European Union Network for the Implementation and Enforcement of Environmental Law

Comparison report 2016
Doing The Right Things for Permitting

A Step by step guidance for permitting

Date of report: November 2015
Report number: 2016/23

Title report: Doing the Right Things for Permitting	**Number report:** 2016/23
Project manager: Tony Liebregts (NL)	**Report adopted at IMPEL General Assembly:** 15th GA, 1-2 December 2016, Bratislava
Authors: Rob Kramers (NL) Tony Liebregts (NL)	**Number of pages:** Report: 32 Annexes: 18
Tony Liebregts (team leader), Rob Kramers, Birna Guttormsdóttir, Katja Buda, Helena Kameníčková and Caitriona Collins	
Executive summary: In the first year of this 3-year project we focussed on the comparison of the different permitting situations in the IMPEL member countries. The comparison was made possible through a questionnaire and a workshop (held in The Netherlands). This way we collected the needs and input for the development of a step-by-step guidance. The full results of the questionnaire can be found in a separate document. The participants of the workshop were almost all from permitting departments or permitting organisations and gave good insight of the needs. The guidance will be developed in 2017 by the project team. The final conclusions of this first year of Doing the Right Things for Permitting can be found in chapter 5 of this report.	
Disclaimer: This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.	

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation. Information on the IMPEL Network is also available through its website at www.impel.eu.

Table of contents

1. Introduction

The Environmental Inspection Cycle is well known within IMPEL. It describes step by step how Environmental inspections should be planned and what to consider when executing the inspections. The Environmental Inspection Cycle is also used by IMPEL as a framework where other IMPEL inspection initiatives can hook up on to create a better cohesion between the tools that are developed.

Although there is a lot of experience in Europe in environmental permitting (first IPPC and later IED), the permitting procedure has never been described in a step-by-step guidance. As a result there is no level playing field for the procedures of environmental permitting, there is no guidance for new permitting officers and there is less cohesion between the IMPEL initiatives on permitting.

The main objective of project Doing the Right Things for Permitting is to produce a step-by-step guidance for permitting. Doing the Right Things for Permitting is a three year project. This report describes the activities that have been executed in the first year of the project.

Chapter 2 describes the project itself. It presents the objectives, the project organisation and different phases and steps it went through. Chapter 3 describes the results of a survey that was held in the first half of 2016. Based on these results a workshop was organised in The Neterlands. The results of this workshop are presented in chapter 4. In the last chapter the project team draws their conclusions (during the last project team meeting) and look ahead to year 2 of the project.

2. Project Doing the Right Things for Permitting

2.1. A three year project

Doing the right thing for permitting is a three year project that has the following aims:

1) in the first year we collect and compare the procedures that are used within Europe at this moment and clarify the needs;
2) in the second year we use this information to develop a guidance that is flexible enough to accommodate the authorities in Europe while issuing;
3) In the third year we organize training sessions on IED permitting and identify the gaps in tools and methodologies for issuing permits so new IMPEL projects can be initiated.

In 2016 we executes the first year of this three year project.

2.2. The objectives

The main objective of the overall project is a step-by-step guidance for permitting, well trained permitting officers and an identification of new IMPEL initiatives for projects on permitting.
This project will also look closely at the relation between permitting and inspection, identify interesting case studies and best practices in Europe and identify and describe the steps that could be used in permitting procedures.

The sub-objectives:

1. To develop a well structured and easy to fill in questionnaire for the collection of the steps and procedures that are used within the different IMPEL member countries for issuing IED permits;
2. To collect, compare and analyse the data and prepare a comparison report on the steps and procedures that are used for issuing EID permits;
3. To discuss the comparison report with representatives of the IMPEL member countries;
4. To develop a step by step guidance book that will be practical and flexible enough to be used by the different IMPEL Member countries;
5. To test the practical use of the guidance book;
6. To develop and execute a training programme for the implementation of the guidance;
7. To identify the gaps in the tools for permitting.

2.3. Project organisation

The Human Environment and Transport Inspectorate in The Netherlands took the lead in this project. The project was steered by an international project team and assisted by InfoMil.

<u>Project team:</u>

- Tony Liebregts (Environment and Transport Inspectorate, Netherlands, project leader)
- Rob Kramers (Rijkswaterstaat/InfoMil, Neterlands, advisor/projectteam member)
- Birna Guttormsdottir (Environmental Agency, Iceland, projectteam member)
- Katja Buda (Ministry for Environment and Physical Planning, Slovenian Environment Agency)
- Helena Kameníčková (Environmental Inspectorate of the Czech Republic)
- Caitriona Collins (Environmental Protection Agency of Ireland)

The project team met 3 times in 2016

- 3 March (Reykjavik)
- 5 July (Ljubljana)
- 18 October (Dublin)

2.4. Activities in 2016

The project was executed in 2 phases and 8 steps.

Phase 1 – Preparation and collecting data (February - July 2016)

Step 1: Development of project plan and first draft of the questionnaire.

Step 2: Project team meeting and finalising of questionnaire.

Step 3: Dissemination of questionnaire to the target group through the NC of IMPEL and collection of the results

Step 4: Drafting of survey report, based on the results of the questionnaire

Step 5: Project team meeting, finalizing of survey report and preparation of workshop

Phase 2 – Comparison and reporting (September – November 2016)

Step 6: Two day workshop in Halfweg, The Netherlands for which 25 experts were invited.

Step 7: Drafting of comparison report

Step 8: Project team meeting and finalizing of comparison report

3. The Survey

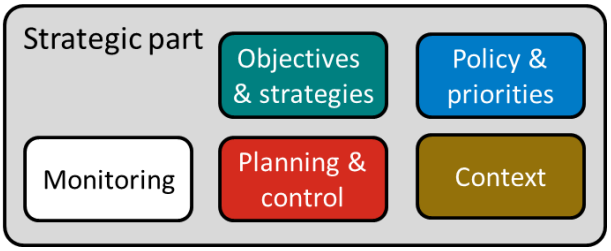
In the first half of 2016 a survey was conducted. For this purpose the project team developed a questionnaire that was sent out the first of April 2016. 22 Competent Authorities of 13 IMPEL member Countries have submitted their answers.

3.1. The questions

The questionnaire was divided in 3 parts: a general part, a strategic part, and an operational part. The strategic part is dived in a section about the context of the work, the policy and priorities of the organisation, objectives and strategies the organisation sets for itself, and how planning, control and monitoring are organised. The operational part is all about the permitting procedure itself. Since not all permitting procedures will be alike within IMPEL member countries we asked the respondents to describe the procedure in their country. Further we asked the respondents also to add any flowchart if available. The questionnaire itself can be found in annex 1 of this report.

3.2. The results

This section gives a summary of the answers given by the respondents. The complete answers can be found in a separate document.



Strategic part.

Context

A1. The number of installations

The number of IED installations for which the respondents are competent authorities for issuing permits vary from 2 to 1637. The total amount of installations of the 22 authorities is 8002.

Many of the respondents are also the competent authority for non-IED installations. The number of non-IED installations varies from 300 to 19000 over the different member countries.

A2. New applications

Almost 50% of the respondents actively informs itself about new applications that can be expected in a certain period. They do this by:

- Regular meetings with permit holders or representatives of Association of enterprises;
- Through inspections, changes of installation that are detected during an inspection;
- Periodic surveys of the industrial sector;
- Contacts with trade associations;
- Extensive communication through authority's website;

- Encouragement of prospective applicants or existing permit holders to seek pre-application meetings.
  This can be done by the inspectors, through the website or consultants;
- Agreements made with local authorities. In some cases permits for spatial planning issues are required with the local authority. They will either suggest the applicant to announce the plans to the competent authority or communicate this directly.

Note: The number of new installations per year seems to be small. Revisions of permit will happen because of changes in BAT conclusions. In case permits have an expiring date, this period is used to more or less anticipate the renewals.

A3. Changes in BREF's.

Almost all respondents actively inform themselves about changes in BREF's. They do this by:

- Following new developments (newsletters or seminars);
- Communications about new developments through national knowledge Centres, ministries or national technical working groups;
- Through the website of the European IPPC Bureau and following BATIS news;
- By participating in BREF review process;
- Participating in national technical working groups;
- Communication with trade associations or relevant sectors;
- Appointing a staff member in the role of national BREF coordinator.

A4. New or changes in EU or national legislation.

Almost all respondents actively inform themselves about new legislation or changes in EU or national legislation. They do this by:

- Through special divisions within the organisation that monitor changes and are involved in relevant networks;
- News feeds from EU, e.g. EU journals;
- Changes or new legislation is disseminated internally and externally through email and websites;
- Nationally collected and disseminated within regular meetings;
- News feeds from external companies;
- News feeds from the ministry or knowledge centre;
- Being engaged in drafting of new legislation by giving technical and practical input;
- Follow up on Public debates or seminars;
- Internal procedures that make sure all staff are informed;

A5. BAT proof of permits

To ensure all permits are and stay BAT proof respondents mentioned the following activities:

- For new permits
  - BAT check or BAT evaluation is performed and the relevant BAT conclusions will be made applicable for the installation;
  - Applicants are required to submit an assessment against relevant BAT conclusions as part of their permit application (operator provides evidence that installation operates in compliance with the relevant BAT conclusions). Inspectors carry out a BAT assessment on site before the permit is granted;
  - Local and installation specific conditions will be taken into account with adding special conditions;

    - Internal quality procedures, e.g. before issuing, permits will be peer reviewed;
- For existing permits
    - In case general binding rules are used, they will be regularly updated on national level so they will stay BAT proof;
    - When new BAT conclusions are published, existing permits will be reviewed within the required timeline (4 years is often mentioned, in one case 8 – 10 years) and if necessary updated;
    - Permits are regularly reviewed and if necessary updated based on a special program;
    - Use of a special IED tool of app.

