

**TERMS OF REFERENCE FOR IMPEL PROJECT**

No	Name of project
2012/14	<i>Doing the Right Things for Waste Shipment Inspections (DTRT-TFS) – phase 2</i>

**1. Scope**

<b>1.1. Background</b>	<p><u>Doing the right things (DTRT)</u></p> <ul style="list-style-type: none"> <li>• In 2001 the European Parliament and the Council adopted the Recommendation providing for minimum criteria for environmental inspections (RMCEI). The RMCEI establishes guidelines for environmental inspections of installations, other enterprises and facilities that are subject to Community law. They concern amongst others minimum criteria on establishing and evaluating plans for environmental inspections.</li> <li>• In 2006 IMPEL (Cluster 1, Improving Permitting, Inspection, and Enforcement) carried out the Comparison Programme “Doing the right things” (DTRT). One of the main aims of this project was to explore how inspection authorities set priorities when they plan their inspections. An important project recommendation was to develop a practical guide on planning of environmental inspections, that would be sufficiently flexible to accommodate the different needs of the inspection authorities in the IMPEL Member Countries and at the same time would enable them to comply with the requirements of the RMCEI.</li> <li>• This project recommendation was implemented in a succeeding project which run in 2007, resulting in the Doing the right things Step-by-step guidance book<sup>1</sup>. While the main focus of the DTRT Guidance Book is on planning of inspections it also describes the overall process of organising inspections for which it uses the concept of the so called Environmental Inspection Cycle. The Environmental Inspection Cycle is divided in a number of connected steps; planning is one of that steps. Annex 1 contains a figure of the Environmental Inspection Cycle.</li> <li>• A succeeding project, executed in 2008 and 2009, aimed to facilitate, support and promote the use of the Doing the right things guidance book through training and workshops. As a result many Inspecting Authorities actively began applying the guidance book.</li> <li>• The key elements of DTRT were also incorporated in the new questionnaire which is used to perform peer reviews of environmental authorities within the framework of the IMPEL Review Initiative (IRI) Programme.</li> <li>• In addition the IMPEL General Assembly endorsed at its meeting in Stockholm in December 2009, the recommendation to explore how DTRT could help authorities improve their inspections related to the Waste Shipment Regulation.</li> <li>• A first step in this respect was made by presenting the DTRT methodology at the IMPEL-TFS Conference in June 2010 in Basel. In the following discussion participants supported the suggestion to develop a Terms of Reference for an IMPEL project which would further test the usefulness of DTRT for WSR-inspections.</li> </ul> <p><u>Development of specific criteria for inspections of waste shipments</u></p> <ul style="list-style-type: none"> <li>• In 2009 a study was completed on inspection requirements for waste</li> </ul>
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<sup>1</sup> <http://impel.eu/wp-content/uploads/2010/02/2007-11-dtrt2-step-by-step-guidance-book-FINAL-REPORT.pdf>

