

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
2011/17	<i>Doing the Right Things for Waste Shipment Inspections (DTRT-TFS)</i>

1. Scope

1.1. Background	<p><u>Doing the right things (DTRT)</u></p> <ul style="list-style-type: none"> • 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. • 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. • This project recommendation was implemented in a succeeding project which run in 2007, resulting in the Doing the right things Step-by-step guidance book¹. 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. • 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. • 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. • 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. • 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. <p><u>Development of specific criteria for inspections of waste shipments</u></p> <ul style="list-style-type: none"> • In 2009 a study was completed on inspection requirements for waste
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¹ <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 Regulation². 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"> • 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 of this study is expected to come out shortly. <p><u>This project</u></p> <ul style="list-style-type: none"> • In this IMPEL-project we will further explore 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. • 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. • The tests will be set up taking into account the findings and recommendations of the study on specific inspection requirements for waste shipments. • 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. <p><u>Possible next steps:</u></p> <ul style="list-style-type: none"> • As follow up of this project authorities competent for ws inspections could start applying the guidance tool and where necessary take measures and make changes in their organisation. This process could be supported by IMPEL by organising training and implementation workshops as was done for the current DTRT Guidance Book.
<p>1.2. Link to MAWP and IMPEL’s role and scope</p>	<p>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).</p>
<p>1.3. Objective (s)</p>	<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>1.4. Definition</p>	<p>The project, to be carried out in 2011 and 2012, consists of three phases:</p> <ul style="list-style-type: none"> • <u>Phase 1 – Preparation (January-April 2011)</u> A project team is established consisting of representatives of the three

² http://ec.europa.eu/environment/waste/shipments/pdf/report_august09.pdf

	<p>authorities that will perform the test, two experts involved in DTRT from IMPEL Cluster 1 and one WSR expert from the Commission, DG Environment.</p> <p>Consultants – preferably those who contributed to respectively the DTRT Guidance Book and the ws inspection requirements study - are commissioned to support the project team in carrying out the project. The DTRT Guidance Book and ws inspection requirements study are thoroughly presented and discussed in a training workshop, in which both the project team and the consultants participate, with the aim of getting everyone fully familiar with the content of these documents. The workshop is followed up by the development of an instruction by the project team and the consultants jointly for testing the DTRT Guidance Book on ws inspections. The instruction should in particular help the testing authorities in focussing the present DTRT Guidance Book on ws inspections and aligning it, where useful, to the criteria identified in the ws inspection requirements study.</p> <ul style="list-style-type: none"> • <u>Phase 2: Testing (May- October 2011)</u> The authorities concerned will each carry out a test in which they assess the way they organise ws inspections against the DTRT Guidance Book. This means that they will look at the different aspects and parts of their organisation of ws inspections and check these against the different steps of the Environmental Inspection Cycle. The test is carried out following the instruction which was developed in phase 1. The assessment should provide a comprehensive picture of what the authority already has put in place and what still needs to be (further) developed where ws inspections are concerned. The assessment can also identify parts of the DTRT Guidance Book which, from a ws inspections perspective, are less relevant, not sufficiently clear or detailed or incomplete and would need therefore amending or fine-tuning. The tests are carried out with the support of the consultants. The consultants will summarise in an interim report the main results of the tests. • <u>Phase 3: Follow up/Production of a tool (November 2011-June 2012)</u> The consultants will draft a discussion paper outlining how a guidance tool for ws inspections based on the DTRT Guidance Book could look like. A workshop is organised by the project team and the consultants jointly for officials from authorities in IMPEL Member Countries who are involved in the organisation of ws inspections to present and discuss the the interim report and discussion paper. A final overall project report is written by the consultants under guidance of the project team. It will summarize the results of the tests, the outcomes of the workshop and more importantly contain a guidance tool based on the DTRT Guidance Book for organising ws inspections. The report can also contain recommendations for ways forward for instance on promoting and supporting the use of the adapted Guidance Book for ws inspections.
<p>1.5. Product(s)</p>	<ul style="list-style-type: none"> • Phase 1: a training workshop and testing instruction • Phase 2: tests and an interim report with the results of the tests carried out • Phase 3: a discussion paper, a workshop and an overall final project report containing a tool based on the DTRT guidance Book. <p><i>See for more detailed information item 1.4.</i></p>

2. Structure of the project

2.1. Participants	Experts and managers at authorities competent for ws inspections in IMPEL Member Countries
2.2. Project team	The project team will consist of <ul style="list-style-type: none"> • representatives of the following three authorities competent for WSR inspections: <ol style="list-style-type: none"> 1. tbd 2. tbd 3. tbd • two experts involved in DTRT from IMPEL Cluster 1: <ol style="list-style-type: none"> 1. tbd 2. tbd • one WSR expert from the European Commission
2.3. Manager Executor	Tbd
2.4. Reporting arrangements	To the TFS Steering Committee and Cluster 1.
2.5 Dissemination of results/main target groups	Through the IMPEL website. IMPEL Member Countries and their Competent Authorities, European Commission