A6. Expiring date permits

70 % of the respondents issue permits for an unlimited time.

- Limited time: some permits are limited for 5 years and others for 10 years. The difference in time can also depend on the fact if a company is ISO-14001 (12 years) or EMAS (14 years) certificated. Sometimes permits are granted for a limited time due to special reasons (to test an operation);
- Unlimited time is as long as the installation is not changed.

Policy and priorities

B1. Goals on environmental outcome

70% of the respondents define specific goals (on environmental outcome). The goals are set on either national level (e.g. ministry, national environmental institutes) or regional level (e.g. competent authorities themselves).

Goals on environmental outcome are:

- Laid down in special legislation through environmental quality standards;
- Laid down in policy documents (e.g. programs to improve air quality, waste management);
- Laid down in (strategic) plan (e.g. CO2 reduction plan);
- Specific environmental goals for single parameters relevant to a pollution problem within a certain area (e.g. NOx, PM10).

Some competent authorities have extensive lists of goals that can be linked to the quality improvement of their own organisation.

B2. Priorities to certain industrial sectors

70% of the respondents does not set higher priorities to a certain industrial sector. They follow the procedure of first in is first out. There are fixed legal timeframes that have to be applied.

30% of the respondents do set higher priorities to certain industrial sectors over others within the permitting process. Some of the sectors that were mentioned are: aquaculture, mining, metallurgic, oil gas, hazardous waste. Often this is done because of the area they are situated in and the environmental goals that have to be reached in that area. Sometimes industrial sectors get priority from economic perspective (e.g. new investments).

Some of the respondents do not really prioritise on industrial sector but do re-allocate staff to deal with the need that arises.

B3. Feedback on short comings in regulatory activities

All but two respondents provide feedback on short comings in regulatory activities. This is done by:

- Direct feedback to the ministry because of close engagement but also by formal letters;

- Through conferences organised by national level;
- Periodic evaluation groups (4 to 5 times a year) that are established for this issue;
- Special activities upon request of national level.

B4. Policy for reviewing existing permits

Respondents mentioned the following activities with regards to reviewing permits. Review is done:

- 4 years after BAT conclusions have been published (most common answer);
- When there is a legislative change;
- When there is a request from the operator because of a change of installations. One respondent mentions that they have detailed guidance for the permit holder so they can check if a technical amendment of their permit is possible or if a complete review of the permit is necessary;
- When local environmental situation requires an update of the permit
- Based on annual environmental reports from the operator
- Based on inspections
- Sometimes it's an environmental NGO that initiates the process.

Objectives and strategies

C1 Objectives or targets for certain companies or industrial sectors

50% of the respondents specify specific objectives or targets (on environmental outcome) that need to be reached by certain company or industrial sectors. These objectives and targets are:

- Laid down in national legislation;
- Laid down in regional plans (e.g. air quality plan, action plans for noise reduction).

Typical objectives or targets are set for air quality, risk reduction, odour, storm water runoff, waste management, reduction of green house gases and energy efficiency.

C2 Objectives or targets translated in strategies and/or criteria within permitting process

50% of the respondents have translated the objectives and targets into their strategies and/or criteria within the permitting process. Some examples are:

- The special requirements from legislation;
- The use of the EIA;
- According to the annual licensing plan;
- Control plan Air Quality;
- Industrial plans;
- Special guidelines that have to be followed. Deviation is possible in some circumstances;
- Regional programs for improving Air quality. There is an annual permitting plan which set priorities.

C3 Defining permit conditions

In general most respondents answered: the way permit conditions (in relation to ELV's) are set is by using the BAT conclusions, national guidelines, or by following national legislation. However the competent authority has the power to deviate from BAT conclusions and legislation to set and apply permit conditions that are most appropriate (because of local environmental circumstances). Of course these derogations are open to appeal in court and competent authorities should be able to defend this. The submitted EIA can also play an important role when defining the permit conditions.

C4 Internal and external communication

50% of the respondents apply special protocols for internal and external communication. Some examples are:

- Communication plan that ensures the involvement of various stakeholders in the process;
- Protocols that describes how letters are formally stored and how communication through internet can take place;
- A customer charter, which is published on the website of the competent authority and includes all applicable documents, correspondence and decisions by the competent authority;
- An annual internal communication plan, that includes: media relations, website and intranet, publications, internal communications, internal newsletters, exhibitions, environmental surveys, education etc);
- A national web based communication system for all communication between competent authority and applicants.

Planning and control

D1 Annual working plan for permitting

50% of the respondents develop an annual working plan for permitting. These working plans contain the following information:

- Multi-annual IED evaluations, taking into account the publication of the BAT conclusions;
- Permits on hand and permits that can be expected which will be progressed and finalised during the year. The plan also contains other work commitments assigned to permitting staff;
- The human, financial and other resources that are necessary. Estimations on how much is needed could be based on the average number of applications in the last 5 years, the knowledge of new applications that can be expected and, the knowledge of changes in legislation that can occur.

Most respondents mention that an annual working plan for new installations is difficult or not possible. Only in the case legislation will change it's possible to draw up such a plan.

D2 Capacity, financial means and organisational conditions

Different answers came on the question how their organisation ensures that the capacity, the financial means and organisational conditions are in place to reach the targets that have been set. Some of the keywords are:

- The annual permitting plan is to ensure that we reach our targets;
- There is not always a relation between budget and target;
- We are regulated by state budget;
- We work in a fixed organisational structure;
- If necessary we try to re-allocated staff;
- We try to focus only on the mandatory tasks;
- We use a project tool to manage and organise the workload.

D3 Input of lawyers and specialists

Different answers came on the question how their organisations organise the input of lawyers and specialists in the permitting procedure. Most important remarks are:

- Lawyers and specialist are working in the organisation and are available when necessary;

- A Service Level Agreement with a legal firm has been made. For more detailed specialist work a specialist can be contracted by tender.

D4 Time required for the procedures and the maintenance of permits

Some of the respondents forecast the time that is required for the procedures and the maintenance of permits by experience. They mention that it depends on the quality of the application, the complexity of the activity, the need for additional information from the applicant and possible effect of public participation.

Most of the respondents answer that the required time is set by law and this is what needs to be respected. Time frames are: 4, 6 and 9 months. In one case, where legislation doesn't set the timeframe, the agency sets it's own time frame.

Monitoring

E1 Quality of permits

A high quality of permits is ensured by:

- Making sure national legislation is regularly adapted to the developments in Best Available Techniques;
- The development of national studies on BAT;
- Organising seminars for the permitting division;
- Enhancing the expertise of staff by participation in experts working groups;
- By combining the opinion of other advisory bodies into a joint opinion;
- Working with an authorised person;
- Cooperation with other State authorities;
- Improving the skills of the officers by specialisation in a specific part of industry;
- Peer reviewing of the permits, e.g. by a senior member;
- The fact that appeals against permits is possible;
- By training permitting officers and inspectors;
- Cooperation between colleagues, e.g. setting up a team with lawyers and different specialists and inspector that have input during the permit procedure;
- Following clear procedures while issuing or refusing permits;
- Use of templates and standard text blocks for permit conditions that are maintained and up to date for use;
- Good communication and information exchange between departments and staff;
- By certification of the permitting procedure;
- Pre-consultation between the competent authority and the operator.

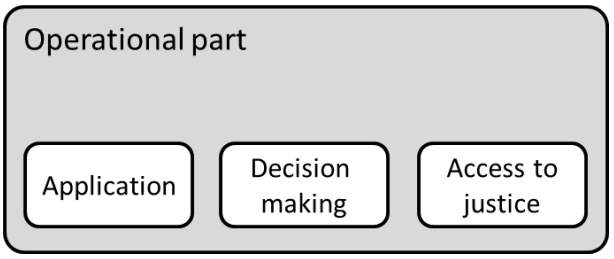
E2 Monitoring the execution of plans

It seems most respondents didn't understand the question. Some left it blank others answered from a more operational point of view. Some of the answers that respondents gave on how their organisation ensured that the plans (as mentioned in D1) are executed are:

- Making sure permit officers prepare individual working plan which will be monitored by management. Some working plans are on a monthly basis (including a monthly forecast). These are checked in house and on annual basis by the ministry.
- Procedures are followed that describe a roadmap and timetable of the implementation of BAT conclusions. It mentions for example when evaluations or reviews has to be carried out.

