

Prosperity Agreements

Eligibility and Process

NIEA Prosperity Agreements

Prosperity Agreements - Protecting our Environment, Supporting Business

NIEA uses a range of regulatory tools to ensure we protect the environment whilst also supporting businesses. Prosperity Agreements were initiated as a means of working in partnership with regulated businesses, in an innovative way to find opportunities for step change in environmental performance and secure positive business growth and development.

Prosperity Agreements are voluntary agreements, signed between NIEA and a company/organisation. The agreements contain commitments from both NIEA and the company/organisation which will deliver significant environmental benefits, beyond legal requirements, develop a more strategic approach between business and regulator and to help business realise environmental gains which will increase their competitiveness,

Who can get an agreement?

1. Any organisation which considers there are potential significant gains for Northern Ireland from partnering in a new way can be considered for an agreement. Examples of significant gains may include but not limited to:

- Reduction in emissions and resource efficiency savings;
- Exploring opportunities for trials of new technologies and innovative working practices;
- Supply chain management and promotion of the circular economy;

- Protect and enhance biodiversity, and
- Corporate social responsibility and stakeholder engagement.

2. Companies or organisations can approach the Agency and, providing certain key eligibility criteria are met, negotiations may begin. An agreement will only be signed if there are genuine opportunities for both parties.
3. Suitable potential candidates may be selected via other means e.g. those companies who have been recognised for excellent environmental performance, those who have been awarded Platinum in the Arena Benchmarking awards, those listed in the top 100 Northern Ireland companies.

What's the process for getting an agreement?

1. Companies or organisations must first meet the eligibility criteria outlined below. There is no formal application process and candidate companies may approach the Agency or be approached by NIEA staff.
2. Candidates' suitability will be considered by the Prosperity Programme Steering Group, based on the eligibility criteria. The criteria will be as agreed with the Minister and published on the DAERA website to ensure transparency.
3. The decision to sign or not, will be based on the appetite of the company/organisation to move beyond compliance and the quality of, and significance of the benefits deriving from their proposals for both themselves and NIEA.
4. The proposed process is outlined in Annex: A.

Eligibility Criteria

1. The candidate company/organisation can be regulated by NIEA and shall not have any major non-compliances with environmental regulatory requirements in permits held on the site(s) for which the agreement will apply.
2. NIEA will also consider opportunities with companies/organisations which do not hold a permit or authorisation from us e.g. retailers, airports and public sector organisations.
3. The candidate company/organisation shall have no relevant convictions within the last 3 years and shall provide a written declaration to this effect. Relevant convictions include those relating to Animal Health and Welfare, Health and Safety and Environmental considerations.
4. The company and local management shall demonstrate a clear appetite and desire to seek innovative solutions to go beyond compliance and achieve positive environmental outcomes. Evidence of this might include:
 - a. Clear commitments in the Business plan to environmental outcomes.
 - b. Being part of an accredited environmental management scheme.
 - c. Evidence of community outreach on environmental and local concerns.
 - d. Schemes which help support sustainable behaviours among employees e.g. bike to work.

Maintaining the Agreement and reporting on progress

1. The agreement is a regulatory tool and will be managed by a nominated 'Agreement Manager' (usually one of the regulators for that site). This will be overseen by the Prosperity Steering Group.

2. Each party to the agreement shall meet on a quarterly basis to report progress. Each party must clearly demonstrate that they have made all appropriate and reasonable efforts to meet the agreed commitments; steps may be taken to begin withdrawal proceedings if this is not the case.
3. NIEA shall publish an annual report showing progress on all current agreements on its website.
4. The typical lifetime of an agreement is three years, after which, if the agreement has been successful and both parties feel more can be achieved, an option to re-sign/continue may be offered to the company.

Termination of the Agreement

Either party may terminate the agreement for any of the following reasons:

1. Lack of Progress - NIEA or the company/organisation may feel the agreement is no longer offering benefits or meeting its original commitments
2. Significant non-compliance, with any condition of a permit held by the agreement holder, for the site to which the agreement applies. NIEA reserve the right to review cases where there have been minor non-compliances or where there have been cases of non-compliance but these have been dealt with in a swift and satisfactory nature.
3. A serious pollution incident at a site to which the agreement applies. Given that the main aim of the Prosperity Agreement is about going beyond compliance to ensure greater protection of the environment, NIEA also reserve the right to consider termination of the agreement in the case of serious pollution incidents at any other site within the company or linked subsidiaries.

4. A minor pollution incident at any site under the control of the company/organisation or its subsidiaries, where the company fail to notify the NIEA and/or take prompt and appropriate action to resolve.
5. Failure to communicate appropriately (e.g. not responding to emails, phone calls or not attending meetings) and/or failure to report and monitor progress against the agreement objectives, according to the timelines in the action plan.
3. If they remain unsatisfied the company/organisation could then submit an appeal in writing to Director of Resource Efficiency Division, highlighting (with supporting evidence) why they are appealing a decision. Reasons for appeals may include instances where if the applicant feels they have been judged unfairly or have waited an unreasonable amount of time for a decision.
4. The Director of Resource Efficiency Division will convene an independent group (those not involved in the original decision making process) from within NIEA to review the decision. This group will examine the decision and may speak to members of staff involved to explain their rationale and provide evidence to explain the decision.

