

IMPEL – The Next Generation

Position Paper



European Union Network for
the Implementation and Enforcement
of Environmental Law

Introduction

Much of the European Commission's [DG Environment] focus for the foreseeable future will be on implementing the existing body of environmental legislation. Little, or no, new developments in environmental legislation will be coming forward. This was reflected in the 7th Environmental Action Plan and is now also reflected in the European Commission's recent Communication: 'Commission Work Programme 2017 Delivering a Europe that protects, empowers and defends'.¹

As part of this focus on implementation, the European Commission launched the Environmental Compliance Assurance (ECA) Initiative to step up its efforts on the application, implementation and enforcement of EU law. ECA's stakeholder consultation has led to DG Environment challenging IMPEL to be clear about how it will continue to contribute to improving implementation and enforcement of the environmental acquis². The European Commission recognises that IMPEL has already carried out very valuable work for environmental authorities in its member countries but now calls on IMPEL to intensify those efforts. Recent conclusions by the European Council and Committee of the Regions³ highlight the need for further reinforcement to be given to IMPEL and its work.

Specifically, IMPEL is asked to consider:

Where does IMPEL want to be in 10-15 years time?

As the main European network on implementation and enforcement, IMPEL must recognise the importance and relevance of this initiative and aim to play a significant role in its further development. It is an opportunity for IMPEL to re-position itself and ensure it is fit for purpose for the coming decades. As such, IMPEL should propose a far-reaching and bold objective and how we are going to get there. IMPEL should aim high, strive to broaden and deepen its aims and objectives, but more importantly its capabilities and capacity for the future.

¹ Priority 10, A Union of Democratic Change, COM (2016), 710 final.

² Please see meeting notes of IMPEL Board meeting with DG Environment, 13 February 2017. *Please contact IMPEL Secretariat for a copy if necessary.*

³ European Committee of the Regions, Opinion on 'EU environment law: improving reporting and compliance,' 07/04/2016, pp.09: <http://cor.europa.eu/en/activities/opinions/pages/opinion-factsheet.aspx?OpinionNumber=CDR%205660/2015>

A network of Practitioners

IMPEL is, and will continue to be, a European network of practitioners, whose member authorities are drawn from national, regional and local inspectorates, permitting authorities and Ministries.

Over the past 20 years, IMPEL has been carrying out a lot of work described in the ECA such as capacity building (including training), sharing know-how and best practices, developing innovative tools, guidance, manuals and supporting peer-to-peer development. IMPEL's members demand that this continues and grows.

IMPEL provides its member authorities with the opportunity to access a pool of practitioner expertise who carry out practical implementation and enforcement on a day-to-day basis. This is a particular strength of IMPEL and must be maintained. IMPEL's peer to peer approach enables its members to share what works and what does not work and then provide feedback to policymakers. This is a subtle nuance that carries a great deal of weight within the IMPEL community and those familiar with how implementation and enforcement on the ground really works.

(What are we doing now + what will be different) = Next Generation IMPEL

Given the changing political landscape with a sharpening focus on implementation and enforcement and IMPEL's desired aim to remain a network of practitioners, the network must use this opportunity to express a clear and articulate vision of where IMPEL want to be in 10-15 years time.

The aim will be to continue to do what we do well such as capacity building, sharing know-how and best practices, developing innovative tools, guidance and manuals, but moreover to deepen and broaden our capabilities. To build capacity for example, by offering training (both online courses and face to face seminars) to a much larger number of inspectors and permittees, carried out in a much more strategic fashion, by theme and across the acquis. We will aim to carry out an assessment of what training needs our members have, what skills and training we can offer, and then how we can execute that.

On our IMPEL Review Initiative (IRI) programme for example, the aim will be to automatically follow each peer review with a tailored training package and capacity building workshop to implement the recommendations of the peer review process.

IMPEL aims to become Europe's knowledge centre for practitioners for environment. This involves creating a centrally run bank and repository of tools, guidance and knowledge spreading across the environmental acquis. This also means using our resources to gather best practices from around the world and not just in Europe. The knowledge bank will be used to support our capacity building efforts and training programme but significantly promote IMPEL's 'brand' and reputation. What is also new is that this paper sets an aim for IMPEL to be a coordinator of inspection and enforcement actions for cross border interventions and a hub for managing and analysing inspection data that result from these actions.

IMPEL's ambition therefore are to:

- Carry out **strategic engagement**, with the aim of creating synergies, and coordination of our work at European, national and local level but also between different countries and authorities. Strategic engagement should also include working with partners across the compliance chain such as EUFJE⁴, ENPE⁵, ENVICrimeNet⁶, Eurosai⁷, organisations like Interpol and Europol, and importantly, the EU Institutions, - the European Commission, Committee of the Regions and European Parliament;
- Ensure we understand the **implementation challenges** posed by environmental legislation, obtaining a detailed – crosscutting - insight; including regular reviews and surveys of implementation gaps and challenges, and how IMPEL, in close cooperation with key partners, can facilitate actions to close those gaps;
- Develop, host and coordinate an accessible platform of training material and an integrated needs-based programme to **build capacity**, including training with competent trainers (both on-line and face to face), also the development, promotion and use of guidance, manuals, tools and toolkits, mutual integrated inspections, development of skills and experiences, peer exchange and reviews;
- **Share know-how**, including conferences and seminars, technical workshops and best practice meetings, peer reviews, inspector exchanges, facilitating information exchanges and develop approaches that support tailored assistance in implementation to our members;
- Become a '**Knowledge & Innovation centre**', including to develop, host and coordinate an accessible platform of materials and references, the development and use of new or complimentary tools, approaches and methods and showcase the use of new and emerging techniques and technology;
- Carry out **Inspection & coordination of enforcement actions** by initiating, coordinating and facilitating EU-wide actions performed by member countries. As a follow up to this, collect, where appropriate, **inspection data** so that we can provide a system for inspection reporting, analyse capacity and spot, understand and elaborate on trends, target work, set priorities and organise cross border interventions;
- Formalise the **feedback loop**, by providing feedback to policy makers planners and implementers in relation to the practical implementation, application and enforcement of EU environmental law using the wide breadth of practical experience and knowledge of our members.

