

## TERMS OF REFERENCE FOR IMPEL PROJECT

2012-02-15

No	Name of project
<p>2011/06 2012/04</p>	<p><b>Energy Efficiency in permitting and inspections</b></p> <p>Exchange of experiences on how the issues of energy efficiency and reduction of greenhouse gases are dealt with in permit procedures and inspections in the Member States – Development of a template for documents and data required regarding energy efficiency in the permit application (2011/2012).</p>

### 1. Scope

<p><b>1.1. Background</b></p>	<p><b>History of the project:</b></p> <p>Energy is a priority issue within the European Union. The EU Climate change and Energy Package foresees an increase in energy efficiency of 20 % and a reduction of greenhouse gases by 20 % till 2020. During the discussion on future work of IMPEL at the General Assembly 3 – 5 June 2009 in Prague the representatives of the member states mentioned explicitly energy efficiency as a field that IMEL has to work on. They mentioned the following reasons:</p> <ul style="list-style-type: none"> <li>- increased efficiency in the use of energy is the quickest, most effective way to tackle the issue of climate change,</li> <li>- by developing the same standards and requirements throughout Europe and the consequent enforcement it has to be made sure that the individual Member States are not played off one against the other by industry,</li> <li>- small and middle sized enterprises have to be included into the efforts of minimising greenhouse gas emissions.</li> </ul> <p>In 2002/2003 IMPEL has carried out a project on energy efficiency with Finland as lead country. A second project on that item was carried out in 2010 and the evaluation of the current situation showed that during the last years only minor changes have occurred in the consideration of energy efficiency issues in permitting and supervising procedures. In Member States that recently joined to European Union energy efficiency has not been at the countries' political level among the main priorities. The project identified 7 main challenges concerning energy efficiency:</p> <ul style="list-style-type: none"> <li>a) In the IPPC directive it is not stipulated how EE should be addressed.</li> <li>b) Information on EE in sector BREFs is not concrete and precise enough. The horizontal BREF on EE is complex and has not been utilised much.</li> <li>c) Lack of technical expertise in authorities and companies.</li> <li>d) Lacking or only occasional cooperation between energy and environmental authorities.</li> <li>e) There is no general approach in MS to handle the item of</li> </ul>
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EE in the permit revision.

- f) Problems with definition of system boundaries.
- g) Unclear influence of other instruments like voluntary agreements, Energy Management Systems, tax and ETS-systems on energy efficiency of installations.

For a step-by-step improvement of the situation in permit and inspection authorities participants of the workshop and the project team decided to concentrate on the technical aspects of energy efficiency without taking into account buildings and the influence of tax and ETS systems on it. For the future work of IMPEL in the field of EE they made the following proposals:

- Development of a template for documents and data required regarding energy efficiency in the permit application
- Workshop on assessment of the application documents regarding energy efficiency (for new and existing installations) and development of permit conditions based on BREFs using a sector specific approach (e.g. food sector, metal processing sector, paper sector, chemical sector, waste treatment plants).
- Training course for dealing with energy efficiency in permitting and inspection.
- Integrating the discussion on energy efficiency in other sector specific IMPEL-projects, e.g. pig farming.

The proposal for a follow-up IMPEL project to be carried out in 2011/2012 aims at the development of a template for documents and data required regarding energy efficiency in the permit application.

Work done in 2011:

The project team consisting of 6 representatives from 5 IMPEL Member States and the consultant:

- identified the basic documents to be reviewed during the project,
- decided for a sector specific approach and to focus initially on the industrial sectors iron and steel (revised BREF document with conclusions expected in due time), glass industry (see iron and steel), cement industry (BREF revised in 2008), milk industry, large combustion plants and possibly municipal waste incineration plants,
- developed a draft application form for energy efficiency for the initial discussion with the sector experts.

