

TOR Reference No.: 2015/24	Author(s): A.Dulière (Brussels Environment , Belgium)
Version: final	Date: 20.03.2015
<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 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 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 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)	
The IED Baseline Report – IMPEL project on the implementation by Member States of the Baseline Report as required by the Industrial Emissions Directive	
1.4 Abbreviated name of work or project	
The IED Baseline Report	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
Improving implementation of environmental law is a key priority for the European Commission. This has been once more highlighted by the 7 <sup>th</sup> Environment Action Program, into force since January

2014.

The Baseline Report is required by Directive 2010/75/EU on industrial emissions. The minimum expectations concerning the IED Baseline report were detailed in a communication of the Commission: “European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions” (2014/C 136/03). This communication has been published on 6/5/2014.

## 2.2 Link to IMPEL MASP priority work areas

- |  |                                     |
|--|-------------------------------------|
| 1. Assist members to implement new legislation   | <input checked="" 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.)

The Baseline Report has been introduced in European law since only a few years. Nonetheless, some Member States have already acquired a considerable experience regarding soil investigations, with well established procedures based in some cases on decades of practical experience.

The aim of the IED Baseline Report is primarily the assessment of the soil quality at the start of the renewal of the permit of a industrial activity as to establish an initial state. The objective is to provide a basis for comparison upon definitive closure of the activity, as to make possible the application of the “polluter pays principle” on an objective basis.

On the other hand, the management of contaminated sites has been since a long time a strategic issue in the whole Europe because the presence of a soil pollution compromises the possibility of a good and efficient land planning. In particular in the context of industrial activities, it has been frequently observed that the lack of legal framework regarding the assessment and the management of soil pollution is often a deterrent for investors to choose to settle a new industrial activity in a polluted area. In the absence of clearly established rules and procedures, the legal insecurity creates too many financial risks for projects, pushing investors to choose other areas, sometimes to the detriment of other land use such as agriculture, natural areas or housing, and ultimately leaving brownfields to the care, and charge, of public authorities.

We are therefore convinced that more detailed procedures for the establishments of Baseline Reports could be an asset not only for the application of the polluter pays principle when needed, but also in the redesignation of contaminated areas for industrial use.

Better implementation of the IED Baseline Report means also more efficient procedures, leading to better knowledge of the state of the soil for a lesser investment in terms of duration and cost of investigations. This can be achieved through a more narrowed targeting of field works. Giving the varying level of regulatory and practical experience in this matter among Member States, IMPEL could use the existing experience in its network to gather the best practices in place and identify key factors of representativity in soil investigations as to help promote a both efficient and pragmatic approach to the development of Baseline Reports.

It could also identify key challenges in implementation and practical enforcement, as well as solutions to these that have already been put in place by the practitioners.

The findings will be shared among members as to help improve practices in the whole Europe, aiming at the creation of a level playing field on this particular matter.

#### **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?)**

We intend to produce an listing of the existing procedures among our members and an analysis of the best practices already implemented.

Members could benefit from the knowledge and experience already in place and take whatever they find applicable to their needs.

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

This project has a clear link to the DECO Project – IMPEL Project on decontamination and monitoring procedures of groundwater and soils in polluted ex-industrial sites.

The DECO project dealt with decontamination and monitoring procedures on ex-industrial sites, whereas this new project concerns investigation procedures on active industrial sites, or on brownfields in the perspective of their re-affectation to industrial activity.

### **3. Structure of the proposed activity**

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

1. Desktop Exercise- review key existing documents to inform the drafting of a questionnaire and interview questions. This will also define key stakeholders and appropriate people to engage with or within Impel and other associated networks dealing with this type of implementation issues.
2. Questionnaire/Interviews. Questionnaire and guidance will be drafted by the consultant. The drafted documents will be discussed and finalized by the project team members during a first project team meeting. The questionnaire will be then circulated among IMPEL members. Interviews are currently not included in the consultant fee, they might be conducted by project team members.
3. Analysis – identify best practices and key implementation challenges, as well as future focus for work on this subject within the IMPEL Network ( The results could be the focus of an IMPEL workshop in 2016, and if the results prove satisfactory, the same methodology could be used for further steps in process of the management of soil contamination: soil and groundwater contamination delimitation assessments, risk/impact analysis etc).
4. Report writing- the report will be prepared by the consultant along the lines determined by the project team and reviewed by the project team during the second and last project team meeting to ensure the report is fit for purpose .
5. IMPEL approval – Report to be circulated to IMPEL Members by written procedure to ensure appropriate engagement with IMPEL Members and their organisations. The report will be submitted for approval during IMPEL general assembly in December 2015.

