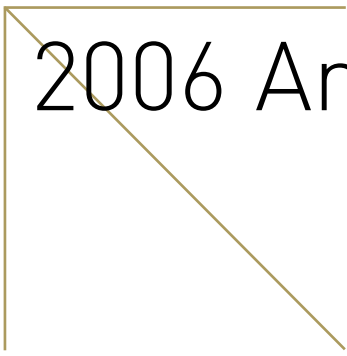


# 2006 Annual Report

Cooperating, improving enforcement

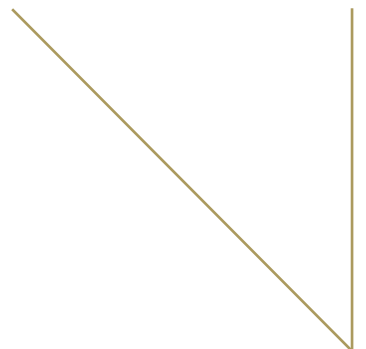






# 2006 Annual Report

**Cooperating, improving enforcement**





## Foreword



**'A recurring theme running throughout 2006 was the effort to work together in every way to achieve better supervision.'**

What sums up 2006 for the VROM Inspectorate? For starters, we could mention the extensive attention paid to the topic of 'supervision' by politicians, by society and by the business community. This attention is positive as well as critical.

Businesses made it clear that being monitored by the national inspection authorities often seemed like an unnecessary inconvenience. In response to that sentiment, consultation took place with various parties to consider how to reduce the negative impact of supervision, while improving the quality of supervision. As a result of this process, all national inspection services will be working to reduce the inconvenience of supervision and increase its impact. In doing so, they deliberately choose to focus on increased cooperation. This will take on tangible shape in 2007 in setting up front offices: a single contact desk for citizens and companies for each supervision area.

A recurring theme running throughout 2006 was the effort to work together in every way to achieve better supervision. Cooperation was a priority, both within the VROM Inspectorate and the Ministry and beyond, working with other inspection and investiga-

tion services, as well as with other government bodies and the public. That cooperation was the basis for reducing inconvenience and achieving more selective supervision in 2007. How can that be accomplished? By, for example, working together to generate better risk analyses. By increasing insight into where supervision produces the best results. By determining together where people and resources will be most effective. And by looking together at how to improve compliance by other means than enforcement, such as by providing information, guidance and compliance assistance.

The overall image of the year was also defined by a number of incidents in which the VROM Inspectorate was involved, whether directly or indirectly, which were the subject of intense media coverage: the Schiphol fire, the Bos en Lommerplein incident, the Otapan en Probo Koala vessels. When incidents occur, it is extremely important to take a good look at the cause. Was it in fact an isolated incident? Or was it an issue of systemic problems or abuses of the system? The investigation that the VROM Inspectorate conducted after the Schiphol fire showed that the unit construction used in the cell complex is particularly vulnerable. In response, a



process was initiated in which all those involved in the construction of such units were informed of the critical factors and of the relevant laws and regulations.

What these incidents primarily taught us is that compliance and the responsibility that various parties take in adhering to laws and regulations has not yet reached the level that we would prefer – and this can have tragic consequences. These incidents provided a major incentive for the VROM Inspectorate to remain alert and to continue working together to achieve better compliance.

These are difficult issues that generate negative publicity, even for the VROM Inspectorate. Some of the criticism was justified; some of the problems are inherent in the vast complexity of the work we do. That complexity is not always easy for the outside world to see. As a professional organisation, we are increasingly learning to handle it better. 2006 was also marked by continued professionalisation of our supervision. This is not to say that we have achieved all our goals; a great deal still needs to be achieved, but we have made great progress. Within the VROM Inspectorate, we improved portfolio management, which yielded better

direction by topic, better programming in the long term and better coordination of activities and available resources. It was also good preparation for setting up domains and front offices, an activity that will be the main focus in 2007.

The final phase in the municipality study was completed last year and four province studies were conducted. The provincial governments have expressed great appreciation for the methods we use. We follow the principles of a learning organisation. The provinces learn from the national government, we learn from the provinces (e.g. that laws and regulations are not water-tight or are difficult to execute or enforce) and provinces learn from each other's successful approaches.

These are just a few examples; I also need to be selective. In summary, it can be said that 2006 was a tumultuous year, but also a year in which an incredible amount of truly productive work was done.

The challenge for 2007 is to work selectively and in cooperation with other supervisory bodies to make an essential contribution to a good level of compliance in the Netherlands and in Europe.

I have every confidence that we will be able to deploy our resources where they will have the greatest impact on safety, sustainability and health. That we will successfully reduce the burden of supervision by a fourth in such a way that it can be seen and verified. That is the goal we aim to achieve! But reducing supervision should not be an end in itself. The main point is to make it better, more professional. Only when it produces noticeably better compliance will everyone be satisfied. Only then can we claim success.

Gerard Wolters,  
Inspector-General for Housing,  
Spatial Planning and the  
Environment (VROM)



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# Introduction

**Spatial planning, building and housing, the environment and national buildings are the fields in which the Ministry of Housing, Spatial Planning and the Environment (VROM) operates. The policy directorates are responsible for setting policy. The VROM Inspectorate ensures that the policy they create and the laws and regulations that accompany it are properly executed and enforced. Rules can only make a contribution to protecting vulnerable interests and limiting risks if they are properly executed and enforced. And that is in the best interest of a safe, sustainable and healthy living environment and a good social climate.**

## VROM Inspectorate

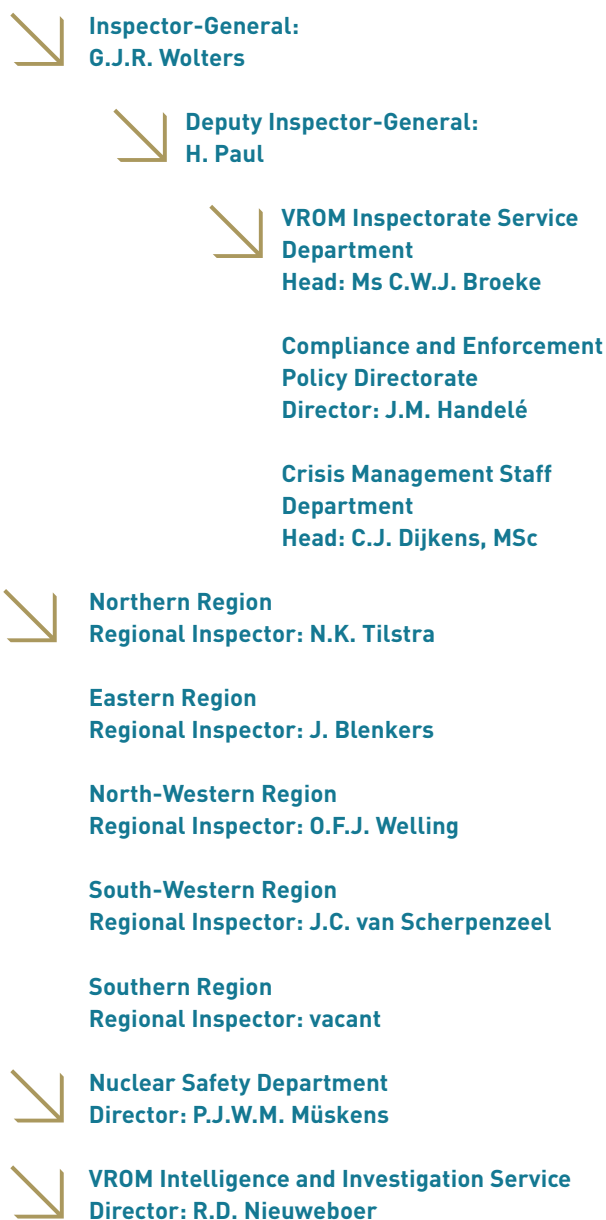
The supervisory activities of the VROM Inspectorate encompass some 450 laws and regulations relating to building, housing, the environment and spatial planning. The VROM Inspectorate focuses on all those who are subject to those laws and regulations: government bodies, businesses, organisations and the public.

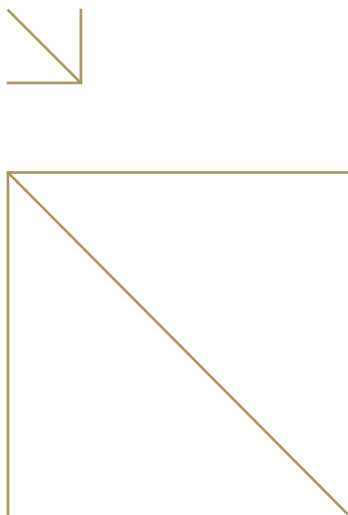
They all bear responsibility for complying with laws and regulations. The Inspectorate is specifically tasked with supervision and enforcement aimed at promoting compliance with the rules, as well as taking action in the event of violations and incidents. In this way it contributes to a smoothly running system in which violations and abuses are the exception rather than the rule.

The VROM Inspectorate directly supervises compliance by the public and businesses (primary supervision). The Inspectorate also supervises of the execution and enforcement of VROM policy by municipalities and provinces (inter-administrative supervision).

The VROM Inspectorate reports directly to the VROM officials on the status of compliance.

## Organisation chart of the VROM Inspectorate





### Supervision

Collecting information to determine whether a method or situation conforms to the legal requirements. Primary supervision focuses on compliance with laws and regulations by the public and the business community. Inter-administrative supervision scrutinises the implementation of statutory tasks by municipal and regional government bodies.

### Enforcement

Supervision combined with penal force. This can be administrative (imposing fines and sanctions) or legal (reporting a crime).

### Compliance

The degree to which methods and situations conform to laws and regulations.

### Method

The VROM Inspectorate can take action against the public, the business community, organisations and government bodies that do not follow the law. It is important to determine properly why compliance falls short of the legal requirements. Is a company unable or unwilling to keep the law? Is the chance of getting caught too small, or are the rules too complex? The VROM Inspectorate uses a combination of tools depending on the situation. The tools can include information, incentives, warnings or legal force. Fines and sanctions may also play a role. Compliance assistance is intervention aimed at offering practical help in achieving compliance. The essence is providing information and explaining the rules. If criminal behaviour is identified or suspected, then the VROM Intelligence and Investigation Service conducts a criminal investigation of the suspects.

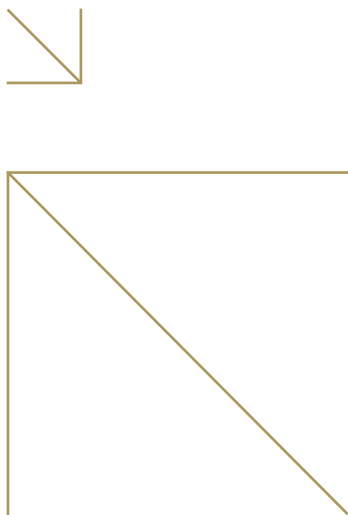
### Setting priorities

The VROM Inspectorate's agenda is determined to a large extent by its statutory tasks. However, it is impossible to supervise all 450 laws and regulations with equal intensity. Such intense supervision is not necessary, since the compliance record is fortunately good in many respects. Every year the Inspectorate determines the level of compliance with VROM laws and regulations using the NLS Compliance Strategy. This tool also makes it possible to estimate the risks posed by poor compliance with a law or rule. Most attention is paid to rules that are poorly complied with and at the same time form a major risk to the environment, safety and/or health.

Not all the tasks can be anticipated and planned in advance. Besides its statutory tasks, the VROM Inspectorate frees up time, manpower and resources to deal with indications of abuses in society, issues that are highly relevant in the current political or social climate and urgent situations. This could include inspections and investigations in the event of disasters and incidents. Sometimes the issues then give rise to planned projects.

Finally, the VROM Inspectorate also stays alert to its surroundings and investigates potential contraventions and risks on its own initiative.





### **Cooperation**

The VROM Inspectorate aims to use its resources efficiently and effectively and to limit the burden of supervision for the public, the business community and government bodies as much as possible. Cooperation is the watchword here. Within the Inspectorate, cooperation has been increased by organising tasks at a national level in the portfolios of Governments, Waste, Substances & Products, Safety & Risks, and the Public. Cooperation with the policy directorates in VROM is crucial to improve the quality of laws and regulations in terms of feasible implementation and enforcement. Outside the Ministry, the VROM Inspectorate works closely with other inspection authorities and supervisory bodies, as well as with other government bodies and the public.

### **Chain supervision**

One tangible example of productive cooperation is chain supervision. This concerns supervision of the entire production, trade and/or transport chain for a specific product or process. Each link in the chain is subject to specific laws and regulations and involves various supervisors. Consider the export and transport or demolition wastes or the cycle that animal fat goes through from production through processing to application. When supervisors coordinate their tasks and exchange information, it yields benefits that outweigh any individual contribution.

In 2006, for example, it became apparent that there was room for improvement in the guarantees of quality in the building and housing chain. Because this has brought building safety into question, a chain study on building and housing inspection will be conducted in 2007.


### **International**

Cooperation does not stop at our national borders. The VROM Inspectorate also monitors implementation of and compliance with international and European laws and regulations, working closely with international supervisory partners. European cooperation is particularly crucial in enforcing the EU Waste Shipment Regulation. Special attention is paid to the export and processing of shipping waste.



# DANGER! RISK OF COLLAPSE

VRM Inspectorate investigates 'dilapidated complexes'



In November 2006, a notable study on ‘dilapidated complexes’ was conducted in the East region of the Netherlands. It was notable because this study called on assistance from the general public. The study was a great success. In 38 of the 234 complexes visited in all, immediate action was able to eliminate acute hazards.

Announcements on local radio and TV stations to report high-risk dilapidated (industrial) complexes via a special telephone number, an appeal on the front page of daily newspaper *Het Algemeen Dagblad* and extensive coverage in the regional press: the VROM Inspectorate in the East region used every possible medium to mobilise not only police, municipalities and provinces, but also private citizens to report dangerous buildings. The idea was that it would yield a more complete inventory. “There are so many more private citizens than public officials,” says project leader Inge van der Vaart. “And they know better than anyone the locations where children play, for example.”

#### Truly frightening

The hotline for the public produced 115 tips, two-thirds of which could be used. When combined with the tips offered by police and local authorities, the public tips brought the grand total to 234 complexes to be visited. Well-informed and well-equipped, the VROM Inspectorate staff went off to work. What they encountered was sometimes, in the words of Ms Van der Vaart, “truly frightening”. “There were several locations where the situation was so dangerous that the inspectors waited on site until appropriate measures had been taken. Inspectors brought playing children down from the roof of a building that was full of holes, ran into an unprotected well that was metres deep... The team found a vast quantity of asbestos in an old mill, which was one of the favourite local spots for children and young people to play and hang out. In total, 38 complexes were actually dangerous. In those cases, we called the municipality, which then

either had to force the owner to take steps or had to take independent action. All the municipalities cooperated fully.”

#### Useful work

Besides the 38 acutely hazardous complexes, another seventy buildings were found that needed some action by the municipalities within the reasonably short term. In order to support them, the VROM Inspectorate has drawn up a national guidebook for resolving and preventing high-risk situations in dilapidated complexes. In the meantime, the VROM Inspectorate continues to monitor urgent cases. Inge van der Vaart looks back on the inspections with satisfaction. “It turns out that giving the public an active role and also bringing in the media works well. It is nice for the people to see the immediate results of their participation. Our aim is to eliminate hazards, and we successfully achieved that goal in this project.”

# 1. Strategic developments

**Doing less and achieving more: that was the motto that guided the VROM Inspectorate in 2006. It mainly means being more selective and more effective. Not wanting to do it all, but choosing the issues that can achieve the most benefits in terms of safety, health and sustainability. The national project known as 'Uniform Supervision' not only accelerated the aim of being "more selective and effective", it also added a distinctly different perspective: the perspective of the 'supervision beneficiary', who expects more quality and less inconvenience from supervision.**

## Uniform Supervision

In the nation-wide Uniform Supervision project, the government followed up the resolution of parliament, introduced by MP Aptroot, which argued in favour of setting up a single inspection and monitoring service. The government decided that a radical form of cooperation should be instituted between the national inspectorates to reduce the burden of supervision for the business community and to improve the quality of supervision. It was a decision that gave a powerful new impetus to the many initiatives already taken by the national inspectorates to improve mutual cooperation.

The key to the project is setting up front offices for supervisory domains. Businesses and organisations in a specific field of operation will be dealing with a single front office that presents a single point of contact to the outside world. The VROM Inspectorate will be setting up front offices for the domains of waste, chemicals, nuclear industry and pipelines, as well as contributing to the set-up of at least thirteen front offices in other domains.

## Front offices

The front offices will not have a single, uniform structure; the set-up will be tailored to the target group or the sector in question. How the various services work together behind the scenes will depend on the specific situation in the domain. One of the objectives of the Uniform Supervision project is to increase the customer focus in the supervision process and to take the preferences of the target group into account more effectively. The result should ultimately be a 25 per cent reduction in the burden of supervision for the business community, meaning fewer

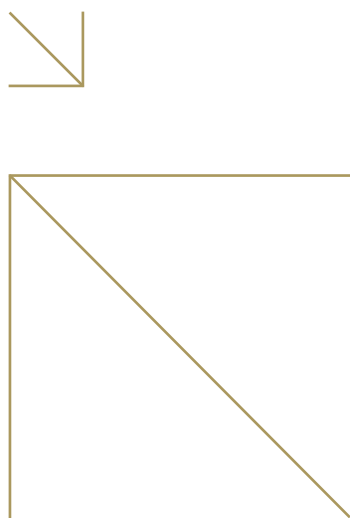
## Front offices

### VROM Inspectorate leads:

- Waste
- Chemical Industry
- Pipelines
- Nuclear Industry

### VROM Inspectorate participates in:

- Hotel and catering establishments
- Hospitals
- Primary sector (agriculture and fishing)
- Aviation/Amsterdam Airport Schiphol
- Livestock and meat chain
- Road transport
- Culture, sports and recreation
- Other industry
- Building, housing and wood
- Raw materials for the food industry
- Mineral extraction (mining)
- Water transport
- Disaster and crisis management



'duplicating' inspections and fewer obligations to provide the exact same information over and over to different supervisory authorities. At the same time, the supervision needs to become more effective. This can be achieved by increasing the focus on the real problem areas and risks and, for example, by greater consideration of what steps businesses take on their own to prevent risks.