E3 Monitoring if targets are reached

It seems most respondents didn't understand the question. Some left it blank others answered from a more operational point of view. One answer on the question how organisations ensure that targets (as mentioned in question C1) are reached is by periodic reporting on environmental quality and monitoring networks.



Operational part

Application

F1 Preparation

The application form: in all countries a standard application form is used. In some countries the application forms (provided by the competent authorities) are mandatory to be used by the applicant, in other countries they are not. In the forms all compulsory information and annexes are marked.

The forms are often available on website of the competent authorities. In some cases the form comes with a guidance how to fill in the form. In a few countries the operator uses an electronic portal to apply for a permit (provided by the authority). In one country (NL) a tool is available for the operator to provide information on BAT measures.

Pre-consultation before submission of the application: In most countries a pre-consultation is a voluntary step in the permit process. Where it is not mandatory the competent authorities offer a pre-consultation or is obligated to have a pre-consultation when this is requested by the applicant. Issues to discuss during the pre-consultation are:

- to explain how to fill in the application form;
- to discuss the information that is required;
- to explain the (type) permitting process;
- to discuss the main environmental issues;
- to discuss the future plans and the requirements with respect to the IED, EIA (scoping) and AA;
- to discuss if any data is confidential;
- to ensure the application is of high quality;
- to visit of the site.

F2 Application

Submission and intake of the application: Submission of the application is done by either registered mail (with a number of hard-copies or CD-ROM) or electronically by email or by a dedicated website or online tool. In only a very few countries the application is first checked by the competent authority before it is formally submitted.

Completeness and admissible: After submission all respondents answer that the first check is to see if the application form is complete (all mandatory fields are filled in). Based on this the application will be further assessed or the applicant will be notified about information missing. After the check for completeness the application will be further assessed if it's admissible. In case it's not admissible the operator is requested for additional information. In some countries a site visit or inspection is also part of this step. There is a dedicated (legal) time to check if the application is complete and admissible.

When the application is declared complete and admissible the permit procedure starts. In some countries this step is also used by the competent authority to carry out a screening for appropriate assessment under the habitat directive and a screening under the IEA.
In case, the application is sent to the wrong competent authority, some respondents mention that the application will be forwarded to the right organisation as service.

F3 Notification and Public participation

The notification: in case the application is declared complete and admissible the applicant is notified by registered letter, by email or by a notification from a dedicated online tool, within a dedicated timeframe. Most respondents answer that the application (either all documents including the annexes or only an abstract) will be published on the website of the CA.
Respondents answered that notification contain the following information:

- the statement that application was complete and admissible;
- type of permit and procedure;
- date procedure starts;
- information about public participation.

One country (IR) uses a dedicated tool online on which all correspondence between operator, CA and third parties during the whole permitting process can be accessed by public.

Publication participation: to inform public and other stakeholders about the application most respondents answer that this is done by official panels, news papers, (dedicated) website of the competent authority and/or official electronic gazette. In some countries letters are send to citizens that live within a certain radius of the installation. In one country it is up to the applicant to publish his application.
In some countries there is a public hearing or information meeting organised by the competent authority after the application is considered complete and admissible. In one countries the initiative is with the operator to organise these hearings.
Most respondents answer that the application and the annexes will be available for insight by public and interested parties for a dedicated time. In only one country (NL) it depends on the procedure (short or long procedure) if the application will be published or not. Only in a short procedure (8 weeks) the application is published.

Type of permit procedure is given by legislation. Respondents mentioned the following types:

- Procedure for a minor change;
- Procedure for change of installation;
- Procedure for a new installation;
- Regular procedure;
- Extended procedure;

In some countries there are no differences in in type of procedure. In one country a short procedure is possible when the installation is certified under ISO 14001 or registered under EMAS registration.

In one country (TR) a temporary permit is issued (valid for 1 year) after the application is declared complete and admissible. The permitting procedure starts at that moment. Within 6 months, the installation is expected to complete to the required measurements mentioned in the application.

Phase: Decision making

G1 Consultation & advice

Knowledge and expertise: In general, internal knowledge and expertise is gathered by training events, seminars and conferences and by intranet. In some cases certain staff is assigned specialist responsibilities (e.g. EIA, AA, Baseline reports, BREF's, water, waste, safety, air) and can assist colleagues. For external knowledge and expertise special meetings are attended organised by national or federal level.

Consultation: After the application is sent to the (legal) advisers or to experts (some internal some external, some compulsory) opinions are submitted within a certain timeframe to a commission, case manager, coordinator or permit officer. The following information is used:

- Record of complains, incidents and accidents;
- Inspection reports;
- Emission data;
- Previous activities
- For waste installations criminal records are also acquired

In only one country no advice or consult is required.

G2 BAT assessment & setting conditions

BAT Assessment: In most countries the BAT assessment is performed by the competent authority. In some countries the applicants are asked to carry out an assessment against BAT (as part of the application phase). Based on this report (from the applicant) the assessment of the competent authority is made. In some countries the BAT assessment is done by external parties (authorised persons). In some countries performing an inspection is part of the BAT assessment.

All countries follow the BREF's, BAT conclusions, and use the possibility of deviations of the ELV. In one country (NL) BAT measures are checked with a digital tool designed especially for this purpose

Setting conditions: By most respondents seen as the most important phase in permitting process. Key list of conditions mentioned by the respondents are:

- Permissible values of emissions into water, air or soil;
- Environmental protection measures and other conditions for the operation of installation;
- Operator's obligations concerning the implementation of monitoring and reporting to the ministry;
- Measures to ensure the maximum level of protection of the environment as a whole.

The conditions are set according to:

- The reports issued by different organizations consulted;
- Requirements of the different existing standards;
- The BREF's and BAT conclusion;
- Standardized criteria used by the competent authority;
- The specific characteristics of each facility;

- The geographical location of the facility and environmental issues;
- Use of standard conditions (other then general binding rules)

Use of General Binding Rules : A number of respondents use GBR. GBR apply to all installations and should be resulting from BAT conclusions. GBR should be regularly updated and needs to be BAT proof. In addition to GBR installation local and specific conditions need to be set.

Enforceability check: In most countries the enforceability check of the draft permit is done by the inspector. In case standard conditions are used, the enforceability has already been checked on front. In case of non standard conditions the enforceability check is done afterwards.

Boundary of installation: Respondents mention this is issue as a constant source of discussion (internal and external). The discussion of what constitutes as "technical associated" activities or infrastructure is key to determine the site boundaries. EU guideline can give help.

G3 Environmental Impact Assessment & Appropriate Assessment

Environmental Impact Assessment: The use of an EIA is different throughout the EU. In case the installation is classified as an IEA installation an IEA report has to be submitted. In a few countries the report has to be written by an authorised person, in the remaining countries this is left to the operator to decide. Screening is sometimes done by the competent authority and sometimes by special authorities. The same is for the scoping and the evaluation of the report.

For some countries the EIA is an integrated part of the application, for some it's a mandatory step that has to be finished before submitting an application, for others the conditions in the EIA will be part of the permit. In some countries EIA and AA can be joint together in one procedure, in other countries this is not possible.

Authorised person: only in a few countries it's obligated to use an authorised person. Authorised person is described as a person that is authorised by the government with a special competence. Lists of authorised persons are often available on the website of the competent authority.
In one country (IR) the operator is encouraged to engage with other interested parties and stakeholders as part of the pre-application process. In an other country (NL) this stage is used to start the discussions with the other competent authorities (e.g. for building permits).

Appropriate Assessment: little information is given in the answers about this subject.
If a significant impact is possible on the natural habitats according to the Habitat Directive, the appropriate assessment report must be added in appendix to the application of the environmental permit.

G4 Decision making

Decision based on: Respondents gave the following key words on which their decisions are based:

- Public hearing
- Negotiation with operator
- Expert advise
- Advise from other authorities
- Evaluation of comments and opinions
- BAT conclusions
- National legislation

- Financial sustainability of investment (assessment with agreement of operator)

Timeframe: In all cases there is a legal timeframe between the date the application was submitted and declared complete and admissible and the moment the decision is made. In some countries the permit is considered to be refused in case the timeframe is not met. In other countries it's possible to get a permit by right in case the competent authority has not met the timeframe (not with IED installations).

Format of decision: Some countries use a standard format for a decision. Included in the decision are:

- A reference to the opinions and the motivation why they are followed or not followed;
- The conditions for operation;
- The considerations of the competent authority about the conditions;
- The expiration data in case the permit is limited in time.

Refusal of permit: Reasons the permit will be refused or ended are:

- In some countries there is a direct link (or legal coordination) between the IED permit and the building permit. In case the building permit is refused the environmental permit will also be refused;
- In case the operation of the establishment (or part of the establishment) has not been taken into use within a certain timeframe (e.g. 3 years);
- In case the installation has been destroyed by fire or explosion.

G5 Notification and Public participation

Notification: The (draft) decision is send to the operator by mail, email or can be downloaded from a dedicated online tool. All involved persons will be informed. The notification can be send by letter, email or notification.

Public participation: A (draft) decision will be published for a certain timeframe at the regular locations (official boards, newspapers, websites). In some countries also at the facility. For more sensitive activities the CA can organise public meetings.

