

TOR Reference No.: 2019/01	Author(s): Horst Büther / Florin Homorean Amended by: Elisabete Dias Ramos
Version: 3	Date: 07 August 2019
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 2019.	
1.4 Abbreviated name of work or project	
Supporting IED Implementation 2019	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
<ul style="list-style-type: none"> • 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

- | | |
|---|---|
| <ol style="list-style-type: none"> 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.)

Industrial production processes account for a considerable share of the overall pollution in Europe due to their emissions of air pollutants, discharges of wastewater 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 industrial activities listed in Annex I of the IED are required to operate in accordance with a permit (granted by the competent authorities in the Member States). This permit should contain conditions set in accordance with the principles and provisions of the IED. The 2014/2015 and more recently 2017 Implementation Challenge project of IMPEL, the Industry and Air Expert Team, and consultations with the European Commission identified a lot of unresolved problems in the implementation of industrial regulation, and specifically on the intensive rearing of poultry or pigs.

The intensive rearing of poultry or pigs will be topic of a sub-group of the IED Implementation project. BAT Conclusions: Commission implementing decision (EU) 2017/302 of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs.

The European Committee of the Regions (CoR) – in the draft opinion on Environmental Implementation Reviews (EIR) stresses the need to incorporate the implementation of the Industrial Emissions Directive into the next round of the Review. **In this respect, the IMPEL network should have a more prominent role in the process in order to support the collection of good practices for 2019.**

2019 is the fifth 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 years more and more participants joined the project meetings on own costs because of the restricted project budget. In 2018 between 30 and 40 participants joined the project meetings. 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.

One of the highlights of the last years activities are the joint inspections under the IED Implementation project. Meanwhile there were joint inspections of installations falling under: steel production, refining of crude oil, waste processing, energy production, aluminium production, rearing of pigs, animal feed production, chemical industry, waste oil refining, soft drink

production and cement industry. During these inspections inspectors from the host country are joined by inspectors from IMPEL member countries to exchange expert views and learn from each other. The results are compiled and used to improve the inspections. There is always more interest from inspectors to join than places for participation. The joint inspections will continue in 2019.

Although climate change is not explicitly mentioned in EU legislation for IED, article 7 covers accident prevention that climate change and increasing severe weather may impact. Industry and business are vulnerable to extreme weather events and the number of these is expected to increase with climate change. Environmental regulation in the future will require facilities to consider and be resilient to extreme weather. The Environment Agency for England has done some work on the Integration of Climate Change Adaptation into Regulatory Practice (ICCARP) and they form a subgroup in close connection to the IMPEL IED Implementation project. The (core) project team members will also be members of the IED Implementation project and they will discuss the topic and the results at the IED project team meetings and form an ICCARP topic at the planned workshop.

In the last three 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 subgroups good practice examples for the following topics:

- 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 wastewater BAT;
- Going beyond BAT (application of Article 18);
- General binding rules;
- Application of BAT in four years;
- Narrative BAT; and
- Capacity building by e-learning.

During the 2019 project, other issues will be addressed, and good practices identified (further detailed under see 2.4).

In 2018 the IED Implementation project had another common project meeting and a common workshop with the IMPEL project “Doing the Right Things for Environmental Permitting (DTRT-P)”. During these meetings the common guidance based on the permitting cycle and the inspection cycle of DTRT-P was further developed. Based on the guidance elaborated in 2017 the IED Implementation project has delivered fact sheets for the different steps of the regulatory cycles. As a result, an Online Guidance for industrial permitting and inspection will be created on the IMPEL website and shall be used as basic concept for the IMPEL Review Initiatives (IRI’s) and as training material for competent authorities. Both projects finished the preparation end of 2018. In

2019 additional good practise examples, reports and fact sheets coming from the IED Implementation project will be added to the regulatory cycles of the online Guidance based on the IMPEL website (see 2.4).

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 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 challenges.