The Uniform Supervision project primarily concerns cooperation between national inspectorates. However, they are not the only supervisory authorities. Provinces, municipalities, the tax and customs authorities, police and water boards all contribute to supervision. A great deal of the burden of supervision is caused by municipalities and provinces, because they are in many cases responsible for enforcing VROM regulations (primary supervision). That is why the government also wants to involve these supervisors in setting up the front offices. Municipalities and provinces support the development of front offices. It responds effectively to developments toward more integrated inspection of businesses in relation to environmental, building, spatial planning and safety regulations.

The front offices for the domains for hospitals, hotels and catering establishments and the primary sector (agriculture and fishing) were opened on 1 January 2007. These are domains in which the VROM Inspectorate participates. In the four domains in which the VROM Inspectorate heads the process, projects have now been initiated to launch the front offices. Assessments of the supervisory burden are taking place and detailed analyses have been made of the state of affairs in supervision for each domain. In 2007, the focus will be on designing and setting up the front offices.

### Cooperation

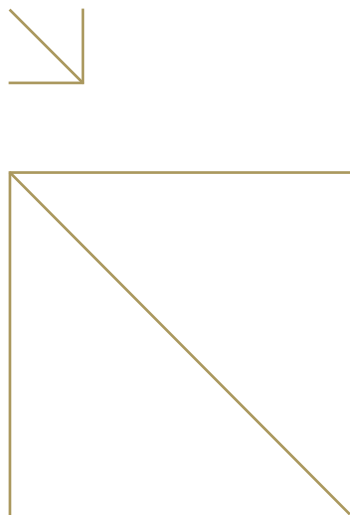
The development toward working from front offices does not represent a radical change of direction for the VROM Inspectorate. Better cooperation between supervisory authorities, more selective and effective supervision and reduction of the burden of supervision have been high on the agenda for years. In the domains of hospitals, waste and nuclear supervision, the relevant inspectorates have been working together for some time now. They exchange information, conduct joint inspections and check whether they can hand off tasks to each

### Front Office for Hotels, Restaurants and Catering

The hotel and catering industry deals with laws and regulations on food safety, alcohol and smoking policies, fire safety, legionella prevention and working conditions. A number of authorities supervise compliance: the Food and Consumer Product Safety Authority (VWA), the Health and Safety Inspectorate (AI), the VROM Inspectorate and municipal supervisory authorities, such as the fire department. Together, they present a considerable 'burden of supervision' for hotel and restaurant managers.

The front office for hotels, restaurants and catering will change all this as of 1 January 2007. This front office will be run by the Food and Consumer Product Safety Authority, the national inspectorate that supervises this sector the most. The other national inspectorates worked in close consultation with the sector to support the process of structuring the front office. The front office is not a physical office; rather, it represents a number of functions, such as coordinating national supervision and providing information to hotels, restaurants and catering establishments. The supervisors have set up a joint programme for 2007 and combined a number of tasks. The

businesses involved will not be inspected more than twice a year.



### “Less inconvenience, more impact”: second nation-wide Framework Perspective on Supervision

The second nation-wide Framework Perspective on Supervision was published at the end of 2005. The first Framework Perspective on Supervision, published in 2001, formulated three guiding principles for national supervision: supervision should be independent, transparent and professional. That perspective primarily concerned the structure of supervision in the Netherlands. The establishment of the VROM Inspectorate was a direct consequence of that document. The second Framework Perspective on Supervision focuses mainly on the implementation of that supervision. Supervision should be selective, effective and cooperative.

other in areas where activities overlap. In previous years, such cooperation primarily took place under the heading of ‘chain supervision’ and under the auspices of the interdepartmental project called ‘Cooperating Inspectorates’ (within the ‘Different Government’ Programme).

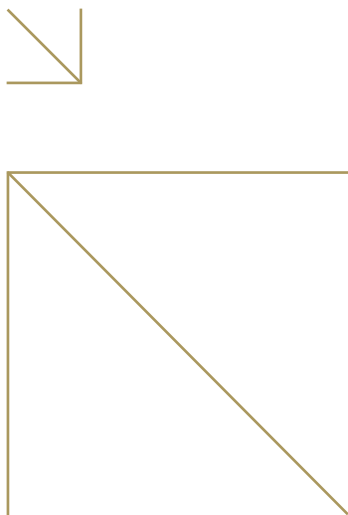
The launch of the Uniform Supervision project in 2006 significantly raised the VROM Inspectorate’s efforts and ambitions in the area of cooperation. Besides the four domains that the Inspectorate is heading, it contributes to at least thirteen of the twenty domains. This is in part because it is responsible for inter-administrative supervision in many domains. The Inspectorate supervises VROM tasks that are implemented by municipalities and provinces. The VROM Inspectorate also provides eight representatives that take part in theme groups, which work on such parameters as communications, ICT, legal implications and international consequences.

#### Framework Perspective on Supervision

Besides the national Uniform Supervision project, the VROM Inspectorate direction in 2006 was determined by the second Framework Perspective on Supervision. The three new guiding principles stated in this policy document – selective, effective and cooperative – are a good match for the basic concepts in Uniform Supervision. The Framework Perspective also states that supervision should cause the least possible inconvenience for the subject of the supervision. That applies to both primary and inter-administrative supervision. It means that supervisory authorities must leave more room to consider specific developments at businesses, organisations, municipalities and provinces. Supervisory authorities have to focus on real problems and risks (*selective*), work together with other inspectorates (*cooperative*) and consider the causes of non-compliance more carefully and design intervention accordingly (*effective*).

#### Information-driven

To make it possible to take effective action, the VROM Inspectorate does a great deal to maintain a good overview of its activities and the effects they have. Acquiring good information in advance is the basis for determining the most effective approach, and ensuring sound information afterwards clarifies how effective the activity has been and whether the objectives



have been achieved. 'Information-driven enforcement' is an approach in which the entire cycle of setting priorities, implementing them and analysing the results is driven by reliable information wherever possible.

When does compliance with laws and regulations fall short of the legal requirements? To answer that question, the VROM Inspectorate introduced its NLS Compliance Strategy in 2003. The compliance strategy sets clear priorities and makes it possible for the Inspectorate to take priority action in situations that involve major risks and poor compliance. The compliance strategy answers the question: 'are we doing the right things?' (the *what*). One part of the compliance strategy is the VROM Inspectorate Intervention Strategy, developed in 2006. It is a tool that supervisory authorities can use to develop an intervention tailored to a specific situation. The Intervention Strategy offers assistance in answering the question: 'are we doing things right?' (the *how*). The VI Intervention strategy helps to determine the most effective mixture of intervention options in any new situation.

### Professionalisation

Major progress was also made last year on professionalising supervision. The Inspection Academy, the internal training institute, made a precise inventory of the knowledge *present* at the VROM Inspectorate and the knowledge that is *needed*. This made it clear which knowledge is still lacking. On the basis of that information, the Inspection Academy developed a package of courses and training sessions that exactly meets the needs for knowledge at the VROM Inspectorate.

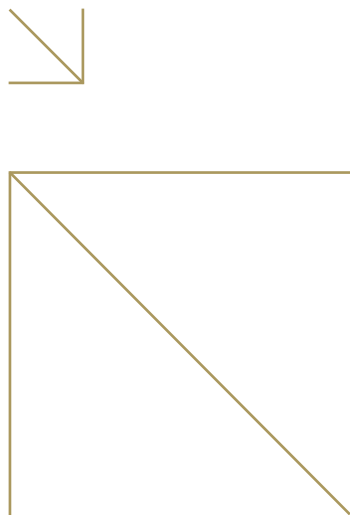
### International cooperation

Cooperation is also more than preferable – sometimes even direly necessary – at an international level to increase the effects of supervision and enforcement and to improve compliance. This is certainly true for problems that transcend borders, such as the trade in hazardous substances, international flows of waste and environmental pollution.

Major differences can be seen in the enforcement of environmental regulations within Europe and outside it. These differences are not good for the effectiveness of those rules, and the business community suffers as a result. Differences in enforce-

### Compliance indicators

In order to increase insight into the results of its activities even further, the VROM Inspectorate used compliance indicators for the first time in 2006. A compliance indicator shows the level of compliance with specific laws or regulations at any given moment, on the basis of research. This makes it possible to assess the development of compliance behaviour and makes it clear what effect intervention has had on compliance. The compliance indicators were initially developed for laws and regulations where compliance is very poor and where non-enforcement entails major risks. Compliance indicators have now been developed for sixteen statutory tasks.

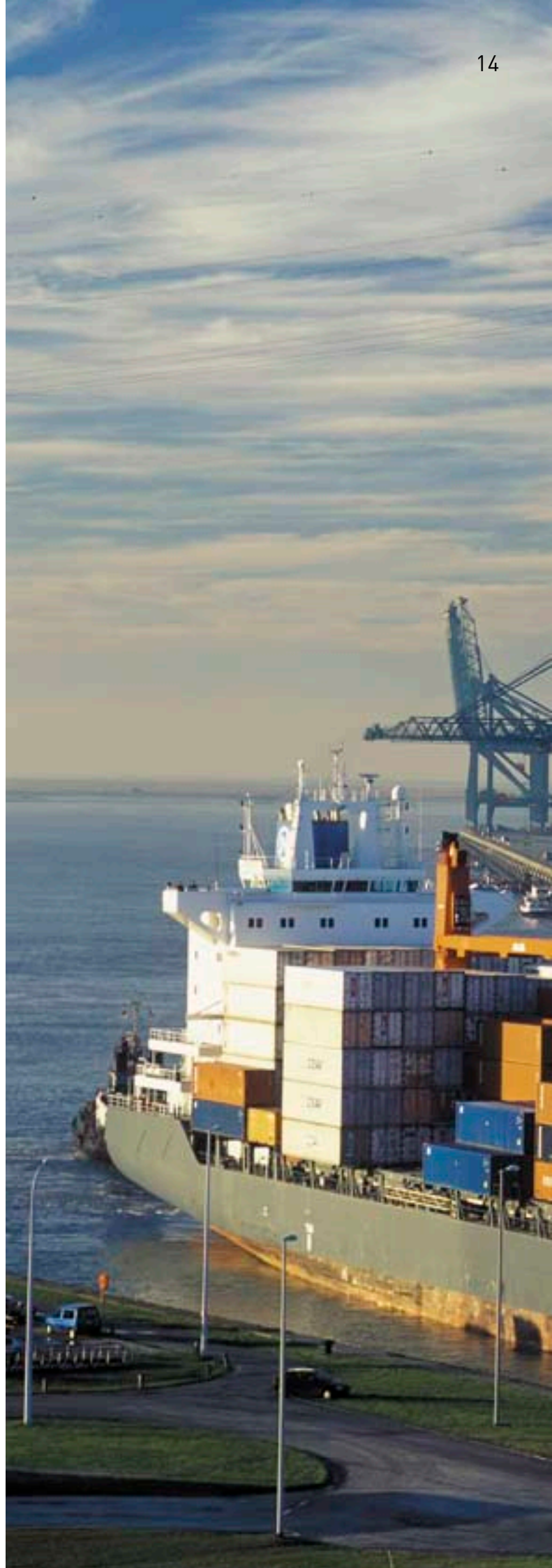


ment jeopardise the level playing field. Businesses may avoid countries that have relatively strict enforcement policies. At a global level, the International Network for Environmental Compliance and Enforcement (INECE) – in which the VROM Inspectorate participates – aims to bring countries to a comparable level of enforcement. At a European level, the VROM Inspectorate contributes actively to the discussion regarding the review of the European Recommendation on the minimum requirements set for environmental inspections.

The increasing attention in Europe for improving regulation and creating better conditions for enforcement are positive developments. The trend is increasingly for European regulations to consider the feasibility of both implementation and enforcement. For example, the IMPEL network (European Union Network for the Implementation and Enforcement of Environmental Law) recently developed a checklist at the initiative of the VROM Inspectorate, which can be used to test whether (new) rules can be implemented and enforced properly. The checklist can be used to spotlight these aspects of regulation at an early stage.

Another example of international cooperation in the area of enforcement is REACH (Registration, Evaluation and Authorisation of Chemicals). REACH is the name of the new European Chemicals Regulation on the import and trade in chemicals in the EU. The regulation will come into effect in 2007. Together with its counterparts in a number of other countries, the VROM Inspectorate is heading a project to organise this cooperation effectively.

The increasing international orientation of the VROM Inspectorate means that more and more of its employees operate abroad. In order to take optimal advantage of the international playing field and to act effectively, it is crucial to continue professionalising the international activities.







The Groene Hart region has had the status of a protected area for thirty years now. Despite that fact, the area is becoming more and more cluttered with illegal buildings or other forms of undesirable land use. How is it possible that the municipal zoning schemes that should protect the area have proven insufficient in practice? The VROM Inspectorate launched a specific investigation into the protective effect of zoning schemes in the Groene Hart region.

#### Outdated

“We only looked at the zoning schemes in the outlying areas around municipalities in the Groene Hart,” says Martin van der Ark, who headed the investigation from the Southwest Regional Inspectorate. “These are the areas outside the built-up zones that are crucial to preserving the open character of the Groene Hart. More than half of those zoning schemes proved to be seriously outdated. The Spatial Planning Act states that zoning schemes must be updated every ten years, but that deadline is often exceeded without sanctions.”

The researchers also looked at the application of transitional provisions in the zoning schemes. In a new zoning scheme, the municipality can use transitional provisions to make it possible for existing structures or land uses that do not fit in the new scheme to remain in existence or be continued. “It is a complicated legal provision, but it is not intended to legalise situations that have arisen illegally,” explains Mr van der Ark. “The municipality should exclude these cases from eligibility for transitional provisions. And in many cases, that does not happen. The result is that

many of the illegal situations that have arisen in the Groene Hart in the past decades have been ‘white-washed’ as new zoning schemes have been instituted.”

In addition, municipalities do not supervise illegal developments sufficiently and turn a blind eye to violations. Mr van der Ark: “Many non-agrarian businesses have been able to establish or expand their activities in the Groene Hart over the years without encountering any resistance whatsoever.”

#### Action plan

“The study offers a good idea of how spatial policy is enforced in practice by municipalities. We identified a number of tangible compliance shortcomings and problem areas that we can act on. The next step now is to work with municipalities and provinces to draw up an action plan that we can use to restore the protective effects of the zoning schemes.”

A slowly expanding demolitions company on the grounds of a former farming operation. Illegally constructed sheds and outbuildings. A storage facility for a contracting company on a piece of land zoned as a nature reserve. A study conducted by the VROM Inspectorate on the enforcement of zoning schemes in the Groene Hart region showed that municipalities did not take sufficient action in response to illegal buildings or land use. Moreover, many of those zoning schemes are outdated.



# STOP CLUTTERING UP THE GROENE HART REGION

Zoning schemes should offer better protection

## 2. Government bodies

### Alders and Oosting

Commissioned by Minister Remkes of the Interior and Kingdom Relations, the Alders Administrative Working Group gave its recommendation to the government in December 2005 on the role and organisation of inter-administrative supervision in the Netherlands. Mr Alders argued for reducing and simplifying inter-administrative supervision; his report presents a step-by-step plan for achieving these measures. The government adopted his proposal and appointed a committee headed by Mr Oosting to implement the Alders plan. The committee on Screening Inter-administrative Supervision Arrangements started its work in August 2006 and will be presenting its report and recommendation in mid-2007.

**Municipalities and provinces share responsibility for ensuring a safe, healthy and sustainable living environment and a good social climate. Many of the problems relating to building, housing, spatial planning and the environment need to be dealt with at this level. The VROM Inspectorate handles inter-administrative supervision of the implementation of these tasks.**

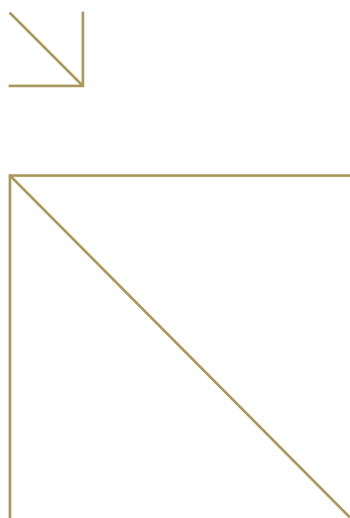
### Inter-administrative supervision

In some cases, municipalities and provinces also experience more inconvenience than necessary from national inspections. They have been arguing in favour of reduced but more effective supervision for some time now. The developments in relation to inter-administrative supervision are accordingly characterised by an improvement in quality and a reduction in the burden of supervision: taking a more selective approach, focusing more on real problem areas and making better use of existing accountability structures in municipalities and provinces. This can include internal guarantees of quality and non-hierarchical accountability, from the municipal council to the municipal executive and from the provincial council to the provincial executive. Finally, in addition to supervision, other ways can be used more often to improve enforcement – and therefore compliance – such as exchanging best practices and compliance assistance.

The government policy document on inter-administrative supervision was published in May 2006. The government's position is a response to the report on 'Inter-administrative supervision recalibrated' by the Alders Administrative Working Group. The essence of the government response is that an assessment should be made when new laws are introduced or existing legislation is changed to see whether inter-administrative supervision is necessary. If so, the best way to organise such supervision should be determined. The existing inter-administrative supervision relationships will also be subjected to critical review starting in August 2006.

### Municipal investigations

In the past four years, the VROM Inspectorate screened all municipalities' implementation of the VROM laws and regulations. The first group was screened in 2003; the final 100 municipalities were reviewed in 2006. The municipal improve-



ment processes initiated in response to studies that were completed in 2005 and 2006 will continue in 2007. This will complete the four-year cycle of municipal investigations.

