

## CONFIDENTIAL

TOR Reference No.:	Author(s): Duncan Giddens
Version: 5	Date: 9 September 2014
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

### 1. Work type and title

<b>1.1 Identify which Expert Team this needs to go to for initial consideration</b>	
Industry Waste and TFS Water and land Nature protection Cross-cutting – tools and approaches -	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
<b>1.2 Type of work you need funding for</b>	
Exchange visits Peer reviews (e.g. IRI) Conference Development of tools/guidance Comparison studies Assessing legislation (checklist) Other (please describe):	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>1.3 Full name of work (enough to fully describe what the work area is)</b>	
Implement the iDepend decision support tool to enable IMPEL members to choose appropriate interventions to improve environmental compliance and performance.	
<b>1.4 Abbreviated name of work or project</b>	
Implement iDepend decision support tool.	

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

<b>2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)</b>
The 7 <sup>th</sup> Environmental Action Plan which sets out environmental priorities and outcomes up to 2020 and the raft of EU and national legislation (existing and new) supporting the plan.
<b>2.2 Link to IMPEL MASP priority work areas</b>

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- |   |   |
|---|---|
| 1. Assist members to implement new legislation  | ☑ |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives                | ☑ |
| 3. Work on ‘problem areas’ of implementation indentified by IMPEL and the European Commission | ☑ |

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

Success in achieving the objectives of the 7<sup>th</sup> EAP and EU environmental legislation depends on member states and organisations having the right means to deliver them.

The complex and interdependent nature of the environment, business and regulation means conventional methods of analysing environmental risks and choosing appropriate ‘counter measures’, or ‘interventions’, may not be effective.

The Choosing Appropriate Interventions project has was asked by IMPEL members (via Cluster i) to develop a practical tool for regulators, inspectorates and inspectors to help them make the right choice of intervention and share good practice and experience.

In 2013, the project identified an online (web based) decision support tool called iDepend to help practitioners choose, use and evaluate interventions. It then worked with the owners of the tool, Cambrensis, to develop a ‘bundle’ of features for IMPEL members - ‘IMPEL iDepend’.

This tool can help environmental practitioners to make the right decisions and choose interventions at any level of decision making from national policy to local site based regulation. It can be particularly helpful in making decisions on building capacity that depend on different sets of circumstances. For example to help design a regulatory regime and select interventions according to national resources and culture. Or to help identify ‘problem’ areas where existing regimes and interventions are not working as intended.

The work set out in this ToR is needed to make iDepend available to IMPEL members from 2015.

### 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?)

1. IMPEL members use the iDepend tool to help choose the right interventions to improve compliance with environmental legislation.
2. IMPEL members to share best practice and experience in choosing and using interventions.
3. Agreed funding for licensing and technical support of ‘IMPEL iDepend’ from 2015.

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

The Choosing Appropriate Interventions project (phases 1-3) has developed the principles for selecting the right interventions according to circumstances and identified and tested the iDepend tool for use by IMPEL practitioners (see Annex 2).

The Complementary Approaches project identified available interventions and the need for a method to choose the most appropriate types, according to circumstances.

This project has also referenced and built on the work of the Doing the Right Things project.

## 3. Structure of the proposed activity

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<b>3.1 Describe the activities of the proposal (what are you going to do and how?)</b>
<ol style="list-style-type: none"> <li>1. Provide IMPEL members with access to the 'IMPEL Bundle' of iDepend including guidance on use.</li> <li>2. Establish a portal, discussion forum and supporting resources on the Regulatory Evidence Network (already in place).</li> <li>3. Agree licensing and technical support for continued use from 2015 (see remarks and appendix).</li> </ol>
<b>3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)</b>
<ol style="list-style-type: none"> <li>1. Access to the 'IMPEL Bundle' of iDepend</li> <li>2. Guidance on using IMPEL iDepend.</li> <li>3. A portal, discussion forum and supporting resources on the Regulatory Evidence Network.</li> <li>4. Licensing and technical support from 2015</li> </ol>
<b>3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)</b>
<ol style="list-style-type: none"> <li>1. 'IMPEL Bundle' of iDepend and guidance for use available from 1 September 2014</li> <li>2. Licensing and technical support for continued use from 2015 agreed by 1 December 2014.</li> </ol>
<b>3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)</b>
<ol style="list-style-type: none"> <li>1. IMPEL members do not use iDepend or a comparable tool to choose interventions and there continues to be poor compliance with EU environmental legislation. Mitigation – IMPEL encourages and supports its member to use iDepend.</li> <li>2. The purpose and benefits of using the tool are not clear. Mitigation - the project has developed guidance for use and has held a very successful webinar (June 2014).</li> <li>3. The iDepend tool cannot be found/accessed. Mitigation - there will be a link on the IMPEL website and communications including articles in the IMPEL newsletter.</li> <li>4. Experience of using iDepend is not shared within the IMPEL community. Mitigation -the project has established a portal and discussion forum for iDepend users on the Regulatory Evidence Network.</li> <li>5. There will not be sufficient funding from IMPEL (and its members) for future use and licensing of iDepend. Mitigation - the project has negotiated options with the software developers based on 70-85% reduction in fees for IMPEL compared to normal commercial licensing.</li> <li>6. The costs of using iDepend are perceived to be too high. Mitigation – IMPEL recognises that this is a very small price to pay to improve environmental compliance across all EU member states.</li> </ol>