The team made an analysis of major changes from IPPC to IE-Directive, discussed the new BAT concept under IED and identified relevant IED provisions related to energy efficiency. In two expert group meetings five sector representatives made presentations on the main energy efficiency issues in the sectors and discussed the applicability of the draft form for their sector with the project team. It was found out that the form should

	<p>consist of a general part and a sector specific check list.</p> <p>Work to be done in 2012: For 2012 the project team intends to develop the check lists further and to test the application form in permit procedures in different EU Member States. Afterwards the final report and the template shall be made available for all interested parties.</p>
<p><b>1.2. Link to MAWP and IMPEL's role and scope</b></p>	<p><b>Legal Background:</b> The Sixth Community Environment Action Programme calls for the encouragement of more effective implementation and enforcement of Community legislation on the environment, among other things through the promotion of improved standards of permitting, inspection, monitoring and enforcement by Member States and through improved exchange of information on best practice on implementation. Article III, Para. 4 of Recommendation 2001/331/EC providing for Minimum Criteria for Environmental Inspections in the Member States pursues the same objectives. The IMPEL MAWP 2007 – 2010 and the new MASP of Cluster 1 indicate climate change as one of the urgent topics.</p>
<p><b>1.3. Objective (s)</b></p>	<p>The main objectives are to identify:</p> <ul style="list-style-type: none"> <li>- how the requirements of the BREF Energy Efficiency and the chapters of other BREFs related to energy efficiency have to be integrated into the permitting and inspection procedures</li> <li>- what kind of information is needed in permit applications, e.g. description of measures, of fuel, energy efficiency indicators etc.</li> <li>- what is important for the consideration of applications,</li> <li>- exchange of information on existing guidance material,</li> </ul> <p>by</p> <ul style="list-style-type: none"> <li>- establishing an expert group for the discussion of the first point (5 participants from different MS plus project team)</li> <li>- development of a template for documents and data required regarding energy efficiency in the permit application and carrying out tests on real cases in a working group (5 participants from different MS plus project team).</li> </ul> <p>The draft template will be sent to the participants of the previous IMPEL workshop about energy efficiency held in June 2010 in Riga. They can participate in the test and will be asked for comments.</p>
<p><b>1.4. Definition</b></p>	<p>The project will help to promote the enforcement of the energy efficiency provisions of the IPPC Directive and future IED, the BREF Energy Efficiency and chapters of other BREFs related to energy efficiency and perhaps national provisions concerning energy efficiency.</p> <p>It will be carried out by a project team consisting of representatives of 5 IMPEL Member States. During the two phases of the project the team will work together with two different groups:</p> <p>a) an expert group (2011): For the evaluation of the requirements of the BREF Energy</p>

	<p>Efficiency and the chapters of other BREFs related to energy efficiency that have to be integrated into the procedures the expert group will need two meetings (first: discussion of the item and determination of work packages, second: discussion of results and work on further improvement)</p> <p>b) a working group (2012):</p> <p>The working group for the practical test and the improvement of the draft template will need two meetings (first: discussion of the item and determination of work packages taking into account the results of the first group, second discussion of the product and evaluation of the tests).</p> <p>A final report will be written which will cover the findings and make recommendations for further projects.</p>
<b>1.5. Product(s)</b>	<p>A final report with a template for documents and data required regarding energy efficiency in the permit application including a documentation of the requirements identified in IPPC/IED Directive, in existing/revised BREF documents for the relevant sectors and the available conclusions related to energy efficiency. If already possible the practical work with the BAT conclusions will be commented.</p>

