

TOR Reference No.:	Author(s): Gisela Holzgraefe and project team
Version: 1.0	Date: 10.2017, Project
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 type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input checked="" type="checkbox"/>
Cross-cutting – tools and approaches -	<input checked="" type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input 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)	
Inspection of nature protected sites - Development of an easy and flexible tool as a part of the planning of inspections of Natura 2000 sites linked to European environmental law and the RMCEI (including the option of using the IRAM-Tool)	
1.4 Abbreviated name of work or project	
Development of a planning tool for inspections of nature protected sites with focus on Natura 2000 sites	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
Habitats Directive, Council Directive 92/43/EEC of 21 May 1992 Birds Directive, Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009

Action Plan for nature, people and the economy COM(2017)198

2.2 Link to IMPEL MASP priority work areas

- | | |
|--|-------------------------------------|
| 1. Assist members to implement new legislation | <input type="checkbox"/> |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives | <input type="checkbox"/> |
| 3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission | <input checked="" type="checkbox"/> |

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

A. Motivations

Decline in EU biodiversity

The alarming decline in Europe's biodiversity has driven the adoption, by the European Union (EU) of two key pieces of legislation – the Habitats and Birds Directives – to conserve Europe's most valuable species and habitats across their entire natural range within the EU.

The Birds and Habitats Directives are central to achieving the EU 2020 target of halting and reversing the loss of biodiversity endorsed by Heads of State and Government. The Commission has adopted an ambitious strategy to achieve this objective, comprised of six targets. Target 1 of this Strategy is focused on "Full implementation of EU nature legislation to protect" biodiversity and requires a significant improvement in conservation status. The implementation of EU nature legislation also contributes significantly to other targets of the biodiversity strategy, including in relation to green infrastructure and restoration under Target 2.

The Action Plan for nature, people and the economy COM(2017)198 points out that key factors behind the shortcomings in the implementation of the Nature Directives are i.a. *"limited resources, weak enforcement, poor integration of nature objectives into other policy areas, insufficient knowledge and access to data."* The development of an IT tool as a part of the planning of inspections of nature protected sites will provide a systematic approach which would maximize resources into key areas of concern.

Development of an easy and flexible tool as a part of the planning of inspections of Natura 2000 sites linked to European environmental law and the RMCEI

(including the option of using the IRAM-Tool)

During the Green Expert Team Meeting in Trogir (Croatia) 19 – 21 September 2016 the need for a planning tool for inspections of nature protected sites was identified. The discussion showed that it is a complex item. Therefore the roadmap for its development became part 2 of the IMPEL project 2017/18. The development of the tool itself is planned for 2018.

Background and input from other IMPEL projects:

So far, European nature conservation legislation does not regulate inspection activities concerning nature protected sites. In 2001, recognising that there was a wide disparity between inspection systems in the Member States, the European Parliament and the Council adopted [Recommendation 2001/331/EC](#) providing for minimum criteria for environmental inspections in the Member States (RMCEI). The RMCEI contains non-binding criteria for the planning, carrying out, following up and reporting on environmental inspections. The RMCEI says that inspection activities should be planned in advance and recommends a systematic approach (inspection plan and program). In section 2.1 the RMCEI highlights that it does not include criteria for the inspection of Natura 2000 sites and it encourages IMPEL to develop such criteria. This IMPEL project intendeds to provide such criteria and an IT tool as part of the planning of inspections of nature protected sites in the member

states. One option might be to adjust the already existing IRAM-Tool to the needs in this field.

IRAM (Integrated Risk Assessment Methodology) tool is a method for assessing the frequency of regulatory/compliance visits to industry. The project intends to evaluate different methods and find out whether the IRAM tool could be expanded out of its current remit to include a risk based approach to the frequency of visits to nature protected sites, including Natura 2000 sites.

IMPEL's Strategic Work Programme 2016-2020 presents background information and the key priorities, in line on the 7th EU Action Programme to 2020 "Living well within the limits of our planet" (Decision No 1386/2013/EU). According to both documents a key element for the improvement of shortcomings in the implementation of environmental requirements is an effective system of inspections and surveillance. The development of an IT planning tool for inspections is in line with both programmes. Benefits will be:

- a) relief for the daily work of authorities
- b) transparency
- c) simplified approaches to maximize resources.