## 4. Organisation of the work

<b>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)</b>	
Duncan Giddens, Environment Agency, UK (England)	
<b>4.2 Project team (who will take part: name, organisation and country)</b>	
Lena Ericsson	Sundsvalls Kommun, Sweden
Marinus Jordaan	DCMR Environment Protection Agency, Rotterdam, Netherlands
Henning Hansen	Aarhus Municipality, Denmark
Robin Ferguson	Scottish Environmental Protection Agency, Scotland
Daniella Sammut	Maltese EPA, Malta

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<b>4.3 Other IMPEL participants (name, organisation and country)</b>
IMPEL Secretariat – Michael Nicholson (development of licensing contract) and Nancy Isarin (communications)
<b>4.4. Other non-IMPEL participants (name, organisation and country)</b>
Ellen Pawley representing Cambrensis, Wales, UK

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

See Remarks section for explanation and breakdown of costs.

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	€ 8,450 ex VAT € 10,224 in VAT	tbc	tbc	tbc
How much money is to be co-financed	Nil			
<b>Total budget</b>	€ 10,224	tbc	tbc	tbc

### 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 day)	Total costs €
<b>Event 1</b>				N/A
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
<b>Event 2</b>				N/A
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
<b>Event 3</b>				N/A
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				

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<No. of days/nights>				
<b>Event 4</b>				N/A
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
<b>Total costs for all events</b>	NIL	NIL	NIL	NIL

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

<b>7.1 Are you using a consultant?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>7.2 What are the total costs for the consultant?</b>	
<b>7.3 Who is paying for the consultant?</b>	
<b>7.4. What will the consultant do?</b>	
<b>7.5 Are there any additional costs?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>7.6 What are the additional costs for?</b>	
<b>7.7 Who is paying for the additional costs?</b>	
<b>7.8. Are you seeking other funding sources?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

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

	What		By when
<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 <sup>✓*</sup> Project report <sup>✓*</sup> Progress report(s) <sup>✓</sup> Press releases News items for the website <sup>✓*</sup> News items for the e-newsletter Project abstract <sup>✓*</sup> IMPEL at a Glance <sup>✓</sup> Other, (Webinar)	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<b>8.2 Milestones / Scheduled meetings (for the website diary)</b>	N/A		
<b>8.3 Images for the IMPEL image bank</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>8.4 Indicate which materials will be translated and into which languages</b>	None planned		
<b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b>	Yes, but does not require hosting by IMPEL.		
<b>8.6 Identify which groups/institutions will be targeted and how</b>	IMPEL members via existing project team, webinar, IMPEL press notices, articles in IMPEL newsletter, Regulatory Evidence Network web-site.		
<b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b>	IMPEL Cluster (expert group) meetings, conferences, GA.  Webinars hosted by Environment Agency (England) and Cambrensis (Wales).		

<sup>✓</sup>) Templates are available and should be used. <sup>\*</sup>) Obligatory

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### 9. Remarks

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

This 'project' is to enable IMPEL members to use the 'IMPEL Bundle' of the iDepend tool developed in 2014. The ToR sets out the potential benefits of using iDepend for the IMPEL community and proposed costs of licensing the tool for 2015 and beyond from the iDepend developers/owners, Cambrensis.

*This ToR should be read with a presentation prepared for the Cluster i meeting on 17-18 September 2014. The presentation sets out:*

1. Benefits of using iDepend for IMPEL members
2. Current use of iDepend and feedback from IMPEL users
3. Predicated use and costs of iDepend in 2015

During the development of IMPEL iDepend during 2013 and 2014, licensing costs were restricted to a nominal amount of €1,000 per year. This covered the IMPEL project including 6 team members and around 2 additional staff members from their organisations. In addition technical support was provided free of charge. *See Choosing Appropriate Interventions (Phase 3) Final Project Report for details.*

A commercial 'umbrella' licence fee for use by representative organisations with many members, such as IMPEL, is €75,000 per annum. A licence for a single organisation is €4,235. If more than 17 IMPEL members were individually licensed, the umbrella licence fee would be exceeded.

