

TOR Reference No.: 2017-01	Author(s): Horst Büther / Florin Homorean
Version: 1.6	Date: May 2017
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input checked="" type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting – tools and approaches -	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input checked="" type="checkbox"/>
Conference	<input checked="" type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
Mutual joint visits of industry inspectors and regulators to achieve a level playing field implementation of the IED 2017	
1.4 Abbreviated name of work or project	
Supporting IED Implementation 2017	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)	
Industrial Emissions Directive (IED) BAT Reference Documents and BAT Conclusions Air Quality Directive Seveso III Directive	
2.2 Link to IMPEL MASP priority work areas	
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 identified by IMPEL and the European Commission	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
2.3 Why is this work needed? (Background, motivations, aims, etc.)	
<p>Industrial production processes account for a considerable share of the overall pollution in Europe due to their emissions of air pollutants, discharges of waste water and the generation of waste. The Industrial Emissions Directive 2010/75/EU of the European Parliament and the Council (IED) is the main EU instrument regulating emissions from industrial installations. The IED aims to achieve a high level of protection of human health and the environment taken as a whole by reducing harmful industrial emissions across the EU, in particular through better application of Best Available Techniques (BAT). Around 50,000 installations undertaking the industrial activities listed in Annex I of the IED are required to operate in accordance with a permit (granted by the authorities in the Member States). This permit should contain conditions set in accordance with the principles and provisions of the IED. The 2014/2015 Implementation Challenge project of IMPEL and consultations with the European Commission identified a lot of unresolved problems in the implementation of industrial regulation.</p> <p>2017 is the third year in a row of the IMPEL IED Implementation project. It has become a very successful IMPEL activity attracting a lot of environmental officers from numerous European countries. In the last two years, IMPEL has had to raise the budget of the project in order to accommodate this increased interest. This is a clear indicator that there is need for exchange on IED topics between the European competent authorities with responsibility for IED implementation. The IED Implementation project has established itself meanwhile as one of the main long running activities of the IMPEL network.</p> <p>In the last two years, the project team has developed a lot of good practice examples that were put into a specially designed guidance book. This book not only contains guidance from the running project but also from previous and related IMPEL projects dealing with issues of industrial regulation. The IED project itself developed in sub-groups good practice examples for the following topics:</p> <ul style="list-style-type: none"> • Translation of BAT Associated Emission Levels (AELs) into Emission Limit Values • Levels of non-compliance; publication of inspection reports • Bankruptcy and temporary or definitive cessation of activity in IED installations • Self-monitoring and reporting obligations of the operators • Tools for regulating IED installations • Joint inspections • Definitions [in legislation] • Horizontal aspects of permitting • Minimum content of IED inspections 	

- Feedback from the inspector in the BREF-cycle
- How to check industrial waste water BAT
- Going beyond BAT (application of Article 18).

The project team started with these topics because they were regarded as the highest priority issues by the project members. Some of these topics will not be finished in 2016 and shall be developed further in this 2017 project. There are also a lot of other issues that shall be developed to good practice during the 2017 project and in the future (see 2.4).

The advantage of a large project group is that the ideas coming from a working group are immediately discussed by environmental officers of different implementation cultures and backgrounds. According to the demands of the member countries and the European Commission, joint inspections have been carried out and will continue to go forward. The results of these inspections will also be included in the guidance book.

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?)

A lot of good practice has already been developed by the projects in 2015 and 2016 and put into the guidance book on IED implementation. There are still a lot of issues identified by the Implementation Challenge project, IMPEL member countries, the European Commission, and the project and workshop participants. The identified topics for further developing good practice are:

- Emission limit values (ELVs) – ambient air quality
- Implementation of new BREFs
- Application of BAT within 4 years after publication of BAT conclusions (timetable)
- Making changes to permits – what is significant change
- Integrated permits (one stop shop); how to deal with other than normal operating conditions
- Concentration vs. mass emission limits
- Non-routine inspections
- Charging regimes
- Public participation.

At every project meeting and during the workshop the IED implementation of the host country/authority is presented and discussed by the project members. This gives a fast and good overview on the approaches in different European countries and is a good addition to the IMPEL IRIs.

