered to be "fugitive" EGO 195/2005 art 2, 51, EGO 152/2005 art 2, I wording "pollution" 'pollution' shall mean the direct or indirect introduction as a result of human activity, of substances, vibrations, heat or noise into the air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment; GD 95/2003, MO 1299/2006 approving the inspection procedure of COMAH establishments, wording "incident" shall mean an event or incident which do not generate major effects on health and/or environment but which can produce a major accident.			x
Scotland		x	In IPPC Permits "incident" means any of the following situations: <ul style="list-style-type: none"> • Where an accident occurs which has caused or may have the potential to cause pollution; • Where any malfunction, breakdown or failure of plant or techniques is detected which has caused or may have the potential to cause pollution; • Where any substance, vibration, heat or noise specified in any Condition of this Permit is detected in an emission from a source not authorised by a Condition of this Permit and in a quantity which may cause pollution; • Where an emission of any pollutant not authorised to be released under any Condition of this Permit is 			

			<p>detected;</p> <ul style="list-style-type: none"> • Where an emission of any substance, vibration, heat or noise is detected that has exceeded, or is likely to exceed, or has caused, or is likely to cause to be exceeded any limit on emissions specified in a Condition of this Permit. 			
Slovakia	<p>Definition of incidental releases is in the Water protection act: It is suddenly, unexpected and serious worsening or serious the menace of water quality that can be caused by releasing of waste water without the permit or in contrast to it, or it can be caused by an uncontrollable leakage of harmful substances and we can see marks such as an colour or smell of water, the oil coating, the formation of foam, daying of fishies on the surface of water or the harmful substances can be found out in the space with surface or underground water there.</p> <p>Definition in the Air protection act: They are potential, unwanted and limited in time the hazardous states of equipments or the parts of them, that can be found out as an result of some malfunction in the appointed time, and during them we have to stop or to limit the operation to protect the quality of air or we have to use the extraordinary emergency measures.</p>					
Slovenia			<p>We have definition of industrial accident. Wording of this definition is: "Industrial accident is event developed in the course of operation of installation and goes out of control. That kind of events event can happen during production, usage, storage, loading or unloading of goods or transport, which in consequence can harm life or health of human, animal, cultural</p>			

			heritage or environment.			
Spain			It is not written in an official document but it is organised in the way that incidental releases are considered all the accidents that are not covered under the transposition and further modifications of the Seveso Directive			
Sweden						x

1.3.2 Has the definition of incidental releases caused any difficulties?

TABLE 9	Yes or no	Please, specify what kind of difficulties
Croatia	-	
Denmark	-	
England & Wales	No	
Finland	No	
Germany	No	
Italy	No	
Latvia	No	
Poland	-	
Portugal	Yes	The difficulty is precisely the fact that our legislation doesn't include that definition.
Romania	No	
Scotland	Yes	Mainly in scope and thresholds to be applied when assessing an incident.
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden	No	

1.3.3 How does the definition of incidental releases differ from the definition of accidents (SEVESO)?

TABLE 10	
Croatia	The Ministry of Environmental Protection, Physical Planning and Construction is partially implementing the provisions of the Seveso II Directive through the Environmental Protection Emergency Plan (OG 82/99, 12/01). The Plan refers to possible unexpected events which may endanger the environment and threaten human lives and health. The Environmental Protection Emergency Plan determines the types of risks and hazards, procedures and measures for mitigating and eliminating immediate harmful effects to the environment, parties involved in the implementation of individual measures, responsibilities and authorisations with respect to the implementation and the way to harmonise these with the intervention measures that are enforced under other laws.
Denmark	-
England & Wales	The Seveso directive definition refers to "uncontrolled developments". Our definition of "fugitive" releases includes anything that is not specifically allowed in the permit. For example releases when pipes are emptied during routine maintenance work, which are controlled and deliberate.
Finland	The question is not relevant, because no exact definition exists. The regulations are applied case by case depending on the scale of an incident.
Germany	Article 14, second paragraph of the IPPC Directive requires operators to inform authorities of all events (In German:"Störfälle und Unfälle", in English:"accidents and incidents") significantly affecting the environment". The term "significantly affecting the environment" is not defined in the IPPC Directive. To ensure uniformity of the legal order it is fundamentally necessary to provide a standardized definition for standardized terms also in EU law. For the greatest possible degree of coherence within european legal order, ensuring uniformity of the definitions and application of EU legal terms is considered best practise in Germany. Annex VI section 1.3 to the Seveso-II- Directive regulates which events "significantly affect the environment", namely: <ul style="list-style-type: none"> - permanent or long-term damage to terrestrial habitats - significant or long-term damage to freshwater and marine habitats, - significant damage to an aquifer or underground water.

Italy	The definition of big accident from SEVESO is the same for incidental releases.
Latvia	Incidental releases (unexpected incident) is a negative environmental impact in due of exploitation of installation
Poland	-
Portugal	There is no definition of incidental releases
Romania	SEVESO accidents shall mean a major emission of one or more harmful substances; GD 95/2005 Annex 7 regulates which events "significantly affect the environment", namely: - permanent or long-term damage to terrestrial habitats, - significant or long-term damage to freshwater and marine habitats, - significant damage to an aquifer or underground water
Scotland	-
Slovakia	Different criteria, SEVESO accidents mean the excessive emissions of one or more chosen harmful substances,, it can be during some fire, some explosion etc., and it can cause the serious danger for the people life, the health , the fortune of the operator or the environment.
Slovenia	Environmental Protection Act define that major accident (Seveso) is industrial accident, which in consequence result with major release, fire, or explosion with involved one or more dangerous substances as a results of not deliberate or uncontrolled development in the course of operation of installation.
Spain	They are the ones not covered by the definition of accidents under Seveso Directive
Sweden	-

1.3.4 Acceptability of incidental releases

A. Do you always take action – no tolerance of small releases?

TABLE 11	Yes or no	Please, specify
Croatia	-	
Denmark	Yes	
England & Wales	No	We have an enforcement and prosecution policy (web link: http://www.environment-agency.gov.uk/business/444217/444661/112913/) which we use to decide whether or not to take action, depending on the significance of the release. We assess every breach of ELV and categorise according to our classification system. The minimum action that is taken is the issue of a written warning.
Finland	No	If the releases do not exceed the limit values and no detectable damage is caused, then no action is taken.
Germany	No	
Italy	Yes	
Latvia	Yes	
Poland		In general, the authority always takes action.
Portugal	No	The Inspectorate (IGAOT) intervention is decided in a case by case basis.
Romania	No	The National Environmental Guard (NEG) intervention is decided in a case by case basis
Scotland	No	The level of action taken is variable and depends on impact/severity of release and contributing factors to the release, e.g negligence etc. The type and nature of action will also be dependent on SEPA enforcement policy see link below: http://stir-ser-net01/cms/effective_regulation/index.asp?id=2259
Slovakia		There is some tolerance, not always the action is taken. It depends on the influence on the Environmental circumstances like populated area, river is not near, amount of released emission etc, Before taking action it is discussing if we know more about it.
Slovenia	No	If incidental release could be understood as Industrial accident our inspection interfere in all casses. Definition of Industrial accident is under article 1.3.1.
Spain	No	We work in coordination with the Civil Protection Unit. All the incidents with envi-

		ronmental potential effects are communicated to our Unit. Then the incident is evaluated according to the magnitude, severity, risk and urgency. We take action in the ones that there is a risk for the environment or public health, even if it is low.
Sweden	No	Incidental releases are included in the limit values in the conditions. When conditions are exceeded this is judged as non-compliance.

B. Do you take action only when the ELVs are exceeded?

TABLE 12	Yes or no	Please, specify
Croatia	No	Measures/actions are taken also in cases when complaints are obtained and when inspector assess that extra measures/actions are needed.
Denmark	Yes	
England & Wales	No	Sometimes we take action when the ELV has not been exceeded, e.g. when an incidental releases occurs from a point where there is no ELV in the permit. At other times we will not take serious action when an ELV has been exceeded if there is a good reason and the consequences of the breach are minor.
Finland	Yes	Action is usually taken when the ELV has been exceeded.
Germany	No	
Italy	No	
Latvia	Yes	
Poland	-	
Portugal	No	The Inspectorate (IGAOT) intervention is decided in a case by case basis.
Romania	Yes	
Scotland	-	
Slovakia	Yes	
Slovenia	No	In case of incidental releases, which can not be understand as industrial accident, operator have to take all adequate measures to mitigate environmental impact of releases.
Spain	No	Action is taken when there is a risk for the environment or the public health even if the ELVs are not exceeded.
Sweden	No	Depends on the severity of the incident and to what extent the ELVs cover the incident

C. Do you take action only when the treatment plant cannot treat the amount?

TABLE 13	Yes or no	Please, specify
Croatia		
Denmark	No	Monitoring/control/supervision is needed to secure the solution is according to environmental standards etc.
England & Wales	No	Exceeding the treatment plant capacity is only one type of incidental release.
Finland	No	Action is taken when the risk is big even if no effects have been reported.
Germany	No	
Italy	No	The action is taken when the treatment plant is not able treat the amount and in every case of environmental realases.
Latvia	Yes	
Poland	-	
Portugal	No	The Inspectorate (IGAOT) intervention is decided in a case by case basis.
Romania	No	Action is taken when the risk is big even if no effects have been reported.

Scotland	-	
Slovakia	No	Only, If we can see the main marks that are typical for incidental releases (they are written up).
Slovenia	No	In case of incidental releases, which can not be understood as Industrial accident, operator have to take all adequate measures to limit environmental impact of releases.
Spain	No	
Sweden	No	Has not necessarily anything to do with a treatment plant.

D. Is there a difference when environmental circumstances vary (densely populated area vs. rural area, small lake area vs. sea area)?

TABLE 14	Yes or no	Please, specify
Croatia	No	
Denmark	Yes	Based at a sort of risk analysis/EIA the effort can be very different.
England & Wales	Yes	We consider the environmental consequences as part of our enforcement and prosecution policy.
Finland	Yes	The environmental consequences should be assessed and the environmental quality norms should not be exceeded and of course no harm to people should be allowed.
Germany	No	
Italy	No	
Latvia	No	
Poland	-	
Portugal	Yes	The Inspectorate (IGAOT) intervention is decided in a case by case basis.
Romania	Yes	Each incident is evaluated to estimate the risk to the environment and population.
Scotland	Yes	The definition of incident uses 'pollution' (as defined in PPC Regulations) as it's benchmark therefore different releases with differing impacts will result in environmental circumstances.
Slovakia	Yes	In that cases the damage can be higher and we always take action. There are some protected areas for supplying of drinking water and etc.
Slovenia	No	
Spain	Yes	Every incident is evaluated to estimate the risk to the environment and population.
Sweden	No	

1.3.5 Do the permit emission limit values cover all releases (normal and incidental) from the installations?

A. The start-up of an installation?

TABLE 15	Yes or no	Please, specify
Croatia		IPPC Directive has not yet been implemented.
Denmark	No	
England & Wales	Yes	Unless specified separately in the permit the ELV covers all operations.
Finland	Yes	
Germany	Yes	Usually the permissible emission limit value covers the higher emission during the start-up and the shut-down of an installation; otherwise the administration has to draw up special arrangements for the start-up or the shut-down processes during which values exceeding twice the established emission limit cannot be permitted in

		the licence.
Italy	Yes	Limit values cover only normal releases. In the IPPC authorisation the technical conditions for the start up of an installation are specified.
Latvia	Yes	Concerning only for high risk installations.
Poland	No	
Portugal	Yes	There is no defined value for incidental releases.
Romania	Yes	In the IPPC authorisation the technical conditions for the start-up of an installation are specified.
Scotland	No	
Slovakia	Yes	If we know them, yes. We try to solve the protection of the Environment and all releases during the design procedure. The releases are unpredictable.
Slovenia	Yes	In case where emissions of installation are higher due start up, and the cause of higher emission can not be avoided (normal operation), then we cover those higher emissions with the necessary conditions in permit. Incidental releases which can happen due start up are not covered.
Spain	Yes	The ELVs apply to these operations but controls are not so strict unless there is potential impact or they are frequent.
Sweden	Yes	See above.

