

TOR Reference No.: 2017/27	Author(s): Kristina Rabe
Version: 2	Date: 18/11/2016
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting – tools and approaches -	<input checked="" type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input checked="" type="checkbox"/>
Other (please describe):	<input checked="" type="checkbox"/>
	A 2014 survey on causes for implementation challenges will be repeated, its improved questionnaire providing a structure for systematic recording. The data collected should show trends/ developments in the past 3 years
1.3 Full name of work (enough to fully describe what the work area is)	
A survey on practitioner's views about the implementation challenges with EU Environment legislation, their underlying reasons and ways to improvement.	
1.4 Abbreviated name of work or project	
Implementation Challenge 2017	

## 2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
Improving implementation has been a key priority for the European Commission for some time. Compliance promotion and a reduction in infringements of EU Environmental Law are key to

achieve improved implementation. The importance of better implementation has been highlighted again recently by the Commission’s Communication of May 2016 on regular Environmental Implementation Reports, as well as in the 7<sup>th</sup> EAP which sets the framework for EU Environment Policy until 2020 and in several other communications on improving implementation of EU Environment law in the past years. Commission’s communication of 2012 suggested that failure to fully implement environment legislation cost the EU around €50 billion every year in health costs and direct costs to the environment. Improved implementation will not only protect human health and the environment but also contribute to creating a level playing field for industry across EU Member States, aid job creation and support resolution of trans-national environmental issues. Identifying practical obstacles to implementation and eliminating them can reduce administrative burdens and reduce costs of implementation.

IMPEL can make an important contribution by regularly monitoring implementation gaps and its causes from the viewpoint of practitioners in environmental authorities. The network also has an important role to play in identifying possible remedies and developing as well as publicizing practical approaches, which can contribute towards closing these gaps.

## 2.2 Link to IMPEL MASP priority work areas

- |  |                                     |
|--|-------------------------------------|
| 1. Assist members to implement new legislation   | <input type="checkbox"/>            |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives               | <input type="checkbox"/>            |
| 3. Work on ‘problem areas’ of implementation identified by IMPEL and the European Commission | <input checked="" type="checkbox"/> |

## 2.3 Why is this work needed? (Background, motivations, aims, etc.)

Many discussions have been held about the implementation challenges relating to EU Environment Legislation on a European and MS level. The 7<sup>th</sup> EAP has highlighted this as one of the key issues to improve across Europe. The European Commission has now worked out individual “Environmental Implementation reviews” for each Member State, in which strengths and weaknesses in environmental implementation on the national and regional level are mapped out. The survey planned as core instrument for this project may also be used by interested Member States to check for facts, reasons and possible remedies for gaps identified in its EIR and may provide additional useful information for national or regional dialogues in this context.

IMPEL will gain additional insight on where and how to best focus its efforts to help improving implementation.

By repeating the survey on implementation gaps and possible remedies of 2014, this project may also gather information on trends and developments, contributing as such to the evidence base for policy makers.

## 2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

Identify implementation challenges faced by IMPEL Members in 2017 and compare them to information gathered in 2014. Administrations and Member States that apply the questionnaire should gain an overview on their individual implementation challenges and collect ideas and views on possible remedies.

IMPEL should use the data and its comparison to data from 2014 to adjust the focus of its work programme on key issues, identify trends and developments and support proliferation of the best remedies against those challenges the network can influence.

### 2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

This work directly links to the Implementation Challenge project in 2014/2015, as well as to previous work done by the IMPEL Task Group and previous work done for the Multi Annual Strategic Work Programme (MASP).

## 3. Structure of the proposed activity

### 3.1 Describe the activities of the proposal (what are you going to do and how?)

1. **Desk Top Exercise** – review key documents with information on implementation challenges, like the Environmental Implementation Reports (to be published beginning of 2017) and any related synthesis reports of the Commission (expected for 3/17). **To be conducted by the project team.**
2. **Questionnaire/Interviews** – The questionnaire has been improved after a first round. Its basic features will not be changed in order to conserve comparability of 2014 – data and data collected under this project. This time it will be translated into as many languages as possible to facilitate participation on the regional/local level. It will be communicated to the IMPEL national coordinators, asking them to spread it nationally to practitioners of environmental authorities working in the field. If necessary, supplementary interviews will be carried out.
3. The documents mentioned above – and any other pertinent documents brought to the attention of the project team - will be checked on whether they suggest additional reasons for implementation challenges.
4. **The Analysis** of questionnaire responses and their comparison with the abovementioned documents and interviews will identify key implementation challenges and their developments/trends as well as possible remedies. It should also help focus further activities of the IMPEL Network and identify key issues of collaboration between the IMPEL and other key European Networks such as the Heads of EPA network/ENCA/Prosecutors Network. **To be developed by the consultant in dialogue with the project team.**
5. **Mini-Workshop** - to share results of poll and analysis and to further discuss interpretation on trends, remedies and appropriate focus for IMPEL activities. **To be integrated in the Autumn Cross Cutting ET/Mini conference meeting.**
6. **IMPEL Engagement** – Discussions of preliminary results to be held at the Cross-Cutting Expert Team and proposed also for the other ET meetings in autumn 2017.
7. **Report writing** – The report will be prepared by the consultants along the lines determined by the project team. The project team will act as a sounding board to ensure the report is fit for purpose.
8. **IMPEL approval** – at the General Assembly 2017

### 3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

A report highlighting key implementation challenges, trends, developments and relation to other data identifying implementation challenges and potentially their causes; e.g. as reported in the EIRs and related synthesis; as well as consequences for future activities of the IMPEL Network. Identify common grounds in problems and challenges with implementation across the EU and identify groups of countries with similar problems to identify where there is potential for IMPEL to help sharing knowledge and best practise to improve compliance.