⁴ EU Network of Judges for the Environment: <http://www.eufje.org/index.php/en/>

⁵ European Network of Prosecutors for the Environment: <https://www.environmentalprosecutors.eu/>

⁶ ENVI CrimeNet: <http://www.envicrimenet.eu/EN/>

⁷ Working Group on Environmental Auditing: <http://www.environmental-auditing.org/>

More background and detailed content of the proposal Next Generation IMPEL is described in Annex I.

Impact and next steps

Bringing IMPEL into a next generation will have an impact on our network, its organisation, capabilities and capacity. Achieving the objectives will further enhance the robustness and sustainability of our network of which our members will benefit in their implementation of environmental legislation.

The development of a next generation IMPEL is a challenging process and will be facilitated by a plan with a realistic time-schedule. It will require a significant level of commitment from IMPEL member authorities combined with our partners such as the European Commission, Committee of the Regions and European Parliament.

Business cases (including considerations regarding roles, responsibilities; kind of services, staffing, skills, finances etc.) will be developed and will facilitate and guide the transition from the current IMPEL into a design of the Next Generation IMPEL. Annex III to this paper contains – as example – a business case on ‘Capacity Building’.

IMPEL cannot achieve its objectives without a significant uplift to our resources. It will require a step change in our input capabilities in order to build and sustain the outputs, outcomes and level of ambition that we are seeking. Annex II outlines plans for this but resourcing of € 6 million+ is not out of the question given the scale of tasks outlined.

IMPEL’s strength comes from the expertise and experience of practitioners whose time and availability is currently provided in-kind by authorities. It is expected that a much wider number of professionals will be involved in IMPEL’s future activities. This requires sufficient staff to support their work by the secretariat and other experts with a variety of skills. Importantly, it requires sustainable funding, ideally through a multi-year funding arrangement rather than a single, year-to-year Direct grant. Information from an initial comparison (Annex IV) of IMPEL with organisations at the EU level, such as several EU agencies⁸ that have been established and are dedicated to and focussed upon specific areas of the environmental acquis, gives context and will help IMPEL in its design.

⁸ EU Agencies such as the European Maritime Safety Agency (EMSA), the European Chemicals and Health Agency (ECHA), and the European Environment Agency (EEA).



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IMPEL – The Next Generation

Background and detailed content proposal next generation IMPEL

The following 7 strategic routes have been followed and described to provide more background, arguments, justification and content regarding the proposed position and ambitions of IMPEL on 'IMPEL – The Next Generation' as described in the cover paper of this proposal.

1. Strategic engagement
2. Implementation challenges
3. Build capacity
4. Share know-how
5. Knowledge & Innovation centre
6. Inspection and coordination of enforcement actions
7. Feedback Loop

1. Strategic engagement

Strategic engagement of all relevant stakeholders, European, national and local, both at horizontal and vertical levels within each organisation, as well as financial support, are essential pre-conditions to fulfil their roles and responsibilities, also under the Environmental Compliance Assurance Initiative.

Stakeholders within the scope of 'compliance assurance' include legislators, regulators and networks. Each of them carries out activities such as policy development, permitting, inspections, and analysing data of self-monitoring and/or reporting from regulated sectors. This scope includes also the police, public prosecutors, customs organisations, judges, ombudsmen and various networks. A sound strategic and operational planning of all the activities as performed by the actors involved is of utmost relevance. Cooperation between these actors, where possible and appropriate, is important to contribute to effectiveness, efficiency and a level playing field. To evaluate the effectiveness of their actions and monitoring their performance is important to ensure that the organisations involved continuously can improve.

Public confidence and transparency are crucial elements of sound environmental governance. It is therefore important to encourage participation of the public, non-governmental organisations (NGO's), Universities and Scientific institutes where appropriate.

IMPEL will:

- Seek to align, and seek convergence on, strategies on contributing to implementation and enforcement of environmental legislation with our key partners and networks of peers such as the European Commission, Committee of the Regions and European Parliament, ENPE, EUFJE, EnviCrimeNet, Interpol and Europol;
- Coordinate its work and actions at European and national levels and between different countries and authorities, taking into account the horizontal and vertical levels within each organisation, continuously updating and completing its map of key stakeholders, their roles and responsibilities and by making this information available for all its partners;
- Encourage senior management of IMPEL's member organisations and their staff to be actively involved in strategic planning and the execution of IMPEL's work programme;
- Through its multi-year Strategic Work Programme, contribute to a structured implementation of the overarching Compliance Assurance strategy by carrying out integrated actions and projects, and will coordinate and cooperate with its key partners and the European Commission, both on sectoral environmental areas as well on crosscutting issues. The focus will be on a robust, coherent, coordinated and harmonised implementation of standards and procedures within the EU, by:
 - Calling on our members, partners, and other stakeholders to carry out and/or being involved and update periodically our knowledge to identify and understand the challenges on implementation in a coordinated manner.
 - Continuing regular dialogues with the European Commission, partners and other stakeholders ensuring that the identified challenges and related needs of Member States and organisations are addressed by IMPEL multi-year Strategic Work Programme, to shape work plans, prioritise and apply projects taking into account the individual circumstances, resources, and local contexts;
 - Using this knowledge to coordinate IMPEL's plans and actions with other key partners in the compliance chain and to explore opportunities for synergy, working closely in joint projects, based on subject, roles and responsibilities;
 - Promoting the exchange of expertise, experience and good practices between authorities, addressing both overlaps and interfaces of roles and competences and sharing, streamlining and integrating information and data and applying innovative approaches;
 - Encouraging the participation of the public, NGO's, Universities and Scientific institutes where appropriate;
 - Facilitating effective use of and providing tailored support, needs driven, to embedding IMPEL's outputs in strategies, approaches and activities of authorities, to support and improve effectiveness and to come to compliance more quickly;
 - Providing feedback to policy developers with experiences and expertise from practitioners on new and existing legislation/regulation to facilitate improvements.