Cambrensis have recognised that either of the above rates would be prohibitive and have proposed a heavily discounted 'Early Adopter' licence structure for IMPEL covering all of its member organisations:

- **Umbrella licence for IMPEL organisations up to 110 individual users for one year - €10,225** (85% discount)
- Optional licence for additional single organisation for €1,588 per year (70% discount)
- Optional licence fee for additional individual users - €55 per year (70% discount)

This represents a discount of **85%** compared to commercial rates, subject to a maximum of 110 individual users. This number is based on estimated users for 2015, using the experience of the IMPEL project team organisations. The optional licences would enable increased numbers to use iDepend, over and above 110 initial users, at 70% discounted rates.

Note that all costs include Belgium VAT at 21%.

See table in Annex 1, overleaf, for a more detailed breakdown of the licence proposal.

*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.*

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### Annex 1 IMPEL iDepend bundle annual licence

#### (Early Adopter discount proposal)

Licensing costs were restricted to €1,000 per year during the development of 'IMPEL iDependEU' in 2013 and 2014. This was a nominal amount to support this project and was not based on the usual commercial licences.

It is proposed that the continued use of iDepend for IMPEL members is approached on a shared risk and reward basis. This would ensure a low cost entry point with discounted rates for growth in demand but with the opportunity to explore a capped licence approach at a future date if demand becomes significant. As an Early Adopter IMPEL would secure ongoing access to the agreed discounts for its members.

The following table provides a comparison of the standard commercial licence rates with the proposed Early Adopter Umbrella licence (and the additional discounted rates for IMPEL and its member organisations).

Unit	Commercial Rate		70% discount	IMPEL 'Early Adopter' offer	
	£ exl VAT per Annum	€ exl VAT per Annum	€ exl VAT per Annum	€ ex VAT per Annum (inc VAT)	Description
Individual Account only	£120.00	€ 150.00	€ 45.00	€ 45.00 (€54.45)	discounted licences available for additional individual users added to IMPEL bundle
Organisation (Single)	£3,500.00	€ 4,375.00	€ 1,312.50	€ 1,312.50 (€ 1588.13)	discounted licences available for each IMPEL member organisation
Sector (Multiple Organisations)	£60,000.00	€ 75,000.00	€ 22,500.00	€ 8,450.00 (€ 10,224.50)	Umbrella licence based on single licence for IMPEL bundle plus max. of 110 discounted individual licences



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### Annex 2 iDepend trials and user testing community

Member state and organisation	Name
Denmark, Aarhus Municipality	Henning Hansen
Denmark, Kalundborg Municipality	Peter Lærkholm
Denmark, Kalundborg Municipality	Ole Winther Christensen
Denmark, Køge Municipality	Jurjen de Boer
Denmark, Frederikshavn Municipality	Jacob Staufeldt
Denmark, EPA	Monika Dyrbye
Denmark, Danish Society for Nature Conservation	Jens peter Mortensen
Malta, EPA	Daniella Sammut
Malta, EPA	Suzanne Gauci
Spain, EPA	Antonio Castrillo Porres
Portugal, EPA	Paula Carreira
Sweden, Sundsvalls Kommun	Lena Ericsson
Sweden, Sundsvalls Kommun	Madelene Haraldsson
Sweden, Sundsvalls Kommun	Arvid Nelehag
Wales, NRW	Karl Shepherd
Scotland, SEPA	Catherine Cunningham
Scotland, SEPA	Simon Olley
Scotland, SEPA	Andrew Gallagher
Scotland, SEPA	Ian Conroy
Scotland, SEPA	Robin Ferguson
England, EA	Dave Purchase
Netherlands, DCMR Environment Protection Agency	Marinus Jordaan
Netherlands	Wiebe Dirksen
Netherlands	Fulco Jongsma
Netherlands	Danny Croese
Netherlands	Anton Mol
Republic of Ireland, EPA	Margaret Keegan

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<b>Member state and organisation</b>	<b>Name</b>
Iceland, EA	Eva Dogg Kristjansdottir
Netherlands, Nord Brabant Province	Han de Haas
Scotland, Project Team - SEPA	Catherine Preston
England, Project Team - EA	Elen Strahle
Spain, Xunta De Galicia	Antony Castrillo Porres
Environment & Planning Authority, Malta	Daniella Sammut
Regional inspection office in Białystok, Poland	Kamil Karny
Aarhus Municipality, Denmark	Henning I Hansen
Office of Environmental Enforcement, Ireland	Emer Cooney
Romania, County Commissariat National Environmental Guard	Florin Homorean
Wales, Cardiff University, Wales	David Slater
European Commission, Brussels	Hans Lopatta
IMPEL Secretariat, Brussels	Michael Nicholson