A general goal of the project is to establish the project team as a core group of the Industry and Air Expert Team and a sustainable cooperation of European enforcement authorities. This includes: improvement of the IED implementation in Europe; raising the percentage of BAT application through common understanding and expert exchange, fast exchange of solutions concerning implementation problems; facilitating implementation; joint inspections; web applications and tools; invited speakers of related projects and activities outside IMPEL; feedback to the COM on implementation of the IED; new ways of identifying implementation gaps.

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

Projects dealing with the IED in a broader sense but also the IRIs and the DTRT and easyTools projects are linked to this activity. The results and good practices of former projects dealing with industrial issues are already included in the IED Implementation Guidance Book. The project

managers of related projects were invited to the IED workshop in 2015 to give a presentation and discuss how their results could be included into the guidance book.

These projects are:

- Derogations from BAT in IED permits
- IED baseline report on soil and ground water contamination
- IED and Habitat Directive
- Doing the right things in (IED) permitting
- IPPC and Water Framework Directive
- Air quality and industrial emissions

In addition a representative of the Technical Working Group on Inspections of the Seveso Expert Group was also invited to exchange the experiences of these related approaches.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

Guidance and best practice examples that have already been developed in the first 2 years of the project and from other projects will be put into a form that is useful for the guidance book (if that not has already been done).

Priority topics from the issues described in 2.4 will be chosen by the project group for the development of solutions and guidance by sub-groups of the project. These topics will also be discussed and developed further during a workshop of the project. Coming from that guidance and best practice examples will be prepared for the IED implementation guidance book.

During the project meetings and the workshop the host countries will give a presentation of the IED implementation in their countries. Back to back with the workshop and the project meetings a joint inspection of a small sub-group of the project team will be performed at an industrial installation of the host country. The results of these activities will also be used for the guidance book.

Project managers of related projects will also be invited to the workshop to present and discuss the results of their projects. In addition members of the Commission will also be invited to discuss the results of the projects and priority topics of further investigations.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

Outputs:

- Guidance book for better implementation of the IED
- Combination of the results with other related projects
- Results from joint inspections
- IMPEL member examples for IED implementation
- Inspection tools
- Minimum extent and resources for IED inspections
- Results from a technical workshop on implementation of EU industrial law.

Outcome:

Reduction of the IED implementation gap and a level playing field within IMPEL member countries (see also 2.4)

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

- Development of the work program 2017: January/February 2017
- Work of the sub-groups on not yet finished topics of the 2016 project: Jan/Feb 2017
- Finalising work program at the first project group meeting: March 2017
- Work of the sub-groups on new topics of the 2017 project: April/May 2017
- New project groups on further topics at the second project group meeting: June 2017
- Preparation of the workshop at the second project group meeting: June 2017
- Joint inspection: back to back with the project group meetings and the workshop
- Workshop: country approach / good practices / related projects: September 2017
- Development of guidance and good practice examples: until October 2017

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

The first risk is that only a few countries collaborate within this activity. The new IMPEL strategic approach for actively encourage and support passive members was used to mitigate this risk. The big interest in the project in 2015 and 2016 shows that this is no real risk.

The second risk is that only inspectors will be members of the project team and that there will not be enough attention on topics related to permitting. In the 2015 and 2016 IED Implementation project first working groups on BREF application were launched to work on permitting related aspects. The results will invite more permitters to participate in the project

The third risk is that outputs of the project are only recognized by a small group of active project members. The new strategic IMPEL approach on communication of IMPEL results shall be used to mitigate this risk (see item 8).

4. Organisation of the work

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)

Horst Büther, Regional Government Cologne, Germany,
Florin Homorean, National Environmental Guard, Romania

4.2 Project team (who will take part: name, organisation and country)	
Austria	Robert Gross, robert.gross@salzburg.gv.at
Belgium	Martine Blondeel, martine.blondeel@lne.vlaanderen.be (Flanders) Annelies Baert, annelies.baert@lne.vlaanderen.be (Flanders) Olivier Dekyvere, olivier.dekyvere@spw.wallonie.be (Wallonie)
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Turkey	Şenay Aslan, senay.aslan@csb.gov.tr
UK	Richard Chase, Richard.Chase@environment-agency.gov.uk
NN	Project members with permitting experience
4.3 Other IMPEL participants (name, organisation and country)	
Further environmental officers of different national competent IED authorities to participate in the technical workshop and the conference, especially members of the Industry Expert Team. Invited speaker of related projects at the workshop.	
4.4. Other non-IMPEL participants (name, organisation and country)	
Close contact with desk officers of the EU Commission dealing with industrial environmental law	