### 3.3 Describe the milestones of this proposal (how will you know if you are on track to

### complete the work on time?)

Overview of planned activities (preparation of the project, project phase and reporting to IMPEL):

1. Translation of the questionnaire in as many members' languages as possible (a.s.a.p.)
2. Engaging Consultants – until February
3. Analysis of EIRs, synthesis report and other pertinent docs, - until end of April
4. Circulate and recollect questionnaire & carry out interviews - in dependence of available translation until > first half of June
5. Response analysis – second half of June/July
6. Draft Information/discussion paper for IMPEL Expert Teams – >first half of September
7. Discussion in all Expert Teams – comments, critiques, amendments – mid October
8. Final Analysis, comparison with 2014, draft report - >first week of November
9. Report to GA – December

### 3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

1. Tight timescales for delivery – this will be managed by recruiting additional team members to the project team and by engaging a consultant to support the team.
2. Reluctance of national experts to uncover existing difficulties/implementation issues in their national administration for fear of 'blame and shame' or infringement procedures. Clear assurances will be given to all national coordinators and in the questionnaire that questionnaire responses will be anonymous, that responses will be treated confidentially and that findings reported will not be linked to individual authorities or Member States. Furthermore, possible synergies will be pointed out with national and regional survey and/or dialogue activities (e.g. in the context of national EIRs).
3. Low return rate in several member states because of limited readiness/capability to work with questionnaire in English. Efforts will be undertaken to find "in kind translation" support to provide for translated questionnaire versions for as many member's languages as possible.

## 4. Organisation of the work

### 4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Simon Bingham

### 4.2 Project team (who will take part: name, organisation and country)

- |                            |                       |
|----------------------------|-----------------------|
| 1. Kristina Rabe (Germany) |                       |
| 2. To be identified        | [4. To be identified] |
| 3. To be identified        | 5. To be identified]  |

### 4.3 Other IMPEL participants (name, organisation and country)

IMPEL Members participating in the mini-workshop at ET Crosscutting 2017/II

### 4.4. Other non-IMPEL participants (name, organisation and country)

**5. High-level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible**

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	2.300 €			
How much money is to be co-financed	10.000 €			
<b>Total budget</b>				

**6. Detailed event costs of the work for year 1**

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per workshop-day)	Total costs €
<b><u>Event 1</u></b>		1.800,-€	500,-€	
<i>Mini-Workshop b2b2 ET XC</i>				
<i>Autumn</i>				
<i>20 participants</i>				
<b><u>Total costs for all events</u></b>		1.800,-€	500,-€	2.300,-

**7. Detailed other costs of the work for year 1**

<b>7.1 Are you using a consultant?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>7.2 What are the total costs for the consultant?</b>	[Estimated at €10,000]
<b>7.3 Who is paying for the consultant?</b>	Germany
<b>7.4. What will the consultant do?</b>	Prepare the poll with the reviewed questionnaire and recollect the answers through suitable electronic providers (like e.g. lime survey). Analyse and compare responses. Prepare documentation of results and draft report for the mini-workshop and the information of all IMPEL Expert teams to support discussion of the draft outcome of the research and the project report.

7.5 Are there any additional costs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
7.6 What are the additional costs for?	N/A
7.7 Who is paying for the additional costs?	N/A
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explanation: to ensure a broad distribution and a good return quota, the questionnaire should be translated in as many member's languages as possible. The project team will seek in kind support for translation.

## 8. Communication and follow-up (checklist)

	Article in IMPEL Newsletter Translation of executive summary in as many member's languages as possible Proactive dissemination of results to other networks Ev. Press release		First half 2018
<b>8.1 Indicate which communication materials will be developed throughout the project and when</b>  <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR <sup>✓*</sup> Interim report Project report <sup>✓*</sup> Press releases News items for the website <sup>✓*</sup> News items for the e-newsletter IMPEL at a Glance <sup>✓</sup> Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Nov. 2016 Spring 2017 Nov. 2017 Dec. 2017 Spring 2018 Spring 2018 Spring 2018 Spring 2018
<b>8.2 Milestones / Scheduled meetings (for the website diary)</b>	PT meeting at the Cross-cutting ET Meeting in Spring Workshop at the Cross-cutting ET Mini conference in Autumn		

<b>8.3 Images for the IMPEL image bank</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>8.4 Indicate which materials will be translated and into which languages</b>	Questionnaire (DE, FR?, ESP?, IT? POL? DAN? Others as available) Executive Summary of the project report (all participants' languages)
<b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b>	A temporary use of the IMPEL server for LimeSurvey (or a comparable tool) may be necessary to execute the poll
<b>8.6 Identify which groups/institutions will be targeted and how</b>	The Commission IMPEL Members Heads of EPA Members Policy makers in European Member States
<b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b>	National dialogues and research projects (eventually triggered by EU Environmental Implementation Reports) BRIG Meeting 2018 Heads of EPA Plenary meeting in 2018

✓ ) Templates are available and should be used. \*) Obligatory

## 9. Remarks

*Is there anything else you would like to add to the Terms of Reference that has not been covered above?*

National experts interested in the projects are cordially invited to send their critics, suggestions and especially any interests in participation to: [Kristina.Rabe@bmub.bund.de](mailto:Kristina.Rabe@bmub.bund.de)

A German version of the Questionnaire and the executive summary of the first round of poll will be available soon on basecamp

In case of doubts or questions please contact the  
[IMPEL Secretariat](#).

Draft and final versions need to be sent to the  
[IMPEL Secretariat](#) in word format, not in PDF.

Thank you.