B. Shut-down of an installation?

TABLE 16	Yes or no	Please, specify
Croatia		IPPC Directive has not yet been implemented.
Denmark	No	
England & Wales	Yes	Unless specified separately in the permit the ELV covers all operations.
Finland	Yes	
Germany	Yes	See 1.3.5 A.
Italy	Yes	Limit values cover only normal releases. In the IPPC authorization the technical conditions for the start up of an installation are specified.
Latvia	Yes	Concerning only for high risk installations.
Poland	No	
Portugal	Yes	There is no defined value for incidental releases.
Romania	Yes	In the IPPC authorisation the technical conditions for the shut down of an installation are specified.
Scotland	No	
Slovakia	No	
Slovenia	Yes	In case where emissions of installations are higher due shut down, and the cause of higher emission can not be avoided (normal operation), then we cover those higher emissions with the necessary conditions in permit. Incidental releases which can happen due shut down are not covered.
Spain	Yes	
Sweden	Yes	See above.

C. Other?

TABLE 17	Please, specify
Croatia	IPPC Directive has not yet been implemented.
Denmark	-
England &	-

Wales	
Finland	There may be some exceptions among elder permits.
Germany	See 1.3.5 A.
Italy	-
Latvia	-
Poland	-
Portugal	-
Romania	In the permit are imposed the conditions for installations management at the start-up and shut-down.
Scotland	Note that emission limits will vary depending on the activity regulated, and in some cases permits may well have conditions relating to start up and shut down, however this is not the norm.
Slovakia	-
Slovenia	-
Spain	
Sweden	

1.3.6 Do you have special emission limit values for emissions from start-ups and shut-downs?

A. The start-up of an installation?

TABLE 18	Yes or no	Please, specify
Croatia	No	
Denmark	-	
England & Wales	Yes	Only in limited cases.
Finland	Yes	Only in limited cases.
Germany	Yes	See 1.3.5 A.
Italy	No	
Latvia	Yes	Conditions of IPPC installation permits cover mentioned cases according national law "On Pollution"
Poland	No	
Portugal	Yes	Only in limited cases.
Romania	No	
Scotland	Yes	Occasionally, where said release is predictable and exceeds the normal ELV that would apply.
Slovakia	Yes	There are emission limit values lay down in the permit for six to 12 months, because it is necessary to try how it works in various conditions (winter, summer etc.).
Slovenia	No	
Spain	No	
Sweden	No	

B. Shut-down of an installation?

TABLE 19	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	Very occasionally.

Finland	Yes	Only in limited cases.
Germany	Yes	See 1.3.5 A.
Italy	No	
Latvia	Yes	Conditions of IPPC installation permits cover mentioned cases according national law "On Pollution"
Poland	No	
Portugal	Yes	Only in limited cases.
Romania	No	
Scotland	Yes	As above.
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden	No	

Any further comments on the issues in Chapter 1

Portugal

- The IPPC Directive is the National Law Decreto-Lei number 194/2000, published in 21 of August of 2000.
- IGAOT is following the Council Recommendation 2001/331.

Sweden

The answers concerning 1.3.5 and 1.3.6 covers a common policy normally not to have special ELVs for start-ups and shut-downs etc. Conditions are normally set as monthly or annual averages which can incorporate variations in emissions more easily than conditions with shorter averaging periods can.

Conditions can be set as emission limit values which are never to be broken. There is however an alternative or additional way of setting limit values, so called "trigger values". If such a limit value is exceeded, the operator has to take measures to ensure that the ELV is not exceeded in the future. If such measures are not taken, the competent authority can take legal action.

When there are directives with limit values these regulations are transposed into ordinances. If there is a need to regulate e.g. certain processes, this is done by setting conditions stipulating measures or actions to be taken including that the ca has to be notified in advance of shut-downs etc.

2 AUTHORITIES AND OTHER ORGANISATIONS

2.1 Competent authorities

2.1.1 Which authorities are competent to issue IPPC permits?

TABLE 20	
Croatia	IPPC Directive has not been transposed in the Croatian legislative yet but MEPPPC has been envisaged as CA.
Denmark	State and municipality level.
England & Wales	The Environment Agency for approximately 3,200 installations (2,000 industrial and 1,200 agriculture). Local Authorities for approximately 200 of the smaller installations. The competent authority covers all aspects - permitting compliance and enforcement.
Finland	State authorities are responsible for issuing permits for IPPC installations and local authorities for smaller installations. This is defined in the Environmental Protection Act.
Germany	Only one authority is the competent authority in Schleswig-Holstein: the governmental environmental agency (Staatliche Umweltämter), in Hamburg: the authority for urban development and the environment (Behörde für Stadtentwicklung und Umwelt).
Italy	The authorities involved in the issue of IPPC permits are national and regional, it depends on the dimension of the plants (see D.lgs 59/2005 att.1 and 5)
Latvia	State Environmental Service (SES) of Latvia
Poland	The Voivode and the Head of the Poviast Administration (the Starost).
Portugal	Environmental Institute (Instituto do Ambiente -IA)
Romania	REPA
Scotland	Scottish Environment Protection Agency (SEPA)
Slovakia	Slovak inspection of the environment, IPPC department, (SIE)
Slovenia	Competent authority is Environmental Agency of the Republic of Slovenia.
Spain	Basque Government. Environment and Soil Planning Department.
Sweden	Information on this has already been sent to the Commission under Art 16.3.

2.1.2 In a case of incidental releases, which authority is responsible for

TABLE 21	Monitoring	Compliance monitoring and inspection	Enforcement	Momentary stoppage of a plant or a process	Other measures, please specify
Croatia	MEPPPC	MEPPPC	MEPPPC	MEPPPC	
Denmark	State and municipality level	State and municipality level	State and municipality level	State and municipality level	State and municipality level
England & Wales	EA for 3,200 and local authority for 200.	EA for 3,200 and local authority for 200.	EA for 3,200 and local authority for 200.	EA for 3,200 and local authority for 200.	EA for 3,200 and local authority for 200.
Finland	Regional Environmental Centres (13) and local authorities (municipalities).	Regional Environmental Centres (13) and local authorities (municipalities).	Regional Environmental Centres (13) and local authorities (municipalities).	Regional Environmental Centres.	Municipalities are responsible for compliance monitoring if they have granted the permits.
Germany	Schleswig-Holstein: governmental environmental agency (Staatliche Umweltämter) Hamburg: the authority for urban development and the environment (Behörde für Stadtentwicklung und Umwelt)	Schleswig-Holstein: governmental environmental agency Hamburg: the authority for urban development and the environment	Schleswig-Holstein: governmental environmental agency Hamburg: the authority for urban development and the environment	Schleswig-Holstein: governmental environmental agency Hamburg: the authority for urban development and the environment	Schleswig-Holstein: governmental environmental agency Hamburg: the authority for urban development and the environment
Italy	Environmental Agency	Environmental Agency	Environmental Agency and Regional Authorities	Regional Authorities	
Latvia	Operator	Operator is responsible to provide monitoring; SES is responsible to provide inspection	Operator is responsible to follow regulations issued by SES	Operator	Preparing safety report or industrial accident assessment programme
Poland	Voivodeship Inspector for Environmental Protection	Voivodeship Inspector for Environmental Protection	Voivodeship Inspector for Environmental Protection (in general), the Voivode and the Starost	Voivodeship Inspector for Environmental Protection (in general), Chief of the Fire Brigade, the head of the Gmina administration, the mayor of the town or the city,	
Portugal	The operator	Environmental Institute (IA), IGAOT-Environmental and Territorial Planning	IGAOT	The operator, IGAOT	According with the permit terms the operator has to communicate to the authorities, written and as soon as possible (maximum 24 hours), after

		General inspectorate.			the occurrence. The operator must send within 15 days a report with the following: - All the facts in the origin of the occurrence -A full description (qualitative and quantitative) of the risk associated to this particular situation - A plan of actions to correct the non-conformity - A description of all the preventive actions immediately taken and others to implement, according to the level of risk diagnosed.
Romania	LEPA	NEG, LEPA	NEG	NEG, LEPA, REPA	
Scotland	SEPA	SEPA	SEPA	SEPA	-
Slovakia	The operator, if the operator is unknown, in that case SIE, water protection department	SIE, water protection department	SIE, water protection department	SIE, IPPC department	
Slovenia	Operator, public service	Inspectorate of the Republic of Slovenia for the protection against natural and other accidents, Inspectorate of the Republic of Slovenia for the environment and spatial planning	Inspectorate of the Republic of Slovenia for the protection against natural and other accidents, Inspectorate of the Republic of Slovenia for the environment and spatial planning	Operator	Operator have to take all necessary measures to limit emissions to sustainable level for environment (by means of temporary stop production or limit the production level), and immediately start with corrective actions.
Spain	Environment and Soil Planning Department for IPPC	Environment and Soil Planning Department	Environment and Soil Planning Department	Environment and Soil Planning Department	Restoration of the damage
Sweden	The Competent Authority, CA, for monitoring and inspection	CA	CA	CA	

2.1.3 In a case of incidental releases, in which cases is the authority authorised to order momentary stoppage of the installation or process?

TABLE 22	In every case	Only when the ELVs are exceeded	Never	In other situations, please specify
Croatia		x		
Denmark				Depending of the environmental permit.
England & Wales	x			We can prohibit an operation when there is an imminent risk of serious pollution.
Finland				When there is a risk of causing harm to health or other direct harm to the environment and the harm cannot be diminished or abolished.
Germany				When the ELVs are exceeded the authority can order the momentary stoppage of the installation, the authority has the right to order the momentary stoppage when the reason for an incidental release can cause a danger.
Italy	x			
Latvia		x		When other conditions of permit are not fulfilled.
Poland				According to Environmental Protection Law Act: art. 364: "Where the activity conducted by the user of the environment or a natural person causes a substantial deterioration of the state of the environment or poses danger to human life or health...".
Portugal				Evaluated in a case-by-case basis by IGAOT.
Romania		x		
Scotland	-	-	-	SEPA can suspend a permit in the event of imminent risk of serious pollution only. or some specified activities such as waste management SEPA can also suspend a permit on competence grounds.
Slovakia				The operator did not fulfill before given measures and the result is the damage of the Environment or the damage of the natural inheritance.
Slovenia		x		Inspection Act, Article 34 allow inspector to order momentary stoppage of installation or process when there is a harm for human life, human or animal health or other harm to the environment.
Spain				When there is evidence of a potential risk for the public health or the environment.
Sweden	x			

2.2 Co-operation between authorities

2.2.1 In a case of incidental releases, do environmental authorities cooperate with other authorities?

TABLE 23	Yes or no	Please, specify
Croatia	Yes	When we have releases which our inspection is not competent body.
Denmark	Yes	risk of damage/significant pollution etc. in relation to the environment (nature and of course people living nearby the release) will be a typical case which require

		assistance from police, firebrigade etc.
England & Wales	Yes	We cooperate with the Health and Safety Executive when the incidental release has caused harm to any of the workers. We cooperate with the police and fire brigade if there is a major accident.
Finland	Yes	Yes, usually at least in sudden, large incidents.
Germany	Yes	Yes, for example with the water pollution authority or the soil protection authority or the occupational safety and health authority.
Italy	Yes	In all cases.
Latvia	Yes	After incident: to get analyses, to gather hazardous waste, to inform community.
Poland	Yes	For example when operational support is needed on the site or when the authority is not competent to do investigation or research actions.
Portugal	Yes	Involved authorities are chosen in a case-by-case analysis made by IGAOT.
Romania	Yes	Yes, please specify in which cases: In all cases that besides an environmental issues there are other specific problems such as public health, hazardous substances, building safety etc.
Scotland	Yes	Could involve preparatory exercises & tests; the provision of relevant advice and guidance etc. SEPA is classified as a Category 1 responder and so shares emergency plans with other relevant authorities in Scotland e.g. fire services and police. Incidents dealt with under such provisions are likely to be rare and very significant (e.g. Bunsfield).
Slovakia	Yes	Environmental Municipal authorities, River basin authority.
Slovenia	Yes	Coordination between authorities is done on national level, through Ministry of Defence.
Spain	Yes	All cases.
Sweden	Yes	As appropriate according to what has happened, e.g. co-operation with other authorities having responsibilities e.g. those for labour health and rescue service issues.

