

TOR Reference No.: 2018/05	Author(s): Romano Ruggeri
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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 checked="" 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 type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input checked="" type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
Waste management based on the “circular economy” principles and the "waste hierarchy": create a level playing field and common understanding in permitting and inspection processes.	
1.4 Abbreviated name of work or project	
Landfilling and Circular Economy	

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"> - Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the regions - Closing the loop - An EU action plan for the Circular Economy - Circular economy package - Waste framework directive - Landfill Directive - Industrial Emission Directive - European Court of Justice of 15 October 2014 in case C-323/13

2.2 Link to IMPEL MASP priority work areas

- | | |
|--|-------------------------------------|
| 1. Assist members to implement new legislation | <input type="checkbox"/> |
| 2. Build capacity in member organizations 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 circular economy package, adopted by the Commission on 2 December 2015, approved by the Environment Commission on 24 January 2017, has created an important momentum to support the transition towards a more circular economy in the EU; the Action Plan on the Circular Economy complements this proposal by setting out measures to "close the loop" of the circular economy. It is part of the strategy of the Commission to:

- clarify rules on **by-products** in the revised proposal on waste in order to facilitate industrial symbiosis and create a level-playing field across the EU;
- enable recycled materials to be reclassified as non-waste whenever they meet a set of general conditions, which are the same across the whole EU (**end of waste**).

In cases where EoW criteria have not been set at EU level (Article 6(4) WFD), Member States may decide at national level whether certain waste has ceased to be waste, either relating to classes of materials recovered from waste or to single-case decisions.

As a result of the Brussels meeting (October 2017) with European Commission DG ENV Unit B.3, it was suggested to IMPEL to investigate how end of waste and by-products criteria (art. 5 and 6 of the Waste Directive) have been developed and implemented in the EU Member States; EU Commission pointed out the crucial role of the verification/inspection systems that are in place in MS, to check compliance with the criteria of the Directive and therefore pushed IMPEL to deal with this topic.

Particular attention will be paid to the production process residues, focusing on the relevant BREFs. The connection between the EoW status and **eco-innovations** ("Make It Work" project), which involve the production of new secondary materials/products from waste through new treatment/production processes, will be explored as well as the relationship between the application of 'end-of-waste' criteria and **REACH** and **TFS** legislations.

Looking at the bottom of the "waste hierarchy" pyramid, the requirement to **pre-treat waste before landfilling** are sometimes disregarded in MS, as pointed out by the results of the Landfill project in 2017. It could be important to define common criteria to evaluate the need of a pretreatment, especially for industrial waste, in order to comply with the overall environmental objectives of Landfill Directive-LFD (permitting step). A treatment option for waste destined for landfill, must comply with the definition of treatment. At the inspection step this involves a 'three-point test' against which it must be assessed the effectiveness of the proposed treatment option; this is both true for domestic and industrial waste.

As far as industrial waste treatment is concerned, it is necessary to pay close attention to the **Mixing** operation, that is a common used treatment, especially in order to respect the "not dilution rule" of article 5 of LFD. The project aims at giving examples of good practice for permit writers to implement EU regulations in environmental permits.

Furthermore, sharing experience and knowledge in practical **landfill joint inspections** has been positively greeted by Member States. The need of qualified training is a continuous request, hence a **Training Program** on a medium term will be developed along the project.

To sum up, the project intends to develop, along a three years period, the following branches of study:

- Development of a Training program on environmental inspections in landfill and waste treatment plants by means of “real joint inspections”, sampling activities and presentation of case studies (2018-2020) – ongoing project 2017;
- Pretreatment of waste (municipal and industrial) before landfilling: create a common level playing field and collect best practice for inspectors and permit writers in agreement with BREF contents (2018-2020) – ongoing project 2017;
- End of Waste: examine the state of the art in order to create a common level playing field and collect best practice developed in MS (2018-2020);
- By-products: examine the state of the art in order to create a common level playing field and collect best practice developed in MS (2019-2020).

The topic of by-products will start to be dealt with from 2019.

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?)

