

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
2011/...	<p><i>Using the IMPEL Practicability and Enforceability Checklist to assess the Waste Shipment Regulation</i></p> <p><i>(Joint activity by the IMPEL-TFS and IMPEL-Better Regulation clusters)</i></p>

1. Scope

<p>1.1. Background</p>	<p><u>Assessing Practicability & Enforceability of legislation</u></p> <p>In order to encourage policymakers, legislators and stakeholders to devote more attention to likely problems of practicability in implementation and enforceability throughout the legislative process, with a view to anticipating and remedying practicability and enforceability problems through a pro-active approach, IMPEL has produced a practical checklist to assess the practicability and enforceability of existing and new legislation with the aim of improving the overall implementation of EU environmental law in the Member States. The checklist was adopted by the IMPEL Plenary Meeting in December 2006.</p> <p>In parallel to the work of IMPEL the Network of Heads of European Environmental Protection Agencies (NEPA) published a report 'Barriers to Good Environmental Regulation'. This also identifies a series of questions that need to be considered in assessing the development and implementation of legislative measures to address issues such as practicability.</p> <p>IMPEL has used the P&E Checklist and the NEPA checklist to examine the practicability and enforceability issues relating to IMPEL members work in relation to the IPPC Recast Proposal and the WEEE Directive Recast Proposal. The experience of undertaking this assessment formed the basis of a workshop between IMPEL members and Commission officials in September 2008 to identify lessons learnt and ways forward for co-operation between the Commission and IMPEL. The workshop concluded that it was important for IMPEL to continue to use the P&E checklist to examine Commission proposals and this project on the Waste Shipment Regulation, therefore, forms the third occasion on which IMPEL will have undertaken such an assessment.</p> <p><u>The review of the Waste Shipment Regulation</u></p> <p>The Directive on the Waste Shipment Regulation was adopted entered into force in 2007.</p> <p>The following reasons lead to the review of the Waste Shipment Regulation:</p> <ul style="list-style-type: none"> - Normally the EC will review legislation after five years of implementation. Especially the implementation of article 12(1)(c) is separately mentioned in the WSR. - Experience with the first years of implementation of the Waste Shipment Regulation has indicated technical, legal and administrative problems that result in unintentionally costly efforts from market actors and administrations, continuing environmental harm, a lack of
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	<p>level playing field or even distortion of competition and unnecessary administrative burden.</p> <ul style="list-style-type: none"> - The Commission is committed to develop better regulatory environment, one that is simple, understandable, effective and enforceable.
1.2. Link to MAWP and IMPEL's role and scope	<p><u>Strategic goal V:</u></p> <ul style="list-style-type: none"> - Providing feedback to policy makers on the practicability and enforceability of environmental legislation; - Contribute in the process of drafting new or revising existing legislation - Ensure activities and fulfill projects necessary for the contribution in reviewing of existing legislation. On the basis of the project results identify recommendations, suggestion for changes and provide feedback to the Commission services. - Communicate the projects and other result to decision makers both at European and national level. <p><u>Strategic goal VI:</u> Strengthening dissemination of results of IMPEL activities and look back by ex-post verification to ensure that the good practices are effectively spread.</p>
1.3. Objective (s)	<p>Providing expertise on the Practicability and Enforceability issues of the Waste Shipment Regulation.</p> <p>This project will be carried out by experts from IMPEL Member Countries</p> <p>This IMPEL project uses questions identified in the practicability and enforceability checklist and the '<i>Barriers to Good Environmental Regulation</i>' report to examine key aspects of the Commission proposal. using the IMPEL P&E checklist.</p> <p>The project by no means intends to interfere with the normal European legislative procedure. With this project IMPEL only seeks to provide guidance to the co-legislators on the areas which need particular attention during the legislative process with regard to the objectives of practicability and enforceability based on the practical experiences of experts from IMPEL member countries. The Project report will highlight the key P&E questions and areas which, in the opinion of the experts, will need particular attention. By this the project aims at informing and supporting the legislative process.</p> <p>Further objectives:</p> <ul style="list-style-type: none"> - To contribute to better implementation and enforcement of the Waste Shipment Regulation; - To contribute to better performance of environmental inspections of the Waste Shipment Regulation in the Member States.
1.4. Definition	<p>The project will be undertaken through the use of a questionnaire and by holding a single workshop. <i>The project will be carried out by the IMPEL cluster TFS and Better Regulation.</i></p>
1.5. Product(s)	<p>A report gathering the Information from IMPEL reps. of Member States on the Practicability and Enforceability issues linked with the revision of the Waste Shipment Regulation.</p>