2. Implementation challenges

IMPEL as a network of practitioners will shape its strategic priorities and future work plans on evidence-based information and will continue its research on the identification and understanding of sectoral, and crosscutting challenges, obstacles and needs faced by organisations. IMPEL will do that through a process of consultation, study and analysis of information and data and an effective cooperation with key actors in the compliance assurance chain.

The outcome of this process helps to set priorities and to target and address work, in order to maximise the effect of activities that will be carried out.

IMPEL will:

- Carry out periodic surveys to update our knowledge to identify and understand the challenges on implementation of EU environmental legislation and environmental compliance assurance faced by our member countries;
- Call on our members, partners, and other stakeholders to carry out and/or being involved in these surveys in a coordinated manner to obtain a detailed – crosscutting - insight in the challenges that are faced;
- Continue regular dialogues with the European Commission and other stakeholders to discuss on-going and new implementation challenges and how to address them;
- Use this knowledge to adjust its multi-year Strategic Work Programme, to shape work plans, prioritise and apply projects that specifically address (cross-cutting) areas where implementation and compliance assurance challenges are being encountered;
- Use this knowledge to coordinate IMPEL's plans and actions with other key partners in the compliance chain and to explore opportunities for synergy;
- Work closely with key partners in joint projects, based on subject, roles and responsibilities.

3. Build capacity

Building capacity is a core priority for our network. During the last two decades IMPEL has developed a broad variety of tools, including methodologies and guidance and supports its members by various activities, such as training on the practical use of it as well through workshops and seminars. A range of interventions through its work programme is used to facilitate the sharing of practical experience and expertise and capacity building, such as peer reviews, through the IMPEL Review Initiative (IRI); inspector exchanges, technical workshops and seminars; staff exchanges; joint activities, such as inspections and training. These activities have proven to be successful and valuable and meet the needs of IMPEL's members.

To be more robust in capacity building and training and to avoid an ad-hoc approach, IMPEL believes that a robust capacity building and training programme is needed that offers targeted and tailored activities, such as training for special groups, environmental areas,

cross-cutting topics etc. Such a programme will connect better to the needs of our members and other key actors in the compliance chain and will help to better target interventions. It will also give opportunities to accredit trainings, training material and trainers related to specific standards.

IMPEL will:

- Develop, host and coordinate in close cooperation with its members, key partners and the European Commission an integrated needs-based capacity building and training programme for practitioners and other relevant target groups. In this programme crosscutting aspects will be integrated and streamlined with existing training material. Such a programme can have a modular design with trainings in person through workshops and seminars, E-learning, webinars, field trainings, how to apply tools, sharing good practices, mutual integrated inspections, development of skills and experiences, peer exchange and reviews through the IMPEL Review Initiative (IRI), etc;
- Develop in close cooperation with its members, key partners and the European Commission a training curriculum for practitioners, including a 'basic training' on which advanced trainings can be built for practitioners with different levels of expertise;
- Include in its training modules the use of existing tools, modern technologies and techniques and how these can support efficiency and effectiveness as well how these can help to reduce administrative burden on duty-holders;
- Put all the training material on a common tools platform to be easily accessed by the member countries of IMPEL, which shall also contain training materials developed by the European Commission or in cooperation with the European Commission.
- Explore with its partners and the European Commission if the training programme, its training and the involved trainers can be accredited;
- Create, together with its partners, a list and roster with competent trainers who can carry out the training programme as well who can contribute to a sound maintenance of the training programme by evaluation and updates.

4. Share know-how

Sharing of know-how and good practice amongst practitioners helps organisations develop practical solutions to implementation problems more quickly and more efficiently than by working alone. In carrying out our work programme we actively seek, wherever possible, to identify opportunities to share good practice and know-how within our member organisations and with other relevant stakeholders in the compliance and enforcement chain. This includes organising of and/or participating in conferences and seminars, technical workshops and best practice meetings and facilitating information exchanges. The IMPEL website has proved to be indispensable for its member as an online information and communication platform as well as a repository of tools and guidance. It contains a rich source of a broad variety of information and features such as 'Basecamp' for problem solving and for the exchange of data and information. To give some context, there is, on average

over 85,000 page views of our website each year, 20,000 individual users of our website, 720 subscribers to our newsletter, and over 850 users of Basecamp. Ideally, our aim would be to double or triple that activity over the coming 10-15 years.