## 2. Structure of the project

<b>2.1. Participants</b>	<ul style="list-style-type: none"> <li>▪ Experts in the field of enforcement of requirements concerning energy efficiency and with in depth knowledge of the related BREF documents, IPPC and IED Directive</li> <li>▪ Permit writers and inspectors with experience in the enforcement of energy efficiency provisions will be invited as participants from IMPEL member states,</li> <li>▪ A representative of the IPPC Bureau Seville</li> <li>▪ IMPEL secretariat and Commission are invited to participate</li> </ul>
<b>2.2. Project team</b>	<p>Project team for the project phase 2012: 6 representatives of 5 MS, Sirpa Salo-Asikainen, Finland, Gisela Holzgraefe, Germany, Susanna Eberhartinger-Tafill, Austria, Judite Dipane, Latvia, Marianne Ripka and Hans Erling Lundmand Jensen, Denmark.</p> <p>A consultant with profound knowledge of BREF requirements and IPPC permitting and inspection should support the work. A representative of a consulting agency will</p> <ul style="list-style-type: none"> <li>- develop the proposals for the draft sector specific annexes to the application form for sectors not yet covered in 2011 for the working group</li> <li>- document the results of the presentations and the discussions during the meetings</li> <li>- collect the relevant information and make an evaluation of the test phase of the application form</li> <li>- prepare a draft final report</li> </ul>

	<p>Project bearer:</p> <ul style="list-style-type: none"> <li>▪ Ministry for Agriculture, the Environment and Rural Areas of Land Schleswig-Holstein (Germany)</li> </ul>
<b>2.3. Manager Executor</b>	- Gisela Holzgraefe (DE)
<b>2.4. Reporting arrangements</b>	<p>Project phase 2012:  The project progress will be reported to Cluster “Improving permitting, inspection and enforcement” (Cluster 1, progress report in March 2012), to the participants and to possible observers and to other Clusters which might be concerned. The draft final report of the project is expected to be submitted to Cluster 1 in September 2012 and to the IMPEL General Assembly in Winter 2012. Parallel to that draft final and final report will be submitted to the IMPEL secretariat.</p> <p>Progress Report: March 2012  Final Report: Winter 2012</p>
<b>2.5 Dissemination of results/main target groups</b>	<p>The report and the template for documents and data required regarding energy efficiency in the permit application (in English) mentioned under 1.5 will be made available on the IMPEL website. It will be sent to the national IMPEL coordinators.</p> <p>The report will also be sent to other target groups (via IMPEL secretariat at the European level, via national coordinators at the national level). The report will be made available to energy efficiency initiatives and the IPPC Expert Group (IEG).</p> <p>The results of the project will be reported in professional and technical journals. On top of that they will be used for inspector trainings and presented at conferences.</p>

### 3. Resources required

3.1 Project costs and budget plan		2011	2012
	<i>1. Overhead (organisation) cost (€):</i>		
	<i>2 Project meeting costs (€)</i>		
	<i>Meetings</i> <sup>1</sup> : 2011/2012		
	- meetings of expert group: 2		
	No of Participants: 10		
	Travel <sup>2</sup> :		
	Accommodation <sup>3</sup> : (1 night each)		
	Catering:		
	Meeting venue:	*	
	- meetings of working group: 2		
	No of Participants: 11		
	Travel <sup>2</sup> : (22 x 360 € = 7 920 €)		7 920
	Accommodation (1 night each per meeting) <sup>3</sup> : (22 x 90 € = 1 980 €)		1 980
	Catering: (2 x 200 €)		400
	Meeting venue:	*	*
	Other (specify) Project team meetings 3, (2 in 2011) 6 participants per each, 1 night Travel (6 x 360 € = 2 160 €) Accommodation: (6 x 90 € = 540 €) Catering		2 160 540 200
	Other (specify) Project team meeting 1 6 participants per each, 2 nights Travel (6 x 360 € = 2 160 €) Accommodation: (12 x 90 = 1080 €) Catering		2 160 1 080 200
	Participation in 2 Cluster meetings		700
	3. Other costs: consultant		
	consultant		15 000
	<b>TOTAL cost per year €</b>	<b>31 450</b>	<b>32 340</b>
	<b>TOTAL project cost €</b>	<b>66 050</b>	
<b>3.2. Fin. from IMPEL budget</b>	<i>2. Project meeting costs plus 3. other costs(€)</i>		<i>-10 000</i> <b>22 340</b>
<b>3.3. Co-financing by MS (and any other )</b>	<i>1. Overhead costs (€):</i> as co-financing contribution for the <b>meeting venue</b> by one of the authorities the members of the project team come from,		
	<i>2. Other costs (€)</i> as co-financing contribution by Germany: 10 000 € for the consultant costs (under restriction of possible budget cuts in 2012)		10 000
<b>3.4. Human from MS</b>	Meeting preparation and participation: 130 days (based on 6 participants in project team, 5 in expert team and 5 in working group)		