A report will be coming out in May 2007 that discusses the results of the municipal investigations. The appendices to this annual report offer an overview of the main results.

The VROM Inspectorate will not start a new cycle of municipal investigations in 2007; instead, its investigations will be more thematic. The main focus will be the social objectives of the Ministry of Housing, Spatial Planning and the Environment (VROM). In these thematic investigations the VROM Inspectorate will be scrutinising the role played by all the parties in a specific chain, instead of primarily looking at the role played by municipalities and provinces. In the chain of construction safety in buildings, for example, the VROM Inspectorate will not only be looking at how the municipal building and housing inspectorate performs, but will also investigate the quality of the plans that structural engineers submit to the municipality.

### Provincial investigations

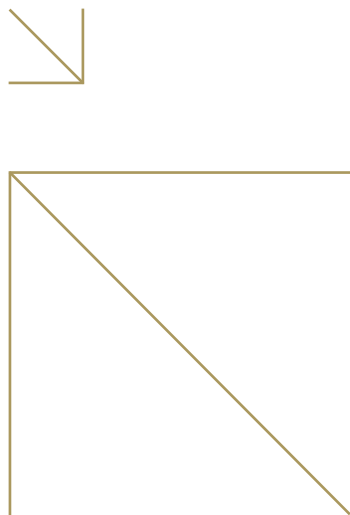
Responsibility for implementing a number of VROM tasks has been placed with the provinces. The VROM Inspectorate is responsible for supervising that implementation. Provincial investigations in Drenthe, Utrecht, Limburg, Groningen and Zeeland were completed in 2006. Completion of the Flevoland investigation followed early in 2007. According to the timetable, all the provinces should have been screened by the end of 2007. The aim of the provincial investigations is first and foremost to stimulate better implementation of VROM tasks. A secondary aim is to use these investigations to initiate a three-sided learning process between the provinces and the Ministry: what can the provinces learn from each other, what can the provinces learn from VROM and what can VROM learn from the provinces that could contribute to improving the living environment? In general, the provinces that have been investigated thus far carried out their spatial planning tasks effectively. However, the tasks pertaining to the issuing of environmental permits, the enforcement of environmental regulations (including tolerance), air, noise and housing for 'status holders' (former asylum seekers who have been granted a residence permit) do not meet acceptable levels in a considerable number of provinces.

### Termination of intensive after-care in Delfzijl

After a 2002 investigation of the implementation of VROM tasks in Delfzijl, the VROM Inspectorate found serious shortcomings. For example, there was almost no supervision of environmental legislation and regulations. The results of the investigation had serious consequences, both for supervision and for the municipal administration: the mayor resigned, in part due to the investigation. The municipality consulted with the province and VROM Inspectorate to create a sound plan for action. The VROM Inspectorate monitored developments closely and conducted a follow-up investigation in 2004. The results showed great improvement: environmental supervision had been set up and the implementation of the other environmental tasks and building permit processes had reached an acceptable level. Despite that fact, the VROM Inspectorate decided to continue monitoring the progress, in part due to the continuing disquiet regarding the administration.

Consultations about the current state of affairs were held again in November 2006 with the mayor and the alderman for this area. The municipality had once again made major progress in the implementa-

tion of VROM tasks. Moreover, Delfzijl had rectified the internal accountability structure between the municipal executive and the municipal council. The Inspectorate saw no reason to continue monitoring closely. It has been agreed that the VROM Inspectorate will support Delfzijl on matters of external safety and security in relation to the new spatial developments in the municipality.



Agreements were reached with the provinces under scrutiny regarding improvements and the deadline for achieving them. The VROM Inspectorate will see to it that these agreements are kept.

An interim assessment that the VROM Inspectorate made in 2006 showed that the provincial investigations are a good tool for providing an idea of how VROM tasks are implemented. The investigations have also proven to give the provinces an incentive to improve their tasks as needed, or continue improvements they have already been initiated. In general, the provinces can identify with the results of the investigations and the improvements that the VROM Inspectorate proposed. However, it was apparent that the VROM Inspectorate still focuses insufficient attention on mutual learning processes. This aspect will therefore receive extra attention in 2007, in part to encourage provinces to exchange their 'excellent practices'.

### **Building safety**

The VROM Inspectorate investigates the safety of existing buildings every year. These inspections are conducted using a several-year programme based on a risk analysis of the different types of buildings in the Netherlands. The Inspectorate investigates several dozen buildings of each type, reviewing the permits and inspecting the actual building.

In 2006, the results were presented of a national study on the safety of indoor children's playgrounds and on fire safety in discotheques. The report on a study on public safety and fire safety in social workplaces will come out at the beginning of 2007. Various local investigations have also been conducted on fire and public safety in buildings.

Although municipalities and building owners have focused more attention on fire safety and public safety in recent years, the VROM Inspectorate identified problems in nearly all the indoor children's playgrounds that were inspected. One of the thirty playgrounds inspected displayed so many problems that immediate intervention by the municipality was necessitated. Only three of the indoor playgrounds met all the architectural standards set out in the Building Decree and the municipal building regulations. The other playgrounds needed major or minor improvements in order to meet the minimum standards required by law. Almost none of the playgrounds inspected held

periodic emergency evacuation drills. Nine of the playgrounds did not have an evacuation plan that was up to code, and six did not have an experienced emergency response organisation. The emergency escape routes were often broken, locked or blocked by the contents of the building.

### **Fire safety in cell complexes**

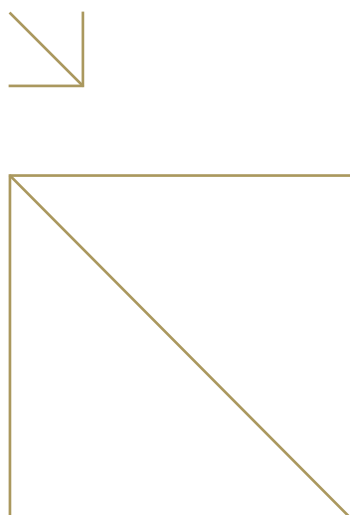
After the fire on 26 October 2005 in the temporary cell complex at Schiphol Oost, in which eleven people died, the Dutch Safety Board (OVV) launched a thorough investigation. The Lower House also wanted to know exact details on fire safety in the other 103 penitentiaries in the Netherlands.

The VROM Inspectorate conducted a joint investigation with the Labour Inspectorate (AI) and the Inspectorate for Public Order and Safety (IOOV). The aim was to gain coherent insight into the essential aspects of fire safety. Priority was assigned to cell complexes built in units, due to the similarities to the complex at Schiphol.

The investigation revealed a number of relevant shortcomings. There were problems in the construction, as well as in use permits and staff proficiency in the event of emergencies. There was also room for improvement in compliance by the people in charge and inspection by municipalities, which are responsible for primary supervision.

The investigations by the national inspectorates produced findings on fire safety in certain types of unit complexes that are also relevant for other unit-based constructions, such as in health care and child care. An added risk in these situations is that they involve people who are not capable of independently exiting to a safe location. This inspired the Minister of Housing, Spatial Planning and the Environment (VROM) to distribute a guide in August 2006 among sector organisations for people bearing primary responsibilities for fire safety – builders, owners and users – and among all the municipalities.

The study conducted by the national inspectorates was presented along with the findings of the Dutch Safety Board. The Schiphol fire tragedy prompted the resignation of the Minister of Justice and the Minister of VROM. The mayor of the municipality of Haarlemmermeer also resigned. Many municipalities commissioned a new inspection of the penitentiaries within



their borders. In a number of cases, this led to additional measures. In a few cases, all or part of the penitentiary in question was temporarily closed.

Many measures were taken in the Schiphol cell complex to improve fire safety. A large section of the complex was opened for use again at the end of 2006.

Working with the AI and the IOOV, the VROM Inspectorate then launched an extensive informative campaign to spotlight fire safety in unit construction. The public information campaign targeted all the links in the chain, from architects and structural engineers to construction companies, owners, users and municipalities. Two types of checklists were developed in consultation with the relevant sector organisations to offer a concrete resource: one checklist for building users and municipal supervisory bodies, and another for designers, builders and authorities issuing permits.

A joint investigation by the national inspectorates of safety in correctional institutions in the Netherlands is planned for 2007.

### **Action Plan for Constructive Safety**

Besides fire safety, a great deal of attention in 2006 went to building safety. Consultations took place on this topic with many market parties and municipal organisations. As a result of these talks, the Action Plan for Constructive Safety was published at the end of 2006 on the initiative of the VROM Inspectorate. The Action Plan offers a clear description of the responsibilities for the various parties in the building process. It provides recommendations for avoiding risks to constructive safety. The Action Plan was showcased at many regional meetings for structural engineers working at consultancy firms and municipalities. The Netherlands Association of Building and Housing Inspection will be promoting the recommended methods among its members, in particular by strictly enforcing the coordinated submission of construction data by building permit applicants.

### **Bos en Lommerplein**

On 1 February 2006, the market, the stores and several homes above the Bos en Lommerplein in Amsterdam were evacuated. The reason was that the roof of the underlying parking garage had developed a crack and had started to sag. An investigation by TNO showed that the concrete structure used to build the garage was not sufficiently reinforced. Despite that fact, the complex was granted safe status and the homes and stores were reopened for use. However, Intron was commissioned to conduct further investigations. This firm found several aspects that deviated from the blueprints. On the basis of this conclusion, the city district council decided on 11 July 2006 to evacuate the homes and stores in anticipation of an in-depth study on what consequences this would have for public safety. The 190 inhabitants were forced to leave their apartments in great haste. It would be Christmas before they were able to return to their homes.

Immediately after the city square subsided, the Bos en Lommer city district asked the VROM Inspectorate to investigate what role the executive committee of the city district had played during the construction.

The report that the VROM Inspectorate made (July 2006) was critical about all the parties involved in building the square: clients, builders and the supervisors from the municipal Building and Housing Inspection department. The Inspectorate argued for better supervision of the entire building chain. The results of the study were made available to the De Boer investigation committee, which made an inventory – after the second evacuation in July – of the entire state of affairs concerning the preparation and construction of the square. The De Boer committee also concluded at the beginning of 2007 that supervision had been insufficient and stated that the builder of the complex was primarily responsible. The committee opined that building supervision required fundamental change and advised municipalities to subject major building projects from the past five years to another thorough inspection.







### **Collapsing roofs**

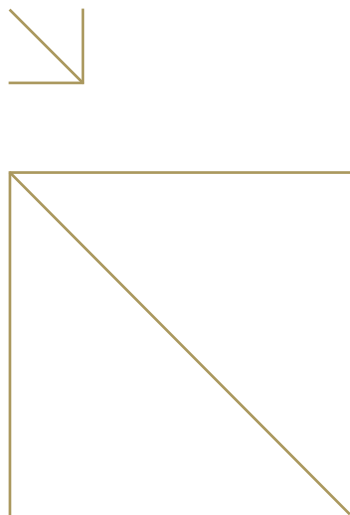
In November 2005, heavy snowfall not only threw the nation's traffic into chaos, but also caused massive structural damage to buildings. In response, the VROM Inspectorate worked closely with experts from municipalities and insurance companies and with scientists to investigate the building construction used in collapsed roofs. The report of the investigation was presented to the Lower House in June 2006. It showed that part or all of nearly 100 buildings had collapsed. Although the weight of the snow verged on the standard weight limit in many areas, the instances of damage investigated here were nearly all caused by flaws in the design and/or implementation of the roof construction.

One of the recommendations was to look into how quality is ensured throughout the building chain – from commissioning the project to delivering the finished building. The investigation will primarily focus on the constructive quality of major building structures that were completed recently. The results can be used to take steps as needed to improve the guarantee of quality in Dutch construction. A preliminary study has been launched in collaboration with CUR Building and Infrastructure, in anticipation of this chain study.

### **Spatial plans**

One of the topics that the VROM Inspectorate looks at during provincial and municipal investigations is the spatial plans: regional plans and zoning schemes. The VROM Inspectorate has advised provinces and municipalities on a great many spatial plans on the basis of a number of selected aspects, such as air quality, public safety and pipelines. The Inspectorate has also provided support to municipalities in meeting their obligatory housing construction agreements.

Two reports were released in 2006 on the enforcement of zoning schemes in the Green Heart. The reports show that there is a great deal of correspondence between the problems all three Green Heart provinces face. The zoning schemes are often outdated and municipalities do not take sufficient action against violations.



### EHS compensation

The National Ecological Network (EHS), a network of areas in which nature takes precedence, is the backbone of the Dutch ecological structure. Spatial plans in the EHS are subject to a 'no, unless' regime. Plans are not given the go-ahead unless there are no alternatives and a significant public interest is served. Even then, compensation must be found for the infringement on the EHS, both in the zoning scheme and in the field. The party initiating the plans and the municipality are both responsible for nature compensation, which must be arranged at the same time as the infringing operation. In 2005, the VROM Inspectorate launched an exploratory study in Overijssel, Gelderland, North Brabant and Limburg to investigate the application of the EHS compensation principle. Forty spatial planning operations were investigated. The conclusion of the report, which came out in 2006, was that compensation for interventions in nature reserves that are part of the National Ecological Network did not always take place correctly, or that only partial compensation took place. In addition, the compensation was not always recorded in a zoning scheme according to requirements. This jeopardises the objective of maintaining the EHS. The Association of Provincial Authorities (IPO, the umbrella organization for the provinces) and the Association of Netherlands Municipalities (VNG, the umbrella organization for the local authorities) recognise the problems that the VROM Inspectorate is calling attention to. The Minister of Housing, Spatial Planning and the Environment (VROM) and the Minister of Agriculture, Nature and Food Quality (LNV) will be sitting down with the provinces to make a full inventory of the issues at hand and resolve the problem areas. The practical usefulness of a number of additional measures will also be examined in that context, such as further specification of the compensation policy in regional and municipal zoning schemes; designating specific locations for compensation in the zoning scheme; making firm agreements about compensation with the party initiating the plans; and setting up public accounts for nature losses and compensation on the Internet.

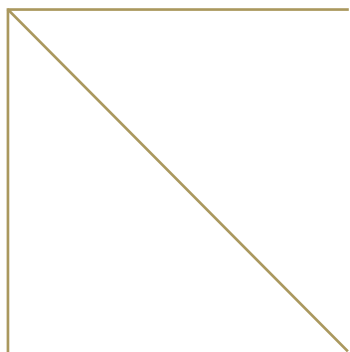
### Illegal occupation of housing

Housing is a topic that receives structured attention from the VROM Inspectorate. For example, a study took place in 2006 on illegal sub-letting of rental homes and rack-renting. In the

course of the study, fifty municipalities and their housing corporations were contacted. Ten civic platforms were also consulted. The study showed that municipalities generally take a passive approach to illegal sub-letting and rack-renting. They only respond to external indications and do not have an active policy on prevention or investigation. Housing for temporary workers from other countries is also an area that receives attention. In mid-2006, the VROM Inspectorate sent municipalities a guide on how to arrange housing for these workers and how to enforce the plans once they are set in place. In December, the VROM Inspectorate, the Ministry of Social Affairs and Employment (SZW) and the Association of Netherlands Municipalities (VNG) sent a brochure on this issue to employers, employer organisations and temp agencies for foreign workers. In 2006, a private businessman was granted exemption from the Building Decree on the grounds of Article 7 of the Housing Act, receiving permission to use a building from the Central Agency for the Reception of Asylum Seekers (COA) to house these temporary workers.

### 'Status holders'

Municipalities are obliged by law to make a proportion of their housing stock available to 'status holders', i.e. former asylum seekers who have been granted a residence permit. The provinces and city districts supervise the process to ensure that municipalities do so. Four supervisory authorities (three provinces and one WGR+ region) were declared at fault in this area in 2006. The national backlog created in the past dropped in 2006 from 1750 to 1400 status holders awaiting housing. In October 2006, the minister of VROM asked the IPO, the VNG and the VROM Inspectorate to pool their efforts to house status holders. The VROM Inspectorate offers support to provinces, municipalities and housing corporations in this task. The number of status holders living in central refugee housing for whom official housing can be mediated has now reached an all-time low. This means that the desired result has been achieved. There were only seven cases in which the COA had to report to a municipality that a status holder could not be arranged immediately for housing that had been made available.



### **Sanctuaries in trailer parks**

Trailer parks also continued to be the focus of debate in 2006. One of the issues was the sanctuaries in trailer parks. A sanctuary is a location where the competent authorities cannot take normal action, for example due to the threat of violence. There are apparently seventy such locations. The municipality of Maastricht was the first to take a fundamental approach to this problem, setting a trend for others. The VROM Inspectorate encourages and supports municipalities in their efforts to eliminate these sanctuaries. The knowledge available on the subject has been compiled in a guide entitled 'Working on Trailer Parks', which was sent to all the municipalities in October 2006. The guide not only looks at 'repressive enforcement', but also discusses developing municipal policy to improve enforcement and prevent problems from arising in future.



# THE ELECTRONIC WASTE RACE

Dealing with illegal exports

A great deal of electronic waste from the European Union ends up in countries in the second and third world. Much of it goes to China, where it is often



processed in ways that are far from safe or environmentally friendly. This is against the rules. Research conducted by the VROM Inspectorate in 2004 revealed that the Netherlands also exported many discarded devices and appliances illegally, ranging from computers to refrigerators. In 2005, the VROM Inspectorate launched an offensive on the issue, conducting a national study last year on the current state of affairs in this area.

The first national campaign that the VROM Inspectorate conducted in 2005 focused primarily on compliance assistance. Project leader Carl Huijbregts: “We knew from the research that at least twenty per cent of the scrapped TVs ended up in illegal circles. And discarded TVs are hazardous waste. The problem was that many small appliance stores did not know what the laws and regulations required. The larger store chains often were aware of the rules, but tended to ignore them fairly easily. In total, this involved some 22,000 companies in the Netherlands. Checking each and every one would require vast resources. That is why we decided to increase awareness in the entire sector and offer specific information to businesses. At the same time, we conducted inspections among procurers and exporters of electronic waste.”