IMPEL will:

- Design its work programme, plans and projects in a way that the implementation of the results will be maximised through sharing of know-how;
- Based, on specific needs and circumstances, take into account the differences between member countries and organisations, develop approaches that support tailored assistance in implementation to our members. This can be done in person, through (online) trainings, webinars etc.;
- Share know-how with other key stakeholders in the compliance chain through the organisation of and participation in (thematic) conferences and workshops with the aim of information sharing, enhancing cooperation and creation of synergies;
- Actively promote and further develop the IMPEL website and its features as a service platform for information sharing and communication.

5. Knowledge and innovation centre

Today's environmental compliance problems require new tools and new thinking. 'Traditional' compliance monitoring and enforcement is — and will continue to be — an essential part of our environmental protection work. We can however accomplish even more by moving our compliance programmes into the 21st century. We are moving toward a world in which states, authorities, citizens, and economic operators and other duty holders will have real-time electronic information regarding environmental conditions, control of pollutants, emissions, consumption of resources, changes of land use and compliance. Advances in information and monitoring technology are setting the stage for detection, processing, and communication capabilities that can revolutionize environmental protection. Advanced monitoring is helping us to identify violators and target enforcement efforts, so we are less dependent today on self-identified violations, tips, and complaints to direct and focus our enforcement work.

Promoting new approaches, including sharing, treatment and analysis of data and information (geographically), allowing an intelligence-based action is key. IMPEL wants to play a significant role in the development, promotion and application of this so-called Next Generation Compliance and Enforcement and wishes to play a role in the development and deployment of technical resources, such as the Copernicus programme. IMPEL also wishes to help, with its experiences, in steering the development of future technologies. Furthermore, IMPEL will continue with and further enhance the development of tools, such as guidance, risk based approaches, communication strategies which support our members. IMPEL believes that an integrated toolbox at the EU level is needed.

IMPEL will:

- Become a knowledge and innovation centre for current and next generation environmental compliance and enforcement developments;
- Establish a special IMPEL programme on the development and application of Next Generation Compliance and Enforcement tools;
- Identify practices and developments of innovative tools used primarily in Europe but also from around the world (through questionnaires & literature search) so that they can be mapped against the compliance spectrum, aiming to enhance understanding of all regulators enabling them to apply these new tools and practices appropriately in tandem to aid compliance. This will include conventional tools as well as the mapping as many of the emerging techniques;
- Make an inventory of its tools, methodologies and guidelines and will evaluate the inventory and its content with the aim to update and improve existing ones. Other key stakeholders will be involved in this process to safeguard the inclusion and integration of crosscutting aspects and to streamline and integrate tools where necessary;
- Contribute to the design and implementation of an online platform as a 'one-stop-shop' where all tools as developed by IMPEL (and others) can be easily accessed and retrieved. This platform shall also contain tools and guidance materials developed by the European Commission or in cooperation with the Commission.
- Actively support its members by the application of innovative approaches and methods that will help them to carry out their roles more efficiently and effectively to achieve the greatest benefits, such as to continue to develop and refine risk- and intelligence based tools, actions and procedures;
- Facilitate the sharing of new developments in the application of cutting-edge technologies, for example in environmental monitoring and surveillance, and the use of the Internet for the dissemination of more accurate information and community engagement.

6. Inspection and coordination of enforcement actions

Through the execution of a broad variety of cross border activities under the IMPEL work programme, such as inspections and projects as 'enforcement actions' on waste, large amounts of data are produced. Coordination of these cross border activities, extended to other thematic areas whenever appropriate, and a coordinated assessment, management and analysis of produced data supports key stakeholders to identify trends, the targeting of work, set priorities and organising of cross border interventions.

IMPEL will:

- Initiate, coordinate and facilitate EU-wide inspection and enforcement target actions and cross border interventions, related to IMPEL's work programme on sectorial areas;
- Be a hub for reporting, managing and analysing related inspection data, analysing capacity and identifying trends and needs and actions to address them.

7. Feedback Loop

IMPEL's member authorities with their expertise of practitioners, carrying out practical implementation and enforcement on a day-to-day basis. They are able to identify with their peers what works and what does not work and then provide feedback to policy maker's planners and implementers. This carries a great deal of weight within the IMPEL community and those familiar with how implementation and enforcement on the ground really works. Such feedback supports a more robust, coherent, coordinated and harmonised implementation of standards and procedures within the EU, on the benefit of environment and public interest.

Establishing a feedback loop between key stakeholders within the compliance chain, associated with a follow-up of results from IMPEL strategies, work programmes, projects and activities, through take over and embedding by targeted stakeholders, will ensure continued improvements and more effectiveness of the work done.

Moreover, understanding root causes of deviations from expected results reveals opportunities to intervene by adjusting and promoting strategies, approaches, and actions, targeting the work and providing tailored support.

IMPEL will:

- Work closely with key stakeholders to establish mechanisms that ensure feedback to policy makers, planners and implementers on new and existing legislation/regulation and on strategies, processes and procedures with practical experience and expertise from practitioners;
- Improve, by integrating on this feedback loop, the follow-up of proposals and recommendations that arise from IMPEL projects and activities through tailored support based on identified needs.

Annex II

Cost Analysis Next Generation IMPEL¹

Summary of yearly costs for Next Generation IMPEL are estimated at 6.11M:

- i. Staff & Personnel² - 2.16M
- ii. Projects and Activities (including travel and subsistence) - 3M
- iii. IT-support and technology - 250K
- iv. Admin expenditure (rent, equipment and overheads) - 300K
- v. External assistance (consultancy) - 250K
- vi. Management of the network (Board, General Assembly, external engagement) - 150K

i. Next generation IMPEL - staffing capacity³

Proposal:

Secretariat, Programme managers, Technical Advisors: (9*100k) 900K

Project officers and support: (8*70K) 560K

Admin support: (2*50K): 100K

Team leader & Deputy Team Leader 300k

Board members 300k

Total: 2.16M

¹ This is a first rough estimation of the expected costs of the Next Generation IMPEL. Further research – based on various scenarios - needs to be carried out to present more precise figures.