2.2.2 Which other authorities do the environmental authorities cooperate with?

TABLE 24	Chemical inspection authority	Safety authority	Fire brigade	Police	Other
Croatia	x	x	x	x	
Denmark	x	x	x	x	
England & Wales		x	x	x	
Finland	x	x	x	x	
Germany	x	x	x	x	
Italy		x	x	x	
Latvia			x	x	x
Poland			x	x	
Portugal			x	x	x
Romania	x	x	x	x	
Scotland	-	x	x	x	x
Slovakia			x	x	x
Slovenia	x	x	x	x	
Spain		x	x	x	x
Sweden	x	x	x	x	

2.2.3 What kind of cooperation is there?

TABLE 25	Prevention of incidental releases by e.g. planning	Operational	Investigation	Research and development	Other, please specify
Croatia	x				Developed procedures and guidelines for industry sectors or other activities including prescribed coordination - integrated approach - with other competent line bodies.
Denmark	x	x	x	x	
England & Wales		x	x		
Finland	x	x	x	x	
Germany	x	x	x	x	
Italy	x	x	x		
Latvia	x	x	x		
Poland	x	x	x	x	
Portugal		x	x		
Romania	x	x	x		
Scotland	x	x	x		
Slovakia		x	x		
Slovenia		x	x		
Spain		x	x		
Sweden	x	x	x	x	

2.2.4 Is there any transboundary cooperation?

TABLE 26	Yes or no	Please, specify in which cases
Croatia	Yes	Regarding to LRTAP (Long-range Transboundary Air Pollution).
Denmark	No	
England & Wales	No	
Finland	Yes	Between all neighbouring countries, e.g. ECE Convention (Espoo) and the Nordic Convention on environmental protection.
Germany	Yes	In case - of the licence procedure, when emissions of the plant also have environmental impacts in another country, - of the environmental impact assessment during the licence procedure - when the incident or accident has consequences for the environment of another country, Article 11 Major Accidents ordinance.
Italy	Yes	In case of incidental releases.
Latvia	Yes	With Lithuania – oil pollution from Butinge and Mazeiki; with Belarus – chemical pollution in Daugava; with HELCOM state parties etc.
Poland	Yes	When needed.
Portugal	Yes	Only in the cases of risk for other member states.
Romania	Yes	According to international treaties and specific multilateral conventions to which Romania is part. Inside IPPC procedures covers cooperation at companies that can generate transboundary pollution.

Scotland	No	
Slovakia	Yes	For water protection, there is Danube convention.
Slovenia	-	
Spain	Yes	Only in the cases of risk for other Member States or Autonomous Communities, but it is coordinated by the Civil Protection Unit.
Sweden	Yes	ECE Convention (Espoo), the Nordic Convention on environmental protection, Act on the Swedish Boundary rivers.

Any further comments on the issues in Chapter 2

Sweden

It seems to me that chapter 2 has just as much a focus on Seveso safety issues as on incidental releases.

3 INCIDENTAL RELEASES IN THE PERMIT PROCEDURE

3.1 Approach and guidance

3.1.1 Is there a specific approach for the permit procedure concerning installations with a high risk of incidental releases in your country?

TABLE 27	Yes or no	Please, specify
Croatia	-	
Denmark	Yes	The risk legislation.
England & Wales	No	
Finland	No	
Germany	Yes	Seveso II Directive: installations with a high risk of incidental releases have to write a safety report, this is a document for the application.
Italy	Yes	Only for SEVESO installations.
Latvia	No	
Poland	No	
Portugal	No	
Romania	Yes	Seveso II Directive: installations have to write a safety report, this is a document for the application.
Scotland	Yes	Via assessment of accidental releases as well as use of OPA system to identify high risk sites.
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden	Yes	For installations in the higher threshold according to the Seveso Directive the environmental permitting is integrated with permitting on safety issues. A safety report according to Seveso is a part of the environmental application. The permit has to include appropriate environmental conditions and safety conditions.

3.1.2 Is there a guidance for reporting of incidental releases in your country?

TABLE 28	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	The guidance gives the contact details for the operator to notify the Environment Agency of incidental releases "During normal working hours the operator may be able to contact the Site Officer or the local Agency office by telephone fax or email. Alternatively the operator can contact the Agency using the incident hotline telephone number 0800 807060. Calls are free and the hotline operates 24 hours a day, 7 days a week."
Finland	Yes	Guide: "Environmental risk analysis for incidental emissions".
Germany	Yes	Yes, by a national directive, the so called "executional aid for the statutory order on hazardous incidents" (Vollzugshilfe Störfallverordnung)
Italy	Yes	There is a guidance for reporting incidental releases that include accidents from SEVESO installations and big incidental releases.
Latvia	No	
Poland	Yes	Environmental Protection Law Act.
Portugal	Yes	According with the permit terms the operator has to communicate to the authorities,

		written and as soon as possible (maximum 24 hours), after the occurrence. The operator must send within 15 days a report with the following: <ul style="list-style-type: none"> - All the facts in the origin of the occurrence - A full description (qualitative and quantitative) of the risk associated to this particular situation - A plan of actions to correct the non-conformity - A description of all the preventive actions immediately taken and others to implement, according to the level of risk diagnosed - Also calls to a 24h hotline -808200520.
Romania	Yes	Environmental Protection Law Act.
Scotland	Yes	Specified in the permit: 2.4 Incidents 2.4.1 In the event of an incident, the Operator shall take all necessary measures to prevent, or where that is not practicable to reduce, emissions from the Permitted Installation. All necessary measures to limit the consequences for the environment of any emissions from the Permitted Installation shall be taken, so far as reasonably practicable. 2.4.2 In the event of an incident, the Operator shall notify SEPA by telephone without delay. This notification shall include as far as practicable the information specified in Condition 2.4.3. 2.4.3 The Operator shall confirm any incident to SEPA in writing by first class post or fax by the next working day after identification of the incident. This confirmation shall include: the time and duration of the incident, the receiving environmental medium or media where there has been any emission as a result of the incident, an initial estimate of the quantity and composition of any emission, the measures taken to prevent or minimise any emission or further emission and a preliminary assessment of the cause of the incident. 2.4.4 Any incident notified to SEPA shall be investigated by the Operator, and a report of the investigation sent to SEPA. The report shall detail, as a minimum, the circumstances of the incident, an assessment of any harm to the environment and the steps taken by the Operator to bring the incident to an end. The report shall also set out proposals for remediation, where necessary, and for preventing a repetition of the incident.
Slovakia	Yes	It is in the Water protection act.
Slovenia	No	
Spain	No	In the permits and inner emergency plans, they state that reporting has to be done through the emergency line.
Sweden	Yes	Reporting of incidental releases is a legally stated request according to the Environmental Code. The authority has to be notified in connection with the situation. Information on incidental releases has to be included in the annual environmental report.

3.1.3 Is there a guidance for management of incidental releases in your country?

TABLE 29	Yes, for the authorities	Yes, for the applicant	No
Croatia			x
Denmark			x
England & Wales	x	x	
Finland	x	x	
Germany	x	x	
Italy	x	x	

Latvia	x		
Poland			x
Portugal			x
Romania			x
Scotland		x	
Slovakia		x	
Slovenia			x
Spain	x		
Sweden		x	

3.2 Information on incidental releases to be submitted in application documents

3.2.1 What kind of information concerning the risk of incidental releases is the operator required to include in the application?

TABLE 30	Prevention of incidental releases	Management of incidental releases	Actions taken after previous incidental releases	Assessment of incidental releases	Measures in cases of incidental releases
Croatia	-	-	-	-	-
Denmark	x				
England & Wales	x	x	x	x	x
Finland	x	x			x
Germany	x	x	x	x	x
Italy		x			x
Latvia	x	x	x	x	x
Poland	x		x		
Portugal	x	x	x		x
Romania	x	x	x	x	x
Scotland	x	x	x	x	x
Slovakia	x				
Slovenia	x	x	x		x
Spain	x	x	x	x	x
Sweden	x	x	x	x	x

3.2.2 Is a risk analysis required?

TABLE 31	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	Only if incidental releases are likely to be significant.
Finland	Yes	A risk analysis is required for IPPC installations (including Seveso installations) and also in the EIA procedure different studies are required.
Germany	Yes	By Seveso II installations a risk analysis is required.
Italy	Yes	Only for SEVESO installations.
Latvia	Yes	For SEVESO installations.
Poland	No	

Portugal	Yes	The operator has to submit a risk analysis. In that study, the operator has to analyze, the use of dangerous substances, storage conditions, risk of fire and explosion, means of intervention in case of an accident, written procedures for emergency situations.
Romania	Yes	Yes, for each installation with significant impact for the environment.
Scotland	Yes	As part of IPPC application process, requirement of application to include a risk analysis.
Slovakia	No	
Slovenia	No	
Spain	Yes	There is not a specific conditions requiring a risk analysis, but to fulfil the prevention and management conditions they have to perform a risk analysis.
Sweden	Yes	See 3.1.1.

3.3 Permit conditions on prevention and management of incidental releases

3.3.1 Please, give some good examples of permit conditions for prevention of incidental releases?

TABLE 32	As a binding condition, please give the wording	As a general consideration, please give the wording	We do not have any good examples
Croatia	-	-	-
Denmark			x
England & Wales	<p>3.3 Fugitive emissions of substances</p> <p>3.3.1 Fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including those specified in schedule x, table y.y, have been taken to prevent or where that is not practicable, to minimise, those emissions.</p> <p>3.3.2. Litter and mud arising from the activities shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including those specified in schedule x, table y.y, have been used to prevent or where that is not practicable, to minimise, the litter and mud.</p> <p>3.3.3.Litter and mud arising from the activities shall be cleared from the affected areas outside the site as soon as practicable.</p> <p>3.3.4. All liquids, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.</p> <p>3.4 Odour</p> <p>3.4.1.Emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including those specified in schedule x, table y.y, to prevent or where that is not practicable, to minimise, the odour.</p> <p>Drafting note: The phrase ", including those specified in schedule x, table y.y," will only be inserted into the odour condition when it is needed for that regime, activity and permit type.</p> <p>3.5 Noise and vibration</p> <p>3.5.1 Emissions from the activities shall be free from noise and vibration at</p>		

	levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures [including those specified in schedule x, table y.y, to prevent or where that is not practicable to minimise the noise and vibration.		
Finland	The electrostatic precipitator of a power plant may be out of operation only during short-term incidents and the total duration must not exceed 120 hours during a calendar year.	If defects and incidents in the process and purification equipments increase emissions or change them to more harmful, the permit holder must take actions to prevent emissions, possible damages and recurrence of them. The equipment and operation must be normalised immediately.	
Germany	Before starting up of the process, the operator have to initiate a comprehensive inspection of the installation as a systematical inspection by an authorized expert. This includes the requirements of the immission control act, the occupational health and safety as well as the requirement of an integrated monitoring system with a system audit. The audit consists of a document audit and an operational test.		
Italy		Difference in storage of chemicals substances/dangerous waste	
Latvia	SEVESO installations.		
Poland		The operator has the “Guidance for prevention, management and reporting of incidental releases”	
Portugal			x
Romania	In the IPPC permit the operator has to take all the measure to avoid fugitive emissions of substances.		
Scotland	By <<date six months after date of permit>> the Operator shall prepare, implement and maintain an “Incident Prevention and Mitigation Plan”. At least every <<number>> years, the Operator shall review the Incident Prevention and Mitigation Plan required under Condition 2.4.5. Each review of the said Incident Prevention and Mitigation Plan shall be recorded and where the Operator makes any revisions to the said plan, said revisions shall be recorded.	Use of the residual condition in the PPC Regulations to use BAT at all times, Regulation 9(11).	
Slovakia	The harmful liquid waste from surface treatment of metals processing must be treated at the chemical waste water treatment plant that is situated in the installation. It is not allowed to release them to sewage or to the land.	Every planned change of processing in the installation that could influence the environment, is under integrated permitting process and the operator is obliged to notify them to the enforcement authority in advance.	
Slovenia		Operator must have "Procedure manual" for operating air/water treatment plant. Operator have to	

		record all operational events and activities connected with working of treatment plant in a separate log book.	
Spain		The operator has to implement a maintenance and survey plan to prevent spills, to control storages and to prevent that the spills reach the soil or water. They have to register all the maintenance operations and incidents. Compliance with the rules for the storage of chemical products.	
Sweden	-	-	-

3.3.2 Please, give some good examples of permit conditions on management of incidental releases

TABLE 33	As a binding condition, please give the wording	As a general consideration, please give the wording	We do not have any good examples
Croatia	-	-	-
Denmark			x
England & Wales	The operator shall: (a) maintain and implement an accident management plan; (b) review and record at least every 4 years or as soon as practicable after an accident, (whichever is the earlier) whether changes to the plan should be made; (c) make any appropriate changes to the plan identified by a review.		
Finland	Abnormal and other waste waters which affects negatively the operation and efficiency of a waste water treatment plant must be conducted to a safety pool. If necessary, waste waters have to be treated before conducting back to the treatment plant or they have to be conducted to the plant with a so slight discharge that the operation of the waste water treatment plant is not affected harmfully.	There must always be a sufficient amount of absorption material available on site in case of accidents and incidents. Chemicals, fuels, and other harmful substances which have leaked into the environment must be collected immediately.	
Germany	-	-	-
Italy		Incompatible substance/waste management.	
Latvia	According national legislation these requirements are included in conditions of permit.		
Poland		The operator has the “Guidance for prevention, management and reporting of incidental releases”.	
Portugal			x
Romania	According to the IPPC permit the operator shall: - take all the measures to avoid incidental releases; - implement a safety management system (Seveso establishments); - record any incident if it occur; - inform the authorities.		
Scotland	As 3.3.1.	As 3.3.1.	-
Slovakia	The operator is obliged to train the employers on incidental releases once a year and to give evidence of it.	To keep the measures and other duties that are laid down in the Guidance for incidental releases.	
Slovenia		Operator have to in case of malfunction of waste water treatment plant or at any	

		breakdown in technology, which cause exceeding pollution of industrial waste water immediately start measures to limit or prevent environmental impacts.	
Spain		They have to ensure that they have at any moment the resources to implement the response for the incidents.	
Sweden	Two examples of possible wordings: "In case of a shut-down the operator has to notify the competent authority prior to the shut-down" "In case of an incidental release, measures (specified which) have to be taken and monitoring (specified which) has to be done".		

