

# **Summary on F+E Project on the performance of “Fachbetriebe” = qualified enterprises under the German Water Protection Act**

**Reference Number 201 48 311**

## **1 Objective and summary**

The Water Protection Act (WHG) demands a set of technical and organisational measures in order to implement the requirements of the “Besorgnisgrundsatz” (principle of prophylactic water protection). The regulations of §§19/ WHG require that specific activities may only be performed by “qualified enterprises” (“Fachbetriebe”). These enterprises must have knowledge, personnel and equipment to use the technical methods to protect the water from hazardous substances. The regulations have been in force in their current form since 1986. The WHG allows two implementation routes; using the Technical Monitoring organisations recognised in Water Protection legislation, or using the (“Gütegemeinschaften or Überwachungsgemeinschaften) Goods- and Monitoring Associations acknowledged in construction regulations.

This research was instigated due to the reportedly high frequency of audit faults at process installations where these “qualified enterprises” had been employed. A survey of the current opinion of involved parties (including authorities, operating companies and expert bodies) was carried out by means of questionnaires. This research was accompanied and supervised by a body recruited from authorities, experts from technical Monitoring organisations and experts from industry in the field of water protection.

In January 2003 a workshop was held in Berlin in order to summarize the results of the research and to ask the technical community for a vote on the subject.

Three broad options for the future of these qualified enterprises were considered as a basis for this study, namely;

- a) complete repeal
- b) lifting of current restrictions so that process operators can perform tasks themselves
- c) retention of current requirements, with improvements in specific areas.

Many recommendations were made, based upon the responses to questionnaires, interviews and in-depth analysis of the applicable regulations.

General support for the concept of “qualified enterprises” was confirmed from this research. The consensus of the participants of the workshop clearly confirmed this result and at the same time endorsed preservation of both forms of organisations because each demonstrates specific advantages.

Out of the several improvements suggested the following are noteworthy. They must be read in the context of the Water Protection Act und the current implementation of the requirements for “qualified enterprises”

- a) Defining the same threshold for the legal requirement in all federal 16 states (Bundesländer)
- b) Adjustment of the two existing implementations (Technical Monitoring Organisations and Goods- and Monitoring Associations respectively)
- c) Improvement of the control of the qualified enterprises by the Technical Monitoring Organisations or Goods- and Monitoring Associations, respectively
- d) Improvement of the over-all control by the authorities

## **2 Results of the responses to questionnaires and interviews**

### **2.1 Selection of the relevant addressees**

In the first step of the research the relevant addressees were selected:

- Plant managers (chemical industry, galvanic industry, environmentally certified industry in general (EMAS), others)
- „qualified enterprises“ (=“Fachbetriebe“) (construction firms, tank manufacturing, contractors, tank cleaners)
- authorities
- manufacturers of relevant components (e.g. level detectors)
- accredited environmental verifiers

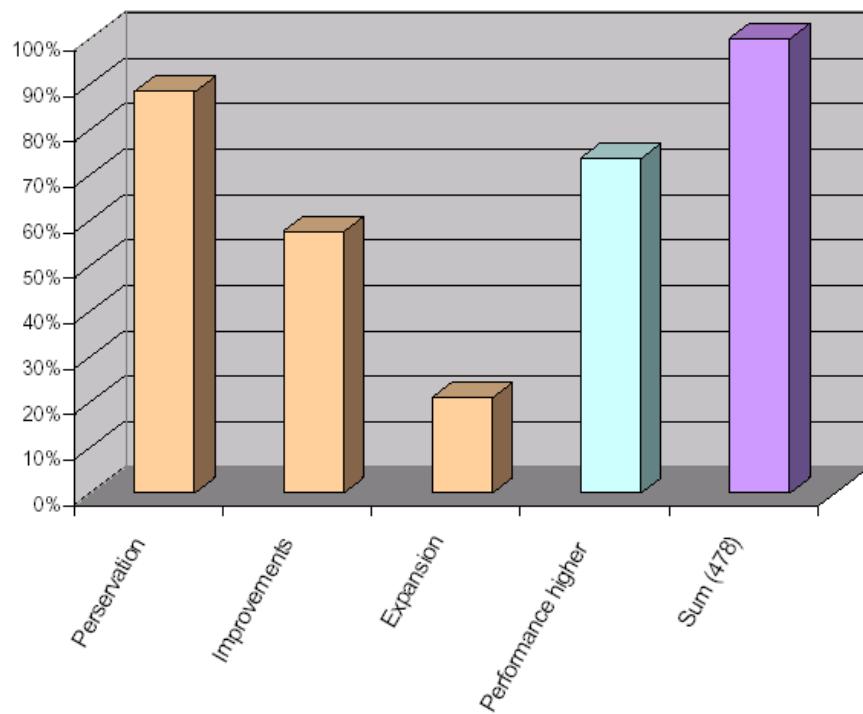
For each group a specific questionnaire was developed. In total 2435 questionnaires were sent out.

### **2.2 Evaluation of responses to questionnaires**

A large amount of data was collected and are analysed in the final report (in German). A total of 60 figures display the respective analyses, showing further details, for instance differences between different branches of industry (like chemical industry vs. galvanic industry).

In this summary we report on the key questions that were included in practical all of the questionnaires:

- Do you endorse the preservation of the legal requirement for “qualified enterprises”?
- Do you favour improvements relating to the “qualified enterprises”?
- Do you favour an expansion of the legal requirement for “qualified enterprises”?
- Do you – from your practical experience – believe that “qualified enterprises” perform better as far as water protection is concerned?



The results are displayed in column diagram, showing that out of total 478 responses to the questionnaire over 80% vote for the preservation of the current regulations. More than half of the answers ask for improvements of the regulation, whilst a minority of less than 20% wish an expansion of the system.

This result is underlined by the fact, that over 70% believe that these “qualified enterprises” outperform their non qualified counterparts as far as water protection is concerned.