² This figure is rather conservative if other costs will be considered, such as relocation costs of staff, schooling expenditures of children, costs of health care, insurance expenses etc.

³ By way of comparison; at present IMPEL (1.5 staff members) to other international networks like THEMIS (7 staff members³), INECE (3 staff members³) & ECRAN (3 staff members³), Aelert (2 staff members), ENPE (1 staff member), Network of Heads of EPAs NEPA (1 staff member), EUFJE and ENVI CrimeNet (0 staff members)

1) Secretariat Manager

- Manage team
- Support IMPEL Board and specifically the Chair and Vice Chair; working on Strategic Assignments
- External Communications lead, particularly with European Commission.
- Formalised feedback loop

2) Communications & Media Officer

- Website, Basecamp, Social media (twitter, FB, LinkedIn), Newsletters, Communications Group, Abstracts, Press Releases

3) Membership Officer

- Supporting National Coordinators e.g. what their role is, how to do it, how to access IMPEL benefits, welcoming new NC's into the network
- Supporting IMPEL Member authorities key contact persons
- Organising National Coordinator workshops (4 per year both face-to-face and teleconferences?)
- Contact List maintenance (network members & Expert Team members), work closely with Communications Officer to communicate to all experts in network
- 'Filling the gaps in the Expert Teams', identifying and liaising with authorities to act as representatives on ET's.

4) Programme managers (3)

- Capacity building and training
- Innovation and knowledge
- Inspection and Enforcement Coordination
- Manage 1-2 project officers

5) Project Officers (4)

- Support implementation of: the capacity building and training work package, Innovation and Knowledge Centre, Inspection and Enforcement Coordination
- Work for the programme managers and carry out programmes.

6) Technical Advisors (5)⁴

- Manage technical content e.g. for training resources
- Act as Chief Consultant to all projects within that thematic area e.g. responsible for writing technical guidance documents developed by the Expert Teams (note: there may need to be an additional consultancy support budget to buy in relevant technical expertise on areas that cannot be covered by this person alone e.g. the topic of IED is so broad that one person may not have the sufficient knowledge to cover all parts of this and therefore extra consultancy support on an ad hoc basis may be required at various times)
- Work closely with Programme Managers and Project Officers to devise capacity building programme including appropriate training materials

7) Finance Officer

- Manage IMPEL finances, budgeting, planning, invoicing, membership fees, LIFE+ income and expenditure
- Manage relations with suppliers e.g. assignment agreements with consultants, accountants

8) Administrative Assistant (2)

- Travel and hotel organisation for all IMPEL projects/activities (relieving responsibility from Project Managers)
- Agenda setting
- Report Writing / Rapporteur role for all IMPEL projects
- Support on tools, templates, procedures
- Supporting project managers to monitor finances / spending on projects and report to Secretariat Manager

9) IT Support Officer

⁴ One per Expert Team: Water & Land, Industry & Air, Waste & TFS, Nature Protection and Cross Cutting Approaches.

Other staffing costs

10) Expert Team, team leader & deputy team leader

- To compensate IMPEL member authority for 1 day per week available for IMPEL work, (Note: to be compensated to host organisation that delivers this work. This is not a full time job because the success of IMPEL is our members' connection with participating authorities in our network) 10 x 45 wk x 8 hrsw = 3600 hrs = 3 FTE = 300.000

11) Board members including Chair and Vice Chair

- To compensate IMPEL member authority for 1 day per week available for IMPEL work, (Note: to be compensated to host organisation that delivers this work. This is not a full time job because the success of IMPEL is our members' connection with participating authorities in our network) 10 x 45 wk x 8 hrsw = 3600 hrs = 3 FTE = 300.000

ii. Next generation IMPEL – Projects and Activities (including travel & subsistence)

To include:

- Project activities such as getting experts from the member authorities in IMPEL together, much in the same way as we do now. E.g. development of new tools and guidance will be a core feature of Next Generation IMPEL, mapping exercises need to be carried out, reviewing old tools and guidance (making sure they are still fit for purpose and valid given changes in legislation for example)
- Training and Subsistence costs for:
 - Conferences, workshops, training courses, management of network
- Daily Support Allowance (DSA) for trainers – we will continue to expect that IMPEL members provide the expertise and staff to deliver training within our training programme however we will offer a DSA to pay for subsistence costs

iii. Next generation IMPEL – IT-support and technology

To include:

- IMPEL website
- Knowledge and Innovation Centre – hosting of the bank and repository of tools, methodologies and guidance
- Applications 'apps'
- Online learning tools e.g. online training courses, webinars and other communication technologies

iv. Next generation IMPEL – Admin expenditure (rent, equipment and overheads)

To include:

- Rental of office in Brussels ⁵for staff
- Overheads of office – phones, internet, water, business rates, photocopying, minor equipment e.g. computers & furniture

v. Next generation IMPEL – External assistance (consultancy)

To include:

- Where we cannot find trainers for a particular training course / activity, we will pay consultancy rates for that trainer
- Consultancy support where Technical Advisors require limited additional support in developing tools.

vi. Next generation IMPEL – Management of the network (Board, General Assembly, external engagement) -

To include:

- Management of the Network
 - General Assembly
 - Expert Teams
- External Engagement e.g. meetings with key partners across the compliance chain or the European Commission. (Note: this also satisfies a key task of carrying out political and strategic engagement and ensuring the ‘feedback loop’ is carried out effectively.)