3.3.3 Please, give some good examples of permit conditions on risk assessment

TABLE 34	As a binding condition, please give the wording	As a general consideration, please give the wording	We do not have any good examples
Croatia	-	-	-
Denmark			x
England & Wales			x
Finland	Until the end of the year 2008 a risk management plan has to be completed with a clarification of storage and use of harmful chemicals and if harmful substances are formed in the processes or are released to the environment, particularly taking into account the harmful substances mentioned in the appendix 1 of the Environmental Protection Decree.	The risk management plan must be kept updated. The risks, preventing actions and changes in the risk management plan must be reported to the authorities annually by the end of February in context of the annual reporting.	
Germany	1. submission of the analysis of the source of danger as an application document 2. requirement of the classification, marking and execution of the PLT protection equipment according to the VDI 2180.		
Italy		x	
Latvia	SEVESO installations.		
Poland			x
Portugal			x
Romania	Seveso establishments.		
Scotland	As 3.3.1.		
Slovakia	-	-	-
Slovenia			x
Spain		There is not a clear statement that obliges the operators to perform a risk	

		assessment, but they have to do it to prepare the prevention plan. In Spain, there is an experimental certifiable norm, that is under review, to assess the environmental risk of the sites in the event of accidents.	
Sweden	Legally binding, see above.		

3.3.4 Do the permit conditions occasionally include any short-term emission limit values (e.g. for prevention of incidental waste water releases)?

TABLE 35	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	Our IPPC Permits are used to implement the requirements of the Waste Incineration Directive. This Directive allows that during some process upsets emission readings can be excluded from calculations for short periods.
Finland	Yes	Not usually, however there have been short-term emission limit values in recent permits. The procedure is still ongoing among the appellate authorities.
Germany	Yes	The emission limits shall be established in the licensing notice or in a subsequent order as or example permissible fibre dust, odorous substances or mass concentrations of air pollutants in waste gas provided that: a) any daily mean values do not exceed the established concentration level and b) any half-hourly mean values do not exceed twice the established concentration level. Special arrangement (see 1.3.5) shall be drawn up for such processes during which values exceeding twice the emission limit cannot be avoided. Such processes during which: - a waste-gas purification facility has to be avoided for safety reasons (danger of deflagration, clogging-up or corrosion, - a waste-gas purification facility is not fully effective because of insufficient waste-gas throughput or - waste gas collection and purification is not feasible or only insufficiently feasible as receptacles are charged or emptied during intermittent manufacturing processes. Also for example: In case of installation which have to fulfill the requirements of the waste incineration directive and the large combustion plant directive.
Italy	No	
Latvia	No	
Poland	No	
Portugal	No	
Romania	No	
Scotland	Yes	Permits may allow exceedances due to abnormal weather conditions.
Slovakia	Yes	During repairing of waste water treatment plant, or same malfunction
Slovenia	Yes	Example from permit for waste incineration plant: "During start-up and shut down procedure, maximum ELV must not exceed half hour average ELV".
Spain	Yes	In some cases, they are allowed to exceed the limit value for a short period time even if they have to report it to the administration.
Sweden		Permit conditions normally include incidental releases. They are normally not given for short term periods like hours or days.

3.3.5 Do the permit conditions include any techniques (e.g. for a specific technique which should be used, BREFs)?

TABLE 36	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	
Finland	No	The techniques can not be directly set in the permit conditions; only the emission limits can be set.
Germany	Yes	This depends on the special example, at first the operator has to describe the technique in the application document, when the technique does not ensure that it will fulfil the requirements of the federal immission control act / the major accident ordinance, the licence authority writes down a permit condition. In this condition usually no technique is written down only an aim: The condition only include the ELV, and a technique or some techniques can be mentioned as an example.
Italy	Yes	The BAT are part of the authorisation.
Latvia	Yes	Only for IPPC installations.
Poland	Yes	Based on BREFs.
Portugal	Yes	The EU BREFs are proposed to the operator in a context of emissions reduction (quantitative and qualitative) and in a better energetic performance, not in the context of incidental releases.
Romania	Yes	BREFs/BAT.
Scotland	Yes	Would be site specific based on the application.
Slovakia	Yes	We do not specify which technique the operator should use. The condition is e.g. like this: The operator is obliged to find out, to design and to installate the appropriate technical equipment for taking hold of the organical substances released from the chimney during the processing and it must be in accordance with BAT.
Slovenia	No	
Spain	No	
Sweden	Yes	Sometimes, e.g. bio-treatment, electrostatic precipitators.

3.3.6 Is there a permit condition for notification of incidental releases?

TABLE 37	Yes or no	Please, give an example of the wording
Croatia	-	
Denmark	No	
England & Wales	Yes	<p>These conditions are included in every permit:</p> <p>4.3 Notifications</p> <p>4.3.1. The Agency shall be notified without delay following the detection of:</p> <p>(a) any malfunction, breakdown or failure of equipment or techniques, accident, or fugitive emission which has caused, is causing or may cause significant pollution;</p> <p>(b) the breach of a limit specified in the permit;</p> <p>(c) any significant adverse environmental effects.</p> <p>4.3.2. (option a) Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.</p> <p>Drafting note: You should use option a above, or b below, as appropriate.</p> <p>4.3.2. (option b) Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule x to this permit within the time period specified in that schedule.</p>

Finland	Yes	If the environment is subjected to an abnormal release or there is a threat for that or if a temporary emission exceeds or is going to exceed the target values or limit values, the operator must immediately announce the incident to the regional environment centre and the local authority.
Germany	Yes	By Seveso II installations. So called D1 (see annex 3 of the so called "executional aid for the statutory order on hazardous incidents" (Vollzugshilfe Störfallverordnung) incidental releases have to be reported to the administration if there is no impact outside the area of the plant, or no impact to the ground water, but the neighbour can notice the consequences of the incident and it seemed for him, that there is a danger (e.g. loud noises, flares, odour)
Italy	No	
Latvia	Yes	Incidental risk and action plans for extraordinary situations
Poland	Yes	User of the environment is obliged to notify the authority about the occurrence of an industrial accident.
Portugal	Yes	All emergency situations regarding incidental releases must be reported by written letter within 24 hours.
Romania	Yes	Immediately after an incident that has occurred.
Scotland	Yes	See 3.1.2.
Slovakia	Yes	Every incidental release, the excessive leak of the emission or the other extraordinary situation the operator is obliged to notify to the enforcement authority.
Slovenia	Yes	Operator have to report any malfunction of industrial WWTP, which cause exceeding pollution of industrial waste water to environmental inspectorate and to operator of public sewage system.
Spain	Yes	In the event of any abnormal condition or incident, they have to report to the emergency line of the Basque Government.
Sweden	No	

3.3.7 Do you have any other permit conditions related to incidental releases that you consider as good practice?

TABLE 38	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	No	
Finland	Yes	For emergencies, accidents and incidents the operator must have the possibility to close internal safety systems, safety pools of tanks and bunkers and sewer systems or to conduct rain and cooling waters through safety pools or waste water treatment plants into the water course. Manufacturing processes and safety systems must be kept updated, supplied with sufficient alarm and measuring equipment and the staff must be trained for the use of them.
Germany	No	
Italy	Yes	For SEVESO installations.
Latvia	No	
Poland	No	
Portugal	No	
Romania	Yes	For SEVESO establishments.
Scotland	No	
Slovakia	-	
Slovenia	No	
Spain	No	

Sweden	Yes	This is not regulated in permit conditions but is regulated in the Env. Code as part of the reporting request.
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3.4 Best Available Technique (BAT)

3.4.1 Are the BREFs useful

A. for prevention of incidental releases?

TABLE 39	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	No	
Finland	No	Not very useful for this purpose.
Germany	No	
Italy	Yes	
Latvia	Yes	
Poland	-	
Portugal	Yes	BREFs can promote prevention of incidental releases, namely by the use of good house keeping techniques.
Romania	Yes	Can promote prevention of incidental releases.
Scotland	No	
Slovakia	No	
Slovenia	Yes	BREFs give operator and permit writer certain level of knowledge regarding technology. It enables comparison between different techniques showing there advantages and disadvantages.
Spain	No	
Sweden		There are so many BREFs that it is hard to answer the question generally. However, prevention of incidental releases is often quite site-specific and thus perhaps more a matter for permitting in the individual case than for the the BREFs which have a sector level approach.

B. for managing of incidental releases?

TABLE 40	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	No	
Finland	No	
Germany	No	
Italy	Yes	
Latvia	No	
Poland	-	
Portugal	No	
Romania	No	
Scotland	Yes	Requirements to have risk based systems useful, otherwise too generic.

Slovakia	No	
Slovenia	No	
Spain	No	
Sweden		See above.

C. when assessing incidental releases?

TABLE 41	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	No	
Finland	No	
Germany	No	
Italy	No	
Latvia	No	
Poland		
Portugal	No	
Romania	-	
Scotland	No	
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden		See above.

3.4.2 Is your national technical guidance useful

A. for prevention of incidental releases?

TABLE 42	Yes or no	Please, specify
Croatia		
Denmark	No	
England & Wales	Yes	
Finland	Yes	
Germany	No	
Italy	Yes	
Latvia	No	
Poland	-	
Portugal	-	
Romania	-	
Scotland	No	
Slovakia	Yes	The measures are laid down in Water prevention act specifically.
Slovenia	No	
Spain	No	
Sweden		There is no.

B. for managing of incidental releases?

TABLE 43	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	
Finland	Yes	
Germany	No	
Italy	Yes	
Latvia	No	
Poland	-	
Portugal	-	
Romania	-	
Scotland	Yes	Requirements to have risk based systems are useful.
Slovakia	Yes	The operator is obliged to have guidance for incidental releases, where there are measures how to take action and to manage those situations.
Slovenia	No	
Spain	No	
Sweden		See above.

C. when assessing incidental releases?

TABLE 44	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	
Finland	Yes	
Germany	No	
Italy	No	
Latvia	No	
Poland	-	
Portugal	-	
Romania	-	
Scotland	Yes	Use of H1 screening tool of use.
Slovakia	Yes	In the definitions of incidental releases in acts are typical marks, they can help to assess the situation.
Slovenia	No	
Spain	No	
Sweden		See above.

3.4.3 Are there any specific problems with the use of BREFs concerning incidental releases?

TABLE 45	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England &	Yes	Too general in nature.

Wales		
Finland	Yes	The BREFs are usually based on the good average emission levels. Risks of accidents are not taken into account. For instance, use of hazardous chemicals can be considered as BAT (e.g. liquid sulphur dioxide), though there is in principle always a possibility of Seveso disasters.
Germany	Yes	The BREFS have not the focus concerning prevention incidental releases in general.
Italy	No	
Latvia	Yes	BREFs do not contain all relevant information concerning incidental releases
Poland	-	
Portugal	Yes	The BREFs do not contain much information concerning incidental releases
Romania	Yes	Brefs are too generic and do not contain relevant information about incidental releases.
Scotland	Yes	Too generic.
Slovakia	No	
Slovenia	Yes	BREF documents can not be used for preparing conditions in permit without proper legal grounding in national legislation.
Spain	Yes	The subject is not treated in most of the BREFs
Sweden		See above.