	<p>shipments (ws). This study, commissioned by the European Commission, identifies a series of possible specific criteria for inspections related to the EU Waste shipment Regulation<sup>2</sup>. The criteria for ws inspections, listed in the report, use the RMCEI as a starting point. The report refers also to DTRT where it says:</p> <p><i>“Other aspects of the RMCEI that are also relevant for the WSR include the recent publication in November 2008 of a “Step-by-step Guidance Book for the Planning of Environmental Inspection” by IMPEL. The guidance book gives simple but detailed answers and recommendations, as well as case studies of good practices for any inspecting authority responsible for developing an inspection plan. This guidance document can also be a significant source of information in developing improved criteria for inspection regimes under the WSR.”</i></p> <p>Annex II contains a list of criteria as identified in the report.</p> <ul style="list-style-type: none"> <li>• The Commission followed this up by a second study to assess environmental, economic and social impacts of those inspection criteria considered to be the most appropriate. The report is published.</li> <li>• The Commission is now working on the impact assessment regarding legislation on the minimum requirements of waste shipments inspections.</li> </ul> <p><u>This project</u></p> <ul style="list-style-type: none"> <li>• This IMPEL-project explores the usefulness of the DTRT methodology for ws inspections with the ultimate aim of providing a practical tool, based on the DTRT Guidance Book, which can help improve the organisation of ws inspections by competent authorities in the IMPEL member countries.</li> <li>• Three competent authorities from three different IMPEL member Countries will each apply the DTRT Guidance Book on ws inspections and test how DTRT can support the organisation of ws inspections. By organisation we mean all the different steps of planning, executing and evaluating inspections as described in the DTRT Environmental Inspection Cycle.</li> <li>• The results of the tests will be discussed and used to develop a guidance tool based on the DTRT Guidance Book, which is suitable for the specific area of organising ws inspections.</li> <li>• The national contact points of TFS will be asked to give their opinion on the first draft of the Guidance Book.</li> <li>• The final draft Guidance Book will be presented and explained during a workshop begin 2012.</li> <li>• Early 2013 an implementation training workshop will be organised. This workshop will also be the start of an IRI-TFS project in 2013.</li> </ul>
<b>1.2. Link to MAWP and IMPEL’s role and scope</b>	This project is anticipated in the IMPEL TFS Cluster MAWP 2011-2014. This project will be a combined project of Cluster 2 (TFS) and Cluster 1 (Improving Permitting, Inspection, and Enforcement).
<b>1.3. Objective (s)</b>	<p>To develop a practical guidance tool, based on the DTRT Guidance Book, which can help improve the organisation of ws inspection by competent authorities in the IMPEL member countries.</p> <p>To stimulate the use of the guidance tool by the competent authorities for ws inspections. The competent authorities take where necessary measures and make changes in their organisation.</p>
<b>1.4. Definition</b>	The project, to be carried out in 2011 and 2012, consists of four phases: Phase 1 and 2 are carried out in 2011 and begin 2012. The end of phase 2 is a Guidance Book

<sup>2</sup> [http://ec.europa.eu/environment/waste/shipments/pdf/report\\_august09.pdf](http://ec.europa.eu/environment/waste/shipments/pdf/report_august09.pdf)

	<ul style="list-style-type: none"> <li>• The workshop will be organised by the project team and the consultants for the officials from authorities in IMPEL Member Countries who are involved in the organisation of ws inspections. During the workshop the guidance book and the methodology will be introduced and discussed.</li> <li>• The results of the workshop will be used to review and possibly revise the guidance book. The final guidance book will be presented at the GA in autumn 2012.</li> <li>• In the second workshop, to be held early 2013, the project team aims at training and supporting the officials in the implementation of the Guidance book in the different IMPEL Member Countries. During this workshop the need and wish to introduce IRI's for TFS will be explored and a first version of the IRI-TFS Questionnaire could be drafted.</li> </ul>
<b>1.5. Product(s)</b>	<ul style="list-style-type: none"> <li>• An overall final project report in pp presentation and a DTRT-TFS Guidance Book.</li> </ul>

## 2. Structure of the project

<b>2.1. Participants</b>	Experts and managers at authorities competent for ws inspections in IMPEL Member Countries
<b>2.2. Project team</b>	<p>The project team will consist of</p> <ul style="list-style-type: none"> <li>• representatives of the following three authorities competent for WSR inspections: <ol style="list-style-type: none"> <li>1. The Netherlands</li> <li>2. Portugal</li> <li>3. Germany Hessen</li> </ol> </li> <li>• One WSR expert from the European Commission</li> </ul>
<b>2.3. Manager Executor</b>	The Netherlands, Marina de Gier
<b>2.4. Reporting arrangements</b>	To the TFS Steering Committee, Cluster 1 and the General Assembly.
<b>2.5 Dissemination of results/main target groups</b>	Through the IMPEL website. IMPEL Member Countries and their Competent Authorities, European Commission

