

TOR Reference No.:	Author: Jane Durling
Version: Draft v.3	Date: 15/11/17
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 type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input checked="" type="checkbox"/>
Development of tools/guidance	<input 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)	
Sharing regulatory best practice in regulating the exploration and production of the onshore oil and gas industry, including unconventional fossil fuels and high-volume hydraulic fracturing	
1.4 Abbreviated name of work or project	
Onshore oil and gas regulation	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
The OOG industry, including the emerging UFFs industry, is regulated under a number of different legislative instruments, including where relevant (but not exclusively) –

- Water Framework Directive
- Groundwater Directive
- Management of Waste from Extractive Industries Directive (the Extractive Waste Directive)
- Waste Framework Directive
- Industrial Emissions Directive
- Environmental Impact Assessment Directive
- REACH Regulation
- Environmental Liability Directive
- Control of Major Accidents and Hazards Directive (Seveso III)

In addition, in January 2014 the European Commission published a Recommendation on minimum principles for the exploration and production of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing. The effectiveness of the Recommendation was reviewed by the Commission in December 2016¹.

Finally, a review of the Best Available Techniques reference document² (Bref) on the management of waste from extractive industries is under way (including waste resulting from the oil and gas sector), as is work on a hydrocarbons BAT guidance document³.

2.2 Link to IMPEL MASP priority work areas

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1. Build capacity in member organisations through the IMPEL Review Initiatives | <input checked="" type="checkbox"/> |
| 2. Work on 'problem areas' of implementation identified by IMPEL and the European Commission | <input checked="" type="checkbox"/>
<input type="checkbox"/> |

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

The intense public debate on the use of unconventional techniques, such as high-volume hydraulic fracturing, to explore for and produce hydrocarbons from sources such as shale deposits has shone a spotlight on the whole onshore oil and gas industry, how it is regulated and what is considered best practice for the industry in protecting the environment and human health.

This public interest has been reflected at the EU level by the Commission's activities, including in particular its 2014 Recommendation on high-volume hydraulic fracturing, the effectiveness of the application of which was reviewed in December 2016; the review of the extractive waste Bref; and development of a hydrocarbons BAT guidance document.

The public debate about onshore oil and gas will contribute to the best outcomes only if it is founded upon reliable information as to the environmental risks and their mitigation. These are issues which the regulatory and scientific communities are actively seeking to address.

During 2015 -2017, the predecessor to this IMPEL project brought representatives of a number of countries together to consider best practice for regulating the onshore oil and gas industry as a whole. Many of the key issues apply equally to conventional and unconventional fossil fuels.

This project is drawing on the following broad conclusions:

- The European conventional onshore oil and gas industry is well-established and regulators have considerable experience in regulating it to protect the environment and human health.

¹ http://ec.europa.eu/environment/integration/energy/pdf/Report_com_2016_794.pdf

² <http://susproc.jrc.ec.europa.eu/activities/waste/index.html>

³ http://ec.europa.eu/environment/integration/energy/hydrocarbons_extraction_en.htm

- Participants nevertheless agree that there is a need for regulators to exchange information on specific technical and regulatory issues, to identify and share best practice, and also to identify issues which need to be investigated and/or addressed further, and especially in relation to unconventional fossil fuels.
- This exchange can be helpful in informing policy-makers and Bref authors, and the project team is keen to support such work.

The aim of this project is therefore to build upon the work of 2015, 2016 and 2017 and to review in much greater detail participants' approaches on a number of critical issues, with a view, wherever possible, to defining, sharing and promoting best practice. The project aims to help regulators to feel more confident in delivering consistent and reliable information to the public, industry and policy-makers. It may also avoid duplication of effort, and promote consistent and proportionate regulation across and beyond the IMPEL network. Finally, it could inform and support dialogue with regulators in non-IMPEL countries which have developed, or are developing their industry.

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. A more coherent understanding of the onshore oil and gas industry's environmental record
2. A fuller picture of what regulators consider to be best practice on key issues
3. Consistency in implementation and enforcement of regulation across IMPEL members
4. Capacity-building for regulators
5. Greater public trust in regulators and their decisions
6. Useful and reliable information for policy-makers and Bref authors

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

The 2015, 2016 and 2017 IMPEL projects on best practice in regulating the onshore oil and gas industry (including shale gas).

3. Structure of the proposed activity

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

1. Establish project team and hold initial telephone conference(s) to agree project plan and possibly to establish theme sub-groups
2. Telephone and face-to-face interviews with participants
3. Sub-group telephone conferences as appropriate
4. LiveMeeting/telephone conferences as appropriate, to update participants and discuss key issues
5. One workshop with site visit, to discuss key issues in more detail. This is likely to focus on well closure, decommissioning and liabilities.
6. One meeting with site visit to finalise report and agree next steps
7. Final report.