3.4.4 Are the risk analysis/assessments taken into account enough in the BREFs?

TABLE 46	Yes or no	Please, specify
Croatia	-	
Denmark	Yes	
England & Wales		Insufficient knowledge of BREF to answer 3.4.4.
Finland	No	
Germany	No	
Italy	No	
Latvia		BREFs do not contain all relevant information concerning risk analysis/assessments.
Poland		It is very difficult to answer these questions concerning the BREFs. BREFs are helpful and useful for the authorities granting permits and not for the control authorities. The main task of the control authorities is checking if permit conditions are kept.
Portugal	No	The BREFs do not take into account the level of risk.
Romania	Yes	
Scotland	No	BREFs tend to be a statement of the now rather than the potential for the future.
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden		See above.

Any further comments on the issues in Chapter 3

Croatia

The application form has already been determined by the permit application project carried out by the Croatian Centre for Cleaner Production (CCCP) during 2005, and has been sent for public discussion. The permit application form includes the experiences from the procedure of issuing the water rights permit (Article 15.5 of the Ordinance on issuing water rights acts) for cases of waste water discharges. The Regulation on the environmental permit (by the end of 2008) will prescribe the permit application form. The application form will contain the summary of the application for the public. The Regulation on limit values of pollutant emissions into the air from a stationary source in the technological process of mineral wool and

ceramic fibres production, and deadline for application of emission limit values of sulphur oxides (expressed as SO₂) from combustion installations, gas turbines and internal combustion engines (OG 98/05) regulates the limit values of emissions into the air pursuant to BREF in the glass manufacturing industry (EC: Reference Document on BAT in the Glass Manufacturing Industry, 2001). The determining of emission limit values pursuant to BAT techniques will be taken into consideration in bringing other emission regulations, particularly for water, air, noise and soil, e.g. the amendments to the Ordinance on limit values for indicators of hazardous and other substances in waste water (OG 40/90, 6/01, 14/01), and the regulations on emissions from stationary sources (pollutions into air and noise). The Regulation on the environmental permit will regulate the obligation of determining emission standards with regard to BAT, in cases where they are not determined by special emission regulations.

- BAT is defined in the Air Protection Act (OG 178/04), Article 7, and the principle of application for air polluting plants is regulated in Article 35 thereof. BAT definition will be prescribed by the Environmental Protection Act (2006).

- Regulation on the environmental permit (by the end of 2008) will regulate the use of BREF as a basis for defining bat techniques.

England and Wales

Insufficient knowledge of BREF to answer 3.4.4.

4 ENVIRONMENTAL RISK ANALYSIS/ASSESSMENT

4.1 What identification methods for risk assessment are being used in your country?

TABLE 47	HAZOP, Hazard and Operability Study	PPA, Potential Problem Analysis	Other national methods, please specify	Other international methods, please specify	No methods
Croatia					
Denmark	x				
England & Wales	x				
Finland	x				
Germany	x		PAAG Studies, effect of malfunction analysis (Ausfalleffektanalyse - DIN 25448), chain of events analysis (Fehlerbaumanalyse DIN 25424-1), sequence of results analysis (Ereignis-Ablaufanalyse - DIN 25419)		
Italy	x	x			
Latvia	x			FMEA, What if	
Poland		x			
Portugal			The operator has to analyze, the use of dangerous substances, storage conditions, risk of fire and explosion, means of intervention in case of an accident, written procedures for emergency situations.		
Romania	x		The operator has to analyze, the use of dangerous substances, storage conditions, risk of fire and explosion, means of intervention in case of an accident, written procedures for emergency situations.		
Scotland	x				
Slovakia			Expert judgements		
Slovenia	x				
Spain	x		Experimental norm for environmental risk assessment	what if, historic analysis, Failure mode and effects analysis, failure/event tree analysis (this are mainly use by the chemical industry and no in the others)	
Sweden		x	Many mehtods are applied including the ones mentioned above		

4.2 What consequence analysis for risk assessment are being used in your country?

TABLE 48	Expert judgements	Environmental impact assessment	Other national methods, please specify	Other international methods, please specify	No methods
Croatia	-	-	-	-	-
Denmark	x				
England & Wales	x	x			
Finland	x	x			
Germany	x				
Italy	x				
Latvia	x	x			
Poland	x	x			
Portugal	x	x			
Romania	x	x			
Scotland	x	x			
Slovakia	x	x	SEVESO act.		
Slovenia		x			
Spain			Experimental norm for environmental risk assessment, but it is not very extended yet. It is under review.		
Sweden			See 4.1.		

4.3 Are there any guidance or quality requirements for documentation?

TABLE 49	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	Guidance for IPPC applicants is available on our website (www.environment-agency.gov.uk).
Finland	Yes	Recommendations for the environmental risk analysis for accidental emissions have published by the so called YMPÄRI project.
Germany	Yes	Yes, by a national directive, the so called "executional aid for the statutory order on hazardous incidents" (Vollzugshilfe Störfallverordnung).
Italy	Yes	Security management System for SEVESO installations and Environmental management System for IPPC installations.
Latvia	No	
Poland	Yes	For "increased-hazard establishment" and "high-hazard establishment" according to articles 248-269 of Environmental Protection Law Act.
Portugal	No	
Romania	Yes	M.O. no 1158/2005 for approval of the integrated permit procedure, Guidance on risk assessment.
Scotland	Yes	Draft H1 screening tool; ISO standars re HAZOPs etc.
Slovakia	Yes	SEVESO act.
Slovenia	Yes	Documentation for preparing EIA report has determined structure and level of quality.
Spain	No	
Sweden	Yes	Within the permitting legislation and procedures there are legal requirements as to

		the quality of the application and the safety reports. The quality shall allow the setting of appropriate conditions by the permitting authority.
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4.4 What kind of installations are obliged to do risk assessments?

TABLE 50	All IPPC installations	Some installations, please specify which installations and why
Croatia		Installations which are obligated according to Ordinance on Environmental Impact Assessment (OG No. 59/00, 136/04, 85/06) and Environmental Protection Emergency Plan (OG No. 82/99, 86/99, 12/01).
Denmark	x	
England & Wales	x	
Finland		In general all IPPC installations and at least all Seveso II installations.
Germany		Seveso II installations.
Italy	x	
Latvia	x	
Poland		“Increased-hazard establishment” and “high-hazard establishment”.
Portugal	x	
Romania		IPPC installations except the installation from 6.6 Annex 1 of IPPC Directive.
Scotland	x	
Slovakia		The installations under SEVESO.
Slovenia		SEVESO.
Spain		All the IPPC installations have to perform a prevention plan and for that they have to conduct a risk assessment somehow but it is not defined.
Sweden	x	According to legislation risk assessments as well as safety reports has to be included in the application for all IPPC installations. Appropriate conditions concerning environmental risks and safety have to be set.

4.5 Who is responsible for carrying out risk assessments?

TABLE 51	Authority	Operator	Consultant	Other, please specify
Croatia		x		
Denmark	x	x	x	
England & Wales		x		
Finland		x		
Germany		x		
Italy		x		
Latvia		x		
Poland	x	x		
Portugal		x		
Romania		x	x	
Scotland	x			
Slovakia		x		
Slovenia		x		
Spain		x		
Sweden		x		

Any further comments on the issues in Chapter 4

Slovakia

The enforcement authority does not apply for risk assessment when IPPC permit is issued. Occasionally expert judgement is applying the new production or processing before designing and building must be assessed with environmental risk assessment (EIA act).

Sweden

It is not absolutely clear what kind of risks the questions are focusing on. One could understand the questions as focusing on "Seveso" issues which according to the definition of "incidental releases" should not be the case. This might lead to difficulties in comparing answers.

5 ENVIRONMENTAL MANAGEMENT SYSTEMS

5.1 Does your national legislation recognise operators' environmental management system (EMS) in the permit procedure?

TABLE 52	Yes, EMAS	Yes, ISO 14001	Yes, other EMSs	No	Please, specify
Croatia	-	-	-	-	-
Denmark				x	
England & Wales	x	x	x		
Finland	x	x	x		According to the Environmental Protection Decree, there must be a disquisition of an environmental management system.
Germany				x	
Italy	x	x			
Latvia	x	x			
Poland				x	
Portugal				x	
Romania	x	x			
Scotland				x	While useful, there is no formal recognition in PPC Regulations.
Slovakia				x	
Slovenia	x	x	x		
Spain	x	x			
Sweden				x	

5.2 Is an EMS mandatory for IPPC installations in your country?

TABLE 53	Yes, EMAS	Yes, ISO 14001	Yes, any EMS	No	Please, specify
Croatia	-	-	-	-	-
Denmark				x	
England & Wales			x		
Finland				x	
Germany				x	
Italy				x	
Latvia				x	It is not voluntary.
Poland				x	
Portugal				x	
Romania	-	-			Operators are required to demonstrate adequate management of the activity, however having a formal EMS is not a requirement, provided the operator can demonstrate that the process is adequately controlled.
Scotland				x	Operators are required to demonstrate adequate management of the activity however, having a formal EMS is not a requirement, provided the operator can demonstrate that the process is adequately controlled.
Slovakia				x	

Slovenia			x		
Spain				x	Only the hazardous waste managers are obliged to have a certified EMS.
Sweden				x	

5.3 Is the operator's EMS noticed in permit conditions?

TABLE 54	Yes, EMAS	Yes, ISO 14001	Yes, other EMSs	No	Please, specify and give an example of a wording
Croatia	-	-	-	-	-
Denmark				x	
England & Wales			x		All permits contain the conditions: 1.1 General management 1.1.1. The activities shall be managed and operated: (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the operator as a result of complaints; and (b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities. 1.1.2 Records demonstrating compliance with condition 1.1.1. shall be maintained.
Finland				x	Not directly, indirectly the issue contributes in the permit consideration.
Germany				x	
Italy	x	x			
Latvia				x	
Poland				x	
Portugal	x	x	x		
Romania	x	x			
Scotland				x	As 5.1.
Slovakia		x			The operator owns the certification of environmental management system ISO 14001 from 23 October 1998.
Slovenia				x	
Spain				x	Only in the quoted case.
Sweden				x	

5.4 Does the operator's EMS have a role in the permit procedure concerning incidental releases?

TABLE 55	Yes, part of the permit procedure	Yes, back-ground material	No role	Other, please specify	Please, specify the role of the system
Croatia	-	-	-	-	-
Denmark			x		
England & Wales	x				

Finland		x			
Germany			x		
Italy			x		
Latvia			x		
Poland			x		
Portugal			x		
Romania		x			
Scotland		x			Operators with formal EMS tend to have a better appreciation of the application process and normally have better information upon which to base the application.
Slovakia			x		It has a role only in the situation when an integrated permit will be reconsidered. The owners of ISO 14001 are under reconsidering every 10 years and others without EMS every 8 years.
Slovenia		x			
Spain			x		
Sweden			x		

5.5 Does the enforcement authority in your country inform the national EMAS competent body of incidental releases of an operator?

TABLE 56	Yes, written procedure with thresholds	Yes, occasionally	No	Please, specify
Croatia	-	-	-	-
Denmark		x		
England & Wales		x		The EMAS competent body asks the Environment Agency for comments on the operator's performance. If the Environment Agency has prosecuted the operator for any environmental offences, then they may be de-registered.
Finland		x		Usually it is connected with serious cases and exceeding of permit limits are also related to them.
Germany			x	
Italy		x		
Latvia			x	
Poland		x		
Portugal		x		
Romania	x			
Scotland		x		Only when requested, no proactive notification.
Slovakia	x			The enforcement authority must send the written viewpoint about the environmental situation in the installation, that regards the incidental releases as well, to the national competent body in EMAS procedure.
Slovenia			x	
Spain		x		Only when there has been a serious impact or risk for the environment.
Sweden			x	

5.6 Does the enforcement authority in your country cooperate with auditors of EMS?

TABLE 57	Yes, EMAS	Yes, ISO 14001	Yes, other EMSs	No	Please, specify
Croatia	-	-	-	-	-
Denmark				x	
England & Wales				x	
Finland	x				The cooperation is quite formal and concentrated on exchange of information.
Germany				x	Usually the enforcement authority do not cooperate with auditors of EMS, EMS does not include cooperation with the authorities, because the basis of EMS is voluntariness. Usually not, only in very special cases.
Italy	x	x			
Latvia				x	
Poland				x	
Portugal				x	
Romania	x	x			
Scotland	x	x	x		Only when requested.
Slovakia				x	
Slovenia				x	
Spain				x	
Sweden				x	

5.7 Does the operator's EMAS environmental statement have a role in the permit procedure concerning incidental releases?

TABLE 58	Yes or no	Please, specify
Croatia	-	
Denmark	No	
England & Wales	Yes	
Finland	No	
Germany	No	
Italy	No	
Latvia	No	
Poland	No	
Portugal	No	
Romania	No	
Scotland	No	
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden	No	

Any further comments on the issues in Chapter 5**Croatia**

The Accreditation Act (OG 158/03) has already established the Croatian Accreditation Agency as the accreditation body in the Republic of Croatia. The Croatian Accreditation Agency is the national accreditation authority and represents Croatia in European and other international accreditation organisations. The Agency was founded by the Government of the Republic of Croatia. It has acted as an independent accreditation authority since 1 January 2005. The Environmental Protection Act (2006) is envisaged to confirm the Croatian Accreditation Agency as the body for the accreditation of independent environmental verifiers in EMAS. At the moment Croatia has only one certification authority, accredited according to the ISO/IEC Guide 66. There are also several applications for accreditation to the system. So far, 123 organisations have received ISO 14 001 certificates, but that certification was implemented by verifiers accredited by foreign accreditation bodies. Inspectional supervision of the enforcement of EMAS system by registered organisations will be performed by the environmental protection inspection of the Ministry of Environmental Protection, Physical Planning and Construction. The Croatian Accreditation Agency will supervise the operations of independent environmental verifiers.