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

A report gathering :

- The information exchanged among IMPEL Member States on the implementation of the Baseline Report, considering administrative and technical procedures and financial aspects, on the basis of exchange of knowledge and information of participating IMPEL members.
- Good practices examples, aiming at efficiency and representativeness of the investigations procedures leading to the establishment of the Baseline Report.
- Key challenges identified during the study and when applicable the already existing responses to them.

**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 June- July 2015
2. Defining the work - July
3. Engaging consultants - early September 2015
4. Conduct Desk based research and analysis –September 2015
5. **Project team meeting** : Draft Questionnaire + identify stakeholders for interview’s (if possible/needed) and prepare guidance- end of September 2015
6. Circulating questionnaire & interviews – mid October 2015.
7. **Project team meeting**: analysis of results /draft final report - mid November 2015
8. Final Report completed End –November 2015
9. Final Report submitted for approval to IMPEL General assembly- December 2015

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

1. Tight timescale for delivery – this will be managed by engaging a consultant to support the project team
2. Reluctance of national experts to uncover existing difficulties/implementation issues in their national administration while answering questionnaire. Clear assurances will be given that responses will be anonymized and treated confidentially. If such implementation issues are reported, they will never be linked to individual authorities or Member States.

**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)**

Brussels Environment-IBGE (BE, Brussels-Capital Region, Belgium)

<b>4.2 Project team (who will take part: name, organisation and country)</b>
<ol style="list-style-type: none"> <li>1. Aurélie Dulière (BE, Belgium)</li> <li>2. Jean-Pierre Janssens (BE, Belgium)</li> <li>3. Guiseppe Sgorbati (Arpa Lombardia, Italy)</li> <li>4. to be decided (Italy)</li> <li>5. expert from IMPEL Industry expert team (to be decided by Horst Buther)</li> <li>6. to be decided</li> </ol>
<b>4.3 Other IMPEL participants (name, organisation and country)</b>
/
<b>4.4. Other non-IMPEL participants (name, organisation and country)</b>
/

**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
<b>How much money do you require from IMPEL?</b>	11180			
<b>How much money is to be co-financed</b>	/			
<b>Total budget</b>	11180			

**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>	2160	630	300	3090
<i>project team meeting 1</i>				
<i>End September</i>				
<i>Brussels</i>				
<i>7</i>				
<i>2 days/3 nights</i>				
<b><u>Event 2</u></b>	2160	630	300	3090
<i>Final project team meeting</i>				

<i>Mid November</i>				
<Location>				
7				
2 days/3 nights				
<b>Event 3</b>				
<No. of participants>				
<No. of days/nights>				
<b>Event 4</b>				
<Location>				
days/nights				
<b>Total costs for all events</b>	4320	1260	600	6180

## 7. Detailed other costs of the work for year 1

<b>7.1 Are you using a consultant?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>7.2 What are the total costs for the consultant?</b>	{5000}
<b>7.3 Who is paying for the consultant?</b>	IMPEL
<b>7.4. What will the consultant do?</b>	The consultant will draft the questionnaire and the final report
<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>	/
<b>7.7 Who is paying for the additional costs?</b>	/
<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:
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## 8. Communication and follow-up (checklist)

	What		By when
<b>8.1 Indicate which communication materials will be developed throughout the project and when</b>  <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR <sup>✓*</sup> Interim report <sup>✓*</sup> Project report <sup>✓*</sup> Progress report(s) <sup>✓</sup> Press releases News items for the website <sup>✓*</sup> News items for the e-newsletter Project abstract <sup>✓*</sup> IMPEL at a Glance <sup>✓</sup> Other, (give details):	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	April 2015 Mid-October 2015 End November 2015  January 2016  January 2016
<b>8.2 Milestones / Scheduled meetings (for the website diary)</b>	Project team meeting 1 end of September Project team meeting 2 mid-November		
<b>8.3 Images for the IMPEL image bank</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>8.4 Indicate which materials will be translated and into which languages</b>	/		
<b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b>	/		
<b>8.6 Identify which groups/institutions will be targeted and how</b>	The Authorities of Member States involved with IED inspection and permitting		
<b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b>	Impel Industry Expert Team		

✓ ) 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.*