

## Terms Of Reference (TOR) for an IMPEL project

*Notes: Please read the supporting notes before filling in each section indicated with an \*.  
This is a smart document, to move to the next section press the tab key*

### 1. Project title & version control

<b>1.1 Name of project</b>			
Sharing of draft proposals between member states for implementing derogations from BAT-AEL's under article 15 paragraphs (4) and (5) of the Industrial emissions Directive 2010/75/EU 2014/18			
<b>1.2 Abbreviated project name (where deemed required)</b>			
Proposals for Derogations from IED BAT-AEL's			
<b>1.3 Version Control (enter current version number of TOR &amp; date eg. V1 03/03/13)</b>			V1 15/10/13
<b>1.4 Where was this TOR amended to current version (eg Spring cluster 2013)?</b>			
<b>1.5 How many years do you foresee this project lasting?</b>			1
<b>1.6 Current year of project?</b>		<b>1.7 Approved at which G.A?</b>	

### 2. Outline business case (why this project?)

<b>2.1 Legislative driver(s) (name the Directive, Regulation etc)</b>	
Industrial Emissions Directive	
<b>2.2 Link to MASP priority work areas (indicate which of the following apply)</b>	
Assist members to implement new legislation.	Yes
Build capacities in member organisations including through the IMPEL review initiatives.	Yes
Work on trans-frontier shipment of waste.	No
Work on 'problem' areas of implementation identified by IMPEL and the European Commission.	Yes

**2.3 Description of the project (include reasons why the project is needed)**

Article 15 paragraphs 4 & 5 of the Industrial Emissions Directive 2010/75/EU allow member states to determine that in certain circumstances a less strict Emission Limit Value (ELV) than the BAT-AEL may be set in a permit. Extracts from the article are given below:

4. By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set less strict emission limit values. Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:

- (a) the geographical location or the local environmental conditions of the installation concerned; or
- (b) the technical characteristics of the installation concerned.

The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.

5. The competent authority may grant temporary derogations from the requirements of paragraphs 2 and 3 of this Article and from Article 11(a) and (b) for the testing and use of emerging techniques for a total period of time not exceeding 9 months, provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques.

The Commission have not published any guidelines on how this determination should be carried out, leaving member states to develop their own proposals for implementation prior to review by the commission.

It is proposed that an IMPEL project allow member states to share their draft proposals to allow discussion with a view to identifying whether the proposals give similar outcomes and best practice to allow determinations to be made in the most efficient manner.

**2.4 Desired outcome of the project (what do you want to achieve?)**

Sharing of proposals.  
 Review and comparison of the outcomes each of the proposals would give.  
 Identification of best practice re: efficiency of determination, degree of public participation, documentation of outcomes.

**2.5 Which Cluster will review this TOR (I or TFS)?**

i

### 3. Structure of the project

<b>3.1 Describe the activities of the project (What are you going to do?)</b>
Questionnaire and case study to be worked through by each participating member state, followed by a workshop to review the outcomes of the questionnaires.
<b>3.2 Describe the products of the project (What are you going to produce?)</b>
A review paper to assist member states in developing and improving derogation determination methodologies.
<b>3.3 Describe the milestones of this project (How will you know you are on track to complete the project on time?)</b>
This would need to be achieved within the next 12 months given that some BAT Conclusions have already been published and derogations need to be determined in the near future.

### 4. Organisation of the project

<b>4.1 Lead (Who will lead the project: name, organisation &amp; country)</b>
TBC – Initial contact Simon Bingham, SEPA, UK
<b>4.2 Project team (Who will take part: name, organisation &amp; country)</b>
TBC (team of 5)
<b>4.3 Other IMPEL participants (name, organisation &amp; country)</b>
TBC workshop participants
<b>4.4 Other non-IMPEL participants (name, organisation &amp; country)</b>
The Commission

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### 5. High level project budget projection over life of project

	Year 1	Year 2	Year 3	Year 4	Year 5
Year eg.2013	2014				
How much money do you require from IMPEL?	13,670				
How much money is to be co-financed?	0				
<b>Total cost</b>	<b>13,670</b>				

### 6. Detailed cost of the project during 1<sup>st</sup> year (subsequent years see annex1)

6.1 Meeting costs	Event 1		Event 2		Event 3	
	<i>Initial project team meeting</i>		<i>Workshop</i>		<i>2nd project team meeting</i>	
	<i>Month</i>		<i>Month</i>		<i>Month</i>	
	<i>Country</i>		<i>Country</i>		<i>Country</i>	
	€	No.	€	No.	€	No.
Total numbers of participants		5		15		5
Travel costs/numbers	360*4	1440	360*14	5040	360*4	1440
Catering costs/numbers	25*2*5	250	25*2*15	750	25*2*5	250
Hotel costs/number	90*2*5	900	90*2*15	2700	90*2*5	900
Total costs	2590		8490		2590	
6.1 Meeting costs continued	Event 4		Event 5		Event 6	
	<i>Name</i>		<i>Name</i>		<i>Name</i>	
	<i>Month</i>		<i>Month</i>		<i>Month</i>	
	<i>Country</i>		<i>Country</i>		<i>Country</i>	
	€	No.	€	No.	€	No.
Total numbers of participants						
Travel costs/numbers						
Catering costs/numbers						
Hotel costs/number						
Total costs						