Fees: In some countries this is a fixed amount, in some the amount depends on the scale of the activity, in one country (IC) it's calculated by the amount of hours spend, in one country (NL) there is no fee for IED permits.
In only a few countries the fees are paid in advance (before submitting the application or after it has been declared complete and admissible), in all other cases it is paid afterwards.

Phase: Access to justice

H1 Views

This step is only relevant when first a draft decision is prepared and published. The respondents answered the following regarding draft decisions:

- draft decisions are not prepared;
- draft decisions are not mandatory and therefore often not prepared;
- draft decisions are not mandatory but always prepared;
- it is mandatory to prepare draft decisions;

Respondents gave the following reasons why they prepare draft decision:

- Helps in the negotiation;
- Gives the operator the chance to express his comments and remarks on the draft.

Who gives their view: In some countries public is not involved in this step, only operator, governmental organisations and NGO's in case they have been asked to participate in the process. In other countries everybody is involved (also public)

How is it used: In some countries a view is seen as an objection. In some countries the view will be taken in to account while writing the final permit.

In case major changes have been done to the permit after the draft version the operator will be informed about this

H2 Objection

Some of the respondents answered. Objections can be made against (draft) decisions. A special commission is assigned to give advises if the decision should be reconsidered. Everybody can object (also public, NGO's and neighbours). Objection needs to be in written form.

In one country it's only possible to object when running a short permit procedure. One respondent mentioned that if another authority objects then the competent authority must come with a solution. Only when the operator agrees to the solution the objection can be withdrawn.

H3 Appeal

Some of the respondents answered. When objection is turned down, appeal in court is possible for those that have a direct concern with the activities to which the permit is issued. Appeal is possible for the (Administrative) court and the higher (administrative) court or State court. In most countries all involved parties can appeal (operator, other authorities, directly involved persons, NGO's).
In some cases the appeal suspends the disputed decision, in other cases it doesn't. Against a decision in appeal in court can be appealed again for the higher court.

In one country it's not possible to object against a decision when running the long permit procedure. In that case a direct appeal in court is possible (for persons with direct concerns). For some countries it doesn't depend on the procedure (like above) and going for appeal is the only option after the notification of the decision.

H4 Judging

Respondents answered. Judging is done by either the (administrative) court or the higher (administrative) court. Outcome of judging is:

- Rejection of the decision and ask for a new decision by the component authority;
- Confirm the decision made by the competent authority;
- Court comes with his own decision.

4. The workshop

On 6 and 7 September 2016 the workshop “Doing the Right Things for Permitting” took place in Halfweg in The Netherlands. 25 experts from 18 IMPEL member countries participated in the workshop. The list of participants can be found in annex 3 of this report.

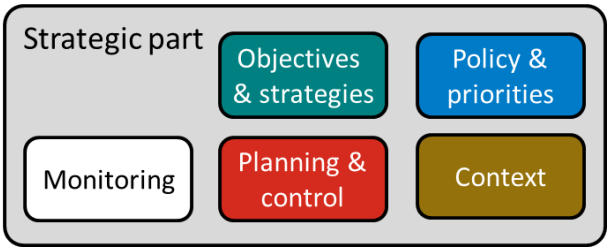
4.1. Aim of the workshop

The guidance that will be developed in 2017 will be based on the logical steps of permitting (strategic and operational). The aim of the workshop was to get a good understanding of how the structure of these logical steps should look like and what level of detail we should use to described these steps in the guidance.

4.2. Results

During the workshop the results of the survey were presented (results of the survey are in chapter 3). The discussions that took place after the presentations are presented below. Further, 8 break-out sessions were held. The feedback from these8 working groups are also presented in this chapter. The programme of the workshop can be found in annex 2.

4.2.1. Plenary Discussions



Strategic part.

Context

It was confirmed that while in some countries competent authorities receive information about new application that can be expected in a certain period of time, that in other countries this is information is not known at all. Important reasons to get this kind of information is the connection with land-use application, EIA procedures the availability one-stop-shop system.

Questions were raised about the definition of "BAT-proof". Participants addressed that if you deviate from BAT-conclusion (with good motivation) the permit should still be considered BAT-proof.
It was concluded that this term has to be further clarified and elaborated in the guideline.

Policy and priorities

The term "environmental outcome" was not clear for most of the participants. Examples were given to clarify the term (e.g. a level of air quality in a certain area). It was discussed that setting priorities for inspections is different than setting priorities for permitting. It was concluded that the issue of environmental outcome should be clarified better and further elaborated in the guideline.

Feedback on short comings in legislation was addressed by the workshop of one of the weakest links within the cycle, especially if permitting is done on a local/regional level. In this situation there is hardly any opportunity to give a feedback to a Ministry. It was recommended that this aspect is broaden to "legislation and policy" in the guideline.

Regarding the aspect "policy for the review existing permits" 2 important questions that needs to be answered are: what is the main activity is within the company and which BAT-conclusions are leading with regard to 4-years term for amendment? If this issue is not addressed by the IMPEL project Implementation of IED it will be addressed by the project DTRT-P. Further the following issues were mentioned:

- Add expiring dates in the permits;
- Harmonise expiration date with new BAT-conclusions;

- Set a goal of revising permit within 2 years in order to provide the operator 2 years for implementation.

Objectives and strategies

Caitriona Collins clarifies briefly the answer concerning external communication filled in by Ireland. The customer charter is not a tool but a policy document in which commitment to provide an excellent service to various customers of EPA is set down.

Concerning the permit conditions in relation to ELV's it is proposed to address ELV's for different sectors. The last BAT-conclusions for pulp and paper do not contemplate discharge in the municipal WWTP. As a result the companies have to check ELVs after water is being cleaned by the municipal plant.

A discussion took place about the added value of having objectives on environmental outcome and setting the priorities. The environmental outcome could be derived from national policy and be focused on region or environmental compartment (e.g. PM 10 reduction). The environmental outcome can be taken into consideration to prioritise within the permitting. Priorities can be different for inspection and for permitting. Prioritising also means deciding what the authority does and does not. The inspection can better prioritize what not to do based on available resources. For permitting this is not always possible as many things are legally binding. The management is responsible for prioritizing based on available resources.

The workshop concluded that setting priorities in permitting is rather complex issue. The project team will make use of an example of Ireland (see figure below) to further elaborate this aspect.

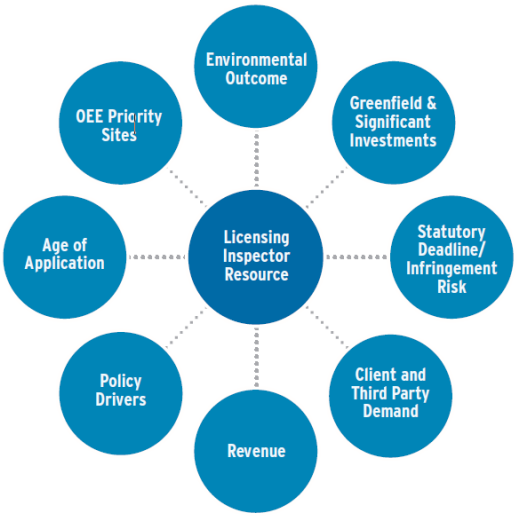


Figure 2 : Priorities competing for licensing inspector resources in 2016

Planning and control

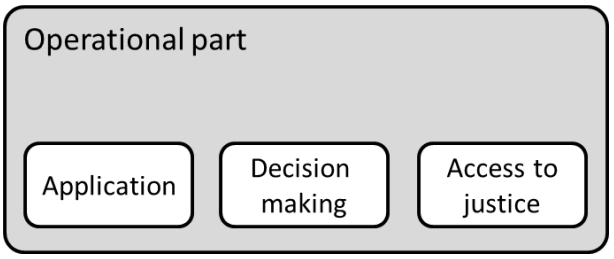
Based on the answers to the questionnaire, 50 % of the respondents develop an annual working plan. The percentage might be higher as the question concerns also internal working plans which was not

understood by all respondents. In many countries (of the 50%) the working plans are public, however they are not published. There is no obligation to have annual plan for permitting, in contrary to inspection. The working plan is often developed taking into account the BREF-planning. As the BREF-planning postpones, there are also changes to the working plan. Some countries work with a planning tool.
The remaining 50% of the respondents question if it is useful and possible within permitting to have an annual working plan. In general it was stated that it's always good to have a strategy and to have criteria to organize your work (for example first in first out or through risk criteria or by economic importance of the industry). The importance and advantages to develop an annual working plan and to work accordingly in practice should be further elaborated in the guidance.

In some countries good data available on time allocation for permitting as the operator has to pay fee that is based on time spend.

Monitoring

It was concluded that the questions on monitoring the execution of permitting plan and if objectives and targets are reached were not understood by the respondents.



Operational part

Application

Although often voluntary, the pre-consultation is a very important step and should be addressed in the guidance. The procedures for permitting are usually set down in the legislation and are very different in different countries. In the guidance, the national law should be used as the starting point, further differences within the procedures should be recognized.

The required information for application or minimum requirements could be standardized in the guidance although this is often also part of the legislation. It's important to identify in the guidance what the minimum quality of an application is (when the application is good enough).