B. Background

From 2013 on IMPEL has worked on a projects in the field of "Nature protection in permitting and inspection". 2014, 2015 and 2016 the main focus was on "Nature protection in permitting and inspection of industrial installations - implementation of Art. 6(3) of the Habitats Directive" In 2017 the IMPEL project concentrated on the development of a guidance document for environmental and nature protection inspections of quarries and open cast mining in or near Natura 2000 sites.

During the Green Expert Team Meeting in Trogir (Croatia) 19 – 21 September 2016 the need for a planning tool for inspections was identified. Planning of inspections is one of the key factors to make inspection more transparent, systematic and effective. Criteria how often Natura 2000 sites should be inspected to ensure sufficient inspection and to contribute to the maintenance of the favourable status of the site are various and differ from country to country. The project team agreed on a two-step approach:

- a) setting up a roadmap for the development of a planning tool for inspections of nature protected sites in 2017 and
- b) development of the tool itself from 2018 on.

C. Aim

The main objective of this project is to contribute to the continuing development of capacity within IMPEL, to the gather forces and to share experience between MS to assure proper implementation and enforcement of the Nature directives and to promote nature conservation.

To achieve such objective the project team proposes an IMPEL follow-up project in 2018. Its aim is to define criteria and to build a tool to manage frequency of nature protected site visits (including Natura 2000 sites). If possible, the tool will also store data collated through inspections over the long term in order to be used by inspection authorities for the purposes of evidence and long term

trends in nature protected sites change. The option of using the IMPEL IRAM-Tool is included. If it turns out that the IRAM tool is not the right tool for the purpose, the aim can only be achieved by using a multi-annual approach. The timeline would be the following:

- Project 2018 will:
 - Map out detailed 'asks' of the tool
 - Definition of a fixed set of criteria
 - Create clear, detailed schematic of the tool and what is required.
 - Identify source and level of funding available for development.
 - Shortlist suitable specialists for IT development phase.
 - Identify successful developer and have initial conversation about the tool and what is required.
 - Identify any challenges or pitfalls in development as well as identify developer timescales.
- Project 2019 will:
 - Start of phase 1 of tool being developed
 - Trial of phase 1 tool by project group and feedback to developer for changes
 - Start of phase 2 of tool being developed
 - Trial of phase 2 tool by project group and key member states
 - Feedback to developer for final changes and go ahead for phase 3 (final) development stage.
- Project 2020 will
 - Agree final format of the tool based on changes in phase 3.
 - Develop user manual to accompany the tool.
 - Roll out tool across member states.
 - Raise profile of the tool roll out through IMPEL communication channels.
- Project 2021 will:
 - Gather feedback from users and identify needs for improvement and further recommendations for the tool.

Interim reports of progress, key successes and failures will be provided at the end of each project year and a final report at the end of tool development highlighting successes, failures, feedback and lessons learned.

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?)

In project phase 2018:

Exchange of experience concerning the frequency of inspections of nature protected sites (including Natura 2000 sites), the planning and definition of a set of criteria.
Identification of source and level of funding as well as finding an IT developer,
Identify challenges and pitfalls in development and definition of the timeline for the developer.

For the development of a common understanding and sharing as well as spreading knowledge an interim report will be produced. The results will be available for all interested parties.

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

2013: "Nature protection in permitting and inspection"
2014: "Nature protection in permitting and inspection of industrial installations Implementation of Art. 6(3) of the Habitats Directive" – general overview
2015: "Nature protection in permitting and inspection of industrial installations Implementation of Art. 6(3) of the Habitats Directive" – evaluation of the Guidance Document "Wind energy developments and Natura 2000" and development of a Sector specific guidance document on Article 6(3) HD in permitting of farm projects (pigs and poultry).
2016: Nature protection in permitting and inspection of extractive industry (quarries and open cast mining) – Implementation of Art. 6(3) of the Habitats Directive
2017: Nature protection in permitting and inspection: Implementation of Art. 6(3) of the HD – (1) inspection of non-energy extractive industry (quarries and open cast mining), and (2) Roadmap for a planning tool concerning inspection of Natura 2000 sites (including the option of using the IRAM-Tool)

3. Structure of the proposed activity

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

Working with a core team for the preparation of the project activities,
Invitation of experts concerning inspection of nature protected sites (including Natura 2000 sites) to a workshop for

- Identification of a set of criteria that can be used for the IT tool and definition of frequencies
- The check whether the IMPEL IRAM tool might be an option.