- Development of a Training program on environmental inspections in landfill and waste treatment plants by means of “real joint inspections”, sampling activities and presentation of case studies; use of the checklist and Guidance (produced in previous years) to drive joint inspection.
- Pretreatment of waste (municipal and industrial) before landfilling: create a common level playing field and collect best practice for inspectors and permit writers; refine the Final Report 2017 to include good practices of pre-treatment of the waste before landfilling and crucial points to be considered in permitting and inspection activities. To support the EU Commission to a possible implementation of LFD in order to define criteria and need of a pretreatment.
- End of Waste: examine the application, across MS, of art. 6 of Directive 2008/98 both from a permitting and inspection point of view, above all in the “single case” decisions. Explore the connection with Eco-innovations and REACH and TFS legislations. Identify significant streams of waste mentioned in BREFs of different process production, that can undertake a recovery process according to MS legislations.
- By-products: examine the state of the art in order to create a common level playing field and collect best practice developed in MS; identify, significant streams of residual material mentioned in BREFs of different process production, that are considered as by-products according to MS legislations. Examine the application, across MS, of art. 5 of Directive 2008/98 both from a permitting and inspection point of view and discuss about MS guidelines or procedures to assess when a by-product comply with Waste Framework Directive definition.
- Cooperation (and helping each other) between IMPEL Member Countries to work towards a consistent regulatory and enforcement regime.
- Feedback to policy makers on the (effectiveness of) the various approaches and practices in the field of permitting and inspection in IMPEL Member countries in the topics tackled by the project.
- Spread the achieved results of inspections and guidelines/checklist in the Member States by the National Coordinators and ask for feedback.

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

Impel Landfill project 2017. Results of inspections and discussion with inspectors of Member States.

3. Structure of the proposed activity

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

1st meeting (three days – 8 people):

The first day will be dedicated to the real joint inspection in a landfill and/or pre-treatment plant (Training program on landfill inspections). Three inspectors will attend the inspection; their commitment is to prepare the inspection in advance with the local inspectors and to report the results of the inspection at the end of the meeting (strengths and weaknesses). The second day will be dedicated to the discussion about the different topics of the project for 2018:

- 1) Training program, 2) Pretreatment, 3) End of Waste.

Presentations on the same topics will be given by some of the participants. A case study about an inspection in a landfill/pretreatment plant will be presented.

During the third day, subgroups will be created to start working separately. A referent will be appointed to each of the three subgroups.

Three people will attend the meeting in the 1st day; eight people will attend the meeting in the 2nd and 3rd day.

2nd meeting (three days – 8 people):

The first day will be dedicated to the training program (real joint inspection in a landfill and/or pre-treatment plant or other activities included in the training program). Four inspectors will attend the inspection; their commitment is to prepare the inspection in advance with the local inspectors and to report the results of the inspection at the end of the meeting (strengths and weaknesses).

The second day will be dedicated to the presentations of the first results of the subgroups on the following topics: 1) Training program, 2) Pretreatment, 3) End of Waste.

More presentations on the same topics will be given by some of the participants. A case study about an inspection in a landfill/pretreatment plant will be presented.

During the third day, the subgroups will continue working separately and a plenary session is foreseen.

Three people will attend the meeting in the 1st day; eight people will attend the meeting in the 2nd and 3rd day.

3rd meeting (three days – 7 people):

The first day will be dedicated to the training program (real joint inspection in a landfill and/or pre-treatment plant or other activities included in the training program). Three inspectors will attend the inspection; their commitment is to prepare the inspection in advance with the local inspectors and to report the results of the inspection at the end of the meeting (strengths and weaknesses).

The second day will be dedicated to the presentations of the first results of the subgroups on the following topics: 1) Training program, 2) Pretreatment, 3) End of Waste.

More presentations on the same topics will be given by some of the participants. A case study about an inspection in a landfill/pretreatment plant will be presented.

The third day will be dedicated to finalize the final outcome and set goals to tailor-made the outcomes the following year.

Three people will attend the meeting in the 1st day; seven people will attend the meeting in the 2nd and 3rd day.

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

- 3 joint inspections on landfills and/ or pre-treatment plants, using the Guidance and checklist developed in the project. Experience with preparation, execution, reporting steps of the inspection. Inspection reports.
- Waste management handbook containing:
 - Guideline and checklist for pretreatment and landfill inspections (revision of the “Guidance on landfill inspection”);
 - (Proposal of a) guideline to evaluate the need of a pretreatment of waste before landfilling for permitting writers and policy advisors;
 - Analysis of the framework of pre-treatment of waste before landfilling in MS;
 - End-of-waste: build a verification systems; analysis of the framework in MS;
 - By-products: build a verification systems; analysis of the framework in MS (from 2019);
 - Inspection Case studies collection;
 - Results of training program.
- Meeting reports.

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

1. January 2018: Project team web conference meeting, preparation of the first meeting.
2. January –April 2018: Work of the sub-groups to finalize the 2017 report.
3. April 2018: 1st meeting: amending the final report on pre treatment of waste; first draft of Training Programme.
4. June 2018: 2nd meeting: first draft of subgroups report; first draft of EoW report.
5. October 2018: 3rd meeting: Guidance on Landfill inspection amendment; structure of the Handbook on waste management.

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

- Unavailability of English translated documents (permit and self monitoring report) of the plant to be inspected
- A significant part of the work should be done “at home”, therefore the involvement of participants is crucial.