⁵ In case of office space in Brussels, the costs may differ because of the location of the real estate, meeting facilities, office space etc.

Annex III

Business case 'Build Capacity'

Building capacity in our members has always been a core priority and *raison d'être* for our network. IMPEL members demand that building capacity should continue to be a core priority and so that is what we should do.

What do we mean by 'building capacity'? Capacity in this sense means, *enabling* our members and enhance their skillset; it means developing and promoting tools, guidance and manuals that our members can use to implement, apply and enforcement environmental law where and when they need it in (a more) effective, efficient and/or uniform way. Capacity building also means the development of training curricula and toolkit, the delivery of training and facilitating sharing of practices (within IMPEL but also across the compliance chain with other actors such as prosecutors, Judges and police) to be able to deploy those tools and that know-how in the field.

Some IMPEL members will need more help with capacity building than others. It is reasonable to assume that all members will derive benefit, albeit at varying levels and at different times, from IMPEL developing its ability to help build capacity within its membership. Experience in IMPEL has shown that as our members face tightening budget constraints activities such as training budgets get squeezed, in order to 'balance the books'.

The European Union has many funding streams that assist the member states to implement legislation inside and outside of the Union. Good examples of these are TAIEF and TAIEX. Many individuals working in our member authorities within IMPEL are actively and regularly providing training and guidance to colleagues in other countries under funding models such as TAIEF and TAIEX. Other examples include: training as part of LIFE+ or Horizon 2020 funded projects. These trainings are normally quite fragmented and not developed as part of a wider training strategy or curriculum. The impact of training is mostly not measured with no indicators incorporated into the programme. NGO's like Birdlife International organise training sessions for instance for custom and police which would be important to link up to. Often, it is the case that experiences and tools developed under IMPEL are being used as training materials. This is good news however we should be aiming to fund this training ourselves. Ideally, IMPEL would provide the experts AND the tools/guidance AND technology as part of the training. We also need to consider a robust funding model for delivering training as part of IMPEL activities.

To do this, IMPEL should be resourcing the development and promotion of tools, training means, and resourcing the training of others on how to use them where needed. Funding this resource will mean funding project development and the development of tools and guidance; funding the training and implementation of those tools/guidance and funding the

structure behind that e.g. those providing training and the network of experts developing the tools. More of this will be outlined later.

Building Capacity in Next Generation IMPEL

Capacity building therefore has two main strands:

1. Development and promotion of guidance, manuals, (innovative) tools and toolkits, and applications ('apps')
2. Training (both online and face to face).

IMPEL already develops and promotes guidance, manuals and tools. So what is new? IMPEL has been developing guidance, manuals and tools for many years across a whole range of issues relating to different parts of the environmental acquis. However, in some cases, we have been doing this in an ad hoc manner and should aim to develop a more consistent strategy. IMPEL boasts a huge array of tools and many of them are already used by our members, from Waste Shipment Inspection Planning¹ to prioritising environmental inspections² to environmental inspectorates choosing appropriate interventions according to the right circumstance³.

What IMPEL has not done is systematically map these, evaluate the use of the tools, understand where our gaps are, and then develop a plan on how to fill those gaps; the ultimate aim being that an environmental inspectorate has the opportunity and ability to search for practical assistance in the form of guidance and/or tools on the key steps to implementing and enforcing the main parts of the environmental acquis and in doing so can help themselves to this toolkit.

Where self-help may not be possible, this is where the second strand comes in - training. IMPEL delivers a very limited form of training to its members and again in a very ad hoc manner via its current suite of annual projects. Most of our projects are not 'training' based but instead are comparison type projects, the sharing of information and the developing of innovative tools and guidance etc. Only a few could be classed as providing training such as the NCP Best Practice meetings⁴ which gathers together experts on the subject of trans frontier shipment of waste issues (TFS).

¹ IMPEL guidance on Waste Shipment Inspection Planning: <http://www.impel.eu/wp-content/uploads/2016/12/Guidance-on-Effective-Waste-Shipment-Inspection-Planning.pdf>

² IMPEL guidance on Supporting the Implementation of the integrated risk assessment method (IRAM): <http://www.impel.eu/projects/supporting-the-implementation-of-the-integrated-risk-assessment-method-iram/>

³ Guidance on Choosing Appropriate Interventions: <http://www.impel.eu/projects/choosing-appropriate-interventions-phase-3/>

⁴ IMPEL project on NCP Best Practice meetings: <http://www.impel.eu/projects/impel-tfs-ncp-best-practice-meeting-2015/>

What we should be aiming to do is prepare a systematic programme of training, based on training needs assessments, our tools guidance and methodologies built up over time and deliver those where needed in various formats. On-line in the form of webinars, videos, e-learning tools, online courses etc) and in face to face training events such as workshops, study visits, seminars and conferences. Training could be delivered to large groups from many countries – a multi-country format, where representatives from say, 20 countries are in attendance or in a ‘1-2-1’ format where IMPEL is focusing on delivering training to one country at a time. A train the trainer approach can also be an effective model to follow.

IMPEL should also be aware that training is being carried out both by our member authorities for the benefit of their own staff and by partner networks such as the THEMIS network⁵. There is much to be learnt from and used in our own training packages. This means that we have to be smart and absorb and utilise as much of this already developed material. Linking to (3) Knowledge and Innovation Centre, these training materials would then be stored in IMPEL’s databank and repository.