6 MONITORING, REPORTING AND RECORD KEEPING

6.1 How do you quantify incidental releases?

A. Do you use measurements?

TABLE 59	Yes or no	Please, specify
Croatia	Yes	Waste sampling can be conducted only by laboratories accredited for carrying out tests according to the Croatian standard HRN EN ISO/IEC 17025-2000. Air sampling can be conducted only by legal persons registered to carry out activities of monitoring air quality.
Denmark	Yes	Depending of the kind of release, in a e.g. watercourse samples can be taken out.
England & Wales	Yes	The operator is required to quantify the release when he reports the incident.
Finland	Yes	If possible, the operator have to quantify the release by measuring or calculating.
Germany	Yes	When there is a continuously analyser in the outlet.
Italy	Yes	If necessary.
Latvia	No	
Poland	Yes	(For example, taking samples of polluted soil or water).
Portugal	Yes	The operator quantify the release when he reports the incident.
Romania	Yes	It is possible to monitor in case there is a continue monitoring or self monitoring of the pollutants.
Scotland	Yes	Yes but very rare.
Slovakia	Yes	The analysis of water, air, of dying fishies etc. are made.
Slovenia	Yes	In case operator has on-site already installed necessary equipment for (continious) monitoring.
Spain	Yes	Depends on the situation, the air and water quality networks can be used to evaluate the impact on the environment.
Sweden		Depends.

B. Do you use calculations?

TABLE 60	Yes or no	Please, specify
Croatia	No	
Denmark	Yes	Computerbased models to etsimate the influence at the environment (air,water).
England & Wales	Yes	The operator will mainly use calculations.
Finland	Yes	The operator uses often calculations.
Germany	Yes	
Italy	Yes	
Latvia	Yes	Calculations based on hand records.
Poland	Yes	(For example, when we know capacity of a container).
Portugal	Yes	The operator quantify the release when he reports the incident.
Romania	Yes	The operator uses often calculations.
Scotland	Yes	A required, estimation/calculation much more prevalent due to transitory nature of incidental releases.
Slovakia	No	
Slovenia	Yes	If there is enough data, estimation of quantity of incidental releases can be done.

Spain	Yes	We ask the operator to report on the incident and, if possible, to estimate the release.
Sweden		Depends.

6.2 Is there a threshold for reporting the incidental releases to the authority in your country?

TABLE 61	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	The releases must be significant - see answer to question 3.3.6
Finland	No	No, it should be reported at once.
Germany	Yes	For example a leakage of 50 l of a water hazardous chemical.
Italy	No	
Latvia	No	
Poland	No	
Portugal	No	
Romania	Yes	When are exceeded old the threshold from authority.
Scotland	Yes	Based on concept of 'pollution'. No specific thresholds set.
Slovakia	No	
Slovenia	Yes	Incidental releases will be reported as part of E-PRTR report. First reporting year is 2007. Operator will report a release of pollutant only in case that total release is larger than treshold in Annex 2 of E-PRTR regulation.
Spain	No	
Sweden		See the answer concerning 3.1.2 telling that all incident releases has to be reported.

6.3 Are there any time limits for reporting the release(s)?

TABLE 62	Immediately	24 hours	Other, please specify	No
Croatia	x			
Denmark				x
England & Wales	x	x	See answer to 3.3.6	
Finland	x			
Germany	x			
Italy	x			
Latvia	x			
Poland			It depends on kind of installation and on permit conditions.	
Portugal		x		
Romania	x			
Scotland	x	x	Forthwith, then confirmation within 24 hours and full report within 14 days.	-
Slovakia	x			
Slovenia			Amount of incidental release is reported as a part of e.g. E-PRTR report once per year. The case that incidental release happened and that it cause exceeding pollution e.g. into industrial waste water has to be reported by operator to environmental inspectorate immediately.	
Spain	x	x	The ones with an impact on the environment have to be reported immediately and the ones with low risk in 24	

			hours. Nevertheless, they do not fulfil it normally.	
Sweden			Varies with the CA, see also the answer concerning 3.1.2. In addition to the reporting/notification request according to the Environmental Code there are strict reporting requests in accordance to other regulations as for example safety, work environment and rescue service. The different competent authorities cooperate.	

6.4 Are there any agreement(s) between the operator and the authority for the procedures concerning reporting?

TABLE 63	Yes, e-mail	Yes, phone	Yes, fax	Yes, other, please specify	No
Croatia					x
Denmark	x	x	x	Personal contact e.g cellular phone.	
England & Wales	x	x	x	The operator can use the national telephone number for the Environment Agency or agree with the local inspector to use other arrangements.	
Finland	x			Emission data can be transferred from an operator to the authority on the Internet.	
Germany	x	x	x		
Italy			x		
Latvia	x	x	x		
Poland				Reporting is included in permit conditions.	
Portugal			x	Letter	
Romania	x	x	x		
Scotland	x	x	x	Specified in permits.	-
Slovakia		x	x		
Slovenia			x	In case of yearly report as a part of E-PRTR report it will be done according to Annex 3 of E-PRTR regulation.	
Spain				If it is immediate, they have to do it by phone or fax to the emergency line of the Basque Government.	
Sweden				Varies.	

6.5 Are the incidental releases considered as part of the emissions reported to the EU (PRTR, SEVESO II, III)?

TABLE 64	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	Incidental releases are included in PRTR and in Seveso reports of major accidents.
Finland	Yes	If they are included in the total emissions, as they normally are.
Germany	Yes	
Italy	No	
Latvia	Yes	The Ministry of the Environment reports about SEVESO II, III to the EU since year 2003.
Poland	No	

Portugal	Yes	
Romania	Yes	Included in PRTR and Seveso reports.
Scotland	Yes	All releases to be submitted.
Slovakia	Yes	Ministry of the Environment is responsible of it.
Slovenia	Yes	PRTR.
Spain	No	
Sweden		Included.

6.6 How are the authorities on duty for receiving information on incidental releases?

TABLE 65	24 hours	Only during office hours	During some other time period, please specify
Croatia	x		
Denmark		x	
England & Wales	x		
Finland			In principal only during office hours, but depending on the occasion also other times, but there is no obligation for it.
Germany	x		
Italy	x		
Latvia	x		
Poland	x		
Portugal	x		
Romania	x		
Scotland	-	-	-
Slovakia	x		
Slovenia		x	
Spain	x		
Sweden	-	-	See 6.3.

6.7 Who is keeping the records of incidental releases?

TABLE 66	Authority	Operator	Other, please specify
Croatia	x	x	
Denmark		x	
England & Wales	x	x	
Finland	x	x	
Germany	x	x	
Italy	x		
Latvia	x	x	
Poland	x	x	
Portugal	x	x	
Romania	x	x	
Scotland	x	-	Via public register; all reports made should be placed on public register. Also SEPA internal events database.
Slovakia	x	x	
Slovenia		x	

Spain	x	x	
Sweden	-	-	See 6.3.

6.8 Who is keeping the records of near misses (accidents which almost have taken place)?

TABLE 67	Authority	Operator	Other, please specify
Croatia			There is no records of near misses.
Denmark	-	-	-
England & Wales		x	
Finland		x	
Germany		x	Several operators installed voluntarily a system for bookkeeping near-miss situations. The operators are obliged to analyze accidents/incidents which almost have taken place with relevance for their installation.
Italy	x		
Latvia		x	
Poland			None.
Portugal		x	
Romania	x	x	
Scotland	-	x	As per health & safety legislation of HSE.
Slovakia		x	
Slovenia		x	
Spain		x	There is not a lot of information on them.
Sweden	-	-	See 6.3.

6.9 Are the near misses being monitored?

TABLE 68	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	During inspections.
Finland	No	
Germany	Yes	Self-monitoring.
Italy	Yes	If necessary.
Latvia	Yes	Self- monitoring.
Poland	No	
Portugal	No	
Romania	Yes	Only in case of on line monitoring.
Scotland	No	
Slovakia	Yes	By operator.
Slovenia	No	
Spain	No	
Sweden	-	See 6.3.

6.10 Are the incidental releases always discussed with the supervision authorities

TABLE 69	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	All incidental releases must be notified.
Finland	Yes	All incidental releases are registered.
Germany	No	
Italy	Yes	
Latvia	No	
Poland	No	
Portugal	Yes	
Romania	Yes	All incidental releases must be notified.
Scotland	Yes	As part of routine follow ups to incident reports.
Slovakia	Yes	Obligation set by legislation.
Slovenia	No	
Spain	Yes	They have to send a report to the Environment and Soil Planning Department and discussed in the case that is needed.
Sweden	-	When appropriate.

6.11 Are the near misses always discussed with the supervision authorities?

TABLE 70	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	No	
Finland	No	
Germany	No	
Italy	Yes	
Latvia	No	
Poland	No	
Portugal	No	
Romania	Yes	During the permit procedure or when it is necessary to review the permit..
Scotland	No	
Slovakia	No	
Slovenia	No	
Spain	No	
Sweden	-	When appropriate.

6.12 Do you monitor the environmental impacts of the incidental releases?

TABLE 71	Yes or no	Please, specify
Croatia	No	-
Denmark	No	-
England & Wales	Yes	The Environment Agency has monitored the releases close to some problem sites e.g. cement kilns. The Environment Agency or the local authority will monitor when

		there is a risk of breaching an air quality standard.
Finland	Yes	Principally the operator monitors according to the permit condition. The authority does control measurements in serious cases.
Germany	Yes/No	Incidental releases will be monitored close to some problem sites, when there is a immission control, but usually not. You cannot measure emissions out of leaks, during the incidents. Usually the operator has to calculate incidental releases and accidental releases.
Italy	Yes	-
Latvia	Yes	Case bay case approach.
Poland	Yes	(For example, by taking samples of polluted soil or water).
Portugal	Yes	If it is considered important, IGAOT can monitor the emissions caused by the environmental incident.
Romania	No	
Scotland	Yes	Only if these can be monitored at the time of the release otherwise calculation/estimation used.
Slovakia	Yes	The quality of rivers water is analysed, in air: some of the operators have the automatical measuring system, so it is the continuing measurement of the released emissions.
Slovenia	No	-
Spain	Yes	-
Sweden	Yes	-

6.13 Who is responsible for assessing the environmental impacts of the incidental releases?

TABLE 72	Authority	Operator	Consultant	Other, please specify
Croatia	-	-	-	-
Denmark	x			
England & Wales		x		
Finland		x		
Germany		x		
Italy	x			Environmental Agency.
Latvia		x		
Poland	x	x		
Portugal	x	x		
Romania	x			
Scotland	-	x	-	-
Slovakia		x		
Slovenia		x		
Spain	x	x		
Sweden	-	x	-	-

7 INSPECTION AND ENFORCEMENT

7.1 How much do the inspections of incidental releases encumber the authorities?

TABLE 73	Substantially, please specify	To some extent, please specify
Croatia		Depending on obtained complaints because mainly inspections of incidental releases are based on obtained complaints.
Denmark	-	-
England & Wales		All incidental releases will be investigated.
Finland		x
Germany		It depends on the kind of installation and on the time for the examination and the time for discussing measures with the operator.
Italy		x
Latvia		x
Poland		x
Portugal	Study not made yet.	Study not made yet.
Romania		The number of inspections for incidental releases is rather small in comparison with the total number of inspections.
Scotland	Very reactive workload which can interfere with planned work.	-
Slovakia		About 30% of the all inspections.
Slovenia		Plan of working has to be adopted to inspect incidental release.
Spain		We received around 400 calls per year, but only an estimated 30% require action.
Sweden	See 3.1.2.	See 3.1.2.