2. Structure of the project

2.1. Participants	<p>IMPEL TFS member countries.</p> <p>Tbd</p>
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	European Commission is asked to attend the workshop and give input. Assistance will be provided by IMPEL Cluster Better Regulation.
2.2. Project team	Core team: tbd European Commission will contribute
2.3. Manager Executor	Manager: tbd Assistance by IMPEL Cluster Better Regulation
2.4. Reporting arrangements	- Draft report will be submitted to workshop participants in October 2011 - Final report will be submitted to the IMPEL GA in November 2011
2.5 Dissemination of results/main target groups	Commission, IMPEL, Member States. The project will be disseminated through the IMPEL web site after its adoption. The result of this project will be sent as an IMPEL advice to COM and other actors in the Legislative process (Council, Presidency, European Parliament)

3. Resources required

3.1 Project costs and budget plan		2011
	<u>1. Overhead (organisation) cost (€) :</u>	
	<u>2 Project meeting costs (€)</u>	
	<u>Meeting 1¹</u>	Workshop
	No of Participants:	15
	Travel ² : (15*500)	7.500
	Accommodation ³ : (15*2*125)	3.750
	Catering:	1.250
	Meeting venue: (IMPEL's office)	---
	<u>Meeting 2</u>	
	No of Participants:	
	Travel:	
	Accommodation:	
	Catering:	
	Meeting venue:	
	<u>Meeting 3</u>	
	No of Participants:	
	Travel:	
	Accommodation:	
	Catering:	
	Meeting venue:	
	<u>3. Other costs (€):</u>	
	Consultant 1:	22.000
	Consultant 2:	
	Dissemination:	-
	Other (specify):	
	TOTAL cost per year €	34.500€
3.2. Fin. from IMPEL budget	<u>2. Project meeting costs (€):</u>	34.500€
3.3. Co-financing by MS (and any other)	<u>1. Overhead costs (€):</u> as co-financing contribution.	---
	<u>3. Other costs</u>	
3.4. Human from MS	Core team: - 0,5 day to review draft questionnaire - 0,5 day to review draft report Participants + core team: - 1 day to complete the questionnaire - 1 day attending the workshop	

4. Quality review mechanisms

¹ specify, like Review Group Meetings, Workshop etc.

² normative: €500/person

³ normative: €125/person/night

The (draft) questionnaires will be reviewed by the core team. The (draft) reports will be reviewed by the E-waste project participants and the IMPEL TFS Steering Committee. The final report will be submitted to the IMPEL GA for approval.

5. Legal base

5.1. Directive/Regulation/Decision	REGULATION (EC) No 1013/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2006 on shipments of waste
5.2. Article and description	Article 60(2): "Within five years from 12 July 2007, the Commission shall review the implementation of Article 12(1)(c), including its effect on environment protection and the functioning of the internal market. If necessary, this review shall be accompanied by appropriate proposals to amend this provision."
5.3 Link to the 6th EAP	

6. Project planning

6.1. Approval	IMPEL GA November 2010
(6.2. Fin. Contributions)	
6.3. Start	March 2011
6.4 Milestones	<ul style="list-style-type: none"> ▪ June 2011 Workshop ▪ October 2011 Draft report ▪ November 2011 Final draft report to IMPEL GA
6.5 Product	Final report.
6.6 Adoption	IMPEL GA November 2011.