The project proved effective: at the end of 2005, the majority of the larger electronics firms disposed of appliances by the rules, and compliance among independent electronics stores had also improved.

#### **International business**

In 2006, the VROM Inspectorate cooperated with the Tax and Customs Administration to inspect procurers and exporters of discarded electronics for a second time. The Inspectorate also worked with municipalities and provinces to conduct extensive inspections in the retail sector, focusing particular attention on recycled goods stores and refurbishment companies. Mr Huijbregts: “These are companies that buy computers from businesses and organisations with the aim of fixing them up and selling them on to buyers in Eastern Europe

or Africa. The distinction between recycling second-hand goods and waste disposal is difficult, representing a grey area. This trade is an international business. That is why we worked in an international framework to develop a guideline and a proposal for doing the research we did in the context of a European project.”

The trend from 2005 continued in 2006, according to Mr Huijbregts. “2006 was the last year that we did national research and the findings again showed that the various actions have caused the number of violations to continue dropping. There will always be a group of notorious violators, but we will keep actively tracking them down.”

### 3. Businesses

**From small financial service providers to waste processors operating in the international arena: A significant percentage of VROM Inspectorate supervision directly targets businesses. They bear some responsibility for the environment in which we live and are expected to keep the law in that context. At the same time, the economy benefits from consistent, clear supervision with as little disruption as possible. The VROM Inspectorate sets priorities, works with other supervisory authorities wherever possible, supports businesses in compliance and imposes its authority as needed.**

The task of supervising businesses is so varied and extensive that the VROM Inspectorate has concentrated its attention in three portfolios: Safety & Risks, Waste and Substances & Products. In practice, using a 'portfolio formula' has provided a clearer, more consistent implementation of tasks. This benefits the business community. Creating plans for each portfolio that span several years enable the VROM Inspectorate to set better priorities over the years and to work on the basis of a long-term perspective.

#### **Safety & Risks**

External safety and environmental burdens caused by businesses are the main themes in the Safety & Risks portfolio. This concerns controlling risks created for the community by the use, storage and transport of hazardous substances such as fireworks, LPG and munitions by road, waterways, rail and pipelines. Besides that aspect, the primary concern is emissions of airborne pollutants by major corporations.

#### **Gasunie Pilot**

It is clear that many businesses, particularly the larger companies, need the burden of supervision to diminish. At the same time, they set high standards of quality for supervision. In order to meet the standards, the VROM Inspectorate aims to achieve continued professionalisation and cooperation, both within its own organisation and with other national inspectorate, but also working with e.g. the police, customs authorities, local government, various Ministries, the National Institute of Public Health and Environmental Protection (RIVM), drinking water companies and trade specialists. Cooperation with the business community is also good for the efficiency and effectiveness of supervision. One good example of cooperation between different parties is

the Gasunie Pilot, a project in which the province of Groningen, the Association of Groningen Municipalities, various water boards, the Health and Safety Inspectorate, the Transport and Water Management Inspectorate and the VROM Inspectorate have signed a statement of intent to set up a provincial government desk for the Gasunie. This Coordination Desk for Groningen Governments (COG) gives the Gasunie a single point of contact that combines all the organisations that issue permits and enforce the rules. The pilot project was started in 2004 and followed up in 2006. The aim is for the Gasunie to have a national desk in the future.

#### **The TOP businesses approach**

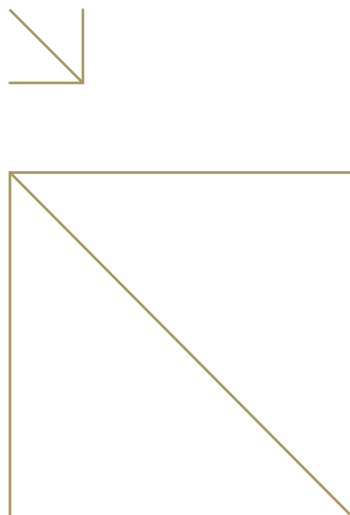
TOP companies are businesses subject to the Major Accidents (Risks) Decree, which requires that they have a safety policy, as well as end processors of waste and businesses that are required to submit an environmental annual report. In most cases, these are large companies.

Due to constantly tightening regulations and changing technology, compliance is no simple matter. This also makes enforcement by the competent authorities (municipalities and provinces) a more complex task. These same businesses are simultaneously crucial to realising a number of major policy objectives for the Ministry of VROM: the 'national interests'. This concerns such issues as national emission targets, external safety or air quality.

The long-term TOP companies programme was launched in 2005. A further assessment was made in 2006 of precisely which national interests are involved in the TOP companies and how enforcement is handled by provinces and municipalities. The assessment also looked at how the competent authorities evaluate environmental annual reports. Another project in this programme focuses on the introduction of the European Directive for Integrated Pollution Prevention and Control (IPPC). The IPPC Directive, which is required to have been implemented in October 2007, requires local governments to submit reports on permits for companies that are major polluters. Work is underway in cooperation with the Transport and Water Management Inspectorate to look into how things stand and how best to promote the introduction of the directive.

#### **Protection of Vital Infrastructure project**

In 2004, the government designated twelve vital infrastructure sectors that are important to Dutch society. On that basis, the



Protection of Vital Infrastructure in the Netherlands project (or 'Vitaal' for short) was launched. The Ministry of VROM is responsible for three sectors, 'drinking water provision', 'nuclear industry' and 'chemical industry, and contributes to the Public Administration sector with regard to the safety of national government buildings.

Supervision of security aspects in the chemicals sector began in 2006. The VROM Inspectorate also focused on ongoing projects, such as storage and distribution of ammonium nitrate, ammonia cooling, explosives for non-military use and transport via pipelines. This also includes the aspect of security.

In the framework of a covenant with the chemicals sector which is still in the making, nearly eighty companies have been identified at which some level of security is necessary. The VROM Inspectorate will monitor compliance with the agreements that will be included.

#### **Pipeline supervision**

The Netherlands has some 150,000 kilometres of pipelines for transporting hazardous substances and raw materials, such as gas, oil and petrol. Since March 2005, the responsibility for the supervision of pipelines has been transferred from the business community to the VROM Inspectorate. No later than 2008, VROM wants to have resolved all the shortcomings in the pipeline policy and laid down pipeline safety in laws and regulations. The VROM Inspectorate worked with the External Safety policy directorate to draw up an Action Plan for Pipeline Supervision. Implementation of the plan has now started and will continue until the end of 2007. In quick succession, the *what*, *how* and *who* of pipeline supervision were worked out. Practical experience projects have also been started in regions. The intention is to explore the sector and make a start on the supervision of the internal safety management systems of the companies, among other aspects, and on how they fit into spatial plans.

New policy has now been developed and preparations for notifying local governments are underway. In addition, a legislative proposal for an excavator's regulation was submitted in 2006. The new regulation will require companies doing excavations to inquire about information on the location of cables and pipelines and work carefully during the excavation work.

#### **Waste**

The scope of the VROM Inspectorate's work is limited to the Netherlands, but enforcement tasks have not been limited to our borders for some time now. The work in the Waste portfolio is extremely international. Imports and exports of general and hazardous waste is a highly relevant topic. Waste transport and processing are primarily governed by laws and regulations at the European level, where differences in interpretation turn enforcement into a complex task.

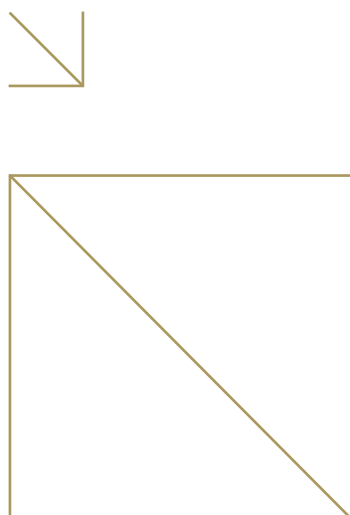
#### **EU Waste Shipment Regulation**

One of the important topics for the VROM Inspectorate is the European Waste Shipment Regulation (EVOA). The regulation concerns shipments of waste within, into and out of the European Community. In 2006, a long-term programme called 'EVOA Enforcement' was launched, aimed at bringing enforcement in this area to a satisfactory level. The activities in the programme pursue the following directions: strengthening national and international cooperation, using more information more effectively (information-driven enforcement), developing methodologies and implementing concrete enforcement activities on high-risk flows of waste.

#### **IMPEL-TFS**

European cooperation is crucial in enforcing the EU Waste Shipment Regulation. The IMPEL-TFS cluster works in a long-term programme to achieve public awareness, capacity building and cooperation at a European level. IMPEL is the European network of environmental inspectorates, and TFS stands for TransFrontier Shipment of Waste.

In December 2006, the Environmental Council of the European Union gave its active support to IMPEL-TFS, apparently enhancing the strength of the European enforcement network. The environment ministers of twenty-five member states have indicated that they will participate actively in enforcing the EU Waste Shipment Regulation under the auspices of IMPEL-TFS. A long-term TFS programme has been instituted and agreements were reached at the annual TFS conference in Bonn (May 2006) about setting up a waste substance database, as well as national contact points, enforcing export of junked cars and cooperation with developing countries in Asia and Africa.



In the TFS Verification project, fourteen EU countries cooperated in a study on the legality of final destinations and on environmentally sound processing of exported waste materials. In order to set up chain enforcement at the European level, companies and strategic routes were inspected. Random samples showed that about fifteen per cent of all transport movements concerned waste materials. Approximately twelve per cent of those waste transports did not conform to the EU Waste Shipment Regulation. This includes administrative violations and illicit trading. The inspections also showed that the enforcement level in various member states varies significantly because many countries do not have sufficient resources and set other priorities. The final report contains various recommendations for improving cooperation between member states and increasing the role of the European Commission.

The second IMPEL-TFS seaport project took place from 2003 through 2006. Thirteen European countries conducted inspections of transfrontier waste shipments in 35 ports. On average, approximately half of all the waste transports proved illegal (whether prohibited or lacking the necessary permits). A great deal of experience was gained internationally with these types of inspections, which also involved exchanging inspectors between the teams. The follow-up project, IMPEL-TFS Enforcement Actions, started in 2006. Eighteen member states agreed to conduct joint inspections during four months at various locations in Europe, starting in February 2007. The inspections focused primarily on the export of 'greenlisted' substances, junked cars and electronic waste to Asia, Africa and new EU countries.

#### Network in Asia and Africa

One of the key items in the EU Waste Shipment Regulation is a ban on the export of waste substances to ACS countries (in Africa, the Caribbean and the South Pacific islands). In recent years, the VROM Inspectorate found a significant number of violations of the export ban, particularly from the port of Amsterdam, and took action accordingly. Alliances are being explored with Africa and Asia at the request of the Minister of VROM and in cooperation with the Minister of Development Cooperation.

For the Asia project, the VROM Inspectorate made contact with the Chinese authorities, among others. SEPA, the environmental authority in Beijing, wants to receive a European (TFS) dele-

#### The Otapan

Shortly after the Otapan arrived in Amsterdam in 1999, the ship was discovered to contain large quantities of brown asbestos. The Mexico-based owner, Navimin, had the ship cleaned, but the cleaning operation did not take place in accordance with the rules. The VROM Inspectorate accordingly halted the remediation operation in March 2001, had the mess cleaned up and charged the costs to the owner.

Unproductive negotiations about dismantling the outdated ship were conducted with the owner and the Mexican authorities for years. After Navimin's bankruptcy, the ship came under new ownership: Basilisk. In 2006 the parties in question finally reached an agreement with the Dutch government about dismantling the ship in Turkey at a company that can remove asbestos in a responsible manner. At the end of July 2006, the ship departed for Turkey.

In mid-August it became apparent that the owner had misrepresented the quantity of asbestos on the EU Waste Shipment application; the Turkish government refused the Otapan access to its territorial waters. At the end of August, State Secretary Van Geel consulted with the

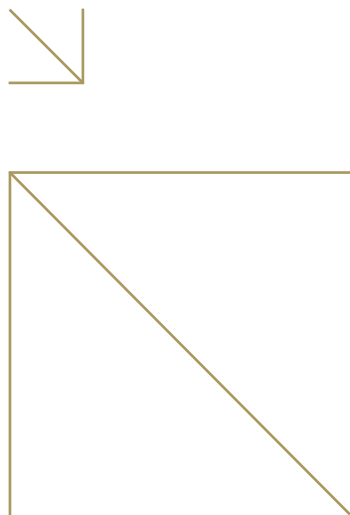
Turkish Minister of the Environment to resolve the matter. The Netherlands offered its apologies for the inaccurate information and offered to have the asbestos removed by Dutch experts, ship the asbestos to the Netherlands and pay for all the costs. Turkey refused to accept the proposal and the Ministry of VROM brought the Otapan back to the Netherlands at the end of September.

The ship is now moored in Rotterdam, where the asbestos is being removed.

#### Probo Koala

In July 2006, the Probo Koala, a ship sailing for the Amstelveen-based company Trafigura, offered a 500-tonne shipment of waste to processing company Amsterdam Port Services (APS). It was supposedly slops, i.e. water contaminated with cargo residue. The slops were pumped onto an APS vessel and transferred to the processing plant. The plant was then overwhelmed by an enormous stench. The Amsterdam Environmental Health & Building Control Department (DMB) shut the plant down to check for violations. As it turned out, the slops could not be processed at APS. The special processing they would require proved significantly more expensive and





Trafigura demanded to have the waste back. One month later, the waste shipment was delivered to a processing company in Abidjan, in the Ivory Coast. That company dumped the waste at various locations throughout the city. Shortly afterward, a total of ten deaths and thousands of injuries were reported.

The VROM Inspectorate participated in a UN humanitarian mission, which offered support in the Ivory Coast in analysing and removing the waste that had been dumped there. At the request of the Lower Chamber of Parliament, the Ministry of VROM drew up an account of the facts and an overview of the relevant regulations in relation to the Probo Koala's time in the port of Amsterdam. The report was presented to the Lower House on 31 October 2006.

After the disaster, the Amsterdam municipal executive appointed an independent committee (the Hulshof committee) to investigate the circumstances surrounding the ship's arrival in Amsterdam and subsequent departure. The crucial question is whether the waste should have been permitted to be pumped back into the Probo Koala and whether the ship should have been allowed to sail out of the port of Amsterdam. The com-

mittee found that the national and European regulations concerning ship waste are complex and inadequate. Terms such as 'slops' and 'pumping back' proved open to interpretation.

No one had realised how unique the situation was, and the committee found that the decision to pump the waste back into the vessel should never have been taken without informing the aldermen in question of what was happening. The committee also concluded that the Amsterdam authorities were not authorised to prevent the ship from leaving. The committee stated that better cooperation agreements should be arranged between the various departments involved (the Amsterdam Port Authority, the Environmental Health & Building Control Department, the VROM Inspectorate and the Transport and Water Management Inspectorate). The regulations should be simpler and the municipal supervisors should have better knowledge and powers of discernment.

The Public Prosecution Service has initiated a criminal investigation of the events.

gation of inspectors in March 2006 to make concrete agreements on the supervision of the processing of waste flows in China.

#### **The EU Waste Shipment Regulation and seagoing vessels**

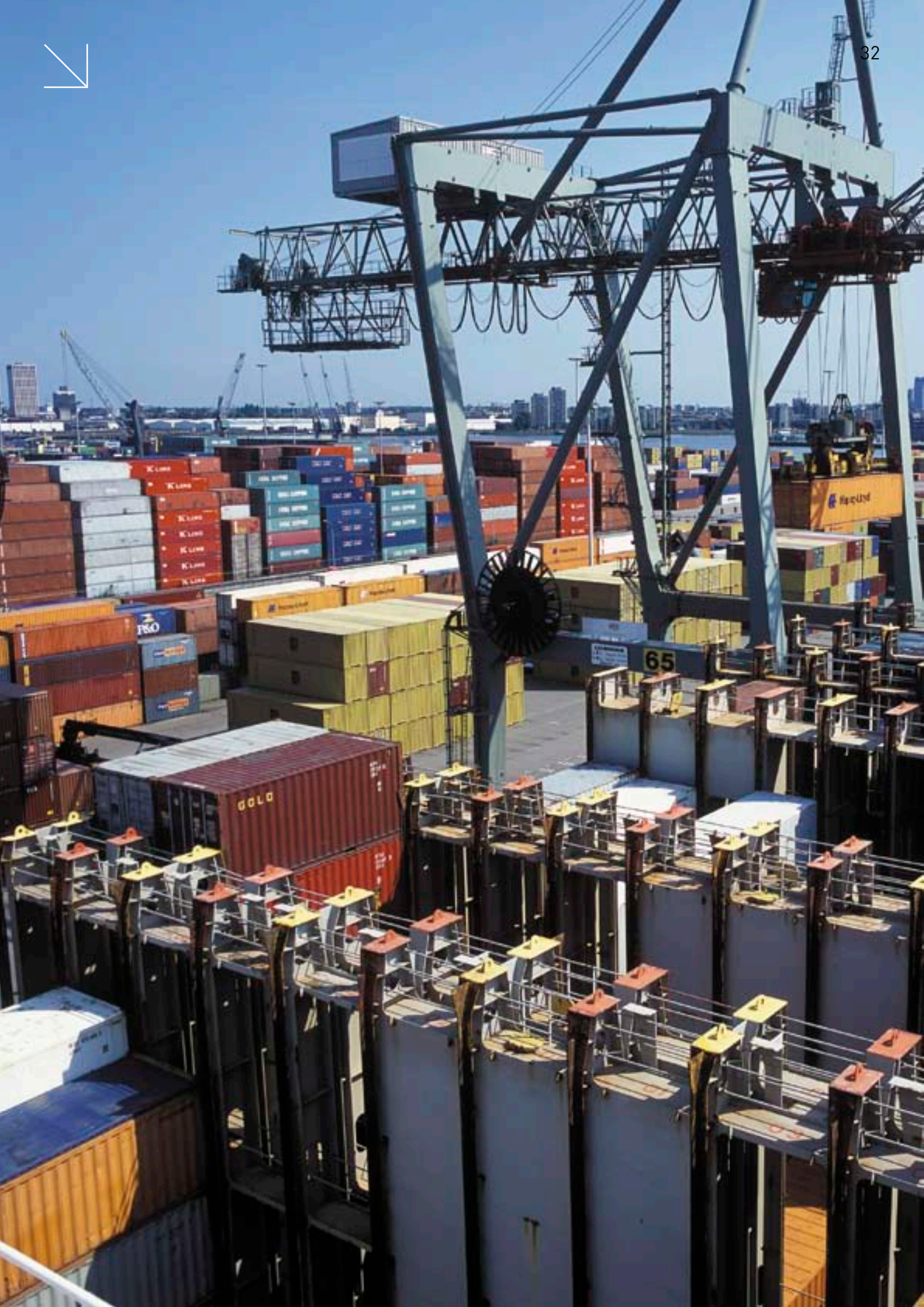
Just how complex enforcing the EU Waste Shipment Regulation is where sea vessels are concerned became clear last year with the events relating the condemned ship Otapan and the shipping waste from the Probo Koala. The European regulation itself is not all that's complex. The international aspect of waste flows, various European interpretations of specific terms, the many supervisory authorities involved and the major interests of the business community and environmental organisations make enforcement particularly difficult. Owners prefer to take their old ships or loads of waste to wharves in Asia and Africa, where dismantling or processing entails more risks for people and the environment but keeps the costs down. The EU Waste Shipment Regulation is intended to prevent this. [One tricky problem is that owners that do not keep to the rules are elusive. Frequent changes in ownership and therefore also the associated 'countries of origin' often introduce even more complicating factors into the already highly complex practice.

