

General Matters

Extrajudicial settlement of offences. Although the procedure for the extrajudicial settlement of offences in the Waste Sector was regulated under the Solid and Hazardous Waste (Amendment) Law of 2006 (No. 7(I)/2006), which was put into force on 24.2.2006, this procedure has not yet been implemented. The only Sector of the Service for which the extrajudicial settlement procedure is implemented since 2004 is the Pollution Sector, concerning the application of the provisions of the Law on the Control of the Pollution of Water and Soil (No. 106(I)/2002).

According to the register of extrajudicial fines which is kept by the Pollution Sector, notices for the extrajudicial settlement of 107 cases were issued since 2004, for the total amount of £13.170. Cases were also observed of institutions for which notices were issued in 2005 for extrajudicial settlement of offences, the payment of which is still pending. For these cases, reports, some of which related to other committed offences, have been submitted to the Attorney General for legal action to be taken.

Completion of projects for the adoption of the Environmental Acquis. The total provision under the Budget for 2007 for the execution of the above projects was £700.000 and concerned the execution of 9 projects, for the adoption of the environmental acquis. We pointed out that the actual expenditure of £697.523 (percentage of materialisation 99,6%), mainly concerned payments for the execution of only two projects, namely the provision of services for the management of packaging waste to 13 Municipalities and 4 Community Boards of the Nicosia and Limassol Districts, and a study regarding hazardous waste, while no expenses were incurred for the remaining 9 projects.

Examinations and inspections. According to article 13.1 of Law 215(I)/2002 and article of Law 106(I)/2002, the Competent Authority and the Inspectors who are appointed carry out the necessary regular and ad hoc examinations and inspections, for the purpose of securing the implementation of the provisions of the law.

(a) We observed that, a central official register of inspections is not kept, rendering the exercise of control and ensuring the performance of a sufficient number of inspections as well as the monitoring of the follow-up inspections, in infringement cases where a notice is given for rectification, difficult. It is our understanding that, for the Pollution Sector, the possibility for the establishment of a central computerised database is being examined, in cooperation with the Departments of Land and Surveys and of Information Technology Services. We suggested that this possibility is investigated for the entire Environment Service, so that a centralised database is prepared to cover the inspections of all the Sectors of the Service.

The Permanent Secretary of the Ministry informed us that, as from the beginning of 2008, the Pollution Sector keeps an electronic registry of all the visits carried out for the purpose of inspection, as well as for the issue of licences, examination of complaints, pollution accidents, delivery of letters of formal notice and extrajudicial financial penalties.

(b) It was ascertained that no uniform policy is applied for the recording of the results of the inspections. Also, no records are kept concerning the inspections during which no infringements were observed, according to the provisions of article 40 of Law 215(I)/2002 and article 28 of Law 106(I)/2002. We suggested the preparation of a proforma inspection document, which will be completed for each case and we pointed out that the Service only carries out examinations for the purpose of the issue/renewal

of licences and the on-the-spot examination of complaints, resulting in a limited frequency of examinations compared with what would be desirable.

The Permanent Secretary of the Ministry informed us that, for the Pollution Sector, a special form was prepared in March 2008, which is completed in each visit. He also stated that, during 2008, an inspection schedule was prepared and inspections were carried out at all installations relating to the Integrated Prevention and Control of Pollution and it is expected that the inspections to sewage treatment plants, poultry slaughterhouses and cattle breeding units, will be completed by the end of the year.