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)

Romano Ruggeri, Sardinian Regional Environmental Protection Agency - ARPAS (Italy)

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

Austria: Franz Waldner (The Federal Ministry of Agriculture, Forestry, Environment and Water

Management – BMLFUW)
 Belgium: Freddy Noels (Vlaanderen, Departement Omgeving)
 Croatia: Ivan Pušić (Ministry of Environment and Energy)
 Italy: Luca Paradisi (Veneto Regional Environmental Protection Agency – ARPAV)
 Latvia: Kalvis Avotins (The State Environmental Service of the Republic of Latvia)
 Malta: Alvin Spliteri De Bono (Environment and Resources Authority - ERA)
 Netherlands: Stuart Gunput, Wilfred Pieters (Environmental Service North Sea Channel Area)
 Norway: Sigrid Lund Drage (County Governor – Fylkesmannen)
 Portugal: Cristiana Gomes (APA - Portuguese Environment Agency)
 Poland: Anna Popławska (Inspectorate of Environmental Protection)
 Spain: Maria Jesús Mallada (El Gobierno de La Rioja)
 Spain: Maria Diegues Gomez (Xunta de Galicia)
 Slovenia: Jana Miklavcic, Nevenka Žvokelj (Ministry of the Environment and Spatial Planning)
 Slovak Republic: Monika Medovičová (Slovak Inspectorate of Environment)
 Sweden: Nina Hansson
 United Kingdom (Scotland): Paul Corrigan (Environmental Protection Agency of Scotland – SEPA)
 United Kingdom (Northern Ireland): Claire O'Neill (Department of Agriculture, Environment and Rural Affairs)
 Turkey: Senaj Aslan (T. C. Environment and urban ministry)

4.3 Other IMPEL participants (name, organisation and country)

Further environmental officers with experience on REACH and TFS regulations will be invited to participate in the meetings.

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

Close contact with European Commission DG Environment, Unit B3: Madalina Caprusu, Silvija Aile
 Close contact with the IED Implementation IMPEL project – subgroup “Eco-innovations” and with the “Make it work” Project (<http://minisites.ieep.eu/work-areas/environmental-governance/better-regulation/make-it-work/>): Jan Teekens

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
How much money do you require from IMPEL?	15.460	18.000	18.000
How much money is to be co-financed			
Total budget	15.460	18.000	18.000

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>				
<i>1st meeting April 2018</i>	8 x 360 = 2.880 (8 travelling participants)	(3 x 3 x 90) + (5 x 2 x 90) = 1.710 (8 travelling participants)	(3 x 3 x 25) + (8 x 3 x 25) = 825 (8 travelling participants)	5.415
<i>8 participants travelling (3 of them staying 3 night to take part in the inspection)</i>				
<u>Event 2</u>				
<i>2nd meeting June 2018</i>	8 x 360 = 2.880 (8 travelling participants)	(3 x 3 x 90) + (5 x 2 x 90) = 1.710 (8 travelling participants)	(3 x 3 x 25) + (8 x 3 x 25) = 825 (8 travelling participants)	5.415
<i>8 participants travelling (3 of them staying 3 night to take part in the inspection)</i>				
<u>Event 3</u>				
<i>3rd meeting October 2018</i>	7 x 360 = 2.520 (7 travelling participants)	(3 x 3 x 90) + (4 x 2 x 90) = 1.530 (7 travelling participants)	(3 x 3 x 25) + (7 x 3 x 25) = 750 (7 travelling participants)	4.630
<i>7 participants travelling (3 of them staying 3 night to take part in the inspection)</i>				
<u>Total costs for all events</u>				15.460

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?	0
7.3 Who is paying for the consultant?	
7.4. What will the consultant do?	
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?	
7.7 Who is paying for the	

additional costs?	
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): -Guide document (revised) -examples of good practise	<input checked="" type="checkbox"/> <input checked="" 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
8.2 Milestones / Scheduled meetings (for the website diary)	April 2018: 1 st meeting: amending the final report on pre treatment of waste. June 2018: 2 nd meeting: first draft of subgroups report; first draft of EoW report. October 2018: 3 rd meeting: Guidance on Landfill inspection amendment; structure of the Handbook on waste management.		
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	Project abstract will be translated in the languages of the participating MS. Whenever possible, permits of the landfills to be inspected will be translated in English before the visit.		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	Survey monkey Infographics		

8.6 Identify which groups/institutions will be targeted and how	Environmental Inspectors are the target for the Training Programme. Both inspectors and regulators are considered as beneficiaries of the outcomes on pretreatment, end of waste and by products.
8.7 Identify parallel developments / events by other organisations, where the project can be promoted	IRIs, meetings with COM, Make it Work project, waste management technical workshops, national IMPEL meetings, international conferences, TAIEX workshops, Twinning projects.

✓) 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.