3. Resources required

3.1 Project costs and budget plan			2011 €	2012 €
<i>1. Overhead (organisation) cost :</i>				
<i>2 Project meeting costs:</i>			7800	35200
Project Team Meetings	No of meetings in 2011: 3	No of meetings in 2012: 2		
No of Participants covered in budget:	4	4		
Travel:	3 * 4 * 500 €	2 * 4 * 500 €	6000	4000
Accommodation:	3 * 4 * 150 €	2 * 4 * 150 €	1800	1200
Catering:				
Meeting venue:				
Workshop				
No of Participants covered in budget:		30		
Travel:	30 * 500 €			15.000
Accommodation:	30 * 2 * 150 €			9000
Catering:	30 * 2 * 50 €			3000
Meeting venue:				3000
<i>3. Other costs:</i>				
Consultant:			35.000	20.000
Translation:				
Dissemination:				
Other (specify):				
TOTAL cost			42.800	55.200
3.2. Fin. from IMPEL budget	<i>2. Project meeting costs:</i>		7800	35200
	<i>3. Other costs: Consultant:</i>		35000	20000
3.3. Co-financing by MS (and any other)	<i>1. Overhead costs as co-financing contribution, committed by...(name of institution).....</i>			
	<i>3. Other Costs: Consultant costs as co-financing contribution, committed by...(name of institution).....</i>	
3.4. Human	Project team members	Project team meetings	9 days	6 days

from MS		(preparation, participation and follow up) testing (only for team members from testing authorities) Workshop (preparation, participation and follow up)	20-30 days	5 days
	Other workshop participants			5 days

4. Quality review mechanisms

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

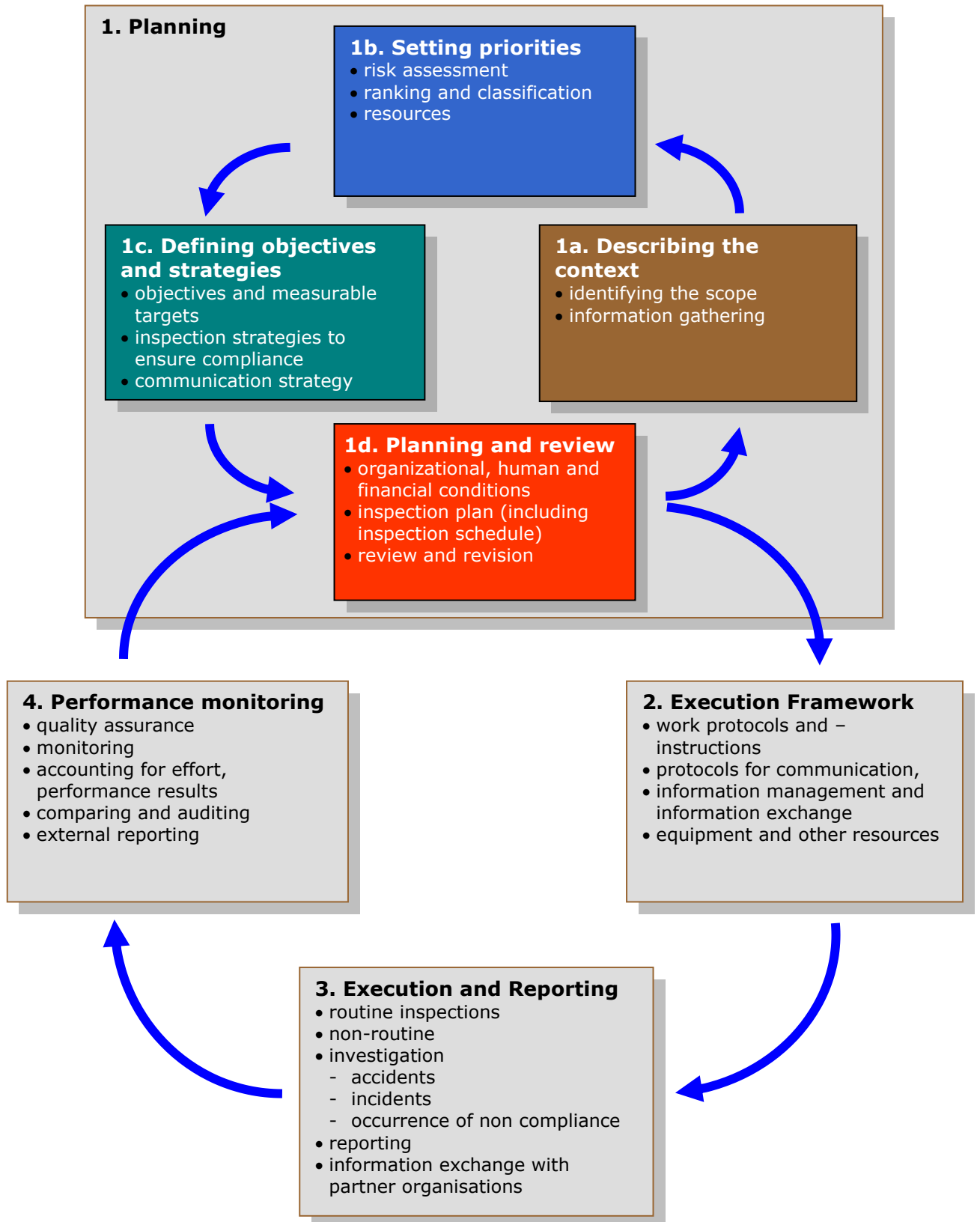
5. Legal base

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

6. Project planning

6.1. Approval	IMPEL GA November 2010
(6.2. Fin. Contributions)	
6.3. Start	January 2011
6.4 Milestones	Phase 1: January - April 2011 Phase 2: May - October 2011 ----- Phase 3 : November 2011 – June 2012
6.5 Product	
6.6 Adoption	Phase 1 and 2: November 2011 Phase 3: November 2012

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”