<b>6.2 If you use a consultant what is the total cost?</b>	n/a
<b>6.3 What is the total amount of any other costs?</b>	n/a
<b>6.4 Where a consultant is used what will they do?</b>	
n/a	
<b>6.5 Where there are other costs what will they be spent on?</b>	
n/a	
<b>6.6 Where money is co-financed detail which organisation(s) will provide the money?</b>	
n/a	
<b>6.7 Where money is co-financed describe how that money will be spent?</b>	
n/a	

## **7. Communication & follow-up (ensuring value for money)**

<b>7.1 How will you communicate the outputs of the project?</b>
Website & guidance document
<b>7.2 Who will you communicate the outputs of the project to?</b>
IMPEL membership, NEPA and the Commission
<b>7.3 What follow-up will you undertake to ensure the outputs of the project are embedded? (Include how &amp; when you intend to carryout the follow-up)</b>
Not intended at this stage to actively follow-up project as relatively time bound solution required

## **8. Review & approval**

<b>8.1 Which cluster meeting(s) will you discuss the project? (Include what you plan to discuss eg. progress reports and/or draft documents)?</b>
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Oct 13, Spring & Autumn 14
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<b>8.2 Which General assembly will you seek to get final approval by?</b>
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<b>Autumn 14</b>
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## **Supporting Notes for completing an IMPEL project Terms of Reference**



### Tab key

#### 3. Structure of the project

Please state what activities will be undertaken to achieve the objectives stated in 2.6. and what the products will be resulting from these activities.

For milestones, a GANT chart would be welcome but the main thing is to describe when the following actions will be carried out: 1) Approval is expected to be given, 2) the start of the project, 3) when communications actions and the dissemination of results will be carried out, 4) project milestones, 5) the products will be finished and can be circulated, 6) which General Assembly the project report will be presented to.

#### 5. Quality review

Please state who will check the quality of the project work and when e.g. IMPEL Cluster, a consultant...

#### 6. Communications

For 'Dissemination of results', the questions to be considered are:

- Will the report be posted on the IMPEL Website?
- Are you going to write a News item for the IMPEL website?
- Are you going to send the results to the Commission desk officer concerned?
- Are you going to write a press article for media in your country?
- Are you going to write a press article for media in Brussels/European wide media or environmental trade bodies?
- Are you going to send the results to each target group identified in 3.6? If not, why not?

For 'Main target groups', some examples include:

- Are the European Commission involved e.g. as a workshop or conference participant or as a core team observer? If not, why not?
- Expert Working Groups e.g. European IPPC Bureau in Seville
- Networks e.g. Interpol, REACH forum, Basel Convention, European Chemicals Agency (ECHA), INECE...
- Non Governmental Organisations (business and environmental) e.g. Business Europe, European Environmental Bureau, WWF...
- European Parliament Environment Committee e.g. specific MEPs interested in an issue, Chair and Vice Chairs of ENVI, rapporteurs on specific legislative dossiers
- Economic and Social Committee
- Committee of the Regions
- Domestic national, regional and local government

Please state which are relevant AND add to the list where appropriate.

#### 7. Resources required:

**Note: it would be helpful if for this item an excel sheet template (using these exact headings) would be provided!**

- This matrix is for one year only. If your project is taking place over more than one year, please fill in another for each year your project is taking place
- Accommodation per person, per night should be priced at a maximum of € 125
- Travel should be priced at a maximum of € 500 per person for a return journey
- Under 'Human Resources', please consider how many days commitment this project will require from: a) the project manager, b) the project team members and, c) participants at workshops, seminars etc.

To understand IMPEL's financing mechanism, it is important to consider the following:

- IMPEL is financed partly through its Members and partly through the EU-Commission's share of the LIFE+ fund. The applicable budgetary rules for this kind of Commission's financing differ to some extent from the budgetary rules applicable for LIFE+ project funding in the EU Member States. For example, Member State's human resources put into a project cannot be accounted for in monetary terms.
- IMPEL Members have to pay at least 30% of the overall IMPEL-budget (minimum!), the Commission may then pay 70% of this overall budget (maximum!)  
Therefore, the size of the Commission's payment is limited through the size of the IMPEL Member's payment. For every 3 Euros a Member pays into the IMPEL budget, the Commission may pay 7 Euros to IMPEL. As a rule, if Members pay more into the IMPEL budget, the Commission will pay more to IMPEL as well.
- Only direct payments of IMPEL Members into the IMPEL-budget are recognised by the Commission's financial rules as "payment of a Member towards IMPEL". Neither in-kind -contributions like rooms, meals, human resources NOR PAYMENTS of a Member which are paid DIRECTLY INTO A PROJECT are counted as part of the IMPEL Member's share of 30%.