1. Development and promotion of guidance, manuals, tools and toolkits, and applications ('apps')

Activities to be carried out include:

- ‘What do we have in our toolkit and what are we missing?’ - A **mapping exercise** to systematically register and record what tools IMPEL has developed and where our ‘gaps’ are in terms guidance, tools and manuals. We could use the Doing the Right Things methodology as a framework for understanding what tools we have and what we do not have⁶. Alternatively or complementary to that, we could use the output from the ‘Mapping the Regulatory Toolkit’⁷ project as a template map from which we understand where and how our tools fit together, what we have and what we do not yet have.
- ‘Lets develop a plan to fill the gaps in our toolkit’ - **Developing a structured programme**, (with targets), on filling the gaps on what we have in our guidance, manuals, tools and toolkit. In other words, the mapping exercise above tells us what we have and what do not have, so now we need a plan of how to fill those gaps and what we should develop as a priority
- ‘Lets fill those gaps in our toolkit’ - **Filling the gaps in our knowledge** - Develop a series of working groups focussed on ‘filling the gaps’ in our knowledge bank of tools, guidance, manuals and methodologies. Where we have not yet developed a tool on a particular issue, the groups will be tasked with carrying out a research project (including research on what others have done already – ‘no need to reinvent the wheel’) to design and produce our tools, guidance and methodologies. The working groups could act in the same way as the current Expert Teams.

⁵ Themis network: <http://www.themisnetwork.eu/our-work.html>

⁶ The basic elements of this have been started and can be seen on the current IMPEL website at: <http://www.impel.eu/environmental-inspection-cycle/>

⁷ <http://www.impel.eu/projects/mapping-the-regulatory-toolkit/>

2. *Training (both online and face to face)*

Activities to be carried out include:

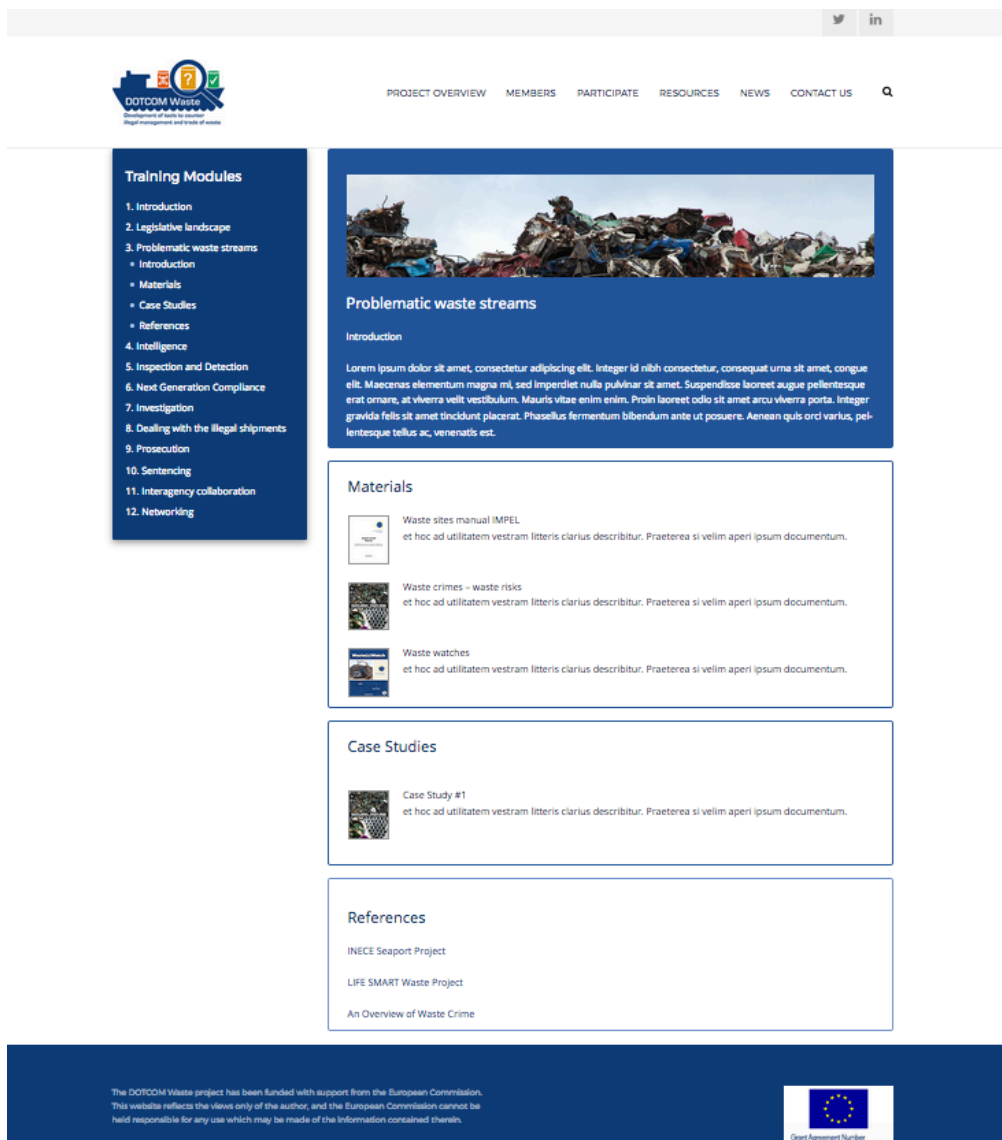
- Skills mapping & training needs assessment – an exercise to better understand what skills are lacking amongst our members and tailoring our programme to those topics that are of greatest need e.g. risk assessment or how to create and implement an IED Baseline report.
- Training Programme Design & Development (based on training matrix)
- Delivery of a systematic programme of training using a variety of methods to give our members the tools and confidence needed to do their job effectively.
 - Online training
 - Face to face training
 - Training applications (for example apps that assist regulators in a decision taking process)
- Implement key recommendations from the IMPEL Review Initiative
- Evaluation of training programme

Online training

Online courses come in the form of videos, webinars and online interactive classrooms for practitioners to engage in. The EU funded DOTCOM Waste project⁸ has already begun to develop online training tools for use by its project participants and this is a good example to follow. Webinars have been used in the Enforcement Actions project and on how to use the iDepend-modelling tool⁹, developed in the IMPEL project: Choosing Appropriate Interventions.