Decision making

Clarification was needed on the term "appropriate assessment". It was explained that this concerns the Natural Habitat assessment.

A proposal was made to add the aspect of transboundary effect in the step “preparing the decision”. This will be taken aboard.

It was unclear what happens in the situations the operator gets the permit by right (if authority doesn’t issue the permit within the official term). What will be set as permit conditions in that case? Some participants assume that general binding rules will apply. Participants mention that in some cases when the authority does not react on minor changes, this means the authority agrees with the changes.

Concerning the communication with the stakeholders, mostly it is not common to publish the draft decision.

Access to justice

There was not too much response on this issue. However the project team will keep this aspect in mind in the coming period.

4.2.2. Break-out sessions

Strategic part - Annual work plan for permitting

Working group 1 and 2 discussed the benefits and opportunities for developing an annual work plan for permitting and how we can overcome possible barriers. After the session the rapporteurs of the working groups presented their outcome.

Reporting back group 1

What are the benefits and opportunities of an annual working plan:

- Annual working plan is a management tool for the organisation of a permitting body. It needs to address the allocation of human and financial resources;
- For desk officers it is important to know the amount of work that is planned for next year (time pressure);
- Make differences between priorities, dividing time between important and less important issues (applications);
- The inspectorate annual plan is not the same as a permitting annual plan.

What are possible barriers:

- Availability of data, changing of plan because of changing priorities, influence of political priorities, and changing legislation;
- Data needed for planning could be collected through:
    - pre-consultation
    - number of permits with expired period
    - revision needed because of adoption BAT conclusions
    - based on permitting statistics in the past and inspection data

Reporting back group 2

What are the benefits and opportunities of an annual working plan:

- Annual plan can be internal (practical) and external (communication tool);
- Annual plan can help implement the national environmental action plan;

- Input from inspection colleagues can present opportunities to identify priorities and outcomes;
- Factors that will influence the annual plan are:
  - Priorities from inspection colleagues;
  - Age of application;
  - Economic.

What are the possible barriers:

- The way objectives on environmental outcomes play a role in setting priorities is difficult;
- Focussing on environmental outcomes might be too high level for day to day work of permit writer;
- Environmental outcomes already have their place in specific policy and legislation.

Annual plan should include:

- Human and financial resources and capacity;
- Priorities;
- Allocation of staff;
- New applications in pipeline;
- Reviews of existing permits;
- Key data on time spent on different types of applications.

Strategic part: Relationship permitting and inspection

Working group 3 and 4 discussed the involvement of the inspectors (enforcement officers) in the permitting process and how we can overcome possible barriers. After the session the rapporteurs of the working groups presented their outcome.

Reporting back group 3

What is the (possible) involvement of inspectors in the application phase:

- In the past there was no feedback from the inspectors to the permit writers. Now inspection reports, documents and risk priorities are also used in the application phase;
- Inspection reports are sent to the permit writer together with all other relevant documents in this phase;
- Site visit are executed with both inspectors and permit writers in this phase.

What are the possible barriers:

- in some countries experts cannot visit installations on their own, they need to be accompanied by the inspectors. A lack of manpower and resources could be a barrier.

Enforceability check and feedback on the permit:

- In some countries the draft permits isn't checked by the inspectors, this is not a not standard procedure;
- In some countries the enforceability is checked systematically;
- One country argues that it would be best if the same person would do the EIA procedure and the permitting and inspection;
- In one country there is a rotation system in place where the roles (permitting officer or inspector) change at a certain moment;
- Some countries have a library of standard conditions (standard requirements) in place which is being used by all permit writers;
- Most countries share databases for permitting and inspections where information and inspection history can be found;

- In some countries also information is received from health inspectorates, local authorities and NGO's;
- In one country there is an obligation that the inspector has to report weaknesses in the permit to the competent authority.

What are the possible barriers:

- Lack of resources;
- Issue blindness if it concerns one person doing both the permitting and inspection.

Sharing the same objectives, targets and priorities

- The group agreed that permit writers and inspectors don't share the same objectives and targets and have doubts if this would ever be possible;
- Setting objectives and target would in first instance be the role of the permitting officer and can then be used as input for the inspectors to define their objectives/targets;
- Countries usually have national targets but there is a missing link between the targets and the priorities of permit writers and inspectors.

What are the possible barriers:

- Difficult to find a target that is common in the end for the permit writers and inspection, setting the same targets can be difficult since they often change.

Reporting back group 4

The group started with the discussion if it's possible to have the same person for permitting and inspection. For some countries this is seen as potential conflict of interest while in others this is seen as very effective way of working. The group concluded that involvement and good communication between inspection and permitting is very important and that this can have different forms and structures.

What is the (possible) involvement of inspectors in the application phase:

- In one country this is only the case for existing installation and when there are complaints. In another country involvement of the inspector was only in the case with new installations where a common site visit by the inspector and the permitting officer would be organised;
- In some countries there was no involvement (through procedures) on formal level but informal discussions could be possible;
- In one country the Inspectorate is involved in EIA process.
- Importance of the involvement:
    - Inspectors are the eyes and ears of the permit officers;
    - Inspectors know BAT but often not whole BREF. Permit officers know whole BREF, or are specialized in certain BREF;
    - Important to share the same database with permit and inspection information;
    - Inspectors receive information from the permitting officers on where inspection priorities should have their focus.

Operational part: Application phase

Working group 5 and 6 discussed the main steps of the application phase that need to be described in the guidance and what level of detail is necessary. After the session the rapporteurs of the working groups presented their outcome.

Reporting back group 5

- Initiative: the application phase can start with the application of send by an operator or by official letter of the competent authority. In case the permit needs to be changed because of: BAT conclusions, expired period of permit, changing a legislation.
- Pre-consultation: The legal status of this step differs from country to country. It was concluded that:
    - Pre-consultation should be an informal step (advised but not mandatory) in case of new installations. The advantages: better applications and to explain the specific procedure to the operator.
    - Pre-consultation should be a formal step in case of changes in existing installation. Here it's necessary to decide by the authority if it's mayor or minor change and an application is necessary or not.
- Application form: It was concluded that the minimum requirements of an application form should be described in the guidance.
- Checking of the application: The guidance should describe a protocol to check the application, check list?
- Communication with the operator and stakeholder: the way of formal communication depends on the national legislation.

Reporting back group 6

- Pre-consultation: permit officer should stay in his role as regulator and not step in the role as a private consultant (companies will use this as free advice on their application). The guidance can include examples of topics that can be covered during pre-consultation.
- Application forms and way of submission: the guidance could include list of issues, topics and questions to be addressed in application form as a minimum for IED installations. Submission of the application form shifts in most countries from hard-copy to online submission. There will always be the need to submit additional attachments for certain assessments etc.
- Checking the application: can be divided in 2 checks, an administrative check and a technical check. Sometimes these are 2 separate steps, sometimes this is part of the same overall assessment. The guidance could give ideas for common pitfalls and weaknesses in applications. This will help to speed up the assessment of the application, if permit writers are alert to potential weaknesses
- Communication with operator and stakeholders: this can be informal or formal. Informal interactions with operator still need to be recorded as they influence the evolution of the permit. Communication between permit writer and inspection officers is essential, especially for permit reviews – there is a lot to be learned from enforcement experience.
- Confidentiality: the guidance should not touch upon commercial sensitivity/confidentiality of information. Information on emissions cannot be considered as confidential

Operational part: Decision making phase

Working group 7 and 8 discussed the main steps of the decision making phase that need to be described in the guidance and what level of detail is necessary. After the session the rapporteurs of the working groups presented their outcome.

Reporting back group 7

Consultation and advice step:

- Is very important in order to understand the installation that is being permitting. Technical competences of the people that is working in the permitting (this could also be a part of the application phase);
- Consultation vs advice. Consultation can be an exchange of information. Advice could be information that are being given and is needed to continue with the process. The guidance could describe and clarify those definitions the steps that are taken in consultation with stakeholders and the public;
- The guidance could describe how to handle confidential information.

BAT assessment step:

- BAT assessment is generally done in the application phase but is of course related to decision making. A BAT checklist in the guidance that describes the steps of the assessment would be of great value;
- There is often a conflict between authorities and operator about which criteria to use during the BAT assessment. It could be helpful if the guidance describes how to select the criteria of the BAT. The guidance should differentiate between BAT assessment for existing and for new installations.

Setting conditions step:

- A permit will contain many types of conditions (e.g. management, emission values, reporting, monitoring). The guidance could explain what the main steps and good practices are how to structure the permit. What should be the minimum content of the permit, what are the headings;
- The most difficult task of setting conditions is to define where we base the ELV‘s on. The guidance could describe the process that needs to be followed for this;
- The guidance could describe the right monitoring conditions (e.g. continuous monitoring, self-monitoring);
- The guidance could describe all the sources of information that can be of use and how much information is needed in the permit.

Preparing the decision step

- The guidance could give a description of a decision format;
- The guidance could give information or good practices on how to public could be involve in the preparation of the decision, as this seems to be missing in some countries

Communication with operator and stakeholders step

- The guidance could point out where in the process communication and consultation is important, how this is carried out and how to make communication accessible to stakeholders.