7.2 In which category of industrial activities do incidental releases occur most frequently (emissions to air, water and soil)? Refer to the Annex 1 of the IPPC Directive.

TABLE 74	
Croatia	In Croatia there is no final list of IPPC installation refer to the Annex I of Directive, and the legal framework for the establishment of an integrated environmental pollution prevention and control system will be the new Environmental Protection Act /2006/ and appropriate implementing legislation in compliance with the provisions of the IPPC Directive /2007-2008/.
Denmark	-
England & Wales	A detailed breakdown of industrial performance for 2005 can be found in our "Spotlight" report at: http://www.environment-agency.gov.uk/business/444255/1427691/ In 2006 we recorded 1962 accidental releases. These range from the very minor to the very significant. Nearly 96% were in the more minor categories. Waste incineration accounted for 30% of the total. Most of these were observations from continuous monitoring equipment, measuring many breaches of half-hourly limits. The Chemical Industry accounted for 13%, the Metals industry for 12%, the Food & Drink industry for 10% and Combustion 5%. The rest were split amongst other sectors.
Finland	No statistics available.
Germany	Seveso II Installations: No. 4 Chemical industry: 46%, No. 1 Energy industry: 13%, Storage: 6%, No. 6 Production of pulp and paper: 6%, No. 2 Production and processing metals: 6%, No.

	5 Waste management: 3%.
Italy	Emission to air , water and soil for the chemical installations (category 4).
Latvia	We do not sort them.
Poland	Installations for the intensive rearing of poultry or pigs (emissions to air).
Portugal	Study not made yet.
Romania	Energy industries, chemical industry; industrial activities for pulp and paper production; industrial activities for metals processing.
Scotland	To air of odour from animal waste treatment and disposal installations.
Slovakia	The first one are on the roads, then are from agricultural installations, but it is not under this questionnaire. Very occasionally they are from the IPPC installations.
Slovenia	-
Spain	Emissions to air and water.
Sweden	No study available as far as I know.

7.3 Do you categorize the incidental releases?

TABLE 75	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	Yes	We have a detailed Incident Classification Scheme, see at our website: http://www.environment-agency.gov.uk/business/444217/444661/444671/466170/758734 .
Finland	No	
Germany	No	Partly only the accidents.
Italy	Yes	
Latvia	No	
Poland	No	
Portugal	No	
Romania	No	
Scotland	No	
Slovakia	Yes	1.The kind of the substances, 2. the reason of the arising.
Slovenia	No	
Spain	Yes	According to the urgency and impact/risk.
Sweden	-	

7.4 Do the incidental releases cover near misses?

TABLE 76	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales	No	
Finland	No	
Germany	No	
Italy	Yes	
Latvia	No	
Poland	No	
Portugal	No	

Romania	No	
Scotland	No	
Slovakia	-	
Slovenia	No	
Spain	No	
Sweden	Yes	You have included near misses in your definition on incidental releases for this project.

7.5 What reasons seem to be the most common for incidental releases?

TABLE 77	Human mistakes	Technical problems	Economic reasons	Natural phenomena	Other reasons
Croatia	-	-	-	-	-
Denmark	x	x			
England & Wales		x			
Finland	x	x			
Germany	x	x			
Italy	x	x			
Latvia	x	x	x	x	-
Poland	x	x			
Portugal		x			
Romania	x	x		x	x
Scotland	x	x	-	-	-
Slovakia		x			
Slovenia		x			
Spain	x	x			
Sweden	-	-	-	-	-

7.6 How are non-routine environmental inspections being carried out in your country, in cases of complaints, accidents, incidents and occurrences of non-compliance according to the Chapter IV (5 f) of MCEI?

TABLE 78	
Croatia	Besides routine inspections in plans, certain man working days are also provided for non-routine inspection included response to complaints and case of accidents/incidents. In cases of non-routine inspections, inspector writes a record about accidents/incidents and takes all necessary actions/measures prescribed by national environmental protection legislative.
Denmark	-
England & Wales	All notification or complaints will be investigated by the Environment Agency officer responsible for the installation, as detailed in a our Work Instruction (ref 202_05) "Generic Methodology for assessing Compliance and the Compliance Classification Scheme".
Finland	Case-specific consideration, an inspection on site, further actions are agreed with different parties.
Germany	Plan for environmental inspections for plants (1998/2004) chapter 5.1.2.
Italy	We don't have a specific guidance for non-routine environmental inspection. We take action in every case of complaints, accident and incidents.
Latvia	Special team of experts is established.
Poland	Guidance for environmental inspections includes all types of inspections: routine and non-routine inspections (in response to complaints, accidents, incidents and non-compliance). In-

	spectorates for Environmental Protection have yearly plans for inspections: 80 % of time for routine inspections and 20% of time for non-routine inspection. Non-routine site visits are carried out immediately in the investigation of serious environmental accidents after these come to the notice of the inspecting authority. Generally the authority has one month to carry out an inspection in response to complaints (according to Administrative Code Act).
Portugal	In case of complaints, accidents and incidents, according with the situation, analysis is made, a written notification is sent to the operator or a local inspection may be performed.
Romania	In accordance with the G.D. no 440/2005, annex III.
Scotland	Via SEPA's OPA system which identifies necessary resource for follow up action.
Slovakia	All have the same procedures.
Slovenia	Procedure of non-routine environmental inspection in case of complaints, accidents, incidents and occurrence of non-compliance is basically similar to procedure in case of routine environmental inspection. Main difference is, that in case of e.g. complaints regarding noise or air emissions, inspector would focus their inspection more to that environmental media.
Spain	The procedure is the same than for the routine ones. The choice of the sites is as follows. If there an urgent answer is requires, an inspector evaluates it and goes straight away. On the other hand, annually the incidental releases database is revised and some of the sites are selected for inspection on the base of the probability of happening in the future and the magnitude. This is, if we received several calls from the site in the last years, it is a candidate for inspection.
Sweden	This is part of the inspection planning and handled by CA.

7.7 How are incidents and occurrences of non-compliance according to the Chapter VII of MCEI being investigated in your country?

TABLE 79	
Croatia	Within the shortest possible time inspectors have to: <ul style="list-style-type: none"> - come on location and clarify the reasons for the occurrence and its environmental impact (responsibility, consequences and sanctions), - mitigate/possibly remedy the environmental effects of the occurrence, - establish measures for the prevention of further accidents, incidents and non-compliance with legislation, - define sanctions for the operator, - monitor the operator's activities related to the removal of causes of the occurrence.
Denmark	-
England & Wales	See answer to 7.6 above. If the incident is serious and the operator informs the Environment Agency using the 24 hour emergency contact number, then the emergency control room can contact an Environment Agency Duty officer who will respond to the incident. There is an officer on duty in each area team 24 hour a day, 365 days a year.
Finland	Supervision authorities investigate all cases. The police participates always in serious and criminal cases.
Germany	plan for environmental inspections for plants (1998/2004) chapter 5.1.2.
Italy	We still haven't a an approach to incidents and accident releases developed according with MCEI. In Lombardy we have a procedure developed according to MCEI.
Latvia	Case bay case approach.
Poland	They are investigated by carrying out inspections, taking samples, doing measures, inspection of records.
Portugal	Same as 7.6.
Romania	In accordance with the G.D. no 440/2005, annex III.
Scotland	As above.

Slovakia	The special procedure of the inspection in according to a different direction.
Slovenia	In cases of serious accidents, incidents and occurrences of non-compliance with EC legislation, competent authority form a group of experts with task to clarify the causes of the event and impact on the environment, mitigate the environmental impacts and determine action to be taken.
Spain	Every time we have a call of an incident, this is first confirmed by the closest administrative resources (police, council, etc.). If so, the environmental technical staff evaluates the risk of the incident and decides the required action. This can be to archive the call, administrative reaction from the office or inspection of the site.
Sweden	Incidents as defined in the project is included in the permit conditions as explained in the answers above. Non-compliance situations are regulated by strict legal requests which means that CA has i) to report every non-compliance to the prosecutor and ii) to impose an Environmental Charge.

7.8 How are incidental releases being inspected during a routine inspection in your country?

TABLE 80	Inspection of records of near misses	Inspection of records of incidental releases	Inspection of a plan for risk assessment
Croatia	-	-	-
Denmark		X	
England & Wales	X	X	
Finland	X	X	X
Germany			X
Italy		X	
Latvia		X	X
Poland		X	X
Portugal	X	X	
Romania	X	X	X
Scotland	X	X	X
Slovakia			X
Slovenia		X	
Spain	X	X	X
Sweden	X	X	X

7.9 If there has been an incident, would you contact other organisations in your country?

TABLE 81	Fire department, in which case?	Rescue services, in which case?	Safety technology authorities, in which case?	Industrial safety administration, in which case?	Chemical authorities, in which case?	Other, please, specify
Croatia						legal person authorised for remedy/rehabilitation of environmental damage (if necessary)
Denmark	X	X	X	X	X	X

England & Wales			If we believed that there was a breach of safety legislation.	If we believed that there was a breach of safety legislation.		
Finland		Usually in accidents.				The environmental authority takes care of that an operator will contact also other supervising authorities.
Germany	In the case of discussion of measures for fire protection.				Labelling chemicals.	Occupational health and safety authority.
Italy	Always.		If necessary.	If necessary.		Always local police.
Latvia						Fire and rescue service, Hazardous waste management state agency, Labour inspection.
Poland	Yes, when there is a possibility of fire or explosion, or an accident is connected with dangerous substances.	Yes, when people are in danger or hurt.				
Portugal						Decided in a case-by-case bases.
Romania		x				General Inspectorate for Emergency Situations(GIES)
Scotland	If fire and not already reported.	As part of any preagreed response plan, but mainly such a report	Where SEPA believes that H&S an issue/ contributory factor at any	As beside.	-	

		would be made by operator.	site.			
Slovakia	Most of incidents, Seveso installations.	Seveso installations.	Seveso installations.			The river basin authority, the Municipality offices.
Slovenia	-	-	-	-	-	-
Spain						Civil protection Unit. They coordinate all the releases.
Sweden	x	x	x	x	x	All listed authorities above have responsibilities and there are cooperation between the authorities as regulated by the legislation.

7.10 What measures are being used in your country for enforcement?

TABLE 82	Voluntary means, describe in which situation	Administrative means, describe in which situation	Fines, describe in which situation	Admonition, describe in which situation	Official report of an offence, describe in which situation
Croatia		x			
Denmark		x	x		
England & Wales		The method used (administrative/ fines/ admonition) depends on the outcome of the Common Incident Classification Scheme and the Enforcement and Prosecution Policy. Fines can only be imposed by the courts.	The method used (administrative/ fines/ admonition) depends on the outcome of the Common Incident Classification Scheme and the Enforcement and Prosecution Policy. Fines can only be imposed by the courts.	The method used (administrative/ fines/ admonition) depends on the outcome of the Common Incident Classification Scheme and the Enforcement and Prosecution Policy. Fines can only be imposed by the courts.	The Environment Agency publishes an annual "Spotlight" report which will publicise the worst incidents.
Finland	x	x			x
Germany	x	x	x	x	
Italy			x		
Latvia		Inspection	x	x	

		report, instructions.			
Poland	Yes, it depends on a scale of an accident.	Yes: decisions, stoppage of a plant or a process, notification to a public prosecutor or the court.	Yes		In every case.
Portugal		Postal notification, in order to verify the compliance related to same legislation, exclusively by documentation evidence and proof. Orders requiring operators to take action (mandates). In case of non-compliance, then the reports are sent to prosecutor.	Consequence of issue of notices.		x
Romania		The permit cancellation.	The fines are applied when the ELVs are exceeded.		
Scotland	Minor releases, infrequent.	Minor releases but repetitive.	Medium releases, even if infrequent.	-	Major releases all cases.
Slovakia		Almost in all situations.	They are not the enforcement, they are as the result of the damages.		Physical entity.
Slovenia			In case of not fulfilling obligations from legislation operator is fined.		
Spain	When it is there is not significant risk for environment or population and the willingness of the operator to collaborate is clear.	In some cases, we put temporal measures on the activity. They can go from stopping some part of the process to the whole activity, until the meet the emis-	When the emission has been about the limit or there has been an effect on the environment and they have not acted immediately to solve the situation.		

		sion limit values or it is clear that there is no risk.			
Sweden	x	x	x	x	x

7.11 Are the enforcement measures efficient?

TABLE 83	Yes or no	Please, specify
Croatia	Yes	Operator usually proceeds according to issued decision.
Denmark	Yes	Depending of the kind of enforcement, sometimes a rather low fine has been the result of a trial, and thus the operator has not been significant "enforced" = risk of no preventive action afterwards = risk of incidental release again...
England & Wales	Yes	We have a range of measures and can use whichever one is appropriate - warning letters, notices, prosecution.
Finland	Yes	
Germany	Yes	
Italy	Yes	It depends on the cases.
Latvia	Yes	Incompleteness are prevented.
Poland	Yes	
Portugal	Yes	
Romania	Yes	It was noticed a reduction of the incidental releases.
Scotland	Yes	For majority of cases.
Slovakia	Yes	The operators want to solve the situation with releases.
Slovenia	Yes	Operators are aware of obligations which came from legislation. Therefore we think that enforcement measures are efficient.
Spain	Yes	We need better knowledge on managing these situations mainly on the risk assessment approaches.
Sweden	Yes	

7.12 If the enforcement measures do not lead to prevention of incidental releases in the future, which measures will be taken?