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

A full report on the project and its findings, including any identified need for further collaborative work.

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

1. Planning activities, including defining the work and finalising project team members – January 2018
2. Survey on Well Closure, Decommissioning and Liabilities – February – March 2018
3. Interviews if needed and/or telecon – April 2018
4. Workshop on Well Closure, Decommissioning and Liabilities and site visit – April/May 2018
5. Draft final report – July/August 2018
6. Meeting and site visit to discuss and agree report and outcomes– September 2018
7. Finalise and submit report – September/October 2018.

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

Risk 1: That the project team will not be able to gather adequate information.

Mitigation 1: The proposed approach requires continued active participation by project team members as in the 2017 project, which has progressed by means of workshop and surveys regarding the topics. The aim is, through more continuous engagement, with active management of the project, to ensure a good flow of information and identify any problems at an early stage.

Risk 2: That the project as initially framed is too broad in scope to be practically realised.

Mitigation 2: This very real risk has been addressed in the following way. The issues have been narrowed down to make the topics more manageable. One key but quite broad theme has been selected. The one workshop proposed will then address one or two themes at a time, rather than trying to cover all the issues on two separate occasions. Nonetheless, as previously, work on each theme can continue outside and beyond the workshop dedicated to its discussion.

Risk 3: Project team members unable to complete the questionnaire or attend the workshop.

Mitigation 3: For the 2017 project, we built on the information received and relationships established during 2015 and 2016. There was a very good attendance (22 people from 6 countries and the EC) at the workshop in 2017 and all countries who attended responded to the survey. Earlier planning of the surveys, communications and workshops will aim to facilitate this.

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)

Project Manager: Jane Durling, Environment Agency, England

4.2 Project team (who will take part: name, organisation and country)

The project team is currently:

Denmark: Jean-Pierre Posselt (to be confirmed), Energy Agency

England: Jane Durling, Environment Agency

European Commission: Florence Limet, Directorate-General Environment

Flanders: Helga Ferket (to be confirmed), Department of Environment, Nature and Energy

France: Olivier Astier, Ministry of Ecology, Sustainable Development and Energy

Hungary: Peter Trombitas, Szilvia Banyacski, Mining and Geological Survey of Hungary
 Netherlands: To be confirmed, State Supervision of Mines, Ministry of Economic Affairs
 Northern Ireland: Neil McAllister, Northern Ireland Environment Agency
 Poland: Aleksandra Skąpska, Chief Inspectorate of Environmental Protection
 Romania: Matei Liviu, National Environmental Guard
 Scotland: Emma Taylor, Scottish Environment Protection Agency
 Turkey: Hasan Ayaz, Ministry of Environment and Urbanisation

4.3 Other IMPEL participants (name, organisation and country)

4.4. Other non-IMPEL participants (name, organisation and country)

Guests may be invited to workshops from participating countries depending on the workshop topic.

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 (2015)	Year 2 (2016)	Year 3 (2017)	Year 4 (2018)
How much money do you require from IMPEL?	27600 (budget)	23400 (budget)	20040 (budget)	20040
How much money is to be co-financed	0	0	0	0
Total budget	27600	23400	20040	

6. Detailed event costs of the work for year 4

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
Event 1	360 x 15 =	90 x 2 x 15 =	25 x 2 x 15 =	10020
Workshop and site visit	5400	2700	750	
May/June 2018				
14+1 contingency			Plus venue hire and incidental costs = 1170	
2 days, 2 nights				
Event 2	360 x 15 =	90 x 2 x 15 =	25 x 2 x 15 =	10020
Meeting and site visit	5400	2700	750	
September/October 2018				
TBC			Plus venue	

14+1 contingency			hire and incidental costs = 1170	
2 days, 2 nights				
<u>Total costs for all events</u>	10800	5400	3840	20040

7. Detailed other costs of the work for year 4

7.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.2 What are the total costs for the consultant?	n/a
7.3 Who is paying for the consultant?	n/a
7.4. What will the consultant do?	n/a
7.5 Are there any additional costs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
7.6 What are the additional costs for?	n/a
7.7 Who is paying for the additional costs?	n/a
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
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 Namely:

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):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	January 2018 (final) December 2018 Spring, Summer and Autumn 2018 After workshop July 2018
8.2 Milestones / Scheduled meetings (for the website diary)	See 3.3 above.		
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	All documents to be written in English. No translation required.		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	n/a		
8.6 Identify which groups/institutions will be targeted and how			
8.7 Identify parallel developments / events by other organisations, where the project can be promoted	n/a		

[✓]) 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?

This is the proposal for Year 4 of this project.

*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.