Reporting back group 8

Steps that are missing in the questionnaire but that should be described in the guidance are:

- site visit during the application phase;
- use of inspection reports (history);
- prepare and publish a draft decision (even if this is not formal step) to avoid legal complaints and negotiations.

BAT assessment step

- The persons that assess BAT differs per country. Sometimes this is done by a separate group and sometimes by the permit officers themselves;
- Some countries use special criteria when there are no BAT conclusions available.;
- Some countries use a checklist or a special tool (on internet for operators) to assess BAT;
- Some countries have a tool to calculate the cost of effectiveness and cross media effect

Setting conditions step

- The guidance could describe how to set ELV when there is no BREF or BAT conclusion available;
- Besides BAT conclusions from the IED we also need to take national legislation and policy into consideration when setting the conditions.

Public participation step

- There are a lot differences between the countries in the procedures for public participation;
- Some countries publish the application on the website but do not organise meetings. Some publish applications and will organise meetings on request;
- Some countries also publish the draft decision. Also here some countries do not organise meetings and some only do this on request.

Ensuring quality during the permitting process

- Make sure the application is of good;
- Involve separate advisors and specialist (e.g. legal, noise, air pollution, waste water). Have active communication, prepare clear questions and check their priorities;
- Check the draft decision with senior advisor/legal advisor or in a technical meeting.

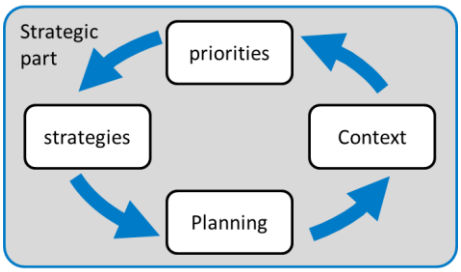
A short discussion is held about the confidentiality of information. While group 7 proposes to describe how to handle confidential information in the guideline, group 5 prefers not to go in detail except of briefly mentioning this aspect. Further there is a proposal to briefly mention the transboundary effect in the decision making phase. Last but not least it is proposed to include procedures how to deal with modification of permits (minor changes), to adapt the whole permit or to publish only the modification?

Finally, it is stressed that the project Implementation of IED will go in detail of aspects like setting ELV's for BAT etc. The IED-project focuses on the content while the DRTP-project focuses more on process. There are close contacts between the project teams in order to harmonize the activities and outcomes.

4.2.3. Workshop conclusions

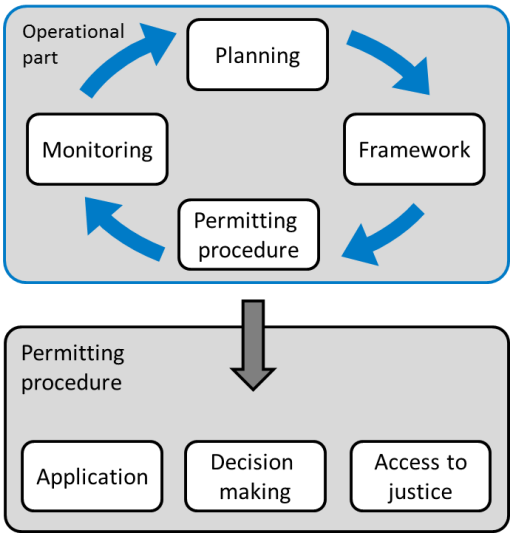
Based on the discussions and the results from the breakout-sessions the workshop concluded to use the following structure for the guidance.

Strategic part



Step Context should at least include the issues: applications to be expected, changes in permits, BAT conclusions and legislation to can be expected, expiration date of permits, national goals and goals of permitting authorities itself, tasks and responsibilities.
Step Priorities should at least include the different influences which have impact on prioritising. Here the example of Ireland can be followed.
Step Strategies should at least include the issues: how to reach the environmental outcomes, policy on reviewing permits, communication plan.
Step Planning should describe the annual work plan (strategic and operational) for permit officers.

Operational part



Step Framework will describe all the important conditions necessary for the permit officers to their work (e.g. guidance, agreements, training issues).
In step Permitting procedure the different phases in the permit procedure will be described
Step Monitoring will deal with quality and quantity of the permit.

The workshop added the following comments with this new structure:
The structure is theoretically good, the weakest link is however the planning step which has a central place in the structure. We need to make very clear for whom we write the guidance (permit officer, management of the permitting authority or policy makers). It is proposed to use the same terminology as in the previous IMPEL DTRT project.

5. Conclusions and next steps

Conclusions

On the guidance the project team concluded that:

1. The workshop participants confirmed that a guidance for permitting is very much wanted;
2. The target group for this guidance are the permit writers, inspectors and their management;
3. The guidance will consist out of an operational and a strategic part;
4. The flowcharts in this chapter will be used as the structure for the guidance;
5. The guidance should be inviting for the target group and not include too many details. It could refer to other information sources;
6. Although there are different procedures and different legislation in the different IMPEL member countries, the project team sees possibilities to produce a guidance that is flexible enough to accommodate all these competent authorities and give directions and good practices.
7. Clarification of terms is important for the success of the project;
8. This project will deliver the structure (stepping stones) for permitting and will use the results of the IED implementation project were relevant and could also initiate new IMPEL projects to fill in the gaps;
9. The guidance will highlight the benefits of non-mandatory best practices (e.g. pre-consultation, annual working plan, publishing draft decision);
10. The guidance will give extra focus on the relationship and connection between permit writer and inspector. The guidance will start with a separate chapter about this issue and highlight the important aspects within the description of the steps.

On the process the project the project team concluded that:

11. This is one of the first projects that had a lot of permit writers involved. In the workshop about 80% of the participants were actual permit writers;
12. The project would benefit from more management level input to fill in the strategic part of the guidance;
13. The connection with the IMPEL IED implementation project could have been stronger.

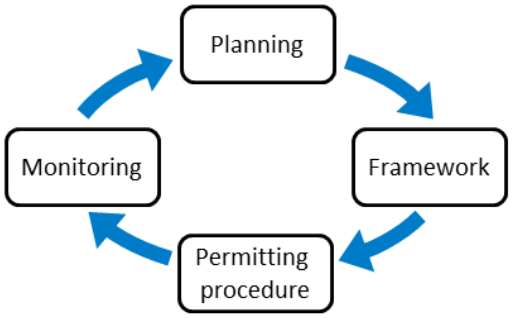
Next steps:

The project team formulated the following next steps for 2017:

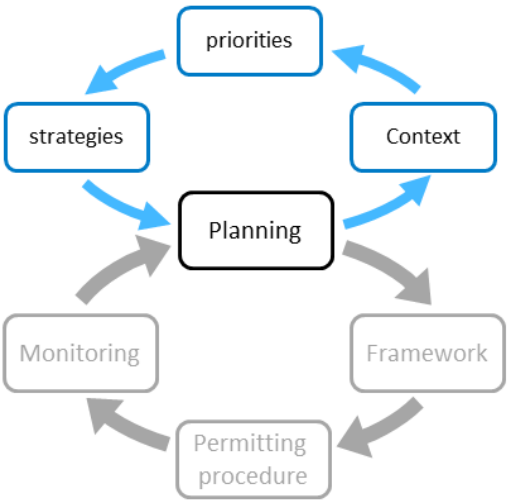
1. To involve more management level (for permitting) in the project team itself;
2. To strengthen the connection with the IMPEL IED implementation project by organise a meeting with the project leader and the rapporteur;
3. To draft the project plan and the structure and scope of the step-by step guidance;
4. To agree on the project plan and to discuss the structure and the scope of the step-by-step guidance during the 1st project team;
5. To develop the first draft of the step-by-step guidance, based on the discussion within the project team;
6. To strengthen the connection with the IMPEL IED implementation project during a back-to-back workshop (= 2nd project team meeting) and discuss the first draft of the step-by step guidance;
7. To develop the second draft of the step-by-step guidance, based on the discussion within the project team;
8. To check the level detail in the guidance by organising a pilot exercise within the organisations of the project team;

9. To discuss the second draft of the step-by-step guidance during the 3rd project team meeting based on the pilot within the organisations of the project team members;
10. Develop the third draft of the step-by-step guidance (workshop version), based on the discussion within the project team;
11. To organise and execute the workshop;
12. To draft the minutes of the workshop;
13. To discuss the minutes of the workshop and the changes necessary in the step-by-step guidance during the 4th project team meeting, based on the outcome of workshop;
14. To finalise the step-by step guidance.