A lot of these general goals have already been achieved, e.g. a vivid exchange of problems and solutions via Basecamp, discussions with stakeholders of related projects, of the Seveso Expert Group, of the Joint Research Centre (BAT), and the Commission. In the last three years the common understanding of problems and solutions within the project group has grown intensely. In 2018 the development of training material for competent authorities has started in form of an e-learning tool with the generous support of the Italian ISPRA. A training session shall be performed using this material in 2019 and shall be organised like the IRAM training, which had been carried out several times per year since 2012 in IMPEL member countries.

A lot of good practice has already been developed by IMPEL projects in the last years 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:

- Application of BAT within 4 years after publication of BAT conclusions (timetable);
- What is a significant change of a permit;
- Streamlining IED and EIA permits;
- Integrated permits (one stop shop);
- How to deal with other than normal operating conditions;
- Concentration vs. mass emission limits;
- Inspection content of installations dealing with VOC and falling under the IED;
- Non-routine inspections;
- Public participation and access to justice;
- Climate change adaptation (see 2.3);
- Better control of IED farming activities (see 2.3); and
- Broadening the scope of joint inspections (see 2.3).

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 IRI's.

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 IRI's and the DTRT-P 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 meetings of the IED Implementation project to give a presentation and discuss how their results could be included into the guidance.

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) the permitting process;
- IPPC and Water Framework Directive;
- Integrated water approach; and
- 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.

In 2019 three additional subgroups that were planned originally as standalone projects shall deal with questions of IED Implementation within the Industry and Air Expert Team: IED Inspections, Climate Change Adaptation and BAT Conclusions in the Intensive Rearing of Poultry or Pigs (see 2.3).

3. Structure of the proposed activity

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

In 2019 there will be two project meetings and one workshop. During the project meetings and the workshop, the host countries will give a presentation of the IED implementation in their countries. Guidance and best practice examples that have already been developed in the first years of the project and from other projects has been put into a form and into fact sheets that are useful for the Online Guidance on the IMPEL website. The work that is not finished will go on in 2019.

Priority topics from the issues described in 2.4 will be chosen by the project group for the development of solutions and guidance by subgroups of the project. These topics will also be discussed and developed further during the workshop of the project. Coming from that further guidance will be prepared as described above.

The package of training material will be extended and put on the internet so competent authorities can access it and use it directly. A first face to face training will be performed in 2019. The extended joint inspections (see 2.3) will remain an important part of the discussion and development within the IED Implementation project. Also, the steering of the ICCARP subgroup and BAT Conclusions in the Intensive Rearing of Poultry or Pigs subgroup (see 2.3) will be an important part of the project meetings and the workshop.

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

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

Outputs:

- Technical advice for problems related to the IED implementation and good practice examples;
- Guidance for (joint) inspections of industrial installations;
- Training material for Competent Authorities based on the Online Guidance;
- Training of Competent Authorities concerning IED implementation;
- IMPEL member examples for IED implementation;
- Inclusion of the results of related projects;
- Inspection tools; and
- Results from a technical workshop on implementation of EU industrial law.

Outcome:

- Reduction of the IED implementation gap and achievement of 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 2019 together with the inspection, farming and ICCARP subgroups: January/February 2019.
- Work of the other subgroups that already started with new topics in 2018: January/February 2019.
- Meetings of the farming and ICCARP subgroups: March 2019.
- Finalising the work program for 2019 at the first project group meeting: March 2019.
- Fixing the joint work program of the IED Implementation, the inspection, the farming and the ICCARP projects: March 2019.
- Joint inspections of the inspection project: back to back with the project group meeting and the workshop to save budget.
- New project groups on further topics at the project group meeting: March 2019.
- Work of the subgroups on new topics of the 2019 project: April/May 2018.
- Preparation of the workshop: April/May 2019.
- Workshop: country approach / good practices / joint inspections / farming / ICCARP: June 2019.
- Development of guidance, fact sheets and good practice examples: until October 2019.
- Training session on IED implementation: Second half of 2019.

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 the last years shows that this is no real risk.

