

TOR Reference No.:	Author(s): Elen Strahle and Mark Ellis-Jones
Version: 1	Date: 05/09/2014
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 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 checked="" type="checkbox"/>
Water and land	<input checked="" 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 type="checkbox"/>
Conference	<input 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 checked="" type="checkbox"/>
	The project will seek to identify good practise on onshore oil and gas regulation
1.3 Full name of work (enough to fully describe what the work area is)	
Best practice in regulating onshore oil and gas operations (including shale gas)	
1.4 Abbreviated name of work or project	
Onshore oil and gas regulation (OOGR)	

## 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 onshore oil and gas industry, including the emerging shale gas and cold bed methane industry, are regulated under a number of different Directives, including (but not exclusively) –

- Groundwater Directive
- Management of Waste from Extractive Industries Directive
- Industrial Emissions Directive
- Environmental Impact Assessment Directive
- REACH
- Environmental Liability Directive
- Control of major accidents and hazards Directive.

In addition, in January 2014 the European Commission published a specific ‘Recommendation’ on the use of hydraulic fracturing (fracking) for the exploration and production of oil and gas.

### 2.2 Link to IMPEL MASP priority work areas

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

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

The intense public debate on the shale gas industry has brought the spotlight on the whole onshore oil and gas industry, how it is regulated and what is considered best practice for the industry.

The EU regulatory framework has recently been assessed by the European Commission (EC), which published a ‘Recommendation’ for minimum principles for the extraction of hydrocarbons (including shale gas) using hydraulic fracturing, with the intension to review its implementation in August 2015. However, this work did not look at the existing practices of the onshore oil and gas industry.

Furthermore, a comprehensive review of the BREF for the Management of Waste from the Extractive Industries Directive has been initiated, and will include, for the first time, recommendations to include waste derived from the onshore oil and gas industry – both conventional and unconventional.

The publication of the EC’s Recommendation (and forthcoming review in 2015), coupled with the on-going review of the BREF, are important milestones in setting the future direction of how the onshore oil and gas industry is regulated in Europe.

This project will aim to look at existing best practice in the broader onshore oil and gas industry across Europe, with a view to learn lessons and identify best practice across Member States.

## 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?)

The project aims to:

- Identify common approaches and legislative interpretations across Member States on the implementation of EU Directives for the onshore oil and gas industry
- Identify good practise (BAT) in the industry, across the different regulatory regimes
- Identify any gaps in the regulatory process
- Share experiences of implementation, compliance, enforcement and monitoring of different aspects of the industry (e.g. waste, flaring, groundwater, water usage).

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

This project will link to the Doing the Right Things project and previous projects done on IED Implementation and Inspections.

### 3. Structure of the proposed activity

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

1. **Questionnaire/Interviews** – (MS/European Commission and other networks) addressing in particular practitioners of environmental authorities working in the field.
2. **Workshop (s)** - to share results of interviews/questionnaire and to further discuss the best practise on onshore oil and gas regulation. Workshops will be used to discuss current approaches and to identify best practise and methods for onshore gas regulation.
3. **Joint site visits** – Two visits to take place in different IMPEL Member Countries in order to provide more context and enable information exchanges between inspectors dealing with onshore oil and gas regulation and the industry
4. **Analysis and report** – Identify good practise, recommendations and methods relating to regulation of onshore oil and gas regulation.

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

A report highlighting current practises within onshore oil and gas regulation within the EU. It will also identify good practise regarding regulation, permitting, inspections and methods. Identify common problems and challenges with implementation across the EU and identify groups of countries with similar challenges to identify where there is potential for further projects and site visits to support sharing knowledge and best practise to improve compliance.

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

An overview of planned activities are detailed below:

1. Planning activities – Jan – Feb (2015)
2. Defining the work and identifying team members– Jan- Feb (2015)
3. Draft questionnaire – Feb (2015)
4. Circulate questionnaire– March (2015)
5. Workshop 1 – May (2015)
6. Site visits (2)– June – Sep (2015)
7. Workshop 2 – October (2015)
8. Conduct analysis and write up results – October-November (2015)
9. Report complete – November 2015

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

TBC

**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)**

Mark Ellis-Jones (Environment Agency England)

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

1. To be identified
2. To be identified
3. To be identified
4. To be identified
5. To be identified

**4.3 Other IMPEL participants (name, organisation and country)**

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

EU Technical Working Group on Unconventional Gas

**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?				
How much money is to be co-financed				
<b>Total budget</b>				

**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><u>Event 1</u></b>				
<i>Workshop</i>	€5400	€1350	€250	€7000
<i>Brussels/Bristol</i>				
<i>15 People</i>				
<i>2 Days (1 Night)</i>				
<b><u>Event 2</u></b>				
<i>Site visit</i>	€3600	€2700	€500	€6800
<i>TBC (England?)</i>				
<i>TBC</i>				
<i>10</i>				
<i>3 days (3 Nights)</i>				
<b><u>Event 3</u></b>				
<i>Site visit</i>	€3600	€2700	€500	€6800
<i>TBC</i>				
<i>TBC</i>				
<i>10</i>				
<i>3 days (3 Nights)</i>				
<b><u>Event 4</u></b>				
<i>Workshop</i>	€5400	€1350	€250	€7000
<i>TBC</i>				
<i>TBC</i>				
<i>15</i>				
<i>2 Days (1 Night)</i>				
<b><u>Total costs for all events</u></b>	€18000	€8100	€1500	27600

## 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>	N/A
<b>7.7 Who is paying for the additional costs?</b>	N/A
<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:

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

What	By when
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<p><b>8.1 Indicate which communication materials will be developed throughout the project and when</b></p> <p><i>(all to be sent to the communications officer at the IMPEL secretariat)</i></p>	<p>TOR<sup>✓</sup> *</p> <p>Interim report<sup>✓</sup> *</p> <p>Project report<sup>✓</sup> *</p> <p>Progress report(s)<sup>✓</sup></p> <p>Press releases</p> <p>News items for the website<sup>✓</sup> *</p> <p>News items for the e-newsletter</p> <p>Project abstract<sup>✓</sup> *</p> <p>IMPEL at a Glance<sup>✓</sup></p> <p>Other, (give details):</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>Early Nov</p> <p>Mid Oct 2015</p> <p>Nov 2015</p> <p>Spring and Autumn 2015</p> <p>April 2015, Jan 2016</p> <p>June 2015, Oct 2015</p> <p>Nov 2015</p> <p>Trade press in 2016</p>
<p><b>8.2 Milestones / Scheduled meetings (for the website diary)</b></p>			
<p><b>8.3 Images for the IMPEL image bank</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p><b>8.4 Indicate which materials will be translated and into which languages</b></p>	<p>None ( to be reviewed if required)</p>		
<p><b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b></p>	<p>No</p>		
<p><b>8.6 Identify which groups/institutions will be targeted and how</b></p>	<p>The European Commission</p> <p>IMPEL Members</p> <p>Heads of EPA Members</p>		
<p><b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b></p>	<p>There are two parallel work streams – ongoing BREF review and the technical working group</p>		

<sup>✓</sup>) 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.*