Identification of an IT developer for the adjustment of the IRAM tool or development of a new tool.
Preparation of the documents / outputs of the project phase 2018.

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

Defined frequencies for inspection of nature protected sites,
A set of criteria that can be used for the IT tool,
Decision on kind of IT tool (IRAM or not),
Amount of resources needed for the development of the tool,
Timeline for the IT developer,

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

January 2018: identification of core team members
 February to May 2018: identification of contributors to the project
 March 2018: first core team meeting
 April 2018: invitation for the workshop to MS
 End of June 2018: workshop with experts
 August 2018: second core team meeting
 September 2018: draft final report for green expert team
 November 2018: submission of the draft interim report to GA

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

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)

Overall responsibility:
 Project Manager: Gisela Holzgraefe, Ministry for Energy Transition, Agriculture, Environment, Nature and Digitalisation of Land Schleswig-Holstein, Germany
 Project Co-Manager: t.b.d.

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

8 countries:
 Germany, Portugal, Slovenia, Croatia, Latvia, Romania. Spain and England

4.3 Other IMPEL participants (name, organisation and country)

t.b.d

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

t.b.d
 e.g. ENCA, Habitats Committee, ORNIS Committee, JASPERS, Working group for Appropriate Assessment procedure. Working group on EIA (Espoo Convention) and SEA (Kyiv Protocol), possibly others with experience in the use of different planning tools, e.g. IRAM

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?	17 270 €			
How much money is to be co-financed	-			
Total budget	17 270 €			

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 €
<u>Event 1</u>				
First core team meeting, March 2017, Location t.b.d. 6 participants 2 days, 1 night	6 x 360 € = 2 160 €	540 €	150 €	2 850 €
<u>Event 2</u>				
workshop June 2017 Location t.b.d. 18 (6 core team plus 12 experts) 3 days / 2 nights	18 x 360 € = 6 480 €	3 240 €	1 350 €	11 070 €
<u>Event 3</u>				
second core team meeting September 2017 Location t.b.d. 6 participants 2 days, 1 night	2 160 €	540 €	150 €	2 850 €
<u>Event 4</u>				
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
<u>Total costs for all events</u>	10 800 €	4 320 €	1 650 €	16 770 €

7. Detailed other costs of the work for year 1

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?	-
7.3 Who is paying for the consultant?	-
7.4. What will the consultant do?	
7.5 Are there any additional costs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: 630 €
7.6 What are the additional costs for?	participation in IMPEL green expert team meeting
7.7 Who is paying for the additional costs?	IMPEL
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
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<p>8.1 Indicate which communication materials will be developed throughout the project and when</p> <p><i>(all to be sent to the communications officer at the IMPEL secretariat)</i></p>	<p>TOR[✓] *</p> <p>Interim report[✓] *</p> <p>Project report[✓] *</p> <p>Progress report(s)[✓]</p> <p>Press releases</p> <p>News items for the website[✓] *</p> <p>News items for the e-newsletter</p> <p>Project abstract[✓] *</p> <p>IMPEL at a Glance[✓]</p> <p>Other, (give details):</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>t.b.d.</p>
<p>8.2 Milestones / Scheduled meetings (for the website diary)</p>	<p>First core team meeting</p> <p>Workshop</p> <p>Second core team meeting</p>		
<p>8.3 Images for the IMPEL image bank</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>8.4 Indicate which materials will be translated and into which languages</p>	<p>t.b.d.</p>		
<p>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</p>	<p>t.b.d.</p>		
<p>8.6 Identify which groups/institutions will be targeted and how</p>	<p>COM, non-IMPEL participants, e.g. ENCA, Habitats Committee, ORNIS Committee, JASPERS, Working group for Appropriate Assessment procedure. Working group on EIA (Espoo Convention) and SEA (Kyiv Protocol)</p>		
<p>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</p>			

[✓]) 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?

*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.