

Risk Criteria for Prioritization of Environmental Inspections

TERMS OF REFERENCE

1. Project details	2014/11
Name of project	<i>Definition of risk analysis criteria, and their implementation through risk indicators and parameters, for the prioritization of environmental inspections of industrial installations in accordance with the Industrial Emissions Directive(IED) – Supporting the implementation of IRAM sharing knowledge and experience on Impact and Operator Performance Criteria</i>
Date of version	2013-11-11

2. Scope

2.1 Background	<p>On 6 January 2011 the Industrial Emissions Directive entered into force, and its provisions listed in Article 80(1) had to be transposed into national law within two years. The IED sets new requirements on the inspection of industrial installations as described in Article 23 of the Directive. The obligations on routine environmental inspections constitute a new challenge for the EU member states. IMPEL has already developed an Integrated Risk Assessment Method (IRAM) within the IMPEL easyTools project, as instrument to help member states to fulfil requirements of Article 23 of IED.</p> <p>Experts from 11 IMPEL Member Countries formed the project team, led by Germany. After collecting information on the risk assessments used across Europe, a new rule based methodology was developed and tested, called Integrated Risk Assessment Method (IRAM).</p> <p>For the dissemination of the project result to a broader audience a workshop has been held back to back with the Implementation Conference in October 2013 in Malta.</p> <p>Meanwhile IMPEL has also approved the development of an IT tool linked with IRAM with the aim of supporting the formulation of inspection programmes, considering this further need. The IT tool is accessible from the IMPEL homepage. During the workshop in Malta some further features especially for the use of the tool to draw up inspection programs were collected. These features shall make the tool more comprehensive and user friendly.</p> <p>Developing IRAM and the related IT tool, made it clear that a risk assessment tool should be used not only for IED inspections but also for inspections under the Seveso Directive and the RMCEI. The perspective of a revision of the EU legal framework on environmental inspections with obligations for member states to carry out inspection programmes also for other installation than IED and Seveso ones has further increased the interest in an effective tool for risk assessment like IRAM. It has to be remembered that one scope of the new European regulations on environmental inspections is to provide a level playing field for economic actors operating in the Single Market, which was also underlined in draft of 7° EAP submitted to consultation.</p> <p>Accordingly two main objectives have been identified:</p> <ul style="list-style-type: none"> • facilitate in Member States the implementation of IRAM for different kinds of inspections and related tasks as outlined by the European legislation both in force or in progress; • assure that the rules for the accomplishment of environmental inspections are equally applied in Member State, in order to achieve the level playing field promoted by Council of EU in 7° EAP and to be implemented with the new European regulations. <p>It has to be remembered that in IRAM the risk evaluation of an installation, and therefore the inspection frequency and intensity depend on the calculation of a risk score, arising from a set of “Impact Criteria (ICs)” and of “Operator Performance Criteria” (OPCs). This should guarantee that all environmental aspects with a high score get the necessary attention. The method is described in depth in EasyTools - Risk Assessment Guidance Book (Impel, February 2012). In annex 1 of the guidance book the manual of this tool can be found.</p> <p>Besides the methodology, the project also developed a new web based tool (IRAM tool) that is accessible from the IMPEL website (www.impel.eu).</p>
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	<p>The success in the implementation of the risk evaluation tool IRAM broadly depends on the choice of contents for Impact Criteria (ICs) and for Operator Performance Criteria (OPCs); many examples are given in the IRAM Guidance Book. Nevertheless great flexibility and freedom are left to the users when it comes to the choice and the weight of risk indicators.</p> <p>During the back to back workshop held with the Implementation Conference in October 2013 in Malta, the problem of the right choice of risk indicators and of the homogeneity of results when using the tool, in terms of risk scoring, across different Countries and organization was posed, more than once. It has also been reported that, often, the theoretically chosen risk indicators have to be discarded for lack of information or records.</p> <p>For these reasons, it is believed that, in order to provide support to organizations in choosing appropriate risk criteria and related indicators, it could be extremely useful both to: (i) promote IRAM implementation and (ii) assure a common ground for homogeneous accomplishment of environmental inspection in view of present and future EU binding legislation.</p> <p>Furthermore, in the discussion paper presented during the workshop held in Brussels in September 2013: "Towards an Upgraded EU Legal Framework on Environmental Inspections and Surveillance" some relevant concepts and instruments have been shown for a new binding legal framework for environmental inspections; among these it can be found the "Surveillance, Inspection and Investigation (SII) Methodology", based on the application of "risk criteria". Particularly as far "surveillance" is concerned, the identification of proper risk criteria can be very useful in order to optimize enforcement activity.</p> <p>The relationship between these "risk criteria" and the "risk indicators" to be used in IRAM is very close and the construction of a complete set of risk indicators can also be of help, in future, for the implementation of new European Inspection framework.</p> <p>The work could be based on a program outlined as follows:</p> <ul style="list-style-type: none"> - General survey of risk criteria and of risk indicators used in member states for risk ranking in inspection programming, starting from those organizations which are using or are going to use IRAM or other risk evaluation methods. - Test of risk indicators on selected case studies through the use of the IRAM tool, with the objective of comparing result of risk categorization arising from the use of different set of indicators
<p>2.2 Directive / Regulation / Decision</p>	<p>IED:DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast)</p> <p>RMCEI: The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC)</p> <p>Seveso III: DIRECTIVE 2012/18/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 on the control of major-accident hazards involving dangerous substances</p> <p>Proceeding Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet"</p>
<p>2.3 Article and description</p>	<p>Article23 of the IED and Article 20 of Seveso III (see above)</p>
<p>2.4 Link to the 6th EAP; proceeding proposal for 7th EAP;</p>	<p>Article 3 of the "Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme states: "improved exchange of information on best practice on implementation including by the European Network for the Implementation and Enforcement of Environmental Law(IMPEL network) within the framework of its competencies"</p> <p>On going proposal: general contents of "Priority objective 4: To maximise the benefits of EU environment legislation" and, in particular, IMPEL role in this framework.</p>
<p>2.5 Link to MAWP and IMPEL's role and scope</p>	<p>ART. 3.3.2. of the IMPEL Multi Annual Work Programme, among the key priorities and legislative areas of IMPEL activities mentions that:</p> <p>"IMPEL's key priorities are to continue the work on the tasks given to IMPEL by the</p>

	Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) and to fulfil its mandate under the 6 th Environment Action Program (6 th EAP).” Strategic goals: I, II, III
2.6 Objective(s)	<ol style="list-style-type: none"> 1. Support the inspection authorities of the IMPEL participating countries in the actual use of the Integrated Risk Assessment Method (IRAM) and the related web based tool (IRAM tool) <ul style="list-style-type: none"> ✓ as IRAM consistently relies on two different kinds of assessment criteria, Impact Criteria (IC) and Operator Performance Criteria (OPC), efforts will be particularly focused on evaluating the way the inspection authorities in the different participating countries make use of these criteria; ✓ the exchange of information and expertise on this IRAM’s key issue will result in the final goal to “normalize” as far as possible the founding bases of IRAM, so assuring a level playing field in the adoption of the method. 2. As result of part 1 a fine tuning of IRAM web based tool shall be undertaken also envisaging further developments of the tool. If there is financial support from the German Government there will be a small project for the implementation of the developed improvements into the web application by the IT developers. Making also sure that the inspection programme and/or the tool itself can be downloaded 3. Dissemination of results to IMPEL countries and EU Commission, with the presentation of project outcomes and outputs.

3. Structure of the project

3.1 Activities	<ul style="list-style-type: none"> • Formation of a project group after the approval at the General Assembly • Definition of information to be collected, also throughout a dedicated IT Tool if possible (1st project meeting) • Information collection • Analysis of collected information and design of tests (2nd project meeting) • Test execution on the use of IRAM and related web based tool in volunteer countries, in order to highlight weaknesses, strengths and best practices. • Collection and elaboration of test results • Analysis of test results, definition of proposals for IRAM upgrade (3rd project meeting) • Implementation of IRAM upgrade, preparation of final report with commented instructions and examples on use of risk criteria and indicators. • Preparation of a workshop for dissemination of results
3.2 Product(s)	<ul style="list-style-type: none"> • Database of risk criteria and indicators • Handbook for risk criteria and indicators • IRAM web application upgrade • Project report • Communication and public relations materials • Workshop for dissemination of results
3.3 Planning (Milestones)	<ul style="list-style-type: none"> • January 2014: first project group meeting to define set of information to be collected and suitable IT tool • May 2014: second project meeting for collected data analysis and test planning • September 2014: third project meeting for test result examination and proposal for IRAM upgrade, • December 2014: Workshop • Cluster and GA: presentation of results and decision on future activities

4. Organization

4.1 Lead	Germany, Italy
4.2 Project team	Germany, Italy, other participants from former IRAM and IED IRAM inspection program projects, upon confirmation of interest; other participants interested in project

	scope
4.3 Participants	Experts from enforcement authorities competent for IED permitting and inspection

5. Quality review

<p>Quality review by Core Team and Cluster i</p> <ul style="list-style-type: none"> • Discussion of the results at Cluster meetings. General Assembly spring 2014 will be informed on progress • Close cooperation with responsible Commission desk officers • Discussion of the final draft report at the Cluster meeting in autumn 2014 • Approval by IMPEL General Assembly winter 2014 • Quality review by discussing the ideas and result with Inspection Authorities

6. Communications

6.1 Dissemination of results	The Manual and the Data Base of Risk Criteria, the project report and the recommendation for future activities will be published on the IMPEL web-site and submitted to the authorities in the Member States and to the EU institutions. Presentations of the proposal at national workshops. Publicity material will be produced.
6.2 Main target groups	<ul style="list-style-type: none"> △ IMPEL Member Countries △ Competent authorities on environmental inspectors △ Potential candidate countries for EU accession
6.3. Planned follow up	Creation of a stable risk criteria database as a steady instrument for IRAM Implementation improvement. Dissemination, Inter comparison and peer review on risk criteria use interested IMPEL member countries to achieve a European inspection level playing field

7. Project costs / Resources required (*)

Travel and accommodation:	
3 project group meetings with 8 project members and the following costs per meeting:	
Travel:	7 * 360 € 2,520 € * 3 = 7,560 €
Accommodation:	2 * 7 * 90 € 1,260 € * 3 = 3,780 €
Catering:	2 * 8 * 25 € 400 € * 3 = 1,200 €
Meeting venue:	0 €
In total for the meetings:	12,540 €
Workshop (**)	
Travel:	20 * 360 € = 7200€
Accommodation:	20 * 90 * 2 € = 3600 €
Catering:	20 * 2 * 25 € = 1000 €
Meeting venue:	0 €
In total for the meetings:	11,800 €
Consultant	8,000 €
Upgrade of the IRAM web application (***)	10,000 €
(*) subject to revision in case of substantial variation of the design of the project	
(**) In this draft it is assumed that a workshop can be held in the framework of another Impel meeting, so optimizing travel costs.	
(***) Small extra implementation project if there is financial support from the German Government	
In total:	42,340 €
To be paid by IMPEL:	32,340 €
To be paid by Germany (***):	10,000 €