#### **Ship waste scenario and risk analysis**

In January 2007, the VROM Inspectorate took the initiative for a project on ship waste. The Transport and Water Management Inspectorate, local governments in Amsterdam and Rotterdam, the customs authorities, the port authorities and the environmental departments were also involved in the project. The project meant developing an implementation scenario and a risk analysis. The scenario was based on the lessons learned from the events surrounding the Probo Koala. The scenario offers concrete proposals for improving cooperation between the supervisory authorities and for improving how enforcement is handled in practice in the event of potential incidents. The scenario also acts as a protocol for 'unusual situations', as had been promised to the Lower House previously. The scenario is expected to be ready for testing in May 2007.

The risk analysis focuses on the chain of ship waste and is the basis for a national project on 'Chain enforcement for ship waste'.

The lessons learned from the events surrounding the Probo Koala will have a definite role to play in the national Uniform Supervision project and in setting up the front office for waste.





#### **Database of waste materials**

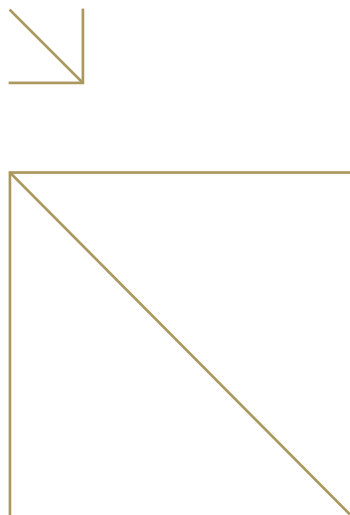
In order to put an end to conflicting interpretations in different EU member states, the VROM Inspectorate is working with Ireland and Austria to develop an electronic database. The project is intended to result in a database offering a clear, uniform interpretation of crucial concepts, such as definitions of waste materials, descriptions of activities for useful application and removal, and about twenty-five selected flows of waste. Ten member states have already expressed interest in supplying information. The European Commission has offered its active support. However, financing is still an issue.

#### **Treated wood waste**

In 2006, the VROM Inspectorate launched targeted enforcement projects for a number of flows that represent risks. This concerns waste materials consisting of electronics, paper and cardboard, plastics, treated wood, non-ferrous metals and waste flows from the petrochemical industry. The aim of these targeted activities is to improve enforcement. The VROM Inspectorate had already demonstrated in the past that a considerable quantity of treated wood waste is exported. There are no standards of quality for these shipments and incorrect processing may cause a negative impact on the environment. In order to facilitate environmentally sound processing and put an end to illegal exports, the VROM Inspectorate carried out a series of enforcement actions in 2006. In these actions, fourteen companies that have an EU Waste Shipment permit were inspected. The inspections revealed that high fuel prices inhibit recycling of high-quality waste wood. Large quantities of unseparated waste wood are exported to Germany and Scandinavia. The VROM Inspectorate is currently investigating indications that the processing plants do not meet the minimum standards for burning contaminated wood.

#### **Substances & Products**

The Substances and Products field of operation encompasses a wide range of topics, ranging from pest control and radiation to the safety and quality of water for drinking and swimming in, and from hazardous substances and products like greenhouse gases, asbestos and pesticides to biosafety. The top priorities in 2006 were supervision of asbestos removal, safety and quality of drinking water and legionella prevention. Preparations for enforcing REACH (Registration, Evaluation and Authorisation of



Chemicals) also started in 2006. The three relevant inspectorates – the Transport and Water Management Inspectorate, the Food and Consumer Product Safety Authority (VWA) and the VROM Inspectorate – work closely with the Public Prosecution Office on REACH enforcement.

#### **CFCs in refrigeration equipment on seagoing vessels**

Chemicals that deplete the ozone layer are often used as refrigerants in cooling equipment such as refrigerators. The equipment therefore needs to be sealed as tightly as possible. Previous investigations by the VROM Inspectorate already showed that the percentage of leaks in ocean shipping was far too high and that shipping companies have demonstrated severely insufficient compliance with statutory requirements for the management and emission of refrigerants.

On the basis of an enforcement campaign in 2005, the VROM Inspectorate imposed fines on five major Dutch merchant shipping companies in 2006. The fines concerned ships that showed more than forty per cent leakage of refrigerants that cause ozone depletion.

However, the penalties have been postponed until the companies have presented their legal and technical objections during a court hearing. The legal objections primarily concern the applicability of such regulations to seagoing vessels. With regard to the technical objections, it has been agreed during consultations between the shipping sector and State Secretary Van Geel to get a second opinion on the feasibility of applying the relevant regulations to seagoing vessels. Executive action has been delayed until after this study is completed. In addition, an attempt is being made in cooperation with the business community and the Ministry of Transport, Public Works and Water Management (V&W) to improve international regulations to create a level playing field all over the world. Talks were held on this topic in December 2006 between the shipping sector, the Ministry of V&W and the Ministry of VROM. Criminal proceedings are also being explored in relation to a number of matters, headed by the Public Prosecution Office.

#### **Radioactive scrap**

Scrap companies are required to fit detection gates to identify radioactive scrap and are required to report contaminated metal to the VROM Inspectorate.

In addition to handling reports, physical (re-)inspections were conducted at approximately thirty companies and administrative

(re-)inspections were done at another thirty companies. The inspections focused on three key requirements: the presence of radiation meters, the guarantee of financial assurance and the presence of an expert. Businesses that do have a detection gate system but submit few reports or none at all were also inspected. The result: five police reports and eight preliminary announcements of 'administrative coercion'. The activities will be continued in 2007.

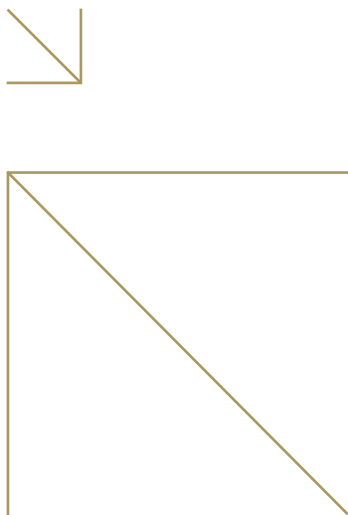
#### **Private drinking water wells**

Some businesses use private wells for their drinking water. This often includes campgrounds and beer breweries. Private wells are at risk for water contaminated with pollutants or bacteria. In 2006 over 100 inspections were conducted at companies that have private drinking water wells. The inspections significantly improved compliance, which rose from 55% in 2005 to approximately 70% in 2006. Violations were found at approximately 30 companies. Both administrative action (fourteen times) and criminal proceedings (four times) were initiated against the violators.

#### **Genetically Modified Organisms Decree**

The Genetically Modified Organisms Decree focuses on restricted use (scientific laboratory work), introduction into the environment (field tests, clinical applications) and market access (e.g. sowing seed). In 2006 approximately 50 companies and organisations were visited in relation to 'restricted use'. A few exceptions aside, the compliance record at these organisations was good. There were three incidents, however: a major discharge of GMOs into the sewer system, mixture of GMO waste with ordinary industrial waste and a job incident with an injection needle. Several test fields were also destroyed, which were intended to research pollen dispersal from GM corn. However, this was not in contravention of the GMO Decree, since the corn in question has already been granted access to the market.

In relation to 'introduction into the environment', all the permit holders were visited in 2006, only yielding a few shortcomings. In the context of 'market access', the VROM Inspectorate focused its activities in 2006 on inspecting seed corn. No genetically modified strains were found in these inspections. However, the inspections did reveal that genetically modified ornamental fish species have been introduced into the Netherlands, and there were problems related to cross-breed-



ing with genetically modified rice. This final incident was dealt with by the Food and Consumer Product Safety Authority (VWA), which monitors food safety.

#### **Integration Project for the Environmentally Hazardous Substances Act**

In 2006, enforcement of (European) regulations on substances and products was implemented in the form of a number of smaller-scale activities. These included the after-care for the 2005 Integration Project for the Environmentally Hazardous Substances Act (Wms), a study on the knowledge about organic amines at a number of companies, a study on the expert of hazardous chemicals and the quality of the information provided when offering chemicals over the Internet.

More than forty businesses were visited. The detailed results were not yet available at the time of publication. The new European chemical regulation, known as REACH (Registration, Evaluation and Authorisation of Chemicals) is expected to come into effect in June 2007. REACH will replace the old regulations.



# THE S FACTOR

Supervision priorities according to the public



The Compliance Strategy, which is reassessed every four years, provides the most important input for the annual list of priorities at the VROM Inspectorate. However, the VROM Inspectorate increasingly asks itself: “Are the same things important to us and to the public?” This is how it tests whether its activities are sufficiently relevant to the concerns of society. But there is another important component that does not lend itself as easily to study: the S factor.

“The ‘S’ stands for social welfare,” explains strategic policy coordinator Ida Scheijgrond. “It comprises a complex of factors, such as the prevailing views in politics, the press and public opinion. To provide a foundation for the S factor, we looked into the areas which the public feel we should be supervising.” Last summer the VROM Inspectorate analysed the S factor on a large scale for the first time, calling in assistance from the TNS NIPO research institute, among others. “To make it easier for the respondents to choose, we categorised our 450 statutory tasks into 36 topics. We formulated those topics in ordinary language and translated them into terms of risks and consequences. In other words: ‘What would be the result of not carrying out a task?’ Just over 1000 people filled out the questionnaire on the Internet.”

#### Enlightening

“It was surprising and enlightening to see that people – to a certain extent – thought different things were important than we did. As it turns out, the less influence a person has on a topic, the more likely it is that he thinks it should be supervised.” The ten most important risks and consequences were dominated by topics that involve safety and hazardous substances. Number one pertains to fire, explosion or the release of a toxic cloud at companies that work with hazardous substances. After that, people listed the risk of flooding due to a dike breach along rivers or coasts, following by the risk of insufficient clean drinking water. “We thought that ‘housing’ would rank high, but that only came in sixteenth. Fireworks was

another one that we had expected to see higher on the priority list. People apparently see that as a risk that you can seek out or avoid on your own.”

#### Extra people

“The survey on the S factor and the information we gain during our field studies give us an increasingly clear idea of what is important to people,” says Ms Scheijgrond. “We make sure that the portfolio holders see the data from the study. If it becomes apparent that there is too large of a gap between the attention focused by the VROM Inspectorate on a specific problem and the S factor of that problem, they can do something about that.”

## 4. The public

**Political attention for improving relations between the government and citizens is ongoing. Listening to the public and involving them in policy is nothing new to the VROM Inspectorate. Part of its work arises from indications given by society – sometimes even directly from private individuals. In the framework of the Public portfolio, the VROM Inspectorate focuses on picking up on signals from society and incorporating them into projects. The results are linked back to people, business and government bodies as much as possible.**

VROM wants to connect to what matters to people in this society. The Ministry accordingly launched the 'Policy with People' project some years ago and set up a 'public agenda' in 2005. In the public agenda, private individuals could indicate the importance of VROM topics. In 2006 the VROM Inspectorate conducted a survey on the S factor, in which the S stands for social welfare. The survey showed which issues the public feels that the VROM Inspectorate should be supervising.

This illustrates the aim of the VROM Inspectorate to be an open organisation to which the people can bring their VROM-related questions and problems. The Inspectorate wants to be an organisation that in part deals with problems itself, but primarily ensures that the reports end up with the authorities that can or should act on them. Responding to signals is not all that happens; the VROM Inspectorate also actively looks for potential abuses in society. The VROM Inspectorate also actively works to involve people in projects. It wants the public to act as sounding boards, advisers or even co-producers of policy proposals.

### External indications

The work of the VROM Inspectorate can be roughly grouped into carrying out its statutory tasks and responding to indications from society. That could be direct reports and questions from the public, but it could also be abuses that the inspectorate staff encounter in the field. Or it could be issues that other government bodies refer to the VROM Inspectorate. Many of these problems are dealt with in projects. Wherever possible, the VROM Inspectorate works with other government departments and supervisory bodies, such as the Health and Safety Inspectorate. This can involve national projects or projects in which two or more regions work together. In order to streamline cooperation effectively, a national team has been set up com-

### Round Table talks in Hillegom

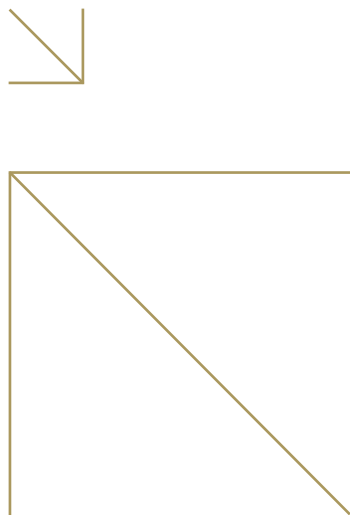
There is a company in Hillegom that specialises in the production and processing of polyether foams. The production process uses toluene di-isocyanate, a chemical that poses a major health risk. Early in 2006, a major fire broke out right next to the building site for a future secondary school, causing outcry among some Hillegom residents. They sent a letter to the VROM Inspectorate about the incident. The VROM Inspectorate felt that all those involved should sit down together: the province, the competent authority for the environmental permit; the municipality, responsible for external safety in the zoning scheme; the fire brigade, the local community and the management of the company. Acting on the recommendation of the VROM Inspectorate, the municipality organised a public meeting.

During initial talks, the VROM Inspectorate noted that the parties carried out their tasks appropriately, but also saw that minor errors had been made. The VROM Inspectorate encouraged the parties to provide full disclosure and to allow room to express emotions and concern. At the request of the mayor, the VROM Inspectorate chaired the meetings, as a neutral and

independent party. An expert on external safety inspections was also present.

At the meeting, the fire department and the VROM Inspectorate had the most difficult reports to make. The fire brigade stated that the fire was far away from the hazardous substances storage facility and that the fire-fighting activities went by the book, but had to admit that they had checked for the levels of hazardous substances too late. The VROM Inspectorate stated that the company satisfies the rules and that the chance of a disaster may be small, but could have major consequences, such as fatalities. It was striking to note that this method of open communication visibly inspired confidence in the government authorities among the people who were present. Several days after the information evening, the company organised an open day, inviting everyone to view the safety measures for themselves. The evaluation determined that the information evening was well received by the local community, the local political parties and the press.





prising representatives from all five regional VROM Inspectorate teams. This facilitates a better exchange of the approaches and solutions to these projects.

#### **Action Teams for letters from the public**

One of the priorities in 2006 was the establishment of six regional Action Teams for letters from the public, known as ATBs. These multi-disciplinary teams ensure that letters, telephone calls, faxes and e-mails from members of the public receive an appropriate response within three weeks. Since the teams were set up, more efficient handling has been seen of indications coming in through public information, provinces, other government ministries, the ombudsman, members of government or even via the Queen. The teams also act as a back office for the VROM Inspectorate website. The teams make it possible for the VROM Inspectorate to respond quickly to signals from society. Early in 2006 an emergency appeal came in about the poor quality of the indoor environment in schools. The VROM Inspectorate took action, with the result that ventilation, an important solution to the problem, was put on the agenda at all the schools.

Every case is different and requires a unique solution. Sometimes the team refers people to the procedure or legal recourse open to them. On other occasions, the VROM Inspectorate contacts the appropriate authority to handle the problem, or brings the parties in contact with each other. In serious cases, the VROM Inspectorate resolves the problem itself. Sometimes a complaint or report leads to larger-scale investigations.

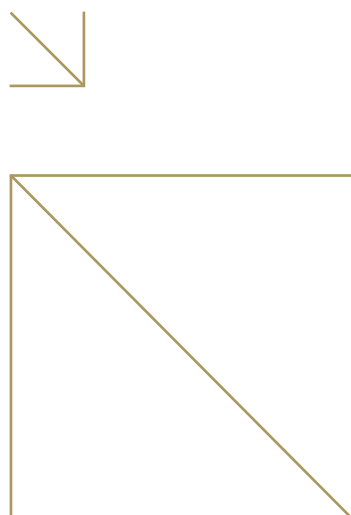
By enclosing survey forms with every response, the VROM Inspectorate assesses the quality of its own services.