TABLE 84	Stronger enforcement measures	Reconsideration of permit conditions	Temporary permit or notification for exceptional situations	Other, please, specify
Croatia	x			
Denmark	x			
England & Wales	x	x	x	
Finland	x	x		
Germany	x	x		
Italy	x	x		
Latvia	x			
Poland	x	x		
Portugal	x	x		Notification for exceptional situations
Romania	x	x		
Scotland	x	x	-	-
Slovakia		x		

Slovenia	x	x		
Spain	x			
Sweden	x	x	-	-

7.13 Are there enough resources for inspection and enforcement of incidental releases?

TABLE 85	Yes or no	Please, specify
Croatia	No	Human resources are not sufficient but in progress is continuous employment of new inspectors.
Denmark	No	Not enough resources at the moment at the municipality level.
England & Wales	Yes	
Finland	No	The total resources we have for inspection and enforcement is not enough.
Germany	No	
Italy	No	
Latvia	No	Limited human and technical resources.
Poland	No	Too low number of inspectors.
Portugal	No	Lack of material and human resources.
Romania	Yes	The approximative number of environmental commissioners is 400.
Scotland	No	Not at this time during IPPC transfer process.
Slovakia	Yes	Acts,
Slovenia	No	Inspection of environment is under heavy burden. We manage to fulfill all tasks according to plan of inspection by the means of good coordination of inspectors work.
Spain	No	We need more resources to cover the 24 hours and to be able to learn an use the specific tools for modelling, measuring and assessing of the risk in these situations.
Sweden	Yes	

Any further comments on the issues in Chapter 7

England and Wales

If an operator is prosecuted or we issue notices then the annual charges paid to the environment agency will be increase for the following 3 years. This will pay for increased inspections of operators who have had incidents.

8 COMMUNICATION OF INCIDENTAL RELEASES TO THE COMMUNITY

8.1 Who is responsible for informing of incidental releases to the community (general public)?

TABLE 86	Operator	Environmental authorities	Local authorities	Fire brigade	Rescue service	Other, please specify
Croatia	x					
Denmark		x	x			
England & Wales	x	x	x			
Finland	x	x	x		x	Also EMAS obliges operators to inform.
Germany	x					
Italy			x			
Latvia	x	x				
Poland	x	x				
Portugal						This procedure is not yet defined.
Romania	x	x	x	x		
Scotland	x	-	x	x	x	As circumstance warrant.
Slovakia	x		x			
Slovenia	x					
Spain	x	x	x	x	x	It depends on what matter. Normally the Civil Protection Unit, in charge of the coordination, is the one in charge. However, regarding environmental aspects, they can ask to the environmental authorities to inform.
Sweden	x	x	x	x	x	This is regulated in the Swedish legislation and all above listed parties have their roles and responsibilities.

8.2 Is a notice required in advance to the community in cases when a release can be foreseen?

TABLE 87	Yes or no	Please, specify
Croatia	No	
Denmark	No	
England & Wales		Not aware of any cases when this would happen.
Finland	Yes	
Germany	Yes	
Italy	No	
Latvia	Yes	By fire and rescue service.
Poland	No	
Portugal	No	
Romania	Yes	Only Seveso II Directive upper tier establishments.
Scotland	Yes	Via the application process for permit.
Slovakia	No	
Slovenia	No	

Spain	No	
Sweden	-	

8.3 In which cases of incidental releases is the community informed?

TABLE 88	In every case	Only if the releases affect the environment outside the site	If there is only odour releases	Other, please specify
Croatia		X		
Denmark		X		
England & Wales				In most cases the community is not informed but the information is available in public registers at Environment Agency and local authority offices.
Finland		X		
Germany		X		
Italy		X		
Latvia		X		
Poland				In general, if the releases affect the environment outside the site, but not only, especially when people are in danger or hurt.
Portugal				This procedure is not yet defined, it is evaluated case by case.
Romania		X		
Scotland	-	-	-	If requested or viewed on public register.
Slovakia		X		
Slovenia		X		
Spain		X		
Sweden	X	-	-	See 3.1.2.

8.4 How is the community informed?

TABLE 89	By general alarm at once	By informing neighbours	By radio	By TV	By Internet	By newspapers	Other, please specify
Croatia			X	X		X	
Denmark	X	X	X	X	X	X	Personal contact.
England & Wales							
Finland		X	X	X	X	X	
Germany							Depending on the level of the environmental impact.
Italy				X		X	
Latvia	X		X	X	X		
Poland	X					X	
Portugal							This procedure is not yet defined.
Romania			X	X		X	
Scotland							As circumstances warrant.
Slovakia			X	X			By radio that operates in a small cities or a villages.
Slovenia				X	X	X	

Spain							Depends on the urgency. If there is a risk for public health the alarms, police and public media are used. If no, Civil Protection Unit call the press every day to inform on the evolution of the released until is completely control.
Sweden							This seems to cover mainly Seveso safety issues and other accidents and not incidental releases as defined in ToR for the project. Of course we have regulation on this in Sweden.

8.5 Is the community informed of the quality and quantity of the releases (smell, waste water releases, noise, dust)?

TABLE 90	Yes, quantity	Yes, quality	No
Croatia		X	
Denmark			X
England & Wales			X
Finland	X	X	
Germany	X		
Italy	X	X	
Latvia		X	
Poland		X	
Portugal			X
Romania	X	X	
Scotland	-	-	X
Slovakia			X
Slovenia		X	
Spain		X	
Sweden	X	X	-

Any further comments on the issues in Chapter 8

England And Wales

The Environment Agency encourages operators of large installations to set up a local liaison group with the community. This will meet several times each year to discuss the impact of the operator on the local community. Members will normally include a senior manager from the operator, the Environment Agency officer, a local authority environmental officer, local elected politicians and community leaders. Most oil refineries, steel works and cement works will have a local liaison group.

9 FINAL QUESTIONS

9.1 Is the issue on incidental releases generally relevant in terms of enhancing environmental protection?

TABLE 91	
Croatia	Croatian authorities are currently working on transposition and implementation of IPPC Directive. Connected with that, it is expected that issue of incidental releases will be covered. Determination of incidental releases and linked issues would be than contribute enhancing environmental protection.
Denmark	Yes
England & Wales	Yes
Finland	Yes
Germany	No
Italy	In this moment it isn't, maybe in the future it will.
Latvia	Yes
Poland	Yes, because environmental authorities and well as operators of installations know that incidental releases are a considerable part of the annual emissions of the installations and try to avoid them.
Portugal	We think that it is very relevant.
Romania	Yes, it is relevant.
Scotland	Yes, majority of local impact arises from incidental release.
Slovakia	Yes, it is.
Slovenia	Yes it is.
Spain	Yes it is.
Sweden	-

9.2 What are the main problems with incidental releases in the permit procedure?

TABLE 92	
Croatia	N/A
Denmark	In general it is rather difficult to predict the releases.
England & Wales	None.
Finland	It is difficult to define incidental releases and to assess preventing actions beforehand. The releases should be taken into account in the total emissions.
Germany	No problem.
Italy	The definition of incidental releases, the identification of the risk and the improvements of the prevention's measurements.
Latvia	There are no binding requirements regarding information provided by operators.
Poland	Incidental releases are difficult to predict and because of that in permits there are mainly general considerations than binding conditions on the issue on incidental releases.
Portugal	Lack of an established procedure to deal with incidental releases.
Romania	It is difficult to set emission limit values for them and even a risk assessment approach.
Scotland	Definitions i.e. trigger thresholds for initiating the relevant procedures.
Slovakia	Not all the operators have their guidance for incidental releases made sufficiently.
Slovenia	Permits have to follow legislation. Therefore is for permit writer difficult to cover incidental releases with wording which is not general.
Spain	It is difficult to set emission limit values for them and even a risk assessment approach.

Sweden	No problem in Sweden.
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9.3 What are the main problems with incidental releases in the supervision procedure?

TABLE 93	
Croatia	Impossibility to measure and determinate incidental releases.
Denmark	If all installation are in a proper technical condition etc. it is nearly impossible to make any useful supervision.
England & Wales	The operator must decide if a release is significant enough to be notified to the Environment Agency. This can be a problem when the permit is first issued. The operator and Environment Agency will gain experience from the first few incidents and then a workable system is established.
Finland	In the early stage of an incidental release it can be difficult to get a right picture of the scale and relevance of the release for proper actions. There is always a possibility to over- or underestimate the actions.
Germany	No problem.
Italy	The monitoring and the enforcement actions that the authorities and the operator should take in consequences of the previous incidental releases.
Latvia	Information exchange between operator and state authorities.
Poland	There are mainly general considerations than binding conditions in permits on the issue on incidental releases and it is difficult to assess if the permit conditions are kept. Moreover it is not easy to quantify incidental releases, we cannot always take samples or do the measurements.
Portugal	Lack of an established procedure to deal with incidental releases.
Romania	Impossibility to measure and determinate incidental releases.
Scotland	As 9.2.
Slovakia	Identification of the source of pollution.
Slovenia	Supervision of installation is done mostly as a supervision of issued permit. Inspection of installation which would cover also operators records of incidental releases, need more time than routine inspection therefore can be done occasionally.
Spain	Risk assessment approach and monitoring.
Sweden	No problem in Sweden.

9.4 What suggestions are there for further development of incidental releases in the permit procedure?

TABLE 94	
Croatia	N/A
Denmark	BAT
England & Wales	None.
Finland	There should probably be instructions for dimensioning an announcement limit. Also well-defined short-term emission limit values, at least target limits should be in use. The limits strengthen deterrent actions of an operator for preventing incidental releases.
Germany	No suggestions.
Italy	In the permit procedure it should be developed the process information for the operators and the emergency management.
Latvia	Increasing a quality of application conditions regarding of incidental releases.
Poland	Authorities should require more specific information from the operators about possible situa-

	tions that may lead to incidental releases, then it could be easier to include more binding conditions in the permits.
Portugal	-
Romania	The authorities should require more specific information from the operators to include more binding conditions in the permits.
Scotland	-
Slovakia	The dialog between the operator and the enforcement authority, to determinate the main problematic places, substances, that could be cause incidental releases.
Slovenia	-
Spain	Set a guidance on how to treat the releases in the permit. Develop guidance on risk assessment and monitoring.
Sweden	This is already covered in Swedish regulation.

9.5 What suggestions are there for further development of incidental releases in the supervision procedure?

TABLE 95	
Croatia	N/A
Denmark	BAT and changing of operational systems.
England & Wales	None.
Finland	Directives and conditions of the permits more frequently require announcements and rapid actions from the supervising authority in case of incidents. Skills and other resources should be developed.
Germany	No suggestions.
Italy	Improve the security system management and the environmental system management.
Latvia	Strengthening cooperation among all involved parts.
Poland	The more binding conditions would be in permits, the easier would be to supervise them.
Portugal	-
Romania	To improve the environmental system management and good co-operation between the authority and the operators.
Scotland	-
Slovakia	To do the supervision in the installation more often, try to persuade the operators to reduce the using of harmful substances.
Slovenia	-
Spain	-
Sweden	This is already covered in Swedish regulation.