<sup>1</sup> specify, like Review Group Meetings, Workshop etc.

<sup>2</sup> normative: € 360/person

<sup>3</sup> normative: € 90/person/night

**\*contribution from host**

<b>3.5 Human from Host countries</b>	Meeting preparation and support: 10 in 2012, Meeting participation: 16 days in 2012 (based on 2 participants from host country) Project management support: 20 days
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#### 4. Quality review mechanisms

The quality of the project will be reviewed by the project participants and appraised by the Cluster “Improving permitting, inspection and enforcement” (Cluster 1). It will then be submitted to the IMPEL General Assembly for appraisal and adoption.

#### 5. Legal base

<b>5.1. Directive/Regulation/Decision</b>	IPPC Directive; IED Directive, BREF document « Energy Efficiency », energy efficiency related chapters of the sector BREFs, Directive (2006/32/EC) on Energy end-use efficiency and Energy Services; Recommendation 2001/331/EC providing for Minimum Criteria for Environmental Inspections in the Member States (RMCEI)
<b>5.2. Article and description</b>	Section 3, Para. 4 RMCEI: establishment of a scheme, under which Member States report and offer advice on inspectorates and inspection procedures in Member States Article 11 IED Directive: Member States shall take the necessary measures to provide that installations are operated with the following principles: (b) the best available techniques are applied; Article 13, Para. 1 no. 3 IED Directive: BAT conclusions shall be the reference for setting the permit condition; Annex III IED Directive: Criteria for determining best available techniques, no. 9: 9. the consumption and nature of raw materials (including water) used in the process and energy efficiency
<b>5.3 Link to the 6<sup>th</sup> EAP</b>	Article 3. Strategic approaches to meeting environmental objectives. Para. 2: “Encouraging more effective implementation and enforcement of Community legislation on the environment [...]” - promotion of improved standards of permitting, inspection, monitoring and enforcement by Member 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”.

#### 6. Project planning

<b>6.1. Approval</b>	The draft ToR for the two year project on energy efficiency was presented at the Cluster 1 meeting in Oslo 1 October 2010, supported by Cluster “Improving permitting, inspection and enforcement” and adopted by the General Assembly in Brussels in November 2010. The amended draft ToR for 2012 project phase was submitted to the Cluster 1 meeting in Paris October 2011 and supported by Cluster
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	“Improving permitting, inspection and enforcement”.
<b>6.2. Fin. Contributions</b>	The project is supported by IMPEL. On top of that there will be a co-financing contribution by Germany: 10 000 € for the consultant costs (under restriction of possible budget cuts in 2012)
<b>6.3. Start</b>	The project start for the 2012 part is scheduled for 03/2012
<b>6.4 Milestones</b>	<p>Milestones 2012:</p> <ul style="list-style-type: none"> <li>- From adoption of the budget of German Federal Ministry for the Environment (BMU, DE) onward: invitation of participants of working group to meetings in 2012</li> <li>- April 2012: first project team meeting</li> <li>- May 2012: first working group meeting</li> <li>- August 2012: second working group meeting</li> <li>- beginning of September 2012: second project team meeting</li> <li>- September 2012: draft final report</li> <li>- winter 2012: final project report</li> </ul>
<b>6.5 Product</b>	Final project report with template
<b>6.6 Adoption</b>	Presentation of the final report to the IMPEL Plenary is planned for winter 2012.