#### **Ammonia leak in Eindhoven ice rink**

The ice skating rink in Eindhoven uses ammonia to keep the ice cool. The ammonia pipes are under the ice floor. Early in 2006 the VROM Inspectorate received a report that an ammonia leak had been detected in the ice floor. That is extremely dangerous, because pure ammonia leaking into an enclosed space can rapidly build up to lethal concentrations of ammonia gas. The VROM Inspectorate immediately contacted the manager and urged him to evacuate the ice rink and close it down. Further investigation revealed that a supply pipe outside the hall was leaking, and that the ammonia was filtering into the hall through the insulation. The leak was repaired, the pipes were tested and the hall was reopened again some time later.

A few weeks later, the manager reported a new ammonia leak. The VROM Inspectorate again urgently advised the manager to evacuate the ice rink and close it down, a recommendation that was supported by the National Institute of Public Health and Environmental Protection (RIVM). It was spring holiday and there were roughly 5,000 visitors on the rink, mostly children. The rink was closed until the leak was fixed and

the entire network of pipes was thoroughly checked and approved.



### Parties in the countryside

The rural areas of the Netherlands have illegal venues for drinking and partying. Sheds, huts and other structures have been built without a license or converted into premises for hanging out with friends. It is a widely accepted phenomenon. But how safe are these structures and who is responsible for what? The VROM Inspectorate wanted to know how municipalities and the public viewed these 'parties' and how they deal with them. Besides fire safety, excessive underage alcohol consumption is also an important consideration.

In cooperation with the Food and Consumer Product Authority (VWA) and the National Foundation for Alcohol Prevention (STAP), the VROM Inspectorate conducted a survey in the east of the Netherlands to assess opinions about such 'parties' among the party-goers, the local residents and other people selected at random. The public appears not to be curious as to whether the 'parties' are legal or illegal. The 'huts and sheds' serve a purpose in society and are an important gathering place for young people. They don't hang around on street corners, make many of the arrangements themselves and are easily reached and

accessible to youth workers, for instance.

In a follow-up study, ten municipalities were asked for their thoughts on this phenomenon and what problem areas they saw in the implementation of the legislation and regulations. Municipalities are aware of the fact that the 'huts and sheds' are often illegal. Legalisation is generally not a realistic option and there is no public support for systematic enforcement. Still, a number of municipalities are now taking an integrated approach to the problems surrounding these venues.

In 2007, the VROM Inspectorate will be working with the relevant government bodies to continue developing an acceptable approach, taking 'fire safety' as an important point of departure.

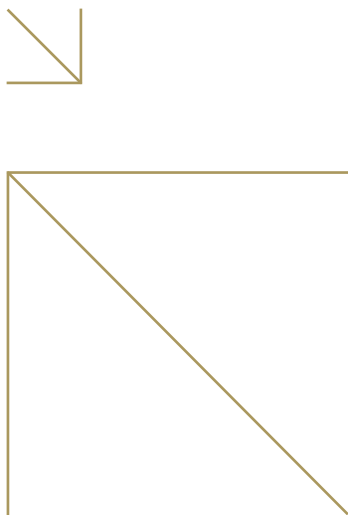
### Implementation of housing construction policy

The Southwest Action Team for letters from the public receives letters and telephone calls on a fairly regular basis about the availability and allocation of subsidised rental housing in the Rotterdam area. One of the letters was from an 82-year-old lady who had registered in 1998 as seeking accommodations from a Rotterdam housing corporation. She had not yet used her registration, but because her mobility was reduced and her husband was recently deceased, she was looking for a new home.

However, her housing registration card was nowhere to be found. The housing corporation said that the database had been purged and that her name was not on the list. The woman accepted a new card, but the new registration bumped her back to the end of the queue. That meant that she would have to wait at least six years for a house. The waiting period for special care housing was ten years. Her granddaughter asked the VROM Inspectorate how all of this was even possible.

The VROM Inspectorate called the housing corporation and received the brush-off. The VROM Inspectorate then contacted the umbrella organisation. The organisation turned out only to be reachable by postal box, and only for submitting complaints. As it turned out, the organisation had a separate database with no fewer than 400,000 registrations, and the lady in question was among them. Although the database had been purged, the registrations that had been removed could be re-activated at any time and the housing corporation should have known that. At the request of the VROM Inspectorate, the umbrella organisation arranged a new housing registration card for the woman, stating the original registration date. The corporation employee was unwilling to pass on a message internally that the staff had received incorrect information. As a result, the VROM Inspectorate was obliged to take it to the management.

The case makes it clear that the problem is not the VROM housing policy, but its implementation. The Action Teams for letters from the public are a good way for the VROM Inspectorate to get more information about problems in policy implementation. On the other hand, the case shows that the VROM Inspectorate is still too difficult to find for many people living in subsidised rental housing."



### Feedback

It is essential that feedback from society and the results of research and investigation reach the right people. That is why each region received a feedback coordinator in 2006. The coordinators ensure that important indications reach the policy services and members of government. The choice is increasingly made to provide members of government with unfiltered information so that they can make the most objective assessment possible of a development. For example, the VROM Inspectorate requested attention for the paradoxical development that the government is trying on the one hand to reduce the number of rules, while many new laws and regulations are currently being prepared, such as the new Spatial Planning Act and the integrated Environmental Permit.

### Rising damp

A family had serious problems with rising damp in the house they rent from the housing association. The walls and floors were rotting away; even the contents of the cupboards were growing mouldy. The photos that the family used to illustrate the problem spoke volumes. Complaints solved nothing and the family's relations with the housing association were severely disrupted by this point; the couple were accused of poor living habits and the corporation claimed that the rising damp was their own fault. The residents wrote a letter to the Minister, a final

cry for help. After visiting the house, experts from the VROM Inspectorate quickly established that there were architectural reasons for the damp. The indoor environment was extremely poor. The real problem was the inadequate complaints handling by the housing association. The VROM Inspectorate contacted the manager, which led to a serious investigation. The faults were confirmed and the couple was quickly assigned another house. The housing association has stated that it has learned from the situation and has improved how it handles complaints. Although the VROM Inspectorate does not

### Public-friendly website

The VROM Inspectorate website has been updated in order to improve its communications with the public, the business community and government bodies. The site is more public-friendly and its structure is more oriented toward receiving and processing reports. Internet visitors to the VROM Inspectorate pages can find out quickly via [www.vrom.nl](http://www.vrom.nl) where to submit questions, complaints or reports.


Simply issuing a press release is not enough to improve visibility of the work the VROM Inspectorate does and the results it achieves. In 2006, other media were increasingly used to reach the public. Checklists were regularly distributed in digital and print media and the Inspectorate gained free publicity by giving interviews in local newspapers. Another way to increase public awareness of the VROM Inspectorate is to ask the public for advice on some projects, which was done in 'partying with the farmers' and 'dilapidated complexes'.

have any formal powers in this case, its intervention still proved effective.

# FIREWORKS EXPERT TARGETS CHAIN

VRM Intelligence and Investigation Service systematically maps firework flows





Kilos of illegal fireworks stacked in a car respraying shop, near an uncovered barrel of solvent with broken light fixtures swinging above. A shipment of firecrackers stored in a child's nursery. Hundreds of rolls of Chinese firecrackers packed into a delivery van, while the deliverymen sit in the front cheerfully rolling cigarettes. The VROM Inspectorate is working on a comprehensive approach for dealing with these risks.

Special investigator and fireworks expert Sijmen Roosma believes that the examples listed above should be dealt with systematically, using an approach that targets the entire chain. "Many businesses and people are involved in importing and storing illegal consumer fireworks. It is important for the government to take unified action and use the opportunities offered by administrative law and criminal justice." According to Mr Roosma, a chain approach can only work when all those involved – provinces, police, customs authorities, Royal Netherlands Marechaussee, Transport and Water Management Inspectorate and the Tax Administration – are prepared to put their back to it together.

#### Systematic

The National Investigation of Fireworks Imports project (LOVI) was launched in 2006. LOVI targets importers or wholesalers of dangerous, prohibited consumer fireworks. In the project, criminal investigations are prepared and international information is compiled to make it possible to deal with malversation efficiently and at an early stage. Planning and carrying out criminal investigations is a task for the VROM Intelligence and Investigation Service (IOD). Mr Roosma: "In order to take more effective action, it is important to systematically map the flows of fireworks, from manufacturer to end customer. How are the flows of information, money and goods directed? Which laws apply? Which people and businesses are involved? And which sources of information are available in the Netherlands and abroad? We want to complete this strategic chain analysis in 2007."

#### Innovative

"The basis of our information is the actual fireworks that are confiscated. Besides the contents, stickers and other aspects of the packaging may offer valuable information that can be traced to a manufacturer or importer." Several accidents in other countries have elicited increasing public attention for the problem outside our borders. "That makes cooperation easier. We give each other information and build up expertise, and new opportunities for intervention emerge. We are increasingly successful in harmonising regulations, which increases viable jurisprudence. One of the successes is the fact that a criminal who commits a crime in another country can be tried in the Netherlands."

#### Integral

"We also conduct technical analyses to convince other countries. For example, we check the amount of gunpowder – the explosive mixture – in the fireworks and record visual images of what effect that amount has. That helps people acknowledge the risks more easily. We take an integral approach to the issue: working simultaneously on international, legal, technical and tactical levels. That is new. Moreover, we can intervene anywhere in the chain. The primary goal is to reduce the risks, but it is also important to put a stop to an illegal trade worth millions of euros."

## 5. The Intelligence and Investigation Service

**'Investigation' is one of the fully fledged strategic tools for the implementation of policy set by the Ministry of Housing, Spatial Planning and the Environment (VROM) and its enforcement by the VROM Inspectorate. Besides fighting and preventing crime, it makes an important contribution to achieving the VROM policy objectives.**

The VROM Intelligence and Investigation Service (VROM-IOD) conducts investigations on complex crimes in the area of housing, spatial planning and the environment. The aim is to combat disruptions in the economic and ecological balance and to promote a sustainable living environment. From its main office in Utrecht, the IOD directs three regional implementation teams in Utrecht, Zwolle and Eindhoven. The VROM-IOD consists of two specialised departments, the Strategy & Information department and the Investigation department. The service has created a clearer identity for itself in the past year, making it more high-profile both with VROM and to the general public. As a result, more appeals have been made to its expertise.

One part of Strategy & Information is the Criminal Intelligence Unit (CIE). The unit has the task of collecting, registering and analysing information on crimes and suspects. In that process, the CIE uses informants. The information provided by these anonymous sources makes an important contribution to developing suspicions, on the basis of which the VROM-IOD or one of its partners can specifically target its investigations. Information investigators also approach potential sources.

### Strategic analysis

Specific areas of attention are increasingly investigated in strategic ways. When setting priorities, the VROM-IOD analyses the potential problems. This expands the scope of the investigation beyond the individual organisation to include the sector or chain to which the organisation belongs.

One example of this is the decision reached in consultation with the Public Prosecution Office to start the National Investigation of Fireworks Imports project (LOVI). The information that this investigation yielded was shared with other investigation services and resulted in targeted intervention. Although it could be assumed that the liberalisation of the fireworks regulation would have meant a reduction in illegal imports, 33% more banned fireworks were confiscated in 2006 than in 2005. At

least as important as that figure is the fact that about 30% of that consisted of highly dangerous fireworks, like rockets, nitrate firecrackers and Chinese butterflies. In 2005 these constituted only 5%.

### Cooperation

One of the reasons for the increased awareness of the VROM-IOD is the fact that the service deliberately seeks to cooperate with other authorities. Knowledge and expertise are made available to the network, including the inter-regional and regional environmental teams on the police force, with the aim of achieving maximum results.

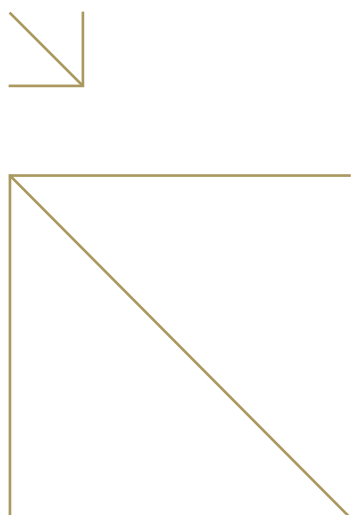
Pooling forces is important because it increases the effectiveness of the investigations. Sometimes joint investigations are conducted or methods, knowledge and employees are exchanged. Other times the partners look at ICT applications that can support cooperation or options for dealing with legal obstacles.

An exploratory study was commissioned last year by the Special Investigation Services Platform on themes for joint investigation. Introducing uniformity in investigation techniques has also provided a major impetus to mutual support. For example, the VROM-IOD used the digital location and tapping facilities of the General Inspection Service, the observation teams from the Fiscal Intelligence and Investigation Service and the analytical tools from the Social Intelligence and Investigation Service.

### Investigations

In 2006 the VROM-IOD targeted a variety of cases. The themes of safety and health received a relatively large amount of attention in these activities, in part in response to the Schiphol fire in 2005 and the events surrounding the Probo Koala in 2006. The VROM-IOD provided legal and technical assistance in the criminal investigations into these events.

The conventional investigations in the past year have clearly focused on the illegal trade in and/or storage of hazardous substances, ranging from illegal trading in uranium and thorium to asbestos removal without the necessary permits and protective measures, and from fraudulent analysis results on secondary building materials to storage and removal of tar-based asphalt granulate and radioactive slag wool. This represented a serious



demand on the technical and specialised knowledge of the service.

In the area of housing policy, special attention went to fraud at housing corporations and mortgage fraud involving abuses of the National Mortgage Guarantee (NHG) scheme. The Ministry of Housing, Spatial Planning and the Environment (VROM) values the financial resources and tools available for regulating the housing market, for both rental accommodations and owner-occupied homes. The use of the criminal justice system (criminal investigations) would appear essential in the coming years to prevent potential disruption of the housing market.

In 2006, a total of twelve criminal investigations were completed in which the prosecution report has been handed over to the Public Prosecution Office. Six investigations will continue in 2007. In 26 cases, direct support was provided to the VROM Inspectorate and/or the inter-regional/regional environmental teams on the police force.

#### **Fraud control at housing corporation**

An additional criminal investigation into suspected fraud at a housing corporation was completed in the autumn of 2006. The investigation revealed that 1.6 million euros had been funnelled into (foreign) private accounts held by the managing director.

The suspicions emerged from the criminal investigation being conducted by the Fiscal Intelligence and Investigation Service (FIOD/ECD) on malversation at another housing association. That investigation showed that a project developer had transferred significant sums of money through a construction of shell companies, which ultimately ended up in the accounts of the managing director at the first housing corporation.

At the request of the Public Prosecutor, the VROM-IOD then launched an additional investigation into the corporation in question. The records that were seized there, as well as witness statements and the records seized by the FIOD/ECD from other companies, exposed the substantial sums transferred to the corporation director. These amounts were calculated into the contracting fee for the development projects, making it seem in the corporation's records that the money was withdrawn from

the corporation's assets in a legal manner. The FIOD/ECD had already frozen the director's assets even before the VROM-IOD conducted the additional inquiries. The case filed against the managing director in question was added to the FIOD/ECD dossier.

### Illegal demolitions

In March, a joint multi-disciplinary criminal investigation into illegal demolitions in a former stone factory was completed.

The Northeast regional team from the VROM-IOD conducted this eleven-month investigation in cooperation with the regional police, the Health and Safety Inspectorate, the National Institute of Public Health and Environmental Protection (RIVM) and the East division of the VROM Inspectorate.

Many construction materials that contained asbestos had been used in the factory.

Demolition had started without the necessary permits and protective gear. Rubble containing asbestos was shovelled onto a lorry, driven outside and dumped illegally on the grounds. Large clouds of dust were created during the work. This exposed workers and the local residents to health risks. The VROM Inspectorate and the Health and Safety Inspectorate immediately called a halt to the work and took administrative measures in consultation with the province and the municipality.

The 37 hectares of land and the structures on the grounds were then tested extensively for asbestos contamination. A risk analysis was conducted in cooperation with the RIVM. The analysis showed that wind dis-

persal had caused some contamination in the immediate vicinity, but that the concentrations found did not pose an increased risk for the local community.

Six legal entities and eight natural persons were ultimately identified as suspects. The records of eight companies were seized to serve as proof. The accused parties were charged with fifteen different violations and crimes, on the basis of the criminal code, the Working Conditions Act of 1998, the Environmental Management Act, the Housing Act, the Soil Protection Act and the Surface Waters Pollution Act.







## 6. Nuclear Supervision

**The Nuclear Energy Service (KFD) of the VROM Inspectorate monitors the safety of nuclear plants, as well as the storage and transport of nuclear materials. Safety also includes security against e.g. attacks and safeguards to enforce the non-proliferation treaty.**

### Inspections and evaluations

In 2006, the KFD conducted more than 150 inspections in total at eight nuclear plants. Besides the nuclear power plant in Borssele, this included the plant in Dodewaard, which has been closed since 1997 but has not yet been dismantled, the uranium enrichment plant and ultra-centrifuge plant in Almelo, the research reactors in Petten and Delft and the central radioactive waste storage facility (Covra) in Borssele. Inspections focus on compliance with the permit and on continuously improving the safety of the plants. Much of the inspection work took place during the (annual) nuclear fuel change in Borssele. Because that plant shutdown was also used to implement improvements from the ten-year safety evaluation and to ramp up the plant's capacity, the power plant was offline for about seven weeks, creating additional opportunities for intensive inspections.

About 100 inspections of nuclear transports also took place. Besides inspections, approximately forty evaluations took place. Every safety-related change that a plant wants to make, whether it concerns a technical change or a change in operational management or personnel and organisation, requires the opinion and often the permission of the KFD. The KFD evaluates the planned changes on the basis of the implications those changes would have for the safety of the plants.

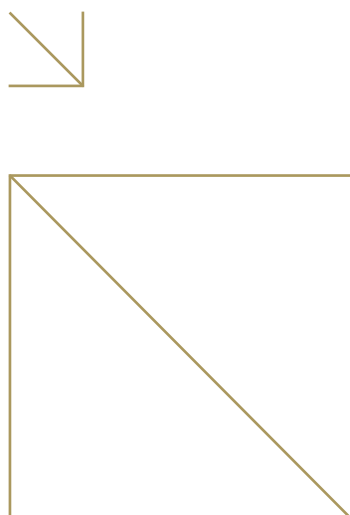
The evaluation of unusual circumstances such as malfunctions is also part of the standard tasks of the KFD. Every reported malfunction in a nuclear plant has to be analysed. The number of malfunction reports in the Netherlands has remained stable in recent years.