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

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	52,000 €	ditto	ditto	ditto
How much money is to be co-financed	15,000 €	ditto	ditto	ditto
Total budget	67,000 €	ditto	ditto	ditto

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 €
Event 1	9000 €	4500 €	1300 €	14,800 €
<Project group meeting>	(25 travelling participants)	(for 25 participants)	(for 26 participants)	
<March 2017>				
<tbd>				
<25>				
<2/2>				
Event 2	9000 €	4500 €	1300 €	14,800 €
< Project group meeting >	(25 travelling participants)	(for 25 participants)	(for 26 participants)	
<June 2017>				
<tbd>				
<25>				
<2/2>				
Event 3	10,440 €	7830 €	2250 €	20,520 €
< Conference/workshop >	(29 travelling participants including invited speakers)	(for 29 participants)	(for 30 participants)	
<September 2017>				
<tbd>				
<29>				
<3/3>				
Event 4	0 €	1080€	525 €	1605 €
<Joint inspections>	(back to back with events 1, 2 and 3)	(for 4 participants each time)	(for 7 participants each time)	
<March, June, September 2017>				
<tbd->				
<4 each>				
<1/1>				
Total costs for all events	28,440 €	17,910 €	5375 €	51,725 €

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7.2 What are the total costs for the consultant?	15,000 €
7.3 Who is paying for the consultant?	Germany (if budget will be confirmed)
7.4. What will the consultant do?	Organising the meetings, supporting the working groups, transformation of the project outputs into a format that can be used by all competent IED authorities and preparation of material that can be used for IMPEL communication purposes.
7.5 Are there any additional costs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: Transport of inspectors, web based tools
7.6 What are the additional costs for?	1. Transport of inspectors to industry sites during the joint inspections 2. Development of web based tools for inspections
7.7 Who is paying for the additional costs?	1. IMPEL: 275 € 2. Not in this year
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

8. Communication and follow-up (checklist)

	What		By when
8.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR [✓] * Interim report [✓] * Project report [✓] * Progress report(s) [✓] Press releases News items for the website [✓] * News items for the e-newsletter Project abstract [✓] * IMPEL at a Glance [✓] Other, (give details): PPP for project presentation	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	August 2016 June 2017 October 2017 March/June/Sept. 2017 Workshop June 2017 After 1st meeting After 3rd meeting October 2017 After 1st meeting
8.2 Milestones / Scheduled meetings (for the website diary)	See 6.		
8.3 Images for the IMPEL image bank	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
8.4 Indicate which materials will be translated and into which languages	Project abstract / IMPEL at a glance: languages of the participating countries of the technical workshop		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	This is not foreseen for this year		
8.6 Identify which groups/institutions will be targeted and how	The main target group consists of competent authorities for IED implementation and Industry and Air Experts. They will be targeted by the means under 8.1 and by discussion at other IMPEL events.		
8.7 Identify parallel developments / events by other organisations, where the project can be promoted	CCA TG 2 meetings, IRIs, meetings with COM, TFS technical workshops, national IMPEL meetings, international conferences, TAIEX workshops, Twinning projects		

[✓]) Templates are available and should be used. *) Obligatory

9. Remarks

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

Hi Horst

I'm very happy that I have been able to attend the two meetings so far in 2016. I find the work very inspiring, and now I think I'm beginning to see "the bigger picture", and will be able to contribute more to the work.

So I hope there is money in the project for me to attend the workshop and meeting in Gent from the 5. – 7. October 2016. If not, I won't hold it against you I have known from the start that there might not be money for it.

But I'm really interested in the new group "BAT in Industrial waste water / Tools", and would like very much to participate in that work.

In Rotterdam I participated in the group about Joint Inspections, which also is very interesting, but if I could freely choose, I would attend the group about wastewater.

I'll send my travel information to Ulrike, and leave it to you to count the money.

I hope to see you in October, or at least some other time.

Med venlig hilsen

Britta Tinghus, Denmark, 2016-08-10

*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.