### 3. Resources required

3.1 Project costs and budget plan		2012 €	2013 €
1. Overhead (organisation) cost :			
2 Project meeting costs:			
<b>Project Team Meetings</b>	<b>No of meetings in 2012: 2 (phase 2)</b>		
No of Participants covered in budget:			
Travel:			
Accommodation:			
Catering:			
Meeting venue:			
<b>Workshop Number of workshops 1 (</b>			
No of Participants covered in budget:	12		
Travel: 12 *360 €		4.320	
Accommodation: 12 *2*90 €		2.160	
Catering:		540	
Meeting venue:			
3. Other costs:			
Consultant:		10.000	
Translation:			
Dissemination:			
Other (specify):			
<b>TOTAL cost</b>		<b>17020 (7020 on IMPEL budget)</b>	
<b>3.2. Fin. from IMPEL budget</b>	2. Project meeting costs: 3. Other costs: Consultant:	....	
<b>3.3. Co-financing by MS (and any other )</b>	1. Overhead costs as co-financing contribution, committed by...(name of institution)..... 3. Other Costs: Consultant costs as co-financing contribution, committed by...(name of institution).....	10.000 (consultant will be paid by MS, ILT Netherlands ) )1 .....	
<b>3.4. Human from MS</b>	Project team members	Project team meetings (preparation, participation and follow up)	100 days
		Workshop (preparation, participation and follow up)	
	Other workshop participants		

### 4. Quality review mechanisms

(Interim) reporting to the IMPEL TFS Steering Committee, Cluster 1 and IMPEL's General Assembly.
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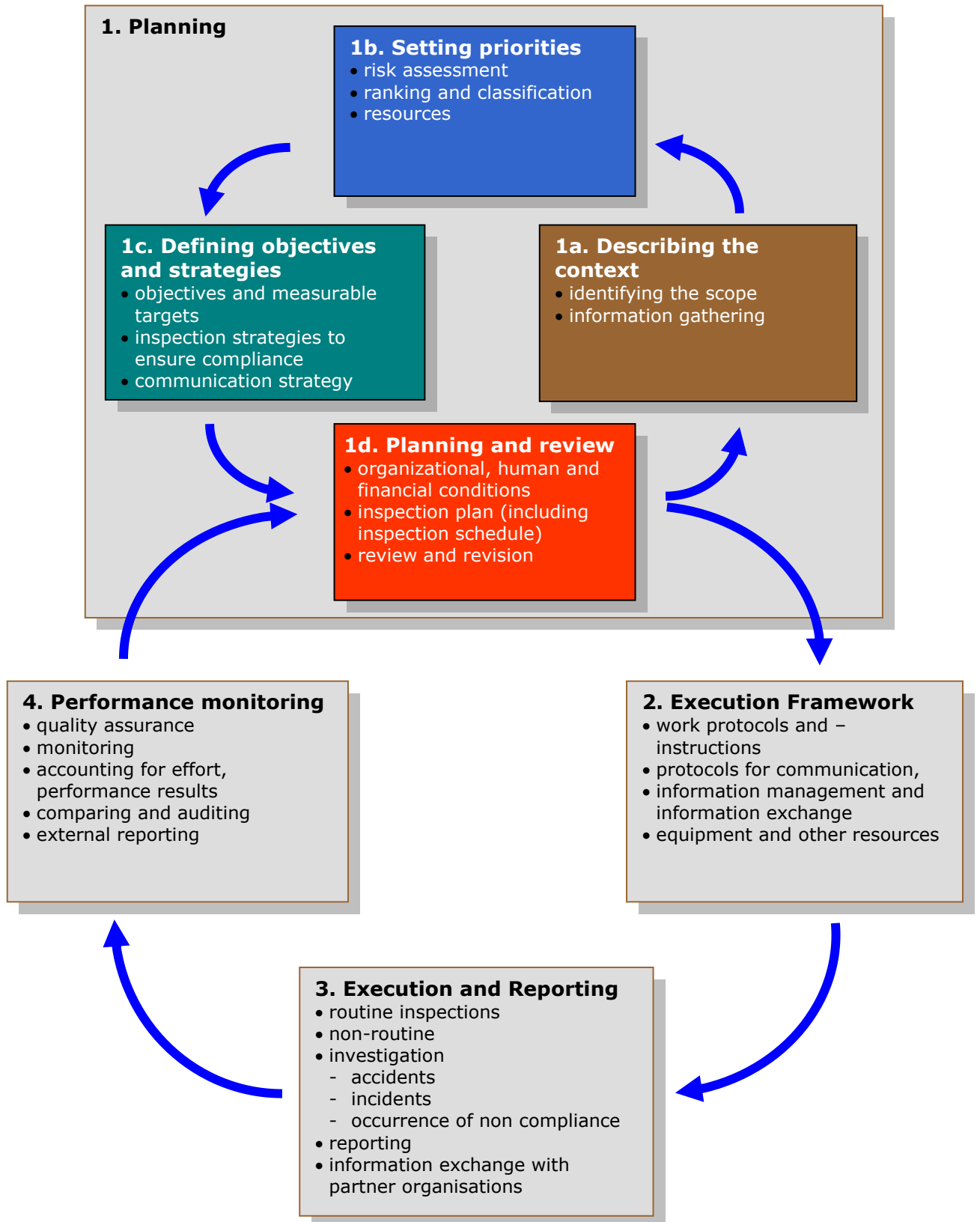
### 5. Legal base