⁸ <http://www.dotcomwaste.eu/>

⁹ <http://www.impel.eu/tools/idepend-modelling-tool/>



Activities to be carried out include:

- Develop webinars for all relevant tools
- Online training modules
- Develop an online, interactive classroom to work on application of specific tools and methodologies
- Develop online, real-time discussion forums¹⁰

Face to face training

In many respects this is not such a big departure from where we are now. IMPEL members provide advice and guidance to other IMPEL members on a whole host of different topics dealing with the practical implementation and enforcement of the environmental acquis.

¹⁰ Discussion forums have already been established by IMPEL on platforms such as Basecamp. The TFS community within IMPEL regularly share information, know-how and experiences via this platform. The learning from this experience can be rolled out to other parts of the network.

However, this programme should be systemised and developed using a programme of:

- Presentations and lectures
- Workshop activities
- Field trips and 'learning by doing' e.g. through accompanied site visits and inspection exchange programmes
- Case study analyses
- Seminars
- Conferences.

Another core element of face-to-face training comes in the form of implementing the results of an IRI, the IMPEL Review Initiative. At the moment, IMPEL uses its IRI programme to highlight the 'Good Practices' and 'Opportunities for Development' within a host country. Actually, we could go a lot further with this programme by ensuring that after each IRI a team from IMPEL is assigned to that IRI country to help tackle one or more of the 'Opportunities for Development' highlighted in the report. This would then mean that the IRI programme not just highlighted a problem, but actually had a firm plan on trying to fix it too.

Overall, the face-to-face training programme should be:

- Framed over the long term, say 5 years, to give consistency and an overall strategic direction
- Needs based and covering the topics outlined in the skills mapping exercise
- Expanded, covering several hundred staff across the 5 year period
- Implement the core recommendations – 'Opportunities for Development' – from the IRI programme.

Annex IV Context - comparison IMPEL with EU agencies

To provide context, several EU Agencies have been established that are dedicated to and focussed upon specific 'slices' of the environmental acquis: for example the European Maritime Safety Agency (EMSA), the European Chemicals and Health Agency (ECHA), and the European Environment Agency (EEA). IMPEL at present carries out work on a broader range of the acquis; its five Expert Teams covering Industry & Air, Water & Land, Waste & TFS, Nature Protection and Cross Cutting Approaches and Tools.

While some of the Agencies tasks and responsibilities go beyond that suggested by the next generation IMPEL organisation, there are many tasks carried out in common with what IMPEL is striving to achieve, such as:

- Technical support to member countries and the European Commission
- Facilitating member country cooperation and coordination
- Training and capacity building.

	Tasks	2016 Budget (€)
EMSA ¹	<ul style="list-style-type: none">- Provides technical assistance and support to the European Commission and Member States in the development and implementation of EU legislation on maritime safety, pollution by ships and maritime security.- Operational tasks in the field of oil pollution response, vessel monitoring and in long-range identification and tracking of vessels.	<p>Total budget: 55.2M</p> <ul style="list-style-type: none">i. Staff: 20.9Mii. Admin expenses (including rental and overheads): 3.9Miii. Operational expenditure: 8.7M<ul style="list-style-type: none">- Information services and databases: 4.3M- Training: 1.4M- Mission expenses: 630K- Studies: 623K- Technology: 1.5M- Information and communication: 200Kiv. Anti-pollution measures: 21.6M

¹ EMSA 2016 budget: <http://www.emsa.europa.eu/financial-management/financial-documents/download/4023/2636/23.html>

ECHA ²	<ul style="list-style-type: none"> - Supports the implementation of REACH, CLP, Biocides and PIC. - Registration - CLP classification database - Information collection and sharing 	Total budget: 107.3M Staff: 66.9M Building, equipment, miscellaneous (overheads): 15.3M Operating expenditure: 24.9M, e.g. <ul style="list-style-type: none"> - Communications (incl. translation): 3M - Management board and management of the agency: 1.4M - External training: 535K - Cooperation with international organisation: 779K - Scientific IT tools: 11.9M
EEA ³	<ul style="list-style-type: none"> - Provide sound, independent information on the environment. - Major information source for those involved in developing, adopting, implementing and evaluating environmental policy, and also the general public. - Data gathering and assessments 	Total budget: 50.6M <ul style="list-style-type: none"> i. Staff: 24.3M ii. Admin expenses (including rental): 3.2M iii. Operating expenditure (project and activities): 22.1M

² ECHA 2016 budget: https://echa.europa.eu/documents/10162/13611/b2016_final_en.pdf/4db53dd4-b6d9-46bc-98a1-e4f6fc2564cc

³ EEA 2016 budget: <http://www.eea.europa.eu/about-us/documents/eea-budgets/budget-of-the-eea-2016/2nd-amended-budget>