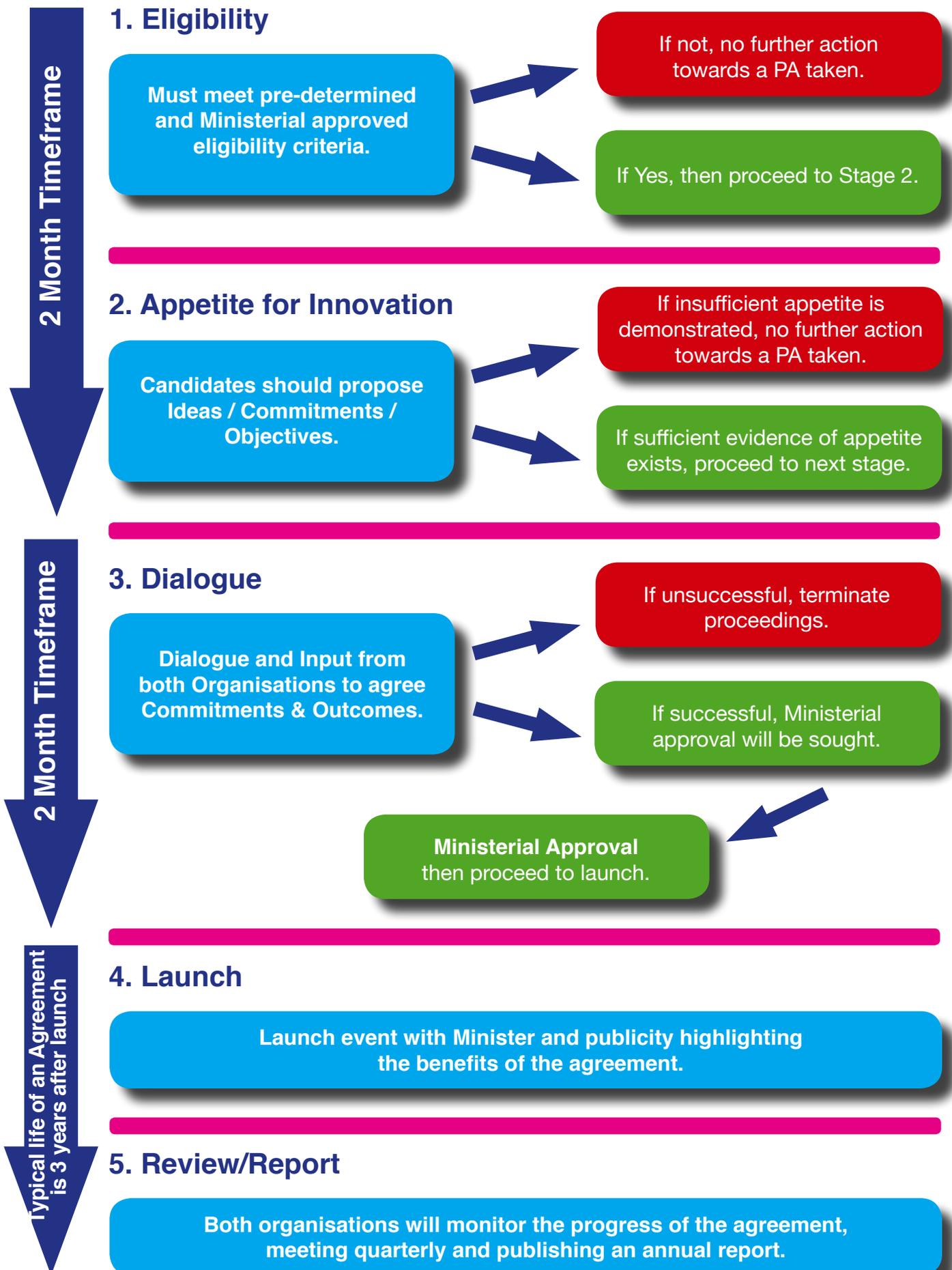
Process for termination of the agreement

1. If either party is considering terminating the agreement they shall notify the other party and allow a 2 month period for the other party to appeal or offer mitigating circumstances (if appropriate).
2. Should NIEA wish to terminate the agreement it will be for the Prosperity Steering Group to review the evidence from the Agency and any response received from the other party in mitigation before reaching a decision.
3. Should the NIEA terminate the agreement, the holder will be notified in writing that the agreement is to be ended and the date from which this will apply. Once an agreement is terminated, companies/organisations will not be eligible to apply for a new agreement for a period of 2 years from the date of termination.
5. This group will report back to the Director of Resource Efficiency Division within one month, with a final decision and supporting feedback.
6. The company/organisation must then receive the final decision in writing from Director of Resource Efficiency Division with detailed feedback.
7. If the appeal is upheld, NIEA will offer the applicant the opportunity to be re-assessed for a PA but if dismissed, this will be the end of the appeals process.

Appeals Procedure

1. A company/organisation may appeal a decision not to have obtained a PA or to have one terminated
2. In the first instance, the company/organisation would be invited to meet with NIEA for informal discussions and feedback

Annexe A: PA process flow chart (once a company organisation has been identified by Regulatory Staff)



Annexe B: Proposed options for Prosperity Agreements nearing expiry

<p>Option 1 - Prosperity Agreement Expires Naturally</p>	<p>In this instance, the PA would come to a ‘natural’ end. NIEA or a company may feel there is no merit in extending or re-launching and that enough has been achieved through the current agreement. Some form of media event could possibly be held to mark the end of and highlight the achievements of the agreement.</p>
<p>Option 2 - Extend Lifetime of Agreement</p>	<p>If it is felt that a company and NIEA can offer more, and there is sufficient appetite, there may be the possibility of extending the lifetime of the current agreement, subject to agreement on suitable signing arrangements.</p>
<p>Option 3 - Expire and Re-launch</p>	<p>If in discussions, it is apparent that a company or business may have more to offer, but perhaps not immediately, then the current agreement may be allowed to expire, with the possibility of re-entering into another Agreement at a later stage, provided the eligibility criteria is still met.</p>

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