The second risk is that outputs of the project are only recognized by a small group of active project members. The new approach to develop online guidance and training material on the

IMPEL website together with the DTRT-P project and the intention to start with trainings in 2019 will help to make the project a success. In addition to that, the new strategic IMPEL approach on communication of IMPEL results shall also 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)

Co-led by:

- Horst Büther, Regional Government Cologne, Germany.
- Florin Homorean, National Environmental Guard, Romania.
- Marinus Jordaán, DCMR, The Netherlands (Joint Inspections).
- Emma Thomson, Environmental Agency, England (ICCARP).
- IGAMAOT/APA, Portugal and Redia, Spain (Pig and Poultry - BAT).

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

Austria	Robert Gross
Belgium	Martine Blondeel (Flanders) Annelies Baert (Flanders) Olivier Dekyvere (Wallonie)
Croatia	Dubravka Pajkin Tuckar
Cyprus	Chrystalla Stylianou
Czech Republic	Helena Kamenickova
Denmark	Rikke Cochran Mette Lumbye Sørensen
Estonia	Silva Prihodko
Finland	Jaakko Vesivalo
Germany	Horst Büther (Project Leader) Hartmut Teutsch Wulf Böckenhaupt
Greece	Martha Georgiopoulou
Iceland	Halla Einarsdottir
Ireland	Martin O'Reilly
Italy	Romano Ruggeri (ARPA Sardegna) Fabio Colonna (ARPA Lombardia) Roberto Borghesi (ISPRA) Diego Angotti
Latvia	Deniss Pavlovs
Malta	Simon Farrugia
Netherlands	Marinus Jordaán (DCMR)
Poland	Malgorzata Budzynska
Portugal	António Quintas (IGAMAOT) Isabel Correia (APA) António Leitão (IGAMAOT)

	<u>IGAMAOT/APA (Farming Activities):</u> Ana Garcia (IGAMAOT) Ana Raposo (IGAMAOT) Paula Carreira (IGAMAOT) Célia Peres (APA)
Romania	Florin Homorean
Slovakia	Cyril Burda
Slovenia	Vladimir Kaiser
Spain	María Jesús Mallada Katia Juárez
	<u>REDIA (Farming Activities):</u> María Jesús Mallada (REDIA) José Francisco Alonso Picón (REDIA)
Sweden	Izabela Pettersson
Turkey	Şenay Aslan
UK	Jamie McGeachy Aga Iwanicha Lorraine Hutt Emma Thomson
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 2019 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	63,085 €			
How much money is to be co-financed?	15,000 €			
Total budget	78,085 €			

6. Detailed other costs of the work for year 2019

6.1 Are you using a consultant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.2 What are the total costs for the consultant?	15,000 €
6.3 Who is paying for the consultant?	Germany.
6.4 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. Preparation of an IED implementation work program under changed IMPEL budgetary conditions.
6.5 Are there any additional costs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: Transport of inspectors to the inspection sites.
6.6 What are the additional costs for?	Implementation of web-based tools on the IMPEL website.
6.7 Who is paying for the additional costs?	IMPEL: 835 €
6.8 Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6.9 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

7. Communication and follow-up (checklist)

	What		By when
<p>7.1 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>	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"/>	November 2018 June 2019 October 2019 March/June 2019 Workshop June 2019 After 1st meeting After 1st meeting October 2019 After 1st meeting
<p>7.2 Milestones / Scheduled meetings (for the website diary).</p>	See 3.3.		
<p>7.3 Images for the IMPEL image bank.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<p>7.4 Indicate which materials will be translated and into which languages.</p>	Project abstract / IMPEL at a glance: languages of the participating countries of the technical workshop.		
<p>7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.</p>	Hosting of the DTRT Regulation Cycles in combination with the contents developed by the IED Implementation project.		
<p>7.6 Identify which groups/institutions will be targeted and how.</p>	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.		
<p>7.7 Identify parallel developments / events by other organisations, where the project can be promoted.</p>	CCA TG 2 meetings, IRI's, meetings with COM, TFS technical workshops, national IMPEL meetings, international conferences, TAIEX workshops, Twinning projects.		

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

8. 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.