<b>5.1. Directive/Regulation/ Decision</b>	European Waste Shipment Regulation (EC/1013/2006)
<b>5.2. Article and description</b>	
<b>5.3 Link to the 6<sup>th</sup> EAP</b>	Articles 3(2) and 9(d) of the 6 <sup>th</sup> EAP.

### 6. Project planning

<b>6.1. Approval</b>	IMPEL GA November 2011
<b>(6.2. Fin. Contributions)</b>	
<b>6.3. Start</b>	January 2011
<b>6.4 Milestones</b>	Phase 1: January - April 2011 Phase 2: May - October 2011 ----- Phase 3 : January 2011 – Early 2012
<b>6.5 Product</b>	
<b>6.6 Adoption</b>	Phase 1 and 2: November 2011 Phase 3: Early 2013

Annex I - DTRT Environmental Inspection Cycle



## **Annex II Study on Inspection Requirements for Waste Shipments**

### **Executive summary – list of criteria**

“The criteria for effective inspection under the WSR reflect key features of what should be required from an effective and comprehensive control- and inspection system for waste shipments. The criteria are set out under a series of headings, each of which is expressed itself as a criterion:

- Member states shall ensure that competent authorities have sufficient capacity to ensure effective enforcement of the WSR
- Member States shall have an effective control strategy to ensure implementation of the WSR
- Member States shall ensure that they have sufficient understanding of illegal waste movement to meet the enforcement requirements of the WSR
- Member States shall ensure that they undertake risk profiling and risk analysis of waste streams that may result in illegal waste shipment
- Member States shall ensure that they undertake an assessment of criminal activity contributing to illegal waste shipment
- Member States shall have an effective inspection plan covering all aspects of waste shipment inspection
- Member States shall undertake an effective review of the inspection plan
- Member States shall ensure that they have an effective inspection programme
- Member States shall ensure effective procedures are followed for the preparation of an inspection
- Member States shall ensure effective procedures are followed for undertaking an inspection
- Member States shall ensure effective procedures are followed for the follow-up to an inspection
- Member States shall ensure that inspectorates adopt a sampling plan for the taking of samples during an inspection
- Member States shall ensure that laboratory facilities and procedures are of a high quality to support inspection actions
- Member States shall ensure that relevant aspects of waste shipment inspection activity are transparent
- Member States shall ensure that the inspectorate responsible for waste shipment inspection operates in an effective way
- Member States shall ensure that the inspectorate has sufficient budget to deliver its obligations regarding enforcement of the WSR
- Member States shall ensure that the inspectorates have high quality staff
- Member States shall ensure that staff in authorities responsible for inspection under the WSR shall have the necessary competence
- Member States shall ensure that inspectorates recruit staff of high quality
- Member States shall ensure that staff in inspectorates receive training to ensure the maintenance of the quality waste shipment enforcement
- Member States shall ensure that waste shipment inspection activities are undertaken to a high quality
- Member States shall ensure effective co-operation within the competent authority responsible for waste shipment inspection
- Member States shall ensure effective co-operation between competent authorities necessary to deliver enforcement of the WSR
- Member States shall adopt measures to inform and involve stakeholders in enforcement activity
- Member State authorities shall participate in EU and International level actions”