Besides any malfunctions in the Netherlands, important unusual events in other countries are also researched in order to learn from such incidents how to deal with situations in the Netherlands. One such event was an interruption in the power supply to a nuclear power plant in Sweden.

### Power outage in Sweden

In July 2006, the Swedish nuclear power plant Forsmark 1 was affected by an interruption in the external power supply. The plant shut down automatically, but two of the four emergency diesel generators, which are intended to supply power to the cooling systems, failed to kick in. Although the plant was sufficiently cooled and there was no threat of danger, the Swedish supervisory authority, SKI, took the incident seriously. The SKI reported the event as an incident on the International Nuclear Event Scale (INES 2). The IAEA also took note of the matter and notified all countries worldwide so they could learn from the events.

Immediately following the incident in Sweden, the KFD asked Borssele, Petten and Delft to check these systems at their own plants. The KFD also conducted two inspections itself at the Borssele nuclear power plant. The investigations showed that a malfunction like the one in Sweden is highly unlikely at the Dutch power plants. The various emergency power supplies are tested monthly, and there are also other back-up provisions to turn off the reactor safely and cool it down.



### International developments

The KFD represents the Netherlands in the Western European Nuclear Regulators Association (WENRA). This association includes all the EU countries that have nuclear power plants and Switzerland. One of the projects in the WENRA framework is harmonisation of nuclear safety. All the participating countries have taken inventory of their nuclear safety status, both in terms of actual implementation and in terms of regulation. On that basis, it has been agreed that all the WENRA members will draw up an action plan to equalise and increase nuclear safety in both implementation and regulation. All the countries have work to do. In the Netherlands, this primarily involves regulation. In that area, the 'Regulation Update' project has now been started.

International cooperation is unavoidable in the context of safeguards against the misuse of nuclear technology. In essence, this concerns putting into practice the non-proliferation treaty that aims to use nuclear materials and technologies exclusively for peaceable ends. The International Atomic Energy Agency (IAEA) is responsible for supervising these activities.

In 2006, IAEA and Euratom consulted with the European countries (in which the KFD represented in the Netherlands) to make agreements about a new method of regulation: integrated safeguards. This means that the accounts of nuclear plants must be available on a permanent basis and kept up-to-date for unannounced inspections.

### Nuclear Safety front office

In 2003, after an unexpected police raid in Petten, many (minor) infractions were discovered. That also made it clear how inadequate the cooperation was between the various supervisory authorities that inspected the location. Great improvements were made from that time on in the cooperation between all those involved. Many different authorities supervise the companies in Petten: the Fire Brigade (building permit), the Health and Safety Inspectorate (working conditions), the Directorate-General for Public Works and Water Management (non-radioactive seawater contamination), the water board (non-seawater) and the municipalities and provinces (Environmental Management Act). And finally, there is the KFD, which is responsible for about 85% of the supervision in Petten. This concentration in the KFD is the result of a process of several

years, which occurred simultaneous to an intensification in cooperation between all the supervisory bodies.

In July 2006, all the partners that supervise the nuclear plants in Petten agreed to the cooperation concord and the establishment of a front office was started. The front office works closely with the nuclear sector, which embraces the introduction of increased coordination in the inspection programmes. A study to assess the burden of supervision is currently underway.

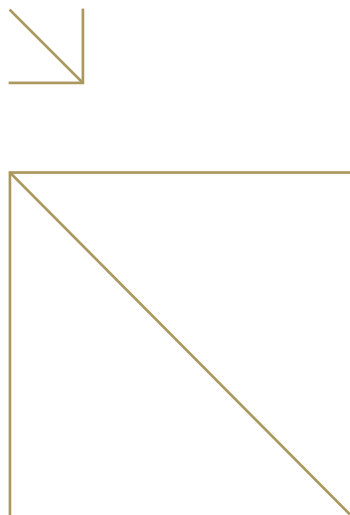
### Ten-year evaluations at Borssele and Petten

One of the tools to ensure continuous improvement of nuclear safety is the ten-year safety evaluation. These are in-depth evaluations to assess the areas in which the safety at the Borssele nuclear power plant and the high-flux reactor in Petten can be improved. EPZ, the company that owns the Borssele plant, conducted an evaluation in 2003-2004. The KFD assessed the report of that evaluation early in 2005.

Assessment takes place on the basis of the latest international standards and practices in safety. The operational management, the safety organisation and the technical situation at the plant were all subjected to close scrutiny. On the basis of the assessment report issued by the KFD, EPZ submitted various proposals for changes to the department. In total, the proposals involve investments worth approximately 25 million euros in safety improvements and modernisation of the regulation and control systems. Many improvements were put into practice in 2006. In 2004, the KFD assessed the ten-year safety evaluation of the high flux reactor in Petten. The improvements were set out in a new permit and a number of them were implemented in 2006. The KFD is currently ensuring that the changes are implemented in a responsible manner.

### Regulation update

In 2006, a start was made on updating national regulations on nuclear safety. This is crucial, particularly in view of the decision to keep the Borssele nuclear power plant open until 2033. The International Atomic Energy Agency (IAEA) regularly offers recommendations for implementing international standards and guidelines in the internal regulations of each country. The VROM department of Radiation, Nuclear and Biological Safety is currently evaluating the Nuclear Energy Act and is expected to adapt the law to new developments and standards



in response. The Nuclear Energy Service (KFD) is working to update various technical regulations concerning design, technical processes, operational management and procedures. The project is expected to be completed in 2008. This is in line with the WENRA agreements on harmonisation of nuclear safety.

### Security and IPPAS

The KFD supervises security at nuclear plants. During the Convention on Physical Protection of Nuclear Material in 2005, international regulations were tightened, particularly after the attacks on 11 September 2001. In response, to supplement the normal supervisory activities, the IAEA was asked in 2005 to send an IPPAS (International Physical Protection Advisory Service) mission to the Netherlands. As part of that mission, the Borssele nuclear power plant was also scrutinised. A second reason for the inspection was the fact that an activist group had climbed the dome of the power plant. The aim of the IPPAS mission was to achieve an objective assessment of the security at Borssele. The investigation looked at the state of internal and external security when compared to international standards. No acute problems were identified in the security, but plant security could be improved. Bringing the regulations up to the new international level would also be recommended.

Besides the IAEA, the COT Institute for Safety, Security and Crisis Management researched the state of security at the plant compared to other hazardous complexes in the Netherlands. This assessment showed no need to take different or additional measures.

Both investigations together provided an accurate assessment of the general state of security at the Borssele power plant. In 2006, work started on introducing measures to adapt security to the most recent standards.

### Ignition points

One of the items for improvement in response to the ten-year evaluation is introducing ignition points between Westerschelde and the location of the Borssele power plant. The Westerschelde is a well-travelled shipping route for numerous transport ships. In the event of an accident, it would be possible for explosive substances to be released, such as in the form of a cloud of gas. In order to prevent the danger of explosions near the plant, it would be possible to ignite a gas cloud using ignition points to ensure that it would explode at a safe distance from the plant.



## 7. Crisis Management

**Crisis management is the responsibility of the entire Ministry of Housing, Spatial Planning and the Environment (VROM) and it is incorporated into the organisational structure under the VROM Inspectorate. The staff department focuses on preventing, controlling and dealing with potential crisis situations in the VROM field of operations. This could concern environmental incidents, nuclear accidents or emergency situations involving the drinking water supply or public housing.**

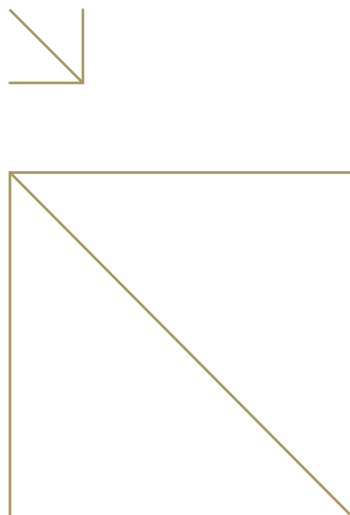
Disasters are unpredictable and almost unimaginable. Nevertheless, any VROM department could become involved in dealing with a disaster in some way. To ensure that everyone knows what to do in such a situation, the VROM Departmental Handbook for Crisis Decision-making was developed in 2006. The development of the handbook gave crisis policy a firm foundation throughout VROM. A network of crisis liaisons was set up which encompasses all the VROM divisions. In addition, a programme of action was developed to make the organisation, protocols and procedures – and the policies – crisis-proof wherever necessary. Crisis management is not just about controlling and dealing with potential crises, but also about preventing them. The policy directorates play a crucial role in this aspect; they have to ensure that the policy is as invulnerable as possible to the emergence of incidents.

### **Humanitarian mission to the Ivory Coast**

Shortly after the reports of fatalities and injuries in Ivory Coast, reputedly due to waste from the ship Probo Koala, the Ministry of Foreign Affairs asked the Crisis Management staff department for support and expertise in an investigation into the consequences of the waste dumping in Abidjan. Crisis Management has two staff members who have received special training for foreign missions for humanitarian and/or environmental purposes. Due to the unsafe situation in the area, which is ravaged by civil war, the VROM representatives joined the mission headed by the UN. Besides the two VROM employees, the UNDAC (United Nations Disaster and Coordination) team included experts on health and the environment from various countries. The team conducted field investigations and reported its findings to the Ivory Coast government via the UN. The two VROM staff members who joined the UNDAC team focused primarily on what consequences the dumping had on the environment and the possible effects that could have on public health.

### **Emergency housing for evacuees from Lebanon**

During the recent Lebanon crisis in summer 2006, the Dutch government evacuated more than 550 people who held a Dutch passport. It was an operation that involved contributions from various departments. The input provided by VROM focused on housing. The majority of the evacuees turned out to have their own accommodations in the Netherlands, or were able to stay with family or friends in the Netherlands or abroad. A former asylum-seekers centre in Almere was made available to the people who did not have those options. Operating under the coordination of the Crisis Management staff department, the Directorate-General for housing drew up a list of the people who needed housing and contacted the umbrella organisation of the housing corporations (Aedes). The authorities worked to find solutions via the housing corporations and in consultation with municipalities. Various cities throughout the Netherlands offered an accelerated process for finding a house.



They returned to the Netherlands after a week and a half. The findings of the UNDAC team were used to formulate recommendations that were passed on to the Ivory Coast, again via the UN.

#### **BOT-mi**

The policy support team for environmental incidents (BOT-mi) is an alliance of six government ministries and ten knowledge institutes and comprises the very best Dutch experts on the environment. The BOT-mi can be called in 24 hours a day, seven days a week by crisis teams to provide advice and support in the event of environmental incidents. The BOT-mi is a virtual organisation, in which the members can communicate with each other via their own secure network. BOT-mi is part of the Dutch crisis management structure pertaining to environmental incidents. The Minister of VROM is responsible for how the BOT-mi functions in the system. Because Crisis Management is also part of the UN network, the BOT-mi can also be deployed internationally. That happened last year in relation to the mission to Ivory Coast. The BOT-mi was also able to make a valuable contribution during UN missions to Surinam, after the floods in May 2006, and Java, which faced a mudslide.

The goal for 2007 is to continue developing the BOT-mi concept for international applications. In 2006, BOT-mi was involved in fifteen incidents.

#### **LMIP and fireworks**

The National Reporting and Information Centre (LMIP), intended for government bodies and teams that are involved in the enforcement of the Further Requirements for Fireworks Scheme, has been housed with the Crisis Management staff department. Thanks to the LMIP, the government now has integrated insight into the entire fireworks chain, making it possible to respond quickly and appropriately. The most important function of the LMIP is – systematically as well as occasionally – passing on information to enforcement authorities or teams for which that information is relevant. Another important function of the reporting centre is to conduct trend analyses on the basis of the information it manages.

In 2006, a 'flying squad' was also set up for the fireworks decree. This is an alliance of the VROM Inspectorate, the Transport and Water Management Inspectorate and the police

force. The flying squad handled various projects last year, such as an extensive end-of-year inspection in the border zone in cooperation with the German customs authorities.

#### **Nuclear accident response**

The national plan for a nuclear accident response (NPK) was updated in 2006. The lessons learned during the large-scale National Nuclear Staff Drill (NSOn) from 2005 were incorporated. Many organisations were involved in creating the new nuclear accident response plan. Besides the update, the existing Nuclear Planning and Advice Unit (EPA-n) was developed further.

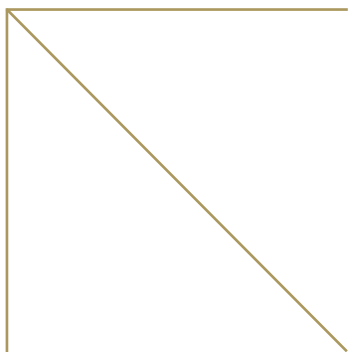
#### **Network of laboratories**

In the Netherlands, there are a number of laboratories that are capable of conducting measurements and analyses in the event of terrorist attacks with chemical, biological, radiological or nuclear agents (CBRN). However, none of these labs possessed all the necessary expertise and/or capacities on its own. This requires cooperation.

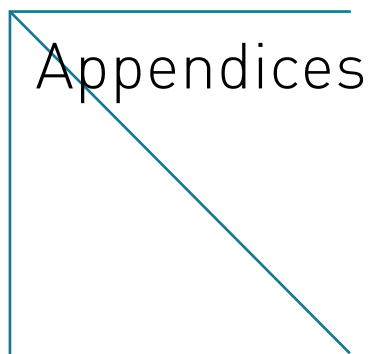
Under the auspices of the Minister of VROM, a national network of laboratories for terrorist attacks (LLN-ta) was set up to deal with CBRN terrorism. This network of laboratories, which received formal status in 2006, is equipped to research the entire spectrum of CBRN agents. A suspect substance undergoes initial screening at the National Institute of Public Health and Environmental Protection (RIVM); after which the substance is sent to a laboratory selected by the RIVM for further research. The results of the analysis are made available to various organisations as soon as possible so appropriate measures can be taken.

#### **Inter-departmental cooperation**

Efficient and effective crisis management at the national level requires inter-departmental cooperation. In this framework, the existing BOT-mi website will be developed in 2007 to become an integral website for crisis consulting: ICAWEB. All the departments, departmental bodies and organisations that are involved in crises can use the website for advice on e.g. CBRN terrorism, nuclear safety, the environment and hazardous substances.







# Appendix 1.

## Statistics on primary supervision

	<b>Inspections</b>	<b>Transport vehicles checked</b>	<b>Samples</b>	<b>Indications dealt with</b>	<b>Violations identified</b>	<b>Administrative action</b>	<b>Criminal justice action (official report)</b>
All VROM regulations	114	2	0	412	11	0	1
Pesticide Act	89	0	0	13	15	4	14
Environmental Management Act (EMA)/European Waste Shipment Regulation	366	1948	1	410	919	175	66
Nuclear Energy Act	154	3	0	399	319	115	13
Air Pollution Act/road traffic fuels	100	0	200	0	0	0	0
Air Pollution Act/level of sulphur in fuels	225	0	222	0	38	0	1
Water Supply Act	191	0	2	142	38	100	4
Water Supply Act/Legionella	356	0	4	1093	437	400	40
Environmental Management Act (EMA)	114	220	0	45	138	20	9
EMA/external safety of establishments, serious accidents/relation to Spatial Planning Act	193	0	0	8	9	0	1
EMA/Hazards of Major Accidents Decree	70	0	0	1	1	0	0
Chemical Substances Act (CSA)/Asbestos	119	0	0	37	22	4	13
CSA/CFC and Fireworks	318	69	0	114	70	88	41
CSA/Genetically manipulated organisms	50	0	7	1	23	0	0
<b>Sum total</b>	<b>2459</b>	<b>2242</b>	<b>436</b>	<b>2675</b>	<b>2040</b>	<b>906</b>	<b>203</b>

## Appendix 2. Results of municipality investigations 2005

### VI Annual Report 2006 (%)

Aspect	adequate		somewhat adequate		inadequate	
	2005	2006	2005	2006	2005	2006
<b>Building implementation</b>						
issuing building permit (87)	16	21	75	60	9	19
issuing demolition permit (85)	27	21	49	45	24	34
issuing use permit (85)	36	28	51	51	13	21
<b>Environment implementation</b>						
issuing environmental permit (87)	16	22	69	63	15	15
reports (art 8.19/8.40) (35/42)	55/42	49/55	35/47	42/36	10/12	9/9
building materials decree (59)	25	32	30	32	45	36
external safety (43)	43	51	42	42	15	7
air quality decree (34)	68	76	11	12	20	12
complaints handling (29)	57	55	33	38	10	7
<b>Spatial planning implementation</b>						
zoning schemes (82)	11	21	55	48	34	31
exemptions (55)	44	36	52	49	4	15
planning permit (14)	80	57	13	29	7	14
<b>Supervision and enforcement</b>						
building (78)	11	14	70	47	19	39
environment (75)	18	32	56	51	25	18
spatial planning (80)	16	15	44	36	40	49

## Appendix 3. Statistics on inter-administrative supervision

	Inspections	Indications	Violations	Administrative actions	Criminal Justice actions (official report)
All VROM regulations	301	782	25	1	0
Air Pollution Act/road traffic fuels	2	0	0	0	0
Environmental Management Act (EMA)	1	0	0	0	0
EMA/European Waste Shipment Regulation	5	1	1	0	0
EMA/external safety of establishments, serious accidents/relation to Spatial Planning Act	49	1	5	3	0
EMA/Hazards of Major Accidents Decree	1	0	0	0	0
Chemical Substances Act (CSA)	7	1	1	1	0
Housing Act/Municipal building regulations/EMA/Spatial Planning Act	875	1137	75	17	0
Spatial Planning Act	63	39	1	0	0
Housing Allocation Act	73	1	0	0	0
<b>Sum Total</b>	<b>1377</b>	<b>1962</b>	<b>108</b>	<b>22</b>	<b>0</b>

## Appendix 4. Statistics from VROM-IOD

<b>Intelligence and investigation service</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Indications (by area of attention)</b>				
Building and housing	11	15	30	14
Spatial planning	3	-	1	-
The environment	37	30	52	39
Integrity	6	-	3	7
Subsidies	3	5	4	5
Other	5	2	5	1
<b>Total</b>	<b>65</b>	<b>52</b>	<b>95</b>	<b>66</b>
<b>Indications (by source)</b>				
Criminal Intelligence Unit (CIE)	13	15	16	30
Info	10	3	8	-
Inspectorate	20	15	23	11
Criminal investigation services (special investigation units and the police force)	10	4	6	2
The Ministry of Public Housing, Spatial Planning and the Environment (VROM)	4	12	7	5
Internet/letters from the public*	1	1	31	8
Other	7	2	4	10
<b>Total</b>	<b>65</b>	<b>52</b>	<b>95</b>	<b>66</b>
<b>Criminal justice investigations</b>				
Independent (zwacri model)	6	7	21	*22
Support for other services	12	12	8	4
Police cooperation	9	8	6	14
Support for VROM Inspectorate investigations	-	-	-	7
<b>Total</b>	<b>30</b>	<b>29</b>	<b>18</b>	<b>47</b>
<b>Administrative reports</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>
<b>Feedback reports</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8</b>

\*12 investigations were completed in 2006. 10 investigations will continue in 2007.