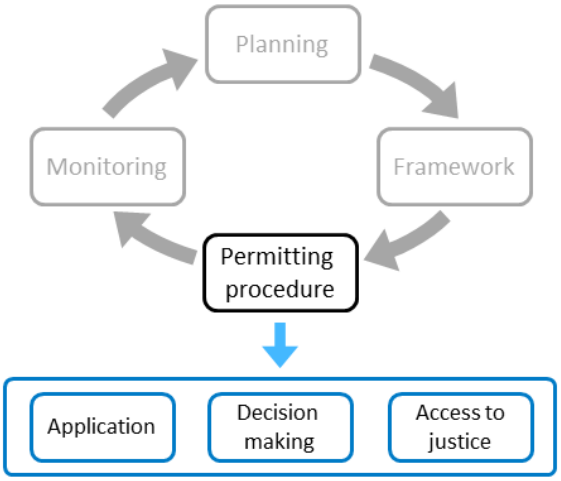
Main Stepping stones



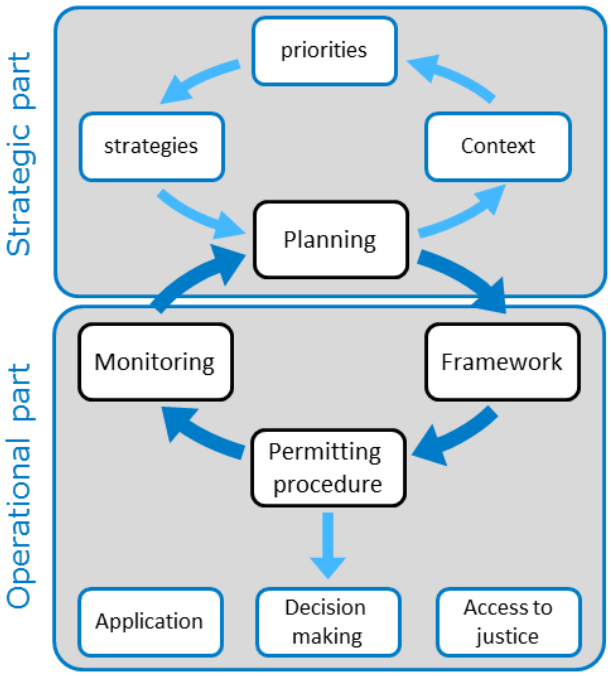
Stepping stones for Strategic part



Stepping stones for Operational part



Comprehensive stepping stones (with the strategic and operational parts)



Annex 1: Questionnaire

General part

Name	
Organisation	
Address	
Telephone	
E-mail	
Country	
Level	☐ National or State level ☐ Regional of Provincial level ☐Local level
Function or position	
Remark *Any extra remarks you would like to make about your role, responsibility or involvement in the permitting procedure.*	

Strategic part

Context		
A1	For how many IED installations is your organisation CA?	
	In case your organisation is also CA for non IED installations, could you give the number of the amount of installations.	
A2	Does your organisation actively inform itself about new applications that can be expected in a certain period? *(this could be for new installations or changes to existing installations*)	☐ Yes ☐ No
	If yes, please describe how.	
A3	Does your organisation actively inform itself about new or changes in BREF's?	☐ Yes ☐ No

	If yes, please describe how.	
A4	Does your organisation actively inform itself about new legislation or changes in EU or national legislation?	☐ Yes ☐ No
	If yes, please describe how.	
A5	Please describe how your organisation ensures that all permits are BAT proof at the moment it is issued but also in the future.	
A6	When issued, do permits have an expiring date?	☐ Apply for an unlimited time ☐ Apply for a limited time
	If limited, please mention the time.	

Policy and priorities

B1	Does your organisation define specific goals (on environmental outcome) that need to reach? *(These goals could come from policy or legislation)*	☐ Yes ☐ No
	If yes, please describe what they are.	
B2	Does your organisation set higher priorities to certain industrial sectors over others within the permitting process? *(for example: are all applications handled with the same priority (by date of submission) even when there is a lack of resources).*	☐ Yes ☐ No
	If yes, please give a list with sectors that have a higher priority and motivate this	
B4	Does your organisation provide feedback on short comings in regulatory activities?	☐ Yes ☐ No
	If yes, please describe how this is organised	

B5	Please describe the policy regarding the review of existing permits? *(criteria, who initiates etc)*	

Objectives and strategies

C1	In relation to question B1 and B2, does your organisation specify specific objectives or targets (on environmental outcome) that need to be reached by certain company or industrial sectors?	☐ Yes ☐ No
	If yes, please give some examples	
C2	Are these objectives or targets (question C1) translated in strategies and/or criteria within permitting process? *(e.g. for assessing, refusal, issuing, reviewing)*	☐ Yes ☐ No
	If yes, please give some examples	
C3	Describe the powers given to your organisation to set and apply permit conditions in relation to ELV's.	
C4	Does your organisation have special protocols for internal and external communication?	☐ Yes ☐ No
	If yes, please give some examples	

Planning and control

D1	Does your organisation develop an annual working plan for permitting ?	☐ Yes ☐ No
	If yes, please describe in a few words what the working plan contains.	
D2	How does your organisation ensure that the capacity, the financial means and organisational conditions to reach the targets are in place?	
D3	How does your organisation plan and organise the input of lawyers and	

	specialists in the permitting procedure?	
D4	How does your organisation forecast the time that is required for the procedures and the maintenance of permits?	

Monitoring

E1	How does your organisation ensure the high quality of permits that are issued ?	
E2	How does your organisation ensure that the plans (as mentioned in D1) are executed?	
E3	How does your organisation ensure that targets (as mentioned in question C1) are reached?	

Operational part

If you have a flow chart of the permitting process from Application to Decision, could you please at this as an appendix to this questionnaire.

Phase: Application

We have divided this phase in three bigger steps: Preparation; Application; and notification & public participation. Each of these steps contain smaller steps, activities or issues. Please describe for each bigger step the relevant procedure.

F1 **Preparation** *Examples of steps, activities and issues in preparation could be:* *Relevant information available for operator* *(mandatory) application forms* *Pre-consultation* *Authorised person* *Environmental Impact Assessment*	
F2 **Application** *Examples of steps, activities and issues in application could be:* *Submission of application* *Intake of application* *Check completeness* *Request for additional information* *Decision on type of procedure to follow (e.g. regular or extended)*	
F3 **Notification & Public participation** *Examples of steps, activities and issues in notification & Public participation could be:* *Notifying operator* *Informing public about the application*	

Phase: Decision making

We have divided this phase in five bigger steps: Consultation & advice; BAT assessment & setting conditions; Environmental Impact Assessment and Appropriate Assessment; Decision making; and notification & public participation. Each of these steps contain smaller steps, activities or issues. Please describe for each bigger step the relevant procedure.

G1	**Consultation & advice** *Examples of steps, activities and issues in consultation & advise could be:* *How to organise internal and external knowledge and expertise* *How to inform yourself about the operator* *complaints* *incidents* *inspection reports* *earlier activities operator*	
G2	**BAT assessment & setting conditions** *Examples of steps, activities and issues in BAT assessment & setting conditions could be:* *Boundaries of installations* *Use of BREFs* *Use of standard permit conditions* *Enforceability check*	
G3	**Environmental Impact Assessment & Appropriate Assessment (art 6(3) of Habitat Directive)** *Examples of steps, activities and issues in EIA and AA could be:* *Screening* *Report on assessment* *Consultation with other competent authorities*	

G4	**Decision making** *Examples of steps, activities and issues in decision making could be:* *Use of considerations in the decision (reasons why the CA has chosen certain conditions)* *Consultation of operator* *Permit fee* *Permit by right*	
G5	**Notification & Public participation** *Examples of steps, activities and issues in notification & Public participation could be:* *Notifying operator* *Informing public about the application*	

Phase: Access to justice

We have divided this phase in four bigger steps: Views; Objections; Appeal; and Judge. Each of these steps contain smaller steps, activities or issues. Please describe for each bigger step the relevant procedure.

H1	**Views** *Examples of steps, activities and issues in views could be:* *Who can give their view on a draft decision?* *Who within your organisation gives advice on these views and decides what to do with it?*	

H2	**Objection** *Examples of steps, activities and issues in objections could be:* *Who can give objection to the decision?* *The use of a special advisory commission.*	
H3	**Appeal** *Examples of steps, activities and issues in appeal could be:* *Who can appeal against a decision?* *Appeal for the court and the higher court*	
H4	**Judging** *Example of an issues in judging could be:* *Who can judge in cases of appeals?*	

Appendix – Flow chart of Permitting process

Please add the flowchart of your permitting process here.

Annex 2: Programme of the workshop

6 September 2016

	Subject
09:00	Welcome and registration
09:15	Opening of the workshop
09:20	Tour the table/expectations
09:50	Introduction of the project and the workshop
10:10	Results of the questionnaire: Presentation and discussion of the strategic part
11:00	Coffee break
11:30	Result of the questionnaire: Presentation and discussion of operational part
12:15	Lunch
13:15	Breakout sessions (4 groups): Instructions (plenary) 1. Annual work plan for permitting 2. Relationship permitting and inspection
14:45	Coffee/tea break
15:15	Reporting back and conclusions session 1
16:15	Plenary discussion what take aboard in the guidance
17:00	Closure of the first day and announcement for evening programme

7 September 2016

	Subject
09:00	Looking back day 1
09:30	Breakout sessions (4 groups): Instructions (plenary) 1. Application phase 2. Decision making phase
10:30	Coffee break
11:00	Reporting back and conclusions session 2

11:30	Conclusions - presentation and plenary discussion: • Structure of manual • Level of detail
12:30	Closure of the workshop

Annex 3: List of participants of the workshop

	Country	Name	email
1	Belgium	Mireille de Schepper	mireille.deschepper@lne.vlaanderen.be
2	Croatia	Dubravka Pajkin Tuckar	Dubravka.PajkinTuckar@mzoip.hr
3	Croatia	Kristina Ljubojevic	Kristina.Ljubojevic@mzoip.hr
4	Czech R.	Helena Kamenickova, project team	helena.kamenickova@cizp.cz
5	Denmark	Kristine Stubdrup	krrst@mst.dk
6	Finland	Kari Pirkanniemi	kari.pirkanniemi@avi.fi
7	Iceland	Birna Guttormsdóttir, project team	birnag@umhverfisstofnun.is
8	Ireland	Caitriona Collins, project team	C.Collins@epa.ie
9	Ireland	Jennifer Cope	j.cope@epa.ie
10	Italy	Alfredo Pini	alfredo.pini@isprambiente.it
11	Latvia	Inese Kurmahere	inese.kurmahere@vvd.gov.lv
12	Malta	Simon Farrugia	simon.c.farrugia@era.org.mt
13	Slovakia	Cyril Burda	cyril.burda@sizp.sk / impel@sizp.sk
14	Netherlands	Arie Konijnenburg	A.v.Konijnenburg@overijssel.nl
15	Netherlands	Tony Liebregts, project leader	tony.liebregts@ilent.nl
16	Netherlands	Rob Kramers, project team	rob.kramers@rws.nl
17	Netherlands	Alena Groenen	alena.groenen@rws.nl
18	Netherlands	Edwin Tijdeman	edwin.tijdeman@rws.nl
19	Netherlands	Jolanda Buckx	jolanda.buckx@ilent.nl
20	Portugal	Elisabete Dias Ramos	elisabete.ramos@apambiente.pt
21	Poland	Michal Chedozko	michal.chedozko@mos.gov.pl
22	Slovenia	Katja Buda, project team	Katja.Buda@gov.si
23	Spain	Braulio José Belmonte Marín	braulioj.belmonte@carm.es
24	Spain	Joan Ramon Cabello Rimbau	jcabello@gencat.cat
25	Turkey	Ozlem Gulay	ozlem.gulay@csb.gov.tr

Annex 4: Terms of Reference for IMPEL project

TOR Reference No.: 2016/23	Author(s): Tony Liebregts / Rob Kramers
Version: 04	Date: November 2015
TERMS OF REFERENCE FOR DOING THE RIGHT THINGS FOR PERMITTING	

1. Work type and title:

Doing the right things for permitting

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	☑
Waste and TFS	☑
Water and land	☐
Nature protection	☐
Cross-cutting – tools and approaches -	☑
1.2 Type of work you need funding for	
Exchange visits	☐
Peer reviews (e.g. IRI)	☐
Conference	☐
Development of tools/guidance	☑
Comparison studies	☑
Assessing legislation (checklist)	☐
Other (please describe): training	☑
1.3 Full name of work (enough to fully describe what the work area is)	
A project to compare Environmental permitting procedures (1st year), to develop guidance that describes the best practice in Environmental permitting (2nd year), and to train member countries how to use the guidance. Focus is on a more general framework using IED permitting as example.	
1.4 Abbreviated name of work or project	
DTRT for ENV permitting	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)	
Industrial Emission Directive (IED) and Environmental Impact Assessment (EIA)	
2.2 Link to IMPEL MASP priority work areas	
1. Assist members to implement new legislation 2. Build capacity in member organisations through the IMPEL Review Initiatives 3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission	☑ ☑ ☑

2.3 Why is this work needed? (background, motivations, aims, etc.)

The Environmental Inspection Cycle is well known within IMPEL. It describes step by step how Environmental inspections should be planned and what to consider when executing the inspections. The Environmental Inspection Cycle is also used by IMPEL as a framework where other IMPEL inspection initiatives can hook up on to create a better cohesion between the tools that are developed.
Although there is a lot of experience in Europe in environmental permitting (first IPPC and later IED), the permitting procedure has never been described in a step-by-step guidance. As a result there is no level playing field for the procedures of environmental permitting, there is no guidance for new permitting officers and there is less cohesion between the IMPEL initiatives on permitting.

The proposal of this 3 year project is to: 1) collect and compare the procedures that are used within Europe at this moment and clarify the needs, 2) based on this information, a project team will develop a guidance that is flexible enough to accommodate the authorities in Europe while issuing permits for the IED, 3) organize training sessions on IED permitting and identify the gaps in tools and methodologies for issuing permits so new IMPEL projects can be initiated.

Doing the right things for ENV permitting will look closely at the relation between permitting and inspection, identify interesting case studies and best practices in Europe and identify and describe the steps that could be used in permitting procedures.

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?)

The final outcome of the work is a step by step guidance for permitting, well trained permitting officers and an identification of new IMPEL initiatives for projects on permitting.

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

This project links to the Doing the right things project for Environmental Inspections.

3. Structure of the proposed activity

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

First year (Comparison)

- Drafting of project plan and questionnaire
- 1 project team meeting to agree on the project plan and to discuss and finalise the questionnaire
- Disseminate the questionnaire and collect data
- Drafting report on results questionnaire
- 1 project team meeting to discuss and fine tune the report on results questionnaire and prepare the comparison workshop
- 1 comparison workshop to present the results of the questionnaire and to discuss good practices
- Drafting of comparison report
- 1 project team meeting to discuss and finalise the comparison report and to draft the ToR for second year.

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

- First year (2016): Comparison report on ENV permitting
- *Second year(2017): Step by step guidance on IED permitting*
- *Third year (2018): Training of permitting officers and identification of new IMPEL initiatives on permitting*

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

- First project team meeting (month 2)
- Questionnaire disseminated (month 3)
- Report on results questionnaire (month 5)
- Second project team meeting (month 6)
- Comparison workshop (month 9)
- Third project team meeting (month 10)
- Comparison report (month 10).

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

Responses on questionnaire will not deliver the required data (quantity and quality).
Questionnaire will only be send to members that have announced to be interested in the project, reminders will be send out, there will be direct contact with the respondents to ask for clarifications.

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)
Tony Liebregts, Human Environment and Transport Inspectorate (Netherlands)
4.2 Project team (who will take part: name, organisation and country)
• Tony Liebregts (Netherlands) • Rob Kramers (Netherlands) • Birna Guttormsdottir (Iceland) • Katja Buda (Slovenia) • Helena Kameníčková (Czech Republic) • Caitriona Collins (Ireland)
4.3 Other IMPEL participants (name, organisation and country)
Various at comparison workshop (20 to 25 persons)
4.4. Other non-IMPEL participants (name, organisation and country)
Non applicable

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**
How much money do you require from IMPEL?	32.500	27.685	28.800	NA
How much money is to be co-financed	10.000			
Total budget	32.500			

6. Detailed event costs of the work for <u>year 1</u>

	Travel € (max €360 per return journey)	**Hotel €** (max €90 per night)	**Catering €** (max €25 per day)	**Total costs €**
<u>Event 1</u>	1.800 (5*360)	900 (5*2*90)	125 (5*25)	2.825
Project team Meeting				
February 2016				
TBC				
6				
1,5 day/2 nights accommodation				
<u>Event 2</u>	1.800 (5*360)	900 (5*2*90)	125 (5*25)	2.825
Project team Meeting				
June 2016				
TBC				

6 *1,5 day/2 nights accommodation*				
Event 3 *Workshop* *September 2016* *TBC* *25* *1,5 day/2 nights accommodation*	9.000 (25*360)	4.500 (20*2*90)	625 (*25)	14.125
Event 4 *Project team Meeting* *October 2016* *TBC* *6* *1,5 day/2 nights accommodation*	1.800 (5*360)	900 (5*2*90)	125 (5*25)	2.825
Total costs for all events	14.400	7.200	1.000	22.500

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	☑ Yes ☐ No
7.2 What are the total costs for the consultant?	20.000
7.3 Who is paying for the consultant?	IMPEL (10.000) NL Inspectorate (10.000)
7.4. What will the consultant do?	Support in the organisation of the meetings and draft the reports
7.5 Are there any additional costs?	☐ Yes ☑ 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?	☐ Yes ☑ No Namely:
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the	☐ Yes ☑ No Namely:

related costs	

8. Communication and follow-up (checklist)

	What		By when
8.1 Indicate which communication materials will be developed throughout the project and when ***(all to be sent to the communications officer at the IMPEL secretariat)***	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):	☑ ☐ ☑ ☐ ☐ ☑ ☑ ☑ ☑ ☐	01/01/16 - 31/10/16 - - 31/10/16 March 2016 & 31/10/16 31/10/16 31/10/16 -
8.2 Milestones / Scheduled meetings (for the website diary)	Project Meeting Workshop		
8.3 Images for the IMPEL image bank	☐ Yes ☑ No		
8.4 Indicate which materials will be translated and into which languages	Project abstract (dependent on project team members)		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	No		
8.6 Identify which groups/institutions will be targeted and how	All IMPEL members and members of NEEPA. OECD, INECE, ALERT members		
8.7 Identify parallel developments / events by other organisations, where the project can be promoted			

*˅) 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.