## Appendix 5. Statistics on supervision of nuclear plants

License holder	Numbers		Deviations/findings	
	2005	2006	2005	2006
<b>Borssele nuclear power plant / EPZ</b>				
Inspections	102	70	39	31
Audits/Team Inspections	0	0	0	0
Missions	2	0	27 <sup>1</sup>	0
Company reports	29	17	0	0
Assessments of change plans	2	17	8	14
Assessments and evaluations (10 & 2 years)	1	1	8	2
Other assessments	5	7	13	5
<b>Dodewaard nuclear power plant / GKN</b>				
Audits	0	-	0	-
Missions	0	-	0	-
Company reports	6	3	0	0
Assessments of change plans	0	0	6	0
Assessments of evaluations	0	0	0	0
Other assessments	2	1	8	0
<b>High flux reactor, Petten / NRG</b>				
Inspections	42	32	46	37
Audits	0	-	-	-
Missions	0	-	0	-
Company reports	35	1	0	0
Assessments of change plans	13	10	8	38
Assessments of evaluations	1	2	4	7
Other assessments	4	11	13	19
<b>Nuclear Research Consultancy Group, Petten / GCO</b>				
Inspections	9	2	9	0
Audits	0	-	-	-
Missions	0	-	-	-
Company reports	7	13	0	0
Assessments of change plans	4	1	21	5
Assessments of evaluations		0	-	0
Other assessments	1	5	4	18

License holder	Numbers		Deviations/findings	
	2005	2006	2005	2006
<b>ECN Nuclear Laboratories, Petten / ECN</b>				
Inspections	2	2	4	5
Audits	0	-	-	-
Missions	0	-	-	-
Company reports	4	4	0	0
Assessments of change plans	0	0	-	0
Assessments of evaluations		0	-	0
Other assessments	0	1	-	1
<b>Higher Education Reactor, Delft / RID</b>				
Inspections	9	13	20	14
Audits	0	-	-	-
Missions	0	-	-	-
Company reports	7	2	-	0
Assessments of change plans	0	0	-	0
Assessments of evaluations		0	-	0
Other assessments	4	2	8	1
<b>Ureco Almelo</b>				
Inspections	5	3	12	5
Audits	0	-	-	-
Missions	0	-	-	-
Company reports	2	2	0	0
Assessments of change plans	1	0	5	0
Assessments of evaluations		0	-	0
Other assessments	0	3	0	4
<b>Central Organisation for Radioactive Waste in Borssele</b>				
Inspections	7	6	13	3
Audits	0	-	-	-
Missions	0	-	-	-
Company reports	7	6	0	0
Assessments of change plans	0	1	0	0
Assessments of evaluations	1	0	3	0
Other assessments	0	1	0	0

License holder	Numbers		Deviations/findings	
	2005	2006	2005	2006
<b>Mallinckrodt</b>				
Inspections	0	4	0	0
Audits	0	0	0	0
Missions	0	0	0	0
Company reports	0	0	0	0
Assessments of change plans	0	0	0	0
Assessments of evaluations	0	0	0	0
Other assessments	0	0	0	0
<b>Totals for nuclear plants</b>				
<i>Inspections</i>	143	133	167	97
<i>Audits</i>	0		0	0
<i>Missions</i>	2	0	272	0
<i>Company reports</i>	93	45	0	0
<i>Assessments of change plans</i>	20	29	42	57
<i>Assessments of evaluations</i>	3	3	12	9
<i>Other assessments</i>	16	31	46	48
<b>NBS inspections</b>				
Nuclear inspections	52	50		
Safeguards	24	60		
Nuclear transports	108	114		
<i>Totals</i>	184	224		



## Appendix 6. Statistics on housing

	2002	2003	2004	2005	2006
<b>Housing Act - Illegal habitation</b>					
Municipalities with an ordinance/agreement	298	301	299	299	291
Municipalities investigated	56	9	13	13	50
Inhabitants in municipalities that were investigated	7.3 million	2.3 million	2.7 million	2.7 million	6.8 million
Municipalities actively enforcing the law	27	4	5	6	14

Illegal habitation means letting or renting housing accommodations outside the rules set out in the Housing Act. This generally concerns a violation of the (local) rules for housing allocation. The VROM Inspectorate also focuses on adequate, safe housing that is up to fire code which is used for temporary accommodations and on the housing offered by rack-renters. These accommodations are often used by weak groups, such as temporary foreign employees and illegal aliens. 50 municipalities were investigated in 2006, in response to a suspicion of one or more of these forms of housing fraud. That was supported by 10 public panels. The VI developed a handbook for the enforcing municipalities (compiling information, developing policy, using enforcement tools).

	2002	2003	2004	2005	2006
<b>Housing Act - 'Status holders'</b>					
Backlog in numbers of 'status holders'	8151	2889	5010	4.396	3.658
Balance between backlog and head start	-	-	1372	1.766	1.408
Municipalities lagging behind	92%	80%	82%	78%	78%
Primary supervisors lagging behind	-	-	79%	79%	63%
Municipal consultation with primary supervisors	-	35	37	57	38
Supervisory letters	-	51	25	38	38

'Status holders' are former asylum seekers who have received a residence permit. The Housing Act dictates that each municipality provides accommodations for a certain number of residence permit holders every six months. The VROM Inspectorate is responsible for supervising the primary supervisors (provinces and framework legislation areas). In order to work through the backlogs, the VROM Inspectorate has been applying administrative pressure since 2002. As of 2005, the primary supervisors have been subject to deadlines for taking action against municipalities that fall behind on housing allocation. The supervisors must submit a supervisory report for evaluation every six months.

	2002	2003	2004	2005	2006
<b>Housing Act - Binding requirements</b>					
Provinces with policy rules	1	1	1	1	1
Municipalities with binding requirements	191	-	-	-	150
Instructions from provinces	-	-	-	-	-

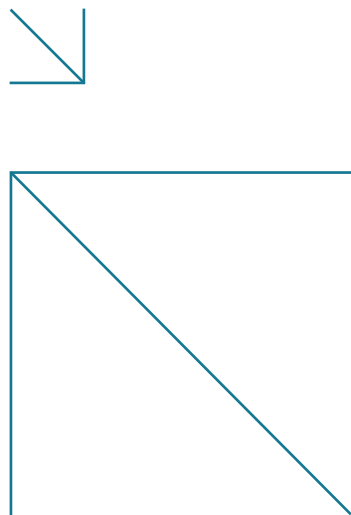
The Housing Act provides rules for combating illegitimate binding requirements. Provinces can also give municipalities instructions on the matter. Plus Regions can also set binding requirements. In 2006, the VROM-wide province investigations focused on the role that provinces play in binding requirements. In anticipation of the announced review of the Housing Act, the VI did not conduct supervisory activities in this area in 2006.

	2002	2003	2004	2005	2006
<b>Housing Act - Housing allocation policy</b>					
Municipalities that have an ordinance/agreement	298	301	299	299	291
Indications and deviations	< 20	< 20	< 20	< 20	< 20
Enforcement requests	< 10	< 10	< 10	< 10	< 5
<p>The law states that municipalities must have an ordinance or agreement for implementing housing allocation rules. Housing allocation rules promote a balanced and fair distribution of the accommodations as they are available, particularly in markets where housing is scarce (see also illegal habitation). The VROM Inspectorate can investigate indications that municipalities may not be implementing or enforcing the statutory rules correctly. In anticipation of the announced review of the Housing Act, the VI did not conduct supervisory activities in this area in 2006.</p>					
<b>Housing Act - Housing corporations</b>					
Intention to issue an official instruction	2	2	3	6	0
Official instructions	0	0	1	3	0
Requests for investigations	6	13	15	15	9
Criminal investigations	1	3	4	4	1
<p>Housing corporations have a social task, which is set out in the Social Housing Management Decree (BBSH). The Minister can issue official instructions to corporations, in some cases pursuant to a criminal investigation.</p>					

## Appendix 7.

# Reports, brochures and information sheets

Distr.#	Titel		
6114	A5 flyer Bubistartweek	6397	Halderberge municipal report
6337	Bouwen door Duitse aannemers in Nederland	6285	Heerde municipal report
6335	Bouwen door Duitse aannemers in Nederland voor u gaat bouwen	6435	Hellevoetsluis municipal report
6336	Bouwen door Duitse aannemers in Nederland voor u laat bouwen	6434	Heusden municipal report
6281	Bouwkundige schade ten gevolge van sneeuwval	6132	Hillegom municipal report
6237	Checklist Brandveiligheid sporthallen tijdelijke evenementen	6183	Houten municipal report
6423	Compliance assistance	6437	Jacobsvoude municipal report
6175	Compliance assistance information sheet 4	6168	Leek municipal report
6176	Compliance assistance information sheet 5	6439	Leiderdorp municipal report
-	De effectuering van het compensatiebeginsel bij ruimtelijke ingrepen in de EHS	6065	Liesveld municipal report
6238	De kwaliteit van het drinkwater 2005	6064	Lith municipal report
6078	Dwarliggers onder controle	7048	Loenen municipal report
6179	Eigen winning drinkwater	6417	Maasbree municipal report
6436	Alkemade municipal report	6440	Maassluis municipal report
6092	Ambt-Montfort municipal report	6213	Meerssen municipal report
W736	Amsterdam municipal report from Zeeburg city district	6171	Millingen aan den Rijn municipal report
6169	Arnhem municipal report	6333	Mook en Middelaar municipal report
6376	Barneveld municipal report	6307	Neder-Betuwe municipal report
6152	Bergambacht municipal report	6412	Nederweert municipal report
6212	Best municipal report	6058	Nijefurd municipal report
6342	Beuningen municipal report	7051	Ooststellingwerf municipal report
6290	Blaricum municipal report	6325	Opmeer municipal report
6148	Bodegraven municipal report	6138	Oss municipal report
6268	Borne municipal report	6438	Oud-Beijerland municipal report
6287	Boskoop municipal report	6441	Papendrecht municipal report
7047	Breukelen municipal report	6389	Reimerswaal/Kapelle municipal report
6066	Buren municipal report	6410	Ridderkerk municipal report
6146	Cranendonck municipal report	6217	Roerdalen municipal report
6408	De Bilt municipal report	6249	Schiedam municipal report
6375	De Harselaar municipal report	6421	Sevenum municipal report
6295	De ronde venen municipal report	6116	Simpelveld municipal report
7045	Doesburg municipal report	6416	Sint Anthonis municipal report
6196	Dordrecht municipal report	6291	Slotervaart municipal report
6398	Drimmelen municipal report	6174	Spijkensisse municipal report
7079	Druten municipal report	6157	Terneuzen municipal report
6154	Edam-Volendam municipal report	7204	Texel municipal report
6371	Eemmond municipal report	6277	Tholen municipal report
6211	Eersel municipal report	6453	Tiel municipal report
6170	Elburg municipal report	6248	Tubbergen municipal report
		6343	Ubbergen municipal report
		6115	Veghel municipal report
		6151	Vlieland municipal report
		6149	Waddinxveen municipal report
		6226	Waterland municipal report

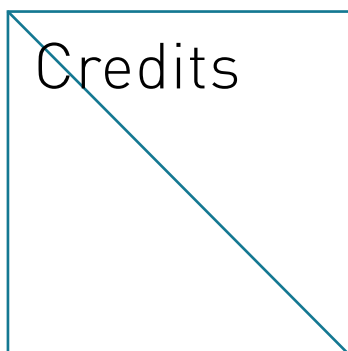


6349	Wijdemeeren municipal report	6296	Nieuwsbrief 4 gasunie pilot II
6442	Wognum municipal report	6279	Nuclear facilities in the Netherlands 2005
7094	Woudenberg municipal report	6207	Nucleaire installaties 2005
6266	Zandvoort municipal report	6451	Onderzoek brandveilig gebruik gemeentelijke publieke gebouwen
6342	Beuningen municipal report	6063	Onderzoek veiligheid en gezondheid bij discotheken
6090	Gevaren bij vervallen industriële complexen	6166	Plan van aanpak asbestbrand ; Uitgave in het kader van het overheidsoptreden bij bijzondere milieumstandigheden
6172	Handhaving afgedankte electronica 2005	6167	Plan van aanpak asbestbrand op hoofdlijnen
6039	Handout bestuurlijk overleg VROM-breed onderzoek	-	Publieksveiligheid in sporthallen tijdens evenementen
6069	Handreiking coördinatieregeling	6221	Rapport Bestemmingsplan Groene Hart
6374	Handreiking werken aan woonwagenlocaties	6344	Rapport Bouwen door Duitse aannemers in Nederland
6023	Het provincieonderzoek	6059	Rapport de oven gedoofd
-	IMPEL Comparison Programme "Doing the right things"	6319	Rapport Externe Veiligheid en het bestemmingsplan (BEVI) (onderzoek Oranjewoud)
6294	Impel-TFS Newsletter verification-2 project, fourth edition	6350	Rapport gasunie pilot II
6068	Impel-TFS Newsletter verification-2 project, third edition	6447	Rapport LPG tankstations
6353	Impel-TFS verification-2 report "What you see is what you get"	6420	Rapport Oorzaak en Oplossen van lekkage van koudemiddelen bij zeeschepen
6352	Infoblad gasunie pilot II	6288	Rapport processierups
6093	Infoblad halonen	6448	Rapport Provincie Zeeland
6286	Infoblad resultaten schouwweek noord	6392	Rapport provinciescan limburg deel 1
6156	Infoblad rioolrenovatie met kousmethoden	6393	Rapport provinciescan limburg deel 2
6199	Informatieblad BEVI	6240	Rapport speeltuinen
6200	Informatieblad DPVI	6236	Rapportage Brandveiligheid sporthallen tijdelijke evenementen
6329	Informatieblad gemeentenonderzoeken 2005	6131	Rapportage van ozonlaagafbrekende en broeikasgassen uit koelinstallaties in zeeschepen
6062	Informatieblad nummer 2 gasunie pilot II	6321	Signalen m.b.t. radioactieve stoffen en straling
6425	Informatieblad seizoenarbeiders een zorg voor de werkgever	6322	Spoodmailing unitbouw
6460	Informatieblad verbeteren leefomgeving	6067	Terugblik 2002-2005 BOT-mi
6358	Informationsbulletin für deutsche Bauunternehmen in den Niederlanden (Bevor Sie bauen)	6323	Tijdelijke huisvesting seizoenarbeiders
6194	Inspectiesignaal Brandwerendheid Dakconstructies	6304	Toekomstagenda Milieu Engels: clean, clever and competitive
6155	Interventiewaarden gevaarlijke stoffen	6042	Toezietsverslag Sociale Huursector
6014	Jaarplan VROM-Inspectie 2006	-	Veiligheid evenementen. Constructieve veiligheid, brandveiligheid en milieu
6384	Jaarplan VROM-Inspectie 2007	6133	VI Rapport Toezicht Week VI Oost 2005 (een veilig verblijf gewenst)
6013	VROM Inspectorate Annual Report 2005 (English)		
6012	Jaarrapportage Vrom-Inspectie 2005 (Nederlandse versie)		
6297	Ketens in kaart		
6428	Kleine veiligheidsafstanden bij vuurwerkopslagbedrijven		
6118	Kunststofafval & EVOA		
6228	Landelijke Rapportage VROM brede Gemeente onderzoeken		
6178	Meten moet II		

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## Appendix 8. Finance

	Realisation 2003	Realisation 2004	Realisation 2005	Realisation 2006	Budget set for 2006	Difference in 2006
Commitments:	79.123	65.131	67.022	60.984	63.344	-2.360
Expenditures:	78.411	65.300	68.410	57.864	63.564	-5.700
Programme costs:	23.647	18.183	24.891	17.801	21.428	-3.627
Promoting compliance with national and international regulations (Primary supervision):	8.282	6.636	8.920	9.410	9.824	-414
Enforcing national supervision and implementing inter-administrative supervision (Inter-administrative supervision):	4.445	3.963	4.893	1.296	1.321	-25
Prioritising statutory tasks and selecting relevant social indications (Strategy/social indications):	4.049	2.370	3.820	909	3.074	-2.165
Organising crisis management:	5.781	4.576	6.220	5.774	5.846	-72
Detecting and fighting fraud:	1.090	638	1.038	412	1.363	-951
Costs of the bureaucracy:	54.764	47.117	43.519	40.063	42.136	-2.073
Received:	1.025	715	882	2.214	882	1.332



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April 2007





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